

Jon Niermann, *Chairman*  
Emily Lindley, *Commissioner*  
Toby Baker, *Executive Director*



## TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

*Protecting Texas by Reducing and Preventing Pollution*

May 17, 2019

Mr. Dane Johnson  
Senior Vice President and General Counsel  
Silver Eagle Distributors, L.P.  
7777 Washington Avenue  
Houston, Texas 77007

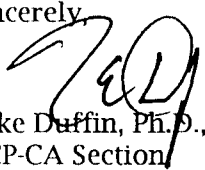
Re: Municipal Setting Designation (MSD) Certificate for Silver Eagle Distributors, LLC, 7400, 7502, 7520 and 7721 Washington Avenue, Houston, Harris County, Texas; MSD No. 411; Customer No. CN601468499; Regulated Entity No. RN110683042

Dear Mr. Johnson:

The Texas Commission on Environmental Quality (TCEQ) received the above-referenced MSD application on February 14, 2019. Based on our review, the application contains the required information as outlined in Texas Health and Safety Code (THSC) §361.804. Enclosed is the MSD Certification for your site.

If you have any questions, please contact me at (512) 239-2378 or via e-mail (Michael.Duffin@tceq.texas.gov).

Sincerely,

  
Mike Duffin, Ph.D., P.G.  
VCP-CA Section  
Remediation Division

MED/jdm

Enclosure: MSD Certificate No. 411

cc: Ms. Alma Jefferson, Waste Section Manager, TCEQ Region 12 Office, Houston

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



MUNICIPAL SETTING DESIGNATION CERTIFICATE

As provided for in §361.807, Subchapter W, Texas Health and Safety Code (Solid Waste Disposal Act):

I, Beth Seaton, Director, Remediation Division, TCEQ, certify the Municipal Setting Designation (MSD) for MSD No. 411, in the City of Houston, for the tract of land described in Exhibit "A". The eligibility requirements of Texas Health and Safety Code §361.803 are satisfied as attested to by the affidavit in Exhibit "B", provided pursuant to Texas Health and Safety Code §361.804(b)(2)(D). This certificate shall continue in effect so long as the ordinance or restrictive covenant required by Texas Health and Safety Code §361.8065 remains in effect.

Any person addressing environmental impacts for a property located in the certified municipal setting designation shall complete any necessary investigation and response action requirements in accordance with Texas Health and Safety Code §361.808, in conjunction with the applicable Texas Commission on Environmental Quality environmental remediation regulation, as modified by Texas Health and Safety Code §361.808.

EXECUTED this the 14<sup>th</sup> day of May, 2019

Beth Seaton

Beth Seaton, Director  
Remediation Division  
Texas Commission on Environmental Quality

TRACT 1  
 METES & BOUNDS DESCRIPTION  
 16.81 ACRES OF LAND BEING OUT OF THE  
 JOHN REINERMAN SURVEY, A-642  
 HOUSTON, HARRIS COUNTY, TEXAS

All that certain 16.81 acres of land being out of the John Reinerman Survey, A-642 and described in a deed dated 09-27-2013 from The State of Texas to Silver Eagle Distributors, L.P., filed in the Official Public Records of Real Property of Harris County, Texas at Clerk File No. 20130496720, Film Code No. 049-85-0273, Houston, Harris County, Texas and being more particularly described by metes and bounds as follows:

BEGINNING at a found "X" in concrete located in the south right-of-way line of Washington Avenue (width varies) and being the northwest corner of herein described tract;

THENCE S 89° 22' 50" E – 280.65', continuing with said south right-of-way line to a point for corner for the start of a curve to the right having a central angle of 13° 36' 29" and a radius of 1,038.92', a chord bearing S 82° 34' 35" E – 246.17';

THENCE in a southeasterly direction with said curve to the right and with the south line of said Washington Avenue an arc distance of 246.75', to a point for corner;

THENCE with said southerly right-of-way line the following courses and distances:

S 68° 39' 17" E – 99.81', to a point for angle point;  
 S 65° 53' 56" E – 187.35', to a point for angle point;  
 S 59° 36' 48" E – 74.25', to a point for angle point;  
 S 63° 27' 22" E – 145.82', to a point for angle point;  
 S 60° 00' 32" E – 126.17', to a point for angle point;  
 S 57° 17' 57" E – 284.84', to a point for angle point;  
 S 56° 26' 37" E – 66.46', to a point for angle point;  
 S 29° 12' 20" E – 22.03', to a point for angle point;

