

State of Illinois
County of Kendall

ORDINANCE # 2008- 46

AMENDMENT TO THE KENDALL COUNTY WATER SUPPLIES ORDINANCE

WHEREAS, Kendall County regulates the construction and modification of water wells, construction of closed loop geothermal wells, the sealing of abandoned wells, and the inspection of water supplies and their components under authority of its Water Supplies and related ordinances; and

WHEREAS, the Kendall County Board of Health Reviews and the Kendall County Board amends these ordinances from time to time in the public interest; and

WHEREAS, all administrative procedures for amendments have been followed including prior review by and concurrence of the Kendall County State's Attorney's Office and the Illinois Department of Public Health; and

WHEREAS, the following Ordinance is superseded by this Ordinance:
Kendall County Water Supplies Ordinance 04-23.

NOW, THEREFORE, BE IT ORDAINED, the Kendall County Board hereby amends the Water Supplies Ordinance sections referenced in Exhibit "A".

This Amendment shall be in full force and effective immediately upon its adoption as provided by law.

WATER SUPPLIES ORDINANCE, KENDALL COUNTY, ILLINOIS

APPROVED AND RECOMMENDED BY THE KENDALL COUNTY BOARD OF HEALTH
THIS 16th DAY OF September 2008.



President, Kendall County Board of Health

APPROVED AND ADOPTED BY THE KENDALL COUNTY BOARD THIS 21ST DAY OF
October 2008.



Chairman, Kendall County Board

Ayes - 10

Nays - 0

Abstain - 0

Attest:



Kendall County Clerk

WATER SUPPLIES ORDINANCE
KENDALL COUNTY, ILLINOIS

Section 1: SCOPE

An ordinance regulating water supplies - the construction and modification of water wells, construction of closed loop geothermal wells, the sealing of abandoned wells, and the inspection of water supplies and their components within Kendall County, Illinois.

Whereas, the Kendall County Board of Health has deemed it necessary and desirable to regulate water supplies for health purposes, and ground water protection, and accordingly has recommended adoption of the following Ordinance.

Section 2: DEFINITIONS

The following definitions shall apply in the interpretation and enforcement of this Ordinance:

1. ABANDONED WELL means a water well or monitoring well which is no longer used to supply water, or which is in such a state of disrepair that the well or boring has the potential for transmitting contamination into an aquifer or otherwise threatens the public health or safety.
2. CLOSED LOOP GEOTHERMAL WELL means a sealed, watertight loop of pipe buried outside of a building foundation which is intended to re-circulate an approved coolant through a heat exchanger. This includes but is not limited to vertical loop, horizontal loop and body of water loop systems.
3. COMMUNITY WATER SYSTEM means a public water system which serves at least 15 service connections used by residents, or regularly serves 25 or more residents for at least 60 days per year.
4. DIRECTOR means the Director of Environmental Health of the Kendall County Health Department or his/her agent.
5. HEALTH AUTHORITY means that person or persons designated by the Kendall County Board of Health to enforce this Ordinance.

6. HEALTH DEPARTMENT means the Kendall County Health Department, including its duly authorized representatives.

7. HEALTH DEPARTMENT ADMINISTRATOR means the individual selected by the Kendall County Board of Health to administer and enforce the policies, ordinances, resolutions, and laws of said Board.

8. NON-COMMUNITY WATER SYSTEM means a public water system which is not a community water system, and has at least 15 service connections used by nonresidents, or regularly serves 25 or more nonresident individuals daily for at least 60 days per year.

9. POTABLE WATER means water that is suitable for human consumption and which meets public health standards for drinking water.

10. PRIVATE WATER SYSTEM means any supply which provides water for drinking, culinary, and sanitary purposes and serves an owner-occupied single family dwelling.

11. SEMI-PRIVATE WATER SYSTEM means a water supply which is not a public water system, yet which serves a segment of the public other than an owner-occupied single family dwelling.

12. WATER WELL means an excavation that is drilled, cored, bored, washed, driven, dug, jetted or otherwise constructed when the intended use is for the location, diversion, artificial recharge, or acquisition of groundwater, except monitoring wells.

