



April 11, 2019

**CERTIFIED MAIL**

BARBARA BAKER  
W3705 SILICA ROAD  
FOND DU LAC WI 54935

SUBJECT: Notice of Non-Compliance: Action Required by May 13, 2019,  
Notice of Potential Deed Affidavit per Wis. Admin. Code § NR 728.11  
Baker Property ("Site"), W3705 Silica Road, Town of Taycheedah, WI ("Property")  
BRRTS #: 03-20-109815

Dear Ms. Baker:

This letter is to notify you that you remain out of compliance with Wisconsin Statutes (Wis. Stat.) chapter 292 and Wisconsin Administrative Code (Wis. Admin. Code) chapters NR 700 through NR 754. On September 16, 1996, the Wisconsin Department of Natural Resources ("department") notified you of your responsibilities to investigate the degree and extent of contamination and clean up the above-referenced site. That letter is attached for your reference. Subsequent attempts by DNR to achieve voluntary compliance have been unsuccessful.

**Notice of Non-Compliance**

Please be aware that the department may initiate enforcement action against you for failure to comply with Wis. Stat. ch. 292. Your legal responsibilities are defined both in Wis. Stat. ch. 292 and Wis. Admin. Code chs. NR 700 - 754 and are also described in the September 16, 1996, letter. In particular, Wis. Stat. § 292.11(3), states:

RESPONSIBILITY. A person who possesses or controls a hazardous substance which is discharged or who causes the discharge of a hazardous substance shall take the actions necessary to restore the environment to the extent practicable and minimize the harmful effects from the discharge to the air, lands, or waters of the state.

Our information indicates that you have not yet hired an environmental consultant.

Guidance for meeting statutory requirements are available in code. Wis. Admin. Code chs. NR 700 – 754 and establish requirements for emergency and interim actions, public information, site investigations, design and operation of remedial action systems, and case closure. Ch. NR 708 includes provisions for immediate actions in response to limited contamination. Wis. Admin. Code ch. NR 140 establishes groundwater quality standards for contaminants that reach groundwater.

**Notice of Potential Deed Affidavit**

If you elect not to move forward with the necessary response actions at your site, the department intends to file a deed affidavit on the Property per Wis. Admin. Code § NR 728.11(2), which states:

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...”

This affidavit would provide notice to the public, and any prospective purchaser, of the existing contamination and the environmental liability associated with the Property.

**Response Requested**

The department is requesting that by May 13, 2019, you provide a written statement (email from the consultant is sufficient) stating that you have retained an environmental consultant and will submit a work plan no later than 30 days from your response.

Please understand that you are in noncompliance and will remain in noncompliance until you fulfill all requirements of the statute. Failure to take the actions required by Wis. Stat. ch. 292 to address this contamination will cause the department to take appropriate enforcement action.

Additionally, with regard to the potential deed affidavit, you must respond by May 13, 2019, and either indicate that the Property will be promptly investigated and remediated in compliance with applicable statutes and rules or provide information which clearly demonstrates that there is no environmental contamination on the Property (Wis. Admin. Code § NR 728.11(2)(a)).

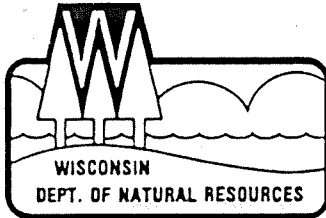
If you have questions, please do not hesitate to write or call Tom Verstegen at [Thomas.Verstegen@wisconsin.gov](mailto:Thomas.Verstegen@wisconsin.gov)  
Thank you for your attention to this matter.

Sincerely,



Roxanne N. Chronert  
Team Supervisor, Northeast Region  
Remediation and Redevelopment Program

Encl: RP Letter Dated September 16, 1996



State of Wisconsin \ DEPARTMENT OF NATURAL RESOURCES

Tommy G. Thompson, Governor  
George E. Meyer, Secretary  
Ruthe E. Badger, District Director

Horicon Area Headquarters  
N7725 Highway 28d  
Horicon, WI 53032  
TELEPHONE 414-387-7860  
FAX 414-387-7888

September 16, 1996

File Ref:  
Fond du Lac County

Barbara Baker  
W3705 Silica Road  
Fond du Lac, WI 54935

Subject: Leaking Underground Storage Tank

Dear Ms. Baker:

On September 13, 1996, Engel & Associates Inc. advised the Department of a petroleum release from an underground gasoline storage tank. The release was discovered during a routine tank removal. Engel & Associates also noted your well is approximately 50 feet away from the tank area. The area of Fond du Lac where your residence is located is very susceptible to groundwater contamination, so one of our staff will be contacting you to arrange for sampling of your water supply well. This sampling will be conducted at no cost to you.

The spill law authorizes the Department of Natural Resources to enforce cleanup of contaminated sites, under s. 144.76 of the Wisconsin Statutes. As the owner of the property where a hazardous substance discharge has occurred, you are required to determine the horizontal and vertical extent of contamination and clean-up/properly dispose of the contaminants.

