TCEQ

# TCEQ Core Data Form

TCEQ Use Only

For detailed instructions regarding completion of this form, please read the Core Data Form Instructions or call 512-239-5175.

## SECTION I: General Information

**1. Reason for Submission** *(If other is checked please describe in space provided)*

☒ New Permit, Registration or Authorization *(Core Data Form should be submitted with the program application)*

☐ Renewal *(Core Data Form should be submitted with the renewal form)* ☐ Other

**2. Attachments** **Describe Any Attachments:** *(ex. Title V Application, Waste Transporter Application, etc.)*

☒Yes ☐No — Voluntary Cleanup Program Application and Associated Attachments

| 3. Customer Reference Number *(if issued)* | Follow this link to search for CN or RN numbers in Central Registry** | 4. Regulated Entity Reference Number *(if issued)* |
|---|---|---|
| CN 600331730 | | RN |

## SECTION II: Customer Information

**5. Effective Date for Customer Information Updates (mm/dd/yyyy)** 7/30/2008

**6. Customer Role** (Proposed or Actual) – *as it relates to the Regulated Entity listed on this form. Please check only one of the following:*

☐Owner ☐ Operator ☐ Owner & Operator ☐Occupational Licensee ☐ Responsible Party ☐ Voluntary Cleanup Applicant ☒Other: Purchaser, Voluntary Cleanup App

**7. General Customer Information**

☐ New Customer ☐ Update to Customer Information ☐ Change in Regulated Entity Ownership
☐Change in Legal Name (Verifiable with the Texas Secretary of State) ☒ No Change**

***If "No Change" and Section I is complete, skip to Section III – Regulated Entity Information.***

| 8. Type of Customer: | | | |
|---|---|---|---|
| ☐ City Government | ☐ County Government | ☐ Federal Government | ☐ State Government |
| ☐ Other Government | ☐ General Partnership | ☐ Limited Partnership | ☐ Other: |

**9. Customer Legal Name** *(If an individual, print last name first: ex: Doe, John)* | *If new Customer, enter previous Customer below* | *End Date:*

**10. Mailing Address:**

City | State | ZIP | ZIP + 4

**11. Country Mailing Information** *(if outside USA)* | **12. E-Mail Address** *(if applicable)*

**13. Telephone Number** ( ) - | **14. Extension or Code** | **15. Fax Number** *(if applicable)* ( ) -

**16. Federal Tax ID** *(9 digits)* | **17. TX State Franchise Tax ID** *(11 digits)* | **18. DUNS Number***(if applicable)* | **19. TX SOS Filing Number** *(if applicable)*

**20. Number of Employees**

☐ 0-20 ☐ 21-100 ☐ 101-250 ☐ 251-500 ☐ 501 and higher

**21. Independently Owned and Operated?**

☐ Yes ☐ No

## SECTION III: Regulated Entity Information

**22. General Regulated Entity Information** *(If 'New Regulated Entity" is selected below this form should be accompanied by a permit application)*

☒ New Regulated Entity ☐ Update to Regulated Entity Name ☐ Update to Regulated Entity Information ☐ No Change** *(See below)*

**If "NO CHANGE" is checked and Section I is complete, skip to Section IV, Preparer Information.**

**23. Regulated Entity Name** *(name of the site where the regulated action is taking place)*

Simpkins Site

| | | | | | | | | |
|---|---|---|---|---|---|---|---|---|
| 24. Street Address of the Regulated Entity: *(No P.O. Boxes)* | South Loop 12 and Pemberton Hill Road | | | | | | | |
| | City | Dallas | State | TX | ZIP | 75217 | ZIP + 4 | |
| 25. Mailing Address: | 320 E. Jefferson Boulevard, Room 305 | | | | | | | |
| | City | Dallas | State | TX | ZIP | 75203 | ZIP + 4 | |

| | |
|---|---|
| 26. E-Mail Address: | rajasekhar.guntnur@dallascityhall.com |

| 27. Telephone Number | 28. Extension or Code | 29. Fax Number *(if applicable)* |
|---|---|---|
| ( 214 ) 948-4011 | | ( 214 ) 948-4670 |

| 30. Primary SIC Code (4 digits) | 31. Secondary SIC Code (4 digits) | 32. Primary NAICS Code (5 or 6 digits) | 33. Secondary NAICS Code (5 or 6 digits) |
|---|---|---|---|
| 9512 | 4953 | 712190 | 562212 |

**34. What is the Primary Business of this entity?** *(Please do not repeat the SIC or NAICS description.)*

Entity is primarily undeveloped land to be used for nature parks/conservation, contains former landfill areas

**Questions 34 – 37 address geographic location. Please refer to the instructions for applicability.**

| | |
|---|---|
| 35. Description to Physical Location: | Site is located east of the Trinity River to the north and south of South Loop 12, located to the west and south of intersection of South Loop 12 and Pemberton Hill Road |

| 36. Nearest City | County | State | Nearest ZIP Code |
|---|---|---|---|
| Dallas | Dallas | TX | 75217 |

| 37. Latitude (N) In Decimal: | 32.7098851 | 38. Longitude (W) In Decimal: | -96.721008 |
|---|---|---|---|

| Degrees | Minutes | Seconds | Degrees | Minutes | Seconds |
|---|---|---|---|---|---|
| | | | | | |