Section 3: ADOPTION BY REFERENCE

In addition to those provisions set forth, this Ordinance shall be interpreted and enforced in accordance with provisions set forth in the following statutes, rules, and regulations of the State of Illinois, Department of Public Health and any subsequent amendments or revisions thereto, which publications are incorporated herein and adopted by reference as part of this Ordinance.

1. "Illinois Water Well Construction Code." (77 Ill. Adm. Code 920)
2. "Illinois Water Well Pump Installation Code." (77 Ill. Adm. Code 925)
3. "Public Area Sanitary Practice Code." (77 Ill. Adm. Code 895)

4. "Drinking Water Systems Code." (77 Ill. Adm. Code 900)
5. "Surface Source Water Treatment Code." (77 Ill. Adm. Code 930)

Section 4: PUBLIC WATER USE

In those locations where a public water supply is reasonably available, that supply shall be the sole source of water for drinking and culinary purposes. A public water supply shall be deemed reasonably available when the subject property is located within 200 feet of the public water supply to which connection is practical and is permitted by the controlling authority for said water supply.

SECTION 5: POTABLE WATER SUPPLY REQUIRED

All premises intended for human habitation or occupancy shall be provided with a potable water supply. The potable water supply shall not be connected to non-potable water and shall be protected against backflow and backsiphonage in accordance with the requirements of the "Illinois Plumbing Code." Each potable water supply shall provide quantities of water that are sufficient for drinking, culinary, and sanitary needs of the dwelling or premises served. The water distribution lines of each potable water system shall be designed to maintain a minimum positive pressure of 20 p.s.i. in all parts of the system at all times

Section 5.1: SURFACE WATER SUPPLIES

All water systems which receive their source of water from ponds, lakes, streams, rivers, or other surface collectors of water shall be designed, constructed, and operated in accordance with the "Surface Source Water Treatment Code." No surface water shall be utilized as a potable water supply unless the Health Authority has reviewed and approved the supply and its components.

Section 5.2: CISTERNS

Cisterns shall not be used as a potable water supply except where adequate groundwater resources are not available. Cistern water shall receive treatment in accordance with the "Surface Source Water Treatment Code." No surface water shall be utilized as a potable water

supply unless the Health Authority has reviewed and approved the supply and its components.

Section 6: ABANDONED WELLS

Wells that are abandoned shall be sealed in a manner prescribed by the "Illinois Water Well Construction Code." The Health Authority shall inspect abandoned wells which have been sealed to determine compliance with the Ordinance. In questionable cases, the Health Authority shall make the determination as to whether a water well is considered abandoned, based upon the definition of an "abandoned well" and the facts in each particular case.

Section 7: CLOSED LOOP GEOTHERMAL WELLS:

- A) All closed loop geothermal wells shall be constructed by contractors meeting any and all applicable licensing and or certification requirements within the State of Illinois.

- B) Application for inspection of a geothermal system shall be made in writing and submitted on forms provided by the Health Department. The geothermal system contractor and property owner shall sign the inspection application.
 - (1) Applications for inspection shall be accompanied by payment that is in accordance with the Health Department fee schedule. The fee schedule is approved by the Kendall County Board of Health and is available on a separate sheet as an addendum to this ordinance.

 - (2) The application shall also be accompanied by a scaled drawing showing the location of all existing structures, wells, septic tanks, secondary sewage treatment units, cesspools, privies, sewers, lakes, ponds, or streams on the applicant's property and on neighboring properties.

 - (3) Prior to the approval of the inspection application, the Health Department, at its discretion, may require additional information, and/or inspect the property and neighboring properties.

- C) All closed loop geothermal well setback distances described in the most current edition of the Water Well Construction Code shall be maintained and contained in their entirety within the boundaries of the property on which the system is to be installed.
- D) Construction reports for each closed loop geothermal well shall be provided to the Health Department within 30 days of completion of drilling.
- E) The Kendall County Health Department shall be notified by telephone or in writing at least two (2) business days before the coolant is installed. Coolant installation shall be witnessed by a representative of this Department. All coolant containers shall be labeled with the coolant type and concentration. Material Safety Data Sheets (MSDS) shall be made available upon request.

