

**Distribution:**  
County Board  
County Administrator  
County Administrator OMB (2)  
Health  
Finance

Agenda Item # 62

STATE OF ILLINOIS )  
                                  )  
COUNTY OF LAKE )

COUNTY BOARD, LAKE COUNTY, ILLINOIS

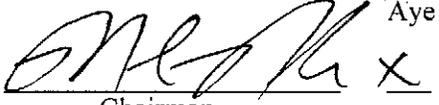
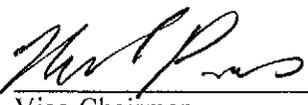
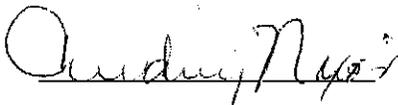
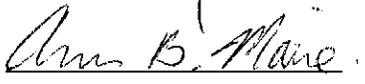
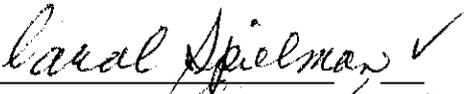
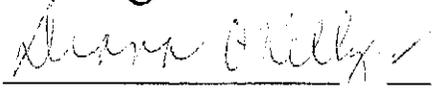
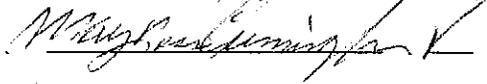
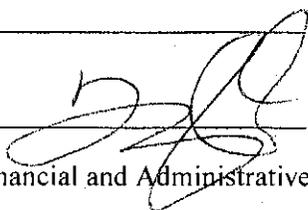
ADJOURNED REGULAR SEPTEMBER, A.D., 2007 SESSION

November 13, A.D., 2007

MADAM CHAIRMAN AND MEMBERS OF THE COUNTY BOARD:

Your Health & Community Services and Financial & Administrative Committees present herewith a Resolution authorizing amendments to Lake County Board of Health Ordinance Article XV (Regulation of Wells, Private, Semi-Private and Non-Community Water Supplies); and request its adoption.

Respectfully submitted,

	Aye	Nay		Aye	Nay
 Chairman	<input checked="" type="checkbox"/>	<input type="checkbox"/>	 Chairman	<input checked="" type="checkbox"/>	<input type="checkbox"/>
 Vice-Chairman	<input checked="" type="checkbox"/>	<input type="checkbox"/>	 Vice-Chairman	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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Health & Community Services Committee			Financial and Administrative Committee		

## RESOLUTION

**WHEREAS**, the Lake County Health Department is authorized to enforce a local ordinance regulating Wells, Private, Semi-Private and Non-Community Water Supplies to protect the public's health; and

**WHEREAS**, the ordinance that authorizes this enforcement, Lake County Board of Health Ordinance Article XV (Regulation of Wells, Private, Semi-Private and Non-Community Water Supplies) includes requirements for the regulation of closed loop wells; and

**WHEREAS**, neither the Authorizing Illinois Statutes and Administrative Rules nor Article XV do currently provide an option for permitting closed loop wells as a means to assure proper siting and construction; and

**WHEREAS**, the regulation of these wells is necessary to reduce the risk of contamination of groundwater by improper siting or construction; and

**WHEREAS**, the Lake County Health Department has proposed amendments to Lake County Board of Health Ordinance Article XV establishing notification, construction, licensing/certification and inspection requirements for closed loop wells (as indicated in attached Exhibit A); and

**WHEREAS**, the Lake County Board of Health has approved the proposed amendments to Lake County Board of Health Ordinance Article XV; and

**WHEREAS**, the Lake County Board of Health has recommended that the proposed amendments to Lake County Board of Health Ordinance Article XV be referred to the County Board for approval; and

**NOW, THEREFORE, BE IT RESOLVED**, by this County Board of Lake County, Illinois that the amendments to Lake County Board of Health Ordinance Article XV herewith be approved and made a matter of Lake County law.

**BE IT FURTHER RESOLVED**, that the Lake County Clerk is hereby authorized to distribute certified copies of the amended Ordinance to the County Administrator, Comptroller, and the Executive Director of the Lake County Health Department.

