

RESOLUTION NO. 071173

PASSED June 23, 2008

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF GAINESVILLE, FLORIDA, REGARDING THE INDUSTRIAL SITE KNOWN AS THE "CABOT-KOPPERS SUPERFUND SITE", AND REQUESTING THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY (EPA) TO REQUIRE THE REMEDIATION OF THE SITE TO RESIDENTIAL STANDARDS; DIRECTING THE CLERK TO FORWARD A COPY OF THE RESOLUTION TO EPA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE.

WHEREAS, the City Commission, at its May 1, 2008 joint meeting with the Alachua County Board of County Commissioners, heard presentations from the Alachua County Environmental Protection Department, Gainesville Regional Utilities and the United States Environmental Protection Agency, Region IV (EPA) regarding the assessment and remediation, pursuant to provisions of the Federal Comprehensive Environmental Response, Compensation and Liability Act (CERCLA), 42 USC 9601 *et seq.*, of contamination to soil and groundwater at the site known as the Cabot-Koppers Superfund Site; and,

WHEREAS, the EPA at the May 1, 2008 joint meeting demonstrated that two former Superfund Sites had been redeveloped as high quality residential developments as a result of the clean-up of the sites to residential standards; and,

WHEREAS, the Site is presently zoned I-2, for intense industrial use with a land use designation of industrial, but is bordered on the North and West by abutting single family residential neighborhoods zoned RSF-1 and RSF-3 without any intervening transition lands; and,

WHEREAS, the residential use of industrial properties may, under certain circumstances defined in the Future Land Use Element of the Gainesville Comprehensive Plan 2000-2010, as amended, (The Plan) allow for residential use (e.g., Objective 4.1.1); and,

WHEREAS, it is the policy of the City of Gainesville as embodied in The Plan to require the protection of residential properties from the impacts of adjacent, high intensity uses (see Objective 4.2 of The Plan); and,

WHEREAS, the City Commission has authorized the City Manager to study the present and the future land use of the Site including, but not limited to, those areas within the Site with the highest levels of contamination, and to recommend any appropriate changes to the future land use and zoning maps that may include residential or mixed residential and commercial uses; and,

WHEREAS, the remediation of the Site should consider the aforementioned goals contained in The Plan together with the City's Goal 5 of The Plan:

"To enhance the City's commitment to improve and maintain the vitality of its neighborhoods. The neighborhood represents the primary building block of the City, and the health and vitality of existing and new neighborhoods is essential to building a viable, sustainable community"; and,

WHEREAS, the City Commission has determined that limiting remediation of contamination at the Site to levels permitted for industrial sites is inconsistent with the policies of the City of Gainesville described herein and that any restriction of present or future uses of the Site to non-residential uses only is not appropriate for the Site under The Plan.

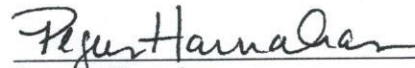
NOW THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF GAINESVILLE, FLORIDA:

Section 1. The City Commission urges and requests that EPA, in connection with any review and approval of a final remedy for soil and groundwater contamination present at the Site, require that the parties responsible therefor remediate the soil and groundwater impacts present at the Site to residential standards under the provisions of applicable law, including, but not limited to residential cleanup target levels under Chapter 376, Florida Statutes (2007), and Chapters 62-777 and 62-780, Florida Administrative Code.

Section 2. Upon its adoption, the Clerk of the Commission transmit a copy of this Resolution to appropriate representatives of the EPA having responsibility for the Site and jurisdiction to approve any final plan of remediation for the Site.

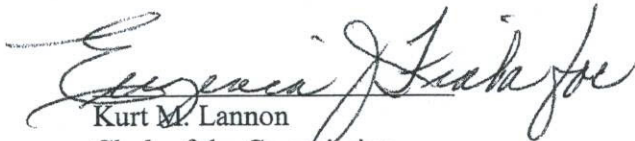
Section 3. This Resolution shall be effective upon adoption.

PASSED AND ADOPTED this 23rd day of June, 2008.



Pegeen Hanrahan
Mayor


ATTEST:



Kurt M. Lannon
Clerk of the Commission

(SEAL)

Approved as to form and legality.

By 
City Attorney

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