

**GROUNDWATER PROTECTION INSPECTION AND MONITORING STANDARDS<sup>1</sup>**

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**EXHIBITS**

Exhibit A: Regulated Substances List

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Exhibit C: *Best Management Practices* for the Construction Industry

**6C.01 PURPOSE AND INTENT**

A. **Purpose:** In the interest of securing and promoting the public health, safety and welfare to preserve the quality and quantity of groundwater resources in order to assure a safe and adequate water supply for the present and future generations, and to protect and preserve groundwater resources currently in use and those aquifers having a potential for future use as a public water supply, the provisions of this Chapter shall apply to all properties located within the Village. This Chapter establishes regulations for land uses within the groundwater protection areas for: inspection and monitoring standards for new regulated substance facilities, uniform standards for release reporting, emergency response, substance management planning, permit procedures and enforcement.

B. **Intent:** It is the intent of this Chapter to provide a method:

1. To protect the groundwater resources of the Village and the surrounding area;
2. To provide a means of regulating land uses within the groundwater protection areas; and

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<sup>1</sup> Ordinance 2007-O-07, 3/6/07

3. To protect the Village drinking water supply and that of the surrounding area from potential impacts by facilities that store, handle, treat, use or produce substances that pose a hazard to groundwater quality.

## 6C.02 DEFINITIONS

Except as stated in Appendix A of this Code and this Chapter, and unless a different meaning of a word or term is clear from the context, the definitions for words or terms used in this Chapter shall be the same as those used in the Illinois Environmental Protection Act and the Illinois Groundwater Protection Act (415 ILCS 5/14 *et seq.*), as amended from time to time, and as follows:

**Act:** The Environmental Protection Act (415 ILCS 5/1 *et seq.*).

**Agency:** The Illinois Environmental Protection Agency.

**Aquifer:** Saturated (with groundwater) soils and geologic materials which are sufficiently permeable to readily yield economically useful quantities of water to wells, springs or streams under ordinary hydraulic gradients.

**Board:** The Illinois Pollution Control Board.

**Containment device:** A device that is designed to contain an unauthorized release, retain it for cleanup and prevent released materials from penetrating into the ground.

**Facility:**

1. Any building, structure, installation, equipment, pipe or pipeline including, but not limited to, any pipe into a sewer or publicly owned treatment works, well, pit, pond, lagoon, impoundment, ditch, landfill, storage container, motor vehicle, rolling stock or aircraft; or
2. Any site or area where a hazardous substance has been deposited, stored, disposed of or placed or otherwise come to be located.

**Groundwater:** Underground water which occurs within the saturated zone and geologic materials where the fluid pressure in the pore space is equal to or greater than atmospheric pressure.

**Groundwater Appeals Committee** (“Committee” for purposes of this Chapter): A committee appointed by the President, subject to the advice and consent of the Board of Trustees, consisting of \_\_\_\_\_ or other appointee(s) as determined by the President.

**Groundwater Protection Area** (“GWPA”): The portion of an aquifer within the minimum setback zone, maximum setback zone or 5-year capture zone of a well or wellfield, as delineated in Exhibit B (Figure 3-11) of this Chapter.

**Groundwater Protection Area Permit:** (“GWPA Permit”): An authorization by the Village for a person to store, handle, use or produce a regulated substance within a GWPA.

**Groundwater Protection Overlay Zones:** Zones of the GWPA designated to provide differential levels of protection. Each GWPA is subdivided into 3 groundwater protection overlay zones as described below and as illustrated in Exhibit B (Figure 3-11).

1. Zone A, Minimum Setback Zone: The geographic area located between a well or wellfield providing potable water to a community water supply and a radial area of 400 feet (122 meters).
2. Zone B, Maximum Setback Zone: The geographic area located between a well or wellfield providing potable water to a community water supply and a regular or irregularly shaped area not to exceed 1,000 feet (305 meters) from the wellhead, but excluding the minimum setback zone.
3. Zone C, 5-Year Capture Zone: The geographic area located between a well or wellfield providing potable water to a community water supply and the delineated 5-year zone or capture but excluding Zone A and Zone B.

**New potential primary source:**

1. A potential primary source which is not in existence or for which construction has not commenced at its location as of May 1, 2007;
2. A potential primary source which expands laterally beyond the currently permitted boundary or, if the primary source is not permitted, the boundary in existence as of May 1, 2007; or
3. A potential primary source which is part of a Facility that undergoes major reconstruction. Such reconstruction shall be deemed to have taken place where the fixed capital cost of the new components constructed within a 2-year period exceed 50 percent of the fixed capital cost of a comparable entirely new facility.

Construction shall be deemed commenced when all necessary federal, state and local approvals have been obtained, and work at the site has been initiated and proceeds in a reasonably continuous manner to completion.

**New potential route:**

1. A potential route which is not in existence or for which construction has not commenced at its location as of May 1, 2007; or
2. A potential route which expands laterally beyond the currently permitted boundary or, if the potential route is not permitted, the boundary in existence as of May 1, 2007.

Construction shall be deemed commenced when all necessary federal, state and local approvals have been obtained, and work at the site has been initiated and proceeds in a reasonably continuous manner to completion.

**New potential secondary source:**

1. A potential secondary source which is not in existence or for which construction has not commenced at its location as of May 1, 2007; or
2. A potential secondary source which expands, laterally beyond the currently permitted boundary of, if the secondary source is not permitted, the boundary in existence as of May 1, 2007, other than an expansion for handling livestock waste or treating domestic wastewaters; or
3. A potential secondary source which is a part of a facility that undergoes major reconstruction. Such reconstruction shall be deemed to have taken place where the fixed capital cost of a comparable entirely new facility.

