

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



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

November 2, 2009

Mr. Peter Muemmler
Siemens Energy & Automation, Inc.
1401 Nolan Ryan Expressway
Arlington, Texas 76011

Re: Municipal Setting Designation (MSD) Certificate for Siemens Energy & Automation, Inc., Postal Automation Division, 2910 Avenue F, Arlington, Tarrant County, Texas; MSD No. 116

Dear Mr. Muemmler:

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 512/239-2362.

Sincerely,

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

Mark Arthur, P.G., Project Manager
Corrective Action Team 2, VCP-CA Section
Remediation Division

MA/jdm

Enclosure

cc: Ms. Roslyn Kygar, TCEQ Project Manager, Remediation Division, MC-221

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



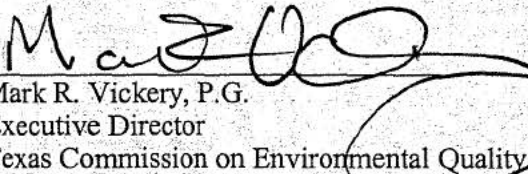
MUNICIPAL SETTING DESIGNATION CERTIFICATE

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. 116, in the City of Arlington, 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 26th day of October, 2009


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

FIELD NOTES
for 16.091 Acre SITE 1R
Second Installment, Industrial Community No. 2
GREAT SOUTHWEST INDUSTRIAL DISTRICT
CITY OF ARLINGTON, TARRANT COUNTY, TEXAS

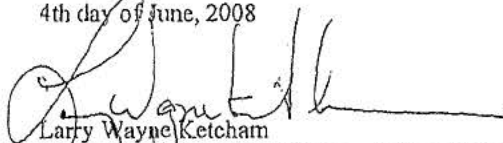
All that certain tract, lot, or parcel of land situated in Tarrant County, Texas, being 16.091 acres lying in the J. Goodwin Survey, Abstract 595 and the M. Gooden Survey, A-594, known as Site 1R, Second Installment, Industrial Community No. 2, Great Southwest Industrial District, an Addition to the City of Arlington, Texas, as recorded by Plat Revision at Volume 388 188, Page 36, Plat Records of Tarrant County, Texas (P.R.T.C.T.), and being that same and identical tract described as Exhibit A-2 in Deed from TCDFW Division, LP to FPA Division Associates, L.P., recorded as file document no. D205246479 in the County Records of Tarrant County, Texas, and being more particularly described by metes and bounds as follows:

BEGINNING at a 1/2 inch steel pin recovered in the north right-of-way line of Avenue E East, a 100 foot road, at the southeast corner of said Site 1R, for the POINT OF BEGINNING;

- THENCE Due West (basis of bearings recited herein) with the north line of said Avenue E, a distance of 758.21 feet (called 758.65 feet), to a 5/8 inch steel pin with "GSES cap" recovered at the beginning of a curve to the north having a radius of 25.07 feet whose chord bears N45°07'41"W, 35.37 feet;
- THENCE northwesterly with the arc of said curve a distance of 39.26 feet (called 39.27 feet) to a 5/8 inch steel pin recovered in the east right-of-way line of Avenue F East at the point of tangency for a corner;
- THENCE North 00 degrees 00 minutes 54 seconds West with the east line of said Avenue F a distance of 138.16 feet (called North 138.21 feet) to a 5/8 inch steel pin recovered at the beginning of a curve to the east having a radius of 354.54 feet (called 351.07') whose chord bears N18°19'18"E, 223.08 feet;
- THENCE northerly with the arc of said curve a distance of 226.93 feet (called 226.68 feet) to a 5/8 inch steel pin recovered at the point of tangency for a corner;
- THENCE North 36 degrees 55 minutes 30 seconds East with the southeast line of said Avenue F, a distance of 369.84 feet (called N36°54'E, 369.97 feet) to a cross chiseled in concrete at the beginning of a curve to the east having a radius of 540.61 feet (called 540.7') whose chord bears N63°27'00"E, 482.86 feet;
- THENCE northeasterly with the arc of said curve a distance of 500.55 feet (called 500.63 feet) to a 5/8 inch steel pin recovered at the point of tangency for a corner;
- THENCE North 89 degrees 51 minutes 19 seconds East, with the north line of said Site 1R and the south line of said Avenue F, a distance of 428.20 feet (called N89°57'E, 427.59 feet) to a 5/8 inch steel pin recovered for a corner;
- THENCE South 00 degrees 03 minutes 27 seconds West with the east line of said Site 1R a distance of 423.66 feet (called South 423.07 feet) to a 5/8 inch steel pin recovered for a corner;
- THENCE South 89 degrees 56 minutes 32 seconds West a distance of 368.52 (called West 368.50) to a 1/2 inch steel pin recovered for a corner;
- THENCE South 00 degrees 01 minutes 24 seconds West with the east line of said Site 1R, a distance of 463.42 feet (called South 463.76 feet) to the POINT OF BEGINNING; said described tract containing 700920 square feet or 16.091 acres, more or less.

