

Bryan W. Shaw, Ph.D., *Chairman*
Buddy Garcia, *Commissioner*
Carlos Rubinstein, *Commissioner*
Mark R. Vickery, P.G., *Executive Director*



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

May 6, 2010

Mr. John Dziminski
LHCT-JBS Partners, L.P.
2101 Cedar Springs Road, Suite 1600
Dallas, Texas 75201

Re: Municipal Setting Designation (MSD) Certificate for LHCT-JBS Partners, L.P., 2527 and 2537 Willowbrook Road, Dallas, Dallas County, Texas; MSD No. 129

Dear Mr. Dziminski:

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) 239-2378 or via e-mail (rclarke@tceq.state.tx.us).

Sincerely,

A handwritten signature in cursive script that reads "Richard Clarke".

Richard Clarke, P.G., Project Manager
VCP-CA Section
Remediation Division

RC/jdm

Enclosure

cc: Mr. Jim Formby, Project Manager, TCEQ SWR No. T2212, Remediation Division, MC-221

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



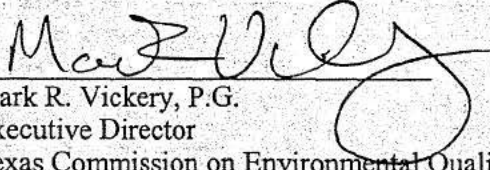
MUNICIPAL SETTING DESIGNATION CERTIFICATE

As provided for in §361.807, Subchapter W, Texas Health and Safety Code (Solid Waste Disposal Act):

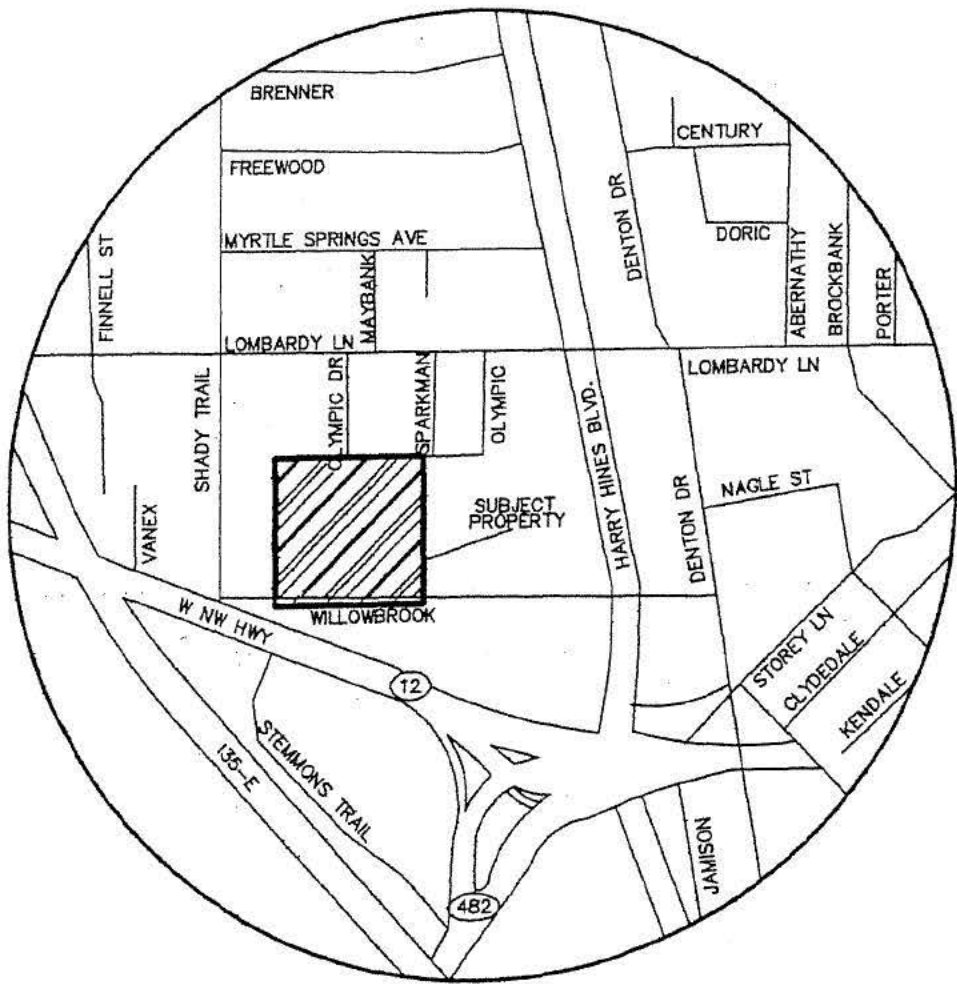
I, Mark R. Vickery, Executive Director of the Texas Commission on Environmental Quality certify the Municipal Setting Designation for MSD No.129 in the City of Dallas for the tract of land described in Exhibit "A". The eligibility requirements of Texas Health and Safety Code §361.803 are satisfied as 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 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 the 30th day of April, 2010