Construction shall be deemed commenced when all necessary federal, state and local approvals have been obtained, and work at the site has been initiated and proceeds in a reasonably continuous manner to completion.

**Operator:** Any person in control of, or having responsibility for, daily operation of a facility.

**Owner:** Any person who owns a site, facility or unit or part of a site, facility or unit, or who owns the land on which the site, facility or unit is located.

**Person:** Any person, individual, public or private corporation, firm, association, joint venture, trust, partnership, municipality, governmental agency, political subdivision, public officer, owner, operator, lessee, tenant or any other entity whatsoever or any combination of such, jointly or severally.

**Potable water:** Water that is satisfactory for drinking, culinary and domestic purposes meeting currently accepted water supply practices and principals.

**Potential primary source:** Any unit at a facility or site not currently subject to a removal or remedial action which:

1. Is utilized for the treatment, storage or disposal of any hazardous or special waste not generated at the site; or
2. Is utilized for the disposal of municipal waste not generated at the site, other than landscape waste and construction and demolition debris; or
3. Is utilized for the land filling, land treating, surface impounding or piling of any hazardous or special waste that is generated on the site or at other sites owned, controlled or operated by the same person; or
4. Stores or accumulates at any time more than 75,000 pounds (34,020 kilograms) above ground, or more than 7,500 pounds (3,402 kilograms) below ground, of any hazardous substances.

**Potential route:** Abandoned and improperly plugged wells of all kinds; drainage wells; all injection wells, including closed loop heat pump wells; and any excavation for the discovery, development or production of stone, sand or gravel.

**Potential secondary source:** Any unit at a facility or a site not currently subject to a removal or remedial action, other than a potential primary source which:

1. Is utilized for the land filling, land treating or surface impounding of waste that is generated on the site or at other sites owned, controlled or operated by the same person, other than livestock and landscape waste, and construction and demolition debris; or
2. Stores or accumulates at any time more than 25,000 pounds (11,340 kilograms) but not more than 75,000 pounds (34,020 kilograms) above ground, or more than 2,500 pounds (1,134 kilograms) but not more than 7,500 pounds (3,402 kilograms) below ground of any hazardous substances; or
3. Stores or accumulates at any time more than 25,000 gallons (94,633 liters) above ground or more than 500 gallons (1,893 liters) below ground of petroleum, including crude oil or any fraction thereof which is not otherwise specifically listed or designated as a hazardous substance; or
4. Stores or accumulates pesticides, fertilizers or road oils for purposes of commercial application or for distribution to retail sales outlets; or
5. Stores or accumulates at any one time more than 50,000 pounds (22,680 kilograms) of any de-icing agent; or
6. Is utilized for handling livestock waste or for treating domestic wastewaters other than private sewage disposal systems as defined in the Private Sewage Disposal Licensing Act (225 ILCS 225/1 *et seq.*).

**Recharge area:** The area through which precipitation and surface water can enter an aquifer.

**Regulated substances:** Those substances found in Exhibit A of this Chapter.

**Saturated zone:** The zone in which the voids in the rock or soil are filled with water at a pressure greater than atmospheric pressure.

**Setback zone:** A geographic area designated pursuant to the Act and this Chapter, containing a potable water supply well or a potential source or potential route, having a continuous boundary, and within which certain prohibitions or regulations are applicable in order to protect groundwaters.

**Site:** Any location, place, tract of land or facilities including, but not limited to, buildings and improvements used for purposes subject to regulations or control by the Act or regulations thereunder.

**Unauthorized release:** Any spilling, leaking, emitting, discharging, escaping, leaching or disposing of a regulated substance in a quantity greater than 1 gallon (8 pounds) from a facility into a containment system into the air, into groundwater, surface water, surface soils or subsurface soils. Unauthorized release does not include: intentional withdrawals of regulated substances for the purpose of legitimate sale, use or disposal; and discharges permitted under federal, state or local law.

**Underlying permit:** The building permits, site development permits, sewer tap agreements, stormwater retention permits, occupancy permits, preliminary plat and final plat (required by the Village) and any other applicable approval or permit required by the Village in relation to the facility.

**Unit:** Any device, mechanism, equipment or area (exclusive of land utilized only for agricultural production).

**Well:** Any excavation that is drilled, cored, bored, driven, dug, fitted or otherwise constructed when the intended use of such excavation is for the location, diversion, artificial recharge or acquisition of groundwater.

**Well field:** An area which contains one or more wells for obtaining a potable water supply.

**Well number:** A well number owned and operated by the Village, as depicted on Exhibit B (Figure 3-11).

### 6C.03 ESTABLISHMENT OF SETBACK ZONES

A. Minimum setback zones are hereby established, as set forth in Exhibit B (Figure 3-11), as that area within a 400 feet (122 meters) radius of each existing or permitted community water supply well within the Village or within 400 feet (122 meters) of the corporate limits of the Village.

B. Maximum setback zones are hereby established, as set forth in Exhibit B (Figure 3-11), as that area within a regular or irregularly shaped 1,000 feet (305 meters) radius of each existing or permitted community water supply well within the Village or within 1,000 feet (305 meters) of the corporate limits of the Village.

C. Zone C, 5-Year Capture Zones are hereby established, as set forth in Figure 3-11, which incorporates and adopts the recharge areas identified by the groundwater protection study.

