

Town of Beaver Dam Notice of Public Hearing and Board of Appeals Meeting

Notice is hereby given that the Town of Beaver Dam Board of Appeals will meet on Wednesday, April 5, 2023 at 7:00 PM in the Town of Beaver Dam Town Hall located at W8540 County Road W, Beaver Dam, WI. Town Board members may attend the meeting for purposes of gathering information.

The agenda is as follows:

1. Call to order and roll call
2. Verify compliance with the Open Meeting Law
3. Approve the minutes of the October 26, 2022 Board of Appeals meeting
4. Conduct a public hearing on the appeal of Daniel R. and Sarah A. Kuhnz of the Land Use Administrator's denial of an after-the-fact permit to construct an in-ground pool because the pool is too close to the well
5. Approve, approve conditionally, or reject the appeal in Item 4 above
6. Adjourn

Howard Bohl
Board of Appeals Chairman

BOARD OF APPEALS
Unapproved Minutes of October 26, 2022 Meeting
Town of Beaver Dam
W8540 County Road W, Beaver Dam, WI

Meeting called to order 7:00PM.

Present: Howard Bohl, Liz Kern, Del Geunther, Harold Hicks, Jesse Hanks

Meeting posted October 15, 2022 and published October 20, 2022.

Chairman makes motion to approve the minutes of the October 12, 2022 meeting. Motion carried unanimously.

Chairman opens the public hearing on the appeal of Frieda Kern for a variance from Sec. 62-63(2)(n) Zoning Ordinance to allow creation of a 2.5 acre parcel in the SW corner of Parcel 004- 1114-1513-000 on Parker Road

Frieda Kern is present and speaks in favor. She states that she has a 40 acre field, wants to separate 2.5 acres to sell as a residential lot. No one speaks against. Chairman closes the public hearing.

Motion (Hicks/Hanks) to approve the appeal of Frieda Kern for a variance from Sec. 62-63(2)(n) Zoning Ordinance to allow creation of a 2.5 acre parcel in the SW corner of Parcel 004- 1114-1513-000 on Parker Road. Liz Kern abstains. Motion carried unanimously.

Motion (Guenther/Kern) to adjourn at 7:11PM. Motion carried unanimously.

Respectfully submitted,

Abby Klodowski

Appeal Application

Applicant (Agent) Daniel Kuhn
Street Address N6736 ZIMMERMAN CT
City, State, Zip Code BEAVER DAM, WI 53916
Phone Number 920-319-1914 Email drkuhn2@gmail.com

Property Owner (If different from applicant) _____
Street Address _____
City, State, Zip Code _____
Phone Number _____ Email _____

Parcel Identification Number (PIN) 004-1114-0724-016
Site Address N6736 ZIMMERMAN CT, BEAVER DAM
Subdivision & Lot Number or CSM Number BAENBROOK LOT 30
Zoning _____
Present Use of Property RESIDENTIAL
Proposed Use of Property RESIDENTIAL W/ IN-GROUND POOL
List any prior variances granted or denied for this property —

Describe all Nonconforming structures and uses on this property L-SHAPED ^{POOL} IN GROUND POOL WITHIN 25' OF WELL.
Zoning Ordinance Section for which a variance is sought SECTION 10-24(d)
Variance Requested POOL ALLOWED AT 8' FROM WELL HEAD.

List names and addresses of all property owners within 300 feet of the subject parcel. Attach additional sheet if necessary.

Name	Address
CHAD AND JILL CZARNECKE	N6726 ZIMMERMAN CT
DALE AND DANA NORENBURG	W9526 ZIMMERMAN DR
STEVE FRANK	W9510 ZIMMERMAN DR
KYLE SCHWETZER	W9519 ZIMMERMAN DR
JORDAN TOLLEFSON	731 MCKAY WAY #H
MORGAN BETTMAN	WATERLOO, WI 53594
TIMOTHY AND JENNIFER DOYLE	W9543 ZIMMERMAN DR
JAY AND CATARIN BOSCH	W9540 ZIMMERMAN DR
DANIEL AND AMY NESPER	N6723 ZIMMERMAN CT
BILL AND LINDA PETERSON	N6722 ZIMMERMAN CT
CHAD AND AMY KETTEL	N6718 ZIMMERMAN CT

Provide justification for the variance. Attach additional sheets if necessary.

SEE ATTACHED

Certificate

I hereby certify that I am the owner and/or authorized agent of the property and that all the above statements and attachments submitted are true and correct to the best of my knowledge and belief. I hereby authorize members of the Town of Beaver Dam Board of Appeals to enter the above described property for purposes of obtaining information pertinent to my appeal.

Signature of owner or authorized agent



Date 2/24/2023

Contact number 920-319-1914

Disposition (For office use only)

Board of Appeals meeting date: _____

The Appeal is (denied/granted/granted in part) subject to the following conditions:

Signed _____
Land Use Administrator

Date _____

To: Town of Beaver Dam Appeals Board

From: Dan Kuhn

Re: Appeal Application

I am submitting this statement of verifiable facts to show that my pool construction meets the special conditions criteria for a variance.

Notably, I was at fault for not applying for a building permit prior to beginning construction. I constructed the pool myself using a custom kit I ordered from Pool Warehouse in July of 2022. I previously had an above-ground pool which also was not permitted and I failed to recognize that the in-ground pool required both a building permit and a pool permit. I have since completed substantial work on the pool with the exception of the bonding, fencing, concrete and filter/pump installation. Prior to construction, I checked with the Wisconsin Statutes and found that under Wisconsin Statute 812.08 (Table A), the minimum separation distance between a well head and a pool is 8 feet (attached).