**39. TCEQ Programs and ID Numbers** Check all Programs and write in the permits/registration numbers that will be affected by the updates submitted on this form or the updates may not be made. If your Program is not listed, check other and write it in. See the Core Data Form instructions for additional guidance.

| | | | | |
|---|---|---|---|---|
| ☐ Dam Safety | ☐ Districts | ☐ Edwards Aquifer | ☐ Industrial Hazardous Waste | ☐ Municipal Solid Waste |
| | | | | |
| ☐ New Source Review – Air | ☐ OSSF | ☐ Petroleum Storage Tank | ☐ PWS | ☐ Sludge |
| | | | | |
| ☐ Stormwater | ☐ Title V – Air | ☐ Tires | ☐ Used Oil | ☐ Utilities |
| | | | | |
| ☒ Voluntary Cleanup | ☐ Waste Water | ☐ Wastewater Agriculture | ☐ Water Rights | ☐ Other: |
| Not yet assigned | | | | |

## SECTION IV: Preparer Information

| 40. Name: | Carl A. Parten, P.G. | 41. Title: | Principal, Terracon Consultants |
|---|---|---|---|

| 42. Telephone Number | 43. Ext./Code | 44. Fax Number | 45. E-Mail Address |
|---|---|---|---|
| ( 214 ) 630-1010 | | ( 214 ) 630-7070 | caparten@terracon.com |

## SECTION V: Authorized Signature

**46.** By my signature below, I certify, to the best of my knowledge, that the information provided in this form is true and complete, and that I have signature authority to submit this form on behalf of the entity specified in Section II, Field 9 and/or as required for the updates to the ID numbers identified in field 39.

***(See the Core Data Form instructions for more information on who should sign this form.)***

| Company: | City of Dallas | Job Title: | Senior Project Manager |
|---|---|---|---|
| Name *(In Print)* : | | Phone: | ( 214 ) 948-4011 |
| Signature: | | Date: | 07/29/08 |

Form TCEQ-10241 Revised 3/01

OFFICE USE ONLY
PCA number: _____
VCP Project number: _____

# *TEXAS COMMISSION ON ENVIRONMENTAL QUALITY*
# *VOLUNTARY CLEANUP PROGRAM*

## Program Application

Please complete this form, a Texas Commission on Environmental Quality (TCEQ) Form 10400 and an agreement form to request assistance and review from TCEQ staff in the Voluntary Cleanup Program (VCP) pursuant to §361.604 of the Texas Solid Waste Disposal Act. You may download this document, TCEQ Form 10400 and any other VCP documents via the Internet at **http://www.tceq.state.tx.us/permitting/remed/vcp/vcp/html**.

Complete all applicable sections. The TCEQ may reject incomplete or inaccurate applications as per §361.605 of the VCP statute. To accurately complete this form, please refer to the VCP Application Instructions or call the TCEQ's Voluntary Cleanup Section at (512) 239-5891 with any questions concerning the completion of this form.

## General Site Information

Site Name Simpkins Site

Site Size (acres) Two tracts totaling 1,415 acres, excluding former landfill areas subject to TCEQ NOV
(*Refer to VCP Application Supplement for details regarding area to be excluded from the VCP property)
Regulated Entity Reference No. (if issued): RN not yet issued, CN-600331730

## Applicant(s)

**Applicant A** (The person or entity seeking review and approval of a plan or report and/or issuance of a VCP Certificate of Completion by the TCEQ. Applicant A is responsible for payment of TCEQ costs of review and oversight unless indicated otherwise on page 2 of this form).
Applicant City of Dallas
Contact Person Raj Guntnur, P.E. Title Senior Project Manager
Customer Reference No. (if issued): CN-600331730
Organization City of Dallas Phone (214) 948-4011 Fax (214) 948-4670
Interest in Property Potential Purchaser
To receive copies of TCEQ correspondence? Yes __X__ No ____

**Applicant B**
Applicant _____
Contact Person _____ Title _____
Customer Reference No. (if issued): CN- _____
Organization _____ Phone (  ) _____ Fax (  ) _____
Interest in Property _____
To receive copies of TCEQ correspondence? Yes _____ No _____

**Applicant C**
Applicant _____
Contact Person _____ Title _____
Customer Reference No. (if issued): CN- _____
Organization _____ Phone (  ) _____ Fax (  ) _____
Interest in Property _____
To receive copies of TCEQ correspondence? Yes _____ No _____

If more than three applicants, list others under "Additional Applicants"on page 8 of this form.

## Current Site Owner (if different from an applicant)

Owner(s) Metropolitan Sand & Gravel Co., LLC
Contact Person Steve Morton Title Legal Representative
Organization Moltz, Morton, & O'Toole, LLP Phone ( 512 ) 439-2172 Fax ( 512 ) 439-2165

**IMPORTANT - Please attach a completed form TCEQ-10400 for each applicant and the current site owner.**

## Other Contacts (Consultant/Attorney)

Name(s) Carl A . Parten, P.G. Title Principal
Organization Terracon Consultants, Inc. Phone ( 214 ) 630-1010 Fax ( 214 ) 630-7070
Address 8901 Carpenter Freeway, Suite 100
City Dallas State Texas Zip Code 75247

Name(s) _____ Title _____
Organization _____ Phone (  ) _____ Fax (  ) _____
Address _____
City _____ State _____ Zip Code _____

## Billing Information

If billing should be directed to a person other than Applicant A, please enter the required information below and include their signature consenting to the obligation for payment of TCEQ oversight costs.

