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Tertiary ID	

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



VCP: 3011
OUT DATE: 9/16/19
DOC.NAME: 26.408 REQ DRINKING
WATER
PROJ. MGR: T ECKERT

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

September 16, 2019

RECEIVED

SEP 23 2019

Mr. Scott Ozymy, Vice President
KDC McLemmon Investments One LP
8115 Preston Road, Suite 700
Dallas, Texas 75225-6344

TCEQ
CENTRAL FILE ROOM

Re: Proposed McKinney Avenue Commercial Redevelopment Site, located at 3524 McKinney Ave. and 2900 Lemmon Ave., Dallas, Dallas County, TX; Voluntary Cleanup Program (VCP) No. 3011; Customer No. CN605672500; Regulated Entity No. RN110800414

Dear Mr. Ozymy:

The "Limited Site Investigation" report, dated May 3, 2019, was received by the Texas Commission on Environmental Quality (TCEQ) on June 6, 2019. Information submitted in the report indicates that concentrations in groundwater exceed residential health-based standards for ingestion. To comply with the requirements of Section 26.408(b) of the Texas Water Code, the TCEQ must notify all owners of private drinking water wells that may be affected by this groundwater contamination.

The TCEQ requests that you immediately conduct a drinking water survey in accordance with the TCEQ guidance document *Preparation of a Drinking Water Survey Report* (RG-428). Within seven days of receipt of this letter, please provide a written response that you intend to comply with the above request. Your response must be submitted to the TCEQ by mail or e-mail to timothy.eckert@tceq.texas.gov and must indicate the date that you will provide the TCEQ with the above-referenced information, which must be no later than 30 days of the date of this letter.

Please submit the survey results as a Drinking Water Survey Report along with a completed "Drinking Water Survey Report Transmittal Form" to the TCEQ at the letterhead address using mail code MC-221. You will also need to provide a copy of the completed transmittal form to the TCEQ Region 4 Office in Dallas. The guidance document entitled *Preparation of a Drinking Water Survey Report* (RG-428) can be found at the following link: https://www.tceq.texas.gov/remediation/twc26_408.html.

If we do not receive written acknowledgment that you will perform the survey or we do not receive the Drinking Water Survey Report by the dates requested in this letter, the TCEQ will use a state contractor to conduct the survey and may seek to recover from you the costs of performing the survey.

Mr. Scott Ozymy
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Please provide one paper copy and one electronic copy (on USB or disc) of all submittals. Note that the electronic and hard copies should be identical, complete copies. A Correspondence ID Form (TCEQ Form 20428) must accompany each document submitted to the Remediation Division, and should be affixed to the front of your submittal. The Correspondence ID Form helps ensure that your documents are identified correctly and are routed to the applicable program for a timely response. Please call me at (512) 239-3044 if you have any questions regarding this letter.

Sincerely,



Timothy Eckert, Project Manager
VCP-CA Section
Remediation Division
Texas Commission on Environmental Quality

TJE/jdm

- cc: Mr. Uday P. Shenoy, Corporate Vice President, Pan Coastal Limited Partnership,
605 E. Robinson St., Suite 400, Orlando, FL 32801
- Mr. Todd A. Piland, Executive VP, H-E-B, LP, 646 S. Flores St., San Antonio, TX
78204
- Mr. Peter Wahl, Partner, Jackson Walker LLP, (via email)
- Ms. Laura Whiting, Partner, Foley & Lardner, LLP, (via email)
- Ms. Kristen Wieland, Senior Project Manager, Terracon Consultants, Inc., (via
email)
- Ms. Erin Gorman, Waste Section Manager, TCEQ Region 4 Office, Dallas