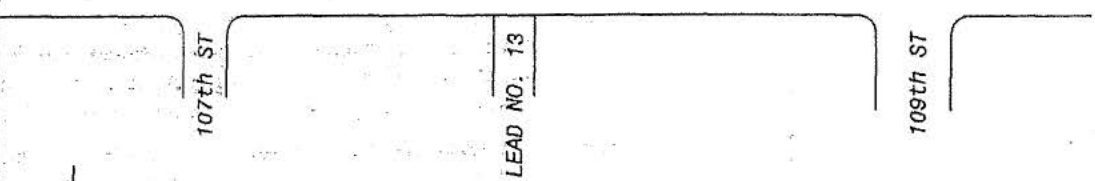
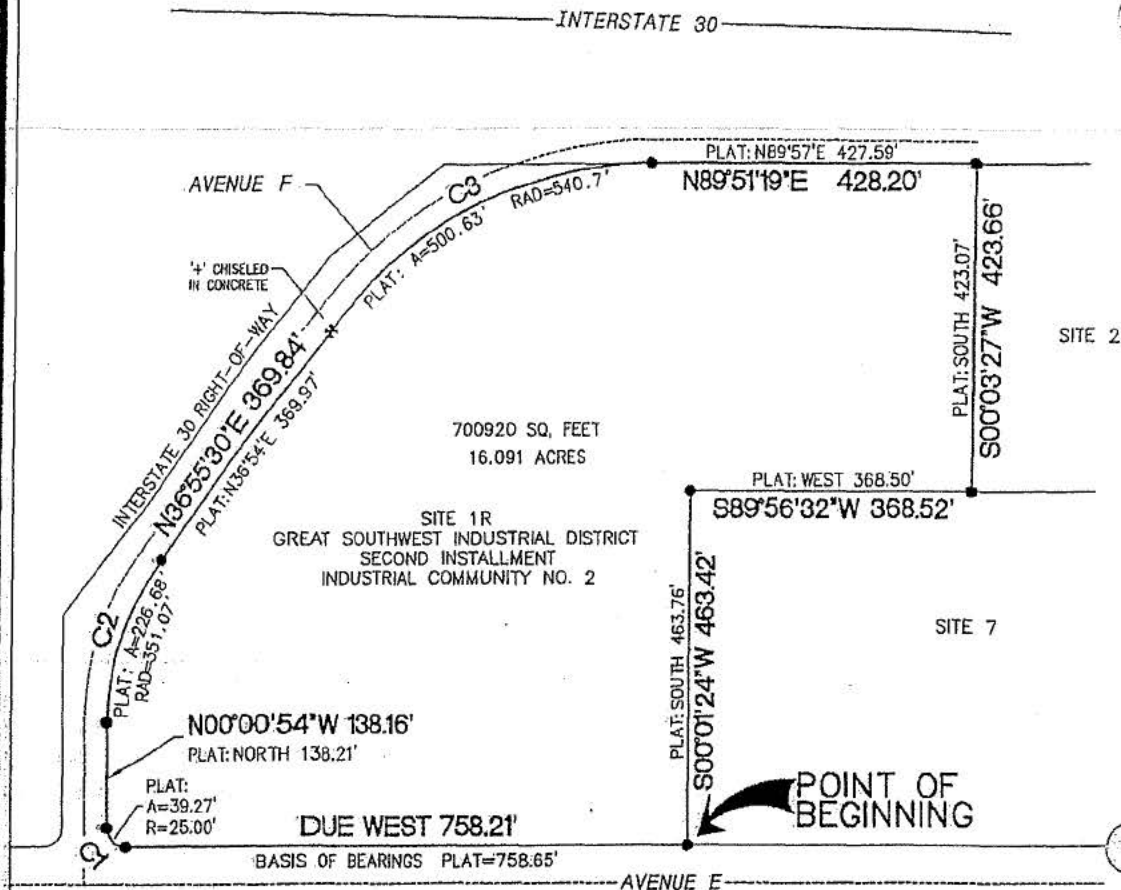
This description is based on the Boundary Survey made by 2KC Enterprises, Inc. under the direction of Larry Wayne Ketcham, No. 5133, Registered Professional Surveyor on the 22nd day of May, 2008.

