

Mayor and Council Communication

DATE: 01/27/26

M&C FILE NUMBER: M&C 26-0078

LOG NAME: 2226MSD-035A SOUTH FREEWAY

SUBJECT

(CD 8) Conduct Public Hearing and Adopt Resolution Supporting the Application of BAIR Holdings, LLC for a Municipal Setting Designation for the Site Located at 5921 and 5933 South Freeway, Fort Worth, Texas, 76134 to the Texas Commission on Environmental Quality, and Adopt Ordinance Prohibiting the Potable Use of Designated Groundwater from Beneath the Site Pursuant to Chapter 12.5, Article IV, Division 2 Municipal Setting Designation, if Approved

(PUBLIC HEARING - a. Staff Available for Questions: Daniel Miracle; b. Public Comment; c. Council Action: Close Public Hearing and Act on M&C)

RECOMMENDATION:

It is recommended that City Council:

1. Conduct a public hearing to allow the public the opportunity to give testimony on the application of BAIR Holdings, LLC for approval of a Municipal Setting Designation for the site located at 5921 and 5933 South Freeway, an approximately 57.5-acre tract of land located in the Leigh Oldham Survey, Fort Worth, Tarrant County, Texas;
2. Adopt the attached resolution supporting BAIR Holdings, LLC application to the Texas Commission on Environmental Quality for a Municipal Setting Designation for the 5921 and 5933 South Freeway Site; and
3. Adopt the attached ordinance prohibiting the potable use of designated groundwater from beneath the site, if approved.

DISCUSSION:

On December 8, 2025, BAIR Holdings, LLC filed a City of Fort Worth Municipal Setting Designation (MSD) application requesting support to apply for a Texas Commission on Environmental Quality (TCEQ) MSD for the Site located at 5921 and 5933 South Freeway, Fort Worth, Texas 76134. This application to the City satisfies the resubmission criteria of City Code Section 12.5-420, as it has been 12 months since an initial application was submitted for this property.

The application was reviewed by the FWLab, Transportation and Public Works, Development Services, Water, and Environmental Services Departments. On December 14, 2025, the City published notice in the *Fort Worth Star-Telegram* for a public meeting to be held on Thursday, January 8, 2026, at the Highland Hills Community Center, located at 1600 Glasgow Rd. (Public Meeting). The City mailed notices of the Public Meeting beginning on December 16, 2025. On December 21, 2025, staff published its second notice of the Public Meeting in the *Fort Worth Star-Telegram*. By ordinance, notice was issued, and staff conducted a public meeting held at the Highland Hills Community Center, 1600 Glasgow Rd., on Thursday, January 8, 2026.

The groundwater that is sought to be restricted is shallow, perched, discontinuous groundwater that occurs at depths from the ground surface to approximately fourteen (14) feet below the ground surface. The affected shallow groundwater is underlain by the Washita Group consisting of the Grayson Marl and Main Street Limestone on the eastern portion of the site, and the Pawpaw Formation, Weno Limestone, and Denton Clay on the western portion of the site. The Grayson Marl and Main Street Limestone consist of interbedded limestone and marl with a thickness of 10-60 feet. The Pawpaw Formation, Weno Limestone, and Denton Clay consist of interbedded calcareous marl and layers of alternating clay, marl, and limestone with a thickness of 6-45 feet. The Washita Group serves as a regional aquitard preventing vertical migrations of chemicals of concern to underlying potable aquifers. The affected shallow groundwater is not a designated, recognized major or minor aquifer. The chemicals of concern detected in the designated groundwater are arsenic, lead, and manganese. The chemicals of concern are attributed to historical waste deposition of iron slag, foundry sand, and baghouse dust activities on the site.

The Fort Worth Water Department provides water service to all existing residential and commercial/industrial properties located in the project area and within a half mile of the proposed MSD boundary. All undeveloped properties within a half mile of the site are eligible to receive water service from the Fort Worth Water Department.

In 2003, Texas state law created the concept of an MSD. TCEQ may limit the scope of investigations and response actions for groundwater contamination at a site, so long as the groundwater is prohibited for use as a potable water source. Potable water means water used for drinking, showering, bathing, cooking, or irrigating crops intended for human consumption. A person, typically a developer, must apply to TCEQ in order to designate an impacted property. If granted, the developer will not be required to clean up designated groundwater at the site to drinking water standards. However, other cleanup standards, such as inhalation and contact, must still be met. The TCEQ requires that the municipality where the site is located provide a resolution that supports any application and pass an ordinance prohibiting potable use of groundwater at the subject property.

In January 2005, the City Council adopted an ordinance creating a procedure for persons applying to the TCEQ for a MSD which includes filing an application with the City. If approved, this MSD designation is the 35th within the Fort Worth city limit. Approval of the TCEQ MSD application by the TCEQ will support the use of the subject property consistent with the current zoning.

On June 3, 2024, BAIR Holdings, LLC filed an original application with the City seeking support for a MSD for the site located at 5921 and 5933 South Freeway, Fort Worth, Texas 76134. On November 12, 2024, the City Council considered Mayor and Council Communication (M&C) 24-0971. The City Council denied the application at that time, citing no site plan. A site plan has been developed as a part of the December 8, 2025 resubmittal.

The location is in COUNCIL DISTRICT 8.

A Form 1295 is not required because: This M&C does not request approval of a contract with a business entity.

FISCAL INFORMATION / CERTIFICATION:

The Director of Finance certifies that approval of these recommendations will have no material effect on City funds.

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