

ORDINANCE NUMBER 2024-047

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 A
CERTAIN AREA IN THE CITY OF DEKALB

WHEREAS, certain property in the City of DeKalb, Illinois (the "City") located at 1334 East Lincoln Highway 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 City may exceed Class I groundwater quality standards for potable resource groundwater as set forth in 35 Illinois Administrative Code 620 or Tier 1 remediation objectives as set forth in 35 Illinois Administrative Code 742; and

WHEREAS, the City desires to limit potential threats to human health from groundwater contamination while facilitating the redevelopment and productive use of properties that are at or around the source of said chemical constituents;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DEKALB, ILLINOIS:

Section One. Use of groundwater as a potable water supply prohibited.

The use or attempt to use as a potable water supply groundwater from within the area shown on Exhibit A and Exhibit B and more particularly described on Exhibit C, attached to and made a part of this ordinance, by the installation or drilling of wells or by any other method is hereby prohibited. This prohibition expressly includes the City of DeKalb.

Section Two. Penalties.

Any person violating the provisions of this ordinance shall be subject to a fine of up to Five Hundred Dollars (\$500.00) for each violation.

Section Three. 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 Four. 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All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed insofar as they are in conflict with this ordinance.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 Five. Severability.

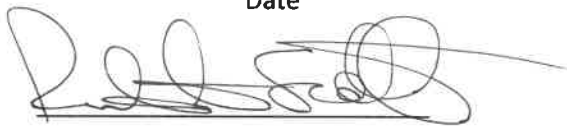
If any provision of this ordinance or its application to any person or under any circumstances is adjudged invalid, such adjudication shall not affect the validity of the ordinance as a whole or of any portion not adjudged invalid.

Section Six. Effective date.

This ordinance shall be in full force and effect from and after its passage, approval and publication as required by law.

ADOPTED: October 14, 2024

Date



Ruth A. Scott, Executive Assistant

APPROVED: October 15, 2024

Date



Cohen Barnes, Mayor

Officially published this 15th day of October, 2024



Passed by a 7-0-1 roll call vote. Aye: Larson, Smith, Perkins, Powell, Verbruggen, Walker, Barnes. Nay: None. Absent: Zasada.

