



CERTIFIED MAIL

June 12, 2018

KEEP THIS DOCUMENT WITH YOUR PROPERTY RECORDS

Jerome Keck
P.O. Box 232
Clyman, WI 53016

SUBJECT: Pending Interim Action Approval with Notice of Continuing Obligations
Keck Farm, W5797 Freitag Lane, Watertown, WI 53094
DNR BRRTS Activity #: 02-28-000945

Dear Mr. Keck:

I am providing this letter to inform you of the location and extent of contamination remaining on your property, and of certain long-term responsibilities (continuing obligations) for which you may become responsible. The Wisconsin Department of Natural Resources (DNR) has investigated a release of trichloroethylene (TCE) and other chlorinated solvents to soil and groundwater at W5797 Freitag Lane in Watertown and is currently in the process of hiring a consultant to restore monitoring wells and better define the extent of groundwater contamination. Continuing obligations will be imposed as a condition of the interim action approval. Continuing obligations are actions required to address potential exposure to remaining contamination.

You have 30 days to comment on the attached legal description of your property and on the proposed interim action approval:

Please review the enclosed legal description of your properties below, and notify Jason Lowery at Wisconsin DNR, 101 S. Webster St., Madison, WI 53707 within the next 30 days if the legal description is incorrect.

The DNR will not send the interim action approval for at least 30 days after the date of receipt of this letter. As an affected property owner, you have a right to contact the DNR to provide any technical information that you may have that indicates that continuing obligations should not be applied to these properties. If you would like to submit any information that is relevant to the proposed continuing obligations, or if you want to waive the 30 day comment period, you should mail that information to the DNR contact: Jason Lowery, 101 S. Webster St., Madison, WI 53707, or at jason.lowery@wisconsin.gov.

Your Long-Term Responsibilities as a Property Owner:

The proposed interim action includes groundwater monitoring and inventorying, re-development, and surveying of monitoring wells. The continuing obligations we are proposing that affect your property are listed below, under the heading **Continuing Obligations on Your Property**. Under Wis. Stats., 292.12 (5), current and future owners and occupants of this property are responsible for complying with continuing obligations imposed as part of an approval. The fact sheet "Continuing Obligations for Environmental Protection" (DNR publication RR 819) has been included with this letter, to help explain the responsibilities you may have for maintenance of a certain continuing obligation, the limits of any

liability for investigation and cleanup of contamination, and how these differ. If the fact sheet is lost, you may obtain copies at <http://dnr.wi.gov/files/PDF/pubs/rr/RR819.pdf>.

Remaining Contamination

- Potential soil contamination remains at the locations shown on the attached Site Map, **Figure 1**, at levels which potentially exceed soil standards found in Wis. Adm. Code, ch. NR 720.
- Groundwater contamination originated at the property located at W5797 Freitag Lane, Watertown, WI 53094. The levels of TCE and other chlorinated solvents in the groundwater at your property are above the state groundwater enforcement standards found in Wis. Adm. Code, ch. NR 140, as shown in the Groundwater Contamination Map, **Figure 2**.
- Remaining contamination in soil and/or groundwater at this site could contribute to the intrusion of vapors at your property, or to the potential for vapor intrusion. Vapor intrusion is the movement of vapors coming from volatile chemicals in the soil or groundwater, into buildings where people may breathe air contaminated by the vapors. Vapor mitigation systems are used to interrupt the pathway, thereby reducing or preventing vapors from moving into the building. The following DNR fact sheet (RR 892, "Vapor Intrusion: What to Expect if Vapor Intrusion from Soil and Groundwater Contamination Exist on My Property") has been included with this notification to help explain vapor intrusion and the use of vapor mitigation systems. If the fact sheet is lost, you may obtain a copy at <http://dnr.wi.gov/files/PDF/pubs/rr/RR892.pdf>.

Continuing Obligations on Your Property: As part of the proposed interim action, I am proposing that the following continuing obligations be used at your property, to address future exposure to residual contamination. If approved, you will be responsible for the following continuing obligations.

Residual Soil Contamination: If soil is excavated from the areas with potential residual contamination, the property owner at the time of excavation will be responsible for the following:

- determine if contamination is present
- determine whether the material would be considered solid or hazardous waste
- ensure that any storage, treatment or disposal is in compliance with applicable statutes and rules.

