



# 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

06-41-244175

## General Information:

Property Name (if any): Glendale Technology Center - East Parcel Lot 3

Address: 4300 N. Port Washington Road

City, Village, or Town: Glendale State WI Zip Code 53209

Property size: 9.5 (acres)

Public Land Survey Coordinates<sup>1</sup>:

Quarter NW 1/4 of SE 1/4  Section 5  Township 7N

Range 22E  County Milwaukee

Department-issued identification number for site or facility: 241023420

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

- Landfill
- Pipeline
- Bulk Plant
- Coal Gas Manufacturer
- Gas Station
- Manufacturing
- Dry Cleaners
- Salvage Yard
- Ag. Coop.
- Other (explain) Armed Services Ordnance

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

**Applicant:**

Name Richard E. Maslowski Title Executive Director  
Organization City of Glendale Community Development Authority Phone 228-1715  
Address 5909 N. Milwaukee River Parkway  
City Glendale State WI Zip Code 53209

**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 Michael J. Rowley, Esq. Title Corporate Counsel  
Organization Crown Cork & Seal Company, Inc. Phone 1-803-537-9794  
Address 100 Evans Row, P.O. Box 887  
City Cheraw State SC Zip Code 29520  
When did you acquire the property? September 30, 1996 (DY,MM,YR)

Please answer the following questions to help DNR determine if you acquired the property in an "arms length<sup>3</sup>, good faith<sup>4</sup>" transaction:

How did you acquire the property?  Inheritance  Purchase  Land Trade  
 Other (explain) \_\_\_\_\_

<sup>2</sup> "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.

<sup>3</sup> "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."

<sup>4</sup> "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 entity<sup>5</sup> at the time of the hazardous substance release?  Yes  No
- Did you participate in the management of a business or entity<sup>5</sup> 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:** N/A

If you are the potential purchaser, who currently owns the property?

Name: \_\_\_\_\_

Address: \_\_\_\_\_

City, Village or Town \_\_\_\_\_ State \_\_\_\_\_ Zip Code \_\_\_\_\_

Please answer the following questions to help DNR determine if you will acquire the property in an "arms-length,<sup>3</sup> good-faith<sup>4</sup>" transaction:

- How will you acquire the property?  Inheritance  Purchase  Land Trade  
 Other (explain) \_\_\_\_\_

- Did you own the business or entity<sup>5</sup> at the time of the hazardous substance release?  Yes  No
- Did you participate in the management of the business or entity<sup>5</sup> 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

<sup>3</sup> "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
- No
- Unknown
- Substance detected, but no ch. NR 140 standard has been established.
- PAL
- ES

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 tank<sup>6</sup> 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) \_\_\_\_\_

<sup>6</sup> 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 checked="" type="checkbox"/> Petroleum Products   | <input type="checkbox"/> PCBs            |
| <input checked="" type="checkbox"/> RCRA Hazardous Waste | <input type="checkbox"/> Pesticides      |
| <input checked="" type="checkbox"/> VOCs                 | <input type="checkbox"/> Other (explain) |
| <input checked="" type="checkbox"/> Metals               |  |
| <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 checked="" type="checkbox"/> WDNR Tank Program (LUST)     | <input type="checkbox"/> WDNR Air Program          |
| <input type="checkbox"/> WDNR Voluntary Sediment Program         | <input 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: 16/01/97 (DY,MM,YR)

Agency: WDNR - ERR LUST

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: 06/01/97 (DY,MM,YR)

**Environmental**

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

Name David Rudig  
Company HNTB Corporation  
Address 11270 W. Park Place, Milwaukee, WI 53224  
Phone 414-359-2300, ext. 2149

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 John F. Fuchs, Esq.  
Firm City of Glendale, Office of the City Attorney  
Address 1011 North Mayfair Road, Wauwatosa, WI 53226-3431  
Phone 1-414-257-1500

**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 Richard E. Maslowski Title City Administrator

Signature Richard E Maslowski Date 11-21-97