

Buddy Garcia, *Chairman*  
Larry R. Soward, *Commissioner*  
Bryan W. Shaw, Ph.D., *Commissioner*  
Glenn Shankle, *Executive Director*



## TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

*Protecting Texas by Reducing and Preventing Pollution*

March 19, 2008

Mr. Andy Adams  
W&M Environmental Group, Inc.  
220 Lafayette Street, Suite 126  
Iowa City, Iowa 52240

RE: Municipal Setting Designation (MSD) Certificate for Dallas Woodall Properties, LLC, 1616 Woodall Roger Freeway, Dallas, TX; MSD No. 62

Dear Mr. Adams.:

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,

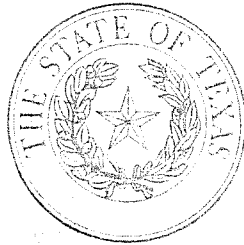
A handwritten signature in black ink, appearing to read "Mike Frew".

Mike Frew, P.G.  
Environmental Cleanup Section II  
Remediation Division

MF/sr

Enclosure

# Texas Commission on Environmental Quality



## Municipal Setting Designation

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 MSD No. 62, in the City of 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.

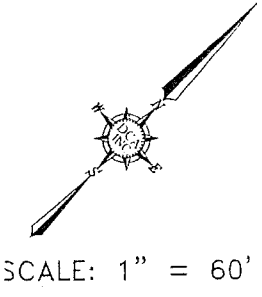
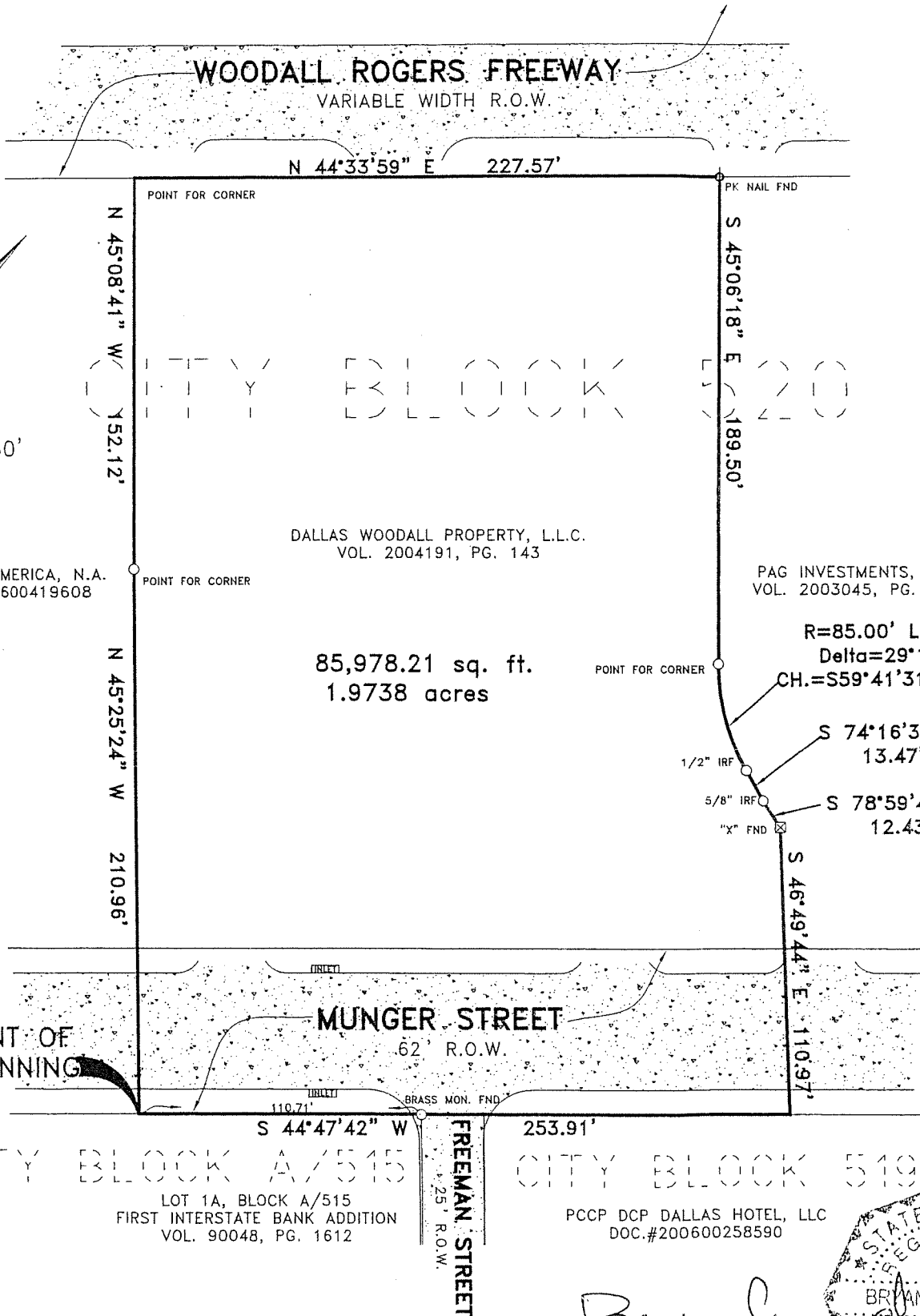
Any person addressing environmental impacts for a property located in the certified municipal setting designation shall complete any necessary investigation and response action requirements in accordance with Texas Health and Safety Code §361.808, in conjunction with the applicable Texas Commission on Environmental Quality environmental remediation regulation, as modified by Texas Health and Safety Code §361.808.

