

Include this completed page as an attachment with all notifications provided under sections A and B.

Contact Information

Responsible Party: The person responsible for sending this form, and for conducting the environmental investigation and cleanup is:

Responsible Party Name H & J Investments, LLC

Contact Person Last Name	First	MI	Phone Number (include area code)	
Gallo	Donald	P	(262) 956-6224	
Address		City	State	ZIP Code
20800 Swenson Drive		Wauksha	WI	53186
E-mail <u>Donald.Gallo@huschblackwell.com</u>				

Name of Party Receiving Notification:

Title	Last Name	First	MI	Phone Number (include area code)	
	Representative				
Address		City	State	ZIP Code	
671 Yorkshire Road		Neenah	WI	54956	

Site Name and Source Property Information:

Site (Activity) Name Donaldson's One Hour Cleaners (Former)

Address		City	State	ZIP Code
110 West Cecil Street		Neenah	WI	54956
DNR ID # (BRRTS#)		(DATCP) ID #		
02-71-110797				

Contacts for Questions:

If you have any questions regarding the cleanup or about this notification, please contact the Responsible Party identified above, or contact:

Environmental Consultant: SCS Engineers

Contact Person Last Name	First	MI	Phone Number (include area code)	
Langdon	Robert		(608) 216-7329	
Address		City	State	ZIP Code
2830 Dairy Drive		Madison	WI	53718
E-mail <u>rlangdon@scsengineers.com</u>				

Department Contact:

To review the Department's case file, or for questions on cleanups or closure requirements, contact:

Department of: Natural Resources (DNR) Office: Oshkosh

Address		City	State	ZIP Code
625 E County Rd Y Ste 700		Oshkosh	WI	54903
Contact Person Last Name	First	MI	Phone Number (include area code)	
Borski	Jennifer		(920) 424-7887	
E-mail (Firstname.Lastname@wisconsin.gov) <u>Jennifer.Borski@wisconsin.gov</u>				

The affected property is:

- ☐ the source property (the source of the hazardous substance discharge), but the property is not owned by the person who conducted the cleanup (a deeded property)
- ☒ a deeded property affected by contamination from the source property
- ☐ a right-of-way (ROW)
- ☐ a Department of Transportation (DOT) ROW

Section A: Deeded Property Notification: Residual Contamination and/or Continuing Obligations

KEEP THIS DOCUMENT WITH YOUR PROPERTY RECORDS

671 Yorkshire Road
Neenah, WI, 54956

Dear Representative:

I am providing this letter to inform you of the location and extent of contamination remaining on your property, and of certain long-term responsibilities (continuing obligations) for which you may become responsible.

I have investigated a release of

Dry Cleaning Solvents

on 110 West Cecil Street, Neenah, WI, 54956

that has shown that contamination has migrated onto your property. I have conducted a cleanup, and will be requesting that the Department of Natural Resources (DNR) grant case closure. Closure means that the DNR will not be requiring any further investigation or cleanup action to be taken. However, continuing obligations may be imposed as a condition of closure approval.

You have 30 days to comment on the attached legal description of your property and on the proposed closure request:

Please review the enclosed legal description of your property, and notify Robert Langdon at 2830 Dairy Drive, Madison, WI, 53718 within the next 30 days if the legal description is incorrect.

The DNR will not review my closure request for at least 30 days after the date of receipt of this letter. As an affected property owner, you have a right to contact the DNR to provide any technical information that you may have that indicates that closure should not be granted for this site. If you would like to submit any information that is relevant to this closure request, you should mail that information to the DNR contact: Jennifer Borski at 625 E County Rd Y Ste 700, Oshkosh, WI, 54903.

Your Long-Term Responsibilities as a Property Owner and Occupant:

The cleanup included

Source removal at 110 W Cecil Street

The continuing obligations I am proposing that affect your property are listed below, under the heading **Continuing Obligations**. Under s. 292.12 (5), Wis. Stats., current and future owners and occupants of this property are responsible for complying with continuing obligations imposed as part of an approved closure.

The fact sheet "Continuing Obligations for Environmental Protection" (DNR publication RR 819) has been included with this letter, to help explain the responsibilities you may have for maintenance of a certain continuing obligation, the limits of any liability for investigation and cleanup of contamination, and how these differ. If the fact sheet is lost, you may obtain copies at <http://dnr.wi.gov/files/PDF/pubs/rr/RR819.pdf>.

Contract for responsibility for continuing obligations:

Before I request closure, I will need to inform the DNR as to whom will be responsible for the continuing obligation on your property.

Oshkosh Auto Parts, Inc.

Under s. 292.12, Wis. Stats., the responsibility for maintaining all necessary continuing obligations for your property will fall on you or any subsequent property owner, unless another person has a legally enforceable responsibility to comply with the requirements of the final closure letter. If you need more time to finalize an agreement on the responsibility for [insert the type of the continuing obligation]

, you may request additional time from the DNR contact identified in **Contact Information**.

(Note: Future property owners would need to negotiate a new agreement.)

Remaining Contamination:

Soil Contamination:

Soil contamination remains at
Northwest corner of the property at 109 Curtis Ave.

The remaining contaminants include
perchloroethylene

at levels which exceed the soil standards found in ch. NR 720, Wis. Adm. Code. The following steps have been
taken to address any exposure to the remaining soil contamination.

Below direct contact levels

Groundwater Contamination:

Groundwater contamination originated at the property located at 110 West Cecil Street, Neenah, WI, 54956 .
Contaminated groundwater has migrated onto your property at

109 Curtis Avenue

The levels of

perchloroethylene, trichloroethylene, dichloroethylene, vinyl chloride

contamination in the groundwater on your property are above the state groundwater enforcement standards found in
ch. NR 140, Wis. Adm. Code

However, the environmental consultants who have investigated this contamination have informed me that this
groundwater contaminant plume is stable or receding and will naturally degrade over time. I believe that allowing
natural attenuation, or the breakdown of contaminants in groundwater due to naturally occurring processes, to
complete the cleanup at this site will meet the case closure requirements of ch. NR 726, Wis. Adm. Code. As part of
my request for case closure, I am requesting that the DNR accept natural attenuation as the final remedy for this site.

The following DNR fact sheet (RR 671, "What Landowners Should Know: Information About Using Natural
Attenuation to Clean Up Contaminated Groundwater") has been included with this notification, to help explain the
use of natural attenuation as a remedy. If the fact sheet is lost, you may obtain a copy at <http://dnr.wi.gov/files/PDF/pubs/rr/RR671.pdf>.

Continuing Obligations on Your Property: As part of the cleanup, I am proposing that the following continuing
obligations be used at your property, to address future exposure to residual contamination. If my closure request is
approved, you will be responsible for the following continuing obligations.

To construct a new well or to reconstruct an existing well, the property owner at the time of construction or
reconstruction will need to obtain prior approval from the DNR. See the paragraph **GIS Registry and Well
Construction Requirements**. Typically, this results in casing off a portion of the aquifer during drilling, when needed,
to protect the water supply.

Residual Soil Contamination:

If soil is excavated from the areas with residual contamination, the property owner at the time of excavation will be
responsible for the following:

- determine if contamination is present
- determine whether the material would be considered solid or hazardous waste
- ensure that any storage, treatment or disposal is in compliance with applicable statutes and rules.

Contaminated soil may be managed in-place, in accordance with ch. NR 718, Wis. Adm. Code, with prior DNR
approval. In addition, all current and future property owners and occupants of the property and right-of-way holders
need to be aware that excavation of the contaminated soil may pose an inhalation or other direct contact hazard and
as a result special precautions may need to be taken during excavation activities to prevent a health threat to humans.

