

Jon Niermann, Chairman
Emily Lindley, Commissioner
Toby Baker, Executive Director



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

June 21, 2019

Mr. Richey Thompson, TEX Rail Chief Engineer
Fort Worth Transportation Authority
Burnett Plaza
801 Cherry Street, Suite 850
Fort Worth, Texas 76102

Re: Municipal Setting Designation (MSD) Certificate for Solvay and Oncor Site, located at 2417 East Long Avenue and 2460 East Long Avenue, Fort Worth, Tarrant County, TX; MSD No. 404, Voluntary Cleanup Program (VCP) No. 2882; Customer No. CN600364830; Regulated Entity No. RN109746388

Dear Mr. Thompson:

The Texas Commission on Environmental Quality (TCEQ) received the above referenced MSD application on October 24, 2018 and additional information supporting this MSD application on April 10, 2019, April 22, 2019, and May 3, 2019. Based on our review, the application contains the required information as outlined in Texas Health and Safety Code (THSC) §361.804. Enclosed is the Municipal Setting Designation Certification for your site. If you have any questions, please do not hesitate to contact me at (512) 239-2603 or via e-mail (Heather.Podlipny@tceq.texas.gov).

Sincerely,

A handwritten signature in black ink, appearing to read "Heather Podlipny".

Heather Podlipny, Project Manager
VCP-CA Section
Remediation Division

HP/mdh

cc: Mr. Y. Lynn Clark, P.G., Principal Geoscientist, LCA Environmental, Inc., 13221 Bee Street, Farmers Branch, TX 75234
Ms. Carrie Weir, Director, Stateside Right of Way Services, 99 Regency Parkway, Suite 105, Mansfield, TX 76063
Ms. Erin Gorman, Waste Section Manager, TCEQ Dallas/Fort Worth Region Office, R-4

Enclosure: MSD Certificate



MUNICIPAL SETTING DESIGNATION CERTIFICATE

As provided for in §361.807, Subchapter W, Texas Health and Safety Code (Solid Waste Disposal Act):

I, Beth Seaton, Director, Remediation Division, TCEQ, certify the Municipal Setting Designation (MSD) for MSD No. 404, in the City of Fort Worth, for 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 ordinance or restrictive covenant required by Texas Health and Safety Code §361.8065 remains 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 the 21 day of June, 2019

Beth Seaton

Beth Seaton, Director
Remediation Division
Texas Commission on Environmental Quality

**PARCEL 545A and 545C
LEGAL DESCRIPTION**

BEING 21.174 acres of land located in the SEBURN GILMORE SURVEY, Abstract No. 590, Fort Worth, Tarrant County, Texas, and being all of the 19.673 acre tract of land, and 1.501 acre tract of land, conveyed to Fort Worth Transportation Authority, by deeds recorded in the County Clerk's file Number D217030021 and D217030021, of the Deed Records of Tarrant County, Texas. Said 21.174 acres of land being more particularly described by metes and bounds as follows:

BEGINNING at a 1" iron pipe found, at the Northwest corner of said 19.673 acre tract, and the said POINT OF BEGINNING also lying in the Southeast right-of-way line of the 100 foot wide right-of-way conveyed to the Dallas Area Rapid Transit System, by the deed recorded in Volume 10146, Page 640, of the Deed Records of Tarrant County, Texas;

THENCE N 63° 09' 58" E 495.30 feet, along the Northwest boundary line of said Tract III and the Southeast right-of-way line of said D.A.R.T. Railroad, to a 5/8" iron rod, found at the West corner of a tract of land designated as Parcel 8, in deed to St. Louis Southwestern Railway Company of Texas, recorded in Volume 59, Page 472, and Volume 763, Page 345, of the Deed Records of Tarrant County, Texas;

THENCE continuing along the Northwest boundary line of said 19.673 acre Tract, and the Southeast right-of-way line of said St. Louis Southwestern Railway Company of Texas, as follows:

1. N 89° 45' 58" E 111.40 feet, to a 1/2" iron rod marked "Brittain & Crawford" set;
2. N 63° 09' 58" E 406.80 feet, to a 1/2" iron rod marked "PRICE", found at the most Northerly Northeast corner of said 19.673 acre tract, same point being the West corner of aforesaid 1.501 acre tract,

