

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*

April 21, 2011

Mr. Greg Rogers  
Representative for ENTACT, LLC  
GSF Consulting, LLC.  
816 Congress Avenue, Suite 1500  
Austin, Texas 78701

RE: Municipal Setting Designation (MSD) Certificate for Entact, LLC, 1100  
Everman Parkway, Fort Worth, Tarrant County, Texas; MSD No. 158

Dear Mr. Rogers:

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) 239-2992 or via e-mail ([Chris.Siegel@TCEQ.Texas.gov](mailto:Chris.Siegel@TCEQ.Texas.gov)).

Sincerely,

A handwritten signature in black ink, appearing to read "Chris Siegel".

Chris Siegel, Project Manager  
VCP-CA Section  
Remediation Division

CS/jdm

Enclosure

cc: Mr. Mark Riggle, VCP 1171 Project Manager, Remediation Division, MC-221

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



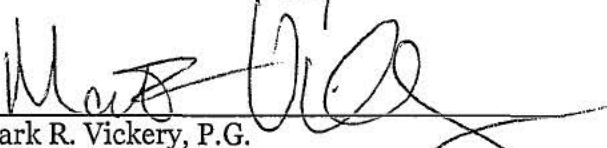
MUNICIPAL SETTING DESIGNATION CERTIFICATE

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 for MSD No. 158, 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 7<sup>th</sup> day of April, 2011

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

LEGAL DESCRIPTION

Lot 1R1, Block 1, GEARHART-OWEN INDUSTRIAL ADDITION to the City of Fort Worth, Tarrant County, Texas, according to the plat recorded in Cabinet A, Slide 11882, Plat Records, Tarrant County, Texas, being more particularly described by metes and bounds as follows:

BEGINNING at a set 1/2" steel rod at the northerly northwest corner of said Lot 1R1, Block 1, in the south right-of-way line of Everman Parkway, a 120 feet wide public street, said point also being the northeast corner of Lot A-R, Block 1-R, Everman National Bank Addition to the City of Fort Worth, Tarrant County, Texas, according to the plat recorded in Volume 388-113, Page 297 of said Plat Records;

THENCE along the south right-of-way line of said Everman Parkway and the north line of said Lot 1R1, Block 1, the following three (3) calls:

North 89°52'00" East (Basis of Bearings), 397.64 feet to a set 1/2" steel rod at the beginning of a curve to the right;  
Along said curve having a radius of 2200.00 feet, through a central angle of 07°03'00", an arc length of 270.70 feet (long chord bears South 86°36'00" East, 270.53 feet) to a set 1/2" steel rod at a point of reverse curvature;  
Along a curve to the left with a radius of 1670.00 feet, through a central angle of 03°12'43", an arc length of 93.62 feet (long chord bears South 84°41'19" East, 93.61 feet) to a found "Y" cut in concrete at the northeast corner of said Lot 1R1, Block 1;

THENCE South along the east line of said Lot 1R1, Block 1 and along the west line of a railroad siding, 738.06 feet to a found 1/2" steel rod at an angle point in the east line of said Lot 1R1, Block 1;

THENCE South 00°04'00" West, continuing along the east line of said Lot 1R1, Block 1, 534.00 feet to the southeast corner of said Lot 1R1, Block 1;

THENCE along the south line of said Lot 1R, Block 1 the following five (5) calls:

South 89°55'00" West, 200.00 feet to a set 1/2" steel rod;  
South 00°04'00" West, 1.00 feet to a point;  
South 89°55'00" West, 245.66 feet to a point;  
North 00°05'00" West, 16.00 feet to a point;  
South 89°55'00" West, 141.30 feet to the westerly southwest corner of said Lot 1R1, Block 1;

THENCE along the west line of said Lot 1R1, Block 1 the following eleven (11) calls:

North 00°04'00" East, 478.00 feet to a point;  
North 89°56'00" West, 99.85 feet to a point;  
North, 40.79 feet to a point;  
West, 74.00 feet to a point;  
North, 80.00 feet to a point;  
West, 370.10 feet to a point in the east right-of-way line of Interstate Highway No. I-35W;  
North along the east right-of-way line of said Interstate Highway No. I-35W, 347.89 feet to a set 1/2" steel rod;  
North 89°52'00" East, 313.10 feet to an "X" found in concrete;  
North, 105.00 feet to an "X" found in concrete;  
North 89°52'00" East, 57.00 feet to a set 1/2" steel rod;  
North, 229.00 feet to the Point of Beginning, and containing 23.5951 acres (1,027,801 square feet of land, more or less.



March 15, 2010

Grant Engineering, Inc.

