

## COUNCIL WORKSHOP ITEM

**ITEM:** An Ordinance Amending Provisions Concerning Groundwater Wells  
**DATE:** January 31, 2002  
**PREPARED BY:** Dan Blondin, Village Attorney  
**PURPOSE:** To Amend Chapter 25 Section 52 of the Downers Grove Municipal Code

### DISCUSSION:

As part of the Village's environmental strategy for the downtown redevelopment projects, staff is working with Versar to obtain "No Further Remediation Letters" (NFR Letters) from the Illinois Environmental Protection Agency (IEPA). According to the IEPA regulations, there are certain institutional controls that the Village can put in place that would meet the IEPA's remediation objectives and qualify the Village for a NFR letter. Examples of institutional controls that can be put into place include: deed restrictions, highway authority agreements, an environmental land use control and local municipal ordinances concerning groundwater wells. Staff is recommending the use of a municipal ordinance as an institutional control in an attempt to receive a NFR Letter from the IEPA for the Station Crossing site. Once the ordinance is approved by Council it must be submitted to the IEPA for approval. If the ordinance meets the IEPA's remediation objectives, the Village will more than likely receive a NFR Letter. However, if the ordinance does not meet the IEPA's remediation objectives, the IEPA will not approve the ordinance and may request that the Village enter into a Memorandum of Understanding ("MOU") prior to issuing a NFR letter. Also, it should be noted that even with this ordinance in place, site specific requests for a NFR letter will require additional information and documentation to permit this ordinance to serve as an institutional control for that particular property.

Attached is an ordinance amending Section 25-52 of the Municipal Code, which deals with groundwater wells. The ordinance basically restricts the use of groundwater wells for potable water supply. Potable water is defined as any water used for human or domestic consumption, including but not limited to water used for drinking, bathing, swimming, washing dishes or preparing food. The ordinance grandfathers all existing wells being used for potable water supply as of the date of passage of the ordinance. It prohibits the drilling of any additional wells in the Village for use as potable water supply. The ordinance still allows the drilling and use of wells for irrigation, watering crops, landscaping and for cooling towers used in conjunction with air conditioning systems.

### ATTACHMENT:

AN ORDINANCE AMENDING PROVISIONS CONCERNING GROUNDWATER WELLS

### RECOMMENDATION:

Place on February 12, 2002 Workshop Agenda for approval at the February 19, 2002 Council Meeting

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ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE AMENDING PROVISIONS CONCERNING PRIVATE WELLS**

BE IT ORDAINED by the Council of the Village of Downers Grove, in DuPage County, Illinois, as follows: (Additions are indicated by shading; deletions by ~~strikeout~~.)

SECTION 1. That Section 25-52 of the Downers Grove Municipal Code is hereby amended as follows:

**25-52. Private water wells; permit required.**

(a) For purposes of this section, the following terms shall be defined as follows:

Person - any individual, partnership, co-partnership, firm, company, limited liability corporation, association, joint stock company, trust, estate, political subdivision, or any other legal entity, or their legal representatives, agents or employees.

Potable Water - any water used for human or domestic consumption, including, but not limited to water used for drinking, bathing, swimming, washing dishes or preparing food.

Groundwater - is any underground water which occurs within the saturated zone and geological materials where the fluid pressure in the pore space is equal to or greater than atmospheric pressure.

(b) Except for such uses or methods in existence prior to February 19, 2002, the use or attempt to use by any person, including the Village of Downers Grove, as a potable water supply groundwater from any location within the corporate limits of the Village by the installation or drilling of wells or by any other method is hereby prohibited.

(~~a~~c) It shall be unlawful for any person to dig, drill, redrill or extend, or cause to be dug, drilled, redrilled, or extended, any well, hole or other excavation in the ground for the purpose of extracting water therefrom, at any location within the corporate limits of the Village, except:

~~\_\_\_\_\_ (1) Any well authorized and intended to be owned and operated by the Village as part of the Village's water system;~~

~~\_\_\_\_\_ (2) Any well situated on a zoning lot (as such term is defined and used in the Comprehensive Zoning Ordinance of the village) on which a building has been or may be lawfully constructed and occupied; provided, that no portion of such zoning lot is located within two hundred and fifty feet (as measured by the most direct route along public right of way or existing utility easements) of a water main owned by the Village that is available to provide water service to such zoning lot;~~

~~\_\_\_\_\_ (3) Any well situated outside a zoning lot; provided, that such well is not located within two hundred fifty feet (measured as provided in paragraph (2) of this section) of a water main owned by the village that is available to provide water service;~~

(4) Any well intended and used exclusively for irrigation and watering of crops or landscaping or in cooling towers used in conjunction with air conditioning systems; provided, that the well shall meet the following conditions:

(i) Such well shall not be drilled to a depth greater than two hundred feet; and

(ii) Such well shall not be connected in any way to any water system providing water for domestic use or human consumption, including but not limited to, the Village's water system. In order to assure that water from such well is not so connected, the Village may require that a periodic bacteriological sampling may be taken of the domestic water entering any building on the property served by such well. The

charge for such sampling shall be automatically added to the water bill for Village water for such building, and shall constitute an expense to the owner thereof; and

(iii) Any such well with a column pipe up to four inches in size shall not be dug or drilled within fifty feet from any Village-owned well. Any such well with a column pipe greater than five inches in size shall not be dug or drilled within one thousand feet from any Village-owned well; and

(iv) Such well shall be no less than fifteen feet from any publicly or privately owned water main, and

(v) A backflow prevention device shall be installed on the water service pipe(s)/line(s) connecting any structure on the property to the public water supply.

(vi) Such wells shall not be subject to the water conservation regulations in Section 25-5 if the owner or occupant of the property on which the well is located obtains and displays a "private well" sign. A metal sign shall be placed in the front yard or a paper sign in the window of the property in a location clearly visible from the street. Such signs shall be obtained from the Village: metal property signs for a cost of twenty dollars; paper window signs at no charge. Except as otherwise provided in the preceding sentences, such wells shall be subject to the water conservation regulations in Section 25-5.

(vii) If well water is used in cooling towers in conjunction with air conditioning systems, all such water shall dispense through evaporation or other appropriate means and shall not be discharged into the sanitary or storm sewer systems, or otherwise discharged into the ground.

(bd) It shall be unlawful for any person to dig, drill, redrill or extend, or cause to be dug, drilled, redrilled, or extended, any well, hole or other excavation in the ground for the purpose of extracting water therefrom, without (1) having first applied for and obtained a permit for such well from the Village, which permit shall not be issued unless the applicant provides satisfactory evidence to the effect that such well is permitted under the provisions of subsection (a) above; (2) establishing that permits therefor have also been issued by DuPage County, the Illinois Department of Mines and Minerals and any other governmental authority having jurisdiction thereof; and (3) certifying that such well will be in full compliance with all applicable health and safety requirements of DuPage County. Fees for the permit required in paragraph (a) hereof shall be as follows:

<u>Work Performed</u>	<u>Fee</u>	<u>Bond</u>
Plan review and on site inspection	\$ 100.00	N/A
Electrical inspection	6.00	N/A
Parkway opening	20.00	\$200.00

(Ord. No. 2942, § 1; Ord. No. 3301, § 3.)

SECTION 2. That all ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION 3. That this ordinance shall be in full force and effect from and after its passage and publication in the manner provided by law.

\_\_\_\_\_  
Mayor

Passed:  
Published:  
Attest: \_\_\_\_\_

Village Clerk

[wells]