

# Texas Commission on Environmental Quality



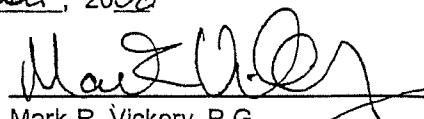
## Municipal Setting Designation

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. 73, in the City of Arlington, 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 19<sup>th</sup> day of September, 2008

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

'A'

MSD AREA  
METES & BOUNDS

Being a portion of land out of Block A in the Arlington Terrace Addition, described in the amended plat recorded in Volume 388-U, Page 33, Plat Records, Tarrant County, Texas and being more particularly described as follows:

Beginning at a 1/2" Iron rod at the northeast corner of Block A and the north west corner of lot 14, Block 1, Arlington Terrace Addition said point also being in the south Right-Of-Way of Park Row;

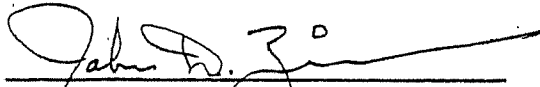
THENCE S 00° 13' 27" W, with a distance of 155.44 feet to a 1/2" found Iron rod for a corner;

THENCE N 90° 00' 00" W, a distance of 97.86 feet to a point for a corner;

THENCE N 00° 13' 27" E, a distance of 154.44 feet to a point for a corner;

THENCE S 90° 00' 00" E, a distance of 97.86 feet to the POINT OF BEGINNING containing 0.349 Acre (15211 sq. ft.) of land more or less.

I, John D. Zimmerman, a Registered Professional Land Surveyor, do hereby certify that the foregoing metes and bounds was compiled from a survey made on the ground under my supervision and is correct as shown.

  
John D. Zimmerman, R. P. L. S.  
Registration Number 2490

12/27/2007



' 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 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 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 #935, LPST ID #114871

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 TCEQ? (To support implementation of HB 3030, 78 <sup>th</sup> Legislature.)	<input checked="" type="radio"/> Yes, when? 2 / 8 / 1999	<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):

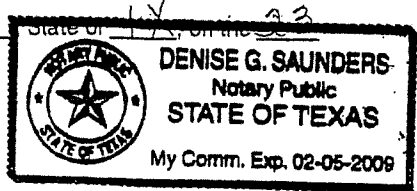
- The MSD eligibility criteria of THSC §361.803 are satisfied.
- True and accurate copies of all documents demonstrating that the MSD eligibility criteria provided by THSC §361.803 have been satisfied and are included with the application.
- A true and accurate copy of a legal description of the proposed 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.

Wj. Terry W. Anderson, V.P.  
 Applicant Signature J.P. Morgan Chase Bank  
trustee for Pilant + King Trusts

Date 5-23-08

Before me Denise G. Saunders, the undersigned authority, on this day personally appeared  
 Name of Notary  
Terry W. Anderson and signed this Municipal Setting Designation Application.  
 Name of Applicant

Sworn, subscribed and signed before me in the County of Dallas  
 day of May, this month of May, 2008



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*

September 29, 2008

Catherine DiMaggio, City Secretary  
City Secretary's Office  
317 College  
Grand Prairie, TX 75050

Re: Municipal Setting Designation Certification (MSD) for JP Morgan Chase Bank, 924 E. Park Row Drive, Arlington, TX; MSD No. 73

Dear Ms. DiMaggio :

As required by TEX HEALTH & SAFETY CODE §361.807(a)(2), enclosed is a copy of the MSD dated September 19, 2008. The City of Grand Prairie passed a resolution (Resolution No. 4304) in support of this MSD application. For this reason, the Texas Commission on Environmental Quality is required to provide you a copy of the MSD Certificate.

If you have any questions, please contact me at 512/239-5872.

Sincerely,

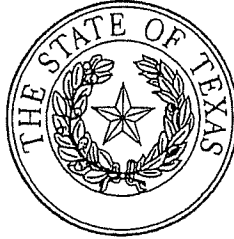
A handwritten signature in black ink, appearing to read "Mike Frew".

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

MF/sr

Enclosure

# Texas Commission on Environmental Quality



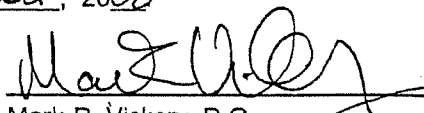
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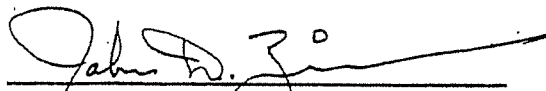
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John D. Zimmerman, R. P. L. S.  
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12/27/2007



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By: Terry W. Anderson, V.P.  
 Applicant Signature J.P. Morgan Chase Bank  
trustee for Pilant & King trusts

Date 5-23-08

Before me Denise G. Saunders the undersigned authority, on this day personally appeared  
 Name of Notary  
Terry W. Anderson and signed this Municipal Setting Designation Application.  
 Name of Applicant

Sworn, subscribed and signed before me in the County of Dallas  
 day of May, this month of May, 2008

