



State of Wisconsin \ DEPARTMENT OF NATURAL RESOURCES

Jim Doyle, Governor
Scott Hassett, Secretary
John Gozdzialski, Regional Director

Northern Region Headquarters
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September 28, 2005

File Ref. 4190
CASETRACK#: 2005-NOEE-055

CERTIFIED MAIL

Mr. Dominic J. Giuffre, Manager
Northwoods Adventure Properties L.L.C.
6635 South 13th Street
Milwaukee, WI 53221

Subject: **NOTICE OF VIOLATION**
Former Minocqua Cleaners
8576 HWY 51 North, Minocqua, Wisconsin
WDNR BRRTS # 02-44-000113

Dear Mr. Giuffre:

Based on Oneida County records, you purchased the Former Minocqua Cleaners property in Minocqua, Wisconsin from Gerome Burdick through a Sheriff's sale on January 29, 1998. As you are aware, perchloroethylene and other related dry cleaner contaminants had been detected on the property you purchased and identified above.

Based on the information available to the Department of Natural Resources (Department), we believe you are responsible for restoring the environment at the referenced site under Section 292, Wisconsin Stats., known as the hazardous substances spills law.

The hazardous substances spill law, Section 292.11 (3) Wisconsin Statutes, states:

A person who possesses or controls a hazardous substance which is discharged or who causes the discharge of a hazardous substance should 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 the state.

Wisconsin Administrative Code chapters NR 700 through NR 749 establish requirements for emergency and interim actions, public information, site investigations, design and operation of remedial action systems, and case closure. Chapter NR 708 includes provisions for immediate actions in response to limited contamination. Wisconsin Administrative Code chapter NR 140 establishes groundwater standards for contaminants that reach groundwater.

As you are aware, the Department has been attempting to provide you with assistance in your effort to investigate and potentially remediate the subject property and adjacent properties that have been impacted by the former operations of the dry cleaner facility. Both soil and groundwater contamination has been documented. Your application for participation in the Department Dry Cleaners Environmental Response (DERP) fund was approved by the Department on June 24, 2003. We approved your consultant's October 6, 2004 Phase 1 Scope of Work and Timetable for completion of a site investigation by our letter

of November 12, 2004. In that letter, we also advised you that you must obtain a signed agent agreement with Jack Mahoney to become fully eligible for reimbursement of investigation and cleanup costs from the DERP fund. **Your eligibility or ineligibility for this fund does not relieve you of any of your responsibilities under the spills law.** We also advised you and your consultant of the need to obtain access agreements from the adjacent property owners to enable you to conduct the appropriate investigate/remediation. On March 24, 2005 the Department sent you a Responsible Party/Notice of Noncompliance letter again informing you of your responsibilities under the spill law.

To date, it is the Department's understanding that you have not obtained the agent agreement or property access agreements and have not conducted a site investigation and necessary remediation in accordance with your responsibilities under the spill law. Therefore, based on this information, the Department believes you are in violation of s. 292.11(3), Wis. Stats.

The Department requires that you respond; in writing; by October 10, 2005 with your plan and timeline for obtaining compliance with your responsibilities under the spill law. If you do not respond, the Department may pursue further enforcement action. This may include referral to the Department of Justice for prosecution. Please be advised that violations of s. 292.11(3), Wis. Stats., are enforceable under s. 299.97, 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.

If you have any technical questions about investigation and cleanup activities, please contact Chuck Weister at (715) 365-8941. If you have any questions concerning this notice, please contact me at (715) 365-8935.

Sincerely,



Michelle DeBrock-Owens
Environmental Enforcement Specialist

c: **Enforcement File, Rhinelander**
CASETRACK File, Rhinelander
Chuck Weister, Rhinelander
John Robinson, Rhinelander
Mafizul Islam, Sigma Environmental Services, Inc., 1300 West Canal Street
Milwaukee, WI 53233