



## **MUNICIPAL SETTING DESIGNATIONS (MSDs)**

### ***Frequently Asked Questions for MSD's***

#### Is my drinking water is safe?

Yes, the contaminated groundwater described in the MSD application has no impact on the city provided drinking water.

#### What is a MSD?

A MSD is how the city can legally say that the ground water at a property cannot be used as potable or drinking water now or in the future. An official notice that the ground water is contaminated and cannot be used will be filed only on the applicant's deed in the property records and the ban will be enforced by the city.

#### What is the purpose of a MSD?

A MSD reduces the health risk to people living and working in the area by preventing the use of the contaminated ground water. It also helps a contaminated site develop or redevelop because the requirement to investigate and remediate existing contaminated groundwater for use as potable water may be eliminated. However, the MSD does not excuse the applicant from clean up activities such as removing the surface soil or reducing other risks to the public.

#### How does a MSD affect me?

A MSD is only enacted on the applicant's property; it does not affect any well in the area or any other property. The purpose of a public meeting is to inform the surrounding neighbors about the MSD and to allow the public a chance to comment on the application and the MSD process.

#### What must the applicant do before they can apply for a MSD?

The following are the expectations of a site that is applying for a MSD.

1. The site must have been thoroughly investigated. The extent and composition of the groundwater plume should be known.
2. The site must already participate in a State or Federal clean up program.
3. All reasonably expected contaminants should have been investigated.
4. There must be enough monitoring data to demonstrate that the groundwater plume is stable or getting smaller, and it is helpful to be able to confirm that the source is no longer present.
5. A licensed engineer or geologist must be willing to place a professional seal on a certification that the plume is stable or contracting.

#### How did the groundwater get contaminated and what is being done to prevent it from happening again?

At many sites with historic contamination, the owner/operator was following the rules in place at that time. As with many rules, as knowledge changes so do the rules. The State now regulates businesses to keep this from happening now or in the future.

### Who must attend the public meeting?

The applicant, the licensed professional engineer or licensed professional geoscientist who signed and sealed the application, or a licensed professional engineer or licensed professional geoscientist who is familiar with the application and a representative of the Planning and Development Services of PW&E must be present. The City's representative is there to provide information to the community about MSD's in general and to notify the community of the date of the City Council public hearing. The applicant is there to explain about the application, the site, the contamination, and the risks to the public. The meeting allows proponents/opponents to comment on the application, the site, and the MSD process.

### Why did I get a letter about the public meeting?

Everyone who owns property within ½ mile of the site, owns a water-well within 5 miles of the site, or is another interested group or city received an invitation to the public meeting. You do not have to attend the public meeting. Your presence is welcomed. You may come to the meeting to just listen, but if you would like to provide a comment, you may do so at the meeting or send them to the TCEQ and/or to the city.

Mr. Mike Frew  
Remediation Division  
Texas Commission on Environmental Quality  
P.O. Box 13087, MC-225  
Austin, Texas 78711.

Richard Chapin  
Public Works and Engineering Department  
City of Houston  
611 Walker, 19<sup>th</sup> Fl.  
Houston, Texas 77002  
msd@cityofhouston.net

### Who receives the MSD application?

A copy of the complete application is forwarded to the Department of Public Works and Engineering (PW&E), the City Attorney, the Mayor's Office, the Department of Health and Human Services and any other city department whose property or operations may be affected by the application. A copy of the application is also sent to the TCEQ.

### What happens at the public hearing?

A public hearing will be conducted by City Council to consider a municipal setting designation ordinance. The hearing allows proponents and opponents to comment on the application, and the site. Prior to the hearing, the Director of PW&E will prepare a recommendation as to whether the municipal setting designation ordinance should be granted or denied, and listing of any conditions that should be imposed.

### Where can I find out more about MSDs and this application?

You can see the schedules for public meetings and public hearing, review the MSD applications, and find out more at the MSD website. The address is:  
<http://www.publicworks.houstontx.gov/planning/plan/msd.htm>

### Who do I contact if I have questions about the MSD process?

Richard Chapin  
Senior Project Manager  
Public Works and Engineering Department - Planning and Development Services  
611 Walker, 19<sup>th</sup> Fl., Houston, Texas 77002  
Telephone: 713-837-0928  
Email: [msd@cityofhouston.net](mailto:msd@cityofhouston.net)