



State of Wisconsin \ DEPARTMENT OF NATURAL RESOURCES

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March 12, 1999

CERTIFIED MAIL
Return Receipt Requested
CT #99-NEEE-006
BRRTS#03-24-189660

Attorney John C. Koch
PO Box 307
Berlin, WI 54923-0307

Subject: Leonard J. Holloway Estate

Dear Attorney Koch:

The following will summarize the actions to date regarding petroleum contamination on the property owned by Leonard J. Holloway and describe the course the State intends to pursue for this site.

In a letter dated June 16, 1998, the Department of Natural Resources (Department) notified Mr. John Holloway of responsibility for petroleum contamination under s. 292.11, Wisconsin Statutes (hazardous substance spills law), on property located at W3345 HWY 73, Town of Manchester, Green Lake County, Wisconsin. This statute requires the person responsible "take the actions necessary to restore the environment to the extent practicable."

In a letter from you dated July 17, 1998, the Department was informed the above-mentioned property was owned by Mr. Holloway's father, Leonard J. Holloway who died on October 10, 1997. As personal representative of the estate, you indicated you were in the process of determining the Estate's responsibility in this matter.

The Department had not received any documentation that actions had been taken to address the contamination and sent you a letter on January 5, 1999 requesting a status report on site investigation and remediation activities.

Your response dated January 21, 1999 stated the Estate was a deficit estate and had no financial resources to proceed with a cleanup at the site or pay property taxes. Further, you indicated the surviving adult heirs had all validly disclaimed their interest in the property and that the surviving minors would be given their opportunity to claim the property when they reach the age of majority. This correspondence included a detail accounting of the Estate's financial situation.

On March 2, 1999, I telephoned you and requested copies of the property deed for the site, the listing of heirs and their disclaimers. This information was received on March 2, 1999.

As it appears the Estate will not be retaining an environmental consultant to proceed with cleanup of this property, the Department will initiate the process of recording an affidavit with the property's deed at the Green Lake County Register of Deeds Office. This affidavit will give

notice to potential purchasers and other interested parties that contamination exists on the property. The proposed affidavit will be mailed to you as personal representative of the Estate. The Estate will have thirty days after receipt of the proposed affidavit to object to the filing of the affidavit or to provide notice of initiating cleanup. After the thirty days have expired, the affidavit will be filed.

This affidavit can be superseded by the filing of another affidavit when the Department has determined that the contamination has been addressed to the extent practicable.

If you have any questions concerning the affidavit process, please feel free to contact me at (920) 492-5944.

Sincerely,



Judith M. Doelger
Environmental Enforcement Specialist

cc: K. McKnight - OSH
B. Urben - NERH
J. Renville - LS/5
RR/3