

Bryan W. Shaw, Ph.D., P.E., *Chairman*  
Toby Baker, *Commissioner*  
Jon Niermann, *Commissioner*  
Richard A. Hyde, P.E., *Executive Director*



## TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

*Protecting Texas by Reducing and Preventing Pollution*

March 3, 2016

Ms. Amanda Nobles, Executive Director  
Kilgore Economic Development Corporation  
1001 Synergy Blvd  
Kilgore, Texas 75662

Re: Municipal Setting Designation (MSD) Certificate for Lots 5, 6, 7, 8, 11, 12, Kilgore, Gregg County, TX; Voluntary Cleanup Program (VCP) No. 2566; MSD No. 286; Customer No. CN602551962; Regulated Entity No. RN106614829

Dear Ms. Nobles:

The Texas Commission on Environmental Quality (TCEQ) received the above-referenced Municipal Setting Designation (MSD) application on June 8, 2015. Additional information supporting this MSD application was submitted on August 19 and October 14, 2015, as well as January 25, 2016. Based on our review, the application contains the required information as outlined in Texas Health and Safety Code (THSC) §361.804. Enclosed is the Municipal Setting Designation Certification for your site. If you have any questions, please do not hesitate to contact me at (512) 239-2205 or via e-mail (rodney.bryant@tceq.texas.gov).

Sincerely,

A handwritten signature in black ink, appearing to read "Rodney Bryant".

Rodney Bryant, Project Manager  
VCP-CA Section  
Remediation Division

RB/jdm

cc: Ms. Laura Rectenwald, PhD., P.G., Titanium Environmental Services, LLC, P.O. Box 4029, Longview, Texas 75606-4029

Mr. Michael Brashear, Waste Section Manager, TCEQ Tyler Region Office, R-5

Enclosure: MSD Certificate No. 286

Bryan W. Shaw, Ph.D., P.E., *Chairman*  
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## TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

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March 3, 2016

Ms. Deborah Dane, City Secretary  
City of Kilgore  
815 N. Kilgore Street  
Kilgore, Texas 75662

Re: Municipal Setting Designation (MSD) Certificate for Lots 5, 6, 7, 8, 11, 12, Kilgore, Gregg County, TX; Voluntary Cleanup Program (VCP) No. 2566; MSD No. 286; Customer No. CN602551962; Regulated Entity No. RN106614829

Dear Ms. Dane:

As required by Texas Health & Safety Code §361.807(a)(2), enclosed is a copy of the MSD certificate dated March 2, 2016. The City of Kilgore passed an ordinance (Ordinance No. 1640) in support of this MSD application. For this reason, the Texas Commission on Environmental Quality is required to provide you a copy of the MSD Certificate.

If you have any questions, please contact me at (512) 239-2205 or via e-mail (rodney.bryant@tceq.texas.gov).

Sincerely,

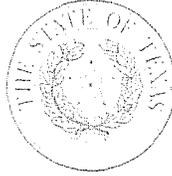
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Rodney Bryant, Project Manager  
VCP-CA Section  
Remediation Division

RB/jdm

Enclosure: Copy of MSD Certificate No. 286

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## TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

*Protecting Texas by Reducing and Preventing Pollution*

March 3, 2016

Mr. Rodney Clinkscales, Vice President  
Cross Roads SUD  
PO Box 1001  
Kilgore, Texas 75663

Re: Municipal Setting Designation (MSD) Certificate for Lots 5, 6, 7, 8, 11, 12, Kilgore,  
Gregg County, TX; Voluntary Cleanup Program (VCP) No. 2566; MSD No. 286;  
Customer No. CN602551962; Regulated Entity No. RN106614829

Dear Mr. Clinkscales:

As required by Texas Health & Safety Code §361.807(a)(2), enclosed is a copy of the MSD certificate dated March 2, 2016. The City of Kilgore passed an ordinance (Ordinance No. 1640) in support of this MSD application. For this reason, the Texas Commission on Environmental Quality is required to provide you a copy of the MSD Certificate.

