



August 21, 2019

CERTIFIED MAIL

MARY LOU NEUBAUER
CITY ADMINISTRATOR
PO BOX 53
PRINCETON WI 54968

Subject: Notice of Non-Compliance: Action Required by September 25, 2019
Notice of Potential Deed Affidavit per Wis. Admin. Code § NR 728.11
Site Name: City of Princeton (Site)
Site Address: 417 West Main Street, Princeton, WI (Property)
BRRTS # 03-24-547974

Dear Ms. Neubauer:

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 September 15, 2006, 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.

During an underground storage tank closure assessment completed in August 2006, soil contamination was identified on property owned by the City of Princeton (City). This led to the September 15, 2006, Responsible Party (RP) letter stating your obligation to address the contamination under Wis. Stat. chapter 292 and Wis. Admin. Code chapters NR 700 through NR 754. On August 21, 2009, AECOM provided notice that a work plan was being prepared to address the contamination identified at 417 W. Main St. in the City of Princeton. The workplan was not approved by the City and subsequently no work has been performed at the Site since the tank closure assessment. Therefore, the department is considering recording a Notice of Contamination on your property unless, prior to September 25, 2019, you either indicate that you have hired an environmental consultant and the Property will be promptly investigated and remediated, or you provide information which clearly demonstrates that there is no environmental contamination on the Property.

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 September 15, 2006, 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 records indicate that you have not yet hired an environmental consultant.

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

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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 September 25, 2019, you hire an environmental consultant to address the discharge and comply with Wis. Stats. ch. 292 and Wis. Admin. Code chs. NR 700 through NR 754.

Please understand that you are in non-compliance and will remain in non-compliance 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.

Additionally, with regard to the potential deed affidavit, you must respond by September 25, 2019, and either indicate that the Property will be promptly investigated and remediated in compliance with applicable statutes and rules or provide information which clearly demonstrates that there is no environmental contamination on the Property (Wis. Admin. Code § NR 728.11(2)(a)).

If you have questions, please do not hesitate to write or call Tom Verstegen at (920) 424-0025 or Thomas.Verstegen@wisconsin.gov. Thank you for your attention to this matter.

Sincerely,



Roxanne N. Chronert
Team Supervisor, Northeast Region
Remediation & Redevelopment Team Supervisor

Attachment: Responsible Party letter dated September 15, 2006