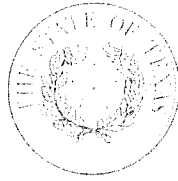


Buddy Garcia, *Chairman*
Larry R. Soward, *Commissioner*
Bryan W. Shaw, Ph.D., *Commissioner*
Mark R. Vickery, P.G., *Executive Director*



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

March 24, 2009

Ms. Molly Wratz, Environmental Compliance Engineer
QuikTrip Corporation
4705 South 129th East Avenue
Tulsa, OK 74134

Re: Municipal Setting Designation (MSD) Certificate for QuikTrip No. 956, 115 & 117 SW
Wilshire Boulevard, Burlleson, TX; MSD 95

Dear Ms. Wratz:

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).

Sincerely,

A handwritten signature in black ink that reads "Mike Frew".

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

MF/jhm

Enclosure

Texas Commission on Environmental Quality



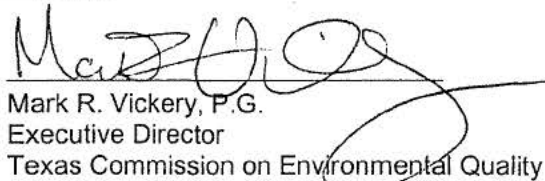
Municipal Setting Designation

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

I, Mark R. Vickery, Executive Director of the Texas Commission on Environmental Quality certify the Municipal Setting Designation for MSD No. 95, in the City of Burleson, 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 19th day of March, 2009.


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

A

LEGAL DESCRIPTION

BEING a tract of land situated in the City of Burlington, Johnson County, Texas, out of the H.G. Catlett Survey, Abstract No. 189, and being all of Lot 3R, Block 5, G.W. Cummings Addition, according to the plat thereof recorded in Volume 9, Page 725, Plat Records, Johnson County, Texas, and all of Lot A, Block 5, G.W. Cummings Addition, according to the plat thereof recorded in Volume 2, Page 46, Plat Records, Johnson County, Texas, and part of a 10 foot wide alley vacated by City Ordinance No. C-564, recorded in Volume 3245, Page 855, and Volume 3245, Page 660, Deed Records, Johnson County, Texas:

COMMENCING at a 1/2" iron rod found at the intersection of the southwest line of NW Renfro Street (variable width right of way) and the northwest line of SW Anderson Street (80' right of way), being the most easterly corner of Lot 1-R, Block 5, G.W. Cummings Addition, according to the plat thereof recorded in Volume 7, Page 92, Plat Records, Johnson County, Texas;

THENCE, along said northwest line of SW Anderson Street, South 45 degrees, 13 minutes, 58 seconds West, passing the most southerly corner of said Lot 1-R at a distance of 109.84 feet, continuing in all a distance of 114.84 feet to an "X" set in concrete at the center of said vacated 10 foot wide alley, the POINT OF BEGINNING;

THENCE, continuing along said northwest line of SW Anderson Street, South 45 degrees, 15 minutes, 58 seconds West, passing the most easterly corner of said Lot A, Block 5, G.W. Cummings Addition, at a distance of 5.00 feet, continuing in all a distance of 165.00 feet to a 1/2" iron rod found at the most southerly corner of said Lot A;

THENCE, along the southwest line of said Lot A, North 44 degrees, 40 minutes, 12 seconds West, a distance of 217.52 feet to a 1/2" iron rod found in the southeast line of SW Wilshire Boulevard, State Highway 174 (variable width right of way), at the most westerly corner of said Lot A;

THENCE, along said southeast line of SW Wilshire Boulevard, North 39 degrees, 37 minutes, 32 seconds East, a distance of 40.22 feet to an "X" found in concrete for a westerly corner of said Lot A;

THENCE, continuing along said southeast line of SW Wilshire Boulevard, North 44 degrees, 32 minutes, 00 seconds West, a distance of 26.27 feet to an "X" set in concrete for a westerly corner of said Lot A;

