

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. Maurice Blankenship
Berryman Products, Inc.
3800 Randol Mill Road
Arlington, Texas 76011

Re: Municipal Setting Designation (MSD) Certificate for Berryman Products, Inc., 3800
Randol Mill Road, Arlington, Tarrant County, Texas; MSD No. 130

Dear Mr. Blankenship:

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) 239-2362 or via e-mail (marthur@tceq.state.tx.us).

Sincerely,

A handwritten signature in black ink, appearing to read "Mark Arthur".

Mark Arthur, P.G., Project Manager
VCP-CA Section
Remediation Division

MA/jdm

Enclosure

cc: Mr. Mark Riggle, VCP No. 1417 Project Manager, 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. 130, in the City of Arlington, 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 30th day of April, 2010

A handwritten signature in black ink, appearing to read "Mark R. Vickery", written over a horizontal line.

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

EXHIBIT A

Page 1 of 2

Metes and Bounds Description: (5.193 Acres)

Being a tract of land situated in the P.A. Watson Survey, Abstract No. 1731, in the City of Arlington, Tarrant County, Texas and being all of Site 14 of INDUSTRIAL COMMUNITY #26th INSTALLMENT GREAT SOUTHWEST INDUSTRIAL DISTRICT, as recorded in Volume 388-30, Page 732, of the Map Records of Tarrant County, Texas (M.R.T.C.T.), said tract being more particularly described as follows:

BEGINNING at a 1/2" iron rod with a yellow plastic cap stamped "BRITAIN AND CRAWFORD" found for the southwesterly corner of said Site 14, same being the northwesterly corner of Site 44 of SIXTH INSTALLMENT INDUSTRIAL COMMUNITY NO. 2 GREAT SOUTHWEST INDUSTRIAL DISTRICT, as recorded in Volume 388-71, Page 415, M.R.C.C.T. and also being in the easterly line of Lead Track No. 183 (a 53' right-of-way);

THENCE NORTH, partly along the easterly monumented line of Lead Track No. 183, same being the westerly line of said Site 14, passing a 1/2" iron rod found for the northwesterly corner of said Site 14, same being the southerly right-of-way line of Randol Mill Road, at a distance of 426.14' and continuing in all a total distance of 524.89' to a point for corner in the northerly right-of-way line of Randol Mill Road, same being the southerly line of Lot 24R-1 of the REPLAT OF LOT 24R-1 AND LOT 24R-2 GISD SIXTH INSTALLMENT COMMUNITY NO. 2, as recorded in Cabinet A, Slide 10568, same being in a curve to the right, having a radius of 878.51', a central angle of 24°02'50" and a chord which bears, North 78°14'10" East, a chord distance of 366.01';

THENCE along the northerly right-of-way line of Randol Mill Road, passing the most easterly corner of said Lot 24R-1 at an arc length of 74.57' and continuing along the southerly line of Lot 24R-2 of said addition, a total arc length of 366.01' to an "X" found in concrete;

THENCE South 89°44'27" East, continuing along the southerly line of said Lot 24R-2, same being the northerly right-of-way line of Randol Mill Road, a distance of 33.36' to a point for the northeasterly corner of the herein described property;

THENCE South 00°00'52" East, passing the southerly line of said Randol Mill Road at a distance of 89.00' and continuing over and across said Site 14, a total distance of 599.36' to a point for corner in the aforementioned common line between Site 14 and Site 44;

THENCE WEST, along last said common line, a distance of 391.84' to the POINT OF BEGINNING and containing 226,208 square feet or 5.193 acres of land, more or less.



I.R.S. = 1/2" Iron Rod With Cap Stamped "RPLS 5686": Set
No Improvements, easements or building lines are shown on this survey.
C.M. = Controlling Monument; I.R.F. = Iron Rod Found; F.C.P. = Fence Corner Post
Bearing Basis Note: Bearings are based on the above referenced, recorded map or plat.

