

AGENDA

Eau Claire County

- Groundwater Advisory Committee •

Date: Wednesday, May 12, 2021 **Time:** 4:00 P.M.

Location: **via remote access **ONLY**.*

**Event link below can be used to connect to meeting and interact (by the chair) from computer or through the WebEx Meeting smartphone app.*

Join WebEx Meeting: <https://eauclairecounty.webex.com>,

Meeting ID: 145 516 7775, Password: aZcUMSpG379

**Meeting audio can be listened to using this Audio conference dial in information.*

Audio conference: 1-415-655-0001, Access Code: 145 516 7775

For those wishing to make public comment, you must e-mail Greg Leonard at Greg.Leonard@co.eau-claire.wi.us at least 30 minutes prior to the start of the meeting. You will be called on during the public session to make your comments.

AGENDA

1. Call to order by Chair
2. Roll call of members present
3. Confirmation of Compliance with Open Meeting Law
4. Public Comment Period
5. Notice of Appointment of Citizen at Large to Committee for 3-year terms: Mary Kenosian
6. Notice of Recommendation of Board of Health member: Mark Kaeding
7. Review/approval of May 13, 2020 and July 8, 2020 meeting minutes – Discussion/Action **Pages 2-5**
8. David Bontrager request for consideration of land use within the City of Augusta wellhead protection district as allowed in Chapter 18.55.070.A Discussion/Action **Pages 6-13**
9. Update on Aquafer Mapping – Discussion/Action
10. Groundwater Advisory Goals – Discussion/Action
 - a. Capital Improvement Project funding
 - b. PFAS and Forever Chemicals
11. Members, Staff and Agency Updates-Discussion/Action
 - a. Committee Members
 - b. Regional Planning Commission
 - c. Planning and Development
 - d. Land Conservation
 - e. Health Department
12. Set next meeting date
13. Adjourn

**COUNTY OF EAU CLAIRE
EAU CLAIRE, WISCONSIN
GROUNDWATER ADVISORY COMMITTEE**

MEETING MINUTES – MAY 13, 2020, 4:00 pm, Remote meeting via WebEx

MEMBERS PRESENT: James Dunning, Nancy Coffey, Anna Mares, Mary Kenosian, Sarah Vitale, Sham Anderson, Jennifer Eddy

MEMBERS ABSENT: Nathan Anderson, Glory Adams

STAFF PRESENT: Matt Steinbach and Audrey Boerner (Eau Claire City-County Health Dept.); Greg Leonard and Liz Fagen (Eau Claire County Land Conservation)

OTHERS PRESENT: Dr. Jordan Fraser

1. Call to order by Chair pro tempore

The meeting was called to order by Chair pro tempore Dunning at 4:06 pm. A roll call was taken. Present included Dunning, Coffey, Mares, Kenosian, Vitale, S. Anderson, and Eddy. Absent included N. Anderson and Adams. A quorum was present.

2. Confirmation of Compliance with Open Meeting Law

Dunning confirmed compliance with the open meetings law.

3. Public Comment Period

Dr. Jordan Fraser is attending remotely and has an interest in groundwater related topics.

4. Notice of County Supervisors appointed to Groundwater Advisory Committee:

James Dunning, Nathan Anderson, and Nancy Coffey were appointed.

5. Notice of Appointment of Citizens at Large to Committee for 3-year terms:

Glory Adams and Dr. Sarah Vitale were appointed.

6. Election of Committee Chair – Discussion/Action

Dunning called for nominations for the Committee Chair. Coffey nominated James Dunning. Dunning called if there were any more nominations 3 times. Hearing none, Dunning closed the nominations.

ACTION: Motion by Coffey close nominations and to cast a unanimous vote and to elect James Dunning as Chair. Motion carried on a roll call vote, 7-0-0.

Dunning thanked everyone for their support and assumed the Chair.

7. Election of Committee Vice Chair – Discussion/Action

Dunning called for nominations for the Committee Vice Chair. Eddy/S. Anderson nominated Nancy Coffey. Dunning called if there were any more nominations 3 times. Hearing none, Dunning closed the nominations.

ACTION: Motion by Eddy close nominations and to cast a unanimous vote and to elect Nancy Coffey as Vice Chair. Motion carried on a roll call vote, 7-0-0.

