

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



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

July 14, 2020

Ms. Patricia H. Duft, Senior Legal Director
Covidien LP
15 Hampshire Street
Mansfield, Massachusetts 02048

Re: Sherwood Medical Facility, 400 Maple Street, Commerce, Hunt County, Texas
Municipal Setting Designation (MSD) No. 431
Customer No. CN600320550
Regulated Entity No. RN103761433

Dear Ms. Duft:

The Texas Commission on Environmental Quality (TCEQ) received the above referenced Municipal Setting Designation (MSD) application on November 26, 2019 and additional information supporting this MSD application on June 11, 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 MSD Certification for your site. If you have any questions, please do not hesitate to contact me at (512) 239-2445 or via e-mail at otu.ekpo-otu@tceq.texas.gov.

Sincerely,

A handwritten signature in cursive script, appearing to read "Otu Ekpo-Otu".

Otu Ekpo-Otu, P.G., PM
VCP-CA Section
Remediation Division

OE/jdm

Enclosure: MSD Certificate

cc: Mr. Richard Record, Ensafé Inc., 4545 Fuller Drive, Suite 342, Irving, Texas
75038

Ms. Erin Gorman, Waste Section Manager, TCEQ Dallas/Fort Worth Region Office,
R-4

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. 431, in the City of Commerce, 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.

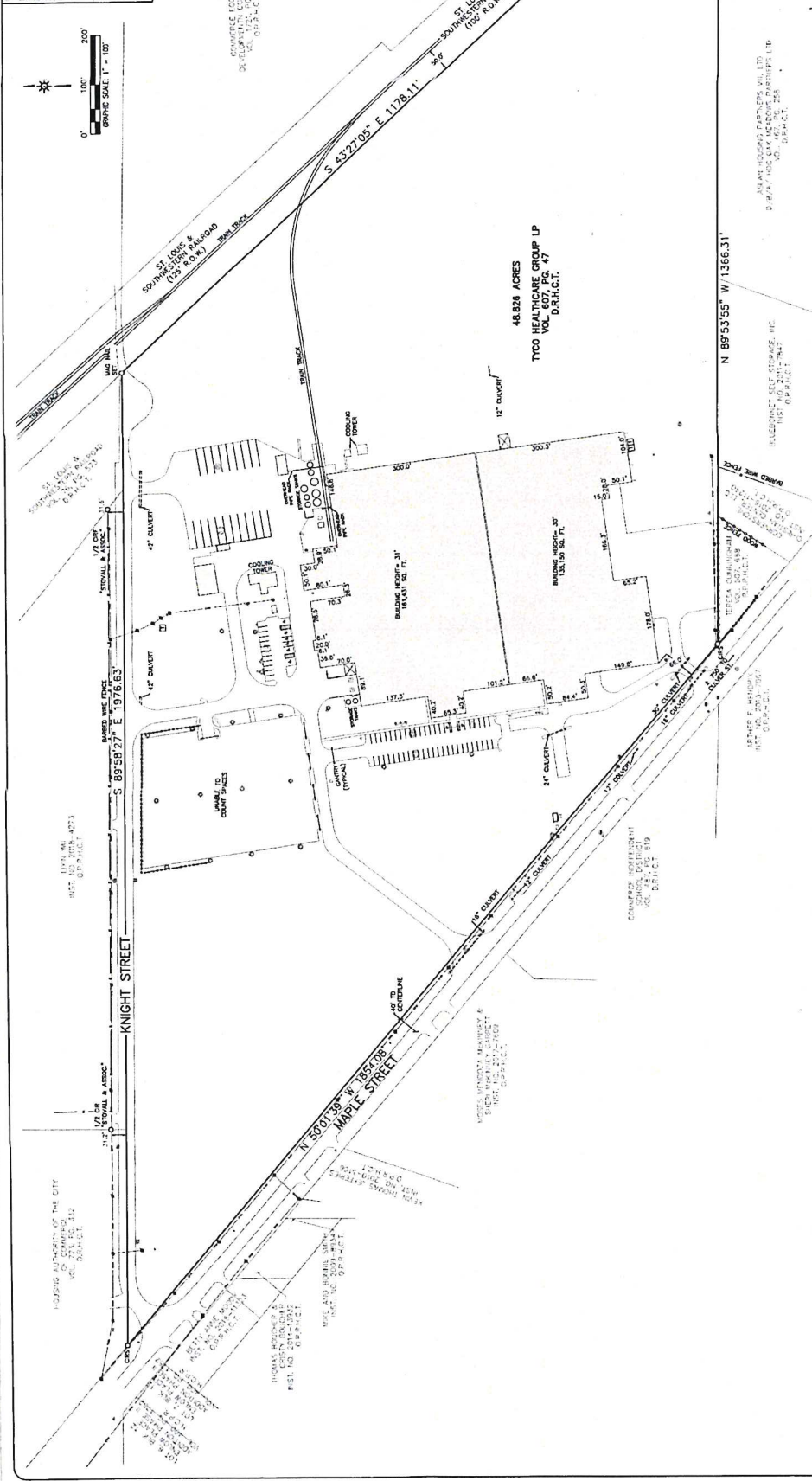
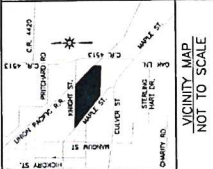
EXECUTED this the 14 day of July, 2020

