

MEMORANDUM OF UNDERSTANDING
Missouri Department of Natural Resources and the City of St. Louis

**USE OF LOCAL GROUNDWATER ORDINANCE AS ENVIRONMENTAL
INSTITUTIONAL CONTROL WHEN USING MISSOURI'S RISK-BASED
CORRECTIVE ACTION PROCESS ON CONTAMINATED SITES**

I. PURPOSE AND INTENT

A. This Memorandum of Understanding ("MOU") between the City of St. Louis and the Missouri Department of Natural Resources (DNR) is entered into for the purpose of encouraging restoration, reuse and redevelopment of sites in the City of St. Louis and to satisfy the requirements of the Missouri Risk-Based Corrective Action (MRBCA) Technical Guidance for the use of a groundwater ordinance as an environmental institutional control. The Missouri DNR has reviewed Ordinance 66777 of the City of St. Louis (Attachment A) and determined that the ordinance prohibits the installation and use of potable water supply wells by public and private entities. The ordinance provides that the unit of local government may enter into an MOU with the Missouri DNR to allow the use of the ordinance as an institutional control.

B. The intent of this Memorandum of Understanding is to specify the roles and responsibilities that must be undertaken by the unit of local government and the Missouri DNR and to specifically satisfy the requirements for MOUs as set forth in Section 11 of the MRBCA Technical Guidance.

II. DECLARATIONS AND ASSUMPTION OF RESPONSIBILITY

In order to 1) ensure the long-term integrity of the groundwater ordinance as an institutional control that prohibits the current and future use of groundwater as potable water (thereby eliminating the drinking water pathway) and 2) ensure that the risk to human health and the environment from any contamination left in place in reliance on the groundwater ordinance is effectively managed, the City of St. Louis hereby assumes the following responsibilities:

- A. The City will notify the Missouri DNR of any proposed changes to Ordinance 66777 or requests for variance at least 30 days prior to the date the local government is scheduled to take action on the proposed change or request;
- B. Together with the Missouri DNR, the City will maintain a list of all sites within the geographical boundaries of the city, that have received Letters of Completion from the Missouri DNR under the MRBCA process, provided the City has received copies of said letters from the Missouri DNR. Copies of Letters of Completion should be forwarded to the executive Director, St. Louis Development Corporation, 1015 Locust Street, St. Louis, MO 63101.
- C. The City will enforce the ordinance and notify DNR when the ordinance is violated; and
- D. The City will allow the Missouri DNR access to information necessary to monitor adherence to the terms of this MOU or to the ordinance.

III. SUPPORTING DOCUMENTATION

The following documentation is required in Section 11 of the Departmental MRBCA Technical Guidance and is attached to this MOU:

- A. Attachment A: A copy of the Ordinance 66777 certified by the Register is the current, controlling law and provides authorization for the City to enter into this Memorandum of Understanding;
- B. Attachment B: Identification of the legal boundaries within which the ordinance is applicable (certification 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 or village, legal description, map, and GPS coordinates of area showing sufficient detail to determine where ordinance is applicable).

This MOU shall be revisited as appropriate to ensure it functions as intended. This MOU may be changed or terminated upon approval of both parties at any time.

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

FOR: City of St. Louis

Francis G. Slay

DATE: October 20, 2006

Francis G. Slay, Mayor

Darlene Green, Comptroller

DATE: 10-25-06

Darlene Green, Comptroller

Attest:

Parrie L. May

Parrie L. May, City Register

Approved as to form only:

[Signature]

City Counselor

54354

FOR: Missouri Department of Natural Resources

BY: Doyle Childers

DATE: 9-5-06

Doyle Childers, Director
(Name and title of signatory)

ATTACHMENT A

COMMITTEE SUBSTITUTE
BOARD BILL NO. 190 INTRODUCED BY ALDERMAN ALFRED WESSELS

1 AN ORDINANCE PERTAINING TO GROUNDWATER; PROHIBITING
2 THE USE OF GROUNDWATER AS A POTABLE WATER SUPPLY,
3 PROHIBITING THE DIGGING AND INSTALLATION OF POTABLE
4 WATER SUPPLY WELLS; CONTAINING DEFINITIONS, AUTHORIZING
5 THE MAYOR ON BEHALF OF THE CITY TO ENTER INTO
6 MEMORANDUM OF UNDERSTANDING WITH THE MISSOURI
7 DEPARTMENT OF NATURAL RESOURCES FOR TRACKING AND
8 REPORTING REMEDIATED SITES AND CONTAINING A PENALTY AND
9 AN EMERGENCY CLAUSE.

