



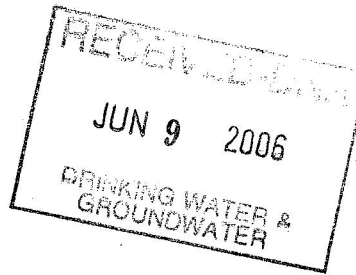
State of Wisconsin \ DEPARTMENT OF NATURAL RESOURCES

Jim Doyle, Governor
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June 8, 2006

Mayor Jack Chiovatero
City of New Berlin
3805 S. Caspar Drive
New Berlin, WI 53151



3300

Dear Mayor Chiovatero,

The Department is closely monitoring the status of the 42 Wisconsin public water supply systems that have enforceable agreements to meet safe drinking water standards for radium by December 8, 2006. We have determined that many of you are making steady progress and we appreciate your efforts to provide safe water to your consumers.

However, we are concerned that some systems will not meet the timeline and are receiving questions about what will happen to systems that are not in compliance by December 8, 2006. To ensure that everyone receives the same message, we are sending this letter to all systems that have not yet completed the actions necessary to meet radium standards.

The December 8, 2006 compliance deadline in the order cannot be extended because this date, which has been negotiated with Region V EPA, is beyond the federal rule compliance date. You should be aware that even though the Department is proceeding with enforcement, EPA retains independent authority to enforce the radium standard.

The Department intends to begin the process to refer systems that do not meet the December 8, 2006 compliance date to the Wisconsin Department of Justice. Penalty determinations will be based on the status of individual radium compliance projects, the length of time until the water system achieves compliance and other fact based information. Status and stage considerations include:

1. Planning stage
2. Design stage (Design report is completed. Plans & specifications are being prepared or reviewed by the Department).
3. Approved stage (All plans & specifications have been approved).
4. Construction stage (Construction has commenced)

We look forward to the timely completion of the measures necessary to provide your consumers with drinking water that meets safety standards for radium and encourage you to stay in close contact with your Regional Drinking Water staff to inform them of your progress and to discuss any problems or concerns you may have.

Sincerely,

Steven L. Sisbach, Chief
Enforcement, Investigations, & Emergency Management Section
Bureau of Law Enforcement

cc: Theera Ratarasarn - SER, Debby Roszak -SER,
Ray Grzys, Director Utilities and Streets-City of New Berlin

Mark Nelson DG/2