



## Legislation Text

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File #: ORD-3707, Version: 1

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**Consider adopting Ordinance No. 3707, amending and restating Chapter 34 “Environment” Article XII “Municipal Setting Designations” of the Farmers Branch Code of Ordinances relating to the application for and approval of Municipal Setting Designations Ordinances to prohibit the use of groundwater in areas designated as contaminated in accordance with the State law; and take appropriate action**

### **BACKGROUND:**

The Municipal Setting Designations (MSD) is regulated by the Texas Commission on Environmental Quality (TCEQ). MSD provides an alternative used as a form of groundwater remediation when groundwater at a potential development location within a city has contaminants. The MSD law sets conditions for MSD properties that limit requirements for contaminated groundwater to be investigated and remediated to make the groundwater suitable for use as potable water, when that groundwater is not used for potable water and will not be used for potable water in the future. By providing this alternative way to address contaminated groundwater that will not be used as potable water, persons may be more inclined to develop and redevelop properties in municipal areas that have contaminated groundwater. TCEQ, being the main regulatory authority, receives, processes, and certifies MSD applications. TCEQ can only certify an application if there is a local city support in the form of an ordinance.

In May of 2016, the City Council approved and adopted the Municipal Setting Designations Ordinance setting forth a process by which property owners within the City of Farmers Branch corporate limits may apply to seek City approval in the form of an ordinance restricting the use of groundwater in areas designated as contaminated in accordance with the State Legislation. Since then, the City Council has approved three Municipal Setting Designations (MSD) applications.

### **DISCUSSION:**

MSD ordinance allows applicants who own property in Farmers Branch that overlies contaminated groundwater to apply for City support for an MSD through the TCEQ. The City MSD ordinance serves as a guidance document to the applicants seeking MSD.

Ordinance 3707 presents amendments clarifying the language and processes by providing definitions, application review procedures and application review fee change to cover the cost of staff time for application review, cost of postage for public meeting notices, the publication of public meeting notice in newspaper and deed recording fee.

### **FISCAL IMPACT:**

1. No Financial Impact

### **DISTRICT:**

### **RECOMMENDATION:**

City Administration recommends adopting Ordinance No. 3707 amending and restating in its entirety Chapter 34 “Environment” Article XII “Municipal Setting Designations” of the Code of Ordinances of the City of Farmers Branch, Texas, relating to the application for and approval of Municipal Setting Designations Ordinances to prohibit the use of groundwater in areas designated as contaminated in accordance with the State

law; providing for a penalty of fine not to exceed \$2000; providing a severability clause; providing a savings clause; providing a repealing clause; and providing an effective date.

**POSSIBLE COUNCIL ACTION:**

1. I move to approve Ordinance No. 3707.
2. I move to approve Ordinance No. 3707, with modifications.
3. I move to table the issue for further study or take no action.

**ATTACHMENT(S):**

1. Ordinance 3707