



## Legislation Text

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File #: ORD-3702, Version: 1

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**Conduct a public hearing and consider adopting Ordinance No. 3702 Prohibiting the Use of and the Contact with Designated Groundwater Beneath 9+998 acres of land located in the Francis Miller Survey, Abstract No. 926 and the William Pulliam Survey, Abstract No. 1171, Farmers Branch, Texas located at 2019 Valley View Lane to Facilitate Certification of a Municipal Settings Designation (MSD) by the Texas Commission on Environmental Quality; and take appropriate action**

### **BACKGROUND:**

An MSD is an official designation given to property where the underlying groundwater is contaminated in excess of the applicable potable water protective concentrations and the property is located within a municipality that certifies that the designated groundwater at the property is not used as a potable water, and is prohibited from future use as potable water. Because the groundwater underlying the designated property(ies) will be prohibited for use as potable water if an MSD application is certified, there must be an alternative source of potable water for the properties. To meet the conditions of a MSD, a municipality prohibits the use of the contaminated underlying aquifer by adoption of a city ordinance or a restrictive covenant that is enforceable by the city and filed in the property records. The MSD property can be a single property, multi-property, or a portion of property.

### **DISCUSSION:**

The MSD applicant purchased the Designated Property, 2019 Valley View Lane, in 2017. During the property acquisition, the applicant discovered the soil and underlying groundwater in the uppermost aquifer were contaminated. The groundwater is contaminated with trichloroethylene and tetrachloroethylene. The applicant has entered the TCEQ Innocent Owner/Operator program to remediate the property. As part of the remediate effort, Cozobel, LLC submitted an application to the City seeking an ordinance from City Council for the MSD application to the Texas Commission on Environmental Quality (TCEQ). This is the third MSD application the City has received since the approval of the MSD Ordinance in 2016.

The City supplies potable water to the Designated Property and all property within one-half mile of the Designated Property for which the MSD is sought. The “Designated Property” for which this Municipal Setting Designation (“MSD”) Application has been completed is a 9+ acre tract of land located at 2019 Valley View Lane, Farmers Branch, Dallas County, Texas 75234. Based on historic and current groundwater sampling at the site and surrounding properties, the levels in the groundwater have met all water quality standards except drinking water standards.

In accordance with state regulations, public notices were sent out notifying residents and businesses within ½ mile of the MSD property boundary, groundwater supply well owners within 5 miles of the MSD property boundary, private water well owners within 5 miles of the MSD boundary that are registered with the Commission, and any retail public utility that owns or operates a groundwater supply well within 5 miles of the MSD property boundary that they have 60 days after they receive the notice letter to file comments with the TCEQ. 635 notices were mailed. In addition, a public meeting was held on August 24, 2021 in the Mesquite Room at the Farmers Branch Community Recreation Center at 6:30pm regarding MSD application. Both City

staff and the applicant's consultant were there to give a presentation and address any questions or concerns. Other than City staff and the consultant, no one attended the public meeting.

**FISCAL IMPACT:**

No Financial Impact

**DISTRICT:**

Council District 1

**RECOMMENDATION:**

City Administration recommends adopting Ordinance No. 3702 prohibiting the use of and contact with the uppermost groundwater beneath a 2 acre tract located at and adjacent to 2019 Valley View Lane to facilitate the certification of a Municipal Settings Designation by the Texas Commission on Environmental Quality.

**POSSIBLE COUNCIL ACTION:**

1. I move to close the public hearing and adopt Ordinance No. 3702 as presented.
2. I move to close the public hearing and adopt Ordinance No. 3702, with modifications.
3. I move to table the issue for further study or take no action.

**ATTACHMENT(S):**

1. Ordinance No. 3702
2. 2019 Valley View MSD Presentation
3. MSD 2019 Valley View Council Memo