

CITY OF COLUMBIA, ILLINOIS

ORDINANCE NO. 3410

**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**

**Adopted by the
City Council
of the
City of Columbia, Illinois
this 21st day of May, 2018**

**Published in pamphlet form by
authority of the City Council
of the City of Columbia,
Illinois, this 22nd day of
May, 2018.**

ORDINANCE NO. 3410

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

WHEREAS, the property located at 305 North Main Street in the City of Columbia, Illinois has been used over a period of time for commercial/industrial purposes; and

WHEREAS, because of said use, concentrations of volatile organic compounds 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 of Columbia desires to limit potential threats to human health from groundwater contamination while facilitating the redevelopment and productive use of properties that are the source of said chemical constituents;

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF COLUMBIA, ILLINOIS:

Section 1. Use of groundwater as a potable water supply is prohibited.

The use or attempt to use groundwater from within the corporate limits of the City of Columbia, as a potable water supply, by the installation or drilling of wells or by any other method is hereby prohibited. The prohibition includes only the designated areas (including all city owned street and rights of way within the designated areas) shown in detail and described on Exhibit A. The existing public water supply distribution system is unaffected.

Section 2. Penalties.

Any person violating the provision of this ordinance shall be subject to a fine of up to \$750.00 for each violation.

Section 3. Definitions.

“Person” is any individual, partnership, co-partnership, firm, company, limited liability company, corporation, association, joint stock company, trust, estate, political subdivision, or any legal entity, or their legal representative 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 food.

Section 4. Memorandum of Understanding.

The City of Columbia is hereby authorized and directed to enter into a Memorandum of Understanding with the Illinois Environmental Protection Agency (“Illinois EPA”) in which the City of Columbia assumes responsibility for tracking all sites that have received no further remediation determinations from the Illinois EPA, notifying the Illinois EPA of changes to this ordinance, and taking certain precautions when siting potable water supply wells. A copy of said Memorandum of Understanding is attached as Exhibit B and incorporated herein by reference.

Section 5. 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 6. 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 7. Effective date.

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

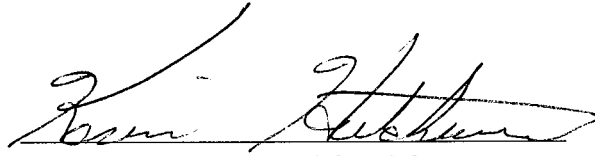
YEAS: Aldermen Agne, Niemietz, Roessler, Huch, Reis, Holtkamp, and Martens.

NAYS: None.

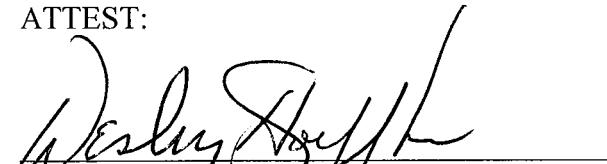
ABSTENTIONS: None.

ABSENT: Alderman Ebersohl.

PASSED by the City Council and APPROVED by the Mayor this 21st day of May, 2018.


KEVIN B. HUTCHINSON, Mayor

ATTEST:


WESLEY J. HOEFFKEN, City Clerk

(SEAL)

STATE OF ILLINOIS)
) SS
MONROE COUNTY)

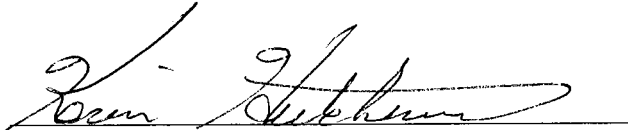
CERTIFICATION OF RECORDS

I, Kevin B. Hutchinson, Mayor of the City of Columbia, In the County of Monroe and State of Illinois, Do Hereby Certify That the Attached Documents Are a True and Correct Copy of:

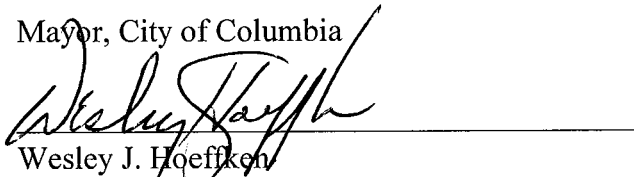
**"ORDINANCE NUMBER 3410, AN ORDINANCE PROHIBITING THE USE OF
GROUNDWATER AS A POTABLE WATER SUPPLY BY THE INSTALLATION OR
USE OF POTABLE WATER SUPPLY WELLS OR BY ANY OTHER METHOD"**

As recorded in the office of the City Clerk for Columbia, Illinois.

