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TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

May 26, 2020

Mr. Larry Unruh
Technical Director
American Plant Food Corporation
P.O. Box 584
Galena Park, Texas 77547

Re: Municipal Setting Designation (MSD) Certificate for American Plant Food Corporation, American Plant Food - Wortham Facility, Southeast Corner of the Intersection of 1st Street and Colorado Avenue, in Wortham, Freestone County, TX; MSD No. 429; Customer No. CN600411698; Regulated Entity No. RN102564333

Dear Mr. Unruh:

The Texas Commission on Environmental Quality (TCEQ) received the above-referenced Municipal Setting Designation (MSD) application on November 21, 2019 and additional information supporting this MSD application on April 20, 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) 239-1488 or via e-mail (rachel.vandernat@tceq.texas.gov).

Sincerely,

A handwritten signature in blue ink that reads "Rachel Vander Nat".

Rachel Vander Nat, Project Manager
VCP-CA Section
Remediation Division

RVN/rvn

cc: Mr. David Mann, TCEQ, Waste Section Manager, Waco Regional Office, MC R-9

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. 429, in the City of Wortham, 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 26th day of May, 2020

Beth Seaton

Beth Seaton, Director
Remediation Division
Texas Commission on Environmental Quality

FIELD NOTES

Exhibit A
Page 1 of 2

**2.652 ACRES OF LAND
PART OF THE H. & T. C. R.R. CO. TRACT**

**R.B. LONGBOTHOM SURVEY
ABSTRACT NO. 16**

**CITY OF WORTHAM
FREESTONE COUNTY, TEXAS**

Being all of that certain lot, tract or parcel of land located in the City of Wortham in the R.B. Longbothom Survey Abstract No. 16 Freestone County, Texas and being part of a tract of land as described in Deed to H. & T. C. R.R. Co. recorded in Volume K, Page 732 of the Deed Records of Freestone County, Texas. Said lot, tract or parcel of land being more particularly described as follows:

BEGINNING at a 1/2" iron rod set (red cap "Shallow Creek") at the northeasterly corner of this tract, in the southerly line of Colorado Avenue and the northwesterly corner of Lot 10 Block 7 as shown by the Re-Revised Map of Wortham recorded in Cabinet A, Envelope 8B of the Plat Records of Freestone County, Texas;

THENCE, S 11° 30' 00" W, along the easterly line of the said H. & T. C. R.R. Co. tract and the westerly line of said Block 7 of the said City of Wortham 660.00 feet to a 1/2" iron rod set (red cap "Shallow Creek") for the southeasterly corner of this tract in the northerly line of Lot 5, Block 5 of the said City of Wortham and in the southerly line of Navasota Avenue;

THENCE, N 78° 30' 00" W, through the said H. & T. C. R.R. Co. tract 175.00 feet to a 1/2" iron rod set (red cap "Shallow Creek") for the southwesterly corner of this tract approximately 25 foot from the center of the main rail road track;

THENCE, N 11° 30' 00" E, continuing through the said H. & T. C. R.R. Co. tract 660.00 feet to a 1/2" iron rod set (red cap "Shallow Creek") for the northwesterly corner of this tract and in the southerly line of said Colorado Avenue from which the centerline of the main railroad track bears N 78° 30' 00" W, 25.00 feet;

THENCE, S 78° 30' 00" E, along the southerly line of said Colorado Avenue for the northerly line of this tract 175.00 feet to the **POINT OF BEGINNING** and **CONTAINING 2.652 ACRES OF LAND MORE OR LESS.**

***BASIS OF BEARINGS:** assumed N 11° 30' 00" E along centerline of railroad track

PLAT OF SURVEY

FIELD NOTES

2.652 ACRES OF LAND
PART OF THE H. & T. C. R.R. CO. TRACT

R.B. LONGBOTHOM SURVEY
ABSTRACT NO. 16

CITY OF WORTHAM
FREESTONE COUNTY, TEXAS

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BEGINNING at a 1/2" iron rod set (red cap "Shallow Creek") at the northeasterly corner of this tract, in the southerly line of Colorado Avenue and the northwesterly corner of Lot 10 Block 7 as shown by the Re-Visited Map of Wortham recorded in Cabinet A, Envelope 8B of the Plat Records of Freestone County, Texas;

