

**CITY OF LE ROY
COUNTY OF McLEAN, STATE OF ILLINOIS**

ORDINANCE NO. 04-03-01-42

**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**

**ADOPTED BY THE CITY COUNCIL OF THE CITY OF LE ROY THIS
1st DAY OF March, 2004**

PRESENTED: March 1, 2004

PASSED: March 1, 2004

APPROVED: March 1, 2004

RECORDED: March 1, 2004

PUBLISHED: March 1, 2004

In Pamphlet Form

Voting "Aye" (8)

Voting "Nay" (0)

The undersigned being the duly qualified and Acting City Clerk of City of Le Roy does hereby certify that this document constitutes the publication in pamphlet form, in connection with a pursuant to Section 1-2-4 of the Illinois Municipal Code, of the above-captioned ordinance and that such ordinance was presented, passed, approved, recorded, and published as above stated.

(SEAL)



**City Clerk of the City of Le Roy,
McLean County, Illinois
Dated: March 1, 2004.**

ORDINANCE NUMBER 04-03-01-42

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 Le Roy, 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 of Le Roy, may exceed Class 1 groundwater quality standards for potable resource groundwater as set forth in 35 Illinois Administrative Code 620 or Tier 1 residential remediation objectives as set forth in 35 Illinois Administrative Code 742 (*reference exhibit A, B and C*); and

WHEREAS, the City of Le Roy 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 LE ROY, ILLINOIS;

Section One. Use of groundwater as a potable water supply prohibited.

[Except for such uses or methods in existence before the effective date of this ordinance,] The use or attempt to use as a potable water supply groundwater from block 26 in the Original Town of Le Roy, situated in the County of McLean, in the State of Illinois by the installation or drilling of wells or by any other method is hereby prohibited including points of withdrawal by the City of Le Roy (reference exhibit D).

Section Two. Penalties.

Any person violating the provisions of this ordinance shall be subject to a fine of up to \$750 for each 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 food.

Section Four. Repealer.

Ordinance Number 03-08-04-90 is hereby appealed. All other ordinances or parts of ordinances in conflict with this ordinance are hereby repealed insofar as they are in conflict with this ordinance.

Section Five. 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 Six. Effective date.

This ordinance shall be in full force and effect from and after its passage, approval and publication as required by law.

PASSED by the City Council of the City of Le Roy, Illinois, upon the motion by Dave McClelland, seconded by Dawn Thompson, by roll call vote on 1st day of March, 2004, as follows:

Council members elected 8 Council members present 8

VOTING AYE:

Dave McClelland, Jerry Henson, Dawn Thompson, Butch Cook, Theresa O'Hare,

Chad Farischon, Gary Koerner, John Haney

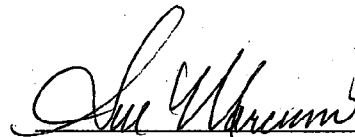
VOTING NAY:

None

ABSENT, ABSTAIN, OTHER:

None

and deposited and filed in the Office of the City Clerk in said municipality on the 1st day of March, 2004.



Sue Marcum, City Clerk of the
City of Le Roy, McLean County, IL

APPROVED BY the Mayor of the City of Le Roy, Illinois, the 1st day of March, 2004.

Robert Rice

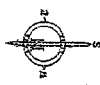
Robert Rice, Mayor of the
City of Le Roy, McLean County, IL

ATTEST:

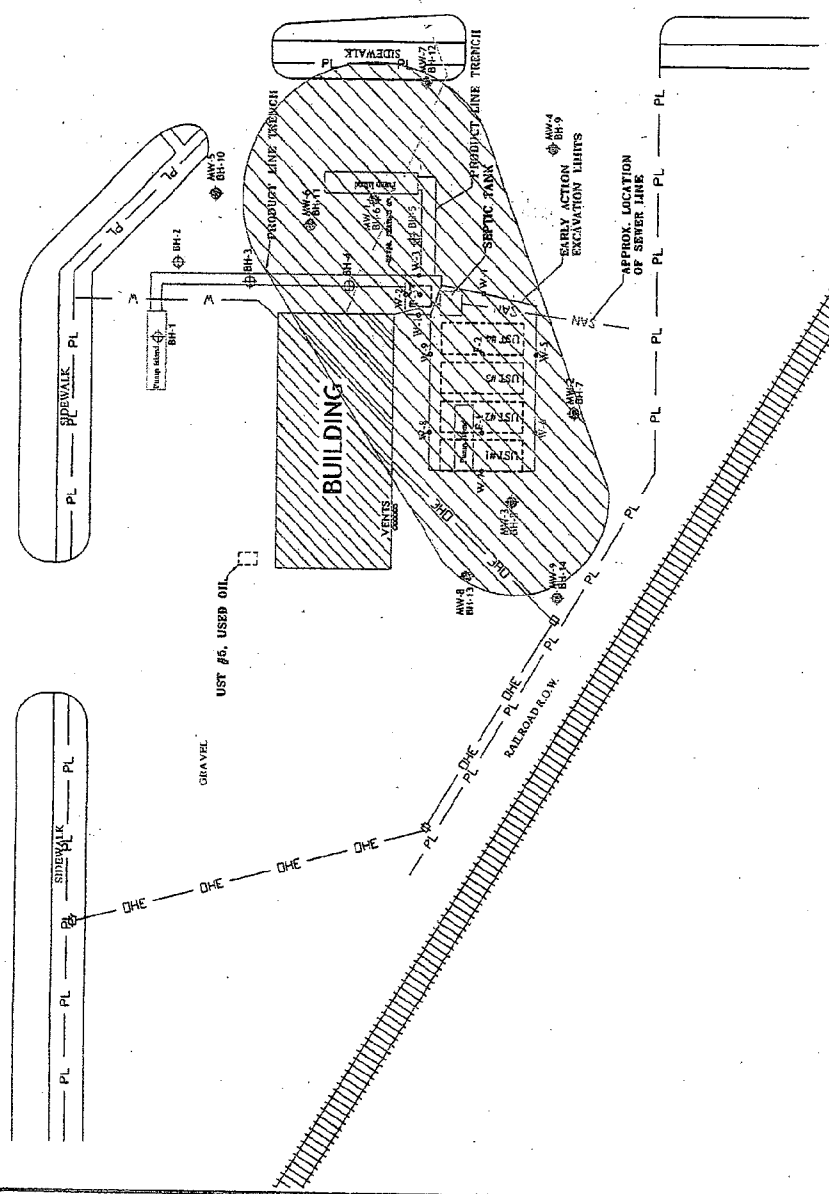
(seal)

Sue Marcum

Sue Marcum, City Clerk of the
City of Le Roy, McLean County, IL



CEDAR STREET
U.S. ROUTE 150



LEGEND

- SANITARY SEWER
- W --- WATER LINE
- GAS LINE
- PL --- OVERHEAD TELEPHONE
- PL --- PROPERTY LINE
- DHE --- OVERHEAD ELECTRIC

EXISTING
ESTIMATED POTENTIAL GROUNDWATER CONTAMINATION PLUME USING R-26

- ⊕ POWER POLE
- Early Action Sample Location; Indicator Contaminant Concentration is Below TACO Tier I Residential Clean-up Objective
- Early Action Sample Location; Indicator Contaminant Concentration Exceeds TACO Tier I Residential Clean-up Objective

SOIL BORING

MONITORING WELL

- ⊕ MONITORING WELL WITH SOIL SAMPLING
- ⊕ MONITORING WELLS AND SOIL BORINGS ADVANCED ON 11-16-2001.
- ⊕ MONITORING WELLS AND SOIL BORINGS ADVANCED ON 12-28-2001.

BORING, WELL, AND SAMPLE LABELING

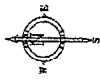
- ⊕ SOIL BORING - BH
 - ⊕ MONITORING WELL - MW
 - ⊕ MONITORING WELL WITH SOIL SAMPLING - MW BH
 - EARLY ACTION WALL SAMPLE LOCATION - W -
 - EARLY ACTION FLOOR SAMPLE LOCATION - F -
- THE COLOR RED REPRESENTS INDICATOR CONCENTRATION IS ABOVE TACO TIER I RESIDENTIAL CLEAN-UP OBJECTIVES.