Witness my hand and seal of office this the
4th day of June, 2008


Larry Wayne Ketcham

6/4/08

CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE
C1	25.07'	39.26'	35.37'	N 45°07'41" W	89°44'38"
C2	354.54'	226.93'	223.08'	N 18°19'18" E	36°40'24"
C3	540.61'	500.55'	482.86'	N 63°27'00" E	53°03'00"



LEGEND

- STEEL PIN FOUND
- STEEL PIN SET

0 200 400

Graphic Scale in Feet

**SITE 1R
SECOND INSTALLMENT
INDUSTRIAL COMMUNITY NO. 2
GREAT SOUTHWEST INDUSTRIAL DISTRICT**

According to the Plat and Dedication
Recorded at Volume 388-188, Page 36
Plat Records of Tarrant County, Texas

2KC Surveyors

2KC Enterprises, Inc.

Post Office Box 100
198 Private Road 142
Covington, Texas 76636

Telephone 254.854.2030
Fax 254.854.2006
Email 2kc@digltex.net

This plot is the property of 2KC Enterprises, Inc. Said firm and the undersigned surveyor accept no responsibility for the use of this plot for any purpose other than that for which said plot was originally prepared, and extend the use of this plot for only six months from the date shown thereon, and it shall not be used from that date without the written consent of an authorized agent of 2KC Enterprises, Inc.

I DO HEREBY AFFIRM THAT THIS SURVEY SUBSTANTIALLY COMPLIES WITH THE CURRENT TEXAS SOCIETY OF PROFESSIONAL SURVEYORS STANDARDS AND SPECIFICATIONS FOR A CATEGORY 1B CONDITION II (URBAN) SURVEY ACCORDING TO THE INFORMATION FURNISHED. IT WAS MADE ON THE GROUND UNDER MY DIRECT SUPERVISION ON THE 22ND DAY OF MAY, 2008.

WITNESS MY HAND AND SEAL OF OFFICE
DATE: 5 Jun 2008

LARRY WAYNE KETCHAM
Registered Professional Land Surveyor
No. 5133, STATE OF TEXAS



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 checked="" type="radio"/> Yes	<input type="radio"/> No ³	<input 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. VCP 1586		
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? / /	<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.

[Signature]
Applicant Signature

B-29-09
Date

Before me SANDY WERTZ the undersigned authority, on this day personally appeared
Name of Notary

PETER MCKINNEY and signed this Municipal Setting Designation Application.
Name of Applicant

Sworn, subscribed and signed before me in the County of TARRANT, State of TX, on the 2
day of JUNE, this month of 2009

