

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

November 22, 2011

Mr. Greg Rogers, Legal Counsel
Guida Salvich & Flores P.C.
816 Congress Avenue, Suite 500
Austin, Texas 78701

RE: Municipal Setting Designation (MSD) Certificate for Quality Ironworks,
Inc., 1607 W Commerce Street, Dallas, Dallas County, Texas; MSD No. 176

Dear Mr. Rogers:

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).

Sincerely,

A handwritten signature in black ink, appearing to read "AP", with a stylized flourish extending to the right.

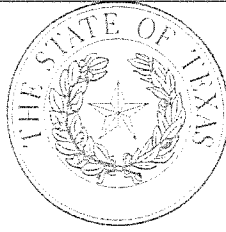
André V. Price, Project Manager
VCP-CA Section
Remediation Division

AP/jdm

Enclosure

cc: Mr. Rodney Bryant, VCP No. 2244, 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. 176, 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 November, 2011

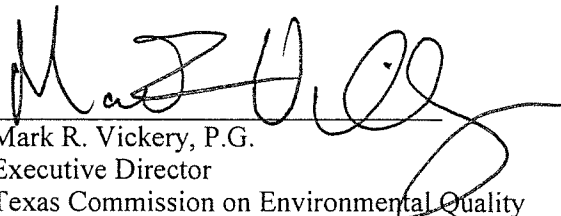
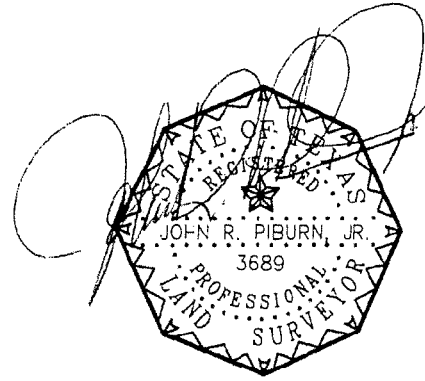
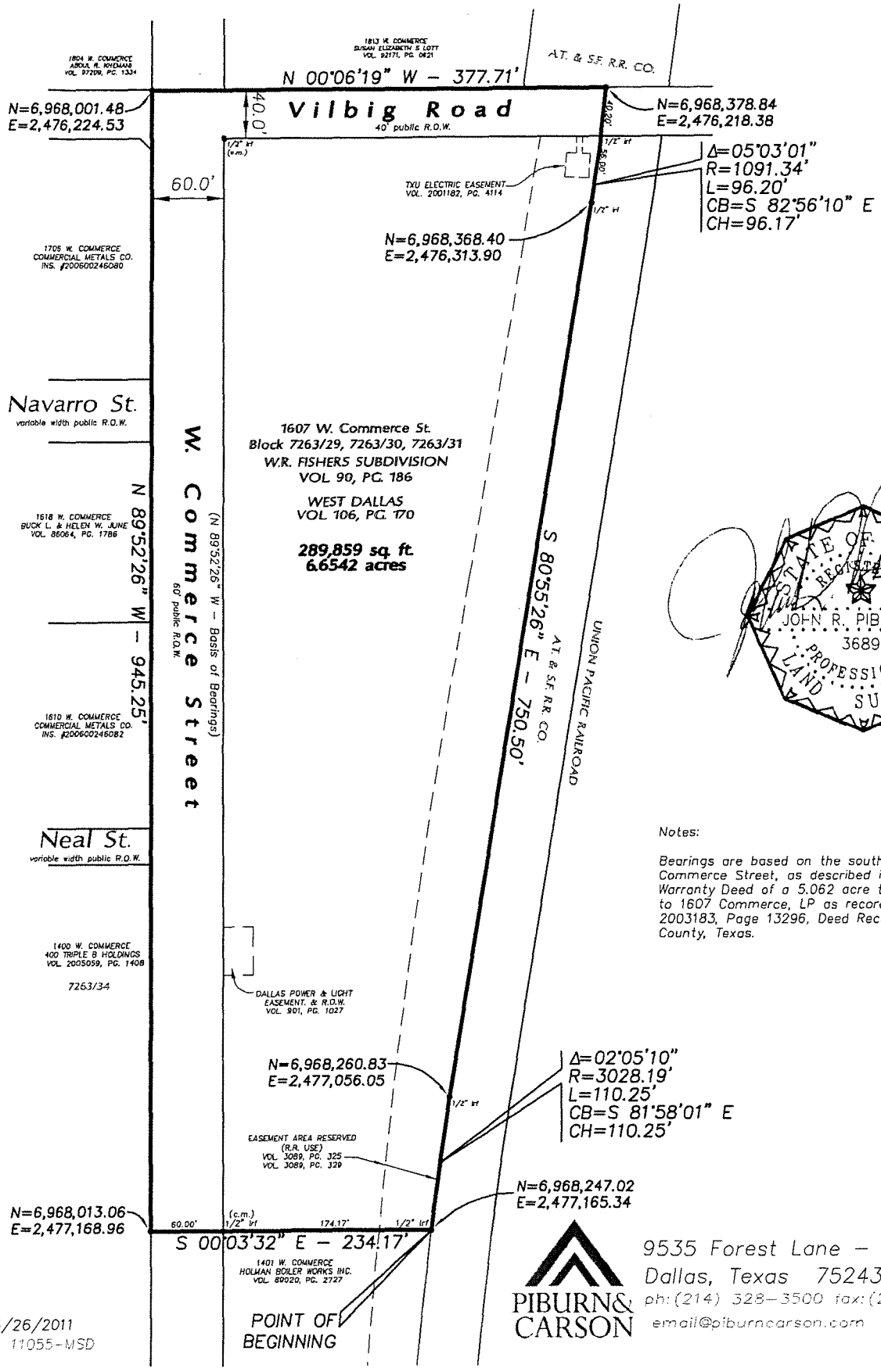

