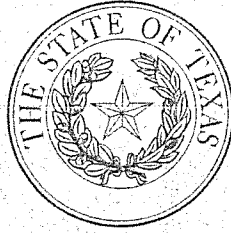


TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



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. 131, in the City of Lubbock, 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 21st day of July, 2010

A handwritten signature in black ink, appearing to read "Mark R. Vickery".

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

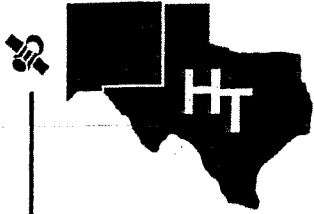


EXHIBIT "A"
Page 2 of 2

**MUNICIPAL SETTING DESIGNATION
LEGAL DESCRIPTION**

BEING a 2.55 acre tract of land located in Section 80, Block A, Lubbock County, Texas and being more particularly described by metes and bounds as follows:

BEGINNING at a 1/2" iron rod with cap set on the existing South right of way line of Municipal Drive, for the Southeast corner of this 2.55 acre tract, whence a 2" brass rod (known as the park corner) found for the Southeast corner of Section 79, Block A, bears South 87°35'52" East, a distance of 841.03 feet and South 2°21'50" West, a distance of 3015.56 feet;

THENCE Southwesterly along the arc of a curve to the right, said curve being the existing South right of way line of Municipal Drive, an arc distance of 228.61 feet, said curve having a radius of 1004.31 feet and a chord that bears South 58°28'23" West, a distance of 228.12 feet;

THENCE North 19°11'53" West, at 100.57 feet pass the existing North right of way line of Municipal Drive, continuing along the West line of 2.0 acre tract of land as described in Volume 384, Page 3, a total distance of 518.42 feet to a 1/2" iron rod with cap, found for the Northwest corner of said 2.0 acre tract and the Northwest corner of this 2.55 acre tract;

THENCE North 70°48'07" East, along the North line of said 2.0 acre tract, a distance of 222.78 feet (223.0' deed) to a fence corner post, for the Northeast corner of said 2.0 acre tract and the Northeast corner of this 2.55 acre tract;

THENCE South 19°12'29" East (S 19°11'53" E plat), along the East line of said 2.0 acre tract, at 363.36 feet (363.25' plat) (362.0' deed) pass a railroad spike found on the existing North right of way line of Municipal Drive, continuing for a total distance of 469.71 feet to the point of beginning.


CONTAINING 2.55 acres of land.

A survey plat of even survey date herewith accompanies this legal description.

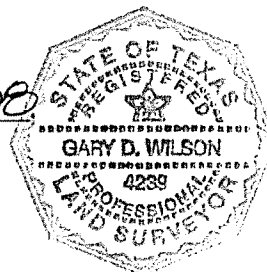
() = Plat record or Deed call

Bearings are based on the West line of this survey as being S 19°11'53" East as shown on the recorded plat of Tract "A", Municipal Hill Addition in Volume 1795, Page 282