THENCE, continuing along said southeast line of SW Wilshire Boulevard, North 45 degrees, 21 minutes, 00 seconds East, passing the most northerly corner of said Lot A at a distance of 120.14 feet, continuing in all a distance of 234.55 feet to a 5/8" iron rod set with plastic cap stamped "R.P.L.S. 5199" at the intersection of said southeast line of SW Wilshire Boulevard and the southwest line of NW Renfro Street (variable width right of way), being the most northerly corner of said Lot 3R, from which a brass disk TxDOT monument found bears North 45 degrees, 21 minutes East, a distance of 8.31 feet;

THENCE, along said southwest line of NW Renfro Street, and the northeast line of said Lot 3R, South 44 degrees, 43 minutes, 04 seconds East, a distance of 80.00 feet to a 5/8" iron rod set with plastic cap stamped "R.P.L.S. 5199";


THENCE, continuing along said southwest line of NW Renfro Street, South 46 degrees, 38 minutes, 17 seconds East, a distance of 114.30 feet to a 5/8" iron rod set with plastic cap stamped "R.P.L.S. 5199" at the most easterly corner of said Lot 3R, from which a 1/2" iron rod found bears North 63 degrees, 15 minutes East, a distance of 1.76 feet;

THENCE, along the common line of said Lot 3R and said Lot 1-R, South 45 degrees, 13 minutes, 57 seconds West, passing the most westerly corner of said Lot 1-R at a distance 108.64 feet, continuing in all a distance of 113.54 feet to a 5/8" iron rod set with plastic cap stamped "R.P.L.S. 5199" at the most southerly corner of said Lot 3R;

THENCE, along the center line of said 10 foot wide alley, South 44 degrees, 37 minutes, 04 seconds East, a distance of 75.00 feet to the POINT OF BEGINNING, and containing 58,326 square feet, or 1.3819 acres of land, more or less.

To: QuikTrip Corporation, an Oklahoma Corporation, D & I Investments, a Texas General Partnership, and Chicago Title Insurance Company:

This is to certify that this map or plat and the survey on which it is based were made in accordance with the "Minimum Standard Detail Requirements for ALTA/ACSM Land Title Surveys," jointly established and adopted by ALTA and NSPS in 2006, and includes Items 1- 6, 7(a), 8, 10, 11(b), 13, 17.1, 17.2, 17.3, 17.4, 17.5, 17.6, 17.7, 17.8, 17.9, 17.10, 17.11, and 17.12 of Table A thereof. Pursuant to the Accuracy Standards as adopted by ALTA and NSPS and in effect on the date of this certification, undersigned further certifies that in my professional opinion, as a land surveyor registered in the State of Texas, the Relative Positional Accuracy of this survey does not exceed that which is specified therein.


