
📖 CHAPTER 170: WELL AND WATER REGULATIONS

Section

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REGULATION OF PRIVATE, SEMI-PRIVATE AND NON-COMMUNITY WELLS AND WATER ~~SUPPLIES~~ SYSTEMS

§ 170.01 GENERAL PROVISIONS.

(A) *General.*

(1) *Title.* This subchapter shall be known as the “Well Ordinance of the County of Lake”, hereinafter referred to as “this subchapter.”;

(2) *Intent.* This subchapter is enacted in order to ensure minimum standards for the location, construction, ~~and~~ modification and use of water wells; ~~the location and construction of and~~ closed loop wells and closed loop well systems; the installation of water well pumps or equipment used in withdrawing water from a water well; the proper sealing of ~~abandoned~~ wells; the monitoring of private, semi-private, and non-community water systems ~~so as~~ to protect the groundwater of the county from contamination, and to protect the citizens of the county from the transmission of disease.

(B) *Applicability.*

(1) *General.* The provisions of these regulations shall cover all matters relating to wells, and private, semi-private, and non-community water systems as set forth by this subchapter.

(2) *Continued use.* The ~~continued~~ use of a private, semi-private, or non-community water system, or other water well, closed loop well or closed loop well system, or part thereof, contrary to the provisions of this ~~code subchapter~~ shall be deemed a violation, and subject to the penalties prescribed in §§ 170.09 through 170.12.

(3) *Matters not provided for.* Any well or private, semi-private, or non-community water 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 subchapter, shall be determined by the Health Officer.

(4) *Referenced materials.* This subchapter 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, and the ~~Illinois~~ Public Area Sanitary Practice Code, three copies of which are on file with the Clerk of the county (details, see § 170.17).

(5) *Selected terms.* The terms “well” and “water well,” while defined in materials adopted by reference in this subchapter, shall be applied and used for the purposes of enforcement of this subchapter as follows:

(a) The term “water well” shall include, but not be limited to the following types or categories of water wells: private, semi-private, non-community, irrigation, supplemental irrigation, extraction, dewatering (20 feet or greater in depth), test and geothermal heat exchange water wells.

(b) The term “well” shall include, but not be limited to the following types or categories of wells: all types or categories of water wells (including community water wells), monitoring wells, closed loop wells and injection wells (where the depth is greater than the largest surface dimension).

(1977 Code, § 2:1-15) (Ord. [Bd of Health Ord., Art. XV] passed 11-13-2007)

§ 170.02 HEALTH OFFICER, DUTIES AND POWERS.

(A) *General.* The Health Officer shall enforce ~~all of~~ the provisions of this subchapter 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 or modification of water wells and closed loop wells and closed loop well systems, the sealing of wells, and the operation of water systems and closed loop well systems except as otherwise specifically provided for by statutory requirements, ~~and shall specifically act as follows.~~

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(B) *Applications and permits.* The Health Officer shall receive applications and issue permits for the installation and modification of water wells, closed loop wells and closed loop well systems, the sealing of wells, the operation of non-community water systems, and shall inspect the premises for which the permits have been issued and enforce compliance with the provisions of this subchapter. ~~The Health Officer shall also receive prior written notification whenever a vertical closed loop well is proposed and shall inspect the premises on which the wells have been constructed and enforce compliance with the provisions of this subchapter.~~

(C) *Supplemental Irrigation Well Registrations.* The Health Officer shall receive and issue registrations of supplemental irrigation wells, and shall enforce compliance with the provisions of this subchapter.

~~(D)~~ *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 wells and water well systems, and to ensure 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 an order shall constitute a violation of this subchapter ~~to ensure the health, safety, and general welfare of the public.~~ The Health Officer may revoke, by in writing, any permit or approval issued contrary to this subchapter or based upon a false statement or misrepresentation in the application or registration.

~~(D)~~ *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 subchapter. 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 subchapter. The Health Officer is authorized to engage any expert opinion as deemed necessary to report upon unusual technical issues that arise.

~~(E)~~ *Credentials.* The Health Officer shall carry proper credentials of his or her respective office for the purpose of inspecting any and all wells in the performance of duties under this subchapter.

~~(F)~~ *Official records.* The Health Officer shall keep official records of applications received, permits issued, fees collected, reports of inspections, and notices and orders issued. The 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.

(1977 Code, § 2:1-15) (Ord. [Bd of Health Ord., Art. XV] passed 11-13-2007)

§ 170.03 EXISTING WELLS.

(A) *Continued system use.* The legal use and occupancy of any structure served 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 subchapter.

