

**Texas Commission on Environmental Quality  
Dry Cleaner Program Status Report  
Fiscal Year 2009**

**Prepared for the  
Dry Cleaner Advisory Committee**

**James Cripe, Temple, Texas, Industry Representative**

**Norberto Garcia, Beeville, Texas, Rural Public Representative**

**Shirley French Reichstadt, Dallas, Texas, Industry Representative**

**Charles Riggs, Denton, Texas, Urban Public Representative**

**Rick Sims, Houston, Texas, Industry Representative**

**November 13, 2009**

## **About the Dry Cleaner Environmental Response Program**

The Dry Cleaner Environmental Response Program (Program) protects the state's environmental resources by using a risk-based approach for the assessment and cleanup of releases of solvents from dry cleaning facilities. The Program collects registration fees from dry cleaning facilities, dry cleaning drop stations, property owners, and previous property owners, and solvent fees from solvent distributors. These fees are deposited into the Dry Cleaning Facility Release Fund (the Fund). The Fund is used to process registrations and to conduct corrective action at dry cleaning sites.

The Program affects owners of dry cleaning facilities and drop stations, current owners and certain previous owners of property on which a dry cleaning facility or drop station is or was located, and solvent distributors.

The Program is administered in two separate Texas Commission on Environmental Quality (TCEQ) offices: the Dry Cleaner Remediation Program (DCRP) is administered in the TCEQ Office of Compliance and Enforcement and the Dry Cleaner Registration Team in the Office of Permitting and Registration. The Dry Cleaner Registration Team processes registrations for solvent distributors, dry cleaning facilities and drop stations, as well as for property owners and preceding property owners. The DCRP accepts applications for ranking, ranks and prioritizes sites, and conducts corrective action at sites once they have been accepted into the Program.

To be eligible for the DCRP the applicant must be one of the following: 1) a current or former owner of a dry cleaning facility or drop station; 2) an owner of property on which a dry cleaning facility or drop station is or was located; or 3) a preceding owner of property on which a dry cleaning facility or drop station is or was located, who entered into an agreement with the current property owner establishing that the previous property owner is responsible for costs associated with the cleanup of contamination.

DCRP applicants must submit an application for ranking the site, which documents a release of dry cleaning solvent into the environment from a currently registered or former retail dry cleaning facility. The applicant must pay as a nonrefundable deductible the first \$5,000 of corrective action costs incurred as a result of a release from the dry cleaning facility or drop station, and must sign an affidavit stating that perchloroethylene (Perc) will not be used at the site once the DCRP has begun corrective action at the site.

Except for sites that require emergency action, DCRP cannot commence corrective action at a site until the site/application has been ranked and prioritized. Site ranking is based on potential impacts to human health or the environment from the site. Site prioritization includes site ranking, but also takes into account non-risk factors such as cost of implementing corrective action.

The DCRP utilizes contractors to conduct corrective action at sites. Following the commencement of corrective action at a site, a deed notice is filed in the county property records to notify future property owners that Perc can no longer be used at the site.

## Registration

A breakdown of the FY 2009 Registrations is as follows:

FY 2009 Registrations	Total Registrations
Facilities	1516
Drop Stations	1490
Property Owners and Preceding Property Owners	190
Solvent Distributors	29

The terms “participating” and “non-participating” refer to a facility/drop station’s eligibility to receive benefits from the Fund. A facility/drop station’s participating/non-participating status defines the facilities’ fees and registrations costs. The following table illustrates the differences in the Program’s fee structure.

Type	Number of Locations	Solvent Fees Collected	Registration Fee	
			Gross Receipts >\$150,000	Gross Receipts <\$150,000
Facility (aka: Participating Facility)	1,142	Yes (perchloroethylene: \$20 per gal / other solvent: \$3 per gal)	\$2,500	\$250
Participating Non-Perchloroethylene Facility (type will not transfer to new owner)	80	No (should not be receiving perchloroethylene)	\$2,500	\$250
Non-Participating Non-Perchloroethylene Facility (type will transfer to new owner)	294	No (should not be receiving perchloroethylene)	\$250	\$250
Drop Station (aka: Participating Drop Station)	1,365	Not Applicable (should not be receiving solvent)	\$750	\$250
Non-Participating Non-Perchloroethylene Drop Station (type will transfer to new owner)	125	Not Applicable (should not be receiving solvent)	\$125	\$125
<b>Total</b>	3,006	Not Applicable	Not Applicable	Not Applicable

## **Dry Cleaning Facility Release Fund (Fund 5093)**

Dry cleaning facilities and drop stations are required to pay fees when registering with the TCEQ and when purchasing solvent from distributors. In addition to these primary revenue sources, the Fund also includes revenue from deductibles, penalties, and interest.

<b><u>FY 2009 Fee Collection Report</u></b>	
Registration Fees	\$ 3,226,332
Solvent Fees	\$ 1,978,048
Deductibles, Penalties, and Interest	\$ 624,139
<b>TOTAL COLLECTIONS</b>	<b>\$ 5,828,519</b>

As of August 31, 2009, the total funds collected in the Program totaled approximately \$39 million. The unreserved total Fund balance as of August 31, 2009 was approximately \$18.4 million.

## **81<sup>st</sup> Legislative Session (HB 3547) - New Legislation**

During the 81<sup>st</sup> Legislative Session, the Texas Legislature passed an amendment (House Bill 3547) to the Dry Cleaner Environmental Response statute. The amended legislation authorizes TCEQ to issue a Notice of Violation (NOV) to an owner or operator of a dry cleaning facility or drop station that is not properly registered under the Texas Health & Safety Code Section 374.102. If the owner or operator does not correct the violation within 30 days after receipt of the NOV, HB 3547 provides the TCEQ authority to order the dry cleaning facility or drop station to cease operation.

