

# Title 9 ► Chapter 1

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## Water Utility Regulations and Rates

- 9-1-1** PSC Regulations Adopted
- 9-1-2** Private Well Abandonment
- 9-1-3** Cross Connection Control and Backflow Protection

### **Sec. 9-1-1 PSC Regulations Adopted.**

The rate order and regulations prescribed for the Village of Elk Mound Water Utility by the Wisconsin Public Service Commission are adopted and incorporated herein by reference.

### **Sec. 9-1-2 Private Well Abandonment.**

- (a) **Purpose.** The purpose of this Section is to prevent unused or improperly constructed wells from serving as a passage for contaminated surface or near-surface waters or other materials to reach the usable ground water.
- (b) **Coverage; Requirement for Well Operation Permit.** No private well located on any premise which is served by the public water system of the Elk Mound Municipal Water and Sewer Utility may be operated unless a well operation permit has been granted therefore by the Clerk-Treasurer. All other such wells shall be the responsibility of the property owner to abandon according to the procedures and methods outlined in NR 812.26, Wis. Adm. Code, within one (1) year of:
  - (1) Connection to the public system.
  - (2) Date of discovery.
  - (3) Date of construction.
- (c) **Well Operation Permits.** Application for a well operation permit shall be made on forms provided by the Clerk-Treasurer. A well operation permit will be granted to a well owner to operate a well for a period not to exceed five (5) years if the following requirements are met:
  - (1) The well and pump installation meet the requirements of NR 812, Wis. Adm. Code, and a well constructor's report is on file with the Wisconsin Department of Natural Resources, or certification of the acceptability of the well has been granted by the Private Water Supply Section of the Wisconsin Department of Natural Resources;

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- (2) The well has a history of producing safe water and presently produces bacteriologically safe water as evidenced by two (2) samplings two (2) weeks apart; additional tests may be required in some situations;
  - (3) The proposed use of the well can be justified as being necessary in addition to water provided by the public water system;
  - (4) No physical connection exists between the piping of the public water system and the private well;
  - (5) That the well and pump system be evaluated by a licensed well driller or pump installer and certified to comply with NR 812 sub. ch. IV, Wis. Adm. Code, prior to issuing the initial permit and no less than every ten (10) years afterwards; and
  - (6) No unapproved cross-connections exist between any private well and pump installations and the municipal water system.
- (d) **Renewal of Permit.** Application for renewal of a well operation permit shall be made on forms provided by the Clerk-Treasurer prior to the expiration of any permit or renewal thereof. Renewals, not to exceed five (5) years, will be based on the same factors as the original well operation permit, as set out in Subsection (c) above.
- (e) **Abandonment Methods.** Wells to be abandoned shall be filled and sealed according to the procedures outlined in NR 812, Wis. Adm. Code. The pump and piping must be removed and the well checked for obstructions prior to plugging. Any obstruction or liner must be removed.
- (f) **Reports and Inspection.** A well abandonment report must be submitted by the well owner to the Clerk-Treasurer and the Wisconsin Department of Natural Resources. If after an inspection a well is found to be improperly filled, the owner thereof shall be issued a notice to properly abandon such well within ninety (90) days or be subject to the penalty for violation of this Section.
- (g) **Penalties.** Any person, firm or other well owner who violates any provisions of this Section shall, upon conviction, forfeit not less than Twenty-five Dollars (\$25.00) nor more than Two Hundred Dollars (\$200.00), together with all court costs, assessments and penalties. Each twenty-four (24) hour period during which a violation exists shall be deemed and constitute a separate offense.

### **Sec. 9-1-3 Cross Connection Control and Backflow Protection.**

- (a) **Purpose.** The purpose of this Section is to:
- (1) **Protection of Public Health and Welfare.** Protect the health and welfare of users of the public potable water supply of the Village of Elk Mound from the possibility of contamination or pollution of the potable water system(s) under the direct authority of the Elk Mound Water and Sewer Utility.
  - (2) **Control and/or Eliminate Cross Connections.** Promote for the control and/or elimination of existing cross connections (actual or potential) between the customer's

