

Buddy Garcia, *Chairman*
Larry R. Soward, *Commissioner*
Bryan W. Shaw, Ph.D., *Commissioner*
Glenn Shankle, *Executive Director*



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

January 30, 2008

Mr. Gary Henry
Reed Engineering Group
2424 Stutz Drive, Suite 400
Dallas, TX 75235

RE: Municipal Setting Designation (MSD) Certificate for First Industrial Texas, LP,
2401-2407 Centennial Drive, Arlington, TX: MSD No. 049

Dear Mr. Henry:

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 512/239-5872 or via e-mail (mfrew@tceq.state.tx.us).

Sincerely,

A handwritten signature in black ink, appearing to read "mfrew".

Mike Frew, P.G.
Environmental Cleanup Section II
Remediation Division

MF/ok

Enclosure

Texas Commission on Environmental Quality



Municipal Setting Designation

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 MSD No. 49, in the City of Arlington, 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 24th day of January, 2008

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

EXHIBIT A

2401-07 CENTENNIAL DRIVE

Being a tract of land situated in the M. Harris Survey, Abstract No. 704, Tarrant County, Texas, also being all of SITE 30, SUB-TRACT 8-Z, TRACT VIII, SIX FLAGS BUSINESS PARK, an addition to the City of Arlington according to the plat thereof recorded in Volume 388-107, Page 30, Plat Records, Tarrant County, Texas, and being more particularly described as follows:

BEGINNING at a 1/2" iron rod found for corner situated in the south line of a 53' T. & P. G.S.C. Railroad R.O.W., said iron rod also being the northeast corner of SITE 29, SUB-TRACT 8-Z, TRACT VIII, SIX FLAGS BUSINESS PARK, as recorded in Volume 388-106, Page 59, Plat Records, Tarrant County, Texas;

THENCE N 75°48'30" E along the south line of said Railroad R.O.W. a distance of 480.25 feet to a 1/2" iron rod found for corner at the beginning of a curve to the right which has a central angle of 12°52'36", a radius of 435.43 feet, a tangent length of 49.14 feet, and a chord which bears N 82°14'28" E a distance of 97.65 feet;

THENCE continuing along said Railroad R.O.W. with said curve to the right, an arc distance of 97.86 feet to a 1/2" iron rod found for corner;

THENCE S 09°37'50" E departing the south line of said Railroad R.O.W. and along the east line of said SITE 30, a distance of 332.44 feet to a 5/8" iron rod set for corner situated in the north line of Centennial drive (60' R.O.W.), and being in a curve to the left which has a central angle of 05°05'03", a radius of 630.00 feet, a tangent length of 27.97 feet, and a chord which bears S 78°21'02" W a distance of 55.89 feet;

THENCE along the north line of said Centennial Drive with said curve to the left, an arc distance of 55.90 feet to a 5/8" iron rod set for corner;

THENCE S 75°48'30" W continuing along the north line of said Centennial Drive a distance of 495.02 feet to a 5/8" iron rod set for corner and being the southeast corner of the aforementioned SITE 29;

THENCE N 14°11'30" W departing the north line of said Centennial Drive and along the east line of said SITE 29, a distance of 339.85 feet to the POINT OF BEGINNING and containing 191,570 square feet or 4.398 acres of land, more or less.

WHICH PROPERTY, ALONG WITH THE ADJOINING CENTENNIAL DRIVE PUBLIC RIGHT OF WAY, IS REFERRED TO AS THE "MSD PROPERTY."

'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. <u>VCP 1477</u>		
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? 06/ 11 / 02	<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.

Benjamin J. Olsewski
Applicant Signature

August 20, 2007
Date

Before me Regina Johnson the undersigned authority, on this day personally appeared
Name of Notary
Benjamin J. Olsewski and signed this Municipal Setting Designation Application.
Name of Applicant

Sworn, subscribed and signed before me in the County of Cook, State of IL, on the 20th
day of August, this month of August, 2007.

