



CERTIFIED MAIL with RETURN RECEIPT REQUESTED

February 23, 2018

Mr. Shadly Nelson
9729 S. Country Road E
Bennett, WI 54873

SUBJECT: Third and Final Request for Adjacent Property Access to Conduct Chemical Vapor Sampling.

Dear Mr. Shadly Nelson,

The Wisconsin Department of Natural Resources (DNR) has been informed that Ron Anderson from METCO in La Crosse has contacted and corresponded with you at least two times, outlining their need to access your property and conduct environmental sampling. The DNR further understands that, to date, you have declined these access requests.

This letter is a final request to allow these environmental professionals on your property to conduct the necessary environmental work in and around your building and land located at 11423 S. Business Highway 53.

From both a health and liability perspective, it is in your best interest to allow sampling to occur as soon as possible.

Situation Overview

DNR is overseeing an investigation of soil and groundwater contamination at the former Smith's Union 76 Station located at 11427 S. Business Hwy 53 in Solon Springs. Testing your property is part of this investigation. Some contamination may, over time, have migrated underground toward your property.

Further, certain types of chemical contamination produce gases that rise through permeable soil and can seep into buildings through cracks, drains and other small openings in basement floors and walls. Buildings with crawl spaces and slab-on-grade foundations can be affected as well. These soil gases mix with indoor air and can be a serious health concern. The process of soil gasses getting into buildings is called chemical vapor intrusion, and environmental sampling is necessary to determine if there is a problem.

It is likely that soil gas is present in this situation, and your property is located in an area that should be tested for vapor intrusion. It is possible that chemical vapors may be entering your day care building.

DNR Recommends Granting Property Access for Sampling Now

DNR highly recommends that you grant access to your property and allow this important health and environmental sampling work to be performed now, rather than risk taking on that responsibility yourself at a later date.

To allow environmental sampling for chemical vapor intrusion on your property, simply complete, sign and return the enclosed "Access Permission Agreement" to Ron Anderson of METCO at 709 Gillette Street, Suite 3, La Crosse, WI 54603 within two weeks of the date of this letter. You will then be contacted to schedule a day and time for air and soil gas sampling.

The following issues are important for you to consider in making your final decision about access:

Documentation in DNR Files

In the event that you do not return a completed "Access Agreement" within two weeks of the date of this letter, or otherwise contact DNR to explain why additional time is needed, it will be noted in DNR records for the former Smiths Union 76 Station that you are not allowing access to your property for vapor intrusion sampling.

Costs Paid if Access is Granted Now

Currently, Adam Bachand of the Bachand Real Estate Corporation is identified as the party responsible for environmental contamination on, and migrating from, the former Smiths Union 76 Station in Solon Springs. As such, he is required to pay for sampling and mitigation work at potentially affected properties like yours. If you allow access for sampling now these services will be paid for in full.

You May be Responsible if Access is Not Granted

If you do not allow property access for environmental sampling at this time you risk becoming the party who may be responsible for investigating and mitigating any contamination that exists on your property – whether you caused the problem or not.

Potential Health & Real Estate Issues

Allowing access for sampling now, finding out if chemical vapor intrusion is an issue on your property, and following through with any mitigation efforts, if necessary, is clearly the best course of action. It will help answer your health questions, limit your liability, and demonstrate action to correct a potential issue for purposes of property transactions.

Additional Information Available

Fact sheets on vapor intrusion and related matters are included with this letter for your review. This is a complex issue and you have many things to consider. Please feel free to contact myself at phone (608) 261-6543 or via email at Ralph.Smith@wisconsin.gov at any time if you have questions or want to discuss this matter in more detail.

