

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



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

April 6, 2020

Mr. Kelly D. Brown
Crain Caton & James
1401 McKinney Street, Suite 1700
Houston, Texas 77010

Re: Municipal Setting Designation (MSD) Certificate for Milner Road Building, LLC,
Quest Chemical Site, located at 12255 FM 529, Houston, Harris County, TX; MSD
No. 398; Customer No. CN603402009; Regulated Entity No. RN105006340

Dear Mr. Brown:

The Texas Commission on Environmental Quality (TCEQ) received the above-referenced Municipal Setting Designation (MSD) application on September 7, 2018 and additional information supporting this MSD application on February 25, 2019, April 22, 2019, and February 21, 2020. Based on our review, the application contains the required information as outlined in Texas Health and Safety Code (THSC) §361.804. Enclosed is the Municipal Setting Designation Certification for your site. If you have any questions, please do not hesitate to contact me at (512) 239-6753 or via e-mail (Joseph.Bell@tceq.texas.gov).

Sincerely,

A handwritten signature in blue ink that reads "Joe Bell".

Joseph Bell, P.G., Project Manager
VCP-CA Section
Remediation Division

JNB/jdm

cc: Michael Marcon, InControl Technologies, Inc. (via email)
Ms. Alma Jefferson, Waste Section Manager, TCEQ Region 12 Office, Houston
Enclosure: MSD Certificate

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. 398, 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 6th day of April, 2020

Beth Seaton

Beth Seaton, Director
Remediation Division
Texas Commission on Environmental Quality

County: Harris
Project: FM 529
Job No.: 165579
MBS No.: 16-299

FIELD NOTES FOR 26.582 ACRES

Being a tract containing 26.582 acres of land located in the Francis Fry Survey, Abstract No. 277, Harris County, Texas. Said 26.582 acres being a call 22.1515 acres tract of land recorded in the name of Milner Road Building, LLC, under H.C.C.F. (Harris County Clerks File) No. 20080471416, also being a call 4.43154 acres tract of land recorded in the name of Texas Development Company, under H.C.C.F. No L248072. Said 26.582 acres being more particularly described by metes and bounds as follows (bearings are referenced to the west line of said 22.1515 acres tract as shown on said recorded plat):

BEGINNING at the northwest corner of said 22.1515 acres tract, being a point on the east line of a call 21.692 acres tract of land recorded in the name of CDTM, LLC, under H.C.C.F. No. V783055, being the southwest corner of a call 17.5726 acres tract of land recorded in the name of 529 Industrial Development, LLC, under H.C.C.F. No. 20070626257;

THENCE, with the south line of said 17.5726 acres tract, North 87 degrees 51 minutes 18 seconds East, a distance of 741.91 feet to the southeast corner of said 17.5726 acres tract, also being the southwest corner of a call 4.23473 acres tract of land recorded in the name of Texas Development Company, under H.C.C.F. No. L248097, also being the northwest corner of said 4.43154 acres tract;

THENCE, with the south line of said 4.23473 acres tract, North 87 degrees 11 minutes 54 seconds East, a distance of 500.00 feet to the southeast corner of said 4.23473 acres tract, also being a point on the west line of a call 3.23737 acres tract of land recorded in the name of Texas Development Company, under H.C.C.F. No. L248062;

THENCE, with the west lines of said 3.23737 acres tract, a call 3.3935 acres tract of land recorded in the name of Texas Development Company, under H.C.C.F. No. L248063 and a call 6.13199 acres tract of land recorded in the name of Texas Development Company, under H.C.C.F. No. L248064, South 02 degrees 31 minutes 23 seconds East, a distance of 391.91 feet to a point on the west line of a said 6.13199 acres tract, also being the northeast corner of a call 4.3338 acres tract of land recorded in the name of Texas Development Company, under H.C.C.F. No. L248071;

THENCE, with the north line of said 4.3338 acres tract, South 88 degrees 32 minutes 06 seconds West, a distance of 500.00 feet to the northwest corner of said 4.3338 acres tract;

THENCE, with the west lines of said 4.3338 acres tract, a call 5.7116 acres tract of land recorded in the name of Texas Development Company, under H.C.C.F. No. L248070 and a call 4.459 acres tract of land recorded in the name of Texas Development Company, under H.C.C.F. No. H518657, South 02 degrees 32 minutes 06 seconds East, a distance of 911.34 feet to a point on the west line of said 4.459 acres tract, also being the northeast corner of a call 16.6836 acres tract of land recorded in the name of 529 Industrial Development, LLC, under H.C.C.F. No. 20070626257;

