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Kathleen Hartnett White, *Chairman*
R. B. "Ralph" Marquez, *Commissioner*
Larry R. Soward, *Commissioner*
Glenn Shankle, *Executive Director*



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
Protecting Texas by Reducing and Preventing Pollution

March 10, 2006

Mr. Jason Chessher
Environmental Health Manager
City of Garland
1720 Commerce
Garland, TX 75040

RE: Certification of Municipal Setting Designation Application for the Former Cuplex/City of Garland Property, 1500 East Highway 66, Garland TX (MSDAPP009, MSD008)

Dear Mr. Chessher :

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 512/239-2268 or via e-mail (cclarke@tceq.state.tx.us).

Sincerely,

A handwritten signature in cursive script that reads "Chet Clarke".

Chet Clarke, Manager
Technical Support Section
Remediation Division

CC/ok

Enclosure

Texas Commission on Environmental Quality



Municipal Setting Designation Certificate 008

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 Former Cuplex/City of Garland Property, 1500 East Highway 66, Garland, Texas, 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 6th day of March, 2006.

Handwritten signature of Glenn Shankle in black ink.

Glenn Shankle
Executive Director
Texas Commission on Environmental Quality

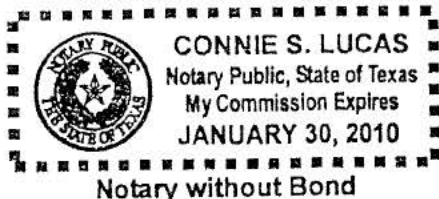
STATE OF TEXAS
TRAVIS COUNTY

BEFORE ME, on this the 6th day of March, 2006, 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 6th day of March, 2006.

Handwritten signature of Connie S. Lucas in black ink.

Notary Public in and for the State of Texas



A

3.0 LAND DESCRIPTION OF MSD PROPERTY LIMITS — FORMER CUPLEX INC. FACILITY VCP No. 913

GENERAL DESCRIPTION:

BEING a 142.132-acre tract of land situated in the John L. Anderson Survey, Abstract No. 26, the Wormley Carter Survey, Abstract no. 324, and the Edward Mills Survey, Abstract No. 952, in the City of Garland, Dallas County, Texas, and embracing the following:

- A portion of the Cliff Tucker Addition, an addition to the City of Garland, Texas, according to the plat thereof recorded in Volume 75048, at Page 1970 of the Deed Records of Dallas County, Texas
- All of Lot 1, Block 1, Cuplex Addition No. 2, an addition to the City of Garland, Texas, according to the plat thereof recorded in Volume 87187, at Page 6044 of the Deed Records of Dallas County, Texas
- All of Lot 1, Block 1, Tejas Testing No. 1 North Garland, an addition to the City of Garland, Texas, according to the plat thereof recorded in Volume 94022, at Page 4820 of the Deed Records of Dallas County, Texas
- A portion of that certain tract described in Quit Claim Deeds to J. L. Brazell, recorded in Volume 90075, at Pages 2335, 2339, 2346, 2348, 2352, 2356 and 2360 of the Deed Records of Dallas County, Texas
- A portion of that certain tract described in Substitute Trustee's Deed to Baptist Foundation of Texas recorded in Volume 89148, at Page 3902 of the Deed Records of Dallas County, Texas
- All of that certain tract described in Special Warranty Deed from the Baptist Foundation of Texas to Gurley & Fodge, recorded in Volume 2001131, at Page 9559 of the Deed Records of Dallas County, Texas
- All of that certain tract described in Special Warranty Deed from the Baptist Foundation of Texas to Calm Mornings LLC, recorded in Volume 2005003, at Page 11232 of the Deed Records of Dallas County, Texas
- A portion of that certain tract described in Special Warranty Deed from the Baptist Foundation of Texas to the City of Garland recorded in Volume 96134, at Page 3796 of the Deed Records of Dallas County, Texas, (henceforth known as "first mentioned City of Garland tract")
- All of that certain tract described in Special Warranty Deed from Joseph Saar, Trustee to the City of Garland recorded in Volume 2000123, at Page 1666 of the Deed Records of Dallas County, Texas, (henceforth known as "second mentioned City of Garland tract")
- All of that certain tract described in Special Warranty Deed from Dynamic Details Texas, LLC to the City of Garland recorded in Volume 2004051, at Page 7593 of the Deed Records of Dallas County, Texas, (henceforth known as "third mentioned City of Garland tract") and being more particularly described as follows:

PARTICULAR DESCRIPTION:

