

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

cc: 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 18th day of January, 2018

Beth Seaton

Beth Seaton, Director
Remediation Division
Texas Commission on Environmental Quality

Exhibit B
Municipal Setting Designation
Affidavit of Eligibility

BEFORE ME, the undersigned authority, on this day personally appeared Adam Brown, as an authorized representative of TRG Aura Grapevine, 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.

Adam Brown
Signature

Date: 4/26/17

Adam Brown

Printed Name

Vice President

Title

STATE OF Texas

COUNTY OF Dallas



SUBSCRIBED AND SWORN before me on this the 26 day of April 2017, to which witness my hand and seal of office.

Margie Melchor
Notary Public in and for the State of Texas