

ORDINANCE TO CREATE S. 11.04, CODE OF ORDINANCES OF THE LAKELAND SANITARY DISTRICT #1 AS IT RELATES TO WELLHEAD PROTECTION

The Board of Commissioners for the Lakeland Sanitary District #1, Oneida County, Wisconsin, does hereby ordain as follows:

SECTION I: S 11.04 of the **CODE OF ORDINANCES OF THE LAKELAND SANITARY DISTRICT #1** is hereby created to read as follows:

11.04 WELLHEAD PROTECTION.

(1) CONSTRUCTION OF ORDINANCE

(a) **TITLE** - This chapter shall be known, cited and referred to as the "Wellhead Protection Ordinance" (hereafter WHP ORDINANCE).

(b) **PURPOSE AND AUTHORITY**

1. The residents of the Town of Minocqua, Woodruff and Arbor Vitae (hereafter District) depend exclusively on groundwater for a safe drinking water supply. Certain land use practices and activities can seriously threaten or degrade groundwater quality. The purpose of the WHP Ordinance is to institute land use regulations and restrictions to protect the District's municipal water supply and well fields, and to promote the public health, safety and general welfare of the residents of the District.

2. These regulations are established pursuant to the authority granted to towns by the Wisconsin Legislature in ss. 60.61(1), (2)(g), and 60.62, Wis. Stats., to adopt ordinances to protect groundwater.

(c) **APPLICABILITY.** The regulations specified in the WHP ORDINANCE shall apply within the District's boundary limits.

(2) DEFINITIONS

(a) **EXISTING FACILITIES** - "Existing facilities" means current facilities, practices and activities which may cause or threaten to cause environmental pollution within that portion of the District's wellhead protection area that lies within the corporate limits of the District. Existing facilities include but are not limited to the type listed in the Department of Natural Resources' form 3300-215, Public Water Supply Potential Contaminant Use Inventory Form which is incorporated herein as if fully set forth.

(b) **GROUNDWATER DIVIDE** - "Groundwater divide" means a ridge in the water table or the potentiometric surface from which ground water flows away at right angles in both directions. A groundwater divide is represented by the line of highest hydraulic head in the water table or potentiometric surface.

(c) **GROUNDWATER PROTECTION OVERLAY DISTRICT** - "Groundwater protection overlay district" means that area described within the District's wellhead protection plan. A copy of the District's wellhead protection plan can be obtained from Carl Akey, Superintendent.

(d) **RECHARGE AREA** - "Recharge area" means the land area which contributes water to a well by infiltration of water into the subsurface and movement with groundwater toward the well.

(e) TIME OF TRAVEL – “Time of travel” means the determined or estimated time required for a contaminant to move in the saturated zone from a specific point to a well.

(f) WELL FIELD – “Well field” means a piece of land used primarily for the purpose of supplying a location for construction of wells to supply a municipal water system.

(3) GROUNDWATER PROTECTION OVERLAY DISTRICT (hereafter DISTRICT).

(a) INTENT. The area to be protected as a District is that portion of the District’s well fields’ recharge areas extending to the groundwater divide contained within the District boundary limits and shown on the attached map. These lands are subject to land use and development restrictions because of their close proximity to the well fields and the corresponding high threat of contamination.

(b) PERMITTED USES. Subject to the exemptions listed in section (3)(e), the following are the only permitted uses within the DISTRICT. Uses not listed are to be considered non-permitted uses.

1. Parks, provided there is no on-site waste disposal or fuel storage tank facilities associated with this use.

2. Playgrounds.

3. Wildlife areas.

4. Non-motorized trails, such as biking, skiing, nature and fitness trails.

5. Municipally sewerred residential development, free of flammable and combustible liquid underground storage tanks.

6. Municipally sewerred business development zoned B-1, B-2, or B-3, except for the following uses:

a. Above ground storage tanks.

b. Asbestos product sales.

c. Automotive service and repair garages, body shops.

d. Blue printing and photocopying services.

e. Car washes.

f. Equipment repair services.

g. Laundromats and diaper services.

h. Dry cleaning.

i. Gas stations.

j. Holding ponds or lagoons.

k. Infiltration ponds.

l. Nurseries, lawn and garden supply stores.

m. Small engine repair services.

n. Underground storage tanks.

o. Wells, private, production, injection or other.

p. Any other use determined by the Superintendent to be similar in nature to the above listed items.

7. Agricultural uses in accordance with the county soil conservation department’s best management practices guidelines.

(c) SEPARATION DISTANCES. The following separation distances as specified in s. NR 811.16(4)(d), Wis. Adm. Code, shall be maintained and shall not be exempted as listed in section (3)(e).

1. A separation distance of 500 feet as documented in the current wellhead protection plan shall be maintained around Wells 3, 4 and 5.

2. Fifty feet between a well and a storm sewer main.

3. Two hundred feet between a well and any sanitary sewer main, sanitary sewer manhole, lift station or a single family residential fuel oil tank. A lesser separation distance may be allowed for sanitary sewer mains where the sanitary sewer main is constructed of water main materials and joints and pressure tested in place to meet current AWWA C600 specifications. In no case may the separation distance between a well and a sanitary sewer main be less than 50 feet.

