



January 11, 2013

Ms. Cindy Mendez
Environmental Services Manager
City of Grand Prairie
201 NW 2nd Street, Suite 100
Grand Prairie, Texas 75050

Telephone: (972) 237-8225
Fax: (972) 237-8228
e-Mail: cmendez@gptx.org

RE: Resolution of Support for Municipal Setting Designation
Former Atmos Energy Building
106 Stadium Drive
Arlington, Tarrant County, Texas

Dear Ms. Mendez,

Terracon Consultants, Inc. (Terracon) on behalf of the City of Arlington is currently pursuing a Municipal Setting Designation (MSD) with the Texas Commission on Environmental Quality (TCEQ) for the Former Atmos Energy Building property (hereinafter the "site") located at 106 Stadium Drive in Arlington, Texas. A Boundary Survey including a legal description is included as Attachment 1. An aerial photograph depicting the site and surrounding land uses is included as Attachment 2.

The purpose of this MSD is to restrict access to and the use of shallow groundwater beneath the site to protect public health and welfare where the quality of groundwater may present an actual or potential threat to human health.

A property is eligible for an MSD if a public drinking water supply system exists that satisfies the requirements of Texas Health and Safety Code Chapter 341 and that supplies or is capable of supplying drinking water to the property for which the MSD is sought and property within one-half mile of the property for which the MSD is sought. The site meets these criteria.

The most recent groundwater assessment activities conducted on the site in September 2011 indicated detected concentrations of chemicals of concern (COCs) including methyl tertiary butyl ether (MTBE) exceeding their respective TCEQ Texas Risk Reduction Program (TRRP) Critical Protective Concentration Levels (PCLs) and/or Petroleum Storage Tank (PST) Action Levels published in RG-411.

Soil and Groundwater Concentration Maps depicting the detected concentrations of COCs exceeding their respective PCLs or Action Levels, are included in Attachment 3.

The impacted groundwater plume consists of shallow perched groundwater encountered at depths of approximately 15 to 20 feet below ground surface (bgs) and flowing in an eastern direction. Groundwater assessment activities have not been conducted beyond the site boundaries, as the groundwater plume does not appear to extend beyond the site boundaries. The plume is not located under land utilized for residential purposes; therefore, a soil vapor intrusion study is not applicable and has not been completed for



Terracon Consultants, Inc. 2501 East Loop 820 North Fort Worth, Texas 76118
P [817] 268 8600 F [817] 268 8602 terracon.com

Geotechnical



Environmental



Construction Materials



Facilities

Request for Resolution of Support

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the site.

As part of the MSD application, the applicant is required to obtain support from the governing body of each retail public utility, as defined by Section 13.002, Texas Water Code, that owns or operates a groundwater supply well located not more than five miles from the site. A copy of the City of Arlington MSD Ordinance is included as Attachment 4.

A database survey conducted by GeoSearch, *Water Utility Database (WUD) Report of Groundwater Wells (dated August 29, 2012)*, of registered water wells and retail public utilities within a five mile radius of the site identified three groundwater supply wells operated by the City of Grand Prairie (CCN No. 10105) located within the five mile search radius. A WUD Site Map with the depicted water well locations is included as Attachment 5. The water wells were identified as follows:

Map ID	Well ID	Well Owner Name	Distance/Direction from Site	Water Usage	Well Address
1	G0570048I	City Of Grand Prairie	3.24 mi/Southeast	Active-Demand	201 NW 2nd Street Suite 100, Grand Prairie, TX
2	G0570048A	City Of Grand Prairie	3.66 mi/East	Active-Demand	201 NW 2nd Street Suite 100, Grand Prairie, TX
4	G0570048H	City of Grand Prairie	3.83 mi/East	Active-Demand	201 NW 2nd Street Suite 100, Grand Prairie, TX

Based on review of the well logs, the identified City of Grand Prairie water wells produce from the Twin Mountains Formation, part of the Trinity Group. In the site area, the Trinity Group is separated from the shallow perched groundwater in which the COCs were detected by several consecutive limestone, shale, and clay formations which form regional aquitards as described below.

