

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

September 4, 2009

Mr. Gregg Rogers
Legal counsel for Nationwide Life Insurance Company
Guida, Slavich & Flores, P.C.
750 N. St. Paul Street, Suite 200
Dallas, Texas 75201

RE: Municipal Setting Designation (MSD) Certificate for Pinetree Centre and Northwest Village - Longview, 2010-2011 Gilmer Road; 1703-1753, 1809 NW Loop 281, Longview, Gregg County, Texas; MSD No. 114

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) 239-3429 or via e-mail (ssetteme@tceq.state.tx.us).

Sincerely,

A handwritten signature in cursive script that reads "Scott Settemeyer".

Scott Settemeyer, P.G., Project Manager
VCP Team 1, VCP-CA Section
Remediation Division

DSS/jdm

Enclosure

cc: Ms. Christine Whitney, VCP Nos. 286 and 272 Project Manager, Remediation Division, MC-221

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



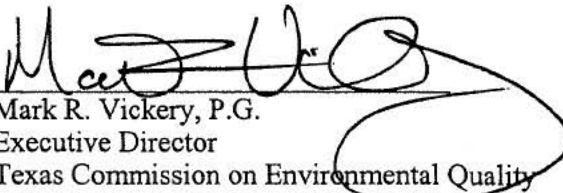
MUNICIPAL SETTING DESIGNATION CERTIFICATE

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

I, Mark R. Vickery, Executive Director of the Texas Commission on Environmental Quality certify the Municipal Setting Designation for MSD No. 114, in the City of Longview, 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.

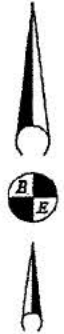
EXECUTED this the 1st day of September, 2009


Mark R. Vickery, P.G.
Executive Director
Texas Commission on Environmental Quality

DESIGNATED PROPERTY
 MUNICIPAL SETTING DESIGNATION APPLICATION
 21.697 ACRES IN THE CITY OF LONGVIEW
 DAVID FERGUSON SURVEY, A-71, CITY OF LONGVIEW, GREGG COUNTY, TEXAS

COMPOSITE MAP - SHEET INDEX

Exhibit "A"



SCALE: 1" = 300'

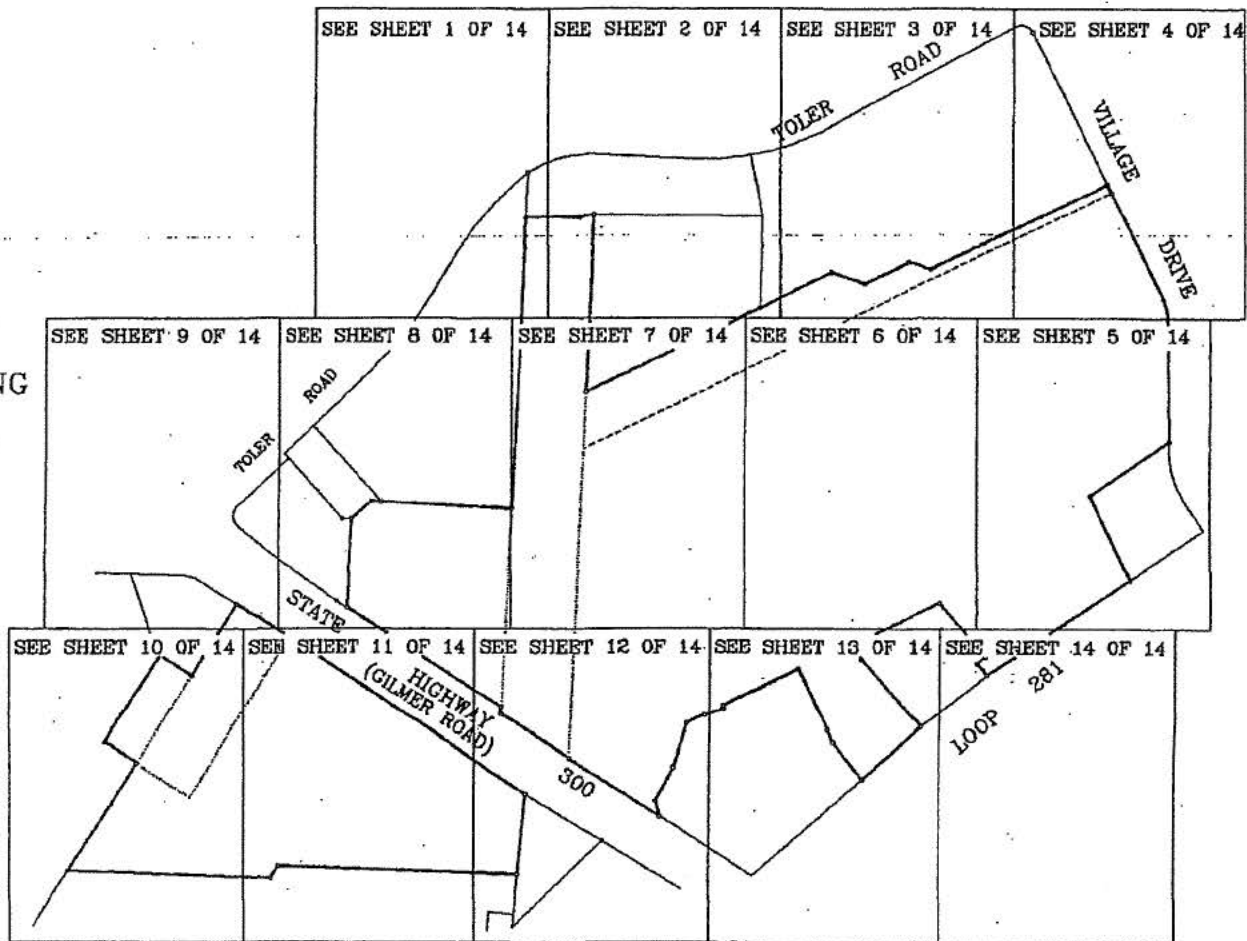


DATE: NOVEMBER 19, 2008

PREPARED BY



BLACKALLER ENGINEERING
 CIVIL ENGINEERING & SURVEYING
 P.O. Box 10281 Longview, Texas 75608
 PH (903) 759-6048 (903) 297-3088



NOTE: THE BEARING BASIS FOR THIS SURVEY IS N 57°33'45" W FOR THE NORTHEAST
 RIGHT-OF-WAY LINE OF STATE HIGHWAY 300 (GILMER ROAD) PER DEED RECORDED IN
 VOL. 2609, PG. 505, DEED RECORDS, AS SHOWN ON SHEET 11 OF 14.