Depending on site-specific conditions, construction over contaminated soils or groundwater may result in vapor
migration of contaminants into enclosed structures or migration along underground utility lines. The potential for
vapor inhalation and means of mitigation should be evaluated when planning any future redevelopment, and
measures should be taken to ensure the continued protection of public health, safety, welfare and the environment at
the site.

G.G.

Maintenance and Audits of Continuing Obligations:

If compliance with a maintenance plan is required as part of a continuing obligation, an inspection log will need to be filled out periodically, and kept available for inspection by the DNR.

Submittal of the inspection log may also be required. You will also need to notify any future owners or occupants of this property of the need to maintain the continuing obligation and to document that maintenance in the inspection log.

Periodic audits of these continuing obligations may be conducted by the DNR, to ensure that potential exposure to residual contamination is being addressed. The DNR provides notification before conducting site visits as part of the audit.

GIS Registry and Well Construction Requirements:

If this site is closed, all properties within the site boundaries where contamination remains, or where a continuing obligation is applied, will be listed on the Bureau for Remediation and Redevelopment Tracking System (BRRTS) on the Web, at <http://dnr.wi.gov/topic/Brownfields/clean.html>. Inclusion on this database provides public notice of remaining contamination and of any continuing obligations. Documents can be viewed on this database, and include final closure letters, site maps and any applicable maintenance plans. The location of the site may also be viewed on the Remediation and Redevelopment Sites Map (RR Sites Map), on the "GIS Registry" layer, at the same internet address listed above.

DNR approval prior to well construction or reconstruction is required for all sites included in the GIS Registry, in accordance with s. NR 812.09 (4) (w), Wis. Adm. Code. This requirement applies to private drinking water wells and high capacity wells. Special well construction standards may be necessary to protect the well from the remaining contamination. Well drillers need to first obtain approval from a regional water supply specialist in DNR's Drinking Water and Groundwater Program. The well construction application, form 3300-254, is on the internet at <http://dnr.wi.gov/topic/wells/documents/3300254.pdf>.

Site Closure:

If the DNR grants closure, you will receive a letter which defines the specific continuing obligations on your property. The status of the site (open or closed) may also be checked by searching BRRTS on the Web. You may view or download a copy of the closure letter (sent to the responsible party) from BRRTS on the Web. You may also request a copy of the closure letter from the **responsible party** or by writing to the DNR contact, at Jennifer Borski, Jennifer.Borski@wisconsin.gov, (920) 424-7887. The final closure letter will contain a description of the continuing obligation, any prohibitions on activities and will include any applicable maintenance plan.

If you have any questions regarding this notification, I can be reached at (262) 956-6224, Donald.
Gallo@huschblackwell.com.

Signature of responsible party/environmental consultant for the responsible party

Donald P. Gallo

Date Signed

3/16/17

G.G.

Attachment: Contact Information

Legal Description for each Parcel:

Checklist of Documents to Submit

Factsheets:

☒ RR 819, Continuing Obligations for Environmental Protection

☐ RR 671, What Landowners Should Know: Information About Using Natural Attenuation to Clean Up Contaminated Groundwater

G.G.

This Deed, made between James J. Matthewsand OSHKOSH AUTO PARTS, INC., a Wisconsin
corporation.

Grantor,

Grantor,

Witnesseth, That the said Grantor, for a valuable consideration

conveys to Grantee the following described real estate in Winnebago
County, State of Wisconsin;Lot Nine (9) of Block Two (2) in REPLAT OF
AIRPORT HEIGHTS, City of Neenah.Tax Parcel No: 2-414

"This deed is executed and delivered in satisfaction of that land Contract between Benjamin O. Matthews, a/k/a Ben Matthews, as Vendor, and Grantee herein, as Purchaser, dated March 16, 1981, and recorded on March 17, 1981, as Document No. 561403, in the Winnebago County, Wisconsin, Registry; the Vendor's interest therein having been conveyed to Grantor herein by that Summary Assignment Order of the Winnebago County, Wisconsin Probate Court, dated November 20, 1990."

TRANSFER

\$6.50
FEEEMERGENCY
CODEThis is not homestead property.
~~xxx~~ (is not)

Together with all and singular the hereditaments and appurtenances thereto belonging;

And James J. Matthews warrants that the title is good, indefeasible in fee simple and free and clear of encumbrances except restrictions and easements of record, municipal and zoning ordinances, current taxes and assessments not yet due.

and will warrant and defend the same.

Dated this 7th day of May, 1991.

(SEAL)

James J. Matthews (SEAL)
James J. Matthews

(SEAL)

(SEAL)

AUTHENTICATION

Signature(s) _____

authenticated this _____ day of _____, 19____

TITLE: MEMBER STATE BAR OF WISCONSIN

(If not
authorized by § 706.06, Wis. Stats.)

THIS INSTRUMENT WAS DRAFTED BY

James J. Matthews

(Signatures may be authenticated or acknowledged. Both are not necessary.)

ACKNOWLEDGMENT

STATE OF WISCONSIN

Winnebago

Personally came before me on the 7th day of
May, 1991, James J. Matthews who named

to me known to be the person who executed the foregoing instrument and he acknowledged the same.

Barbara J. Johnson
Notary Public Winnebago County, Wis.
My Commission is permanent (If not, state expiration
date: February 19, 1995.)

This conveyance is exempt from
the Wis. Real Estate Transfer Fee
under Sec. 77.35 (1) with

STATE BAR OF WISCONSIN - FORM 2
WARRANTY DEED
THIS SPACE RESERVED FOR RECORDING DATA

Register's Office

Winnebago County, Wis.

Received for record this 13th
day of November, 1972
at 1:04 o'clock P.M. and
recorded in Vol. 1361 of
RECORDS on page 362

Paula L. Linnstahl
Register of Deeds

RETURN TO

Di Renzo, Bomier and Snyder
P.O. Box 463 - Neenah, WI 54956

Tax Key #

This is not homestead property.

BY THIS DEED, Ann Marie Lanphear

Grantor conveys and warrants to Oshkosh Auto Parts, Inc.

for a valuable consideration and One (\$1.00) Dollar

the following described real estate in Winnebago County, State of Wisconsin

Lots Thirteen (13), Fifteen (15) and Sixteen (16) of Block Two (2)
in the REPLAT OF AIRPORT HEIGHTS in the Second Ward, City of Neenah.

[IT IS TO BE NOTED that this deed is given in satisfaction of a
land contract dated April 22, 1966, and recorded in Volume 1140
of Records, Page 592, as Document No. 346556 in the Winnebago
County Registry, in which the Vendor's interest was subsequently
conveyed to Ann Marie Lanphear in a warranty deed recorded in Volume
1292 of Records, Page 383, as Document No. 402664 in the Winnebago
County Registry.]

Exception to warranties:

Executed at St. Louis, Missouri this 9th day of November, 1972.

SIGNED AND SEALED IN PRESENCE OF

Ann Marie Lanphear

Signatures of

authenticated this _____ day of _____, 19____.

Title: Member State Bar of Wisconsin or Other Party
Authorized under Sec. 706.06 viz.

MISSOURI
STATE OF WISCONSIN

St. Louis County, ss.

Personally came before me, this Ninth day of November, 1972,
the above named Ann Marie Lanphear

to me known to be the person who executed the foregoing instrument and acknowledged the same.

This instrument was drafted by

Jeffrey F. Snyder, Attorney at Law

The use of witnesses is optional.

