



## State of Wisconsin \ DEPARTMENT OF NATURAL RESOURCES

Jim Doyle, Governor  
Matthew J. Frank, Secretary  
Lloyd L. Eagan, Regional Director

South Central Region Headquarters  
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Via Email

October 20, 2008

Casetrack ID#2008-SCEE-058

Chris Kearsing  
Morgan Management  
509 Queensbury Ave  
Queensbury, NY 12804

Subject: Notice of Violation

Dear Mr. Kearsing:

Based on information that the Department has compiled, we believe that Crystal Lake Campground and RV Resort located at N550 Gannon Road, Lodi, Wisconsin may be in violation of State wastewater, solid waste, navigable waters, and safe drinking water statutes and rules.

### DRINKING WATER

On April 11, 2007, the Department notified Crystal Lake RV Resort that concentrations of arsenic in the resort drinking water supply exceeded the primary Maximum Contaminant Level of 0.010 milligrams per liter. Under section NR 809.10, Wis. Adm. Code, no water source exceeding any primary Maximum Contaminant Level (MCL) may be connected to a public water supply system unless blending or treatment is provided such that the primary MCL is not exceeded upon entry to the distribution system.

The Department requested that the resort take action to reduce the arsenic concentration to below the MCL. Subsequently, a pilot water treatment study was conducted and an application was submitted to the Department by Hellenbrand Inc on January 24, 2008 requesting approval for installation of arsenic removal equipment. Installation of the proposed treatment equipment was approved by the Department on February 26, 2008. The treatment system has not yet been installed.

The Department is alleging that Crystal Lake is in alleged violation of the following safe drinking water codes:

1. Section NR 809.10, Wis. Adm. Code, – 2 wells producing water with arsenic concentrations exceeding the primary Maximum Contaminant Level (MCL) for arsenic (0.010 milligrams/liter) are supplying water to the Crystal Lake Campground and RV Resort Other-than-Municipal public water system.
2. Section NR 809.12(2)(h), Wis. Adm. Code, – 1 required quarterly arsenic sample was not collected during the 4<sup>th</sup> quarter of 2006. Both required samples were not collected during the 4<sup>th</sup> quarter of 2007 and the 2<sup>nd</sup> quarter of 2008.

3. Section 809.80(5), Wis. Adm. Code, – required certification of completion of public notification requirements and copy of public notification were not submitted to the Department for the above sampling violations. Tier 3 public notification is required for the missed samples under NR 809.953(2), Wis. Adm. Code.

## WASTEWATER

On January 1, 2005 the Department issued WPDES Permit # WI-0061093-06, to Brylee Corp DBA Crystal Lake Campground.

On July 21, 2008, Ken Denow, DNR Wastewater Specialist, responded to a complaint that Crystal Lake's treatment plants ponds were overflowing into the adjacent wetlands and that the owners were spray irrigating the wastewater on adjacent land. Ken Denow observed wastewater being pumped out of lagoon # 2 and piped to an agricultural field where it was sprayed on a corn field. The wastewater appeared to be running off the field (south southeast) back into the wetland area (ponded stormwater). The irrigation taking place did not appear to be within the approved spray irrigation site. Jerry Doede, maintenance manager indicated the wastewater was being sprayed by John Ballweg the farmer to north of the facility.

Doede explained that the Ballwegs operate and maintain the pump spray irrigation system including sampling and tracking of the wastewater removed from the lagoon. The effluent discharged from the lagoons is sampled and monitored from the pump discharge at pond # 3. The Ballwegs keep records and track how much wastewater was applied on the fields and provided the volumes to them. The volumes are then submitted to the DNR electronically. Crystal Lake provided monthly logs of the water that was applied on the field. The logs were incomplete and did not provide daily records or acres applied or nitrogen loadings.

During a site visit on August 11, 2008, Doris Thiele, DNR Wastewater Engineer, confirmed that the wastewater lagoons overflowed during the month of June 2008. This was to be reported to the DNR within 24 hours; it was not. In addition, Form 3400-184 (Sanitary Sewer Overflow or Bypass Notification Summary Report) was to be submitted within five days. We are requesting you provide us a completed copy of the report be brought to the meeting.

