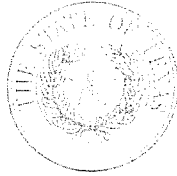


Buddy Garcia, *Chairman*  
Larry R. Soward, *Commissioner*  
Bryan W. Shaw, Ph.D., *Commissioner*  
Glenn Shankle, *Executive Director*



## TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

*Protecting Texas by Reducing and Preventing Pollution*

January 10, 2008

Ms. Cynthia Smiley  
Kelly Hart & Hallman LLP  
301 Congress Avenue, Suite 2000  
Austin, Texas 78701

Re: Municipal Setting Designation (MSD) Certificate for Buckley Oil Company, 1809 Rock Island Street, Dallas, TX; MSD No. 57

Dear Ms. Smiley:

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 512/239-5872 or via e-mail ([mfrew@tceq.state.tx.us](mailto: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/jhm

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 No. 57, 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 7 day of JANUARY, 2008

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

Glenn Shankle  
Executive Director  
Texas Commission on Environmental Quality

'A'  
M.S.D. SURVEY

Being Lot 14, 15 and part of 16 in City Block 73/7342 of Industrial Improvement Project Addition, an addition to the City of Dallas, Dallas County Texas, according to the plat thereof recorded in Volume 5, Page 415, Map Records, Dallas County, Texas, and part of Rock Island Street (80 foot right of way), and being more particularly described as follows:

BEGINNING at a point for corner, said corner lying in the Southeast line of Old Trinity River Channel (variable width right of way) and being the West corner of a tract of land conveyed to Arthur Shirer, II by Deed recorded in Volume 98005, Page 3152, Deed Records, Dallas County, Texas, and lying in the Northeast line of said Rock Island Street;

THENCE South 55 degrees 46 minutes 33 seconds East along the Northeast line of said Rock Island Street, a distance of 199.40 feet to a point for corner

THENCE South 34 degrees 11 minutes 30 seconds West along the Northwest line of Lot 13 in said addition, a distance of 433.40 feet to a point for corner, said corner lying in the Northeast line of Dallas County Flood Control and lying in a nontangent curve to the Right, having a radius of 1807.69 feet, a delta of 00 degrees 12 minutes 00 seconds and a chord bearing and distance that bears North 51 degrees 57 minutes 00 seconds West, 6.31 feet;

THENCE along said curve to the Right, an arc length of 6.31 feet to a point for corner, said corner lying in the Northeast line of said Dallas County Flood Control;

THENCE North 51 degrees 51 minutes 00 seconds West, a distance of 174.12 feet to an "X" found for corner;

THENCE North 34 degrees 11 minutes 30 seconds East, a distance of 140.82 feet to a point for corner;

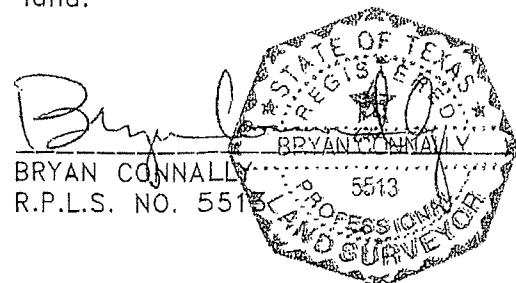
THENCE North 55 degrees 48 minutes 30 seconds West, a distance of 158.45 feet to a point for corner;

THENCE North 34 degrees 11 minutes 30 seconds East, a distance of 88.94 feet to a point for corner, said corner lying in the Southeast line of said Old Trinity River Channel;

THENCE North 84 degrees 10 minutes 00 seconds East along the Southeast line of said Old Trinity River Channel, a distance of 99.95 feet to a point for corner;

THENCE North 60 degrees 52 minutes 00 seconds East continuing along the Southeast line of said Old Trinity River Channel, a distance of 51.65 feet to a point for corner, said corner lying in the Southwest line of said Rock Island Street;

THENCE North 60 degrees 07 minutes 18 seconds East continuing along the Southeast line of said Old Trinity River Channel, a distance of 89.94 feet to the POINT OF BEGINNING and containing 105,125.13 square feet or 2.4133 acres of land.