Name(s) Same as Applicant A Title _____
Organization _____ Phone (  ) _____ Fax (  ) _____
Address _____
City _____ State _____ Zip Code _____
Signature of Consent: _____ Date: _____

**Current Property Use** (Use percentage if site is divided into different use categories.)

Residential ____ Other (e.g., agricultural, recreational)_____
Non-residential _X_ If non-residential, **type of business** vacant unimproved land, contains closed landfills

Is a real estate transaction imminent for this site? Yes __X__ No ____
If yes, what is the planned closing date? July 30, 2008

## Latitude/Longitude

Latitude (degrees, min., sec. N or decimal degrees) 32.7098851
Longitude (degrees, min., sec. W or decimal degrees) -96.721008

Date of collection _6/20/2008____ Organization providing collection data __Terracon Consultants, Inc.___

Check the method used to determine latitude and longitude:

____ GPS - Real Time Differentially Corrected _____
____ GPS - Post Processed Differentially Corrected _____
____ Map Interpolation - Manual _____
_X_ Map Interpolation - Digital _USGS topographic qaud map_____
____ DOQQ_____

If using GPS, please state professional unit brand name, model number and accuracy tolerances.
If using Map Interpolation, please state which USGS quad map was used for interpolation.
If using DOQQ Interpolation, please state which DOQQ was used for interpolation.
Does the latitude and longitude listed above refer to the

_X_ Center of the property? USGS Topographic Quadrangle for Hutchins, Texas
____ Main entrance to the property?
____ Other, please describe _____

## VCP Eligibility and Involvement With Other Regulatory Programs

Is the site subject to a TCEQ permit or administrative order? Yes ____ No __X__
Have response actions been initiated at the site after April 1996? Yes ____ No __X__ Note: Response actions initiated after April 1996 may cause the applicant to become ineligible for the VCP.
Has a state or federal Notice of Violation or any other notice of enforcement action been issued relating to contamination at the site? Yes ____ No __X__
Has there been any prior contact with any state or federal environmental regulatory programs or agencies relating to environmental issues at this site? Yes _X__ No____

If yes, please describe all prior contact with any state or federal environmental regulatory programs or agencies which relate to each of these questions. Attach additional sheets as necessary. The site is included in the U.S. Army Corp of Engineers (USACE) Dallas Floodway Extension (DFE) project. The USACE intends to designate approximately 900 acres of the site for environmental mitigation. Refer to VCP Application Supplement for USACE involvement. Also refer to the Supplement regarding the closed Elam and South Loop landfills, which are located on the site and subject to a TCEQ notice of violation (NOV). The properties subject to the NOV are excluded from the designated VCP property.

Is a request for reimbursement pre-approval currently under review by the Petroleum Storage Tank (PST) Program? Yes ____ No _X_
If yes, then please describe the site's status in the PST Program _____

Please provide any and all state and federal identification numbers related to the property in question, including any solid waste registration, leaking petroleum storage tank, CERCLIS, RCRIS, UIC, etc. registration numbers which have been assigned. There are no state or federal identifiation numbers directly associated with the proposed VCP property.

## Contaminated Media and Contaminants Present

Have contaminants been detected in on-site media? Yes __X___ No _____
Please check the chemicals of concern within each contaminant category and the media which have been affected:

| Contaminant Category | Soil | Groundwater | Surface Water | Sediment |
|---|---|---|---|---|
| *VOCs | X | X | | |
| *SVOCs | X | X | X | |
| *Heavy Metals | X | X | X | |
| *Chlorinated Solvents | | X | | |
| Pesticides | | X | X | |
| TPH | X | X | | |
| PCBs | | | | |
| Other _____ | | | | |

*Please describe **Please refer to attached VCP Application Supplement for details.**

## Applicant's Intended Response Action Objectives (Cleanup Levels)

___ Not known at this time. Applicant wishes to receive guidance from the VCP prior to the signing of a VCP agreement.

**Texas Risk Reduction Program Rules (30 TAC Chapter 350) - Check Appropriate Standard and Tier Level:**

_X_ Self-Implemented Cleanup to Remedy Standard A, Tier 1 _X__ Tier 2 _X__ Tier 3 ___

___ Non Self-Implemented Cleanup to Remedy Standard A, Tier 1 ___ Tier 2 ___ Tier 3 ___

___ Cleanup to Remedy Standard B, Tier 1 ___ Tier 2 ___ Tier 3 ___

**PST Rules (30 TAC Chapter 334) - Check Appropriate Standard: Not Applicable**

___ Cleanup to generic risk-based levels (following PST Plan A requirements).

___ Cleanup to site specific risk-based levels not relying on engineering or institutional controls (following PST Plan B requirements).

___ Cleanup to site specific risk-based levels which rely on engineering or institutional controls (following PST Plan B requirements).

