

AGENDA

Eau Claire County

- Land Conservation Commission •

Date: Monday, May 17, 2021 **Time:** 1:00 P.M.

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: 145 135 0014, Password: 72Bg4ExYMhj

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

Audio conference: 1-415-655-0001, Access Code: 145 135 0014

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 comment period to make your comments.

AGENDA

1. Call to order by Chair
2. Roll call
3. Confirmation of Compliance with Open Meeting Law
4. Public Comment Period
5. Review/Approval of April 19, 2021 meeting minutes – Discussion/Action **Pages 2-4**
6. Review Vouchers and Ledger Update – Discussion **Page 5**
7. Approval of new and/or previously authorized Cost-Share agreements – Discussion/Action **Pages 6-15**
8. Feedlots within Wellhead Protection Zones update– Discussion **Pages 16-23**
9. Committee, Staff and Agency Updates
 - a. Eau Claire River Watershed Coalition
 - b. Targeted Runoff Management (TRM) program
 - c. Multi-Discharger Variance (MDV) program
 - d. Water Quality Trading with the City of Augusta
 - e. Land Stewardship Subcommittee
 - f. USDA-NRCS / FSA
 - g. DNR-Forestry
 - h. UW-Extension
10. Future Agenda items
11. Set date for next meeting
12. Adjourn

**EAU CLAIRE COUNTY
LAND CONSERVATION COMMISSION**

MEETING MINUTES – MONDAY, APRIL 19, 2021

REMOTE MEETING - EAU CLAIRE, WI 54703

MEMBERS PRESENT: Gary Gibson, Robin Leary, Heather DeLuka, Missy Christopherson, Tami Schraufnagel, Ricky Strauch, Glory Adams
MEMBERS ABSENT: Dean Solie
STAFF PRESENT: Greg Leonard, Chad Berge, Liz Fagen, and Amanda Peters – Land Conservation Division;
Rod Eslinger and Jared Grande – Planning and Development
OTHERS PRESENT: KaYing Vang-USDA-NRCS

1) Call to order by Chair

Chair Gibson called the remote meeting to order at 1:00 p.m.

2) Roll call

Roll call was taken; Gibson, Leary, DeLuka, Christopherson, Strauch, Adams and Schraufnagel were present; Solie was absent. A quorum was present.

3) Confirmation of Compliance with Open Meetings Law

Gibson confirmed compliance with the open meetings law.

4) Public Comment Period

None.

5) Review/Approval of March 15, 2021 meeting minutes – Discussion/Action

ACTION: Motion by Leary to approve minutes as presented. Motion carried on a roll call vote, 7-0-0.

6) Review Vouchers and Ledger Update

The March expenditures and revenues were reviewed.

7) Approval of new and/or previously authorized Cost-Share agreements – Discussion/Action

No Cost-Share agreements were previously authorized. The following Best Management Practice (BMP) Cost-Share applications were presented for approval:

Launa Sullivan-Smith – Well Abandonment - \$372.50 (County funds), \$372.50 (Landowner funds)

Thomas & Sally Jo McAvoy - Nutrient Management - \$4,480.00 (DATCP-SEG funds)

Mark Milbee – Nutrient Management - \$2,120.00 (DATCP-SEG funds)

Derrick Nelson – Nutrient Management - \$4,706.00 (DATCP-SEG funds)

Gabler Farm, Ken Gabler – Grassed Waterway with stream crossing - \$13,327.30 (DATCP Bond funds),
\$951.95 (County funds), \$4,759.75 (Landowner funds)

The following application was approved but bid amounts have exceeded previously approved amounts. The new requested amounts are as follows:

Doug & Sheri Sorensen – Grassed Waterway - \$8,400.00 (DNR TRM funds), \$600.00 (County funds),
\$3,000.00 (Landowner funds)

ACTION: Motion by Adams to approve the Best Management Practice cost-share applications. Motion carried on a roll call vote, 7-0-0.

8) No-till drill program and Supplemental SEG grant award – Discussion

DATCP earlier this year announced a new grant opportunity. Peters reviewed the grant application which was submitted. The request was for \$3,000 to offset part of the local farmers' costs associated with rental of the new no-till drill. Administration of the grant will be minimal. The application was successful.