CHESTNUT STREET

PROJECT NAME: Sheridan Oil Co., Inc.
 DRAWN BY: NICA PROJECT NO.: 1800107
 CHECKED BY: DATE: SEPT. 2003 TITLE: GROUNDWATER MODELING USING R-26
 SCALE: 1"=30' DATE: 11-30-03 PAGE NO. Figure 1

EPIC 113075016-McLean County
 Ledy/Sheridan Oil Co., Inc.
 301 South Chestnut Street
 LOST Incident No. 2001571

CEDAR STREET
U.S. ROUTE 150



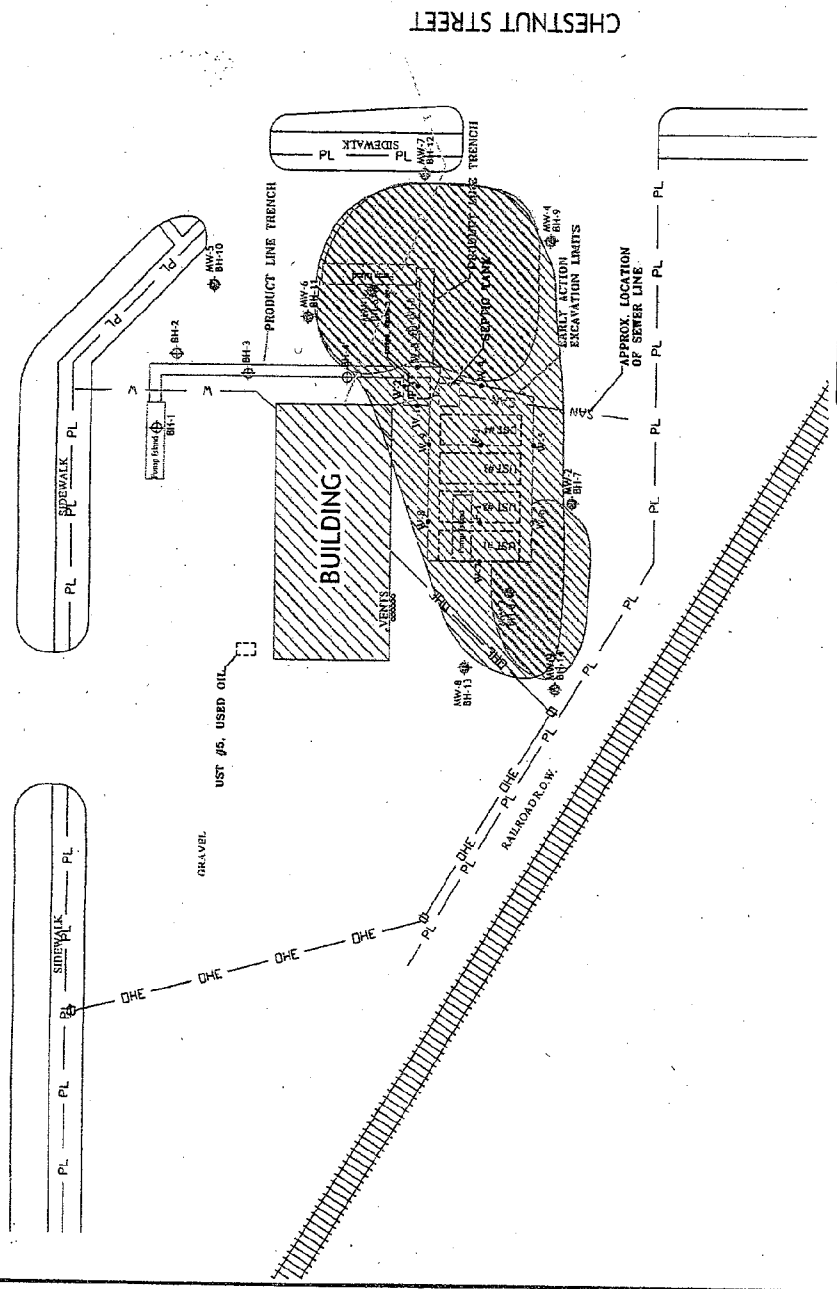
LEGEND

- SN — SANITARY SEWER
- W — WATER LINE
- G — GAS LINE
- PL — PROPERTY LINE
- OHE — OVERHEAD ELECTRIC
- OHT — OVERHEAD TELEPHONE
- P — ESTIMATED POTENTIAL SOIL CONTAMINATION PLUME
- R — ESTIMATED POTENTIAL GROUNDWATER PLUME USING R-14 AND R-26

EXISTING

- ⊕ POWER POLE
- ⊕ Early Action Sample Location: Indicator Contaminant Concentration is Below TACO Tier I Residential Clean-up Objective
