

Bryan W. Shaw, Ph.D., P.E., *Chairman*
Toby Baker, *Commissioner*
Jon Niermann, *Commissioner*
Stephanie Bergeron Perdue, *Interim Executive Director*



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

June 15, 2018

Mr. Freddy Stephens, Corp Project Development Manager
The Around the Clock Freightliner Group, LLC
4200 Port Boulevard
Dallas, Texas 75241

Re: Dallas Freightliner, 3040 Irving Boulevard, Dallas, Dallas County, TX; Municipal Setting Designation (MSD) No. 314; Voluntary Cleanup Program (VCP) No. 2634; Customer No. CN603791112; Regulated Entity No. RN101515336

Dear Mr. Stephens:

The Texas Commission on Environmental Quality (TCEQ) received the above referenced Municipal Setting Designation (MSD) application on October 12, 2016 and additional information supporting this MSD application on February 15, 2017, July 19, 2017, and August 23, 2017. Based on our review, the application contains the required information as outlined in Texas Health and Safety Code (THSC) §361.804. Enclosed is the Municipal Setting Designation Certification for your site. If you have any questions, please do not hesitate to contact me at (512) 239-3044 or via e-mail (timothy.eckert@tceq.texas.gov).

Sincerely,

A handwritten signature in black ink, appearing to read "Otu Ekpo-Otu".

Otu Ekpo-Otu, P.G., Project Manager
VCP-CA Section
Remediation Division

OE/jdm

cc: Mr. David J. Armstrong, Ballard Spahr, 1 East Washington Street, Suite 2300, Phoenix, AZ 85004

Mr. Scott M. Kolodziej, P.G., Terracon Consultants, Inc., 8901 John Carpenter Freeway, Suite 100, Dallas, TX 75247

Mr. Erin Gorman, Waste Section Manager, TCEQ Region 4 Office, Dallas/Fort Worth

Enclosure: MSD Certificate

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, Beth Seaton, Director, Remediation Division, TCEQ, certify the Municipal Setting Designation (MSD) for MSD No. 314, 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 ordinance or restrictive covenant required by Texas Health and Safety Code §361.8065 remains 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 14th day of June, 2018

Beth Seaton

Beth Seaton, Director
Remediation Division
Texas Commission on Environmental Quality

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EXHIBIT "A"

GIS Approved

MUNICIPAL SETTING DESIGNATION SURVEY
A PORTION OF LOT 1 AND ALL OF LOT 2, BLOCK 2/6366, OF ZALE INDUSTRIAL PARK
E. DURBIN SURVEY, ABSTRACT NUMBER 384
T.E. MANNIN SURVEY, ABSTRACT NUMBER 958
CITY OF DALLAS, DALLAS COUNTY, TEXAS

BEING A 13.3908 ACRE TRACT OR PARCEL OF LAND SITUATED IN THE E. DURBIN SURVEY, ABSTRACT NUMBER 384, AND IN THE T.E. MANNIN SURVEY, ABSTRACT NUMBER 958, IN THE CITY OF DALLAS, DALLAS COUNTY, TEXAS, BEING ALL OF THAT CERTAIN 11.2401 ACRE TRACT OF LAND DESCRIBED IN A WARRANTY DEED TO BOWEN & ASSOCIATES, LLC., RECORDED IN VOLUME 98214, PAGE 4345, DEED RECORDS, DALLAS COUNTY, TEXAS, SAME BEING A PORTION OF LOT 1 AND ALL OF LOT 2, BLOCK 2/6366, OF ZALE INDUSTRIAL PARK, AN ADDITION TO THE CITY OF DALLAS, RECORDED IN VOLUME 70197, PAGE 2030, DEED RECORDS, DALLAS COUNTY, TEXAS, AND BEING A PORTION OF INDUSTRIAL BOULEVARD (A 130 FOOT RIGHT OF WAY), AND IS MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING AT A 5/8" IRON ROD FOUND IN THE SOUTH LINE OF SAID IRVING BOULEVARD AT THE NORTHWEST CORNER OF SAID 11.2401 ACRE TRACT, SAME CORNER BEING THE NORTHEAST CORNER OF LOT 1, BLOCK 1/6366, OF F. J. ROBINSON SUBDIVISION, AN ADDITION TO THE CITY OF DALLAS, RECORDED IN VOLUME 74024, PAGE 1019, DEED RECORDS, DALLAS COUNTY, TEXAS;

THENCE NORTH 09°47'46" WEST, CROSSING SAID IRVING BOULEVARD, A DISTANCE OF 130.00 FEET TO A POINT IN THE NORTH LINE OF SAID IRVING BOULEVARD, COMMON WITH THE SOUTH LINE OF LOT 1A, BLOCK 1/6368, OF MOBIL PLACE ADDITION NO. 2, AN ADDITION TO THE CITY OF DALLAS, RECORDED IN VOLUME 2003041, PAGE 00076, DEED RECORDS, DALLAS COUNTY, TEXAS;