BEGINNING, at the southwest corner of Hidden Forest Estates, an addition to the City of Garland, Texas, according to the plat thereof recorded in Volume 2004072, at Page 016 of the Deed Records of Dallas County, Texas, and being the southeast corner of said first mentioned City of Garland tract, and also being in the north right-of-way line of State Highway No. 66, said point also being in a curve concave to the south having a radius of 5,799.58 feet, a central angle of 01 degree 54 minutes 46 seconds and is subtended by a chord of North 88 degrees 56 minutes 16 seconds West, and a chord distance of 193.61 feet;

THENCE, in a westerly direction, with the north right-of-way line of State Highway No. 66, and with the arc of said curve for a distance of 193.62 feet to the point of tangency;

THENCE, North 89 degrees 53 minutes 39 seconds West, continuing with the said north right-of-way line of State Highway No. 66, at a distance of 207.59 feet pass a 1/2-inch iron rod found at the most southerly southwest corner of said City of Garland tract, and the southeast corner of the aforementioned Gurley & Fodge tract, and continuing on the same course with said north right-of-way line an additional distance of 465.85 feet for a total distance of 673.44 feet to a point on the northerly prolongation of the west line of the Payless Cashways No. 2, an addition to the City of Garland, Texas, according to the plat thereof recorded in Volume 85129, at Page 5888 of the Deed Records of Dallas County, Texas;

THENCE, South 00 degrees 46 minutes 47 seconds East, departing said north right-of-way line and crossing said State Highway No. 66 at 140.02 feet pass 2-inch iron pipe found at the northwest corner of said Payless Cashways No. 2, said point being the northeast corner of the third mentioned City of Garland tract and continuing on the same course and with the west line of said Payless Cashways No. 2 at an additional distance of 379.43 feet pass a 1/2-inch iron rod with a cap stamped "Pacheco Koch" found at the northeast corner of the aforementioned Lot 1, Block 1, Tejas Testing No. 1 North Garland Addition and continuing on the same course and with the common line of said Payless Cashway No. 2 and said Lot 1, Block 1, Tejas Testing No. 1 North Garland, an additional distance of 210.06 feet for a total distance of 729.51 feet to a 1/2-inch iron rod with a cap stamped "Pacheco Koch" found in the north right-of-way line of Commerce Street (a variable width right-of-way) for the southwest corner of said Payless Cashway No. 2 and the southeast corner of said Lot 1, Block 1, Tejas Testing No. 1 North Garland;

THENCE, South 89 degrees 27 minutes 07 seconds West with the north right-of-way line of Commerce Street for a distance of 40.00 feet;

THENCE, South 00 degrees 32 minutes 53 seconds East, departing said north right-of-way line of Commerce Street at a distance of 59.50 feet cross the southerly right-of-way line of said Commerce Street and the north line of the aforementioned Cliff Tucker Addition, and continuing on the same course an additional distance of 1,093.67 feet across said Cliff Tucker Addition, for a total distance of 1,153.17 feet to a point in the northeast right-of-way line of the M.K. & T. Railroad (a 100-foot wide right-of-way) said

point being 2,660 feet from the nearest point on the City Limit Line between the Cities of Garland and Dallas;

THENCE, North 66 degrees 02 minutes 00 seconds West, with the northeast right-of-way line of the M.K.&T. Railroad, at a distance of 1,291.26 feet pass the southeast corner of the aforementioned Brazell tract and continuing on the same course an additional distance of 345.20 feet for a total distance of 1,636.46 feet to the southeast corner of Riffe Petroleum, an addition to the City of Garland, Texas, according to the plat thereof recorded in Volume 86089, at Page 2323 of the Deed Records of Dallas County, Texas;

THENCE, departing said northeast right-of-way line of the M.K.&T. Railroad and along the east line of said Riffe Petroleum the following three calls:

1. North 00 degrees 27 minutes 00 seconds West, a distance of 117.93 feet to a the beginning of a tangent curve to the left having a radius of 361.86 feet, a central angle of 27 degrees 00 minutes 00 seconds subtended by a chord of North 13 degrees 57 minutes 00 seconds West, for a chord distance of 168.95 feet;
2. northwesterly, with said curve to the left, for an arc distance of 170.52 feet
3. North 27 degrees 27 minutes 00 seconds West, for a distance of 155.63 feet to a 1/2-inch iron rod found in the said south right-of-way line of Commerce Street for the northeast corner of said Riffe Petroleum Addition;

THENCE, North 84 degrees 10 minutes 00 seconds East, with the south right-of-way line of Commerce Street, for a distance of 61.00 feet;