4. Four hundred feet between a well and a septic tank or soil adsorption unit receiving less than 8,000 gallons per day, a cemetery or a storm water drainage pond.

5. Six hundred feet between a well and any gasoline or fuel oil storage tank installation that has received written approval from the Wisconsin Department of Commerce (hereafter Commerce) or its designated agent under s. Comm 10.10, Wis. Adm. Code.

6. One thousand feet between a well and land application of municipal, commercial or industrial waste; the boundaries of a land spreading facility for spreading of petroleum-contaminated soil regulated under ch. NR 718 while that facility is in operation; industrial, commercial or municipal wastewater lagoons or storage structures; manure stacks or storage structures; and septic tanks or soil absorption units receiving 8,000 gallons per day or more.

7. Twelve hundred feet between a well and any solid waste storage, transportation, transfer, incineration, air curtain destructor, processing, wood burning, one time disposal or small demolition facility; sanitary landfill; any property with residual groundwater contamination that exceeds ch. NR 140 enforcement standards that is shown on the Department of Natural Resources' geographic information system registry of closed remediation sites; coal storage area; salt or deicing material storage area; gasoline or fuel oil storage tanks that have not received written approval from Commerce or its designated agent under s. Comm 10.10, Wis. Adm. Code; bulk fuel storage facilities and pesticide or fertilizer handling or storage facilities.

(d) REQUIREMENTS FOR EXISTING FACILITIES

1. Existing facilities shall provide copies of all federal, state and local facility operation approvals or certificate and on-going environmental monitoring results to the District.

2. Existing facilities shall provide additional environmental or safety structures/monitoring as deemed necessary by the District, which may include but is not limited to storm water runoff management and monitoring.

3. Existing facilities shall replace equipment or expand in a manner that improves the existing environmental and safety technologies already in existence.

4. Existing facilities shall have the responsibility of devising and filing with the District a contingency plan satisfactory to the District for the immediate notification of District officials in the event of an emergency.

(e) EXEMPTIONS AND WAIVERS

1. Individuals and/or facilities may request the District in writing, to permit additional land uses in the District.

2. All requests shall be in writing, whether on or in substantial compliance with forms to be provided by the District and may require an environmental assessment report prepared by a licensed environmental engineer. Said report shall be forwarded to the District and/or designee(s) for recommendation and final decision by the Board of Commissioners.

3. The individual/facility shall reimburse the District for all consultant fees associated with this review at the invoiced amount plus administrative costs.

4. Any exemptions granted shall be conditional and may include required environmental and safety monitoring consistent with local, state and federal requirements, and/or bonds and/or securities satisfactory to the District.

(4) ENFORCEMENT

(a) In the event that an individual and/or facility causes the release of any contaminants which endanger the DISTRICT, the individual and/or facility causing said release shall immediately stop the release and clean up the release to the satisfaction of the District.

(b) The individual/facility shall be responsible for all costs of cleanup, including all of the following:

1. District consultant fees at the invoice amount plus administrative costs for oversight, review and documentation.

2. The cost of District employees' time associated in any way with cleanup based on the hourly rate paid to the employee multiplied by a factor determined by the District representing the District's cost for expenses, benefits, insurance, sick leave, holidays, overtime, vacation, and similar benefits.

3. The cost of District equipment employed.

4. The cost of mileage reimbursed to District employees attributed to the cleanup.

(c) Following any such discharge the District may require additional test monitoring and/or bonds/securities.

(d) Enforcement shall be provided pursuant to section 11.05 of the Code.

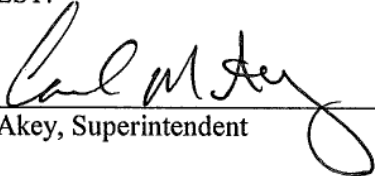
SECTION II. CONFLICT AND SEVERABILITY. Section 25.02 of the CODE OF ORDINANCES OF THE LAKELAND SANITARY DISTRICT #1 applies to this ordinance.

SECTION III. EFFECTIVE DATE. This ordinance shall take effect upon passage and posting as provided by law.

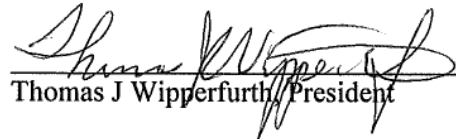
If any provision, paragraph, word, section, or article of this ordinance is invalidated by any court of competent jurisdiction, the remaining provisions, paragraphs, words, sections and articles shall not be affected but shall continue in full force and effect.

Passed and adopted by the Board of Commissioners, Lakeland Sanitary District #1, Oneida County, Wisconsin.

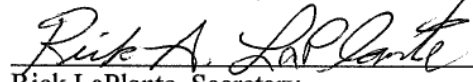
ATTEST:




Carl Akey, Superintendent



Thomas J Wipperfurth, President



Rick LaPlante, Secretary



Mark Killian, Treasurer

PASSED _____

ADOPTED _____

POSTED _____