

Kathleen Hartnett White, *Chairman*  
Larry R. Soward, *Commissioner*  
H. S. Buddy Garcia, *Commissioner*  
Glenn Shankle, *Executive Director*



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Cert

## TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

*Protecting Texas by Reducing and Preventing Pollution*

June 12, 2007

Ms. Kelly Beck  
URS Corporation  
9400 Amberglen  
Austin, TX 78729

RE: Certification of Municipal Setting Designation (MSD) Application for the Former Rental Services #440, Located at 4790 Washington, Boulevard, Beaumont, TX

Dear Ms. Beck:

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 (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

MF/jhm

Enclosure

cc: Mr. Wally Gilmore, P.G., Brown and Caldwell, Houston, TX

# Texas Commission on Environmental Quality



## Municipal Setting Designation Certificate 031

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 Former Rental Services #440, 4790 Washington Boulevard, Beaumont, 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 4 day of June, 2007.

Handwritten signature of Glenn Shankle in black ink.

Glenn Shankle  
Executive Director  
Texas Commission on Environmental Quality

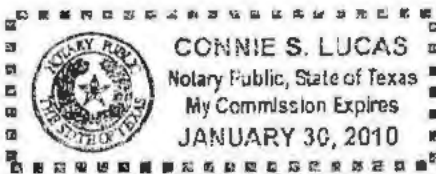
STATE OF TEXAS  
TRAVIS COUNTY

BEFORE ME, on this the 4<sup>th</sup> day of June, 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 4<sup>th</sup> day of June, 2007.

Handwritten signature of Connie S. Lucas in black ink.

Notary Public in and for the State of Texas



Notary without Bond

## LEGAL DESCRIPTION

EXHIBIT A

BEING A 1.377 acre tract of land out of the David Brown Survey, Abstract 5, Beaumont, Jefferson County, Texas, the said 1.377 acre tract of land being out of the western portion of that certain 5.371 acre tract of land heretofore conveyed to Mary Ann Smith and designated as Tract 2 by Deeds Recorded in Volume 1519, Page 464, Deed Records, Jefferson County, Texas, the said 1.377 acre tract of land being described by metes and bounds as follows:

BEGINNING at an iron rod found which marks the southwest corner of the tract herein described and southwest corner of the said Smith 5.371 acre Tract said beginning corner marking the intersection of the north right of way line of Washington Boulevard and the east line of the C. Williams Survey, Abstract 59 and the west line of the David Brown Survey, the said common survey line being the agreed boundary line as same was determined and fixed by that certain lawsuit styled: James Cashen et. al. versus L. Cortwright Land and Improvement Company cause number 29970 in the District Court of Jefferson County, Texas, dated May 21, 1930 and Recorded in Volume 17, Page 211, in the minutes of the Fifty-Eighth District Court Jefferson County, said beginning corner also being the east edge of Jefferson County Drainage District No. 6 concrete lined channel;

THENCE NORTH 00° 54' 12" WEST (Record Call North 00°53'40" West) along the agreed boundary line along the west line of the Smith Tract, a distance of 338.57 feet (Record Call 338.55) to an iron rod being located 2.4 feet east of the aforementioned concrete lined channel, said corner also marking the northwest corner of the said Smith Tract, and tract herein described;

THENCE NORTH 88° 18' 36" EAST (Record Cal. North 88° 18' 12" East) along the north line of the said Smith Tract and north line of tract herein described, a distance of 176.09 (Record Call 175.04) feet to an iron rod found for corner;

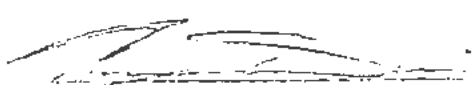
THENCE SOUTH 01° 07' 08" EAST across the Smith Tract and 5.00 feet east of an existing chain link fence and 5.00 feet east of the existing buildings which are located on this property, a distance of 340.51 feet to an iron rod for corner in the north right of way line of Washington Boulevard and the south line of the said Smith Tract;

THENCE SOUTH 88° 56' 30" WEST along the north right of way line of Washington Boulevard and the south line of the said Smith Tract and the south line of the tract herein described, a distance of 177.36 feet to the PLACE OF BEGINNING and containing in area 1.377 acres of land, more or less.

