



**CITY OF HOUSTON - CITY COUNCIL**

Meeting Date:  
District I  
Item Creation Date:

20UPA360 Ordinance MSD GMY LTD

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).

**GMY LTD Application:** GMY LTD is seeking a Municipal Setting Designation (MSD) for 11.815 acres of land located at 6502 Rusk Street, Houston, TX 77023. The contamination consists of tetrachloroethene, trichloroethene, cis-1,2-dichloroethene, vinyl chloride and arsenic. The property is currently developed as an industrial metal recycling facility operated by Spectrum Metal Recycling. The future use of the property is anticipated to remain commercial/industrial. A licensed Professional Geologist has certified that the area of contamination has been thoroughly investigated, is fully delineated and is stable.

GMY LTD is 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 October 3, 2017 at the Houston Permitting Center, and a public hearing was held on October 16, 2017 during the Transportation, Technology, and Infrastructure Council Committee. Both meetings are necessary steps prior to City Council's consideration of support.

**Specific Explanation:** City Council passed Municipal Setting Designation (MSD) Ordinance 2012-345 on April 18, 2012 for GMY LTD, for a 9.9574 acre site located at 308 and 320 Hughes Street, Houston, TX 77023. On January 18, 2017, GMY LTD applied to the Director of Public Works and Engineering requesting that City Council support a MSD Ordinance for 1.8576 acre property located at 6502 Rusk Street, Houston, TX 77023. The owners of the property have consented in writing to the addition of the 1.8576 acre parcel known as 6502 Rusk Street to the existing 9.9574 acre MSD. The properties at 308 and 320 Hughes Street and 6502 Rusk Street, Houston, TX 77023 form a contiguous 11.815 acre parcel of property.

**Recommendations:** It is recommended that City Council adopt a Municipal Setting Designation (MSD) ordinance prohibiting the use of designated groundwater at the GMY LTD site located at 6502 Rusk Street, Houston, TX 77023, and support issuance of an MSD by the Texas Commission on Environmental Quality.

Carol Ellinger Haddock, P.E.

Director  
Houston Public Works

**Contact Information:**

Jennifer Clancey Program Manager 832-394-9003

**ATTACHMENTS:**

Description	Type
RCA Attachments #2017-103-SMR	Signed Cover sheet