

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

October 10, 2011

Mr. John Bryant
c/o Ms. Cynthia J. Bishop
Gardere
1601 Elm Street, Suite 3000
Dallas, Texas 75201

RE: 6300 Cedar Springs, Dallas, Dallas County, TX; Municipal Setting Designation (MSD) Application No. 170

Dear Mr. Bryant:

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) 239-2205 or via e-mail (Rodney.Bryant@tceq.texas.gov).

Sincerely,

A handwritten signature in black ink that reads "Rodney Bryant".

Rodney Bryant, Project Manager
VCP-CA Section
Remediation Division

RDB/mdh

Enclosure: MSD Certificate No. 170
City Contact Letter Notice of Certification

cc: Mrs. Danielle Lesikar, VCP 1819 Project Manager, Remediation Division, MC-221

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



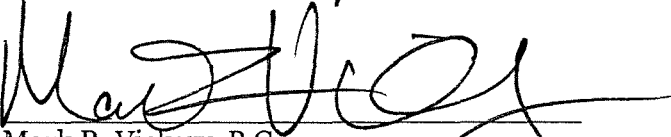
MUNICIPAL SETTING DESIGNATION CERTIFICATE

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 (MSD) for MSD No.170, 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 28th day of September 2011


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

MSD APPLICATION
Description of Property
Located at 6300 Cedar Springs Road and a
Part of Cedar Springs Road and Manor Way
and a Part of Released Spur Track
City of Dallas, Dallas County, Texas

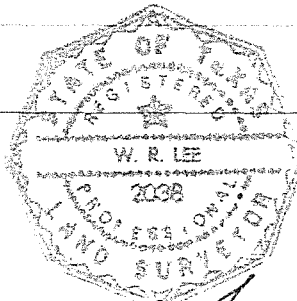
BEING a 7.628 acre tract of land situated in the Miles Bennett Survey, Abstract No. 55, and being Block 5718, City of Dallas, Dallas County, Texas, and being that certain tract of land conveyed to Cedar Springs Investments LLC by Deed recorded in Inst. No. 200900314054, Deed Records, Dallas County, Texas, and being part of that certain tract of land from DART (Dallas Area Rapid Transit) to Cedar Springs Investments LLC by Quitclaim Deed and Release of Easement recorded in Inst. No. 201000150974, Deed Records, Dallas County, Texas, and being part of Cedar Springs Road (50 foot R.O.W.) and part of Manor Way (50 foot R.O.W.) as shown on City of Dallas Plat Books, and being more particularly described as follows:

BEGINNING at a 1/2 inch iron rod with yellow plastic cap marked "SHIELDS & LEE" found at the south intersection of the southwest line of Cedar Springs Road (50 foot R.O.W.) with the southeast line of Manor Way (50 foot R.O.W.), same being the north corner of that certain Easement for Street purposes conveyed to the City of Dallas recorded in Volume 750, Page 1469, Deed Records, Dallas County, Texas;

THENCE North 46 degrees 11 minutes 06 seconds West part of the way along the southwest projection line of Cedar Springs Road and part of the way along the southwest line of Cedar Springs Road, a distance of 642.79 feet to a 1/2 inch iron rod with yellow plastic cap marked "SHIELDS & LEE" found for corner, same being in the northeast line of that certain tract of land conveyed to Betzdearborn Inc. by Deed recorded in Volume 98237, Page 8681, Deed Records, Dallas County, Texas;

THENCE North 43 degrees 58 minutes 54 seconds East, passing across Cedar Springs Road and along a southeast line of DART tract, and passing the west corner of said Cedar Springs Investments tract at a distance of 50.00 feet, said DART tract being 50 feet wide at this point, and continuing for a total distance of 130.29 feet to a 1/2 inch iron rod found for corner;

EXHIBIT
SHEET 1 OF 4



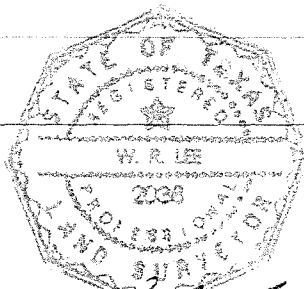
W. R. Lee

THENCE North 40 degrees 29 minutes 00 seconds East, leaving Cedar Springs Investment tracts northwesterly line, a distance of 108.10 feet to a 1/2 inch iron rod found at the beginning of a non tangent curve to the right having a central angle of 75 degrees 40 minutes 13 seconds and a radius of 440.97 feet, same being the southwest corner of that certain tract of land released and quitclaim to Scenic Valley, Ltd by Quitclaim Deed and Release of Easement recorded in Instrument No. 20080328722, Deed Records, Dallas County, Texas;

THENCE Southeasterly along the southerly line of said Scenic Valley tract, and said curve to the right whose chord bears South 84 degrees 01 minutes 13 seconds East, an arc length of 582.39 feet to a 1/2 inch iron rod found at the end of said curve for corner;

THENCE South 46 degrees 11 minutes 06 seconds East along the southwest line of Scenic Valley tract, and passing the northwest projection line of Manor Way at a distance of 172.60 feet, and continuing for a total distance of 222.60 feet to a 1/2 inch iron rod found for corner, same being the north corner of that certain tract of land conveyed by DART to PPA Realty, Ltd by Quitclaim Deed and Release of Easement recorded in Instrument No. 20080235715, Deed Records, Dallas County, Texas;

THENCE South 43 degrees 55 minutes 54 seconds West along the southeast projection line of Manor Way, and passing a 1/2 inch iron rod found at a distance of 20.00 feet, and continuing for a total distance of 570.03 feet to the **PLACE OF BEGINNING** and containing 332,287 square feet or 7.628 acres of land, more or less.