Due to the positive grading of my backyard, I needed to position the pool close to the house to keep drainage away from the pool to avoid issues of the water table penetrating the semipermeable flooring of the pool (shown in site plan).

After substantial completion of the pool, I was notified by the Town that a pool permit was needed. I applied for the permit and paid the requisite fee but was informed that the permit was denied as my well head was within 25 feet of the pool (8 feet) which is in violation of Town code which requires 25 feet separation.

The pool and the well are now considered permanent structures and the literal enforcement of this code would require moving the pool or moving the well which are both impractical solutions and would create unnecessary hardship both physically and financially on myself and family.

I do not believe that a variance for separation of the pool and the well would be contrary to public interest. My belief for this is that I have researched and found that there is requirement for a separation between a well head and various sources of water or other contaminants as they may threaten the water supply. First, I do not believe that a distance of 8 feet or 25 feet makes any practical difference when determining if chlorinated pool water creates a danger to water that is being drawn from a great distance underground. I consulted with Jim Vander Galien who is the General Manager of Sam's Drilling, the company that drilled our well, and was provided the construction report of my well (attached). I found that my well is 116 feet deep and is grouted with neat cement grout from the surface to 58 feet. I've drawn a cross-sectional diagram showing the difference between the current pool location and well and the pool location and well if moved 17 feet to be within Town Code. I hope this illustration demonstrates how little, if any, difference 17 feet makes in the grand scheme of things.

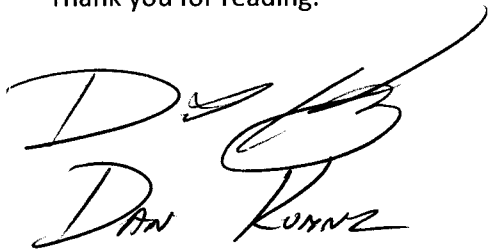
I asked Mr. Vander Galien the following question, "The town ordinance says 25' distance between the well head and the pool but the state says 8'. Do you see any practical difference given the well is drilled down to 116'? I'm no civil engineer but it seems like the distance of 15' on the surface is pretty minor. Would you be willing to offer your professional opinion on this?". Mr. Vander Galien offered the

following response, "100', 25', 10', or 2' in my opinion would have no difference. The risk of contaminating groundwater with a pool is non-existent in our opinion".

While I understand the need to protect the groundwater supply, I do not believe that my in-ground pool 8 feet from the well head poses any more risk to the groundwater supply than my in-ground pool would pose at 25 feet or 300 feet for that matter. If there was a leak at any distance, it would pose a risk to my water and the water my neighbors use and drink.

I am asking that you grant this variance based on the information I have provided. I believe the Town's code of 25' separation from well head to pool is somewhat arbitrary and should itself be examined and considered for adjustment to be in line with state statute.

Thank you for reading.

A handwritten signature in black ink. The signature is stylized, with a large 'D' and 'K' that are connected. Below the signature, the name 'DAN KUNZ' is written in a simpler, cursive script.

Kuhnz Pool

Legend

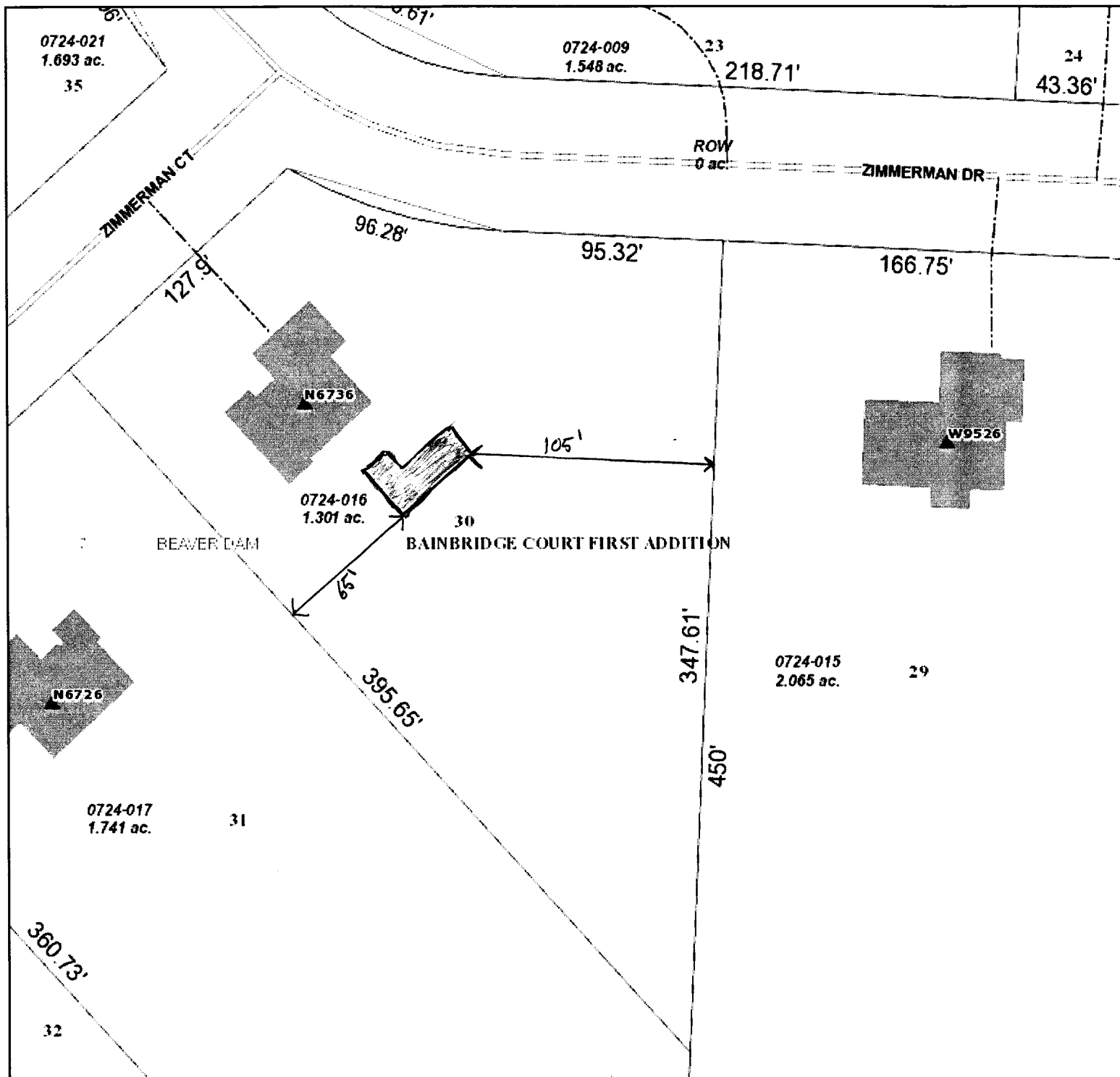
- Parcels
- Parcel Labels
- CSM Boundaries
- CSM Lots
- Sub and Condo Lots
- Subdivisions and Condo Boundaries
- Encumbrances
- ROW
- Address Points
- Address Labels
- Driveways
- Building Footprints
- Misc Lines
- Cities and Villages (scale below 30K)
- Towns
- Sections
- State Roads
- County Roads
- Federal Roads
- Interstates
- Centerline
- Lakes and Rivers
- Horicon Marsh
- Surrounding Counties



