

# Program Application Purchaser Liability Exemption

SD  
P-# 29  
10/30/95



0611 138916

Please complete an application form for each property that you are requesting DNR review and approval of cleanup actions. This application form should be submitted to the DNR in order to apply for the protection of limited liability under s.144.765, Stats. Protection of limited liability is effective at the completion of a cleanup action, if the purchaser complies with all of the statutory requirements of ss. 144.76 and 144.765, Stats. Personally identifiable information found in this form will be used for no purpose other than the Contaminated Lands Recycling Program. If you have questions about completing this form, please call (608) 261-6424.



**Return to:** Wisconsin Department of Natural Resources  
Emergency and Remedial Response Section  
Contaminated Lands Recycling Program  
101 S. Webster (SW/3), Box 7921  
Madison, WI 53707

## General Information

Property Name (if any): Former CompuDyne facility  
Address: 401 South Main Street (formerly 413 South Main Street)  
City, (Village) or Town: Pardeeville State WI Zip Code 53954  
Property size: approx. 26.3 (acres)

### Public Land Survey Coordinates<sup>1</sup>:

Quarter SW 1/4 of SE 1/4     Section 3     Township 12 North  
 Range 10 East     County Columbia

Department-issued identification number for site or facility: CompuDyne WID 009 122 896  
current tenant 111 043 020

To the best of your knowledge what type of business or businesses have operated at this property in the past?

- Landfill
- Gas Station
- Ag. Coop.
- Pipeline
- Manufacturing
- Other (explain) \_\_\_\_\_
- Bulk Plant
- Dry Cleaners
- Coal Gas Manufacturer
- Salvage Yard

<sup>1</sup> Please attach to this application the most recent Wisconsin County Plat map highlighting location of the property.

Name William J. Fritz Title President  
Organization Everbrite, Inc. Phone (414) 529-3500  
Address 4949 South 110th Street, P.O. Box 20020  
City Greenfield State WI Zip Code 53220-0020

If applicant is the current owner please fill out Part I; If applicant is the potential purchaser, please fill out Part II:

### Part I: Current Owner Status:

If you are the current owner of the property, from whom did you acquire the property?

Name \_\_\_\_\_ Title \_\_\_\_\_  
Organization \_\_\_\_\_ Phone \_\_\_\_\_  
Address \_\_\_\_\_  
City \_\_\_\_\_ State \_\_\_\_\_ Zip Code \_\_\_\_\_  
When did you acquire the property? \_\_\_\_\_ (DY,MM,YR)

Please answer the following questions to help DNR determine if you acquired the property in an "arms length", good faith" transaction:

How did you acquire the property?  Inheritance  Purchase  Land Trade  
 Other (explain) \_\_\_\_\_

<sup>2</sup> "Applicant" is the person seeking DNR review and approval of the environmental response actions in order to receive the limited liability exemption in s. 144.765(2), Stats. Applicants will be responsible for payment of any fees to the DNR. In addition, applicants will likely be asked to submit documentation which confirms that they meet the definition of "purchaser" in s. 144.765, Stats.

<sup>3</sup> "Arm's-length" means, according to Black's Law Dictionary, 6th Edition, 1990: "A transaction negotiated by unrelated parties, each acting in his or her own self interest; the basis for a fair market value determination. A transaction in good faith in the ordinary course of business by parties with independent interests."

<sup>4</sup> "Good faith" means, according to Black's Law Dictionary, 6th Edition, 1990: "The absence of malice and design to defraud or to seek an unconscionable advantage . . . An honest intention to abstain from taking any unconscientious advantage of another, even through technicalities of law, together with absence of all information, notice or benefit or belief of facts which render transaction unconscientious."

- ~~Did you own the business or entity<sup>3</sup> at the time of the hazardous substance release?  Yes  No~~
- ~~Did you participate in the management of a business or entity<sup>3</sup> that caused the release of a hazardous substance on the property?  Yes  No~~
- ~~Did you own the property at the time of the hazardous substance release?  Yes  No~~
- ~~Did you otherwise cause the release of a hazardous substance on the property?  Yes  No~~

**Part II: Potential Purchaser Status:**

If you are the potential purchaser, who currently owns the property?

