



WHEREAS, the continued availability of a natural, uncontaminated supply of water is an important and vital resource benefiting the residents of the City of Pekin; and

WHEREAS, it is in the best interest of the present and future residents of the City of Pekin both economically and in regard to health that steps be taken to reduce the risk of contamination to the water supply; and

WHEREAS, restricting the number of future potential sources of contamination to the water supply of the City of Pekin pursuant to the guidelines established by the Illinois Groundwater Protection Act is a reasonable means by which to attempt to provide for a continued unpolluted source of water for the residents of the City of Pekin; and

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Pekin, County of Tazewell, State of Illinois:

Section I.	Purpose
Section II.	Definitions
Section III.	Establishment of Setback Zones
Section IV.	Prohibited Used and Activities
Section V.	Waivers, Exemptions and Certifications of Minimal Hazard
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## SECTION I. PURPOSE

Pursuant to the authority conferred by 415 ILCS 5/14 et seq.; 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 the 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 setback zone established under Section 14.2 and 14.3 of the Environmental Protection Act (“Act”) (415 ILCS 5/14.2 and 5/14.3) and this Ordinance.

## SECTION II. 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 5/14 et seq.).

- A. “Act” means the Environmental Protection Act (415 ILCS 5/1 et seq.).
- B. “Agency” means the Illinois Environmental Protection Agency.

C. "Board" means the Illinois Pollution Control Board.

D. "Facility" means:

(i) 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

(ii) any site or area where a hazardous substance has been deposited, stored, disposed of or placed or otherwise come to be located.

E. "Setback Zone" means the area around a community water supply well established under this Ordinance.

F. "New Potential Primary Source" means:

(i) a Potential Primary Source which is not in existence or for which construction has not commenced at its location as of January 1, 1988; or

(ii) 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 January 1, 1988; or

(iii) 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% 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.

G. "New Potential Route" means:

(i) a Potential Route which is not in existence or for which construction has not commenced at its location as of January 1, 1988; or

(ii) 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 January 1, 1988.

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.

H. "New Potential Secondary Source" means:

(i) a Potential Secondary Source which is not in existence or for which construction has not commenced at its location as of July 1, 1988; or

(ii) a Potential Secondary Source which expands, laterally beyond the currently permitted boundary, or if the Secondary Source is not permitted, the boundary in existence as of July 1, 1988, other than an expansion for handling of livestock waste or for treating domestic wastewaters; or

(iii) a Potential Secondary 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% 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.

I. "Person" means any individual, partnership, co-partnership, firm, company, corporation, association, joint stock company, trust, estate, political subdivision, state agency or any other legal entity or their legal representative, agent or assign.

J. "Potential Primary Source" means any unit at a Facility or Site not currently subject to a removal or remedial action which:

(i) is utilized for the treatment, storage or disposal of any hazardous or special waste not generated at the site; or

(ii) is utilized for the disposal of municipal waste not generated at the Site, other than landscape waste and construction and demolition debris; or

(iii) 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

(iv) stores or accumulates at any time more than 75,000 pounds above ground, or more than 75,000 pounds below ground or any hazardous substances.

K. "Potential Route" means abandoned and improperly plugged wells of all kinds, drainage wells, all injection wells, including closed loop hear pump wells and any excavation for the discovery, development or production of stone, sand or gravel.

L. "Potential Secondary Source" means any unit at a Facility or a Site not currently subject to a removal or remedial action, other than a Potential Primary Source which:

(i) 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 other construction and demolition debris; or

(ii) stores or accumulates at any time more than 25,000 pounds, but not more than 75,000 pounds above ground, or more than 2,500 pounds, but not more than 7,500 pounds below ground, or any hazardous substances; or

(iii) stores or accumulates at any time more than 25,000 gallons above ground, or more than 500 gallons below ground, or petroleum including crude oil or any fraction thereof which is not otherwise specifically listed or designated as a hazardous substance; or

(iv) stores or accumulates pesticides, fertilizers or road oils for purposes of commercial application or for distribution to retail sales outlets; or

(v) stores or accumulates at any one time more than 50,000 pounds of any de-icing agent; or

(vi) 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."

