

Jon Niermann, *Chairman*
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TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

February 17, 2022

Mr. Trey Richardson
Ashland LLC
5475 Rings Road, Suite 500
Dublin, Ohio 43017

Via email

Re: Municipal Setting Designation (MSD) Application No. 444 located at 7010 Mykawa Rd., Houston, Harris County, TX; Customer No. CN600390801; Regulated Entity No. RN100241967

Dear Mr. Richardson:

The Texas Commission on Environmental Quality (TCEQ) received the above referenced MSD application on August 27, 2020, and additional information supporting this MSD application on April 27, 2021, and January 20, 2021. 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 Certificate for your site.

If you have any questions, please do not hesitate to contact me at (512) 239-2236 or via e-mail at alayna.goetsch@tceq.texas.gov.

Sincerely,

A handwritten signature in blue ink that reads "Alayna M. Goetsch".

Alayna Goetsch, Project Manager
VCP-CA Section
Remediation Division

Enclosure: MSD Certificate No. 444

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, Deputy Director, Remediation Division, TCEQ, certify the Municipal Setting Designation (MSD) for MSD No. 444, 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.

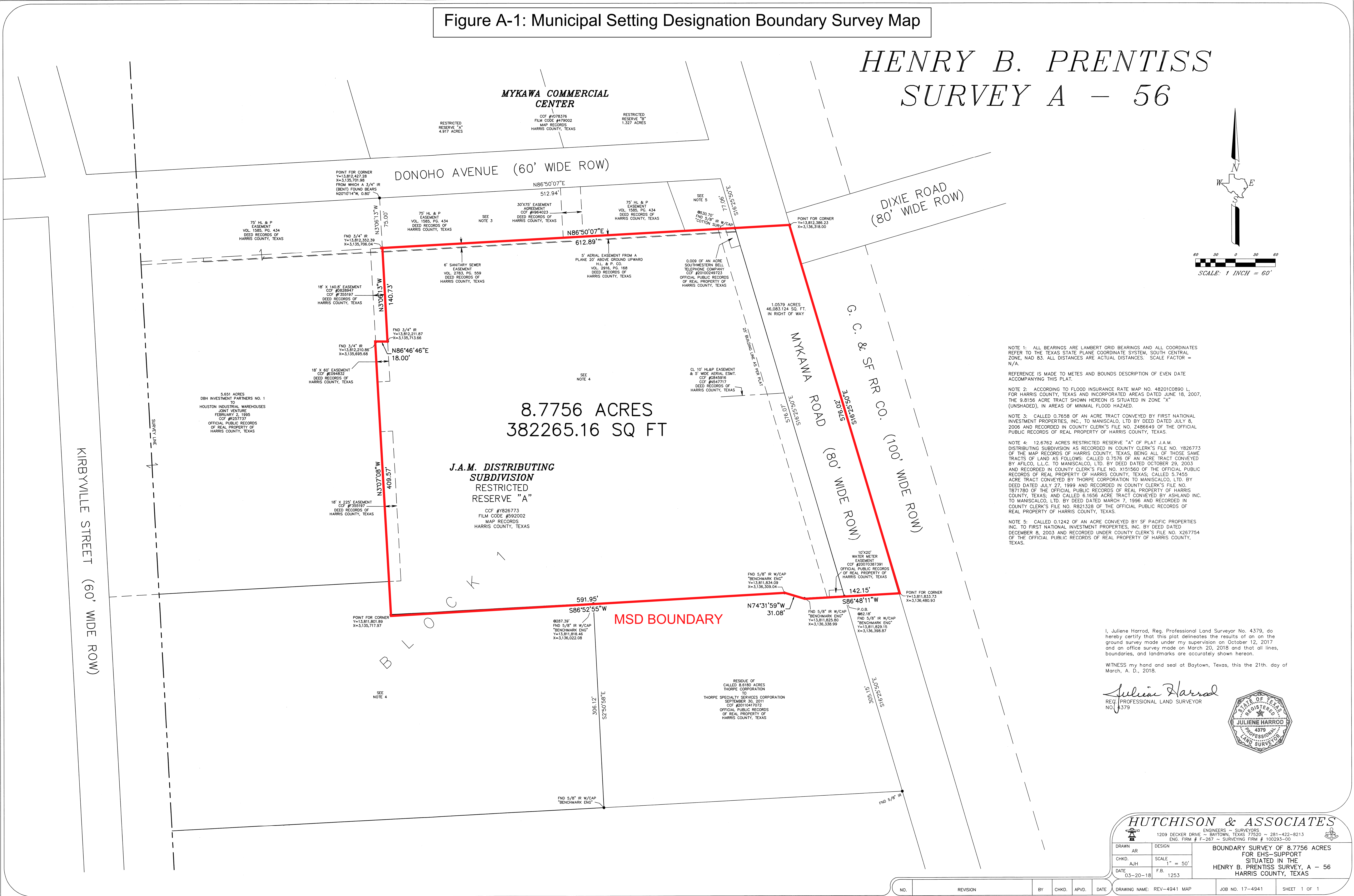
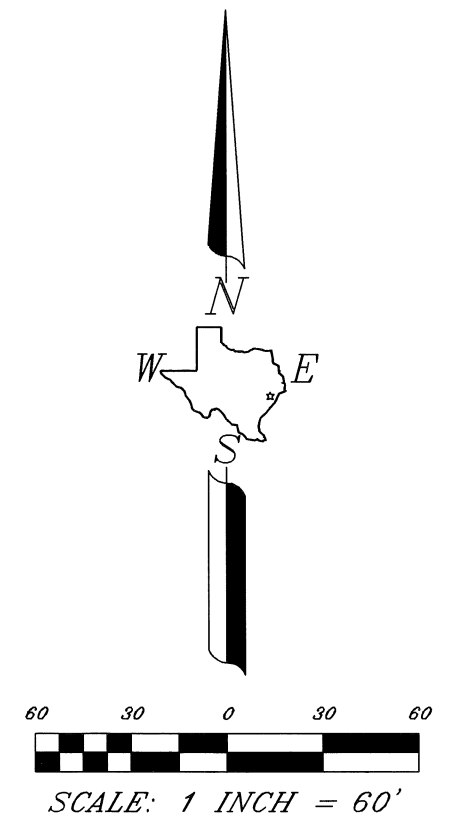
EXECUTED this the 17th day of February, 2022

