

VILLAGE OF RADISSON NO. 10.06

THE BOARD OF TRUSTEES OF THE VILLAGE OF RADISSON, SAWYER COUNTY, WISCONSIN DOES ORDAIN AS FOLLOWS:

SECTION 1. Groundwater Protection Overlay District: CHAPTER TEN, GROUNDWATER PROTECTION OVERLAY DISTRICT, OF THE CODE OF ORDINANCES, VILLAGE OF RADISSON, WISCONSIN IS HEREBY CREATED TO READ AS FOLLOWS:

SECTION 2. Purpose:

The residents of the Village of Radisson 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 Ordinance is to establish a groundwater protection overlay district to institute land use regulations and restrictions within a defined area which contributes water directly to the municipal water supply for the Village of Radisson, providing protection for the aquifer and municipal water supply and promoting the public health, safety and general welfare of village residents.

- a) Authority: Statutory authority of the Village to enact these regulations was established by the Wisconsin Legislature in 1983, Wisconsin Act 410 (effective May 11, 1984), which specifically added groundwater protection, in §59.69(1) and §62.23(7)(c), Wis. Stats., to the statutory authorization for municipal planning and zoning to protect the public health, safety and welfare. In addition, §61.35 Wis. Stats., the Village has the authority to enact this ordinance, to encourage the protection of groundwater resources.
- b) Application: The regulations specified in this Wellhead Protection Ordinance shall apply within the area surrounding each municipal water supply well that has been designated as a "wellhead protection area" by the Village of Radisson wellhead protection plan, dated October 2018, and are in addition to the requirements in the underlying zoning district, if any. If there is a conflict between this chapter and the zoning ordinance, the more restrictive provision shall apply.

Note: Wellhead protection areas are derived from hydrologic studies and are based on the area surrounding a well where groundwater takes 5-years or less to travel from the land surface to the pumping well.

- c) Groundwater protection overlay district: The location and boundaries of the zoning districts established by this chapter are set forth in the Village of Radisson Wellhead Protection Plan on the map titled "Wellhead Protection Area" [on file in the Village of Radisson office] incorporated herein and hereby made a part of this ordinance. Said figures, together with everything shown thereon and all amendments thereto, shall be as much a part of this chapter as though fully set forth and described herein. This ordinance and thus promotes public health, safety, and welfare. The groundwater protection overlay district is intended to protect the groundwater recharge area for the water supply from contamination.

SECTION 3. Permitted Uses:

The following uses are permitted in the Groundwater Protection Overlay District subject to the separation's distances in Section 6:

- (1) Parks, provided there is no on-site waste disposal or fuel storage tank facilities associated with this use.
- (2) Playgrounds.
- (3) Wildlife areas.
- (4) Non-motorized trails, such as bike, skiing, nature and fitness trails.
- (5) Residential, commercial and industrial establishments that are municipally sewered and whose use, Aggregate of Hazardous Chemicals in use, storage, handling and/or production may not exceed 20 gallons or 160 pounds at any time, with the exception for those uses listed as "conditional" or "prohibited" in Sections 106-563 or 106-564.
- (6) Routine tillage, planting, and field management operations in support of agricultural crop production, where nutrients from legume, manure, and commercial sources are accounted for and credited toward crop nutrient need. The combination of all nutrient sources applied or available on individual fields may not exceed University of Wisconsin soil test recommendations for that field.

SECTION 4. Conditional Uses:

Conditional uses: The following uses may be conditionally permitted in the Groundwater Protection Overlay District subject to the separations distances in Section 6, and governed by the conditional use provisions in this chapter. The types of conditions the Village Board may stipulate including but not limited to periodic environmental and safety sampling, testing, and reporting to establish the continued protection of the public water supply. Installation of one or more groundwater monitoring well(s) at the expense of the applicant. Establishment of safety structures to prevent groundwater contamination. Establishment of an operational safety plan to define processes and procedures for material containment, operations monitoring, best management practices, and stormwater runoff management to prevent groundwater contamination. Written policies and procedures for reporting and cleaning up any spill of a hazardous material. The provision of copies of all federal, state and local facility operation approval or certificates, and on-going environmental monitoring results to the Village. A written agreement pursuant to which the applicant agrees to be held financially responsible for all environmental cleanup costs in the event of groundwater contamination. Bonds and/or securities satisfactory to the Village for future monitoring and cleanup costs if groundwater contamination occurs in the future.

