



# City of San Antonio

## Agenda Memorandum

**File Number:**  
**{{item.tracking\_number}}**

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**Agenda Item Number:** 4

**Agenda Date:** June 14, 2022

**In Control:** Community Health, Environment and Culture Committee

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**DEPARTMENT:** Public Works Department

**DEPARTMENT HEAD:** Razi Hosseini

**COUNCIL DISTRICTS IMPACTED:** District 1

**SUBJECT:**

A briefing regarding the December 14, 2021 conditional approval of the Municipal Setting Designation (MSD) application for the former SA Light property at 420 Broadway, located in City Council District 1.

**SUMMARY:**

Public Works Department (PWD) presented a briefing on the former SA Light property Municipal Setting Designation (MSD) application to the Community Health, Environment, and Culture Committee (CHECC) on December 14, 2021. The application was submitted in 2019 and review by the CHECC was the last step prior to seeking Council approval in early 2022. Approval of the MSD was granted by the CHECC with a condition that all residents and tenants within 2,500' of the site be notified of the proposed MSD prior to taking the item to City Council. PW cannot compel the applicant to comply with this requirement based on existing regulations and recommends that the condition be rescinded and the MSD application be forwarded to City Council for consideration.

## **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. 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. The final certification of an MSD rests with the Texas Commission on Environmental Quality (TCEQ).

## **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 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***

- All administrative and technical reviews have been completed; SAWS and EAA concurred in April 2021.
- 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 August 2022.

The MSD application for the former SA Light property was presented to the CHECC on December 14, 2021. At this time, the CHECC indicated conditional approval of the application with recommendation to the full City Council with a condition that all residents and tenants within 2,500' of the site be notified of the proposed MSD. The Texas MSD requirements and the COSA MSD guidelines require the applicant to notify the property owners within 2,500 feet of the MSD, among other entities. The COSA MSD guidelines also require the applicant to have a public hearing and a public meeting. There is no state or COSA requirement to notify individual residents in apartments or individual tenants in commercial buildings. As such, staff cannot compel the applicant to provide additional notifications to qualify for the Municipal Setting Designation.

**FISCAL IMPACT:**

There is no fiscal impact associated with this item.

**ALTERNATIVES:**

The CHECC can elect to not rescind the additional notification requirement which will result in the MSD application remaining incomplete and not being presented to Council for consideration.

**RECOMMENDATION:**

Staff recommends unconditional approval of the MSD application with the recommendation to send it to the City Council for consideration.