- ⊕ Early Action Sample Location: Indicator Contaminant Concentration Exceeds TACO Tier I Residential Clean-up Objective
- ⊕ SOIL BORING
- ⊕ MONITORING WELL
- ⊕ MONITORING WELL WITH SOIL SAMPLING
- ⊕ MONITORING WELLS AND SOIL BORINGS ADVANCED ON 11-16-2001.
- ⊕ MONITORING WELLS AND SOIL BORINGS ADVANCED ON 12-28-2001.
- ⊕ BORING, WELL, AND SAMPLE LABELING

- ⊕ SOIL BORING—BH
 - ⊕ MONITORING WELL—MW
 - ⊕ MONITORING WELL WITH SOIL SAMPLING—MW BH
 - ⊕ EARLY ACTION WALL SAMPLE LOCATOR—W
 - ⊕ EARLY ACTION FLOOR SAMPLE LOCATOR—F
- THE COLOR RED REPRESENTS INDICATOR CONTAMINANT CONCENTRATION IS ABOVE TACO TIER I RESIDENTIAL CLEAN-UP OBJECTIVES.



CHESTNUT STREET

PROJECT NAME:	Sherridan Oil Co., Inc.
OWNER BY:	NKA
PROJECT NO.:	1900107
DATE:	SEPT. 2003
SCALE:	1" = 30'
FIGURE NO.:	Figure I



