

EXHIBIT "B"

ARTICLE VI – WATER SUPPLY CODE

19-6-1 **DEFINITIONS.** The following definitions shall apply in the interpretation and enforcement of this Code.

Abandoned Well means a water or monitoring well which is no longer used to supply water, or which is in such a state of disrepair that the well or boring has the potential for transmitting contamination into an aquifer or otherwise threatens the public health or safety.

Board of Health means the St. Clair County Board of Health or its authorized representative(s).

Community Public Water System means a public water system that serves at least **fifteen (15)** service connections used by residents, or regularly serves **twenty-five (25)** or more residents for at least **sixty (60) days** per year.

Health Authority means the person or persons who have been designated by the Board of Health to administer the affairs of the Health Department.

Health Department means the St. Clair County Health Department, including its duly authorized representative(s).

Non-Community Public Water System means a public water system that is not a community water system, and has at least **fifteen (15)** service connections used by nonresidents or regularly serves **twenty-five (25)** or more nonresident individuals daily for at least **sixty (60) days** per year.

Permit means a written permit issued by the Health Department permitting the construction or deepening of a water well under this Code.

Potable Water means water that is suitable for human consumption and which meets public health standards for drinking water.

Private Water System means any supply that provides water for drinking, culinary, and sanitary purposes and serves an owner-occupied single family dwelling.

Semi-Private Water System means a water supply that is not a public water system, yet, which serves a segment of the public other than an owner-occupied single family dwelling.

Water Well means an excavation that is drilled, cored, bored, washed, driven, dug, jetted, or otherwise constructed when the intended use is for the location, diversion, artificial recharge or acquisition of groundwater.

19-6-2 **ADOPTION BY REFERENCE.** In addition to those provisions set forth, this Code shall be interpreted and enforced in accordance with provisions set forth in the following statutes, rules, and regulations of the State of Illinois, Department of Public Health and any subsequent amendments or revisions thereto,

which publications are incorporated herein and adopted by reference as part of this Code, **three (3)** certified copies of which shall be on file in the office of the St. Clair County Clerk.

- (A) "Illinois Water Well Construction Code." (77 Ill. Adm. Code 920)
- (B) "Illinois Water Well Pump Installation Code." (77 Ill. Adm. Code 925)
- (C) "Public Area Sanitary Practice Code." (77 Ill. Adm. Code 895)
- (D) "Drinking Water Systems Code." (77 Ill. Adm. Code 900)
- (E) "Surface Source Water Treatment Code." (77 Ill. Adm. Code 930)

19-6-3 **PUBLIC WATER SUPPLY USE.** In those locations where a public supply is reasonably available, that supply shall be the sole source of water for drinking, culinary and sanitary purposes. A public water supply shall be deemed reasonably available when the subject property is located within **three hundred (300) feet** of the public water supply to which connection is practical and is permitted by the controlling authority for said water supply.

19-6-4 **POTABLE WATER SUPPLY REQUIRED.** All premises intended for human habitation or occupancy shall be provided with a potable water supply. The potable water supply shall not be connected to non-potable water and shall be protected against backflow and backsiphonage in accordance with the requirements of the "Illinois Plumbing Code". Each potable water supply shall provide quantities of water that are sufficient for drinking, culinary, and sanitary needs of the dwelling or premises served. A minimum system pressure of **twenty (20) pounds per square inch** shall be maintained throughout each potable water supply.

(A) **Surface Water Supplies.** All water systems which receive their source of water from ponds, lakes, streams, rivers or other surface collectors of water shall be designed, constructed, and operated in accordance with the "Surface Source Water Treatment Code". No surface water shall be utilized as a potable water supply unless the Health Department has reviewed and approved the supply and its components.

(B) **Cisterns.** Cisterns shall not be used as a potable water supply except where adequate groundwater resources are not available. Cistern water shall receive treatment in accordance with the "Surface Source Water Treatment Code". No cistern water shall be utilized as a potable water supply unless the Health Department has reviewed and approved the supply and its components.

19-6-5 **ABANDONED WELLS.** Wells that are abandoned shall be sealed in a manner prescribed by the Health Department and the "Illinois Water Well Construction Code". The Health Department shall inspect abandoned wells which

have been sealed to determine compliance with this Code. In questionable cases, the Health Department shall make the determination as to whether a water well is considered abandoned, based upon the definition of an “abandoned well” and the facts in each particular case.

19-6-6 **PERMIT REQUIRED.** No water well shall be constructed or deepened except in accordance with this Code, and it shall be unlawful to proceed with such work unless a permit has first been obtained from the Health Department. A non-community public water supply shall not be operated without first obtaining a permit from the Illinois Department of Public Health.