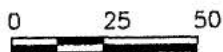
SHORT LINE TABLE

LINE	BEARING	DISTANCE
L17	N 89°44'42" E	84.10'
L18	N 02°37'39" E	72.28'



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 DAVID FERGUSON SURVEY, A-71, CITY OF LONGVIEW, GREGG COUNTY, TEXAS

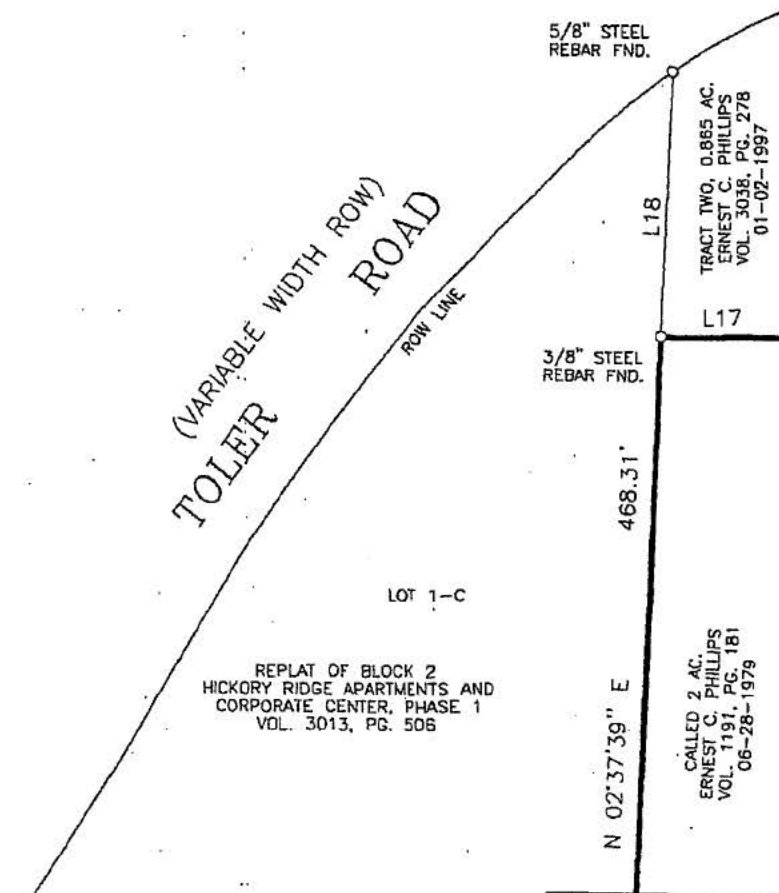
SCALE: 1" = 50'



DATE: NOVEMBER 19, 2008



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 PH (903) 769-5048 (903) 297-3086



SHORT LINE TABLE

LINE	BEARING	DISTANCE
L17	N 89°44'42" E	84.10'
L19	N 82°25'31" E	22.99'



SCALE: 1" = 50'
 0 25 50

DATE: NOVEMBER 19, 2008

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 DAVID FERGUSON SURVEY, A-71, CITY OF LONGVIEW, GREGG COUNTY, TEXAS



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LEGEND

⊙ 3/8" STEEL REBAR SET

60' ROW
TOLER ROAD

ROW LINE

TRACT TWO, 0.865 AC.
 ERNEST C. PHILLIPS
 VOL. 3038, PG. 278
 01-02-1997

RESIDUE OF LOT 2, BLOCK 2
 EFCHICKORY RIDGE APARTMENTS AND
 CORPORATE CENTER, PHASE 2
 VOL. 1570, PG. 459

L17

L19

5/8" STEEL REBAR FND.

3/4" STEEL REBAR FND.

CALLED 2 AC.
 ERNEST C. PHILLIPS
 VOL. 1191, PG. 181
 06-28-1979

S 02°14'19" W 285.40'

TRACT 12
 ERNEST C. PHILLIPS
 VOL. 2481, PG. 365
 03-11-1993

(312.28')
 312.28'
 (129.98')
 129.98'

SHORT LINE TABLE

LINE	BEARING	DISTANCE
L20	S 70°49'11" E	56.51'
L21	N 64°07'15" E	79.69'
L22	S 70°52'45" E	35.36'



SCALE: 1" = 50'

0 25 50

DATE: NOVEMBER 19, 2008

TOLER
ROW LINE
ROAD

LEGEND

⊙ 3/8" STEEL REBAR SET

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11-19-08

RESIDUE OF LOT 2, BLOCK 2:
EFEHICKORY RIDGE APARTMENTS AND
CORPORATE CENTER, PHASE 2
VOL. 1570, PG. 459

(N 64°02'00" E)
N 64°07'15" E (315.00')
315.05'

(129.98')
129.98'

L20

L21

L22

SOUTH LINE OF HICKORY RIDGE APARTMENTS AND CORPORATE CENTER, PHASE 2
PER VOL. 1570, PG. 459

LOT 1, BLOCK 1
NORTHWEST VILLAGE UNIT 2
(REPLAT)
GCC 200218460

CURVE TABLE

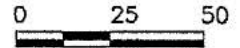
CURVE	CHORD BEARING	CHORD DISTANCE	RADIUS	ARC LENGTH
C1	S 13°27'49" E	32.80'	75.00'	33.07'

SHORT LINE TABLE

LINE	BEARING	DISTANCE
L1	S 26°03'42" E	14.97'



SCALE: 1" = 50'



