Municipal Setting Designations

MSDs: Another tool for Houston

Jedediah Greenfield
Program Manager
The Groundwater Cleanup Conundrum

- Presumed that all groundwater should be fit for potable purposes
- Groundwater issues drive most remediation
- Poor job of “engineering” groundwater remediation
- The costs and time associated with groundwater cleanup are too burdensome on most properties
- Other methods have their limitations
The MSD Concept

Most urban areas have municipal water supplies

Potable water often derived from deep aquifers or surface water reservoirs

Urban groundwater impacts often do not threaten potable water

So......restrict groundwater so it cannot be used for potable purposes
MSD History

Concept first developed in Ohio in 1990’s

Introduced in Texas Legislature-2003

Stated purpose was to “provide a less expensive and faster alternative to rules governing the cleanup of contaminated groundwater”

- Results in a deed-recorded restriction on the use of groundwater from beneath the Site for potable purposes.
Houston’s MSD Process

1. Pre-Application Meeting
2. Submit Application to the City
3. Hold Public Meeting
4. Review Application
5. Hold Public Hearing
6. City Council Approves or Denies
7. Submit Application to the TCEQ
8. TCEQ Approves or Denies
9. The Ordinance is filed on the Deed

Comments
Pre-Meeting

- This is not required, but strongly encouraged.
  - Overview of the process
  - Review of site
    - Is plume stable
    - Is plume delineated
  - 1002 Washington, Downtown
Application Submission

- A revised application is located on the City’s website (www.houstonmsd.org)
  - Two hard copies of the application (the well logs are not necessary). Please separate the application appendices with divider sheets that are tabbed.
  - A pdf electronic copy
  - An electronic Excel file with mailing addresses for water well owners and property owners.
Application Review

- Administrative Review
- Compliance Review
### Administrative Review

**Reviewer:**

**Site:**

**MSD #:**

<table>
<thead>
<tr>
<th>Criteria</th>
<th>Initial and date</th>
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</thead>
<tbody>
<tr>
<td>Time stamp the front page on the original COH copy on the cover page and initial:</td>
<td></td>
</tr>
<tr>
<td>Assigned an MSD number and it has been written on the cover page of the application:</td>
<td></td>
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<tr>
<td>All appendices (A-EE) have been reviewed and contain all required information: (Initial and date the &quot;COH Use Only&quot; column in the MSD application next to each appendix if all information is provided)</td>
<td></td>
</tr>
<tr>
<td>Metes and Bounds total acreage matches what is on the application:</td>
<td></td>
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<tr>
<td>A certified Land Surveyor has signed and sealed the legal description:</td>
<td></td>
</tr>
<tr>
<td>The Land Surveyor who certified the land survey is currently registered in the State of Texas: (visit <a href="http://www.txls.state.tx.us/07_rosters/rosters.html">www.txls.state.tx.us/07_rosters/rosters.html</a>. Print page and insert it into the MSD Application, behind the land survey)</td>
<td></td>
</tr>
<tr>
<td>Verify the VCP or other cleanup program number in the TCEQ database. Record the Project Manager in appendix M and initial next to the program number once verified:</td>
<td></td>
</tr>
<tr>
<td>The Professional Engineer has signed and sealed the application (see appendix U):</td>
<td></td>
</tr>
<tr>
<td>The Professional Engineer or Professional Geologist is currently registered in the State of Texas: (For P.E. visit <a href="http://www.tbpe.state.tx.us/search.php">www.tbpe.state.tx.us/search.php</a>. For P.G. visit <a href="http://www.tbpg.state.tx.us">www.tbpg.state.tx.us</a>. Print page and insert it into the MSD Application behind certification seal on appendix U)</td>
<td></td>
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**Notes:**
<table>
<thead>
<tr>
<th>Criteria</th>
<th>Initial and date</th>
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<tbody>
<tr>
<td>Participating in a state or federal cleanup program:</td>
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<td>Program and number:</td>
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<td>TCEQ Program Manager assigned:</td>
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<tr>
<td>The site has been thoroughly investigated including all possible</td>
<td></td>
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<tr>
<td>contaminates that could be expected:</td>
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<tr>
<td>No free phase contamination is present:</td>
<td></td>
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<tr>
<td>Has the groundwater contamination been delineated:</td>
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<tr>
<td>Horizontally:</td>
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<td>Vertically:</td>
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<td>The source of contamination has been removed:</td>
<td></td>
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<tr>
<td>The data supports that the plume is stable or contracting:</td>
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<tr>
<td>Trend is declining:</td>
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<td>Amount of data:</td>
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<td>No pending environmental regulatory actions or ongoing litigation:</td>
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<tr>
<td>There is a drinking water source that supplies, or is capable of</td>
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<td>supplying the site:</td>
<td></td>
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<td>(attach GIMS map)</td>
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<td>Other City Departments/Divisions have not objected to the application:</td>
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<td>Departments/Divisions that provided comments:</td>
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Notes:
Public Meeting

