

Brooke Paup, *Chairwoman*  
Bobby Janecka, *Commissioner*  
Catarina R. Gonzales, *Commissioner*  
Kelly Keel, *Executive Director*



## TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

*Protecting Texas by Reducing and Preventing Pollution*

January 17, 2025

Mr. Jacob Johanson, Director  
Waukesha-Pearce Industries, LLC  
12320 South Main Street  
Houston, Texas 77035

Re: Municipal Setting Designation (MSD) Certificate for Waukesha-Pearce Industries, LLC, Former Waukesha-Pearce Industries Site, located at 825 South Loop 610 West, Houston, Harris County, TX; MSD No. 496; Voluntary Cleanup Program (VCP) No. 960; Customer No. CN600403810; Regulated Entity No. RN111608535

Dear Mr. Johanson:

The Texas Commission on Environmental Quality (TCEQ) received the above referenced MSD application on November 14, 2022 and additional information supporting this MSD application on December 2, 2022, September 18, 2023, March 22, 2024, and August 22, 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) 239-1425 or via email at Reid.Ransom@tceq.texas.gov.

Sincerely,

A handwritten signature in black ink that reads "Reid Ransom".

Reid Ransom, Project Manager  
VCP-CA Section  
Remediation Division

Enclosure: MSD Certificate No. 496

cc: David J. Klebieko, P.G., Division Manager - Geosciences, Raba Kistner (via email)

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, Sharon Barker, P.G., Assistant Deputy Director, Remediation Division, TCEQ, certify the Municipal Setting Designation (MSD) for MSD No. 496, 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.

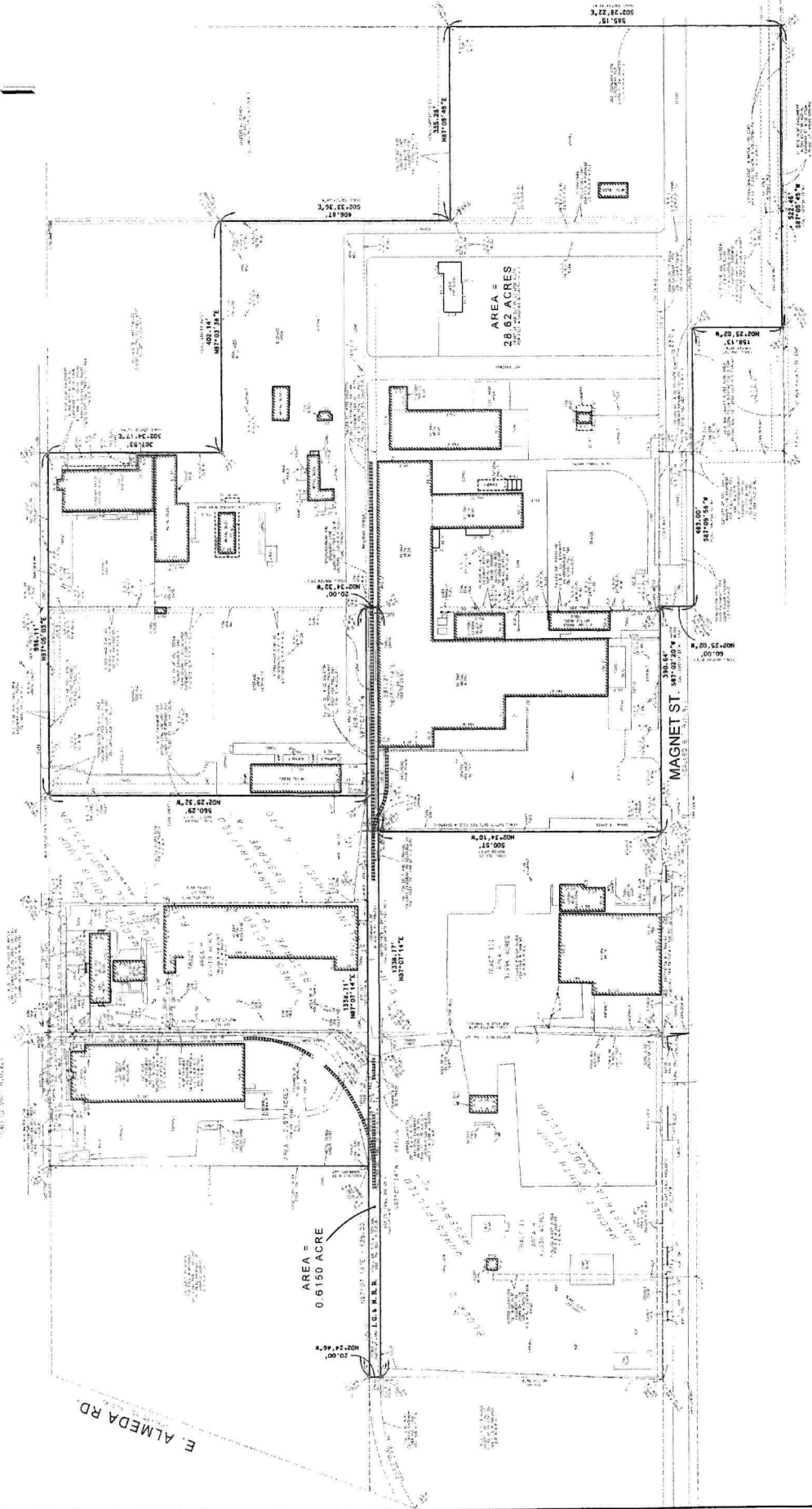
Any person addressing environmental impacts for a property located in the certified municipal setting designation shall complete any necessary investigation and response action requirements in accordance with Texas Health and Safety Code §361.808, in conjunction with the applicable Texas Commission on Environmental Quality environmental remediation regulation, as modified by Texas Health and Safety Code §361.808.

