

A Resolution

NO. 4620-04-2016

**IN SUPPORT OF THE APPLICATION OF INDUSTRIAL POWER LLC
TO THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY FOR A MUNICIPAL
SETTING DESIGNATION FOR 600 NORTH BEACH STREET, FORT WORTH, TEXAS**

WHEREAS, Industrial Power LLC (Applicant) has filed an application for support of a resolution seeking a Municipal Setting Designation for the site known as 600 North Beach Street, Fort Worth, Texas, the metes and bounds description being attached hereto as Exhibit "A" (Site), and map of same being attached hereto as Exhibit "B" (Site Map), to the Texas Commission on Environmental Quality; and

WHEREAS, a public meeting on the application for support was held in Fort Worth on March 31, 2016, and a public hearing was held in Fort Worth on April 19, 2016, and the affected community was duly notified of same and allowed the opportunity to comment; and

WHEREAS, an approved public drinking water supply system exists that supplies or is capable of supplying drinking water to the Site and to locations within one-half mile of the Site; and

WHEREAS, Applicant has filed documentation with the city stating that contaminants identified within the designated groundwater, associated with historical uses of the Site, that have been detected in concentrations exceeding residential assessment levels for potable use include arsenic, lead, cis-1,2-dichloroethene, tetrachloroethene, trichloroethene, and pentachlorophenol; and

WHEREAS, Applicant has further filed documentation with the city stating that this contamination is contained within the shallow, perched groundwater beneath the Site; and

WHEREAS, the City of Fort Worth, by ordinance, shall, upon adoption of this ordinance, prohibit the use of designated groundwater beneath the Site for potable purposes as well as for irrigation; and

WHEREAS, upon passage of this supporting resolution by the City Council, Applicant intends to file an application with the Texas Commission on Environmental Quality for certification of a Municipal Setting Designation for the Site pursuant to Texas Health and Safety Code, Chapter 361, Subchapter W; and

WHEREAS, Applicant has continuing obligations to satisfy applicable statutory and regulatory provisions concerning groundwater contamination investigation and response actions at the Site; and

WHEREAS, the certification of a Municipal Setting Designation for the Site is in the best interests of the community.



**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE
CITY OF FORT WORTH, TEXAS:**

That the City of Fort Worth City Council supports Applicant's request to the Texas Commission on Environmental Quality for a Municipal Setting Designation of the Site described in Exhibit A and B.

The property for which designation is sought is subject to an ordinance that prohibits the use of designated groundwater from beneath the property as potable water and that appropriately restricts other uses of and contact with that groundwater.

Adopted this 19th day of April, 2016.

ATTEST:

By: _____

Mary J. Kayser, City Secretary

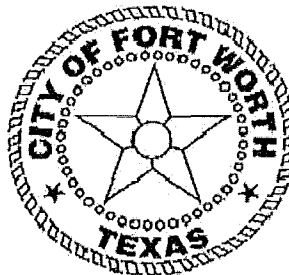


EXHIBIT A

TRACT 1

Being a 0.98 acre tract of land situated In the Richard Crowley Survey, Abstract Number 1636 and the William Bussell Survey, Abstract Number 151, located In the City of Fort Worth, Tarrant County, Texas, being all of Lots 3,4,5,13,14, and 15, Block 2, Wiesenberger Addition, on addition to the City of Fort Worth, recorded In Volume 388-1 A, Page 120, Plat Records of Tarrant County, Texas (P.R.T.C.T.), said 0.98 acre tract being more particularly described as follows;

BEGINNING at a point at the northwest corner of said Lot 3, Block 2, and on the south right-of-way line of White Settlement Rood (70 feet wide);

THENCE North 89 degrees 30 minutes East, with the said south right-of-way line of White Settlement Road, a distance of 150 feet to a point for corner at the northeast corner of said Lot 5, Block 2;

THENCE South 00 degrees 30 minutes East, with the east line of said Lot 5, Block 2, passing at of distance of 142 feet the southeast corner of said Lot 5, Block 2 and the northeast corner of said Lot 15, Block 2, continuing with the east line of said Lot 15, Block 2, a total distance of 284 feet to a point for corner at the southeast corner of said Lot 15, Block 2 and on the north right-of-way line of Whitmore Street (60 feet wide);