Engineers                      Surveyors                      Planners  
3244 Hemphill Street      Fort Worth, Texas 76110-4014      817-923-3131

**MSD SURVEY**  
 LOT 1R1, BLOCK 1  
 GEARHART-OWEN INDUSTRIAL ADDITION



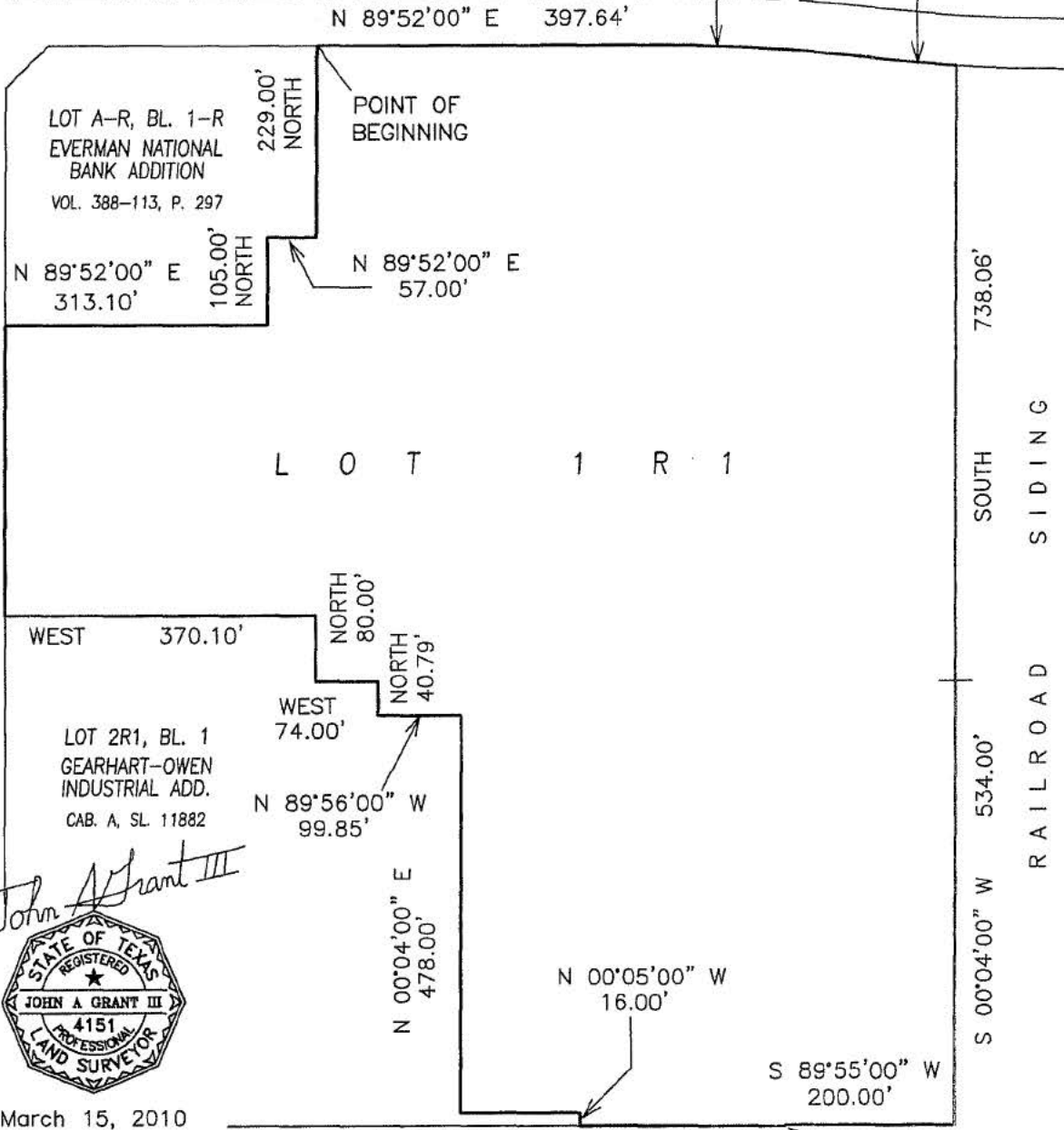
SCALE: 1" = 200'

R = 2200.00'  
 Δ = 07°03'00"  
 L = 270.70'  
 LC = 270.53'  
 S 86°36'30" E

R = 1670.00'  
 Δ = 03°12'43"  
 L = 93.62'  
 LC = 93.61'  
 S 84°41'22" E

INTERSTATE HIGHWAY NO. 1-35 W  
 (SOUTH FREEWAY)

EVERMAN PARKWAY  
 (120' R/W)



LOT A-R, BL. 1-R  
 EVERMAN NATIONAL  
 BANK ADDITION  
 VOL. 388-113, P. 297

POINT OF  
 BEGINNING

LOT 1 R 1

LOT 2R1, BL. 1  
 GEARHART-OWEN  
 INDUSTRIAL ADD.  
 CAB. A, SL 11882

*John A. Grant III*



March 15, 2010

**Grant Engineering, Inc.**

Engineers 3244 Hemphill Street  
 Surveyors Fort Worth, Texas 76110-4014  
 Planners 817-923-3131

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 <sup>3</sup>	<input 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. VCP No. 1171		
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 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 checked="" type="radio"/> Yes, when? 04 / 18 / 00	<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 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 checked="" 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.

[Signature]  
Applicant Signature

12-22-10  
Date

Before me Claudia Westbrook the undersigned authority, on this day personally appeared  
Name of Notary  
[Signature] and signed this Municipal Setting Designation Application.  
Name of Applicant

Sworn, subscribed and signed before me in the County of Travis, State of TX on the 22<sup>nd</sup> day of December, this month of December, 2010.

