



STATE OF WISCONSIN  
DEPARTMENT OF JUSTICE

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March 4, 1997

Mr. Joseph W. Skupniewitz, Clerk  
United States District Court  
Western District of Wisconsin  
United States Courthouse  
120 North Henry Street  
Madison, WI 53703

Re: State of Wisconsin v. Junker Landfill Trust, et al.

Dear Mr. Skupniewitz:

Enclosed for filing in the above matter is the original of the Civil Cover Sheet, Complaint, Notice of Lodging of Proposed Consent Decree, and Consent Decree, along with a check for the filing fee of \$120. Kindly authenticate the extra copy of the Complaint and return it to the person who is filing this case.

Thank you.

Sincerely,

Frank D. Remington  
Assistant Attorney General  
of Wisconsin

FDR:drm

Enclosures

c w/enc.: Kathleen Mahoney  
Michael Ford  
Dennis Sullivan

bc w/enc.: Linda Meyer ✓

RECEIVED

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Bobbi White DNR

CIVIL COVER SHEET ATTACHMENT

DEFENDANTS

Junker Landfill Trust  
Minnesota Mining and Manufacturing Company  
Andersen Corporation  
Chicago & Northwestern Transportation Co.  
Croix Oil Company  
Dahl Tech Plastics  
Erickson's Diversified Corp.  
George Siegfried Construction  
Glass Service Company  
Johnson's Body Shop  
Maple Island, Inc.  
Mills Fleet Farm  
Toro Company  
U.S. West  
UFE Incorporated  
Town of Troy  
Northern States Power  
Washington County  
Ameritech  
Minnesota Department of Transportation  
City of Glenwood  
Minnesota Department of Corrections  
City of Lake Elmo  
Stillwater Housing Partners  
Jane and John Doe

ATTORNEYS

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Minneapolis, MN 55402-3336

Mary Al Balber  
Assistant Attorney General  
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substances into the environment at a facility known as the Junker Landfill (the "Landfill" or "Site") located in the SE 1/4 of the SE 1/4 of Section 13, and the SW 1/4 of the SE 1/4 of Section 13, both parcels in Township 29 North, Range 19 West, in the Town of Hudson in St. Croix County, Wisconsin. The State seeks to require the responsible parties to implement the necessary response actions, and to recover costs incurred and to be incurred by the State in conducting response actions at the Landfill.

2. The Landfill is a privately-owned solid waste disposal facility which accepted waste from municipalities and businesses in western Wisconsin and eastern Minnesota from approximately 1972 through 1987.

3. Periodic sampling of monitoring wells at the Landfill has revealed groundwater contamination. The Landfill poses a current and long-term environmental threat which is being addressed by response actions which have been and are being taken at the Landfill, and which must be addressed by additional response actions to be implemented and/or financed by the defendants.

4. The State brings this action pursuant to § 107 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 ("CERCLA"), as amended by the Superfund Amendments and Reauthorization Act of 1986, 42 U.S.C.A. § 9607, and pursuant to secs. 292.11(3) and 299.95, Wis. Stats. (formerly secs. 144.76(3) and 144.98, Wis. Stats.).

laws of the State of Wisconsin or Minnesota, or Minnesota governmental bodies, with the exception of the Town of Troy, which is located in Wisconsin. Each defendant is a "person" within the meaning of section 101(21) of CERCLA, 42 U.S.C. § 9601(21), who by contract, agreement or otherwise, arranged for the disposal of hazardous substances at the Junker Landfill.

FIRST CLAIM FOR RELIEF--CERCLA

10. The Junker Landfill is a "facility" within the meaning of CERCLA § 101(9), 42 U.S.C.A. § 9601(9), which was operated from approximately 1972 to 1987.

11. "[H]azardous substances" within the meaning of § 101(14) of CERCLA, 42 U.S.C.A. § 9601(14) were disposed of in the Landfill, within the meaning of §101 (29) of CERCLA, 42 U.S.C.A. § 9601(29).

