

MSD 34

MSD 30  
↑  
Cert

Kathleen Hartnett White, *Chairman*  
Larry R. Soward, *Commissioner*  
H. S. Buddy Garcia, *Commissioner*  
Glenn Shankle, *Executive Director*



## TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

*Protecting Texas by Reducing and Preventing Pollution*

August 7, 2007

Ms. Erika Erikson  
Guida, Slavich, & Flores  
750 N. St. Paul Street, Suite 200  
Dallas, TX 75201

RE: Certification of Municipal Setting Designation Application for Redwood Cedar, LLC,  
4123 Cedar Springs, Dallas, TX; MSD No. 030

Dear Ms. Erikson:

Enclosed is the Municipal Setting Designation Certification for your site. You can use this certification as the basis to avail of the groundwater assessment and remediation flexibility offered in accordance with Texas Health and Safety Code §361.808, consistent with the site-specific circumstances.

If I can be of any further assistance, please do not hesitate to contact me at 512/239-5872 or via e-mail ([mfrew@tceq.state.tx.us](mailto:mfrew@tceq.state.tx.us)).

Sincerely,

A handwritten signature in black ink, appearing to read "Mike Frew".

Mike Frew, P.G.  
Remediation Division

MF/cw

Enclosure

# Texas Commission on Environmental Quality



## Municipal Setting Designation Certificate 30

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

I, Glenn Shankle, Executive Director of the Texas Commission on Environmental Quality certify the Municipal Setting Designation for Redwood Cedar, LLC, 4123 Cedar Springs, Dallas, 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 institutional control required by Texas Health and Safety Code §361.8065 is maintained 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 4 day of June, 2007.

A handwritten signature in black ink, appearing to read "Glenn Shankle".

Glenn Shankle  
Executive Director  
Texas Commission on Environmental Quality

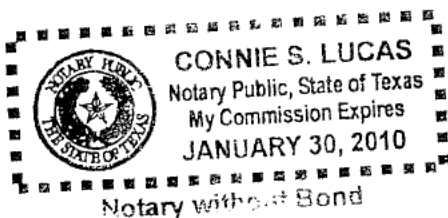
STATE OF TEXAS  
TRAVIS COUNTY

BEFORE ME, on this the 4<sup>th</sup> day of June, 2007, personally appeared Glenn Shankle, Executive Director of the Texas Commission on Environmental Quality, known to me to be the person whose name is subscribed to the foregoing instrument, and they acknowledged to me that they executed the same for the purposes and in the capacity therein expressed.