In a letter dated September 8, 2008, the DNR requested copies of the last three years of annual soil sampling results and daily spreading logs be submitted by September 26, 2008. As of today's date, these have not been received. For the enforcement conference we request that the wastewater operator and John Ballweg attend. We would also like the Annual Land Treatment Reports/ Land Application Reports, an updated management plan with a map of where the wastewater is being applied and soil sampling results for the last three years be brought to the meeting.

The Department is alleging that Crystal Lake is in alleged violation of their WPDES permit and wastewater codes:

1. Section NR 206.08(2)(b)7, Wis. Adm. Code, requires the soil of the agricultural field receiving partially treated wastewater must be tested annually for nitrogen, phosphorus, potassium and pH. No reports have been received for 2004 – 2007. This provision is also required by permit condition 2.2.1.2.
2. Section NR 205.07(1)(u), Wis. Adm. Code, states the permittee shall notify the Department within 24 hours after a bypass of wastewater. In addition, within five days, a written notification shall be submitted. Dates of bypassing: June – August 2008. No notification and no written summary has been received. This provision is also required by permit condition 4.2.6.
3. Permit requirement 4.3.6. states that all land treatment systems shall be operated in accordance with an approved management plan.
4. Permit condition 4.3.12 requires a Land Treatment Annual Report including nitrogen loading requirements for spray irrigation 4.3.8 and Runoff 4.3.9, discharge shall be limited to prevent any runoff of effluent from the spray irrigation site

#### SOLID WASTE

At a September 3, 2008 inspection Barb Palecek, DNR Waste Management Specialist, discovered that Crystal Lake had burned brush, wood and yard waste without having first obtained a woodburning license. Crystal Lake has indicated an interest in obtaining a wood burning license.

The Department is alleging that Crystal Lake is in alleged violation of the following solid waste code:

Section NR 502.11(1), Wis. Adm. Code, requires Crystal Lake to obtain approval and license to burn wood waste.

#### FISH HABITAT

During a site visit on September 3, 2008, Dan Hunt, Water Management Specialist, discovered that Crystal Lake had ripped almost their entire shoreline without a permit. Crystal Lake Campground and RV Resort has approximately 1.2 miles of shoreline. The resort also placed fill below the ordinary high water mark of the lake for the purpose of creating a beach/swimming area and building up the shoreline.

The Department is alleging that Crystal Lake is in violation of the following navigable water statute:

Section 30.12, Wis. Stats., which requires a permit to place a structure or fill below the ordinary high water mark of a navigable waterway. Chapter NR 328, Subchapter I, Wis. Adm. Code sets standards for issuing a permit to place shoreline erosion control along the shoreline of a lake.

In order that we may discuss these alleged violations in greater detail, I have scheduled an enforcement conference for **Tuesday October 28, 2008** at 10:00 AM at the Fitchburg Service Center located at 3911 Fish Hatchery Road, Fitchburg, Wisconsin. Please come prepared to discuss the circumstances surrounding the alleged violations and options for resolution. In addition, the Department would like the wastewater documents previously mentioned brought to the meeting. Please ensure that anyone that is responsible for the facility is present at the conference.

Please note that the Department is authorized to request forfeitures of up to \$5,000 per violation per day for solid waste violations under s. 289.96(3), Wis. Stats., forfeitures of up to \$5,000 per violation per day for safe drinking water violations pursuant to s. 281.98 (1), Stats., forfeitures of up to \$10,000 per violation per day for wastewater violations under s. 283.91(2), Stats., and forfeitures of up to \$10,000 for deposits in navigable waters under s. 30.298(1), Wis. Stats.

If you have questions regarding this letter, please contact me at 608-275-3306.

Sincerely,



Pamela Kober  
Environmental Enforcement Specialist

cc: Doris Thiele – Horicon Service Center  
Ken Denow – Horicon Service Center  
Barb Palecek – Horicon Service Center  
Dan Hunt – Horicon Service Center  
Bob Kaczmarek – SCR  
Mike Noble – General Manager, Crystal Lake Campground and RV Resort, N550 Gannon Road, Lodi, WI 53555