

State of Wisconsin  
DEPARTMENT OF NATURAL RESOURCES  
473 Griffith Avenue  
Wisconsin Rapids WI 54484

Scott Walker, Governor  
Cathy Stepp, Secretary  
Telephone 608-266-2621  
Toll Free 1-888-936-7463  
TTY Access via relay - 711



August 25, 2016

**CERTIFIED MAIL  
RETURN RECEIPT REQUESTED**

Dianna Williams  
207 West Street  
Juneau, WI 53039

Casetrack #2016-SCEE-032  
Remediation Redevelopment  
Dodge County

Eileen Pilsner  
326 W. Pine Street, Apt. 206  
Lake Mills, WI 53551

Subj: **NOTICE OF VIOLATION AND ENFORCEMENT CONFERENCE**

Dear Ms. Williams and Ms. Pilsner:

The Department of Natural Resources has reason to believe that the former Pilsner Ford is in violation of state hazardous substance control laws s. 292.11, Wisconsin Statutes and chs. NR 700 – 754, Wisconsin Administrative Code at property located at 207 West Street, Juneau, Dodge County, Wisconsin. This property is under the ownership of Ms. Williams and the former Pilsner Ford was operated by Ms. Pilsner. These violations were documented as part of an underground tank removal project at the property which was reported to the department on August 9, 2004. The Department alleges the following violations:

- s. 292.11(3), Wis. Stats. – Responsibility. 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.

A tank removal was conducted at the former Pilsner Ford site and a limited Phase II Environmental Site Assessment conducted in April of 2004. The results of that assessment indicated elevated levels of petroleum contamination in and near the location of the former underground storage tank. The department has contacted both of you numerous times since the assessment in an attempt to address the contamination.

We have scheduled the following Enforcement Conference to discuss this matter in more detail:

Date: September 7, 2016  
Time: 1:00 p.m.  
Location: Wisconsin Department of Natural Resources  
3911 Fish Hatchery Road  
Fitchburg, WI 53711  
Glacier Conference Room

We request you attend the Enforcement Conference as it is an important opportunity to discuss the circumstances surrounding the alleged violations and to learn your perspective on this matter. Please note that in an effort to encourage a candid and productive conversation, attendance is limited to you,

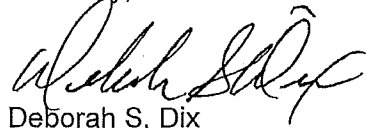
your legal counsel and others with the technical expertise necessary to understand, evaluate and correct the violation.

The Department's enforcement decision will be based upon available information if you do not attend the Enforcement Conference.

Please be advised that violations of ch. 292, Wis. Stats., may be referred to the Department of Justice to obtain court ordered compliance and penalties up to \$5,000 per violation. Each day of continued violation is a separate offense.

If you have questions or need to reschedule the conference, please contact me at 715.421.9914 or through e-mail at [deb.dix@wisconsin.gov](mailto:deb.dix@wisconsin.gov).

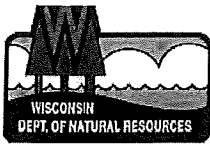
Sincerely,



Deborah S. Dix  
Environmental Enforcement Specialist

Enc. – Environmental Enforcement Conference

c: Patrick Dowd, Fitchburg  
Linda Hanefeld, Fitchburg  
Jessica Kramer, LS/8



## **Environmental Enforcement Conference**

An Enforcement Conference (EC) is a meeting between Department of Natural Resources (Department) staff and representatives of a person or business that the Department believes has violated an environmental law. The Department issues a Notice of Violation (NOV) when it has reason to believe that a violation of a permit condition, administrative rule or statutory requirement has occurred. The NOV either offers or schedules an EC.

### **Why Should I Attend?**

The EC is an important opportunity to discuss the Department's basis for the alleged violation(s) and learn more about what happened, why it may have happened, and any factors you believe the Department should consider, such as steps that have been or will be taken to stop the violation, correct any effects of the violation, and prevent violations from occurring in the future. It is also your opportunity to explain why you might disagree with the factual and legal conclusions underlying the NOV.

Historic data shows that most violations are resolved at the EC level, without the need for court ordered compliance and/or penalties. In situations where the significance of the violation warrants further enforcement action, your cooperative efforts to resolve the violation and prevent future violations will help minimize your legal and financial liability.

### **Who Should Attend the EC?**

Department staff involved in the EC typically consists of an Environmental Enforcement Specialist and regulatory staff that are familiar with the issues identified in the NOV.

While not required, you may seek representation by legal counsel or the assistance of an environmental consultant to prepare for and/or attend the EC. The EC is most productive when all involved are well-prepared to discuss the allegations and any corrective actions that may be necessary.

To ensure a productive candid discussion, participation in the EC is limited to the person or business involved and others with the legal or technical expertise necessary to understand, evaluate, mitigate and correct the violation. The EC is not an open meeting under state law and the Department will limit participation to those directly involved in the resolution of the matter.

### **What Happens if I don't Attend the EC?**

If a party is unable to attend the EC, they should immediately contact the Environmental Enforcement Specialist at the phone number in the NOV to reschedule. When a party refuses to attend the EC and provides no further information to the Department, the Department's enforcement decision will be based upon available information.

### **What Happens Following the EC?**

The EC is part of the Department's stepped enforcement process. At the EC, Department staff will explain the process and options available to address the alleged violation. Generally, the options range from closing the matter with no further action to referral to the Wisconsin Department of Justice (DOJ) or to U.S. EPA, for further enforcement action. In limited circumstances, the Department can issue citations, which are handled in local court similar to traffic offenses. If a case is referred to DOJ, the DOJ may initiate an action in court on behalf of the State. The State typically asks the Court to impose financial penalties and order completion of any necessary corrective actions. In most of the Department's cases, a cooperative return to compliance with any necessary restoration results in close out of the case. At close out, the Department will send a letter advising of no further enforcement action.