Exhibit A
Groundwater Use Ordinance Map

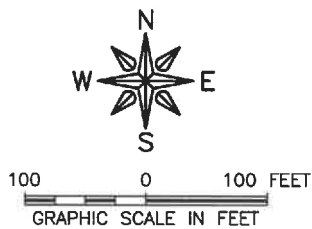
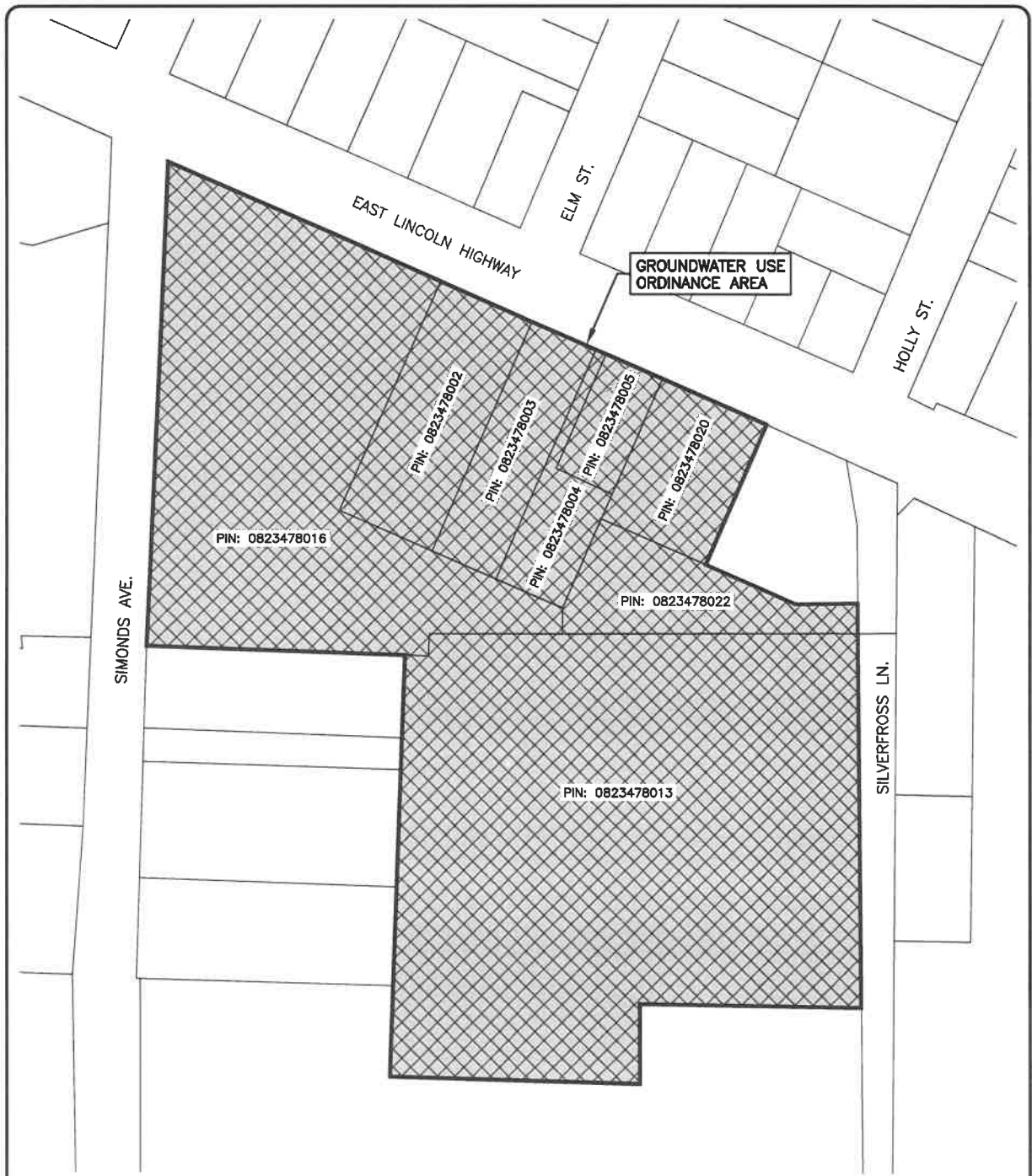


