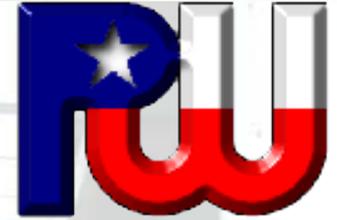


# Municipal Setting Designations

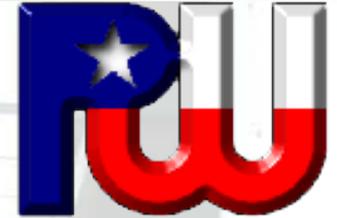


MSDs: Another tool for Houston

Jedediah Greenfield  
Program Manager

**Municipal Setting Designations (MSDs)**

# The Groundwater Cleanup Conundrum



- Presumed that all groundwater should be fit for potable purposes
- Groundwater issues drive most remediation
- Poor job of “engineering” groundwater remediation
- The costs and time associated with groundwater cleanup are too burdensome on most properties
- Other methods have their limitations



# The MSD Concept

Most urban areas have municipal water supplies

Potable water often derived from deep aquifers or surface water reservoirs

Urban groundwater impacts often do not threaten potable water



*So.....restrict groundwater so it cannot be used for potable purposes*



# MSD History

Concept first developed in Ohio in 1990's

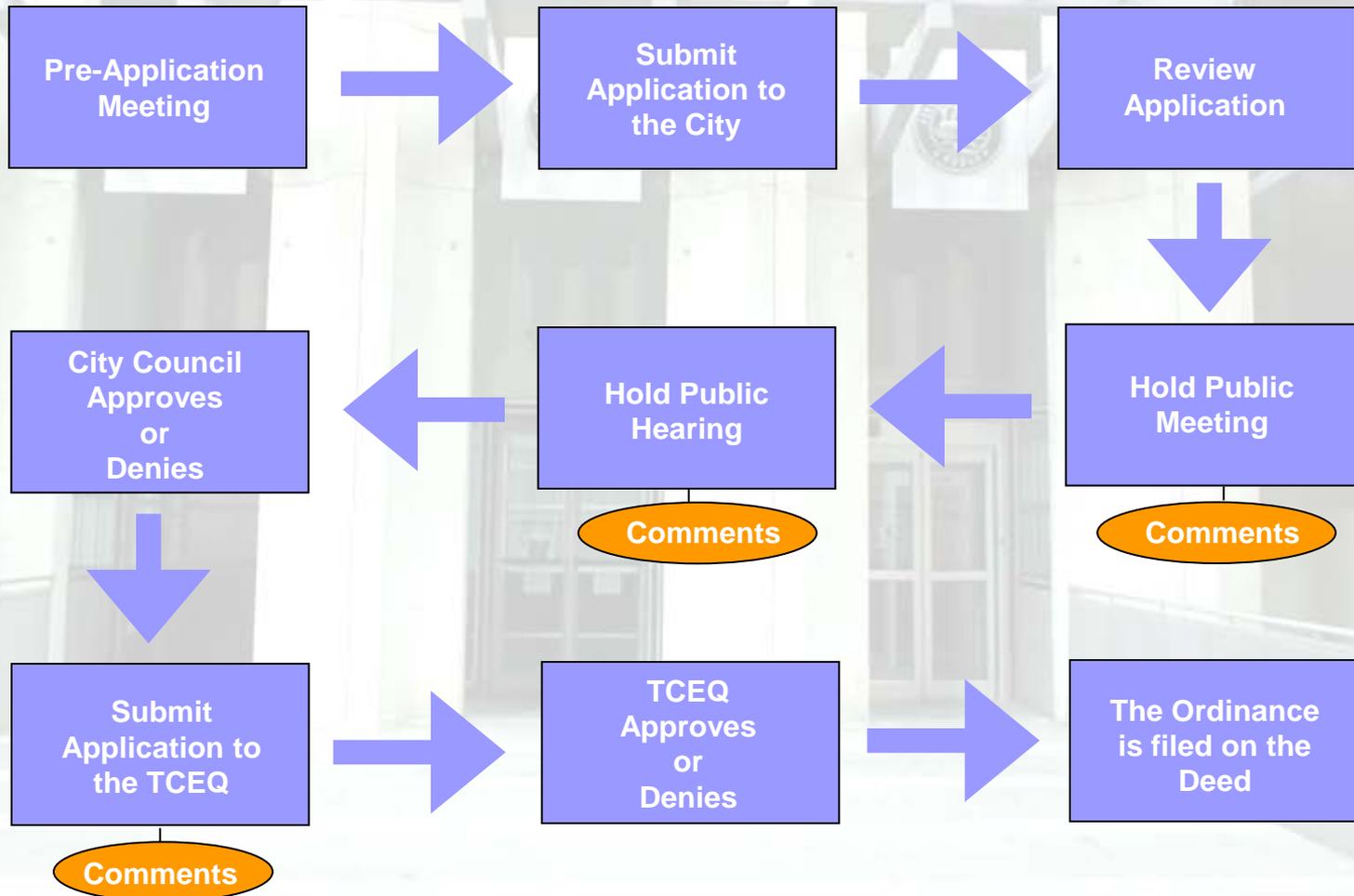
Introduced in Texas Legislature-2003



Stated purpose was to “provide a less expensive and faster alternative to rules governing the cleanup of contaminated groundwater”

- Results in a deed-recorded restriction on the use of groundwater from beneath the Site for potable purposes.

# Houston's MSD Process



# Pre-Meeting



- This is not required, but strongly encouraged.
  - Overview of the process
  - Review of site
    - Is plume stable
    - Is plume delineated
  - 1002 Washington, Downtown

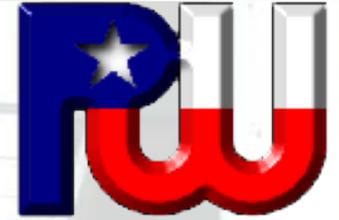


# Application Submission



- A revised application is located on the City's website ([www.houstonmsd.org](http://www.houstonmsd.org))
  - Two hard copies of the application (the well logs are not necessary). Please separate the application appendices with divider sheets that are tabbed.
  - A pdf electronic copy
  - An electronic Excel file with mailing addresses for water well owners and property owners.

# Application Review



- Administrative Review



- Compliance Review



### Administrative Review

Reviewer: \_\_\_\_\_

Site: \_\_\_\_\_

MSD #: \_\_\_\_\_



Criteria	Initial and date
Time stamp the front page on the original COH copy on the cover page and initial:	
Assigned an MSD number and it has been written on the cover page of the application:	
