

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

April 21, 2011

Mr. Lance Douglas
Maple/Douglas, LP
402 Calle Miramar
Redondo Beach, California 90277

RE: Municipal Setting Designation (MSD) Certificate for Maple Douglas, LP,
5522 Maple Avenue, Dallas, Dallas County, Texas; MSD No. 157

Dear Mr. Douglas:

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) 239-2992 or via e-mail (Chris.Siegel@TCEQ.Texas.gov).

Sincerely,

A handwritten signature in black ink, appearing to read "Chris Siegel".

Chris Siegel, Project Manager
VCP-CA Section
Remediation Division

CS/jdm

Enclosure

cc: Mr. Jeff Beckage, VCP 2256 Project Manager, Remediation Division, MC-221

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



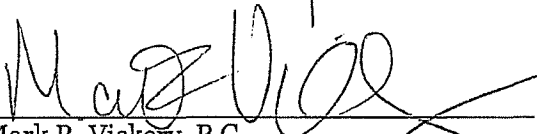
MUNICIPAL SETTING DESIGNATION CERTIFICATE

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. 157, 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 7th day of April, 2011



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

EXHIBIT "A"

PROPERTY DESCRIPTION

BEING a part of Maple Avenue and all of Lot 9, Block A/5708 of MAPLE INWOOD PHASE TWO, an addition to the City of Dallas, Dallas County, Texas, recorded in Volume 99039, Page 14 of the Map Records of Dallas County, Texas, and being more particularly described as follows;

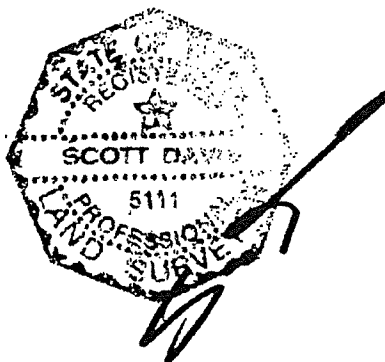
COMMENCING at the present intersection of the northeast R.O.W. line of Maple Avenue (a 70' R.O.W.) with the northwest R.O.W. line of Butler Street (a 50' R.O.W.); THENCE N 45°00'00" W, 150.74' along the northeast line of Maple Avenue to a nail found at the common south corner of Lot 9 and the west corner of that same tract of land described in deed to Don Robinson Trust No. 1, recorded in Volume 96227, Page 1638 of the Deed Records of Dallas County, Texas: THENCE S 44°55'00" W, 70.00' to a point in the southwest line of Maple Avenue and the Point of Beginning;

THENCE N 45°00'00" W, 282.97' along the southwest line of Maple Avenue to a point for corner;

THENCE N 45°00'00" E, at 70.00' passing a cross found at the common corner of Lots 8 and 9 of the aforementioned MAPLE INWOOD PHASE TWO addition, and continuing along the common line of Lots 8 and 9 a total distance of 422.00' to a cross found for corner;

THENCE S 45°00'00" E, 282.36' continuing along the common line of Lots 8 and 9 to a 1/2" iron rod found at the common south corner of Lot 8 and the east corner of Lot 9, said point being in the northwest line of that same tract of land described in deed to PCLC Company, L.P., recorded in Volume 91071, Page 3422 of the Deed Records of Dallas County, Texas;

THENCE S 44°55'00" W, 422.00' along the northwest line of the PCLC Company, L.P. property and the southeast line of said Lot 9 to the Point of Beginning and containing 119,284.49 square feet or 2.7384 acres of land.



