

REVISED



CITY COUNCIL MEETING AGENDA

CITY COUNCIL CHAMBERS

109 E. OLIVE STREET, BLOOMINGTON, IL 61701

MONDAY, JANUARY 25, 2016 7:00 P.M.

Revised to correct Ward No. and update attachments.

8. “Regular Agenda”

- A. Consideration of approving an Ordinance Prohibiting the Use of Groundwater as a Potable Water Supply and approving of a Highway Authority Agreement / Leave-in-place Agreement at 1331 N. Linden Street (**Ward 4**). *(Recommend that 1) the Ground Water Ordinance and be passed and the Mayor and City Clerk be authorized to execute the necessary documents 2) That the Highway Authority Agreement be passed and the Mayor and City Clerk be authorized to execute the necessary documents.)*(Presentation by Jim Karch, 5 minutes, Council discussion 10 minutes.)

NOTE: Action may be taken by the City Council on the agenda’s action items (those items listed on the Consent Agenda and Regular Agenda) beyond the motions listed and/or staff recommendations. Ordinances and resolutions listed on the agenda may further be amended and/or revised prior to adoption by the City Council. No action will be taken if the agenda item is listed as only informational.

 **CITY OF**
Bloomington **ILLINOIS**
REGULAR AGENDA ITEM NO. 8A

Revised: Friday, January 22, 2016

FOR COUNCIL: January 25, 2016

SUBJECT: Consideration of approving an Ordinance Prohibiting the Use of Groundwater as a Potable Water Supply and approving of a Highway Authority Agreement / Leave-in-Place Agreement at 1331 N. Linden Street (**Ward 4**).

RECOMMENDATION/MOTIONS:

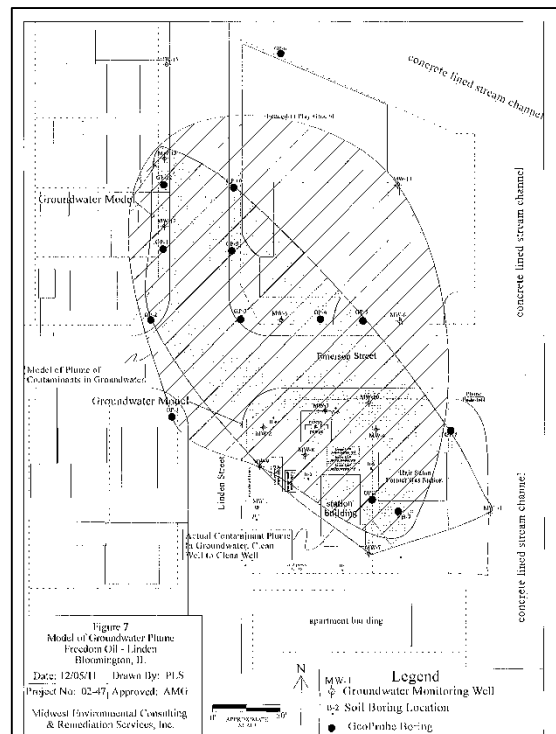
1. That the Ground Water Ordinance be passed and the Mayor and City Clerk be authorized to execute the necessary documents.
2. That the Highway Authority Agreement be passed and the Mayor and City Clerk be authorized to execute the necessary documents.

STRATEGIC PLAN LINK: Goal 2. Upgrade City Infrastructure and Facilities, and Goal 5. Great Place - Livable, Sustainable City.

STRATEGIC PLAN SIGNIFICANCE: Objective 2b. Quality water for the long term, and 5c. Incorporation of “Green Sustainable” concepts into City’s development and plans.

BACKGROUND: The action items regard response to ground contamination in and around Freedom Oil, 1313 N. Linden St. They were presented to the City Council on December 21, 2015, and the agenda item was held over amid questions. Staff completed further review of the situation. This included review of various materials, including the Corrective Action Plan filed by the environmental firm which investigated the case on behalf of Freedom Oil. It also included conversations with the Illinois Environmental Protection Agency (IEPA) project manager and the geologist for the investigating firm, Midwest Environmental Consulting & Remediation Services Inc.