Coffey thanked everyone for their support.

8. Appointment of Committee Clerk – Discussion/Action

ACTION: Motion by Dunning to appoint Greg Leonard as Committee Clerk. Motion carried on a voice vote, 7-0-0.

9. Review/Approval of February 12, 2020 meeting minutes – Discussion/Action

ACTION: Motion by S. Anderson to approve the minutes of the February 12, 2020 meeting as presented. Motion carried on a roll call vote, 7-0-0.

10. Groundwater Advisory Goals – Discussion/Action

- a. **Capital Improvement Project funding** – Budget requests for Groundwater related projects, including groundwater quality/quantity studies, have been requested in the past, but have not been funded.

ACTION: Motion by Kenosian/Eddy to request Capital Improvement funding as in previous budget cycles. Motion carried on a roll call vote, 7-0-0.

- b. **PFAS and Forever Chemicals** – Kenosian asked if there is currently testing in Eau Claire County of PFAS chemicals. Boerner provided information. Eau Claire County is a lower risk. There was some testing of public water supplies in Eau Claire and there were non-detects for UCMR (Unregulated Contaminant Monitoring Rule) chemicals.

11. Grant opportunities with Land Conservation and/or others – Discussion/Action

With COVID-19 affecting the economy, additional opportunities may be limited. No action taken.

12. Update on Aquifer Mapping (Vitale)-Discussion/Action

Vitale provided an update that without students and with travel restrictions this project is currently on hold. Primary focus on the project is groundwater quantity and storage capacity, in partnership with Wisconsin Geological and Natural History Survey. A fall start is a possibility. No action taken.

13. Subgroups items related to State of the Groundwater Report – Discussion/Action

- a. **Technical Subgroup** – Boerner reported the Health Department was working on updating the well location information within their office. This is currently on hold due to COVID-19.
- b. **Education Subgroup** – no report.
- c. **Budget requests** – no further report as items were discussed previously.

14. Members, Staff and Agency Updates-Discussion /Action

- a. **Committee members** – no report.
- b. **Regional Planning Commission** – no report.
- c. **Planning and Development** – Leonard provided an update on Planning and Development staffing reductions as a result of decreased sales tax revenue due to COVID-19.
- d. **Land Conservation** – no further report.
- e. **Health Department** – Boerner provided COVID-19 information.

15. Next Meeting Date

The next regular meeting date was tentatively set for August 5, 2020 at 4:00 p.m.

16. Items for the Next Agenda

Technical and Education group updates will continue to be on the upcoming meeting agendas.

17. Adjourn

Dunning adjourned the meeting at 4:53 p.m.

Respectfully Submitted,

A handwritten signature in black ink that reads "Greg Leonard". The signature is written in a cursive style with a large initial "G".

Greg Leonard
Land Conservation Manager

Draft

**COUNTY OF EAU CLAIRE
EAU CLAIRE, WISCONSIN
GROUNDWATER ADVISORY COMMITTEE**

MEETING MINUTES – July 8, 2020, 4:00 pm, Remote meeting via WebEx

MEMBERS PRESENT: James Dunning, Nancy Coffey, Anna Mares, Mary Kenosian, Sarah Vitale, Sham Anderson, Nathan Anderson, Glory Adams

MEMBERS ABSENT: Jennifer Eddy

STAFF PRESENT: Greg Leonard and Liz Fagen (Eau Claire County Land Conservation); Jared Grande (Eau Claire County Planning & Development)

OTHERS PRESENT: None

1. Call to order by Chair

The meeting was called to order by Chair Dunning at 4:02 pm. A roll call was taken. Present included Dunning, Coffey, Mares, Kenosian, Vitale, S. Anderson, N. Anderson and Adams. Absent was Eddy. A quorum was present.

2. Confirmation of Compliance with Open Meeting Law

Dunning confirmed compliance with the open meetings law.

3. Public Comment Period

None.

4. Waive review/approval of previous meeting minutes – Discussion/Action

Dunning announced the minutes from the previous meeting would not be reviewed or approved at this meeting.

5. Resolution to request Wisconsin State Senate to convene extraordinary session – Discussion/Action

Leonard provided a quick review of the State Assembly Speaker's Task Force on Water Quality and the resultant bills which were passed in the Assembly but did not get taken up by the State Senate due to COVID-19. Suggestion to include a summary of the bills to the resolution fact sheet.