THENCE South 89 degrees 30 minutes West with the said north right-of-way line of Whitmore Street, a distance of 150 feet to a point for corner at the southwest corner of said Lot 13, Block 2;

THENCE North 00 degrees 30 minutes West, with the west line of said Lot 13, Block 2, passing at a distance of 142 feet the northwest corner of said Lot 13, Block 2 and the southwest corner of said Lot 3, Block 2, continuing with the west line of said Lot 3, Block 2, a total distance of 284 feet to the POINT OF BEGINNING and containing 0.98 acres, or 42,600 square feet of land, more or less.

TRACT 2

Being a 1.14 acre tract of land situated in the Richard Crowley Survey, Abstract Number 1636 and the William Bussell Survey, Abstract Number 151, located in the City of Fort Worth, Tarrant County, Texas, being all of Lots 3,4,5,6,7,15 and 16, Block 7, Wiesenberger Addition, an addition to the City of Fort Worth, recorded in Volume 388-1A, Page 120, Plat Records of Tarrant County, Texas (P.R.T.C.T.), said 1.14 acre tract being more particularly described as follows;

BEGINNING at a point at the northwest corner of said Lot 3, Block 7, and on the south right-of-way line of Whitmore Road (60 feet wide);

THENCE North 89 degrees 30 minutes East, with the said south right-of-way line of Whitmore Road, a distance of 250 feet to a point for corner at the northeast corner of said Lot 7, Block 7;

THENCE South 00 degrees 30 minutes East, with the east line of said Lot 7, Block 7, a distance of 142 feet to a point for corner at the southeast corner of said Lot 7, Block 7;

THENCE South 89 degrees 30 minutes West, with the south line of said Lot 7, Block 7, a distance of 50 feet to a point for corner at the common corner of said Lot 6, 7, and 16, Block 7;

THENCE South 00 degrees 30 minutes East, with the east line of said Lot 16, Block 7, a distance of



142 feet to a point for corner at the southeast corner of said Lot 16, Block 7 and on the north right-of-way line of Wiesenberger Street (60 feet wide);

THENCE South 89 degrees 30 minutes West with the said north right-of-way line of Wiesenberger Street, a distance of 100 feet to a point for corner at the southwest corner of said Lot 15, Block 7;

