



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-19-5498-C

DOCUMENT TITLE

RP Letter - Possessor Template Letter

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 and Redevelopment
RR-5498, RP Letter - Possessor Template Letter
October 2018

PURPOSE: Use this template letter at sites where the RR program has already sent a responsible party letter to the person who caused the hazardous substance discharge or environmental pollution and the RR program is now informing the person who is the possessor of the property of their legal status as a responsible party.

INSTRUCTIONS: Place on regional DNR letterhead. Enclose DNR publication RR-819, *Continuing Obligations for Environmental Protection Responsibilities of Wisconsin Property Owners*, DNR publication RR-690, *Guidance for Electronic Submittals for the Remediation and Redevelopment Program*, and a copy of the letter to the causer RP with this letter.

NOTES:

Yellow highlighted text contains notes/directions to the DNR staff writing the letter.

Grey highlighted text contains areas where DNR staff need to fill in the information.

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.

[DATE]

[LANDOWNER NAME]

[LANDOWNER ADDRESS]

Subject: Reported Contamination at [ACTIVITY_DETAIL_NAME], [SITE_ADDRESS_1], WI
DNR BRRTS Activity # [BRRTS NUMBER]
DNR FID # [FID]

Dear [LANDOWNER NAME]:

On [START_DATE], [PERSON REPORTING], on behalf of [CAUSER RP NAME], notified the Department of Natural Resources (“department”) that a [edit as needed: “hazardous substance discharge or environmental pollution”] was detected at the site described above.

Based on the information available to the department regarding ownership of this property, we believe that [LANDOWNER NAME] is the landowner in possession or control of the hazardous substance discharge or other environmental pollution (hereafter referred to as “contamination”) at the above-described site. The term “site” includes the property where the contamination occurred and any other property it has migrated to, pursuant to Wisconsin Administrative Code (“Wis. Admin. Code”) § NR 700.03(56).

The purpose of this letter is to inform you of the contamination at the site and notify you that as the possessor and controller of the contamination, you may be held responsible under Wisconsin Statutes (“Wis. Stats.”) ch. 292 for the investigation and cleanup of the contamination. Presently, the department is exercising its discretion to pursue the person who caused the contamination. If the causer continues to make sufficient progress under Wis. Admin. Code chs. NR 700 through NR 754, the department will not seek your involvement in investigation and cleanup; however, if the causer is no longer able or willing to continue progress, the department will require that you take the appropriate response actions.

Legal Responsibilities

Wis. Stats. ch. 292 and Wis. Admin. Code chs. NR 700 through NR 754 provide specific requirements for undertaking appropriate response actions to address contamination, including requirements for emergency and interim actions, public information, site investigations, remedy selection, design and operation of remedial action systems, and case closure. For more information on the responsibilities relating to contamination investigation and cleanup, see the enclosed letter to [CAUSER RP], dated [DATE].

Under Wis. Stat. ch. 292, continuing obligations may be applied to a property upon the closure of an environmental investigation and cleanup case. Continuing obligations are legal requirements designed to protect public health and the environment from contamination that remains on a property. If the department places continuing obligations on the property at the time of closure, these obligations will become the property owner’s responsibility. For more information, please see the enclosed DNR publication RR-819, *Continuing Obligations for Environmental Protection Responsibilities of Wisconsin Property Owners*.

Additional Information [customize as needed]

The department tracks information on all cleanup sites in a department database available at dnr.wi.gov and search “BRRTS”. The Bureau for Remediation and Redevelopment Tracking System (BRRTS) identification

number for this site is listed at the top of this letter. You may view information related to your site on this database at any time.

All correspondence regarding this site should be directed to:

[DNR STAFF NAME]
Remediation and Redevelopment Program
Wisconsin Department of Natural Resources
P. O. Box [NUMBER]
[CITY, STATE ZIP]
[DNR STAFF EMAIL ADDRESS]

To speed up processing, your correspondence should reference the BRRTS and Facility Identification (FID) numbers (if assigned) listed at the top of this letter. **Consultants and representatives of responsible parties are required to submit one paper copy and one electronic copy of submittals, including case closure documents.** Wis. Admin. Code § NR 700.11(3g), and other specific provisions within Wis. Admin. Code ch. NR 700, outline the requirements for submittals, including electronic submittals. See the enclosed DNR publication RR-690, *Guidance for Electronic Submittals for the Remediation and Redevelopment Program*, for assistance in proper document submittal.

Please visit the department’s Remediation and Redevelopment program website at dnr.wi.gov and search “brownfields” for information on selecting a consultant, seeking financial assistance, and understanding the investigation and cleanup process. Information regarding review fees, liability clarification letters, post-cleanup liability and more.

Information on [ITEMS INCLUDED IN LETTER] is enclosed.

If you have questions, please call the [PROJECT MANAGER] at [PM PHONE NUMBER] or [EPA NAME] at [EPA PHONE NUMBER] for more information.

Thank you for your cooperation.

Sincerely,

[PM NAME]
[PM TITLE] - Remediation & Redevelopment Program
[NAME OF REGION] Region

Enclosures:

Letter to [CAUSER RP], dated [DATE]

Continuing Obligations for Environmental Protection Responsibilities of Wisconsin Property Owners,
DNR publication RR-819

Guidance for Electronic Submittals for the Remediation and Redevelopment Program, DNR publication
RR-690

[Add other enclosures as needed]

cc: [CONSULTANT NAME & ADDRESS AND/OR OTHERS AS NEEDED]