



## State of Wisconsin \ DEPARTMENT OF NATURAL RESOURCES

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

Northeast Region Headquarters  
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June 17, 1999

**CERTIFIED MAIL  
RETURN RECEIPT REQUESTED**

Messrs. Stanley and Charles Skrzypek  
5209 West 53<sup>rd</sup> Place  
Chicago, IL 60638

**WDNR BRRTS ID: 02-39-001676  
CASETRACK ID: 99-NEEE-031**

**Subject: Notice of Violation**

Dear Messrs. Stanley and Charles Skrzypek:

On October 6, 1995, the Department of Natural Resources (Department) was notified of petroleum contamination on your property located near the intersection of CTH B and STH 23, Town of Montello, Marquette County, Wisconsin. The contamination was discovered during an environmental assessment performed in conjunction with a Wisconsin Department of Transportation construction project for STH 23 at the above-mentioned location (the Site).

On October 18, 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 written verification of hiring the consultant to the Department by November 18, 1995. 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 April 1, 1998, the Department sent a letter which requested that you provide a written update on progress at the Site by April 15, 1998. On April 27, 1998, the Department received a letter from Mr. Charles Skrzypek which indicated that an environmental consultant, Mid States Associates, was contacted and plans were under consideration for an investigation at the Site.

On January 4, 1999, the Department sent a Notice of Noncompliance (NON) letter which requested that you provide written documentation of hiring an environmental consultant, and have the consultant submit a site investigation work plan to the Department by March 4, 1999. The NON was sent to you via certified mail by the US Postal Service and was returned unclaimed to the Department.

On March 3, 1999, the Department sent a second NON to you via regular US mail which again requested that you provide written documentation of hiring an environmental consultant, and

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have the consultant submit a site investigation work plan to the Department by April 5, 1999. On March 17, 1999, the Department received a letter from Mr. Stanley Skrzypek which indicated that he did not have sufficient financial resources to investigate/remediate the Site.

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 2, 1999, to set up an enforcement conference date and time.** If we do not receive a written response by July 2, 1999, the Department will begin the process of filing an affidavit of contamination on the property deed.

Please be advised that violations of s. 292.11(3), Wis. Stats., are enforceable under ss. 299.95 and 299.97, Wis. Stats. Section 299.97, Wis. Stats., 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/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