The testing for contaminants began after Freedom detected gasoline odor in its building in 1988. According to Midwest Environmental, the cause of the odor was spillage during overfilling of fuel tanks by tanker truck operators. Nonetheless, Freedom replaced its fuel storage tanks and installed modern leak prevention and detection. Midwest Environmental developed a plume model through use



of groundwater and soil testing. See the accompanying graphic. Tests showed only low levels of COCs (chemicals of concern).

The latest testing occurred in 2011, more than 20 years after the case was opened. Results prove the plume stabilized and is not growing, according to Midwest Environmental. Given the circumstances of this case, Midwest Environmental and the IEPA assert that a “leave in place” status poses no threat to the public’s health. Neither believes it necessary to take more extreme action, such as soil removal.

There is no further economically feasible action that can be taken to clean up the groundwater. It is at a depth that poses minimal risk of exposure through excavation. However, there is still the possibility of coming into contact with the water through shallow domestic wells.

The proposed ordinance prohibits use of groundwater as potable water from various parcels, including 1313 N. Linden itself and some of its neighbors. No water wells are in use or contemplated to staff’s knowledge.

The proposed Highway Authority Agreement places the water use restriction on the City right of way along with a stipulation that the City must act to protect worker health and safety during construction work.

The proposed ordinance and the Highway Authority Agreement are required to close out the case under Tier 1 of IEPA’s Tiered Approach to Corrective Action Objectives (TACO).

The City has approved similar Groundwater Ordinances and Highway Authority Agreements for other contaminated locations in the past. The City does not allow private wells in this area. This Ordinance simply codifies that fact. Further, highway authority documents are in the substantive form required by Illinois law (see attached Administrative Code Section 742.1020).

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: Eric Kuhlman, IEPA Bureau of Land, and Penny Silzer, Senior Geologist, Midwest Environmental, Tremont. Some if not all of the affected property owners have been made aware of the situation by Midwest, which by permission placed some monitoring equipment on private property. All will be officially notified by Midwest Environmental upon IEPA approval of case resolution.

FINANCIAL IMPACT: N/A

Respectfully submitted for Council consideration.

Prepared by: Stephen Arney, Technician I, Public Works
Ryan Otto, PE, Assistant City Engineer

Reviewed by: Jim Karch, PE CFM, Director of Public Works

Financial & budgetary review by: Chris Tomerlin, Budget Analyst
Carla Murillo, Budget Manager

Legal review by:

Jeffery R. Jurgens, Corporation Counsel

Recommended by:



David A. Hales
City Manager

Attachments:

- Groundwater Ordinance
- Map: Contamination areas with groundwater restriction ordinances
- Groundwater Ordinance Request
- Location Map
- Highway Authority Request
- Highway Authority Agreement
- Freedom Oil memo, dated January 8, 2016

Motion: 1. That the Ground Water Ordinance be passed and the Mayor and City Clerk be authorized to execute the necessary documents.
 2. That the Highway Authority Agreement be passed and the Mayor and City Clerk be authorized to execute the necessary documents.

Motion: _____ Seconded by: _____

	Aye	Nay	Other		Aye	Nay	Other
Alderman Black				Alderman Mwilambwe			
Alderman Buragas				Alderman Painter			
Alderman Fruin				Alderman Sage			
Alderman Hauman				Alderman Schmidt			
Alderman Lower							
				Mayor Renner			

ORDINANCE NO. _____

**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, certain properties in the City of Bloomington, McLean County, Illinois 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 1 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 the source of said chemical constituents;

NOW, THEREFORE, BE IT ORDAINED, by the City Council of the City of Bloomington, Illinois:

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

The use or attempted use of groundwater as a potable water supply by the installation or drilling of wells or by any other method, including at points of withdrawal by the City of Bloomington, is hereby prohibited for the properties identified by the following Parcel Identification Numbers, and within a portion of the Linden Street and Emmerson Street right of ways, and as shown on Exhibit A, which is attached hereto and incorporated herein by reference.