The site is located on the outcrop of the Woodbine Group Formation which extends to a depth of approximately 225 feet bgs. The Woodbine Formation primarily consists of sandstone with minor interbeds of clay and shale and supplies water in the area and region for a mixture of irrigation, domestic, and industrial purposes. The designated property is located on the outcrop of the Woodbine Formation. The Woodbine Formation is underlain by several consecutive limestone and clay formations including the Duck Creek Formation, Fort Worth Limestone, Denton Clay, Weno Limestone, Pawpaw Formation, Edwards Limestone, Comanche Peak Limestone, the Goodland Limestone, and Walnut Shell Conglomerate. These formations (Fredericksburg Group) are approximately 400 feet thick and are relatively impermeable, forming an aquitard. Formations comprising the Trinity Aquifer also underlie the designated property beneath the aquitard formations. The primary water-bearing formations of the Trinity Aquifer in the designated property area are the Paluxy and the Twin Mountains Formations. The Fredericksburg Group is underlain by the Paluxy Formation, which is a major aquifer in Texas. The Paluxy Formation extends approximately 200 feet beneath the Fredericksburg Group. The Paluxy Formation is then underlain by the Glen Rose Formation which extends approximately 400 feet beneath the Paluxy Formation. The Glen Rose Formation also acts as a regional aquitard. The Glen Rose Formation is then underlain by the Twin Mountains Formation, which is encountered at an approximate depth of 1,275 feet bgs at the site area.

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Terracon

Based on the lateral distance between the site and the identified City of Grand Prairie water wells and the presence of regional aquitards between the shallow perched groundwater and potable aquifers, it is unlikely that the presence of COCs in the shallow perched groundwater at the site will affect the water quality of the City of Grand Prairie public supply wells identified within five miles of the site boundary.


Please note that as an identified retail public utility you may provide written comments on any information relevant to the TCEQ executive director's consideration of the MSD. Following the submittal of the MSD application, the responsible executive director at the TCEQ will certify or deny the MSD application or request additional information from the applicant not later than 90 days after receiving the application.

In summary, the City of Arlington is requesting a Resolution of Support from the City of Grand Prairie for the Former Atmos Energy Building TCEQ MSD application. Please contact either of the undersigned should you have any questions or require additional information.