THENCE S 0° 31' 17" W – 18.83', continuing with said south right-of-way line to a point for corner for the start of a curve to the left having a central angle of 192° 53' 03" and a radius of 60.00', a chord bearing S 82° 19' 12" E – 119.24';

THENCE, with said curve to the left and with said south right-of-way line an arc distance of 201.98', to a found TxDOT monument for corner;

THENCE S 57° 14' 09" E – 94.54', continuing with said south right-of-way line to a found TxDOT monument for angle point;

THENCE S 41° 14' 15" E – 110.79', continuing with said south right-of-way line to a found ½" iron rod for corner;

THENCE with the north line of Interstate Highway 10 (width varies) the following courses and distances:

N 87° 29' 30" W – 156.65', to a found 5/8" iron rod for angle point;  
 N 89° 19' 01" W – 123.91', to a found 5/8" iron pipe for angle point;  
 N 89° 01' 09" W – 440.07', to a found TxDOT monument for angle point;  
 N 88° 29' 07" W – 104.88', to a point for angle point;  
 N 84° 57' 08" W – 245.12', to a point for angle point;  
 N 85° 25' 57" W – 607.61', to a found TxDOT monument for corner;

THENCE N 0° 34' 35" E – 618.97' with the west line of said 16.81 acre tract to the POINT OF BEGINNING and containing 16.81 acres (732,246 square feet) of land, more or less.

Compiled from survey by:

PREJEAN & COMPANY, INC.  
 surveying/mapping  
 Job#265-24-1  
 Date: 03-02-2018

TRACT 2  
METES & BOUNDS DESCRIPTION  
2.7312 ACRES OF LAND BEING OUT OF THE  
JOHN REINERMAN SURVEY, A-642  
HOUSTON, HARRIS COUNTY, TEXAS

All that certain 2.7312 acres of land being out of the John Reinerman Survey, A-642 and being more particularly described by metes and bounds as follows:

BEGINNING at a found 5/8" iron rod with cap located in the northeast right-of-way line of Washington Avenue (width varies) and the north right-of-way line of Interstate Highway 10 and being the southeast corner of herein described tract;

THENCE N 57° 08' 55" W – 178.50', with said northeast right-of-way line to a found ½" iron rod for corner;

THENCE N 57° 11' 41" W – 566.59', with said northeast right-of-way line to a found ½" iron rod for corner;

THENCE S 32° 42' 03" W – 163.83', to a point for corner;

THENCE with the southerly right-of-way line of said Interstate Highway 10 the following courses and distances:

S 57° 17' 57" E – 255.82', to a point for angle point;

S 56° 26' 37" E – 66.46', to a point for angle point;

S 29° 12' 20" E – 22.03', to a point for angle point;

THENCE S 0° 31' 17" W – 18.83', continuing with said south right-of-way line to a point for corner for the start of a curve to the left having a central angle of 192° 53' 03" and a radius of 60.00', a chord bearing S 82° 19' 12" E – 119.24';

THENCE, with said curve to the left and with said south right-of-way line an arc distance of 201.98', to a found TxDOT monument for corner;

THENCE S 57° 14' 09" E – 94.54', continuing with said south right-of-way line to a found TxDOT monument for angle point;

THENCE S 41° 14' 15" E – 110.79', continuing with said south right-of-way line to a found ½" iron rod for corner;

THENCE N 59° 06' 10" E – 189.66' to the POINT OF BEGINNING and containing 2.7312 acres (118,972 square feet) of land, more or less.

