



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-19-5537-C

DOCUMENT TITLE

PECFA Stalled Site Second 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-5537, PECFA Stalled Site Second Notice Template Letter
March 2018

PURPOSE:

This letter follows RR-5536 for stalled PECFA sites, and serves as the second notice under NR 728.11 that a deed affidavit, RR-5542, may be placed on the property. This letter should be sent if no response is received within 30 days of when the RP receives the first letter, and/or if an inadequate response to the first notice is received. A copy of the affidavit to be filed must be attached. Also enclose a copy of PECFA registered consulting firms, RR-933.

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: Notice of Intent to File Deed Affidavit

Dear [RP and current property owner]:

On [date], the Department of Natural Resources (“department”) sent you a letter requesting a site update for the above referenced property. The department did not receive an adequate response to the previous request within the allotted timeframe.

In accordance with Wis. Admin. Code § NR 728.11(2)(b), you are hereby notified that the department intends to record an affidavit at the county register of deeds office giving notice of contamination at the property at [site address], unless you **respond to this second letter in writing, within 30 days of receiving this letter (date of delivery confirmation), informing the department 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.

[If the property is mortgaged, insert: The department has also notified the mortgagees and other interested parties identified below. You should provide a copy of this notice to any other parties with interest in the property not identified by the department.]

In accordance with Wis. Admin. Code § 728.11(2)(c), if an acceptable response is not received within the time period set forth in this letter, the department may, as soon as practicable but in no case less than 15 days after the 30-day deadline, record the affidavit at the office of the register of deeds for the county in which the property is located. A copy of the affidavit to be filed is enclosed with this letter.

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 to case closure, 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)

Mortgagees of Record

Team Supervisor

Agent (if applicable)

Enc:

Copy of Deed Affidavit to Be Filed

PECFA Eligible Consulting Firms (RR-993)