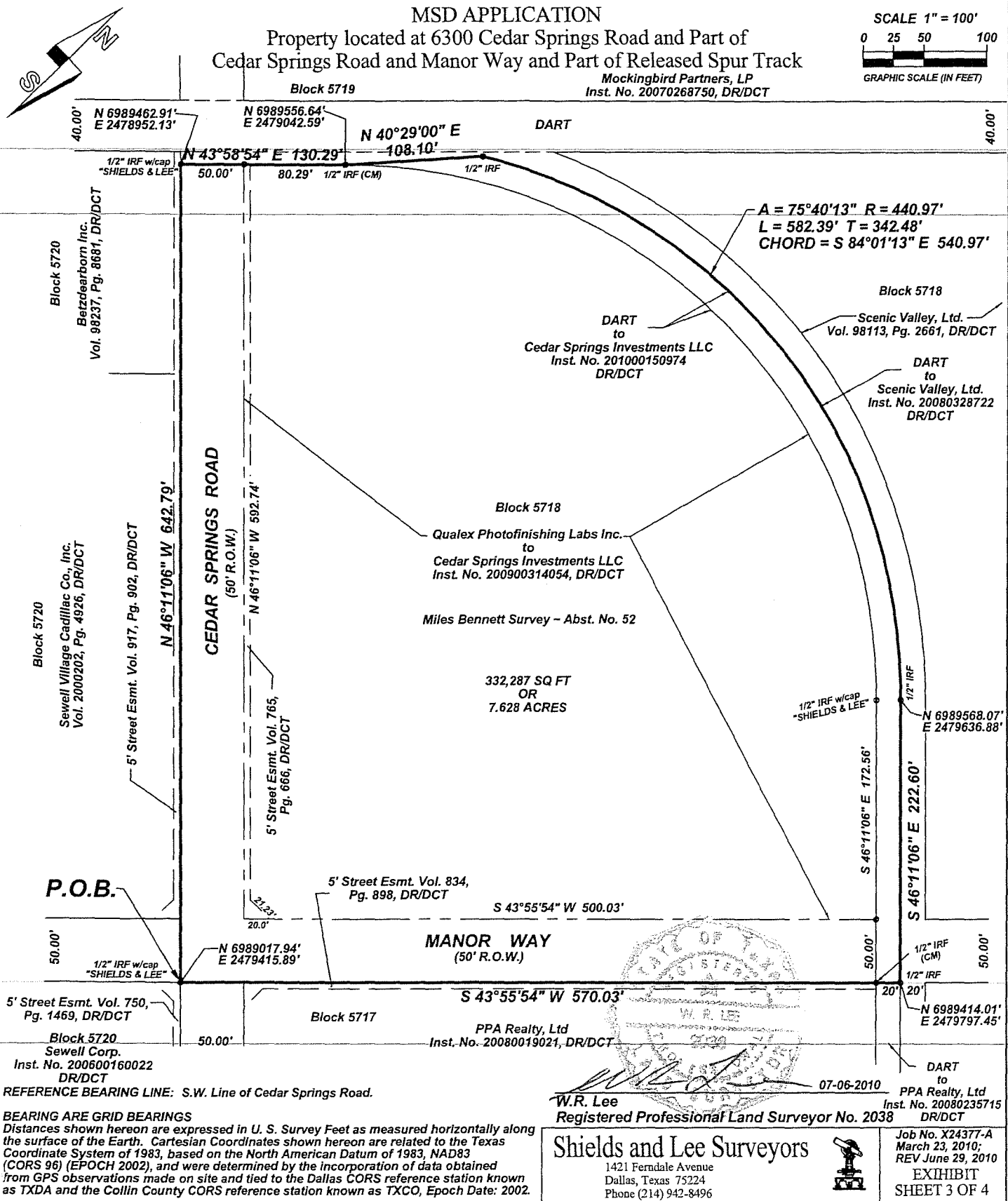
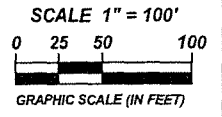
W. R. Lee

**EXHIBIT
SHEET 2 OF 4**

584101 J 11

MSD APPLICATION

Property located at 6300 Cedar Springs Road and Part of Cedar Springs Road and Manor Way and Part of Released Spur Track



Block 5719
Mockingbird Partners, LP
Inst. No. 20070268750, DR/DCT

Block 5720
Betzdearborn Inc.
Vol. 98237, Pg. 868r, DR/DCT

Block 5718
Scenic Valley, Ltd.
Vol. 98113, Pg. 2661, DR/DCT

Block 5718
Qualex Photofinishing Labs Inc.
to
Cedar Springs Investments LLC
Inst. No. 201000150974
DR/DCT