DC&A

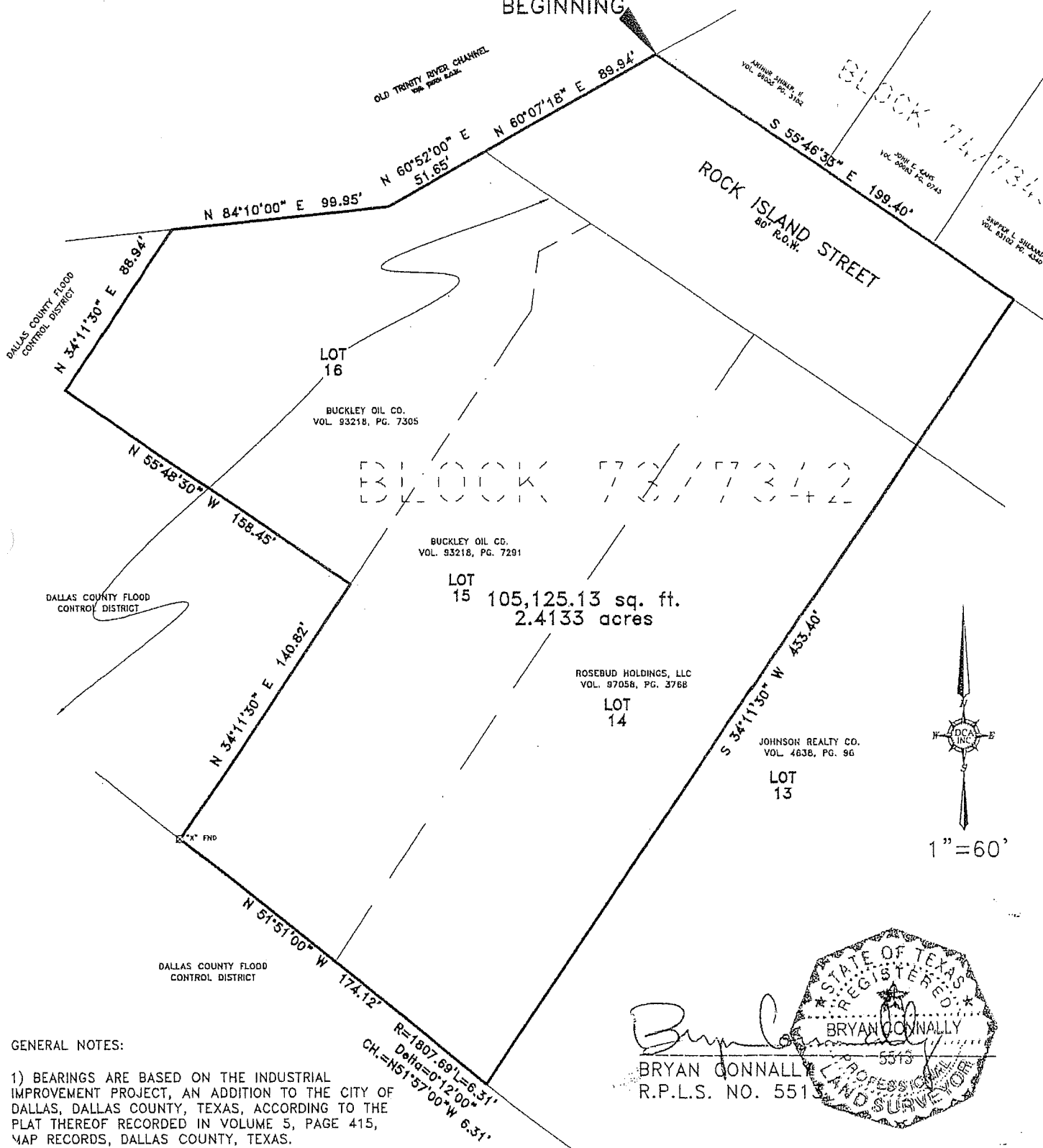
DOUG CONNALLY & ASSOCIATES, INC.

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SHEET 2 OF 3  
JOB NO. 0700798-1  
DRAWN BY: R.G.

M.S.D. SURVEY

POINT OF BEGINNING

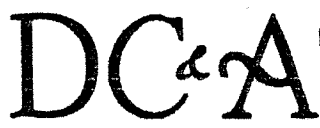


1"=60'

GENERAL NOTES:

1) BEARINGS ARE BASED ON THE INDUSTRIAL IMPROVEMENT PROJECT, AN ADDITION TO THE CITY OF DALLAS, DALLAS COUNTY, TEXAS, ACCORDING TO THE PLAT THEREOF RECORDED IN VOLUME 5, PAGE 415, MAP RECORDS, DALLAS COUNTY, TEXAS.

*Bryan Connally*  
BRYAN GONNALL  
R.P.L.S. NO. 5515



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SHEET 1 OF 3  
JOB NO. 0700798-1  
DRAWN BY: R.G.

' 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 <sup>3</sup>	<input checked="" type="radio"/> NA <sup>4</sup>
---	---------------------------	---------------------------------------	--

<sup>3</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.  
(See Tab 1)

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>ing</sub> )?	<input checked="" 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? ~ / / 1990	<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 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 <sup>6</sup>	<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 <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 checked="" 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.

\* R.E. Dodson  
Applicant Signature

10/2/07  
Date

Before me WENDY K. SHELTON the undersigned authority, on this day personally appeared  
R.E. Dodson Name of Notary  
R.E. Dodson 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 2<sup>nd</sup> day of OCTOBER, this month of \_\_\_\_\_, 2007.

