



January 06, 2025

CERTIFIED MAIL

Edward W Berry
Rita Thielmann
15625 STH 80
Richland Center, WI 53581

Subject: Notice of Non-Compliance: Action Required by February 05, 2025
Notice of Potential Deed Affidavit per Wis. Admin. Code § NR 728.11
Anderson Property, 15625 STH 80 Richland Center, WI 53581 BRRTs # 03-53-000559

Dear Mr. Berry and Ms. Thielmann:

This letter is to notify you that you appear to be out of compliance with Wisconsin Statutes (Wis. Stat.) chapter 292 and Wisconsin Administrative Code (Wis. Admin. Code) chapters NR 700 through NR 758. On September 14, 2012, the Wisconsin Department of Natural Resources ("department") first 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.

The department met with you on August 24, 2016 and sent a letter on September 12, 2016 detailing our conversation and your obligations. The department sent you a Notice of Non-Compliance on July 27, 2017. The department provided you a copy of the site investigation report for the Property (referenced above) on February 10, 2020. The February 10, 2020, transmittal cover letter indicated there is no additional department funding for this project.

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 - 758 and are also described in the September 14, 2012 letter sent to you. 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.

As owner of the Property, you are in possession of the hazardous substance that was discharged. Our information indicates that you have not taken any action to respond to the discharge.

Wis. Admin. Code chs. NR 700 - 758 establish requirements for responding to a discharge, including emergency and interim actions, public information, site investigations, design and operation of remedial action systems, and case closure.

Notice of Potential Deed Affidavit

If you do 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 ...”

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 February 05, 2025, you submit documentation indicating you have hired an environmental consultant to address the reported contamination.

Understand that you appear to be out of compliance, and will be considered to be in compliance only when you show a good-faith effort to fulfill the statutory and administrative code requirements.

To avoid placement of the deed affidavit, you must respond by February 05, 2025 and indicate the Property will be promptly investigated and remediated in compliance with applicable statutes and rules.

If you have questions, please contact Jeff Ackerman at (608) 219-2302 or Jeffrey.Ackerman@wisconsin.gov.
Thank you for your attention to this matter.

Sincerely,



Issac A. Ross
South Central Region Team Supervisor
Remediation & Redevelopment Program

Encl.

September 14, 2012, Responsible Party letter to Mr. Ed Berry and Ms. Rita Thielmann