



City of Grand Island

Tuesday, April 14, 2015

Council Session

Item F-2

#9533 - Consideration of Revision of Chapter 35 of the Grand Island City Code Relative to Water

Staff Contact: Tim Luchsinger

Council Agenda Memo

From: Timothy Luchsinger, Utilities Director
Craig Lewis, Building Department Director
Robert Sivick, City Attorney

Meeting: April 14, 2015

Subject: Ordinance #9533 – Consideration of Revisions to
Chapter 35 of the City Code - Water

Item #'s: F-2

Presenter(s): Timothy Luchsinger, Utilities Director

Background

In review of Chapter 35, Water, of the City Code for recent required revisions, City staff came across inaccuracies due to changes over time, and opted to conduct substantial edits that reflect current terminologies and organizational structure currently in place in the City. Examples of this include capitalization of references to City, Council, and Mayor, change of position classification from Director of Utilities Operations to Utilities Director, and the creation of a Building Department to issue permits and conduct inspections previously done within the Public Works Department.

Discussion

In addition to the nomenclature previously indicated changes to Chapter 35, Water include the following.

- Addition of specifications for 2 inch service pipes.
- Requirement of density specifications for refilling excavations.
- Including maintenance of privately owned hydrants by the owner.
- Providing for estimates of consumption for billing when meter readings are not available.
- Reference to plumbing codes and permit fees for private water mains.
- Replacement of references to City requirements with national plumbing codes for backflow device definitions and standards.

Alternatives

It appears that the Council has the following alternatives concerning the issue at hand.
The Council may:

1. Move to approve
2. Refer the issue to a Committee
3. Postpone the issue to future date
4. Take no action on the issue

Recommendation

City Administration recommends that the Council approve Ordinance #9533 relative to revisions of the City Code, Chapter 35 - Water.

Sample Motion

Move to approve Ordinance #9533 relative to revisions of the City Code Chapter 35 - Water.

ORDINANCE NO. 9533

An ordinance to revise Chapter 35 of the Grand Island City Code; and to repeal any ordinance or parts of ordinances in conflict herewith; and to provide for publication and the effective date of this ordinance.

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF GRAND ISLAND, NEBRASKA:

SECTION 1. That Chapter 35 of the Grand Island City Code shall be modified to read as follows:

CHAPTER 35 WATER

Article I. In General

§35-1. ~~Utilities Director of Utilities Operations~~; Authority

The authority and powers vested in the ~~Director of Utilities Operations~~ Utilities Director by this ~~C~~chapter shall, in all cases, be subject to review by the ~~M~~mayor and ~~C~~ity Council.

§35-2. Reports to be Submitted

It shall be the duty of the ~~Director of Utilities Operations~~ Utilities Director to report to the ~~C~~city council monthly a particular account of the affairs of the water ~~department operations~~ for the preceding month, together with all suggestions and recommendations as deemed proper. The ~~D~~irector shall also make and submit a statement at the beginning of each fiscal year for the whole of the preceding year.

§35-3. Application for Water Service

Every person desiring a supply of water from the ~~C~~city water system shall make application therefore to the ~~Director of Utilities Operations~~ Utilities Director upon forms furnished for such purpose.

§35-4. Water Service; Order Required

Water will not be supplied into any ~~house or service pipe location~~ except upon the order of the Utilities Director ~~of Utilities Operations~~, and plumbers are prohibited from turning the water into any service pipe except on the order of the Utilities Director ~~of Utilities Operations~~; provided, that this rule shall not be construed to prevent licensed plumbers from admitting water to test pipes, but for that purpose only. The ~~Director of Utilities Operations~~ Utilities Director shall not order water to be supplied into any ~~house or service pipe location~~, whether new or existing construction, until the water system to be served has been inspected and approved by the Grand Island Building Department ~~of Public Works~~.

When water has been turned off from any consumer, the consumer shall not turn it on or permit it to be turned on without the written consent of the Utilities Director ~~of Utilities Operations~~.

§35-5. Service Pipes; Specifications; Laying

Either copper or ductile iron ~~service~~ pipe may be used at the option of the consumer. ~~Such Copper~~ service

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pipe shall be at least one-eighth inch larger in diameter than the tap through which it is supplied. All pipeing shall sustain a pressure of not less than two hundred pounds per square inch (200 psi).

All service pipes shall be laid under the surface of the ground with no less than five feet of earth cover, and in all cases shall be so protected as to prevent rupture by freezing.

In all cases, water service pipes, ~~one and one half~~two inch or smaller in diameter, shall be of copper pipe between the water main and water meter. ~~Service~~All service pipe laid between the water main and the curb stop at the property line shall be built of continuous construction without joints, unions, or splices, however two inch pipe may be installed with soldered joints. All piping shall meet the following specifications:

Specifications for Copper Pipe:

Copper pipe shall be Type K, cold drawn to size and of the proper bending temper and shall be made from phosphorized copper completely deoxidized and have a purity of at least ninety-nine and nine-tenths percent copper.

Copper pipe shall have the following dimensions:

Nominal Size in Inches	Wall Thickness In Inches	Pounds/ Lineal Foot	Outside Diameter In Inches
3/4	.065	.641	.875
1	.065	.839	1.125
1 ¼	.065	1.04	1.375
1 ½	.072	1.36	1.625
<u>2</u>	<u>.083</u>	<u>2.06</u>	<u>2.125</u>

In all cases, service pipes larger than two inches ~~or larger~~ in diameter which are laid between the water main in the street and the valve at the property line shall be of ~~class 52~~pressure class 350 ductile iron, either mechanical joint or slip joint pipe. This shall be built and laid to withstand a pressure of 200 psi and shall conform to the standard specifications as recommended by the American Water Works Association for ductile iron pipe.

§35-6. Service Pipes; Tapping

No person shall be permitted to make or have made any taps or connection with any water service pipe between the water meter and the water mains.

§35-7. Service Pipes; Cost and Installation

The Ceity shall furnish and install ~~the two inch and smaller~~ water service pipe from the water main in the street to within six inches of the property line, at the expense of the consumer, and such service pipe shall include the corporation stop, pipe, curb stop, and stop box, and such installation shall include all labor of excavating and laying the same. The cost of the same shall be paid in advance to the Utilities Department before any work is done. In the event any expense is incurred by the Ceity which exceeds the amount so paid, such additional expense shall be paid by the person responsible therefor before water is supplied to such consumer. All costs for furnishing and installing service piping larger than two inches shall be by the consumer.

§35-8. Excavations In Paved Streets

Whenever it shall be necessary to cut into, excavate in, or remove any portion of the paving in any street in the Ceity to serve any lot with water, or to repair or relay any service pipe connecting any water main with any lot, the consent of the ~~Director of Utilities Operations~~Utilities Director shall be first secured and the paving shall be restored to its former condition. The expense of cutting into, removing, and restoring the pavement shall be paid in advance by the owner of the lot to the Utilities Department. The work of removing and restoring any street pavement for any such purpose shall be by or under the supervision, control, and direction of the Ppublic Wworks ~~D~~irector and in accordance with the provisions of this Code and any other specifications of the City regulating paving.

§35-9. Refilling Excavations

After service pipes are laid, in refilling the opening, the earth shall be laid in layers of not more than nine inches in depth and each layer thoroughly tamped and settled with water. Density tests shall be conducted for each vertical lift of compacted material placed conducted by an independent testing laboratory to certify compaction of at

least 95% of maximum density within the public right-of-way and submitted to the City before acceptance of the project. The streets, sidewalks, and pavements shall be restored to as good condition as before the excavation, and all dirt, stones or rubbish shall be removed immediately after completing the work. Should an excavation in any street, alley, or highway be left open or unfinished for the space of twenty-four hours, or should such work be improperly done or should any rubbish not be removed, the ~~Director of Utilities Operations~~ Utilities Director shall have the right to finish or correct the work, and the expense incurred shall be charged to and paid by the person responsible for such work, and shall be paid before water is supplied.

§35-10. Curb Stops; Stop Boxes

Unless otherwise permitted, curb stops shall be placed in the service pipe within six inches of the property line and protected by a valve box reaching from the top of the curb stop to the surface of the ground, of suitable size to admit a valve key for turning on and off the stop, and with a cast iron cover, having the letter "W" marked thereon, visible and even with the pavement, sidewalk or top of the ground. The valve box shall be kept closed and in good repair by the water consumer. In case a consumer refuses to keep the valve box in good condition, the Utilities Department shall put the same in good order, at the expense of the owner of the premises.

§35-11. Tapping Mains or Distributing Pipes

No person except by direction of the ~~Director of Utilities Operations~~ Utilities Director will be permitted, under any circumstances, to tap the water mains or distributing pipes, or install corporation stops or appurtenances thereon. All pipes shall, in all cases, be tapped at the two o'clock position or at level, and not in any case nearer than fifteen inches of either end of the pipe, nor nearer than two feet to any other tap.

§35-12. Repairs and Maintenance

All persons taking city water shall keep the service pipes, curb stops, meters, valves, valve boxes, and other apparatus in good working order and repair, and protect the same from frost at their own risk and expense. Leaking service pipes, curb stops, corporation stops, valves, and other water service appurtenances shall be repaired in a timely manner by the consumer at the consumer's expense. Equipment not in good working order shall be replaced or repaired by the consumer at the consumer's expense. The Utilities Department shall have the right to operate the curb stops and/or valves at any time deemed necessary by the Utilities Director ~~of Utilities Operations~~. The City shall not be responsible for any damage to or damage caused by failure of the customer's service pipe, corporation stops, curb stops, valves, or any other appurtenances of the water service, unless caused by gross negligence or intentional acts by the City or its employees or agents.

§35-13. Exposure of Water Pipes to Frost

No person shall dig up or uncover so as to expose to the frost, any water pipe of the City, except under the direction of the Utilities Director ~~of Utilities Operations~~.