Douglas S. Loomis
Registered Professional Land Surveyor No. 5199



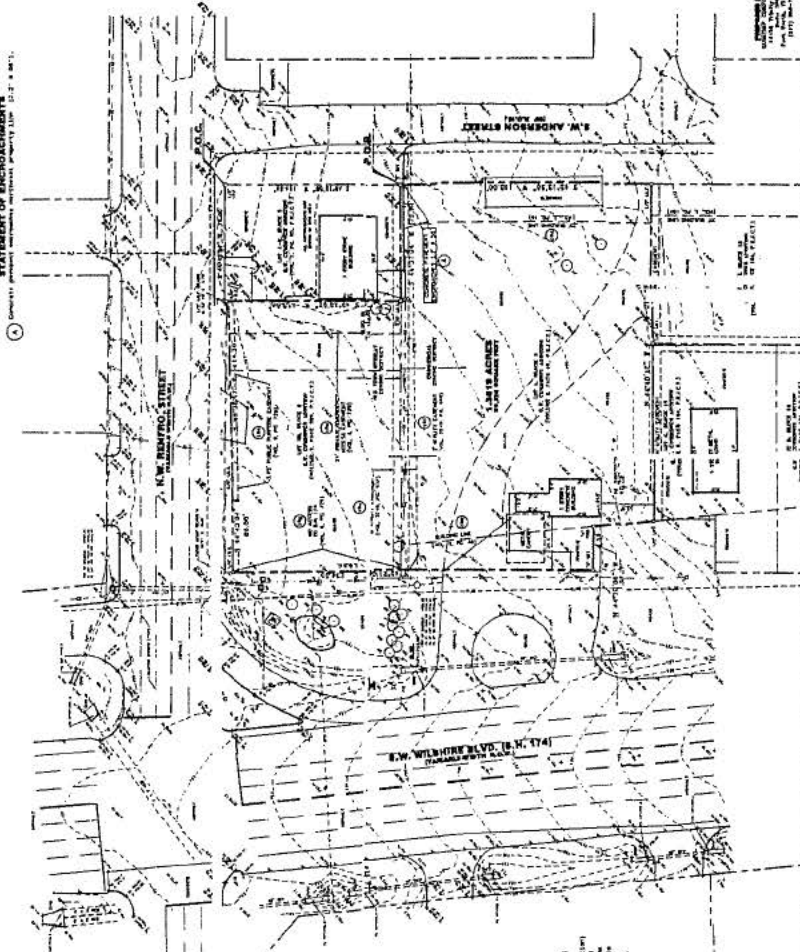
BENCHMARKS
 The points of reference of all survey lines and boundaries shown on this plan are as follows:
 1. The intersection of the center lines of E.W. Wilshire Blvd. and E.W. Wilshire Street.
 2. The intersection of the center lines of E.W. Wilshire Blvd. and E.W. Wilshire Street.
 3. The intersection of the center lines of E.W. Wilshire Blvd. and E.W. Wilshire Street.
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 10. The intersection of the center lines of E.W. Wilshire Blvd. and E.W. Wilshire Street.

- NOTES CORRESPONDING TO SCHEDULE B ITEMS**
- (1) The boundary lines shown on this plan are as shown on the plan of the City of Dallas, Texas, and as shown on the plan of the City of Dallas, Texas, and as shown on the plan of the City of Dallas, Texas.
 - (2) The boundary lines shown on this plan are as shown on the plan of the City of Dallas, Texas, and as shown on the plan of the City of Dallas, Texas, and as shown on the plan of the City of Dallas, Texas.
 - (3) The boundary lines shown on this plan are as shown on the plan of the City of Dallas, Texas, and as shown on the plan of the City of Dallas, Texas, and as shown on the plan of the City of Dallas, Texas.
 - (4) The boundary lines shown on this plan are as shown on the plan of the City of Dallas, Texas, and as shown on the plan of the City of Dallas, Texas, and as shown on the plan of the City of Dallas, Texas.
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 - (6) The boundary lines shown on this plan are as shown on the plan of the City of Dallas, Texas, and as shown on the plan of the City of Dallas, Texas, and as shown on the plan of the City of Dallas, Texas.
 - (7) The boundary lines shown on this plan are as shown on the plan of the City of Dallas, Texas, and as shown on the plan of the City of Dallas, Texas, and as shown on the plan of the City of Dallas, Texas.
 - (8) The boundary lines shown on this plan are as shown on the plan of the City of Dallas, Texas, and as shown on the plan of the City of Dallas, Texas, and as shown on the plan of the City of Dallas, Texas.
 - (9) The boundary lines shown on this plan are as shown on the plan of the City of Dallas, Texas, and as shown on the plan of the City of Dallas, Texas, and as shown on the plan of the City of Dallas, Texas.
 - (10) The boundary lines shown on this plan are as shown on the plan of the City of Dallas, Texas, and as shown on the plan of the City of Dallas, Texas, and as shown on the plan of the City of Dallas, Texas.