Section 8: PERMIT REQUIRED

No water well shall be constructed or deepened except in accordance with this Ordinance, and it shall be unlawful to proceed with such work unless a permit has first been obtained from the Health Authority. A non-community public water supply shall not be operated without first obtaining a permit from the Illinois Department of Public Health.

Section 8.1: APPLICATION FOR PERMIT

All applications for permits under the provision of this Ordinance will be made in writing and in such form as prescribed by the Illinois Department of Public Health or the Health Authority. The application will include specifications specific to each proposed water well, and will include a statement as to any restrictions relating to the location, materials, components, or type of water well to be constructed. The application will also include the location of the proposed well, estimated total depth of the well, the proposed aquifer into which the well is to be drilled, a closed loop geothermal system if applicable (with specific type of coolant identified), location of private sewage disposal systems and water wells, both private and public, on adjacent properties. It will be the responsibility of the applicant to obtain all necessary data and to design a system which will meet the requirements of this Ordinance.

Section 8.2: ISSUANCE OF PERMIT

Upon submission of the application for permit, including the plans and specifications of the proposed water well or component thereof, the Health Authority will review said application prior to issuance of a permit. If the Department, upon review of said application, finds that such application meets the requirements of this Ordinance, and upon payment of the required fee, a permit will be issued to the applicant.

Section 8.3: VARIANCES

When circumstances exist which make impractical full compliance with the requirements of this Ordinance, an applicant may request that the Director grant a variance. Such requests shall be made in writing and shall accompany the system plans and any other pertinent data which might support the request or which the Director may require. The Director may grant the variance provided it does not conflict with the stated purpose of this Ordinance. The Health Department will notify the applicant in writing of its decision to either grant or deny the variance. The owner of the property for which a variance has been granted shall have the approved Variance Request Application filed on the property's deed by the Kendall County Recorder of Deeds. A copy of the recorded approved Variance Request Application must be returned to the Department prior to permit issuance. With the exception of closed loop geothermal wells, no variance shall be granted for new construction.

Section 8.4: PROPERTY OWNER'S RESPONSIBILITY

It shall be the responsibility of the property owner to obtain a permit before any construction or deepening of a water well is begun. Failure of the property owner to obtain a permit before any construction or deepening of a water well is begun shall constitute a violation of this Ordinance.

Section 8.5: WATER WELL AND/OR PUMP INSTALLATION CONTRACTOR'S RESPONSIBILITY

It shall be the responsibility of the Water Well Contractor to insure that a permit has been issued before any construction, deepening or sealing of a water well is begun and to follow the conditions of said permit. Failure of the Water Well Contractor to insure said permit has been issued or to

violate the conditions of said permit shall constitute a violation of this Ordinance. All water wells shall be constructed, deepened or sealed in accordance with the "Illinois Water Well Construction Code." All individuals who construct, repair and seal water wells and install well pumps, shall be licensed by the Illinois Department of Public Health in accordance with the "Water Well and Pump Installation Contractor's License Act" (225 ILCS 345/1).

Section 8.6: PERMIT VALIDITY

A permit to construct or deepen a water well, is valid for a period of twelve (12) months from the date of issuance. If construction has not started within this period, the permit is void. A request for extension of the permit may be made to the Health Authority if construction will be delayed.

Section 8.7: PERMIT FEE

The fees for permits and inspections for water supply system installations, closed loop geothermal wells, repairs, replacement and alterations and for surveys of private water supplies for real estate transactions are available in the Kendall County Health Department Fee Schedule as authorized and approved by the Kendall County Board of Health.

Section 8.8: EXCEPTIONS

A permit to construct or deepen a water well shall not be required by the Health Authority when such water well does or will serve a community public water system or function as a monitoring well.

Section 9.0: INSPECTIONS

The Health Authority shall have the authority to enter any property at any reasonable time for inspection purposes to determine compliance with the provisions of this Ordinance. It shall be the duty of the owner or occupant of a property to allow the Health Authority free access to the property for the inspection purposes to determine compliance with the provisions of this Ordinance.

