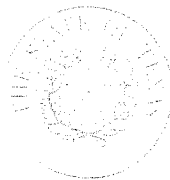


Bryan W. Shaw, Ph.D., *Chairman*  
Buddy Garcia, *Commissioner*  
Carlos Rubinstein, *Commissioner*  
Mark R. Vickery, P.G., *Executive Director*



## TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

*Protecting Texas by Reducing and Preventing Pollution*

August 10, 2011

Ms. Chris Casey, Vice President of Business and Finance  
Southern Methodist University  
C/O Martha Fleisher, Associate University Counsel  
Office of Legal Affairs  
P.O. Box 750132  
Dallas, Texas 75275-0132

Re: Municipal Setting Designation (MSD) No. 167; Certificate for Southern Methodist University, 5651 N. Central Expressway, 5214, 5216, 5220, and 5230 E. Mockingbird Lane, Dallas, Dallas County, Texas

Dear Ms. Casey:

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) 239-2204 or via e-mail ([andre.price@tceq.texas.gov](mailto:andre.price@tceq.texas.gov)).

Sincerely,

A handwritten signature in black ink, appearing to read "A. Price", with a horizontal line extending to the right.

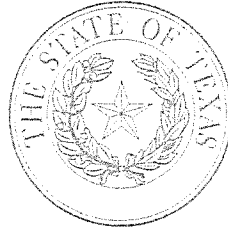
Andre` V. Price, Project Manager  
VCP-CA Section  
Remediation Division

AP/mdh

cc: Mr. Mark Riggle, VCP Nos. 1667, 1894, and 1895, Project Manager,  
Remediation Division, MC-221

Enclosure

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



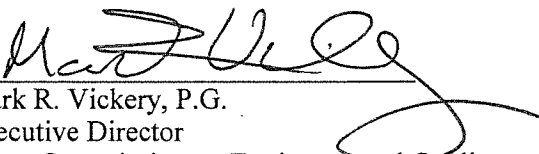
MUNICIPAL SETTING DESIGNATION CERTIFICATE

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. 167, 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 3<sup>rd</sup> day of August, 2011

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

# Exhibit "A"

MSD No. 167

**FIELD NOTE DESCRIPTION**

STATE OF TEXAS  
COUNTY OF DALLAS

BEING a tract of land situated in the J.W. SMITH SURVEY, Abstract No. 1334 and the JOEL SIKES SURVEY, Abstract No. 1338 and being a portion of the City Dallas Block No. 2020, A/2020 and B/2020 and being a portion of MOCKING BIRD LANE ( variable width Right-of-Way ) and a portion of a 10' ALLEY and being all of a tract of land conveyed to MUSTANG MOCKINGBIRD PROPERTIES as recorded in Instrument # 200600011943 of the Deed Records of Dallas County, Texas ( DRDCT ) and being all of a tract of land conveyed to MUSTANG MOCKINGBIRD CORPORATION as recorded in Instrument # 200600011941 ( DRDCT ) and all of a tract of land conveyed to Southern Methodist University as recorded in Instrument # 2006000326997 ( DRDCT ) and all of a tract of land conveyed to Pony Properties as recorded in Volume 2004112, Page 13608 ( DRDCT ) and being more particularly described as follows:

BEGINNING at an "X" cut found in concrete at the intersection of the westerly Right-of-Way line of NORTH CENTRAL EXPRESSWAY - U.S. HIGHWAY NO. 75 ( variable width Right-of-Way ) and the northerly Right-of-Way line of the M.K. & T. RAILROAD ( 60' Right-of-Way );

THENCE departing the westerly Right-of-Way line of said NORTH CENTRAL EXPRESSWAY - U.S. HIGHWAY NO. 75 and along the northerly Right-of-Way line of said M.K. & T. RAILROAD South 45 deg 36 min 56 sec West a distance of 91.18 feet to a 1/2 inch iron rod set with a red plastic cap stamped "W.A.I." for corner, said point being set in the easterly Right-of-Way line of a 10' ALLEY;

THENCE departing the northerly Right-of-Way line of said M.K. & T. RAILROAD and along the easterly Right-of-Way line of said 10' ALLEY as follows;

North 01 deg 50 min 48 sec East a distance of 269.36 feet to a 1/2 inch iron rod set with a red plastic cap stamped "W.A.I." for corner;

North 02 deg 46 min 56 sec West passing through the most southwesterly corner of a tract of land conveyed to MUSTANG MOCKINGBIRD PROPERTIES as recorded in Instrument # 200600011943 ( DRDCT ) passing the southerly Right-of-Way line of said MOCKINGBIRD LANE at a distance of 1040.42 feet continuing in all a distance of 1119.15 feet to a point for corner in the northerly Right-of-Way line of said MOCKINGBIRD LANE;