Sincerely,



Jack A. McCranie, P.G.
Environmental Dept. Manager



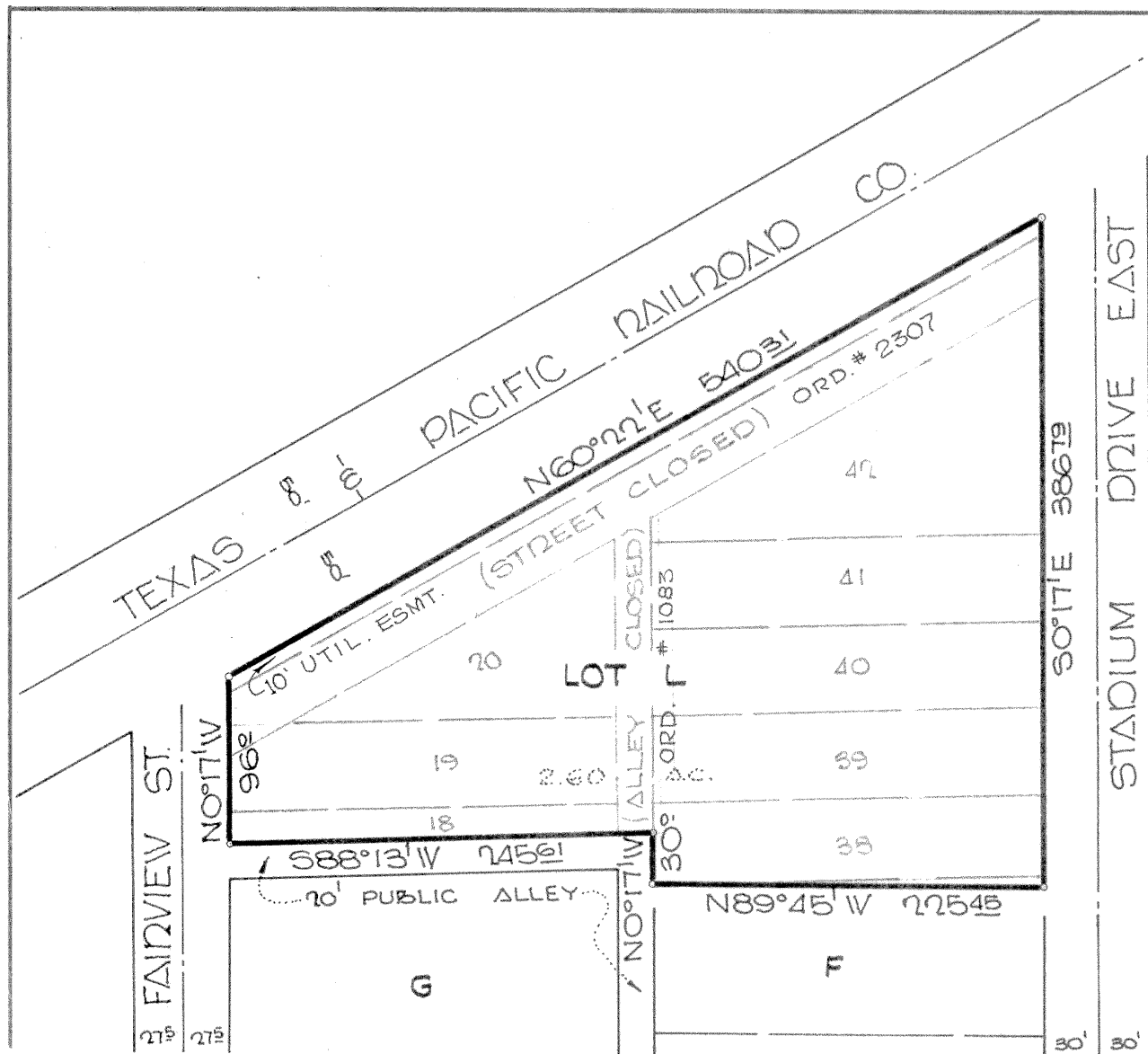
John B. Salzman, P.G.
Senior Principal

cc: Mr. Douglas McDonald, City of Arlington

Attachments:

- Attachment 1 – Boundary Survey
- Attachment 2 – Aerial Photograph
- Attachment 3 – Groundwater Concentration Maps: MTBE
- Attachment 4 – City of Arlington MSD Ordinance
- Attachment 5 – WUD Site Map

ATTACHMENT 1
BOUNDARY SURVEY



PLAT SHOWING
LOT L, BLOCK 4

A REVISION OF

LOTS 19, 20, 38, 39, 40, 41, 42, & PART OF LOTS 18 & 37, BLK. 4

HILLVIEW ADDITION

ARLINGTON, TEXAS

SCALE: 1"=100' DATE: OCT, 1970

Volume 388-48 Page 668
Deed Records of Tarrant County, Texas

APPROVED [Signature] 1970
CITY PLANNING COMMISSION
ARLINGTON TEXAS

Chairman: [Signature]

THE STATE OF TEXAS
COUNTY OF TARRANT

WHEREAS, Lone Star Gas Company, a Corporation, being the owner of the following described property to wit:
BEING part of Block 4, HILLVIEW ADDITION to the City of Arlington, Tarrant County, Texas and described as follows:

BEGINNING at the Southwest corner of Lot 38, Block 4, Hillview Addition;

THENCE N 0° 17' W with the west line of said lot 38, 30.0 feet to an iron for corner;

THENCE S 88° 13' W with the north line of a Public Alley, 245.61 feet to an iron in the east line of Fairview Street;

THENCE N 0° 17' W with the east line of Fairview Street 96.0 feet to an iron in the south line of the T & P Railroad Co. Right of Way;

THENCE N 60° 22' E with the south line of said railroad, 540.31 feet to an iron in the west line of Stadium Drive (Pilot Street);

THENCE S 0° 17' E with the west line of Stadium Drive, 386.79 feet to an iron at the northeast corner of Lot F, same being 7.5 feet South of the Southeast corner of Lot 38;

THENCE N 89° 45' W 225.45 feet to the place of beginning.

THEREFORE KNOW ALL MEN BY THESE PRESENTS:

THAT Lone Star Gas Company, acting by and through G. F. Peck, Jr., Vice-President duly authorized so to act, hereby adopt the foregoing plat revising the above described property to Lot L, Block 4, Hillview Addition to the City of Arlington, Tarrant County, Texas and dedicate to the public use forever the streets and easements shown thereon.

