

Jon Niermann, *Chairman*
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Kelly Keel, *Executive Director*



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

January 24, 2024

Mr. Charles Epperson
Epperson Environmental Group, LLC
500 Round Rock Avenue, Suite 3
Round Rock, Texas 78664

Re: Municipal Setting Designation (MSD) Certificate for Epperson Environmental Group, LLC, Marcus Oil and Chemical Site, located at 14549 Minetta Street, Houston, Harris County, TX; MSD No.485; Voluntary Cleanup Program (VCP) No. 2999 and VCP No. 3026; Customer No. CN605379486; Regulated Entity No. RN100869601

Dear Mr. Epperson:

The Texas Commission on Environmental Quality (TCEQ) received the above referenced MSD application on April 11, 2022 and additional information supporting this MSD application on January 9, 2023, June 16, 2023, and December 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 MSD Certification for your site. If you have any questions, please do not hesitate to contact me at (512) 239-3044 or via email at timothy.eckert@tceq.texas.gov.

Sincerely,

A handwritten signature in blue ink, appearing to read "Timothy Eckert".

Timothy Eckert
VCP-CA Section
Remediation Division

Enclosure: MSD Certificate No. 485

cc: Mr. Doug Dallmer, President, EPS - Environmental Purification Solutions Inc. (via email)
Mr. Sean Hunt, H2Bro2, LLC (via email)
Ms. Karina Rocha, Waste Section Manager, TCEQ Houston Region 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, P.G., Deputy Director, Remediation Division, TCEQ, certify the Municipal Setting Designation (MSD) for MSD No. 485, 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 24th day of January, 2024

A handwritten signature in black ink that reads "Monica I. Harris".

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

TRACT 1:

A TRACT OF LAND CONTAINING 6.67774 ACRES OF LAND (290,882.362 SQUARE FEET) BEING LOT ONE (1) AND THE SOUTH ONE-HALF OF LOT TWO (2) OF BLOCK EIGHT (8) OF MAIN STREET GARDENS AS RECORDED IN VOLUME 655, PAGE 65 OF THE HARRIS COUNTY, TEXAS, DEED RECORDS, AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

COMMENCING AT THE INTERSECTION OF THE SOUTH LINE OF MINETTA STREET BASED ON A RIGHT-OF-WAY WIDTH OF 60 FEET AND THE WEST LINE OF CAREMONT STREET BASED ON A RIGHT-OF-WAY WIDTH OF 60 FEET, SAID POINT ALSO BEING THE NORTHEAST CORNER OF LOT 2, BLOCK 8 OF MAIN STREET GARDENS;

THENCE, S 00° 21' 02" W ALONG THE WEST LINE OF CAREMONT STREET A DISTANCE OF 244.25 FEET TO A FOUND 5/8" IRON ROD, SAID IRON ROD BEING THE POINT OF BEGINNING OF THIS SURVEY;

THENCE, CONTINUING S 00° 21' 02" W ALONG THE WEST LINE OF CAREMONT STREET A DISTANCE OF 274.18 FEET TO A 5/8" IRON ROD FOUND FOR CORNER, SAID ROD BEING THE SOUTHEAST CORNER OF SAID LOT 2;

THENCE, S 89° 59' 51" W A DISTANCE OF 734.00 FEET TO A 5/8" IRON ROD FOUND FOR CORNER LOCATED IN THE EAST LINE OF NORMANDY STREET BASED ON A RIGHT-OF-WAY WIDTH OF 60 FEET, SAID ROD ALSO BEING THE SOUTHWEST CORNER OF SAID LOT 1;

THENCE, N 00° 21' 02" E ALONG THE EAST LINE OF NORMANDY STREET A DISTANCE OF 518.43 FEET TO A 5/8" IRON ROD FOUND FOR CORNER LOCATED IN THE SOUTH LINE OF SAID MINETTA STREET, SAID ROD ALSO BEING THE NORTHWEST CORNER OF SAID LOT 1;