D. If the Village determines that a facility, otherwise exempt from the permit requirements of this Chapter, has a potential to degrade groundwater quality, then the Village may classify that facility as a new potential primary source, a potential route or potential secondary source, and require that facility to comply with this Chapter accordingly. Such determination shall be based upon site-specific data and shall be eligible for appeal pursuant to Section 6C.16.

E. The following are exempt from the permit requirements of this Chapter:

1. The storage and handling of regulated substances for resale in their original unopened containers of 5 gallons (19 liters) or 40 pounds (18 kilograms) or less shall be exempt from the permit requirements of this Chapter.
2. De Minimis Usage of Regulated Substances: Facilities that use, store or handle regulated substances in quantities of 5 gallons (19 liters) or 40 pounds (18 kilograms) or less of any one regulated substance, and in aggregate quantities of 20 gallons (76 liters) or 100 pounds (45 kilograms) or less of all regulated substances, shall be exempt from the permit required of this Chapter.
3. Single family residences provided that no home business are operated on the premises.
4. Public interest emergency use and storage of regulated substances.
5. Regulated substances used by or for the Village in water or wastewater treatment processes.
6. Fueling of equipment not licensed for street use, provided that such fueling activities are conducted in a containment area that is designed and maintained to prevent leakage or other violations of this Chapter.

F. The following are exempt from this Chapter:

1. Fuel tanks and fluid reservoirs attached to a private or commercial motor vehicle and used directly in the operation of that vehicle.
2. Existing heating systems using fuel oil.
3. The activities of construction, repairing or maintaining any facility or improvement on lands within Zone A, Zone B or Zone C provided that all contractors, subcontractors, laborers, material men and their employees, when using, handling, storing or producing regulated substances in Zone A, Zone B or Zone C, use those applicable *Best Management Practices* set forth in Exhibit C.
4. Cleanups, monitoring and/or studies undertaken under supervision of the Agency or other state regulatory agency or the United States Environmental Protection Agency.
5. Activities specifically regulated under 35 Ill. Adm. Code 601.101 *et seq.* (regulations for existing and new activities within setback zones and regulated recharge areas); 8 Ill. Adm. Code parts 255 and 256 (regulations for secondary containment for agricultural pesticide and fertilizer facilities); and 8 Ill. Adm. Code part 257 (cooperative groundwater protection program for agricultural chemical facilities within appropriate setback zones).

6. If the owner of a new potential primary source, new potential secondary source or new potential route is granted an exception by the Board (other than land filling or land treating) pursuant to the Act, such owner shall not be subject to this Chapter to the same extent that such owner is not subject to the Act.
7. If the owner of a new potential primary source, new potential secondary source or new potential route is issued a Certificate of Minimal Hazard by the Agency pursuant to the Act, such owner shall not be subject to this Chapter to the same extent that such owner is not subject to the Act.

G. Any action by the Agency or Board referred to this Section shall not be final and binding on the Village under this Chapter until the Village has received notice of such proposed action and has had reasonable opportunity to present evidence concerning its interest.

#### **6C.04 PROHIBITED USES AND ACTIVITIES**

A. Except as provided in this Chapter, no person shall place a new potential primary source, new potential secondary source or new potential route within the setback zone without first obtaining a permit under of this Chapter.

B. Except as provided in this Chapter, no person shall alter or change an existing primary source, secondary source or potential route where the alteration or change would result in a source or route that would be prohibited under this Chapter if it were a new source or route without first obtaining a permit pursuant to this Chapter.

C. No person shall conduct any activity or engage in a use of property which shall constitute an interference with the health and safety or welfare of a community water supply well or other water well by the accidental, negligent or intentional introduction of contaminants. Such activities are declared to be a public nuisance and are prohibited by this Chapter.

#### **6C.05 WAIVERS, EXCEPTIONS AND CERTIFICATION OF MINIMAL HAZARD**

A. If the owner of a new potential primary source, new potential secondary source or new potential route is granted a waiver by the Agency or an exception by the Board (other than land filling or land treating) pursuant to the Act, such owner shall be deemed to have a waiver or exception to the same extent from Section 6C.04-A.

B. If the owner of a new potential primary source, new potential secondary source or new potential route is issued a certificate of minimal hazard by the Agency pursuant to the Act, such owner shall not be subject to Section 6C.04-A to the same extent that such owner is not subject to the Act.

C. Any action by the Agency or Board referred to this Section 6C.05 shall not be final and binding on the Village under this Chapter until the Village has had 30 days notice of such proposed action and has had the opportunity to present evidence concerning its interest.

## 6C.06 EXCLUSION

Section 6C.04-A shall not apply to new common sources of sanitary pollution as specified pursuant to Section 17 of the Act and the regulations adopted thereunder.

## 6C.07 OPERATING PERMITS AND PERMIT CONDITIONS, *amended 21-O-43*

### A. General Conditions:

1. No person, persons, corporation or other legal entities shall install or operate a facility in a GWPA without first obtaining an operating permit from the Village.
2. The focus of review for all permits shall be on the substances that will be stored, handled, treated, used or produced and the potential for these substances to degrade groundwater quality.
3. All permits required pursuant to this Chapter must be issued prior to or concurrent with the issuance of permits for construction activities or underlying permits.
4. The Village shall not issue an operating permit for a facility unless adequate plans, specifications, test data and/or other appropriate information has been submitted by the owner and/or operator showing that the proposed design and construction of the facility meets the intent and provisions of this Chapter and will not impact the short term, long term on cumulative quantity or quality of groundwater.
5. The application for an operating permit pursuant to this Chapter shall be on a form provided by the Village and shall be accompanied by a \$250 application fee and the escrow fee required in Appendix B of this Code.
6. Any person who owns or operates more than one facility in a single zone of the GWPA shall have the option of obtaining one permit for all operations if the operations at each facility are similar and the permit requirements under this Chapter are applicable to each facility individually.
7. An operating permit, issued by the Village shall be effective for one 3 (three) years. The Village shall not issue a permit to operate a facility until the Village has determined that the facility complies with the provisions of this Chapter.
8. The facility owner shall apply to the Village for permit renewal at least 60 days prior to the expiration of the permit. If an inspection of the facility reveals noncompliance, then the Village must verify by a follow up inspection that all required corrections have been implemented before renewing the permit.