___ Other (explain)_____

_____

_____

## Federal Brownfields Tax Deduction

Are you requesting TCEQ certification that the site is eligible for a federal tax deduction under the Taxpayer Relief Act of 1997 (HR 2014)? Yes _X_ No____
If yes, please submit a Brownfields Tax Deduction Pre-Certification Form. This form may be downloaded from **http://www.tceq.state.tx.us/permitting/remed/vcp/vcp/html**.

## State Property Tax Abatements for Brownfields

Are you interested in signing an agreement with the local taxing authority to receive a property tax abatement after issuance of the VCP Certificate of Completion, as allowed under Section 312.211 of the Texas Tax Code? Yes____ No _X___
If yes, please read the application instructions for more information about this tax abatement.

## Environmental Assessment

An environmental assessment that includes the following information must be attached to this application:

1. a legal description of the site, including a site map drawn to scale;
2. the physical characteristics of the site;
3. the operational history of the site, to the extent the history is known by the applicant;
4. information that the applicant is aware of concerning the nature and extent of any contamination and/or release at the site and in areas contiguous to the site; and
5. relevant information the applicant is aware of concerning the potential for human and environmental exposure to contamination at or emanating from the site.

## Intent to Participate

The undersigned requests oversight by the TCEQ of investigation and cleanup activities of possible contamination at the property described above and intends to negotiate in good faith, a written agreement with the TCEQ to provide technical and regulatory oversight. This Intent to Participate does not constitute such an agreement and neither TCEQ nor the undersigned will be bound to proceed with VCP oversight unless such an agreement is executed. Applicants should be aware that in order for the TCEQ to issue a VCP Certificate of Completion for an entire site, the applicant must provide adequate information to document that the entire site meets the applicable standards. As an alternative, the applicant may pursue a VCP Certificate of Completion for only a portion of the site, as a partial response action area. The agreement will describe the project activities of each party and will require Applicant A (unless indicated otherwise on page 2 of this form) to reimburse the TCEQ for all of its oversight costs. By completing and signing this Intent to Participate and that excepting areal limitations with partial response actions, all environmental media which exceed the critical Protective Concentration Levels shall be addressed through appropriate response actions. The undersigned affirms the applicant's financial capability to perform the voluntary cleanup. The Executive Director may also request additional information to support this affirmation.

With this Intent to Participate, the undersigned does not admit or assume liability for investigation or cleanup of the site. In addition, the undersigned may terminate the Intent to Participate at any time. If the TCEQ rejects the application, it will notify the applicant and explain the reasons for rejection and will refund half of the application deposit, unless the applicant indicates a desire to resubmit a corrected application. An applicant can resubmit an application once without submitting an additional application fee, if the applicant resubmits within 45 days after the rejection notice date.

## Deposit of Oversight Costs

The applicant must submit with this application, a deposit in the amount of one thousand dollars ($1,000), made payable to the Texas Commission on Environmental Quality. Deposits may be made in the form of company or personal checks. If a deposit check is returned due to insufficient funds, the application will be considered incomplete and will be rejected. Cash deposits will not be accepted.

**Please execute this Intent to Participate in the space below and return it and all associated documents (e.g., environmental assessment reports) to:**

**Attention: Cashier**
**Texas Commission on Environmental Quality**
**MC- 214**
**P.O. Box 13088**
**Austin, Texas 78711-3088**

**For overnight or express mail please use the following street address:**

**Attention: Cashier**
**Texas Commission on Environmental Quality**
**MC-214**
**12100 Park 35 Circle**
**Austin, Texas 78753**

**Note: Please do not send the application and associated documents directly to the VCP. This will only result in a delay in processing your application.**

## Correctness of Information

The undersigned affirm that the information contained in this application is true and accurate to the best of their knowledge.

## Applicant's Signatures

**Applicant A**

By: _____ Name: RAJ GUNTNUR
(signature) (print or type)

Date: 07/29/08 Title: Senior Project Manager

Company: City of Dallas Phone: (214) 948-4011

**Supplement to City of Dallas**
**Application to Participate in the Voluntary Cleanup Program (VCP)**

**Environmental Assessment/Investigation Information**
**Proposed Simpkins Site VCP Property**
**South Loop 12 and Pemberton Hill Road**
**Dallas, Dallas County, Texas**

1. **A legal description of the Site:**

The Site is an irregular-shaped property consisting of two individual tracts comprising a total of approximately 1,415 acres (excluding areas subject to TCEQ NOV - See Figure 1) located near the intersection of South Loop 12 and Pemberton Hill Road in Dallas, Dallas County, Texas. Tract 1 (527.27 acres) is located north of South Loop 12 and Tract 2 (887.78 acres) is located south of South Loop 12. Legal descriptions and metes and bounds surveys for each of the tracts are attached to this supplement (Attachment 1). A map depicting the proposed VCP property boundary is provided as Figure 1 (Attachment 2).

