

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



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

October 10, 2011

Mr. Robert Grimalia, Vice President
Union Pacific Railroad
1400 Douglas Street, Stop 1180
Omaha, Nebraska 68179

RE: Municipal Setting Designation (MSD) Certificate for Union Pacific
Railroad 1500 Rogers Road, Fort Worth; MSD No. 142

Dear Mr. Grimalia:

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) 239-2960 or via e-mail (richard.goldsmith@TCEQ.Texas.gov).

Sincerely,

A handwritten signature in black ink, appearing to read "R. Stuart Goldsmith".

R. Stuart Goldsmith, Project Manager
VCP-CA Section
Remediation Division

RSG/mdh

Enclosure: MSD Certificate No. 142

Cc: Mr. Sam Barrett, Waste Program Manager, TCEQ Region 4 Office,
Dallas/Fort Worth

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



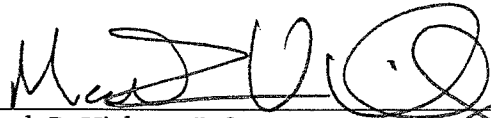
MUNICIPAL SETTING DESIGNATION CERTIFICATE

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

I, Mark R. Vickery, Executive Director of the Texas Commission on Environmental Quality certify the Municipal Setting Designation (MSD) for MSD No. 142, in the City of Fort Worth, 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 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 the 21st day of September, 20 11



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

UNION PACIFIC RAILROAD
1500 Rogers Road
Fort Worth, Texas 76107

Application Item #3

"Attach a legal description of the proposed outer boundaries of the proposed Municipal Setting Designation"

Being a tract of land situated in the City of Fort Worth, Tarrant County, Texas. Said tract being located in the W. D. Conner Survey, Abstract No. 228 and the T. White Survey, Abstract No. 1636 and as referenced per Certification of Articles of Merger into Union Pacific Railroad Company as recorded in Volume 13215, Page 130 of the Official Public Records of Tarrant County, Texas, said tract being more particularly described by metes and bounds as follows:

BEGINNING at a set cotton spindle having State Plane coordinates of $N(Y)=6948895.21$, $E(X)=2317255.85$, TX North Central Zone 4202, from said set cotton spindle, a found concrete monument as referenced being on the east line of Lot 13-R, Block 1, Michael Hughes Estate as recorded in Cabinet B, Slide 613 of the Plat Records of Tarrant County, Texas bears South 64 degrees 48 minutes 49 seconds East, a distance of 70.65 feet also from said set cotton spindle a found 1/2 inch iron rod being on the west line of said Lot 13-R, Block 1 bears South 08 degrees 07 minutes 39 seconds East, a distance of 105.13 feet; said cotton spindle also being the beginning of a non tangent curve to the right whose chord bears South 48 degrees 09 minutes 00 seconds West, a distance of 404.12 feet and having a radius of 508.56 feet;

THENCE Southwesterly along said non tangent curve to the right through a central angle of 46 degrees 49 minutes 16 seconds, an arc length of 415.58 feet to a set cotton spindle for the end of said non tangent curve to right;

THENCE South 72 degrees 08 minutes 47 seconds West, a distance of 1,174.86 feet to a set cotton spindle;

THENCE North 23 degrees 36 minutes 21 seconds West, a distance of 1,267.75 feet to a set 5/8 inch capped iron rod stamped "BHB INC" for the beginning of a non tangent curve to the right whose chord bears North 61 degrees 46 minutes 53 seconds East, a distance of 677.24 feet and having a radius of 5,100.00 feet;

THENCE Northeasterly along said non tangent curve to the right through a central angle of 07 degrees 36 minutes 50 seconds, an arc length of 677.74 feet to a set 5/8 inch capped iron rod stamped "BHB INC" for the end of said non tangent curve to right;

THENCE North 68 degrees 03 minutes 39 seconds East, a distance of 1,991.86 feet to a set 5/8 inch capped iron rod stamped "BHB INC";

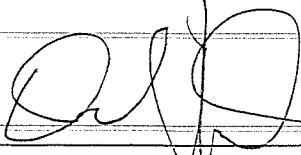
~~THENCE South 87 degrees 20 minutes 25 seconds East, a distance of 379.87 feet to a set 5/8 inch capped iron rod stamped "BHB INC"~~

THENCE South 41 degrees 06 minutes 28 seconds West, a distance of 1,403.81 feet to a set cotton spindle;

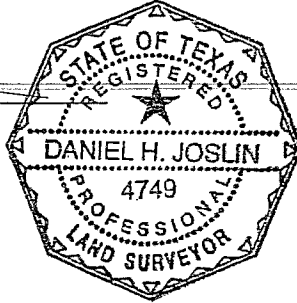
THENCE South 02 degrees 52 minutes 16 seconds East, a distance of 521.57 feet to the POINT OF BEGINNING and containing 2,899,797 square feet or 66.57 acres of land.


UNION PACIFIC RAILROAD
1500 Rogers Road
Fort Worth, Texas 76107

Reference bearing basis is per GPS technology and processed by National Geodetic Survey (NGS) Online Positioning User Service (OPUS). The bearings are State Plane Grid, North Central Zone 4202, NAD83 (1993). The distances are horizontal ground distances, to convert to grid distance multiply the distance as shown by a combined scale factor of 0.99986577.

