



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
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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

EAST 24
Lot 1

VPCE 06-41-24976

State of Wisconsin Department of Natural Resources

*CERTIFICATE OF COMPLETION
OF RESPONSE ACTION
UNDER SECTION 292.15, WIS. STATS. [Formerly SECTION 144.765, WIS. STATS.]*

Whereas, the City of Glendale Community Development Authority has undertaken response action and has applied for an exemption from liability under s. 292.15, Wis. Stats., [formerly s. 144.765, Wis. Stats.] for a portion of the property located at 4300 North Port Washington Road, further described as **Lot 1** as shown on Certified Survey Map No. 6428, recorded on Reel 4174 as Images 1037 to 1040, inclusive as Document No. 7443991, at the Register of Deeds Office for Milwaukee County (“the Property”);

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 gasoline range organics, diesel range organics, polynuclear aromatic hydrocarbons and volatile organic compounds.

Whereas, the City of Glendale Community Development Authority has submitted to the Wisconsin Department of Natural Resources (“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 A;

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 an environmental investigation which adequately identified and evaluated the nature and extent of the hazardous substance discharges on the Property, and the WDNR has approved of the investigation and the remedial action plan for the Property; and

Whereas, on October 28, 1997, the City of Glendale Community Development Authority completed the response action 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 action set forth in the WDNR approved remedial action plan for the Property has 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 sections 289.05(1), (2), (3) and (4), 289.42(1), 289.67, 291.25(1) to (5), 291.29, 291.37, 292.31(8), 292.11(3), (4), and (7)(b) and (c), Wis. Stats., [formerly s. 144.76(3), (4), and (7)(b) and (c), Wis. Stats.], and the rules promulgated under these provisions of the statutes, 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, provided that the owners of the Property continue to maintain and monitor the Property as required under rules promulgated by the WDNR and do not engage in activities that are inconsistent with the maintenance of the Property.

Any discharges of hazardous substances to the Property after the date of the City of Glendale Community Development Authority's acquisition will be the responsibility of the person who caused the discharge and of the owner of the Property at the time that the discharge is discovered.

The protection from liability provided under s. 292.15(2) Wis. Stats., does not apply to 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 the statutes and rules cited above, 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 27th day of January, 1998.


George E. Meyer, Secretary
Wisconsin Department of Natural Resources

ATTACHMENT A
INVESTIGATION AND REMEDIAL ACTION PLANT REPORTS
FORMER CROWN CORK & SEAL; LOT 1 OF THE EAST 24 ACRE PARCEL

1. "Environmental Due Diligence; Phase I Assessment; Crown Cork & Seal Company, Inc.", prepared by Environmental Resources Management, dated May 23, 1993.
2. Notification of site contamination facsimile, prepared by HNTB Corporation, dated January 9, 1997.
3. Responsible party letter from the Department of Natural Resources (DNR) to the City of Glendale, dated January 16, 1997.
4. "Phase II Environmental Site Assessment Report; the former Crown Cork & Seal Site; East 24 Acre Parcel", prepared by HNTB Corporation, dated February 7, 1997.
5. "Remedial Options Report for Interim Action; the former Crown Cork & Seal Company Property; East 24 Acre Parcel", prepared by HNTB Corporation, dated February 20, 1997.
6. "Site Investigation Work Plan; the former Crown Cork & Seal Company Property; East 24 Acre Parcel", prepared by HNTB Corporation, dated March 4, 1997.
7. Letter to the City of Glendale from the DNR notifying the City that their application for acceptance into the Limited Environmental Liability program had been approved.
8. "Phase II Environmental Site Assessment Report; the Glendale Technology Center Parcel 10", prepared by HNTB Corporation, dated May 15, 1997.
9. Letter to Carol McCurry of the DNR from Michael Simpson of Reinhart, Boerner, Van Deuren, Norris & Rieselbach, S.C. and dated May 22, 1997. The letter summarizes their telephone conversation regarding the City's limited liability application. Letter is date
10. August 28, 1997, facsimile from HNTB to the DNR requesting DNR's response on four items.
11. September 4, 1997, facsimile from HNTB to the DNR requesting the DNR's response on five items.
12. September 22, 1997, letter from the DNR to the City of Glendale responding to the September 4, 1997, facsimile.
13. "The Former Crown Cork and Seal Company Property; East 24 Acre Parcel; Volumes 1 & 2", prepared by HNTB Corporation, dated October 17, 1997.
14. October 28, 1997, letter to the City of Glendale from the DNR regarding the additional work that needs to be completed on the East 24 Acre Parcel.

15. October 28, 1997, letter to the DNR from HNTB Corporation regarding a request for partial site closure of the former Crown Cork & Seal - East 24 Acre Parcel.
16. November 10, 1997, letter to the DNR from the City of Glendale regarding the AB 100 requirements for partial site closure of the former Crown Cork & Seal, East 24 Acre Parcel.
17. November 21, 1997, letter to the DNR from HNTB Corporation regarding the past and present use of hazardous wastes at the former Crown Cork & Seal property.
18. December 21, 1997, letter from the DNR to the City of Glendale notifying them of the approval of their request for acceptance into the Land Recycling Program for lots 1, 2 and 3 of the former Crown Cork & Seal property - East 24 Acre Parcel.