

## CHAPTER 8

### Wellhead Protection (WHP) Ordinance

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#### 10.8.1 TITLE OF CHAPTER

This Chapter shall be known, cited and referred to as the “Wellhead Protection (WHP) Ordinance”.

#### 10.8.2 PURPOSE AND AUTHORITY

The residents of the Village of Trempealeau depend on groundwater for a safe drinking water supply. Certain practices and activities can seriously threaten or degrade groundwater quality. The purpose of this Wellhead Protection (WHP) Ordinance is to institute regulations and restrictions to protect the Village’s water supply (wells), and to promote the public health, safety, and general welfare of the residents of the Village of Trempealeau.

Statutory authority of the Village to enact these regulations was established by the Wisconsin Legislature in 1983, Wisconsin Act 410 (effective May 11, 1984), which specifically added groundwater protection to the statutory authorization for municipalities to protect public health, safety, and welfare.

The restrictions and requirements found in Chapter NR 811.16(4)(d)1-6 of the Wisconsin Administrative Code (Department of Natural Resources) Environmental Protection – Water Supply Regulations, are hereby adopted and made a part of these rules as if set forth in full. A violation of any such rules shall constitute a violation of this Chapter and any violation of this Chapter shall be punishable as provided in Section 1.1.6, General Penalties, Village of Trempealeau Municipal Ordinance.

#### 10.8.3 APPLICATION OF REGULATIONS

The regulations specified in this Wellhead Protection (WHP) Ordinance shall apply only to areas that lie within the Wellhead Protection Area (WHPA) of the municipal wells within the Village of Trempealeau corporate limits. The WHPA does currently extend into portions of Section 22, Township 18 North, Range 9 West, Town of Trempealeau,

Trempealeau County, Wisconsin; and Section 23, Township 18 North, Range 9 West, Town of Trempealeau, Trempealeau County, Wisconsin. Should these areas ever be annexed into the Village of Trempealeau, the regulations specified in this WHP Ordinance shall immediately apply for all development. An intergovernmental agreement could be implemented between the Village of Trempealeau and Town of Trempealeau or Trempealeau County, or both, allowing the regulations specified in this WHP Ordinance to apply to all areas that lie within the WHPA regardless of what municipal or governmental jurisdictions those areas may lie.

The area is shown on the official Wellhead Protection Area Map and shows the location of the WHPA that lies within the corporate Village limits and that also lies within current areas of the Town of Trempealeau, and is based on information provided by the Wisconsin Rural Water Association in May 2001, discussions with the Department of Natural Resources and Ground Water Modeling as calculated and determined by Ayres Associates, Professional Engineers in June 2002. The Wellhead Protection Map is attached to this ordinance (Sheet No. 1). Additional copies of the map and all supporting documentation are on file in the Clerk's Office at the Municipal Building.

Where any terms or requirements of this Title may be inconsistent or conflicting, the more restrictive requirements or interpretations shall apply.

#### 10.8.4      DEFINITIONS

**AQUIFER.** A saturated, permeable geologic formation that contains and will yield significant quantities of water.

**WELLS.** An encased hole to an aquifer used primarily for the purpose of supplying safe drinking water to private or municipal water supply systems.

**RECHARGE AREA.** Area in which water reaches the zone of saturation by surface infiltration and encompasses all areas or features that supply groundwater recharge to a well.

**30-DAY CAPTURE ZONE (RECHARGE AREA).** The results of the 30-day pumping simulation (as conducted by Ayres Associates). The capture zone for Well #2 is approximately 150 feet by 150 feet. The capture zone for Well #3 is 150 feet by 200 feet. The 30-day capture zone (recharge area) is identified as the red line on the Wellhead Protection Map (Sheet No. 1), estimating recharged groundwater will reach a well within approximately 30 days.

5-YEAR CAPTURE ZONE (RECHARGE AREA). The results of the 5-year (1,825-day) pumping simulation (as conducted by Ayres Associates). The capture zone for Well #2 is approximately 250 feet wide by 3,200 feet long. The capture zone for Well #3 is 200 feet wide by 7,000 feet long. The modeling results provide a very long and narrow ground water recharge area. The northern extent of the 5-year capture zone (recharge area) is identified as the green line on the Wellhead Protection Map (Sheet No. 1), estimating recharged groundwater will reach a well within approximately 5 years.

WELLHEAD PROTECTION AREA (WHPA). The recharge area upgradient of a pumping well, approximately 600 feet wide, beginning 200 feet south of Well #2, continuing north 8,640 feet (encompassing Well #3), and stopping at the section line, as shown on the Wellhead Protection Map (Sheet No. 1). The area was conceived in discussions with the Wisconsin Department of Natural Resources as a realistic and recommended protection area to ensure that groundwater and any potential contaminants will take a minimum of five or more years to reach a pumping well.

APPROPRIATE GOVERNMENTAL AGENCY(S). United States Environmental Protection Agency (USEPA), Wisconsin Department of Natural Resources (WIDNR), Wisconsin Department of Commerce, Village of Trempealeau, Trempealeau Municipal Utilities, and any Federal, State, County, Village, and any other governmental jurisdictions that may apply concerning the issues of this ordinance, presently and in the future.

