

Kathleen Hartnett White, *Chairman*
Larry R. Soward, *Commissioner*
Martin A. Hubert, *Commissioner*
Glenn Shankle, *Executive Director*



MSD 13

MSD 024
↑
CERT

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

February 23, 2006

Ms. Cynthia J. Bishop
Counsel for GPI Interim, Inc.
Gardere Wynne Sewell, LLP
1601 Elm Street, Suite 3000
Dallas, TX 75201

Re: Certification of Municipal Setting Designation (MSD) Application for 1101-1107
Pamella Drive, 1103-1109, 1110, 1114 and 1118 South Airport Circle and 1205
Texas Star Parkway, Eules, TX

Dear Ms. Bishop:

Enclosed is the MSD 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 contact me at 512/239-2482 or via e-mail (dperkins@tceq.state.tx.us).

Sincerely,

A handwritten signature in cursive script, appearing to read "Dean Perkins".

Dean Perkins, Project Manager
Team 3, Environmental Cleanup Section I
Remediation Division

Enclosures

Texas Commission on Environmental Quality



Municipal Setting Designation Certificate 024

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 1101-1107 Pamela Drive, 1103-1109, 1110, 1114, and 1118 South Airport Circle, and 1205 Texas Star Parkway, Euless, Texas, 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 7th day of February, 2007.

Handwritten signature of Glenn Shankle in black ink.

Glenn Shankle
Executive Director
Texas Commission on Environmental Quality

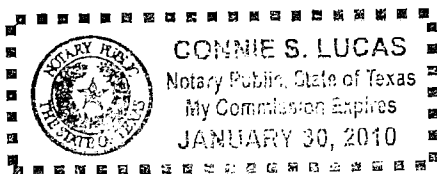
STATE OF TEXAS
TRAVIS COUNTY

BEFORE ME, on this the 7th day of February, 2007, 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 7th day of February, 2007.

Handwritten signature of Connie S. Lucas in black ink.

Notary Public in and for the State of Texas



Notary without Bond

EXHIBIT A

1205 Texas Star Parkway, 1110, 1114, and 1118 South Airport Circle

Being all of Lots 1-R and 2-R, Block 1, Airport Business Park, an addition to the city of Euless, Tarrant County, Texas, according to the Corrected Plat thereof recorded in Volume 288-175, Page 76, of the Plat Records of Tarrant County, Texas and being more particularly described by metes and bounds as follows:

BEGINNING at an iron pin at the northerly northwest corner of Said Lot 1-R, Block 1, said iron pin also being on the south right-of-way line at South Airport Circle;

THENCE N 67° 15' E along said south right-of-way line of South Airport Circle a distance of 149.29' to an "X" cut in concrete for the common north corner of Lot 1-R and Lot 2-R, Block 1;

THENCE continuing along said south right-of-way line of South Airport Circle N 67 ° 15' E a distance of 360.46' to an iron pin for the beginning of a curve to the right having a radius of 40.0';

THENCE along said curve to the right, along said South Airport Circle right-of-way an arc length of 76.54' to, an iron pin;

THENCE S 03° 07' E along the west right-of-way of said South Airport Circle a distance of 297.45' to an iron pin for the beginning of a curve to the right having a radius of 100.00';

THENCE along said curve to the right, along said South airport Circle right-of-way an arc length of 122.81' to an iron pin;

THENCE S 67° 15' W along the northerly right-of-way line of said South Airport Circle a distance of 204.01' to an iron pin, said iron pin being the common south corner of said Lot 1-R and Lot 2-R, Block 1;

THENCE continuing along said northerly right-of-way line of said South Airport Circle S 67° 15' W a distance of 160.0' to an iron pin;

THENCE N 67° 45' W along the common right-of-way line of said South Airport Circle and Airport Drive a distance of 14.14' to an iron pin, said iron pin being on the easterly right-of-way line of said Airport Drive;

THENCE along said easterly right-of-way of Airport Drive N 22° 45' W a distance of 249.98'. to an iron pin for the beginning of a curve to the right having a radius of 920.75';

THENCE continuing along said curve to the right an arc distance of 130.56' to an iron pin;

THENCE along the common right-of-way line of said Airport Drive and South Airport Circle N 26° 09' 03" E a distance of 15.24' to the Point of BEGINNING and containing 4.69 acres of land.

1103-1109 South Airport Circle

Lot 14-R, Block 2, AIRPORT BUSINESS PARK SUBDIVISION, to the City of Euless, Tarrant County, Texas, according to the Revised Plat thereof recorded in Volume 388-129, Page 79, Plat records, Tarrant County, Texas.