## SURVEYORS CERTIFICATION

TO: PRIMECO INC., A TEXAS CORPORATION, RED SIMPSON, INC.,  
A LOUISIANA CORPORATION, SOUTHWEST LAND TITLE COMPANY  
AND CHICAGO TITLE INSURANCE COMPANY, G.F. NO. D-381761-C;

THE UNDERSIGNED DOES HEREBY CERTIFY THAT A SURVEY WAS THIS DATE MADE ON THE GROUND ON THE PROPERTY LEGALLY DESCRIBED HEREON PREPARED BY THE UNDERSIGNED AND IS CORRECT; THE SURVEY CORRECTLY SHOWS THE LOCATION OF ALL BUILDINGS, STRUCTURES, AND OTHER IMPROVEMENTS SITUATED ON THE PROPERTY; THAT THERE ARE NO VISIBLE DISCREPANCIES, CONFLICTS, SHORTAGES IN AREA, BOUNDARY LINE CONFLICTS, ENCROACHMENTS, OVERLAPPING OF IMPROVEMENTS, EASEMENTS OR RIGHTS-OF-WAY EXCEPT AS SHOWN ON THE PLAT HEREON; THAT SUBJECT PROPERTY HAS ACCESS TO AND FROM A PUBLIC ROADWAY; AND THAT THE PLAT HEREON IS A TRUE, CORRECT AND ACCURATE REPRESENTATION OF THE PROPERTY DESCRIBED HEREIN ABOVE. FURTHERMORE, THE UNDERSIGNED HEREBY CERTIFIES THAT HE HAS CALCULATED THE QUANTITY OF LAND OR ACREAGE CONTAINED WITHIN THE TRACT SHOWN ON THIS PLAT OF SURVEY AND DESCRIBED HEREON AND CERTIFIES THAT THE QUANTITY OF LAND SHOWN HEREON IS CORRECT; THIS SURVEY MEETS THE REQUIREMENTS FOR A CATEGORY 1A, CONDITION II SURVEY AS DEFINED BY THE "TEXAS SOCIETY OF PROFESSIONAL SURVEYORS MANUAL OF PRACTICE FOR LAND SURVEYING IN TEXAS."

  
RONALD R. DAVIS, R.F.L.S. # 4465

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### Municipal Setting Designation Application Form

TCEQ Office Use Only:	Date Add. Info Req 1/31/06
Application No MSDAPP011	Date Add. Info Rec'd 4/30/07
Date Received 12/17/05	Date Certified 1/1
	Date Denied 1/1

1151207

#### 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 place population estimate reported at <a href="http://txsdc.utsa.edu/tpopp/txpopest.php">http://txsdc.utsa.edu/tpopp/txpopest.php</a> .)	Yes	No
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 place population estimate reported at <a href="http://txsdc.utsa.edu/tpopp/txpopest.php">http://txsdc.utsa.edu/tpopp/txpopest.php</a> .)	Yes	No
Municipality name: <b>City of Beaumont</b> Population: <b>113,473</b>		
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?	Yes	No
If No, the eligibility criteria are not met. Do not submit an application.		

#### Applicant and Fee Payment Information:

Contact Person: <b>Mr. Wallace Gilmore, P.G.</b>	
Title: <b>Principal Geologist</b>	
Company: <b>Brown and Caldwell</b>	
Mailing Address: <b>1415 Louisiana St. Suite 2500</b>	
City: <b>Houston</b>	State: <b>TX</b> Zip: <b>77002</b>
Telephone: <b>713 / 759-0999</b>	Telefax: <b>713 / 308-3886</b>
E-mail Address: <b>[REDACTED]</b>	
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?	Yes No
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?	Yes	No
2) with a border within 0.5 miles beyond the proposed MSD boundaries?	Yes	No NA
3) that owns or operates a groundwater supply well located within five miles beyond the proposed MSD boundaries?	Yes	No NA
b) each current owner of a private well registered with the commission and located within five miles beyond the proposed MSD boundaries?	Yes	No NA
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?	Yes	No NA

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. TXD490012770 (cancelled)

Is the proposed designated groundwater contaminated in excess of an applicable potable waters use standard (i.e., 30 TAC 350, <i>GWGWing</i> )?	Yes	No <sup>5</sup>
Was the groundwater contamination previously reported to the TCEQ? (To support implementation of HB 3030, 78th Legislature.)	Yes, 7/30/03	No
Is there a potable-use well within the boundary of the proposed MSD that uses the designated groundwater as source water?	Yes <sup>6</sup>	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?	Yes <sup>6</sup>	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:	Yes	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?	Yes	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?	Yes	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.

Applicant Signature

*[Handwritten Signature]*

Date: 11/15/05

Before me, Sheila R. Scott (Name of Notary) the undersigned authority, on this day personally appeared Peterick Thumm (Name of Applicant) and signed this Municipal Setting Designation Application.

Sworn, subscribed and signed before me in the County of HARRIS, State of Texas

15th day of November, this month of Year 2005

*[Handwritten Signature]*

