

**ORDINANCE NO. 13-04**

**AN ORDINANCE CREATING SECTION 22.0515 WELLHEAD  
PROTECTION AREA OVERLAY DISTRICT FOR CITY WELL #5  
OF THE CITY OF PLATTEVILLE, WISCONSIN.**

The Common Council of the City of Platteville, Wisconsin do ordain as follows:

Section 1. Section 22.0515 is hereby created as follows:

**22.0515 WELLHEAD PROTECTION AREA OVERLAY DISTRICT FOR CITY  
WELL #5**

(A) TITLE

This ordinance shall be known, cited, and referred to as the “Wellhead Protection Ordinance (WHPO)” for City Well #5.

(B) PURPOSE

The users of the City of Platteville water supply system located in the City of Platteville depend exclusively on ground water for a safe drinking water supply. Certain land use practices and activities can seriously threaten or degrade ground water quality. The purpose of the WHPO is to institute land use regulations and restrictions to protect the City of Platteville municipal water supply and to promote the public health, safety, and general welfare of the residents of the City of Platteville.

(C) APPLICABILITY

The regulations specified in the WHPO shall apply within the Wellhead Protection Area Overlay District of the City of Platteville. No new use or change in use of any structure, land, or water shall be located, extended, converted, or structurally altered, and no development shall commence without full compliance with the terms of this ordinance and other applicable regulations.

(D) DEFINITIONS

- (1) Aquifer – A saturated, permeable, geologic formation that contains and will yield significant quantities of water.
- (2) Five Year Time of Travel (5 Year TOT) – The 5 Year TOT is the area down gradient and up gradient of Well #5, the outer boundary of which it is determined or estimated that ground water and potential contaminants

will take five years to reach Well #5.

- (3) Facility – The term “facility” shall mean all contiguous land and structures, other appurtenances, and improvements on the land, built, established or installed for the performance of one or more specific activities or functions.
- (4) Hazardous substance – The term “hazardous substance” has the meaning specified under sec. 289.01, Wis. Stats.
- (5) Well #5 – The municipal well for the City of Platteville located on Lot 9 of the Plat of the Platteville Industry Park No. 3, City of Platteville, Grant County, Wisconsin.
- (6) Zone of Influence For Well #5 – The distance to one foot of aquifer drawdown at the anticipated final pumping rate when pumpage of Well #5 is assumed to be continuous without recharge for 30 days. The zone of influence shall be calculated using the Theis Method with or without groundwater modeling unless another method is approved by the Wisconsin Department of Natural Resources.
- (7) Wellhead Protection Area Overlay District (the District) – The portion of the recharge and the zone of influence areas that lie within Zones A and B as shown on Exhibit 1, which is attached hereto and by this reference is incorporated herein as if set out in full.

(E) MINIMUM SEPARATION DISTANCES FROM CONTAMINATION SOURCES

- (1) Intent – The area to be protected is the land immediately surrounding Well #5. The land in the District is subject to certain restrictions as set forth in this Section because of its proximity to the well and the corresponding threat of contamination. The minimum separation distances shall be as set forth in NR 811.12(5)(d) or as that section may be amended.
- (2) NR 811.12(5)(d) Minimum Separation Distances – Well #5 shall be adequately separated from potential sources of contamination. Unless a hydrogeologic investigation indicates lesser separation distances would provide adequate protection of Well #5 from contamination or Department of Natural Resources approved treatment is installed to address potential contamination concerns, the minimum separation distances shall be:

- (a) Ten feet (10') between a well and an emergency or standby power system that is operated by the same facility which operates the well and that has a double wall above ground storage tank with continuous electronic interstitial leakage monitoring. These facilities shall meet the 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.
- (b) Fifty feet (50') 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. Gravity sanitary sewers shall be successfully air pressure tested in place. The air pressure test shall meet or exceed the requirements of the 4 psi low pressure air test for plastic gravity sewer lines found in the latest edition of Standard Specifications for Sewer & Water Construction in Wisconsin. Force mains shall be successfully pressure tested with water to meet the AWWA C600 pressure and leakage testing requirements for one hour at 125% of the pump shut-off head.
- (c) Two hundred feet (200') 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 POWTS treatment tank or holding tank component and associated piping.
- (d) Three hundred feet (300') 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. 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.
- (e) Three hundred feet (300') 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. 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.