Marsha A. Appt, Notary Public

Notary Public St. Louis Missouri
County, 22nd

My Commission (Expires) (Is) May 2, 1974

s of persons signing in any capacity should be typed or printed below their signatures.

Ann Marie Lanphear

conveys and warrants to Oshkosh Auto Parts, Inc., a Wisconsin corporation,

the following described real estate in Winnebago County, State of Wisconsin:

Register's Office
Winnebago County, Wis.
Time for record
26th day of
October
8:06 clock AM

Marjorie Rahmet
REGISTER OF DEEDS

RETURN TO DI RENZO & BOMIER
P. O. Box 788
DLS Neenah, WI 54956

Tax Parcel No:

Lots Seventeen (17), Eighteen (18), and Nineteen (19), of Block Two (2), in REPLAT OF AIRPORT HEIGHTS, being in the NE 1/4 of NE 1/4 of Section 33-20-17, City of Neenah.

TRANSFER

\$ 16.50
FEE

This Deed is executed and delivered by Grantor to Grantee in fulfillment of that certain Land Contract dated February 14, 1973, and recorded on February 21, 1973, as Document No. 432204, in the Winnebago County Registry.

This is not homestead property.
(is) (is not)

Exception to warranties: easements, covenants, and restrictions of record, and excepting any liens or encumbrances created or suffered to be created by the acts or defaults of the grantee.

Dated this 17th day of October, 1984

(SEAL)

Ann Marie Lanphear

(SEAL)

(SEAL)

AUTHENTICATION

Signature(s)

authenticated this day of, 1984

TITLE: MEMBER STATE BAR OF WISCONSIN

(If not authorized by § 709.06, Wis. Stats.)

THIS INSTRUMENT WAS DRAFTED BY

Dennis L. Simon, Attorney-at-Law

Neenah, WI 54956

(Signatures may be authenticated or acknowledged. Both are not necessary.)

ACKNOWLEDGMENT

STATE OF WISCONSIN

County.

Personally came before me this 17th day of October, 1984 the above named

to me known to be the person who executed the foregoing instrument and acknowledge the same.

NOTARY

Notary Public
My Commission is permanent (If not, state expiration date: April 10, 1984)

G.G.

FORM NO. 985-A

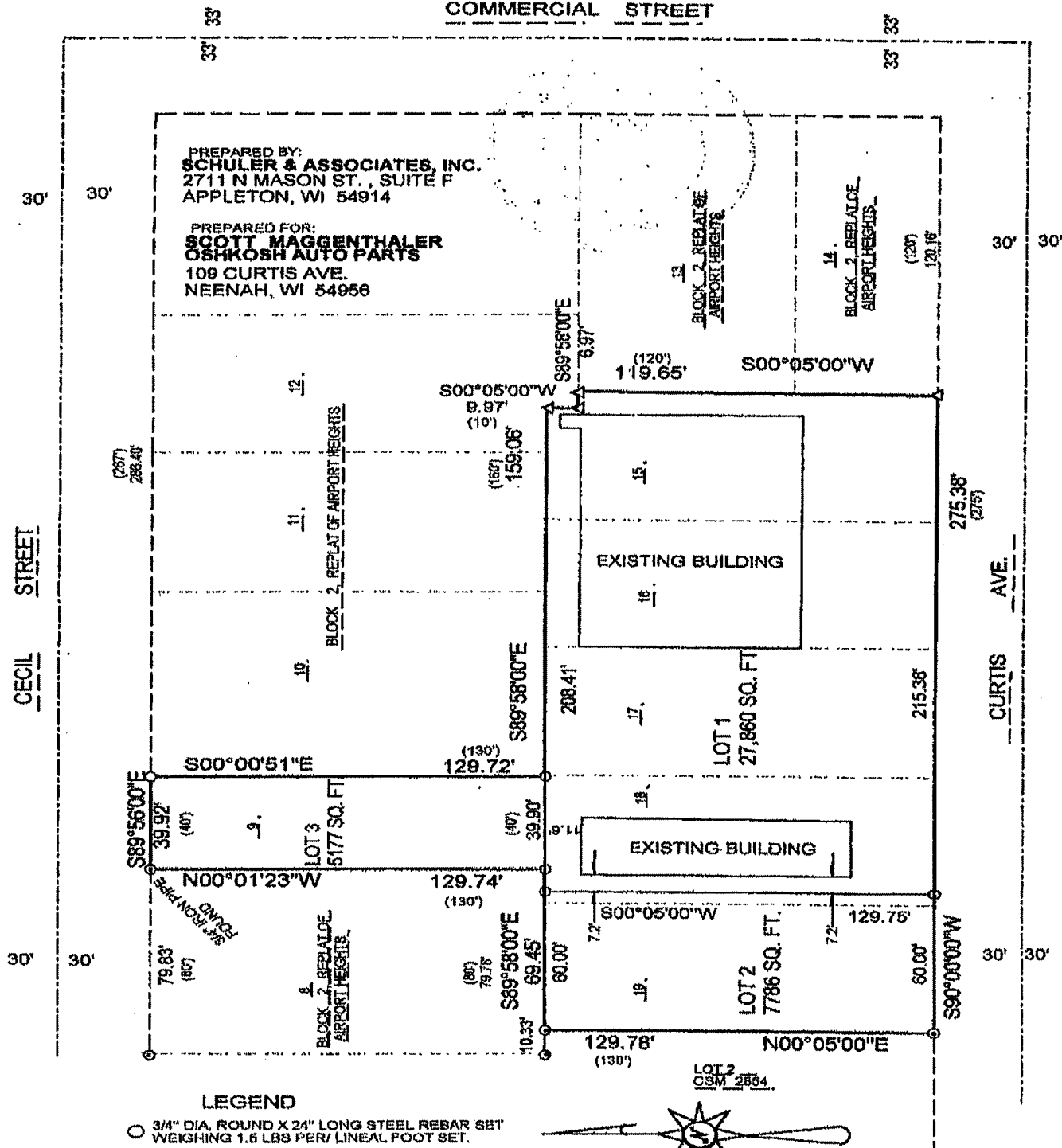


Stock No. 26273

CERTIFIED SURVEY MAP NO. 5038

ALL OF LOTS 9, 15, 16, 17, 18 AND 19, BLOCK 2 OF THE REPLAT OF
AIRPORT HEIGHTS, CITY OF NEENAH, WINNEBAGO COUNTY, WISCONSIN.

COMMERCIAL STREET



LEGEND

- 3/4" DIA. ROUND X 24" LONG STEEL REBAR SET
WEIGHING 1.6 LBS PER/ LINEAL FOOT SET.
- ⊙ 1" DIA. IRON PIPE FOUND.
- △ PK MASONRY NAIL FOUND.
- () RECORDED AS



BEARINGS ARE REFERENCED TO THE NORTH
LINE OF CURTIS AVE. WHICH IS ASSUMED TO
BEAR S90°00'00"W.

DATED THIS 13TH DAY OF Nov. 2001

MICHAEL J. FRANK
WISCONSIN REGISTERED LAND SURVEYOR S-2123

G.G.



Stock No. 26273

#5038

SURVEYOR'S CERTIFICATE:

I, MICHAEL J. FRANK, WISCONSIN REGISTERED LAND SURVEYOR, DO HEREBY CERTIFY:

THAT I HAVE SURVEYED, DIVIDED AND MAPPED UNDER THE DIRECTION OF SCOTT MAGGENTHALER ALL OF LOTS 9, 15, 16 17, 18 AND 19, ALL IN BLOCK 2 OF THE REPLAT OF AIRPORT HEIGHTS, CITY OF NEENAH, WINNEBAGO COUNTY, WISCONSIN CONTAINING 40,823 SQUARE FEET OF LAND, MORE OR LESS.

