

CHAPTER 30

GROUNDWATER PROTECTION

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30.01 TITLE

This Chapter 30 ("Chapter") shall be known and may be cited and referred to as the Groundwater Protection Ordinance for the City.

30.02 PURPOSE AND INTENT

A. In the interest of securing and promoting the public health, safety and welfare to preserve the quality and quantity of groundwater resources in order to assure a safe and adequate water supply for the present and future generations, and to protect and preserve groundwater resources currently in use and those aquifers having a potential for future use as a public water supply, the provisions of this Chapter shall apply to all properties located within the Groundwater Protection Planning Area (GPPA). This Chapter establishes regulations for activities within the GPPAs for: inspection and monitoring standards for new and existing chemical substance facilities; uniform standards for release reporting; emergency response; substance management planning; permit procedures; and enforcement.

B. It is the intent of this Chapter to provide a method:

1. To protect the groundwater resources of the City and the surrounding area.
2. To provide a means of regulating management activities within the groundwater protection areas.
3. To protect the City's drinking water supply within the GPPA from potential impacts by facilities that store, handle, treat, use or produce substances that pose a hazard to groundwater quality.
4. To manage activities that store, handle or produce chemical substances for the protection of present and future groundwater sources within the GPPA.

30.03 AUTHORITY AND APPLICABILITY *Amended, 05-3-2*

A. This Chapter is passed pursuant to authority conferred upon municipalities by the following sections in the Illinois Municipal Code (Chapter 65 of the Illinois Compiled Statutes): 5/11-12-4 *et seq.*, 5/11-13-1 *et seq.*, 5/11-60-2 *et seq.*; and, 50 ILCS 805/1 *et seq.*, Chapter 451, 415 ILCS 5/1 through 5n.5 and 415 ILCS 30/1 *et seq.*

B. The Groundwater Protection Committee ("Committee") is designated as the Groundwater Protection Technical Advisory Committee ("GPTAC"). Committee members shall be appointed by the Mayor with the advice and consent of the City Council. (The words Committee and GPTAC are interchangeable in this Chapter.) Committee members shall serve until their successor is appointed. The Mayor may consider appointing committee members from the Water and Sewer Department and Building Department of the City, the Administrator, the Marengo Fire Protection District and other consultants. The purposes and duties of the GPTAC are to:

1. Administer and implement the provisions of this Chapter and other appropriate sections of this Code.
2. Provide technical support and recommendations to the Water and Sewer Department concerning the technical definition and criteria of any groundwater protection area as described in Section 30.04 herein.
3. Advise the Building Department when the GPTAC determines that performance standards should be amended.
4. Provide technical support and recommendations to the City Council concerning any application made to it.
5. Advise the Building Department when the GPTAC determined that this Chapter 30 or any regulation or rule promulgated pursuant to the chapter should be amended.

6. Hold public meetings on appeals.

C. It shall be the responsibility of the Committee to make a determination of the applicability of this Chapter as it pertains to property within the City.

D. All facilities within a groundwater protection area must comply with this Chapter prior to the issuance of any underlying permits. Existing facilities which are not applying for an underlying permit should have come into compliance by May 21, 1999, which was one year from the effective date the ordinance establishing these provisions was passed.

E. The following are exempt from the permit requirements of this Chapter:

1. De Minimus Usage of Chemical Substances. Facilities that use, store or handle chemical substances in 250-pound aggregate quantities or less, or if in liquid form, 30 gallons or less aggregate quantities during any calendar year.
2. Single family residences provided that no home business is operated on the premises.

F. The following are exempt from this Chapter:

1. Department of Transportation licensed fuel tanks and fluid reservoirs attached to a private or commercial motor vehicle and used directly in the operation of that vehicle.
2. The activities of construction, repairing or maintaining any facility or improvement on lands within Zones 1, 2 or 3, provided that all contractors, subcontractor, laborers, material men and their employees when using, handling, storing or producing chemical substances in Zones 1, 2 or 3 use those applicable *Best Management Practices* set forth in Exhibit A, attached hereto and incorporated herein.
3. Activities specifically regulated under 35 Ill.Adm. Code 601.615, 616 and 617 (regulations for existing and new activities within setback zones and regulated recharge areas); 8 Ill.Adm. Code 255 and 256 (regulations for secondary containment for agricultural pesticide and fertilizer facilities); and 8 Ill.Adm. Code 257 (cooperative groundwater protection program for agricultural chemical facilities within appropriate setback zones).
4. If the owner of a new potential primary source, new potential secondary source or new potential route is granted an exception by the City Council (other than land filling or land treating) pursuant to the Act, such owner shall not be subject to this Chapter to the same extent that such owner is not subject to the Act.

