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↑  
Cert

Kathleen Hartnett White, *Chairman*  
R. B. "Ralph" Marquez, *Commissioner*  
Larry R. Soward, *Commissioner*  
Glenn Shankle, *Executive Director*



## TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

*Protecting Texas by Reducing and Preventing Pollution*

May 24, 2006

Mr. John Percy, President  
Prescott Interests, Ltd.  
7979 Inwood Road, Ste 225  
Dallas, TX 75209-7270

RE: Certification of Municipal Setting Designation Application for the Prescott Interests, Ltd. Property, 6200 Denton Drive, Dallas, TX (MSDAPP018, MSD012)

Dear Mr. Percy:

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 512/239-2268 or via e-mail ([cclarke@tceq.state.tx.us](mailto:cclarke@tceq.state.tx.us)).

Sincerely,

A handwritten signature in black ink that reads "Chet Clarke".

Chet Clarke, Manager  
Technical Support Section  
Remediation Division

CC/ok

Enclosure

Example

Kathleen Hartnett White, *Chairman*  
Larry R. Soward, *Commissioner*  
H. S. Buddy Garcia, *Commissioner*  
Glenn Shankle, *Executive Director*



## TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

*Protecting Texas by Reducing and Preventing Pollution*

May 11, 2007

Aguilar Sylvia  
3722 Peoria AVE  
Dallas, TX 75212-2150

Re: Municipal Setting Designation (MSD) Certification for Prescott Interests, Ltd., 6200 Denton Drive, Dallas, Dallas County, TX; (MSDAPP018, MSD012)

Dear Sir or Madam:

As required by Texas Health and Safety Code §361.807(a), please find attached a copy of the Municipal Setting Designation Certificate that has been issued for the above-referenced property. You were provided this notice because you were identified as the registered owner of a water well located within five miles of the above-referenced property. State law requires all Municipal Setting Designation applicants to provide notice to all such registered well owners. Further, state law requires the Texas Commission on Environmental Quality to provide you a copy of the certificate when issued. If you have no interest in this matter, please feel comfortable in discarding the certificate and we apologize for any inconvenience we have caused you.

If you have any questions, please do not hesitate to contact our offices at 512/239-2200. If you no longer own the well or if the well has been abandoned, you can update the state records by contacting the Texas Department of Licensing and Regulation, Water Well Drillers Program, at 512/463-6599 or 800/803-9202 (in Texas) or by letter Texas Department of Licensing and Regulation, Water Well Drillers Program, P.O. Box 12157, Austin, Texas 78711.

Sincerely,

A handwritten signature in cursive script that reads "Mike Frew".

Mike Frew, P.G., Technical Specialist  
Environmental Cleanup Section II  
Remediation Division

Enclosure

# Texas Commission on Environmental Quality



## Municipal Setting Designation Certificate 012

As provided for in §361.807, Subchapter W, Texas Health and Safety Code (Solid Waste Disposal Act):

I, Glenn Shankle, Executive Director of the Texas Commission on Environmental Quality certify the Municipal Setting Designation for the Prescott Interests, Ltd. Property, 6200 Denton Drive, Dallas, Texas, 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 19 day of May, 2006.

Handwritten signature of Glenn Shankle in black ink.

Glenn Shankle  
Executive Director  
Texas Commission on Environmental Quality

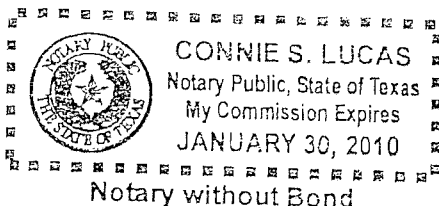
STATE OF TEXAS  
TRAVIS COUNTY

BEFORE ME, on this the 19<sup>th</sup> day of May, 2006, personally appeared Glenn Shankle, Executive Director of the Texas Commission on Environmental Quality, known to me to be the person whose name is subscribed to the foregoing instrument, and they acknowledged to me that they executed the same for the purposes and in the capacity therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this the 19<sup>th</sup> day of May, 2006.

