

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 6, 2009

Mr. Greg Rogers, Legal counsel for Arrow-Magnolia International, Inc.  
Guida Slavich & Flores, P.C.  
750 N. St. Paul Street, Suite 200  
Dallas, TX 75201

RE: Municipal Setting Designation (MSD) Certificate for Magnolia Chemical 2646  
Rodney Lane; MSD No. 118

Dear Mr. Rogers:

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) 239-3429 or via e-mail ([ssetteme@tceq.state.tx.us](mailto:ssetteme@tceq.state.tx.us)).

Sincerely,

A handwritten signature in cursive script that reads "Scott Settemeyer".

Scott Settemeyer, P.G., Project Manager  
VCP-CA Section  
Remediation Division

DSS/jdm

Enclosure

cc: Mr. Stu Goldsmith, VCP No. 1347 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. 118, 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 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 2nd day of November, 2009

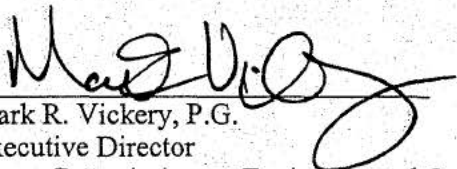
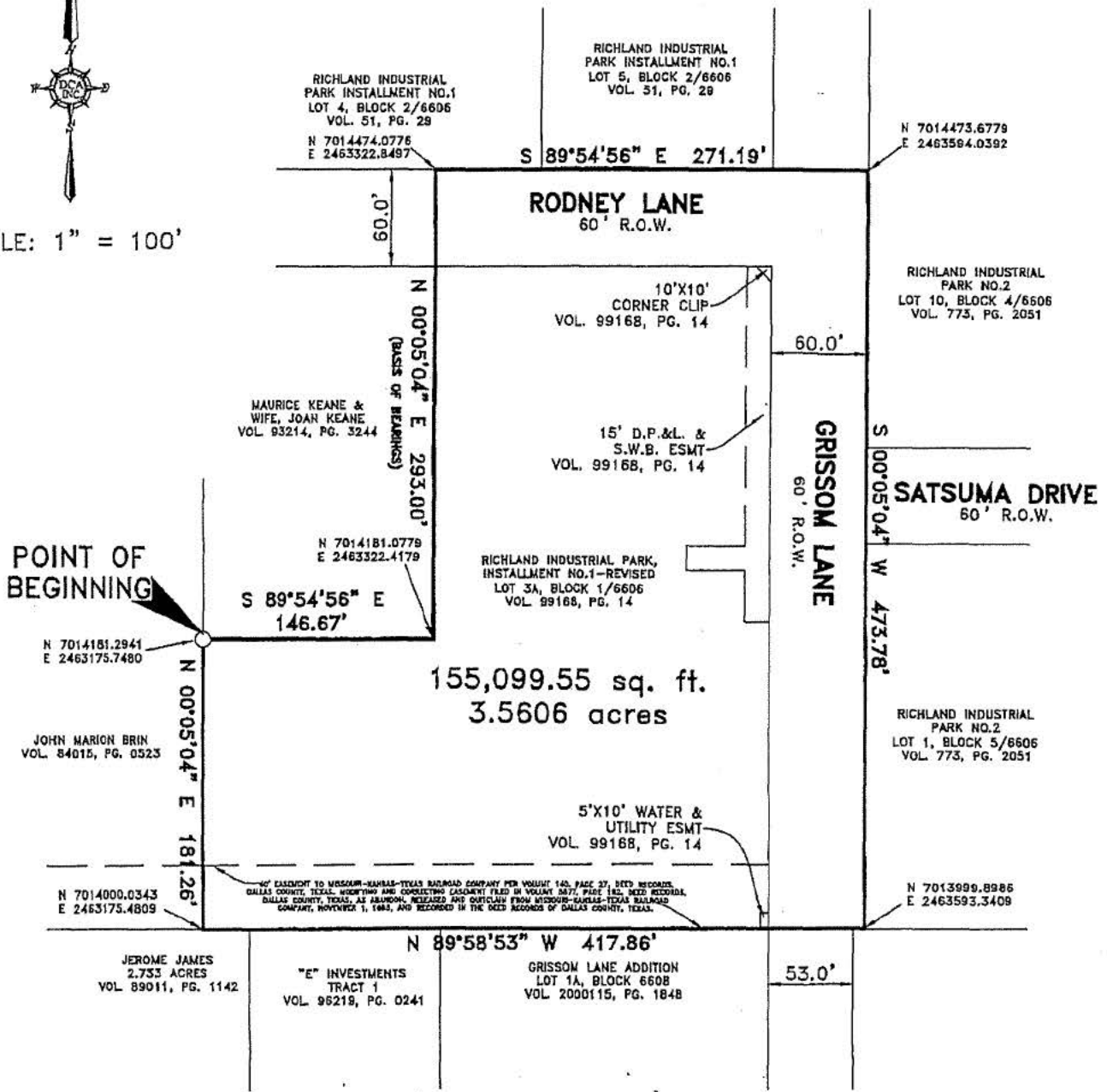
  
Mark R. Vickery, P.G.  
Executive Director  
Texas Commission on Environmental Quality

EXHIBIT "A"  
M.S.D. SURVEY



SCALE: 1" = 100'



GENERAL NOTES:

- BEARINGS ARE BASED ON THE RICHLAND INDUSTRIAL PARK, INSTALLMENT NO.1-REVISED, AN ADDITION TO THE CITY OF DALLAS, DALLAS COUNTY, TEXAS, ACCORDING TO THE PLAT THEREOF RECORDED IN VOLUME 99168, PAGE 14, PLAT RECORDS, DALLAS COUNTY, TEXAS.