Sincerely,



Ralph Smith
Northern Region Hydrogeologist
Remediation and Redevelopment Program

Cc:

METCO, Ron Anderson, 709 Gillette St, Ste. 3, La Crosse, WI 54603
Bachand Real Estate Corporation, Adam Bachand, 11427 S Business Hwy 53, Solon Springs, WI 54873
Douglas County Department of Health and Human Services, ATTN: Kathy Ronchie, Health Officer, Douglas County Government Center, 1316 N. 14th Street, Suite 400, Superior, WI 54880

Enclosures: RR-5456, Access Permission Agreement

RR-892, What is Vapor Intrusion

RR-953, Why Test for Vapor Intrusion

RR-954, What to Expect During Vapor Intrusion Sampling

RR-934, Who Should I Contact About Vapor Intrusion Investigations?

RR-973, Environmental Contamination and Your Real Estate

June 2014
RR-5456

Wisconsin Department of Natural Resources
ACCESS PERMISSION AGREEMENT

I, Mr. Shadly Nelson, hereby give permission to the Wisconsin Department of Natural Resources (DNR) and its employees, duly authorized representatives, agents and contractors, to enter upon and have access at reasonable times to the business located at 11423 S. Business Hwy 53 and that is owned by Shadly & Brittany Nelson.

The property is located in the NE ¼ of the SE ¼ of Section 26 , Douglas County, Wisconsin. The access permission is for the following purposes: that the DNR may screen the home/business for vapor migration from petroleum products located in soil/groundwater/utility corridor, associated with the former Smith's Union 76 Station located near your property. This permission allows the DNR or its authorized representative to:

- (1) *Install and maintain sub-slab vapor probe(s) into the foundation of the home or business.*
- (2) *Collect at least three (3) separate vapor samples from the sub-slab probe(s) at different times of the year.*
- (3) *Collect, if necessary, a 24-hour indoor air sample on each level of the home or business.*
- (4) *Abandon the vapor probe(s) when no longer needed.*

The permission that is granted shall remain in effect until March 1, 2019 when the vapor screening work is expected to be complete. If an extension is necessary to complete the work, DNR will inform you in writing.

The property owner agrees not to damage or interfere with the use of any sub-slab probe installed as permitted herein.

IN WITNESS WHEREOF:

Signature of Property Owner

Date

Print Name

Email Address

Mailing Address

Area Code and Telephone Number

TENANT(S) / LESSEE(S) by UNIT NUMBER, ETC.

Name of Tenant(s)/Lessee(s)

Tenant(s) phone number

Tenant(s) email address

Mail or fax correspondence regarding this site to:

WI Dept. of Natural Resources
Remediation and Redevelopment Program
ATTN: Ralph Smith
101 S. Webster Street, PO Box 7921
Madison, WI 53707-7921

Wisconsin DNR vapor intrusion quick facts

What is Vapor Intrusion?



Chemicals used in commercial or industrial activities – dry cleaning chemicals, chemical degreasers and petroleum products such as gasoline – are sometimes spilled and leak into nearby soil or groundwater. When this happens, these chemicals may release gases or vapors, which travel from the contaminated groundwater or soil and move into nearby homes or businesses. This is called vapor intrusion.

The process when chemical vapors from contaminated soil or groundwater enter a home or other structure is called vapor intrusion.

Why are these chemical vapors a problem?

The chemicals that cause vapor intrusion are known as volatile organic compounds, or VOCs. Even when spilled into soil or water, these chemicals easily evaporate. They don't cause human health problems when they evaporate into the outside air, but when their vapors move into homes or businesses, they may cause long-term health problems for the people who live or work in those buildings. These vapors are usually odorless and colorless and undetectable without special testing equipment.

Why is vapor intrusion a concern?

Exposure to some chemical gases or vapors can cause an increased risk of adverse health effects. Whether or not a person experiences any health effects depends on several factors, including the amount and length of exposure, the toxicity of the chemical, and the individual's sensitivity to the chemical. When harmful chemical vapor intrusion is the result of environmental contamination, the Wisconsin Department of Natural Resources (DNR) requires that steps be taken to reduce or eliminate exposures which could be harmful to human health.