THENCE, North 89 degrees 54 minutes 00 seconds East continuing with the south right-of-way line of Commerce Street for a distance of 346.36 feet to a point on the prolongation of the northeasterly line of the tract of land described in the deed from the Baptist Foundation of Texas to the City of Garland recorded in Volume 90226, at Page 1400 of the Deed Records of Dallas County, Texas;

THENCE, North 27 degrees 27 minutes 51 seconds West, departing said south right-of-way line and crossing Commerce Street, at a distance of 67.78 feet pass a 5/8-inch iron rod with a cap stamped "R-DELTA Engineers" recovered at the southwest corner of aforementioned third mentioned City of Garland tract in the north right-of-way line of said Commerce Street and continuing on the same course an additional distance of 659.02 feet to a 1/2-inch iron rod found at an angle point in the last mentioned City of Garland tract for a total distance of 726.80 feet;

THENCE, North 29 degrees 14 minutes 24 seconds West, crossing said State Highway No. 66, for a distance of 171.38 feet to a point in the northerly right-of-way line of said highway for the southeast corner of a tract of land described in deed from the Baptist

Foundation of Texas to the City of Garland recorded in Volume 90226, at Page 1396 of the Deed Records of Dallas County, Texas;

THENCE, North 32 degrees 36 minutes 15 seconds West, departing said north right-of-way line of State Highway No. 66 and with the northeast line of the last mentioned City of Garland tract for a distance of 517.42 feet to 1/2-inch iron rod found in the southeast line of a tract of land described in the deed to Joseph Saar, Trustee, recorded in Volume 76121, at Page 1221 of the Deed Records of Dallas County, Texas;

THENCE, North 44 degrees 42 minutes 56 seconds East with the southeast line of said Saar tract, for a distance of 127.69 feet to a 1/2-inch iron rod with a cap stamped "R-DELTA Engineers" recovered at the southwest corner of a tract of land described in the deed from the City of Garland to Joseph Saar, Trustee, recorded in Volume 2000131, at Page 4708 of the Deed Records of Dallas County, Texas;

THENCE, South 89 degrees 55 minutes 59 seconds East, with the south line of the last mentioned Saar tract, for a distance of 528.60 feet to a 1/2-inch iron rod with a cap stamped "R-DELTA Engineers" recovered at the southeast corner of said Saar tract;

THENCE, North 00 degrees 04 minutes 43 seconds East with the east line of the last mentioned Saar tract at a distance of 545.02 feet pass a 1/2-inch iron rod with a cap stamped "R-DELTA Engineers" recovered for the north corner of said tract and the south corner of the second mentioned City of Garland tract, and continuing on the same course and with the west line of said City of Garland tract an additional distance of 540.98 feet for a total distance of 1,086.00 feet to a 1/2-inch iron rod with a cap stamped "R-DELTA Engineers" recovered in the south right-of-way line of a 15-foot public alley shown on the plat of Northlake Estates No. 3, according to the plat thereof recorded in Volume 70197, at Page 2039 of the Deed Records of Dallas County, Texas;

THENCE, North 88 degrees 56 minutes 56 seconds East with the south right-of-way line of said alley for a distance of 467.91 feet to a point at the intersection of said south line with the southwest right-of-way line of Hubbard Drive as shown on said plat of Northlake Estates No. 3 (50-foot R. O. W.);

THENCE, South 45 degrees 38 minutes 05 seconds East with the southwest right-of-way line of said Hubbard Drive for a distance of 48.11 feet to the point identified as the "Beginning Point" in the description included in the first mentioned City of Garland tract, and continuing on the same course and with a northeast line of the said City of Garland tract an additional distance of 50.00 feet for a total distance of 98.11 feet to a 1-inch iron rod found for an angle point in the north line of said City of Garland tract;

THENCE, North 44 degrees 12 minutes 37 seconds East continuing with the northerly line of the last mentioned City of Garland tract for a distance of 188.19 feet to a point in the southwesterly right-of-way line of a 15-foot public alley shown on the plat of Northlake Estates No. 5, an addition to the City of Garland, Texas, according to the plat

thereof recorded in Volume 71058, at Page 2162 of the Deed Records of Dallas County, Texas;

THENCE, South 45 degrees 41 minutes 23 seconds East with the southwest right-of-way line of said 15-foot public alley and the southwest line of said plat for a distance of 87.60 feet to 1/2-inch iron rod found at an angle point in the southerly right-of-way line of said alley;

THENCE, North 88 degrees 54 minutes 54 seconds East with the south right-of-way line of said alley and addition for a distance of 901.50 feet to a 1/2-inch iron rod found and called to be in the southeast line of the aforementioned Carter Survey and the northwest line of the aforementioned Anderson Survey;