EXECUTED this 6<sup>th</sup> day of MARCH, 2008.

A handwritten signature in black ink, appearing to read "G. Shankle", written over a horizontal line.

Glenn Shankle  
Executive Director  
Texas Commission on Environmental Quality

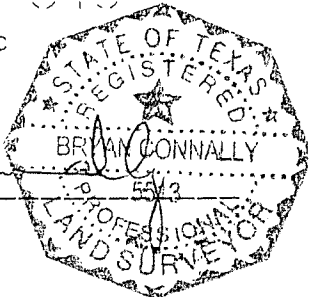
EXHIBIT "A"  
M.S.D. SURVEY



GENERAL NOTES:

1) BEARINGS ARE BASED ON DEED RECORDED IN VOLUME 2004191, PAGE 143, DEED RECORDS, DALLAS COUNTY, TEXAS.

*Bryan Connally*  
BRYAN CONNALLY  
R.P.L.S. NO. 5513



**DOUG CONNALLY & ASSOCIATES, INC.**  
ENGINEERING · PLANNING · SURVEYING  
11545 Pagemill Road · Suite 200 · Dallas, Texas 75243  
P 214.349.9485 · F 214.349.2216  
www.dcadfw.com

SHEET 1 OF 3  
JOB NO. 0700665-1  
DRAWN BY: R.G.

EXHIBIT "A"  
M.S.D. SURVEY

Being a tract of land situated in the John Grigsby Survey, Abstract No. 495 and being part of City Block 520 in the City of Dallas, Dallas County, Texas, and being part of Munger Street (62 foot right of way) and being more particularly described as follows:

BEGINNING at a point for corner, said corner lying in the Southeast line of said Munger Street and lying in the Northwest line of Lot 1A, Block A/515 of First Interstate Bank Addition, an Addition to the City of Dallas, Dallas County, Texas, according to the map or plat thereof recorded in Volume 90048, Page 1612 of the Map Records of Dallas County, Texas;

THENCE North 45 degrees 25 minutes 24 seconds West, a distance of 210.96 feet to a point for corner, said corner lying in the Northeast line of a tract of land conveyed to Bank of America, N.A. by Deed recorded in Official Doc. No. 200600419608, Deed Records, Dallas County, Texas;

THENCE North 45 degrees 08 minutes 41 seconds West continuing along the Northeast line of said Bank of America tract, a distance of 152.12 feet to a point for corner, said corner being the North corner of said Bank of America tract and lying in the Southeast line of Woodall Rogers Freeway (variable width right of way);