**DATED**, at Waukegan, Lake County, Illinois on this 13<sup>th</sup>, day of November, A.D., 2007.

## ARTICLE XV

### CHAPTER I - ADMINISTRATION

#### SECTION WW-101.0 GENERAL

**WW-101.1 Title:** This ordinance shall be known as the Well Ordinance of the County of LAKE, hereinafter referred to as "this Ordinance."

**WW-101.2 Intent:** This Ordinance is enacted in order to ensure minimum standards for the location, construction and modification of water wells; the location and construction of closed loop wells; the installation of water well pumps or equipment used in withdrawing water from a well; the proper sealing of abandoned wells; the monitoring of Private, Semi-Private and Non-Community ~~w~~Water supplies Systems so as to protect the groundwater of the County of LAKE from contamination, and to protect the citizens of the County of LAKE from the transmission of disease.

#### SECTION WW-102.0 APPLICABILITY

**WW-102.1 General:** The provisions of these regulations shall cover all matters relating to wells, and Private, Semi-Private and Non-Community ~~w~~Water supplies Systems as set forth by this Ordinance.

**WW-102.2 Continued Use:** The continuation of use of a Private, Semi-Private, or Non-Community ~~w~~Water supply System, or other water well, closed loop well, or part thereof, contrary to the provisions of this code shall be deemed a violation, and subject to the penalties prescribed in Chapter 7.

**WW-102.3 Matters Not Provided For:** Any well or Private, Semi-Private or Non-Community Water supply System requirement essential for the sanitary safety of an existing or proposed property, building or structure, or essential for the health or safety of the occupants thereof, and which is not specifically covered by this Ordinance, shall be determined by the Health Officer.

**WW-102.4 Referenced Materials:** This Ordinance adopts by reference the Illinois Water Well Construction Code Rules and Regulations, the Illinois Water Well Pump Installation Code Rules and Regulations, the Illinois Drinking Water Systems Code, the Illinois Public Area Sanitary Practice Code, three copies of which are on file with the Clerk of the County of LAKE.

#### SECTION WW-103.0 VALIDITY

**WW-103.1 Partial:** In the event any part or provision of this code is held to be illegal or void, such finding shall not have the effect of making void or illegal any of the other parts or provisions thereof, which are determined to be legal, and it shall be presumed that this code would have been approved without such illegal or invalid parts or provisions.

**WW-103.2 Segregation:** Any invalid part of this code shall be segregated from the remainder of the code by the court holding each part invalid, and the remainder shall remain effective.

#### SECTION WW-104.0 DUTIES & POWERS OF THE HEALTH OFFICER

**WW-104.1 General:** The Health Officer shall enforce all of the provisions of this Ordinance and shall act on any question relative to the mode or manner of the design or construction and the materials to be used in the installation of water wells and closed loop wells, the sealing of wells, and the operation of water supplies systems except as otherwise specifically provided for by statutory requirements, and shall specifically act as follows:

**WW-104.2 Applications and Permits:** The Health Officer shall receive applications and issue permits for the installation of water wells, the sealing of wells, the operation of Non-Community Water Supplies Systems, and inspect the premises for which such permits have been issued and enforce compliance with the provisions of this code. The Health Officer shall also receive prior written notification whenever a vertical closed loop well is proposed and shall inspect the premises on which such wells have been constructed and enforce compliance with the provisions of this code

**WW-104.3 Notices and Orders:** The Health Officer shall issue all necessary notices or orders to remove illegal or unsafe conditions, to require the necessary safeguards during construction, sealing of wells, and the operation of water supplies systems and to insure compliance with all Ordinance requirements. Any written order posted on premises involved shall not be removed except by order of the Health Officer. Removal without such order shall constitute a violation of this Ordinance to ensure the health, safety and general welfare of the public. The Health Officer may revoke, by writing, any permit or approval issued contrary to this Ordinance or based upon a false statement or misrepresentation in the application.

