



## State of Wisconsin \ DEPARTMENT OF NATURAL RESOURCES

Jim Doyle, Governor  
Scott Hassett, Secretary  
Gloria L. McCutcheon, Regional Director

Southeast Region Headquarters  
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April 23, 2007

Jim Brunnquell, President  
The Village of Grafton  
1708 12th Avenue  
Grafton, Wisconsin 53024

CERTIFIED MAIL  
FID 246036780

### Notice of Violation – Notice of Claim

Dear Mr. Brunnquell:

The Department of Natural Resources ("DNR") has reason to believe that the Village of Grafton is in violation of s. 292.11 (3), Wis. Stats., which states that

*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.*

The Village of Grafton signed an agreement with Milwaukee Sign, Inc., and Ozaukee Real Estate Associates, LLC ("O.R.E.") on December 23, 1999. Under the agreement, pursuant to s. 292.35, Wis. Stats., the Village has control of the hazardous substances in the contaminant plume originating at the property owned by O.R.E., located at 2076 First Avenue in Grafton, and has assumed responsibility for the investigation and remediation of the plume. Under s.292.35 (7), Wis. Stats., since O.R.E. entered into an agreement with the Village and has presumably complied with the agreement, it is not liable to the state or the Village for any additional costs of the investigation or remedial action.

On August 10, 2005, the Department sent a letter to the Village Administrator, asking for additional site investigation of the West Plume. We received no response. In a letter dated April 28, 2006, DNR Attorney Judith Mills Ohm again informed the Village Administrator that additional investigatory work is necessary. She explained that the Village is required to investigate and remediate the contamination from the West Plume, under the terms of the s. 292.35 agreement. In Ms. Ohm's letter, she requested that the Village contact DNR Hydrogeologist John Feeney by May 12, 2006, to discuss the actions the Village intended to take to address the contamination. It also asked that the Village send a work plan and schedule for investigation to the Department by June 28, 2006. To date we have not been contacted by phone or in writing about this case.

In order to discuss this matter further, the following enforcement conference has been scheduled:

Conference Date	May 23, 2007
Conference Time:	10:00 am
Location:	DNR - Milwaukee Office 2300 N. Dr. Martin Luther King Jr. Drive Milwaukee, WI

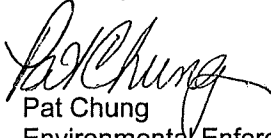
You should be aware that the Department is authorized to seek forfeitures of up to \$5,000 per day for each violation of remedial action regulations.

Notice Required by s. 893.80(1), Wis. Stats.

This Notice of Violation fulfills the requirements of s. 893.80(1), Wis. Stats., which requires that a written notice of the circumstances of a claim be served within 120 days after the happening of the event which gave rise to the claim.

If you have any questions on technical issues, please contact John Feeney at (920) 892-8756 extension 3023. I can be reached at (414) 263-8663.

Sincerely,



Pat Chung  
Environmental Enforcement  
Southeast Region

cc: John Feeney – SER  
Judith Mills Ohm – LS/5  
Walt Ebersohl - SER  
RR/3