

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



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

January 7, 2010

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

RE: Municipal Setting Designation (MSD) Certificate for Lots 1,2,3,4,5,6, and 7
Block 1; 121-125 E. Main Street, Grand Prairie, Texas; MSD No. 119

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) 239-2378 or via e-mail (rclarke@tceq.state.tx.us).

Sincerely,

A handwritten signature in cursive script that reads "Richard Clarke".

Richard Clarke, P.G., Project Manager
VCP-CA Section
Remediation Division

RC/jdm

Enclosure

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. 119, in the City of Grand Prairie, 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 10th day of December, 2009

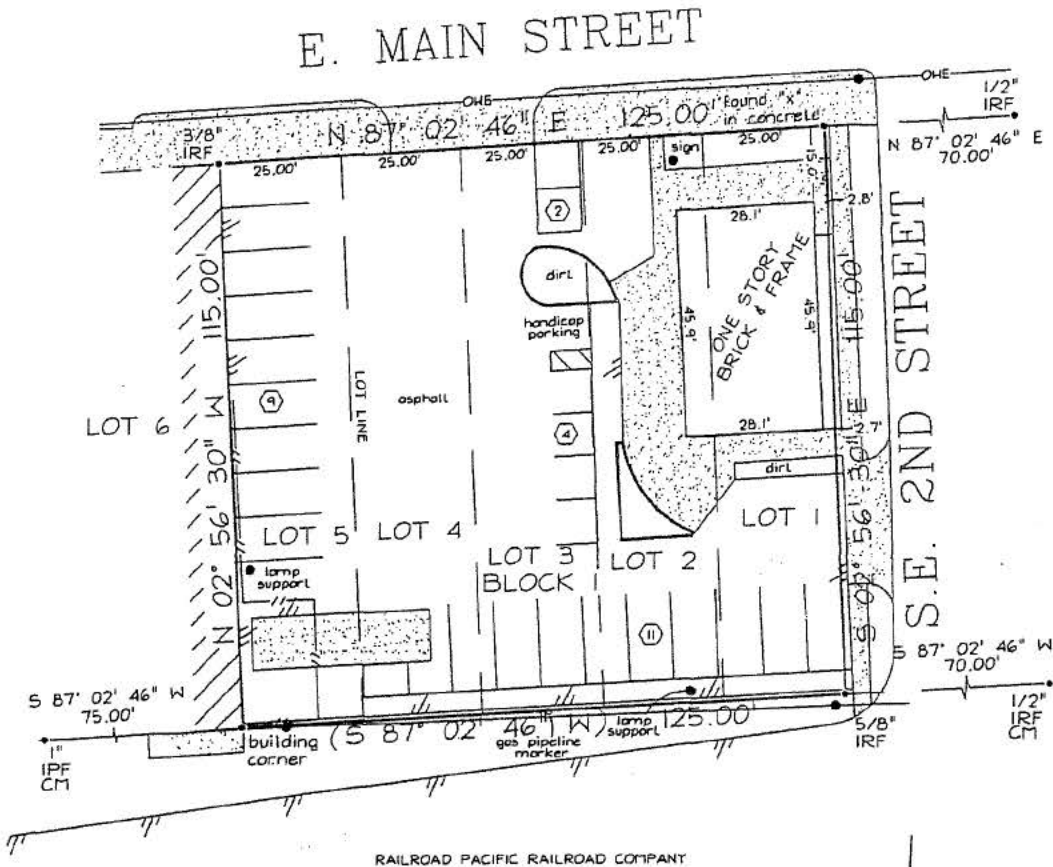
A handwritten signature in black ink, appearing to read "Mark R. Vickery", written over a horizontal line.

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

Exhibit "A"

LEGEND OF ABBREVIATIONS AND SYMBOLS

- | | | | | | | | |
|--------|-------------------------------|--------|------------------------|----------|------------------------------|----------|-------------------------------|
| B.L. | • Building Line | I.P.F. | • Iron Pipe Found | P.A.E. | • Public Access Easement | S.E. | • Sewer Easement |
| C.M. | • Control Monument | I.R.F. | • Iron Rod Found | P.O.S.E. | • Public Open Space Easement | U.E. | • Utility Easement |
| D.E. | • Drainage Easement | I.R.S. | • Iron Rod Set | R.O.W. | • Right of Way | X.T.R.W. | • Railroad Tie Retaining Wall |
| D.U.E. | • Drainage & Utility Easement | M.E. | • Maintenance Easement | R.W. | • Retaining Wall | O.H.E. | • Overhead Electric |
| ET | • Electric Transformer | () | • Record Data | | | | |
| F.P. | • Fence Post | | | | | | |



Address: 125 E. MAIN STREET

G.F. No.: 1045930

Date: 12/12/08

This survey is valid only with signature in black ink.