19-6-7 **APPLICATION FOR PERMIT.** All applications for permits under the provisions of this Code shall be made in writing and in such form as prescribed by the Health Department. Sufficient data shall be included to determine whether the proposed application for permit meets the requirements of this Code.

19-6-8 **ISSUANCE OF PERMIT.** Upon submission of the application for permit, including the plans and specifications of the proposed water well or component thereof, the Health Department shall review said application prior to issuance of a permit. The Health Department may require additional information, which may include the location of private sewage disposal systems and/or water wells on adjacent properties. It shall be the responsibility of the applicant or an authorized agent of the applicant to obtain all necessary data and to design a system which will meet the requirements of this Code. If the Health Department, upon review of said application, finds that such application meets the requirements of this Code, and upon payment of the required fee, a permit shall be issued to the applicant. Such permit shall include specifications specific to each proposed water well and shall include a statement as to any restrictions relating to the location, materials, components, or type of water well to be constructed. The Health Department shall act upon all applications within **fifteen (15) days** of receipt thereof.

19-6-9 **PROPERTY OWNER’S RESPONSIBILITY.** It shall be the responsibility of the property owner to obtain a permit before any construction or deepening of a water well is begun. Failure of the property owner to obtain a permit before any construction or deepening of a water well is begun shall constitute a violation of this Code.

19-6-10 WATER WELL AND/OR PUMP INSTALLATION CONTRACTOR'S RESPONSIBILITY. It shall be the responsibility of the Water Well Contractor to insure that a permit has been issued before any construction or deepening of a water well is begun and to follow the condition of said permit. Failure of the Water Well Contractor to insure said permit has been issued or to violate the conditions of said permit shall constitute a violation of this Code. All water wells shall be constructed in accordance with the "Illinois Water Well Construction Code". All individuals who construct water wells and install well pumps shall be licensed by the Illinois Department of Public Health in accordance with the Water Well and Pump Installation Contractor's License Act (**225 ILCS 345/1**).

19-6-11 PERMIT VALIDITY. A permit to construct or deepen a water well is valid for a period of **one (1) year** from the date of issuance. If construction has not started within this period, the permit is void and a new permit is required "including payment of fee" before construction begins.

19-6-12 PERMIT FEE. A nonrefundable fee of **One Hundred Dollars (\$100.00)** shall accompany each application and be deposited into the St. Clair County Health Department Fund.

19-6-13 EXCEPTIONS. A permit to construct or deepen a water well shall not be required by the Health Department when such water well does or will serve a community public water system or function as a monitoring well.

19-6-14 INSPECTIONS. The Health Department shall have the authority to enter any property at any reasonable time for inspection purposes to determine compliance with the provisions of this Code. It shall be the duty of the owner or occupant of a property to allow the Health Department free access to the property for inspection purposes to determine compliance with the provisions of this Code. If the Health Department is denied access to the property, it may, to the extent provided by law, obtain an administrative search warrant with the assistance of the State's Attorney Office for the purposes of this Codes' enforcement (**415 ILCS 55/9(j)**).

19-6-15 INSPECTION OF COMPLETED WORK. A water well shall not be placed into operation until the installation of the water well and its components have been inspected to verify compliance with the applicable provisions of this Code and written approval issued by the Health Department. To the degree practical and permitted by the Health Department, the completed installation shall remain

uncovered and/or accessible for inspection purposes until approved by the Health Department. If the Health Department, upon inspection of the specified installation or component thereof, finds that such work meets the provisions of this Code, the Health Department shall approve such work and authorize operation of the water well. However, compliance with **Section 19-6-18** shall be obtained prior to utilizing the water system for drinking, culinary, and sanitary purposes.

19-6-16 **NOTIFICATION FOR INSPECTION.** The Health Department shall be notified at least **forty-eight (48) hours** prior to commencing the construction or deepening of a water well for which a permit has been issued. The Health Department shall also be notified at least **forty-eight (48) hours** prior to sealing of an abandoned water well at which time a date for inspection will be arranged. It shall be the responsibility of the Water Well Contractor to notify the Health Department as required.

19-6-17 **SUSPENSION OF PERMIT.** Upon inspection by the Health Department, if it is found that any provisions of this Code or any permit specifications for a stated property have been violated, the Health Department shall notify the installer to make such specified changes in the work to allow compliance with the provisions of this Code and the permit. If such changes are not made within a period of time specified by the Health Department, said permit shall be suspended, and it shall be unlawful to place the water well into operation.

