



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-19-5318-C

DOCUMENT TITLE

NR 728.11 Model Notice of Contamination

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)

26-Aug-19

DATE FINALIZED

02-Sept-19

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 statute or a rule that has been lawfully promulgated. I further certify that the guidance document or proposed guidance document contains no standard, requirement, or threshold that is more restrictive than a standard, requirement, or threshold contained in the Wisconsin Statutes.

Signature

September 4, 2019

Date

DNR Remediation & Redevelopment
RR-5318, NR 728.11 Model Notice of Contamination, December 2016

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.

Document Number

Wis. Admin. § NR 728.11
NOTICE OF CONTAMINATION

Legal Description of the Property:

[Insert or reference attached legal description from most recent deed]

STATE OF WISCONSIN

COUNTY OF _____) *[County where affidavit is signed]*

Recording Area

Name and Return Address:

I, _____, being first duly sworn, state that:

1. I am a Remediation and Redevelopment Program Supervisor, employed by the Wisconsin Department of Natural Resources (hereinafter "the Department") at its regional office or service center. Parcel Identification Number (PIN) _____
2. I have or insert the Project Manager's name, title, employer and location of employment has personal knowledge of the facts herein set forth and believe the same to be true.
3. The Department has determined that contaminant/contaminants discharged to property name ("the Property"), which is located at address, in the City/Town of Name of city or town, County of Name of county, and which has the above legal description, has contaminated soil, sediment, soil vapors, and/or groundwater in the vicinity.
4. The Department has determined that soil, sediment, soil vapors, and/or groundwater contamination has been identified on the Property which has not been adequately defined or remediated.
5. On date, the Department sent a letter to Name of responsible party, (d/b/a business name) advising him/her of the statutory requirement to restore the environment at that location. No or An inadequate response to that letter has been received by the Department, by response deadline from the first letter.
6. Per Wis. Admin. § NR 728.11(2)(a), on date the Department sent a letter, by certified mail, to name of responsible party advising that a notice of contamination would be recorded if satisfactory action to address the environmental contamination did not commence. That letter requested a written response by date. No or An inadequate response to that letter has been received by the Department.
7. Per Wis. Admin. § NR 728.11(2)(b), on date, the Department sent a letter, by certified mail, to name of responsible party and name of mortgagee if applicable, i.e. a bank or lending institution holding a mortgage on the property advising that the Department has made the decision to record a notice of contamination for the above-described property at the county Register of Deeds office. The 30-day response time set out in the letter has expired. Additionally, per Wis. Admin. § NR 728.11(2)(c), the 15-day waiting period since that deadline, required by Wis. Admin. § NR 728, has passed without an acceptable response.
8. Because the Department believes that contaminant and contaminant components currently found in the soil and/or groundwater on the Property with the above legal description, will continue to discharge into the environment, subsequent purchasers of the Property could be held responsible for investigation and cleanup

AFFIDAVIT

In Re: Property Located in the
City/Town/Village of _____
_____ County, Wisconsin
Described above.

costs under Wis. Stat. § 292.11(3).

name of team supervisor

Subscribed and sworn to before me this _____ day of _____, 20____.

Notary Public, State of Wisconsin

My commission expires on: _____

This document was drafted by the Wisconsin Department of Natural Resources.