



EXECUTIVE ORDER
**MUNICIPAL SETTING DESIGNATIONS – Sampling
Requirements after MSD Approval**

EO No.	EO 1-72
Effective Date:	Upon Approval

1. AUTHORITY

Article VI, Houston City Charter - administrative authority of the Mayor.

2. PURPOSE

To require an applicant for a Municipal Setting Designation (MSD) to conduct sampling for chemicals of concern (COCs) identified during the City MSD application review process after the City Council has supported and Texas Commission on Environmental Quality (TCEQ) has approved an MSD, if the site of an approved MSD is not subject to any continuing sampling requirements under a TCEQ, U.S. Environmental Protection Agency (EPA), or comparable remediation program.

3. OBJECTIVE

To continue protection of citizens and municipal resources following approval of an MSD.

4. ORGANIZATION —HOUSTON PUBLIC WORKS

5. MUNICIPAL SETTING DESIGNATION (MSD) POST-APPROVAL SAMPLING REQUIREMENTS

5.1. On and after the Effective Date of this Executive Order, an MSD applicant is subject to the following additional requirements:

5.1.1. The applicant at an approved MSD site shall continue to conduct sampling in accordance with a TCEQ, EPA, or comparable remediation program that is effective at the time an MSD application is approved by the City.

5.1.1.1. An applicant shall notify the City within 30 days after receiving notice from determining agency if the sampling required by a TCEQ or EPA or comparable remediation program is discontinued or terminated within the first four years after approval of an MSD.

5.1.1.2. If sampling is discontinued as identified above in subsection 5.1.1.1, then the applicant will be subject to the requirements in subsection 5.1.2 and 5.1.3 below.

5.1.2. If the site of the approved MSD is not subject to any continuing sampling requirements under a TCEQ, EPA, or comparable remediation program, then the applicant shall conduct and report to the City and TCEQ the results of sampling for COCs identified during the MSD application process on the following schedule:

5.1.2.1. Four years after the date of MSD approval by the TCEQ, and

5.1.2.2. Seven years after the date of MSD approval by the TCEQ.

5.1.3. The applicant shall comply with additional response action required by TCEQ based on the sampling conducted pursuant to subsection 5.1.2 above.

Approved:

Date Approved:

6-5-23

Page 1 of 1