

Jon Niermann, *Chairman*  
Emily Lindley, *Commissioner*  
Bobby Janecka, *Commissioner*  
Kelly Keel, *Interim Executive Director*



## TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

*Protecting Texas by Reducing and Preventing Pollution*

October 26, 2023

Mr. David Wheeler  
Executive Vice President  
Hartman Promenade, LLC  
970 North Coit Road, Suite 2375  
Richardson, Texas 75080

Re: Promenade North Shopping Center, located at 970 North Coit Road, Richardson, Dallas County, TX; Municipal Settings Designation (MSD) No. 452; Voluntary Cleanup Program (VCP) No. 703; Customer No. CN605587997; Regulated Entity No. RN101053767

Dear Mr. Wheeler:

The Texas Commission on Environmental Quality (TCEQ) received the above referenced MSD application on March 30, 2021, and additional information supporting this MSD application on October 25, 2021, and July 25, 2023. Based on our review, the application contains the required information as outlined in Texas Health and Safety Code (THSC) §361.804. Enclosed is the MSD Certification for your site. If you have any questions, please do not hesitate to contact me at (512) 239-2023 or via email at [Joshua.Baudoin@tceq.texas.gov](mailto:Joshua.Baudoin@tceq.texas.gov).

Sincerely,

A handwritten signature in blue ink that reads "Joshua Baudoin".

Joshua Baudoin, Project Manager  
VCP-CA Section  
Remediation Division

Enclosure: MSD Certificate No. 452

cc: Mr. Jason Binford, Principal Environmental Consultant, ESE Partners, LLC (via email)  
Ms. Erin Gorman, Waste Section Manager, TCEQ Region 4 Office, Dallas/Fort Worth

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, Merrie Smith, Assistant Deputy Director, Remediation Division, TCEQ, certify the Municipal Setting Designation (MSD) for MSD No. 452, in the City of Richardson, 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 ordinance or restrictive covenant required by Texas Health and Safety Code §361.8065 remains 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.

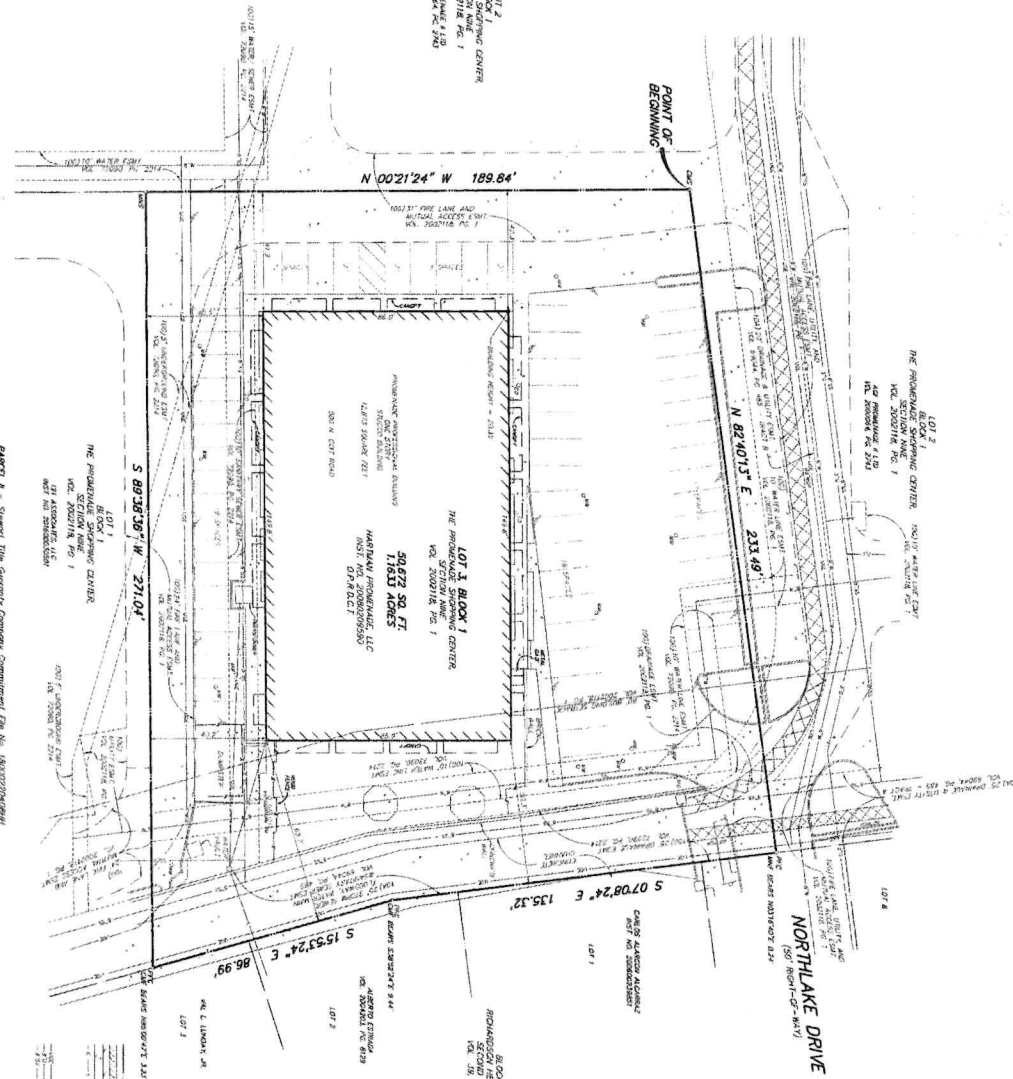
EXECUTED this the 20th day of October, 2023

