

Bryan W. Shaw, Ph.D., *Chairman*
Carlos Rubinstein, *Commissioner*
Toby Baker, *Commissioner*
Zak Covar, *Executive Director*



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

January 30, 2013

Mr. Steve Rogers, City Engineer
City of Terrell, Texas
P.O. Box 310
Terrell, TX 75160

RE: Municipal Setting Designation (MSD) Certificate for Airport Industrial Park, 800, 1000, 1001, 1010, 1100, 1501, and 1506 Airport Road, 400, 410, and 500 Industrial Boulevard, 109, 119, 123, 127, and 200 Silent Wings Boulevard, Terrell, Kaufman County, Texas; Solid Waste Registration (SWR) No. 84684; Customer No. CN600346407; Regulated Entity No. RN100635770; MSD No. 219

Dear Mr. Rogers:

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) 239-2241 or via e-mail (Chris.Swiderski@TCEQ.Texas.gov).

Sincerely,

A handwritten signature in cursive script that reads "Scott Settemeyer".

Chris Swiderski, Project Manager
VCP-CA Section
Remediation Division

for

CS/jdm

Enclosure

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



MUNICIPAL SETTING DESIGNATION CERTIFICATE

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

I, Zak Covar, Executive Director of the Texas Commission on Environmental Quality certify the Municipal Setting Designation (MSD) for MSD No. 219, in the City of Terrell, 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 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 the 23rd day of January, 2013



Zak Covar
Executive Director
Texas Commission on Environmental Quality

MUNICIPAL SETTING DESIGNATION SURVEY
PORTION OF TERRELL MUNICIPAL AIRPORT
KAUFMAN COUNTY, TEXAS

Being a tract of land situated in the R. Sowell Survey, Abstract No. 443 & 202 and in the J. Hamilton Survey, Abstract No. 207, in Kaufman County, Texas, being a portion of that 526 acre tract of land conveyed to the City of Terrell by deed recorded in Volume 301, Page 482 of the Deed Records of Kaufman County, Texas, together with the following tracts of land; Block A of Airport Addition, recorded in Volume 10, Page 41, Map Records, Kaufman County, Texas, Block C, Terrell Airport Addition, Map Records, Kaufman County, Texas, Block C, Airport Addition, recorded in Volume 10, Page 56, Map Records, Kaufman County, Texas, Lot 4, Block C, Airport Addition, recorded in Volume 3, Page 102, Map Records, Kaufman County, Texas, Lot 1, Block D, Airport Addition, recorded in Cabinet 2, Envelope 547, Map Records, Kaufman County, Texas, a tract conveyed to Powerflow Systems, Inc., recorded in Volume 1159, Page 763, Deed Records, Kaufman County, Texas, a tract conveyed to the City of Terrell, recorded in Volume 2074, Page 129, Deed Records, Kaufman County, Texas, Kiefer Addition, recorded in Volume 1, Page 349, Map Records, Kaufman County, Texas and a portion of a tract conveyed to the City of Terrell, recorded in Volume 803, Page 646, Deed Records, Kaufman County, Texas, being all together more particularly described by metes and bounds as follows:

Beginning at a 1/2 inch iron rod found for corner with a yellow cap stamped "VANNOY" in the Northeast right-of-way line of Airport Road (variable width public right-of-way), said point being the West corner of said Powerflow Systems, Inc. tract;

Thence North 08 Degrees 39 Minutes 44 Seconds East, along the West line of said Powerflow Systems, Inc., a distance of 657.93 feet to a 1/2 inch iron rod found for corner with a yellow cap stamped "VANNOY", said point being the West corner of Lot 1, of Rass Enterprises Addition, an addition to Kaufman County, Texas, according to the plat thereof recorded in Cabinet A, Envelope 739, of the Map Records of Kaufman County, Texas, same being the North corner of said City of Terrell tract, recorded in Volume 2074, Page 129;

Thence, in a southeasterly direction, along the Southwesterly boundary of said Rass Enterprises Addition, the following courses and distances:

South 71 Degrees 48 Minutes 10 Seconds East, a distance of 103.85 feet to a 60D Nail found

South 26 Degrees 05 Minutes 18 Seconds East, a distance of 507.31 feet to a point for corner

North 45 Degrees 10 Minutes 14 Seconds East, a distance of 217.24 feet 1/2 inch iron rod found for corner with a yellow cap stamped "CLS 5129"

South 26 Degrees 13 Minutes 20 Seconds East, a distance of 1490.49 feet to a 1/2 inch iron rod found for corner with a yellow cap stamped "CLS 5129", said point being the East corner of said Kiefer Addition, same being the East corner of herein described tract;

