



Legislation Details (With Text)

**File #:** 22-1315      **Version:** 1      **Name:**

**Type:** MISCELLANEOUS      **Status:** Hearing Closed; Approved  
HEARINGS

**File created:** 5/25/2022      **In control:** Office of Environmental Quality & Sustainability

**On agenda:** 6/22/2022      **Final action:**

**Title:** A public hearing to receive comments on a proposed municipal setting designation to prohibit the use of groundwater as potable water beneath property owned by 1400 Triple B Holdings, LP located near the intersection of West Commerce and Neal Streets and adjacent street rights-of-way; and an ordinance authorizing support of the issuance of a municipal setting designation to 1400 Triple B Holdings, LP by the Texas Commission on Environmental Quality and prohibiting the use of groundwater beneath the designated property as potable water - Financing: No cost consideration to the City  
Recommendation of Staff: Approval

**Sponsors:**

**Indexes:** 6

**Code sections:**

**Attachments:** 1. Map, 2. Ordinance, 3. Exhibit A

Date	Ver.	Action By	Action	Result
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**STRATEGIC PRIORITY:** Environmental & Sustainability

**AGENDA DATE:** June 22, 2022

**COUNCIL DISTRICT(S):** 6

**DEPARTMENT:** Office of Environmental Quality & Sustainability

**EXECUTIVE:** M. Elizabeth Cedillo-Pereira

**SUBJECT**

A public hearing to receive comments on a proposed municipal setting designation to prohibit the use of groundwater as potable water beneath property owned by 1400 Triple B Holdings, LP located near the intersection of West Commerce and Neal Streets and adjacent street rights-of-way; and an ordinance authorizing support of the issuance of a municipal setting designation to 1400 Triple B Holdings, LP by the Texas Commission on Environmental Quality and prohibiting the use of groundwater beneath the designated property as potable water - Financing: No cost consideration to the City

Recommendation of Staff: Approval

**BACKGROUND**

Based on information provided by the Applicant, the designated property is underlain by shallow

groundwater that is encountered at approximately 13 to 21 feet below ground surface (bgs) and extends down to approximately 5 to 30 feet bgs at the top of the underlying Austin Chalk Limestone and/or Eagle Ford Shale formations. The Austin Chalk and Eagle Ford Shale are confining layers and serve as hydraulic barriers to the underlying Woodbine Aquifer. The direction of groundwater flow beneath the designated property is towards the northwest. A portion of the designated groundwater has been affected by tetrachloroethene, trichloroethene, cis-1,2-dichloroethene, trans-1,2-dichloroethylene, 1,1-dichloroethylene, vinyl chloride, total petroleum hydrocarbons, 1,1,2-trichloroethane, 1,2-dichloroethane, benzo(a)pyrene, and dibenz(a,h)anthracene at concentrations above groundwater ingestion standards. The potential onsite source of identified chemicals in groundwater is from the historical operations of the Dearborn Stove Company, a stove finishing and stock warehouse, that operated from at least 1945 until 1969.

The applicant has requested that the City support its application for an MSD. A public meeting was held on June 9, 2022 to receive comments and concerns. Notices of the meeting were sent to 1,161 property owners within 2,500 feet of the property and 77 private well owners within 5 miles of the property. There are no other municipalities within one-half mile of the property.

The designated property was entered into the Voluntary Cleanup Program (VCP) administered by the Texas Commission on Environmental Quality (TCEQ) in March 2020 and is designated as Facility ID No. 3065.

This item is a municipal setting designation ordinance prohibiting the use of potable groundwater beneath property located near the intersection of West Commerce and Neal Streets including adjacent street rights-of-way; and supporting the issuance of an MSD by TCEQ.

The applicant's current plan is to obtain closure through the VCP supported by an MSD. Currently the designated property is developed for commercial use and is occupied by a vacant light industrial warehouse. The anticipated future use is expected to be residential apartment dwellings but could include commercial development.

### **PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)**

This item has no prior action.

### **FISCAL INFORMATION**

No cost consideration to the City.

### **OWNER**

#### **1400 Triple B Holdings, LP**

1400 Triple B Holdings GP, LLC, General Partner  
Brent Burns, Sole Member

### **MAP**

Attached