

ORDINANCE NUMBER 2023 – O - 37

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 VILLAGE OF ALGONQUIN

WHEREAS, the Village of Algonquin, McHenry and Kane Counties, is a home rule municipality as contemplated under Article VII, Section 6, of the Constitution of the State of Illinois, and the passage of this Ordinance constitutes an exercise of the Village's home rule powers and functions as granted in the Constitution of the State of Illinois.

WHEREAS, certain properties in the Village of Algonquin, McHenry and Kane Counties, 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 said property 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 Village of Algonquin 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 President and Board of Trustees of the Village of Algonquin, McHenry and Kane Counties, Illinois:

SECTION ONE: Use of groundwater as a potable water supply prohibited. The use or attempt to use as a potable water supply groundwater from within the area depicted on Exhibit A, attached hereto and made a part hereof, by the installation or drilling of wells or by any other method is hereby prohibited. This prohibition expressly includes the Village of Algonquin.

SECTION TWO: Penalties. Any person violating the provisions of this ordinance shall be subject to a fine of up to \$1,000 for each violation and be responsible for the Village's cost of prosecution, including reasonable attorney fees. Each day that a potable water supply exists from within said restriction area shall be considered a separate violation.

SECTION THREE: 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 FOUR: Severability. If any section, paragraph, subdivision, clause, sentence or provision of this Ordinance shall be adjudged by any Court of competent jurisdiction to be invalid, such judgement shall not affect, impair, invalidate or nullify the remainder thereof, which remainder shall remain and continue in full force and effect.

SECTION FIVE: Repealer. All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

SECTION SIX: Effective date. This ordinance shall be in full force and effect upon its passage, approval and publication in pamphlet form (which publication is hereby authorized) as provided by law.

Voting Aye: Auger, Brehmer, Dianis, Glogowski, Smith, Spella


Voting Nay: None

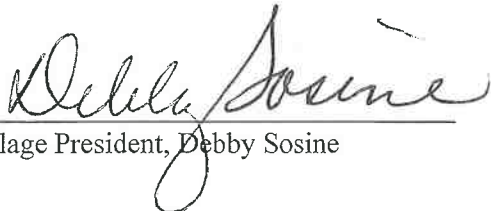
Abstain: None

Absent: None

APPROVED:




Village Clerk, Fred Martin


Village President, Debby Sosine

Passed: September 5, 2023

Approved: September 5, 2023

Published: September 6, 2023



May 19, 2023

Attn: Fred Martin, Village Clerk
Village of Algonquin
2200 Harnish Drive
Algonquin, Illinois 60102

Re: AZ SPE, LLC
609 South Main Street, Algonquin, IL 60102
IEPA Proposed Groundwater Ordinance

Dear Mr. Martin,

On behalf of AZ SPE, LLC, Green Wave Consulting, LLC (GWC) respectfully requests an ordinance prohibiting the use of groundwater as a potable water supply. GWC is currently contracted with AZ SPE, LLC of Alsip, Illinois to mitigate a petroleum release from the underground storage tanks at 609 South Main Street in Algonquin. The Illinois Environmental Protection Agency (IEPA) requires AZ SPE, LLC to properly address soil and groundwater contamination at the site in accordance with the Illinois Pollution Control Board regulations.

GWC has recently received approval of a Corrective Action Plan from the IEPA which proposed a limited-area groundwater ordinance to address groundwater contamination for the site. The proposed area for the groundwater ordinance area consists of portions of South Main Street, Division Street, La Fox River Drive, and the following parcel index numbers:

19-34-152-003	19-34-152-004	19-34-155-007
19-34-155-010	19-34-155-008	19-34-155-001
19-34-155-002	19-34-155-003	19-34-155-004
19-34-155-005	19-34-155-006	

