



WISCONSIN DEPARTMENT OF NATURAL RESOURCES NOTICE OF FINAL GUIDANCE & CERTIFICATION

Pursuant to ch. 227, Wis. Stats., the Wisconsin Department of Natural Resources has finalized and hereby certifies the following guidance document.

DOCUMENT ID

RR-19-5566-C

DOCUMENT TITLE

Template – Written Determination on Actions Taken to Satisfy a Deed Restriction (RR-5566)

PROGRAM/BUREAU

Remediation and Redevelopment

STATUTORY AUTHORITY OR LEGAL CITATION

Wis. Stats. ch. 292; Wis. Admin. Code ch. NR 700

DATE SENT TO LEGISLATIVE REFERENCE BUREAU (FOR PUBLIC COMMENTS)

August 26, 2019

DATE FINALIZED

September 16, 2019

DNR CERTIFICATION

I have reviewed this guidance document or proposed guidance document and I certify that it complies with sections 227.10 and 227.11 of the Wisconsin Statutes. I further certify that the guidance document or proposed guidance document contains no standard, requirement, or threshold that is not explicitly required or explicitly permitted by a document contains no standard, requirement, or threshold that is more restrictive than a standard, requirement, or threshold contained in the Wisconsin Statutes.

September 16, 2019

Signature

Date

DNR – Remediation and Redevelopment

RR-5566 Template - Written Determination on Actions Taken to Satisfy a Deed Restriction

August 2019

Purpose: The following template is to be used when a request is received to extinguish (update or “remove”) a deed restriction on a property with continuing obligations. These sites include those closed before (approximately) November 2001 with a groundwater use restriction or before June 2006 for a soil deed restriction.

Instructions: The written determination is prepared by DNR Remediation and Redevelopment staff working with the DNR Legal Services Bureau. It includes a list of actions taken to meet or fulfill the continuing obligation, or of the actions taken that change the conditions at the site. If a closure letter addendum is provided as the final response to the post-closure modification request, it is referenced in the written determination and is included as an attachment. The written determination is then provided to the applicant. The applicant uses the written determination as an attachment to a deed notice.

The written determination is signed by the regional Team Supervisor.

If certain continuing obligations have not been satisfied, but the property owner wants the deed restriction updated, the continuing obligations which have not yet been satisfied need to be included in a closure approval. The closure approval letter is then referenced in the written determination (step #6).

References:

RR 045, “Process to Extinguish an Environmental Deed Restriction”.

For DNR staff that need to record a (deed) notice of contamination under Wis. Admin. Code § NR 728.11, follow [RR 5408](#).

This document is intended solely as guidance and does not contain any mandatory requirements except where requirements found in statute or administrative rule are referenced. Any regulatory decisions made by the Department of Natural Resources in any matter addressed by this guidance will be made by applying the governing statutes and administrative rules to the relevant facts.

Written Determination by the
Wisconsin Department of Natural Resources

1. A Deed Restriction ("Restriction") was recorded in the office of the Register of Deeds for *Name of County* County, Wisconsin, as Document # *Document Number* on *Date*. At that time the property was owned by *Name* and identified as parcel number *Parcel Number* located at *Property Address*, WI (hereafter referred to as the Property).
2. The Restriction described above was required by the Wisconsin Department of Natural Resources ("DNR") in conformance with Wis. Admin. Code § NR 726.05 (8) (a), as a condition of granting case closure to the owner of the Property following *briefly describe the action taken (investigation and/or cleanup) and the type of compounds released* discharged on the Property. Based on the site investigation, the hazardous substance discharge is *briefly describe the source of the discharge*. Final case closure was approved on *Date of closure approval letter*.
3. *Provide a brief description of the actions taken, and dates of the actions. This may include combining or separating parcels. Include owner name, property name, address and parcel number/s.*
4. *Briefly describe the sequence of events, actions taken and continuing obligations affected by the actions taken. Include dates for all actions.*
5. *Only use the following if all continuing obligations in the deed restriction have been satisfied.* Therefore, the DNR has determined that the previously filed Deed Restriction has been satisfied and no longer applies to the Property.
6. *Use the following if some continuing obligations remain, and are addressed in the closure approval letter.* Other continuing obligations outlined in the *Date of closure approval letter*, closure letter remain in effect and are still binding for the Property.

WISCONSIN DEPARTMENT OF NATURAL RESOURCES

By: Signature: _____
Printed Name: _____
Title: Region (e.g., West Central) Region Remediation and Redevelopment Team
Supervisor