



July 27, 2012

Mr. David Plunkett
P.O. Box 4946
Milwaukee, WI 53204

Notice of Non-Compliance

SUBJECT: Request for Status Update
Vacant property, 1836 S 3RD ST, MILWAUKEE, WI
Former 10,000 gallon leaking underground storage tank
FID #241830490 WDNR BRRTS #03-41-112118

Dear Mr. Plunkett:

On December 17, 1996, you were notified by the Wisconsin Department of Natural Resources (DNR) of your responsibility to investigate and, as needed, clean up contamination located at the above-referenced property. Our files indicate that we have not received any written correspondence or reporting for the case since we received a letter from your attorney on February 28, 1997. The DNR understands you to be the owner of the property and thereby believes you are the responsible party of this property having certain legal responsibilities, as outlined in Section 292.11(3), Wisconsin Stats., also known as the hazardous substances spills law. Section 292.11(3) states:

- **RESPONSIBILITY.** 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 the State.

In order to get this case on track toward DNR case closure, you must hire an environmental consultant to conduct a site investigation to define the degree and extent of contamination associated with a former 10,000 gallon underground storage tank formerly located on the property. If necessary, you will also be required to remediate the contamination.

It appears that this case may be eligible for participation in the Petroleum Environmental Cleanup Fund Act (PECFA) program which is administered by the Wisconsin Department of Safety and Professional Services (DSPS). PECFA funds can be used to reimburse responsible parties for their costs to investigate and clean up contamination from eligible petroleum tank systems. Because PECFA operates as a reimbursement program, responsible parties generally have to have an initial source of funding (e.g., a line of credit from a bank) available to pay the investigation and cleanup costs, and then seek reimbursement of those costs. In situations where the responsible party is not able to obtain the initial funding needed to begin the investigation and cleanup, PECFA does offer a second alternative, the PECFA agent.

An agent means a person or organization (i.e., environmental consulting firm) designated by the responsible party to act on behalf of the responsible party in conducting the investigation and cleanup. The agent is responsible for paying for the cleanup and submitting the claims for PECFA reimbursement. The reimbursement checks are then issued in the name of the responsible party and the agent, and mailed to the agent. This alternative eliminates the need for a responsible party to secure a line of credit from a bank to pay the investigation and cleanup costs. More information about the PECFA program can be obtained by calling (608) 264-8765 or through the DSPS web site at <http://dsps.wi.gov/er/ER-Index.html>.

Within the next thirty days please submit a written status report of the case including any available information not previously submitted to the Department and notification that you have hired an environmental consultant to conduct a site investigation. **A lack of response to this letter will result in the initiation of formal enforcement actions against you.**

Forward the requested updates, detailing the current status of the case, and all future correspondence to:

Victoria Stovall
WI DNR SER
2300 N Dr Martin Luther King, Jr Dr
Milwaukee WI 53212-3128

It is in your best interest to take the necessary steps to obtain case closure for this site as an open case can delay or prevent refinancing, sale or other actions pertaining to the property. It would also be in your best interest to take advantage of PECFA funds that may be available to you for clean up of this site. If you have any questions regarding this letter, please feel free to contact me at (414) 263-8533.

Sincerely,



Nancy D. Ryan, Hydrogeologist
Remediation and Redevelopment Program

cc: SER case file