9) Land Stewardship Subcommittee appointments – Discussion/Action

Land Stewardship Subcommittee appointments are staggered 3-year terms. Terms currently up for appointment and the status are:

- Larry Jolivette – Citizen member, will accept reappointment
- Glory Adams – LCC member, does not seek reappointment
- Sean Bohan – Citizen member, does not seek reappointment

Sean Bohan was recommended by the Chippewa Valley Home Builders Association, and this organization has not yet forwarded a recommended replacement.

ACTION: Motion by Leary to reappoint Larry Jolivette to the Land Stewardship Subcommittee for a 3-year term. Motion carried on a voice vote with no one in opposition.

Heather DeLuka volunteered to serve as the LCC member.

ACTION: Motion by Leary to appoint Heather DeLuka to the Land Stewardship Subcommittee for a 3-year term. Motion carried on a voice vote with no one in opposition.

10) Lake Rehabilitation projects – Discussion/Action

Lake Rehabilitation project cost-share requests applications were sent to local lake districts/associations with an application due date of April 15, 2021. The application from Lake Eau Claire Protection and Rehabilitation District was the only one received. The project is a total of \$200,000 with a 50% cost-share request of \$100,000, which is typically included as a capital improvement project in the County's budget.

ACTION: Motion by Schraufnagel to recommend approval of the request and submit the project as a capital improvement project. Motion carried on a roll call vote, 7-0-0.

11) Feedlots within Wellhead Protection Zones – Discussion

Jared Grande has been in contact with David Bontrager regarding a potentially new feedlot with the Wellhead Protection District. This is in relation to a municipal well for the City of Augusta, with this site located in the Town of Bridge Creek. This information is for awareness at this time and will be an agenda item for the Groundwater Advisory Committee.

12) Committee, Staff and Agency Updates

Brief reviews and updates were provided.

- a) **Eau Claire River Watershed Coalition:** The Coalition is working on reporting of activities.
- b) **Targeted Runoff Management (TRM) program:** No report.
- c) **Multi-Discharger Variance (MDV) program:** Funds from calendar year 2020 have been received.
- d) **Water Quality Trading with the City of Augusta:** Planning on 2021 construction with bidding to occur soon.
- e) **Land Stewardship Subcommittee:** The subcommittee has not met recently.
- f) **USDA-NRCS / FSA:** KaYing Vang, NRCS, reported on the CSP, EQIP, and CRP programs. Soil Health continues to be the emphasis.
- g) **DNR-Forestry:** No report.
- h) **UW-Extension:** No report.

13) Future Agenda Items

No specific items.

14) Set Date for next meeting

The next meeting was set for Monday, May 17, 2021 at 1:00 pm as a remote meeting.

15) Adjourn

Gibson adjourned the meeting at 2:03 p.m.

Respectfully submitted



Greg Leonard, LCC Clerk

Draft

Eau Claire County Planning and Development
LAND CONSERVATION DIVISION
Eau Claire County Courthouse - Room 3344
721 Oxford Avenue
Eau Claire, Wisconsin 54703-5212
Phone: (715) 839-6226 • Fax: (715) 831-5802

COST SHARE APPLICATION FOR WELL ABANDONMENT

RETURN COMPLETED APPLICATION TO:
LAND CONSERVATION DIVISION (address above)
QUESTIONS? CALL (715) 839-6226

NAME William Martin TOWNSHIP Washington
TELEPHONE 715-456-6584 Section # 4844 Markgraff rd Fall Creek, WI 54742

TYPE OF WELL (CHECK ONE): DRILLED DUG DRIVEN (SAND POINT)

DIMENSIONS OF WELL: 5" x 200'
DIAMETER DEPTH

CLOSURE PLANS: MATERIAL (CHECK ONE): CHIPPED BENTONITE CONCRETE GROUT
 OTHER (SPECIFY): _____

BAGS OF MATERIAL: 60 *I thought he said 60, but form says 39 bags - it was filled to top.*

COST: \$ 872.91 X 50% = \$ 436.45 EAU CLAIRE COUNTY COST SHARE AMOUNT

(REIMBURSEMENT WILL BE 50% OF THE COST OF ABANDONMENT UP TO \$400.00)

