



## Legislation Text

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### **CITY COUNCIL AGENDA ITEM**

#### **ACTION REQUESTED:**

Pass the ordinance regarding prohibiting the use of groundwater as a potable water supply within specified limits of various properties located on Route 59, Diehl Road, Bond Street, Pebblewood Lane, McDowell Road, and adjacent rights-of-way

**DEPARTMENT:** Transportation, Engineering and Development

**SUBMITTED BY:** William J. Novack, Director of TED/City Engineer

#### **BOARD/COMMISSION REVIEW:**

N/A

#### **BACKGROUND:**

Numerous properties throughout the City of Naperville have been used for commercial and industrial purposes over 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 the site has been cleaned to certain standards.

However, the issuance of an NFR does not mean that a property is completely cleaned. Most of the time the IEPA issues NFR's for sites that still have small amounts of contamination present, but certain other controls are in place to protect the public health such as engineered barriers like 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 groundwater ordinances and staff informs the petitioners they need to clean the site and get it to the point where the groundwater ordinance is one of the last items on the task list with the IEPA.

#### **DISCUSSION:**

The former Mobil gas station located on the southwest corner of Illinois Route 59 and Diehl Road is one of these sites. The owner has worked with the IEPA on clean up and the groundwater ordinance is the last task that remains. The groundwater ordinance affects the Mobil gas station parcel (1671 N Route 59) and twelve adjacent parcels of commercial land. None of the affected parcels are residential in nature.

The owner's consultant has sent letters to all the affected property owners advising of the restriction and the impacts on their properties. An affidavit and copies of the letters are attached. The City did not receive any comments or concerns from any of the affected property owners.

There is no operational impact resulting from the groundwater ordinance since all properties in the City receive potable water from Lake Michigan via the DuPage Water Commission and the City of Naperville.

Passing this ordinance is a positive action by the City of Naperville which will allow allowing this commercial site to obtain an NFR, improve its value, and demonstrate to other property owners the City's willingness to remediate environmental impacts.

**FISCAL IMPACT:**

N/A