DATE: NOVEMBER 19, 2008

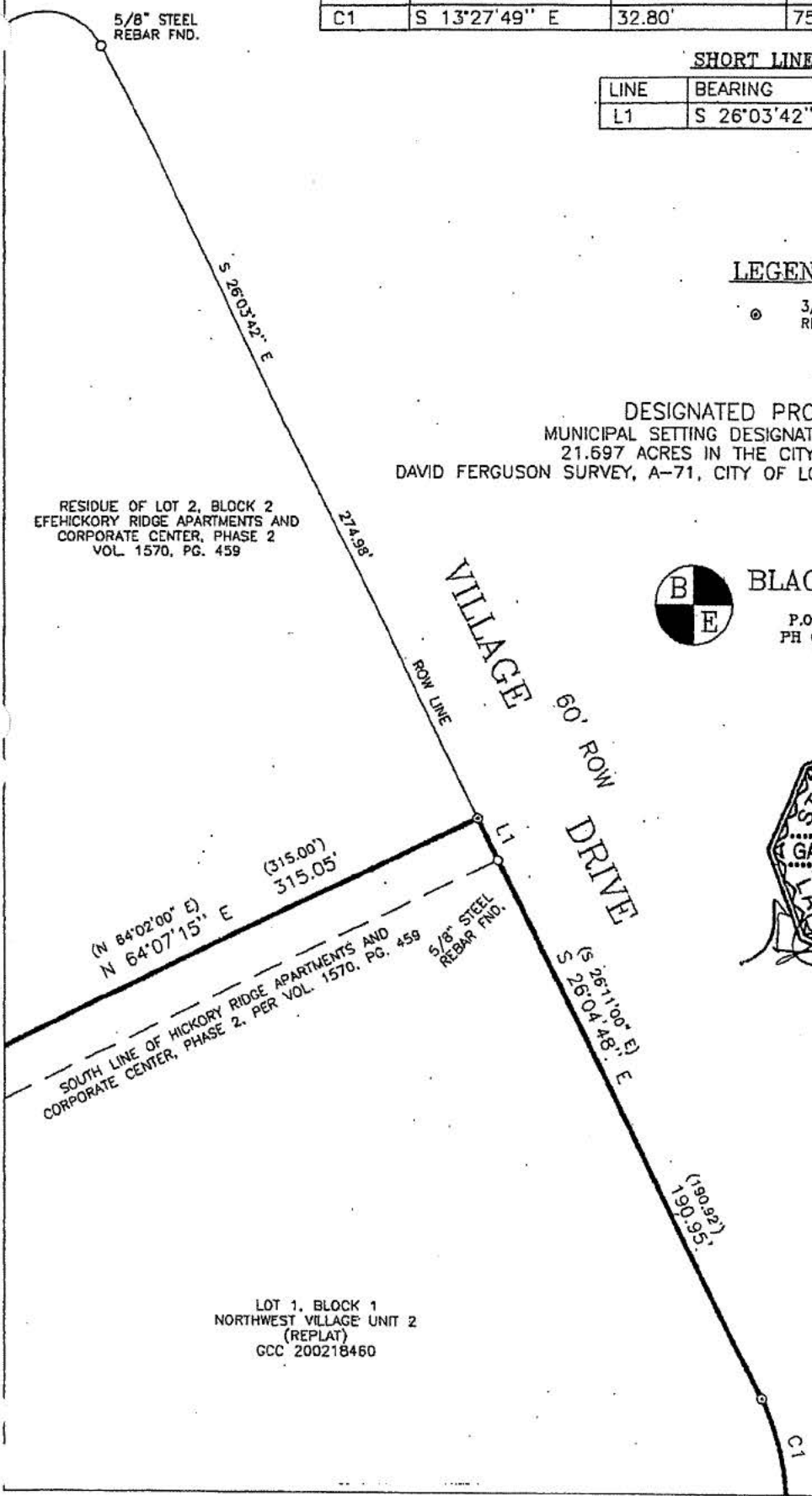
LEGEND

⊙ 3/8" STEEL REBAR SET

DESIGNATED PROPERTY
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 DAVID FERGUSON SURVEY, A-71, CITY OF LONGVIEW, GREGG COUNTY, TEXAS

RESIDUE OF LOT 2, BLOCK 2
 EFHICKORY RIDGE APARTMENTS AND
 CORPORATE CENTER, PHASE 2
 VOL. 1570, PG. 459

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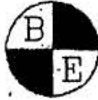
11-19-08

