



Legislation Details (With Text)

File #: 24-0609 **Version:** 1

Type: Ordinance **Status:** Agenda Ready

File created: 5/11/2024 **In control:** City Council

On agenda: 5/21/2024 **Final action:**

Title: Pass the ordinance prohibiting the use of groundwater as a potable water supply within the specified limits for the properties located at 1061 S Washington Street and 5 E Gartner Road

Sponsors:

Indexes:

Code sections:

Attachments: 1. Groundwater Ordinance for 1061 S. Washington St. and 5 E. Gartner Road, 2. Exhibit A to the Groundwater Ordinance, 3. Exhibit B to the Groundwater Ordinance, 4. Letter to the adjacent property owner, 5. Affidavit regarding notice to adjacent property owner

| Date | Ver. | Action By | Action | Result |
|-----------|------|--------------|--------|--------|
| 5/21/2024 | 1 | City Council | passed | Pass |

CITY COUNCIL AGENDA ITEM

ACTION REQUESTED:

Pass the ordinance prohibiting the use of groundwater as a potable water supply within the specified limits for the properties located at 1061 S Washington Street and 5 E Gartner Road

DEPARTMENT: Transportation, Engineering and Development

SUBMITTED BY: William J Novack, P.E., Director of Transportation, Engineering and Development/City Engineer

BOARD/COMMISSION REVIEW:

N/A

BACKGROUND:

Numerous properties throughout the City of Naperville have been used for commercial and industrial purposes throughout the years. Certain users like gasoline stations and dry cleaners have left a large environmental impact on the community due to spills and subsequent contamination.

Many of the current property owners have been working with the Illinois Environmental Protection Agency (IEPA) to clean up the sites and obtain certification by issuance of a No Further Remediation (NFR) Letter by the IEPA. The NFR letter provides value and comfort to the property owner that the IEPA has certified that the site has been cleaned to the point of meeting certain standards.

The issuance of an NFR does not mean that a property is completely cleaned up. Frequently, the IEPA issues NFR's for sites that still have small amounts of contamination present, they just make sure that certain other controls are in place to protect the public health. Some of those controls include engineered barriers, such as paved parking lots or concrete slabs of structures. Another

common control is a restrictive groundwater ordinance. The groundwater ordinance prohibits the use of wells for any source of potable water within the area of contamination as determined by the IEPA.

The City receives many requests for these groundwater ordinances. Petitioners are informed that they need to clean the site to the point where the groundwater ordinance is one of the last items on the IEPA task list to complete.

DISCUSSION:

The former gas station located at 1061 S Washington Street (the northwest corner of Washington and Gartner) is one of these sites. The owner, Naper North Property LLC, and its consultant have worked with the IEPA and the groundwater ordinance is one of the last tasks that remain. The groundwater ordinance affects their parcel and the residential parcel on the other side of Washington Street (5 E Gartner Road). The owner's consultant sent a letter to the affected property owner advising of the restriction and the impact on their property. From an operational standpoint there is no impact from the groundwater ordinance since all properties in the City of Naperville receive their potable water from Lake Michigan via the DuPage Water Commission and the City of Naperville. Attached is the proposed ordinance and an affidavit from the petitioner's consultant confirming the adjacent property owner was notified of the proposed ordinance and restrictions.

Passing this ordinance is a positive action by the City of Naperville, allowing this commercial site to obtain an NFR to improve the value and demonstrating to other property owners the City's willingness to work with property owners to remediate any environmental impacts on their properties.

FISCAL IMPACT:

N/A