



State of Wisconsin \ DEPARTMENT OF NATURAL RESOURCES

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

Southeast Region Annex
4041 N. Richards Street, Box 12436
Milwaukee, WI 53212-0436
TELEPHONE 414-229-0800
FAX 414-229-0810

January 21, 1998

Mr. Chad Rach
The Glendale Community Development Authority
5909 North Milwaukee River Parkway
Glendale, Wisconsin 53209

VPLE 06-41-24218 JK

WEST 11 + exemption

EAST 24

Lot 1

Lot 2 (CC+S)

Dear Mr. Rach:

Enclosed are the original Certificates of Completion of Response Actions under Section 144.765, Wis. Stats for the former Crown, Cork & Seal-West 11 Acre Parcel, the former Crown, Cork & Seal-Lot 1 of the East 24 Acre Parcel and the former Crown, Cork & Seal-Lot 2. We at the department would like to thank the City of Glendale for their participation in the Land Recycling program and for all of the work they have completed to restore the environment at these sites.

We apologize for the delay in sending the original certificate for the West 11 Acre Parcel. As you may know, in October amendments to the statutes for this program were approved by the governor. These amendments provide additional benefits to the holders of the Certificate of Completion's. Our program attorney has drafted a letter which explains these additional benefits. A copy of this letter is included. It is because we were waiting for this letter that the delay in sending you the original certificate occurred. We hope that this delay has not inconvenienced you in any way.

Also enclosed is a letter providing you with a Wis. Adm. Code NR 140 exemption for the presence of manganese in the groundwater above the enforcement standard. This exemption is for Lot 2 of the East 24 Acre Parcel. The exemption for the West 11 Acre Parcel is included within the certificate.

Again, thank you for your participation in the land recycling program. If you have any questions regarding this project or the certificate, you may contact me at the above address or at (414) 263-8589.

Sincerely,

Gina Keenan
Hydrogeologist

enclosures

c: Steve Keith-HNTB-enclosures
SED case file

State of Wisconsin Department of Natural Resources

WEST 11
VPLE 0641204218

CERTIFICATE OF COMPLETION OF RESPONSE ACTIONS UNDER SECTION 292.15, WIS. STATS. [formerly sec. 144.765, WIS. STATS.]

Whereas, City of Glendale Community Development Authority has undertaken response actions and has applied for an exemption from liability under s. 292.15, Wis. Stats., [formerly s. 144.765, Wis. Stats.] for the property located at 4300 North Port Washington Road-West 11 Acre Parcel ("the Property"), further described as lots 1 and 2 in the legal description in Attachment A to this Certificate;

Whereas, the City of Glendale Community Development Authority has completed an environmental investigation of the Property and has determined that the contamination at the Property consisted of diesel range organics, arsenic, lead, chromium, tetrachloroethylene, manganese and naphthalene;

Whereas, the concentrations of manganese in the groundwater on-site range from 52 to 330 parts per billion (ppb).

Whereas, the concentrations of manganese in the groundwater off-site range from 69 to 200 ppb.

Whereas, the concentrations of manganese in the literature range from 0 to 3300 ppb in the sand and gravel, and bedrock aquifers.

Whereas, the Wisconsin Department of Natural Resources (WDNR) grants the City of Community Development Authority an exemption to sec. NR 140.28(4)(a), Wis. Adm. Code, for the presence of manganese in the groundwater at concentrations in excess of the ch. NR 140 enforcement standard. Section NR140.28(4)(a), Wis. Adm. Code, states:

"The department may grant an exemption under this section to a facility, practice or activity which is regulated by the department in an area where the background concentration of nitrate or a substance of public welfare concern attains or exceeds an enforcement standard if the facility, practice or activity is designed to achieve the lowest possible concentration for that substance which is technically and economically feasible and the existing or anticipated increase in the concentration of the substance does not present a threat to public health or welfare."

Whereas, the City of Glendale Community Development Authority has submitted to the WDNR investigation reports and a remedial action plan for the Property which comply with the requirements set forth in chs. NR 700-726, Wis. Adm. Code, consisting of the documents and reports listed in Attachment B;

Whereas, in accordance with s. 292.15(2)(a), Wis. Stats., the WDNR has determined that the City of Glendale Community Development Authority has conducted a thorough environmental investigation which adequately identified and evaluated the nature and extent of the hazardous substance discharges on the Property and has approved of the remedial action plan for the Property; and

Whereas, on August 14, 1997, the City of Glendale Community Development Authority completed the response actions necessary to restore the environment to the extent practicable and minimize the harmful effects from the discharges to the air, land, and waters of the state.

Therefore, based upon the information that has been submitted to the WDNR, the WDNR hereby certifies that the response actions set forth in the WDNR approved remedial action plans for the Property have been completed.