I, Jeffrey W. Herron, Registered Professional Land Surveyor do hereby declare that the map shown hereon accurately represents the property as determined by an on-the-ground survey made under my direct supervision, and correctly shows the boundary lines and dimensions of the property indicated hereon. There are no visible conflicts, or protrusions, except as shown and said property has access to a public roadway. All easements and right-of-ways that the surveyor has knowledge of or has been advised of and those shown on the referenced plot of record are shown or noted hereon. This survey is for the exclusive use of title company, the mortgage company and the herein named purchaser.

This Lot is shown as being located in Zone "X" by Flood Insurance Rate Map No. 48113C0435 K, dated June 16, 2005. It is not shown as being located in a Special Flood Hazard Area Inundated by 100-Year Flood.

LEGAL DESCRIPTION

Lots 1, 2, 3, 4 and 5, Block 1, of Original Town of Grand Prairie, an Addition to the City of Grand Prairie, Dallas County, Texas, according to the Plat thereof recorded in Volume 32, Page 578 of the Deed Records of Dallas County, Texas.

ACCEPTED BY:

DATE:

Purchaser

Purchaser



Scale: 1" = 30'

Tech: LDS

Field: DS

Job No: D12CG04

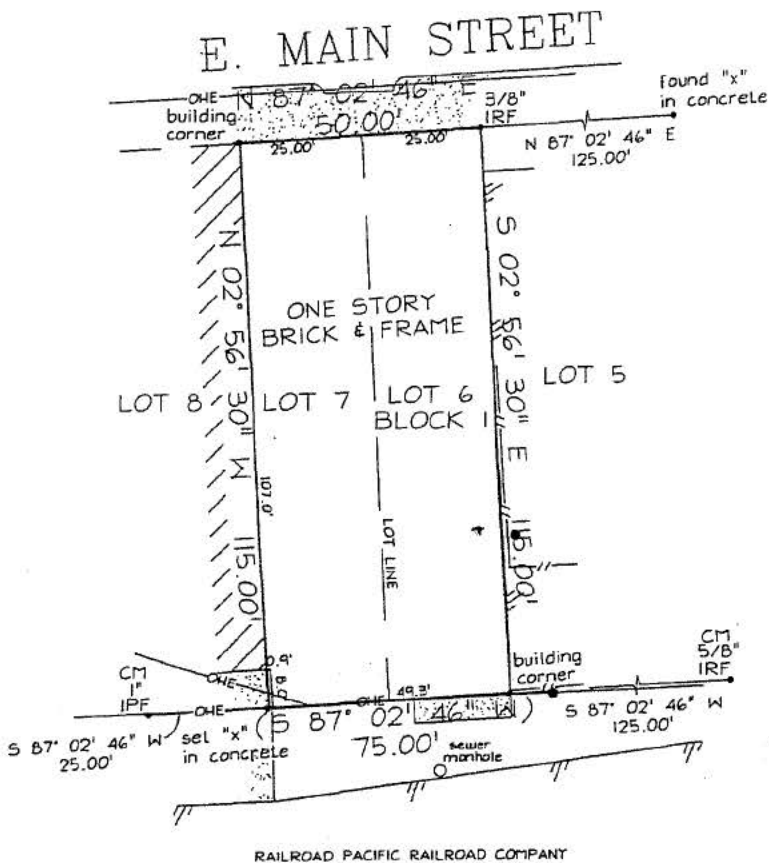
A.L.S. LAND SURVEYING
Professional Land Surveying Services

Any reproduction of this plot without surveyor's written consent is a violation of Federal copyright law.

Exhibit "A"

LEGEND OF ABBREVIATIONS AND SYMBOLS

- | | | | | | | | |
|--------|-------------------------------|--------|------------------------|----------|------------------------------|----------|-------------------------------|
| B.L. | • Building Line | I.P.F. | • Iron Pipe Found | P.A.E. | • Public Access Easement | S.E. | • Sewer Easement |
| C.M. | • Central Monument | I.R.F. | • Iron Rod Found | P.O.S.E. | • Public Open Space Easement | U.E. | • Utility Easement |
| D.E. | • Drainage Easement | I.R.S. | • Iron Rod Set | R.O.W. | • Right of Way | X.T.R.W. | • Railroad Tie Retaining Wall |
| D.U.E. | • Drainage & Utility Easement | M.E. | • Maintenance Easement | R.W. | • Retaining Wall | O.H.E. | • Overhead Electric |
| ET | • Electric Transformer | () | • Record Data | | | | |
| F.P. | • Fence Post | | | | | | |



Address: 121 E. MAIN STREET
 G.F. No.: 722750-M
 Date: 12/12/08

This survey is valid only with signature in black ink.

