

Jon Niermann, *Chairman*
Bobby Janecka, *Commissioner*
Catarina R. Gonzales, *Commissioner*
Kelly Keel, *Executive Director*



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

March 15, 2024

Ms. Jacqueline Baker
Rexam Beverage Can Company
9300 West 108th Circle
Westminster, Colorado 80021

Re: Municipal Setting Designation (MSD) Certificate for Rexam Beverage Can Company, Rexam Beverage Can Houston Site, located at 8501 East Freeway, Houston, Harris County, TX; MSD No. 492; Voluntary Cleanup Program (VCP) No. 1882; Customer No. CN601550601; Regulated Entity No. RN101049849

Dear Ms. Baker:

The Texas Commission on Environmental Quality (TCEQ) received the above referenced MSD application on October 18, 2022, and additional information supporting this MSD application on February 13, 2023, June 5, 2023, October 9, 2023, and February 1, 2024. 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) 239-2238 or via email at aaron.correll@tceq.texas.gov.

Sincerely,

A handwritten signature in cursive script that reads "Aaron Correll".

Aaron Correll, P.G., Project Manager
VCP-CA Section
Remediation Division

Enclosure: MSD Certificate No. 492

cc: Mark Roman, Envision Environmental, Inc. (via email)
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, Monica I. Harris, P.G., Deputy Director, Remediation Division, TCEQ, certify the Municipal Setting Designation (MSD) for MSD No. 492, 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 15th day of March, 2024

Monica I. Harris

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

**DESCRIPTION OF
14.000 ACRES OR 609,844 SQ. FT.**

A TRACT OR PARCEL CONTAINING 14.000 ACRES OR 609,844 SQUARE FEET OF LAND SITUATED IN THE JOHN BROWN SURVEY, ABSTRACT NO. 8, HARRIS COUNTY, TEXAS, BEING A PORTION OF LOTS 11 AND 15 OF GLENDALE SUBDIVISION, MAP OR PLAT THEREOF RECORDED IN VOL. 72, PG. 6 OF THE HARRIS COUNTY DEED RECORDS (H.C.D.R.), AND BEING ALL OF THAT CALLED 14.0 ACRE TRACT CONVEYED TO CRYSTALGATE ASSOCIATES IN THAT CERTAIN WARRANTY DEED FILED FOR RECORD IN HARRIS COUNTY CLERK'S FILE (H.C.C.F.) NO. C-562261, WITH SAID 14.000 ACRE TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS, WITH ALL BEARINGS BASED ON THE TEXAS STATE PLANE COORDINATE SYSTEM, SOUTH CENTRAL ZONE (NAD 83):

BEGINNING AT A ½ INCH IRON ROD FOUND ON THE NORTHERLY RIGHT-OF-WAY LINE OF INTERSTATE HIGHWAY 10 (R.O.W. VARIES), MARKING THE NORTHEAST CORNER OF THE INTERSECTION OF THE NORTHERLY RIGHT-OF-WAY LINE OF SAID INTERSTATE HIGHWAY 10 WITH THE EAST RIGHT-OF-WAY LINE OF PORTWALL STREET (CALLED 50' R.O.W.), FOR THE COMMON SOUTHWEST CORNER OF SAID 14.0 ACRE TRACT, AND OF THE HEREIN DESCRIBED TRACT;

THENCE, NORTH 02 DEG. 54 MIN. 12 SEC. WEST, ALONG AND WITH THE EASTERLY RIGHT-OF-WAY LINE OF SAID PORTWALL STREET, A DISTANCE OF 664.74 FEET TO A 1-1/4 INCH IRON PIPE FOUND MARKING THE SOUTHWEST CORNER OF A CALLED 10.6396 ACRE TRACT, CONVEYED TO SYSCO FOOD SERVICES, INC IN THAT CERTAIN WARRANTY DEED FILED FOR RECORD IN H.C.C.F. NO. J-061237, SAME BEING THE COMMON NORTHWEST CORNER OF SAID 14.0 ACRE TRACT AND OF THE HEREIN DESCRIBED TRACT;


