Bryan W. Shaw, Ph.D., P.E., Chairman Toby Baker, Commissioner Jon Niermann, Commissioner Richard A. Hyde, P.E., Executive Director

# TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

January 23, 2018

Mr. Adam Brown, Vice President TRG Aura Grapevine, LLC 3100 Monticello Avenue, Suite 900 Dallas, Texas 75205

Re:

Municipal Setting Designation (MSD) Certificate for TRG Aura Grapevine, LLC, Former Fabral Fabrication Facility, 404 East Dallas Road, Grapevine, Tarrant County, TX; MSD No. 363; Customer No. CN605244474; Regulated Entity No. RN100953140

Dear Mr. Brown:

The Texas Commission on Environmental Quality (TCEQ) received the above referenced Municipal Setting Designation (MSD) application on May 3, 2017 and additional information supporting this MSD application on December 7, 2017 and January 8, 2018. 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) 239-1747 or via e-mail (Anthony.McGlown@tceq.texas.gov).

Sincerely,

Anthony McGlown, Project Manager

VCP-CA Section

Remediation Division

ABM/jdm

Ms. Erin Gorman, Waste Section Manager, TCEQ Ft. Worth/Dallas Regional Office, R-4

Mr. Kenneth Tramm, Modern Geosciences, 5100 Thompson Terrace, Colleyville, TX 76034

Ms. Elizabeth Mack, Locke Lord LLP, 2200 Ross Avenue, Suite 2800, Dallas, TX, 75201

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):

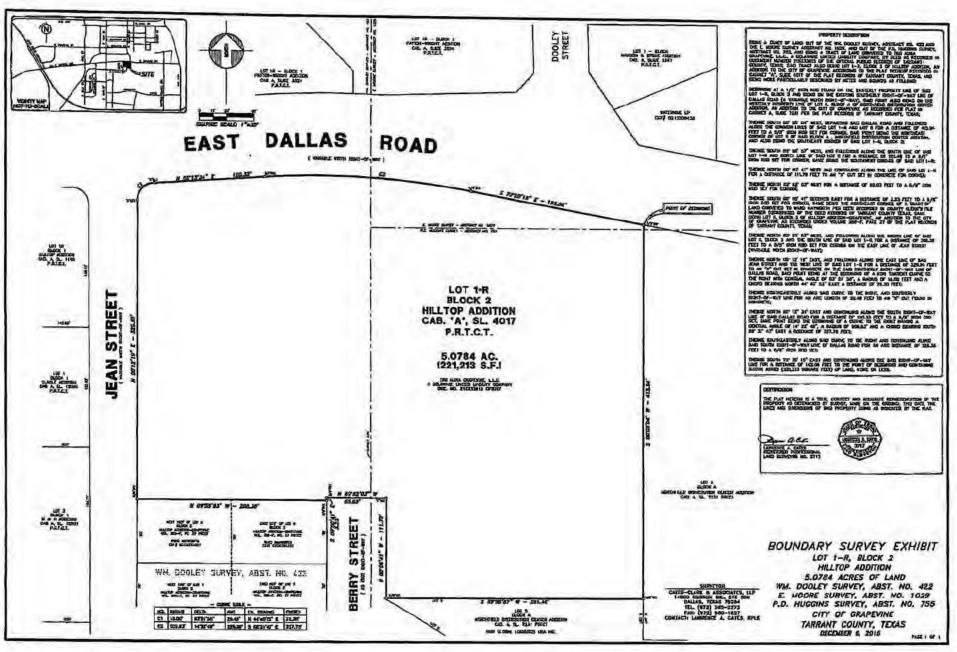
I, Beth Seaton, Director, Remediation Division, TCEQ, certify the Municipal Setting Designation (MSD) for MSD No. 363, in the City of Grapevine, for the tract of land described in Exhibit "A". The eligibility requirements of Texas Health and Safety Code §361.803 are satisfied as attested to by the affidavit 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

Beth Seaton, Director Remediation Division

Texas Commission on Environmental Quality



### Exhibit B

# **Municipal Setting Designation**

# Affidavit of Eligibility

Adam Brown	, as an authorized representative of
TRG Aura Grapevine, LLC	, known to me to be the person
whose name is subscrib stated as follows:	d below who being by me first duly sworn, upon their oath,
I am over the age of 18 knowledge of the facts	nd legally competent to make this affidavit. I have personal ated herein.
I affirmatively state tha	(place an X in all applicable blanks)
The MSD eligibi	ty criteria of THSC Section 361.803 are satisfied.
	e copies of all documents demonstrating that the MSD eligibility by THSC 361.803 have been satisfied and are included with the
A true and accur included with th	te copy of a legal description of the proposed MSD property is application.
Notice has been	rovided in accordance with THSC 361.805.
	nance or restrictive covenant and any required resolutions are pplication or will be provided before the executive director cation.
all Brown	Date: 4/26/17
Signature `	
Adam Brown	
Printed Name	
Vice President	
Title	MARGIE MELCHOR
STATE OF TONOS	My Commission Expires February 6, 2020
COUNTY OF DOLL	S
	D AND SWORN before me on this the day of to which witness my hand and seal of office.
	Notary Public in and for the State of JUGS

TCEQ 20149