

10/10/06

STATE OF WISCONSIN

CIRCUIT COURT

WINNEBAGO COUNTY

STATE OF WISCONSIN
17 West Main Street
PO Box 7857
Madison, WI 53707-7857,

Plaintiff,

v.

FREDERICK G. VANHANDEL
606 West College Avenue
Appleton, WI 54914-1542,

Defendant.

FILED
WINNEBAGO COUNTY
OCT 10 2006
CLERK OF COURTS DIANE FREMGEN

Case No. 2003 CV 471
Unclassified - Civil: 30703

03F04500

JUDGMENT

1. The plaintiff, State of Wisconsin, is a sovereign state of the United States of America, with its principal offices at the State Capitol in Madison, Wisconsin.

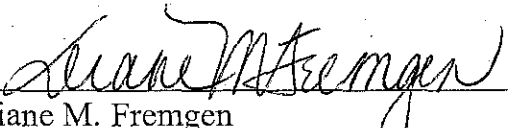
2. Defendant Frederick G. VanHandel is an adult resident residing at 606 West College Avenue, Appleton, Wisconsin and owns property at 2665 Highway 116, Waukau, Winnebago County, Wisconsin.

3. Based on the Stipulation between the plaintiff and the defendant, and upon the Court's Order, the terms of which are to be incorporated into this judgment in their entirety, judgment is hereby granted in favor of the plaintiff, State of Wisconsin, and against the defendant, Frederick G. VanHandel with regard to the remediation of the site and in the amount of \$2,000 including all applicable costs and fees. Specifically, the defendant shall pay a forfeiture of \$1,424.63 pursuant to Wis. Stat. § 285.87(1), \$327.66 for

the required 23% penalty surcharge provided for in Wis. Stat. § 814.75(18), \$142.46 for the required 10% environmental surcharge provided for in Wis. Stat. § 814.75(12), \$25 court costs under Wis. Stat. § 814.63(1), the \$5 crime laboratories and drug law enforcement surcharge under Wis. Stat. § 814.75(3), the \$52 court support services fee under Wis. Stat. § 814.75(2), the \$14.25 jail surcharge under Wis. Stat. § 814.75(14), and the \$9 justice information system surcharge under Wis. Stat. § 814.75(15). This \$2,000 shall be payable by check to the Winnebago Clerk of Courts and delivered to the clerk of courts within one year of the date of entry of judgment in this case.

Dated this 10 day of October 2006.

BY THE COURT:



Diane M. Fremgen
Winnebago County Clerk of Circuit Court

STATE OF WISCONSIN

CIRCUIT COURT

WINNEBAGO COUNTY

STATE OF WISCONSIN
17 West Main Street
PO Box 7857
Madison, WI 53707-7857,

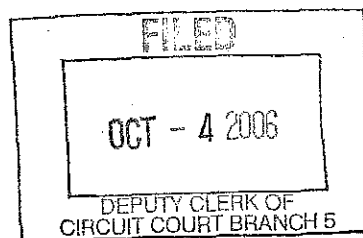
Plaintiff,

v.

FREDERICK G. VANHANDEL
610 1/2 West College Avenue
Appleton, WI 54914-1542,

Defendant.

Case No. 2003 CV 471
Unclassified - Civil: 30703



STIPULATION AND ORDER FOR JUDGMENT

It is agreed by and between the State of Wisconsin and Frederick G. VanHandel,
that:

1. Defendant Frederick G. VanHandel is an adult resident residing at 606 West College Avenue, Appleton, Wisconsin and owns property at 2665 Highway 116, Waukau, Winnebago County, Wisconsin.
2. Petroleum products, chlorinated solvents, and their constituents have been discharged to, and may remain on, defendant's property located at 2665 Highway 116, Waukau, Winnebago County, Wisconsin.
3. Wisconsin Stat. §§ 292.11(2)(a) and (3) require that any person who possesses or controls a hazardous substance or who causes the discharge of a hazardous substance, notify the Department of Natural Resources (DNR) of the discharge and take

the actions necessary to restore the environment and minimize the harmful effects from the discharge to the air, lands or waters of this state.

4. Except as between the parties hereto, nothing herein shall be construed as an admission of liability in any proceeding now pending or hereinafter commenced.

