

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*

July 30, 2013

Mr. Roger Venables  
Real Estate Services Division  
City of Arlington  
P.O. Box 90231, Mail Stop 01-220  
Arlington, TX 76004

RE: Municipal Setting Designation (MSD) Certificate for Former Atmos  
Energy; 106 Stadium Drive, Arlington, Tarrant County, Texas;  
MSD No. 227

Dear Mr. Venables:

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) 239-2960 or via e-mail ([richard.goldsmith@TCEQ.Texas.gov](mailto:richard.goldsmith@TCEQ.Texas.gov)).

Sincerely,

A handwritten signature in black ink, appearing to read "R. Stuart Goldsmith".

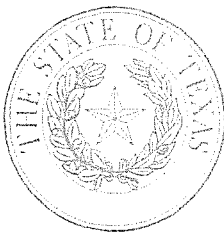
R. Stuart Goldsmith, Project Manager  
VCP-CA Section  
Remediation Division

RSG/jdm

Enclosure

cc: Mr. Sam Barrett, Waste Section Manager, TCEQ Region 4, Dallas/Fort Worth

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):

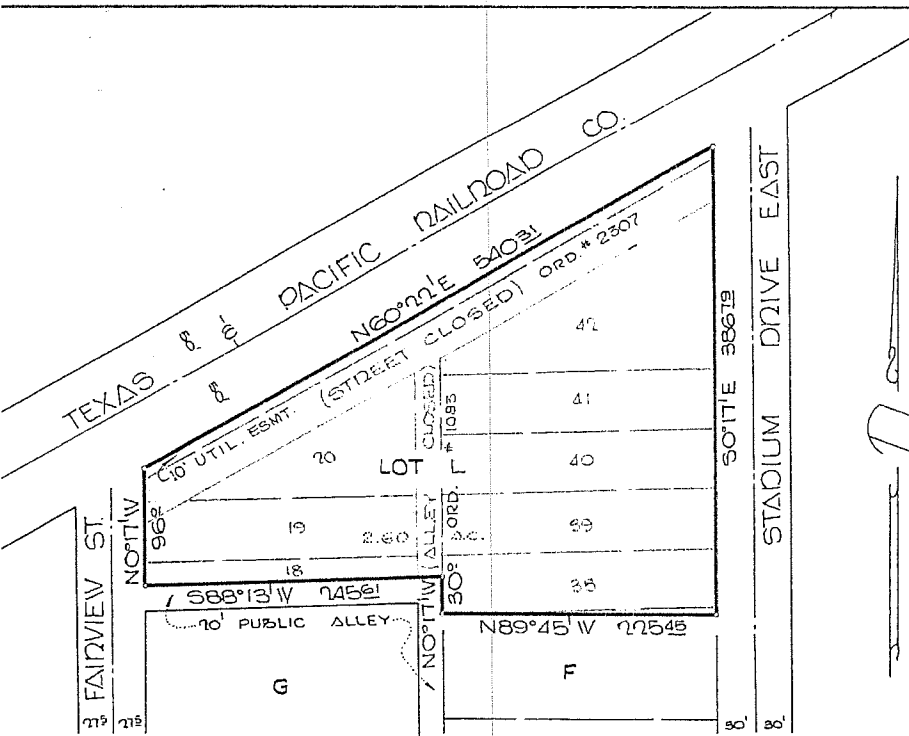
I, Zak Covar, Executive Director of the Texas Commission on Environmental Quality certify the Municipal Setting Designation (MSD) for MSD No. 227, in the City of Arlington, for the tract of land described in Exhibit "A". The eligibility requirements of Texas Health and Safety Code §361.803 are satisfied 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 24<sup>th</sup> day of July, 2013

A handwritten signature in black ink, appearing to read "Zak Covar", written over a horizontal line.

Zak Covar  
Executive Director  
Texas Commission on Environmental Quality



PLAT SHOWING  
**LOT L, BLOCK 4**  
 A REVISION OF  
 LOTS 19, 20, 38, 39, 40, 41, 42, & PART OF LOTS 18 & 37, BLK. 4  
 HILLVIEW ADDITION  
 ARLINGTON, TEXAS

SCALE: 1"=100' DATE: OCT, 1970  
 Volume 388-48 Page 668  
 Deed Records of Tarrant County, Texas

APPROVED *[Signature]* 1970  
 CITY PLANNING COMMISSION  
 ARLINGTON TEXAS  
 Chairman: *[Signature]*

