



August 7, 2015  
AVO 30083

Ms. Cindy Mendez  
City of Grand Prairie  
Environmental Services Department  
City of Grand Prairie  
206 W. Church Street, 2nd Floor  
Grand Prairie, Texas 75050

Re: Request for a Resolution in Support of the Municipal Setting Designation for a portion of the Dallas Floodway generally located southeast of the confluence of the Elm Fork and West Fork of the Trinity River near Irving Boulevard extending southeast to the Texas Utilities Right-of-Way past Corinth Street in Dallas, Dallas County, Texas 75220, including Voluntary Cleanup Program No. 2717

Dear Ms. Mendez:

Halff Associates, Inc. (Halff), on behalf of the City of Dallas (Applicant), is requesting a Resolution of Support from the City of Grand Prairie for a Municipal Setting Designation (MSD) on a portion of the Dallas Floodway (DF), generally located southeast of the confluence of the Elm Fork and West Fork of the Trinity River near Irving Boulevard extending southeast to the Texas Utilities Right-of-Way past Corinth Street in Dallas, Dallas County, Texas 75220. On behalf of the Applicant, a MSD Application was submitted to the City of Dallas for the property in September 2014. The City of Dallas approved the MSD Ordinance on February 11, 2015. The current use of the designated property is primarily vacant floodplain/flood control land and is also used for recreational activities. The DF MSD area is planned to support proposed environmental/ecosystem improvements that the City of Dallas and the United States Army Corps of Engineers (USACE) will be constructing. Certification of the MSD through the Texas Commission on Environmental Quality (TCEQ) requires Resolutions of Support from each municipality with a public water supply well within 5-miles of the MSD boundary. The City of Grand Prairie owns a public supply water well (G0570048C) located at 2750 Graham Street that is within the 5-mile radius of the MSD boundary.

Enclosed for your review is the requested supporting documentation for a Resolution of Support for the MSD. A legal description along with a survey plat is included in Attachment A. An aerial photograph depicting the designated property and the surrounding land uses is included in Attachment B. A description of the Plume, its delineation, and concentrations found in soils or groundwater and the applicable protective concentration levels (PCLs) without a MSD and a map of the plume to the extent it has been delineated are included in Attachment C. A copy of the City of Dallas MSD Ordinance is included in Attachment D. Based on the designated property use as vacant river floodplain, a soil vapor intrusion study is not anticipated.

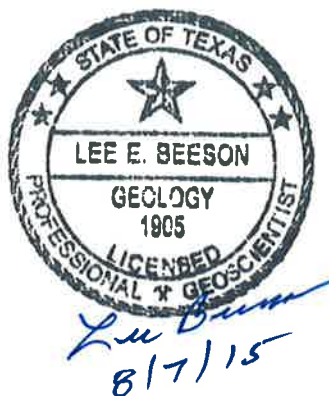
Thank you for your assistance in this matter. If you have any questions or require additional information, please do not hesitate to contact me at (214) 346-6368.

