



Town of Superior

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Supervisor: Roger LeTourneau
Clerk: Joanne Thompson
Treasurer: Colleen Anderson

4.08
2013-02

Ordinance 2013-02 passed by the Town Board of the Town of Superior
on 4/10/13 for:

Ordinance creating wellhead protection (WHP) by Establishing
Land Use Restrictions within the Town of Superior to protect the
groundwater aquifer and municipal water supply for the Manitou
Valley Water Association.

Complete copy on file with Town Clerk.

Posted @:
Town Hall
Four Corners Store
ECE
Vine Body Shop

POSTED THIS 20TH DAY OF APRIL, 2013
Joanne M. Thompson, Clerk

TOWN OF SUPERIOR NO. 2013-02

**AN ORDINANCE CREATING WELLHEAD PROTECTION (WHP) BY
ESTABLISHING LAND USE RESTRICTIONS WITHIN THE TOWN OF SUPERIOR
TO PROTECT THE GROUNDWATER AQUIFER AND MUNICIPAL
WATER SUPPLY**

The Town Board of the Town of Superior, Douglas County, Wisconsin, does hereby ordain as follows:

SECTION ____: of the **CODE OF ORDINANCES OF THE TOWN OF SUPERIOR** is hereby created to read as follows:

SECTION 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 customers of Manitou Falls Sanitary District No.1, (hereafter Sanitary District) in the Town of Superior (hereafter Town) 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 within the corporate limits of the Town to protect the Sanitary District's municipal water supply and well field, and to promote the public health, safety and general welfare of the residents of the Town.

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 Town boundary limits.

SECTION 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 Sanitary District's wellhead protection area that lies within the corporate limits of the Town. 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 PROTECTION OVERLAY DISTRICT** - "Groundwater protection overlay district" means that area described within the Sanitary District's wellhead protection plan as a "wellhead protection area". A copy of the Sanitary District's wellhead protection plan can be obtained from the Sanitary District.

(c) **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.

(d) 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.

(e) 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.

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

(a) **INTENT.** The area to be protected as a District is that portion of the Sanitary District’s well fields’ recharge areas delineated in the Sanitary District’s wellhead protection plan, contained within the Town boundary limits. 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 within associated with this use.
2. Playgrounds.
3. Wildlife areas.
4. Non-motorized trails, such as biking, skiing, nature and fitness trails.
5. Residential development, free of flammable or combustible liquid underground storage tanks.
6. Business development, except for the following uses:
 - a. Asbestos product sales.
 - b. Automotive or small engine service and repair garages, body shops.
 - c. Blue printing and photocopying services.
 - d. Car washes.
 - e. Laundromats, dry cleaners or diaper services.
 - f. Dry cleaning.
 - g. Gas stations.
 - h. Infiltration ponds, holding ponds or lagoons.
 - i. Nurseries, lawn and garden supply stores.
 - j. Salvage or junk yards
 - k. Private onsite wastewater treatment systems or holding tanks receiving 12,000 gallons per day or more.
 - l. Salt or deicing material storage..
 - m. Underground storage tanks.
 - n. All mining including sand and gravel pits
 - o. Landfills, or waste transfer facilities
 - p. Any other use determined by the Town Zoning Administrator 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 811.12(5), Wis. Adm. Code, shall be maintained and shall not be exempted as listed in section (3)(e).

1. Fifty feet between a well and a storm sewer main or a sanitary sewer main where the sanitary sewer main is constructed of water main class materials and joints.

2. Two hundred feet between a well and any sanitary sewer main not constructed of water main class materials, sanitary sewer manhole, lift station, one or two family residential heating fuel oil underground storage tank or above ground storage tank or private onsite wastewater treatment system (POWTS) treatment tank or holding tank component and associated piping.

3. Three hundred feet between a well and any farm underground storage tank system or other underground storage tank system with double wall and with electronic interstitial monitoring for the system, which means the tank and any piping connected to it. These installations shall meet the most restrictive installation requirements of s. SPS 310.260 and receive written approval from the department of safety and professional services or its designated Local Program Operator under s. SPS 310.110, Wis. Admin. Code. These requirements apply to tanks containing gasoline, diesel, bio-diesel, ethanol, other alternative fuel, fuel oil, petroleum product, motor fuel, burner fuel, lubricant, waste oil, or hazardous substances.