2. **A description of the physical characteristics of the Site:**

The Site consists of approximately 1,415 acres of land located along the east bank of the Trinity River to the north and south of South Loop 12 in the southeastern portion of Dallas, Dallas County, Texas. Approximately 370 acres located within the Site boundaries, consisting of former landfill areas currently subject to a TCEQ NOV, are not included in the proposed VCP property (See Figure 1). The Site is currently owned by Metropolitan Sand & Gravel Co., LLC. The Site largely consists of undeveloped, wooded land and includes various ponds resulting from former sand and gravel mining operations conducted in the floodplain. Improvements currently located on the Site include one residence, barns and sheds, propane storage tanks, a water well/windmill tower, stables, metal silos, concrete slabs, animal pens, a horse track (dirt), fencing, dirt roads, and utilities. Currently, a section of property on the north portion of Tract 1 is leased to an individual on a month-to-month basis for the grazing of livestock.

The Site property includes two former permitted municipal landfills. The Elam Landfill permitted area occupies approximately 85 acres of land on the north side of South Loop 12 (Tract 1), and the South Loop Landfill permitted area occupies approximately 255 acres of land on the south side of South Loop 12 (Tract 2). In addition, approximately 30 acres of landfill to the south, west, and northwest of the Elam Landfill were filled prior to the permit applications. These areas are currently subject to a TCEQ NOV and are therefore being excluded from the VCP property. Refer to Section 6 of this Supplement for further explanation and for details regarding the NOV and actions being taken to address the NOV.

Surrounding properties consist of vacant land, single-family and multi-family residential dwellings, and commercial businesses to the north; single-family residential dwellings, commercial businesses and two landfills (Loop 12 and Deepwood) to the east; the Trinity River, vacant land, and Lemmon Lake to the south; and the Trinity River, vacant land, and the Sleepy Hollow Golf Club to the west. The City of Dallas is currently performing in-place closure of the Loop 12 and Deepwood landfills to the east of the Site.

3. **The operational history of the Site to the extent that history is known by the applicant:**

Based on a review of historical information, the Site consisted primarily of undeveloped and agricultural land in the 1940s, prior to portions of the Site being utilized for gravel mining operations in the 1950s and 1960s. Based on a review of historical aerial photographs and the topographic map, it appears that approximately 160 acres or more of land may have been utilized for gravel mining operations. In the late 1950s and early 1960s, it appears that landfilling operations began on-Site. The South, West, and Northwest Elam landfill areas appear to have been filled from approximately 1957 until 1975.

The Texas Department of Health issued Municipal Solid Waste (MSW) Permit No. 88 to the City of Dallas on August 29, 1975 to operate the Elam and South Loop Landfills. The March 1975 permit application listed the City as the operator or persons in charge of the facility and Metropolitan Sand & Gravel Co. (MSGC) as the owner. The permitted Elam Landfill appears to have operated under permit from approximately 1975 until closure in 1980. The South Loop Landfill appears to have operated from approximately 1962 until operations were suspended in 1981. The South Loop Landfill was reopened for a brief period in 1982 to accept waste from the former Lakeview Landfill, prior to permanent closure of the South Loop landfill in 1983. The South Loop Landfill was also permitted in 1975. The Texas Department of Health conducted closing inspections of the Elam Landfill on May 9, 1980 and of the South Loop Landfill on January 4, 1984. Following an inspection of the South Loop Landfill on April 27, 1989, the Texas Department of Health stated that the file for MSW Permit No. 88 was marked closed.

With the exception of the gravel mining and landfill operations, historical structures/activities on-Site appear to have been limited to the residential dwellings (prior to 1942 to the present) and associated barns, pens, etc. located on the northeastern portion of the Site and commercial businesses (OK Motors, FW Used Cars, Jefferson Tire & Battery, and C&D Delivery Service) that previously operated on-Site along South Loop 12 (late 1960s to the late 1980s).

4. **Information of which the applicant is aware concerning the nature and extent of any relevant contamination or release at the Site and immediately contiguous to the Site, or wherever the contamination came to be located:**

Results of environmental investigations conducted to date at the Site are presented below. Figures depicting sampling locations and associated chemicals of concern (COC) are included in Attachment 2.

*Tetra Tech NUS, Inc. (TT), Site Investigation Report (SIR) - Simpkins Mitigation Property (July 2002) prepared for the U.S. Army Corp of Engineers*

The SIR was conducted by TT as part of the Dallas Floodway Extension (DFE) project for the Fort Worth Corps of Engineers. The objective of the SIR was to determine if the proposed mitigation Site, which may be acquired to mitigate land that will be disturbed by the DFE project, contains hazardous, toxic, or radioactive waste (HTRW). The SIR included approximately 1,000 acres of land on the Site along the Trinity River. As part of the investigation, TT advanced five soil borings to a depth of 15 feet bgs, and each of these borings was converted to a temporary groundwater monitoring well. The general soil lithology encountered during the TT investigation consisted of clay and sand

including borings BH01 and BH02, which were advance in former gravel mining areas. However, soil boring BH04, located west of the Elam Landfill, encountered landfill material from the surface to a depth of approximately seven feet below ground surface. One soil and one groundwater sample were collected from each boring. In addition, TT collected 11 surface sediment samples on-Site. The results of the soil, sediment, and groundwater sampling are presented below.

