

Jon Niermann, *Chairman*
Emily Lindley, *Commissioner*
Bobby Janecka, *Commissioner*
Erin E. Chancellor, *Interim Executive Director*



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

April 24, 2023

Ms. Marilyn Zumbro
KEMRON Environmental Services
c/o Cleveland-Cliffs Steel Corporation
2343A State Route 821
Marietta, Ohio 45750

Via Email

Re: Municipal Setting Designation (MSD) Certificate for Tex Tube Facility Site, located at 1503-1525 North Post Oak Road, Houston, Harris County, TX; Municipal Setting Designation (MSD) No. 457; Customer No. CN600257802; Registration No. RN111306304

Dear Ms. Zumbro:

The Texas Commission on Environmental Quality (TCEQ) received the above referenced Municipal Setting Designation (MSD) application on *June 16, 2021* and additional information supporting this MSD application on *December 2, 2021, December 10, 2021, October 25, 2022, and January 12, 2023*. 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) 239-2236 or via e-mail (Alayna.Goetsch@tceq.texas.gov).

Sincerely,

A handwritten signature in cursive script that reads "Alayna M. Goetsch".

Alayna Goetsch, Project Manager
VCP-CA Section
Remediation Division

AG/jdm

cc: Ms. Kendra Bernhagen, Houston 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, Monica I. Harris, Acting Deputy Director, Remediation Division, TCEQ, certify the Municipal Setting Designation (MSD) for MSD No. 457, 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 21st day of April, 2023

A handwritten signature in cursive script that reads "Monica I. Harris".

Monica I. Harris, P.G., Acting Deputy Director
Remediation Division
Texas Commission on Environmental Quality



LANDTECH CONSULTANTS, INC.
Civil Engineering • Land Surveying

PAGE 1 OF 2

FIELD NOTES FOR 24.3 ACRES (1,058,885 SQUARE FEET) OF LAND BEING PART OF A CERTAIN TRACT OF LAND DATED APRIL 30, 1997, CONVEYED TO V&G ENTERPRISES, INC., AS RECORDED IN FILE NO. S456088 OF THE OFFICIAL PUBLIC RECORDS OF REAL PROPERTY OF HARRIS COUNTY, TEXAS (O.P.R.R.P.H.C., TX.), A CERTAIN TRACT OF LAND DATED JULY 21, 1997, CONVEYED TO CHIEF CONTRACTORS, INC., AS RECORDED IN FILE NO. S559638, O.P.R.R.P.H.C., TX., AND A CERTAIN TRACT OF LAND DATED DECEMBER 16, 1994, CONVEYED TO T.T. INVESTMENT COMPANY, AS RECORDED IN FILE NOS. R197681 AND U411945, O.P.R.R.P.H.C., TX, ALL OF UNRESTRICTED RESERVE "A" OF BLOCK 1, NORTH POST OAK ROAD AT WESTVIEW DRIVE RESERVE, AS RECORDED IN FILM CODE NO. 626054, HARRIS COUNTY MAP RECORDS (H.C.M.R.), BEING A CERTAIN TRACT OF LAND DATED APRIL 25, 2013, CONVEYED TO NPO 1495, LP, AS RECORDED IN FILE NO. 20130197774, O.P.R.R.P.H.C., TX., A CERTAIN TRACT OF LAND DATED APRIL 11, 2013, CONVEYED TO NPO 1403, LP, AS RECORDED IN FILE NO. 20130173332, O.P.R.R.P.H.C., TX., ALL OF A 30.0 FEET PRIVATE ROADWAY, KNOWN AS JOHNSON ROAD, AS RECORDED IN VOLUME 2752, PAGE 139, HARRIS COUNTY DEED RECORDS (H.C.D.R.) AND PORTION OF WESTVIEW DRIVE (WIDTH VARIES PER VOLUME 6422, PAGE 204, H.C.D.R. AND FILE NO. Y980300, O.P.R.R.P.H.C., TX.), LOCATED IN THE J. WHARTON SURVEY, ABSTRACT NO. 871, HENRY REINERMAN SURVEY, ABSTRACT NO. 644 AND JOHN REINERMAN SURVEY, ABSTRACT NO. 642, HARRIS COUNTY, TEXAS: (All bearings and coordinates shown hereon are grid values referenced to the Texas Coordinates System, South Central Zone No. 4202, NAD 83. Grid values may be converted to surface values by applying a combined scale factor of 0.999899739.)

