

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



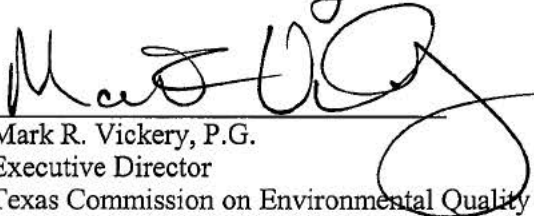
MUNICIPAL SETTING DESIGNATION CERTIFICATE

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.111 in the City of Grand Prairie 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 August, 2009


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

ITEM 3 "A"

**MUNICIPAL SETTING DESIGNATION APPLICATION
FORMER PINNACLE BRANDS
924 AVENUE J EAST
GRAND PRAIRIE, TEXAS**

LEGAL DESCRIPTION AND COORDINATES

The Designated Property consists of a single tract of land located at 924 Avenue J East in Grand Prairie, Dallas County, Texas and is approximately 4.59 acres in size.

The legal description of the Designated Property and a copy of the professional survey signed and stamped by a Registered Professional Land Surveyor (RPLS) are provided in this item. The legal description and metes and bounds for the Designated Property are provided below.

"Being Site 3, Block 4, Industrial Community No. 1, Great Southwest Industrial District, an addition to the City of Grand Prairie as recorded in Volume 388-17, Page 465, Plat Records of Tarrant County, Texas, and being more particularly described as follows:

BEGINNING at a 5/8" iron rod at the northeast corner of Site 3, said point being in south line of Ave. J East, (a 100 foot R.O.W.);

THENCE, S 13° 00' 00" E, 518.85 feet along the east line of Site 3 to a 5/8" iron rod;

THENCE S 77° 00' 00" W, 396.04 feet along the south line of Site 3 to a 5/8" iron rod;

THENCE N 13° 00' 00" W, 491.16 feet along the west line of Site 3 to a 5/8" iron rod in the south line of Ave. J East;

THENCE N 73° 00' 00" E, 397.01 feet along the north line of Site 3, with the south line of Ave. J East, to the POINT OF BEGINNING and containing 200,002 square feet or 4.591 acres of land more or less."

Global Positioning Satellite (GPS) Coordinates for the major property corners follow:

Northwest Corner: 32.7660426; -97.052286

Northeast Corner: 32.7663627; -97.051023

Southeast Corner: 32.7649503; -97.050661

Southwest Corner: 32.7647075; -97.051923

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. 486

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 ⁵
Was the groundwater contamination previously reported to the TCEQ? (To support implementation of HB 3030, 78 th Legislature.)	<input checked="" type="radio"/> Yes, when? 3 / 11 /1997	<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.

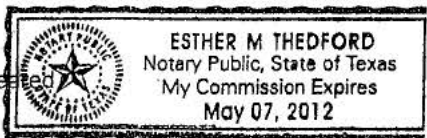
I affirmatively state that (place an X in all applicable blanks):

- 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 P. Flavin
Applicant Signature

6/2/09
Date

Before me Esther M Thedford the undersigned authority, on this day personally appeared
John Flavin and signed this Municipal Setting Designation Application.
Name of Notary
Name of Applicant



Sworn, subscribed and signed before me in the County of Tarrant, State of TX, on the 2nd day of June, this month of June, 2009.