Soil Samples

- No VOCs, SVOCs, pesticides, or herbicides were detected above laboratory reporting limits.
- Metals detected above reporting limits in the soil samples included arsenic, barium, chromium, and lead. Arsenic was detected in all five soil samples ranging in concentrations from 3.4 mg/kg to 5.3 mg/kg. Barium was detected in all five soil samples ranging in concentrations from 30.9 mg/kg to 108 mg/kg. Chromium was detected in all five soil samples ranging in concentrations from 8.1 mg/kg to 22.7 mg/kg. Lead was detected in all five soil samples ranging in concentrations from 4.0 mg/kg to 10.0 mg/kg.
- Terracon's review of the sampling results indicates that the identified concentrations of metals are below the current TCEQ TRRP Tier 1 Residential Critical PCLs for 30-acre source areas and/or the Texas Specific Background Metals Concentrations.

Groundwater Samples

- No SVOCs, pesticides, or herbicides were detected above reporting limits.
- One VOC compound, chlorobenzene, was detected at a concentration of 0.0068 milligrams per liter (mg/L), which is below the TCEQ TRRP Tier 1 Residential Critical Groundwater PCL of 0.1 mg/L for chlorobenzene.
- Metals detected above reporting limits in the groundwater samples included arsenic, barium, chromium, lead, and mercury. Arsenic was detected in two groundwater samples at concentrations of 0.0184 mg/L (SIM-GW01) and 0.108 mg/L (SIM-GW04). Barium was detected in all five groundwater samples ranging in concentrations from 0.142 mg/L to 0.860 mg/L. Chromium was detected in three groundwater samples ranging in concentrations from 0.0212 mg/L (SIM-GW03) to 0.226 mg/L (SIM-GW04). Lead was detected in two groundwater samples at concentrations of 0.0201 mg/L (SIM-GW01) and 0.328 mg/L (SIM-GW04). Mercury was detected in one groundwater sample at a concentration of 0.0014 mg/L (SIM-GW04).
- Terracon's review of the groundwater sampling results above indicates that the TCEQ TRRP Tier 1 Residential Critical Groundwater PCLs for 30-acre source areas were exceeded for arsenic (sample SIM-GW04), chromium (sample SIM-GW04), and lead (samples SIM-GW01 and SIM-GW04). However, based on information that indicates TT installed temporary wells that were not developed prior to sampling and no sand filter pack was placed around the screened interval, the metals data for groundwater may have been elevated due to sediment interference.

Sediment Samples

- No SVOCs, pesticides, or herbicides were detected above reporting limits.

- One VOC compound, methyl ethyl ketone, was detected at concentrations of 0.0109 mg/kg (SIM-SD04) and 0.0145 mg/kg (SIM-SD07).
- Metals detected above reporting limits in the sediment samples included arsenic, barium, cadmium, chromium, lead, and mercury. Arsenic was detected in all 11 sediment samples ranging in concentrations from 3.7 mg/kg to 8.4 mg/kg. Barium was detected in all 11 sediment samples ranging in concentrations from 20.6 mg/kg to 97.9 mg/kg. Cadmium was detected in one sediment sample at a concentration of 0.63 mg/kg. Chromium was detected in all 11 sediment samples ranging in concentrations from 7.4 mg/kg to 30.8 mg/kg. Lead was detected in all 11 sediment samples ranging in concentrations from 5.3 mg/kg to 32.7 mg/kg. Mercury was detected in one sediment sample at a concentration of 0.1 mg/kg.

*Terracon Consultants, Inc., Limited Site Investigation (LSI), Simpkins Tracts – South Loop and Elam Landfills (Draft January 2008) prepared for the City of Dallas*

Terracon conducted additional Limited Site Investigation (LSI) activities at the Simpkins Tracts from February 2007 to December 2007. The LSI was conducted in response to recognized environmental conditions (RECs), mainly associated with past landfill and sand and gravel mining operations, that were identified in a Phase I Environmental Site Assessment (ESA) conducted by Terracon in August 2005. The investigation included the installation of 37 permanent groundwater monitoring wells for the evaluation of soil and groundwater; installation of 17 soil borings at selected on-Site locations to evaluate on-Site soil conditions; collection of surface water and sediment samples from eight ponds across the Site; collection of surface water samples from five seeps observed discharging into the Trinity River; and a visual evaluation of surface waste across the Site (excluding the landfill areas). A summary of investigation findings is presented below.

Surface and Subsurface Soil

- Waste (including paper, plastic, glass, and rusted metal) was observed in on-Site soil borings on the west and southwest portions of the Site, indicating there is buried waste located outside of the known solid waste limits in the vicinity of these sample locations.
- TPH was not detected in on-Site soils at concentrations above Tier 1 Residential Screening PCLs.
- SVOCs were not detected in the on-Site soil, with the exception of di-n-butyl phthalate. This compound was detected in one sample location above the laboratory SQL, but below the applicable Tier 1 Residential Critical PCL. Di-n-butyl phthalate is considered a common laboratory contaminant and its presence appears to be attributable to laboratory interference.
- The on-Site soils did not exhibit the presence of VOCs above laboratory SQLs with the exception of vinyl acetate, 1,4-dichlorobenzene, and 4-methyl-2-pentanone, which were detected at in select sampling locations at concentrations above laboratory SQLs, but below the applicable Tier 1 Residential Critical PCLs. Although the reported concentrations of VOCs are below the applicable Tier 1 Residential Critical PCLs, due to the limited spatial assessment of soil relative to the area of the Site, evaluation of the magnitude and extent of VOCs in soil appears warranted at this time.