## **FY 2009 Compliance Actions**

During FY 2009, TCEQ Field Operations conducted 18 Compliance investigations that resulted in 5 notices of violations and no notices of enforcement. Most violations noted were for failure to register the facility or drop stations and/or failure to post a valid registration certificate in a visible location.

## **FY 2009 Enforcement Actions**

In FY 2009, the TCEQ issued 35 administrative orders against dry cleaning facility owners for violations. The total penalties assessed equaled \$159,538.

## **FY 2009 Corrective Actions**

In FY 2009 the TCEQ received a total 33 applications for ranking. As of August 31, 2009, the TCEQ DCRP received a total of 195 applications for ranking. Of the 195 applications, 172 were ranked and prioritized. The remainder of applications were under review or were determined to be ineligible.

As of August 31, 2009, the Corrective Action status of DCRP sites:

Corrective Action Phase	No. of Sites
Pre-Assessment	0
Assessment	145
Remediation	10
Monitoring	0
Closure	9 Sites / Program total since inception 17 sites

The corrective action status of each site is included in Attachment 1.

The TCEQ completed Corrective Action at nine (9) sites in FY 2009. To date the TCEQ has closed a total of 17 sites. The list of closed sites is included in Attachment 2.

The use of Perc is prohibited at sites participating in the DCRP. Following the commencement of corrective action at a site, the TCEQ will file a written notice in the real property records of the county, which the site location to notify future property owners that Perc may no longer be used at the site. An example of a Deed Notice and Site Survey are included in Attachment 3.