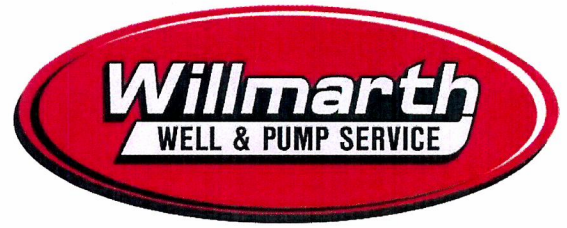
AGREEMENT FOR COST SHARING

AS A COST SHARE RECIPIENT, I AGREE TO:

1. Properly abandon the well, in accordance with specifications and provisions of the Natural Resources Chapter of the Wisconsin Administrative Code.
2. Provide evidence of abandonment, including the completed Form 3300-5B, "Well/Drill Hole/Borehole Abandonment", and receipts for materials and labor.

Willmarth Well & Pump Service LLC
 29347 295th Street North
 Holcombe, WI 54745 US
 7158284336
 willmarthwellandpump@gmail.com
 http://www.willmarthwellandpump.com

Invoice



BILL TO
 Bill Martin
 4844 Markgraff Rd
 Fall Creek, WI 54742

SHIP TO
 Bill Martin
 4844 Markgraff Rd
 Fall Creek, WI 54742

| INVOICE # | DATE | TOTAL DUE | DUE DATE | TERMS | ENCLOSED |
|-----------|------------|------------|------------|--------|----------|
| 5183 | 04/21/2021 | \$2,122.11 | 05/21/2021 | Net 30 | |

| DESCRIPTION | QTY | RATE | AMOUNT |
|--|-----|----------|----------|
| CONNECT NEW WELL TO HOUSE. INSTALL EXISTING PUMP IN NEW WELL AND INSTALL EXISTING PRESSURE TANK IN HOUSE BASEMENT. CONNECT TO EXISTING HOUSE PLUMBING AND ELECTRICAL | 1 | 1,195.39 | 1,195.39 |
| ✂ WELL ABANDONMENT (Filling & Sealing) 5" well 200' deep bust up pit and fill in | 1 | 872.91 | 872.91 |

| | |
|-------------|-------------------|
| SUBTOTAL | 2,068.30 |
| TAX (5.5%) | 53.81 |
| TOTAL | 2,122.11 |
| BALANCE DUE | \$2,122.11 |

*Finance charge of 8% will be imposed on balances 30 days past due.
 All materials and labor shall remain property of Willmarth Well & Pump until fully paid for and are subject to removal in all or part if not paid for within 30 days from billing. All work subject to mechanics lien. We are not held responsible for damage done to landscaping.
 THANK YOU FOR YOUR BUSINESS AND PROMPT PAYMENT!

Please mail my payment to

Bill Martin

W 9858 Elm Ave

Owen, WI 54460

I sold the house where old well was abandoned & new well installed.

I am temporarily staying at the address above while my new home gets built.

Thank you very much

Bill Martin



**NUTRIENT MANAGEMENT
COST SHARE AGREEMENT**

APPLICANT INFORMATION

NAME: Melvin Dehnke TELEPHONE: 715-559-1126

ADDRESS: E 15075 County Rd AF Fall Creek, WI 54742

| | | | | |
|----------------|-------------|-------------|--------------------|----------------|
| FARM LOCATION: | <u>T26N</u> | <u>R07W</u> | <u>15 & 16</u> | <u>Lincoln</u> |
| | TOWN | RANGE | SECTION | TOWNSHIP |

AGREEMENT PROVISIONS

1. COST SHARE DETAILS

PRACTICE: Nutrient Management ACRES: 229 COST SHARE RATE: \$ 10.00 /ACRE

COST SHARE SOURCE: DATCP - SEG TOTAL COST SHARE AMOUNT: \$ 2,290.00

2. AS A COST SHARE RECIPIENT, I AGREE TO:

- A. Submit a copy of the certified Nutrient Management Plan and all materials, including current soil samples, by the end of the calendar year.
 - a. Soil samples can be no older than 4 years.
 - b. Soil samples must be taken at a minimum rate of 1 sample per 5 acres.
 - c. Implement and annually update the nutrient management plan once it has been approved by a Certified Nutrient Management Planner.
- B. Develop and implement a Conservation Plan that meets tolerable soil loss "T".
- C. Notify Eau Claire County Land Conservation Division staff immediately if I decide to withdraw from this agreement.

