

Buddy Garcia, *Chairman*
Larry R. Soward, *Commissioner*
Bryan W. Shaw, Ph.D., *Commissioner*
Mark R. Vickery, P.G., *Executive Director*



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

June 25, 2008

Mr. Dan Charpie, Risk Manager
V.T., Inc.
P.O. Box 795
Shawnee Mission, KS 66201

RE: Municipal Setting Designation (MSD) Certificate for Former Interstate Trailer Site, 100 West Interstate Highway, Arlington, TX; MSD No. 50

Dear Mr. Charpie:

Enclosed is the Municipal Setting Designation 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 do not hesitate to contact me at 512/239-5872 or via e-mail (mfrew@tceq.state.tx.us).

Sincerely,

A handwritten signature in black ink, appearing to read "mfrew", with a long horizontal flourish extending to the right.

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

MF/sr

Enclosure

Texas Commission on Environmental Quality



Municipal Setting Designation

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 MSD No. 50, in the City of Arlington, 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 13th day of June, 2008.

A handwritten signature in black ink, appearing to read "G. Shankle", written over a horizontal line.

Glenn Shankle
Executive Director
Texas Commission on Environmental Quality

'A'

**BOUNDARY SURVEY
LOTS 11-R1R AND 11-R2R
J. L. NEWTON ADDITION
(VANDERGRIF SITE)**

DESCRIPTION OF PROPERTY

Being a 29.963 acre tract of land and being all of Lots 11-R1R and 11-R2R of the J. L. Newton Addition, an addition to the City of Arlington, Tarrant County, Texas, as recorded in Cabinet A, Slide 7496 of the Plat Records of Tarrant County, Texas, said Lots 11-R1R and 11-R2R deeded to Van Development Co. Inc. and V. T. Inc. as recorded in Volume 13435, Page 102, Volume 14267, Page 263, Volume 14477, Page 209 and Volume 15256, Page 586 of the Deed Records Tarrant County, said 29.963 acre tract of land being more particularly described by metes and bounds as follows:

BEGINNING at a 1/2 inch iron rod found for the southwest corner of said Lot 11-R1R, said 1/2 inch iron rod being in the east right-of-way line of Vandergriff Drive (a 60.0' right-of-way), said 1/2 inch iron rod also being in the north line of Lot 7-R of the J. L. Newton Addition, an addition to the City of Arlington, Tarrant County, Texas as recorded in Cabinet A, Slide 2082 of the Plat Records of Tarrant County, Texas;

THENCE North 00 degrees 57 minutes 13 seconds West, with the west line of said Lot 11-R1R and with the east right-of-way line of said Vandergriff Drive, a distance of 1027.24 feet (plat distance 1027.12 feet) to a 1/2 inch iron rod found for the most southerly northwest corner of said Lot 11-R1R;

THENCE North 37 degrees 58 minutes 44 seconds East, with the northwest line of said Lot 11-R1R and with the east right-of-way line of said Vandergriff Drive, a distance of 15.53 feet (plat distance 15.56 feet) to an "X" cut in concrete set for the most northerly northwest corner of said Lot 11-R1R, said "X" cut in concrete being the intersection of the east right-of-way line of said Vandergriff Drive with the southerly right-of-way line of Interstate Highway 20 (a variable width right-of-way);

THENCE North 76 degrees 54 minutes 37 seconds East, with the northerly line of said Lot 11-R1R and with the southerly right-of-way line of said Interstate Highway 20, a distance of 233.92 feet (plat distance 233.92) to a TxDOT monument found for corner;

THENCE North 76 degrees 50 minutes 56 seconds East, with the northerly line of said Lot 11-R1R and with the southerly right-of-way line of said Interstate Highway 20, a distance of 170.35 feet (plat distance 170.43 feet) to a 1/2 inch iron rod found for corner;