5. If the owner of a new potential primary source, new potential secondary source or new potential route is issued a Certificate of Minimal Hazard by the Agency pursuant to the Act, such owner shall not be subject to this ordinance to the same extent that such owner is not subject to the Act.

G. Any action by the Agency or City Council referred to in this Chapter 30.03 shall not be final and binding on the City under this ordinance until the City has received notice of such proposed action and has had reasonable opportunity to present evidence concerning its interest.

30.04 EXTENT AND DESIGNATIONS *Amended, 08-2-1*

A. The provisions of this Chapter shall apply to all properties located within the Minimum Setback Zone (Zone 1) established under Section 14.2 of the Environmental Protection Act (415 ILCS 5/14.2), City of Marengo Ordinances number 90-5-1 and 96-2-5 and this Chapter, the Maximum Setback Zone (Zone 2) established under Section 14.3 of the Environmental Protection Act (415 ILCS 5/14.3), City of Marengo Ordinances number 90-5-1 and 96-2-5 and this Chapter, the 5-year recharge zone (Zone 3) which is hereby established as all real property parcels located wholly or partially within the limits of the recharge area drawn on the official map entitled *Wellhead Protection Planning Map for Marengo (110650)* (Exhibit C) which was compiled pursuant to Section 17.1 of the Environmental Protection Act (415 ILCS 5/17.1) and is hereby adopted by reference as part of this Chapter as if the maps were fully described herein, and such other areas as the City may hereafter establish as Minimum and Maximum Setback Zones and/or Wellhead Protection Areas pursuant to these authorities.

B. In determining the location of properties within the zones depicted on the map(s), the following rules shall apply:

1. Properties located wholly within one zone reflected on the applicable map(s), shall be governed by the restrictions applicable to that Zone.
2. Properties having parts lying within more than one zone reflected on the applicable map(s) shall be governed by the restrictions applicable to the zone in which each part of the property is located.
3. Where a travel-time contour which delineates the boundary between two zones passes through a building, the entire building shall be considered to be in that zone which is most restrictive as of the adoption date of this Chapter.

30.05 DEFINITIONS

Except as stated in this Chapter, and unless a different meaning of a word or term is clear from the context, the definition of words or terms in this Chapter shall be the same as those used in the Illinois Environmental Protection Act and the Illinois Groundwater Protection Act (415 ILCS 5/14 *et*

seq.), as amended from time to time. In addition to the definitions found in Appendix A, terms used in this Chapter, whether capitalized or not, have the following meaning:

Act: the Illinois Environmental Protection Act (415 ILCS 5/1 *et seq.*).

Agency: the Illinois Environmental Protection Agency.

Aquifer: saturated (with groundwater) soils and geologic materials which are sufficiently permeable to readily yield economically useful quantities of water to readily yield economically useful quantities of water to wells, springs or streams under ordinary hydraulic gradients.

Board: The Illinois Pollution Control Board.

Containment Device: A device that is designed to contain an unauthorized release, retain it for cleanup, and prevent released materials from penetrating into the ground.

Chemical Substance: Any "Extremely Hazardous Substance" listed in Appendix A of 40 C.F.R. Part 355, "Any Hazardous Substance" listed in 40 C.F.R. Section 302.4, and any petroleum including crude oil or any fraction thereof.

Chemical Substance Source of Groundwater Contamination: A unit at a facility or site that stores or accumulates more than 250 pounds aggregate quantities or less, or if in liquid form 30 gallons or less aggregate quantities during any calendar year.

Facility: The building and all real property contiguous thereto, and the equipment at a single location used for the conduct of business (430 ILCS 45/3).

Groundwater: Underground water which occurs within the saturated zone and geologic materials where the fluid pressure in the pore space is equal to or greater than atmospheric pressure.

Groundwater Protection Planning Area: (GPPA) The portion of an aquifer within the five-year capture zone of a well or well field.

Groundwater Protection Permit: An authorization by the City for a person to store, handle, use or produce a chemical substance sources within a GPPA. A Groundwater Protection Permit can include either a Development, Operating or Closure Permit pursuant to this Chapter.

