

Texas Commission on Environmental Quality



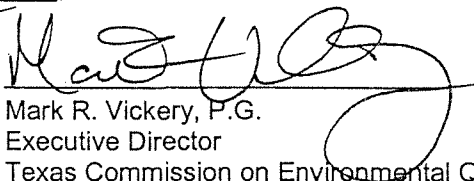
Municipal Setting Designation

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. 100, 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 25th day of May, 2009.


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

'A'

LEGAL DESCRIPTION

BEING 28.63 acres of land located in the G.W. HARTZOG SURVEY, Abstract No. 697, and the W.R. LOVING SURVEY, Abstract No. 948, Fort Worth, Tarrant County, Texas, and being the combined total of the 25.56 acre tract of land conveyed to S&B Technical Products, Inc., by the deed recorded in Volume 14478, Page 395 of the Deed Records of Tarrant County, Texas, and the 3.07 acres of land remaining from the original deed to A. Brandt Company, Inc., by the deed recorded in Volume 1839, Page 75 of the Deed Records of Tarrant County, Texas. Said 28.63 acres of land being more particularly described by metes and bounds as follows:

BEGINNING at a point at the Northwest corner of said S&B Technical Products Tract, and said POINT OF BEGINNING, being the intersection of the East right-of-way line of the Union Pacific Railroad right-of-way, and the South right-of-way line of East Berry Street;

THENCE S 89° 28' 18" E 564.00 feet, along the South right-of-way line of said East Berry Street, to a point at the original Northeast corner of said A. Brandt Company Tract, lying in the East boundary line of the aforesaid G. W. HARTZOG SURVEY;

THENCE S 00° 18' 38" W 1642.03 feet, along the East boundary line of said G.W. HARTZOG SURVEY and said W.R. LOVING SURVEY, and the East boundary line of said A. Brandt Company Tract, and the East boundary line of said S&B Technical Products Tract, to a point at the Southeast corner of said S&B Technical Products Tract;

THENCE N 89° 33' 13" W 955.99 feet, along the South boundary line of said S&B Technical Products Tract, to a point at the Southwest corner of said S&B Technical Products Tract;

THENCE N 14° 59' 11" E 967.60 feet, along the West boundary line of said S&B Technical Products Tract, and the East right-of-way line of Mississippi Street, to a point;

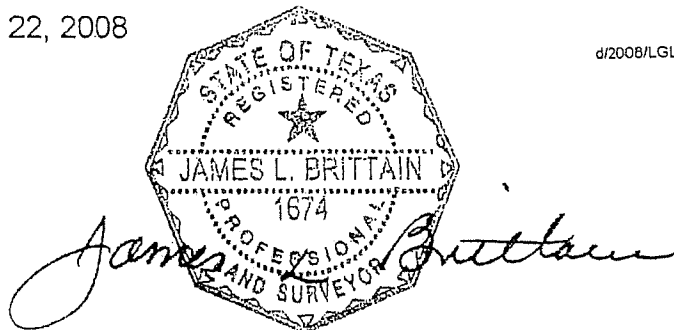
THENCE N 75° 37' 42" W 45.00 feet, to a point in the East right-of-way line of aforesaid Union Pacific Railroad, also being the West boundary line of said S&B Technical Products Tract;

THENCE along the West boundary line of said S&B Technical Products Tract, and the East right-of-way line of said Union Pacific Railroad as follows:

1. N 14° 22' 18" E 5.36 feet, to a point;
2. N 15° 38' 59" E 715.22 feet, to the POINT OF BEGINNING, containing 28.63 acres of land.

Prepared on April 22, 2008

d/2008/LGL/GWHartzogSurvey080422



BRITTAIN & CRAWFORD

LAND SURVEYING &
TOPOGRAPHIC MAPPING

(817) 925-0211 - METRO (817) 489-0112
FAX No. (817) 925-0347
P.O. BOX 11374 - 5808 SOUTH FREEWAY
FORT WORTH, TEXAS 76110
EMAIL: admin@brittain-crawford.com

POINT OF BEGINNING

EAST BERRY STREET

S 89°28'18"E 564.00'

SURVEY LINE

S.P. LOVING SURVEY

LOT 3, BLOCK 2
JIM ELLIS INDUSTRIAL
ADDITION
CAB.'B', SLIDE 1938
P.R.T.C.T.

YUMA STREET

3.07 ACRES
A. BRANDT COMPANY, INC.
VOL. 1839, PG. 75
D.R.T.C.T.

1642.03'
S 00°18'38"W

LOT 1

BERRY INDUSTRIAL PARK
VOL. 388-43, PG. 12
P.R.T.C.T.

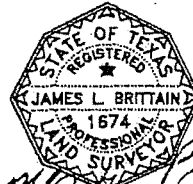
LOT 2

25.56 ACRES
S&B TECHNICAL
PRODUCTS, INC.
VOL. 14478, PG. 395
D.R.T.C.T.

SURVEY LINE

ABSTRACT No. 943

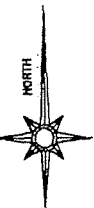
PREPARED ON
APRIL 22, 2008



James L. Brittain

**EXHIBIT MAP
FOR MUNICIPAL SETTING DESIGNATION
OF**

**28.63 ACRES OF LAND
LOCATED IN THE
G.W. HARTZOG SURVEY, ABSTRACT No. 697
AND THE
W.R. LOVING SURVEY, ABSTRACT No. 948
FORT WORTH, TARRANT COUNTY, TEXAS**



SCALE 1"=300'

'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:

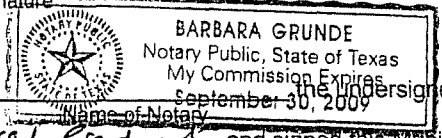
List all existing TCEQ and US Environmental Protection Agency registration, permit, identification numbers (e.g., SWR No., VCP No., LPST ID No., UIC Registration No., PWS ID. No.), if any, that apply to the groundwater contamination situation within the proposed MSD boundary. State "none" if none applicable. Site is registered as VCP No. 497 & 808, RCRA CESQG-TXD008011140, PST 0057123, LPST 098170, IHW ⁵		
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 / 15 / 96	<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.

Barbara Grunde
Applicant Signature

30TH DEC 08
Date



Before me, the undersigned authority, on this day personally appeared

S & B Technical Products
Name of Applicant and signed this Municipal Setting Designation Application.

Sworn, subscribed and signed before me in the County of Tarrant, State of TX, on the 30th day of December this month of 2008