

CHIPPEWA COUNTY

LAND CONSERVATION & FOREST MANAGEMENT COMMITTEE

REGULAR MEETING

AUGUST 16, 2023

CHIPPEWA COUNTY COURTHOUSE, RM 302

4:30 PM

1. CALL TO ORDER

2. ROLL CALL

Attendee Name	Organization	Title	Status	Arrived
Ken Schmitt	Chippewa County	District 3 (Chair)	Present	
Charles Bomar	Chippewa County	District 12 (Vice-Chair)	Present	
James Flater	Chippewa County	District 1	Absent	
David Bischel	Chippewa County	District 4	Present	
Jason Bergeron	Chippewa County	District 7	Present	
Matthew Peterson	Chippewa County	District 10	Present	
James Pingel	Chippewa County	Citizen Rep	Present	

The Chair noted that all Supervisors were present except Supervisor Flater, who had previously advised he would not be attending.

Agency staff present at times throughout the meeting were R. Scholz (Co. Administrator), A. Foehringer (DNR), K. Walters (Public Health), K. Clow, M. Hansen, L. Schweikert, T. Shutter, J. Schemenauer - Recorder (LCFM).

Members of the public present at times throughout the meeting were C. Kaiser.

3. MEMBERS OF THE PUBLIC WISHING TO BE HEARD

There no members of the public wishing to speak.

4. CONSENT AGENDA

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Charles Bomar, District 12 (Vice-Chair)
SECONDER:	Matthew Peterson, District 10
AYES:	Schmitt, Bomar, Bischel, Bergeron, Peterson, Pingel
ABSENT:	Flater

1. Approve the Agenda
2. Approve the Minutes
3. Land Conservation & Forest Management Committee - Regular Meeting - Jul 26, 2023 4:30 PM
4. Schedule Next Meeting Date -September 20, 2023

5. REPORTS

Land Conservation & Forest Management Committee

Minutes
Regular Meeting

Chippewa County Courthouse, Rm 302

August 16, 2023
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1. Stormwater Ordinance Overview - K. Clow

K. Clow presented an oral report. The report was supported by the following materials:

1. Draft ordinance titled: Chapter 12 - Stormwater Management: Construction Site Erosion Control and Post Construction, (Distributed 8/9/23 - copy on file & attached). The draft ordinance has been modified to be consistent with the cooperative agreements with the municipalities to meet requirements of each WPDES permit and non-compliance items found in a recent DNR audit.
2. Spreadsheet titled: SW Ordinance Revisions, (LCFM - Distributed 8/9/23 - copy on file & attached). The spreadsheet outlines the modifications between the current ordinance and proposed ordinance.

There was general discussion. Discussion focused on:

1. The proposed ordinance changes.
2. Technical services provided by the County to the municipalities who have signed a cooperative agreement.

6. BUSINESS ITEMS

1. Ordinance to Amend Ch 16 - County Forest Lands - M. Hansen

M. Hansen presented and the Committee reviewed a draft ordinance amendment titled: Ordinance to Amend Chapter 16 - County Forest Lands of the Chippewa County Code of Ordinances, (LCFM - Distributed 8/9/23 - copy on file & attached). The ordinance amendments reflect recent actions taken by the LCFM Committee regarding sale or entry of Type B tax deed lands into County Forest Law and changing the yearly closure date of the ATV/UTV trail to allow hunters more time to use the trail prior to the traditional hunting season.

There was general discussion. It was noted that there were several typos in the draft ordinance (misspelling of "thier" in 16-9(f)(4) and twice in 16-9(l)(2) be corrected to "their").

Motion to recommend approval of the amended ordinance (with typo corrections) and forward to the County Board: Peterson/Bergeron. Motion carried by voice vote.

RESULT:	FORWARD TO COUNTY BOARD [UNANIMOUS]	Next: 9/12/2023 6:00 PM
MOVER:	Matthew Peterson, District 10	
SECONDER:	Jason Bergeron, District 7	
AYES:	Schmitt, Bomar, Bischel, Bergeron, Peterson, Pingel	
ABSENT:	Flater	

2. Community Well Refill Station Project - L. Schweikert

L. Schweikert presented an oral report. The report was supported by the following supporting material:

1. Report titled: Community Well Drilling Ad Hoc Committee Report, (LCFM 8/3/23 - Distributed 8/9/23 - copy on file & attached). The report presents the findings and recommendations of the Chippewa County Community Well Drilling Ad Hoc Committee, to date.

Land Conservation & Forest Management Committee

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2. Product specification sheet titled: Elkay Specifications, Elkay Outdoor exH20 Bottle Filling Station Pedestal Non-Filtered Non-Refrigerated Freeze Resistant, (copy on file & attached). The specification sheet shows product information, mounting instructions, and plumbing connections for a bottle filling station.
3. Spreadsheet titled: Town of Wheaton Water Test Results, (copy & attached). The spreadsheet provides test results for Coliform Bacteria, Nitrate, Atrazine, and PFAS' from the Wheaton Ball Field well (2012 - present).

There was general discussion. Discussion focused on:

1. PFAS' testing results at the Wheaton town well and surrounding municipalities.
2. Project funding and timeline for installing Wheaton filling station, and reaching out to other municipalities regarding their interest in the project.

Motion to approve the recommendations for the refill station and structure, and to proceed with the Town of Wheaton project: Bomar/Bergeron. Motion carried by voice vote.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Charles Bomar, District 12 (Vice-Chair)
SECONDER:	Jason Bergeron, District 7
AYES:	Schmitt, Bomar, Bischel, Bergeron, Peterson, Pingel
ABSENT:	Flater

7. AGENDA ITEMS FOR FUTURE CONSIDERATION

There were no future agenda items provided.

8. ADJOURN

Motion to adjourn: Bergeron/Bomar. Motion carried by voice vote at 5:25 p.m.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Jason Bergeron, District 7
SECONDER:	Charles Bomar, District 12 (Vice-Chair)
AYES:	Schmitt, Bomar, Bischel, Bergeron, Peterson, Pingel
ABSENT:	Flater

CHIPPEWA COUNTY

LAND CONSERVATION & FOREST MANAGEMENT COMMITTEE

REGULAR MEETING

JULY 26, 2023

CHIPPEWA COUNTY COURTHOUSE, RM 302

4:30 PM

1. CALL TO ORDER

2. ROLL CALL

Attendee Name	Organization	Title	Status	Arrived
Ken Schmitt	Chippewa County	District 3 (Chair)	Present	
Charles Bomar	Chippewa County	District 12 (Vice-Chair)	Present	
James Flater	Chippewa County	District 1	Present	
David Bischel	Chippewa County	District 4	Present	
Jason Bergeron	Chippewa County	District 7	Present	
Matthew Peterson	Chippewa County	District 10	Absent	
James Pingel	Chippewa County	Citizen Rep	Present	

The Chair noted that all Supervisors were present except Supervisor Peterson, who had previously advised he would not be attending.

Agency staff present at times throughout the meeting were A. Foehringer and D. Hutchison (DNR), K. Clow, M. Hansen, J. Larson, L. Schweikert, B. Serafina, T. Shutter, and J. Schemenauer - Recorder (LCFM).

Members of the public present at times throughout the meeting were J. Bennesch, M. Dahlby, J. Gaier, M. Karlstad, P. Krumenauer, C. Meyer, and P. Popple.

3. MEMBERS OF THE PUBLIC WISHING TO BE HEARD

M. Dahlby addressed the Committee on the data to be presented regarding groundwater monitoring results for metals for only one (1) mine. He inquired if it is possible for staff from appropriate agencies to consolidate all available information on natural levels of metals in groundwater as it would be helpful for current and future considerations.

He also thanked D. Hutchison for his service as the DNR Liaison Forester to Chippewa County.

4. CONSENT AGENDA

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Charles Bomar, District 12 (Vice-Chair)
SECONDER:	James Flater, District 1
AYES:	Schmitt, Bomar, Flater, Bischel, Bergeron, Pingel
ABSENT:	Peterson

1. Approve the Agenda
2. Approve the Minutes

Minutes Acceptance: Minutes of Jul 26, 2023 4:30 PM (Consent Agenda)

Land Conservation & Forest Management Committee

Minutes
Regular Meeting

Chippewa County Courthouse, Rm 302

July 26, 2023
4:30 PM

Land Conservation & Forest Management Committee - Regular Meeting - Jun 21, 2023 4:30 PM

3. Schedule Next Meeting Date - August 16, 2023

5. REPORTS

1. Non-Metallic Mining Ordinance Update - T. Shutter

T. Shutter presented an oral report. He reported that Chippewa County is working with outside counsel and our Corporation Counsel to review items in the Non-Metallic Mining Reclamation Ordinance revision that the DNR feels are not in compliance with NR 135.

The Department is addressing these concerns and when completed, will bring the draft ordinance to the Committee for review and approval in the future.

2. EOG-SS Non-Metallic Mining Reclamation Plan Amendment Update - T. Shutter

T. Shutter presented an oral report to the Committee. He reported that EOG Resources has submitted a plan amendment to the EOG - SS Mine Site reclamation plan. A public hearing has been requested and is scheduled for August 15, 2023, at the Chippewa County Courthouse.

3. Non-Metallic Mining Groundwater Monitoring Well Results - K. Clow

K. Clow presented an oral report. The report was supported by a Power Point report titled: Groundwater Monitoring at Industrial Sand Mines in Chippewa County, (LCFM 7/26/23 - Distributed 7/20/23 - copy on file & attached). The Power Point report presented data collected by mine operators and/or their consultants and analyzed at private labs of the mine operators choosing. These results were provided in annual reports submitted to the Chippewa County LCFM.

There was discussion on the testing standards and results for the mine monitoring wells.

4. Introduction of New WI DNR County Forest Liaison - M. Hansen

M. Hansen introduced D. Hutchison, DNR Forester and former Chippewa County Forest Liaison.

D. Hutchison introduced A. Foehringer, current Chippewa County Forest Liaison, who gave a brief report to the Committee of his experience in forestry and his support to the County Forest.

6. BUSINESS ITEMS

1. Authorize Deer Fly Chase Mountain Bike Race Permit in County Forest - M. Hansen

M. Hansen presented an oral report. The report was supported by the following material:

1. Agreement titled: Chippewa County Forest Special Event Permit and Agreement, (LCFM - Distributed 7/20/23 - copy on file & attached). The agreement grants the Friends of Hickory Ridge exclusive use of the Dog Island Warming House and certain segments of the Chippewa County Forest property trail network to conduct a mountain bike race.
2. Map titled: Attachment A - Tentative Route, likely to change before final race authorization, (Distributed 7/20/23 - copy on file & attached). The map shows the tentative route of the race.

Minutes Acceptance: Minutes of Jul 26, 2023 4:30 PM (Consent Agenda)

Land Conservation & Forest Management Committee

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July 26, 2023

Regular Meeting

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4:30 PM

Motion to approve the Deer Fly Chase Mountain Bike Race Permit: Bomar/Flater. Motion carried by voice vote.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Charles Bomar, District 12 (Vice-Chair)
SECONDER:	James Flater, District 1
AYES:	Schmitt, Bomar, Flater, Bischel, Bergeron, Pingel
ABSENT:	Peterson

2. Consider Waiver of Stumpage Increase for 2nd Extension of Timber Sale Contract #1310 - M. Hansen
M. Hansen presented an oral report. The report was supported by a prospectus and map titled: Chippewa County Timber Sale Tract 15-20, Wolfe Aspen, (LCFM - Distributed 7/20/23 - copy on file & attached). He indicated that the harvesting has been completed and that hauling is the only thing to be completed.

Motion to approve the waiver of stumpage increase for the second extension of Timber Sale Contract #1310: Flater/Bischel. Motion carried by voice vote.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	James Flater, District 1
SECONDER:	David Bischel, District 4
AYES:	Schmitt, Bomar, Flater, Bischel, Bergeron, Pingel
ABSENT:	Peterson

7. AGENDA ITEMS FOR FUTURE CONSIDERATION

M. Hansen indicated that an update of Chapter 16 - County Forest Lands, Code of Chippewa County, will be presented to the Committee for their review and approval at the 8/16/23 Committee meeting.

8. ADJOURN

Motion to adjourn: Bergeron/Bomar. Motion carried at 5:08 p.m. by voice vote.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Jason Bergeron, District 7
SECONDER:	Charles Bomar, District 12 (Vice-Chair)
AYES:	Schmitt, Bomar, Flater, Bischel, Bergeron, Pingel
ABSENT:	Peterson

Minutes Acceptance: Minutes of Jul 26, 2023 4:30 PM (Consent Agenda)



STATEMENT OF EXPLANATION STORMWATER ORDINANCE OVERVIEW

5.1

Chapter 12 “Stormwater Management” of the Chippewa County Code of Ordinances was adopted on December 12, 2017, as a requirement of Municipal Separate Storm Sewer System (MS4) Wisconsin Pollutant Discharge Elimination System (WPDES) Permit.

Chippewa County, the Town of Lafayette, the Town of Eagle Point, the Town of Anson, and the Village of Lake Hallie have entered into a §66.0301 cooperative agreement to meet the requirements of each respective WPDES permit, and to pursue a consistent approach toward managing stormwater runoff and flooding in the urban area. This agreement was updated on July 27, 2021.

In December 2022, the Wisconsin Department of Natural Resources audited the County and municipalities stormwater management programs for compliance with MS4 WPDES Permit # WI-S050075-3.

As a result, the Stormwater Management Ordinance has been modified to be consistent with the agreement and non-compliance items found in the DNR audit. These modifications include:

- Each Municipality will have its own independent ordinance referencing the 66.03 agreement.
- Any municipality within the County can contract via a 66.03 agreement with LCFM for stormwater program management.
- Enforcement will be the responsibility of each municipality.
- Stormwater Management Application and Permitting will be solely through the LCFM Department.

LCFM staff are presenting the updated ordinance and a spreadsheet of the modifications between the current ordinance and proposed ordinance.

CHAPTER 12 STORMWATER MANAGEMENT: CONSTRUCTION SITE EROSION CONTROL AND POST-CONSTRUCTION

ARTICLE I: IN GENERAL

- Sec. 12-01 Effective Date
- Sec. 12-02 Authority
- Sec. 12-03 Purpose
- Sec. 12-04 Intent
- Sec. 12-05 Severability
- Sec. 12-06 Jurisdiction
- Sec. 12-07 Applicability
- Sec. 12-08 Exceptions
- Sec. 12-09 Definitions
- Sec. 12-10 to 12-20 Reserved

ARTICLE II: ADMINISTRATION AND ENFORCEMENT

- Sec. 12-21 Permits
- Sec. 12-22 Fee Schedule
- Sec. 12-23 Enforcement
- Sec. 12-24 Special Inspection Warrants
- Sec. 12-25 Stop Work Orders
- Sec. 12-26 Board of Adjustment
- Sec. 12-27 to 12-30 Reserved

ARTICLE III: GENERAL DESIGN AND STORMWATER PLAN REQUIREMENTS

- Sec. 12-31 Design Standards and Criteria
- Sec. 12-32 General Stormwater Plan Requirements
- Sec. 12-33 to 12-40 Reserved

ARTICLE IV: CONSTRUCTION SITE EROSION CONTROL

- Sec. 12-41 Design Standards and Criteria
- Sec. 12-42 Mandatory Site Protection, Erosion Control, and Sediment Control Practices
- Sec. 12-43 Use of Stormwater Facilities for Erosion and Sediment Control
- Sec. 12-44 Specifications
- Sec. 12-45 to 12-50 Reserved

ARTICLE V. POST CONSTRUCTION STORMWATER MANAGEMENT

- Sec. 12-51 Post Construction Stormwater Management Design Standards and Criteria
- Sec. 12-52 Total Suspended Solids
- Sec. 12-53 Peak Runoff Discharge
- Sec. 12-54 Infiltration
- Sec. 12-55 Restrictions on the Location of Infiltration Practices
- Sec. 12-56 Closed Depressions
- Sec. 12-57 Protective Areas
- Sec. 12-58 Swale Treatment for Transportation Facilities
- Sec. 12-59 Regional Treatment
- Sec. 12-60 Fueling and Vehicle Maintenance Areas
- Sec. 12-61 Post-Construction Stormwater Management Specifications
- Sec. 12-62 to 12-70 Reserved

ARTICLE VI. MAINTENANCE, MAINTENANCE AGREEMENTS, AND FINANCIAL GUARANTEE

Sec. 12-71 Maintenance and Maintenance Agreement

Sec. 12-72 Financial Guarantee

Sec. 12-73 to 12-80 Reserved

ARTICLE VII. ILLICIT DISCHARGE

Sec. 12-81 Prohibitions

Sec. 12-82 Exemptions

Sec. 12-83 Notice of Violation

Sec. 12-84 to 12-90 Reserved

ARTICLE I: IN GENERAL**Sec. 12-01 Effective Date**

This chapter shall be in force and effect from and after its adoption and publication.

Sec. 12-02 Authority

- (a) This chapter is adopted under the authority granted by Wis. Stat. §§ 59.693 and 236.45. This chapter supersedes all provisions of any chapter or ordinance previously adopted by Chippewa County or other municipalities under Wis. Stat. Chapters 59 and 236, that relate to construction site erosion control and stormwater management.
- (b) The provisions of this chapter are deemed not to limit any other lawful regulatory powers of the County Board.
- (c) The requirements under this chapter do not pre-empt more restrictive erosion, sediment control, and stormwater management requirements that may be imposed by any of the following:
 - (1) Wisconsin Department of Natural Resources administrative rules, permits or approvals, including those authorized under Wis. Stat. §§ 281.16 and 283.33.
 - (2) Targeted non-agricultural performance standards promulgated in rules of the Wisconsin Department of Natural Resources under Wis. Adm. Code § NR 151.004.
 - (3) Town or municipal ordinances, adopted independently by municipalities that are not subject to the jurisdiction of this chapter.

Sec. 12-03 Purpose

- (a) *Construction Site Erosion Control.* The purpose of the requirements under this chapter for construction site erosion control is to further the maintenance of safe and healthful conditions; prevent and control water pollution; prevent and control soil erosion; prevent and control sediment deposition; protect spawning grounds, fish and aquatic life; protect groundwater recharge areas; control building sites, placement of structures and land uses; preserve ground cover and scenic beauty; and promote sound economic growth, by minimizing the amount of sediment and other pollutants carried by runoff or discharged from land disturbing construction activity to waters of the state in Chippewa County.
- (b) *Post Construction Stormwater Management.* The purpose of the requirements under this chapter for post-construction stormwater management is to establish long-term, post-construction runoff management requirements that will diminish the threats to public health, safety, welfare and the aquatic environment. Specific purposes are to:
 - (1) Further the maintenance of safe and healthful conditions.
 - (2) Prevent and control the adverse effects of stormwater; prevent and control soil erosion; prevent and control water pollution; protect spawning grounds, fish and aquatic life; control building sites, placement of structures and land uses; preserve ground cover and scenic beauty; and promote sound economic growth.

