

Jon Niermann, *Chairman*
Emily Lindley, *Commissioner*
Bobby Janecka, *Commissioner*
Kelly Keel, *Interim Executive Director*



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

August 29, 2023

Mr. Michael R. Van Dorfy, Jr., President
Lone Star Heat Treating Corporation
P.O. Box 15621
Houston, Texas 77220

Re: Municipal Setting Designation (MSD) Certificate for Former Lone Star Heat Treating Site, located at 5212 Clinton Drive, Houston, Harris County, TX; MSD No. 497; TCEQ Solid Waste Registration (SWR) No. 30290; Customer No. CN600396287; Regulated Entity No. RN100689702

Dear Mr. Van Dorfy:

The Texas Commission on Environmental Quality (TCEQ) received the above-referenced MSD application on December 6, 2022, and additional information supporting this MSD application on April 24, 2023, June 8, 2023, and August 22, 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) 239-1488 or via email at 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

Enclosure: MSD Certificate No. 497

cc: Mr. Michael F. Marcon, P.G., Vice President, InControl Technologies (via email)
Ms. Lauren M. Grawey, P.G., Senior Project Manager, InControl Technologies (via email)
Ms. Karina Rocha, TCEQ, Waste Section Manager, Houston Regional Office, 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. 497, 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 28th day of August, 2023

Monica I. Harris

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

County: Harris
 Project: 5212 Clinton Dr. (MSD)
 Job No.: 175567
 MBS No.: 17-146

FIELD NOTES FOR 1.40 ACRES

Being a tract containing 1.40 acres of land located in the Harris and Wilson Two League Grant, Abstract No. 32, City of Houston, Harris County, Texas. Said 1.40 acres being those two (2) tracts of land described in Deed of Trust recorded under Harris County Clerk's File (H.C.C.F.) No. B633613. Said 1.40 acres being more particularly described by metes and bounds as follows:

NOTE: BEARINGS ARE REFERENCED TO THE SOUTHWEST RIGHT-OF-WAY (R.O.W.) LINE OF CLINTON DRIVE (WIDTH VARIES) AS DESCRIBED IN THAT CERTAIN DEED RECORDED IN THE NAME OF DH2OING ENTERPRISES, LTD. UNDER H.C.C.F. NO. Y327898.

BEGINNING at the common north corner between said 1.40 acres and said DH2OING Enterprises, Ltd. tract and being on said southwest R.O.W. line of Clinton Drive;

THENCE, with the common line between said 1.40 acres and said DH2OING Enterprises, Ltd. tract, South 00 degrees 02 minutes 30 second East, a distance of 688.68 feet to the southeast corner of said 1.40 acres and northeast corner of a call 24.55 acre tract of land recorded in the name of City of Houston in Volume 348, Page 363 of the Harris County Deed Records (H.C.D.R.);

THENCE, with the common line between said 1.40 acres and said 24.55 acres, West, a distance of 105.65 feet to the southwest corner of said 1.40 acres and southeast corner of a tract of land styled "Tract Two" (in Exhibit "A") recorded in the name of Emanon Facilities, Ltd. under H.C.C.F. No. X137682;

THENCE, with the west line of said 1.40 acres and east line of said "Tract Two" and a tract of land styled "Tract One" (in Exhibit "A") recorded under said H.C.C.F. No. X137682, North 00 degrees 48 minutes 59 seconds East, a distance of 427.34 feet to the lower northwest corner of said 1.40 acres, the lower northeast corner of said "Tract One" and being on the south line of a call 58,980 square feet tract of land (in Exhibit "B") recorded under said H.C.C.F. No. X137682;

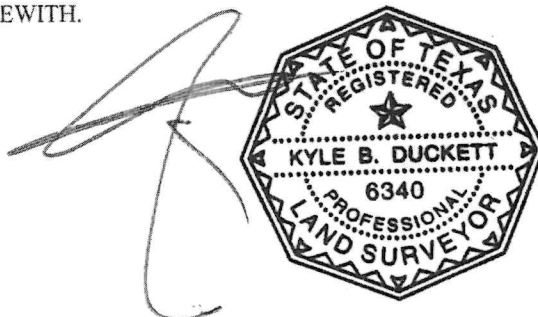
THENCE, with the common lines between said 1.40 acres and said 58,980 square feet, the following two (2) courses:

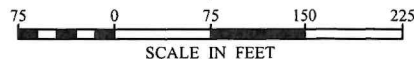
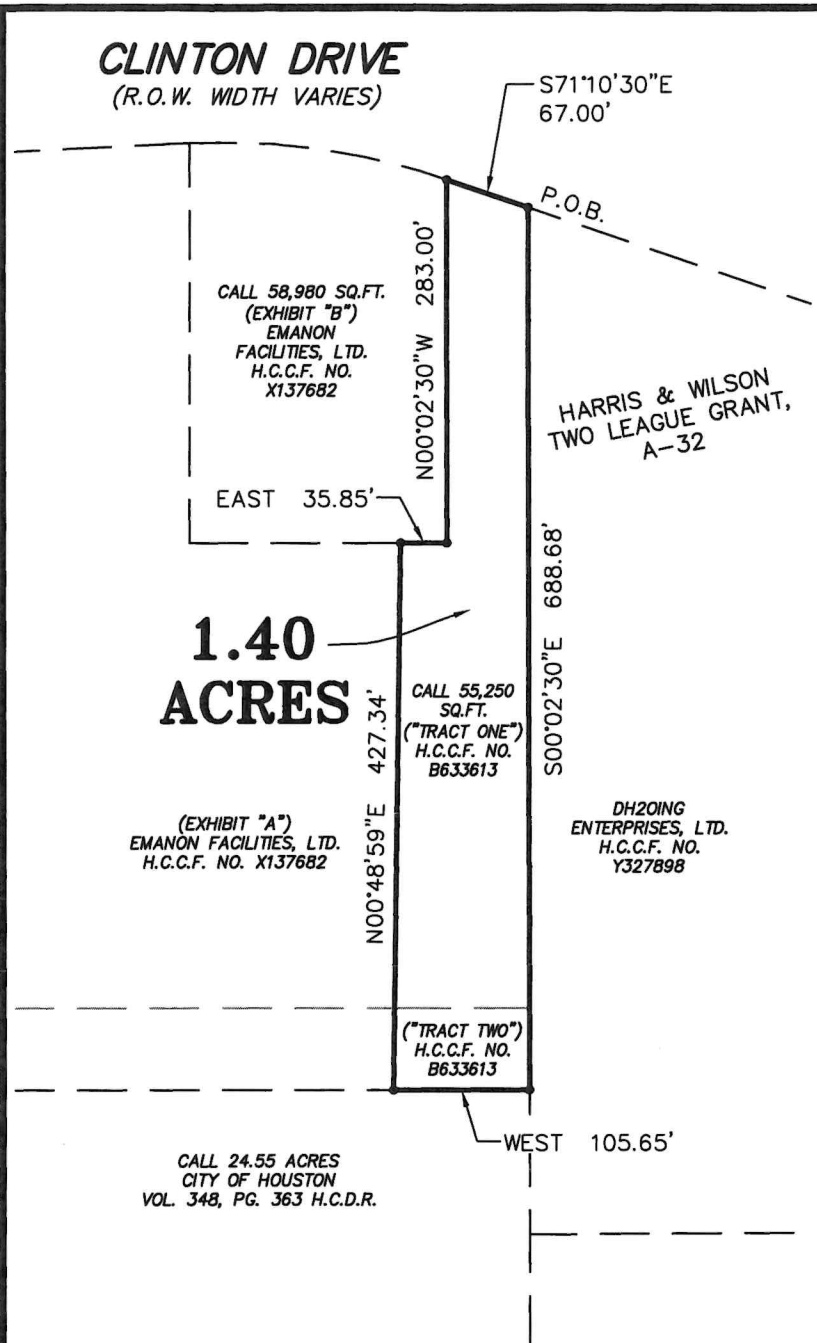
- 1.) East, a distance of 35.85 feet;
- 2.) North 00 degrees 02 minutes 30 seconds West, a distance of 283.00 feet to the upper northwest corner of said 1.40 acres, the northeast corner of said 58,980 square feet and being on the aforesaid southwest R.O.W line of Clinton Drive;

THENCE, with said R.O.W., South 71 degrees 10 minutes 30 seconds East, a distance of 67.00 feet to the **POINT OF BEGINNING** and containing 1.40 acres of land, more or less.