Handwritten signature of Connie S. Lucas in black ink.

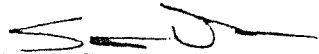
Notary Public in and for the State of Texas



A

TO ALL PARTIES INTERESTED IN PREMISES SURVEYED

The undersigned does hereby certify that this plat correctly shows a survey made on this day under my personal supervision, on the ground of the property described hereon, and correctly shows the location, size and type of monumentation found or placed this day, and that the size, location and type of buildings and improvements are as show hereon, the buildings are set back from the property lines the distances indicated, the dimensions of the property are correctly shown and that there are no discrepancies, conflicts, boundary line conflicts, encroachments or overlapping of improvements onto or from adjoining property, party walls, protrusions, fences, evidence of abandoned fences, ponds, creeks, streams or rivers, except as shown hereon, and that all visible easements and rights of way, or easements and rights of way which have been made known to me are as shown hereon, and that said property has access to and from a dedicated roadway. The area of the property is correctly shown on this survey. This survey meets the Minimum Standard Detail Requirements of an Urban Land Title Survey established and adopted by ALTA and ACSM in 1999 and the minimum standards of a Category 1A, Condition I Survey required by the TSPS. As of the date of this survey, this property does not lie within any known designated flood plain or flood hazard area. This property lies within Zone X, as shown on Flood Insurance Rate Map No. 48113C0330 J, dated 8/23/01



