



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-19-5534-C

DOCUMENT TITLE

Template Letter: Closure Lien Offer and Agreement 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.

A handwritten signature in black ink that reads 'Jennifer Haeg'. The signature is written in a cursive style and is positioned above a horizontal line.

Signature

September 4, 2019

Date

DNR – Remediation and Redevelopment
RR-5534, Closure Lien First Notice Template Letter
May 2018

PURPOSE:

This template letter is to be used to offer property owners of sites that are ready for closure review the option to defer closure fees where the responsible party asserts an inability to pay those fees by having the department place a superior lien on the property. This serves as the first notice under Wis. Stats. §292.81 as well as the signed agreement from the property owner voluntarily placing the lien on their property. This letter must be sent to the PROPERTY OWNER. Copies should be sent to the RP (if different from property owner) and any mortgagees of record. A copy may also be sent to the agent and claimant, if applicable for PECFA sites.

NOTE: Send by certified mail with return receipt requested.

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

Name

Address

City, WI zip

BRRTs # PECFA #

Site Name: ("Site")

Site Address:

Re: NR 726 Case Closure

Dear Property Owner:

While your Site (described above) was submitted for closure, the Wisconsin Department of Natural Resources ("department") has not received the required fees under Wis. Admin. Code ch. NR 749. Closure fees are required to process closure documentation. Prior to the expenditure of staff time on closure for this site, the department would like to clarify that you, as the property owner, will be liable for closure expenses incurred by the department. It is our understanding that you are asserting you do not have the financial ability to pay the department's required fees.

In order to review your site for closure, we would like to offer the option to defer payment by placing a lien in the amount of the closure fee(s) (\$XXXX) on your property. The department has the authority to place a lien on the property under Wis. Stat. § 292.81 for costs incurred by the department to remediate sites under Wis. Stat. §§ 292.31 and 292.11.

If you would like to have your closure fee deferred by having a lien placed on your property, please indicate as such below, sign this document and return in the postage paid envelope provided. You may direct any questions to PM Name at EMAIL ADDRESS, PHONE.

Yes, please place a lien on my property, identified above, in the amount of \$XXXX, in lieu of payment of fees to review my site for closure, authorized under Wis. Admin. Code ch. NR 749. **I assert that I am the fee title owner, or legal representative, of the property and have the sole authority to execute this Voluntary Lien document.** By signing this letter, I acknowledge that this document serves as the first required notice stating the department's intent to file a lien under Wis. Stat. § 292.81(2). A second notice will be sent to me with a copy of the draft lien at least 60 days prior to the department filing the lien with the county register of deeds.

Name of Owner [or Legal Representative] (print)

Signature of Property Owner [or Legal Representative] Date

Signature of Additional Property Owner (if applicable) Date

cc: RP, any mortgagees of record for the subject property, agent, claimant