

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

December 18, 2007

Ms. Allison K. Exall
Curran Tomko Tarski LLP
2001 Bryan Street, Suite 2050
Dallas, TX 75201

RE: Municipal Setting Designation (MSD) Certificate for Sun Coast, 12409 Calloway Cemetery Road, Fort Worth, TX; MSD No. 51

Dear Ms. Exall:

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 TEX. 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. 51, in the City of Fort Worth, 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 10th day of December, 2007.

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

Glenn Shankle
Executive Director
Texas Commission on Environmental Quality

'A'

FIELD NOTE DESCRIPTION
SUN COAST RESOURCES MSD AREA EXHIBIT

STATE OF TEXAS
COUNTY OF TARRANT

BEING a tract of land situated in the J.W. CALLOWAY SURVEY, Abstract No. 336 and being all of LOT 4, BLOCK 1 of the PETROLEUM INDUSTRIES, INC. ADDITION, an addition to the City of Fort Worth as recorded in Cabinet B, Slide 225 of the Plat Records of Tarrant County, Texas (PRTCT) and being all of a tract of land conveyed to LEHNE PROPERTIES, LTD as recorded in Document No. 000155338 of the Deed Records of Tarrant County, Texas (DRTCT) and being more particularly described as follows;

BEGINNING at a 5/8 inch iron rod found at the most southeasterly corner of said LOT 4, BLOCK 1, said point being found in the northerly Right-of-Way line of CALLOWAY CEMETERY ROAD (variable width Right-of-Way);

THENCE along the northerly Right-of-Way line of said CALLOWAY CEMETERY ROAD North 89 deg 42 min 44 sec West a distance of 253.45 feet to the most southwesterly corner of said LOT 4, BLOCK 1;

THENCE departing the northerly Right-of-Way line of said CALLOWAY CEMETERY ROAD and along the westerly line of said LOT 4, BLOCK 1 North 00 deg 12 min 20 sec East passing through a 5/8 inch iron rod found at a distance of 296.95 feet continuing in all a distance of 444.90 feet to a 1/2 inch iron rod found for the most northwesterly corner of said LOT 4, BLOCK 1;

THENCE departing the westerly line of said LOT 4, BLOCK 1 and along the northerly line of said LOT 4, BLOCK 1 South 89 deg 42 min 44 sec East a distance of 254.27 feet to the most northeasterly corner of said LOT 4, BLOCK 1;

THENCE departing the northerly line of said LOT 4, BLOCK 1 and along the easterly line of said LOT 4, BLOCK 1 South 00 deg 18 min 38 sec West a distance of 444.90 feet to the POINT OF BEGINNING;

CONTAINING within these metes and bounds 2.593 acres or 112,943 square feet of land more or less. Bearings contained within this field note description are based upon an on the ground survey performed in the field on the 29th day of March, 2007 utilizing GPS measurements.

SURVEYORS CERTIFICATE

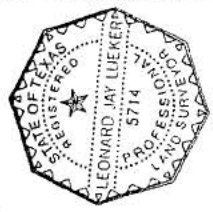
The undersigned hereby certifies the above field note description was prepared from an on the ground survey performed in the field March 29, 2007 under the supervision of the undersigned and that the field note description forms a mathematical figure of 1:15,000.

DATE: 4/10/07



Leonard J. Lueker
Registered Professional Land Surveyor
Texas Registration No. 5714
Winkelmann & Associates, Inc.
6750 Hillcrest Plaza Drive, Suite 100
Dallas, Texas 75230
(972) 490-7090





Leonard J. Lueker
 Registered Professional Land Surveyor
 No. 5714
 Commission Expires 12/31/00
 6150 Wilshire Plaza Drive, Suite 100
 Houston, Texas 77057
 (713) 480-2000

