



MUNICIPAL SETTING DESIGNATIONS (MSDs)

Application Process and Frequently Asked Questions for MSD's

What is a MSD?

A MSD is an official state designation given to property within a municipality of its extraterritorial jurisdiction that certifies that designated groundwater at the property is not used as potable water, and is prohibited from future use as potable water because that groundwater is contaminated in excess of the applicable potable-water protective concentration level. The prohibition must be in the form of a city ordinance, or a restrictive covenant that is enforceable by the city and filed in the property records.

What is the purpose?

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 ordinance.

How do I apply?

An application must be completed by an electronic portable digital file, along with at least one paper copy of the application and any supporting documentation submitted to the Director.

What steps are taken after I submit an application?

The Director shall distribute a copy of the complete application to PW&E, City Attorney, the Mayor's Office, the Department of Health and Human Services and any other city department whose property or operations may be affected by the application for review and comment. The Director shall also send a copy of the application to the TCEQ. Staff must send the Director a report within ten (10) business days of receiving the application, noting any discrepancies in the application and advising of any City interest that may potentially be impacted by the proposed MSD. After the staff review process is complete, the Director will determine whether the application is complete. Within thirty (30) days after submission of an application, the Director shall notify the applicant that the application is complete or notify the applicant in writing of any deficiencies in the application and of any additional documentation required. If the application is complete, he will schedule both a public meeting and a public hearing. If the Director determines the application is incomplete, the applicant will have sixty (60) days from the date of the deficiency letter to correct the deficiencies or submit additional documentation. Failure to correct or supplement the application within the sixty (60) day period, will result in the application being withdrawn and the initial filing fee being forfeited. No application shall be deemed complete until all supporting documentation is supplied.

Who sends notice of the meeting and hearing?

Once receipt of the estimated cost of mailing notices and advertising is received, the City of Houston will send notice of the meeting and hearing by regular mail to all persons identified in your application as requiring notice, at least thirty (30) days prior to the meeting. Notice of the public meeting will be published in a newspaper of general circulation at least thirty (30) days before the public meeting. The notice must be written in at least English and Spanish. A copy of the application will be placed on display at the public library closet to the designated property at least thirty (30) days prior to the public meeting.

Who must attend the public meeting?

The applicant, the licensed professional engineer or licensed professional geoscientist who signed and sealed the application, or a licensed professional engineer or licensed professional geoscientist who is familiar with the application must be present. Failure to appear may result in the application being withdrawn and any fees forfeited or rescheduling of the public meeting at the applicant's expense. (Purpose of meeting: to provide information to the community about MSD's in general and the application in specific, allow the applicant to explain the application and allow proponents/opponents to comment, and notify the community of the date of the city council public hearing.)

The public hearing.

A public hearing will be conducted by City Council to consider a municipal setting designation ordinance. Prior to this hearing, the Director shall prepare a recommendation as to whether the municipal setting designation ordinance should be granted or denied, and listing of any conditions that should be imposed.

Are there additional requirements after the approval of an application?

Yes. Within thirty (30) days after adoption of a MSD ordinance, the applicant must provide 1) an electronic file showing the location of the designated property and the designated groundwater in a format compatible with the city's geographic information system and its integrated land management system to the Director, 2) an electronic file showing the location of the designated property and the designated groundwater in a format compatible with their system to HCAD, 3) the applicant shall provide the Director with a copy of the MSD certificate issued by the TCEQ pursuant to Section 361.807 of the Texas Health and Safety Code within thirty (30) days after issuance of the certificate, 4) you must provide the Director with a copy of the certificate of completion or other analogous documentation issued by the TCEQ or EPA .

Who do I contact if I have questions?

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