I, Jeffrey W. Herron, Registered Professional Land Surveyor do hereby declare that the map shown hereon accurately represents the property as determined by an on-the-ground survey made under my direct supervision, and correctly shows the boundary lines and dimensions of the property indicated hereon. There are no visible conflicts, or protrusions, except as shown and said property has access to a public roadway. All easements and right-of-ways that the surveyor has knowledge of or has been advised of and those shown on the referenced plat of record are shown or noted hereon. This survey is for the exclusive use of title company, the mortgage company and the hereon named purchaser.

This Lot is shown as being located in Zone "X" by Flood Insurance Rate Map No. 48113C0435 K, dated June 16, 2005. It is not shown as being located in a Special Flood Hazard Area Inundated by 100-Year Flood.

LEGAL DESCRIPTION

LOTS 6 AND 7, BLOCK 1 OF THE TOWN OF DECHMAN, NOW GRAND PRAIRIE, an addition to the City of Grand Prairie, Dallas County, Texas, according to the plat thereof recorded in Volume 32, Page 578, Deed Records, Dallas County, Texas.

ACCEPTED BY:
 DATE:

Purchaser

Purchaser

Scale: 1" = 30'
 Tech: LDS
 Field: DS

A.L.S. LAND SURVEYING
 Professional Land Surveying Services

Job No:
 812in08

Copyright ©

Any reproduction of this plat without surveyor's written consent is a violation of Federal copyright law.

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 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.
VCP No. 2235

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 / 30 / 08	<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 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.

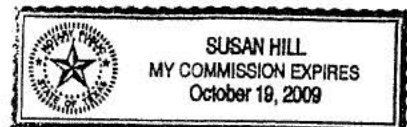
I affirmatively state that (place an X in all applicable blanks):

- 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: 8-18-09

Before me Susan Hill the undersigned authority, on this day personally appeared
Name of Notary
Brey 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 18th day of August, 2009.



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



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

January 7, 2010

Ms. Cathy Dimaggio, City Secretary
City of Grand Prairie
P.O. Box 534045
Grand Prairie, TX 75053

Re: Municipal Setting Designation Certification (MSD) for City of Grand Prairie,
121-125 East Main Street, Grand Prairie, TX; MSD No. 119

Dear Ms. Dimaggio:

As required by TEX HEALTH & SAFETY CODE §361.807(a)(2), enclosed is a copy of the MSD dated December 10, 2009. The City of Grand Prairie passed an ordinance (Ordinance No. 7980) in support of this MSD application. For this reason, the Texas Commission on Environmental Quality is required to provide you a copy of the MSD Certificate.

If you have any questions, please contact me at (512) 239-2378.

Sincerely,

A handwritten signature in cursive script that reads "Richard Clarke".

Richard Clarke, P.G., Project Manager
VCP-CA Section
Remediation Division

RC/jdm

Enclosure

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



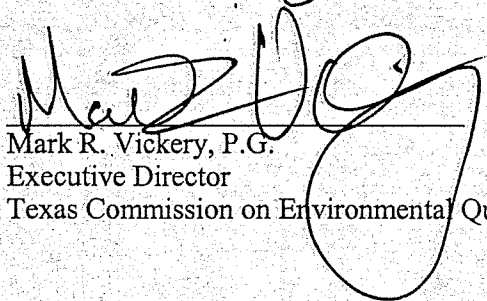
MUNICIPAL SETTING DESIGNATION CERTIFICATE

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. 119, in the City of Grand Prairie, 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.