10 WHEREAS, due to limited quantity and low quality, there are areas of shallow
11 groundwater beneath the City of St. Louis that at this time are not valuable as potable water
12 sources, and therefor are not used for potable water; and

13 WHEREAS, many commercial and industrial properties in the City of St. Louis are
14 underlain with groundwater unusable for potable purposes due to contamination by
15 anthropogenic sources; and

16 WHEREAS, at this time, it is often technologically impossible and financially unfeasible
17 to restore groundwater to drinking water standards; and

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BB#190CS Sponsor: Ald. Wessels

1 WHEREAS, the City of St. Louis does not use groundwater as a source for public
2 drinking water; and

3 WHEREAS, state law, regulation and policy allows for state-evaluated, risk-based
4 corrective action process for groundwater that is directed toward protection of human health and
5 the environment balanced with the economic welfare of the citizens of the state; and

6 WHEREAS, where public drinking water is available, the potable use of groundwater in
7 designated areas should be prohibited to protect public health and welfare when the quality of the
8 groundwater presents an actual or potential threat to human health; and

9 WHEREAS, the City of St. Louis desires to limit potential threats to human health from
10 groundwater contamination while facilitating the redevelopment and productive use of properties
11 that may be affected by such chemical constituents

12 **BE IT ORDAINED BY THE CITY OF ST. LOUIS AS FOLLOWS:**

13 **SECTION ONE.** For the purposes of this ordinance the following definitions shall
14 apply:

15 1. Person shall include any individual, partnership, co-partnership, firm, company,
16 limited liability company, corporation, association, joint stock company, trust, political
17 subdivision, or any other legal entity, or their legal representatives, agents or assigns.

18 2. Potable water means any water used or intended to be used for human or domestic
19 consumption, including, but not limited to use for drinking, bathing, swimming, washing dishes,
20 or preparing food.

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BB#190CS Sponsor: Ald. Wessels

1 **SECTION TWO.** Notwithstanding the provisions of any other ordinance, no person
2 shall use or attempt to use groundwater as a potable water supply.

3 **SECTION THREE.** No person shall drill or install wells to be used for a potable
4 water supply.

5 **SECTION FOUR..** Any active or inactive potable water wells found to exist
6 subsequent to the enactment of this ordinance shall be reported to the Missouri Department of
7 Natural Resources (MoDNR).

8 **SECTION FIVE.** The Mayor of the City of St. Louis, or his designee, is hereby
9 authorized and directed to enter into a Memorandum of Understanding with MoDNR for tracking
10 remediated sites, notifying MoDNR of changes to this ordinance, and taking certain precautions
11 regarding potable water supply wells, if any are found subsequent to the enactment of this
12 ordinance.

13 **SECTION SIX.** Any person convicted of violating this ordinance shall be fined not
14 more than five hundred dollars or imprisoned up to ninety days or by both fine and imprisonment
15 and shall be required to close the well(s) according to state standards under the Missouri Well
16 Construction Rules (10 CSR 23) or other applicable state or federal laws or regulations.

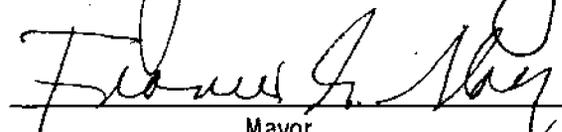
17 **SECTION SEVEN.** This being an ordinance for the preservation of public peace,
18 health and safety, it is hereby declared to be an emergency measure within the meaning of
19 Sections 19 and 20 of Article IV of the Charter of the City of St. Louis and therefore this
20 ordinance shall become effective immediately upon its passage and approval by the Mayor.


