



State of Wisconsin \ DEPARTMENT OF NATURAL RESOURCES

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Matthew J. Frank, Secretary
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CERTIFIED MAIL
RETURN RECEIPT REQUESTED

April 3, 2009

Chris Kearsing, Director of Operations
Morgan Management
509 Queensbury Ave.
Queensbury, NY 12804

Casetrack ID#2008-SCEE-058

Subject: Notice of Violation - Overflowing Wastewater Treatment Lagoons

Dear Mr. Kearsing,

The Department has reason to believe that the three wastewater lagoons at Crystal Lake RV Resort are overtopping, which is causing untreated wastewater to be discharged to an adjacent wetland. The Department is specifically alleging that the Resort is discharging without a permit, and is in violation of Wisconsin Pollutant Discharge Elimination System (WPDES) permit # WI-0061093-06.

The lagoons are intended to treat and store domestic wastewater through the year until farm fields become available for spray irrigation. Unfortunately, it appears that mismanagement of the wastewater treatment system has resulted in excessive hydraulic loadings. The lagoons are full and unable to hold additional wastewater. Untreated wastewater is flowing over the berms of all three lagoons. Lagoon 1 is overflowing in two spots. One spot overflows directly into Lagoon 2. The other spot discharges directly to an adjacent wetland. Lagoon 2 overflows into Lagoon 3. Lagoon 3 is discharging into the same wetland.

On Sunday, March 22, 2009, Doris Thiele, DNR Wastewater Engineer, confirmed that Lagoon 3 was overtopping and that the other two lagoons had at some time overtopped during an on-site visit. There was no pumping activity on this day. On Tuesday March 24, 2009, Ms. Thiele took samples of the wastewater being stored in the lagoons. During the visit, there was no pumping activity. On Friday, March 27, 2009, the three lagoons were confirmed to be overtopping during an on-site visit by Ms. Thiele.

To address the overtopping, the Resort has chosen to pump and haul wastewater from the lagoons to neighboring municipal treatment facilities. It appears that the amount of wastewater pumped and hauled has not been sufficient to deal with the hydraulic loads of the Resort and precipitation. The Department expects Crystal Lake RV Resort to maintain two feet of freeboard on each of the three lagoons. At this time, the goal should be to maintain at least a six-inch freeboard in each lagoon.

According to records received from Bytec Resource Management, approximately 552,000 gallons have been pumped and hauled to a municipal treatment facility for further treatment. This occurred sporadically for 11 days beginning on March 12, 2009. Not counting Sundays, there were 17 available days to pump and haul. If pumping would have occurred on each of the available days, the lagoons would not currently be overtopping.

We understand that the campground is scheduled to open on April 15, 2009. The Department expects that the Resort will continue to pump and haul to maintain an adequate freeboard level. Bytec has informed the Department that their availability to haul in April will be limited due to other commitments. It may be necessary to hire additional hauling companies to keep up with the hydraulic load from the Resort.

The Department also believes that the spray irrigation field used in the past will not be able to receive wastewater until some time in May. Once the land has had sufficient time to dry, land application may become a viable option. All new land application sites will need to have prior approval from the Department. If the previous approved spray irrigation field is utilized, we would expect no runoff or ponding of wastewater. A sufficient setback from the waterways or other concentration areas of flow should be maintained. Runoff will not be tolerated.

In addition, the Department expects to be notified within 24 hours after any bypass of wastewater. This was not done last summer, nor was it done this spring. Further, a written summary within five days of the bypass ceasing should be submitted to the Department.

Within **15 days** of receipt of this letter please respond with an action plan of how the Resort will ensure that an adequate freeboard level is maintained in each lagoon, contingency plans for pumping and hauling, and plans for land application. In addition, the required bypassing reports should also be submitted with the response.

Please note that under s. 281.98, Wis. Stats., the Department is authorized to request forfeitures of up to \$10,000 per violation per day for wastewater violations.

If you have questions on this letter, please contact me at 608-275-3306. If you have specific questions related to your wastewater lagoons, contact Doris Thiele at 920-387-7864.

Sincerely,



Pamela Kober

Environmental Enforcement Specialist

cc: Scott Reskey, General Manager – Crystal Lake RV Resort, PO Box 188, Lodi, WI 53555
Howard Wiese, Jr., Certified Operator, PO Box 175, Poynette, WI 53955
Doris Thiele – Horicon
Conservation Warden Paul Nadolski