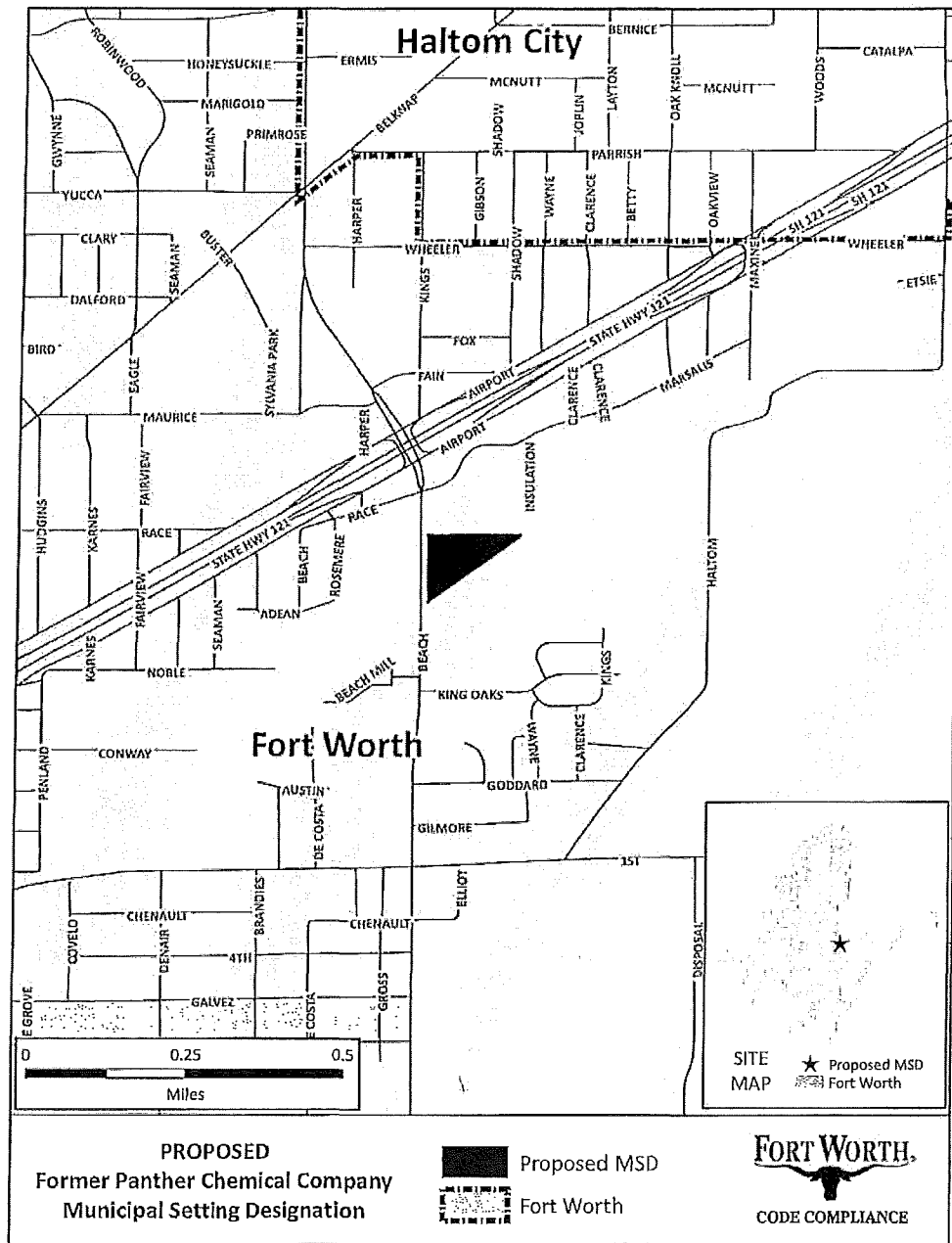
THENCE North 00 degrees 30 minutes West, with the west line of said Lot 15, Block 7, a distance of 142 feet to a point for corner at the common corner of said Lot 4, 5, and 15, Block 7;

