

Buddy Garcia, *Chairman*
Larry R. Soward, *Commissioner*
Bryan W. Shaw, Ph.D., *Commissioner*
Glenn Shankle, *Executive Director*



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

February 27, 2008

Mr. Greg Rogers
Guida, Slavich, & Flores, P.C.
750 N. St. Paul Street, Suite 200
Dallas, TX 75201

RE: Municipal Setting Designation (MSD) Certificate for Gemini Industries, Inc.,
7220 C.F. Hawn Freeway, Dallas, TX; MSD No. 054

Dear Mr. Rogers:

Enclosed is the Municipal Setting Designation Certification for the above-referenced 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 512/239-5872 or via e-mail (mfrew@tceq.state.tx.us).

Sincerely,

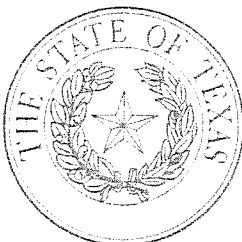
A handwritten signature in black ink, appearing to read "Mike Frew".

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

MF/ok

Enclosure

Texas Commission on Environmental Quality



Municipal Setting Designation

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 MSD 54, in the City of Dallas, 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 22 day of February, 2008.

A handwritten signature in cursive script, appearing to read "Glenn Shankle", written over a horizontal line.

Glenn Shankle
Executive Director
Texas Commission on Environmental Quality

'A'

FIELD NOTE DESCRIPTION
MSD AREA

BEING a tract of land situated in the CORNELIUS COX SURVEY, Abstract No. 283 and being a portion of the City of Dallas Block No. 6281 and a portion of LOVEJOY DRIVE (variable width Right-of-Way) and being all of 2 tracts of land conveyed to Gemini Industries, Inc. as recorded in Volume 87230, Page 2813 and Volume 95065, Page 2479 of the Deed Records of Dallas County, Texas (DRDCT) and being more particularly described as follows;

COMMENCING at a 3/8 inch iron rod found at the intersection of the westerly Right-of-Way line of LOVEJOY DRIVE (variable width Right-of-Way) and the northerly Right-of-Way line of U.S. HIGHWAY 175 (variable width Right-of-Way), said point being the most southeasterly corner of a tract of land conveyed to Magda Groves as recorded in Volume 98246, Page 6014 (DRDCT);

THENCE departing the westerly Right-of-Way line of said LOVEJOY DRIVE and along the northerly Right-of-Way line of said U.S. HIGHWAY 175 North 51 deg 00 min 04 sec West a distance of 231.00 feet to a 1/2 inch iron rod found for the POINT OF BEGINNING, said point being the most southeasterly corner of said Gemini Industries, Inc. tract recorded in Volume 87230, Page 2813 (DRDCT);

THENCE continuing along the northerly Right-of-Way line of said U.S. HIGHWAY NO. 175 North 51 deg 00 min 04 sec West a distance of 144.66 feet to a 1 inch iron pipe found for corner, said point being the most southeasterly corner of a tract of land conveyed to Joseph Hunsinger and wife Ruth Hunsinger as recorded in Volume 98205, Page 3164 (DRDCT);

THENCE departing the northerly Right-of-Way line of said U.S. HIGHWAY NO. 175 and along the easterly line of said Hunsinger tract as follows;

North 16 deg 43 min 45 sec East a distance of 306.73 feet to a 1 inch iron pipe found for corner;

North 06 deg 16 min 03 sec East a distance of 419.36 feet to a point for corner in the southerly Right-of-Way line of the T & N.O. RAILROAD (100' Right-of-Way) which a 1/2 inch iron rod found bears South 02 deg 04 min 16 sec West a distance of 0.76 feet;

THENCE departing the easterly line of said Hunsinger tract and along the southerly Right-of-Way line of said T & N.O. RAILROAD South 59 deg 08 min 05 sec East a distance of 271.97 feet to the most northeasterly corner of said Gemini Industries, Inc. tract recorded in Volume 87230, Page 2813 (DRDCT);