12. There have been and continue to be releases of hazardous substances into the environment, within the meaning of § 101(22) of CERCLA, 42 U.S.C.A. § 9601(22), at the Landfill.

13. Because the defendants failed to act to abate and remedy the hazardous substance discharges at and from the Landfill, the plaintiff State of Wisconsin, acting through its Department of Natural Resources, installed a cap on the Landfill and installed and commenced operating gas extraction and leachate collection systems, and conducted sampling of residential water supply wells in the area.

14. The plaintiff State has incurred and will continue to incur response costs at the Landfill as that term is defined in § 101(25) of CERCLA, 42 U.S.C.A. § 9601(25), in responding to

substance, shall take the actions necessary to restore the environment to the extent practicable and minimize the harmful effects from the discharge(s) to the air, lands or waters of the state.

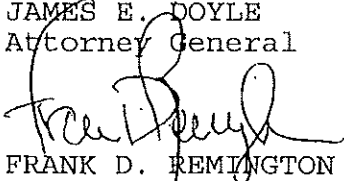
PRAYER FOR RELIEF

WHEREFORE, the plaintiff requests judgment as follows:

1. An injunction requiring the defendants to take the actions necessary to restore the environment at the Landfill.
2. A money judgment against the defendants for the response costs incurred by the State in connection with the Landfill.
3. A declaratory judgment that defendants are liable for all future response costs that may be incurred by the State in connection with the Landfill.
4. The plaintiff's costs and fees of this action.
5. Such other and further relief as is appropriate.

Dated at Madison, Wisconsin, this 4th day of March, 1997.

JAMES E. DOYLE  
Attorney General



FRANK D. REMINGTON  
Assistant Attorney General  
State Bar No. 1001131

Attorneys for Plaintiff  
State of Wisconsin

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incurred by the United States in connection with the Junker Landfill site, located in St. Croix County, Wisconsin.

The State of Wisconsin hereby notifies the court that, contemporaneous with the filing of the complaint, the state lodged a Consent Decree for the above referenced matter signed by the State of Wisconsin and the Junker Landfill Trust.

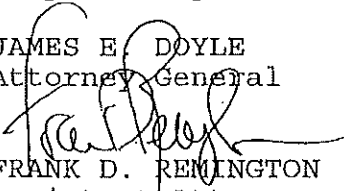
The court should not sign the Consent Decree at this time. Instead, the proposed Consent Decree should remain lodged with the court while the State of Wisconsin provides an opportunity for additional parties to sign the decree on or before March 21, 1997. Pursuant to Section 122(d)(2), 42 U.S.C. § 9622(d)(2), the public is allowed an opportunity to comment for thirty days. That period will expire on April 21, 1997.

The State of Wisconsin will publish in the Hudson Star Observer and Stillwater Gazette, a notice that the proposed Consent Decree has been lodged with the court. The Notice will solicit public comments to be submitted on or before April 21, 1997. During the comment period, no action is required of this court.

Dated this 4th day of March, 1997.

Respectfully submitted,

JAMES E. DOYLE  
Attorney General

  
FRANK D. REMINGTON  
Assistant Attorney General  
State Bar No. 1001131

Attorneys for Plaintiff  
State of Wisconsin

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Junker Landfill Trust, Andersen Corporation, Minnesota Mining and Manufacturing Company, Chicago & Northwestern Transportation Co., Croix Oil Company, Dahl Tech Plastics, Erickson's Diversified Corp., George Siegfried Construction, Glass Service Company, Johnson's Body Shop, Maple Island, Inc., Mills Fleet Farm, Toro Company, U.S. West, UFE Incorporated, Town of Troy, Northern States Power, Washington County, Ameritech, Minnesota Department of Transportation, City of Glenwood, Minnesota Department of Corrections, City of Lake Elmo, Stillwater Housing Partners, John Doe, and those additional parties signing on to this settlement by March 21, 1997, may seek contribution from other responsible parties for the costs associated with this agreement. The State of Wisconsin previously entered into a consent decree with James Junker and the companies through which he operated.