Groundwater Protection Technical Advisory Committee: (GPTAC) A committee appointed by the Mayor which reviews materials to determine compliance with this Chapter. Committee members may include representatives from the Water Department, Wastewater Department, Building and Zoning Department, Marengo Fire Protection District, City Council members, City Administrator and/or other professionals as deemed necessary.

Groundwater Protection Overlay Zones: Zones of the GPPA designated to provide differential

levels of protection. Each GPPA is subdivided into three Groundwater Protection Overlay Zones as described below and as illustrated in the attached exhibits.

1. Zone 1: Minimum Setback Zone, the geographic area located between a well or a well field providing potable water supply and a radial area of 400 feet (as shown in Exhibit C) or within 200 feet of a non-community or private potable water supply well.
2. Zone 2: Maximum Setback Zone, the geographic area located between a well or a well field providing potable water to a community water supply and a regular or irregularly shaped area not to exceed 1,000 feet from the wellhead, but excluding the minimum setback zone.
3. Zone 3: Five-Year Capture Zone, the geographic area located between a well or a well field providing potable water to a community water supply and the delineated five-year zone of capture, but excluding Zones 1 and 2.

New Chemical Substance Source of Groundwater Contamination: Means:

1. A Chemical Substance Source which is not in existence or for which construction has not commenced at its location as of the effective date of this regulation.
2. A Chemical Substance Source which expands laterally beyond the currently permitted boundary or, if the chemical substance source is not permitted, the boundary in existence as of the effective date of this Chapter (February 22, 2001).
3. A Chemical Substance Source which is part of a facility that undergoes major reconstruction. Such reconstruction shall be deemed to have taken place where the fixed capital cost of the new components, constructed within a two- year period, exceed 50 percent of the fixed capital cost of a comparable entirely new facility.

New Potential Primary Source: Means:

1. A potential primary source which is not in existence or for which construction has not commenced at its location, on the effective date of passage of this Chapter (February 22, 2001); or
2. A potential primary source which expands laterally beyond the currently permitted boundary, or if the primary source is not permitted, the boundary, or if the primary source is not permitted, the boundary in existence; or
3. A potential primary source which is part of a facility that undergoes major reconstruction. Such reconstruction shall be deemed to have taken place where the fixed capital cost of the new components constructed within a two-year period exceed percent of the fixed capital cost of a comparable entirely new facility. Construction shall be deemed commenced when all necessary federal, state and local approvals have been obtained, and work at the site has

been initiated and proceeds in a reasonably continuous manner to completion.

New Potential Route: Means:

1. A potential which is not in existence or for which construction has not commenced at its location; or
2. A potential route which expands laterally beyond the currently permitted boundary or, if the potential route is not permitted, the boundary in existence. Construction shall be deemed commenced when all necessary federal, state, and local proceeds in a reasonably continuous manner to completion.

New Potential Secondary Source: Means:

1. A potential secondary source which is not in existence or for which construction has not commenced at its location; or
2. A potential secondary source which expands laterally beyond the currently permitted boundary of, if the secondary source is not permitted, the boundary in existence, other than an expansion for handling of livestock waste or for treating domestic waste waters; or
3. A potential secondary source which is a part of a facility that undergoes major reconstruction. Such reconstruction shall be deemed to have taken place where the fixed capital cost of the new components constructed within a two- year period exceed 50 percent of the fixed capital cost of a comparable entirely new facility. Construction shall be deemed commenced when all necessary federal, state, and local approval have been obtained, and work at the site has been initiated and proceeds in a reasonably continuous manner to completion.

Operator: Any person who in control of, or having responsibility for daily operation of a facility.

Owner: Any person who owns a site, facility or unit, or part of a site, facility or unit, or who owns the land on which the site, facility or unit is located.

Person: Any person, individual, public or private corporation, firm, association, joint venture, trust, partnership, municipality, governmental agency, political subdivision, public officer, owner, lessee, tenant or any other entity whatsoever or any combination of such, jointly or severally.

Potable Water: Water that is satisfactory for drinking, culinary and domestic purposes meeting currently accepted water supply practices and principals.

Potential Primary Source: Any unit at a facility or site not currently subject to a removal or remedial action which:

1. Is utilized for the treatment, storage or disposal of any hazardous or special waste not generated at the site; or
2. Is utilized for the disposal of municipal waste not generated at the site, other than landscape waste and construction and demolition debris; or
3. Is utilized for the land filling, land treating, surface impounding or piling of any hazardous or special waste that is generated on the site or at other sites owned, controlled or operated by the same person; or
4. Stores or accumulates at any time more than 75,000 pounds above ground, or more than 7,500 pounds below ground of any hazardous substances.