Name: CompuDyne, Inc. (Anthony S. Novak, Trustee, Ch. 7 Bankruptcy)

Address: 81 Wolcott Hill Road

City, Village or Town Wethersfield State CT Zip Code 06109

Please answer the following questions to help DNR determine if you will acquire the property in an "arms-length,<sup>3</sup> good-faith<sup>4</sup>" transaction:

- How will you acquire the property?  Inheritance  Purchase  Land Trade
- Other (explain) \_\_\_\_\_

- Did you own the business or entity<sup>3</sup> at the time of the hazardous substance release?  Yes  No
- Did you participate in the management of the business or entity<sup>3</sup> that caused the release of a hazardous substance on the property?  Yes  No
- Did you own the property at the time of the hazardous substance release?  Yes  No
- Did you otherwise cause the release of a hazardous substance on the property?  Yes  No

<sup>3</sup> "Owner of a business or entity", as defined in s. 144.765, Stats., means "any person who owns or who receives direct or indirect consideration from the operation of a business or entity regardless of whether the business or entity remains in operation and regardless of whether the person owns or receives consideration at the time any discharge of a hazardous substance occurs." "Owner of a business or entity" is further defined in s. 144.765(1)(e), Stats., to include a "subsidiary or parent corporation as any business entity, including a subsidiary, parent corporation or other business arrangement that has elements of common ownership or control or uses a long-term contractual arrangement with any person that has the effect of avoiding direct responsibility for conditions on a parcel of property."

**Property Specific Information**

Type of Environmental Contamination (check all that apply):

- Soil
- Groundwater
- Sediment
- Surface water
- Unknown
- Other \_\_\_\_\_

If groundwater is contaminated, do the concentrations attain or exceed any ch. NR 140 groundwater quality?

- Yes
- PAL
- ES
- No
- Unknown
- Substance detected, but no ch. NR 140 standard has been established.

If any environmental work has been conducted to date at the property, please check all that apply:

- Environmental Assessment - Phase I
- Thorough Property Investigation
- Full Cleanup of Property
- Partial Property Investigation
- Partial Cleanup of Property
- DNR Closeout Approved

Who conducted this environmental work?

- Former Owner
- Current Owner
- Other (explain) Village participating in Remedial Program

If environmental work must be conducted at the property, who will conduct the following activities:

- Thorough environmental investigation of the property?
  - Current Owner
  - Potential Purchaser
- Cleanup to restore the environment?
  - Current Owner
  - Potential Purchaser

**Known or Suspected Sources of Contamination**

Please check all that apply:

- Foundry Sand
- Underground tank<sup>6</sup> or pipeline discharge
- Landfill
- Above ground tank or pipeline discharge
- Coal gas manufacturing
- Surface spills or discharge
- Routine industrial operations
- Contaminated building
- Transformer
- Industrial accident
- Dumping or burial
- Lagoons
- Burning of materials
- Unknown
- Other(explain)

<sup>6</sup> If tanks have been closed, please attach the Closure Assessment Report, if available, which was completed in accordance with DNR guidance.

**PROPERTY OF STATE OF WISCONSIN**

Please check all that apply:

- |  |  |
|--|--|
| <input type="checkbox"/> Petroleum Products              | <input type="checkbox"/> PCBs            |
| <input type="checkbox"/> RCRA Hazardous Waste            | <input type="checkbox"/> Pesticides      |
| <input type="checkbox"/> VOCs                            | <input type="checkbox"/> Other (explain) |
| <input type="checkbox"/> Metals                          |  |
| <input checked="" type="checkbox"/> Chlorinated Solvents |  |

**Involvement with Other Regulatory Programs**

Please check the appropriate boxes below if any of the following programs or agencies have been involved with the property in question.

- |   |  |
|---|--|
| <input type="checkbox"/> WDNR Tank Program (LUST)               | <input checked="" type="checkbox"/> WDNR Air Program         |
| <input type="checkbox"/> WDNR Voluntary Sediment Program        | <input checked="" type="checkbox"/> WDNR Waste Water Program |
| <input type="checkbox"/> WDNR Hazardous Waste Program           | <input type="checkbox"/> PECFA Eligible                      |
| <input checked="" type="checkbox"/> WDNR Solid Waste Program    | <input type="checkbox"/> Wisconsin DATCP                     |
| <input type="checkbox"/> WDNR Site Assessment (CERCLIS)         | <input type="checkbox"/> WDNR Water Supply Program           |
| <input type="checkbox"/> U.S. EPA National Priorities List Site |  |

Is there an enforcement order issued by WDNR, DILHR or DATCP in effect at this property?