Surveyed on the ground October 28, 2008


Gary D. Wilson
Registered Professional Land Surveyor
No. 4239, State of Texas

Date: 10-29-08



Fb.463, P.33

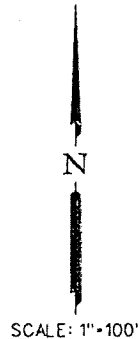
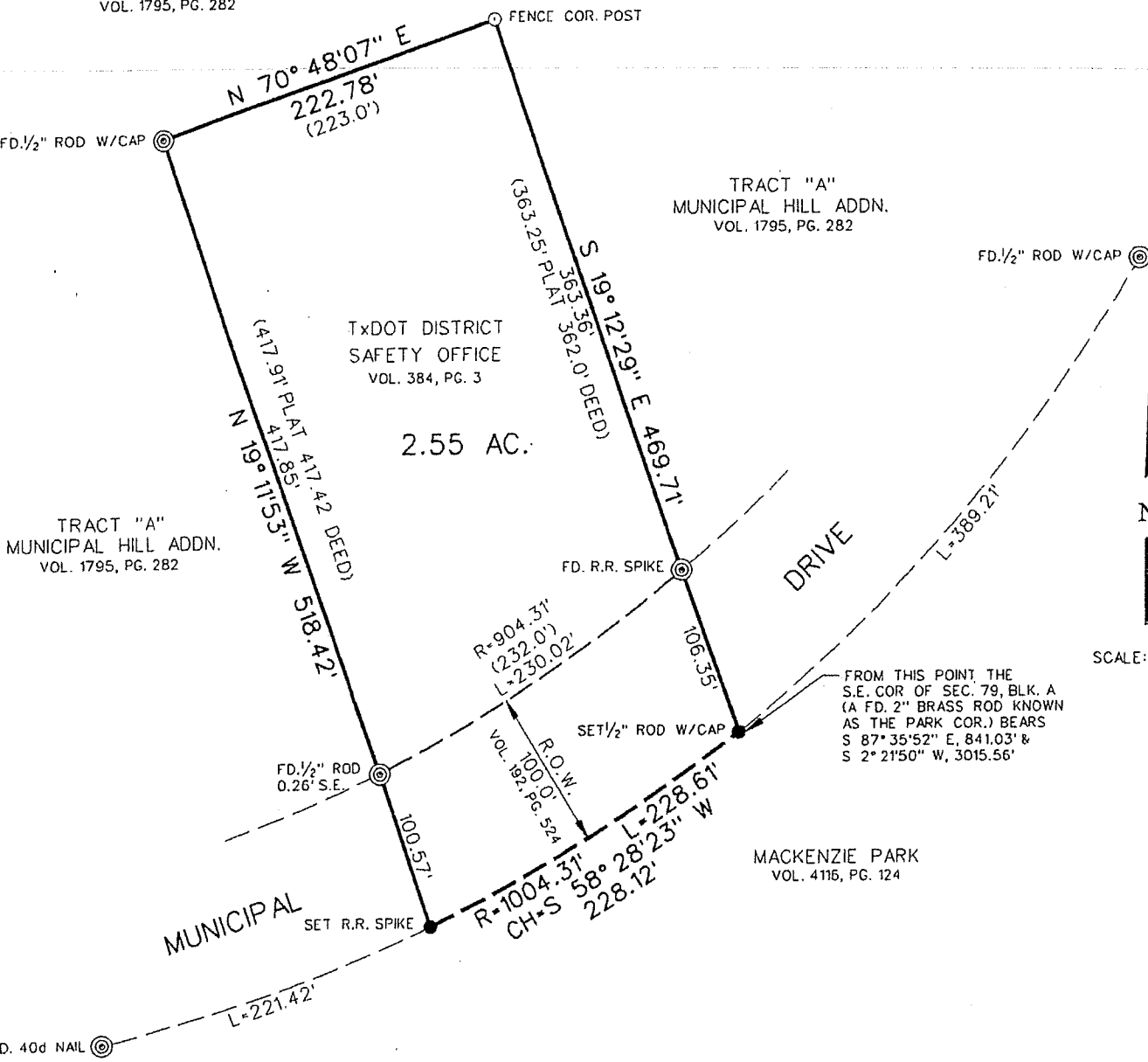
#35,897

HIGH-TECH LAND AND GPS SURVEYORS, INC.

3330 70th St., Suite 202 • Lubbock, Texas 79413
(806) 788-0020 • Fax (806) 792-1646

TRACT "A"
MUNICIPAL HILL ADDN.
VOL. 1795, PG. 282

TRACT "A"
MUNICIPAL HILL ADDN.
VOL. 1795, PG. 282



FROM THIS POINT, THE
S.E. COR OF SEC. 79, BLK. A
(A FD. 2\" BRASS ROD KNOWN
AS THE PARK COR.) BEARS
S 87° 35' 52\" E, 841.03' &
S 2° 21' 50\" W, 3015.56'

