

EXHIBIT TWO

GROUNDWATER USE ORDINANCE AND MEMORANDUM OF UNDERSTANDING

CLOSED COLLINSVILLE LANDFILL

COLLINSVILLE, ILLINOIS

EXHIBIT 2-1

**Ordinance 3747 and Memorandum of Understanding between the City of Collinsville and
IEPA**

ORDINANCE NO. 3746

AN ORDINANCE AUTHORIZING THE MAYOR TO EXECUTE A
MEMORANDUM OF UNDERSTANDING BETWEEN
THE CITY OF COLLINSVILLE AND THE ILLINOIS ENVIRONMENTAL
PROTECTION AGENCY REGARDING THE USE OF A LOCAL
GROUNDWATER OR WATER WELL ORDINANCE AS AN
ENVIRONMENTAL INSTITUTIONAL CONTROL

NOW, THEREFORE, BE IT ORDAINED, by the City Council of the City of Collinsville, that the Mayor is authorized to execute a Memorandum of Understanding, which is hereby approved as to form, between the City and the Illinois Environmental Protection Agency pertaining to the use of a local groundwater or water well.

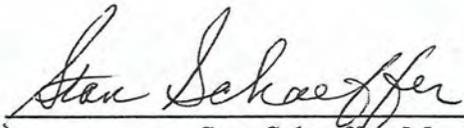
PASSED by the City Council, City of Collinsville, on the February 13, 2006.

Ayes: Miller, Moss, Pulley, Springer, Schaeffer

Nays: None

Absent: None

Approved: February 13, 2006.



Stan Schaeffer, Mayor

ATTEST:


City Clerk

**MEMORANDUM OF UNDERSTANDING BETWEEN
THE CITY OF COLLINSVILLE AND THE ILLINOIS ENVIRONMENTAL
PROTECTION AGENCY REGARDING THE USE OF A LOCAL
GROUNDWATER OR WATER WELL ORDINANCE AS AN
ENVIRONMENTAL INSTITUTIONAL CONTROL**

I. PURPOSE AND INTENT

- A. This Memorandum of Understanding (“MOU”) between the City of Collinsville, Illinois and the Illinois Environmental Protection Agency (“Illinois EPA”) is entered into for the purpose of satisfying the requirements of 35 Ill. Adm. Code 742.1015 for the use of groundwater or water well ordinances as environmental institutional controls. The Illinois EPA has reviewed the groundwater or water well ordinance of the City of Collinsville, Illinois, (Attachment A) and determined that the ordinance prohibits the use of groundwater for potable purpose and/or the installation and use of new potable water supply wells by private entities but does not expressly prohibit those activities by the unit of local government itself. In such cases, 35 Ill. Adm. Code 742.1015(a) provides that the unit of local government may enter into an MOU with the Illinois EPA to allow the use of the ordinance as an institutional control.
- B. The intent of this Memorandum of Understanding is to specify the responsibilities that must be assumed by the unit of local government to satisfy the requirements for MOUs as set forth at 35 Ill. Adm. Code 742.1015(i).

II. DECLARATIONS AND ASSUMPTIONS OF RESPONSIBILITY

In order to ensure the long-term integrity of the groundwater or water well ordinance as an environmental institutional control and that risk to human health and the environment from contamination left in place in reliance on the groundwater or water well ordinance is effectively managed, the City of Collinsville hereby assumes the following responsibilities pursuant to 35 Ill. Adm. Code 742.1015(d)(2) and (i):

- A. The City of Collinsville will notify the Illinois EPA Bureau of Land of any proposed ordinance changes or request for variance at least 30

- days prior to the date the local government is scheduled to take action on the proposed change or request (35 Ill. Adm. Code 742.1015(i)(4));
- B. The City of Collinsville will maintain a registry of all sites within its corporate limits that have received “No Further Remediation” determinations from the Illinois EPA (35 Ill. Adm. Code 742.1015(i)(5));
 - C. The City of Collinsville will review the registry of sites established under paragraph II B prior to citing public potable water supply wells within the area covered by the ordinance (35 Ill. Adm. Code 742.1015(i)(6)(A));
 - D. The City of Collinsville will determine whether the potential source of potable water has been or may be affected by contamination left in place at the sites tracked and reviewed under paragraphs II B and C. (35 Ill. Adm. Code 742 1015(i)(6)(B)); and
 - E. The City of Collinsville will take action as necessary to ensure that the potential source of potable water is protected from contamination or treated before it is used as a potable water supply (35 Ill. Adm. Code 742.1015(i)(6)(C)).
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NOTE: Notification under paragraph II A above or other communications concerning this MOU should be directed to:

