

Bryan W. Shaw, Ph.D., *Chairman*  
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Mark R. Vickery, P.G., *Executive Director*



## TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

*Protecting Texas by Reducing and Preventing Pollution*

November 10, 2011

Mr. Neil A. Goldberg, Partner  
Gold Metal Recyclers, Ltd.  
4305 South Lamar Street  
Dallas, TX 75215

RE: Municipal Setting Designation (MSD) Certificate for Gold Metal Recyclers, Ltd., 4215, 4235, 4305, and 4601 South Lamar Street, Dallas, Dallas County, Texas; MSD No. 171

Dear Mr. Goldberg:

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) 239-2204 or via e-mail ([andre.price@tceq.texas.gov](mailto:andre.price@tceq.texas.gov)).

Sincerely,

A handwritten signature in black ink, appearing to read "Andre V. Price".

André V. Price, Project Manager  
VCP-CA Section  
Remediation Division

AP/mdh

Enclosure

cc: Mr. Mark Riggle, VCP No. 2244, Project Manager, Remediation Division,  
MC-221



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**MUNICIPAL SETTING DESIGNATION CERTIFICATE**

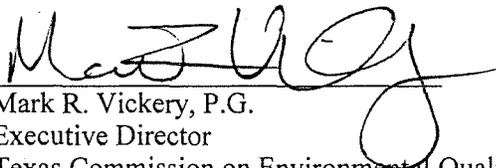
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As provided for in §361.807, Subchapter W, Texas Health and Safety Code (Solid Waste Disposal Act):

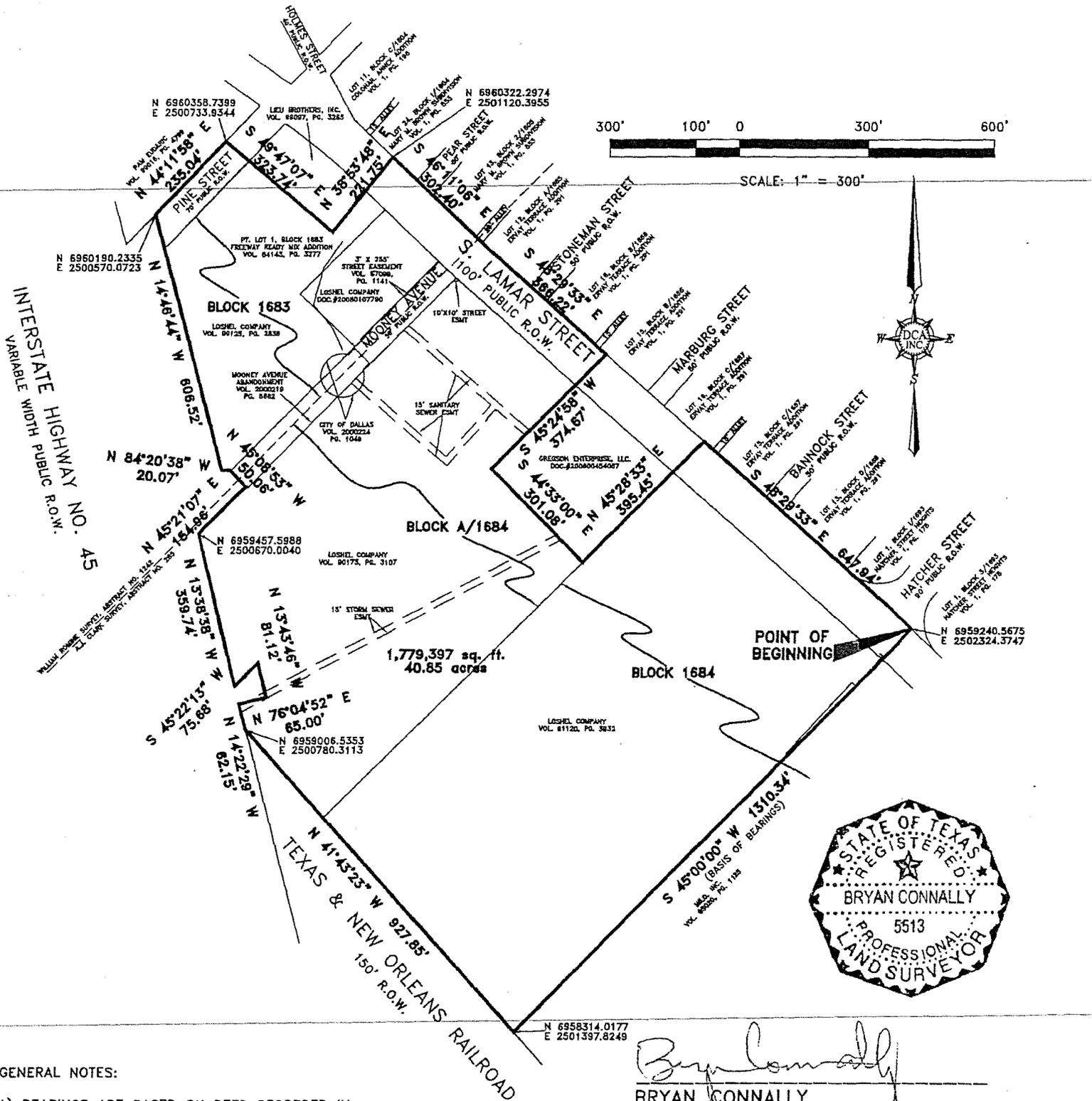
I, Mark R. Vickery, Executive Director of the Texas Commission on Environmental Quality certify the Municipal Setting Designation for MSD No. 171, in the City of Dallas, for the tract of land described in Exhibit "A". The eligibility requirements of Texas Health and Safety Code §361.803 are satisfied 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 2<sup>nd</sup> day of November, 2011