**WW-104.4 Authority To Enter Premises:** The Health Officer, after identification, shall have the authority to enter any property at any reasonable time to inspect for health and sanitation purposes, and for compliance with the provisions of this Ordinance. The Health Officer may also make any necessary test, including water samples for laboratory analysis, on any property to determine compliance with the provisions of this Ordinance. The Health Officer is authorized to engage such expert opinion as deemed necessary to report upon unusual technical issues that arise.

**WW-104.5 Credentials:** The Health Officer shall carry proper credentials of their respective office for the purpose of inspecting any and all wells in the performance of duties under this Ordinance.

**WW-104.6 Official Records:** The Health Officer shall keep official records of applications received, permits issued, fees

collected, reports of inspections, and notices and orders issued. Such records shall be retained in the official records so long as the building or structure to which they relate remains in existence unless otherwise provided for.

## CHAPTER 2 - DEFINITIONS

### SECTION WW-105.0 EXISTING WATER WELLS

**WW-105.1 Continued System Use:** The legal use and occupancy of any structure serviced by a water well or closed loop well(s), which had been heretofore approved, shall be permitted to be continued without change, except as specifically addressed in this Ordinance.

**WW-105.2 System Maintenance:** All water wells and closed loop wells, both existing and new, shall be maintained in a safe and sanitary condition such that no imminent threat of contamination of the any water well or groundwater exists. All service equipment, devices and safeguards which are required by this Ordinance, or which were required by previous statute, shall be maintained in working order as when installed or repaired.

**WW-105.2.1 Maintenance Responsibility:** The owner or the owner's designated agent shall be responsible for the safe and sanitary maintenance of the water supply system or closed loop well system for any building or structure at all times.

**WW-105.3 Alterations of Properties with Existing Wells:** No dwelling or establishment served by a Private, Semi-Private or Non-Community water well or closed loop well(s) may be altered, expanded, remodeled, or added to where such change may affect the water well or closed loop well(s) without prior approval of the Health Officer. Applications for alterations or additions shall be reviewed as follows:

**WW-105.3.1 Required Lateral Distances to Sources of Contamination:** No alteration to a property (with the exception of approved individual sewage disposal system repairs) on which a water well exists may be made that violates the required minimum lateral distances from sources of contamination to the water well.

**WW-105.3.2 Shared Water Wells:** No new or existing dwelling shall be allowed to connect to an existing water well that already serves an existing dwelling, and no dwelling that is served by an existing water well that is shared by another dwelling or dwellings shall be altered, expanded, remodeled or added to unless ~~except~~ if the requirements of Section WW-403.3 are met.

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### WW-201.0 GENERAL

**WW-201.1 Scope:** Unless otherwise expressly stated, the following words and terms shall, for the purposes of this code, have the meanings indicated in this chapter.

**WW-201.2 Terms Not Defined:** Where terms are not defined through the methods authorized by this section, such terms shall have ordinarily accepted meanings such as the context implies.

### WW-202.0 GENERAL DEFINITIONS

**Available Public Community Water Supply System:** An Illinois Environmental Protection Agency approved public water supply system that is located no further than 250 feet from the closest property boundary of a single family dwelling, or no further than 1000 feet from the closest property boundary of a commercial building, ~~or~~ multi-family dwelling or proposed subdivision, and to which permission is granted ~~from~~ by the controlling authority to connect. If annexation is required by the controlling authority for permission to connect to the public water supply system, the supply shall be deemed unavailable.

**Cesspool:** A non-watertight, below ground receptacle that directly receives wastewater containing solids and liquids, is designed to disperse wastewater into the surrounding soil, and that may or may not have an outlet.

**Closed Loop Well:** A sealed, watertight loop of pipe buried outside of a building foundation intended to re-circulate a liquid solution through a heat exchanger.

**Health Officer:** The Executive Director of the Lake County Health Department or an appropriate designated agent.

**Leaching Pit:** A non-watertight, below ground receptacle that receives only liquid wastewater, or wastewater that has been pretreated by a septic tank or cesspool, is designed to disperse wastewater into the surrounding soil, and that may or may not have an outlet.

**Non-Community Water Supply System Permit:** An annual nontransferable permit issued to the owner or operator of a Non-Community Water Supply System.

