

March 18, 2016

Mr. David Plunkett, Owner
P.O. Box 04946
Wauwatosa, WI 53204

Casetrack No. 2016-SEEE-011
BRRTS 03-41-112118
FID 241830490

NOTICE OF VIOLATION
ENFORCEMENT CONFERENCE SCHEDULED FOR APRIL 1, 2016

Dear Mr. Plunkett:

The Department of Natural Resources has reason to believe that property owner David L. Plunkett is in violation of state laws regarding the remediation of contaminated soils, at 1836 S. 3rd St., City of Milwaukee, Milwaukee County. These violations were documented through a review of Department records. The Department alleges the following violations:

- Section 292.11(3), Wis. Stats., Hazardous substance spills.
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 this state.

Since 1996, the Remediation and Redevelopment program has sent you several "Responsible Party" ("RP") letters notifying you of your responsibilities as the owner of the property at 1836 S. 3rd St. ("Site") to remediate the known contamination in the soil where an underground fuel storage tank had been located. The initial RP letter had been issued to you on November 27, 1996 to inform you that you, as the property owner, was the person responsible for the remediation of contamination caused by a discharge of hazardous substances, such as petroleum at the Site. You were given a deadline of February 4, 1997, to confirm to the Department that you had hired a consultant to conduct a site investigation as required of property owners by section 292.11, Wis. Stats.

Since then there has been no progress on the Site toward determining the degree and extent of the contamination, despite several attempts from the Department to contact you, specifically through status update request letters in 2011 and 2012, and notices of noncompliance in 2011 and 2015.

According to our records, the Department had been notified in 1995 of petroleum contamination in the soils that were discovered when an underground storage tank had been removed, along the southeast quadrant of the Site.

The current Butters Fetting facility abuts the location of the underground tank removal and the residual plume may contribute to harmful vapors infiltrating the Butters Fetting building. Your consultant's scope of work should include an investigation into any potential vapor emissions migrating from the Site.

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

Conference Date: Friday, April 1, 2016

Conference Time: 1:00 PM

Location: Milwaukee Regional Headquarters building
2300 N. Dr. M L King Jr. Drive, Milwaukee

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 come prepared to discuss the matter in detail, including any contracts, documents or other documentation you may have that will aid in the discussion. 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.

Please be advised that violations of C. 292, Wis. Stats., may be referred to the Department of Justice to obtain court ordered compliance and penalties up to \$5000 per day of violation.

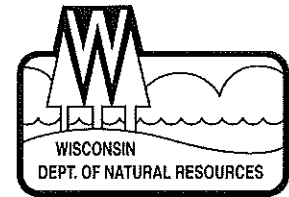
If you have questions or need to reschedule the conference, please contact me at (414) 263-8490.

Sincerely,

A handwritten signature in black ink, appearing to read 'Saji Villoth', written in a cursive style.

Saji Villoth
Environmental Enforcement Specialist

c: R. Neumann -- RR



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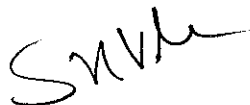
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