



Transportation and Public Works Environmental Management

Municipal Setting Designation Application Overview and Instructions

Municipal setting designations may be approved by the executive director of the Texas Commission on Environmental Quality (TCEQ) pursuant to Texas Health and Safety Code, Chapter 361, Subchapter W. The law was created in 2003 by House Bill 3152. The state may not approve a municipal setting designation unless the city council of the municipality in which it is located supports the application by resolution and prohibits the potable use of groundwater in the municipal setting designation by ordinance (or by restrictive covenant enforceable by the municipality).

In order to facilitate the local approval process, and to ensure public participation in that process, the City of Fort Worth enacted a municipal setting designation procedural ordinance in January 2005. It is not required that an application be filed with the TCEQ prior to applying to the City of Fort Worth for approval.

Who is Eligible to Apply?

The Texas municipal setting designation law states that a person, including a local government, may submit a request to the executive director of the TCEQ for a municipal setting designation for property if the property is within the corporate limits or extraterritorial jurisdiction of a municipality authorized by statute that has a population of at least 20,000. Additionally, a public drinking water supply system must exist 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 property for which designation is sought and property within one-half mile of that property.

How Do I Apply to the City for Approval?

A completed application form with all required attachments and files must be submitted to the Assistant Director of the Transportation and Public Works Department, Environmental Management Division. The application must be certified and signed by an authorized representative of the applicant. For a corporation, authorized representative means the president, secretary, treasurer, or a vice-president of the corporation in charge of a principal business function. If the applicant is a partnership or sole proprietorship, a general partner or proprietor, respectively, is the authorized signatory. For a local government, the chief executive officer or his authorized designee is the authorized signatory. Applications must be mailed or delivered in person (either by applicant or courier). **Faxed applications are not acceptable.**

For the application to be complete, please submit the following:

1. Two hard copies of the signed application form and all required attachments. Please separate the application attachments with divider sheets that are tabbed.
2. An electronic portable digital format (pdf) file of the signed application and all attachments.
3. An electronic Excel file with names and mailing addresses for all water well owners and property owners for notice delivery. There will likely be owners that possess multiple wells or properties within the area. Please remove duplicate entries from this list to reduce cost of notice mailing.
4. \$2,000 application fee made payable to The City of Fort Worth.

To submit an application, mailing address:

Municipal Setting Designation Application
TPW-Environmental Management
City of Fort Worth
1000 Throckmorton
Fort Worth, Texas 76102

To submit an application, hand delivery:

TPW-Environmental Management
City Hall Annex
908 Monroe, 7th Floor
Fort Worth, Texas.

What Happens After I Submit My Application?

The TPW-Environmental Management Assistant Director will distribute the application for City departmental review. Staff must send a written report to the Assistant Director within ten calendar days of receiving the application, noting any discrepancies in the application, and advising of any City interests that may potentially be impacted by the proposed MSD. After the staff review process is complete, the Assistant Director will make a determination as to whether the application is complete. If it is complete, he will schedule both a public meeting and a public hearing. If the Assistant Director determines that the application is incomplete, he will return the application, noting the deficiencies in writing. The applicant will have 30 days from the date of the deficiency letter to correct the deficiencies and resubmit the application. If a corrected application is not received by the City within the allotted time, the application shall be deemed to be withdrawn and the application fee forfeited.

Who Sends Notice of the Meeting and Hearing?

The City of Fort Worth will send notice of the meeting and hearing by regular mail to all persons identified in your application as requiring notice. If you desire, you may simultaneously send notice by certified mail to those persons listed in Texas Health and Safety Code §361.805. Additionally, the City will publish notice in the City's newspaper

of record, post notice at city hall, and post notice on the site. You must provide approval in the application for the City to post notice on the site.

Does the Applicant Need to Be At the Public Meeting and the Public Hearing?

Yes. The purpose of a public meeting is for the applicant to provide information to the affected community about municipal setting designations and the application, and to obtain input on the application prior to a formal hearing before the City Council. The applicant or applicant's representative must appear at the public meeting. If the applicant fails to appear at the public meeting either in person or by representative, the application shall be deemed withdrawn and the application fee forfeited. The public hearing will be conducted during a City Council meeting. The applicant or applicant's representative must appear at the public hearing and present the request for a municipal setting designation approval. If the applicant fails to appear at the hearing either in person or by representative, the application shall be deemed withdrawn and the application fee forfeited.

How Is An Application Approved?

In order to approve an application, the City Council must adopt a resolution supporting the application to the TCEQ; and enact an ordinance prohibiting the potable use of designated groundwater from beneath the property. The ordinance must include a metes and bounds description of the property to which the ordinance applies; a listing of the contaminants; and a statement that the ordinance is necessary because the contaminant concentrations exceed potable water standards. Council may include other reasonable restrictions on the use of groundwater in the municipal setting designation. A certified copy of both the resolution and the ordinance will be provided to applicant when it becomes available.

Are There Additional Requirements for an Applicant After the Approval?

Yes. You must provide the Assistant Director of TPW-Environmental Management a copy of the Certificate of Completion or other documentation issued for the property by the TCEQ showing that response actions have been completed. This must be done within 30 days of its issuance by the TCEQ.

Who Do I Contact If I Have Questions?

Clarence W. Reed, Environmental Program Manager
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