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Kathleen Hartnett White. *Chairman*  
Larry R. Soward. *Commissioner*  
Martin A. Hubert. *Commissioner*  
Glenn Shankle, *Executive Director*



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY  
*Protecting Texas by Reducing and Preventing Pollution*

December 18, 2006

Mr. Bill Carlon  
Gerdau Ameristeel  
220 A Avenue A  
Beaumont, TX 77701

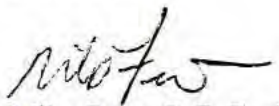
Re: Certification of Municipal Setting Designation (MSD) Application for Gerdau Ameristeel, Beaumont Wire Division, 220 Avenue A, Beaumont, TX; (MSDAPP017 MSD019)

Dear Mr. Carlon:

Enclosed is the MSD Certification for your site. You can use this certification as the basis to avail of the groundwater assessment and remediation flexibility offered in accordance with Texas Health and Safety Code §361.808, consistent with the site-specific circumstances.

If I can be of any further assistance, please contact me at 512/239-5872 or via e-mail (mfrew@tceq.state.tx.us).

Sincerely,

  
Mike Frew, P.G. Project Manager  
Environmental Cleanup Section II  
Remediation Division

Enclosures

cc: Mr. Michael L. Ross, P.G. Environmental Resources Management, Houston, TX

# Texas Commission on Environmental Quality



## Municipal Setting Designation Certificate 019

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

I, Glenn Shankle, Executive Director of the Texas Commission on Environmental Quality certify the Municipal Setting Designation for the Gerdau Ameristeel Beaumont Wire Operations, 220 Avenue A, Beaumont, Texas, 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 institutional control required by Texas Health and Safety Code §361.8065 is maintained 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 11<sup>th</sup> day of December, 2006.

Handwritten signature of Glenn Shankle in black ink.

Glenn Shankle  
Executive Director  
Texas Commission on Environmental Quality

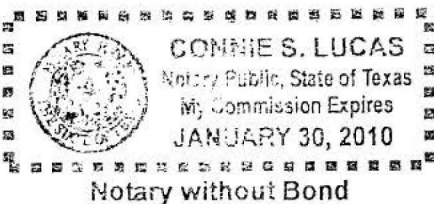
STATE OF TEXAS  
TRAVIS COUNTY

BEFORE ME, on this the 11<sup>th</sup> day of December, 2006 personally appeared Glenn Shankle, Executive Director of the Texas Commission on Environmental Quality, known to me to be the person whose name is subscribed to the foregoing instrument, and they acknowledged to me that they executed the same for the purposes and in the capacity therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this the 11<sup>th</sup> day of December, 2006.

Handwritten signature of Connie S. Lucas in black ink.

Notary Public in and for the State of Texas



**FIELD NOTE DESCRIPTION**

'A'

That certain 12.05 acre tract out of the Noah Todd Survey, Abstract 52, Jefferson County, Texas, being that same 12.043 acre tract conveyed to Cargill Incorporated as recorded in Farm Code No. 103-55-0735 of the Real Property Records of Jefferson County, Texas, said 12.05 acres being more particularly described by metes and bounds as follows:

Basis of Bearing is along the northwest right-of-way line of Crockett Street and the southeast line of the said 12.043 acre tract having been called South 50°42'00" West 708.05 feet

BEGINNING at a 5/8" iron rod found at the intersection of the said northwest right-of-way line of Crockett Street and the southwest right-of-way line of Orange Street for the most easterly corner of the said 12.05 acre tract;

THENCE South 50°42'00" West along the said northwest right-of-way line of Crockett Street and the southeast line of the said 12.05 acre tract, a distance of 708.01 feet (called South 50°42'00" West 708.05 feet) to a 1" iron pipe found in the northeast right-of-way of the Missouri Pacific Railroad Company as recorded in Volume 71, Page 547 and Volume 346, Page 479 of the Deed Records of Jefferson County, Texas for the southeast corner of the said 12.05 acre tract;

THENCE North 88°08'05" West along the said northeast right-of-way line of the railroad and a southwest line of the said 12.05 acre tract, a distance of 15.48 feet (called North 87°38'00" West 15.4 feet) to a 1 1/4" iron pipe found for an angle point of the said 12.05 acre tract;

THENCE North 38°18'08" West continuing along the said northeast right-of-way line of the railroad and a southwest line of the said 12.05 acre tract, a distance of 3.13 feet (called North 37°48'00" West 3.13 feet) to a PK nail set for the Point of Curvature;

THENCE continuing along the said northeast right-of-way line of the railroad and a southwest line of the said 12.05 acre tract with a curve to the left having a chord bearing of North 85°56'21" West, a chord distance of 194.59 feet and a radius of 2258.72 feet, a distance along the curve of 194.60 feet to a 1/2" iron pipe found for an angle point of the said 12.05 acre tract;