- Draft
- (3) Control exceedance of the safe capacity of existing drainage facilities and receiving water bodies; prevent undue channel erosion; control increases in the scouring and transportation of particulate matter; and prevent conditions that endanger downstream property.
 - (4) Minimize the amount of pollutants discharged from separate storm sewers to protect the waters of the state.

Sec. 12-04 Intent

It is the intent of this chapter to regulate construction and post-construction storm water discharges to waters of the state. This chapter may be applied on a site-by-site basis.

Sec. 12-05 Severability

The provisions of this chapter are hereby declared to be severable. If a court of competent jurisdiction determines any section, clause, provision or portion of this chapter to be unconstitutional or invalid, the remainder of the chapter shall remain in force and not be affected by such judgment.

Sec. 12-06 Jurisdiction

The provisions of this chapter shall apply to land disturbing construction activities on lands owned by Chippewa County and the County Highway rights-of-way located within the boundaries of the Chippewa County Municipal Separate Storm Sewer System Permitted Area.

Sec. 12-07 Applicability

Applicability. Except as provided under sections 12-08, the provisions of this chapter apply to any construction site, as defined under Sec. 12-09, following land disturbing construction and development related activities. The provisions of this chapter apply to construction sites of any size that, as determined by the Administrator, are likely to result in runoff that exceeds the safe capacity of the existing drainage facilities or receiving body of water, that causes undue channel erosion, or that increases water pollution by scouring or transporting of particulate.

Sec. 12-08 Exceptions

The provisions of this chapter do not apply to the following:

- (a) Transportation facilities, except transportation facility construction projects that are part of a larger common plan of development, such as local roads within a residential or industrial development.
- (b) A construction project that is exempted by federal statutes or regulations from the requirement to have a national pollutant discharge elimination system permit issued under chapter 40, Code of Federal Regulations, part 122, for land disturbing construction activity.
- (c) Nonpoint discharges from agricultural facilities and practices.
- (d) Nonpoint discharges from silviculture activities.

- (e) Routine maintenance for project sites that have less than five (5) acres of land disturbance if performed to maintain the original line and grade, hydraulic capacity or original purpose of the facility.
- (f) Underground utility construction, but not including the construction of any above ground structures associated with utility construction.
- (g) For post construction requirements only, a post-construction site with less than 10% connected imperviousness based on the area of land disturbance, provided the cumulative area of all impervious surfaces is less than one acre.
- (h) Activities conducted by a state agency, as defined under Wis. Stat. § 227.01(1), but also including the office of district attorney, which is subject to the state plan promulgated or a memorandum of understanding entered into under Wis. Stat. § 281.33(2).

Sec. 12-09 Definitions

- (1) *Adequate sod, or self-sustaining vegetative cover* means maintenance of sufficient vegetation types and densities such that the physical integrity of the streambank or lakeshore is preserved. Self-sustaining vegetative cover includes grasses, forbs, sedges and duff layers of fallen leaves and woody debris.
- (2) *Administrator* means the Director of the Chippewa County Department of Land Conservation and Forest Management or their lawfully designated representative.
- (3) *Agricultural Facilities and Practices* has the meaning in Wis. Stat. §281.16(1).
- (4) *Atlas 14* means the National Oceanic and Atmospheric Administration (NOAA) Atlas 14 Precipitation-Frequency Atlas of the United States, Volume 8 (Midwestern States), published in 2013.
- (5) *Average Annual Rainfall* means a typical calendar year of precipitation as determined by the Wisconsin Department of Natural Resources for users of models such as WinSLAMM, P8 or equivalent methodology. The average annual rainfall is chosen from a department publication for the location closest to the municipality.
- (6) *Best Management Practices or BMPs* means structural or non-structural measures, practices, techniques or devices employed to avoid or minimize soil, sediment or pollutants carried in runoff to waters of the state.
- (7) *Building Opening Elevation* means the lowest window, door, or other elevation at which water may enter a building.
- (8) *Business Day* means a day the office of the Administrator is routinely and customarily open for business.
- (9) *Cease and Desist Order* means a court-issued order to halt land disturbing construction activity that is being conducted without the required permit or in violation of a permit issued by Chippewa County.
- (10) *Clean runoff* means that runoff which is derived from relatively uncontaminated sources which may include, but is not limited to: uncontaminated ground water, potable water source, roof drains, foundation drain and sump pump, air conditioning condensation, springs, lawn watering, individual residential car washing, water main and hydrant flushing and swimming pools if the water has been dechlorinated.

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- (11) *Connected Imperviousness* means an impervious surface connected to waters of the state via a separate storm sewer, an impervious flow path, or a minimally pervious flow path.
 - (12) *Construction Site* means an area upon which one or more land disturbing construction activities occur that in total will disturb one acre or more of land, including areas that are part of a larger common plan of development or sale where multiple separate and distinct land disturbing construction activities may be taking place at different times on different schedules but under one plan such that the total disturbed area is one acre or more. A long-range planning document that describes separate construction projects, such as a 20-year transportation improvement plan, is not a common plan of development.
 - (13) *Construction Plans* are site specific technical drawings certified and stamped by a professional engineer licensed in the State of Wisconsin that depict the proposed development to meet the requirements of this chapter.
 - (14) *Design Storm* means a hypothetical discrete rainstorm characterized by a specific duration, temporal distribution, rainfall intensity, return frequency, and total depth of rainfall.
 - (15) *Development* means recreational residential, commercial, industrial or institutional land uses and associated roads.
 - (16) *Direct conduits to groundwater* mean wells, sinkholes, swallets, fractured bedrock at the surface, mine shafts, non-metallic mines, tile inlets discharging to groundwater, quarries, or depressional groundwater recharge areas over shallow fractured bedrock.
 - (17) *Direct Discharges* means discharges that meet all of the following conditions:
 - a. discharges are from parcels contained within the area of the site development and the discharges do not cross property lines prior to entering the exempt body of water;
 - b. discharges do not travel through any public conveyance; and
 - c. discharges do not enter any lake or stream that appears on the USGS 7.5-minute quadrangle maps prior to entering any of the above water bodies.
 - (18) *Discharge* means as defined in Wis. Stat. § 283.01(4) and any amendments thereto, when used without the qualification includes a discharge of any pollutant.
 - (19) *Effective Infiltration Area* means the area of the infiltration system that is used to infiltrate runoff and does not include the area used for site access, berms or pretreatment.
 - (20) *Erosion* means the process by which the land's surface is worn away by the action of wind, water, ice or gravity.
 - (21) *Erosion and Sediment Control Plan* means a comprehensive plan developed to address pollution caused by erosion and sedimentation of soil particles or rock fragments during construction.

- (22) *Exceptional Resource Waters* means waters listed in Wis. Adm. Code NR 102.11.
- (23) *Filtering Layer* means soil that has at least a 3-foot-deep layer with at least 20 percent fines; or at least a 5-foot-deep layer with at least 10 percent fines; or an engineered soil with an equivalent level of protection as determined by the Administrator for the site.
- (24) *Final Stabilization* means that all land disturbing construction activities at the construction site have been completed and that a uniform perennial vegetative cover has been established, with a density of at least 70 percent of the cover, for the unpaved areas and areas not covered by permanent structures, or that employ equivalent permanent stabilization measures.
- (25) *Financial Guarantee* means a performance bond, maintenance bond, surety bond, irrevocable letter of credit, or similar guarantees submitted to the Administrator by the responsible party to assure that post-construction stormwater management requirements of the chapter are carried out in compliance with the stormwater management plan.
- (26) *Illicit connection* means any drain or conveyance, whether on the surface or subsurface, which allows an illegal non-storm water discharge to enter the storm drain system, including but not limited to: sewage, process wastewater and wash water, any connections to the storm drain system from indoor drains and sinks, regardless of whether said drain or connection had been allowed, permitted, or approved by a government agency, prior to the adoption of this chapter.
- (27) *Impervious Surface* means an area that releases as runoff all or a large portion of the precipitation that falls on it, except for frozen soil. Rooftops, sidewalks, driveways, parking lots and streets are examples of areas that typically are impervious.
- (28) *In-fill Area* means an undeveloped area of land located within an existing urban sewer service area, surrounded by existing development or existing development and natural or man-made features where development cannot occur. "In-fill" does not include any undeveloped area that was part of a larger development for which a stormwater permit was previously required.
- (29) *Infiltration* means the entry of precipitation or runoff into or through the soil.
- (30) *Infiltration System* means a device or practice such as a basin, trench, rain garden or swale designed specifically to encourage infiltration, but does not include natural infiltration in pervious surfaces such as lawns, redirecting of rooftop downspouts onto lawns or minimal infiltration from practices, such as swales or road side channels designed for conveyance and pollutant removal only.
- (31) *Land Disturbing Construction Activity* means any man-made alteration of the land surface resulting in a change in the topography or existing vegetative or non-vegetative soil cover, that may result in runoff and lead to an increase in soil erosion and movement of sediment into waters of the state. Land disturbing construction activity includes clearing and grubbing, demolition, excavating, pit trench dewatering, filling and grading activities.
- (32) *Land Division* means any land, vacant or improved, which is divided or proposed to be divided into two or more lots, parcels, sites, units, plots, condominiums, tracts or interests for the purpose of offer, sale, lease or development whether immediate or future, either on the installment plan or upon any and all other plans, terms and conditions. Land division includes the division or development of residentially and non-residentially zoned land, whether by deed, metes and bounds description, devise, intestacy,

lease, certified survey map, plat or other recorded instrument. Land divisions also include condominium creation or conversion.

- (33) *Landowner* means any person holding fee title, an easement or other interest in property, which allows the person to undertake cropping, livestock management, land disturbing construction activity or maintenance of storm water BMPs on the property.
- (34) *Maintenance Agreement* means a legal document that provides for long-term maintenance of stormwater management practices.
- (35) *Maximum Extent Practicable or MEP* means a level of implementing Best Management Practices in order to achieve a performance standard specified in this chapter which takes into account the best available technology, cost effectiveness and other competing issues such as human safety and welfare, endangered and threatened resources, historic properties and geographic features. MEP allows flexibility in the way to meet the performance standards and may vary based on the performance standard and site conditions.
- (36) *Municipality* means a town or village that has entered into a cooperative agreement with Chippewa County to implement a Joint Storm Water Program for the Chippewa Falls Urban Area that meets the requirements of Wis. Admin. Code Section § NR 216.07 and the WDPES MS4 General Permit.
- (37) *New Development* means development resulting from the conversion of previously undeveloped land or agricultural land uses.
- (38) *NRCS MSE3 or MSE4 distribution* means a specific precipitation distribution developed by the United States Department of Agriculture, Natural Resources Conservation Service, using precipitation data from Atlas 14.
- (39) *Off-Site* means located outside the property boundary described in the permit application.
- (40) *On-Site* means located within the property boundary described in the permit application.
- (41) *Ordinary High-Water Mark* has the meaning given in Wis. Adm. Code NR 115.03(6).
- (42) *Outfall* means the point at which stormwater is discharged to waters of the state or leaves one stormwater conveyance enters another stormwater conveyance.
- (43) *Outstanding Resource Waters* means waters listed in Wis. Adm. Code NR 102.10.
- (44) *Performance Standard* means a narrative or measurable number specifying the minimum acceptable outcome for a facility or practice.
- (45) *Percent Fines* means the percentage of a given sample of soil, which passes through a # 200 sieve.
- (46) *Permit* means a written authorization made by the Administrator to the applicant to conduct land disturbing construction activity or to discharge post-construction runoff to waters of the state.
- (47) *Permit Fee* means a sum of money paid by the permit applicant for the purpose of recouping the expenses incurred by the office of the Administrator in administering this chapter.

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- (48) *Person* means an individual, owner, operator, corporation, partnership, sole proprietor, association, municipality, interstate agency, state agency or federal agency.
 - (49) *Pervious Surface* means an area that releases as runoff a small portion of the precipitation that falls on it. Lawns, gardens, parks, forests or other similar vegetated areas are examples of surfaces that typically are pervious.
 - (50) *Pollutant* means any dredged spoil, solid waste, incinerator residue, sewage, garbage, refuse, oil, sewage sludge, munitions, chemical wastes, biological materials, radioactive substance, heat, wrecked or discarded equipment, rock, sand, cellar dirt and industrial, municipal and agricultural waste discharged into water; as defined in Wis. Stat. § 283.01(13).
 - (51) *Pollution* means man-made or man-induced alteration of the chemical, physical, biological or radiological integrity of water; as defined in Wis. Stat. § 281.01(10).
 - (52) *Post-Construction Site* means a construction site following the completion of land disturbing construction activity and final site stabilization.
 - (53) *Pre-Development Condition* means the extent and distribution of land cover types present before the initiation of land disturbing construction activity, assuming that all land uses prior to development activity are managed in an environmentally sound manner.
 - (54) *Premises* means any building, lot, parcel of land, or portion of land, whether improved or unimproved, including adjacent sidewalks and parking strips.
 - (55) *Preventive Action Limit* has the meaning given in Wis. Adm. Code § NR 140.05(17).
 - (56) *Protective Area* means an area of land that commences at the top of the channel of lakes, streams and rivers, or at the delineated boundary of wetlands, and that is the greatest of the following widths, as measured horizontally from the top of the channel or delineated wetland boundary to the closest impervious surface. However, “protective area” does not include any area of land adjacent to any stream enclosed within a pipe or culvert, such that runoff cannot enter the enclosure at this location.
 - (57) *Redevelopment* means areas where development is replacing older development.
 - (58) *Responsible Party* means any person holding fee title to the property or other person contracted or obligated by agreement to meet the performance standards of this chapter.
 - (59) *Runoff* means stormwater or precipitation, including rain, snow or ice melt or similar water that moves on the land surface via sheet or channelized flow.
 - (60) *Sediment* means settleable solid material that is transported by runoff, suspended within runoff or deposited by runoff away from its original location.
 - (61) *Separate Storm Sewer* means a conveyance or system of conveyances, including roads with drainage systems, streets, catch basins, curbs, gutters, ditches, constructed channels or storm drains, which meets all of the following criteria:
 - a. Is designed or used for collecting water or conveying runoff.

- b. Is not part of a combined sewer system.
- c. Is not part of a publicly owned wastewater treatment works that provides secondary or more stringent treatment.
- d. Discharges directly or indirectly to waters of the state.

- (62) *Significant Closed Depression* means an area which collects, stores, and infiltrates runoff from snowmelt and other large stormwater events, and meets the following physical criteria: a) is observed to pond water beyond the period of drainage of other nearby runoff conveyances, and b) is either greater than 10,000 square feet in area or 10,000 cubic feet in volume, when ponded.
- (63) *Silviculture Activity* means activities including tree nursery operations, tree harvesting operations, reforestation, tree thinning, prescribed burning, and pest and fire control. Clearing and grubbing of an area of a construction site is not a silviculture activity.
- (64) *Site* means the entire area included in the legal description of the land on which the land disturbing construction activity is proposed in the permit application.
- (65) *Storm Sewer* means a closed conduit for collecting and carrying stormwater.
- (66) *Stormwater* means runoff from precipitation, including rain, snow, ice melt or similar water that moves on the land surface via sheet or channelized flow.
- (67) *Stormwater Management Plan* means a comprehensive plan designed to reduce the discharge of pollutants from storm water, after the site has undergone final stabilization, and following completion of the construction activity.
- (68) *Stormwater Management System Plan* means a comprehensive plan designed to reduce the discharge of runoff and pollutants from hydrologic units on a regional or municipal scale.
- (69) *Stop Work Order* means an order issued by the Administrator which requires that all construction activity on the site be stopped.
- (70) *Technical Standard* means a document that specifies design, predicted performance and operation and maintenance specifications for a material, device or method.
- (71) *Top of the Channel* means an edge, or point on the landscape, landward from the ordinary high- water mark of a surface water of the state, where the slope of the land begins to be less than 12% continually for at least 50 feet. If the slope of the land is 12% or less continually for the initial 50 feet, landward from the ordinary high-water mark, the top of the channel is the ordinary high- water mark.
- (72) *Total maximum daily load or TMDL* means the amount of pollutants specified as a function of one or more water quality parameters, that can be discharged per day into a water quality limited segment and still ensure attainment of the applicable water quality standard.
- (73) *TP-40* means Technical Paper No. 40, Rainfall Frequency Atlas of the United States, published in 1961.

- (74) *TR-55* means the United States Department of Agriculture, Natural Resources Conservation Service (previously Soil Conservation Service), Urban Hydrology for Small Watersheds, Second Edition, Technical Release 55, June 1986.
- (75) *Transportation facility* means a highway, a railroad, a public mass transit facility, a public use airport, a public trail or any other public work for transportation purposes such as harbor improvements under Wis. Stat. § 85.095(a)(b). Transportation facility does not include building sites for the construction of public buildings and buildings that are places of employment that are regulated by the Department of Natural Resources pursuant to Wis. Stat. § 281.33.
- (76) *Type II distribution* means a rainfall type curve as established in the “United States Department of Agriculture, Soil Conservation Service, Technical Paper 149, published in 1973”.
- (77) *Watercourse* means a natural or artificial channel through which water flows. These channels include: all blue and dashed blue lines on the USGS quadrangle maps, all drainage features shown on the soils maps in the NRCS Soil Survey of Chippewa County, all channels identified on the site, and new channels that are created as part of a development. The term watercourse includes waters of the state as herein defined.
- (78) *Waters of the State* means all lakes, bays, rivers, streams, springs, ponds, wells, impounding reservoirs, marshes, watercourses, drainage systems and other surface water or groundwater, natural or artificial, public or private, within the state or its jurisdiction.