Contaminated soil may be managed in-place, in accordance with Wis. Adm. Code, ch. NR 718, with prior DNR approval. In addition, all current and future property owners and occupants of the property and right-of-way holders need to be aware that excavation of the contaminated soil may pose an inhalation or other direct contact hazard and as a result special precautions may need to be taken during excavation activities to prevent a health threat to humans.

Residual Groundwater Contamination: To construct a new well or to reconstruct an existing well, the property owner at the time of construction or reconstruction will need to obtain prior approval from the DNR. See the paragraph **Database Listing and Well Construction Requirements**. Typically, this results in casing off a portion of the aquifer during drilling, when needed to protect the water supply.

Vapor: Future Actions to Address Vapor Intrusion: While vapor intrusion does not currently exist, if a building is constructed on this property, or reconstructed, or if use of a building is changed to a residential-type use, vapor intrusion may become an issue. Upon interim action approval, notification of the DNR will be required before construction of a building or changing the use of an existing building to residential occupancy. The use of vapor control technologies or an assessment of the potential for vapor intrusion will be required at that time.

Audits of Continuing Obligations: Periodic audits of these continuing obligations may be conducted by the DNR, to ensure that potential exposure to residual contamination is being addressed. The DNR provides notification before conducting site visits as part of the audit.

Database Listing and Well Construction Requirements:

This site will be listed on the Bureau for Remediation and Redevelopment Tracking System (BRRTS) on the Web, at <http://dnr.wi.gov/topic/Brownfields/clean.html>. Inclusion on this database provides public notice of remaining contamination and of any continuing obligations. Documents can be viewed on this database, and include approval letters, site maps and any applicable maintenance plans. The location of the site may also be viewed on the Remediation and Redevelopment Sites Map (RR Sites Map), on the "GIS Registry" layer, at the same internet address listed above.

DNR approval prior to well construction or reconstruction is required for all sites included in the GIS Registry, in accordance with Wis. Adm. Code, s. NR 812.09 (4) (w). This requirement applies to private drinking water wells and high capacity wells. Special well construction standards may be necessary to protect the well from the remaining contamination. Well drillers need to first obtain approval from a regional water supply specialist in DNR's Drinking Water and Groundwater Program. The well construction application, form 3300-254, is on the internet at <http://dnr.wi.gov/topic/wells/documents/3300254.pdf>.

Interim Action Approval: Once the interim action is approved, you will receive a letter which defines the specific continuing obligations on your property. The status of the site may also be checked by searching BRRTS on the Web. You may view or download a copy of the interim action approval letter from BRRTS on the Web.

If you have any questions regarding this notification, I can be reached at 608-267-7570 or jason.lowery@wisconsin.gov.

Sincerely,



Jason B. Lowery
Hydrogeologist
Remediation & Redevelopment Program

- Attachments: Deed
Figure 1: Site Map
Figure 2: Groundwater Contamination Map
RR 819, Continuing Obligations for Environmental Protection
RR 892, Vapor Intrusion: What to Expect if Vapor Intrusion from Soil and Groundwater Contamination Exist on My Property

RECEIVED
via email
JUL 18 2011
DNR R & R
SOUTH CENTRAL REGION
Document Number

000013 000045
State Bar of Wisconsin Form 3-2003
QUIT CLAIM DEED



Document # 1276883
Office of Register of Deeds
Jefferson County, WI
RECEIVED FOR RECORD
May. 26, 2010 AT 9:30 am

Document Name

THIS DEED, made between Alton Keck a/k/a Alton J. Keck
("Grantor," whether one or more),
and Alton J. Keck and Jerome A. Keck, as Joint Tenants with survivorship rights,
while living neither party may transfer, sell or assign said property except to one
another or by agreement ("Grantee," "whether one or more").

Grantor quit claims to Grantee the following described real estate, together with the
rents, profits, fixtures and other appurtenant interests, in Jefferson County, State
of Wisconsin ("Property"):
The Southwest Quarter Northeast Quarter of Section 15, EXCEPT the North 1 1/2 rods
thereof to be used for highway purposes.