- Yes       No

Date issued: 18 March 1991 (DY,MM,YR)

Agency: WDNR

Order No.: SOD-91-01

If not, has an enforcement order been issued and complied with in the past?

- Yes       No

Date issued: \_\_\_\_\_ (DY,MM,YR)

Date Compliance Attained: \_\_\_\_\_ (DY,MM,YR)

Agency: \_\_\_\_\_

Has a hazardous substance discharge been reported in accordance with s. 144.76(2), Stats, and ch. NR 158 or 705?

- Yes       No

Date reported: 22 Sept. 1988 (DY,MM,YR)

See October 6, 1988 memorandum from Mr. Karl Roovers.

**Environmental Consultant**

Please list the name(s) of your current environmental consultant, if one has been selected:

Name Richard S. Lyster, CPG (Consultant for Village of Pardeeville)  
Company Mid-States Associates, Inc.  
Address 1230 South Boulevard, Baraboo, WI 53913  
Phone (608) 356-2771

Please note: Effective May 1, 1995, specific types of environmental response actions are to be conducted by persons who meet the qualifications established in ch. NR 712, Wis. Adm. Code.

**Legal Counsel**

Please list the name(s) of the legal counsel representing the applicant in this matter, if any:

Name Donald P. Gallo, Esq.  
Firm Michael, Best & Friedrich  
Address 100 East Wisconsin Avenue, Milwaukee, WI 53202-4108  
Phone (414) 271-6560; (414) 225-2751 Direct No. (414) 277-0656 Fax No.

**Certification**

The applicant should read and sign the following certification:

I certify that I have read and am familiar with the information on this form and that the information is true, accurate and complete to the best of my knowledge.

I believe that I meet the definition of "purchaser" in s. 144.765, Stats., and I agree that I will provide to the WDNR further information to document my status as a "purchaser," if requested to do so.

I hereby request assistance from WDNR in reviewing the environmental response actions that have been or will be taken to obtain protection of limited liability, as provided in s. 144.765, Stats.

I recognize that to obtain this limited liability exemption from s.144.76(3), (4), 7(b) and (c), Stats., that the environmental response actions taken will need to comply with the applicable provisions of the NR 700 rule series, and will require a Phase I and II environmental assessment to be conducted for the property.

Applicant's Name William J. Fritz Title President, Everbrite, Inc

Signature \_\_\_\_\_ Date \_\_\_\_\_

WISCONSIN REAL ESTATE TRANSFER RETURN — CONFIDENTIAL

Wisconsin Department of Revenue

**I. GRANTOR:**  
 1. Name Village of Pardeeville  
 2. Full Address - New address if property transferred was residence  
124 Lake St.  
Pardeeville, WI 53954  
 3. Grantor is  Individual  Partnership  Corporation  Other

**V. PHYSICAL DESCRIPTION AND PRIMARY USE**  
 15. Kind of property  
 Land only  
 Land and buildings  
 Other (explain) \_\_\_\_\_  
 16. Primary use  
 a.  Residential  
 Single family/condominium  
 Multi-family - # units \_\_\_\_\_  
 Time share unit  
 b.  Commercial \_\_\_\_\_ business use  
 Manufacturing  
 Agricultural  
 Adjoining land?  Yes  No  
 e.  Other (explain) \_\_\_\_\_

**II. GRANTEE:**  
 4. Name General Indicator Corporation  
 5. Full Address 413 S. Main Street  
Pardeeville, WI 53954  
 6. Is grantor related to grantee?  Yes  No  
 If yes, explain how related \_\_\_\_\_  
 7. Name and address to which tax bills should be sent if different than grantee's address  
n/a

