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

Technical Assistance, Environmental Liability Clarification or Post-Closure Modification Request

Form 4400-237 (R 12/18)

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Notice: Use this form to request a written response (on agency letterhead) from the Department of Natural Resources (DNR) regarding technical assistance, a post-closure change to a site, a specialized agreement or liability clarification for Property with known or suspected environmental contamination. A fee will be required as is authorized by s. 292.55, Wis. Stats., and NR 749, Wis. Adm. Code., unless noted in the instructions below. Personal information collected will be used for administrative purposes and may be provided to requesters to the extent required by Wisconsin's Open Records law [ss. 19.31 - 19.39, Wis. Stats.].

Definitions

- "Property" refers to the subject Property that is perceived to have been or has been impacted by the discharge of hazardous substances.
- "Liability Clarification" refers to a written determination by the Department provided in response to a request made on this form. The response clarifies whether a person is or may become liable for the environmental contamination of a Property, as provided in s. 292.55, Wis. Stats.
- "Technical Assistance" refers to the Department's assistance or comments on the planning and implementation of an environmental investigation or environmental cleanup on a Property in response to a request made on this form as provided in s. 292.55, Wis. Stats.
- "Post-closure modification" refers to changes to Property boundaries and/or continuing obligations for Properties or sites that received closure letters for which continuing obligations have been applied or where contamination remains. Many, but not all, of these sites are included on the GIS Registry layer of RR Sites Map to provide public notice of residual contamination and continuing obligations.

Select the Correct Form

This from should be used to request the following from the DNR:

- Technical Assistance
- Liability Clarification
 Post-Closure Modifications
- Specialized Agreements (tax cancellation, negotiated agreements, etc.)

Do not use this form if one of the following applies:

- Request for an off-site liability exemption or clarification for Property that has been or is perceived to be contaminated by one or more hazardous substances that originated on another Property containing the source of the contamination. Use DNR's Off-Site Liability Exemption and Liability Clarification Application Form 4400-201.
- Submittal of an Environmental Assessment for the Lender Liability Exemption, s 292.21, Wis. Stats., if no response or review by DNR is requested. Use the Lender Liability Exemption Environmental Assessment Tracking Form 4400-196
- Request for an exemption to develop on a historic fill site or licensed landfill. Use DNR's Form 4400-226 or 4400-226A.
- Request for closure for Property where the investigation and cleanup actions are completed. Use DNR's Case Closure GIS Registry Form 4400-202.

All forms, publications and additional information are available on the internet at:

Instructions

- 1. Complete sections 1, 2, 6 and 7 for all requests. Be sure to provide adequate and complete information.
- Select the type of assistance requested: Section 3 for technical assistance or post-closure modifications, Section 4 for a written determination or clarification of environmental liabilities; or Section 5 for a specialized agreement.
- 3. Include the fee payment that is listed in Section 3, 4, or 5, unless you are a "Voluntary Party" enrolled in the Voluntary Party Liability Exemption Program and the questions in Section 2 direct otherwise. Information on to whom and where to send the fee is found in Section 8 of this form.
- 4. Send the completed request, supporting materials and the fee to the appropriate DNR regional office where the Property is located. See the map on the last page of this form. A paper copy of the signed form and all reports and supporting materials shall be sent with an electronic copy of the form and supporting materials on a compact disk. For electronic document submittal requirements

The time required for DNR's determination varies depending on the complexity of the site, and the clarity and completeness of the request and supporting documentation.

Technical Assistance, Environmental Liability Clarification or Post-Closure Modification Request Form 4400-237 (R 12/18)

Section 1. Contact and Rec	ipient information		THE PROPERTY IN THE PROPERTY		
Requester Information					
This is the person requesting te specialized agreement and is id	chnical assistance or a post-centified as the requester in Se	closur ection	e modification review, that his or her liab 7. DNR will address its response letter	oility be clarifi to this perso	ied or a n.
Last Name	First	MI	Organization/ Business Name		
Smith	Jason		Tecumseh Products Company		
Mailing Address		City	State	ZIP Code	
2700 West Wood Street			Paris	TN	38242
Phone # (include area code)	Fax # (include area code)		Email		
(731) 644-8127	(731) 644-8156		jason.smith@tecumseh.com		
The requester listed above: (sel	ect all that apply)				
Is currently the owner			Is considering selling the Property		
☐ Is renting or leasing the Property			☐ Is considering acquiring the Propert	y	
Is a lender with a mortgag	gee interest in the Property				
Other. Explain the status	of the Property with respect to	o the	applicant:		
Responsible Party					
Responsible Faity					
Contact Information (to be	contacted with questions	abou	t this request)	Select if sar	ne as requeste
Contact Last Name	First	MI	Organization/ Business Name		
Smith	Jason		Tecumseh Products Company		
Mailing Address		City	State	ZIP Code	
2700 West Wood Street			Paris	TN	38242
Phone # (include area code)	Fax # (include area code)		Email		
(731) 644-8127	(731) 644-8156		jason.smith@tecumseh.com		
Environmental Consultar					
Contact Last Name	First	MI			
Harvey	Chris		TRC Environmental Corporation	To :	Tere o
Mailing Address		City	State	ZIP Code	
230 West Monroe St., Suite 630			Chicago	IL	60606
Phone # (include area code)	Fax # (include area code)		Email		
(312) 800-5910	(312) 578-0877		charvey@trccompanies.com		
Property Owner (if differe		1.0	Organization/ Business Name		
Contact Last Name	First	MI	Organization/ Business Name		
NA Mailing Address			City	Ctots	IZID Code
Mailing Address		City	State	ZIP Code	
D1 4 (C - 1 - 1 - 1 - 1 - 1 - 1 - 1 - 1 - 1 -	F# (5-2-3		
Phone # (include area code)	Fax # (include area code)		Email		