Clerk, Board of Aldermen

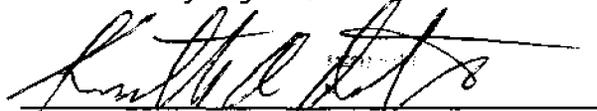

President, Board of Aldermen

Approved
Disapproved

Date August 1, 2005


Mayor

Truly Engrossed and Enrolled


Chairman

STATE OF [unclear]

STATE OF MISSOURI }
CITY OF ST. LOUIS } SS, the undersigned Register
of said City do hereby certify the foregoing to be a true copy of

Ordinance 66777
Board Bill # 190
Comm Sub.

the original of which is on file in this office.
Witness my hand and the seal of the City of St. Louis
this 23 day of March 2006

Janie L. May
REGISTER

ATTACHMENT B

DEPUTY CITY COUNSELOR
STEPHEN J. KOVAC

- ASSOCIATES

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MAYOR

- ASSISTANTS

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BELINDA SPAETH
JOSEPH A. MONTECILLO
DREW A. HEFFNER
ERIKA ZAZA

May 19, 2006

To Whom It May Concern:

RE: Groundwater / Ordinance 66777

The City of St. Louis Ordinance 66777, related to groundwater, is applicable everywhere in the corporate limits of the City of St. Louis as shown and described on the map and legal description, attached to this letter.

Sincerely,

A handwritten signature in black ink, appearing to read "Stephen J. Kovac".

Stephen J. Kovac
Deputy City Counselor

SJK

Legal Description of the City of St. Louis Charter of the City of St. Louis, Scheme, Section 1

Section 1 Boundaries of the City of St. Louis; territory of St. Louis County.

The boundaries of the City of St. Louis are hereby enlarged, settled and established as follows:

The corporate limits of the City of St. Louis shall comprise all that district of country situated in the County of St. Louis and State of Missouri, to-wit: Beginning at a point in the middle of the main channel of the Mississippi River and running thence westwardly at right angles to said channel to a point on the west bank of said river two hundred feet south of the center of the mouth of the River des Peres; thence westwardly and parallel to the center of the River des Peres and two hundred feet south thereof to the eastern line of the Lemay Ferry Road; thence westwardly to a point in the west line of said Lemay Ferry Road at its intersection with the center of the Weber Road; thence westwardly along the center of the Weber Road to its intersection of the east line of lot one (1) of the Carondelet commons south of the River des Peres; thence westwardly to the southeast corner of Rudolph Overman's or northeast corner of B. H. Haar's land; thence westwardly to said Haar's northwest corner; thence northwestwardly to a point in the center of the Gravois Road six hundred (600) feet southwardly from the center of the bridge across the River des Peres; thence northwestwardly to the southeast corner of lot thirty-one (31) of the subdivision of the Mackenzie tract in United States survey one thousand, nine hundred, and fifty-three (1,953); thence northwestwardly in continuance of said last-mentioned line to the southern line of lot twenty-one (21) of the subdivision of the said Mackenzie tract; thence northwestwardly to a point in the southern line of United States survey two thousand and thirty-five, twenty-six (26) chains eastward from the southwest corner of said survey; thence northwardly to a point in the north line of the subdivision of East Laclede six hundred (600) feet west of the McCausland Road; thence northwardly and parallel with the center of the McCausland Road to a point on the Clayton Road six hundred (600) feet west of its intersection with the McCausland road; thence northwardly and parallel with the Skinker Road and six hundred (600) feet west thereof to its intersection with the old Bonhomme Road; thence northeastwardly to the intersection of the center line of McLaran Avenue and Mead Street; thence in a northeastwardly direction to a point in the Bellefontaine Road six hundred (600) feet north of its intersection with the Columbia Bottom Road; thence northwardly and parallel with center line of the Columbia Bottom Road to the northern boundary line of the United States survey number one hundred and fourteen (114); thence eastwardly along said line to the center of the main channel of the Mississippi River; thence with the meanderings of said channel southwardly to the point of beginning; and the residue of what now constitutes the County of St. Louis shall hereafter be called St. Louis County.

**City of St. Louis
Boundary**

Madison, Illinois

St. Louis County, Missouri

St. Louis City, Missouri

St. Clair, Illinois

A map of the St. Louis metropolitan area. A thick black line outlines the City of St. Louis boundary. The map shows major highways: I-270 to the north, I-70 to the east, I-64 through the center, I-44 to the west, and I-55 to the south. The Mississippi River is on the right. Labels for St. Louis County, Missouri; St. Louis City, Missouri; Madison, Illinois; and St. Clair, Illinois are present. A legend in the bottom right includes a compass rose, a scale bar (0-2 miles), the City of St. Louis Planning & Urban Design Agency logo, and the name of the Mayor, Francis G. Slay.

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Miles

**CITY OF ST. LOUIS
PLANNING & URBAN
DESIGN AGENCY**
FRANCIS G. SLAY, Mayor

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