14-33-431-014	14-34-307-001
14-33-431-015	14-34-307-002
14-33-431-016	14-34-304-019
14-33-482-003	

Section 2: Penalties

Any person violating the provisions of this ordinance shall be subject to a fine of not less than \$50.00 or more than \$100.00 for each violation. Each day that a violation continues after due notice has been served shall be deemed a separate offense.

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 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 4: 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 5: 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 6: Effective Date

This ordinance shall be in full force and effect from and after its passage.

PASSED this ____ day of _____, 2016.

APPROVED this ____ day of _____, 2016.

APPROVED:

Mayor

ATTEST:

City Clerk

Exhibit A

DESCRIPTION OF THE PROPOSED GROUNDWATER USE RESTRICTION AREA

The proposed groundwater use restriction area is proposed for the following properties identified by the following Parcel Identification Numbers and within a portion of the North Linden Street and Emerson Street right of way, and as shown on the attached maps:

14-33-431-014

14-33-431-015

14-33-431-016

14-33-482-003

14-34-307-001

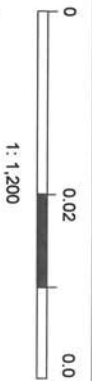
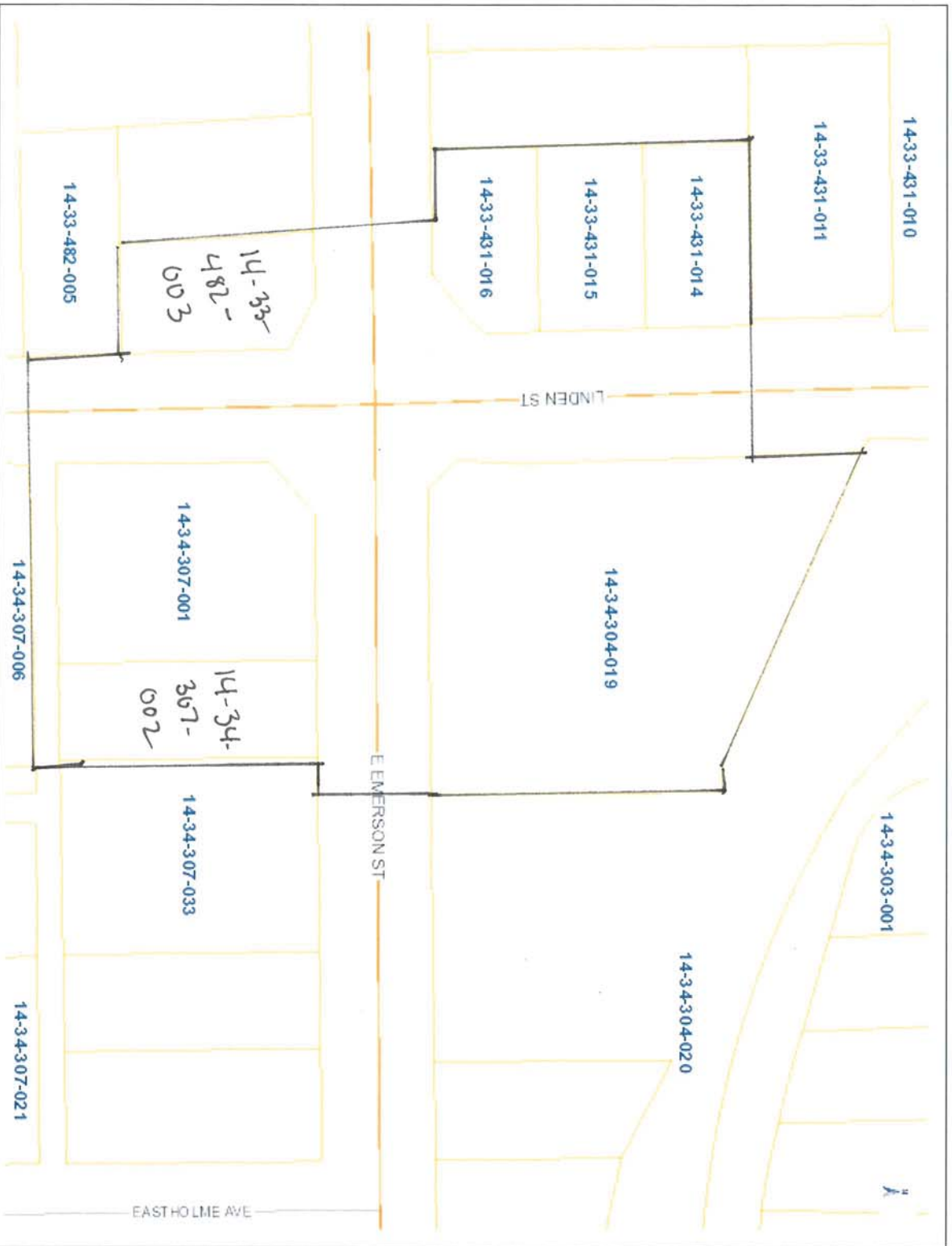
14-34-307-002

