

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

October 29, 2013

Mr. Marty Cox, P.G.
ENTACT, LLC
3129 Bass Pro Drive
Grapevine, Texas 76051


RE: Municipal Setting Designation (MSD) Certificate for Former Tesoro and Former Halliburton Properties, Loop 517, Carrizo Springs, Dimmit County, Texas; MSD No. 229

Dear Mr. Cox:

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) 239-3429 or via e-mail (scott.settemeyer@tceq.texas.gov).

Sincerely,


Scott Settemeyer, P.G., Project Manager
Remediation Division

DSS/jdm

Enclosure

cc: Ms. Jennifer Thompson, Project Manager, Team 3, VCP-CA Section,
Remediation Division, MC-127

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. 229, in the City of Carrizo Springs, 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 25th day of October, 2013



Zak Covar
Executive Director
Texas Commission on Environmental Quality

Exhibit "A"

MSD 229

ENTACT Environmental Services
Tesoro Refinery Site
Carrizo Springs, Dimmit County, Texas

Tract 1, West of Railroad ROW

Field notes of 22.96 acres of land in Dimmit County, Texas out of the H. & G. N. R. R. Co. Survey 3 1/8, Abstract 124 and also being out of Tracts 9, 10, 11 and Bratton Boulevard of the Dixondale Subdivision according to a plat thereof recorded in Envelope 9 of the Dimmit County Plat Records; said 22.96 acre tract is part of those tracts conveyed by Carrizo Title Company, Inc. to CZT Properties, Inc. by a deed recorded in Volume 304, page 198, Dimmit County Deed Records; said 22.96 acre tract is described by metes and bounds as follows:

Begin at an iron pin found in the northwest line of Loop Highway 517 for the west corner of an 18.403 acre tract described in said Volume 304, page 198 and for the south corner of that certain 5.96 acre tract conveyed by Ian Reid to Billy Masar by deed dated July 22, 1996 and recorded in Volume 260, page 970, said Deed Records and also for the west corner of a 30-foot easement described in a deed from Williams, et al to Camino Agave, Inc. dated March 30, 2001 and recorded in Volume 280, page 256, said Deed Records;

Thence N 55°00'41" E, with the common lines of said 18.403, 5.96 and 30-foot easement, 297.46 feet to a stake for the west corner of a 7.50 acre tract described in said deed recorded in Volume 280, page 256;

Thence S 39°18'19" E, with the southwest line of said 7.50 acre tract, at 2.5 feet pass an iron pin in a chain-link fence and continuing in part with a chain-link fence, 423.64 feet in all to an iron pin by a chain-link corner post for its south corner;

Thence N 60°12'39" E, with the southeast line of said 7.50 acre tract and a chain-link fence, at 667.9 feet pass a chain-link corner post, at 677.3 feet pass another chain-link corner post in the southwesterly line of Refinery Road and continuing on the same course, 707.45 feet to a stake in said Road for its east corner;

Thence N 34°38'44" W, at 478.0 feet pass a chain-link corner post 27.0 feet left, at 486.4 feet pass a wood fence corner post 25.7 feet left, at 486.56 feet pass the north corner of said 7.50 acre tract and continuing on the same with the northeast line of said 5.96 acre tract, 726.46 feet to a stake within Bob Howard Lane for its north corner in the northwest line of said Subdivision and also for the west corner of an 11.678 acre tract described in Volume 304, page 198, said Deed Records, from which a chain-link corner post bears 44.7 feet S 68°59' E;

Thence N 54°53'33" E, with the northwest line of said Subdivision and the northwest line of said 11.678 acre tract within said Lane, at 308.9 feet pass a 2" drill stem stake 2.1 feet left; at 309.8 feet pass a chain-link corner post 38.6 feet right at 793.6 feet pass the north corner of said 11.678 acre tract and continuing on the same course with the northwest line

of said Subdivision, 819.90 feet in all to a stake for the north corner of this tract and said Tract 11 from which (on the same course):

At 11.2 feet pass a chain-link corner post;

At 50.0 feet pass the north corner of the Dixondale Subdivision

At 73.7 feet to an iron pin in the west line of the former S. A. U. G. Railroad right-of-way for the east corner of that certain 27.508 acre tract conveyed by M. L. Norwood to Robert Littlefield by deed dated December 2, 1968 and recorded in Volume 138, page 379, said Deed Records; and for the "commencement point" of the tracts described in said Volume 304, page 198 (except the 7.50 acre tract);

