

Buddy Garcia, *Chairman*
Larry R. Soward, *Commissioner*
Bryan W. Shaw, Ph.D., *Commissioner*
Mark R. Vickery, P.G., *Executive Director*



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

June 2, 2009

Mr. Ron Childress, Director of Construction
Iowa Park Road, LLC
P.O. Box 65207
Lubbock, TX 79464

Re: Municipal Setting Designation (MSD) Certificate for 2522 Iowa Park Road,
Wichita Falls, Wichita County, TX; MSD No. 91

Dear Mr. Childress:

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", with a long horizontal flourish extending to the right.

Mike Frew, P.G.
QA/Technical Support Section
Remediation Division

MF/sr

Enclosure

cc: Mark Arthur, VCP No. 1122 Project Manager, Remediation Division, MC-221

Texas Commission on Environmental Quality



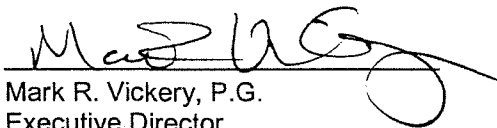
Municipal Setting Designation

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

I, Mark R. Vickery, Executive Director of the Texas Commission on Environmental Quality certify the Municipal Setting Designation for MSD No. 91, in the City of Wichita Falls, 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 20th day of May, 2009.


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

A

STATE OF TEXAS
COUNTY OF WICHITA

WHEREAS, Iowa Park Road, L.L.C., is the owner of Lots 17-B, Ed Woodall Subdivision No. 2, Wichita Falls, Texas, described by metes and bounds as follows:

BEGINNING at a point at the Northwest corner of Lot 17-B, Ed Woodall Subdivision No. 2, as shown on plat recorded at Volume 27, Page 938, Wichita County Plat Records, from which a reference rod bears N 89° 48' W 5.0 feet, said rod being in the East line of Kenley Avenue;

THENCE with the North line of Lot 17-B, S 89° 48' 00" E a distance of 421.00 feet to an iron rod found at the Northeast corner of said Lot 17-B;

THENCE S 00° 04' 30" W a distance of 102.25 feet to an iron rod found at an angle point;

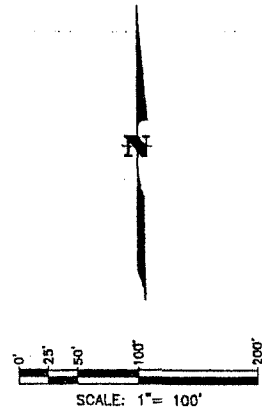
THENCE N 89° 48' 00" W a distance of 2.60 feet to an iron rod found at an angle point;

THENCE S 00° 06' 00" W a distance of 495.51 feet to an iron rod found at the Southeast corner of Lot 17-B in the North right-of-way line of the Old Iowa Park Road;

THENCE parallel with and 170.0 feet North from the centerline of the Fort Worth and Denver Railroad tracks, N 79° 44' 00" W a distance of 424.9 feet to an iron rod found at the Southwest corner of Lot 17-B and in the East line of Kenley Avenue;

THENCE with the East line of Kenley Avenue N 00° 04' 30" E a distance of 523.52 feet to the PLACE OF BEGINNING and containing 5.39 acres of land.

THEREFORE, the Owner of the land shown on this plat and whose name is subscribed thereon and in person or through a duly authorized agent, hereby dedicate to the use of the public forever all streets, alleys, parks, water courses, drains, easements and public places thereon shown for the purposes and considerations therein expressed.



IOWA PARK ROAD, L.L.C.

Ronald S. Childress
Ronald S. Childress, Member

STATE OF TEXAS
COUNTY OF LUBBOCK

BEFORE ME, the undersigned authority, on this day personally appeared Ronald S. Childress, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purposes and considerations therein expressed and in the capacity therein stated.

Given under my hand and seal of office this the 31st day of JULY, 2003.

Kathy L. Davis
Notary Public for State of Texas



The Director of Public Works of the City of Wichita Falls, Texas, hereby certifies that this Plat conforms to all the requirements of the subdivision regulations as to which his approval is required.

Scott Tucker P.E.
Director of Public Works

This Plat of Lot 17-C, Ed Woodall Subdivision No. 2, Wichita Falls, Texas, has been submitted to and considered by the City of Wichita Falls, Texas, and is hereby approved.

Dated this the 4 day of April, 2003.

Sharon
Director of Community Development

I hereby certify that this plot has been prepared from an actual survey of the land made under my supervision and direction in April, 2003, and that all information shown is true and correct to the best of my knowledge, and that all monuments were properly placed in accordance with the Subdivision Regulations of the City of Wichita Falls, Texas.



Richard K. Boyd
Richard K. Boyd
Registered Professional Land Surveyor No. 3662

This is to certify that all taxes due and collected by Wichita County, the City of Wichita Falls and Wichita Falls Independent School District on the above described property have been paid up to and including 2002 ~~2003~~ with the following exceptions:

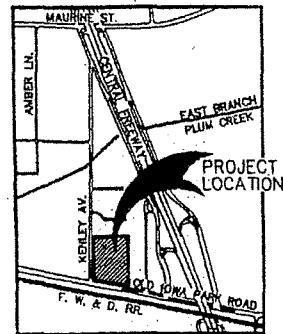
This certification is conditional on values certified by the Appraisal District as of this date. Any changes to the certified value made subsequent to the date of the certification are not included.

