

State of Wisconsin
DEPARTMENT OF NATURAL RESOURCES
1300 W. Clairemont Ave
Eau Claire, WI 54701

Tony Evers, Governor
Adam N. Payne, Secretary
Telephone 608-266-2621
Toll Free 1-888-936-7463
TTY Access via relay - 711



February 3, 2023

Jeffrey Kluge
169845 Brickyard Drive
Ringle, WI 54471

Subject: Notice of Non-Compliance: Action Required by March 3, 2023
Notice of Potential Deed Affidavit per Wis. Admin. Code § NR 728.11
Site Name: Bogies East Tavern("Site")
169845 Brickyard Drive, Ringle ("Property")
BRRTs #03-37-219504

Dear Mr. Kluge:

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 October 30, 2020, 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.

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 October 30, 2020 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 a closure packet has been submitted to the department however the closure fees of \$1,700 have not been paid.

Guidance for meeting statutory requirements is available in code. Wis. Admin. Code chs. NR 700 - 754 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 March 3, 2023, you provide documentation regarding the submittal of the closure fees.

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.

If you have questions, please do not hesitate to write or call Dee Lance at (715) 697-0632 or email Dee.Lance@wisconsin.gov. Thank you for your attention to this matter.

Sincerely,



Dave Rozeboom
West Central Region Team Supervisor
Remediation & Redevelopment Program

Encl.
October 30, 2020, Responsible Party letter

State of Wisconsin
DEPARTMENT OF NATURAL RESOURCES
473 Griffith Ave.
Wisconsin Rapids WI 54494

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



October 30, 2020

Jeffrey Kluge & Clifford Howe
169845 Brickyard Dr.
Ringle WI 54471

Subject: Reported Contamination at Bogies East Tavern,
R15345 2nd Avenue (169845 Brickyard Dr.), Ringle, WI
DNR BRRTS Activity # 03-37-219504
DNR FID # 737050710

Dear Mr. Kluge & Mr. Howe:

On April 26, 1999, Travis Peterson of Agenda International, on behalf of Richard Bogen, notified the Department of Natural Resources ("department") that a "hazardous substance discharge" was detected at the site described above.

Based on the information available to the department regarding ownership of this property via the Marathon County Ascent Land Records Suite, we believe that Jeffrey Kluge & Clifford Howe are the landowners in possession or control of the hazardous substance discharge or other environmental pollution (hereafter referred to as "contamination") at the above-described site. The term "site" includes the property where the contamination occurred and any other property it has migrated to, pursuant to Wisconsin Administrative Code ("Wis. Admin. Code") § NR 700.03(56).

The purpose of this letter is to inform you of the contamination at the site and notify you that as the possessor and controller of the contamination, you will be held responsible under Wisconsin Statutes ("Wis. Stats.") ch. 292 for the investigation and cleanup of the contamination. It is apparent that the causer is no longer able to continue the progress and the department is requiring that you take the appropriate response actions.

Legal Responsibilities

Wis. Stats. ch. 292 and Wis. Admin. Code chs. NR 700 through NR 754 provide specific requirements for undertaking appropriate response actions to address contamination, including requirements for emergency and interim actions, public information, site investigations, remedy selection, design and operation of remedial action systems, and case closure. For more information on the responsibilities relating to contamination investigation and cleanup, see the enclosed letter to Richard Bogen, dated May 3, 1999.

Under Wis. Stat. ch. 292, continuing obligations may be applied to a property upon the closure of an environmental investigation and cleanup case. Continuing obligations are legal requirements designed to protect public health and the environment from contamination that remains on a property. If the department places continuing obligations on the property at the time of closure, these obligations will become the property owner's responsibility. For more information, please see the enclosed DNR publication RR-819, *Continuing Obligations for Environmental Protection Responsibilities of Wisconsin Property Owners*.

Additional Information

The department tracks information on all cleanup sites in a department database available at dnr.wi.gov and search "BRRTS". The Bureau for Remediation and Redevelopment Tracking System (BRRTS) identification

number for this site is listed at the top of this letter. You may view information related to your site on this database at any time.

All correspondence regarding this site should be directed to:

Dee Lance
Remediation and Redevelopment Program
Wisconsin Department of Natural Resources
473 Griffith Avenue
Wisconsin Rapids WI 54494
Dee.Lance@wisconsin.gov

To speed up processing, your correspondence should reference the BRRTS and Facility Identification (FID) numbers (if assigned) listed at the top of this letter. **Consultants and representatives of responsible parties are required to submit one paper copy and one electronic copy of submittals, including case closure documents.** Wis. Admin. Code § NR 700.11(3g), and other specific provisions within Wis. Admin. Code ch. NR 700, outline the requirements for submittals, including electronic submittals. See the enclosed DNR publication RR-690, *Guidance for Electronic Submittals for the Remediation and Redevelopment Program*, for assistance in proper document submittal.

Please visit the department's Remediation and Redevelopment program website at dnr.wi.gov and search "brownfields" for information on selecting a consultant, seeking financial assistance, and understanding the investigation and cleanup process. Information regarding review fees, liability clarification letters, post-cleanup liability and more.

If you have questions, please call me at 715-697-0632 or email me at Dee.Lance@wisconsin.gov for more information.

Thank you for your cooperation.

Sincerely,



Dee Lance
Hydrogeologist - Remediation & Redevelopment Program
West Central Region

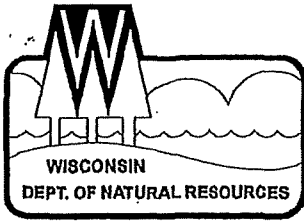
Enclosures:

Letter to Richard Bogen, dated May 3, 1999

Continuing Obligations for Environmental Protection Responsibilities of Wisconsin Property Owners,
DNR publication RR-819

Guidance for Electronic Submittals for the Remediation and Redevelopment Program, DNR publication
RR-690

cc: Jason Powell, METCO



State of Wisconsin \ DEPARTMENT OF NATURAL RESOURCES

Tommy G. Thompson, Governor
George E. Meyer, Secretary
Scott A. Humrickhouse, Regional Director

Wausau Office
5301 Rib Mountain Drive
Wausau, Wisconsin 54401
Telephone 715-359-4522
FAX 715-355-5253

FILE COPY

May 3, 1999

BRRTS#

03-37-219504

MR RICHARD BOGEN
BOGIE'S EAST TAVERN,
PO BOX 433
RINGLE WI 54471

SUBJECT: Bogie's East Tavern
R15345 2nd Avenue
Ringle, WI 54471

Dear Mr. Bogen:

On , April 26, 1999, Travis Peterson of Agenda International notified the Department of Natural Resources that contamination was discovered during a tank removal at the above-referenced site.

Based on this information, the Department believes that you are responsible for restoring the environment at this site under Section 292.11(3), Wisconsin Stats. known as the hazardous substances spills law. Your responsibilities include investigating the extent of the contamination, and then selecting and implementing the most appropriate remedial action. Enclosed is information to help you understand what you need to do to ensure your compliance with the spills law.

The purpose of this letter is threefold: 1) to describe your legal responsibilities, 2) to explain what you need to do to investigate and clean up the contamination, and 3) to provide you with information about cleanups, environmental consultants, and working cooperatively with the Department of Natural Resources.

Legal Responsibilities:

Your legal responsibilities are defined both in statute and in administrative rules. The hazardous substances spill law, Section 292.11(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.



Quality Natural Resources Management
Through Excellent Customer Service



Wisconsin Administrative Codes NR 700 through NR 728 establish requirements for emergency and interim actions, public information, site investigations, design and operation of remedial action systems, and case closure. Chapter NR 708 includes provisions for immediate actions in response to limited contamination. Wisconsin Administrative Code NR 140 establishes groundwater standards.

Steps to Take:

The longer contamination is left in the environment the farther it can spread and the more it may cost to clean up. Quick action may lessen damage to your property and to neighboring properties and reduce your costs in investigating and cleaning up the contamination. To ensure that your cleanup complies with Wisconsin's laws and rules, you should hire a professional environmental consultant who understands what needs to be done. The following are the first four steps to take:

1. Within 60 days please submit written verification (such as a letter from the consultant) that you have hired an environmental consultant. You will need to work quickly to meet this timeline.
2. Within 90 days your consultant must submit a workplan and a schedule for conducting the investigation. The consultant must follow the Department's administrative rules and our technical guidance documents. Please include with your workplan a copy of any previous information that has been completed for your site (such as an underground tank removal report, or a preliminary soil excavation report).
3. Please keep us informed of what is being done at your site. You or your consultant must provide us with a brief report at least every 90 days, starting after your workplan is submitted. These quarterly reports should summarize the work completed since the last report. Quarterly reports need only include one or two pages of text, plus any relevant maps and tables. However, please note that should conditions at your site warrant, you may receive a letter requiring more frequent contacts with the Department. You will also receive one annual site status report form in February.
4. When the site investigation is complete, your consultant must submit a full report on the extent and degree of soil and groundwater contamination and a proposal for cleaning up the contamination.

Due to the number of contaminated sites and our staffing levels, we will be unable to respond to each report. To maintain your compliance with the spills law and chs. NR 700 through NR 728, do not delay the investigation and cleanup by waiting for DNR responses. We have provided detailed technical guidance to environmental consultants. Your consultant is expected to be familiar with our technical procedures and administrative codes and should be able to answer your questions on meeting Wisconsin's cleanup requirements.

Your correspondence and reports regarding this site should be sent to the Department at the following address:

Lisa Gutknecht
Dept. of Natural Resources
5301 Rib Mountain Drive
Wausau, WI 54401

Mr. Richard Bogen
Bogie's East Tavern

05/03/99

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Unless otherwise requested, please send only one copy of all plans and reports.

Information for Site Owners:

Enclosed is a list of environmental consultants and some important tips on selecting a consultant. If you are eligible for Wisconsin's PECFA program (see end of letter) you will need to compare at least three consultants' proposals before hiring a consultant. Consultants and laboratories working in the PECFA program are required to carry errors and omissions insurance to help protect you against unsuitable work. Also enclosed are materials on controlling costs, understanding the cleanup process, and choosing a site cleanup method. This information has been prepared to help you understand your responsibilities and what your environmental consultant needs to do. Please read this information carefully.