(SEAL)



Kevin B. Hutchinson
Mayor, City of Columbia



Wesley J. Hoeffken
City Clerk, City of Columbia

May 21, 2108
Date

STATE OF ILLINOIS)
) SS
COUNTY OF MONROE)

CERTIFICATE OF PUBLICATION

I, Wesley J. Hoeffken, certify that I am the duly elected and acting Municipal Clerk of the City of Columbia, Illinois.

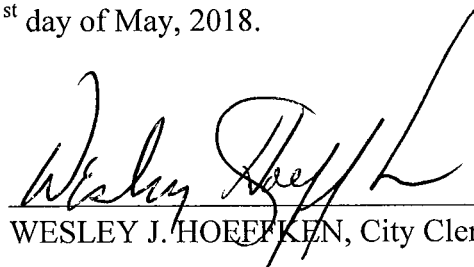
I further certify that on the 21st of May, 2018, the Corporate Authorities of the City of Columbia, Illinois passed and approved Ordinance No. 3410, entitled:

"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"

which provided by its terms that it should be published in pamphlet form.

The pamphlet form of Ordinance No. 3410 including the ordinance and a cover sheet thereof, was prepared and a copy of such ordinance will be posted in the Columbia City Hall, commencing on the 22nd day of May, 2018, and continuing for at least ten (10) days thereafter. Copies of such ordinance were also available for public inspection upon request at the office of the City Clerk.

DATED at Columbia, Illinois this 21st day of May, 2018.


WESLEY J. HOEFFKEN, City Clerk

(SEAL)

MEMORANDUM OF UNDERSTANDING BETWEEN
City of Columbia AND THE ILLINOIS ENVIRONMENTAL
PROTECTION AGENCY REGARDING THE USE OF A LOCAL GROUNDWATER AND
WATER WELL ORDINANCE AS AN ENVIRONMENTAL INSTITUTIONAL CONTROL

I. PURPOSE AND INTENT

- A. This memorandum of Understanding ("MOU") between City of Columbia And the Illinois Environmental Protection Agency ("Illinois EPA") is entered into for the purpose of satisfying the requirements of 35 Ill. Adm. Code 742.1015 for the use of groundwater and water well ordinances as environmental institutional controls. The Illinois EPA has reviewed the groundwater and water well ordinance of City of Columbia (Attachment A) and determined that the ordinance prohibits the use of groundwater for potable purposes and/or the installation and use of new potable water supply wells by private entities but does not expressly prohibit those activities by the unit of local government itself. In such cases, 35 Ill. Adm. Code 742.1015(a) provides that the unit of local government may enter into an MOU with the Illinois EPA to allow the use of the ordinance as an institutional control.
- B. The intent of this Memorandum of Understanding is to specify the responsibilities that must be assumed by the unit of local government to satisfy the requirements for MOUs as set forth at 35 Ill. Adm. Code 742.1015(i).

II. DECLARATIONS AND ASSUMPTION OF RESPONSIBILITY

In order to ensure the long-term integrity of the groundwater and water well ordinance as a environmental institutional control and that risk to human health and the environment from contamination left in place in reliance on the groundwater and water well ordinance is effectively managed, City of Columbia hereby assumes the following responsibilities pursuant to 35 Ill. Adm. Code 742.1015(d)(2) and (i):

- A. City of Columbia will notify the Illinois EPA Bureau of Land of any proposed ordinance changes or requests for variance at least 30 days prior to the date the local government is scheduled to take action on the proposed change or request (35 Ill. Adm. Code 742.1015(i)(4));
- B. City of Columbia will maintain a registry of all sites within its corporate limits that have received "No Further Remediation" determinations in reliance on the ordinance from the Illinois EPA (35 Ill. Adm. Code 742.1015(i)(5));
- C. City of Columbia will review the registry of site established under paragraph II. B. prior to siting public potable water supply wells within the area covered by the ordinances (35 Ill. Adm. Code 742.1015(i)(6)(A));

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- D. City of Columbia will determine whether the potential source of potable water has been or may be affected by the contamination left in place at the sites tracked and reviewed under paragraphs II. B. and C. (35 Ill. Adm. Code 742.1015(i)(6)(B));
- E. City of Columbia will take action as necessary to ensure that the potential source of potable water is protected from contamination or treated before it is used as a potable water supply (35 Ill. Adm. Code 742.1015(i)(6)(C));

NOTE: Notification under paragraph II. A. above or other communications concerning this MOU should be directed to:

Manager, Division of Remediation Management
Bureau of Land
Illinois Environmental Protection Agency
P.O. Box 19276
Springfield, IL 62794-9276

