

State of Wisconsin
DEPARTMENT OF NATURAL RESOURCES
2984 Shawano Avenue
Green Bay WI 54313-6727

Tony Evers, Governor
Preston D. Cole, Secretary
Telephone 608-266-2621
Toll Free 1-888-936-7463
TTY Access via relay - 711



July 30, 2020

CERTIFIED MAIL

H & J INVESTMENTS LLC
C/O ESTATE OF JANICE DONALDSON
CRAIG DONALDSON
N2018 DOMAIN DR
KAUKAUNA WI 54130-9478

Subject: First Notice of Intent to File Deed Affidavit per Wis. Admin. Code § NR 728.11
Action Required by August 10, 2020
Donaldson's One Hour Cleaners (Former), 110 West Cecil Street, City of Neenah, WI
BRRTS # 02-71-110797

Dear Mr. Donaldson:

This letter is to notify you that you that the Wisconsin Department of Natural Resources ("department") intends to file a deed affidavit under Wisconsin Administrative Code (Wis. Admin. Code) § NR 728.11 with the Winnebago County register of deeds for the parcel with a mailing address of 110 West Cecil Street, Neenah, Wisconsin (the "Property").

Below is a timeline of major events regarding the Property:

- On June 20, 2017, the department sent a *Case Closure Denial for Additional Investigation and Remedial Action for the case*.
- On August 30, 2017, the department issued H&J Investments, LLC a notice of non-compliance.
- On March 29, 2019, the department issued H&J Investments, LLC a notice of violation.
- On April 17, 2019, the department held an enforcement conference that included H&J Investments, LLC.
- On February 3, 2020, you signed a Consent to Service of Raze Order for the building located at the Property on behalf of H&J Investments, LLC.
- Subsequently that Order was executed, and on March 26, 2020, the department received confirmation that the building had been razed.
- On February 25, 2020, the department issued a Notice of Intent to Incur Expenses.
- On June 24, 2020, the department issued a revised Notice of Intent to Incur Expenses.
- On July 2, 2020, in response to the department's Notice of Intent to Incur Expenses, Attorney Douglas Hahn of Menn Law Firm Ltd. representing H&J Investments, LLC, stated that the company had no assets and is financially insolvent.

The obligations outlined in the January 7, 2013, Responsible Party (RP) letter, to date, have not been adequately addressed. For these reasons the department may initiate further action including initiating the recording of an affidavit on the property for the purposes of notifying potential purchasers of the liability associated with ownership of the property, unless the department receives an adequate response by August 10, 2020.

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 January 7, 2013, RP letter. In particular, Wis. Stat. § 292.11(3), states:

July 30, 2020
H&J Investments, LLC
C/O Estate of Janice Donaldson
Craig Donaldson
Notice of Intent to File Deed Affidavit
Donaldson's One Hour Cleaners (Former) – BRRTS # 02-71-110797

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 the items outlined in the June 20, 2017, *Case Closure Denial for Additional Investigation and Remedial Action* letter as well as the January 7, 2013, RP letter have not been adequately addressed.

Notice of Deed Affidavit

If you do not to move forward with the necessary response actions at your Property, 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 August 10, 2020, you respond in writing with a workplan which outlines your intent to further investigate and remediate the site. If the department does not receive a response or receives a response indicating the property will not be promptly investigated and remediated, the department will send a second letter by certified mail, indicating the department's decision to record an affidavit at the Winnebago County register of deeds office under Wis. Admin. Code § NR 728.11(2)(b).

If you have questions, please contact Jennifer Borski at (920) 360-0853 or Jennifer.borski@wisconsin.gov. Thank you for your attention to this matter.

Sincerely,



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

cc: Craig Donaldson, H & J Investments, LLC / Estate of Janice Donaldson – (donacraig@gmail.com)
Douglas Hahn, Menn Law Firm Ltd. – (douglashahn@mennlaw.com)



State of Wisconsin

Department of Natural Resources
Northeast Region Headquarters
2984 Shawano Avenue
Green Bay, WI 54313-6727

CERTIFIED MAIL®



7817 1000 0001 1262 9669



RECEIVED
SEP 10 2020
DNR GREEN BAY
RETURN RECEIPT REQUESTED

JMC

1st NOTICE
2nd NOTICE

8/10/20 SK
8-17-20
8-25-20



NIXIE 530 DE 1 0009/01/20
RETURN TO SENDER
UNCLAIMED
UNABLE TO FORWARD
BC: 54313672784 *1886-05378-07-01

Kaukauna, WI 54130-9478

WMC

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:

H:J Investments LLC
 c/o Estate of Janice Donaldson
 Craig Donaldson
 N2018 Domain Dr.
 Kaukaun WI 54930



9590 9402 4953 9063 7250 72

2. Article Number (Transfer from service label)

7017 1000 0001 1262 9669

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

- 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