# Attachment 1

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DC0004	Inwood Shopping Center (fmr Bell Cleaners)	Houston	104098553	1	410	Active	Assessment
DC0093	Deluxe Cleaners	Cypress	100560887	3	485	Active	Assessment
DC0098	Cypress Station Shopping Center	Houston	102330836	4	485	Active	Assessment
DC0030	Val-U Cleaners and Comet Cleaners	Arlington	103967378	5	485	Active	Remediation
DC0108	Hawthorne Square - Fmr Image Cleaners	Houston	100883091	6	405	Active	Assessment
DC0010	Memorial Village	Houston	100555507	7	475	Active	Remediation
DC0182	Sunshine Laundry and Cleaners	San Marcos	102617107	8	460	Active	Assessment
DC0086	Joyce Cleaners	Farmers Branch	100780246	9	330	Active	Remediation
DC0039	Green Oaks Village - Boss Cleaners	Arlington	103953550	10	450	Active	Assessment
DC0061	Premium Cleaners	Carrollton	104090006	11	445	Active	Assessment
DC0023	Grogans Center One	Houston	101053668	12	445	Active	Remediation
DC0029	Town & Country	Grapevine	104364856	13	400	Active	Assessment
DC0048	Barkers Comet Cleaners	Burleson	101467082	14	440	Active	Assessment
DC0031	Jefferson Cleaners	Port Arthur	103958732	15	395	Active	Assessment
DC0033	Parkway Central Shopping Center	Arlington	102145992	16	435	Active	Assessment
DC0131	B&B Cleaners	Grand Prairie	100549476	16	435	Active	Assessment
DC0085	La Rose Dry Cleaners	Houston	100654425	18	435	Active	Assessment
DC0097	Former American Cleaners	Austin	100698174	19	430	Active	Assessment
DC0047	Baumgart Family Cleaners	Flower Mound	102337342	20	430	Active	Assessment
DC0092	Thirty Oaks Shopping Center	Fort Worth	102321650	21	470	Active	Assessment
DC0057	Greens Imperial Center	Houston	100712173	22	425	Active	Assessment
DC0128	Pilgrim Dry Cleaners	Houston	100633916	23	425	Active	Assessment
DC0123	Toms Fine Cleaners	Houston	100653013	24	425	Active	Assessment
DC0038	Fmr Collins Street Cleaners	Arlington	100635291	25	425	Active	Remediation
DC0016	Northgate Shopping	Houston	101474922	26	380	Active	Assessment
DC0007	Comet Cleaners	Arlington	102212578	27	420	Active	Remediation
DC0065	Former Globe Laundry - Studewood	Houston	104916325	27	420	Active	Assessment
DC0115	Fmr Flair Dry Cleaner	Houston	102801735	28	420	Active	Assessment
DC0077	Rick's Cleaners	Austin	101445583	29	420	Active	Assessment
DC0060	Former Good Neighbor Cleaners	Houston	103952255	30	420	Active	Assessment
DC0012	Fmr Pioneer Cleaners	Houston	104063706	31	420	Active	Remediation
DC0181	Former Tower Cleaners	Hurst	104305974	32	410	Active	Assessment
DC0006	HiTech Cleaners	The Colony	104017926	33	410	Active	Assessment
DC0155	Fmr Craig's Cleaner	Houston	100573732	34	410	Active	Assessment
DC0118	Fmr Coopers Cleaners	San Marcos	104467055	35	410	Active	Assessment
DC0054	A-1 Dry Cleaners	Corpus Christi	102360476	36	405	Active	Assessment
DC0020	Corrigans Properties	Dallas	101055325	37	405	Active	Assessment
DC0042	Country Club Cleaners	Dallas	102964194	38	405	Active	Remediation
DC0071	Bay Plaza	Baytown	102616869	39	405	Active	Assessment
DC0072	USA Cleaners	Dallas	102862667	40	320	Active	Assessment
DC0153	Martins Dry Clean Express	Dallas	104025119	41	360	Active	Assessment
DC0011	City Cleaners	Missouri City	104538566	42	400	Active	Assessment
DC0104	Former Craig's Cleaners - Shepard	Houston	103034708	43	400	Active	Assessment
DC0144	Trader's Square Shopping Center	Canton	101053841	44	400	Active	Assessment
DC0114	Crystal Cleaners	Houston	100889732	45	395	Active	Assessment
DC0040	Custom Cleaners	Baytown	104062609	46	395	Active	Assessment
DC0017	Fmr KC Cleaners	Abilene	101460889	47	390	Active	Assessment
DC0117	Bell Cleaners - Fairbanks Plaza	Houston	100710748	48	390	Active	Assessment
DC0125	FMR Celebrity Cleaners	Houston	101312551	49	390	Active	Assessment
DC0053	Bell Cleaners Midway	Dallas	102164357	50	390	Active	Assessment
DC0126	Fmr Pilgrim Laundry - West Alabama	Houston	105200455	51	385	Active	Assessment
DC0089	Quall Valley Dry Cleaners	Missouri City	100614197	52	385	Active	Assessment
DC0094	Walnut One Hour Cleaners	Dallas	100692664	53	385	Active	Assessment
DC0021	Ryan's Express, Humble	Humble	103960035	54	385	Active	Assessment
DC0181	Park Avenue Cleaners #2	Richland Hills	100610195	55	385	Active	Assessment
DC0050	Randalls Center - Fmr Alpine Cleaners	Friendswood	101054880	56	385	Active	Remediation
DC0084	Former Star Cleaners	Houston	104212832	57	380	Active	Assessment
DC0133	Cousins Cleaners	Fort Worth	102172228	58	380	Active	Assessment
DC0032	Village Custom Cleaners	Colleyville	104009386	59	380	Active	Assessment
DC0069	Centennial Plaza	Corpus Christi	104954581	60	335	Active	Assessment
DC0001	Fmr Hallmark Cleaners	Houston	102173358	61	375	Active	Assessment
DC0124	fmr Plus Cleaners	Houston	102616935	62	375	Active	Assessment
DC0167	Former Premier Cleaners	Conroe	101043255	63	370	Active	Assessment
DC0105	Craig's Cleaners - Katy	Katy	101056182	64	375	Active	Assessment
DC0003	Sparky's Cleaners	Deer Park	102866027	65	370	Active	Assessment
DC0034	Posh Cleaners	Dallas	100802891	66	370	Active	Assessment
DC0113	Dry Cleaner Super Center / Bismillah Cleaners	Houston	100805126	67	370	Active	Assessment
DC0116	Southwest Clean & Laundry	Houston	105213474	68	370	Active	Assessment
DC0129	Fmr Pilgrim Dry Cleaners - Long Point	Houston	102806148	69	370	Active	Assessment
DC0134	Fites Cleaners	Tyler	100572015	70	370	Active	Assessment
DC0052	Former Woodforest Food Mart	Houston	101739621	71	370	Active	Assessment
DC0055	Center at Sulphur Springs	Sulphur Springs	104535711	72	365	Active	Assessment
DC0062	Fmr Continental Cleaners	Dallas	101644896	73	365	Active	Assessment
DC0162	Bolton Brite Way Cleaners	Lubbock	101469310	74	325	Active	Assessment
DC0141	Classic Cleaners - Kingwood	Kingwood	101487718	75	365	Active	Assessment
DC0160	Former Holiday Cleaning and Laundry	Dallas	105419345	76	365	Active	Assessment
DC0103	\$1.25 Dry Cleaner Super Center	Houston	104188693	77	365	Active	Assessment

