



# Lake County Illinois

## Legislation Details (With Text)

**File #:** 19-1207      **Version:** 2      **Name:** Groundwater Ordinance - Hoffelder Landfill  
**Type:** ordinance      **Status:** Passed  
**File created:** 7/16/2019      **In control:** Health and Community Services Committee  
**On agenda:**      **Final action:** 10/8/2019

**Title:** Ordinance prohibiting the use of groundwater as a potable water supply by the installation or use of potable water supply wells or by any other method, related to an area in and around a closed landfill.

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Exhibit A - Groundwater Ordinance Hoffelder Landfill.pdf, 2. GROUNDWATER ORDINANCE Hoffelder landfill.pdf

Date	Ver.	Action By	Action	Result
10/8/2019	2	Lake County Board	adopted	Pass
10/1/2019	2	Health and Community Services Committee	recommended for adoption to the consent agenda	Pass
8/13/2019	1	Lake County Board	adopted	Pass
7/30/2019	1	Health and Community Services Committee	recommended for adoption to the consent agenda	Pass

Ordinance prohibiting the use of groundwater as a potable water supply by the installation or use of potable water supply wells or by any other method, related to an area in and around a closed landfill.

- A closed landfill exists on the site in question and ongoing remediation and testing have demonstrated that the groundwater in the area exceeds Illinois Class I standards for some parameters.
- The property owner is requesting that the County enact an ordinance to prohibit the use of groundwater from water wells as a potable source of water in designated areas around the closed landfill site in order to allow for development of these properties without further environmental remediation.
- The owner has secured similar ordinances from other neighboring jurisdictions.
- There are no current users of potable water wells in this designated area, and the Lake County Health Department has determined that new water wells would not be permitted in the area due to required setbacks to the closed landfill, and due to the proximity and availability of community (public) water in the area.
- The following County Departments have reviewed and concur with approval of the ordinance restricting use of potable groundwater in the designated area: Health, Planning, Building and Development, and Public Works.
- This item was approved at the August 13, 2019 County Board Meeting, but Exhibit A (attached) was inadvertently not included.

### ORDINANCE

**WHEREAS**, certain properties in the County of Lake, Illinois have been used over a period of time for commercial/industrial purposes; and

**WHEREAS**, because of said use, concentrations of certain chemical constituents in the groundwater beneath the County may exceed Class I groundwater quality standards for the potable resource groundwater as set forth in 35 Illinois Administrative Code 620 or Tier 1 remediation objective as set forth in 35 Illinois Administrative Code 742; and

**WHEREAS**, the County of Lake desires to limit potential threats to human health from groundwater contamination while facilitating the redevelopment and productive use of properties that are the source of said chemical constituents;

**NOW, THEREFORE, BE IT ORDAINED**, by this County Board of Lake County, Illinois, that the ordinance be amended as follows:

SECTION 1: Use of groundwater as a potable water supply is prohibited.

The use or attempt to use as a potable water supply groundwater from within the area depicted in Exhibit A, attached hereto and made a part hereof, by the installation or drilling of water wells or by any other method is hereby prohibited. This prohibition expressly includes the County of Lake.

SECTION 2: Penalties.

Any person violating the provisions of this ordinance shall be subject to a fine of up to \$1,000 for each violation.

SECTION 3: Definitions.

“Person” is any individual, partnership, co-partnership, firm, company, limited liability company, corporation, association, joint stock company, trust, estate, political subdivision, or any other legal entity, or their legal representatives, agents or assigns.

“Potable water” is any water used for human or domestic consumption, including, but not limited to, water used for drinking, bathing, swimming, washing dishes, or preparing foods.

SECTION 4: Repealer.

All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed insofar as they are in conflict with this ordinance.

SECTION 5: Severability.

If any provision of this ordinance or its application to any person or under any circumstances is adjudged invalid, such adjudication shall not affect the validity of the ordinance as a whole or of any portion not adjudged invalid.

SECTION 6: Effective date.

This ordinance shall be in full force and effect from and after its passage, approval and publication as required by law.

**DATED** on this 8<sup>th</sup> day of October, 2019.