Beth Seaton

Beth Seaton, Deputy Director
Remediation Division
Texas Commission on Environmental Quality

Figure A-1: Municipal Setting Designation Boundary Survey Map

HENRY B. PRENTISS SURVEY A - 56



8.7756 ACRES
382265.16 SQ FT

J.A.M. DISTRIBUTING
SUBDIVISION
RESTRICTED
RESERVE "A"

- NOTE 1: ALL BEARINGS ARE LAMBERT GRID BEARINGS AND ALL COORDINATES REFER TO THE TEXAS STATE PLANE COORDINATE SYSTEM, SOUTH CENTRAL ZONE, NAD 83. ALL DISTANCES ARE ACTUAL DISTANCES. SCALE FACTOR = N/A.
- REFERENCE IS MADE TO METES AND BOUNDS DESCRIPTION OF EVEN DATE ACCOMPANYING THIS PLAT.
- NOTE 2: ACCORDING TO FLOOD INSURANCE RATE MAP NO. 48201C0890 L, FOR HARRIS COUNTY, TEXAS AND INCORPORATED AREAS DATED JUNE 18, 2007, THE 9.8156 ACRE TRACT SHOWN HEREON IS SITUATED IN ZONE "X" (UNSHADED), IN AREAS OF MINIMAL FLOOD HAZARD.
- NOTE 3: CALLED 0.7658 OF AN ACRE TRACT CONVEYED BY FIRST NATIONAL INVESTMENT PROPERTIES, INC., TO MANISCALCO, LTD BY DEED DATED JULY 8, 2006 AND RECORDED IN COUNTY CLERK'S FILE NO. 2496649 OF THE OFFICIAL PUBLIC RECORDS OF REAL PROPERTY OF HARRIS COUNTY, TEXAS.
- NOTE 4: 12.6762 ACRES RESTRICTED RESERVE "A" OF PLAT J.A.M. DISTRIBUTING SUBDIVISION AS RECORDED IN COUNTY CLERK'S FILE NO. Y826773 OF THE MAP RECORDS OF HARRIS COUNTY, TEXAS, BEING ALL OF THOSE SAME TRACTS OF LAND AS FOLLOWS: CALLED 0.7576 OF AN ACRE TRACT CONVEYED BY AFLCO, L.L.C. TO MANISCALCO, LTD. BY DEED DATED OCTOBER 29, 2003 AND RECORDED IN COUNTY CLERK'S FILE NO. X151560 OF THE OFFICIAL PUBLIC RECORDS OF REAL PROPERTY OF HARRIS COUNTY, TEXAS, CALLED 5.7455 ACRE TRACT CONVEYED BY THORPE CORPORATION TO MANISCALCO, LTD. BY DEED DATED JULY 27, 1999 AND RECORDED IN COUNTY CLERK'S FILE NO. T871780 OF THE OFFICIAL PUBLIC RECORDS OF REAL PROPERTY OF HARRIS COUNTY, TEXAS; AND CALLED 6.1656 ACRE TRACT CONVEYED BY ASHLAND INC. TO MANISCALCO, LTD. BY DEED DATED MARCH 7, 1996 AND RECORDED IN COUNTY CLERK'S FILE NO. R821328 OF THE OFFICIAL PUBLIC RECORDS OF REAL PROPERTY OF HARRIS COUNTY, TEXAS.
- NOTE 5: CALLED 0.1242 OF AN ACRE CONVEYED BY SF PACIFIC PROPERTIES INC. TO FIRST NATIONAL INVESTMENT PROPERTIES, INC. BY DEED DATED DECEMBER 8, 2003 AND RECORDED UNDER COUNTY CLERK'S FILE NO. X267754 OF THE OFFICIAL PUBLIC RECORDS OF REAL PROPERTY OF HARRIS COUNTY, TEXAS.

I, Julienne Harrod, Reg. Professional Land Surveyor No. 4379, do hereby certify that this plat delineates the results of an on the ground survey made under my supervision on October 12, 2017 and an office survey made on March 20, 2018 and that all lines, boundaries, and landmarks are accurately shown hereon.

WITNESS my hand and seal at Baytown, Texas, this the 21th. day of March, A. D., 2018.

Julienne Harrod
REG. PROFESSIONAL LAND SURVEYOR
NO. 4379



HUTCHISON & ASSOCIATES
ENGINEERS - SURVEYORS
1209 DECKER DRIVE - BAYTOWN, TEXAS 77520 - 281-422-8213
ENG. FIRM # 7-287 - SURVEYING FIRM # 100293-00

DRAWN	AR	DESIGN	
CHKD.	AJH	SCALE	1" = 50'
DATE	03-20-18	F.B.	1253

BOUNDARY SURVEY OF 8.7756 ACRES FOR EHS-SUPPORT SITUATED IN THE HENRY B. PRENTISS SURVEY, A - 56 HARRIS COUNTY, TEXAS

NO.	REVISION	BY	CHKD.	APVD.	DATE	DRAWING NAME: REV-4941 MAP	JOB NO. 17-4941	SHEET 1 OF 1
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Attachment 3: Municipal Setting Designation Metes and Bounds

Center of Property Longitude and Latitude 29°40'38.28"N / 95°19'21.92"W

STATE OF TEXAS)
COUNTY OF HARRIS)

FIELD NOTES of a 8.7756 acre tract of land situated in the Henry B. Prentiss Survey, Abstract 56, Harris County, Texas and being out of and a part of Restricted Reserve "A", Block 1 of J.A.M. Distributing Subdivision as recorded under County Clerk's File #Y826773 and at File Code #592002 of the Map Records of Harris County, Texas and out of and a part of Mykawa Road (80 feet wide right-of-way). This 8.7756 acres is more particularly described by the following metes and bounds, to-wit:

NOTE: BEARINGS ARE LAMBERT GRID BEARINGS AND ALL COORDINATES REFER TO THE TEXAS STATE PLANE COORDINATE SYSTEM, SOUTH CENTRAL ZONE, NAD 83. ALL DISTANCES ARE ACTUAL DISTANCES. SCALE FACTOR = N/A. REFERENCE IS MADE TO THE PLAT OF EVEN DATE ACCOMPANYING THIS METES AND BOUNDS DESCRIPTION.