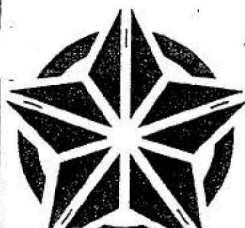
NOTE: BEARINGS ARE BASED
ON NAD 83 GIS COORDINATE
SYSTEM

JOB NO: 1102187-1

DATE: 03/13/2012

SCALE: 1"=500'

PAGE 1 OF 4



TEXAS HERITAGE
SURVEYING, LLC

10610 Metric Drive, Suite 124, Dallas, TX 75243
Office 214-340-9700 Fax 214-340-9710
txheritage.com



EXHIBIT "A"
MSD No. 219
2 of 4

MUNICIPAL SETTING DESIGNATION SURVEY
PORTION OF TERRELL MUNICIPAL AIRPORT
KAUFMAN COUNTY, TEXAS

Thence South 62 Degrees 02 Minutes 23 Seconds West, along the Southeast line of said Kiefer Addition, a distance of 125.32 feet to a 1/2 inch iron rod found for corner in the Northeast right-of-way line of said Airport Road;

Thence South 46 Degrees 04 Minutes 57 Seconds East, along the Northeast right-of-way line of said Airport Road, a distance of 41.37 feet to a point for corner;

Thence South 01 Degree 17 Minutes 36 Seconds East, departing the Northeast right-of-way line of said Airport Road, and along the East line of said portion of City of Terrell tract, recorded in Volume 803, Page 646, a total distance of 413.55 feet to a 1/2 inch iron rod found for corner in the West right-of-way line of Skyline Drive (50 foot public right-of-way);

Thence South 88 Degrees 51 Minutes 01 Seconds West, departing the West right-of-way line of said Skyline Drive, a distance of 227.65 feet to a 1/2 inch iron rod found for an ell corner of herein described tract;

Thence South 01 Degree 21 Minutes 11 Seconds East, a distance of 639.84 feet to a 1/2 inch iron rod found for corner, said point being the Southwest corner of Replat Airport Industrial Development Addition, an addition to Kaufman County, Texas, according to the plat thereof recorded in Volume 10, Page 2265 of the Map Records of Kaufman County, Texas, same being the Southeast corner of herein described tract;

Thence South 88 Degrees 38 Minutes 49 Seconds West, departing the Southwest corner of said Replat Airport Industrial Development Addition, a distance of 1825.66 feet to a point for corner in the East line of a tract of land conveyed to Robert Ramsey by deed recorded in Volume 467, Page 383, Deed Records, Kaufman County, Texas, said point being the most easterly Southwest corner of herein described tract;

Thence North 02 Degrees 19 Minutes 46 Seconds West, along the East line of said Ramsey tract, a distance of 367.47 feet to a point for corner, said point being the Northeast corner of said Ramsey tract, same being the Southeast corner of said Block A Airport Addition, recorded in Volume 10, Page 383, same being an ell corner of herein described tract;

Thence North 79 Degrees 31 Minutes 09 Seconds West, along the North line of said Ramsey tract, a distance of 1377.26 feet to a point for corner in the South right-of-way line of Industrial Boulevard (variable width public right-of-way), said point being the most westerly Southwest corner of herein described tract;

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EXHIBIT "A"
MSD No. 219
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MUNICIPAL SETTING DESIGNATION SURVEY
PORTION OF TERRELL MUNICIPAL AIRPORT
KAUFMAN COUNTY, TEXAS

Thence North 06 Degrees 49 Minutes 51 Seconds East, along the West right-of-way line of said Industrial Boulevard, a distance of 556.85 feet to a 1/2 inch iron rod found for corner, said point being the Southwest corner of the Crawford Addition, an addition to Kaufman County, Texas, according to the plat thereof recorded in Volume 1, Page 244 of the Map Records of Kaufman County, Texas, same being a Northwest corner of said Industrial Boulevard and being the most southerly Northwest corner of herein described tract;

Thence South 79 Degrees 35 Minutes 00 Seconds East, along the South line of said Crawford Addition, and along the North right-of-way line of said Industrial Boulevard, a distance of 407.36 feet to a point for corner in the East right-of-way line of said Industrial Boulevard, said point being an ell corner of herein described tract;

Thence North 06 Degrees 46 Minutes 49 Seconds East, along the East right-of-way line of said Industrial Boulevard, a distance of 1310.80 feet to a point for corner, said point being the most northerly Northwest corner of herein described tract;

Thence, in an easterly and northeasterly direction, departing the East right-of-way line of said Industrial Boulevard, and along a chain link fence, the following courses and distances:

South 84 Degrees 12 Minutes 43 Seconds East, a distance of 353.42 feet to a fence post

North 46 Degrees 58 Minutes 53 Seconds East, a distance of 199.58 feet to a fence post

South 43 Degrees 36 Minutes 38 Seconds East, a distance of 111.68 feet to a fence post

North 47 Degrees 00 Minutes 52 Seconds East, a distance of 613.59 feet to a point for corner in the Northeast right-of-way line of said Airport Road, said point being the North corner of herein described tract;

Thence South 43 Degrees 44 Minutes 36 Seconds East, along the Northeast right-of-way line of said Airport Road, a distance of 867.59 feet to the POINT OF BEGINNING and containing 6,623,922 square feet or 152.06 acres of land.