THAT THIS MAP IS A CORRECT REPRESENTATION OF ALL THE EXTERIOR BOUNDARIES OF THE LAND SURVEYED AND THE DIVISION OF THAT LAND.

THAT I HAVE FULLY COMPLIED WITH THE PROVISIONS OF CHAPTER 236.34 OF THE STATE OF WISCONSIN STATUTES AND THE LAND SUBDIVISION ORDINANCE OF THE CITY OF NEENAH IN SURVEYING, DIVIDING AND MAPPING THE SAME.

DATED THIS 13TH DAY OF Nov., 2001

Michael J. Frank
MICHAEL J. FRANK
WISCONSIN REGISTERED LAND SURVEYOR S-2123

OWNER'S CERTIFICATE:

AS OWNERS, WE THE UNDERSIGNED HEREBY CERTIFY THAT WE CAUSED THE LAND DESCRIBED ON THIS PLAT TO BE SURVEYED, DIVIDED AND MAPPED AS REPRESENTED ON THIS PLAT. WE ALSO CERTIFY THAT THIS PLAT IS REQUIRED BY §236.10 OR §236.12 TO BE SUBMITTED TO THE FOLLOWING FOR APPROVAL OR OBJECTION: CITY OF NEENAH

OSHKOSH AUTO PARTS, INC.

[Signature]
PRESIDENT

[Signature]
SECRETARY

STATE OF WISCONSIN)
SS.
COUNTY OF OUTAGAMIE)

PERSONALLY CAME BEFORE ME THIS 21st DAY OF June, 2002 THE ABOVE NAMED Scott Maggenthaler, PRESIDENT, AND [Signature], SECRETARY, OF OSHKOSH AUTO PARTS, INC. TO ME KNOWN TO BE THE PERSONS WHO EXECUTED THE FOREGOING INSTRUMENT AND ACKNOWLEDGE THE SAME.

[Signature]
NOTARY PUBLIC, Winnebago CO., WI.
MY COMMISSION EXPIRES 8-15-04

PLANNING CERTIFICATE:

PURSUANT TO THE LAND SUBDIVISION REGULATIONS OF THE CITY OF NEENAH, WISCONSIN, ALL THE REQUIREMENTS FOR APPROVAL HAVE BEEN FULFILLED. THIS MINOR SUBDIVISION WAS APPROVED BY THE CITY OF NEENAH PLANNING COMMISSION ON

December 14, 2001

[Signature]
CHAIRMAN, CITY OF NEENAH
PLANNING COMMISSION

COMMON COUNCIL APPROVAL:

RESOLVED BY THE COMMON COUNCIL OF THE CITY OF NEENAH, THAT THIS CERTIFIED SURVEY MAP IS HEREBY APPROVED THIS 19th DAY OF December, 2001:

[Signature]
MAYOR

DATE

[Signature]
CLERK

DATE

TREASURER'S CERTIFICATE:

WE HEREBY CERTIFY THAT THE RECORDS IN OUR OFFICE SHOWN NO UNPAID TAXES OR SPECIAL ASSESSMENTS AFFECTING ANY OF THE LANDS INCLUDED IN THIS CERTIFIED SURVEY MAP AS OF THIS DATE.

[Signature]
CITY OF NEENAH-TREASURER DATE

[Signature]
WINNEBAGO COUNTY-TREASURER DATE

G.G.

1107302

REGISTER'S OFFICE
WINNEBAGO COUNTY, WI
RECORDED ON

06-21-2002 10:49 AM
Vol-1 p.5038
SUSAN WINNINGHOFF
REGISTER OF DEEDS

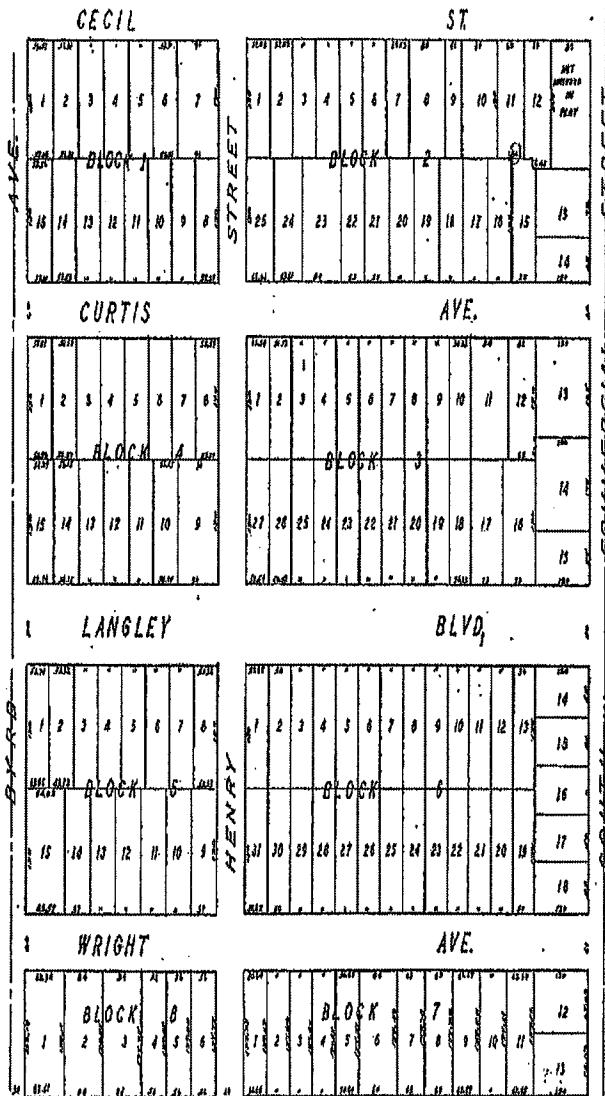
RECORDING FEE 15.00
TRANSFER FEE
OF PAGES 3

pd.

REPLAT OF AIRPORT HEIGHTS

BEING IN N.E. 1/4 N.E. 1/4 SECTION 33-20-17
WINNEBAGO COUNTY, WIS.

SCALE 1" = 100'



J. HENRY JENSEN, A SURVEYOR OF OSHKOSH, WISCONSIN, DO HEREBY CERTIFY AS FOLLOWS:

THAT THIS REPLAT IS DRAWN IN ACCORDANCE WITH A JUDGMENT OF THE CIRCUIT COURT OF WINNEBAGO COUNTY, WISCONSIN, IN THE MATTER OF THE APPLICATION OF FRANKLIN McDONALD, TRUSTEE, FOR THE ALTERATION AND VACATION OF A CERTAIN PLAT, KNOWN AS AIRPORT HEIGHTS, UNDER THE PROVISIONS OF SECTION 236.17 OF THE WISCONSIN STATUTES FOR 1942.

160505.

Original plat
of Winnebago County, Wis.
created by record 160505
of plat 160505
in R.L.S. County, Wis. and
recorded in Vol. 12 of 1942
WISCONSIN
J. Henry Jensen
Surveyor of Oshkosh

Issued by the Clerk of
the Court
Judgment - Vol. 12, page 127



Continuing Obligations for Environmental Protection

Responsibilities of Wisconsin Property Owners

PUB-RR-819

November 2013

This fact sheet is intended to help property owners understand their legal requirements under s. 292.12, Wis. Stats., regarding continuing obligations that arise due to the environmental condition of their property.

