

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

September 3, 2024

Re: Notification of Municipal Setting Designation Certification for the American Engine and Grinding property, located at 100 North Jackson Street, Houston, Harris County, TX; Municipal Setting Designation (MSD) No. 508; Voluntary Cleanup Program (VCP) No. 3126

Dear Sir or Madam:

The Texas Commission on Environmental Quality (TCEQ) has certified a Municipal Setting Designation application submitted by Sorensen Real Estate Company, LLC for the property located at 100 North Jackson Street, Houston, Harris County. The applicant identified you as an owner of a registered private water well that is located not more than five miles from a boundary of the property that for which the Municipal Setting Designation was certified. The TCEQ is required by law to provide you the enclosed copy of the certificate. **This letter is for informational purposes only. No action or response is necessary.**

Please see the enclosed fact sheet for information on Municipal Setting Designations or visit our website.¹

If you have any questions, please do not hesitate to contact our office at msd@tceq.texas.gov or call us at (512) 239-2282.

Sincerely,

VCP-CA Section
Remediation Division
Texas Commission on Environmental Quality

Enclosures

KB

¹ <http://www.tceq.texas.gov/remediation/msd.html>

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TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

el 3 de Septiembre, 2024

Con respecto a: Aviso de Designación de Marco Municipal (MSD, por sus siglas en inglés) para la propiedad ubicada en American Engine and Grinding, 100 North Jackson Street, Houston, Harris County, TX; MSD No. 508; Programa de Limpieza Voluntaria (VCP) No. 3126

Estimado señor o señora:

La Comisión de Calidad Ambiental de Texas (TCEQ, por sus siglas en inglés) ha certificado una solicitud para Designación de Marco Municipal presentado por Sorensen Real Estate Company, LLC para la propiedad ubicada en 100 North Jackson Street, Houston, Harris County. El solicitante le ha identificado como el propietario de un pozo privado de agua registrado que se encuentra no más de cinco millas del límite de la propiedad para la cual fue certificada la Designación de Marco Municipal. La TCEQ está obligada por ley a proporcionarle la copia adjunta del certificado. **Este oficio es solamente para propósitos de información. Ninguna acción ni repuesta es necesaria.**

Favor de consultar la hoja informativa adjunta para obtener información sobre Designación de Marco Municipal, o visite nuestro sitio web.²

Si usted tiene alguna pregunta por favor no tarde en ponerse en contacto con nuestra oficina al msd@tceq.texas.gov, o llámenos al (512) 239-2282.

Atentamente,

Programa de Limpieza Voluntaria/ Acción Correctiva (VCP/CA, por sus siglas en inglés)
División de Remediación
Comisión de Calidad Ambiental de Texas

Anexos

KB

² <http://www.tceq.texas.gov/remediation/msd.html>

Municipal Setting Designations

What is a Municipal Setting Designation?

A Municipal Setting Designation, or MSD, is an official designation given to a property within a municipality or its extraterritorial jurisdiction that certifies that designated groundwater at the property is not used as potable water and is prohibited from future use because the groundwater is contaminated in excess of the applicable potable-water protective concentration level. The prohibition must be in the form of a city ordinance or a restrictive covenant that is enforceable by the city and filed in the property records.

How does a property get designated with a MSD?

In accordance with Texas Health and Safety Code, Chapter 361, Subchapter W, a person may submit to the Texas Commission on Environmental Quality an application to designate a property as an MSD. To be eligible, the applicant must have provided notice to private well owners located within five miles of the boundary of property for which the MSD is proposed, as well as certain municipalities and retail public utilities. The city must also support the prohibition of groundwater use. If the application meets all of the statutory requirements, the TCEQ certifies the MSD by issuing a certificate.

What if I received a notice but do not own a private well?

No action or response is necessary if you received a notice in error. It is possible that the water well records have an inaccurate location listed, or that the public records have not been updated since the water well was plugged or when ownership of the property changed.

Where can I find additional information?

- Visit the TCEQ website at <http://www.tceq.texas.gov/remediation/msd.html>.
- Contact the TCEQ by email at msd@tceq.texas.gov.
- Contact the TCEQ by phone at 512-239-2200.

Designación de Marco Municipal (MSD, por sus siglas en inglés)

¿Qué es una Designación de Marco Municipal?

Una Designación de Marco Municipal, o un MSD, es una designación oficial dada a una propiedad dentro de un municipio o su jurisdicción extraterritorial que certifica que el agua subterránea designada en la propiedad no se utiliza como agua potable y su uso está prohibido en el futuro porque el agua subterránea está contaminada sobre el nivel de concentración de protección de agua potable. La prohibición debe estar en forma de un reglamento de la ciudad, o una cláusula restrictiva que pueda ser aplicada por la ciudad y archivada en los registros de la propiedad.

¿Cómo se designa a una propiedad con un MSD?

De acuerdo con el Código de Salud y Seguridad de Texas, Capítulo 361, Subcapítulo W, una persona puede presentarle a la Comisión de Calidad Ambiental de Texas una solicitud para designar una propiedad como un MSD. Para ser elegible, el solicitante debe haberles proporcionado aviso a los propietarios de pozos privados de agua que están situados dentro de cinco millas del límite de la propiedad de la cual se propone la MSD, además de ciertos municipios y servicios públicos de venta. Si la solicitud cumple con todos los requisitos legales, la TCEQ certifica el MSD al emitir un certificado.

