

Bryan W. Shaw, Ph.D., P.E., *Chairman*
Toby Baker, *Commissioner*
Jon Niermann, *Commissioner*
Stephanie Bergeron Perdue, *Interim Executive Director*



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

July 31, 2018

Mr. Ruben D. Mendoza
Foundation Building Materials, LLC
2741 Walnut Avenue, Suite 200
Tustin, California 92780

Re: Municipal Setting Designation (MSD) Certificate for Foundation Building Materials, LLC,
Hayes Truck Group Site, located at 8231 John Carpenter Freeway, Dallas, Dallas County,
TX; MSD No. 383; Customer No. CN605461045; Regulated Entity No. RN102023462

Dear Mr. Mendoza:

The Texas Commission on Environmental Quality (TCEQ) received the above referenced Municipal Setting Designation (MSD) application on March 14, 2018 and additional information supporting this MSD application on July 20, 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) 239-0053 or via e-mail (krista.brandt@tceq.texas.gov).

Sincerely,

A handwritten signature in cursive script that reads "Krista Brandt".

Krista Brandt, Project Manager
VCP-CA Section
Remediation Division

KB/jdm

cc: Mr. Gary Barnum, NewFields, 2850 Lake Vista Drive, Suite 140, Lewisville, TX 75067
Ms. Erin Gorman, Waste Section Manager, TCEQ Dallas/Fort Worth Region Office, R-4
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. 383, 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 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 31st day of July, 2018

Beth Seaton

Beth Seaton, Director
Remediation Division
Texas Commission on Environmental Quality

MSD SURVEY
8231 JOHN W CARPENTER FREEWAY
PART OF CITY BLOCK 44/7940, BROOK HOLLOW INDUSTRIAL DISTRICT, NUMBER FOUR
JAMES MCLAUGHLIN SURVEY, ABSTRACT NO. 845
CITY OF DALLAS, DALLAS, COUNTY, TEXAS

PROPERTY DESCRIPTION

BEING a 2.821 acre (122,878 square foot) tract of land situated in the JAMES MCLAUGHLIN SURVEY, ABSTRACT NO. 845 and being part of City Block No. 44/7940 of Brook Hollow Industrial District, Number Four, an addition to the City of Dallas according to the plat recorded in Volume 31, Page 113 Map Records, Dallas County, Texas and being all of that certain tract conveyed to FBM BAV LLC by deed recorded in Instrument No. 201600321149 Official Public Records, Dallas County, Texas and being more particularly described as follows:

BEGINNING at a 5/8 inch iron rod with yellow plastic cap stamped "NW WARD" found for corner in the southwesterly line of JOHN W CARPENTER FREEWAY (a 303 foot public right-of-way), said rod being the east corner of said FBM BAV tract and the north corner of Lot 1, Block 44/7940 of Carpenter Subdivision, an addition to the City of Dallas according to the plat recorded in Volume 88100, Page 2742 Plat Records, Dallas County, Texas, said rod also being North 51°51'00" West a distance of 430.00 feet from a 1/2 inch iron rod with yellow plastic cap stamped "SANDS" found for corner at the intersection of said southwesterly line of JOHN W CARPENTER FREEWAY and the northwesterly line of METROMEDIA PLACE (a 60 foot public right-of-way);

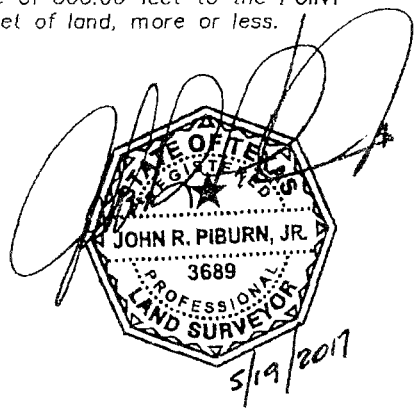
THENCE South 38°09'00" West, along the common line between said FBM BAV tract and said Lot 1 for a distance of 396.60 feet to a 1/2 inch iron rod with orange plastic cap stamped "P&C 100871" set for corner, said rod being the southernmost south corner of said FBM BAV tract;