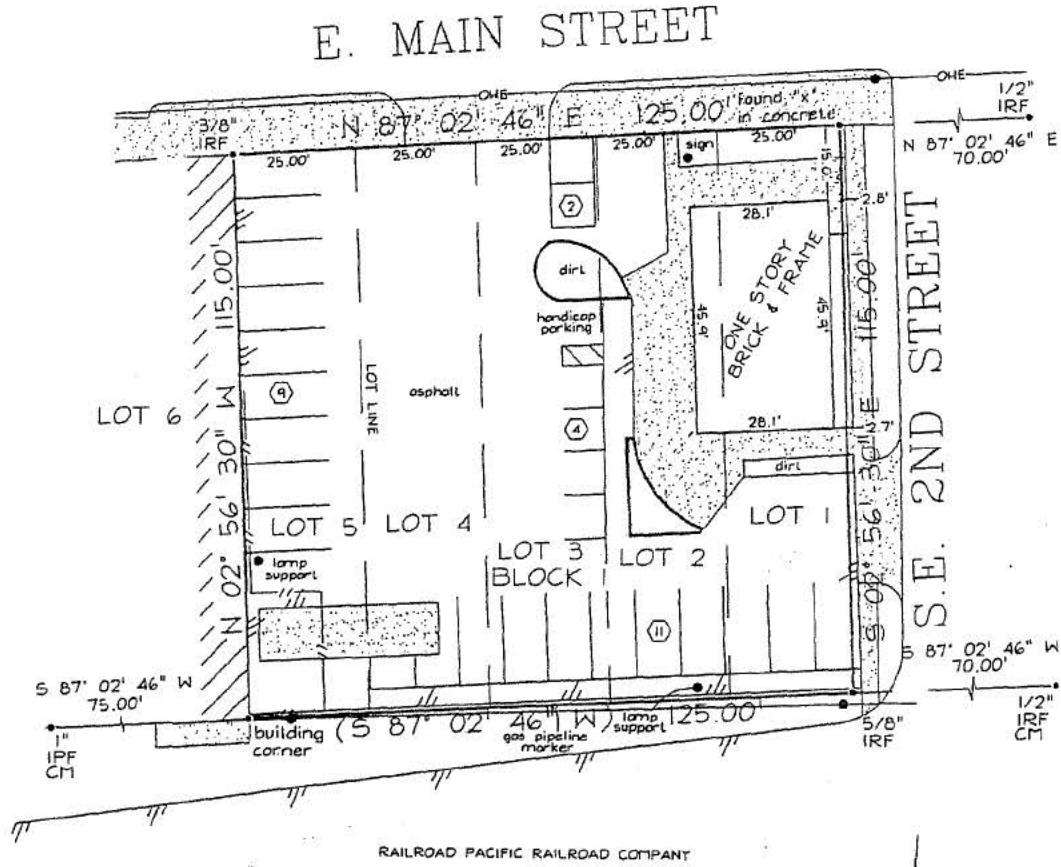
Any person addressing environmental impacts for a property located in the certified municipal setting designation shall complete any necessary investigation and response action requirements in accordance with Texas Health and Safety Code §361.808, in conjunction with the applicable Texas Commission on Environmental Quality environmental remediation regulation, as modified by Texas Health and Safety Code §361.808.

EXECUTED this the 10th day of December, 2009


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

LEGEND OF ABBREVIATIONS AND SYMBOLS

B.L.	• Building Line	I.P.F.	• Iron Pipe Found	P.A.E.	• Public Access Easement	S.E.	• Sewer Easement
C.M.	• Control Monument	I.R.F.	• Iron Rod Found	P.O.S.E.	• Public Open Space Easement	U.E.	• Utility Easement
D.E.	• Drainage Easement	I.R.S.	• Iron Rod Set	R.O.W.	• Right of Way	X.T.R.W.	• Railroad Tie Retaining Wall
D.U.E.	• Drainage & Utility Easement	M.E.	• Maintenance Easement	R.W.	• Retaining Wall	O.H.E.	• Overhead Electric
ET	• Electric Transformer	()	• Record Data				
F.P.	• Fence Post						



RAILROAD PACIFIC RAILROAD COMPANY



Address: 125 E. MAIN STREET
 G.F. No.: 1045930
 Date: 12/12/08

Ⓟ = PARKING SPACES

This survey is valid only with signature in black ink.

I, Jeffrey W. Herron, Registered Professional Land Surveyor do hereby declare that the map shown hereon accurately represents the property as determined by an on-the-ground survey made under my direct supervision, and correctly shows the boundary lines and dimensions of the property indicated hereon. There are no visible conflicts, or protrusions, except as shown and said property has access to a public roadway. All easements and right-of-ways that the surveyor has knowledge of or has been advised of and those shown on the referenced plat of record are shown or noted hereon. This survey is for the exclusive use of title company, the mortgage company and the hereon named purchaser.

This Lot is shown as being located in Zone "X" by Flood Insurance Role Map No. 48113C0435 K, dated June 16, 2005. It is not shown as being located in a Special Flood Hazard Area inundated by 100-Year Flood.

