

MSDs: Interview with Richard Chapin with the City of Houston MSD Program

By Scott Davis, GeoSearch, August 2009

On August 22, 2007, the City Council approved an Ordinance to provide a process for supporting or not supporting a Municipal Setting Designation (MSD) application to the State. The City's program became effective November 1, 2007 and since then six MSDs have been completed. Richard Chapin a Senior Project Manager for the City of Houston MSD Programs talks about what applicants should know when submitting an MSD to the City of Houston.

- **Is it required to seek a resolution of support from the Harris Galveston County Subsidence District (HGCS D)?** No, you do not need a resolution of support from the HGCS D; however, we do inform them about the applications. Essentially, they are helping us be a gate keeper to prevent people from drilling wells on an MSD site.
- **Does the City of Houston require that the HGCS D well databases be searched?** There is a city ordinance that requires HGCS D water wells to be searched.
- **Is it required for the MSD applicant to get approval from adjoining neighbors?** No, it is not required to seek approval from adjacent neighbors. However, an MSD is a political process and if neighbors have a problem with the MSD application, they can contact a council member or voice their concern at the public hearing.
- **Can adjacent properties be included on a MSD application?** Yes, multiple properties can be included in the application. In fact, the cost for the application is the same whether it's for one or twenty properties. Therefore additional properties can be included with the property owner's permission. However, the MSD ordinance is only for those that are signed onto the application. If an adjacent property has contaminated groundwater under their property and is not included in the MSD, then their site is not included in the MSD ordinance.
- **What are some of the common issues you see with MSD applications?** The applicant needs to understand that an MSD is a political process and it is important that city council members are supplied with everything they need to answer all questions prior to the public hearing. The site has to participate in a state or federal cleanup program and the applicant must demonstrate that the source of contamination has been remediated or in the processing of being remediated. A Professional Engineer or Geologist must place their seal on the application stating whether the plume is stable, expanding or diminishing. The amount of data required to make the determination that the plume is expanding, stable or diminishing is up to the judgment of the Professional Geologist or Professional Engineer.

- **If a Municipal Utility District (MUD) is listed as a RPU but does not have a Certificate of Convenience and Necessity (CCN), is it required to seek a resolution for support?** As a municipality, we do not require a resolution of support of any kind. A resolution of support is required by state law
- **Why does the City of Houston require that notice be sent to all property owners within ½ mile?** It is important that the public is aware of what is going on near them. We want to increase transparency in the process of bringing formerly contaminated properties back into productive use.
- **What are some of the notification requirements for the City of Houston that people are not aware?** First, we follow the state requirements for notification; however, the applicant should also review the city ordinance. In addition, we require that each city within ½ mile of the MSD boundary be notified. The applicant pays for the mail out and all fees associated with public meeting, including notice in news paper, and the meeting facility. In addition, the City of Houston notifies HGCSO, civic associations, property owner associations, and other interested groups with a defined boundary located within ½ mile of the proposed MSD.
- **How do you determine where to hold the public meeting for the proposed MSD?** We try to find a community center located in the area of the proposed MSD.

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