EXHIBIT A GROUNDWATER USE ORDINANCE 1334 E. LINCOLN HIGHWAY DEKALB, IL 60115

2/27/24

FEHR GRAHAM
ENGINEERING & ENVIRONMENTAL

ILLINOIS
IOWA
WISCONSIN

Exhibit B

Groundwater Use Ordinance – Plat Reference Map

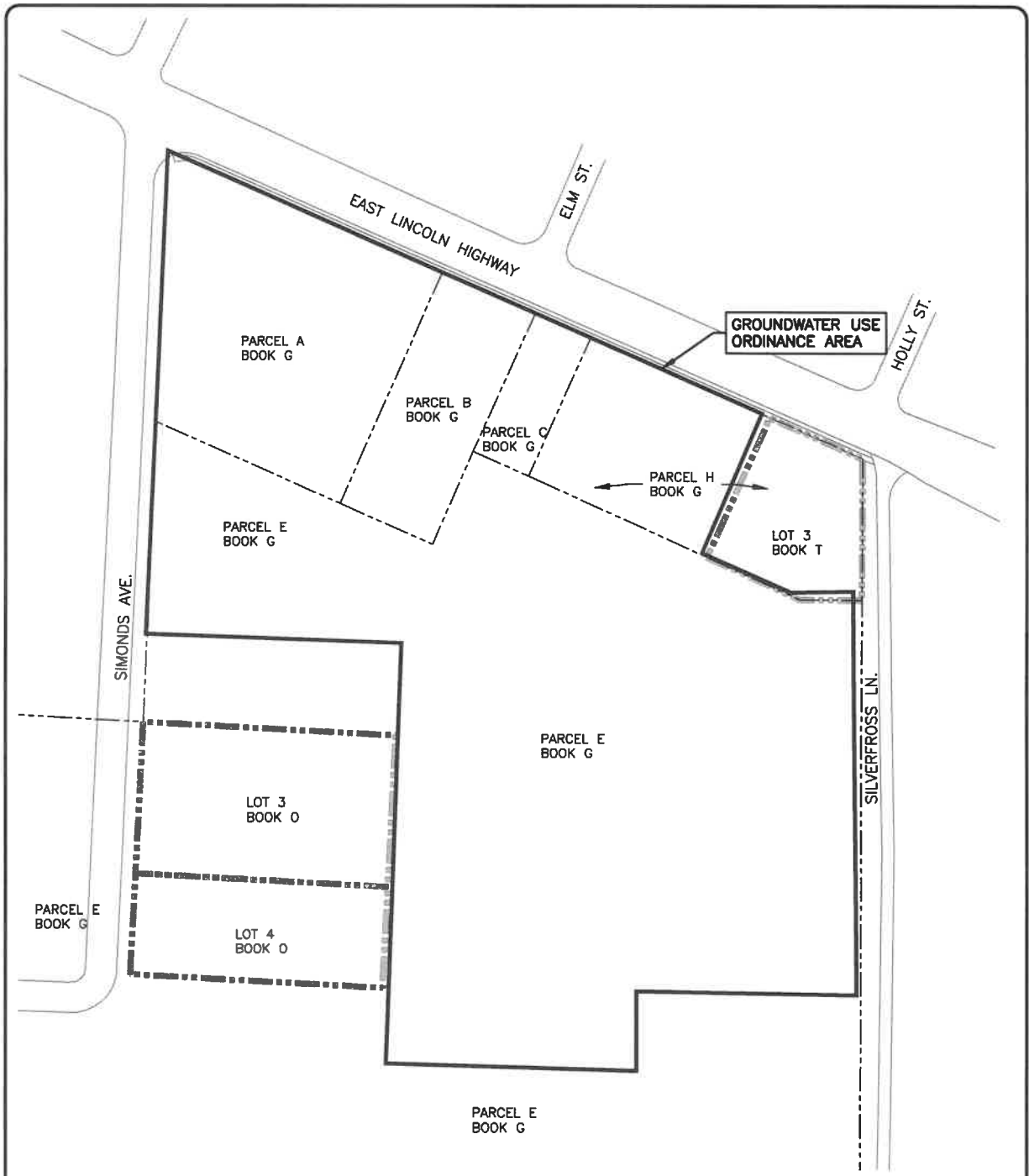


EXHIBIT B
GROUNDWATER USE
ORDINANCE – PLAT REFERENCES
1334 E. LINCOLN HIGHWAY
DEKALB, IL 60115

3/5/24

FEHR GRAHAM
 ENGINEERING & ENVIRONMENTAL

ILLINOIS
 IOWA
 WISCONSIN

Exhibit C
Legal Description

All of Parcel "A", Parcel "B", Parcel "C", parts of Parcel "E" and parts of Parcel "H" according to the Plat of Survey of Part of the Southeast Quarter of Section 23, Township 40 North, Range 4 East of the Third Principal Meridian, recorded in the Recorder's Office of Dekalb County, Illinois, on April 15, 1946 in Book "G" of Plats, page 102 and Shown as Part of Evans Subdivision in Book "G" of Plats, page 115 as Document No. 199349 in said County of Dekalb, State of Illinois

Beginning at the Northwest corner of said Parcel "A", thence South 66 degrees 15 minutes 16 seconds East (assumed bearing) on and along the South right of way line of Lincoln Highway, a distance of 640.12 feet to the Northwest corner of Lot 3, as shown on the plat recorded in said Recorder's Office of DeKalb County, in Book "T" of Plats, page 39; thence South 23 degrees 21 minutes 54 seconds West on and along the West line of said Lot 3, a distance of 151.66 feet to the Southwest corner of said Lot 3; thence South 66 degrees 24 minutes 51 seconds East on and along the South line of said Lot 3 a distance of 101.49 feet; thence North 89 degrees 00 minutes 46 seconds East on and along said South line of Lot 3, a distance of 61.46 feet to the Southeast corner of Said Lot 3 and the East line of said Parcel "E"; thence South 00 degrees 29 minutes 32 seconds East on and along last named line, a distance of 399.29 feet; thence North 89 degrees 09 minutes 20 seconds West a distance of 219.23 feet; thence South 00 degrees 00 minutes 00 seconds West a distance of 78.72 feet; thence North 88 degrees 28 minutes 24 seconds West a distance of 247.51 feet to the Southerly extension of the East line of Lots 3 and 4 of the plat recorded in the Recorder's Office of DeKalb County, Illinois, in book "O" of Plats, Page 67; thence North 02 degrees 05 minutes 03 seconds East on and along last named extensions and lines, a distance of 416.76 feet; thence North 88 degrees 02 minutes 03 seconds West a distance of 253.59 feet to the East right of way line of Simonds Avenue; thence North 02 degrees 32 minutes 08 seconds East on and along last named line, a distance of 479.99 feet to the Point of Beginning.

