

State of Wisconsin
DEPARTMENT OF NATURAL RESOURCES
3911 Fish Hatchery Road
Fitchburg WI 53711-5397

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



Certified Mail
Return Receipt Requested

July 11, 2016

Casetrack ID# 2016-SCEE-030

William J. Bartlett
Bartlett Business Ventures, LLC
711 S. Church Street
Richland Center, WI 53581

Subject: **NOTICE OF VIOLATION/REQUEST FOR ENFORCEMENT CONFERENCE**

Dear Mr. Bartlett:

The Department of Natural Resources (department) has reason to believe that you are in violation of the state hazardous substance spill law at Weber's Dry Cleaners located at 711 Church Street, Richland Center, Richland County.

The department is specifically alleging that you are in violation of:

1. Section 292.11 (3), Wis. Stats., 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.
2. Section NR 700.11(1)(bm), Wis. Adm. Code states unless otherwise directed by the department, responsible parties shall submit a site investigation work plan meeting the requirements of s. NR 716.09 to the department within 60 days of receiving notification that a site investigation is required.

Section NR 716.09(1), Wis. Adm. Code states unless otherwise directed by the department, in cases where a site investigation is required under s. NR 716.05, responsible parties shall submit a work plan to the department within 60 days of receiving notification that a site investigation is required, describing the intended scope and conduct of a field investigation. One paper copy and one electronic copy of the plan shall be submitted to the department, unless otherwise directed by the department, in accordance with s. NR 700.11 (3g).

On November 14, 2007, the department sent a responsible party letter explaining responsibilities under 292.11, Wis. Stats. to conduct an investigation and cleanup at the property.

Despite several contacts by the department, no evidence has been submitted that a consultant has been retained or that a site investigation work plan has been submitted.

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

Conference Date: Friday August 5, 2016
Conference Time: 1:30 pm
Location: Spring Green Community Library
230 E. Monroe Street, Spring Green

Please come prepared to discuss a timeline for retaining a consultant and submittal of a site investigation work plan.

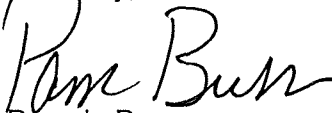
We request you attend the Enforcement Conference as it is an important opportunity to discuss the circumstances surrounding the alleged violations and to learn your perspective on this matter. Please note that in an effort to encourage a candid and productive conversation, attendance is limited to you, 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 s. 292.11, Wis. Stats, may be referred to the Department of Justice to obtain court ordered compliance and penalties up to \$5,000.

If you have questions or need to reschedule the conference, please contact me at 608-275-3306.

Sincerely,



Pamela Buss
Environmental Enforcement Specialist

Enclosure – What is an enforcement conference information sheet

cc: Jeff Ackerman – SCR
Linda Hanefeld - SCR



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.