A LEGAL DESCRIPTION OF EVEN SURVEY DATE
HEREWITH ACCOMPANIES THIS PLAT
SURVEYED ON GROUND OCTOBER 28, 2008

Gary D. Wilson
GARY D. WILSON
REGISTERED PROFESSIONAL LAND SURVEYOR
NO. 4239, STATE OF TEXAS
10-29-08



() - RECORD PLAT OR DEED CALL

BEARINGS ARE BASED ON THE WEST LINE OF THIS SURVEY
AS BEING S 19° 11' 53\" E AS SHOWN ON THE RECORDED
PLAT OF TRACT "A", MUNICIPAL HILL ADDN. IN V. 1795, P. 282

This survey and all information hereon is for the exclusive use of
SHAW ENVIRONMENTAL INC.
and shall not be copied or used except for the purpose for which
it is expressly furnished. This drawing and all copies (partial or
complete) shall be returned to the owner upon demand.

NO ATTEMPT HAS BEEN MADE AS A PART OF THIS BOUNDARY SURVEY TO OBTAIN OR SHOW
DATA CONCERNING EXISTENCE, SIZE, DEPTH, CONDITION, CAPACITY, OR LOCATION OF ANY
UTILITY OR MUNICIPAL/PUBLIC SERVICE FACILITY. FOR INFORMATION REGARDING THESE
UTILITIES OR FACILITIES, PLEASE CONTACT THE APPROPRIATE AGENCIES OR OTHER SURVEYS
SURVEYOR HAS MADE NO INVESTIGATION OR INDEPENDENT SEARCH OF EASEMENTS OF
RECORD, ENCUMBRANCES, RESTRICTIVE COVENANTS, OWNERSHIP TITLE EVIDENCE, OR
ANY OTHER FACTS WHICH AN ACCURATE AND CURRENT TITLE SEARCH MAY DISCLOSE.

PLAT OF SURVEY

ON A
PROPOSED MUNICIPAL SETTING DESIGNATION
BEING A 2.55 ACRE TRACT OF LAND
LOCATED IN SECTION 80, BLOCK A,
LUBBOCK COUNTY, TEXAS



HIGH-TECH LAND & GPS SURVEYORS, INC.
3330 70th ST., SUITE 202 • LUBBOCK, TX. 79413
(806) 788-0020 • FAX (806) 792-1646

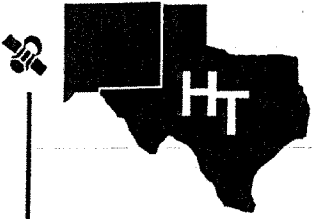


EXHIBIT "A"
Page 2 of 2

**MUNICIPAL SETTING DESIGNATION
LEGAL DESCRIPTION**

BEING a 1.09 acre tract of land located in Section 80, Block A, Lubbock County, Texas and being more particularly described by metes and bounds as follows:

BEGINNING at a ½" iron rod with cap found on the existing South right of way line of Municipal Drive, for the Southwest corner of this 1.09 acre tract, whence a 2" brass rod (known as the park corner) found for the Southeast corner of Section 79, Block A, bears South 87°35'52" East, a distance of 841.03 feet and South 2°21'50" West, a distance of 3015.56 feet;

THENCE North 19°12'29" West (N 19°11'53" W plat), at 106.35 feet pass a railroad spike found on the existing North right of way line of Municipal Drive, continuing along the East line of a 2.0 acre tract of land as described in Volume 384, Page 3, Deed Records of Lubbock County, Texas for a total distance of 469.71 feet to a fence corner post, found for the Northeast corner of said 2.0 acre tract and being the Northwest corner of this 1.09 acre tract;

THENCE North 70°48'07" East, a distance of 106.22 feet to a ½" iron rod with cap, set for the Northeast corner of this 1.09 acre tract;

THENCE South 19°11'22" West, at 314.49 feet pass a railroad spike, set on the existing North right of way line of Municipal Drive, continuing for a total distance of 426.60 feet to a ½" iron rod with cap, set for the Southeast corner of this 1.09 acre tract;

THENCE Southwesterly along the arc of a curve to the right, said curve being the existing South right of way line of Municipal Drive, an arc distance of 114.57 feet to the point of beginning, said curve having a radius of 1004.31 feet and a chord that bears South 48°41'02" West, a distance of 114.51 feet;

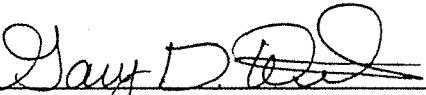
CONTAINING 1.09 acres of land.

