

CITY OF ATHENS
ORDINANCE NO. 11-2005

MINIMUM AND MAXIMUM SETBACK ZONE ORDINANCE PROVISIONS

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Section 1. Purpose

Pursuant to the authority conferred by 65 ILCS 5/11-125-4; 415 ILCS 5/14.2, 5/14.3 and 5/17.1, and in the interest of securing 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 present and future generations; and to preserve groundwater resources currently in use and those aquifers having a potential for future use as a public water supply, the provisions of this ordinance shall apply to all properties located within the minimum setback zone established under Section 14.2 of the Environmental Protection Act (“Act”) (415 ILCS 5/14.2) and this ordinance, and the maximum setback zone established under Section 14.3 of the Act (415 ILCS 5/14.3) and this ordinance.

Section 2. Definitions

Except as stated in this ordinance, and unless a different meaning of a word or term is clear from the context, the definition of words or terms in this ordinance shall be the same as those used in the Act and the Illinois Groundwater Protection Act (415 ILCS 5/1 *et seq.*):

“Act” means the Environmental Protection Act (415 ILCS 5/1 *et seq.*).

“Agency” means the Illinois Environmental Protection Agency.

“Board” means the Illinois Pollution Control Board.

“Maximum setback zone” means the area around a community water supply well established under Section 14.3 of the Act and this ordinance, and described in Appendix A.

“Minimum setback zone” means the area around a community water supply well established under Section 14.2 of the Act and this ordinance, and described in Appendix A.

Section 3. Prohibitions

With respect to Well No. 4 (IEPA # 52049), Well No. 3 (IEPA #52048) and Well No. 5 (# 01527):

- A. Except as provided in Section 4 or 5 of this ordinance, no person shall place a new potential primary source, new potential secondary source, or new potential route within the minimum setback zone.
- B. Except as provided in Section 4 of this ordinance, no person shall place a new potential primary source within the maximum setback zone unless the source is placed beyond 1000 feet from the wellhead.
- C. Except as provided in Section 4 of this ordinance, no person shall place a new potential primary route within the maximum setback zone.

Section 4. Waivers, Exceptions, and Certifications of Minimal Hazard

- A. If, pursuant to Section 14.2 (b) of the Act, the owner of a new potential primary source, new potential secondary source, or new potential route is granted a waiver by the Agency, such owner shall be deemed to have a waiver to the same extent from Section 3 (a) of this ordinance.
- B. If, pursuant to Section 14.2 (c) of the Act, the owner of a new potential primary source (other than landfilling or land treating), new potential secondary source, or new potential route is granted an exception by the Board, such owner shall be deemed to have an exception to the same extent from Section 3 (a) of this ordinance.
- C. If, pursuant to Section 14.2 (c) of the Act, the owner of a new potential primary source (other than landfilling or land treating) is granted an exception by the Board, such owner shall be deemed to have an exception to the same extent from Section 3 (b) of this ordinance.
- D. If, pursuant to Section 14.5 of the Act, 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, such owner shall not be subject to Section 3 (a) of this ordinance to the same extent that such owner is not subject to Section 14.2 (d) of the Act.

Section 5. Exclusion

Section 3 (a) of this ordinance shall not apply to new common sources of sanitary pollution as specified pursuant to Section 17 of the Act and the regulations adopted thereunder by the Agency; however, no such common sources may be located within the applicable minimum distance from a community water supply well specified by such regulations.

This ordinance shall be in full force and effect after its passage, signing, and publication as