BEGINNING at a 5/8 inch iron rod, with cap ("Benchmark Eng"), found in the West right-of-way line of said Mykawa Road for the Northeast corner of that certain residue of a called 8.6180 acre tract conveyed by Thorpe Corporation to Thorpe Specialty Services Corporation by Deed dated September 30, 2011 and recorded under County Clerk's File #20110417072 of the Official Public Records of Real Property of Harris County, Texas. Said point being the Easternmost Southeast corner of said Restricted Reserve "A" and being the POINT OF BEGINNING of this tract; from which a 5/8 inch iron rod found for the Southeast corner of said 8.6180 acres residue tract bears South 16°25'50" East 305.15 feet. Said BEGINNING POINT has a State Plane Coordinate Value of Y=13,811,829.15 and X=3,136,398.87.

THENCE: South 86°48'11" West along the South line of this tract, the Easternmost South line of said Restricted Reserve "A" and the North line of said 8.6180 acres residue tract for a distance of 59.97 feet to a 5/8 inch iron rod, with cap ("Benchmark Eng"), found for an angle point in said line. Said point has a State Plane Coordinate Value of Y=13,811,825.80 and X=3,136,338.99.

THENCE: North 74°31'59" West along the South line of this tract, the Easternmost South line of said Restricted Reserve "A" and the North line of said 8.6180 acres residue tract for a distance of 31.08 feet to a 5/8 inch iron rod, with cap ("Benchmark Eng"), found for an angle point in said line. Said point has a State Plane Coordinate Value of Y=13,811,834.09 and X=3,136,309.04.

THENCE: South 86°52'55" West along the South line of this tract, the Easternmost South line of said Restricted Reserve "A" and the North line of said 8.6180 acres residue tract and at 287.39 feet pass a 5/8 inch iron rod, with cap ("Benchmark Eng"), found for the Northwest corner of said 8.6180 acres residue tract and an interior corner of said Restricted Reserve "A"; said point has a State Plane Coordinate Value of Y=13,811,818.46 and X=3,136,022.08; from which a 5/8 inch iron rod, with cap ("Benchmark Eng"), found for the Southwest corner of said 8.6180 acres residue tract and the Southernmost Southeast corner of said Restricted Reserve "A" bears South

PAGE 2 – 8.7756 ACRES.

02°50'58" East 306.12 feet; in all, a total distance of 591.95 feet to a point for the Southwest corner of this tract. Said point has a State Plane Coordinate Value of Y=13,811,801.89 and X=3,135,717.97.

THENCE: North 03°07'08" West along the Southernmost West line of this tract, a middle West line of said Restricted Reserve "A" and the Southernmost East line of that certain 5.651 acres conveyed by DBH Investment Partners No. 1 to Houston Industrial Warehouses Joint Venture by Deed dated February 2, 1995 and recorded under County Clerk's File #R257737 of the Official Public Records of Real Property of Harris County, Texas for a distance of 409.57 feet to a ¾ inch iron rod found for the Westernmost Northwest corner of this tract, an exterior Northwest corner of said Restricted Reserve "A" and an interior corner of said 5.651 acres. Said point has a State Plane Coordinate Value of Y=13,812,210.86 and X=3,135,695.68.

THENCE: North 86°46'46" East along the Westernmost North line of this tract, an exterior North line of said Restricted Reserve "A" and the Easternmost South line of said 5.651 acres for a distance of 18.00 feet to a ¾ inch iron rod found for an interior corner of this tract, an interior corner of said Restricted Reserve "A" and the Easternmost Southeast corner of said 5.651 acres. Said point has a State Plane Coordinate Value of Y=13,812,211.87 and X=3,135,713.86.

