

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. 48, in the City of Dallas, 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 6th day of May, 2008

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

Glenn Shankle
Executive Director
Texas Commission on Environmental Quality

EXHIBIT A

FIELD NOTES

BEING a tract of land in the F. Bowles Survey, Abstract No. 69, and being all of Lot 5A of City Block B/6603 and Lot 2 of City Block 6602, Indian Trail Industrial Park, an addition to the City of Dallas, as recorded in Volume 72110, Page 2239, Map Records of Dallas County, Texas, and including portions of Indian Trail (variable width right-of-way) and Dennis Road (60-foot right-of-way), and being more particularly described as follows:

COMMENCING at the intersection of the north right-of-way line of Royal Lane (100-foot right-of-way) and the east right-of-way line of Indian Trail (50-foot right-of-way at this point);

THENCE North 00 degrees 37 minutes 00 seconds West, along said east line of Indian Trail, a distance of 139.42 feet to the POINT OF BEGINNING of the herein described tract;

THENCE South 89 degrees 23 minutes 00 seconds West, crossing said Indian Trail, a distance of 50.00 feet to a point on the west right-of-way line of said Indian Trail;

THENCE North 00 degrees 37 minutes 00 seconds West, along said west line of Indian Trail, a distance of 815.33 feet to a point for corner;

THENCE North 89 degrees 35 minutes 54 seconds East, departing said west line, passing at a distance of 55.00 feet a 1/2 inch iron rod found for the northwest corner of said Indian Trail Industrial Park Addition, on said east right-of-way line of Indian Trail, and continuing in all, a distance of 367.46 feet to a point for corner in the west line of a 7.50 foot alley;

THENCE South 00 degrees 33 minutes 42 seconds East, a distance of 37.45 feet to a point for corner;

THENCE North 89 degrees 44 minutes 03 seconds East, a distance of 7.59 feet to a point for corner;

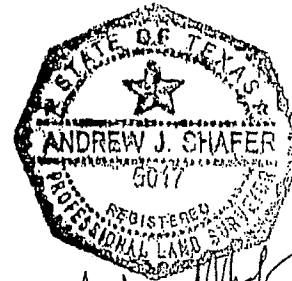
THENCE South 00 degrees 33 minutes 42 seconds East, a distance of 70.85 feet to a 1/2-inch iron rod found for corner;

THENCE North 89 degrees 44 minutes 03 seconds East, passing at a distance of 313.84 feet the northeast corner of said Indian Trail Industrial Park Addition, said point being in the west line of Dennis Road (60 feet wide), and continuing in all, a distance of 373.84 feet to a point for corner on the east right-of-way line of said Dennis Road;

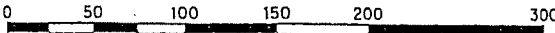
THENCE South 00 degrees 32 minutes 44 seconds East, along said east line of Dennis Road, a distance of 326.77 feet to a point for corner;

THENCE South 89 degrees 40 minutes 00 seconds West, departing said west line of Dennis Road, passing at a distance of 60.00 feet a 5/8 inch iron rod found for the southeast corner of said Indian Trail Industrial Park on the west right-of-way line of said Dennis Road, and continuing along the south line of Indian Trail Industrial Park, passing at an additional distance of 633.38 feet the southwest corner of said Industrial Park on the west line of said Indian Trail, and continuing along a 5-foot jog in said west right-of-way line, in all a total distance of 698.38 feet, from which a 1 inch iron pipe bears North 85 degrees 39 minutes 57 seconds East, a distance of 6.81 feet;

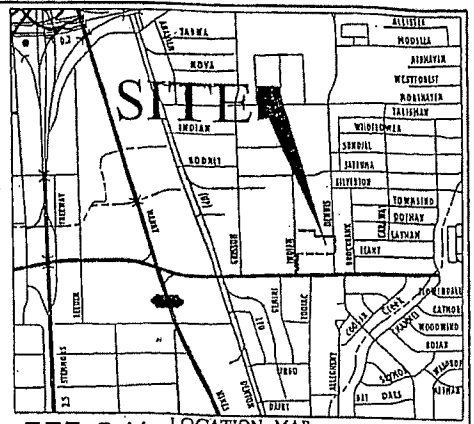
THENCE South 00 degrees 37 minutes 00 seconds East, along said west right-of-way line of Indian Trail, a distance of 380.00 feet to the POINT OF BEGINNING AND CONTAINING 304,117 square feet, or 6.982 acres of land, more or less.



