

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



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

July 10, 2008

Ms. Susan Palachek
W&M Environmental Group, Inc.
3706 Speedway
Austin, Texas 78705

Re: Municipal Setting Designation (MSD) Certificate for Burlwood, LLC., 1600 and 1702 South Central Expressway, Dallas, TX; MSD No. 69

Dear Ms. Palachek:

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 512/239-5872 or via e-mail (mfrew@tceq.state.tx.us).

Sincerely,

A handwritten signature in cursive script, appearing to read "Mike Frew".

Mike Frew, P.G.
Environmental Cleanup Section II
Remediation Division

MF/jhm

Enclosure

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. 69, 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 2nd day of July, 2008.

A handwritten signature in black ink, appearing to read "Mark R. Vickery", written over a horizontal line.

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

DATE: 08/06/07
07-03-093-REV
SHEET 1 OF 2

"EXHIBIT A"

BEING SITUATED IN THE JOHN GRIGSBY SURVEY, ABSTRACT NO. 495, DALLAS COUNTY, TEXAS, AND BEING PART OF CITY OF DALLAS BLOCK NO. A/468, BLOCK NO. 467, BLOCK NO. 471 AND BLOCK NO. 160, AND A PORTION OF BLUEBELL STREET AND BEING ALL OF A TRACT OF LAND DESCRIBED IN A DEED TO BURLWOOD LLC OF RECORD IN COUNTY CLERKS INSTRUMENT NO. 200600401437, DEED RECORDS OF DALLAS COUNTY, TEXAS, AND BEING ALL OF A TRACT OF LAND DESCRIBED IN A DEED TO W&D HOLDEN 1 FAMILY LIMITED PARTNERSHIP OF RECORD IN VOLUME 99249, PAGE 5939, DEED RECORDS OF DALLAS COUNTY, TEXAS, AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING AT A POINT FOR CORNER AT THE MOST EASTERN CORNER OF SAID BURLWOOD LLC PROPERTY, FROM WHICH A RAILROAD SPIKE FOUND FOR REFERENCE AT THE MOST NORTHERN CORNER OF A TRACT OF LAND DESCRIBED IN A DEED TO AHMAD RASHEED KHAN AND WIFE ESTHER J. KHAN OF RECORD IN VOLUME 99230, PAGE 6153, DEED RECORDS OF DALLAS COUNTY, TEXAS, BEARS NORTH 53°33'28" EAST, A DISTANCE OF 9.57 FEET;

THENCE SOUTH 53°33'28" WEST, A DISTANCE OF 194.79 FEET TO A POINT FOR CORNER IN THE NORTHEAST RIGHT-OF-WAY LINE OF SOUTH CENTRAL EXPRESSWAY (VARIABLE WIDTH RIGHT-OF-WAY), SAID POINT BEING THE MOST SOUTHERN CORNER OF SAID BURLWOOD LLC TRACT, FROM WHICH A 1/2" IRON ROD FOUND FOR REFERENCE AT THE MOST WESTERN CORNER OF SAID KHAN TRACT BEARS SOUTH 53°33'28" WEST, A DISTANCE OF 7.40 FEET;

THENCE NORTH 35°57'14" WEST ALONG THE NORTHEAST RIGHT-OF-WAY LINE OF SAID SOUTH CENTRAL EXPRESSWAY, A DISTANCE OF 107.87 FEET TO A 1/2" IRON ROD FOUND FOR CORNER;

THENCE SOUTH 54°07'13" WEST, A DISTANCE OF 5.79 FEET TO A 1/2" IRON ROD FOUND FOR CORNER AT THE BEGINNING OF A NON-TANGENT CURVE TO THE LEFT HAVING A RADIUS OF 2339.53 FEET, A CENTRAL ANGLE OF 15°05'52" AND A CHORD WHICH BEARS NORTH 43°42'12" WEST, A DISTANCE OF 614.64 FEET;

