

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

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



January 22, 2019

Alvin J. Kapalczynski
N9341 US Highway 141
Middle Inlet, WI 54114-8567

Subject: DNR Project Manager Change
Jacks Service – WI DOT, N9329 USH 141, Town of Middle Inlet, WI
BRRTS Activity #: 03-38-000930

Alvin J. Kapalczynski,

The purpose of this letter is to inform you of a change in Wisconsin Department of Natural Resources (DNR) project manager. All correspondence, reports and submittals concerning the above site should be sent to the following address

Wisconsin Department of Natural Resources
Attn: Andrew James
2984 Shawano Ave
Green Bay, WI 54313-6727

After reviewing the file, I see a deed affidavit was filed on August 25, 1999. This can affect your ability to sell the property and may decrease its market value. **Please contact DNR, if you or any future property owners, would like this deed affidavit nullified.** I will guide you through the process and advise what additional work is needed. Also, I have checked with the claims department and you may still qualify for PECFA funding. This program is ending in 2020. Do not hesitate to reach out if there is anything I can assist with. My direct line is (920) 662-5149 or feel free to email me at Andrew.James@wisconsin.gov. Thank you for your time.

Regards,

Andrew James
Hydrogeologist
Remediation & Redevelopment Program

Attachment: Deed Affidavit August 25, 1999
PECFA Update DNR RR-046, August 2015

592036

AFFIDAVIT

Document Number

RECORDED

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Michael J. Netzer
REGISTER OF DEEDS
OF MARINETTE COUNTY, WIS.

Legal Description of the Property:

A parcel of land in the Southeast Quarter of the Southwest Quarter (SE¼, SW¼) of Section 27, Town 33 North, Range 20 East, that is also known as Jack's Service & Mini Mart, HWY 141, Middle Inlet, Wisconsin, more particularly described follows: Commencing at the South quarter corner; thence South 88° 11' 20" West along South line, 81.88 feet to West line of Highway 141; thence North 0° 04' 40" West along right-of-way, 302 feet to one and one-quarter inch iron pipe and place of beginning; thence South 88° 11' 20" West, 246.26 feet to a one and one-quarter inch iron pipe on East line of railway right-of-way; thence North 01° 34' 45" West along right-of-way, 165.75 feet to a one and one-quarter inch iron pipe; thence north 88° 11' 20" East, 250.61 feet to a one and one-quarter inch iron pipe on highway right-of-way; thence South 0° 04' 40" East along right-of-way, 165.83 feet to the place of beginning.

Recording Area

Name and Return Address:

Michael J. Netzer
WI Department of Natural Resources
Peshtigo Service Center
101 North Ogden Road
Peshtigo, WI 54157

12.00

As described in Vol. 476, Page 388, Marinette County Register of Deeds

018.00287.003

Parcel Identification Number (PIN)

STATE OF WISCONSIN)
COUNTY OF MARINETTE)

I, Michael J. Netzer, being first duly sworn, state that:

1. I am a Hydrogeologist, employed by the Wisconsin Department of Natural Resources (herein after "the Department") at its Peshtigo Service Center, 101 North Ogden Road, City of Peshtigo, Marinette County, Wisconsin.
2. I have knowledge of the facts herein set forth and believe the same to be true.
3. The Department has determined that gasoline contaminants discharged to Jack's Service & Mini Mart, which is located on HWY 141, in the Town of Middle Inlet, County of Marinette, and which has the above captioned legal description, has contaminated soil in the vicinity. The property is listed as owned by Alvin J. Kapalczynski and Judith A. Kapalczynski on the most recent deed at the Marinette County Register of Deeds.
4. The Department believes that removal or treatment of the gasoline contaminated soil, and groundwater monitoring and/or treatment, are required on the property under the authority of s. 292.11, Wisconsin Statutes.
5. On September 18, 1991, the Department sent a letter to Mr. Kapalczynski, d/b/a Jack's Service & Mini Mart, advising him of the statutory requirement to restore the environment at that location. An inadequate response to that letter was received by the Department.
6. On April 20, 1992, the Department sent a second letter to Mr. Kapalczynski concerning his responsibility to address the contamination. The Department also sent a July 19, 1993, Notice of Violation to Alvin J. Kapalczynski and Judith A. Kapalczynski. Mr. and Mrs. Kapalczynski failed to attend the scheduled enforcement conference. Department records indicate that no investigation or cleanup of the contaminated soil occurred as a result of these activities.

