

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. 94, in the City of Irving, 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 1st day of April, 2009.


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

' A '

LEGAL DESCRIPTION OF THE MSD

BEGINNING at an "X" cut found in concrete in the West line of South Nursery Road (having a variable width right-of-way), same being in the South line of the DFW Railtran (having a 100.00 foot right-of-way), same also being 986.00 feet North of the intersection of said West line of South Nursery Road with the Northeasterly line of East Irving Boulevard (having a variable with right-of-way);

THENCE South 00 degrees 31 minutes 18 seconds West along said West line of South Nursery Road for a distance of 440.00 feet to an "X" cut in concrete found for corner.

THENCE North 89 degrees 55 minutes 00 seconds West for a distance of 469.66 feet to a one inch iron rod found for corner;

THENCE North 00 degrees 38 minutes 00 seconds East for a distance of 98.25 feet to a fence post found for corner;

THENCE North 89 degrees 00 minutes 00 seconds East for a distance of 61.00 feet to a fence post found for corner;

THENCE North 00 degrees 16 minutes 15 seconds East for a distance of 340.00 feet to a 1 inch iron rod found for corner, same being in the South line of said DFW Railtran right-of-way.

THENCE East along said South line for a distance of 403.98 feet to the POINT OF BEGINNING.

CONTAINING 183,260 square feet or 4.2071 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 checked="" type="radio"/> Yes	<input type="radio"/> No ³	<input type="radio"/> NA ⁴
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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.

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? 07/ 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.

[Signature]
Applicant Signature

12-08-08
Date

Before me Sharon Powell the undersigned authority, on this day personally appeared
Rusty Coquer Name of Notary
Rusty Coquer Name of Applicant and signed this Municipal Setting Designation Application.

Sworn, subscribed and signed before me in the County of DALLAS, State of TX, on the 9th day of Dec, this month of Dec, 2008.

Sharon Powell