(B) *System maintenance.*

(1) *Maintenance standard.* All ~~water wells and closed loop wells~~, both existing and new, shall be maintained in a safe and sanitary condition such that no imminent public nuisance, threat of transmission of disease, or threat of contamination of ~~any water well or the~~ groundwater exists. All service equipment, devices and safeguards which that are required by this subchapter, or which that were required by previous statute, shall be maintained in working order as when installed or repaired.

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(2) *Maintenance responsibility.* The owner or the owner's designated agent shall be responsible for the safe and sanitary maintenance of ~~the a well,~~ water system or closed loop well system ~~for any building or structure~~ at all times.

(C) *Alterations of properties with existing wells.* No dwelling or establishment served by a private, semi-private, or non-community water well, supplemental irrigation well, or closed loop well(s) may be altered, expanded, remodeled, or added to where the 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:

(1) *Required lateral distances to sources of contamination.* No alteration to a property (with the exception of approved ~~individual sewage disposal~~ onsite wastewater treatment system ~~repairs~~ site plans) on which a water well exists may be made that violates the required minimum lateral distances from sources of contamination to the water well; and

(2) *Shared water wells.* No new or existing dwelling, or dwelling that is being demolished and rebuilt, 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 the requirements of § 170.06(C)(3) are met.

(1977 Code, § 2:1-15) (Ord. [Bd of Health Ord., Art. XV] passed 11-13-2007)

§ 170.04 DEFINITIONS.

Unless otherwise expressly stated, ~~or defined in materials adopted by reference in this subchapter,~~ the following words and terms shall, for the purposes of this subchapter, have the meanings indicated. Where words or terms are defined in both materials adopted by reference in this subchapter as well as in this section, the definition in this section shall apply in the enforcement of this subchapter. Where terms are not defined through the methods authorized by this section, such terms shall have ordinarily accepted meanings such as the context implies.

AVAILABLE COMMUNITY WATER SYSTEM. An Illinois Environmental Protection Agency approved and regulated public water system that is located no further than 250 feet from the closest property boundary of a single family dwelling property, or no further than 1,000 feet from the closest property boundary of a commercial building, ~~or~~ multifamily dwelling, or from a proposed subdivision property boundary, and to which permission is granted by the controlling authority to connect. If annexation is required by the controlling authority for permission as a precondition to connect to the public water system, the ~~supply system~~ shall be deemed unavailable.

CESSPOOL. A non-water-tight, below-ground receptacle that directly receives wastewater containing solids and liquids, is designed to disperse ~~wastewater~~ domestic sewage into the surrounding soil, and that may or may not have an outlet.

CLOSED LOOP WELL CONSTRUCTION PERMIT. A permit issued by the Health Officer to a property owner, or to an appropriately certified Closed Loop Well Contractor on behalf of a property owner, to construct a closed loop well or wells to the specifications of the approved site plan and the requirements of this subchapter.

CLOSED LOOP WELL MODIFICATION PERMIT. A permit issued by the Health Officer to a property owner, or to an appropriately certified Closed Loop Well Contractor on behalf of a property owner, to modify a closed loop well or closed loop well system as defined and specified in the Water Well Construction Code and to the specifications of the approved site plan and the requirements of this subchapter.

~~**CLOSED LOOP WELL.** A sealed, water-tight loop of pipe buried outside of a building foundation intended to recirculate a liquid solution through a heat exchanger.~~

DOMESTIC SEWAGE. Wastewater derived principally from dwellings, businesses, office buildings, institutions, food establishments, or similar facilities.

DWELLING UNIT. A single unit providing complete independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation.

HEALTH OFFICER. The Executive Director of the Lake County Health Department or an appropriate designated agent.

IMMINENT HEALTH HAZARD. A hazard to public health when the evidence is sufficient to show that a condition or practice, posing or contributing to a significant threat of danger to health or safety, creates or may create a public health situation that should be corrected immediately to prevent injury or illness, and that should not be permitted to continue.

LEACHING PIT. A non-water-tight, below-ground receptacle that receives only liquid ~~wastewater~~ domestic sewage, 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.

MULTI-FAMILY DWELLING. A residential building that contains more than one dwelling unit.

NON-COMMUNITY WATER SYSTEM PERMIT. An annual ~~non-transferable~~ permit issued by the Health Officer to the owner or operator of a non-community water system. The permit may be transferred to a new owner within the permitting year, which shall run from January 1 to December 31.

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 residential building that contains one dwelling unit ~~designed to house the members of a single family.~~

STORM SEWER. A sewer ~~which that~~ is used for conveying rainwater, surface water, groundwater, subsurface water, site drainage, condensate, cooling water or other similar liquid waste (excluding domestic sewage) to an approved point of discharge.

SUPPLEMENTAL IRRIGATION WELL. A non-potable water well that is used at a dwelling for residential watering and/or other outdoor purposes, where a separate water supply exists for drinking, culinary and sanitation purposes.