LPC# 1130755016-McLean County
LPC# 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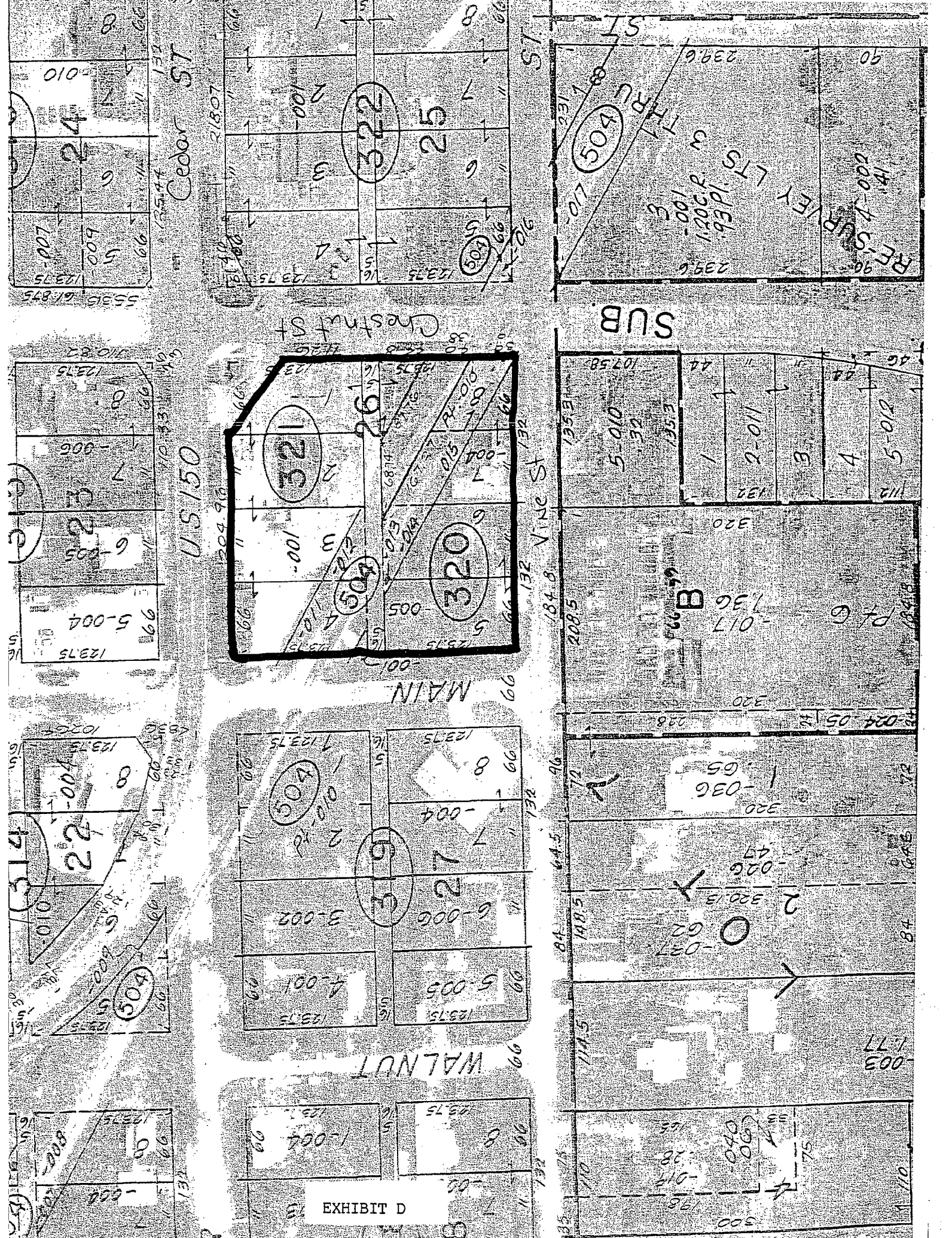


EXHIBIT D

STATE OF ILLINOIS)
) SS:
COUNTY OF MCLEAN)

I, Sue Marcum, do hereby certify that I am the duly qualified and acting City Clerk of the City of Le Roy, McLean County, Illinois, and as such City Clerk that I am keeper of the records and the files of the Mayor and the City Council of the said City.

I do further certify that the forgoing is true, correct and complete copy of an ordinance entitled:

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

I do further certify said ordinance was adopted by the City Council of the City of Le Roy at a regular meeting on the 1st day of March, 2004, and a faithful record of said ordinance has been made in the record books.

Dated this 1st day of March, 2004



City Clerk

(SEAL)

CERTIFICATE

I, Sue Marcum, certify that I am the duly appointed and acting municipal clerk of the City of Le Roy, of McLean County, Illinois.

I further certify that on March 1st, 2004, the Corporate Authorities of such municipality passed and approved Ordinance No. 04-03-01-42, entitled:

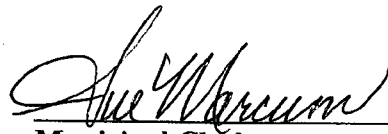
AN ORDINANCE PROHIBITING THE USE OF GROUNDWATER AS A POTABLE WATER SUPPLY BY THE INSTALLATION OR USE OF POTABLE WATER SUPPLY WELLS OR BY ANY OTHER METHOD

which provided by its terms that it should be published in pamphlet form.

The pamphlet form of Ordinance No. 04-03-01-42, including the Ordinance and a cover sheet thereof, was prepared, and a copy of such Ordinance was posted at the municipal building, commencing on March 1st, 2004, and continuing for at least ten days thereafter. Copies of such Ordinances were also available for public inspection upon request in the office of the municipal clerk.

Dated at Le Roy, Illinois this 1st day of March, 2004.

(SEAL)


Municipal Clerk