

Sec. 13~1-43 Wellhead Protection Overlay District

A) PURPOSE AND AUTHORITY

The residents of the City of Greenwood 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 this Wellhead Protection Ordinance is to institute land use regulations and restrictions to protect the City's municipal water supply and well fields, and to promote the public health, safety and general welfare of the residents of the City of Greenwood.

Statutory authority of the City to enact these regulations was established by the Wisconsin Legislature in ss. 62.23(7)(a) and (c), Wis. Stats. Under these statutes, the City has the authority to enact this ordinance, effective in the incorporated areas of the City, to encourage the protection of groundwater resources.

1)APPLICATION OF REGULATIONS. The regulations specified in this Wellhead Protection Ordinance shall apply only to lands within the wellhead protection area of the Greenwood municipal well fields, established here as groundwater protection overlay districts. It is intended that the Groundwater Protection Overlay District shall be operated in conjunction with the regulations governing the underlying zoning districts and other overlay districts in the subject area

2) DEFINITIONS

- a) **AQUIFER.** a saturated, permeable geologic formation that contains and will yield significant quantities of water.
- b) **ONE YEAR TIME OF TRAVEL (TOT).** The recharge area surrounding Greenwood's municipal well fields, the outer boundary of which it is determined or estimated that groundwater and/or potential contaminants will take one year to reach a pumping well. The one Year TOT for the Greenwood well fields is established based on flow path modeling, and described in the CITY OF GREENWOOD WELLHEAD PROTECTION PLAN, DECEMBER 2013, as Wellhead protection area **ZONE A**.
- c) **FIVE YEAR TIME OF TRAVEL (TOT).** The recharge area surrounding Greenwood's municipal well fields, the outer boundary of which it is determined or estimated that groundwater and/or potential contaminants will take five years to reach a pumping well. The Five Year TOT for the Greenwood well fields is established based on flow path modeling, and described in the CITY OF GREENWOOD WELLHEAD PROTECTION PLAN, DECEMBER 2013, as Wellhead protection area **ZONE B**.
- d) **RECHARGE AREA.** The 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.
- e) **WELL FIELD.** A piece of land used primarily for the purpose of locating wells to supply a municipal water system, described in the CITY OF GREENWOOD WELLHEAD PROTECTION PLAN, DECEMBER 2013
- f) **WELLHEAD PROTECTION AERA.** The area defined by the City of Greenwood Wellhead Protection Plan, Dated December 2013, as a wellhead protection Area.

B) GROUNDWATER PROTECTION OVERLAY DISTRICT A - 1 YEAR TIME OF TRAVEL

1)INTENT. The primary portion of the Greenwood recharge area to be protected is the land within the 1 year time of travel of the Greenwood well fields. These lands are subject to the most stringent land use and development restrictions because of close proximity to the wells and the corresponding high threat of contamination.

2)PERMITTED USES. The following uses are permitted uses within Groundwater Protection Overlay District A. Uses not listed here or in section 2.3 below are to be considered prohibited uses.

- a) Parks and playgrounds, provided there are no on-site waste disposal or fuel storage tank facilities
- b) Wildlife areas
- c) Nonmotorized trails, such as biking, skiing, nature and fitness trails
- d) Sewered residential developments

- e) Unsewered (single family) residential development only on existing lots of record on the effective date of this Ordinance
- f) Agricultural uses in accordance with the county soil conservation department's best management practices guidelines, except those listed as prohibited uses in Section 4, Prohibited Uses

3) **CONDITIONAL USES.** The following uses are conditional uses within Groundwater Protection Overlay District A. Uses not listed here or in 2 above are to be considered prohibited uses.

- a) Commercial uses served by municipal sanitary sewer except those listed as prohibited in Section 4

4) **PROHIBITED USES.** The following uses are prohibited uses within the Groundwater Protection Overlay District

A. These uses are prohibited based on the high probability that activities routinely associated with these uses (storage, use, and handling of potential pollutants) will cause groundwater contamination. Uses not listed shall not be considered permitted uses.

- a) Underground storage tanks of any size
- b) Septage and/or sludge spreading
- c) Animal waste landspreading
- d) Animal waste facilities
- e) Animal confinement facilities
- f) Gas stations
- g) Vehicle repair establishments, including auto body repair
- h) Printing and duplicating businesses
- i) Any manufacturing or industrial businesses
- j) Bus or truck terminals
- k) Repair shops
- l) Landfills or waste disposal facilities
- m) Wastewater treatment facilities
- n) Spray wastewater facilities
- o) Junk yards or auto salvage yards
- p) Bulk fertilizer and/or pesticide facilities
- q) Asphalt products manufacturing
- r) Dry cleaning businesses
- s) Salt storage
- t) Electroplating facilities
- u) Exterminating businesses
- v) Paint and coating manufacturing
- w) Hazardous and/or toxic materials storage or waste facilities
- x) Radioactive waste facilities
- y) Recycling facilities
- z) Cemeteries
- aa) Any other use determined by the Greenwood City Council to be similar in nature to the above listed items

C) GROUNDWATER PROTECTION OVERLAY DISTRICT B - 5 YEAR TIME OF TRAVEL

1) **INTENT.** A secondary portion of the Greenwood recharge area to be protected is land which lies within the 5 year time of travel of the Greenwood well fields. Land use restrictions within Groundwater Protection Overlay District B are less restrictive than in Overlay District A because of longer flow times and a greater potential for remediation, dilution and attenuation. Uses not listed as permitted or conditional uses shall be considered prohibited uses.