In 1997 Wisconsin Act 27, the legislature amended s 292.15, Wis. Stats., creating the new "Voluntary Party Remediation and Exemption from Liability" statute. This statute provides liability protection for persons who did not intentionally or recklessly cause the release of a hazardous substance and who conducts an environmental investigation and cleans up property by restoring the environment to the extent practicable and in accordance with rules promulgated by the Department. Upon completion of the cleanup, the person receives a "certificate of completion" that provides an exemption from the "Hazardous Substance Spills" statute and protection from future liability for the past releases. You must apply for the program by filling out an application form and fees are charged to cover administrative costs associated with the program. If you are interested in more information about the program or would like an application package, please call Loren Brumberg at the West Central Region Office in Eau Claire at 715-839-3770.

Financial Information:

Reimbursement from the Petroleum Environmental Cleanup Fund (PECFA) is available for the costs of cleaning up contamination from eligible petroleum storage tanks. The fund is administered by the Department of Commerce. Please contact the Department of Commerce 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 715/359-6514.

Thank you for your cooperation.

Sincerely,



Lisa Gutknecht - Project Reviewer
Remediation and Redevelopment Team

Attachment

c: Travis Peterson, Agenda International, 2130 South 17th Street, Sheboygan, WI 53081



Continuing Obligations for Environmental Protection Responsibilities of Wisconsin Property Owners Wis. Stat. § 292.12

Purpose

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.

Introduction

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.)

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 the DNR modify or remove a continuing obligation. Fees are required for the 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 Wis. Admin. § NR 749 online at http://docs.legis.wisconsin.gov/code/admin_code/nr/700/749.

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. The DNR has a comprehensive database of contaminated and cleaned up sites, *BRRTS on the Web*. This database shows all contamination activities known to the 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 the DNR's *RR Sites Map*. RR Sites Map provides a map view of contaminated and cleaned up sites, including sites with continuing obligations, and links to BRRTS on the Web. *BRRTS on the Web* and *RR Sites Map* are part of the Wisconsin Remediation and Redevelopment Database (WRRD) at <http://dnr.wi.gov/topic/Brownfields/wrrd.html>.

If a completed cleanup is shown in *BRRTS on the Web* but the site documents cannot be found in the documents section, the 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).

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. Wis. Stat. § 292.13 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 the 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 cannot enforce it.

2. If a cleanup proposal that includes off-site continuing obligations is approved, the 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 website at dnr.wi.gov/topic/Brownfields/Residual.html.

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. 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 Chief, Public Civil Rights, Office of Civil Rights, U.S. Department of the Interior, 1849 C. Street, NW, Washington, D.C. 20240.

This publication is available in alternative format (large print, Braille, etc.) upon request. Please call for more information. Note: If you need technical assistance or more information, call the Accessibility Coordinator at 608-267-7490 / TTY Access via relay - 711



Guidance for Submitting Documents

The purpose of this document is to outline the appropriate format and procedures for submitting documents to the Remediation and Redevelopment (RR) Program. Wis. Admin. Code § NR 700.11(3g), and other specific provisions within Wis. Admin. Code ch. NR 700, outline the requirements for submittals, including electronic submittals. Consultants and representatives of responsible parties are required to submit one paper copy and one electronic copy of submittals, including case closure documents. **The electronic version must be an exact duplicate of the paper version.**

Submittal Method

- ✓ **Paper copies should be sent to the applicable regional office.** If you are unsure of which regional office to submit your documents, refer to the DNR Region Map found at dnr.wi.gov/topic/Brownfields/documents/rr/regionmap.pdf or contact your project manager.

Region	To	Address
Northeast Region	Assigned Project Manager	Contact Project Manager
Northern Region	Assigned Project Manager	Contact Project Manager
South Central Region	Attn: Wendy Weihemuller, Environmental Prog. Associate	3911 Fish Hatchery Road Fitchburg, WI 53711
Southeast Region	Attn: Jennifer Dorman, Environmental Prog. Associate	2300 N Dr. Martin L. King Jr. Dr. Milwaukee, WI 53212
West Central Region	Assigned Project Manager	Contact Project Manager

- Staff Directory – dnr.wi.gov/staffdir/newsearch/contactsearchext.aspx
- RR Contact List – dnr.wi.gov/topic/Brownfields/documents/rr/rrphone.pdf

- ✓ **Electronic submittals** – The DNR strongly encourages submitting electronic documents via the RR Program Submittal Portal instead of CD/DVD or email. Please submit documents as a single PDF or Excel file (only upon request), except Case Closure Requests – instructions can be found on page 2. **Electronic submittals may not be “locked” or password protected per Wis. Admin. Code § NR 700.11 (3g).**

Instructions for using the Document Uploader

1. Go to the [RR Submittal Portal web page](#).
2. If you have a Web Access Management System (WAMS) account – log in.
 - a. If you do not have a WAMS account, click the second link to request a User ID and password.
 - b. Once you have a User ID and Password, log into the [RR Submittal Portal](#).
3. Click DNR RR forms in the upper right.
4. Click Start in the Document Uploader box.

- a. If this is your first time submitting a document, you will need to request access to upload documents. This will only need to be done one time. You can expect to be approved within one business day. If you do not get approved within one business day, please contact Danielle Wincentzen at Danielle.Wincentzen@wisconsin.gov.

5. Complete the form and click submit.

A few things to note about the Document Uploader:

- Up to three PDF or Excel files can be uploaded per submittal, with the exception of the Case Closure Request.
- If a file is larger than 250 MB, it will need to be split into more than one file.
- If you are submitting a Case Closure Request, only a zip file can be uploaded.

For more information go to dnr.wi.gov, search RR Submittal Portal.

General Notes on Submittals

- Consultants should use the Notification for Hazardous Substance Discharge (Non-Emergency Only) [Form 4400-225](#) for historic discharges, found at dnr.wi.gov, search notification.
- Consultants are encouraged to submit the appropriate form found on the fees tab at dnr.wi.gov, search RR Program fees, signed and scanned, using the Document Uploader in the [RR Submittal Portal](#).
 - After submitting the electronic copy, mail a copy of the confirmation page with the fee payment (checks only) to the appropriate regional environmental program associate. This information can found on the confirmation page and on the EPA tab at dnr.wi.gov, search RR contact.
 - **NOTE:** Please do not send the check to the project manager or to the DNR office in Madison, as this could delay processing your request.
- Any site-specific or follow-up questions should be directed to the assigned DNR project manager.
- Backing up the files is essential. As a provider of documents under Wis. Admin. Code ch. NR 700, the consultant or representative is responsible for keeping a backup copy.
- All files should be scanned for viruses before submitting. The consultant's or representative's anti-virus software should be kept up-to-date.
- If the submitted electronic file can't be read (i.e., is illegible), opened, or is corrupted and unusable, the consultant or representative will be notified and a new electronic copy will be required.

Case Closure Submittals

1. Case Closure requests should be submitted as a zipped folder (zip file). Within the zipped folder, the files should be organized, and the contents clearly labeled as follows:
 - a. Case Closure form (dnr.wi.gov, search Case Closure form)
 - b. Seven separate file folders labeled for each of the required attachments (e.g., Attachments A through G)
 - i. The file folders should include the required PDF attachments for each of those sections of the Case Closure form, along with each PDF clearly labeled with the

DNR-specified title (e.g., A.1. Groundwater Analytical Tables), and organized within the file folder (e.g., Attachment A: Data Tables) in the order specified in the Case Closure form (dnr.wi.gov, search Case Closure form).

- c. **A single PDF of the entire closure packet (form and attachments) should also be included in the zip file.**

An example of an acceptable closure submittal can be found at:
dnr.wi.gov/topic/brownfields/documents/directory.pdf

2. Professional submittal certifications required per Wis. Admin. Code § NR 712.09 must be included.
3. Summaries of all data must include information collected by previous consultants.
4. Do not submit lab data sheets unless these have not been submitted in a previous report. Include these as a separate PDF from the narrative summary. Tabulate all data required in Wis. Admin. Code § NR 716.15 (3) (c), in the format required in Wis. Admin. Code § NR 716.15 (4) (e).
5. If any map or figure is not required but the submitter feels it is relevant to the Case Closure request, fully explain the reason(s) why it is included and attach that explanation (properly labeled with the map/figure title).
6. **When submitting revisions to a closure submittal as requested by the DNR project manager, the consultant need only submit the revised pages (both paper and electronic copies). These revised pages should be initialed and dated by the consultant.** It is recommended that revisions be submitted through the [RR Program Submittal Portal](#).

Electronic File Format

1. Except as outlined below, submittals should be created in or converted to the portable document format (PDF), readable by Adobe Acrobat Reader. Adobe Acrobat Reader can be downloaded for free at <https://get.adobe.com/reader/>.
2. Save DNR forms as a PDF file. This is especially important if the form will need to be edited before submitting to the DNR.
3. Electronic files shall have a minimum resolution of 300 dots per inch (dpi) to ensure legibility without creating excessive file size, as specified in Wis. Admin. Code § NR 700.11 (3g).
4. Report submittals should not be larger than 250 MB in size. Please split submittals larger than 250 MB into multiple files that are each 250 MB or less files and name accordingly.
5. All documents shall be digital format versions rather than scanned versions, except documents that require signature and are only available as scanned versions, according to Wis. Admin. Code § NR 700.11 (3g). Deeds and legal descriptions may be scanned versions.
6. Voluminous attachments or appendices (e.g., lab QA) may be submitted by electronic format only, if specifically approved in advance by the DNR.
7. **Electronic files may not be “locked” or password protected.** This means the files can’t require a password to open or edit. However, files can use a feature that makes them read-only or “protected” to prevent inadvertent editing, as long as the feature can be turned off without a password.
8. It is recommended that documents such as lab reports, chain of custody documents, boring logs, etc., that are received as hard copy by the consultant be scanned as PDF files. To minimize file

size, PDF files should be prepared by converting directly from the original electronic versions or with black and white scans.

