

Bryan W. Shaw, Ph.D., *Chairman*  
Buddy Garcia, *Commissioner*  
Carlos Rubinstein, *Commissioner*  
Mark R. Vickery, P.G., *Executive Director*



## TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

*Protecting Texas by Reducing and Preventing Pollution*

December 15, 2009

Mr. Greg Rogers, Legal Counsel for General Dynamics Corporation  
Guida Slavich & Flores, P.C.  
750 N. St. Paul Street, Suite 200  
Dallas, TX 75201

RE: Municipal Setting Designation (MSD) Certificate for Abilene West Plant,  
Multiple properties bounded by Wall St. on the east, North 1st Street to the south,  
North 10th Street to the north, and farmland to the west, Abilene, Taylor County,  
TX; MSD No. 120

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) 239-3429 or via e-mail ([ssetteme@tceq.state.tx.us](mailto:ssetteme@tceq.state.tx.us)).

Sincerely,

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

Scott Settemeyer, P.G., Project Manager  
VCP-CA Section  
Remediation Division

DSS/jdm

Enclosure

cc: Ms. Christine Whitney, Project Manager for VCP No. 396, Remediation Division,  
MC-221

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



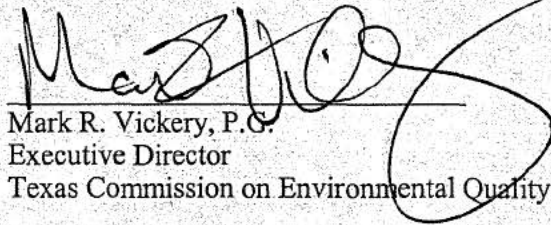
MUNICIPAL SETTING DESIGNATION CERTIFICATE

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

I, Mark R. Vickery, Executive Director of the Texas Commission on Environmental Quality certify the Municipal Setting Designation for MSD No. 120, in the City of Abilene, 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 12<sup>th</sup> day of December, 2009

  
Mark R. Vickery, P.G.  
Executive Director  
Texas Commission on Environmental Quality

# Exhibit "A"



**S**HEPPARD  
SURVEYING CO., INC.

Registered Professional Land Surveyor - Licensed State Land Surveyor

BOUNDARY  
RETRACEMENT  
GPS  
CONTROL  
ROUTE  
OIL LEASE

1013 Energy Dr. Abilene, Texas 79602 (325) 695-6277 Fax 695-3299

STATE OF TEXAS  
TAYLOR COUNTY  
CITY OF ABILENE

## **MUNICIPAL SETTING DESIGNATION: "ABILENE WEST FACILITY"**

METES AND BOUNDS DESCRIPTION OF A 149.84 ACRE TRACT, BEING ALL OR PART OF 4.27 ACRES TO CORPIAN VOL. 2581 PG. 697, 12.022 ACRES TO LOVE & CARE MINISTRIES VOL. 2556 PG. 679, BLOCKS 1, 2, 4, 6, 8, AND 10, ABILENE PLAZA, AN ADDITION IN ABILENE, TAYLOR COUNTY, TEXAS, ACCORDING TO THE MAP OR PLAT THEREOF RECORDED IN CABINET 2, SLIDE 11-C, PLAT RECORDS, TAYLOR COUNTY, TEXAS, AND BEING A PART OF THE BS & F RR CO. SURVEY NO. 1 AND THE T&P RR CO. SURVEY NO. 32, BLOCK 16, TAYLOR COUNTY TEXAS, 1.952 ACRES VOL. 2938 PG. 361, 1.516 ACRES VOL. 2938 PG. 361, 15.274 ACRES BEING AUTOMATION INDUSTRIES RE-PLAT OF BLOCKS 14, 16, 17, & A PORTION OF A TRACT FORMERLY N. 3<sup>RD</sup> STREET OF A RE-PLAT OF BLKS 1, 2, 4, 6, 8, & 10, SECTION 1, ABILENE PLAZA ADDITION, A PORTION OF MAIN STREET, 3.303 ACRES TO ABILENE INDUSTRIAL FOUNDATION VOL. 1667 PG. 858, 2.35 ACRES TO CANFIN ENTERPRISES VOL. 3092 PG. 819, LOT 1, BLK, "D", CONTINUATION 1, FIVE POINTS BUSINESS PARK, ABILENE, TEXAS, FROM THE PLAT IN CABINET 3, SLIDE 492, AND 340.69 ACRES TO DEVELOPMENT CORPORATION OF ABILENE VOL. 218 PG.366, SECTION 32, T & P R.R. COMPANY, BLOCK 16, CITY OF ABILENE, TAYLOR COUNTY, TEXAS, THIS 149.84 ACRE SURVEY BEING CONDUCTED BY REQUEST OF ENVIRONMENTAL RESOURCES MANAGEMENT, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS;