Beth Seaton, Director
Remediation Division
Texas Commission on Environmental Quality



P.O. Box 833059
Richardson, TX 75083
Phone: (469) 317-0250
Fax: (214) 295-4844
TBPUS No. 10177500

ALTA/NSPS LAND TITLE SURVEY
BEING 48.828 ACRES
400 MAP ACRES
IN THE
James M. Williams Survey, Abstract No. 1140
City of Commerce, Hunt County, Texas



REVISIONS

NO.	DATE	DESCRIPTION
1		
2		
3		
4		
5		
6		
7		
8		
9		

NSPUS DATES

DATE	BY	NO.
DATE	BY	NO.
DATE	BY	NO.

This is to secure that this map or plat and the survey on which it is based were prepared by a Registered Professional Land Surveyor, duly established and sworn by ALTA and NSPUS, and that the same are true and correct in accordance with the laws of the State of Texas, and that the same are a true and correct copy of the original as filed in the Public Records of Hunt County, Texas.

Field Survey Completed: July 19, 2019
Draw Date: July 30, 2019

Paul Hubert
Registered Professional Land Surveyor
No. 1842

GENERAL NOTES
Basis of bearings for this survey is referenced to the southern right of way line of the St. Louis & Southwestern Railroad.

TABLE A - NOTES
16. At the time the survey was completed, no visible evidence of recent earth moving, building construction or building additions were observed.

17. At the time the survey was completed, no evidence of recent street or sidewalk construction or repairs were observed.

18. At the time the survey was completed, no field deflection of witness markers were observed.

FLOOD STATEMENT
According to Map No. 4831C0285G, dated January 6, 2012 of the FEMA National Flood Insurance Program, Flood Insurance Rate Map of Hunt County, Texas, this property is located within Zone "X". Flood statement does not imply that the property and/or the structures thereon will be free from flooding or inundation of water or its consequences. On the occurrence of a flood, flood heights may be increased by wind or other natural causes. The flood statement and the flood hazard advisory are for informational purposes only.

PARKING
STANDARD PARKING = 61
HANDICAP PARKING = 19
NOT ALL SPACES WERE ABLE TO BE CONNED DUE TO DEGRADED PARKING SURFACES

