



CITY OF SAN ANTONIO
TRANSPORTATION & CAPITAL IMPROVEMENTS
Environmental Management Division

Municipal Setting Designation Application Form

October 2016

Municipal Setting Designation Application Form

Instructions

Pre-Application Meeting: While a pre-application meeting is not mandatory, it is strongly encouraged to discuss the specific details of the site. Please note: the City of San Antonio will not support a Municipal Setting Designation (MSD) application unless a Professional Geologist (P.G.) or Professional Engineer (P.E.) has certified that the groundwater plume is stable or contracting, fully delineated, and the source has been removed. This statement should be supported with historical groundwater monitoring data showing the plume as stable or contracting, and fully delineated. Furthermore, the development boundary shall be the entire property boundary and adjacent public right(s)-of-way, no subdividing shall be allowed.

Please contact Robert P. Espinosa at (210) 207-1448, robert.espinosa@sanantonio.gov to schedule a pre-application meeting. Meetings will be held at 114 W. Commerce St., San Antonio, TX 78205.

Application Form: Submit seven (7) hard copies of the completed application (the well logs are not necessary for the hard copies but should be included in an electronic copy). In addition to the hard copies, an electronic portable digital file (pdf) of the completed application is required to be submitted including all supporting documentation, to the City of San Antonio, Transportation & Capital Improvements Department, Environmental Management Division (address shown at the bottom of this page) when applying for a Municipal Setting Designation (MSD) Certificate. The MSD application process is governed by the City of San Antonio Ordinance number 2016-04-07-0247. Failure to use this application form will result in denial of the application.

In general, the application form is self-explanatory. Indicate by checking "Yes", "No", "N/A", and/or "Page #" in response to the stated question. Complete the form and submit a copy of the form along with the supporting information. If any of the responses on the form require more space than is provided in the form, add the additional information to the end of the form and note that additional information is included in the answer space.

This application must be clear, complete, concise, correct, contain only relevant information, and be organized to facilitate analysis. Supporting documentation, if necessary, should be submitted as a separate appendix to the application.

Maps: All maps must be accurate and drawn to scale. The supporting information can be consolidated onto fewer maps than are listed in the checklist, provided the information is legible.

A professional surveyor registered with the Texas Board of Professional Surveying must certify that all property descriptions or maps with metes and bounds descriptions are accurate.

Legal Description of the MSD: Metes and bounds descriptions **MUST INCLUDE THE ADJACENT PUBLIC RIGHT(S)-OF-WAY AND** must be certified by a licensed professional surveyor registered by the Texas Board of Professional Surveying attesting to the accuracy of the descriptions. One legal description which consists of: (1) the designated property and (2) the adjacent public right(s)-of-way in a contiguous form is also acceptable.

Application Delays and Extensions: If an application is being withdrawn due to delays, the applicant can request that an extension be granted. The director will consider the extension on a case by case basis. If the delay is found to be acceptable, an extension period will be granted to the applicant.

Submittal: Submit the attached application form and all supporting information, along with an application fee of \$2,000 (check payable to City of San Antonio) to:

City of San Antonio - MSD Program
Environmental Management Division
114 W. Commerce Street, 2nd floor
San Antonio, Texas 78205

Please note that the applicant must also pay the estimated cost of mailing notices and advertising for the public meeting. Furthermore, the applicant must pay the \$6,000 processing fee prior to the placement of the application on the City Council agenda. No refunds of these fees will be made. **If there are any questions, please contact Robert P. Espinosa of the Environmental Management Division at 210-207-1448 or robert.espinosa@sanantonio.gov.**

City of San Antonio



**Transportation & Capital
Improvements Department**

Application for Approval of Municipal Setting Designation

APPLICANT INFORMATION

Applicant's Name: _____

☐ Individual ☐ Private Entity ☐ Public Entity ☐ Non-Profit Entity ☐ Other _____

Address: _____
(Street) (City) (State) (Zip)