BENCHMARKS
 The points of reference of all survey lines and boundaries shown on this plan are as follows:
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UTILITY STATEMENT
 The utility lines shown on this plan are as shown on the plan of the City of Dallas, Texas, and as shown on the plan of the City of Dallas, Texas, and as shown on the plan of the City of Dallas, Texas.
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LEGAL DESCRIPTION
 This tract is located in the City of Dallas, Texas, and is bounded as follows:
 The north boundary line is a line of 100 feet, more or less, beginning at the intersection of the center lines of E.W. Wilshire Blvd. and E.W. Wilshire Street, and extending north along the center line of E.W. Wilshire Blvd. for a distance of 100 feet.
 The east boundary line is a line of 100 feet, more or less, beginning at the intersection of the center lines of E.W. Wilshire Blvd. and E.W. Wilshire Street, and extending east along the center line of E.W. Wilshire Blvd. for a distance of 100 feet.
 The south boundary line is a line of 100 feet, more or less, beginning at the intersection of the center lines of E.W. Wilshire Blvd. and E.W. Wilshire Street, and extending south along the center line of E.W. Wilshire Blvd. for a distance of 100 feet.
 The west boundary line is a line of 100 feet, more or less, beginning at the intersection of the center lines of E.W. Wilshire Blvd. and E.W. Wilshire Street, and extending west along the center line of E.W. Wilshire Blvd. for a distance of 100 feet.



LEGEND
 This legend defines the symbols used on the plat to indicate different types of lines and features:
 - Solid line: Boundary line of the tract.
 - Dashed line: Boundary line of an adjacent tract.
 - Dotted line: Utility line.
 - Circle with a dot: Benchmark.
 - Circle with a cross: Survey station.
 - Circle with a plus sign: Corner of a building.

UTILITY CONTACTS
 The utility lines shown on this plan are as shown on the plan of the City of Dallas, Texas, and as shown on the plan of the City of Dallas, Texas, and as shown on the plan of the City of Dallas, Texas.
 The utility lines shown on this plan are as shown on the plan of the City of Dallas, Texas, and as shown on the plan of the City of Dallas, Texas, and as shown on the plan of the City of Dallas, Texas.

FORMING INFORMATION
 This information provides details about the surveying process and the surveyor's qualifications.
 The survey was conducted by [Surveyor Name], a Professional Surveyor in the State of Texas, License No. [Number].
 The survey was completed on [Date].

ALTA/ACSM LAND TITLE SURVEY
1.3916 ACRE TRACT OF LAND
 OUT OF
 H.G. CHILDETT SURVEY, ABSTRACT No. 1833
 CITY OF DALLAS, JOHNSON COUNTY, TEXAS

PSI
 Planning & Surveying, Inc.
 1111 North Stemmons Freeway, Suite 1000
 Dallas, Texas 75207
 Telephone: (214) 343-1111
 Fax: (214) 343-1112



FLOOD STATEMENT
 This tract is not located in a flood plain or flood hazard area as shown on the Flood Insurance Rate Map (FIRM) No. 13060C0249E, dated August 1, 1983, and as shown on the Flood Insurance Rate Map (FIRM) No. 13060C0249E, dated August 1, 1983.



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 checked="" type="radio"/> Yes	<input type="radio"/> No ³	<input 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.

Is the proposed designated groundwater contaminated in excess of an applicable potable water ⁵ use standard (i.e., 30 TAC 350, ^{GW} GW _{ing})?	<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? 01/ 30 /08	<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.

[Signature]
Applicant Signature

12/2/08
Date

Before me Laura A. Thompson the undersigned authority, on this day personally appeared
Name of Notary
Molly Wratz and signed this Municipal Setting Designation Application.
Name of Applicant



Sworn, subscribed and signed before me in the County of Tulsa, State of OK, on the 2nd day of December, this month of December, 2008