9. Operating permits may be transferred to a new facility owner/operator if the new facility owner/operator does not change any conditions of the permit, the transfer is registered with the Village within 30 days of the change in ownership and any necessary modifications are made to the information in the initial permit application due to the change in ownership.
10. Within 30 days of receiving an inspection report from the Village, the operating permit holder shall file with the Village a plan and time schedule to implement any required modifications to the facility or to the monitoring plan needed to achieve compliance with the intent of this Chapter or the permit conditions. This plan and time schedule shall also implement all of the recommendations of the Village.

B. Permit Applications:

1. The operating permit application shall include at a minimum:
  - a. Name, address and phone number of owner/operator.
  - b. Property address, legal description and tax identification number of the facility.
  - c. The names and volumes of all regulated substances which are stored, handled, treated, used or produced at the facility being permitted in quantities greater than the de minimis amounts specified in Section 6C.08. Copies of all leases pertaining to the facility shall also be submitted.
  - d. A detailed description of the activities conducted at the facility that involve the storage, handling, treatment, use or production of regulated substances in quantities greater than the de minimis amounts specified in Section 6C.08.
  - e. A description of the containment devices used to comply with the requirements of this Chapter.
  - f. A regulated substances management plan for the facility.
  - g. A description of the procedures for inspection and maintenance of containment devices.
  - h. A description of the method for disposal of regulated substances.
  - i. Ten copies of a site plan showing the location of the facility and its property boundaries and the locations where regulated substances in containers larger than 5 gallons (19 liters) or 40 pounds (18 kilograms) in size are stored, handled, treated, used or produced and the location of each containment device.

2. GWPA Permit Conditions for New Facilities:

- a. Containment Devices: The owner/operator of a facility must provide containment devices adequate in size to contain on-site any unauthorized release of regulated substances from any area where these substances are either stored, handled, treated, used or produced. Containment devices shall prevent such substances from penetrating into the ground. Design requirements include:
- (1) The containment device shall be large enough to contain 110 percent of the volume of the container in cases where a single container is used to store, handle, treat, use or produce a regulated substance. In cases where multiple containers are used, the containment device shall be large enough to contain 150 percent of the volume of the largest container or 10 percent of the aggregate volume of all containers, whichever is greater.
  - (2) All containment devices shall be constructed of materials of sufficient thickness, density and composition to prevent structural weakening of the containment device as a result of contact with any regulated substance. If coatings are used to provide chemical resistance for containment devices, they shall also be resistant to the expected abrasion and impact conditions. Containment devices shall be capable of containing any unauthorized release for at least the maximum anticipated period sufficient to allow detection and removal of the release.
  - (3) If the containment device is open to rainfall, it shall be able to accommodate the volume of precipitation that could enter the containment device during a 24-hour, 100-year storm, in addition to the volume of the regulated substance storage required in Section 6C.07-B1a.
  - (4) Containment devices shall be constructed so that a collection system can be installed to accumulate, temporarily store, permit detection of the presence of and permit removal of any storm runoff or regulated substance.
  - (5) Containment devices shall include monitoring procedures or technology capable of detecting the presence of a regulated substance within 24 hours following a release.
- b. Regulated Substances Management Plan:
- (1) A regulated substances management plan indicating procedures to be followed to prevent, control, collect and

dispose of any unauthorized release of a regulated substance shall be required as a condition of each operating permit. If a spill prevention control plan or similar contingency plan has been prepared in accordance with Agency or United States Environmental Protection Agency requirements, a regulated substance management plan is not required as long as all of the regulated substances are included in the spill prevention control plan.

- (2) The regulated substances management plan shall include:
  - (a) Provisions to address the regulated substances monitoring requirements.
  - (b) Provisions to train employees in the prevention, identification, reporting, control, disposal and documentation of any unauthorized release of a regulated substance.
- (3) The owners or operators of all new facilities shall implement regulated substances monitoring as part of the regulated substances management plan required by this Section. Visual monitoring shall be implemented unless it is determined by the applicable fire district that it is not feasible.
- (4) All regulated substance monitoring activities shall include:
  - (a) A written routine monitoring procedure which includes, when applicable: the frequency of performing the monitoring method, the methods and equipment to be used for performing the monitoring, the location(s) from which the monitoring will be performed, the name(s) or title(s) of the person(s) responsible for performing the monitoring and/or maintaining the equipment and the reporting format.
  - (b) Written records of all monitoring performed shall be maintained on-site by the operator for a period of 3 years from the date the monitoring was performed. The Village may require the submittal of the monitoring records or a summary at a frequency that the Village may establish. The written records of all monitoring performed in the past 3 years shall be shown to the Village upon demand during any site inspection. Monitoring records shall include, but not be limited to:

- (i) The date and time of all monitoring or sampling;
  - (ii) Monitoring equipment calibration and maintenance records;
  - (iii) The results of any visual observations;
  - (iv) The logs of all readings of gauges or other monitoring equipment, or other test results; and
  - (iv) The results of inventory readings and reconciliations.
- (5) Procedures for the in-house inspection maintenance of containment devices and areas where regulated substances are stored, handled, treated, used and produced shall be identified in the operating permit for each facility. Such procedures shall be in writing, and a log shall be kept of all inspection and maintenance activities. Such logs shall be submitted to the Village with the renewal applications available for inspection at other times upon 48 hours notice. Inspection and maintenance logs shall be maintained on-site by the owner or operator for a period of at least 3 years from the date the monitoring was performed.