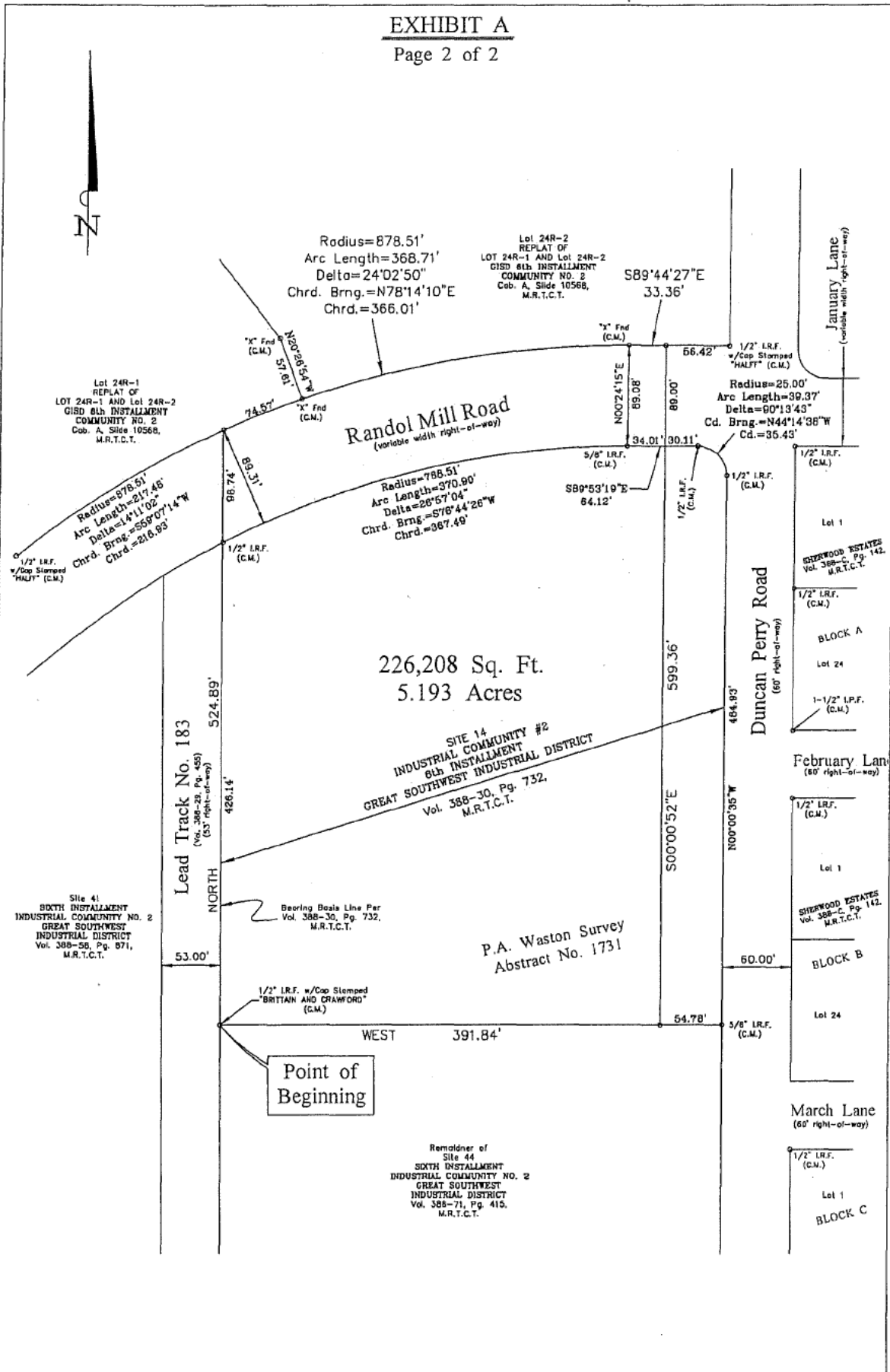


North Texas Surveying, L.L.C.
Registered Professional Land Surveyors
1515 South McDonald St.,
Suite 110, McKinney, Tx. 75069
Ph. (469) 424-2074 Fax: (469) 424-1997
www.northtexassurveying.com

DATE: 11/20/08 SCALE: 1" = 100' DRAWN BY: C.S.H. CHK. BY: M.B.A. JOB NO.: 2008-0211

EXHIBIT A

Page 2 of 2



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Exhibit 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. VCP - 1417; CN - CN600272066, RN100561281; EPA ID - TXD055326508; LPST - 92015; PST Reg - 45538		
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? 11 / 15 / 1987	<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.

Applicant Signature: Maurice Blankenship Date: 1/22/10

Maurice Blankenship, President
Berrymen Products, Inc.

Before me Timi Hazle the undersigned authority, on this day personally appeared

Maurice Blankenship Name of Notary
Name of Applicant President of Berrymen Products, Inc. and signed this Municipal Setting Designation Application.

Sworn, subscribed and signed before me in the County of Tarrant, State of Tx on the 22 day of January, this month of 2010.

Timi J. Hazle