Mark R. Vickery, P.G.
Executive Director
Texas Commission on Environmental Quality

EXHIBIT "A" M.S.D. SURVEY

SCALE: 1" = 120'



DATE: 5/26/2011
Project No. 11055-MSD



9535 Forest Lane - Suite 229
Dallas, Texas 75243
ph: (214) 328-3500 fax: (214) 328-3512
email@piburncarson.com

EXHIBIT "A"

M.S.D. SURVEY

Property Description:

BEING a 6.6542 acre tract of land situated in the W.M. Coombs Survey, Abstract NO. 290 and being all of Blocks 7263/29, 7263/30, and 7263/31 of W.R. FISHERS SUBDIVISION, an addition to the City of Dallas, Dallas County, Texas, according to the plat thereof recorded in Volume 90, Page 186, Deed Records, Dallas County, Texas, and of WEST DALLAS, an addition to the City of Dallas, Dallas County, Texas, according to the plat thereof recorded in Volume 106, Page 170, Deed Records, Dallas County, Texas, and further being all of that certain tract of land conveyed to 1607 Commerce, LP, recorded in Volume 2003183, Page 13296, Deed Records, Dallas County, Texas, together with a portion of Vilbig Road (40' Public R.O.W.) and a portion of W. Commerce Street (60' Public R.O.W.), all being more particularly described as follows:

BEGINNING at a 1/2" iron rod found for the northeast corner of said 1607 Commerce, LP tract of land, same being the northeast corner of the herein described tract of land;

THENCE S00°03'32"E, along the easterly line of said tract of land and passing at a distance of 174.17 feet the southeast corner of said tract, same being on the north line of aforementioned W. Commerce Street, and continuing across said W. Commerce Street for a total distance of 234.17 feet to the south line of said street;