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Rodney Bryant, Project Manager  
VCP-CA Section  
Remediation Division

RB/jdm

Enclosure: Copy of MSD Certificate No. 286

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## TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

*Protecting Texas by Reducing and Preventing Pollution*

March 3, 2016

Mr. David Chandler  
EJ Water Company  
PO Box 9909  
Longview, Texas 75608

Re: Municipal Setting Designation (MSD) Certificate for Lots 5, 6, 7, 8, 11, 12, Kilgore, Gregg County, TX; Voluntary Cleanup Program (VCP) No. 2566; MSD No. 286; Customer No. CN602551962; Regulated Entity No. RN106614829

Dear Mr. Chandler:

As required by Texas Health & Safety Code §361.807(a)(2), enclosed is a copy of the MSD certificate dated March 2, 2016. The City of Kilgore passed an ordinance (Ordinance No. 1640) in support of this MSD application. For this reason, the Texas Commission on Environmental Quality is required to provide you a copy of the MSD Certificate.

If you have any questions, please contact me at (512) 239-2205 or via e-mail (rodney.bryant@tceq.texas.gov).

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Rodney Bryant, Project Manager  
VCP-CA Section  
Remediation Division

RB/jdm

Enclosure: Copy of MSD Certificate No. 286

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## TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

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March 3, 2016

Mr. David Chandler  
Heritage Acres  
PO Box 9909  
Longview, Texas 75608

Re: Municipal Setting Designation (MSD) Certificate for Lots 5, 6, 7, 8, 11, 12, Kilgore, Gregg County, TX; Voluntary Cleanup Program (VCP) No. 2566; MSD No. 286; Customer No. CN602551962; Regulated Entity No. RN106614829

Dear Mr. Chandler:

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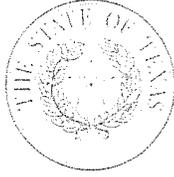
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Rodney Bryant, Project Manager  
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Remediation Division

RB/jdm

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## TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

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March 3, 2016

Mr. Jeremy Jones  
Jones Mobile Home Park  
2501 Goforth Road  
Kilgore, Texas 75662

Re: Municipal Setting Designation (MSD) Certificate for Lots 5, 6, 7, 8, 11, 12, Kilgore, Gregg County, TX; Voluntary Cleanup Program (VCP) No. 2566; MSD No. 286; Customer No. CN602551962; Regulated Entity No. RN106614829

Dear Mr. Jones:

As required by Texas Health & Safety Code §361.807(a)(2), enclosed is a copy of the MSD certificate dated March 2, 2016. The City of Kilgore passed an ordinance (Ordinance No. 1640) in support of this MSD application. For this reason, the Texas Commission on Environmental Quality is required to provide you a copy of the MSD Certificate.

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Rodney Bryant, Project Manager  
VCP-CA Section  
Remediation Division

RB/jdm

Enclosure: Copy of MSD Certificate No. 286

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## TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

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March 3, 2016

Mr. Max Conlin, GM  
Liberty City WSC  
6144 Gateway Center No 349  
Kilgore, Texas 75662

Re: Municipal Setting Designation (MSD) Certificate for Lots 5, 6, 7, 8, 11, 12, Kilgore, Gregg County, TX; Voluntary Cleanup Program (VCP) No. 2566; MSD No. 286; Customer No. CN602551962; Regulated Entity No. RN106614829

Dear Mr. Conlin:

As required by Texas Health & Safety Code §361.807(a)(2), enclosed is a copy of the MSD certificate dated March 2, 2016. The City of Kilgore passed an ordinance (Ordinance No. 1640) in support of this MSD application. For this reason, the Texas Commission on Environmental Quality is required to provide you a copy of the MSD Certificate.

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Rodney Bryant, Project Manager  
VCP-CA Section  
Remediation Division

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## TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

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March 3, 2016

Mr. Michael Farrell, VP  
Southern Utilities Company  
218 N Broadway Avenue  
Tyler, Texas 75702

Re: Municipal Setting Designation (MSD) Certificate for Lots 5, 6, 7, 8, 11, 12, Kilgore, Gregg County, TX; Voluntary Cleanup Program (VCP) No. 2566; MSD No. 286; Customer No. CN602551962; Regulated Entity No. RN106614829

Dear Mr. Farrell:

As required by Texas Health & Safety Code §361.807(a)(2), enclosed is a copy of the MSD certificate dated March 2, 2016. The City of Kilgore passed an ordinance (Ordinance No. 1640) in support of this MSD application. For this reason, the Texas Commission on Environmental Quality is required to provide you a copy of the MSD Certificate.

If you have any questions, please contact me at (512) 239-2205 or via e-mail (rodney.bryant@tceq.texas.gov).