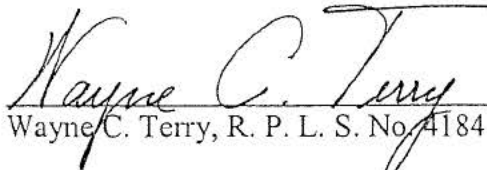
THENCE, North 44 degrees 10 minutes 12 seconds East with the southeast line said addition and alley and across Morrison Drive as shown on said plat of Northlake Estates No. 5 at a distance of 559.77 feet pass the northeast right-of-way line of said Morrison Drive from which a 1/2-inch iron rod found bears South 82-1/2 degrees East a distance of 0.15 feet and continuing on the same course for an additional distance of 151.00 feet to the most easterly corner of Lot 53, Block H of said addition from which a 3/8-inch iron rod found bears North 53 degrees West a distance of 0.7 feet and continuing on the same course an additional distance of 13.00 feet for a total distance of 723.77 feet to a 1/2-inch iron rod found for an angle point in the westerly line of the aforementioned Hidden Forest Estates;

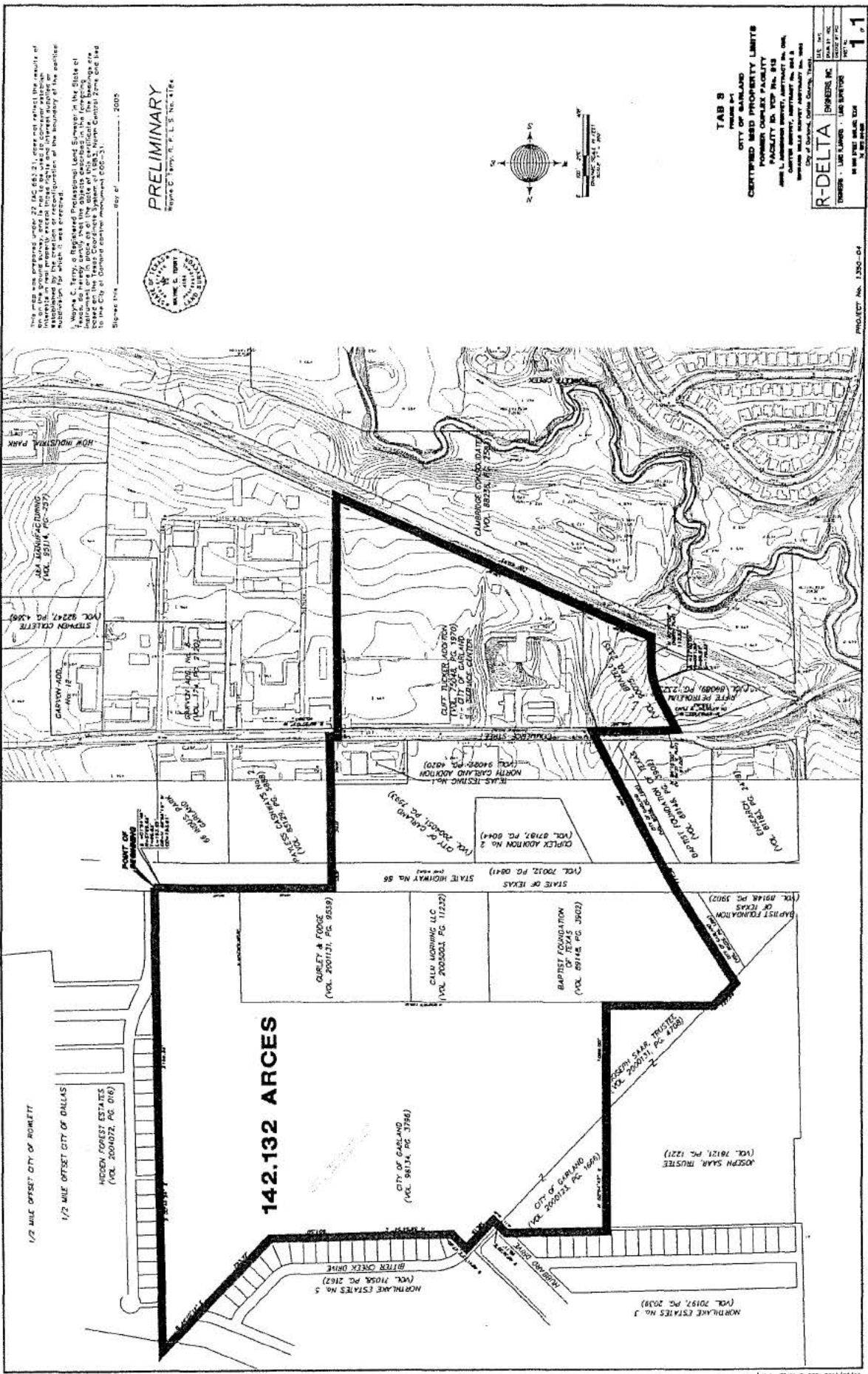
THENCE, South 00 degrees 44 minutes 24 seconds East with the westerly line of said Hidden Forest Estates for a distance of 2,169.94 feet to the PLACE OF BEGINNING and containing 142.132 acres of land.

