

DEED NOTICE

1301568

REGISTER'S OFFICE
WINNEBAGO COUNTY, WI
RECORDED ON

03/12/2004 10:35AM

SUSAN WINNINGHOFF
REGISTER OF DEEDS

RECORDING FEE 13.00

TRANSFER FEE

OF PAGES 2

In Re: The South 1/2 of the North 119 feet, front and rear, of Lot 2 of the Subdivision of Lot 14 of the Subdivision of Fractional Lot 2 of Section 23-20-17, in the Third Ward, City of Menasha, per Assessor's Map of the City of Menasha, Winnebago County, Wisconsin 1924, excepting therefrom the West 137 1/2 feet thereof.

STATE OF WISCONSIN

COUNTY OF Winnebago
is signed]

) ss

)[County where document

Recording Area

Name and Return Address

Everett Sachs
375 Lucas St.
Menasha WI, 54952

Everett LeRoy Sachs and Barbara Susan Sachs, being first duly sworn, on oath depose and say:

Parcel Identification Number (PIN)

1. That they are the owners of the above-described property.
2. That this affidavit is being recorded for the purpose of notifying prospective purchasers and other interested parties that as of May, 2001, when an underground home fuel oil storage tank was removed from the above-described property, soil contaminated with fuel oil from the fuel oil tank, remained on this property. Fuel oil was observed leaking from the fuel oil tank into the surrounding soil. If soil is excavated from this area in the future, the soil must be sampled and analyzed, may be considered solid or hazardous waste if residual contamination remains and must be stored, treated and disposed in compliance with applicable statutes and rules.
3. That the Wisconsin Department of Natural Resources ("Department"), believes that removal or treatment of the contaminated soil, and/or groundwater monitoring, are required on the property under the authority of s. 292.11(3), Wisconsin Statutes.
4. That the Department has determined that investigation and remediation of the existing soil contamination on the above-described property is not feasible as the Department has determined that we are unable to financially pay for the cleanup of the above-described property. Further, that a notification of the existence of residual contamination on the property is necessary and is to be recorded at the Office of the Register of Deeds in the county where the above-described property is located.

R + R - OSH
RECEIVED

APR 1 2004

TRACKED ☐
REVIEWED ☐

5. That, as the Department believes that fuel oil contamination currently found in the soil 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(3), Wis. Stats.

Signature: Everett Sachs

Signature: Barbara S. Sachs

Printed Name: Everett Sachs

Printed Name: Barbara S. Sachs

Subscribed and sworn to before me
this 4th day of Feb., 2004.

Subscribed and sworn to before me
this 4th day of Feb, 2004

Nancy A. Nebl

Nancy A. Nebl

Nancy A. Nebl
Notary Public, State of Wisconsin

Nancy A. Nebl
Notary Public, State of Wisconsin

My commission 6/26/05

My commission 6/26/05

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

THIS SPACE RESERVED FOR RECORDING DATA

Register's Office

Winnebago County, Wis

Received for record this

day of April A.D., 1968at 4:48 o'clock P M. andrecorded in Vol. 1204 ofRECORDS on page 429Viola Linstahl

Register of Deeds

RETURN TO

Fox Valley Land Title
CorporationTHIS INDENTURE, Made by Albert Woeckner, a widowernot remarried

grantor

of Winnebago County, Wisconsin, hereby conveys and warrants toEverett LeRoy Sachs and Barbara Susan Sachs, husband andwife, as joint tenants,grantees of Winnebago County, Wisconsin, for the sum of- One Dollar (\$1.00) and other good and valuable considerationDollarsthe following tract of land in Winnebago County, State of Wisconsin:

The South 1/2 of the North 119 feet, front and rear, of Lot 2 of the Subdivision of Lot 14 of the Subdivision of Fractional Lot 2 of Section 23 - 20 - 17, in the Third Ward, City of Menasha, per ASSESSORS' MAP CITY OF MENASHA WINNEBAGO COUNTY WISCONSIN 1924, excepting therefrom the West 137 1/2 feet thereof.

(IF NECESSARY, CONTINUE DESCRIPTION ON REVERSE SIDE)

In Witness Whereof, the said grantor ha.s. hereunto set his hand and seal this 29th day of March, A. D., 19 68.

SIGNED AND SEALED IN PRESENCE OF

Albert Woeckner (SEAL)
Albert Woeckner

(SEAL)

(SEAL)

(SEAL)

Charles E. Schaller
Charles E. Schaller

Margaret H. Wesenberg
Margaret H. Wesenberg

State of Wisconsin,
Winnebago County. Personally came before me, this 29th day of March, A. D., 19 68,
the above named Albert Woeckner, a widower not remarried

to me known to be the person who executed the foregoing instrument and acknowledged the same.