Potential Route: Abandoned and improperly plugged wells of all kinds, drainage wells, all injection wells, including closed loop heat pump wells, and any excavation for the discovery, development or production of stone, sand or gravel.

Potential Secondary Source: Any unit at a facility or a site not currently subject to a removal or remedial action, other than a potential primary source which:

1. Is utilized for the land filling, land treating or surface impounding of waste that is generated on the site or at other sites owned, controlled or operated by the same person, other than livestock and landscape waste, and construction and demolition debris; or
2. Stores or accumulates at any time more than 25,000 pounds but not more than 75,000 pounds above ground or more than 2,500 pounds but not more than 7,500 pounds below ground of any hazardous substances; or
3. Stores or accumulates at any time more than 25,000 gallons above ground, or more than 500 gallons below ground of petroleum including crude oil or any fraction thereof which is not otherwise specifically listed or designated as a hazardous substance; or
4. Stores or accumulates pesticides, fertilizers or road oils for purposes of commercial application, or for distribution to retail sales outlets; or
5. Stores or accumulates at any one time more than 50,000 pounds of any deicing agent; or
6. Is utilized for handling livestock waste or for treating domestic waste waters other than private sewage disposal systems as defined in the Private Sewage Disposal Licensing Act. (225 ILCS 225/1 *et seq.*)

Recharge Area: The area through which precipitation and surface water can enter an aquifer.

Saturated Zone: The zone in which the voids in the rock or soil are filled with water at a pressure

greater than atmospheric pressure.

Setback Zone: A geographic area designated pursuant to the Act and this Chapter containing a potable water supply well or a potential source or potential route having a continuous boundary, and within which certain prohibitions or regulations are applicable in order to protect groundwater.

Site: Any location, place, tract of land or facilities, including but not limited to buildings and improvements used for purposes subject to regulations or control by the Act or regulations thereunder.

Unauthorized Release: Any spilling leaking, emitting, discharging, escaping, leaching or disposing of a chemical substance sources in a quantity greater than one gallon from a facility into a containment device into the air, into groundwater, surface water, surface soils or subsurface soils. Unauthorized release does not include intentional withdrawals of chemical substances for the purposes of legitimate sale, use or disposal and discharges permitted under federal, state or local law.

Underlying Permit: This includes the building permits, septic permits, erosion, sediment and storm water control permits, entry access permit and well permits required by the City.

Unit: Any device, mechanism, equipment or area (exclusive of land utilized only for agricultural production).

Well: Any excavation that is drilled, cored, bored, driven, dug, fitted or otherwise constructed when the intended use of such excavation is for the location, diversion, artificial recharge or acquisition of groundwater.

Well Field: An area which contains one or more wells for obtaining a potable water supply.

30.06 PERMITS *Amended, 05-3-2*

A. GENERAL CONDITIONS

1. No person, persons, corporation or other legal entities shall install or operate a facility in a GPPA without first obtaining a Groundwater Protection Permit from the Building Commissioner. Prior to issuance, the Committee shall approve the application.
2. The review for all permits shall be on the types of substances that will be stored, handled, treated, used or produced and the potential for these substances to degrade groundwater quality.
3. For new facilities, all permits required pursuant to this Chapter must be issued prior to or concurrent with the issuance of permits for construction

activities or underlying permits.

4. Existing facilities shall submit an application for a permit within one year of the passage of this Chapter or within one year of the facility's being included in a GPPA. The application must include a proposed schedule of compliance.
5. A permit shall not be issued for a facility unless adequate plans, specifications, test data, and/or other appropriate information has been submitted by the owner and/or operator showing that the proposed design and construction of the facility does not impact the long term, short term or cumulative quality of the aquifer.
6. The facility owner shall apply to the City for permit renewal at least 90 days prior to the expiration of the permit.
7. If an inspection of the facility reveals noncompliance, then the City must verify by a follow-up inspection that all required corrections have been implemented before renewing the permit.
8. For new activities located in Zone 1, Zone 2, or Zone 3 and regulated by the above requirements, the applicant for a Site Plan Review has the burden of proof that the proposed activity will not adversely affect groundwater. All applications shall be prepared and considered pursuant to the City's existing Site Plan Review Ordinance and shall include written information and plan (map) information. In addition, certain management activities may require Site Plan Reviews with additional information as required by this Chapter, the GPTAC, and/or the City Council.