The term “continuing obligations” refers to certain actions for which property owners are responsible following a completed environmental cleanup. They are sometimes called environmental land use controls or institutional controls. These legal obligations, such as a requirement to maintain pavement over contaminated soil, are most often found in a cleanup approval letter from the state.

Less commonly, a continuing obligation may apply where a cleanup is not yet completed but a cleanup plan has been approved, or at a property owned by a local government that is exempt from certain cleanup requirements.

What Are Continuing Obligations?

Continuing obligations are legal requirements designed to protect public health and the environment in regard to contamination that remains on a property.

Continuing obligations still apply after a property is sold. Each new owner is responsible for complying with the continuing obligations.

Background

Wisconsin, like most states, allows some contamination to remain after cleanup of soil or groundwater contamination (residual contamination). This minimizes the transportation of contamination and reduces cleanup costs while still ensuring that public health and the environment are protected.

The Department of Natural Resources (DNR), through its Remediation and Redevelopment (RR) Program, places sites or properties with residual contamination on a public database in order to provide notice to interested parties about the residual contamination and any associated continuing obligations. Please see the “Public Information” section on page 3 to learn more about the database. (Prior to June 3, 2006, the state used deed restrictions recorded at county courthouses to establish continuing obligations, and those deed restrictions have also been added into the database.)



Wisconsin Department of Natural Resources
P.O. Box 7921, Madison, WI 53707
dnr.wi.gov, search “brownfield”



Types of Continuing Obligations

1. Manage Contaminated Soil that is Excavated

If the property owner intends to dig up an area with contaminated soil, the owner must ensure that proper soil sampling, followed by appropriate treatment or disposal, takes place. Managing contaminated soil must be done in compliance with state law and is usually done under the guidance of a private environmental professional.

2. Manage Construction of Water Supply Wells

If there is soil or groundwater contamination and the property owner plans to construct or reconstruct a water supply well, the owner must obtain prior DNR approval to ensure that well construction is designed to protect the water supply from contamination.

Other Types of Continuing Obligations

Some continuing obligations are designed specifically for conditions on individual properties. Examples include:

- keeping clean soil and vegetation over contaminated soil;
- keeping an asphalt “cover” over contaminated soil or groundwater;
- maintaining a vapor venting system; and
- notifying the state if a structural impediment (e.g. building) that restricted the cleanup is removed. The owner may then need to conduct additional state-approved environmental work.

It is common for properties with approved cleanups to have continuing obligations because the DNR generally does not require removal of all contamination.

Property owners with the types of continuing obligations described above will find these requirements described in the state’s cleanup approval letter or cleanup plan approval, and *must*:

- comply with these property-specific requirements; and
- obtain the state’s permission before changing portions of the property where these requirements apply.

The requirements apply whether or not the person owned the property at the time that the continuing obligations were placed on the property.

Changing a Continuing Obligation

A property owner has the option to modify a continuing obligation if environmental conditions change. For example, petroleum contamination can degrade over time and property owners may collect new samples showing that residual contamination is gone. They may then request that DNR modify or remove a continuing obligation. Fees are required for DNR’s review of this request and for processing the change to the database (\$1050 review fee, \$300/\$350 database fee). Fees are subject to change; current fees are found in Chapter NR 749, Wis. Adm. Code, on the web at www.legis.state.wi.us/rsb/code/nr/nr749.pdf.

G.G.

Public Information

The DNR provides public information about continuing obligations on the Internet. This information helps property owners, purchasers, lessees and lenders understand legal requirements that apply to a property. DNR has a comprehensive database of contaminated and cleaned up sites, *BRRTS on the Web*. This database shows all contamination activities known to DNR. Site specific documents are found under the *Documents* section. The information includes maps, deeds, contaminant data and the state's closure letter. The closure letter states that no additional environmental cleanup is needed for past contamination and includes information on property-specific continuing obligations. If a cleanup has not been completed, the state's approval of the remedial action plan will contain the information about continuing obligations.

Properties with continuing obligations can generally be located in DNR's *GIS Registry*, part of the *RR Sites Map*. *RR Sites Map* provides a map view of contaminated and cleaned up sites, and links to *BRRTS on the Web*.

If a completed cleanup is shown in *BRRTS on the Web* but the site documents cannot be found in the Documents section, DNR's closure letter can still be obtained from a regional office. For assistance, please contact a DNR Environmental Program Associate (see the *RR Program's Staff Contact* web page at dnr.wi.gov/topic/Brownfields/Contact.html).

BRRTS on the Web and
RR Sites Map are part of
CLEAN
(the Contaminated Lands
Environmental Action Network) at
dnr.wi.gov/topic/Brownfields/clean.html

Off-Site Contamination: When Continuing Obligations Cross the Property Line

An off-site property owner is someone who owns property that has been affected by contamination that moved through soil, sediment or groundwater from another property. Wisconsin law, s. 292.13, Wis. Stats., provides an exemption from environmental cleanup requirements for owners of "off-site" properties. The DNR will generally not ask off-site property owners to investigate or clean up contamination that came from a different property, as long as the property owner allows access to his or her property so that others who are responsible for the contamination may complete the cleanup.

However, off-site property owners are legally obligated to comply with continuing obligations on their property, even though they did not cause the contamination. For example, if the state approved a cleanup where the person responsible for the contamination placed clean soil over contamination on an off-site property, the owner of the off-site property must either keep that soil in place or obtain state approval before disturbing it.

Property owners and others should check the *Public Information* section above if they need to:

- determine whether and where continuing obligations exist on a property;
- review the inspection, maintenance and reporting requirements, and
- contact the DNR regarding changing that portion of the property. The person to contact is the person that approved the closure or remedial action plan.

Option for an Off-Site Liability Exemption Letter

In general, owners of off-site properties have a legal exemption from environmental cleanup requirements. This exemption does not require a state approval letter. Nonetheless, they may request a property-specific liability exemption letter from DNR if they have enough information to show that the source of the contamination is not on their property. This letter may be helpful in real estate transactions. The fee for this letter is \$700 under Chapter NR 749, Wis. Adm. Code. For more information about this option, please see the RR Program's Liability web page at dnr.wi.gov/topic/Brownfields/Liability.html.

Legal Obligations of Off-Site Property Owners

- Allow access so the person cleaning up the contamination may work on the off-site property (unless the off-site owner completes the cleanup independently).
- Comply with any required continuing obligations on the off-site property.

Required Notifications to Off-Site Property Owners

1. The person responsible for cleaning up contamination must notify affected property owners of any proposed continuing obligations on their off-site property **before** asking the DNR to approve the cleanup. This is required by law and allows the off-site owners to provide the DNR with any technical information that may be relevant to the cleanup approval.

When circumstances are appropriate, an off-site neighbor and the person responsible for the cleanup may enter into a "legally enforceable agreement" (i.e. a contract). Under this type of private agreement, the person responsible for the contamination may also take responsibility for maintaining a continuing obligation on an off-site property. This agreement would not automatically transfer to future owners of the off-site property. The state is not a party to the agreement and can not enforce it.

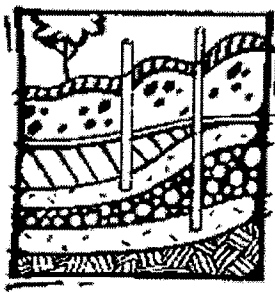
2. If a cleanup proposal that includes off-site continuing obligations is approved, DNR will send a letter to the off-site owners detailing the continuing obligations that are required for their property. Property owners should inform anyone interested in buying their property about maintaining these continuing obligations. For residential property, this would be part of the real estate disclosure obligation.

More Information

For more information, please visit the RR Program's Continuing Obligations web site at dnr.wi.gov/topic/Brownfields/Residual.html.