Sincerely,

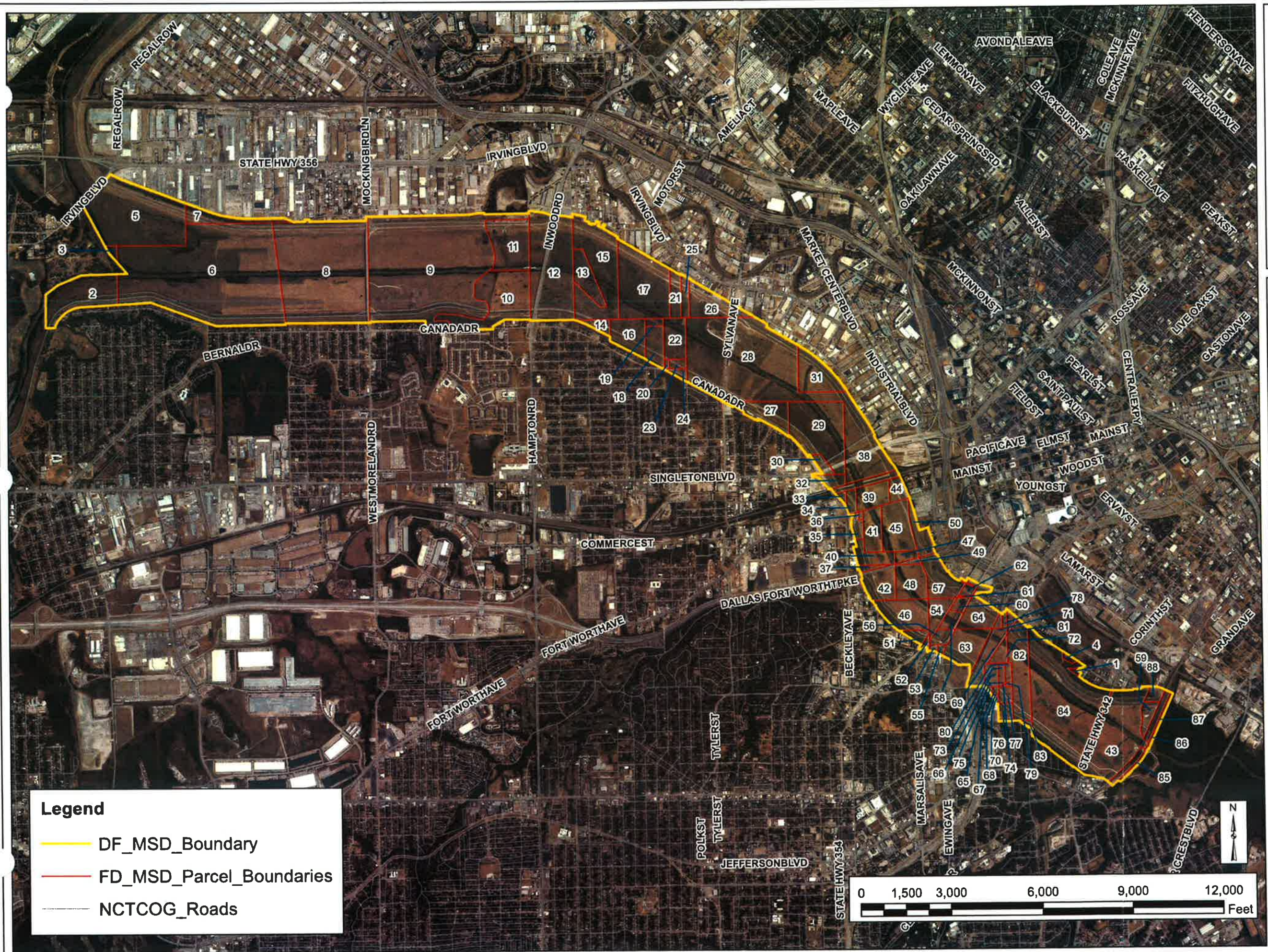
HALFF ASSOCIATES, INC.



Lee Beeson, P.G.  
Senior Geologist








**Legend**

- DF\_MSD\_Boundary
- FD\_MSD\_Parcel\_Boundaries
- NCTCOG\_Roads



1201 NORTH BOWSER ROAD  
RICHARDSON, TEXAS 75081-2275  
TEL: (214) 348-8200  
FAX: (214) 739-0095

**DALLAS FLOODWAY MSD  
DESIGNATED PROPERTY  
PARCEL MAP**

**CITY OF DALLAS**

Project No.: 30083  
Issued: 12/11/2014  
Drawn By: C.H.  
Checked By: L.B.  
Scale: 1 inch = 3,000 feet

Sheet Title  
**DALLAS FLOODWAY MSD  
DESIGNATED PROPERTY  
PARCEL MAP**

**CITY OF DALLAS**

Sheet Number: **4-1**





City of Dallas



201500078870

ORD 1/127


STATE OF TEXAS §  
COUNTY OF DALLAS §  
CITY OF DALLAS §

I, **BILIERAE JOHNSON**, Assistant City Secretary, of the City of Dallas, Texas, do hereby certify that the attached is a true and correct copy of:

**ORDINANCE NO. 29642**

Which was passed by the Dallas City Council on **February 11, 2015**.

WITNESS MY HAND AND THE SEAL OF THE CITY OF DALLAS, TEXAS, this the 3<sup>rd</sup> day of **March, 2015**.