THENCE North 86°15'14" West continuing along the said northeast right-of-way line of the said railroad and a southwest line of the said 12.05 acre tract a distance of 192.56 feet (called North 86°17'00" West 192.52 feet) to a 1" iron pipe found in the northeast right-of-way line of Avenue C for the southwest corner of the said 12.05 acre tract;

THENCE North 06°10'48" West along the said northeast right-of-way line of Avenue C and the southwest line of the said 12.05 acre tract a distance of 480.17 feet (called North 06°11'00" West) to a 1/2" iron rod found in the southeast right-of-way line of Cedar Street for the most westerly corner of the said 12.05 acre tract;

THENCE North 50°42'39" East along the said southeast right-of-way line of Cedar Street and the northwest line of the said 12.05 acre tract a distance of 602.85 feet (called North 50°42'00" East 602.91 feet) to a 1" iron pipe found for the north corner of the said 12.05 acre tract from which a 1/2" iron rod found in the said southwest right-of-way line of Orange Street bears North 51°02'50" East 148.90 feet;

THENCE South 39°17'08" East along an interior line of the said 12.05 acre tract a distance of 330.44 feet (called South 39°18'00" East 330.55 feet) to a 1" iron pipe found for an interior corner of the said 12.05 acre tract;

THENCE North 50°52'10" East along an interior line of the said 12.05 acre tract a distance of 150.28 feet (called North 50°42'00" East 150.00 feet) to a 1/2" iron rod found in the said southwest right-of-way line of Orange Street for an exterior corner of the said 12.05 acre tract;

THENCE South 39°14'06" East along the said southwest right-of-way line of Orange Street and the northeast line of the said 12.05 acre tract, a distance of 330.27 feet (called South 39°18'00" East 330.55 feet) to the POINT OF BEGINNING and containing 12.05 acres of land, more or less.

REVISION	DATE
EASEMENTS	3-22-04

CLIENT: CARCLL INCORPORATED

C.F. NO. 902/392

**SURVEYOR'S CERTIFICATE:**

This is to certify to Beaumont Title Insurance Company and Cargill Incorporated that this map or plat and the survey on which it is based were made in accordance with "Minimum Standard Detail Requirements for ALTA/ACSM Land Title Surveys," jointly established and adopted by ALTA, ACSM and NSPS in 1999, and includes Items 1-4, 6, 11, and 13, 17 of Table A thereof. Pursuant to the Accuracy Standards as adopted by ALTA, NSPS and ACSM and in effect on the date of this certification, undersigned further certifies that all buildings and structures lie wholly within all applicable building lines, if any, and do not violate any restriction or other recorded agreement set forth in Commitment for Title Insurance, Order No. 9628392 for the subject premises dated September 2, 2002, issued by Beaumont Title Company; that pursuant to FEMA map Community No. 485457 0020 C and Community map date 8-6-03, the subject premises are located in Flood Zone X and the Positional Uncertainties resulting from the survey measurements made on the survey do not exceed the allowable Positional Tolerance.



*Walter J. Ksiazek*





RECEIVED  
TECHNICAL SUPPORT  
MAR 06 2006  
REMEDIAL ACTION  
Municipal Setting Designation Application Form  
TCEQ

'B'

TCEQ Office Use Only:	Date Add. Info Req: 3/10/2006
Application No: MSD AP 017	Date Add. Info Rec'd: 3/11/2006
Date Received: 3/10/2006	Date Certified: / /
	Date Denied: / /

+ 10/27/06

Reset form

**Municipal Setting Designation Eligibility Criteria:**

Is the proposed municipal setting designation (MSD) within the corporate limits of a municipality authorized by statute that has a population of at least 20,000? (See most recent place population estimate reported at <a href="http://txsdc.utsa.edu/tpepp/txpopest.php">http://txsdc.utsa.edu/tpepp/txpopest.php</a> )	<input type="radio"/> Yes	<input type="radio"/> No <sup>1</sup>
Is the proposed municipal setting designation (MSD) within the extraterritorial jurisdiction of a municipality authorized by statute that has a population of at least 20,000? (See most recent place population estimate reported at <a href="http://txsdc.utsa.edu/tpepp/txpopest.php">http://txsdc.utsa.edu/tpepp/txpopest.php</a> )	<input type="radio"/> Yes	<input type="radio"/> No <sup>1</sup>
Municipality name: City of Beaumont	Population: 113,473	
Is there a public drinking water supply system that satisfies the requirements of THSC Chapter 341 and supplies or is capable of supplying drinking water to: a) the proposed MSD property, and b) each property within 0.5 miles beyond the boundary of the proposed MSD?	<input type="radio"/> Yes	<input type="radio"/> No <sup>1</sup>
<sup>1</sup> If No, the eligibility criteria are not met. Do not submit an application.		