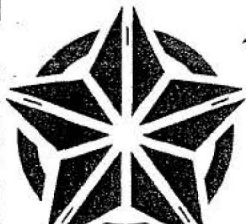
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ON NAD 83 GIS COORDINATE
SYSTEM

JOB NO: 1102187-1

DATE: 03/13/2012

SCALE: 1"=500'

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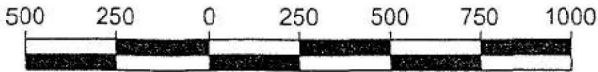
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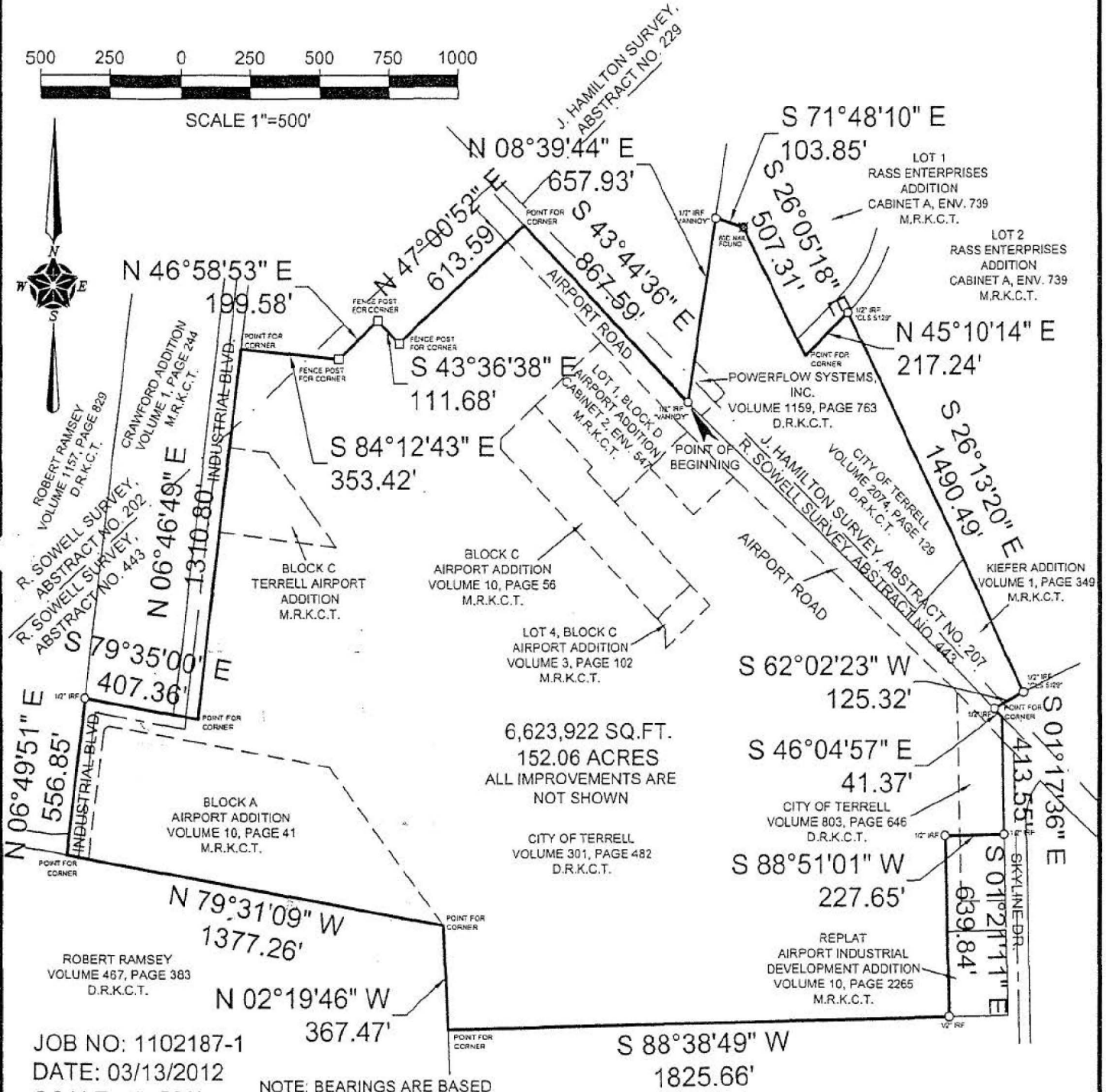


EXHIBIT "A"
MSD No. 219
4074

MUNICIPAL SETTING DESIGNATION SURVEY
PORTION OF TERRELL MUNICIPAL AIRPORT
KAUFMAN COUNTY, TEXAS



SCALE 1"=500'



6,623,922 SQ.FT.
152.06 ACRES
ALL IMPROVEMENTS ARE NOT SHOWN

CITY OF TERRELL
VOLUME 301, PAGE 482
D.R.K.C.T.

