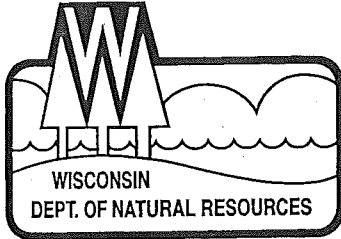


07-08-281516



State of Wisconsin \ DEPARTMENT OF NATURAL RESOURCES

Scott McCallum, Governor
 Darrell Bazzell, Secretary
 Ronald W. Kazmierczak, Regional Director

Northeast Region Headquarters
 1125 N. Military Ave., P.O. Box 10448
 Green Bay, Wisconsin 54307-0448
 Telephone 920-492-5800
 FAX 920-492-5913
 TTY 920-492-5912

January 8, 2002

Mr. Donald J. Pfister
 N3091 County Hwy T
 New Holstein, Wisconsin 53061

Subject: Liability Exemption for Soil and Sediment Contaminated by an Off-Site Source,
 Donald Pfister Property, SW1/4, NW1/4, Section 11, T20E, R17N, Town of New
 Holstein, Calumet County, Wisconsin

Dear Mr. Pfister:

The Department of Natural Resources ("Department") has reviewed your request for an off-site exemption letter for the Donald Pfister property located in the SW1/4, NW1/4, Section 11, Township 20 East, Range 17 North, Town of New Holstein, Calumet County, Wisconsin, which will hereafter be referred to in this letter as the "Property". The Property is further described in Exhibit A, attached to and made part of this letter. You have requested that the Department determine whether you (Donald Pfister) are exempt from sec. 292.11(3), (4) and (7)(b) and (c), Wis. Stats. (commonly known as the "Hazardous Substance Spill Law"), with respect to the existence of Polychlorinated Biphenyls (PCBs), a hazardous substance, in the soil, and the channel and floodplain sediment that you believe is migrating onto the Property from an off-site source.

Determination

As you are aware, s. 292.13(2), Wis. Stats., requires the Department to issue upon request, a written determination regarding a liability exemption for a person who possesses or controls property that is contaminated by an off-site source, when certain conditions are met. Specifically, the Department has reviewed the soil and sediment sampling data for the Property provided by Foth & Van Dyke, Earth Tech and Ann Arbor Technical Services, Inc., in order to make this determination. Based upon this information and in accordance with section 292.13(2), Wis. Stats., the Department makes the following determinations regarding the presence of PCB contamination in the soil, and the channel and floodplain sediments in and along the current drainage ditches (Segments 3 and 6), former drainage ditch (Segment 3/4), and Jordan Creek (Segment 4 and part of Segment 7), on the Property.

1. The hazardous substance discharge originated from a source on property that is not possessed or controlled by Donald Pfister.
2. Donald Pfister did not possess or control the hazardous substance on the property on which the discharge originated.

3. Donald Pfister did not cause the discharge

4. Donald Pfister will not have liability under the Hazardous Substance Spill Law for investigation or remediation of the soil or groundwater contamination originating from off-site onto the Property, provided that Donald Pfister does not take possession or control of the hazardous substance of the property on which the discharge originated.

Exemption Conditions

The Department's determination, as set forth in this letter, are subject to the following conditions being complied with, as specified in s. 292.13(1) and (1m), Wis. Stats.:

1. The facts upon which the Department based its determination are accurate and do not change:
2. Donald Pfister agrees to allow the following parties to enter the property to take action to respond to the discharge: the Department and its authorized representatives; any party that possessed or controlled the hazardous substance or caused the discharge; and any consultant or contractor of such a party.
3. With respect to soil contamination only, Donald Pfister agrees to take one or more specified actions directed by the Department if the Department determines that the actions are necessary to prevent an imminent threat to human health, safety or welfare or to the environment, after the Department has made a reasonable attempt to notify the party who caused the hazardous substance discharge about that party's responsibilities to investigate and clean up the discharge. The Department imposes no specific actions at this time.
4. Donald Pfister agrees to avoid any interference with action undertaken to respond to the discharge and to avoid actions that worsen the discharge.
5. Donald Pfister agrees to any other condition that the Department determines is reasonable and necessary to ensure that the Department and any other authorized party can adequately respond to the discharge. The Department imposes no specific conditions at this time.

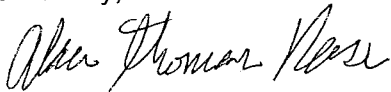
The Department may revoke the determinations made in this letter if it determines that any of the requirements under sections 292.13(1) or (1m), Wis. Stats., cease to be met.

Future property owners are eligible for the exemption under section 292.13, Wis. Stats., if they meet the requirements listed in that statute section. The determinations in this letter regarding a liability exemption, however, only apply to Donald Pfister, and may not be transferred or assigned to other parties. The Department will provide a written determination to future owners of this property, if such a determination is requested in accordance with the requirements of section 292.13(2), Wis. Stats.