3. THE LAND CONSERVATION DIVISION AGREES TO:

- A. Reimburse the Applicant at the cost share rate (above) when:
 - a. The Land Conservation Commission has approved this Agreement;
 - b. A Soil and Water Resource Management Grant Program Cost Share Contract has been signed by the Applicant and all Landowners (if applicable)
 - c. A Nutrient Management Plan has been submitted that meets NRCS Practice Standard 590 & Technical Note WI-1.

PLANNING & DEVELOPMENT DEPARTMENT • LAND CONSERVATION DIVISION
 721 Oxford Ave. Suite 3344, Eau Claire, WI 54703 • O: 715-839-6226 • F: 715-831-5802
LCD@co.eau-claire.wi.us • www.co.eau-claire.wi.us
Where Communities Come Together

**EAU CLAIRE COUNTY LAND CONSERVATION DIVISION
COST SHARE AGREEMENT**

I request cost sharing for the practice (s) listed on Page 1 of this agreement and agree to install and maintain the practice(s) in accordance with the "Agreement Provisions" listed:

Melvin DeBruke
APPLICANT SIGNATURE

4/30/21
DATE

| | | |
|--|---|--------------------------------------|
| LAND CONSERVATION COMMISSION ACTION: | <input type="checkbox"/> APPROVE | <input type="checkbox"/> DENY |
| _____ LAND CONSERVATION COMMISSION MEMBER | _____ DATE | |

FOR OFFICE USE ONLY

I certify that the Nutrient Management Plan submitted meets NRCS Practice Standard 590 and Technical Note WI-1:

LAND CONSERVATION DIVISION TECHNICIAN

DATE

| | | |
|--------------------------------|----|----------|
| TOTAL ACRES | | ACRES |
| COST SHARE RATE | \$ | PER ACRE |
| TOTAL COST SHARE AMOUNT | \$ | |
| COST SHARE SOURCE | | |

THE APPLICANT HAS MET ALL PROGRAM REQUIREMENTS AND IS ELIGIBLE TO RECEIVE THE COST SHARE PAYMENT FROM EAU CLAIRE COUNTY IN THE AMOUNT SHOWN ABOVE:

LAND CONSERVATION DIVISION MANAGER

DATE



**NUTRIENT MANAGEMENT
COST SHARE AGREEMENT**

APPLICANT INFORMATION

NAME: Melvin Dehnke TELEPHONE: 715-559-1126

ADDRESS: E 15075 County Rd AF Fall Creek, WI 54742

| | | | | |
|----------------|-------------|-------------|--------------------|----------------|
| FARM LOCATION: | <u>T26N</u> | <u>R07W</u> | <u>15 & 16</u> | <u>Lincoln</u> |
| | TOWN | RANGE | SECTION | TOWNSHIP |

AGREEMENT PROVISIONS

1. COST SHARE DETAILS

PRACTICE: Nutrient Management ACRES: 52 COST SHARE RATE: \$ 4.00 /ACRE

COST SHARE SOURCE: DATCP - NMFE TOTAL COST SHARE AMOUNT: \$ 208.00

2. AS A COST SHARE RECIPIENT, I AGREE TO:

- A. Submit a copy of the certified Nutrient Management Plan and all materials, including current soil samples, by the end of the calendar year.
 - a. Soil samples can be no older than 4 years.
 - b. Soil samples must be taken at a minimum rate of 1 sample per 5 acres.
 - c. Implement and annually update the nutrient management plan once it has been approved by a Certified Nutrient Management Planner.
- B. Develop and implement a Conservation Plan that meets tolerable soil loss "T".
- C. Notify Eau Claire County Land Conservation Division staff immediately if I decide to withdraw from this agreement.