Town of Middle Inlet, Marinette County,
Described above:

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- 7. On May 2, 1996, the Department sent a certified letter to Mr. Kapalczynski, advising that an affidavit of contamination would be recorded if satisfactory action to restore the environment did not commence. That letter requested a written response by June 2, 1996. On June 10, 1996, Mr. Kapalczynski met with the Department and indicated that he was financially unable to proceed with the investigation and/or remediation of the gasoline contaminated soil and groundwater on the property.
- 8. On October 16, 1996, the Department sent a certified letter to Alvin J. and Judith A. Kapalczynski advising that the Department would record an affidavit on the property deed.
- 9. Because the Department of Natural Resources believes that gasoline contaminants currently found in the soil and groundwater on the property with the above legal description will continue to discharge into the environment, subsequent purchasers of the property could be held responsible for investigation and clean-up costs under s. 292.11, Wisconsin Statutes.

Michael J. Netzer
 Michael J. Netzer

Subscribed and sworn to before me this 25th day of August, 1999.

Marianne Christian
 Notary Public, State of Wisconsin

My commission expires on: January 1, 2001

This document was drafted by the Wisconsin Department of Natural Resources..

William V. ...
 REGISTER OF DEEDS
 OF MARINETTE COUNTY, WIS.

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PECFA UPDATE

DNR RR-046, August 2015

Tank cleanup reimbursement program sunsets

No new sites can enter the program. All claims must be submitted in a timely manner by June 30, 2020.

In Wisconsin, owners of petroleum storage tanks can receive reimbursement from the petroleum environmental cleanup fund award (PECFA) program for the costs of investigating and cleaning up environmental contamination.

The PECFA program reimburses responsible parties for expenses associated with discharges from aboveground and underground petroleum product storage systems (primarily gas station tanks) and home heating oil systems that are eligible to participate in the program.

The Wisconsin Department of Natural Resources (DNR) oversees the cleanup of contaminated sites and administers the PECFA program.

! PECFA Reimbursement Ending

2015 Wis. Act 55, declares that no claims for PECFA reimbursement will be accepted after June 30, 2020. The opportunity for PECFA reimbursement ends on this date, although legal responsibility for the cleanup continues until the site is approved for closure by DNR.

! New Claim Submittal Deadlines

Claims for PECFA reimbursement must be submitted to DNR within 180 days after incurring the eligible costs, or by Feb. 1, 2016, whichever is later. Claims submitted late will not be reimbursed.



Cleanup Financing Options

People responsible for the clean up of PECFA-eligible sites have options to help cover some costs that are not reimbursed by the program, as well as manage cash flow between the time that cleanup activities are paid for and PECFA reimbursement is received. These include:

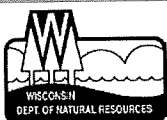
Finance Cleanup Through an Agent

Some environmental consultants are willing to act as agents for responsible parties and cover the costs of investigation and cleanup at PECFA-eligible sites until PECFA pays the claim for completed work.

If a responsible party contracts with a consultant to be their agent, personal funds and loans are not needed for the investigation and cleanup, however the deductible amount and closure fees are still required to be paid. [Click here for more information.](#)

Waived or Reduced PECFA Deductibles

If financial hardship is documented, the PECFA program deductible amount can be reduced and/or deferred by DNR if the property owner accepts a lien on the property in the amount of the deductible.



QUESTIONS? Contact Tim Prosa, DNR, (608) 261-7715
or go to dnr.wi.gov, and search PECFA