ACTION: Motion by Coffey/S. Anderson to adopt the resolution as presented and submit it to the full County Board for consideration. Motion carried on a roll call vote, 8-0-0.

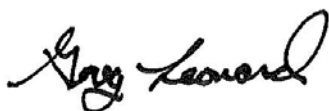
6. Next Meeting Date

The next regular meeting date was previously set for August 5, 2020 at 4:00 p.m.

7. Adjourn

Dunning adjourned the meeting at 4:13 p.m.

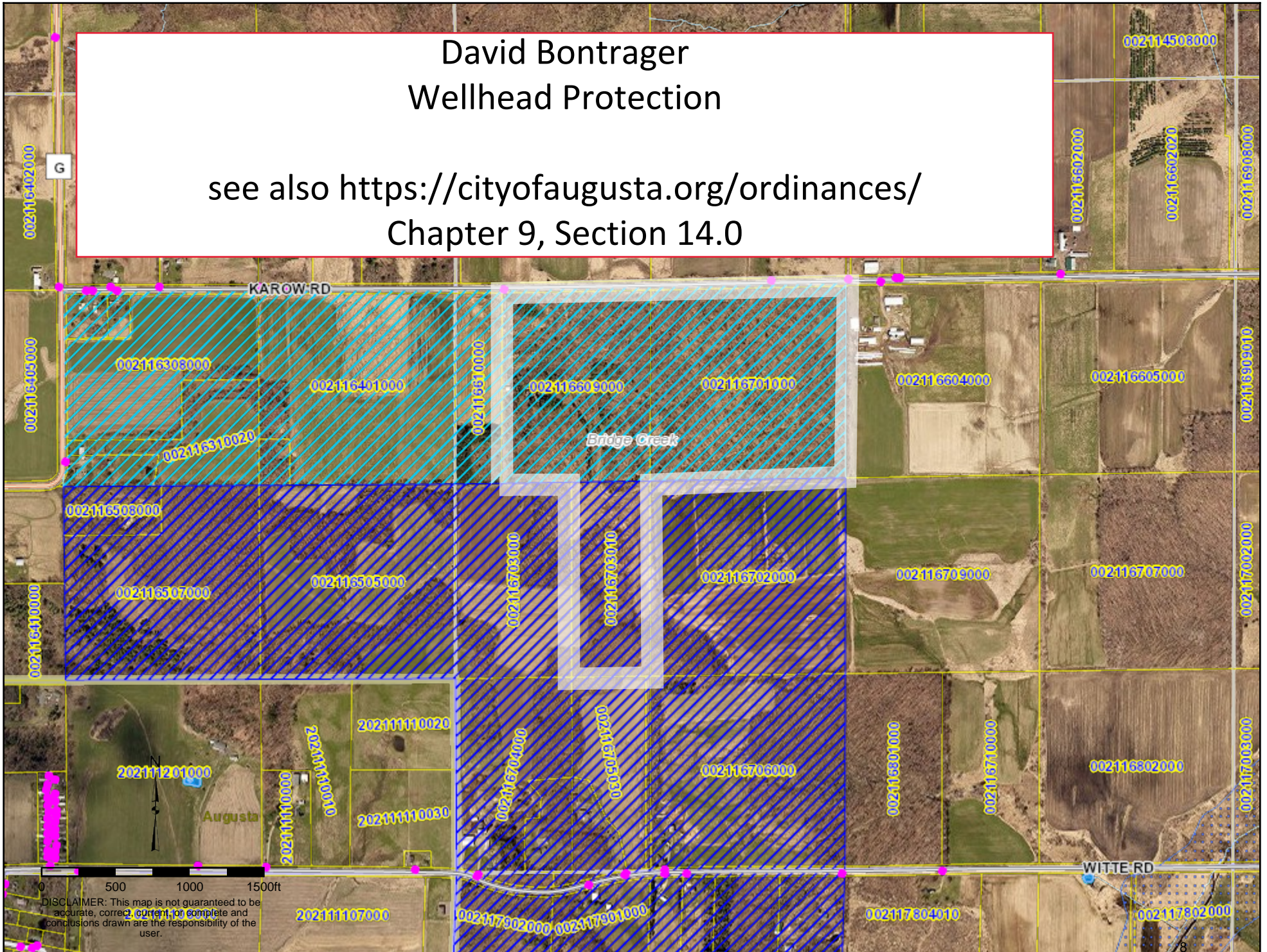
Respectfully Submitted,



Greg Leonard
Land Conservation Manager

David Bontrager Wellhead Protection

see also [https://cityofaugusta.org/ordinances/Chapter 9, Section 14.0](https://cityofaugusta.org/ordinances/Chapter%209,%20Section%2014.0)



