

MSD 20

MSD 21

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Kathleen Hartnett White, *Chairman*
R. B. "Ralph" Marquez, *Commissioner*
Larry R. Soward, *Commissioner*
Glenn Shankle, *Executive Director*



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

May 25, 2006

Mr. William Reid, President
Ohmstede, Ltd.
895 North Main Street
Beaumont, TX 77704

RE: Certification of Municipal Setting Designation Application for the Ohmstede, Ltd. Properties Located at 895 North Main Street and 937 Pine Street, Beaumont, TX (MSDAPP020, MSD009)

Dear Mr. Reid:

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 512/239-2268 or via e-mail (cclarke@tceq.state.tx.us).

Sincerely,

A handwritten signature in cursive script that reads "Chet Clarke".

Chet Clarke, Manager
Technical Support Section
Remediation Division

CC/ok

Enclosure

Texas Commission on Environmental Quality



Municipal Setting Designation Certificate 009

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

I, Glenn Shankle, Executive Director of the Texas Commission on Environmental Quality certify the Municipal Setting Designation for the Ohmstede Ltd. Properties located at 895 North Main Street and 937 Pine Street in Beaumont, Texas, 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 19 day of May, 2006.

A handwritten signature in black ink, appearing to read "Glenn Shankle", written over a horizontal line.

Glenn Shankle
Executive Director
Texas Commission on Environmental Quality

STATE OF TEXAS
TRAVIS COUNTY

BEFORE ME, on this the 19th day of May, 2006, personally appeared Glenn Shankle, Executive Director of the Texas Commission on Environmental Quality, known to me to be the person whose name is subscribed to the foregoing instrument, and they acknowledged to me that they executed the same for the purposes and in the capacity therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this the 19th day of May, 2006.

A handwritten signature in black ink, appearing to read "Connie S. Lucas", written over a horizontal line.

Notary Public in and for the State of Texas

A circular notary seal for Connie S. Lucas, Notary Public, State of Texas. The seal features a five-pointed star in the center and the words "NOTARY PUBLIC STATE OF TEXAS" around the perimeter.
CONNIE S. LUCAS
Notary Public, State of Texas
My Commission Expires
JANUARY 30, 2010

Notary without Bond

A

**ATTACHMENT 3
LEGAL DESCRIPTION OF MSD PROPERTY
GLOBAL POSITIONING SATELLITE COORDINATES**

The following is a legal description of the Ohmstede, Ltd. property located at 895 North Main Street in Beaumont, Texas. **A map included in this attachment illustrates the MSD area in detail.**

Ohmstede, Ltd.

All of Blocks Two (2), Three (3), Six (6) and Eleven (11), Lot Number Five (5), Block Seven (7), and Lot Number Five (5), Block Ten (10), all in Kirby Addition, an Addition to the City of Beaumont, Jefferson County, Texas, according to the map or plat thereof, of record in Volume 4, Page 3, Map Records, Jefferson County, Texas.

City of Beaumont Streets

The following is a description of the City of Beaumont (COB) streets included in the MSD, with permission by the COB:

Streets running north/south:

- All of North Pearl Street from a line coinciding with the northern edge of Miller Street, south to a line coinciding with the southern property line of Lot Number Five (5), Block Seven (7);
- All of North Main Street from its intersection with Pine Street, south to a line coinciding with the southern property line of Lot Number Five (5), Block Ten (10); and
- All of Pine Street from a line coinciding with the northern edge of Miller Street, south to where Pine Street forks to enter Interstate Highway 10 (IH-10) adjacent to Block Two (2), east to a line coinciding with the eastern edge of Pine Street, and south to a line coinciding with the southern edge of Hazel Avenue.

Streets running east/west:

- All of Miller Street from a line coinciding with the western edge of North Pearl Street, east to a line coinciding with the eastern edge of Pine Street;
- All of Long Avenue from a line coinciding with the western edge of North Pearl Street, east to a line coinciding with the eastern edge of Pine Street;
- All of Harrison Avenue from a line coinciding with the western edge of North Pearl Street, east to a line coinciding with the eastern edge of Pine Street; and
- All of Hazel Avenue from a line coinciding with the western edge of North Pearl Street, east to a line coinciding with the eastern edge of Pine Street.