THENCE along the northerly Right-of-Way line of said MOCKINGBIRD LANE as follows;

South 89 deg 45 min 58 sec East a distance of 188.92 feet to a Pk. Nail found for corner;

North 86 deg 08 min 52 sec East a distance of 155.82 feet to a Pk. Nail found for corner;

North 86 deg 38 min 17 sec East a distance of 16.91 feet to a 1/2 inch iron rod set with a red plastic cap stamped "W.A.I." for corner;

North 87 deg 07 min 41 sec East a distance of 130.30 feet to an "X" cut set in concrete for corner;

North 65 deg 20 min 48 sec East a distance of 8.66 feet to a 1/2 inch iron rod set for corner, said point being set in the westerly Right-of-Way line of DUBLIN STREET ( 50' Right-of-Way );

North 79 deg 15 min 23 sec East across said DUBLIN STREET a distance of 50.96 feet to a Brass Cap TXDOT Monument found for corner, said point being found in the westerly Right-of-Way line of said NORTH CENTRAL EXPRESSWAY - U.S. HIGHWAY 75;

THENCE along the westerly Right-of-Way line of said NORTH CENTRAL EXPRESSWAY - U.S. HIGHWAY 75 as follows;

South 38 deg 43 min 42 sec West across said MOCKINGBIRD LANE a distance of 142.53 feet to a 1/2 inch iron rod set with a red plastic cap stamped "W.A.I." for corner, said point being set in the southerly Right-of-Way line of said MOCKINGBIRD LANE;

South 00 deg 16 min 34 sec West a distance of 10.00 feet to a point for corner which a Brass Cap TXDOT Monument found bears South 86 deg 38 min 41 sec East a distance of 0.52 feet;

North 88 deg 51 min 30 sec East a distance of 32.96 feet to an "X" cut set in concrete pavement for corner;

South 00 deg 30 min 22 sec West a distance of 51.32 feet to a Brass Cap TXDOT Monument found corner;

South 26 deg 45 min 11 sec West a distance of 66.57 feet to a Brass Cap TXDOT Monument found for corner;

South 43 deg 47 min 30 sec West a distance of 14.11 feet to an "X" cut set in concrete pavement for corner;

South 21 deg 46 min 07 sec West a distance of 35.04 feet to an "X" cut found in concrete pavement for corner;

South 23 deg 29 min 05 sec West a distance of 67.09 feet to a Brass Cap TXDOT Monument found for the beginning of a curve to the left having a radius of 2302.83 feet and having a chord bearing of South 19 deg 03 min 33 sec West and a chord length of 418.58 feet;

Continuing along said curve to the left through a central angle of 10 deg 25 min 44 sec and an arc length of 419.16 feet to a Brass Cap TXDOT Monument found for the point of tangency;

South 17 deg 25 min 24 sec West a distance of 105.48 feet to a point for corner which an "X" cut found in concrete pavement bears South 11 deg 25 min 25 sec East a distance of 0.43 feet;

South 17 deg 09 min 42 sec West a distance of 101.26 feet to a point for corner which a 5/8 inch iron rod found bears South 38 deg 08 min 17 sec East a distance 0.44 feet;

South 13 deg 35 min 26 sec West a distance of 100.03 feet to a 1/2 inch iron rod set with a red plastic cap stamped "W.A.I." for corner;

South 13 deg 47 min 02 sec West a distance of 46.15 feet to an "X" cut set in concrete pavement for corner;

South 13 deg 50 min 12 sec West a distance of 291.42 feet to the POINT OF BEGINNING;


CONTAINING within these metes and bounds 8.256 acres 359,643 square feet of land more or less. Bearings contained within this field note description are based upon an on the ground survey performed in the field on the 19th day of September, 2006 utilizing GPS measurements.

**SURVEYORS CERTIFICATE**

The undersigned hereby certifies the above field note description was prepared from an on the ground survey performed in the field 15th day of August, 2006 under the supervision of the undersigned and that the field note description forms a mathematical figure of 1:15,000.

5/16/08

Leonard J. Luker  
Registered Professional Land Surveyor  
Texas Registration No. 5714  
Winkelmann & Associates, Inc.  
6750 Alcrest Plaza Drive, Suite 100  
Dallas, Texas 75230  
(972) 490-7090

	<b>Winkelmann &amp; Associates, Inc.</b>
CONSULTING CIVIL ENGINEERS ■ SURVEYORS ( 972 ) 490-7090 FAX ( 972 ) 490-7099	
Scale : 1"=200'	Date : 5/2/08
Design : WAI	
Drawn : WAI	
Dwg. File : 50301MSD.DWG	
Project No. : 50301.00	