EXECUTED this the 17<sup>th</sup> day of January, 2025

Sharon Barker

Sharon Barker, P.G., Assistant Deputy Director  
Remediation Division  
Texas Commission on Environmental Quality

SOUTH LOOP WEST (I.H. 610)



**SURVEY**  
 28.62 ACRE TRACT AND 0.615  
 ACRE TRACT IN THE  
 B. H. FREELING SURVEY, A - 270  
 HOUSTON, HARRIS COUNTY, TEXAS



LAND DATA SURVEYS, INC.  
 Registered Professional Land Surveyor  
 State of Texas  
 Land Planning, Surveying and Mapping Services  
 11000 Katy Freeway, Suite 100, Houston, Texas 77058  
 Phone: (713) 465-1100  
 Fax: (713) 465-1101  
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## LAND DATA SURVEYS, INC.

DON DENSON

Registered Professional Land Surveyor



EXHIBIT "A"

File No. 92-052A

August 23, 2005

METES AND BOUNDS DESCRIPTION  
28.62 ACRES

A tract of land containing 28.62 acres being part of and out of a 29.0238 Acre Tract as described in Clerk's File U988769 of the Official Public Records of Real Property of Harris County, and also being all of that called 0.369 Acre Tract being described as part of and out of a called 8.000 Acre Tract as described in Volume 4943, Page 152 of the Harris County Deed Records (HCDR), same being a portion of a called 60 foot wide Private Roadway Easement as described in Volume 3116, Page 567, HCDR, in the B.H. Freeling Survey, Abstract No. 270, in Houston, Harris County, Texas; said 28.62 acres being more particularly described by metes and bounds as follows:

BEGINNING at a 5/8-inch iron rod found marking the most northerly Northeast corner of the said 29.0238 Acre Tract, on the southerly line of South Loop West (IH 610);

THENCE, S 02 deg. 34' 17" E, along the easterly line of said 29.0238 Acre Tract, for a distance of 307.53 feet to a 5/8-inch iron rod found marking a re-entrant corner of said 29.0238 Acre Tract;

THENCE, N 87 deg. 03' 38" E, along a northerly line of said 29.0238 Acre Tract, for a distance of 402.14 feet to a Northeasterly corner of the herein described tract, from which a found 5/8-inch iron rod bears witness at S 20 deg. 23' 35" E, a distance of 0.30 feet;

THENCE, S 02 deg. 33' 36" E, along an easterly line of said 29.0238 Acre Tract, for a distance of 406.87 feet to a fence corner post found marking a re-entrant corner of the herein described tract;

THENCE, N 87 deg. 05' 45" E, along a northerly line of said 29.0238 Acre Tract, for a distance of 335.28 feet to an "X" found in concrete for corner;

THENCE, S 02 deg. 28' 22" E, along an easterly line of said 29.0238 Acre Tract, for a distance of 585.15 feet to a 5/8-inch iron rod set for the Southeast corner of the herein described tract;

Page 1 of 3

18201 Gulf Freeway • Suite 125 • Webster, Texas 77598

Office: (713) 643-8585 • Fax: (281) 286-8462

Email

"Continuous Survey Files for Houston - Galveston - Since 1954"



(2)