- Held in a community center near the site
- City gives a presentation about the program
- Applicant gives a presentation about the site
- The P.E. or P.G. who prepared the application, or their designee, and the applicant or their legal representative must be present
MSD Notice Letters

Property Owners
First-Class Mail
½-Mile Radius
City Requirement

Water Well Owners
Certified Mail
5-Mile Radius
State Requirement

US Postal Service Click 2 Mail

Municipal Setting Designations (MSDs)
Public Hearing

- Transportation, Technology, & Infrastructure
  - 2nd Tuesday at 10:00 AM
  - Council Chambers
  - Melissa Noriega, Chair

- The P.E. or P.G. who prepared the application, or their designee, and the applicant or their legal representative must be present
Costs

- Application Fee
  - $3,400
  - $1,000 amendment fee
- Mailing Costs
  - Certified - $6.50 and First-Class - $1.50
- Venue Cost
Who Can Join

- Anyone with affected property can join
  - Applicant sets the boundary
  - Talk to your neighbors
  - All property owners must sign appendix x
- Governments
- Non-profits
- Sites in the ETJ
<table>
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<tr>
<th>Months</th>
<th>1</th>
<th>2</th>
<th>3</th>
<th>4</th>
<th>5</th>
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<tr>
<td>Administrative Review</td>
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<td>Internal Compliance Review</td>
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<td>Council Action</td>
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MSD Sites in Houston

Municipal Setting Designations (MSDs)
TCEQ MSD Process

- Site located within the corporate limits or ETJ of a municipality
- A public water supply system can supply or is capable of supplying water to the site
- An ordinance from the municipality
- A resolution of support from other municipalities and retail public utilities
- Proper notice
Resolution of Support

- Municipalities
  - With a border within a ½ mile of the site
  - That owns or operates a groundwater supply well located within 5 miles of the site

- Retail Public Utilities
  - That owns or operates a groundwater supply well located within 5 miles of the site
One area RPU took no action
- Did not support
- Did not necessarily object

MSD applications within 5 miles of the RPU were stopped because they could not get a resolution of support
Houston Area RPU
HB 2826

- Only City of Houston Affected
- Changed notification requirements for Retail Public Utilities (RPU)
  - 120 Day Notice
  - Active Non-Support for the Application
HB 2826

State Application (updated 9/1/2011)

- MSD Information Section

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<tbody>
<tr>
<td>F. Is the property for which the MSD is sought located in a municipality that has a population of two million or more (See most recent place population estimate reported at the Texas State Data Center)</td>
<td>Yes</td>
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<tr>
<td>I. For MSDs located in a municipality with a population more than two million, was a resolution opposing the application adopted by a municipality or retail public utility within 120 days of receipt of the notice?</td>
<td>Yes</td>
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*Do not submit an application if the answer is yes.*
Application Changes

- New version of the application is online
  - All application must use the new version by May 1, 2012

- Some reordering and elimination
  - We no longer request a copy of the application to the State

- Appendix G
  - Plume Stability and Delineation
Application Changes

- Identification of nearest surface water body
  - Part of Appendix C
- We no longer need a GIS file
- We ask for any a list and communications with affected neighbors
  - Appendix Y
- We ask for HCAD numbers
My City Tool
The MSD Website

Municipal Settings Designation

Jedediah Greenfield, Program Manager

City of Houston MSD Application - Updated 1/10/12

Application Form

www.houstonmsd.org

Municipal Setting Designations (MSDs)
Contact Information

Jedediah Greenfield
Program Manager

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Houston, Texas 77002

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(832) 394-9005