14-34-304-019

SCALED MAP SHOWING BOUNDARY OF AREA REQUIRING RESTRICTION



McLean County Regional GIS Consortium



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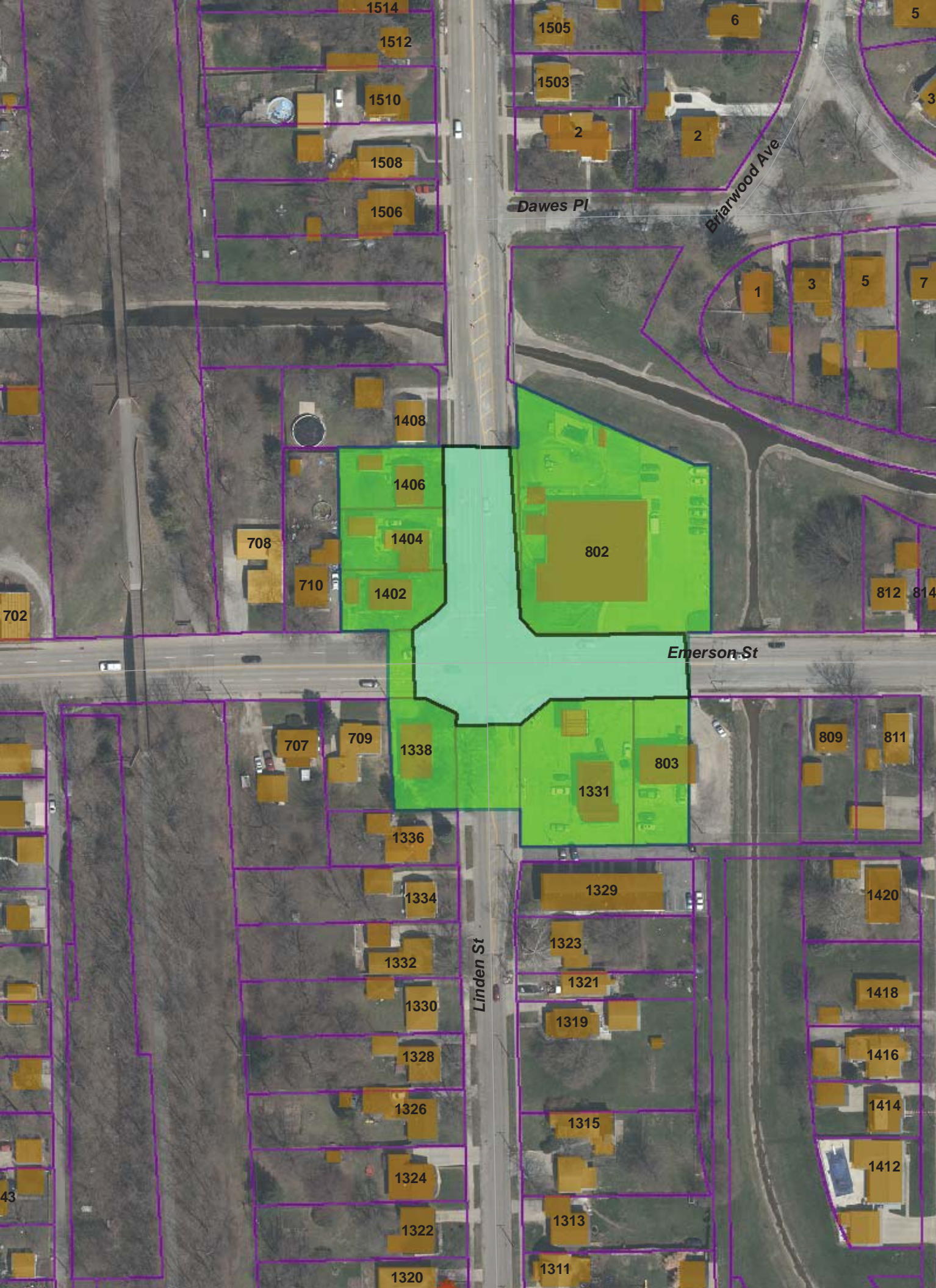


