



## CITY COUNCIL MEMORANDUM

**From:** The Office of the City Manager

**Date:** January 28, 2019

**Subject:** Approve Resolution No. 2019-007, supporting the Fort Worth Transportation Authority's application to the Texas Commission on Environmental Quality (TCEQ) for a Municipal Setting Designation (MSD) on property located at 2417 E. Long Avenue, Fort Worth, Texas.

**Presenter:** Caroline Waggoner, Director of Public Works

### **Summary:**

Council is being requested to approve a resolution supporting the Fort Worth Transportation Authority's application to Texas Commission on Environmental Quality (TCEQ) for a Municipal Setting Designation (MSD) on property located at 2417 E. Long Avenue, Fort Worth, Texas.

### **General Description:**

This agenda item is to approve Resolution No. 2019-007 supporting an application of the Fort Worth Transportation Authority to the Texas Commission on Environmental Quality (TCEQ) for the property located at 2417 E. Long Avenue, Fort Worth, Texas.

In 2003, the 78th Texas Legislature passed a Municipal Setting Designations (MSD) law that relates to potable groundwater and the requirements for removing contaminants from groundwater. The law authorizes the TCEQ to receive, process and then certify MSD applications for properties within contaminated groundwater. The goal of this law is to reduce corrective action requirements and associated costs for clean-up of contaminated groundwater that are not used as a potable water supply and are not likely to be used in the future. The approval of the MSD by the TCEQ does not mean the site will not be cleaned up; it just permits the ground water to be cleaned to non-drinking water standards.

The Fort Worth Transportation Authority is trying to obtain TCEQ approval for a MSD for property located at 2417 E. Long Avenue, Fort Worth, Texas, although they have no immediate plans to develop the property. The property was purchased in its entirety at the request of the former land owner as part of the TEXRail project in lieu of a partial acquisition. The City of Fort Worth prohibited the use of groundwater for potable purposes at the designated property by ordinance on January 23, 2018. The application to the TCEQ will need to include resolutions from cities located not more than a ½-mile from the MSD property or by cities who own or operate a groundwater supply well located not more than five miles from the property indicating support of the MSD. The cities have the choice to either support or oppose the MSD application. The



City of North Richland Hills owns groundwater supply wells within 5 miles of the MSD property.

Staff has reviewed the technical aspects of the application. Staff would recommend support of the resolution for the following reasons:

1. Based on the on-site groundwater investigation, the on-site shallow groundwater flow direction is towards southeast, away from North Richland Hills. In addition, the depth of on-site shallow groundwater encountered at the property is approximately 10 feet below the ground surface. The closest NRH water wells are located over 4 miles northeast of the subject property with well depths of ranging from 361 to 496 feet.
2. Neither of the two identified wells owned by the City of North Richland Hills are active or connected to the public water supply.
3. The contaminated groundwater is shallow and separated from another underlying body of deeper groundwater by a confining layer of rock. Therefore, it does not threaten the deeper aquifers.

Representatives for the applicant will be present at the City Council Meeting to address any questions City Council may have.

**Recommendation:**

Approve Resolution No. 2019-007.