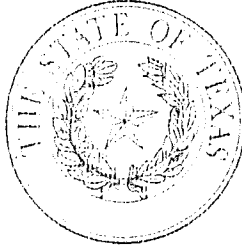


Texas Commission on Environmental Quality



Municipal Setting Designation

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

I, Mark R. Vickery, Executive Director of the Texas Commission on Environmental Quality certify the Municipal Setting Designation for MSD No. 93, 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 24th day of February, 2009.

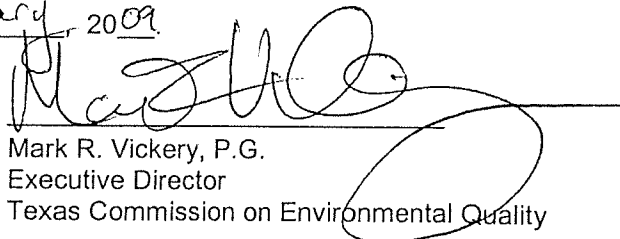

Mark R. Vickery, P.G.
Executive Director
Texas Commission on Environmental Quality

EXHIBIT "A"
M.S.D. SURVEY

Being a tract of land situated in the John Grigsby Survey, Abstract No. 495 and being part of City Block Z/854 in the City of Dallas, Dallas County, Texas, and being part of Grand Avenue (60 foot right-of-way) and being more particularly described as follows:

BEGINNING at a point for corner, said corner lying in the East intersection of said Grand Avenue and Medill Street (50 foot right-of-way) and being the West corner of a tract of land conveyed to Alpha VII Group, Inc. by Deed recorded in Volume 97025, Page 161, Deed Records, Dallas County, Texas;

THENCE South 42 degrees 30 minutes 00 seconds West along the Southeast line of said Grand Avenue, a distance of 274.07 feet to a point for corner, said corner lying in the East intersection of said Grand Avenue and Meadow Street (100 foot right-of-way);

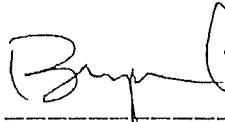
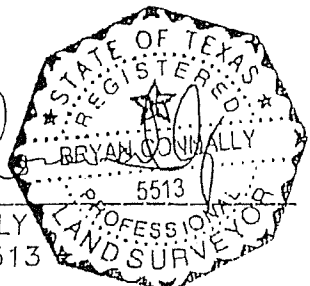
THENCE North 44 degrees 57 minutes 00 seconds West, a distance of 284.65 feet to a point for corner;

THENCE North 42 degrees 30 minutes 00 seconds East, a distance of 386.21 feet to a point for corner, said corner being on the Southwest line of Trunk Street (40 foot right-of-way);

THENCE South 44 degrees 57 minutes 00 seconds East along the Southwest line of said Trunk Street, a distance of 212.05 feet to a 5/8 inch iron rod found for corner, said corner lying in the West intersection of said Trunk Street and Grand Avenue;

THENCE South 41 degrees 19 minutes 42 seconds West along the Northwest line of said Grand Avenue, a distance of 115.60 feet to a 5/8 inch iron rod found for corner;

THENCE South 47 degrees 39 minutes 54 seconds East, a distance 70.16 feet to the POINT OF BEGINNING and containing 101,704.13 square feet or 2.3348 acres of land.


BRYAN CONNALLY
R.P.L.S. NO. 5513


DC&A

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SHEET 2 OF 3
JOB NO. 0705255-1
REV. DATE: 04-21-08
DRAWN BY: R.G.

'B'

Does each retail public utility, as defined by Texas Water Code §11-002, that owns or operates a groundwater supply well located within five miles beyond the proposed MSD boundaries? Yes No N/A

Do not submit application

^e N/A 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.
EPA Brownfields Site Assessment administered through the VCP: VCP No. G057, RN#02217776, CN601187123

Is the proposed designated groundwater contaminated in excess of an applicable potable water use standard (i.e. 30 TAC 350.301 GW ₁₀₀)?	<input checked="" type="radio"/> Yes	<input type="radio"/> No ^f
Was the groundwater contamination previously reported to the TCEQ? (To support implementation of HB 3639, 78 th Legislature)	<input checked="" type="radio"/> Yes when? 06/20/2002	<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 ^f	<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 ^f	<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 ^e
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

^e "Potable water" means water that is used for irrigating crops intended for human consumption, drinking, showering, bathing, or cooking purposes (THSC §361.801(2))

^f 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.

Alma Karpdell Applicant Signature 11-21-08 Date

Before me JACKIE ERVIN the undersigned authority, on this day personally appeared Alma Karpdell Name of Applicant and signed this Municipal Setting Designation Application

Sworn, subscribed and signed before me in the County of Dallas State of TX on the 21 day of Nov 2008

