

Bryan W. Shaw, Ph.D., *Chairman*
Carlos Rubinstein, *Commissioner*
Toby Baker, *Commissioner*
Zak Covar, *Executive Director*



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

July 12, 2013

Mr. Benjamin Smith, Owner
McKinney Junk Company Inc., dba McKinney Metals
300 N. McDonald Street
McKinney, Texas 75069

RE: Municipal Setting Designation (MSD) Certificate for McKinney Metals,
341 East Virginia Street, McKinney, Collin County; MSD No. 228

Dear Mr. Smith:

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) 239-2960 or via e-mail (richard.goldsmith@tceq.texas.gov).

Sincerely,

A handwritten signature in black ink, appearing to read "R. Stuart Goldsmith".

R. Stuart Goldsmith, Project Manager
VCP-CA Section
Remediation Division

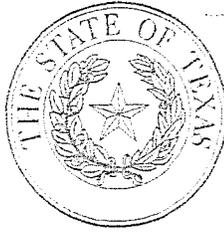
RSG/jdm

Enclosure: MSD Certificate No. 228

cc: Ms. Ellie Wehner, IHWCA No. FO074 Project Manager, Remediation
Division, MC-127

Mr. Sam Barrett, Waste Section Manager, TCEQ Region 4, Dallas/Fort
Worth

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, Zak Covar, Executive Director of the Texas Commission on Environmental Quality certify the Municipal Setting Designation (MSD) for MSD No. 228, in the City of McKinney, 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 8th day of July, 2013

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

Zak Covar
Executive Director
Texas Commission on Environmental Quality

Exhibit "A"

LEGAL DESCRIPTION

BEING 10.027 acres of land located in the WILLIAM DAVIS SURVEY, ABSTRACT NO. 248, McKinney, Collin County, Texas, and being all of McKinney Metals Addition, to the City of McKinney, Collin County, Texas, according to the plat recorded in Cabinet H, Slide 377 of the Plat Records of Collin County, Texas, and being a portion of the Dallas Area Rapid Transit (DART) Right-of-Way Area within Collin County, Texas. Said 10.027 acres of land being more particularly described by metes and bounds as follows:

BEGINNING at a point marking the Southeast corner of aforesaid McKinney Metals Addition, and said POINT OF BEGINNING also lying in the North right-of-way line of Virginia Street;

THENCE S 89° 44' 00" W 220.50 feet, along the South boundary line of said McKinney Metals Addition, and the North right-of-way line of said Virginia Street, to a point at the most Southerly Southwest corner of said McKinney Metals Addition;

THENCE N 02° 13' 33" E 210.19 feet, along the West boundary line of said McKinney Metals Addition, and the East boundary line of a tract of land conveyed to J. A. Gooch and Imogene Gooch Revocable Living Trust, by the deed recorded in Volume 93, Page 0106675 of the Deed Records of Collin County, Texas, to a point;

THENCE S 89° 24' 32" W 41.37 feet, to a point at the most Northerly Southwest corner of said McKinney Metals Addition, lying in the East right-of-way line of McDonald Street (State Highway No. 5);

THENCE along the East right-of-way line of said McDonald Street (State Highway No. 5), as follows:

1. N 12° 14' 00" E 8.64 feet, to a point;
2. NORTHEASTERLY 227.51 feet, along a curve to the left having a radius of 1195.92 feet, a central angle of 10°54'00", and a chord bearing N 06° 47' 00" E 227.17 feet, to a point;
3. N 01° 20' 00" E 438.60 feet, to a point at the most Southerly Northwest corner of said McKinney Metals Addition, lying in the South right-of-way line of Lamar Street;

THENCE N 89° 44' 54" E 94.28 feet, along the South right-of-way line of said Lamar Street, to a point;

THENCE N 01° 21' 35" E 240.70 feet, along the East boundary line of a 30' alley conveyed to the City of McKinney by the deed recorded in Volume 412, Page 313 of the Deed Records of Collin County, Texas, to a point at the most Northerly Northwest corner of said McKinney Metals Addition, and the South right-of-way line of Walker Street;

THENCE N 89° 44' 45" E along the North boundary line of said McKinney Metals Addition, at 165.00 feet, passing the Northeast corner of said McKinney Metals Addition, and in all 325.06 feet, to a point in the East right-of-way line of said Dallas Area Rapid Transit Right-of-Way;

