

Bryan W. Shaw, Ph.D., *Chairman*  
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Zak Covar, *Executive Director*



## TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

*Protecting Texas by Reducing and Preventing Pollution*

July 10, 2012

Mr. Richard Leigh, Principal  
NTRS Land Holdings, Ltd.  
8908 Ambassador Row, Suite 700  
Dallas, Texas 75247

RE: Municipal Setting Designation (MSD) Certificate for Former DWX Tank Facility, 2705 Brombeck Street, Ennis, Texas; MSD No. 152

Dear Mr. Leigh:

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](mailto:Richard.Goldsmith@TCEQ.Texas.gov)).

Sincerely,

A handwritten signature in cursive script that reads "Scott Settemeyer".

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

*for*

RSG/jdm

Enclosure: MSD Certificate No. 152

cc: Ms. Joanna Manning, VCP 2475 Project Manager, Remediation Division, MC-221

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



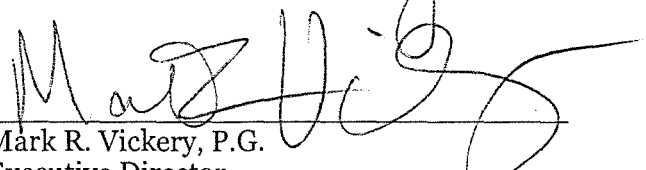
MUNICIPAL SETTING DESIGNATION CERTIFICATE

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. 152, in the City of Ennis, 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 10<sup>th</sup> day of February, 2012

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

MSD No. 152

BEING a tract or parcel of land situated in the City of Ennis, Ellis County, Texas, and being part of the Claiborne Garrett Survey Abstract 383, and being Lots A, A1, B, C, D, 31 and 32 of Tolleson's Addition and addition to the City of Ennis as recorded in Cabinet A Slide 258 of the Map Records of Ellis County and also being that 6.9568 acre tract of land conveyed to DWX Tank Company, Inc. by deed recorded in Volume 1668 Page 812 of the Official Public Records of Ellis County, and being more particularly described as follows.

BEGINNING at a point for corner at a 5/8" iron rod found at the intersection of the northerly line of Brombeck Street and the southwesterly line of Spur 469 (formerly Old Highway 75) said point also being the southeasterly corner of said Lot 32,

THENCE South 69° 04' 05" West (deed bearing) along the northerly line of Brombeck Street a distance of 329.2 feet to a point for corner at a spike found;

THENCE South 13° 07' 09" West along the westerly line of Brombeck Street a distance of 344.71 feet to the beginning of a curve to the left at a 1/2" iron rod found,

THENCE in a southerly direction along the westerly line of Brombeck Street and along said curve to the left having a radius of 1342.28 feet, a central angle of 4° 36' 38" and an arc length of 124.1 feet to a point for corner at a 1/2" iron rod found;

THENCE North 81° 18' 44" West along the southerly line of said 6.9568 acre tract and along the northerly line of that tract of land conveyed to Cleveland Sales Company by deed recorded in Volume 2073 Page 1747 of the Official Public Records of Ellis County a distance of 317.6 feet to a point for corner at a steel post found in the easterly line of the Union Pacific Railroad right-of-way (formerly the Texas Midland Railroad);

THENCE in a northerly direction along the easterly line of said railroad right-of-way and along a curve to the right whose chord bears North 10° 49' 45" East and having a radius of 1359.88 feet, a central angle of 4° 34' 48" and an arc length of 148.67 feet to the end of said curve to the right at a steel post found;

THENCE North 13° 07' 09" East along the easterly line of said railroad right-of-way a distance of 795.33 feet to a point for corner at a steel post found in the southwesterly line of Spur 469;

THENCE South 42° 06' 41" East along the southwesterly line of Spur 469 a distance of 385.29 feet to a point for corner at a steel post found;

THENCE North 47° 58' 20" East along an offset in the southwesterly line of Spur 469 a distance of 140.0 feet to a point for corner at a steel post found,


THENCE in a southeasterly direction along the southwesterly line of Spur 469 and along a curve to the right whose chord bears South 40° 03' 18" East and having a radius of 2804.79 feet, a central angle of 4° 07' 35" and an arc length of 202.0 feet to the PLACE OF BEGINNING and containing 6.9568 acres.