  
**BILIERAE JOHNSON**  
**ASSISTANT CITY SECRETARY**  
**CITY OF DALLAS, TEXAS**

Prepared By: AD

2-11-15

ORDINANCE NO. 29642

A municipal setting designation ordinance prohibiting the use of designated groundwater from beneath property generally located in the Dallas Floodway on the landside of the east and west levees and generally located southeast of the confluence of the Elm Fork and West Fork of the Trinity River near Irving Boulevard, extending southeast along the Trinity River to the Texas Utilities right-of-way past Corinth Street and supporting issuance of a municipal setting designation certificate by the Texas Commission on Environmental Quality; providing a penalty not to exceed \$2,000; providing a saving clause; providing a severability clause; and providing an effective date.

WHEREAS, Subchapter W, "Municipal Setting Designations," of Chapter 361, "Solid Waste Disposal Act," of the Texas Health and Safety Code authorizes the Texas Commission on Environmental Quality to create municipal setting designations; and

WHEREAS, Section 51A-6.108, "Municipal Setting Designation Ordinance," of Article VI, "Environmental Performance Standards," of Chapter 51A, "Dallas Development Code: Ordinance No. 19455, as amended," of the Dallas City Code authorizes municipal setting designation ordinances prohibiting the use of designated groundwater as potable water and thereby enable the Texas Commission on Environmental Quality to certify a municipal setting designation for designated property; and

WHEREAS, the city council finds that:

(1) the eligibility criteria of Section 361.803 of the Texas Health and Safety Code have been met;

(2) this municipal setting designation ordinance will not have an adverse effect on the current or future water resource needs or obligations of the city of Dallas;

(3) there is a public drinking water supply system 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 designated property and property within one-half mile of the designated property; and

(4) this municipal setting designation ordinance is necessary because the concentration of contaminants of concern exceed ingestion protective concentration levels for human ingestion; and

WHEREAS, the city council, in accordance with the Charter of the City of Dallas, the state law, and the ordinances of the city of Dallas, have given the required notices and have held the required public hearings regarding this municipal setting designation ordinance; Now Therefore,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DALLAS:

SECTION 1. That for purposes of this municipal setting designation ordinance, the “designated property” means the property described in Exhibit A, attached to the ordinance.

SECTION 2. That for purposes of this municipal setting designation ordinance, “designated groundwater” means water below the surface of the designated property to a depth of 200 feet.

SECTION 3. That use of the designated groundwater from beneath the designated property as potable water is prohibited.

SECTION 4. That the use of the designated groundwater from beneath public rights-of-way included in the designated property as potable water is prohibited.

SECTION 5. That the following uses of or contacts with the designated groundwater are prohibited:

- (1) Human consumption or drinking.
- (2) Showering or bathing.
- (3) Cooking.
- (4) Irrigation of crops for human consumption.

SECTION 6. That the following conditions are imposed on the designated property and designated groundwater:

- (1) The potable use of the designated groundwater from beneath the designated property is prohibited.
- (2) The potable use of the designated groundwater from beneath public rights-of-way included in the designated property is prohibited.
- (3) The portion of the designated property assigned Voluntary Cleanup Program No. 2717 must receive a certificate of completion from the Texas Commission on Environmental Quality by no later than February 11, 2017.

SECTION 7. That the city council supports the application to the Texas Commission on Environmental Quality for a municipal setting designation on the designated property, with the following comments:

- (1) The Texas Commission on Environmental Quality, as the state agency chartered to protect human health and the environment, is requested to thoroughly review the conditions of the designated property and issue a certificate of completion only when all contaminants of concern, through the applicable routes of exposure, have been addressed.

SECTION 8. That the public rights-of-way immediately adjacent to the designated property must be included, at no additional cost to the city of Dallas, in the application to the Texas Commission on Environmental Quality.

SECTION 9. That a state or federal program must address the entire non-ingestion protective concentration level exceedence zone originating from sources on the designated property or migrating from the designated property no later than February 11, 2017. That within this time period, the applicant shall provide the managing director of the office of environmental quality documentation, including a certificate of completion from the Texas Commission on Environmental Quality, that it has been addressed to the satisfaction of the agency administering the program. If it has not been addressed, the managing director of the office of environmental quality may, for good cause, take any of the following actions:

- (1) allow additional time to address the non-ingestion protective concentration level exceedence zone;
- (2) request a review by the Texas Commission on Environmental Quality or the agency administering the program;
- (3) recommend to the city council that this municipal setting designation ordinance be repealed;
- (4) request additional information or documentation from the applicant; or
- (5) pursue other actions that the managing director of the office of environmental quality believes may be warranted.