All appendices (A-EE) have been reviewed and contain all required information: (Initial and date the "COH Use Only" column in the MSD application next to each appendix if all information is provided)	
Metes and Bounds total acreage matches what is on the application:	
A certified Land Surveyor has signed and sealed the legal description:	
The Land Surveyor who certified the land survey is currently registered in the State of Texas: (visit <a href="http://www.txls.state.tx.us/07_rosters/rosters.html">www.txls.state.tx.us/07_rosters/rosters.html</a> . Print page and insert it into the MSD Application, behind the land survey)	
Verify the VCP or other cleanup program number in the TCEQ database. Record the Project Manager in appendix M and initial next to the program number once verified:	
The Professional Engineer has signed and sealed the application (see appendix U):	
The Professional Engineer or Professional Geologist is currently registered in the State of Texas: (For P.E. visit <a href="http://www.tbpe.state.tx.us/search.php">www.tbpe.state.tx.us/search.php</a> , for P.G. visit <a href="http://www.tbpg.state.tx.us">www.tbpg.state.tx.us</a> . Print page and insert it into the MSD Application behind certification seal on appendix U)	

**30  
Days**

Notes:

### Program Compliance Review

Reviewer: \_\_\_\_\_  
Site: \_\_\_\_\_  
MSD #: \_\_\_\_\_

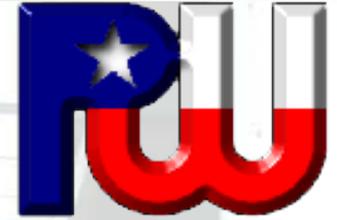
Criteria	Initial and date
Participating in a state or federal cleanup program: Program and number: TCEQ Program Manager assigned:	
The site has been thoroughly investigated including all possible contaminants that could be expected:	
No free phase contamination is present:	
Has the groundwater contamination been delineated: Horizontally:	
Vertically:	
The source of contamination has been removed:	
The data supports that the plume is stable or contracting: Trend is declining: Amount of data:	
No pending environmental regulatory actions or ongoing litigation:	
There is a drinking water source that supplies, or is capable of supplying the site: (attach GIMS map)	
Other City Departments/Divisions have not objected to the application: Departments/Divisions that provided comments:	