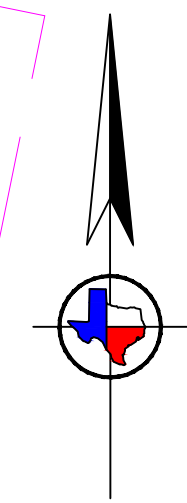
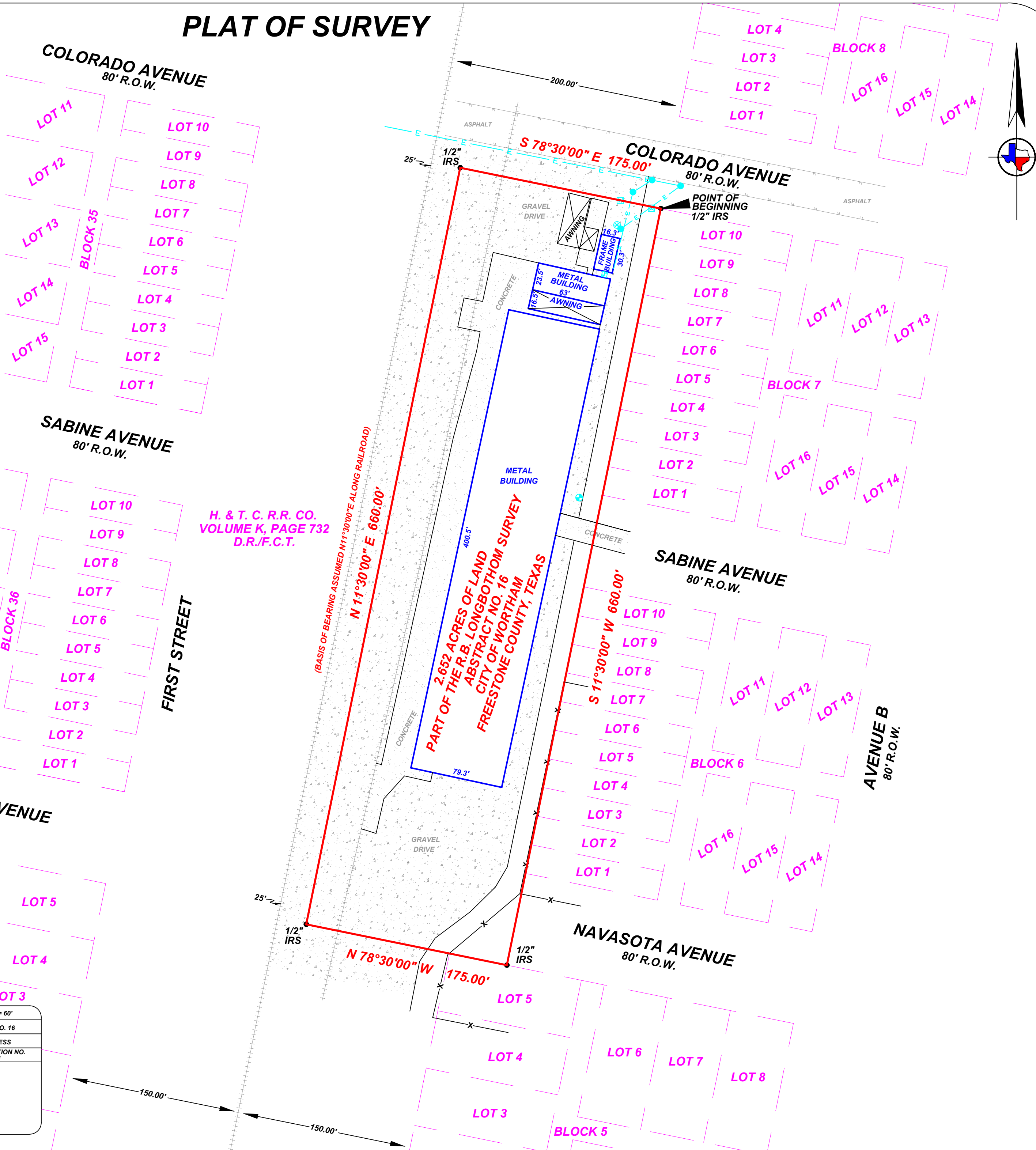
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*BASIS OF BEARINGS: assumed N 11° 30' 00" E along centerline of railroad track



- WELL
- GAS METER
- AIR CONDITIONER
- WATER METER
- PVC
- UTILITY POLE
- IRS - IRON ROD SET
- IRP - IRON ROD FOUND
- IPF - IRON PIPE FOUND

I, Eric Sterling Samford, R.P.L.S. 5885, do hereby certify that the plat shown hereon accurately represents the results of an on the ground survey made under my direction and supervision during the month of November 2016 and all corners are as shown hereon. Use of this survey for any other purpose or by other parties shall be at their own risk and the undersigned surveyor is not responsible for any loss resulting therefrom. This certification is not a representation of warranty of title or a guarantee of ownership. This survey was performed without the benefit of a title commitment and shows only those easements the surveyor was made aware of.

Eric Samford
Eric Sterling Samford, Registered Professional Land Surveyor No. 5885

DATE: NOVEMBER 28, 2016 REVISED: APRIL 17, 2019	SCALE: 1" = 60'
SURVEY: R.B. LONGBOTHOM	ABSTRACT NO. 16
W. O. # 16-0146	DRAWN BY: ESS
SURVEY FOR: AMERICAN PLANT FOOD CORP.	FIRM REGISTRATION NO. 100089-01
SHALLOW CREEK LAND SURVEY CO. P.O. BOX 1212 CORSICANA, TEXAS 75151 (903) 872-3202	

Exhibit B
Municipal Setting Designation
Affidavit of Eligibility

BEFORE ME, the undersigned authority, on this day personally appeared
Larry Unruh, as an authorized representative of
American Plant Food Corporation, 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.

Larry Unruh
Signature

Date: Feb 27, 2020

Larry Unruh
Printed Name

Technical Director, American Plant Food Corporation
Title

STATE OF Texas
COUNTY OF Harris

SUBSCRIBED AND SWORN before me on this the 27 day of
February 2020, to which witness my hand and seal of office.

Debbie A. Rhodes
Notary Public in and for the State of Texas