Sec. 12-10 to 12-20 Reserved

ARTICLE II: ADMINISTRATION AND ENFORCEMENT

Sec. 12-21 Permits

- (a) *Permit Required.* No responsible party may undertake land disturbing construction activity that is subject to the provisions of this chapter without receiving a stormwater permit from the Administrator prior to commencing the proposed activity.
- (b) *Permit Application and Fees.* Any responsible party desiring to undertake a land disturbing construction activity subject to the provisions of this chapter shall submit an application for a permit and stormwater management plan that meets the requirements of this chapter and shall pay an application fee. By submitting an application, the applicant authorizes the Administrator to enter the site to obtain information required for the review of the stormwater management plan.
- (c) *Review and Approval of Permit Application.*
- (1) The Administrator shall receive any permit application that is submitted with a stormwater management plan, and the required fee. In cases where only a permit for construction site erosion control is required, the Administrator is exclusively responsible for Plan Review, Plan Acceptance, and Permit Issuance.
 - (2) The Administrator may request additional information from the applicant to clarify details of the application form, plans or maintenance agreement, or to seek conformity with the standards, specifications, and other requirements of this chapter. Requested additional information shall

be provided to the Administrator within sixty (60) business days of the request. If the requested additional information is not provided within sixty (60) business days of the request, the stormwater permit shall be denied and the applicant shall be required to submit a new application and fee.

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- (3) Following receipt of a completed application form, fees, stormwater management plan, maintenance agreement, and financial guarantee, the Administrator may issue the stormwater permit. The Administrator shall have fourteen (14) business days from receipt of a completed application materials to approve or deny the permit. If the permit is denied, the Administrator shall detail in writing the reasons for denial.

(d) *Permit Requirements.* All permits shall require the responsible party to:

- (1) Notify the Administrator within forty-eight (48) hours of commencing any land disturbing construction activity.
- (2) Notify the Administrator of completion of any BMPs within ten (10) business days after their installation.
- (3) Obtain permission in writing from the Administrator prior to any modification of the stormwater plan. The Administrator may require that the proposed modifications be submitted to it for approval prior to incorporation into the stormwater management plan and execution by the responsible party.
- (4) Install all BMPs as identified in the approved erosion and sediment control plan.
- (5) Maintain all road drainage systems, stormwater drainage systems, BMPs and other facilities identified in the erosion and sediment control plan.
- (6) Repair any siltation or erosion damage to adjoining surfaces and drainage ways resulting from land disturbing construction activities and document repairs in a site erosion control log.
- (7) Inspect all BMPs within twenty-four (24) hours after each rain of 0.5 inches or more which results in runoff during active construction periods, and at least once each week, make needed repairs and document the findings of the inspections in a site erosion control log with the date of inspection, the name of the person conducting the inspection, and a description of the present phase of the construction at the site.
- (8) Allow the Administrator to enter the site for the purpose of inspecting compliance with the stormwater plan or for performing any work necessary to bring the site into compliance with the stormwater plan. Keep a copy of the construction plans at the construction site.
- (9) Comply with all applicable federal, state, and local laws and regulations.
- (10) Install all structural and non-structural stormwater management practices in accordance with the approved stormwater management plan and this permit.
- (11) Pass a final inspection of completed stormwater management practices by the Administrator. The Administrator shall notify the responsible party in writing of any changes required in such

practices to bring them into compliance with the conditions of the permit and this chapter.

- (12) Submit as-built plans to the Administrator within ninety (90) days following installation of the structural and non-structural stormwater management practices. Practice installations shall be certified by a registered Professional Engineer as meeting the requirements of the approved plans and requirements of this chapter. As-built plans shall provide adequate detail necessary to show compliance with the approved stormwater management plan and requirements of the chapter. As-built plans shall include: final surveyed elevations of the structural and non-structural stormwater management practices, conveyance, buildings, and site topography.
- (13) Maintain all stormwater management practices in accordance with the stormwater management plan until the practices either become the responsibility of a municipality, or are transferred to subsequent private owners as specified in the approved maintenance agreement.
- (14) Authorize Chippewa County to perform any work or operations necessary to bring stormwater management practices into conformance with the approved stormwater management plan, and consents to a special assessment or charge against the property as authorized under Wis. Stat. Ch. 66 or to charging such costs against the financial guarantee posted under section 12-72.
- (15) If directed by the Administrator, repair at the responsible party's own expense all damage to adjoining municipal facilities and drainage ways caused by runoff, where such damage is caused by activities that are not in compliance with the approved stormwater management plan.
- (16) Where site development or redevelopment involves changes in direction, an increase in peak rate and/or total volume of runoff from a site, the Administrator may require the responsible party to make appropriate legal arrangements with affected property owners concerning the prevention of endangerment to property or public safety.
- (17) The responsible party is subject to the enforcement actions and penalties detailed in section 12-23, if the responsible party fails to comply with the terms of the issued permit.
- (e) *Additional Permit Requirements.* When deemed necessary by the Administrator, permits issued under this section may include additional permit requirements to assure compliance with the standards in Articles II, III, IV and V of this chapter.
- (f) *Permit Duration.* Permits issued under this section shall be valid from the date of issuance for a period of one hundred eighty (180) calendar days, or the duration of the building permit or other construction authorizations, whichever is longer. The Administrator may extend the period one or more times for up to an additional one hundred eighty (180) calendar days. The Administrator may require additional BMPs as a condition of any extension to assure compliance with the requirements of this chapter.

Sec. 12-22 Fee Schedule

Applications for review and permits issued under this chapter shall be accompanied by a fee, which is adopted by County Board resolution. A copy of the current fee schedule shall be kept on file in the office of the Administrator.

Sec. 12-23 Enforcement

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- (a) Any land disturbing construction activity or post-construction runoff initiated after the effective date of this chapter by any person subject to the provisions of this chapter shall be deemed a violation unless conducted in accordance with the requirements of this chapter.
 - (b) The Administrator shall notify the responsible party of any non-compliant land disturbing construction activity or post-construction runoff. The notice shall describe the nature of the violation, remedial action(s) required to be taken, a schedule for remedial action, and additional enforcement action which may be taken.
 - (c) Upon receipt of written notification from the Administrator under sub. (b), the responsible party shall correct work that does not comply with the stormwater management plan or other provisions of this permit. The responsible party shall make corrections as necessary to meet the specifications and schedule set forth by the Administrator in the notice.
 - (d) If the violations to a permit issued pursuant to this chapter are likely to result in damage to properties, public facilities, or waters of the state, the Administrator may enter the land and take emergency actions necessary to prevent such damage. The costs incurred by the Administrator plus interest and legal costs shall be billed to the responsible party.
 - (e) The Administrator may revoke a permit issued under this chapter for non-compliance with the provisions of this chapter.
 - (f) Any permit revocation, stop work order, or cease and desist order shall remain in effect unless retracted by the Administrator or by determination of a court of competent jurisdiction.
 - (g) The Administrator may refer any violation of the provisions of this chapter, or of a stop work order or cease and desist order issued pursuant to this chapter, to the Corporation Counsel for the commencement of further legal proceedings in any court of competent jurisdiction.
 - (h) Any person found to be in violation of the provisions of this chapter shall be subject to a forfeiture of not less than \$1,000 nor more than \$5,000 dollars per offense, together with the costs of prosecution. Each calendar day that the violation exists shall constitute a separate offense.
 - (i) Compliance with the provisions of this chapter may also be enforced by injunction in any court of competent jurisdiction pursuant two Wis. Stat. §59.69(11). It shall not be necessary to prosecute for forfeiture or a cease-and-desist order before resorting to injunctive proceedings.
 - (j) In the event the Administrator determines that the holder of a permit issued pursuant to this chapter has failed to follow practices set forth in the erosion and sediment control plan or stormwater management plan, or has failed to comply with schedules set forth in the erosion and sediment control plan or the stormwater management plan, the Administrator may enter upon the land and perform the work or other operations necessary to bring the condition of said lands into conformance with requirements of the approved plan. The Administrator shall keep a detailed accounting of the costs and expenses of performing this work. These costs and expenses shall be deducted from any posted financial guarantee. Where such a guarantee has not been established, or where such a guarantee is insufficient to cover these costs, the costs and expenses shall be entered on the tax roll, pursuant to subchapter VII of chapter 66, Wis. Stats. as a special charge against the property and collected with any other taxes levied thereon for the year in which the work is completed.

Sec. 12-24 Special Inspection Warrants

If the responsible party or property owner denies access to any part of the premises on which it is believed there may be a violation of this chapter; or on which there is a need to inspect and/or sample as part of a routine inspection and sampling program designed to verify compliance with this chapter or any order issued hereunder; or to protect the overall public health, safety, and welfare of the community, the Administrator may seek issuance of a special inspection warrant whereby the Administrator may enter the premises pursuant to the provisions of Wis. Stat. §§ 66.0119(1), (2), and (3).

Sec. 12-25 Stop Work Orders

- (a) The Administrator may post a stop work order if any of the following occurs:
- (1) Any land disturbing construction activity regulated under this chapter is being undertaken without a permit.
 - (2) The erosion and sediment control plan or the post construction stormwater plan is not being implemented in good faith.
 - (3) The conditions of the permit are not being met.
- (b) After posting a stop-work order under sub. (a), the Administrator may issue a notice of intent to the responsible party of its intent to perform work necessary to comply with this chapter. The Administrator may go on the land and commence the work after issuing the notice of intent. The costs of the work performed under this subsection shall be billed to the responsible party or property owner. The Administrator shall keep a detailed accounting of the costs and expenses of performing this work. These costs and expenses shall be deducted from any posted financial guarantee. Where such a guarantee has not been established, or where such a guarantee is insufficient to cover these costs, the costs and expenses shall be entered on the tax roll, pursuant to subchapter VII of chapter 66, Wis. Stats. as a special charge against the property and collected with any other taxes levied thereon for the year in which the work is completed.

Sec. 12-26 Board of Adjustment

- (a) *Powers and Duties.* The powers and duties of the Chippewa County Board of Adjustment are identified in Wis. Stat. § 59.694(7) and in the applicable rules and by-laws as adopted by the County Board. The Board of Adjustment shall have the following general powers:
- (1) *Administrative Appeals.* To hear and decide appeals where it is alleged that there is error in any order, decision or determination made by Chippewa County in administering this chapter.
 - (2) *Variances.* Upon appeal, to authorize variances from the provisions of this chapter which are not contrary to the public interest and where owing to special conditions a literal enforcement of the provisions of the chapter will result in unnecessary hardship; and
- (b) *Who May Appeal.* Appeals to the Board of Adjustment may be taken by any aggrieved person or by any office, department, board, or bureau of Chippewa County affected by any decision of the Administrator.

Sec. 12-27 to 12-30 Reserved

ARTICLE III: GENERAL DESIGN AND STORMWATER PLAN REQUIREMENTS

Sec. 12-31 Design Standards and Criteria

Use of the following design standards and criteria shall be acceptable for purposes of compliance with this chapter:

- (a) The design standards identified, developed or disseminated by the Wisconsin Department of Natural Resources under subchapter V of chapter NR 151, Wis. Adm. Code; and
- (b) Other applicable design criteria, standards and specifications not identified or listed in this chapter may be used provided that the methods have been approved in advance by the Administrator based on a finding that the alternative standards meet the technical intent of the standards in the applicable sections of this chapter.
- (c) *Additional Requirements.* The Administrator may establish construction site erosion control or post construction stormwater management requirements that are more stringent than those set forth in this chapter if the Administrator determines that an added level of protection is needed.
- (d) Where average annual rainfall data is used to meet requirements of this chapter, the data of record shall be Minneapolis, 1959 (March 13-November 4); as maintained by the United States Geological Survey (USGS) determined in accordance with NR 151.12 (1)(b).

Sec. 12-32 General Stormwater Plan Requirements

- (a) All site investigations, plans, designs, computations, and construction plans shall be certified by a registered Professional Engineer licensed in the state of Wisconsin.
- (b) Plan narratives shall include, at a minimum, the following items:
 - (1) The name(s) and address(es) of the landowner and/or developer of the site, and of any consulting firm retained by the applicant, together with the name of the applicant's principal contact at such firm and the Professional Engineer for practice design and certification.
 - (2) A proper legal description of the property proposed to be developed and property address is available.
 - (3) Description of the site and the nature of the construction activity.
 - (4) Estimates of the total area of the site and the total area of the site that is expected to be disturbed by construction activities.
 - (5) Existing data describing the surface soil as well as subsoils, including predominant soil types and hydrologic soil groups.
 - (6) Depth to water table, as indicated by Natural Resources Conservation Service soil information where available, or Chippewa County regional water table maps.

(7) Name of the immediate named receiving water from the United States Geological Service 7.5-minute series topographic maps.

(8) Quantity and cost estimates for the construction and installation of each erosion control, sediment control, and stormwater management practice.

(c) Construction Plans shall include:

- (1) Existing and proposed site conditions, including the following: topographic contours, vegetative cover, impervious surfaces (including all buildings, structures, and pavement, approximate slopes anticipated after major grading activities), and delineation of areas which will be vegetated following construction.
- (2) Natural and engineered drainage system network including enough of the contiguous properties to show runoff patterns onto, through and from the site and network flow path and direction for all stormwater conveyance sections.
- (3) Lakes, streams, wetlands, channels, ditches, other watercourses, floodplains, flood fringes and floodways on and immediately adjacent to the site shall be shown.
- (4) Location of wells and wellhead protection areas covering the construction site and delineated pursuant to Wis. Adm. Code § NR 811.16.
- (5) Boundaries of the construction site.
- (6) Areas of land and soil disturbance.
- (7) Areal extent of wetland acreage on the site and locations where stormwater is discharged to a surface water or wetland.
- (8) Locations of all surface waters and wetlands within one mile of the construction site.

(d) Construction Quality Assurance Plan shall include:

- (1) Contact information of the landowner and/or developer of the site, principal contact of any consulting firm retained by the applicant, and principal contact of the general contractor in charge of the site.
- (2) A sequence of construction of the development site, including stripping and clearing; rough grading; construction of utilities, infrastructure, and buildings; and final grading and landscaping. Sequencing shall identify the expected date on which clearing will begin, the estimated duration of exposure of cleared areas, areas of clearing, installation of temporary erosion and sediment control measures, and establishment of permanent vegetation. The application shall also include start and end dates for construction.
- (3) Verification of proper installation including inspection and certification for critical practices and items.
- (4) Repair procedures in the case of erosion, onsite and offsite sediment deposition, and failure of

practices during construction.

- (5) Preparation and installation of appropriate practices on the site should it be inactive through months outside the growing season.
- (6) Other information requested in writing by the Administrator to determine compliance with the provisions of this chapter.

(e) *Plan Amendments.* The applicant shall amend the erosion and sediment control plan if any of the following occur:

- (1) There is a change in design, construction, operation or maintenance at the site which has the reasonable potential for the discharge of pollutants to waters of the state and which has not otherwise been addressed in the erosion and sediment control plan.
- (2) The actions required by the erosion and sediment control plan fail to reduce the impacts of pollutants carried by construction site runoff.
- (3) The Administrator notifies the applicant of changes needed in the erosion and sediment control plan.

Sec. 12-33 to 12-40 Reserved

ARTICLE IV: CONSTRUCTION SITE EROSION CONTROL

Sec. 12-41 Design Standards and Criteria

In addition to the design requirements found in Article III of this chapter, the following design requirements must be met.

- (a) All BMPs for construction site erosion control required by this chapter shall meet the design criteria, standards and specifications listed in Article III of this chapter and the following references:
 - (1) Applicable design criteria, standards and specifications identified on the WI DNR *Construction Site Erosion & Sediment Control Standards* page of the WI DNR web site, as updated from time to time.
 - (2) Other design guidance and technical standards identified or developed by the Wisconsin Department of Natural Resources under subchapter V of Wis. Adm. Code Chapter NR 151.
 - (3) Soil loss prediction tools such as the Revised Universal Soil Loss Equation 2 (RUSLE2) that estimate the sediment load leaving the construction site under varying land and management conditions.
- (b) *Erosion and Other Pollutant Control Standards.* All construction sites shall meet the following performance standards:
 - (1) The site shall not discharge more than five (5) tons per acre per year of sediment carried in runoff from initial grading to final stabilization; or

- (2) The site shall be protected at the time of site disturbance using the prescriptive BMPs established in the current edition of the Channel Erosion Control Matrix and Slope Erosion Control Matrix of the Wisconsin DOT Erosion Control Product Acceptability Lists (PAL).

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Sec. 12-42 Mandatory Site Prevention, Protection, Erosion Control, and Sediment Control Practices

- (a) The following site prevention and protection measures are required at all sites:
- (1) Existing vegetation shall be maintained, especially adjacent to surface waters, to the greatest extent possible.
 - (2) Soil compaction shall be minimized
 - (3) Topsoil shall be preserved.
 - (4) Land disturbing construction activity on slopes of 20% or more shall be minimized.
 - (5) Development of spill prevention and response procedures.
- (b) Erosion and sediment control practices are required at all sites to prevent or reduce all of the following:
- (1) The deposition of soil from being tracked onto streets by vehicles.
 - (2) The discharge of sediment from disturbed areas into on-site stormwater inlets.
 - (3) The discharge of sediment from disturbed areas into adjacent waters of the state.
 - (4) The discharge of sediment from drainage ways that flow off the site.
 - (5) The discharge of sediment by dewatering activities.
 - (6) The discharge of sediment eroding from soil stockpiles existing for more than 7 days.
 - (7) The discharge of sediment from erosive flows at outlets and in downstream channels.
 - (8) The transport by runoff into waters of the state of chemicals, cement, and other building compounds and materials on the construction site during the construction period. However, projects that require the placement of these materials in waters of the state, such as constructing bridge footings or BMP installations, are not prohibited by this subdivision.
 - (9) The transport by runoff into waters of the state of untreated wash water from vehicle and wheel washing.
 - (10) The BMPs used to comply with this section shall be located in a manner to ensure that runoff is treated prior entering waters of the state.

Sec. 12-43 Use of Stormwater Facilities for Erosion and Sediment Control

Regional post-construction stormwater treatment facilities are appropriate for, and may be used for, control of post-construction stormwater and pollutants. Regional post-construction stormwater treatment facilities shall not be used for control of construction site sediment.

Sec. 12-44 Specifications

- (a) The erosion and sediment control plan shall address pollution caused by soil erosion and sedimentation during construction and up to final stabilization of the site and include a description of appropriate controls and measures that will be performed at the site to prevent pollutants from reaching waters of the state. The plan shall clearly describe the appropriate control measures for each major activity and the timing during the construction process for the measures that will be implemented. The erosion and sediment control plan shall include all of the items listed in Article III of this chapter and, at a minimum, the following items:
 - (1) Narrative:
 - (a) Estimates, including calculations, if any, of the runoff coefficient of the site before and after construction activities are completed.
 - (b) Calculations to show the expected percent reduction in the average annual sediment load carried in runoff as compared to no sediment or erosion controls. Alternatively, computations or other verification that erosion control BMPs comply with Channel Erosion Control Matrix and Slope Erosion Control Matrix of the Wisconsin DOT Erosion Control Product Acceptability Lists (PAL), per Standards section.
 - (c) Description of interim and permanent stabilization practices, including a practice implementation schedule. Site plans shall ensure that existing vegetation is preserved where attainable and that disturbed portions of the site are stabilized.
 - (d) Description of structural practices to divert flow away from exposed soils, store flows or otherwise limit runoff and the discharge of pollutants from the site. Unless otherwise specifically approved in writing by the Administrator, structural measures shall be installed on upland soils.
 - (e) Management of overland flow at all sites, unless otherwise controlled by outfall controls.
 - (f) Trapping of sediment in channelized flow.
 - (g) Staging construction to limit bare areas subject to erosion.
 - (h) Protection of downslope drainage inlets where they occur.
 - (i) Minimization of tracking.
 - (j) Cleanup of off-site sediment deposits.
 - (k) Proper disposal of building and waste materials.