Thence S 34°49'38" E, with the northeast line of said Tract 11, 95.38 feet to a stake for the east corner of this tract in the west line of said Railroad r.o.w. from which a chain-link corner post bears 28.8 feet N 12°57" W;

Thence S 03°09'31" W, with the west line of said r.o.w. and easterly of a chain-link fence, at 1212.1 feet pass a chain-link corner post 7.1 feet right, and continuing on the same course, 1317.23 feet in all to a stake for the south corner of this tract;

Thence N 34°36'02" W, crossing Bratton Boulevard with a projection of the northeast line of Edward Avenue, 69.77 feet to a stake for an interior corner of this tract in the northwest line of said Boulevard from which a chain-link corner post bears 34.3 feet N 24°30' W;

Thence S 55°10'22" W, with the northwest line of said Boulevard, passing a chain-link fence, 923.77 feet to a stake in fence, a flare to said Highway 517 from which a chain-link corner post bears 30.4 feet S 80°49'47" E;

Thence N 80°49'47" W, with said flare, 89.36 feet to the remains of a broken Type I concrete monument;

Thence N 39°17'37" W, with the northeast line of said Highway, 757.20 feet to the place of beginning containing:

5.44 acres of Tract 9

5.86 acres of Tract 10

11.62 acres of Tract 11

0.04 acres of Bratton Boulevard

Included in the above-described is approximately:

0.20 acres of said 30-foot easement

1.10 acres out of Refinery Road and Bob Howard Lane

Tract 2, East of Railroad ROW

Field notes of 30.29 acres of land in Dimmit County, Texas out of the H. & G. N. R. R. Co. Survey 3 1/8, Abstract 124 and also being out of Tracts 11, 15 and Bratton Boulevard of the Dixondale Subdivision according to a plat

thereof recorded in Envelope 9 of the Dimmit County Plat Records; said 30.29 acres is part of those tracts conveyed by Carrizo Title Co., Inc. to CZT Properties, Inc. by a deed recorded in Volume 304, page 198, Dimmit County Deed Records, and that certain 5.962 acre tract conveyed by Christopher Sells to Booth Petry by deed dated December 9, 2009 and recorded in Volume 378, page 306, said Deed Records; said 30.29 acre tract is described by metes and bounds as follows:

Begin at a chain-link corner post at the intersection of the northwest line of Clay Street with the northeast line of Edward Avenue for the south corner of said 5.962 acre tract;

Thence N 34°36'02" W, with the common line of said Tract 15 and said Edward Avenue, at 232.3 feet pass a iron pin found for a common corner of said 5.962 acre tract and a 12.707 acre tract described in Volume 304, page 198 490.45 feet right; at 238.5 feet pass the common corner of said 5.962 and 12.707 acre tracts and continuing on the same course, 1101.28 feet in all to a stake for the west corner of this tract in the east line of the S. A. U. and G. Railroad right-of-way from which a chain-link corner post bears 21.6 feet N 34°36' W;

Thence N 03°09'31"E, with the east line of said r.o.w. and easterly of a chain-link fence, at 1275.4 feet pass the north corner of a 10.190 acre tract described in said deed recorded in Volume 304, page 198, and continuing on the same course, 1318.28 feet in all to a stake for the north corner of this tract in the common line of Earle Avenue and said Tract 11 from which a chain-link corner post bears 46.0 feet N 22°39' W; an iron pin called to be in the northeast line of the Subdivision for an interior corner of that certain 142.74 acre tract conveyed by Thetis Gardner to Charles W. Wilson, Jr. by deed dated May 20, 1993 and recorded in Volume 247, page 70, said Deed Records bears 52.1 feet N 38°46' E; and an iron pin found in the west line of said r.o.w. for the east corner of that certain 27.508 acre tract conveyed by M. L. Norwood to Robert Littlefield by deed dated December 2, 1968 and recorded in Volume 138, page 379, said Deed Records, and for the "commencement point" of the tracts described in said Volume 304, page 198 (except the 7.50 acre tract) which bears 268.5 feet N 18°53' W;