§35-14. Public Fire Hydrants

All hydrants erected in the City for the purpose of extinguishing fire are hereby declared to be public hydrants. It shall be unlawful for anyone but authorized persons to obstruct a public hydrant, open any of such hydrants, attempt to draw water from the same, or in any manner interfere with the same. For purposes of this section, authorized persons shall mean members of the Fire Department, and then only for the use and purpose of the Fire Department, or persons specially authorized by the City or the Utilities Director ~~of Utilities Operations~~, and then only in the exercise of the authority delegated by the City or Utilities Director ~~of Utilities Operations~~. Maintenance of hydrants not located in public right-of-way or easements shall be the responsibility of the property owner.

§35-15. House Boilers

All house boilers shall be constructed with one or more air holes near the top of the inlet pipe, and shall be sufficiently strong to bear the pressure of the atmosphere under the vacuum, and shall have an approved backflow preventer between the service pipe and the boiler. The valves and other appurtenances shall be sufficiently strong to bear the pressure of water in the mains.

§35-16. Use of Water for Construction Purposes

The ~~Director of Utilities Operations~~ Utilities Director shall have the authority to issue permits for the use

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of water for building and construction purposes. The regular charge shall be paid as though the water was taken by regular customer service.

§35-17. City May Suspend Use of Water

The City reserves the right to suspend the use of water for fountains, or for sprinkling yards, lawns and gardens or for any other purpose whenever in the opinion of the Ceity Ceouncil the public exigency may require it.

§35-18. Right of City to Shut Off Water

The Ceity may shut off the water supply at any time, from any or all premises, to repair the plant, pumps or mains, to make extensions or connections, or for violations of this chapter or failure to pay water charges, or for any other purpose that may be deemed necessary by the Utilities Director-of Utilities Operations, any permit granted to the contrary notwithstanding, and no claim for damages shall be made against the Ceity or the Director of Utilities Operations-Utilities Director on account of any such shutoff or on account of a failure of the water supply from any cause.

§35-19. Injuring Waterworks Property

No person shall willfully or carelessly break, damage or deface, interfere with, or disturb any equipment, apparatus, fixtures, attachments or appurtenances of the water works of the City, or any public or private hydrant, valve, meter, water supply or service pipe, or any part thereof, or commit any act tending to obstruct or impair the intended use of any of the above mentioned properties.

§35-20. Notice When Premises Vacated

If any consumer of Ceity water shall move from the premises for which water is being supplied by the City, or if such premises shall be destroyed by fire, such consumer shall notify the Director of Utilities Operations Utilities Director thereof, who shall cause the water to be shut off from such premises.

§35-21. Right of Entry to Examine Fixtures, Etc.

All consumers of Ceity water shall permit the Utilities Director-of Utilities Operations, or person designated by the Director, during reasonable daytime hours, to enter their premises or buildings for the purpose of testing any meter, or to examine the pipes, meters or other fixtures.

§35-22. Report of Leakage; Violations

It shall be the duty of the police of the Ceity to report to the Director of Utilities Operations-Utilities Director all cases of leakage and of violations of this Cehapter or any other ordinances relating to the water works of the Ceity that may be brought to their notice, and they shall enforce the observance of all such provisions, so far as they have that authority to do so.

§35-23. Contract for Water; Violations

All the rules, regulations and provisions of this Cehapter shall be considered a part of the contract with every person who is supplied with water through the waterworks system of the Ceity, and every such person, by taking water, shall be considered and held to consent to be bound thereby, and when any of them are violated, or such others as the Ceity or Director of Utilities Operations-Utilities Director may adopt, the water shall be cut off from the building or place of such violation, and the water shall not be turned on again except by order of the Director of Utilities Operations-Utilities Director and on payment of the expenses of shutting off and turning on the same, and upon such other terms as the Director of Utilities Operations-Utilities Director shall determine; provided, there is a satisfactory understanding with the offending party that no further cause for complaint shall arise.

Article II. Meters and Rates

§35-24. Meter; Generally

All water meters used in connection with the waterworks system of the Ceity shall be of standard manufacture, approved by the ~~Director of Utilities Operations~~Utilities Director, and put in place or removed by the ~~Director of Utilities Operations~~Utilities Director or some other employee of the Ceity designated for that purpose. The cost of such meters and the placing or removing or the keeping of the same in good order and repair shall be at the expense of the consumer. All work, repairs, and removals of such meters shall be done under the supervision and direction of the ~~Director of Utilities Operations~~Utilities Director, and in such case the owner or consumer shall pay to the City the actual cost for such repairs, and, upon failing to do so, the ~~Director of Utilities Operations~~Utilities Director may cause the water to be cut off from such premises.

§35-25. Meters; Access

The owner or tenant of any premises served with Ceity water shall provide ready and convenient access to the water meter located on such premises so that it may be easily examined and read by the ~~Director of Utilities Operations~~Utilities Director or any person designated by the ~~D~~irector to perform such functions. If a meter reading is not available, the City may determine an estimated consumption based on historical consumption for billing purposes until a meter reading is available.

§35-26. Water to be Furnished at Meter Rates

All water furnished through the waterworks system of the City shall be furnished at meter rates.

§35-27. Charges When Meter Out of Order

Should any water meter get out of order or repair and fail to register properly, the consumer will be charged at the average monthly consumption, as shown by the meter when in order, for six months previous, or fraction thereof, if the same has not been used that long.

§35-28. Billing; Nonpayment; When Bills Due

All money due the Ceity for water furnished will become due and payable upon billing by the City.

It shall be the duty of the ~~Director of Utilities Operations~~Utilities Director, on all water accounts remaining unpaid thirty days after the bill for the same is rendered, or within such thirty day period, if in the ~~D~~irector's discretion the circumstances warrant, to shut off the supply of water to such consumer and the same shall remain shut off until the account is paid in full, together with the cost of turning the same off and on. Bills for water furnished shall be rendered by the ~~Director of Utilities Operations~~Utilities Director monthly or quarterly, and shall designate the number of cubic feet of water registered at the date of the bill and shall subtract therefrom the number of cubic feet of water registered at the date of last settlement, and compute the amount due for the difference in dollars and cents, in accordance with the rates fixed by this article or by resolution of the Ceity Council. All officers of the ~~water-Utilities~~ Department are positively prohibited from allowing credit to any-one.

§35-29. Minimum Rates

The minimum rates as set forth in this article shall be uniform and apply in all cases where water is furnished within or without the Ceity as the case may be, and such minimum rate shall be credited to the account of each consumer, or the person to be charged, until the amount paid as a minimum rate shall be exhausted by water charges as aforesaid. The charges for water furnished at the rates set forth in this article shall be collected by the ~~Director of Utilities Operations~~Utilities Director as provided by this article. If the amount of water consumed monthly is not sufficient to exhaust the minimum rate as herein below provided and charged by the Ceity, such consumer or person to be charged shall not be entitled to any return or credit for any portion of such minimum rate. The minimum rate shall be charged for each dwelling unit which is directly or indirectly connected to the Ceity water system. For the purposes of this article, a dwelling unit shall mean one or more rooms and a single kitchen designed as a unit for occupancy by one family for living and sleeping purposes, and shall include a manufactured home. If more than one dwelling unit is served from a single water meter as in the case of apartments and manufactured home courts, a percentage of the minimum rate shall be charged against each unit, depending on the number of dwelling units per water meter as follows:

2-5 dwelling units..... 65%

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6-10 dwelling units.....	60%
11-20 dwelling units.....	55%
21 and over dwelling units.....	50%

The above charges shall be computed upon the yearly average of the number of dwelling units occupied.

§35-30. Schedule of Rates

SCHEDULE OF RATES WITHIN CITY

The rate to be charged for water furnished within the corporate limits of the City shall be as follows:

Monthly Billings	
Cubic feet per month	Rate per 100 cubic feet
First 500.....	\$1.496
Next 500.....	0.700
Next 500.....	0.692
Next 2,500.....	0.767
Next 6,000.....	0.713
Next 90,000.....	0.654
Next 100,000.....	0.574
Over 200,000.....	0.535
Monthly Minimum (500 cu.ft.).....	7.480*

SCHEDULE OF RATES OUTSIDE CITY

The rate to be charged for water furnished outside and beyond the corporate limits of the City shall be as follows:

Monthly Billings	
Cubic feet per month	Rate per 100 cubic feet
First 500.....	\$1.496
Next 500.....	0.840
Next 500.....	0.830
Next 2,500.....	0.920
Next 6,000.....	0.856
Next 90,000.....	0.785
Next 100,000.....	0.689
Over 200,000.....	0.642
Monthly Minimum (500 cu.ft.).....	7.480*

*Plus a customer charge of \$0.35 per month for unfunded federal mandates for the Clean Water Act and the City's backflow program, in addition to the regular rates charged for water furnished to the customer.

Amended by Ordinance No. 8935, effective 10-01-2004
Amended by Ordinance No. 8987, effective 07-27-2005
Amended by Ordinance No. 9181, effective 10-01-2008
Amended by Ordinance No. 9371, effective 04-01-2012
Amended by Ordinance No. 9393, effective 08-02-2012

In addition to consumption, a monthly fee would be charged according to the meter size supplying water to the property:

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Meter Size	Monthly Fee
<= 1"	\$2.50
1 ½"	\$8.00
2"	\$22.50
3"	\$40.00
4"	\$55.00
6"	\$225.00
8"	\$1,250.00
10"	\$4,000.00

Amended by Ordinance No. 9371(A), effective 04-01-2012

§35-31. Reserved

§35-32. Sprinkler Systems

Owners of all private fire sprinkler systems connected to City water mains shall pay the City an annual fee in accordance with the City of Grand Island Fee Schedule.

§35-33. Water Charges To Be A Lien

All water and meter rates shall be charged to and collected from the owner of the premises served and the same shall be a lien on such premises and real estate where used, and may be collected by the city at any time after the same becomes due by civil action in the courts. The ~~Director of Utilities Operations~~ Utilities Director may report the names of owners of any premises served with water that are delinquent in the payment of their water bills or charges, showing the amount due from each delinquent, together with a description of the property upon, or for which the water has been supplied, and thereupon the City Council shall, by resolution, direct the City Clerk to file with the City Treasurer a certified copy of such report and resolution, directing that the amount assessed against the different premises, as shown by such report, be placed upon the assessment rolls and tax books of the City for collection as other taxes.