DC0025	Pride Cleaners McAllen	McAllen	100701556	78	365	Active	Assessment
DC0157	King Cleaners	Kingwood	104089024	79	365	Active	Assessment
DC0073	Former AB Cleaners	Sugarland	100605005	80	360	Active	Assessment
DC0102	North Junction Plaza	Houston	101151215	81	360	Active	Assessment
DC0024	Beechnut Center 1	Houston	102085610	82	355	Active	Assessment
DC0084	Former Carrollton Cleaners	Carrollton	105008726	83	355	Active	Assessment
DC0046	Lone Star Cleaners	Dallas	101467884	84	355	Active	Assessment
DC0139	Sterling Cleaners	Houston	100570464	85	355	Active	Assessment
DC0005	San Antonio 5-Star DC	San Antonio	102951209	86	355	Active	Assessment
DC0170	Crosby Cleaners and Laundry	Crosby	104027362	87	355	Active	Assessment
DC0146	Fmr Gaines Cleaners	Dallas	104221189	88	355	Active	Assessment
DC0142	Former A Cleaners	Grapevine	102618337	89	350	Active	Assessment
DC0078	Pilgrim Cleaners	Houston	100659812	90	350	Active	Assessment
DC0028	Nifty Cleaners	Houston	104085683	91	350	Active	Assessment
DC0015	Oak Village Cleaners	Houston	104560032	92	345	Active	Assessment
DC0008	Jack Brown Balcones Wds	Austin	101474476	93	345	Active	Assessment
DC0019	Jack Brown / One Price	Austin	102845302	94	345	Active	Assessment
DC0043	Eastgate 1 Hour Martinizing	Garland	102926250	95	345	Active	Assessment
DC0137	Fmr Kemp Cleaners	Corpus Christi	104369657	96	385	Active	Assessment
DC0111	White Spur Cleaners	El Paso	100654250	97	340	Active	Assessment
DC0130	Fmr Dynasty Cleaners	Garland	103958138	98	340	Active	Assessment
DC0079	Former Crescent Cleaners	Houston	100576891	99	340	Active	Assessment
DC0080	Former Glo Cleaners	Dallas	100931419	100	335	Active	Remediation
DC0112	Garden Ridge Plaza	Flower Mound	101054740	101	335	Active	Assessment
DC0165	Park Avenue Cleaners	Rockwall	100697416	102	335	Active	Assessment
DC0127	Fmr Robinson's Cleaners	Palestine	104084892	103	335	Active	Assessment
DC0018	Woodway Augusta Plaza	Houston	102319886	104	340	Active	Assessment
DC0107	Fmr Newsome Dry Cleaning and Laundry	Irving	101460970	105	330	Active	Assessment
DC0037	Beltline Venture Shopping Center	Dallas	101056257	106	330	Active	Assessment
DC0145	Randalls Center - Fairmont Shopping Ctr	Pasadena	104086384	107	330	Active	Assessment
DC0082	A Cleaners Laundry	DeSoto	104154141	108	325	Active	Assessment
DC0041	ZIP Cleaners	Killeen	103957460	109	325	Active	Assessment
DC0100	Fast Quality Cleaners	Dallas	100685155	110	325	Active	Assessment
DC0063	Blue Ribbon Cleaners and Laundry	Duncanville	100802305	111	325	Active	Assessment
DC0106	1634 Westheimer Property	Houston	101052827	112	325	Active	Assessment
DC0154	Fmr Kountry Cleaners	Mineral Wells	100697556	113	320	Active	Assessment
DC0119	Morning Star Cleaners	Houston	100562669	114	365	Active	Assessment
DC0166	Comet Cleaners	Corpus Christi	103967014	115	310	Active	Assessment
DC0068	Comet Cleaners - Mid Cities	North Richland Hill	102213956	116	320	Active	Assessment
DC0174	Former Metro Cleaners	Houston	100703503	117	320	Active	Assessment
DC0110	Former Manhattan Cleaners	Dallas	100664739	118	315	Active	Assessment
DC0070	Prestige Fabricare	Lubbock	102951167	119	310	Active	Assessment
DC0087	Former Model Industrial Cleaners	Brownsville	101682557	120	310	Active	Assessment
DC0027	Wymans One Hour	Wichita Falls	104618020	121	310	Active	Assessment
DC0158	USA Cleaner	Houston	100708932	122	350	Active	Assessment
DC0095	Summit Cleaners	Houston	104097712	123	350	Active	Assessment
DC0156	Cuff and Collar Cleaners	Plano	103957015	124	305	Active	Assessment
DC0149	North Salado Village - SA Five Star Cleaners #8	San Antonio	102950995	125	305	Active	Assessment
DC0151	Super Royal Cleaners	Houston	103960217	126	305	Active	Assessment
DC0186	Former Jackson Cleaners	Dallas	101475358	127	295	Active	Assessment
DC0173	LaBelle Cleaners	Spring	103966396	128	295	Active	Assessment
DC0147	Westheimer Plaza - Fmr \$1.49 Deluxe Cleaners	Houston	104369764	129	290	Active	Assessment
DC0140	Hallmark Cleaners - Bryan	Bryan	100609874	130	285	Active	Assessment
DC0183	Modern Cleaners & Laundry	Victoria	100590173	131	285	Active	Assessment
DC0120	Fmr USA Cleaners - Plano	Plano	101469260	132	280	Active	Assessment
DC0121	Ovilla Road Cleaners	Red Oak	104094610	133	280	Active	Assessment
DC0096	Park Cleaners	Arlington	102321320	134	275	Active	Assessment
DC0168	Former Expert Cleaners	Houston	100573245	135	305	Active	Assessment
DC0171	Dry Cleaner USA	Houston	100710433	136	270	Active	Assessment
DC0038	Park Place Plaza	College Station	101056950	137	270	Active	Assessment
DC0159	Former Cowboy Cleaners	Irving	100567064	138	270	Active	Assessment
DC0013	Comet One Hour	Arlington	104552575	139	265	Active	Assessment
DC0099	Silver Sage Shopping Center	Haltom City	102150471	140	265	Active	Assessment
DC0138	Cornerstone Plaza Shopping Center	Houston	104618947	141	305	Active	Assessment
DC0169	Comet Fossil Creek	Fort Worth	100715317	142	260	Active	Assessment
DC0152	Comet Cleaners - Denton	Denton	104067905	143	260	Active	Assessment
DC0056	Adrian's Cleaners	Fort Worth	100556371	144	250	Active	Assessment
DC0022	Ryan's Express, Houston	Houston	101485647	145	250	Active	Assessment
DC0081	BelAir \$1.75 Cleaners	Baytown	104095971	146	245	Active	Assessment
DC0177	Sunny Cleaners	Houston	100688852	147	245	Active	Assessment
DC0178	Town Park Cleaners	Houston	100690437	148	245	Active	Assessment
DC0088	Jack Brown Cleaners #5	Austin	103974564	149	240	Active	Assessment
DC0148	Fmr Westbury Cleaning Ctr / Liberty Cleaners	Houston	100603844	150	240	Active	Assessment
DC0184	Master Cleaners	Abilene	103966362	151	235	Active	Assessment
DC0179	JB Cleaners	Houston	104028014	152	225	Active	Assessment
DC0172	Waterford Square - Fmr Today's Cleaners	San Antonio	100581669	153	210	Active	Assessment
DC0176	Regency Cleaners	Houston	100708304	154	195	Active	Assessment
DC0101	Summerside Cleaners	Dallas	100587542	155	165	Active	Assessment