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Property Name	nformation		FID No.	(if known)
Hayton Area Remed	intion Project			6116529
BRRTS No. (if known)	lation i roject	Parcel Identifi	ication Number	0110529
02-08-281506				
Street Address		City		State ZIP Code
3755 Weeks Road		Chilton		WI 53014
County	Municipality where the Proper		Property is composed of	
Calumet	City Town Village		Single tax Multiple parcels	e tax
plan accordingly. No Yes	d by a specific date? (e.g., Property equested by:	closing date) Note: Mo	st requests are completed wi	ithin 60 days. Please
No. Include the some Yes. Do not include the some Section 3. Technical Section 3.	nrolled as a Voluntary Party in the Vo fee that is required for your reque ude a separate fee. This request wi tion in Section 3, 4 or 5 which cor ical Assistance or Post-Closure M ty Clarification; or Section 5. Spec	est in Section 3, 4 or 5 ill be billed separately t responds with the typ dodifications;	i. through the VPLE Program.	
Section 3. Request f	or Technical Assistance or Post-	-Closure Modificatior		
Select the type of techn	nical assistance requested: [Number	rs in brackets are for	WI DNR Use]	
to an immedi Review of Site Review of Site Approval of a Review of a F	ction Letter (NFA) (Immediate Action ate action after a discharge of a haz e Investigation Work Plan - NR 716. e Investigation Report - NR 716.15, Site-Specific Soil Cleanup Standard Remedial Action Options Report - NR Remedial Action Design Report - NR Remedial Action Documentation Report - NR Remedial Action Documentation Report - NR Remedial Action Documentation Report - NR 724. Operation and Maintenance Plan - In Remedial Action and Maintenan	ardous substance occu 09, [135] - Include a fee [137] - Include a fee d - NR 720.10 or 12, [6 R 722.13, [143] - Inclu R 724.09, [148] - Inclu port - NR 724.15, [152] 17, [25] - Include a fe NR 724.13, [192] - Inclu	urs. Generally, these are for a fee of \$700. of \$1050. 7] - Include a fee of \$1050. ude a fee of \$1050. de a fee of \$1050. - Include a fee of \$350 ee of \$425. clude a fee of \$425.	a orie⊹time spill event.
Schedule a T Hazardous W	sistance - s. 292.55, Wis. Stats. [97] echnical Assistance Meeting - Includated Include a fee local Assistance - Include a fee of \$7	ude a fee of \$700. of \$700.		Form 4400-226)
Post-Closure Modifi	cations - NR 727, [181]			
Post-Closure	Modifications: Modification to Prope on the GIS Registry. This also include	erty boundaries and/or des removal of a site o	continuing obligations of a clur Property from the GIS Regi	osed site or Property; stry. Include a fee of
Include a	fee of \$300 for sites with residual so	oil contamination; and		
Include a obligation	fee of \$350 for sites with residual gras.	roundwater contaminat	ion, monitoring wells or for va	apor intrusion continuing
to a Property,	cription of the changes you are propo , site or continuing obligation will res , itted later in the approval process, o	ult in revised maps, ma	aintenance plans or photogra	e needed (if the change phs, those documents

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Skip Sections 4 and 5 if the technical assistance you are requesting is listed above and complete Sections 6 and 7 of this form.