0 20 40 60ft

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

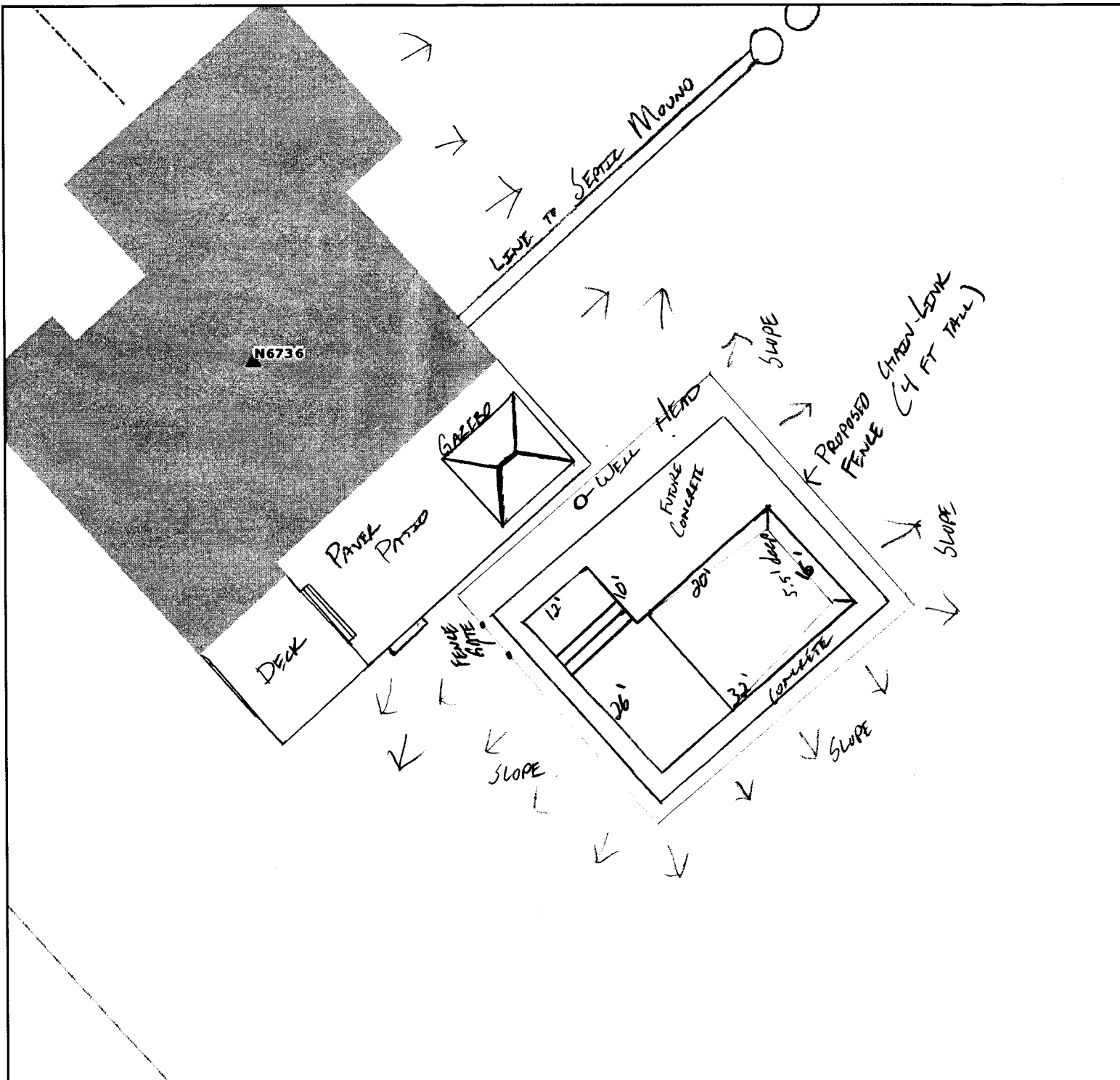
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Date Printed:	
Sources:	