M. "Site" means any location, place, tract or land or facilities.

N. "Unit" means any device, mechanism, equipment or area (exclusive of land utilized only for agricultural production).

O. "Well" means a bored, drilled or driven shaft or dug hole the depth of which is greater than the largest surface dimension.

P. "Well Number" means a well number owned and operated by Illinois-American Water Company or Groveland Township Water District, as depicted on Appendix A.

### SECTION III. ESTABLISHMENT OF SETBACK ZONES

The setback zones are hereby established as shown on Appendix A.

### SECTION IV. PROHIBITED USES AND ACTIVITIES

(a) Except as provided in Sections V or VI, 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 Section VII of this Ordinance.

(b) Except as provided in Section V or VI, not 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 Ordinance if it were a new source or route without first obtaining a permit under Section VII of this Ordinance.

(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 Ordinance.

#### SECTION V. 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 IV(a) of this Ordinance.

(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 IV(a) of this Ordinance 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 V shall not be final and binding on the City of Pekin under this Ordinance until the City of Pekin has had thirty (30) days notice of such proposed action and has had the opportunity to present evidence concerning its interest.

#### SECTION VI. EXCLUSION

Section IV(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.

#### SECTION VII. PERMIT

(a) In addition to Agency or Board approval, any activity subject to Section IV of this Ordinance shall not be established without obtaining a Groundwater Protection Permit issued by the Code Enforcement Office. Such permit may be part of and a precondition for issuance of any other permit required by Ordinance including, but not limited to, zoning, subdivision, building, construction or disposal.

(b) The fee for the issuance of the Groundwater Protection Permit shall be \$100.

(c) Application for a Groundwater Protection Permit shall be on forms provided by the Code Enforcement Officer. Such Application shall authorize reasonable inspection of the property involved without necessity of a warrant.

#### SECTION VIII. VIOLATIONS

Violation of this Ordinance shall be punishable by a fine of up to \$1,000 and each day of violation constitutes a separate offense. Enforcement of the terms of this Ordinance may also be sought by temporary and permanent injunction in any court of competent jurisdiction.

#### SECTION IX. SEVERABILITY

The several provisions of this Ordinance are severable and if any court of competent jurisdiction shall adjudge any portion of this Ordinance to be invalid or that any provision is invalid as applied to a particular property interest, such judgment shall not affect the validity of other parts of this Ordinance or its validity to properties not included in the courts judgment.

#### SECTION X. INCONSTITUTENT ORDINANCES REPEALED

All other Ordinances or parts of Ordinances in conflict herewith are hereby repealed.

#### SECTION XI. SAVING CLAUSE

Nothing in this Ordinance hereby adopted shall be construed to affect any suit or proceeding pending in any Court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing under any Act or Ordinance hereby repealed as cited in Section X of this Ordinance.

#### SECTION XII. ENACTMENT

(a) This Ordinance is deemed necessary for the general health, safety and welfare of the City of Pekin.

(b) Each Section of this Ordinance and every part of each Section of this Ordinance is hereby declared to be an independent Section and part of Section and the holding of any Section or part thereof to be void and ineffective for any cause shall not be deemed to affect any other Section or part thereof.

(c) This Ordinance is adopted in accordance with the powers granted to the City of Pekin pursuant to its home rule powers under Article 7 of the Constitution of the State of Illinois.

(d) This Ordinance shall be in full force and effect from and after 30 days from its passage and publication in pamphlet form according to law.

PASSED by the City Council of the City of Pekin, Illinois at its meeting held on the  
day of \_\_\_\_\_, 1994.

Mayor

APPROVED this \_\_\_\_\_ day of \_\_\_\_\_, 1994.

Mayor

ATTEST:

City Clerk