- (1) Hydrocarbon, petroleum or hazardous chemical storage tanks. (Hazardous chemicals are identified by OSHA under 29 CFR 1910.1200(c) and by OSHA under 40 CFR Part 370.)
- (2) Motor vehicle services, including filling and service stations, repair, renovation and body work.
- (3) Residential, commercial and industrial establishments that are municipally sewered and whose use, Aggregate of Hazardous Chemicals in use, storage, handling and/or production exceeds 20 gallons or 160 pounds at any time.
- (4) Stormwater infiltration basins
- (5) Geothermal wells, also known as ground source heat pump along with any associated piping and/or ground loop component installations.

SECTION 5. Prohibited Uses:

The following uses are prohibited in the Groundwater Protection Overlay District.

- (1) Cemeteries.
- (2) Chemical manufacturers (Standard Industrial Classification Major Group 28).
- (3) Coal storage.
- (4) Dry cleaners.
- (5) Electroplating facilities
- (6) Foundries and forge plants
- (7) Industrial liquid waste storage lagoons and pits.
- (8) Landfills and any other solid waste facility, except post-consumer recycling.
- (9) Manure and animal waste storage.
- (10) Mining of any kind, including metallic, sand and aggregate pits.
- (11) Pesticide and fertilizer dealer, manufacturing, transfer or storage facilities.
- (12) Private on-site wastewater treatment systems or holding tanks receiving 12,000 gallons per day or more
- (13) Railroad yards and maintenance stations.
- (14) Rendering plants and slaughterhouses.
- (15) Salt or deicing material bulk storage.
- (16) Salvage or junk yards.
- (17) Septage or sludge spreading, storage or treatment.
- (18) Septage, wastewater, or sewage lagoons.
- (19) Stockyards and feedlots.
- (20) Wood preserving operations.
- (21) Any other use determined by the Village Board to be similar in nature to the above listed uses.

SECTION 6. Separation Distances:

The following separation distances as specified in s. NR 811.12(5), Wis. Adm. Code, shall be maintained within the Groundwater Protection Overlay District.

- (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. 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, 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. ATCP 93.260, Wis. Admin. Code, and receive written approval from the department of commerce or its designated Local Program Operator under s. ATCP 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. 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. 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.

SECTION 7. 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 Village 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 Village's public water supply, the Village 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 Village, a contingency plan satisfactory to the Plan Commission for the immediate notification of the appropriate Village officers in the event of an emergency.

SECTION 8. Definitions:

1. "Aquifer" means a saturated, permeable, geologic formation that contains, and will yield, significant quantities of water.
2. "Existing facilities" means current facilities, practices and activities which may cause or threaten to cause environmental pollution within that portion of the Village's wellhead protection area that lies within the corporate limits of the Village. 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.
3. "Groundwater Protection Overlay District" means that area of land which contributes water to a municipal well based on accepted hydrogeological research, outlined and described as a "Wellhead Protection Area" by the Village's wellhead protection plan.
4. "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. This area may extend beyond the corporate limits of the Village of Radisson.
5. "Hazardous Chemicals" means Chemicals and chemical mixtures that is required to have an MSDS and meets the definition of hazardous chemical under the OSHA regulations found at 29 CFR 1910.1200(c). Substances packaged for consumption for humans or animals are not considered Hazardous Chemicals. Hazardous Chemicals include:

- a) Chemicals for which there is scientific evidence that acute or chronic health effects may result from exposure including carcinogens, toxic and highly toxic agents, irritants, corrosives, sensitizers, hepatotoxins, agents that act on the hematopoietic system, reproductive toxins, and agents which damage the lungs, skin, eyes, or mucous membranes as defined in 29 CFR 1910.1200, Appendix A, "Health Hazard Definitions (Mandatory)."
 - b) Mixtures of chemicals which have been tested as a whole and have been determined to be a health hazard.
 - c) Mixtures of chemicals which have not been tested as a whole but which contain any chemical which has been determined to be a health hazard and comprises one (1.0) percent or greater of the composition on a weight-per-unit weight basis.
 - d) Mixtures of chemicals which include a carcinogen if the concentration of the carcinogen in the mixture is one-tenth of one (0.1) percent or greater of the composition on a weight-per-unit weight basis.
 - e) Ingredients of mixtures prepared within the Groundwater Protection Overlay District in cases where such ingredients are health hazards but comprise more than one-tenth of one (0.1) percent of the mixture on a weight-per-unit weight basis if carcinogenic, or more than one (1.0) percent of the mixture on a weight-per-unit weight basis if no carcinogenic.
 - f) Petroleum and non-solid petroleum derivatives (except non-PCB dielectric fluids used in equipment or for transmission of electric power to homes and businesses).
6. "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 9. 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 10. Effective Date. This ordinance shall take effect upon passage and posting as provided by law.

Date Passed: December 10th, 2018


Andrew Carli-Village President

Date Published: April 10th, 2019

Attest: 
Daniel Heidtke-Clerk/Treasurer