Mark R. Vickery, P.G.
Executive Director
Texas Commission on Environmental Quality



LOCATION MAP
N.T.S.



**Winkelman
& Associates, Inc.**

CONSULTING CIVIL ENGINEERS & SURVEYORS
(872) 489-7000 FAX (872) 489-7000

Scale : 1"=300' Date : 7/7/08

Design : WAJ

Drawn : L.J.L.

Dwg. File : 00899WILL1MSD.DWG

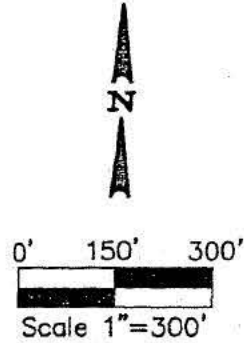
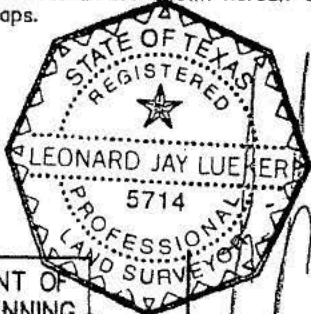
Project No. : 00899.00

QORE PROPERTY SCIENCES
12801 N. STEMMONS FREEWAY
SUITE 807
DALLAS, TEXAS 75234

EXHIBIT "A"
MSD AREA SURVEY
16.497 ACRES

SHEET
1
OF
1

The coordinates shown hereon are based upon the NCTCOG maps.



POINT OF BEGINNING

DEHN MACHINE COMPANY, INC.
VOLUME 95231, PAGE 2792
BLOCK 8/4478
LOT 10425 BUILDING LTD PARTNERSHIP
VOLUME 98123, PAGE 8137

SAVAS VENTURES, LP
VOLUME 2004163, PAGE 3591

OLYMPIC CENTER - PHASE II
VOLUME 87048, PAGE 1560
BLOCK A/70478

LOT 2, BLOCK 6478
CERD 1 ADDITION
RT# 200208041
DUNGAN BURCH
VOLUME 2003774, PAGE 4844

S 89°54'44" E
825.73'
X-CUT FND

DUNGAN BURCH
VOLUME 89124, PAGE 3834
N 00°09'53" W
785.61'

16.497 ACRES
(718,598 Sq. Ft.)

LOT 1, BLOCK 6480
HYDROMETALS, INC.
VOLUME 76294, PAGE 306
OT 94 LP
VOLUME 98169, PAGE 00280

BLOCK 9/480
LYON TRUST-CAROLINE TRUST
VOLUME 87104, PAGE 2812

S 00°09'53" E
781.76'
LOT 2, BLOCK 6480
HYDROMETALS, INC.
VOLUME 76294, PAGE 306
OT 94 LP
VOLUME 98169, PAGE 00280

LOT 3, BLOCK 6480
HYDROMETALS, INC.
VOLUME 76294, PAGE 306
OT 94 LP
VOLUME 98169, PAGE 00280

N 7000177
E 2463376

N 89°46'31" W
914.09'
WILLOWBROOK RD.
(VAR. RIGHT-OF-WAY)