IN WITNESS THEREOF THIS DEDICATION is executed on this the 27 day of OCT 1970.

Lone Star Gas Company

By: [Signature]
G. F. Peck, Jr., Vice-President

THE STATE OF TEXAS
COUNTY OF TARRANT

BEFORE ME, the undersigned, A Notary Public in and for said County and State, on this day personally appeared G. F. Peck, Jr., Vice-President, known to me to be the person and officer whose name is subscribed to the foregoing instrument and acknowledged to me that the same was the act of the said

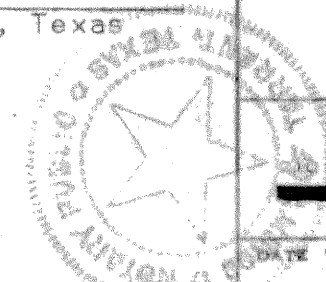
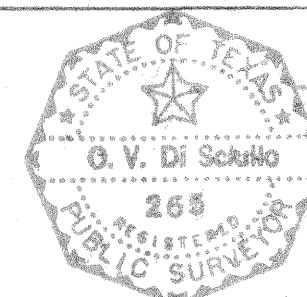
Lone Star Gas Company, a corporation, and that he executed the same as the act of such corporation for the purposes and consideration therein expressed, and in the capacity therein stated.

L. O. V. Di Sciallo, a Registered Public Surveyor hereby certify that the foregoing plat was compiled from a survey made on the ground by me, and is correct. There are no encroachments.

[Signature] O. V. Di Sciallo, P.E.
Registered Public Surveyor

GIVEN UNDER MY HAND AND SEAL OF OFFICE
this the 27 day of OCT, 1970.

[Signature]
Notary Public, Tarrant County, Texas



O. V. DI SCIULLO
REGISTERED PUBLIC SURVEYOR
ARLINGTON, TEXAS
CR 5-3517
DATE 10-7-70 SCALE 1"=100' FILE NO. L-29-62

ENGINEERING DEPT.

ATTACHMENT 2
AERIAL PHOTOGRAPH



Project No.	94107641.2J
Scale:	1" = 230'
Source:	NCTCOG
Date:	2009

Terracon
Consulting Engineers & Scientists

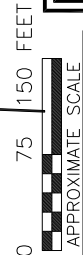
8901 Carpenter Freeway, Suite 100 Dallas, Texas 75247
PH. (214) 630-1010 FAX. (214) 630-7070

AERIAL PHOTOGRAPH

Atmos Energy Office
106 Stadium Drive
Arlington, Tarrant County, Texas



ATTACHMENT 3
GROUNDWATER CONCENTRATION MAPS



THIS DRAWING SHOULD
NOT BE USED SEPARATELY
FROM ORIGINAL REPORT.

Project Mgr:	JBS	Project No.	95127039.2C
Drawn By:	JJD	Scale:	AS SHOWN
Checked By:	JBS	Date:	01/11/13
Approved By:	JBS		

Terracon
Consulting Engineers and Scientists
(Registration No.: F-3272)
2501 EAST LOOP 820 N.
FORT WORTH, TX 76104
PH. (817) 268-4800
FAX. (817) 268-4806

**GROUNDWATER CONCENTRATION MAP-
MTBE**

FORMER ATMOS ENERGY OFFICE
106 STADIUM DRIVE
ARLINGTON, TARRANT COUNTY, TEXAS

ATTACHMENT 4

CITY OF ARLINGTON
MSD ORDINANCE

Ordinance Number 12-062

An ordinance prohibiting the use of and contact with designated groundwater from beneath certain property known as 106 Stadium Drive within the City of Arlington, Texas, and adjacent right-of-way, to facilitate certification of a Municipal Setting Designation of the property by the Texas Commission on Environmental Quality pursuant to the Texas Health and Safety Code; providing for a fine of up to \$2,000 for each violation of the ordinance; providing this ordinance be cumulative; providing for severability, governmental immunity, injunctions, publication and an effective date.