Kuhn Pool


Legend

-  Parcels
-  CSM Boundaries
-  CSM Lots
-  Encumbrances
-  ROW
-  Address Points
-  Address Labels
-  Driveways
-  Building Footprints
-  Misc Lines
-  State Roads
-  County Roads
-  Federal Roads
-  Interstates
-  Centerline
-  Lakes and Rivers
-  Horicon Marsh
-  Surrounding Counties



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

Author:	
Date Printed:	02/21/23 1:44 PM
Source:	



YS495

State of WI - Private Water Systems-DG/5
Department of Natural Resources, Box 7921
Madison, WI 53707

Form 3300-077A
(R 7/10)

Property Owner KUHNZ, DANIEL & SARAH		Telephone Number ()
Mailing Address 211 S COLLEGE AVE		
City FOX LAKE		State WI Zip Code 53933-
County of Well Location DODGE	Co. Well Permit No. W _____	Well Completion Date (mm-dd-yyyy) _____ 12 16 2016 _____

1. Well Location		
<input checked="" type="checkbox"/> Town	<input type="checkbox"/> City	<input type="checkbox"/> Village
of BEAVER DAM		Fire # (If avail.) N6736
Street Address or Road Name and Number ZIMMERMAN CT		
Subdivision Name	Lot # 25	Block #

Well Constructor (Business Name) SAM'S ROTARY DRILLERS, INC.	License # 370	Facility ID Number (Public Wells) _____
Address P.O. BOX 150		Well Plan Approval # _____

Gov't Lot # _____ or SE 1/4 of NW 1/4 of
Section 7, T 11 N; R 14 ☒ E ☐ W
Latitude Deg. 43 Min. 26.15
Longitude Deg. 88 Min. 55.38

City	State	Zip Code	Date of Approval (mm/dd/yyyy)
RANDOLPH	WI	53956-	/ /

2. Well Type	<input checked="" type="checkbox"/> New	Lat/Long Method
	<input type="checkbox"/> Replacement	GPS008

Hicap Permanent Well #	Common Well #	Specific Capacity gpm/ft
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of previous unique well # _____ constructed in _____
Reason for replaced or reconstructed well?

3. Well serves <u>1</u> # of <u>HOME</u> (For example: home, barn, restaurant, church, school, industry, etc.)	High Capacity: Well? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Property? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
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☒ Drilled ☐ Driven Point ☐ Jetted ☐ Other_____

4. Is the well located upslope or sideslope and not downslope from any contamination sources, including those on neighboring properties? ☒ Yes ☐ No
Well located within 1,200 feet of a quarry? ☐ Yes ☐ No If yes, distance in feet from quarry: _____
Well located in floodplain? ☐ Yes ☒ No
10. Drive 17. Wastewater Sump

Distance in feet from well to nearest: (include proposed)

1. Landfill
13. 2. Building Overhang
56. 3. Septic ☒ Holding Tank ☐
68. 4. Sewage Absorption Unit
5. Nonconforming Pit
6. Buried Home Heating Oil Tank
7. Buried Petroleum Tank
8. Shoreline ☐ Swimming Pool ☐
9. Downspout/Yard Hydrant

- _____ 10. Privy
 _____ 11. Foundation Drain to Clearwater
 _____ 12. Foundation Drain to Sewer
 _____ 13. Building Drain
 ☐ Cast Iron or Plastic ☐ Other
 _____ 14. Building Sewer ☐ Gravity ☐ Pressure
 ☐ Cast Iron or Plastic ☐ Other
 _____ 15. Collector Sewer:
 ☐ sanitary _____ units _____ in. diam.
 ☐ storm ☐ ≤ 6" ☐ > 6"
 _____ 16. Clearwater Sump

- _____ 17. Wastewater Sump
 _____ 18. Paved Animal Barn Pen
 _____ 19. Animal Yard or Shelter
 _____ 20. Silo
 _____ 21. Barn Gutter
 _____ 22. Manure Pipe ☐ Gravity ☐ Pressure
 ☐ Cast Iron or Plastic ☐ Other
 _____ 23. Other Manure Storage _____
 _____ 24. Ditch
 _____ 25. Other NR 812 Waste Source

5. Drillhole Dimensions and Construction Method				Lower Open Bedrock
Dia.(in.)	From (ft.)	To (ft.)	Upper Enlarged Drillhole	
			<input checked="" type="checkbox"/> 1. Rotary - Mud Circulation-----	<input type="checkbox"/>
			<input type="checkbox"/> 2. Rotary - Air-----	<input checked="" type="checkbox"/>
			<input type="checkbox"/> 3. Rotary - Air and Foam-----	<input type="checkbox"/>
			<input type="checkbox"/> 4. Drill-Through Casing Hammer	
			<input type="checkbox"/> 5. Reverse Rotary	
			<input type="checkbox"/> 6. Cable-tool Bit _____ in. dia.-----	<input type="checkbox"/>
			<input checked="" type="checkbox"/> 7. Temp. Outer Casing <u>10</u> in. dia. Removed? <u>3</u> depth ft.	
			<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No - If no, explain on back side.	
			<input type="checkbox"/> 8. Dual Rotary-----	<input type="checkbox"/>