B. DEVELOPMENT PERMITS

1. The application for Development Permits pursuant to this Chapter shall be made on a form provided by the City and shall be accompanied by a fee of \$500. The extension application fee shall be \$100.
2. Applications for Development Permits shall be submitted at least 90 days before the expected start of construction.
3. Development Permits expire one year from the date of issuance unless construction has started, the owner/operator of the facility or their authorized agent shall request an extension of Development Permit. If the construction period is expected to exceed one year, a request for extension shall be filed with the City at least 90 days prior to the permit expiration date.
4. The Development Permit application shall include in addition to the other requirements set forth in the Zoning Regulations and Subdivision and Other

Land Use Regulations, the following information:

- a. Name(s), addresses, and phone number(s) of all owner(s) and/or operators of the property and/or facility. If occupant is not owner, copies of all leases pertaining to the facility must be provided.
- b. Property address, legal description and permanent identification (PIN) number for the facility.
- c. Description of proposed use, type of use or activity, commercial (trades and services), industrial (manufacturing and processing), product produced and Standard Industrial Code (S.I.C.) if applicable.
- d. A description of the containment devices designed to comply with the requirements of this Chapter and the procedures for inspection and maintenance of containment devices.
- e. A copy of engineering plans prepared by an Illinois registered professional engineer showing the following:
 - I. Location of all public water supply wells within 1,000 feet of the development.
 - II. Location of all private drinking water supply wells, streams and other watercourses tributary to any Class A stream within 1,000 feet of the development.
 - III. The location of the facility and its property boundaries and the location(s), size(s), and length(s) of all existing structures including buildings, above and underground utilities.
 - IV. A map, at scale no greater than 1 inch = 200 feet indicating geographic North and the location of the property and all proposed improvements thereon and their geographic relationship by the depiction of the City's corporate boundaries and the Groundwater Protection Planning Areas.
 - V. A site plan and building floor plan showing hazardous materials loading, storage, handling and process areas, floor drains, process vents, sewage disposal, and waste storage or disposal areas; including the location where substances regulated by this Chapter are stored, handled, treated, used, or produced, and the locations of each containment device.

VI. Floodplain/stormwater delineation.

C. OPERATING PERMITS

1. The Operation Permit application shall be filed with the City when construction is complete. An Operating Permit is required for all projects which require a Development Permit. The approved Operating Permit shall be obtained before the project is placed in service or any chemical substances are permitted to be delivered to, or generated on the site.
2. The application for Operating Permits pursuant to this Chapter shall be made on a form provided by the City and shall be accompanied by such other documents, certifications and other materials as the Building and Zoning Department shall require, and a fee of \$100. An Operating Permit issued by the City shall be effective for one year. The City shall not issue a permit to operate a facility until the City has determined that the facility complies with the provisions of these regulations.
3. The application for Operating Permits shall be submitted at least 15 days before putting the facility in operation.
4. The Operating Permit application shall include:
 - a. A report certified by an Illinois registered professional engineer which will demonstrate that the Development Permit requirements and conditions have been met in all respects.
 - b. The owner and/or operator certification that a Chemical Substance Management Plan is available upon inspection. (Contents of a Chemical Substance Management Plan may be found in Exhibit B of this Chapter).
5. Operating Permits may be transferred to a new facility owner/operator if the new facility owner/operator does not change any conditions of the permit, if the transfer is registered with the City within 30 days of the change in ownership, and any necessary modifications are made to the information in the initial permit application due to the change in ownership.
6. Within 30 days of receiving an inspection report with permit deficiencies for the City, the Operating Permit holder shall file with the City a plan to implement any required modifications to the facility or to the monitoring plan needed to achieve compliance with the intent of this Chapter of the permit conditions. This plan shall also implement all of the recommendations set out by the City. The City shall determine the time period for implementing the

City's recommendations correcting any deficiencies.

D. CLOSURE PERMITS

1. No person shall close or cause to be closed a facility regulated pursuant to this Chapter without first obtaining a Closure Permit from the City. The City shall not issue a permit to temporarily or permanently close a facility unless adequate plans and specifications and other appropriate information have been submitted by the applicant showing that the proposed closure meets the intent and provisions of this Chapter.
2. The application for a Closure Permit shall be submitted at least 90 days before closure.
3. The application for a Closure Permit pursuant to this Chapter shall be made on a form provided by the City and shall be accompanied by a fee of \$200.
4. Closure Permits shall be required for all facilities that cease to store, handle, treat, use, or produce chemical substances for a period of more than 365 days or when the owner has no intent within the next year to store, handle, treat, use, or produce chemical substances. During the period of time between cessation of chemical substance storage, handling, treatment, use, or production, and actual completion of facility closure, the applicable containment and monitoring requirements of this Chapter shall continue to apply.
5. Prior to closure, the facility owner shall submit to the City a plan describing how the owner intends to comply with closure requirements. Owners proposing to close a facility shall comply with the following requirements:

Chemical substances shall be removed from the facility, including residential liquids, solids, or sludges to levels specified in the approved closure plan. Any residues generated from the closure activities shall be disposed of in compliance with the Act.
6. The owner of a facility being closed shall demonstrate to the satisfaction of City that closure has been completed in accordance with the approved plan submitted pursuant to Section 30.06-D4 herein.
7. Facility closure will be accepted as complete by the City upon implementation of the Closure Permit conditions and compliance with all provisions of this Chapter.

E. SPECIAL PROVISIONS FOR ALL PERMITS

1. Right of Inspection: The permittee shall allow any agent duly authorized by the City upon presentation of credentials, and in accordance with the constitutional limitations to:
 - a. Enter at reasonable times, the permittee's premises where the permitted facility is located or where any activity is to be conducted pursuant to a permit.
 - b. Have access to and copy at reasonable times any records required to be kept under the terms and conditions of permit.
 - c. Inspect at reasonable times including during any hours of operation:
 - I. Equipment constructed or operated under the permit.
 - II. Equipment or monitoring methodology.
 - III. Equipment required to be kept, used, operated, calibrated and maintained under the permit
2. Permit Limitations: All permits issued under this Chapter shall not be valid until applications for all other permits required at this facility have been made and received.
3. Revisions and Alterations: Any proposed deviation from plans and specifications previous approved by the City shall require approval by the City before such changes are made. Examples of changes are those which affect the location, capacity, hydraulic conditions, operating units or functioning of containment or monitoring devices.

F. PERMIT APPLICATIONS AND REVIEW PROCESS

1. Filing of applications and final action by the City.
 - a. The filing date is the date when the City receives the application.
 - b. The City shall take final action by granting or denying development, closure, or renewal permits within 90 days of the filing of the application. The City shall take final action by granting or denying operating permits within 30 days of filing the application. Applicants may waive the time limitations by advising the City in writing.
2. Permit Application Review.

- a. When a permit application is submitted to the Committee, the Committee shall reject the application or issue a permit within 30 days after submittal. In the event the application is rejected, the reasons shall be put in writing.
- b. Permit applications shall not be considered accepted until all required documentation has been filed with the Committee. The City shall have available to the public, in written form, what documentation shall accompany an application.

30.07 REGULATIONS WHICH APPLY WITHIN THE MINIMUM SETBACK ZONE (ZONE 1) OF THE GPPA

A. PROHIBITED USES AND ACTIVITIES

1. Except as provided in Section 30.06, no person shall place a new potential primary source, new potential secondary source or new potential route within the minimum setback zone(s) of any existing or permitted community water supply well in the City.
2. Except as provided in Section 30.06, no person shall alter or change an existing potential primary source, potential secondary source or potential route where the alteration or change would result in a potential source or route that would be prohibited under this Chapter if it were a new potential source or route within the minimum setback zones.

B. REVIEW AND APPROVAL OF PROPOSED ACTIVITIES

1. All proposals for new chemical substance sources within the minimum setback zone (Zone 1) must be reviewed by the City for compliance with this Chapter, including the issuance of a Groundwater Protection Permit pursuant to this Chapter prior to issuance of any underlying permit.
2. No Groundwater Protection Permit shall be issued unless a finding is made by the City that the proposal will not impact the long term, short term or cumulative quality of aquifer. The find shall be based on the present or past land use activities conducted at the chemical substance source, chemical substances stored, handled, treated, used or produced and the potential for the activities or chemical substances to degrade groundwater quality.

30.08 REGULATIONS WHICH APPLY WITHIN THE MAXIMUM SETBACK ZONE (ZONE 2) OF THE GPPA

A. PROHIBITED USES AND ACTIVITIES

1. Except as provided in Section 30.06, no person shall place a new potential primary source within the maximum setback zone(s) of any existing or permitted community water supply well in the City.
2. Except as provided in Section 30.06, no person shall alter or change an existing potential primary source where the alteration or change would result in a potential source or route that would be prohibited under this Chapter if it were a new potential source or route within the maximum setback zones.