For more information about DNR's Remediation and Redevelopment Program, see our web site at dnr.wi.gov/org/aw/rr/. This document contains information about certain state statutes and administrative rules but does not include all of the details found in the statutes and rules. Readers should consult the actual language of the statutes and rules to answer specific questions.

The Wisconsin Department of Natural Resources provides equal opportunity in its employment, programs, services, and functions under an Affirmative Action Plan. If you have any questions, please write to Equal Opportunity Office, Department of Interior, Washington, D.C. 20240. This publication is available in alternative format upon request. Please call 608-267-3543 for more information.



Using Natural Attenuation to Clean Up Contaminated Groundwater: What Landowners Should Know

RR-671

December 2016

What Is Natural Attenuation?

Natural attenuation makes use of natural processes in soil and groundwater to contain the spread of contamination and to reduce the amount of contamination from chemical releases.

Natural attenuation is an *in-situ* treatment method. This means that contaminants are left in place while natural attenuation works on them. Natural attenuation is relied upon to clean up contamination that remains after the source of the contamination is removed. An example of a source of contamination would be a leaking underground petroleum tank.

How Does Natural Attenuation Work?

Natural attenuation processes work at many sites, but the rate and degree of effectiveness varies from property to property, depending upon the type of contaminants present and the physical, chemical and biological characteristics of the soil and groundwater.

Natural attenuation processes can be divided into two broad categories – destructive and non-destructive. Destructive processes destroy contaminants. The most common destructive process is **biodegradation**.

Non-destructive processes do not destroy the contaminant, but reduce contaminant concentrations in groundwater through **dilution, dispersion or adsorption**.

Biodegradation

Biodegradation is a process in which micro-organisms that naturally occur in soil and groundwater (e.g. yeast, fungi, or bacteria), break down, or degrade hazardous substances to less toxic or non-toxic substances. Microorganisms, like humans, eat and digest organic compounds for nutrition and energy (organic compounds contain carbon and hydrogen atoms).

Some types of microorganisms can digest organic substances such as fuels or solvents that are hazardous to humans. Microorganisms break down the organic contaminants into harmless products – mainly carbon dioxide and water. Once the contaminants are degraded, the microorganism populations decline because they have used their food sources. These small populations of microorganisms pose no contaminant or health risk.

Many organic contaminants, like petroleum, can be biodegraded by microorganisms in the underground environment. For example, biodegradation processes can effectively cleanse soil and groundwater of hydrocarbon fuels such as gasoline and benzene, toluene, ethylbenzene, and xylene – known as the BTEX compounds, under certain conditions.

Biodegradation can also breakdown other contaminants in groundwater such as trichloroethylene (TCE), a chlorinated solvent used in metal cleaning. However, the processes involved are harder to predict and are less effective at contaminant removal compared to petroleum-contaminated sites.



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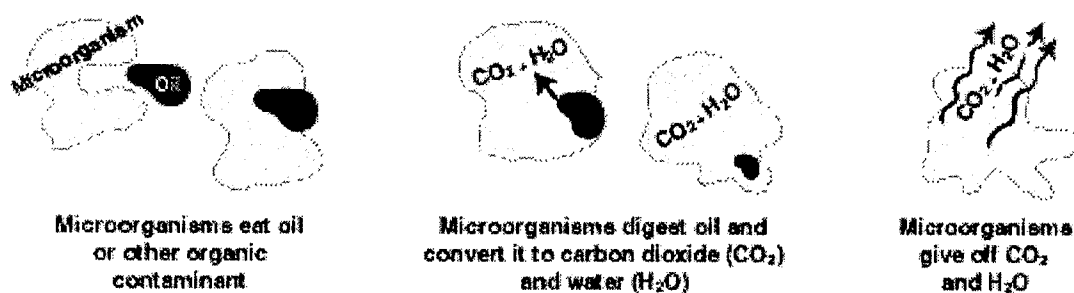


Figure 1. Schematic Diagram of Aerobic Biodegradation in Soil

Dilution and Dispersion

The effects of dilution and dispersion reduce contaminant concentrations but do not destroy contaminants. Clean water from the surface seeps underground to mix with and dilute contaminated groundwater.

Other processes that lead to reduced concentrations of contaminants include clean groundwater flowing into contaminated areas, and the dispersion of pollutants as they spread out and away from the main path of the contaminated plume.

Adsorption

Adsorption occurs when contaminants attach or “sorb” to underground particles. Most oily substances (like petroleum compounds) repel water and escape from the groundwater by attaching to organic matter and clay minerals in the subsurface.

This process holds back or retards contaminant movement and reduces the concentration of contaminants in the groundwater. However, like dilution and dispersion, adsorption does not destroy contaminants.

Why Consider Natural Attenuation To Clean Up Soil And Groundwater?

In certain situations, natural attenuation is an effective, inexpensive cleanup option and the most appropriate way to remediate some contamination problems. Natural attenuation focuses on confirming and monitoring natural remediation processes rather than relying on engineered or “active” technologies (such as pumping groundwater, treating it above ground, then disposing of the treated water).

Contaminants from petroleum are good candidates for natural attenuation because they are among the most easily destroyed by biodegradation. Natural attenuation is non-invasive, which allows treatment to go on below ground, while the surface can continue to be used.

Natural attenuation can also be less costly than active engineered treatment options, and requires no special equipment, energy source, or disposal of treated soil or groundwater.

Will Natural Attenuation Work At My Property?

Whether natural attenuation will work at a particular location is determined by investigating the soil and groundwater. These investigations determine the type of contaminants present, the levels of contamination, and the physical and chemical conditions that lead to biodegradation of the contaminants.

In order to rely on natural attenuation, responsible parties are required to confirm that natural attenuation processes are working by monitoring the soil and groundwater over a period of time to show that the contaminant concentrations are decreasing and that the contamination is no longer spreading.

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Those conducting the cleanup need to know whether natural attenuation, or any proposed remedy, will reduce the contaminant concentrations in the soil and groundwater to legally acceptable limits within a reasonable period of time.

Natural attenuation may be an acceptable option for sites where active remediation has occurred and has reduced the concentration of contaminants (for instance, removing leaking underground tanks and contaminated soil).

However, natural attenuation is not an appropriate option at all sites. If the contamination has affected a drinking water well, or has entered a stream or lake, active cleanup options may be necessary to make sure people and the environment are protected from direct contact with the contamination.

The speed or rate of natural attenuation processes is typically slow. Monitoring is necessary to show that concentrations decrease at a sufficient rate to ensure that contaminants will not become a health threat in the future.

Closure Of Contaminated Sites Using Natural Attenuation As A Final Remedy

When contamination is discovered at a property (such as a gas station with leaking underground tanks), the person who is responsible for causing the contamination, and persons having possession or control of hazardous substances that have been discharged, have the responsibility to remove the source of contamination and investigate and clean up the contamination that has escaped into the soil and groundwater.

The contaminant release must be reported to the Wisconsin Department of Natural Resources (DNR) and the site investigation and cleanup are overseen by a state agency. Depending on the type of contaminant, the oversight agency could be the Department of Agriculture, Trade and Consumer Protection or Department of Natural Resources.

When the cleanup has complied with state standards, the person responsible for the contamination will ask the state agency for closure of the case. If natural attenuation is relied upon to finish cleaning up a contaminated property after closure, the responsible person will need to show that contaminant concentrations are not spreading, that contaminant concentrations are stable or decreasing, and that the concentrations will decrease in the future until state groundwater standards are met.