BEGINNING at a point, from which a found 1/2-inch iron rod bears South 85° 44' 14" East, 0.8 feet, in the south right-of-way line of said Westview Drive for the northwest corner of a certain tract of land conveyed to Harris County Department of Education Public Facility Corporation, as recorded in File No. Y980300, O.P.R.R.P.H.C., TX;

THENCE North 02° 40' 02" West, along the west line of said Unrestricted Reserve "A" and said NPO 1495, LP tract and the east line of a certain tract of land conveyed to Herzstein Investments, Inc. (0.7113-acre), as recorded in File No. V719829, O.P.R.R.P.H.C., TX., a distance of 310.09 feet to a corner of the herein described parcel;

THENCE North 02° 31' 10" West, continuing along the west line of said Block 1 and said NPO 1495, LP tract and the east line of said Herzstein Investments, Inc. tract (0.7113-acre), a certain tract of land conveyed to Houston Industrial Warehouses Joint Venture, as recorded in File No. R257731, O.P.R.R.P.H.C., TX. and said Herzstein Investments, Inc. tract (5.087-acre), a distance of 641.79 feet to a point in the south line of said T.T. Investment Company tract for the northeast corner of said Herzstein Investments, Inc. tract (5.087-acre), the northwest corner of said 30.0 feet private roadway and a corner of the herein described parcel;

THENCE North 00° 08' 54" East, a distance of 474.73 feet to the most northwest corner of the herein described parcel;

THENCE North 89° 59' 39" East, a distance of 582.46 feet to an ell corner of the herein described parcel;



LANDTECH CONSULTANTS, INC.
Civil Engineering • Land Surveying

PAGE 1 OF 2

THENCE North 00° 02' 46" East, a distance of 62.90 feet to a corner of the herein described parcel;

THENCE North 89° 59' 02" East, a distance of 302.86 feet to the most northeast corner of the herein described parcel;

THENCE South 00° 06' 15" East, a distance of 102.53 feet to a point in the northwest right-of-way line of North Post Oak Road (80.0 feet wide per File No. J317653, O.P.R.R.P.H.C., TX.) and in the south line of said T.T. Investment Company tract (File No. R197681) for a corner of the herein described parcel;

THENCE South 38° 02' 45" West, along the northwest right-of-way line of said North Post Oak Road and the south line of said T.T. Investment Company tract (File No. R197681), a distance of 293.18 feet to a 3/4-inch iron pipe found for an ell corner of the herein described parcel;

THENCE South 02° 44' 20" East, continuing along the west right-of-way line of said North Post Oak Road and the east line of said T.T. Investment Company tract (File No. R197681), said Block 1, Said NPO 1495, LP tract and said NPO 1403, LP tract, a distance of 1130.73 feet to the southwest corner of the intersection of said North Post Oak Road and said Westview Drive for the northeast corner of said Harris County Department of Education Public Facility Corporation tract and the southeast corner of the herein described parcel;

THENCE South 87° 13' 01" West, along the north line of said Harris County Department of Education Public Facility Corporation tract and the south right-of-way line of said Westview Drive, a distance of 572.05 feet to a point of curvature;

THENCE continuing along the south right-of-way line of said Westview Drive and the north line of said Harris County Department of Education Public Facility Corporation tract with a curve to the right, having a radius of 1185.92 feet, a central angle of 07° 03' 54", an arc length of 146.23 feet, and a chord of North 89° 15' 02" West, 146.14 feet to the **POINT OF BEGINNING** and containing 24.3 acres of land.

