

RESOLUTION NO. 008-21

A RESOLUTION IN SUPPORT OF THE APPLICATION OF ESS WCOT OWNER LLC TO THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY FOR A MUNICIPAL SETTING DESIGNATION AT 5431 LEMMON AVENUE.

WHEREAS, Chapter 361, Subchapter W, of the “Texas Solid Waste Disposal Act,” 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, as a part of the application to TCEQ for a Municipal Setting Designation (“MSD”), the applicant is required to provide documentation that the application is supported by (1) the city council of the municipality in which the Site is located; (2) the city council of each municipality with a boundary located not more than one-half mile from the Site; (3) the city council of each municipality that owns or operates a groundwater supply well located not more than five miles from the Site; and (4) 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; and

WHEREAS, ESS WCOT Owner LLC (the “Applicant”) has obtained from the City of Dallas an ordinance prohibiting the use of groundwater at the site and a resolution in support of an MSD certification from the TCEQ for the property located at 5431 Lemmon Avenue, Dallas, Dallas County, Texas, and the public rights-of-way immediately adjacent to the designated property; and

WHEREAS, the Site is within one-half mile of the boundary of the Town of Highland Park, Texas (the “Town”); and

WHEREAS, following the issuance of this resolution, the Applicant will submit to the TCEQ an application for certification of a Municipal Setting Designation for the Site pursuant to the Texas Health and Safety Code Chapter 361, Subchapter W.;

NOW, THEREFORE, BE IT RESOLVED by the Town Council of the Town of Highland Park:

That, the Town has no objection and supports the Applicant’s application to the TCEQ for certification of a Municipal Setting Designation for the Site.

PASSED AND APPROVED this 19<sup>th</sup> day of October, 2021.

APPROVED AS TO FORM:



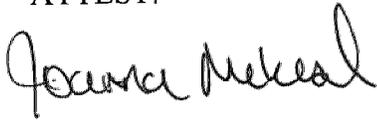
Matthew C.G. Boyle  
Town Attorney

APPROVED:



Margo Goodwin  
Mayor

ATTEST:

A handwritten signature in black ink, appearing to read "Joanna Mekeal". The signature is written in a cursive style with a large initial 'J'.

Joanna Mekeal  
Town Secretary