Because natural attenuation processes are slow, it may take many years before the properties with contamination are clean. State rules require that all owners of properties where groundwater contamination has spread must be informed of the contamination below their property.

In addition, the properties with groundwater contamination exceeding state groundwater enforcement standards must be listed on a database to notify future owners and developers of the presence of contamination. If future monitoring occurs and shows that natural attenuation processes have removed the contaminants to state-required cleanup levels, then the properties can be removed from the database.

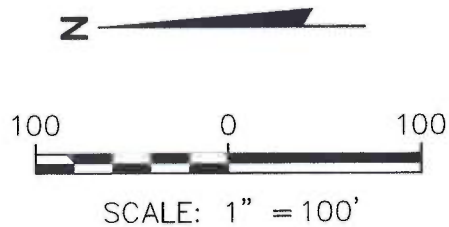
The state agency will grant closure if the site investigation and monitoring shows that natural attenuation will clean up groundwater to state standards within a reasonable period of time. All state rules for cleanup must be met and the person who is responsible for the contamination must comply with all conditions of the state's closure approval.

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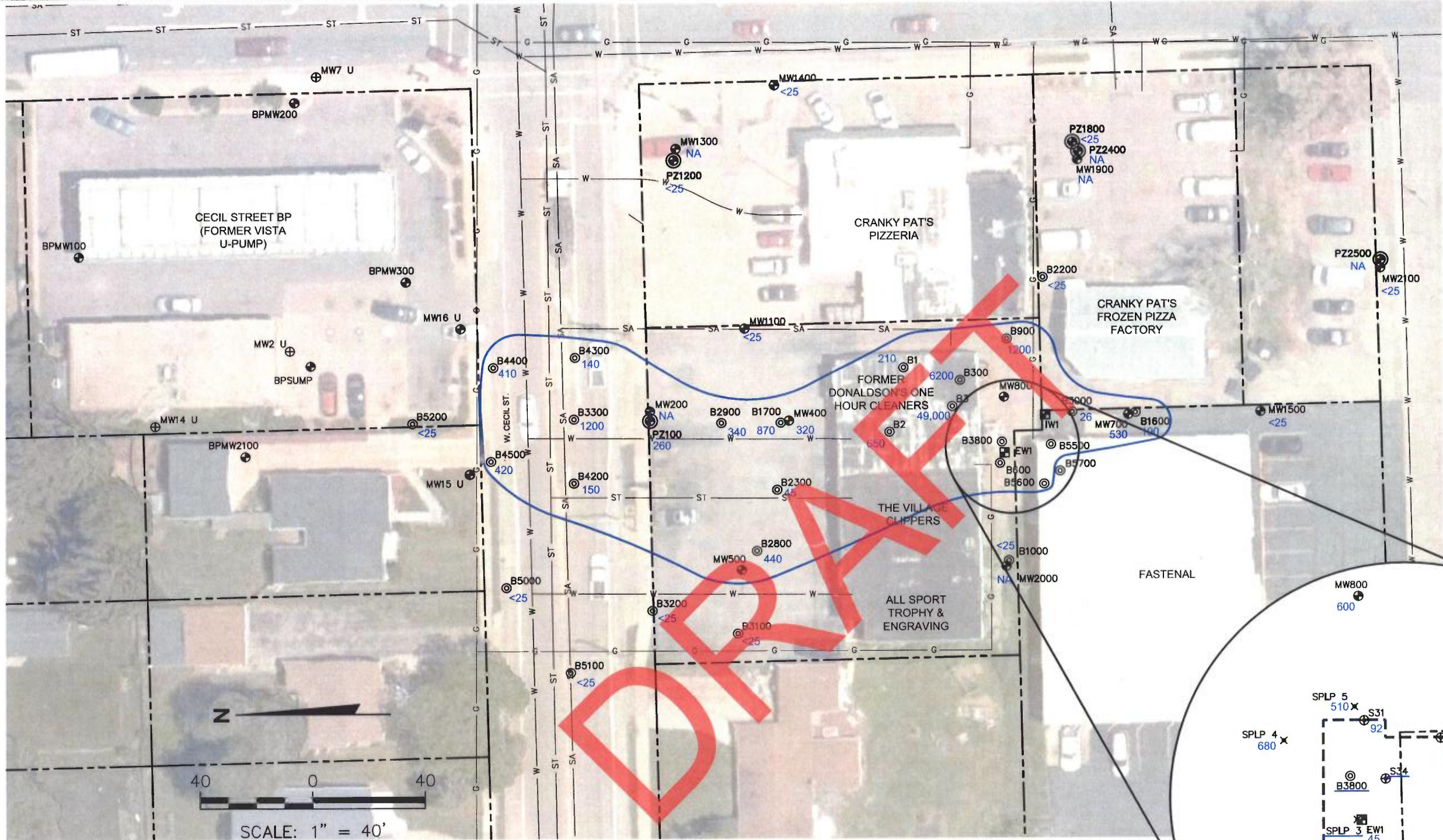
LEGEND	
	PROPERTY LINE
	GAS MAIN
	SANITARY SEWER
	STORM SEWER
	WATER MAIN
	SANITARY MANHOLE
	STORM MANHOLE
	STORM CATCH BASIN
	MONITORING WELL
	PIEZOMETER
	INJECTION/EXTRACTION WELL
	ABANDONED MONITORING WELL
	EXTENT OF CHLORINATED VOLATILE ORGANIC COMPOUNDS IN GROUNDWATER AT CONCENTRATIONS IN EXCESS OF NR140 ENFORCEMENT STANDARDS
	APPROXIMATE GROUNDWATER FLOW DIRECTION FROM MAY 2016

- NOTES:
1. AERIAL PHOTOGRAPH FROM BING MAPS, BROUGHT INTO DRAWING USING AUTOCAD CIVIL 3D, 2016.
 2. PROPERTY LINES AND SANITARY, STORM, AND WATER UTILITIES PROVIDED IN AUTOCAD FORMAT BY CITY OF NEENAH, WISCONSIN IN STATE PLANE, SOUTH ZONE, COORDINATE SYSTEM (NAD83).
 3. WELL AND GAS MAIN LOCATIONS BASED ON DRAWINGS PREPARED BY NORTHERN ENVIRONMENTAL INC.
 4. CECIL STREET BP WELL LOCATIONS BASED ON MAP PREPARED BY BY BAY ENVIRONMENTAL STRATEGIES, INC.
 5. ALL BURIED UTILITY LOCATIONS ARE APPROXIMATE, CONTACT DIGGERS HOTLINE PRIOR TO ANY DRILLING OR EXCAVATION ACTIVITIES.



