

Kathleen Harbrett White, *Chairman*
Larry R. Soward, *Commissioner*
Glenn Shankle, *Executive Director*



MSD 28

MSD 25

↑
Cert

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

March 20, 2007

Mr. Brendan Lowrey
Thompson & Knight, L.L.P.
1700 Pacific Avenue, Suite 3300
Dallas, TX 75201

Re: Certification of Municipal Setting Designation (MSD) Application for Baylor Health Care System, Dallas, TX

Dear Mr. Lowrey:

Enclosed is the MSD 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 contact me at 512/239-5872 or via e-mail at mfrew@tceq.state.tx.us.

Sincerely,

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

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

Enclosure

Texas Commission on Environmental Quality



Municipal Setting Designation Certificate 025

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 the Baylor Health Care System in Dallas, Texas on 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 12th day of March, 2007.

Handwritten signature of Glenn Shankle in black ink.

Glenn Shankle
Executive Director
Texas Commission on Environmental Quality

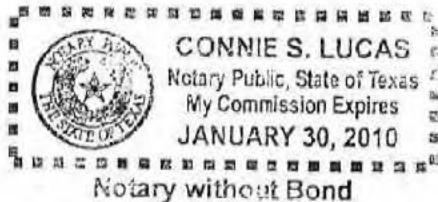
STATE OF TEXAS
TRAVIS COUNTY

BEFORE ME, on this the 12th day of March, 2007, personally appeared Glenn Shankle, Executive Director of the Texas Commission on Environmental Quality, known to me to be the person whose name is subscribed to the foregoing instrument, and they acknowledged to me that they executed the same for the purposes and in the capacity therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this the 12th day of March, 2007.

Handwritten signature of Connie S. Lucas in black ink.

Notary Public in and for the State of Texas





Metes and Bounds Description
Designated Property
Municipal Setting Designation Application
Baylor Health Care System, et al.

41.403 Acres

Bounded by Texas Street, Live Oak Street, Adair Street and Swiss Avenue
John Grigsby League, Abstract No. 495
City of Dallas
Dallas County, Texas

BEING a tract of land situated in the John Grigsby League, Abstract No. 495, in the City of Dallas, Dallas County, Texas, and being situated in City of Dallas Blocks 745, 2/749, 499, 747, 748, 310, A/310, B/498, 307, 497, 1/496 and 495 and being a portion of Live Oak Street, Texas Street, Florence Street, Liberty Street, Oak Street, Greenwood Street, Skiles Street, Hall Street, Floride Street, Adair Street, Cobb Street, Swiss Circle and Swiss Avenue, same being all of Lot 3A, Block 1/496 of Meadows Foundation Second Installment, an addition to the City of Dallas according to the Plat thereof recorded in Volume 89162, Page 0034, all of Lot 12A, Block 1/496 of Meadows Foundation Addition, an addition to the City of Dallas according to the Plat thereof recorded in Volume 87240, Page 3819, all of Lot 1-A, Block 1/496 of Magdalena Boll's Addition, an addition to the City of Dallas according to the Plat thereof recorded in Volume 85240, Page 1627, all of Lot 1, Block A/495 of Replat Block 495, an addition to the City of Dallas according to the Plat thereof recorded in Volume 85206, Page 1516, all of Lot 1A, Block 307 of Meadows Foundation Addition, an addition to the City of Dallas according to the Plat thereof recorded in Volume 87240, Page 3819, all of Lot 6B, Block 310 of 3100 Block Live Oak Street Replat, a Replat of Lot 6A, Block 310, Meadows Foundation Addition, Part of Lot 3 and all of Lots 4, 5 and 6, Block A/310 of Field's Oakwood Addition, an addition to the City of Dallas according to the Plat thereof recorded in Volume 89050, Page 3550, all of Lots 7, 8, 9, 10, Block A/310, all of Lots 11, 12 and 13, part of Lots 10 and 14, Block 310 and the remaining portion of Lot 6, Block B/498 of Field's Oakwood Addition, an addition to the City of Dallas according to the Plat thereof recorded in Volume 32, Page 224, all of 3000 Block Swiss Avenue Replat, a Replat of Lots 1 thru 5 and 7 thru 10 and Part of Lot 6, Block B/498 Field's Oakwood Addition & Lots 1 thru 7, 9 and 10 and Part of Lot 8, Block C/498 Field's Oakwood Addition, an addition to the City of Dallas according to the Plat thereof recorded in Volume 88183, Page 1188, part of Lots 1 thru 10, Block 499 of Nussbaumer Field Street Addition, an addition to the City of Dallas according to the Plat thereof recorded in Volume 71, Page 303, all of Lot 1A, Block A/748 of Our Children's House, an addition to the City of Dallas according to the Plat thereof recorded in Instrument No. 200503604415, all of Lot 1-A, Block 745 of Baylor Health Care System 1996 Addition, an addition to the City of Dallas according to the Plat thereof recorded in Volume 98148, Page 0095, all of a tract of land conveyed to Baylor University Medical Center as evidenced in a deed recorded in Volume 91171, Page 4131, all of Parcel II, III and IV, conveyed to Swiss Avenue General Hospital as evidenced in a deed recorded in Volume 81105, Page 907, a tract of land conveyed to Baylor Health Care System as evidenced in a deed recorded in Volume 97106, Page 1502 and all of a tract of land conveyed to Meadows Foundation