THENCE departing the southerly Right-of-Way line of said T & N.O. RAILROAD and along the easterly line of said Gemini Industries, Inc. tract as follows;

South 03 deg 13 min 33 sec West a distance of 368.87 feet to a point for corner;

South 57 deg 55 min 59 sec East a distance of 23.32 feet to a point for corner;

South 03 deg 13 min 56 sec West a distance of 159.76 feet to a point for corner;

North 51 deg 00 min 04 sec West a distance of 113.77 feet to a 1/2 inch iron rod found for corner;

South 38 deg 59 min 56 sec West a distance of 249.00 feet to the POINT OF BEGINNING;

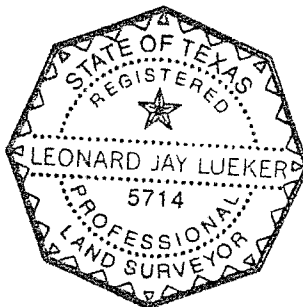
CONTAINING within these metes and bounds 4.103 acres or 178,739 square feet of land more or less. Bearings contained within this field note description are based upon an on the ground survey performed in the field on the 6th day of June, 2006 utilizing GPS Measurements.

SURVEYORS CERTIFICATE

The undersigned hereby certifies the above field note description was prepared from an on the ground survey performed in the field on the 6th day of June, 2006 under the supervision of the undersigned and that the field notes description forms a mathematical figure of 1:15,000.

Date: 7/20/06

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



**Winkelmann
& Associates, Inc.**

CONSULTING CIVIL ENGINEERS ■ SURVEYORS
(972) 490-7090 FAX (972) 490-7099

Scale : 1"=200'	Date : 6/30/06
Design : WAI	
Drawn : LJJ	
Dwg. File : 47704MSD.DWG	
Project No. : 47704.00(52)	

GUIDA, SLAVICH & FLORES
750 N. PAUL STREET, SUITE 200
DALLAS, TEXAS 75201

EXHIBIT "A"
MSD AREA SURVEY
4.103 ACRES

SHEET
1
OF
2



0' 100' 200'

Scale 1"=200'

The Coordinates shown hereon are based upon the NCTCOG Maps.

LEGEND

- IRF Iron Rod Found
- IPF Iron Pipe Found
- △ Control Monument

Bearings shown hereon are based upon an on the ground survey performed in the field on the 6th day of June, 2006 utilizing GPS measurements.

CORNELIUS COX SURVEY
ABSTRACT NO. 283

U.S. HIGHWAY 175
(variable with Right-of-Way)

T & N.O. RAILROAD
(100' Right-of-Way)

JOSEPH HUNSINGER
AND WIFE
RUTH HUNSINGER
VOL. 98205, PG. 3164
(DRDCT)

GEMINI INDUSTRIES, INC.
VOL. 95065, PG. 2479
(DRDCT)
CITY BLOCK 6281
4.103 ACRES
(178,739 Sq. Ft.)
GEMINI INDUSTRIES, INC.
VOL. 87230, PG. 2813
(DRDCT)

FLOY A. LENINGTON
VOL. 89070, PG. 4719
(DRDCT)

GLORIA L. JOHNSON
AND
LINDA K. JOHNSON BLACK
VOL. 98785, PG. 3546
(DRDCT)

SCOTT FELTON &
SHERRY FELTMAN
VOL. 2001151, PG. 8393
(DRDCT)

RAY L. CHANEY
VOL. 2003252, PG. 3493
(DRDCT)

MAGDA GRAYES
VOL. 98246, PG. 6014
(DRDCT)

POINT OF BEGINNING

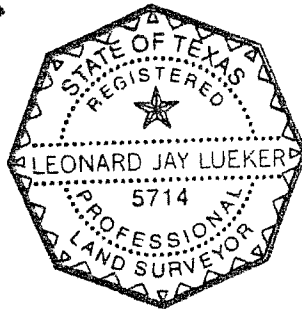
POINT OF COMMENCING

X=2523081
Y=6950557

X=2523379
Y=6950336

Handwritten signature and date:
1/24/06

Leonard J. Lueker
Registered Professional
Land Surveyor No. 5714



Winkelmann & Associates, Inc.

