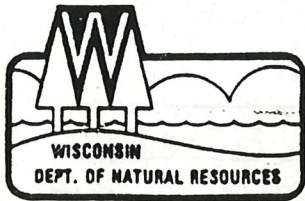


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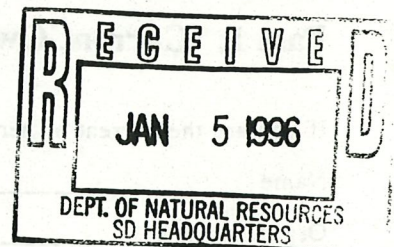
Program Application Purchaser Liability Exemption



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): Monarch Property (Former Malleable Iron Range Company)

Address: 715 North Spring Street

City, Village, or Town: Beaver Dam State WI Zip Code 53916

Property size: 14 (acres)

Public Land Survey Coordinates¹:

Quarter _____ Section 33 Township 12 North

Range 14 East County Dodge

Department-issued identification number for site or facility: _____

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

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

Applicant:

* Bar, Herring
Peter Bozak

Name Pine Tree Beaver Dam, LLC Title _____
Organization _____ Phone (708) 735-0600
Address 51 Sherwood Terrace, Suite C (708) 735-0664 Fax
City Lake Bluff State Illinois Zip Code 60044

Applicant's Interest in Property:

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 length³, good faith⁴" transaction:

- How did you acquire the property? Inheritance Purchase Land Trade
 Other (explain) _____

² "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.

³ "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."

⁴ "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 entity⁵ at the time of the hazardous substance release?

Yes No

Did you participate in the management of a business or entity⁵ 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: Dodge County

Address: Courthouse - City of Juneau

City, Village or Town Juneau State W.V. Zip Code 53039

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

How will you acquire the property? Inheritance Purchase Land Trade
 Other (explain) _____

Did you own the business or entity⁵ at the time of the hazardous substance release?

Yes No

Did you participate in the management of the business or entity⁵ 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

⁵ "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) _____

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 tank⁶ 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) _____

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

Known or Suspected Contaminants:

Please check all that apply:

- Petroleum Products
- RCRA Hazardous Waste
- VOCs
- Metals
- Chlorinated Solvents
- PCBs
- Pesticides
- Other (explain) _____

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.

- WDNR Tank Program (LUST)
- WDNR Voluntary Sediment Program
- WDNR Hazardous Waste Program
- WDNR Solid Waste Program
- WDNR Site Assessment (CERCLIS)
- U.S. EPA National Priorities List Site
- WDNR Air Program
- WDNR Waste Water Program
- PECFA Eligible
- Wisconsin DATCP
- WDNR Water Supply Program

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

Yes No

Date issued: 11-28-95 (DY,MM,YR)

Agency: WDNR

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: _____ (DY,MM,YR)

Environmental*Numerous Environmental Firms Engaged.*

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

Name Richard W. Schowengerdt
 Company Fluid Management, Inc.
 Address 2831 North Grandview Blvd.
 Phone Pewaukee, Wisconsin 53072 (414) 549-6898

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
 Firm Michael Best & Friedrich
 Address 100 E. Wisconsin Ave., Milwaukee, WI 53202-4108
 Phone 414-225-2751

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 _____ Title _____

Signature _____ Date _____

Environmental

Numerous Environmental Firms Engaged.

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

Name _____
 Company _____
 Address _____
 Phone _____

RECEIVED

JAN 4 1996

DEPT. OF NATURAL RESOURCES
SD HEADQUARTERS

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

Name *Donald P. Gill*
 Firm *Michael Best & Friedrich*
 Address *100 E. Wisconsin Ave., Milwaukee, W. 53202-4108*
 Phone *414-225-2751*

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Pine Tree Beaver Dam, LLC

Applicant's Name *Barry Aronoff* Title *Managing Member*
 Signature *[Signature]* Date *1-3-96*

Known or Suspected Contaminants:

Please check all that apply:

- Petroleum Products
- RCRA Hazardous Waste
- VOCs
- Metals
- Chlorinated Solvents
- PCBs
- Pesticides
- Other (explain) _____

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

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- No

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Agency: _____

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Date Compliance Attained: _____ (DY,MM,YR)

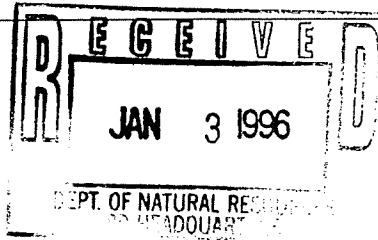
Agency: _____

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: _____ (DY,MM,YR)

MICHAEL BEST
& FRIEDRICH
Attorneys at Law



100 East Wisconsin Avenue
Milwaukee, Wisconsin 53202-4108
FAX 414/277-0656
Telex 262057
Telephone 414/271-6560

Offices In:
Madison, Wisconsin
Chicago, Illinois

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

January 2, 1996

Mr. Patrick T. McCutcheon
WDNR, SD Headquarters
3911 Fish Hatchery Road
Fitchburg, WI 53711

Re: Monarch Property (Former Malleable Iron Range Company)

Dear Pat:

Enclosed please find a program application for purchaser liability exemption for the Monarch property on behalf of Pine Tree Beaver Dam, L.L.C. A signed certification copy will also be sent overnight to your attention from Mr. Barry Herring.

If you have any questions, please do not hesitate to call me on my direct number (414) 225-2751.

Very truly yours,

MICHAEL, BEST & FRIEDRICH

A handwritten signature in cursive script that reads "Donald P. Gallo".

Donald P. Gallo

DPG:mkv

cc: Mr. Barry Herring
Mr. Mark Z. Siegel

R:\XF\CLIENT\75145\0001\JXS0568;1/2/96!