9. The DNR may request that the electronic copy of sampling results be submitted in different formats such as spreadsheets, plain text tabular files, hypertext markup language files (HTML) and extensible markup language files (XML).
10. When submitting site investigations under Wis. Admin. Code ch. NR 716 and O&M reports under Wis. Admin. Code ch. NR 724, it is recommended that lab data be submitted as one separate PDF (or Excel file, only upon request), and the narrative and data summary (figures, tables, etc.) be submitted as a second separate file. If copies of the Phase I and II environmental site assessments are included in the Wis. Admin. Code ch. NR 716 documents, these should also be submitted as separate PDFs.

Document Formatting

1. Titles for typical reports and submittals required under Wis. Admin. Code ch. NR 700 are found in Attachment A.
2. All documents are to be legible. Providing illegible information will result in a submittal being considered incomplete until corrected.
3. Include a cover letter with reports submitted under Wis. Admin. Code ch. NR 700 that clearly lists the BRRTS/FID number; describes the title and type of submittal; and what action, if any, is requested from the RR Program.
4. Prepare visual aids, including maps, plans, drawings, fence diagrams, tables and photographs according to the applicable portions of Wis. Admin. Code chs. NR 716 through 726.
5. Use bold and italics fonts on information of importance on tables and figures. Use bold font for Wis. Admin. Code ch. NR 140 groundwater enforcement standard (ES) attainments or exceedances, and italicized font for Wis. Admin. Code ch. NR 140 groundwater preventive action limit (PAL) standard attainments or exceedances.
6. Do not use shading or highlighting on the tables, figures, maps, or other documents.
7. Include the level of detection on data tables for results which are below the detection level (i.e., do not just list as “no detect (ND)”). Include the units on data tables. Units should be consistent with the applicable standards. Include all sample locations. Contour lines should be clearly labeled and defined.
8. Provide one paper copy no larger than 11x17 inches, unless otherwise directed by the department. Maps and figures may be submitted in a larger electronic size than 11x17 inches, in a PDF readable by Adobe Acrobat Reader. However, larger-size documents must be legible when printed.

Contact Information

This document is updated as needed. Comments may be sent to: Sonya Rowe, (608) 261-4934, sonya.rowe@wisconsin.gov.

Attachment A – Document Title Naming Conventions

Document Title Naming Convention	NR 700 Reference
Phase I Environmental Site Assessment	NR 750.03 (2m)
Phase II Environmental Site Assessment	NR 750.03 (2m)
Immediate Action Report	NR 708.05 (6) and NR 708.09
Interim Action Report	NR 708.15
Free Product Removal Report	NR 708.13
Site Investigation Work Plan	NR 716
Site Investigation Report	NR 716
Soil Management Plan	NR 718
Soil Management Exemption Request	NR 718
Site-Specific Soil Cleanup Standards	NR 720.10, NR 720.12
Determination of Soil Performance Standards	NR 720.08
Remedial Action Options Report	NR 722
Infiltration/Injection Request for GW Treatment	NR 140.28 (5) and 812.05
Historic Fill Exemption Request	NR 506.085
Remedial Action Design report	NR 724
Operation & Maintenance Report	NR 724
Construction Documentation report	NR 724
Long Term Monitoring Plan	NR 724
Closure Request	NR 726
Post-Closure Modification Request	NR 727

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. 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 Chief, Public Civil Rights, Office of Civil Rights, U.S. Department of the Interior, 1849 C. Street, NW, Washington, D.C. 20240.

This publication is available in alternative format (large print, Braille, etc.) upon request. Please call for more information.

Note: If you need technical assistance or more information, call the Accessibility Coordinator at 608-267-7490 / TTY Access via relay - 711

FORESTRY EQUIPMENT R&D CENTER STOCKROOM

518 W SOMO AVE / TOMAHAWK WI 54487 / (715)453-1257

ORDER DATE **02/03/23**

SHIP TO & BILL TO ADDRESS THE SAME

DEPT / STATION **DNR WR Service Center**
 ADDRESS **473 Griffith Avenue**
 CITY **Wisconsin Rapids**
 ZIP **54494**
 CONTACT NAME **Amy Penn**
 CONTACT PHONE **(715) 451-0113**

DEPT / STATION
 ADDRESS
 CITY
 ZIP
 CONTACT NAME
 CONTACT PHONE

SHIP
 PICK UP
 GRANT ORDER

ITEM NO.	DESCRIPTION	COST	QTY	TOTAL
999-90-00-8020	Burning Permits Suspended Sign		9	\$0.00
	(9 sets of 2)			\$0.00
				\$0.00
350-10-10-1001	Windy? Feather Flag	\$272.79	1	\$272.79
				\$0.00
345-40-58-8100	Elevated Fire Risk Yard Sign		7	\$0.00
				\$0.00
345-40-58-8000	Permits Suspended Yard Sign		17	\$0.00
				\$0.00
000-SMOKEY	Green Smokey Sign		2	\$0.00
				\$0.00
550-78-27-2804	Traffic Cone Collapsible 4 pk	\$124.98	1	\$124.98
				\$0.00
				\$0.00
				\$0.00
				\$0.00
				\$0.00
				\$0.00
				\$0.00

ITEM NO.	DESCRIPTION	COST	QTY	TOTAL
				\$0.00
				\$0.00
				\$0.00
				\$0.00
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				\$0.00
				\$0.00
				\$0.00
				\$0.00
				\$0.00
			GRAND TOTAL	\$397.77

COMMENTS

Amy Penn placing order for Fire Landscape 4 fire staff (WIR Area, BRF Area and WDL FRU). I will drive up to LeMay to pick up these items after you let me know they are ready. I'm hoping the order can be ready by Feb 10th but realize you might need more time than that.

ATTENTION DNR STAFF - BUDGET CODE ENTRY REQUIRED ON PAGE 2

Invoice Coding Template

Instructions: Complete the slip and attach to the appropriate invoice, forward to Expenditure Accounting for processing. If you have questions regarding the codes, please see your supervisor or program budget manager. You can also reach out to Expenditure Accounting through the Accounts Payable Mailbox at DNRAccountsPayable@wisconsin.gov.

GL Unit	Bud Ref	Fund	Appn	Dept	Operating Unit	Account	PC BU	Project	Activity	Source	Amount
37000	FY2023	21200	25400	3705551102		8070000	37000	000000000011433	WRR_ADMIN_2	SUPPL	397.77
37000		21200					37000			SUPPL	
37000		21200					37000			SUPPL	
37000		21200					37000			SUPPL	
37000		21200					37000			SUPPL	
37000		21200					37000			SUPPL	
37000		21200					37000			SUPPL	
37000		21200					37000			SUPPL	
37000	FY2022	21200	89300	3708631101	NO01	7370000	37000	370000100001234	MONEY	SUPPL	30.13

Example

State of Wisconsin
DEPARTMENT OF NATURAL RESOURCES
1300 W. Clairemont Ave
Eau Claire, WI 54701

Tony Evers, Governor
Adam N. Payne, Secretary
Telephone 608-266-2621
Toll Free 1-888-936-7463
TTY Access via relay - 711



February 3, 2023

Jeffrey Kluge
169845 Brickyard Drive
Ringle, WI 54471

CERTIFIED MAIL #7018 0360 0001 1416 1588

Subject: Notice of Non-Compliance: Action Required by March 3, 2023
Notice of Potential Deed Affidavit per Wis. Admin. Code § NR 728.11
Site Name: Bogies East Tavern ("Site")
169845 Brickyard Drive, Ringle ("Property")
BRRTs #03-37-219504

Dear Mr. Kluge:

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 October 30, 2020, 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.

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 October 30, 2020 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 a closure packet has been submitted to the department however the closure fees of \$1,700 have not been paid.

Guidance for meeting statutory requirements is available in code. Wis. Admin. Code chs. NR 700 - 754 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 March 3, 2023, you provide documentation regarding the submittal of the closure fees.

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.

If you have questions, please do not hesitate to write or call Dee Lance at (715) 697-0632 or email Dee.Lance@wisconsin.gov. Thank you for your attention to this matter.

Sincerely,



Dave Rozeboom
West Central Region Team Supervisor
Remediation & Redevelopment Program

Encl.
October 30, 2020, Responsible Party letter

State of Wisconsin
DEPARTMENT OF NATURAL RESOURCES
473 Griffith Ave.
Wisconsin Rapids WI 54494

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



October 30, 2020

Jeffrey Kluge & Clifford Howe
169845 Brickyard Dr.
Ringle WI 54471

Subject: Reported Contamination at Bogies East Tavern,
R15345 2nd Avenue (169845 Brickyard Dr.), Ringle, WI
DNR BRRTS Activity # 03-37-219504
DNR FID # 737050710

Dear Mr. Kluge & Mr. Howe:

On April 26, 1999, Travis Peterson of Agenda International, on behalf of Richard Bogen, notified the Department of Natural Resources ("department") that a "hazardous substance discharge" was detected at the site described above.

Based on the information available to the department regarding ownership of this property via the Marathon County Ascent Land Records Suite, we believe that Jeffrey Kluge & Clifford Howe are the landowners in possession or control of the hazardous substance discharge or other environmental pollution (hereafter referred to as "contamination") at the above-described site. The term "site" includes the property where the contamination occurred and any other property it has migrated to, pursuant to Wisconsin Administrative Code ("Wis. Admin. Code") § NR 700.03(56).

The purpose of this letter is to inform you of the contamination at the site and notify you that as the possessor and controller of the contamination, you will be held responsible under Wisconsin Statutes ("Wis. Stats.") ch. 292 for the investigation and cleanup of the contamination. It is apparent that the causer is no longer able to continue the progress and the department is requiring that you take the appropriate response actions.

Legal Responsibilities

Wis. Stats. ch. 292 and Wis. Admin. Code chs. NR 700 through NR 754 provide specific requirements for undertaking appropriate response actions to address contamination, including requirements for emergency and interim actions, public information, site investigations, remedy selection, design and operation of remedial action systems, and case closure. For more information on the responsibilities relating to contamination investigation and cleanup, see the enclosed letter to Richard Bogen, dated May 3, 1999.