Block 5718
Cedar Springs Investments LLC
Inst. No. 200900314054, DR/DCT

Miles Bennett Survey - Abst. No. 52

332,287 SQ FT
OR
7.628 ACRES

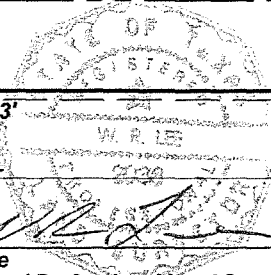
Block 5717
PPA Realty, Ltd
Inst. No. 20080019021, DR/DCT

Block 5720
Sewell Village Cadillac Co., Inc.
Vol. 2000202, Pg. 4926, DR/DCT

Block 5720
Sewell Corp.
Inst. No. 200600160022
DR/DCT

Block 5717
PPA Realty, Ltd
Inst. No. 20080235715
DR/DCT

P.O.B.



W.R. Lee
Registered Professional Land Surveyor No. 2038
07-06-2010
PPA Realty, Ltd
Inst. No. 20080235715
DR/DCT

REFERENCE BEARING LINE: S.W. Line of Cedar Springs Road.

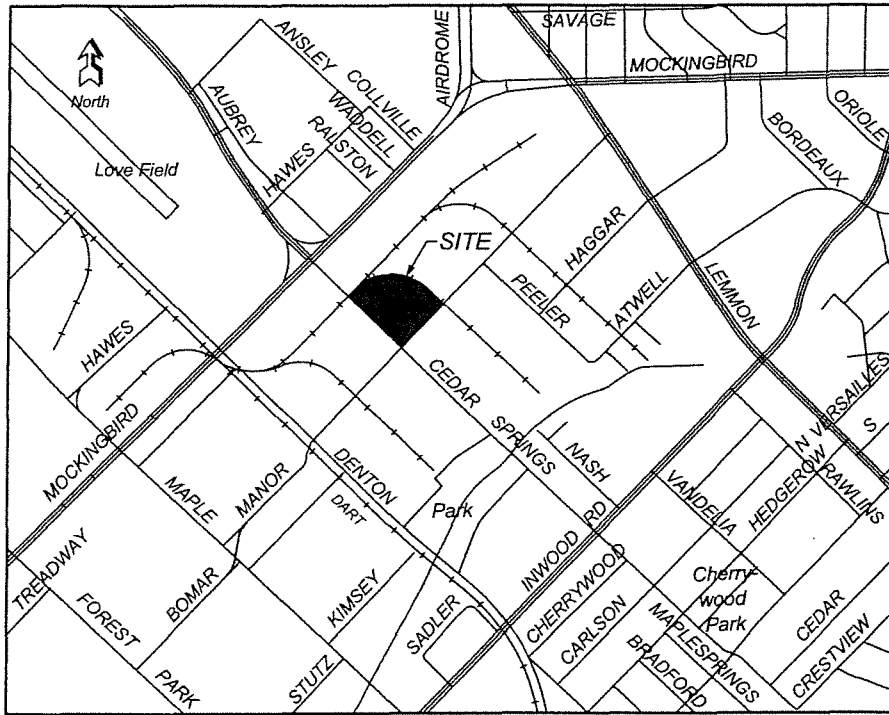
BEARING ARE GRID BEARINGS
Distances shown hereon are expressed in U. S. Survey Feet as measured horizontally along the surface of the Earth. Cartesian Coordinates shown hereon are related to the Texas Coordinate System of 1983, based on the North American Datum of 1983, NAD83 (CORS 96) (EPOCH 2002), and were determined by the incorporation of data obtained from GPS observations made on site and tied to the Dallas CORS reference station known as TXDA and the Collin County CORS reference station known as TXCO, Epoch Date: 2002.

Shields and Lee Surveyors
1421 Ferndale Avenue
Dallas, Texas 75224
Phone (214) 942-8496

Job No. X24377-A
March 23, 2010;
REV June 29, 2010
EXHIBIT
SHEET 3 OF 4

VICINITY MAP

(no scale)



Property located at 6300 Cedar Springs Road
and Part of Cedar Springs Road and Manor Way
and Part of Released Spur Track
332,287 Sq Ft or 7.628 Acres
City of Dallas, Dallas County, Texas

EXHIBIT
SHEET 4 OF 4

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
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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? 10/30/06 /	<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.

Qualco Inc.
John W. Bryant
 Applicant Signature _____ Date 5/2/11

Before me Kathleen A. Vogeles the undersigned authority, on this day personally appeared
John W. Bryant Name of Notary and signed this Municipal Setting Designation Application.
 Name of Applicant

Sworn, subscribed and signed before me in the County of MONROE, State of NY, on the 2
 day of May, this month of _____, 2011.

TCEQ-20149 June 2007

Kathleen A. Vogeles
KATHLEEN A. VOGELE
 Notary Public, State of New York
 Qualified in Ontario County
 Commission Expires 3/27/2011