

Received 04-19-10

DOC. #: 742787

MELANIE I HUENPFNER  
MARINETTE COUNTY  
REGISTER OF DEEDS

Apr. 06, 2010 AT 12:42:02PM  
Fee Amount: \$15.00

Document Number

**NOTICE OF CONTAMINATION**

That Part of Lot One (1) and Lot Two (2) of the George Skarban Plat in the Village of Coleman, Marinette County, Wisconsin described as follows: Beginning at the Southwest corner of Lot One (1), thence North along the West line of said lot 148.50 feet; thence deflecting 130 degrees 22 minutes to the right a distance of 85.01 feet; thence deflecting 49 degrees 38 minutes to the right a distance of 18.75 feet; thence deflecting 40 degrees 22 minutes to the right a distance of 100 feet along the Southeasterly line of said Lots One (1) and Two (2) bordering U.S. Highway 141 to the point of beginning.

Recording Area

STATE OF WISCONSIN )  
COUNTY OF MARINETTE )

Name and Return Address:

Department of Natural Resources  
Attn: Kristin DuFresne  
2984 Shawano Avenue  
Green Bay, WI 54313-6727

15-

I, Kristin DuFresne, being first duly sworn, state that:

111-01318-000

Parcel Identification Number (PIN)

1. I am a Hydrogeologist, employed by the Wisconsin Department of Natural Resources (DNR) at its Green Bay office.
2. I have knowledge of the facts herein set forth and believe the same to be true.
3. The DNR has determined that petroleum discharged to the property which is located at 125 US Hwy 141, in the Village of Coleman, County of Marinette, and which has the above captioned legal description (the "Property"), has contaminated soil and groundwater in the vicinity.
4. On November 11, 1998, the DNR received a copy of soil analytical data from FISCHER, which showed that petroleum related contamination exists in the soil at the Property.
5. The DNR determined that removal or treatment of the contaminated soil and groundwater monitoring activities are necessary on the Property under the authority of s. 292.11(3), Wisconsin Statutes.
6. On November 19, 1998, the DNR sent a letter to George Hannan advising him of his statutory obligation to restore the environment at the Property.
7. On November 23, 1999, the DNR received a letter from FISCHER stating underground storage tanks (USTs) were removed from the Property on October 22, 1999. Approximately 135 cubic yards of soil was over-excavated during the tank removals and placed on off-site property owned by George Hannan. The over-excavated soil is thought to be located on a vacant 39-acre parcel of land fronted by CTH B and in the NW1/4 of the NW1/4, Section 22, T30N, R21E, Grover Township, Marinette County, Wisconsin.
8. On March 6, 2000, the DNR received a report from FISCHER, stating three USTs (two 4,000-gallon USTs and one 10,000-gallon UST) were removed from the Property. All three of the tanks contained unleaded gasoline.
9. On February 13, 2002, the DNR sent a Request for Case Status Update letter to George Hannan.
10. On February 4, 2003, the DNR sent a Request for Case Status Update letter to George Hannan.
11. On March 20, 2003, the DNR sent a Notice of Non-compliance letter to George Hannan. On May 9, 2003, George Hannan responded. On May 12, 2003, the DNR and George Hannan further discussed Hannan's May 9, 2003 response.
12. On October 23, 2003, the DNR sent a Notice of Violation letter to George Hannan. An enforcement conference was held on November 26, 2003 and George Hannan agreed to provide the DNR with a status update no later than December 15,

**AFFIDAVIT**

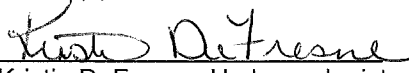
In Re: Property Located in the  
Village of Coleman, Marinette County  
Described above.

2003.