Compiled from survey by:

PREJEAN & COMPANY, INC.  
surveying/mapping  
Job#265-24-1  
Date: 03-02-2018

TRACT 3  
METES & BOUNDS DESCRIPTION  
9.849 ACRES OF LAND BEING OUT OF THE  
JOHN REINERMAN SURVEY, A-642  
HOUSTON, HARRIS COUNTY, TEXAS

All that certain 9.849 acres of land being out of the John Reinerman Survey, A-642 and described in a deed dated 12-14-2000 from Sutherland Lumber-Southwest, Inc., to the State of Texas filed in the Official Public Records of Real Property of Harris County, Texas at Clerk File No. U783478, Film Code No. 536-29-2680, Houston, Harris County, Texas, and described in a deed dated 07-14-2004 from Three Star Lodging, Inc., to the State of Texas filed in the Official Public Records of Real Property of Harris County, Texas at Clerk File No. X767899, Film Code No. 589-04-3496, Houston, Harris County, Texas and being more particularly described by metes and bounds as follows:

BEGINNING at a found 5/8" iron rod with cap located in the north right-of-way line of Interstate Highway 10 (width varies) and being the southeast corner of herein described tract;

THENCE S 87° 10' 32" W – 530.02', continuing with said north right-of-way line to a point for angle point;

THENCE S 86° 36' 50" W – 250.23', continuing with said north right-of-way line to a found 1/2" iron rod for corner;

THENCE N 57° 08' 55" W – 178.50', with the north right-of-way line of Washington Avenue (width varies) to a found 1/2" iron rod for angle point;

THENCE N 57° 11' 41" W – 566.59', with said north right-of-way line to a found 1/2" iron rod for corner;

THENCE N 32° 23' 00" E – 367.64', with the east line Unrestricted Reserve A, Block 1 Western Brock Company according to the plat thereof filed at Film Code No. 578073 Harris County Map Records to a point corner;

THENCE S 57° 05' 00" E – 38.77', to a point for corner;

THENCE N 32° 45' 09" E – 11.99', to a found 5/8" iron rod with cap for corner being a point on a curve to the right having a central angle of 14° 23' 56" and a radius of 465.87', a chord bearing S 64° 31' 08" E – 116.77';

THENCE, with said curve to the right and with the south line of a Southern Pacific Railroad easement (100' wide) an arc distance of 117.08', to a point being the start of a curve to the right having a central angle of 0° 59' 10" and a radius of 26,411.19', a chord bearing S 59° 14' 29" E – 454.59';

THENCE, with said curve to the right and with said south line an arc distance of 454.60', to a found 5/8" iron rod with cap being the start of a curve to the right having a central angle of 1° 40' 36" and a radius of 26,411.19', a chord bearing S 60° 34' 36" E – 772.83';

THENCE, with said curve to the right and with said south line an arc distance of 773.16' to the POINT OF BEGINNING and containing 9.849 acres (429,022 square feet) of land, more or less.

Compiled from survey by:

PREJEAN & COMPANY, INC.  
surveying/mapping  
Job#265-24-1  
Date: 03-02-2018



# Exhibit B

## Municipal Setting Designation

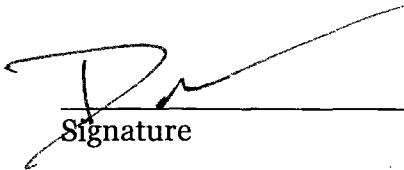
### Affidavit of Eligibility

BEFORE ME, the undersigned authority, on this day personally appeared Dane Johnson, as an authorized representative of Silver Eagle Distributors, L.P., known to me to be the person whose name is subscribed below who being by me first duly sworn, upon their oath, stated as follows:

I am over the age of 18 and legally competent to make this affidavit. I have personal knowledge of the facts stated herein.

I affirmatively state that (place an X in all applicable blanks)

- The MSD eligibility criteria of THSC Section 361.803 are satisfied.
- True and accurate copies of all documents demonstrating that the MSD eligibility criteria provided by THSC 361.803 have been satisfied and are included with the application.
- A true and accurate copy of a legal description of the proposed MSD property is included with the application.
- Notice has been provided in accordance with THSC 361.805.
- A copy of an ordinance or restrictive covenant and any required resolutions are provided in this application or will be provided before the executive director certifies this application.

  
Signature

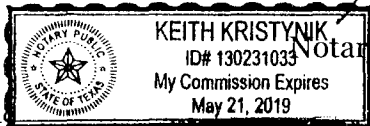
Date: 02/06/2019

Dane Johnson  
Printed Name  
Senior Vice President & General Counsel  
Title

STATE OF Texas

COUNTY OF Harris

February SUBSCRIBED AND SWORN before me on this the 6<sup>th</sup> day of February 2019, to which witness my hand and seal of office.



Notary Public in and for the State of Texas