



**Public Works Department**

# **Municipal Setting Designation Application Form**

**December 3, 2019**

# Municipal Setting Designation Application Form

## Instructions

Application Form: Submit this completed application form, along with 3 copies of the application and all supporting documentation, to the City of Wichita Falls, Public Works Department (address shown at the bottom of this page) when applying for a Municipal Setting Designation (MSD) Certificate. The MSD application process is governed by City of Wichita Falls Ordinance Article XI, Chapter 106 – Utilities, Section 106-1042. Failure to use this application form will result in denial of the application.

In general, the application form is self-explanatory. Indicate by checking “Yes”, “No”, or “N/A” in response to the stated question. Complete the form and submit a copy of the form along with the supporting information. If any of the responses on the form require more space than is provided in the form, add the additional information to the end of the form and note that additional information is included in the answer space.

This application must be clear, complete, concise, correct, contain only relevant information, and be organized to facilitate analysis. Supporting documentation, if necessary, should be submitted as a separate appendix to the application.

Maps: All maps must be accurate and drawn to scale. The supporting information can be consolidated onto fewer maps than are listed in the checklist, provided the information is legible.

A professional surveyor registered with the Texas Board of Professional Surveying must certify that all property descriptions or maps with metes and bounds descriptions are accurate.

Legal Description of the MSD: Metes and bounds descriptions **MUST INCLUDE THE ADJACENT PUBLIC RIGHT(S)-OF-WAY AND** must be certified by a licensed professional surveyor registered by the Texas Board of Professional Surveying attesting to the accuracy of the descriptions. One legal description which consists of: (1) the designated property and (2) the adjacent public right(s)-of-way in a contiguous form and fashion is also acceptable.

Submittal: Submit the attached application form and all supporting information, along with a filing fee of \$2,500.00 (check payable to City of Wichita Falls) to:

City of Wichita Falls  
Public Works Department  
1300 7<sup>th</sup> Street  
Wichita Falls, Texas 76307

If there are any questions, please contact Drew Begley the City Environmental Coordinator at 940/761-7670.



## Municipal Setting Designation Application Form

Please use the checklist below to indicate whether the items are included in the application by checking the “yes” or “no” or “N/A” column. If an item is checked “no” an explanation must be provided as to why the item is not included. The application must include all information on the following checklist **IN THIS ORDER**. Please note that if an item is checked “no”, the application could be rejected.

ITEM	YES	NO	N/A	*Page #
1. Executive summary				
2. Name, address, telephone number, and email of all applicants, all property owners within the designated property, and any representatives of the applicants or property owners.				
3. A legal description of the boundaries of the designated property AND THE METES AND THE BOUNDS OF THE ADJACENT PUBLIC RIGHT(S)-OF-WAY, along with a copy of the deed for the designated property. One legal description which consists of (1) the designated property and (2) the adjacent public rights(s)-of-way in contiguous form and fashion is also acceptable.				
4. A site map showing: <ul style="list-style-type: none"> <li>A. The location of the designated property AND ADJACENT PUBLIC RIDHT(S)-OF-WAY</li> <li>B. The topography of the designated property as indicated on publicly available sources</li> <li>C. The detected area of ground water contamination;</li> <li>D. The location of all soil sampling locations and all groundwater monitoring wells;</li> <li>E. Groundwater gradients, to the extent known, and direction of groundwater flow; and</li> <li>F. The ingestion protective concentration level exceedance zone for each contaminant of concern, to the extent known;</li> </ul>				
5. A description of the current use, and, to the extent known, the anticipated uses, of the designated property and properties within 500 feet of the designated property.				
6. For each contaminant of concern within the ingestion protective concentration level exceedance zone, to the extent known, provide the following: <ul style="list-style-type: none"> <li>A. Description of the ingestion protective concentration level exceedance zone and the non-ingestion protective concentration level exceedance zone,</li> <li>B. The level of contamination, the ingestion protective concentration level, and the non-ingestion protective concentration level, all expressed as mg/L units.</li> <li>C. Its basic geochemical properties (for example, whether the contaminant of concern migrate with groundwater, floats, or is soluble in water).</li> </ul>				

\* This is the actual page number of the application report where the information is found.

