

CHAPTER XXII

WELL ABANDONMENT

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22.01 PURPOSE. To prevent contamination of groundwater and to protect public health, safety and welfare by assuring that unused, unsafe or noncomplying wells or wells which may serve as conduits for contamination or wells which may be illegally cross-connected to the municipal water system are properly abandoned.

22.02 APPLICABILITY. This ordinance applies to all wells located on premises served by the Village of Elkhart Lake municipal water system.

22.03 DEFINITIONS. A. "Municipal water system" means a community water system owned by a city, village, county, town, town sanitary district, utility 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. "Noncomplying" means a well or pump installation which does not comply with the provisions of sec. NR 812.42, Wisconsin Administrative Code, standards for existing installations, and which has not been granted a variance pursuant to sec. 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, underground connections, pitless adapters, pressure tanks, pits, sampling faucets and well seals or caps.

D. "Unsafe" means a well or pump installation which produces water which is bacteriologically contaminated or exceeds the drinking water standards of sec. NR 812.06, Wisconsin Administrative Code, or for which a Health Advisory has been issued by the Department of Natural Resources.

E. "Unused" means a well or pump installation which is not in use or does not have a functional pumping system.

F. "Well" means an excavation or opening into the ground made by digging, boring, drilling, driving, or other methods for the purpose of obtaining groundwater for consumption or other use.

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

22.04 ABANDONMENT REQUIRED. All wells on premises served by the municipal water system shall be properly abandoned in accordance with sec. 22.06 of this ordinance no later than 1 year from the date of connection to the municipal water system, unless a valid well operation permit has been issued to the well owner by the Village of Elkhart Lake under terms of sec. 22.05 of this ordinance.

22.05 WELL OPERATION PERMIT . Owners of wells on premises served by the municipal water system wishing to retain their wells for any use shall make application for a well operation permit for each well no later than one year after connection to the municipal water

system. The Public Works Superintendent for the Village of Elkhart Lake may grant a permit to a well owner to operate a well for a period not to exceed five years providing the conditions of this section are met. A well operation permit may be renewed by submitting an application verifying that the conditions of this section are met. The Village of Elkhart Lake, or its agent, shall conduct inspections and water quality tests or require inspections and water quality tests to be conducted at the applicant's expense using independent certified contractors to obtain or verify information necessary for consideration of a permit application or renewal. Permit applications and renewals shall be made on forms provided by the Village. The following conditions must be met for issuance or renewal of a well operation permit:

- (1) The well and pump installation shall meet or may be upgraded to meet the standards for existing installations described in sec. NR 812.42, Wisconsin Administrative Code.
- (2) The well and pump shall have a history of producing safe water evidenced by at least two coliform bacteria samples taken a minimum of two weeks apart. In areas where the Department of Natural Resources has determined that groundwater aquifers are contaminated with substances other than bacteria, additional chemical tests may be required to evidence safety of the water.
- (3) There shall be no cross-connections between the well's pump installation or distributing piping and the municipal water system.
- (4) The well water shall not discharge into a drain leading directly to a public sewer utility unless properly metered and authorized by the sewer utility.
- (5) The well shall have a functional pumping system and the proposed use of the well water can be justified as reasonable in addition to water provided by the municipal water system.

22.06 ABANDONMENT PROCEDURES. (1) All wells abandoned under the jurisdiction of this ordinance shall be done according to the procedures and methods of sec. NR 812.26, Wisconsin Administrative 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 notify the clerk in advance of any well abandonment activities. The abandonment of the well may be observed or verified by inspection by the municipal system.
- (3) An abandonment report form, supplied by the Department of Natural Resources, shall be submitted by the well owner to the clerk and the Department of Natural Resources within 30 days of the completion of the well abandonment.

22.07 PENALTIES. Any well owner violating any provision of this ordinance shall, upon conviction, be punished by forfeiture of not less than \$10.00 nor more than \$100.00 and the cost of prosecution. Each day of violation is a separate offense. If any person fails to comply with this ordinance for more than 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.