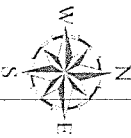


Daniel H. Joslin
R.P.L.S. No. 4749

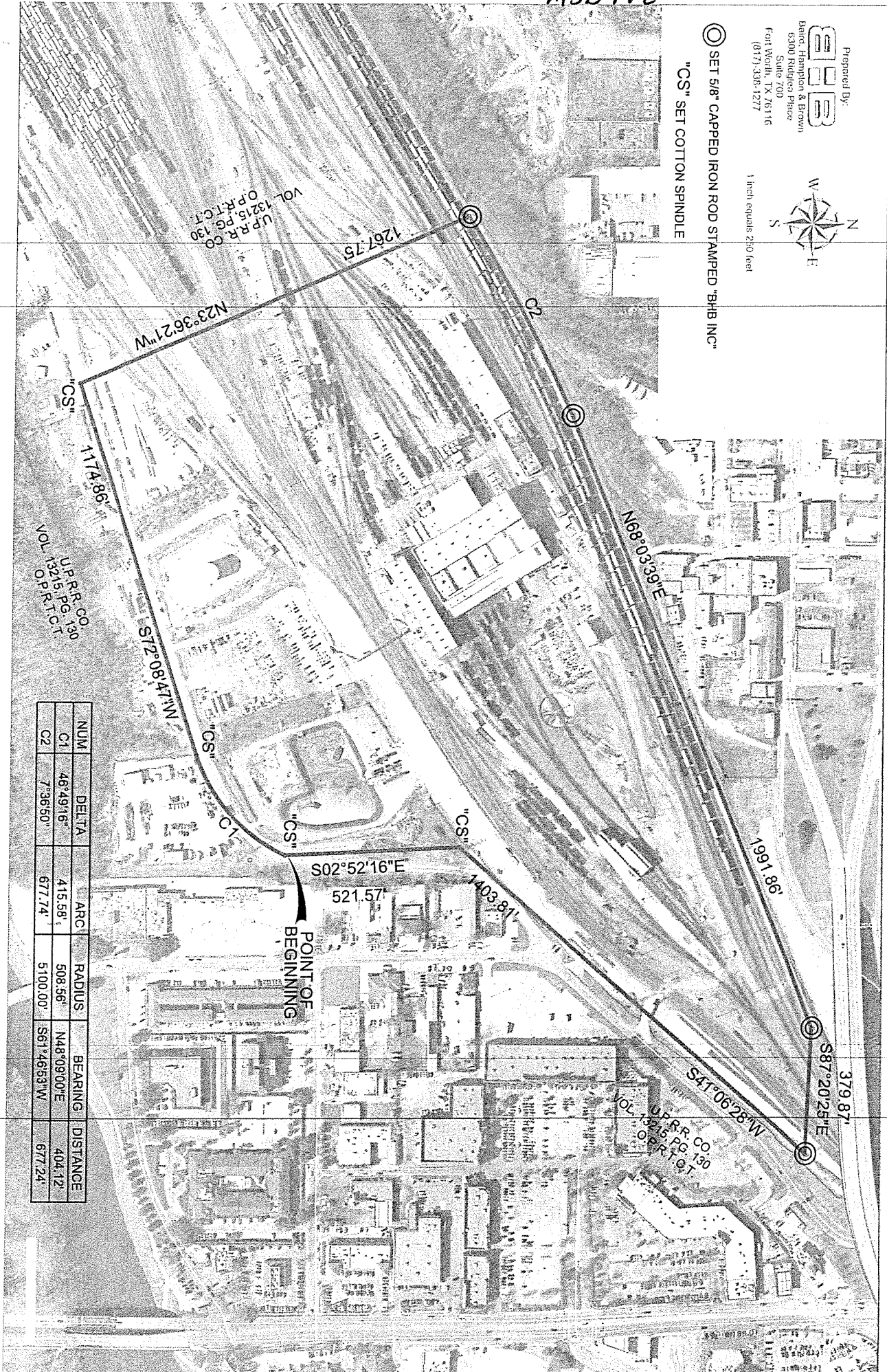


Prepared By:

 Bann, Hammond & Brown
 5300 Ripley Place
 Suite 200
 Fort Worth, TX 76116
 (817) 338-1277

1 inch equals 250 feet



⊙ SET 5/8" CAPPED IRON ROD STAMPED "BHB INC"
 "CS" SET COTTON SPINDLE



NUM	DELTA	ARC	RADIUS	BEARING	DISTANCE
C1	46°49'16"	415.58'	508.56'	N48°09'00"E	404.12'
C2	7°36'50"	677.74'	5100.00'	S61°46'53"W	677.24'

UP.R.R.CO
 VOL. 13215, PG. 130
 O.P.R.T.C.T.

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Exhibit "B"
MSD No. 142

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. None		
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? 04 / 16 / 1993	<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: None	<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.

R.M. Grimalia

Applicant Signature

2/12/10

Date

Before me Kelley Gangwish the undersigned authority, on this day personally appeared

R.M. Grimalia
Name of Applicant

and signed this Municipal Setting Designation Application.

Sworn, subscribed and signed before me in the County of Douglas, State of NE, on the 12th day of February, this month of February, 2010.

TCEQ-20149 June 2007

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