

Bryan W. Shaw, Ph.D., *Chairman*
Buddy Garcia, *Commissioner*
Carlos Rubinstein, *Commissioner*
Mark R. Vickery, P.G., *Executive Director*



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

May 7, 2010

Mr. Clint Babcock
Glenn Springs Holdings, Inc.
5005 LBJ Freeway, Suite 1350
Dallas, Texas 75244-6119

Re: Municipal Setting Designation (MSD) Certificate for Glenn Springs, Inc., 8800 South Central Expressway, Dallas, Dallas County, Texas; MSD No. 128

Dear Mr. Babcock:

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) 239-2378 or via e-mail (rclarke@tceq.state.tx.us).

Sincerely,

Handwritten signature of Richard Clarke in cursive.

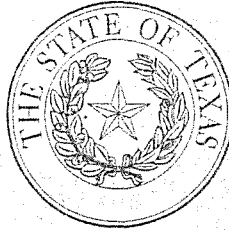
Richard Clarke, P.G., Project Manager
VCP-CA Section
Remediation Division

RC/jdm

Enclosure

cc: Mr. Mark Erwin, Project Manager, TCEQ SWR No. 30914, Remediation Division, MC-221

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



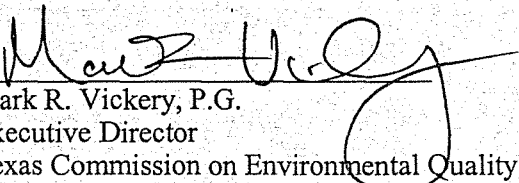
MUNICIPAL SETTING DESIGNATION CERTIFICATE

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

I, Mark R. Vickery, Executive Director of the Texas Commission on Environmental Quality certify the Municipal Setting Designation for MSD No.128 in the City of Dallas for 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 the 13th day of April, 2010


Mark R. Vickery, P.G.
Executive Director
Texas Commission on Environmental Quality

SURVEY FOR:
 WESTON SOLUTIONS, INC., Agent for
 OCCIDENTAL CHEMICAL CORPORATION

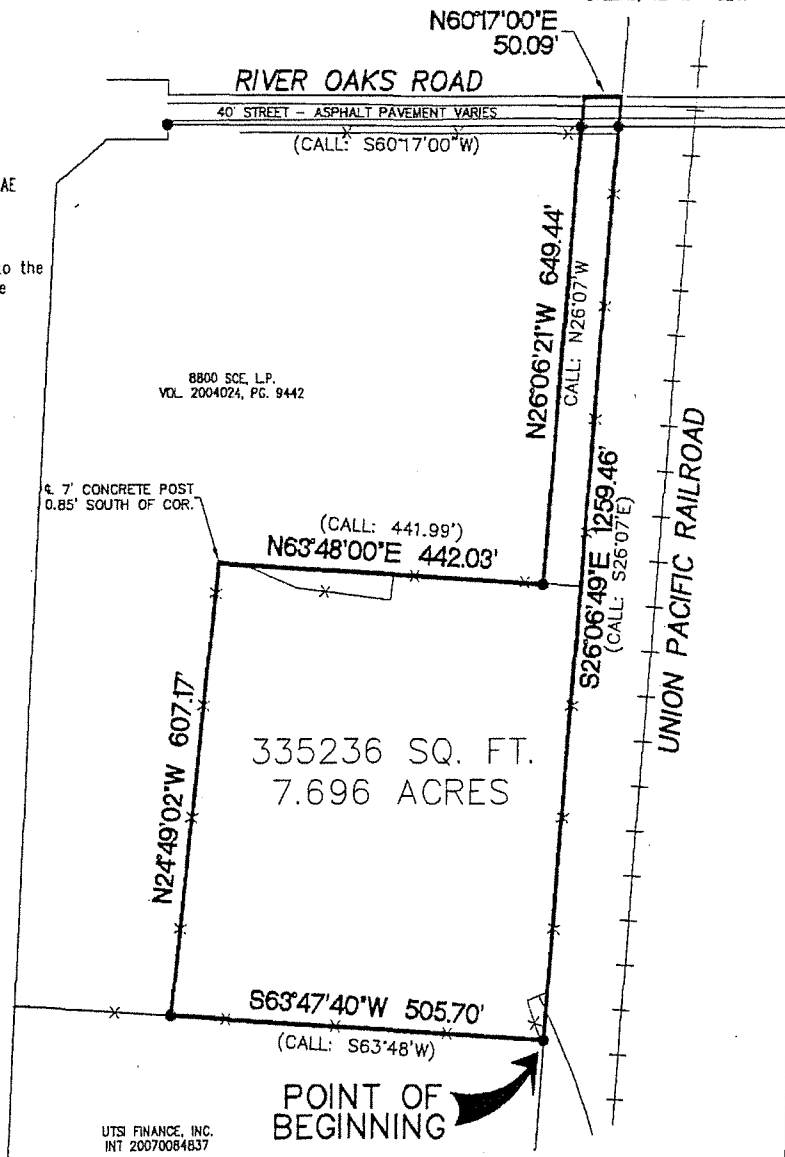
STREET ADDRESS: WE1019
 8800 S CENTRAL EXPRESSWAY
 DALLAS, TEXAS 75241

