

Municipal Setting Designation Application Instructions

Pre-Application Meeting: While a pre-application meeting is not mandatory, it is strongly encouraged to discuss the specific details of the site. Please note: the City of Houston will not support a Municipal Settings Designation (MSD) application unless a Professional Geologist (P.G.) or Professional Engineer (P.E.) has certified that the groundwater plume is stable or decreasing, fully delineated, and the source has been removed. This statement should be supported with historical groundwater monitoring data showing the plume as stable or declining, and fully delineated.

Please contact Elga González at 832-394-8975, elga.gonzalez@houston.tx.gov to schedule a pre-application meeting. Meetings will be held via Teams or in-person at 1002 Washington, Houston, TX 77002

Application Form: For the application to be complete please submit the following:

- 1) Two (2) hard copies of the application and one (1) electronic copy should be included (the well logs are not necessary for the hard copies but should be included in the electronic copy). Hard copies must be in a 3-ring binder format with tabbed dividers.
- 2) An Acknowledgement form must be included in packet.
- 3) An electronic Excel file with mailing addresses for water well owners and property owners. (Templates can be found on the MSD website, <https://www.houstonpublicworks.org/municipal-settings-designation>)

The MSD application process is governed by Chapter 47, Article XIII of the City of Houston's Code of Ordinances (ordinance number 2007-959 and amended by ordinance number 2010-556). Failure to use this application form may result in denial of the application.

Please note, the City ordinance requires the Professional Engineer (P.E.) or Professional Geologist (P.G.) who signed the application, or someone that is familiar with the application, and the applicant or their legal representative (attorney) to be present at public meeting and public hearing. Failure of the required parties in attendance at the public meeting and public hearing will result in having to schedule a new meeting or hearing.

The application should be clear, complete, concise, correct, contain only relevant information, and be organized to facilitate analysis. Supporting documentation should be submitted for each appendix.

Submittal: Submit the application form and all supporting information, along with an application fee of \$3,000.00 (payable to City of Houston) to the address below. The applicant must pay for the cost of advertising (approximately \$500 per advertisement add for public meeting) and the cost of producing and mailing notices, (approximately \$6.50 per certified mail and \$1.50 per first-class mail), and any applicable venue costs (costs vary by location).

Deidre VanLangen
COH MSD Program Manager
1002 Washington, 3rd Floor
Houston, Texas 77002

CITY OF HOUSTON



**HOUSTON PUBLIC WORKS
HOUSTON WATER DIVISION**

Application for Approval of Municipal Setting Designation

APPLICANT INFORMATION

Applicant's Name: _____

Individual Private Entity Public Entity Non-Profit Entity Other _____

Address: _____
(Street) (City) (State) (Zip)

Phone No.: _____ Fax No.: _____

Email: _____

Contact Information

Name of Contact: _____

Title: _____

Address: _____
(Street) (City) (State) (Zip)

Phone No.: _____ Fax No.: _____

Email: _____

Application Preparation

Application Prepared by: _____

Company: _____

Address: _____
(Street) (City) (State) (Zip)

Phone No.: _____ Fax No.: _____

Email: _____

SITE INFORMATION

Site HCAD No(s): _____

Site Name: _____

Site Size: _____

Site Address: _____
(Street) (City) (State) (Zip)

TCEQ Contact: _____

Phone No.: _____ Email: _____

VCP No.: _____ SWR No.: _____

EPA Contact: _____

Phone No.: _____ Email: _____

ID No.: _____

(List all owners – additional sheet is attached, if needed)

Owner: _____

Owner Address: _____
(Street) (City) (State) (Zip)

Name of Contact: _____

Title: _____

Organization: _____

Phone No.: _____ Fax No.: _____

Email: _____

Owner: _____

Owner Address: _____
(Street) (City) (State) (Zip)

Name of Contact: _____

Title: _____

Organization: _____

Phone No.: _____ Fax No.: _____

Email: _____

Owner: _____

Owner Address: _____
(Street) (City) (State) (Zip)

Name of Contact: _____
Title: _____
Organization: _____
Phone No.: _____ Fax No.: _____
Email: _____

Owner: _____
Owner Address: _____
(Street) (City) (State) (Zip)

Name of Contact: _____
Title: _____
Organization: _____
Phone No.: _____ Fax No.: _____
Email: _____

Owner: _____
Owner Address: _____
(Street) (City) (State) (Zip)

Name of Contact: _____
Title: _____
Organization: _____
Phone No.: _____ Fax No.: _____
Email: _____

Owner: _____
Owner Address: _____
(Street) (City) (State) (Zip)

Name of Contact: _____
Title: _____
Organization: _____
Phone No.: _____ Fax No.: _____
Email: _____

Please use the checklist below to indicate whether the items are included in the application by checking yes” or “no” in the columns below. If an item is checked “no” an explanation must be provided as to why the item is not included. The application must include all information on the following checklist **IN THIS ORDER**. Please note that if an item is checked “no”, the application could be rejected.

