



State of Wisconsin \ DEPARTMENT OF NATURAL RESOURCES

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October 2, 2009

Doug Hemphill, Director of Operations
Morgan Management
509 Queensbury Ave.
Queensbury, NY 12804

Casetrack ID#2008-SCEE-058

Subject: Notice of Violation/Request to Schedule an Enforcement Conference

Dear Mr. Hemphill,

The Department has reason to believe that Crystal Lake RV Resort is in violation of its Wisconsin Pollutant Discharge Elimination System (WPDES) permit # WI-0061093-06 and Water Quality Certification requirements.

Specifically, the Department is alleging that Crystal Lake RV Resort is in violation of:

1. Section 4.1.1 of the WPDES permit which requires Daily Monitoring Reports (DMR) to be submitted no later than the fifteenth of the following month. The March, June, July, and August 2009 DMRs were to be submitted by April 15, 2009, July 15, 2009, August 15, 2009, and September 15, 2009 respectively. As of today's date, the Department has not received the March, June, July, or August DMRs. **Please submit these reports within 5 days of receiving this letter.**
2. Section 4.2.8 of the WPDES permit which requires the resort to properly operate and maintain the influent flow measurement device. The influent flow measurement device has been out of service since at least spring 2009. Pump running times had historically been approved for measuring influent flow to the lagoon system. Without a functioning pump and timing device, flows can not be calculated. **The Department requests that this situation be corrected within two weeks of receiving this letter.** Please note if Crystal Lake chooses to replace the meter with an equivalent one, no plans and specification review will be necessary. If a new mechanism is chosen, Department review and approval may be necessary.
3. Water Quality Certification requirements outlined in Section 281.17(10)(b), Wis. Stats. This provision states that no person may violate a condition imposed by the DNR in a Water Quality Certification required by rules to implement 33 USC 1341(a).

Section 281.37(2) (a), Wis. Stats., states that the Department may consider a mitigation project as part of an application, in combination with requirements under s. 281.37 (2) (b), Wis. Stats., for complying with any wetland water quality standards in determining whether to issue a permit for, or to otherwise approve an activity that affects a wetland.

Chapter NR 299, Wis. Adm. Code, states that no person may conduct any activity which may result in any discharge into the waters of the state unless the person has received a certification or waiver under this chapter.

Earlier this summer the Department investigated a complaint of a gravel boat ramp being constructed at Crystal Lake RV Resort. The ramp was built without Department review and approval. I have enclosed an application for a Wetland Water Quality Certification (form 3500-53N). **Please submit the application to the address listed above within two weeks of receiving this letter.** If you have questions pertaining to the application, contact Dan Hunt at 920-387-7878.

Please contact me at your earliest convenience to set a date for the enforcement conference. The Department would also like to discuss the following topics at the conference:

1. Calibration of the influent flow measurement device as required in WPDES permit condition 4.2.2. The Department is concerned whether the effluent flow meter is properly calibrated.
2. The Department has made several requests for details concerning the spray irrigation activities with minimal response from Crystal Lake RV Resort. **The Department requests copies of the daily logs be submitted within two weeks of receiving this letter.** Lab analysis results should be attached. Similarly the Department has requested spray irrigation daily reports. This has not been done consistently. There has been no response from Crystal Lake RV Resort to repeated Department requests to walk the spray irrigation field and to meet with the landowner.
3. The Department has requested Crystal Lake RV Resort notify us when hauling activities occurred; this has not consistently been done.
4. Submittal of required bypassing reports. **The Department requests copies of the outstanding bypassing reports be submitted within two weeks of receiving this letter.**
5. The Department believes it is in the best interest of Crystal Lake RV Resort to identify the sources of infiltration and inflow (I/I) that has overwhelmed the lagoon system. These sources of I/I need to be addressed to prevent Sanitary Sewer Overflows (SSOs) in the future. Locating and rectifying I/I sources will reduce the total amount of wastewater that must be treated and disposed of, thus reducing long term operating costs. Any future SSOs will not be tolerated by the Department.

The Department would like the Resort to develop an action plan to ensure that an adequate freeboard level is maintained in each lagoon, contingency plans for pumping and hauling, and plans for land application.

On May 29, 2009 Department and Columbia County representatives explained the importance of addressing wastewater related issues. We had hoped that by this time, Crystal Lake RV Resort would be in the process of identifying possible short term and long term solutions for the entire collection and lagoon systems. In addition, a plan to address wastewater disposal needs through the winter months needs to be developed.

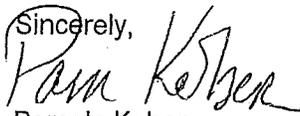
At this meeting the importance of paying outstanding wastewater accounts in a timely manner was discussed. Payment to contractors ensures the continuation of professional expertise and assistance. This is vital to the wastewater operational needs. The Department has been informed that Crystal Lake RV Resort owes payments to both the Harmony Grove-Okee Sanitary District and Howie Wiese.

The current WPDES permit expires on December 31, 2009. If the permit is renewed, expect a comprehensive compliance schedule to address deficiencies with the wastewater system. Examining the issues outlined above now will assist with the application renewal process.

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. In addition, Section 281.91, Wis. Stats., allows the Department to request forfeitures of \$10 to \$5,000 for wetland fill violations. The DNR is currently assessing its enforcement options at this time. Your response will help us make an informed decision regarding our course of action.

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

Sincerely,



Pamela Kober

Environmental Enforcement Specialist

Enc. – Wetland Water Quality Certification Application (form 3500-53N)

cc: 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
Dan Hunt - Horicon
Conservation Warden Paul Nadolski
Barb Selnow – Columbia County Health Department
Dane County