THENCE North 44 degrees 33 minutes 59 seconds East along the Southeast line of said Woodall Rogers Freeway, a distance of 227.57 feet to a pk nail found for corner, said corner being the West corner of a tract of land conveyed to PAG Investments, LTD. by Deed recorded in Volume 2003045, Page 3501, Deed Records, Dallas County, Texas;

THENCE South 45 degrees 06 minutes 18 seconds East along the Southwest line of said PAG Investment tract, a distance of 189.50 feet to a point for corner, said corner being in a nontangnet curve to the Right having a radius of 85.00 feet, a delta of 29 degrees 10 minutes 25 seconds and a chord bearing and distance that bears South 59 degrees 41 minutes 31 seconds East, 42.81 feet;

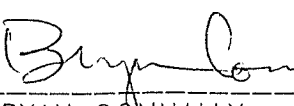
THENCE along the Southwest line of said PAG Investment tract, and along said curve to the Right, an arc length of 43.28 feet to a 1/2 inch iron rod found for corner;

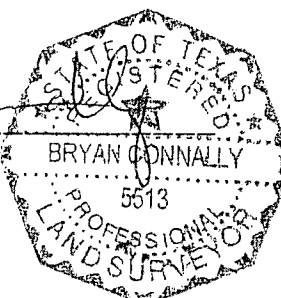
THENCE South 74 degrees 16 minutes 33 seconds East continuing along the Southwest line of said PAG Investment tract, a distance of 13.47 feet to a 5/8 inch iron rod found for corner;

THENCE South 78 degrees 59 minutes 43 seconds East continuing along the Southwest line of said PAG Investment tract, a distance of 12.43 feet to an "X" found for corner;

THENCE South 46 degrees 49 minutes 44 seconds East continuing along the Southwest line of said PAG Investment tract and crossing said Munger Street, a distance of 110.97 feet to a point for corner, said corner lying in the Northwest line of a tract of land conveyed to PCCP DCP Dallas Hotel, LLC by Deed Records in Official Doc. No. 200600258590, Deed Records, Dallas County, Texas;

THENCE South 44 degrees 47 minutes 42 seconds West, a distance 253.91 feet to the POINT OF BEGINNING and containing 85,978.21 square feet or 1.9738 acres of land.

  
BRYAN CONNALLY  
R.P.L.S. NO. 5513



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SHEET 2 OF 3

JOB NO. 0700665-1

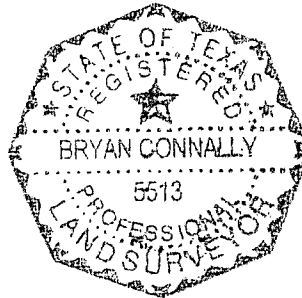
DRAWN BY: R.G.

EXHIBIT "A"  
M.S.D. SURVEY

The undersigned Registered Professional Land Surveyor (Bryan Connally) hereby certifies that, (a) this survey and the property description set forth hereon were prepared from an actual on-the-ground survey; (b) such survey was conducted by the Surveyor, or under his direction; (c) all monuments shown hereon actually existed on the date of the survey, and the location, size and type of material thereof are correctly shown; Use of this survey by any other parties and/or for other purposes shall be at User's own risk and any loss resulting from other use shall not be the responsibility of the undersigned. The plat hereon is a correct and accurate representation of the property lines and dimensions are as indicated; location and type of buildings are as shown; and EXCEPT AS SHOWN, all improvements are located within the boundaries the distances indicated and there are no visible and apparent encroachments or protrusions on the ground.

Executed this 15th day of March, 2007

  
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Bryan Connally  
Registered Professional Land Surveyor No. 5513



'B'

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>
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<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.  
VCP No. 1777

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, 78 <sup>th</sup> Legislature.)	<input checked="" type="radio"/> Yes, when? 02 / 09 / 2007	<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 type="radio"/> Yes	<input checked="" 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.

Michael Smith  
Applicant Signature

12/7/07  
Date

Before me Consuelo E. Santiago the undersigned authority, on this day personally appeared  
Name of Notary  
Michael Smith and signed this Municipal Setting Designation Application.  
Name of Applicant

Sworn, subscribed and signed before me in the County of Los Angeles, State of CA, on the 7<sup>th</sup>  
day of December, this month of December, 2007.