Incorporated as evidenced in a deed recorded in Volume 97193, Page 0363, all of the Deed Records of Dallas County, Texas (D.R.D.C.T.) and being that portion of Live Oak Street situated between Blocks 1/496, 307, A/310, 310, 1/289 and 308, that portion of Live Oak Street situated between Blocks A/501 and 745, that portion of Texas Street situated between Blocks 1/496, A/495, 2/324, 2/325 and 326, that portion of Florence Street situated between Blocks 1/496 and 495, that portion of Liberty Street situated between Blocks 1/496, A/495 and 307, that portion of Oak Street situated between Blocks 307, 310 and B/498, that portion of Greenwood Street between Blocks A/310 and B/498, that portion of Skiles Street situated between Blocks 310, A/310, B/498 and 499, that portion of Hall Street situated between Blocks 499, 748 and A/748, that portion of Floride Street situated between Blocks A/499, 747, A/748, 745 and 2/749, that portion of Adair Street between Blocks 745 and 744, that portion of Cobb Street situated between Blocks 745 and 2/749, all of Swiss Circle and that portion of Swiss Avenue situated between Blocks A/495, 307, 497, B/498, 499, A/748, 2/749, 750, 748, 494, 1/492 and A/329, and being more particularly described by metes and bounds as follows:

BEGINNING at the west corner of a visibility clip at the north corner of Lot 1, Block 2/324 of Magdalena Boll's No. 2, an addition to the City of Dallas according to the Plat thereof recorded in Volume 2004196, Page 0001, D.R.D.C.T., same being the intersection of the southwest right of way line of Texas Street (a called 50' wide right of way) with the southeast right of way line of Live Oak Street (a variable width right of way);

THENCE North $44^{\circ}42'30''$ West, departing said visibility clip and crossing said Live Oak Street, a distance of 75.94 feet to a corner on the northwest right of way line of said Live Oak Street;

THENCE North $45^{\circ}17'30''$ East, along the northwest right of way line of said Live Oak Street, a distance of 1307.67 feet to a corner;

THENCE South $44^{\circ}42'30''$ East, departing the northwest right of way line of said Live Oak Street and crossing said street, a distance of 80.07 feet to the north corner of a visibility clip at the west corner of Lot 11A, Block 499 of Live Oak State Bank, an addition to the City of Dallas according to the Plat thereof recorded in Volume 2002054, Page 0006, D.R.D.C.T., same being the intersection of the southeast right of way line of said Live Oak Street with the northeast right of way line of Skiles Street (a variable width right of way);

THENCE in a southeasterly direction, along the southwest line of said Lot 11A and the northeast right of way line of said Skiles Street, the following:

South $00^{\circ}33'46''$ East, a distance of 13.93 feet to a corner;

South $46^{\circ}23'28''$ East, a distance of 131.00 feet to the point of curvature of a curve to the left;

Along the arc of said curve to the left, through a central angle of 07°01'50", having a radius of 222.00 feet, a chord bearing of South 49°54'23" East, a chord distance of 27.22 feet and an arc length of 27.24 feet to the point of reverse curvature of a curve to the right;

