

Borski, Jennifer - DNR

From: Borski, Jennifer - DNR
Sent: Friday, March 15, 2024 1:08 PM
To: Beau Bernhoft
Cc: Beggs, Tauren R - DNR; Prager, Michael A - DNR
Subject: Lien, MW & Liability Updates for 513 Grand Ave, Little Chute, WI (Sandies Dry Cleaners & Laundry (Former), BRRTS #02-45-552222)

Hi Beau – Please share this message, as appropriate.

Following our call this morning, I received the final calculation for the lien update. It's significantly more than the \$22K I estimated for the recent right-of-way investigation and off-site vapor mitigation system updates because I did not recall that this lien update will include costs for the 2018-2019 Site Investigation Report effort with Terracon. The total lien update will be for **\$48,207.89**. One caveat though is the final calculation needs to go through the internal routing process yet to confirm. I will keep you posted on progress.

Another update for you following our call today is that all three monitoring wells installed behind the Sandies building and in the alley were successfully filled & sealed (abandoned) this week. These costs are covered by federal grant funds and will therefore not be included in the lien update.

As discussed during our call this morning, I've been working to get answers to your questions and clarify items regarding incurred costs and the lien that are coming up with the opportunity for the Village to acquire the property from David Linskens. Below is a list of several additional points for the Village to consider as you evaluate how to proceed with this property:

1. The existing lien does not prevent transfer of the property and will remain on the property if not satisfied as a condition of sale (i.e., the Village can acquire without satisfying the lien).
2. DNR is statutorily obligated to pursue recovery of all state taxpayer-funded expenses. Part of this effort is preserving opportunity for cost recovery by updating the lien within the statute of limitations.
3. The lien update is able to occur for all costs incurred by DNR while owned by David Linskens, regardless of property ownership, based on the Notice of Intent to Incur Expenses letters sent to Mr. Linskens (i.e., the lien update will occur, even if completed after Village acquisition).
4. DNR is open to the possibility of waiving the lien in the future. Redevelopment is a key part of that consideration.
5. To request a lien waiver, a written request to forgive costs needs to be submitted under signature by the property owner along with the lien information and justification for the waiver. This request can be submitted for DNR consideration at any time.

I realize another significant consideration for the Village is the Local Government Unit Exemption. Just a reminder that performing a Phase I Environmental Site Assessment no more than 180 days prior to acquisition is one of the requirements for federal liability protection. Please continue to work with Michael Prager (Madison) and Tauren Beggs (Green Bay) on any questions regarding state or federal liability or to request a liability clarification letter prior to acquisition. Just to document for you, Michael Prager is stepping in from our central office to take the place of Barry Ashenfelter that recently left DNR. Barry worked with Tauren, me and the Village the past several years as we assisted the Village with liability, acquisition and redevelopment questions. Michael, Tauren and I will continue to be your points of contact moving forward.

I recognize there are many moving parts regarding this property and the Village will continue to have questions. Please reach out with additional questions or meeting requests, as needed. Thanks again for your time this morning.

We are committed to service excellence.

Visit our survey at <http://dnr.wi.gov/customersurvey> to evaluate how I did.

Jennifer Borski

(she/her/hers)

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