A survey plat of even survey date herewith accompanies this legal description.

() = Plat record or Deed call

Bearings are based on the West line of the adjoining tract as described in Vol. 384, Pg. 3, Deed Records of Lubbock County, Texas as being N 19°11'53" W

Surveyed on the ground June 3, 2009



Gary D. Wilson
Registered Professional Land Surveyor
No. 4239, State of Texas

Date: 6-5-09



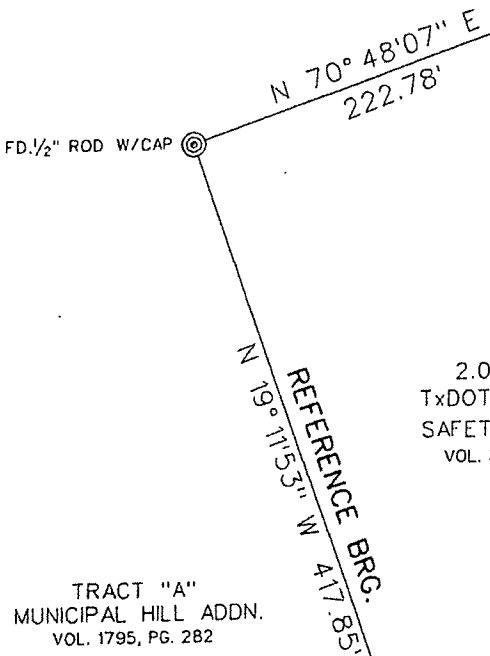
Fb.463, P.53

#35,993

TRACT "A"
MUNICIPAL HILL ADDN.
VOL. 1795, PG. 282

SET 1/2" ROD W/CAP
LAT-33° 36'06.95"
LONG-101° 50'19.55"

FENCE COR-POST
LAT-33° 36'06.56"
LONG-101° 50'20.72"



2.0 Acres
TxDOT DISTRICT
SAFETY OFFICE
VOL. 384, PG. 3

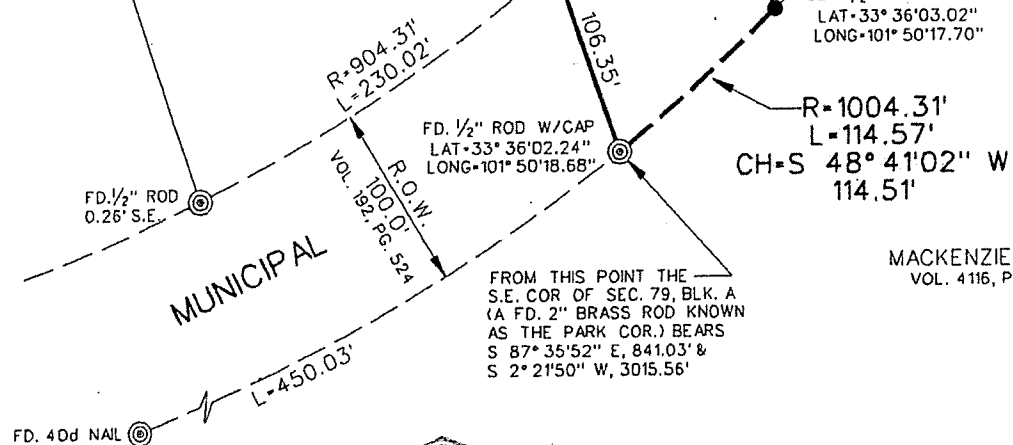
TRACT "A"
MUNICIPAL HILL ADDN.
VOL. 1795, PG. 282

