

# VILLAGE OF HOMEWOOD



**BOARD AGENDA MEMORANDUM**

**DATE OF MEETING: February 13, 2024**

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**To:** Village President and Board of Trustees

**Through:** Napoleon Haney, Village Manager

**From:** John Schaefer, Director of Public Works

**Topic:** Groundwater Ordinance and Highway Authority Agreement

## **PURPOSE**

The property located at 2124 W. 183<sup>rd</sup> Street (former Citgo gas station located at 183<sup>rd</sup> Street and Morris Avenue) is owned by the Village of Homewood. Since June of 2021, the Village and its Brownfield consultant, TriCore Environmental of Naperville, IL, has been moving the property through the State's Brownfield Remediation Program. The property and its contaminants have been properly mitigated to Illinois Environmental Protection Agency standards. The Village is poised to receive the coveted, *No Further Remediation Letter* (NFR) as a reward for our efforts.

As part of the required NFR corrective actions for the property, and because there is a level of contamination in the ground that expands outside of the property's boundaries, a groundwater ordinance and highway authority agreement are required in order to receive the No Further Remediation (NFR) letter from the State. The NFR letter will enable the sale of the property for new development.

## **PROCESS**

The Village purchased the abandoned gas station property in 2021 through Cook County's No Cash Bid Program in order to redevelop the property. However, we understood that the site would require remediation work due to verified underground tank leaks. The Village was able to receive funding through the State's Leaking Underground Storage Tanks (LUST) grant program. This program pays for 100% of the cost to hire an *Illinois Environmental Protection Agency (IEPA)* approved consultant who is able to perform the necessary remediation work in order to obtain a No Further Remediation (NFR) letter.

In June 2021, the Village procured the services of TriCore Environmental of Naperville, IL, an IEPA approved consultant, to perform the necessary Phase I, Phase II, and remediation work, including the removal of the underground storage tanks. Before the NFR letter will be granted by the Illinois Environmental Protection Agency (IEPA), the Village is required to approve a groundwater ordinance and highway authority agreement for 2124 W. 183<sup>rd</sup> Street.

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The property at 2124 W. 183<sup>rd</sup> Street has been “remediated,” meaning that the Village has employed successful methods to clean the site of hazardous material that leaked from the tanks previously used to provide gasoline for the former Citgo gas station site. The IEPA recognizes that there was leeching of this material that could very well be in the ground outside of the property boundary. As an additional precaution and corrective action, the IEPA requires that the Village pass an ordinance prohibiting the use of groundwater in that specific area, for potable water. The ordinance prohibits the drilling of wells to acquire water to drink or use for domestic purposes.

## *Groundwater Ordinance*

A groundwater ordinance is an ordinance that prohibits persons and entities from using “ground water” as a potable water source (*water used for domestic consumption*; i.e., drilling wells). The ordinance mandates that persons and entities must use the available municipal water source for potable water. The IEPA typically requires this type of ordinance as a “final safety precaution” after a former Brownfield site has undergone remediation of potentially hazardous materials.

## *Highway Authority Agreement with Ourselves*

The attached Highway Authority Agreement is a requirement by the Illinois Environmental Protection Agency. Because Homewood owns the roadways that border the remediated property (Morris Avenue and 183<sup>rd</sup> Street), and because it is likely that trace contaminants extend under the roadways, the IEPA requires that the owner of the mitigated property, 2124 183<sup>rd</sup> Street (currently Homewood), sign an agreement with the owner of the roadways (also Homewood) acknowledging that there may be contamination under the roadway. The agreement also warns that any entity working on the roadway should be aware that the spoils, dirt, and material disturbed should be tested and disposed of as contaminated soil, if necessary.

## **OUTCOME**

Once the Limited Area Ground Water Ordinance and the Highway Authority Agreement is passed, and the Village receives the NFR letter, the property is able to be sold and new development can begin with certain restrictions.

## **FINANCIAL IMPACT**

- **Funding Source:** General Fund
- **Budgeted Amount:** N/A

## **LEGAL REVIEW**

Completed

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### **RECOMMENDED BOARD ACTION**

Pass 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; and, authorize the Village President to enter into a Highway Authority Agreement for the property located at 2124 W. 183<sup>rd</sup> Street.

### **ATTACHMENT(S)**

- Ordinance
- Highway Authority Agreement