ALSO the Southeast Quarter Northeast Quarter of Section 15, EXCEPTION
THEREFROM a part of the Southeast Quarter of the Northeast Quarter of Section 15
and a part of the Southwest Quarter of the Northeast Quarter of Section 15, Town 8
North, Range 14 East, Town of Watertown, Wisconsin, bounded and described as
follows: Commencing at the North quarter corner of said Section 15; thence due
South, along the North-South quarter line of said Section 15, a distance of 1334.50
feet; thence South 88° 01' East, along the North line of said Southwest Quarter of the
Northeast Quarter, a distance of 1320.00 feet to the point of real beginning; thence
continuing South 88° 01' East a distance of 25.00 feet; Thence Southerly, along the
arc of a curve to the right, having a radius of 50.00 feet, chord bearing South 52° 02'
06" West a distance of 64.24 feet; thence North 88° 01' West a distance of 1294.32
feet; thence due North, along the North-South quarter line of Section 15, a distance of
16.51 feet; thence South 88° 01' East a distance of 1320.00 feet; thence due North a
distance of 24.77 feet to the point of real beginning.

ALSO the Southwest Quarter Northwest Quarter of Section 14, all in Township 8 North, Range 14 East, Town of Watertown, Jefferson
County, Wisconsin.

Said lands lying and being in the Town of Watertown, County of Jefferson, and State of Wisconsin.

Dated April 22, 2010

Alton J. Keck (SEAL) _____ (SEAL)
* Alton J. Keck * _____

AUTHENTICATION

Signature(s) Alton J. Keck
authenticated on April 22, 2010
Lee J. Leverton
* Lee J. Leverton
TITLE: MEMBER STATE BAR OF WISCONSIN
(If not, _____
authorized by Wis. Stat. § 706.06)

ACKNOWLEDGMENT

STATE OF WISCONSIN)
) ss.
_____ COUNTY)
Personally came before me on _____,
the above-named _____
to me known to be the person(s) who executed the foregoing
instrument and acknowledged the same.

* _____
Notary Public, State of Wisconsin
My Commission (is permanent) (expires: _____)

THIS INSTRUMENT DRAFTED BY:
Attorney Lee J. Leverton

Recording Area
Name and Return Address
Leverton Law Office
116 E. Madison Street
Lake Mills WI 53551
032-0814-1514-000, 032-0814-1513-000
& 032-0814-1423-000

Parcel Identification Numbers (PIN)
This is not _____ homestead property.
(is) (is not)

Staci M. Hoffman
Staci Hoffman
Total Pages 1
Fee 11.00
TT .00 E-8

FREITAG LANE

APPROXIMATE PROPERTY LINE

1

2

3

WOODED GROVE

WOODS AND BRUSH

4

DRAINAGE DITCH

GARBAGE PIT

6

CONCRETE PAD

POLE BARN

5

BARN

KECK RESIDENCE

APPROXIMATE PROPERTY LINE

LEGEND

- ★ KECK OLD WELL
- ⊙ KECK NEW WELL
- ▨ AREA OF SUSPECTED DUMPING

SCALE IN FEET



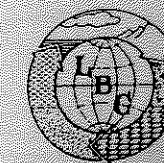
CHRYSLER CORPORATION

KECK FARM SITE, WATERTOWN, WISCONSIN

SITE MAP

DATE	REVISED

PREPARED BY:

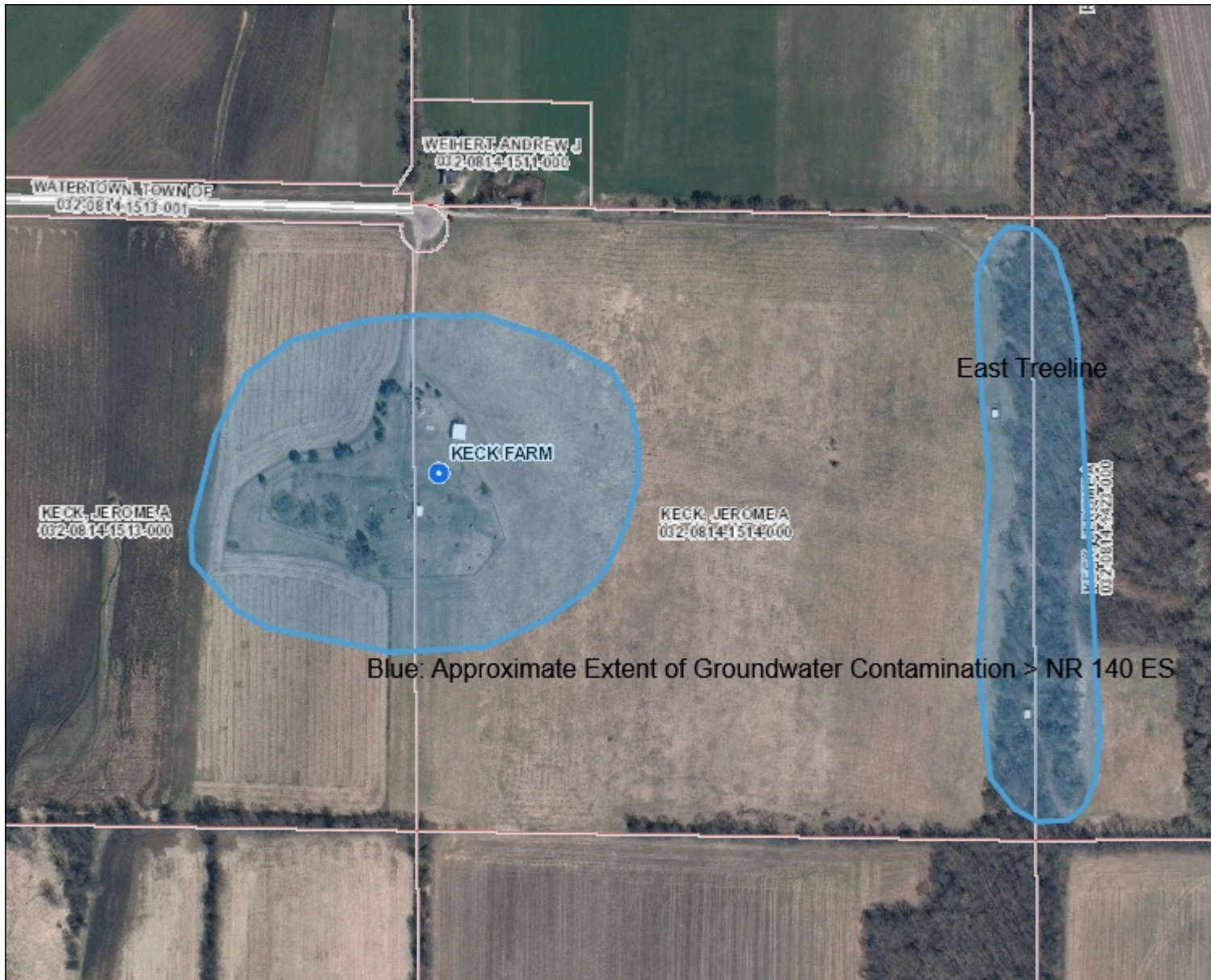


LEGGETTE, BRASHEARS &
GRAHAM, INC.
Professional Ground-Water Consultants
North Park Corporate Center
1210 West County Road E.
St. Paul, MN 55112
612-490-1405

DATE: AUGUST, 1989 FIGURE 1



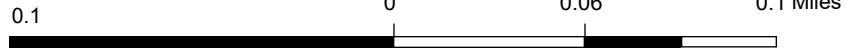
Figure 2: Groundwater Contamination Map



Blue: Approximate Extent of Groundwater Contamination > NR 140 ES

Legend

- Open Site (ongoing cleanup)
- Closed Site (completed cleanup)
- Municipality
- State Boundaries
- County Boundaries
- Major Roads**
 - Interstate Highway
 - State Highway
 - US Highway
- County and Local Roads**
 - County HWY
 - Local Road
- + Railroads
- Tribal Lands



NAD_1983_HARN_Wisconsin_TM

© Latitude Geographics Group Ltd.

1: 3,960



DISCLAIMER: The information shown on these maps has been obtained from various sources, and are of varying age, reliability and resolution. These maps are not intended to be used for navigation, nor are these maps an authoritative source of information about legal land ownership or public access. No warranty, expressed or implied, is made regarding accuracy, applicability for a particular use, completeness, or legality of the information depicted on this map. For more information, see the DNR Legal Notices web page: <http://dnr.wi.gov/org/legal/>

Note: Not all sites are mapped.

