

CITY OF SAN ANTONIO

MUNICIPAL SETTING DESIGNATION POLICY AND GUIDELINES

1. POLICY STATEMENT

Municipal Setting Designation (MSD) is a program created by the State of Texas in September 2003 which allows municipalities to have jurisdiction of 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.

The implementation of the Municipal Setting Designation Program is a means of addressing shallow groundwater contamination under redeveloping properties, while protecting human health, the environment, and San Antonio's drinking water supply.

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 MSD. 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: MSD 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: The City's Transportation & Capital Improvements (TCI) Department conducted a study 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 San Antonio's 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 Figure 1). 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 within the MSD boundaries.
- Ensure compliance with each of the City's MSD requirements.
- Ensure public involvement through MSD process.
- Facilitate City Council approval for potential MSD sites that have satisfied all City requirements.

4. PROGRAM IMPLEMENTATION

- 1) All MSD applicants will comply with City MSD Procedures. The City will provide procedures for MSD compliance.
- 2) An application is submitted to the City for review in accordance with City MSD Procedures
- 3) Applicant submits a \$2,000 application fee
- 4) City review teams reviews application
 - a. Administrative Review
 - b. 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
- 5) Applicant submits a \$6,000 processing fee after administrative review is complete
- 6) City conducts technical review
 - a. 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
 - b. Partnering Agencies

- i. Ensure agency requirements have been met
 - 1. San Antonio Water System
 - 2. Edwards Aquifer Authority
- 7) Public involvement process
 - a. Notify property owners within 2,500 feet of the MSD property
 - b. Notify registered well owners within a 5 mile radius
 - c. Conduct property owner engagement within 500 feet of MSD property to verify if unregistered wells exist
 - d. Conduct Public Meeting and Public Hearing for the proposed MSD Application
 - i. Coordinate with Edwards Aquifer Authority to assess all identified wells and verify properly plug abandoned wells within MSD property
 - ii. Collect reimbursable fees for public notification and mail outs
- 8) Present application to City Council for approval of a MSD ordinance

5. MUNICIPAL SETTING DESIGNATION PROGRAM GUIDELINES

Applicant must provide the following:

- 1) Provide documentation that property is within the MSD boundary and is not within a one half mile radius of SAWS primary pump station
- 2) A licensed professional shall provide documentation that the source of contamination has been removed and that the property is enrolled in a TCEQ regulatory cleanup program
- 3) Provide preliminary development plan and environmental studies as per MSD procedures
- 4) Provide geological survey that shows a minimum of 150 feet impermeable barrier to Edwards Aquifer within the MSD boundary
- 5) Assess and delineate extent of groundwater contamination to City's satisfaction
- 6) Make a good faith effort to identify and register all active and inactive wells within 500 feet of MSD property
- 7) Plug abandoned well to protect the aquifer and future water resources within MSD property
- 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

Figure 1. Proposed MSD Implementation Area