REGISTERED PROFESSIONAL LAND SURVEYOR NO. 5111

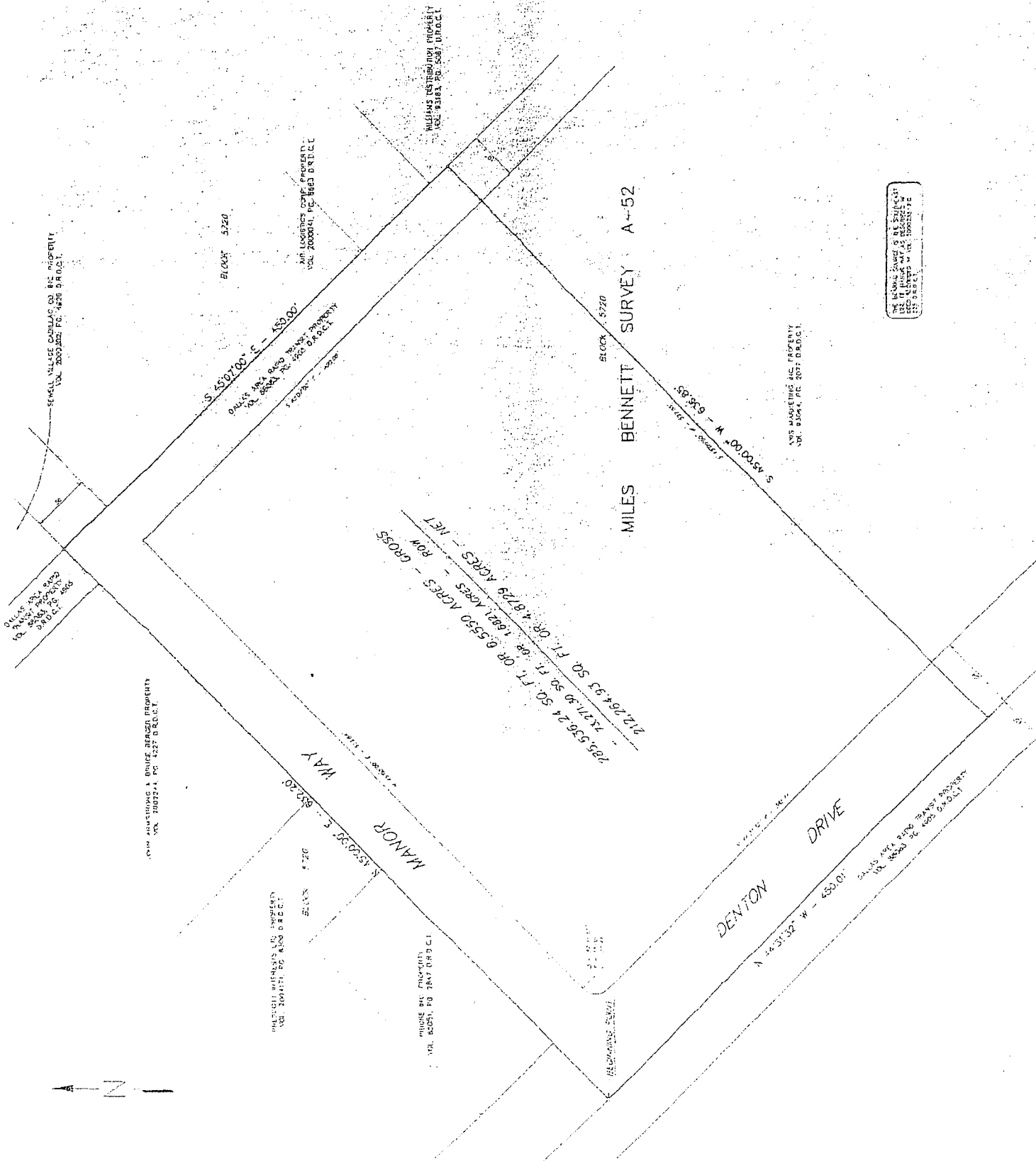


SURVEY PLAT

OF PART OF CITY BLOCK 5720 AND ADJOINING  
RIGHT OF WAYS, CITY OF DALLAS, DALLAS  
COUNTY, TEXAS.

SCALE: 1" = 40'

DAVIS LAND SURVEYING CO., INC. 9777 FERGUSON ROAD, SUITE 105 DALLAS, TEXAS 75228      214-321-0569	DATE: 11/9/05 JOB NO 05161
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SEAL VALLEY CORP. AS PROP. VOL. 2003-001 P.C. 428 D.R.D.C.T.

BLOCK 5720

MIL LOGISTICS CORP. PROPERTY VOL. 2008-011 P.C. 587 D.R.D.C.T.

MIL LOGISTICS CORP. PROPERTY VOL. 2008-011 P.C. 587 D.R.D.C.T.

S 45° 01' 00" E - 485.00'  
 DALLAS AREA RENTALS TRUST PROPERTY VOL. 2008-011 P.C. 587 D.R.D.C.T.

MILES BENNETT SURVEY A-52

BLOCK 5720

S 89° 58' 35" W - 638.85'

MVS HOLDING INC. PROPERTY VOL. 2004-011 P.C. 207 D.R.D.C.T.

THE BEARING SHOWN IS THE STRAIGHT LINE BEARING AND NOT THE BEARING OF THE CURVE.

DAVE AND PAULINE S. SHERMAN VOL. 2003-001 P.C. 428 D.R.D.C.T.

JOHN ARNOLD & BRUCE REARD PROPERTY VOL. 2002-011 P.C. 427 D.R.D.C.T.

MIL LOGISTICS CORP. PROPERTY VOL. 2008-011 P.C. 587 D.R.D.C.T.

MIL LOGISTICS CORP. PROPERTY VOL. 2008-011 P.C. 587 D.R.D.C.T.

N 152° 39' E - 850.80'  
 MANOR WAY

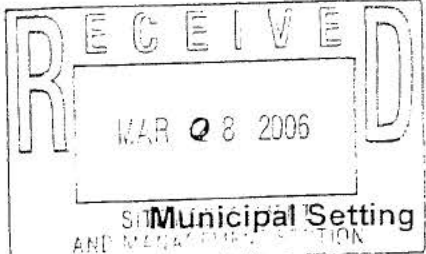
285,536.24 SQ. FT. OR 6,550 ACRES - GROSS  
 212,264.93 SQ. FT. OR 4,879 ACRES - NET

DENTON DRIVE

N 44° 31' 32" W - 453.00'

DALLAS AREA RENTALS TRUST PROPERTY VOL. 2008-011 P.C. 587 D.R.D.C.T.