DATE: 4/16/01

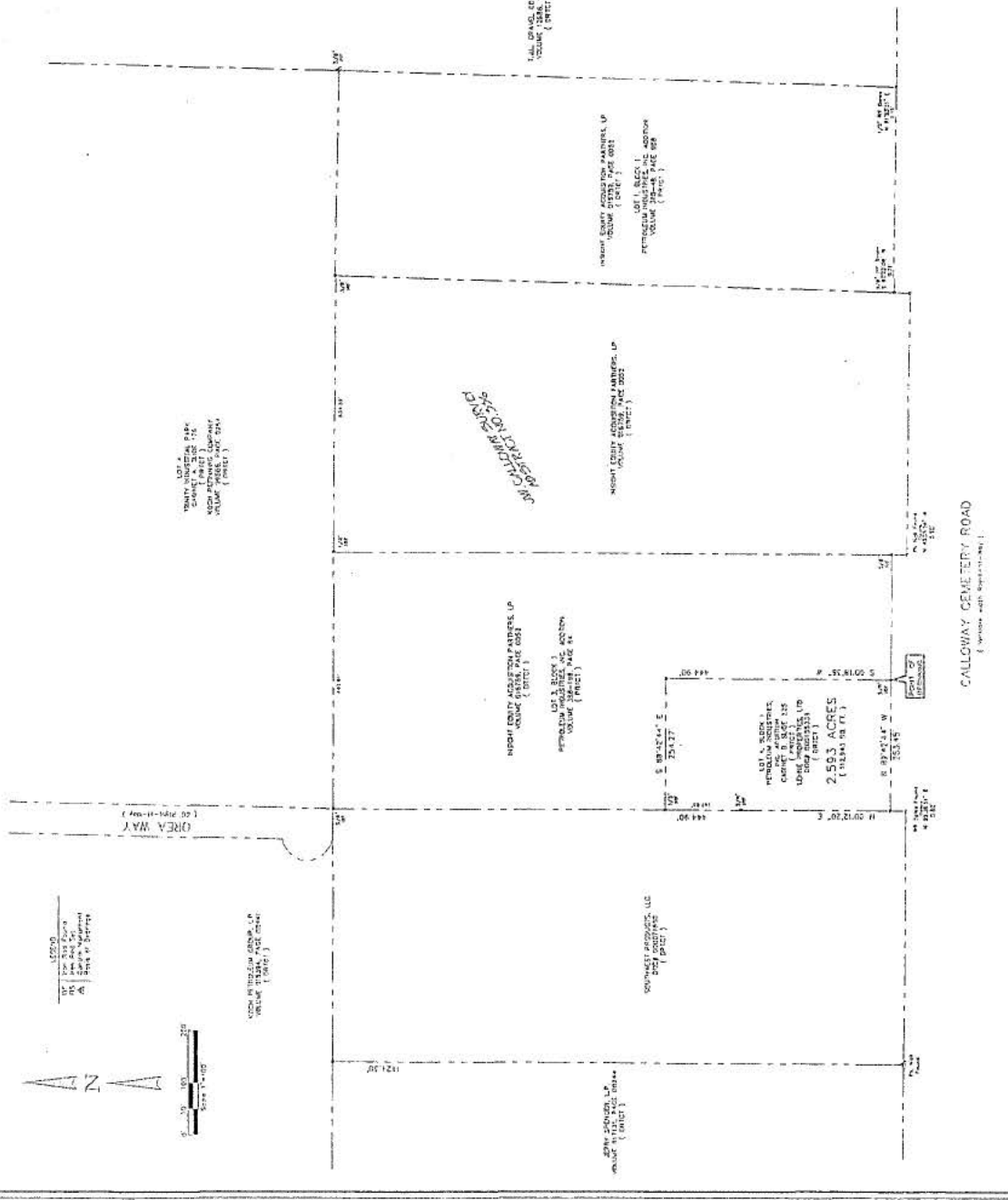
The undersigned hereby certifies that the above data were derived from an on the ground survey performed in the field on the 20th day of March, 2001, and that the measurements were taken by the undersigned and that the field notes are true and correct.

By order of the Surveyor:
 Leonard J. Lueker
 Registered Professional Land Surveyor
 No. 5714
 Commission Expires 12/31/00
 6150 Wilshire Plaza Drive, Suite 100
 Houston, Texas 77057
 (713) 480-2000



DESCRIPTION OF THE SURVEYED PROPERTY:
 The above described property is situated in the MSD Area, Tarrant County, Texas, and is bounded on the north by the State Highway 114, on the east by the State Highway 121, on the south by the State Highway 114, and on the west by the State Highway 121. The total area of the property is 2.593 acres.

LEGAL DESCRIPTION:
 The above described property is situated in the MSD Area, Tarrant County, Texas, and is bounded on the north by the State Highway 114, on the east by the State Highway 121, on the south by the State Highway 114, and on the west by the State Highway 121. The total area of the property is 2.593 acres.



DATE OF RECORD:
 The above described property was recorded in the Public Records of Tarrant County, Texas, on the 20th day of March, 2001.

Scale: 1" = 100'
 North Arrow

Scale: 1" = 100'
 North Arrow

'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. IOP #402, IHW #TXD988047429, SWR#76532, PST #76478		
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? 12 / 15 / 03	<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

9/5/07
Date

Before me SEAN SIEWINSKI the undersigned authority, on this day personally appeared
CHRIS WEBER Name of Notary
Name of Applicant and signed this Municipal Setting Designation Application.

Sworn, subscribed and signed before me in the County of TARRANT, State of TX, on the 5
day of 9, this month of 2007