THENCE North 69°53'03" West, continuing along said common line for a distance of 45.22 feet to a 1/2 inch iron rod with orange plastic cap stamped "P&C 100871" set for corner, said rod being in the northeasterly line of D.A.R.T. (a 40 foot right-of-way), said rod being the northernmost south corner of said FBM BAV tract;

THENCE North 51°51'00" West, along the common line between said FBM BAV tract and said northeasterly line of D.A.R.T. for a distance of 257.00 feet to a 1/2 inch iron rod with orange plastic cap stamped "P&C 100871" set for corner, said rod being the west corner of said FBM BAV tract;

THENCE North 38°09'00" East, departing said northeasterly line of D.A.R.T. for a distance of 410.60 feet to a 5/8 inch iron rod with yellow plastic cap stamped "NW WARD" found for corner in the aforementioned southwesterly line of JOHN W CARPENTER FREEWAY, said rod being the north corner of said FBM BAV tract;

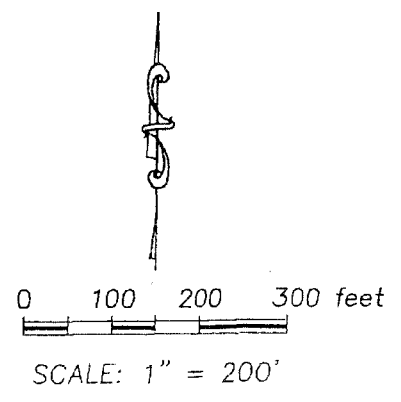
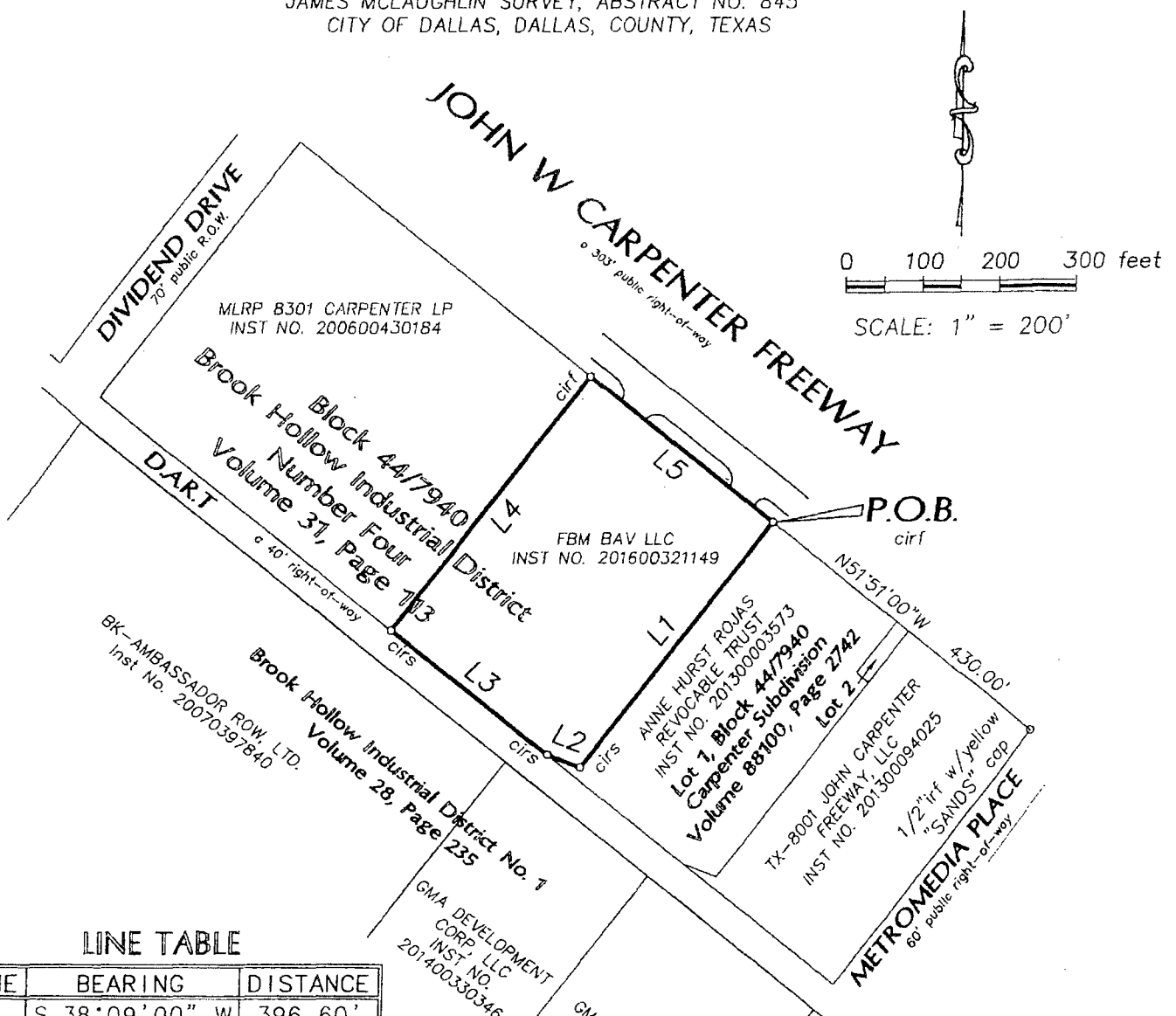
THENCE South 51°51'00" East, along the common line between said southwesterly line of JOHN W CARPENTER FREEWAY and said FBM BAV tract for a distance of 300.00 feet to the POINT OF BEGINNING and containing 2.821 acres, or 122,878 square feet of land, more or less.