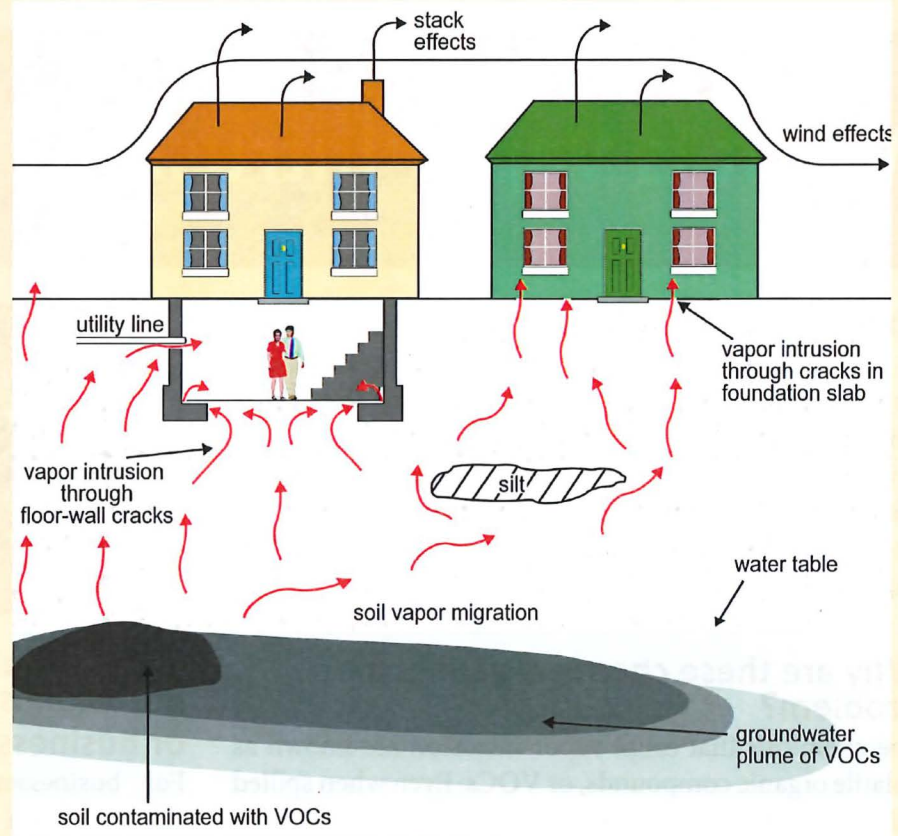
What should I expect if vapor intrusion is suspected near my home or business?

For businesses or other locations where VOC contamination has been found, the DNR requires that the potential for vapor intrusion be investigated. If you live near a site being cleaned up, you may be contacted by the site owner or others working on the cleanup. Your cooperation and consent will be requested before any testing or sampling is conducted on your property. Ask the person contacting you any questions you have about the work being done, or contact the DNR for more information (see DNR contact information on reverse). For more information about testing for vapor intrusion, see DNR-Pub-RR-954, "What to Expect During Vapor Intrusion Sampling."



How Vapors Enter a Building

If you live near a commercial or industrial facility or landfill where VOCs have entered either the soil or groundwater, there may be a potential for those chemicals to travel as vapors into your home or business. Vapors can enter buildings in various ways, including through cracks in the foundation and openings for utility lines. Building ventilation and weather can influence the extent of vapor intrusion.



Adapted from U.S. Environmental Protection Agency (EPA) graphic.
www.epa.gov/oswer/vaporintrusion/basic.html

Where can I find more information?

Health and vapor-related information can be found at the Wisconsin Department of Health Services (DHS) website at dhs.wisconsin.gov, search "Vapor." For other health-related questions, please contact your local health department: www.dhs.wisconsin.gov/localhealth.