Vol. 1204 PAGE 429

THIS INSTRUMENT WAS DRAFTED BY

Schaller and Giese, Attorneys at Law

Charles E. Schaller
Charles E. Schaller

Notary Public, Winnebago County, Wis.My commission expired (is) permanent.

City of Menasha

Selected Tax Roll Information

Be sure you review the correct property! More than one property may have matched your search criteria. Look carefully by scrolling down to look at all of the properties listed (if any).

Owner:	EVERETT L. SACHS	Record as of	10/27/2003
Address:	375 LOPAS ST	Parcel No:	3-00094-00 Tax Bill No: 01734
Tax District:	Winnebago County	Special Assessments:	
Land Value:	\$22,500.00	<i>Number</i>	<i>Principal</i> <i>Description</i>
Improvements:	\$46,400.00	1	\$0.00
Parcel Total:	\$68,900.00	2	\$0.00
		3	\$0.00
		4	\$0.00
General Tax:	\$2,184.68	5	\$0.00
School Credit:	\$105.94	6	\$0.00
Lottery Credit:	\$73.52	7	\$0.00
Miscellaneous:	\$0.00	8	\$0.00
Special Assessment:	\$0.00	9	\$0.00
Net Tax:	\$2,005.22	10	\$0.00
		11	\$0.00
Paid Amount:	\$2,078.74	12	\$0.00
Unpaid Amount:	\$0.00	13	\$0.00
Month and Day of last	07-08	14	\$0.00
account activity:		15	\$0.00
		16	\$0.00
		17	\$0.00

There were 1 match(s) for your search criteria.

Please return to <http://www.athenet.net/~mencity/search/taxroll.htm> if you would like to search again.

S¹/₂ of N 119ft of Lot 2 of the subdivision of Lot 14
of the Subdivision of Lot 2 Sec 23-20-17

Mtg Sat in 1991-Apr 18

WD - V1204 P429 Apr 5-1968

CORRESPONDENCE/MEMORANDUM

State of Wisconsin

DATE: September 9, 2003

FILE REF: 03-71-275823

TO: Kevin McKnight

FROM: Anne M. Brey *AMB*

SUBJECT: Everett Sachs property

Kevin –

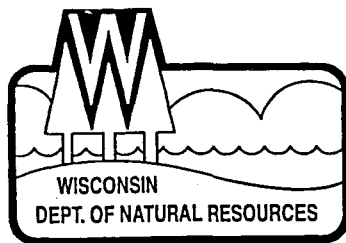
On March 24, 2003, the Department issued a Notice of Violation to Everett Sachs for failure to restore the environment on property he owns located at 376 Lopas Street, Menasha. At the same time, we requested Mr. Sachs submit financial information for an ability to pay evaluation. Based on the financial information, the Department determined his inability to proceed with addressing the contamination.

On April 21, 2003, the Department advised Mr. Sachs of our conclusions and offered to meet if he wanted to discuss further. He was advised to contact us no later than May 22, 2003, otherwise the Department would proceed the deed affidavit process. Mr. Sachs did not respond.

Please proceed with filing a deed affidavit. I plan to informally close out the enforcement action. If you need anything additional, please give me a call.



Printed on
Recycled
Paper



State of Wisconsin \ DEPARTMENT OF NATURAL RESOURCES

Jim Doyle, Governor
Scott Hassett, Secretary
Ronald W. Kazmierczak, Regional Director

Northeast Region Headquarters
1125 N. Military Ave., P.O. Box 10448
Green Bay, Wisconsin 54307-0448
Telephone 920-492-5800
FAX 920-492-5913
TTY 920-492-5912

April 21, 2003

Everett Sachs
375 Lopas Street
Menasha, Wisconsin 54952

CERTIFIED MAIL
RETURN RECEIPT REQUESTED
WDNR BRRTS ID: 03-71-275823
CASETRACK ID: 2003-NEEE-029

Subject: **Ability to Pay Response
Deed Affidavit Process**

Dear Mr. Sachs:

The Department of Natural Resources (Department) is in receipt of your financial information, as requested in the Notice of Violation issued to you on March 24, 2003. The Department has subsequently reviewed your financial information and based upon review of that documentation, the Department has determined that you are financially unable to currently proceed with the necessary site remediation. However, you do have access to a home equity loan which may provide funds to determine the degree and extent of the contamination. PECFA eligibility for home heating oil tanks is \$10,000 including a \$2500 deductible (max \$7500 reimbursement). This means you would have an out of pocket expense of \$2500 with reimbursement up to \$7500 for eligible expenses. The Department can explain in further details if you like.