THENCE, with the north line of said 16.6836 acres tract, South 87 degrees 51 minutes 18 seconds West, a distance of 752.27 feet to the northwest corner of said 16.6836 acres tract, also being a point on the east line of a tract of land recorded in the name of Mario Garcia, under H.C.C.F. No. V761036;

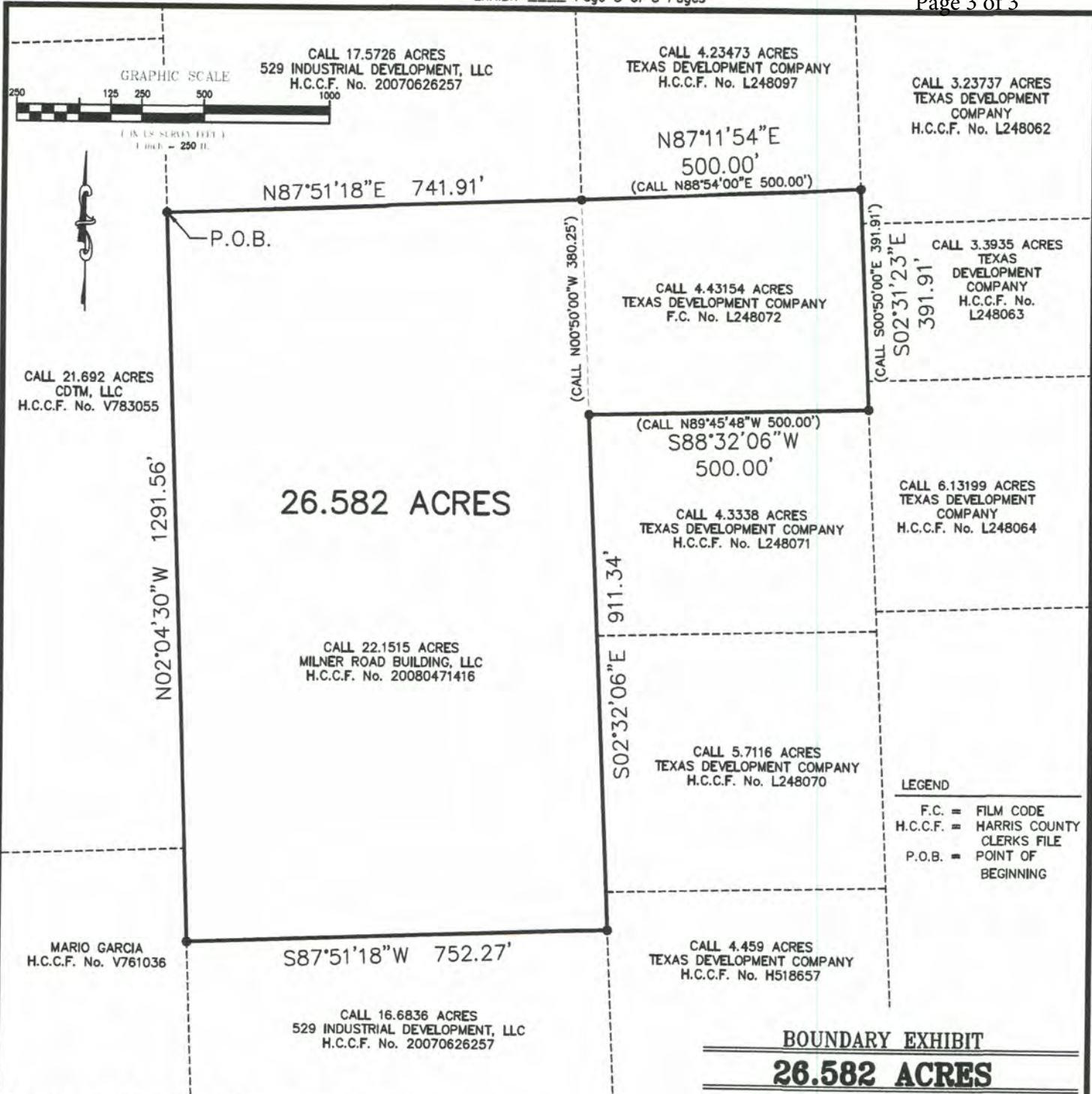
THENCE, with the east lines of said 16.6836 acres tract and aforesaid 21.692 acres tract, North 02 degrees 04 minutes 30 seconds West, a distance of 1,291.56 feet to the **POINT OF BEGINNING** and containing 26.582 acres of land.