- potable water system(s) and other environment(s) containing substance(s) which may contaminate or pollute the water supply.
- (3) **Maintenance of Comprehensive Cross Connection Control Program.** Provide for the maintenance of a continuing comprehensive program of cross connection control which will systematically and effectively prevent the continuation or pollution of all potable water system(s) under the direct authority of the Elk Mound Water and Sewer Utility.
- (b) **Definitions.** The following definitions shall be applicable in this Section:
- (1) **Backflow.** The undesirable flow of water or mixtures of water and other liquids, solids, gases or other substances under positive or reduced pressure into the Elk Mound water system.
- (2) **Backflow Prevention.** A means designed to prevent backflow caused by back-pressure or back-siphonage; most commonly categorized as:
- Air gap;
  - Reduced pressure principle backflow assembly;
  - Double check valve assembly;
  - Pressure vacuum breaker assembly;
  - Back-siphonage backflow vacuum breaker (spill resistant pressure vacuum breaker) assembly;
  - Pipe applied atmospheric vacuum breaker;
  - Flush tank ballcock;
  - Laboratory faucet backflow preventer;
  - Backflow preventer for carbonated beverage machine;
  - Vacuum breaker wall hydrants (freeze resistant automatic draining type);
  - Chemical dispensing machine;
  - Hose connection vacuum breaker;
  - Hose connection backflow preventer; and/or
  - Backflow preventer with intermediate atmospheric vent and barometric loop.
- (3) **Backpressure.** An elevation of pressure in the downstream piping system (i.e. pump, elevation of piping, or steam and/or air pressure) above the utility supply pressure, which would cause or tend a reversal of the normal direction of flow.
- (4) **Back-siphonage.** The flow of water or other liquids, mixtures or substances into the Utility's potable water system from any source caused by the sudden reduction of pressure in the Utility's potable water supply system.
- (5) **Cross Connection.** Any physical connection or arrangement between two (2) otherwise separate systems, one of which contains potable water from the Utility, and the other containing water from a private source, water of unknown or questionable safety, or steam, gases or chemicals, whereby there may be a flow from one (1) system to the other, the direction of flow depending on the pressure differential between the two (2) systems.

- (6) **Cross Connection Control Manual.** Policies and procedures for cross connection control and backflow prevention for the Village of Elk Mound.
- (c) **Cross Connection Prohibited.** No person shall establish or permit to be established, or maintain or permit to be maintained, any cross connection. No interconnection shall be established whereby potable water from a private, auxiliary, or emergency water supply, other than the public water supply of the Utility, unless such private, auxiliary or emergency water supply and the method of connection and use of such supply have been approved by the Utility and the Wisconsin Department of Natural Resources.
- (d) **Responsibility of Utility.** The Elk Mound Water and Sewer Utility shall be responsible for the protection of the public potable water distribution system from contamination or pollution due to backflow of contaminants or pollutants. The Utility shall charge fees according to the Utility's *Cross Connection Control Manual* for maintaining a comprehensive cross control protection plan.
- (e) **Owner Responsibility.**
- (1) **Protection of Potable Water; Backflow Preventers.** The property owner shall be responsible for the protection of the customer's potable water system. The responsibilities include the elimination of or protection from all cross connections on their premises. The owner shall, at their own expense, install, maintain, and test any and all backflow preventers on their premises in compliance with SPS 382, Wis. Adm. Code, requirements and the Utility's *Cross Connection Control Manual*. The property owner shall have corrected any malfunction revealed by periodic testing of any backflow preventer on their premises. The property owner shall inform the Utility of any proposed or modified cross connections and also any existing cross connections that are not protected by an approved backflow prevention means.
  - (2) **Technical Backflow Preventer Standards Generally.** The property owner shall not install a bypass around any backflow preventer unless there is a backflow preventer of the same type in the bypass. Property owners who cannot shut down operation for testing of the backflow prevention assembly must supply additional assemblies necessary to allow testing and maintenance to take place. In the event the property owner installs potable water-using fixtures, equipment or appurtenances upstream of a backflow preventer, such must have its own approved backflow prevention means.
  - (3) **Required Protection Practices to be Followed.** The property owner is required to follow the protection practices described in the American Water Works Association publication AWWA M-14 titled *Recommended Backflow Prevention and Cross Connection Control*, United States Environmental Protection Agency publication titled *Cross Connection Control Manual*, Wisconsin Department of Safety and Professional Services Plumbing Code SPS 382, Wis. Adm. Code, and the Utility's *Cross Connection Control Manual*, unless the Utility requires or authorizes other means of protecting the potable water supply system. These requirements or authorizations will be at the discretion of the Utility.