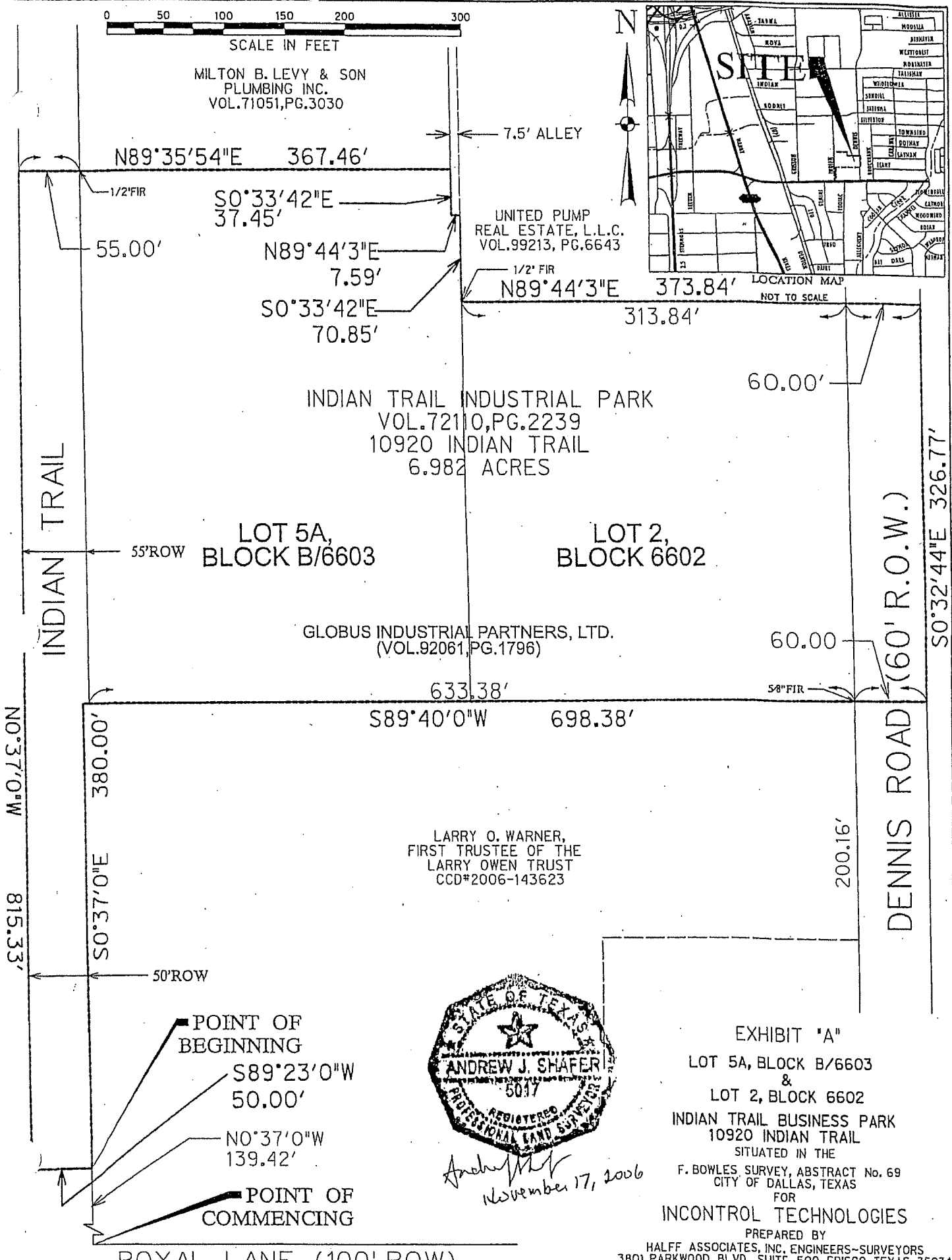
Andrew J. Chafer
November 17, 2006



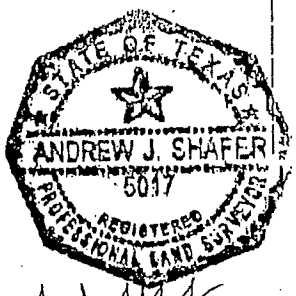
MILTON B. LEVY & SON
PLUMBING INC.
VOL.71051, PG.3030



LOCATION MAP
NOT TO SCALE



LARRY O. WARNER,
FIRST TRUSTEE OF THE
LARRY OWEN TRUST
CCD#2006-143623



Andrew J. Shafer
November 17, 2006

EXHIBIT "A"
LOT 5A, BLOCK B/6603
&
LOT 2, BLOCK 6602
INDIAN TRAIL BUSINESS PARK
10920 INDIAN TRAIL
SITUATED IN THE
F. BOWLES SURVEY, ABSTRACT No. 69
CITY OF DALLAS, TEXAS
FOR
INCONTROL TECHNOLOGIES

PREPARED BY
HALFF ASSOCIATES, INC. ENGINEERS-SURVEYORS
3801 PARKWOOD BLYD., SUITE 500 FRISCO, TEXAS 75034

ROYAL LANE (100' ROW)

B

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.
VCP No. 1590

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 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? 1 / / 05	<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 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 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 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 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 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.

Michael [Signature]
Applicant Signature

8/8/07
Date

Before me MANJIT S GILL the undersigned authority, on this day personally appeared
Name of Notary
MICHAEL MARCON and signed this Municipal Setting Designation Application.
Name of Applicant

Sworn, subscribed and signed before me in the County of HARRIS, State of TX, on the 14th
day of August, 2007

