

State of Wisconsin
Department of Natural Resources
PO Box 7921, Madison WI 53707-7921

VPLE Environmental Insurance Application
Form 4400-224 (4/01) Page 1 of 2

Notice: As required by ch. NR 754, Wis. Stats., voluntary parties must complete this form and pay an insurance fee in order to obtain the Voluntary Party Liability Exemption (VPLE) under s. 292.15(2)(aa), Stats., for sites where groundwater contamination exceeds enforcement standards and the department determines that natural attenuation will restore groundwater quality. This form must be completed by parties seeking a Certificate of Completion. The form should not be submitted until the voluntary party has completed the environmental investigation and remedial action and the DNR has approved the request for case closure. Personally identifiable information that is submitted to the DNR will become a public record and may be used by the DNR in the administration and enforcement of the hazardous substance spill program in addition to the liability exemption program. Submit this form and the appropriate insurance fee, as specified in the annual VPLE Insurance Fee Schedule, together to the following address:

VPLE Coordinator
Bureau for Remediation and Redevelopment
Department of Natural Resources
P.O. Box 7921
Madison, WI 53707-7921

1. Property Information

VPLE Property Name

Washington Square Mall

BRRTS Activity Numbers (if there are multiple parcels, please list all BRRTS numbers that begin with 06 or 6)

02-67-125815

Street Address

N112 W15800 Mequon Road

City

Germantown

State

WI

ZIP Code

53022

Size (see fact sheet and fee schedule)

1 - 4.99 acres

above 5 acres

Indicate which former use category and fee you think would be appropriate for your site using the definitions and information in the fact sheet and fee schedule. Note, however, that the DNR will make the final determination on the form use category and fee.

Former Use Category:

residential heavy industrial light industrial commercial agricultural

Fee

\$11,397.00

Are you seeking Certificates for more than one legally defined parcel of land?

Yes No If yes, how many Certificates of Completion are you requesting?

DNR Region

SER SCR NOR NER WCR

DNR Project Manager (name)

Margarette Brunetto

2. Applicant Information

Organization / Firm Name

Mequon Pilgrims, LLC

Title

Action and Agent
~~President~~

Last Name

Weiss

First

Michael

MI

D

Telephone Number

262-240-4400

Street Address

10532 N. Port Washington Rd

Fax Number

262-240-4401

City

Mequon

State

WI

ZIP Code

53092-5563

E-Mail Address

3. Additional Voluntary Parties

Organization / Firm Name

Title

Last Name

First

MI

Telephone Number

Street Address

Fax Number

City

State

ZIP Code

E-Mail Address

VPLE Environmental Insurance Application

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Does the voluntary party (listed in #2) currently own the property?

Yes No (If No, please list the party who currently owns the property.)

Organization / Firm Name			Title
Last Name	First	MI	Telephone Number
Street Address			Fax Number
City	State	ZIP Code	E-Mail Address

Does the current property owner (listed in #3) plan to maintain ownership of the property?

Yes No Unknown (If No, please list the party who is expected to own the property after the current owner.)

Organization / Firm Name			Title
Last Name	First	MI	Telephone Number
Street Address			Fax Number
City	State	ZIP Code	E-Mail Address

Attachments: Application will not be complete until all attachments are included.

- Please attach:
- the applicable insurance fee made payable to the Wisconsin Department of Natural Resources
 - the legal property description of the property or properties receiving the certificate of Completion
 - a chronological list of all former uses of the property

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 certify that to the best of my knowledge all the requirements of s. 292.15(2)(a)1 through 6, Stats., have been met.

I hereby request that the DNR issue a Certificate of Completion for the remedial action completed at the property identified in the application under s. 292.15(2)(a), Stats.

Voluntary party's Name (type or print) <i>Mequon Pittman, LLC</i>	Title <i>Authorized Agent</i>
Signature <i>[Signature]</i> <i>Michael D. Weiss</i>	Date Signed <i>5/23/01</i>

Any questions regarding this form or the insurance requirements described in ch. NR 754, Wis. Adm. Code., shall be directed to the DNR VPLE site project manager or to the DNR Land Recycling Team Leader at (608) 261-4927. Copies of the Annual VPLE Insurance Fee Schedule can be obtained from the DNR VPLE site project manager or the DNR Land Recycling Team Leader or see our website: www.dnr.state.wi.us/org/aw/rr/liability/purchasers_0.html

DOCUMENT NO. 785369

RECORDED

WARRANTY DEED

DOCUMENT NO.

