



## CITY OF WICHITA FALLS MUNICIPAL SETTING DESIGNATION (MSD) Frequently Asked Questions

### **What is an MSD?**

A Municipal Setting Designation (MSD) is an official designation given to a property by the State preventing the use of the impacted groundwater beneath the site. It is a type of voluntary deed restriction placed on property. The prohibition is in the form of a City ordinance that is enforceable by the City and filed in the property records.

### **What is the purpose of the MSD?**

By permanently prohibiting the use of the impacted groundwater for potable (drinking, showering, bathing, cooking, or irrigating crops) purposes, the MSD limits the scope of groundwater investigations and/or eliminates the need for groundwater response actions. The MSD does not excuse the applicant from any cleanup activities required by the Texas Commission on Environmental Quality (TCEQ) to reduce potential risks relating to soil contamination, vapor intrusion, or other means of contact with the contaminants.

### **How does an MSD affect me?**

An MSD only affects the applicant's property. It does not affect any other property or any water well in the area. It does, however, protect the public from consuming the impacted groundwater.

### **Is my tap water safe?**

Yes, the groundwater at the applicant's property has no impact on the City provided drinking water. The City of Wichita Falls provides water via surface water from Lake Arrowhead, Lake Kickapoo, and Lake Kemp. The surface water is treated before being put into the distributions system at the Cypress Water Treatment Plant.

### **How did the groundwater get contaminated and what is being done to prevent it from happening again?**

At many sites with historic contamination, the owner/operator was following the standard practice at that time. However, as knowledge grew and the standard practices changed, the State now regulates businesses to prevent present and future contamination.

### **Why does a property with impacted groundwater need to apply for an MSD?**

By providing this alternative way to address contaminated groundwater, persons may be more inclined to develop or redevelop vacant or abandoned commercial/industrial properties in municipal areas that have contaminated groundwater.

### **Why am I receiving a letter?**

If you have received a letter, you were identified as a property owner within 200 ft. of the subject property or property owner with a water well within a 5-mile radius of the property that applied for the MSD. The letter you receive is to notify you that a property within 5-miles of your property has applied for the MSD program and to give you an opportunity to ask questions or provide any comments.

**Why am I receiving a notice of public meeting and public hearing?**

The City requires the applicant to hold a public meeting for any property owner within 200 ft. of the subject property or property owner with a water well within a 5-mile radius of the property that applied for the MSD. The public meeting will allow the applicant to provide general information about the MSD process, answer questions, and allow citizens to comment. The public hearing will allow the Council to vote on a resolution supporting the MSD application and an ordinance prohibiting the use of impacted groundwater beneath the site.

**Do I have to attend the meeting if I received the notice?**

There is no legal obligation to respond or attend the meeting.

**Where can I get more information on MSD?**

The TCEQ has published an MSD guide for cities which is posted at

<https://www.tceq.texas.gov/remediation/msd.html>