

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

July 20, 2011

Mr. Greg Miller
Preston Trail Plaza, Ltd.
5001 Spring Valley Road, Suite 1100 W
Dallas, Texas 75244

RE: Municipal Setting Designation (MSD) No. 169; Certificate for Preston Trail Plaza, Ltd., 17370-17390 Preston Road, Dallas, Dallas County, Texas

Dear Mr. Miller:

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 Mr. Stu Goldsmith at (512) 239-2960 or via e-mail (Richard.goldsmith@tceq.texas.gov).

Sincerely,

A handwritten signature in black ink, appearing to read "Andre V. Price".

Andre V. Price, MSD Assistant Program Coordinator
VCP-CA Section
Remediation Division

AP/jdm

cc: Mr. Pindy Lall, VCP No. 2242, Project Manager, Remediation Division,
MC-221

Enclosure

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



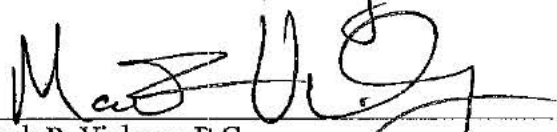
MUNICIPAL SETTING DESIGNATION CERTIFICATE

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 (MSD) for MSD No. 169, 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.

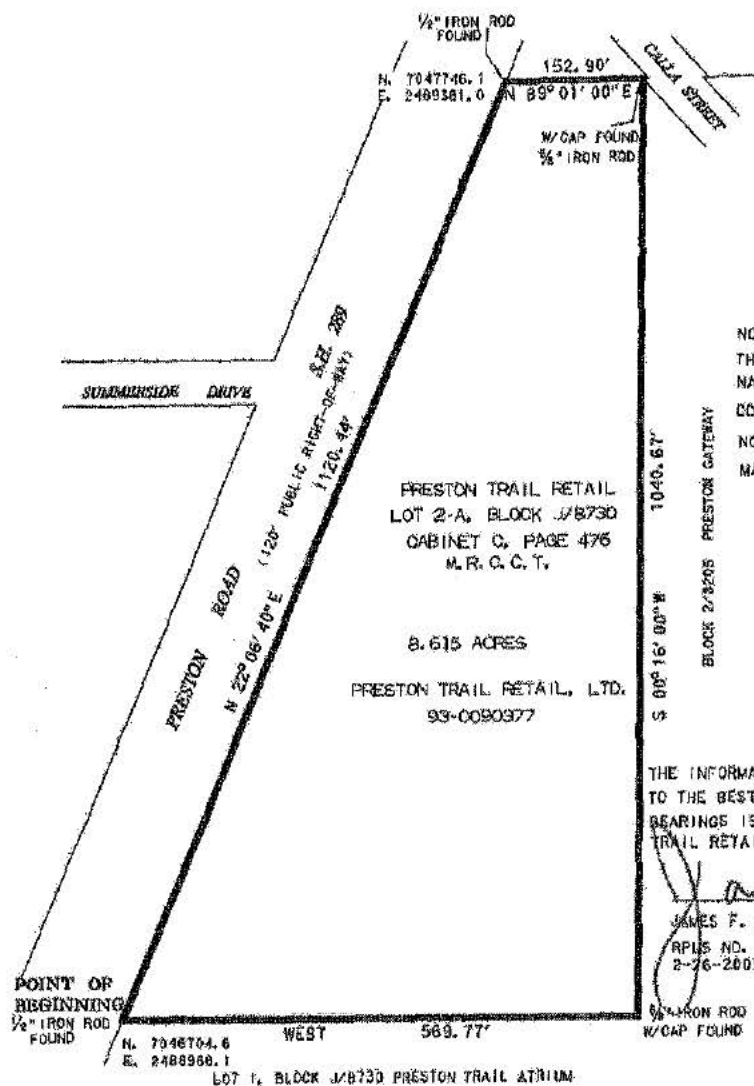
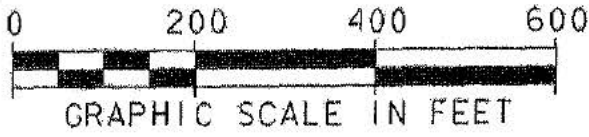
Any person addressing environmental impacts for a property located in the certified municipal setting designation shall complete any necessary investigation and response action requirements in accordance with Texas Health and Safety Code §361.808, in conjunction with the applicable Texas Commission on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

EXECUTED this the 15th day of July, 2011



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

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NOTE:
THE COORDINATES SHOWN HEREON ARE GPS DERIVED NAD 1983 GRID COORDINATES, TEXAS STATE PLANE COORDINATES, NORTH CENTRAL ZONE. THEY WERE NOT USED AS THE BASIS OF BEARINGS FOR THIS MAP AND ARE FOR GIS PURPOSES ONLY.