THENCE North 76 degrees 52 minutes 03 seconds East, with the northerly line of said Lot 11-R1R and with the southerly right-of-way line of said Interstate Highway 20, passing at a distance of 300.29 feet a 5/8 inch iron rod with cap stamped "GORRONDONA" set for the northeast corner of said Lot 11-R1R and for the northwest corner of said Lot 11-R2R, in all, a distance of 340.17 feet (plat distance 340.20 feet) to a 5/8 inch iron rod with cap stamped "Boundary Mark Survey" found for corner in the northerly line of said Lot 11-R2R;

- THENCE** North 76 degrees 54 minutes 11 seconds East, with the northerly line of said Lot 11-R2R and with the southerly right-of-way line of said Interstate Highway 20, a distance of 158.83 feet (plat distance 158.83 feet) to an "X" cut in concrete set for corner;
- THENCE** North 77 degrees 59 minutes 53 seconds East, with the northerly line of said Lot 11-R2R and with the southerly right-of-way line of said Interstate Highway 20, a distance of 71.95 feet (plat distance 71.95 feet) to a 5/8 inch iron rod with cap stamped "GORRONDONA" set for corner;
- THENCE** North 78 degrees 55 minutes 09 seconds East, with the northerly line of said Lot 11-R2R and with the southerly right-of-way line of said Interstate Highway 20, a distance of 168.49 feet (plat distance 168.49 feet) to a 5/8 inch iron rod found for the most northerly northeast corner of said Lot 11-R2R, said 5/8 inch iron rod being the intersection of the southerly right-of-way line of said Interstate Highway 20 with the west right-of-way line of Kathey Drive (a 60.0' right-of-way), from which a TxDOT monument found for the northeast corner of said J. L. Newton Addition as recorded in Cabinet A, Slide 7496 bears North 78 degrees 00 minutes 59 seconds East, a distance of 15.02 feet;
- THENCE** South 50 degrees 56 minutes 16 seconds East, with the northeast line of said Lot 11-R2R and with the west right-of-way line of said Kathey Drive, a distance of 19.17 feet (plat distance 19.19 feet) to a 5/8 inch iron rod found for the most southerly northeast corner of said Lot 11-R2R;
- THENCE** South 00 degrees 40 minutes 19 seconds East, with the east line of said Lot 11-R2R and with the west right-of-way line of said Kathey Drive, a distance of 167.01 feet (plat distance 167.43 feet) to a 1/2 inch iron rod found for corner;
- THENCE** South 00 degrees 26 minutes 42 seconds East, with the east line of said Lot 11-R2R and with the west right-of-way line of said Kathey Drive, a distance of 82.41 feet (plat distance 82.35) to an "X" cut in concrete set for corner;
- THENCE** South 00 degrees 40 minutes 04 seconds East, with the east line of said Lot 11-R2R and with the west right-of-way line of said Kathey Drive, a distance of 962.08 feet (plat distance 961.41 feet) to a 1/2 inch iron rod with cap stamped "J N Terry RPLS 3597" found for the southeast corner of said Lot 11-R2R, said 1/2 inch iron rod with cap stamped "J N Terry RPLS 3597" being an exterior ell corner in the north line of said Lot 7-R, from which a 5/8 inch iron rod with cap stamped "Boundary Mark Survey" found for reference bears South 68 degrees 18 minutes 50 seconds East, a distance of 0.28 feet;
- THENCE** South 89 degrees 18 minutes 53 seconds West, with the south line of said Lot 11-R2R and with the north line of said Lot 7-R, passing at a distance of 378.38 feet, a 5/8 inch iron rod with cap stamped "GORRONDONA" set for the southwest corner of said Lot 11-R2R and the southeast corner of said Lot 11-R1R, in all, a distance of 401.36 feet (plat distance 401.50 feet) to a 5/8 inch iron rod found for an interior ell corner in the south line of said Lot 11-R1R, said 5/8 inch iron rod being an exterior ell corner in the north line of said Lot 7-R;

