

EAST TROY VILLAGE BOARD

RESOLUTION 2006-07

RESOLUTION AUTHORIZING PREPARATION FOR CONSTRUCTION OF WELL NO. 7, ESTABLISHING PUMPING RESTRICTIONS AND MONITORING REQUIREMENTS, DECLARING VILLAGE OBLIGATIONS

WHEREAS, The Village of East Troy (Village) has a legal responsibility to provide a safe and reliable water system for its residents, for potable drinking water, fire suppression and other domestic, industrial and commercial uses, and

WHEREAS, After several years of study for a suitable site for an additional municipal well, the Village located a site north of St. Peters Road, in the SW¹/₄ of the SW¹/₄ of Section 17. On June 20, 2003, the Village applied to the Department of Natural Resources (DNR) for a high capacity well approval for a municipal well to be constructed at the St. Peters Road location (Well No. 7), and

WHEREAS, Environmental consultants retained by the Village have determined that Well No. 7 would have no adverse impacts on Lake Beulah, and

WHEREAS, The DNR approved Well No. 7 on September 4, 2003 and again on September 6, 2005, and authorized the Village to withdraw up to 1,000 gallons of water per minute from the well, and

WHEREAS, The Lake Beulah Protective and Improvement Association (Association) and the Lake Beulah Lake Management District (District) challenged the DNR approval of Well No. 7, alleging that the well would have adverse impacts on Lake Beulah, and on June 11, 2004, the Administrative Law Judge from Wisconsin Department of Administration's Division of Hearings and Appeals upheld DNR's approval of Well No. 7.

WHEREAS, The District and Association challenged the determination of the Administrative Law Judge in the Walworth County Circuit Court. On June 24, 2005 the Circuit Court again upheld the DNR's approval of Well No. 7. The District and Association appealed this decision which is now under consideration by the Wisconsin Court of Appeals, and

WHEREAS, Despite finding that Well No. 7 will not adversely effect Lake Beulah, the Village has worked with the District and Association and other interested parties in attempting to identify and assess alternative well sites. Those efforts are continuing and the Village will continue to work with these groups to explore alternative sites, but as of the date of this resolution, no feasible alternative site has been identified, and

WHEREAS, On February 11, 2005 the DNR notified the Village as part of its annual review of the Village's water system that the Village "does not have sufficient firm source capacity" and that it needed to address firm capacity and storage to "provide adequate amounts of water, pressure and to protect human health and safety." The DNR further advised the Village that a response was required to avoid being subject to enforcement actions from the Department of Justice.

WHEREAS, The Village responded to the DNR on April 20, 2005 seeking a variance from certain requirements until Well #7 was able to be installed. Among other things, the DNR required that the Village adopt emergency water supply and emergency waters use and restriction provisions that would apply in this interim period. These measures were approved by the Department on August 17, 2005.

WHEREAS, The development of a municipal well requires a number of steps including land acquisition, well design, bidding for well construction, well construction, review and approval of the well by DNR, bidding for and construction of a well house, among other things. This process can take over a year.

WHEREAS, The Village has determined that it is necessary to begin the steps necessary to proceed with the development of Well No. 7, but do so in a limited and sequential way to confirm that it will not have an adverse impact on Lake Beulah;

NOW THEREFORE BE IT RESOLVED, that as the East Troy Village Board proceeds with the steps necessary for the development of Well No. 7, the Board hereby imposes the following unilateral conditions on the eventual operation of Well No. 7 in addition to those conditions in its DNR approval:

- The Village will establish and conduct groundwater and surface water elevation monitoring program for the first 72 months of operation of Well No. 7, to determine whether there are adverse impacts to Lake Beulah from the operation of Well No. 7.
- During the first 24 months of operation of Well No. 7, the water withdrawal rate will be limited to an average of 333 gallons per minute over a 30-day period, except during emergency situations. This is one-third of the water withdrawal rate approved by the DNR.
- If the monitoring program demonstrates that Well No. 7 has no adverse impacts to Lake Beulah over the first 24 months of operation, the water withdrawal rate of Well No. 7 for the following 24 month period will be limited to an average of 666 gallons per minute over a 30-day period, except during emergency situations. This is two-thirds of the water withdrawal rate approved by the DNR.
- If the monitoring program demonstrates that Well No. 7 has no adverse impacts to Lake Beulah over the next 24 months, the water withdrawal rate of Well No. 7 will be limited as indicated in the DNR approval of the well. The monitoring program will continue for an additional 24 months at that point.
- If Well No. 7 has an adverse impact on the quantity of water available to neighboring private wells existing at the time Well No. 7 begins operation, the Village will take action to resolve such impact, including connecting residents using such wells to the Village water system without a connection charge, if necessary.

Adopted this 24th day of April, 2006.

William R. Loesch, Village President

Attest:

Judy Weter, Village Clerk