Basis of Bearings is the southwesterly line (South 51°51'00" East) of John W Carpenter Freeway, as shown on plat of Brook Hollow Industrial District, Number Four, an addition to the City of Dallas, Dallas County, Texas recorded in Volume 31, Page 113 M.R.D.C.T.



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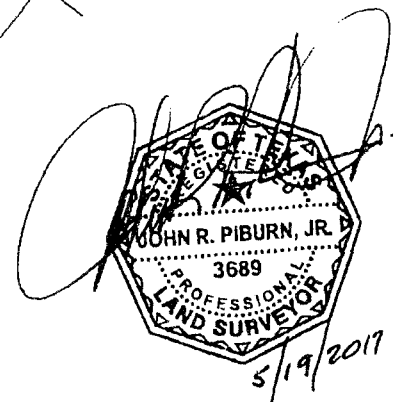
LINE TABLE

LINE	BEARING	DISTANCE
L1	S 38°09'00" W	396.60'
L2	N 69°53'03" W	45.22'
L3	N 51°51'00" W	257.00'
L4	N 38°09'00" E	410.60'
L5	S 51°51'00" E	300.00'

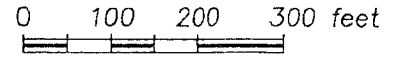
NOTES:

cirf = 5/8" iron rod with yellow plastic cap stamped "NW WARD" found for corner
 cirs = 1/2" iron rod with orange plastic cap stamped "P&C 100871" set for corner
 irf = iron rod found for corner