THE INFORMATION SHOWN HEREON IS ACCURATE AND TRUE TO THE BEST OF MY KNOWLEDGE AND BELIEF. THE BASIS OF BEARINGS IS THE PLAT OF LOT 2-A, BLOCK J/8730, PRESTON TRAIL RETAIL AS REFERENCED HEREON.

JAMES F. KASSON
RPLS NO. 4500
2-26-2009



MSD BOUNDARY SURVEY OF
LOT 2-A, BLOCK J/8730
PRESTON TRAIL RETAIL

AN ADDITION TO THE CITY OF DALLAS, AS RECORDED IN CABINET "O", PAGE 476, SITUATED IN THE A. B. DANKS SURVEY, ABSTRACT NO. 283, AND BEING PART OF DALLAS CITY BLOCK 8730, COLLIN COUNTY, TEXAS.

JACOBS
777 MAIN STREET
FORT WORTH, TX 76102
(817) 735-4300

JOB #	80006MSD	DATE:	02-26-09	DRAWN:	JFK	CHECKED:	TM
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1 OF 2

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FIELD NOTE DESCRIPTION
MSD AREA

STATE OF TEXAS
COUNTY OF COLLIN

BEING A TRACT OF LAND SITUATED IN THE A. B. DANKS SURVEY, ABSTRACT NO. 283, CITY OF DALLAS, COLLIN COUNTY, TEXAS, AND BEING ALL OF THAT TRACT OF LAND AS DESCRIBED BY DEED TO PRESTON TRAIL RETAIL, LTD. AND RECORDED IN CLERK'S FILING NO. 93-0090377 OF THE DEED RECORDS OF COLLIN COUNTY, TEXAS AND BEING ALL OF LOT 2-A, BLOCK J/8730, PRESTON TRAIL RETAIL, AN ADDITION TO THE CITY OF DALLAS, COLLIN COUNTY TEXAS AS RECORDED IN PLAT CABINET "C", PAGE 476 OF THE MAP RECORDS OF COLLIN COUNTY, TEXAS AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF SAID LOT 2-A, BEING A 1/2 INCH IRON ROD FOUND IN THE EASTERLY RIGHT-OF-WAY LINE OF PRESTON ROAD (A 120' WIDE PUBLIC RIGHT-OF-WAY),

THENCE N 22° 06' 40" E, 1120.44 FEET ALONG SAID RIGHT-OF-WAY LINE TO A 1/2 INCH IRON ROD FOUND FOR THE NORTHWEST CORNER OF SAID LOT 2-A,

THENCE N 89° 01' 00" E, 152.90 FEET LEAVING SAID RIGHT-OF-WAY TO A 5/8 INCH IRON ROD FOUND FOR THE NORTHEAST CORNER OF SAID LOT 2-A,

THENCE S 00° 16' 00" W, 1040.67 FEET TO A 5/8 INCH IRON ROD FOUND FOR THE SOUTHEAST CORNER OF SAID LOT 2-A,

THENCE WEST, 569.77 FEET TO THE POINT OF BEGINNING AND CONTAINING 375,262 SQUARE FEET OR 8.615 ACRES OF LAND, MORE OR LESS.

THE ABOVE FIELD NOTE DESCRIPTION IS ACCURATE AND TRUE TO THE BEST OF MY KNOWLEDGE AND BELIEF. THE BASIS OF BEARINGS IS THE PLAT OF PRESTON TRAIL RETAIL AS REFERENCED HEREIN.

James F. Kasson

JAMES F. KASSON, RPLS NO. 4500



MSD BOUNDARY SURVEY OF
LOT 2-A, BLOCK J/8730

PRESTON TRAIL RETAIL

AN ADDITION TO THE CITY OF DALLAS, AS RECORDED IN CABINET "C", PAGE 476, SITUATED IN THE A. B. DANKS SURVEY, ABSTRACT NO. 283, AND BEING PART OF DALLAS CITY BLOCK 8730, COLLIN COUNTY, TEXAS.

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JACOBS
777 MAIN STREET
FORT WORTH, TX 76102
(817) 735-2000

JOB # S10090MSD DATE: 02-26-09 DRAWN: CHECKED: TM

SHT. NO.
2 OF 2

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. See introduction to the attachments.

Is the proposed designated groundwater contaminated in excess of an applicable potable water ⁶ 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? 01-07-09 /	<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

⁶ "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.

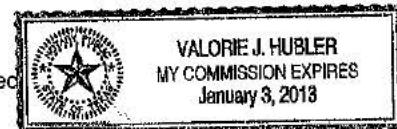
I affirmatively state that (place an X in all applicable blanks):

- 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.

Greg Miller
Applicant Signature

4-20-11
Date

Before me Valorie Hubler the undersigned authority, on this day personally appeared Greg Miller
Name of Notary Name of Applicant and signed this Municipal Setting Designation Application.



Sworn, subscribed and signed before me in the County of Dallas, State of TX, on the 20 day of April, this month of _____, 2011.