2) **PERMITTED USES.** The following uses are permitted within Groundwater Protection Overlay District B.

- a) All uses listed as permitted uses in Groundwater Protection Overlay District A

- b) Sewered residential uses
- c) Petroleum products storage tanks subject to the provisions in sections D Separation Distances
- d) Commercial and/or industrial uses served by municipal sanitary sewer, except those listed as prohibited uses in Section 4, Prohibited Uses
- e) Unsewered (single family) residential uses
- f) Agricultural uses in accordance with the county soil conservation department's best management practices guidelines, except those listed as prohibited uses in Section 4, Prohibited Uses

3)CONDITIONAL USES. Notwithstanding the provision in section 4 below, the following uses may be permitted on a case-by-case basis, providing adequate groundwater protection and monitoring measures, as determined by the Greenwood Plan Commission and Common Council, are instituted.

- a) Nurseries for ornamental plants, green houses, and associated retail sales outlets.
- b) Pesticide and fertilizer storage and use associated with uses in (1) above.
- c) Vehicle repair shops, auto body repair shops.
- d) Cemeteries.
- e) Salt storage, including sand/salt combinations.
- f) Recycling facilities.

4)PROHIBITED USES. The following uses are prohibited uses within Groundwater Protection Overlay District B except as provided in 2 or 3 above. These uses are prohibited based on the high probability that activities routinely associated with these uses (storage, use, and handling of potential pollutants) will cause groundwater contamination. Uses not listed shall not be considered permitted uses unless specifically listed above under Section 3.2 Permitted Uses.

- a) Unsewered commercial and/or industrial development
- b) Septage and/or sludge spreading
- c) Animal waste facilities
- d) Animal confinement facilities (except veterinary hospitals and clinics)
- e) Gas stations and oil change businesses
- f) Printing and duplicating businesses which use hazardous chemicals as defined by the EPA in their printing process
- g) Bus or truck terminals
- h) Landfills
- i) Wastewater treatment facilities
- j) Spray wastewater facilities
- k) Auto salvage yards
- l) Bulk fertilizer and/or pesticide facilities
- m) Asphalt products manufacturing
- n) Dry cleaning facilities
- o) Electroplating facilities
- p) Exterminating shops
- q) Paint and coating manufacturing
- r) Hazardous and/or toxic materials storage
- s) Hazardous and/or toxic waste facilities
- t) Radioactive waste facilities
- u) Garage and vehicular towing
- v) Public and municipal maintenance garages
- w) Any other use determined by the Greenwood City Council to be similar in nature to the above listed items

D) SEPARATION DISTANCES. The following separation distances as specified in s. NR 811.12(5), Wis. Adm. Code, shall be maintained in Groundwater Protection Overlay Districts A & B and shall not be exempted as listed in

section 3.

- 1) Fifty feet between a well field 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 field 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 field 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 field 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. 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.
- 5) Four hundred feet between a well field 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 field 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 field 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 field 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

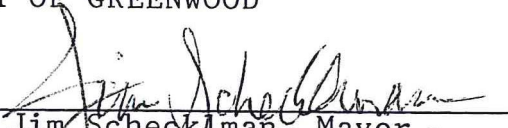
- E) **EXISTING NON-CONFORMING USES.** Non-conforming uses lawfully in existence within the Groundwater Protection Overlay District at the adoption of the ordinance creating this district may continue to exist in the form and scope in which they existed at that time subject to the following provisions.
- 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 City upon request.
 - 2) Existing facilities shall replace equipment or expand in a manner that improves the existing environmental and safety technologies already in existence.
 - 3) In the event a lawful non-conforming use poses a direct hazard to the City's public water supply, the City may take any action permitted by law to abate the hazard.
 - 4) Existing facilities shall have the responsibility of devising and/or filing with the City, a contingency plan satisfactory to the Plan Commission for the immediate notification of the appropriate City officers in the event of an emergency
- F) **NO ACCEPTANCE OF LIABILITY BY CITY.** Nothing in this section shall be construed to imply that the City has accepted any of an owner or operator's liability if a facility or use, whether permitted as of right or pursuant to a conditional use permit, contaminates groundwater in any aquifer.
- G) **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.

Adopted this 15th day of January, 2014

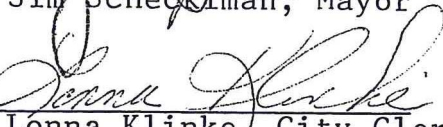
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CITY OF GREENWOOD

BY:


Jim Scheckman, Mayor

BY:


Lonna Klinke, City Clerk