**Permanent Fixture:** A permanently installed plumbing fixture located inside a dwelling or building from which a water sample may be collected, including a non-threaded spigot located adjacent to the pressure tank, at least 18 inches above the floor.

**Single Family Dwelling:** A freestanding building designed to house the members of a single family.

**Storm Sewer:** A sewer which is used for conveying rainwater, surface water, groundwater, subsurface water, site drainage, condensate, cooling water or other similar liquid waste

(excluding sewage) to an approved point of discharge.

**Water Well Construction Permit:** A permit issued to a property owner or a licensed Water Well Contractor to construct or deepen a water well to the specifications of the approved plan and the requirements of this Ordinance.

**Water Well Repair:** The alteration of an existing water well to correct construction defects including installing a pitless unit or adapter, elimination of a buried suction line, installation of a liner, replacing or extending casing, or replacement of a well screen.

**Well Sealing Permit:** A permit issued to a licensed Water Well Contractor or property owner to seal a well to the specifications of the approved plan and the requirements of this Ordinance.

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**CHAPTER 3 – GENERAL REQUIREMENTS**

**SECTION WW-301.0 GENERAL**

**WW-301.1 Scope:** Water well and closed loop well construction, water well pump installation, sealing wells, and the operation of water supplies systems shall be regulated in accordance with the Illinois Water Well Construction Code Rules and Regulations, Illinois Water Well Pump Installation Code Rules and Regulations, Illinois Drinking Water Systems Code, the Illinois Public Area Sanitary Practice Code, copies of which are on file with the Secretary of State. Three copies of the Illinois Water Well Construction Code, the Illinois Water Well Pump Installation Code, the Illinois Drinking Water Systems Code, and the Illinois Public Area Sanitary Practice Code shall be on file at the office of the Clerk of the County of LAKE.

**WW-301.2 Authority:** The Health Officer, in order to protect and promote the health, safety, and general welfare of the people of Lake County, Illinois, and other affected communities, is authorized and directed to develop procedures, practices and policies; to interpret and enforce these rules and regulations establishing minimum standards for water well and closed loop well location, installation, alteration, sealing, operation, maintenance, and monitoring of all Private, Semi-Private and Non-Community water wells so as to protect groundwater and other natural resources within the County of LAKE from impairment, pollution, or destruction; to minimize the risk of spreading communicable diseases, and to prevent and avoid other health and ecologic hazards attributable to bacteria, viruses, protozoa and helminths, as well as, chemical contamination of groundwater.

**WW-301.3 Minimum Standards:** This Ordinance establishes minimum standards to minimize the risk that wells:

**WW-301.3.1 Drinking Water Supply:** Do not contaminate the groundwater supply.

**WW-301.3.2 Pollution:** Will not violate any other

laws or regulations governing control of groundwater pollution.

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**CHAPTER 4 – PERMITS/NOTIFICATION**

**SECTION WW-401.0 - CONSTRUCTION, DEEPENING, OR SEALING**

**WW-401.1 General:** No person shall construct or deepen a water well, or seal an abandoned well without the prior approval of the Health Officer. Such approval shall include the approval of a plan for the proposed construction, deepening, or sealing, and the issuance of a permit to conduct the work required. No person shall construct a closed loop well unless that individual is accredited by the International Ground Source Heat Pump Association (IGSHPA), or can demonstrate that he or she has equivalent accreditation. Additionally, no person shall construct a closed loop well without issuing prior written notification to the Health Officer and receiving acknowledgement of the receipt of that notification from the Health Officer.

**WW-401.1.1 Construction, Deepening, or Sealing Without a Valid Permit or Notification Receipt:** Any person who constructs, deepens, or seals a well or water well without a valid permit or prior verbal approval from the Health Officer shall be subject to enforcement actions as described in Chapter 7. Additionally, a penalty fee shall be assessed as established in Lake County Board of Health Ordinance Article XIII. Any person who constructs a closed loop well without receiving acknowledgement from the Health Officer of the receipt of prior written notification to the Health Officer shall also be subject to these enforcement actions and penalty fee.