Geology Codes				8. Geology Type, Caving/Noncaving, Color, Hardness, etc.	From (ft.)	To (ft.)
		C		Clay	surface 0	12
		X	G	Sand & Clay, w/Gravel/Cobbles/Boulders/St	12	23
T	H	L		Tan/Brown, Hard/Firm, Limestone/Dolomite	23	39
G	H	N		Gray, Hard/Firm, Sandstone	39	116

6. Casing, Liner, Screen			
Material, Weight, Specification		From	To
Dia. (in.)	Manufacturer & Method of Assembly	(ft.)	(ft.)
6	STD BLK, PIPE, .280 WALL,	surface	58
	A53B MARUICHI LEAVITT		
Dia. (in.)	Screen type, material & slot size	From	To

<p>9. Static Water Level</p> <p>_____ ft. above ground surface</p> <p><u>6</u> ft. below ground surface</p>	<p>11. Well Is:</p> <p><u>24</u> in. <input checked="" type="checkbox"/> Above <input type="checkbox"/> Below Grade</p>
<p>10. Pump Test</p> <p>Pumping level <u>40</u> ft. below surface</p> <p>Pumping at <u>20</u> GPM for <u>1</u> Hrs.</p>	<p>Developed? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Disinfected? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Capped? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p>

7. Grout or Other Sealing Material		#	
Method <u>Tremie Pipe - Pumped</u>	From	To	Sucks
Kind of Sealing Material	(ft.)	(ft.)	Cement
Neat cement grout	surface	58	20
(Gravel pack if applicable)			

12. Did you permanently abandon and fill all unused, noncomplying or unsafe wells on this property?	
<input type="checkbox"/> Yes <input type="checkbox"/> No If no, explain on reverse.	
13. Signature of Well Constructor or Supervisory Driller JVG	Date Signed 12/16/2016
Print Name of Drill Rig Operator (Mandatory unless same as above) KL	Date 12/16/2016

Make additional comments on reverse side about geology, additional screens, water quality, etc.
Comments on reverse side (CHECK ☒ IF YES) Variance Issued ☐ Yes ☐ No

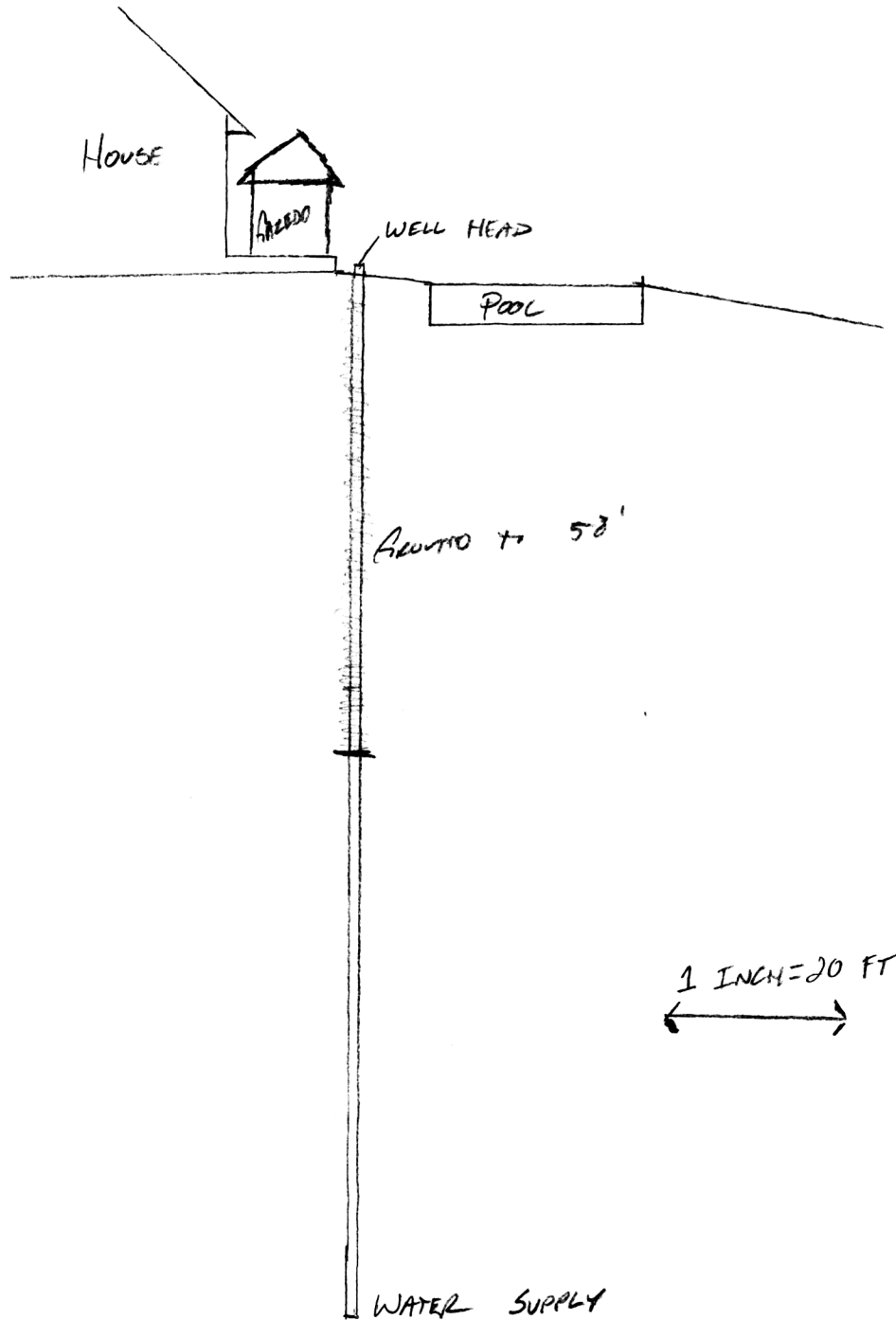
Notification #	6677755610
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DNR