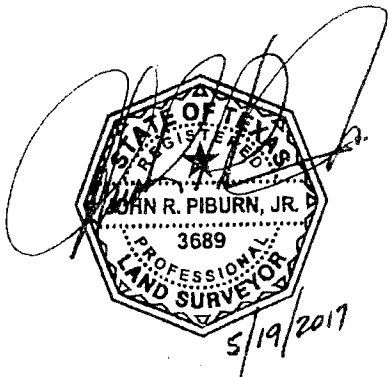
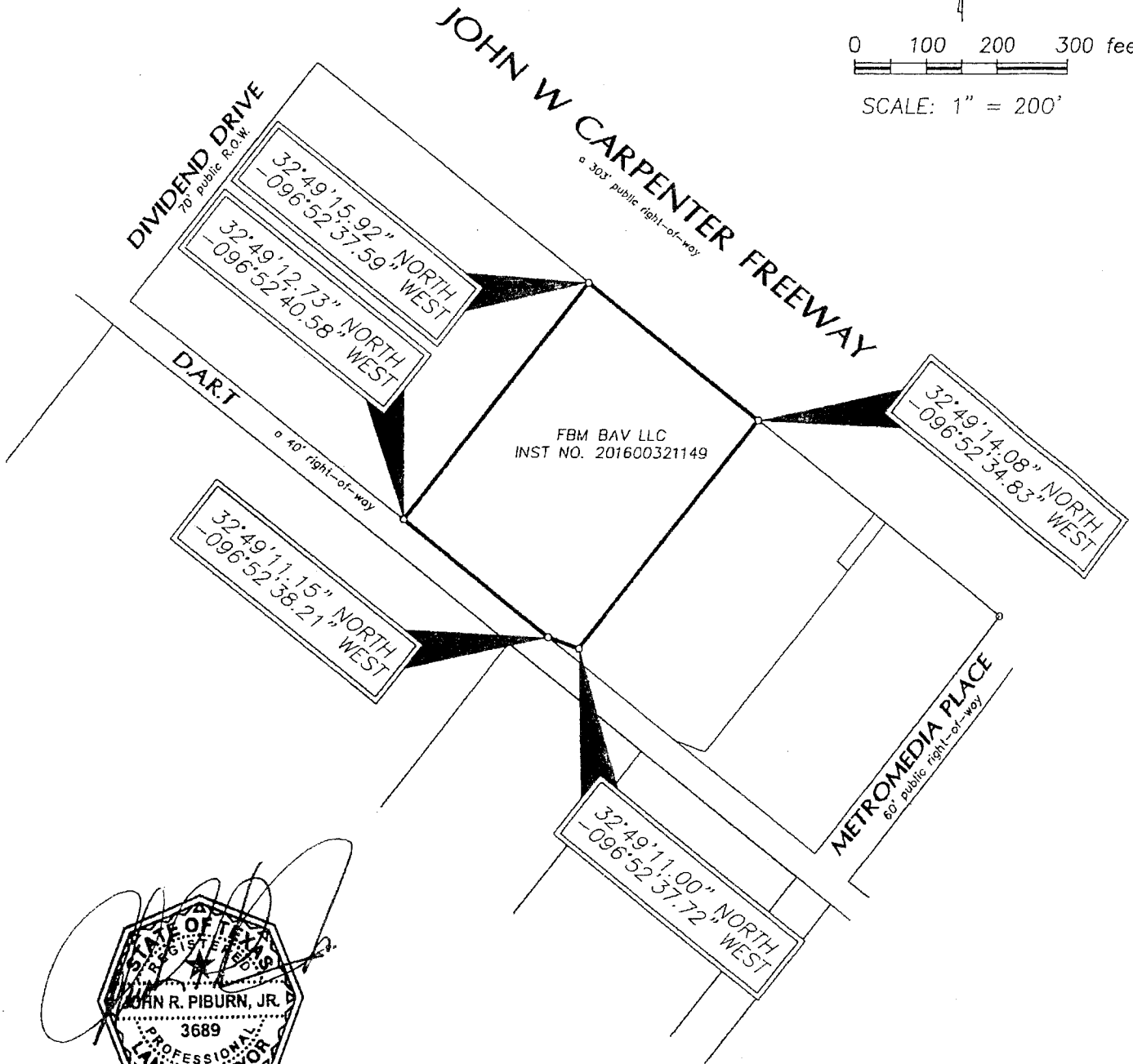
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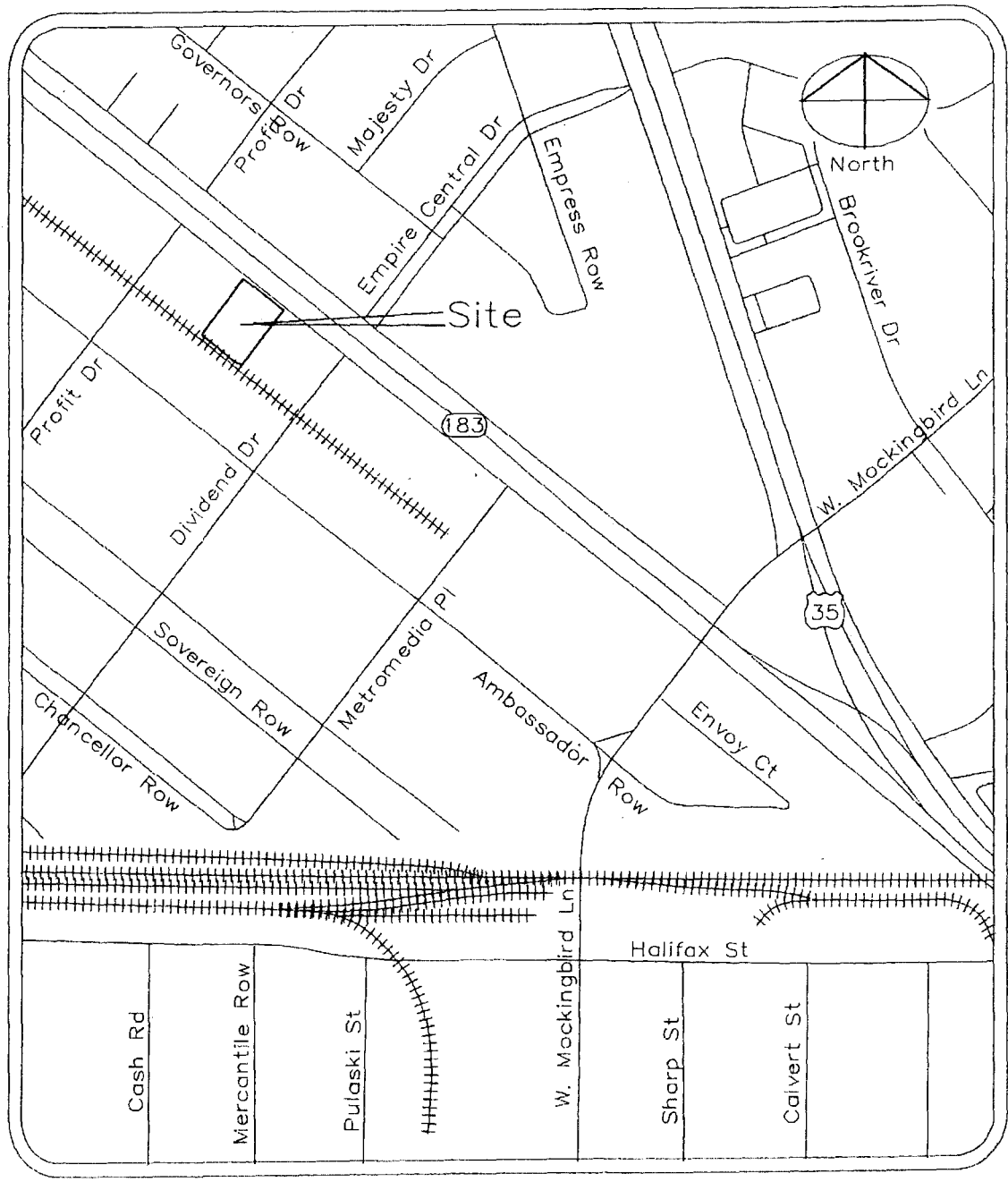
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SCALE: 1" = 200'



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JAMES MCLAUGHLIN SURVEY, ABSTRACT NO. 845
CITY OF DALLAS, DALLAS, COUNTY, TEXAS



VICINITY MAP
NOT TO SCALE

May 19, 2017
Project No. 17031



801 East Campbell Road - Suite 575
Richardson, Texas 75081
Ph: 214.328.3500 Fax: 214.328.3512
email@piburncarson.com

Exhibit B

Municipal Setting Designation

Affidavit of Eligibility

BEFORE ME, the undersigned authority, on this day personally appeared Ruben mendoza , as an authorized representative of Foundation Building Materials, 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.

 Rubén
Signature

Date: MAR 09 2018

 Ruben mendoza
Printed Name

 CZO & President
Title

STATE OF ~~Orange~~ California
COUNTY OF Orange

SUBSCRIBED AND SWORN before me on this the 9 day of march 2018, to which witness my hand and seal of office.

 Rubén
Notary Public in and for the State of California

