

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: July 23, 2015 (B of T) Date: August 13, 2015
TITLE: 1 E. Roosevelt Road – Groundwater Restriction Ordinance (Revised)
SUBMITTED BY: Department of Public Works *J*

BACKGROUND/POLICY IMPLICATIONS:

The Department of Public Works transmits for your consideration a revised ordinance replacing one previously enacted on May 21, 2015 (Ordinance #7079) 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. The revision is due to the Illinois Environmental Protection Agency necessitating different groundwater protection boundaries.

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.



MEMORANDUM

TO: Scott R. Niehaus, Village Manager

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

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

DATE: July 23, 2015

SUBJECT: 1 E. Roosevelt Road – Groundwater Restriction Ordinance (Revised)

Attached is an Ordinance that would replace an ordinance that was enacted on May 21, 2015 amending Title 5, Chapter 51, Section 51.02 of the Village Code to prohibit the installation or drilling of wells for potable and/or domestic water purposes within a modelled groundwater plume based on soil contamination at 1 E. Roosevelt Road. A separate and concurrent ordinance will rescind the prior ordinance.

The revision is due to the Illinois Environmental Protection Agency necessitating different groundwater protection boundaries. The previously enacted ordinance referenced a groundwater protection map submitted by the property owner's consultant that partly followed private property and building lines. The IEPA did not accept the prior ordinance since they prefer that the map follow only public right-of-way lines. The revised ordinance is otherwise the same as that previous ordinance. The IEPA prefers enacting a new ordinance over amending the prior ordinance.

Staff recommends that the Ordinance be approved.

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 WITHIN THE SPECIFIED LIMITS SURROUNDING THE PROPERTY AT 1 EAST ROOSEVELT ROAD, LOMBARD, ILLINOIS INCLUDING POINTS OF WITHDRAWAL BY THE VILLAGE OF LOMBARD

WHEREAS, certain properties in the Village of Lombard, 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 Village may exceed Class I groundwater quality standards for potable resource groundwater as set forth in 35 Illinois Administrative Code 620 or Tier I 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 CORPORATE AUTHORITIES OF THE VILLAGE OF LOMBARD, ILLINOIS:

SECTION 1: That Title 5, Chapter 51, Section 51.02, of the Lombard Village Code is hereby amended by adding a new subsection (G) thereto, which shall read in its entirety as follows:

“(G) Notwithstanding anything to the contrary contained in this Code, except for uses or methods in existence before the effective date of this subsection (G) prohibiting such use, the use or attempt to use, as a potable water supply (any water used in human or domestic consumption including, but not limited to, water used for drinking, bathing, swimming, washing dishes or preparing foods), groundwater from within the specified limits surrounding the property legally described below as illustrated on the attached ordinance map (*See Modeled Ordinance Map, Exhibit A*) by the installation or drilling of wells or by any other method is hereby prohibited, including points of withdrawal by the Village of Lombard:

THE WEST 150 FEET OF THE NORTH 190 FEET OF THE NORTHWEST ¼ OF SECTION 20, TOWNSHIP 40 NORTH, RANGE 11 EAST OF THE THIRD PRINCIPAL MERIDIAN IN DUPAGE COUNTY, ILLINOIS.

The limits of the proposed ordinance will be bounded north of the contamination plume by the intersection of Finley Road and West Edward Street. This boundary limit will extend east along West Edward Street until reaching the intersection of West Edward Street and South Main Street. The boundary limit will extend north from this point along South Main Street until reaching the intersection of South Main Street and East Central Avenue. The boundary limit will extend east

from this point along East Central Avenue until reaching the intersection of East Central Avenue and South Charlotte Street. The boundary limit will continue east from this point along East Central Avenue until reaching the intersection of East Central Avenue and Hammerschmidt Avenue. The boundary limit will extend directly south from this point along the Pedway Easement through the property at 200-220 E. Roosevelt Road (the National University of Health Sciences) until reaching the intersection of East Roosevelt Road and southbound Highland Avenue. The boundary limit will extend south from this point along southbound Highland Avenue until reaching the intersection of southbound Highland Avenue and East 13th Place. The boundary limit will extend west from this point along East 13th Place until reaching the intersection of East 13th Place and south Main Street. The boundary limit will extend south from this point along south Main Street until reaching the intersection of south Main Street and Collen Drive. The boundary limit will continue west from this point along Collen Drive until reaching the intersection of Collen Drive and South Elizabeth Street. The boundary limit will continue west from this point along Collen Drive until reaching the intersection of Collen Drive and Manor Hill Lane. The boundary limit will continue north from this point along Manor Hill Lane until reaching the intersection of Manor Hill Lane and South Finley Road. The boundary limit will continue north from this point along South Finley Road until reaching the intersection of Finley Road and West Edward Street.

Except for such uses or methods in existence before the effective date of this ordinance, the use or attempt to use groundwater from within the specified limits surrounding the property at 1 East Roosevelt Road, Lombard, Illinois 60148, 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 Village of Lombard.

SECTION 2: Penalties.

Any person violating the provisions of this ordinance shall be subject to a fine of up to \$750 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.

Passed on first reading the ___ 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.

Ayes: _____

Nays: _____

Absent: _____

Approved this ___ day of _____, 2015.

APPROVED:

Keith T. Giagnorio
Village President

ATTEST:

Sharon Kuderna
Village Clerk

Published by me in pamphlet form on this ___ day of _____2015.