

COUNCIL WORKSHOP ITEM

ITEM: An Ordinance Amending Provisions Concerning Groundwater Wells
DATE: June 3, 2002
PREPARED BY: Enza Petrarca, Acting 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. As you may recall, several months ago an ordinance was passed restricting the use of groundwater wells for potable water supply. That ordinance was forwarded to the IEPA for review. The IEPA has reviewed the ordinance and is recommending that we restrict groundwater wells for all purposes, including use of wells for irrigation, watering crops, landscaping and for cooling towers used in conjunction with air conditioning systems.

Attached is an ordinance amending Section 25-52 of the Municipal Code, which incorporates the IEPA's recommended changes. The ordinance basically restricts the use of groundwater wells within the Village. The ordinance grandfathers all existing wells as of the date of passage of the ordinance. It prohibits the drilling of any additional wells in the Village.

ATTACHMENT:

AN ORDINANCE AMENDING PROVISIONS CONCERNING GROUNDWATER WELLS

RECOMMENDATION:

Place on June 11, 2002 Workshop Agenda for approval at the June 18, 2002 Council Meeting

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ORDINANCE NO. _____

AN ORDINANCE AMENDING SECTION 25-52 REGARDING GROUNDWATER 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.

(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 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.~~

~~(d) 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

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