Article III. Mains Constructed By Private Parties

§35-34. Water Mains; Department Standards

The design and construction of all water mains connected, either directly or indirectly, by private persons or entities, to the existing City water system shall meet all standards and specifications established by ~~the Grand Island Department of Public Works and~~ the Grand Island Utilities Department and/or plumbing codes as adopted by the City of Grand Island.

§35-35. Plans Signed by Engineer

All water main construction plans and specifications shall bear the signature and seal of a registered professional engineer who has prepared them.

§35-36. Review and Approval of Plans

All water main construction plans and specifications shall be reviewed and approved by the Grand Island ~~Director of Utilities Operations~~ Director, the Fire Department, and Department of Public Works. Prior to commencement of construction, the private person or entity constructing the water main, shall obtain a construction permit and pay a permit fee from the ~~public works director~~ Building Department Director after the water main construction plans and specifications have been approved as set forth above and before any water main construction work has commenced.

§35-37. Cost to Review Plans

The Building Department ~~of Public Works~~ may charge to review plans submitted by persons or entities proposing to construct water mains in the planning area. The charge shall be the rate per hour established and published from time to time by the ~~Department of Public Works~~ City Fee Schedule.

§35-38. Workmanship and Materials

All workmanship and materials shall comply fully with the requirements of the approved plans and specifications. If at any time within one year after the date of the final inspection any defect shall appear which in the opinion of the ~~Director of Utilities Operations~~ Utilities Director or the Public Works Building Department ~~Director~~ is due to inferior materials or workmanship, the property owner shall do whatever is necessary to remedy the defect at no cost to the City of Grand Island. ~~Either~~ Director will notify the property owner in writing of the defects and repairs to be made. If the party notified fails to commence repairs within ten days, the Utilities ~~Department of Public Works~~ may cause the defects to be remedied and charge the costs and expense involved to the property owner. The contractor surety shall not be relieved until the defects or repairs are corrected and approved and a written release is furnished to the surety by the requesting department.

§35-39. Water Main Inspection and Approval

The Utilities ~~Department of Utilities Operations or the Department of Public Works~~ shall investigate and approve or reject the laying of all water mains. The City shall have the right to enter property containing water mains at all reasonable hours for inspection and investigation purposes.

§35-40. Commencement of Service

Before any water main which is constructed by a private person or entity and connected to the City water system will be accepted and service commenced, the following requirements must be met:

(A) The water mains must pass all pressure tests required by ~~either the~~ Utilities Department ~~Department of Utilities Operations or Department of Public Works.~~

(B) The water mains must pass all water quality tests required by the City of Grand Island or any state or federal agency.

(C) The registered professional engineer must inspect and approve the water main and issue a certificate of completion attesting that the water mains were constructed in accordance with the water main construction plans and specifications.

(D) The Public Works ~~Director~~ must accept the engineer's certificate of completion.

§35-41. Service Pipes

Private persons or entities may furnish and install water service pipes to within six inches of private property lines; provided, only the Utilities Department will be permitted to tap the water mains or distribution pipes or install corporation stops or appurtenances as required.

Article IV. Temporary Service And Abandonment

§35-42. Temporary Connections

No person may connect any temporary service pipe to the city water mains or distribution lines without the approval of the ~~Director of Utilities Operations~~ Utilities Director. Persons wishing to make a temporary service pipe connection shall file a written request for such connection with the Grand Island Utilities ~~Director of Utilities Operations~~, specifying the connection desired to be made, giving the number of feet of service pipe required, a diagram of the premises and equipment to be served, and an estimate as to the duration of the temporary service pipe connection. The Director may, at his or her discretion, approve the temporary service pipe connection which shall be done at the expense of the applicant and under the supervision of the Director. Such temporary service pipe shall at all times be under the absolute control and supervision of the ~~City~~ Utilities Department and Department of Public Works, and the City reserves the right to disconnect the temporary service pipe at any time there is reasonable cause to believe the applicant is failing to comply with the terms and conditions of the temporary connection permit or is jeopardizing either the City water system or the quality of water in the premises or equipment being served. The temporary service pipe permit shall expire at the earliest of either the applicant's estimated time of duration or the connection of the premises or equipment to an approved permanent service line. The applicant may obtain an extension of time on the temporary service pipe permit for good cause shown to the Director.

§35-43. Abandonment of Service Pipes

All persons abandoning any water service pipe shall have a licensed plumber turn off the line at the water main tap and shall cut and crimp the service pipe as close as possible to, not to exceed one foot from, the tap. The

~~City~~ Utilities Department shall be notified whenever a service pipe is abandoned and shall be permitted to inspect and approve all work done in connection with such abandonment. Any person failing to abandon a service pipe in compliance with this section shall be guilty of a violation of the Grand Island City Code and shall pay the ~~City~~ Utilities Department for the costs of properly shutting off, closing or crimping any abandoned service pipe and shall be liable for any damages to municipal property caused by the improperly abandoned service pipe. The ~~Director of Utilities Operations~~ Utilities Director may approve alternate means of closing and abandoning service pipes upon request if the foregoing procedure is impractical.

Article V. Backflow Prevention

§35-44. Definitions

Definitions of terms as stated ~~in this paragraph and~~ in the Uniform Plumbing Code, as adopted by the City of Grand Island, are hereby adopted for the purposes of this Article.

~~(A) Air Gap—The unobstructed vertical distance through the free atmosphere between the lowest opening from any pipe or faucet supplying water to a tank, plumbing fixture, or other device and the flood level rim of the receptor.~~

~~(B) Atmospheric Vacuum Breaker—A device which prevents back siphonage by creating an atmospheric vent when there is a negative pressure in a water system, and not subject to static line pressure.~~

~~(C) Auxiliary Water Supply—Any water supply system on or available to the premises other than the City's approved public potable water supply system.~~

~~(D) Backflow—The reversal of designed flow in a potable water system.~~

~~(E) Backflow Preventer—An assembly or means that prohibits the backflow of water into the potable water supply.~~

~~(F) Backpressure—A pressure, higher than the supply pressure, caused by a pump, elevated tank, air/stream pressure, or any other means, which may cause backflow.~~

~~(G) Back siphonage—Backflow caused by negative or reduced pressure in the supply piping.~~

~~(H) Cross connection—Any arrangement whereby contamination or pollution due to backflow, backpressure, or back siphonage can occur.~~

~~(I) Double Check Valved Assembly—An assembly of two (2) independently operating spring loaded check valves with tightly closing shut off valves on each side of the check valves, plus properly located test cocks for the testing of each check valve.~~

~~(J) Pressure Vacuum Breaker—A device containing one or two independently operated spring loaded check valves and an independently operated spring loaded air inlet valve located on the discharge side of the check or checks. Device includes tightly closing shut off valves on each side of the check valve and properly located test cocks for the testing of the check valve(s), which is designed to be subject to static line pressure.~~

~~(K) Reduced Pressure Principle Backflow Preventer—An assembly consisting of two independently operating approved check valves with an automatically operating differential relief valve located between the two check valves, tightly closing shut off valves on each side of the check valves, plus properly located test cocks for the testing of the check valves and the relief valve.~~

~~(L) Residential Dual Check—An assembly of two spring loaded, independently operating check valves. Generally employed immediately downstream of the water meter to act as a containment device.~~

~~(M) Water Service Line—The water conveying piping, valves, fittings, and other appurtenances, including the water meter, which allow the movement of water to or from the water distribution system main.~~

§35-45. Backflow Prevention

In order to provide protection and prevent the potential of pollutants and contaminants from entering the public water system, backflow protection devices shall be required on all water service lines installed, replaced, or repaired after March 1, 1993. Backflow protection shall be in accordance with §35-47 and as approved by the Utilities Director in cooperation with the Building Department Director.

§35-46. Backflow Protection for Existing Facilities

The Utilities Director, in cooperation with the Building Department Director, shall conduct, or cause to be conducted, inspections as required to determine the backflow protection requirements of facilities connected to the City water system, such protection shall be in conformance with adopted plumbing codes, at the time of enactment

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of this Code Section, and shall require the completion of appropriate backflow protection measures at these existing facilities in accordance with the following schedule:

_____ (A) To be completed no later than December 31, 1994:

- _____ 1. Hospitals
- _____ 2. Dental clinics
- _____ 3. Medical clinics
- _____ 4. Health clinics
- _____ 5. Laboratories
- _____ 6. Mortuaries
- _____ 7. Nursing homes
- _____ 8. Convalescent homes
- _____ 9. Pharmaceutical plants
- _____ 10. Cosmetic plants
- _____ 11. Radioactive materials plants
- _____ 12. Veterinary establishments
- _____ 13. All City owned facilities

_____ 14. Premises where, because of security requirements or other prohibitions, restrictions, or other existing conditions it is impossible or impractical to make a complete cross connection premises survey.

