

Office of Neighborhood Services

City of Richland Hills, Texas

## Memorandum

To: Honorable Mayor Bill Agan and members of the Richland Hills City Council

From: Scott Mitchell, Director of Neighborhood Services

Date: June 7, 2016

Subject: Consider approval of resolution supporting a Municipal Setting Designation application to TCEQ for property located at 600 North Beach Street, Fort Worth, Texas.

---

### **Council Action Requested:**

Approve resolution supporting a Municipal Setting Designation application to the Texas Commission on Environmental Quality (TCEQ) for property located at 600 North Beach Street, Fort Worth, Texas.

### **Background Information:**

In 2003, the 78<sup>th</sup> Texas Legislature passed a Municipal Setting Designations (MSDs) law, effective September 1, 2003, that relates to the potability of groundwater and the requirements for removing contaminants from groundwater. The law authorized the TCEQ to receive, process, and certify MSD applications for properties, with contaminated groundwater, located in cities or their ETJ. TCEQ can certify an application only if there is local support. The city has the choice to either support, or not support an MSD application. Because of the need for city support, city officials can expect to be contacted by persons who wish to pursue state certification of an MSD. Cities can also pursue MSDs for their own use.

A representative for Koos and Associates, Inc., representing Industrial Power LLC, filed an application with the City of Fort Worth seeking support for the property located at 600 North Beach Street. The City of Fort Worth approved their resolution (Resolution # 4620-04-2016) on April 19, 2016.

The TCEQ process for the issuance of an MSD also requires a resolution of support from any governmental entities operating water wells within a five mile radius of the location of the property requesting the MSD certification. The City of Richland Hills operates water wells within the designated area. Representatives of Koos and Associates requested a resolution supporting the MSD application from the City of Richland Hills.

The City of Fort Worth also asked that we support a MSD resolution. Public Works staff reviewed the technical aspects of the application and determined the application acceptable for a MSD.

