

**Section 1.** Chapter 13.43 of the Biron Municipal Code is hereby created to read as follows:

## **13.43 WELLHEAD PROTECTION**

### **Sections:**

- 13.43.01 Purpose
- 13.43.02 Areas to be regulated
- 13.43.03 Separation Distances
- 13.43.04 Establishment of Districts
- 13.43.05 Prohibited Uses
- 13.43.06 Conditional Uses

**13.43.01 Purpose.** The residents of the Village of Biron depend exclusively on groundwater for a safe drinking water supply. Certain land use practices and activities can seriously threaten or degrade groundwater quality. This Ordinance institutes land use regulations and restrictions to protect the Village's municipal water supply and to promote the public health, safety and general welfare of the residents of the Village of Biron.

**13.43.02 Areas to Be Regulated.** This chapter regulates the area surrounding each municipal water supply well that has been designated as a "wellhead protection area" by the village's most recent wellhead protection plan, completed in accordance with Wisconsin Administrative Code Chapter NR 811.12(6) for wellhead protection planning, and adopted by the Village Board.

**13.43.03 Separation Distances.** Uses within either Wellhead Protection Overlay District shall maintain the following minimum separation distances as specified in Chapter NR 811.12(5), Wisconsin Administrative Code.

- 1) Ten feet 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. ATCP 93.260 and receive written approval from the department of safety and professional services or its designated Local Program Operator under s. ATCP 93.110.
- 2) 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. 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.

- 3) 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.
- 4) 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. ATPCP 93.260 and receive written approval from the department of safety and professional services or its designated Local Program Operator under s. ATPCP 93.110, 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) 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. ATPCP 93.260, Wis. Admin. Code, and receive written approval from the department of commerce or its designated Local Program Operator under s. ATPCP 93.110, 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.
- 6) 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.
- 7) 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. ATPCP 93.260 and receive written approval from the department of safety and professional services or its designated Local Program Operator under s. ATPCP 93.110. 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.
- 8) 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.

- 9) 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; 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. ATCP 93.110, 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.

13.43.04     Establishment of Districts. For purposes of minimizing the potential for groundwater contamination in close proximity to the municipal wells, two zoning districts are established: Zone A and Zone B.

- 1) Zone A is identified as the primary source of water for the municipal well aquifer and as the area most likely to transmit groundwater contaminants to the municipal wells. Zone A is more restrictive than Zone B.
- 2) Zone B is identified as a secondary source of water for the municipal well aquifer and as an area where there is a lower probability of surface contaminants reaching the municipal well fields. Zone B is less restrictive than Zone A.

13.43.05     Prohibited Uses.

(a) Zone A: The following land uses are hereby found to have a high potential to contaminate or have already caused groundwater contamination problems in Wisconsin and elsewhere. The following principal or accessory uses are hereby prohibited within Zone A of the Municipal Well Recharge Area Overlay District:

- 1) Areas for dumping or disposing of garbage, refuse, trash or demolition material.
- 2) Asphalt products manufacturing plants
- 3) Automobile laundries.
- 4) Automobile service stations.
- 5) Building materials and products sales.
- 6) Cartage and express facilities.
- 7) Cemeteries.
- 8) Chemical storage, sale, processing or manufacturing plants.

- 9) Dry cleaning establishments.
- 10) Electronic circuit assembly plants.
- 11) Electroplating plants.
- 12) Exterminating shops.
- 13) Fertilizer manufacturing or storage plants.
- 14) Foundries and forge plants.
- 15) Garages - for repair and servicing of motor vehicles, including body repair, painting or engine rebuilding
- 16) Highway salt storage areas.
- 17) Industrial liquid waste storage areas
- 18) Junk yards and auto graveyards.
- 19) Metal reduction and refinement plants.
- 20) Mining operations
- 21) Motor and machinery service and assembly shops.
- 22) Motor freight terminals.
- 23) Paint products manufacturing.
- 24) Petroleum products storage or processing.
- 25) Photography studios, including the developing of film and pictures.
- 26) Plastics manufacturing.
- 27) Printing and publishing establishments.
- 28) Pulp and paper manufacturing.
- 29) Residential dwelling units on lots less than fifteen thousand (15,000) square feet in area. However, in any residence district, on a lot of record on the effective date of this Chapter, a single-family dwelling may be established regardless of the size of the lot, provided all other requirements of the Village's Zoning Ordinance are complied with.
- 30) Septage disposal sites.
- 31) Sludge disposal sites.
- 32) Storage, manufacturing or disposal of toxic or hazardous materials.
- 33) Underground petroleum products storage tanks for industrial, commercial, residential or other uses.
- 34) Woodworking and wood products manufacturing.
- 35) Any other use determined by the Village board to be similar in nature to the above listed uses.

(a) Zone B: The following principal or accessory uses are hereby prohibited within Zone B of the Municipal Well Recharge Area Overlay District:

- 1) Underground petroleum products storage tanks for industrial, commercial, residential or other uses

#### 13.43.06      Conditional Uses.

(a) Zone A: The following conditional uses may be allowed in the Municipal Well Recharge

Area Overlay District, subject to the provisions of this Chapter regarding conditional uses:

- 1) Any other business or industrial use not listed as a prohibited use.
- 2) Animal waste storage areas and facilities.
- 3) Center-pivot or other large-scale irrigated agriculture operations.

(b) Zone B: The following conditional uses may be allowed in the Municipal Well Recharge Area Overlay District, subject to the provisions of this Chapter regarding conditional uses:

- 1) Any business or industrial use provided such use conforms with the other requirements of this Chapter.

**SECTION 2.** This Ordinance shall take effect upon passage and posting as provided by law.