For more DNR information, please visit the DNR's Remediation and Redevelopment (RR) Program's Vapor Intrusion page at dnr.wi.gov/topic/Brownfields/Vapor.html.

Additional information can be obtained through the DNR field office in your region. To find the correct office, visit the RR Program Staff Contacts page at dnr.wi.gov/topic/Brownfields/Contact.html or call the RR Program at (608) 266-2111.

This document contains information about certain state statutes and administrative rules but does not necessarily 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.



Why Test for Vapor Intrusion?

Vapor intrusion is likely an unfamiliar term to you, and hearing that your property should be tested for possible chemical vapor intrusion may cause you some concern. That is understandable, and this information sheet is designed to answer basic questions many people have. Please refer to DNR PUB-RR-892, "What is Vapor Intrusion?" for a summary discussion of the term "vapor intrusion."

Most cases of vapor intrusion will pose no immediate threat to your health and safety. However, when other neighborhood properties are contaminated, it is wise to get your home or building tested to determine if there is any cause for concern. If potentially harmful chemical vapors are detected inside your home or building, the Department of Natural Resources (DNR), working in collaboration with other health and environmental professionals, will help you come up with a solution to protect you and your family.

Please consider the following factors when deciding whether to allow access for sampling:

Peace of mind

If there's a chance that chemical vapor or soil gas is seeping into your home or business, testing can determine whether it really is and to what extent. If testing reveals a problem, then steps can be taken to resolve it, making the indoor air you breathe safer for you and your family. Like radon gas, vapors from nearby soil or groundwater contamination can be diverted from beneath your home or office building and safely expelled into the outdoors, thus improving air quality inside your home or building.

The goal of sampling a residence or business is to eliminate as many of the unknowns as possible and safely address any concerns.

Who pays for testing?

You didn't cause this problem, so you don't have to pay for testing just as long as you allow reasonable and timely access to have testing done. The cost of sampling at potentially impacted residences or workplaces, like yours, is covered by the responsible party (the person or business legally obligated to investigate and clean up the contamination). In some cases, it's paid for directly by DNR, the Department of Health Services (DHS), or some other agency. Vapor sampling will be performed by a professional, and samples will be sent to a specialized lab for analysis.

Trained professionals and experts oversee the process

Multiple state and local agencies often work together to determine if vapor intrusion is a potential health risk in an area. The DNR, DHS, local health officials, the responsible party and environmental consultants are working together to ensure that quality samples are taken and that all results are given extensive review. It is important to gather the information in order to adequately understand if or where there may be a risk of vapor intrusion in your neighborhood.

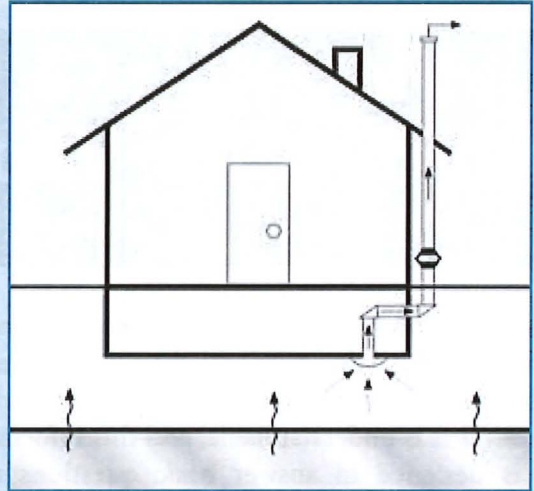


A simple, cost effective solution exists

If vapor intrusion is a problem in a house or building, it can generally be solved by installing a vapor mitigation system. These sub-slab depressurizing systems are similar to those used to eliminate radon gas underneath homes, and have been used for years in a safe and effective manner. If the source of the vapor is tied to a responsible party, they will often pay to have a system installed at your home. The annual upkeep and operation of a typical system is generally less than \$100 per year, mostly for electricity. These annual costs are typically the responsibility of the homeowner.

