

CITY OF SAN ANTONIO

MUNICIPAL SETTING DESIGNATION POLICY GUIDELINES

1. POLICY STATEMENT

Municipal Setting Designation (MSD) is a program created by the state in September 2003 which allows municipalities to have jurisdiction for a property that has known historical shallow groundwater contamination. The MSD designation certifies that designated groundwater at the property will not be used as potable water, and is prohibited from future use as potable water because the shallow groundwater is contaminated in excess of the applicable potable-water protective concentration level. This prohibition must be in the form of a city ordinance.

Properties that have been impacted by the known historical shallow groundwater contamination could be many of the same properties the City has identified as Brownfield sites. These sites are usually abandoned, vacant, or underutilized properties. Examples can include abandoned gas stations, dry cleaning facilities, junkyards, old car dealerships, abandoned factories, undocumented landfills, and other potentially contaminated properties.

The sites can remain abandoned and unmarketable, increase inner city blight and perpetuate the perception that redevelopment is risky and expensive. These sites decrease property values, affect local economies, and could threaten human health and the environment.

City staff is proposing the implementation of the City's first Municipal Setting Designation Program as a means of addressing shallow groundwater contamination under redeveloping properties.

2. PUBLIC BENEFITS

The cleanup and subsequent reuse of groundwater contaminated sites produces several community benefits including:

Community Revitalization: Properties that have historical groundwater issues discourage future development due to the fear of the unknown environmental remediation costs and timeframe. These properties could potentially sit vacant and neglected without the Municipal Setting Designation. However, providing a means to identify and address the shallow groundwater opens the possibility of a new development that could enhance the community. These vacant properties degrade the sense of community, project a perception of neglect, and can contribute to civic disengagement. Apart from the economic disinvestment generated from such decline, blighted areas undermine the level of comfort and safety of the surrounding neighborhood. Transforming such sites, however, demonstrates a commitment of genuine attention that inspires renewed community interest and vitality.

Improved Human and Environmental Health: Municipal Setting Designation improves potential public health and safety hazards by allowing developers to obtain site closure through a regulatory program more quickly than without the designation. The designation prevents exposure to affected ground water by preventing water well installation and ground water use in a specific area through deed recordation. Additionally the MSD Program will be used to identify unregistered wells, map the wells and groundwater plumes and ensure the integrity of San Antonio's drinking water source.

Infill Development: Transportation & Capital Improvements contracted an on-call consultant to determine if MSD is a viable option for the City of San Antonio. The study included research and a summary of a potential MSD boundary based on existing geology and our sensitive environment. Upon further discussions with both the San Antonio Water System (SAWS) and the Edwards Aquifer Authority (EAA), the possible MSD implementation area would be generally within Loop 410 to the North and West, and Loop 1604 to the South and East (see attached map). Given these general boundaries, the program would largely benefit many properties in San Antonio that have been abandoned and neglected due to urban sprawl. The MSD Program provides the City with another means of enticing redevelopment within the inner City for these challenging properties.

Every reused site absorbs a project that might otherwise contribute to urban sprawl

3. POLICY GOALS

The Municipal Setting Designation Program aims to accomplish the following goals:

- Review applications for MSD Program to identify the potential MSD sites in and around the City but within the MSD boundaries.
- Ensure compliance with each of the City's MSD requirements.
- Ensure public involvement through MSD process.
- Seek City Council approval for potential MSD sites that have satisfied all City requirements.

4. Program Implementation

- 1) An application is submitted to the City of San Antonio for review of possible MSD ordinance on a specific property
- 2) Applicant submits a \$2000 application fee
- 3) City review teams evaluate application
 - a. Development Team
 - i. Determines if the proposed development suits the needs of the area
 1. Center City & Downtown Operations
 2. Economic Development Department
 3. Planning & Community Development
 4. Development Services Department
 - b. Technical Team

- i. Determines if environmental results meet health and safety requirements as well as program requirements
 - 1. Metro Health
 - 2. Parks & Recreation
 - 3. Transportation & Capital Improvements
 - 4. City Attorney's Office
 - c. Partnering Agencies
 - i. Ensure agency requirements have been met
 - 1. San Antonio Water System
 - 2. Edwards Aquifer Authority
- 4) Public involvement process and submit \$6000 fee (plus reimbursables) for public notification and mail outs
 - a. Notify registered well owners within half mile radius
 - b. Reach out to all property owners within 500 feet to determine if unregistered wells exist
 - i. Coordinate with Edwards Aquifer Authority to assess newly identified wells and properly plug abandoned wells
- 5) Present application to City Council for approval of a Municipal Setting Designation ordinance

5. MUNICIPAL SETTING DESIGNATION PROGRAM GUIDELINES

Applicant must provide the following:

- 1) Proof that property is within the designated boundary
- 2) Proof that the source of contamination has been removed and be enrolled in a TCEQ regulatory cleanup program
- 3) Provide preliminary development plan and environmental studies
- 4) Provide geological survey that shows a minimum of 150' impermeable barrier to Edwards Aquifer
- 5) Assess and delineate extent of groundwater contamination to City's satisfaction
- 6) Identify all wells within 500' and register them
- 7) Plug abandoned well to protect the aquifer and future water resources
- 8) Assist City with public involvement upon City deeming application complete

6. PROGRAM PERFORMANCE MEASURES

The MSD Program will be evaluated each fiscal year on the following metrics:

- 1) Number of sites assessed
- 2) Number of sites certified for development and regulatory compliance
- 3) Number of vacant sites redeveloped
- 4) Increase in taxable value