

Borski, Jennifer - DNR

From: Hansen, Kody C - DNR
Sent: Friday, March 29, 2019 11:40 AM
To: bdonaldson@donaldsonscleaners.com; pvhouw@clcl.com
Cc: Borski, Jennifer - DNR
Subject: ACTION REQUEST: Donaldson's - 4/16/19
Attachments: 20190329_Donald_NOV.pdf

Good afternoon Mr. Donaldson and Mr. van Houwelingen,

I am an Enforcement Specialist with the Department of Natural Resources. I was asked by the Remediation and Redevelopment Program to review files related to Donaldson's One Hour Cleaner's, Inc (DOHC). As a result, the DNR has issued a Notice of Violation.

Attached is a copy of the letter that will be sent today, but I have also sent a copy via certified mail. Please be advised that the attached letter schedules a meeting to discuss the matter in further detail. From now until the meeting occurs, please consider me your point of contact for the matters contained in the attached letter.

Thank you for your time and I look forward to meeting with the representatives of DOHC.

Sincerely,

Kody

We are committed to service excellence.

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

Kody Hansen

Environmental Enforcement Specialist – Bureau of Law Enforcement

Wisconsin Department of Natural Resources

Phone: 920-360-6320

kody.hansen@wisconsin.gov



State of Wisconsin
DEPARTMENT OF NATURAL RESOURCES
Northeast Region Headquarters
2984 Shawano Avenue
Green Bay WI 54313-6727

Tony Evers, Governor
Preston D. Cole, Secretary
Telephone 608-266-2621
FAX 920-662-5413
TTY Access via relay - 711



March 29, 2019

Brett M Donaldson, Registered Agent
Donaldson's One Hour Cleaners, Inc.
1166 Westowne Drive
Neenah, Wisconsin 54956

Certified Mail / Return Receipt
2019-NEEE- Donaldson's One Hour Cleaners, Inc.
BRRTS # 02-71-110797
Winnebago County

Subject: **Notice of Violation/Enforcement Conference – April 16, 2019**

Dear Mr. Donaldson:

The Department of Natural Resources (DNR) has reason to believe that Donaldson's One Hour Cleaners, Inc. (DOHC) is in violation of Wisconsin's Remedial Action laws related to the property located at 110 West Cecil Street, Neenah, Winnebago County, Wisconsin (Site).

The DNR is alleging the following violation:

- 1. Section 292.11(3), Wis. Stats: A person who possesses or controls a hazardous substance which is discharged or who causes the discharge of a hazardous substance shall take the actions necessary to restore the environment to the extent practicable and minimize the harmful effects from the discharge to the air, lands or waters of this state.**

DNR staff has been working collaboratively with DOHC since 1999. These efforts include numerous meetings, exchanges of written information, phone conversations, etc. On January 7, 2013 the DNR determined DOHC was a party responsible to remediate the Site in compliance with ch. 292, Wis. Stats.

The latest action taken by the DNR was a Notice of Noncompliance that was issued on August 30, 2017. In response to the Notice of Noncompliance, a timeline was submitted to the DNR that indicated the remedial actions that would be taken in an effort to comply with state laws and rules.

Based on a review of information related to the Site, the DNR believes that DOHC is a person that is responsible to take remedial actions at the Site. As of the date of this letter, the DNR has determined that DOHC has not defined the degree and extent of the alleged contamination and failed to take a remedial action to comply with state laws and rules.

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

Conference Date/Time: Thursday, April 16, 2019 at 1:00 PM
Conference Location: DNR Northeast Region Headquarters – Green Bay
2984 Shawano Avenue, Green Bay, Wisconsin


In preparation for this meeting, please be prepared to discuss the actions that will be taken to return to compliance and a timeline that will be strictly adhered to.

The DNR requests you attend the Enforcement Conference as it is an important opportunity to discuss the circumstances surrounding the alleged violation 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 DNR's enforcement decision will be based on available information if you do not attend the Enforcement Conference.

Please be advised that pursuant to ss. 292.11 and 292.93, Wis. Stats., the DNR has the authority to issue orders that would require action or refer this case to the Department of Justice to obtain court ordered compliance and penalties of up to \$5,000 per day of violation; each day is considered a separate offense.

If you have questions or need to reschedule the meeting, please contact me, Kody Hansen, at (920) 360-6320.

Sincerely,

A handwritten signature in black ink, appearing to read "Kody Hansen", with a long horizontal flourish extending to the right.

Kody Hansen
Environmental Enforcement Specialist

Encl: Map
Enforcement Conference Information Sheet

Cc: Jennifer Borski – DNR
Roxanne Chronert – DNR
H&J Investments, LLC – N2018 Domain Drive, Kaukauna, WI 54130

DIRECTIONS TO GREEN BAY DNR HEADQUARTERS
2984 SHAWANO AVENUE, GREEN BAY, WI 54313

Coming from the South

Taking Highway 41 North

Take **Exit 168C** - Shawano Avenue; take a left at the first roundabout onto Shawano Avenue (heading toward HWY 29 West); go straight through the 2nd and 3rd roundabouts; at the 4th roundabout take a right onto Cardinal Lane. Keep going straight through the next roundabout and remain on Cardinal Lane. At the first stoplight take a left onto Riverview Drive. At the next stoplight take a right onto Shawano Avenue. The DNR office will be on your right hand side.