OK

KUHNE POOL

EXISTING POOL/WEIL



(d) Such that any potential contaminant source, not identified in this section or in Table A, is a minimum of 8 feet from the well, reservoir, or spring.

(e) So that it is reasonably accessible with proper equipment for cleaning, treatment, repair, testing, inspection and any other maintenance that may be necessary.

(f) In a manner to meet the additional location and construction specifications of s. NR 812.12 (3) and (4).

(g) Such that the location of a spring meets the requirements under s. NR 812.25.

(1m) GENERAL PROHIBITIONS. No person may locate a well, reservoir, spring, or a contaminant source in a manner that fails to comply with any requirements established in this section.

(2) RELATION TO BUILDINGS. In relation to buildings, all of the following apply to the location of any potable or nonpotable well:

(a) No well may be located directly in line with a rainwater downspout outlet or other clear water discharge.

(b) When a structure is built over a drilled well, the structure shall have an easily removable access hatch, or provide other practicable access to allow for pulling and servicing the pump. The well casing pipe shall extend at least 12 inches above the ground-grade or above the ground-grade floor of the building and shall be sealed watertight at the point where it extends through the floor.

(c) No well may be located, nor a building constructed, such that the well casing pipe will terminate in a basement or extend through the basement of any building or terminate under the floor of a building having no basement. A well may not terminate in or extend through a crawl space.

(d) The top of a well casing pipe may terminate in a walkout basement if all of the following conditions are met:

1. It is possible to walk directly outside from the walkout basement without walking upstairs or upslope.
2. The surface of the ground around the outside exit door of the walkout basement slopes down away from the door.
3. The well and pump installation are accessible for repair and removal.
4. The well produces water free from contaminant levels in excess of the standards specified in s. NR 812.06.

5. The well casing pipe depth meets the requirements of ss. NR 812.13 (2) and 812.14 (2).

6. The well and pump installation are in compliance with all other requirements of this chapter.

7. The walkout basement is not subject to flooding.

8. The walkout basement is not in a floodway or floodplain.

(e) A well may not terminate in or extend through a crawl space having a below grade depression or excavation.

(f) If a well must be located in a driveway, parking area, walkway, or other high traffic area due to lot size or to meet minimum required separation distances between the well and contaminant sources, the well may be contained within a driveway ramp structure without department approval providing the driveway ramp meets the specifications of s. NR 812.36. A driveway ramp may not be constructed or located in a floodway or floodplain.

(g) A yard hydrant may not be installed within or on a well.

(3) RELATION TO FLOODPLAINS. (a) A well may be constructed, reconstructed or replaced in a floodfringe provided that the top of the well is terminated at least 2 feet above the regional flood elevation for the well site. The regional flood elevation is determined by the city, village, or county floodplain zoning ordinance.

(b) A well may be reconstructed or replaced in a floodway provided that the top of the well is terminated at least 2 feet above the regional flood elevation for the well site.

(c) A new well may not be constructed in a floodway unless allowed by s. NR 116.12 (1) (f) and city, village, or county ordinance.

(4) RELATION TO CONTAMINATION SOURCES. A well driller or well constructor may not construct or reconstruct a well, install a reservoir, or develop a spring that is less than the minimum separation distance from a possible contaminant source as specified in Table A. The minimum separation distances of this subsection do not apply to dewatering wells approved under s. NR 812.09 (4) (a). Greater separation distances may be required for wells requiring plan approval under s. NR 812.09. Separation distance requirements to possible contaminant sources may not be waived because of property lines. Separation distances shall be measured from the edge of the well, reservoir or spring, to the nearest edge of the contaminant source or as specified in Table A.

TABLE A
MINIMUM SEPARATION DISTANCE REQUIREMENTS BETWEEN POTABLE OR NONPOTABLE WELLS, RESERVOIRS, SPRINGS AND POSSIBLE CONTAMINATION SOURCES

Source	Distance in Feet
Animal Barn or Animal Barn Pen (measured to the nearest outside edge of the building or structure)	50
Animal Shelter (not including pet shelter or pet kennel housing 5 or fewer pets)	50
Animal Yard—Includes Calf Hutch (not including pet shelter or pet kennel housing 5 or fewer pets)	50
Cemetery Grave Sites	50
Cistern	8
Coal Storage (greater than 500 tons)	1,200
Culvert, stormwater	8
Ditch—Edge of	8
Drain—Sanitary building	8
Drillhole used for the underground placement of any waste, surface water, or any substance as defined in s. 160.01 (8), Stats.	100
Fertilizer or Pesticide Storage Tank (any size, surface or buried) (Nonpotable wells)	8
Fertilizer or Pesticide Storage Tank (any size, surface or buried) (Potable wells)	100
Fertilizer or Pesticide (Dry) Storage Structure (storing more than 100 pounds in bags or bulk)	100
Fuel Oil Tank >1,500 gallons on surface or any size buried (including associated buried piping)	100