#### 10.8.5

#### WELLHEAD PROTECTION ZONE AND SEPARATION DISTANCE REQUIREMENTS.

- A. INTENT. The recharge area to be protected is the area that lies within the outer boundary of the WHPA, upgradient from the municipal wells as shown on the official WHPA Map (Sheet No. 1). Management practices minimizing uses of pesticides, herbicides and fertilizers are strongly encouraged.
- B. PERMITTED USES. The following uses are permitted within the WHPA provided the minimum horizontal separation distance from a municipal well is maintained as outlined in Section C, Separation Distance Requirements.
  - 1. Parks and playgrounds.
  - 2. Wildlife areas including biking, skiing, nature and fitness trails.
  - 3. Residential, commercial, industrial, and public and institutional developments served by municipal sewer,

municipal storm sewer and municipal water except those listed in Section D, Prohibited Uses.

C. SEPARATION DISTANCE REQUIREMENTS. Areas surrounding each municipal well shall be subject to the following minimum horizontal separation distances between a municipal well and the following uses and facilities:

1. Fifty (50) feet from any: storm sewer main.
2. Two hundred (200) feet from any: sanitary sewer main, sanitary sewer manhole, lift station or 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 fifty (50) feet.
3. Four hundred (400) feet from any: septic tank or soil absorption unit receiving less than 8,000 gallons per day, a cemetery or a storm water drainage pond.
4. Six hundred (600) feet from any: gasoline or fuel oil storage tank installation that has received written approval from the department of commerce or its designated agent under s. Comm 10.10.
5. One thousand (1000) feet from any: land application of municipal, commercial or industrial waste; the boundaries of a landspreading facility for spreading of petroleum—contaminated soil regulated under ch. NR 718 while that facility is in operation; industrial, commercial or municipal waste water lagoons or storage structures; manure stacks or storage structures; and septic tanks or soil absorption units receiving 8,000 gallons per day or more.
6. Twelve hundred (1200) feet from 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 ground water contamination that exceeds ch. NR 140 enforcement standards that is shown on the department's 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 the department of commerce or its designated agent under s. Comm 10.10; bulk fuel storage facilities; and pesticide or fertilizer handling or storage facilities.

D. PROHIBITED USES. The following uses are prohibited uses within the WHPA. These uses are prohibited based on the high probability that activities routinely associated with these uses (storage, use, and handling of potential pollutants) could cause groundwater contamination.

1. Petroleum (except LP/propane gas) storage tank installations without written approval from the appropriate governmental agencies.
2. Classified hazardous or extremely hazardous substances, as currently defined by USEPA, 40 Code of Federal Regulations (CFR), Table 302.4, and Part 355 Appendix A, waste facility or material storage facility (except retail sales quantity containers), or production facility.
3. Land application of municipal, commercial, industrial, or animal waste.
4. Municipal, commercial, industrial, or animal waste lagoon or storage structure.
5. Septic or holding tank or wastewater soil absorption treatment system receiving eight thousand (8000) gallons or more per day.
6. Radioactive waste facility.
7. Landfills or waste disposal facilities, or both.
8. Junkyards or auto salvage yards, or both.
9. Improperly abandoned well or septic or holding tank.
10. Improperly abandoned wastewater soil absorption treatment system.
11. Stockyard or feedlot.

E. DESIGN STANDARDS AND REQUIREMENTS. The owner or occupant shall comply with the following standards and requirements, which apply to all uses within the WHPA.

1. Provide copies of all appropriate governmental agency(s) approvals and certificates and any on-going environmental monitoring and inspection results to the Municipal Utility. A \$75.00 Village Zoning Review Fee shall be paid to the Village Clerk for purposes of inspection and certificate review on any new, replaced or upgraded permitted facility within the Wellhead Protection Area (WHPA) prior to installation or upgrade of such facility.
2. As facilities or equipment are replaced or upgraded, they shall meet the current requirements and approvals of all appropriate governmental agency(s).
3. Have the responsibility of developing and filing, with the Municipal Utility, a procedure for the immediate notification of Utility Officials in the event of an

emergency which involves the release of any contaminants that endangers the WHPA.

4. In the event any owner or occupant of a facility which causes the release of any contaminants, endangering the WHPA, the activity causing said release shall immediately cease and a cleanup satisfactory to the Municipal Utility shall occur.
5. The owner and occupant of a facility which causes the release of any contaminants shall be responsible for all costs of cleanup, Municipal Utility consultant fees at the invoice amount, plus administrative costs for oversight, review and documentation.
6. All petroleum (except LP/propane gas) storage tanks shall meet the current requirements and approvals of all appropriate governmental agency(s).
7. Pesticide, herbicide and fertilizer storage is permitted at the location of retail sales of these products, provided that the products are delivered in retail quantity containers and no repackaging and/or mixing is done on the site.
8. All storm drainage matters are subject to approval by the Village Engineer and retained on site or discharged to a municipally operated storm drainage system. If approved to be retained on site, storm drainage shall be discharged to settling ponds where it will percolate through at least four inches of topsoil. Use of drywells or other subsurface drains for storm water drainage is prohibited.

- F. **EXISTING FACILITIES.** The owner or occupant, or both, of the facilities whose uses do not meet the minimum separation distances listed in Section C, Separation Distance Requirements or whose uses are listed in Section D, Prohibited Uses, which exist within the WHPA on the effective date of this Ordinance, are allowed to continue such use as per Village Code and State Law. Upgrades, expansions or changes to non-conforming facilities are subject to approval by the Municipal Utility and the provisions of this Title and must meet the requirements and approvals of all appropriate governmental agency(s).