_____ -

_____ (B) To be completed no later than December 31, 1995:

- _____ 1. Automotive service stations
- _____ 2. Car washes
- _____ 3. Chemical processing plants
- _____ 4. Chemical storage plants
- _____ 5. Film laboratories
- _____ 6. Film development facilities
- _____ 7. Laundries
- _____ 8. Dry cleaning facilities
- _____ 9. Packing facilities
- _____ 10. Petroleum processing plants
- _____ 11. Petroleum storage plants
- _____ 12. Rendering plants

_____ (C) To be completed no later than December 31, 1996:

- _____ 1. Fire suppression systems
- _____ 2. Premises utilizing boilers or water cooling systems
- _____ 3. Premises utilizing water recirculating systems and pumps
- _____ 4. Beauty salons
- _____ 5. Barber shops
- _____ 6. Swimming pools with connections to customer service pipes
- _____ 7. Feed yards
- _____ 8. Stock yards
- _____ 9. Kennels
- _____ 10. Pet grooming salons

_____ (D) To be completed no later than December 31, 1997:

- _____ 1. Sand and gravel plants
 - _____ 2. Yard sprinkling or irrigation systems
 - _____ 3. Food processing plants
 - _____ 4. Beverage processing plants
 - _____ 5. Machine tool plants
 - _____ 6. Dye and metal processing plants
 - _____ 7. Metal plating plants
 - _____ 8. Multi storied buildings greater than 3 stories in height
 - _____ 9. Paper product plants
 - _____ 10. Schools
 - _____ 11. Multiple dwelling units served by one water service pipe
- _____ (E) To be completed no later than December 31, 1998:

~~1. All non residential facilities not included in A through D.~~
~~Upon notification by the Utilities Director or Building Department Director in accordance with §35-50, the owner of an affected facility shall have 180 days to complete the required backflow protection measures. If the customer fails to complete protection measures, including submittal of initial certification test results to the Utility Department, within 180 days, the water service line shall be shut off.~~

§35-47. Evaluation of Hazard and Backflow Protection Requirements

Evaluation of hazard shall be in accordance with ~~Table 1~~ the adopted plumbing code for commonly encountered equipment, fixtures, facilities, and their use. For a more complete list, refer to the *Manual of Cross-Connection Control, Eighth Edition*, published by the Foundation for Cross-Connection Control and Hydraulic Research, University of Southern California, which is incorporated by reference as a part of this section.
~~Determination of required backflow devices and methods shall be in accordance with Table 2.~~

TABLE 1

~~Direct or Indirect Potable Water Connections~~
~~Cross connections Rated by Degree of Hazard for Commonly Encountered Equipment,~~
~~Fixtures, Facilities, and Their Use~~

	Hazard	
	High	Low
I. Subject to Back Pressure	-	-
A. Pumps, tanks & lines handling:	-	-
1. Sewage	X	-
2. Toxic substances	X	-
3. Nontoxic substances	-	X
B. Water connection to steam and steam boiler:	-	-
1. Boiler or steam connection to toxic substances	X	-
2. Boiler or steam connection to nontoxic substances (boiler blowoff through air gap)	-	X
II. Not Subject to Back Pressure	-	-
A. Sewer connected water line (not subject to waste stoppages)	X	-
B. Low inlets to receptacles containing:	-	-
1. Toxic substances	X	-
2. Nontoxic substances	-	X
C. Coils or jackets used as heat exchangers in compressors in lines carrying:	-	-
1. Sewage	X	-
2. Toxic substances	X	-
3. Nontoxic substances	-	X
D. Flush valve toilets or urinals	X	-
E. Toilet, urinal tanks and approved bathtubs	-	X
F. Bidets, sitz tanks, or spa, therapy and roman pools not otherwise isolated by design or backflow protectors	X	-
G. Trough urinals	-	X
H. Valved outlets or fixtures with hose attachments that may constitute a cross connection to:	-	-
1. Toxic substances	X	-
2. Nontoxic substances	-	X
I. Aspirators that may constitute a cross connection to:	-	-
1. Toxic substances	X	-
2. Nontoxic substances	-	X
III. Other Equipment and Facilities Subject to a Variety of Backflow Conditions	-	-
A. Lawn sprinkling systems that may constitute a cross connection to:	-	-
1. Toxic substances including lawn chemicals	X	-
2. Nontoxic substances	-	X
B. Fire suppression systems employing toxic chemicals	X	-

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C. Soft drink dispenser or bar carbonators	X	-
D. Radiological, photographic, dental, medical, biological or chemical laboratories or facilities	X	-
E. Swimming pools	X	-
F. Tank truck loading station	X	-

-

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TABLE 2

Permitted Backflow Assemblies, Devices, and Methods

-

Assembly, Device or Method ¹	Degree of Hazard				Installation ^{2,3,4,6}
	Low		High		
	Back siphonage	Back pressure	Back siphonage	Back pressure	
Air Gap	X	X	X	X	Shall be a minimum of 1 inch but not less than 2 times the diameter of the effective spout opening when not affected by side walls, and 8 times the diameter of the effective opening when affected by side walls. Side walls will be assumed to not affect air gaps when they are spaced horizontally a distance greater than 4 times the effective opening from the spout opening.
Atmospheric Vacuum Breaker	X	-	X	-	Upright position. No valves downstream. Minimum of 6 inches or listed distance above all downstream piping & flood level rim of receptor ⁵ :
Double Check Valve Assembly	X	X	-	-	Horizontal unless otherwise listed. Requires 1 foot below & sufficient side & head room for testing & maintenance with a maximum of 5 feet above the ground, work floor, or a permanently installed working platform with stairs or ladder affixed. Does not discharge water.
Pressure Vacuum Breaker Assembly	X	-	X	-	Upright position. May have valves downstream. Minimum of 12 inches above all downstream piping & flood level rim of receptor. May discharge water.
Reduced Pressure Principle Backflow Prevention Assembly	X	X	X	X	Same as Double Check Valve Assembly above except may discharge water & wherever installed, provision for draining away at least 2 times the rated gallons per minute of the device shall be made.
Dual Check Valves	X	X	-	-	Residential services only & where high hazards are not known to exist on the premises. Properly protected lawn sprinkling systems are assumed to be low hazard for this purpose. Dual checks are not subject to annual inspection unless so stipulated by the manufacturer. Otherwise,

					reasonable inspection periods will be assumed to be every 6 years.
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Table Footnotes:

- ~~1. For description of assemblies and devices, refer to the *Manual of Cross-Connection Control*, published by the Foundation for Cross-Connection Control and Hydraulic Research, University of Southern California, Eighth Edition and *American Water Works Manual, M-14, Second Edition*. Backflow preventers described herein and in the guidelines as "assemblies" must be installed as assemblies keeping the shut-off valves intact.~~
- ~~2. Previous approval by the public water supply system is required for use of a pit or vault (normally prohibited due to possible flooding) or for parallel and bypass installations (normally prohibited without special design considerations and proper cross-connection controls).~~
- ~~3. Backflow preventers shall not be located in any area containing fumes that are toxic, poisonous or corrosive; nor in any area in which they could be damaged by freezing, or by excessively high temperatures or pressures, vibration, physical impact or structural stress; nor knowingly be allowed to conduct highly corrosive or sandy waters without a special testing and maintenance program to assure proper and safe operation.~~
- ~~4. Refer to general and specific installation requirements as stated in the *Manual of Cross-Connection Control, Eighth Edition*, for conditions or situations not otherwise covered in these regulations.~~
- ~~5. Atmospheric vacuum breakers shall not be subjected to operating pressure for more than 12 hours in any 24 hour period. Hose bibb vacuum breakers are permitted for some uses described in the manual for *Cross-Connection Control, Eighth Edition*. Garden hose bibbs shall be protected with approved, non-removable or integral, frost proof, self-draining, anti-siphoning vacuum breakers.~~
- ~~6. Fire protection systems as a minimum shall be equipped with backflow prevention devices as described in *AWWA Manual M-14, Second Edition*. Backflow preventers under this regulation and connected to fire protection systems shall be considered part of those systems. As such, they shall not be installed, moved, removed, replaced, shut off or in any way altered unless in strict compliance with the rules and regulations promulgated by the State Fire Marshal, and shall be tested and repaired only by authorized fire protection system certified testers. The backflow protection device shall be Underwriters Laboratory listed.~~

§35-48. Device Certification

Backflow preventers required by this Article shall have been tested and approved or listed for the intended use by one of the following organizations:

- (A) Foundation for Cross-Connection Control and Hydrologic Research, University of Southern California, University Park, Los Angeles, California 90089.
- (B) American National Standards Institute, 1430 Broadway, New York, New York 10018.
- (C) Underwriters Laboratories, Inc., 333 Pfingsten Road, Northbrook, Illinois 60062.
- (D) National Sanitation Foundation, 2355 West Stadium Boulevard, P. O. Box 1468, Ann Arbor, Michigan 48106.
- (E) International Association of Plumbing and Mechanical Officials, 5032 Alhambra Avenue, Los Angeles, California 90032.

§35-49. Backflow Inspections

The Building Department or Utilities Department may inspect any premise to determine what level of protection will be necessary to protect the public health and safety.

In order to inspect a premise, the inspecting department shall give notice to the customer, setting forth a proposed date and time at least ten (10) working days in advance. If the customer cannot make the premises available for inspection on that date and time, the customer shall contact the Department to arrange another date and time for inspection. If the Department and the customer cannot agree on a date and time for inspection within 30 days of the initial notice, the water service line shall be shut off.

All inspections shall be made during normal working hours.

§35-50. Backflow Prevention; Order Authority

The Utilities Director or Building Department Director shall have the authority to issue any order consistent with the provisions of this ordinance in order to protect the public health and safety. Any order of either department shall be in writing and shall clearly state the nature of the order, compliance requirements and set a

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reasonable date by which compliance must be met. All orders will be mailed to the customer certified mail, return receipt requested.

§35-51. Appeal of Backflow Prevention Order

The customer shall have the right to appeal any order issued in accordance with §35-50 to the Plumbing Board. This appeal shall be done in accordance with the provisions of Chapter 26, *Plumbing*, of the Grand Island City Code.

§35-52. Backflow Preventer; Installation, Maintenance, and Testing

The cost of the installation, maintenance, and testing of backflow preventers in accordance with this Article shall be paid by the customer. All backflow prevention devices shall be installed in accordance with all manufacturers' instructions and guidelines, in a manner that the device shall be accessible for inspection and testing, and in accordance with §35-47. A reduced pressure principle backflow preventer shall not be installed in a pit or other location which may be subject to flooding.

§35-53. Customers Responsibility

Backflow prevention devices shall be maintained in good working condition by the customer.

(A) The customer shall be responsible to cause all backflow, backpressure or back-siphonage protection devices equipped with test ports to be tested as often as required by the Utilities Director, but at least upon initial installation, when repaired, and once each year. All tests shall be done by a Backflow Preventer Test and Repair Technician, Grade VI Water Supply Operator, certified by the State of Nebraska Department of Health. Test results shall be forwarded to the Utilities Director on standard reporting forms. The test report shall be signed by the certified tester, attesting to proper backflow preventer operation. Devices equipped with test ports and installed on lawn sprinkling systems which are supplied with water from a service line equipped with a backflow, backpressure or back siphonage detection device shall be tested upon initial installation, replacement of integral parts, and every fifth year thereafter.

