

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

January 11, 2010

Mr. Greg Rogers, Legal Counsel for HD SUPPLY CONSTRUCTION SUPPLY, LTD
Guida Salvich & Flores, P.C.
750 N. St. Paul Street, Suite 200
Dallas, TX 75201

RE: Municipal Setting Designation (MSD) Certificate for HD Supply Construction
Supply, LTD, 1904 Northwest Highway, also known as, 2015 California
Crossing, Dallas, Dallas County, Texas; MSD No. 125

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) 239-2204 or via e-mail aprice@tceq.state.tx.us.

Sincerely,

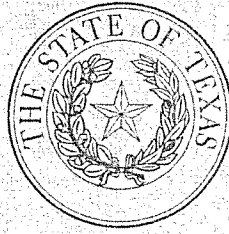
A handwritten signature in black ink, appearing to read "Andre V. Price".

Andre` V. Price, Project Manager
VCP-CA Section
Remediation Division

AP/jdm

Enclosure

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. 125, 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 28th day of December, 2009

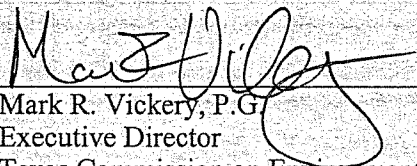
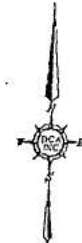
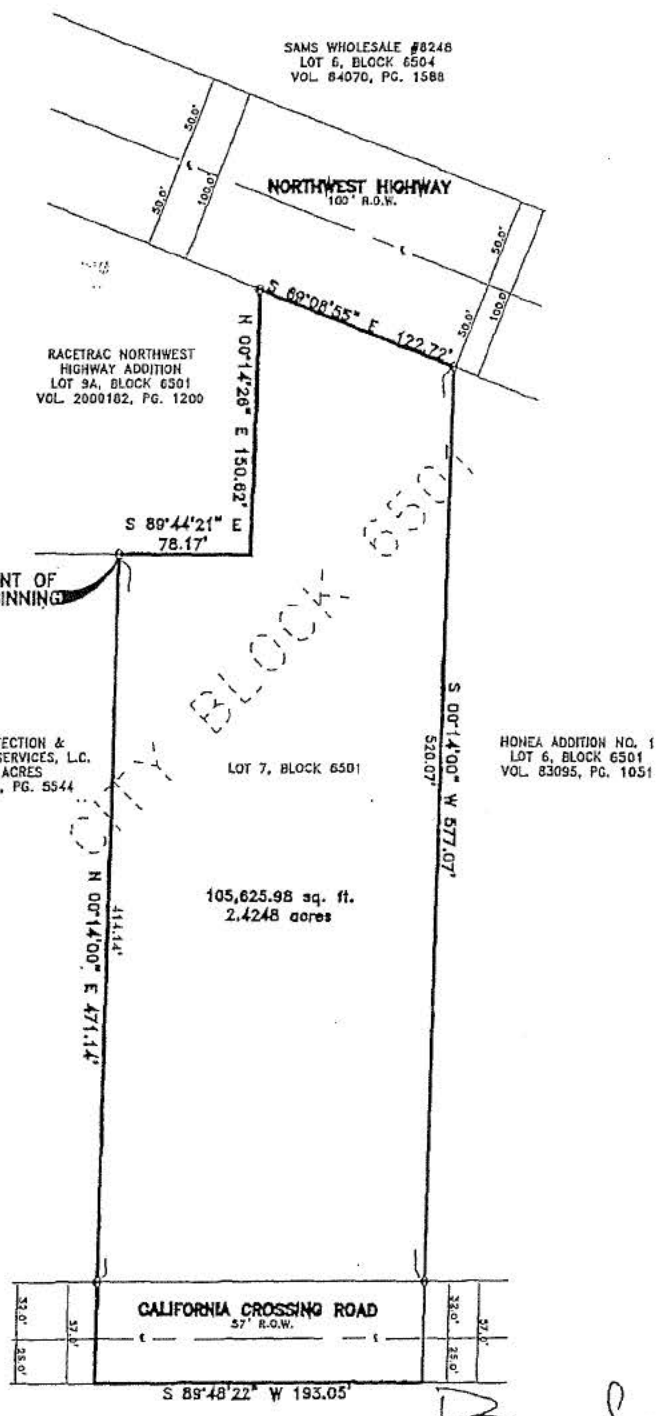

