



MEMORANDUM

TO: Mayor Laurel Lunt Prussing and Members of the City Council
FROM: William R. Gray, P.E., Public Works Director
Gale L. Jamison, P.E., Assistant City Engineer
DATE: September 4, 2008
RE: City-wide Groundwater Restriction Ordinance

INTRODUCTION/ISSUES

Periodically as sites are redeveloped in the City, soil and groundwater contaminants have been encountered and it has been necessary to provide institutional controls to facilitate obtaining a No Further Remediation (NFR) sign-off for the site from the Illinois Environmental Protection Agency. One form of institutional control is an ordinance prohibiting the development of new potable groundwater sources within a specific area surrounding and including the site. Rather than passing several site specific ordinances that might potentially overlap, the passage of an ordinance prohibiting the use of groundwater as a potable water supply within the corporate limits of the City is desirable. The prohibition only applies to the development of **new** potable water supply sources within the corporate limits and would not impact existing Illinois American Water Company (IAWC) wells within the corporate limits. The proposed ordinance would not prohibit the development of groundwater sources for uses other than potable water such as irrigation or cooling.

The draft ordinance was sent to developers, architects, engineers, IAWC and the Illinois Environmental Protection Agency (IEPA) for review and comment. Responses were generally favorable with concerns expressed by IAWC regarding the potential impact to the development of new wells in the vicinity of their existing wells near the intersection of Goodwin Avenue and Bradley Avenue. IAWC was not able to identify specific sites that could be excluded within the proposed ordinance and IEPA was not agreeable to language in the proposed ordinance that would exempt future wells. IEPA did however; indicate that future amendments to the ordinance might be possible to remove areas from the prohibition if the area in question had not been included as an institutional control for a specific site closure.

It will still be necessary for the City to consider a right-of-way agreement with the owners of the contaminated properties in instances where contamination extends off-site onto City owned right-of-way. This protects the City from the costs incurred if contaminated materials are encountered during utility or street construction or maintenance. The right-of-way agreement also defines the limit of the property owner's liability for removal of any contamination encountered in the right-of-way.

FISCAL IMPACTS

There are no financial impacts to the City with the Groundwater Restriction Ordinance.

RECOMMENDATIONS

It is recommended that “AN ORDINANCE PROHIBITING THE USE OF GROUNDWATER AS A POTABLE WATER SUPPLY BY THE INSTALLATION OR USE OF POTABLE WATER SUPPLY WELLS OR BY ANY OTHER METHOD” be approved .

ORDINANCE NUMBER 2008-09-97

AN ORDINANCE PROHIBITING THE USE OF GROUNDWATER AS A POTABLE WATER SUPPLY BY THE INSTALLATION OR USE OF POTABLE WATER SUPPLY WELLS OR BY ANY OTHER METHOD.

WHEREAS, certain properties in the City of Urbana, Illinois have been used over a period of time for commercial/industrial purposes; and

WHEREAS, because of said use, concentrations of certain chemical constituents in the groundwater beneath the City of Urbana may exceed Class I groundwater quality standards for potable resource groundwater as set forth in 35 Illinois Administrative Code Part 620 or Tier 1 residential remediation objectives as set forth in 35 Illinois Administrative Code Part 742; and

WHEREAS, the City of Urbana desires to limit potential threats to human health from groundwater contamination while facilitating the redevelopment and productive use of properties that are the source of said chemical constituents;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF URBANA, ILLINOIS:

Section One. Use of groundwater as a potable water supply is prohibited.

Except for such uses or methods in existence before the effective date of this ordinance, the use or attempt to use

as a potable water supply groundwater from within the corporate limits of the City of Urbana by the installation or drilling of wells or by any other method is hereby prohibited. This prohibition expressly includes the City of Urbana.

Section Two. Penalties.

Any person violating the provisions of this ordinance shall be subject to a fine of up to \$500.00 for each violation. Every day that the violation continues shall constitute a new violation.

Section Three. Definitions.

"Person" is any individual, partnership, co-partnership, firm, company, limited liability company, corporation, association, joint stock company, trust, estate, political subdivision, or any other legal entity, or their legal representatives, agents or assigns.

"Potable water" is any water used for human or domestic consumption, including, but not limited to, water used for drinking, bathing, swimming, washing dishes, or preparing foods.

Section Four. Repealer.

All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed insofar as they are in conflict with this ordinance.

Section Five. Severability.

If any provision of this ordinance or its application to any person or under any circumstances is adjudged invalid, such adjudication shall not affect the validity of the ordinance as a whole or of any portion not adjudged invalid.

Section Six. Effective Date.

This ordinance shall be in full force and effect from and after its passage, approval and publication as required by law.

PASSED by the City Council this _____ day of _____, 2008.

AYES:

NAYES:

ABSTAINS:

Phyllis D. Clark, City Clerk

APPROVED by the Mayor this _____ day of _____, 2008.

Laurel Lunt Prussing, Mayor

CERTIFICATE OF PUBLICATION IN PAMPHLET FORM

I, Phyllis D. Clark, certify that I am the duly elected and acting Municipal Clerk of the City of Urbana, Champaign County, Illinois.

I certify that on the _____ day of _____, _____, the corporate authorities of the City of Urbana passed and approved Ordinance No. _____, entitled **"AN ORDINANCE PROHIBITING THE USE OF GROUNDWATER AS A POTABLE WATER SUPPLY BY THE INSTALLATION OR USE OF POTABLE WATER SUPPLY WELLS OR BY ANY OTHER METHOD"**, which provided by its terms that it should be published in pamphlet form.

The pamphlet form of Ordinance No. _____ was prepared, and a copy of such Ordinance was posted in the Urbana City Building commencing on the _____ day of _____, _____, and continuing for at least ten (10) days thereafter. Copies of such Ordinance were also available for public inspection upon request at the Office of the City Clerk.

DATED at Urbana, Illinois, this _____ day of _____, 2008.

SEAL

CITY CLERK