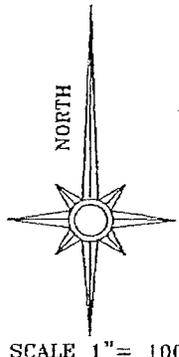
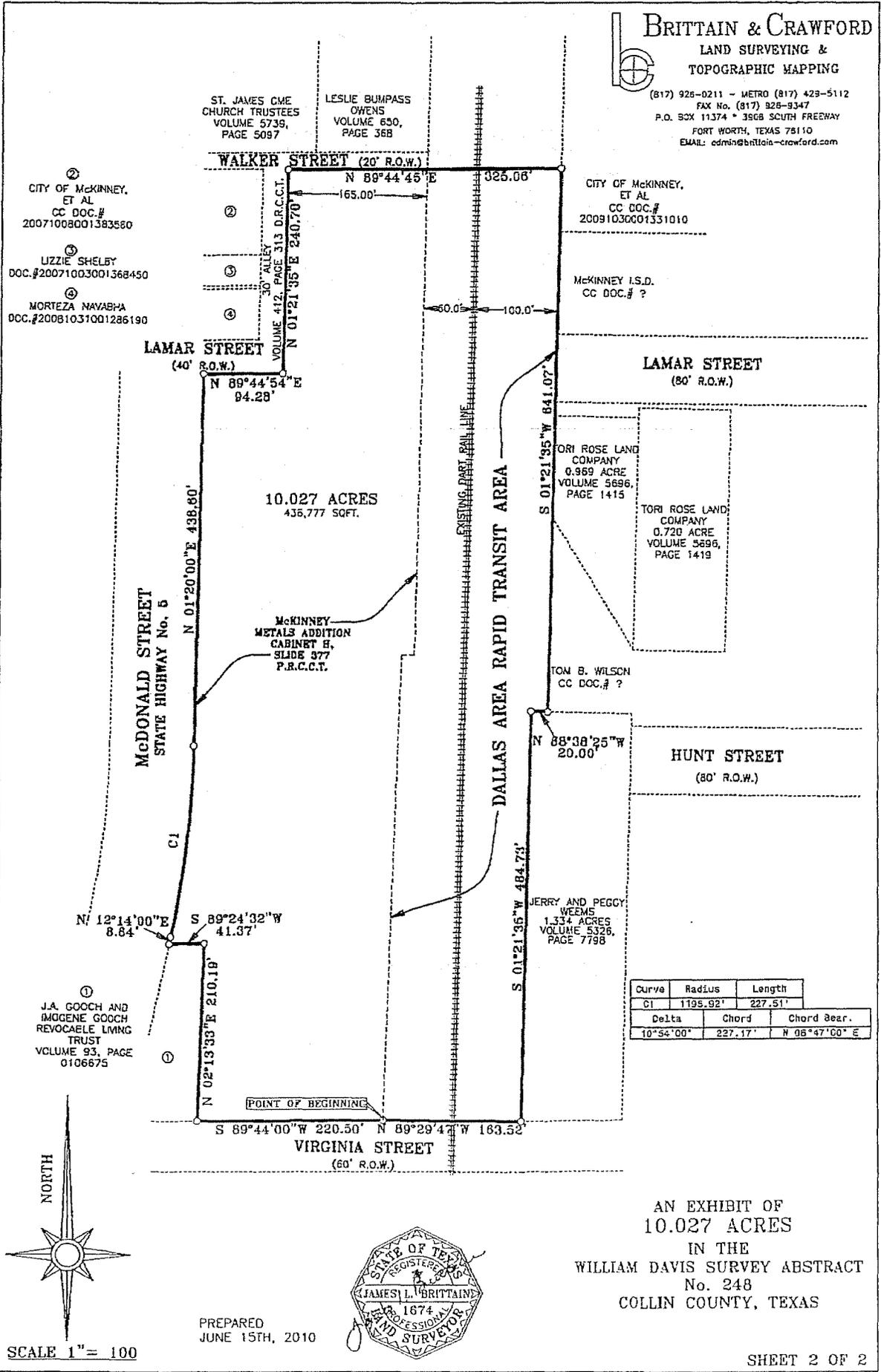
THENCE along the East boundary line of said Dallas Area Rapid Transit Right-of-Way, as follows:

1. S 01° 21' 35" W 641.07 feet, to a point;
2. N 88° 38' 25" W 20.00 feet, to a point;
3. S 01° 21' 35" W 484.73 feet, to a point;

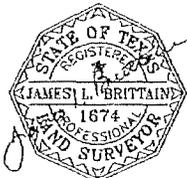
THENCE N 89° 29' 47" W 163.52 feet, along the North right-of-way line of said Virginia Street to the POINT OF BEGINNING containing 10.027 acres (436,777 square feet) of land.

EXHIBIT "A"

BRITTAINE & CRAWFORD
 LAND SURVEYING &
 TOPOGRAPHIC MAPPING
 (817) 926-0211 - METRO (817) 429-5112
 FAX No. (817) 926-9347
 P.O. BOX 11374 * 3908 SOUTH FREEWAY
 FORT WORTH, TEXAS 76110
 EMAIL: admin@brittain-crawford.com



PREPARED
 JUNE 15TH, 2010



AN EXHIBIT OF
 10.027 ACRES
 IN THE
 WILLIAM DAVIS SURVEY ABSTRACT
 No. 248
 COLLIN COUNTY, TEXAS

Exhibit B
Municipal Setting Designation
Affidavit of Eligibility

BEFORE ME, the undersigned authority, on this day personally appeared Benjie Smith, as an authorized representative of McKinney Junk Co., Inc., dba McKinney Metals, known to me to be the person whose name is subscribed below who being by me first duly sworn, upon their oath, stated as follows:

I am over the age of 18 and legally competent to make this affidavit. I have personal knowledge of the facts stated herein.

I affirmatively state that (place an X in all applicable blanks)

- The MSD eligibility criteria of THSC Section 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 has been 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.

Benjie Smith
Signature

Date: 3/20/13

BENJIE SMITH
Printed Name

Title

STATE OF Texas
COUNTY OF Collin

SUBSCRIBED AND SWORN before me on this the 20th day of March 2013, to which witness my hand and seal of office.

Mary E. Beechner
Notary Public in and for the State of Texas