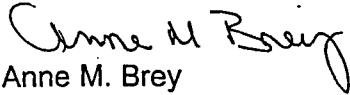
As a result of your financial inability, the Department intends to begin the deed affidavit process, pursuant to s. NR 728.11, Wisconsin Administrative Code, to record a notice of contamination on the site since you have been unable to adequately define or remediate the site. This deed affidavit will give notice to the public, and any prospective purchaser, of the existing contamination and the environmental liability associated with the site.

Before initiating the deed affidavit filing process, we are extending an opportunity to you to meet with Department staff to discuss the hiring of a qualified environmental consultant and the submittal of a work plan to address the contamination. **If you wish to discuss this issue further, please contact me in writing at the address in the letterhead or by telephone at (920) 492-5863 by May 22, 2003, to set up a meeting date and time.** If we do not receive a request for a meeting, the Department will begin the process of recording an affidavit of contamination on the property deed.

For your information, violations of s. 292.11(3), Wis. Stats., are enforceable under s. 292.99, Wis. Stats.

If you have any technical questions about investigation/remediation activities on your property, please contact Mr. Kevin McKnight, Department Hydrogeologist, at (920) 424-7895. If you have any questions concerning this letter, please contact me at (920) 492-5863.

Sincerely,



Anne M. Brey
Environmental Enforcement Specialist

cc: K. McKnight - Oshkosh
V. Lorenz / B. Urban - NER
J. Renville - LS/5
RR/3

McKnight, Kevin

From: McKnight, Kevin
Sent: Tuesday, January 21, 2003 1:40 PM
To: Urban, Bruce G; Hildreth, David A
Cc: McKnight, Kevin
Subject: Legislaive contact- Sachs Property

Contact: Kurt Schultz (kurt.schultz@legis.state.wi.us) (920-751-4801) Sen. Ellis's office

RE: Everett Sachs Property

Background: In May 2001 a home heating oil tank was removed from Mr. Sachs property. The tank had obvious holes and free product was observed leaking from the holes, by the consultant and Scott Gehler of the City of Menasha Fire Department, as it was removed. A RP letter was sent on July 26, 2001 to Mr. Sachs. The Department has had phone contact with Mr. Sachs and the consultant who observed the tank pull. Mr. Sachs indicated that he has financial problems, elderly and on limited income, and probably could not afford to investigate. The Department asked that he determine what and if he could pay. A NON was sent 11/13/2002 and in a subsequent phone conversation Mr. Sachs indicated that he would contact a consultant. He met with a consultant and retained them to do a SI. The consultant contacted the Department to ask about the Ability to Pay process since it seems Mr. Sachs cannot afford to pay for the SI. The consultant was going to have Mr. Sachs contact me for further info.

Phone Conversation: Mr. Sachs contacted Sen. Ellis's office and described his problem and asked for assistance. Mr. Sachs had given Kurt a fairly complete background of the case. I gave Kurt a overview of the ability to pay process and described the Departments actions based on the outcome of the analysis, if unable to pay a deed affidavit and possible state lead work with lien to cover costs. I directed Kurt to COM for information on PECFA eligibility for the tank. Kurt was going to suggest that Mr. Sachs contact me and request a ATP determination. I offered to keep Kurt and Sen. Ellis informed of the sites progress via email.

Kevin D. McKnight
Hydrogeologist
Remediation and Redevelopment Program
920-424-7890 phone
920-424-4404 fax
mcknik@dnr.state.wi.us

NOTE: On June 16, 2002 the e-mail format changed to:

kevin.mcknight@dnr.state.wi.us

Messages sent to the old address (mcknik) will be forwarded to the new address (kevin.mcknight) for an undetermined amount of time.

McKnight, Kevin

From: Herb Berger(SMTP:HBerger@midwesteng.com)
Sent: Wednesday, November 27, 2002 1:49 PM
To: McKnight, Kevin
Cc: Jeffy
Subject: FW: Sachs Property

Hi Kevin,

Jeff Kamin met with Everett Sachs on November 27, 2002, and Mr. Sachs retained MES to complete the site investigation. MES will assist Mr. Sachs with obtaining a loan to finance the project.

Thanks

Herb

McKnight, Kevin

From: Herb Berger(SMTP:HBerger@midwesteng.com)
Sent: Tuesday, November 26, 2002 9:00 AM
To: McKnight, Kevin
Cc: Jeffy
Subject: RE: Sachs Property

Hi Kevin,

Just an update on the Everett Sachs Property.

Jeff Kamin is meeting with Everett on November 27, 2002 to discuss the release from the former fuel oil UST. I'll let you know how the meeting goes.

