

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



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

September 3, 2015

Ms. Tracy Norr, City Clerk
City of Wichita Falls
1300 Seventh Street, Room 104
Wichita Falls, Texas 76301

Re: Municipal Setting Designation (MSD) Certificate for Peerless Manufacturing Co. facility located at 1011 Vermont Street, Wichita Falls, Wichita County, TX; MSD No. 292; TCEQ SWR No. 69765; EPA ID No. TXD988080644; Customer No. CN602410857; Regulated Entity No. RN100552546

Dear Ms. Norr:

As required by Texas Health & Safety Code §361.807(a)(2), enclosed is a copy of the MSD certificate dated September 2, 2015. The City of Wichita Falls passed an ordinance (Ordinance No. 22-2015) on May 5, 2015 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) 239-6542 or via e-mail (eleanor.wehner@tceq.texas.gov).

Sincerely,

A handwritten signature in cursive script that reads "Eleanor T. Wehner".

Eleanor T. Wehner, P.G.
Project Manager
VCP-CA Section
Remediation Division

ETW/jdm

Enclosure: Copy of MSD Certificate No. 292

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TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

September 3, 2015

Ms. Teresa Rose, P.E.
City of Wichita Falls
Deputy Director of Public Works
1300 7th Street, Room 402
P.O. Box 1431
Wichita Falls, Texas 76307

Re: Municipal Setting Designation (MSD) Certificate for Peerless Manufacturing Co. facility located at 1011 Vermont Street, Wichita Falls, Wichita County, TX; MSD No. 292; TCEQ SWR No. 69765; EPA ID No. TXD988080644; Customer No. CN602410857; Regulated Entity No. RN100552546

Dear Ms. Rose:

As required by Texas Health & Safety Code §361.807(a)(2), enclosed is a copy of the MSD certificate dated September 2, 2015. The City of Wichita Falls passed an ordinance (Ordinance No.) 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. The City of Wichita Falls passed an ordinance (Ordinance No. 22-2015) on May 5, 2015 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) 239-6542 or via e-mail (eleanor.wehner@tceq.texas.gov).

Sincerely,

A handwritten signature in cursive script that reads "Eleanor T. Wehner".

Eleanor T. Wehner, P.G.
Project Manager
VCP-CA Section
Remediation Division

ETW/jdm

Enclosure: Copy of MSD Certificate No. 292

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TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

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September 3, 2015

Mr. Peter Burlage, President & CEO
Peerless Manufacturing Co.
14651 North Dallas Parkway
Dallas, Texas 75254

Re: TCEQ approval of the following documents:

- *Response to TCEQ letter dated May 13, 2015*, dated June 1, 2015
- *Municipal Settings Designation Application*, dated June 30, 2015

Municipal Setting Designation (MSD) Certificate for Peerless Manufacturing Co. facility located at 1011 Vermont Street, Wichita Falls, Wichita County, TX; MSD No. 292; TCEQ SWR No. 69765; EPA ID No. TXD988080644; Customer No. CN602410857; Regulated Entity No. RN100552546

Dear Mr. Burlage:

The Texas Commission on Environmental Quality (TCEQ) received the above referenced *Municipal Setting Designation (MSD) Application* on July 6, 2015, and *Response to TCEQ letter dated May 13, 2015*, dated June 1, 2015. The June 1, 2015 submittal provided a remediation status update of activities supporting the MSD application for the above referenced site in response to issuance of a TCEQ letter dated May 13, 2015. 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) 239-6542 or via e-mail (eleanor.wehner@tceq.texas.gov).

Sincerely,

A handwritten signature in cursive script that reads "Eleanor T. Wehner".

Eleanor T. Wehner, P.G.
Project Manager
VCP-CA Section
Remediation Division

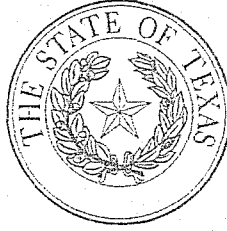
ETW/jdm

cc: Mr. Michael F. Forlenza, P.G., Brown and Caldwell, 10777 Westheimer Road, Suite 925, Houston, TX 77042

Mr. Mike Taylor, Waste Section Manager, TCEQ Region 3 Office, Abilene

Enclosure: MSD Certificate

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. 292, in the City of Wichita Falls, 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 2nd day of September, 2015

Beth Seaton

Beth Seaton, Director
Remediation Division
Texas Commission on Environmental Quality

Legal Description

A legal description of the MSD property. Provide sufficient global positioning satellite coordinate locations to allow the MSD property boundaries to be plotted (map view) in a geographic information system.

GPS Coordinates:

Coordinates of MSD
Boundary Vertices

X	Y
3754103.76	545128.84
3754023.64	545513.16
3753955.14	545513.55
3753962.49	545125.36

NOTE: Coordinates provided in Universal Transverse Mercator projection, Zone 14 North (meters), North American Datum 1983

The legal description of the designated property located at 1011 Vermont Street in Wichita Falls is provided below:

Lot 1-A, Block 3-A, a Replat of Lots 1-12, Block 3; and Lots 1-12, Block 4, SCOTLAND ADDITION, an Addition to the City of Wichita Falls, Wichita County, Texas, according to the Replat recorded in Vol. 24, Page 200, Wichita County Plat Records.

Exhibit B
Municipal Setting Designation
Affidavit of Eligibility

BEFORE ME, the undersigned authority, on this day personally appeared Peter Burlage, as an authorized representative of Peerless Manufacturing Co., 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.

Peter Burlage
Signature

Date: 6/30/2015

Peter Burlage
Printed Name
President and CEO
Title

STATE OF Texas
COUNTY OF Dallas

SUBSCRIBED AND SWORN before me on this the 30th day of June 2015, to which witness my hand and seal of office.

Kathryn Seale
Notary Public in and for the State of Texas