**VI. TRANSFER**  
 18. Type of transfer:  Sale  Gift  Exchange  Other (explain)  
vacating a 20x40' piece at end of roadway  
 19. Ownership interest transferred:  Full  Other (explain) \_\_\_\_\_  
 20. Does the grantor retain any of the following rights?  Life estate  Easement  
 21.  Deed in satisfaction of original land contract? Dated? n/a  
 22. Points (prepaid interest) paid by seller \$ n/a  
 23. Value of personal property transferred but excluded from (25) \$ n/a  
 24. Value of property exempt from local property tax included on (25) \$ n/a

**III. ENERGY** 8. Is this property subject to the Rental Weatherization Standards, ILHR67?  
 Yes  No Exclusion code W-11, Industrial  
 explain \_\_\_\_\_

**VII. COMPUTATION OF FEE OR STATEMENT OF EXEMPTION**  
 25. Total value of REAL ESTATE transferred \$ 100.00 Or less  
 26. Transfer fee due (line 25 times .003) \$ \_\_\_\_\_  
 27. TRANSFER EXEMPTION NUMBER, sec. 77.25 2  
 28. Grantee's financing obtained from  
 a.  Seller  
 b.  Assumed existing financing  
 c.  Financial institution / Other 3rd party  
 d.  No financing involved

**IV. PROPERTY TRANSFERRED**  
 9.  City  Village  Town Pardeeville  
 County Columbia  
 10. Street address Justice Drive  
 11. Tax parcel number none  
 12. Lot no.(s) no Blk no.(s) no  
 Plat name \_\_\_\_\_  
 13. Section \_\_\_\_\_ Township \_\_\_\_\_ Range \_\_\_\_\_  
 14. Legal Description metes and bounds:  
 (attach 4 copies if necessary)  
Thence-South-87°51'30"-West-along-the-northern-right-of-way-of-a-public-street,-28.79-ft.-  
to-the-northwestern-termination-point-of-said-public-street-right-of-way;-thence-south-  
13°10'32"-West,-40-feet-to-the-southwest-termination-point-of-said-public-street-right-  
of-way-

SEE ATTACHED

**VIII. FINANCING TERMS (FOR SELLER/ASSUMED FINANCED TRANSACTIONS ONLY)**

29. Total down payment \$	30. Amount of mortgage/land contract at purchase	31. interest rate (stated)	32. Principal and interest paid per payment	33. Frequency of pymts	34. Length of contract	35. Date of any lump sum (balloon) payments	36. Amount of lump sum
_____	_____	_____	_____	_____	_____	___/___/___	\$ _____
a. \$ _____	_____	_____	\$ _____	_____	_____	___/___/___	\$ _____
b. \$ _____	_____	_____	\$ _____	_____	_____	___/___/___	\$ _____
c. \$ _____	_____	_____	\$ _____	_____	_____	___/___/___	\$ _____

37. If the dollar amount paid per payment (32) is scheduled to change (not as a result of a change in the interest rate), fill in the line letter from above \_\_\_\_\_  
 Enter the date of change \_\_\_/\_\_\_/\_\_\_ and the amount it will change to \$ \_\_\_\_\_.

**IX. CERTIFICATION** We declare under penalty of law, that this return has been examined by us and to the best of our knowledge and belief it is true, correct and complete.

SIGN HERE	Grantor or agent <u>/s/</u>	Grantor's social security number or FEIN <u>39-6006340</u>	Date <u>08/09/1990</u>	Grantor's telephone number <u>(608) - 429-3121</u>
	Grantee or agent <u>/s/</u>	Grantee's social security number or FEIN	Date	Grantee's telephone number <u>(608) - 429-2121</u>
Print name and address of grantor's agent <u>Mark T. Meierdirk, Village President, Village of Pardeeville</u>				Agent's telephone number <u>(608) - 429-3121</u>

Document number	Vol.	Page	Date recorded	Date and kind of conveyance	Conv. code
Parcel number		Assmt. year 19 _____		<input type="checkbox"/> Field	1 2 3 4
LEAVE THIS AREA				Sales number	

**MICHAEL BEST  
& FRIEDRICH**  
*Attorneys at Law*

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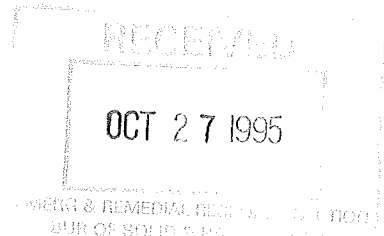
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Chicago, Illinois