¿Qué pasa si recibo un aviso pero no tengo un pozo privado de agua?

Ninguna acción o respuesta es necesaria si ha recibido un aviso por equivocado. Es posible que los registros de pozos de agua tengan una dirección incorrecta, o que los registros públicos no hayan sido actualizados desde que el pozo de agua fue tapado o cuando la propiedad cambió de propietario.

¿Dónde puedo encontrar información adicional?

- Visite el sitio web de la TCEQ, <http://www.tceq.texas.gov/remediation/msd.html>.
- Póngase en contacto con la TCEQ por correo electrónico al msd@tceq.texas.gov.
- Póngase en contacto con la TCEQ por teléfono al número al 512-239-2200.

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



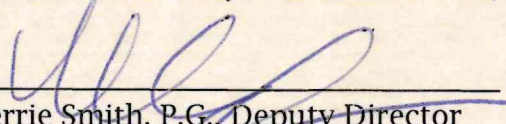
MUNICIPAL SETTING DESIGNATION CERTIFICATE

As provided for in §361.807, Subchapter W, Texas Health and Safety Code (Solid Waste Disposal Act):

I, Merrie Smith, P.G., Deputy Director, Remediation Division, TCEQ, certify the Municipal Setting Designation (MSD) for MSD No. 508, 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 26th day of June, 2024



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

EXHIBIT __, PAGE 1 OF 2 PAGES

County: Harris
Project: Industry Brew
M&B No: 18-064
CS Job No: 18076

METES AND BOUNDS DESCRIPTION OF 0.4740 ACRE

Being a tract of land containing 0.4740 acre (20,647 square feet), located in the John Austin Survey, Abstract 1, in Harris County, Texas; Said 0.4740 acre tract being a portion of Lots 1, 2, 6, 7 and 12 of South Side Buffalo Bayou, an unrecorded subdivision, same being all of a called 0.228 acre tract of land recorded in the name of American Engine and Grinding Company in Harris County Clerk's File Number (H.C.C.F. No.) T606586 and a tract of land recorded in the name of Ceduh, LLC, in H.C.C.F. No. 20100344983; Said 0.4740 acre tract being more particularly described by metes and bounds as follows (all bearings are referenced to Texas Coordinate System of 1983, South Central Zone):

BEGINNING, at a building corner at the easterly intersection of Ruiz Street (width varies) and North Jackson Street (width varies, as widened by a called 0.037 acre tract of land dedicated to the Texas Department of Transportation in H.C.C.F. No. N479779), being the west corner of said 0.228 acre tract and the south corner of said 0.037 acre tract;

THENCE, North 33° 07' 10" East, with the southeast Right-of-Way (R.O.W.) line of said North Jackson Street as widened, same being the southeast line of said 0.037 acre tract, and with the northwest line of said 0.228 acre tract, a distance of 97.24 feet to an "X" cut in concrete set at the north corner of said 0.228 acre tract and the east corner of said 0.037 acre tract, same being the west corner of a called 0.335 acre tract of land recorded in the name of the Texas Department of Transportation in H.C.C.F. No. N375320;

THENCE, South 58° 11' 04" East, with the northeast lines of said 0.228 acre tract and said Ceduh, LLC tract and with the southwest line of said 0.335 acre tract, a distance of 190.59 feet to a 5/8-inch capped iron rod set at the southeast corner of said 0.335 acre tract, same being the north corner of a called 0.033 acre tract of land dedicated to Texas Department of Transportation in H.C.C.F. No. N638183, on the northwest R.O.W. line of McKee Street (width varies);

THENCE, South 14° 02' 21" West, with the east line of said Ceduh, LLC tract and the west line of said 0.033 acre tract, a distance of 106.74 feet to an "X" cut in concrete set at the southerly corner of said Ceduh, LLC tract and the southwest corner of said 0.033 acre tract on the northeast R.O.W. line of said Ruiz Street;

EXHIBIT __, PAGE 2 OF 2 PAGES

THENCE, North 57° 03' 32" West, with the southwest lines of said Ceduh, LLC tract and said 0.228 acre tract and with northeast R.O.W. line of said Ruiz Street, a distance of 225.43 feet to the **POINT OF BEGINNING** and containing 0.4740 acre of land.

A Land Title Survey of the herein described tract was prepared in conjunction with and accompanies this description.



Chris Rhodes, R.P.L.S.
Texas Registration Number 6532



CIVIL-SURV LAND SURVEYING, LC
PH: (713) 839-9181
June 7, 2018

Exhibit B

Municipal Setting Designation

Affidavit of Eligibility

BEFORE ME, the undersigned authority, on this day personally appeared John Sorensen, as an authorized representative of Sorensen Real Estate Company, LLC, 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.

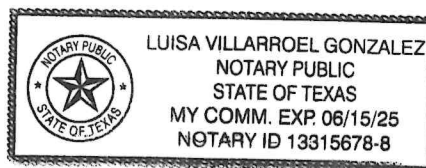
I affirmatively state that (place an X in all applicable blanks)

- ☒ 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]
Signature

Date: 3/31/23

John Sorensen
Printed Name
Vice President
Title



STATE OF Texas
COUNTY OF Harris

March SUBSCRIBED AND SWORN before me on this the 31st day of March 2023, to which witness my hand and seal of office.

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