



CITY COUNCIL COMMUNICATION

November 24, 2009

SUBJECT: Resolution supporting an application to establish a Municipal Setting Designation for a tract of land located in the City of Arlington at 2131 N. Collins Street (FM 157).

SUBMITTED BY: Ron Young, Director of Public Works

REFERENCE NO: Resolution No. 09-1325

ACTION REQUESTED:

Consider approval of Resolution No. 09-1325, supporting an application to establish a Municipal Setting Designation for a tract of land, located in the City of Arlington at 2131 N. Collins Street (FM 157).

ALTERNATIVES:

- Approve – *Simple Majority*
- Deny – *Simple Majority*
- Table – *Simple Majority*

SUMMARY OF SUBJECT:

In 2003, the 78th Texas Legislature passed House Bill 3157 enacting a Municipal Setting Designation (MSD) law. An MSD is an official State designation given to property within a municipality or its extra territorial jurisdiction that certifies that designated groundwater at the property is not used as potable water and is prohibited from future uses as potable water since that water is contaminated.

The purpose of the MSD law is to provide a less expensive and faster alternative to the existing state environmental regulations governing the investigation and cleanup of contaminated groundwater. By providing this alternative way to address contaminated groundwater that will not be used as potable water, property owners may be more inclined to develop or redevelop properties in municipal areas that have contaminated groundwater.

The City of Euless has one (1) groundwater source used for potable water supply that is located within a five (5) mile radius from the proposed MSD site. The groundwater gradient at the proposed MSD site falls to the north northeast away from the Euless groundwater sources. The groundwater gradient and the depth of groundwater are such that an MSD at this site will pose no threat to the Euless water supply.

Representatives of the proposed MSD site have approached the City of Euless seeking municipal support for their application to TCEQ for a Municipal Setting Designation. For an MSD to be certified by TCEQ, municipal support is essential. The City of Euless is not obligated to support this or any other MSD application, however, without City of Euless support in the form of the proposed resolution TCEQ is statutorily required to deny the MSD application since it is incomplete.

The City of Arlington at their September 22, 2009, meeting adopted an ordinance prohibiting the use of groundwater at the proposed MSD site for potable water uses. The City of Arlington, by the same ordinance, expressed support for an application to TCEQ for a Municipal Setting Designation at the proposed MSD site.

Staff has determined that a Municipal Setting Designation for the property located at 2131 N. Collins Street in the City of Arlington, Texas, will have no effect upon the quality of water produced from the wells located in the City of Euless. Your approval of this resolution is requested.

SUPPORTING DOCUMENTS:

- Resolution No. 09-1325

APPROVED BY:

_____ **LG** _____

City Manager's Office

_____ **SC** _____

City Secretary's Office