C. Reporting: The permittee shall report to the Village within 15 days of any changes in a facility including:

- 1. The storage, handling, treatment, use or processing of new regulated substances;
- 2. Changes in monitoring procedures; or
- 3. The replacement or repair of any part of a facility that is related to the regulated substance(s).

D. Re-certification: Certification is required annually, which requires the submittal of a certification statement and a \$100.00 renewal fee. If conditions have changed, the applicant shall be required to following the submittal requirements of this Section.

#### **6C.08 GROUNDWATER PROTECTION OVERLAY ZONES**

A. GWPA locations in the Village are defined in Exhibit B (Figure 3-11) of this Chapter. GWPA maps shall be available for public inspection in the Community Development Department, Public Works Department and the applicable fire district.

B. In determining the location of facilities within the zones defined in Exhibit B (Figure 3-11), the following rules shall apply:

1. Facilities located wholly within a GWPA zone shall be governed by the restriction applicable to that zone.
2. Facilities having parts lying within more than one zone of a GWPA shall be governed by the restrictions applicable to the more restrictive zone.
3. Facilities having parts both in and out of a GWPA shall be governed by the restrictions applicable to the more restrictive zone.

**6C.09 REGULATIONS WHICH APPLY WITHIN THE MINIMUM SETBACK ZONE (ZONE A) OF THE GWPA**

A. Prohibited Uses and Activities:

1. Except as provided in Section 6C.08, no person shall allow a new potential primary source to be placed within the maximum setback zone(s) of any existing or permitted community water supply well in the Village or within 1,000 feet (305 meters) of the corporate limits of the Village.
2. Except as provided in Section 6C.08, no person shall allow alter an existing potential primary source, potential secondary source or potential route to be altered or changed where the alteration or change would result in a potential source or route that would be prohibited under this Chapter if it were a new potential source or route.
3. No person or owner(s) shall allow any activity or use of property which shall constitute an interference with the health and safety or welfare or a community water supply well. Such activities are declared to be a public nuisance and are prohibited by this Chapter.

B. Review and Approval of Proposed Activities:

1. All proposals for new facilities which use, store, handle, treat or produce a regulated substance within the minimum setback zone (Zone A) must be reviewed by the Village for compliance with this Chapter including obtaining a GWPA Permit pursuant to this Chapter, and prior to issuance of any underlying permit.
2. No groundwater operating permit shall be issued unless a finding is made by the Village that the proposal will not impact the long term, short term or cumulative quality of the aquifer. The finding shall be based on the present or past land use activities conducted at the facility; regulated substances stored, handled, treated, used or produced; and the potential for the activities or regulated substances to degrade groundwater quality.

3. New sources of sanitary sewerage (residential and nonresidential) shall, as a condition of a building permit, be required to connect to an Agency permitted central sanitary sewer system prior to occupancy.

**6C.10 REGULATIONS WHICH APPLY WITHIN THE MAXIMUM SETBACK ZONE (ZONE B) OF THE GWPA**

**A. Prohibited Uses and Activities:**

1. Except as provided in Section 6C.08, no person shall allow a new potential primary source to be placed within the maximum setback zone(s) of any existing or permitted community water supply well in the Village or within the corporate limits of the Village.
2. Except as provided in Section 6C.08, no person shall allow an existing potential primary source where the alteration or change would result in a potential source or route that would be prohibited under this Chapter if it were a new potential source or route.
3. No person shall allow any activity to be conducted on the property which constitutes an interference with the health and safety or welfare of a community water supply well or other water well by the accidental, negligent or intentional introduction of contaminants. Such activities are declared to be a public nuisance and are prohibited by this Chapter.

**B. Review and Approval of Proposed Activities:**

1. All proposals for new facilities which use, store, handle, treat or produce a regulated substance within the maximum setback zone (Zone B) shall be reviewed by the Village for compliance with this Chapter, including obtaining a GWPA Permit pursuant to this Chapter and prior to issuance of any underlying permit.
2. No groundwater operating permit shall be issued unless a finding is made by the Village that the proposal will not impact the long term, short term or cumulative quality of the aquifer. The finding shall be based on the present or past land use activities conducted at the facility; regulated substances stored, handled, treated, used or produced; and the potential for the activities or regulated substances to degrade groundwater quality.
3. New sources of sanitary sewerage (residential and non-residential) shall, as a condition of a building permit, be required to connect to an Agency permitted central sanitary sewer system prior to occupancy.

