

From: [Mills, Judith M - DNR](#)
To: [Sarah Geers](#); [Tressie Kamp](#); [Burton, Kyle - DNR](#)
Subject: RE: Spills law NR 738 - MEA question
Date: Wednesday, August 03, 2016 3:51:22 PM
Attachments: [image001.png](#)

I have been informed that this issue will be addressed as part of the overall department response to the workgroup recommendations.

Judy

We are committed to service excellence.

Department clients visit our survey at <http://intranet.dnr.state.wi.us/int/legal/> to evaluate how I did.

Judith M. Mills

Phone: (608) 266-9972

Judith.Mills@wisconsin.gov

CONFIDENTIALITY: This message may contain information which, by law, is privileged, confidential or exempt from disclosure. [Contact the sender for permission prior to disclosing the contents of this message to any other person.](#)

This message is intended solely for the use of the addressee. If you are not the addressee, you are hereby notified that any use, distribution or copying of this message is strictly prohibited. If you received this message in error, please notify us by reply e-mail or by telephone and immediately delete this message and any/all of its attachments.

From: Sarah Geers [<mailto:sgeers@midwestadvocates.org>]
Sent: Monday, July 11, 2016 3:56 PM
To: Tressie Kamp; Mills, Judith M - DNR; Burton, Kyle - DNR
Subject: Spills law NR 738 - MEA question

Hi all,

It's been awhile since we were talking about this issue, but I was wondering if we could start this conversation again. I'm still interested in learning more about DNR's perspective on the use of NR 738 to provide clean drinking water to those with manure contaminated wells.

Please let me know if we could set up a time to discuss this further.

Thank you,

Sarah Geers
(formerly Sarah Williams)
Midwest Environmental Advocates
Staff Attorney
612 W. Main Street, Suite 302
Madison, WI 53703
Phone: (608) 251-5047 ext 5
www.midwestadvocates.org
Like us on [Facebook](#)

Follow us on [Twitter](#)



This message and any attachments are a confidential attorney communication protected from disclosure by the attorney client privilege and constitute confidential attorney work-product. If your name does not appear in any address line or you are not the intended recipient, you must delete this message and alert the sender that you inadvertently received this message.

From: Tressie Kamp
Sent: Friday, December 11, 2015 3:53 PM
To: Mills, Judith M - DNR; Burton, Kyle - DNR; Sarah Geers
Cc: Defender Defender
Subject: RE: OCTOBER 21 Kewaunee County Short Term Solutions Workgroup meeting.

Kyle and Judy:

Per the email chain below, please see attached. Thank you and have a good weekend.

Best,

Tressie Kamp

Midwest Environmental Advocates, Inc.

Staff Attorney

612 W. Main St. Suite 302

Madison, WI 53703

(P) 608-251-5047 ext. 8

(F) 608-268-0205

www.midwestadvocates.org





This message and any attachments are a confidential attorney communication protected from disclosure by the attorney client privilege and constitute confidential attorney work-product. If your name does not appear in any address line or you are not the intended recipient, you must delete this message and alert the sender that you inadvertently received this message.

From: Mills, Judith M - DNR [<mailto:Judith.Mills@wisconsin.gov>]
Sent: Wednesday, December 09, 2015 3:47 PM
To: Burton, Kyle - DNR; Tressie Kamp; Sarah Geers
Subject: RE: OCTOBER 21 Kewaunee County Short Term Solutions Workgroup meeting.

I'm the attorney for the Drinking Water and Groundwater program. I'm in the process of preparing an e-mail response to your questions. Once you've reviewed my response, we could discuss.

Judy

We are committed to service excellence.

Department clients visit our survey at <http://intranet.dnr.state.wi.us/int/legal/> to evaluate how I did.

Judith M. Mills

Phone: (608) 266-9972

Judith.Mills@wisconsin.gov

CONFIDENTIALITY: This message may contain information which, by law, is privileged, confidential or exempt from disclosure. Contact the sender for permission prior to disclosing the contents of this message to any other person.

This message is intended solely for the use of the addressee. If you are not the addressee, you are hereby notified that any use, distribution or copying of this message is strictly prohibited. If you received this message in error, please notify us by reply e-mail or by telephone and immediately delete this message and any/all of its attachments.

From: Burton, Kyle - DNR
Sent: Wednesday, December 09, 2015 3:20 PM
To: Tressie Kamp; Sarah Geers <sgeers@midwestadvocates.org> (sgeers@midwestadvocates.org)
Subject: RE: OCTOBER 21 Kewaunee County Short Term Solutions Workgroup meeting.

Hi Tressie-

I just wanted to get in touch to let you know I haven't forgotten about this. I have contacted our program attorney regarding your request and questions. She has in turn contacted the Remediation and Redevelopment Program (which generally implements NR738) attorney to work together on an interpretation. I have inquired about the possibility of you meeting with them and they have indicated they likely will be amenable to that. I do apologize for not

Attachment A

getting you this information sooner, if you have any questions please feel free to give a call.

Thank you

We are committed to service excellence.

Visit our survey at <http://dnr.wi.gov/customersurvey> to evaluate how I did.

Kyle A. Burton

Phone: (920)-662-5169

Kyle.Burton@Wisconsin.gov

From: Tressie Kamp [<mailto:tkamp@midwestadvocates.org>]

Sent: Thursday, November 19, 2015 11:05 AM

To: Burton, Kyle - DNR

Cc: Sarah Geers

Subject: RE: OCTOBER 21 Kewaunee County Short Term Solutions Workgroup meeting.

Good morning Kyle:

I'm writing to follow up on Sarah's email below as well as our conversation at the 11/16 SDWA Short-Term Solutions workgroup meeting.