# Attachment 2

DC0002	Cooks Cleaners	Rosenberg	104171327	FY08	No Further Action - Remedy Standard A - Residential
DC0014	Quality Cleaners	Dallas	102753597	FY09	No Further Action - Remedy Standard A - Residential
DC0026	Brothers II, Lake Worth	Lake Worth	100687896	FY08	TRRP Remedy Standard B
DC0045	Town & Country - Highland Center	Dallas	103984571	FY08	No Further Action - Remedy Standard A - Residential
DC0049	Dixon Cleaners	Dallas	103970786	FY08	No Further Action - Remedy Standard A - Residential
DC0051	Classic Cleaners	Dallas	104802533	FY08	No Further Action - Remedy Standard A - Residential
DC0058	Cypress Creek Cleaners	Cypress	103964896	FY08	No Further Action - Remedy Standard A - Residential
DC0059	Village Creek Shopping Center	Plano	100652843	FY09	No Further Action - Remedy Standard A - Residential
DC0066	Former Decent Cleaners	Dallas	102950938	FY08	No Further Action - Remedy Standard A - Residential
DC0067	Former Cottage Cleaners	Dallas	104009402	FY09	No Further Action - Remedy Standard A - Residential
DC0074	Former Nesbit Cleaners	Spring	100697895	FY08	No Further Action - Remedy Standard A - Residential
DC0075	Former XL Cleaners	DeSoto	104981352	FY09	No Further Action - Remedy Standard A - Residential
DC0090	Bestway Cleaners	Denton	104329040	FY09	No Further Action - Remedy Standard A - Residential
DC0109	Historical Dry Cleaners	Corpus Christi	105157689	FY09	No Further Action - Remedy Standard A - Residential
DC0122	Fishburns Cleaners	Dallas	100566322	FY09	No Further Action - Remedy Standard A - Residential
DC0135	Former Dira XX Cleaners	Dallas	103970232	FY09	No Further Action - Remedy Standard A - Residential
DC0136	North Saint Mary's Site	San Antonio	105362784	FY09	No Further Action - Remedy Standard A - Residential

# Attachment 3

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Buddy Garcia, *Chairman*  
Larry R. Soward, *Commissioner*  
Bryan W. Shaw, Ph.D., *Commissioner*  
Mark R. Vickery, P.G., *Executive Director*



## TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

*Protecting Texas by Reducing and Preventing Pollution*

May 15, 2009

CERTIFIED MAIL

91 7108 2133 3935 1999 5169

John F. Warren  
Dallas County Clerk  
ATTN: Recording Department  
Records Building 2nd Floor  
509 Main Street, Suite 201  
Dallas, Texas 75202-3551

Re: Deed Notice  
Former Town and Country Cleaners Site, 9625 Plano Road, Suite 300, Dallas, Dallas County, Texas; Texas Commission on Environmental Quality (TCEQ) Dry Cleaner Remediation Program (DCRP) Site No. 45

Dear Mr. Warren:

The Texas Commission on Environmental Quality is filing the enclosed Deed Notice for the above-referenced site (the Site) in the Dallas County Deed Records Section.

Please index the Deed Notice by 1) Texas Commission on Environmental Quality; 2) property owner as listed in county records (Highland Center, Ltd.); and 3) property description/tract.

A check for the filing fee of \$16.00 for the first page and \$4.00 for each additional page, i.e., \$52.00 for ten (10) pages, of the Deed Notice, as well as a self-addressed stamped envelope, is enclosed.

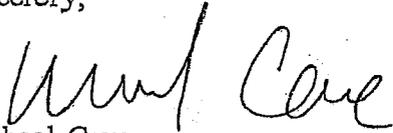
Please return a receipt for the filing fees to the following address:

Michael Cave, Project Manager  
PST/DCRP Section, MC-136  
Remediation Division  
Texas Commission on Environmental Quality  
P.O. Box 13087  
Austin, Texas 78711-3087

Mr. John F. Warren  
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May 15, 2009  
DCRP ID No. 0045

Please contact me at (512) 239-6010 if you have any questions.

Sincerely,

A handwritten signature in cursive script that reads "Michael Cave". The signature is written in black ink and is positioned above the typed name.

Michael Cave  
PST/DCRP Section  
Remediation Division  
Texas Commission on Environmental Quality

MC/cjh

Enclosures

## Notice of Restriction on Use of Perchloroethylene

STATE OF TEXAS

§

COUNTY OF DALLAS

§

§

This Notice is filed to provide information concerning a certain use limitation pursuant to the Texas Health & Safety Code Section 374.1535, and affects the real property (Property) described as follows:

Tract of land containing 1.143 acres or 49,780 square feet in the Andrew S. Jackson Survey, Abstract 703, Dallas County, Texas, and being a portion of Lot 1, Tolson Addition, according to the plat thereof recorded in Volume 84138, Page 3285, Dallas County Deed Records, and being that same call 1.143 acre tract of land described in deed to Highland Center, Ltd. recorded in Volume 98019, Page 2763, Dallas County Deed Records; said 1.143 acre tract of land being more particularly described by metes and bounds in Exhibit A, attached hereto and incorporated herein by reference.

