



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-19-5542-C

DOCUMENT TITLE

NR 728.11 Template Deed Affidavit for PECFA Stalled Sites

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 & Redevelopment
RR-5542, NR 728.11 Template Deed Affidavit for PECFA Stalled Sites
March 2018

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, **Team Supervisor**, 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").
2. **(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 was notified of a petroleum contamination discharge at the property located at _____, in the **(City/Town)** of _____, County of _____, and which has the above legal description.
4. The removal or treatment of the contamination is required on the property under the authority of Wis. Stats. § 292.11.
5. On **(date)**, the department sent a letter, by certified mail, to **(names and addresses of responsible party, property owner, claimant)** advising him/her of the statutory requirement to restore the environment at that location, and that a notice of contamination may be recorded if satisfactory action to restore the environment did not commence. That letter requested a written response within 30 days from the date the letter was received. **(No) or (An inadequate)** response to that letter was received by the department, by **(response deadline from the first letter)**.
6. On **(date)**, the department sent a second letter, by certified mail, to **(names and addresses of responsible party, property owner, claimant) (and names and addresses of mortgagees if applicable)** 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 deadline specified in the letter has expired. The 15 day waiting period since that deadline, required by Wis. Adm. Code § NR728.11 (2)(c), has passed without an acceptable response.
7. Because the department believes that petroleum contamination currently found in the on the

Parcel Identification Number (PIN)

AFFIDAVIT

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

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 costs under Wis. Stats. § 292.11(3). Subsequent purchasers may contact the **[applicable regional name and contact info]** for information regarding contamination at the property.

[Team Supervisor]
Remediation and Redevelopment Program 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.