



**CITY OF HOUSTON - CITY COUNCIL**

Meeting Date:

District C

Item Creation Date: 5/1/2018

20UPA361 Ordinance MSD Felix Center on Kirby, Ltd./Kirby Center Partners, LLC.

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).

**Felix Center on Kirby, Ltd./Kirby Center Partners, LLC. Application:**

Felix Center on Kirby, Ltd./Kirby Center Partners, LLC. are seeking a Municipal Setting Designation (MSD) for 0.4134 acres of land located at 5829 Kirby Drive, Houston, Texas 77005 and 0.4110 acres of land located at 5819 Kirby Drive, Houston, Texas 77005, for a combined total of 0.8244 acres. The contamination consists of tetrachloroethene, trichloroethene, cis-1,2-dichloroethene, and vinyl chloride. LeBon Cleaners operated on-site dry cleaning operations from 1995 until 2005 using tetrachloroethene. In 2005, tetrachloroethene use was discontinued and replaced by Stoddard Solvent as the dry cleaning solvent until 2015, when all dry cleaning equipment was removed. The facility operated as a drop station until September 2017, when LeBon Cleaners ceased operations at the site. Groundwater data collected to date indicates that the area of affected groundwater is stable. A licensed Professional Geologist has certified that the area of contamination has been thoroughly investigated, is fully delineated and is stable.

Felix Center on Kirby, Ltd./Kirby Center Partners, LLC. 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 April 3, 2018 at the Houston Permitting Center, and a public hearing was held on April 16, 2018 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 Felix Center on Kirby, Ltd./Kirby Center Partners, LLC. site located at 5829 and 5819 Kirby Drive, Houston, TX 77005, and support issuance of an MSD by the Texas Commission on Environmental Quality.

Carol Ellinger Haddock, P.E.

Director

Houston Public Works

**Contact Information:**

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**ATTACHMENTS:**

**Description**

RCA 20UPA361 Attachments

**Type**

Backup Material