

## Legislation Text

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**CC MEETING:** July 12, 2016

**DATE:** June 27, 2016

**TO:** Leonard Martin, City Manager

**FROM:** Scott Hudson, Environmental Services Director

Consider A **Resolution Supporting A Municipal Setting Designation For Property Generally Located At 11602, 11616, 11634, 11642 And 11650 Harry Hines Boulevard, 11613, 11621, 11637, 11661 And 11663 Denton Drive, And 2536 Forest Lane In The City Of Dallas.**

**BACKGROUND:**

This agenda item seeks approval of a resolution granting support to a request for a Municipal Setting Designation (MSD) by applicant Rochester Gauges, Inc. for property located in the City of Dallas. The groundwater beneath this designated property has been contaminated by chlorinated volatile organic compounds and by petroleum-related chemicals, but is separated from Carrollton groundwater resources and deemed to pose essentially no risk to the Carrollton community.

A Municipal Setting Designation (MSD) is a state 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 law is to provide a faster and less expensive alternative to state remediation requirements for a contaminated property. This designation allows for redevelopment of areas that may otherwise have been left abandoned and unproductive.

To meet the state requirements, an MSD application needs a resolution of support from municipalities owning public water wells within five miles from the designated property. The City of Carrollton owns and operates an emergency public water supply well within the five-mile radius north of the designated property. It is for this reason that Rochester Gauges, Inc. is requesting from the City of Carrollton a support resolution for its MSD application to the Texas Commission on Environmental Quality.

City staff has reviewed the pertinent materials submitted by Rochester Gauges, Inc., including the approval of its MSD application by the City of Dallas MSD Ordinance (No. 29741) for the designated property passed on May 13, 2015.

**FINDINGS:**

The detected contaminants of concern that exceeded the groundwater protective concentration levels are chlorinated volatile organic compounds such as tetrachloroethene, trichloroethene, cis-1,2-dichloroethene, vinyl chloride and 1,1-dichloroethylene. These were traced to former paint booth operations, vapor degreasers, and waste management and chemical storage areas. Results from the groundwater monitoring wells have indicated that the levels of these contaminants have either stabilized or decreased. Benzene, methyl-tert-butyl ether

(MTBE) and total petroleum hydrocarbons (TPH) exceedances above the ingestion pathway have affected groundwater in a limited area of the southeast portion of the property. The potential source of these hydrocarbons was traced to a nearby underground storage tank that was already removed and the site closed.

The affected groundwater zone is estimated to be up to twenty-three feet deep below ground surface. The contaminated plume is considered to be stable as the source is no longer operating.

Carrollton's emergency water supply well is cemented from 0 to 2,230 feet which separates the production zone from the shallower aquifers and groundwater bearing units. This municipal water supply well is about 4.9 miles north of the designated property. The general groundwater flow beneath the designated property is generally to the south-southwest down gradient. In addition, Farmers Branch Creek is located between the MSD properties and the wells in the City of Carrollton. This creek provides a significant barrier to any potential contamination.

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 Rochester Gauges, Inc.'s application for a Municipal Setting Designation support resolution. Furthermore, Rochester Gauges, Inc. has signed an Indemnity Agreement to compensate the City for any risks unforeseeable at this time.

**FINANCIAL IMPLICATIONS:**

Rochester Gauges, Inc. has paid the MSD application fee of \$2,500.

**STAFF RECOMMENDATION/ACTION DESIRED:**

Staff recommends that the City Council approve the attached resolution supporting a Municipal Setting Designation as submitted by Rochester Gauges, Inc..