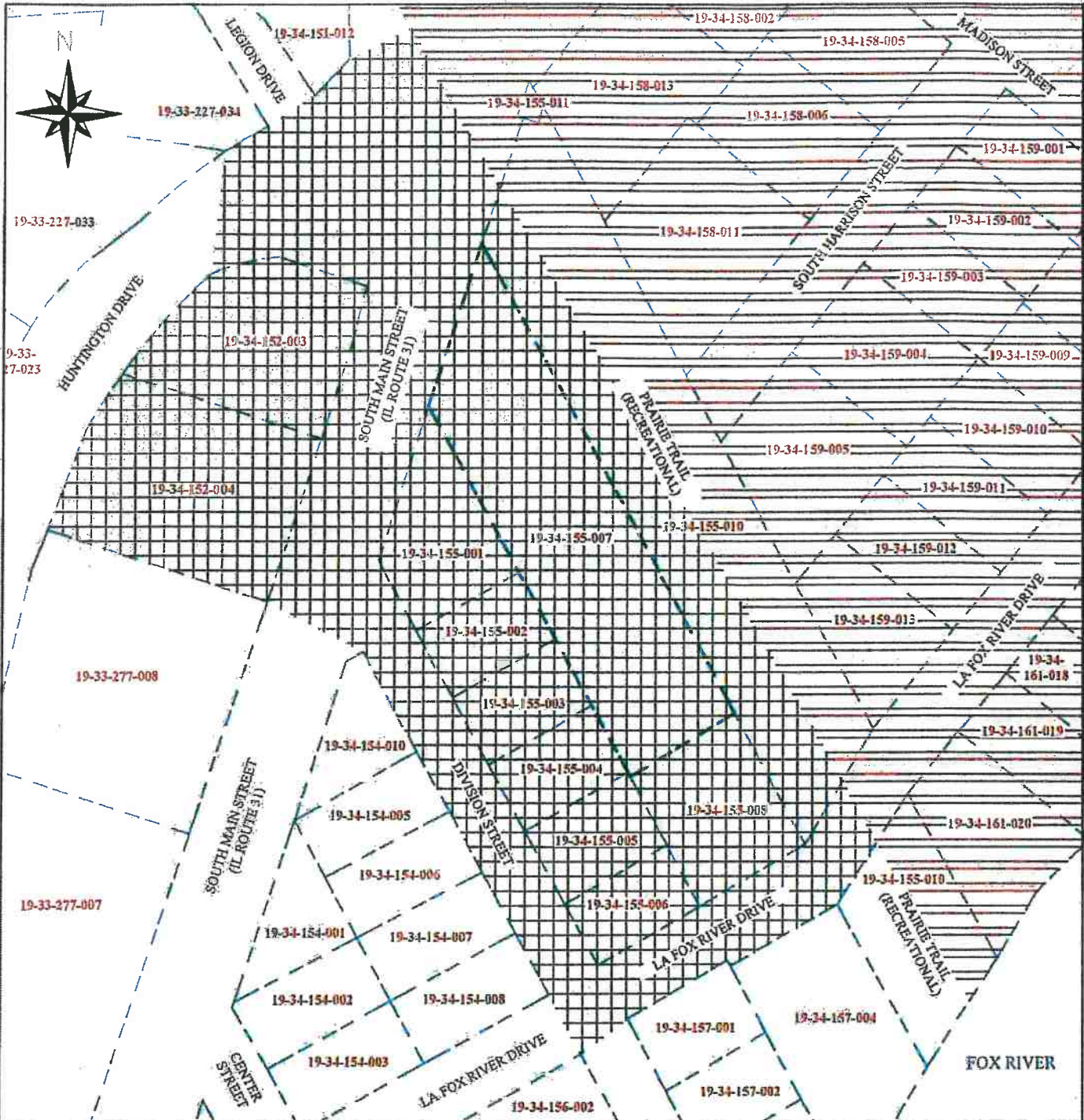
Please refer to the attached documents for a site map depicting the proposed groundwater ordinance. In order for AZ SPE, LLC to obtain a No Further Remediation letter from the IEPA, AZ SPE, LLC needs to address the groundwater ingestion pathway. The proposed area for the limited groundwater ordinance depicts the maximum extent of potential groundwater contamination migration based upon IEPA sanctioned modeling equations.

Groundwater ordinances have been proven to be a reliable method of remediating environmental contamination by protecting human health and the environment. A limited-area groundwater ordinance would prohibit the installation of potable wells in the proposed area. It is GWC opinion that the installation of a potable well in the rights-of-way of South Main Street, Division Street, and La Fox River Drive in the City of Algonquin would be impractical due to traffic patterns on said streets. The attached documents also contain a draft copy of an Illinois Environmental Protection Agency model document of the requested groundwater ordinance.

Thank you for your attention to this matter. If you have any questions, please feel free to contact me at 217-726-7569 ext. 240 or by email at benc@greenwavecon.com.

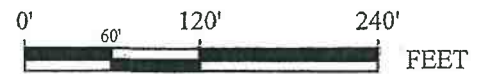
Sincerely,

Ben Collette
Environmental Scientist
Green Wave Consulting, LLC



LEGEND

- PROJECT PROPERTY LINE
- PROPERTY LINE
- PROPERTY INDEX NUMBER
- AREA OF EXISTING GROUNDWATER USE RESTRICTION ORDINANCE (ORDINANCE NO. 2013-0-62)
- AREA OF PROPOSED GROUNDWATER USE RESTRICTION ORDINANCE



1" = 120'

GWC
GREEN WAVE CONSULTING, LLC
4440 ASH GROVE DRIVE, Suite A
Springfield, IL 62711 (217-726-7569)

GROUNDWATER ORDINANCE AREA MAP

SUBJECT SITE ADDRESS:

609 SOUTH MAIN STREET ALGONQUIN, ILLINOIS 60102

PREPARED WOLFE	DATE 08/2022
DRAWN WOLFE	DATE 08/2022
APPROVED WIENHOFF	DATE 08/2022
PROJECT NO. 354	EXHIBIT A

INCIDENT NO. 950960	FILE NAME AZ SPE ALGONQUIN - SAF
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EXHIBIT B
“GROUNDWATER ORDINANCE AREA”

That area bound by the following:

All o the following particularly described parcels, together with all of the public street rights of way of South Main Street, Division Street, and La Fox River Drive extending their entire widths adjoining the below described subject premises as depicted on Exhibit A.

These properties are particularly described as:

<i>PIN</i>	<i>Address</i>
19-34-152-004	1 Huntington Drive
19-34-152-003	620 South Main Street
19-34-155-001	132 Division Street
19-34-155-002	126 Division Street
19-34-155-003	120 Division Street
19-34-155-004	114 Division Street
19-34-155-005	108 Division Street
19-34-155-006	102 Division Street
19-34-155-007	609 South Main Street
19-34-155-008	604 La Fox River Drive
19-34-155-010	N/A