98 JUN 26 PM 1:25

REGISTER OF DEEDS
OF WASHINGTON COUNTY

This Deed, made between DECADE 80-I, LTD., a Wisconsin
United Partnership
Grantor,
and MARYON PILGRIMS, LLC
Grantee,

Witnesseth, That the said Grantor, for a valuable consideration
conveys to Grantee the following described real estate in Washington
County, State of Wisconsin:

Parcel Three (3) of CERTIFIED SURVEY MAP No. 2680, recorded in the
Washington County Registry on August 10, 1984 in Volume 14 of Certified
Survey Maps on pages 333-340, as Document No. 470281 and being a
redivision of Certified Survey Map No. 2344, being a part of the Southeast
1/4 of the Southeast 1/4 of Section 22, Township 9 North, Range 20 East,
Village of Germantown, Washington County, Wisconsin.

THIS SPACE RESERVED FOR RECORDING DATA

NAME AND RETURN ADDRESS

Stephanie A. Lyons
Godfrey + Kahn, P.C.
750 N. Water St.
Milwaukee, WI 53202

GINV 226 20A
PARCEL IDENTIFICATION NUMBER

TRANSFER

\$ 8025.00
FEE

This is not homesteaded property.
(*) (is not)

Together with all and singular the hereditaments and appurtenances thereunto belonging;
And the Grantor
warrants that the title is good, indefeasible in fee simple and free and clear of encumbrances except municipal and
zoning ordinances and agreements entered under them, recorded easements, recorded building and use restrictions and
covenants, rights of tenants under written leases, general taxes levied in 1998 and thereafter, Cross-Easement Agreement
recorded as Document No. 586057 as amended by Amendment recorded as Document No. 616885, all other recorded documents and
matters which would be reflected on an accurate survey

and will warrant and defend the same.

Dated this 23rd day of JUNE, 1998.

(SEAL)

(SEAL)

DECADE 80-I, LTD. (SEAL)
*By: Jeffrey Kelerleber General Partner
By: Jeffrey Kelerleber President (SEAL)

ACKNOWLEDGMENT

AUTHENTICATION
Signature(s) Jeffrey Kelerleber as President
of Decade 80, Inc., as General Partner
of Decade 80, Inc.
authenticated this 23rd day of June, 1998
Mary Nasse Fertl
Mary Nasse Fertl
TITLE: MEMBER STATE BAR OF WISCONSIN
(If not, authorized by § 706.06, Wis. Stats.)

STATE OF WISCONSIN }
County }
Personally came before me this ___ day of
_____, 19____, the above named

THIS INSTRUMENT WAS DRAFTED BY

Mary Nasse Fertl, Esq.

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

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

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

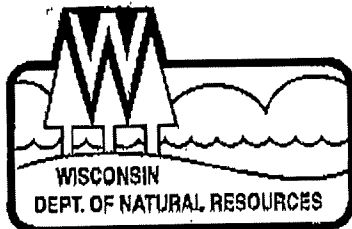
ARCADIS GERAGHTY & MILLER



Washington Square Mall Property
N112 W15800 Mequon Road,
Germantown, Wisconsin

Chronological list of all former uses of the property:

- ⇒ Prior to site development, the site was utilized for agricultural purposes.
- ⇒ A strip mall was constructed on the site between 1977 and 1980.
- ⇒ The original strip mall was razed in 1998.
- ⇒ A new strip mall development was completed in 1999.



State of Wisconsin \ DEPARTMENT OF NATURAL RESOURCES

Scott McCallum, Governor
Darrell Bazzell, Secretary
Gloria L. McCutcheon, Regional Director

Southeast Region Headquarters
2300 N. Dr. Martin Luther King, Jr. Drive
PO Box 12436
Milwaukee, Wisconsin 53212-0436
Telephone 414-263-8500
FAX 414-263-8716
TTY 414-263-8713

May 23, 2001

Mr. Michael Weiss, Mequon Pilgrims, LLC
c/o General Capitol
10532 N. Port Washington Rd.
Mequon, WI 53092-5563

Subject: Case Closure and VPLE Status - Washington Square Mall
N112 W15800 Mequon Rd., Germantown, Wisconsin
FID#267160740 BRRTs#02-67-125815 and 06-67-193272

Dear Mr. Weiss:

The Wisconsin Department of Natural Resources (WDNR) has reviewed the final closure documentation for the Washington Square Mall property, submitted on your behalf by Arcadis Geraghty & Miller, in a letter dated April 30, 2001. The submittal documents completion of the final conditions for case closure required by WDNR in our letter to you dated January 12, 2001. At that time, the WDNR indicated that investigation and remediation met the requirements for case closure under s. NR726.05, Wis. Adm. Code, with the following two exceptions:

1. Abandon all monitor wells, air sparging wells and other remediation system wells in compliance with ch. NR141, Wis. Adm. Code. The recent letter from Arcadis documents completion of this requirement.
2. Record a groundwater use restriction for the property, in accordance with WDNR requirements. The recorded deed restriction was prepared under WDNR review and meets WDNR requirements.