GPS Coordinates

GPS coordinates are denoted on the attached map and are listed in the following tables. GPS coordinates are listed starting from the northwestern corner of proposed MSD area and listed going in a clockwise manner.

X	Y
3517258.28	13977254.04
3517439.00	13977271.03
3517482.43	13977150.19
3517527.92	13977149.89
3517535.14	13977081.48
3517843.08	13976292.67
3518055.65	13976005.79
3517934.45	13975992.61
3517938.09	13975941.09
3517754.15	13975926.52
3517745.76	13975971.22
3517458.49	13975950.94
3517461.57	13975900.29
3517314.31	13975888.27
3517258.28	13977254.04

B



Municipal Setting Designation Application Form

TCEQ Office Use Only:	Date Add. Info Req. 5/2/06
Application No: MSDA0020	Date Add. Info Rec'd 5/8/06
Date Received: 3/16/06	Date Certified: 5/17/06
	Date Denied: / /

Reset form

Municipal Setting Designation Eligibility Criteria:

Is the proposed municipal setting designation (MSD) within the corporate limits of a municipality authorized by statute that has a population of at least 20,000? (See most recent <i>place</i> population estimate reported at http://txsdc.utsa.edu/tpepp/txpopest.php .)	<input checked="" type="radio"/> Yes	<input type="radio"/> No ¹
Is the proposed municipal setting designation (MSD) within the extraterritorial jurisdiction of a municipality authorized by statute that has a population of at least 20,000? (See most recent <i>place</i> population estimate reported at http://txsdc.utsa.edu/tpepp/txpopest.php .)	<input checked="" type="radio"/> Yes	<input type="radio"/> No ¹
Municipality name: Beaumont-Port Authur (as listed on txpopest)	Population: 385,300	
Is there a public drinking water supply system that satisfies the requirements of THSC Chapter 341 and supplies or is capable of supplying drinking water to: a) the proposed MSD property, and b) each property within 0.5 miles beyond the boundary of the proposed MSD?	<input checked="" type="radio"/> Yes	<input type="radio"/> No ¹
¹ If No, the eligibility criteria are not met. Do not submit an application.		

Applicant and Fee Payment Information:

Contact Person: <input checked="" type="radio"/> Mr. <input type="radio"/> Ms. William Reid		
Title: President		
Company: Ohmstede, Ltd.		
Mailing Address: 895 North Main Street		
City: Beaumont	State: TX	Zip: 77704
Telephone: 409 / 833-6375	Telefax: 409 / 839-4948	
E-mail Address:		
Is the required \$1,000 application being submitted to TCEQ in advance or at the same time the MSD application is being submitted to TCEQ?	<input checked="" type="radio"/> Yes	<input type="radio"/> No ²
² Do not submit application.		

Notice Information:

<u>On or before</u> the date of submission of the application to TCEQ, was notice provided to:		
a) each municipality:		
1) where the proposed MSD is located?	<input checked="" type="radio"/> Yes	<input type="radio"/> No ³
2) with a border within 0.5 miles beyond the proposed MSD boundaries?	<input type="radio"/> Yes	<input type="radio"/> No ³ <input type="radio"/> NA ⁴
3) 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 ³ <input type="radio"/> NA ⁴
b) each current owner of a private well registered with the commission and located within five miles beyond the proposed MSD boundaries?	<input type="radio"/> Yes	<input type="radio"/> No ³ <input type="radio"/> NA ⁴
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 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. TCEQ SWR No. 20153; TCEQ VCP No. 1834; EPA No. TXD988041612		
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? 003/ /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 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:	<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 type="radio"/> Yes	<input checked="" 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 type="radio"/> Yes	<input checked="" 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.

William Reid
Applicant Signature

3-14-06
Date

Before me *Carolyn Mousley* the undersigned authority, on this day personally appeared
Name of Notary
William Reid and signed this Municipal Setting Designation Application.
Name of Applicant

Sworn, subscribed and signed before me in the County of Jefferson, State of Texas on the 14th
day of March, this month of March, 2006.