Under Wis. Stat. ch. 292, continuing obligations may be applied to a property upon the closure of an environmental investigation and cleanup case. Continuing obligations are legal requirements designed to protect public health and the environment from contamination that remains on a property. If the department places continuing obligations on the property at the time of closure, these obligations will become the property owner's responsibility. For more information, please see the enclosed DNR publication RR-819, *Continuing Obligations for Environmental Protection Responsibilities of Wisconsin Property Owners*.

Additional Information

The department tracks information on all cleanup sites in a department database available at dnr.wi.gov and search "BRRTS". The Bureau for Remediation and Redevelopment Tracking System (BRRTS) identification

number for this site is listed at the top of this letter. You may view information related to your site on this database at any time.

All correspondence regarding this site should be directed to:

Dee Lance
Remediation and Redevelopment Program
Wisconsin Department of Natural Resources
473 Griffith Avenue
Wisconsin Rapids WI 54494
Dee.Lance@wisconsin.gov

To speed up processing, your correspondence should reference the BRRTS and Facility Identification (FID) numbers (if assigned) listed at the top of this letter. **Consultants and representatives of responsible parties are required to submit one paper copy and one electronic copy of submittals, including case closure documents.** Wis. Admin. Code § NR 700.11(3g), and other specific provisions within Wis. Admin. Code ch. NR 700, outline the requirements for submittals, including electronic submittals. See the enclosed DNR publication RR-690, *Guidance for Electronic Submittals for the Remediation and Redevelopment Program*, for assistance in proper document submittal.

Please visit the department's Remediation and Redevelopment program website at dnr.wi.gov and search "brownfields" for information on selecting a consultant, seeking financial assistance, and understanding the investigation and cleanup process. Information regarding review fees, liability clarification letters, post-cleanup liability and more.

If you have questions, please call me at 715-697-0632 or email me at Dee.Lance@wisconsin.gov for more information.

Thank you for your cooperation.

Sincerely,



Dee Lance
Hydrogeologist - Remediation & Redevelopment Program
West Central Region

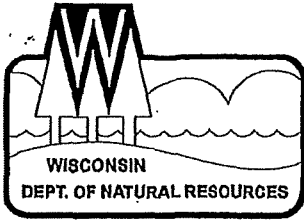
Enclosures:

Letter to Richard Bogen, dated May 3, 1999

Continuing Obligations for Environmental Protection Responsibilities of Wisconsin Property Owners,
DNR publication RR-819

Guidance for Electronic Submittals for the Remediation and Redevelopment Program, DNR publication
RR-690

cc: Jason Powell, METCO



State of Wisconsin \ DEPARTMENT OF NATURAL RESOURCES

Tommy G. Thompson, Governor
George E. Meyer, Secretary
Scott A. Humrickhouse, Regional Director

Wausau Office
5301 Rib Mountain Drive
Wausau, Wisconsin 54401
Telephone 715-359-4522
FAX 715-355-5253

FILE COPY

May 3, 1999

BRRTS#

03.37-219504

MR RICHARD BOGEN
BOGIE'S EAST TAVERN
PO BOX 433
RINGLE WI 54471

SUBJECT: Bogie's East Tavern
R15345 2nd Avenue
Ringle, WI 54471

Dear Mr. Bogen:

On , April 26, 1999, Travis Peterson of Agenda International notified the Department of Natural Resources that contamination was discovered during a tank removal at the above-referenced site.

Based on this information, the Department believes that you are responsible for restoring the environment at this site under Section 292.11(3), Wisconsin Stats. known as the hazardous substances spills law. Your responsibilities include investigating the extent of the contamination, and then selecting and implementing the most appropriate remedial action. Enclosed is information to help you understand what you need to do to ensure your compliance with the spills law.

The purpose of this letter is threefold: 1) to describe your legal responsibilities, 2) to explain what you need to do to investigate and clean up the contamination, and 3) to provide you with information about cleanups, environmental consultants, and working cooperatively with the Department of Natural Resources.

Legal Responsibilities:

Your legal responsibilities are defined both in statute and in administrative rules. The hazardous substances spill law, Section 292.11(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.



Quality Natural Resources Management
Through Excellent Customer Service



Mr. Richard Bogen
Bogie's East Tavern

05/03/99

2

Wisconsin Administrative Codes NR 700 through NR 728 establish requirements for emergency and interim actions, public information, site investigations, design and operation of remedial action systems, and case closure. Chapter NR 708 includes provisions for immediate actions in response to limited contamination. Wisconsin Administrative Code NR 140 establishes groundwater standards.

Steps to Take:

The longer contamination is left in the environment the farther it can spread and the more it may cost to clean up. Quick action may lessen damage to your property and to neighboring properties and reduce your costs in investigating and cleaning up the contamination. To ensure that your cleanup complies with Wisconsin's laws and rules, you should hire a professional environmental consultant who understands what needs to be done. The following are the first four steps to take:

1. Within 60 days please submit written verification (such as a letter from the consultant) that you have hired an environmental consultant. You will need to work quickly to meet this timeline.
2. Within 90 days your consultant must submit a workplan and a schedule for conducting the investigation. The consultant must follow the Department's administrative rules and our technical guidance documents. Please include with your workplan a copy of any previous information that has been completed for your site (such as an underground tank removal report, or a preliminary soil excavation report).
3. Please keep us informed of what is being done at your site. You or your consultant must provide us with a brief report at least every 90 days, starting after your workplan is submitted. These quarterly reports should summarize the work completed since the last report. Quarterly reports need only include one or two pages of text, plus any relevant maps and tables. However, please note that should conditions at your site warrant, you may receive a letter requiring more frequent contacts with the Department. You will also receive one annual site status report form in February.
4. When the site investigation is complete, your consultant must submit a full report on the extent and degree of soil and groundwater contamination and a proposal for cleaning up the contamination.

Due to the number of contaminated sites and our staffing levels, we will be unable to respond to each report. To maintain your compliance with the spills law and chs. NR 700 through NR 728, do not delay the investigation and cleanup by waiting for DNR responses. We have provided detailed technical guidance to environmental consultants. Your consultant is expected to be familiar with our technical procedures and administrative codes and should be able to answer your questions on meeting Wisconsin's cleanup requirements.

Your correspondence and reports regarding this site should be sent to the Department at the following address:

Lisa Gutknecht
Dept. of Natural Resources
5301 Rib Mountain Drive
Wausau, WI 54401

Mr. Richard Bogen
Bogie's East Tavern

05/03/99

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Unless otherwise requested, please send only one copy of all plans and reports.

Information for Site Owners:

Enclosed is a list of environmental consultants and some important tips on selecting a consultant. If you are eligible for Wisconsin's PECFA program (see end of letter) you will need to compare at least three consultants' proposals before hiring a consultant. Consultants and laboratories working in the PECFA program are required to carry errors and omissions insurance to help protect you against unsuitable work. Also enclosed are materials on controlling costs, understanding the cleanup process, and choosing a site cleanup method. This information has been prepared to help you understand your responsibilities and what your environmental consultant needs to do. Please read this information carefully.

In 1997 Wisconsin Act 27, the legislature amended s 292.15, Wis. Stats., creating the new "Voluntary Party Remediation and Exemption from Liability" statute. This statute provides liability protection for persons who did not intentionally or recklessly cause the release of a hazardous substance and who conducts an environmental investigation and cleans up property by restoring the environment to the extent practicable and in accordance with rules promulgated by the Department. Upon completion of the cleanup, the person receives a "certificate of completion" that provides an exemption from the "Hazardous Substance Spills" statute and protection from future liability for the past releases. You must apply for the program by filling out an application form and fees are charged to cover administrative costs associated with the program. If you are interested in more information about the program or would like an application package, please call Loren Brumberg at the West Central Region Office in Eau Claire at 715-839-3770.

Financial Information:

Reimbursement from the Petroleum Environmental Cleanup Fund (PECFA) is available for the costs of cleaning up contamination from eligible petroleum storage tanks. The fund is administered by the Department of Commerce. Please contact the Department of Commerce 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 715/359-6514.

Thank you for your cooperation.

Sincerely,



Lisa Gutknecht - Project Reviewer
Remediation and Redevelopment Team

Attachment

c: Travis Peterson, Agenda International, 2130 South 17th Street, Sheboygan, WI 53081



Continuing Obligations for Environmental Protection Responsibilities of Wisconsin Property Owners Wis. Stat. § 292.12

Purpose

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.

Introduction

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.)

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 the DNR modify or remove a continuing obligation. Fees are required for the 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 Wis. Admin. § NR 749 online at http://docs.legis.wisconsin.gov/code/admin_code/nr/700/749.

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. The DNR has a comprehensive database of contaminated and cleaned up sites, *BRRTS on the Web*. This database shows all contamination activities known to the 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 the DNR's *RR Sites Map*. RR Sites Map provides a map view of contaminated and cleaned up sites, including sites with continuing obligations, and links to BRRTS on the Web. *BRRTS on the Web* and *RR Sites Map* are part of the Wisconsin Remediation and Redevelopment Database (WRRD) at <http://dnr.wi.gov/topic/Brownfields/wrrd.html>.

If a completed cleanup is shown in *BRRTS on the Web* but the site documents cannot be found in the documents section, the 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).

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. Wis. Stat. § 292.13 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 the 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 cannot enforce it.

2. If a cleanup proposal that includes off-site continuing obligations is approved, the 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 website at dnr.wi.gov/topic/Brownfields/Residual.html.

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. 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 Chief, Public Civil Rights, Office of Civil Rights, U.S. Department of the Interior, 1849 C. Street, NW, Washington, D.C. 20240.

