



Legislation Details (With Text)

File #: 21-1010 **Version:** 1 **Name:**

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

File created: 5/17/2021 **In control:** Office of Environmental Quality & Sustainability

On agenda: 6/9/2021 **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 ESS WCOT OWNER LLC, located near the intersection of Lemmon Avenue and Hedgerow Drive and adjacent street rights-of-way; and an ordinance authorizing support of the issuance of a municipal setting designation to ESS WCOT OWNER LLC 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: 2

Code sections:

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

| Date | Ver. | Action By | Action | Result |
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STRATEGIC PRIORITY: Quality of Life

AGENDA DATE: June 9, 2021

COUNCIL DISTRICT(S): 2

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 ESS WCOT OWNER LLC, located near the intersection of Lemmon Avenue and Hedgerow Drive and adjacent street rights-of-way; and an ordinance authorizing support of the issuance of a municipal setting designation to ESS WCOT OWNER LLC 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 groundwater

that is encountered at approximately 3 feet below ground surface (bgs) and extends down to approximately 6 feet bgs overlying the Austin Chalk. The Austin Chalk is considered an aquitard and is comprised mainly of light gray limestone chalk and marl that is expected to be approximately 300-500 feet thick. The direction of groundwater flow beneath the Designated Property is generally towards the southwest. Portions of the shallow groundwater have been affected by benzene, cis-1,2-dichloroethene (cis-1,2-DCE), methyl tert-butyl ether (MTBE), total petroleum hydrocarbons (TPH), and vinyl chloride (VC) at concentrations above groundwater ingestion standards and appear to be associated with historical onsite and offsite operations. The probable onsite source for benzene, MTBE, and TPH is likely from a historical release associated with the former underground storage tank system and former underground hydraulic lifts located on the western portion of the property. The probable offsite source of cis-1,2-DCE and VC is associated with the former Jackson Cleaners facility located south of the property and the probable offsite source of benzene, MTBE, and TPH is associated with the former 7-Eleven facility located south of the property.

The applicant has requested that the City support its application for a municipal setting designation (MSD). A public meeting will be held on June 3, 2021 to receive comments and concerns. Notices of the meeting were sent to 2,076 property owners within 2,500 feet of the property and 95 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 July 2018 and is designated as VCP Facility ID No. 2936.

This item is a municipal setting designation ordinance prohibiting the use of potable groundwater beneath property located near the intersection of Lemmon Avenue and Hedgerow Drive 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 operates as a self-storage facility. The anticipated future use of the Designated Property will remain commercial with a self-storage facility.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

This item has no prior action.

FISCAL INFORMATION

No cost consideration to the City.

OWNER

ESS WCOT OWNER LLC

David L Rasmussen, Manager

MAP

Attached