I, LYNN A. FAZEKAS, do hereby certify that I am the duly appointed City Clerk of the City of DeKalb, DeKalb County, Illinois, and as such officer, I am the keeper of the records and files of the City Council of said City.

I do further certify that the attached is a true and correct copy of:

ORDINANCE 2018-020

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, ILLINOIS (1110 N. FIRST STREET).

PASSED BY THE CITY COUNCIL of the City of DeKalb, Illinois, on the 14th day of May 2018. The original will be kept on file at the City of DeKalb Municipal Building.

WITNESS my hand and the official seal of said City this 12th day of June 2019.

LYNN A. FAZEKAS, City Clerk

Prepared by and Return to:
City of DeKalb
City Clerk’s Office
200 S. Fourth Street
DeKalb, Illinois 60115
ORDINANCE 2018-020        PASSED: MAY 14, 2018

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 within the City of DeKalb, Illinois (the “City”) located at 1110
N. First Street was previously used over a number of years as a dry cleaners; and

WHEREAS, because of said use, concentrations of certain chemical constituents in the
groundwater beneath the City may exceed Class 1 groundwater quality standards for
potable resource groundwater as set forth in 35 Illinois Administrative Code 620 or Tier 1
residential 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 as follows:

Section 1. 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 2. The use or attempt to use groundwater as a potable water supply from within
the 750’ radius area shown on Exhibit A, attached to and made a part of this ordinance,
by the installation or drilling of wells or by any other method is hereby prohibited, included
at points of withdrawal by the City.

Section 3: 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 4: Repealer. All ordinances or parts of ordinances in conflict with this ordinance
are hereby repealed by this ordinance insofar as they are in conflict with this ordinance.
Section 5. Severability. If any provisions 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 6. This Ordinance shall, by authority of the City Council be published in pamphlet form. From and after ten days after such publication, this Ordinance shall be in full force and effect upon its passage and approval according to law.


ATTEST:

RUTH A. SCOTT, Deuty City Clerk

JERRY SMITH, Mayor
DATE: May 9, 2018

TO: Honorable Mayor Jerry Smith
    City Council

FROM: Patty Hoppenstedt, Interim City Manager
      Jo Ellen Charlton, Community Development Director

SUBJECT: 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. (First Reading)

I. Summary

The owners of Inboden's, located at 1106 and 1110 N. First Street, have asked the City to adopt an ordinance that would ban the use of groundwater wells within the roughly 700 foot radius around the property (shown in Exhibit A) in order to obtain a No Further Remediation (NFR) letter from the Illinois Environmental Protection Agency (IEPA) using the Tiered Approach to Cleanup Objectives.

II. Background

Inboden's currently owns and occupies the properties located at 1106 and 1110 N. First Street, with the former address previously under separate ownership and occupied by a dry cleaners. As part of their effort to obtain an NFR letter from the IEPA, the owners have done significant work to remediate contaminants left by the dry cleaning business that formerly occupied the 1106 address. They have also had professional modeling
completed to determine how far from the site it is necessary to restrict use of groundwater in order to minimize the potential impacts that contaminated materials have if they migrate away from the site.

The City has authorized similar ordinances in the past. Additionally, the only documented well in the area was located at 1106 N. First Street. It was sealed on April 8, 2011 as shown in the image below. The only properties impacted by this ordinance are the ones located within the 750 foot radius boundary shown in Exhibit A to the attached ordinance. These properties would be restricted from digging new wells.
III. Community Groups/Interested Parties Contacted

Opportunity for public comment will be provided during the Regular May 14, 2018 City Council meeting.

IV. Legal Impact

The City has the legal authority pass an ordinance regulating wells within City limits.

V. Financial Impact

Approval of the attached ordinance does not have any financial impact on the community.

VI. Options

1. Approve the proposed Ordinance as drafted.

2. Recommend modifications of the Ordinance.

3. Do not approve the proposed Ordinance.

VII. Recommendation

Staff would recommend approval of the Ordinance as presented.