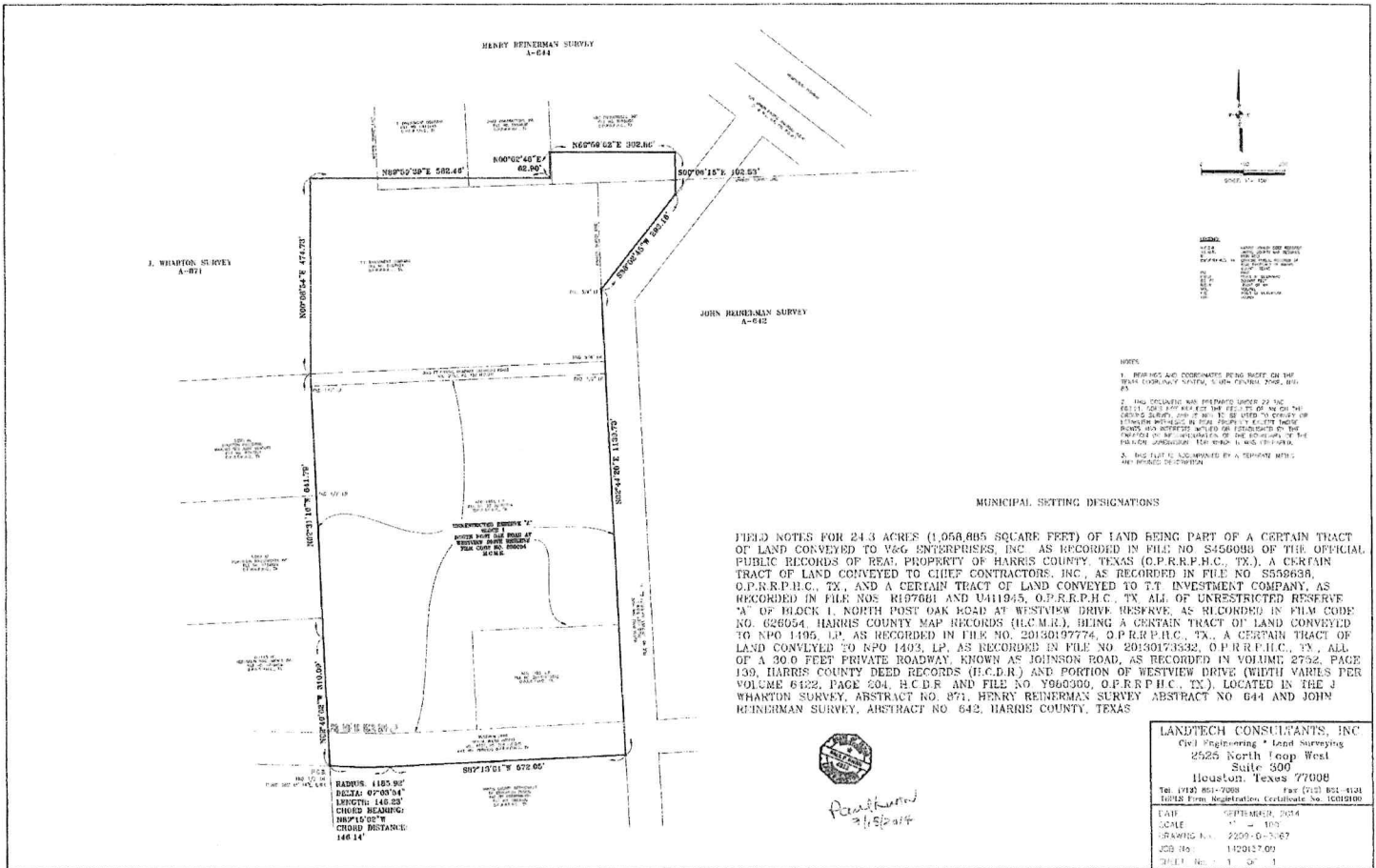
Job No. 14-2-0157.00
Drawing No. 2209-D-3067
Survey date: AUGUST 2014



Paul P. Kwan 9/18/2014

Paul P. Kwan
Texas Registered Professional Land Surveyor No. 4313

This metes and bounds description is accompanied by a separate plat.