(B) Public water supply system consumers are required to assess and report potential backflow hazards on their premises and take any steps necessary for protection of public health and safety as often as reasonably requested by the Utilities Director and which shall be no less often than every five years.

§35-54. Backflow Prevention; Penal Provision; Violation; Penalty

Any person who violates any of the prohibitions or provisions of this ordinance, or who modifies plumbing or backflow preventers so as to defeat the protection against backflow, shall be deemed guilty of a misdemeanor. A new violation shall be deemed to have been committed each day of such failure to comply.

§35-55. Reserved

§35-56. Reserved

§35-57. Reserved

§35-58. Reserved

§35-59. Reserved

Article VI. Groundwater Control Area No. 1

§35-60. Purpose

The United States Environmental Protection Agency issued a Record of Decision (ROD) for the Cleburn Street Well Superfund Site on June 7, 1996, which identified three sources of subsurface soil and groundwater contamination. These sources included the former One Hour Martinizing facility, Liberty Cleaners and Shirt Launderers, and Ideal Cleaners. The former Nebraska Solvent Company was identified as a possible fourth contamination source subject to subsequent evaluation and testing. The ROD described selected remedies for the three source areas, an element of which required the City of Grand Island to enact and enforce institutional control ordinances designating a Groundwater Control Area No. 1 in which groundwater use would be restricted to prevent human exposure and consumption of potentially contaminated groundwater, requiring registration of existing wells and requiring approval and registration of new wells. The institutional control ordinances are to remain in full force

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and effect until the groundwater contamination identified in the ROD is reduced to a level making the groundwater safe to be used as a source of drinking water pursuant to 42 USC §300g, et seq., the Safe Drinking Water Act, or its successor legislation.

§35-61. Definitions

As used in this Article, the following terms mean:

Groundwater means water pumped from a well located within the Groundwater Control Area No. 1 described in Section 35-62.

Groundwater Contamination means the chemicals of concern (COC) described in the United States Environmental Protection Agency Record of Decision (ROD) for the Cleburn Street Well Superfund Site dated June 7, 1996, which was received and accepted by the Mayor and City Council pursuant to Resolution 98-28.

Groundwater Control Area No. 1 means a defined area within the corporate limits of the City of Grand Island subject to the institutional controls provided in this Article which are intended to prohibit human consumption of potentially contaminated groundwater from wells.

Well means a hole or shaft sunk into the earth in order to obtain water from a natural subterranean supply or aquifer.

The definitions found in Neb. Rev. Stat., Chapter 46 - Irrigation and Regulation of Water are adopted by reference, except where such definitions are in conflict with those provided in this section above.

§35-62. Groundwater Control Area Boundaries

The outer boundaries of the Groundwater Control Area No. 1 are described as follows: Commencing at the southeasterly corner of the intersection of 9th Street and Adams Street; thence running northeasterly along the south boundary of 9th Street to the southwesterly corner of the intersection of 9th Street and Sycamore Street; thence running southeasterly along the west boundary of Sycamore Street to the northwesterly corner of the intersection of Sycamore Street and 1st Street; thence running southwesterly along the north boundary of 1st Street to the northwesterly corner of the intersection of 1st Street and Locust Street; thence running southerly along the west boundary of Locust Street to the intersection of Locust Street and Division Street; thence running southwesterly along the north boundary of Division Street to the northeasterly corner of the intersection of Division Street and Adams Street; thence running northwesterly along the east boundary of Adams Street to the point of beginning.

§35-63. Duration of Institutional Control Ordinance

(A) This Article shall remain in full force and effect for an initial term of twenty-five (25) years from the effective date following approval and adoption by the Mayor and City Council.

(B) The term of this Article may be extended by the Mayor and City Council if at the end of the initial term there remains groundwater contamination identified in the ROD described in Section 35-60 making the groundwater unsafe to be used as a source of drinking water pursuant to the Safe Drinking Water Act or its successor legislation.

(C) In the event the City of Grand Island is notified during the initial term by the Environmental Protection Agency that groundwater contamination within the Groundwater Control Area No. 1 has been reduced to a level making the groundwater safe to be used as a source of drinking water pursuant to the Safe Drinking Water Act or its successor legislation, the Mayor and City Council may proceed to repeal this Article forthwith.

§35-64. Prohibited Groundwater Uses

(A) Groundwater pumped from wells within the Groundwater Control Area No. 1 shall not be used for any human consumption including drinking water, cooking, washing or other household uses. Because groundwater from wells within the groundwater control area may be contaminated and present a hazard to the health, safety and welfare of persons exposed to said water, any known human consumption of groundwater from wells within the Groundwater Control Area No. 1 is a violation of this Article and is declared a public nuisance subject to abatement as provided hereafter.

(B) This Article shall not apply to uses of groundwater pumped from wells within the Groundwater Control Area No. 1 which do not involve human consumption, including, but not limited to, non-contact cooling water for industrial, commercial or residential uses and watering of vegetation other than gardens, plants and trees producing food for human consumption.

§35-65. Well Registration

(A) All wells for which drilling has commenced or existing within the Groundwater Control Area No. 1 as

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of the effective date of this Article shall be registered with the Building Department by the person owning the real estate on which the well is located. There shall be no fee for registering an existing well.

(B) No person shall drill or install a well within the Groundwater Control Area No. 1 prior to applying for and obtaining a well permit from the Building Department. There shall be a nonrefundable fee in accordance with the City of Grand Island Fee Schedule paid to the Building Department contemporaneously with making an application for a well permit.

§35-66. Existing Well Registration, Information Required

The following information shall be submitted to the Building Department in connection with registering a well in existence as of the effective date of this Article:

- (A) The name and address of the person owning the real estate on which the well is located.
- (B) The address and legal description of the property on which the well is located.
- (C) The address of all properties being served by groundwater pumped from the well.
- (D) A description of the uses of the water pumped from the well, including specifically whether such groundwater is used for human consumption including, but not limited to drinking, cooking, washing, or other household uses.
- (E) Whether City water is available to the property currently served by the well.
- (F) The depth of the well, if known.
- (G) A diagram showing the location of the well.

§35-67. New Well Registration, Application for Well Permit

The following information shall be submitted to the Building Department in connection with applying for a well permit for a new well in the Groundwater Control Area No. 1:

- (A) The name and address of the person owning the real estate on which the proposed well is to be located.
- (B) The address and legal description of the property on which the proposed well is to be located.
- (C) The address of all properties to be served by groundwater pumped from the proposed well.
- (D) A description of the uses to be made of water pumped from the proposed well, including a certification that said groundwater will not be used for human consumption, including but not limited to drinking, cooking, washing, or other household uses.
- (E) Whether City water is available to the property to be served by the proposed well.
- (F) The depth of the proposed well.
- (G) A diagram showing the location of the proposed well.

§35-68. Violations of Institutional Control Ordinance, Abatement of Public Nuisance

Whenever the Building Department Director, or his/her designee has inspected any well within the Groundwater Control Area No. 1 and determined that groundwater pumped from the well is being used in violation of this Article, he/she shall send a written notice to the owner of record or owner's duly authorized agent, or person in possession, charge or control, or to the occupant by ordinary first-class mail and by certified mail, return receipt requested, notifying the addressee of the violation. The written notice shall contain the following information:

- (A) The street address and a legal description sufficient for identification of the premises on which the well is located.
- (B) A brief and concise description of the acts or circumstances constituting a violation of this Article.
- (C) A brief and concise description of the corrective action required to be taken to render the well and groundwater uses in compliance with this code.
- (D) A brief and concise statement advising the addressee that if the well and groundwater uses are not brought into compliance with this Article within the time specified, that the Building Department Director, or his/her designee may order electrical power to the well disconnected and may request the City Attorney, with the consent of the Mayor, to file an action to abate the public nuisance and charge the costs thereof against the real estate, the owner of record and the addressee.

§35-69. Procedure for Abatement of Public Nuisance

If the addressee of the written notice described in Section 35-68 fails to abate said nuisance within the time specified, the City of Grand Island, at the written request of the Building Department Director, or his/her designee directed to the City Attorney, and with the consent of the Mayor, may proceed to abate said public

nuisance pursuant to Section 20-15 of the Grand Island City Code, and charge the costs thereof against the real estate on which the well is located and the addressee of the written notice.

In the event the use of the groundwater in violation of this Article might cause irreparable harm or poses a threat to public health, safety or welfare, or the health, safety or welfare of the persons using the groundwater, the written notice to abate pursuant to Section 20-15 shall not be required as a condition precedent to commencing a legal action to obtain abatement of the nuisance. The City of Grand Island, with the consent of the Mayor, may immediately file an action requesting such temporary and permanent orders as are appropriate to expeditiously and permanently abate said public nuisances and protect the public health, safety or welfare or the health, safety or welfare of persons using the groundwater in violation of this Article.

§36-70. Reserved

§36-71. Reserved

§36-72. Reserved

§36-73. Reserved

Article VII. Groundwater Control Area No. 2

§35-74. Purpose

The U.S. Army, in consultation with the U.S. Environmental Protection Agency (USEPA), and the Nebraska Department of Environmental Quality (NDEQ), issued a Record of Decision and Record of Decision Amendment (collectively ROD) for the former Cornhusker Army Ammunition Plant (CHAAP) which identified soil and groundwater contamination consisting of explosives above the USEPA Health Advisory Levels. The revised proposed plan for OU1 ROD Amendment identifies the Preferred Remedial Alternative for remediating groundwater at Operable Unit One (OU1) of CHAAP and provides the rationale for the OU1 ROD Amendment. The preferred remedial alternatives include remedies for the on-post and off-post groundwater plume containing explosives. The on-post explosives plume will be treated to remedial action objectives using existing extraction and treatment technologies. The On-Post Plume Institutional Controls will include land use restrictions, enforcement of the Hall County Reuse Plan for agricultural and industrial zoning on CHAAP and prohibiting water supply well drilling in the plume area. The Health Advisory Level in effect as of March 1, 2001, is 2ug/l (microgram per liter) or 2 ppb (parts per billion).

