

State of Wisconsin \ DEPARTMENT OF NATURAL RESOURCES

Jim Doyle, Governor
Scott Hassett, Secretary

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August 3, 2004

Casetrack No. 2004-SEEE-146

Bishop Sedgwick Daniels
Bishop's Creek Development Corporation
3500 Mother Daniels Way
Milwaukee, WI 53209

Subject: **NOTICE OF VIOLATION – Imminent Danger**, Ch. 291, Wis. Stats., Bishop's Creek Development Corporation, 4763 N. 32nd St., City of Milwaukee, Milwaukee County

Dear Bishop Daniels:

The Department of Natural Resources is issuing this Notice of Violation (NOV) for alleged violations of ch. 291, Wis. Stats., [Hazardous Waste Management] at the property located at 4763 N. 32nd St., City of Milwaukee (the property). The Department believes that conditions at the property pose an imminent danger to public health and the environment. Your immediate attention to eliminating this imminent danger is necessary.

According to reports from environmental consulting firms, there are numerous 55-gallon barrels and miscellaneous sized containers of hazardous waste, hazardous substances, or unknown materials in the buildings. The fire of July 11, 2004 and previous fires at the property have created an imminent danger to public health and the environment.

The imminent danger arises from the 55-gallon barrels and miscellaneous sized containers of hazardous waste, hazardous substances and unknown materials. Using an environmental consultant, Bishop's Creek must take action to eliminate this imminent danger. This entails securing the barrels and containers, properly identifying the contents, and subsequently ensuring proper disposal. In order to access the barrels, building debris and associated environmental hazards must be addressed. The associated environmental hazards include, but are not limited to: asbestos containing material, electrical transformers (concern for polychlorinated biphenyls), general fire and demolition debris that may be contaminated by a variety of substances including heavy metals, and the potential of contaminated standing water in basement areas that resulted from the fire suppression.

The Department, as authorized by s. 291.85(1)(b), Wis. Stats., is also directing you to immediately post notices at the property that warns citizens of the dangers associated with the property.

On July 23, 2004 a responsible party letter was issued to your corporation. The letter advises you of your responsibilities under ch. 292, Wis. Stats., for "non-emergency" issues and sets a timetable for addressing the soil and groundwater issues. The July 23, 2004 letter remains in effect.

Section 291.85(2)(c), Wis. Stats., authorizes the Department to request the Department of Justice to commence legal proceedings to restrain or enjoin any person from handling, storing, treating, transporting or disposing of hazardous waste which presents or may present an imminent and substantial danger to health or the environment or to take any other action as may be necessary to protect public health and the environment.

The Department is currently evaluating enforcement options that include referring this case to the Department of Justice for the purpose of enjoining Bishop's Creek to eliminate the imminent danger at the property. The Department may also seek forfeitures for the alleged violations.

It is in your best interest to communicate with Department staff and begin the task of eliminating the imminent danger. Within ten days from the date of this letter, please submit a letter with timetable, describing how you propose to eliminate the imminent danger at the property.

Department contacts for technical questions include the following:

Remediation: John Hnat (414) 263-8644

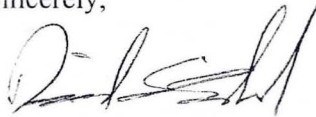
Asbestos: Mark Davis (608) 266-3658

Hazardous Waste: Sandy Miller (414) 263-8675

Please be advised that asbestos containing material, hazardous substances including polychlorinated biphenyls, hazardous waste, and solid waste are highly regulated. The improper management or disposal of these regulated wastes could result in additional enforcement actions being taken.

If you have questions concerning this letter or would like to meet with the Department to discuss the items described in this NOV, please contact me at (608) 261-0779.

Sincerely,



David Edwards
Environmental Enforcement Specialist
Enforcement, Investigations & Emergency Mgmt. Section
Bureau of Law Enforcement

c: Atty George Marek, Quarles & Brady LLP – Milwaukee
C. Kraco, Dept. of Neighborhood Services, City of Milwaukee
J. Hnat – SER
S. Miller – SER
S. Villoth – SER
A. Walden, RR/3 - Madison
M. Davis, AM/7 - Madison
P. Flaherty, LS/5 - Madison
D. Roszak – SER