- (l) Stabilization of drainage ways.
- (m) Control of soil erosion from dirt stockpiles.
- (n) Installation of permanent stabilization practices as soon as possible after final grading.
- (o) Minimization of dust to the maximum extent practicable.

(2) Site Maps:

- (a) Location of major structural and non-structural controls identified in the erosion and sediment control plan.
- (b) Location of areas where stabilization practices will be employed.

(3) Construction Plans:

- (a) Details of the interim and permanent stabilization practices.
 - (b) Locations and details of the structural practices to divert flow away from exposed soils, store flows or otherwise limit runoff and the discharge of pollutants from the site. Unless otherwise specifically approved in writing by the Administrator, structural measures shall be installed on upland soils.
 - (c) Details of erosion and sediment control practices, including but not limited to: tracking, management of overland flow, protection of downslope drainage, soil erosion from stockpiles, and stabilization of drainage ways.
 - (d) Construction notes shall be included to address: staging construction to limit bare areas subject to erosion, cleanup of off-site sediment deposits, proper disposal of building and waste materials, installation of permanent stabilization practices as soon as possible after final grading, and minimization of dust to the maximum extent practicable.
- (b) The erosion and sediment control plan shall include and identify velocity dissipation devices, which shall be placed at discharge locations and along the length of any outfall channel, as necessary, to provide a non- erosive flow from the structure to a water course so that the natural physical and biological characteristics and functions are maintained and protected. For permanent outlet features, rock lining is the preferred option.
- (c) *Statement.* For each construction site subject to this chapter, an erosion and sediment control plan statement shall be prepared. The statement shall briefly describe the site and include a site map. Further, the erosion and sediment control plan shall identify the best management practices that will be used to meet the requirements of this chapter, and include the site development schedule.

Sec. 12-45 to 12-50 Reserved

ARTICLE V. POST CONSTRUCTION STORMWATER MANAGEMENT

Sec. 12-51 Post Construction Stormwater Management Design Standards and Criteria

The following standards and criteria shall be used to meet the water quality, peak flow discharge, and infiltration requirements under this chapter. If the design cannot achieve the applicable requirements, the storm water management plan shall include a written and site-specific explanation of why that requirement will not be attained and shall be reduced to the maximum extent practicable.

- (a) *Alternate Requirements.* The Administrator may prescribe alternative submittal requirements for applicants seeking an exemption to on-site stormwater management standards.
- (b) Natural topography and land cover features such as natural swales, natural depressions, native soil infiltrating capacity, and natural groundwater recharge areas shall be preserved and used, to the extent possible, to meet the requirements of Article IV.
- (c) Emergency overland flow for all stormwater facilities shall be provided to prevent exceeding the safe capacity of downstream drainage facilities and prevent endangerment of downstream property or public safety.
- (d) The post-construction stormwater BMPs that are required under this chapter shall be installed before the construction site has undergone final stabilization.

Sec. 12-52 Total Suspended Solids

- (a) *Requirement.* BMPs shall be designed, installed and maintained to control total suspended solids carried in runoff from the post-construction site. BMPs shall be designed in accordance with Table 1., or to the maximum extent practicable as defined in 12-09(36) and provided in sub. (c). The design shall be based on an average annual rainfall, as compared to no runoff management controls.

Table 1. TSS Reduction Standards

Development Type	TSS Reduction
New Development	80 percent
In-fill Development	80 percent
Redevelopment	40 percent of load from parking areas and roads

- (b) *Redevelopment.* Except as provided in s. NR 151.121 (5), the redevelopment total suspended solids reduction standard of Table 1., applies to redevelopment.
- (c) *Maximum Extent Practicable.* If the design cannot meet a total suspended solids reduction performance standard of sub. (1), Table 1., the storm water management plan shall include a written, site-specific explanation of why the total suspended solids reduction performance standard cannot be met and why the total suspended solids load will be reduced only to the maximum extent practicable. The Administrator may not require any person to exceed the applicable total suspended solids reduction performance standard to meet the requirements of maximum extent practicable.

Note: Pollutant loading models such as DETPOND, SLAMM, P8, or equivalent methodology may be used to evaluate the efficiency of the design in reducing total suspended solids. Information on how to access these models is available from the Wisconsin Department of Natural Resources storm water management program at dnr.wi.gov. Use the most recent version of the model and the rainfall files and other parameter files identified for Wisconsin users unless directed otherwise by the regulatory authority.

- (d) *Off-Site Drainage.* When designing BMPs, runoff draining to the BMP from off-site shall be taken into account in determining the treatment efficiency of the practice. Any impact on the efficiency shall be compensated for by increasing the size of the BMP accordingly.

Sec. 12-53 Peak Runoff Discharge

- (a) BMPs shall be designed to maintain or reduce post-development peak runoff discharge rates to pre-development peak runoff discharge rates for the 1-year, 2-year, 10-year, 25- year, and 100- year recurrence interval, 24-hour duration design storms.
- (b) The runoff curve numbers in Table 2 shall be used to represent pre-development conditions. Pre-development conditions shall assume “good hydrologic conditions” as defined in Wis. Adm. Code § NR 151.12(5)(b) for appropriate land covers as identified in TR-55 or an equivalent methodology.

Table 2. Maximum Pre-Development Runoff Curve Numbers

Land Use, Cover Type	Hydrologic Soil Group			
	A	B	C	D
Woodland	30	55	70	77
Grassland, Meadow, Open Space, Pasture	39	61	71	78
Cropland	55	69	78	83

Note: Use of composite CNs for peak flow calculations (i.e. 1-yr/24-hr rainfall events) is acceptable for pervious surfaces and disconnected impervious surfaces. Combining directly connected impervious surfaces with pervious surfaces may result in underestimation of peak flows, particularly during the 1- and 2-year rainfall events. On sites with storm sewers or directly connected imperviousness, the designer should either evaluate the connected impervious areas separately from the pervious areas or provide documentation that the runoff from the connected impervious area does not control the peak flows during the 1- and 2-year rainfall events. HydroCad is a model that is commonly used for calculating peak flows. Hydrocad v 7.1 and earlier versions, calculate a single composite curve number for each subcatchment. Starting with HydroCad v 8.0, the model allows the option of calculating runoff from pervious and impervious areas separately within a subcatchment but it still averages CNs for pervious areas in a subcatchment. HydroCad v 10.0 allows the option of calculating flow independently from each area with a different CN (without averaging CNs) and then combines the flows to produce the total runoff. Access these options in the HydroCAD ‘Advanced’ tab of the ‘Setting/Calculation’ screen.

- (c) Post-development runoff curve numbers shall be from TR-55 or equivalent methodologies.
- (d) The peak runoff discharge subsection of this chapter does not apply to any of the following:

- (1) The redevelopment of an existing site with no increase in impervious surface.
- (2) An in-fill development area less than 5 acres.
- (3) A post-construction site from which there is a direct discharge into a lake of over 5,000 acres in size or a stream or river segment with a contributing drainage basin area of more than 500 square miles. For purposes of this chapter these waters are specifically described and identified on maps and data maintained by the Administrator. See Appendix 1.

Sec. 12-54 Infiltration

- (a) BMPs shall be designed, installed, and maintained to infiltrate runoff in accordance with Table 3.

Table 3. Infiltration Standards

Type of Development	Description of Development	Infiltration Requirements (Pre-development infiltration volume, based on an average) annual rainfall)	Limits (Max. % of post-construction site required for infiltration)
Low Imperviousness	Less than 40% connected imperviousness, such as parks, cemeteries, and low-density residential development	At least 90%	No more than 1%
Moderate Imperviousness	40% to 80% connected imperviousness, such as medium and high density residential, multi-family development, industrial and institutional development, and office parks	At least 75%	No more than 2%
High Imperviousness	More than 80 % connected imperviousness, such as commercial strip malls, shopping centers, and commercial downtowns	At least 60%	No more than 2%

- (b) *Pre-Development.* Pre-development condition shall be as specified in Table 2. **Note:** A model that calculates runoff volume, such as SLAMM, P8, or an equivalent methodology may be used. Infiltration computations for infiltration BMPs may use Recarga or an equivalent methodology.
- (c) *Groundwater Protection.*
- (1) Infiltration systems designed in accordance with this section shall, to the extent technically and economically feasible, minimize the level of pollutants infiltrating to groundwater and shall maintain compliance with the preventive action limit at a point of standards application in accordance with Wis. Adm. Code § NR 140. However, if site specific information indicates that compliance with a preventive action limit is not achievable, the infiltration BMP may not be installed or shall be modified to prevent infiltration to the maximum extent practicable.

- (2) Notwithstanding sub. (c)(1) above, the discharge from BMPs shall remain below the enforcement standard at the point of standards application.
- (d) *Pre-treatment.* Before infiltrating runoff, pretreatment shall be required for parking lot runoff and for runoff from new road construction in commercial, industrial, and institutional areas that will enter an infiltration system. The pretreatment shall be designed to protect the infiltration system from clogging prior to scheduled maintenance and to protect groundwater quality in accordance with sub.(c). Pretreatment options include, but are not limited to, oil and grease separation, sedimentation, biofiltration, filtration, swales, or filter strips.
- (e) *Prohibited Areas.* Runoff from the following source areas shall not be infiltrated and will not qualify as contributing to meeting the requirements of this section unless demonstrated to meet the conditions of sub. (c):
- (1) Areas associated with a tier 1 industrial facility identified in Wis. Adm. Code § NR 216.21(2)(a), including storage, loading, and parking facilities. Rooftops may be infiltrated.
 - (2) Open storage and loading areas of a tier 2 industrial facility identified in Wis. Adm. Code § NR 216.21(2)(b).

Note 1: Runoff from the employee and guest parking and rooftop areas of a tier 2 facility may be infiltrated, but runoff from the employee and guest parking area may require pretreatment.

Note 2: Rooftops of fueling and vehicle maintenance areas may be infiltrated with the concurrence of the Administrator.

Sec. 12-55 Restrictions on the Location of Infiltration Practices

- (a) *Prohibitions.* Infiltration practices may not be located in the following areas:
- (1) Areas within 1,000 feet up gradient or within 100 feet down gradient of direct conduits to groundwater. These include wells, sinkholes, springs, seeps, swallets, fractured bedrock at the surface, mine shafts, nonmetallic mines, tile inlets discharging to groundwater, quarries, or depressional groundwater recharge areas over shallow fractured bedrock.
 - (2) Areas within 400 feet of a community water system well as specified in Wis. Adm. Code § NR 811.16(4) or within the separation distances listed in Wis. Adm. Code § NR 812.08 for any private well or non-community well for runoff infiltrated from commercial, including multi-family residential, industrial, and institutional land uses or regional devices for one- and two-family residential development.
 - (3) Areas where contaminants of concern, as defined in Wis. Adm. Code § NR 720.03(2), are present in the soil through which infiltration will occur.
- (b) *Separation from groundwater and bedrock.* Infiltration practices shall be located so that the characteristics of the soil and the separation distance between the bottom of the infiltration system and the elevation of seasonal high groundwater or the top of bedrock are in accordance with Table 4.

Table 4. Separation Distances and Soil Characteristics

Source Area	Separation Distance	Soil Characteristics
Industrial, Commercial, Institutional Parking Lots and Roads	5 feet or more	Filtering Layer
Residential Arterial Roads	5 feet or more	Filtering Layer
Roofs Draining to Subsurface Infiltration Practices	1 foot or more	Native or Engineered Soil with Particles Finer than Coarse Sand
Roofs Draining to Surface Infiltration Practices	Not Applicable	
All Other Impervious Source Areas	3 feet or more	Filtering Layer

Note: Notwithstanding the separation distances identified in Table 4 under subs. (b), applicable requirements for injection wells classified under Wis. Adm. Code Ch. NR 815 shall be followed.

- (c) *Infiltration Rate Exemptions.* Practices located in the following areas are required to meet the infiltration requirements to the maximum extent practicable:
- (1) Where the infiltration rate of the soil measured at the proposed bottom of the infiltration system is less than 0.6 inches per hour using a scientifically credible field test method.
 - (2) Where the least permeable soil horizon to 5 feet below the proposed bottom of the infiltration system using the U.S. Department of Agriculture method of soils analysis is one of the following: sandy clay loam, clay loam, silty clay loam, sandy clay, silty clay, or clay.
- (d) *Alternate Use.* Where alternate uses of runoff are employed, such as for toilet flushing, laundry or irrigation or storage on green roofs where an equivalent portion of the runoff is captured permanently by rooftop vegetation, such alternate use shall be given equal credit toward the infiltration volume required by this section.

Sec. 12-56 Closed Depressions

Areas identified as Significant Closed Depressions shall be protected from development to retain existing stormwater attenuation capacity. When disturbance within a Significant Closed Depression is proposed, mitigation hydrology to retain storage capacity and infiltration of the depression shall be required. To achieve mitigation, all of the following items are required:

- (a) Disturbance to the Significant Closed Depression is to be avoided and minimized to the greatest extent possible,
- (b) Equivalent replacement runoff storage and groundwater infiltration capability is to be developed,
- (c) Replacement storage and infiltration is to be provided physically as close as practicable to the impacted

recharge area and in the watershed of the same receiving water,

- (d) Replacement storage and infiltration capability is to be developed prior to the disturbance,
- (e) Design of the replacement storage and infiltration features shall be developed by a registered Professional Engineer,
- (f) Proposals are subject to soil limitations in sec. 12-55(b) of this chapter.

Sec. 12-57 Protective Areas

- (a) Table 5 provides a list of protective areas and protective distances for each type of protective area.

Table 5: Protective Areas

	Protective Area	Protective Distance
1.	Outstanding resource waters and exceptional resource waters, and for wetlands in areas of special natural resource interest as specified in Wis. Adm.	75 feet
2.	Perennial and intermittent streams identified on a United States geological survey 7.5-minute series topographic map, or a county soil survey map, whichever is more current.	50 feet
3.	Lakes	50 feet
4.	Wetlands that are not <i>Highly Susceptible Wetlands</i> (item 5.) or <i>Less Susceptible Wetlands</i> (item 6.)	50 feet
5.	Highly susceptible wetlands. Highly susceptible wetlands include the following types: fens, sedge meadows, bogs, low prairies, conifer swamps, lowland hardwood swamps, and ephemeral ponds	75 feet
6.	Less susceptible wetlands. Less susceptible wetlands include degraded wetlands dominated by invasive species such as reed canary grass; cultivated hydric soils; and any gravel pits, or dredged material or fill material disposal sites that take on the attributes of a wetland.	10 % of the average wetland width, but not less than 10 feet nor more than 30 feet.
7.	Concentrated flow channels with drainage areas greater than 130 acres.	10 feet

Note 1: For items 4, 5, and 6, above, determinations of the extent of the protective area adjacent to wetlands shall be made on the basis of the sensitivity and runoff susceptibility of the wetland in accordance with the standards and criteria in Wis. Adm. Code § NR 103.03.

Note 2: Wetland boundary delineation shall be made in accordance with Wis. Adm. Code § NR 103.08(1m). This paragraph does not apply to wetlands that have been completely filled in compliance with all applicable state and federal regulations. The protective area for wetlands that have been partially filled in compliance with all applicable state and federal regulations shall be measured from the wetland boundary delineation after fill has been placed. Where there is a legally authorized wetland fill, the protective area standard need not be met in that location.

Note 3: Where rivers, streams, lakes, and wetlands are contiguous, the greatest protective distance in Table 5 under this section shall apply.

(b) For development within or adjacent a protective area, the following requirements shall be met:

- (1) Impervious surfaces shall be kept out of the protective area to the maximum extent practicable. If there is no practical alternative to locating an impervious surface in the protective area, the stormwater management plan shall contain a written, site-specific explanation.
- (2) Where land disturbing construction activity occurs within a protective area, and where no impervious surface is present, adequate sod or self-sustaining vegetative cover of 70% or greater shall be established and maintained. The adequate sod or self-sustaining vegetative cover shall be sufficient to provide for bank stability, maintenance of fish habitat and filtering of pollutants from upslope overland flow areas under sheet flow conditions. Non-vegetative materials, such as rock riprap, may be employed on the bank as necessary to prevent erosion, such as on steep slopes or where high velocity flows occur.

Note: It is recommended that seeding of non-invasive vegetative cover be used in protective areas. Vegetation that is flood and drought tolerant and can provide long-term bank stability because of an extensive root system is preferable.

- (3) BMPs such as filter strips, swales, or wet detention basins that are designed to control pollutants from non-point sources may be located in the protective area.

Note: Compliance with chapter 30, Wis. Stats. and Wis. Adm. Code Chapters NR 103, 115, 116 and 117 may additionally be required in the protective area.

(c) *Exemptions.* The requirements under this section do not apply to:

- (1) Except as provided under Wis. Adm. Code § NR 151.121(5), redevelopment post-construction sites.
- (2) In-fill development areas less than 5 acres in size.
- (3) Structures that cross or access surface waters such as boat landings, bridges and culverts.
- (4) Structures constructed in accordance with Wis. Stat. § 59.692(1v).
- (5) Areas of post-construction sites from which runoff does not enter the surface water, including wetlands, without first being treated by a BMP to meet the post-construction requirements for total suspended solids and for peak runoff discharge, except to the extent that vegetative groundcover is necessary to maintain bank stability.

Sec. 12-58 Swale Treatment for Transportation Facilities

- (a) *Applicability.* Except as provided in sub.(b) below, transportation facilities that use swales for runoff conveyance and pollutant removal meet all of the requirements of this section, if the swales are designed to the maximum extent practicable to do all of the following:

- (1) Be vegetated. However, where appropriate, non-vegetative measures may be employed to prevent erosion or provide for runoff treatment, such as rock riprap stabilization or check dams.

Note: It is preferred that tall and dense vegetation be maintained within the swale due to its greater effectiveness at enhancing pollutant removal from runoff.