SUPPLEMENTAL IRRIGATION WELL REGISTRATION. A registration issued by the Health Officer to the owner or operator of a supplemental irrigation well to operate the supplemental irrigation well. The

registration shall be recorded with the property on which the supplemental irrigation well is located with the Lake County Recorder of Deeds and shall run with the land.

WATER WELL CONSTRUCTION PERMIT. A permit issued by the Health Officer to a property owner, or to a licensed water well contractor on behalf of a property owner, to construct ~~or deepen~~ a water well to the specifications of the approved plan and the requirements of this subchapter.

WATER WELL MODIFICATION PERMITREPAIR. A permit issued by the Health Officer to a property owner, or to a licensed water well contractor on behalf of a property owner, to modify a water well, or to a property owner, to modify a water well as defined and specified in the Water Well Construction Code and to the specifications of the approved site plan and the requirements of this subchapter. ~~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 by the Health Officer to a property owner, or to an appropriately licensed, credentialed, or registered water well contractor ~~or on behalf of a~~ property owner, to seal a well to the specifications of the approved site plan when required, and to the requirements of this subchapter.

(1977 Code, § 2:1-15) (Ord. [Bd of Health Ord., Art. XV] passed 11-13-2007)

§ 170.05 GENERAL REQUIREMENTS.

(A) Scope.

(1) Water well and closed loop well construction, water well pump installation, sealing wells, and the operation of water systems shall be regulated in accordance with 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*, copies of which are on file with the Secretary of State.

(2) 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 Lake County Clerk.

(B) *Authority.* The Health Officer, in order to protect and promote the health, safety, and general welfare of the people of Lake County, 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~~modification, sealing, operation, maintenance, the sealing of wells and for monitoring of all private, semi-private, and non-community water ~~wells~~systems so as to protect groundwater and other natural resources within the county 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.

(C) *Minimum standards.* This subchapter establishes minimum standards to ~~minimize the risk~~ensure that wells:

(1) ~~Drinking water supply. Do Will~~ not contaminate the groundwater supply; and
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(2) ~~Pollution.~~ Will not violate any other laws or regulations governing control of groundwater pollution; and

(3) Will not create a public nuisance.

(1977 Code, § 2:1-15) (Ord. [Bd of Health Ord., Art. XV] passed 11-13-2007)

§ 170.06 PERMITS/NOTIFICATION FOR CONSTRUCTION, DEEPENING/MODIFICATION, OR SEALING; AND NON-COMMUNITY WATER SYSTEMS OPERATION; SUPPLEMENTAL IRRIGATION WELL REGISTRATIONS; RESTRICTIONS; FEES.

(A) Construction, deepening/modification, or sealing.

(1) *General.* No person shall construct or ~~deepen-modify~~ a water well or a closed loop well, or seal an ~~abandoned~~ well without the prior approval of the Health Officer. The approval shall include the approval of a site plan, as specified in this section, for the proposed construction, deepening/modification, or sealing, and the issuance of a permit to conduct the permitted 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 acknowledgment of the receipt of that notification from the Health Officer.~~

(2) Construction, deepening/modification, or sealing without a valid permit ~~or notification receipt~~. Any person who constructs or modifies a water well or closed loop well(s), ~~deepens~~, or seals a well ~~or water well~~ without a valid permit or prior verbal approval to begin work from the Health Officer shall be subject to enforcement actions as described in §§ 170.09 through 170.12. Additionally, a penalty fee ~~shall~~ may be assessed as set by the current fee schedule adopted by the County Board as codified in §178.01.Lake County Board of Health. ~~Any person who constructs a closed loop well without receiving acknowledgment 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.~~

(3) *Permit expiration.* A permit approved for the construction, ~~or deepening/modification, or sealing~~ of a water well or a closed loop well(s), or the sealing of a well shall be valid for a period of 12 months from the date of approval. If construction or deepening/modification of the water well or closed loop well(s), or sealing of the ~~abandoned~~ well has not started at that time, the permit is void.

(4) *Application form.* An application for a permit to construct or ~~deepen-modify~~ a water well or a closed loop well(s), or seal an ~~abandoned~~ well shall be made in writing on forms provided by the Illinois Department of Public Health or the Health Officer.

(5) *Site plans.* ~~Any plan for the construction of a water well or closed loop well shall be submitted with an application for a permit as specified in this section. The site plan shall meet the following minimum standards as established in this section:~~

(a) Applications to construct or modify a water well submitted with individual sewage disposal site wastewater treatment system site plans. When the construction a new water well, or the deepening/modification of an ~~existing~~ water well is proposed in conjunction with a site plan to install an individual sewage disposal site wastewater treatment system or system component, the location of the water well shall be indicated on that site plan. The onsite wastewater treatment system site plan shall indicate the

location of any available community water system, as defined in § 170.04, or shall contain a statement clearly indicating that no community water system is available reviewed 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.