Thence S 34°49'38" E, with the common line of said Tracts 11 and 15 and said Earle Avenue, at 396.6 feet pass an iron pin 51.3 feet left for the common corner of said 142.74 acre tract and that certain 95.92 acre tract conveyed by Eric P. Jones to Dos Ninas, LLC by deed dated January 12, 2010 and recorded in Volume 379, page 693, said Deed Records; at 1641.9 feet pass a chain-link corner post 1.6 feet right; and continuing on the same course, 2145.52 feet in all to a stake for the east corner of this tract from which an iron pin for the south corner of said 95.92 acre tract bears 58.2 feet N 85°54'E; and another iron pin, of unknown authority, found in the southeast line of said Clay Street bears 50.5 feet S 31°17' E;

Thence S 55°32'24" W, with the common line of said Tract 15 and said Clay Street, at 4.0 feet pass a chain-link corner post and continuing on the same course with a chain-link fence, 815.74 feet to the place of beginning containing:

5.82 acres of Tract 11
23.10 acres of Tract 15
1.37 acres of Bratton Boulevard

Tract 3, PressBar (Halliburton)

Field notes of 7.60 acres of land in Dimmit County, Texas out of the H. & G. N. R. R. Co. Survey 3 1/8, Abstract 124 and also being out of Tract 14 of the Dixondale Subdivision according to a plat thereof recorded in Envelope 9 of the Dimmit County Plat Records; said 7.60 acre tract is that certain 7.60 acre tract conveyed by Jack Rumfield to PressBar Properties, LLC by deed dated February 23, 2006 and recorded in Volume 321, page 506, Dimmit County Deed Records; said 7.60 acre tract is described by metes and bounds as follows:

Begin at an iron pin found for the north corner of said 7.60 acre tract in the southwest line of Edward Avenue;

Thence S 34°22'40" E, in part with a fence and the northeast line of said 7.60 acre tract, 1053.23 feet to a pipe fence corner post for its east corner;

Thence S 55°03'47" W, with the southeast line of said 7.60 acre tract, 271.47 feet to an iron pin found for its south corner and called to be in the northeast line of Loop Highway 517;

Thence N 69°33'41" W, with the southwest line of said 7.60 acre tract, 453.42 feet to a broken Type I concrete monument;

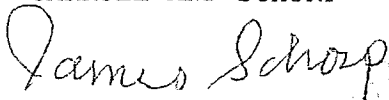
Thence N 03°28'21" E, with the northwest line of said 7.60 acre tract, 867.88 feet to the place of beginning.

Included in the above-described 30.29 acre tract is said 5.962 acre tract.

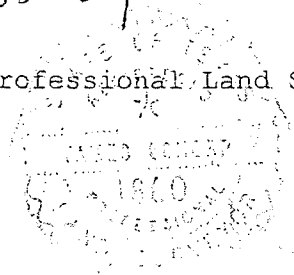
Bearing Source: GPS derived, grid, NAD83, Texas South Central Zone

The above field notes were prepared from an actual survey made by me on the ground beginning March 5, 2012 for ENTACT Environmental Services.

CARROLL AND SCHORP



James Schorp
Registered Professional Land Surveyor



112911D.scj.fn

State of Texas
 County of Dimmit
 City of Carrizo Springs

Showing part of the
 abandoned Tesoro
 Petroleum Corporation
 refinery site and the
 PressBar Properties out of
 the H. & G. N. R. R. Co.
 Sur. 3 1/8, Abst. 124.