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 DAVID FERGUSON SURVEY, A-71, CITY OF LONGVIEW, GREGG COUNTY, TEXAS



SCALE: 1" = 50'
 0 25 50

DATE: NOVEMBER 19, 2008

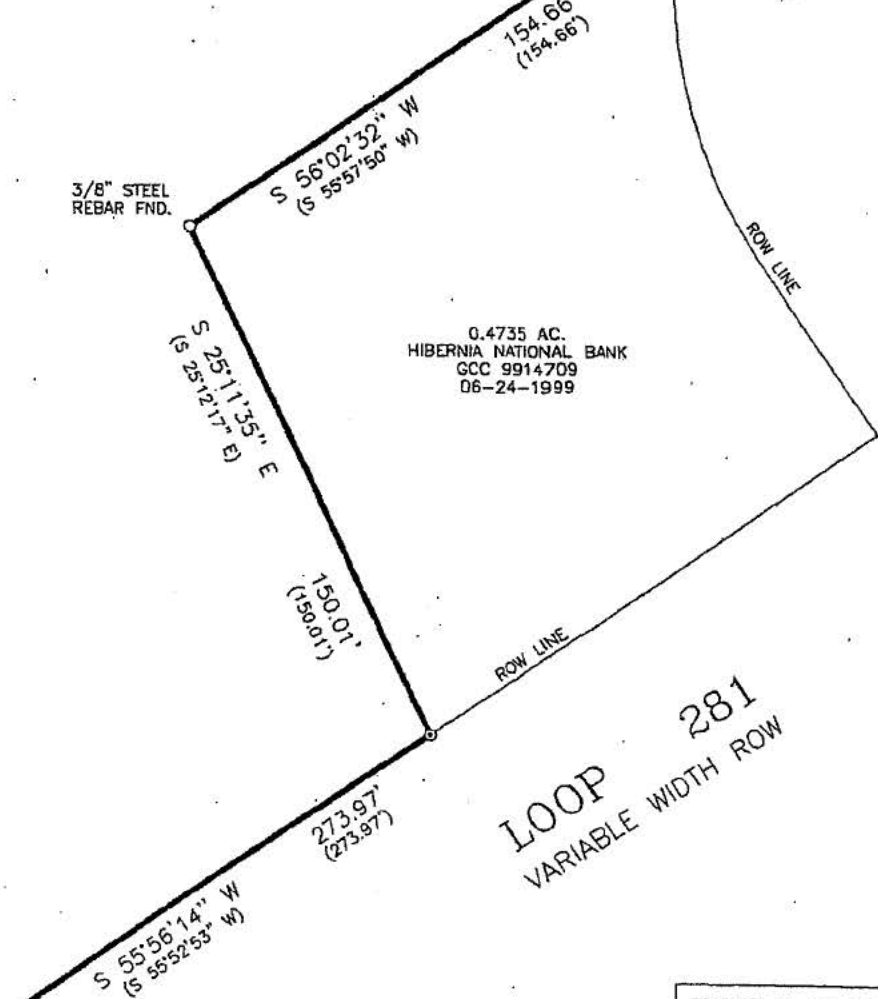


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LEGEND

⊙ 3/8" STEEL REBAR SET

LOT 1, BLOCK 1
 NORTHWEST VILLAGE UNIT 2
 (REPLAT)
 GCC 200218460



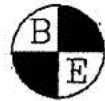
SOUTH LINE OF HICKORY RIDGE APARTMENTS AND CORPORATE CENTER, PHASE 2
PER VOL. 1570, PG. 459

DESIGNATED PROPERTY
MUNICIPAL SETTING DESIGNATION APPLICATION
21.697 ACRES IN THE CITY OF LONGVIEW
DAVID FERGUSON SURVEY, A-71, CITY OF LONGVIEW, GREGG COUNTY, TEXAS



SCALE: 1" = 50'
0 25 50

DATE: NOVEMBER 19, 2008



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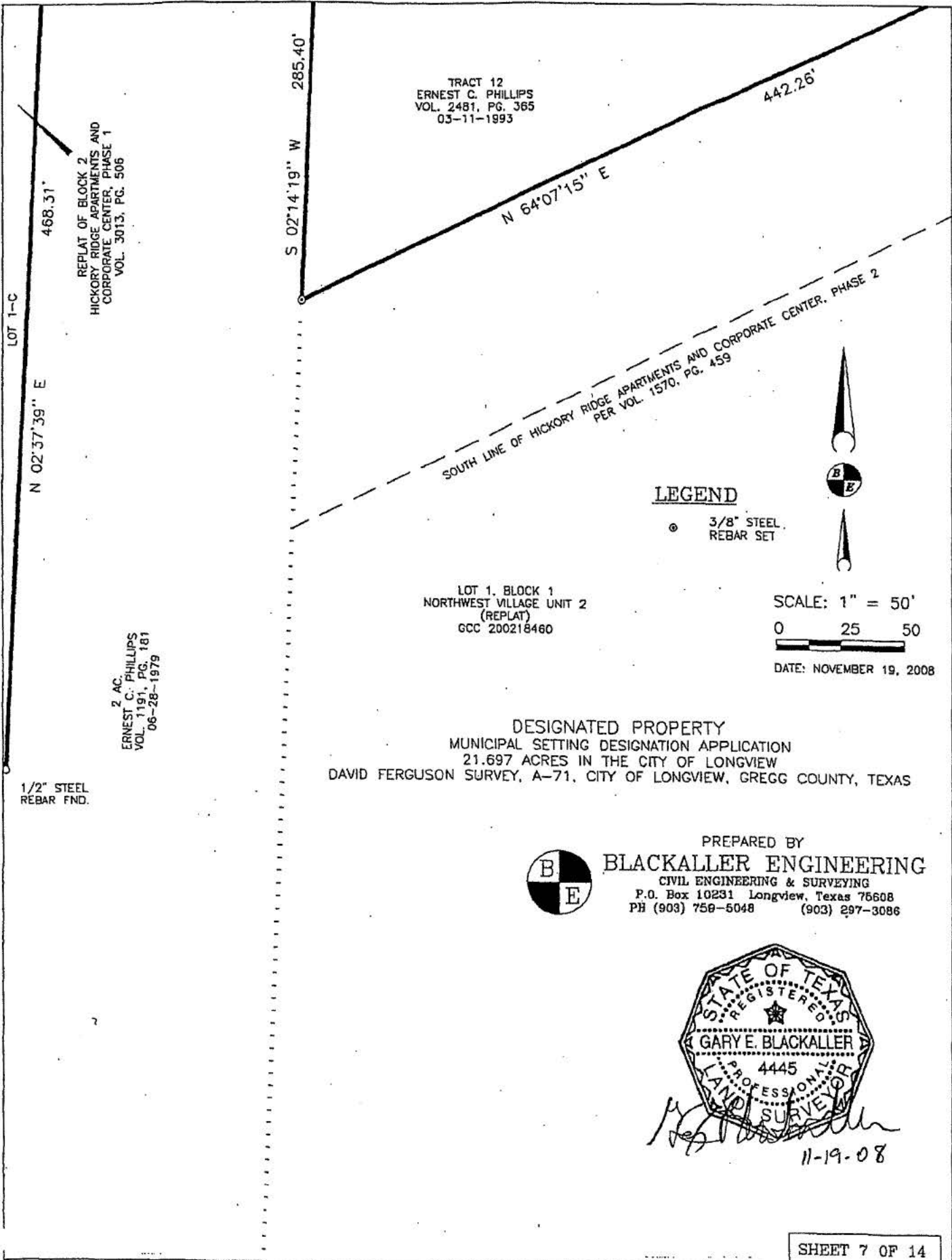
Gary E. Blackaller
11-19-08

LOT 1, BLOCK 1
NORTHWEST VILLAGE UNIT 2
(REPLAT)
GCC 200218460

LOT 1, BLOCK 1
NORTHWEST VILLAGE ADDITION
VOL. 2378, PG. 110

3/8" STEEL
REBAR FND.