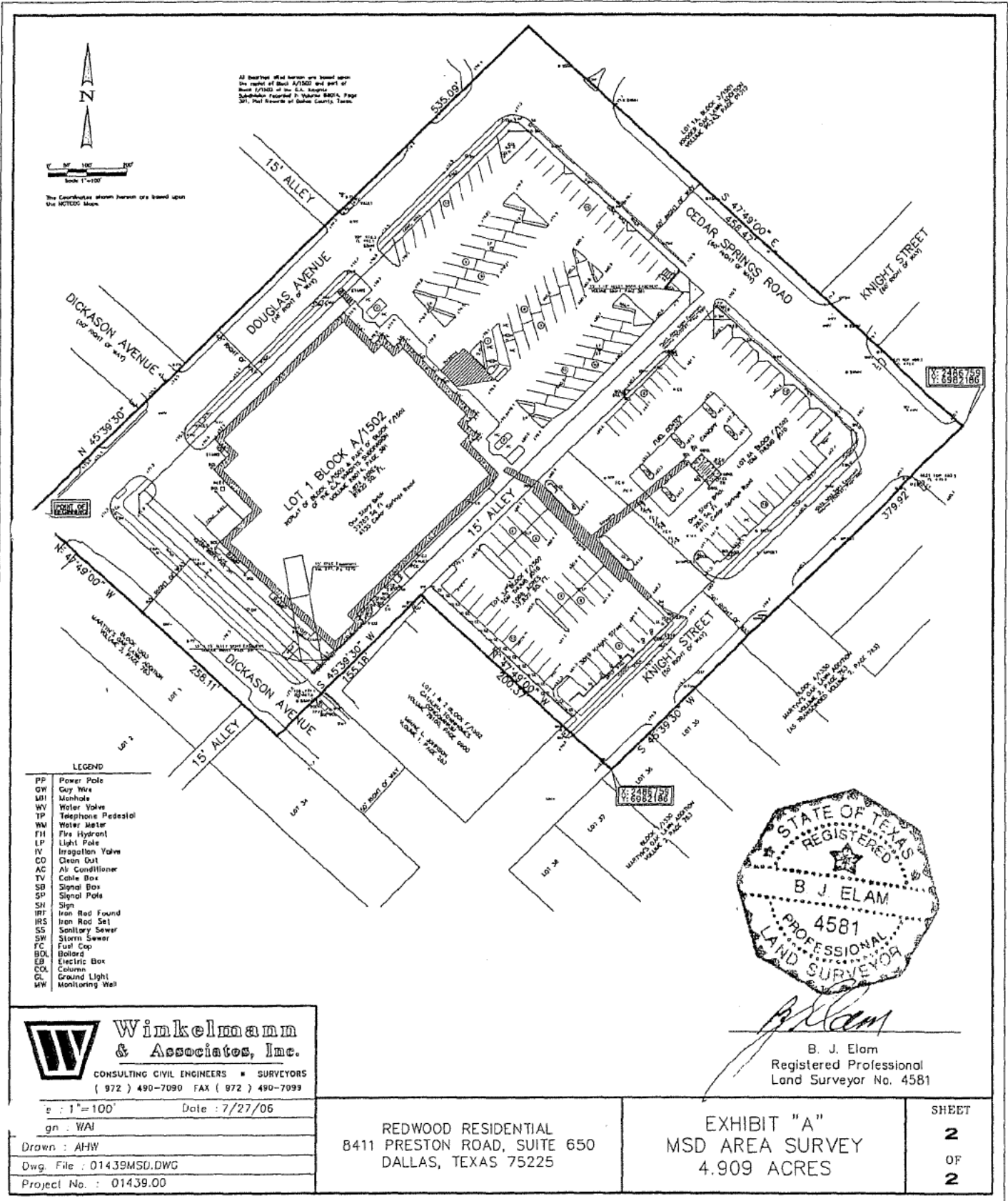
GIVEN UNDER MY HAND AND SEAL OF OFFICE, this the 4<sup>th</sup> day of June, 2007.

A handwritten signature in black ink, appearing to read "Connie S. Lucas".

Notary Public in and for the State of Texas



# "Exhibit A"



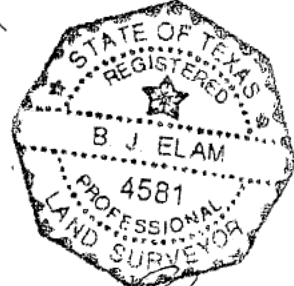
All bearings and distances are based upon the north of Block A/1502 and part of Block 17002 of the S.A. Survey. Subdivided Pursuant to Volume 8804, Page 301, Plat Records of Dallas County, Texas.

Scale 1"=100'

The Coordinates shown herein are based upon the NAD83 datum.

### LEGEND

- PP Power Pole
- CM Curb
- MH Manhole
- WV Water Valve
- TP Telephone Pedestal
- WM Water Meter
- FH Fire Hydrant
- LP Light Pole
- IV Irrigation Valve
- CO Clean Out
- AC Air Conditioner
- TV Cable Box
- SB Signal Box
- SP Signal Pole
- SH Sign
- IRF Iron Rod Found
- IRS Iron Rod Set
- SS Sanitary Sewer
- SW Storm Sewer
- FC Fuel Cap
- BDL Borehole
- EB Electric Box
- COL Column
- GL Ground Light
- MW Monitoring Well



