

Buddy Garcia, *Chairman*
Larry R. Soward, *Commissioner*
Bryan W. Shaw, Ph.D., *Commissioner*
Mark R. Vickery, P.G., *Executive Director*



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

May 26, 2009

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 Atrium Companies, Inc., 2102 Hinton Drive, Irving, Dallas County, TX; MSD No. 105

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 512/239-5872 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.
Technical Support Section
Remediation Division

Enclosure

cc: Mark Arthur, VCP Project Manager, Remediation Division, MC-127

Texas Commission on Environmental Quality



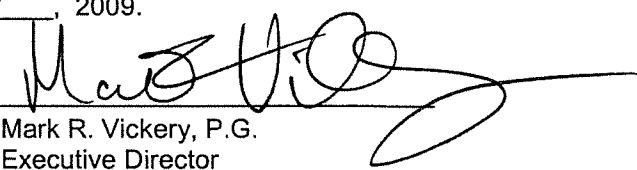
Municipal Setting Designation

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

I, Mark R. Vickery, Executive Director of the Texas Commission on Environmental Quality certify the Municipal Setting Designation for MSD No. 105, in the City of Irving, 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 18th day of May, 2009.


Mark R. Vickery, P.G.
Executive Director

Texas Commission on Environmental Quality

'A'

FIELD NOTE DESCRIPTION
(LEGAL DESCRIPTION)

BEING a tract of land situated in the JESSE MOON SURVEY, Abstract No. 879 and being all of LOT 1R, BLOCK 1 of the Replat of SKOTTY ALUMINUM PRODUCTS, an addition to the City of Irving as recorded in Volume 2001212, Page 00024 of the Deed Records of Dallas County, Texas (DRDCT) and being more particularly described as follows:

BEGINNING at a ½ inch iron rod set at the intersection of the northerly Right-of-Way line of UNION BOWER ROAD (variable width Right-of-Way) and the easterly Right-of-Way line of WILDWOOD ROAD (60' Right-of-Way), said point being the most southwesterly corner of said LOT 1R, BLOCK 1;

THENCE departing the northerly Right-of-Way line of said UNION BOWER ROAD and along the easterly Right-of-Way line of said WILDWOOD ROAD North $00^{\circ} 07' 33''$ West a distance of 568.01 feet to a ½ inch iron rod set for the beginning of a curve to the right having a radius of 97.30 feet and having a chord bearing of North $50^{\circ} 47' 56''$ East and a chord length of 119.56 feet;

THENCE continuing along said curve to the right through a central angle of $75^{\circ} 49' 01''$ and an arc length of 128.75 feet to a 5/8 inch iron rod found for corner in the southerly Right-of-Way line of HINTON ROAD (60' Right-of-Way);

THENCE along the southerly Right-of-Way line of said HINTON ROAD North $88^{\circ} 42' 27''$ East a distance of 224.23 feet to a "X" cut set in concrete for corner, said point being the most northeasterly corner of said LOT 1R, BLOCK 1 and being the beginning of a non-tangent curve to the left having a radius of 121.00 feet and having a chord bearing of South $47^{\circ} 30' 24''$ East and a chord length of 145.09 feet;

THENCE departing the southerly Right-of-Way line of said HINTON ROAD and along the easterly line of said LOT 1R, BLOCK 1 as follows:

Continuing along said non-tangent curve to the left through a center angle of $73^{\circ} 40' 31''$ and an arc length of 155.59 feet to a "X" cut set in concrete for the beginning of a curve to the right having a radius of 129.00 feet and having a chord bearing at South $43^{\circ} 19' 32''$ East and a chord length of 167.83 feet;

Continuing along said curve to the right through a central angle of $81^{\circ} 09' 39''$ and an arc length of 182.73 feet to a "X" cut set in concrete for the point of tangency;

South $02^{\circ} 05' 14''$ East a distance of 435.91 feet to a "X" cut set in concrete for corner in the northerly Right-of-Way line of said UNION BOWER ROAD, said point being the most southeasterly corner of said LOT 1R, BLOCK 1;

THENCE departing the easterly line of said LOT 1R, BLOCK 1 and along the northerly Right-of-Way line of said UNION BOWER ROAD as follows:

South 88° 54' 22" West a distance of 428.21 feet to a ½ inch iron rod set for corner;

North 89° 53' 13" West a distance of 110.43 feet to a ½ inch iron rod set for corner;

North 45° 00' 23" West a distance of 21.26 feet to the POINT OF BEGINNING;

CONTAINING within these metes and bounds 7.665 acres or 333.911 square feet of land more or less. Bearings contained within this field note description are based upon an on the ground survey performed on the 10th day of October, 2000 updated on the 20th day of August, 2002 utilizing the east Right-of-Way line of WILDWOOD ROAD per the Final Plat of the SKOTTY ALUMINUM PRODUCTS ADDITION, an addition to the City of Dallas recorded in Volume 79250, Page 2697 (DRDCT).

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. LPST ID No. 110506; IOP No. 0333; VCP No. 1729		
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? 11 / 22 / 02	<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 ⁵	<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.

[Signature]
Applicant Signature

3/23/09
Date

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

Sworn, subscribed and signed before me in the County of Dallas, State of Texas, on the 23rd
day of March, this month of _____, 2009