(N 63°22'04" E) (149.44')
S 64°06'17" W 150.55'
112.84'
(112.86')
S 40°42'31" E
N 40°35'44" W



TRACT 12
 ERNEST C. PHILLIPS
 VOL. 2481, PG. 365
 03-11-1993

REPLAT OF BLOCK 2
 HICKORY RIDGE APARTMENTS AND
 CORPORATE CENTER, PHASE 1
 VOL. 3013, PG. 506

2 AC.
 ERNEST C. PHILLIPS
 VOL. 1191, PG. 181
 08-28-1979

LOT 1, BLOCK 1
 NORTHWEST VILLAGE UNIT 2
 (REPLAT)
 GCC 200218460

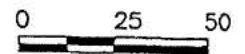
DESIGNATED PROPERTY
 MUNICIPAL SETTING DESIGNATION APPLICATION
 21.697 ACRES IN THE CITY OF LONGVIEW
 DAVID FERGUSON SURVEY, A-71, CITY OF LONGVIEW, GREGG COUNTY, TEXAS

LEGEND

⊙ 3/8" STEEL
 REBAR SET



SCALE: 1" = 50'



DATE: NOVEMBER 19, 2008

1/2" STEEL
 REBAR FND.



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[Handwritten Signature]
 11-19-08

SHORT LINE TABLE

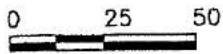
LINE	BEARING	DISTANCE
L14	N 57°33'45" W	20.15'
L15	N 49°17'04" E	43.14'
L16	N 88°13'28" W	15.21'

LEGEND

⊙ 3/8" STEEL REBAR SET



SCALE: 1" = 50'



DATE: NOVEMBER 19, 2008

(VARIABLE WIDTH ROW)
TOLER ROAD
ROW LINE

DESIGNATED PROPERTY
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21.697 ACRES IN THE CITY OF LONGVIEW
DAVID FERGUSON SURVEY, A-71, CITY OF LONGVIEW, GREGG COUNTY, TEXAS



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PH (903) 759-6048 (903) 297-3088

LOT 1-C

REPLAT OF BLOCK 2
HICKORY RIDGE APARTMENTS AND
CORPORATE CENTER, PHASE 1
VOL. 3013, PG. 506



LOT 10-1

(S 87°12'10" E)
S 87°04'17" E

(225.6')
225.60'

1/2" STEEL REBAR FND.

L16

60d NAIL FOUND

0.554 AC.
FRIH CHKN, LLC
GCC 200500419

(143.4')
144.26'

(N 02° E)
N 02°52'44" E

3/8" STEEL REBAR FND.

L14

1.443 AC.
OFFICE REALTY, INC.
VOL. 2609, PG. 505
12-31-1993

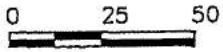
STATE HIGHWAY 300
VARIABLE WIDTH ROW
(GILMER ROAD)

SHORT LINE TABLE

LINE	BEARING	DISTANCE
L23	S 58°15'34" E	100.00'
L30	N 32°27'47" E	134.67'



SCALE: 1" = 50'



DATE: NOVEMBER 19, 2008

DESIGNATED PROPERTY
 MUNICIPAL SETTING DESIGNATION APPLICATION
 21.697 ACRES IN THE CITY OF LONGVIEW
 DAVID FERGUSON SURVEY, A-71, CITY OF LONGVIEW, GREGG COUNTY, TEXAS



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 P.O. Box 10231 Longview, Texas 75608
 PH (903) 759-6048 (903) 297-3088



[Handwritten signature]
 11-19-08

(VARIABLE WIDTH ROW)
TOLER ROAD
 ROW LINE

0.554 AC.
 FRIH CHKN, LLC
 GCC 200500419

STATE
HIGHWAY 300
 VARIABLE WIDTH ROW
 (GILMER ROAD)

ROW LINE

0.377 AC.
 LARRY GRUBBS
 VOL. 2961, PG. 500
 05-31-1996

TRACT ONE
 R.P.H. ENTERPRISES, L.L.C.
 GCC 200115220
 07-24-2001

3/8" STEEL
 REBAR FND.

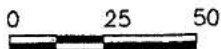


SHORT LINE TABLE

LINE	BEARING	DISTANCE
L26	N 57°47'20" W	60.10'
L27	N 32°29'51" E	165.26'
L28	N 57°38'21" W	6.88'
L29	S 57°38'21" E	60.00'
L30	N 32°27'47" E	134.67'



SCALE: 1" = 50'



DATE: NOVEMBER 19, 2008



11-19-08

LEGEND

⊙ 3/8" STEEL REBAR SET



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 P.O. Box 10231 Longview, Texas 75008
 PH (903) 759-5048 (903) 297-3086

RESIDUE OF 10.40 AC.
 FRED M. GARRETT
 VOL. 1271, PG. 59
 10-17-1980

(N 31°05' E)
 N 32°21'30" E

(205.0')
 205.07'

CAPPED 3/8" STEEL REBAR FND. (KSCD)

N 88°04'33" W
 (N 89°26' W)

326.83'
 (326.8')

LOT 2

DESIGNATED PROPERTY
 MUNICIPAL SETTING DESIGNATION APPLICATION
 21.897 ACRES IN THE CITY OF LONGVIEW
 DAVID FERGUSON SURVEY, A-71, CITY OF LONGVIEW, GREGG COUNTY, TEXAS

0.377 AC.
 LARRY GRUBBS
 VOL. 2951, PG. 500
 05-31-1996

"X" CUT IN CON. FND

TRACT TWO, 0.227 AC.
 R.P.H. ENTERPRISES, L.L.C.
 GCC 200115220
 07-24-2007

TRACT ONE
 R.P.H. ENTERPRISES, L.L.C.
 GCC 200115220
 07-24-2007

CAPPED 5/8" STEEL REBAR FND. (SEPCO INC.)