THENCE, NORTH 86 DEG. 59 MIN. 48 SEC. EAST, ALONG AND WITH THE COMMON LINE BETWEEN SAID 10.6396 ACRE TRACT AND SAID 14.0 ACRE TRACT, A DISTANCE OF 820.00 FEET TO A POINT ON THE EASTERLY LINE OF LOT 11 OF SAID GLENDALE SUBDIVISION, MARKING THE COMMON NORTHEAST CORNER OF SAID 14.0 ACRE TRACT AND OF THE HEREIN DESCRIBED TRACT;

THENCE, SOUTH 02 DEG. 54 MIN. 12 SEC. EAST, ALONG AND WITH THE EASTERLY LINE OF SAID LOTS 11 AND 15, AND OF SAID 14.0 ACRE TRACT, A DISTANCE OF 780.07 FEET TO A POINT ON THE NORTHERLY RIGHT-OF-WAY LINE OF SAID INTERSTATE HIGHWAY 10, MARKING THE COMMON SOUTHEAST CORNER OF SAID 14.0 ACRE TRACT AND OF THE HEREIN DESCRIBED TRACT;

THENCE, ALONG AND WITH SAID NORTHERLY RIGHT-OF-WAY LINE, NORTH 81 DEG. 11 MIN. 12 SEC. WEST, A DISTANCE OF 50.97 FEET TO A CAPPED 5/8 INCH IRON ROD STAMPED "WINDROSE LAND SERVICES" FOUND MARKING AN ANGLE POINT;

THENCE, CONTINUING ALONG SAID RIGHT-OF-WAY LINE, SOUTH 52 DEG. 33 MIN. 48 SEC. WEST, A DISTANCE OF 72.33 FEET TO A ½ INCH IRON ROD FOUND MARKING AN ANGLE POINT;

THENCE, CONTINUING ALONG SAID RIGHT-OF-WAY LINE, NORTH 81 DEG. 24 MIN. 12 SEC. WEST, A DISTANCE OF 725.06 FEET TO THE PLACE OF BEGINNING AND CONTAINING 14.000 ACRES OR 609,844 SQUARE FEET OF LAND, AS SHOWN ON EXHIBIT, JOB NO. 44951-MSD, PREPARED BY WINDROSE LAND SERVICES INC.