**WW-401.2 Permit Expiration:** A permit approved for the construction, deepening, or sealing of a water well shall be valid for a period of twelve (12) months from the date of approval. If construction or deepening of the water well, or sealing of the abandoned well has not started at that time, the permit is void.

**WW-401.3 Application Form:** An application for a permit to construct or deepen a water well, or seal an abandoned well shall be made in writing on forms provided by the State of Illinois or the Health Officer.

**WW-401.4 Site Plans:** Any plan for the construction of a water well or closed loop well shall meet minimum standards as established in this section.

**WW-401.4.1 Applications Submitted with Individual Sewage Disposal System Plans:** When a new water well, or the deepening of an existing water well is proposed in conjunction with an individual sewage disposal system, the location of the water well shall be reviewed ~~and approved~~ when the plan for the

individual sewage disposal system is approved. To obtain a permit to construct a water well, the stamped well driller's copy of the individual sewage disposal system plan shall be submitted with the permit application.

**WW-401.4.2 Applications Submitted without Individual Sewage Disposal System Plans:** When a new water well, or the deepening of an existing water well is proposed on a property that is served by sanitary sewer, or on a property with an existing individual sewage disposal system, a site plan shall accompany the application. The site plan shall be drawn on a minimum size sheet of 8 ½" by 11" and shall be legible, clearly indicating accurate measurements from the proposed water well to all buildings, water wells, and potential sources of contamination on the property and within the setback limits stated in this Ordinance or in the Illinois Water Well Construction Code.

**WW-401.4.3 Applications to Seal Wells:** When a well is to be sealed on a property where the building it served is to be demolished, a site plan shall accompany the application. The site plan shall be drawn on a minimum size sheet of 8 ½" by 11" and be legible, clearly indicating the location of the well to be sealed relative to two permanent landmarks or lot lines.

**WW-401.4.4 Notification of the Intent to Construct a Closed Loop Well:** When a closed loop well is proposed, a site plan, and proof of accreditation per Section WW-401.1, shall accompany the notification. The site plan shall be drawn on a minimum size sheet of 8 ½" by 11" and shall be legible, clearly indicating accurate measurements from the proposed closed loop well(s) to all water wells on the property and on all neighboring properties.

**WW-401.5 Plan Review:** Upon receipt of an application, plans properly submitted for approval, and receipt of the appropriate fee, the Health Officer shall review the application and plan for compliance with this Ordinance, and shall approve or refuse to approve the application within ten (10) working days for applications submitted with individual sewage disposal system plans, and fifteen (15) working days for applications submitted without individual sewage disposal system plans. Upon receipt of notification of the intent to construct a closed loop well the Health Officer shall provide acknowledgement of receipt of the notification and, where appropriate, comments on the proposal within ten (10) working days.

**WW-401.6 Notification of Non-Approval:** The Health Officer shall notify any applicant whose application is not approved of the reason(s) preventing the approval and of any technical or administrative solution remaining.

## SECTION WW-402.0 - NON-COMMUNITY WATER SUPPLIES SYSTEMS

**WW-402.1 General:** No person shall operate a Non-Community Water Supply System without a valid permit issued by the Health Officer. The permit shall be renewed annually, ~~and is not transferable.~~ The permit shall be posted in public view.

**WW-402.1.1 Approval to Operate:** Before approving a permit to operate a Non-Community Water Supply System, the Health Officer shall inspect the water system to determine compliance with the provisions of this Ordinance.

## SECTION WW-403.0 RESTRICTIONS

**WW-403.1 Public Community Water System Availability:** The Health Officer shall refuse to grant a permit to construct a water well where a public community water supply system is available, unless the water well will be used for irrigation or other non-potable purposes. If a non-potable water well is proposed where a public community water supply system is available, the Health Officer shall refuse to grant a permit without written approval from the controlling authority of the public community water supply system. Additionally, if the property is located within a city, village or municipality, written approval to construct the water well must also be granted by the city, village or municipality.

**WW-403.2 Property Boundaries:** Water wells and closed loop wells shall not be located outside of the property boundaries of the serviced property, dwelling or establishment. Whenever possible, as determined by the Health Officer, the minimum lateral distances from the proposed water well to potential sources of contamination shall be contained on the property on which the water well is proposed, where neighboring properties are affected.

