

Jon Niermann, *Chairman*
Bobby Janecka, *Commissioner*
Catarina R. Gonzales, *Commissioner*
Kelly Keel, *Executive Director*



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

June 6, 2024

Mr. Cody Perlmeter, Manager
1901 W Northwest HWY, LLC
11033 Eastview Circle
Dallas, Texas 75230

Re: Municipal Setting Designation (MSD) Certificate for 1901 W Northwest Hwy, LLC,
Towngate Plaza Site, located at 1901 Northwest Hwy., Garland, Dallas County, TX; MSD
No. 517; Voluntary Cleanup Program (VCP) No. 3174; Customer No. CN605935584;
Regulated Entity No. RN100790476

Dear Mr. Perlmeter:

The Texas Commission on Environmental Quality (TCEQ) received the above referenced MSD application on January 30, 2024 and additional information supporting this MSD application on May 3, 2024. 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) 239-2961 or via email at Joseph.Norem@tceq.texas.gov.

Sincerely,

A handwritten signature in blue ink, appearing to read "Joseph Norem".

Joseph Norem, Project Manager
VCP-CA Section
Remediation Division

Enclosure: MSD Certificate No. 517

cc: Mr. Richard Record, P.G., EnSafe (via email)
Mr. Steve Morton, The Morton Law Firm, (via email)
Ms. Erin Gorman, Waste Section Manager, Region 4, Dallas/Fort Worth

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



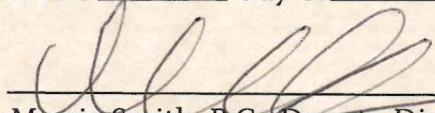
MUNICIPAL SETTING DESIGNATION CERTIFICATE

As provided for in §361.807, Subchapter W, Texas Health and Safety Code (Solid Waste Disposal Act):

I, Merrie Smith, P.G., Deputy Director, Remediation Division, TCEQ, certify the Municipal Setting Designation (MSD) for MSD No. 517, in the City of Garland, 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 6th day of June, 2024



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

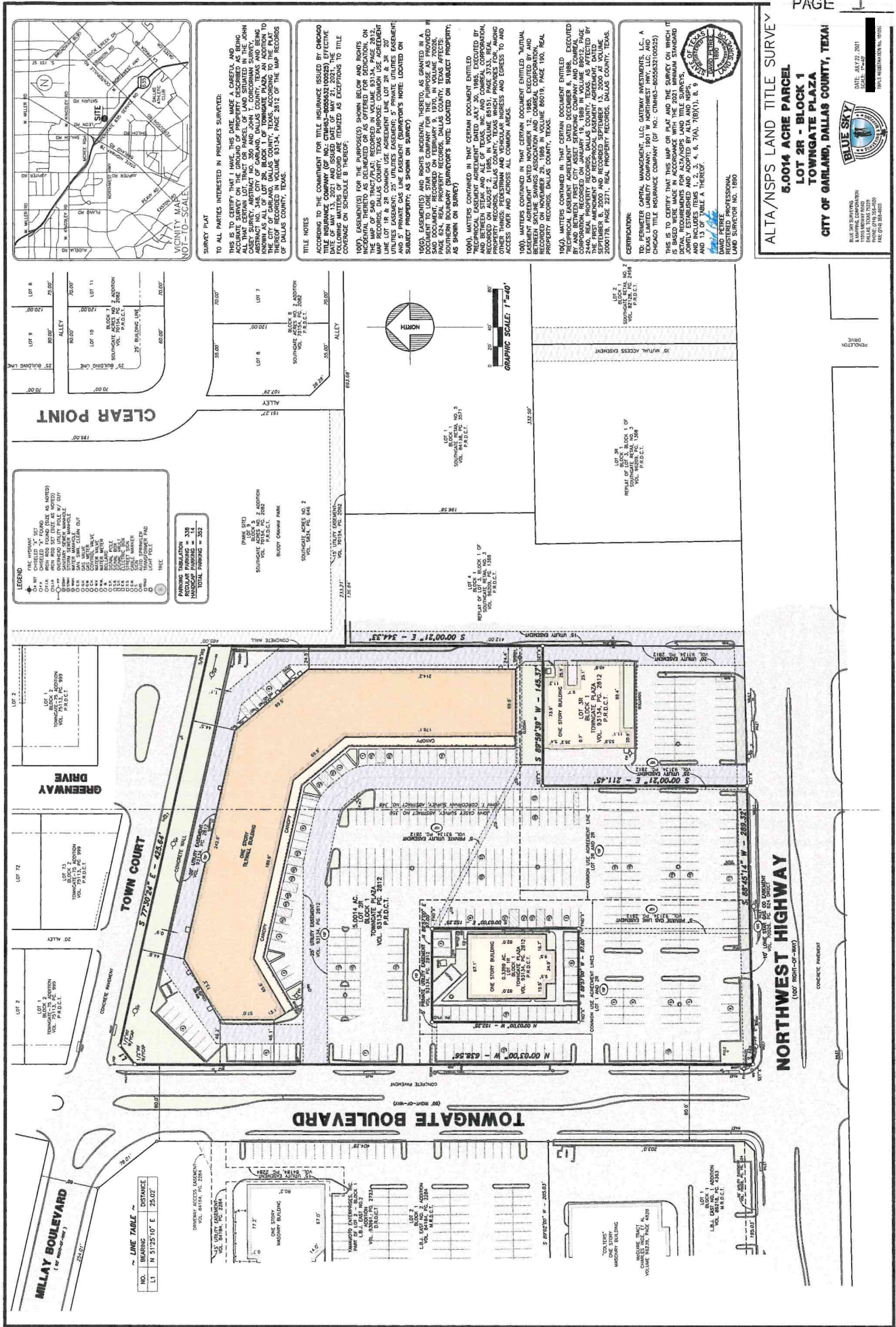


Exhibit B

Municipal Setting Designation

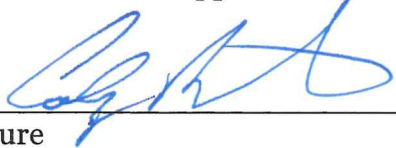
Affidavit of Eligibility

BEFORE ME, the undersigned authority, on this day personally appeared Cody Perlmeter, as an authorized representative of 1901 W Northwest Hwy, 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

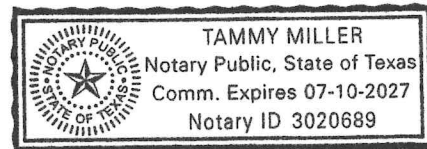
Date: January 22, 2024

Cody Perlmeter
Printed Name

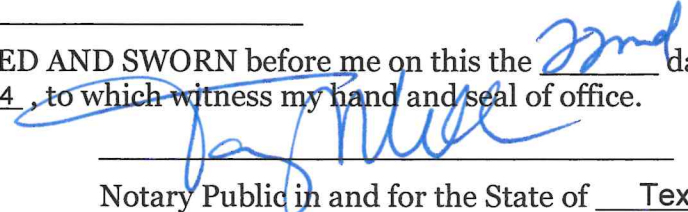
Manager
Title

STATE OF Texas

COUNTY OF Dallas



SUBSCRIBED AND SWORN before me on this the 22nd day of January 2024, to which witness my hand and seal of office.


Notary Public in and for the State of Texas