LEGAL DESCRIPTION

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ACCEPTED BY:
 DATE:
 Purchaser
 Purchaser



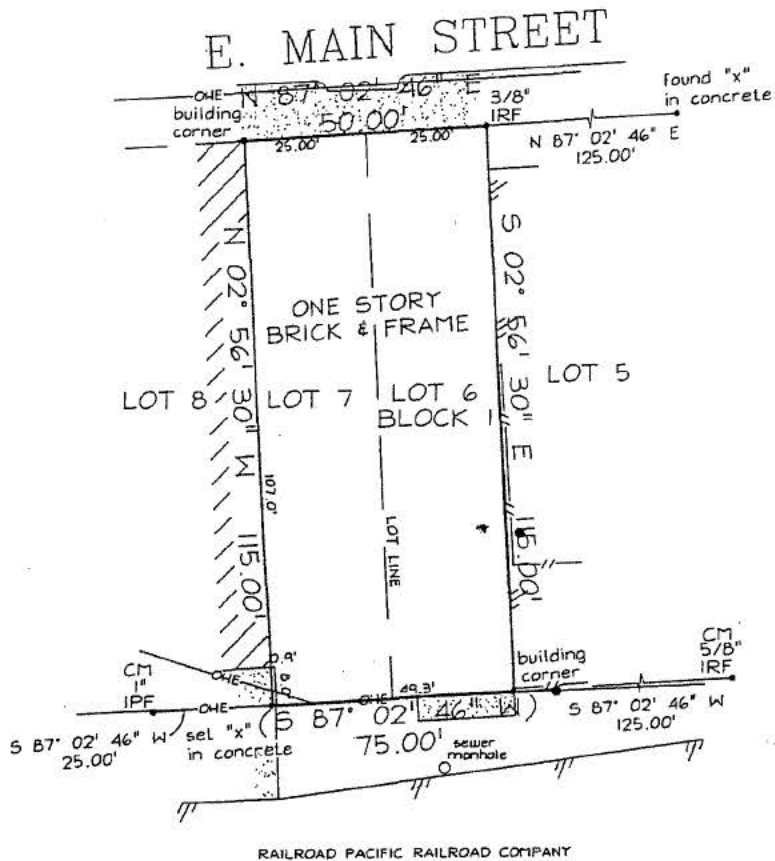
Scale: 1" = 30'
 Tech: LDS
 Field: DS
 Job No: B12CG04

A.L.S. LAND SURVEYING
 Professional Land Surveying Services

Exhibit A

LEGEND OF ABBREVIATIONS AND SYMBOLS

B.L.	= Building Line	I.P.F.	= Iron Pipe Found	P.A.E.	= Public Access Easement	S.E.	= Sewer Easement
C.M.	= Central Monument	I.R.F.	= Iron Rod Found	P.O.S.E.	= Public Open Space Easement	U.E.	= Utility Easement
D.E.	= Drainage Easement	I.R.S.	= Iron Rod Set	R.O.W.	= Right of Way	X.T.R.W.	= Railroad Tie Retaining Wall
D.U.E.	= Drainage & Utility Easement	M.E.	= Maintenance Easement	R.W.	= Retaining Wall	O.H.E.	= Overhead Electric
ET	= Electric Transformer	()	= Record Data				
F.P.	= Fence Post						



Address: 121 E. MAIN STREET
 G.F. No.: 722750-M
 Date: 12/12/08

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This Lot is shown as being located in Zone "X" by Flood Insurance Rate Map No. 4813CD435 K, dated June 16, 2005. It is not shown as being located in a Special Flood Hazard Area Inundated by 100-Year Flood.

LEGAL DESCRIPTION

LOTS 6 AND 7, BLOCK 1 OF THE TOWN OF DECHMAN, NOW GRAND PRAIRIE, an addition to the City of Grand Prairie, Dallas County, Texas, according to the plat thereof recorded in Volume 32, Page 578, Deed Records, Dallas County, Texas.

ACCEPTED BY:
 DATE:

Purchaser
 Purchaser

Scale: 1" = 30'
 Tech: LDS
 Field: DS
 Job No.: 912108

A.L.S. LAND SURVEYING
 Professional Land Surveying Services

Any reproduction of this plat without surveyor's written consent is a violation of Federal copyright law.

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 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. VCP No. 2235		
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 / 30 / 08	<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 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)].		
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- 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 8-18-09

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

Sworn, subscribed and signed before me in the County of Dallas, State of Texas on the 18th day of August, 2009.