ITEM	YES	NO	N/A
Executive Summary			
<p align="center"><u>Label “Appendix A”</u></p> <p>Provide a legal description of the boundaries of the designated property, including metes and bounds, and a copy of the deed for the property. <u>A professional surveyor currently registered with the Texas Board of Professional Surveying must certify that all property descriptions with metes and bounds are accurate.</u></p>			
<p align="center"><u>Label “Appendix B”</u></p> <p>A description of the current use and, to the extent known, the anticipated use(s) of the designated property and properties within 500 feet of the boundary of the designated property.</p>			
<p align="center"><u>Label “Appendix C”</u></p> <p>A site map showing. Label & address each separately, i.e., a, b, c, d, e, f, g</p> <ol style="list-style-type: none"> a. The location of the designated property. b. The topography of the designated property as indicated on publicly available sources, which must note the watershed <u>including the nearest surface water body</u> and whether the designated property is located in a floodplain or floodway, as those terms are defined in Chapter 19 of the Code of Ordinances. c. The detected area of groundwater contamination. d. The location of all soil sampling locations and all groundwater monitoring wells. e. Groundwater gradients, to the extent known, and direction of groundwater flow. f. The ingestion protective concentration level exceedence zone for each contaminant of concern, to the extent known. g. Depth to groundwater for each affected zone. 			
<p align="center"><u>Label “Appendix D”</u></p> <p>List each contaminant of concern within the designated groundwater then describe:</p> <p>A description of the ingestion protective concentration level exceedence zone and the non-ingestion protective concentration level exceedence zone, including a specification of the horizontal area and the minimum and maximum depth below ground surface.</p> <p>The level of contamination, the ingestion protective concentration level, and the non-ingestion protective concentration level, all expressed as mg/L units.</p> <p>Its basic geochemical properties (e.g., whether the contaminant of concern migrates with groundwater, floats or is soluble in water).</p>			

<p style="text-align: center;"><u>Label “Appendix E”</u></p> <p>A table and graph displaying the following information for each contaminant of concern, to the extent known:</p> <p>The maximum concentration level for soil and groundwater, the ingestion protective concentration level, and the non-ingestion protective concentration level, all expressed as mg/kg for soils and mg/L for groundwater.</p> <p>The critical protective concentration level without the municipal setting designation, highlighting any exceedences.</p>			
<p style="text-align: center;"><u>Label “Appendix F”</u></p> <p>If the plume extends beyond the limits of property owners listed in this application, list the owners of the additional property beneath which the plume(s) extend(s), and a summary of interactions with those property owners about the plume(s) and this MSD application. Please Note: You are not required under this item to notify affected property owners, only to provide a summary of who affected property owners are, and if there have been any communications. "No contact" can be an acceptable answer.</p>			
<p style="text-align: center;"><u>Label “Appendix G”</u></p> <p>A statement that the plume of contamination is stable (i.e., no change) or contracting and delineated, with the basis for that statement. Please include historical sampling data.</p>			
<p style="text-align: center;"><u>Label “Appendix H”</u></p> <p>A statement as to whether contamination on and off the designated property <u>without</u> a Municipal Setting Designation <u>will exceed</u> a residential assessment level as defined in the Texas Risk Reduction Program or analogous residential level set by EPA, if known, and the basis for that statement.</p>			
<p style="text-align: center;"><u>Label “Appendix I”</u></p> <p>A statement as to whether contamination on and off the designated property <u>with</u> a Municipal Setting Designation <u>will exceed</u> a residential assessment level as defined in the Texas Risk Reduction Program or analogous residential level set by EPA, if known, and the basis for that statement.</p>			
<p style="text-align: center;"><u>Label “Appendix J”</u></p> <p>Identification and discussion of the points of origin of the contamination, to the extent known. Please list the Potentially Responsible Party (PRP), if unknown, state unknown. (applications without the PRP listed will be deemed incomplete)</p>			
<p style="text-align: center;"><u>Label “Appendix K”</u></p> <p>Environmental regulatory actions, litigation, and plume identification. Label & address each separately, i.e., a, b, c, d</p> <p>a. A description of any environmental regulatory actions that have been taken within the past five years in connection with the designated property, to the extent known.</p> <p>b. A description of any litigation that has taken place within the past five years in connection with the designated property, to the extent known.</p> <p>c. A statement as to whether there are any other remediation activities by the applicant, or any other party or agency, which are not listed in the application.</p> <p>d. A statement as to which contamination plume and groundwater zone the applicant is including in the MSD.</p>			

