

## Legislation Text

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**CC MEETING:** November 21, 2023

**DATE:** November 8, 2023

**TO:** Erin Rinehart, City Manager

**FROM:** Cory Heiple, Environmental Services Director  
Marc Guy, Assistant City Manager

Consider A **Resolution Supporting A Municipal Setting Designation For Property Located At 2710, 2784, 2783, 2807 Valwood Parkway And 14055, 14065 And 14067 Dennis Lane In The City Of Farmers Branch.**

**BACKGROUND:**

This agenda item seeks the approval of a resolution granting support to a request for a Municipal Setting Designation (MSD) by the City of Farmers Branch, Store Master Funding XIV LLC., Corporation of Episcopal Diocese of Texas and the Christ United Methodist Church for eight separate parcels located within the City of Farmers Branch.

An MSD is a Texas Commission on Environmental Quality (TCEQ) certification of a property declaring that the groundwater beneath the designated property is not used as potable water and is prohibited from future use as potable water. The purpose of the MSD is to provide a TCEQ-approved remediation process for a site with historical environmental impacts provided there is no current or planned use for a potable water well on the site. This designation allows for redevelopment of areas that would have otherwise been left abandoned and unproductive. To be approved, the groundwater must meet minimum safety thresholds for exposure levels; the site's environmental data shows it to be within the TCEQ protective levels for an MSD.

To meet the MSD requirements, an MSD application needs a resolution of support from municipalities owning public water wells within five miles of the designated property. The City of Carrollton owns and operates an emergency public water supply well 1.7 miles northeast and upgradient of the designated property. It is for this reason that the applicants are requesting a resolution of support from the City of Carrollton for their MSD application to the Texas Commission on Environmental Quality.

City staff has reviewed the pertinent materials submitted by the applicants, including the approval of its MSD application by the City of Farmers Branch through an MSD Ordinance (Ordinance No. 3799) for the designated property passed on October 10, 2023.

**FINDINGS:**

The detected contaminants of concern that exceeded the residential protective concentration levels are chlorinated volatile organic compounds. These appear to have been associated with a former dry-cleaning operation that experienced a release of cleaning solvent at an adjacent site at 2788 Valwood Parkway. The impacted property entered into the Voluntary Cleanup Program (VCP No. 432) with TCEQ in 1997 and took

measures to dissolve the plume. Results from the groundwater monitoring wells have indicated the levels of these contaminants have stabilized and remaining concentrations are within the state-allowable soil concentrations but exceed drinking water concentrations, thus necessitating an MSD. This area receives publicly supplied drinking water from Dallas Water Utilities and does not have a current or future need to utilize shallow wells as a potable water supply.

The affected groundwater zone is approximately 15 feet deep below ground surface. Carrollton's emergency water supply well (State ID 3302102) is cemented from 0 to 2,475 feet, which separates the production zone from the shallower aquifers and groundwater-bearing units. This municipal water supply well is about 1.7 miles northeast of the designated property. The groundwater flow beneath the designated property is generally to the southwest, downgradient and away from the Carrollton well.

Based on the above findings staff has determined there is essentially no risk to the interests of the City of Carrollton in granting consent to the applicant's request for an MSD support resolution. Furthermore, the applicants have signed an indemnity agreement to compensate the City for any unknown risks unforeseeable at this time.

**FINANCIAL IMPLICATIONS:**

The applicant has signed an indemnity agreement in favor of the City of Carrollton to compensate the City for any unknown risks that unforeseeable at this time.

**IMPACT ON COMMUNITY SUSTAINABILITY:**

There is no expected impact to environmental sustainability for the City of Carrollton as the emergency well is 1.7 miles upgradient from the MSD application site. Additionally, the volatile organic compounds have stabilized and decreased due to remediation efforts and monitoring well samples indicate the protective contaminant levels do not exceed TCEQ concentrations for an MSD.

**STAFF RECOMMENDATION/ACTION DESIRED:**

Staff recommends City Council approval of a resolution of support for a Municipal Setting Designation in the City of Farmers Branch.