

RESOLUTION NO. 12-20

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEBSTER, TEXAS, IN SUPPORT OF THE APPLICATION TO THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY FOR A MUNICIPAL SETTING DESIGNATION FOR LOTS 3A AND 4, BLOCK 17 OF THE CLEAR LAKE CITY INDUSTRIAL PARK, WEBSTER, HARRIS COUNTY, TEXAS AND PROVIDING AN EFFECTIVE DATE

WHEREAS, Kellogg, Brown & Root, LLC (Applicant) has filed information with the City of Webster, Texas, for the City's support of a Municipal Setting Designation for the properties located at 900 and 902 Gemini Street, Webster, Harris County, Texas, the metes and bounds description being attached hereto as Exhibit "A" (Site); and

WHEREAS, a properly posted public meeting was held in Webster on October 2, 2012, and the affected community was duly notified of same and allowed the opportunity to comment; and

WHEREAS, an approved public drinking water supply system exists that supplies or is capable of supplying drinking water to the Site and to locations within one-half mile of the Site; and

WHEREAS, the Applicant has filed documentation with the City stating that contaminants identified within the designated groundwater, associated with the Site, that have been detected in concentrations exceeding residential assessment levels for potable use include trichloroethylene (TCE) and vinyl chloride; and

WHEREAS, the Applicant has further filed documentation with the City stating that this contamination is contained within the shallow groundwater beneath the Site; and

WHEREAS, the City of Webster may prohibit the use of designated groundwater beneath the Site for potable purposes as well as for irrigation; and

WHEREAS, upon passage of a supporting resolution by the City Council, Applicant intends to file an application with the Texas Commission on Environmental Quality for certification of a Municipal Setting Designation for the Site pursuant to Texas Health and Safety Code, Chapter 361, Subchapter W; and

WHEREAS, the Applicant has continuing obligations to satisfy applicable statutory and regulatory provisions concerning groundwater contamination investigation and response actions at the Site; and

WHEREAS, the certification of a Municipal Setting Designation for the Site is in the best interests of the community.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF WEBSTER, TEXAS:

Section 1. That for purposes of this resolution, the 'designated property' means the multiple tracts described in Exhibit "A", attached and incorporated herein.

Section 2. That for purposes of this resolution, the "designated groundwater" means groundwater beneath the designated property to a depth not to exceed 200 feet.

Section 3. That the use of designated groundwater from beneath the designated property as potable water, as that term is defined in Section 361.801(2) of the Texas Health and Safety Code, and the following uses of or contact with the designated groundwater are prohibited:

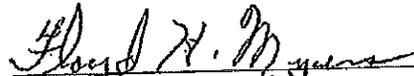
- (1) Human consumption or drinking.
- (2) Showering or bathing.
- (3) Cooking.
- (4) Irrigation of crops for human consumption.

Section 4. That the City of Webster supports Applicant's application to the Texas Commission on Environmental Quality for a Municipal Setting Designation of the Site.

Section 5. That any person owning, operating, or controlling the designated property remains responsible for complying with all applicable federal and state laws and regulations and all ordinances, rules and regulations of the city of Webster.

Section 6. That this resolution shall take effect from and after the date of its passage.

PASSED, APPROVED AND ADOPTED by the City Council of the City of Webster, Texas on this the 2nd day of October 2012.


Floyd H. Myers, Mayor

ATTEST:


Pauline Small, City Secretary