2331 W. NORTHWEST HIGHWAY HOLDINGS LP
DOC# 200400120571

5/8" IRF
BEARS N01°33'04"W
3.02'

5/8" IRF
BEARS N01°07'55"W
3.16'

N 7000173
E 2464290

2.951 ACRE ADDITION
VOLUME 84127, PAGE 4563
(MROCT)
THE UNITED STATES POSTAL SERVICE
VOLUME 85111, PAGE 1009

LOT 1, BLOCK A/8481
NORTHERBROOK OFFICE DEVELOPMENT
VOLUME 84004, PAGE 4208
CARLTON FIELD, LP
VOLUME 83006, PAGE 4832

LINE	BEARING	DISTANCE
L1	S 00°21'30" W	5.32'
L2	S 89°27'22" E	88.41'

Winkelmann & Associates, Inc.
CONSULTING CIVIL ENGINEERS & SURVEYORS
(872) 480-7000 FAX (872) 480-7008

Scale : 1"=300' Date : 7/7/08
Design : WAJ
Drawn : LJJ
Dwg. File : 00899MILL1MSD.DWG
Project No. : 00899.00

QORE PROPERTY SCIENCES
12801 N. STEMMONS FREEWAY
SUITE 807
DALLAS, TEXAS 75234

EXHIBIT "A"
MSD AREA SURVEY
16.497 ACRES

SHEET
2
OF
2

Exhibit "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 type="radio"/> Yes	<input type="radio"/> No ³	<input checked="" 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.		
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? 7 / 22 / 98	<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.

LYDA HUNT-CAROLINE TRUST –
STEPHEN HUNT SANDS

LYDA HUNT-CAROLINE TRUST –
DAVID KEITH SANDS

LYDA HUNT-CAROLINE TRUST –
LAURIE SANDS


LYDA HUNT-CAROLINE TRUST –
PATRICK BRIAN SANDS

By: *Don W. Crisp*
Don W. Crisp
Trustee

By: *Caroline Rose Hunt*
Caroline Rose Hunt
Trustee

LHCT-JBS PARTNERS, L.P.

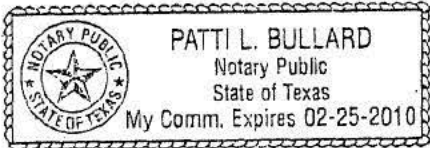
By: Rosewood Management Corporation,
General Partner

By: 
John M. Dziminski
President

Before me Patti L. Bullard the undersigned authority, on
this day personally appeared John M. Dziminski and signed this
Municipal Setting Designation Application.

Sworn, subscribed and signed before me in the County of Dallas,
State of Texas, on the 14th day of January, this month of
January, 2010.

[Seal]



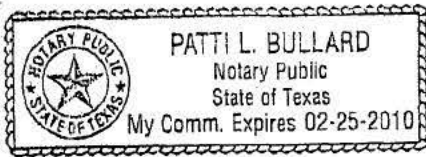

Notary Public, State of Texas

Patti L. Bullard
Printed Name of Notary Public

Before me Patti L. Bullard the undersigned authority, on this day personally appeared Don W. Crisp and signed this Municipal Setting Designation Application.

Sworn, subscribed and signed before me in the County of Dallas, State of Texas, on the 14th day of January, this month of January, 2010.

[Seal]



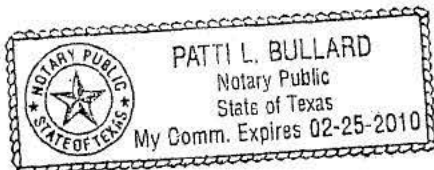
Patti L. Bullard
Notary Public, State of Texas

Patti L. Bullard
Printed Name of Notary Public

Before me Patti L. Bullard the undersigned authority, on this day personally appeared Caroline Rose Hunt and signed this Municipal Setting Designation Application.

Sworn, subscribed and signed before me in the County of Dallas, State of Texas, on the 14th day of January, this month of January, 2010.

[Seal]



Patti L. Bullard
Notary Public, State of Texas

Patti L. Bullard
Printed Name of Notary Public