THENCE South 00 degrees 43 minutes 41 seconds East, with the south line of said Lot 11-R1R and with the north line of said Lot 7-R, a distance of 59.85 feet (plat distance 60.50 feet) to a 1/2 inch iron rod with cap stamped "J N Terry RPLS 3597" found for an exterior ell corner in the south line of said Lot 11-R1R, said 1/2 inch iron rod with cap stamped "J N Terry RPLS 3597" being an interior ell corner in the north line of said Lot 7-R;

THENCE South 89 degrees 42 minutes 53 seconds West, with the south line of said Lot 11-R1R and with the north line of said Lot 7-R, a distance of 331.07 feet (plat distance 331.30 feet) to a 1/2 inch iron rod found for corner;

THENCE South 89 degrees 45 minutes 47 seconds West, with the south line of said Lot 11-R1R and with the north line of said Lot 7-R, a distance of 166.74 feet (plat distance 166.06 feet) to a 1/2 inch iron rod found for corner;

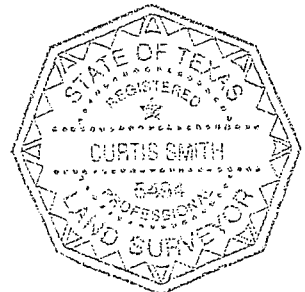
THENCE South 89 degrees 42 minutes 37 seconds West, with the south line of said Lot 11-R1R and with the north line of said Lot 7-R, a distance of 238.20 feet (plat distance 238.49 feet) to the **POINT OF BEGINNING** and containing 1,305,183 square feet or 29.963 acres of land, more or less.

Company Name: Gorrondona & Associates, Inc.

By:  _____

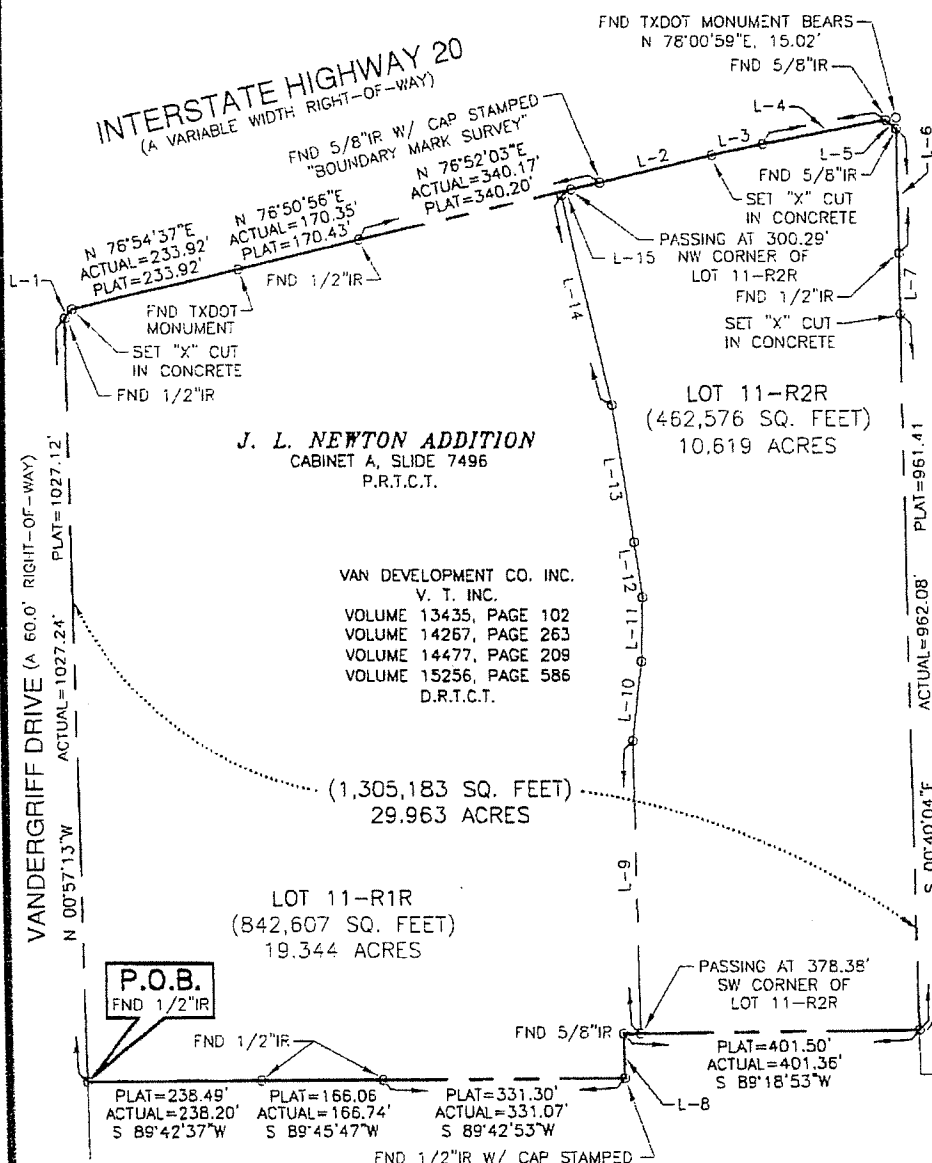
Surveyor's Name: Curtis Smith
Registered Professional Land Surveyor,
Texas No. 5494