Phone No.: _____ Fax No.: _____

Email: _____

Contact Information

Name of Contact: _____

Title: _____

Address: _____
(Street) (City) (State) (Zip)

Phone No.: _____ Fax No.: _____

Email: _____

Application Preparation

Application Prepared by: _____

Company: _____

Address: _____
(Street) (City) (State) (Zip)

Phone No.: _____ Fax No.: _____

Email: _____

SITE INFORMATION

Site BCAD No(s): _____

Site Name: _____

Site Size: _____

Site Address: _____
(Street) (City) (State) (Zip)

(List all Owners – additional sections provided, if necessary)

Owner: _____

Owner Address: _____
(Street) (City) (State) (Zip)

Name of Contact: _____

Title: _____

Organization: _____

Phone No.: _____ Fax No.: _____

Email: _____

Owner: _____

Owner Address: _____
(Street) (City) (State) (Zip)

Name of Contact: _____

Title: _____

Organization: _____

Phone No.: _____ Fax No.: _____

Email: _____

Owner: _____

Owner Address: _____
(Street) (City) (State) (Zip)

Name of Contact: _____

Title: _____

Organization: _____

Phone No.: _____ Fax No.: _____

Email: _____

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(Street) (City) (State) (Zip)

Name of Contact: _____

Title: _____

Organization: _____

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Email: _____

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Title: _____

Organization: _____

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Email: _____

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Owner Address: _____
(Street) (City) (State) (Zip)

Name of Contact: _____

Title: _____

Organization: _____

Phone No.: _____ Fax No.: _____

Email: _____

Owner: _____

Owner Address: _____
(Street) (City) (State) (Zip)

Name of Contact: _____

Title: _____

Organization: _____

Phone No.: _____ Fax No.: _____

Email: _____

Municipal Setting Designation Application Form

Please use the checklist below to indicate whether the items are included in the application by checking the “yes” or “no” or “N/A” column. If an item is checked “no” an explanation must be provided as to why the item is not included. The application must include all information on the following checklist **IN THIS ORDER**. Please note that if an item is checked “no”, the application could be rejected.

Item	Yes	No	N/A	Page #
1. Executive Summary				
2. Name, address, telephone number, and email of all applicants, all property owners within the designated property, and any representatives of the applicants or property owners.				
3. A legal description of the boundaries of the designated property and the metes and bounds of the adjacent public right(s)-of-way , along with a copy of the deed for the designated property. One legal description which consists of: (1) the designated property and (2) the adjacent public right(s)-of-way in a contiguous form is also acceptable.				
4. Submit a site map showing: <ul style="list-style-type: none"> a. the location of the designated property and adjacent public right(s) of-way; b. the topography of the designated property as indicated on publicly available sources, which must note the watershed including the nearest surface water body and whether the designated property is located in a floodplain or floodway; c. the detected area of groundwater contamination; d. the location of all soil sampling locations and all groundwater monitoring wells; e. groundwater gradients, to the extent known, and direction of groundwater flow; f. the ingestion protective concentration level exceedance zone for each contaminant of concern, to the extent known; g. Depth to groundwater for each affected zone 				
5. A description of the current use, and, to the extent known, the anticipated uses of the designated property and properties within 500 feet of the boundary of the designated property.				
6. For each contaminant of concern within the ingestion protective concentration level exceedance zone, to the extent known, provide the following: <ul style="list-style-type: none"> a. Description of the ingestion protective concentration level exceedance zone and the non-ingestion protective concentration level exceedance zone, including a specification of the horizontal area and the minimum and maximum depth below ground surface; b. The level of contamination, the ingestion protective concentration level, and the non-ingestion protective concentration level, all expressed as mg/L units; and. c. Its basic geochemical properties (for example, whether the contaminant of concern migrates with groundwater, floats, or is soluble in water); 				