Source	Distance in Feet
Fuel Oil Tank \leq 1,500 gallons on surface or any size buried if serving single family residence (including associated piping)	25
Gasoline or Other Petroleum or Liquid Product Tank — Buried (Does not apply to separation distance between Liquid Propane tanks and wells serving single family residence) (Including any associated piping)	100
Gasoline or Other Petroleum or Liquid Product Tank — Surface ($<$ 1,500 gallons, including any associated buried piping)	25
Gasoline or Other Petroleum or Liquid Product Tank — Surface (\geq 1,500 gallons, including any associated piping)	100
Glass Lined Feed Storage Facility (harvester-type silos)	50
Grease Interceptor (buried trap)	25
Hazardous Waste Treatment Facility regulated by the department	1,200
Heat Exchange Drillhole	10
Landfill (active, proposed or closed) (distance is measured to nearest fill area of closed landfill, if known; otherwise the distance is measured to the property line)	1,200
Lift Station (does not apply to residential lift stations, see Sanitary Building Sewer)	100
Liquid Propane (L.P.) gas tank (buried) and associated buried gas lines serving a single family residence	8
Liquid Waste Disposal System	250
Manure Hopper or Reception Tank—Liquid-Tight ¹	50
Manure Loading Area	50
Manure Stack—Temporary	150
Manure Storage Structure — earthen, excavated or non-liquid tight	250
Manure Storage Structure — fabricated, liquid-tight	100
Materials recovery facility that requires self-certification under NR 500 series	100
Milk house drain outlet	50
Nonpotable Well	8
Pet animal shelter or kennel housing not more than 5 pets	8
Pet animal shelter or kennel housing more than 5 pets	50
Pet Waste Pit Disposal Unit	50
Pit or alcove—Noncomplying	8
POWTS dispersal component (also known as Soil Absorption Unit or Mound) $<$ 12,000 gal/day (except for school wells) ²	50
POWTS dispersal component (also known as Soil Absorption Unit or Mound) $<$ 12,000 gal/day (school wells) ²	200
POWTS dispersal component (also known as Soil Absorption Unit or Mound) \geq 12,000 gal/day ²	250
POWTS holding component (also known as a Holding Tank (Wastewater))	25
POWTS treatment component (Includes septic tanks, aerobic treatment units or filters)	25
Privy — pit privy (not watertight)	50
Privy — vault privy (watertight)	25
Quarry ³	500
Reservoir—Noncomplying	8
Salt or Deicing Material Storage Area, including structure and area surrounding where material is transferred to vehicles ⁴	250
Salvage yard or junkyard	250
Scrap Metal Processing Facility	100
SEWERS (Buried)	
—Manure Sewer	25
—Manure Sewer ($>$ 6 inches in diameter)	50
—Sanitary Building Sewer	8
—Sanitary Collector Sewer	25
—Storm Sewer	8
Shoreline—Lake or Pond (measured to the regional high-water elevation), River or Stream (measured to the edge of the floodway) ⁵	25
Silage Storage, Earthen Trench or Pit	250
Silage Storage Structure (Fabricated liquid-tight) (In-ground or surface)	100
Silage Storage—Surface, Uncovered	100
Silage Storage in a Transfer Tube (Plastic)	50
Silo (Not including dry grain storage structures)	50

Source	Distance in Feet
Single application landspreading of petroleum-contaminated soil	250
Sludge Drying Bed, Liquid-tight	100
Sludge Drying Bed, Not Liquid-tight	250
Solid waste processing facility (including incinerators, air curtain destructors, woodburning facilities, composting facilities, and municipal solid waste combustors), solid waste storage facility or solid waste transfer facility that requires a license or approval under NR 500 series	250
Stormwater Detention Basin (measured to the edge)	25
Stormwater Infiltration basin or system, single- or two-family residential location, includes rain gardens, infiltration trenches and similar structures	8
Stormwater Infiltration basin or system, commercial, multifamily residential (> 2 family units) or industrial	100
Sump—Wastewater (watertight)	8
Sump—Wastewater (not watertight)	25
Swimming Pool (above or below ground) (measured from edge of water)	8
Vegetated Treatment Area (previously known as a filter strip)	50
Wastewater Treatment Plant Effluent Pipe	50
Wastewater Treatment Plant Structure, Conveyance or Treatment Unit	100

1) Separation distances to manure and manure containment structures are also defined in Natural Resource Conservation (NRCS) technical standards and chs. NR 151, 243 and 812. The separation distances in each may be different. When installing a well on a farm, especially an AFO (animal feeding operation) consult with the owner, the technical standards, and all applicable administrative code provisions to identify other well separation distances that may exist.

2) The separation distance from a POWTS dispersal component does not apply if the component has been abandoned in accordance with s. SPS 383.33.

3) See s. NR 812.12 (4) for well construction requirements for wells to be constructed within 500 feet of a quarry.

4) This category includes sand and salt mixtures if the salt content of the mixture is 5% or more.

5) The separation distance requirements for pond shorelines do not apply to synthetically lined decorative yard ponds located on residential lots.