19-6-18 **DISINFECTION AND ANALYSIS.** All components of a new water well construction and/or modification shall be disinfected with a strong chlorine solution which will yield a dosage of at least **one hundred (100)** parts per million to the water in the well. After purging the system of any chlorine residual, a water sample shall be taken and satisfactory bacteriological results, as confirmed by a certified laboratory, shall be obtained prior to utilizing the water system for drinking, culinary and sanitary purposes. A certified laboratory shall mean a laboratory operated by the Illinois Department of Public Health or a laboratory given certification approval by the aforementioned agency for analyzing samples of water for potable use.

19-6-19 **CONTINUING ANALYSIS.** It shall be the duty of every owner of every water well serving a semi-private water system for more than **one (1)** residence to have the water therein bacteriologically analyzed by a certified laboratory as required by the Health Department for the protection of public health. Such water shall be bacteriologically analyzed whenever the water lines are opened up for

repair, replacement, or extension of the water distribution system. The water from a semi-private water system shall meet the nitrate, chemical and bacteriological requirements contained in the "Drinking Water Systems Code".

19-6-20 **ISSUANCE OF NOTICE.** Whenever the Health Department determines that a violation of any provision of this Code has occurred, the Health Department shall give notice to the person responsible for such violation. This notice shall:

- (A) Be in writing;
- (B) Include a statement of the reasons for issuance of the notice;
- (C) Allow reasonable time as determined by the Health Department for performance of any act it requires;
- (D) Be served upon the person responsible for the violation(s); provided that such notice shall have been properly served upon the person responsible for the violations when a copy thereof has been sent by registered or certified mail to his last known address as furnished to the Health Department or when he has been served with such notice by any other method authorized by laws of this State; and
- (E) Contain an outline of remedial action which is required to effect compliance with this Code.

It shall not be a prerequisite to enforcement of the penalty provisions of this Code that the Health Department first utilizes the notice procedure set forth in this Code.

19-6-21 **HEARINGS.**

(A) **Hearings Before the Health Department.** Any person affected by any order or notice issued by the Health Department in connection with enforcement of this Code, may file in the office of the Health Department a written request for a hearing before the Health Authority. The Health Authority shall hold a hearing at a time and place designated by the Health Department within **thirty (30) days** from the date on which the written request was filed. The petitioner for the hearing shall be notified of the time and place of the hearing not less than **five (5) days** prior to the date on which the hearing is to be held. If, as a result of the hearing, the Health Authority finds that the public health would be adequately protected and substantial justice done by varying or withdrawing the order, or notice, the Health Authority may modify or withdraw the order or notice. The Health Authority shall render a decision within **ten (10) days** after the date of the hearing which shall be reduced to writing and placed on file in the office of the Health Department as a matter of public record. Any person aggrieved by the decision of the Health Authority may seek relief

therefrom through a hearing before the Board of Health. A transcript of the record shall be provided at the request and at the expense of the person requesting the hearing.

(B) **Hearing Before the Board of Health.** Any person aggrieved by the decision of the Health Authority rendered as the result of a hearing held in accordance with this Section may file in the office of the Health Department a written request for a hearing before the Board of Health at a time and place designated by the secretary of the Board of Health within **thirty (30) days** of the date on which the written request was filed. The petitioner for the hearing shall be notified of the time and place of the hearing not less than **five (5) days** prior to the date on which the hearing is to be held. If, as a result of facts elicited as a result of the hearing, the Board of Health finds that the public health would be adequately protected and substantial justice done by granting a variance from the decision of the Health Authority, the Board of Health may grant a variance. The Board of Health shall render a decision within **ten (10) days** after the date of the hearing which shall be reduced to writing and placed on file in the office of the Health Department and a copy thereof shall be served on the petitioner personally or by delivery to the petitioner by certified mail. A transcript of the record shall be provided at the request and at the expense of the person requesting the hearing. All witnesses called shall be required to testify under sworn oath. An appeal from the decision of the Board of Health may be made to the Circuit Court of St. Clair County, pursuant to the provisions of the "Administrative Review Act" in force and effect at that time in the State of Illinois.

19-6-22 PENALTY.

(A) Any person who violates any provision of this Code or any rule or regulation adopted by St. Clair County or the State of Illinois, or who violates any determination or order of the Health Department under this Section, shall, upon conviction, be fined a sum of not less than **One Hundred Dollars (\$100.00)**. Each day's violation constitutes a separate offense.

(B) The State's Attorney of St. Clair County may bring such actions in the name of the People of the State of Illinois; or may bring such actions in the name of the People of the State of Illinois; or may in addition to other remedies provided in this Section, bring action for an injunction to restrain such violation, or to enjoin the operation of any establishment. Additionally, any person who violates any provision of this Code may be penalized in accordance with State of Illinois, Illinois Groundwater Protection Act (**415 ILCS 55/9(t)**).