Item	Yes	No	N/A	Page #
7. For each contaminant of concern within the designated groundwater, to the extent known, provide the following: <ul style="list-style-type: none"> a. A description of the ingestion protective concentration level exceedance zone and the non-ingestion protective concentration level exceedance zone, including a specification of the horizontal area and the minimum and maximum depth below ground surface; b. The level of contamination, the ingestion protective concentration level, and the non-ingestion protective concentration level, all expressed as mg/L units; and c. Its basic geochemical properties (for example, whether the contaminant of concern migrates with groundwater, floats, or is soluble in water). 				
8. A table displaying the following information for each contaminant of concern, to the extent known: <ul style="list-style-type: none"> a. The maximum concentration level for soil and groundwater, the ingestion protective concentration level, and the non-ingestion protective concentration level, all expressed as mg/L units; and b. The critical protective concentration level <u>without</u> the municipal setting designation, highlighting any exceedances. c. The critical protective concentration level <u>with</u> the municipal setting designation, highlighting any exceedances. 				
9. If the plume extends beyond the limits of property owners listed in this application, list the owners of the additional property beneath which the plume(s) extend(s), and a summary of interactions with those property owners about the plume(s) and this MSD application. Please Note: You are not required under this item to notify affected property owners, only to provide a summary of who affected property owners are, and if there have been any communication. "No Contact" is an acceptable answer.				
10. A statement as to whether the source of the plume has been removed, the plume of contamination is stable (i.e. no change) or contracting, and the plume is delineated, with the basis for that statement. Please include historical sampling data. If this information is not known, a statement of why the information is not known.				
11. A statement as to whether contamination on and off the designated property <u>without</u> a Municipal Setting Designation <u>will exceed</u> a residential assessment level as defined in the Texas Risk Reduction Program or analogous residential level set by EPA, if known, and the basis for that statement.				
12. A statement as to whether contamination on and off the designated property <u>with</u> a Municipal Setting Designation <u>will exceed</u> a residential assessment level as defined in the Texas Risk Reduction Program or analogous residential level set by EPA, if known, and the basis for that statement.				
13. Identification of the points of origin of the contamination, to the extent known, and the potentially responsible party / parties responsible for the contamination (<i>applications without the potential responsible parties (PRP) listed will be deemed incomplete.</i>)				
14. Environmental regulatory actions, litigation, and plume identification, provide the following: <ul style="list-style-type: none"> a. A description of any environmental regulatory actions that have been taken within the past five years in connection with the designated property, to the extent known. 				

Item	Yes	No	N/A	Page #
<ul style="list-style-type: none"> b. A description of any litigation that has taken place within the past five years in connection with the designated property, to the extent known. c. A statement as to whether there are any other remediation activities by the applicant, or any other party or agency, which are not listed in the application. d. A statement as to which contamination plume and groundwater zone the applicant is including in the MSD. 				
15. A listing of all existing state or EPA registrations, permits, and identification numbers that apply to the designated property.				
16. Provide evidence that the designated property is currently or has previously been under the oversight of the TCEQ or EPA, and a description of the status of the designated property in the program (the program application number is sufficient evidence). Also, include the state or federal cleanup project manager's name.				
17. A summary of any environmental site assessment reports filed with TCEQ regarding any site investigations or response actions that are planned, ongoing or completed related to the designated property.				
18. A statement as to whether any public drinking SAWS water supply system or any water supply system exists that satisfies the requirements of Chapter 341 of the Texas Health and Safety Code and that supplies or is capable of supplying drinking water to the designated property and property within one-half (1/2) mile of the designated property and the identity of each supply system.				
<p>19. The name and address of each owner or operator of an active and/or abandoned or plugged water well registered or permitted by the state that is located within five (5) miles of the designated property, along with:</p> <ul style="list-style-type: none"> a. map showing the location of each well and, to the extent known, a notation of whether each well is used for potable water; and b. a statement as to whether the applicant has provided notice to each owner in compliance with Section 361.805 of the Texas Health and Safety Code. c. Applicant shall cap abandoned water wells within the MSD boundary, and allow City or its representative to verify well conditions before and after capping, if necessary. <p>Well logs must be included in the electronic copy of the application, but should not be included in the hard copies. (An accompanying electronic excel file with mailing information should be included with your application.)</p>				
20. The name and address of each retail public utility, as defined in section 13.002 of the Texas Water Code that owns or operates a groundwater supply well within five (5) miles of the boundary of the designated property, along with a statement as to whether the applicant has provided notice as required by Section 361.805 of the Texas Health and Safety Code.				
21. A listing of each municipality, other than the City of San Antonio, with a corporate limit within one-half (1/2) mile of the boundary of the designated property, and a statement as to whether the applicant has provided notice as required by § 361.805 of the Texas Health and Safety Code.				
22. A listing of each municipality, other than the city of San Antonio, that owns or operates a groundwater supply well within five (5) miles of the boundary of the designated property, and a statement as to whether the applicant has provided notice as required by Section 361.805 of the Texas				