Notes

June 2018



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. This guidance does not establish or affect legal rights or obligations and is not finally determinative of any of the issues addressed. This guidance does not create any rights enforceable by any party in litigation with the State of Wisconsin or the Department of Natural Resources. Any regulatory decisions made by the Department of Natural Resources in any matter addressed by this guidance will be made by applying the governing statutes and administrative rules to the relevant facts.

The Wisconsin Department of Natural Resources provides equal opportunity in its employment, programs, services, and functions under an Affirmative Action Plan. If you have any questions, please write to 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

What is Vapor Intrusion?



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

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

Why are these chemical vapors a problem?

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

Why is vapor intrusion a concern?

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

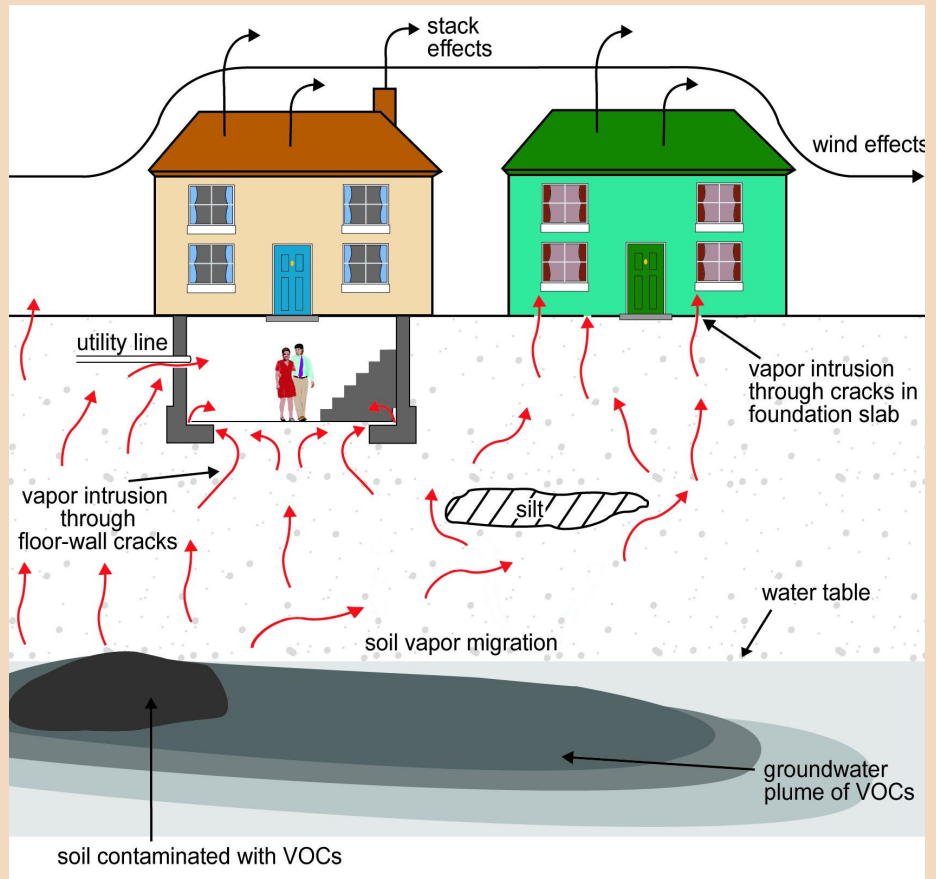
What should I expect if vapor intrusion is suspected near my home or business?

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



How Vapors Enter a Building

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



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

Where can I find more information?

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

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

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

This document contains information about certain state statutes and administrative rules but does not necessarily include all of the details found in the statutes and rules. Readers should consult the actual language of the statutes and rules to answer specific questions. The Wisconsin Department of Natural Resources provides equal opportunity in its employment, programs, services, and functions under an Affirmative Action Plan. If you have any questions, please write to Equal Opportunity Office, Department of Interior, Washington, D.C. 20240. This publication is available in alternative format upon request. Please call 608-267-3543 for more information.