(5) HEAT EXCHANGE DRILLHOLE SEPARATION DISTANCES. Minimum separation distances between any heat exchange drillhole, water supply wells, and existing sources of contamination; or between new sources of contamination and existing heat exchange drillholes shall be maintained as described in this subsection. Separation distance requirements to possible sources of contamination will not be waived because of property lines. Minimum separating distances are ten feet between a heat exchange drillhole and each of the following:

- (a) Non-municipal water supply well.
- (b) Onsite waste disposal system.
- (c) Buried fuel storage tank.

History: Cr. Register, January, 1991, No. 421, eff. 2-1-91; am. (1) (b) 1., (2) (a) to (c), (4) (a) 5., 9., 12. and 13., (b) 1., 5., 7., 11. and 13., (c) 10. to 13., (d) 1. to 3., (f) 6. to 8., (g) 1. and Table A, cr. (1) (e), (4) (a) 14. and 15., (b) 14. and 15., (c) 14. and 15., (d) 4. to 9. and (ee), r. (4) (b) 8., Register, September, 1994, No. 465, eff. 10-1-94; corrections made under s. 13.93 (2m) (b) 7., Stats., Register, September, 1994, No. 465; correction in (4) (d) 1. made under s. 13.93 (2m) (b) 7., Stats., Register, September, 1996, No. 489; cr. (4) (f) 11., am. Table A, Register, December, 1998, No. 516, eff. 1-1-99; corrections made under s. 13.93 (2m) (b) 7., Stats., Register, December, 1998, No. 516; CR 05-020: am. (4) (g) 1. Register January 2006 No. 601, eff. 2-1-06; CR 09-123: am. (4) (b) 11. Register July 2010 No. 655, eff. 8-1-10; correction in (4) (a) 1., 2., 4., (b) 4., 5., (c) 7., 10. b., 14., (d) 1., Table A made under s. 13.92 (4) (b) 7., Stats., Register December 2011 No. 672; CR 13-096: am. (title), (4) (intro.), cr. (5), CR 13-099: am. (1) (intro.), (b) (intro.), r. (1) (b) 1., 2., cr. (1) (f), am. (2) (a) to (c), cr. (2) (d) to (g), am. (4) (intro.), (a) 1., 2., r. (4) (a) 3. to 6., 8., am. (4) (a) 11., r. (4) (a) 13., am. (4) (a) 14., 15., cr. (4) (a) 16. to 18., am. (4) (b) 2. to 4., 7., r. (4) (b) 9., 10., am. (4) (b) 12., r. (4) (b) 13., am. (4) (b) 15., cr. (4) (b) 16., am. (4) (c) 1., 2., 4., renum. (4) (c) 10. (intro.) to 10. and am., r. (4) (c) 10. a., b., cr. (4) (c) 16. to 20., am. (4) (d) 1., 4., 6., cr. (4) (d) 10. to 12., am. (4) (f) 2., 7., 8., cr. (4) (fm), am. Table A Register September 2014 No. 705, eff. 10-1-14; correction in (4) made under s. 35.17, Stats., Register September 2014 No. 705; 2015 Wis. Act 197 s. 43 Register April 2016 No. 724; CR 18-095: am. (1) (title), (b), (c), (e), (f), cr. (1) (g), (1m), r. and recr. (2), am. (3) (a), (c), r. (3) (d), r. and recr. (4), Table A Register June 2020 No. 774, eff. 7-1-20; correction in (2) (d) 5. made under s. 13.92 (4) (b) 7., Stats., and corrections in (4), Table A made under s. 35.17, Stats., Register June 2020 No. 774; republished to correct an error in transcription in Table A Register July 2020 No. 775.

NR 812.09 Department approvals. (1) REVIEW PERIOD. Unless another time period is specified by law, the department shall complete its review and make a determination on all applications for licenses or approvals within 65 business days after receipt of a complete application. Incomplete applications will be returned. The start of the 65 day review period will not begin until

a complete application is received by the department. All requests for approval shall be in writing, except for situations that require an immediate response, in which case an approval may be requested verbally and a verbal approval may be granted by the department to be followed up with a written confirmation.

(2) APPROVAL APPLICATION AND SUBMISSION. The property owner or lessee shall obtain a written approval from the department. When an application is submitted by someone other than the owner of the subject property, the owner or authorized agent shall sign the application. Application information, outlines or forms may be obtained from the department. Applications shall provide information regarding the name, address and firm name of both the owner and operator, if applicable, and any other information requested by the department, including descriptions or sketches of well construction, geology, pump installation, plumbing, possible contamination sources, property boundary, water use and water sample results, depending on the type of application.

(3) PLANS AND SPECIFICATION PREPARATION. Plans and specifications for a school water system or wastewater treatment plant water system shall be submitted by a registered professional engineer or licensed water well driller for wells, and by a registered professional engineer or licensed pump installer for pumps, discharge piping, storage tanks and controls.

(4) APPROVALS REQUIRED. Prior department approval is required for the activities described in this subsection. When deemed necessary and appropriate for the protection of public safety, safe drinking water and the groundwater resource, the department may specify more stringent well and heat exchange drillhole locations, well and heat exchange drillhole construction or pump installation specifications for existing and proposed high capacity, school or wastewater treatment plant water systems and other activities requiring approval by this subsection. Approval by the department does not relieve any person of any liability that may result from injury or damage suffered by any other person. In addition, failure to comply with any condition of an approval or the construction, reconstruction or operation of any well or water system in violation of any statute, rule or department order