THENCE, S 87 deg. 05' 45" W, along the southerly line of said 29.0238 Acre Tract, for a distance of 522.46 feet to a 5/8-inch iron rod set for corner, on the easterly line of a 0.793 Acre Tract being that called "Save and Except" tract as described in Clerk's File R014142 (OPRRPHC);

THENCE, N 02 deg. 25' 02" W, along the easterly line of said called 0.793 Acre Tract, for a distance of 158.13 feet to a Railroad Spike set for the Northeast corner of said called 0.793 Acre Tract, on the southerly line of the aforesaid called 60 foot wide Private Roadway Easement;

THENCE, S 87 deg. 09' 58" W, in part along the northerly line of said called 0.793 Acre Tract, same being the southerly line of said called 60 foot wide Private Roadway Easement, for a distance of 483.00 feet to the Southwesterly corner of the aforementioned called 0.369 Acre Tract, on the easterly termination line of Magnet Street (60 feet wide), from which a found Railroad Spike bears witness at N 87 deg. 09' 58" E, a distance of 0.20 feet;

THENCE, N 02 deg. 25' 02" W, along the westerly line of said called 0.369 Acre Tract, same being the easterly termination line of Magnet Street, for a distance of 60.00 feet to a Railroad Spike set for corner, same being a re-entrant corner of the aforesaid 29.0238 Acre Tract;

THENCE, S 87 deg. 02' 20" W, along the southerly line of said 29.0238 Acre Tract, same being the northerly line of Magnet Street (60 feet wide), for a distance of 390.64 feet to the most southerly Southwest corner of said 29.0238 Acre Tract, from which a found 5/8-inch iron rod bears witness at S 02 deg. 34' 10" E, a distance of 0.29 feet;

THENCE, N 02 deg. 34' 10" W, along a easterly line of 3.996 Acre Tract, for a distance of 500.57 feet to a 5/8-inch iron rod found for corner, on the southerly line of a called 20 foot wide strip of land being a Houston Belt & Terminal Railway Company (HB&T RR Co.) tract as described in Volume 1660, Page 359, HCDR;

THENCE, N 87 deg. 07' 14" E, along the southerly line of said HB&T RR Co. 20 foot strip, for a distance of 391.21 feet to a Railroad Spike set for corner;

THENCE, N 02 deg. 34' 32" W, along the easterly termination line of said HB&T RR Co. strip of land, for a distance of 20.00 feet to an "X" set for corner, in metal plate;

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(3)

THENCE, S 87 deg. 07' 14" W, along the northerly line of said HB&T RR Co. 20 foot strip, for a distance of 329.58 feet to a 5/8-inch iron rod set for corner; same being the Southeast corner of Unrestricted Reserve "A", Block One (1) of MAGNET-SOUTH LOOP INDUSTRIAL SUBDIVISION, a subdivision of land according to the map or plat thereof recorded in Clerk's File 360033, HCMR;

THENCE, N 02 deg. 25' 32" W, along the easterly line of said Unrestricted Reserve "A", for a distance of 560.29 feet to a Hole Mark found in concrete for corner, on the southerly line of South Loop West (IH 610);

THENCE, N 87 deg. 05' 03" E, along the southerly line of South Loop West (IH 610), for a distance of 596.11 feet to the PLACE OF BEGINNING, of a tract containing 28.62 acres of land, more or less.