**Applicant and Fee Payment Information:**

Contact Person: <input type="radio"/> Mr <input type="radio"/> Ms, Bill Carlon		
Title: Plant Manager		
Company: Gerdau Ameristeel, Beaumont Wire Division		
Mailing Address: 220 Avenue A		
City: Beaumont	State: Texas	Zip: 77701
Telephone: 409 /833-3712	Telefax: 409 /835-7729	
E-mail Address: [REDACTED]		
Is the required \$1,000 application being submitted to TCEQ in advance or at the same time the MSD application is being submitted to TCEQ?	<input type="radio"/> Yes	<input type="radio"/> No <sup>2</sup>
<sup>2</sup> Do not submit application.		

**Notice Information:**

On or before the date of submission of the application to TCEQ, was notice provided to:		
a) each municipality:		
1) where the proposed MSD is located?	<input type="radio"/> Yes	<input type="radio"/> No <sup>3</sup>
2) with a border within 0.5 miles beyond the proposed MSD boundaries?	<input type="radio"/> Yes	<input type="radio"/> No <sup>3</sup> <input type="radio"/> NA <sup>4</sup>
3) that owns or operates a groundwater supply well located within five miles beyond the proposed MSD boundaries?	<input type="radio"/> Yes	<input type="radio"/> No <sup>3</sup> <input type="radio"/> NA <sup>4</sup>
b) each current owner of a private well registered with the commission and located within five miles beyond the proposed MSD boundaries?	<input type="radio"/> Yes	<input type="radio"/> No <sup>3</sup> <input type="radio"/> NA <sup>4</sup>
c) each retail public utility, as defined by Texas Water Code, §13.002, that owns or operates a groundwater supply well located within five miles beyond the proposed MSD boundaries?	<input type="radio"/> Yes	<input type="radio"/> No <sup>3</sup> <input type="radio"/> NA <sup>4</sup>
<sup>2</sup> Do not submit application.		
<sup>4</sup> NA only when no such municipality, private well owner, or retail public utility exists		

**MSD Information:**

List all existing TCEQ and US Environmental Protection Agency registration, permit, identification numbers (e.g., SWR No., VCP No., LPST ID No., UIC Registration No., PWS ID. No.), if any, that apply to the groundwater contamination situation within the proposed MSD boundary. State "none" if none applicable. VCP-1733		
Is the proposed designated groundwater contaminated in excess of an applicable potable water <sup>5</sup> use standard (i.e., 30 TAC 350, <sup>GW</sup> GW <sub>ing</sub> )?	<input type="radio"/> Yes	<input type="radio"/> No <sup>6</sup>
Was the groundwater contamination previously reported to the TCEQ? (To support implementation of HB 3030, 78 <sup>th</sup> Legislature.)	<input checked="" type="radio"/> Yes, when? 12 / 11 / 03	<input type="radio"/> No
Is there a potable-use well within the boundary of the proposed MSD that uses the designated groundwater as source water?	<input type="radio"/> Yes <sup>6</sup>	<input type="radio"/> No
Is there a potable-use well within the boundary of the proposed MSD that uses a deeper groundwater zone for the source water that is not properly sealed off from the designated groundwater?	<input type="radio"/> Yes <sup>6</sup>	<input type="radio"/> No
Is the applicant aware of any non-consumptive use of the groundwater or other human health or ecological exposure pathways that are of concern? If yes, specify:	<input type="radio"/> Yes	<input type="radio"/> No
Has each municipality and retail public utility identified in §361.8065 provided firm commitment to adopt an ordinance or resolution in support of the application?	<input type="radio"/> Yes	<input type="radio"/> No <sup>6</sup>
Is a copy of the ordinance or restrictive covenant that restricts consumptive use and appropriately restricts other uses of and contact with the designated groundwater, and any required resolutions provided with this application?	<input type="radio"/> Yes	<input type="radio"/> No
<sup>5</sup> "Potable water" means water that is used for irrigating crops intended for human consumption, drinking, showering, bathing, or cooking purposes [THSC §361.801(2)].		
<sup>6</sup> Do not submit an application.		

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

- The MSD eligibility criteria of THSC §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 was 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.

Bill Carlon  
Applicant Signature

2/28/06  
Date

Before me Bill Carlon the undersigned authority, on this day personally appeared  
Name of Notary

Bill Carlon and signed this Municipal Setting Designation Application.  
Name of Applicant

Sworn, subscribed and signed before me in the County of Jefferson, State of Texas on the 28<sup>th</sup>  
day of February, 2006