ROBERT KNESS
R.P.L.S. NO. 6486



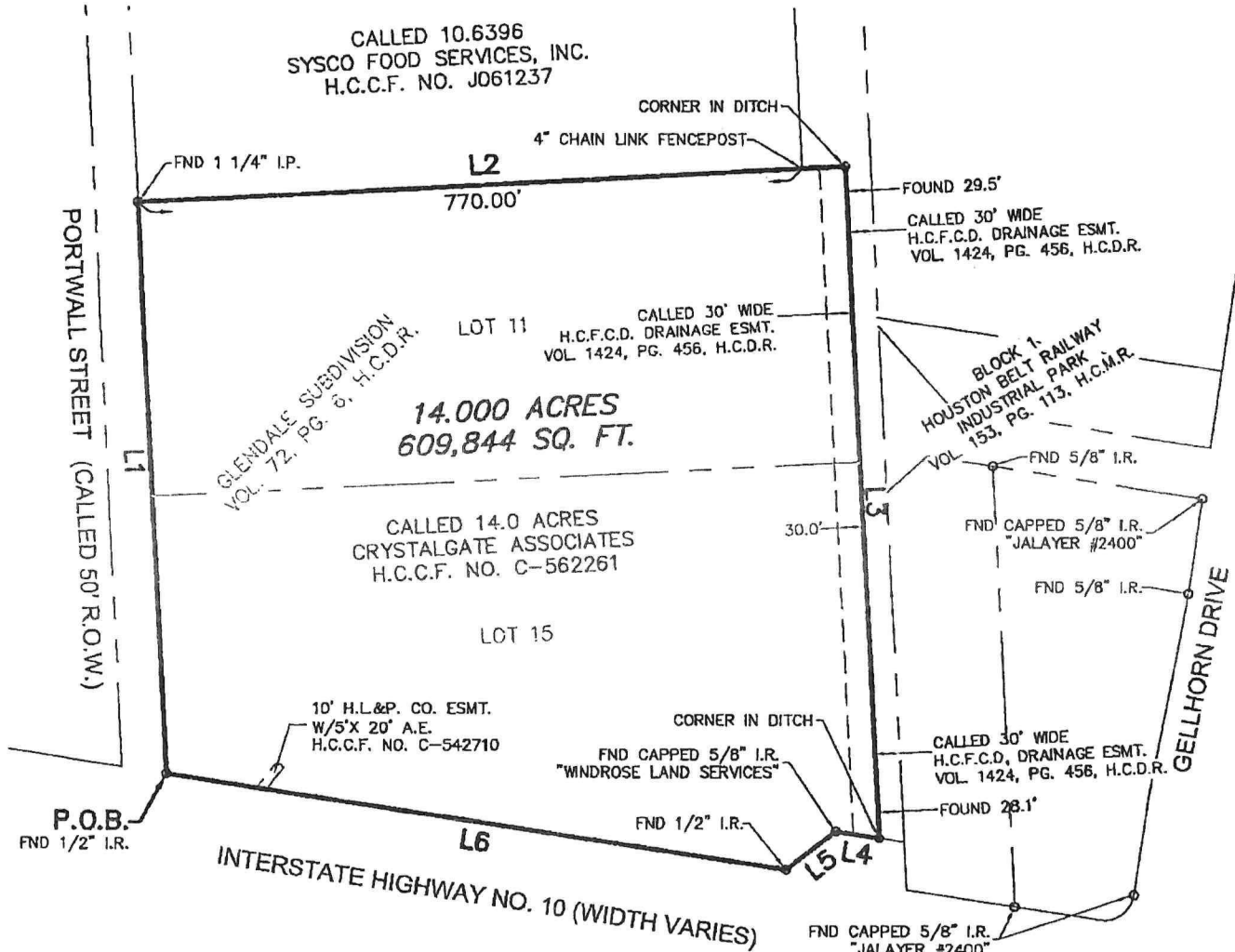
01/06/2015
DATE:

SITUATED IN

JOHN BROWN SURVEY, ABSTRACT NO. 8
HARRIS COUNTY, TEXAS

LINE TABLE

LINE	BEARING	DISTANCE
L1	N 02°54'12" W	664.74'
L2	N 86°59'48" E	820.00'
L3	S 02°54'12" E	780.07'
L4	N 81°11'12" W	50.97'
L5	S 52°33'48" W	72.33'
L6	N 81°24'12" W	725.06'



ROBERT KNESS
R.P.L.S. NO. 6486
STATE OF TEXAS

GENERAL NOTES

1. SURVEYOR DID NOT ABSTRACT SUBJECT PROPERTY, THIS SURVEY WAS PREPARED WITH INFORMATION CONTAINED IN THE LIMITED TITLE REPORT/CITY PLANNING LETTER, ORDER NO. 2014-0394, PREPARED BY CHARTER TITLE COMPANY, ISSUED ON DECEMBER 12, 2014, AND IS SUBJECT TO THE LIMITATIONS OF THAT REPORT
2. BEARINGS WERE BASED ON THE TEXAS STATE PLANE COORDINATE SYSTEM, SOUTH CENTRAL ZONE. (NAD83)
3. THIS PLAT IS ACCOMPANIED BY A SEPARATE METES AND BOUNDS DESCRIPTION.

Exhibit B

Municipal Setting Designation

Affidavit of Eligibility

BEFORE ME, the undersigned authority, on this day personally appeared Jacqueline Baker, as an authorized representative of Rexam Beverage Can 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.

JAB
Signature

Date: 9/27/2022

Jacqueline Baker
Printed Name

Principal Engineer - Environmental Services
Title

STATE OF TX
COUNTY OF Travis

SUBSCRIBED AND SWORN before me on this the 27th day of September 2022, to which witness my hand and seal of office.

[Signature]
Notary Public in and for the State of Texas

