

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

June 12, 2023

Mr. Ken Brown
Illinois Tool Works
155 Harlem Avenue
Glenview, Illinois 60025

Re: Municipal Setting Designation (MSD) Certificate for Illinois Tool Works, Inc.,
Portion of 1370 East 40th Street Site, located at a portion of 1370 East 40th
Street, Houston, Harris County, TX; MSD No. 484; Customer No.
CN600347843; Regulated Entity No. RN111472304

Dear Mr. Brown:

The Texas Commission on Environmental Quality (TCEQ) received the above referenced MSD application on March 25, 2022, and additional information supporting this MSD application on April 6, 2022; May 13, 2022; September 26, 2022, March 17, 2023, and May 8, 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 MSD Certification for your site. If you have any questions, please do not hesitate to contact me at (512) 239-2241 or via e-mail (chris.swiderski@tceq.texas.gov).

Sincerely,

A handwritten signature in black ink, appearing to read "Chris Swiderski".

Chris Swiderski, Project Manager
VCP-CA Section
Remediation Division

Enclosure: MSD Certificate No. 484

cc: Mr. Rolando Gómez and Mr. Peter Gagnon, Environmental Resources
Management (via email)

Ms. Karina Rocha, Waste Section Manager, TCEQ Region Office, Houston, R-12

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, Deputy Director, Remediation Division, TCEQ, certify the Municipal Setting Designation (MSD) for MSD No. 484, 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 8th day of June, 2023

Monica I. Harris

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

2.470 ACR OF LAND
OUT OF BLOCK ONE, WHITE OAK PARK SUBDIVISION,
CITY OF HOUSTON,
HARRIS COUNTY, TEXAS

BEING 2.470 acres of land out of and a part of Lot 2, Block One, White Oak Park Subdivision, City of Houston, recorded in Volume 144, Page 140, Map Records, Harris County, Texas; said 2.470 acre tract being more fully described by metes and bounds as follows, to wit:

Note: Bearings, distances, coordinates and acreage are based on State Plane Coordinate Grid System, Texas South-Central Zone, NAD 83, Epoch 2011, US Survey Feet. Referenced to SmartNet, North America.

COMMENCING at a 5/8" steel rod found for the Southwest corner of Lot 1, Block One, White Oak Park Subdivision on the East right of way line of a dedicated road named Airline Drive; having a State Plane Coordinate of N: 13863254.91, E: 3115288.77;

THENCE, North 87 deg., 35 min., 12 sec., East (Called East), on the South line of said Lot 1, a distance of 206.45' (Called 206.02') to a point for corner being the POINT OF BEGINNING and most Southerly Southwest corner of the herein described tract; having a State Plane Coordinate of N: 13863263.60, E: 3115495.04

THENCE, North 56 deg., 52 min., 48 sec., West (Called North 54 deg., 28 min., 00 sec., West), on the common line of said Lots 1 and 2, a distance of 86.02' to a point for corner;

THENCE, North 02 deg., 24 min., 48 sec., West (Called North), continuing on the common line of said Lots 1 and 2, a distance of 250.01' to a point for corner being the Northwest corner of the herein described tract;

THENCE, North 87 deg., 35 min., 12 sec., East (Called East), on the common line of said Lots 1 and 2, a distance of (Called 49.44') passing the most Easterly Southeast corner of said Lot 1 on the West right of way line of a dedicated road named East 40th Street; continuing for a total distance of 364.84' to a point for corner being the Northeast corner of the herein described tract;

THENCE, South 02 deg., 16 min., 44 sec., East, crossing said Lot 2, a distance of 300.00' to a point for corner on the South line of said Lot 2; said point for corner being the Southeast corner of the herein described tract; from which a 1/2" steel rod found for the Southeast corner of said Lot 2 bears North 87 deg., 35 min., 12 sec., East (Called East), a distance of 665.87';

THENCE, South 87 deg., 35 min., 12 sec., West (Called West), on the South line of said Lot 2, a distance of 294.13' to the POINT OF BEGINNING and containing 2.470 acres of land, more or less.

This description is based on the Land Survey made by Anthony M. Leger, Registered Professional Land Surveyor No. 5481, on December 6, 2016.

ERM
LS-16-0972

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Exhibit B

Municipal Setting Designation

Affidavit of Eligibility

BEFORE ME, the undersigned authority, on this day personally appeared Ken Brown, as an authorized representative of Illinois Tool Works 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.

Ken Brown
Signature

Date: March 10, 2022

Ken Brown
Printed Name

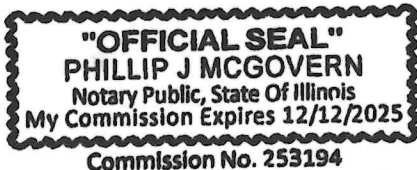
Director, EHS
Title

STATE OF Illinois
COUNTY OF Cook

SUBSCRIBED AND SWORN before me on this the 10th day of March 2022, to which witness my hand and seal of office.

Phillip J McGovern
Notary Public in and for the State of Illinois

TCEQ 20149



August 2011
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MSD 484