



January 7, 2022

MR JAMES PEONTKE  
PO BOX 2150  
WOODRUFF WI 54568

**CERTIFIED MAIL – RETURN RECEIPT REQUESTED**

SUBJECT: **Notice of Intent to File Deed Affidavit per Wis. Admin. Code § NR 728.11**  
BRRTS Activity #03-64-104379  
Site Name: Ken Francois Property  
Site Address: 1870 State Highway 47, Lac du Flambeau, Wisconsin

Dear Mr. Peontke:

On July 1, 2021, the Department of Natural Resources (DNR) sent you a letter requesting an update on the status of the above-referenced case, located at 1870 State Highway 47 in Lac du Flambeau, Wisconsin (Property). To date, the DNR has not received an adequate response to that previous request for information.

On October 22, 2021, the DNR sent you a letter with a draft Notice of Contamination Deed Affidavit attached. The DNR has since learned that the legal description in the draft Notice of Contamination attached to the October 22, 2021 letter was incorrect. The purpose of this letter is to convey to you a revised draft Notice of Contamination with the correct legal description.

In accordance with Wisconsin Administrative (Wis. Admin.) Code § NR 728.11(2)(b), you are hereby notified that the DNR intends to record an affidavit at the Vilas County Register of Deeds office giving notice of contamination at the Property at 1870 State Highway 47 **unless you respond to this second letter in writing, within 30 days of receiving this letter (date of delivery confirmation), informing the DNR 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 the environmental consultant you have hired to conduct the response actions.

The DNR has also notified the mortgage lender for the Property identified below. You should provide a copy of this notice to any other parties with interest in the Property not identified by the DNR.

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

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 the project manager, Carrie Stoltz, in writing at the following address:

Wisconsin Department of Natural Resources  
Remediation and Redevelopment Program  
Attn: Carrie Stoltz  
107 Sutliff Avenue  
Rhineland, Wisconsin 54501

If you have questions, please do not hesitate to contact Carrie Stoltz by phone at (715) 360-1966 or email at [Carrie.Stoltz@Wisconsin.gov](mailto:Carrie.Stoltz@Wisconsin.gov). You can also contact me at (715) 208-4004 or by email at [Christopher.Saari@Wisconsin.gov](mailto:Christopher.Saari@Wisconsin.gov).

Sincerely,



Christopher A. Saari  
Northern Region Team Superior  
Remediation and Redevelopment Program

Enclosures:

- Draft Notice of Contamination Deed Affidavit
- DNR Notice of Non-Compliance letter, July 1, 2021

cc: New Penn Financial LLC, dba Shell Point Mortgage Servicing, P.O. Box 10826, Greenville, SC 29603-0826 (via Certified Mail-Return Receipt Requested)  
Carrie Stoltz-DNR Rhineland (via email)

Document Number

Wis. Admin. § NR 728.11  
NOTICE OF CONTAMINATION

Legal Description of the Property:

Lot 3 of Certified Survey Map, Vol 13cs, Pages 201 & 211 recorded on October 17, 2002 as map #3789. Part of the Northwest 1/4 of the Northeast 1/4 and part of the Northeast 1/4 of the Northwest 1/4 in Section 19, Town 40N, Range 6E, Town of Lac du Flambeau, Vilas County, Wisconsin

STATE OF WISCONSIN

VILAS COUNTY

Recording Area

Name and Return Address:  
DNR, Attn: Carrie Stoltz  
107 Sutliff Avenue  
Rhinelander, WI 54501

10-3398-13

Parcel Identification Number (PIN)

I, Christopher A. Saari, 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") at its Northern Region.
2. I have personal knowledge of the facts herein set forth and believe the same to be true.
3. The Department has determined that petroleum-related compounds were discharged to the Ken Francois Property, now known as the James Poentke property ("the Property"), which is located at 1870 State Highway 47, in the Town of Lac du Flambeau, Vilas County, and which has the above legal description, has contaminated soil in the vicinity.
4. The Department has determined that soil contamination has been identified on the Property which has not been adequately defined or remediated.
5. On December 11, 2020, the Department sent a Responsible Party (RP) letter to Mr. James Peontke) advising him of the statutory requirement to restore the environment at that location. That letter requested Mr. Peontke hire a licensed environmental consultant within (30) days and submit a site investigation work plan within (60) days. No response to that letter has been received by the Department.
6. On March 3, 2021, the Department sent a request for status update letter, by certified mail, to Mr. Peontke and informed him of his responsibility to clean up the site.
7. On April 1, 2021, Mr. Peontke called the DNR Project Manager (PM) to discuss the status update letter. The PM explained the NR 700 process and responsibilities under the authority of Wis. Stat. § 292.11(3). Mr. Peontke stated he would call consultants for quotes.
8. On June 8, 2021, the DNR PM called Mr. Peontke asking for an update and his phone cut off. The DNR PM left a voicemail message that was not returned.
9. Per Wis. Admin. § NR 728.11(2)(a), on July 1, 2021, the Department sent a letter, by certified mail, to Mr. Poentke advising that a notice of contamination would be recorded if satisfactory action to address the environmental contamination did not commence. The DNR PM called Mr. Peontke and left a message on his voicemail briefly explaining the notice of contamination letter and deed notice.

In Re: Property Located in the  
Town of Lac du Flambeau  
Vilas County, Wisconsin  
Described above.

- 10. On July 29, 2021, Mr. Peontke called the PM and stated he had contacted a consultant to submit a cost estimate.
- 11. On August 16, 2021, the DNR PM called Mr. Peontke and left a message on his voicemail with regards to the status of the site.
- 12. Per Wis. Admin. § NR 728.11(2)(b), on January 7, 2022, the Department sent a letter, by certified mail, to Mr. Peontke and New Penn Financial LLC, dba Shell Point Mortgage Servicing, 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 response time set out in the letter has expired. Additionally, per Wis. Admin. § NR 728.11(2)(c), the 15-day waiting period since that deadline, required by Wis. Admin. § NR 728, has passed without an acceptable response.
- 13. Because the Department believes that petroleum-related contaminants found in the soil on the 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. Stat. § 292.11(3).

\_\_\_\_\_  
Christopher A. Saari

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.