

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



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

October 31, 2008

Mrs. Kelli Ostmeyer, Environmental Manager
QuikTrip Corporation
4705 South 129th E. Avenue
Tulsa, OK 74134-7008

Re: Municipal Setting Designation (MSD) Certificate for QuikTrip No. 898, 650
Avenue K, Plano, TX; MSD No. 80

Dear Mrs. Ostmeyer:

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).

Sincerely,

A handwritten signature in black ink that reads "Mike Frew".

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

MF/sr

Enclosure

cc: Sarah Goslin, VCP No. 2186 Project Manager, Remediation Division, MC-221

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, Mark R. Vickery, Executive Director of the Texas Commission on Environmental Quality certify the Municipal Setting Designation for MSD No. 80, in the City of Plano, 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 23rd day of October, 2008

A handwritten signature in black ink, appearing to read "Mark R. Vickery", written over a horizontal line.

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

LEGAL DESCRIPTION

BEING a tract of land situated in the City of Plano, Collin County, Texas, out of the James Beverly Survey, Abstract No. 120, and being all of Lot 1, Block 1, Replat of Gulf Oil Addition No. 1, according to the plat thereof recorded in Cabinet I, Page 714, Plat Records, Collin County, Texas, and being all of Lot 3R, Block 1, Palisades Business Park, according to the plat thereof recorded in Cabinet M, Page 120, Plat Records, Collin County, Texas being more particularly described by metes and bounds as follows:

BEGINNING at a "X" cut in concrete found in the south right of way line of Plano Parkway (100' right of way), the east right of way line of Avenue K (S.H. 5)(100' right of way), the northwest corner of said Lot 1;

THENCE, along said south right of way line, the north line of said Lot 1, South 89 degrees, 13 minutes, 03 seconds East, a distance of 195.00 feet 5/8" iron rod set with red plastic cap stamped "R.P.L.S. 5199", the northeast corner of said Lot 1, the northwest corner of Lot 1, Block A, Melton Industrial Park, according to the plat thereof recorded in Cabinet F, Page 387, Plat Records, Collin County, Texas;

THENCE, along the east line of said Lot 1, Block 1, Replat of Gulf Oil Addition No. 1, the west line of said Lot 1, Block A, Melton Industrial Park, South 00 degrees, 39 minutes, 42 seconds West, a distance of 125.03 feet to a monument found, the southeast corner of said Lot 1, Block 1, Replat of Gulf Oil Addition No. 1, the northeast corner of said Lot 3R;

THENCE, along the east line of Lot 3R, the west line of said Lot 1, Block 1, Replat of Gulf Oil Addition No. 1, South 00 degrees, 52 minutes, 22 seconds West, a distance of 304.79 feet to a 5/8" iron rod found with red plastic cap stamped "SPARRS SURV.", the southeast corner of said Lot 3R, the northeast corner of Lot 2R, Block 1, Palisades Business Park, according to the plat thereof recorded in Cabinet M, Page 120, Map Records, Collin County, Texas ;

THENCE, along the south line of said Lot 3R, the north line of said Lot 2R, North 89 degrees, 04 minutes, 43 seconds West, a distance of 197.23 feet to a 5/8" iron rod found with red plastic cap stamped "SPARRS SURV." in said east right of way line, the southwest corner of said Lot 3R, the northwest corner of said Lot 2R;

THENCE, along said east right of way line, the west line of said Lot 3R, North 01 degrees, 15 minutes, 35 seconds East, a distance of 304.62 feet to a 3/8" iron rod found, the northwest corner of said Lot 3R, the southwest corner of said Lot 1, Block 1, Replat of Gulf Oil Addition No. 1;

THENCE, along said east right of way line, the west line of said Lot 1, Block 1, Replat of Gulf Oil Addition No. 1, North 00 degrees, 44 minutes, 20 seconds East, a distance of 124.73 feet to the **POINT OF BEGINNING** and containing 84,143 square feet or 1.9317 acres of land, more or less.

'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 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:

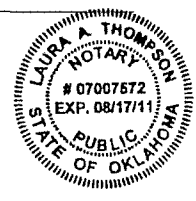
List all existing TCEQ and US Environmental Protection Agency registration, permit, identification numbers (e.g., SWR No., VCP No., LPST ID No., UIC Registration No., PWS ID. No.), if any, that apply to the groundwater contamination situation within the proposed MSD boundary. State "none" if none applicable. <p style="text-align: center;">VCP 2186</p>		
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? 06/20/2008	<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.

h
Applicant Signature

7/23/08
Date

Before me Laura A. Thompson the undersigned authority, on this day personally appeared
Name of Notary
Ms. Kelli Ostmeier and signed this Municipal Setting Designation Application.
Name of Applicant



Sworn, subscribed and signed before me in the County of Tulsa, State of OK, on the 24th day of Thursday, this month of July, 2008