**6C.11 REGULATIONS WHICH APPLY WITHIN THE 5 YEAR CAPTURE ZONE (ZONE C) OF THE GWPA**

**A. Review and Approval of Proposed Activities:**

1. All proposals for new facilities which use, store, handle, treat or produce a regulated substance within the 5-Year Capture Zone (Zone C) must be reviewed by the Village for compliance with this Chapter including obtaining a GWPA Permit pursuant to this Chapter, prior to issuance of any underlying permit.
2. No groundwater operating permit shall be issued unless a finding is made by the Village that the proposal will not impact the long term, short term or cumulative quality of the aquifer. The finding shall be based on the present or past land use activities conducted at the facility; regulated substances stored, handled, treated, used or produced; and the potential for the activities or regulated substances to degrade groundwater quality.
3. New sources of sanitary sewerage (residential and non-residential) shall, as a condition of a building permit, be required to connect to an Agency permitted central sanitary sewer system prior to occupancy.

#### **6C.12 UNAUTHORIZED RELEASES**

A. General Provisions: All unauthorized releases shall be reported to the applicable fire district and Public Works Department pursuant to the provisions of this Section. All unauthorized releases shall be recorded in the owner's inspection and maintenance log. An unauthorized release is an "unauthorized release requiring recording" if the release is completely captured by the containment device. If the containment device fails to contain the entire release, the release is an unauthorized release requiring reporting.

B. Unauthorized Releases Requiring Recording:

1. Unauthorized releases requiring recording shall be reported to the applicable fire district within 24 hours after the release has been or should have been detected.
2. The incident report shall be accompanied by a written record including the following information:
  - a. The type, quantities and concentration of regulated substances released.
  - b. Method of clean up.
  - c. Method and location of disposal of the released regulated substances including whether a hazardous waste manifest(s) is used.
  - d. Method of future release prevention or repair. If this involves a change in operation, monitoring or management, the owner shall apply for a new operating permit.
  - e. Facility operator's name and telephone number.

C. Unauthorized Releases Requiring Reporting:

1. Unauthorized releases requiring reporting shall immediately be verbally reported to the applicable fire district.
2. A written report shall be submitted promptly with the applicable fire district with a copy to the Public Works Department containing the following information that is known at the time of filing the report:
  - a. List of type, quantity and concentration of regulated substances released.
  - b. The results of all investigations completed at that time to determine the extent of soil or groundwater or surface water contamination because of the release.
  - c. Method of clean-up implemented to date, proposed clean up actions and approximate cost of actions taken to date.
  - d. Method and location of disposal of the released regulated substance and any contaminated soils, groundwater or surface water.
  - e. Proposed method of repair or replacement of the containment device.
  - f. Facility owner's name and telephone number.
3. Until clean up is complete, the owner shall submit reports containing the reporting required by Section 6C.09-C to the Village and the applicable fire district every month or at a more frequent interval specified by the fire district.
4. The applicable fire district shall either find that the containment standards of this Chapter can continue to be achieved or shall recommend the revocation of the permit until appropriate modifications are made to allow compliance with the standards.

D. Upon confirmation of an unauthorized release to groundwater, the owner shall be responsible for immediately accomplishing the following:

1. Locate and determine the source of the unauthorized release of the regulated substance(s).
2. Stop and prevent any further unauthorized release(s).
3. Comply with the requirements for an unauthorized release(s) requiring reporting.

E. No new regulated substance(s) may be introduced at the site of the regulated substance(s) that caused the violation.

F. If an unauthorized release creates or is expected to create an emergency situation with respect to the drinking water supply of the Village or a public water supply well within 1,000 feet (305 meters) of the Village, and if the facility owner fails to address the unauthorized release within 12 hours, the Village or its authorized agents shall have the authority to implement removal or remedial actions. Such actions may include, but not be limited to, the prevention of further groundwater contamination; installation of groundwater monitoring wells; collection and laboratory testing of water, soil and waste samples; and clean up and disposal of regulated substances. The facility owner and operator and/or person causing the unauthorized release shall be jointly and severally responsible for any costs incurred by the Village or its authorized agents in the conduct of such remedial actions including, but not limited to, all consultant, engineering and attorney fees.

G. Reporting a release to the applicable fire district does not exempt or preempt any other reporting requirements under federal, state or local laws.

#### **6C.13 CLOSURE PERMITS AND PERMIT CONDITIONS:**

A. No person shall close or cause to be closed a facility regulated pursuant to this Chapter without first obtaining a closure permit from the Village. The Village shall not issue a permit to temporarily or permanently close a facility unless adequate plans and specifications and other appropriate information have been submitted by the applicant showing that the proposed closure meets the intent and provisions of this Chapter.

B. Closure permits shall be required for all facilities that cease to store, handle, treat, use or produce regulated substances for a period of more than 365 days or when the owner has no intent within the next year to store, handle, treat, use or produce regulated substances. During the period of time between cessation of regulated substance storage, handling, treatment, use or production, and actual completion of facility closure, the applicable containment and monitoring requirements of this Chapter shall continue to apply.

C. Prior to closure, the facility owner shall submit to the Village a proposal describing how the owner intends to comply with closure requirements. Owners proposing to close a facility shall comply with the following requirements:

1. Regulated substances shall be removed from the facility, including residual liquids, solids or sludges to levels specified by the Agency.
2. When a containment device is to be disposed of, the owner must document to the Village that disposal has been completed in compliance with the Act.
3. An owner of a containment device or any part of a containment device that is destined for reuse as scrap material shall identify this reuse to the Village.

D. The owner of a facility being closed shall demonstrate to the satisfaction of the Village that no detectable unauthorized release has occurred or that all unauthorized releases have been cleaned up. This demonstration can be based on the ongoing leak detection monitoring or soils sampling performed during or immediately after closure activities.

