



**CITY OF WASHINGTON, ILLINOIS**  
**City Council Agenda Communication**

**Meeting Date:** September 19, 2022

**Prepared By:** Dennis Carr – City Engineer

**Agenda Item:** 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.

**ORDINANCE NO. \_\_\_\_\_**

**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 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 ground water contamination while facilitating the redevelopment and productive use of properties that are the source of said chemical constituents; and

**WHEREAS**, the City Council of the City of Washington has determined that it is in the best interests of the City to limit potential threats to human health from ground water 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 as follows:

Section 1: The recitals; as set forth above, are incorporated herein as though fully set forth and shall be considered the express findings of the City Council.

Section 2: That Chapter 104 of the City Code of the City of Washington, Tazewell County, Illinois, be, and the same hereby is, added as follows:

**“CHAPTER 104**

**GROUNDWATER**

104.001 Use of groundwater as a potable water supply prohibited.

104.002 Penalties.

104.003 Definitions.

**§104.001 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 includes the City of Washington.

§104.002 PENALTIES.

Any person violating the provisions of this chapter shall be subject to a fine of up to \$500 for each violation.

§104.003 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 3: 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 4: 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 5: Effective date. This ordinance shall be in full force and effect from and after its passage, approval and publication as required by law.

**PASSED AND APPROVED** this \_\_\_\_\_ day of \_\_\_\_\_ 2022.

AYES: \_\_\_\_\_

NAYS: \_\_\_\_\_

ATTEST:

\_\_\_\_\_  
MAYOR

\_\_\_\_\_  
CITY CLERK

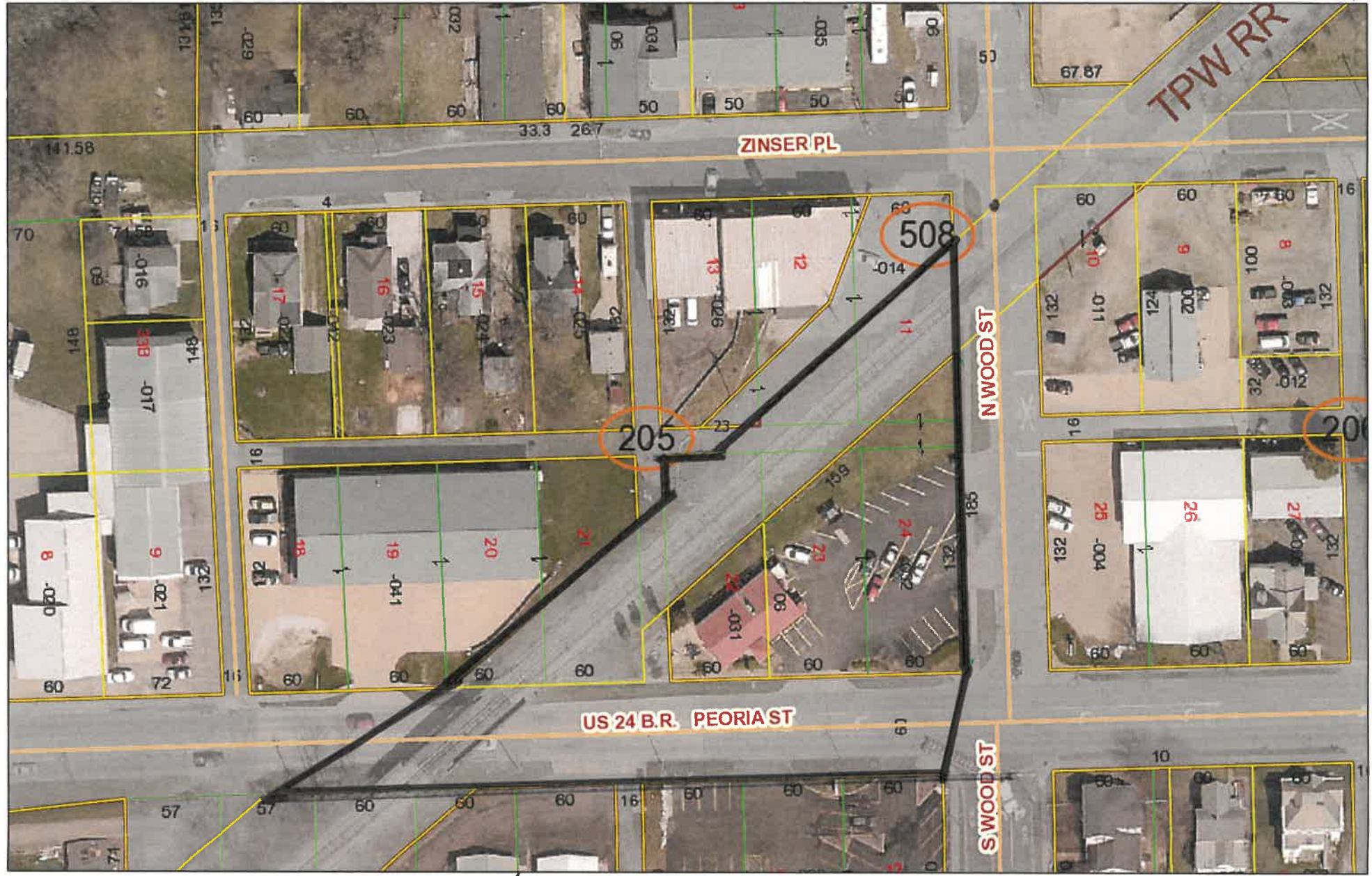
## Exhibit A

### 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
- I-474
- I-74
- IL 29
- IL 98
- US 24
- Streets
- 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.

