

COPY

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Recorded
July 14, 2011 8:51 AM
OUTAGAMIE COUNTY
JANICE FLENZ
REGISTER OF DEEDS
Fee Amount: \$30.00
Total Pages: 2



Document Number

NOTICE OF CONTAMINATION

Legal Description of the Property:

THE NORTH 56 FEET OF THE SOUTH 112 FEET OF THE WEST 120 FEET OF LOT ONE (1), BLOCK THIRTY-SEVEN (37), EDWARD WEST'S PLAT, CITY OF APPLETON, WISCONSIN

STATE OF WISCONSIN)
COUNTY OF WINNEBAGO)

Recording Area

2

Name and Return Address:

Jennifer Borski ENVELOPE
WDNR
625 E County Road Y, STE 700
Oshkosh, WI 54901-9731

I, Jennifer Borski, being first duly sworn, state that:

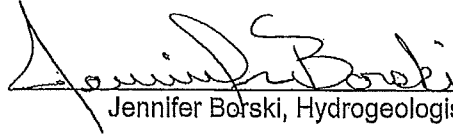
1. I am a Hydrogeologist, employed by the Wisconsin Department of Natural Resources (hereinafter "the Department") at its Oshkosh Service Center.
2. I have personal knowledge of the facts herein set forth and believe the same to be true.
3. The Department of Natural Resources has determined that tetrachloroethylene (also known as "perc") discharged to the former Barb and Ron's Dry Cleaners, which is located at 1700 South Lawe Street, in the city of Appleton, County of Outagamie, and which has the above legal description, has contaminated soil and groundwater in the vicinity.
4. The Department believes that removal or treatment of the contaminated soil and groundwater, and/or groundwater monitoring, are required on the property under the authority of s. 292.11(3), Wisconsin Statutes.
5. On February 26, 2002, the Department of Natural Resources sent a letter to Mr. Ron Van Asten, advising him of the statutory requirement to restore the environment at that location. After performing investigation and remedial actions between 2002 and 2010, Mr. Ron Van Asten alleged he is financially not able to proceed with performing the actions necessary. The Department confirmed inability to pay through the INDIPAY process on February 9, 2011.
6. On **April 14, 2011**, the Department of Natural Resources sent a letter, by certified mail, to Mr. Ron Van Asten advising that a notice of contamination would be recorded if satisfactory action to restore the environment did not commence. That letter requested a written response by **April 29, 2011** (10 working days from confirmed receipt on **April 15, 2011**). An inadequate response to that letter has been received by the Department. Mr. Ron Van Asten was not able to secure financing to perform the actions necessary.
7. On **May 2, 2011**, the Department sent a letter, by certified mail, to Mr. Ron Van Asten advising that the Department has made the decision to record a notice of contamination for the above-described property at the county Register of Deeds office 30 days after confirmed receipt of this second notice. The 30 day response time set out in the letter has expired. The 15 day waiting period since that deadline, required by NR 728, Wis. Adm. Code, has passed without an acceptable response.
8. Because the Department believes that tetrachloroethylene 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.

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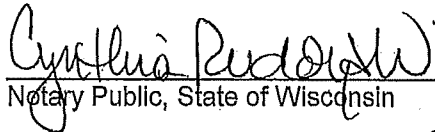
Parcel Identification Number (PIN)

AFFIDAVIT

In Re: Property Located in the
City of Appleton,
Outagamie County, Wisconsin
Described above.


Jennifer Berski, Hydrogeologist

Subscribed and sworn to before me this 12th day of July, 2011.


Notary Public, State of Wisconsin

My commission expires on: 25 Aug 2013

This document was drafted by the Wisconsin Department of Natural Resources.