This publication is available in alternative format (large print, Braille, etc.) upon request. Please call for more information. Note: If you need technical assistance or more information, call the Accessibility Coordinator at 608-267-7490 / TTY Access via relay - 711



Guidance for Submitting Documents

The purpose of this document is to outline the appropriate format and procedures for submitting documents to the Remediation and Redevelopment (RR) Program. Wis. Admin. Code § NR 700.11(3g), and other specific provisions within Wis. Admin. Code ch. NR 700, outline the requirements for submittals, including electronic submittals. Consultants and representatives of responsible parties are required to submit one paper copy and one electronic copy of submittals, including case closure documents. **The electronic version must be an exact duplicate of the paper version.**

Submittal Method

- ✓ **Paper copies should be sent to the applicable regional office.** If you are unsure of which regional office to submit your documents, refer to the DNR Region Map found at dnr.wi.gov/topic/Brownfields/documents/rr/regionmap.pdf or contact your project manager.

Region	To	Address
Northeast Region	Assigned Project Manager	Contact Project Manager
Northern Region	Assigned Project Manager	Contact Project Manager
South Central Region	Attn: Wendy Weihemuller, Environmental Prog. Associate	3911 Fish Hatchery Road Fitchburg, WI 53711
Southeast Region	Attn: Jennifer Dorman, Environmental Prog. Associate	2300 N Dr. Martin L. King Jr. Dr. Milwaukee, WI 53212
West Central Region	Assigned Project Manager	Contact Project Manager

- **Staff Directory** – dnr.wi.gov/staffdir/newsearch/contactsearchext.aspx
- **RR Contact List** – dnr.wi.gov/topic/Brownfields/documents/rr/rrphone.pdf

- ✓ **Electronic submittals** – The DNR strongly encourages submitting electronic documents via the RR Program Submittal Portal instead of CD/DVD or email. Please submit documents as a single PDF or Excel file (only upon request), except Case Closure Requests – instructions can be found on page 2. **Electronic submittals may not be “locked” or password protected per Wis. Admin. Code § NR 700.11 (3g).**

Instructions for using the Document Uploader

1. Go to the [RR Submittal Portal web page](#).
2. If you have a Web Access Management System (WAMS) account – log in.
 - a. If you do not have a WAMS account, click the second link to request a User ID and password.
 - b. Once you have a User ID and Password, log into the [RR Submittal Portal](#).
3. Click DNR RR forms in the upper right.
4. Click Start in the Document Uploader box.

- a. If this is your first time submitting a document, you will need to request access to upload documents. This will only need to be done one time. You can expect to be approved within one business day. If you do not get approved within one business day, please contact Danielle Wincentsen at Danielle.Wincentsen@wisconsin.gov.

5. Complete the form and click submit.

A few things to note about the Document Uploader:

- Up to three PDF or Excel files can be uploaded per submittal, with the exception of the Case Closure Request.
- If a file is larger than 250 MB, it will need to be split into more than one file.
- If you are submitting a Case Closure Request, only a zip file can be uploaded.

For more information go to dnr.wi.gov, search RR Submittal Portal.

General Notes on Submittals

- Consultants should use the Notification for Hazardous Substance Discharge (Non-Emergency Only) [Form 4400-225](#) for historic discharges, found at dnr.wi.gov, search notification.
- Consultants are encouraged to submit the appropriate form found on the fees tab at dnr.wi.gov, search RR Program fees, signed and scanned, using the Document Uploader in the [RR Submittal Portal](#).
 - After submitting the electronic copy, mail a copy of the confirmation page with the fee payment (checks only) to the appropriate regional environmental program associate. This information can found on the confirmation page and on the EPA tab at dnr.wi.gov, search RR contact.
 - **NOTE:** Please do not send the check to the project manager or to the DNR office in Madison, as this could delay processing your request.
- Any site-specific or follow-up questions should be directed to the assigned DNR project manager.
- Backing up the files is essential. As a provider of documents under Wis. Admin. Code ch. NR 700, the consultant or representative is responsible for keeping a backup copy.
- All files should be scanned for viruses before submitting. The consultant's or representative's anti-virus software should be kept up-to-date.
- If the submitted electronic file can't be read (i.e., is illegible), opened, or is corrupted and unusable, the consultant or representative will be notified and a new electronic copy will be required.

Case Closure Submittals

1. Case Closure requests should be submitted as a zipped folder (zip file). Within the zipped folder, the files should be organized, and the contents clearly labeled as follows:
 - a. Case Closure form (dnr.wi.gov, search Case Closure form)
 - b. Seven separate file folders labeled for each of the required attachments (e.g., Attachments A through G)
 - i. The file folders should include the required PDF attachments for each of those sections of the Case Closure form, along with each PDF clearly labeled with the

DNR-specified title (e.g., A.1. Groundwater Analytical Tables), and organized within the file folder (e.g., Attachment A: Data Tables) in the order specified in the Case Closure form (dnr.wi.gov, search Case Closure form).

- c. **A single PDF of the entire closure packet (form and attachments) should also be included in the zip file.**

An example of an acceptable closure submittal can be found at:
dnr.wi.gov/topic/brownfields/documents/directory.pdf

2. Professional submittal certifications required per Wis. Admin. Code § NR 712.09 must be included.
3. Summaries of all data must include information collected by previous consultants.
4. Do not submit lab data sheets unless these have not been submitted in a previous report. Include these as a separate PDF from the narrative summary. Tabulate all data required in Wis. Admin. Code § NR 716.15 (3) (c), in the format required in Wis. Admin. Code § NR 716.15 (4) (e).
5. If any map or figure is not required but the submitter feels it is relevant to the Case Closure request, fully explain the reason(s) why it is included and attach that explanation (properly labeled with the map/figure title).
6. **When submitting revisions to a closure submittal as requested by the DNR project manager, the consultant need only submit the revised pages (both paper and electronic copies). These revised pages should be initialed and dated by the consultant.** It is recommended that revisions be submitted through the [RR Program Submittal Portal](#).

Electronic File Format

1. Except as outlined below, submittals should be created in or converted to the portable document format (PDF), readable by Adobe Acrobat Reader. Adobe Acrobat Reader can be downloaded for free at <https://get.adobe.com/reader/>.
2. Save DNR forms as a PDF file. This is especially important if the form will need to be edited before submitting to the DNR.
3. Electronic files shall have a minimum resolution of 300 dots per inch (dpi) to ensure legibility without creating excessive file size, as specified in Wis. Admin. Code § NR 700.11 (3g).
4. Report submittals should not be larger than 250 MB in size. Please split submittals larger than 250 MB into multiple files that are each 250 MB or less files and name accordingly.
5. All documents shall be digital format versions rather than scanned versions, except documents that require signature and are only available as scanned versions, according to Wis. Admin. Code § NR 700.11 (3g). Deeds and legal descriptions may be scanned versions.
6. Voluminous attachments or appendices (e.g., lab QA) may be submitted by electronic format only, if specifically approved in advance by the DNR.
7. **Electronic files may not be “locked” or password protected.** This means the files can’t require a password to open or edit. However, files can use a feature that makes them read-only or “protected” to prevent inadvertent editing, as long as the feature can be turned off without a password.
8. It is recommended that documents such as lab reports, chain of custody documents, boring logs, etc., that are received as hard copy by the consultant be scanned as PDF files. To minimize file

size, PDF files should be prepared by converting directly from the original electronic versions or with black and white scans.

9. The DNR may request that the electronic copy of sampling results be submitted in different formats such as spreadsheets, plain text tabular files, hypertext markup language files (HTML) and extensible markup language files (XML).
10. When submitting site investigations under Wis. Admin. Code ch. NR 716 and O&M reports under Wis. Admin. Code ch. NR 724, it is recommended that lab data be submitted as one separate PDF (or Excel file, only upon request), and the narrative and data summary (figures, tables, etc.) be submitted as a second separate file. If copies of the Phase I and II environmental site assessments are included in the Wis. Admin. Code ch. NR 716 documents, these should also be submitted as separate PDFs.

Document Formatting

1. Titles for typical reports and submittals required under Wis. Admin. Code ch. NR 700 are found in Attachment A.
2. All documents are to be legible. Providing illegible information will result in a submittal being considered incomplete until corrected.
3. Include a cover letter with reports submitted under Wis. Admin. Code ch. NR 700 that clearly lists the BRRTS/FID number; describes the title and type of submittal; and what action, if any, is requested from the RR Program.
4. Prepare visual aids, including maps, plans, drawings, fence diagrams, tables and photographs according to the applicable portions of Wis. Admin. Code chs. NR 716 through 726.
5. Use bold and italics fonts on information of importance on tables and figures. Use bold font for Wis. Admin. Code ch. NR 140 groundwater enforcement standard (ES) attainments or exceedances, and italicized font for Wis. Admin. Code ch. NR 140 groundwater preventive action limit (PAL) standard attainments or exceedances.
6. Do not use shading or highlighting on the tables, figures, maps, or other documents.
7. Include the level of detection on data tables for results which are below the detection level (i.e., do not just list as “no detect (ND)”). Include the units on data tables. Units should be consistent with the applicable standards. Include all sample locations. Contour lines should be clearly labeled and defined.
8. Provide one paper copy no larger than 11x17 inches, unless otherwise directed by the department. Maps and figures may be submitted in a larger electronic size than 11x17 inches, in a PDF readable by Adobe Acrobat Reader. However, larger-size documents must be legible when printed.

Contact Information

This document is updated as needed. Comments may be sent to: Sonya Rowe, (608) 261-4934, sonya.rowe@wisconsin.gov.

Attachment A – Document Title Naming Conventions

Document Title Naming Convention	NR 700 Reference
Phase I Environmental Site Assessment	NR 750.03 (2m)
Phase II Environmental Site Assessment	NR 750.03 (2m)
Immediate Action Report	NR 708.05 (6) and NR 708.09
Interim Action Report	NR 708.15
Free Product Removal Report	NR 708.13
Site Investigation Work Plan	NR 716
Site Investigation Report	NR 716
Soil Management Plan	NR 718
Soil Management Exemption Request	NR 718
Site-Specific Soil Cleanup Standards	NR 720.10, NR 720.12
Determination of Soil Performance Standards	NR 720.08
Remedial Action Options Report	NR 722
Infiltration/Injection Request for GW Treatment	NR 140.28 (5) and 812.05
Historic Fill Exemption Request	NR 506.085
Remedial Action Design report	NR 724
Operation & Maintenance Report	NR 724
Construction Documentation report	NR 724
Long Term Monitoring Plan	NR 724
Closure Request	NR 726
Post-Closure Modification Request	NR 727

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. 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 Chief, Public Civil Rights, Office of Civil Rights, U.S. Department of the Interior, 1849 C. Street, NW, Washington, D.C. 20240.