How will I know if the vapors have been eliminated?

After a vapor mitigation system is installed, follow-up testing of indoor air typically takes place three to six months later. The systems are usually considered permanent fixtures of the building. In cases where the source of the vapor is completely eliminated, the systems should no longer be needed.



If potentially harmful chemical vapor intrusion is detected in a home or business, the most common solution is to install a sub-slab depressurization system. This system captures and redirects soil vapors from below the building foundation before they enter the indoor air. Vapors are vented outside of the building where they disperse into the air and are rendered harmless.

Sub-slab depressurization systems also prevent radon from entering homes, which is an added health benefit in radon-prone areas.

Where can I find more information?

Health and vapor-related information can be found at the Wisconsin Department of Health Services (DHS) website at dhs.wisconsin.gov, search "Vapor." For other health-related questions, please contact your local health department: www.dhs.wisconsin.gov/localhealth.

For more DNR information, please visit the DNR's Remediation and Redevelopment (RR) Program's Vapor Intrusion page at dnr.wi.gov/topic/Brownfields/Vapor.html.

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What to Expect During Vapor Intrusion Sampling



The sampling procedure for vapor intrusion is performed by health and environmental professionals. It involves drilling one or more small holes into the basement or lowest level of your building, collecting a vapor sample from those holes - also called ports - and then sending the sample to a specialized lab for analysis. This is called sub-slab sampling. Sampling professionals try to minimize any inconveniences to you by informing you up front on what to expect and working with your schedule on the days of sampling.

Vapor sampling provides information about the extent of potential contamination in your neighborhood.

Should I be on site for the sampling?

It's up to you. Sampling professionals will need to be let in to install the testing equipment and collect the samples. The arrangements you make are completely dependent on your availability and comfort level with others on your property.

Day 3: The third day is a shorter visit to gather all of the sampling equipment and seal off the ports. Sometimes the port site is left in place in case samples may need to be collected in the future.

How many times will sampling professionals enter my property, and how is sampling done?

In general, you should plan on two or three visits over two or three days. While the actual sampling procedure and schedule may vary, the following provides a typical approach:

Day 1: The first day includes locating suitable locations for port installation, then drilling and installing the ports. This usually takes about an hour or two.

Day 2: The second day involves attaching the collection canister to the port to begin collecting the samples. A 24-hour indoor air sampling kit may also be set up. This visit will also take an hour or two.

Why not take indoor air samples instead of sub-slab samples?

Indoor air quality often changes from day to day, creating misleading assumptions about long-term indoor air quality. Indoor air quality may be affected by vapors given off by household or commercial products including paints, glues, fuels, cleaners, cigarette smoke, aerosol sprays, new carpeting or furniture. Also, any outdoor air that enters the inside of your house may also contain vapors which can alter test results. By itself, indoor air testing will not necessarily confirm that the vapors in the indoor air are entering a building from underground sources. However, indoor air samples are usually collected at the same time as the sub-slab samples for comparison purposes.



What if there is a crawl space instead of a basement?

If there is a crawl space or a basement with a dirt floor, it is not possible to install a port. In these cases, a sample of air is collected from the crawl space or basement over a 24 hour period. Sometimes a port can be installed in the side wall of the foundation.

Who pays for testing, and when will I get the results?

In many cases, the responsible party (the person or business legally obligated to investigate and clean up the environmental contamination) pays for the testing. The responsible party may also pay for the installation of a mitigation system if it is necessary. Sometimes, other parties such as DNR or the Dept. of Health may pay for testing. As long as the property owner provides reasonable and timely access for testing, rarely would they be responsible for the cost.

The laboratory results are usually available in two to four weeks and will be shared with you through a state or local health agency, the Wisconsin DNR, the responsible party or a hired consultant. An explanation of the findings and additional steps to be taken, if any, will also be provided.