BEGINNING AT A 1/2" REBAR RECOVERED FOR THE SOUTHEAST CORNER OF SECTION 33, LOCATED AT TXNC ZONE 4202 NORTHING: 6851063.077 EASTING: 1567373.376, THE SAME BEING THE SOUTHWEST CORNER OF SECTION 32 AND

BEING ON THE NORTH LINE OF SURVEY 2, T & P R.R. BLOCK 16, CITY OF ABILENE, TAYLOR COUNTY, TEXAS, THE SAME BEING THE SOUTHWEST CORNER OF THIS TRACT;

THENCE N 12° 30' 07" W ALONG THE WEST LINE OF SECTION 32 FOR A DISTANCE OF 507.36' TO A POINT ON THE SOUTH BOUNDARY LINE OF A 2.35 ACRE TRACT AS DESCRIBED IN VOL. 3092 PG 819 OFFICIAL PUBLIC RECORDS, TAYLOR COUNTY, TEXAS;

THENCE S 84° 31' 39" E FOR A DISTANCE OF 66.21' TO A 1/2" REBAR RECOVERED, THE SAME BEING THE SOUTHEAST CORNER OF SAID 2.35 ACRE TRACT;

THENCE N 05° 28' 21" E FOR A DISTANCE OF 319.81' TO A 1/2" REBAR WITH CAP MARKED "H & T" RECOVERED, THE SAME BEING THE NORTHEAST CORNER OF SAID 2.35 ACRE TRACT;

THENCE N 84° 31' 39" W FOR A DISTANCE OF 169.97' TO A POINT ON THE NORTH BOUNDARY LINE OF THE 2.35 ACRE TRACT AND ALSO BEING ON THE WEST BOUNDARY LINE OF SECTION 32;

THENCE N 12° 30' 07" W ALONG THE WEST BOUNDARY LINE OF SECTION 32 FOR A DISTANCE OF 2250.94' TO A 1/2" REBAR WITH CAP MARKED "SHEPPARD 3697" SET ON AN EAST LINE OF LOT 1, BLOCK "D", FIVE POINTS BUSINESS PARK AS RECORDED IN TAYLOR COUNTY PLAT CABINET 3 SLIDE 492;

THENCE N 18° 55' 01" E WITH SAID EAST LINE FOR A DISTANCE OF 455.66' TO AN ALUMINUM CAP MARKED "HIBBS & TODD" RECOVERED IN THE FENCELINE AND ON THE OCCUPIED SOUTH RIGHT OF WAY LINE OF MARIGOLD STREET FOR THE NORTHWEST CORNER OF THIS TRACT;

THENCE S 51° 43' 46" E, FOLLOWING THE FENCELINE ALONG THE OCCUPIED SOUTH RIGHT OF WAY OF MARIGOLD STREET, A NON-DEDICATED PUBLIC ROAD, FOR A DISTANCE OF 65.83' TO A FENCE POST;

THENCE S 60° 22' 23" E WITH SAID RIGHT OF WAY FOR A DISTANCE OF 158.52'  
TO A FENCE POST;

THENCE S 72° 07' 44" E WITH SAID RIGHT OF WAY FOR A DISTANCE OF 779.33'  
TO A FENCE POST;

THENCE S 68° 03' 01" E WITH SAID RIGHT OF WAY FOR A DISTANCE OF 177.05'  
TO A FENCE POST;

THENCE S 61° 26' 36" E WITH SAID RIGHT OF WAY FOR A DISTANCE OF 637.95'  
TO A FENCE POST;

