

**SUMMARY MINUTES OF THE
WORK SESSION CITY COUNCIL MEETING
PUBLISHED BY THE AUTHORITY OF THE CITY COUNCIL
OF BLOOMINGTON, ILLINOIS
MONDAY, FEBRUARY 13, 2012; 6:15 P.M**

The Council convened in Work Session in the Council Chambers, City Hall Building, at 6:15 p.m., Monday, February 13, 2012.

1. CALL TO ORDER

The Meeting was called to order by Mayor Pro-tem Schmidt who directed the City Clerk to call the roll and the following members answered present:

2. ROLL CALL

Aldermen: Judy Stearns, Bernard Anderson, Steven Purcell, Karen Schmidt, Jim Fruin, David Sage (arrived: 6:17 PM), Rob Fazzini, Mboka Mwilambwe, Jennifer McDade (arrived: 6:16 PM), and Mayor Stephen Stockton (arrived: 6:16 PM).

Staff Present: David Hales, City Manager; Craig Cummings, Water Director, Alex McElroy, Technical Assistant and Tracey Covert, City Clerk

3. DISCUSSION TOPIC

- A. Intergovernmental Agreement Regarding Clinton Landfill Permit Application to Accept Polychlorinated Biphenyl's (PCBG) and Sanitary Sewer Laterals Replacement Update.

Mr. McElroy stated City staff had attended consortium meetings and noted legal challenges. The Illinois Environmental Protection Agency (IEPA) has already issued a permit. The United States EPA must also issue a permit, as there has not been a decision provided to this date. He reviewed the consortium membership stating each member would make a financial contribution to cover the cost of the legal challenge. The City would be responsible for 23.2% of this cost. The percentage of total fee was based upon population. He estimated the cost for preliminary investigation at \$2,900. The consortium had retained two (2) attorneys to address procedural issues. There had been discussion regarding a sole source dedication for the Mahomet Aquifer, (MA). This dedication would prevent the disposal of PCBG. However, the impact of this dedication was larger than disposal prevention. Mr. McElroy, staff is seeking direction from Council on this matter, and stated Mr. Cummings has provided a list of pros and cons.

Mr. Hales stated, aquifer protection was key. Questions had been raised on whether the current design met federal guidelines. The consortium was awaiting US EPA approval. The City of Clinton and DeWitt County would not join the consortium as this proposal represented a

revenue source. If the City decided to join the consortium, it would be the second largest body to join. The list that Mr. Cummings has prepared has good information. The goal was not leaks, and noted the level of safeguards needed which included the design, monitoring for the site, and data collection at same. He believed that there were compelling reasons for the US EPA to take issue with the IEPA's decision. The City could decide to join the consortium at a later date. If the EPA approves this request, the true cost of a legal challenge was unknown. The City could take a wait and see approach. The City could wait for the US EPA's decision and review the reason for the same, and then reach a decision to join the consortium. The City is a member of the Mahomet Aquifer Consortium. The City could select a neutral stance at this time.

Alderman Fazzini referred to the Intergovernmental Agreement Regarding the Clinton and Fill Permit Application to Accept PCBG (see page 2). He cited the original members and noted that Champaign County was listed but not McLean County. He questioned whether McLean County would be joining the same.

Mr. Cummings, stated the members of this consortium were reliant upon the MA. Mr. Hales, the Town of Normal was reliant upon underground wells for its water. He added that a private water company served Champaign County. Mr. Cummings restated that McLean County had not joined as of this date.

Alderman Schmidt questioned whether there was a middle ground. Mr. Hales stated that City staff had attended all meetings as the City may one day rely upon the MA.

Alderman Purcell stated that he believed testing for PCBG was relatively easy. Mr. Cummings responded that it was. PCBG were durable molecules. They tended to stay put. The landfill would have been a ground water monitoring system. Due to environmental regulations, the number of landfills which can accept PCBG was limited. He had visited this landfill. The system had been up starting at 100' below grade.

Alderman Mwilambwe inquired about immediate actions. He also inquired of actions that could be taken while waiting on the US EPA. Mr. Hales noted that the time for public comment was closed.

Alderman McDade recommended that information be placed on the City's website, as she believes there are water table issues. She also cited Champaign's concerns. This information needed to be shared with the public at large. Mr. Hales added that scientific data was available at the IEPA. If the US EPA approved the application, there would be an opportunity to challenge. She stated that PCBG not be disposed of over the water supply.

Alderman Stearns stated, the City's water sources, (Lake Evergreen and Bloomington) were reservoirs. A reliable water supply was important. The MA is a possible future City water source. She supported joining the consortium. This would be a proactive approach. She cited intergovernmental cooperation.

Mr. Hales stated, a majority of the Council supported joining the Intergovernmental Agreement. He presented the option of setting this item aside. City staff would continue to

attend meetings. The City would await the US EPA ruling and learn of the group future action plan. The City would not be closing the door on this item, and expressed his concern of the true cost of an appeal as it worked its way through the court system. He stated that this item would be placed on the March 12, 2012 Regular City Council Meeting Agenda.

4. Adjournment

No motion was reported. Meeting adjourned at 7:00 PM.

CITY OF BLOOMINGTON

ATTEST

Tari Renner, Mayor
for Stephen Stockton, former Mayor

Cherry L. Lawson, City Clerk
for Tracey Covert, former City Clerk