Notes:



# 15-30 Days

# Public Meeting



- Held in a community center near the site
- City gives a presentation about the program
- Applicant gives a presentation about the site
- The P.E. or P.G. who prepared the application, or their designee, and the applicant or their legal representative must be present



# MSD Notice Letters





**CITY OF HOUSTON**  
Public Works and Engineering Department

**Annie D. Parker**  
Mayor

Michael S. Marotta, P.E., D.WRE, BCEE  
Director  
P.O. Box 1562  
Houston, Texas 77251-1562  
[www.houstontx.gov](http://www.houstontx.gov)

February 3, 2010

RE: MSD Application #2009-022-FCE  
1111 Lockwood Drive, Houston, TX 77020

Dear Recipient:

Enclosed is a public meeting notice about an upcoming meeting in your area. This is an informational meeting about a property at 1111 Lockwood Drive, Houston, TX 77020 that has contaminated groundwater. We welcome you to attend the public meeting, but it is not mandatory that you come.

The public meeting will be held at:  
3/11/2010  
6:00 PM  
Ripley House  
4410 Navigation, Houston, TX 77011

The following notice will give you additional details about the type of contamination that has been found at the site. Please note: the groundwater contamination at the site is very shallow and is not the groundwater that the City of Houston uses for some of its drinking water. Most of the City's drinking water is now from surface water (Lakes Houston, Conroe, and Livingston).

The purpose of this public meeting is to inform you, the nearby neighbors and well owners, about the Municipal Settings Designation (MSD) program and the application. During the meeting a representative from the city will talk about the MSD program and then the MSD applicant will talk about the site. You may come to the meeting just to listen or you can share a comment. Comments can be given in person at the meeting or you can send them to the State of Texas and/or to the City of Houston at the following addresses:

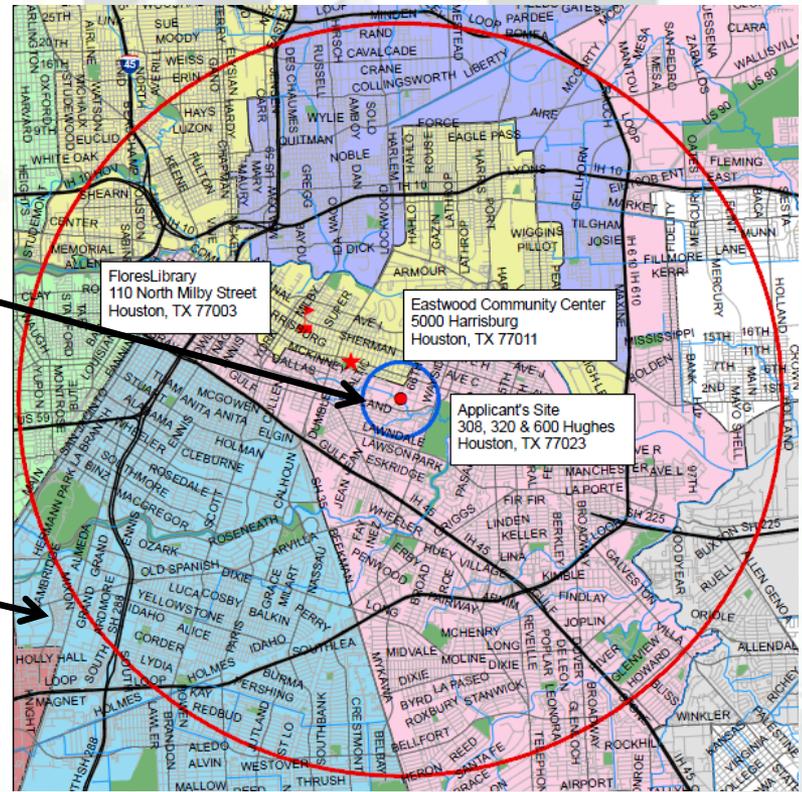
Mr. Scott Settemeyer Remediation Division Texas Commission on Environmental Quality P.O. Box 13087, MC-225 Austin, Texas 78711.	Richard Chapin Public Works and Engineering Department City of Houston 611 Walker, 19th Fl. Houston, Texas 77002 msd@cityofhouston.net (713) 837-0928
---	---

A MSD is the way the city can legally say that the contaminated groundwater at a property cannot be used for drinking water now or in the future, thereby protecting public health. It may also help a contaminated site developer or redeveloper because the state's requirements to clean up contaminated groundwater may be set at levels based on this restriction. The MSD does not excuse the applicant from clean up activities such as removing the surface soil or reducing other risks to the public.