**Board/Citizen Input:** N/A

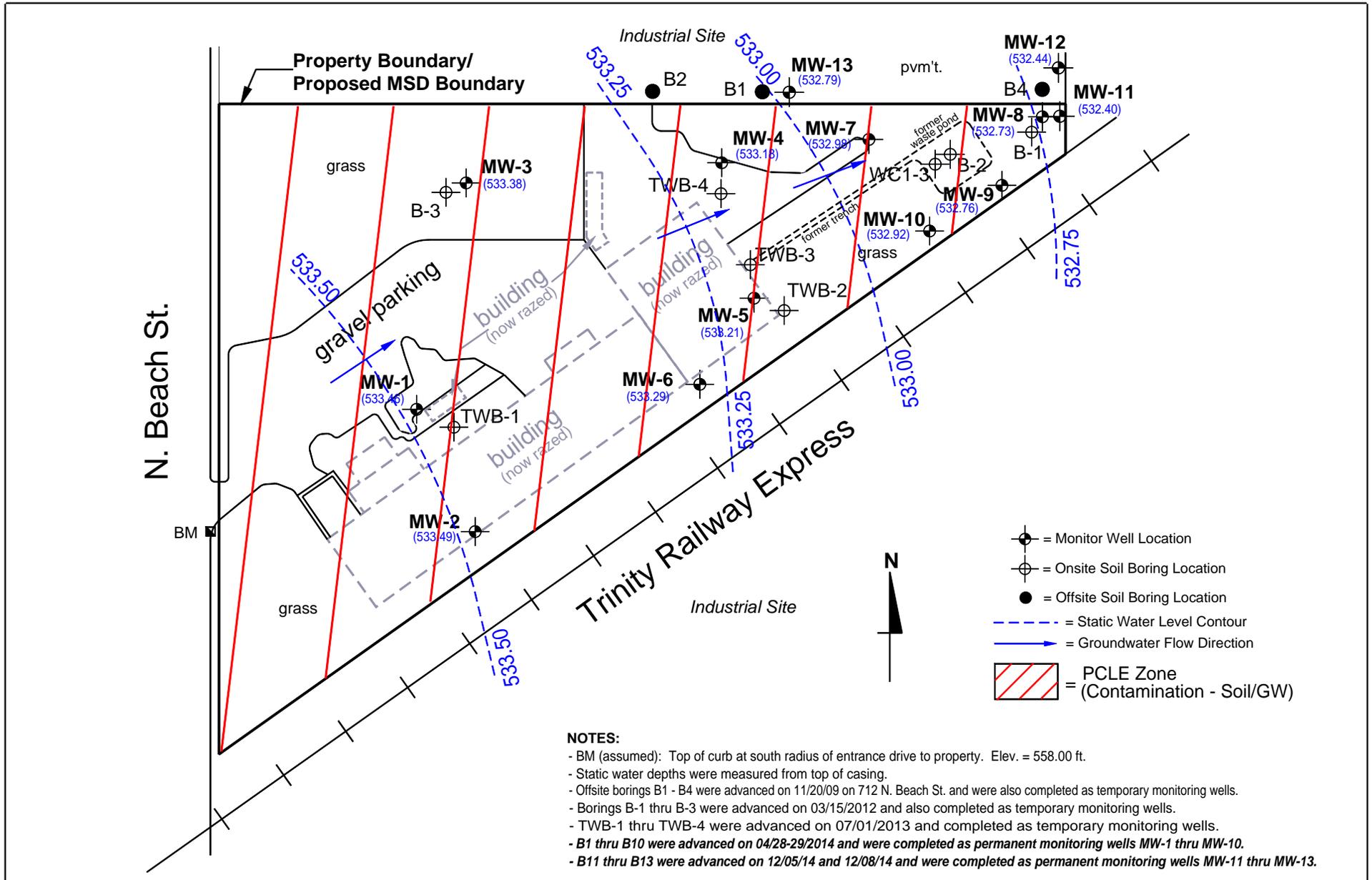
**Financial Impact:** N/A

### **Staff Contacts**

Scott Mitchell  
Director of Neighborhood Services  
[smitchell@richlandhills.com](mailto:smitchell@richlandhills.com)

### **Attachments:**

Exhibit A – Resolution  
Exhibit B – Site map



**FIGURE 1 - SITE MAP**  
FORMER PANTHER CHEMICAL CO.  
600 N. Beach St.  
Ft. Worth, TX 76111  
TCEQ VCP # 2611

Date: 01/12/2016



**Koos & Associates, Inc.**

10410 Markison Road  
Dallas, Texas 75238

Phone: (214)341-5377  
Fax: (214)341-7540

RESOLUTION NO. \_\_\_\_\_

**A RESOLUTION IN SUPPORT OF THE APPLICATION OF KOOS & ASSOCIATES, INC. ON BEHALF OF INDUSTRIAL POWER LLC (THE “APPLICANT”) TO THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY FOR A MUNICIPAL SETTING DESIGNATION FOR THE FORMER PANTHER CHEMICAL COMPANY FACILITY AT 600 NORTH BEACH STREET IN THE CITY OF FORT WORTH, TEXAS.**

**WHEREAS**, Chapter 361, Subchapter W of the Texas Solid Waste Disposal Act authorizes the Texas Commission on Environmental Quality (TCEQ) to certify Municipal Setting Designations for properties upon receipt and approval of a properly submitted application the TCEQ; and

**WHEREAS**, as a part of the application to TCEQ for a Municipal Setting Designation for a site, the Applicant is required to provide documentation n that the application is supported by: (1) the city council of the municipality in which the Site is located, (2) the city council of each municipality with a boundary located not more than one-half mile from the Site, (3) the city council of each municipality that owns or operates a groundwater supply well located not more than five miles from the Site, and (4) the governing body of each retail public utility, as defined by Section 13.002, Texas Water Code, that owns or operates a groundwater supply well located not more than five miles from the Site; and

**WHEREAS**, the Applicant has filed an application with the City of Fort Worth for a Municipal Setting Designation Ordinance and is filing an application with the TCEQ for the issuance of a Municipal Setting Designation for the property located at 600 North Beach Drive, Fort Worth, Texas (the “MSD Site”), and being the same property that is the subject of Voluntary Cleanup Program No. 2611, as shown on Figure 1 attached hereto and incorporated herein; and

**WHEREAS**, the MSD Site is within 5 miles of groundwater supply wells that are operated by the City of Richland Hills, Texas; and

**WHEREAS**, following the issuance of a MSD ordinance by the City of Fort Worth and each additional municipality and retail public utility for which approval is required, the Applicant will submit to TCEQ an application for certification of a Municipal Setting Designation for the MSD Site pursuant to Texas Health and Safety Code, Chapter 361, Subchapter W.

**NOW THEREFORE BE IT RESOLVED, BY THE CITY COUNCIL OF THE CITY OF RICHLAND HILLS, TEXAS THAT:**

The City of Richland Hills supports the application of Industrial Power LLC to the TCEQ for certification of a Municipal Setting Designation for the MSD Site.

**PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF RICHLAND HILLS, TEXAS, THIS THE 7<sup>th</sup> DAY OF JUNE, 2016.**

**ATTEST:**

**APPROVED:**

\_\_\_\_\_  
City Secretary

\_\_\_\_\_  
Mayor