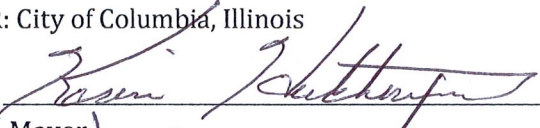
III. SUPPORTING DOCUMENTATION

The following documentation is required by 35 Ill. Adm. Code 742.1015(i) and is attached to this MOU:

- A. Attachment A: A copy of the groundwater and water well ordinance certified by the city clerk or other official as the current, controlling law (35 Ill. Adm. Code 742.1015(i)(3))
- B. Attachment B: Identification of the legal boundaries within which the ordinance is applicable (legal description and map of the area showing sufficient detail to determine where the ordinance is applicable – See attached map) (35 Ill. Adm. Code 742.1015(i)(2));
- C. Attachment C: A statement of authority of the unit of local government to enter into the MOU (inherent powers of mayor – See attached Groundwater Ordinance) (35 Ill. Adm. Code 742.1015(i)(1)).

IN WITNESS WHEREOF, the lawful representatives of the parties have caused the MOU to be signed as follows:

FOR: City of Columbia, Illinois


BY: 
Mayor

DATE: 12/03/2018

BY: 
City Clerk

DATE: 12/03/2018

FOR: Illinois Environmental Protection Agency

BY: 
Manager, Division of Remediation Management
Bureau of Land

DATE: 1-15-19

ATTACHMENT A

ORDINANCE NO. 3410

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

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

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF COLUMBIA, ILLINOIS:

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ATTACHMENT A

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Section 7. Effective date.

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

YEAS: Aldermen Agne, Niemietz, Roessler, Huch, Reis, Holtkamp, and Martens.

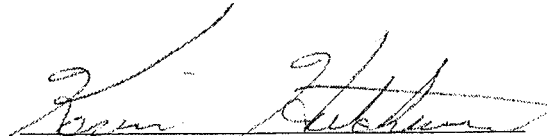
NAYS: None.

ABSTENTIONS: None.

ABSENT: Alderman Ebersohl.

ATTACHMENT A

PASSED by the City Council and APPROVED by the Mayor this 21st day of May, 2018.


KEVIN B. HUTCHINSON, Mayor

ATTEST:


WESLEY J. HOEFFKEN, City Clerk

(SEAL)

ATTACHMENT A

STATE OF ILLINOIS)
) SS
MONROE COUNTY)

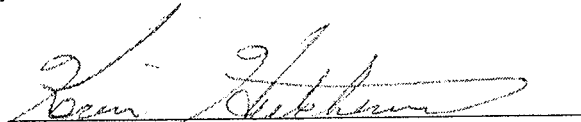
CERTIFICATION OF RECORDS

I, Kevin B. Hutchinson, Mayor of the City of Columbia, In the County of Monroe and State of Illinois, Do Hereby Certify That the Attached Documents Are a True and Correct Copy of:

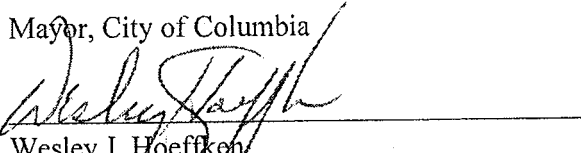
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GROUNDWATER AS A POTABLE WATER SUPPLY BY THE INSTALLATION OR
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As recorded in the office of the City Clerk for Columbia, Illinois.

(SEAL)



Kevin B. Hutchinson
Mayor, City of Columbia



Wesley J. Hoeffken
City Clerk, City of Columbia

May 21, 2108

Date

ATTACHMENT A

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) SS
COUNTY OF MONROE)

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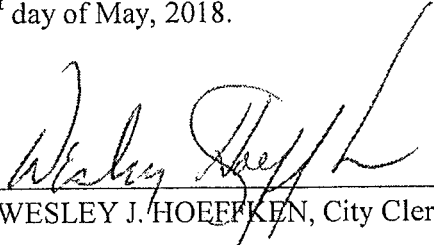
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which provided by its terms that it should be published in pamphlet form.

The pamphlet form of Ordinance No. 3410 including the ordinance and a cover sheet thereof, was prepared and a copy of such ordinance will be posted in the Columbia City Hall, commencing on the 22nd day of May, 2018, and continuing for at least ten (10) days thereafter. Copies of such ordinance were also available for public inspection upon request at the office of the City Clerk.

DATED at Columbia, Illinois this 21st day of May, 2018.