Council Members: Brenda Stapp, Jeni Johnson, Anna Cullenback, Wanda Adams, Mia Sullivan, Al Hoang, Oliver Pennington, Edward Gonzalez, James O. Rodriguez, Stephen C. Canale, Sue Lovell, Melissa Rodriguez, C.O. "Skip" Bradford, Amanda Jones, Constance Bonard, C. Green

Property Owners  
First-Class Mail  
½-Mile Radius  
*City Requirement*

Water Well Owners  
Certified Mail  
5-Mile Radius  
*State Requirement*



*US Postal Service Click 2 Mail*

## Municipal Setting Designations (MSDs)

# Public Hearing



- Transportation, Technology, & Infrastructure
  - 2<sup>nd</sup> Tuesday at 10:00 AM
  - Council Chambers
  - Melissa Noriega, Chair
- The P.E. or P.G. who prepared the application, or their designee, and the applicant or their legal representative must be present





# Who Can Join



- Anyone with affected property can join
  - Applicant sets the boundary
  - Talk to your neighbors
  - All property owners must sign appendix x
- Governments
- Non-profits
- Sites in the ETJ

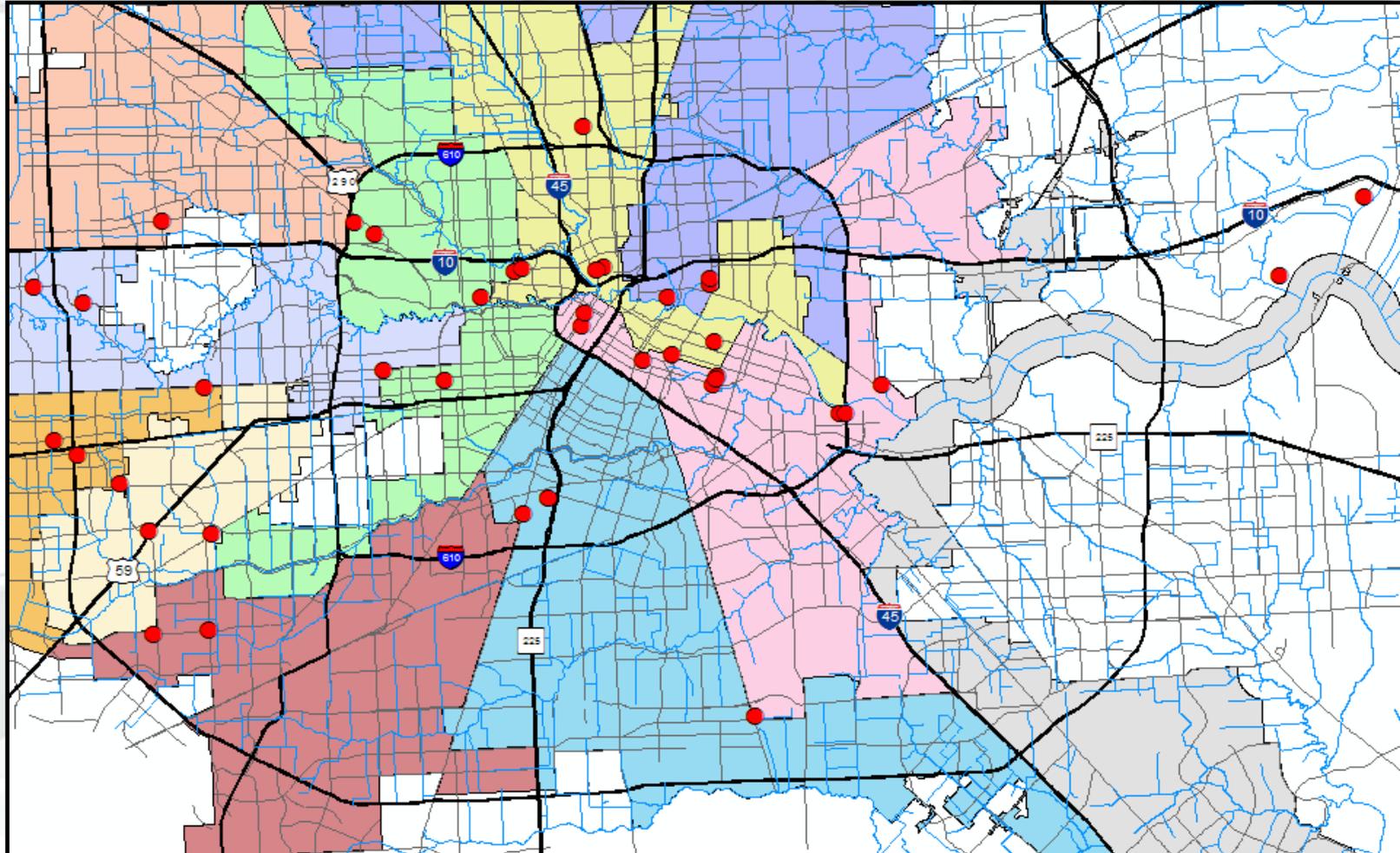


# Timeline



Months	1	2	3	4	5
Administrative Review	█				
Internal Compliance Review	█	█			
Public Meeting			█		
Public Hearing				█	
Council Action					█

# MSD Sites in Houston



Municipal Setting Designations (MSDs)

# TCEQ MSD Process



- Site located within the corporate limits or ETJ of a municipality
- A public water supply system can supply or is capable of supplying water to the site
- An ordinance from the municipality
- A resolution of support from other municipalities and retail public utilities
- Proper notice

# Resolution of Support



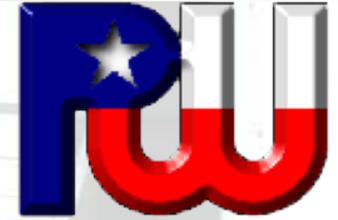
## ■ Municipalities

- With a border within a ½ mile of the site
- That owns or operates a groundwater supply well located within 5 miles of the site

## ■ Retail Public Utilities

- That owns or operates a groundwater supply well located within 5 miles of the site

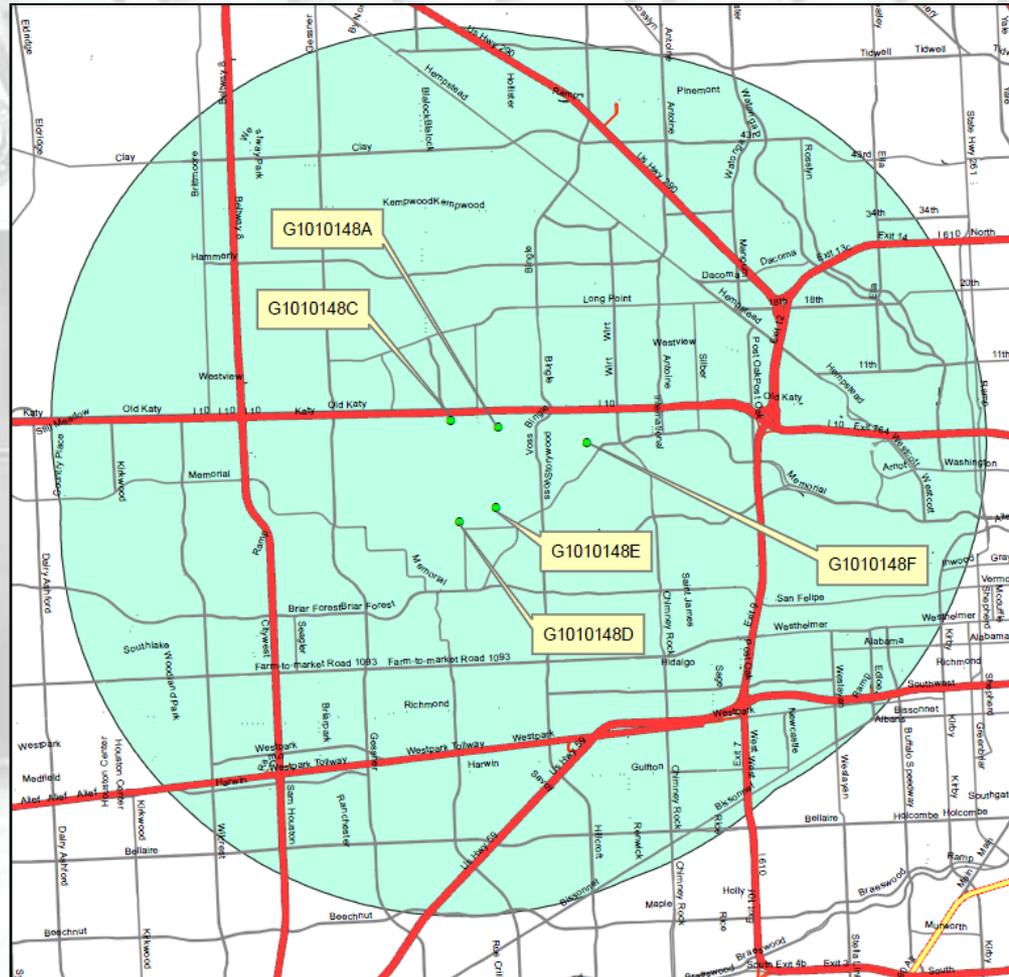
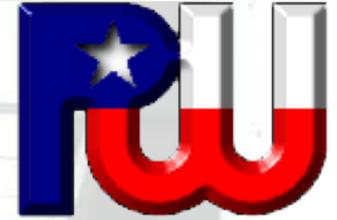
# Houston Area RPU