4. Three hundred feet between a well and any farm above ground storage tank with double wall, or single wall tank with other secondary containment and under a canopy; other above ground storage tank system with double wall, or single wall tank with secondary containment and under a canopy and with electronic interstitial monitoring for a double wall tank or electronic leakage monitoring for a single wall tank secondary containment structure. These installations shall meet the most restrictive installation requirements of s. Comm 10.260, Wis. Admin. Code, and receive written approval from the department of commerce or its designated Local Program Operator under s. Comm 10.110, Wis. Admin. Code. These requirements apply to tanks containing gasoline, diesel, bio-diesel, ethanol, other alternative fuel, fuel oil, petroleum product, motor fuel, burner fuel, lubricant, waste oil, or hazardous substances.

5. Four hundred feet between a well and a POWTS dispersal component with a design capacity of less than 12,000 gallons per day, a cemetery or a storm water retention or detention pond.

6. Six hundred feet between a well and any farm underground storage tank system or other underground storage tank system with double wall and with electronic interstitial monitoring for the system, which means the tank and any piping connected to it; any farm above ground storage tank with double wall, or single wall tank with other secondary containment and under a canopy or other above ground storage tank system with double wall, or single wall tank with secondary containment and under a canopy; and with electronic interstitial monitoring for a double wall tank or electronic leakage monitoring for a single wall tank secondary containment structure. These installations shall meet the standard double wall tank or single wall tank secondary containment installation requirements of s. SPS 310.260 and receive written approval from the department of safety and professional services or its designated Local Program Operator under s. SPS 310.110. These requirements apply to tanks containing gasoline, diesel, bio-diesel, ethanol, other alternative fuel, fuel oil, petroleum product, motor fuel, burner fuel, lubricant, waste oil, or hazardous substances.

7. 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 state administrative regulations while that facility is in operation; agricultural, industrial, commercial or municipal waste water treatment plant treatment units, lagoons, or storage structures; manure stacks or storage structures; or POWTS dispersal component with a design capacity of 12,000 gallons per day or more.

8. 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; coal storage area; salt or deicing material storage area; any single wall farm

underground storage tank or single wall farm above ground storage tank or other single wall underground storage tank or above ground storage tank that has or has not received written approval from the department of safety and professional services or its designated Local Program Operator under s. SPS 310.110, Wis. Admin. Code, for a single wall tank installation. These requirements apply to tanks containing gasoline, diesel, bio-diesel, ethanol, other alternative fuel, fuel oil, petroleum product, motor fuel, burner fuel, lubricant, waste oil, or hazardous substances; and bulk 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 Town or Sanitary District upon request.
2. Existing facilities shall provide additional environmental or safety structures/monitoring as deemed necessary by the Town or Sanitary District, which may include but is not limited to stormwater 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 Town or Sanitary District a contingency plan satisfactory to the Town or Sanitary District for the immediate notification of Town and Sanitary District officials in the event of an emergency.

(e) EXEMPTIONS AND WAIVERS

1. Individuals and/or facilities may request the Town 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 Town and may require an environmental assessment report prepared by a licensed environmental engineer. Said report shall be forwarded to the Town, Sanitary District and/or designee(s) for recommendation and final decision by the Town.
3. The individual/facility shall reimburse the Town or Sanitary 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 Town.

SECTION 4. ENFORCEMENT

- (a) In the event that an individual and/or facility causes the release of any contaminants which endanger the Sanitary District's wells or well field, the individual and/or facility causing said release shall immediately stop the release and clean up the release to the satisfaction of the Town and Sanitary District.
- (b) The individual/facility shall be responsible for all costs of cleanup, and shall reimburse the Town or Sanitary District for any costs associated with the cleanup.

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

SECTION 5. CONFLICT AND SEVERABILITY

If any section, subsection, sentence, clause, paragraph or phrase of this ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, or other applicable administrative or governing body, such decision shall not affect the validity of any other section, subsection, sentence, clause, paragraph or phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, paragraphs, or phrases may be declared invalid or unconstitutional.

SECTION 6. EFFECTIVE DATE. This ordinance shall take effect upon passage and posting as provided by law.

Passed:
Published

Adopted this 10th day of April 20 13

Ronald D. Pete
Chairman

Scott Salber
Town Supervisor

Rm. D. Lira
Town Supervisor

Attest:
Joanne M. Thompson
Clerk