



## CITY COUNCIL MEMORANDUM

**From:** The Office of the City Manager **Date:** August 8, 2016  
**Subject:** Approve Resolution No. 2016-023 supporting a Municipal Setting Designation (MSD) Application to the Tarrant Commission on Environmental Quality (TCEQ).  
**Presenter:** Mike Curtis, Managing Director

### **Summary:**

Council is being requested to approve a resolution supporting the application to Texas Commission on Environmental Quality (TCEQ) for a Municipal Setting Designation (MSD) on the property located at 600 North Beach Street, Fort Worth, Texas.

### **General Description:**

This agenda item is to approve Resolution No. 2016-023 supporting an application of Industrial Power LLC to the Texas Commission on Environmental Quality (TCEQ) for the property located at 600 North Beach Street, 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 authorized 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 is not used as a potable water supply and is not likely to be used in the future.

Industrial Power LLC is trying to obtain TCEQ approval for a MSD for property located at 600 North Beach Street, Fort Worth, Texas. The City of Fort Worth passed an ordinance on April 19, 2016 prohibiting the use of groundwater for potable purposes at the designated property. The application to the TCEQ will need to include resolutions from cities located within a 5-mile radius of the MSD property indicating support of the MSD. The City has the choice to either support or not support the MSD application.

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 20 feet below the ground surface. The NRH water wells are



located approximately 2.5 miles northeast of the subject property with well depths of ranging from 665 to 1,485 feet.

2. Considering the NRH water wells are located up-gradient to the subject property as well as the water well depths, the potential impact of the chemicals detected in the on-site shallow groundwater in NRH water wells is unlikely.
3. The contaminated groundwater is shallow and appears to be separated from another underlying body of deeper groundwater by a confining layer of rock. Therefore it does not threaten the deeper aquifers.
4. The only water wells located in NRH which fall into the 5 mile radius are either irrigation wells (at the golf course) or water wells that have been plugged and are no longer in use.

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

**Recommendation:**

Approve Resolution No. 2016-023.