

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

April 14, 2011

Mr. Jerry Surber, Manager
One Quebec Place, LLC
P.O. Box 21
Hatfield, Arkansas 71945

RE: Municipal Setting Designation (MSD) Certificate for 3184 Quebec Street,
Dallas, Dallas County, TX; MSD No. 145

Dear Mr. Surber:

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) 239-2204 or via e-mail (andre.price@tceq.texas.gov).

Sincerely,

A handwritten signature in black ink, appearing to read "A. Price", with a stylized flourish at the end.

Andre V. Price, Project Manager
VCP-CA Section
Remediation Division

AP/jdm

Enclosure

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



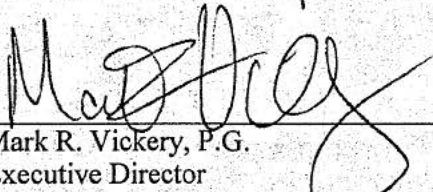
MUNICIPAL SETTING DESIGNATION CERTIFICATE

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. 145, in the City of Dallas, 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 7th day of April, 2011



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

MSD 145

Exhibit "A"

MSD APPLICATION
Description of Property
Located at 3184 Quebec Street
& A Portion of Quebec Street
City of Dallas, Dallas County, Texas

BEING a 4.174 acre tract of land situated in the E. Durbin Survey, Abstract No. 384, and being Lots 9 and 10, Block 7/7695, and being part of Quebec Street of Revision of Lots 7 through 15, Block 7 of First Installment of West Trinity Industrial District, an Addition to the City of Dallas, Dallas County, Texas, according to the Map thereof recorded in Volume 36, Page 67, Map Records, Dallas County, Texas, said Lots 9 and 10 being that same tract of land conveyed to Decibel Products, Inc. by Deed recorded in Volume 84129, Page 5248, Deed Records, Dallas County, Texas, and being more particularly described as follows:

BEGINNING at a 1/2 inch iron rod found in the south line of Quebec Street (60 foot R.O.W.), same being the northwest corner of said Lot 9;

THENCE North 02 degrees 41 minutes 07 seconds West, crossing Quebec Street, a distance of 60.09 feet to a 5/8 inch iron rod found in the north line of Quebec Street, same being the southwest corner of Lot 24, Block 3/7695 of First Installment of West Trinity Industrial District, an Addition to the City of Dallas, Dallas County, Texas, according to the Map thereof recorded in Volume 28, Page 91, Map Records, Dallas County, Texas;

THENCE South 89 degrees 32 minutes 02 seconds East along the north line of Quebec Street, a distance of 559.00 feet to a 1/2 inch iron rod with yellow plastic cap marked "SHIELDS & LEE" set at the southeast corner of Lot 1, Block 4/7695 of aforesaid Addition;

THENCE South 07 degrees 27 minutes 02 seconds East, crossing Quebec Street, a distance of 60.58 feet to a 1/2 inch iron rod with yellow plastic cap marked "SHIELDS & LEE" set in the south line of Quebec Street, same being the northeast corner of said Lot 10, and being in a non-tangent curve to the left having a central angle of 23 degrees 40 minutes 56 seconds and a radius of 284.96 feet;

THENCE Southeasterly along an easterly line of said Lot 10 and said curve to the left whose chord bears South 25 degrees 30 minutes 34 seconds East, an arc length of 117.78 feet to a 1/2 inch iron rod found at the end of said curve;

THENCE South 37 degrees 21 minutes 02 seconds East along an easterly line of Lot 10, a distance of 204.11 feet to a 1/2 inch iron rod found at the southeast corner of Lot 10, same being in the north line of Union Pacific Railroad (formerly Texas & Pacific Industrial Lead Track) (41.5 foot R.O.W.);

THENCE South 89 degrees 51 minutes 50 seconds West along a south line of Lot 10 and along said north line, a distance of 375.79 feet to a 1/2 inch iron rod with yellow plastic cap marked "SHIELDS & LEE" set at the beginning of a non-tangent curve to the right having a central angle of 08 degrees 11 minutes 15 seconds and a radius of 564.21 feet;

THENCE Northwesterly along a south line of Lot 10 and along said curve to the right whose chord bears North 85 degrees 35 minutes 50 seconds West, an arc length of 80.63 feet to a 1/2 inch iron rod found at the end of said curve and the beginning of a non-tangent curve to the right having a central angle of 62 degrees 12 minutes 54 seconds and a radius of 316.77 feet;

