

FILE 3



State of Wisconsin \ DEPARTMENT OF NATURAL RESOURCES

Jim Doyle, Governor
Scott Hassett, Secretary
Ruthe E. Badger, Regional Director

South Central Region Headquarters
3911 Fish Hatchery Road
Fitchburg, Wisconsin 53711-5397
Telephone 608-275-3266
FAX 608-275-3338
TTY Access via relay - 711

May 17, 2004

BRRTS# 02-28-176509
D. B. Oaks LTD Property

Mr. Ron Wiseman
Treasurer
Thomas Industries, Inc.
4360 Brownsboro Rd.
Suite 300
Louisville, KY 40207

**Subject: Notice of Non Compliance, Former Thomas Industries, Inc. Property - 700
Oak Street, Fort Atkinson, WI**

Dear Mr. Wiseman:

The subject property has volatile organic compound contamination in the soil and groundwater. We sent you a responsible party letter on March 9, 2004, via certified mail, and it was received at your office on March 16, 2004. The responsible party letter provided specific "steps to take" to address the contamination issues on the property, with the first step being the hiring of an environmental consultant. The timeline for this and other actions on the property, was extended in a letter to you dated April 12, 2004, sent certified mail, and received by your office on April 16, 2004. The extension was for 30 days, due to the fact that the referenced enclosures in the March 9, 2004 letter had been inadvertently omitted.

Today I obtained a faxed letter from you dated May 6, 2004 asking for another 30-day extension, because you are "...attempting to obtain necessary information to be able to respond".

I have received no correspondence on this matter regarding the originally instructed "steps to take", namely the hiring of an environmental consultant.

This situation cannot continue. A continuing release of volatile organic compounds from this property can make you subject to further DNR enforcement action and can also expose you to liability from current and neighboring property owners.

We expect that you will hire an environmental consultant within the next 30 days to investigate the site.

We further expect that, if needed, you will remediate the site, fulfilling your responsibilities under ch. 292, Stats., known as the hazardous substances spills law.

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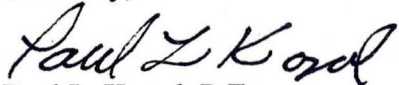
If we do not see this degree of effort by the end of June, 2004, the DNR will be forced to evaluate further enforcement measures. These measures would include a possible prosecution by the Department of Justice for all potential violations of state statutes.

In the meantime, I need a written monthly update from you concerning:

- You progress in hiring a consultant;
- Your consultant's progress in the investigation;

Please send these progress reports directly to me at: 3911 Fish Hatchery Road, Fitchburg WI, 53711. If you have any questions, you can call me (608) 275-3301.

Sincerely,



Paul L. Kozol, P.E.

Remediation and Redevelopment Engineer

South Central Region

(608) 275-3301

C: William J. Mulligan, Esq. - Davis & Kuelthau, s.c.

Joe Renville, Esq. DNR - LC/5

Timothy J. Coughlin - DNR Environmental Enforcement

Randall Knox - D.B. Oaks

UNITED STATES POSTAL SERVICE



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Department of Natural Resources
South Central Region
3911 Fish Hatchery Road
Fitchburg, WI 53711



SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- 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.

1. Article Addressed to:

MR. RON WISEMAN
TREASURER
THOMAS INDUSTRIES, INC
4360 BROWNSBORO RD
SUITE 300
LOUISVILLE, KY
40207

2. Article Number (Copy from

7002 0860 0002 1116 2581

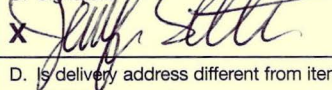
COMPLETE THIS SECTION ON DELIVERY

A. Received by (Please Print Clearly)

B. Date of Delivery

5-20-04

C. Signature

☐ Agent☐ Addressee

D. Is delivery address different from item 1?

☐ Yes

If YES, enter delivery address below:

☐ No

3. Service Type

☒ Certified Mail☐ Express Mail☐ Registered☐ Return Receipt for Merchandise☐ Insured Mail☐ C.O.D.

4. Restricted Delivery? (Extra Fee)

☒ Yes