

VILLAGE OF LOMBARD
REQUEST FOR BOARD OF TRUSTEES ACTION
For Inclusion on Board Agenda

 X Resolution or Ordinance (Blue) X *Waiver of First Requested*
 Recommendations of Boards, Commissions & Committees (Green)
 Other Business (Pink)

TO: PRESIDENT AND BOARD OF TRUSTEES

FROM: Scott R. Niehaus, Village Manager

DATE: May 12, 2015 (B of T) Date: May 21, 2015

TITLE: 1 E. Roosevelt Road – Groundwater Restriction Ordinance

SUBMITTED BY: Department of Public Works *g*

BACKGROUND/POLICY IMPLICATIONS:

The Department of Public Works transmits for your consideration an ordinance to prohibit the use of groundwater for potable purposes in the vicinity of Roosevelt Road and Main Street due to soil contamination at 1 E. Roosevelt Road.

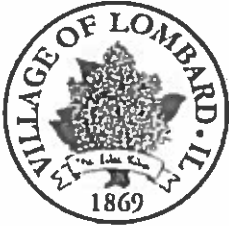
Staff recommends that this request be approved.

Fiscal Impact/Funding Source:

Review (as necessary):

Village Attorney X	_____	Date	_____
Finance Director X	_____	Date	_____
Village Manager X	_____	Date	_____

NOTE: All materials must be submitted to and approved by the Village Manager's Office by 12:00 noon, Wednesday, prior to the Agenda Distribution.



May 8, 2015

TO: Scott Niehaus, Village Manager

THROUGH: Carl Goldsmith, Director of Public Works *CG*

FROM: David Gorman, P.E., Asst. Director of Public Works *DG*

SUBJECT: Groundwater Use Prohibition Ordinance, Village Code Amendment, Environmental Indemnity Agreement, and Highway Authority Agreement Related to Soil Contamination at 1 E. Roosevelt Road

Attached are four documents related to groundwater contamination at 1 E. Roosevelt Road. The owner, 1 East Roosevelt, LLC, requests an Ordinance banning the use of groundwater wells related to soil contamination at 1 E. Roosevelt Road. Companion actions are an Amendment to Village Code §51.02, an Environmental Indemnity Agreement, and a Highway Authority Agreement. Please present this memo and attachments to the Board of Trustees for their consideration.

BACKGROUND

This property is currently occupied by a Jiffy Lube service station and there had been a past release of environmental petroleum as documented by the Illinois Emergency Management Agency (IEMA) in Incident Number 20110037 and 932243. The petitioner has requested the Ordinance as a means to protect groundwater impacted by the release. The Environmental Indemnity Agreement would also provide the Village the means to be reimbursed for any future costs associated with handling and disposing contaminated soils in the Roosevelt Road and Main Street right-of-ways.

Should the Village Board approve the Ordinance, the petitioner would then be able to seek a No Further Remediation (NFR) letter from the IEPA. The issuance of a NFR letter by the IEPA is evidence that the petitioner has successfully demonstrated, through proper investigation and, where warranted, remedial action, that all environmental conditions at their site does not present a significant risk to human health or the environment. The NFR letter also signifies a release of the property owner from further responsibilities under the Illinois Environmental Protection Act and is generally considered that the site does not constitute a significant risk of harm to human health and the environment, so long as the site is utilized in accordance with the terms of the NFR letter.

All four of these documents have been reviewed and approved by the Village Attorney. It should be noted that the Groundwater Use Restriction Ordinance and the Village Code Amendment would also apply to other properties to the north and west along Roosevelt Road, Main Street, Ann Street and Lincoln Avenue, as shown on the attached map.

ACTION REQUESTED

Staff recommends that the Board of Trustees approve the four items related to the petitioner's request: (1) Groundwater Use Prohibition Ordinance, (2) Village Code Amendment, (3) Limited Environmental Indemnity Agreement, and (4) Highway Authority Agreement.

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, a certain property located within the Village of Lombard, Illinois, located at 1 East Roosevelt Road, has been used over a period of time for industrial/commercial purposes; and

WHEREAS, because of said use, concentrations of certain chemical constituents in the groundwater beneath the Village of Lombard 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 Village of Lombard 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 President and Board of Trustees of the Village of Lombard, Du Page County, Illinois, as follows:

SECTION 1: Use of groundwater as a potable water supply prohibited.

The use of, or attempted use of, groundwater, as a potable water supply, from within the property boundaries of the property located at 1 East Roosevelt Road, Lombard, Illinois, and the properties identified in the attached map (Exhibit A) by the installation or drilling of wells or by any other method is hereby prohibited. The limits of the proposed ordinance will be bounded south of the contamination plume by the intersection of southbound Main Street and Rebecca Road. This limit will extend west to the intersection of Lynne Lane and Elizabeth Street. The boundary limit will continue north from this point, intersecting Roosevelt Road and reaching Morris Avenue. The boundary limit will extend east from this point until reaching the intersection of Morris Avenue and Main Street. The boundary limit will extend east from this point until intersecting with the road running north and south directly parallel to the storefront properties. The boundary limit will continue south from this point until the previous road intersects Roosevelt Road. The limit will extend east from this point to the intersection of Roosevelt Road and southbound Highland Avenue. The limit will continue south from this point to the intersection of Highland Avenue and 13th Place. The limit will extend west to the intersection of 13th Place and southbound Main Street. The boundary limit will continue north from this point to the intersection of southbound Main Street and Rebecca Road. This prohibition applies to governmental bodies, including the Village of Lombard.