<p style="text-align: center;"><u>Label "Appendix L"</u></p> <p>A listing of all existing state or EPA registrations, permits, and identification numbers that applies to the designated property.</p>			
<p style="text-align: center;"><u>Label "Appendix M"</u></p> <p>Provide evidence that the designated property is currently or has previously been under the oversight of the TCEQ or the United States Environmental Protection Agency, as required by the Texas Health & Safety Code § 361.8065(c)(2)(A), and a description of the status of the designated property in the program (the program application number is sufficient evidence). Also, include the state or federal cleanup project manager's name. Please note, the City of Houston does not accept (consider?) sites enrolled in the Innocent Owner/Operator Program due to the lack of state/federal oversight.</p>			
<p style="text-align: center;"><u>Label "Appendix N"</u></p> <p>A summary of any environmental site assessment reports filed with TCEQ regarding any site investigations or response actions that are planned, ongoing or completed related to the designated property.</p>			
<p style="text-align: center;"><u>Label "Appendix O"</u></p> <p>A statement as to whether any public drinking water supply system exists that satisfies the requirements of Chapter 341 of the Texas Health and Safety Code and that supplies or is capable of supplying drinking water to the designated property and property within one-half mile of the designated property and the identity of each supply system. Please include a map of available water lines within one-half mile found at https://geogimpsprod.houstontx.gov/Html5Viewer/index.html?viewer=geolink-public</p>			
<p style="text-align: center;"><u>Label "Appendix P"</u></p> <p>The name and address of each owner or operator of a water well registered or permitted by the state or the Houston-Galveston Subsidence District that is located within five miles of the boundary of the designated property, along with a map showing the location of each well and, to the extent known, a notation of whether each well is used for potable water. Well logs <u>must</u> be included in the electronic copy of the application but should not be included in the hard copies. (An accompanying electronic excel file with mailing information should be included with your application.) Add Super Neighborhoods & council members in the district to the mailing list.</p>			
<p style="text-align: center;"><u>Label "Appendix Q"</u></p> <p>The name and address of each retail public utility, as defined in section 13.002 of the Texas Water Code that owns or operates a groundwater supply well within five miles of the boundary of the designated property.</p>			
<p style="text-align: center;"><u>Label "Appendix R"</u></p> <p>A listing of each municipality, other than the city of Houston, with a corporate limit within one-half mile of the boundary of the designated property.</p>			
<p style="text-align: center;"><u>Label "Appendix S"</u></p> <p>A listing of each municipality, other than the city of Houston, that owns or operates a groundwater supply well within five miles of the boundary of the designated property.</p>			

<p style="text-align: center;"><u>Label "Appendix T"</u></p> <p>A listing of owners of real property within 2,500 ft. of the boundary of the designated property as indicated by the most recent appraisal district records. Please Note: This requirement may include real property outside the City of Houston. Be sure to include <u>ALL</u> properties in the 2,500 ft. boundary. (An accompanying electronic excel file with mailing information should be included with your application.)</p>			
<p style="text-align: center;"><u>Label "Appendix U"</u></p> <p>Form U-2012-01 signed and sealed by a licensed professional engineer or licensed professional geoscientist authorized to practice in the State of Texas with expertise in environmental remediation. (Form U-2012-01 can be found at https://www.houstonpublicworks.org/municipal-settings-designation under the "Forms" section on the homepage.)</p> <p>Signing and sealing Form U-2012-01 certifies:</p> <p>a. The contaminants of concern from sources on the designated property or migrating from or through the designated property more likely than not [do exceed] OR [do not exceed] a non-ingestion protective concentration level on property beyond the boundaries of the designated property. (select the appropriate statement)</p> <p>b. All requirements of Section 47-762 of the Houston Code of Ordinances have been met, including demonstration that the groundwater contamination plume has been fully delineated and is stable or contracting in size.</p>			
<p style="text-align: center;"><u>Label "Appendix V"</u></p> <p>If the licensed professional engineer or licensed professional geoscientist determines that contaminants of concern from sources on the designated property are migrating from or through the designated property more likely than not do exceed a non-ingestion protective concentration level on property beyond the boundary of the designated property, then the applicant must:</p> <p>a. Specify the name and address of the owner of each property.</p> <p>b. Send a copy of the application to the owner of the property with the notice of the public meeting.</p> <p>c. Provide documentation that the designated property has been included in a state or federal program that requires that the entire non-ingestion protective concentration level exceedance zone be addressed to the satisfaction of the agency administering the program, along with documentation of the estimated time period in which it is to be addressed. An example of such a program is the Texas Voluntary Cleanup Program (section 361.501 of the Texas Health and Safety Code, as may be amended from time to time).</p> <p>d. Provide documentation upon completion of the state or federal program showing that the non-ingestion protective concentration level exceedances have been addressed to the satisfaction of the agency administering the program.</p>			
<p style="text-align: center;"><u>Label "Appendix W"</u></p> <p>Form W-2012-01 certified/signed by the applicant and any authorized representatives of the applicant(s) listed in the application. (Form W-2012-01 is attached to the end of this application and can also be found at https://www.houstonpublicworks.org/municipal-settings-designation under the "Forms" section on the homepage.)</p>			
<p style="text-align: center;"><u>Label "Appendix X"</u></p> <p>Form X-2012-01 signed by the property owner or authorized agent (if an authorized agent, you must provide the legal authorization instrument). (Form W-2012-01 is attached to the end of this application and can also be found at https://www.houstonpublicworks.org/municipal-settings-designation under the "Forms" section on the homepage.)</p>			

Label "Appendix Y"

A pdf file of the application, Excel spreadsheet of water well owners and property owners for mailing notices, and the pdf file of the well log report.



CITY OF HOUSTON



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HOUSTON WATER DIVISION**

EXECUTIVE SUMMARY