B



<b>TCEQ Office Use Only:</b>	Date Add. Info Req. 5/5/06
Application No: MSD App 018	Date Add. Info Rec'd 5/8/06
Date Received: 3/08/06	Date Certified: 5/19/06
	Date Denied: / /

Reset form

Municipal Setting Designation Eligibility Criteria:

Is the proposed municipal setting designation (MSD) within the corporate limits of a municipality authorized by statute that has a population of at least 20,000? (See most recent <i>place</i> population estimate reported at <a href="http://txsdc.tamu.edu/tpepp/txpopest.php">http://txsdc.tamu.edu/tpepp/txpopest.php</a> .)	<input type="radio"/> Yes	<input type="radio"/> No <sup>1</sup>
Is the proposed municipal setting designation (MSD) within the extraterritorial jurisdiction of a municipality authorized by statute that has a population of at least 20,000? (See most recent <i>place</i> population estimate reported at <a href="http://txsdc.tamu.edu/tpepp/txpopest.php">http://txsdc.tamu.edu/tpepp/txpopest.php</a> .)	<input type="radio"/> Yes	<input type="radio"/> No <sup>1</sup>
Municipality name: Dallas	Population: 1,214,048	
Is there a public drinking water supply system that satisfies the requirements of THSC Chapter 341 and supplies or is capable of supplying drinking water to: a) the proposed MSD property, and b) each property within 0.5 miles beyond the boundary of the proposed MSD?	<input type="radio"/> Yes	<input type="radio"/> No <sup>1</sup>
<sup>1</sup> If No, the eligibility criteria are not met. Do not submit an application.		

Applicant and Fee Payment Information:

Contact Person: <input checked="" type="radio"/> Mr. <input type="radio"/> Ms. John Pearcy		
Title: President		
Company: Prescott Interests, Ltd.		
Mailing Address: 7979 Inwood Road, Suite 225		
City: Dallas	State: Texas	Zip: 75209-7270
Telephone: 214 / 350-5555	Telefax: /	
E-mail Address: [REDACTED]		
Is the required \$1,000 application being submitted to TCEQ in advance or at the same time the MSD application is being submitted to TCEQ?	<input type="radio"/> Yes	<input type="radio"/> No <sup>2</sup>
<sup>2</sup> Do not submit application.		

Notice Information:

On or before the date of submission of the application to TCEQ, was notice provided to:			
a) each municipality:			
1) where the proposed MSD is located?	<input type="radio"/> Yes	<input type="radio"/> No <sup>4</sup>	
2) with a border within 0.5 miles beyond the proposed MSD boundaries?	<input type="radio"/> Yes	<input type="radio"/> No <sup>3</sup>	<input type="radio"/> NA <sup>4</sup>
3) 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 type="radio"/> NA <sup>4</sup>
b) each current owner of a private well registered with the commission and located within five miles beyond the proposed MSD boundaries?	<input type="radio"/> Yes	<input type="radio"/> No <sup>3</sup>	<input type="radio"/> NA <sup>4</sup>
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 type="radio"/> NA <sup>4</sup>
<sup>2</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.  
 VCP No 1350

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>reg</sub> )?	<input 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? 04 / 28 / 00	<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 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 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 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 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)].

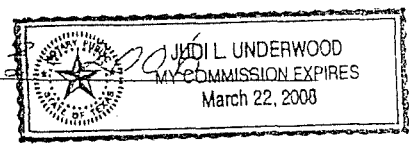
<sup>6</sup> Do not submit an application.

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.

Sandy Owens  
 Applicant Signature

3-3-06  
 Date



Before me Judith Underwood the undersigned authority, on this day personally appeared  
SANDY OWENS Name of Notary  
SANDY OWENS 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 3rd day this month of MARCH, 2006