Pending natural attenuation obtaining the remedial action objectives of the ROD, the U.S. Army has requested that the City of Grand Island enact and enforce an ordinance instituting Off-Post Plume Institutional Controls by designating a groundwater control area in which groundwater use would be restricted to prevent human exposure and consumption of potentially contaminated groundwater, requiring registration of existing wells, prohibiting installation of new wells supplying water for human consumption in the plume area, and requiring approval and registration of new wells. The Institutional Control Ordinance is to remain in full force and effect until the explosive contamination identified in the ROD is attenuated to less than USEPA Health Advisory Levels.

§35-75. Definitions

As used in this Article, the following terms mean:

Groundwater means water pumped from a well located within Groundwater Control Area No. 2 described in Section 35-72.

Groundwater Contamination means the explosives described in the U.S. Army Record of Decision and Record of Decision Amendment (ROD) for the former Cornhusker Army Ammunition Plant (CHAAP).

Groundwater Control Area No. 2 means a defined area within the corporate limits and zoning jurisdiction of the City of Grand Island subject to the Off-Post Plume Institutional Controls provided in this Article.

Off-Post Plume Institutional Controls means the provisions of this Article which are intended to prohibit human consumption of potentially contaminated groundwater from wells and contamination of otherwise uncontaminated water-bearing zones located within Groundwater Control Area No. 2.

Well means a hole or shaft sunk into the earth in order to obtain water from a natural subterranean supply or aquifer.

The definitions found in Neb. Rev. Stat., Chapter 46 - Irrigation and Regulation of Water are adopted by reference, except where such definitions are in conflict with those provided in this section above.

§35-76. Groundwater Control Area No. 2 Boundaries

The boundaries of Groundwater Control Area No. 2 shall be maintained in the Hall County – City of Grand Island Cooperative Geographic Information System (GIS) using information supplied by the U.S. Army and modified in accordance with periodic monitoring data prepared by the U.S. Army and reviewed by the USEPA and NDEQ.

§35-77. Duration of Institutional Control Ordinance

(A) This Article shall remain in full force and effect for so long as there remains groundwater contamination identified in the ROD described in §35-70 making the groundwater unsafe to be used as a source of drinking water because of explosives contamination above the USEPA Health Advisory Levels then in effect.

(B) When the City of Grand Island is notified by the U.S. Army or the USEPA that groundwater contamination within Groundwater Control Area No. 2 has been reduced to a level below the USEPA Health Advisory Levels, the Mayor and City Council may proceed to repeal this Article forthwith.

§35-78. Prohibited Groundwater Uses

(A) Groundwater pumped from wells within Groundwater Control Area No. 2 shall not be used for any human consumption including drinking water, cooking, washing or other household uses. Because groundwater from wells within the groundwater control area may be contaminated and present a hazard to the health, safety, and welfare of persons exposed to said water, any known human consumption of groundwater from wells within Groundwater Control Area No. 2 is a violation of this Article and is declared a public nuisance subject to abatement as provided hereafter.

(B) This Article shall not apply to uses of groundwater pumped from wells within Groundwater Control Area No. 2 which do not involve human consumption, including, but not limited to, non-contact cooling water for industrial, commercial or residential uses and watering of vegetation other than gardens, plants, and trees producing food for human consumption.

§35-79. Well Registration

(A) All wells for which drilling has commenced or existing within Groundwater Control Area No. 2 as of the effective date of this Article shall be registered with the Building Department by the person owning the real estate on which the well is located. There shall be no fee for registering an existing well.

(B) No person may drill or install a well within Groundwater Control Area No. 2 prior to applying for and obtaining a well permit from the Building Department. There shall be a nonrefundable fee in accordance with the City of Grand Island Fee Schedule paid to the Building Department contemporaneously with making an application for a well permit.

(C) No person may drill or install a well within Groundwater Control Area No. 2 which penetrates two or more water-bearing zones unless water-tight casings are installed which conform to the regulations governing water well construction, pump installation, and water well decommissioning standards of the Nebraska Department of Health and Human Services, Regulation and Licensure Division (178 NAC 12, Section 003.11D - Contaminated Water-Bearing Zones).

§35-80. Existing Well Registration, Information Required

The following information shall be submitted to the Building Department in connection with registering a well in existence as of the effective date of this Article:

(A) The name and address of the person owning the real estate on which the well is located.

(B) The address and legal description of the property on which the well is located.

(C) The address of all properties being served by groundwater pumped from the well.

(D) A description of the uses of the water pumped from the well, including specifically whether such groundwater is used for human consumption including, but not limited to drinking water, cooking, washing, or other household uses.

(E) Whether City water is available to the property currently served by the well.

(F) The depth of the well, if known.

(G) A diagram showing the location of the well.

§35-81. New Well Registration, Application for Well Permit

The following information shall be submitted to the Building Department in connection with applying for a well permit for a new well in the Groundwater Control Area No 2:

- (A) The name and address of the person owning the real estate on which the proposed well is to be located.
- (B) The address and legal description of the property on which the proposed well is to be located.
- (C) The address of all properties to be served by groundwater pumped from the proposed well.
- (D) A description of the uses to be made of water pumped from the proposed well, including a certification that said groundwater will not be used for human consumption, including but not limited to drinking water, cooking, washing, or other household uses.
- (E) Whether City water is available to the property to be served by the proposed well.
- (F) The depth of the proposed well.
- (G) A diagram showing the location of the proposed well.

Following installation of any new, permitted well in Groundwater Control Area No. 2, a copy of the well boring logs shall be filed with the Building Department and made a part of the records for the real estate on which the well is located.

§35-82. Violations of Institutional Control Ordinance, Abatement of Public Nuisance

Whenever the Building Department Director, or his/her designee has inspected any well within the Groundwater Control Area No. 2 and determined that groundwater pumped from the well is being used in violation of this Article, the Director shall send a written notice to the owner of record or owner's duly authorized agent, or person in possession, charge or control, or to the occupant by ordinary first-class mail and by certified mail, return receipt requested, notifying the addressee of the violation. The written notice shall contain the following information:

- (A) The street address and a legal description sufficient for identification of the premises on which the well is located.
- (B) A brief and concise description of the acts or circumstances constituting a violation of this Article.
- (C) A brief and concise description of the corrective action required to be taken to render the well and groundwater uses in compliance with this code.
- (D) A brief and concise statement advising the addressee that if the well and groundwater uses are not brought into compliance with this Article within the time specified, that the Building Department Director, or his/her designee may order electrical power to the well disconnected and may request the City Attorney, with the consent of the Mayor, to file an action to abate the public nuisance and charge the costs thereof against the real estate, the owner of record and the addressee.

§35-83. Procedure for Abatement of Public Nuisance

If the addressee of the written notice described in Section 35-78 fails to abate said nuisance within the time specified, the City of Grand Island, at the written request of the Building Department Director, or his/her designee directed to the City Attorney, and with the consent of the Mayor, may proceed to abate said public nuisance pursuant to Section 20-15 of the Grand Island City Code, and charge the costs thereof against the real estate on which the well is located and the addressee of the written notice.

In the event the use of the groundwater in violation of this Article might cause irreparable harm or poses a threat to public health, safety or welfare, or the health, safety or welfare of the persons using the groundwater, the written notice from the City Attorney to abate pursuant to Section 20-15 shall not be required as a condition precedent to commencing a legal action to obtain abatement of the nuisance. The City of Grand Island, with the consent of the Mayor, may immediately file an action requesting such temporary and permanent orders as are appropriate to expeditiously and permanently abate said public nuisances and protect the public health, safety or welfare or the health, safety or welfare of persons using the groundwater in violation of this Article.

Article VIII. Groundwater Control Area No. 3

§35-84. Purpose

ORDINANCE NO. 9533 (Cont.)

(A) The Parkview Well Superfund Site ("Site") is located in the southwestern portion of the city of Grand Island in Hall County, Nebraska. The Site consists of two areas of groundwater contamination and associated source areas which resulted from the historical mismanagement of industrial solvents.

(B) The United States Environmental Protection Agency (EPA) has issued an Interim Record of Decision dated September 26, 2006 ("Interim ROD"), and a Record of Decision dated September 30, 2007 ("Final ROD"), and an Explanation of Significant Differences for the Site. The RODs identified two contaminant source areas. A contaminant source area located at a facility at 3304 Engleman Road South has resulted in contamination in the groundwater which trends to the east. This groundwater contamination is referred to in the RODs as the Southern Plume. A contaminant source area located at a facility at 3445 West Stolley Park Road has resulted in groundwater contamination which trends to the east. This groundwater contamination is referred to in the RODs as the Northern Plume.

(C) The RODs presented the selected remedies for the source areas and the plumes. A component of the selected remedies in the Interim ROD is the enactment by the City of Grand Island of an institutional control ordinance designating a Groundwater Control Area through which groundwater use would be restricted to prevent human exposure and consumption of contaminated groundwater and prohibit the installation of new wells supplying water for human consumption in the plume areas. This institutional control ordinance is to remain in full force and effect until the groundwater contamination identified in the RODs is reduced to a level making the groundwater safe to be used as a source of drinking water pursuant to the Safe Drinking Water Act, 42 U.S.C. §§ 300f – 300j-26, or its successor legislation.

Added by Ordinance No. 9310, effective 08-30-2011

§35-85. Definitions

As used in this Article, the following terms mean:

City means the City of Grand Island, Nebraska.

Domestic use means human consumption and any use of groundwater for human health and sanitation including, but not limited to, drinking, cooking, washing, bathing, showering, and other similar household uses.

EPA means the United States Environmental Protection Agency, and any successor departments or agencies of the United States. Submissions to be made to EPA hereunder shall be sent to: U.S. Environmental Protection Agency, 901 North 5th Street, Kansas City, Kansas 66101, and shall reference the "Parkview Well Superfund Site."

Groundwater means water pumped from a well located within the Groundwater Control Area No. 3 described in § 35-86.

Groundwater contamination means the chemicals of concern described in the RODs for the Parkview Well Superfund Site.

