

VILLAGE OF MOUNT CALVARY

Mount Calvary, WI 53057

ORDINANCE # 01-09

WELL ABANDONMENT & WELL OPERATION PERMIT ORDINANCE

WHEREAS, s. NR 811.10 Wisconsin Administrative Code, directs suppliers of water for municipal water systems to require the abandonment of all unused, unsafe or non-complying wells located on the premises served by their system, and to provide a permit system to allow retention of safe and code complying wells, by local ordinance or water utility rule, to eliminate sources of unsafe water and to prevent such wells from becoming channels for vertical movement of contaminated water and to eliminate all existing cross-connections and prevent all future cross-connections.

NOW THEREFORE, The Village BOARD of the Village OF MOUNT CALVARY of FOND DU LAC COUNTY, WISCONSIN, does ordain as follows:

SECTION 1: PURPOSE

To protect public health, safety and welfare and to prevent contamination of groundwater by assuring that unused or non-complying wells or wells which may act as conduits for contamination of groundwater or wells which may be illegally cross-connected to the municipal water system, are properly maintained or abandoned

SECTION 2: APPLICABILITY

This ordinance applies to all wells located on premises served by the Village of Mount Calvary municipal water system. Utility customers outside the jurisdiction of the municipal system may be required under contract agreement or utility rule to adopt and enforce equivalent ordinances within their jurisdictions for purpose stated in Section 1 above.

SECTION 3: DEFINITIONS

A. Municipal water system means a community water system owned by a city, village, county, town, town sanitary district, utility district, public inland lake and rehabilitation district, municipal water district or a federal, state, county, or municipal owned institution for congregate care or correction, or a privately owned water utility serving the foregoing.

B. Non-complying means a well or pump installation which does not comply with s. NR 812.42, Wisconsin Administrative Code, Standards for Existing Installations, and which has not been granted a variance pursuant to s. NR 812.43, Wisconsin Administrative Code.

C. Pump installation means the pump and related equipment used for withdrawing water from a well, including the discharge piping, the underground connections, pressure tanks, pit less adapters, pits, sampling faucets and well seals or caps.

D. Unsafe well or pump installation means one which produces water which is bacteriologically contaminated or contaminated with substances which exceeds the drinking water standard of s. NR 140 or 809, Wisconsin Administrative Code, or for which a Health Advisory has been issued by The Department of Natural Resources.

E. Unused well or pump installation means one which is not used or does not have a functional pumping system.

F. Well means a drill hole or other excavation or opening deeper than it is wide that extends more than ten (10) feet below the ground surface constructed for the purpose of obtaining groundwater.

G. Well Abandonment means the proper filling and sealing of a well according to the provisions of s. NR 812.26, Wisconsin Administrative Code.

SECTION 4: ABANDONMENT REQUIRED

All wells on premises served by the municipal water system shall be properly abandoned in accordance with Section 6 of this ordinance by May 30, 2009, unless a valid well operation permit has been issued to the well owner by the Village of Mount Calvary under terms of Section 5 of this ordinance.

SECTION 5: WELL OPERATION PERMIT

Owners of wells on premises served by the municipal water system wishing to retain their wells for use shall make an application for a "Well Operation Permit". The Village shall grant a permit to a well owner to operate a well for a period not to exceed five (5) years, providing all conditions of this section are met. The Village or its agent may conduct inspections and water quality tests, or require inspections and water quality tests to be conducted at the applicant's expense to obtain or verify information necessary for consideration of a permit application or renewal. The following conditions must be met for issuance or renewal of a well operation permit:

- (1) The well and pump installation shall meet the Standards for Existing Installations described in s. NR 812.42, Wisconsin Administrative Code. The inspection is to be performed by a licensed Well Driller or Pump Installer. The inspector shall provide an affidavit stating that the well meets all requirements in s. NR 812.42, Wisconsin Administrative Code. If the well is not to code the homeowner can bring the subject well to code or do abandonment, see Section 6.
- (2) The well and pump shall have a history of producing safe water evidenced by at least 2 bacteria samples taken a minimum of two (2) weeks apart, and every year. In areas where the DNR has determined that groundwater aquifers are contaminated with substances other than bacteria, additional chemical tests may be required to document the safety of the water.
- (3) There shall be no cross-connections between the well's pump installation or distribution piping and the municipal water system.
- (4) The water from the private well shall not discharge into a drain leading directly to a public sewer utility unless properly metered and authorized by the sewer utility.
- (5) The private well shall have a functional pumping system.
- (6) The proposed use of the private well shall be justified as reasonable in addition to water provided by the municipal water system.

SECTION 6: ABANDONMENT PROCEDURES

- (1) All wells abandoned under the jurisdiction of this ordinance shall be done according to the procedures and methods of s. NR 812.26, Wisconsin Administration Code. All debris, pumps, piping, unsealed liners and any other obstructions which may interfere with sealing operations shall be removed prior to abandonment.
- (2) The owner of the well, or the owner's agent, may be required to obtain a well abandonment permit prior to any well abandonment and shall notify the clerk at least forty-eight (48) hours in advance of any well abandonment activities. The abandonment of the well may be observed or verified by personnel of the municipal system.
- (3) An abandonment report form, supplied by the DNR (Well/Drill Hole/Borehole Abandonment, Form 3300-5) shall be submitted by the well owner to the Clerk and the Department of Natural Resources within thirty (30) days of the completion of the well abandonment.

SECTION 7: PENALTIES

Any well owner violating any provisions of this ordinance shall upon conviction be punished by forfeiture of not less than \$25.00 or more than \$500.00 and the cost of prosecution. Each day of violation will be considered a separate offense. If any person fails to comply with this ordinance for more than ten (10) days after receiving written notice of the violation, the municipality may impose a penalty and cause the well abandonment to be performed and the expense to be assessed as a special tax against the property.

SECTION 8: PREVIOUS ORDINANCES

ALL Previous Village Ordinances concerning Well Inspections and Abandonment are superseded by this Ordinance.

DATED March 4, 2009

Mary Merten
VILLAGE CLERK: Mary Merten

Kenneth J. Mertens
VILLAGE PRESIDENT: Kenneth Mertens