

AGENDA
LEGISLATIVE AND INTERGOVERNMENTAL AFFAIRS COMMITTEE
THURSDAY, OCTOBER 27, 2011 – 8:30 a.m.
McHenry County Government Center – Administration Building
667 Ware Road – County Board Conference Room
Woodstock, IL 60098

- 1.0 Call to Order
- 2.0 Minute Approval
- 3.0 Public Comment
- 4.0 Presentation
- 5.0 Old Business
 - 5.05 State Veto Session Update
 - 5.10 Electric Aggregation
- 6.0 New Business
 - 6.05 Recommendations for Strengthening the Illinois Water Act's Newest Section on High Capacity Wells
 - 6.10 Discussion of Draft State Legislative Program for 2012
 - 6.15 Discussion of FFY13 Federal Legislative Program
- 7.0 Executive Session (as necessary)
- 8.0 Reports to Committee, as applicable
- 9.0 Adjournment

McHenry County Department of Health
Division of Environmental Health
High Capacity Water Wells

Recommendations to Clarify II Water Use Act PA 096-0222 as amended.

From: Environmental Health Advisory Committee

August 15, 2011

Background:

High capacity water wells are wells where the rate or capacity of water withdrawals is equal to or in excess of 100,000 gallons during any 24 hour period. (This is equivalent to a well producing approximately 70 or more gallons per minute.) A typical 4 bedroom residence would be expected to utilize approximately 800 gallons per day.

The Illinois Water Use Act (Public Act 096-0222) was amended, effective January 1, 2010, to require additional activities related to high capacity water wells as follows:

- The owner of a new high capacity water well must notify the Soil and Water Conservation District (District) before construction of the well begins. The District must notify other units of local government, with water systems, who may be impacted by the proposed withdrawal. The District is also required to review the effect of the proposed withdrawal on other users of the water, with the assistance of the Illinois State Water Survey and State Geological Survey. The review is to be completed within 30 days of receipt and is to be made public.
- The Act also requires any person responsible for a high capacity water well to participate in the Illinois Water Inventory Program through the Illinois State Water Survey, which requires reporting of water use. Agricultural irrigation wells are exempt from this requirement until 2015.

The Department's involvement with high capacity water wells is in the issuance of permits to install or abandon those water wells. The Department is responsible to review and approve permits to construct private, semi-private and non-community water wells in compliance with the Illinois Water Well Construction Code and McHenry County Public Health Ordinance. The Illinois Water Well Construction Code and McHenry County Public Health Ordinance require the design of each proposed well to include an assessment of the capability of the well to produce as much of the desired water quantity as the aquifer or aquifers can safely furnish.

When a permit application to construct a high capacity water well is received by the Department, staff notifies the Soil and Water Conservation District of the permit application and advises the applicant of his/her responsibility to submit specific information to the District. Staff also requests the following additional information from a licensed geologist or licensed professional engineer:

1. Availability of sufficient water quantity.
2. Estimated potential area of influence at a maximum sustained draw from the proposed well.
3. Any potential negative influences from the proposed well on surrounding water wells with regard to water quantity or quality including insufficient water quantity or documented groundwater contamination sites within the area of influence.
4. The potential impact to any water fed sensitive receiving environments including fens or wetlands.
5. Recommendations for construction and location of the proposed well to safely and responsibly furnish the desired water quantity.

Department staff forwards the required information to the Illinois State Water Survey for review and any additional recommendations.

Staff held a meeting for all of the Licensed Water Well Drillers in April of this year to discuss high capacity water wells and the additional information that is required prior to issuance of a permit. Permits for three (3) high capacity water wells have been issued using this procedure. Two additional permits for high capacity water wells are pending.

The Illinois Department of Public Health recently reviewed and supported our current process for reviewing high capacity water wells.

Limitations of the amended Water Use Act:

While the Act makes provision for notification of local units of government with water systems, the Act does not provide for a process by which a unit of local government could object to installation of a high capacity water well. There is no process for a local unit of government to provide additional information regarding potential impacts before a permit is issued to install the high capacity water well. The Act does not provide for notification of others who could be impacted by a high capacity water well including private water well users, non-community public water supply users or individuals who own or are responsible for water fed sensitive receiving environments.

McHenry County is excluded from the areas of the state which may request the Department of Agriculture impose restrictions on the water withdrawal from large capacity water wells.

Recommended Changes:

The Act should be amended to require :

1. Notification to all individuals or entities that may be impacted by the installation of a high capacity water well.
2. A specific process be established to allow for submission of comments and consideration of additional information prior to issuance of a well permit for a high capacity water well.
3. Prior to installation of any high capacity water well, a full hydrological evaluation should be completed by a licensed geologist or licensed professional engineer, to confirm that the installation and use of the high capacity water well will not negatively impact existing water users or water fed sensitive receiving environments.
4. A funding mechanism to allow the Illinois State Water Survey to complete the required evaluations in a timely manner.