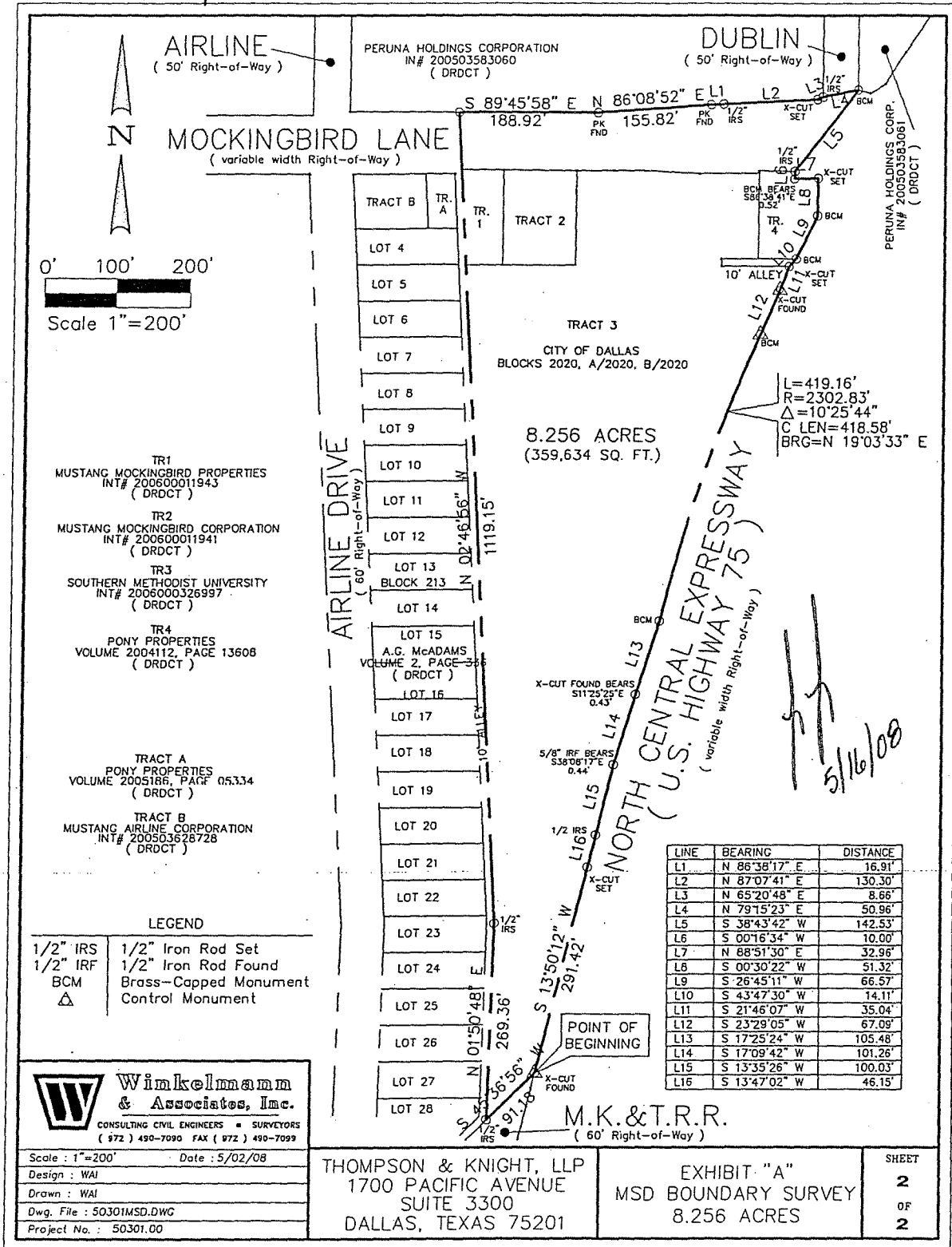
**THOMPSON & KNIGHT, LLP**  
1700 PACIFIC AVENUE  
SUITE 3300  
DALLAS, TEXAS 75201

EXHIBIT "A"  
MSD BOUNDARY SURVEY  
8.256 ACRES

SHEET  
**1**  
OF  
**2**

# Exhibit "A"

MSD No. 167



# Exhibit "B" MSD No. 167

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>
<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. See Introduction to the attachments. <u>VCP Nos. 1667, 1894, 1895 LPST Nos. 96573, 110719</u>		
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? 08 /10 /90	<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 checked="" type="radio"/> Yes	<input 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.

Christine Casey  
Applicant Signature

3/23/11  
Date

Before me Alyssa Mooney the undersigned authority, on this day personally appeared  
Name of Notary  
Christine Casey and signed this Municipal Setting Designation Application.  
Name of Applicant

Sworn, subscribed and signed before me in the County of Dallas, State of TX, on the 23  
 day of \_\_\_\_\_, this month of March, 2011.