B. J. Elam  
Registered Professional  
Land Surveyor No. 4581

**Winkelmann & Associates, Inc.**  
CONSULTING CIVIL ENGINEERS ■ SURVEYORS  
( 972 ) 490-7090 FAX ( 972 ) 490-7099

Scale: 1"=100' Date: 7/27/06  
gn: WAI  
Drawn: AHW  
Dwg. File: 01439MSD.DWG  
Project No.: 01439.00

REDWOOD RESIDENTIAL  
8411 PRESTON ROAD, SUITE 650  
DALLAS, TEXAS 75225

EXHIBIT "A"  
MSD AREA SURVEY  
4.909 ACRES

SHEET  
**2**  
OF  
**2**

# "Exhibit A"

**FIELD NOTE DESCRIPTION**

STATE OF TEXAS  
COUNTY OF DALLAS

BEING a tract of land situated in the James A. Sylvester Survey Abstract No. 1383 and being a portion of the right-of-way of Douglas Avenue (48' right-of-way), Cedar Spring Road (60' right-of-way), Knight Street (50' right-of-way), Dickason Avenue (50' right-of-way), and a portion of a 15' alley and being all of Lot 3A and 6A, Block C/1502, Tom Thumb 510 Addition, an addition to the City of Dallas, Dallas County, Texas as recorded in Volume 20001B7, Page 480 of the Deed Records of Dallas County, Texas and being all of Lot 1, Block A/1502 Replat of Block A/1502 & part of Block F/1502 of the G.A. Knights Subdivision (Unrecorded), an addition to the City of Dallas, Dallas County, Texas as recorded in Volume 88014, Page 0391(DRDCT) more particularly described as follows:

BEGINNING at a point in the intersection of the said southerly right-of-way line of Dickason Avenue and the said northerly right-of-way line of Douglas Avenue.

THENCE along the said northerly right-of-way line of Douglas Avenue, North 45 deg. 39 min. 30 sec. East for a distance of 535.09' feet to a point in the intersection of said northerly right-of-way line of Douglas Avenue and said easterly right-of-way line of Cedar Spring Road.

THENCE departing the said northerly right-of-way line of Douglas Avenue along the easterly right-of-way line of Cedar Spring Road South 47 deg. 49 min. 00 sec. East for a distance of 458.47' feet to a point found in the intersection of said easterly right-of-way line of Cedar Spring Road and the said southerly right-of-way line of Knight Street.

THENCE departing the said easterly right-of-way line of Cedar Spring Road along the said southerly right-of-way line of Knight Road, South 45 deg. 39 min. 30 sec. West for a distance of 379.92' feet. To a point in the southerly right-of-way line of Knight Road.

THENCE departing the said southerly right-of-way line of Knight Road along the common line of said LOT 3A BLOCK F/1502 and LOT 1 & 2 BLOCK F/1502 of the CATALINA TOWNHOMES CONDOMINIUM as recorded in Volume 79180, Page 0900 (DRDCT), North 47 deg. 49 min. 00 sec. West for a distance of 200.37' feet to a point that is the West most corner of said LOT 3A BLOCK F/1502.

THENCE departing the common line of said LOT 3A BLOCK F/1502 and said LOT 1 & 2 BLOCK F/1502, South 45 deg. 39 min. 30 sec. West for a distance of 155.18' feet to a point in the said southerly right-of-way line of Dickason Avenue.


THENCE along the said southerly right-of-way line of Dickason Avenue, North 47 deg. 49 min. 00 sec. West for a distance of 258.11' feet back to the POINT OF BEGINNING.

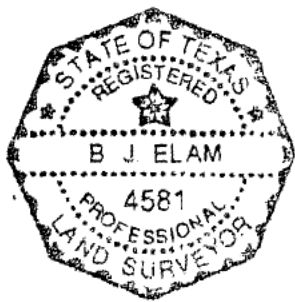
CONTAINING within these metes and bounds 4.909 acres or 273,840 square feet of land more or less. All Bearings cited hereon are based upon the replat of Block A/1502 and part of Block F/1502 of the G.A. Knights Subdivision recorded in Volume 88014, Page 391, Plat Records of Dallas County, Texas.

