

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*

April 5, 2010

Mr. Greg Rogers, Legal Counsel for Fountain Parkway, Ltd.  
Guida Slavich & Flores, P.C.  
750 N. St. Paul Street, Suite 200  
Dallas, TX 75201

RE: Municipal Setting Designation (MSD) Certificate for Ms. Paula Steves, 902  
Fountain Parkway; MSD No. 133

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., Work Leader  
VCP-CA Section  
Remediation Division

DSS/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):

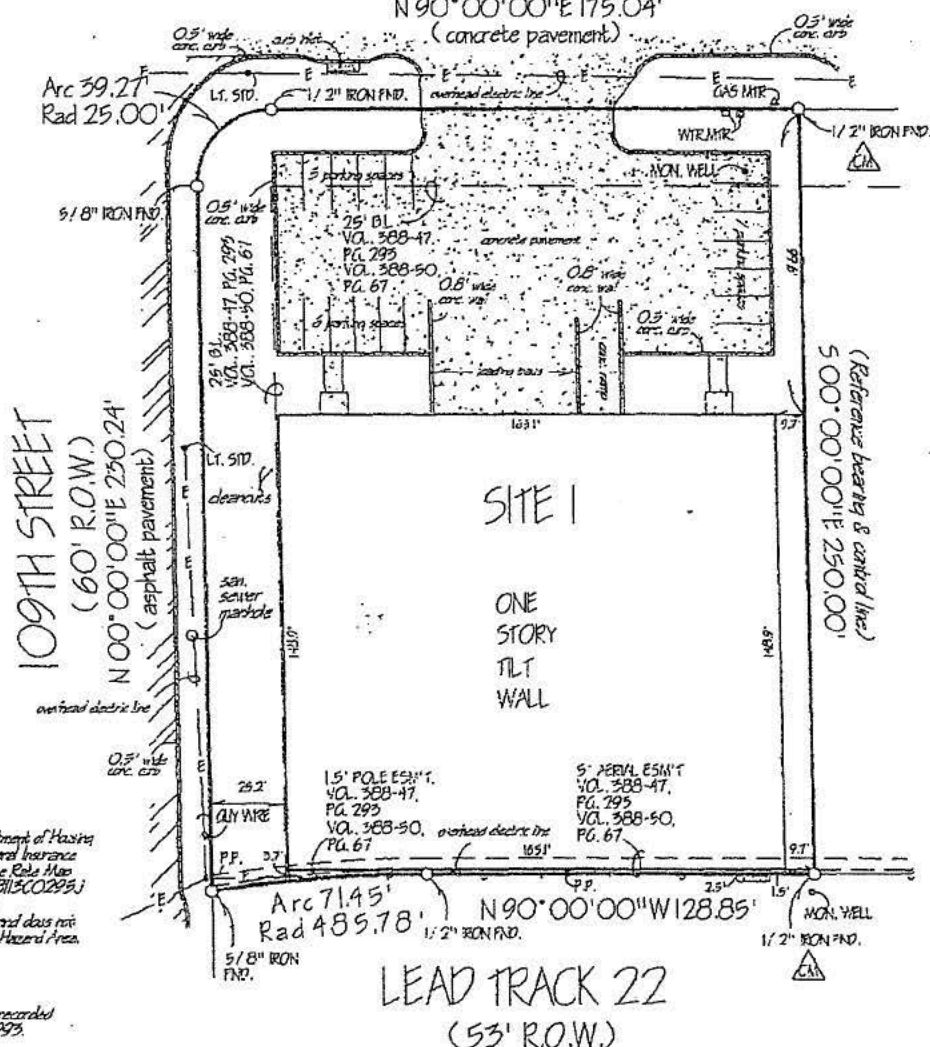
I, Mark R. Vickery, Executive Director of the Texas Commission on Environmental Quality certify the Municipal Setting Designation for MSD No. 133, in the City of Grand Prairie, for the tract of land described in Exhibit "A". The eligibility requirements of Texas Health and Safety Code §361.803 are satisfied 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 30<sup>th</sup> day of March, 2010

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

FOUNTAIN PARKWAY  
(100' R.O.W.)  
N 90° 00' 00" E 175.04'  
(concrete pavement)



The plat hereon was prepared from an actual on the ground survey of the legally described property shown hereon, the lines and dimensions of said property being as indicated by the plat, the size, location and type of buildings and improvements are as shown, all improvements being within the boundaries of the property except as shown, set back from the property lines the distances indicated, and there are no encroachments, protrusions, or apparent encroachments. This survey is being provided solely for the use of the current parties and that no license has been created, express or implied, to copy the survey except as is necessary in conjunction with the original transaction, which shall take place within 6 (six) months of the original survey date.  
Copyright 2009 Fulton Surveying, Inc.  
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*Susan L. Stewart*  
P.L.S. No. 5495  
August 27, 2009

BLOCK 2-  
SITE 2'

SURVEY PLAT  
902 Fountain Parkway  
Being Site 1, Block 2  
SECOND INSTALLMENT, INDUSTRIAL COMMUNITY  
NO. 5, GREAT SOUTHWEST INDUSTRIAL DISTRICT  
An Addition to the City of Grand Prairie, Tarrant County, Texas  
According to the Plat thereof recorded in Volume 388-47, Page 293  
Map Records, Tarrant County, Texas

Notes:  
According to the U.S. Department of Housing and Urban Development's Federal Insurance Administration Flood Insurance Rate Map Community Flood Number: 4811500295, Efficiencies Date: 8-23-01, this property lies in Zone X and does not lie within a 100 Year Flood Hazard Area.

Scale 1" = 40'

Reference bearing per Plat recorded in Volume 388-47, Page 293.

△ - Control Monument  
G# - 09C39690

FULTON SURVEYING, INC.  
115 ST. LOUIS AVENUE  
FORT WORTH, TEXAS 76104  
(817) 335-3625  
#09201 FAX (817) 335-3629

# 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. This site is within the offsite affected area covered by SWR No. 32042		
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? (To support implementation of HB 3030, 78 <sup>th</sup> Legislature.)	<input checked="" type="radio"/> Yes, when? mid-90s /	<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 checked="" type="radio"/> Yes	<input 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.

Applicant Signature *Greg Rogers*

Date 2-25-10

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 25<sup>th</sup> day of February, 2010.