WESLEY J. HOEFFKEN, City Clerk

(SEAL)

ATTACHMENT A

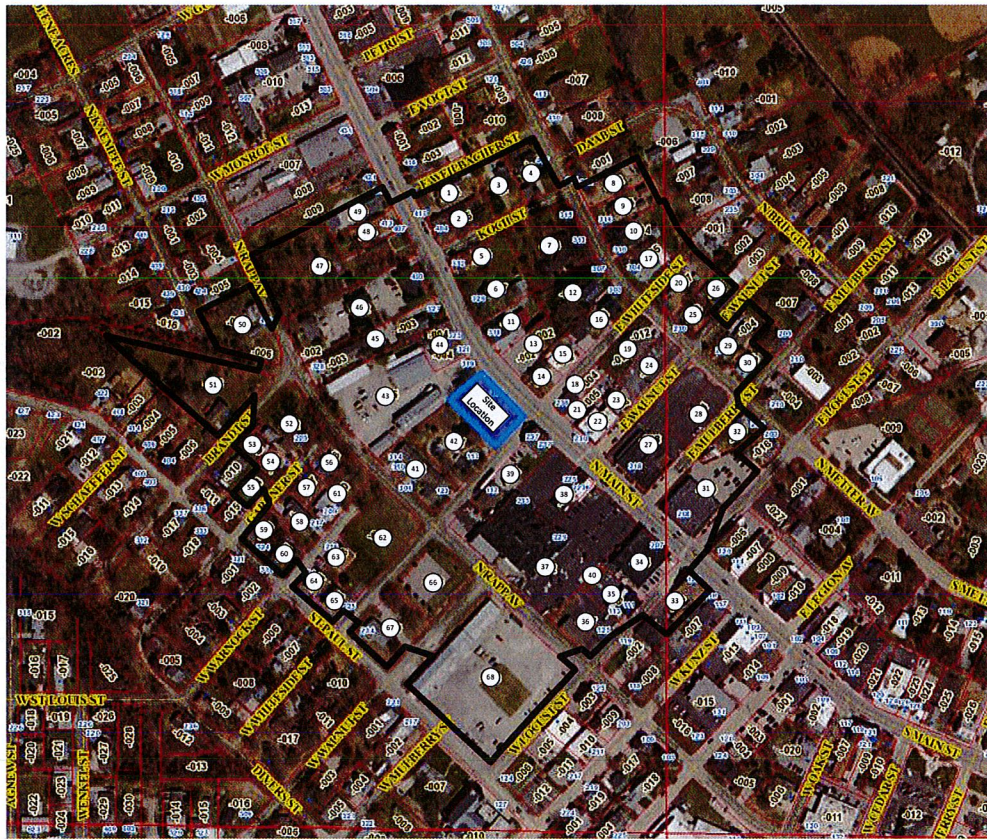


EXHIBIT A Area of Groundwater Ordinance

Parcels Included in the Groundwater Ordinance

Site Location: 04-16-482-006-000	35. 04-16-483-006-000
1. 04-16-437-004-000	36. 04-16-483-007-000
2. 04-16-437-005-000	37. 04-16-483-002-000
3. 04-16-437-011-000	38. 04-16-483-003-000
4. 04-16-437-012-000	39. 04-16-483-001-000
5. 04-16-437-006-000	40. 04-16-483-004-000
6. 04-16-437-007-000	41. 04-16-482-026-000
7. 04-16-437-013-000	42. 04-16-482-007-000
8. 04-16-440-002-000	43. 04-16-482-005-000
9. 04-16-440-003-000	44. 04-16-482-004-000
10. 04-16-440-004-000	45. 04-16-482-003-000
11. 04-16-481-001-000	46. 04-16-482-002-000
12. 04-16-481-010-000	47. 04-16-434-012-000
13. 04-16-481-002-000	48. 04-16-434-011-000
14. 04-16-481-020-000	49. 04-16-434-010-000
15. 04-16-481-003-000	50. 04-16-434-006-000
16. 04-16-481-011-000	51. 04-16-482-008-000
17. 04-16-440-005-000	52. 04-16-482-012-000
18. 04-16-481-004-000	53. 04-16-482-009-000
19. 04-16-481-012-000	54. 04-16-482-013-000
20. 04-16-481-017-000	55. 04-16-482-014-000
21. 04-16-481-005-000	56. 04-16-482-016-000
22. 04-16-481-006-000	57. 04-16-482-017-000
23. 04-16-481-007-000	58. 04-16-482-018-000
24. 04-16-481-013-000	59. 04-16-482-019-000
25. 04-16-481-018-000	60. 04-16-482-021-000
26. 04-16-481-019-000	61. 04-16-482-020-000
27. 04-16-481-008-000	62. 04-16-482-022-000
28. 04-16-481-014-000	63. 04-16-482-023-000
29. 04-15-333-004-000	64. 04-16-482-024-000
30. 04-15-333-005-000	65. 04-16-482-025-000
31. 04-16-481-009-000	66. 04-16-483-008-000
32. 04-16-481-015-000	67. 04-16-483-009-000
33. 04-16-484-001-000	68. 04-16-483-010-000
34. 04-16-483-005-000	



