

MSD 7

Kathleen Hartnett White, *Chairman*
R. B. "Ralph" Marquez, *Commissioner*
Larry R. Soward, *Commissioner*
Glenn Shankle, *Executive Director*



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

February 23, 2006

Ms. Cynthia J. Bishop
Counsel for GPI Interim, Inc.
GPI Interim, Inc c/o Gardere Wynne Sewell, LLP
1601 Elm Street, Ste 3000
Dallas, TX 75201-4761

Re: Certification for Municipal Setting Designation Application for GPI Interim, Inc.
Property, 1801 Hurd Drive, Irving, Texas (MSD 007)

Dear Ms. Bishop:

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 512/239-2268 or via e-mail (cclarke@tceq.state.tx.us).

Sincerely,

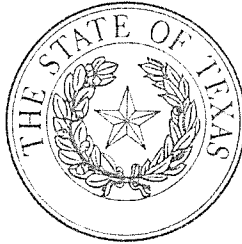
A handwritten signature in black ink that reads "Chet Clarke".

Chet Clarke, Manager
Technical Support Section
Remediation Division

CC/ok

Enclosure

Texas Commission on Environmental Quality



Municipal Setting Designation Certificate 007

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

I, Glenn Shankle, Executive Director of the Texas Commission on Environmental Quality certify the Municipal Setting Designation for the GPI Interim, Inc Property, 1801 Hurd Drive, 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 17 day of February, 2006.

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

Glenn Shankle
Executive Director
Texas Commission on Environmental Quality

STATE OF TEXAS
TRAVIS COUNTY

BEFORE ME, on this the 17 day of February, 2006, personally appeared Glenn Shankle, Executive Director of the Texas Commission on Environmental Quality, known to me to be the person whose name is subscribed to the foregoing instrument, and they acknowledged to me that they executed the same for the purposes and in the capacity therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this the 17 day of February, 2006.

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

Notary Public in and for the State of Texas

EXHIBIT "A"

Situated in Dallas County, Texas, and being a part of Tract C of the LAS COLINAS WALNUT HILL DISTRIBUTION CENTER in Irving, Texas, according to the Map thereof recorded in Volume 75126, Page 2076, of the Map Records of Dallas County, Texas, and being more particularly described as follows:

BEGINNING at a point on the West line of Hurd Drive, a 60-foot wide street, said point being North $0^{\circ} 16' 40''$ West a distance of 435.0 feet from the intersection of the North line of Chovanetz Court, a 60-foot wide street, and the West line of said Hurd Drive;

THENCE South $89^{\circ} 43' 20''$ West a distance of 584.6 feet to a point on the East line of the Dallas-Fort Worth Regional Airport for corner;

THENCE North $0^{\circ} 17' 33''$ East a distance of 331.02 feet along the East line of the Dallas-Fort Worth Regional Airport to a point for corner, said point being South $0^{\circ} 17' 33''$ West, a distance of 40.9 feet from Airport Monument No. 72B;

THENCE North $89^{\circ} 43' 20''$ East, a distance of 581.3 feet to a point on the West line of said Hurd Drive for corner;

THENCE South $0^{\circ} 16' 40''$ East, a distance of 331.9 feet along the West line of said Hurd Drive, to the point of beginning.



RECEIVED
 TECHNICAL SUPPORT
 FEB 18 2005
 REMEDIATION DIVISION

Municipal Setting Designation Application Form

TCEQ Office Use Only: Application No: 006 Date Received: 02/18/05	Date Add. Info Req. 4/22/05 Date Add. Info Rec'd 2/1/06 Date Certified: 1/1/05 Date Denied: 1/1/05
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Rec Cert. **7/19/05**

Municipal Setting Designation Eligibility Criteria:		Reset form
Is the proposed municipal setting designation (MSD) within the corporate limits of a municipality authorized by statute that has a population of at least 20,000? (See most recent <i>place</i> population estimate reported at http://txsdc.tamu.edu/tpepp/txpopest.php .)	<input type="radio"/> Yes	<input type="radio"/> No ¹
Is the proposed municipal setting designation (MSD) within the extraterritorial jurisdiction of a municipality authorized by statute that has a population of at least 20,000? (See most recent <i>place</i> population estimate reported at http://txsdc.tamu.edu/tpepp/txpopest.php .)	<input type="radio"/> Yes	<input type="radio"/> No ¹
Municipality name: Irving	Population: 191,615 (2000 census)	
Is there a public drinking water supply system that satisfies the requirements of THSC Chapter 341 and supplies or is capable of supplying drinking water to: a) the proposed MSD property, and b) each property within 0.5 miles beyond the boundary of the proposed MSD?	<input type="radio"/> Yes	<input type="radio"/> No ¹
¹ If No, the eligibility criteria are not met. Do not submit an application.		

Applicant and Fee Payment Information:

Contact Person: <input type="radio"/> Mr. <input type="radio"/> Ms. Cynthia J. Bishop		
Title: counsel for GPI Interim, Inc. (applicant)		
Company: GPI Interim, Inc. c/o Gardere Wynne Sewell, LLP		
Mailing Address: 1601 Elm Street, Suite 3000		
City: Dallas	State: TX	Zip: 75201
Telephone: 214 / 999-4506	Telefax: 214 / 999-3506	
E-mail Address: [REDACTED]		
Is the required \$1,000 application being submitted to TCEQ in advance or at the same time the MSD application is being submitted to TCEQ?	<input type="radio"/> Yes	<input type="radio"/> No ²
² Do not submit application.		

Notice Information:

<u>On or before</u> the date of submission of the application to TCEQ, was notice provided to:			
a) each municipality:			
1) where the proposed MSD is located?	<input type="radio"/> Yes	<input type="radio"/> No ⁴	
2) with a border within 0.5 miles beyond the proposed MSD boundaries?	<input type="radio"/> Yes	<input type="radio"/> No ³	<input type="radio"/> NA ⁴
3) 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 type="radio"/> NA ⁴
b) each current owner of a private well registered with the commission and located within five miles beyond the proposed MSD boundaries?	<input type="radio"/> Yes	<input type="radio"/> No ³	<input type="radio"/> NA ⁴
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 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. 1377; EPA ID TXD007359524 (closed); SWR 30209 (closed); IOP No. 252 (1775 Hurd)

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 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? 1 / /01	<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 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 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 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 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 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.

Steve P. Sacco
Applicant Signature

10/18/04
Date

Before me Victoria N. Vandenberghe the undersigned authority, on this day personally appeared
 Name of Notary
Steven P. Sacco and signed this Municipal Setting Designation Application.
 Name of Applicant

Sworn, subscribed and signed before me in the County of Norfolk, State of MA, on the 19th
 day of _____, this month of October, 2004.