Manager, Division of Remediation Management
Bureau of Land
Illinois Environmental Protection Agency
P.O. Box 19276
Springfield, IL 62794-9276

III. SUPPORTING DOCUMENTATION

The following documentation is required by 35 Ill. Adm. Code 742.1015(i) and is attached to this MOU:

- A. Attachment A: A copy of the groundwater or water well ordinance certified by the city clerk or other official as the current, controlling law (35 Ill. Adm. Code 742.1015(i)(3));

- B. Attachment B: Identification of the legal boundaries within which the ordinance is applicable (certificate by city clerk or other official that the ordinance is applicable everywhere within the corporate limits; if ordinance is not applicable throughout the entire city; legal description and map of area showing sufficient detail to determine where ordinance if applicable) (35 Ill. Adm. Code 742.1015(i)(2));
- C. Attachment C: A statement of the authority of the unit of local government to enter into the MOU (council resolution, code of ordinances, inherent powers of mayor or other official signing MOU – attached copies) (35 Ill. Adm. Code 742.1015.(i)(1));

IN WITNESS WHEREOF, the lawful representatives of the parties have caused this MOU to be signed as follows:

FOR: City of Collinsville, Illinois

BY: Stan Schaeffer
Stan Schaeffer, Mayor

DATE: 2-14-06

FOR: Illinois Environmental Protection Agency

BY: Gary King

DATE: 4/25/06



OFFICE OF THE CITY CLERK

CERTIFICATE

TO ALL WHOM THESE PRESENTS SHALL COME, GREETING:

I, Cheryl Brombolich, Deputy City Clerk for the City of Collinsville, Illinois, do hereby certify that the attached is a true and correct copy of Ordinance No. 3747 entitled "An Ordinance Amending the Collinsville Municipal Code with Regard to Groundwater Control and Usage" adopted by on February 13, 2006.

Cheryl Brombolich, Deputy City Clerk

(SEAL)

The City of Collinsville
125 South Center Street, Collinsville, IL 62234
Phone: (618) 346-5200 ext. 124
Fax: (618) 346-1662

Closed Collinsville Landfill
Petition for Adjusted Standards

ORDINANCE NO. 3747

**AN ORDINANCE AMENDING THE COLLINSVILLE MUNICIPAL CODE
WITH REGARD TO GROUNDWATER CONTROL AND USAGE**

WHEREAS, certain properties in the City of Collinsville, Illinois, have been used over a period of time for commercial/industrial purposes;

WHEREAS, because of said use, concentrations of certain chemical constituents in the groundwater beneath the City may exceed Class I 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 36 Illinois Administrative Code 742; and

WHEREAS, the City of Collinsville 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 COLLINSVILLE, ILLINOIS:

Section 1: Ordinance No. 3684 passed by the City Council on August 8, 2005, is hereby repealed in its entirety.

Section 2: Chapter 13.04 (Water Service System) of Title 13 (Public Services) of the Collinsville Municipal Code is hereby amended by the addition thereto of Section 13.04.320 entitled "Groundwater Control and Usage", to be read in its entirety as follows:

A. User.

Any person's use, or attempt to use, as a potable water supply groundwater from within the corporate boundaries of the City by the installation or drilling of wells, or by any other method is hereby prohibited, except at points of withdrawal by the City of Collinsville.

B. Definitions.

1. "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. "Person" shall specifically not include the City of Collinsville.

2. "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 3: Any person violating the provisions of this Ordinance shall be subject to a fine of up to \$750.00 for each violation.

Section 4: 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: 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: This Ordinance shall be in full force and effect from and after its passage, approval and publication as required by law.

Passed by the Council and approved by the Mayor on February 13, 2006.

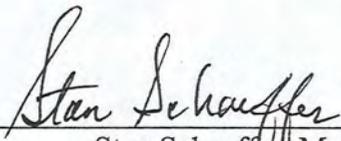
Ayes: Miller, Moss, Pulley, Springer, Schaeffer

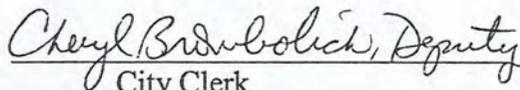
Nays: None

Absent: None

Approved: February 13, 2006.

APPROVED:


Stan Schaeffer, Mayor

ATTEST: 
City Clerk

RECORDED: February 14, 2006.