Per our conversation—and please don't hesitate to correct me if I have incorrect notes—DNR agrees that 738 funds can be used for manure contamination of a well with bacteria. MEA, on behalf of the SDWA Petitioners, requests DNR legal option regarding applicability of these funds for nitrate-only pollution in areas of special eligibility. Sarah also reminded me that as long as we're asking for an opinion, it would make sense to ask the same question of viruses that result from manure contamination. MEA will work on a memo with the goal of having a separate call and/or meeting with you before the next short-term solutions workgroup meeting.

We are happy to attend an in-person meeting but are also confident that we could provide you with something in writing and have you convey that opinion to DNR legal. Let us know what you prefer.

Good to meet you on Monday. Thanks for the time and effort you're putting into this workgroup.

Best,

Tressie Kamp

Midwest Environmental Advocates, Inc.

Staff Attorney

612 W. Main St. Suite 302

Madison, WI 53703

(P) 608-251-5047 ext. 8

(F) 608-268-0205

www.midwestadvocates.org



This message and any attachments are a confidential attorney communication protected from disclosure by the attorney client privilege and constitute confidential attorney work-product. If your name does not appear in any address line or you are not the intended recipient, you must delete this message and alert the sender that you inadvertently received this message.

From: Sarah Geers
Sent: Wednesday, October 21, 2015 10:52 AM
To: Burton, Kyle - DNR
Subject: Re: OCTOBER 21 Kewaunee County Short Term Solutions Workgroup meeting.

Hi Kyle,

I just wanted to add a bit to the comment that I raised about ch NR 738. Sorry for throwing that out there without a prior heads up, but I just didn't want to forget about it, and I thought it was an interesting opportunity. I'm just sending this to you for now for your consideration, but hopefully we could discuss it next time.

The way that I read the spills law, I think that it and ch. 738 would apply to a manure contamination of a well. Manure fits the definition of of a hazardous substance in 292 once it enters groundwater. And applicability of 738 is tied back to the spills law. The spills law applies to a discharge of a hazardous substance. There are exemptions for those with a 283 permit, but that is only an exemption from penalty and notification requirements of 292, it doesn't make it inapplicable.

So I think there is a solid argument that NR 738 applies. NR 738 funding isn't available for wells that are only contaminated with bacteria or nitrates EXCEPT if the well is in an area of special eligibility, see NR 738.13(7) and 738.06(1m).

I think it would be useful to get a better understanding of the DNR staff and legal interpretation of this provision and also if there are ways that the DNR can make it easier to get areas of special eligibility designated. I know you all are working on that, but maybe there

are ways we could talk about streamlining.

Thanks for a great meeting!

Sarah

From: Burton, Kyle - DNR <Kyle.Burton@wisconsin.gov>

Sent: Tuesday, October 20, 2015 4:48 PM

To: Rasmussen, Russell A - DNR; Nessman, Martin D - DNR; davenport.thomas@epa.gov; Sarah Geers; lnutesch@yahoo.com; Jodi Parins; rsc3395@yahoo.com; Andy.wallander@gmail.com; bonnessd@kewauneeco.org; Kinnard, Cindy; johnt@pagelsponderosa.com; 'ronheuer@gmail.com'; Olson, Beth J - DNR; 'BSchuster@co.door.wi.us'; 'dkonkol@co.door.wi.us'

Subject: FW: OCTOBER 21 Kewaunee County Short Term Solutions Workgroup meeting.

Folks-

Attached are two of the documents we will likely be discussing tomorrow, in case you have a chance to review them between now and then. Sorry for the late provision of them. I will have copies available for everyone.

Thank you.

We are committed to service excellence.

Visit our survey at <http://dnr.wi.gov/customersurvey> to evaluate how I did.

Kyle A. Burton

Phone: (920)-662-5169

Kyle.Burton@Wisconsin.gov

From: Burton, Kyle - DNR

Sent: Wednesday, October 14, 2015 3:01 PM

To: Rasmussen, Russell A - DNR; Nessman, Martin D - DNR; davenport.thomas@epa.gov; swilliams@midwestadvocates.org; lnutesch@yahoo.com; Jodi Parins (jpone2@aol.com); rsc3395@yahoo.com; Andy.wallander@gmail.com; bonnessd@kewauneeco.org; Kinnard, Cindy; johnt@pagelsponderosa.com; 'ronheuer@gmail.com'; Olson, Beth J - DNR; 'BSchuster@co.door.wi.us'; 'dkonkol@co.door.wi.us'

Subject: OCTOBER 21 Kewaunee County Short Term Solutions Workgroup meeting.

Importance: High

Hello All-

Our third meeting of the Kewaunee County Short Term Solutions Workgroup is now confirmed and will be held on **Wednesday October 21st @8:30am-12:00pm**, at the **Kewaunee County Fairgrounds Expo Hall, 625 Third St. Luxemburg, Wisconsin 54217**. Attached are the DRAFT agenda for the meeting, and the DRAFT meeting notes from our September meeting, along with other documents we reviewed at that meeting. Please feel free

Attachment A

to contact me if you have any questions or concerns. I look forward to seeing and working with you all again.

Regards,

We are committed to service excellence.

Visit our survey at <http://dnr.wi.gov/customersurvey> to evaluate how I did.

Kyle A. Burton

Northeast District Supervisor – Bureau of Drinking Water and Groundwater / Water Division

Wisconsin Department of Natural Resources

Green Bay, WI

Phone: (920)-662-5169

Cell Phone: (920)-360-2112

Fax: (920)-662-5498

Kyle.Burton@Wisconsin.gov



dnr.wi.gov