Date: December 28, 2006



INTERSTATE HIGHWAY 20
(A VARIABLE WIDTH RIGHT-OF-WAY)

LINE TABLE			
LINE	BEARING	ACTUAL DISTANCE	PLAT DISTANCE
L-1	N 37°58'44"E	15.53	15.56
L-2	N 76°54'11"E	158.83	158.83
L-3	N 77°59'53"E	71.95	71.95
L-4	N 78°55'09"E	168.49	168.49
L-5	S 50°56'16"E	19.17	19.19
L-6	S 00°40'19"E	167.01	167.43
L-7	S 00°26'42"E	82.41	82.35
L-8	S 00°43'41"E	59.85	60.50
L-9	N 00°36'12"W	393.80	393.64
L-10	N 07°15'49"E	107.42	107.38
L-11	N 01°42'26"E	86.69	86.66
L-12	N 08°08'10"W	75.13	75.10
L-13	N 08°53'51"W	186.49	186.42
L-14	N 13°06'28"W	289.27	289.16
L-15	N 58°25'00"E	15.81	15.82



J. L. NEWTON ADDITION
CABINET A, SLIDE 7496
P.R.T.C.T.

VAN DEVELOPMENT CO. INC.
V. T. INC.
VOLUME 13435, PAGE 102
VOLUME 14267, PAGE 263
VOLUME 14477, PAGE 209
VOLUME 15256, PAGE 586
D.R.T.C.T.

LOT 11-R1R
(842,607 SQ. FEET)
19.344 ACRES

LOT 11-R2R
(462,576 SQ. FEET)
10.619 ACRES

(1,305,183 SQ. FEET)
29.963 ACRES

P.O.B.
FND 1/2"IR

PLAT=238.49' ACTUAL=238.20' S 89°42'37"W
PLAT=166.06 ACTUAL=166.74' S 89°45'47"W
PLAT=331.30' ACTUAL=331.07' S 89°42'53"W

FND 1/2"IR W/ CAP STAMPED
"JN TERRY RPLS 3597", FROM
WHICH A FND 5/8"IR W/ CAP
STAMPED "BOUNDARY MARK
SURVEY" BEARS
S 68°18'50"E, 0.28'

STEPHENS STREET

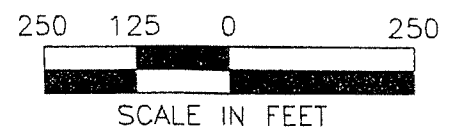
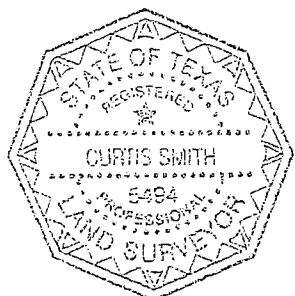
FND 1/2"IR W/ CAP STAMPED
"JN TERRY RPLS 3597"

LOT 7-R
J. L. NEWTON ADDITION
CABINET A, SLIDE 2082
P.R.T.C.T.