SECTION 10. That any person owning, operating, or controlling the designated property remains responsible for complying with all applicable federal and state laws and regulations; all ordinances, rules, and regulations of the city of Dallas; and all environmental regulations, and that this municipal setting designation ordinance in itself does not change any environmental assessment or cleanup requirements applicable to the designated property.



SECTION 11. That any person owning, operating, or controlling any portion of the designated property is responsible for ensuring compliance with this ordinance with respect to their portion of the designated property. Allowing use of designated ground water for potable purposes or failure to provide the managing director of the office of environmental quality with required documentation is a violation of this ordinance and may result in the ordinance being repealed for that portion of the designated property.

SECTION 12. That approval of this municipal setting designation ordinance shall not be construed to subject the city of Dallas to any responsibility or liability for any injury to persons or damages to property caused by any contaminant of concern.

SECTION 13. That within 30 days after adoption of this municipal setting designation ordinance, the applicant shall provide the managing director of the office of environmental quality with an electronic file showing the location of the designated property and the designated groundwater in a format compatible with the city of Dallas' geographic information system.

SECTION 14. That within 60 days after adoption of this municipal setting designation ordinance, the managing director of the office of environmental quality shall file a certified copy of this municipal setting designation ordinance in the deed records of the county where the designated property is located.

SECTION 15. That within 60 days after adoption of this municipal setting designation ordinance, the managing director of the office of environmental quality shall send a certified copy of this municipal setting designation ordinance to the applicant and the Texas Commission on Environmental Quality, and that the managing director of the office of environmental quality shall notify the Texas Commission on Environmental Quality 60 days prior to any amendment or repeal of this municipal setting designation ordinance.

SECTION 16. That the applicant shall provide the managing director of the office of environmental quality with a copy of the municipal setting designation certificate issued by the Texas Commission on Environmental Quality pursuant to Section 361.807 of the Texas Health and Safety Code within 30 days after issuance of the certificate.

SECTION 17. That the applicant shall provide the managing director of the office of environmental quality with a copy of the certificate of completion or other documentation issued by the Texas Commission on Environmental Quality showing that any site investigations and response actions required pursuant to Section 361.808 of the Texas Health and Safety Code have been completed to the satisfaction of the Texas Commission on Environmental Quality within the time period required. The managing director of the office of environmental quality may, for good cause, extend the time for submitting the documentation.

SECTION 18. That the applicant shall notify the managing director of the office of environmental quality in writing if the applicant determines that notice is required to be sent to an owner of other property beyond the boundaries of the designated property under Title 30 Texas Administrative Code, Chapter 30, Section 350.55(b), and provide the name of the property owner, the property address, and a copy of the notice sent to the property owner.

SECTION 19. That a person violating a provision of this municipal setting designation ordinance, upon conviction, is punishable by a fine not to exceed \$2,000, and that the Texas Commission on Environmental Quality shall be notified of any violations.

SECTION 20. That Chapter 51A of the Dallas City Code shall remain in full force and effect, save and except as amended by this municipal setting designation ordinance.

SECTION 21. That the terms and provisions of this municipal setting designation ordinance are severable and are governed by Section 1-4 of Chapter 1 of the Dallas City Code, as amended.



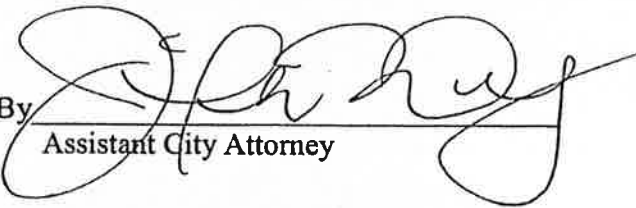
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SECTION 22. That this municipal setting designation ordinance shall take effect immediately from and after its passage and publication in accordance with the provisions of the Charter of the City of Dallas, and it is accordingly so ordained.

APPROVED AS TO FORM:

WARREN M.S. ERNST, City Attorney

By   
Assistant City Attorney

Passed FEB 11 2015