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Note: If you need technical assistance or more information, call the Accessibility Coordinator at 608-267-7490 / TTY Access via relay - 711

FORESTRY EQUIPMENT R&D CENTER STOCKROOM

518 W SOMO AVE / TOMAHAWK WI 54487 / (715)453-1257

ORDER DATE 02/03/23

DEPT / STATION DNR WR Service Center
 ADDRESS 473 Griffith Avenue
 CITY Wisconsin Rapids
 ZIP 54494
 CONTACT NAME Amy Penn
 CONTACT PHONE (715) 451-0113

SHIP TO & BILL TO ADDRESS THE SAME

DEPT / STATION _____
 ADDRESS _____
 CITY _____
 ZIP _____
 CONTACT NAME _____
 CONTACT PHONE _____

SHIP
 PICK UP
 GRANT ORDER

ITEM NO.	DESCRIPTION	COST	QTY	TOTAL
999-90-00-8020	Burning Permits Suspended Sign		9	\$0.00
	(9 sets of 2)			\$0.00
				\$0.00
350-10-10-1001	Windy? Feather Flag	\$272.79	1	\$272.79
				\$0.00
345-40-58-8100	Elevated Fire Risk Yard Sign		7	\$0.00
				\$0.00
345-40-58-8000	Permits Suspended Yard Sign		17	\$0.00
				\$0.00
000-SMOKEY	Green Smokey Sign		2	\$0.00
				\$0.00
550-78-27-2804	Traffic Cone Collapsible 4 pk	\$124.98	1	\$124.98
				\$0.00
				\$0.00
				\$0.00
				\$0.00
				\$0.00
				\$0.00
				\$0.00
				\$0.00

ITEM NO.	DESCRIPTION	COST	QTY	TOTAL
				\$0.00
				\$0.00
				\$0.00
				\$0.00
				\$0.00
				\$0.00
				\$0.00
				\$0.00
				\$0.00
				\$0.00
				\$0.00
				\$0.00
				\$0.00
				\$0.00
GRAND TOTAL				\$397.77

COMMENTS

Amy Penn placing order for Fire Landscape 4 fire staff (WIR Area, BRF Area and WDL FRU). I will drive up to LeMay to pick up these items after you let me know they are ready. I'm hoping the order can be ready by Feb 10th but realize you might need more time than that.

ATTENTION DNR STAFF - BUDGET CODE ENTRY REQUIRED ON PAGE 2

Invoice Coding Template

Instructions: Complete the slip and attach to the appropriate invoice, forward to Expenditure Accounting for processing. If you have questions regarding the codes, please see your supervisor or program budget manager. You can also reach out to Expenditure Accounting through the Accounts Payable Mailbox at DNRAccountsPayable@wisconsin.gov.

GL Unit	Bud Ref	Fund	Appn	Dept	Operating Unit	Account	PC BU	Project	Activity	Source	Amount
37000	FY2023	21200	25400	3705551102		8070000	37000	000000000011433	WRR_ADMIN_2	SUPPL	397.77
37000		21200					37000			SUPPL	
37000		21200					37000			SUPPL	
37000		21200					37000			SUPPL	
37000		21200					37000			SUPPL	
37000		21200					37000			SUPPL	
37000		21200					37000			SUPPL	
37000		21200					37000			SUPPL	
37000		21200					37000			SUPPL	
37000	FY2022	21200	89300	3708831101	ND01	7370000	37000	370000000001234	MONEW	SUPPL	30.13

Example

State of Wisconsin
DEPARTMENT OF NATURAL RESOURCES
1300 W. Clairemont Ave
Eau Claire, WI 54701

Tony Evers, Governor
Adam N. Payne, Secretary
Telephone 608-266-2621
Toll Free 1-888-936-7463
TTY Access via relay - 711



February 3, 2023

Jeffrey Kluge
169845 Brickyard Drive
Ringle, WI 54471

DELIVERY CONFIRMATION #0300 1290 0002 9241 7666

Subject: Notice of Non-Compliance: Action Required by March 3, 2023
Notice of Potential Deed Affidavit per Wis. Admin. Code § NR 728.11
Site Name: Bogies East Tavern("Site")
169845 Brickyard Drive, Ringle ("Property")
BRRTs #03-37-219504

Dear Mr. Kluge:

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 October 30, 2020, 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.

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 October 30, 2020 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 a closure packet has been submitted to the department however the closure fees of \$1,700 have not been paid.

Guidance for meeting statutory requirements is available in code. Wis. Admin. Code chs. NR 700 - 754 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 March 3, 2023, you provide documentation regarding the submittal of the closure fees.

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.

If you have questions, please do not hesitate to write or call Dee Lance at (715) 697-0632 or email Dee.Lance@wisconsin.gov. Thank you for your attention to this matter.

Sincerely,



Dave Rozeboom
West Central Region Team Supervisor
Remediation & Redevelopment Program

Encl.
October 30, 2020, Responsible Party letter

State of Wisconsin
DEPARTMENT OF NATURAL RESOURCES
473 Griffith Ave.
Wisconsin Rapids WI 54494

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



October 30, 2020

Jeffrey Kluge & Clifford Howe
169845 Brickyard Dr.
Ringle WI 54471

Subject: Reported Contamination at Bogies East Tavern,
R15345 2nd Avenue (169845 Brickyard Dr.), Ringle, WI
DNR BRRTS Activity # 03-37-219504
DNR FID # 737050710

Dear Mr. Kluge & Mr. Howe:

On April 26, 1999, Travis Peterson of Agenda International, on behalf of Richard Bogen, notified the Department of Natural Resources ("department") that a "hazardous substance discharge" was detected at the site described above.

Based on the information available to the department regarding ownership of this property via the Marathon County Ascent Land Records Suite, we believe that Jeffrey Kluge & Clifford Howe are the landowners in possession or control of the hazardous substance discharge or other environmental pollution (hereafter referred to as "contamination") at the above-described site. The term "site" includes the property where the contamination occurred and any other property it has migrated to, pursuant to Wisconsin Administrative Code ("Wis. Admin. Code") § NR 700.03(56).

The purpose of this letter is to inform you of the contamination at the site and notify you that as the possessor and controller of the contamination, you will be held responsible under Wisconsin Statutes ("Wis. Stats.") ch. 292 for the investigation and cleanup of the contamination. It is apparent that the causer is no longer able to continue the progress and the department is requiring that you take the appropriate response actions.

Legal Responsibilities

Wis. Stats. ch. 292 and Wis. Admin. Code chs. NR 700 through NR 754 provide specific requirements for undertaking appropriate response actions to address contamination, including requirements for emergency and interim actions, public information, site investigations, remedy selection, design and operation of remedial action systems, and case closure. For more information on the responsibilities relating to contamination investigation and cleanup, see the enclosed letter to Richard Bogen, dated May 3, 1999.

Under Wis. Stat. ch. 292, continuing obligations may be applied to a property upon the closure of an environmental investigation and cleanup case. Continuing obligations are legal requirements designed to protect public health and the environment from contamination that remains on a property. If the department places continuing obligations on the property at the time of closure, these obligations will become the property owner's responsibility. For more information, please see the enclosed DNR publication RR-819, *Continuing Obligations for Environmental Protection Responsibilities of Wisconsin Property Owners*.

Additional Information

The department tracks information on all cleanup sites in a department database available at dnr.wi.gov and search "BRRTS". The Bureau for Remediation and Redevelopment Tracking System (BRRTS) identification

number for this site is listed at the top of this letter. You may view information related to your site on this database at any time.

All correspondence regarding this site should be directed to:

Dee Lance
Remediation and Redevelopment Program
Wisconsin Department of Natural Resources
473 Griffith Avenue
Wisconsin Rapids WI 54494
Dee.Lance@wisconsin.gov

To speed up processing, your correspondence should reference the BRRTS and Facility Identification (FID) numbers (if assigned) listed at the top of this letter. **Consultants and representatives of responsible parties are required to submit one paper copy and one electronic copy of submittals, including case closure documents.** Wis. Admin. Code § NR 700.11(3g), and other specific provisions within Wis. Admin. Code ch. NR 700, outline the requirements for submittals, including electronic submittals. See the enclosed DNR publication RR-690, *Guidance for Electronic Submittals for the Remediation and Redevelopment Program*, for assistance in proper document submittal.

Please visit the department's Remediation and Redevelopment program website at dnr.wi.gov and search "brownfields" for information on selecting a consultant, seeking financial assistance, and understanding the investigation and cleanup process. Information regarding review fees, liability clarification letters, post-cleanup liability and more.

If you have questions, please call me at 715-697-0632 or email me at Dee.Lance@wisconsin.gov for more information.

Thank you for your cooperation.

Sincerely,



Dee Lance
Hydrogeologist - Remediation & Redevelopment Program
West Central Region

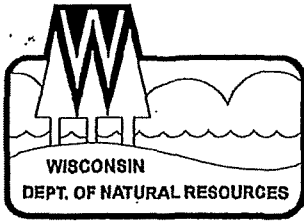
Enclosures:

Letter to Richard Bogen, dated May 3, 1999

Continuing Obligations for Environmental Protection Responsibilities of Wisconsin Property Owners,
DNR publication RR-819

Guidance for Electronic Submittals for the Remediation and Redevelopment Program, DNR publication
RR-690

cc: Jason Powell, METCO



State of Wisconsin \ DEPARTMENT OF NATURAL RESOURCES

Tommy G. Thompson, Governor
George E. Meyer, Secretary
Scott A. Humrickhouse, Regional Director

Wausau Office
5301 Rib Mountain Drive
Wausau, Wisconsin 54401
Telephone 715-359-4522
FAX 715-355-5253

FILE COPY

May 3, 1999

BRRTS#

03-37-219504

MR RICHARD BOGEN
BOGIE'S EAST TAVERN
PO BOX 433
RINGLE WI 54471

SUBJECT: Bogie's East Tavern
R15345 2nd Avenue
Ringle, WI 54471

Dear Mr. Bogen:

On , April 26, 1999, Travis Peterson of Agenda International notified the Department of Natural Resources that contamination was discovered during a tank removal at the above-referenced site.