FLOOD INSURANCE RATE MAP
 Dallas County, Texas and Incorporated Areas
 Panel 505 of 725
 Map Number 48113C0505 J
 Effective Date August 23, 2001

Per the Flood Insurance Rate Map issued by the
 Federal Emergency Management Agency, the property
 described in this survey is located within Flood Zone AE
 and is subject to the 100 year flood.

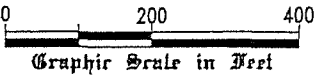
The bearings recited hereon are correlated to the
 bearing of record for the main tracks of the
 Union Pacific Railroad from River Oaks Road
 southward, said bearing being S 26°07' E as
 recovered by survey on the ground.

S. CENTRAL EXPRESSWAY



NOTE:
 All visible encroachments, utilities, and/or easements
 affecting this parcel of land at the time of survey are
 indicated on this plot of survey.

- LEGEND
- STEEL PIN FOUND
 - STEEL PIN SET
 - ⊙ POWER POLE
 - ← GUY ANCHOR
 - × FENCE



7.696 ACRES
 JOHN B. RICHARDS SURVEY
 ABSTRACT 1192
 in the CITY OF DALLAS,
 DALLAS COUNTY, TEXAS



Surveyors

2KC Enterprises, Inc.

Post Office Box 100 Telephone 254.854.2030
 198 Private Road 142 Fax 254.854.2006
 Covington, Texas 76636 Email 2kc@digitex.net

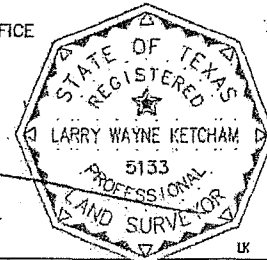
This plot is the property of 2KC Enterprises, Inc. Said firm and the undersigned surveyor accept no responsibility for the use of this plot for any purpose other than that for which said plot was originally prepared, and extend the use of this plot for only six months from the date shown thereon, and it shall not be used from that date without the written consent of an authorized agent of 2KC Enterprises, Inc.

I DO HEREBY AFFIRM THAT THIS SURVEY SUBSTANTIALLY COMPLIES WITH THE CURRENT TEXAS SOCIETY OF PROFESSIONAL SURVEYORS STANDARDS AND SPECIFICATIONS FOR A CATEGORY 1B CONDITION III (SUBURBAN) SURVEY ACCORDING TO THE INFORMATION FURNISHED. IT WAS MADE ON THE GROUND UNDER MY DIRECT SUPERVISION ON THE 19TH DAY OF JULY, 2007. I FURTHER STATE THAT THERE ARE NO VISIBLE OVERLAPPING OF IMPROVEMENTS OR APPARENT EASEMENTS LOCATED ON THIS TRACT EXCEPT AS SHOWN HEREON.

WITNESS MY HAND AND SEAL OF OFFICE

DATE: 26 July 2007

Larry Wayne Ketcham
 LARRY WAYNE KETCHAM
 Registered Professional Land Surveyor
 No. 5133, STATE OF TEXAS



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 ³	<input checked="" type="radio"/> NA ⁴
³ Do not submit application.			
⁴ 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. SWR 30914; RN102807104; CN600125256; EPA ID TX007325111 (inactive)		
Is the proposed designated groundwater contaminated in excess of an applicable potable water ⁵ use standard (i.e., 30 TAC 350, ^{GW} GW ₁₀₀)?	<input checked="" type="radio"/> Yes	<input type="radio"/> No ⁶
Was the groundwater contamination previously reported to the TCEQ? (To support implementation of HB 3030, 78 th Legislature.)	<input checked="" type="radio"/> Yes, when? 04 / 19 / 94	<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 ⁶	<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 ⁶	<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 ⁶
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
⁵ "Potable water" means water that is used for irrigating crops intended for human consumption, drinking, showering, bathing, or cooking purposes [THSC §361.801(2)].		
⁶ 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.

Clinton J. Brock
Applicant Signature

12/03/09
Date

Before me, Debra Lynn Taylor, the undersigned authority, on this day personally appeared Clinton J. Brock and signed this Municipal Setting Designation Application.

Sworn, subscribed and signed before me in the County of Dallas, State of Texas on the 3rd day of December, this month of 2009.