**WW-403.3 Shared Water Wells:** The Health Officer shall refuse to issue a permit to construct a new water well that will serve more than one single family dwelling, or more than one unit of a multifamily dwelling where the residents own their individual units in the building.

**WW-403.3.1 Conditions Allowing Approval of Shared Water Wells:** The Health Officer shall consider for approval a permit to construct a new water well that will serve more than one single family dwelling, or more than one unit of a multi-family dwelling where the residents own their individual units in the building when:

- A) The applicant(s) submit a variance request in accordance with Section WW-601.0; and
- B) A legal document(s) is written and recorded with all affected property deeds that clearly establishes any required easements for the location of the water well and/or water lines,

the costs and obligations for the upkeep and maintenance of the water system, the continuation of the agreement for new property owners, and any other special conditions unique to the affected properties.

Approval of the permit will not be granted until the Health Officer has received and approved the required documentation, and has determined that there is a valid public health, economic and/or water quality issue that warrants the granting of such permit. Final approval for the shared water system will not be granted until the required documents are recorded with the affected properties deeds.

**WW-403.4 Geothermal Heat Exchange Systems:** A permit shall be required to construct a water well to be used for a geothermal heat exchange system. The system shall be closed and shall return the water to the aquifer from which it was drawn. There shall be no chemicals added to the water used for the geothermal exchange system.

**WW-403.5 Additional Minimum Lateral Distance to Sources of Contamination:** The following additional minimum lateral distances to sources of contamination shall be enforced by the Health Officer:

SOURCES OF CONTAMINATION	MINIMUM LATERAL DISTANCE FOR CLAY AND LOAM SOILS
Storm Sewer	10 Feet
In-ground swimming pool	10 Feet
Septic Field (Soil Absorption) Expansion Area	75 Feet

SOURCES OF CONTAMINATION	MINIMUM LATERAL DISTANCE FOR CLAY SOILS ONLY
Sewer. <u>Cast iron pipe with water tight mechanical joints or rubber gasket sealed joints which meet ASTM Standard C564-03a, SDR 26 or Schedule 40 PVC pipe or heavier with solvent welded water tight joints or elastomeric seals (gaskets) used for push-on joints which meet ASTM Standard F477-02el</u>	10 Feet

**WW-403.5.1 Sealed Wells:** Wherever possible, the minimum lateral distance from a sealed well to a proposed individual sewage disposal system soil absorption area shall be 25 feet, and 10 feet to a proposed septic tank, 5 feet to a proposed sewer line and 10 feet to a proposed water body or retention area. The Health Officer shall make the determination based on the potential for contamination of the groundwater supply.

**WW-403.6 Excluding Water Bearing Formations:** Upper water bearing formations shall be excluded by installing casing or a liner, grouted in place, whenever a water well is constructed to withdraw water from a deeper formation.

**SECTION WW-404.0 - FEES**

**WW-404.1 Fees:** Fees for permits shall be assessed in accordance with the current Article XIII of the Lake County Board of Health Ordinance.

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**CHAPTER 5 - INSPECTIONS**

**SECTION WW-501.0 - NEWLY CONSTRUCTED, DEEPENED OR REPAIRED WATER WELLS**

**WW-501.1 Inspections:** The Health Officer shall inspect all water wells that are constructed or deepened and closed loop well systems that are constructed to determine compliance with this Ordinance.

**WW-501.2 Water Samples:** Prior to granting final approval for a potable water well that has been constructed or deepened, a satisfactory water sample result shall be obtained and submitted to the Health Officer.