The Texas Commission on Environmental Quality (TCEQ) Dry Cleaner Remediation Program (DCRP) has completed corrective action at the Property to address contamination that resulted from dry cleaning operations. The dry cleaning operations were conducted on a 3,103 square foot lease space area of the Property, which is more particularly described by metes and bounds in Exhibit B, attached hereto and incorporated herein by reference.

This Notice is required for the following reason:

In accordance with Texas Health & Safety Code §374.1535, if the TCEQ has completed corrective action at a dry cleaning site, perchloroethylene may not be used at that site. Accordingly, perchloroethylene may not be used on the portion of the Property described in Exhibit B and shown in the shaded portion of Exhibit C, attached hereto and incorporated herein by reference.

As of the date of this Notice, the record owner of fee title to the Property is Highland Center, Ltd. with an address of 5930 LBJ Freeway, Suite 400, Dallas, Dallas County, Texas, 75240.

For additional information, contact:

TCEQ  
Central Records  
12100 Park 35 Circle, Building E  
Austin, Texas 78753

Mail: TCEQ - MC199  
P.O. Box 13087  
Austin, Texas 78711-3087

TCEQ Program and Identifier No.: DCRP No. 45; RN103984571

This Notice may be rendered of no further force or effect only by a superseding deed notice executed by the TCEQ or its successor agencies and filed in the same Real Property Records as those in which this Deed Notice is filed.

Executed this 8<sup>th</sup> day of April, 2009.

By: 

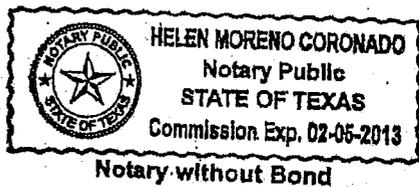
Name: Brent Wade

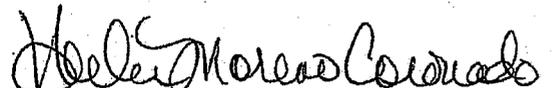
Title: Remediation Division Director

STATE OF TEXAS  
TRAVIS COUNTY

BEFORE ME, on this the 8<sup>th</sup> day of April, 2009, personally appeared Brent Wade, Remediation Division Director of the Texas Commission on Environmental Quality, known to me to be the person whose name is subscribed to the foregoing instrument, and he acknowledged to me that he executed the same for the purposes and consideration therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this the 8<sup>th</sup> day of April, 2009.



  
Notary Public in and for the State of Texas  
County of Travis

My Commission Expires: 02-05-2013

**Exhibit A**  
**Property Description – 1.143 Acres**

Field notes for a tract of land containing 1.143 acres or 49,780 square feet in the Andrew S. Jackson Survey, Abstract 703, Dallas County, Texas, and being a portion of Lot 1, Tolson Addition, according to the plat thereof recorded in Volume 84138, Page 3285, Dallas County Deed Records, and being that same call 1.143 acre tract of land described in deed to Highland Center, Ltd. recorded in Volume 98019, Page 2763, Dallas County Deed Records; said 1.143 acre tract of land being more particularly described by metes and bounds as follows: (bearings are referenced to the Texas Coordinate System NAD 83, North Central Zone)

BEGINNING at a found "X" cut in concrete in the west right-of-way line of Plano Road (100 feet wide, no deed found) and being the common southeast corner of said call 1.143 acre tract and the northeast corner of a call 0.97 acre tract of land described in deed to SRI Real Estate Properties recorded under Document Number 200600470113, Dallas County Deed Records;

THENCE South 84 deg. 21 min. 12 sec. West, along the common line between said call 1.143 acre tract and said call 0.97 acre tract, a distance of 242.49 feet to a found 5/8 inch iron rod with cap in the common line between said Tolson Addition and Security Storage/Kingsley Addition, according to the plat thereof recorded in Volume 95248, Page 1220, Dallas County Deed Records, and being the southwest corner of the tract herein described;

THENCE North 04 deg. 41 min. 32 sec. West, along said common line, a distance of 304.87 feet to a point in the south right-of-way line of Walnut Hill Road (100 feet wide, no deed found) and being the northwest corner of the tract herein described, from which a found 5/8 inch iron rod with cap bears South 88 deg. 11 min. West, 0.52 feet;

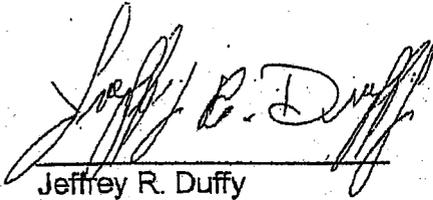
THENCE South 87 deg. 58 min. 43 sec. East, along the south right-of-way line of Walnut Hill Road, a distance of 47.68 feet to a point being the most northerly northeast corner of Lot 1 and the northwest corner of Lot 2, Tolson Addition, from which a found 1/2 inch iron rod bears North 88 deg. 44 min. East, 1.23 feet;

THENCE South 05 deg. 39 min. 34 sec. East, along the common line between said Lot 1 and said Lot 2, a distance of 115.77 feet to a point at the base of a one story building being the southwest corner of said Lot 2, and an interior corner of the tract herein described;

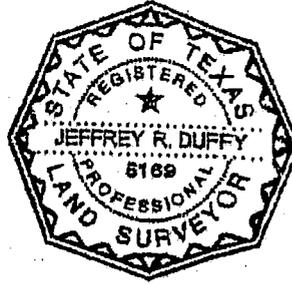
THENCE North 84 deg. 17 min. 52 sec. East, along the north face of said building, and passing through the south face of a one story building at 17.3 feet and continuing through the common face of the two buildings for 47.0 feet, and continuing in all a distance of 190.05 feet to a found "X" cut in concrete in the west right-of-way line of Plano Road marking the common southeast corner of said Lot 2 and the northeast corner of said Lot 1 and the northeast corner of the tract herein described;

Thence South 05 deg. 40 min. 21 sec. East, along the west right-of-way line of Plano Road, a distance of 182.88 feet to the POINT OF BEGINNING and containing 1.143 acres or 49,780 square feet of land.