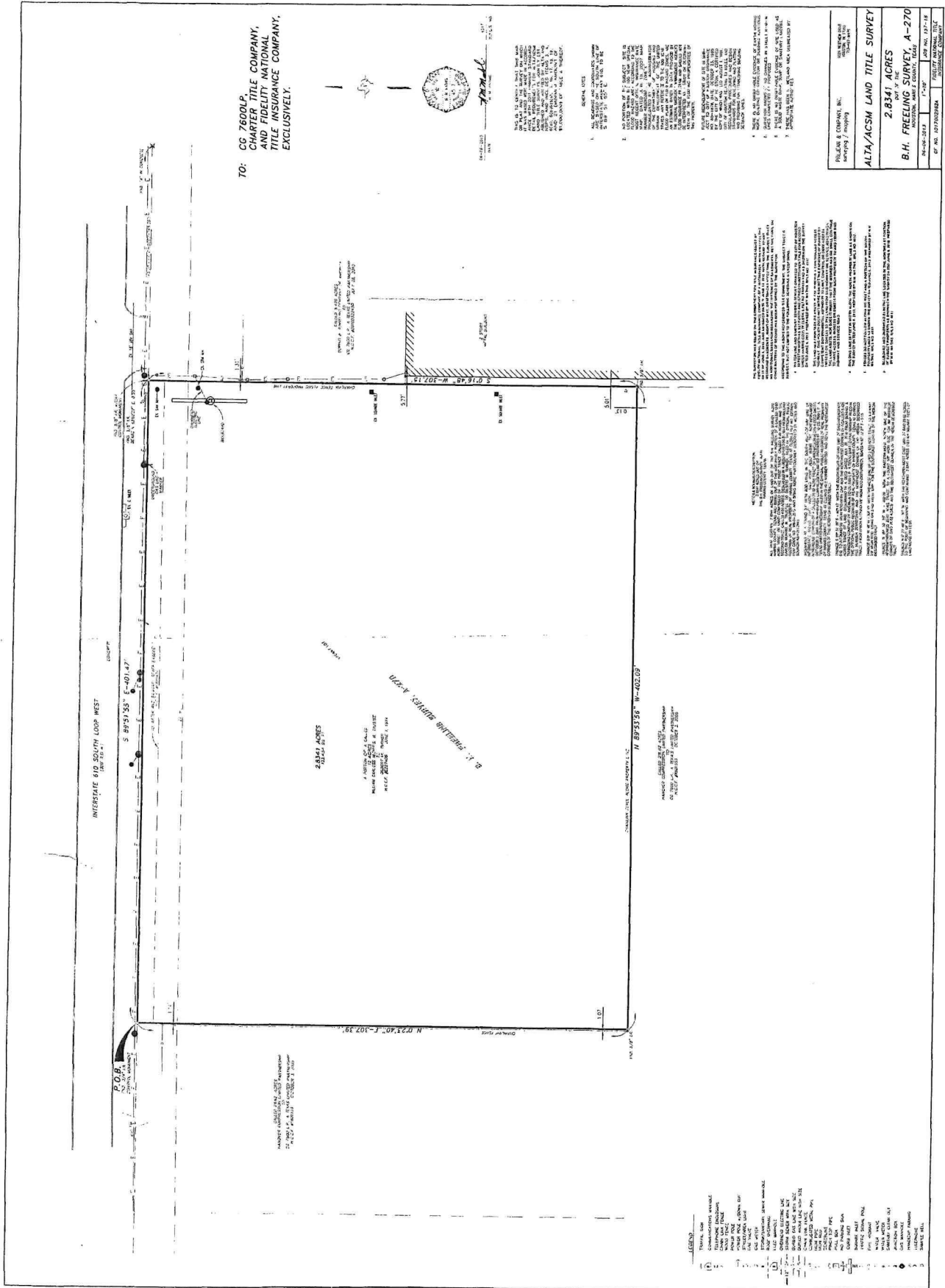
A handwritten signature in black ink, appearing to read "Don Denson".

Date: 9-23-05

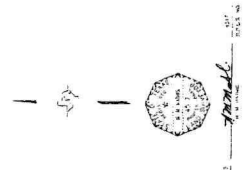
Don Denson, RPLS # 2068;  
STATE OF TEXAS

(NOTE: Basis of Bearings~ courses cited in File U988769/OPRRPHC were rotated to match bearings cited in File 360033/HCMR- see attendant plat of survey this file)

Page 3 of 3



TO: CG 7600LS  
CANTY TITLE COMPANY,  
AND FIDELITY NATIONAL  
TITLE INSURANCE COMPANY,  
EXCLUSIVELY.



**LEGEND**

- (A) ENCROACHMENT
- (B) EASEMENT
- (C) ENCROACHMENT
- (D) ENCROACHMENT
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- (W) ENCROACHMENT
- (X) ENCROACHMENT
- (Y) ENCROACHMENT
- (Z) ENCROACHMENT

**ALTA/ACSM LAND TITLE SURVEY**  
2.8341 ACRES  
B.H. FREELING SURVEY, A-2770  
COUNTY OF HARRIS, TEXAS

THE SURVEYOR HAS REVIEWED THE RECORDS OF THE PUBLIC RECORDS OF THE COUNTY OF HARRIS, TEXAS, AND HAS FOUND THAT THE SURVEY IS CORRECT AND ACCURATE. THE SURVEYOR HAS ALSO REVIEWED THE RECORDS OF THE PUBLIC RECORDS OF THE COUNTY OF HARRIS, TEXAS, AND HAS FOUND THAT THE SURVEY IS CORRECT AND ACCURATE. THE SURVEYOR HAS ALSO REVIEWED THE RECORDS OF THE PUBLIC RECORDS OF THE COUNTY OF HARRIS, TEXAS, AND HAS FOUND THAT THE SURVEY IS CORRECT AND ACCURATE.

