



## Legislation Text

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File #: 18-1019, Version: 1

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### 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 for the property at 1201-1309 Naper Blvd (odd-numbered addresses only), 1230, 1236, 1248, 1250, 1252 and 1256 Naper Blvd, and 1236-1276 Hobson Oaks Drive (even-numbered addresses only), Naperville, IL. 60540 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 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 Market Meadows commercial center, located on the west side of Naper Blvd between Market Avenue and 75<sup>th</sup> Street is one of these sites. The owner's agent, Mid-America Asset Management Inc, and their consultant have worked with the IEPA and the groundwater ordinance is one of the last

tasks that remain. The groundwater ordinance affects their two parcels and fifteen of the townhome units to the west of them. Mid-America sent letters to all the affected property owners advising of the restriction and the impacts on their properties. 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 Mid-America's consultant confirming all the adjacent property owners were notified of the proposed ordinance and restrictions.

Passing this ordinance is a positive action by the City of Naperville, allowing the Market Meadows commercial 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