THENCE IN A NORTHWESTERLY DIRECTION ALONG SAID CURVE TO THE LEFT AND THE NORTHEAST RIGHT-OF-WAY LINE OF SAID SOUTH CENTRAL EXPRESSWAY, AN ARC DISTANCE OF 616.43 FEET TO A 1/2" IRON ROD FOUND FOR CORNER;

THENCE NORTH 51°43'12" WEST ALONG THE NORTHEAST RIGHT-OF-WAY LINE OF SAID SOUTH CENTRAL EXPRESSWAY, A DISTANCE OF 28.99 FEET TO A CONCRETE MONUMENT FOUND FOR CORNER IN THE SOUTHEAST RIGHT-OF-WAY OF R.L. THORNTON FREEWAY (I H 30), SAID POINT BEING THE MOST WESTERN CORNER OF SAID W&D HOLDEN 1 FAMILY LTD. TRACT;

THENCE NORTH 46°45'00" EAST ALONG THE SOUTHEAST RIGHT-OF-WAY LINE OF SAID R.L. THORNTON FREEWAY, A DISTANCE OF 258.36 FEET TO A 1/2" IRON ROD FOUND FOR CORNER AT THE MOST NORTHERN CORNER OF SAID W&D HOLDEN 1 FAMILY LTD. TRACT;

THENCE SOUTH 36°39'42" EAST ALONG A NORTHEASTERLY LINE OF SAID W&D HOLDEN 1 FAMILY LTD. TRACT, A DISTANCE OF 55.76 FEET TO A 1/2" IRON ROD FOUND FOR CORNER;

THENCE NORTH 51°59'25" EAST ALONG A NORTHWEST LINE OF SAID W&D HOLDEN 1 FAMILY LTD. TRACT, A DISTANCE OF 42.60 FEET TO A 1/2" IRON ROD FOUND FOR CORNER;

THENCE SOUTH 36°17'33" EAST ALONG A NORTHEAST LINE OF SAID W&D HOLDEN 1 FAMILY LTD. TRACT, A DISTANCE OF 407.22 FEET TO A 1/2" IRON ROD FOUND FOR CORNER AT THE MOST EASTERN CORNER THEREOF IN THE NORTHERLY RIGHT-OF-WAY OF SAID BLUEBELL STREET;

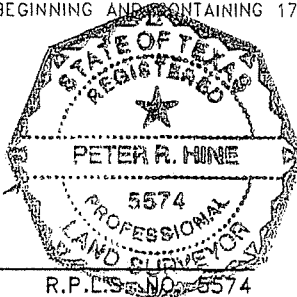
THENCE SOUTH 16°54'36" EAST CROSSING SAID BLUEBELL STREET, A DISTANCE OF 45.48 FEET TO A 1/2" IRON ROD FOUND FOR CORNER AT THE MOST NORTHERN CORNER OF SAID BURLWOOD LLC TRACT;

THENCE SOUTH 35°43'20" EAST ALONG A NORTHEAST LINE OF SAID BURLWOOD LLC TRACT, A DISTANCE OF 153.40 FEET TO A 1/2" IRON ROD FOUND FOR CORNER;

THENCE SOUTH 61°05'21" EAST, A DISTANCE OF 12.26 FEET TO A POINT FOR CORNER;

THENCE SOUTH 35°45'43" EAST, ALONG A NORTHEAST LINE OF SAID BURLWOOD LLC TRACT, A DISTANCE OF 107.03 FEET TO THE PLACE OF BEGINNING AND CONTAINING 174,649 SQUARE FEET OR 4.009 ACRES OF LAND.

PETER R. HINE



R.P.L.S. NO. 5574

SURVEY EXHIBIT
SITUATED IN BLOCKS 160, 467, A/468 AND 471
CITY OF DALLAS, DALLAS COUNTY, TEXAS

PREPARED BY:
PETER R. HINE R.P.L.S. NO. 5574
GLOBAL LAND SURVEYING, INC.
704 CENTRAL PARKWAY EAST, SUITE 1214
PLANO, TEXAS, 75074
OFFICE: (972) 881-1700
FAX: (972) 423-1083
E-MAIL: [REDACTED]

DATE: 08/06/07
 07-03-093-REV
 SHEET 2 OF 2

"EXHIBIT A"
R. L. THORNTON FREEWAY (I H 30)
 N 46°45'00" E 258.36'

FND CONCRETE MONUMENT
 (CONTROL MONUMENT)

N 51°43'12" W
 28.99'

FND 1/2" I.R.