Section 5. Request for a Specialized Agreement
Select the type of agreement needed. Include the appropriate draft agreements and supporting materials. Complete Sections 6 and 7 of this form. More information and model draft agreements are available at: december of the supporting materials.
Tax cancellation agreement - s. 75.105(2)(d), Wis. Stats. [654]
❖ Include a fee of \$700, and the information listed below:
(1) Phase I and II Environmental Site Assessment Reports,
(2) a copy of the Property deed with the correct legal description.
Agreement for assignment of tax foreclosure judgement - s.75.106, Wis. Stats. [666]
❖ Include a fee of \$700, and the information listed below:
(1) Phase I and II Environmental Site Assessment Reports,
(2) a copy of the Property deed with the correct legal description.
Negotiated agreement - Enforceable contract for non-emergency remediation - s. 292.11(7)(d) and (e), Wis. Stats. [630]
★ Include a fee of \$1400, and the information listed below:
(1) a draft schedule for remediation; and,
(2) the name, mailing address, phone and email for each party to the agreement.
Section 6. Other Information Submitted
Identify all materials that are included with this request.
Send both a paper copy of the signed form and all reports and supporting materials, and an electronic copy of the form and all reports, including Environmental Site Assessment Reports, and supporting materials on a compact disk.
Include one copy of any document from any state agency files that you want the Department to review as part of this request. The person submitting this request is responsible for contacting other state agencies to obtain appropriate reports or information.
Phase I Environmental Site Assessment Report - Date:
Phase II Environmental Site Assessment Report - Date:
Legal Description of Property (required for all liability requests and specialized agreements)
Map of the Property (required for all liability requests and specialized agreements)
Analytical results of the following sampled media: Select all that apply and include date of collection.
Groundwater Soil Sediment Other medium - Describe: Date of Collection:
A copy of the closure letter and submittal materials
☐ Draft tax cancellation agreement
☐ Draft agreement for assignment of tax foreclosure judgment
Other report(s) or information - Describe: Ordinary High Water Mark Determination Clarification Letter
For Property with newly identified discharges of hazardous substances only: Has a notification of a discharge of a hazardous substance been sent to the DNR as required by s. NR 706.05(1)(b), Wis. Adm. Code?
Yes - Date (if known):
○ No
Note: The Notification for Hazardous Substance Discharge (non-emergency) form is available at:
Section 7. Certification by the Person who completed this form
I am the person submitting this request (requester)
☐ I prepared this request for: Tecumseh Products Company
Requester Name

I certify that I am familiar with the information submitted on this request, and that the information on and included with this request is true, accurate and complete to the best of my knowledge. I also certify I have the legal authority and the applicant's permission to make this request.

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- 11	Clarification or Post-Closure Modification of	tion Request Page 5 of 6
Signature	2/19/2021 Date Signed	
Principal	(312) 800-5910	
Title	Telephone Number (include area code	:)

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Section 8. DNR Contacts and Addresses for Request Submittals

Send or deliver one paper copy and one electronic copy on a compact disk of the completed request, supporting materials, and fee to the region where the property is located to the address below. Contact a DNR regional prownfields specialist with any questions about this form or a specific situation involving a contaminated property. For electronic document submittal requirements see:

DNR NORTHERN REGION

Attn: RR Program Assistant Department of Natural Resources 223 E Steinfest Rd Antigo, WI 54409

DNR NORTHEAST REGION

Attn: RR Program Assistant Department of Natural Resources 2984 Shawano Avenue Green Bay WI 54313

DNR SOUTH CENTRAL REGION

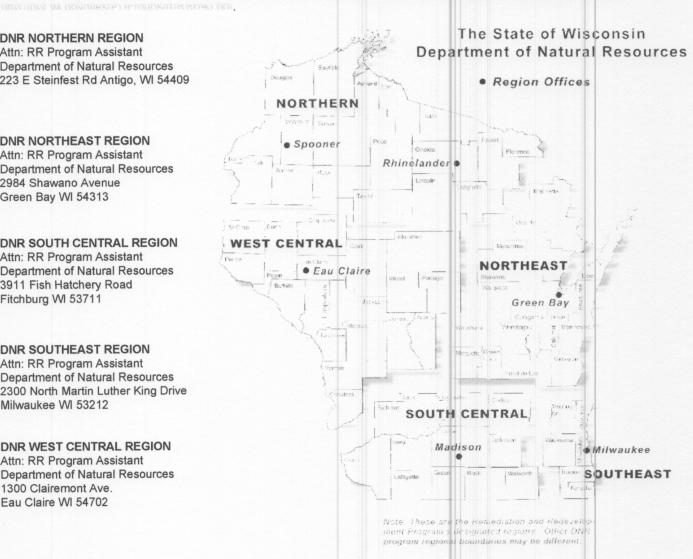
Attn: RR Program Assistant Department of Natural Resources 3911 Fish Hatchery Road Fitchburg WI 53711

DNR SOUTHEAST REGION

Attn: RR Program Assistant Department of Natural Resources 2300 North Martin Luther King Drive Milwaukee WI 53212

DNR WEST CENTRAL REGION

Attn: RR Program Assistant Department of Natural Resources 1300 Clairemont Ave. Eau Claire WI 54702



		DNR Use Only	
Date Received	Date Assigned	BRRTS Activity Code	BRRTS No. (if used)
DNR Reviewer	C	Comments	
Fee Enclosed?	Fee Amount	Date Additional Information Requested	Date Requested for DNR Response Letter
○ Yes ○ No	\$		
Date Approved	Final Determination		



February 19, 2021

Via Email Transmission Bill Fitzpatrick, P.E., P.G. Engineer Remediation & Redevelopment Program Wisconsin Department of Natural Resources 101 S. Webster Street P.O. Box 7921 Madison, WI 53707-7921