THIS DESCRIPTION WAS PREPARED BASED ON MAPPING THE DEEDS OF RECORD; DOES NOT REFLECT THE RESULTS OF AN ON THE GROUND SURVEY; AND IS NOT TO BE USED TO CONVEY OR ESTABLISH INTERESTS IN REAL PROPERTY. SEE BOUNDARY EXHIBIT PREPARED OF EVEN DATE HEREWITH.

GBI Partners, L.P.
TBPLS Firm # 10130300
Ph: 281.499.4539
December 19, 2016



J.P.B.
12/19/2016



LEGEND
 F.C. = FILM CODE
 H.C.C.F. = HARRIS COUNTY CLERKS FILE
 P.O.B. = POINT OF BEGINNING

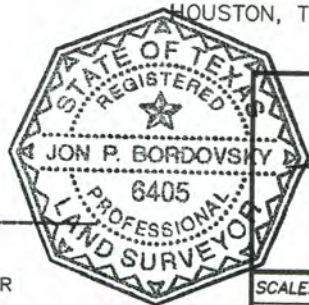
BOUNDARY EXHIBIT
26.582 ACRES

BEING A CALL 22.1515 ACRES TRACT OF LAND,
 RECORDED IN THE NAME OF MILNER ROAD BUILDING, LLC
 UNDER H.C.C.F. No. 20080471416, ALSO BEING A CALL
 4.43154 ACRES TRACT OF LAND RECORDED IN THE NAME
 OF TEXAS DEVELOPMENT COMPANY UNDER
 H.C.C.F. No. L248072
 LOCATED IN THE
 FRANCIS FRY SURVEY, A-277
 HARRIS COUNTY, TEXAS

I CERTIFY THAT THIS PLAT REPRESENTS THE RECORD
 BOUNDARY OF A CALL 22.1515 ACRES TRACT OF LAND
 RECORDED IN THE NAME OF MILNER ROAD BUILDING,
 LLC, UNDER H.C.C.F. No. 20080471416, ALSO BEING A
 CALL 4.43154 ACRES TRACT OF LAND RECORDED IN
 THE NAME OF TEXAS DEVELOPMENT COMPANY, UNDER
 H.C.C.F. No. L248063 OF AS OF THIS DATE.

GBI PARTNERS, L.P.

ADDRESS:
 12255 FM 529
 HOUSTON, TX 77041



GBI PARTNERS, L.P.
 LAND SURVEYING CONSULTANTS
 13340 S. GESSNER RD. • MISSOURI CITY, TX 77489
 PHONE: 281-499-4539 • www.gbisurey.com
 TBPLS FIRM # 10130300

JON P. BORDOVSKY
 REGISTERED PROFESSIONAL LAND SURVEYOR
 TEXAS REGISTRATION NO. 6405

SCALE: 1" = 250'	JOB NO. 165579	DATE: 12/19/2016
CREW CHIEF: N/A	FIELD BOOK: N/A	DWG.: 165579

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Exhibit B

Municipal Setting Designation

Affidavit of Eligibility

BEFORE ME, the undersigned authority, on this day personally appeared Kelly D. Brown, as an authorized representative of Milner Road Building, L.L.C., 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)

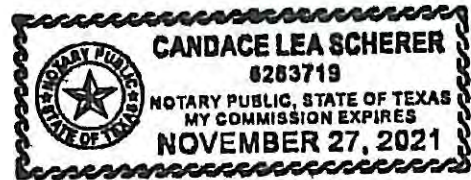
- The MSD eligibility criteria of THSC Section 361.803 are satisfied.
- True and accurate copies of all documents demonstrating that the MSD eligibility criteria provided by THSC 361.803 have been satisfied and are included with the application.
- A true and accurate copy of a legal description of the 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.

Kelly D. Brown
Signature

Date: 9-4-18

Kelly D. Brown
Printed Name

Counsel
Title



STATE OF Texas
COUNTY OF Harris

SUBSCRIBED AND SWORN before me on this the 4th day of September 2018, to which witness my hand and seal of office.

Candace Lea Scherer
Notary Public in and for the State of Texas