Based on our review of your project, the case is now considered closed under s. NR726.05, Wis. Adm. Code. The case may be reopened under s. NR 726.09, Wis. Adm. Code if information is received which indicates that contamination on or from the site poses a threat to public health, safety or welfare or the environment. Once a Certificate of Completion is obtained under the VPLE process, the applicant and its successors or assigns will no longer be subject to s. NR 726.09, Wis. Adm. Code, for the property.

VPLE Status. Due to statutory changes and recent approval of chapter NR754, Wis. Adm. Code, your property may now be eligible to receive a Certificate of Completion in the Voluntary Party Liability Exemption process. Chapter NR 754 allows voluntary parties that use natural attenuation as a remedy for groundwater contamination, to obtain a Certificate of Completion before groundwater standards are met by paying an insurance fee. This new regulation applies only to voluntary parties who wish to receive a Certificate of Completion under these circumstances.

The new regulation was approved by the Natural Resources Board in February and promulgated as an emergency rule that took affect March 6, 2001. This regulation describes insurance requirements that must be met to obtain the Certificate of Completion before groundwater enforcement standards are met at sites using natural attenuation.

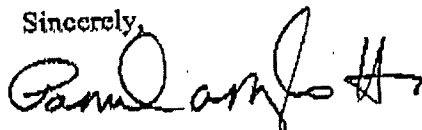
In order to obtain a Certificate of Completion for these types of sites, the following process should be followed:

- The voluntary party must demonstrate that natural attenuation will address groundwater contamination. This requirement has been met for your property.
- DNR staff will review and approve the request for case closure. This letter is the final case closure approval.
- The voluntary party pays an insurance fee and submits an insurance application form to DNR.
- DNR staff determine if all requirements are met, and if so, issue a Certificate of Completion.

A new fact sheet, *Insurance for Voluntary Party Liability Exemption Sites Using Natural Attenuation*, (#RR-661), that describes the rule requirements and fees, is attached for your information, along with a copy of the insurance application form. Copies of rule language (see Order RR-13-01(E)) can be obtained from the DNR website at www.dnr.state.wi.us/org/aw/r/.

Your consultant has indicated that you will be submitting an insurance application form soon. Margaret Brunette, (414) 263-8557, will be returning to work in June, and she will work with you on the completion of your VPLE project. If you have any questions now about this letter or the insurance application form, please contact me at (414) 263-8758.

Sincerely,



Pamela A. Mylotta
Hydrogeologist, Remediation & Redevelopment Program
Southeast Region, Milwaukee Service Center

c: Michael Maierle – Arcadis Geraghty & Miller
Margaret Brunette – SER
Michael Prager – RR/3

ARCADIS GERAGHTY & MILLER



Wisconsin Department of Natural Resources
Southeast Region
2300 North Dr. Martin Luther King Jr. Drive
Milwaukee, Wisconsin 53212

ARCADIS G&M Inc.
126 North Jefferson Street
Suite 400
Milwaukee
Wisconsin 53202
Tel 414 276 7742
Fax 414 278 7609

Subject:
Voluntary Party Liability Exemption Insurance Application, Washington Square
Mall, N112 W15800 Mequon Road, Germantown, Wisconsin
FID #267160740
BRRTS 02-67-125815
ARCADIS G&M Project No. W100679.0001

ENVIRONMENTAL

Dear Sir or Madam:

On behalf of Mequon Pilgrims, LLC, ARCADIS G&M, Inc. has completed the enclosed Voluntary Party Liability Exemption (VPLE) Environmental Insurance Application to obtain a Certificate of Completion from the Wisconsin Department of Natural Resources (WDNR) for the subject site. Final closure for the Washington Square Mall site was received from the WDNR in a May 23, 2001 letter from Pamela Mylotta to Michael Weiss of Mequon Pilgrims, LLC. A copy of the closure letter is attached for your reference.

Milwaukee:
1 June 2001

Contact:
Jennine L. Cota

We trust this information will meet your needs. If you have any questions, or require additional information, please contact either of the undersigned.

Extension:
414.276.7742

Sincerely,

ARCADIS G&M

Jennine L. Cota
Staff Engineer

Michael S. Maierle, P.E.
Principal Engineer

Enclosures

- copies:
- Michael Weiss - Mequon Pilgrims, LLC
 - Chelle Nennig - Mequon Pilgrims, LLC
 - Donald P. Gallo - Reinhart, Boerner, Van Deuren, Norris & Rieselbach, S.C.
 - Mark Lemke - Firststar Bank Milwaukee, N.A.
 - Margaret Brunette - WDNR
 - Pamela Mylotta - WDNR