- NOTES:
- (1) A TITLE COMMITMENT WAS NOT AVAILABLE AT THE TIME THIS SURVEY WAS PREPARED.
 - (2) EASEMENTS OF RECORD ARE NOT SHOWN HEREON.
 - (3) IMPROVEMENTS WERE NOT LOCATED ON THIS PROPERTY.
 - (4) ALL AREAS AND DISTANCES SHOWN HEREON ARE SURFACE.
 - (5) ALL BEARINGS ARE GRID.
 - (6) BASIS OF BEARING IS REFERENCED TO THE TEXAS COORDINATE SYSTEM, NAD-83, THE NORTH CENTRAL ZONE, BASED ON CITY OF ARLINGTON CONTROL MONUMENTS #AR21 AND #AR51.
 - (7) ALL CORNERS ARE 5/8 INCH IRON RODS WITH CAP STAMPED "GORRONDONA" SET, UNLESS NOTED OTHERWISE.

THAT, I, CURTIS SMITH, REGISTERED PROFESSIONAL LAND SURVEYOR NO. 5494, LICENSED IN THE STATE OF TEXAS, DO HEREBY STATE THAT THIS PLAT IS PREPARED FROM AN ACTUAL SURVEY ON-THE-GROUND UNDER MY SUPERVISION AND THAT ALL CORNERS ARE MONUMENTED AS SHOWN HEREON.

Curtis Smith
CURTIS SMITH, RPLS No. 5494



BOUNDARY SURVEY
OF
LOTS 11-R1R, AND 11-R2R
OF THE
J. L. NEWTON ADDITION
AN ADDITION TO THE CITY OF ARLINGTON,
TARRANT COUNTY, TEXAS, AS RECORDED IN
CABINET A, SLIDE 7496
OF THE PLAT RECORDS OF TARRANT COUNTY, TEXAS

DWN BY: RCS	SCALE: 1" = 250'	FILE: 1900BNDRY.DWG
DATE: DEC. 28, 2006	CHK BY: WTW	JOB # 0612-1900

' B '

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 checked="" type="radio"/> Yes	<input type="radio"/> No ³	<input type="radio"/> NA ⁴
³ Do not submit application.			
⁴ 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.
EPA Regulatory ID No.: TXD064214935; TCEQ SWR No.: 36857

Is the proposed designated groundwater contaminated in excess of an applicable potable water ⁵ use standard (i.e., 30 TAC 350, ^{GW} GW _{ing})?	<input checked="" type="radio"/> Yes	<input type="radio"/> No ⁶
Was the groundwater contamination previously reported to the TCEQ? (To support implementation of HB 3030, 78 th Legislature.)	<input checked="" type="radio"/> Yes, when? 3 / 16 / 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 ⁶	<input checked="" 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 ⁶	<input checked="" 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 checked="" 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 checked="" type="radio"/> Yes	<input type="radio"/> No ⁶
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 checked="" type="radio"/> Yes	<input type="radio"/> No
⁵ "Potable water" means water that is used for irrigating crops intended for human consumption, drinking, showering, bathing, or cooking purposes [THSC §361.801(2)].		
⁶ 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.

[Signature]
Applicant Signature

3-23-2007
Date

Before me Betty J. Briggs the undersigned authority, on this day personally appeared
Name of Notary
Daniel Charpie and signed this Municipal Setting Designation Application.
Name of Applicant

Sworn, subscribed and signed before me in the County of Johnson, State of Kansas on the 23rd day of March, this month of 2007

BETTY J. BRIGGS
Notary Public - State of Kansas
My Appt. Expires 12-16-2008

[Signature]