Mark R. Vickery, P.G.
Executive Director
Texas Commission on Environmental Quality

EXHIBIT "A" M.S.D. SURVEY



SCALE 1" = 100'

GENERAL NOTES:

1) BEARINGS ARE BASED ON THE TAPP ADDITION, AN ADDITION TO THE CITY OF DALLAS, DALLAS COUNTY, TEXAS, ACCORDING TO THE PLAT THEREOF RECORDED IN VOLUME 388-166, PAGE 41, PLAT RECORDS, TARRANT 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

SHEET 1 OF 3
JOB NO. 0705358-1
DRAWN BY: R.G.

EXHIBIT "A"
M.S.D. SURVEY

Being a tract of land situated in the William Babbett Survey, Abstract No. 155 and being all of Lot 7, Block 6501 of Whitecap/Northwest Highway Addition, an addition to the City of Dallas, Dallas County, Texas, according to the map or plat thereof recorded in Volume 2004185, Page 42 of the Map Records of Dallas County, Texas, and being part of Northwest Highway (100 foot right of way) and California Crossing Road (57 foot right of way) and being more particularly described as follows:

BEGINNING at a aluminum monument for corner, said corner being the most Easterly Northeast corner of a tract of land conveyed to Fire Protection and Mechanical Services, L.C. by Deed recorded in Volume 99083, Page 5544, Deed Records, Dallas County, Texas, and lying in the South line of Lot 9A, Block 6501 of Racetrac Northwest Highway Addition, an Addition to the City of Dallas, Dallas County, Texas, according to the map or plat thereof recorded in Volume 2000182, Page 1200 of the Map Records of Dallas County, Texas;

THENCE South 89 degrees 44 minutes 21 seconds East, a distance of 78.17 feet to a point for corner;

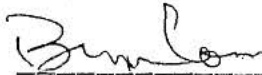
THENCE North 00 degrees 14 minutes 26 seconds East, a distance of 150.62 feet to a aluminum monument found for corner, said corner lying in the South line of said Northwest Highway;


THENCE South 69 degrees 08 minutes 55 seconds East along the South line of said Northwest Highway, a distance of 122.72 feet to a aluminum monument found for corner;

THENCE South 00 degrees 14 minutes 00 seconds West, a distance of 577.07 feet to a point for corner, said corner being in the South line of said California Crossing Road;

THENCE South 89 degrees 48 minutes 22 seconds West continuing along the South line of said California Crossing Road, a distance of 193.05 feet to point for corner;

THENCE North 00 degrees 14 minutes 00 seconds East, a distance 471.14 feet to the POINT OF BEGINNING and containing 105,625.98 square feet or 2.4248 acres of land.


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



DC & A

DOUG CONNALLY & ASSOCIATES, INC.

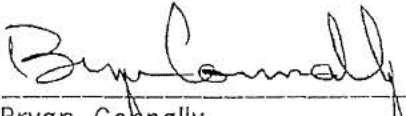
ENGINEERING • PLANNING • SURVEYING
11545 Pagemill Road • Suite 200 • Dallas, Texas 75243
P 214.349.9485 • F 214.349.2216
www.dcadfw.com

SHEET 2 OF 3
JOB NO. 0705358-1
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 15th day of November, 2007



Bryan Connally
Registered Professional Land Surveyor No. 5513



EXHIBIT "B" MSD 125

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 ³	<input checked="" 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 No. 1698, PST No. 13659		
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? 05 / 27 / 2004	<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 ⁵	<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 ⁵	<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

10-20-09
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 26th day of October, 2009.