Landtech Consultants, Inc.



Jeffrey R. Duffy  
Registered Professional Land Surveyor  
Number 5169  
August 15, 2008



Project # 0810122.01-Plano-dwg. 1270-D-2617

**Exhibit B**  
**Property Description – 3,103 Square Foot Lease Space**

Field notes for a lease space area containing 3,103 square feet in a building situated in the Andrew S. Jackson Survey, Abstract 703, Dallas County, Texas, and occupying a portion of Lot 1, Tolson Addition, according to the plat thereof recorded in Volume 84138, Page 3285, Dallas County Deed Records, and being located on that same call 1.143 acre tract of land described in deed to Highland Center, Ltd. recorded in Volume 98019, Page 2763, Dallas County Deed Records; said 3,103 square foot lease area being more particularly described by metes and bounds as follows: (bearings are referenced to the Texas Coordinate System NAD 83, North Central Zone)

COMMENCING at a found "X" cut in concrete in the west right-of-way line of Plano Road (100 feet wide, no deed found and being the common southeast corner of said call 1.143 acre tract and the northeast corner of a call 0.97 acre tract of land described in deed to SRI Real Estate Properties recorded under Document Number 200600470113, Dallas County Deed Records;

THENCE South 84 deg. 21 min. 12 sec. West, along the common line between said call 1.143 acre tract and said call 0.97 acre tract, a distance of 125.38 feet to a point;

THENCE North 05 deg. 38 min. 48 sec. West, perpendicular to the south line of said call 1.143 acre tract, a distance of 5.00 feet to the southeast corner of said building;

THENCE North 05 deg. 45 min. 11 sec. West, along the east face of said building, a distance of 110.83 feet to the southeast corner and POINT OF BEGINNING of the lease space herein described;

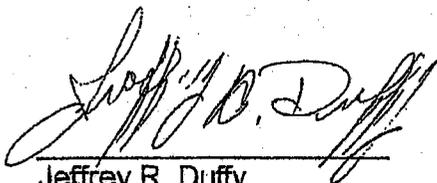
THENCE South 84 deg. 14 min. 49 sec. West, along the south wall line of said lease space, a distance of 70.35 feet to the west face of said building and the southwest corner of the lease space herein described;

THENCE North 05 deg. 45 min. 11 sec. West, along the west face of said building, a distance of 44.11 feet to the northwest corner of the lease space herein described;

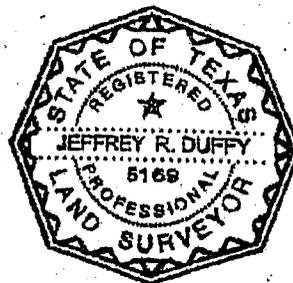
Thence North 84 deg. 14 min. 49 sec. East, along the north wall line of said lease space, a distance of 70.35 feet to the east face of said building and the northeast corner of the lease space herein described;

THENCE South 05 deg. 45 min. 11 sec. East, along the east face of said building, a distance of 44.11 feet to the POINT OF BEGINNING and containing 3,103 square feet.

Landtech Consultants, Inc.



Jeffrey R. Duffy  
Registered Professional Land Surveyor  
Number 5169  
August 15, 2008

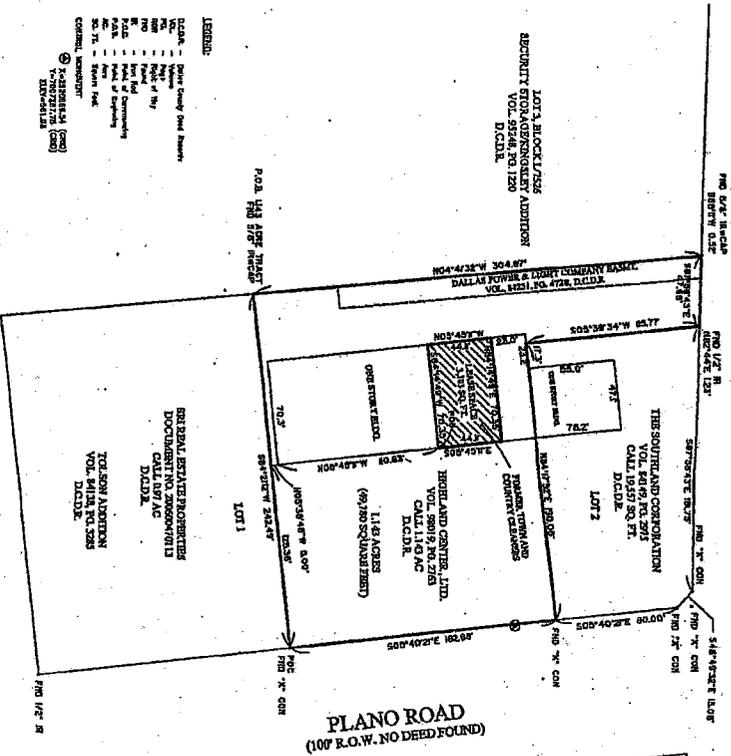


Project # 0810122.01-Plano-dwg. 1270-D-2617

**Exhibit C**  
**Plat of Survey**

**ANDREW S. JACKSON SURVEY  
ABSTRACT NO. 703**

**WALNUT HILL ROAD  
(KINGSLEY ROAD)  
(100' R.O.W. NO DEED FOUND)**

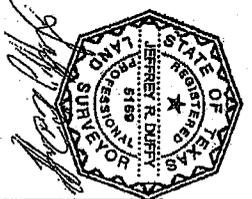
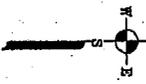