JOB NO: 1102187-1
DATE: 03/13/2012
SCALE: 1"=500'
PAGE 4 OF 4

NOTE: BEARINGS ARE BASED ON NAD 83 GIS COORDINATE SYSTEM



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EXHIBIT "B"
MSD No. 219
1 of 2



Municipal Setting Designation Application Form

TCEQ Office Use Only:		Date Add. Info Req. / /
Application No: 219		Date Add. Info Rec'd / /
Date Received: 9/20/12		Date Certified: / /
		Date Denied: / /

Reset Form

Municipal Setting Designation Eligibility Criteria:

Is the proposed municipal setting designation (MSD) within the corporate limits of a municipality authorized by statute?	<input checked="" type="radio"/> Yes	<input type="radio"/> No ¹
Is the proposed municipal setting designation (MSD) within the extraterritorial jurisdiction of a municipality authorized by statute?	<input checked="" type="radio"/> Yes	<input type="radio"/> No ¹
Municipality name: Terrell		
Is there a public drinking water supply system that satisfies the requirements of THSC Chapter 341 and supplies or is capable of supplying drinking water to: a) the proposed MSD property, and b) each property within 0.5 miles beyond the boundary of the proposed MSD?	<input checked="" type="radio"/> Yes	<input type="radio"/> No ¹
¹ If No, the eligibility criteria are not met. Do not submit an application.		

Applicant and Fee Payment Information:

Contact Person: <input checked="" type="radio"/> Mr. <input type="radio"/> Ms. Steve Rogers		
Title: City Engineer		
Company: City of Terrell, Texas		
Mailing Address: P.O. Box 310		
City: Terrell	State: TX	Zip: 75160
Telephone: 972 / 551-6600 x240	Telefax: 972 / 551-6620	
E-mail Address: [REDACTED]		
Is the required \$1,000 application being submitted to TCEQ in advance or at the same time the MSD application is being submitted to TCEQ?	<input checked="" type="radio"/> Yes	<input type="radio"/> No ²
² Do not submit application.		

MSD Property Address:

Street Address: Multiple properties - See attachment	
City: Terrell	Zip: 75160
County: Kaufman	Acres: 152.06
If multiple properties provide an attachment to the application providing the above information for each property.	

Notice Information:

<u>On</u> or <u>before</u> the date of submission of the application to TCEQ, was notice provided to:		
a) each municipality:		
1) where the proposed MSD is located?	<input checked="" type="radio"/> Yes	<input type="radio"/> No ⁴
2) with a border within 0.5 miles beyond the proposed MSD boundaries?	<input type="radio"/> Yes	<input type="radio"/> No ³ <input checked="" type="radio"/> NA ⁴
3) that owns or operates a groundwater supply well located within five miles beyond the proposed MSD boundaries?	<input type="radio"/> Yes	<input type="radio"/> No ³ <input checked="" type="radio"/> NA ⁴
b) each current owner of a private well registered with the commission and located within five miles beyond the proposed MSD boundaries?	<input checked="" type="radio"/> Yes	<input type="radio"/> No ³ <input type="radio"/> NA ⁴

EXHIBIT "B"
MSD No. 219
2 of 2

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 type="radio"/> Yes	<input type="radio"/> No ³	<input checked="" 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. Bulldog Battery dba PowerFlow Systems, Inc. (SWR No. 84684, CN600346407, RN100635770)		
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? 11 / 07 / 97	<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):

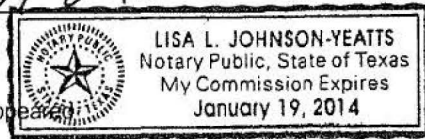
- The MSD eligibility criteria of THSC §361.803 are satisfied.
- True and accurate copies of all documents demonstrating that the MSD eligibility criteria provided by THSC §361.803 have been satisfied and are included with the application.
- A true and accurate copy of a legal description of the proposed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

Steve Rogers
Applicant Signature

09/13/2012
Date

Before me LISA L. JOHNSON-YEATTS the undersigned authority, on this day personally appeared

STEVE ROGERS Name of Applicant and signed this Municipal Setting Designation Application.



Sworn, subscribed and signed before me in the County of KAUFMAN, State of TX, on the 13 day of SEPTEMBER, 2012.