



May 9, 2024

HAND DELIVERED
PWS ID# 73503056
Lincoln County

Kevin Blake, President
Merrill Area Public School District
Pine River School for Young Learners
1111 N Sales Street
Merrill, WI 54452
Kevin.Blake@mapsedu.org

Subject: **NOTICE OF VIOLATION/NOTICE OF CLAIM AND ENFORCEMENT CONFERENCE**

Dear Mr. Blake:

The Department of Natural Resources (department) has reason to believe that Merrill Area Public School District/Pine River School for Young Learners (School) is in violation of state safe drinking water laws at the non-transient non-community public water system serving the School at property located at W4165 HWY 64, Merrill, WI, 54452 in Lincoln County (the Site). This violation is based on compliance sample results reported to the department.

As defined in s. NR 809.04(58), Wisconsin Administrative Code (Wis. Adm. Code), “non-transient non-community water system” means a non-community water system that regularly serves at least 25 of the same persons over 6 months per year. The School serves a non-transient population of approximately 145 persons over 6 months of the year.

The department alleges the following violations:

- Section NR 809.20(1), Wis. Adm. Code: Synthetic organic contaminants maximum contaminant levels (MCL). The MCL for perfluorooctanoic acid (PFOA) and perfluorooctane sulfonic acid (PFOS) combined is 0.000070 mg/L parts per million (or 70 ng/L part per trillion). The MCLs for synthetic organic contaminants apply to non-transient non-community water systems.**
 - Compliance samples were collected from the entry point of Wisconsin Unique Well Number (WUWN) DJ850 on the following dates:
 - August 9, 2023 (53 ng/L PFOA and 78 ng/L PFOS) = 131 ng/L of PFOA and PFOS combined
 - December 20, 2023 (40 ng/L PFOA and 58 ng/L PFOS) = 98 ng/L of PFOA and PFOS combined
 - March 7, 2024 (47 ng/L PFOA and 63 ng/L PFOS) = 110 ng/L of PFOA and PFOS combined
 - For public water systems which are conducting monitoring more frequently than annual, compliance is determined by a running annual average (RAA) of all samples taken at each entry point. If the RAA of any entry point is greater than the MCL, then the public water system is out of compliance. If the initial sample or a subsequent sample would cause the annual average to be exceeded, then the public water system is out of compliance immediately. (s. NR 809.207 (1)(b), Wis. Adm. Code.).
 - The School’s RAA for PFOA and PFOS combined is 84.75 mg/L, which exceeds the MCL.

Public notification

The School gave public notice of its sample results for PFOA and PFOS combined for WUWN DJ850 on the following dates:

- September 1, 2023 (Signed by Dale Bergman on August 31, 2023)
- January 9, 2024 (Signed by Dale Bergman on January 9, 2024)
- March 26, 2024 (Signed by Nick Wszalek on March 26, 2024)

Enforcement Conference and Next Steps

Corrective action to reduce PFAS levels and return to compliance with state regulations is required. We have scheduled the following Enforcement Teleconference to discuss the violation and your plan for corrective action in more detail:

Teleconference Date and Time: Tuesday, May 28, 2024, at 10:00 a.m.

**Call-In Information: toll-free number 608-571-2209
Conference ID # 228 882 276**

At 10:00 a.m., please call the toll-free number listed above and enter the conference ID plus the “#” sign. This will connect you to the teleconference.

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.

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

Please be advised that violations of ss. 281.98, 299.95 and 299.97, Wis. Stats., may be referred to the Department of Justice to obtain court ordered compliance and penalties up to \$5,000 for each day of violation. The department is also authorized to issue an order with penalty that includes forfeitures up to \$500.00 per day of violation.

If you have questions or need to reschedule the teleconference, please contact me at 920-808-0045.

Sincerely,



Jennifer Pelczar
Environmental Enforcement Specialist

Enclosure: Environmental Enforcement Conference Fact Sheet

cc: Diane Ten Pas – diane.tenpas@wisconsin.gov
 Mark Pauli – mark.pauli@wisconsin.gov

Merrill Area School District, Pine River School for Young Learners
May 9, 2024

Beth Goldowitz – beth.goldowitz@wisconsin.gov
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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.