

ORDINANCE #8-2009

WELL ABANDONMENT AND WELL OPERATION PERMIT ORDINANCE

WHEREAS, s. NR 811.10, Wisconsin Administrative Code, directs suppliers of water for municipal water systems to require the abandonment of all unused, unsafe or noncomplying wells located on the premises served by their systems, and to provide a permit system to allow retention of safe and code complying wells, becoming channels for vertical movement of contaminated water and to eliminate all existing cross-connections and prevent all future cross-connections.

NOW THEREFORE, the Village Board of the Village of Trempealeau, Trempealeau County, Wisconsin, does ordain as follows:

SECTION 1: PURPOSE

To protect public health, safety and welfare and to prevent contamination of groundwater by assuring that unused, unsafe or noncomplying wells or wells which may act as conduits for contamination of groundwater or wells which may be illegally cross-connected to the municipal water system, are properly maintained or abandoned.

SECTION 2: APPLICABILITY

This ordinance applies to all wells located on premises served by the Trempealeau municipal water system. Utility customers outside the jurisdiction of the municipal system may be required under contract agreement or utility rule to adopt and enforce equivalent ordinances within their jurisdictions for purpose stated in Section 1 above. Village residents operating private wells in the Lakes District, a floodplain zone are specifically exempted from this ordinance. Trempealeau County shall regulate floodplain well permitting in the Lakes District.

SECTION 3: DEFINITIONS

- A. "Municipal water systems" means a community water system owned by a city, village, county, town, town sanitary district, utility district, public inland lake and rehabilitation district, municipal water district or a federal, state, county, or municipal owned institution for congregate care or correction, or a privately owned water utility serving the foregoing.
- B. "Noncomplying" means a well or pump installation which does not comply with s. NR812.42, Wisconsin Administrative Code, Standards for Existing Installations, and which has not been granted a variance pursuant to s. NR 812.43, Wisconsin Administrative Code.

- C. "Pump Installation" means the pump and related equipment used for withdrawing water from a well, including the discharge piping, the underground connections, pit less adapters, pressure tanks, pits, sampling faucets and well seals or caps.
- D. "Unsafe" well or pump installation means one which produces water which is bacteriologically contaminated or contaminated with substances which exceed the drinking water standards of chs. NR 140 or 809, Wisconsin Administrative Code, or for which a Health Advisory has been issued by the Department of Natural Resources.
- E. "Unused" well or pump installation means one which is not used for does not have a functional pumping system.
- F. "Well" means a drill hole or other excavation or opening deeper than it is wide that extends more than 10 feet below the ground surface constructed for the purpose of obtaining groundwater.
- G. "Well abandonment" means the proper filling and sealing of a well according to the provisions of s. NR 812.26, Wisconsin Administrative Code.

SECTION 4: ABANDONMENT REQUIRED

All wells on premises served by the municipal water system shall be properly abandoned in accordance with Section 6 of this ordinance by November 1, 1988, unless a valid well operation permit has been issued to the well owner by the Village Clerk under terms of Section 5 of this ordinance.

SECTION 5: WELL OPERATION PERMIT

Owners of wells on premises served by the municipal water system wishing to retain their wells for any use shall make application for a well operation permit for each well. The Village Clerk shall grant a permit to a well owner to operate a well for a period not to exceed 5 years providing all conditions of this section are met. A well operations permit may be renewed by submitting an application verifying that the conditions of this section are met. The village or its agent may conduct inspections and water quality tests or require inspections and water quality tests to be conducted at the applicant's expense to obtain or verify information necessary for consideration of a permit application or renewal. Permit applications and renewals shall be made on forms provided by the Clerk.

The following conditions must be met for issuance or renewal of a well operation permit:

- (1) The well and pump installation shall meet the Standards for Existing installations describe in s. NR 812.42, Wisconsin Administrative Code.
- (2) The well and pump shall have a history of producing safe water evidenced by two (2) bacteriological safe water samples two (2) weeks apart. In areas where the Department of Natural Resources has determined that groundwater aquifers are

contaminated with substances other than bacteria, additional chemical test may be required to document the safety of the water.

- (3) There shall be no cross-connections between the well's pump installation or distribution piping and the municipal water system.
- (4) The water from the private well shall not discharge into a drain leading directly to a public sewer utility unless properly metered and authorized by the sewer utility.
- (5) The private well shall have a functional pumping system.
- (6) The proposed use of the private well shall be justified as reasonable in addition to water provided by the municipal water system.

SECTION 6: ABANDONMENT PROCEDURES

- (1) All wells abandoned under the jurisdiction of this ordinance shall be done according to the procedures and methods of s. NR 812.26, Wisconsin Administrative Code. All debris, pumps, piping, unsealed liners and any other obstructions which may interfere with sealing operations shall be removed prior to abandonment.
- (2) The owner of the well, or the owner's agent shall notify the clerk at least 48 hours in advance of any well abandonment activities. The abandonment of the well may be observed or verified by personnel of the municipal system.
- (3) An abandonment report form, supplied by the Department of Natural Resources, shall be submitted by the well owner to the Clerk and the Department of Natural Resources within 30 days of the completion of the well abandonment.

SECTION 7: PENALTIES

If any person fails to comply with this ordinance for more than 30 days after receiving written notice of the violation, the municipality may impose a penalty and cause the well abandonment to be performed and the expense to be assessed as a special tax against the property.

ADOPTED at a Village Board meeting this 5th day of October, 2009.

VILLAGE OF TREMPÉALEAU

BY: _____
Kurt Wood, Village President

ATTEST: _____
Vicki Freeman, Village Clerk

Vote: Ayes ____ Noes ____

Adopted: October 5, 2009

Posted: October 6, 2009

Effective: October 7, 2009