- (2) Swales shall comply with Wisconsin DNR technical standard 1005, "Vegetated Infiltration Swale", dated May, 2007, except as otherwise authorized in writing by the Administrator.

- (b) *Exemptions.* The Administrator may, consistent with water quality standards, require additional provisions of article V of this chapter be met on a transportation facility with an average daily travel of vehicles greater than 2,500, where the area generating the runoff is a non-commercial site, and where the initial surface water of the state that the runoff directly enters is any of the following:

- (1) An outstanding resource water.
- (2) An exceptional resource water.
- (3) Waters listed in section 303(d) of the Federal Clean Water Act that are identified as impaired in whole or in part, due to nonpoint source impacts.
- (4) Waters where targeted performance standards are developed under Wis. Adm. Code NR 151.004 to meet water quality standards.

Sec. 12-59 Regional Treatment

- (a) To comply with the post-construction stormwater management standards of this chapter, BMPs may be located on-site or off-site as part of a regional stormwater device, practice or system.
- (b) The Administrator may approve off-site post-construction stormwater management measures, provided that all of the following conditions are met:
 - (1) The Administrator determines that the post-construction runoff is covered by a stormwater management system plan that is approved by the Administrator and that plan contains management requirements consistent with the purpose and intent of this chapter.
 - (2) The off-site facility meets all of the following conditions:
 - (a) The off-site facility is in place.
 - (b) The off-site facility is designed and adequately sized to provide a level of stormwater control equal to or greater than that which would be afforded by on-site practices meeting the performance standards of this chapter.
 - (c) The off-site facility has a legally obligated entity responsible for its long-term operation and maintenance.

Sec. 12-60 Fueling and Vehicle Maintenance Areas

Fueling and vehicle maintenance areas shall have BMPs designed, installed and maintained to reduce petroleum within runoff, such that, to the maximum extent practicable, the runoff that enters waters of the state contains no visible petroleum sheen.

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Note: A combination of the following BMPs may be used: oil and grease separators, canopies, petroleum spill cleanup materials, or any other structural or non-structural method of preventing or treating petroleum in runoff.

Sec. 12-61 Post-Construction Stormwater Management Specifications

The stormwater management plan shall include all of the items listed in Article III. of this chapter for both pre-construction and post-construction site conditions and, at a minimum, the following items:

- (a) Narrative:
 - (1) Hydrology and pollutant loading computations, as needed, to show compliance with performance standards. All major assumptions used in developing input parameters shall be clearly stated. The computations shall be made for each discharge point in the development, and the geographic areas used in making the calculations shall be clearly cross-referenced to the required map(s).
 - (2) Explanation of any restrictions on stormwater management measures in the development area imposed by wellhead protection plans and ordinances.
 - (3) Results of investigations of soils and groundwater required for the placement and design of stormwater management measures.
 - (4) Infiltration system design information as described in the Wisconsin Department of Natural Resources Infiltration System Site Evaluation Standard.
 - (5) A description and installation schedule for the stormwater management practices needed to meet the technical and performance standards in Article V of this chapter.
- (b) Construction plans shall include all of the items listed in Article III. of this chapter for both pre-construction and post-construction site conditions and, at a minimum, the following items:
 - (1) Watershed boundaries used in hydrology determinations to show compliance with performance standards in Article V of this Chapter;
 - (2) Locations of maintenance easements specified in the maintenance agreement;
 - (3) Location and type of all stormwater management conveyance and treatment practices, including the on-site and off-site tributary drainage area;
 - (4) Location and type of conveyance system that will carry runoff from the drainage and treatment practices to the nearest adequate outlet such as a curbed street, storm drain, or natural drainage way;

- Draft
- (5) The minimum permissible Building Opening Elevation of structures exposed to the ground surface - defined as a minimum of six (6) inches above the maximum water elevation produced by the 100-year, 24-hour design storm event, and a description of how the building will not be inundated by the 100-year, 24-hour design storm event;
 - (6) Detailed drawings including cross- sections and profiles of all permanent stormwater conveyance and treatment practices.
 - (7) Locations of Soil investigation borings and/or test pits

Sec. 12-62 to 12-70 Reserved

ARTICLE VI. MAINTENANCE, MAINTENANCE AGREEMENTS, AND FINANCIAL GUARANTEE

Sec. 12-71 Maintenance and Maintenance Agreement

- (a) *Maintenance.* The responsible party shall maintain all BMPs throughout the duration of the construction activities as necessary to meet the requirements of this chapter until the site has undergone final stabilization.
- (b) *Maintenance Agreements Required.* A maintenance agreement shall be required for post-construction stormwater management practices. The maintenance agreement shall be entered into between Chippewa County and the responsible party and shall provide for maintenance of stormwater practices beyond the duration period of the permit issued under this chapter. The maintenance agreement shall be filed with the County Register of Deeds as a property deed restriction and shall be binding upon all subsequent owners of the lands within the approved stormwater management plans.
- (c) *Maintenance Agreement Provisions.* The maintenance agreement shall contain the following information and provisions and be consistent with the required maintenance plan:
 - (1) Identification of the stormwater facilities and designation of the drainage area served by the facilities.
 - (2) Designation of easements for drainage and stormwater facilities, and ingress and egress.
 - (3) A schedule for regular maintenance of each aspect of the stormwater management system consistent with the required post-construction stormwater management plan.
 - (4) Identification of the responsible party(s), organization or city, county, town or village responsible for long term maintenance of the stormwater management practices identified in the post-construction stormwater management plan.
 - (5) Requirement that the responsible party(s) shall maintain stormwater management practices in accordance with the schedule required in sub. (3), above.
 - (6) Authorization for the Administrator to access the property to conduct inspections of stormwater management practices as necessary to ascertain that the practices are being maintained and operated in accordance with the agreement.

- (7) A requirement that the Administrator:
- (a) Maintain public records of the results of site inspections,
 - (b) Inform the party(s) responsible for maintenance of the inspection results, and
 - (c) Specifically indicate any corrective actions required to bring the stormwater management practice into proper working condition.
- (8) A provision stating that the party(s) designated under sub. (4) as responsible for long term maintenance of the stormwater management practices shall be notified by the Administrator of maintenance deficiencies which require correction, and that the specified corrective actions shall be undertaken within a reasonable time frame as set by the Administrator.
- (9) A provision authorizing Chippewa County to perform the corrected actions identified in the inspection report if the responsible party designated under sub. (4) does not make the required corrections in the specified time period. Chippewa County or the municipality in which the facilities are constructed shall enter the amount due on the tax rolls and collect the amount as a special charge against the property pursuant to subchapter VII. of ch. 66, Wis. Stats.

Sec. 12-72 Financial Guarantee

- (a) *Establishment.* The applicant shall submit a financial guarantee, in a form and type acceptable to the Administrator. The financial guarantee shall be in an amount that represents the estimated cost of construction and site stabilization, as determined by the Administrator, plus an additional \$5,000 for the final submittal of all required documentation under sub. (4). The written financial guarantee instrument shall authorize Chippewa County to use the funds to complete the stormwater management practices if the responsible party defaults or does not properly implement the approved stormwater management plan, upon written notice to the responsible party by Chippewa County that the requirements of this chapter have not been met.
- (b) *Release.* Conditions for the release of the financial guarantee are as follows:
 - (1) Chippewa County shall release a portion of the financial guarantee established under this section, less any costs incurred by Chippewa County to complete installation of storm water facilities and conveyances. Chippewa County may make provisions for a partial pro-rata release of the financial guarantee based on the completion and documentation of key development phases.
 - (2) Chippewa County shall release a portion of the financial guarantee established under this section to assure construction of stormwater practices, less any costs incurred by Chippewa County, at such time that the responsibility for practice maintenance is transferred to another entity via an approved maintenance agreement.
 - (3) Release of a portion of the financial guarantee will be considered only after a minimum period of one year from the date of the establishment of the vegetative treatments. For practices that are dependent on permanent vegetative treatments, a standard of 70 percent vegetative cover will be used.

- (4) \$5,000 of the financial guarantee shall be released upon the submittal of the following to the Administrator:
- (a) Review and acceptance of the "as built plans" and certification as submitted by a registered Professional Engineer.
 - (b) A recorded copy of the approved Maintenance Agreement.

Sec. 12-73 to 12-80 Reserved

ARTICLE VII. ILLICIT DISCHARGE

Sec. 12-81 Prohibitions

- (a) *Discharges.* Except for storm water and other discharges specifically exempted under sec. 12-82, no discharge, spilling or dumping of substances or materials shall be allowed into receiving water bodies or onto driveways, sidewalks, parking lots, or other areas that drain into the storm drainage system. No discharges shall be in violation of Chapter 62 of the Chippewa County Code of Ordinances, or any other local, state or federal law.
- (b) *Connections.* The construction, use, maintenance or continued existence of illicit connections to the storm drainage system is prohibited. This prohibition expressly includes, without limitation, illicit connections made prior to the adoption of this chapter, regardless of whether the connection was permissible under law or whether the practice was applicable or prevailing at the time of connection.

Sec. 12-82 Exemptions

The following activities are exempt from the provisions of this article, unless they are found to have an adverse impact on the storm water or design functionality of any proposed BMP:

- (a) Discharges authorized by a permit issued by the Wisconsin Department of Natural Resources.
- (b) Discharges resulting from firefighting activities.
- (c) Discharges from clean runoff, as defined in sec. 12-09(10).

Sec. 12-83 Notice of Violation

- (a) The Administrator may order compliance by written notice of violation to the responsible party or property owner for any illicit discharge or connection. Such notice may require without limitation:
 - (1) The elimination of the illicit connection(s) or discharge(s);
 - (2) That violating discharges, practices, or operations shall cease and desist;
 - (3) The abatement or remediation of storm water pollution or contaminated hazards and the restoration of any affected property;

- (b) Any responsible party or property owner that fails to comply with a notice of violation under this article shall be subject to further enforcement actions of section 12-23.

Sec. 12-84 to 12-90 Reserved

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SW Ordinance Revisions

Section	Chippewa County Ordinance	DNR Model Ordinance/NR 151	Reason for deviation
12-9 (7)	Definition of Building Opening Elevation	Not Required	Used to prevent flooding of buildings from stormwater facilities
12-9 (10)	Clean runoff definition	MS4 Permit requirement	Used in enforcement of illicit discharge (Copied from Eau Claire (EC) County Ordinance)
12-9 (17)	Direct Discharge definition	MS4 Permit requirement	Used in enforcement of illicit discharge (Copied from EC County Ordinance)
12-9 (18)	Discharge definition	MS4 Permit requirement	Used in enforcement of illicit discharge (Copied from EC County Ordinance)
12-9 (26)	Illicit connection definition	MS4 Permit requirement	Used in enforcement of illicit discharge (Copied from EC County Ordinance)
12-9 (42)	Outfall definition	MS4 Permit requirement	Used in enforcement of illicit discharge (Copied from EC County Ordinance)
12-9 (50)	Pollutant definition	MS4 Permit requirement	Used in enforcement of illicit discharge (Copied from EC County Ordinance)
12-9 (51)	Pollution definition	MS4 Permit requirement	Used in enforcement of illicit discharge (Copied from EC County Ordinance)
12-9 (54)	Premises Definition	Not Required	In relation to special inspection warrants
12-9 (62)	Significant Closed Depression Definition	Not Required	In relation to closed depression, flood protection, and groundwater recharge protection
12-9 (65)	Storm sewer definition	MS4 Permit requirement	Used in enforcement of illicit discharge (Copied from EC County Ordinance)
12-9 (77)	Watercourse	Not defined	Clarification of watercourse definition in waters of the state
12-21 (c)(2) & (3)	Timeline for review and submittal of additional information	Not Required	To aid in timely review and approval of permits
12-21 (d) (12)	As-built requirements and submittal timeline	Not Required	Clarification of as-built submittal requirements and timeline to submit after installation of practices
12-24	Special Inspection Warrants	Not Required	Enforcement practice of Chippewa County
12-32 (d)	Construction Quality Assurance Plan Required	Not Required	To ensure quality control and inspection of critical items during construction and to facilitate good communication and expectation between the County, Engineer, Developer, and Contractor
12-41 (b) (2)	WISDot Erosion Control Product Acceptability Lists	Not Required	Listed in Technical Standards and used to provide clarity of applicability and acceptability of BMP's
12-53(a)	10-year, 25- year, and 100- year, 24-hour duration design storms	1-year and 2-year required	LCFM included additional storm events to check for flooding of near by buildings and decreased stormwater discharge from the site.
12-53 (b) Note	Composite CN's	Not Required	From the Modeling Post-Construction Storm Water Management Treatment DNR Guidance #20
12-56	Closed Depression	Not Required	To protect closed depressions from development to retain existing to retain existing stormwater attenuation capacity (flood protection and groundwater recharge)
12-61 (b) (5)	Building Opening Elevation	Not Required	Used to prevent flooding of buildings from stormwater facilities
12-72 (b) (4)	Submittal of documents for Financial Guarantee Release	Not Required	Documents that need to be provided and recorded for financial guarantee release
Article VII 12-81 through 12-83	Illicit Discharge	MS4 Permit requirement	Copied from EC County and verified with MS4 Permit Conditions



STATEMENT OF EXPLANATION

Ordinance No. 05 - 23

ORD. 05-23: ORDINANCE TO AMEND CHAPTER 16 - COUNTY FOREST LANDS OF THE CHIPPEWA COUNTY CODE OF ORDINANCES - FIRST READING - MATT HANSEN

The Chippewa Valley ATV Council (CVATVC) has requested that Section 16 - 9(f)(4) of the Chippewa County Code of Ordinances, which governs the opening and closure of the ATV/UTV trail, be amended from the current set closure date of November 15 to a shifting date of the Monday prior to Wisconsin's traditional deer gun season. Passage of these ordinance amendments would allow hunters more time to use the trail prior to the traditional hunting season and provide CVATVC with more time to conduct end of year maintenance on the trail.

Passage of these ordinance amendments would also clarify recent actions taken by the Land Conservation & Forest Management Committee regarding the sale or entry of Type B Tax Deed lands into County Forest Law and application of this ordinance to those lands.

Finally, passage of these ordinance amendments would correct typographical errors and outdated ordinance references, integrate current County purchasing policy, and revise ATV Routes & mileages.

Ordinance No. 05 - 23

**ORD. 05-23: ORDINANCE TO AMEND CHAPTER 16 - COUNTY FOREST LANDS OF THE
CHIPPEWA COUNTY CODE OF ORDINANCES - FIRST READING - MATT HANSEN**

SEE ATTACHMENT

FINANCIAL IMPACT:

There is no fiscal impact to Chippewa County by passage of these ordinance amendments.

08/16/2023	Land Conservation & Forest Management Committee	
RESULT:	FORWARD TO COUNTY BOARD [UNANIMOUS]	Next: 9/12/2023 6:00 PM
MOVER:	Matthew Peterson, District 10	
SECONDER:	Jason Bergeron, District 7	
AYES:	Schmitt, Bomar, Bischel, Bergeron, Peterson, Pingel	
ABSENT:	James Flater	

Approved as to Form:

Todd A. Pauls
Todd A. Pauls, Corporation Counsel

7/20/2023

Lori Zwiefelhofer
Lori Zwiefelhofer, Finance Director

7/24/2023

Randy B. Scholz
Randy B. Scholz, County Administrator

7/24/2023

ORDINANCE TO AMEND CHAPTER 16 – COUNTY FOREST LANDS OF THE CHIPPEWA COUNTY CODE OF ORDINANCES

1. That Chapter 16 – County Forest Lands of the Chippewa County Code of Ordinances is amended as follows:

Chapter 16 COUNTY FOREST LANDS*

***Cross references:** ~~Buildings and building regulations, ch. 10; environment, ch. 30; land division, ch. 38; parks and recreation, ch. 50; shoreland zoning, ch. 54; zoning, ch. 70~~ Parks, Ch 50; Traffic and Vehicles, Ch 58.

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| Sec. 16-1. | Purpose. |
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| Sec. 16-8. | Legal action. |
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| Sec. 16-10. | ATV Routes on County Forest Roads. |

~~On March 13, 2012, the County Board adopted ordinance revisions to codify Resolution No. 39-11, which restructured the County Board committees, boards, and commissions in anticipation of the downsizing of the County Board from 29 to 15 supervisors. Not all ordinance subsections were revised, but those subsections that had material changes will be specifically designated at the end of those subsections.~~

Sec. 16-1. Purpose.

The purpose of this chapter is to prescribe rules and regulations for the administration of county powers and duties, as provided in Wis. Stats. chs. 26, 28, 29, 59 and 77, under which the County Board of Supervisors is granted specific powers relative to the establishment, protection, development and management of county forests to provide sustained yield of forest products for commercial use and the associated benefits of soil and water conservation, scenic values and fish and game resources; all in cooperation with the state department of natural resources.

(Code 1980, § 22.01)

Sec. 16-2. Designation of county forests.

All county-owned forest lands now held or hereafter acquired for forestry purposes by the county are established and designated as county forests. Such lands shall be shown on the official county forest map displayed in the Department of Land Conservation and Forest Management, the courthouse and, according to the records of the County Forest Administrator. It is the intent of the County Board to consolidate county forest holdings as lands are acquired by the county within the above identified areas and that application to enter such lands under the Wisconsin County Forest ~~Crop~~-Law shall be filed.

- (a) ~~Effective April 17, 2012, t~~The following county properties shall be managed by the Department of Land Conservation and Forest Management as part of the county forest:

- ~~(1) Gilberts.(1) — Pine Harbor Woods~~
- ~~(2) Harold Walters.(2) — Yellow River Woods~~
- ~~(3) Kempers.(3) — Riverview Conservancy and Public Institutional Use Area~~
- ~~(4) Otter Lake.(4) — Bass Lake No. 2 public access.~~
- ~~(5) Peterlik.(5) — Bass Lake No. 3 public access.~~
- ~~(6) Pine Harbor.(6) — Lowland Lake public access.~~
- ~~(7) Round Lake.(7) — Bradley Lake public access.~~
- ~~(8) Yellow River.(8) — Townline Lake public access.~~
- ~~(9) — Horseshoe Lake public access.~~

(Code 1980, § 22.02) (Ord. No. 05-12, 03-12-2012)

Sec. 16-3. Committee appointment.

The County Board grants administration of county forestry holdings to the Land Conservation and Forest Management Committee of the County Board, hereinafter referred to as the "committee."

(Code 1980, § 22.03) (Ord. No. 05-12, 03-12-2012)

Sec. 16-4. Powers and duties of the committee.