Groundwater Control Area No. 3 means a defined area within the corporate limits of the City of Grand Island subject to the institutional controls provided for in this Article which are intended to prohibit human exposures to contaminated groundwater from wells.

NDEQ means the Nebraska Department of Environmental Quality, and any successor departments of agencies of the State of Nebraska.

NDNR means the Nebraska Department of Natural Resources, and any successor departments of agencies of the State of Nebraska.

RODs mean those Records of Decision, and Explanation of Significant Differences described in § 35-84 above, as well as any subsequent Records of Decision, Record of Decision Amendments, and/or Explanation of Significant Differences, issued by EPA pertaining to the Site.

Well means a hole or shaft sunk into the earth in order to obtain water from a natural subterranean supply or aquifer.

The definitions found in Neb. Rev. Stat., Chapter 46 - Irrigation and Regulation of Water - are adopted herein by reference, except where such definitions are in conflict with those provided herein.

Added by Ordinance No. 9310, effective 08-30-2011

§35-86. Groundwater Control Area Boundaries

The boundaries of Groundwater Control Area No. 3 are described as follows and are shown on the attached map: Commencing at the southeasterly corner of the intersection of County Road 27/State Highway 34 and New

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State Highway 30; thence running easterly along the north boundary of State Highway 34 to the southwesterly corner of the intersection of Garland Street; thence running northerly and then easterly along the west boundary of Garland Street to the northwesterly corner of the intersection of Garland Street and South Blaine Street; thence running northerly along the west boundary of South Blaine Street to the northwesterly corner of the intersection of South Blaine Street and Stagecoach Road; thence running easterly along the north boundary of Stagecoach Road to the intersection of Stagecoach Road and Stagecoach Road; thence running predominately northeasterly along the north boundary of Stagecoach Road to the northwesterly corner of the intersection of Stagecoach Road and South August Street; thence running northerly along the west boundary of South August Street to the southwesterly corner of the intersection of South August Street and West Stolley Park Road; thence running westerly along the south boundary of West Stolley Park Road to the southwesterly corner of the intersection of West Stolley Park Road and Old State Highway 30; thence running southwesterly along the south boundary of Old State Highway 30, merging with New State Highway 30 and continuing southeasterly along the south boundary of New State Highway 30 to the point of beginning. A map of the boundaries of Groundwater Control Area No. 3 shall be maintained in the City's Geographical Information System MapSifter (or any successor application, if any) using information provided by EPA.

Added by Ordinance No. 9310, effective 08-30-2011

§35-87. Duration of Institutional Control Ordinance

(A) This Article shall remain in full force and effect as long as there remains groundwater contaminated at levels that exceed the residential use cleanup levels provided for in the RODs making the groundwater unsafe to be used as a source of drinking water pursuant to the Safe Drinking Water Act or its successor legislation.

(B) Following EPA notifying the City that the groundwater contamination within the groundwater Control Area No. 3 has been reduced to a level making the groundwater safe to be used as a source of drinking water pursuant to the Safe Drinking Water Act, or its successor legislation, the City's Mayor and City Council may proceed to repeal this Article forthwith.

Added by Ordinance No. 9310, effective 08-30-2011

§35-88. Prohibited Groundwater Uses

(A) Groundwater pumped from wells within Groundwater Control Area No. 3 shall not be used for any domestic use which may result in human exposures. Such uses include drinking, food preparation, washing, bathing, showering, and other household uses which result in human exposures to contaminated groundwater. Because groundwater from wells within Groundwater Control Area No. 3 may be contaminated and presents a hazard to the health, safety, and welfare of persons exposed to such water, any human consumption or prohibited use of groundwater from wells within Groundwater Control Area No. 3 is a violation of this Article and is declared to be a public nuisance subject to abatement as provided in §35-91 of this Article.

(B) No new well with a design capacity of more than 50 gallons per minute (gpm) may be drilled or installed in Groundwater Control Area No. 3 unless and until the party proposing the well installation has demonstrated, by a hydrogeological study performed by a competent environmental consulting firm, that the operation of the well will not cause the movement of the groundwater contamination or adversely affect the remedial action provided for in the RODs for the Site. Any such hydrological study shall be submitted to EPA for review and approval prior to well installation.

(C) This Section on Prohibited Groundwater Uses shall not prohibit uses of groundwater pumped from wells within Groundwater Control Area No. 3 which do not result in human exposure to contaminated groundwater, including, but not limited to, groundwater monitoring wells, EPA or NDNR remediation wells, wells that produce 50 gpm or less for dewatering purposes, wells used for non-contact cooling water for industrial, commercial or residential uses, or wells used for watering vegetation not used for human consumption. Discharges from dewatering wells must be appropriately handled and disposed of in accordance with applicable City, State and Federal laws including National Pollution Discharge Elimination System permits under the Clean Water Act.

Added by Ordinance No. 9310, effective 08-30-2011

§35-89. Well Installation

(A) No person shall drill or install a well with a design capacity of more than 50 gallons per minute within Groundwater Control Area No. 3 prior to applying for and obtaining a well permit from the Central Platte Natural Resource District.

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(B) No person may install a well within Groundwater Control Area No. 3 which penetrates two or more water-bearing zones unless water-tight casings are installed which conform to the regulations governing water well construction, pump installation, and water well decommissioning standards of the Nebraska Department of Health and Human Services, Regulation and Licensure Division (178 NAC 12, Section 003.11D - Contaminated Water-Bearing Zones).

Added by Ordinance No. 9310, effective 08-30-2011

§35-90. New Well Registration, Application for Well Permit

The following information shall be submitted to the City's Building Department prior to drilling a new well in Groundwater Control Area No. 3:

- (1) A copy of the well permit obtained from the Central Platte Natural Resources District.
- (2) The address and legal description of the property on which the proposed well is to be located.
- (3) The address of all properties to be served by groundwater pumped from the proposed well.
- (4) A description of the uses to be made of water pumped from the proposed well; including a certification that such groundwater will not be used for domestic use which may result in human exposures.
- (5) Whether City water is available to the property to be served by the proposed well.
- (6) The depth of the proposed well and pump intake.
- (7) A diagram showing the location of the proposed well.
- (8) An application for any dewatering well will include a plan for the appropriate handling and disposal of the discharge water in accordance with applicable City, State and Federal laws including NPDES permits.
- (9) A statement as to whether the design capacity of the proposed well exceeds 50 gpm. If the design capacity of the well exceeds 50 gpm, the owner of the well shall demonstrate, by a hydrogeological study performed by a competent environmental consulting firm in accordance with § 35-88(B) of this Article, that the operation of the well will not cause the movement of the groundwater contamination or adversely affect the remedial action provided for in the RODs for the Site.

Added by Ordinance No. 9310, effective 08-30-2011

§35-91. Violations of Institutional Control Ordinance; Abatement of Public Nuisance

Whenever the City's Building Department Director, or his/her designee, has inspected any well within Groundwater Control Area No. 3 and determined that such well is being operated, or that the groundwater pumped from the well is being used, in violation of this Article, he/she will send a written notice to the owner of record of the real property where the well is located, or the owner's agent, or the occupant of the property, by certified mail, return receipt requested, notifying such party of the violation. The written notice will contain the following:

- (1) The street address and/or a legal description sufficient for identification of the property where the well is located.
- (2) A description of the acts or circumstances constituting a violation of this Article.
- (3) A description of the corrective action required to be taken to render the well and groundwater uses in compliance with this Article .
- (4) A statement advising the addressee that if the well and groundwater uses are not brought into compliance with this Article within the time specified, the City's Building Department Director, or his/her designee, may order electrical power to the well disconnected and may request the City Attorney, with the consent of the City's Mayor, to file an action to charge the costs thereof against the real estate, the owner of record and the addressee. The charge shall constitute a lien against said property.

Added by Ordinance No. 9310, effective 08-30-2011

§35-92. Procedure for Abatement of Public Nuisance

(A) If the addressee of the notice described in § 35-91 of this Article fails to abate said nuisance within the time specified, the City of Grand Island, at the written request of the City's Building Department Director, or his/her designee, directed to the City Attorney, and with the consent of the Mayor, may abate said public nuisance pursuant

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to § 20-15 of the Grand Island City Code, and charge the costs thereof against the real estate on which the well is located and the addressee of the notice.

(B) If the City, in its sole discretion, determines that the use of the groundwater in violation of this Article might cause irreparable harm or poses a threat to public health, safety or welfare, or the health, safety or welfare of the persons using the groundwater, the written notice to abate pursuant to § 20-15 of the Grand Island City Code shall not be required as a condition precedent to commencing a legal action to obtain abatement of the nuisance. The City, with the consent of the Mayor, may immediately file an action requesting such temporary and permanent orders as are appropriate to expeditiously and permanently abate such public nuisances and protect the public health, safety or welfare or the health, safety or welfare of persons using the groundwater in violation of this Article.

Added by Ordinance No. 9310, effective 08-30-2011

Article IX. Groundwater Control Area No. 4

§ 35-93. Purpose

(A) The Nebraska Solvents Company Site ("Site") is located in the eastern portion of the City of Grand Island in Hall County, Nebraska, and in a portion of western Merrick County. The Site consists of one area of groundwater contamination and an associated source area which resulted from the historical mismanagement of industrial solvents.

(B) The Nebraska Department of Environmental Quality (NDEQ) approved on March 21, 2011 a Remedial Action Plan (RAP) dated February 1, 2010. The RAP identified one contaminant source area located at a facility at 1200 Highway 30 East that has resulted in contamination in the groundwater which trend to the east and then northeast.

(C) The RAP presented the selected remedies for the source area and the plume. A component of the selected remedies in the approved RAP is the enactment by the City of Grand Island of an institutional control ordinance designating a Groundwater Control Area through which groundwater use would be restricted to prevent human exposure and consumption of contaminated groundwater and prohibit the installation of new wells supplying water for human consumption in the plume area. This institutional control ordinance is to remain in full force and effect until the groundwater contamination identified in the RAP is reduced to a level making the groundwater safe to be used as a source of drinking water pursuant to the Safe Drinking Water Act, 42 U.S.C. §§ 300f –300j-26, or its successor legislation.