Sincerely,

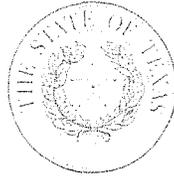
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Rodney Bryant, Project Manager  
VCP-CA Section  
Remediation Division

RB/jdm

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## TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

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March 3, 2016

Mr. Wallace A. Raynor  
Sun Acres Mobile Home Park  
129 Redoak Street  
Kilgore, Texas 75662

Re: Municipal Setting Designation (MSD) Certificate for Lots 5, 6, 7, 8, 11, 12, Kilgore, Gregg County, TX; Voluntary Cleanup Program (VCP) No. 2566; MSD No. 286; Customer No. CN602551962; Regulated Entity No. RN106614829

Dear Mr. Raynor:

As required by Texas Health & Safety Code §361.807(a)(2), enclosed is a copy of the MSD certificate dated March 2, 2016. The City of Kilgore passed an ordinance (Ordinance No. 1640) in support of this MSD application. For this reason, the Texas Commission on Environmental Quality is required to provide you a copy of the MSD Certificate.

If you have any questions, please contact me at (512) 239-2205 or via e-mail (rodney.bryant@tceq.texas.gov).

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Rodney Bryant, Project Manager  
VCP-CA Section  
Remediation Division

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## TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

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March 3, 2016

Mr. Neil Flemister  
West Gregg SUD  
5782 Highway 31 W  
Kilgore, Texas 75662

Re: Municipal Setting Designation (MSD) Certificate for Lots 5, 6, 7, 8, 11, 12, Kilgore, Gregg County, TX; Voluntary Cleanup Program (VCP) No. 2566; MSD No. 286; Customer No. CN602551962; Regulated Entity No. RN106614829

Dear Mr. Flemister:

As required by Texas Health & Safety Code §361.807(a)(2), enclosed is a copy of the MSD certificate dated March 2, 2016. The City of Kilgore passed an ordinance (Ordinance No. 1640) in support of this MSD application. For this reason, the Texas Commission on Environmental Quality is required to provide you a copy of the MSD Certificate.

If you have any questions, please contact me at (512) 239-2205 or via e-mail ([rodney.bryant@tceq.texas.gov](mailto:rodney.bryant@tceq.texas.gov)).

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Rodney Bryant, Project Manager  
VCP-CA Section  
Remediation Division

RB/jdm

Enclosure: Copy of MSD Certificate No. 286

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



MUNICIPAL SETTINGS DESIGNATION CERTIFICATE

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

I, Beth Seaton, Director, Remediation Division, TCEQ, certify the Municipal Setting Designation (MSD) for MSD No. 286, in the City of Kilgore, 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 ordinance or restrictive covenant required by Texas Health and Safety Code §361.8065 remains 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 March, 2016

Beth Seaton

Beth Seaton, Director  
Remediation Division  
Texas Commission on Environmental Quality

EXHIBIT A

Lot 5, Block 1, Energy Center, located in the Mary Van Winkle Survey, Gregg County, Texas, according to plat of said addition recorded in Volume 1526, Page 5321 of the Deed Records of Gregg County, Texas including, but not limited to, all interests of Grantor, if any, in (1) strips and gores, if any, between the property and any abutting properties, whether owned or claimed by Deed limitations or otherwise and whether located inside or outside the property, and (2) any land lying in or under the bed of any creek, stream, or waterway or highway, avenue, street, alley, road, easement or right-of-way, open or proposed, in, on, across, abutting, or adjacent to the Property.

I got this from 201116756 GCDR, which is a Warranty Deed with Vendor's Lien dated September 1, 2011 from Jerry Ted Roberts to Brandon L. Copeland, a single person.

EXHIBIT A

Lot 6, Block 1, Energy Center, located in the Mary Van Winkle Survey, Gregg County, Texas, according to plat of said addition recorded in Volume 1525, page 531 of the Deed Records of Gregg County, Texas, including, but not limited to, all interests of Grantor, if any, in (1) strips and gores, if any, between the property and any abutting properties, whether owned or claimed by Deed limitations or otherwise and whether located inside or outside the property; and (2) any land lying in or under the bed of any creek, stream, or waterway or highway, avenue, street, alley, road, easement or right-of-way, open or proposed, in, on, across, abutting, or adjacent to the Property.



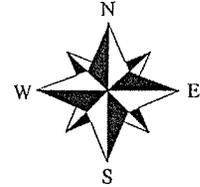
EXHIBIT A

Lots 7 and 8, Block 1, Energy Center, located in the Mary Van Winkle Survey, Gregg County, Texas, according to plat of said addition recorded in Volume 1525, Page 531 of the Deed Records of Gregg County, Texas, including, but not limited to, all interests of Grantor, if any, in (1) strips and gores, if any, between the property and any abutting properties, whether owned or claimed by Deed limitations or otherwise and whether located inside or outside the property; and (2) any land lying in or under the bed of any creek, stream, or waterway or highway, avenue, street, alley, road, easement or right-of-way, open or proposed, in, on, across, abutting, or adjacent to the Property.