SURVEY OF PART OF LOT 1 AND A LEASE SPACE IN A BUILDING SITUATED IN THE ANDREW S. JACKSON SURVEY, ABSTRACT NO. 703, DALLAS COUNTY, TEXAS, IN TOLSON ADDITION, ACCORDING TO THE PLAT THEREOF RECORDED IN VOLUME 84133, PAGE 3285, DALLAS COUNTY DEED RECORDS, AND BEING THAT SAME CALL 1.143 ACRE TRACT OF LAND DESCRIBED IN DEED TO HIGHLAND CENTER, LTD. RECORDED IN VOLUME 98019, PAGE 2763, DALLAS COUNTY DEED RECORDS.

**LEGEND:**  
 Double - Survey boundary  
 Single - Survey boundary  
 Dotted - Survey boundary  
 Solid - Survey boundary  
 Dashed - Survey boundary  
 Dash-dot - Survey boundary  
 Long-dash - Survey boundary  
 Short-dash - Survey boundary  
 Long-short-dash - Survey boundary  
 Short-long-dash - Survey boundary  
 Long-double-dash - Survey boundary  
 Short-double-dash - Survey boundary  
 Long-triple-dash - Survey boundary  
 Short-triple-dash - Survey boundary  
 Long-quadruple-dash - Survey boundary  
 Short-quadruple-dash - Survey boundary  
 Long-pentuple-dash - Survey boundary  
 Short-pentuple-dash - Survey boundary  
 Long-hexuple-dash - Survey boundary  
 Short-hexuple-dash - Survey boundary  
 Long-heptuple-dash - Survey boundary  
 Short-heptuple-dash - Survey boundary  
 Long-octuple-dash - Survey boundary  
 Short-octuple-dash - Survey boundary  
 Long-nontuple-dash - Survey boundary  
 Short-nontuple-dash - Survey boundary  
 Long-decuple-dash - Survey boundary  
 Short-decuple-dash - Survey boundary  
 Long-undecuple-dash - Survey boundary  
 Short-undecuple-dash - Survey boundary  
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 Short-dodecuple-dash - Survey boundary  
 Long-tridecuple-dash - Survey boundary  
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 Long-pentadecuple-dash - Survey boundary  
 Short-pentadecuple-dash - Survey boundary  
 Long-hexadecuple-dash - Survey boundary  
 Short-hexadecuple-dash - Survey boundary  
 Long-heptadecuple-dash - Survey boundary  
 Short-heptadecuple-dash - Survey boundary  
 Long-octadecuple-dash - Survey boundary  
 Short-octadecuple-dash - Survey boundary  
 Long-ennuple-dash - Survey boundary  
 Short-ennuple-dash - Survey boundary  
 Long-ecuple-dash - Survey boundary  
 Short-ecuple-dash - Survey boundary  
 Long-peruple-dash - Survey boundary  
 Short-peruple-dash - Survey boundary  
 Long-hundreduple-dash - Survey boundary  
 Short-hundreduple-dash - Survey boundary

**Notes:**

- Bearings and coordinates are referenced to the Texas Coordinate System Survey Feet is the unit of measure.
- All coordinates and distances are surface unless otherwise shown.
- As shown grid coordinates are multiple 0.3055647 by the combined state factor 0.9999983256.
- As derivations are based on 8600 88 (CONS) datum or derived from GPS observation of any point DALLAS, TEXAS COUNTY, TEXAS ADJACENT TO THE DENKON TIES ELLIS.
- Boundary of a utility commitment, thereon, easements, right-of-way or set-backs of record, shall be shown, hereon.
- Subdivided property does not lie within an area of Special Flood Hazard based upon FEMA Flood Insurance Rate Map, Orange County, Texas and Incorporated Areas parcel No. 491300215 4, Aug. 23, 2001. This flood statement does not imply that the property and/or structures will be free from flooding, but only that the property is shown as being susceptible on the part of this survey.
- This survey plat is accompanied by separate maps and bounds descriptions.
- Some improvements not shown per the clients instructions.



REVISED SEPT. 30, 2008  
**LANDTECH CONSULTANTS, INC.**  
 Civil Engineering • Land Surveying  
 2525 North Loop West  
 Suite 300  
 Houston, Texas 77008  
 Tel: (713) 861-1989 Fax: (713) 861-1988  
 ORES AUGUST 15, 2008  
 SCALES 1" = 40'  
 DRAWING NO. 1210-0-2517  
 JOB NO. 08102201



Texas Comptroller of Public Accounts

119713652

MAY 14, 2009

051309 0 582 99608379 17560009056 045

PAYING AGENCY: 512-239-0300 TX COMMISSION ON ENVIRONMENTAL QUALITY

PAY FIFTY TWO DOLLARS AND 00/100

\$52.00

TREASURY WARRANT NO. 119713652

TO  
DALLAS COUNTY - COUNTY CLERK  
509 MAIN ST STE 200  
DALLAS, TX 75202-5711

VOID AFTER  
08/31/2011

⑆304⑆ ⑆114900164⑆ ⑆119713652⑆

*Ann Cook*