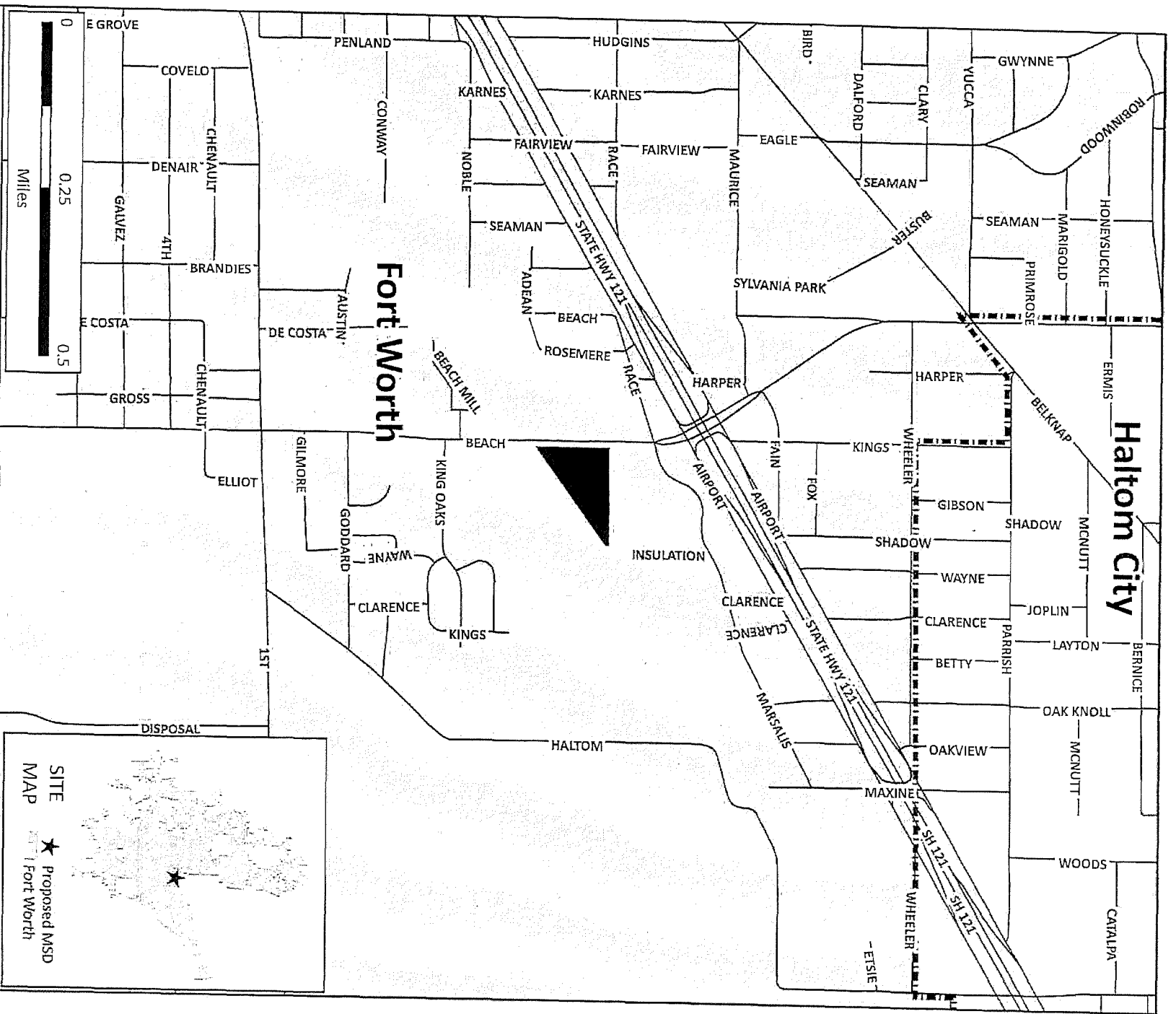
THENCE South 89 degrees 30 minutes West, with the south line of said Lot 4, Block 7, passing at a distance of 50 feet the southwest corner of said Lot 4, Block 7 and the southeast corner of said Lot 3, Block 7, continuing with the south line of said Lot 3, Block 7, a total distance of 100 feet to a point for corner at the southwest corner of said Lot 3, Block 7;

THENCE North 00 degrees 30 minutes West, with the west line of said Lot 3, Block 7, a distance of 142 feet to the POINT OF BEGINNING and containing 1.14 acres, or 49,700 square feet of land, more or less.



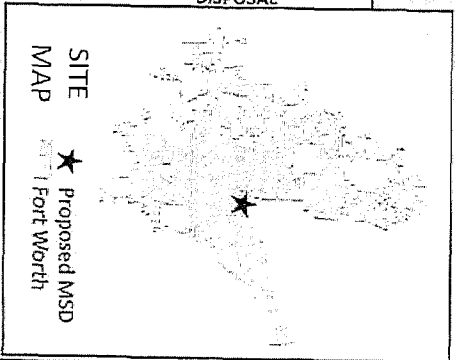
EXHIBIT B





Fort Worth

Haltom City



PROPOSED
Former Panther Chemical Company
Municipal Setting Designation

 Proposed MSD
 Fort Worth

FORT WORTH
CODE COMPLIANCE

City of Fort Worth, Texas
Mayor and Council Communication

COUNCIL ACTION: Approved on 4/19/2016 - Resolution No. 4620-04-2016 & Ordinance No. 22176-04-2016

DATE: Tuesday, April 19, 2016

REFERENCE NO.: G-18723

LOG NAME: 23MSD FOR INDUSTRIAL POWER, LLC FOR USE AS PARKING FOR TRUCKS

SUBJECT:

Conduct Public Hearing, Adopt Resolution Supporting Industrial Power, LLC's Application to the Texas Commission on Environmental Quality for a Municipal Setting Designation for the Property Located at 600 North Beach Street and Adopt an Ordinance Prohibiting the Potable Use of Designated Groundwater from Beneath the Site (COUNCIL DISTRICT 4)