A sub-slab vapor sampling system is usually in place for a day or two during the sampling process. The metal canisters (foreground) collect the vapor sample from the port (smaller canister in back of photo). The same canisters can be used to collect indoor air samples.

Where can I find more information?

Health and vapor-related information can be found at the Wisconsin Department of Health Services (DHS) website at dhs.wisconsin.gov, search “Vapor.” For other health-related questions, please contact your local health department: www.dhs.wisconsin.gov/localhealth.

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Who Should I Contact About Vapor Intrusion Investigations?

RR-934

April 2013

The Department of Natural Resources (DNR) Remediation and Redevelopment (RR) program oversees the investigation and cleanup for all environmental contaminant pathways, including vapor intrusion. Both the DNR and the Wisconsin Department of Health Services/Division of Public Health (DHS/DPH) and local health departments have the responsibility for ensuring that human health is protected at contaminated sites for both residential and non-residential properties. To avoid duplication of effort and to be effective and efficient in assessing risk to human health at contaminated sites with vapor intrusion issues, we recommend that the following criteria be used for determining when to involve DHS/DPH in vapor intrusion cases:

DNR Responsibility

- Provide answers to questions relating to site investigation, mitigation, remediation, follow-up monitoring, closure decisions, etc. Examples include:
 - collecting sub-slab, soil vapor or indoor air samples;
 - vapor intrusion sampling techniques;
 - sampling & analysis methodology and frequency;
 - developing a conceptual site model;
 - where to collect samples;
 - post-mitigation monitoring for sub-slab & indoor air; and
 - assessing & interpreting soil, sub-slab and indoor air vapor results.
- Work with DHS/DPH staff in all situations where people may be exposed to contaminants of concern.

Health Agency Responsibility

- Provide support when indoor air concentrations exceed Action Level(s) of contaminants. An Action Level is equal either of the following: a hazard index (HI) of 1.0 or a 1-in-100,000 excess lifetime cancer risk. DHS/DPH should be consulted to ensure that the indoor air risk is mitigated and building occupants are protected.
- Provide support to interpret and communicate indoor air results.
- When needed, help with gaining access to homes or businesses to collect sub-slab or indoor air samples to:
 - communicate risk from chemical exposures,
 - explain why samples need to be collected, and
 - address health concerns or questions.

There are overlapping responsibilities between DHS/DPH and DNR regarding indoor air risks at vapor intrusion sites. The goal is to involve DHS/DPH and local health departments in site investigation decisions when a risk to human health may exist. This allows DHS/DPH more time for collaboration with city and county health departments, which are the lead public health authorities throughout Wisconsin.

Questions? Contact Alyssa Sellwood at DNR: 608-266-3084, Alyssa.Sellwood@wisconsin.gov or Curtis Hedman at DHS/DPH: 608-266-6677, Curtis.Hedman@dhs.wisconsin.gov

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





Environmental Contamination & Your Real Estate

PUB-RR-973

April 2014

Could my property value be affected?

When soil or groundwater contamination is discovered in a rural or urban area, one of the questions that homeowners may raise is whether such information will impact the market value of their property and if so, to what extent.

In any situation, the value of the property is influenced by a number of factors: location, property characteristics and the overall health of the real estate market are just a few. Environmental contamination may also be a factor with its own set of variables to consider—real or perceived—such as the extent and nature of the contamination, the extent of the cleanup effort, and the need for continuing mitigation action (e.g. running an in-home system).

In short, it's impossible to give a definitive answer to the question of whether environmental contamination will affect the market value of a property because of the variety of situation-specific factors that influence value.

The good news is that effects of environmental contamination—human-made or naturally occurring—can be managed. For example, in homes where radon gas is an issue, a special ventilation system can be installed to keep the gas from collecting inside the home. Such systems are widely used and generally viewed as an acceptable remedy to this naturally-occurring contamination. Similar systems or other remedies exist to mitigate contaminants of a different human-made nature (e.g., vapors from petroleum or chlorinated solvents).