Item	Yes	No	N/A	Page #
Health and Safety Code.				
23. A summary indicating that a soil vapor intrusion survey has been conducted for all buildings located within the proposed MSD boundary. A statement indicating that soil vapor intrusion is, or is not, considered to be a public health concern for future building occupancy.				
24. A listing of owners of real property within 2,500 feet of the boundary of the designated property as indicated by the most recent appraisal district records. Please Note: This requirement may include real property outside the City of San Antonio. Be sure to include ALL properties in the 2,500 feet boundary. (An accompanying electronic excel file with mailing information should be included with your application.)				
25. The following statement signed and sealed by a licensed professional engineer or licensed professional geoscientist authorized to practice in the State of Texas with expertise in environmental remediation: To the best of my knowledge and believe, based upon a review of all public and private records and other information sources available to me in the exercise of due diligence, the opinions stated and conclusions made in this application are supported by such information, and the technical and scientific information submitted with the application is true, accurate, and complete. Based on such review, the contaminants of concern from the sources on the designated property or migrating from or through the designated property more likely than not (do exceed) or (do not exceed) a non-ingestion protective concentration level on property beyond the boundaries of the designated property.				
26. If the licensed professional engineer or licensed professional geoscientist determines that contaminants of concern from sources on the designated property or migrating from or through the designated property more likely than not do exceed a non-ingestion protective concentration level on property beyond the boundaries of the designated property, then the applicant must: a. Specify the name and address of the owner of each property. b. Send a copy of the application to the owner of the property with the notice of the public meeting. c. Provide documentation that the designated property has been included in a state or federal program that requires that the entire non-ingestion protective concentration level exceedance zone be addressed to the satisfaction of the agency administering the program, along with documentation of the estimated time period in which it is to be addressed. An example of such a program is the Texas Voluntary Cleanup Program (Chapter 361, Subchapter S, Section 361.601 of the Texas Health and Safety Code) or Corrective Action. d. Provide documentation upon completion of the state or federal program showing that the non-ingestion protective concentration level exceedances have been addressed to the satisfaction of the agency administering the program.				
27. The following statement certified by the applicant and any authorized representatives of the applicants listed in the application: "I certify under penalty of law that this application and all attachments were prepared under my direction or supervision in a manner designed to assure that qualified personnel				

Item	Yes	No	N/A	Page #
properly gathered and evaluated the information submitted. Based on my inquiry of the persons responsible for gathering and evaluating the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."				
28. A copy of the TCEQ application, if it has been filed, excluding attachments.				
29. The signature of the applicant and proof that the applicant has the legal authority to restrict the use of the groundwater on the designated property.				
30. The initial filing fee of \$2,000 payable to "City of San Antonio".				
31. A CD (or other device) containing the pdf file of the application, excel spreadsheet of water well owners and property owners for mailing notices, and the pdf file of the well log report.				
32. Any additional information deemed necessary.				

Application Company Name

Printed Name and Title

Signature

Date