3. THE LAND CONSERVATION DIVISION AGREES TO:

- A. Reimburse the Applicant at the cost share rate (above) when:
 - a. The Land Conservation Commission has approved this Agreement;
 - b. A Soil and Water Resource Management Grant Program Cost Share Contract has been signed by the Applicant and all Landowners (if applicable)
 - c. A Nutrient Management Plan has been submitted that meets NRCS Practice Standard 590 & Technical Note WI-1.

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LCD@co.eau-claire.wi.us • www.co.eau-claire.wi.us

Where Communities Come Together



**EAU CLAIRE COUNTY
COST SHARE AGREEMENT**

NAME David & Patricia Hermundson

PRACTICE Subsurface Drain (606)

TELEPHONE 715-864-1566

ADDRESS 2249 Hatch St, Eau Claire, WI 54701

PRACTICE _____

UNITS 5 each

AGREEMENT PROVISIONS:

| 1. | TOTAL: | <u>MDV</u> | COUNTY | GRANTEE |
|------------------------|--------------------|--------------------|----------------|--------------------|
| | | <u>x 75 %</u> | <u>x 0 %</u> | <u>x 25 %</u> |
| ESTIMATED COST: | \$ <u>6,500.00</u> | \$ <u>4,875.00</u> | \$ <u>0.00</u> | \$ <u>1,625.00</u> |
| ACTUAL COST: | \$ _____ | \$ _____ | \$ _____ | \$ _____ |

Any practice cost estimated to exceed \$25,000 requires bids. The Land Conservation Division (LCD) will obtain these.

2. AS A COST SHARE RECIPIENT, I AGREE TO:

- A. Install the practice(s) listed above by November 1, 2021. If NOT installed by December 31, 2021, I understand that cost share funds shall be withdrawn and reallocated to other projects, unless the parties in writing agree to an extension. A Nutrient Management Plan must be developed within one year of installation of other practices.
- B. Notify Eau Claire County Land Conservation Division (LCD) staff immediately if I decide to withdraw from this agreement.
- C. Operate and maintain the practice(s) for a period of ten (10) years from the time of installation.
- D. Repay the full amount of cost share funds to Eau Claire County, if:
 - 1) The practice(s) is rendered ineffective during its ten (10) year life span due to an action or neglect on my part.
 - 2) A change in ownership, land use, or management occurs –unless the new owner agrees in writing to assume operation and maintenance of the practice(s) for the rest of the agreement period or it can be demonstrated a change in land use or management affecting the installed practice(s) will not result in deterioration of soil and water resources.
- E. Hire a contractor for practice(s) estimated to cost less than \$25,000.
- F. Provide at least three (3) days notice to the LCD office that installation will occur.
- G. Install the practice according to the design, standards, and specifications provided by the LCD staff.
- H. Submit all receipts to the LCD office. Payment will be made after inspection and certification from LCD staff that the practice(s) was installed and completed according to the design.

3. THE LAND CONSERVATION DIVISION AGREES TO:

- A. Provide technical assistance for design, construction, and inspection for the practice (s).
- B. Obtain bids for practices estimated to cost \$25,000 or more.
- C. Pay the cost share rate when the receipts are received and the practices (s) is certified complete.

**EAU CLAIRE COUNTY LAND CONSERVATION DIVISION
COST SHARE AGREEMENT (PAGE 2 OF 2)**

I request cost sharing for the practice (s) listed on Page 1 of this agreement and agree to install and maintain the practice(s) in accordance with the "Agreement Provisions" listed:

SIGNATURE: _____ DATE _____

ADDRESS _____
MAILING ADDRESS CITY STATE ZIP

| | | | |
|---|------------|--|--|
| <u>LAND CONSERVATION COMMISSION ACTION:</u> | | <input type="checkbox"/> APPROVED | <input type="checkbox"/> DENIED |
| LCC MEMBER _____ | DATE _____ | | |
| LCC APPROVAL REQUIRED IF UPDATED COSTS EXCEED _____ % | | | |

FOR OFFICE USE ONLY

| | |
|----------------|-----------------------|
| Practice _____ | Units Installed _____ |
| _____ | _____ |
| _____ | _____ |

The above practice(s) & units were installed according to the Standards & Specifications:

Technician's Signature _____
Date

Remarks: _____

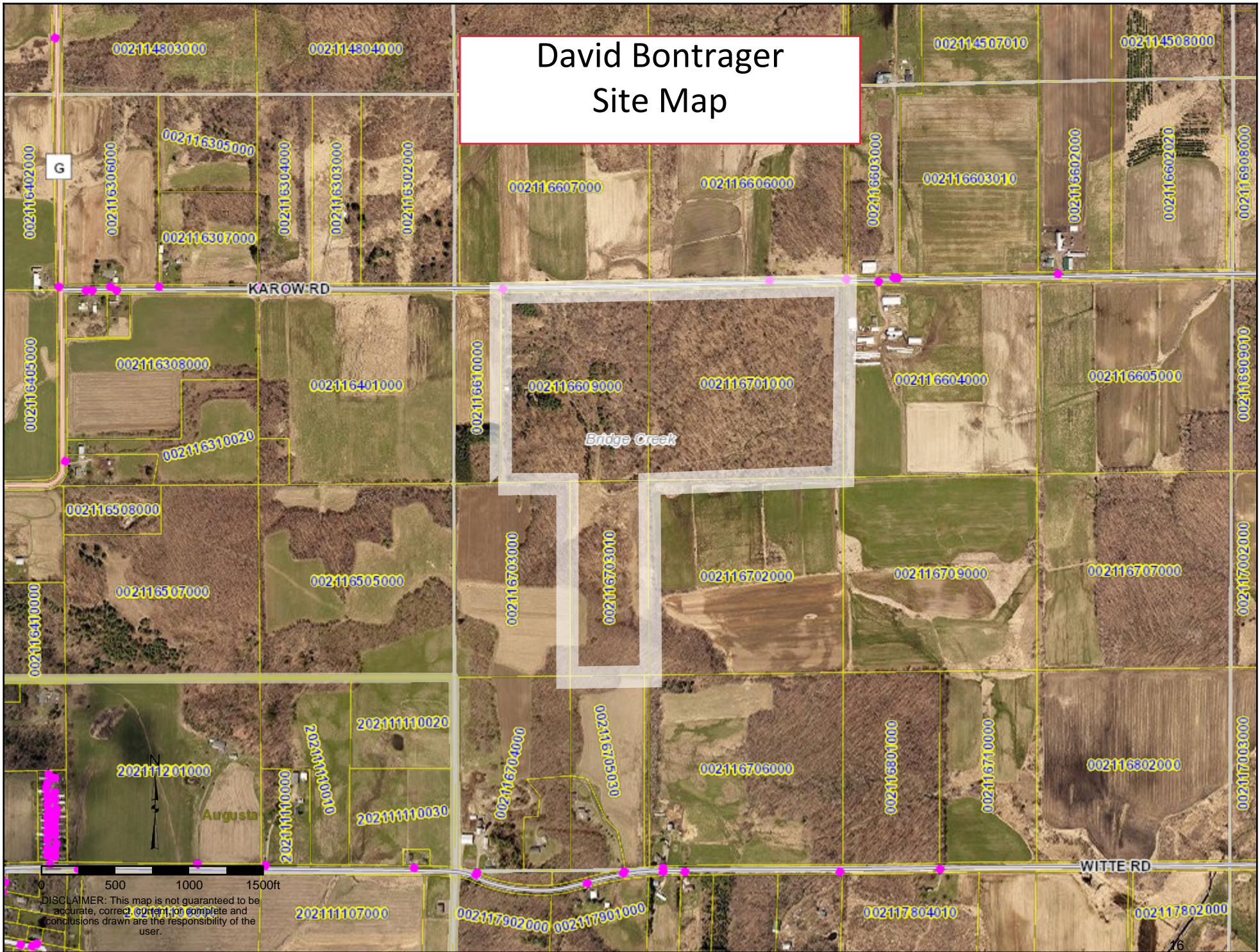
TOTAL PROJECT COSTS INCURRED: \$ _____

| | COUNTY | GRANTEE |
|-----------------------------|---|---|
| COST SHARE RATE: | <input checked="" type="checkbox"/> _____ % | <input checked="" type="checkbox"/> _____ % |
| ELIGIBLE COST SHARE AMOUNT: | \$ _____ | \$ _____ |