THENCE S 58° 42' 25" E WITH SAID RIGHT OF WAY FOR A DISTANCE OF 463.65'  
TO A FENCE POST;

THENCE S 01° 05' 21" W ALONG THE EAST BOUNDARY OF A 340.69 ACRE TRACT  
RECORDED IN VOL. 2128 PG. 366 OFFICIAL PUBLIC RECORDS, TAYLOR COUNTY,  
TEXAS, FOR A DISTANCE OF 65.99' TO A 1/2" REBAR RECOVERED IN THE SOUTH  
RIGHT OF WAY LINE OF NORTH 10<sup>TH</sup> STREET;

THENCE S 88° 54' 31" E ALONG A NORTH LINE OF SAID 340.69 ACRE TRACT FOR  
A DISTANCE OF 361.23' TO A 1/2" REBAR RECOVERED FOR THE NORTHEAST  
CORNER OF THIS TRACT;

THENCE S 35° 47' 00" E CONTINUING ALONG THE EAST LINE OF SAID 340.69  
ACRE TRACT FOR A DISTANCE OF 50.31' TO A PIPE FENCE POST RECOVERED ON  
THE WEST RIGHT OF WAY OF WALL STREET (60' WIDE RIGHT OF WAY);

THENCE S 01° 10' 22" W ALONG THE WEST RIGHT OF WAY LINE OF WALL  
STREET FOR A DISTANCE OF 1013.58' TO A 3/8" REBAR RECOVERED FOR THE  
BEGINNING OF A CURVE TO THE LEFT;

THENCE WITH SAID WEST RIGHT OF WAY ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 238.20' AND AN ARC LENGTH OF 112.24', A CHORD BEARING OF S 12° 30' 06" E FOR A DISTANCE OF 111.21' 1/2" REBAR WITH CAP MARKED "H & T" RECOVERED;

THENCE WITH SAID WEST RIGHT OF WAY S 25° 18' 33" E FOR A DISTANCE OF 28.81' TO A 3/8" REBAR RECOVERED

THENCE WITH SAID RIGHT OF WAY ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 179.27 FEET AND AN ARC LENGTH OF 84.27', A CHORD BEARING OF S 12° 23' 15" E FOR A DISTANCE OF 83.49' TO A 3/8" REBAR RECOVERED AT THE INTERSECTION OF THE WEST RIGHT OF WAY OF WALL STREET AND THE NORTH LINE OF A NON-DEDICATED PRIVATE ROAD (60' WIDE) KNOWN AS LOCKHEED WAY;

THENCE S 00° 27' 39" W ALONG THE WEST RIGHT OF WAY OF WALL STREET FOR A DISTANCE OF 59.79' TO A 3/8" REBAR RECOVERED FOR THE INTERSECTION OF THE SOUTH LINE OF A NON-DEDICATED PRIVATE ROAD (60' WIDE) KNOWN AS LOCKHEED WAY AND THE WEST RIGHT OF WAY OF WALL STREET;

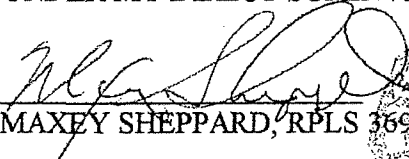
THENCE S 01° 01' 04" W ALONG THE WEST BOUNDARY LINE OF WALL STREET FOR A DISTANCE OF 1147.25' TO A 1/2" REBAR RECOVERED ON THE NORTH RIGHT OF WAY OF NORTH 1<sup>ST</sup> STREET FOR THE SOUTHEAST CORNER OF A 1.952 ACRE TRACT AS DESCRIBED IN VOL. 2938 PG. 361 AND OF THIS TRACT;

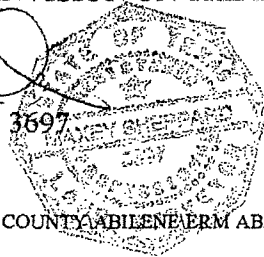
THENCE N 84° 28' 23" W ALONG THE NORTH RIGHT OF WAY LINE OF NORTH 1<sup>ST</sup> STREET FOR A DISTANCE OF 1615.34' TO A 1/2" REBAR WITH CAP MARKED "SHEPPARD 3697" SET AT THE SOUTHWEST CORNER OF BLOCK 15 AS DESCRIBED IN A REPLAT OF SECTION 1 OF ABILENE PLAZA;

