



CITY OF WASHINGTON, ILLINOIS
Committee of the Whole Agenda Communication

Meeting Date: September 12, 2022

Prepared By: Dennis Carr – City Engineer

Agenda Item: Request for Groundwater Use Restriction Ordinance – 305 Peoria Street

Explanation: The property owner of 305 Peoria Street (Sarkis and Antoinette Khoury) have been in the process of site remediation since the gas station closed and the tanks were removed from the ground many years ago prior to the construction of Khoury's Restaurant in 2004.

Midwest Environmental Consulting & Remediation Services Inc. reached out to City staff to discuss an ordinance that would restrict the use of groundwater from this area as an institutional control for the remediation. Penny Silzer with Midwest Environmental will be in attendance to present and discuss this ordinance request. A letter from Ms. Silzer describing the request, the draft ordinance, and the Illinois Environmental Protection Agency model ordinance are attached.

Fiscal Impact: Staff sees no fiscal impact to the passing of such an ordinance.

Recommendation Summary: The City does not allow for a new well to be drilled in the City's water service area if the area can be serviced with our water system. Staff informed Midwest that we would not take the lead on such a discussion and that they would need to present to Council on their own behalf.

Midwest Environmental Consulting & Remediation Services Inc.

22200 Illinois Route 9 • P.O. Box 614

Tremont, IL 61568-0614

Phone : (309) 925-5551 • Fax : (309) 925-5606

E-mail : mdwstenv@frontier.com

August 30, 2022

Valeri Brod
City Clerk
City Hall
301 Walnut St
Washington, IL 61571

RE: Request for Groundwater Use Restriction Ordinance

Dear Ms. Brod:

On behalf of our client, Brad Aberle of Hopedale, Illinois, we are requesting a City ordinance prohibiting the use of groundwater as a potable water supply for purposes of closing Illinois Emergency Management Agency incident #903614 at 303 Peoria Street, Washington, Illinois (currently Khoury's Restaurant). The requested actions are necessary to satisfy Illinois Administration Code 742, Subpart J, which allows for the use of institutional controls when other methods of remediation are impractical or prohibitively expensive.


The requested groundwater use restriction ordinance prohibits the use of groundwater within a very limited defined area within the City of Washington, as a potable supply by use of a well or any other means and explicitly excludes the City. Attached is a copy of the Illinois Environmental Protection Agency (IEPA) model document for creating a groundwater use restriction ordinance and a copy of the requested ordinance with specific details of the limited area to which the ordinance would apply. More information and options for the groundwater use restriction ordinance can be found at <http://www.epa.state.il.us/land/cleanup-programs/institutional-control/index.html>.

Please call me at the number listed above with any questions you have or if you need additional information. Your response is greatly appreciated. Please notify me when the City takes action on this request.

Thank you.

Sincerely,

Midwest Environmental Consulting & Remediation Service, Inc.



Penny Silzer
Sr. Geologist

Draft

ORDINANCE NUMBER _____

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 Washington, 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 Washington may exceed Class I groundwater quality standards for potable resource groundwater as set forth in 35 Illinois Administrative Code 620 or Tier 1 remediation objectives as set forth in 35 Illinois Administrative Code 742; and

WHEREAS, the City of Washington 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 WASHINGTON, ILLINOIS:

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

The use or attempt to use as a potable water supply groundwater from within the limited area defined in Exhibit A within the City of Washington, as a potable water supply, by the installation or drilling of wells or by any other method is hereby prohibited. This prohibition expressly excludes the City of Washington.

Section Two. Penalties.

Any person violating the provisions of this ordinance shall be subject to a fine of up to \$_____ for each 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 food.

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 provisions 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 passages, approval and publication as required by law.

ADOPTED: _____
(Date)

APPROVED: _____
(Date)

(City Clerk)

(Mayor)

Officially published this ____ day of _____, 20__.