The committee shall have the following powers and duties to be implemented by the Department of Land Conservation and Forest Management:

- (1) Acquire lands within county forest areas by purchase, gift or bequest, or by exchange of county-owned lands outside such areas for the purpose of blocking the forest for better administration.
- (2) Make application for entry under the state county forest ~~crop~~ law as lands are acquired within the county forest boundary areas.
- (3) Provide policy oversight and direction to the Department of Land Conservation and Forest Management, ~~and~~ designate a county forest administrator as its agent, and ~~to~~ employ ~~such other competent~~ personnel as may be necessary to direct, perform and enforce the administrative and management functions of this chapter.
- (4) Establish and maintain in appropriate centers a forest headquarters for office space and housing of machinery, tools, equipment and supplies needed in conducting forestry operations.

- (5) Purchase, acquire, sell, trade or dispose of instruments, tools, equipment and supplies required for the operation of the forest. Items ~~costing more than \$1,000.00~~ shall be purchased ~~by competitive bid~~ according to Chippewa County Purchasing Policy 310 ~~Wis. Stats. § 59.52(29)~~.
- (6) Cooperate with the Department of Natural Resources (hereafter DNR) in preparing budgets for county forest administration, capital and direct expenditures of forestry funds advanced by the DNR and for the other revenues accruing to the county under this chapter for submission to the County Board.
- (7) Do all things necessary for the protection of the forest whether from fire, insects, disease, trespass or from damage from animals or from other causes in cooperation with the DNR in all such related matters.
- (8) Regulate the disposal of slash.
- (9) In conjunction with the Planning and Zoning Department, locate survey lines and appropriate monument corners of county forest lands.
- (10) Construct, improve and maintain a system of forest roads, trails and fire breaks, and purchase or secure easements for access ways required to cross privately owned lands.
- (11) Issue permits for private access roads across county land with safeguards to protect the county interest.
- (12) Issue easements for utility lines and town roads across county land with such safeguards as are necessary to protect the county interest.
- (13) Within the county forest lands, gate or block roads and trails with gates, cables, rails, posts, earthen embankments or other material. Unauthorized motor vehicles shall be prohibited from travel on roads or trails so gated except for winter snowmobiling activities.
- (14) Conduct forest improvement work including reforestation, release cuttings, thinnings, pruning and weeding by prescribed methods, including spraying or dusting of chemicals by airplane or other methods and to dispose of all salvageable forest products.
- (15) Cooperate with the DNR in the determination of the allowable annual cut and in establishment of ~~an intensive a~~ county forest management plan, including an inventory of growing stock and increment, establishment of cutting compartments, regulation of annual cut by acreage control and other ~~necessary required~~ items for ~~such a the~~ plan.
- (16) Conduct timber sales in cooperation with the DNR and in accordance with the county forest management plan.
- (17) Establish, construct and maintain, wherever desirable within the forest, picnic grounds, waysides, camps and campsites, public access roads and boat landings, scenic areas, and nature trails. ~~and d~~ Designate, mark and preserve places of natural or historic interest and significance.

- (18) Cooperate with the DNR on all matters relating to game and fish management within the county forest on which a memorandum of understanding between the County Board and the DNR is in existence.
- (19) Enter into agreements with forest experiment stations, the University of Wisconsin system or other universities with the endorsement of, or directly with, the DNR for the use of tracts of county forest lands, labor, materials and equipment for conducting forest research.
- (20) Do special forest or recreation development work on other public lands not included in the county forest, including such lands as school forests, community forests, county parks, watersheds, reduction of hazards, public highways and similar projects under the county -forestry fund as set up in section 16-6.
- (21) Grant permits to prospect for ore or minerals upon county lands under the jurisdiction of the committee, subject to the approval of the County Board and the DNR.
- (22) Prepare and present an annual report-plan of its activities to the County Board.

(Code 1980, § 22.04) (Ord. No. 05-12, 03-12-2012)

Sec. 16-5. County Fforest-crop law administration.

After the county forest ~~crop~~-law applications for entry have been prepared and approved by the committee, the clerk shall, after verifying county ownership of the listed lands, execute the applications and forward them to the DNR within the date limits prescribed by the department of natural resources for each year's applications. Withdrawal of lands entered under the county forest law shall be in the manner prescribed by Wis. Stats. § 28.11. No deed to any description of forest crop land shall be issued prior to recording of an order of withdrawal with the register of deeds.

(Code 1980, § 22.05) (Ord. No. 05-12, 03-12-2012)

Sec. 16-6. Forest finances.

- (a) All allotments from the state DNR, to the county under Wis. Stats. § 28.11(8)(b), for the purchase, development preservation and maintenance of county forest, shall be deposited in the state aid forestry fund. Income from the sale or rental of lands or equipment purchased with state aid funds shall be restored to this fund. All unexpended funds shall be non-lapsing.
- (b) All moneys received from the sale of timber stumpage, cut forest products, fees and use permits, sale of building materials, sale of surplus materials and equipment, or other revenues received by the Department of Land Conservation and Forest Management, except income specific in subsection (a) of this section, shall be deposited in the county forest revenue account.
- (c) The Department of Land Conservation and Forest Management shall prepare a budget of sums required for operations under this chapter and when the sums are appropriated by the County Board, they may be expended by the Department of Land Conservation and Forest Management for the purposes covered by this chapter.
- (d) All moneys appropriated for purposes of this chapter shall be deposited in the appropriate forestry fund.

(Code 1980, § 22.06) (Ord. No. 05-12, 03-12-2012)

Sec. 16-7. County forest and type B tax deed land use regulations.

(a) *Recreational use.*

- (1) The committee may designate suitable areas for forest campsites, picnic grounds, waysides and boat access and is authorized to provide needed conveniences including wells and sanitary facilities. Such areas shall be for public use as prescribed by the committee.
- (2) Overnight camping including tents, trailers, cars and trucks, portable hunting or fishing cabins may be permitted in the county forest without charge for a period not to exceed two weeks time. This is not to include designated campgrounds where full facilities are provided where a charge for camping may be made, nor does it include any areas of the forest designated as "no camping areas" by the committee. Any camper or campers who violate the rules and regulations of this chapter or of good conduct, including cutting or defacing timber, carelessness with fire, violation of game and fishing laws of the state or improper disposal of garbage and litter shall be subject to ejection from the county forest and subject to the penalties provided by county and state law.
- (3) The use of firearms, airguns, slingshots or bows and arrows is prohibited in designated recreation areas, except on permit issued by the committee. Persons using county forest facilities must observe all county rules and regulations posted in the areas.
- (4) The dumping or leaving of rubbish, litter, debris, dirt, stone or any other material is prohibited on all county forest lands.

~~(5) — Refer to chapter 30, article III of this Code for specific regulations regarding the recreational aspects of the county forest.~~

(b) *Timber cutting.*

- (1) Cultural cuttings shall include thinnings, release cuttings, sanitation cuttings and improvement cuttings to remove trees of inferior species, form or condition for the purpose of stand improvement. All cultural cuttings on the county forest shall be in accordance with plans made by, or under the supervision of, the ~~assistant~~ area forester of the ~~staff of the~~ DNR. Materials cut in such operations by county crews shall be used by the forestry office or given to other county agencies for their use or sold, as the committee shall determine. When given to other public agencies, the latter shall pay the county a sum equal to the severance tax thereon.
- (2) Salvage cuttings shall include the cutting of timber damaged by fire, storm, insect or disease. Salvage cutting shall be done under the procedures specified for cultural cutting or for commercial cutting. Policy concerning the cutting of firewood for personal use by an individual shall be established by the committee as deemed necessary.
- (3) Commercial cuttings shall include all cutting where stumpage is sold under contract in which the primary objective of the cutting is the marketing of the timber products,

including logs, ties, poles, posts, pulpwood, piling, Christmas trees and boughs or other forest products.

- a. Proposed timber sales shall be submitted to the committee by the county forest administrator after all provisions relating to forestry practices have been endorsed by the area forester of the DNR.
- b. Contract specifications for each cutting operation pertaining to payment and financial responsibility of the bidder shall be determined by the committee in consultation with the county forest administrator and the DNR forester.
- c. After approval of any sale by the committee, a notice of intention to cut shall be prepared as provided by Wis. Stats. § 28.11(6)(b)3 and office of the DNR. Cutting operations shall not be started until cutting notice approval is received by the county.
- d. All timber sales shall conform with the provisions of Wis. Stats. § 28.11(6) and amendments thereto.
- e. Payment for forest products shall be made promptly after billing. Prepayment and other payment arrangements may be arranged with the approval of the committee.

(Code 1980, § 22.07) (Ord. No. 05-12, 03-12-2012)

Sec. 16-8. Legal action.

- (a) *Criminal action.* Whenever an arrest shall have been made for unlawful cutting on land owned by the county or on which the county holds a tax certificate, the district attorney shall take appropriate action under provisions of Wis. Stats. ch. 26 or any amendment thereof.
- (b) *Seizure.* Whenever forest products are known to have been unlawfully severed from county lands, the sheriff may on satisfactory evidence seize such materials pursuant to Wis. Stats. § 26.06, for use by the county or sale as the committee may determine.
- (c) *Civil action.* Whenever evidence of unlawful cutting on any county lands shall be lodged with the district attorney, he shall on recommendation of the committee bring suit to recover damages as provided by Wis. Stats. § 26.09. Similarly, civil suit shall be brought against parties responsible for forest fire damage under Wis. Stats. § 26.21.
- (d) *Cooperation.* The committee and its appointed administrative agent shall have the duty to secure information and to seek the cooperation of state, county and town officers in securing information required for legal action.
- (e) *Penalties.* Any person violating any of the provisions of this chapter shall be subject to a forfeiture of not less than \$~~25~~100.00 nor more than \$~~200~~500.00 together with the costs of action and a penalty assessment where applicable and in default of payment thereof, to imprisonment in the county jail until such forfeiture and costs be paid, but for not more than 30 days, or until otherwise discharged pursuant to law.

(Code 1980, § 22.10)

Sec. 16-9. Restricted use of vehicles.

- (a) *Applicability.* The provisions of this section shall apply to all land that is owned, leased or administered by the county and designated as county forest land pursuant to section 16-2, including all designated trails and county forest roads as defined in subsection (b)(6) on county forest land.
- (b) *Definitions.* The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:
- (1) *All-terrain vehicle* has the meaning given in Wis. Stats. §340.01(2g).
 - (2) *All-terrain vehicle route* means a highway or sidewalk designated for use by all-terrain vehicle operators by the governmental agency having jurisdiction over such route.
 - (3) *All-terrain vehicle trail* means a marked corridor on public property or on private lands subject to public easement or lease, designated for use by all-terrain vehicle operators by the governmental agency having jurisdiction over such trail.
 - (4) *Motorcycle* ~~has the meaning given in Wis. Stats §340.01(32) means a motor vehicle, excluding a tractor or all terrain vehicle, which is capable of speeds in excess of 30 miles per hour with a 150 pound rider on a dry, level, hard surface with no wind, with a power source as an integral part of the vehicle and having either two wheels in tandem or three wheels.~~
 - (5) *County forest land* means any land that is owned, leased or administered by the county, and designated as county forest pursuant to section 16-2.
 - (6) *County forest road* means a public highway within county forest land with a minimum roadway width of 20 feet and a surface width of 16 feet which is authorized, approved and maintained for public motor vehicle use for which the county receives transportation aids from the state department of transportation, in accordance with Wis. Stats. § 86.315.
 - (7) *Motor vehicle* has the meaning given in Wis. Stats. § 340.01(35).
 - (8) *Vehicle* has the meaning given in Wis. Stats. § 340.01(4).
 - (9) *Operator* has the meaning given in Wis. Stats. § 340.01 (41).
 - ~~(10) —Operate means to drive or be in actual physical control of a vehicle.~~
 - ~~(1110)~~ *Park or parking* has the meaning given in Wis. Stats. § 340.01(42m).
 - ~~(1211)~~ *Snowmobile* has the meaning given in Wis. Stats. § 340.01(58a).
 - ~~(1312)~~ *Recreational vehicle* has the meaning given in Wis. Stats. § 340.01(48r).

- (c) *Adoption of state statute and code.* Wis. Stats. § 23.33, and ch. 895 and Wis. Admin. Code NR ch. 64, and any future amendments, are hereby adopted by reference and made a part of this section as if fully set forth herein.
- (d) *Restricted use of motor vehicles.* Except as provided under subsection (k), no person, shall operate any motor vehicle in any manner:
- (1) Upon any county forest land other than the surface area of designated county forest roads as defined under subsection (b)(6);
 - (2) Upon any gated county forest road contrary to posted notice; or
 - (3) That causes soil erosion or other damage to county forest land or any county property thereon.
- (e) *Restricted use of motorcycles.* Except as provided under subsection (k), no person shall operate a motorcycle on county forest land, subject to the following: Licensed motorcycles may be operated on the surface area of designated county forest roads as defined under subsection (b)(6).
- (f) *Restricted use of all-terrain vehicles.* Except as provided under subsection (k), no person shall operate an all-terrain vehicle on county forest land, subject to the following:
- (1) All-terrain vehicles may be operated on designated all-terrain vehicle trails.
 - (2) No person shall operate an all-terrain vehicle at a speed in excess of ten miles per hour on any portion of a designated all-terrain vehicle trail that is posted with caution signs consisting of black symbols or letters on yellow backing.
 - (3) Operators of all-terrain vehicles must abide by all regulatory trail signs.
 - (4) No person shall operate an all-terrain vehicle on any designated all-terrain vehicle trail at such times that such trail is closed. Such designated trails shall generally be open from May 1 to ~~November 15~~ of the Monday prior to Wisconsin's traditional deer gun season each year. The Director of Land Conservation and Forest Management may, in ~~his or her sole~~ their discretion, close such designated all-terrain vehicle trails at such other times in furtherance of ~~his or her~~ their duties.
- (g) *Restricted use of all-terrain vehicles during deer gun season.* No person shall operate an all-terrain vehicle on county forest land during deer gun season, except as follows:
- (1) No person shall operate all-terrain vehicles during the hunting hours of deer gun season each year as such season and hours are established by the state department of natural resources.
 - (2) During the deer gun season, operation of an all-terrain vehicle is permitted on designated all-terrain vehicle trails after hunting hours and up to midnight of each day and for the sole purpose of retrieving a deer carcass.

- (h) *Obstructions.* No person shall place, park, stop or leave standing, whether attended or unattended, any vehicle, recreational vehicle, snowmobile, watercraft, or obstruction, on county forest land in any manner:
- (1) That blocks, or limits the use of the public of any county forest road, trail, parking lot, boat landing, waterway or winter sport facility; or
 - (2) That causes soil erosion or other damage to county forest land or any county property thereon.
- (i) *Abandoned vehicles.* No person shall leave any vehicle, recreational vehicle, snowmobile or watercraft unattended on any county forest land for more than 48 hours and under such circumstances as to cause the vehicle to reasonably appear to be abandoned. Such abandoned vehicle, recreational vehicle, snowmobile or watercraft shall constitute a public nuisance. Any person who violates or refuses to comply with the provisions of this subsection shall be subject to a forfeiture of not less than \$100.00 nor more than \$200.00 per offense, together with court costs and assessments. The owner of an abandoned vehicle, recreational vehicle, snowmobile or watercraft, except a stolen vehicle, recreational vehicle, snowmobile or watercraft shall be responsible for the abandonment and all costs of impounding and disposing of the vehicle, recreational vehicle, snowmobile or watercraft. The impoundment and disposal of an abandoned vehicle, recreational vehicle, snowmobile or watercraft under this section shall be conducted pursuant to the provisions of Wis. Stat. § 342.40 for the impoundment and disposal of an abandoned motor vehicle, trailer, semitrailer or mobile home. Costs not recovered from the sale of an abandoned vehicle, recreational vehicle, snowmobile or watercraft may be recovered by the county in a civil action against the owner.
- (j) *Trail gates and signs.* No person shall damage, destroy or remove any gate or sign on county forest land which is placed by the county.
- (k) *Snowmobiles restricted.*
- (1) Designated snowmobile trails on the county forest shall be kept clear of any unauthorized signs. No such signs shall be erected without the express written permission of the Department of Land Conservation and Forest Management or its authorized agent.
 - (2) Pursuant to Chapter 50, snowmobiles and other snow vehicles are permitted to be used in county parks, provided no problems or complaints arise from such action. Proper use of snow vehicles shall be in accord with Wis. Stats. ch. 350. Specific areas where snow vehicles are not to be used shall be clearly marked with signage by the Facilities and Parks Department or its assigns. (See also section 58-2.)
- (l) *Exceptions.*
- (1) Nothing in this section shall prohibit or hinder the County Department of Land Conservation and Forest Management, law enforcement or medical emergency personnel from performing their official duties on county forest land.
 - (2) The ~~Director of the Department of Land Conservation and Forest Management~~County Forest Administrator, or ~~his~~their designee, shall have the authority to issue special use permits for motor vehicles, motorcycles, and all-terrain vehicles on county lands. Such permits may be issued in the following instances:

- a. To physically disabled persons, as defined in the Wisconsin Statutes and Wisconsin Administrative Code; and
- b. For activities beneficial to the county department of land conservation and forest management, including, but not limited to, trapping of nuisance animals, cleanup activities including firewood gathering by permit, trail maintenance activities, logging activities authorized under timber sales contracts with the county and investigating established timber sales for timber procurement. Issuance of such special use permits ~~shall~~ may be subject to ~~the~~ review ~~of~~ by the ~~county land, forests and parks~~ committee.

The ~~Director of the Department of Land Conservation and Forest Management~~ County Forest Administrator, or ~~his~~ their designee, may revoke such special use permits in the event any of the provisions of such permit are violated by the permittee.

- (m) *Enforcement.* Law enforcement officers and the director of the department of land conservation and forest management, or their designee, are authorized to issue citations and impose forfeitures for violations of this chapter, and shall refer violations to the corporation counsel who shall prosecute violations or proceed as provided by law.
- (n) *Penalties.* Except as provided under subsection (k), any person who violates or refuses to comply with any of the provisions of this chapter shall be subject to a forfeiture of not less than \$100.00 nor more than \$500.00 per offense, together with court costs and assessments. Each day which the violation exists shall constitute a separate offense. Nothing in this chapter shall preclude the county from maintain any appropriate action to prevent or remove a violation of any provision of this chapter or for the repair of any environmental damage or the costs associated therewith.

(Ord. No. 9-02, § 22.11, 7-9-2002, Ord. No. 08-11, 12-13-2011)

Cross references: Traffic and vehicles, ch. 58.

Sec. 16-10. ATV Routes on County Forest Roads.

