



CITY COUNCIL MEMORANDUM

From: The Office of the City Manager **Date:** October 24, 2016
Subject: Approve Resolution No. 2016-031, supporting a Municipal Setting Designation (MSD) Application to the Texas 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 properties located at 6700 Baker Blvd., 6750 Baker Blvd., 3204 Diana Dr., 3201 Diana Dr., 3200 Diana Dr., 6700 Rena Dr., 6724 Rena Dr., and adjacent city rights-of-way on Diana Dr., Rena Dr., Matthews Dr., and Rufe Snow Dr., Richland Hills, Texas.

General Description:

This agenda item is to approve Resolution No. 2016-031 supporting an application of the City of Richland Hills to the Texas Commission on Environmental Quality (TCEQ) for the properties located at 6700 Baker Blvd., 6750 Baker Blvd., 3204 Diana Dr., 3201 Diana Dr., 3200 Diana Dr., 6700 Rena Dr., 6724 Rena Dr., and adjacent city rights-of-way on Diana Dr., Rena Dr., Matthews Dr., and Rufe Snow Dr., Richland Hills, 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 City of Richland Hills is trying to obtain TCEQ approval for a MSD for properties located at 6700 Baker Blvd., 6750 Baker Blvd., 3204 Diana Dr., 3201 Diana Dr., 3200 Diana Dr., 6700 Rena Dr., 6724 Rena Dr., and adjacent city rights-of-way on Diana Dr., Rena Dr., Matthews Dr., and Rufe Snow Dr., Richland Hills, Texas for the construction of a new recreation center. The City of Richland Hills passed an ordinance on October 4, 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 cities have 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 25 to 30 feet below the ground surface. The closest NRH water wells are located approximately 3.29 miles northeast of the subject property with well depths of ranging from 655 to 1,410 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 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 Council Meeting to address any questions Council may have.

Recommendation:

Approve Resolution No. 2016-031.