THE STATE OF TEXAS  
 COUNTY OF TARRANT

WHEREAS, Lone Star Gas Company, a Corporation, being the owner of the following described property to wit:  
 BEING part of Block 4, HILLVIEW ADDITION to the City of Arlington, Tarrant County, Texas and described as follows:

BEGINNING at the Southwest corner of Lot 38, Block 4, Hillview Addition;  
 THENCE N 0° 17' W with the west line of said lot 38, 30.0 feet to an Iron for corner;  
 THENCE S 88° 13' W with the north line of a Public Alley, 245.61 feet to an Iron in the east line of Fairview Street;  
 THENCE N 0° 17' W with the east line of Fairview Street 96.0 feet to an Iron in the south line of the T & P Railroad Co. Right of Way;  
 THENCE N 60° 22' E with the south line of said railroad, 540.31 feet to an Iron in the west line of Stadium Drive (Pillant Street);  
 THENCE S 0° 17' E with the west line of Stadium Drive, 386.79 feet to an Iron at the northeast corner of Lot F, same being 7.5 feet South of the Southeast corner of Lot 38;  
 THENCE N 89° 45' W 225.45 feet to the place of beginning.

THEREFORE KNOW ALL MEN BY THESE PRESENTS:  
 THAT Lone Star Gas Company, acting by and through G. F. Peck, Jr., Vice-President duly authorized so to act, hereby adopt the foregoing plat revising the above described property to Lot L, Block 4, Hillview Addition to the City of Arlington, Tarrant County, Texas and dedicate to the public use forever the streets and easements shown thereon.  
 IN WITNESS THEREOF THIS DEDICATION is executed on this the 27 day of OCT 1970.

Lone Star Gas Company  
 By: *[Signature]*  
 G. F. Peck, Jr., Vice-President

THE STATE OF TEXAS  
 COUNTY OF TARRANT

BEFORE ME, the undersigned, A Notary Public in and for said County and State, on this day personally appeared G. F. Peck, Jr., Vice-President, known to me to be the person and officer whose name is subscribed to the foregoing instrument and acknowledged to me that the same was the act of the said  
 Lone Star Gas Company, a corporation, and that he executed the same as the act of such corporation for the purposes and consideration therein expressed, and in the capacity therein stated.

GIVEN UNDER MY HAND AND SEAL OF OFFICE  
 this the 27 day of OCT, 1970.

*[Signature]*  
 Notary Public, Tarrant County, Texas

**SURVEYOR'S CERTIFICATE**  
 I, O. V. Di Sciallo, a Registered Public Surveyor hereby certify that the foregoing plat was compiled from a survey made on the ground by me, and is correct. There are no encroachments.  
*[Signature]*  
 Registered Public Surveyor

**STATE OF TEXAS**  
 O. V. Di Sciallo  
 255  
 REGISTERED PUBLIC SURVEYOR

**D. V. DI SCIALLO**  
 REGISTERED PUBLIC SURVEYOR  
 ARLINGTON, TEXAS CR 5-2517

DATE 10-7-70 SCALE 1"=100' FILE NO. L-99-67

PR 70 COPY 000

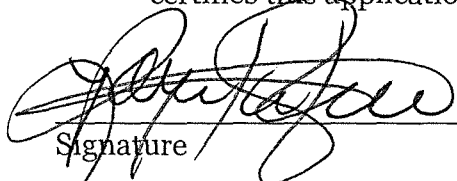
**Exhibit B**  
**Municipal Setting Designation**  
**Affidavit of Eligibility**

BEFORE ME, the undersigned authority, on this day personally appeared  
Roger Venables, as an authorized representative of  
City of Arlington, 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.

  
\_\_\_\_\_  
Signature

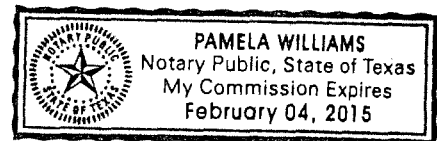
Roger Venables  
\_\_\_\_\_  
Printed Name

\_\_\_\_\_  
Printed Name

Real Estate Services Division  
\_\_\_\_\_  
Title

\_\_\_\_\_  
Title

Date: 7/18/13



STATE OF Texas

COUNTY OF Tarrant

SUBSCRIBED AND SWORN before me on this the 18<sup>th</sup> day of  
April 2013, to which witness my hand and seal of office.

Pamela Williams  
\_\_\_\_\_  
Notary Public in and for the State of Texas