B. REVIEW AND APPROVAL OF PROPOSED ACTIVITIES

1. All proposals for new chemical substance sources which use, store, handle, treat or produce a chemical substance within the maximum setback zone (Zone 2) must be reviewed by the City for compliance with this Chapter, including obtaining a Groundwater Protection Permit pursuant to this Chapter prior to issuance of any underlying permit.
2. No Groundwater Protection Permit shall be issued unless a finding is made by the City that the proposal will not impact the long term, short term or cumulative quality of the aquifer. The finding shall be based on the present or past land use activities conducted at the facility, chemical substances stored, handled, treated, used or produced, and the potential for the activities or chemical substances to degrade groundwater quality.

30.09 REGULATION WHICH APPLY WITHIN THE FIVE-YEAR CAPTURE ZONE (ZONE 3) OF THE GPPA

A. All proposals for new chemical substance sources within the 5-year capture zone (Zone 3) must be reviewed by the City for compliance with this Chapter, including obtaining a Groundwater Protection Permit pursuant to this Chapter prior to issuance of any underlying permit.

B. No Groundwater Protection Permit shall be issued unless a finding is made by the City that the proposal will not impact the long term, short term or cumulative quality of the aquifer. The finding shall be based on the present or past land use activities conducted at the chemical substance source, chemical substances stored, handled, treated, used or produced, and the potential for the activities or chemical substances to degrade groundwater quality.

30.10 UNAUTHORIZED RELEASES

A. GENERAL PROVISIONS. Any unplanned release is unauthorized and must be either reported to the Marengo Fire Protection District or recorded in the owner's inspection and maintenance log according to the provisions of this Section 30.10. An unauthorized release is an

"unauthorized release requiring recording" if the release is completely captured by the containment device. If the containment device fails to contain the entire release, the release is an "unauthorized release requiring reporting." Reporting a release to the Marengo Fire Protection District does not exempt or preempt any other reporting requirements under federal, state or local laws.

B. UNAUTHORIZED RELEASES REQUIRING RECORDING. Unauthorized releases requiring recording shall be reported in the facility's operating report.

C. UNAUTHORIZED RELEASES REQUIRING REPORTING

1. Unauthorized releases requiring reporting shall be verbally reported to the Marengo Fire Protection District immediately.
2. A written report shall be submitted promptly thereafter containing the following information that is known at the time of filing the report:
 - a. List of type, quantity and concentration of chemical substance(s) released.
 - b. The results of all investigations completed at that time to determine the extent of soil or groundwater or surface water contamination because of the release.
 - c. Method of cleanup implemented to date, proposed cleanup actions and approximate cost of actions taken to date.
 - d. Method and location of disposal of the released chemical substance sources and any contaminated soils, groundwater or surface water.
 - e. Proposed method of repair or replacement of the containment device.
 - f. Chemical substance source owner's name and telephone numbers.
3. Until cleanup is complete, the owner shall submit reports containing the reporting required by Section 30.10-C herein to the City, every month or at a more frequent interval specified by the inspector.
4. The City shall either find that the containment standards of this Chapter can continue to be achieved or shall recommend the revocation of the permit until appropriate modifications are made to allow compliance with the standards.
5. The chemical substance source owner and/or operator jointly and severally shall be responsible for any costs incurred by the City or its authorized agents in the conduct of such remedial actions, including but not limited to all

consultant, engineering and attorney fees.

30.11 PENALTIES

A. A violation of any of the provisions of this Chapter shall constitute a misdemeanor and a nuisance. It shall be a separate offense for each and every day or portion thereof during which any violation of any of the provisions of this Chapter is committed, continued or permitted.

B. Any owner or operator who violates any provisions of this Chapter shall be subject, upon conviction in court, to a fine not to exceed \$500 per day, per chemical substance source.

C. In addition to any fines and penalties set forth above, the owner or operator shall reimburse the City for all reasonable costs incurred as a result of responding to, containing, cleaning up or monitoring the cleaning up and disposal of any spilled or leaked chemical substance sources including but not limited to consultant, engineering and legal fees.

30.12 ENFORCEMENT *Amended, 05-3-2*

A. The Committee shall be the administering agency and shall have the power and authority to administer and enforce the provisions of this Chapter. The City shall have the right to conduct inspections of chemical substance sources at reasonable times to determine compliance with this Chapter.