LOT 3, BLOCK 4220
 PINETREE SHOPPING CENTRE
 VOL. 1335, PG. 565

TRACT II, 3.63 AC.
 NATIONWIDE LIFE INSURANCE COMPANY
 VOL. 1882, PG. 85
 01-05-1988

CALLED 1.443 AC.
OFFICE REALTY, INC.
VOL. 2609, PG. 505
12-31-1993

R.P.H. TRACT ONE
GCC 200115220
07-24-2001

N 57°33'45" W
(BEARING BASIS PER VOL. 2609, PG. 505)
ROW LINE
296.56'
(296.63')

STATE HIGHWAY 300
(GILMER ROAD)

S 56°57'10" E
(S 58°36' E)

ROW LINE
423.94'
(423.3')

80' ROW

LOT 3, BLOCK 4220
PINETREE SHOPPING CENTRE
VOL. 1335, PG. 565

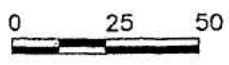
TRACT II, 3.63 AC.
NATIONWIDE LIFE INSURANCE COMPANY
VOL. 1882, PG. 85
01-05-1988

LEGEND

- ⊙ 3/8" STEEL REBAR SET
- ✱ "X" CUT IN CONCRETE (SET)



SCALE: 1" = 50'



DATE: NOVEMBER 19, 2008

SHORT LINE TABLE

LINE	BEARING	DISTANCE
L24	S 58°15'34" E	33.41'
L25	S 31°55'16" W	22.94'

DESIGNATED PROPERTY
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"X" CUT IN CONC. FND.

L25

"X" CUT IN CONC. FND.

N 88°04'57" W
(N 89°26' W)

387.80'
(387.5')

LOT 2

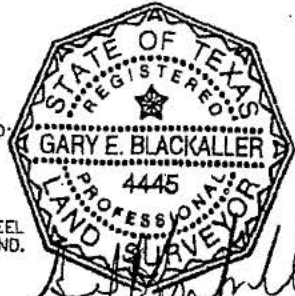


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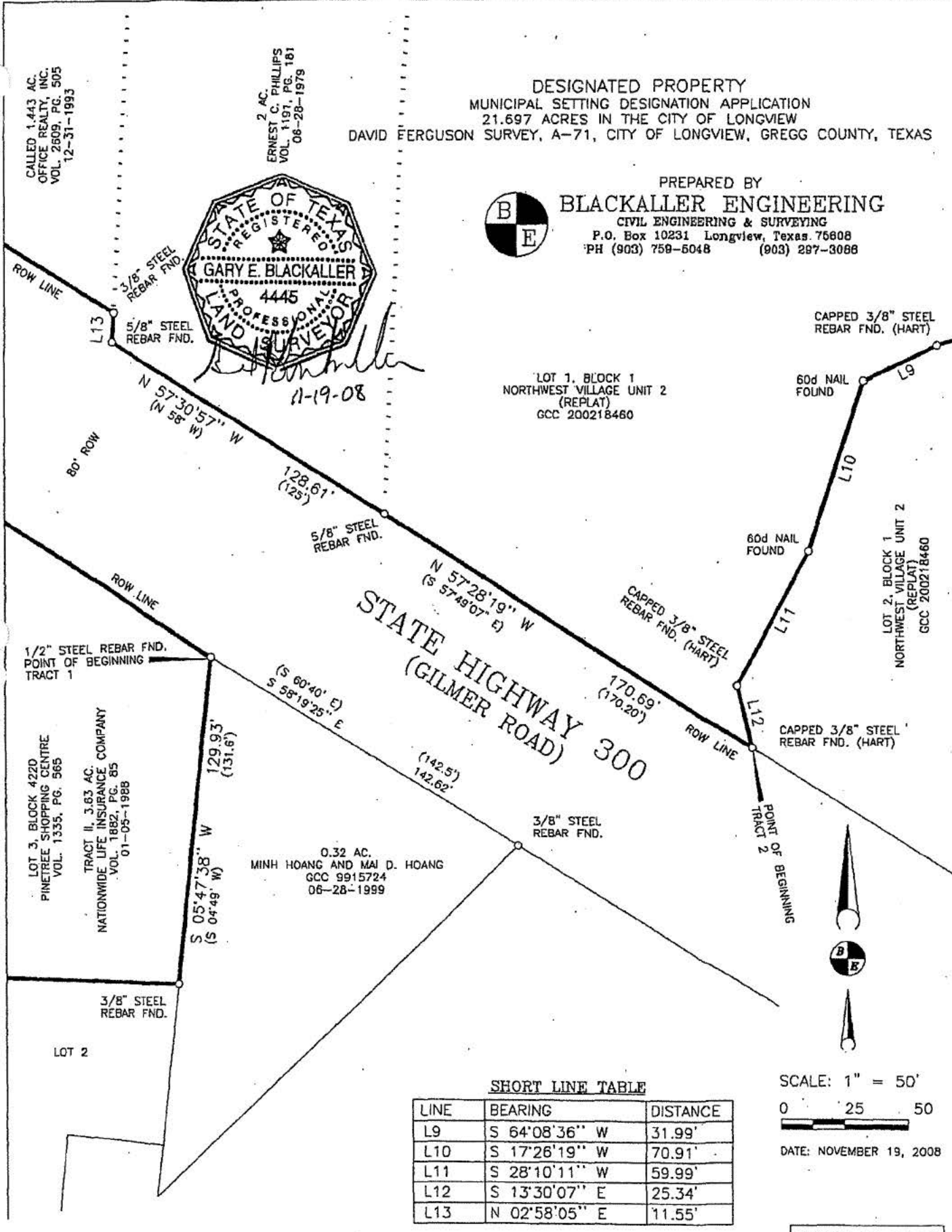


DESIGNATED PROPERTY
MUNICIPAL SETTING DESIGNATION APPLICATION
21.697 ACRES IN THE CITY OF LONGVIEW
DAVID FERGUSON SURVEY, A-71, CITY OF LONGVIEW, GREGG COUNTY, TEXAS