THIS DESCRIPTION WAS PREPARED BASED ON MAPPING THE DEEDS AS DESCRIBED HEREIN; DOES NOT REFLECT THE RESULTS OF AN ON THE GROUND SURVEY; AND IS NOT TO BE USED TO CONVEY OR ESTABLISH INTERESTS IN REAL PROPERTY. SEE MUNICIPAL SETTING DESIGNATION BOUNDARY EXHIBIT PREPARED OF EVEN DATE HERewith.

GBI Partners
 TBPELS Firm # 10130300
 Ph: 281.499.4539
 April 13, 2021





LEGEND

H.C.C.F.	HARRIS COUNTY CLERKS FILE
H.C.D.R.	HARRIS COUNTY DEED RECORDS
PG.	PAGE
P.O.B.	POINT OF BEGINNING
R.O.W.	RIGHT-OF-WAY
VOL.	VOLUME

NOTES:

- 1.) ALL BOUNDARY INFORMATION IS SHOWN BASED ON MAPPING THE DEEDS OF RECORD FOR THE SUBJECT 1.40 ACRE TRACT AND ADJOINING TRACTS, AS DESCRIBED HEREIN; DOES NOT REFLECT THE RESULTS OF AN ON THE GROUND SURVEY; AND IS NOT TO BE USED TO CONVEY OR ESTABLISH INTERESTS IN REAL PROPERTY.
- 2.) EXCEPT AS SHOWN, ALL IMPROVEMENTS, EASEMENTS, BUILDING LINES, RESTRICTIONS AND RIGHTS-OF-WAY HAVE BEEN INTENTIONALLY OMITTED FROM THIS EXHIBIT PER REQUEST OF THE CLIENT.
- 3.) SEE SEPARATE METES AND BOUNDS PREPARED OF EVEN DATE HERewith.

ADDRESS:
5212 CLINTON DRIVE
HOUSTON, TEXAS 77020

**MUNICIPAL SETTING DESIGNATION
BOUNDARY EXHIBIT**

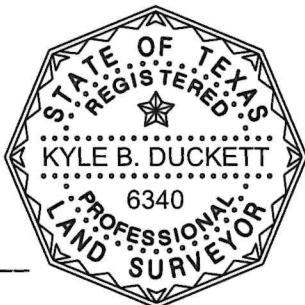
1.40 ACRES

BEING THOSE TWO (2) TRACTS OF LAND
DESCRIBED IN DEED OF TRUST
RECORDED UNDER HARRIS COUNTY
CLERK'S FILE NO. B633613

LOCATED IN THE
HARRIS & WILSON TWO
LEAGUE GRANT, A-32
CITY OF HOUSTON
HARRIS COUNTY, TEXAS

I CERTIFY THAT THIS PLAT REPRESENTS THE BOUNDARY OF A PROPOSED MUNICIPAL SETTING DESIGNATION TRACT OF LAND AS DESCRIBED HEREIN BASED ON RECORD BOUNDARY INFORMATION RECORDED UNDER H.C.C.F. NOS. B633613, X137682 & Y327898.

GBI PARTNERS



KYLE B. DUCKETT
REGISTERED PROFESSIONAL LAND SURVEYOR
TEXAS REGISTRATION NO. 6340



GBI PARTNERS
LAND SURVEYING CONSULTANTS
4724 VISTA ROAD • PASADENA, TX 77505
PHONE: 281-499-4539 • GBIsurvey@GBIsurvey.com
TBPELS FIRM #10130300 • www.GBIsurvey.com

SCALE: 1"= 150'	JOB NO. 215532	DATE: 04/13/2021
CREW CHIEF: N/A	FIELD BOOK: N/A	DWG.: 21-137EX

R:\Data\2021\215532\DWG\21-137EX.dwg

Exhibit B

Municipal Setting Designation

Affidavit of Eligibility

BEFORE ME, the undersigned authority, on this day personally appeared Michael Van Dorfy, Jr., as an authorized representative of Lone Star Heat Treating Corp, 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.

Michael Van Dorfy, Jr.
Signature

Date: 8/17/2023

Michael Van Dorfy, Jr
Printed Name

President
Title

STATE OF Texas
COUNTY OF Harris

SUBSCRIBED AND SWORN before me on this the 17th day of August 2023 to which witness my hand and seal of office.

Michelle Presta
Notary Public in and for the State of Texas