Based on this information, the Department believes that you are responsible for restoring the environment at this site under Section 292.11(3), Wisconsin Stats. known as the hazardous substances spills law. Your responsibilities include investigating the extent of the contamination, and then selecting and implementing the most appropriate remedial action. Enclosed is information to help you understand what you need to do to ensure your compliance with the spills law.

The purpose of this letter is threefold: 1) to describe your legal responsibilities, 2) to explain what you need to do to investigate and clean up the contamination, and 3) to provide you with information about cleanups, environmental consultants, and working cooperatively with the Department of Natural Resources.

Legal Responsibilities:

Your legal responsibilities are defined both in statute and in administrative rules. The hazardous substances spill law, Section 292.11(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.



Quality Natural Resources Management
Through Excellent Customer Service



Wisconsin Administrative Codes NR 700 through NR 728 establish requirements for emergency and interim actions, public information, site investigations, design and operation of remedial action systems, and case closure. Chapter NR 708 includes provisions for immediate actions in response to limited contamination. Wisconsin Administrative Code NR 140 establishes groundwater standards.

Steps to Take:

The longer contamination is left in the environment the farther it can spread and the more it may cost to clean up. Quick action may lessen damage to your property and to neighboring properties and reduce your costs in investigating and cleaning up the contamination. To ensure that your cleanup complies with Wisconsin's laws and rules, you should hire a professional environmental consultant who understands what needs to be done. The following are the first four steps to take:

1. Within 60 days please submit written verification (such as a letter from the consultant) that you have hired an environmental consultant. You will need to work quickly to meet this timeline.
2. Within 90 days your consultant must submit a workplan and a schedule for conducting the investigation. The consultant must follow the Department's administrative rules and our technical guidance documents. Please include with your workplan a copy of any previous information that has been completed for your site (such as an underground tank removal report, or a preliminary soil excavation report).
3. Please keep us informed of what is being done at your site. You or your consultant must provide us with a brief report at least every 90 days, starting after your workplan is submitted. These quarterly reports should summarize the work completed since the last report. Quarterly reports need only include one or two pages of text, plus any relevant maps and tables. However, please note that should conditions at your site warrant, you may receive a letter requiring more frequent contacts with the Department. You will also receive one annual site status report form in February.
4. When the site investigation is complete, your consultant must submit a full report on the extent and degree of soil and groundwater contamination and a proposal for cleaning up the contamination.

Due to the number of contaminated sites and our staffing levels, we will be unable to respond to each report. To maintain your compliance with the spills law and chs. NR 700 through NR 728, do not delay the investigation and cleanup by waiting for DNR responses. We have provided detailed technical guidance to environmental consultants. Your consultant is expected to be familiar with our technical procedures and administrative codes and should be able to answer your questions on meeting Wisconsin's cleanup requirements.

Your correspondence and reports regarding this site should be sent to the Department at the following address:

Lisa Gutknecht
Dept. of Natural Resources
5301 Rib Mountain Drive
Wausau, WI 54401

Mr. Richard Bogen
Bogie's East Tavern

05/03/99

3

Unless otherwise requested, please send only one copy of all plans and reports.

Information for Site Owners:

Enclosed is a list of environmental consultants and some important tips on selecting a consultant. If you are eligible for Wisconsin's PECFA program (see end of letter) you will need to compare at least three consultants' proposals before hiring a consultant. Consultants and laboratories working in the PECFA program are required to carry errors and omissions insurance to help protect you against unsuitable work. Also enclosed are materials on controlling costs, understanding the cleanup process, and choosing a site cleanup method. This information has been prepared to help you understand your responsibilities and what your environmental consultant needs to do. Please read this information carefully.

In 1997 Wisconsin Act 27, the legislature amended s 292.15, Wis. Stats., creating the new "Voluntary Party Remediation and Exemption from Liability" statute. This statute provides liability protection for persons who did not intentionally or recklessly cause the release of a hazardous substance and who conducts an environmental investigation and cleans up property by restoring the environment to the extent practicable and in accordance with rules promulgated by the Department. Upon completion of the cleanup, the person receives a "certificate of completion" that provides an exemption from the "Hazardous Substance Spills" statute and protection from future liability for the past releases. You must apply for the program by filling out an application form and fees are charged to cover administrative costs associated with the program. If you are interested in more information about the program or would like an application package, please call Loren Brumberg at the West Central Region Office in Eau Claire at 715-839-3770.

Financial Information:

Reimbursement from the Petroleum Environmental Cleanup Fund (PECFA) is available for the costs of cleaning up contamination from eligible petroleum storage tanks. The fund is administered by the Department of Commerce. Please contact the Department of Commerce 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 715/359-6514.

Thank you for your cooperation.

Sincerely,



Lisa Gutknecht - Project Reviewer
Remediation and Redevelopment Team

Attachment

c: Travis Peterson, Agenda International, 2130 South 17th Street, Sheboygan, WI 53081



Continuing Obligations for Environmental Protection Responsibilities of Wisconsin Property Owners Wis. Stat. § 292.12

Purpose

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.

Introduction

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.)

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 the DNR modify or remove a continuing obligation. Fees are required for the 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 Wis. Admin. § NR 749 online at http://docs.legis.wisconsin.gov/code/admin_code/nr/700/749.

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. The DNR has a comprehensive database of contaminated and cleaned up sites, *BRRTS on the Web*. This database shows all contamination activities known to the 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 the DNR's *RR Sites Map*. RR Sites Map provides a map view of contaminated and cleaned up sites, including sites with continuing obligations, and links to BRRTS on the Web. *BRRTS on the Web* and *RR Sites Map* are part of the Wisconsin Remediation and Redevelopment Database (WRRD) at <http://dnr.wi.gov/topic/Brownfields/wrrd.html>.

If a completed cleanup is shown in *BRRTS on the Web* but the site documents cannot be found in the documents section, the 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).

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. Wis. Stat. § 292.13 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 the 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 cannot enforce it.

2. If a cleanup proposal that includes off-site continuing obligations is approved, the 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 website at dnr.wi.gov/topic/Brownfields/Residual.html.

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. 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 Chief, Public Civil Rights, Office of Civil Rights, U.S. Department of the Interior, 1849 C. Street, NW, Washington, D.C. 20240.

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Remediation and Redevelopment Program **December 2019**

Guidance for Submitting Documents

The purpose of this document is to outline the appropriate format and procedures for submitting documents to the Remediation and Redevelopment (RR) Program. Wis. Admin. Code § NR 700.11(3g), and other specific provisions within Wis. Admin. Code ch. NR 700, outline the requirements for submittals, including electronic submittals. Consultants and representatives of responsible parties are required to submit one paper copy and one electronic copy of submittals, including case closure documents. **The electronic version must be an exact duplicate of the paper version.**

Submittal Method

- ✓ **Paper copies should be sent to the applicable regional office.** If you are unsure of which regional office to submit your documents, refer to the DNR Region Map found at dnr.wi.gov/topic/Brownfields/documents/rr/regionmap.pdf or contact your project manager.

Region	To	Address
Northeast Region	Assigned Project Manager	Contact Project Manager
Northern Region	Assigned Project Manager	Contact Project Manager
South Central Region	Attn: Wendy Weihemuller, Environmental Prog. Associate	3911 Fish Hatchery Road Fitchburg, WI 53711
Southeast Region	Attn: Jennifer Dorman, Environmental Prog. Associate	2300 N Dr. Martin L. King Jr. Dr. Milwaukee, WI 53212
West Central Region	Assigned Project Manager	Contact Project Manager

- **Staff Directory** – dnr.wi.gov/staffdir/newsearch/contactsearchext.aspx
- **RR Contact List** – dnr.wi.gov/topic/Brownfields/documents/rr/rrphone.pdf

- ✓ **Electronic submittals** – The DNR strongly encourages submitting electronic documents via the RR Program Submittal Portal instead of CD/DVD or email. Please submit documents as a single PDF or Excel file (only upon request), except Case Closure Requests – instructions can be found on page 2. **Electronic submittals may not be “locked” or password protected per Wis. Admin. Code § NR 700.11 (3g).**

Instructions for using the Document Uploader

1. Go to the [RR Submittal Portal web page](#).
2. If you have a Web Access Management System (WAMS) account – log in.
 - a. If you do not have a WAMS account, click the second link to request a User ID and password.
 - b. Once you have a User ID and Password, log into the [RR Submittal Portal](#).
3. Click DNR RR forms in the upper right.
4. Click Start in the Document Uploader box.

- a. If this is your first time submitting a document, you will need to request access to upload documents. This will only need to be done one time. You can expect to be approved within one business day. If you do not get approved within one business day, please contact Danielle Wincentzen at Danielle.Wincentzen@wisconsin.gov.

5. Complete the form and click submit.

A few things to note about the Document Uploader:

- Up to three PDF or Excel files can be uploaded per submittal, with the exception of the Case Closure Request.
- If a file is larger than 250 MB, it will need to be split into more than one file.
- If you are submitting a Case Closure Request, only a zip file can be uploaded.

For more information go to dnr.wi.gov, search RR Submittal Portal.

General Notes on Submittals

- Consultants should use the Notification for Hazardous Substance Discharge (Non-Emergency Only) [Form 4400-225](#) for historic discharges, found at dnr.wi.gov, search notification.
- Consultants are encouraged to submit the appropriate form found on the fees tab at dnr.wi.gov, search RR Program fees, signed and scanned, using the Document Uploader in the [RR Submittal Portal](#).
 - After submitting the electronic copy, mail a copy of the confirmation page with the fee payment (checks only) to the appropriate regional environmental program associate. This information can found on the confirmation page and on the EPA tab at dnr.wi.gov, search RR contact.
 - **NOTE:** Please do not send the check to the project manager or to the DNR office in Madison, as this could delay processing your request.
- Any site-specific or follow-up questions should be directed to the assigned DNR project manager.
- Backing up the files is essential. As a provider of documents under Wis. Admin. Code ch. NR 700, the consultant or representative is responsible for keeping a backup copy.
- All files should be scanned for viruses before submitting. The consultant's or representative's anti-virus software should be kept up-to-date.
- If the submitted electronic file can't be read (i.e., is illegible), opened, or is corrupted and unusable, the consultant or representative will be notified and a new electronic copy will be required.