THENCE NORTH 80°12'14" EAST, ALONG THE NORTH LINE OF SAID IRVING BOULEVARD, COMMON WITH THE SOUTH LINE OF SAID LOT 1A, A DISTANCE OF 719.45 FEET TO A POINT;

THENCE SOUTH 09°47'46" EAST, CROSSING SAID IRVING BOULEVARD, A DISTANCE OF 130.00 FEET TO THE NORTHEAST CORNER OF SAID 11.2401 ACRE TRACT, SAME CORNER BEING THE NORTHWEST CORNER OF THAT CERTAIN CALLED 2.0832 ACRE TRACT OF LAND DESCRIBED AS TRACT 1 IN A SPECIAL WARRANTY DEED TO THE GOODELL CORPORATION RECORDED IN VOLUME 97144, PAGE 1222, DEED RECORDS, DALLAS COUNTY, TEXAS;

THENCE SOUTH 18°52'58" WEST (CALLED SOUTH 18°53'58" WEST), ALONG THE EAST LINE OF SAID 11.2401 ACRE TRACT, COMMON WITH THE WEST LINE OF SAID 2.0832 ACRE TRACT, A DISTANCE OF 490.25 FEET TO A 1/2" IRON ROD WITH YELLOW PLASTIC CAP STAMPED "NDM" FOUND AT THE SOUTHWEST CORNER OF SAID 2.0832 ACRE TRACT, SAME CORNER BEING THE NORTHWEST CORNER OF THAT CERTAIN CALLED 1.1804 ACRE TRACT OF LAND DESCRIBED AS TRACT 2 IN SAID SPECIAL WARRANTY DEED TO THE GOODELL CORPORATION RECORDED IN VOLUME 97144, PAGE 1222, DEED RECORDS, DALLAS COUNTY, TEXAS;

THENCE SOUTH 06°31'26" WEST (CALLED SOUTH 06°46'10" WEST), ALONG THE EAST LINE OF SAID 11.2401 ACRE TRACT, COMMON WITH THE WEST LINE OF SAID 1.1804 ACRE TRACT, A DISTANCE OF 112.70 FEET (CALLED 112.05 FEET) TO A 1/2" IRON ROD FOUND AT THE NORTH CORNER OF THAT CERTAIN CALLED 1.4005 ACRE TRACT OF LAND DESCRIBED IN A SPECIAL WARRANTY DEED TO THE CITY OF DALLAS RECORDED IN VOLUME 94121, PAGE 3044, DEED RECORDS, DALLAS COUNTY, TEXAS;

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T.E. MANNIN SURVEY, ABSTRACT NUMBER 958
CITY OF DALLAS, DALLAS COUNTY, TEXAS

THENCE IN A SOUTHWESTERLY DIRECTION ALONG THE EAST LINE OF SAID 11.2401 ACRE TRACT, COMMON WITH THE WEST LINE OF SAID 1.4005 ACRE TRACT, THE FOLLOWING FIVE (5) COURSES:

1. SOUTH 37°45'38" WEST (CALLED SOUTH 37°39'29" WEST), A DISTANCE OF 321.11 FEET (CALLED 321.35 FEET) TO AN "X" FOUND CHISELED IN CONCRETE;
2. SOUTH 17°32'00" WEST (CALLED SOUTH 17°37'39" WEST), A DISTANCE OF 89.76 FEET (CALLED 89.93 FEET) TO A 1/2" IRON ROD FOUND;
3. SOUTH 05°29'33" WEST (CALLED SOUTH 05°29'23" WEST), A DISTANCE 206.05 FEET (CALLED 205.90 FEET) TO A 5/8" IRON ROD WITH YELLOW PLASTIC CAP STAMPED "DALLAS CENTERLINE" FOUND;
4. SOUTH 20°09'39" WEST (CALLED SOUTH 19°34'53" WEST), A DISTANCE OF 35.79 FEET (CALLED 35.98 FEET) TO A 1/2" IRON ROD FOUND;
5. SOUTH 17°39'06" WEST (CALLED SOUTH 18°37'42" WEST), A DISTANCE OF 33.91 FEET TO A 5/8" IRON ROD WITH YELLOW PLASTIC CAP FOUND IN THE NORTH LINE OF LOT 2, BLOCK A/6353, J.L.C. CORPORATION ADDITION, AN ADDITION TO THE CITY OF DALLAS, RECORDED IN VOLUME 78103, PAGE 0941, DEED RECORDS, DALLAS COUNTY, TEXAS;

THENCE NORTH 89°33'26" WEST (CALLED NORTH 89°32'02" WEST), ALONG THE SOUTH LINE OF SAID 11.2401 ACRE TRACT, COMMON WITH THE NORTH LINE OF SAID LOT 2, BLOCK A/6353, A DISTANCE OF 207.61 FEET (CALLED 207.22 FEET) TO A 1/2" IRON ROD FOUND AT THE SOUTHWEST CORNER OF SAID 11.2401 ACRE TRACT, SAME CORNER BEING THE SOUTHEAST CORNER OF LOT 2, BLOCK 1/6366, OF NORMAN E. DYER ADDITION, AN ADDITION TO THE CITY OF DALLAS, RECORDED IN VOLUME 77099, PAGE 0184, DEED RECORDS, DALLAS COUNTY, TEXAS;