- (f) Four hundred feet (400') 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.
- (g) Six hundred feet (600') 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.
- (h) One thousand feet (1,000') between a well and 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; 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.

- (i) Twelve hundred feet (1,200') 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; 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 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.

(F) USES PERMITTED

- (1) Permitted uses are all specified uses in the underlying zoning district, except as prohibited by the minimum separation distances from contamination sources set forth in Section (E), or as prohibited in Section (H). The restrictions set forth herein are in addition to the restrictions and requirements of the underlying district applicable to a particular property. If there is a conflict between the restrictions and requirements associated with the district, those most restrictive to the use of the property shall apply.
- (2) The following uses shall require the approval of a Conditional Use Permit:
  - (a) All conditional uses in the underlying zoning district.
  - (b) Those uses listed in Section (G).
  - (c) All specified uses that do not meet the minimum separation distances from contamination sources set forth in Section (E).
  - (d) Those Prohibited uses set forth in Section (H) that are found not to be harmful to the groundwater may be approved as conditional uses within Zone B.

(G) CONDITIONAL USE PERMITS

- (1) Applications for a conditional use of land within the District shall be made as provided in Section 22.13.
- (2) The following uses/facilities are conditional uses within Zone B:

- (a) Jewelry plating and metal plating.
- (b) Commercial establishments utilizing a private on-site wastewater treatment system receiving less than 8,000 gallons per day, which is in conformance with SPS 383, Wis. Admin. Code.
- (c) Exposed hydrocarbon, petroleum or hazardous chemical storage tanks. (Hazardous chemicals are identified by OSHA criteria under 40 CFR Part 370.)
- (d) Chemical manufacturers. (SIC Major Group 28)

(H) PROHIBITED USES

(1) The following uses are prohibited in Zones A and B:

- (a) Buried hydrocarbon, petroleum or hazardous chemical storage tanks. (Hazardous chemicals are identified by OSHA criteria under 40 CFR Part 370.)
- (b) Cemeteries
- (c) Coal Storage
- (d) Dry Cleaners
- (e) Industrial Lagoons and Pits
- (f) Landfills and any other solid waste facility, except post-consumer recycling.
- (g) Manure and animal waste storage except animal waste storage facilities regulated by the County.
- (h) Nonmetallic earthen materials extraction or sand and gravel pits.
- (i) Pesticide and fertilizer bulk storage.
- (j) Railroad yards and maintenance station.
- (k) Rendering plants and slaughterhouses.
- (l) Salt or deicing material bulk storage.
- (m) Salvage or junk yards.
- (n) Septage, wastewater, or sewage lagoons.
- (o) Private on-site wastewater treatment systems or holding tanks receiving 8,000 gallons per day or more.
- (p) Stockyards and feedlots.
- (q) Wood preserving operations.

(I) PRE-EXISTING NONCONFORMING USES AND STRUCTURES

The provisions of Section 22.12 shall apply to any pre-existing nonconforming uses or structures within the District.

(J) REQUIREMENTS FOR FACILITIES

- (1) Approvals and Certificates – Facilities within the District shall provide, within 30 days of the receipt by the facility, copies of all federal, state and local facility operation approvals or certificates and on-going environmental monitoring results mandated by local, state, or federal law to the City.
- (2) Release of Contaminants – In the event an individual or facility within the District causes the release of any contaminants that pose a danger to the water supply, the owner shall immediately cease the activity causing the release and cleanup and remove the contaminants. The owner shall be responsible for all costs of cleanup. Such costs shall include the City's costs for supervision of the cleanup if no federal, state or other local agency assumes responsibility for the monitoring and supervision of cleanup as authorized under Chapter 292 Wis. Stats.

Section 2. All other terms and provisions of Chapter 22 shall remain in full force and effect unless specifically modified herein.

Section 3. This ordinance shall be in full force and effect from and after its passage and publication as required by law.

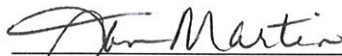
Approved and adopted by the Common Council of the City of Platteville by a vote of 7 to 0 this 26<sup>th</sup> day of February, 2013.

CITY OF PLATTEVILLE,



By: Michael Dalecki, Council President

ATTEST:

  
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Jan Martin, City Clerk

Published: March 6, 2013