Lots 11 and 12:

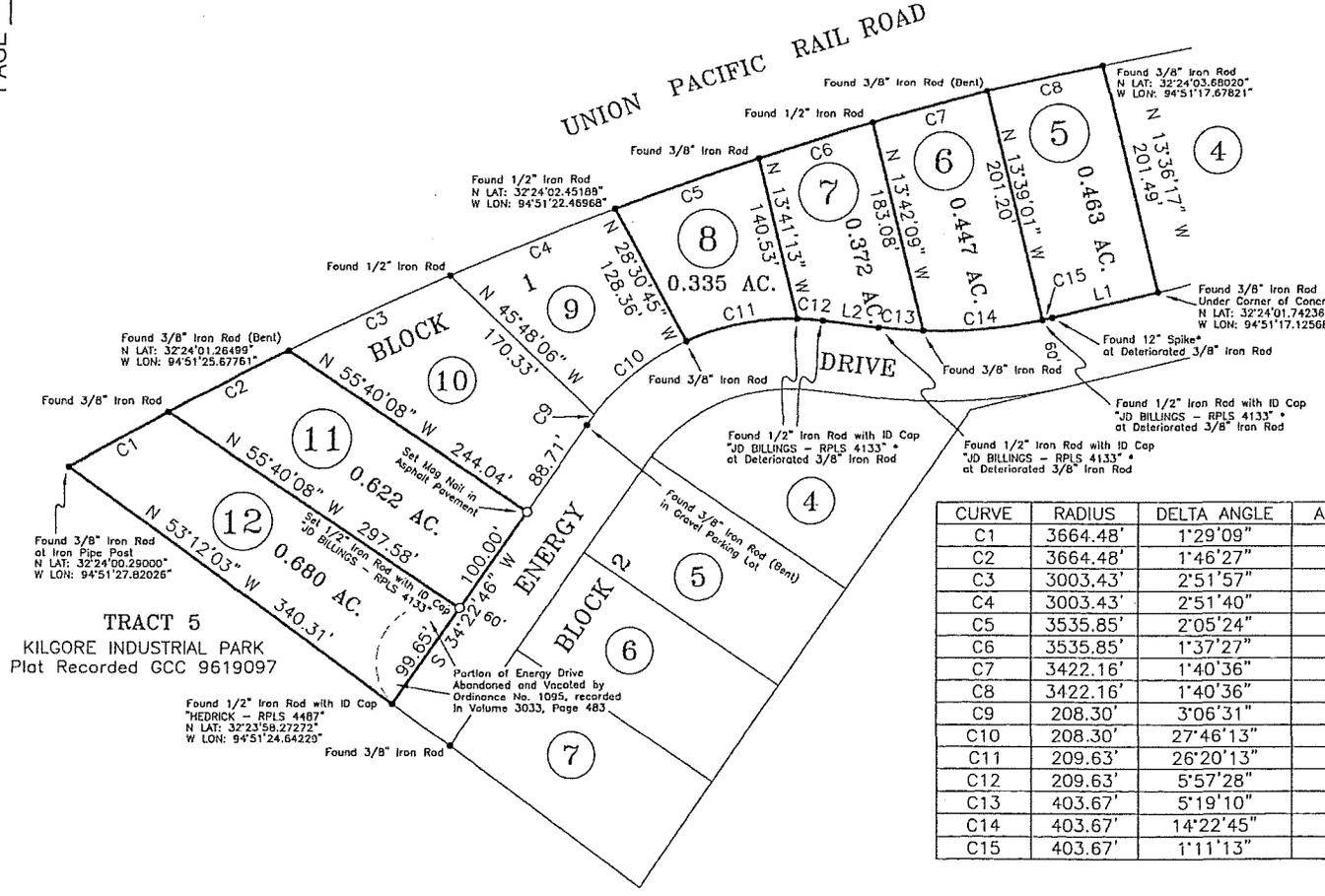
All that certain lot, tract or parcel of land being lots 11 and 12 Block 1 Energy Center Addition, located in the Mary Van Winkle Survey, City of Kilgore, Gregg County, Texas, according to the plat of said addition recorded in Volume 1525, Page 531, Deed Records, Gregg County, Texas

UNION PACIFIC RAIL ROAD



Bearings related to a local grid having an origin of North Latitude 32°32' and West Longitude 94°52'. Convergence: +00°00'20"  
Distances are expressed in US Survey Feet as measured horizontally along the surface of the Earth.  
Coordinates are related to NAD83-2011 (Epoch 2010) based on GPS observations made on site to the NGS CORS network.