(b) Applications to construct a water well submitted without onsite wastewater treatment individual sewage disposal system site plans. When the construction of a water well a new water well, or the deepening of an existing water well is proposed, but is not in conjunction with a site plan to install an onsite wastewater treatment system or system component, on a property that is served by sanitary sewer, or on a property with an existing individual sewage disposal system, a valid plat of survey or a site plan to a scale of 1"=10', 1"=20', 1"=30' or 1"=40' site plan shall accompany the application. The site plan shall be drawn legibly on a minimum size sheet of eight and one-half inches by 11 inches 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 subchapter or in the Illinois Water Well Construction Code.

1. The location of all closed loop wells and sources of contamination on the subject property or on neighboring properties that are located, from the proposed water well, a distance equal to, or less than that specified in the "Minimal Lateral Distances in Feet Between Water Wells, Closed Loop Wells and Sources of Contamination" Table in the Water Well Construction Code or as specified in this subchapter;

a. Where the closed loop well or source of contamination is located, from the proposed water well, a distance greater than that specified in the "Minimal Lateral Distances in Feet Between Water Wells, Closed Loop Wells and Sources of Contamination" Table in the Water Well Construction Code or as specified in this subchapter, the site plan shall contain a statement that clearly indicates that information.

2. The location of the proposed or existing water line that will convey water from the proposed water well;

3. The location of all existing water wells, if any, on the property on which the water well is proposed; and

4. The location of an available community water system, if any, as defined in § 170.04, or a statement clearly indicating that no community water system is available.

(c) Applications to modify a water well submitted without onsite wastewater treatment system site plans. When the modification of a water well is proposed, but is not in conjunction with a site plan to install an onsite wastewater treatment system or system component, a valid plat of survey or a site plan to a scale of 1"=10', 1"=20', 1"=30' or 1"=40' shall accompany the application, drawn on a minimum size sheet of 8 ½" by 11", which shall be legible, clearly indicating:

1. The location of all closed loop wells and sources of contamination on the subject property or on neighboring properties that are located, from the proposed water well, a distance equal to, or less than that specified in the "Minimal Lateral Distances in Feet Between Water Wells, Closed Loop Wells and Sources of Contamination" Table in the Water Well Construction Code or as specified in this subchapter;

2. The location of the proposed or existing water line that will convey water from the proposed water well; and

3. The location of all existing water wells, if any, on the property on which the water well is proposed.

(ed) *Applications to seal a wells.* When a well is to be sealed on a property where the building it served is to be demolished, a valid plat of survey or a site plan to a scale of 1"=10', 1"=20', 1"=30' or 1"=40' site plan shall accompany the application. ~~The site plan shall be~~ drawn legibly on a minimum size sheet of eight and one-half inches by 11 inches ~~and be legible~~, clearly indicating the location of the well to be sealed ~~relative to two permanent landmarks or lot lines.~~

(de) *~~Applications~~ Notification of the intent to construct or modify a closed loop well.* When the construction or modification of a closed loop well(s) is proposed, a valid plat of survey or a site plan to a scale of 1"=10', 1"=20', 1"=30' or 1"=40' site plan, and proof of accreditation per subsection (A)(1) of this section, shall accompany the ~~notification application.~~ The site plan shall be drawn legibly on a minimum size sheet of eight and one-half inches by 11 inches ~~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.~~

1. The location of all water wells and sources of contamination on the subject property or on neighboring properties that are located, from the proposed closed loop well(s), a distance equal to, or less than that specified in the "Minimal Lateral Distances in Feet Between Water Wells, Closed Loop Wells and Sources of Contamination" Table in the Water Well Construction Code or as specified in this subchapter;

a. Where the water well or source of contamination is located, from the proposed closed loop well(s), a distance greater than that specified in the "Minimal Lateral Distances in Feet Between Water Wells, Closed Loop Wells and Sources of Contamination" Table in the Water Well Construction Code or as specified in this subchapter, the site plan shall contain a statement that clearly indicates that information.

2. A description of the heat exchange fluid to be used in the closed loop well system.

(6) *Plan review.* Upon receipt of an application, site plans properly submitted for approval as specified in this section, and receipt of the appropriate fee, the Health Officer shall review the application and site plan for compliance with this subchapter, and shall approve, approve with comments, or deny approval of or refuse to approve the application and site plan within ten working days for applications submitted with individual sewage disposal system plans, and 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 acknowledgment of receipt of the notification and, where appropriate, comments on the proposal within ten working days.~~

(7) *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.