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Exhibit A - Property Description

ALL THAT CERTAIN 2.8341 ACRES OF LAND OUT OF THE B.H. FREELING SURVEY, A-270, HARRIS COUNTY, TEXAS AND BEING OUT OF THE NORTHERLY PORTION OF A CALLED 12.00 ACRE TRACT OF LAND COMPOSED OF THE FIRST TRACT, CALLED 8.00 ACRES, AND THE SECOND TRACT, CALLED 4.00 ACRES, DESCRIBED IN A DEED DATED 06-01-1974 FROM WILLIAM CARLOS MORRIS, II, TRUSTEE, TO GILBERT M. TURNER, FILED IN THE OFFICIAL PUBLIC RECORDS OF REAL PROPERTY OF HARRIS COUNTY, TEXAS AT CLERK'S FILE NO. E227406, FILM CODE NO. 108-04-2575 AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING AT A FOUND 3/4" IRON ROD LYING IN THE SOUTH RIGHT-OF-WAY LINE OF INTERSTATE 610, (300 FEET WIDE), SAID POINT ALSO BEING THE NORTHERN-MOST NORTHEAST CORNER OF A CALLED 28.62 ACRE TRACT OF LAND DESCRIBED IN A DEED DATED OCTOBER 3, 2005, FROM HANOVER COMPRESSION LIMITED PARTNERSHIP, TO CG 7600 L.P., A TEXAS LIMITED PARTNERSHIP, FILED IN THE OFFICIAL PUBLIC RECORDS OF REAL PROPERTY OF HARRIS COUNTY, TEXAS AT CLERKS FILE NUMBER Y801553, AND BEING THE NORTHWEST CORNER OF THE HEREIN DESCRIBED TRACT;

THENCE S 89° 51' 55" E - 401.47', WITH THE SOUTH RIGHT-OF-WAY LINE OF SAID INTERSTATE 610, TO A FOUND 5/8" IRON ROD WITH CAP, FOR THE NORTHWEST CORNER OF A CALLED 5.426 ACRES TRACT OF LAND, DESCRIBED IN A DEED DATED JULY 28, 2010 FROM BORING & TUNNELING COMPANY OF AMERICA TO CG 7600 L.P., A TEXAS LIMITED PARTNERSHIP, FILED IN THE OFFICIAL PUBLIC RECORDS OF REAL PROPERTY OF HARRIS COUNTY, TEXAS AT CLERK'S FILE NUMBER 20100322450, AND THE NORTHEAST CORNER OF THE HEREIN DESCRIBED TRACT, FROM WHICH A FOUND 5/8" IRON ROD (DISTURBED), BEARS N 83° 02'27" E - 0.55';

THENCE S 0° 16' 48" W - 307.15', WITH THE WEST LINE OF SAID 5.426 ACRE TRACT, TO A FOUND 5/8" IRON ROD, LYING ON SAID WEST LINE, FOR THE SOUTHEAST CORNER OF THE HEREIN DESCRIBED TRACT;

THENCE N 89° 53' 56" W - 402.09 WITH THE EASTERN-MOST NORTH LINE OF THE AFOREMENTIONED 28.62 ACRE TRACT, TO A FOUND 5/8" IRON ROD, FOR AN INTERIOR CORNER OF SAID 28.62 ACRES, AND THE SOUTHWEST CORNER OF THE HEREIN DESCRIBED TRACT;

THENCE N 0° 23' 40" E - 307.39', WITH THE NORTHERN-MOST EAST LINE OF SAID 28.62 ACRES TO THE POINT OF BEGINNING AND CONTAINING 2.8341 ACRES (123,454 SQUARE FEET) OF LAND MORE OR LESS.



# Exhibit B

## Municipal Setting Designation

### Affidavit of Eligibility

BEFORE ME, the undersigned authority, on this day personally appeared Jacob Johanson, as an authorized representative of Waukesha-Pearce Industries, 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.

Jacob Johanson  
Signature

25<sup>th</sup> 2022  
Date: October 26, 2022

Jacob Johanson  
Printed Name  
Director, HS&E and Risk Management  
Title

STATE OF Texas  
COUNTY OF Harris

SUBSCRIBED AND SWORN before me on this the 25<sup>th</sup> day of October 2022, to which witness my hand and seal of office.

Christina Stow  
Notary Public in and for the State of Texas

