

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 groundwater
11 beneath the City of St. Louis that at this time are not valuable as potable water sources, and
12 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

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.

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.