THENCE S 89° 59' 51" E ALONG THE SOUTH LINE OF MINETTA STREET A DISTANCE OF 367.00 FEET TO A 5/8" IRON ROD FOUND FOR CORNER, SAID ROD BEING THE NORTHEAST CORNER OF SAID LOT 1;

THENCE, S 00° 21' 02" W ALONG THE COMMON LOT LINE OF LOTS 1 AND 2 A DISTANCE OF 244.25 FEET TO A 5/8" IRON ROD WITH ALUMINUM CAP FOUND FOR CORNER;

THENCE, N 89° 59' 51" E A DISTANCE OF 367.00 FEET TO THE POINT OF BEGINNING OF THIS SURVEY AND CONTAINING 6.67774 ACRES OF LAND.

TRACT 2:

THE NORTH ½ OF LOT TWO (2), IN BLOCK EIGHT (8), OF MAIN STREET GARDENS, AN ADDITION IN HARRIS COUNTY, TEXAS, ACCORDING TO THE MAP OR PLAT THEREOF, RECORDED IN VOLUME 655, PAGE 65, OF THE DEED RECORDS OF CONTAINING 2 ½ ACRES OF LAND.

AND ALSO AS SHOWN ON SURVEY PREPARED BY WELLS LAND SURVEY, LLC, TIM WELLS WHITE, R.P.L.S. #5742, DATED DECEMBER 11, 2017, LAST REVISED DECEMBER 20, 2017, AS JOB NO. 695-17, AND AS DESCRIBED AS FOLLOWS:

A TRACT OR PARCEL CONTAINING 8.7355 ACRES (380,520 SQUARE FEET) OF LAND SITUATED IN THE JAMES B. MURPHY SURVEY, ABSTRACT NO. 581, IN HARRIS COUNTY, TEXAS, BEING THE COMBINATION OF A CALLED 6.67774 ACRE TRACT CONVEYED FROM 1 INDIAN SQUARE TO HRD CORPORATION IN HARRIS COUNTY CLERKS FILE NO. L200785 AND THE REMAINDER OF THE NORTH HALF OF LOT 2, IN BLOCK 8 OF MAIN STREET GARDENS NO. 1 AN ADDITION IN HARRIS COUNTY, TEXAS, RECORDED IN VOLUME 655, PAGE 65 OF THE HARRIS COUNTY DEED RECORDS AND DESCRIBED IN HARRIS COUNTY CLERKS FILE NO. S352118, SAID 8.7355 ACRES BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS. THE BEARINGS SHOWN HEREON ARE BASED ON THE TEXAS STATE PLANE COORDINATE SYSTEM, SOUTH CENTRAL ZONE, NAD 83:

BEGINNING AT 5/8 INCH CAPPED IRON ROD SET IN THE INTERSECTION OF THE SOUTH RIGHT OF WAY LINE OF MINETTA STREET (60 FOOT RIGHT OF WAY) AND THE WEST RIGHT OF WAY LINE OF CANEMONT STREET (60 FOOT RIGHT OF WAY) FOR THE NORTHEAST CORNER OF SAID LOT 2, AND BEING THE NORTHEAST CORNER OF THE HEREIN DESCRIBED TRACT;

THENCE SOUTH 02 DEGREES 11 MINUTES 46 SECONDS EAST, ALONG THE WEST RIGHT OF WAY LINE OF SAID CANEMONT STREET, A DISTANCE OF 518.43 FEET TO A 5/8 INCH CAPPED IRON ROD SET FOR THE NORTHEAST CORNER OF LOT 4 OF SAID MAIN STREET GARDENS NO. 1 AND THE FILA DELFIA DE IGLESIA CALLED 1.000 ACRE TRACT DESCRIBED IN HARRIS COUNTY CLERKS FILE NO. 20130279656, BEING THE SOUTHEAST CORNER OF SAID LOT 2, THE SOUTHEAST CORNER OF SAID 6.7774 ACRES AND THE HEREIN DESCRIBED TRACT;