THENCE along the North boundary line of said 1.501 acre tract, and continuing along the Southeast right-of-way line of said St. Louis Southwestern Railway, as follows:

1. N 63° 09' 58" E 327.34 feet, to a 1/2" iron rod marked "Brittain & Crawford" set;
2. N 77° 18' 58" E 143.90 feet, to a 1/2" iron rod marked "Brittain & Crawford" set;
3. N 89° 23' 42" E 32.24 feet, to a 1/2" iron rod marked "Brittain & Crawford" set, at the Northeast corner of said 1.501 acre tract, and the Northwest corner of Lot 5-R, Block 1-R, Diamond Heights Industrial Addition, an addition to the City of Fort Worth, Tarrant County, Texas, according to the plat recorded in Cabinet B, Slide 2423, of the Plat Records of Tarrant County, Texas, from which a metal fence post bears S 87° E 1.25 feet;

THENCE S 00° 22' 45" E 114.93 feet, along the East boundary line of said 1.501 acre Tract and the West boundary line of said Lot 5-R, to a 1/2" iron rod marked "Brittain & Crawford" set;

THENCE continuing along the East boundary line of said 1.501 acre tract, as follows:

1. S 70° 11' 32" W 98.21 feet, to a 1/2" iron rod marked "Brittain & Crawford" set;

2. S 00° 21' 33" E 135.42 feet, to a broken concrete monument found, at the Southeast corner of said 1.501 acre tract, same point being the Northeast corner of aforesaid 19.673 acre tract;

THENCE S 00° 21' 33" E 610.81 feet, to a ½" iron rod marked "Brittain & Crawford" set at the Southeast corner of said 19.673 acre Tract, said point lying in the North right-of-way line of Long Avenue (a 110' wide public right-of-way);

THENCE along the South boundary line of said 19.673 acre tract, and the North right-of-way line of said Long Avenue, as follows:

1. SOUTHWESTERLY 690.38 feet, along a curve to the right, having a radius of 1945.34 feet, a central angle of 20° 20' 01", and a chord bearing of S 79° 18' 08" W 686.76 feet, to a ½" iron rod marked "PRICE", found at the end of said curve;
2. S 89° 29' 16" W 618.88 feet, to a 3/8" iron rod found at the Southwest corner of said 19.673 acre Tract, same point being the Southeast corner of the tract of land conveyed to Southwest Petroleum Corporation, by the deed recorded in Volume 2041, Page 446, of the Deed Records of Tarrant County, Texas;

THENCE N 00° 03' 23" W 440.08 feet, along the West boundary line of said 19.673 acre Tract, and the East boundary line of said Southwest Petroleum Corporation tract, to the POINT OF BEGINNING, containing 21.174 acres (922,327 square feet) of land.

PARCEL No. 545A & 545C

Exhibit B

Municipal Setting Designation

Affidavit of Eligibility

BEFORE ME, the undersigned authority, on this day personally appeared Carrie Weir, as an authorized representative of Fort Worth Transportation Authority, known to me to be the person whose name is subscribed below who being by me first duly sworn, upon their oath, stated as follows:

I am over the age of 18 and legally competent to make this affidavit. I have personal knowledge of the facts stated herein.

I affirmatively state that (place an X in all applicable blanks)

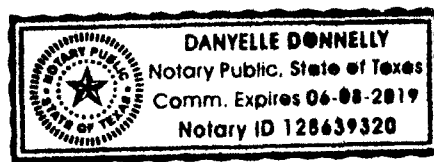
- The MSD eligibility criteria of THSC Section 361.803 are satisfied.
- True and accurate copies of all documents demonstrating that the MSD eligibility criteria provided by THSC 361.803 have been satisfied and are included with the application.
- A true and accurate copy of a legal description of the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

Carrie Weir
Signature

Date: 12 SEPT 2018

Carrie Weir, VP Stateside ROW Services
Printed Name

as Agent for Fort Worth Transportation Authority
Title



STATE OF Texas

COUNTY OF Tarrant

SUBSCRIBED AND SWORN before me on this the 12th day of September 2018, to which witness my hand and seal of office.

Danyelle Donnelly
Notary Public in and for the State of Texas