Member: Lex Mundi,  
A Global Association of  
122 Independent Law Firms

October 16, 1995

Ms. Darsi Foss  
Wisconsin Department of Natural Resources  
Emergency and Remedial Response Section  
Contaminated Lands Recycling Program  
101 South Webster (SW/3), Box 7921  
Madison, Wisconsin 53707



**Re: Former CompuDyne, Inc. Facility  
401 South Main St., Pardeeville, Wisconsin**

Dear Darsi:

Enclosed please find the Contaminated Lands Recycling Program Application for Purchaser Liability Exemption ("the Application") submitted by Everbrite, Inc. ("Everbrite") concerning the former CompuDyne, Inc. property at 401 South Main Street in Pardeeville, Wisconsin ("the Property").

The following discussion presents supplemental site information, including an overview of site history, investigative and remedial work performed, and a summary of environmental conditions.

**Ownership History**

CompuDyne, Inc. ("CompuDyne") owns the building and property at 401 South Main Street (formerly 413 South Main Street) in the Village of Pardeeville, Columbia County, Wisconsin where Everbrite currently operates a manufacturing business under a lease agreement. CompuDyne, Inc. is a subsidiary of CompuDyne Corporation. The Property consists of a 118,554 square foot building on a lot of approximately 26.3 acres.

It is our understanding that General Indicator Corporation ("GIC") was formed and began conducting business at the Property in the 1960s and purchased the property from the Village of Pardeeville ("the Village") in 1985.

Manufacturing processes at the Property included metal fabrication, machining, spray painting, metal parts washing, metal degreasing, plastic forming and plastic cutting. Products included metal and plastic outdoor signs and scoreboards. Among the wastes generated were 1,1,1-Trichloroethane ("1,1,1-TCA"),



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tetrachloroethylene ("PCE"), paint sludge (D007, Chromium), Waste paint (D008, Lead) and waste thinner (F003/F005, Xylene, Toluene). GIC waste manifests indicate the facility generated, accumulated, and shipped off-site between 8,000 and 12,000 pounds of waste halogenated solvents annually.

On October 7, 1984, GIC merged with Robintech, Inc. On December 30, 1985, Robintech, Inc. d/b/a General Indicator Corporation executed a mortgage to the Village of Pardeeville, which mortgage was subsequently assigned by the Village to Montello State Bank. On June 5, 1987, Robintech, Inc. merged with General Indicator Group, which changed its name to CompuDyne, Inc. on February 18, 1988.

On September 2, 1988, the business, but not the real property, was purchased by Everbrite Electric Signs, Inc. which leased the property from GIC. Everbrite continued to operate under the name General Indicator Corporation until about January, 1991, when the facility operated under the name Everbrite, Inc.

On December 31, 1991, CompuDyne Inc. (a/k/a Robintech, Inc., a/k/a General Indicator Corporation) filed a petition for relief under Chapter 7 of the U.S. Bankruptcy Code.

Montello State Bank, the Mortgage holder for the Property, brought an action against GIC to foreclose on the mortgage. No foreclosure sale occurred due to fears of environmental liability, ownership remains with CompuDyne and Montello State Bank remains the mortgage holder.

### Site Investigation

Several phases of environmental investigation have been performed at the Property to document site conditions. Consultants for GIC include Enviropact, Inc. and Haley & Aldrich, Inc., and the consultant for the Village is Mid-State Associates, Inc. ("MSA"). Highlights of the various investigations are described below.

Phase I and Phase II Environmental Site Assessment activities were performed by Enviropact, Inc. in 1988, including the completion of four soil borings and 2 monitoring wells, as well as sampling from the nearby public well. Reports from these activities indicate both soil and groundwater contamination by chlorinated solvents.