Ordinary High Water Mark Determination RE: **Hayton Area Remediation Project** BRRTS 02-08-281506

Dear Mr. Fitzpatrick:

In response to your November 24, 2020 letter inquiring about the Remedial Action Standards Documentation Report for the Hayton Area Remediation Project ("HARP"), TRC is providing figures depicting the ordinary high water mark ("OHWM") over the project. The Wisconsin statutes define the OHWM as "the point on the bank or shore up to which the presence and action of the water is so continuous as to leave a distinct mark either by erosion, destruction of terrestrial vegetation or other easily recognized characteristic." The OHWM does not change with temporary fluctuations in water levels, nor is it always at or near open water, as is the case with cattail marshes and bogs.

Tecumseh submitted the request for the OHWM determination to the Wisconsin Department of Natural Resources ("WDNR") on January 8, 2019, in compliance with the Negotiated Agreement, Exhibit H. The request encompassed the HARP site and an area approximately two miles downstream of the Hayton Millpond Dam (total creek/river length of approximately 10 miles). On April 29, 2019, the Department began the OHWM determination by placing flags at 14 of 16 proposed locations in the field. These locations were provided to TRC in an email on April 29, 2019. TRC surveyed the WDNR OHWM points shortly thereafter and provided the survey information to WDNR on May 10, 2019.

Based on the surveyed OHWM points, TRC has interpolated and extrapolated the OHWM between the WDNR-provided points, as shown in Figures 1 - 20. This OHWM was determined by using the following data and scientific judgment:

- 23 WDNR OHWM points (WDNR, 2019)
- Aerial photography (Calumet County, Spring of 2014)
- LiDAR survey ground surface elevation contours (Calumet County, 2018)

The 23 points located by WDNR personnel were used as the basis of the evaluation of the OHWM. The locations identified by WDNR as delineating the OHWM are generally at the limit of channel/open water that is shown on the 2014 Calumet County aerial photography. Detailed insets are included in figures to show the points located by the WDNR personnel and their correlation with the 2014 water level and the interpreted OHWM. The timing of the aerial photography, which is listed as Spring of 2014 in the metadata from Calumet County, is consistent with the time of year when high water levels Mr. Bill Fitzpatrick, P.E. P.G. February 19, 2021 Page 2 of 3

would be expected to occur, since ordinary high water often occurs following Spring snowmelt and runoff. As such, the open water surface was used as the basis to interpolate and extrapolate the OHWM between the points identified by WDNR. Based on the survey of the OHWM points defined by WNDR staff, the water level drops 88 feet over the length of Jordan and Pine Creeks from New Holstein to the Hayton mill pond. The change in elevation is not linear nor can it be accurately determined from the topographic contours. Therefore, the observed water surface as shown in the 2014 aerial photography represents the most accurate means of interpolating the limits of the OHWM between the points defined by WDNR staff.

In addition to the WDNR OHWM points and the water surface, TRC considered floodplain, wetlands and vegetation from the 2014 aerial photography when interpolating the OHWM. Because the ground surface elevation contours based on the LiDAR survey have a vertical accuracy (Calumet County, 2018) of 1 meter, they were not used directly to define the OHWM. However, the surface elevation contours were used to confirm the channel location and OHWM.

If the WDNR concurs with the OHWM depicted on the attached Figures, Tecumseh will prepare and submit the Remedial Action Standards Documentation Report within 120 days of WDNR agreement.

If you have any questions, please do not hesitate to contact me on my mobile phone at (312) 909-0043.

Sincerely, TRC

Chris Harvey, PE Principal

cc: William Nelson/WDNR - Madison
Carrie Williamson/Tecumseh - Ann Arbor, MI
S. Jason Smith/Tecumseh Products Co. - Paris, TN
Curtis Toll/Greenberg Traurig LLP - Philadelphia
Marc Faecher/TRC - New Providence, NJ
Ronald Bock/TRC - Irvine, CA
David Crass/Michael Best & Friedrich LLP - Washington, DC

