



State of Wisconsin \ DEPARTMENT OF NATURAL RESOURCES

Madison Area Headquarters
3070 Fish Hatchery Road
Fitchburg, Wisconsin 53713
TELEPHONE 608-273-5950
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June 11, 1993

CERTIFIED MAIL
Return Receipt Requested

Mr. Dan Fetherston
United Maize, Inc.
P.O. Box 495
Cambria, WI 53923

Subject: NOTICE OF VIOLATION

Dear Mr. Fetherston:

The Department has reason to believe that United Maize, Inc. is in violation of state navigable waters protection and water pollution control laws. More specifically, we allege that the following violations occurred as a result of the filling of a wetland and the bed of an unnamed tributary to Duck Creek adjacent to your Cambria, WI facility:

1. Discharge of a pollutant to the waters of the state without a permit in violation of s. 147.02, Stats.

The fill material placed in the streambed and wetland contained corn waste, soil and rock. Partial removal of the material has not alleviated the water pollution problem. Water samples collected by both the Department and United Maize document elevated biological oxygen demand levels below the point of discharge.

2. Grading in excess of 10,000 square feet of the bank of a navigable waterway in violation of s. 30.19, Stats.

The fill area adjacent to the stream is approximately 300' x 150' or 45,000 square feet in area. A review of our records shows that no Department permit has been issued.

3. Placement of fill on the bed of a navigable waterway in violation of s. 30.15, Stats.

We believe that the area filled by United Maize includes the bed of the stream. Additionally, field work performed by Department staff on June 1, 1993 documented the presence of at least 10 inches of corn waste material in the sediment of the stream channel 100 yards downstream from the fill site. A review of our records again shows that no Department permit has been issued.

Please be advised that violations of Chapter 147, Stats. can be referred to the Department of Justice to seek court ordered compliance and penalties ranging from \$10 to \$10,000 per violation per day pursuant to s. 147.21 (2), Stats. Violations of Chapter 30, Stats. can also be referred to the Department of Justice for penalties and abatement pursuant to s. 30.03 (2), Stats.

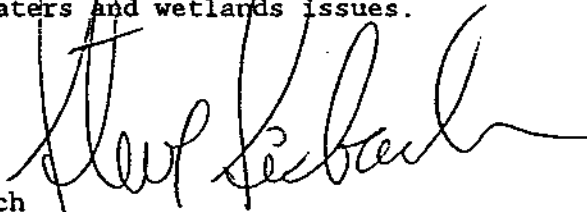
The Department believes that all fill material extending beyond the toe of the slope of United Maize's existing parking lot must be withdrawn. We are requesting that you hire a qualified consultant to develop a detailed site assessment addressing the following:

1. The removal of accumulated corn waste from the channel downstream of the project area.
2. Re-establishment of the wetland and stream channel to its original contours within the fill area.
3. Proper disposal of all wastes resulting from this project.
4. A timetable for completion of this work.

Please provide me with 5 copies of your proposed plan within 30 days of the date of this letter. You should be aware that continuing discharges of pollutants to the stream are viewed as additional violations, so it is in the best interest of United Maize to take expeditious action.

If you have any questions about this letter, please contact me at (608) 275-3204. Dan Heim can be contacted at (414) 387-7865 if you have technical questions about proper disposal of your corn waste. Ron Grasshoff can be contacted at (608) 275-3228 if you have questions pertaining to navigable waters and wetlands issues.

Sincerely,



Steve Sisbach
District Enforcement Specialist

cc: Mike Cain - LC/5

→ Ron Grasshoff - SD

Dan Heim - Horicon

Bob Weber - SD

Peter Peshek - DeWitt, Porter Law Firm, 2 East Mifflin Street,
Suite 600, Madison, WI 53703