NO.	DATE	DESCRIPTION
1	10/15/04	FIELD NOTES
2	10/15/04	FIELD NOTES
3	10/15/04	FIELD NOTES
4	10/15/04	FIELD NOTES
5	10/15/04	FIELD NOTES
6	10/15/04	FIELD NOTES
7	10/15/04	FIELD NOTES
8	10/15/04	FIELD NOTES
9	10/15/04	FIELD NOTES
10	10/15/04	FIELD NOTES

NOTES:
 1. BEARINGS AND DISTANCES BEING BASED ON THE
 2011 DATUM.
 2. THIS SURVEY WAS PREPARED UNDER THE
 2011 SURVEYING ACT AND THE 2011 SURVEYING
 ACTS. THE SURVEYOR HAS REVIEWED THE
 ORIGINAL RECORDS AND HAS FOUND THEM TO BE
 CORRECT AND ACCURATE.
 3. THIS SURVEY IS UNBOUND BY A TYPED INSTRUMENT
 AND BEING DESCRIBED.

MUNICIPAL SETTING DESIGNATIONS

FIELD NOTES FOR 24.3 ACRES (1,058,895 SQUARE FEET) OF LAND BEING PART OF A CERTAIN TRACT OF LAND CONVEYED TO V&G ENTERPRISES, INC. AS RECORDED IN FILE NO. S456009 OF THE OFFICIAL PUBLIC RECORDS OF REAL PROPERTY OF HARRIS COUNTY, TEXAS (O.P.R.P.H.C., TX.), A CERTAIN TRACT OF LAND CONVEYED TO CHIEF CONTRACTORS, INC. AS RECORDED IN FILE NO. S558838, O.P.R.P.H.C., TX., AND A CERTAIN TRACT OF LAND CONVEYED TO T.T. INVESTMENT COMPANY, AS RECORDED IN FILE NOS. H177061 AND U411945, O.P.R.P.H.C., TX. ALL OF UNRESTRICTED RESERVE "A" OF BLOCK 1, NORTH POST OAK ROAD AT WESTVIEW DRIVE RESERVE, AS RECORDED IN FILE CODE NO. G26054, HARRIS COUNTY MAP RECORDS (H.C.M.R.), BEING A CERTAIN TRACT OF LAND CONVEYED TO NPO 1495, LP, AS RECORDED IN FILE NO. 20130197774, O.P.R.P.H.C., TX., A CERTAIN TRACT OF LAND CONVEYED TO NPO 1493, LP, AS RECORDED IN FILE NO. 20130173532, O.P.R.P.H.C., TX., ALL OF A 30.0 FEET PRIVATE ROADWAY, KNOWN AS JOHNSON ROAD, AS RECORDED IN VOLUME 2752, PAGE 139, HARRIS COUNTY DEED RECORDS (H.C.D.R.) AND PORTION OF WESTVIEW DRIVE (WIDTH VARIES PER VOLUME 6422, PAGE 204, H.C.D.R. AND FILE NO. Y960300, O.P.R.P.H.C., TX.) LOCATED IN THE J. WHARTON SURVEY, ABSTRACT NO. 871, HENRY REINERMAN SURVEY ABSTRACT NO. 644 AND JOHN REINERMAN SURVEY, ABSTRACT NO. 642, HARRIS COUNTY, TEXAS.



Revised 9/15/04

LANDTECH CONSULTANTS, INC.
 Civil Engineering • Land Surveying
 2525 North Loop West
 Suite 300
 Houston, Texas 77009
 Tel: (713) 851-7000 Fax: (713) 851-8101
 Equal Opportunity Employer (Certificate No. 16092900)

DATE: SEPTEMBER, 2014
 SCALE: 1" = 100'
 DRAWING NO.: 2209-0-1067
 JOB NO.: 1120127.00
 SHEET NO.: 1 OF 1

8/10/14 12:05:55 AM C:\P\1409\140910127.DWG

Exhibit B

Municipal Setting Designation

Affidavit of Eligibility

BEFORE ME, the undersigned authority, on this day personally appeared Marilyn K. Zumbro, as an authorized representative of KEMRON Environmental Services, Inc., 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.

Marilyn K Zumbro
Signature

Date: 6-10-21

Marilyn K. Zumbro

Printed Name

Program Manager

Title



DIANE M DENNIS
Notary Public
State of Ohio
My Comm. Expires
January 21, 2026

STATE OF OHIO

COUNTY OF Washington

SUBSCRIBED AND SWORN before me on this the 10th day of June 2021, to which witness my hand and seal of office.

Diane M. Dennis
Notary Public in and for the State of OHIO