Mr. Bill Fitzpatrick, P.E. P.G. February 19, 2021 Page 3 of 3

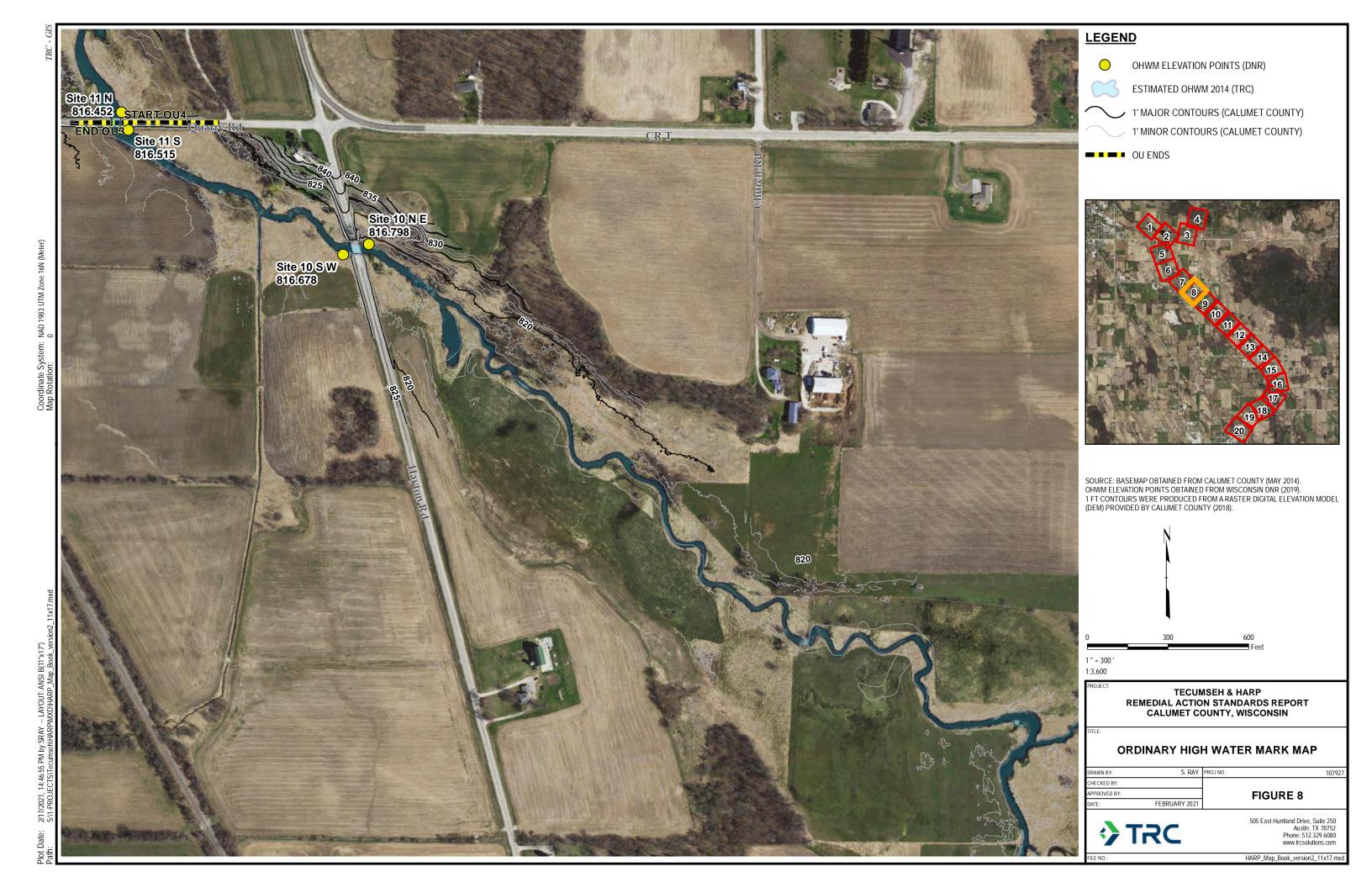
Professional Certification

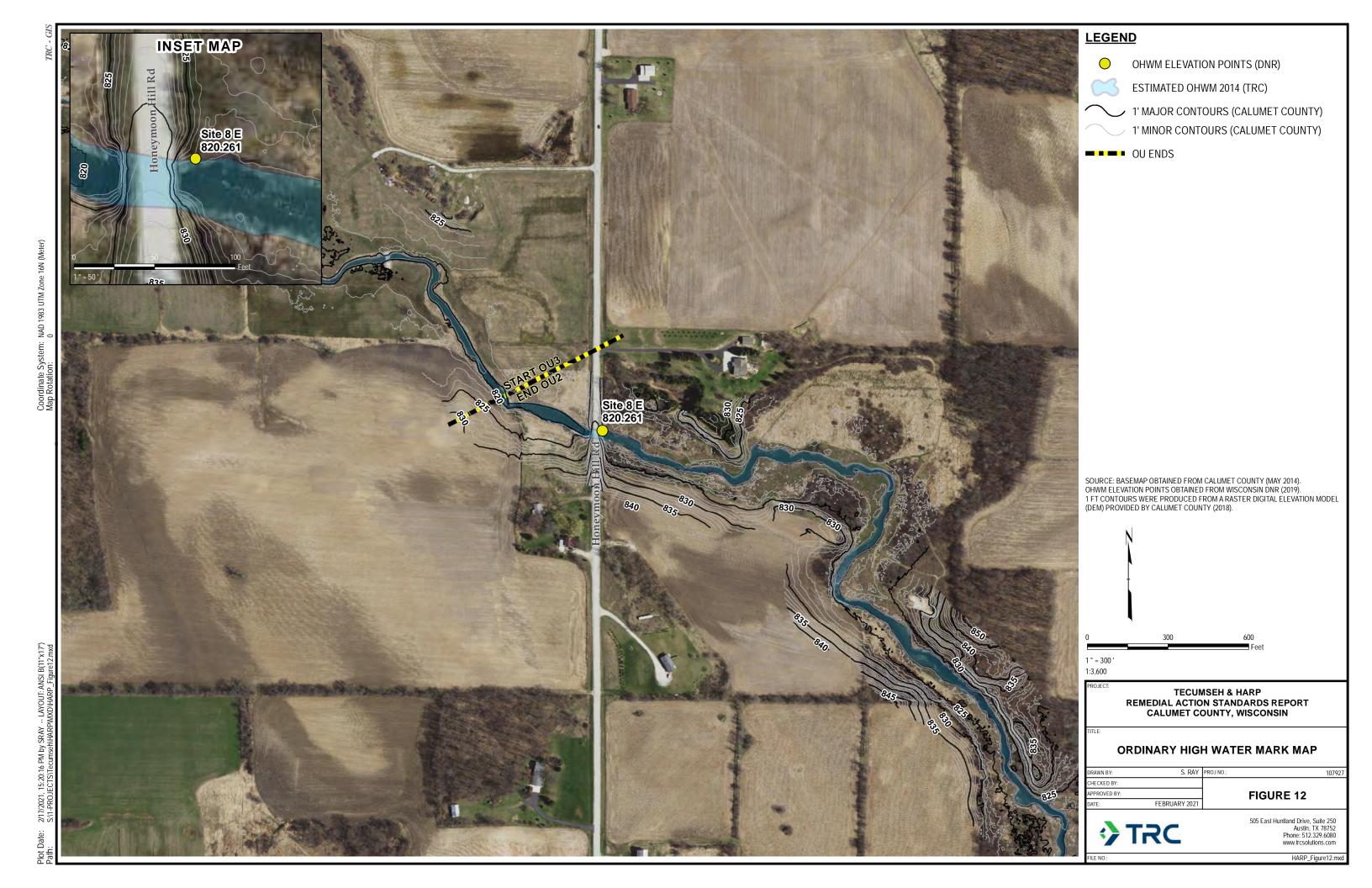
Consistent with NR 712.09(1) Wis. Adm. Code that submittals prepared by, or under the supervision of, a professional engineer, a hydrogeologist or a scientist shall be dated and certified by the professional engineer, hydrogeologist or scientist using the appropriate certification:

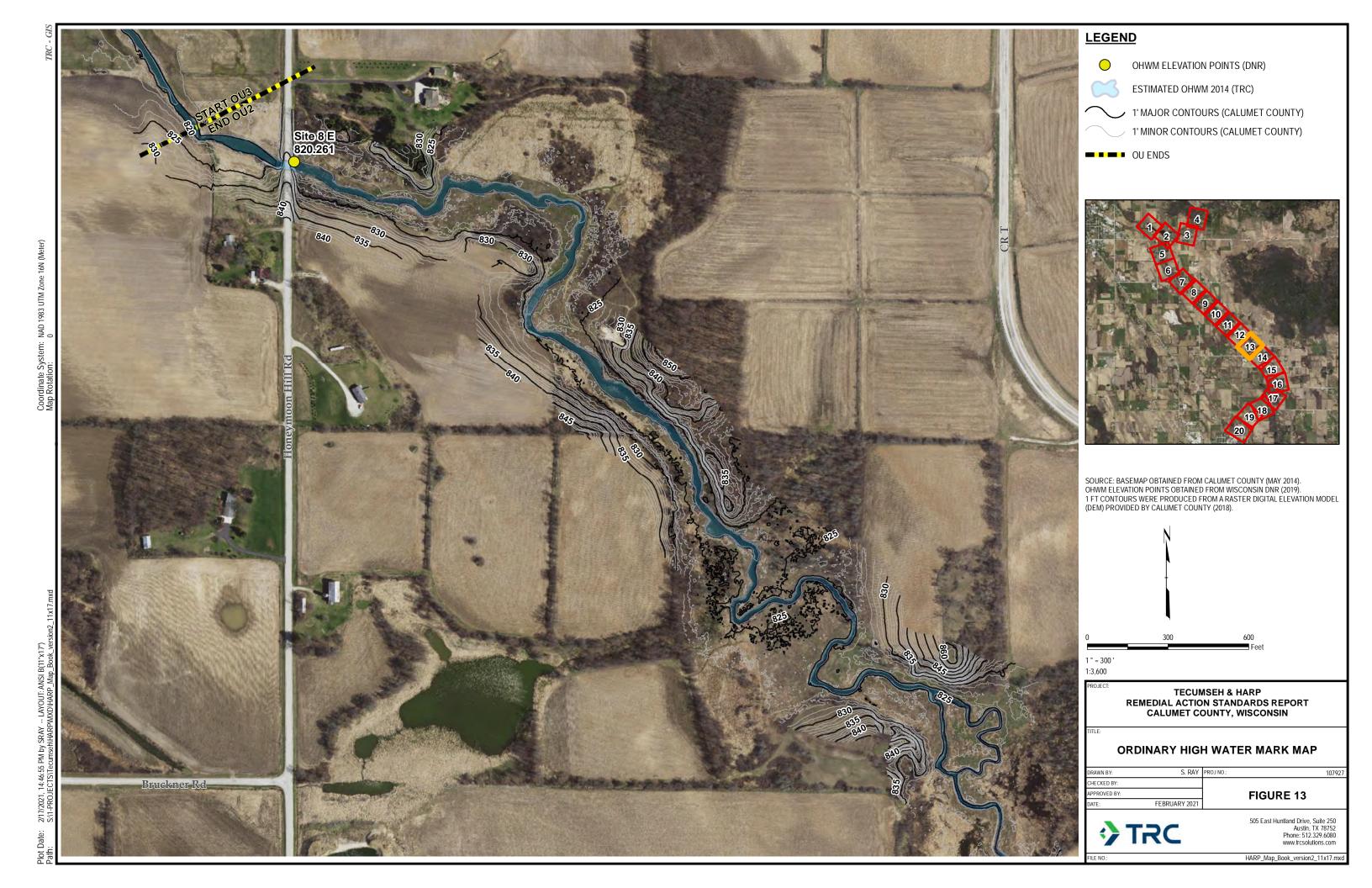
I, John M Rice, P.E., hereby certify that I am a registered professional engineer in the State of Wisconsin, registered in accordance with the requirements of ch. A-E 4, Wis. Adm. Code; that this document has been prepared in accordance with the Rules of Professional Conduct in ch. A-E 8, Wis. Adm. Code; and that, to the best of my knowledge, all information contained in this document is correct and the document was prepared in compliance with all applicable requirements in chs. NR 700 to 726, Wis. Adm. Code.