(B) *Non-community water systems.*

(1) *General.* No person shall operate a non-community water system without a valid permit issued by the Health Officer. The permit shall be renewed annually. The permit shall be posted in public view.

(2) *Approval to operate.* Before approving a permit to operate a non-community water system, the Health Officer shall inspect the water system to determine compliance with the provisions of this subchapter.

(C) *Supplemental irrigation wells.*

(1) *General.* No person shall operate a supplemental irrigation well without registering the supplemental irrigation well with the Health Officer. The Health Officer shall deem the registration issued when the following requirements are met:

(a) Conditions for approval/issuance or registrations. Before issuing a registration to operate a supplemental irrigation well, the Health Officer shall:

1. Inspect the water well in accordance with § 170.07(D)(1)(a) through (c) to assure that the condition of the water well complies with the requirements of § 170.07(D)(2);
2. If the property is located within a municipality, receive assurance that approval to maintain and operate the supplemental irrigation well is granted by the municipality;
3. Receive assurance that the registration certificate has been recorded with the property with the Lake County Recorder of Deeds and shall run with the land.

(2) Owner's responsibilities. If the Health Officer refuses to issue a supplemental irrigation well registration because it does not meet the requirements of § 170.07(D)(2), the owner must correct the deficiency or deficiencies in the construction of the water well, or must seal the well in accordance with the requirements of this subchapter.

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(~~E~~D) *Restrictions.*

(1) *Community water system availability.* The Health Officer shall refuse to grant a permit to construct a water well where a community water 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 community water system is available, the Health Officer shall refuse to grant a permit without written approval from the controlling authority of the community water system. Additionally, if the property is located within a ~~city, village, or~~ municipality, written approval to ~~construct~~ allow the water well must also be granted by the ~~city, village, or~~ municipality.

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

(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.

(a) *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 multifamily dwelling where the residents own their individual units in the building when:

1. The applicant(s) submit a variance request in accordance with § 170.08; and

2. A legal document(s) is ~~written-submitted 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. After review and approval by the Health Officer, the document(s) shall be recorded with the affected properties with the Lake County Recorder of Deeds and shall run with the land of the affected properties.

(b) 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 the permit. Final approval for the shared water system will not be granted until the required documents are recorded with the affected properties.

(4) *Geothermal heat exchange water well systems.*

(a) A permit shall be required to construct a water well to be used for a geothermal heat exchange system.

(b) The system shall be closed and shall return the water to the aquifer from which it was drawn.

(c) There shall be no chemicals added to the water used for the geothermal exchange system.

(5) *Additional minimum lateral distance to sources of contamination.*

(a) The following ~~additional~~ minimum lateral distances to sources of contamination shall be enforced by the Health Officer in addition to the minimum lateral distances specified in the “Minimal Lateral Distances in Feet Between Water Wells, Closed Loop Wells and Sources of Contamination” Table of the Water Well Construction Code:

<i>Sources of Contamination</i>	<i>Minimum Lateral Distance for Clay and Loam Soils</i>
In-ground swimming pool	10 feet
Septic field (soil absorption <u>component</u>) expansion-reserve area	75 feet
Storm sewer	10 feet
Sewer. 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	10 feet

~~(b) 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 ten feet to a proposed septic tank, five feet to a proposed sewer line and ten 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.~~

(6) *Excluding water bearing formations.* Upper water bearing formations shall be excluded by installing casing or a liner, grouted in place in accordance with the grouting requirements of the Water Well Construction Code, whenever a water well is constructed to withdraw water from a deeper formation.

(7) Closed loop well construction, modification and sealing requirements. Closed loop wells shall be constructed, modified and sealed in accordance with the requirements of the Water Well Construction Code.

(DE) Fees. Fees for permits shall be assessed in accordance with the current fee schedule adopted by the County Board as codified in §178.01.

(1977 Code, § 2:1-15) (Ord. [Bd of Health Ord., Art. XV] passed 11-13-2007)

§ 170.07 INSPECTIONS.

(A) *Newly constructed, ~~deepened~~, or ~~repaired-modified~~ wells.*

(1) *Inspections.* The Health Officer shall inspect all water wells and closed loop well systems that are constructed or ~~deepened-modified and closed loop well systems that are constructed~~ to determine compliance with this subchapter.

(2) *Water samples.* Prior to granting final approval for a potable water well that has been constructed or ~~deepened-modified~~, 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 the 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 and E. Coli, results for nitrate and nitrite 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 and/or E. coli bacteria, ~~or a nitrate level greater than or equal to ten 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 system.