THENCE: North 03°06'13" West along the Northernmost West line of this tract, the Northernmost West line of said Restricted Reserve "A", the Northernmost East line of said 5.651 acres for a distance of 140.73 feet to a ¾ inch iron rod found in the South line of that certain 75 feet wide Houston Lighting & Power Company Easement as recorded in Volume 1585 at Page 434 of the Deed Records of Harris County, Texas, at the Northernmost Northwest corner of said Restricted Reserve "A" and the Northeast corner of said 5.651 acres; said point being the Northernmost Northwest corner of this tract and has a State Plane Coordinate Value of Y=13,812,352.39 and X=3,135,706.04.

THENCE: North 86°50'07" East along the Easternmost North line of this tract, the South line of said Houston Lighting & Power Company Easement, the North line of said Restricted Reserve "A" and the South line of that certain called 0.1242 of an acre conveyed by SF Pacific Properties Inc. to First National Investment Properties, Inc. by Deed dated December 8, 2003 and recorded under County Clerk's File No. X267754 of the Official Public Records of Real Property of Harris County, Texas, and over and across Mykawa Road, at 530.70 feet pass a 5/8 inch iron rod, with cap "Cotton Survey", found for the Northeast corner of said Restricted Reserve "A" and the Southeast corner of said 0.1242 of an acre, said point being in the West right of way line of Mykawa Road, in all a total distance of 612.89 feet to a point in the East right-of-way line of said Mykawa Road and the West right-of-way line of the G. C. & S. F. Railroad Company 100 feet wide right-of-way, for the Northeast corner of this tract. Said point has a State Plane Coordinate Value of Y=13,812,386.23 and X=3,136,318.00.

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THENCE: South 16°25'50" East along the East line of this tract, the East right-of-way line of said Mykawa Road and the West right-of-way line of said Railroad for a distance of 576.02 feet to a point for the Southeast corner of this tract. Said point has a State Plane Coordinate Value of Y=13,811,833.73 and X=3,136,480.93.

THENCE: South 86°48'11" West along the South line of this tract, over and across said Mykawa Road, for a distance of 82.18 feet to the PLACE OF BEGINNING and containing within these boundaries 8.7756 acres of 382,265.16 square feet of land.

SURVEYOR'S CERTIFICATE

I, Juliene Harrod, Registered Professional Land Surveyor No. 4379, do hereby certify that the foregoing field notes were prepared from an actual survey made on the ground, under my supervision, on October 12, 2017 and an office survey made on March 21, 2018 and that all lines, boundaries and landmarks are accurately described therein.

WITNESS my hand and seal at Baytown, Texas, this the 21th day of March, A. D., 2018.



Juliene Harrod
R. P. L. S. No. 4379
Rev-17-4941.fdn.docx
Hutchison & Associates, Inc.
1209 Decker Drive, Suite 100
Baytown, TX 77520
Engineering Firm #F-267
Surveying Firm #100293-00



Exhibit B

Municipal Setting Designation

Affidavit of Eligibility

BEFORE ME, the undersigned authority, on this day personally appeared
Trey Richardson, as an authorized representative of
Ashland LLC, 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.

Trey Richardson
Signature

Date: 8/19/2020

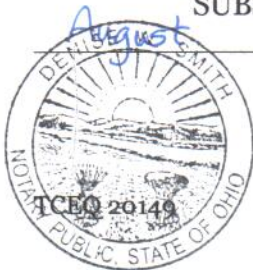
Trey Richardson
Printed Name

Remediation Project Manager
Title

STATE OF Ohio

COUNTY OF Logan

SUBSCRIBED AND SWORN before me on this the 20th day of
August 2020, to which witness my hand and seal of office.



Denise W. Smith
Notary Public in and for the State of Ohio

NOTARY PUBLIC
STATE OF OHIO
My Commission Expires
December 4, 2020

August 2011