John M Rice, P.E., Senior Engineer, 30141-6



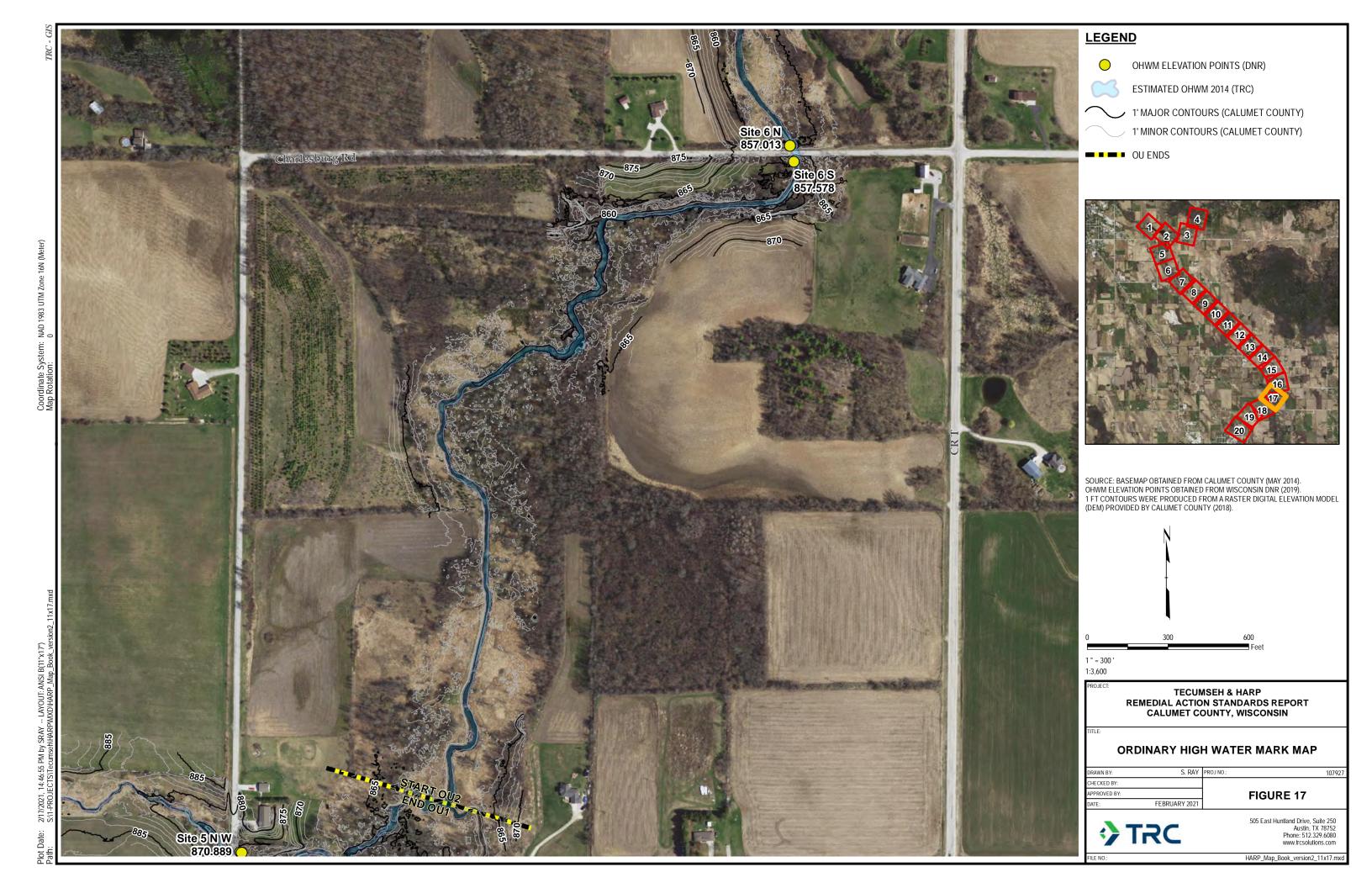


