



October 17, 2012

Christine A. Straate, Registered Agent  
Bella Landscaping, LLC, formerly Hillcrest Landscaping  
8655 N. 43<sup>rd</sup> St.  
Brown Deer, WI 53209

Casetrack No. 2012-SEE-037  
FID # 341156860  
BRRTS No. 02-41-550899

### NOTICE OF VIOLATION

Dear Ms. Straate:

The Department of Natural Resources has reason to believe that Bella Landscaping, LLC is in violation of state pollution discharge investigation and remediation laws at the former Hillcrest Landscaping Co. property located at 8655 North 43<sup>rd</sup> St., Village of Brown Deer, Milwaukee County. These violations were documented through a spills notice filed by WE Energies on July 13, 2007. Samples taken by WE Energies tested positive for PCBs, trimethylbenzene, naphthalene, xylene, benzene and ethylbenzene. Bella Landscaping, as property owner, was informed of your responsibilities as a Responsible Party to investigate and remediate the spill, on June 11, 2009. The Department alleges the following violations:

- Section NR 716.05, Wis. Adm. Code, General.  
(1) Responsible parties shall conduct a site investigation that meets the requirements of this chapter and s. NR 746.05, for discharges of petroleum products from petroleum storage tanks, when site-specific or facility-specific information indicates that soil, sediment, groundwater, surface water, air or other environmental media at a site or facility may have become contaminated. Unless sub. (2) is applicable, responsible parties shall use the factors in s. NR 708.09 (1) (a) through (n) and (2) (a) through (c) to determine whether or not a site investigation is necessary.
- S. NR 722.05, Wis. Adm. Code, General.  
(1) Responsible parties shall select an appropriate remedial action or combination of remedial actions for implementation under this chapter,
- S.292.11, Wis. Stats., Hazardous substance spills.  
(3) 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.

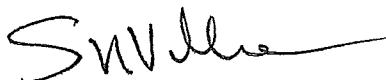
On September 22, 2009, Bella Landscaping sent the Department a letter stating that consulting firm BT2 had been hired to excavate and landfill the contaminated soil, and submit a final report, by November 2009. The letter was signed by Christine Straate as "Owner and CEO" of Bella Landscaping. There has been no further contact to date.

On August 9, 2012, The Department issued a Notice of Noncompliance, requiring a work plan, schedule and start date and a review fee to be submitted to the Department within 30 days of receipt of the Notice of Noncompliance. The letter was returned by the post office on August 28, 2012 as "Unclaimed."

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 day of violation. The Department can also record an affidavit at the Milwaukee County Register of Deeds Office indicating that contamination remains at the property. Tax records available from the Village of Brown Deer show that the property is owned by Bella Properties Brown Deer, LLC. The Wisconsin Department of Financial Institutions' records show Bella Properties Brown Deer, LLC has its principal office at Bella Enterprises, LLC, 8655 N. 43<sup>rd</sup> St., Brown Deer, and that the registered agent is Christine Straate.

If you have questions or would like to schedule an Enforcement Conference to meet and discuss the alleged violations and your perspective on the circumstances surrounding this matter, please contact me at (414) 263-8490 within 30 days of receipt of this letter. Alternatively, you may provide information in writing that you would like the Department to consider in its decision. The Department's enforcement decision will be based upon available information if you do not provide written information within 30 days of receipt of this letter. You may also contact project manager John Hnat at (414) 263-8644 if you have any technical questions regarding the scope of work.

Sincerely,



Saji Villoth  
Environmental Enforcement Specialist

c: J. Hnat – Project Manager-Hydrogeologist  
C. Straate, 1580 Highland Dr., Elm Grove 53122  
C. Straate, c/o Waukesha County Jail, 515 West Moreland Blvd, Waukesha 53188  
Attorney Kathleen Lindgren