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Following receipt of these reports, Messr's. Karl P. Roovers (Hazardous Waste) and David Barkham (Water Supply) of WDNR met with GIC personnel at the Property to review the analytical data, identify additional investigation required and explore remedial options. In October, 1988, GIC submitted a work plan for conduct of the *Remedial Investigation/Feasibility Study* to address the areas of concern identified by WDNR. The *Quality Assurance Project Plan* was submitted in November, 1988 and was approved. During November, 1988, Enviropact completed 12 more soil borings, installed four more groundwater monitoring wells and collected 54 soil and 15 groundwater samples for laboratory analyses. In December, 1988, a seventh groundwater well was installed by mud rotary drilling at a depth of 80 feet below land surface. During this period, samples were also collected by WDNR for analysis by the State Laboratory of Hygiene.

A *Hydrogeologic Evaluation Workplan* was submitted on behalf of GIC in January, 1989, which proposed the installation of four more monitoring wells. This work was reportedly completed in 1989 and 1990.

Additional investigative activities were proposed in a work plan from Haley & Aldrich and in May 1990, additional groundwater monitoring wells were installed and one bedrock observation well was installed. Later in 1990 three more wells were installed. A soil gas survey of more than 50 survey points was also completed.

In 1991, after CompuDyne's financial difficulties reportedly became more acute, CompuDyne's consultant, Haley & Aldrich, ceased progress on the remedial design portion of the project. On March 18, 1991, WDNR's Office of Environmental Enforcement issued CompuDyne an order (modified in November, 1991) to remediate the contamination.

Subsequently, the Village has undertaken additional investigation through its consultant, Mid-State Associates, Inc. ("MSA"), as reported in *Well No. 2 Contamination Investigation, Pardeeville Municipal Water Supply*, March 1993. These activities include the installation of three monitoring wells and five extraction wells, as well as further sampling rounds from existing monitoring wells.

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There are presently 23 groundwater monitoring wells in the Property area installed over the period of July, 1990 and December, 1992, screened at various depths ranging from 20 to 94 feet below surface. The site investigation has been completed. The groundwater remediation, in the form of groundwater extraction, is in the process of being designed. A WPDES permit has been issued to the Village of Pardeeville, effective July 21, 1995, for discharge of the extracted groundwater. Costs associated with the operation, monitoring and maintenance of the extraction well(s) will be allocated under an agreement between the Village of Pardeeville and Everbrite.

#### Site Conditions

Two aquifers are identified at the Property; an upper sand aquifer separated from a lower sandstone bedrock aquifer by a clay/silt aquitard, and a distinct vertical flow component is reported for the sand formations. Groundwater flow direction in the upper aquifer is reported to be to the north at an estimated velocity of 130 feet per year. In the lower bedrock aquifer, there is reported to be a slight horizontal gradient toward the southwest.

In early groundwater investigations, one or more of the following halogenated solvents was detected at concentrations ranging from 2 to 720 micrograms per liter (ug/L) in wells MW-2, MW-3, MW-4 and MW-5: 1,1,1-TCA, PCE, Trichloroethylene ("TCE"), and 1,1-Dichloroethylene (1,1-DCE). Of course, both TCE and 1,1-DCE are degradation products of PCE, and 1,1-DCE is also a degradation product of 1,1,1-TCA.

Some combination of these chlorinated organics were detected at concentrations ranging from 8 to 710 ug/L in monitoring wells MW-101, MW-102, MW-103, and MW-104.

Low levels of these constituents have been detected in numerous soil and soil-gas-survey samples located north of the CompuDyne building near the former waste storage slab, and based on the groundwater plume, it is expected that the location of the source is just north of the GIC buildings and south of the nearby municipal pump station. As the soils in this area are relatively permeable, there appears to be no existing specific source area

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remaining at the site, and therefore no soil remediation has been proposed by the owner's environmental consultants.

Due to the northerly direction of groundwater flow in the upper aquifer, concerns were raised regarding water quality in municipal production well (Pardeeville public well #2) located in a pumphouse just north of the GIC facility at 309 Roosevelt Street. This well is constructed with an outer casing (18") to 50 feet below land surface ("bls"), is piped (12") to bedrock at 112 ft. bls and is an open hole (12") to 382 ft. bls.