Added by Ordinance No. 9370, effective 04-03-2012

§35-94. Definitions

As used in this Article, the following terms mean:

City means the City of Grand Island, Nebraska.

Domestic use means human consumption and any use of groundwater for human health and sanitation including, but not limited to, drinking, cooking, washing, bathing, showering, and other similar household uses.

EPA means the United States Environmental Protection Agency.

Groundwater contamination means the chemicals of interest described in the RAP for the Site.

Groundwater Control Area No. 4 means a defined area within the jurisdictional limits of the City of Grand Island subject to the institutional controls provided for in this Article which are intended to prohibit human exposures to contaminated groundwater from wells.

NDEQ means the Nebraska Department of Environmental Quality, and any successor departments of agencies of the State of Nebraska.

NDNR means the Nebraska Department of Natural Resources, and any successor departments of agencies of the State of Nebraska.

RAP means the Remedial action Plan submitted to NDEQ and approved March 22, 2011.

Well means a hole or shaft sunk into the earth in order to obtain water from a natural subterranean supply or aquifer.

The definitions found in Neb. Rev. Stat., Chapter 46 – Irrigation and Regulation of Water – are adopted herein by reference, except where such definitions are in conflict with those provided herein.

Added by Ordinance No. 9370, effective 04-03-2012

§35-95. Groundwater Control Area Boundaries

The boundaries of Groundwater Control Area No. 4 are described as follows and are shown on the attached map. Commencing 135 feet to the west of the intersection of Museum Drive and East Seedling Mile Road; thence running westerly to the western lease boundary of the 1200 Highway 30 East Site; thence running southerly to the intersection of the lease boundary and Highway 30 East; thence running east-southeasterly to the intersection of Stuhr Road and an extension of East Gregory Street; thence running easterly along Gregory Street to Shady Bend Road, thence running east-northeasterly to East Seedling Mile Road; thence following East Seedling Mile Road to the intersection with Gunbarrel Road; thence southerly to the Wood River; thence east-northeasterly along a path 350 feet south of and parallel to Fort Kearney Road to the intersection with a southerly extension of Beck Road; thence running northerly along Beck Road to the farm access road 2,270 feet south of Highway 30 East, thence running westerly for 1,000 feet; thence running southwesterly along a path 1,130 feet south of and parallel to Highway 30 East to the point of beginning. A map of the boundaries of Groundwater Control Area No. 4 shall be maintained in the City's Geographical Information System Mapsifter (or any successor application, if any).

Added by Ordinance No. 9370, effective 04-03-2012

§35-96. Duration of Institutional Control Ordinance

(A) This Article shall remain in full force and effect as long as there remains groundwater contaminated at levels that exceed the residential use cleanup levels provided for in the RAP making the groundwater unsafe to be used as a source of drinking water pursuant to the Safe Drinking Water Act of its successor legislation.

(B) Following NDEQ notifying the City that the groundwater contamination within the Groundwater Control Area No. 4 has been reduced to a level making the groundwater safe to be used as a source of drinking water pursuant to the Safe Drinking Water Act, or its successor legislation, the City's Mayor and City Council may proceed to repeal this Article forthwith.

Added by Ordinance No. 9370, effective 04-03-2012

§35-97. Duration of Institutional Control Ordinance

(A) This Article shall remain in full force and effect as long as there remains groundwater contaminated at levels that exceed the residential use cleanup levels provided for in the RAP making the groundwater unsafe to be used as a source of drinking water pursuant to the Safe Drinking Water Act or its successor legislation.

(B) Following NDEQ notifying the City that the groundwater contamination within the Groundwater Control Area No. 4 has been reduced to a level making the groundwater safe to be used as a source of drinking water pursuant to the Safe Drinking Water Act, or its successor legislation, the City's Mayor and City Council may proceed to repeal this Article forthwith.

Added by Ordinance No. 9370, effective 04-03-2012

§35-98. Prohibited Groundwater Uses

(A) Groundwater pumped from wells within Groundwater Control Area No. 4 shall not be used for any domestic use which may result in human exposures. Such uses include drinking, food preparation, washing, bathing, showering, and other household uses which result in human exposures to contaminated groundwater. Because groundwater from wells within Groundwater Control Area No. 4 may be contaminated and presents a hazard to the health, safety, and welfare of persons exposed to such water, any human consumption or prohibited use of groundwater from wells within Groundwater Control Area No. 4 is a violation of this Article and is declared to be a public nuisance subject to abatement as provided in §§35-101 to 35-102 of this Article.

(B) No new well with a design capacity of more than 50 gallons per minute (gpm) may be drilled or installed in Groundwater Control Area No. 4 unless and until the party proposing the well installation has demonstrated, by a hydrogeological study performed by a competent environmental consulting firm, that the operation of the well will not cause the movement of the groundwater contamination or adversely affect the remedial action provided for in the RAP for the Site. Any such hydrological study shall be submitted to NDEQ for review and approval prior to well installation.

(C) This Section on Prohibited Groundwater Uses shall not prohibit uses of groundwater pumped from wells within Groundwater Control Area No. 4 which do not result in human exposure to contaminated groundwater, including, but not limited to, groundwater monitoring wells, EPA, NDNR, or NDEQ remediation wells, wells that produce 50 gpm or less for dewatering purposes, for non-contact cooling water for industrial, commercial, or residential uses, or wells used for irrigation. Discharges from dewatering wells must be appropriately handled and

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disposed of in accordance with applicable City, State and Federal laws including National Pollution Discharge Elimination System permits under the Clean Water Act.

Added by Ordinance No. 9370, effective 04-03-2012

§35-99. Well Installation

(A) No person shall drill or install a well with a design capacity of more than 50 gallons per minute within Groundwater Control Area No. 4 prior to applying for and obtaining a well permit from the Central Platte Natural Resources District.

(B) No person may install a well within Groundwater Control Area No. 4 which penetrates two or more water-bearing zones unless water-tight casings are installed which conform to the regulations governing water well construction, pump installation, and water well decommissioning standards of the Nebraska Department of Health and Human Services, Regulation and Licensure Division (178 NAC 12, Section 003.11D – Contaminated Water-Bearing Zones).

Added by Ordinance No. 9370, effective 04-03-2012

§35-100. New Well Registration, Application for Well Permit

The following information shall be submitted to the City's Building Department prior to drilling a new well in groundwater Control Area No. 4:

- (1) A copy of the well permit obtained from the Central Platte Natural Resources District.
- (2) The address and legal description of the property on which the proposed well is to be located.
- (3) The address of all properties to be served by groundwater pumped from the proposed well.
- (4) A description of the uses to be made of water pumped from the proposed well, if any; including a certification that such groundwater will not be used for domestic use which may result in human exposures.
- (5) Whether City water is available to the property to be served by the proposed well.
- (6) The depth of the proposed well and pump intake.
- (7) A diagram showing the location of the proposed well.
- (8) An application for any dewatering well will include a plan for the appropriate handling and disposal of the discharge water in accordance with applicable City, State and Federal laws including NPDES permits.
- (9) A statement as to whether the design capacity of the proposed well exceeds 50 gpm. If the design capacity of the well exceeds 50 gpm, the owner of the well shall demonstrate, by a hydrogeological study performed by a competent environmental consulting firm in accordance with §35-98(B) of this Article, that the operation of the well will not cause the movement of the groundwater contamination or adversely affect the remedial action provided for in the RAP for the Site.

Added by Ordinance No. 9370, effective 04-03-2012

§35-101. Violations of Institutional Control Ordinance; Abatement of Public Nuisance

Whenever the City's Building Department Director, or his/her designee, has inspected any well within Groundwater Control Area No. 4 and determined that such well is being operated, or that the groundwater pumped from the well is being used, in violation of this Article, he/she will send a written notice to the owner of record of the real property where the well is located, or the owner's agent, or the occupant of the property, by certified mail, return receipt requested, notifying such party of the violation. The written notice will contain the following:

- (1) The street address and/or a legal description sufficient for identification of the property where the well is located.
- (2) A description of the acts or circumstances constituting a violation of this Article.
- (3) A description of the corrective action required to be taken to render the well and groundwater uses in compliance with this Article.
- (4) A statement advising the addressee that if the well and groundwater uses are not brought into compliance with this Article within the time specified, the City's Building Department Director, or his/her designee, may order electrical power to the well disconnected and may request the City Attorney, with the consent of the City's Mayor, to file an action to charge the costs thereof against the real estate, the owner of record and the addressee. The charge shall constitute a lien against said property.

Added by Ordinance No. 9370, effective 04-03-2012

§35-102. Procedure for Abatement of Public Nuisance

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(A) If the addressee of the notice described in §35-101 of this Article fails to abate said nuisance within the time specified, the City of Grand Island, at the written request of the City's Building Department Director, or his/her designee, directed to the City Attorney, and with the consent of the Mayor, may abate said public nuisance pursuant to §20-15 of the Grand Island City Code, and charge the costs thereof against the real estate on which the well is located and the addressee of the notice.

(B) If the City, in its sole discretion, determines that the use of the groundwater in violation of this Article might cause irreparable harm or poses a threat to public health, safety or welfare, or the health, safety or welfare of the persons using the groundwater, the written notice to abate pursuant to §20-15 of the Grand Island City Code shall not be required as a condition precedent to commencing a legal action to obtain abatement of the nuisance. The City, with the consent of the Mayor, may immediately file an action requesting such temporary and permanent orders as are appropriate to expeditiously and permanently abate such public nuisances and protect the public health, safety or welfare of the health, safety or welfare of persons using the groundwater in violation of this Article.

Added by Ordinance No. 9370, effective 04-03-2012

SECTION 2. Any ordinances or parts of ordinances in conflict herewith be, and hereby are, repealed.

SECTION 3. This ordinance shall be in force and take effect from and after its passage and publication, within fifteen (15) days in one issue of the Grand Island Independent as provided by law.

Enacted: April 14, 2015

Jeremy L. Jensen

Attest:

RaNae Edwards, City Clerk