

has devoted resources for the restoration of declining duck and pheasant habitat. Finally, the Presiding Officer noted that Slinger had received a letter from the Army Corps of Engineers in 1990 informing it that the Corps considered tiling activities to be regulated under the Act, and that Slinger had sent correspondence to his Congressman stating that, in his opinion, the wetlands laws were being enforced on a "don't ask, don't tell" basis. On the basis of heightened gravity and culpability, the Presiding Officer assessed the entire proposed penalty of \$90,000.

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Complaint filed and consent decree lodged in Southern Lakes Trap and Skeet Club CERCLA cost recovery case / Lake Geneva, Wisconsin

IMPACT: On September 30, 1998, a Complaint was filed and a Consent Decree was lodged in U.S. v. Lake Geneva Associates, Playboy Enterprises, and Marcus Geneva, Inc., No. 98 C 0972 (E.D. WI), to settle cost recovery and natural resource damage claims associated with the clean-up of the Southern Lakes Trap and Skeet Club site near Lake Geneva, Wisconsin. The Complaint, filed on behalf of U.S. EPA and the U.S. Department of the Interior pursuant to Sections 107 and 113(g) of CERCLA, sought recovery of response costs, natural resource

damages and a declaratory judgment on liability. The Consent Decree requires the defendants to pay \$1 million in costs and damages, in addition to \$250,000 previously expended at the site.

BACKGROUND: Southern Lakes is a former trap and skeet shooting range located on a portion of what is now the Grand Geneva Resort and Spa property near Lake Geneva, Wisconsin. The Southern Lakes site consists of a pond, an approximately 35-acre wetland and surrounding uplands, where, as a result of shooting activities over the years, substantial amounts of spent lead shot and clay targets were deposited.

In January 1992, over 200 Canada geese apparently consumed lead shot while feeding at the site and died from acute lead poisoning. In July 1994, two prior owners of the property, Lake Geneva Associates ("LGA") and Playboy Enterprises ("Playboy") conducted site assessment and natural resource damage assessment activities at the site pursuant to a U.S. EPA Administrative Order on Consent and an Agreement with the U.S. Fish and Wildlife Service ("USFWS") for payment of the Service's investigatory and assessment costs and damages for the dead geese.

In October 1996, after the parties were unable to agree on an appropriate remedy, U.S. EPA began a Superfund removal action at the Site. During the course of the removal, over 28,000 tons of contaminated soils and sediments were removed from the site. U.S. EPA and USFWS cooperated on replanting and reseeding activities to restore the site to prairie/wetland habitat. U.S. EPA incurred approximately \$1.88 million in unreimbursed removal costs at the site.

Under the terms of the Consent Decree, LGA, Playboy and Marcus agreed to settle the matter for a lump-sum payment in the amount of \$1 million, of which \$925,000 would constitute cost recovery to the Superfund and \$75,000 would go to DOI as natural resource damages to cover costs of habitat restoration at the site. The \$1 million payment is in addition to the \$225,000 worth of the site assessment work performed by LGA and Playboy and the previous partial payment of \$26,000 for natural resource damages by LGA and Playboy.

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Region 5 issues Administrative Order on Consent for remedial design at Tomah Municipal Sanitary Landfill Site / Tomah, Wisconsin