



May 25, 2022

Harter's Lakeside Disposal - Lima Road
Michael Thun
W2578 Holland-Lima Road
Ootsburg, WI 53070

Subject: **VARIANCE APPROVAL** for an existing well located at W2578 Holland-Lima Road, Town of Lima, in Sheboygan County, SE 1/4 SE 1/4 Sec. 35 T14N R22E; **Variance ID 26899 ; WUWN YG318.**

Dear Michael Thun :

The Department of Natural Resources (DNR) has reviewed your request received by DNR on May 23, 2022 for a variance to the requirements of s. NR 812.08(4) Table A , Wis. Adm. Code, which requires a separation distance of 250 feet between a well and a(n) solid waste processing facility, storage facility, or transfer facility that requires a license or approval under NR500. You have requested a separation distance of 0 feet. DNR has determined that your variance meets the requirements of NR 812.43, Wis. Adm. Code, and the variance is approved, subject to the following:

CONDITIONS

The following construction or installation features for the well and water supply system shall be complied with to protect human health and groundwater comparable to strict code compliance:

1. This is an existing well YG318. The 10-inch diameter upper enlarged borehole was drilled to 180 feet bgs.
2. The annular space was sealed with neat cement grout using the Bradenhead method.
3. Whenever this well is sampled, DNR recommends collecting an additional sample for volatile organic compounds (VOC).
The well appears to be constructed to meet all other applicable requirements in NR 812, Wis.Adm.Code.
4. A copy of this variance must be provided to any potential buyer at least 10 - days prior to the closing of any sale of this property. All subsequent owners must also comply with this condition.
5. The well must be permanently filled and sealed if it fails to consistently yield water meeting drinking water requirements for any regulated contaminant.
6. If construction of the well has not commenced within 2 years of the date on this letter, the approval is void.

Failure to comply with the conditions of this variance or any other applicable requirements of ch. NR 812 voids the variance approval.

Please note that groundwater flow, the surrounding land uses and the physical condition of your well will change over time. The changes can affect the groundwater quality of your well. To investigate for changes in groundwater quality, the department recommends at least annual sampling for bacteria and nitrate.

FINDINGS

Your request for a variance is granted because your application demonstrates that strict compliance with the code is not feasible. The reason that strict compliance with the code is not feasible is that The property is currently vacant and not being used. The property was a former auto salvage yard, which is no longer operating. The applicant proposes to develop the property into a solid waste transfer facility, which is regulated under NR 502.07. This variance request is for the one known private water supply well on the property.

Per, NR 812.08(4), the regulated distance between a private well and a solid waste transfer facility is 250 feet. The applicant is requesting zero feet setback because it is an existing well on the property. There appears to be an existing variance for when the well was used for the former salvage yard. The NR 812.08(4) setback distance between a private well and a salvage yard is also 250 feet. Per NR 502.07(3)(b), The facility would be exempt from maintaining a specific separation distance from a private drinking water well because the waste transfer activities would be located within an enclosed building. Without this exemption, NR 502.07(3)(b) would require 250 feet between the waste handling area and the well. Features that contribute to comparable protection include:

1. The additional well construction and/or grouting requirements specified in the conditions of this approval will help to provide additional water quality protection for the well.
2. Well sampling requirements specified in the conditions of this approval will provide additional water quality confirmation for the well.
3. A number of nearby well construction logs show a distinct clay layer is present near the surface to an average depth of 107.42 feet below ground surface which can help to prevent vertical migration of contaminants.
4. Sampling records in the area indicate that nearby water quality meets drinking water quality standards.

The DNR has authority under chs. 280 and 281, Stats. and s. NR 812.43, Wis. Adm. Code, to grant a variance from ch. NR 812 requirements when strict compliance is not feasible. The DNR may also require additional construction or installation features to protect drinking water and groundwater from contamination as a condition of a variance.

A department-approved variance does not guarantee acceptable water quality or quantity. This variance application was evaluated based on information provided to the department and is assumed to be accurate. The department has not inspected the well and water system that is the subject of this variance application. The well has not been evaluated by the department for compliance with NR 812 requirements beyond what is addressed in the variance request. Undisclosed noncomplying features will void the variance.

NOTICE OF APPEAL RIGHTS

If you believe that you have a right to challenge this decision, you should know that the Wisconsin statutes and administrative rules establish time periods within which requests to review Department decisions must be filed. For judicial review of a decision pursuant to sections 227.52 and 227.53, Wis. Stats., you have 30 days after the decision is mailed, or otherwise served by the department, to file your petition with the appropriate circuit court and serve the petition on the department. Such a petition for judicial review must name the DNR as the respondent.

To request a contested case hearing pursuant to section 227.42, Wis. Stats., you have 30 days after the decision is mailed, or otherwise served by the department, to serve a petition for hearing on the Secretary of the DNR. All requests for contested case hearings must be made in accordance with section NR 2.05(5), Wis. Adm. Code, and served on the Secretary in accordance with section NR 2.03, Wis. Adm. Code. The filing of a request for a contested case hearing does not extend the 30-day period for filing a petition for judicial review.

If you have any questions, please feel free to call me at (715) 579-9729 or e-mail at James.KasdorfJr@wisconsin.gov.

Sincerely,



James Kasdorf, Water Supply Specialist
Private Water Supply Section
Bureau of Drinking Water and Groundwater

Eccs:

GROUND SOURCE INC - Driller

Lauridsen, Keld B - DNR

From: Kasdorf, James H Jr - DNR
Sent: Wednesday, May 25, 2022 12:45 PM
To: MThun@harters.net; jomernik@scsengineers.com
Cc: Lauridsen, Keld B - DNR; Mulsoff, Lori E - DNR
Subject: Variance Approval - Harter's Lakeside Disposal - Ootsburg
Attachments: var.Lima_Harters_Approval.25May22.pdf

May 25, 2022

Mr. Michael Thun
Harter's Lakeside Disposal – Ootsburg Transfer Station
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920-552-5423
MThun@harters.net

Mr. Jared Omernik
SCS Engineers
Green Bay, WI
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Dear Mr. Thun and Mr. Omernik:

Attached, please find the Variance Approval Letter for the existing well (YG318) at Harter's Lakeside Disposal – Ootsburg Transfer Station. Feel free to contact me if you have any questions. Thank you.

We are committed to service excellence.

Visit our survey at <http://dnr.wi.gov/customersurvey> to evaluate how I did.

Jim Kasdorf

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