Section 9.1: INSPECTION OF COMPLETED WORK

A water well shall not be placed into operation until the installation of the water well and its components have been inspected to verify compliance with the applicable provisions of this Ordinance and written approval issued by the Health Authority. To the degree practical and permitted by the Health Authority, the completed installation shall remain uncovered and/or accessible for inspection purposes until approved by the Health Authority. If the Health Authority, upon inspection of the specified installation or component thereof, finds that such work meets the provisions of this Ordinance, the Health Authority shall approve such work and authorize operation of the water well. However, compliance with Section 10 shall be obtained prior to utilizing the water system for drinking and culinary purposes.

Section 9.2: NOTIFICATION FOR INSPECTION

It shall be the responsibility of the Water Well Contractor to notify a representative of the Kendall County Health Department in writing or by phone as required at least two (2) business days prior to:

- A) The construction or deepening of a water well for which a permit has been issued. The Health Authority shall also be notified on the day of the well grouting process with an approximate time as to when this process will commence.
- B) The sealing of an abandoned water well at which time a date for inspection will be arranged.
- C) Drilling a vertical geothermal system or excavating a horizontal geothermal system. The Health Authority shall be notified on the day of the well grouting process with an approximate time as to when this process will commence.

Section 9.3: SUSPENSION OF PERMIT

Upon inspection, if it is found that any provisions of this Ordinance or any permit specifications for a stated property have been violated, the Health Authority shall notify the installer to make such specified changes in the work to allow compliance with the provisions of this Ordinance and the permit. If such changes are not made within a period of time specified by

the Health Authority, said permit shall be suspended, and it shall be unlawful to place the water well into operation.

Section 10: DISINFECTION AND ANALYSIS

All components of a newly constructed or modified water well shall be thoroughly disinfected with a strong chlorine solution which will yield a dosage of at least 100 part per million to the water in the well and piping system. After purging the water system of any chlorine residual, a water sample shall be taken and analyzed by a certified laboratory and satisfactory results obtained prior to utilizing the water system for drinking and culinary purposes. A copy of the analysis shall be filed with the Health Department. The water obtained from a semi-private water supply shall meet the nitrate/nitrite, chemical and bacteriological requirements of the Primary Drinking Water Standards (35 Ill. Adm. Code 611), and the water obtained from a private well shall meet the bacteriological and nitrate requirements of the Primary Drinking Water Standards (35 Ill. Adm. Code 611). The water from a private water system, having surface water as its source, shall meet the nitrate/nitrite, bacteriological and turbidity requirements of the Primary Drinking Water Standards (35 Ill. Adm. Code 611).

Closed loop geothermal wells are exempt from chlorination and sampling.

Section 10.1: CONTINUING ANALYSIS

It shall be the duty of every owner of every water well serving a semi-private water system for more than one residence to have the water therein bacteriologically analyzed by a certified laboratory as required by the Health Authority for the protection of public health. Such water shall also be bacteriologically analyzed whenever the water lines are opened up for repair, replacement, or extension of the water distribution system. The water from a semi-private water system shall meet the nitrate, chemical and bacteriological requirements contained in the "Drinking Water Systems Code."

Section 11: PENALTIES

Any person, firm or corporation who violates, disobeys, omits, neglects, or refuses to comply with, or refuses to remedy a violation of the provisions of this Ordinance shall be guilty of a business offense and be fined not less

than \$100.00 and no more than \$750.00 for each offense. Each day upon which such violation continues shall constitute a separate offense.

Section 12: REPEALER

The following Ordinance is superseded by this Ordinance: Kendall County Water Supplies Ordinance 04-23.

This Ordinance shall be in full force and effective immediately upon its adoption as provided by law.


WATER SUPPLIES ORDINANCE, KENDALL COUNTY, ILLINOIS

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President, Kendall County Board of Health

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Chairman, Kendall County Board

Ayes - 10
Nays - 0
Abstain - 0

Attest:


Kendall County Clerk