SECTION 2: Penalties.

Any person violating the provisions of this ordinance shall be subject to a fine of up to \$750.00 for each violation.

SECTION 3: 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 4: 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 5: 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 6: Effective date.

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

SECTION 7: That this Ordinance shall be in full force and effect from and after its passage, approval and publication in pamphlet form, as provided by law.

Passed on first reading this ____ day of _____, 2015.

First reading waived by action of the Board of Trustees this ____ day of _____, 2015.

Passed on second reading this ____ day of _____, 2015, pursuant to a roll call vote as follows:

AYES: _____

NAYS: _____

ABSENT: _____

APPROVED by me this _____ day of _____, 2015.

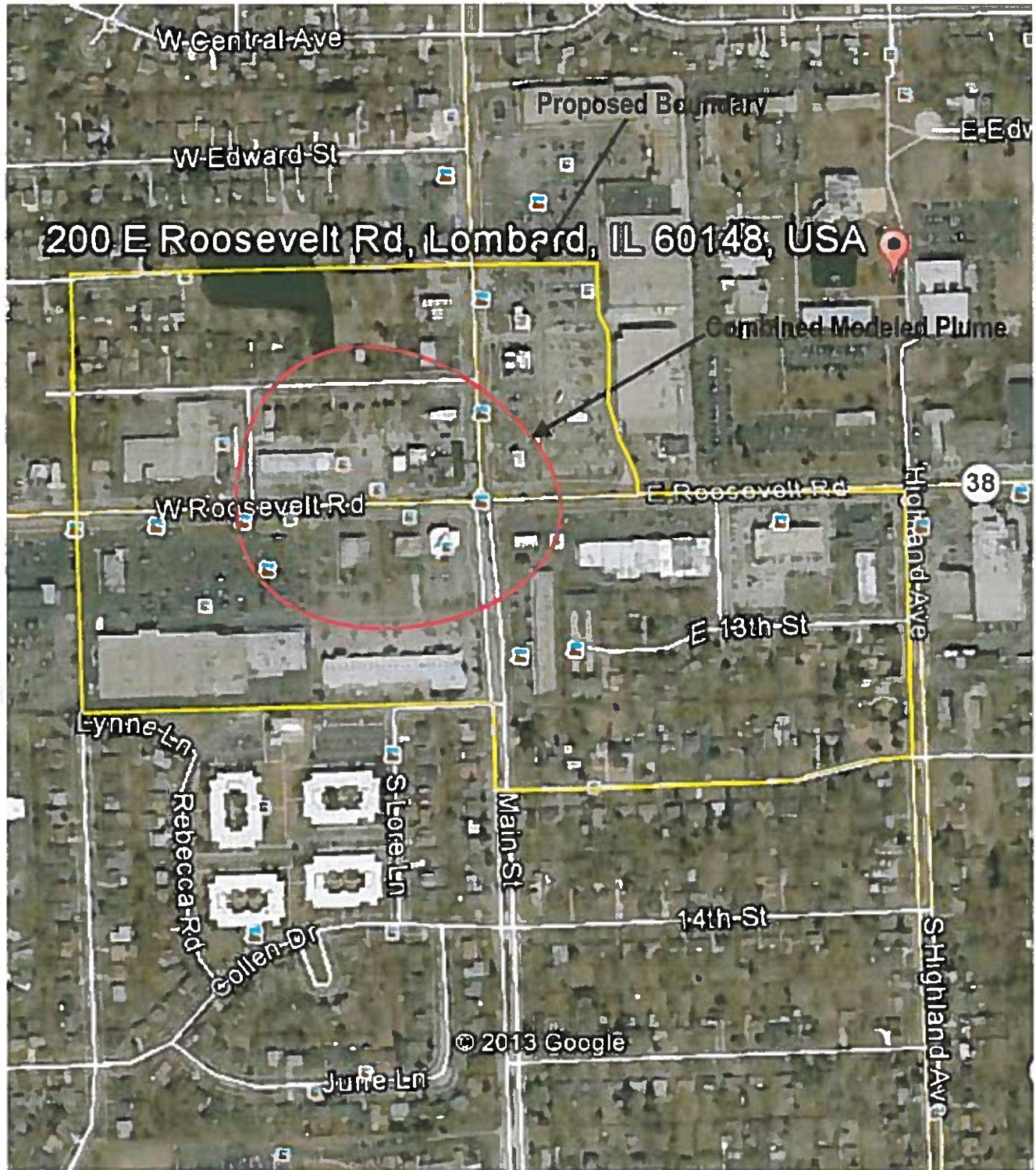
Keith Giagnorio, Village President


ATTEST:

Sharon Kuderna, Village Clerk

Published by me in pamphlet form this _____ day of _____,
2015.

Sharon Kuderna, Village Clerk



<p>Proposed Ordinance Boundary Map Client: Northwest Property Management Site location: 1 E Roosevelt Rd, Lombard</p>	<p>Project # 0601315 Drawn by: ML Date: 12/04/13</p>	<p>⊕ Soil Borings Performed: B & C = 11/29/10 & 11/30/10 D = 6/18/13</p>	<p style="text-align: center;">  N 1 in. = 510 ft. </p>
<p>Gabriel Environmental Services 1421 N. Elston Ave. phone (773) 486-2123 Chicago, IL 60642 fax (773) 486-0004</p>			