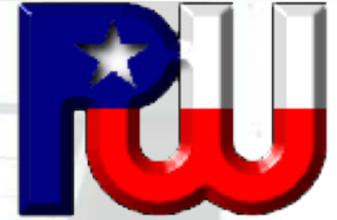
- One area RPU took no action
  - Did not support
  - Did not necessarily object
- MSD applications within 5 miles of the RPU were stopped because they could not get a resolution of support



# Houston Area RPU



# HB 2826



- Only City of Houston Affected
- Changed notification requirements for Retail Public Utilities (RPU)
  - 120 Day Notice
  - Active Non-Support for the Application



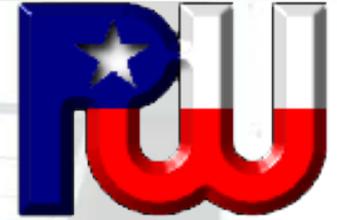
# HB 2826



- State Application (updated 9/1/2011)
  - MSD Information Section

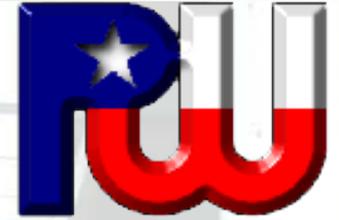
F. Is the property for which the MSD is sought located in a municipality that has a population of two million or more (See most recent place population estimate reported at the <a href="#">Texas State Data Center</a> )	<input type="checkbox"/> Yes	<input type="checkbox"/> No
I. For MSDs located in a municipality with a population more than two million, was a resolution opposing the application adopted by a municipality or retail public utility within 120 days of receipt of the notice? <b>Do not submit an application if the answer is yes.</b>	<input type="checkbox"/> Yes	<input type="checkbox"/> No

# Application Changes



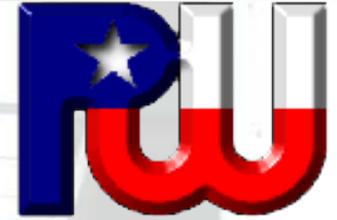
- New version of the application is online
  - All application must use the new version by May 1, 2012
- Some reordering and elimination
  - We no longer request a copy of the application to the State
- Appendix G
  - Plume Stability and Delineation

# Application Changes



- Identification of nearest surface water body
  - Part of Appendix C
- We no longer need a GIS file
- We ask for any a list and communications with affected neighbors
  - Appendix Y
- We ask for HCAD numbers

# My City Tool



**Environmental Sites**  
City Of Houston, GISTD  
X: -94.9583, Y: 29.5415  
Current Action: Zoom In

Search  
Search Layer: **City Owned Sites**  
Use one of the graphical search tools to select Browfields