Your legal responsibilities are defined both in statute and in administrative rules. The hazardous substance spill law, s. 144.76 (3) Wisconsin Statutes, states:

**RESPONSIBILITY.** A person who possesses or controls a hazardous substance which is discharged or who causes the discharge of a hazardous substance shall take the actions necessary to restore the environment to the extent practicable and minimize the harmful effects from the discharge to the air, lands, or waters of the state.

Wisconsin Administrative Code NR 700 through NR 728 establishes requirements for interim actions, public information, site investigation, design and operation of remedial action systems, and case closure. Wisconsin Administrative Code NR 140 establishes groundwater standards.

It is important that an investigation begins at your site as soon as possible. The longer contamination is left in the environment, the farther it can spread and the more difficult and costly it becomes to cleanup. Since this cleanup must comply with Wisconsin laws and rules, professional engineering and hydrogeologic experience is necessary. Therefore, you should hire a professional environmental consultant who can assure you that Department policies and guidelines are being followed.

Your consultant will help you in providing the Department with the following:

- Submit written verification (such as a letter from the consultant) that you have hired an environmental consultant. Please submit this information within 30

*Quality Natural Resources Management  
Through Excellent Customer Service*



days of the date of this letter.

- Submit an investigation workplan explaining what work will be performed to identify the extent of contamination. This workplan should include a time schedule. Also, please provide documentation of any previous work performed related to this release.
- Submit the investigation report defining the degree and extent of any soil and/or groundwater contamination.
- Provide a remedial action plan outlining the remedy selected.
- Provide a remedial action report with data supporting your consultant's conclusions and recommendations for future work or site closure.

In addition, you will be required to keep the Department informed on site progress by submitting 30, 60 or 90 day updates. You will be notified when to provide the status reports at the time you submit your investigation workplan. Also, you will receive an annual site status form every February. It will be necessary for you to complete this form and return it promptly to the address provided.

There are times when staffing levels do not allow us to keep current with workload demands. However, to maintain your compliance with the spill law and chs. NR 700 through NR 728, investigation and cleanup actions should not be unnecessarily delayed waiting for DNR responses. In the event that you experience delays, please refer to NR 716.09(3) regarding Department review of sites.

Your correspondence and reports regarding this site should be sent to Marilyn Jahnke, Department of Natural Resources, 3911 Fish Hatchery Road, Fitchburg, WI 53711. Unless otherwise requested, please send only one copy of all plans and reports. Correspondence should be identified with the site name and address which is listed in the subject of this letter.

I have enclosed a list of environmental consultants and some important tips on selecting one. If you are eligible for Wisconsin's PECFA program (see end of letter), you will need to compare at least three consultant's proposals before making your selection. Also enclosed are materials on controlling costs, understanding the cleanup process, and choosing a site cleanup method. Please read this information carefully.

Reimbursement from the Petroleum Environmental Cleanup Fund (PECFA) is available for the costs of cleaning up the contamination from eligible petroleum storage tanks. The fund is administered by the Department of Commerce (DCOM). Please contact DCOM at (608) 267-3753 for more information on eligibility and regulations for this program.

If you have any questions about this letter or your responsibilities, please call me at the number shown below.

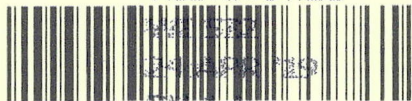
Sincerely,



Mark F. Putra  
Hydrogeologist  
Telephone: (414) 387-7867

cc: Engel & Associates Inc., N4737 STH 175 S, Fond du Lac, WI 54937

USPS TRACKING #



9590 9402 4489 8248 7672 10



First-Class Mail  
Postage & Fees Paid  
USPS  
Permit No. G-10

United States  
Postal Service

• Sender: Please print your name, address, and ZIP+4® in this box•

Andrew James  
2984 Shawano Ave.  
Green Bay Wi 54313



**SENDER: COMPLETE THIS SECTION**

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Barbara Baker  
 W3705 Silica Rd  
 Fond du Lac, WI 54935



9590 9402 4489 8248 7672 10

2. Article Number (Transfer from service label)

7014 1200 0001 4798 3683

**COMPLETE THIS SECTION ON DELIVERY**

A. Signature

Barbara Amy Baker  Agent  
 Addressee

B. Received by (Printed Name)

Barbara Ann Baker

C. Date of Delivery

4-24-19

D. Is delivery address different from item 1?  Yes  
 If YES, enter delivery address below:  No

3. Service Type

- Adult Signature
- Adult Signature Restricted Delivery
- Certified Mail®
- Certified Mail Restricted Delivery
- Collect on Delivery
- Collect on Delivery Restricted Delivery
- Insured Mail
- Insured Mail Restricted Delivery (over \$500)
- Priority Mail Express®
- Registered Mail™
- Registered Mail Restricted Delivery
- Return Receipt for Merchandise
- Signature Confirmation™
- Signature Confirmation Restricted Delivery