

CHAPTER 6  
MINIMUM AND MAXIMUM SETBACK ZONES FOR WATER WELLS

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6A-6-01     PURPOSE

Pursuant to the authority conferred by 65 ILCS 5/11-125-4 and 415 ILCS 5/14.1 and 14.2, and 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 minimum setback zone established pursuant to this Chapter and 415 ILCS 5/14.2 *et seq.* and the maximum setback zone established pursuant to this Chapter and 415 ILCS 5/14.3 *et seq.*

6A-6-02     DEFINITIONS

Except as stated in Chapter 3 of Title 1 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 are defined as follows:

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

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

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

**Maximum setback zone:** The area around the Village water supply well established pursuant to 415 ILCS 5/14-3 and this Chapter. Such area is described in Appendix C of this Title.

**Minimum setback zone:** The area around the Village water supply well established pursuant to 415 ILCS 5/14-2 and this Chapter. Such area is described in Appendix C of this Title.

6A-6-03     PROHIBITIONS

- A.     Except as provided in Sections 6A-6-04 or 6A-6-05 of this Title, no person shall place a new potential primary source, new potential secondary source or new potential route within the minimum setback zone of 400 feet of Wells #4 and #5 (IEPA wells #20187 and 01210), as shown on Appendix C of this Title.

- B. Except as provided in Section 6A-6-04 of this Title, no person shall place a new potential primary source within the maximum setback zone of 1,000 feet of Wells #4 and #5 (IEPA wells #20187 and 01210), as shown on Appendix C of this Title.

6A-6-04      WAIVER, EXCEPTIONS AND CERTIFICATIONS OF MINIMUM HAZARD

- A. If, pursuant to 415 ILCS 5/14.2(b), the owner of a new potential primary source, new potential primary source or new potential route is granted a waiver by the Agency, such owner shall be deemed to have a waiver to the same extent from Section 6A-6-03-A of this Title.
- B. If, pursuant to 415 ILCS 5/14.2(c), 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 6A-6-03-A of this Title.
- C. If, pursuant to 415 ILCS 5/14.2(c), 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 6A-6-03-B of this Title.
- D. If, pursuant to 415 ILCS 5/14.5, 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 6A-6-03-A of this Title to the same extent that such owner is not subject to 415 ILCS 5/14.2(d).

6A-6-05      EXCLUSION

Section 6A-6-03-A of this Title shall not apply to new common sources of sanitary pollution as specified pursuant to 415 ILCS 5/17 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.

6A-6-06      FILING OF WAIVERS, EXCEPTIONS AND CERTIFICATIONS OF MINIMUM HAZARD

If any person obtains a waiver, exception or certification of minimum hazard pursuant to the Act from the Agency, a copy shall be filed with the Village Clerk. Such filing shall be made prior to the commencement of any drilling, digging or excavating pursuant to such waiver, exception or certification of minimum hazard.