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

# M.S.D. SURVEY



**GENERAL NOTES:**

1) BEARINGS ARE BASED ON DEED RECORDED IN VOLUME 91120, PAGE 3932, DEED RECORDS, DALLAS COUNTY, TEXAS. (S45°00'00"W)

*Bryan Connally*  
 BRYAN CONNALLY  
 R.P.L.S. NO. 5513



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SHEET 2 OF 2  
 JOB NO. 0900291-1  
 DRAWN BY: R.G.  
 DATE\_ 02/17/09



## M.S.D. SURVEY

Being a total of 4 tracts of land situated in the William Romine Survey, Abstract No. 1242 and A.J. Clark Survey, Abstract No. 285, City Blocks 1683, 1684 and A/1684, in the City of Dallas, Dallas County, Texas, and being the same tracts of land conveyed to Loshel Company by deeds recorded in Volume 90173, Page 3107, Volume 91120, Page 3932, Volume Volume 99125, Page 2838 and Document No. 20080107790, Deed Records of Dallas County, Texas, and being part of Pine Street (70 foot right-of-way), S. Lamar Street (100 foot right-of-way) and Mooney Avenue (56 foot right-of-way), and being more particularly described as follows:

BEGINNING at a point for corner, said corner lying in the Northeast line of said S. Lamar Street and being in the Southwest line of Hatcher Street (90 foot right-of-way);

THENCE South 45 degrees 00 minutes 00 seconds West, a distance of 1310.34 feet to a point for corner, said corner lying in the Northeast line of Texas & New Orleans Railroad (150 foot right-of-way);

THENCE North 41 degrees 43 minutes 23 seconds West, a distance of 927.85 feet to a point for corner, said corner lying in the Northeast intersection of said Railroad and Interstate Highway No. 45 (variable width right-of-way);

THENCE North 14 degrees 22 minutes 29 seconds West, a distance of 62.15 feet to a point for corner;

THENCE North 76 degrees 04 minutes 52 seconds East, a distance of 65.00 feet to a point for corner;

THENCE North 13 degrees 43 minutes 46 seconds West, a distance of 81.12 feet to a point for corner;

THENCE South 45 degrees 22 minutes 13 seconds West, a distance of 75.68 feet to a point for corner;

THENCE North 13 degrees 38 minutes 38 seconds West, a distance of 359.74 feet to a point for corner;

THENCE North 45 degrees 21 minutes 07 seconds East, a distance of 154.96 feet to a point for corner;

THENCE North 45 degrees 08 minutes 53 seconds West, a distance of 50.06 feet to a point for corner;

THENCE North 84 degrees 20 minutes 38 seconds West, a distance of 20.07 feet to a point for corner;

THENCE North 14 degrees 46 minutes 44 seconds West, a distance of 606.52 feet to a point for corner, said corner lying in the Northwest line of said Pine Street;

THENCE North 44 degrees 11 minutes 58 seconds East, a distance of 235.04 feet to a point for corner;

THENCE South 49 degrees 47 minutes 07 seconds East, a distance of 323.74 feet to a point for corner;

THENCE North 38 degrees 53 minutes 48 seconds East, a distance of 221.75 feet to a point for corner, said corner lying in the Northeast line of said S. Lamar Street;

THENCE South 46 degrees 11 minutes 06 seconds East, a distance of 302.40 feet to a point for corner;

THENCE South 48 degrees 29 minutes 33 seconds East, a distance of 366.22 feet to a point for corner;

THENCE South 45 degrees 24 minutes 58 seconds West, a distance of 374.67 feet to a point for corner;

THENCE South 44 degrees 33 minutes 00 seconds East, a distance of 301.08 feet to a point for corner;

THENCE North 45 degrees 28 minutes 33 seconds East, a distance of 395.45 feet to a point for corner;

THENCE South 48 degrees 29 minutes 33 seconds East, a distance of 647.94 feet to the POINT OF BEGINNING and containing 1,779,397 square feet or 40.85 acres of land.

## GENERAL NOTES:

1) BEARINGS ARE BASED ON DEED RECORDED IN VOLUME 91120, PAGE 3932, DEED RECORDS, DALLAS COUNTY, TEXAS. (S45°00'00"W)



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**DC&A**

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SHEET 1 OF 2  
JOB NO. 0900291-1  
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MSD No. 171 Exhibit "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 type="radio"/> Yes	<input type="radio"/> No <sup>3</sup>	<input checked="" type="radio"/> NA <sup>4</sup>
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<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 ID No. 2244, RN101550622, CN603440538, LPST ID 102875

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? 01 / 07 / 09	<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.

Neil Goldberg Applicant Signature 7-12-11 Date

Before me, Dana Fielder Name of Notary, the undersigned authority, on this day personally appeared Neil Goldberg Name of Applicant and signed this Municipal Setting Designation Application.

Sworn, subscribed and signed before me in the County of Dallas, State of TX, on the 12 day of July, this month of \_\_\_\_\_

TCEQ-20149 June 2007