ITEM	YES	NO	N/A	*Page #
<p>7. For each contaminant of concern within the designated groundwater, to the extent known, provide the following:</p> <p>A. Description of the ingestion protective concentration level exceedance zone and the non-ingestion protective concentration level exceedance zone, including a specification of the horizontal area and the minimum and maximum depth below ground surface.</p> <p>B. The level of contamination, the ingestion protective concentration level, and the non-ingestion protective concentration level, all expressed in mg/L units.</p> <p>C. Its basic geochemical properties (for example, whether the contaminant of concern migrates with groundwater, floats, or is soluble in water).</p>				
<p>8. A table displaying the following information for each contaminant of concern, to the extent known:</p> <p>A. The concentration level for soil and groundwater, the ingestion protective concentration level, and the non-ingestion protective concentration level, all expressed as mg/L units</p> <p>B. The critical protective concentration level <u>without</u> the municipal setting designation, highlighting any exceedances.</p> <p>C. The critical protective concentration level <u>with</u> the municipal setting designation, highlighting any exceedances.</p>				
<p>9. A statement as to whether the plume of contamination stable, expanding, or contraction with the basis for that statement. If this information is not known, a statement of why the information is not known.</p>				
<p>10. A statement as to whether contamination on and off the designated property without a municipal setting designation exceeds a residential assessment level as defined in the Texas Risk Reduction Program, if known, and the basis for that statement.</p>				
<p>11. A statement as to whether contamination on and off the designated property with a municipal setting designation will exceed a residential assessment level as defined in the Texas Risk Reduction Program, if known, and the basis for that statement.</p>				
<p>12. Identification of the points of origin of the contamination and the persons responsible for the contamination, to the extent known,</p>				
<p>13. A description of any environmental regulatory actions that have been taken within the past five years in connection with the designated property, to the extent known.</p>				
<p>14. A listing of all existing state of U.S. Environmental Protection Agency registrations, permits, and identification numbers that applies to the designated property.</p>				
<p>15. A statement as to whether the designated property has been submitted to the Texas Voluntary Cleanup Program (Section 361.601 of the Texas Health and Safety Code) or similar state or federal program, and a description of the designated property's status in the program.</p>				
<p>16. A summary of any environmental site assessment reports filed with the TCEQ regarding any site investigations or response actions that are planned, ongoing, or completed related to the designated property.</p>				
<p>17. A statement as to whether any public drinking water supply system exists 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 the identity of each.</p>				

ITEM	YES	NO	N/A	*Page #
<p>18. The name and address of each owner of a state-registered private water well within five miles of the designated property, along with:</p> <p>A. A map showing the location of each well and, to the extent known, a notation of whether each well is used for potable water; and</p> <p>B. A statement as to whether the applicant has provided notice to each owner in compliance with Section 361.805 of the Texas Health and Safety Code.</p>				
<p>19. The name and address of each retail public utility, as defined in Section 13.002 of the Texas Water Code, that own or operates a groundwater supply well within five mile of the designated property, along with a statement as to whether the applicant has provided notice as required by Section 361.805 of the Texas Health and Safety Code.</p>				
<p>20. A listing of each municipality, other than the City of Wichita Falls, with a boundary within one-half mile of the designated property, and a statement as to whether the applicant has provided notice as required by Section 361.805 of the Texas Health and Safety Code.</p>				
<p>21. A listing of each municipality, other than the City of Wichita Falls, that owns or operates a groundwater supply well within five miles of the designated property; and a statement as to whether the applicant has provided notice as required by Section 361.805 of the Texas Health and Safety Code.</p>				
<p>22. The following statement signed and sealed by a licensed professional engineer or licensed professional geoscientist authorized to practice in the state of Texas with expertise in environmental remediation:</p> <p>To the best of my knowledge and believe, based upon a review of all public and private records and other information sources available to me in the exercise of due diligence, the opinions stated and conclusions made in this application are supported by such information, and the technical and scientific information submitted with the application is true, accurate, and complete. Based on such review, the contaminants of concern from the sources on the designated property or migrating from or through the designated property more likely than not (do exceed) or (do not exceed) a non-ingestion protective concentration level on property beyond the boundaries of the designated property.</p>				
<p>23. If the licensed professional engineer or licensed professional geoscientist determines that contaminants of concern from sources on the designated property or migrating from or through the designated property more likely than not do exceed a non-ingestion protective concentration level on property beyond the boundaries of the designated property, then the applicant must:</p> <p>A. Specify the name and address of the owner of each property.</p> <p>B. Send a copy of the application to the owner of the property with the notice of the public meeting.</p> <p>C. Provide documentation that the designated property has been included in a state or federal program that requires that the entire non-ingestion protective concentration level exceedance zone be addressed to the satisfaction of the agency administering the program, along with documentation of the estimated time period in which it is to be addressed. An example of such as program is the Texas Voluntary Cleanup Program (Section 361.601 of the Texas Health and Safety Code).</p> <p>D. Provide documentation upon completion of the state or federal program showing that the non-ingestion protective concentration level exceedances have been addressed to the satisfaction of the agency administering the program.</p>				

ITEM	YES	NO	N/A	*Page #
<p>24. The following statement certified by the applicant and any authorized representatives of the applicants listed in the application:</p> <p style="padding-left: 40px;">"I certify under penalty of law that this application and all attachments were prepared under my direction or supervision in a manner designed to assure that qualified personnel properly gathered and evaluated the information submitted. Based on my inquiry of the persons responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."</p>				
25. A copy of the TCEQ application, if it has been filed, excluding attachments.				
26. The signature of the applicant and proof that the applicant has the legal authority to restrict the use of the groundwater on the designated property.				
27. The initial filing fee of \$2,500 payable to "City of Wichita Falls"				
28. Any additional information.				

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Applicant Company Name

\_\_\_\_\_

Printed Name

\_\_\_\_\_

Signature

\_\_\_\_\_

Date