Legend

- Parcels
- Condo_Improve
- Interstates
- US_Highways
- State_Highways
- County_Highways
- Minor_Arterial
- Major_Collector
- Minor_Collector
- Local_Road_Street
- Alleys
- Private_Streets
- Railroad
- County

Notes

AERIAL PHOTO SHOWING BOUNDARY OF AREA REQUIRING RESTRICTION



1514

1505

6

5

1512

1503

3

1510

2

2

1508

Dawes Pl

Briarwood Ave

1506

1

3

5

7

1408

1406

802

708

1404

812 814

710

1402

Emerson St

702

707

709

1338

803

809

811

1331

1336

Linden St

1334

1329

1420

1332

1323

1418

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MAP SHOWING THE GROUNDWATER MODEL

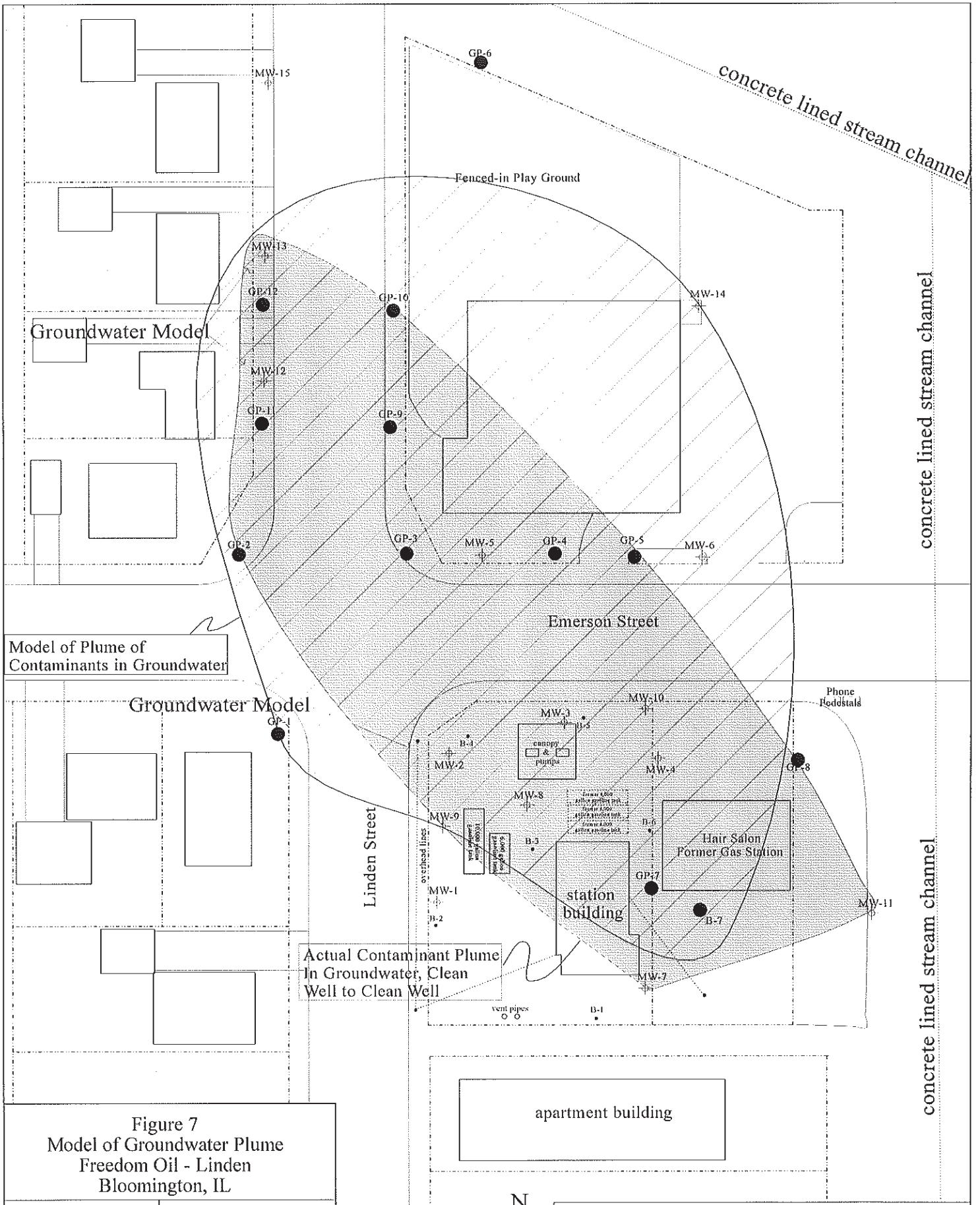


Figure 7
Model of Groundwater Plume
Freedom Oil - Linden
Bloomington, IL

Date: 12/05/11	Drawn By: PLS
Project No: 02-47	Approved: AMG

Midwest Environmental Consulting
 & Remediation Services, Inc.



Legend	
MW-1	Groundwater Monitoring Well
B-2	Soil Boring Location
●	GeoProbe Boring

Midwest Environmental Consulting & Remediation Services Inc.

22200 Illinois Route 9 • P.O. Box 614

Tremont, IL 61568-0614

Phone: (309) 925-5551 • Fax: (309) 925-5606

December 6, 2011

City of Bloomington
Engineering Department
115 E. Washington St.
PO BOX 3157
Bloomington, IL 61702-3157

RE: Request for Groundwater Use
Restriction Ordinance
Freedom Oil Company
1331 North Linden Street
Bloomington, Illinois

Dear Sirs:

On behalf of our client, Freedom Oil Company of Bloomington, Illinois, we are requesting a City Ordinance prohibiting the use of groundwater as a potable water supply for purposes of closing Illinois Emergency Management Agency incident #880916 at 1331 North Linden Street (Freedom Oil Company). The requested actions are necessary to satisfy Illinois Administration Code 742, Subpart J, which allows for the use of institutional controls when other methods of remediation are impractical or prohibitively expensive.

Groundwater Use Restriction Ordinance

A maps showing the proposed groundwater use restriction area and the approximate description of the restriction area are attached. Based on the groundwater models, in order to satisfy Illinois Administrative Code 742, Subpart J, the groundwater use restriction area needs to encompass the site and the entire area located within the groundwater model which extends 134 feet from well MW-5, to the northeast, in the down gradient direction. The groundwater model is shown in the attached Figure 7.

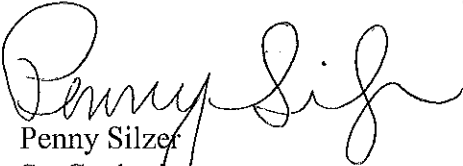
The City of Bloomington has adopted similar Groundwater Use Restriction Ordinances for other gas station sites with similar petroleum contamination situations. Two examples are attached.

Please call me at the number listed above with any questions you have or if you need additional information. Your response is greatly appreciated. Please notify me when the City takes action on this request.

Thank you.

Sincerely,

Midwest Environmental Consulting & Remediation Service, Inc.