5. The defendant agrees to remediate the site at 2665 Highway 116, Waukau, Winnebago County, Wisconsin as follows:

A. Implement the DNR-approved groundwater monitoring and reporting program submitted by Northern Environmental dated September 27, 2006 to evaluate over time if the excavation was sufficient or if additional work is needed.

B. Maintain the ground water monitoring system as approved, including reporting requirements until final site closure is granted by the DNR.

C. The following timeline for submittals to the Department will be followed unless written Department approval is given. A written work plan for additional groundwater monitoring or additional remedial action will be submitted within approximately 30 days of completion of the previous work plan. If case closure is to be requested the Department is to be notified in writing within approximately 30 days of completion of the work plan and a complete case closure request is to be submitted within approximately 60 days of work plan completion. If case closure is denied, a work plan based on closure denial comments will be submitted within approximately 30 days of written notice of denial by the Department and this work plan implemented within approximately 30 days of submission.

D. Complete any additional remedial actions that may be required to achieve site closure under NR 700.

6. Based upon the defendant's agreement to the remediation provision in paragraph 5, the parties make a joint recommendation that the court shall enter judgment in the amount of \$2,000 including all applicable costs and fees. Specifically, the defendant shall pay forfeiture of \$1424.63 pursuant to Wis. Stat. § 285.87(1), \$327.66 for the required 23% penalty surcharge provided for in Wis. Stat. § 814.75(18), \$142.46 for the required 10% environmental surcharge provided for in Wis. Stat. § 814.75(12), \$25 court costs under Wis. Stat. § 814.63(1), the \$5 crime laboratories and drug law enforcement surcharge under Wis. Stat. § 814.75(3), the \$52 court support services fee under Wis. Stat. § 814.75(2), the \$14.25 jail surcharge under Wis. Stat. § 814.75(14), and the \$9 justice information system surcharge under Wis. Stat. § 814.75(15). This \$2,000 shall be payable by check to the Winnebago Clerk of Courts and delivered to the clerk of courts within one year of the date of entry of judgment in this case.

7. The defendant agrees that violation of this stipulation is also enforceable, after notice and hearing, by contempt.

8. The court shall retain supervisory jurisdiction until final site closure is granted by the DNR.

9. The accompanying order for judgment and judgment may be entered

incorporating the terms of this stipulation without further notice, and the judgment may be docketed pursuant to Wis. Stat. sec. 806.10(1)

Dated this 4 day of ~~September~~ ^{October} 2006.

PEGGY A. LAUTENSCHLAGER
Attorney General



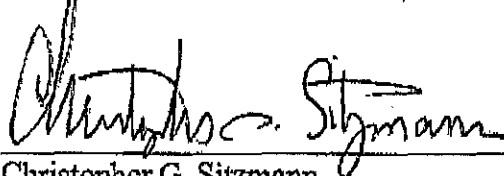
STEVEN E. TINKER
Assistant Attorney General
State Bar #1013319

Attorneys for Plaintiff

Wisconsin Department of Justice
Post Office Box 7857
Madison, Wisconsin 53707-7857
(608) 266-0764

Dated this 4th day of ~~September~~ ^{October} 2006.

SITZMANN & ASSOCIATES, LTD.



Christopher G. Sitzmann
State Bar #1011491

Attorneys for defendant

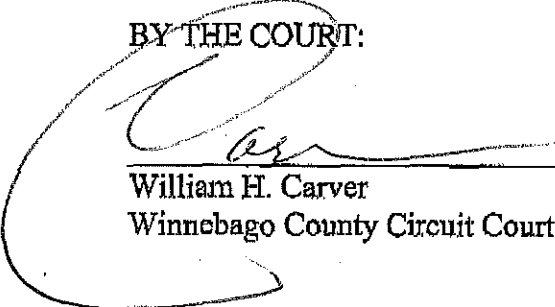
103 E College Ave # 301
Appleton, WI 54911-5771
(920) 733-3963

ORDER FOR JUDGMENT

The terms of the above stipulation in *State v. Frederick G. VanHandel*, Case No. 2003 CV 471 are approved by the Court. Under those terms, Frederick Van Handel must pay \$2000.00 within one year of this Order and remediate the site as provided for in the stipulation. The clerk is directed to enter and docket the judgment accordingly.

This 4 day of Oct 2006.

BY THE COURT:



William H. Carver
Winnebago County Circuit Court Judge