BLOCK
 160

FND 1/2" I.R.
 (CONTROL MONUMENT)
 S 36°39'42" E
 55.76'

FND 1/2" I.R.

N 51°59'25" E
 42.60'

FND 1/2" I.R.

W&D HOLDEN 1 FAMILY LTD. PS
 VOLUME 99249, PAGE 5939
 D.R.D.C.T.

BLOCK
 471

174,649 SQ. FT.
 OR
 4.009 ACRES

S 36°17'33" E 407.22'

T. & N. O. RAILROAD

R=2339.33
 $\Delta=15^{\circ}05'52"$
 CB=N 43°42'12" W
 CH=614.64'
 L=616.43'

BASIS OF BEARINGS:

ALL BEARINGS SHOWN
 HEREON ARE BASED
 UPON THE SOUTHEAST
 RIGHT-OF-WAY LINE OF
 R.L. THORNTON FREEWAY
 (IH 30) HAVING A
 BEARING OF
 NORTH 46°45'00" EAST
 AS INDICATED BY DEED
 RECORDED IN VOLUME
 99249, PAGE 5939,
 DEED RECORDS OF
 DALLAS COUNTY, TEXAS.

SOUTH CENTRAL EXPRESSWAY
 (VARIABLE WIDTH R.O.W.)

BLUEBELL STREET

BLOCK
 A/468

FND 1/2" I.R.

FND 1/2" I.R.

S 16°54'36" E
 45.48'

BURLWOOD LLC
 INST. #200600401437
 D.R.D.C.T.

BLOCK
 467

S 35°43'20" E
 153.40'

S 61°05'21" E
 12.26'

FND 1/2" I.R.
 S 54°07'13" W
 5.79'

FND RAILROAD SPIKE BEARS
 N 53°33'28" E 9.57'

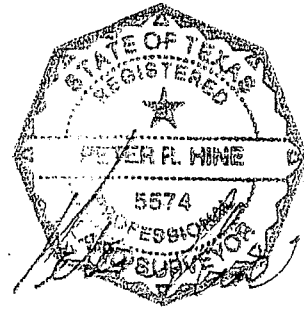
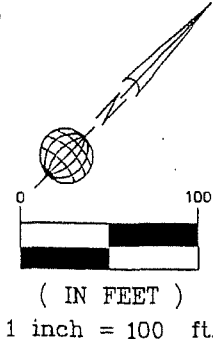
FND 1/2" I.R. BEARS
 S 53°33'28" W 7.40'

N 35°57'14" W
 107.87'

S 53°33'28" W 194.79'
 AHMAD RASHEED KHAN & WIFE
 ESTHER J. KHAN
 VOLUME 99230, PAGE 6153
 D.R.D.C.T.

S 35°45'43" E
 107.03'

BEGIN



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 checked="" type="radio"/> Yes	<input type="radio"/> No ³	<input type="radio"/> NA ⁴
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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.
VCP ID No 1500, SWR No. 319684, EPA ID No. TXD 007319650, IOP ID No. 516

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
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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 / 26 / 2002	<input type="radio"/> No
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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
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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
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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
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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
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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
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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.

Applicant Signature: *[Signature]* Date: 5/5/08

Before me *Terry C. Austin* the undersigned authority, on this day personally appeared *Joe Barker* and signed this Municipal Setting Designation Application.

Name of Notary: Terry C. Austin
Name of Applicant: Joe Barker

Sworn, subscribed and signed before me in the County of Tarrant, State of TX, on the 5th day of May, this month of 2008.