This document was prepared under 22 TAC 663.21, does not reflect the results of an on the ground survey, and is not to be used to convey or establish interests in real property except those rights and interest supplied or established by the creation or reconfiguration of the boundary of the political subdivision for which it was prepared.

I, Wayne C. Terry, a Registered Professional Land Surveyor in the State of Texas, do hereby certify that the objects described in the foregoing instrument are in place as of the date of this certificate. The bearings are based on the Texas Coordinate System of 1983, North Central Zone and tied to the City of Garland control monument COG-31.

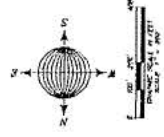
Signed this 15th day of June, 2005


Wayne C. Terry, R. P. L. S. No. 4184



This map was prepared under the provisions of the Public Land Survey Act, 1820, and is not to be construed as a warranty of accuracy or a representation of title. The survey was conducted by the undersigned and the accuracy of the plat is guaranteed by the undersigned. The survey was conducted by the undersigned and the accuracy of the plat is guaranteed by the undersigned.

PRELIMINARY
 WYCKE C. HARRIS, R. L. S. No. 4174



TAB 3

CITY OF CARLING

CERTIFIED USED PROPERTY LIMITS

POWER PLANT FACILITY

PARCEL NO. 213

WYCKE C. HARRIS, R. L. S. No. 4174

REGISTERED PROFESSIONAL LAND SURVEYOR

City of Carling, Lamar County, Texas

R-DELTA ENGINEERING INC.

ENGINEER - LAND SURVEYING - LAND SURVEYOR

STATE OF TEXAS

NO. 1100-04

1 of 1

142.132 ARCES

1/2 MILE OFFSET CITY OF DALLAS

HIDDEN FOREST ESTATES
 (VOL. 2004072, PG. 016)

CITY OF CARLING
 (VOL. 86134, PG. 3746)

CITY OF CARLING
 (VOL. 2002011, PG. 4788)

JOSEPH SAAR, TRUSTEE
 (VOL. 18178, PG. 1221)

MORLAINE ESTATES NO. 7
 (VOL. 20192, PG. 2038)

MORLAINE ESTATES NO. 5
 (VOL. 17058, PG. 2162)

QUILEY & FUDGE
 (VOL. 2007124, PG. 9538)

CILIX MORNING LLC
 (VOL. 2002001, PG. 11232)

BAPTIST FOUNDATION
 OF TEXAS
 (VOL. 85116, PG. 3902)

STATE OF TEXAS
 (VOL. 20012, PG. 0841)

STATE OF TEXAS
 (VOL. 20012, PG. 0841)

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B



Municipal Setting Designation Application Form

TCEQ Office Use Only:	Date Add. Info Req. <i>8/22/05</i>
Application No: <i>MSDAPP 009</i>	Date Add. Info Rec'd <i>12/27/05</i>
Date Received: <i>06/28/05</i>	Date Certified: <i>3/06/06</i>
	Date Denied: <i>1/1</i>

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.tamu.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.tamu.edu/tpepp/txpopest.php .)	<input type="radio"/> Yes	<input type="radio"/> No ¹
Municipality name: <i>Garland</i>	Population: <i>219,070</i>	
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 type="radio"/> Mr. <input type="radio"/> Ms. <i>Jason Chessher</i>		
Title: <i>Environmental Health Manager</i>		
Company: <i>City of Garland</i>		
Mailing Address: <i>1720 Commerce</i>		
City: <i>Garland</i> State: <i>Texas</i> Zip: <i>75040</i>		
Telephone: <i>972 / 205-3534</i> Telefax: <i>972 / 205-3370</i>		
E-mail Address: <i>[REDACTED]</i>		
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 or 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 ⁴	
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			

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. 913		
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? 01 / / 99	<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 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.

Applicant Signature: *Juan Chenker*

Date: 6-24-05

Before me Margaret M. Hart the undersigned authority, on this day personally appeared
Name of Notary
Juan Chenker and signed this Municipal Setting Designation Application.
Name of Applicant

Sworn, subscribed and signed before me in the County of Dallas, State of Tx, on the 24th day of June, this month of June, 2005.