THENCE S 69° 45' 56" W FOR A DISTANCE OF 85.64' TO A 1/2" REBAR WITH CAP MARKED "SHEPPARD 3697" SET IN THE WEST RIGHT OF WAY LINE OF MAIN STREET;

THENCE S 76° 38' 55" W CROSSING THE EAST BOUNDARY LINE OF THE 340.69  
ACRE TRACT AT 30.96' AND CONTINUING FOR A TOTAL DISTANCE OF 250.42' TO  
THE PLACE OF BEGINNING AND CONTAINING 149.84 ACRES.

I, MAXEY SHEPPARD, A REGISTERED PROFESSIONAL LAND SURVEYOR  
OF TEXAS, HEREBY CERTIFY THAT THE FOREGOING DESCRIPTION AND  
ATTACHED PLAT REPRESENT A SURVEY COMPLETED ON THE GROUND  
UNDER MY DIRECT SUPERVISION ON THE 20<sup>TH</sup> DAY OF APRIL 2009.

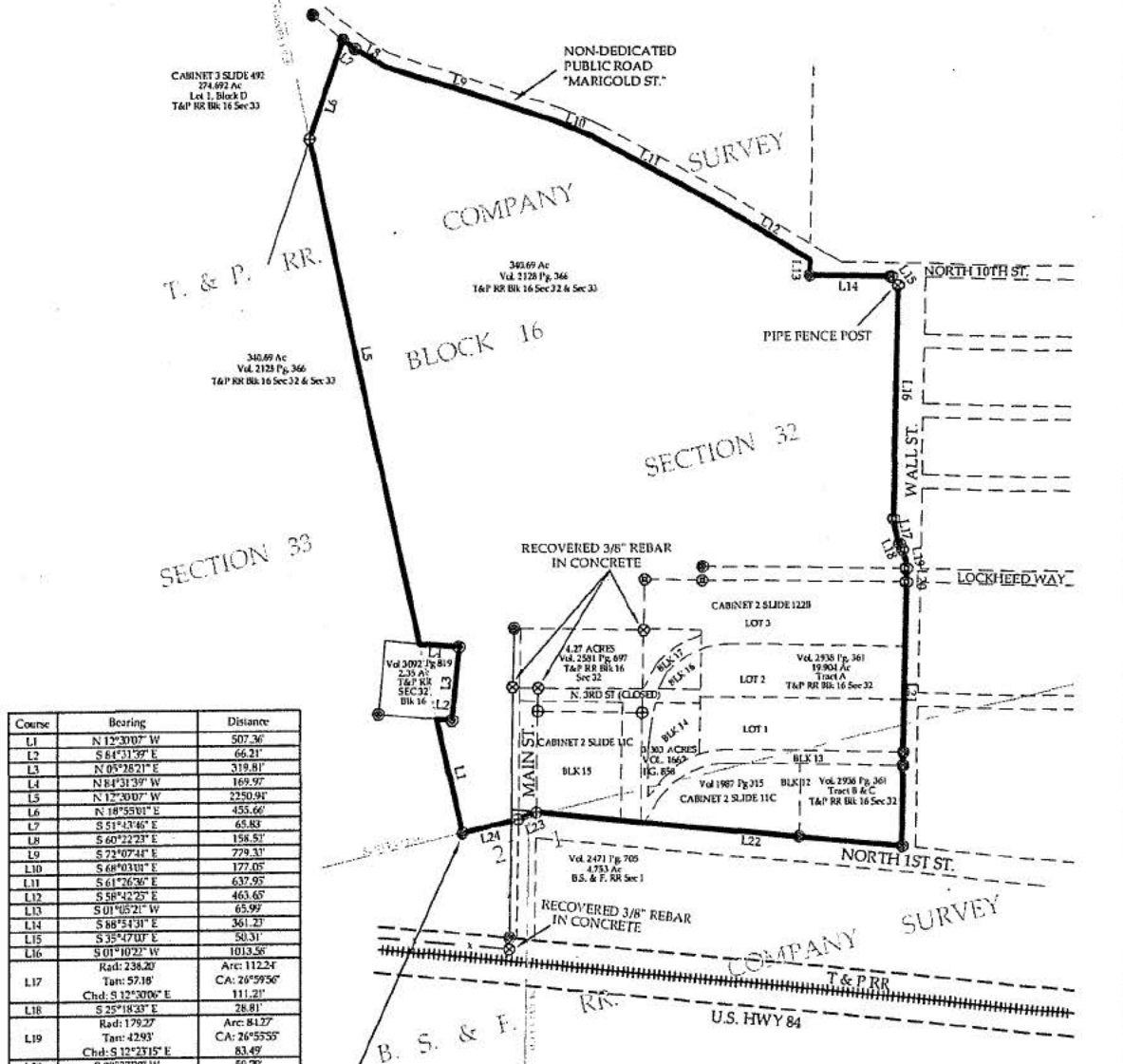
  
MAXEY SHEPPARD, RPLS 3697



S:\C&G SURVEY\BOUNDARY\TAYLOR COUNTY\ABILENE\ERM ABILENE WEST FACILITY\ERM metes and  
bounds\INC4.27.doc

MUNICIPAL SETTING DESIGNATION: "ABILENE WEST FACILITY"

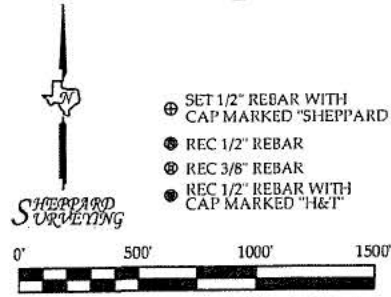
