



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-19-5536-C

DOCUMENT TITLE

PECFA Stalled Site First Notice 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.

A handwritten signature in black ink that reads "Jennifer Haeg".

Signature

September 4, 2019

Date

DNR – Remediation and Redevelopment
RR-5536, PECFA Stalled Site First Notice Template Letter
March 2018

PURPOSE:

This template letter is for PECFA stalled sites to: (1) request a status update; (2) remind the responsible party and property owner that funding is available; and (3) serve as the first notice under NR 728.11 that a deed affidavit may be placed on the property. Enclose a copy of the PECFA Registered Consulting Firms (RR-993).

NOTE: Send by certified mail, return receipt requested and with delivery confirmation.

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

PECFA # [redacted] BRRTs # [redacted]

Site Name: [redacted] (“Site”)

Site Address: [redacted]

Re: Request for Site Update

Dear [RP and current property owner]:

The Wisconsin Department of Natural Resources (“department”) is contacting you regarding the property at [site address]. The department was notified in [month year] of petroleum contamination at the property. As the party identified as being responsible for the petroleum contamination, you have certain legal responsibilities to take action to clean up the contamination under Wis. Stats. § 292.11(3), known as the hazardous substance spill law. *[Optional if the current property owner is not the listed RP: As the legal owner of the property, you may also have certain legal responsibilities under the hazardous substance spill law.]*

Our records indicate that your site is still requires investigation and/or cleanup and is eligible for funding under the **Petroleum Environmental Cleanup Fund Award (PECFA)**, meaning reimbursement is available to you for the cleanup of petroleum contamination at your property. However, **funding for PECFA will end on June 30, 2020**. As such, the department is working with property owners to clean up as many sites as possible while reimbursement funding is still available.

According to information in the case file, the last status report for your property was received on [date]. Because of the inaction at your site, **we request that, within 30 days of receiving this letter (date of delivery confirmation), you inform the department in writing of your plans to finish the necessary environmental response actions at this site.** As part of this response, please include the name and contact information of your environmental consultant. If you do not have an environmental consultant, a list of PECFA-registered firms has been included for your convenience.

This letter also serves as a notice that if you elect not to move forward with the necessary response actions at your site, the department may file a deed affidavit on the property per Wis. Admin. Code § NR 728.11, which states:

“(2) Where the department has information to demonstrate that the source of contamination is on the property and the property owner or other responsible party has failed to take adequate response action, the department may record an affidavit at the office of the register of deeds for the county in which the property is located...”

If you act now, it is possible for environmental work to be done with minimal out of pocket costs to you, through the end of PECFA in June 2020. However, response to this notice and cooperation in moving the site toward case

closure are required in order to access PECFA reimbursements. Currently, for your site, there is a PECFA deductible of \$XXXX, [of which \$XXXX has been satisfied] OR for which a lien was placed on your property on [date] for the amount of the deductible]. Your site has a maximum reimbursement of \$XXXXXXX, with \$XXXXXXX remaining.

The department would like to work with you to finish the response action at your site while PECFA reimbursement is still available. Your prompt attention to this request is appreciated.

If you have any questions regarding this notice or how to move your site forward, please contact me in writing at the letterhead address or by phone at [PM phone number]. I can also be reached by email at [PM email address].

Sincerely,

Hydrogeologist
Remediation and Redevelopment Program

cc:
Claimant (if different than RP, owner)
Team Supervisor
Agent (if applicable)

Enc:
PECFA Eligible Consulting Firms (RR-993)