Coming from the North

Taking Highway 41 South

Take **Exit 168C** - Shawano Avenue. Use the middle lane to keep left at the fork. Take a slight right towards Shawano Ave. Continue on Shawano Ave through the first traffic circle. At the 2nd traffic circle take a right onto N. Packerland Drive. At the next traffic circle take a right onto Riverdale Drive. Continue straight through the traffic lights and the DNR office will be on your right hand side.

Coming from the West

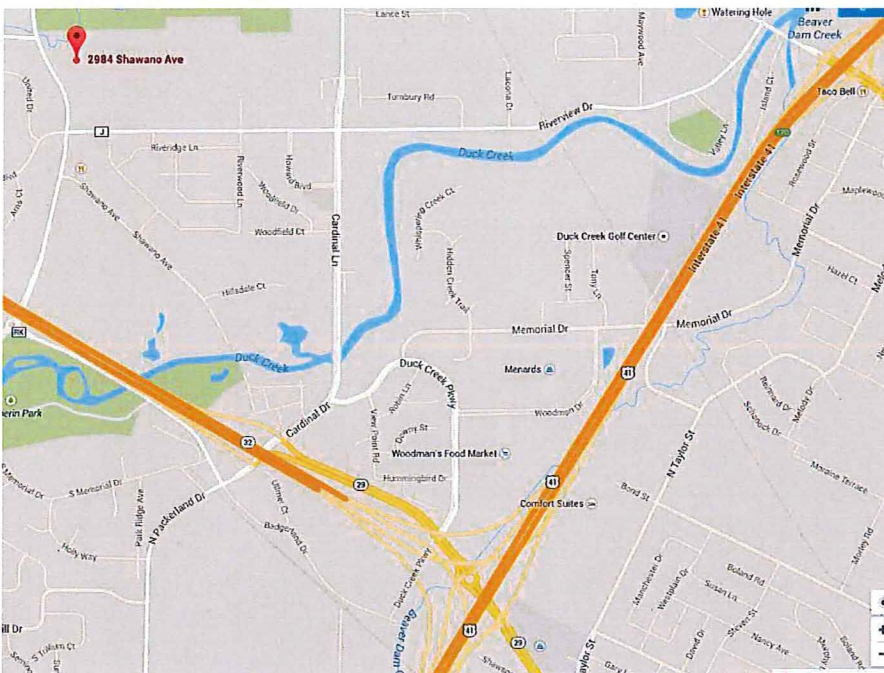
Taking Highway 29 East

Exit at FF and take a left at the roundabout onto Sherwood Street (FF). At the next roundabout take a right onto County Road C. At the stop sign, take a right onto Shawano Avenue. The DNR building will be on your left hand side.

Coming from the East

Coming in on Hwy 29 West – Shawano Avenue

Follow the directions given above coming from the south.





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.



FAQs > (<https://www.usps.com/faqs/uspstracking-faqs.htm>)

Track Another Package +

Tracking Number: 70141820000034298829

Remove X

Your item was delivered to an individual at the address at 9:31 am on April 1, 2019 in NEENAH, WI 54956.

Delivered

April 1, 2019 at 9:31 am
Delivered, Left with Individual
NEENAH, WI 54956

Get Updates 

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Tracking History 


Product Information 

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Can't find what you're looking for?

Go to our FAQs section to find answers to your tracking questions.

FAQs (<https://www.usps.com/faqs/uspstracking-faqs.htm>)

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY
<ul style="list-style-type: none"> Complete items 2, and 3. Print your name and address on the reverse so that we can return the card to you. Attach this card to the back of the mailpiece, or on the front if space permits. 	<p>A. Signature <input checked="" type="checkbox"/> <i>Ratie Wydeven</i> <input type="checkbox"/> Agent <input type="checkbox"/> Addressee</p> <p>B. Received by (Printed Name) <input type="checkbox"/> C. Date of Delivery <i>Ratie Wydeven</i></p>
<p>1. Article Addressed to:</p> <p><i>BRETT DONALDSON</i> <i>1166 WESTOWNE DRIVE</i> <i>NEENAH, WI 54956</i></p>  <p>9590 9402 4216 8121 4564 11</p>	<p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No</p> <p>3. Service Type <input type="checkbox"/> Priority Mail Express® <input type="checkbox"/> Adult Signature <input type="checkbox"/> Registered Mail™ <input type="checkbox"/> Adult Signature Restricted Delivery <input type="checkbox"/> Registered Mail Restricted Delivery <input checked="" type="checkbox"/> Certified Mail® <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Certified Mail Restricted Delivery <input type="checkbox"/> Signature Confirmation™ <input type="checkbox"/> Collect on Delivery <input type="checkbox"/> Signature Confirmation Restricted Delivery <input type="checkbox"/> Collect on Delivery Restricted Delivery <input type="checkbox"/> Mail Restricted Delivery (0)</p>
<p>2. Article Number (Transfer from service label)</p> <p><i>7014 1820 0000 3429 8829</i></p>	
<p>PS Form 3811, July 2015 PSN 7530-02-000-9053 Domestic Return Receipt</p>	

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For delivery information, visit our website at www.usps.com ®.	
<i>Kody HANSEN</i> OFFICIAL USE	
Postage \$ _____ Certified Fee _____ Return Receipt Fee (Endorsement Required) _____ Restricted Delivery Fee (Endorsement Required) _____ Total Postage & Fees \$ <i>6.80</i>	
Sent To <i>BRETT DONALDSON</i> Street & Apt. No., or PO Box No. <i>1166 WESTOWNE DRIVE</i> City, State, ZIP+4 <i>NEENAH, WI 54956</i>	
PS Form 3800, July 2014 See Reverse for Instructions	

7014 1820 0000 3429 8829

DNR