

From: Pelczar, Jennifer S - DNR
Sent: Monday, October 24, 2022 10:51 AM
To: qefnez@yahoo.com
Cc: Schultz, Josie M - DNR; Chronert, Roxanne N - DNR
Subject: RE: Notice of Violation -Innovative Properties Group LLC
Attachments: 2022 10 17 NOV Innovative Properties Group, LLC.pdf

Good Morning Mr. Neziri,
Per our phone call this morning, I am resending the below email.
I requested that you attend the upcoming enforcement teleconference.
Please confirm if this time will work for you and who will be attending.
I appreciate your cooperation.
Thank you.

Jennifer Pelczar
Environmental Enforcement Specialist
920-808-0045

From: Pelczar, Jennifer S - DNR
Sent: Monday, October 17, 2022 4:50 PM
To: qefnez@yahoo.com
Cc: Schultz, Josie M - DNR <josie.schultz@wisconsin.gov>; Chronert, Roxanne N - DNR <Roxanne.Chronert@wisconsin.gov>
Subject: Notice of Violation - Innovate Properties Group LLC

Good Afternoon,
Please see the attached Notice of Violation and corresponding attachment.
We have scheduled an Enforcement Teleconference for the following date and time to discuss these matters further with you:

Teleconference Date: Tuesday, November 1, 2022
Teleconference Time: 10:00 a.m. to noon
Teleconference Call Number:

Please confirm receipt of this email and attachments by responding with the names, company titles, phone numbers and emails for those that will be attending the conference.

I look forward to discussing these matters with you.
Thank You.

We are committed to service excellence.

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

Jennie Pelczar
Environmental Enforcement Specialist
Division of Public Safety and Resource Protection
Investigations and Environmental Enforcement Section

Wisconsin Department of Natural Resources
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Oshkosh, WI 54901
Cell Phone: 920-808-0045
Fax: 920-424-4404
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dnr.wi.gov





October 17, 2022

Brown County
BRRTS # 02-05-217270
EMAILED

Qefli Neziri, Registered Agent
Innovative Properties Group, LLC
3519 S 33rd Street
Milwaukee, WI 53221
gefnez@yahoo.com

Subject: **NOTICE OF VIOLATION / ENFORCEMENT TELECONFERENCE**

Dear Mr. Neziri:

This letter is to advise you that the Department of Natural Resources (department) has reason to believe that Innovative Properties Group, LLC (IPG) is in violation of the state hazardous substance spill law, Ch. 292, Wisconsin Statutes (Wis. Stats.), at its facility located at 1233 S. Military Avenue, Green Bay, Brown County, Wisconsin (the Site).

IPG is a "responsible party" under s. NR 700.03(51), Wisconsin Administrative Code, and is required to take a response action under ch. 292, Wis. Stats., as identified in the responsible party letter sent to you on September 9, 2019. (BRRTS# 02-05-217270)

The department alleges the following violations:

- 1. Section 292.11(3), Wis. Stats. 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.**

Section NR 708.05, Wis. Adm. Code. Immediate Actions. Unless otherwise directed by the department, responsible parties shall immediately take action to halt a hazardous substance discharge or environmental pollution and the minimize the harmful effects of the discharge or environmental pollution to the air, lands or water of the state.

The department issued a responsible party letter on September 9, 2019, requiring IPG to address chlorinated solvent contamination discovered at the site.

On February 7, 2022, the department emailed you results of vapor sampling performed on January 13, 2022, by the Department of Health Services (DHS), which confirmed exceedances for perchloroethylene (PCE) within the indoor air of the leased spaces at the Site. On February 24, 2022, you emailed your consultant (Terracon Consultants) to retain SWAT Environmental to inspect and seal the cracks and deploy temporary air treatment units to lower vapor concentrations. The department requested a status update on March 21, 2022, and April 21, 2022, and also sent a Notice of Noncompliance letter on

May 9, 2022, requesting that immediate actions be taken in relation to the vapors and to move forward with the site investigation.

In addition, the last investigative status report submitted to the department was on November 9, 2021; the department has not received any additional reports in relation to defining the degree and extent of the contamination or any planned remedial actions.

To date, IPG has not moved forward with the required immediate actions or the site investigation and remedial action necessary to minimize the harmful effects to the environment and human health.

The department believes IPG has failed to take immediate actions to mitigate the vapor exceedances and restore the environment, as required.

- 2. Section NR 708.11 Interim Actions.** Responsible parties shall evaluate the need for interim action prior to initiating a site investigation and during a site investigation. Interim action shall be taken where it is necessary to contain or stabilize a discharge of a hazardous substance or environmental pollution, in order to minimize any threat to public health, safety, or welfare or the environment. When an interim action is warranted, responsible parties shall implement an interim action as soon as facility or site- related information makes it possible to do so, in compliance with the requirements of this chapter.

NR 724.13 Wis. Adm. Code, Operation and Maintenance. Unless otherwise directed by the department, responsible parties shall conduct all necessary operation and maintenance activities in accordance with this section and in compliance with all applicable state or federal public health and environmental laws, whichever are more stringent, until all applicable public health and environmental laws are complied with as required in chs. [NR 700](#) to [754](#).

NR 724.15 Wis. Adm. Code, Documentation of construction and completion. Unless otherwise directed by the department, responsible parties shall submit to the department a construction documentation or as-built report within 60 days after the date that construction of a remedial action or any interim action specified in s. [NR 724.02 \(1\)](#) is completed or determined to be essentially complete by the department.

NR 724.17 Wis. Adm. Code, Long Term Monitoring. Responsible parties shall conduct all necessary and appropriate long-term monitoring at a site or facility in accordance with all of the requirements of this section and any other applicable public health and environmental laws.

On May 9, 2022, the department sent you a notice of non-compliance identifying that you have not implemented an effective interim action to address the vapor intrusion concerns. The department requested that you submit documentation of the VMS inspection, required modifications, and proof of the VMS effectiveness by June 9, 2022; and submit analytical results by July 9, 2022.

To date, IPG has not performed the required actions or submitted the required documentation.

The department believes IPG has failed to:

- Complete Interim response actions regarding modifications to the VMS to make it effective;
- perform the operation and maintenance activities;
- provide an updated VMS construction modification report; and
- conduct the long-term monitoring at the Site, as required.

We have scheduled a Teleconference to discuss this matter in more detail:

Teleconference Date and Time: Tuesday, November 1, 2022, at 10:00 a.m. to noon
Teleconference Call Number:

At 10:00 a.m. please call the toll-free number listed above and enter the conference ID plus the “#” sign. This will connect you to the teleconference.

We request you join the teleconference, as it is an important opportunity to discuss the circumstances surrounding the alleged violations and to learn your perspective on this matter. Please note that 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 violations. A fact sheet describing an enforcement conference is enclosed.

Please be advised that the department is authorized under Chapter 292, Wisconsin Statutes to seek injunctive or other appropriate relief for violations of spill pollution laws, including forfeitures of not more than \$5,000 per day of violation pursuant to Chapter 292.99, Wisconsin Statutes. Each day of violation is considered a separate offense. In addition, the department has the authority under s. 292.94, Wis. Stats., to assess non-reimbursable fees as specified in ch. NR 749, Wis. Admin. Code, to parties involved in enforcement actions.

If you have any questions or need to reschedule the conference, please contact me at (920) 808-0045.

Sincerely,



Jennifer Pelczar
Environmental Enforcement Specialist

Enclosure: Enforcement Conference Fact Sheet

cc: Josie Schultz – josie.schultz@wisconsin.gov
Roxanne Chronert – Roxanne.chronert@wisconsin.gov



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.