

AGENDA ITEM #3

MEETING: Community Health, Environment, & Culture Committee

DATE: December 14, 2021

DEPARTMENT: Public Works

DEPARTMENT HEAD: Razi Hosseini, P.E., R.P.L.S. COUNCIL

DISTRICTS IMPACTED: District 1

SUBJECT:

A briefing and presentation on the Municipal Setting Designation (MSD) application for the former SA Light property at 420 Broadway, located in City Council District 1.

SUMMARY:

An MSD application has been received for the former SA Light property in City Council District 1. Requesting the review and consideration of this application for local impact by the Community Health, Environment and Culture Committee (CHECC) before City Council consideration is scheduled. Once CHECC has reviewed the proposed MSD application, it will be presented to the City Council for MSD ordinance review and approval. The final certification of an MSD rests with the Texas Commission on Environmental Quality (TCEQ).

BACKGROUND INFORMATION:

In 2003, the Texas legislature authorized the creation of Municipal Setting Designations (MSDs), which designate an area in which the use of shallow contaminated groundwater is prohibited from use as potable water for human consumption. MSDs address groundwater contamination under existing redevelopment properties and encourage redevelopment of properties in blighted areas while protecting human health, the environment, and San Antonio's drinking water. The statute requires the support of the local municipality to participate in the MSD program. Since 2004, a total of 449 MSDs have been certified by the TCEQ in over 20 cities to address historic groundwater contamination and spur redevelopment.

Ordinance 2016-04-07-0247 established the City's MSD policy and guidelines. As a result of this ordinance, Public Works' Environmental Management Division, with coordination and support from the San Antonio Water Systems (SAWS) and the Edwards Aquifer Authority (EAA), developed procedures for evaluating whether to support an MSD application to the TCEQ. Several factors and requirements were considered and implemented as part of the MSD process:

- Sites that may apply for an MSD have known groundwater contamination.
- An applicant must be enrolled in one of the cleanup programs administered by the Texas Commission on Environmental Quality (TCEQ) or the Environmental Protection

Agency (EPA).

- The MSD certificate only eliminates the risk for human consumption, such as cooking or bathing in affected groundwater. An assessment would still be required for other exposure pathways, such as inhalation and skin absorption.
- Establishing an MSD does not remove any liability from the property owner or shift any liability to the City.

MSDs will not be approved if they are located within a half-mile of a SAWS Primary Pump Station, and no MSD may be approved unless the site is already served by SAWS or is capable of being served by SAWS at the applicant's expense.

The Community Health, Environment and Culture Committee received a briefing on October 19, 2019, which provided a general overview of the City's MSD program and referenced two potential participant sites, including the former SA Light property.

ISSUE:

Application Summary – Former SA Light Property (District 1)

- MSD application received from ESE Partners, January 24, 2019, for the former SA Light property located at 420 Broadway in City Council District 1.
- The site is approximately 2.15 acres, consisting of commercial property under construction for redevelopment as a commercial office building and attached parking garage.
- The site is currently improved with concrete and asphalt-paved surface parking and a four-story former office structure and a three-story former manufacturing/office facility, both of which are connected by a common basement.
- The site formerly operated as a newspaper publishing and printing press facility since at least 1930 under San Antonio Light, a dry-cleaning facility in 1964, a tire repair facility from 1961 through 1970, and more recently, San Antonio Express-News ownership, and is commonly referred to as the "Light Building." GrayStreet Light, LP (the Applicant) acquired ownership of the property on December 15, 2016.
- The site is currently enrolled in the TCEQ Voluntary Cleanup Program (VCP) as VCP No. 2857.
- The site is impacted with chlorinated hydrocarbon solvents, particularly trichloroethylene (TCE) in soil and groundwater.
- All potential Chemicals of Concern (COC) concentrations, including TCE, in soil and groundwater at the site, have been reported below the respective non-ingestion PCLs.

Proposed Development

- The existing on-site structures are being renovated for commercial office use.

Related Activities to Date

- Performed administrative and technical review of MSD application since January 2019.
- Determined plume to be stable and decreasing in concentrations in March 2021.
- Received SAWS and EAA concurrence in April 2021.

- Received director's approval to begin public involvement in April 2021.
- CHECC briefing on MSD program overview in October 2019.
- Conducted an in-person/virtual hybrid public meeting on September 20, 2021.
- Anticipated to take this item to City Council for a public hearing, consideration and approval of the MSD ordinance in January or February 2022.

ALTERNATIVES:

This item is for informational purposes only.

FISCAL IMPACT:

This item is for informational purposes only.

RECOMMENDATION:

This item is for informational purposes only and is provided at the request of the Community Health, Environment and Culture Committee Chair. After CHECC review, staff requests a recommendation to send to City Council for consideration.