



January 21, 2022

MR JOHN ECKERT  
8861 COUNTY HWY H  
EAGLE RIVER WI 54521

**CERTIFIED MAIL/RETURN RECEIPT REQUESTED**

Subject: **Notice of Non-Compliance: Action Required by February 20, 2022**  
**Notice of Potential Deed Affidavit per Wis. Admin. Code § NR 728.11**  
Owens Property, 8861 County Highway H, Eagle River, Wisconsin  
BRRTS #02-44-584685 / FID #364000120

Dear Mr. Eckert:

This letter is to notify you that the Department of Natural Resources' (DNR) Remediation and Redevelopment Program believes you are out of compliance with Wisconsin Statutes (Wis. Stat.) chapter 292 and Wisconsin Administrative Code (Wis. Admin. Code) chapters NR 700 through NR 754. On November 14, 2019, the DNR notified you of your responsibilities to investigate the degree and extent of contamination and clean up the above-referenced site. You were notified as the suspected causer of hazardous substance discharges, and Ms. Susan Owens as the owner of the property in control of the hazardous substance discharges. That letter is attached for your reference.

In response to a complaint received by the DNR, several staff from the DNR and the Department of Transportation met with you and Ms. Owens on the property mentioned above on October 14, 2019. Numerous areas of staining and spills of what appeared to be petroleum products were observed, apparently resulting from your current auto salvage operations on the property. The Owens Property contamination case is considered a new and separate discharge from the other open discharge case (Zmek & Sons Wrecking, BRRTS # 02-44-548409) located at the same address.

On April 23, 2021, a status update request was sent to you as the current property owner; the DNR has not yet received a response to that letter.

**Notice of Non-Compliance**

Please be aware that the DNR 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 June 11, 2021 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.*

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 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 within 30 days from date of letter, by **February 20, 2022**, you provide written documentation a consultant has been hired and a site investigation work plan will be submitted. This information should be submitted to the Project Manager for the Site at the following address:

Carrie Stoltz  
Remediation and Redevelopment Program  
Department of Natural Resources  
107 Sutliff Avenue  
Rhineland, WI 54501

Please understand that the Site appears to be out of compliance and will remain out of compliance until you fulfill all applicable statutory and administrative code requirements. Failure to take the actions required by Wis. Stat. ch. 292 to address this contamination will cause the DNR to take appropriate enforcement action.

Additionally, with regard to the potential deed affidavit, you must respond by February 20, 2022 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 contact Carrie Stoltz by phone at (715) 360-1966 or email at [Carrie.Stoltz@Wisconsin.gov](mailto:Carrie.Stoltz@Wisconsin.gov). You can also contact me at (715) 208-4004 or by email at [Christopher.Saari@Wisconsin.gov](mailto:Christopher.Saari@Wisconsin.gov). Thank you for your attention to this matter.

Sincerely,



Christopher A. Saari  
Northern Region Team Supervisor  
Remediation and Redevelopment Program

Enclosures:

- Responsible Party Letter, DNR, November 14, 2019
- Status Update Request Letter, DNR April 23, 2021

cc: Carrie Stoltz – DNR Rhinelander (via email)