P. "Water table" means the surface in geological material at which the pore water pressure is atmospheric.

Q. "Well field" means a piece of land used primarily for the purpose of locating wells to supply a municipal water system.

R. "Zone of saturation" means geologic material that is saturated with water and constitutes groundwater. (Ord. 145-96, Sec. 4, 2002; Ord. 145-66, 2001).

18.55.040 Groundwater Protection Overlay District. A groundwater protection overlay district shall only be created at the request of a municipality to institute land use regulations and restrictions within a defined area, which contributes water directly to a municipal water supply and promotes public health, safety, and welfare. The district is intended to protect the groundwater recharge area for the existing and future municipal water supply from contamination.

A. The Boundaries of the groundwater protection overlay district shall be shown on the map "Groundwater Protection Districts for Public Water Supply Recharge Areas in Eau Claire County." This map will be an overlay of the "Official Zoning Maps of Eau Claire County, Wisconsin" as maintained by the department.

B. Whenever a municipality establishes the location of a new well or modifies an existing well resulting in a change to the public water supply recharge area for the municipality which extends into the unincorporated areas of the county, the municipality shall notify the department and submit a written request to the department to adopt a groundwater protection overlay district which shall include:

1. A 1-inch equals 2,000 feet (1:24,000) or larger scale map shall be used for municipal boundaries of the proposed wellhead protection zones, which conform to the provisions in this Chapter.

2. A report describing the background information, research, and methodology used to develop the wellhead protection zones.

3. A wellhead protection plan for the well or wells within the proposed district.

4. An existing wellhead protection ordinance for the well or wells within the proposed wellhead protection district, effective within the incorporated areas of the municipality.

5. A list of tax parcels, any part of which falls within the proposed wellhead protection district.

6. An inventory of all existing facilities which may cause or threaten to cause groundwater contamination within the proposed wellhead protection district. The inventory shall include:

a. The county tax parcel number of each facility and the name and telephone number of a facility contact.

b. A list of the uses, activities, materials, structures, and facility type which may cause or threaten to cause groundwater contamination for each existing facility.

C. The county board shall create a groundwater protection overlay district, with the map "Groundwater Protection Districts for Public Water Supply Recharge Areas in Eau Claire County" after receipt of recommendations made by the groundwater advisory committee and the committee on planning and development. (Ord. 145-96, Sec. 4, 2002; Ord. 145-66, 2001).

18.55.050 Zones. The groundwater protection overlay district is divided into three zones. All zone boundaries shall be normalized to road centerlines, railways, surface water features, and the public land survey lines of 1/2, 1/4, 1/8, 1/16 section lines. Each zone is described below as follows with permitted and prohibited uses:

A. Zone 1. Zone 1 is the area of land, which contributes the water to a municipal well in question to the 30-day time of travel.

1. Permitted Uses:

a. Public and private parks, playgrounds and beaches, provided there are no on-site wastewater disposal systems or holding tanks and follows an approved Nutrient Management Plan.

b. Wildlife and natural and woodland areas.

c. Biking, Hiking, Skiing, nature, equestrian, and fitness trails.

d. Residential areas which are municipally sewered.

e. 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 needs. The combination of all nitrate sources applied or available on individual fields may not exceed University of Wisconsin Soil Test Recommendations for that field.