- (a) *Designation of All Terrain Vehicle (ATV) Routes.* The following described county forest roads are formally designated as ATV routes pursuant to § 23.33(8)(b), Wis. Stats.:
 - ~~(1)~~ Town of Ruby, Buckhorn Trail County Forest Road from 320th Street easterly 3.25 miles to County Highway G (shall be open to the public for ATV use effective July 16, 2012).
 - ~~(2)~~ Town of Cleveland, O'Neil Creek Trail County Forest Road from 155th Street southerly 2.63 miles to 157th Street (shall be open to the public for ATV use effective July 16, 2012)
 - ~~(3)~~ Town of Cleveland, Hickory Ridge Trail County Forest Road from the O'Neil Creek Trail County Forest Road easterly 2.31 miles to the Hay Meadow Trail County Forest Road.
 - ~~(4)~~ Town of Cleveland, Deer Fly Trail County Forest Road from the Hickory Ridge Trail County Forest Road northerly for 1.8 miles.
 - ~~(5)~~ Town of Birch Creek, Willow Flowage Trail County Forest Road from 205th Street 0.85 miles south to end of Willow Flowage Trail County Forest Road.

- (b) *Rules of Operation on ATV Routes on County Forest Roads.* The provisions of § 23.33, Wis. Stats., and the provisions of Wisconsin Administrative Code NR 64 regulating ATV operation are hereby adopted. Use of the designated ATV routes on county forest roads is subject to the rules and regulations set out in § 23.33, Wis. Stats., NR 64, and §§ 16-9 and 58-39 of these Ordinances.

(Ord. No. 19-12, 7-10-2012)

Cross references: Traffic and vehicles, ch. 58.

2. That these ordinance amendments shall take effect upon passage and publication.

Forwarded to the County Board by the Land Conservation & Forest Management Committee.



STATEMENT OF EXPLANATION COMMUNITY WELL REFILL STATION PROJECT

6.2

Presentation of the findings and recommendations of the Chippewa County Community Well Drilling Ad Hoc Committee.

Community Well Drilling Ad Hoc Committee Report

Version 23_08_03_01

Purpose:

The Chippewa County Land Conservation & Forest Management (LCFM) Department is looking at the feasibility of utilizing existing public wells, or drilling new wells, to provide a safe source of drinking/cooking water for residents in areas testing above 10 mg/l for Nitrates. In order to ensure we are locating these refill stations in areas the public will most benefit from, the Chippewa County Community Well Ad Hoc Committee has been formed. The Chippewa County Community Well Ad Hoc Committee is comprised of local and state professionals who work closely with the nitrate issues in WI.

According to WI Dept Health Services, the health standard for nitrates in the drinking water is 10 ppm. The percentage of the wells tested in Chippewa County are testing at this rate or higher is 14%. In addition, some wells that are currently below the groundwater standard have been trending upwards in annual testing. Finding practical ways to prevent nitrates from leaching into the groundwater is an ongoing process. In the interim, we are looking at alternative drinking/cooking water sources for those affected by the issue.

The Chippewa County Community Well Ad Hoc Committee is working to find ways to identify areas in need of nitrate remediation. In those areas, they will identify existing community wells and the possibility of utilizing them as refill stations. If existing wells are not available, the workgroup will identify areas to drill new wells that will have the least risk of containing nitrate in the groundwater. In addition to that, they will develop processes and supplies needed to provide to users of the resource.

Schedule

Meetings were held:

February 9th, 2023- Initial meeting to discuss the purpose of the project and strategize information needed to make the above decisions.

March 15th, 2023-

- Discussion on Municipalities that test for NN/TN – A. Mares
- Identify priority areas to target for refill stations – L. Schweikert
- Wheaton/Eagle Point Comments – A. Droske/R. Bowe
- Identify criteria needed to locate refill stations – M. Parsen
- Discussion on additional sampling needs – K. Masarik

April 27th, 2023 –

- Chippewa County Map Update – K. Masarik
- Testing Protocol at Possible Refill Sites – K. Walters
- Wellhead Protection Discussion – L. Richardson
- Chippewa County Groundwater Modeling Update – M. Parson/K. Clow

Fall of 2023 - Once locations are identified, we will reach out to communities to assist with the development of the project. Existing wells will be upgraded for the project and new wells will be bid out for drilling. Follow up meetings may be needed to discuss any issues that arise in the project. A final meeting will be held after the project has been completed to summarize the processes and assess the process, and apply any improvements of the project that need to be made.

Ad Hoc Committee Members

Current Members:

Alice Droske, Town of Wheaton Supervisor

Anna Mares, DNR, Water Supply Specialist

Kevin Masarik, UW-Stevens Point, Groundwater Education Specialist

Maureen Muldoon, WI Geological and Natural History Survey, Hydrogeologist

Amy Wiersma, WI Geological and Natural History Survey, Hydrogeologist

Kristen Walters, Chippewa County Dept. of Public Health, Environmental Health Specialist

Ketty Clow, Chippewa County Dept. of Land Conservation & Forest Management, Environmental Engineer

Lisa Richardson, Chippewa County Dept. of Land Conservation & Forest Management, Conservation Specialist

Lynda Schweikert, Chippewa County Dept. of Land Conservation & Forest Management, Director

Past Members:

Lawrence Frazer, Town of Eagle Point Supervisor

Rick Bowe, Former Town of Eagle Point Supervisor

Michael Parsen, WI Geological and Natural History Survey, Hydrogeologist

Deliverables

Focus Area for Community Refill Stations

The Ad Hoc Committee decided to focus on existing public wells due to their long-term testing data. This data was used to identify wells that historically test low in nitrates. To identify additional focus areas for the Ad Hoc Committee, several data sets were utilized. The first was to locate the nitrate sensitive soils in the county. (See Figure 1. WI DNR Nitrogen Restriction Area Map Viewer.)

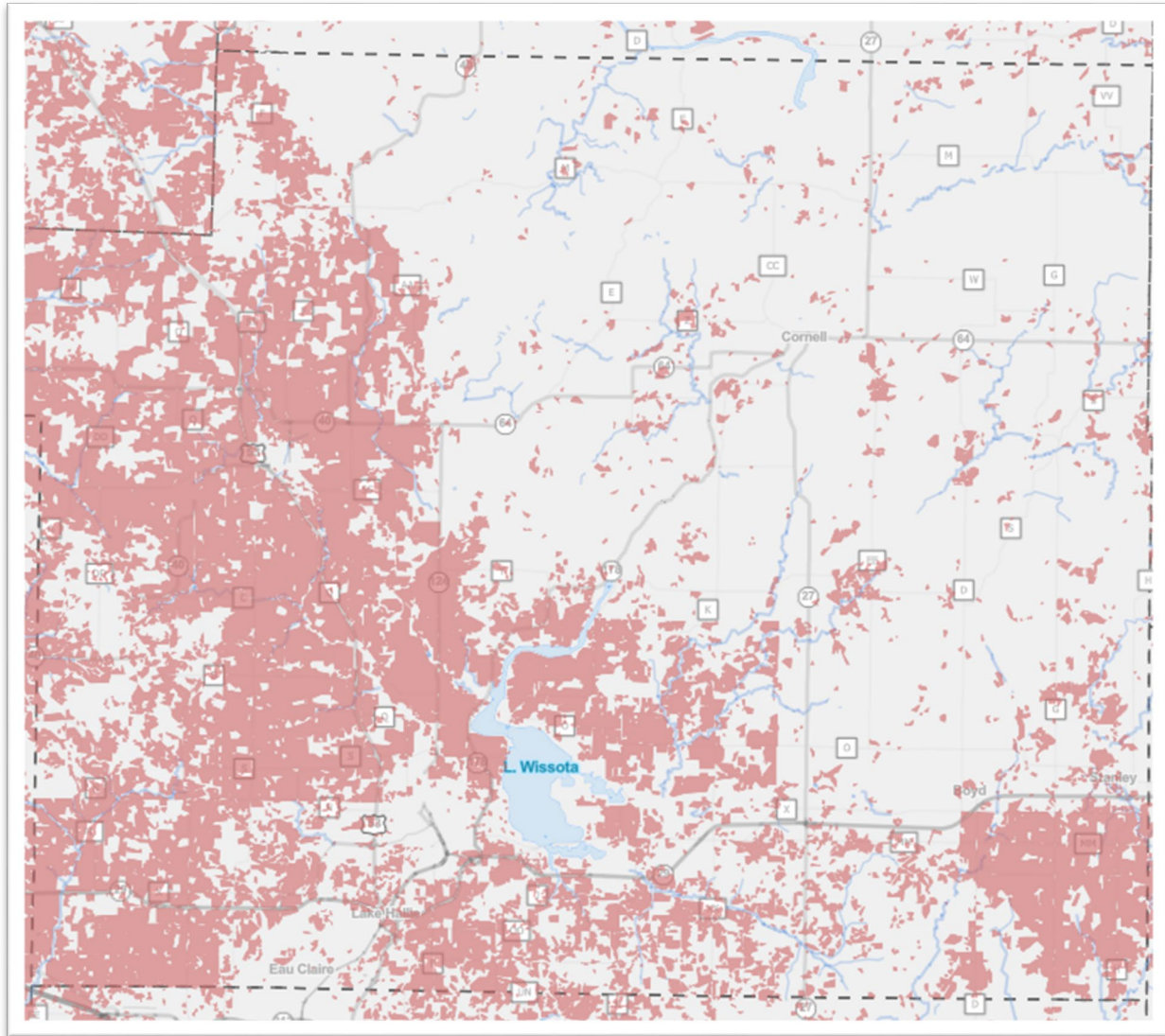


Figure 1. WI DNR Nitrogen Restriction Area Map Viewer. Red areas of map indicate high risk of nitrate contamination due to soils that are susceptible to nitrate leaching to groundwater

The next step was to utilize existing groundwater testing data to refine the areas of concern. Data was mainly gathered from the comprehensive nitrate testing performed in 2016 and N Inverse Distance Weighting applied. (See Figure 2. Center of Watershed Science and Education 2016 Nitrate-N Inverse Distance Weighting.)

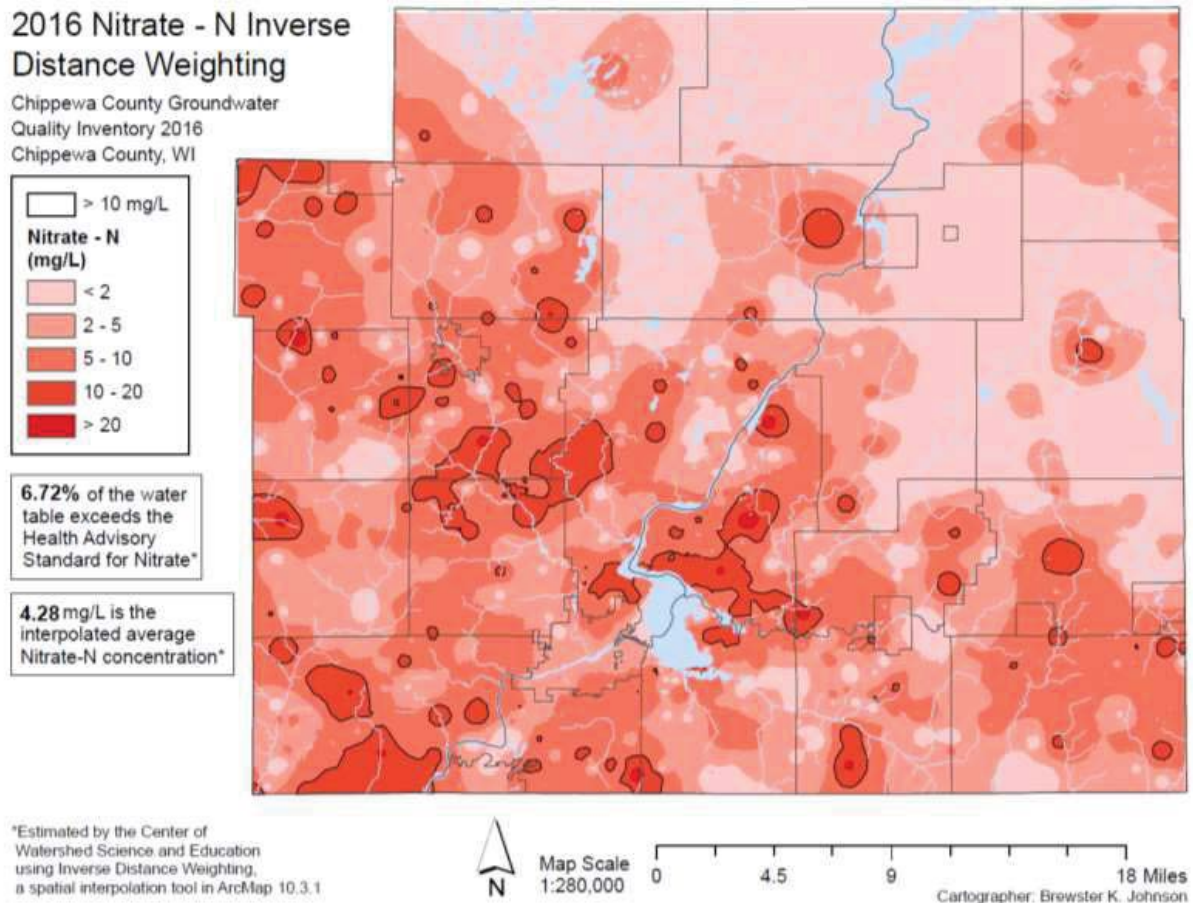


Figure 2: Center for Watershed Science and Education 2016 Nitrate-N Inverse Distance Weighting. The darker the red color the higher the risk of nitrate leaching to groundwater.

Locations of existing public wells were then identified, with the help of the WI DNR. These wells have a history of groundwater testing and would be a good indicator if the well would provide a safe drinking water resource. (See Figure 3 - Transient Non-Community Well Locations) This list was then compared to the high nitrate risk areas.

The townships located in areas where well tests showed higher than 10 ppm nitrates were also invited to be on the Community Well Drilling Ad Hoc Committee, however only Wheaton and Eagle Point sent representatives. Wheaton Ball Field and Eagle Point Town Hall were identified as potential locations.

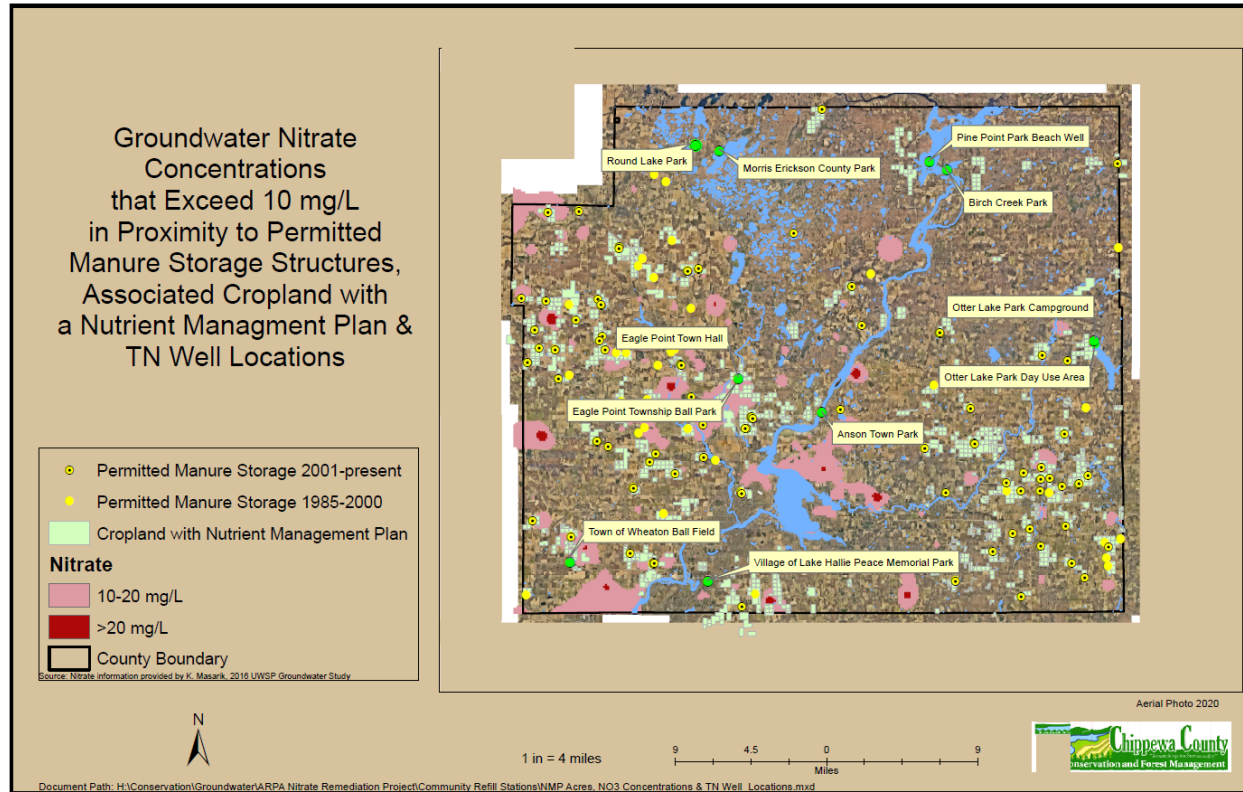


Figure 3: Transient Non-Community Well Locations

Proposed drilling locations

Kevin Masarik, Groundwater Education Specialist, University of Wisconsin Stevens Point, created a Nitrate Risk Map. (See Figure 4 - Nitrate-N Risk Map, Center for Watershed Science & Education.) This map utilizes historic water testing results, soil types, and land uses to visually represent the risk of encountering nitrates in the groundwater. It was recommended that if wells were drilled to establish refill stations, focus should be on areas of low risk for their locations.