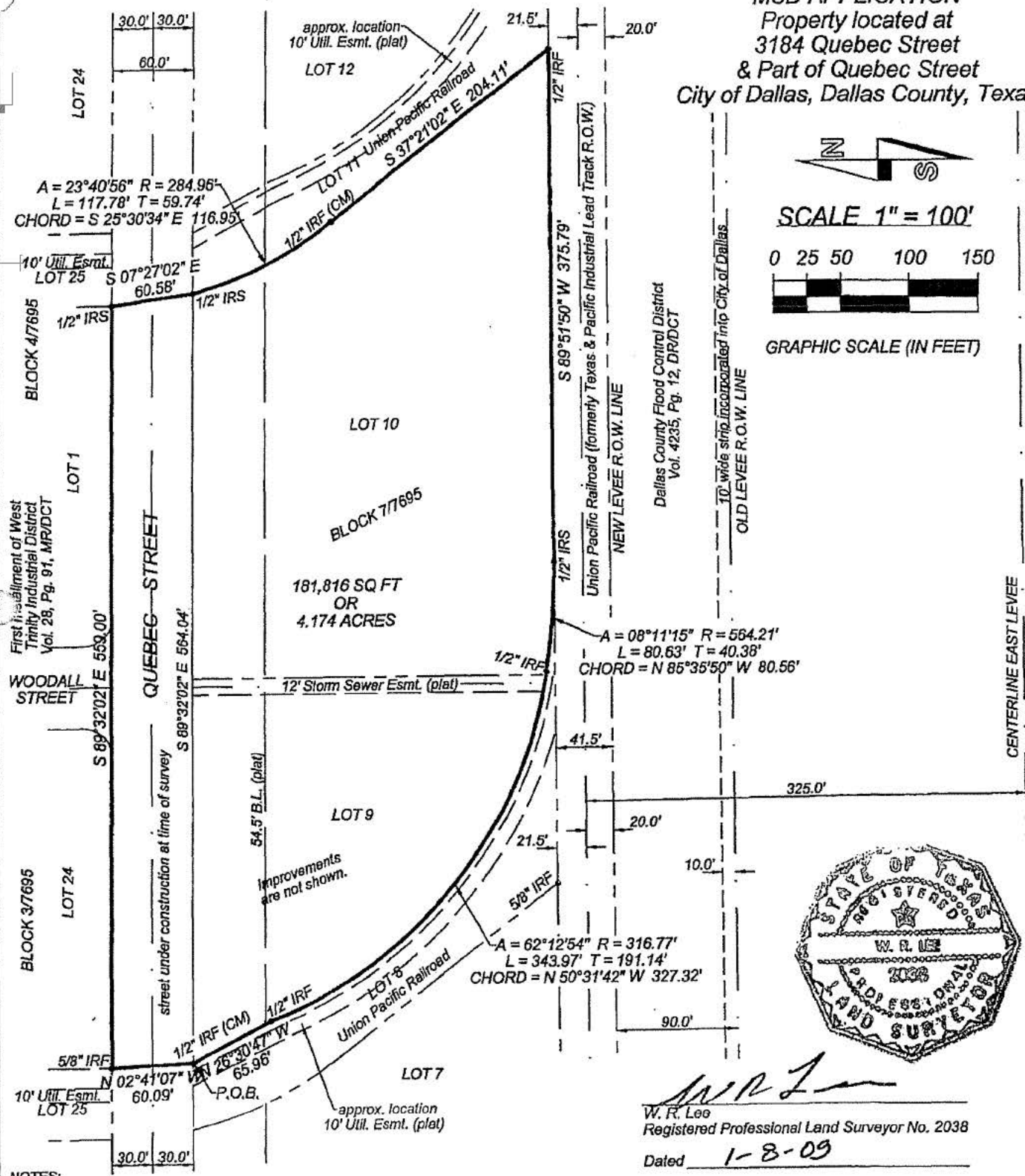
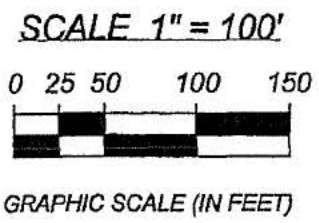
THENCE Northwesterly part of the way along a south line of Lot 10 and part of the way along the southerly line of Lot 9, along said curve to the right whose chord bears North 50 degrees 31 minutes 42 seconds West, an arc length of 343.97 feet to a 1/2 inch iron rod found at the end of said curve in the west line of Lot 9;

THENCE North 26 degrees 30 minutes 47 seconds West along the west line of Lot 9, a distance of 65.96 feet to the PLACE OF BEGINNING and containing 181,816 square feet or 4.174 acre of land, more or less.



