

Thompson & Knight LLP Helps Baylor Successfully Resolve Groundwater Issues Covering 42 Acres in East Dallas

Date: 03-29-2007 09:04 AM CET

Category: [Politics, Law & Society](#)

Press release from: [Thompson & Knight](#)

DALLAS – Attorneys from Thompson & Knight LLP successfully represented Baylor Health Care System in a recent joint application for a Municipal Setting Designation Certificate (MSD) covering a 42-acre parcel of land near Baylor Hospital and The Meadows Foundation complex in East Dallas.

The Texas Commission on Environmental Quality (TCEQ) issued the MSD certificate designating the urban groundwater for the 42-acre area as not suitable for drinking or “potable” purposes as a result of chemical or other constituents in the groundwater. Issuance of an MSD Certificate means property with groundwater concerns can be more readily developed in the context of a program that insures no one drinks the groundwater.

Baylor initiated the MSD application with the City of Dallas to address the release of dry cleaning solvents in groundwater that migrated under Baylor properties and the properties of five other landowners, including The Meadows Foundation, the private philanthropic foundation established in 1948 by Algur H. Meadows and his wife, Virginia Meadows.

The Meadows Foundation, which owns the Wilson Historic District Complex in East Dallas, and the other four property owners joined Baylor in its effort to gain the city’s approval of the MSD application and the ordinance to restrict groundwater use.

“The MSD program is a great example of how businesses can work with the City of Dallas to improve land areas using safe environmental practices. This program allows development to continue while protecting the citizens of Dallas as well as the environment. Baylor is pleased to have partnered with the Meadows Foundation and our other neighbors to obtain this certificate,” says Ron Kasowski, Facility Director of Environmental Safety and Emergency Management for Baylor Health Care System.

By joining the application and MSD process, The Meadows Foundation was a critical part of the successful application, which was granted March 12. The City of Dallas has approved only a few MSD applications and none involving such a large area with multiple applicants.

“We worked closely with the city’s staff to basically recreate the application process to make this work given the large number of tracts and different landowners,” says attorney Scott Deatherage, an environmental partner at Thompson & Knight who represented Baylor in the application. “Without a doubt, this is the best solution to insure that the State requirements are met and that no one will be drinking groundwater from this site.”

“The MSD process started several years ago when we presented to the City of Dallas and then the TCEQ the idea adopted by a few states to restrict the use of urban groundwater to avoid any potential for future consumption of the water,” Mr. Deatherage says. “The process has been a long one, but a few years ago our Austin lawyers successfully lobbied the Texas Legislature to adopt legislation to create the Municipal Setting Designation Program. We then worked with the City of Dallas to develop the MSD program in Dallas. The MSD program presents a means of transforming Brownfield properties, which are properties contaminated by old dry cleaners, gas stations, or other activities, so that new owners can redevelop these properties and rejuvenate areas of the City that would not be redeveloped because of groundwater issues, particularly those areas in or near downtown.”

Mr. Deatherage regularly advises clients on environmental matters, including obtaining Municipal Setting Designation Certificates. He is the author of the popular “Law and the Environment” blog at lawandenvironment.typepad.com.

About Thompson & Knight

Since 1887, Thompson & Knight LLP has consistently made a positive impact on its clients' successes. With its practice focused on the energy industry, the Firm has extensive resources in litigation, tax, insolvency, and international energy matters. The Firm has approximately 420 attorneys, and has offices and alliances in North America, South America, Europe, and Africa. Thompson & Knight represents companies, government entities, and individuals in local, regional, and national markets around the world.

Thompson & Knight
Becky Jackson
becky.jackson@tklaw.com
214-969-1478

[You can find this press release here](#)