WHEREAS, Texas Health and Safety Code Chapter 361, Subchapter W (the "MSD Legislation") authorizes the Texas Commission on Environmental Quality (TCEQ) to certify Municipal Setting Designations for properties upon receipt and approval of a properly submitted application to TCEQ; and

WHEREAS, the Texas Legislature, in enacting the MSD Legislation, found that an action by a municipality to restrict access to or the use of groundwater in support of or to facilitate a Municipal Setting Designation (MSD) advances a substantial and legitimate state interest where the quality of the groundwater subject to the designation is an actual or potential threat to human health; and

WHEREAS, as a part of the application process for an MSD, the applicant is required to provide documentation that the property for which designation is sought is subject to an ordinance that prohibits the use of designated groundwater from beneath the property as potable water and that appropriately restricts other uses of and contact with that groundwater; and

WHEREAS, as a part of the application process for an MSD, the applicant is required to provide documentation that the property for which designation is sought is supported by an ordinance adopted by this City Council; and

WHEREAS, the City of Arlington will submit an application to TCEQ for certification of an MSD for property within the city limits of the City, commonly known as 106 Stadium Drive, the legal description of which is set forth in Exhibit "A" attached hereto and made a part hereof, together with the full 106 Stadium Drive right-of-way and Fairview Street right-of-way fronting on the property set forth in Exhibit "A" (together, the "MSD Property"), provided that the ordinance being considered herein is passed; and

WHEREAS, the Applicant has certified that:

- 1) the purpose of its application is to conduct environmental investigation, cleanup and restoration activities in a more efficient and cost-effective manner;

- 2) it will seek to obtain a determination from TCEQ that regulatory closure is attained at the MSD Property;
- 3) as part of such application, the Applicant has submitted a statement to TCEQ regarding the type of known contamination in the groundwater beneath the MSD Property; and
- 4) notice of the application for the certification of MSD Property has been provided to each owner of a registered private water well that is located not more than five miles from the boundary of the MSD Property; and

WHEREAS, a public drinking water supply system exists that satisfies the requirements of Texas Health and Safety Code Chapter 341 for the MSD Property and property within one-half mile of the MSD Property; and

WHEREAS, the City staff have reviewed and evaluated the subject MSD application; and

WHEREAS, after public hearing, the City Council believes that it is in the best interest of the public and the City to facilitate the efforts to secure an MSD and TCEQ closure documentation from the TCEQ by passage of this Ordinance; Now therefore

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ARLINGTON, TEXAS:

1.

That all of the declarations and findings contained in the preambles of this Ordinance are made a part hereof and shall be fully effective as a part of the ordained subject matter of this Ordinance.

2.

That the City Council finds that it is in the best interest and welfare of the public to facilitate TCEQ's certification of an MSD for the MSD Property, as well as TCEQ closure documentation.

3.

That, upon and after the effective date of this Ordinance, the drilling of wells and the use of designated groundwater for any purpose, including but not limited to any potable purpose, excepting only: (i) wells used as monitoring wells for the collection of groundwater samples for chemical or biological laboratory analysis; and (ii) wells used for the purpose of remediation of soil or groundwater contamination, is hereby prohibited on or from any portion of the MSD Property.

4.

Any person, firm, corporation, agent or employee thereof who violates any of the provisions of this ordinance shall be guilty of a misdemeanor and upon conviction thereof shall be fined an amount not to exceed Two Thousand and No/100 Dollars (\$2,000.00) for each offense. Each day that a violation is permitted to exist shall constitute a separate offense.

5.

This ordinance shall be and is hereby declared to be cumulative of all other ordinances of the City of Arlington, and this ordinance shall not operate to repeal or affect any of such other ordinances except insofar as the provisions thereof might be inconsistent or in conflict with the provisions of this ordinance, in which event such conflicting provisions, if any, in such other ordinance or ordinances are hereby repealed.

6.

If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be unconstitutional, such holding shall not affect the validity of the remaining portions of this ordinance.

7.

All of the regulations provided in this ordinance are hereby declared to be governmental and for the health, safety and welfare of the general public. Any member of the City Council or any City official or employee charged with the enforcement of this ordinance, acting for the City of Arlington in the discharge of his/her duties, shall not thereby render himself/herself personally liable; and he/she is hereby relieved from all personal liability for any damage that might accrue to persons or property as a result of any act required or permitted in the discharge of his/her said duties.

8.

Any violation of this ordinance can be enjoined by a suit filed in the name of the City of Arlington in a court of competent jurisdiction, and this remedy shall be in addition to any penal provision in this ordinance or in the Code of the City of Arlington.