Along the arc of said curve to the right, through a central angle of 08°32'18", having a radius of 278.00 feet, a chord bearing of South 49°09'09" East, a chord distance of 41.39 feet and an arc length of 41.43 feet to the point of tangency of said curve;

South 44°53'00" East, a distance of 73.99 feet to the south corner of said Lot 11A, same being on the northwest line of Lot 10 of aforesaid Nussbaumer Field Street Addition, from said point, a found 1/2-inch iron rod bears South 45°51'00" West, 10.0 feet;

THENCE North 45°51'00" East, along the common line of said Lots 11A and 10, a distance of 141.01 feet to a 1-inch iron pipe found for the east corner of said Lot 11A, same being on the southwest right of way line of Hall Street (a called 80' wide right of way);

THENCE North 45°59'00" West, along the northeast line of said Lot 11A and the southwest right of way line of said Hall Street, a distance of 68.71 feet to a corner;

THENCE North 45°13'00" East, departing the northeast line of said Lot 11A and crossing said Hall Street, passing an aluminum monument found for the west corner of Lot 1A, Block A/748 of aforesaid Our Children's House at a distance of 80.0 feet and continuing along the northwest line of said Lot 1A for a total distance of 208.28 feet to a corner;

THENCE South 44°07'00" East, continuing along the northwest line of said Lot 1A, a distance of 66.63 feet to a corner;

THENCE North 45°13'00" East, continuing along the northwest line of said Lot 1A, a distance of 193.50 feet to an aluminum monument found for the north corner of said Our Children's House, same being on the southwest right of way line of Floride Street (a variable width right of way);

THENCE North 44°06'59" West, along the northeast line of Lot 1, Block A/499 of Live Oak Office Building-II, an addition to the City of Dallas according to the Plat thereof recorded in Volume 86093, Page 4801 and the southwest right of way line and the extension of the southwest right of way line of said Floride Street, passing a 1/4-inch iron rod found for the north corner of said Lot 1 at a distance of 282.17 feet and continuing across aforesaid Live Oak Street for a total distance of 362.18 feet to a corner on the northwest right of way line of said Live Oak Street;

THENCE North 45°17'30" East, along the northwest right of way line of said Live Oak Street, a distance of 473.77 feet to a corner;

THENCE in a southerly direction departing the northwest right of way line of said Live Oak Street, along the extension of the southwesterly line of Lot 1, Block 744 of Bio-Medical Applications of Dallas, an addition to the City of Dallas, according to the Plat thereof recorded in Volume 75089, Page 0947, D.R.D.C.T., along the southwest line of said Lot 1, Block 744 and the northeast right of way line of Adair Street (a variable width right of way, the following:

South 44°39'48" East, crossing said Live Oak Street, passing a 1/2-inch iron rod found for the most northerly, west corner of said Lot 1, and continuing for a total distance of 196.07 feet to a corner;

South 45°04'06" West, a distance of 6.51 feet to a corner;

South 44°40'06" East, a distance of 125.45 feet to a corner;

North 44°56'53" East, a distance of 20.00 feet to a corner;

South 44°40'06" East, a distance of 174.50 feet to a corner;

South 45°00'20" West, a distance of 4.95 feet to a corner;

South 44°40'49" East, passing a 1/2-inch iron rod found for the intersection of the northeast right of way line of said Adair Street with the northwest right of way line of Cobb Street (a called 25.5' wide right of way), continuing along the extension of said Adair Street, a total distance of 75.56 feet to a corner on the south right of way line of said Cobb Street, same being on the northwest line of Block 1/749;

THENCE South 45°13'00" West, along the southeast right of way line of said Cobb Street and the northwest line of said Block 1/749, crossing said Adair Street, a distance of 31.81 feet to a corner on the southwest right of way line of Adair Street (a 15' wide right of way at this point), same being on the northeast line of Block 2/749;

THENCE North 44°07'00" West, along the northeast line of said Block 2/749 and the southwest right of way line of said Adair Street, a distance of 2.38 feet to the north corner of said Block 2/749, same being the intersection of the southwest right of way line of said Adair Street with the southeast right of way line of said Cobb Street;

THENCE South 45°07'00" West, along the southeast right of way line of said Cobb Street and the northwest line of said Block 2/749, a distance of 100.01 feet to a 1/2-inch iron rod found for the north corner of aforesaid Parcel II, as conveyed to Swiss Avenue General Hospital;