Tax Collector: *Donna Tolson*
by Deputy: *Donna Tolson*
Date: Aug 5, 2003

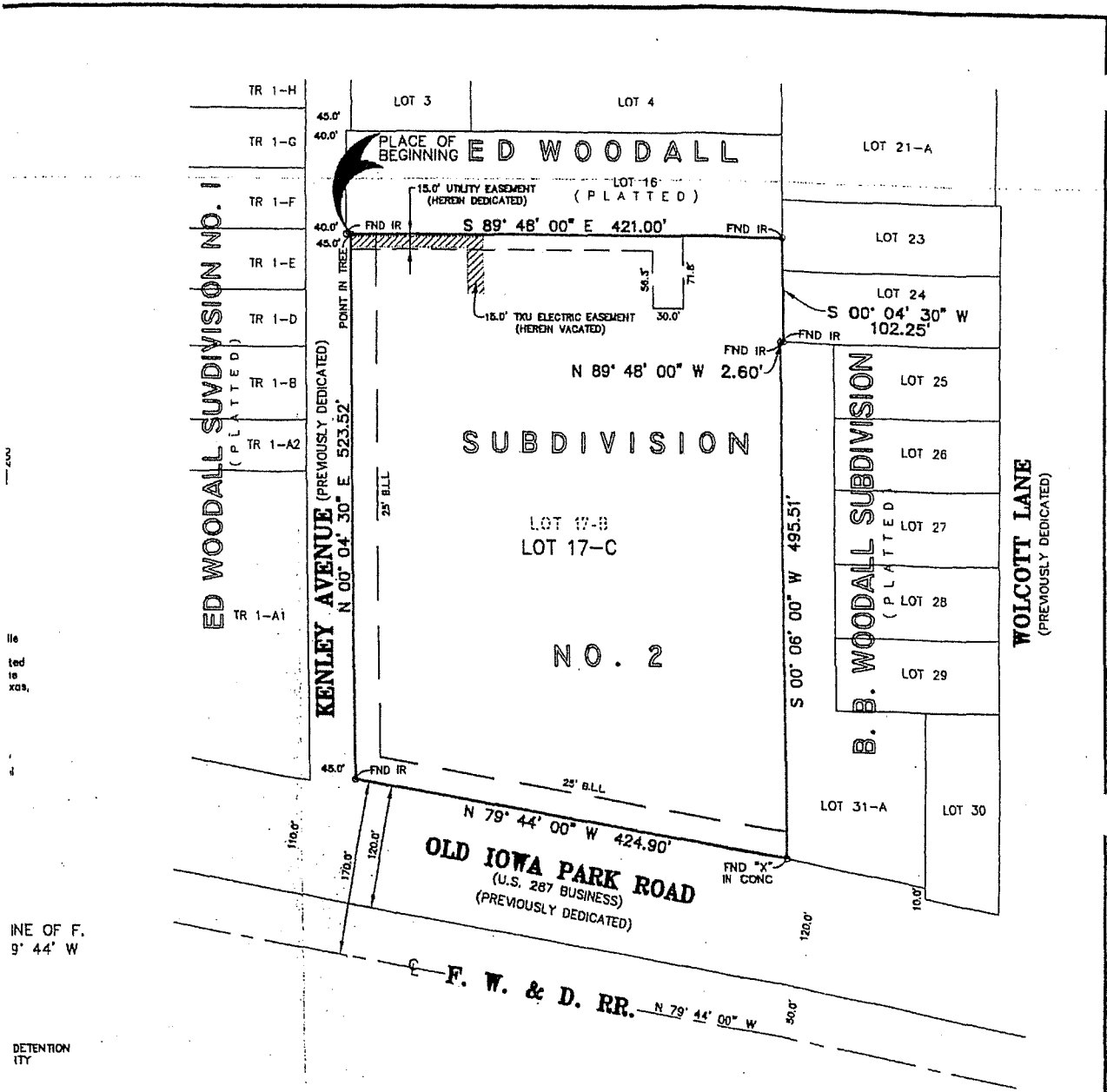
The herein described property does lie within the Special Flood Hazard Areas inundated by 100 Year Flood as delineated on the Flood Insurance Rate Map for the City of Wichita Falls, Wichita County, Texas, Panel Number: 480862 0020 E,
Dated: SEPTEMBER 15, 1993,
as published by the U.S. Department of Housing and Urban Development, Federal Emergency Management Agency.
Flood Zone designation is Zone AE.

BASIS OF BEARING: THE CENTERLINE OF W. & D. RAILROAD TRACKS: N 79° 44'

NOTE: COMPLIANCE WITH THE CURRENT STORMWATER DETENT ORDINANCE WILL BE REQUIRED ON THIS PROPERTY BEFORE BUILDING PERMITS WILL BE ISSUED.



LOCATION MAP
N.T.S.



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LINE OF F.
9' 44' W

DETENTION
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ON

FINAL PLAT
LOT 17-C
ED WOODALL SUBDIVISION NO. 2

WICHITA FALLS, TEXAS
(REPLAT OF LOT 17-B)

APRIL, 2003
SCALE: 1" = 100'

OWNER
IOWA PARK ROAD, L.L.C.
2574 74TH STREET
SUITE 210
LUBBOCK, TEXAS 79423
PHONE (806) 745-9718

Ret **PREPARED BY**
CORLETT, PROBST & BOYD, L.L.P.
ENGINEERS & SURVEYORS
4605 OLD JACKSBORO HIGHWAY
WICHITA FALLS, TEXAS 76302
PHONE (940) 723-1455

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
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 ID No 1500, SWR No. 319684, EPA ID No. TXD 007319650, IOP ID No. 516

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? 7 / 26 /2002	<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 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.

Ron Childress
Applicant Signature

OCTOBER 23, 2008
Date

Before me Sandra Spaug the undersigned authority, on this day personally appeared
Name of Notary
Ron Childress and signed this Municipal Setting Designation Application.
Name of Applicant

Sworn, subscribed and signed before me in the County of Lubbock, State of TX, on the 23rd
day of Oct., this month of October, 2008.