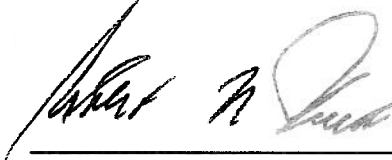
9.

The caption and penalty clause of this ordinance shall be published in a newspaper of general circulation in the City of Arlington, in compliance with the provisions of Article VII, Section 15, of the City Charter. Further, this ordinance may be published in pamphlet form and shall be admissible in such form in any court, as provided by law.

10.


This ordinance shall become effective immediately upon second publication.

PRESENTED AND GIVEN FIRST READING on the 4th day of December, 2012, at a regular meeting of the City Council of the City of Arlington, Texas; and GIVEN SECOND READING, passed and approved on the **18th day of December, 2012**, by a vote of **8 ayes** and **0 nays** at a regular meeting of the City Council of the City of Arlington, Texas.



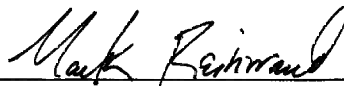
ROBERT N. CLUCK, Mayor

ATTEST:



MARY W. SUPINO, City Secretary

APPROVED AS TO FORM:
JAY DOEGEY, City Attorney

BY _____
Mark Reinhard

MSD12-2

EXHIBIT "A"
METES & BOUNDS DESCRIPTION

BEING a 2.581 acre tract of land located in the Joel Blackwell Survey, Abstract No. 147, in the City of Arlington, Tarrant County, Texas, being all of Lot L, Block 4, Hillview Addition, an addition to the City of Arlington, Tarrant County, Texas, according to the plat recorded in Volume 388-48, Page 668, Deed Records, Tarrant County, Texas (DRTCT), said called 2.581 acre tract of land being more particularly described by metes & bounds as follows;

BEGINNING at a 5/8 inch capped iron rod found (controlling monument) for the northeast corner of said Lot L, being on the west right-of-way line of Stadium Drive, a 60' right-of-way, and being on the southeast right-of-way line of Union Pacific Railroad, a 200' right-of-way at this point;

THENCE South 01 degrees 17 minutes 56 seconds West, along said west right-of-way line, being common to the east line of said Lot L, a distance of 386.75 feet, to an "X" cut found in concrete for the southeast corner of said Lot L, same being the northeast corner of Lot F, Block 4, Hillview Addition, an addition to the City of Arlington, Tarrant County, Texas, according to the plat recorded in Volume 388-51, Page 41, DRTCT;

THENCE North 87 degrees 52 minutes 07 seconds West, along the north line of said Lot F, being common to the south line of said Lot L, a distance of 225.45 feet, to a 100d nail found for the northwest corner of said Lot F, and being on the east right-of-way line of a 20' Alley;

THENCE North 00 degrees 04 minutes 24 seconds East, along said east right-of-way line, a distance of 30.00 feet, to 5/8 inch capped iron rod set stamped "Mycoskie McInnis";

THENCE South 89 degrees 45 minutes 12 seconds West, a distance of 245.61 feet, to a 1/2 inch iron rod found for the southwest corner of said Lot L, and being on the east right-of-way line of Fairview Street, a 55' right-of-way;

