

State of Wisconsin - Department of Natural Resources
CERTIFICATE OF SERVICE OF NOTICE OF CLAIM

Instructions: Sections 1-5 of this Certificate shall be completed by a Wisconsin Department of Natural Resources employee upon service of a Notice of Claim as described in Section 893.80, Wisconsin Statutes. Section 6 (in bold box) shall be completed by the person being served.

1	I hereby certify that on (DATE) <u>10/3/2024</u> at (TIME) <u>11:20</u> <u>(AM)</u> /PM, I did serve a Notice of Claim on:
2	<div style="text-align: center;"><u>Lori L. Phelan</u> <u>Clerk/Treasurer</u> (FULL NAME) (TITLE) Village of Ridgeway (GOVERNMENTAL UNIT) 208 Jarvis Street, Suite A (ADDRESS) Ridgeway WI 53582 (CITY) (STATE) (ZIP CODE)</div>
3	<p>The Notice of Claim was served (select applicable option below):</p> <p><input checked="" type="checkbox"/> I handed a copy to the above-named person.</p> <p><input type="checkbox"/> I exhibited and read it to the person to whom it is directed.</p> <p><input type="checkbox"/> I left a copy thereof at the office or home of the above-named person with:</p> <div style="text-align: center;"><u>Lori L. Phelan</u> (Full Name and Title)</div>
4	<p>The person who was served this Notice of Claim (select applicable option below):</p> <p><input checked="" type="checkbox"/> The above-named person was known to me or identified themselves to be the above-named person.</p> <p><input type="checkbox"/> The person served was asked to sign and return this document as acknowledgment of receipt of the original document.</p> <p><input type="checkbox"/> The person served was asked to sign this document as acknowledgment of receipt of the original document and refused.</p>
5	<p>Signature of Server:</p> <div style="text-align: center;"><u>Malloy Knoble, Conservation Warden</u> (Full Name and Title)</div>
6	<p>Signature of Person Served:</p> <div style="text-align: center;"><u>Lori L. Phelan Clerk/Treasurer</u> (Full Name and Title)</div>



Draft, 2024

Ridgeway Waterworks

Lori Phelan, Clerk
208 Jarvis St.
Ridgeway, WI 53582
Phone: (608)-924-5881
clerk@ridgewaywi.gov

David Bekkum, Operator in Charge
206 Kirby St.
Ridgeway, WI 53582
bekkumd@delta3eng.biz

Iowa County
PWSID: 12500873
Personally Delivered

Subject: **NOTICE OF VIOLATION / NOTICE OF CLAIM**
Enforcement Conference – TBD

Dear Lori Phelan and David Bekkum,

The Department of Natural Resources (department) has reason to believe the community water system serving the Village of Ridgeway (Ridgeway) is in violation of Wisconsin safe drinking water laws at 206 W. Farwell Street, Ridgeway, Iowa County, Wisconsin. Ridgeway operates a municipal community water system from this location. The alleged violation is based on compliance sample results reported to the department.

Pursuant to s. NR 809.04(5), Wisconsin Administrative Code, "Community water system" or "CWS" means a public water system which serves at least 15 service connections used by year-round residents or regularly serves at least 25 year-round residents.

The department alleges the following violation:

Section. NR 809.50(1)(a), Wis. Adm. Code: The maximum contaminant level for combined radium-226 and radium-228 is 5 pCi/l [picoCuries per liter].

Section 809.50(2), Wis. Adm. Code: Compliance dates for combined radium-226 and radium-228, gross alpha particle activity, gross beta particle and photon radioactivity and uranium. Community water systems shall comply with the MCLs listed in sub. (1).

Section NR 809.53(3)(c)1. Wis. Adm. Code: For community water systems monitored more than once per year, compliance with the MCL for combined radium is determined by the running annual average calculated for each sampling point.

Section NR 809.53(3)(c)2. Wis. Adm. Code: For community water systems monitored more than once per year, if any sample result will cause the running annual average to

exceed the MCL at any sample point, the community water system is out of compliance with the MCL immediately.

Based on review of department records, Ridgeway collected quarterly radionuclide compliance samples from the entry point of Well 1 on September 11, 2023, November 7, 2023, February 6, 2024, and April 25, 2024. The running annual average for combined radium is 5.5 pCi/L.