CONSULTING CIVIL ENGINEERS ■ SURVEYORS
(972) 490-7090 FAX (972) 490-7099

This Survey was prepared from an on the ground survey performed in the field on the 6th day of June, 2006

Scale : 1"=200'	Date : 6/30/06
Design : WAI	
Drawn : LJJ	
Dwg. File : 47704MSD.DWG	
Project No. : 47704.00(52)	

GUIDA, SLAVICH & FLORES
750 N. PAUL STREET, SUITE 200
DALLAS, TEXAS 75201

EXHIBIT "A"
MSD AREA SURVEY
4.103 ACRES

SHEET
2
OF
2

'B'

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.
SWR # 34561

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? 05 / /2001	<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 type="radio"/> Yes	<input checked="" 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):

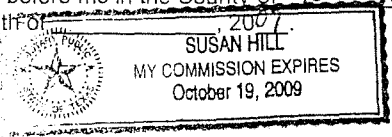
- The MSD eligibility criteria of THSC §361.803 are satisfied.
- True and accurate copies of all documents demonstrating that the MSD eligibility criteria provided by THSC §361.803 have been satisfied and are included with the application.
- A true and accurate copy of a legal description of the proposed 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.

[Signature]
Applicant Signature

9-14-07
Date

Before me Susan Hill the undersigned authority, on this day personally appeared
[Signature] Name of Notary
[Signature] Name of Applicant and signed this Municipal Setting Designation Application.

Sworn, subscribed and signed before me in the County of Dallas, State of Texas on the 14th day of September, this month of 2007.





Municipal Setting Designation Application Form

Received
SEP 18 2007

Environmental Cleanup II

TCEQ Office Use Only:	Date Add. Info Req. <i>11/30/2007</i>
Application No: <i>054</i>	Date Add. Info Rec'd <i>12/14/2007</i>
Date Received: <i>9/18/07</i>	Date Certified: <i>1/1</i>
	Date Denied: <i>1/1</i>

Reset Form

Municipal Setting Designation Eligibility Criteria:

Is the proposed municipal setting designation (MSD) within the corporate limits of a municipality authorized by statute?	<input checked="" type="radio"/> Yes	<input type="radio"/> No ¹
Is the proposed municipal setting designation (MSD) within the extraterritorial jurisdiction of a municipality authorized by statute?	<input checked="" type="radio"/> Yes	<input type="radio"/> No ¹
Municipality name: <i>City of Dallas</i>		
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 checked="" type="radio"/> Yes	<input type="radio"/> No ¹
¹ 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. <i>Greg Rogers</i>	
Title: <i>Legal counsel for Gemini Industries, Inc.</i>	
Company: <i>Guida, Slavich & Flores, P.C.</i>	
Mailing Address: <i>750 N. St. Paul Street, Suite 200</i>	
City: <i>Dallas</i> State: <i>TX</i> Zip: <i>75201</i>	
Telephone: <i>(214) 692-8385</i> Telefax: <i>(214) 692-6610</i>	
E-mail Address: <i>[REDACTED]</i>	
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 checked="" type="radio"/> Yes <input type="radio"/> No ²
² Do not submit application.	

MSD Property Address:

Street Address: <i>7220 C. F. Hawn Freeway</i>
City: <i>Dallas</i> Zip: <i>75217</i>
County: <i>Dallas</i> Acres: <i>4.1</i>
If multiple properties provide an attachment to the application providing the above information for each property.

Notice Information:

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