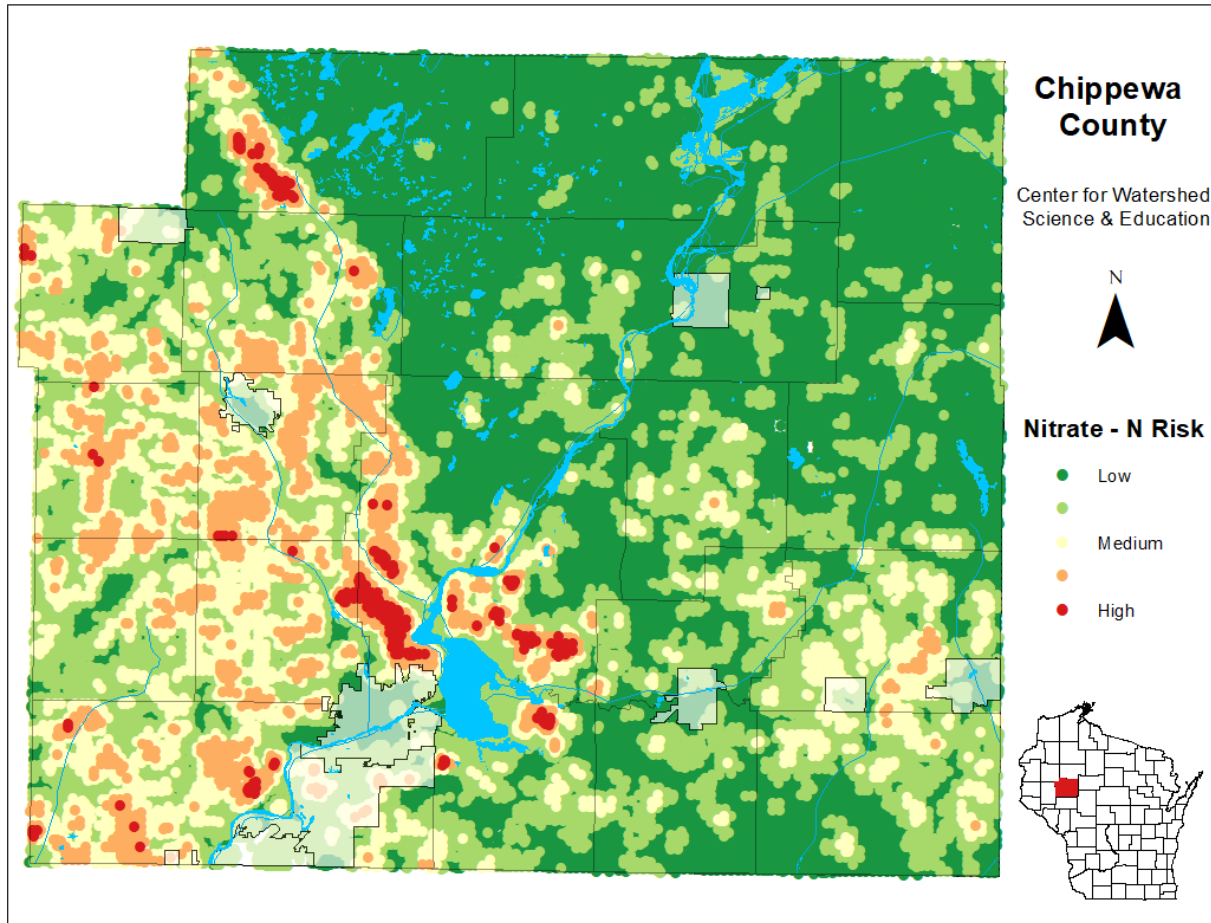


Figure 4: Nitrate-N Risk Map, Center for Watershed Science & Education

Equipment needed for refill stations

- Exterior freeze resistant bottle filling station
- Governor for water flow
- Water Meter
- Reusable water containers
- Information/Education Kiosk

Testing schedule for established wells

WI DNR has categorized the refill stations as Transient Non-Community Wells, and the annual testing required is for Bacteria and Nitrates. Because of new and emergent analytes, the Ad Hoc Committee recommends annual testing for Non-transient Non-community standards. (See Figure 5 - Testing requirements for Non-transient Non-community Wells.)

Sample type	Cost estimate per sample	Year 1	Year 2	Year 3	Year 4	Year 5	Year 6	Year 7	Year 8	Year 9
Bacteria (coliform and E. coli)	\$0-20	4 x \$20 = \$80	80	80	80	80	80	80	80	80
Nitrate/Nitrite	\$19-30		19	19		19	19		19	19
Volatile Organic Compounds	\$170-350	4 x \$170 = \$680	170	170	170			170		
Synthetic Organic Compounds	\$640-1,045	\$640-1,045			\$640			\$640		
Inorganic Compounds	\$350-500	350			350			350		
Lead and Copper	\$37-50	370	185	185	185	185	185	185		
	Yearly total	2230	454	454	1425	284	284	1425	99	99
	~Grand total for 9 years									\$6,754

bacteria samples are free if sent to the state lab of hygiene but you have to pay shipping

Figure 5: Testing requirements for Non-transient Non-community Wells

Long-term maintenance schedule

Annually, each of the refill stations will be inspected for damage, wear and tear, and kiosks updated with new information. A maintenance fund will need to be established for repairs and replacement to account for the lifespan of the equipment.

Depending on how the structures weather the winter, winterizing may need to be accomplished prior to extreme weather or construction of a shelter to prevent freezing.

Measures of Success

Primary measures of success will be local communities allowing existing community wells to be developed into refill stations, locating and drilling new wells that produce water free of contamination, and homeowners with high nitrates in their wells utilizing the facilities.

- Number of homeowners participating in program
- Gallons of water dispensed
- Number of receptacles handed out to residents
- Anecdotal evidence from users
- Increased number of homeowners requesting water tests due to kiosk educational information and word of mouth from participants

PRODUCT SPECIFICATIONS

Elkay Outdoor ezH2O[®] Bottle Filling Station Pedestal Non-Filtered Non-Refrigerated Freeze Resistant. Features shall include 316 Stainless, Heavy Duty Vandal Resistant, Laminar Flow, Sealed Freeze Resistant. Mechanical Front Bubbler Button activation. Product shall be Floor Mount/Freestanding, for Outdoor applications, serving 1 station(s).

Special Features:	316 Stainless, Heavy Duty Vandal Resistant, Laminar Flow, Sealed Freeze Resistant
Finish:	Beige (BGE), Black (BK), Blue (BLU), Brown (BRN), Evergreen (EVG), Gray (GRY), Orange (ORN), Powder Coat (12 Color Options), Purple (PUR), Red (RED), Terracotta (TER), White (WHT), Yellow (YLW)
Power:	No Electrical Required
Bubbler Style:	No Bubbler
Activation by:	Mechanical Front Bubbler Button
Mounting Type:	Floor Mount/Freestanding
Chilling Capacity:	Non-refrigerated
Dimensions (L x W x H):	14" x 14" x 64"
Approx. Shipping Weight:	203 lbs.
Installation Location:	Outdoor
No. of Stations Served:	1

****When used in non-temperature controlled environments, unit(s) must be adequately winterized and/or protected from extreme heat to prevent damage where climates dictate.**

Special Note: Bottle Filler Stations-1, Choose from 12 color options

- Mechanically-Activated bubbler continues to supply water in event of service disruptions.
- Laminar flow provides clean fill with minimal splash.
- Base material constructed from marine-grade 316 stainless steel provides the ultimate corrosion protection from even the most corrosive elements.
- Sealed Freeze Resistant Valve System: Fully sealed freeze resistant system that minimizes chance of ground water contamination, and prevents drain water from mixing with fresh water. Designed for ground installation below the frost line.



Included with Product:

Outdoor Bottle Filler,
Freeze Resistant Valve

Ships in one box.

A Century of Tradition and Quality.

For more than 100 years, Elkay has been making innovative products and providing exceptional customer care. We take pride in offering plumbing products that make life easier, inspire change and leave the world a better place.

PRODUCT COMPLIANCE

ADA & ICC A117.1

Buy American Act

GreenSpec[®]

NSF/ANSI 61 & 372 (lead free)



[Installation Instructions \(PDF\) - 1000003953](#)

Warranty pertains to drinking water applications only. Non-drinking water applications are not covered under warranty.

[Warranty \(PDF\)](#)

PART: _____ QTY: _____

PROJECT: _____

CONTACT: _____

DATE: _____

NOTES: _____

APPROVAL: _____

In keeping with our policy of continuing product improvement, Elkay reserves the right to change product specifications without notice. Please visit [elkay.com](#) the most current version of Elkay product specification sheets. This specification describes an Elkay product with design, quality, and functional benefits to the user. When making a comparison of other producers' offerings, be certain these features are not overlooked.

MOUNTING INSTRUCTIONS and PLUMBING CONNECTIONS

Site and drainage excavation is required for fountain installation. Refer to owner's manual for site preparation details. Provide solid, well-drained smooth, flat, finished surface to mount pedestal fountain (concrete pad recommended) with adequate support (300 lb. load minimum). (6) 3/8" minimum fasteners (not included) should be attached securely to mounting surface in order to secure fountain, (Refer to rough-in diagram), and be sure to allow an opening for the freeze-resistant valve in the ground as shown in the installation instructions that accompany the fountain. (Refer to the rough-in diagram below). Refer to local codes for any additional requirements.

Locate and install plumbing through ground as required. Assemble fountain to prepared site and mounting pad.

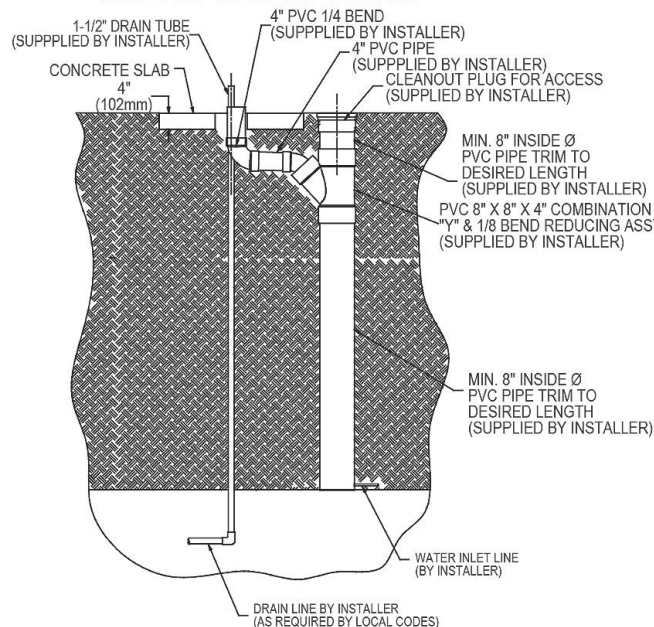
Locate and install plumbing through ground as required.

NOTE: Unit is not furnished with service valve.

Position pedestal over plumbing and secure base to fasteners. Remove access panels and connect supply and water lines. Turn on water supply and check for leaks. Reassemble access panels to pedestal.

Trap and service stop not included.

SANITARY FREEZE-RESISTANT VALVE GROUND INSTALL DETAIL

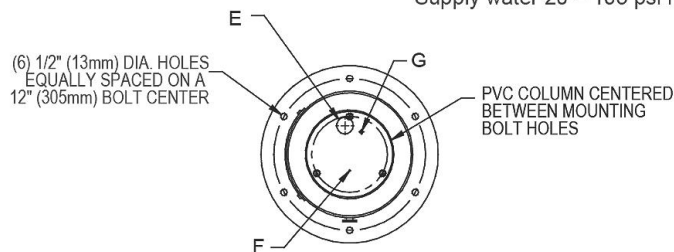


LEGEND
A = Access panel (8" X 10")

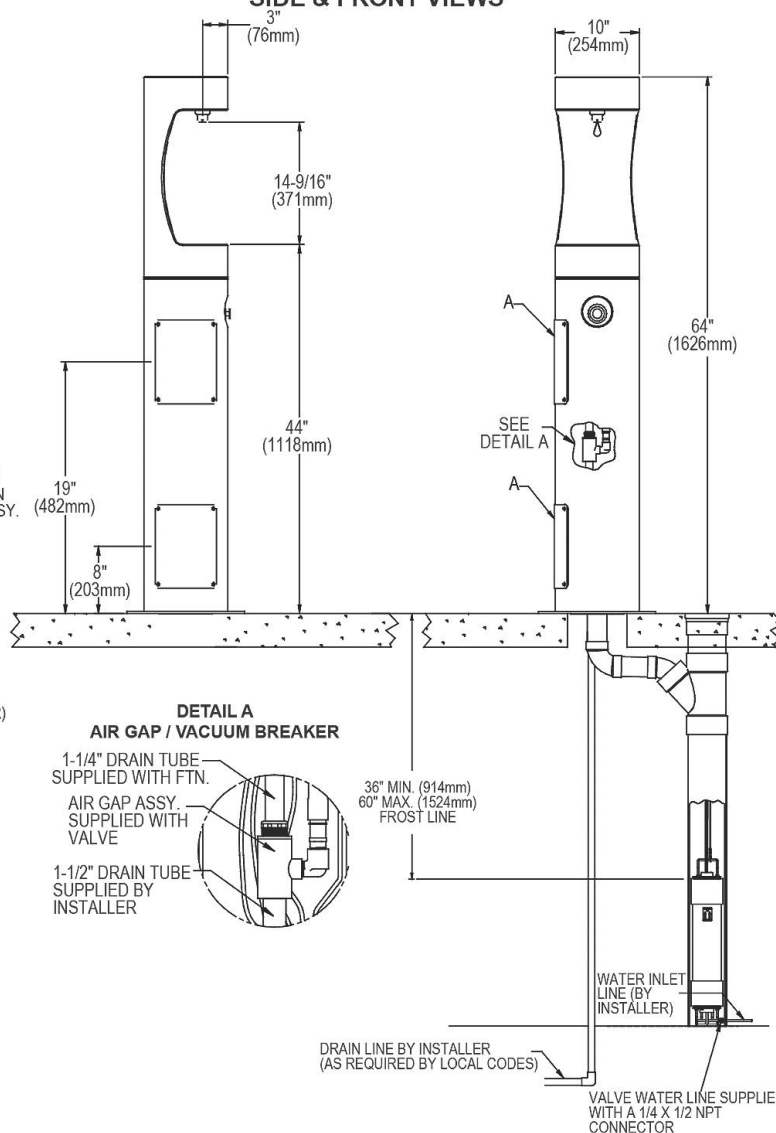
TOP VIEW

OPERATING PRESSURES:

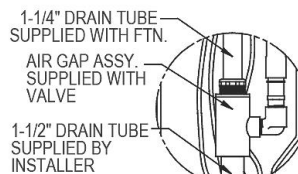
Supply water 20 – 105 psi maximum



SIDE & FRONT VIEWS



DETAIL A AIR GAP / VACUUM BREAKER



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Town of Wheaton Water Test Results

Wheaton Ball Field #PX472

Coliform Bacteria Test									
Sample ID	Sample Date	Type	# Samples	Coliform Detect	Fecal Detect	Source	Collector	Lab ID	Lab
051623-08	5/16/2023	Distribution	1	No	No	Distribution System	K WALTERS	482	RUSK COUNTY HEALTH AND HUMAN SERVICES
22-C8332	9/1/2022	Distribution	1	No	No	Distribution System	A DROSKE	617013980	Commercial Testing Laboratory Inc.
563510001	5/25/2021	Distribution	1	No	No	Distribution System	GREG GRUNA	113133790	Wisconsin State Laboratory of Hygiene
520963001	8/19/2020	Distribution	1	No	No	Distribution System	GREG GRUNA	113133790	Wisconsin State Laboratory of Hygiene
447584001	5/22/2019	Distribution	1	No	No	Distribution System	GREG GRUNA	113133790	Wisconsin State Laboratory of Hygiene
384274001	5/23/2018	Distribution	1	No	No	Distribution System	HAILLIE PASSO	113133790	Wisconsin State Laboratory of Hygiene
320594001	6/8/2017	Distribution	1	No	No	Distribution System	GREG GRUNA	113133790	Wisconsin State Laboratory of Hygiene
252084001	5/3/2016	Distribution	1	No	No	Distribution System	GREG GRUNA	113133790	Wisconsin State Laboratory of Hygiene
190353001	4/29/2015	Distribution	1	No	No	Distribution System	GREG GRUNA	113133790	Wisconsin State Laboratory of Hygiene
131194001	5/7/2014	Distribution	1	No	No	Distribution System	GREG GRUNA	113133790	Wisconsin State Laboratory of Hygiene
93540001	8/22/2013	Distribution	1	No	No	Distribution System	GREG GRUNA	113133790	Wisconsin State Laboratory of Hygiene
29659001	7/11/2012	Distribution	1	No	No	Distribution System	GREG GRUNA	113133790	Wisconsin State Laboratory of Hygiene

Nitrate									
Sample ID	Sample Date	Sample Type	# Samples	# Results	Sample Group	Source	Collector	Lab ID	Lab
23-D1028	5/16/2023	Compliance	1	2.9	Nitrate	Entry Point	K WALTERS	617013980	Commercial Testing Laboratory Inc.
22-D2154	9/1/2022	Compliance	1	3.2	Nitrate	Entry Point	A DROSKE	617013980	Commercial Testing Laboratory Inc.
21-D1426	5/25/2021	Compliance	1	2.7	Nitrate	Entry Point	G GRUNA	617013980	Commercial Testing Laboratory Inc.
20-D1985	8/19/2020	Compliance	1	2.7	Nitrate	Entry Point	G GRUNA	617013980	Commercial Testing Laboratory Inc.
19-D855	5/22/2019	Compliance	1	2.7	Nitrate	Entry Point	G GRUNA	617013980	Commercial Testing Laboratory Inc.
18-D1116	5/23/2018	Compliance	1	3	Nitrate	Entry Point	H PASSOW	617013980	Commercial Testing Laboratory Inc.
17-D1484	6/8/2017	Compliance	1	2.5	Nitrate	Entry Point	G GRUNA	617013980	Commercial Testing Laboratory Inc.
16-D903	5/3/2016	Compliance	1	2.8	Nitrate	Entry Point	G GRUNA	617013980	Commercial Testing Laboratory Inc.
15-D693	4/29/2015	Compliance	1	2.7	Nitrate	Entry Point	G GRUNA	617013980	Commercial Testing Laboratory Inc.
14-D571	5/7/2014	Compliance	1	2.8	Nitrate	Entry Point	G GRUNA	617013980	Commercial Testing Laboratory Inc.
13-D2017	8/22/2013	Compliance	1	2.8	Nitrate	Entry Point	G GRUNA	617013980	Commercial Testing Laboratory Inc.

Atrazine							
Sample Date	Results	Sample Group	Source	Collector	Lab ID	Lab	
6/29/2023	None Detected	Atrazine	Drinking Water	K WALTERS	684594001	Wisconsin State Laboratory of Hygiene	

PFAS							
Sample Date	Analyte	Result	Units	Health Standard	Collector	Lab ID	Lab
6/19/2023	PFBS (375-73-5)	0.232	ng/L	450000 ng/L	K WALTERS	684592001	Wisconsin State Laboratory of Hygiene
6/19/2023	PFHxS (355-46-4)	0.252	ng/L	40 ng/L	K WALTERS	684592001	Wisconsin State Laboratory of Hygiene
6/19/2023	FOSA (754-91-6)	0.22	ng/L	NA	K WALTERS	684592001	Wisconsin State Laboratory of Hygiene