THENCE South 44°13'00" East, departing the southeast right of way line of said Cobb Street and along the northeast line of said Parcel II, passing a 1/2-inch iron rod found for the east corner of said Parcel II, same being on the northwest right of way line of Swiss

Avenue (a called 50' wide right of way), continuing along the extension of the northeast line of said Parcel II, crossing said Swiss Avenue, for a total distance of 241.94 feet to a corner on the southeast right of way line of said Swiss Avenue, same being on the northwest line of a called Parcel I as conveyed to said Swiss Avenue General Hospital in Volume 81105, Page 0907 D.R.D.C.T.;

THENCE South $45^{\circ}10'57''$ West, along the southeast right of way line of said Swiss Avenue, a distance of 429.42 feet to the intersection of the southeast right of way line of said Swiss Avenue with the east right of way line of Swiss Circle (a variable width right of way), same being the point of curvature of a curve to the left;

THENCE in a southerly direction, along the east, becoming southeast, right of way line of said Swiss Circle, the following:

Along the arc of said curve to the left, through a central angle of $46^{\circ}30'00''$, having a radius of 53.00 feet, a chord bearing of South $21^{\circ}58'00''$ West, a chord distance of 41.84 feet and an arc length of 43.01 feet to an "X" cut found for the point of compound curvature of a curve to the left;

Along the arc of said curve to the left, through a central angle of $42^{\circ}50'00''$, having a radius of 115.50 feet, a chord bearing of South $22^{\circ}42'00''$, East, a chord distance of 84.35 feet and an arc length of 86.35 feet to an "X" cut found for the point of tangency of said curve;

South $44^{\circ}07'00''$ East, a distance of 12.05 feet to a corner;

South $50^{\circ}13'52''$ West, a distance of 4.71 feet to the point of curvature of a non-tangent curve to the right;

Along the arc of said curve to the right, through a central angle of $90^{\circ}01'08''$, having a radius of 60.00 feet, a chord bearing of South $15^{\circ}29'01''$ West, a chord distance of 84.87 feet and an arc length of 94.27 feet to the end of said curve;

South $50^{\circ}13'52''$ West, a distance of 80.50 feet to the intersection on the southeast right of way line of said Swiss Circle with the northeast right of way line of Hall Street (a variable width right of way);

THENCE South $46^{\circ}18'00''$ West, crossing said Hall Street, a distance of 102.94 feet to the west corner of a visibility clip at the north corner of Block 494, same being the intersection of the southwest right of way line of said Hall Street with the southeast right of way line of aforesaid Swiss Avenue;

THENCE South $50^{\circ}22'00''$ West, along the southeast right of way line of said Swiss Avenue and the northwest line of Block 494, a distance of 273.18 feet to a point for corner;

THENCE North 45°32'52" West, departing the southeast right of way line of said Swiss Avenue, passing the most easterly corner of Lot 8, Block C/498 of Field's Oakwood Addition to the City of Dallas according to the Plat thereof recorded in Volume 32, Page 224, same being all of that tract of land conveyed to Dennis and Victoria Hetrick as evidenced in a deed recorded in Volume 92055, Page 0614, D.R.D.C.T. and continuing along the easterly line of said Hetrick tract, a distance of 176.63 feet to a point for corner;

THENCE South 46°11'42" West, along the north line of said Hetrick tract, a distance of 50.02 feet to a point for corner;

THENCE South 45°32'52" East, along the westerly line of said Hetrick tract, a distance of 172.97 feet to a point for corner on the southeast right of way line of said Swiss Avenue and the northwest line of Blocks 494;

THENCE South 50°22'00" West, along the southeast right of way line of said Swiss Avenue and the northwest line of Blocks 494, 1/492 and A/329, a distance of 1100.49 feet to a corner on the northwest line of Lot 1, Block A/329 of Replat of Block 329, an addition to the City of Dallas according to the Plat thereof recorded in Volume 83039, Page 0864, D.R.D.C.T.;

THENCE North 44°42'30" West, departing the southeast right of way line of said Swiss Avenue and the northwest line of said Lot 1, Block A/329 and along the extension of the southwest right of way line of aforesaid Texas Street and the southwest right of way line of said Texas Street, a distance of 315.13 feet to a corner at the intersection of the southwest right of way line of said Texas Street and the southeast right of way line of Florence Street (a called 50' wide right of way);