In earlier sampling events, no detectable levels of volatile organics were reported in water samples from public well #2. On February 11, 1992, a sample from this public well was reported to contain detectable levels of Benzene (2.5 ug/L), 1,2-Dibromoethane ("EDB", 0.31 ug/L), 1,2-Dichloroethane (1,2-DCA, 0.31 ug/L), and 1,1,1-TCA (1.0 ug/L). The EDB exceedance is above the federal MCL, and therefore use of the well was discontinued except for emergencies. Reportedly, subsequent tests of the well water do not reproduce these findings.

The Village of Pardeeville retained Mid-State Associates, Inc. ("MSA") of Baraboo to investigate the contamination of the public well, and an investigative report was prepared in March, 1993.

According to the MSA report, analytical data do not confirm impacts to the public well, and there was no detection of volatiles in the bedrock observation well. MSA could not identify a source area in soils on the Property, and speculated that perhaps the County Highway garage (degreaser) to the north or the former nearby private airport may have contributed. Based on groundwater flow direction in the upper aquifer, this theory was given little credence by MSA and by Mr. Dave Edwards of the Horicon District Office. Nevertheless, WDNR reviewed Material Safety Data Sheet information regarding sewer chemicals used by the Pardeeville Water and Sewage Commission to verify that sewer cleaning is not expected to be a source of the groundwater contamination.

A small industrial facility, Converter Concepts, Inc., reportedly produces electronic circuit boards, and is at an upgradient location about 250 feet southwest of the Property and about 1,200 feet southwest of Pardeeville public well #2. Following environmental assessment of this facility, Consultants

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and WDNR reportedly do not suspect this facility has contributed to the chlorinated organic contamination detected at the Property.

MSA's report confirms that the contaminant plume is in the subsurface directly above the municipal well, and that groundwater in the upper aquifer contains the following concentrations of volatile organic compounds: 2,600 ug/L 1,1,1-TCA, 140 ug/L TCE, 140 ug/L 1,1-DCE, 24 ug/L 1,1-DCA, 8.5 ug/L PCE, 4.9 ug/l carbon tetrachloride, and 4.3 ug/L 1,2-DCE. These constituents are heavier than water, there is a downward vertical local flow component, and the public well is regarded as being at significant risk.

Drill cuttings and other investigative wastes were still on site in May, 1995 (about 20 drums of waste as well as piles of soil on plastic), and Everbrite notified WDNR that this was not their waste and it was not being properly managed.

At present, a general WPDES permit under § 147.023, Wis. Stats., is in place effective July 21, 1995 for the discharge of effluent from the five groundwater recovery wells operated by the Village. Recovered effluent through about one mile of storm sewer to surface water at an estimated volume of about 72,000 gallons per day. recovery wells). The effluent is to be monitored for carbon tetrachloride, 1,1,1-TCA and 1,1-DCE.

#### Eligibility Under Act 453

Everbrite did not own the business entity and did not own the Property at the time of the hazardous substance release. Everbrite did not participate in the management of the business entity that caused the release of a hazardous substance at the Property, and Everbrite did not otherwise cause the release of a hazardous substance on the Property.

Both the soil and groundwater impacts have been well defined and characterized through several phases of environmental investigation performed by GIC's environmental consultant, Enviropact, Inc., prior and subsequent to Everbrite's purchase of the business in September, 1988 by CompuDyne's consultants and the Village's environmental consultant.

Extensive soil sampling and an extensive soil-gas survey performed during subsequent investigative phases confirm that low levels of soil contamination were associated with GIC activities,

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near the former hazardous materials storage slab. In a WDNR Memorandum from Mr. Karl Roovers, it is recorded that GIC has admitted having experienced spillage of wastes in a sandy soil area north of the building at the former GIC hazardous material storage area, which was an uncovered, concrete slab. At this location, GIC is reported to have stored drums of chlorinated solvent wastes containing the same VOCs or their parent constituents as those detected in the groundwater.

In September, 1988, shortly after Everbrite's startup of the operation, Mr. Karl Roovers of WDNR conducted a hazardous waste inspection of the Everbrite facility. Although no violations were noted, Mr. Roovers notified Everbrite on November 2, 1988 that the former GIC activities at the drum storage slab were a suspect source for release of contaminants. Everbrite immediately embarked on the construction of a curbed and covered materials storage building completed in December, 1988 to assure there was no potential for release to the environment from Everbrite's storage activities.