NOTICE

CERTIFIED MAIL NO. 9589 0710 5270 0975 3328 99
RETURN RECEIPT REQUESTED

December 3, 2024

City of DeKalb
164 East Lincoln Highway
DeKalb, Illinois 60115

RE: Off-Site Notification Letter

Dear City of DeKalb:

T&H Properties is performing an environmental response action at 1334 East Lincoln Highway, DeKalb, Illinois 60115 (Greenacre Cleaners). The response action is being performed because environmental investigations identified tetrachloroethene and trichloroethene in soil and/or groundwater which have the potential to migrate to surrounding properties. The site was enrolled in the Illinois Environmental Protection Agency (Illinois EPA) voluntary Site Remediation Program and is undergoing remedial actions to verify that site conditions are protective of human health and the environment.

To protect human health, Illinois regulations require that T&H Properties either clean up groundwater contamination or demonstrate that the groundwater in the area of the release will not be used as potable water. (Groundwater is the water beneath the ground stored in the pores of soil and rock; some communities and homeowners pump this water out of wells to supply potable water. Potable means fit for human consumption, including drinking, bathing, preparing food, washing dishes, and so forth.)

Under Illinois regulations, a local ordinance that effectively prohibits the installation and use of potable water supply wells may be used as an institutional control to allow contamination above the groundwater ingestion remediation objectives to remain in the groundwater (35 Illinois Administrative Code 742.1015). (An institutional control is a legal mechanism for imposing a restriction of land use.) The City of DeKalb has an ordinance that strictly prohibits the human and domestic consumption of the groundwater beneath a limited area, including and surrounding the Greenacre Cleaners site. The ordinance is identified as City of DeKalb Ordinance No. 2024-047, *An Ordinance Prohibiting the Use of Groundwater by Installation or Use of Potable Water Supply Wells or By Any Other Method within a Certain Area*.

The Illinois EPA has determined that the ordinance adopted by the City of DeKalb meets the regulatory requirements for use as an institutional control. T&H Properties has requested and has been granted approval from the Illinois EPA to use the groundwater ordinance as an institutional control.

The following properties are included in the area affected by the ordinance:

- 8023478016 – 1330 E. Lincoln Highway
- 8023478022 – 1422 E. Lincoln Highway
- 8023478013 – 1434 E. Lincoln Highway
- 8023478002 – 1334 E. Lincoln Highway
- 8023478003 – 1336 E. Lincoln Highway
- 8023478004 – 1402 E. Lincoln Highway
- 8023478005 – 1400 E. Lincoln Highway
- 8023478020 – 1401 E. Lincoln Highway

The ordinance prohibits the use of private, potable water wells on these properties in the City of DeKalb. Based on the remediation objectives established in reliance on this ordinance, groundwater beneath the affected properties may not be suitable for human or domestic consumption. The owners of each affected property have been notified of these facts in accordance with Illinois regulations.

To learn more about the Greenacre Cleaners remediation site, please contact the Illinois EPA Bureau of Land project manager, Patricia Silva, 1021 North Grand Avenue East, P.O. Box 19276, Springfield, Illinois 62794, (217) 524-3285. You may also obtain a copy of the complete Illinois EPA file on the Greenacre Cleaners remediation site. To do so, you will need to submit a written request with your signature to the Freedom of Information Act (FOIA) Officer, Illinois EPA, Bureau of Land, 1021 North Grange Avenue East, P.O. Box 19726, Springfield, Illinois 62794-9276. When requesting a copy of the file, please reference the file heading shown below:

LPC #0370105018/DeKalb County
DeKalb/Greenacre Cleaners
1332 East Lincoln Highway, DeKalb, Illinois

FOIA requests may also be requested through the Illinois EPA's Web page:
<https://www2.illinois.gov/epa/foia/Pages/default.aspx>

Sincerely,

T&H Properties