1101-1107 Pamela Drive

BEING a 4.123 acre tract of land, said tract being part of Tract B, Block 1, EULESS INDUSTRIAL PARK, FIRST FILING, an addition to the City of Euless, Texas, according to the plat thereof recorded in Volume 388-26, Page 23, and part of said 4.123 acre tract being Lots 7, 8, 9 and 10, Block 1, EULESS INDUSTRIAL PARK, SECOND FILING, according to the plat thereof recorded in Volume 388-31, Page 70, Map or Deed Records, TARRANT COUNTY, Texas, and being more particularly described as follows:

BEGINNING at a point, a 1/2 inch iron rod, said point being the intersection of the north right-of-way line of Pipeline Road (50' right-of-way) with the east right-of-way line of Pamela Drive (50' right-of-way);

THENCE North along the east right-of-way line of Pamela Drive and the west line of Lots 10, 9, 8 and 7, Block 1, in said Euless Industrial Park, Second Filing Addition, a distance 508.50' to a point, a power pole, for corner;

THENCE North 88° 28 minutes 40 seconds East, a distance of 350.12' to a point, a railroad spike, in the west right-of-way line of Stanley Drive (50' right-of-way);

THENCE South along the west right-of-way line of Stanley Drive, a distance of 517.80' to a point, a 1/2 inch iron rod, in the north right-of-way line of Pipeline Road;

THENCE West along the north right-of-way line of Pipeline Road, a distance of 350.00' to the POINT OF BEGINNING AND CONTAINING 179,603 square feet or 4.123 acres of land, more or less.

B'

I affirmatively state that:

1. The MSD eligibility criteria of THSC §361.803 are satisfied;
2. 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;
3. A true and accurate copy of a legal description of the proposed MSD property is included with the application;
4. Notice was provided in accordance with THSC §361.805; and
5. 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.

Sealy Shiloh, L.P.
 By: H/Airport GP, Inc.

Mark P. Sealy
 Applicant Signature Mark P. Sealy, President

2/2/06
 Date

Before me Peggy Day Gill the undersigned authority, on this day personally
Name of Notary
 appeared Mark P. Sealy and signed this Municipal Setting Designation
Name of Applicant
 Application.

Sworn, subscribed and signed before me in the ^{Parish} County of Caddo, State of
Louisiana, on the 2nd day of February, 2006.



PEGGY DAY GILL, NOTARY PUBLIC
 CADDO PARISH, LOUISIANA
 MY COMMISSION IS FOR LIFE
 NOTARY NO. 2425

I affirmatively state that:

1. The MSD eligibility criteria of THSC §361.803 are satisfied;
2. 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;
3. A true and accurate copy of a legal description of the proposed MSD property is included with the application;
4. Notice was provided in accordance with THSC §361.805; and
5. 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.

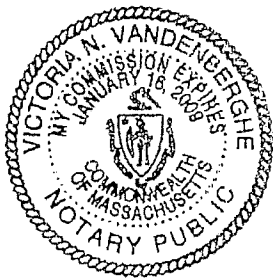
Steven Sacco
Applicant Signature

1/10/06
Date

Before me VICTORIA VANDENBERGHE the undersigned authority, on this day personally
Name of Notary
appeared STEVEN SACCO and signed this Municipal Setting Designation
Name of Applicant
Application.

Sworn, subscribed and signed before me in the County of NORFOLK, State of
MA, on the 10th day of JANUARY, 20 06

Victoria N. Vandenberghe
NOTARY



I affirmatively state that:

1. The MSD eligibility criteria of THSC §361.803 are satisfied;
2. 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;
3. A true and accurate copy of a legal description of the proposed MSD property is included with the application;
4. Notice was provided in accordance with THSC §361.805; and
5. 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.

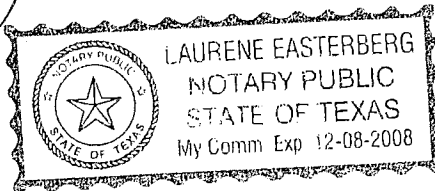
David L. Hager
Applicant Signature

01-10-06
Date

Before me Laurene Easterberg
~~Dorota~~ the undersigned authority, on this day personally
Name of Notary
appeared David L. Hager and signed this Municipal Setting Designation
Name of Applicant
Application.

Sworn, subscribed and signed before me in the County of Tarrant, State of
Texas, on the 10th day of January, 2006

Laurene Easterberg



'B'



Municipal Setting Designation Application Form

TCEQ Office Use Only:	Date Add. Info Req. / /
Application No: <i>MSD013</i>	Date Add. Info Rec'd / /
Date Received: <i>2/10/06</i>	Date Certified: / /
	Date Denied: / /

Reset form

Municipal Setting Designation Eligibility Criteria:

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.utsa.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.utsa.edu/tpepp/txpopest.php .)	<input type="radio"/> Yes	<input type="radio"/> No ¹
Municipality name: <i>Eules</i>	Population: <i>50,339</i>	
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. <i>Cynthia J. Bishop</i> (see attachment for information on coapplicants)		
Title: <i>Counsel for GPI Interim, Inc. (one of the applicants)</i>		
Company: <i>GPI Interim Inc. c/o Gardere Wynne Sewell, LLP</i>		
Mailing Address: <i>1601 Elm Street, Suite 3000</i>		
City: <i>Dallas</i> State: <i>TX</i> Zip: <i>75201</i>		
Telephone: <i>214 / 999-4506</i> Telefax: <i>214 / 999-3506</i>		
E-mail Address: <i>[REDACTED]</i>		
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</u> or <u>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 ³
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		