- Pesticides and herbicides were not detected in the on-Site soils above laboratory SQLs.
- On-Site soils exhibited concentrations of arsenic, cadmium, lead, silver and thallium above the applicable TRRP Tier 1 Critical PCLs and/or Texas-specific background concentrations (TSBC). To evaluate whether the reported concentrations of metals in the on-Site soil were representative of background concentrations, an evaluation of Site-specific background concentrations (SSBC) of metals (arsenic, cadmium, lead, silver, and thallium) was performed. Analytical results indicated arsenic, cadmium, lead, silver, and thallium concentrations exceed their calculated SSBC in location across the Site.
- On-Site soils exhibited concentrations of arsenic, cadmium, lead, silver and thallium above the applicable TRRP Tier 1 Critical PCLs, TSBC and/or SSBC. To further evaluate the potential for the metals concentrations in the on-Site soil to leach to groundwater, SPLP analysis was performed on selected soil samples exhibiting the maximum concentrations of arsenic, cadmium, lead, silver and thallium. SPLP results indicated maximum concentrations of arsenic, cadmium, silver and thallium in on-Site soils were protective of groundwater. Based on SPLP analysis, the soil sample collected from MW-Q17 (2 to 3 feet bgs) exhibited a lead concentration of 0.935j mg/L, which is above the Tier 1 Residential PCL of 0.015 mg/L for lead.
- To further evaluate lead detected in soil from MW-Q17, Terracon utilized the TRRP Tier 2 Soil-to-Groundwater PCL Equation to develop a $^{GW}$Soil PCL utilizing Site-specific parameters for lead. The calculated TRRP Tier 2 Critical PCL for lead was determined to be 245 mg/kg. Lead concentrations detected in the soil samples in soil boring MW-Q17 do not exceed the Site specific Tier 2 $^{GW}$Soil PCL of 245 mg/Kg for lead and appear to be protective of groundwater. The groundwater sample from MW-Q17 did not exhibit lead concentrations above the laboratory SQLs.
- Thallium was detected in soil (6.5 mg/kg) from one sampling location (B-L4) at a concentration exceeding the Tier 1 $^{Total}Soil_{Comb}$ PCL of 6.3 mg/kg. This concentration of thallium in on-Site soils is located within a buried waste area that is proposed to be removed from the Site and disposed at an approved facility.

Groundwater

- Chlorobenzene was detected in groundwater samples collected from two sampling locations at concentrations below the applicable TRRP Tier 1 Critical PCL. Due to the distribution of chlorobenzene, absence of information regarding a potential source, and relatively limited spatial assessment of groundwater across the Site, additional evaluation of the magnitude and extent of VOCs in groundwater appears warranted at this time.
- Di-n-butyl phthalate and bis (2-ethyl-hexyl) phthalate were detected in the groundwater sample collected from one monitoring well (MW-Q17) at concentrations below and above (respectively) the applicable TRRP Tier 1 Critical PCLs.
- TPH was detected in the groundwater samples collected from two monitoring wells (MW-R8 and MW-P18) above the Tier 1 Residential Screening PCLs. Additional TPH evaluation using Texas Method 1006 indicated the TPH concentrations detected in the groundwater samples did not exceed the Tier 1 Critical PCL for TPH in groundwater.

- The pesticide gamma-BHC was detected in a groundwater sample collected from one monitoring well (MW-O6) at a concentration below the applicable TRRP Tier 1 Critical PCL.
- Groundwater samples collected from various on-Site monitoring wells exhibited one or more metals (including arsenic, lead or thallium) at concentrations above their applicable Tier 1 Critical PCLs. Additional analytical evaluation indicated the arsenic, thallium, and lead identified in the initial groundwater samples collected from the Site appeared to be attributable to sediment interference.

Surface Water

- Surface water from two on-Site seeps exhibited concentrations of di-n-butyl phthalate and bis (2-ethyl-hexyl) phthalate above laboratory SQLs. These phthalate compounds are considered common laboratory contaminants and appear to be attributable to laboratory interference.
- VOCs, TPH, pesticides, herbicides or PCBs were not detected in the surface water samples collected from the Site in 2007 above laboratory PCLs. However, VOCs, SVOCs, TPH, pesticides and herbicides were identified in the surface water samples collected by Terracon in 2005 as part of a Limited Solid Waste Evaluation. Since the on-Site ponds and seeps may be subject to periodic flooding from the Trinity River, surface water conditions may vary over time.
- Analytical results indicate metals were detected in on-Site surface water at concentrations above one or more of the Aquatic Life RBELs (Acute/Chronic), Human Health RBELs (Water and Freshwater Fish/Freshwater Fish), Ecological Benchmarks for Surface Water or TRRP Tier 1 Contact Recreation Water PCLs (carcinogenic/non-carcinogenic).

Sediment

- Various metals were detected in the sediment samples at concentrations lower than the Ecological Benchmarks for Sediment, Second Effects Levels for Sediment, and TRRP Tier 1 Sediment PCLs (carcinogenic/non-carcinogenic).
- VOCs, TPH, pesticides, herbicides or SVOCs were not detected in the sediment samples collected from the Site above laboratory SQLs.