2. Prohibited Uses:

a. Above and below ground hydrocarbon, petroleum, or hazardous chemical storage tanks.

b. Cemeteries.

c. Chemical manufacturers (Standard Industrial Classification Major Group 28).

d. Storage of extremely hazardous substance, radioactive materials or substances listed in Table 1, NR140 of the Wisconsin Administrative Code. (Extremely hazardous Substances are identified by SARA/EPCRA criteria under 40 CFR Parts 302 and 355.

e. Coal storage.

f. Dry cleaners.

g. Industrial lagoons and pits.

g. Landfills and other solid waste facilities.

i. Manure and animal waste storage facilities.

j. Non-metallic earthen materials extraction sites.

k. Pesticide and fertilizer dealer, transfer or storage.

l. Railroad yards and maintenance stations.

m. Rendering plants and slaughterhouses.

n. Salt or deicing material storage.

o. Salvage yards and junkyards.

p. Septage or sludge spreading, storage, or treatment.

q. Septage, wastewater, or sewage lagoons.

r. Private on-site wastewater treatment systems or holding tanks unless replacing an existing private on-site wastewater treatment system.

s. Stockyards and feedlots.

t. Stormwater infiltration basins without pre-treatment, which is defined to include vegetative filtration and/or temporary detention basins.

u. Motor vehicle services, including filling and service stations, repair, renovation, and body work.

v. Wood preserving operations.

A. Zone 2. Zone 2 encompasses the area of land which contributes water to the well starting at the line which delineates the 30-day time of travel and ends at the line delineating the 5-year time of travel to a municipal well.

1. Permitted Uses. The following uses are permitted in Zone 2:
 - a. All uses that are permitted in Zone 1.
 - b. Single family residences on a minimum lot of 1 acre with a private on-site sewage system.
 - c. Commercial establishments which are served by municipal sewer and water.
 - d. Industrial establishments which are served by municipal sewer and water and without outside storage.
 - e. Residential use of above and below ground LP gas tanks for heating not to exceed 1000 gallons.

2. Prohibited uses. All uses that are prohibited in Zone 1 are also prohibited in Zone 2.

C. Zone 3. Zone 3 encompasses the area of land which contributes water to a municipal well at the line which delineates the 5-year time of travel and ends at the line delineating the 10-year time of travel to a municipal well.

1. Permitted Uses. The following uses are permitted in Zone 3:
 - a. All uses permitted in Zones 1 and 2.
 - b. Salt storage, including sand salt combinations.
 - c. Above ground petroleum product storage tanks with leak detection.
2. Prohibited Uses. All uses listed as prohibited uses in Zones 1 and 2 except of the uses listed in b. and c. above. (Ord. 145-96, Sec. 4, 2002; Ord. 145-66, 2001).

18.55.060 Requirements for existing uses.

A. Existing uses which are listed as prohibited in a zone but exist on the effective date of this ordinance are grandfathered in and will be allowed to upgrade to facilitate or enhance groundwater protection. The department must approve the proposed upgrade plans and all required permits shall be issued before work is initiated. Expansion of a prohibited use is not allowed.

B. Owners and/or operators of existing nonconforming uses which exist within a zone at the time of enactment of this Chapter shall provide copies of all current, revised, or new federal, state, and local facility operation approvals, permits, or certificates, operational safety plans, and on-going environmental monitoring results, to the county and the municipality with wells in the wellhead protection district.

C. Owners and/or operators of existing nonconforming uses which exist within a zone at the time of enactment of this Chapter shall have the responsibility of devising, filing, and maintaining with the county a current contingency plan which details how they intend to respond to any emergency which may cause or threaten to cause groundwater contamination that occurs at their facility, including notifying municipal, county, and state officials. (Ord. 145-96, Sec. 4, 2002; Ord. 145-66, 2001).

18.55.070 Changing technology and uses not listed.

A. The uses prohibited by this Chapter are prohibited based upon the combined pollution experience of many individual uses, and the technology generally employed by a particular use considered to be of a high risk for pollution to the groundwater resource. As the technology of other uses change to low or non-risk materials or methods and by petition from the user of that technology, the committee on planning and development with recommendations from the groundwater advisory committee shall recommend removal of the use as a prohibited use and establish any performance standards that are deemed necessary.

B. Any use not listed specifically as permitted in this Chapter is considered a prohibited use. Upon its own initiative or upon a request from a specific property owner, the committee on planning and development with recommendations from the groundwater advisory committee may recommend adding a use as a permitted or prohibited use to this Chapter and establish any performance standards that are deemed necessary. (Ord. 145-96, Sec. 4, 2002; Ord. 145-66, 2001).