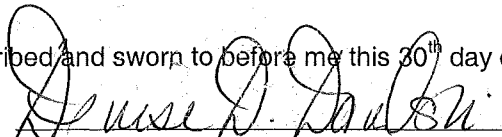
13. On February 16, 2004, the DNR sent a Request for Case Status Update letter to George Hannan's attorney, Lawrence Vesley. On February 27, 2004, Lawrence Vesley responded by saying George Hannan had a previously established PECFA account.
14. On May 24, 2004, the DNR received a letter from Environmental Assessments, Inc. titled *George Hannan, Excavated Soil Pile Sampling Results*. On May 28, 2004, the DNR requested additional soil sampling.
15. On October 11, 2004, the DNR sent a Request for Case Status Update letter to George and Dianna Hannan.
16. On March 30, 2005, the DNR sent a Failure to Address Contamination letter to Lawrence Vesley.
17. On May 24, 2005, the DNR sent a Request for Case Status Update letter to George and Dianna Hannan.
18. On September 21, 2005, the DNR sent a Request for Case Status Update letter to George and Dianna Hannan. The letter stated the George and Dianna Hannan case would be referred to the Department of Justice (DOJ) if a response was not received by October 7, 2005.
19. On August 11, 2006, the DNR informed George and Dianna Hannan that they had been referred to the DOJ.
20. On November 27, 2006 and December 13, 2006, the DOJ provided George and Dianna Hannan with a copy of the Complaint and offered to meet in order pursue a settlement.
21. On March 12, 2007, Bay Environmental (Bay) informed the DNR that George and Dianna Hannan had asked Bay to review the site activities completed to date and to provide a proposal for additional site investigation activities.
22. On September 24, 2007, the DOJ sent George and Dianna Hannan a settlement offer.
23. On November 8, 2007, Bay informed the DNR that George and Dianna Hannan had retained their services.
24. On December 5, 2007, the DNR received a letter from Bay titled *Site Investigation Work Plan (SIWP)*. On December 7, 2007, the DNR responded by asking for copies of several environmental reports. The requested documents were submitted to the DNR on December 18 and 27, 2007. On January 8, 2008, the DNR provided comments to the SIWP.
25. On February 20, 2008, the DNR received a letter from Bay titled *Site Status Report*. The DNR responded with a request for additional soil and groundwater sampling.
26. On March 4, 2008, the DOJ sent George and Dianna Hannan a letter with an offer to settle the case prior to the March 14, 2008 summary of judgment hearing.
27. George and Dianna Hannan agreed to settle the State's lawsuit against them. As part of the agreement, George and Dianna Hannan committed to finish taking the steps necessary to determine the nature and extent of any contamination associated with the 1998 petroleum release at the Property. They also agreed to promptly complete any remedial actions necessary to restore the Site, in accordance with their Site Investigation Plan, as amended by the Department of Natural Resources on February 20, 2008, and in accordance with all applicable requirements in the NR 700 series of the Wisconsin Administrative code. They also agreed to take all necessary steps to submit a request for formal case closure, and obtain formal case closure at the Site, pursuant to Wis. Admin. Code ch. NR 726, on or before December 31, 2008.
28. The Marinette County Circuit Court accepted the parties stipulated agreement and incorporated the obligations set forth in that agreement into the Order for Judgment that was filed, docketed and provided to George and Diana Hannan.
29. On April 22, 2008, the DNR requested a case status update from Bay. On April 24, 2008, Bay responded by stating they were currently awaiting payment from George and Dianna Hannan.
30. On April 29, 2008, the DOJ sent a letter to George and Dianna Hannan requesting additional site investigation work.

Location: Property Located in the Village of Coleman, Marinette County Described above.

31. On May 13, 2008, George Hannan spoke with the DNR regarding a proposed work scope.
32. On May 19, 2008, George Hannan informed the DNR that he was trying to re-establish PECFA eligibility for the tank system.
33. Between June 2, 2008 and July 10, 2008, George Hannan provided the DNR with updates regarding the status of his PECFA eligibility.
34. On July 31, 2008, the DOJ sent a letter to George and Dianna Hannan to remind them of their obligations under the parties' stipulation and the Court's Order.
35. Between August 11, 2008 and February 10, 2009, George Hannan provided the DNR with updates regarding his PECFA eligibility.
36. On May 4, 2009, the DNR, DOJ and Department of Commerce (Commerce) met with George Hannan regarding PECFA eligibility.
37. On May 7, 2009, Commerce assigned a PECFA claim number to the old tank system.
38. On August 7, 2009, the DOJ informed George and Dianna Hannan that they were planning to file a motion of contempt.
39. On September 10, 2009, George Hannan informed the DNR that he had permission to drill on a neighboring property. On September 15, 2009, the DNR responded by saying the DOJ planned to file a contempt motion with the court if an environmental consultant was not hired.
40. On October 22, 2009, Commerce provided notice to George Hannan that his PECFA deductible waiver application was received.
41. On January 10, 2010, Commerce informed George Hannan that PECFA reimbursement was not possible due to his non-compliance with Comm 10, Wisconsin Administrative Code, with respect to other tanks he owned.
42. On February 8, 2010, the DNR sent a certified letter to George and Dianna Hannan advising them that the DNR determined they were unable to proceed with the necessary site investigation and that an affidavit of contamination would be recorded if satisfactory action to restore the environment did not commence.
43. On March 2, 2010, the Department sent a certified letter to George and Dianna Hannan advising that the DNR would record an affidavit of contamination on the Property deed.
44. As the DNR believes that petroleum currently found in the soil and groundwater 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), Wisconsin Statutes.

  
 Kristin DuFresne, Hydrogeologist

Subscribed and sworn to before me this 30<sup>th</sup> day of March, 2010.

  
 Denise D. Danelski  
 Notary Public, State of Wisconsin  
 Department of Natural Resources

My commission expires on: February 19, 2012