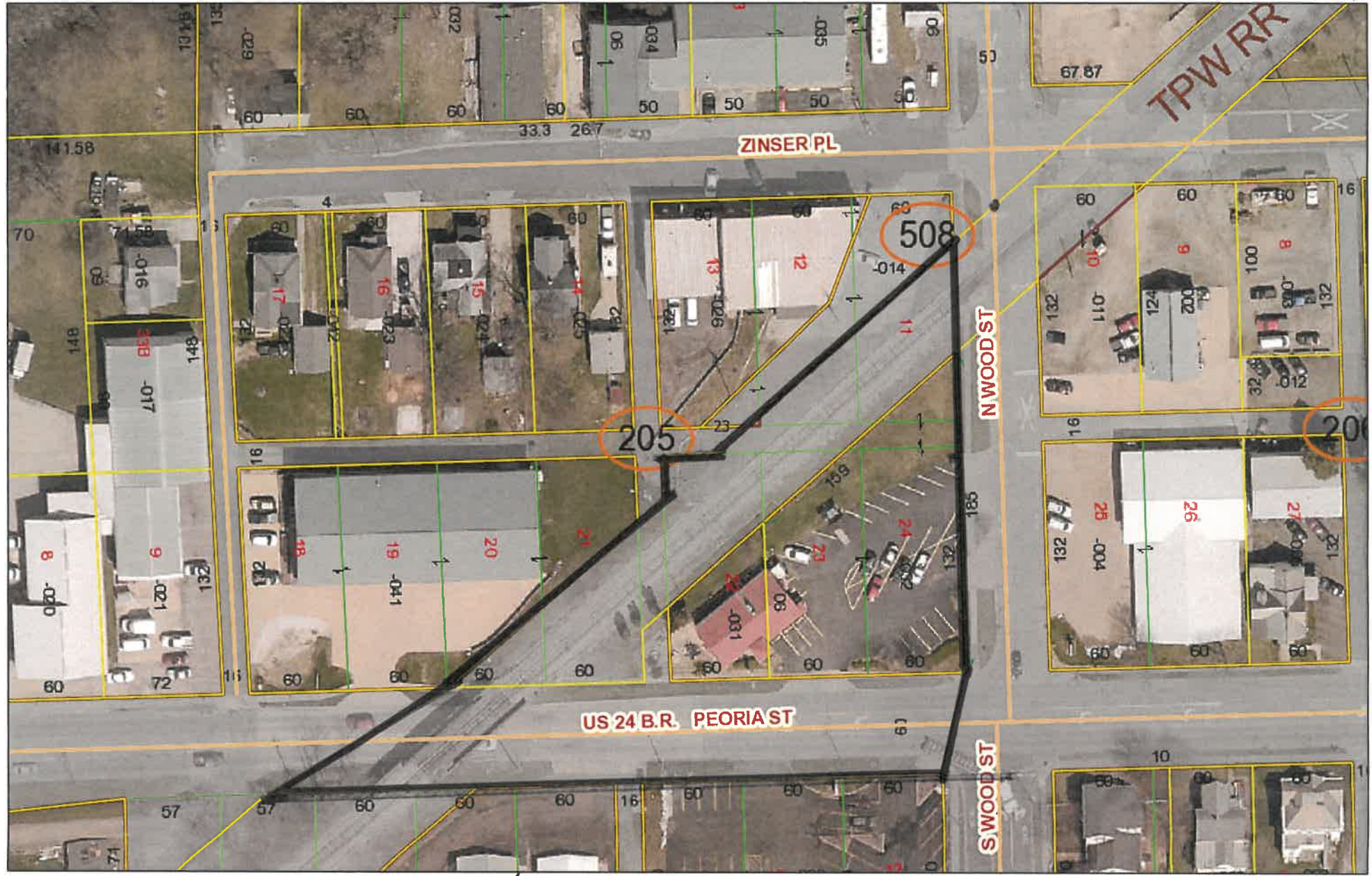
Exhibit A

Limited Groundwater Use Restriction Area

Description:

Beginning at the intersection of the west side of the South Wood Street right-of-way (ROW) with the south side of the Peoria Street ROW; then north to the intersection of the north side of the Peoria Street ROW with the west side of the North Wood Street ROW; then north to the intersection of the west side of the North Wood Street ROW and the north side of the TPW Railroad ROW; then, southwest to the intersection of the north side of the TWP Railroad ROW to its intersection with the south side of the Peoria Street ROW; then east to the point of beginning at the intersection of the south side of the Peoria Street ROW with the west side of the South Wood Street ROW. (See attached map)

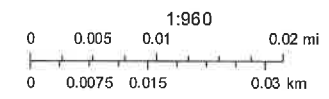
Part of Exhibit A. Outlined Limited Groundwater Use Restriction Area Tazewell County GIS



- I-155
- IL 29
- US 24
- I-474
- IL 98
- Streets
- I-74
- US 150



Tazewell County GIS parcel and map records contained herein are for property tax purposes only. This information has been compiled from the most accurate source data from the public records of Tazewell County. This information must be accepted and used with the understanding that the data was collected primarily for the use and purpose of creating a Property Tax Roll per Illinois Statute. The information contained herein is for reference purposes only, and should not be relied upon as a substitute for a title search. Any reliance on the information contained herein is at the user's own risk. The Tazewell County GIS assumes no responsibility for any use of the information contained herein or any loss resulting therefrom. Users of Tazewell County GIS site assume all risk and liability when accessing any third-party site linked to this site. All data is subject to change.



ORDINANCE NUMBER _____

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 [Village] of _____, 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 [Village] may exceed Class I groundwater quality standards for
potable resource groundwater as set forth in 35 Illinois Administrative Code 620 or Tier 1
remediation objectives as set forth in 35 Illinois Administrative Code 742; and

WHEREAS, the City [Village] of _____ 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
[VILLAGE] OF _____, ILLINOIS:

Section One. Use of groundwater as a potable water supply 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 [Village] of _____,
_____, as a potable water supply, by the installation or
drilling of wells or by any other method is hereby prohibited. This prohibition
[expressly includes] [does not include] the City [Village] of _____.
_____.

Section Two. Penalties.

Any person violating the provisions of this ordinance shall be subject to a fine of
up to _____ for each 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. Memorandum of Understanding.

[This Section is only necessary if ordinance does not expressly prohibit installation of potable water supply wells by the city or village--could be separate resolution]

The Mayor of the City [Village] of _____ is hereby authorized and directed to enter into a Memorandum of Understanding with the Illinois Environmental Protection Agency (“Illinois EPA”) in which the City [Village] of _____ assumes responsibility for tracking all sites that have received no further remediation determinations from the Illinois EPA, notifying the Illinois EPA of changes to this ordinance, and taking certain precautions when siting public potable water supply wells.

Section Five. 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 Six. 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 Seven. Effective date.

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

ADOPTED: _____
(Date)

APPROVED: _____
(Date)

(City Clerk)

(Mayor)

Officially published this _____ day of _____, 20__.