Area of
Groundwater
Ordinance

Main St. Tire & Auto
305 N. Main St.
Columbia, IL 62236
(Incident # 2007-0748 & 2007-1354)



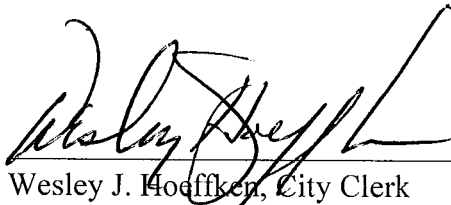
HERLACHER
ANGLETON
ASSOCIATES, LLC

CERTIFICATION

(State of Illinois)

(Counties of Monroe and St. Clair)

I, Wesley J. Hoeffken, City Clerk for the City of Columbia, Illinois, do hereby certify that the attached Ordinance Number 3410, 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 the area specified within this same ordinance adopted by the City Council on May 21, 2018 are true and correct copies of the original documents located in the office of the City Clerk, City Hall, 208 South Rapp, Columbia, IL 62236 and do hereby place this seal of the City of Columbia below certifying the same.



Wesley J. Hoeffken, City Clerk

December 3, 2018

SEAL

**CITY OF COLUMBIA, ILLINOIS
RESOLUTION NO. 2018-18**

**A RESOLUTION APPROVING A MEMORANDUM OF UNDERSTANDING WITH
THE ILLINOIS ENVIRONMENTAL PROTECTION AGENCY REGARDING THE USE
OF A LOCAL GROUNDWATER AND WATER WELL ORDINANCE AS AN
ENVIRONMENTAL INSTITUTIONAL CONTROL**

WHEREAS, the City of Columbia approved Ordinance No. 3410 on May 21, 2018 as an institutional control to ensure the long-term integrity of groundwater and water wells and minimize potential risks to human health and the environment; and

WHEREAS, the Intergovernmental Cooperation Act, 5 ILCS 220/1, et seq., provides that local governing bodies may cooperate by contract or agreement with any agency of the State government in the performance of their responsibilities; and

WHEREAS, 35 Ill. Adm. Code 742.1015(a) provides that a local government may enter into a *Memorandum of Understanding* with the Illinois Environmental Protection Agency to allow a groundwater ordinance as institutional control in protecting human health and the environment; and

WHEREAS, the City Council of the City of Columbia finds that the terms of the proposed *Memorandum of Understanding* are fair and reasonable, and that the proposed *Memorandum of Understanding* should be approved;

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Columbia as follows:

Section 1. The foregoing recitals are incorporated herein as findings of the City Council of the City of Columbia, Illinois.

Section 2. The proposed *Memorandum of Understanding* between the City of Columbia and the Illinois Environmental Protection Agency regarding the use of a local groundwater and water well ordinance as an environmental institutional control is approved.

Section 3. The Mayor is hereby authorized and directed to sign the aforementioned *Memorandum of Understanding* on behalf of the City.

Section 4. This Resolution shall become effective immediately after its passage and approval by the Corporate Authorities.

ATTACHMENT C

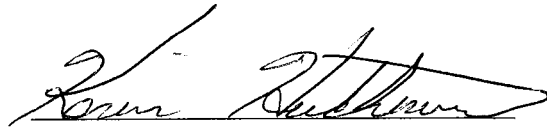
YEAS: Aldermen Agne, Niemietz, Roessler, Huch, Reis, Holtkamp, and Martens.

NAYS: None.

ABSTENTIONS: None.

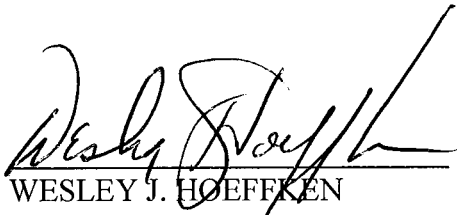
ABSENT: Alderman Ebersohl.

PASSED by the City Council and **APPROVED** by the Mayor this 3rd day of December, 2018.



KEVIN B. HUTCHINSON
Mayor
City of Columbia

ATTEST:



WESLEY J. HOEFFKEN
City Clerk
City of Columbia