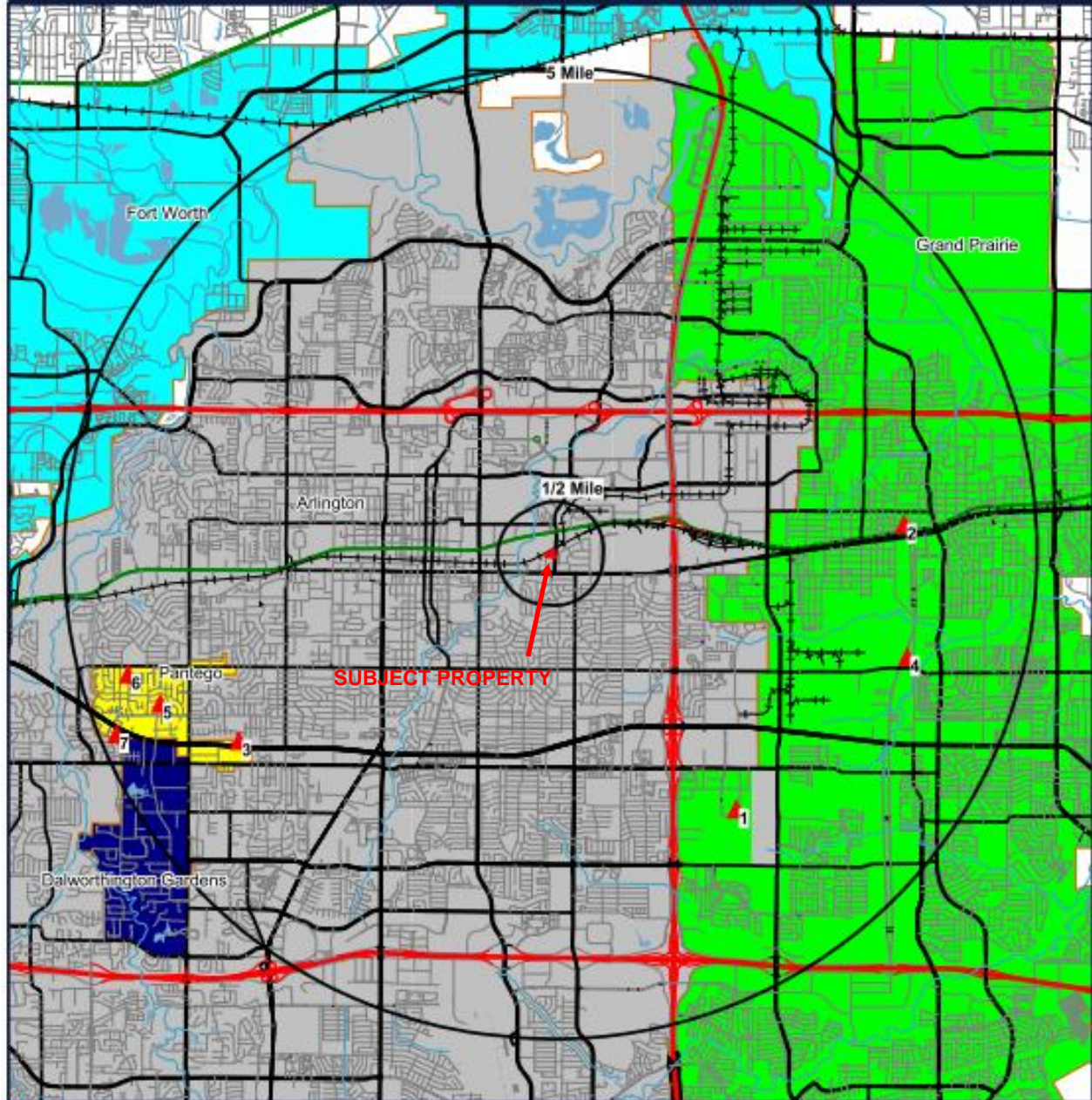
THENCE North 01 degrees 06 minutes 42 seconds East, along said east right-of-way line, being common to the west line of said Lot L, a distance of 96.00 feet, to a 1/2 inch iron rod found for the northwest corner of said Lot L, and being on the southeast right-of-way line of said Union Pacific Railroad;

THENCE North 62 degrees 03 minutes 54 seconds East, along said southeast right-of-way line, being common to the northwest line of said Lot L, a distance of 540.78 feet, to the **POINT OF BEGINNING** and containing 2.581 acres (112,432 square feet) of land, more or less.

ATTACHMENT 5

WUD SITE MAP

WATER UTILITY DATABASE (WUD) SITE MAP



Target Property (TP)
WUD

Former Atmos Energy Building
106 STADIUM DR
ARLINGTON, Texas
76010



0' 4250' 8500' 12750'
SCALE: 1" = 8500'

GeoSearch

www.geo-search.net - phone: 888-396-0042 - fax: 512-472-9967

Project No. 95127039.2C
Source: GeoSearch
Date: 2012

Terracon
Consulting Engineers & Scientists

8901 Carpenter Freeway, Suite 100 Dallas, Texas 75247
PH. (214) 630-1010 FAX. (214) 630-7070

WUD MAP
Former Atmos Energy Building
106 Stadium Drive
Arlington, Tarrant County, Texas

Item No.
5