THE APPLICANT HAS MET ALL PROGRAM REQUIREMENTS AND IS ELIGIBLE TO RECEIVE THE COST SHARE PAYMENT FROM EAU CLAIRE COUNTY IN THE AMOUNT SHOWN ABOVE:

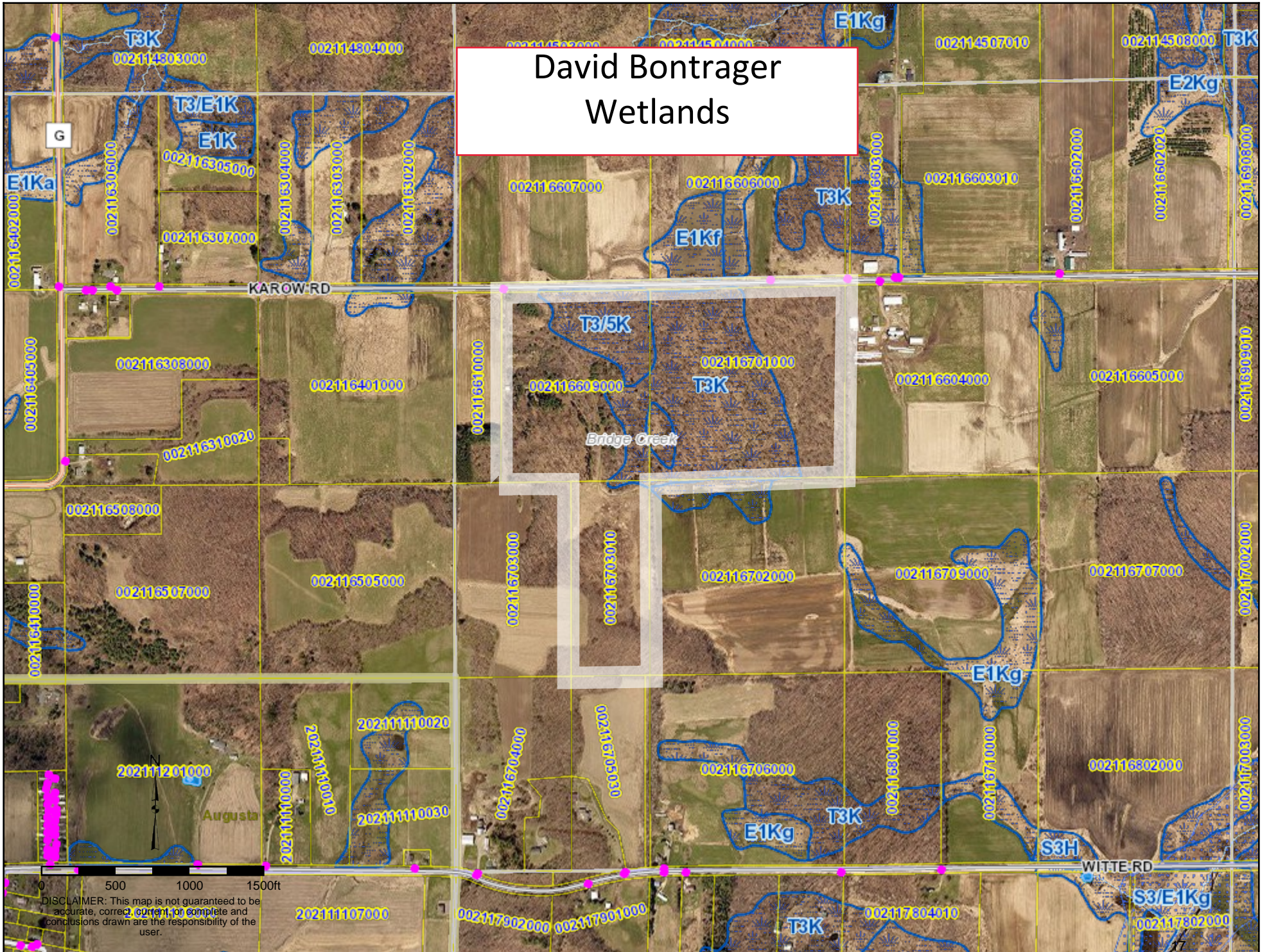
ADMINISTRATOR'S SIGNATURE _____
DATE

David Bontrager Site Map