A 149.84 ACRE TRACT, BEING ALL OR PART OF 4.27 ACRES VOL. 2581 PG. 697; 12.022 ACRES VOL. 2556 PG. 679; BLOCKS 1, 2, 4, 6, 8, AND 10, ABILENE PLAZA, AN ADDITION IN ABILENE, TAYLOR COUNTY, TEXAS, ACCORDING TO THE PLAT RECORDED IN CABINET 2, SLIDE 11-C, PLAT RECORDS, TAYLOR COUNTY, TEXAS, AND BEING A PART OF THE BS & F RR CO. SURVEY NO. 1 AND THE T&P RR CO. SURVEY NO. 32, BLOCK 16, TAYLOR COUNTY TEXAS, 1.952 ACRES VOL. 2938 PG. 361; 1.516 ACRES VOL. 2938 PG. 361; 15.274 ACRES BEING AUTOMATION INDUSTRIES RE-PLAT OF BLOCKS 14, 16, 17, & A PORTION OF A TRACT FORMERLY N. 3RD STREET OF A RE-PLAT OF BLKS 1, 2, 4, 6, 8, & 10, SECTION 1, ABILENE PLAZA ADDITION; A PORTION OF MAIN STREET; 3.303 ACRES VOL. 1667 PG. 858; 2.35 ACRES VOL. 3092 PG. 819; LOT 1, BLK, "D", CONTINUATION 1, FIVE POINTS BUSINESS PARK, ABILENE, TEXAS, FILED PLAT CABINET 3, SLIDE 492; AND 340.69 ACRES VOL. 218 PG.366, SECTION 32, T & P R.R. COMPANY, BLOCK 16, CITY OF ABILENE, TAYLOR COUNTY, TEXAS, THIS 149.84 ACRE SURVEY BEING CONDUCTED BY REQUEST OF ENVIRONMENTAL RESOURCES MANAGEMENT



