

**ORDINANCE ESTABLISHING LIMITATIONS  
ON THE USE OF GROUND WATER  
ON TRACT 848 (LOT 20 & 23) IN THE TOWN OF MATEWAN**

WHEREAS, the Town of Matewan, Mingo County, West Virginia, presently owns a tract of land which was previously owned by the U.S. Army Corps of Engineers (hereinafter referred to as USACE).

WHEREAS, this tract of land is referred to as Tract 848 and by the Mingo County Assessor's Office as Tax Parcel No. 107 (Lot 20) and Parcel No. 134 (Lot 23) in the Town of Matewan.

WHEREAS, after the construction of the flood wall in Matewan, the property became part of Hatfield Street in downtown Matewan.

WHEREAS, there are environmental issues related to the site, due to the removal of four underground gasoline storage tanks from the former site of B & C Service Station.

WHEREAS, after the tanks were removed, elevated levels of benzene were identified in the groundwater.

WHEREAS, the USACE has been monitoring the concentration of benzene in the groundwater in accordance to a plan approved by the West Virginia Department of Environmental Protection.

WHEREAS, the benzene level has continued to decrease through natural attenuation.

WHEREAS, the USACE is seeking closure on the site through the West Virginia Voluntary Remediation Program.

WHEREAS, to obtain closure on the site, the said PROGRAM requires limitations on the use of the groundwater on the property.

**NOW, THEREFORE, IT IS HEREBY RESOLVED AND ADOPTED BY THE TOWN OF MATEWAN AS FOLLOWS:**

The installation or use of water wells or other devices on Tract 848 (Lot 20 and Lot 23) for the purpose of withdrawing groundwater from beneath the site is prohibited, except as necessary to obtain samples of groundwater for purposes of environmental monitoring.

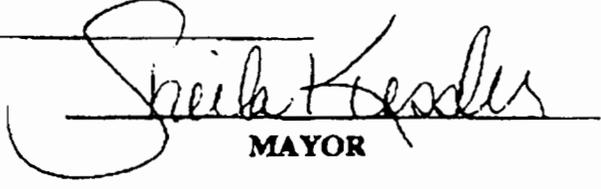
**REPEAL OF PRIOR ORDINANCES**

All ordinances, resolutions and orders or parts thereof in conflict with the provisions of this ordinance are, to the extent of said conflict, hereby repealed.

FIRST READING: September 11, 2001

SECOND READING: October 9, 2001

Ordinance Passed. Effective Date: \_\_\_\_\_

  
MAYOR

I hereby certify that the above is a true and correct copy of an ordinance passed by the Town Council of Matewan, West Virginia, under the procedures set forth in WVC § 8-11-4.

  
TOWN RECORDER