E. If an unauthorized release is determined to have occurred, the facility owner shall comply with Section 6C.12.

F. Facility closure will be accepted as complete by the Village upon implementation of the closure permit conditions and compliance with all other provisions of this Chapter.

G. No person shall temporarily or permanently abandon a facility in a GWPA without complying with the requirements of this Chapter.

H. The application for a closure permit pursuant to this Chapter shall be made on a form provided by the Village and shall be accompanied by a \$200 application fee.

I. Any person who owns or operates more than one facility in a single zone of the GWPA shall have the option of obtaining one permit for all simultaneous closures if the operations at each facility are similar and the permit requirements under this Chapter are applicable to each facility individually.

#### **6C.14 ENFORCEMENT**

A. Administering Agency: The Village shall be the administering agency and shall have the power and authority to administer and enforce the provisions of this Chapter. The Village shall have the right to conduct inspections of facilities at reasonable times to determine compliance with this Chapter.

B. Permit Revocation: The Village may revoke any permit issued pursuant to this Chapter after notice to the permittee and after affording the permittee an opportunity to meet either in person or by telephone if it finds that the permit holder:

1. Has failed or refused to comply with any provision of this Chapter;
2. Has submitted false or inaccurate information in a permit application;
3. Has refused lawful inspection; or
4. Has an unauthorized release and the Village finds that the containment standards of this Chapter cannot continue to be achieved.

#### **6C.15 NOTICE OF VIOLATION**

Whenever it is determined that there is a violation of this Chapter, the notice of violation issued shall:

1. Be in writing and delivered to the owner or operator by regular mail;

2. Be dated and signed by the authorized Village agent making the inspection;
3. Specify the violation or violations; and
4. Specify the length of time (not less than 72 hours) to correct the violation after receiving the notice of violation.

#### **6C.16 GROUNDWATER APPEALS COMMITTEE**

A. Duties of Committee: The Committee is charged with considering appeals from any decision by the Village or the applicable fire district made pursuant to this Chapter, and hearing petitions to exempt a facility from the requirements of Section 6C.09.

B. Appeal Process:

1. The applicant may demonstrate that the 5-year capture zone area(s) map incorrectly identifies the facility as being within the Groundwater Protection Overlay Zone(s). The burden of proof shall rest upon the applicant to demonstrate that the facility location is not within a delineated 5-Year Capture Zone area. The applicant shall be required to present detailed hydrogeologic and hydrologic information to the Committee that the facility location is, in fact, not within a 5-Year Capture Zone area.
2. The applicant may be required to present detailed technical information that material(s) on the regulated substances list does not endanger the GWPA in the event of an unauthorized release.
3. Appeals shall be filed with the Village Clerk within 14 days after receipt of a written decision from the Village or the applicable fire district. Accompanying the appeal shall be an escrow fee pursuant to Section 25.01 of this Code to cover the Village's cost of conducting the appeal including, but not limited to, a court reporter and professional fees for consultants hired by the Committee, including engineering and legal fees, to review the matter. The Committee's recommendations shall be based, in part, on the report by the consultants.
4. Petitions to the Committee to exempt a facility shall also be filed with the Village Clerk.
5. A hearing will be held within 30 days of submission of the appeal or petition.
6. The Committee will submit its written recommendation within 30 days after the hearing has been adjourned to the Board of Trustees. The Board of Trustees shall make its determination within 30 days after receiving the Committee's decision, whose decision shall be final.

## **6C.17 PENALTIES**

A. A violation of any provision in this Chapter shall constitute a misdemeanor and a nuisance. It shall be a separate offense for each day or portion thereof during which any violation of any of the provisions of this Chapter is committed, continued or permitted. Any person who violates any provision of this Chapter shall be subject, upon conviction in court, to a fine not to exceed \$1,000 per day per facility.

B. In addition to the penalty set forth herein, the violator shall reimburse the Village, within a reasonable time after notice is provided by the Village, for all reasonable costs incurred as a result of responding to, containing, cleaning up or monitoring the cleaning up and disposal of any spilled or leaked regulated substance including, but not limited to, consultant, engineering and legal fees.