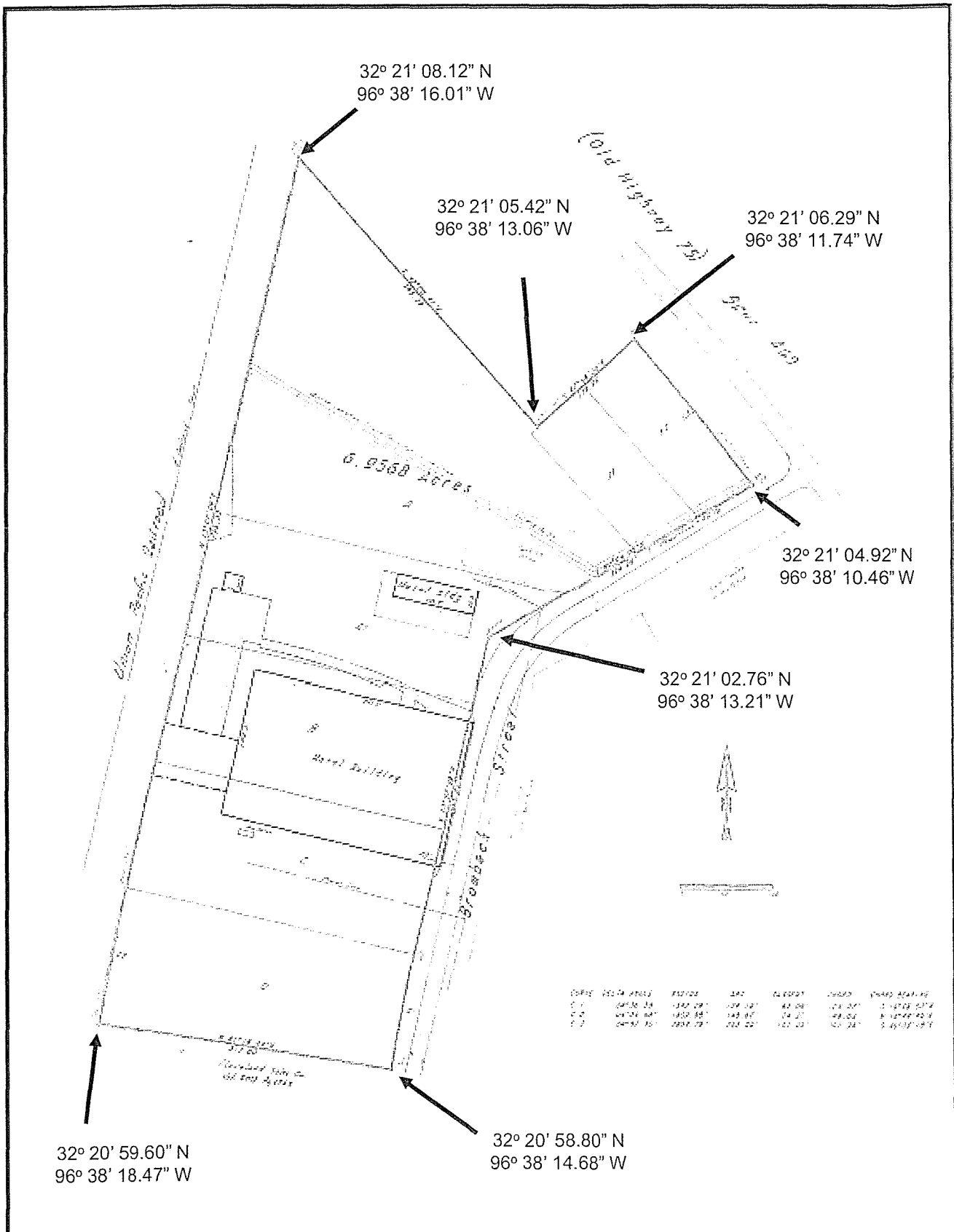
**SURVEYOR'S DECLARATION**

I hereby declare that this true and accurate survey made on the ground under my personal supervision on December 18, 2006, correctly shows the relation of the buildings and other structures to the property lines of land indicated hereon, and that there are no encroachments or overlaps onto adjoining property of property covered by this survey, or of adjoining buildings or structures on said land, except as shown, noted or described on the survey. This survey is subject to any easements not visible on the ground.

*[Handwritten Signature]*  
 SURVEYOR

NOTE: This property is not located within the Special Flood Hazard Area as shown on FEMA Community Panel No. 48139C0210 D dated January 20, 1989.

	<b>FIGURE 3.A</b> <b>LEGAL DESCRIPTION OF THE MSD</b> FORMER DWX TANK FACILITY 2705 BROMBECK STREET ENNIS, TEXAS	PROJECT NO. 09-15900
		SOURCE: N. W. KRIEGER, JR. DATED 12/18/2006



**Rone Engineering**

**FIGURE 3.B**  
**SURVEY OF THE MSD**  
**FORMER DWX TANK FACILITY**  
**2705 BROMBECK STREET**  
**ENNIS, TEXAS**

PROJECT NO. 09-15900

SOURCE: N. W. KRIEGER, JR.  
DATED 12/18/2006

**Exhibit "B"**  
**MSD No. 152**

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 checked="" type="radio"/> NA <sup>4</sup>
<sup>3</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.		
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>1mg</sub> )?	<input checked="" 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 type="radio"/> Yes, when? / /	<input checked="" 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 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 <sup>6</sup>	<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 <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 checked="" 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.

[Signature]  
Applicant Signature

10/27/2010  
Date

Before me Fanny Burrow the undersigned authority, on this day personally appeared  
Richard Leigh Name of Notary and signed this Municipal Setting Designation Application.  
Name of Applicant

Sworn, subscribed and signed before me in the County of Dallas  
day of October, this month of October, 2010

