

RESOLUTION #2019-01

A RESOLUTION OF INTENTION OF THE PLANNING AND ZONING COMMISSION OF THE CITY OF WILDWOOD, MISSOURI, TO STUDY AND REVIEW REGULATIONS AND STANDARDS FOR DEVELOPMENT OF PROPERTIES WITHIN THE CITY OF WILDWOOD THAT HAVE BEEN OR HEREAFTER ARE, IN PART OR IN WHOLE, WITHIN OR IMPACTED BY THE ELLISVILLE SUPERFUND SITE; TO CONSIDER A MORATORIUM ON THE DEVELOPMENT OF SUCH PROPERTIES DURING THE PENDENCY OF SUCH STUDY AND REVIEW; AND DIRECTING THE DIRECTOR OF PLANNING TO SCHEDULE A PUBLIC HEARING TO CONSIDER THE SAME

WHEREAS, in 1980, the United States Environmental Protection Agency (the “EPA”) and the Missouri Department of Natural Resources (“MoDNR”) began an investigation of the Bliss Oil Company site (“Bliss Site”) resulting in a subsequent remedial investigation and feasibility study. Two of the neighboring properties, the Callahan property and Primm property, located on the south side of Strecker Road, were also investigated. These properties were collectively placed on the EPA National Priorities List (“NPL”) and became known as the Ellisville Superfund Site; and

WHEREAS, between 1985 and 1996, the EPA and MoDNR conducted a series of investigations, examinations and remediation actions which resulted in the removal of numerous toxic disposals discovered at the sites consisting of toxic and semi-volatile compounds and dioxin contaminants; and

WHEREAS, subsequent studies conducted by consultants for the City on property located in the City of Wildwood identified a number of locations where test sampling identified various volatile and semi-volatile organic compounds, PCB’s, and dioxins exceeding the risk-based health levels for residential use and posed potential risks to the public; and

WHEREAS, as a result, the EPA conducted an Expanded Site Review that identified portions of the Ellisville Superfund Site where contamination levels, including dioxin soil detects, had been found; and

WHEREAS, the Expanded Site Review prompted the EPA to undertake a Removal Action on multiple properties removing and disposing of soil from the properties, to impose environmental covenants in lieu of additional removal actions for areas not cleaned up to a residential standard, and for MoDNR to perform limited ongoing groundwater monitoring; and

WHEREAS, the EPA has concluded its Removal Actions on sites within the City; and

WHEREAS, upon recommendation of consultants engaged by the City, the City objected to the conclusion of the Removal Actions and requested that the EPA implement additional sampling and analysis of soil and groundwater to delineate the extent of contamination; and

WHEREAS, MoDNR continues an investigation of ground water, and plans to issue a report on their findings; and

WHEREAS, to date, the EPA refuses to acknowledge or has otherwise refused to adequately respond with a plan for addressing the City's remaining outstanding public health concerns; and

WHEREAS, the City has recently received plans for proposed development within the City on property impacted by contamination at or near the Ellisville Superfund Site; and

WHEREAS, the Planning and Zoning Commission desires to study and review potential regulations and standards for development on property impacted by contamination at or near the Ellisville Superfund Site in an effort to address the outstanding public health concerns; and

WHEREAS, during the Planning and Zoning Commission's study and review of such regulations and standards, it would consider a moratorium on development on certain identified properties within the City that are, in whole or in part, located within the Ellisville Superfund Site or have been impacted by contamination at or near the Ellisville Superfund Site;

NOW THEREFORE, BE IT RESOLVED BY THE PLANNING AND ZONING COMMISSION OF THE CITY OF WILDWOOD, MISSOURI, AS FOLLOWS:

Section One. The Planning and Zoning Commission hereby declares its intention to study, review and consider regulations and standards for development on property impacted by contamination at or near the Ellisville Superfund Site in an effort to address the outstanding public health concerns.

Section Two. The Planning and Zoning Commission hereby declares its intention to consider a moratorium on development on certain identified properties within the City that are, in whole or in part, located within the Ellisville Superfund Site or have been impacted by contamination at or near the Ellisville Superfund Site during the pendency of the study, review and consideration of the regulations and standards described in Section 1 of this Resolution.

Section Three. That the Director of Planning of the City is hereby directed to provide appropriate public notice consistent with Section 415.560(C) of the City Code for a public hearing before the Planning and Zoning Commission to occur on August 5, 2019.

Section Four. This Resolution shall be in full force and effect from and after its passage and approval.

PASSED AND RESOLVED BY THE PLANNING AND ZONING COMMISSION OF THE CITY OF WILDWOOD, MISSOURI, THIS _____ DAY OF AUGUST, 2019.

CHAIRPERSON

ATTEST:

CITY CLERK