TRACT "A"
MUNICIPAL HILL ADDN.
VOL. 1795, PG. 282

DRIVE



SCALE: 1"=100'



FROM THIS POINT THE
S.E. COR OF SEC. 79, BLK. A
(A FD. 2" BRASS ROD KNOWN
AS THE PARK COR.) BEARS
S 87° 35'52" E, 841.03' &
S 2° 21'50" W, 3015.56'

A LEGAL DESCRIPTION OF EVEN SURVEY DATE
HEREWITH ACCOMPANIES THIS PLAT

SURVEYED ON GROUND JUNE 3, 2009

Gary D. Wilson
GARY D. WILSON
REGISTERED PROFESSIONAL LAND SURVEYOR
NO. 4239, STATE OF TEXAS



(. .) - RECORD OR DEED CALL

LAT. - LONG.'S SHOWN ARE BASED ON TEXAS STATE PLANE
COORDINATE SYSTEM, NORTH CENTRAL ZONE, NAD83 DATUM

BEARINGS ARE BASED ON THE WEST LINE OF THE ADJOINING
TRACT AS DESCRIBED IN VOL. 384, PG. 3, DEED RECORDS OF
LUBBOCK COUNTY, TEXAS AS BEING N 19° 11'53" W

This survey and all information hereon is for the exclusive use of
----- SHAW ENVIRONMENTAL INC. -----
and shall not be copied or used except for the purpose for which
it is expressly furnished. This drawing and all copies (partial or
complete) shall be returned to the owner upon demand.

NO ATTEMPT HAS BEEN MADE AS A PART OF THIS BOUNDARY SURVEY TO OBTAIN OR SHOW
DATA CONCERNING EXISTENCE, SIZE, DEPTH, CONDITION, CAPACITY, OR LOCATION OF ANY
UTILITY OR MUNICIPAL/PUBLIC SERVICE FACILITY. FOR INFORMATION REGARDING THESE
UTILITIES OR FACILITIES, PLEASE CONTACT THE APPROPRIATE AGENCIES OR OTHER SURVEYS

SURVEYOR HAS MADE NO INVESTIGATION OR INDEPENDENT SEARCH OF EASEMENTS OF
RECORD, ENCUMBRANCES, RESTRICTIVE COVENANTS, OWNERSHIP TITLE EVIDENCE, OR
ANY OTHER FACTS WHICH AN ACCURATE AND CURRENT TITLE SEARCH MAY DISCLOSE.

PLAT OF SURVEY

ON A
PROPOSED MUNICIPAL SETTING DESIGNATION
BEING A 1.09 ACRE TRACT OF LAND
LOCATED IN SECTION 80, BLOCK A,
LUBBOCK COUNTY, TEXAS



HIGH-TECH LAND & GPS SURVEYORS, INC.

3330 70th ST., SUITE 202 - LUBBOCK, TX. 79413
(806) 788-0020 - FAX (806) 782-1646

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? 05 / 08 / 1986	<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.		

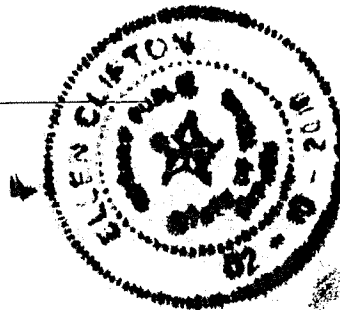
I affirmatively state that (place an X in all applicable blanks):

- 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.

John Sullivan for TxDOT
Applicant Signature

1-25-10
Date

Before me Ellen Clifton the undersigned authority, on this day personally appeared
John Sullivan Name of Applicant and signed this Municipal Setting Designation Application.
Name of Notary



Sworn, subscribed and signed before me in the County of Midland, State of TX, on the
day of 25th, this month of JANUARY, 2010.