Thanks

Herb



State of Wisconsin \ DEPARTMENT OF NATURAL RESOURCES

Scott McCallum, Governor
Darrell Bazzell, Secretary
Ronald W. Kazmierczak, Regional Director

Oshkosh Service Center
625 East County Road Y, STE 700
Oshkosh, Wisconsin 54901-9731
Telephone 920-424-3050
FAX 920-424-4404

November 13, 2002

Mr. Everett Sachs
375 Lopas Street
Menasha WI 54952

SUBJECT: Notice of Noncompliance for Sachs Property, 375 Lopas St., Menasha
WDNR BRRTS # 03-71-275823

Dear Mr. Sachs:

The Wisconsin Department of Natural Resources ("Department") was notified on May 29, 2001 that petroleum contamination (fuel oil) was discovered at the above referenced property. In a letter dated July 26, 2001 the Department informed you of your legal responsibilities to address the situation. The Department has not received information that indicates you have followed the requirements of that letter and begun the investigation and remediation of this release.

If cleanup activities have not been implemented, you should hire an environmental consultant by December 2, 2002 and have them submit written verification to this office that they have been hired to address this problem. By December 9, 2002 your consultant should submit a site investigation work plan.

If investigation and/or remediation has occurred, you should provide the Department with documentation describing these activities by December 2, 2002.

All reports and correspondence should be sent to the Department at the following address:

Wisconsin Department of Natural Resources
Attn: Kevin McKnight
625 E. CTY Y, Suite 700
Oshkosh WI 54901-9731

All submittals should be identified with the WDNR BRRTS CASE ID number; and unless otherwise requested, please send only one copy of all submittals.

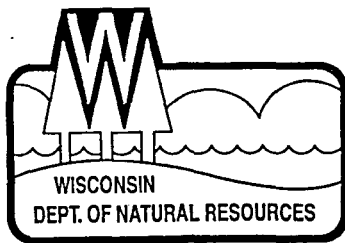
The Department is required to enforce Wisconsin's environmental cleanup laws and will cooperate with you in any matter that it can within the limits of the Department's responsibilities. However, if you fail to respond to this letter by not hiring a consultant and beginning to address the contamination at it's property, the next step in the process will likely be the issuance of a Notice of Violation and a request to attend an enforcement conference. Your cooperation in this matter will be appreciated.

Please feel free to contact me at 920-424-7890 if you have any questions regarding the content of this letter.

Sincerely,

Kevin D. McKnight
Hydrogeologist
Remediation & Redevelopment Program

cc: file



State of Wisconsin \ DEPARTMENT OF NATURAL RESOURCES

Jim Doyle, Governor
Scott Hassett, Secretary
Ronald W. Kazmierczak, Regional Director

Northeast Region Headquarters
1125 N. Military Ave., P.O. Box 10448
Green Bay, Wisconsin 54307-0448
Telephone 920-492-5800
FAX 920-492-5913
TTY 920-492-5912

March 24, 2002

Everett Sachs
375 Lopas Street
Menasha, Wisconsin 54952

CERTIFIED MAIL
RETURN RECEIPT REQUESTED
WDNR BRRTS ID: 03-71-275823
CASETRACK ID: 2003-NEEE-029

Subject: **Notice of Violation
Ability to Pay**

Dear Mr. Sachs:

On July 26, 2001, the Department of Natural Resources (Department) was notified of fuel oil contamination on your property located at 375 Lopas Street, Menasha, Winnebago County, Wisconsin (Site). McMahon Associates observed the contamination on May 30, 2001 during the removal of a 500-gallon fuel oil underground storage tank at the Site. The City of Menasha documented free product in the bottom of the excavation.

On July 26, 2001, the Department sent a letter advising you of your responsibility to address the contamination at the Site. The letter requested that you hire a qualified environmental consultant and submit a site investigation work plan to the Department. You were also advised that these actions were required to comply with s. 292.11(3), Wisconsin Statutes, which states:

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 this state.

On November 13, 2002, the Department sent you a Notice of Noncompliance that requested you provide a written update on the status of addressing the contamination on your Site. Senator Ellias' office responded, inquiring of options.

Section 292.11(3), Wis. Stats. requires that a person who possesses or controls a hazardous substance which is discharged shall take the actions necessary to restore the environment to the extent practicable. The Department construes your failure to conduct an appropriate cleanup of the petroleum contamination at the Site as failure to take appropriate action. Therefore, the Department alleges you to be in violation of s. 292.11(3), Wis. Stats.

This Notice is being issued because the Department based on observations by Scott Gehler of the City of Menasha Fire Department believes contamination currently exists at the Site and you have not moved forward with the cleanup process. When evaluating these situations, the Department tries to determine if the responsible party (those individuals who are in possession/control of the contaminated property) (RP) is unwilling to move forward or is unable

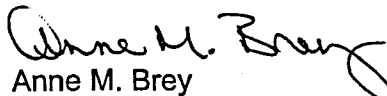
to move forward with Site cleanup. The enforcement approaches taken by the Department for each of these scenarios differs. For those RP's who are unwillingly to move forward with the Site cleanup, the Department considers issuing an administrative order or requests the Department of Justice to initiate a lawsuit to compel the RP to comply with the hazardous substance spill law. For those RP's unable to proceed, typically for financial reasons, the Department considers filing an affidavit on the property deed advising any future buyers that contamination exists on the Site.