B. The City may revoke any permit issued pursuant to this Chapter after notice to the permittee and after affording the permittee an opportunity to meet either in person or by telephone if it finds that the permit holder:

1. Has failed or refused to comply with any provision of this Chapter.
2. Has submitted false or inaccurate information in a permit application.
3. Has refused lawful inspection.
4. Has an unauthorized release and the Groundwater Protection Technical Advisory Committee finds that the containment standards of this Chapter cannot continue to be achieved.

30.13 NOTICE OF VIOLATION

Whenever it is determined that there is a violation of this Chapter, the notice of violation issued shall:

1. Be in writing and delivered to the owner or operator by certified/registered mail.

2. Be dated and signed by the authorized City agent making the inspection.
3. Specify the violation or violations.
4. Specify the length of time to correct the violation after receiving the notice of violation.

30.14 APPEALS *Amended, 05-3-2*

Any decision made by the GTPAC or Building Department pursuant to this Chapter may be appealed to the City Council. Appeals to the City Council take place by filing an appeal in writing with the City within 15 days after receipt of a decision in writing by the GTPAC. A hearing with the Marengo City Council will be held within 60 days of submission of the appeal or petition.

30.15 SEVERABILITY

If any section, subsection, subdivision, paragraph, sentence, clause or phrase in this Chapter, or any part thereof, or application thereof to any person is for any reason held to be unconstitutional or invalid or ineffective by any court of competent jurisdiction. Such a decision shall not affect the validity of effectiveness of the of the remaining portions of this Chapter or any part thereof. It is hereby declared to be the legislative intent of the City Council that this Chapter would have been adopted had such unconstitutional or invalid provision, clause, sentence, paragraph, section or part thereof not then been included.

30.16 INCONSISTENT ORDINANCES REPEALED

All other ordinances, or parts of ordinances, in conflict herewith are repealed.

30.17 SAVING CLAUSE

Nothing in this Chapter hereby adopted shall be construed to affect any suit or proceeding pending in any court, or any rights acquired, or liability incurred, or any suit or proceeding pending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or ordinance hereby repealed as cited in this Chapter.

EXHIBIT A
BEST MANAGEMENT PRACTICES FOR THE CONSTRUCTION INDUSTRY

1. The general contractor, or if none the property owner, shall be responsible for assuring that each contractor or subcontractor evaluates each site before construction is initiated to determine if any site conditions may pose particular problems for the handling of any chemical substances. For instance, handling chemical substance(s) in the proximity of a Groundwater Protection Overlay Zone or water bodies may be improper.
2. If any chemical substances are stored on the construction site during the construction process, they shall be stored in a location and manner which will minimize any possible risk of release to the environment. Any storage of 55 gallons (208 liters), or 440 pounds (200 kilograms), or more containing chemical substances shall have constructed below it an impervious containment system constructed of materials of sufficient thickness, density and composition that will prevent the discharge to the land, groundwater or surface water of any pollutant which may emanate from said storage container or containers. Each containment system shall be able to contain 110 percent of the contents of all storage containers above the containment system.
3. Each contractor shall familiarize him/herself with the manufacturer's safety data sheet supplied with each material containing a chemical substance sources and shall be familiar with procedures required to contain and clean up any releases of the chemical substance. Any tools or equipment necessary to accomplish same shall be available in case of a release.
4. Upon completion of construction, all unused and waste chemical substances and containment systems shall be removed from the construction site by the responsible contractor, and shall be disposed of in a proper manner as prescribed by law.

EXHIBIT B

CHEMICAL SUBSTANCE MANAGEMENT PLAN

A Chemical Substance Management Plan shall be required as a condition of each Operating Permit. If a Spill Prevention Control Plan (SPCC), Best Practices Management Plan or similar contingency plan has been prepared in accordance with Illinois or United States Environmental Protection Agency requirements; a Chemical Substance Management Plan (CSMP) is not required as long as all of the chemical substances and requirements of a CSMP are included in the spill prevention control plan. The Chemical Substance Management Plan shall include:

1. The names and volumes of all chemical substances which are to be stored, handled, treated, used or produced at the facility being permitted quantities greater than the minimum amounts specified by this Chapter 30.
2. Location of adjacent (within 400 feet of the property line) public or private drinking water supply wells.
3. A brief description of the manner in which the on site chemical substances are stored and used.
4. A potential release assessment and the response procedures to be followed at the chemical substance source for notifying the local emergency response agencies.
5. Any management measures that are employed to reduce the potential for releases.

EXHIBIT C
WELLHEAD PROTECTION PLANNING MAP FOR MARENGO (110650)