10 km  
10 mi

POWERED BY  
**ESRI**

# The MSD Website



City of Houston  
Home | I Want To... | Government | Benefits | Business | Departments | Visitors | En Español

Public Works and Engineering

Department Links

- PISE Home
- Engineering and Construction
- Planning and Development
- Public Utilities
- Resource Management
- Street and Drainage
- Traffic Operations
- Question Office
- PISE Programs
  - Green Building
  - Houston Business
  - Curial the Oasis
  - Small Business Development Group
  - Water Education
  - Waterfronts Education Center

### Municipal Settings Designation

Jedediah Greenfield, Program Manager

**City of Houston MSD Application - Updated 1/10/12**

Application Form

MSD Calendar | MSDs Completed | MSDs in Review

**History:**

In 2003, the Texas Legislature authorized the creation of MSDs, which would designate an area in which the use of contaminated groundwater is prohibited from use as potable water. The law is administered by TCEQ. The intent of the legislation is to encourage redevelopment of vacant or abandoned properties while protecting the public health.

On August 22, 2007, City Council approved an Ordinance amending Chapter 47 of the Code of Ordinances by adding Article 42D relating to groundwater, which will provide a process for supporting or not supporting a Municipal Setting Designation (MSD) application to the State. The City's program becomes effective November 1, 2007.

**General Information:**

- The sites that could apply for a MSD are already contaminated.
- The process requires that an applicant must participate in one of the cleanup programs administered by Texas Commission on Environmental Quality (TCEQ) or EPA.
- A MSD only alleviates the requirement that property owners address the risk of consuming groundwater. Assessment would still be required for other means of exposure such as:
  - Installation of vapors
  - Contact with contamination during construction projects
  - Ecological impacts, such as, seepage into nearby waterways
- Establishing a MSD does not remove any liability from the property owner, nor does it shift any liability to the City.
- MSDs will not be approved within a Well Head Protection Area and no MSD may be approved unless the site is already served by City water or is capable of being served by City water, at the applicant's expense.
- MSDs prohibit the use of groundwater as potable water. In the City's ordinance, potable water is defined as water that is used for ingestion, production of food or drink products intended for human consumption, drinking, bathing, laundry or cooling purposes.

**Forms and Information**

- Public Water Supply Serviceability Policy Statement
- Application Form
- Fee Schedule
- Certified Mail Spreadsheet Template
- Regular Mail Spreadsheet Template
- City Ordinance
- Ordinance Amendment

**FAQ:**

- Frequently Asked Questions for Application Process
- Frequently Asked Questions for MSD's (English)
- Frequently Asked Questions for MSD's (Spanish)

**Other Websites of Interest:**

TCEQ - Application Form

TCEQ - A Guide for Cities

You can request an electronic copy of the full application by e-mail to: [msd@houstontx.gov](mailto:msd@houstontx.gov)

For more information concerning the application or process of an MSD in Houston, call:

Jedediah Greenfield  
Program Manager  
PISE/Planning & Development Services Division  
PH 832-384-9000  
FH 832-385-2734

Home | 211 City Helpline | En Español | Contact Us | FAQs | Privacy Policy | Accessibility

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The text herein is 2009 to 2012 screen size.

## Municipal Settings Designation

Jedediah Greenfield, Program Manager

**City of Houston MSD Application - Updated 1/10/12**

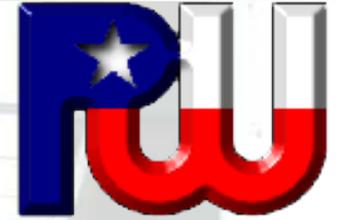
Application Form

MSD Calendar | MSDs Completed | MSDs in Review

[www.houstonmsd.org](http://www.houstonmsd.org)

Municipal Setting Designations (MSDs)

# Contact Information



**Jedediah Greenfield**  
Program Manager

**Public Works & Engineering**  
**City of Houston,**  
**1002 Washington, 2<sup>nd</sup> Floor**  
**Houston, Texas 77002**



**[msd@houstontx.gov](mailto:msd@houstontx.gov)**  
**(832) 394-9005**

**Municipal Setting Designations (MSDs)**