Impairments to property through recent or historic environmental contamination may have some impact on property value in the short term, but eventually may have little to no impact at all if all other determining factors are working in favor of the homeowner.



Market Value is the price at which a home will sell within a reasonable period of time, and is therefore determined by the buyers in the marketplace at the time a homeowner is offering to sell.

When you're ready to sell your home or property, consider working with a licensed real estate broker and/or lawyer to assist with selling any real property, including the process of setting a value.

Property owners should know, however, that if they are to sell their home or land in the future, they may be required by Wisconsin law to disclose certain conditions about the property. The information on the other side of this factsheet sheds some light on state disclosure laws.



Wisconsin Department of Natural Resources
P.O. Box 7921, Madison, WI 53707
dnr.wi.gov, search "Brownfields"



As a seller, what am I required to disclose in Wisconsin?

If you own real estate in Wisconsin and are planning to sell, state law requires you to disclose any “defects,” as defined in ch. 709, Wis. Stats., that would:

- Have a significant adverse effect on the value of the property;
- Significantly impair the health or safety of future occupants of the property; and
- If not repaired, removed or replaced, would significantly shorten or adversely affect the expected normal life of the premises.

How do I meet the disclosure requirement?

The disclosure process varies by property type (e.g. residential, commercial, vacant land). Standard real estate forms are available to help owners of residential property and vacant land comply with legal disclosure requirements. Pre-purchase investigations and broker disclosure duties in commercial real estate transactions are typically rigorous, and should identify environmental issues.

1. The Residential Real Estate Condition Report Form includes questions regarding fuel storage tanks located on the property; unsafe concentrations of radon, radium, lead and other potentially hazardous substances on the premises; and unsafe concentrations or conditions related to hazardous or toxic substance on neighboring properties.
2. The Vacant Land Disclosure Form includes questions regarding material violations of environmental rules; the presence of underground storage tanks; subsoil conditions that would increase the cost of development; and the presence of brownfields or other contaminated land on the property.

Find contaminated properties online

You can look up the location of properties in Wisconsin where there is or was known environmental contamination, and get up-to-date information about specific investigations and cleanup efforts, using DNR’s web-based mapping system (RR Sites Map) and online database (BRTS on the Web).

Go to the sites map, zoom in to search for areas of interest, then right-click on a specific site and select “what’s here” for a link to the detailed database history file. Click on the “activity details” link to view the site history and any related documents.

dnr.wi.gov/topic/Brownfields/clean.html



What information is my real estate professional required to disclose to potential buyers?

State law requires listing brokers to inspect the property and to “make inquiries of the seller on the condition of the structure, mechanical systems and other relevant aspects of the property.” State law also requires listing brokers to disclose all “material adverse facts” discovered in a broker’s inspection or disclosed by the owner, in writing, in a timely manner. This requirement includes other property types in addition to residential and vacant land, such as commercial property.

For more information

Specific questions regarding Wisconsin real estate disclosure laws should be directed to independent legal counsel. This broad overview on real estate disclosure is not a substitute for receiving situation-specific professional advice. Sellers and buyers of real estate should obtain assistance from a licensed real estate broker and/or an attorney if they have questions about their legal rights and obligations in specific real estate transactions. Professional assistance with environmental investigation is also strongly recommended. Chapters 709 and 452 of the Wisconsin Statutes clarify disclosures by owners of real estate and real estate practice requirements.

This document is intended solely as guidance, and does not contain any mandatory requirements except where requirements found in statute or administrative rule are referenced. This guidance does not establish or affect legal rights or obligations, and is not finally determinative of any of the issues addressed. This guidance does not create any rights enforceable by any party in litigation with the State of Wisconsin or the Department of Natural Resources. Any regulatory decisions made by the Department of Natural Resources in any matter addressed by this guidance will be made by applying the governing statutes and administrative rules to the relevant facts. 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.