



**CITY OF HOUSTON - CITY COUNCIL**

Meeting Date:

ETJ

Item Creation Date: 10/10/2017

20UPA355 Ordinance/MSD 2016-095-QCH

Agenda Item#:

**Background:**

In 2003, the Texas Legislature authorized the creation of Municipal Setting Designations (MSD), which designate an area in which the use of contaminated groundwater is prohibited for use as potable water. The law is administered by the Texas Commission on Environmental Quality (TCEQ) and requires local City support to designate an MSD. The intent of the legislation is to encourage redevelopment of vacant or abandoned properties while protecting public health. On August 22, 2007, City Council approved an ordinance amending Chapter 47 of the Code of Ordinances by adding Article XIII relating to groundwater, which provides a process to support or not support an MSD application to the State (ordinance amended 7/14/2010).

**Milner Road Building, LLC. and QuestSpecialty Corporation Application:** Milner Road Building, LLC. and QuestSpecialty Corporation f/k/a QuestVapco Corporation are seeking a Municipal Setting Designation (MSD) for 26.582 acres of land located at 12255 FM 529 and 0 FM 529, Houston, TX 77041. The contamination consists of tetrachloroethene, trichloroethene, cis-1,2-dichloroethene, vinyl chloride, and 1,1-dichloroethene. Quest Chemical began operation at 12255 FM 529 in 1983 and used the facility for storing, blending, and repackaging of chemicals for resale. In 1988, a spill of 1,1,1-Trichloroethane occurred while filling an above ground storage tank; the spill was investigated by TCEQ. Incidental spills and releases over time contributed to another plume area. A licensed Professional Geologist has certified that the area of contamination has been thoroughly investigated, is fully delineated, and is stable.

Milner Road Building, LLC. and QuestSpecialty Corporation are seeking an MSD for this property to restrict access to groundwater to protect the public against possible exposure to the contaminants. There is a public drinking water supply system that meets state requirements that supplies or is capable of supplying drinking water to the MSD property and all properties within one-half mile of the MSD property. A public meeting was held on May 2, 2017 at the Bear Creek Community Center, and a public hearing was held on July 17, 2017 during the Transportation, Technology, and Infrastructure Council Committee. Both meetings are necessary steps prior to City Council's consideration of support.

**RECOMMENDATIONS:** It is recommended that City Council adopt a Municipal Setting Designation (MSD) ordinance prohibiting the use of designated groundwater at the Milner Road Building, LLC. and QuestSpecialty Corporation site located at 12255 FM 529 and 0 FM 529, Houston, TX 77041, and support issuance of an MSD by the Texas Commission on Environmental Quality.

Carol Ellinger Haddock, P.E.

Acting Director

Department of Public Works and Engineering

**Contact Information:**

Jennifer M. Clancey Program Manager 832-394-9005

**ATTACHMENTS:**

Description	Type
RCA Attachments #2016-095-QCH	Backup Material