

**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  
Francis G. Slay, Mayor

DATE: October 20, 2006

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

FOR: Missouri Department of Natural Resources

BY: Doyle Childers

DATE: 9-5-06

Doyle Childers, Director  
(Name and title of signatory)

54354

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

July 13, 2005

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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

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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.

July 13, 2005

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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

**Approved**

☒Disapproved ☐


Date August 1, 2005

*Frank J. May*  
President, Board of Aldermen

*Frank J. May*  
Mayor

Mayor

Truly Engrossed and Enrolled

  
Chairman

1978 JAN 10 11 14

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 16777  
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

David L. May  
REGISTER



ATTACHMENT B

DEPUTY CITY COUNSELOR  
STEPHEN J. KOVAC

- ASSOCIATES

JOSEPH R. NIEMANN  
FRANCIS M. OATES  
JAMES R. HARTUNG  
DAVID E. MILLER  
KATHLEEN G. TANNER  
DONALD G. DYLEWSKI  
LESLIE E. MITCHELL-YANCEY  
ROBERT L. LYNCH  
MARIBETH MCMAHON  
MARK LAWSON  
NANCY R. KISTLER  
JUDITH A. RONZIO  
MARIO A. PANDOLFO, JR.  
CARL W. YATES III  
WILLIAM T. ZORN  
THOMAS R. MCDONNELL  
MATTHEW M. MOAK  
SUSAN L. PHELPS-SMITH  
CRAIG K. HIGGINS

LAW DEPARTMENT  
PATRICIA A. HAGEMAN  
CITY COUNSELOR  
314 CITY HALL  
1200 MARKET STREET  
SAINT LOUIS, MISSOURI 63103  
(314) 622-3361  
Facsimile (314) 622-4956



FRANCIS G. SLAY  
MAYOR

- ASSISTANTS

PATRICIA L. WENDLING  
JACQUELINE D. HARRIS  
PAUL R. DIEKHOFF  
SCOTT L. HARPER  
ALAN R. SCHMIDT  
THOMAS J. GOEDDEL  
DANIEL J. EMERSON  
PETER MOSANYI II  
BARBARA E. BIRKICHT  
THOMAS S. GLEDITSCH  
RAYMOND B. FLOJO  
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.

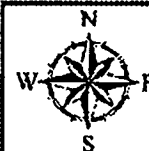
# City of St. Louis Boundary

**St. Louis County, Missouri**

**Madison, Illinois**

**St. Louis City, Missouri**

**St. Clair, Illinois**



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

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