

State of Wisconsin \ DEPARTMENT OF NATURAL RESOURCES

Tommy G. Thompson, Governor  
George E. Meyer, Secretary  
Ronald W. Kazmierczak, Regional Director

Northeast Region Headquarters  
1125 N. Military Ave., P.O. Box 10448  
Green Bay, Wisconsin 54307-0448  
Telephone 920-492-5800  
FAX 920-492-5913  
TDD 920-492-5912

July 16, 1999

**RECEIVED**

**JUL 21 2000**

**ERS DIVISION**

**CERTIFIED MAIL  
RETURN RECEIPT REQUESTED**

**WDNR BRRTS ID: 03-24-002748  
CASETRACK ID: 99-NEEE-032**

Mr. Dana Evans  
D' Evans Printing  
PO Box 200  
Markesan, WI 53946

**Subject: Notice of Violation**

Dear Mr. Dana:

On October 27, 1995, the Department of Natural Resources (Department) was notified of petroleum contamination on your property located at Outlot 1, adjacent to 20 South Main Street, City of Markesan (City), Green Lake County, Wisconsin. The contamination was discovered during excavation activities for a storm sewer line conducted by the City at the above-mentioned location (the Site).

On October 27, 1995, the Department sent a letter advising you of your responsibility to address the contamination at the Site. The letter requested that you hire a qualified environmental consultant and submit a site investigation work plan to the Department. You were also advised that these actions were required to comply with s. 144.76(3) (now renumbered 292.11(3)), Wisconsin Statutes, which states:

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.

On May 23, 1996, the Department sent a letter that requested that you provide written verification of hiring an environmental consultant by June 2, 1996. The letter also requested that your consultant contact the Department to discuss a work plan for the Site by June 23, 1996. The Department received no response.

On June 28, 1996, the Department sent a Notice of Violation (NOV) to you that requested that you submit the name of your retained environmental consultant in writing to the Department by July 28, 1996. On July 18, 1996, the Department received a letter from Attorney Scott R. Reif on your behalf, which indicated that you were at that time financially unable to pursue investigation / remediation activities at the Site.

On March 22, 1999, the Department sent a Notice of Noncompliance (NON) letter which requested your retained consultant's name in writing, or if work has been done at the Site, a written update on investigation / remediation progress by April 26, 1999. The Department received no response.

*Quality Natural Resources Management  
Through Excellent Customer Service*



The Department construes your failure to submit the requested information and proceed with investigation/remediation as failure to take appropriate action. Therefore, the Department alleges that you are in violation of s. 292.11(3), Wis. Stats.

Since all previous correspondence with you has failed to result in investigation/remediation activities, we can only assume that you do not intend to do the required work at the Site. Therefore, the Department is planning to record an affidavit on the property deed that gives notice of the contamination. This affidavit will alert potential purchasers that environmental contamination is present at the Site.

Before initiating the deed affidavit filing process, we are extending an opportunity to you to meet with Department staff concerning your choice of a qualified environmental consultant and provision of a work plan to address the contamination. **If you wish to discuss taking action at the Site, please contact me in writing at the address in the letterhead by July 30, 1999, to set up an enforcement conference date and time.** If we do not receive a written response by July 30, 1999, the Department will begin the process of recording an affidavit of contamination on the property deed.

For your information, violations of s. 292.11(3), Wis. Stats., are enforceable under ss. 299.95 and 292.99, Wis. Stats.

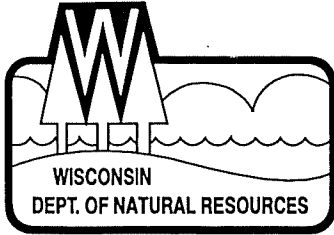
If you have any technical questions about investigation/remediation activities on your property, please contact Mr. Kevin McKnight, Department Hydrogeologist, at (920)424-7890. If you have any questions concerning this letter, please contact me at (920)492-5944.

Sincerely,



Judith M. Doelger  
Environmental Enforcement Specialist

cc: K. McKnight – Oshkosh  
B. Urben - NER  
J. Renville – LS/5  
RR/3



State of Wisconsin \ DEPARTMENT OF NATURAL RESOURCES

Tommy G. Thompson, Governor  
George E. Meyer, Secretary  
William R. Selbig, Regional Director

Oshkosh Service Center  
905 Bay Shore Drive., P.O. Box 2565  
Oshkosh, Wisconsin 54903  
TELEPHONE 920-424-3050  
FAX 920-424-4404

March 22, 1999

Mr. Dana Evans  
P.O. Box 200  
Markesan WI 53946

RECEIVED  
JUL 21 2000  
ERS DIVISION

SUBJECT: NOTICE OF NONCOMPLIANCE  
D'Evans Printing, Markesan WI  
WDNR BRRTS ID#03-24-2748

Dear Mr. Evans:

The Wisconsin Department of Natural Resources (WDNR) was notified on October 27, 1995 that petroleum contamination was discovered at the above-referenced location. In a letter October 27, 1995 the Department informed you of your legal responsibilities to address the situation. Because you did not respond to that letter, you were sent a Notice of Violation on June 28, 1996, asking you to notify us of your intentions regarding cleanup at this site. The Department received a letter from Attorney Scott Reif which stated that you were financially unable to proceed with a investigation and cleanup at that time. The Department has not received any further updates

If cleanup activities have not been implemented, you must hire an environmental consultant by April 26, 1999, and have them submit written verification to this office that they have been hired to address this problem. By May 26, 1999, your consultant must submit a site investigation work plan.

If investigation and/or remediation has occurred, you must provide the Department with documentation describing these activities by April 26, 1999.

I encourage you to consult with a environmental consultant and the Department of Commerce regarding the PECFA program regarding investigation and cleanup requirements. Considerable changes in environmental regulations have occurred which make investigations and cleanups more cost effective.

All reports and correspondence should be sent to the WDNR at the following address:

Wisconsin Department of Natural Resources  
Attn: Kevin McKnight  
905 Bayshore Drive, Box 2565  
Oshkosh, WI 54903

All submittals must be identified with the WDNR BRR CASE ID number; unless otherwise requested, please send only one copy of all submittals.

The Department will enforce Wisconsin's cleanup laws and we will cooperate with you in any way that we can within the limits of our own responsibilities. However, if you fail to comply with the requirements listed in this letter, the next step in the process will likely be a Notice of Violation and enforcement conference. Your cooperation in this matter would be appreciated.

Please do not hesitate to contact me at (920) 424-7890 if you have any questions about this letter.

Sincerely,

Kevin D. McKnight  
WDNR, Hydrogeologist  
mcknik@dnr.state.wi.us

cc: file  
Scott Reif, Reif & Kendall, P.O. Box 153, Randolph WI 53956