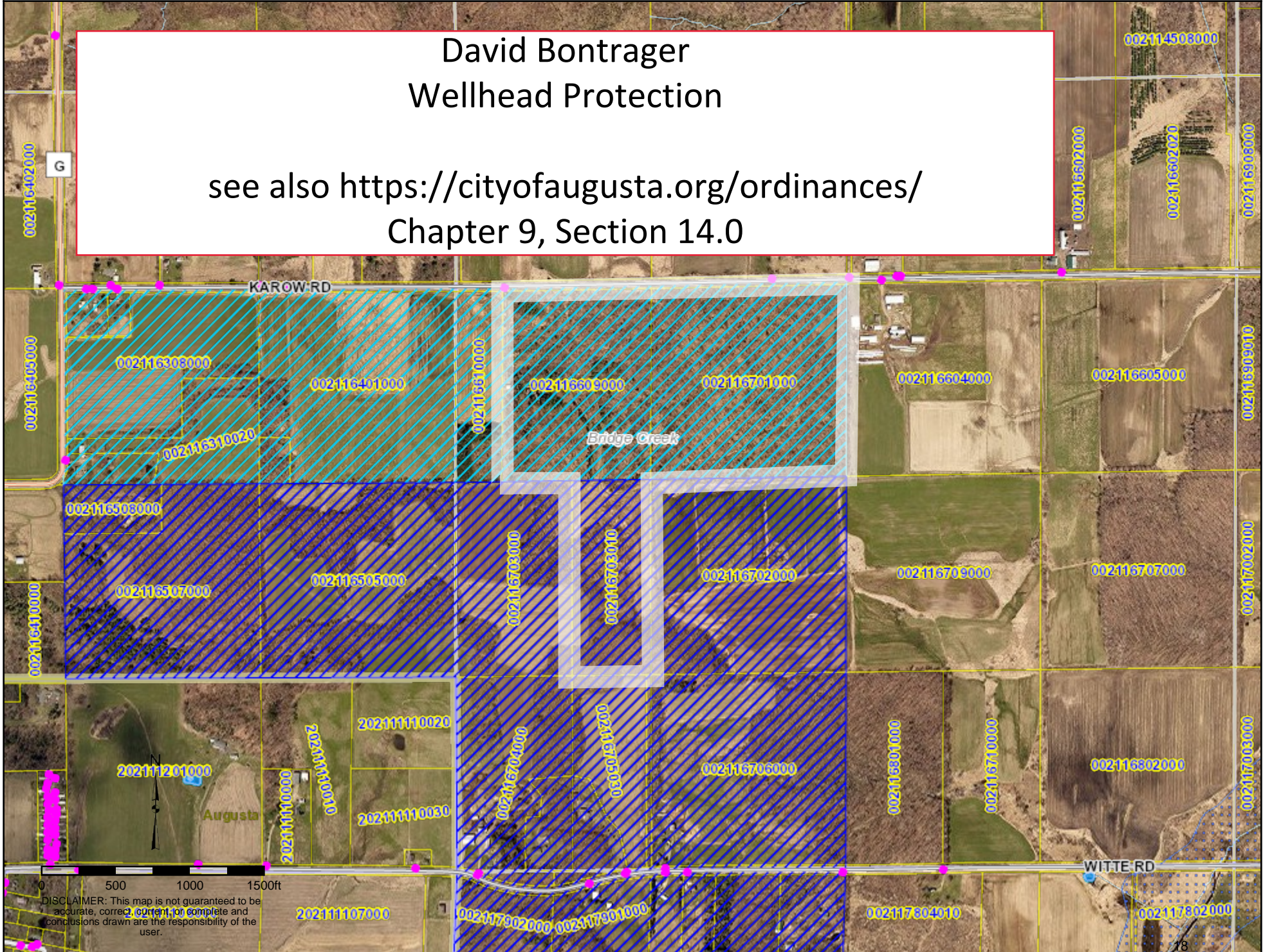
DISCLAIMER: This map is not guaranteed to be accurate, correct, current, or complete and conclusions drawn are the responsibility of the user.

David Bontrager Wetlands



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)