Easements, utilities and physical improvements were not addressed in this survey.  
\* Represents monument set by J.D. Billings in Survey dated 12/22/2010.



LINE	BEARING	DISTANCE
L1	N 76°19'24" E	91.62'
L2	N 82°31'29" W	46.94'

CURVE	RADIUS	DELTA ANGLE	ARC LENGTH	CHORD BEARING	CHORD LENGTH
C1	3664.48'	1°29'09"	95.03'	N 60°54'03" E	95.03'
C2	3664.48'	1°46'27"	113.47'	N 62°31'51" E	113.46'
C3	3003.43'	2°51'57"	150.22'	N 65°00'06" E	150.21'
C4	3003.43'	2°51'40"	149.97'	N 67°51'54" E	149.96'
C5	3535.85'	2°05'24"	128.98'	N 70°26'46" E	128.98'
C6	3535.85'	1°37'27"	100.23'	N 72°18'12" E	100.23'
C7	3422.16'	1°40'36"	100.15'	N 74°32'33" E	100.14'
C8	3422.16'	1°40'36"	100.15'	N 76°13'09" E	100.15'
C9	208.30'	3°06'31"	11.30'	N 35°54'06" E	11.30'
C10	208.30'	27°46'13"	100.96'	N 51°20'28" E	99.97'
C11	209.63'	26°20'13"	96.36'	N 78°15'59" E	95.51'
C12	209.63'	5°57'28"	21.80'	S 85°35'10" E	21.79'
C13	403.67'	5°19'10"	37.48'	S 85°17'07" E	37.46'
C14	403.67'	14°22'45"	101.31'	S 84°51'56" W	101.04'
C15	403.67'	1°11'13"	8.36'	S 77°04'57" W	8.36'

TRACT 5  
KILGORE INDUSTRIAL PARK  
Plat Recorded GCC 9619097

Found 1/2" Iron Rod with ID Cap  
"HEDRICK - RPLS 4487"  
N LAT: 32°23'58.27272"  
W LON: 94°51'24.64229"

In my professional opinion this plat accurately represents the results of a survey made on the ground by me on February 5, 2016.

*J.D. Billings*  
J.D. Billings  
Registered Professional Land Surveyor  
No. 4133



SURVEY PLAT OF  
LOTS 5, 6, 7, 8, 11,  
AND 12, BLOCK 1  
ENERGY CENTER  
MARY VAN WINKLE SURVEY  
A-208  
CITY OF KILGORE,  
GREGG COUNTY, TEXAS  
Plat of ENERGY CENTER is recorded in  
Volume 1525, Page 531, Deed Records,  
Gregg County, Texas.

# Exhibit B

## Municipal Setting Designation

### Affidavit of Eligibility

BEFORE ME, the undersigned authority, on this day personally appeared  
Amanda Nobles, as an authorized representative of  
Kilgore Economic Development Corporation, known to me to be the person  
whose name is subscribed below who being by me first duly sworn, upon their oath,  
stated as follows:

I am over the age of 18 and legally competent to make this affidavit. I have personal  
knowledge of the facts stated herein.

I affirmatively state that (place an X in all applicable blanks)

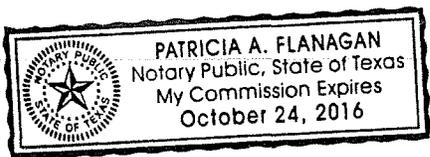
- The MSD eligibility criteria of THSC Section 361.803 are satisfied.
- True and accurate copies of all documents demonstrating that the MSD eligibility  
criteria provided by THSC 361.803 have been satisfied and are included with the  
application.
- A true and accurate copy of a legal description of the proposed MSD property is  
included with the application.
- Notice has been 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.

Amanda Nobles  
Signature

Date: 6/5/2015

Amanda Nobles  
Printed Name

Executive Director  
Title



STATE OF Texas

COUNTY OF Gregg

SUBSCRIBED AND SWORN before me on this the 5th day of  
June 2015, to which witness my hand and seal of office.

Patricia A. Flanagan  
Notary Public in and for the State of Texas