

State of Wisconsin
DEPARTMENT OF NATURAL RESOURCES
P.O. Box 7921
Madison, WI 53707-7921

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



Letter Sent Via Certified Mail:
7012 2210 0002 6288 0061

April 8th, 2016

Jay Walia
4725 North 159th Street
Brookfield, WI 53005

RE: **Notice of Non-Compliance**
Former City Services, 10605 West North Avenue, Milwaukee
WDNR BRRTS # 03-41-560368 PECFA # 53226-2312-05-A

Dear Mr. Walia:

The Wisconsin Department of Natural Resources (Department) was notified on April 11, 2013 of petroleum contamination at the property listed above. Our records indicate that you are the owner of this property, making you the responsible party for the cleanup of the petroleum release at the site. The Department has attempted to contact you several times, most recently on February 26, 2016, requesting for a site activity update. To date, no correspondence has been received.

Please be aware that you are at risk of the Department initiating enforcement action against you for failure to comply with the Hazardous Substances Spills Law (section 292.11, Wisconsin Statutes). Wisconsin Statute 292.11 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 the state."

Under the Spills Law, you have a legal responsibility to investigate and clean up all contamination to the extent practicable. Our records indicate that you have not started the investigative work necessary to determine the method and degree of cleanup needed to bring your site into compliance with the Spills Law.

Because a hazardous substance had been released to the environment, you are responsible for conducting a remedial investigation to determine the extent of contamination and potential for groundwater impact. Remedial actions must be taken to clean up contaminated soils and groundwater, if applicable.

You should note that failure to take the actions required by s. 292.11, Wis. Stats., to address this contamination will lead to a recommendation that this case be reviewed for Department enforcement actions. One possible action involves the Department recording a notice of residual contamination on the property's deed under section NR 728.11, Wis. Adm. Code. The deed notice would inform any potential purchaser of the property of the presence of the contamination, and this notice would remain in effect until the contamination has been addressed. For more environmentally serious situations, the Department has the ability through our stepped enforcement process to take additional enforcement

actions, up to and including referral of the case for prosecution by the Department of Justice. Such referrals will result in court-stipulated actions and monetary forfeitures.

Funds are available from the Petroleum Environmental Cleanup Fund Award (PECFA) for the above site to assist you financially with an investigation, remediation and eventual case closure. Many environmental consultants are willing to act as agents on PECFA clean-up sites and will manage the cleanup and carry the costs on behalf of the responsible party until a claim for PECFA reimbursement is paid. This means there would be little out of pocket cost to complete the cleanup and bring the site to closure.

Your prompt attention to this request is appreciated as a new state law will end PECFA in the near future, meaning no further reimbursement will be available for the cleanup and anything going forward will be out of pocket costs.

The Department **requires** that within **30 days**, you inform the Department in writing of your intentions to bring this case to closure. Please contact me in writing at the letterhead address, via email at Madison.Larkin@wisconsin.gov or by telephone at (608) 261-5405.

Sincerely,



Madison Larkin
Hydrogeologist
Remediation and Redevelopment Program

cc: Pamela Mylotta, Southeast Region Team Supervisor, Department of Natural Resources,
2300 N Dr. Martin Luther King Dr., Milwaukee, WI 53212
Randy Rogness, BLS Environmental, Inc.
DNR Case File