THENCE North 53°59'04" West, continuing along the southwest right of way line of said Texas Street and crossing said Florence Street, a distance of 50.68 feet to the point of intersection of the northwest right of way line of said Florence Street with the southwest right of way line of said Texas Street;

THENCE North 44°42'30" West, continuing along the southwest right of way line of said Texas Street and along the northeast line of Block 2/325 and Lot 1, Block 2/324 of aforesaid Magdalena Boll's No.2 Addition, a distance of 371.86 feet to the east corner of the visibility clip at the north corner of said Magdalena Boll's No. 2 Addition;

THENCE North 88°12'14" West, continuing along the southwest right of way line of said Texas Street and along said visibility clip, a distance of 18.16 feet to the POINT OF BEGINNING and containing 41.403 acres (1,803,504 square feet) of land, more or less.



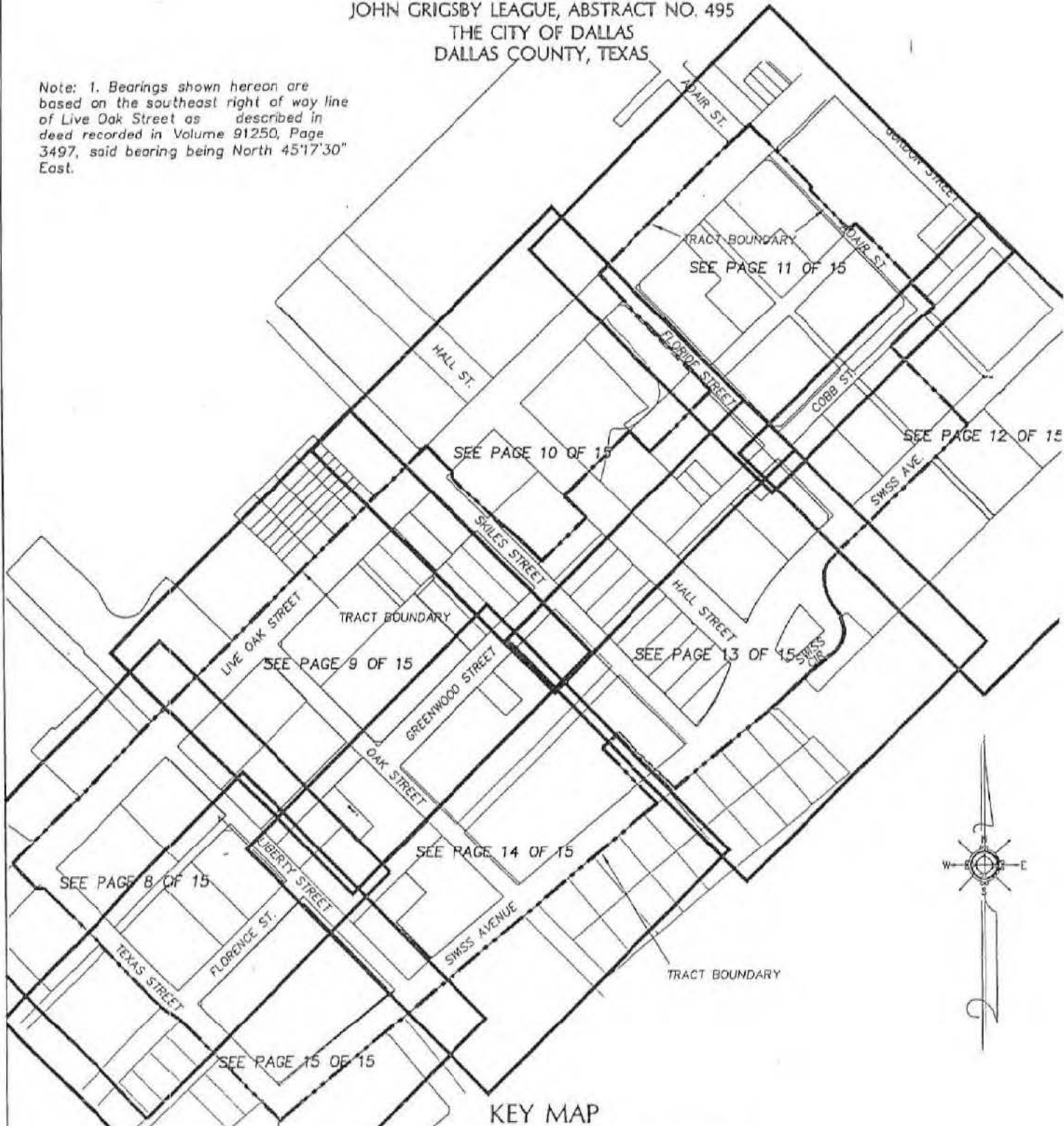
26466
DESIGNATED PROPERTY

EXHIBIT A

MUNICIPAL SETTING DESIGNATION APPLICATION
BAYLOR HEALTH CARE SYSTEM, et al
BOUNDED BY TEXAS STREET, LIVE OAK STREET, ADAIR STREET
AND SWISS AVENUE
SITUATED IN THE
JOHN GRIGSBY LEAGUE, ABSTRACT NO. 495
THE CITY OF DALLAS
DALLAS COUNTY, TEXAS

062622

Note: 1. Bearings shown hereon are based on the southeast right of way line of Live Oak Street as described in deed recorded in Volume 91250, Page 3497, said bearing being North 45°17'30" East.



KEY MAP

□ BROCKETTE, DAVIS - DRAKE, inc.
□ consulting engineers

Civil & Structural Engineering - Surveying
4144 North Central Expressway, Suite 1100 Dallas, Texas 75204
(214) 824-3647, fax (214) 824-7064

'B'



Municipal Setting Designation Application Form

TCEQ Office Use Only:	Date Add. Info Req. 1/29/07
Application No: 028	Date Add. Info Rec'd 2/2/07
Date Received: 1/1/06	Date Certified: / /
	Date Denied: / /

Reset form

Municipal Setting Designation Eligibility Criteria:

Is the proposed municipal setting designation (MSD) within the corporate limits of a municipality authorized by statute that has a population of at least 20,000? (See most recent <i>place</i> population estimate reported at http://txsdc.utsa.edu/tpepp/txpopest.php .)	<input type="radio"/> Yes	<input type="radio"/> No ¹
Is the proposed municipal setting designation (MSD) within the extraterritorial jurisdiction of a municipality authorized by statute that has a population of at least 20,000? (See most recent <i>place</i> population estimate reported at http://txsdc.utsa.edu/tpepp/txpopest.php .)	<input type="radio"/> Yes	<input type="radio"/> No ¹