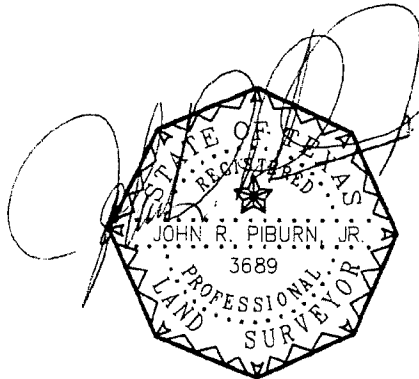
THENCE N89°52'26"W, along said south line of W. Commerce Street, for a distance of 945.25 feet to the intersection of said south line with the extended west line of aforementioned Vilbig Road;

THENCE N00°06'19"W, crossing said W. Commerce Street and at a distance of 60.00 feet becoming along said west line of Vilbig Road, for a total distance of 377.71 feet to the intersection of said west line with the extended curving north line of the aforementioned 1607 Commerce, LP tract, said curve to the right having a radius of 1091.34 feet, a central angle of 05°03'01", and a chord which bears S82°56'10"E for 96.17 feet;

THENCE southeasterly, along said curve extension, passing at an arc distance of 40.20 feet a 1/2" iron rod found for the northwest corner of said 1607 Commerce, LP tract and continuing along the north line of said tract for a total arc distance of 96.20 feet to a 1/2" iron rod found for corner;

THENCE S80°55'26"E, continuing along said north line, for a distance of 750.50 feet to a 1/2" iron rod found for corner at the beginning of a curve to the left, having a radius of 3028.19 feet and a chord which bears S81°58'01"E, for 110.25 feet;

THENCE southeasterly, along said curve to the left, through a central angle of 02°05'10", for an arc distance of 110.25 feet, to the point of beginning and containing 289,859 square feet or 6.6542 acres of land.



9535 Forest Lane – Suite 229
 Dallas, Texas 75243
 ph: (214) 328-3500 fax: (214) 328-3512
 email@piburncarson.com

MSD No. 176

EXHIBIT "A"
M.S.D. SURVEY

Certification:

The undersigned Registered Professional Land Surveyor (John R. Piburn, Jr.) hereby certifies that, (a) this survey and the property description set forth hereon were prepared from an actual on-the-ground survey; (b) such survey was conducted by the Surveyor, or under his direction; (c) all monuments shown hereon actually existed on the date of the survey, and the location, size and type of material thereof are correctly shown; Use of this survey by any other parties and/or for any other purpose shall be at User's own risk and any loss resulting from use shall not be the responsibility of the undersigned. The plat hereon is a correct and accurate representation of the property lines and dimensions are as indicated.

Executed this 25th day of April, 2011.

By:

John R. Piburn, Jr.
R.P.L.S. No. 3689

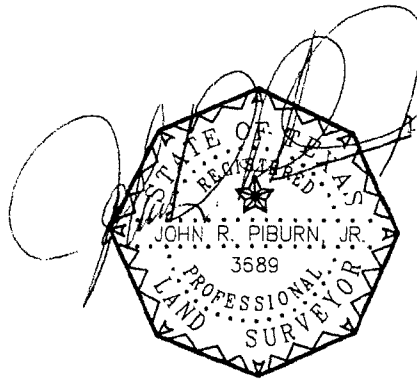


Exhibit "B" - MSD No. 176

| | | | |
|---|---------------------------|---------------------------------------|--|
| 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. ETXD988023891, TCEQ IHW ID No. 39854, and FINDS ID No. 1004785138 (former operator); VCP No. 2317 | | |
| 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? 5 / 12 / 2011 | <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: [Signature] Date: 8-5-11

Before me Claudia E. Westbrook the undersigned authority, on this day personally appeared
Name of Notary
Meg Payne and signed this Municipal Setting Designation Application.
Name of Applicant

Sworn, subscribed and signed before me in the County of Travis, State of TX on the 5th day of August, this month of August, 2011.

