



January 29, 2004

BRRTS # 03-57-258614  
EE Case: 2003-SCEE-036  
Sauk County

Dick Christian  
620 Broadway  
Baraboo, WI 53913

**SUBJECT: Notice of Violation  
Notice of Enforcement Conference**

Dear Mr. Christian:

**You have apparently violated state law, and you may be penalized for it.**

Based on our records, you have not investigated or remediated your contaminated site at Dicks Car Care, 620 Broadway, Baraboo, Wisconsin. We believe that your failure to complete investigation/remediation activities at the Site is a failure to take appropriate action, in violation of s. 292.11(3), Wis. Statutes.

**The penalties for not taking action can be significant.**

We are currently preparing a request for prosecution by the Department of Justice in your case. Violations of s. 292.11(3), Wis. Stats., are enforceable under s. 292.99, Wis. Stats., which provides for forfeitures of not more than \$5,000 for each violation with each day of continuing violation being a separate offense. We can also seek injunctive relief to order investigation and remediation at your site.

The Department also has the ability to record an affidavit on the property deed for the Site, pursuant to s. NR 728.11, Wis. Adm. Code, which gives notice of the contamination. The purpose of the affidavit is to alert potential purchasers that environmental contamination is present at the Site. If the contamination is successfully remediated, the Department will file a second affidavit noting the actions that have been taken to clean up the Site.

**You have a lengthy history of Department contacts on this problem.**

1. On August 23, 1990, the Department of Natural Resources (Department) was notified by the BT2 Environmental & Engineering Services that petroleum contamination in soil and groundwater was discovered while performing an environmental site assessment. The contamination was discovered on property you own located at 620 Broadway, Baraboo, Wisconsin.
2. On September 14, 2000, the Department sent you a letter concerning your responsibility to address the contamination at the Site. The letter requested that you hire a qualified environmental consultant within 30 days and submit to the Department within 30 days a workplan and schedule for conducting the investigation. You were also advised that investigation and cleanup of the property were required to comply with s. 292.11(3), Wis.

Stats., (formerly s. 144.76(3), Stats.)

3. On July 25, 2002, the Department contacted you via telephone and requested a status update. You informed the Department that you had contacted MSA Consulting and the City of Baraboo. The Department requested you retain an environmental consultant.
4. On December 11, 2002, the Department contacted you via telephone. You indicated that you were "sorta' working on the site. You also indicated that you filed bankruptcy three years ago. You indicated you there were potential purchasers for the property. The Department indicated that they would contact you in 30 days to obtain a status update.
5. On January 24, 2003 the Department attempted to reach you via telephone. The Department left a message for you to return the call.
6. On January 30, 2003 the Department attempted to reach you via telephone. The Department left a message for you to return the call.
7. After no additional information was received, on January 30, 2003 the Department sent you a certified Notice of Non-compliance. You signed for the letter on February 3, 2003. The letter requested you to contact the Department within 14 days.
8. After no additional information was received, on March 14, 2003 the Department sent you a Notice of Violation. The letter requested you to contact the Department within 30 days.

**We need to talk about how you are going to investigate and remediate your contaminated site resolved swiftly and correctly.**

We are concerned about the extended length of time this issue has remained unresolved and has scheduled a meeting to discuss this matter.

**I have scheduled an enforcement conference for 10:00 a.m., Friday, February 6, 2004 at the Department of Natural Resources South Central Regional Office located at N7725 Hey 28, Horicon WI.** A map is enclosed for your use. Please be prepared to discuss activities completed to date on the Site and a proposed schedule for investigation and remediation. If you fail to attend the meeting or you do not contact me to have it rescheduled the Department will consider further enforcement action.

If you have any technical questions about this matter, please feel free to call Ms. Cheryl Laatsch, at ((920) 387-7879 or (920) 303-5435. If you have questions on this letter or our pending enforcement action, please call me at (608) 275-3306.

Sincerely,

Tim Coughlin  
Environmental Enforcement Specialist

Enclosure - Map

cc: C. Laatsch - Horicon  
P. McCutcheon - SCR  
J. Renville - LS/5