- A) The water sample may be collected for laboratory analysis by the Health Officer, an Illinois licensed Water Well Contractor, or an Illinois licensed Environmental Health Practitioner. The analysis must be conducted and reported by an Illinois Department of Public Health certified laboratory.
- B) The report of the results shall indicate the presence or absence of total and fecal coliform bacteria, results for Nitrate as Nitrogen, and laboratory confirmation of absence of chlorine residual.
- C) The report of the results of the first sample collected from the water well shall be submitted to the Health Officer. If the results of this sample indicate the presence of total and/or fecal coliform bacteria, or a Nitrate level greater than or equal to 10 milligrams per liter, the Health Officer shall refuse to grant final approval for the water well until a satisfactory result is obtained and submitted to the Health Officer.
- D) The water sample shall be collected from a permanent fixture inside the building or dwelling after all chlorine residual has dissipated from the water supply system.

**WW-501.2.1 Repaired Water Wells:** When a potable water well is repaired, a water sample result shall be submitted to the Health Officer per Sections WW-501.2-A, WW-501.2-B, and WW-501.2-D.

**WW-501.2.2 Shared Water Wells:** When a shared potable water well is permitted, a water sample(s) shall

be collected from each dwelling connected to the water supply system, and shall be submitted to the Health Officer in accordance with Sections WW-501.2-A, WW-501.2-B, WW-501.2-C, and WW-501.2-D.

**SECTION 502.0 - WELL SEALINGS**

**WW-502.1 Inspections:** The Health Officer shall inspect the sealing of all wells to determine compliance with this Ordinance. The Water Well Contractor shall notify the Health Officer a minimum of 24 hours prior to the time a well sealing shall take place.

**WW-502.2 Well Sealing Report Form:** If the Health Officer has not witnessed the completion of a well sealing, the Water Well Contractor shall submit a completed report of the sealing to the Health Officer on a form provided by the Health Officer within ten (10) working days of the well sealing. The Health Officer shall return a signed copy of the report to the Water Well Contractor within ten (10) working days of its receipt.

**WW-502.3 Sealed Wells in Pits:** When a well in a pit is sealed, the pit shall be eliminated unless a request to retain the pit is made and approved by the Health Officer on the application to seal the well. The Health Officer shall approve the request if the pit is required for use as a tank or valve vault, and if the pit is not subject to flooding.

**SECTION 503.0 - NON-COMMUNITY WATER SUPPLIES SYSTEMS**

**WW-503.1 Inspections:** The Health Officer shall inspect all Non-Community Water Supplies Systems to determine compliance with this Ordinance.

**WW-503.2 Water Samples:** The Health Officer may collect water samples from any Non-Community Water Supply System to determine compliance with this Ordinance.

**WW-503.2.1 Fees:** The Health Officer shall assess fees for the collection and analysis of water samples in accordance with the current Article XIII of the Lake County Board of Health Ordinance.

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**CHAPTER 6 - ADMINISTRATIVE**

**SECTION WW-601.0 - VARIANCES**

**WW-601.1 Variance Requests:** Whenever approval as required by this Ordinance is denied by the Health Officer, where compliance with the requirements of this Ordinance are impossible or impractical, that person denied approval may request a variance as follows:

**WW-601.1.1 Written Requests:** Variance requests

shall be in writing and shall detail those conditions where compliance is impossible or impractical.

**WW-601.1.2 Supporting Data:** Variance requests shall include pertinent data, as stipulated in the Illinois Water Well Construction Code, to support the requested waiver of the requirements of this Ordinance as being consistent with the responsibility of the Health Officer to protect and provide for the health, safety, and general welfare of the people of Lake County and of other affected communities.

**WW-601.2 Review Process:** The Health Officer shall review variance requests and shall approve or refuse to approve the request within ten (10) working days.

**WW-601.3 Notification:** The Health Officer shall notify in writing that person requesting a variance of the approval or denial of the request and shall state the reasons for that decision.

**WW-601.4 Fee:** A fee in accordance with Article XIII of the Lake County Board of Health Ordinance shall be submitted.

**WW-601.5 Recording Approval of Variance:** The letter issued by the Health Officer approving any variance shall be recorded with the property deed with the Lake County Recorder of Deeds before final approval of the water well will be granted.

**SECTION WW-602.0 HEARINGS**

**WW-602.1 Hearings:** Whenever approval as required in this Section is denied by the Health Officer and a subsequent variance request is denied, that person denied approval may make a written request to the Health Officer for a hearing. Additionally, if it is determined by the Health Officer that a Non-Community Water Supply System Permit is to be revoked, the owner or operator of the Non-Community Water Supply System may make a written request to the Health Officer for a hearing. A hearing in accordance with Article VI of the Lake County Board of Health Ordinances shall be conducted.