CLIENT	H&J INVESTMENTS, LLC N2018 DOMAIN AVENUE KAUKAUNA, WISCONSIN	SITE	DONALDSON'S ONE HOUR CLEANERS 110 WEST CECIL STREET NEENAH, WISCONSIN	GROUNDWATER ISOCONCENTRATION	SCS ENGINEERS			FIGURE
					2830 DAIRY DRIVE MADISON, WI 53718-6751			B.3.b
					PHONE: (608) 224-2830			
					ENGINEER			
PROJECT NO.		25214203.01		DRAWN BY:		KP		
DRAWN:		05/31/16		CHECKED BY:		RL		
REVISED:		01/03/17		APPROVED BY:		REL 01/04/17		

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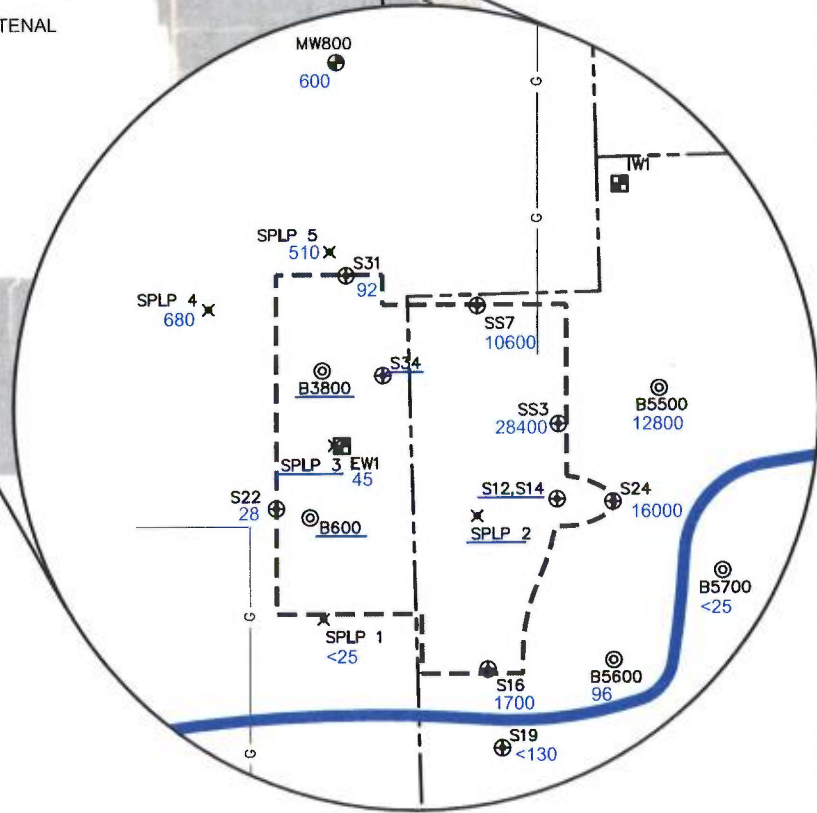


LEGEND

	PROPERTY LINE		SYNTHETIC PRECIPITATION LEACHING PROCEDURE SOIL BORING
	GAS MAIN		EXCAVATION SOIL SAMPLE
	SANITARY SEWER		RESIDUAL TETRACHLOROETHENE CONCENTRATION (µg/kg)
	STORM SEWER		ESTIMATED EXTENT OF RESIDUAL SOIL CONTAMINATION EXCEEDING GROUNDWATER PATHWAY RCL
	WATER MAIN		EXTENT OF REMEDIAL EXCAVATION
	MONITORING WELL		
	PIEZOMETER		
	ABANDONED MONITORING WELL		
	INJECTION/EXTRACTION WELL		
	SOIL BORING		

NOTES:

1. AERIAL PHOTOGRAPH FROM BING MAPS, BROUGHT INTO DRAWING USING AUTOCAD CIVIL 3D, 2016.
2. PROPERTY LINES AND SANITARY, STORM, AND WATER UTILITIES PROVIDED IN AUTOCAD FORMAT BY CITY OF NEENAH, WISCONSIN IN STATE PLANE, SOUTH ZONE, COORDINATE SYSTEM (NAD83).
3. WELL, FIBER OPTIC LINES, GAS MAIN LOCATIONS AND TETRACHLOROETHENE CONCENTRATIONS AND ESTIMATED EXTENT OF CHLORINATED SOLVENT IMPACTED SOIL BASED ON DRAWINGS PREPARED BY NORTHERN ENVIRONMENTAL INC.
4. CECIL STREET BP WELL LOCATIONS BASED ON MAP PREPARED BY BY BAY ENVIRONMENTAL STRATEGIES, INC.
5. ALL BURIED UTILITY LOCATIONS ARE APPROXIMATE, CONTACT DIGGERS HOTLINE PRIOR TO ANY DRILLING OR EXCAVATION ACTIVITIES.
6. UNDERLINED SAMPLE LOCATIONS WERE EXCAVATED.



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- 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:

Representative
671 Yorkshire Road
Neenah, WI 54956



9590 9401 0038 5168 3797 55

2. Article Number (Transfer from service label)

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X

- ☐ Agent
☐ Addressee

B. Received by (Printed Name)

C. Date of Delivery

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

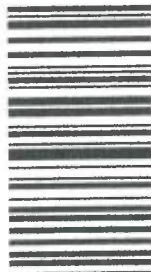
3. Service Type

- | | |
|--|---|
| <input type="checkbox"/> Adult Signature | <input type="checkbox"/> Priority Mail Express® |
| <input type="checkbox"/> Adult Signature Restricted Delivery | <input type="checkbox"/> Registered Mail™ |
| <input checked="" type="checkbox"/> Certified Mail® | <input type="checkbox"/> Registered Mail Restricted Delivery |
| <input type="checkbox"/> Certified Mail Restricted Delivery | <input type="checkbox"/> Return Receipt for Merchandise |
| <input type="checkbox"/> Collect on Delivery | <input checked="" type="checkbox"/> Signature Confirmation™ |
| <input type="checkbox"/> Collect on Delivery Restricted Delivery | <input type="checkbox"/> Signature Confirmation Restricted Delivery |
| <input type="checkbox"/> Insured Mail | |
| <input type="checkbox"/> Insured Mail Restricted Delivery (over \$500) | |

PS Form 3811, April 2015 PSN 7530-02-000-9053

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Product & Tracking Information

[See Available Actions](#)**Postal Product:****Features:**

Certified Mail™

DATE & TIME

STATUS OF ITEM

LOCATION

March 27, 2017, 9:03 am**Delivered****NEENAH, WI 54956**

Your item was delivered at 9:03 am on March 27, 2017 in NEENAH, WI 54956.

March 18, 2017, 10:02 am

Business Closed

MENASHA, WI 54952

March 18, 2017, 8:28 am

Notice Left

NEENAH, WI 54956

March 17, 2017, 7:10 pm

Departed USPS Facility

MILWAUKEE, WI 53201

March 16, 2017, 10:39 pm

Arrived at USPS Facility

MILWAUKEE, WI 53201

[See Less](#) 

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Available Actions

Text Updates

Email Updates[See Less](#) 

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app=UspsTools&appURL=https%3A%2F%2Ftools.usps.com%2Fgo%2FTrackConfirmAction%21input%3FtLabels%3D70142870000137844956			
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Contact Us (https://www.usps.com/help/welcome.htm)	About USPS Home (http://about.usps.com/)	Business Customer Gateway (https://gateway.usps.com/)	Privacy Policy (http://about.usps.com/who-we-are/privacy-policy/privacy-policy-highlights.htm)
Site Index (https://www.usps.com/globals/site/index.htm)	Newsroom (http://about.usps.com/news/welcome.htm)	Postal Inspectors (http://www.uspis.gov/)	Terms of Use (http://about.usps.com/termsfuse.htm)
FAQs (http://faq.usps.com/)	USPS Service Updates (http://about.usps.com/news/service-alerts/welcome.htm)	Postal Explorer (http://pe.usps.gov/)	FOIA (http://about.usps.com/who-we-are/foia/welcome.htm)
	Forms & Publications (http://about.usps.com/forms-publications/welcome.htm)	National Postal Museum (http://www.postalmuseum.si.edu/)	No FEAR Act EEO Data (http://about.usps.com/who-we-are/no-fear-act/welcome.htm)
	Government Services (https://www.usps.com/gov-services/gov-services.htm)	Resources for Developers (https://www.usps.com/webtools/welcome.htm)	
	Careers (http://about.usps.com/careers/welcome.htm)		

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