

Chapter NR 726

APPENDIX A

All letters sent to landowners whose property has groundwater contamination that exceeds ch. NR 140 enforcement standards at the time that case closure is requested shall contain the following provisions, at a minimum, in order to satisfy the requirements of s. NR 726.05 (2) (b) 4. and (3) (a) 4. g.:

“Groundwater contamination that appears to have originated on the property located at [insert source property address] has migrated onto your property at [insert off-site property address]. The levels of [insert names of substances] contamination in the groundwater on your property are above the state groundwater enforcement standards found in chapter NR 140, Wisconsin Administrative Code. However, the environmental consultants who have investigated this contamination have informed me that this groundwater contaminant plume is stable or receding and will naturally degrade over time. I believe that allowing natural attenuation to complete the cleanup at this site will meet the requirements for case closure that are found in chapter NR 726 [insert “and chapter NR 746” or “and chapter Comm 46” if this site is eligible for closure under ch. NR 746 or Comm 46], Wisconsin Administrative Code, and I will be requesting that the Department of [insert either “Natural Resources” or “Commerce”] accept natural attenuation as the final remedy for this site and grant case closure. Closure means that the Department will not be requiring any further investigation or cleanup action to be taken, other than the reliance on natural attenuation.”

“Since the source of the groundwater contamination is not on your property, neither you nor any subsequent owner of your property will be held responsible for investigation or cleanup of this groundwater contamination, as long as you and any subsequent owners comply with the requirements of section 292.13, Wisconsin Statutes, including allowing access to your property for environmental investigation or cleanup if access is required. To obtain a copy of the Department of Natural Resources’ publication #RR-589, Fact Sheet 10: Guidance for Dealing with Properties Affected by Off-Site Contamination,” you may visit <http://www.dnr.wi.gov/org/aw/rr/archives/pubs/RR589.pdf>.

“The Department of [insert “Natural Resources” or “Commerce”] will not review my closure request for at least 30 days after the date of this letter. As an affected property owner, you have a right to contact the Department to provide any technical information that you may have that indicates that closure should not be granted for this site. If you would like to submit any information to the Department of [insert “Natural Resources” or “Commerce”] that is relevant to this closure request, you should mail that information to: [insert name and address of agency contact for the site].”

“If this case is closed, all properties within the site boundaries where groundwater contamination exceeds chapter NR 140 groundwater enforcement standards will be listed on the Department of Natural Resources’ geographic information system (GIS) Registry of Closed Remediation Sites. The information on the GIS Registry includes maps showing the location of properties in Wisconsin where groundwater contamination above chapter NR 140 enforcement standards was found at the time that the case was closed. This GIS Registry will be available to the general public on the Department of Natural Resources’ internet web site. Please review the enclosed legal description of your property, and notify me within the next 30 days if the legal description is incorrect.”

“Once the Department makes a decision on my closure request, it will be documented in a letter. If the Department grants closure, you may obtain a copy of this letter by requesting a copy from me, by writing to the agency address given above or by accessing the DNR GIS Registry of Closed Remediation Sites on the internet at <http://www.dnr.wi.gov/org/aw/rr/gis/index.htm>. A copy of the closure letter is included as part of the site file on the GIS Registry of Closed Remediation Sites.”

“Should you or any subsequent property owner wish to construct or reconstruct a well on your property, special well construction standards may be necessary to protect the well from the residual groundwater contamination. Any well driller who proposes to construct a well on your property in the future will first need to obtain approval from a regional water supply specialist in DNR’s Drinking Water and Groundwater Program. The well construction application, form 3300-254, is on the internet at <http://www.dnr.wi.gov/org/water/dwg/3300254.pdf>, or may be accessed through the GIS Registry web address in the preceding paragraph.

“If you need more information, you may contact me at [insert address and phone number] or you may contact [insert the name of the agency contact] at (insert address and phone number).”