



**State of Wisconsin \ DEPARTMENT OF NATURAL RESOURCES**

Scott Walker, Governor  
Cathy Stepp, Secretary

South Central Region Headquarters  
3911 Fish Hatchery Road  
Fitchburg, Wisconsin 53711-5397  
Telephone 608-275-3266  
FAX 608-275-3338  
TTY Access via relay - 711

June 24, 2016

**CERTIFIED MAIL / RETURN RECEIPT REQUESTED**

Tom Keller  
Tennyson Terrace LLC  
448 W Washington Ave  
Madison, WI 53703

**SUBJECT: NOTICE OF NON-COMPLIANCE**, Keller Property (1902 Tennyson),  
1910 Tennyson Lane, Madison, Dane County, Wisconsin  
WDNR BRRTS # 03-13-553975

Dear Mr. Keller:

This Notice of Non-compliance is being issued to you for your failure to complete a site investigation at the subject site, as required under Section 292.11, Wisconsin Statutes, commonly referred to as the Spill Law, which requires you to take action to minimize the harmful effects from a discharge of hazardous substances to the air, lands or waters of this state.

On May 6, 2016, you were sent a site status update request. You were asked at that time to submit to the Department, within thirty days a timeline that identifies a schedule under which you intend to complete the site investigation. To date, the Department has not received any correspondence from you that indicates you have hired an environmental consultant, established a timeline or started a site investigation on your property to determine the degree and extent of contamination.

Section 292.11, Stats., requires that a person who possesses or controls a hazardous substance which is discharged or who causes the discharge of a hazardous substance shall do the following:

- Investigate the degree and extent of contamination.
- Take the actions necessary to restore the environment to the extent practicable.
- Minimize the harmful effect from the discharge to the air, lands or waters of the state.

To fulfill this responsibility, you will need to comply with the Wisconsin Administrative Code chapters NR 700 through 749, which establish requirements for emergency and interim actions, public information, site investigations, design and operation of remedial action systems, and case closure. Wisconsin Administrative Code chapter NR 140 establishes groundwater standards for contaminants that reach groundwater.

You will need to hire an environmental consultant to evaluate the site and plan any needed remedial actions. **By August 12, 2016, you are required to provide the Department with a site investigation workplan which complies with ch. NR 716, Wisconsin Administrative Code.** The workplan should be submitted to me in writing at the letterhead address.

If you do not proceed with the case, you may be subject to enforcement actions, which could include referral of the case to the Wisconsin Department of Justice, and/or the placing of a lien on the property.

If you have any questions regarding this matter, please contact me at (608) 273-5613.

Sincerely,

A handwritten signature in black ink, appearing to read "Will (Woody) Myers", with a stylized flourish extending to the right.

Will (Woody) Myers  
Team Leader  
Remediation & Redevelopment Program

Cc: Case File