

Document Number

Wis. Admin. Code § NR 728.11
NOTICE OF CONTAMINATION

DOCUMENT# **915078**
Recorded or filed on
10-23-2020 at 2:30 PM
TRACY A MIDDLETON
DOUGLAS COUNTY RECORDER
Fee Amount: \$30.00

Total Pages: 2

Legal Description of the Property:

Lots 19 through 22, inclusive, Block 10, West Superior, First Division, in the City of Superior

Recording Area

STATE OF WISCONSIN

COUNTY OF DOUGLAS

Name and Return Address:

WDNR
Attn: Chris Saari
2501 Golf Course Road
Ashland, WI 54806

30/ck

I, Christopher Saari, being first duly sworn, state that:

04-804-00023-00

Parcel Identification Number (PIN)

1. I am a Remediation and Redevelopment Program Supervisor, employed by the Wisconsin Department of Natural Resources (hereinafter "the Department") at its Northern Region.
2. I have personal knowledge of the facts herein set forth and believe the same to be true.
3. The Department determined that petroleum-related contaminants were discharged to the former Frandsen Property, now known as the Sapik Property ("the Property"), which is located at 327 Tower Avenue in the City of Superior, County of Douglas, and which has the above legal description, have contaminated soil in the vicinity.
4. The Department determined that soil contamination has been identified on the Property which has not been adequately defined or remediated.
5. On February 21, 2008, the Department sent a Responsible Party (RP) and status update request letter to Mr. Allan R. Sapik (Mr. Sapik) advising Mr. Sapik of the statutory requirement to restore the environment at that location. The letter requested a written response within 45 days. No response to that letter has been received by the Department.
6. On March 31, 2008, the former Department Project Manager for the Site had a phone conversation with Mr. Sapik regarding the RP letter mailed on February 21, 2008. On the call, the Department reiterated to Mr. Sapik his responsibilities under the authority of Wis. Stat. § 292.11(3). The Department advised Mr. Sapik to contact previous owner(s) of the Property for information related to any previous environmental sampling or reports related to environmental investigations completed at the Property. The Department received no response following the phone conversation.
7. On November 14, 2011, the Department sent a status update request letter to Mr. Sapik and informed him of a change in project management for the Site. The letter requested a written response within 45 days. The Department received no response to that letter.
8. Per Wis. Admin. Code § NR 728.11(2)(a), on October 25, 2019, the Department sent a letter by certified mail to Mr. Sapik advising that a notice of contamination would be recorded if satisfactory action to address the environmental contamination did not commence. That letter requested a written response within 45 days, by December 9, 2019. The Department did not receive a response to that letter.

AFFIDAVIT

In Re: Property Located in the
City of Superior
Douglas County, Wisconsin
Described above.

- 9. Per Wis. Admin. Code § NR 728.11(2)(b), on March 4, 2020, the Department sent a letter by certified mail to Mr. Sapik and the National Bank of Commerce advising that the Department has made the decision to record a notice of contamination for the above-described property at the Douglas County Register of Deeds office. The 30-day response time set forth in that letter has expired. Additionally, as required per Wis. Admin. Code § NR 728.11(2)(c), the 15-day waiting period following that deadline passed without an acceptable response.
- 10. The Department records this Notice because the petroleum-related contaminants in the soil on the Property with the above legal description will continue to discharge into the environment, and subsequent purchasers of the Property could be held responsible for investigation and cleanup costs under Wis. Stat. § 292.11(3).



 Christopher A. Saari

Subscribed and sworn to before me this 19th day of October, 2020

A. Moravetz - Ashland County WI.
 Notary Public, State of Wisconsin
 My commission expires on: 4.9.2023



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