(3) *~~Repaired-Modified~~ water wells in pits.* When a ~~potable~~-water well in a pit is modified, the pit shall be eliminated unless a request is made on the application to retain the pit, and the request is approved by the Health Officer. The Health Officer shall conduct a site inspection to determine the condition of the well pit and may approve the request if the pit is required for use as a tank or valve vault, and if the pit is in sound condition and is not subject to flooding is repaired, a water sample result shall be submitted to the Health Officer per subsections (A)(2)(a), (A)(2)(b), and (A)(2)(d) above.

(4) *Shared water wells.* When a shared ~~potable~~-water well is permitted, a water sample(s) shall be collected from each dwelling or dwelling unit connected to the water system, and shall be submitted to the Health Officer in accordance with subsections (A)(2)(a), (A)(2)(b), (A)(2)(c), and (A)(2)(d) above.

(B) *Well sealings.*

(1) *Inspections.* The Health Officer shall inspect the sealing of ~~all~~ wells to determine compliance with this subchapter.

(2) *Notification.* The water well contractor, after receiving approval of a permit application to seal a well, shall ~~notify~~ the Health Officer a minimum of 24 hours prior to the time a well sealing ~~shall~~ will take place.

(23) ~~Well-sealing report form~~ *Contractor responsibilities.* If the Health Officer ~~is~~ has not ~~witnessed-~~ present for the completion of a well sealing, the ~~water well~~ contractor shall:

(a) Clearly mark the location of the sealed well by flag, stake or other means that make the location readily visible and identifiable; and

(b) ~~s~~ Submit a completed report of the sealing to the Health Officer on a form provided by the Health Officer within ten working days of the completion of the well sealing.

1. The Health Officer shall verify the well sealing and return a signed copy of the report to the ~~water well~~ contractor within ten working days of its receipt.

(34) *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 on the application to seal the well and is approved by the Health Officer ~~on the application to seal the well~~. The Health Officer shall conduct a site inspection to determine the condition of the well pit, and may approve the request if the pit is required for use as a tank or valve vault, and if the pit is in sound condition and is not subject to flooding ~~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.~~

(C) *Non-community water systems.*

(1) *Inspections.* The Health Officer shall inspect all non-community water systems to determine compliance with this subchapter.

(2) *Water samples.* The Health Officer may collect water samples from ~~any~~ non-community water system to determine compliance with this subchapter.

(3) *Fees.* The Health Officer shall assess fees for the collection and analysis of water samples in accordance with the current fee schedule adopted by the County Board as codified in §178.01.

(D) *Supplemental Irrigation Wells.*

(1) *Inspections.* The Health Officer shall inspect a Supplemental Irrigation Well prior to issuing approval of a registration to operate the water well to determine compliance with this subchapter. The Health Officer shall conduct future periodic spot checks of a selected portion of registered Supplemental Irrigation Wells to determine general compliance with the provisions of this subchapter. The inspection shall include:

(a) An inspection of the water well for construction defects that pose a contamination threat to the groundwater, or that create a public nuisance as specified in subsection (2) below;

(b) A determination that the water well is able to supply water to an outside spigot or hydrant; and

(c) A determination that no chlorine residual is present in the water, using total chlorine DPD reagent.

(2) *Conditions.* Conditions that pose a contamination threat to the groundwater, or that create a public nuisance include, but are not limited to:

(a) A water well that no longer is used to provide water;

- (b) A water well with a damaged or missing cap or seal;
 - (c) A water well with a damaged casing;
 - (d) A water well in a pit that is not in compliance with the requirements of this subchapter;
 - (e) A dug water well that is not in compliance with the requirements of this subchapter;
 - (f) A water well with a seal buried below ground;
 - (g) A water well that is located such that it is subject to vehicular damage; or
 - (h) A water well that is located and constructed such that it is subject to flooding by surface water.
- (3) Fees. The Health Officer may assess fees for the recording of registration certificates for Supplemental Irrigation Wells in accordance with the current fee schedule adopted by the County Board as codified in §178.01.

(1977 Code, § 2:1-15) (Ord. [Bd of Health Ord., Art. XV] passed 11-13-2007)

§ 170.08 VARIANCES; HEARINGS.

(A) Variances.

(1) *Variance requests.* Whenever approval as required by this subchapter is denied by the Health Officer, or where compliance with the requirements of this subchapter ~~are~~ is impossible or impractical, ~~that person denied approval~~ an applicant may request a variance as follows.

(a) *Written requests.* Variance requests shall be in writing and shall detail those conditions where compliance is impossible or impractical.

(b) *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 subchapter 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 the county and of other affected communities.

(2) *Review process.* The Health Officer shall review variance requests and shall approve or refuse to approve the request within ten working days.

(3) *Notification.* The Health Officer shall notify in writing ~~that the~~ the person requesting a variance of the approval or denial of the request and shall state the reasons for that decision.