*Bryan Connally*  
BRYAN CONNALLY  
R.P.L.S. NO. 5513



**DOUG CONNALLY & ASSOCIATES, INC.**  
**ENGINEERING · PLANNING · SURVEYING**  
 11545 Pagemill Road · Suite 200 · Dallas, Texas 75243  
 P 214.349.9485 · F 214.349.2216  
[www.dcadfw.com](http://www.dcadfw.com)

SHEET 1 OF 3  
JOB NO. 0707607-1  
DRAWN BY: R.G.

EXHIBIT "A"  
M.S.D. SURVEY

Being all of Lot 3A, Block 1/6606, of Richland Industrial Park, replat Installment No.1-Revised, an addition to the City of Dallas, Dallas County, Texas, according to the map or plat thereof recorded in Volume 99168, Page 14, of the Map Records of Dallas County, Texas, and being part of Rodney Lane (60 foot right-of-way) and Grissom Lane (60 foot right-of-way) and being the same tract of land conveyed to Magnolia Chemical Company, Inc. by Deed recorded in Volume 77002, Page 1382, Deed Records, Dallas County, Texas, and being more particularly described as follows:

BEGINNING at a 1/2 inch iron rod found for corner, said corner lying in the East line of a tract of land conveyed to John Marion Brin by Deed recorded in Volume 84015, Page 0523, Deed Records, Dallas County, Texas, and being the Southwest corner of a tract of land conveyed to Maurice Keane and wife, Joan Keane by Deed recorded in Volume 93214, Page 3244, Deed Records, Dallas County, Texas;

THENCE South 89 degrees 54 minutes 56 seconds East, a distance of 146.67 feet to a point for corner;

THENCE North 00 degrees 05 minutes 04 seconds East, a distance of 293.00 feet to a point for corner;

THENCE South 89 degrees 54 minutes 56 seconds East, a distance of 271.19 feet to a point for corner;

THENCE South 00 degrees 05 minutes 04 seconds West, a distance of 473.78 feet to a point for corner;

THENCE North 89 degrees 58 minutes 53 seconds West, a distance of 417.86 feet to a point for corner;

THENCE North 00 degrees 05 minutes 04 seconds East, a distance of 181.26 feet to the POINT OF BEGINNING and containing 155,099.55 square feet or 3.5606 acres of land.



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

DC&A

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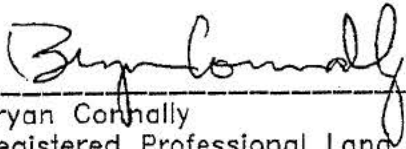
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SHEET 2 OF 3  
JOB NO. 0707607-1  
DRAWN BY: R.G.

EXHIBIT "A"  
M.S.D. SURVEY

The undersigned Registered Professional Land Surveyor (Bryan Connally) hereby certifies that, (a) this survey and the property description set forth hereon were prepared from an actual on-the-ground survey; (b) such survey was conducted by the Surveyor, or under his direction; (c) all monuments shown hereon actually existed on the date of the survey, and the location, size and type of material thereof are correctly shown; Use of this survey by any other parties and/or for other purposes shall be at User's own risk and any loss resulting from other use shall not be the responsibility of the undersigned. The plat hereon is a correct and accurate representation of the property lines and dimensions are as indicated; location and type of buildings are as shown; and EXCEPT AS SHOWN, all improvements are located within the boundaries the distances indicated and there are no visible and apparent encroachments or protrusions on the ground.

Executed this 5th day of February, 2008



\_\_\_\_\_  
Bryan Connally  
Registered Professional Land Surveyor No. 5513



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SHEET 3 OF 3  
JOB NO. 0707607-1  
DRAWN BY: R.G.

EXHIBIT "A"  
M.S.D. SURVEY



VICINITY MAP  
NOT TO SCALE

MAPSCO PAGE 23-A



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# 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 type="radio"/> Yes | <input type="radio"/> No <sup>3</sup> | <input checked="" type="radio"/> NA <sup>4</sup> |
|---|---------------------------|---------------------------------------|--|

<sup>3</sup> Do not submit application.

<sup>4</sup> 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.  
 RN-100590884, VCP No. 1347, SWR 30657 (closed approx. 04/19/84)

|   |  |                                       |
|---|--|---------------------------------------|
| Is the proposed designated groundwater contaminated in excess of an applicable potable water <sup>5</sup> use standard (i.e., 30 TAC 350, <sup>GW</sup> GW <sub>ing</sub> )?  | <input checked="" type="radio"/> Yes                       | <input type="radio"/> No <sup>6</sup> |
| Was the groundwater contamination previously reported to the TCEQ?<br>(To support implementation of HB 3030, 78 <sup>th</sup> Legislature.)   | <input checked="" type="radio"/> Yes, when?<br>04/ 30 / 04 | <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 <sup>5</sup>                     | <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 <sup>6</sup>                     | <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 <sup>6</sup> |
| 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 type="radio"/> Yes                                  | <input checked="" type="radio"/> No   |

<sup>5</sup> "Potable water" means water that is used for irrigating crops intended for human consumption, drinking, showering, bathing, or cooking purposes [THSC §361.801(2)].

<sup>6</sup> 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

8-18-09  
Date

Before me Susan Hill the undersigned authority, on this day personally appeared  
Name of Notary  
Greg Rogers and signed this Municipal Setting Designation Application.  
Name of Applicant

Sworn, subscribed and signed before me in the County of Dallas, State of Texas, on the 18<sup>th</sup> day of August, 2009.