**SURVEYORS CERTIFICATE**

The undersigned hereby certifies the above field note description was prepared from an on the ground survey performed in the field on the 3rd day of January, 2006 under the supervision of the undersigned and that the field notes description forms a mathematical figure of 1:15,000.

Date: 8-8-06

  
B. J. Elam  
Registered Professional Land Surveyor  
Texas Registration No. 4581  
Winkelmann & Associates, Inc.  
6750 Hillcrest Plaza Drive, Suite 100  
Dallas, Texas 75230  
(972) 490-7090



**Winkelmann & Associates, Inc.**  
CONSULTING CIVIL ENGINEERS ■ SURVEYORS  
(972) 490-7090 FAX (972) 490-7099

Scale: 1" = 100'      Date: 7/27/06  
gn: WAJ  
Drawn: AHW  
Dwg File: 01439MSD.DWG  
Project No.: 01439.00

REDWOOD RESIDENTIAL  
8411 PRESTON ROAD, SUITE 650  
DALLAS, TEXAS 75225

EXHIBIT "A"  
MSD AREA SURVEY  
4.909 ACRES

SHEET  
**1**  
OF  
**2**

# "Exhibit B"



## Municipal Setting Designation Application Form

<b>TCEQ Office Use Only:</b> Application No: 034 Date Received: 2/20/07	Date Add. Info Req. / / Date Add. Info Rec'd / / Date Certified: / / Date Denied: / /
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Reset Form
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**Municipal Setting Designation Eligibility Criteria:**

Is the proposed municipal setting designation (MSD) within the corporate limits of a municipality authorized by statute that has a population of at least 20,000? (See most recent <i>place</i> population estimate reported at <a href="http://txsdc.utsa.edu/tpepp/txpopest.php">http://txsdc.utsa.edu/tpepp/txpopest.php</a> .)	<input checked="" type="radio"/> Yes	<input type="radio"/> No <sup>1</sup>
Is the proposed municipal setting designation (MSD) within the extraterritorial jurisdiction of a municipality authorized by statute that has a population of at least 20,000? (See most recent <i>place</i> population estimate reported at <a href="http://txsdc.utsa.edu/tpepp/txpopest.php">http://txsdc.utsa.edu/tpepp/txpopest.php</a> .)	<input checked="" type="radio"/> Yes	<input type="radio"/> No <sup>1</sup>
Municipality name: Dallas	Population: 1,214,048	
Is there a public drinking water supply system that satisfies the requirements of THSC Chapter 341 and supplies or is capable of supplying drinking water to: a) the proposed MSD property, and b) each property within 0.5 miles beyond the boundary of the proposed MSD?	<input checked="" type="radio"/> Yes	<input type="radio"/> No <sup>1</sup>
<sup>1</sup> If No, the eligibility criteria are not met. Do not submit an application.		

**Applicant and Fee Payment Information:**

Contact Person: <input checked="" type="radio"/> Mr. <input type="radio"/> Ms. Mick Rossley		
Title: Vice President		
Company: Redwood Cedar, LLC		
Mailing Address: 8411 Preston Rd., Suite 650		
City: Dallas	State: TX	Zip: 75225
Telephone: 214 / 987-4888	Telefax: 214 / 369-5412	
E-mail Address: [REDACTED]		
Is the required \$1,000 application being submitted to TCEQ in advance or at the same time the MSD application is being submitted to TCEQ?	<input checked="" type="radio"/> Yes	<input type="radio"/> No <sup>2</sup>
<sup>2</sup> Do not submit application.		

**MSD Property Address:**

Street Address: 4123 Cedar Springs	
City: Dallas	Zip: 75219
County: Dallas	Acres: ~3.075
If multiple properties provide an attachment to the application providing the above information for each property.	

