



February 24, 2022

Winnebago and Outagamie County
Neenah FID# 471007460
Appleton FID# 445164170
EMAILED and Certified Mail

Brett Donaldson
Donaldson One Hour Cleaners Inc. dba Donaldson's Cleaners
561 Chatham Court
Neenah, WI 54956
bdonaldson@donaldsonscleaners.com

Subject: **NOTICE OF VIOLATION**

Dear Mr. Donaldson:

This letter is to advise you that the Department of Natural Resources (department) has reason to believe that Donaldson's One Hour Cleaners Inc. dba Donaldson's Cleaners (DOHC) is in violation of the state hazardous waste laws, ch. 291, Wisconsin Statutes (Wis. Stats.), at two of its facilities located at 110 W. Cecil Street, Neenah, WI, Winnebago County (Neenah Site) and at 1835 E. Edgewood Drive, Suite 101, Appleton, WI 54913, Outagamie County, (Appleton Site). Through correspondence from you dated September 3, 2021 and a site inspection by department staff on October 18, 2021 at the Neenah site, DOHC transported nine drums of hazardous waste (spent dry cleaner filters) from the Neenah site to the Appleton site and then back to the Neenah site where they are currently stored.

The department alleges the following violations:

For the Neenah Site

- 1. Section 291.21(9), Wis. Stats. Generation. Any person generating solid waste shall determine if the solid waste is a hazardous waste. Any person generating hazardous waste shall: Arrange that all wastes generated by them are transported, treated, stored or disposed of at facilities holding a license issued under this chapter or issued under the resource conservation and recovery act.**

DOHC has generated hazardous waste at the Neenah site per historic manifest records of spent dry cleaner filters with a F002 hazardous waste code. The departments records show the last hazardous waste shipment was in January 2014. DOHC submitted a letter dated September 3, 2021 identifying that nine drums of spent dry cleaner filters, a hazardous waste, were generated at the Neenah site and transported by DOHC to the Appleton Site; then transported back to the Neenah site. DOHC did not arrange for the proper disposal of the nine drums to a facility that holds a hazardous waste license.

The department believes DOHC has failed to properly dispose of hazardous wastes, as required.

2. Section 291.23(1), Wis. Stats. Licenses Transportation. No person may transport hazardous waste without a license issued under this section.

DOHC submitted a letter dated September 3, 2021 identifying that nine drums of spent dry cleaner filters, a hazardous waste, were generated at the Neenah site and transported in a DOHC vehicle to the Appleton Site; then transported back to the Neenah site. DOHC does not have a hazardous waste transportation license.

The department believes DOHC has failed to obtain a hazardous waste transportation license, as required.

3. Section 291.25(2)(b), Wis. Stats. Licenses; treatment, storage or disposal. No person may operate a hazardous waste facility without an interim or operating license issued under this section.

DOHC submitted a letter dated September 3, 2021 identifying that nine drums of spent dry cleaner filters, a hazardous waste, were generated at the Neenah site and transported and stored at the Appleton Site; then transported back to the Neenah site. The act of moving hazardous waste from one site to another causes that location to become a licensed treatment, storage, and disposal (TSD) facility. The DOHC Neenah site is not a licensed hazardous waste storage site.

The department believes DOHC has failed to obtain the license to store hazardous wastes, as required.

4. Section NR 664.0001(8), Wis. Adm. Code, Purpose, scope, and applicability. The requirements of this chapter apply to owners or operators of all facilities which treat, store or dispose of hazardous wastes referred to in ch. 668 Wis. Adm. Code. NR 668.50(1)(b) 1.a., Wis. Adm Code requires that each container is clearly marked with the words "Hazardous Waste."

On October 18, 2021 department staff inspected the DOHC site and found 9 drums of spent dry cleaner filters, a hazardous waste, not marked with the words "hazardous waste".

The department believes DOHC has failed to mark the containers with the words hazardous waste.

5. Section NR 664.0001(8), Wis. Adm. Code, Purpose, scope, and applicability. The requirements of this chapter apply to owners or operators of all facilities which treat, store or dispose of hazardous wastes referred to in ch. 668 Wis. Adm. Code. Section NR 668.50(1)(b)1.b., Wis Adm. Code, requires the applicable EPA hazardous waste number, EPA hazardous waste codes as specified in subchs. C and D of ch. NR 661; or use a nationally recognized electronic system, such as bar coding that identifies the EPA hazardous waste number.

On October 18, 2021, department staff inspected the DOHC site and found 9 drums of spent dry cleaner filters, a hazardous waste, with no EPA hazardous waste codes on them.

The department believes DOHC has failed to mark the containers with the appropriate numbers/codes.

6. Section NR 664.0001(8), Wis. Adm. Code, Purpose, scope, and applicability. The requirements of this chapter apply to owners or operators of all facilities which treat, store or dispose of hazardous wastes referred to in ch. 668 Wis. Adm. Code. Section NR 668.50(1)(b)1.c., Wis Adm. Code, requires that each container is marked with an indication of the hazards of the contents.

On October 18, 2021 department staff inspected the DOHC site and found 9 drums of spent dry cleaner filters, a hazardous waste, with no indication of the hazards on them.

The department believes DOHC has failed to mark the containers indicating the hazards of the contents.

7. **Section NR 664.0001(8), Wis. Adm. Code, Purpose, scope, and applicability. The requirements of this chapter apply to owners or operators of all facilities which treat, store or dispose of hazardous wastes referred to in ch. 668 Wis. Adm. Code. Section NR 668.50(1)(b)1.d., Wis. Adm. Code, requires that each container is clearly marked with the date each period of accumulation begins.**

On October 18, 2021 department staff inspected the DOHC site and found 9 drums of spent dry cleaner filters, a hazardous waste, with no start of accumulation date on them.

The department believes DOHC has failed to date the containers.

For the Appleton Site

1. **Section 291.25(2)(b), Wis. Stats. Licenses; treatment, storage or disposal. No person may operate a hazardous waste facility without an interim or operating license issued under this section.**

DOHC submitted a letter dated September 3, 2021 identifying that nine drums of spent dry cleaner filters, a hazardous waste were generated at the Neenah site and transported and stored at the Appleton Site; then transported back to the Neenah site. The DOHC Appleton Site is not licensed as a hazardous waste storage site. This is a repeat of the same violation above for the Neenah site.

The department believes DOHC has failed to obtain the license to store hazardous wastes, as required.

We have scheduled a Teleconference to discuss this matter in more detail:

Teleconference Date and Time:

Teleconference Call Number:

conference ID 39956816#

At 10:00 a.m. please call the toll-free number listed above and enter the conference ID plus the “#” sign. This will connect you to the teleconference.

We request you join the teleconference, 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 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 violations. A fact sheet describing an enforcement conference is enclosed.

Please be advised that the department is authorized under ch. 291, Wisconsin Statutes, to seek injunctive or other appropriate relief for violation of hazardous waste laws, including forfeitures of not more than \$25,000 per day of violation. Each day of violation is considered a separate offense.

If you have any questions, please contact me at (920) 808-0045 or email at jennifer.pelczar@wisconsin.gov.

Sincerely,



Jennifer Pelczar
Environmental Enforcement Specialist

Enclosure: Enforcement Conference Fact Sheet

ecc: Alex Beyer – alexander.beyer@wisconsin.gov
Kristin DuFresne – Kristin.dufresne@wisconsin.gov



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.