

Buddy Garcia, *Chairman*  
Larry R. Soward, *Commissioner*  
Bryan W. Shaw, Ph.D., *Commissioner*  
Glenn Shankle, *Executive Director*



## TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

*Protecting Texas by Reducing and Preventing Pollution*

December 18, 2007

Ms. Allison K. Exall  
Curran Tomko Tarski LLP  
2001 Bryan Street, Suite 2050  
Dallas, TX 75201

RE: Municipal Setting Designation (MSD) Certificate for Direct Fuels, 12401, 12485 and  
12625 Calloway Cemetery Road, Fort Worth, TX; MSD No. 52

Dear Ms. Exall:

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 512/239-5872 or via e-mail ([mfrew@tceq.state.tx.us](mailto:mfrew@tceq.state.tx.us)).

Sincerely,

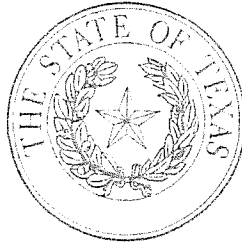
A handwritten signature in black ink, appearing to read "Mike Frew".

Mike Frew, P.G.  
Environmental Cleanup Section II  
Remediation Division

MF/cjh

Enclosure

# Texas Commission on Environmental Quality



## Municipal Setting Designation

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

I, Glenn Shankle, Executive Director of the Texas Commission on Environmental Quality certify the Municipal Setting Designation for MSD No. 52, in the City of Fort Worth, 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 10th day of December, 2007.

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

Glenn Shankle  
Executive Director  
Texas Commission on Environmental Quality

'A'

FIELD NOTE DESCRIPTION  
DIRECT FUELS MSD AREA EXHIBIT

STATE OF TEXAS  
COUNTY OF TARRANT

BEING a tract of land situated in the J.W. CALLOWAY SURVEY, Abstract No. 336 and being all of a tract of land conveyed to INSIGHT EQUITY ACQUISITION PARTNERS, L.P. as recorded in Volume 016759, Page 0052 of the Deed Records of Tarrant County, Texas ( DRTCT ) and being all of a tract of land conveyed to SOUTHWEST PRODUCTS LLC as recorded in Document No. 000071890 ( DRTCT ) and being more particularly described as follows;

BEGINNING at the intersection of the west line of a tract of land conveyed to T.J.L. GRAVEL COMPANY, L.P. as recorded in Volume 12686, Page 1309 ( DRTCT ) and the northerly Right-of-Way line of CALLOWAY CEMETERY ROAD ( variable width Right-of-Way ) said point being the most southeasterly corner of LOT 1, BLOCK 1 of the PETROLEUM INDUSTRIES INC. ADDITION, an addition to the City of Fort Worth as recorded in Volume 388-48, Page 908 of the Plat Records of Tarrant County, Texas ( PRTCT ) which a ½ inch iron rod found bears North 81 deg 23 min 21 sec East a distance of 1.15 feet;

THENCE departing the westerly line of said T.J.L. GRAVEL COMPANY tract and along the northerly Right-of-Way line of said CALLOWAY CEMETERY ROAD North 89 deg 42 min 44 sec West a distance of 400.00 feet to the most southwesterly corner of said LOT 1, BLOCK 1 which a 5/8 inch iron rod found bears South 82 deg 22 min 08 sec West a distance of 0.71 feet;

THENCE departing the northerly Right-of-Way line of said CALLOWAY CEMETERY ROAD South 01 deg 34 min 16 sec West a distance of 30.00 feet to a point for corner in the approximate centerline of said CALLOWAY CEMETERY ROAD;

THENCE along the approximate centerline of said CALLOWAY CEMETERY ROAD North 89 deg 42 min 44 sec West a distance of 508.30 feet to a point for corner which a Pk Nail found bears North 45 deg 35 min 56 sec West a distance of 0.90 feet;

THENCE departing the approximate centerline of said CALLOWAY CEMETERY ROAD North 00 deg 14 min 59 sec East a distance of 30.00 feet to a 5/8 inch iron rod found for the most southeasterly corner of LOT 3, BLOCK 1 of the PETROLEUM INDUSTRIES INC. ADDITION, an addition to the City of Fort Worth as recorded in Volume 388-196, Page 64 of the Plat Records of Tarrant County, Texas ( PRTCT ), said point being in the northerly Right-of-Way line of said CALLOWAY CEMETERY ROAD;

THENCE along the northerly Right-of-Way line of said CALLOWAY CEMETERY ROAD North 89 deg 42 min 44 sec West a distance of 239.51 feet to a 5/8 inch iron rod

found for the most southeasterly corner of LOT 4, BLOCK 1 of the PETROLEUM INDUSTRIES INC. ADDITION, an addition to the City of Fort Worth as recorded in Cabinet B, Slide 225 of the Plat Records of Tarrant County, Texas ( PRTCT );

THENCE departing the northerly Right-of-Way line of said CALLOWAY CEMETERY ROAD and along the easterly line of said LOT 4, BLOCK 1 North 00 deg 18 min 38 sec East a distance of 444.90 feet to the most northeasterly corner of said LOT 4, BLOCK 1;