DIXONDALE SUBDIVISION

Plot Records, Envelope 5

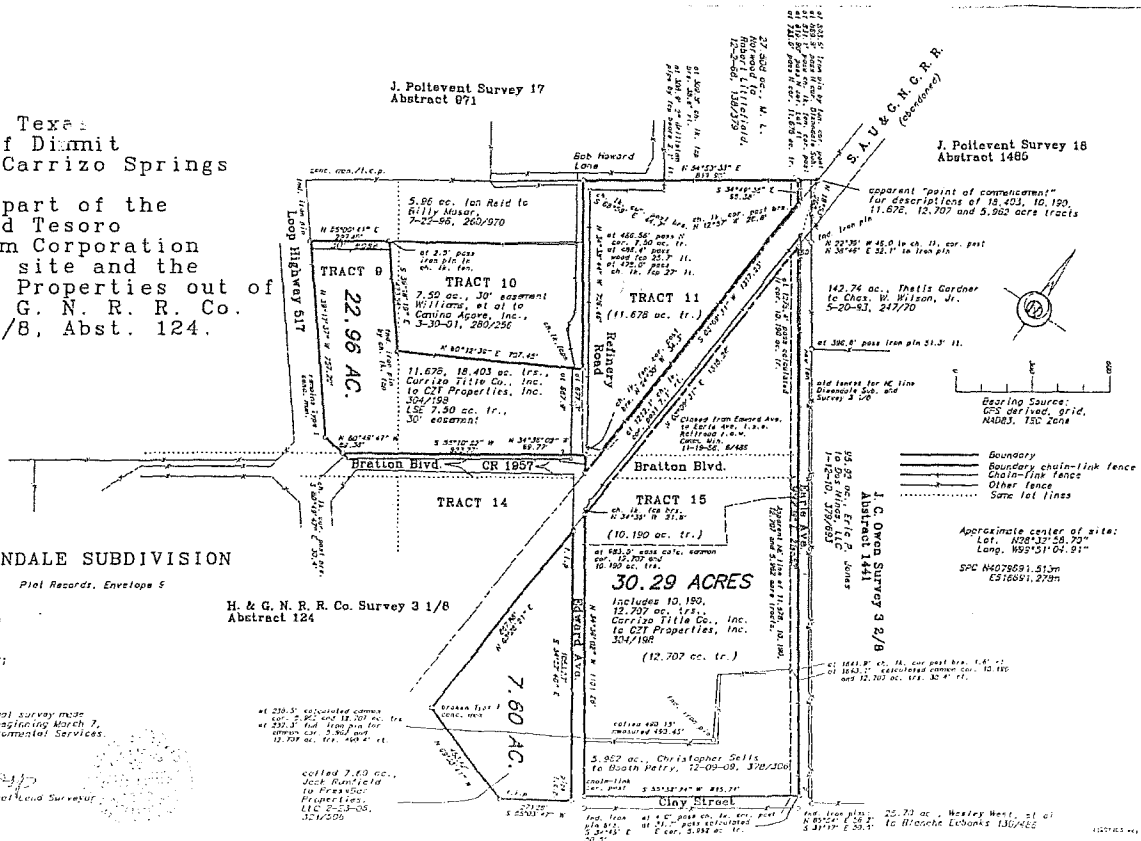
CARROLL AND SCHWAP
 James Schwap
 #1860
 P. O. Box 661
 Pecos, TX 78051
 832 334 3631

Prepared from an actual survey made
 by me on the ground beginning March 7,
 2012 for ENACT Environmental Services

CARROLL AND SCHWAP
James Schwap
 James Schwap
 Registered Professional Land Surveyor

H. & G. N. R. R. Co. Survey 3 1/8
 Abstract 124

at 230.3' calculated corner
 189° 54' 30" W 12.50' ac. tr.
 at 252.3' full iron pin for
 corner of 2.80 ac. tr.
 12.707 ac. tr. 468' ± ±
 called 2.80 ac.,
 Jack Runfield
 to PressBar
 Properties,
 LLC, 2-2-2009,
 3/21/2009



J. Poltevent Survey 17
 Abstract 971

J. Poltevent Survey 18
 Abstract 1486

J. C. Omega Survey 3 2/8
 Abstract 1441

Approximate center of site:
 Lat. 30°21'58.79"
 Long. 103°51'04.91"
 SPC N4029091.513m
 ES16691.279m

- Boundary
- Boundary chain-link fence
- Chain-link fence
- Other fence
- Same lot lines

Exhibit B
Municipal Setting Designation
Affidavit of Eligibility

BEFORE ME, the undersigned authority, on this day personally appeared
Martin L. Cox, P.G.,
ENTACT LLC, 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)

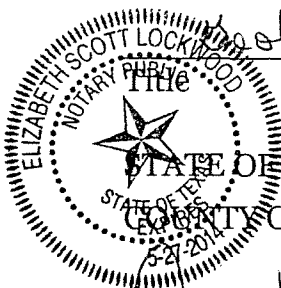
- The MSD eligibility criteria of THSC Section 361.803 are satisfied.
- True and accurate copies of all documents demonstrating that the MSD eligibility criteria provided by THSC 361.803 have been satisfied and are included with the application.
- A true and accurate copy of a legal description of the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

Martin L. Cox
Signature

Date: August 5, 2013

Martin L. Cox
Printed Name

Notary Public
Title
STATE OF Texas
COUNTY OF Tarrant



SUBSCRIBED AND SWORN before me on this the 5th day of
August 2013, to which witness my hand and seal of office.

Elizabeth Scott Lockwood
Notary Public in and for the State of Texas