W. R. Lee
1-8-09

MSD APPLICATION
 Property located at
 3184 Quebec Street
 & Part of Quebec Street
 City of Dallas, Dallas County, Texas

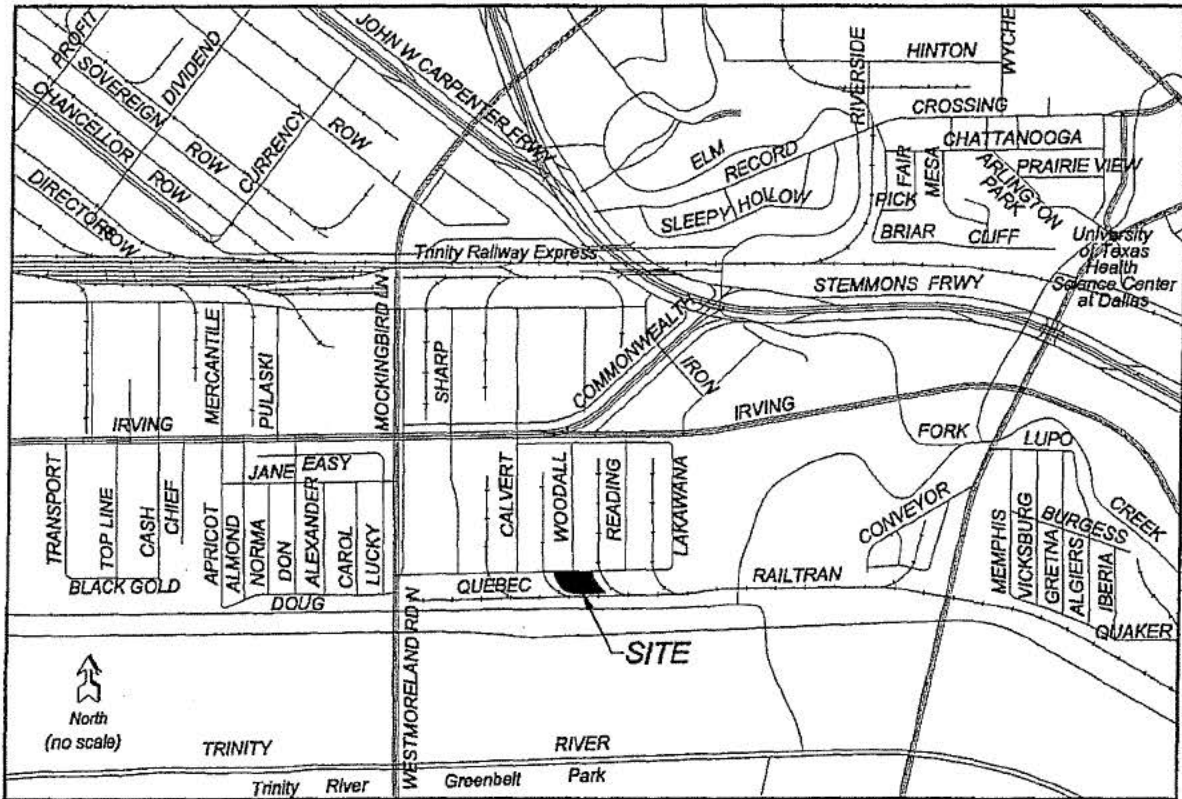


W. R. Lee
 W. R. Lee
 Registered Professional Land Surveyor No. 2038
 Dated 1-8-09

NOTES:
 BEARING SOURCE: Plat Vol. 36, Pg. 67, MR/DCT.
 REFERENCE BEARING USED: S 89°32'02" E along south line of Quebec Street.
 Monuments shown (CM) hereon were used as controlling monuments for purposes of this survey.
 Monuments shown IRS hereon are with yellow plastic cap marked "SHIELDS & LEE".
 Survey for use with MSD application only.

| | |
|---|-----------------------------------|
| Shields and Lee Surveyors 1421 Ferndale Avenue Dallas, Texas 75224 Phone (214) 942-8496 | Job No. X23859 January 6, 2009 |
| | EXHIBIT SHEET 2 OF 3 |

VICINITY MAP



Property located at
3184 Quebec Street
& Part of Quebec Street
City of Dallas, Dallas County, Texas

| | | | |
|---|--------------------------------------|---------------------------------------|---------------------------------------|
| 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 No. 2231 f

| | | |
|---|---|---------------------------------------|
| 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? 10 / 01 / 1999 | <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.

[Signature]
Applicant Signature

7-27-10
Date

Before me Angela Palmer-Vaughn undersigned authority, on this day personally appeared Jerry Surber and signed this Municipal Setting Designation Application.
Name of Notary Name of Applicant

Sworn, subscribed and signed before me in the County of Dallas State of Tx on the 27th day of July, this month of _____, 2010.