Municipality name: City of Dallas	Population: 1,214,048	
Is there a public drinking water supply system that satisfies the requirements of THSC Chapter 341 and supplies or is capable of supplying drinking water to: a) the proposed MSD property, and b) each property within 0.5 miles beyond the boundary of the proposed MSD?	<input type="radio"/> Yes	<input type="radio"/> No ¹
¹ If No, the eligibility criteria are not met. Do not submit an application.		

Applicant and Fee Payment Information:

Contact Person: <input checked="" type="radio"/> Mr. <input type="radio"/> Ms. Ron Kasowski		
Title: Facility Safety Director		
Company: Baylor Health Care System		
Mailing Address: 1400 8th Avenue, C Building, Room 454		
City: Fort Worth	State: Texas	Zip: 76104
Telephone: 817 / 927-6169	Telefax: /	
E-mail Address: ronk@BaylorHealth.edu		
Is the required \$1,000 application being submitted to TCEQ in advance or at the same time the MSD application is being submitted to TCEQ?	<input type="radio"/> Yes	<input type="radio"/> No ²
² Do not submit application.		

Notice Information:

<u>On</u> or <u>before</u> the date of submission of the application to TCEQ, was notice provided to:		
a) each municipality:		
1) where the proposed MSD is located?	<input type="radio"/> Yes	<input type="radio"/> No ³
2) with a border within 0.5 miles beyond the proposed MSD boundaries?	<input type="radio"/> Yes	<input type="radio"/> No ³ <input type="radio"/> NA ⁴
3) 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 type="radio"/> NA ⁴
b) each current owner of a private well registered with the commission and located within five miles beyond the proposed MSD boundaries?	<input type="radio"/> Yes	<input type="radio"/> No ³ <input type="radio"/> NA ⁴
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 type="radio"/> NA ⁴
³ Do not submit application.		
⁴ NA only when no such municipality, private well owner, or retail public utility exists		

8

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.
1111 N. Hall - VCP 1844/ 3434 Swiss - IHW Corrective Action ID T1265

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 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 type="radio"/> Yes, when? 07 / 22 / 97	<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 ⁵	<input 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 ⁵	<input 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 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 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 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.