Course	Bearing	Distance
L1	N 12°30'07" W	507.36'
L2	S 84°31'39" E	66.21'
L3	N 05°28'21" E	319.81'
L4	N 84°31'39" W	169.97'
L5	N 12°30'07" W	2250.91'
L6	N 18°55'01" E	455.66'
L7	S 51°43'46" E	65.83'
L8	S 60°22'23" E	158.57'
L9	S 73°07'41" E	279.33'
L10	S 69°03'31" E	177.05'
L11	S 61°26'36" E	637.95'
L12	S 58°42'27" E	463.65'
L13	S 01°05'21" W	65.99'
L14	S 88°54'31" E	361.23'
L15	S 35°47'07" E	50.31'
L16	S 01°10'22" W	1013.56'
L17	Rad: 238.20 Tan: 57.18 Chd: S 12°30'06" E	Arc: 112.24 CA: 26°59'56" 111.21'
L18	Rad: 179.27 Tan: 4293 Chd: S 12°23'15" E	Arc: 84.27 CA: 26°55'55" 83.47'
L20	S 00°27'59" W	59.79'
L21	S 01°50'10" W	1142.25'
L22	N 84°28'23" W	1615.31'
L23	S 69°45'56" W	85.64'
L24	S 76°38'55" W	250.42'

P.O.B. BEGINNING AT A 1/2" REBAR RECOVERED FOR THE SOUTHEAST CORNER OF SECTION 33, LOCATED AT TXNC ZONE 4202 NORTHING: 6851063.877 EASTING: 1567173.376, THE SAME BEING THE SOUTHWEST CORNER OF SECTION 32 AND BEING ON THE NORTH LINE OF SURVEY 2, T & P R.R. BLOCK 16, CITY OF ABILENE, TAYLOR COUNTY, TEXAS.

INSTRUMENT 428498H  
FILED FOR RECORD 06-13-2009  
ABILENE, TAYLOR COUNTY, TX



- ⊕ SET 1/2" REBAR WITH CAP MARKED "SHEPPARD 3697"
- ⊙ REC 1/2" REBAR
- ⊙ REC 3/8" REBAR
- ⊙ REC 1/2" REBAR WITH CAP MARKED "H&T"

SEE ATTACHED METES AND BOUNDS DESCRIPTION  
NOTE: BEARINGS AND DISTANCES ARE GRID NAD83 TXNC 4202 FROM RTK NETWORK

SHEPPARD SURVEYING CO. INC. 1013 ENERGY DRIVE, ABILENE TX, 79602 PHONE: 325-695-6277 FAX: 325-695-0291	
<i>M. J. Sheppard</i>	
MANEY SHEPPARD SURVEYING P.L.L.C. 3697	SCALE: 1"=500'
SURFACE DIST - (CCSP)	1:0000 X GIVEN DIST
STATE PLANE COORDINATES TXNC ZONE 4202	GEOID MODEL: CONL98
PAGE 1 OF 1	© COPYRIGHT 2009 SHEPPARD SURVEYING CO. INC. ALL RIGHTS RESERVED
GIS FILE NAME: ERM RTK.NET	DATE: 04/20/2009
COORDINATE FILE NAME: 1501 RTK.NET.plt	REVISION DATE:
DRAWING FILE NAME: ERM PLAT SURV 12.dwg	WORK ORDER # 04-0733



# Exhibit "B"

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 <sup>3</sup>	<input checked="" type="radio"/> NA <sup>4</sup>
<sup>3</sup> Do not submit application.			
<sup>4</sup> 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. VCP No. 396		
Is the proposed designated groundwater contaminated in excess of an applicable potable water <sup>5</sup> use standard (i.e., 30 TAC 350, <sup>GW</sup> GW <sub>ing</sub> )?	<input checked="" type="radio"/> Yes	<input type="radio"/> No <sup>6</sup>
Was the groundwater contamination previously reported to the TCEQ? (To support implementation of HB 3030, 78 <sup>th</sup> Legislature.)	<input checked="" type="radio"/> Yes, when? Prior to 1995	<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 <sup>6</sup>	<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 <sup>6</sup>	<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 <sup>6</sup>
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
<sup>5</sup> "Potable water" means water that is used for irrigating crops intended for human consumption, drinking, showering, bathing, or cooking purposes [THSC §361.801(2)].		
<sup>6</sup> 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.

Applicant Signature *[Signature]*

Date 8-19-09

Before me Susan Hill the undersigned authority, on this day personally appeared  
Name of Notary  
Meg Rogers and signed this Municipal Setting Designation Application.  
Name of Applicant

Sworn, subscribed and signed before me in the County of Dallas, State of Texas, on the 19<sup>th</sup> day of August, 2009.