**WW-602.2 Fees:** A fee for a hearing request shall be assessed in accordance with Article XIII of the Lake County Board of Health Ordinances.

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**CHAPTER 7 - ENFORCEMENT**

**SECTION WW-701.0 GENERAL**

**WW-701.1 Violations:** Any person who violates any section or provision of this Ordinance, or any rule or regulation adopted by the Department, or who violates any determination or order of the Department under this Ordinance, shall be fined not more than \$500. Each day that a violation exists shall constitute a separate offense. The Lake County State's Attorney or the Attorney General shall bring such action in the name of the

installer shall comply with the time schedule of the Health Officer. The Health Officer shall also request that license suspension or revocation proceedings be initiated by the Illinois Department of Public Health.

not release applicant from compliance with applicable State of Illinois or local ordinances or regulations governing wells and water wells.

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**CHAPTER 8 - RELIEF FROM PERSONAL RESPONSIBILITY**

**SECTION WW-801.0 GENERAL**

**WW-801.1 Personal Liability:** The Health Officer charged with the enforcement of this Ordinance, while acting for the jurisdiction, shall not thereby be liable personally, and is hereby relieved from all personal liability for any damage that may accrue to persons or property as a result of any act required or permitted in the discharge of official duties. Any suit instituted against any officer or employee because of an act performed by the Health Officer in the lawful discharge of duties and under the provisions of this Ordinance shall be defended by the legal representative of the jurisdiction until the final termination of the proceeding, except as may be otherwise required by statute. The Health Officer shall not be liable for costs in any action, suit, or proceedings that may be instituted in pursuance of the provisions of this Ordinance; any officer of the Lake County Health Department shall be free from liability for acts performed under any of its provisions or by reason of any act or omission in the performance of official duties in connection therewith, except as may be otherwise required by statute.

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**CHAPTER 9 - INTERPRETATION AND CONFLICT**

**SECTION WW-901.0 GENERAL**

**WW-901.1 Minimum Requirements:** The provisions of this Ordinance shall be held to be the minimum requirements for the promotion of public health, safety and general welfare. Whenever a provision of this Ordinance or any other applicable provisions of law, whether set forth in this Ordinance or any other applicable provisions of law imposes overlapping or contradictory regulations or contains restrictions covering similar subject matter, the provision which imposes higher standards or requirements for the promotion of public health and safety of the people of Lake County shall prevail, but are not in conflict with the requirements of the Illinois Water Well Construction code, the Illinois Water Well Pump Installation Code, or the Water Well and Pump Installation Contractor's License Code.

**SECTION WW-902.0 STATE AND LOCAL REQUIREMENTS**

**WW-902.1 Compliance:** Compliance with this Ordinance does

**SECTION WW-903.0 EFFECTIVE DATE**

**WW-903.1** This ordinance shall be effective on and after the 1st day of September 1, 1999.

Adopted May 11, 1999.  
Revised

## APPENDIX A

The following materials are adopted by reference in this Ordinance:

- A) Illinois Water Well Construction Code (Title 77 Illinois Administrative Code, Chapter I, Subchapter r: Water and Sewage, Part 920), 1998.
- B) Illinois Water Well Pump Installation Code (Title 77 Illinois Administrative Code, Chapter I, Subchapter r: Water and Sewage, Part 925), 1994.
- C) Illinois Drinking Water Systems Code (Title 77 Illinois Administrative Code, Chapter I, Subchapter r: Water and Sewage, Part 900), 1996.
- D) Illinois Public Area Sanitary Practice Code (Title 77 Illinois Administrative Code, Chapter I, Subchapter r: Water and Sewage, Part 895), 1992.

All referenced materials are available for inspection and copying at the offices of the Lake County Health Department, Environmental Health Services. Three copies are also on file with the Clerk of the County of Lake pursuant to 55ILCS 5/5-6002.