THENCE SOUTH 87 DEGREES 27 MINUTES 03 SECONDS WEST, ALONG THE NORTH LINE OF SAID LOT 4 AND SAID FILA DELFIA DE IGLESIA CALLED 1.000 ACRE TRACT, PASS AT 367.00 FEET THE COMMON NORTH CORNER OF SAID FILA DELFIA DE IGLESIA CALLED 1.000 ACRE TRACT, AND THE RECYCLE 6 LLC CALLED 3.215 ACRE TRACT DESCRIBED IN HARRIS COUNTY CLERKS FILE NO. 20150272005, SAID LOT 4 AND LOT 3 OF SAID MAIN STREET GARDENS NO. 1, AND THE COMMON SOUTH CORNER OF SAID LOT 2 AND LOT 1 OF SAID MAIN STREET GARDENS NO. 1, IN ALL A TOTAL DISTANCE OF 734.00 FEET TO A 5/8 INCH CAPPED IRON ROD SET IN THE EAST RIGHT OF WAY LINE OF ORMANDY STREET (60 FOOT RIGHT OF WAY) FOR THE NORTHWEST CORNER OF SAID RECYCLE 6 LLC CALLED 3.215 ACRE TRACT AND SAID LOT 3, BEING THE SOUTHWEST CORNER OF SAID 6.7774 ACRES, SAID LOT 1 AND THE HEREIN DESCRIBED TRACT;

THENCE NORTH 02 DEGREES 11 MINUTES 46 SECONDS WEST, ALONG THE EAST RIGHT OF WAY LINE OF SAID ORMANDY STREET, A DISTANCE OF 518.43 FEET TO A ½ INCH IRON ROD FOUND AT THE INTERSECTION OF THE SOUTH RIGHT OF WAY LINE OF SAID

MINETTA STREET AND THE EAST RIGHT OF WAY LINE OF SAID ORMANDY STREET, FOR THE NORTHWEST CORNER OF SAID 6.7774 ACRES, LOT 1 AND THE HEREIN DESCRIBED TRACT;

THENCE NORTH 87 DEGREES 27 MINUTES 03 SECONDS EAST, ALONG THE SOUTH LINE OF SAID MINETTA STREET, PASS AT 367.00 FEET THE COMMON NORTH CORNER OF SAID LOT 1 AND 2, THE NORTHERLY NORTHEAST CORNER OF SAID 6.7774 ACRES, IN ALL A TOTAL DISTANCE OF 734.00 FEET TO THE POINT OF BEGINNING AND CONTAINING 8.7355 ACRES OF LAND, MORE OR LESS.

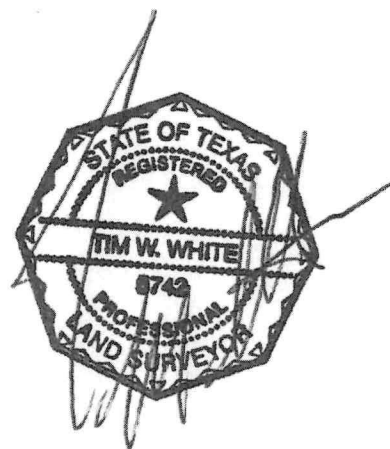


Exhibit B
Municipal Setting Designation
Affidavit of Eligibility

BEFORE ME, the undersigned authority, on this day personally appeared Charles Epperson, as an authorized representative of Epperson Environmental Group, 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

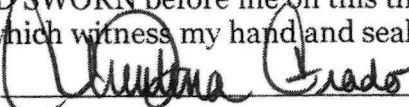
Date: April 5, 2022

Charles Epperson
Printed Name
President
Title

STATE OF Texas

COUNTY OF Williamson

April SUBSCRIBED AND SWORN before me on this the 5th day of April 2022, to which witness my hand and seal of office.


Notary Public in and for the State of Texas