Case Closure Submittals

1. Case Closure requests should be submitted as a zipped folder (zip file). Within the zipped folder, the files should be organized, and the contents clearly labeled as follows:
 - a. Case Closure form (dnr.wi.gov, search Case Closure form)
 - b. Seven separate file folders labeled for each of the required attachments (e.g., Attachments A through G)
 - i. The file folders should include the required PDF attachments for each of those sections of the Case Closure form, along with each PDF clearly labeled with the

DNR-specified title (e.g., A.1. Groundwater Analytical Tables), and organized within the file folder (e.g., Attachment A: Data Tables) in the order specified in the Case Closure form (dnr.wi.gov, search Case Closure form).

- c. **A single PDF of the entire closure packet (form and attachments) should also be included in the zip file.**

An example of an acceptable closure submittal can be found at:

dnr.wi.gov/topic/brownfields/documents/directory.pdf

2. Professional submittal certifications required per Wis. Admin. Code § NR 712.09 must be included.
3. Summaries of all data must include information collected by previous consultants.
4. Do not submit lab data sheets unless these have not been submitted in a previous report. Include these as a separate PDF from the narrative summary. Tabulate all data required in Wis. Admin. Code § NR 716.15 (3) (c), in the format required in Wis. Admin. Code § NR 716.15 (4) (e).
5. If any map or figure is not required but the submitter feels it is relevant to the Case Closure request, fully explain the reason(s) why it is included and attach that explanation (properly labeled with the map/figure title).
6. **When submitting revisions to a closure submittal as requested by the DNR project manager, the consultant need only submit the revised pages (both paper and electronic copies). These revised pages should be initialed and dated by the consultant.** It is recommended that revisions be submitted through the [RR Program Submittal Portal](#).

Electronic File Format

1. Except as outlined below, submittals should be created in or converted to the portable document format (PDF), readable by Adobe Acrobat Reader. Adobe Acrobat Reader can be downloaded for free at <https://get.adobe.com/reader/>.
2. Save DNR forms as a PDF file. This is especially important if the form will need to be edited before submitting to the DNR.
3. Electronic files shall have a minimum resolution of 300 dots per inch (dpi) to ensure legibility without creating excessive file size, as specified in Wis. Admin. Code § NR 700.11 (3g).
4. Report submittals should not be larger than 250 MB in size. Please split submittals larger than 250 MB into multiple files that are each 250 MB or less files and name accordingly.
5. All documents shall be digital format versions rather than scanned versions, except documents that require signature and are only available as scanned versions, according to Wis. Admin. Code § NR 700.11 (3g). Deeds and legal descriptions may be scanned versions.
6. Voluminous attachments or appendices (e.g., lab QA) may be submitted by electronic format only, if specifically approved in advance by the DNR.
7. **Electronic files may not be “locked” or password protected.** This means the files can’t require a password to open or edit. However, files can use a feature that makes them read-only or “protected” to prevent inadvertent editing, as long as the feature can be turned off without a password.
8. It is recommended that documents such as lab reports, chain of custody documents, boring logs, etc., that are received as hard copy by the consultant be scanned as PDF files. To minimize file

size, PDF files should be prepared by converting directly from the original electronic versions or with black and white scans.

9. The DNR may request that the electronic copy of sampling results be submitted in different formats such as spreadsheets, plain text tabular files, hypertext markup language files (HTML) and extensible markup language files (XML).
10. When submitting site investigations under Wis. Admin. Code ch. NR 716 and O&M reports under Wis. Admin. Code ch. NR 724, it is recommended that lab data be submitted as one separate PDF (or Excel file, only upon request), and the narrative and data summary (figures, tables, etc.) be submitted as a second separate file. If copies of the Phase I and II environmental site assessments are included in the Wis. Admin. Code ch. NR 716 documents, these should also be submitted as separate PDFs.

Document Formatting

1. Titles for typical reports and submittals required under Wis. Admin. Code ch. NR 700 are found in Attachment A.
2. All documents are to be legible. Providing illegible information will result in a submittal being considered incomplete until corrected.
3. Include a cover letter with reports submitted under Wis. Admin. Code ch. NR 700 that clearly lists the BRRTS/FID number; describes the title and type of submittal; and what action, if any, is requested from the RR Program.
4. Prepare visual aids, including maps, plans, drawings, fence diagrams, tables and photographs according to the applicable portions of Wis. Admin. Code chs. NR 716 through 726.
5. Use bold and italics fonts on information of importance on tables and figures. Use bold font for Wis. Admin. Code ch. NR 140 groundwater enforcement standard (ES) attainments or exceedances, and italicized font for Wis. Admin. Code ch. NR 140 groundwater preventive action limit (PAL) standard attainments or exceedances.
6. Do not use shading or highlighting on the tables, figures, maps, or other documents.
7. Include the level of detection on data tables for results which are below the detection level (i.e., do not just list as “no detect (ND)”). Include the units on data tables. Units should be consistent with the applicable standards. Include all sample locations. Contour lines should be clearly labeled and defined.
8. Provide one paper copy no larger than 11x17 inches, unless otherwise directed by the department. Maps and figures may be submitted in a larger electronic size than 11x17 inches, in a PDF readable by Adobe Acrobat Reader. However, larger-size documents must be legible when printed.

Contact Information

This document is updated as needed. Comments may be sent to: Sonya Rowe, (608) 261-4934, sonya.rowe@wisconsin.gov.

Attachment A – Document Title Naming Conventions

Document Title Naming Convention	NR 700 Reference
Phase I Environmental Site Assessment	NR 750.03 (2m)
Phase II Environmental Site Assessment	NR 750.03 (2m)
Immediate Action Report	NR 708.05 (6) and NR 708.09
Interim Action Report	NR 708.15
Free Product Removal Report	NR 708.13
Site Investigation Work Plan	NR 716
Site Investigation Report	NR 716
Soil Management Plan	NR 718
Soil Management Exemption Request	NR 718
Site-Specific Soil Cleanup Standards	NR 720.10, NR 720.12
Determination of Soil Performance Standards	NR 720.08
Remedial Action Options Report	NR 722
Infiltration/Injection Request for GW Treatment	NR 140.28 (5) and 812.05
Historic Fill Exemption Request	NR 506.085
Remedial Action Design report	NR 724
Operation & Maintenance Report	NR 724
Construction Documentation report	NR 724
Long Term Monitoring Plan	NR 724
Closure Request	NR 726
Post-Closure Modification Request	NR 727

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FORESTRY EQUIPMENT R&D CENTER STOCKROOM

518 W SOMO AVE / TOMAHAWK WI 54487 / (715)453-1257

ORDER DATE 02/03/23

DEPT / STATION DNR WR Service Center
 ADDRESS 473 Griffith Avenue
 CITY Wisconsin Rapids
 ZIP 54494
 CONTACT NAME Amy Penn
 CONTACT PHONE (715) 451-0113

SHIP TO & BILL TO ADDRESS THE SAME

DEPT / STATION
 ADDRESS
 CITY
 ZIP
 CONTACT NAME
 CONTACT PHONE

SHIP
 PICK UP
 GRANT ORDER

ITEM NO.	DESCRIPTION	COST	QTY	TOTAL
999-90-00-8020	Burning Permits Suspended Sign		9	\$0.00
	(9 sets of 2)			\$0.00
				\$0.00
350-10-10-1001	Windy? Feather Flag	\$272.79	1	\$272.79
				\$0.00
345-40-58-8100	Elevated Fire Risk Yard Sign		7	\$0.00
				\$0.00
345-40-58-8000	Permits Suspended Yard Sign		17	\$0.00
				\$0.00
000-SMOKEY	Green Smokey Sign		2	\$0.00
				\$0.00
550-78-27-2804	Traffic Cone Collapsible 4 pk	\$124.98	1	\$124.98
				\$0.00
				\$0.00
				\$0.00
				\$0.00
				\$0.00
				\$0.00
				\$0.00

ITEM NO.	DESCRIPTION	COST	QTY	TOTAL
				\$0.00
				\$0.00
				\$0.00
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				\$0.00
				\$0.00
				\$0.00
				\$0.00
GRAND TOTAL				\$397.77

COMMENTS

Amy Penn placing order for Fire Landscape 4 fire staff (WIR Area, BRF Area and WDL FRU). I will drive up to LeMay to pick up these items after you let me know they are ready. I'm hoping the order can be ready by Feb 10th but realize you might need more time than that.

ATTENTION DNR STAFF - BUDGET CODE ENTRY REQUIRED ON PAGE 2

Invoice Coding Template

Instructions: Complete the slip and attach to the appropriate invoice, forward to Expenditure Accounting for processing. If you have questions regarding the codes, please see your supervisor or program budget manager. You can also reach out to Expenditure Accounting through the Accounts Payable Mailbox at DNRAccountsPayable@wisconsin.gov.

GL Unit	Bud Ref	Fund	Appn	Dept	Operating Unit	Account	PC BU	Project	Activity	Source	Amount
37000	FY2023	21200	25400	3705551102		8070000	37000	000000000011433	WRR_ADMIN_2	SUPPL	397.77
37000		21200					37000			SUPPL	
37000		21200					37000			SUPPL	
37000		21200					37000			SUPPL	
37000		21200					37000			SUPPL	
37000		21200					37000			SUPPL	
37000		21200					37000			SUPPL	
37000		21200					37000			SUPPL	
37000		21200					37000			SUPPL	
37000	FY2022	21200	89300	3708831101	0001	7370000	37000	00000000001234	MONBW	SUPPL	30.13

Example