

ORDINANCE NO. _____

Date Passed: _____, 2017

AN ORDINANCE ADOPTING MINIMUM AND MAXIMUM SETBACK ZONE PROVISIONS FOR WELL 12 LOCATED OUTSIDE OF THE CORPORATE BOUNDARY

WHEREAS, the City of Rochelle is a body politic, and is organized and existing pursuant to the Illinois Municipal Code, 65 ILCS 5/1-1-1, et. seq.; and

WHEREAS, the City provides utility services, including electric, water, sewer, and wastewater treatment and advanced communications to the greater Rochelle community through the utility department, which is commonly known as Rochelle Municipal Utilities (RMU); and

WHEREAS, the State of Illinois has adopted the Groundwater Protection Act, administered by the Illinois Environmental Protection Agency, for the purpose of protecting community water supplies derived from subsurface wells; and

WHEREAS, the City water supply is derived from wells within and without the corporate limits of the City; and

WHEREAS, there is presently one well owned and operated by the City which is located outside of the corporate boundary and is commonly known and identified as "Well 12"; and

WHEREAS, Minimum and Maximum Setback Zone Ordinance Provisions for Well 12 Located Outside of the Corporate Boundary have been developed and recommended by City staff in accordance and cooperation with the Illinois Environmental Protection Agency to preserve groundwater resources and assure a safe and adequate water supply for present and future generations. A copy of the Minimum and Maximum Setback Zone Ordinance Provisions for Well 12 Located Outside of the Corporate Boundary is attached hereto as Exhibit #1; and

WHEREAS, adoption of said provisions has been determined to be in the best interest of the City of Rochelle; and

WHEREAS, it may be necessary to amend the provisions from time to time to best serve the residents, businesses, and institutions of the City.

NOW, THEREFORE, be it ordained by the corporate authorities of the City of Rochelle as follows:

The Minimum and Maximum Setback Zone Ordinance Provisions for Well 12 Located Outside of the Corporate Boundary attached hereto as Exhibit #1 are hereby adopted and effective immediately.

PASSED this _____ day of _____, 2017.

AYES: _____ NAYS: _____ ABSTAIN: _____

APPROVED this _____ day of _____, 2017.

Mayor

ATTEST:

City Clerk

EXHIBIT #1

MINIMUM AND MAXIMUM SETBACK ZONE ORDINANCE PROVISIONS For Well 12 Located Outside of the Corporate Boundary

- Section 1. Purpose
- Section 2. Definitions
- Section 3. Prohibitions
- Section 4. Waivers, Exceptions, and Certifications of Minimal Hazard
- Section 5. Exclusion
- Appendix A. Minimum and Maximum Setback Zone Map and Description

Section 1. Purpose

Pursuant to the authority conferred by 65 ILCS 5/11-125-4 (2015); 415 ILCS 5/14.2 (2015), 5/14.3 (2015); 65 ILCS 5/7-4-2 (2015) (property outside of municipality owned by the municipality); 65 ILCS 5/11-125-2 (2015) (property outside of municipality leased by the municipality) and in the interest of securing 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 present and future generations; and to preserve groundwater resources currently in use and those aquifers having a potential for future use as a public water supply, the provisions of this ordinance shall apply to all properties located within the minimum setback zone established under Section 14.2 of the Environmental Protection Act (“Act”) (415 ILCS 5/14.2 (2015) of Rochelle Municipal Well #12 (IEPA #_____)) and this ordinance, and the maximum setback zone established under Section 14.3 of the Act (415 ILCS 5/14.3 (2015)) and this ordinance.

Section 2. Definitions

Except as stated in this ordinance, and unless a different meaning of a word or term is clear from the context, the definition of words or terms in this ordinance shall be the same as those used in the Act and the Illinois Groundwater Protection Act (415 ILCS 55/1 (2015)):

“Act” means the Environmental Protection Act (415 ILCS 5/1 (2015)).

“Agency” means the Illinois Environmental Protection Agency.

“Board” means the Illinois Pollution Control Board.

“Maximum setback zone” means the area around a community water supply well established under Section 14.3 of the Act and this ordinance, and described in Appendix A.

“Minimum setback zone” means the area around a community water supply well established under Section 14.2 of the Act and this ordinance, and described in Appendix A.

“Potential primary source” is defined in 415 ILCS 5/3.345.

“Potential route” is defined in 415 ILCS 5/3.350

“Potential secondary source” is defined in 415 ILCS 5/3.355.

“Setback zone” is defined in 415 ILCS 5/3.450.

Section 3. Prohibitions

- a) Except as provided in Section 4 or 5, no person shall place a new potential primary source, new potential secondary source, or new potential route within the minimum setback zone.
- b) Except as provided otherwise in Section 4, no person shall place a new potential primary source within the maximum setback zone.

Section 4. Waivers, Exceptions, and Certifications of Minimal Hazard

- a) If, pursuant to Section 14.2(c) of the Act, the Owner of a new potential primary source (other than landfilling or land treating), new potential secondary source, or new potential route is granted an exception by the Board, such owner shall be deemed to have an exception to the same extent from Section 3(a) of this ordinance.
- b) If, pursuant to Section 14.2(c) of the Act, the owner of a new potential primary source (other than landfilling or land treating) is granted an exception by the Board, such owner shall be deemed to have an exception to the same extent from Section 3(b) of this ordinance.
- c) If, pursuant to Section 14.5 of the Act, 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, such owner shall not be subject to Section 3(a) of this ordinance to the same extent that such owner is not subject to Section 14.2(d) of the Act.

Section 5. Exclusion

Section 3(a) of this ordinance shall not apply to new common sources of sanitary pollution as specified pursuant to Section 17 of the Act and the regulations adopted thereunder by the Agency; however, no such common sources may be located within the applicable minimum distance from a community water supply well specified by such regulations.