**Notice Information:**

On or before the date of submission of the application to TCEQ, was notice provided to:		
a) each municipality:		
1) where the proposed MSD is located?	<input checked="" type="radio"/> Yes	<input type="radio"/> No <sup>4</sup>
2) with a border within 0.5 miles beyond the proposed MSD boundaries?	<input type="radio"/> Yes	<input type="radio"/> No <sup>3</sup> <input checked="" type="radio"/> NA <sup>4</sup>
3) that owns or operates a groundwater supply well located within five miles beyond the proposed MSD boundaries?	<input type="radio"/> Yes	<input type="radio"/> No <sup>3</sup> <input checked="" type="radio"/> NA <sup>4</sup>
b) each current owner of a private well registered with the commission and located within five miles beyond the proposed MSD boundaries?	<input checked="" type="radio"/> Yes	<input type="radio"/> No <sup>3</sup> <input type="radio"/> NA <sup>4</sup>

c) each retail public utility, as defined by Texas Water Code, §13.002, that owns or operates a groundwater supply well located within five miles beyond the proposed MSD boundaries?	<input type="radio"/> Yes	<input type="radio"/> No <sup>3</sup>	<input checked="" type="radio"/> NA <sup>4</sup>
<sup>3</sup> Do not submit application.			
<sup>4</sup> NA only when no such municipality, private well owner, or retail public utility exists			

**MSD Information:**

List all existing TCEQ and US Environmental Protection Agency registration, permit, identification numbers (e.g., SWR No., VCP No., LPST ID No., UIC Registration No., PWS ID. No.), if any, that apply to the groundwater contamination situation within the proposed MSD boundary. State "none" if none applicable. <u>VCP 1938</u>		
Is the proposed designated groundwater contaminated in excess of an applicable potable water <sup>5</sup> use standard (i.e., 30 TAC 350, <sup>GW</sup> GW <sub>ing</sub> )?	<input checked="" type="radio"/> Yes	<input type="radio"/> No <sup>6</sup>
Was the groundwater contamination previously reported to the TCEQ? (To support implementation of HB 3030, 76 <sup>th</sup> Legislature.)	<input checked="" type="radio"/> Yes, when? 06 / 12 / 06	<input type="radio"/> No
Is there a potable-use well within the boundary of the proposed MSD that uses the designated groundwater as source water?	<input type="radio"/> Yes <sup>6</sup>	<input checked="" type="radio"/> No
Is there a potable-use well within the boundary of the proposed MSD that uses a deeper groundwater zone for the source water that is not properly sealed off from the designated groundwater?	<input type="radio"/> Yes <sup>6</sup>	<input checked="" type="radio"/> No
Is the applicant aware of any non-consumptive use of the groundwater or other human health or ecological exposure pathways that are of concern? If yes, specify:	<input type="radio"/> Yes	<input checked="" type="radio"/> No
Has each municipality and retail public utility identified in §361.8065 provided firm commitment to adopt an ordinance or resolution in support of the application?	<input checked="" type="radio"/> Yes	<input type="radio"/> No <sup>6</sup>
Is a copy of the ordinance or restrictive covenant that restricts consumptive use and appropriately restricts other uses of and contact with the designated groundwater, and any required resolutions provided with this application?	<input checked="" type="radio"/> Yes	<input type="radio"/> No
<sup>5</sup> "Potable water" means water that is used for irrigating crops intended for human consumption, drinking, showering, bathing, or cooking purposes [THSC §361.801(2)].		
<sup>6</sup> Do not submit an application.		

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

- The MSD eligibility criteria of THSC §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 was 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.

Redwood Cedar, LLC a Texas Limited Liability Company

Mick Rossley  
Applicant Signature

2/14/07  
Date

Before me Lynn M. Recktenwald the undersigned authority, on this day personally appeared Mick Rossley, Vice President  
Name of Notary  
of Redwood Cedar, LLC and signed this Municipal Setting Designation Application.  
Name of Applicant

Sworn, subscribed and signed before me in the County of Dallas, State of Texas, on the 14<sup>th</sup>  
day of February, this month of 2007.

Lynn M. Recktenwald