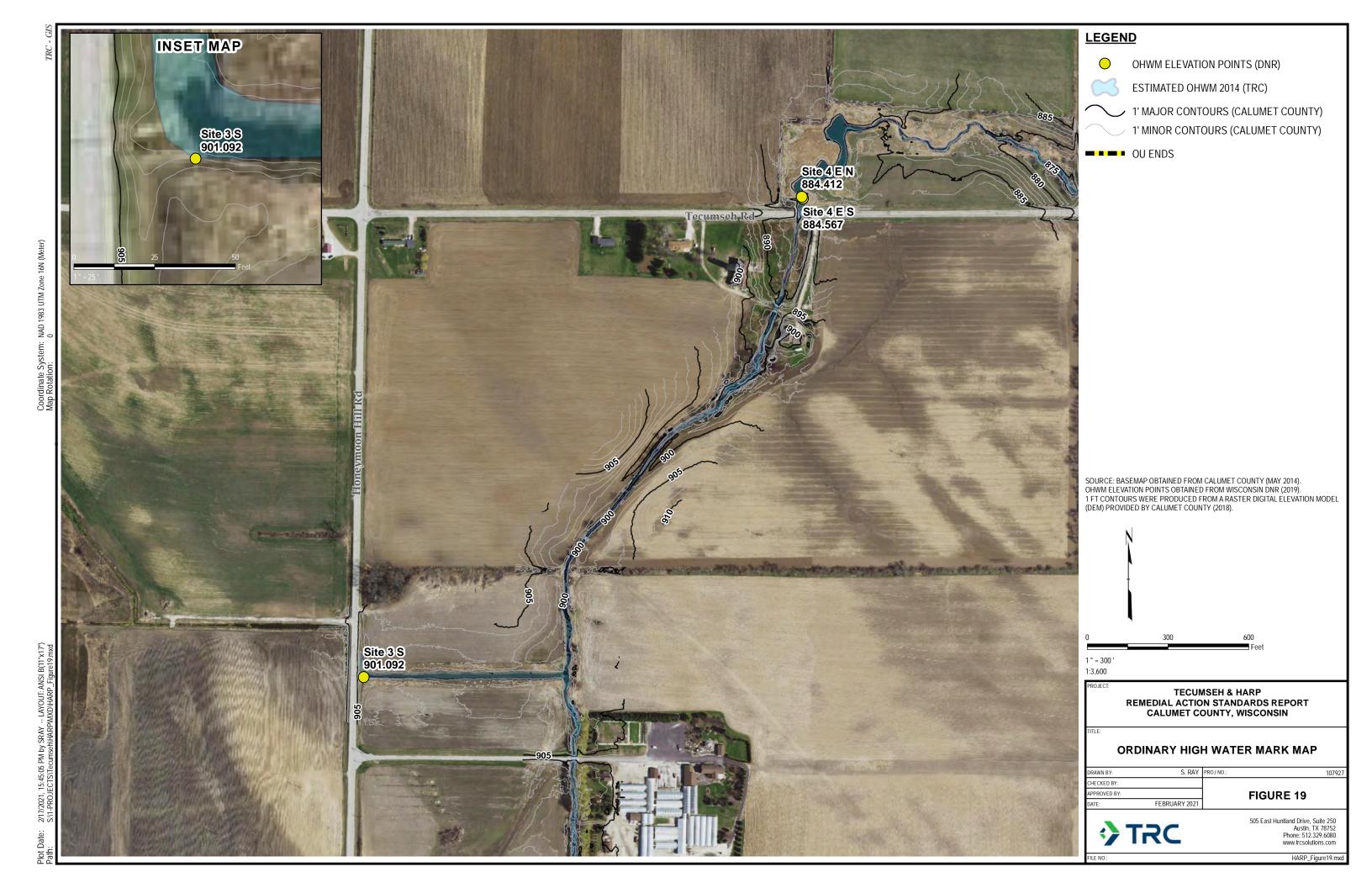






HARP_Figure16.mxd





HARP_Figure20.mxd