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 or 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; TCEO 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,

Clana T, While Eleanor T. Wehner, P.G.

Project Manager VCP-CA Section

Remediation Division

ETW/jdm

Enclosure: Copy of MSD Certificate No. 292

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. Teresa Rose, P.E. City of Wichita Falls Deputy Director of Public Works 1300 7<sup>th</sup> 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; TCEO 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,

Eleanor T. Wehner, P.G.

Flogram T. Wehnen

Project Manager

VCP-CA Section

Remediation Division

ETW/jdm

Enclosure: Copy of MSD Certificate No. 292

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

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,

Eleanor T. Wehner, P.G.

Flance T. Welner

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

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Beth Seaton, Director

Remediation Division

Texas Commission on Environmental Quality

EXHIBIT "A "
PAGE | OF 2

#### 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

Х	Υ	
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  $^{+}\Delta$ PAGE 1011 VERMONT STREET

WOHITA FALLS, TEXAS

107 1-A, BLOCK 3-A

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# **Exhibit B**

# **Municipal Setting Designation**

## Affidavit of Eligibility

BEF	ORE ME, the undersign	ed authority, on this day personally ap	ppeared		
Peter B			rized representative of		
	s Manufacturing Co.		me to be the person		
	e name is subscribed bed d as follows:	elow who being by me first duly sworn	, upon their oath,		
	over the age of 18 and l ledge of the facts stated	egally competent to make this affidavi d herein.	t. I have personal		
I affii	rmatively state that (pla	ace an X in all applicable blanks)			
$\boxtimes$	The MSD eligibility criteria of THSC Section 361.803 are satisfied.				
$\boxtimes$	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.				
$\boxtimes$	A true and accurate copy of a legal description of the proposed MSD property is included with the application.				
$\boxtimes$	Notice has been provided in accordance with THSC 361.805.				
$\boxtimes$	<u> </u>	ce or restrictive covenant and any requication or will be provided before the exon.			
	Elis Burly	Date: 6/30/20	15		
Peter	Burlage				
	ed Name				
Presid	dent and CEO				
Title					
STAT	E OF Texas				
COUI	NTY OF Sallas				
		ND SWORN before me on this the <u></u> 3	g and day of		
Iu	<u>114</u> 20/5, to	which witness my hand and seal of of	fice.		
		Halling Scale	100 minutes (100 historium galarin minute)		
		Notary Public in and for the State of	Texas		
TCEQ :	20149	KATHRYN ANN SEALE MY COMMISSION EXPIRES December 21, 2017	August 2011		

TCEQ 20149