Sample Date	Result
September 11, 2023	4.97 pCi/L
November 7, 2023	4.1 pCi/L
February 6, 2024	6.94 pCi/L
April 25, 2024	5.99 pCi/L
Running Annual Average:	5.5 pCi/L

The department has reason to believe Ridgeway has exceeded the maximum contaminant level for combined radium-226 and radium-228.

We have scheduled the following Enforcement Conference to discuss this matter in more detail:

Teleconference Date and Time: October 21st, 2024 at 1:00PM

Call-In Information: 1 (608)-571-2209 Conference ID: 168 508 394#

Please note this is a teleconference. At 1:00 PM on October 21st, 2024, call the telephone number listed above and when prompted enter the conference ID. This will connect you to the enforcement conference.

We request you attend the Enforcement Conference as it is an important opportunity to discuss the circumstances surrounding the alleged violations and to learn your perspective on this matter. Please note that in an effort to encourage a candid and productive conversation, attendance is limited to you, your legal counsel and others with the technical expertise necessary to understand, evaluate and correct the violation.

The department's enforcement decision will be based upon available information if you do not attend the Enforcement Conference.

Please be advised violations of ch. 809, Wis. Adm. Code are enforced through ss. 281.98, 299.95, 299.97, Wis. Stats. and may be referred to the Department of Justice to obtain court ordered compliance and penalties of up to \$5,000 for each day of violation. The department is also authorized to issue an order with penalty that includes forfeitures of up to \$500 per day of violation.

This Notice of Violation constitutes a Notice of Claim and fulfills the requirements of s. 893.80, Wis. Stats.

If you have any questions regarding this notice or need to reschedule the Enforcement Conference, please contact me at 715-889-0379.

Sincerely,

A handwritten signature in black ink, appearing to read 'Alek Henseler', with a long horizontal flourish extending to the right.

Alek Henseler

Environmental Enforcement Specialist

Enclosure: Enforcement Conference Informational Sheet

CC: Nathan Wells – DNR

Eileen Pierce – DNR

Beth Goldowitz – DNR



Environmental Enforcement Conference

An Enforcement Conference (EC) is a meeting between Department of Natural Resources (Department) staff and representatives of a person or business that the Department believes has violated an environmental law. The Department issues a Notice of Violation (NOV) when it has reason to believe that a violation of a permit condition, administrative rule or statutory requirement has occurred. The NOV either offers or schedules an EC.

Why Should I Attend?

The EC is an important opportunity to discuss the Department's basis for the alleged violation(s) and learn more about what happened, why it may have happened, and any factors you believe the Department should consider, such as steps that have been or will be taken to stop the violation, correct any effects of the violation, and prevent violations from occurring in the future. It is also your opportunity to explain why you might disagree with the factual and legal conclusions underlying the NOV.

Historic data shows that most violations are resolved at the EC level, without the need for court ordered compliance and/or penalties. In situations where the significance of the violation warrants further enforcement action, your cooperative efforts to resolve the violation and prevent future violations will help minimize your legal and financial liability.

Who Should Attend the EC?

Department staff involved in the EC typically consists of an Environmental Enforcement Specialist and regulatory staff that are familiar with the issues identified in the NOV.

While not required, you may seek representation by legal counsel or the assistance of an environmental consultant to prepare for and/or attend the EC. The EC is most productive when all involved are well-prepared to discuss the allegations and any corrective actions that may be necessary.

To ensure a productive candid discussion, participation in the EC is limited to the person or business involved and others with the legal or technical expertise necessary to understand, evaluate, mitigate and correct the violation. The EC is not an open meeting under state law and the Department will limit participation to those directly involved in the resolution of the matter.

What Happens if I don't Attend the EC?

If a party is unable to attend the EC, they should immediately contact the Environmental Enforcement Specialist at the phone number in the NOV to reschedule. When a party refuses to attend the EC and provides no further information to the Department, the Department's enforcement decision will be based upon available information.

What Happens Following the EC?

The EC is part of the Department's stepped enforcement process. At the EC, Department staff will explain the process and options available to address the alleged violation. Generally, the options range from closing the matter with no further action to referral to the Wisconsin Department of Justice

(DOJ) or to U.S. EPA, for further enforcement action. In limited circumstances, the Department can issue citations, which are handled in local court similar to traffic offenses. If a case is referred to DOJ, the DOJ may initiate an action in court on behalf of the State. The State typically asks the Court to impose financial penalties and order completion of any necessary corrective actions. In most of the Department's cases, a cooperative return to compliance with any necessary restoration results in close out of the case. At close out, the Department will send a letter advising of no further enforcement action.