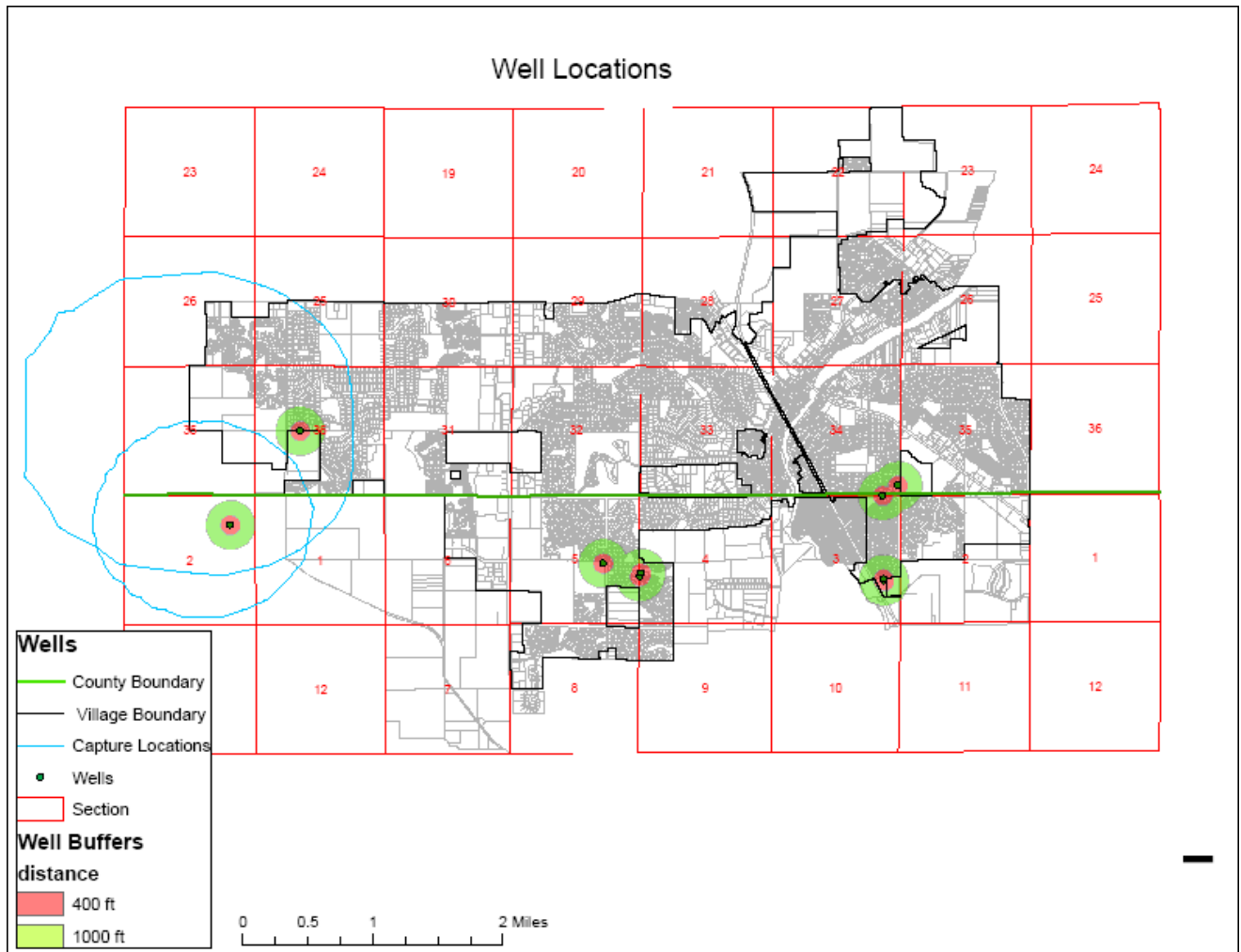
## **EXHIBIT A**

### **REGULATED SUBSTANCES LIST**

Acid and basic cleaning solutions  
Antifreeze and coolants  
Arsenic and arsenic compounds  
Bleaches and peroxides  
Brake and transmission fluids  
Brine solution  
Casting and foundry chemicals  
Caulking agents and sealants  
Cleaning solvents  
Corrosion and rust prevention solutions  
Cutting fluids  
Degreasing solvents  
Disinfectants  
Electroplating solutions  
Explosives  
Fire extinguishing chemicals  
Food processing wastes  
Formaldehyde  
Fuels and additives  
Gasolines  
Glues, adhesives and resins  
Greases  
Hydraulic fluid  
Indicators  
Industrial and commercial janitorial supplies  
Industrial sludges and stillbottoms  
Inks, printing and photocopying chemicals  
Laboratory chemicals  
Liquid storage batteries  
Medical, pharmaceutical, dental, veterinary and hospital solutions  
Mercury and mercury compounds  
Metals finishing solutions  
Oils  
Paints, primers, thinners, dyes, stains, wood preservatives, varnishing and cleaning compounds  
Painting solvents  
PCBs  
Plastic resins, plasticizers and catalysts  
Photo development chemicals  
Poisons  
Polishes  
Pool chemicals in concentrated form  
Processed dust and particulates  
Radioactive sources  
Reagents and standards  
Refrigerants  
Roofing chemicals and sealers

Sanitizers, disinfectants, bactericides and algacides  
Soaps, detergents and surfactants  
Solders and fluxes  
Stripping compounds  
Tanning industry chemicals  
Transformer and capacitor oils/fluids  
Water and wastewater treatment chemicals

**EXHIBIT B**  
**Illustration of the Delineated Groundwater Protection Area (Figure 3-11)**



**EXHIBIT C**  
***BEST MANAGEMENT PRACTICES FOR THE CONSTRUCTION INDUSTRY***

- A. The general contractor, or if none, the property owner shall be responsible for assuring that each contractor or subcontractor evaluates each site before construction is initiated to determine if any site conditions may pose particular problems for the handling of any regulated substances. For instance, handling regulated substances in the proximity of a groundwater protection overlay zone or water bodies may be improper.
- B. If any regulated substances are stored on the construction site during the construction process, they shall be stored in a location and manner which will minimize any possible risk of release to the environment. Any storage container of 55 gallons (208 liters) or 440 pounds (200 kilograms) or more, containing regulated substances shall have constructed below it an impervious containment system constructed of materials of sufficient thickness, density and composition that will prevent the discharge to the land, ground waters or surface water of any pollutant which may emanate from said storage container or containers. Each containment system shall be able to contain 150 percent of the contents of all storage containers above the containment system.
- C. Each contractor shall familiarize himself/herself with the manufacturer's safety data sheet supplied with each material containing a regulated substance and shall be familiar with procedures required to contain and clean up any releases of the regulated substance. Any tools or equipment necessary to accomplish same shall be available in case of a release.
- D. Upon completion of construction, all unused and waste regulated substances and containment system shall be removed from the construction site by the responsible contractor and shall be disposed of in a proper manner by law.