(4) *Fee.* ~~A fee~~ Fees in accordance with the current fee schedule adopted by the County Board as codified in §178.01 shall be submitted.

(5) *Recording approval of variance.* The ~~letter document~~ document issued by the Health Officer approving ~~any~~ any variance shall be recorded with the property with the Lake County Recorder of Deeds and shall run with the land before final approval of the water well will be granted.

(B) Hearings.

(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 system permit is to be revoked, the owner or operator of the non-community water system may make a written request to the Health Officer for a hearing. A hearing~~ in accordance with § ~~170.10~~§ 176.15 through 176.17 shall be conducted.

(2) *Fees.* A fee for a hearing request shall be in accordance with the current fee schedule adopted by the County Board as codified in §178.01.

(1977 Code, § 2:1-15) (Ord. [Bd of Health Ord., Art. XV] passed 11-13-2007)

§ 170.09 ENFORCEMENT.

(A) *Violations.* Violations of this subchapter shall be as set forth in § 170.99.

(B) *Notice of violation; requirements.* Whenever the Health Officer determines that there are reasonable grounds to believe that there has been a violation of any provision of this subchapter, the Department shall give notice of the alleged violation to the owner and/or the person to whom the permit was issued, as herein provided. The notice shall:

- (1) Be in writing;
- (2) Include a statement of the reasons for the issuance of the notice;
- (3) Allow reasonable time as determined by the Health Officer for the performance of any act it requires;

(4) Be served upon the owner, operator, or permit or registration holder as the case may require; provided that the notice or order shall be deemed to have been properly served upon the owner, operator, or permit or registration holder when a copy thereof has been sent by certified or registered mail to his or her last known address as furnished to the Lake County Health Department; or, when he or she has been served with the notice by any other method authorized by the laws of Illinois; and

- (5) Contain an outline of remedial action, which is required to effect compliance with this subchapter.

(C) *Emergencies.* Whenever an emergency exists ~~which that~~ requires immediate action to protect the public safety or health, the Health Officer may, without any administrative procedure and without notice of hearing, seek an injunction to require that such action be taken as the court may deem necessary to meet the emergency. Notwithstanding any other provision of this subchapter, the order shall be effective immediately.

(D) *Revocation of approval.*

(1) *Site conditions.* Whenever the condition of a site approved for the construction or modification of a water well or closed loop well(s) has changed, or if any information considered in the approval of a water well or closed loop well(s) was omitted or found to be false or erroneous, the Health Officer may revoke the approval of ~~that site and of any construction~~ permit issued pursuant to the approval.

(2) *Non-community water systems.* After providing the opportunity for a hearing, the Health Officer may revoke a non-community water system permit if an imminent health ~~threat is present~~hazard exists due to the

condition of the water system as determined by inspection and or sampling of the water system.

(3) *Revocation notice.* Revocation of approval shall be in writing, posted at the site and mailed to the owner and licensed contractor, as applicable, by certified or registered mail.

(a) The notice shall contain information as follows:

1. A statement that work on the water well is prohibited;
2. An explanation of the reason~~(s)~~ for the revocation of approval;
3. An outline of action required to~~ward the~~ obtain reinstatement of the approval, if determined; and
4. An explanation of rights and procedures for an administrative hearing.

(b) Unless the Health Officer receives a request for a hearing in accordance with § 170.10, the revocation of the approval shall be considered ~~as~~ final.

(1977 Code, § 2:1-15) (Ord. [Bd of Health Ord., Art. XV] passed 11-13-2007)

§ 170.10 HEARINGS AND APPEALS.

(A) *Hearing request.* Any person whose approval for the construction or modification of a water well or a closed loop well(s), or for the operation of a non-community water system is revoked may request a hearing, provided that the request is received in writing within ten days from receipt of the notice of revocation.

(B) *Scheduled hearing.* The Health Officer shall conduct a hearing when so requested within five days of his or her receipt of the request, unless otherwise agreed. The Health Officer shall give notice by regular mail and by telephone of the date, time, and place of hearing.

(C) *Hearings.* Hearings shall be conducted as set forth in §§ 176.15 through 176.17 of this code.

(D) *Decision.* The Health Officer shall consider all relevant matters pertaining to the revocation of approval, and shall make a ruling to sustain, modify, or rescind the revocation. A written report of the hearing decision shall be furnished within ten days of a hearing date.

(1977 Code, § 2:1-15) (Ord. [Bd of Health Ord., Art. XV] passed 11-13-2007)

§ 170.11 APPLICATION AFTER REVOCATION.

Whenever the revocation of the approval for the construction or modification of a water well or closed loop well(s), or for the operation of a non-community water system is final, any future consideration for approval shall be in accordance with § 170.12.