Based on discussions that the Department has with you and your consultant, you indicate that you are financially unable to proceed with addressing the Site contamination. As such, the Department is offering you the opportunity to demonstrate that you are financially incapable of paying for the required work by completing the enclosed forms and submitting the information to the Department. **I have enclosed a financial disclosure form, which needs to be accurately completed and signed. Along with the financial disclosure form, you will need to include copies of your last three years of state and federal tax filings. Lastly, you will need to complete and return the IRS Form 8821, which authorizes us to request copies of your federal taxes for the last three years. By no later than April 15, 2003, please complete the enclosed forms and return them along with your tax returns to me at the address in the letterhead. If you fail to submit the above information as requested to verify your financial inability to proceed with Site remediation, the Department will consider additional enforcement action to ensure that the contamination is addressed.**

For your information, violations of s. 292.11(3), Wis. Stats., are enforceable under s. 292.99, Wis. Stats which provided for forfeitures of up to \$5,000 per day of violation..

If you have any technical questions about investigation/remediation activities on your property, please contact Mr. Kevin McKnight, Department Hydrogeologist, at (920) 424-7890. If you have any questions concerning this letter, please contact me at (920) 492-5863.

Sincerely,



Anne M. Brey
Environmental Enforcement Specialist

cc: K. McKnight – Oshkosh
V. Lorenz / B. Urban - NER
J. Renville – LS/5
RR/3

Phone Log-Kevin McKnight


Date/Time: 1/22/2002 10:00

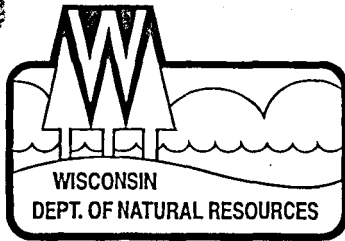
Caller: Everett Sachs

Phone #: 920-7254638

Email: NA

Text:

Mr. Sachs called regarding the discussion with Sen. Ellis's office and requested an Ability to Pay Determination. KM discussed the process (affidavit, lien etc.) and asked Mr. Sachs to call with questions. 



State of Wisconsin \ DEPARTMENT OF NATURAL RESOURCES

Scott McCallum, Governor
Darrell Bazzell, Secretary
Ronald W. Kazmierczak, Regional Director

Northeast Region Headquarters
1125 N. Military Ave., P.O. Box 10448
Green Bay, Wisconsin 54307-0448
Telephone 920-492-5800
FAX 920-492-5913
TTY 920-492-5912

July 26, 2001

Mr. Everett Sachs
375 Lopas Street
Menasha, WI 54952

Subject: Reported Contamination at Sachs Property, 375 Lopas Street, Menasha, WI
WDNR BRRS # 03-71-2758923

Dear Mr. Sachs:

On May 29, 2001, the Department of Natural Resources (WDNR) was notified that petroleum (fuel oil) contamination had been detected at the site listed above.

Based on the information submitted to the WDNR, we believe you are responsible for restoring the environment at the referenced site under Section 292, Wisconsin Stats., known as the hazardous substances spill law.

This letter describes your legal responsibilities, explains what you need to do to investigate and clean up the contamination, and provides you with information about cleanups, environmental consultants, possible financial assistance, and working cooperatively with the WDNR and Department of Commerce (Commerce).

Legal Responsibilities:

Your legal responsibilities are defined both in statute and in administrative codes. 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.

Wisconsin Administrative Code chapters NR 700 through NR 749 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 chapter NR 140 establishes groundwater standards for contaminants that reach groundwater.

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 neighboring properties and reduce your costs in investigating and cleaning up the contamination. To ensure that your cleanup complies with Wisconsin's laws and administrative codes, you should hire a professional environmental consultant who understands what needs to be done. These are the first three steps to take:

1. Within the next **30 days of the date of this letter**, you must submit written verification (such as a letter from the consultant) that you have hired an environmental consultant.
2. Within the next **60 days of the date of this letter**, your consultant must submit a workplan and schedule for the investigation. The consultant must follow the WDNR administrative codes and technical guidance documents. To facilitate prompt agency review of your reports, your consultant should use the site investigation and closure formats which are available on-line at www.dnr.state.wi.us.