PAGE 1 OF 2

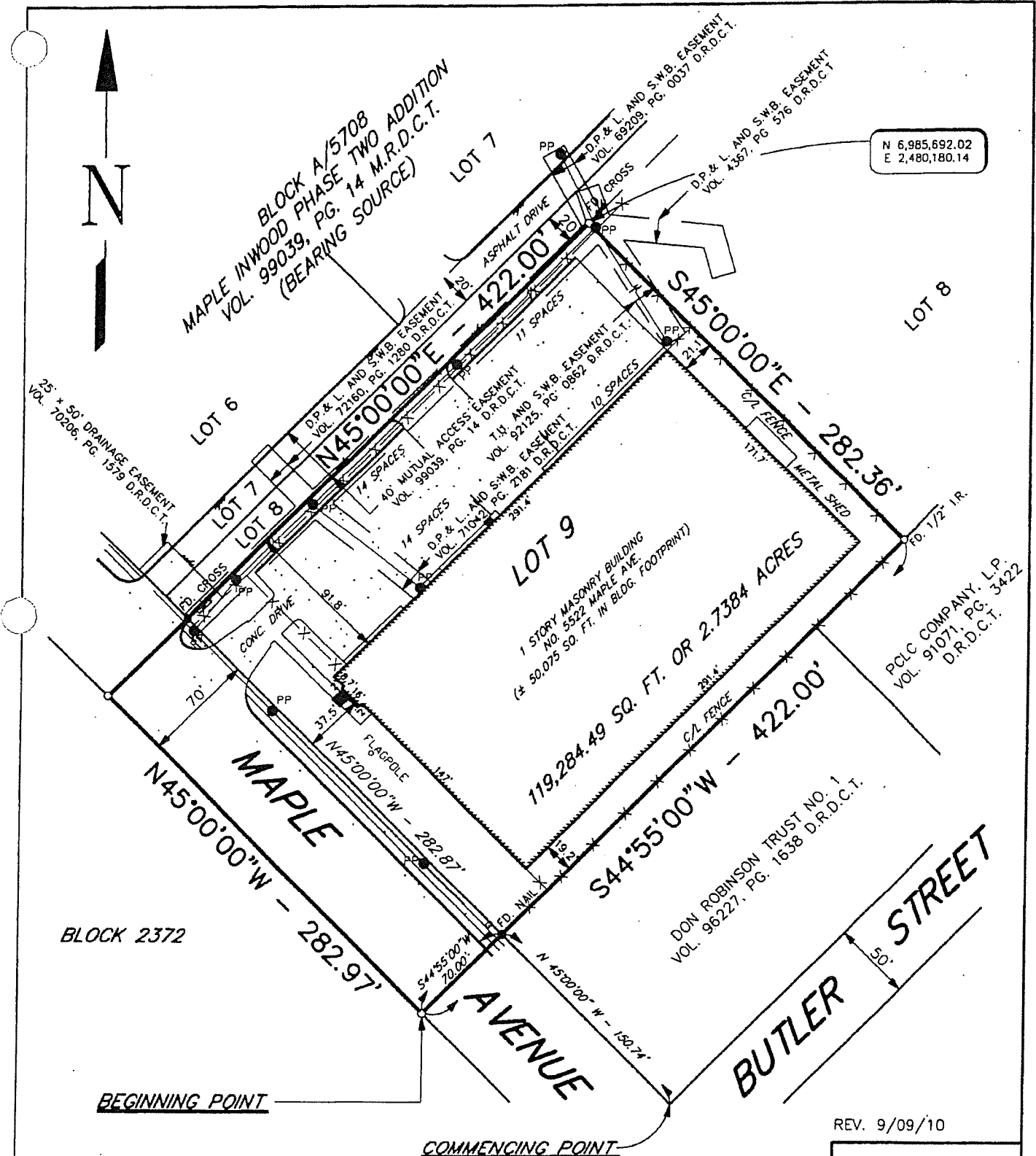
SCALE: 1" = 80'

DATE: 4/30/10

JOB NO. 99019B-1

DAVIS LAND SURVEYING CO., INC.
9777 FERGUSON ROAD, SUITE 105
DALLAS, TEXAS 75228 214-321-0569

EXHIBIT "A"



N 6,985,692.02
E 2,480,180.14

DAVIS LAND SURVEYING CO., INC.
9777 FERGUSON ROAD, SUITE 105
DALLAS, TEXAS 75228 214-321-0569

REV. 9/09/10
SCALE: 1" = 80'
DATE: 4/30/10
JOB NO. 99019B-1

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 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. VCP ID No. 2256		
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? 04 / 15 / 09	<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.

Lance Douglas
Applicant Signature

11/17/10
Date

Before me Tracy L. Hahn the undersigned authority, on this day personally appeared
Lance Douglas and signed this Municipal Setting Designation Application.
Name of Notary Name of Applicant

Sworn, subscribed and signed before me in the County of Los Angeles State of CA, on the day of 17, this month of November 2010