**5. Relevant information of which the applicant is aware concerning the potential for human exposure to contamination at the Site:**

The Site is heavily wooded and not readily accessible to, or utilized by, the public at this time. Based on analytical data collected to date, environmental conditions at the Site, and current land use, the potential for human exposure is considered to be low. The Applicant is not aware of any current, potential human exposure pathways concerning the Site.

The potential migration of methane from the closed South Loop Landfill (located on Tract 2) north to South Loop 12 was evaluated. The investigation included the installation of 33 temporary soil gas probes along the eastbound right-of-way of South Loop 12 at intervals of approximately 200 feet for a total distance of approximately 6,000 feet. The

probes were monitored for methane on eight occasions between May 2006 and August 2006. Methane was not detected in any of the temporary soil gas probes, and they were subsequently plugged and abandoned.

In addition, soil gas probes, including drilled probes between the waste limits and the drainage swale and hand augured probes between the drainage swale and the property boundary, were installed along the east side of the closed Elam Landfill (located on Tract 1). No methane was detected in the soil gas probes on the east side of the drainage swale along the property boundary. Methane was detected west of the drainage swale in three soil gas probes (SGP-2, SGP-5, and SGP-7) at concentrations in excess of 5% methane. The drainage swale was constructed along the eastern side of the Elam Landfill to control storm water runoff from the landfill. The drainage swale may form a hydraulic barrier that prevents subsurface methane migration when wet and potentially provides sufficient subsurface ventilation during dry months. The soil gas probes on the east side of the Elam Landfill will be monitored periodically through the summer of 2008 to assess the potential for the off-Site migration of methane. This monitoring is being conducted as part of the response actions regarding the TCEQ NOV, which is discussed further in Section 6 below.

## 6. Additional Information Regarding VCP Eligibility and Involvement With Other Regulatory Programs

The Simpkins tracts are included in the US Army Corps of Engineers (USACE) Dallas Floodway Extension (DFE) project and Recreation and Open Space Plan. The USACE prepared the *General Reevaluation Report and Environmental Impact Statement (GRR/EIS) for the DFE* in February 1999, and *Supplement No. 1 to the EIS for the DFE* in April 2003. The USACE intends to designate approximately 900 acres of the Simpkins tracts for environmental mitigation. The environmental mitigation area will be managed to preserve and enhance the bottomland hardwood forest within the Trinity River Corridor.

The Site property includes two former permitted municipal landfills. The Elam Landfill (TCEQ RN104990460) permitted area occupies approximately 85 acres of land on the north side of South Loop 12 (Tract 1), and the South Loop Landfill (TCEQ RN101665743) permitted area occupies approximately 255 acres of land on the south side of South Loop 12 (Tract 2). The permitted landfills are covered under TCEQ Municipal Solid Waste (MSW) Permit #88. In addition, approximately 30 acres of landfill to the south, west, and northwest of the Elam Landfill were filled prior to permitting.

These former permitted and non-permitted capped landfill areas are the subject of a Notice of Violation (NOV) issued by the TCEQ Solid Waste Section on August 21, 2006. The TCEQ issued additional guidance regarding the NOV in a letter to the City of Dallas and Metropolitan Sand & Gravel dated October 27, 2006. The NOV was issued in connection with landfill cover evaluation, exposed wastes, and potential methane migration. A series of subsequent assessments and investigations were initiated to resolve the NOV. On May 16, 2007, the TCEQ Region 4 issued a letter regarding acceptance of a Revised Limited Methane and Landfill Cap Evaluation Plan prepared to address the NOV. Terracon, on the behalf of the City of Dallas, later submitted a report titled *Methane and Landfill Cap Evaluation and Proposed Response Actions* to the TCEQ on January 30, 2008. In a facsimile from Mr. Sam Barrett of the TCEQ Region 4 on March 26, 2008, the TCEQ approved the proposed plan to address the NOV.

Response actions to address the NOV are currently in coordination and initial implementation stages and are to be implemented in the areas within the limits of solid waste subject to the NOV. It should be noted that the limits of solid waste subject to the NOV are not eligible to be enrolled into the VCP and are therefore being excluded from the proposed Simpkins Tracts VCP property at this time. A to-scale Site Plan depicting the VCP property boundary and the areas to be excluded from the VCP property (areas subject to current NOV) is attached to this Supplement (Attachment 2, Figure 1).

# ATTACHMENT 1

## PROPOSED VCP PROPERTY LEGAL DESCRIPTION AND METES AND BOUNDS

CITY OF DALLAS

# OFFICE OF THE CITY ATTORNEY

## FACSIMILE COVER SHEET

| | | | |
|---|---|---|---|
| Date: | June 19, 2008 | Pages (including this cover sheet): | |
| To: | Alan Noell | Fax Number: | 214-630-7070 |
| From: | Lem Thomas | Transmitted By: | |
| Re: | Simpkins Field Notes | | |
| Comments: | Alan – I've attached the metes and bounds for the entire Simpkins property as we discussed. Note that the property consists of two tracts. | | |

If you do not receive all pages, please call 214-670-3519.



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