

MS 71- RC

Handwritten initials

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

January 29, 2009

Ms. Debbie Wilkins, City Secretary
5500 Buchanan Street
Fort Worth, TX 76114

Re: Municipal Setting Designation Certification (MSD) for RadioShack Corporation, 401 NE 38th Street, Fort Worth, TX; MSD No. 71

Dear Ms. Wilkins:

As required by TEX HEALTH & SAFETY CODE §361.807(a)(2), enclosed is a copy of the MSD dated January 23, 2009. The City of Sansom Park passed a resolution (Resolution No. 859-08) in support of this MSD application. For this reason, the Texas Commission on Environmental Quality is required to provide you a copy of the MSD Certificate.

If you have any questions, please contact me at 512/239-5872.

Sincerely,

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

MF/cjh

Enclosure

Texas Commission on Environmental Quality



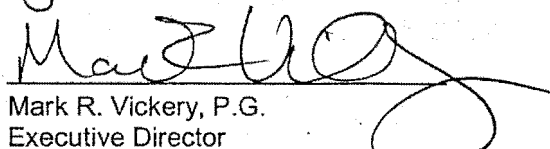
Municipal Setting Designation

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

I, Mark R. Vickery, Executive Director of the Texas Commission on Environmental Quality certify the Municipal Setting Designation for MSD No. 71, in the City of Fort Worth, 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 23 day of January, 2009.


Mark R. Vickery, P.G.
Executive Director
Texas Commission on Environmental Quality

'A'

Field notes for 9.16 acres of land out of the William B. Tucker Survey in Tarrant County, Texas.

Being a tract of land out of the William B. Tucker Survey Abstract #1516, situated in Tarrant County, Texas, and more particularly a part of a certain tract to Charles Pfizer and Company, Inc. as recorded in Volume 3609, Page 143, Deed Records, Tarrant County, Texas, and described by metes and bounds as follows:

Beginning at an Iron pin in the East line of the C.R.I. & G. Railroad Company R.C. W. in the West line of said Pfizer Tract, said Iron pin is also the Southwest corner for Lot 1, Block 1, Tancor Addition to the City of Fort Worth according to the Plat recorded in Volume 388-67, Page 21, Deed Records, Tarrant County, Texas;

Thence East along the South Line of said Lot 1, 671.0 feet to an iron pint for corner;

Thence South 675.6 fee to an iron pin for corner of the North Line of Thirty-Eighth Street;

Thence West along the North line of Thirty-Eighth Street 534.7 feet to an iron pin for corner and East line of said railroad R.C.W.:

Thence Northerly along the East line of said Railroad R.C.W. North 6 degrees-51' West 76.1 feet, North 7 degrees- 33' West 100.92 feet, North 8 degrees - 44' West 101.28 feet, North 10 degrees - 39' West 101.66 feet, North 12 degrees - 44' West 101.8 feet, North 14 degrees - 49' West 101.83 feet and North 16 degrees - 57' West 101.77 feet to the point of beginning and containing 9.16 acres of land.

'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.
SWR 31422

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? 2 / 20 / 1992	<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 ^e	<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 ^f	<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 ^e
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.

Judy McCampbell
Applicant Signature

5/21/08
Date

Before me Peggy Claus the undersigned authority, on this day personally appeared Judy McCampbell Name of Notary and signed this Municipal Setting Designation Application. Name of Applicant

Sworn, subscribed and signed before me in the County of Tarrant, State of Texas on the 21st day of May, this month of 2008

TCEQ-20149 Sept 2006