THENCE along the northerly line of said LOT 4, BLOCK 1 North 89 deg 42 min 44 sec West a distance of 254.27 feet to a ½ inch iron rod found for the most northwesterly corner of said LOT 4, BLOCK 1;

THENCE along the westerly line of said LOT 4, BLOCK 1 South 00 deg 12 min 20 sec West passing through a 5/8 inch iron rod found at a distance of 147.95 feet and passing through the most southwesterly corner of said LOT 4, BLOCK 1 at a distance of 444.90 feet continuing in all a distance of 474.71 feet to a point for corner in the approximate centerline of said CALLOWAY CEMETERY ROAD which a Rail Road Spike found bears North 20 deg 36 min 51 sec East a distance of 0.60 feet;

THENCE along the approximate centerline of said CALLOWAY CEMETERY ROAD North 89 deg 39 min 29 sec West a distance of 488.19 feet to a Pk Nail found for corner, said point being the most southwesterly corner of said SOUTHWEST PRODUCTS LLC tract;

THENCE departing the approximate centerline of said CALLOWAY CEMETERY ROAD and along the westerly line of said SOUTHWEST PRODUCTS LLC tract; North 00 deg 16 min 31 sec East a distance of 1124.30 feet to the most northwesterly corner of said SOUTHWEST PRODUCTS LLC tract;

THENCE departing the westerly line of said SOUTHWEST PRODUCTS LLC tract and along the northerly line of said SOUTHWEST PRODUCTS LLC tract South 89 deg 51 min 04 sec East a distance of 486.82 feet to a 5/8 inch iron rod found for the most northeasterly corner of said SOUTHWEST PRODUCTS LLC tract, said point being the most northwest corner of said LOT 3, BLOCK 1;

THENCE South 89 deg 49 min 44 sec East passing through a ½ inch iron rod found for the most northeasterly corner of said LOT 3, BLOCK 1 at a distance of 493.81 feet and passing through a 3/8 inch iron rod found for the most northwesterly corner of said LOT 1, BLOCK 1 at a distance of 1028.13 feet continuing in all a distance of 1428.15 feet to a 5/8 inch iron rod found for the most northeasterly corner of said LOT 1, BLOCK 1, said point being found in the westerly line of the said T.J.L. GRAVEL COMPANY tract;

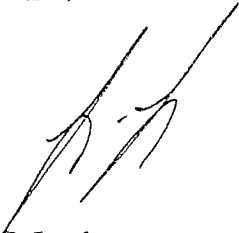
THENCE along the westerly line of said T.J.L. GRAVEL COMPANY tract South 01 deg 34 min 16 sec West a distance of 1099.33 feet to the POINT OF BEGINNING;

CONTAINING within these metes and bounds 46.004 acres or 2,003,943 square feet of land more or less. Bearings contained within this field note description are based upon an on the ground survey performed in the field on the 29<sup>th</sup> day of March, 2007 utilizing GPS measurements.

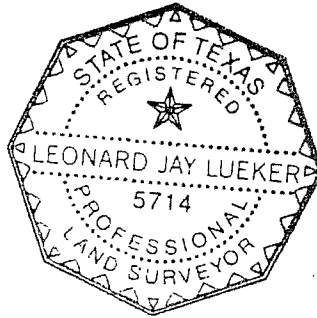
### SURVEYORS CERTIFICATE

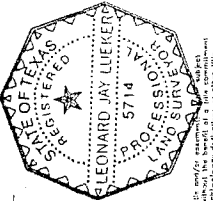
The undersigned hereby certifies the above field note description was prepared from an on the ground survey performed in the field March 29, 2007 under the supervision of the undersigned and that the field note description forms a mathematical figure of 1:15,000.