(1977 Code, § 2:1-15) (Ord. [Bd of Health Ord., Art. XV] passed 11-13-2007)

§ 170.12 SERIOUS OR REPEATED VIOLATIONS.

In the event of serious and/or repeated violations of this subchapter, the Health Officer may refuse to issue a

Approved by EHAC 05/18/2015 with revisions highlighted

permits to ~~the licensed or certified/registered contractor that is responsible for these violations~~~~that water well contractor, water well pump installer or issue final approval for closed loop systems.~~ The Health Officer may also require that the ~~water well~~licensed or certified/registered contractor,~~water well pump installer, or closed loop system installer~~ notify the Health Officer of the time schedule of all work. In addition, the Health Officer may require that work not proceed until the Health Officer is on site.~~The water well contractor, water well pump installer, or closed loop system installer shall comply with the time schedule of the Health Officer.~~ The Health Officer ~~shall~~may also request that license or certification/registration suspension or revocation proceedings be initiated by the Illinois Department of Public Health.

(1977 Code, § 2:1-15) (Ord. [Bd of Health Ord., Art. XV] passed 11-13-2007)

§ 170.13 LIABILITY.

The Health Officer charged with the enforcement of this subchapter, 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 subchapter 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 subchapter; 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.

(1977 Code, § 2:1-15) (Ord. [Bd of Health Ord., Art. XV] passed 11-13-2007)

§ 170.14 INTERPRETATION AND CONFLICTS.

The provisions of this subchapter shall be held to be the minimum requirements for the promotion of public health, safety, and general welfare. Whenever a provision of this subchapter or any other applicable provisions of law, whether set forth in this subchapter 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 this 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 *Illinois Water Well and Pump Installation Contractor's License Code*.

(1977 Code, § 2:1-15) (Ord. [Bd of Health Ord., Art. XV] passed 11-13-2007)

§ 170.15 STATE AND LOCAL REQUIREMENTS.

Compliance with this subchapter does not release applicant from compliance with applicable state or local ordinances or regulations governing wells and water wells.

(1977 Code, § 2:1-15) (Ord. [Bd of Health Ord., Art. XV] passed 11-13-2007)

§ 170.16 EFFECTIVE DATE.

Approved by EHAC 05/18/2015 with revisions highlighted

This subchapter shall be effective on and after September 1, 1999.

(1977 Code, § 2:1-15) (Ord. [Bd of Health Ord., Art. XV] passed 11-13-2007)

§ 170.17 ADOPTED MATERIALS.

(A) The following materials are adopted by reference in this subchapter:

- (1) ~~Illinois~~ *Water Well Construction Code* (Title 77 Ill. Adm. Code, Chapter I, Subchapter r: Water and Sewage, Part 920), 1998;
- (2) *Illinois Water Well Pump Installation Code* (Title 77 Ill. Adm. Code, Chapter I, Subchapter r: Water and Sewage, Part 925), 1994;
- (3) *Illinois Drinking Water Systems Code* (Title 77 Ill. Adm. Code, Chapter I, Subchapter r: Water and Sewage, Part 900), 1996; and
- (4) *Illinois Public Area Sanitary Practice Code* (Title 77 Ill. Adm. Code, Chapter I, Subchapter r: Water and Sewage, Part 895), 1992.

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

(1977 Code, § 2:1-15) (Ord. [Bd of Health Ord., Art. XV, Appx A] passed 11-13-2007)

§ 170.99 PENALTY.

Any person who violates any section or provision of §§ 170.01 through 170.17, or any rule or regulation adopted by the Lake County Health Department, or who violates any determination or order of the Lake County Health Department under §§ 170.01 through 170.17, shall be fined not more than ~~\$500~~1000. Each day that a violation exists shall constitute a separate offense. The Lake County State's Attorney or the Attorney General shall bring this action in the name of the county or the people of Illinois, or may, in addition to other remedies provided in §§ 170.01 through 170.07, bring action for an injunction to restrain the violation.

(1977 Code, § 2:1-15) (Ord. [Bd of Health Ord., Art. XV] passed 11-13-2007)

§ 170.100 OTHER REMEDIES.

As an alternative remedy to any other remedy that may be available to the Health Department in this subchapter, the Health Officer may, when the owner, operator, or permit or registration holder of a well or well system regulated by this subchapter violates the provisions of this subchapter, issue a notice of ordinance violation ticket in accordance with the provisions of the Lake County Administrative Adjudication Ordinance (§§ 94.50 through 94.66). The ticket shall identify the violation for which it is being issued, the corresponding fine amount as established in the Lake County Administrative Adjudication Ordinance (§§ 94.50 through 94.66) and shall require the alleged violator to appear before the county's administrative hearing officer, provide the alleged violator the option to appear before the county's administrative hearing officer, or pay the established fine.