Upon issuance of this Certificate, the City of Glendale Community Development Authority and the persons qualified for protection under s. 292.15(3), Wis. Stats., are exempt from the provisions of s. 292.11(3), (4), and (7)(b) and (c), Wis. Stats., [formerly s. 144.76(3), (4), and (7)(b) and (c), Wis. Stats.] with respect to the existence of hazardous substances on the Property, the release of which occurred prior to the date of the City of Glendale Community Development Authority's acquisition of the Property. Any discharges to the Property after the date of the City of Glendale Community Development Authority's acquisition will be the responsibility of the current Property owner.

The protection from liability provided under s. 292.15(2) Wis. Stats., does not apply to any person excluded from that protection under s. 292.15(1)(c), Wis. Stats., or any person who has obtained a Certification by fraud or misrepresentation, or by the knowing failure to disclose material information to the WDNR or under circumstances in which the City of Glendale Community Redevelopment Authority knew or should have known about more environmental pollution than was revealed by the investigation conducted by them and approved by the WDNR.

Nothing in this Certificate or in s. 292.15, Wis. Stats., affects the authority of the WDNR to exercise any powers or duties under applicable laws other than s. 292.11(3), (4) and (7)(b) and (c), Wis. Stats., with respect to any release or threatened release of contaminants at the Property, or the right of the WDNR to seek relief available against any person who is not entitled to protection from liability under s. 292.15, Wis. Stats., with respect to such release or threatened release.

SIGNED AND CERTIFIED this 6th day of November, 1997.

George E Meyer

George E. Meyer, Secretary

Wisconsin Department of Natural Resources

ATTACHMENT A
LEGAL PROPERTY DESCRIPTION

West 11

Commencing at the northwest corner of said Southeast $\frac{1}{4}$ Section; thence South $00^{\circ}34'42''$ East, 33.00 feet along the west line of said Southeast $\frac{1}{4}$ Section to the westerly extension of the south line of the Union Pacific Railroad Company and CMC Real Estate Corporation right of way; thence North $89^{\circ}03'59''$ East, 60.00 feet along said westerly extension to a line that is 60.00 feet east of (as measured at right angles to) and parallel with the west line of said Southeast $\frac{1}{4}$; thence South $00^{\circ}34'42''$ East, 260.39 feet along said parallel line to the point of beginning of the following description:

Thence North $05^{\circ}07'56''$ East, 170.85 feet along the west line of Parcel 1 of said Certified Survey Map No. 6299; thence North $00^{\circ}34'42''$ West, 40.00 feet along said west line; thence North $44^{\circ}14'38''$ East, 47.52 feet along said west line to the north line of said Certified Survey Map No. 6299 and to a line that is 50.00 feet south of (as measured at right angles to) and parallel with the north line of the Southeast $\frac{1}{4}$ of said Section 5; thence North $89^{\circ}03'59''$ East, 528.51 feet along said parallel and along said north line of said Certified Survey Map No. 6299; thence South $00^{\circ}34'42''$ East, 808.85 feet parallel with the west line of said Southeast $\frac{1}{4}$ Section to the southeast corner of Parcel 1 of C.S.M. Mo. 6299; thence South $89^{\circ}25'18''$ West, 579.00 feet along the south line of said Parcel 1 to the southwest corner of said Parcel 1, to the east right of way line of North Port Washington Road, and to a line that is 60.00 feet east of (as measured at right angle to) and parallel with the west line of said Southeast $\frac{1}{4}$ Section; thence North $00^{\circ}34'42''$ West, 561.87 feet along said east right of way line and along said parallel line to the point of beginning.

Containing 464,029 square feet (10.652 acres) of land, more or less.

ATTACHMENT B
INVESTIGATION AND REMEDIAL ACTION PLAN REPORTS
FORMER CROWN CORK & SEAL; WEST 11 ACRE PARCEL

1. "Environmental Due Diligence Phase I Assessment, Crown Cork & Seal Company, Glendale, Wisconsin," prepared by Environmental Resources Management, dated May 23, 1993.
2. Notification of site contamination letter, prepared by HNTB Corporation, dated December 16, 1996.
3. "Phase II Environmental Site Assessment Report", prepared by HNTB Corporation, dated December 20, 1996.
4. "Remedial Options Report for Interim Action", prepared by HNTB Corporation, dated January 1997.
5. "Site Investigation Work Plan", prepared by HNTB Corporation, dated January 1997.
6. Completed Form 4400-120 for DNR, prepared by HNTB, dated January 3, 1997.
7. Letter notifying department of petroleum contamination from an underground storage tank system, prepared by HNTB Corporation, dated January 6, 1997.
8. "Site Investigation Report", prepared by HNTB Corporation, dated February 5, 1997.
9. "Interim Action Report", prepared by HNTB Corporation, dated February 25, 1997.
10. "Site Closure Report", prepared by HNTB Corporation, March 18, 1997.
11. "Phase I Environmental Site Assessment Report," prepared by Dames & Moore, dated March 18, 1997.
12. Letter requesting closure, prepared by HNTB, dated August 14, 1997.