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Gary E. Blackaller
11-19-08

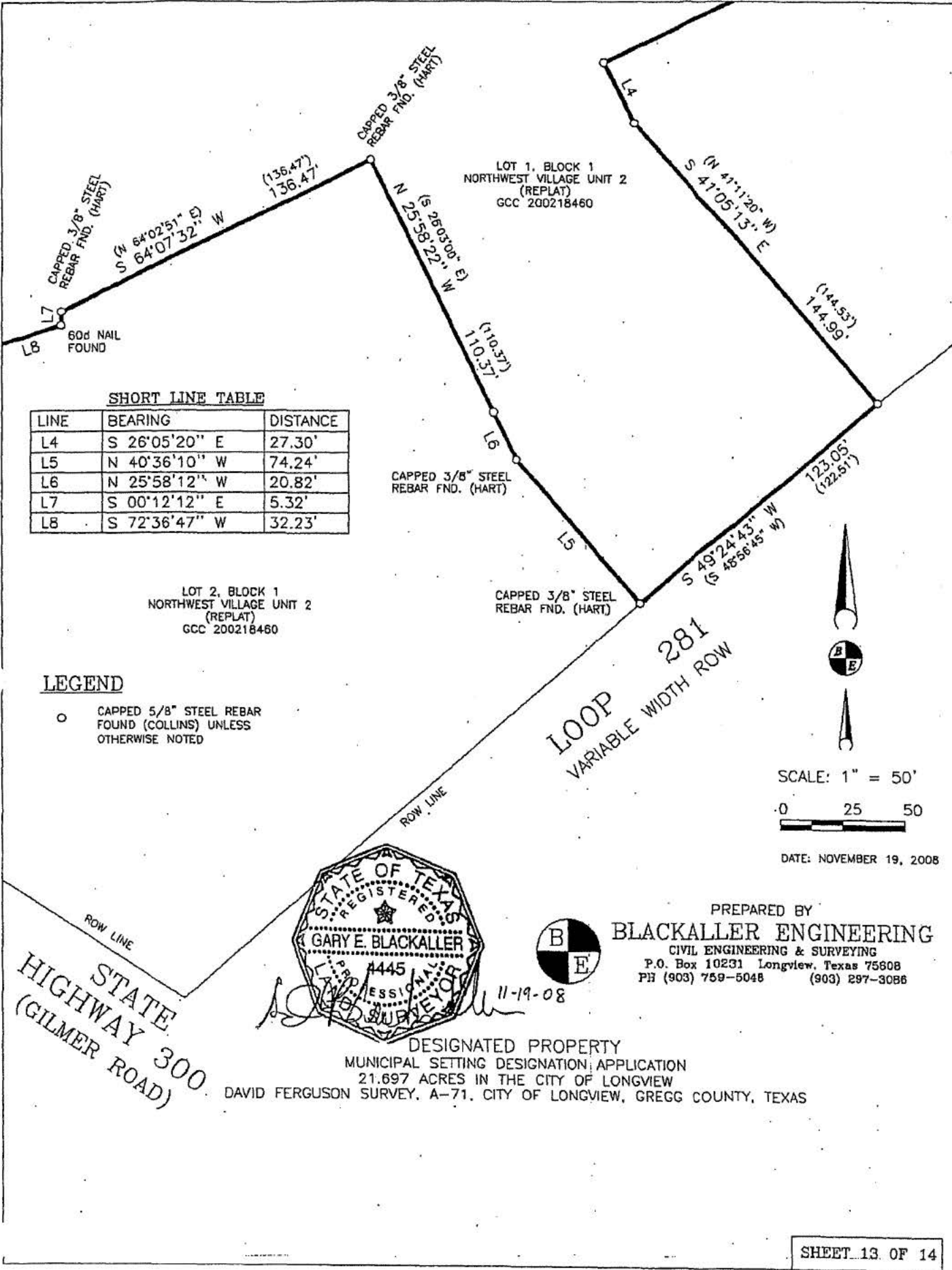


SHORT LINE TABLE

LINE	BEARING	DISTANCE
L9	S 64°08'36" W	31.99'
L10	S 17°26'19" W	70.91'
L11	S 28°10'11" W	59.99'
L12	S 13°30'07" E	25.34'
L13	N 02°58'05" E	11.55'

SCALE: 1" = 50'
0 25 50

DATE: NOVEMBER 19, 2008



SHORT LINE TABLE

LINE	BEARING	DISTANCE
L4	S 26°05'20" E	27.30'
L5	N 40°36'10" W	74.24'
L6	N 25°58'12" W	20.82'
L7	S 00°12'12" E	5.32'
L8	S 72°36'47" W	32.23'

CAPPED 3/8" STEEL
REBAR FND. (HART)

(N 64°02'51" E)
S 64°07'32" W

(136.47)
136.47'

CAPPED 3/8" STEEL
REBAR FND. (HART)

N 25°58'22" E
(S 26°03'00" E)

(110.37)
110.37'

CAPPED 3/8" STEEL
REBAR FND. (HART)

CAPPED 3/8" STEEL
REBAR FND. (HART)

(N 41°11'20" W)
S 47°05'13" E

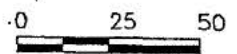
(144.53)
144.99'

123.05'
(122.51)

S 49°24'43" W
(S 48°56'45" W)

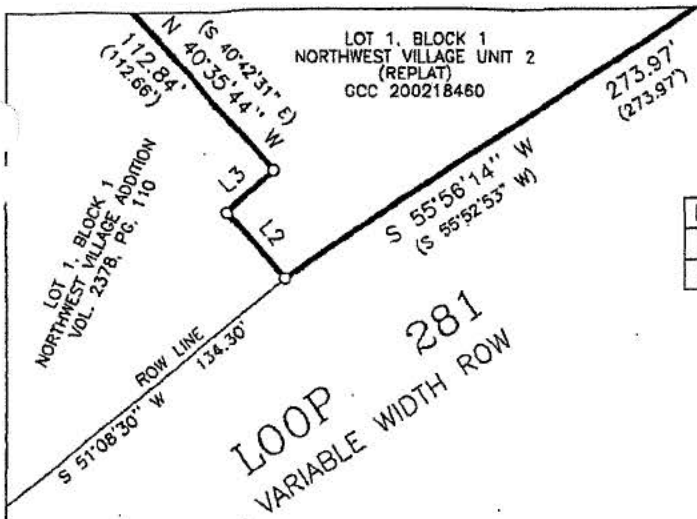


SCALE: 1" = 50'



DATE: NOVEMBER 19, 2008



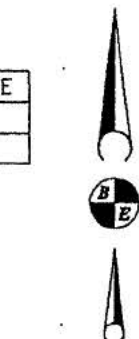


SHORT-LINE TABLE

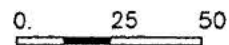
LINE	BEARING	DISTANCE
L2	N 40°36'35" W	24.10'
L3	N 48°14'32" E	16.98'

LEGEND

- CAPPED 5/8" STEEL REBAR FOUND (COLLINS)



SCALE: 1" = 50'



