

Buddy Garcia, *Chairman*
Larry R. Soward, *Commissioner*
Bryan W. Shaw, Ph.D., *Commissioner*
Glenn Shankle, *Executive Director*



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

March 4, 2008

Mr. Casey Tate
City of Irving
Parks and Recreation Department
825 West Irving Boulevard
Irving, TX 75060

RE: Municipal Setting Designation (MSD) Certificate for Former Heritage Square Shopping Center, 200 South Jefferson Street, Irving, Dallas County, TX: MSD No. 61

Dear Mr. Tate:

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 512/239-5872 or via e-mail (mfrew@tceq.state.tx.us).

Sincerely,

A handwritten signature in black ink, appearing to read "Mike Frew".

Mike Frew, P.G.
Environmental Cleanup Section II
Remediation Division

Enclosure

Texas Commission on Environmental Quality



Municipal Setting Designation

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 MSD No. 61, in the City of Irving, 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 29th day of February, 2008

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

Glenn Shankle
Executive Director
Texas Commission on Environmental Quality

EXHIBIT "A"

BEING Lots 1, 2, 3, 4, 7, 8, 9 and 10, Block 17 of the corrected plat of the Town of Irving, Texas, according to the plat thereof recorded in Volume 1, Page 214, Map Records, DALLAS County, Texas, and a tract of land out of the HIRAM BENNETT SURVEY, ABSTRACT NO. 122, Dallas County, Texas, being described as follows:

BEING a tract of land situated in the HIRAM BENNETT SURVEY, ABSTRACT NO. 122 in the City of Irving, Dallas County, Texas, including all of Lots No. 1, 2, 3, 4, 7, 8, 9 and 10, Block 17 of the corrected plat recorded in Volume 1, Page 214 of the Map Records of Dallas County, Texas, and being more particularly described as follows:

BEGINNING at an iron rod, being the intersection of the South Right-of-Way line of East Second Street, a 75 foot wide Right-of-Way Street, with the East Right-of-Way line of Jefferson Street, a 75 foot wide Right-of-Way Street;

THENCE DUE EAST, a distance of 306.00 feet, along the South Right-of-Way line of said East Second Street, to an iron rod for corner, same being the intersection of the South Right-of-Way line of East said Second Street with the West Right-of-Way line of Delaware Street, a 75 foot wide Right-of-Way Street;

THENCE DUE SOUTH, a distance of 200.00 feet, along the West Right-of-Way line of said Delaware Street to an iron rod, for corner, same also being the Southeast corner of above mentioned Lot 7;

THENCE DUE EAST, a distance of 15.00 feet to an iron rod, for corner;

THENCE DUE SOUTH, a distance of 535.00 feet along said West Right-of-Way line of said Delaware Street, 30 feet from the Center Line; to an iron rod for corner, same being the intersection of the North Right-of-Way line of Fourth Street, a 60 foot Wide Right-of-Way Street, with the West Right-of-Way line of said Delaware Street;

THENCE DUE WEST, a distance of 328.50 feet along the North Right-of-Way line of said Fourth Street to an iron rod for corner, same being the intersection of the East Right-of-Way line of said Jefferson Street with the North Right-of-Way line of said Fourth Street;

THENCE DUE NORTH, a distance of 535.00 feet along the East Right-of-Way line of said Jefferson Street to an iron rod for corner;

THENCE DUE EAST, a distance of 7.50 feet to an iron rod for corner;

THENCE DUE NORTH, a distance of 200.00 feet along the West Right-of-Way line of said Jefferson Street to the POINT OF BEGINNING and CONTAINING 236,947 square feet (5.440 acres) of land.

'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 checked="" type="radio"/> Yes	<input type="radio"/> No ³	<input type="radio"/> NA ⁴
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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.
VCP No. 871

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? 07 / 10 / 01	<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: Private water wells (used for irrigation & vegetable gardens) within 1/2 mile.	<input checked="" type="radio"/> Yes	<input 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

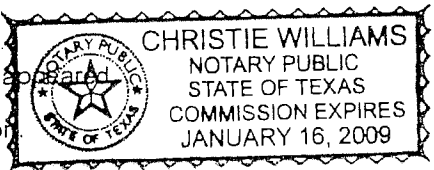
⁵ "Potable water" means water that is used for irrigating crops intended for human consumption, drinking, showering, bathing, or cooking purposes [THSC §361.801(2)].
⁶ Do not submit an application.

- 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.

S. Casey Tate
Applicant Signature

11/21/2007
Date

Before me Christie Williams the undersigned authority, on this day personally appeared S. Casey Tate and signed this Municipal Setting Designation Application.
Name of Notary
Name of Applicant



Sworn, subscribed and signed before me in the County of Dallas, State of Texas, on the 21st day of November, this month of November, 2007