

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



## TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

*Protecting Texas by Reducing and Preventing Pollution*

February 1, 2024

Mr. Jarrett Keck, P.E., Environmental Engineer  
Explorer Pipeline Company  
P.O. Box 2650  
Tulsa, Oklahoma 74101

Re: Municipal Setting Designation (MSD) Certificate for Explorer Pipeline Company, Mile Post 72.8 Site, located at the end of Larchbrook Dr. N. of the Intersection of Larchbrook and Kemrock, Houston, Harris County, TX; MSD No. 512; TCEQ Facility ID No. T3520; Customer No. CN600424584; Regulated Entity No. RN110787215

Dear Mr. Keck:

The Texas Commission on Environmental Quality (TCEQ) received the above referenced MSD application on July 31, 2023, and additional information supporting this MSD application on October 31, 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) 239-2991 or via email at [jerry.wick@tceq.texas.gov](mailto:jerry.wick@tceq.texas.gov).

Sincerely,

A handwritten signature in blue ink, reading "Gerald F. Wick".

Gerald F. Wick, P.G., Project Manager  
VCP-CA Section  
Remediation Division

Enclosure: MSD Certificate No. 512

cc: Ms. Karina Rocha, 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, Merrie Smith, P.G., Assistant Deputy Director, Remediation Division, TCEQ, certify the Municipal Setting Designation (MSD) for MSD No. 512, 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 1st day of February, 2024

  
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Merrie Smith, P.G., Assistant Deputy Director  
Remediation Division  
Texas Commission on Environmental Quality



**METES AND BOUNDS DESCRIPTION  
0.1818 ACRE IN THE  
J. ERWIN SURVEY, ABSTRACT 257  
HARRIS COUNTY, TEXAS**

A 0.1818-ACRE TRACT OF LAND SITUATED IN THE J. ERWIN SURVEY, ABSTRACT 257, HARRIS COUNTY, TEXAS, BEING OUT OF RESERVE "D" (5.963-ACRE TRACT), OF PINE TRAILS, SECTION 3 A SUBDIVISION RECORDED UNDER FILM CODE NUMBER 248111 OF THE HARRIS COUNTY MAP RECORDS, SAID 0.1818-ACRE TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS, (BEARINGS BASED ON THE RECORDED PLAT OF PINE TRAILS SEC. 3):

**COMMENCING** at the southeast corner of Lot 17, Block 6 of Pine Trails, Section 4, a subdivision recorded under Film Code Number 248118 of the Harris County Map Records, and in the north line of said Reserve "D" of Pine Trails, Section 3;

**THENCE** South 76°05'07" West, 199.15 feet, along the common line of said Pine Trails, Section 4 and said Reserve "D" of Pine Trails, Section 3;

**THENCE** South 03°53'03" East, 83.58 feet, over and across said Reserve "D" of Pine Trails, Section 3, to the northeast corner and **POINT OF BEGINNING** of the herein described tract of land;

- (1) **THENCE** South 03°53'03" East, 62.00 feet, continuing over and across said Reserve "D" of Pine Trails, Section 3, to the southeast corner of the herein described tract of land;
- (2) **THENCE** South 86°06'57" West, 132.00 feet, along the north line of Lot 18 and Lot 12, Block 7 of said Pine Trails, Section 3 and the south line of said Reserve "D" of Pine Trails, Section 3, to the southwest corner of the herein described tract of land;
- (3) **THENCE** North 86°06'57" East, 62.00 feet, over and across said Reserve "D" of Pine Trails, Section 3, to the northwest corner of the herein described tract of land;
- (4) **THENCE** North 03°53'03" West, 132.00 feet, continuing over and across said Reserve "D" of Pine Trails, Section 3, to the **POINT OF BEGINNING** and containing 0.1818-acres (7,920 S.F.) of land. This description accompanies an exhibit, prepared by KM Surveying, LLC and dated this the 13th day of November, 2020.

**KM SURVEYING, LLC**

Kevin Drew McRae, R.P.L.S.  
Texas Registration No. 5485  
3902 Reese Road, Suite C-100  
Rosenberg, Tx 77471



Date: 11/13/2020 JM Job No. 2007-2001 File No: Z:\KM SURVEY\KM PROJECTS\2007-2001 Pine Trails Sec 3 MSD Area\documents\technical\2007-2001 Eh 0.1818-desc.doc

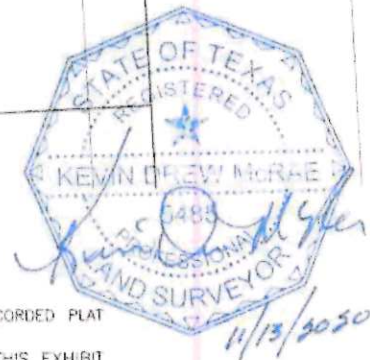


EXHIBIT 0.1818 ACRE OUT OF RESERVE "D", PINE TRAILS, SEC. 3 F.C. NO. 248111 H.C.M.R.  
J. ERWIN SURVEY A-257 HARRIS COUNTY, TEXAS

<p>SCALE: 1" = 60'</p> <p>DATE: November 13, 2020ze</p> <p>JOB NO.: 2007-2001</p>	<p><b>KM Surveying, LLC</b></p> <p>3902 REESE ROAD - SUITE C-100</p> <p>ROSENBERG, TEXAS 77471</p> <p>713-234-6627</p> <p>www.kmsurveying.com</p>	<p>DRAWING NO.:</p> <p>CAD FILE: 2007-2001 exhibit-r1dwg.c</p> <p>SHEET 1 OF 1</p>
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# Exhibit B

## Municipal Setting Designation

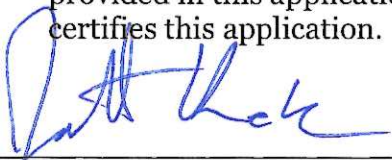
### Affidavit of Eligibility

BEFORE ME, the undersigned authority, on this day personally appeared  
Jarrett Keck, P.E., as an authorized representative of  
Explorer Pipeline Company, 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.

  
 Signature

Date: 7-19-23

JARRETT KECK  
 Printed Name

ENV. ENGINEER  
 Title

STATE OF Oklahoma  
 COUNTY OF Tulsa

SUBSCRIBED AND SWORN before me on this the 19<sup>th</sup> day of  
July 2023, to which witness my hand and seal of office.



Notary Public in and for the State of Oklahoma