Ronald Kasowski
Applicant Signature

10/26/06
Date

Before me Monica Butler the undersigned authority, on this day personally appeared Baylor Health Care System,
Name of Notary
represented by Ron Kasowski and signed this Municipal Setting Designation Application.
Name of Applicant

Sworn, subscribed and signed before me in the County of Ellis, State of TX, on the 27th
day of October, 2006.



'B'



Municipal Setting Designation Application Form

TCEQ Office Use Only: Application No: 028	Date Add. Info Req. 1/29/07
Date Received: 11/1/06	Date Add. Info Rec'd 2/2/07
	Date Certified: / /
	Date Denied: / /

Reset form

Municipal Setting Designation Eligibility Criteria:

Is the proposed municipal setting designation (MSD) within the corporate limits of a municipality authorized by statute that has a population of at least 20,000? (See most recent <i>place</i> population estimate reported at http://txsdc.utsa.edu/tpepp/txpopest.php .)	<input checked="" type="radio"/> Yes	<input type="radio"/> No ¹
Is the proposed municipal setting designation (MSD) within the extraterritorial jurisdiction of a municipality authorized by statute that has a population of at least 20,000? (See most recent <i>place</i> population estimate reported at http://txsdc.utsa.edu/tpepp/txpopest.php .)	<input type="radio"/> Yes	<input type="radio"/> No ¹
Municipality name: City of Dallas	Population: 1,214,048	
Is there a public drinking water supply system that satisfies the requirements of THSC Chapter 341 and supplies or is capable of supplying drinking water to: a) the proposed MSD property, and b) each property within 0.5 miles beyond the boundary of the proposed MSD?	<input checked="" type="radio"/> Yes	<input type="radio"/> No ¹
¹ If No, the eligibility criteria are not met. Do not submit an application.		

Applicant and Fee Payment Information:

Contact Person: <input checked="" type="radio"/> Mr. <input type="radio"/> Ms. Ron Kasowski		
Title: Facility Safety Director		
Company: Baylor Health Care System		
Mailing Address: 1400 8th Avenue, C Building, Room 454		
City: Fort Worth	State: Texas	Zip: 76104
Telephone: 817 / 927-6169	Telefax: /	
E-mail Address: [REDACTED]		
Is the required \$1,000 application being submitted to TCEQ in advance or at the same time the MSD application is being submitted to TCEQ?	<input checked="" type="radio"/> Yes	<input type="radio"/> No ²
² Do not submit application.		

Notice Information:

On or before the date of submission of the application to TCEQ, was notice provided to:			
a) each municipality:			
1) where the proposed MSD is located?	<input checked="" type="radio"/> Yes	<input type="radio"/> No ³	
2) with a border within 0.5 miles beyond the proposed MSD boundaries?	<input type="radio"/> Yes	<input type="radio"/> No ³	<input type="radio"/> NA ⁴
3) 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 type="radio"/> NA ⁴
b) each current owner of a private well registered with the commission and located within five miles beyond the proposed MSD boundaries?	<input type="radio"/> Yes	<input type="radio"/> No ³	<input type="radio"/> NA ⁴
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 type="radio"/> NA ⁴
³ Do not submit application.			
⁴ NA only when no such municipality, private well owner, or retail public utility exists			

g

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.
1111 N. Hall - VCP 1844/ 3434 Swiss - IHW Corrective Action ID T1265

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 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? 07 / 22 / 97	<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 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 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 type="radio"/> Yes	<input checked="" 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 type="radio"/> Yes	<input checked="" 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.

Ronald Kasowski
Applicant Signature

10/26/06
Date

Before me Monica Butler the undersigned authority, on this day personally appeared Baylor Health Care System,
Name of Notary
represented by Ron Kasowski and signed this Municipal Setting Designation Application.
Name of Applicant

Sworn, subscribed and signed before me in the County of Ellis, State of Tx, on the 27th
day of October, 2006.