  
\_\_\_\_\_  
Merrie Smith, P.G., Assistant Deputy Director  
Remediation Division  
Texas Commission on Environmental Quality





Date of Print or Map: 09.28.2018  
 Date of Photo: 09.28.2018  
 Date of Photo: 09.28.2018

[illegible][illegible][illegible]

04/15/20 09/28/2018  
 UPDATED 05/06/2018  
 10/15/20 02/17/2020

**RLG**

JAY MANOJ L. GOODWIN, JR. JMC,  
 1400 N. CENTRAL EXPRESSWAY, SUITE 200  
 DALLAS, TEXAS 75244 (714)933-8899  
 10/15/20 02/17/2020

THE PROBLEMALE STRIPPING CENTER  
 SECTION 311A  
 500 NORTH CRYSTAL ROAD  
 LOT 3, BLOCK 1  
 WILLIAM W. WALLACE STREET  
 ABSTRACT NO. 1602  
 CITY OF BIRMINGHAM, BULLAS COUNTY, TEXAS

SCALE: 1" = 20'	DATE: 06/06/2020	SHEET: 2 OF
-----------------	------------------	-------------

[illegible]

SWINEY NOTES PAPER, #

1. *Blomphus* sp. 2000, egg, based on the north end of Lot 1, northern northeast corner and 1/2" rod with yellow plastic cap (referred "No. 100" found of the north end of a fire pit) in the north end of Lot 1, Block A, Pennsylvania Shopping District. (See the map) recorded in Vol. 200191C, pg. 4, D.B.O.C.

2. *Coarctatus* *lucumensis* "3" in complete found of the northern northeast corner and 1/2" rod with yellow plastic cap (referred "No. 100" found of the north end of a fire pit) in the north end of Lot 1, Block A, Pennsylvania Shopping District. (See the map) recorded in Vol. 200191C, pg. 4, D.B.O.C.

LEGEND

IN 105  
KAPITEL 12  
KONTAKT  
NR. 219

12.

14.

[illegible]

VICINITY MAP  
1:60,000 SCALE

0 10 20 40

A detailed street map of the area around the intersection of 5th Avenue and 10th Street in New York City. The map shows the layout of streets, including 5th Avenue running vertically and 10th Street running horizontally. Other streets shown include 9th Street, 11th Street, and 12th Street. The map is oriented with North at the top. A scale bar at the bottom indicates distances in feet and miles. The map is labeled 'NEW YORK CITY' and '1900'.

---

---

**Exhibit B**  
**Municipal Setting Designation**  
**Affidavit of Eligibility**

BEFORE ME, the undersigned authority, on this day personally appeared  
David Wheeler, as an authorized representative of  
Hartman Promenade, LLC, known to me to be the person  
whose name is subscribed below who being by me first duly sworn, upon their oath,  
stated as follows:

I am over the age of 18 and legally competent to make this affidavit. I have personal  
knowledge of the facts stated herein.

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

- ☒ The MSD eligibility criteria of THSC Section 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 has been 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

Date: August 30, 2023

David Wheeler

Printed Name

President

Title

STATE OF TEXAS

COUNTY OF HARRIS

SUBSCRIBED AND SWORN before me on this the 30 day of  
AUGUST 2023, to which witness my hand and seal of office.



  
Notary Public in and for the State of TEXAS