DATE: NOVEMBER 19, 2008



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BLACKALLER ENGINEERING

Civil Engineering & Surveying
P.O. Box 10231 Longview, Texas 75608
PH. (903) 759-5048 FAX (903) 297-3086

STATE OF TEXAS
COUNTY OF GREGG

M.S.D. SURVEY

Being 4.538 acres of land situated in the David Ferguson Survey, A-71, Gregg County, Texas, lying wholly within the Corporate Limits of the City of Longview, and being three tracts of land; First, being Lot 3, Block 4220, of Pinetree Shopping Centre, according to the plat of same recorded in Vol. 1335, Pg. 565, of the Deed Records, Gregg County, Texas (DRGCT), same being a called 3.63 acres tract, designated Tract II, in deed from Lincoln Pinewood Centre Associates, Ltd. to Nationwide Life Insurance Company, recorded in Vol. 1882, Pg. 85, of the Public Official Records, Gregg County, Texas (PORGCT); Second, a tract of land, designated Tract One, described in deed from Harris Nursery, Inc. to R.P.H. Enterprises, L.L.C., recorded under Gregg County Clerk's File No. (GCC) 200115220; and Third, a 0.227 acre tract, designated Tract Two, described in said GCC 200115220, and being more particularly described as follows:

BEGINNING at a 1/2" steel rebar found in the southwest right-of-way (ROW) line of State Highway 300 (SH 300), also known as Gilmer Road, a variable width ROW, for the NW Corner of the Minh Hoang and Mai D. Hoang 0.32 acre tract (Deed Reference: GCC 9915724), same being the NE Corner of this tract, from which a 3/8" steel rebar found for the NE Corner of the said 0.32 acre tract bears S 58 deg 19' 25" E, 142.62 feet;

THENCE: S 05 deg 47' 38" W, with and along the east line of the said 0.32 acre tract, 129.93 feet, to a 3/8" steel rebar found for the NE Corner of Lot 2, Block 4220, of said Pinetree Shopping Centre for the SE Corner this tract;

THENCE: N 88 deg 04' 57" W, with and along the north line of said Lot 2, 387.80 feet, to an "X" found cut in concrete for angle point in said line;

THENCE: S 31 deg 55' 16" W, with and along the said north line of Lot 2, 22.94 feet, to an "X" found cut in concrete for angle point in said line;

THENCE: N 88 deg 04' 33" W, with and along the said north line of Lot 2, 326.83 feet, to a capped (KSCO) 3/8" steel rebar found in the east line of the residue of the Fred M. Garrett 10.40 acres tract (Deed Reference: Vol. 1271, Pg. 59, DRGCT) for the NW Corner of Lot 2 and being the SW Corner of this tract;

THENCE: N 32 deg 21' 30" E, with and along the said east line of the 10.40 acres tract, 205.07 feet, to a capped (Sempco Inc.) 5/8" steel rebar found for the SE Corner of the said R.P.H. Enterprises Tract Two, same being the SW Corner of the said R.P.H. Enterprises Tract One, and being an interior ell corner of this tract;

THENCE: N 57 deg 47' 20" W, across the said 10.40 acres tract and with the south line of said Tract Two, 60.10 feet, to a 3/8" steel rebar set for the SW Corner of Tract Two;

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THENCE: N 32 deg 29' 51" E, across the said 10.40 acres tract and with the west line of said Tract Two, 165.26 feet, to a 3/8" steel rebar set in the south line of the Larry Grubbs 0.377 acre tract (Deed Reference: Vol. 2961, Pg. 500, PORGCT), for the NW Corner of Tract Two, from which an "X" cut in concrete for the SW Corner of the 0.377 acre tract bears N 57 deg 38' 21" W, 6.88 feet;

THENCE: S 57 deg 38' 21" E, with and along the south line of the said 0.377 acre tract and the north line of said Tract Two, 60.00 feet, to a 3/8" steel rebar set in the west line of said Tract One for an interior ell corner of this tract;

THENCE: N 32 deg 27' 47" E, with and along the east line of the said 0.377 acre tract and the west line of said Tract One, 134.67 feet, to a 3/8" steel rebar found in the said southwest ROW line of SH 300 for the NE Corner of the 0.377 acre tract, same being the NW Corner of Tract One and the northernmost corner of this tract;

THENCE: S 58 deg 15' 34" E, with and along the said ROW line, 100.00 feet, to a 3/8" steel rebar set for the NE Corner of said Tract One and the northernmost corner of said Lot 3;

THENCE: S 58 deg 15' 34" E, with and along the said ROW line and the north line of said Lot 3, 33.41 feet, to an "X" cut in concrete for angle point in said ROW line;

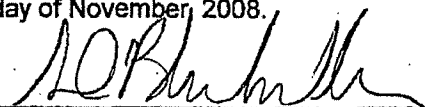
THENCE: S 56 deg 57' 10" E, with and along the said ROW line and said north line of Lot 3, 423.94 feet, to the POINT OF BEGINNING and containing 197,872 square feet or 4.538 acres of land.

SURVEYOR'S CERTIFICATE

The undersigned Registered Professional Land Surveyor (Gary E. Blackaller) hereby certifies that, (a) this survey and the property description set forth hereon were prepared from an actual on-the-ground survey; (b) such survey was conducted by the Surveyor or under his direction; (c) all monuments shown hereon actually existed on the date of this survey, and the location, size and type of material thereof are correctly shown; Use of this survey by any other parties and/or for other purposes shall be at the User's own risk and any loss resulting from other use shall not be the responsibility of the undersigned. The plat hereon is a correct and accurate representation of the property lines and dimensions are as indicated; and except as shown, there are no visible and apparent encroachments or protrusions on the ground.

Witness my Hand and Official Seal, this 19th day of November, 2008.





Gary E. Blackaller
Registered Professional Land Surveyor No. 4445

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Exhibit "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 checked="" type="radio"/> Yes	<input type="radio"/> No ³	<input 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. VCP Nos. 286 and 272		
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? 07 / 15 / 1996	<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.

Applicant Signature: *[Signature]* Date: 6-24-09

Before me *Susan Hill* the undersigned authority, on this day personally appeared *Mary Rogers* Name of Notary 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 24th day of June, this month of _____, 2009.