Once an investigation has established the degree and extent of contamination involved at your site, your consultant will be able to determine whether Commerce or the WDNR has authority over the case:

3. Within 30 days of completion of the site investigation, you or your consultant must provide a brief report at least every 90 days per NR 724.13(3). Quarterly reports need only include one or two pages of text, plus any relevant maps and tables. Should conditions at your site warrant, we may require more frequent contacts.
4. When the site investigation is complete, NR 716.15(1) requires that you or your consultant submit to the WDNR a full report (within 30 days of completion of the report) on the extent and degree of soil and groundwater contamination and a proposal for cleaning up the contamination.
5. After the appropriate remedial action as been implemented and there is no threat to human health or the environment, you or your consultant may apply for closure (no further action required) to the WDNR.
6. Sites where discharges to the environment have been reported are entered into the Bureau for Remediation and Redevelopment Tracking System (BRRTS), a version of which appears on the WDNR's internet site. You may view the information related to your site at any time (<http://www.dnr.state.wi.us/org/aw/rr/brrts>) and use the feedback system to alert us to any errors in the data.

If you request a formal response from the agency on a specific submittal, please be aware that a review fee is required in accordance with s. NR 749, Wis. Adm. Code. If a fee is not submitted with your reports, you should proceed under the advice of your consultant to complete the site investigation to maintain your compliance with the spills law and chs. NR 700 through NR 749. **Do not delay the investigation of your site by waiting for an agency response.** We have provided detailed technical guidance to environmental consultants. Your consultant is expected to know our technical procedures and administrative codes and should be able to answer your questions on meeting cleanup requirements.

All correspondence regarding this site should be sent to:

Kevin McKnight
Remediation and Redevelopment Program
Wisconsin Department of Natural Resources
County Road Y, Suite 700
Oshkosh, WI 54901-9731
920/424-7890

Unless otherwise requested, please send only one copy of plans and reports. To speed processing, correspondence should reference the BRTS and FID numbers (if assigned) shown at the top of this letter.

Additional Information for Site Owners:

Information to help you select a consultant, review the contractor list, help control costs is enclosed. In addition, *Fact Sheet 2 - Voluntary Party Remediation and Exemption from Liability* is enclosed and provides information on obtaining protection of limited liability under s. 292.15, Stats.

Financial Assistance:

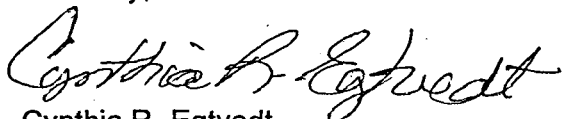
Reimbursement from the Petroleum Environmental Cleanup Fund (PECFA) is available for some of the costs of cleaning up contamination from eligible petroleum storage tanks. Please refer to the enclosed information sheet entitled *Information About PECFA* for more information on eligibility and regulations for this program. For more information on the PECFA program, please call the Department of Commerce at 608-266-2424 or visit their web site at <http://www.commerce.state.wi.us/ER/ER>.

Drycleaning Sites:

Funding is also available for cleanup at some drycleaning sites.

Thank you for your cooperation. Call Mr. McKnight for more information on eligibility or visit the RR web site <http://www.dnr.state.wi.us/org/aw/rr>. You may also contact this person for all other questions regarding this letter.

Sincerely,



Cynthia R. Egtvedt
Program Assistant
Bureau for Remediation & Redevelopment

- Enclosures: 1. Selecting an Environmental Consultant
2. Environmental Services Contractor List
3. Controlling UST Cleanup Costs
4. Information About PECFA
5. Fact Sheet 2, VPLE

cc: K. McKnight/Oshkosh

Egtvedt, Cynthia R.

From: MCM[SMTP:MCM@mcmgrp.com]
Sent: Thursday, July 26, 2001 10:54 AM
To: egtvec@dnr.state.wi.us
Subject: Everett Sachs Property

On July 12, 2001, Bruce Urben, of the DNR, requested I write this letter to you detailing my observations of the removal of an approximate 500 gallon fuel oil underground storage tank (UST) at the Everett Sachs property (Sachs property), 375 Lopas Street, Menasha, Wisconsin.

On May 30, 2001, Jeff Foust Excavating, Inc., contacted McMahon Associates, Inc. requesting that a site assessor come to the Sachs property. The City of Menasha would not let Jeff Foust Excavating, Inc. complete the project until a site assessor was present on-site. Personnel from Jeff Foust Excavating, Inc. observed free product on the bottom of the excavation. Also, free product was observed by Scott Gehler of the City of Menasha Fire Department in the excavation and free product apparently poured out the UST when it was removed due to substantial holes in the bottom.

I did not observe the free product in the excavation when I arrived on-site since it apparently had soaked into the sand UST bedding. The native soil is silty clay. However, there was substantial fuel oil odors emanating from the excavation and the UST contained very large holes (greater than one inch in diameter) in the bottom and a hole was present on top of the UST near the fill pipe entrance. There was one approximate 10"x10" section of the UST bottom where approximately 50% of the steel was missing. Photographs were taken of the excavation and of the UST.

