



## CITY COUNCIL AGENDA ITEM

**To:** Mayor Graham and City Council  
**From:** Dennis Sullivan, Director of Engineering & Public Works  
Walter Denton, City Administrator  
**Date:** May 3, 2010  
**Subject:** ORDINANCE – Limited Groundwater Ordinance – 300 E. Hwy 50 (Former Texaco Station)

**List of committees that have reviewed:** Public Works

**Background:** The groundwater contamination from a past leaking underground storage tank at the former Texaco Filling Station has migrated under the City's right-of-way (ROW) along Whitehall (west of the former station site) and adjacent property parcels. The tank and the majority of the contamination affecting the shallow groundwater there has been removed, but low levels of contamination still exist. The property owner has satisfied most of the IEPA's requirements for mitigation; however, the IEPA will not release the site from their oversight (allowing redevelopment) until the City puts in place an ordinance limiting the use of wells for potable water that covers the area affected by the contamination release. This is in spite of the fact the City already has a City-wide ban on the drilling of wells for potable water use - an issue that has been discussed with IEPA to no avail.

**Legal Considerations, if any:** The proposed ordinance really does not affect the surrounding parcels based on our ordinance already in effect. Its passage is to appease the IEPA that can now file the ordinance as proof that one of their multiple requirements for closure of the site has been fulfilled.

**Budget Impact:** None.

**Staff recommendation:** Staff recommends passage of the ordinance which will eventually allow redevelopment of the old Texaco site.