

# ENVIRONMENTAL UPDATE

March 31, 2006



## Municipal Setting Designations (MSDs) in Texas

### Now For Something Completely Different!



Risk based closure of groundwater contamination in Texas can now be done without having to delineate, repeatedly sample or treat contaminated groundwater. To use the old Monty Python phrase: "...now for something completely different!"

Municipal Setting Designations (MSDs) became state law September 1, 2003. However, the law could not be implemented until the Texas Commission on Environmental Quality (TCEQ) finished their regulatory boxing match with the Texas Legislature. On August 11, 2004, the TCEQ Commissioners delivered a two to one decision against the TCEQ and allowed the MSD statute to be self implementing. MSD 001 and MSD 002 were certified two months later.

MSDs are a variation of closures that already existed under the Texas Risk Reduction Program (TRRP) implemented in 2000. TRRP previously allowed for closure of groundwater issues at sites that did not have shallow groundwater aquifers that could produce more than 150 gallons per day. This applied to a limited number of sites, but where applicable it made a huge difference in cost.



The rationale was that low producing aquifers are not a resource that requires large expenditures to cleanup. TCEQ required cleanups would be based on non-groundwater

health risk. Injecting the real world circumstance into the theoretical world of human health risk assessment was something completely different. A paradigm shift had occurred.

The 2003 State Legislature passed the MSD law which allowed TCEQ to respond to groundwater contamination at sites in urban areas using real world scenarios. The site cleanups would be based on whether anyone was using groundwater for drinking water purposes and what

the local government wanted. The shift required the State to give local government the power to regulate groundwater beneath their communities and decide whether or not the MSDs could be used. Cleanup standards are now being determined based on the use of groundwater and on a community by community basis.

The North Texas cities of Dallas, Fort Worth, Grapevine, and Grand Prairie have passed ordinances to set up procedural programs for MSDs. The cities of Dallas, Fort Worth, and Irving have approved and completed MSDs. Applications are now pending at the TCEQ for projects in Garland and Euless. Over time it is highly probable that many more cities will eventually consider and approve MSDs.

This means it is now possible to complete a true risk-based closure for contaminated groundwater in Texas in urban areas that do not use groundwater as its drinking water supply. Although MSD



closures will still have to be reviewed by the TCEQ in Austin, the primary negotiations will probably be at City Hall. Primary consideration for a MSD site will probably become local politics instead of technical issues of the TCEQ regulations in Austin. Public meetings and notifications will become the norm rather than the exception. Get ready for something completely different!

Green Star is presently involved in implementing MSDs in several communities in Texas. If you have a groundwater contamination issue, please contact Green Star Environmental so we can help you evaluate whether MSDs can help you resolve your problem.



**Green Star Environmental will be  
at the TCEQ 2006 Environmental  
Trade Fair & Conference on  
May 9<sup>th</sup>, 10<sup>th</sup> and 11<sup>th</sup>!  
Come see us at the Austin  
Convention Center, we'll be  
by the TCEQ in booth 1123!**

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## Grant Money is Available for Emission Reductions



As part of the Texas Emission Reduction Program, TCEQ Grants may be available to assist your company with replacing older diesel equipment. This program is designed to reduce emissions

of NOx from on-road and non-road heavy equipment, locomotives, etc. that run on diesel and operate in non-attainment areas or other eligible counties.

Green Star assists with submitting grant applications. Please do not delay, the application period **opens soon** and only lasts around 60 days. Contact Chris Dick or Leonard Albright of Green Star to see if this program can benefit your company.



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