According to Everett Sachs, the UST was used up until approximately one month before the UST was removed due to replacement of the furnace in the house. I explained the requirements to Everett Sachs. Subsequently, Everett Sachs authorized McMahon Associates, Inc. to notify the DNR of the release via fax.

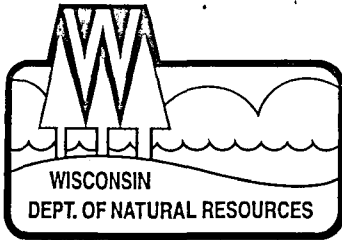
If you have any questions, I can be reached at (920) 751-4200.

Stuart A. Boerst

Thanks

McMahon Associates, Inc
1445 McMahon Drive
P.O. Box 1025
Neenah, WI 54956
(920)751-4200
mcm@mcmgrp.com

FILE



State of Wisconsin \ DEPARTMENT OF NATURAL RESOURCES

Scott McCallum, Governor
Darrell Bazzell, Secretary
Ronald W. Kazmierczak, Regional Director

Northeast Region Headquarters
1125 N. Military Ave., P.O. Box 10448
Green Bay, Wisconsin 54307-0448
Telephone 920-492-5800
FAX 920-492-5913
TTY 920-492-5912

July 23, 2001

Mr. Stuart Boerst
McMahon Associates, Inc.
P. O. Box 1025
Neenah, WI 54957-1025

RE: EVERETT SACHS PROPERTY

Dear Mr. Boerst:

This is a follow-up to our telephone conversation of July 12, 2001. On that date, I referred you to Mr. Bruce Urben regarding the situation at the above-mentioned site.

Mr. Urben informed me you would be sending me a letter or e-mail regarding your participation in this action, along with the full name of the fire department employee who was on the scene.

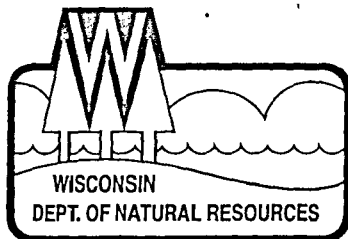
To date, I have not received any information from you or your firm. As of July 30, 2001, the Wisconsin Department of Natural Resources will be opening a case for this site based on the documentation you submitted on May 29, 2001. If the information you gave to Mr. Urben during your phone conversation with him is not submitted to this office in writing by that time, we will use the data from the notification we received in May.

If you have any questions, please feel free to contact me or Mr. Urben.

Sincerely,

Cynthia R. Egtvedt
Program Assistant
Bureau for Remediation and Redevelopment

cc: K. McKnight/Oshkosh



State of Wisconsin \ DEPARTMENT OF NATURAL RESOURCES

Scott McCallum, Governor
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TTY 920-492-5912

SECOND REQUEST

July 9, 2001

Mr. Stuart Boerst
McMahon Associates, Inc.
P. O. Box 1025
Neenah, WI 54957-1025

RE: EVERETT SACHS PROPERTY

Dear Mr. Boerst:

This is a follow-up to my letter dated May 30, 2001.

The Wisconsin Department of Natural Resources is unable to open any cases without the lab results. Please forward all applicable analytical data to this office as soon as possible and we will review the case status at that time.

Thank you for your prompt attention to this matter.

Sincerely,

Cynthia R. Egtvedt
Program Assistant
Bureau for Remediation and Redevelopment

cre

cc: K. McKnight/Oshkosh

*Call 7/12 - Handled
By Urban
Scott - Fire Dept
Boerst will
send email
7/19/01
aw*

Egtvedt, Cynthia R.

From: McKnight, Kevin
Sent: Monday, July 09, 2001 9:05 AM
To: Egtvedt, Cynthia R.
Subject: RE: EVERETT SACHS PROPERTY

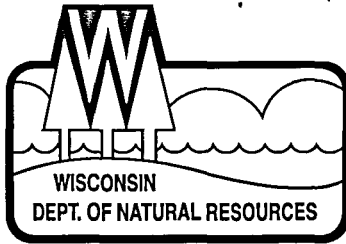
Nope, I only have a copy of your last letter to Stuart.

From: Egtvedt, Cynthia R.
Sent: Monday, July 09, 2001 8:49 AM
To: McKnight, Kevin
Subject: EVERETT SACHS PROPERTY

On May 29, 2001, Stuart Boerst of McMahon Associates, Inc., sent in a fax notification of this site. The lab results were to be submitted to me within one month. To date, I have not received analytical data. Do you have this in your possession? If not, I will send Mr. Boerst another letter requesting the results.

Thanks.