RECOMMENDATION:

It is recommended that the City Council:

1. Conduct a public hearing to allow the public the opportunity to give testimony regarding Industrial Power, LLC's application for approval of a Municipal Setting Designation for the property located at 600 North Beach Street, a 5.653 acre site more fully described in the metes and bounds description included with the attached resolution;
 2. Adopt the attached resolution supporting the applicant's application to the Texas Commission on Environmental Quality for a Municipal Setting Designation for the site; and
 3. Adopt the attached ordinance prohibiting the potable use of designated groundwater from beneath the site.
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DISCUSSION:

On January 21, 2016, Industrial Power, LLC, d/b/a Industrial Power Trucking, filed an application with the City seeking support of a Municipal Setting Designation (MSD) for property located at 600 North Beach Street. The site includes 5.653 acres. Industrial Power, LLC, will use the location for overflow parking on a gravel base for truck sales. The site is zoned K-Industrial and the planned use is appropriate.

Staff from the Planning and Development, Transportation and Public Works and Water departments reviewed the application for potential impacts to City interests. Staff identified no significant concerns. Notice was issued, as required by ordinance and a public meeting was held at the Riverside Community Center on March 31, 2016.

The groundwater that is sought to be restricted is shallow, perched groundwater that is underlain by a confining layer of approximately 500 feet in thickness. The affected shallow groundwater is not a designated, recognized major or minor aquifer. The chemicals of concern detected in the designated groundwater include arsenic, lead, cis-1,2-dichloroethene, tetrachloroethene, trichloroethene and pentachlorophenol in the shallow groundwater at levels exceeding the applicable Tier 1 Texas Risk Reduction Program (TRRP) Residential Protective Concentration Levels.

The Fort Worth Water Department provides water service to all existing residential and commercial/

industrial properties within the city limits of the City of Fort Worth, within half a mile of the MSD boundary. All undeveloped properties (within the city limits of the City of Fort Worth) within half a mile of the site are eligible to receive water service from the Fort Worth Water Department, in accordance with the Texas Water Service Certificate of Convenience and Necessity (CCN) No. 12311 and the City of Fort Worth Policy for the Installation of Community Services. The City of Haltom City has a border within one-half of a mile of the MSD boundary.

In 2003, a state law became effective creating the concept of a MSD. The purpose of a MSD is to certify properties in order to limit the scope of or eliminate the need for investigation of or response actions addressing contaminant impacts to groundwater that has been restricted from use as potable water by municipal ordinance. A person, typically a developer, must apply to the Texas Commission on Environmental Quality (TCEQ) for certification of their property as a MSD. If granted, they will not be required to clean up designated groundwater on their site to drinking water standards, although other cleanup standards such as inhalation and contact must still be met. The application will not be approved by TCEQ if the municipality where the site is located does not give formal approval. That approval must be by means of a City Council resolution supporting the application and an ordinance prohibiting potable use of groundwater in the MSD (potable water is water used for irrigating crops intended for human consumption, drinking, showering, bathing or cooking purposes).

In January 2005, the City Council adopted an ordinance creating a procedure for persons applying to TCEQ for a MSD to get support of that application from the City Council. The procedure includes filing an application with the City, Staff review of the application for potential impacts to City interests, a public meeting held for the purpose of providing information on the application to the affected community and a public hearing.

The site is located in COUNCIL DISTRICT 4, Mapsco 64N and 64P.

This M&C does not request approval of a contract with a business entity.

FISCAL INFORMATION / CERTIFICATION:

The Director of Finance certifies that this action will have no material effect on City funds.

FUND IDENTIFIERS (FIDs):

TO

Fund	Department ID	Account	Project ID	Program	Activity	Budget Year	Reference # (Chartfield 2)	Amount

FROM

Fund	Department ID	Account	Project ID	Program	Activity	Budget Year	Reference # (Chartfield 2)	Amount

CERTIFICATIONS:

Submitted for City Manager's Office by:

Fernando Costa (6122)

Originating Department Head:

Brandon Bennett (6345)

Additional Information Contact:

Cody M. Whittenburg (5455)
