



Tommy G. Thompson, Governor
 George E. Meyer, Secretary
 Gloria L. McCutcheon, Regional Director

Southeast Regional Headquarters
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 Milwaukee, Wisconsin 53212-0436
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September 11, 1998

Gordon Praefke
 Spahis, Inc.
 8075 N. 76th Street
 Milwaukee, WI 53223

for input
 in BRET S

September 11, 1998

SUBJECT: Application for Limited Environmental Liability for the Praefke Brake & Supply Co. property located at 133 Oak Street, West Bend, under the Voluntary Party Liability Exemption Process, [Site #P-53]

Dear Mr. Praefke:

Thank you for submitting your application for approval to proceed with an environmental investigation and cleanup under State Statutes 292.11 and 292.15. Because the definitions for "reckless" and "intentional" have not at this time been finalized, we are unable to determine whether you meet the definition of "voluntary party," found in s. 292.15(1)(f), Wis. Stats. You must meet the definition of "voluntary party" in order to be eligible for the liability limitation.

Because you have agreed to provide further information to document your status as a "voluntary party" if requested to do so, the DNR gives you conditional approval to proceed toward receiving the voluntary party liability exemption, s. 292.15, Wis. Stats. However, you should be aware that the DNR cannot provide you with this release from liability at the conclusion of your cleanup unless you meet all of the requirements of s. 292.15, Stats., including the requirement that you establish your status as a "voluntary party."

In order to obtain the voluntary party liability exemption, you will be required to conduct all the necessary environmental work in compliance with ss. 292.11 and 292.15, Wis. Stats., and the ch. NR 700 administrative rule series. The first step in the process is to conduct an "environmental investigation of the property," not just an investigation of the known or suspected areas of contamination.

I understand, based on the information you have provided, that environmental work has been conducted on the above property. This work may satisfy the requirements for an environmental investigation. Upon receiving the necessary reports, Pat Klages, who has been assigned to your project, will review them and inform you whether additional assessment and investigation is necessary to complete the environmental investigation requirement.



In addition, as a participant in this program, you are responsible for paying fees to the department to cover technical assistance and review of the project. On September 11, 1998, we received your deposit of \$3,000, based on a property size of greater than one acre, in accordance with ch. NR 750, Wis. Admin. Code.

When the DNR begins work on your project, you will incur fees at an hourly rate for any assistance with, or review of, your project. Fees will be deducted from your deposit until the project is completed or until the deposit is spent, whichever comes first. In the former case, any remaining balance needed to cover department costs will be refunded to you. If department review costs more than the deposit amount, we will send you quarterly invoices reflecting our costs for that time period.

Thank you for your interest in pursuing the Voluntary Party Liability Exemption Program. Please direct any questions and future correspondence to Pat Klages at the following address:

Pat Klages
Department of Natural Resources
4041 N. Richards Street
Milwaukee, WI 53212
(414) 229-0847

Sincerely,



Pat Chung

Remediation and Redevelopment Specialist

cc: Darsi Foss - RR/3
Jennifer Drury Buzacky
Laurie J. Parsons, NRT



AMENDED
**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): Praefke Brake & Supply Co.*

Address: 133 Oak Street

City, ~~Village or Town~~: West Bend State Wisconsin Zip Code 53095

Property size: 7.05 (acres)

Public Land Survey Coordinates¹:

☐ Quarter See Attachment 3 ☐ Section 13 ☐ Township 11N

☐ Range 19E ☐ County Washington

Department-issued identification number for site or facility: 267083740

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

- | | | | |
|--------------------------------------|--|---------------------------------------|--|
| <input type="checkbox"/> Landfill | <input type="checkbox"/> Pipeline | <input type="checkbox"/> Bulk Plant | <input type="checkbox"/> Coal Gas Manufacturer |
| <input type="checkbox"/> Gas Station | <input type="checkbox"/> Manufacturing | <input type="checkbox"/> Dry Cleaners | <input type="checkbox"/> Salvage Yard |
| <input type="checkbox"/> Ag. Coop. | <input checked="" type="checkbox"/> Other (explain) <u>various manufacturing/industrial uses</u> | | |

¹ Please attach to this application the most recent Wisconsin County Plat map highlighting location of the 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 ☐ Partial Property Investigation
☒ Thorough Property Investigation ☒ Partial Cleanup of Property
☐ Full Cleanup of Property ☐ DNR Closeout Approved

Who conducted this environmental work?

☐ Former Owner ☐ Current Owner ☒ Other (explain) Seller by Contract with Purchaser

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:

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

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:

- | | |
|--|---|
| <input type="checkbox"/> Petroleum Products | <input type="checkbox"/> PCBs |
| <input type="checkbox"/> RCRA Hazardous Waste | <input type="checkbox"/> Pesticides |
| <input type="checkbox"/> VOCs | <input checked="" type="checkbox"/> Other (explain) |
| <input type="checkbox"/> Metals | <u>pentachlorophenol (PCP)</u> |
| <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 checked="" 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: _____

(DY,MM,YR)

Agency: _____

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

☒ Yes

☐ No

Date issued: _____

1. 4/20/88

2. 10/10/95 (DY,MM,YR)

Date Compliance
Attained: _____

1. unknown

2. 10/27/97 (DY,MM,YR)

Agency: _____

WDNR

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: _____

August 8, 1994* (DY,MM,YR)

*Upon WDNR receipt of "An Environmental Investigation Summary Report of a Historical Industrial Property located at 133 Oak Street in West Bend, Wisconsin," dated August, 1994. This date is to the best of Spahis, Inc.'s information and belief; Spahis, Inc.'s predecessor in title reported the contamination.