DATE: 4/10/07



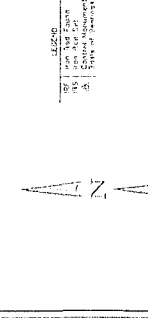
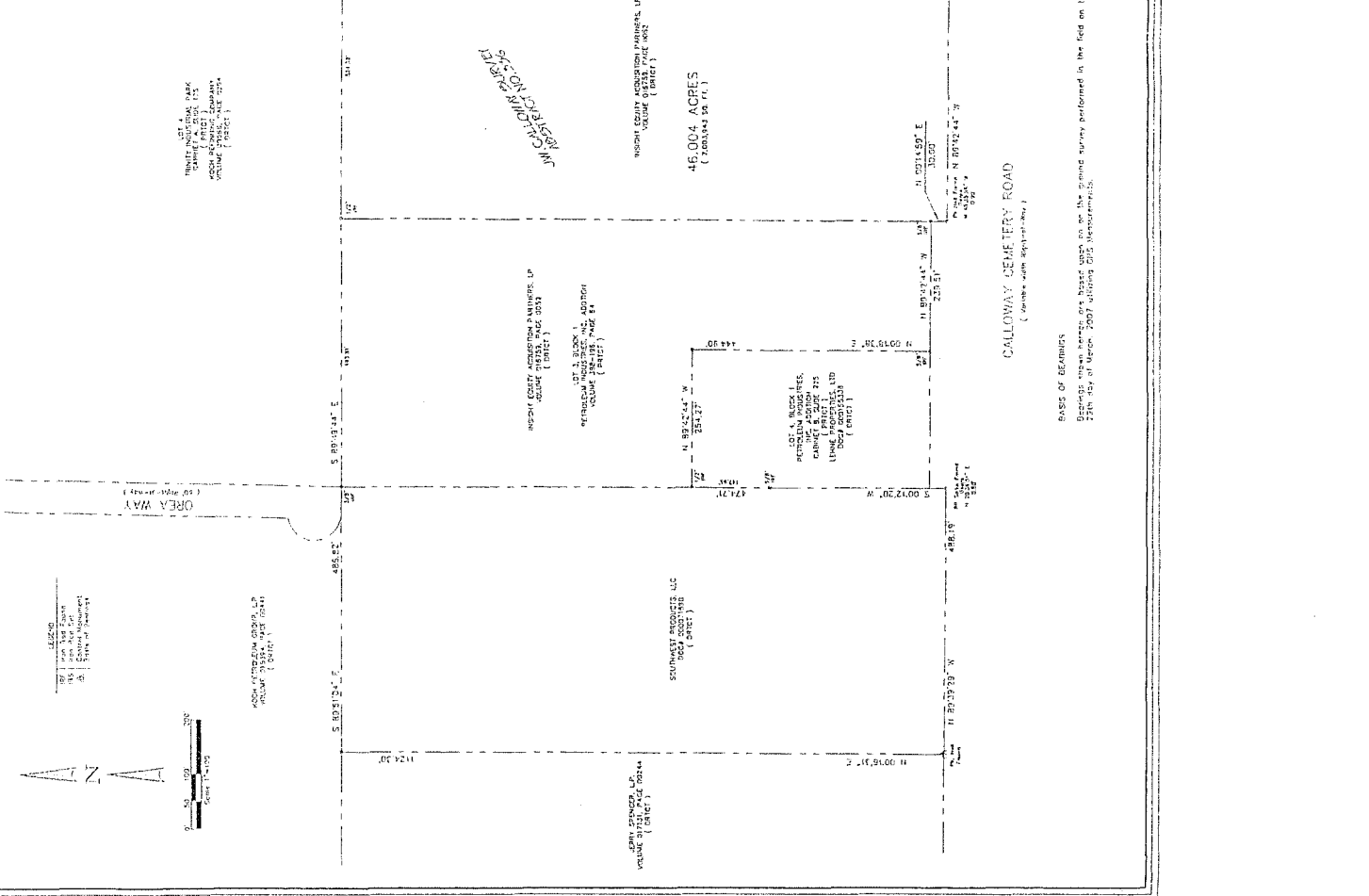
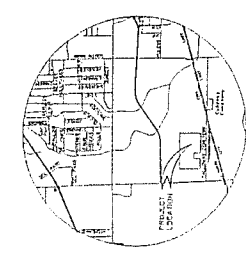
Leonard J. Lueker  
Registered Professional Land Surveyor  
Texas Registration No. 5714  
Winkelmann & Associates, Inc.  
6750 Hillcrest Plaza Drive, Suite 100  
Dallas, Texas 75230  
(972) 490-7090





Leonard J. Lueker  
 State of Texas  
 License No. 5714  
 Professional Land Surveyor  
 5714  
 State of Texas  
 License No. 5714  
 Professional Land Surveyor  
 (972) 492-7050

The Surveyor certifies that the above field notes, plat and exhibits were prepared by him or her, or under his or her supervision, and that he or she is a duly Licensed Professional Land Surveyor in the State of Texas. The Surveyor also certifies that the above field notes, plat and exhibits were prepared by him or her, or under his or her supervision, and that he or she is a duly Licensed Professional Land Surveyor in the State of Texas. The Surveyor also certifies that the above field notes, plat and exhibits were prepared by him or her, or under his or her supervision, and that he or she is a duly Licensed Professional Land Surveyor in the State of Texas.



SEE ATTACHED PLAT FOR  
 COMPLETE SURVEY DATA  
 AND EXHIBITS

PREPARED BY:  
 WINKELMANN & ASSOCIATES, INC.  
 1100 WEST DISCOVERY, SUITE 1000  
 DALLAS, TEXAS 75201

DATE: 4/10/07

BY: [Signature]

DATE: 4/10/07

' B ' 1

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 checked="" type="radio"/> Yes	<input type="radio"/> No <sup>3</sup>	<input 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 TCEO 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.

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 TCEO? (To support implementation of HB 3030, 78 <sup>th</sup> Legislature.)	<input checked="" type="radio"/> Yes, when? 4 / 1 / 03	<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.

Warren Bonham  
Applicant Signature

8-31-07  
Date

Before me Rebecca Mace the undersigned authority, on this day personally appeared Warren Bonham  
Name of Notary and signed this Municipal Setting Designation Application.  
Name of Applicant

Sworn, subscribed and signed before me in the County of Parker, State of TX, on the 31<sup>st</sup> day of August, this month of \_\_\_\_\_, 2007

TCEQ-20149 June 2007 2  
Rebecca Mace

