

WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES



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Tony Evers, Governor
Dawn B. Crim, Secretary

NOTICE OF VIOLATIONS AND ORDERS

October 21, 2019

CUST ID No.: 1492348 **TRANSACTION No.: 3282355**
Phone: 715-850-1684

Site ID No.: 860478 McCabe Residence
SITE ADDRESS: 15647 E Crooked Ln
Oconto County, Town of Riverview

MARTIN KRUGER
567 HARRIS LANE
WABENO WI 54566

ORDER 0006513

Regulated Objects:

Nature of Complaint Summary: SEPTIC SYSTEM INSTALLED ON ADJACENT PROPERTY
Object Type: Complaint Regulated Object ID No.: 1837884 (18 COM 67)
Last Inspection Date: August 30, 2019

INVESTIGATION NOTES:

This DEPARTMENT ORDER is issued against Martin Kruger as a result of an inspection on the above referenced site.

Mr. Kruger installed a Holding Tank Private On-Site Wastewater System (POWTS) for Karrie and Jeremy Ouellette at 15645 E. Crooked Lake Lane, Riverview, Wisconsin (Lot 3, Block 5 of Mac Leavitt Realty Co. 1st Addition on Crooked Lake). Mr. Kruger submitted plans and received a conditional approval from Oconto County to install the system on July 6, 2017. Mr. Kruger completed the installation.

Upon installation, Mr. James McCabe, the property owner of an adjacent plot 15647 E. Crooked Lake Lane Riverview, Wisconsin (Lot 2, Block 5 of Mac Leavitt Realty Co. 1st Addition on Crooked Lake) suspected that Mr. Kruger installed part of the POWTS on Mr. McCabe's property in violation of Wis. Admin. Code § SPS 383.43-Table 1. Mr. McCabe contacted the Department of Safety and Professional Services (Department) to investigate as allowed by Wis. Stat. § 145.10. The Department opened an investigation.

The Department inspected the site on August 30, 2019. That inspection found that the force-main lateral associated with Mr. Kruger's POWTS installation for Lot 3 (15645 E. Crooked Lake Lane) was approximately twelve (12) inches over the lot line encroaching on Lot 2. Wis. Admin. Code § SPS 383.43-Table 1 requires a two (2) foot set-back from property lines. Per code, the installation needs to be moved a minimum of approximately thirty-six (36) inches away from Lot 2 (15647 E. Crooked Lake Lane). The Department also reviewed the plan submittal by Kruger where it indicated Lot 3 having a 50' western lot line and a 50' eastern lot line creating a rectangular shape. The property records online and provided by McCabe list Lot 3 as having a 40' western lot line and a 60' eastern lot line creating a wedge shape.

Based on the above, the Department, by a preponderance of evidence, finds that Mr. Kruger incorrectly installed the system on Mr. McCabe's property in violation of Wis. Admin. Code § SPS 383.43-Table 1.

The Department has the power to issue special orders directing and requiring compliance with the rules and standards of the department. Wis. Stat. § 145.02(3)(f).

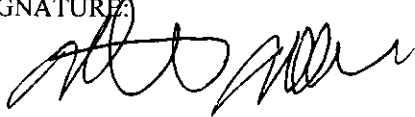
The Department hereby ORDERS Martin Kruger to correct the installation of the Holding Tank POWTS installed at 15645 E. Crooked Lake Lane whereby the installation encroached on Lot 2, 15647 E. Crooked Lake Lane in violation of Wis. Admin. Code § SPS 383.43-Table 1. This installation shall be corrected by the compliance date noted, and upon correction of violations I must be notified.

This installation shall be done at your own expense. If you fail to comply, this order is enforceable in circuit court pursuant to s. 145.02(3)(f), Stats., with forfeitures ranging from \$10 to \$1000 per day for each violation. Each day of continued violation is considered a separate offense. Wis. Stat. § 145.12(4). Further, the failure to abide by this Order may lead to the denial, suspension, or revocation of any plumbing licenses. Wis. Stat. § 145.10(1)(b).

If you have any questions regarding this matter, please feel free to contact me at the number listed below.

Wis. Admin. Code § SPS 303.03 Permits any person affected by a rule of the department to petition for a variance of the rule. The petition needs to establish equivalency to the rule, be provided on the form from the department and be submitted with accompanying fee and municipal recommendation.

Wis. Stat. § 101.02(6) Any employer or other person interested either because of ownership in or occupation of any property affected by any such order, or otherwise, may petition for a hearing on the reasonableness of any order of the department in the manner provided in this subchapter. All requests must be received within 30 days of the date of this Order and shall set out specifically and in full detail the order upon which a hearing is desired and every reason why such order is unreasonable, and every issue to be considered by the department on the hearing. The petitioner shall be deemed to have finally waived all objections to any irregularities and illegalities in the order upon which a hearing is sought other than those set forth in the petition.

ATTORNEY NAME: Matthew McCasland		INVESTIGATION DATE: August 30, 2019
PHONE: (608)266-9814		
E-MAIL: matthew.mccasland@wisconsin.gov		INVESTIGATION TYPE: Requested
SIGNATURE: 	DATE: 10/21/19	INVESTIGATION SOURCE: Other
		COMPLIANCE DATE: 11/30/19

cc: Jim H McCabe
Ron Soquet