THENCE NORTH 00°27'58" EAST, ALONG THE WEST LINE OF SAID 11.2401 ACRE TRACT, COMMON WITH THE EAST LINE OF SAID LOT 2, BLOCK 1/6366, AT A DISTANCE OF 294.90 FEET PASS A 1/2" IRON ROD FOUND AT THE SOUTHEAST CORNER OF THAT CERTAIN CALLED 4.3988 ACRE TRACT OF LAND DESCRIBED IN A SPECIAL WARRANTY DEED TO LAKAWANA HOLDINGS, L.P., A TEXAS LIMITED PARTNERSHIP, RECORDED IN VOLUME 2004139, PAGE 7633, DEED RECORDS, DALLAS COUNTY, TEXAS, AND CONTINUE A TOTAL DISTANCE OF 612.35 FEET TO A 1/2" IRON ROD FOUND AT AN ELL CORNER OF SAID 11.2401 ACRE TRACT AND SAID 4.3988 ACRE TRACT;

THENCE NORTH 89°19'52" WEST (CALLED NORTH 89°32'04" WEST), ALONG THE WEST LINE OF SAID 11.2401 ACRE TRACT, COMMON WITH THE EAST LINE OF SAID 4.3988 ACRE TRACT, A DISTANCE OF 71.87 FEET (CALLED 72.23 FEET) TO A 1/2" IRON ROD FOUND AT AN ELL CORNER OF SAID 11.2401 ACRE TRACT AND SAID 4.3988 ACRE TRACT;

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EXHIBIT "A"

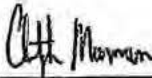
GIS Approved

MUNICIPAL SETTING DESIGNATION SURVEY
A PORTION OF LOT 1 AND ALL OF LOT 2, BLOCK 2/6366, OF ZALE INDUSTRIAL PARK
E. DURBIN SURVEY, ABSTRACT NUMBER 384
T.E. MANNIN SURVEY, ABSTRACT NUMBER 958
CITY OF DALLAS, DALLAS COUNTY, TEXAS

THENCE NORTH 00°23'02" EAST (CALLED NORTH 00°27'58" EAST), ALONG THE WEST LINE OF SAID 11.2401 ACRE TRACT, COMMON WITH THE EAST LINE OF SAID 4.3988 ACRE TRACT, AT A DISTANCE OF 99.39 FEET PASS A 1/2" IRON ROD FOUND AT THE NORTHEAST CORNER OF SAID 4.3988 ACRE TRACT, SAME CORNER BEING THE SOUTHEAST CORNER OF AFORESAID LOT 1, BLOCK 1/6366, F. J. ROBINSON SUBDIVISION, AND CONTINUE A TOTAL DISTANCE OF 449.13 FEET TO THE POINT OF BEGINNING, CONTAINING 13.3908 ACRES OR 583,305 SQUARE FEET OF LAND.

BEARINGS ARE BASED ON THE WEST LINE OF LOT 1, BLOCK 2/6366, ZALE INDUSTRIAL PARK, HAVING A BEARING OF NORTH 00°27'58" EAST, ACCORDING TO THE PLAT OF ZALE INDUSTRIAL PARK, AN ADDITION TO THE CITY OF DALLAS, RECORDED IN VOLUME 70197, PAGE 2030, DEED RECORDS, DALLAS COUNTY, TEXAS.

EBG ENGINEERING, LLC.
TEXAS REGISTERED SURVEYING FIRM NUMBER 101799-00



CHRISTOPHER MAMAN
REGISTERED PROFESSIONAL LAND SURVEYOR, TEXAS NO. 5532
NOVEMBER 19, 2013



Exhibit B

Municipal Setting Designation

Affidavit of Eligibility

BEFORE ME, the undersigned authority, on this day personally appeared Freddy Stephens, as an authorized representative of The Around the Clock Freightliner Group, LLC, known to me to be the person whose name is subscribed below who being by me first duly sworn, upon their oath, stated as follows:

I am over the age of 18 and legally competent to make this affidavit. I have personal knowledge of the facts stated herein.

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

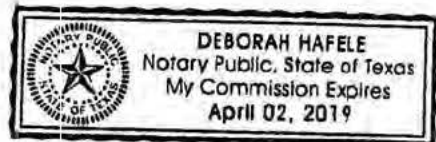
- The MSD eligibility criteria of THSC Section 361.803 are satisfied.
- True and accurate copies of all documents demonstrating that the MSD eligibility criteria provided by THSC 361.803 have been satisfied and are included with the application.
- A true and accurate copy of a legal description of the proposed MSD property is included with the application.
- Notice has been 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]
Signature

Date: 12/14/15

Freddy Stephens
Printed Name

Vice President of Infrastructure and Safety
Title



STATE OF Texas
COUNTY OF Dallas

SUBSCRIBED AND SWORN before me on this the 14th day of December 2015, to which witness my hand and seal of office.

[Signature]
Notary Public in and for the State of Texas