- (f) **Inspections.** It shall be the duty of the Utility to cause surveys to be made of all properties serviced by the Utility where cross connections with the public water system is deemed possible. Residential properties serviced by the Utility shall be surveyed on a ten (10) year interval. The Utility may, but is not required to, perform the cross connection survey of the customer's property. All non-residential properties serviced by the Utility shall be surveyed on an interval not exceeding two (2) years. The frequency of required surveys and resurveys, based upon the potential health hazards, may be shortened by the Utility. If, in the opinion of the Utility, the Utility is not able to perform the survey, the property owner must, at their own expense, have the water system piping surveyed for cross connections by a person who has been properly trained in accordance with the American Society of Sanitary Engineers (ASSE) Standard #5120 as a Cross Connection Control Surveyor. The Utility shall charge fees as approved by the State of Wisconsin Public Service Commission for on-premises follow-up visits by Utility personnel for re-inspection due to customer noncompliance and for after hours inspections or re-inspections.
- (g) **Right of Entry.** Upon presentation of credentials, representatives of the Utility shall have the right to request entry at any reasonable time to examine property served by a connection to the public potable water system of the Utility for cross connections. If entry is refused, such representatives shall obtain a special inspection warrant under Sec. 66.0119, Wis. Stats. The Utility shall charge fees as approved by the State of Wisconsin Public Service Commission for on-premises follow-up visits by Utility personnel for re-inspection due to customer noncompliance and for after hours inspections or re-inspections.
- (h) **Authority to Discontinue Service.** The Utility is hereby authorized and directed to discontinue water service to any property wherein any connection in violation of this Subsection exists and to take such other precautionary measures deemed necessary to eliminate any damage or contamination of the potable water system. Water service shall be discontinued if the means of backflow prevention required by the Utility is not installed, tested, maintained, and/or repaired in compliance with this Section, the Wisconsin Department of Safety and Professional Services Plumbing Code SPS 382, Wis. Adm. Code, and the Utility's *Cross Connection Control Manual*, or if it is found that the means of backflow prevention required by this Section has been removed or bypassed. Water service shall be discontinued only after reasonable notice and opportunity for hearing under Chapter 68, Wis. Stats., except as provided in Subsection (j) below.
- (i) **Reconnection of Service.** Water service to any property disconnected under the provisions of this Section shall not be restored until the cross connection(s) has been eliminated or a backflow prevention means approved by the Utility has been installed in compliance with the provisions of this Section. The Utility shall charge fees as approved by the State of Wisconsin Public Service Commission for the reconnection of the water service.
- (j) **Emergency Discontinuance of Service.** If it is determined by the Utility that a cross connection or an emergency endangers public health safety or welfare and requires immediate action, service may be immediately discontinued. The owner, lessee or occupant

shall have an opportunity for a hearing under Chapter 68, Wis. Stats., within ten (10) days of such emergency discontinuance. Such hearing shall be before the Elk Mound Water Utility Committee and shall conform to all existing due process requirements.

(k) **Additional Protection.**

- (1) **Special Circumstances.** In the case of premises having cross connections that cannot be permanently corrected or controlled, or with intricate plumbing and piping arrangements, or where entry to all portions of the premises is not readily accessible for surveying purposes, making it impractical or impossible to ascertain whether or not dangerous cross connections exist, the public water supply system shall be protected in the service line.
  - (2) **Dangers to Public Water Supply System; Required Apparatus.** In the case of any premises where there is any material danger to health that is handled in such a manner that, in the opinion of the Utility, could create an actual or potential hazard to the public health water supply system, an approved air gap separation or an approved reduced pressure principle backflow assembly shall protect the public water supply system. Examples of premises these conditions will exist include:
    - a. Premises with auxiliary water supplies either interconnected or not interconnected with the public water supply system.
    - b. Premises where inspection is restricted.
    - c. Hospitals, mortuaries, clinics, and laboratories. Piers, docks, and other water front facilities.
    - d. Sewage treatment plants; sewage lift stations.
    - e. Food and beverage plants, processing plants, chemical plants using a water process, metal processing plants or nuclear reactors.
    - f. Car washing facilities.
    - g. Premises with reclaimed water systems.
  - (3) **Toxic Substances Present.** In the case of any presence of toxic substances, the Utility may require an approved air gap or reduced pressure principle backflow assembly at the service connection to protect the public water supply system. This requirement will be at the discretion of the Utility.
- (l) **Public Water Supplies.** This Section does not supercede the Wisconsin Department of Natural Resource's NR 810, Wis. Adm. Code, but is supplementary to it.
- (m) **Plumbing Code.** The Elk Mound Water Utility Committee and Village Board adopts by reference the Wisconsin Uniform Plumbing Code, being SPS 382, Wis. Adm. Code. This Section does not supercede the Wisconsin Uniform Plumbing Code and/or Sec. 15-1-6 [Village Plumbing Code}, but is supplementary to it.