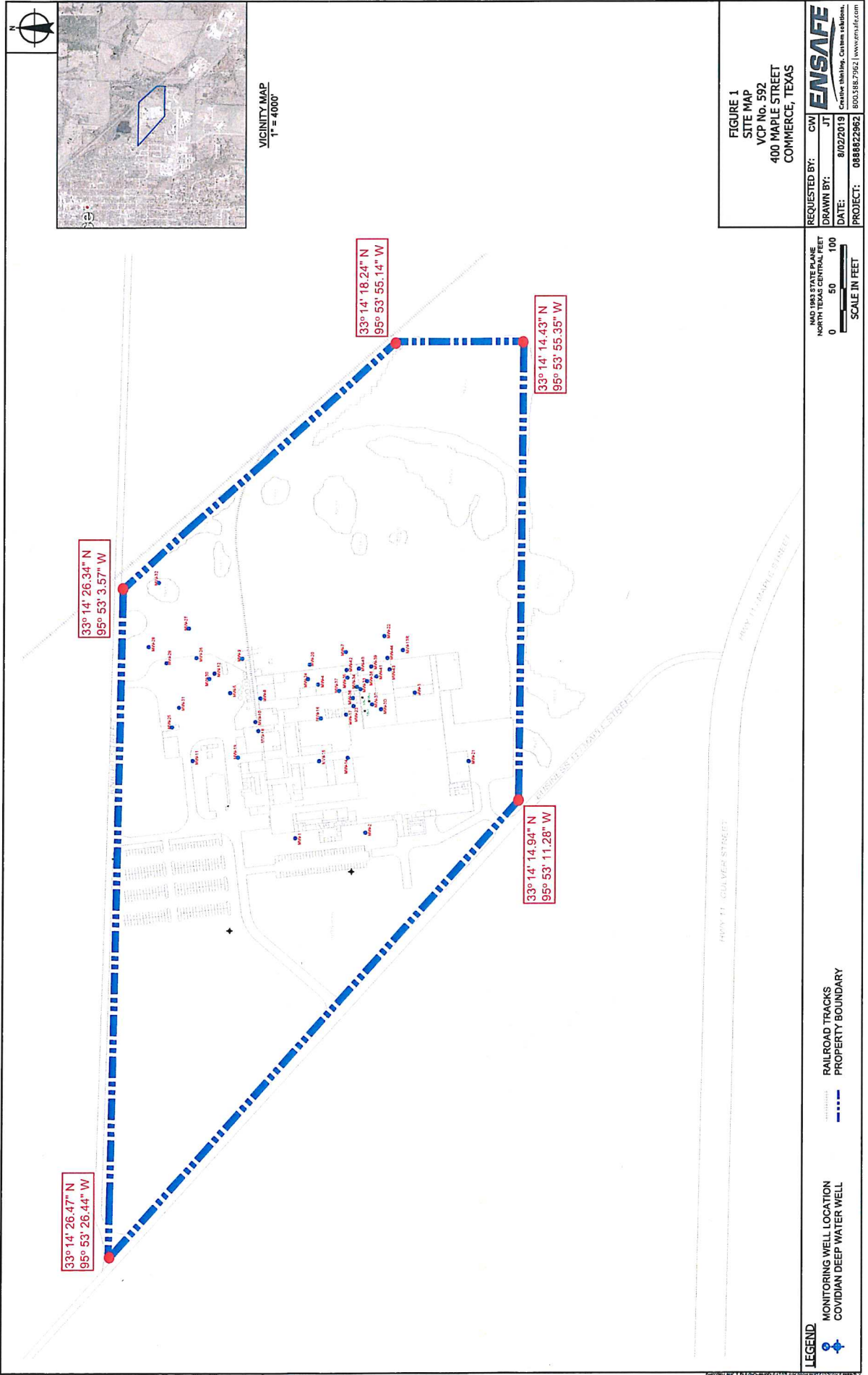
LEGEND

- ⊕ SANITARY SEWER
- ⊕ STORM SEWER
- ⊕ WATER METER
- ⊕ GAS METER
- ⊕ MONITORING WELL
- ⊕ LIGHT POLE
- ⊕ FLAG POLE
- ⊕ HANDICAP PARKING
- ⊕ TRANSFORMER

LEGEND

- ⊕ POWER POLE
- ⊕ CITY
- ⊕ STORM INLET
- ⊕ FIRE HYDRANT
- ⊕ FIRE DEPT. CONNECTION
- ⊕ CLEAN OUT
- ⊕ SIGN

ABBREVIATIONS
S.O.M. = SOUTH OF MAIN HIGHWAY
D.P.A.C.T. = DEED PUBLIC RECORDS OF HUNT COUNTY, TEXAS
D.P.A.C.T. = DEED PUBLIC RECORDS OF HUNT COUNTY, TEXAS
V.C.S. = VOLUME
C.S. = 2 1/2-INCH CAPSULE IRON ROD "OJMS SURVEYING COMPANY LLC"
S.O.M. = SOUTH OF MAIN HIGHWAY
S.W.M. = STORM WATER MANHOLE



VICINITY MAP
1" = 400'

FIGURE 1
SITE MAP
VCP No. 592
400 MAPLE STREET
COMMERCE, TEXAS

REQUESTED BY: CW
DRAWN BY: JT
DATE: 8/02/2019
PROJECT: 0888822962

MAD 1983 STATE PLANE
NORTH TEXAS CENTRAL FEET
0 50 100
SCALE IN FEET

ENSURE
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LEGEND
 MONITORING WELL LOCATION
 COVIDIAN DEEP WATER WELL
 RAILROAD TRACKS
 PROPERTY BOUNDARY

Exhibit B
Municipal Setting Designation
Affidavit of Eligibility

BEFORE ME, the undersigned authority, on this day personally appeared
Patricia H. Duft, as an authorized representative of
Covidien LP, 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.

Patricia H Duft
Signature

Date: 11/13/19

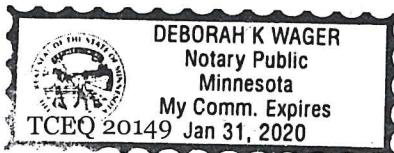
Patricia H Duft
Printed Name

Vice President
Title

STATE OF Minnesota

COUNTY OF Ramsey

SUBSCRIBED AND SWORN before me on this the 13th day of
November 2020, to which witness my hand and seal of office.



Deborah K. Wager
Notary Public in and for the State of Minnesota