18.55.080 Administration.

A. The county hereby designates the department to administer and enforce this Chapter. The department may seek the technical advice of the groundwater advisory committee in the administration and enforcement of this Chapter.

B. The department shall have the following duties in administering and enforcing this Chapter as outlined in Chapter 18.31 as appropriate.

C. The department staff may enter the premises of a property under the terms of this Chapter in the performance of their duties or pursuant to a special inspection warrant issued under Wis. Stat. § 66.122, in order to inspect those premises and to ascertain compliance with this Chapter and permit or to investigate an alleged violation.

D. Enforcement Authority. The department may issue a compliance order, field directive, suspension order, or termination order to assure compliance with a permit or the provisions of this Chapter. Any permit revocation or stop work order shall remain in effect unless retracted by the department or by a court of general jurisdiction or until the activity is brought into compliance with this Chapter. The department is authorized to refer any violation of this subchapter or a stop work order to the corporation counsel's office for commencement of further legal action. (Ord. 145-96, Sec. 4, 2002; Ord. 145-66, 2001).

18.55.090 Penalties and Enforcement.

A. Penalties. Any person who violates, neglects or refuses to comply with or resists the enforcement of any of the provisions of this subchapter shall be subject to a forfeiture of not less than \$500 nor more than \$2500 per day plus cost of prosecution for each violation. Any violation includes failure to comply with any standard of this Chapter or with any condition or qualification attached to the permit. Each day that a violation exists shall be a separate offense.

B. Enforcement of injunction. As a substitute or in conjunction with a forfeiture action, the county may seek enforcement of any part of this Chapter by court actions, an injunction or restraining order, the cost of which shall be charged to the defendant in such action.

C. Cleanup costs. The county may commence legal action against both the person who releases the contaminants and the owner of the facility whereupon the contaminants were released to recover the costs, together with the costs of prosecution. Any person who causes the release of any contaminants, which may endanger or contaminate a municipal water supply system, shall immediately cease such discharge and immediately initiate clean up satisfactory to the county and other state or federal agencies. The person who releases such contaminants and the person who owns the facility whereon the contaminants have been released shall be jointly and severally responsible for the cost of cleanup, consultant, or other contractor fees, including all administrative costs for oversight, review, and documentation, including the county employees time, equipment, and mileage. (Ord. 145-96, Sec. 4, 2002; Ord. 145-66, 2001).

18.55.100 Appeals. At the written request of any aggrieved person or the department, the Eau Claire County Board of Land Use Appeals Board shall hold a public hearing and decide on the merits of the appeal.

A. Appeals shall follow the applicable sections of the code as found in 18.31.020.

B. Appeals shall be filed with the board of land use appeals and the department within 30 days after the date of written notice of the decision or the order of the department.

C. All appeals shall be filed on applications provided by the department. (Ord. 145-96, Sec. 4, 2002; Ord. 145-66, 2001).

18.55.200 Groundwater Protection Overlay District - Village of Fall Creek. A groundwater protection overlay district is created for the Village of Fall Creek with the boundaries as shown on the map dated November 21, 2018, entitled Map of the Wellhead Protection Zones, Wells 1, 3, and 4, Village of Fall Creek, Wisconsin on file in the office of the department. (Ord. 163-29, Sec. 1, 2019; Ord. 156-27, Sec. 1, 2012; Ord. 155-34, Sec. 1, 2012)

18.55.300 Groundwater Protection Overlay District-Village of Fairchild. A groundwater protection overlay district is created for the Village of Fairchild with the boundaries as shown on the map dated September 25, 2012 entitled Map of the Groundwater Protection Districts for Public Water Supply Recharge Areas in Eau Claire County-Village of Fairchild on file in the office of the department. (Ord. 156-27, Sec. 2, 2012)

18.55.400 Groundwater Protection Overlay District- City of Augusta. A groundwater protection overlay district is created for the City of Augusta with the boundaries as shown on the map dated March 26, 2013 entitled Map of the Groundwater Protection Districts for Public Water Supply Recharge Areas in Eau Claire County-City of Augusta on file in the office of the department. (157-5, Sec. 1, 2013; Ord. 156-27, Sec. 3, 2012; Ord. 157-5, Sec. 1, 2013)