Penny Silzer
Sr. Geologist

Attachments

DESCRIPTION OF THE PROPOSED GROUNDWATER USE RESTRICTION AREA

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14-33-431-014

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14-33-431-016

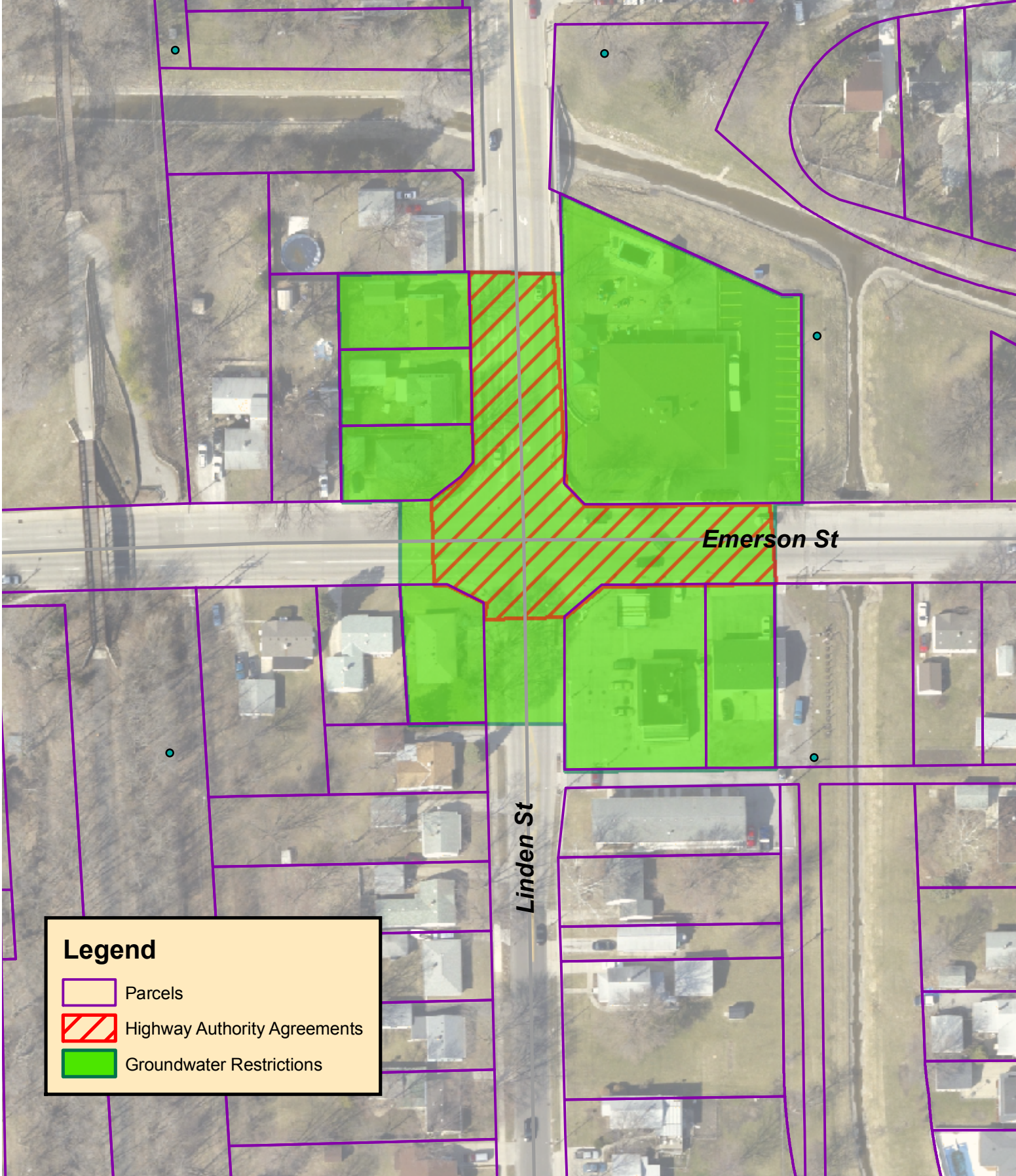
14-33-482-003

14-34-307-001




14-34-307-002

14-34-304-019

1331 Linden St Groundwater Ordinance Highway Authority Agreement



Legend

-  Parcels
-  Highway Authority Agreements
-  Groundwater Restrictions