Everbrite therefore meets the requirements as a qualified purchaser. Everbrite by cost sharing agreement with the Village of Pardeeville is prepared to conduct the ongoing groundwater remediation activities. We urge your prompt review of this application and your approval of liability exemption for Everbrite as a prospective purchaser of the Property.

Very truly yours,

MICHAEL, BEST & FRIEDRICH



Donald P. Gallo

DPG/

Enclosures

cc: Mr. Pat McCutcheon - WDNR Fitchburg (w/ Encl.)  
Mr. Thomas M. Donnelly (w/o Encl.)  
Mr. Neal C. Fuchs (w/o Encl.)  
Mr. Jerry Phillips (w/o Encl.)  
Mark C. Treter, Esq. (w/ Encl.) ✓

Village of Pardeeville, a municipal corporation  
quit-claims to General Indicator Corporation  
the following described real estate in Columbia County,  
State of Wisconsin:

RETURN TO  
Village of Pardeeville  
124 Lake Street  
Pardeeville, WI 53954  
Tax Parcel No: .....

SEE REVERSE

COPY

This is not homestead property.  
(is) (is not)  
Dated this August day of 1990

(SEAL) VILLAGE OF PARDEEVILLE (SEAL)  
Mark T. Meierdirk, President  
(SEAL) Kim Manley, Village Clerk/Treasurer (SEAL)

AUTHENTICATION

Signature(s)  
authenticated this day of 19

TITLE: MEMBER STATE BAR OF WISCONSIN

(If not, authorized by § 706.06, Wis. Stats.)

THIS INSTRUMENT WAS DRAFTED BY

ATTORNEY VYTAS P. SALNA

Portage, WI 53901

(Signatures may be authenticated or acknowledged. Both are not necessary.)

ACKNOWLEDGMENT

STATE OF WISCONSIN

COLUMBIA County, ss.

Personally came before me this day of 1990 the above named

Mark T. Meierdirk, Village President  
Kim Manley, Village Clerk/Treasurer

to me known to be the person who executed the foregoing instrument and acknowledge the same.

Notary Public Columbia County, Wis.  
My Commission is permanent. (If not, state expiration date: 19)

LANDS TO BE QUIT-CLAIMED TO GENERAL INDICATOR CORPORATION  
FROM THE VILLAGE OF PARDEEVILLE

A parcel located in part of the Southwest Quarter of the Southwest Quarter of Section 3, Town 12 North, Range 10 East, Village of Pardeeville, Columbia County, Wisconsin described as follows:

"Commencing at the Southeast corner of Section 4; thence South 89°40'01" West along the South line of the Southeast Quarter of the Southeast Quarter of said Section 4, 660.00 feet; thence North 00°59'35" West, 825.00 feet; thence North 89°40'01" East, 660.00 feet to a point on the West line of the Southwest Quarter of the Southwest Quarter of Section 3; thence North 00°59'35" West along the West line of the Southwest Quarter of the Southwest Quarter of said Section 3, 117.10 feet; thence North 87°51'30" East, 389.34 feet; thence South 13°09'23" West, 100.00 feet; thence North 87°51'30" East, 189.00 feet to a point on the Western right-of-way of Roosevelt Street; thence South 13°09'23" West along the Western right-of-way of Roosevelt Street, 511.53 feet to the point of intersection with the Northern right-of-way of a public street, said point being the point of beginning; thence South 87°51'30" West along the Northern right-of-way of said public street, 28.79 feet to the Northwestern termination of said public street right-of-way; thence South 13°10'32" West, 40.00 feet to the Southwest termination of said public street right-of-way; thence North 87°51'30" East along the Southern right-of-way of said public street, 28.80 feet; thence North 13°09'23" East, 40.00 feet to the Point of Beginning. Containing 0.03 acres (1,111 square feet), more or less."

THIS DESCRIPTION PREPARED BY: GROTHMAN AND ASSOCIATES, S.C.  
JAMES R. GROTHMAN  
Registered Land Surveyor  
August 7, 1990

THIS DESCRIPTION PREPARED FOR: MARK BOND  
General Indicator Corporation  
Pardeeville, Wisconsin