Cyndi



State of Wisconsin \ DEPARTMENT OF NATURAL RESOURCES

Scott McCallum, Governor
Darrell Bazzell, Secretary
Ronald W. Kazmierczak, Regional Director

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1125 N. Military Ave., P.O. Box 10448
Green Bay, Wisconsin 54307-0448
Telephone 920-492-5800
FAX 920-492-5913
TTY 920-492-5912

May 30, 2001

Mr. Stuart Boerst
McMahon Associates, Inc.
P. O. Box 1025
Neenah, WI 54957-1025

RE: EVERETT SACHS PROPERTY

Dear Mr. Boerst:

The Wisconsin Department of Natural Resources is unable to open any cases without the lab results. Please forward all applicable analytical data to this office as soon as possible and we will review the case status at that time.

Thank you for your prompt attention to this matter.

Sincerely,

Cynthia R. Egtvedt
Program Assistant
Bureau for Remediation and Redevelopment.

cre

cc: K. McKnight/Oshkosh

Wisconsin Department of Natural Resources

McKINLEY

Notification of Petroleum Contamination from Underground / Aboveground Storage Tank Systems

Please complete this form and FAX it to the appropriate WDNR contact person (see list on back page) immediately upon discovery of a release from an UST / AST system.

TO: WDNR, Attn: Veronica Lorenz
FAX #: (920) 492-5859

Eq + VEC

PLEASE PRINT

1. Name, company, mailing address and phone number of person reporting the discharge:

Stuart Boerst
McMahon Associates, Inc.
P.O. Box 1025
Neenah, WI 54957-1025

2. Site Information

Name of site at which discharge occurred (local name of site/business - not responsible party name, unless a residence):

Everett Sachs

Location (actual street address, not PO box; if no street address, describe as precisely as possible, i.e., 1/4 mile NW of CTHs 60 & 123 on E side of CTH 60):

375 Lopas St.
Menasha, WI 54952

Municipality (city, village, township in which the site is located - not mailing address):

County: Winnebago
City of Menasha → Scott (Fire Dept.)

Legal Description: SW 1/4, NE 1/4, Section 23, T20N, Range 17E, W

3. Responsible Party (RP) and/or RP Representative Information

RP / Business Name: Everett Sachs

Contact Person (if different):

Mailing Address (with zip code): 375 Lopas St.

Telephone Number: (920) 725-4638

4. Identity, physical state and quantity of the hazardous substance discharged (check all that apply):

☐ Unleaded gasoline
☐ Leaded gasoline
☐ Diesel

☒ Fuel oil
☐ Waste oil
☐ Other _____

5. Impacts to the environment (enter "K" for known/confirmed or "P" for potential for all that apply):

<input type="checkbox"/> Fire/explosion threat	<input checked="" type="checkbox"/> Soil contamination
<input type="checkbox"/> Contaminated private wells (# of wells) _____	<input type="checkbox"/> Surface water impacts
<input type="checkbox"/> Contaminated public wells	<input checked="" type="checkbox"/> Floating product
<input checked="" type="checkbox"/> Groundwater contamination	<input type="checkbox"/> Other _____

6. Contamination was discovered as a result of:

☒ Tank closure assessment ☐ Site assessment ☐ (other) _____

On what date: May 29, 2001

Additional Comments:

Fuel oil contaminated soil was obvious based on noticeable odors and extensive holes in the UST. Everett Sachs has retained McMahon Associates, Inc. to conduct a site investigation.

FAX numbers to report leaking tank sites in DNR's five regions are as follows:

Northeast Region (920-492-5859)

Underground Tanks: Attention - Janis DeBrock

Aboveground Tanks: Attention - Roxanne Chronert

Brown, Calumet, Door, Fond du Lac (*except City of Waupun*), Green Lake, Keweenaw, Manitowoc, Marinette, Marquette, Menominee, Oconto, Outagamie, Shawano, Waupaca, Waushara, Winnebago Counties

Northern Region (715-365-8932); Attention - Janet Kazda:

Ashland, Barron, Bayfield, Burnett, Douglas, Forest, Florence, Iron, Langlade, Lincoln, Oneida, Polk, Price, Rusk, Sawyer, Taylor, Vilas, Washburn Counties

South Central Region (608-275-3338); Attention - Marilyn Jahnke:

Columbia, Crawford, Dane, Dodge, Fond du Lac (*City of Waupun only*), Grant, Green, Iowa, Jefferson, Lafayette, Richland, Rock, Sauk Counties

Southeast Region (414-229-0810); Attention - Mike Farley:

Kenosha, Milwaukee, Ozaukee, Racine, Sheboygan, Walworth, Washington, Waukesha Counties

West Central Region (715-839-6076); Attention - John Grump:

Adams, Buffalo, Chippewa, Clark, Dunn, Eau Claire, Jackson, Juneau, LaCrosse, Marathon, Monroe, Pepin, Pierce, Portage, St. Croix, Trempealeau, Vernon, Wood Counties