



## Legislation Details (With Text)

|                      |  |                      |              |
|----------------------|--|----------------------|--------------|
| <b>File #:</b>       | 18-1017  | <b>Version:</b>      | 1            |
| <b>Type:</b>         | Ordinance  | <b>Status:</b>       | Passed       |
| <b>File created:</b> | 11/21/2018   | <b>In control:</b>   | City Council |
| <b>On agenda:</b>    | 1/21/2020  | <b>Final action:</b> | 1/21/2020    |
| <b>Title:</b>        | Pass the 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 1598 W. Ogden Avenue, Naperville, IL. 60540 and adjacent rights of way, including points of withdrawal by the City of Naperville |                      |              |

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Ordinance Prohibiting the Use of Groudwater at 1598 W Ogden Ave.

| Date      | Ver. | Action By    | Action | Result |
|-----------|------|--------------|--------|--------|
| 1/21/2020 | 1    | City Council | passed | Pass   |

### CITY COUNCIL AGENDA ITEM

#### **ACTION REQUESTED:**

Pass the 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 1598 W. Ogden Avenue, Naperville, IL. 60540 and adjacent rights of way, including points of withdrawal by the City of Naperville

**DEPARTMENT:** Transportation, Engineering and Development

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

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

NA

#### **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 their 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 up to certain standards.

The issuance of a NFR does not mean that a property is completely cleaned-up. Most of the time 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. We tell all the petitioners that they need to clean their site up and get to the point where the groundwater ordinance is one of the last items on their task list with the IEPA.

**DISCUSSION:**

The Mobil gas station at 1598 W. Ogden Avenue is one of these sites. The owner and their consultant have worked with the IEPA and the groundwater ordinance is one of the last tasks that remain. The groundwater ordinance affects only their parcel and the adjacent public right of ways of Ogden Avenue and Aurora Avenue. No other private property will be impacted by these controls. Neither the City of Naperville nor the Illinois Department of Transportation have any wells, nor any plans to install wells, within the limits of the adjacent right of ways.

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

**FISCAL IMPACT:**

None