Mr. Donald Pfister
January 8, 2002
Page 3

If you have any questions or concerns regarding this letter, please contact me in Green Bay at 920-492-5861 or Attorney Judy Ohm at (608) 266-9972.

Yours truly,



Alan Thomas Nass, PG, PS
Hydrogeologist

Attachment

Cc: Scott Fleming, Weiss, Berzowski & Brady, LLP, 700 Water Street, Milwaukee, Wisconsin 53202-4273
Kerry DeKeyser, Tecumseh Products Company, 1604 Michigan Avenue, New Holstein, Wisconsin 53061
Patrick Ries, Earth Tech, Inc., 4738 North 40th Street, Sheboygan, Wisconsin 53083
Jim Bauman, WT/2
Erdmann, Kathy – NER/RR
Percy Mather – RR/3
Judy Ohm – LS/5

Exhibit A

[Legal description of premises]

SW ¼ of the NW ¼ in Section 11, Township Number 17 North, Range Number 20 East, of the Town of New Holstein, County of Calumet, State of Wisconsin, and excepting therefrom premises described in Jacket 414, Image 10 and premises described in Jacket 4217, Image 25, which excepted properties are currently owned by Joseph E. McShaw and Marci A. McShaw.

TECUMSEH RD

11-1720-22A
1.22 A

NW $\frac{1}{4}$ of NW $\frac{1}{4}$

Sec. 11-17-20

11-1720-22B
38.78 A

NE $\frac{1}{4}$ of NW $\frac{1}{4}$

Sec. 11-17-20

11-1720-21
40A

10-1720-11
40A

NE $\frac{1}{4}$ of NE $\frac{1}{4}$

Sec. 10-17-20

HONEYMOON HILL RD.

Don Pfister

11-1720-23A

35.94A

SW $\frac{1}{4}$ of NW $\frac{1}{4}$

Sec. 11-17-20

11-1720-24

39.05A

SE $\frac{1}{4}$ of NE $\frac{1}{4}$

Sec. 10-17-20

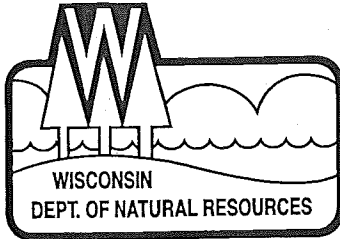
10-1720-14A
39.99A

10-1720-14B
.01A

McShew

CITY OF NEW HOLSTEIN

TECUMSEH PRODUCTS COMPANY



State of Wisconsin \ DEPARTMENT OF NATURAL RESOURCES

Scott McCallum, Governor
Darrell Bazzell, Secretary
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Green Bay, Wisconsin 54307-0448
Telephone 920-492-5800
FAX 920-492-5913
TTY 920-492-5912

January 8, 2002

Mr. Ronald E. Woelfel
805 Tecumseh Road
New Holstein, Wisconsin 53061

Subject: Liability Exemption for Soil and Sediment Contaminated by an Off-Site Source,
Ronald Woelfel Property, E1/2, NE1/4, Section 10, and N1/2, NW1/4, Section 11,
T20E, R17N, Town of New Holstein, Calumet County, Wisconsin

Dear Mr. Woelfel:

The Department of Natural Resources ("Department") has reviewed your request for an off-site exemption letter for the Ronald Woelfel property located in the E1/2, NE1/4, Section 10, and N1/2, NW1/4, Section 11, Township 20 East, Range 17 North, Town of New Holstein, Calumet County, Wisconsin, which will hereafter be referred to in this letter as the "Property". The Property is further described in Exhibit A, attached to and made part of this letter. You have requested that the Department determine whether you (Ronald Woelfel) are exempt from sec. 292.11(3), (4) and (7)(b) and (c), Wis. Stats. (commonly known as the "Hazardous Substance Spill Law"), with respect to the existence of Polychlorinated Biphenyls (PCBs), a hazardous substance, in the soil, and the channel and floodplain sediment that you believe is migrating onto the Property from an off-site source.

Determination

As you are aware, s. 292.13(2), Wis. Stats., requires the Department to issue upon request, a written determination regarding a liability exemption for a person who possesses or controls property that is contaminated by an off-site source, when certain conditions are met. Specifically, the Department has reviewed the soil and sediment sampling data for the Property provided by Foth & Van Dyke, Earth Tech and Ann Arbor Technical Services, Inc., in order to make this determination. Based upon this information and in accordance with section 292.13(2), Wis. Stats., the Department makes the following determinations regarding the presence of PCB contamination in the soil, and the channel and floodplain sediments in and along the current drainage ditches (Segments 1, 2 and 5), the old drainage ditch (Segment 8), and Jordon Creek (Segment 7), on the Property.

1. The hazardous substance discharge originated from a source on property that is not possessed or controlled by Ronald Woelfel.
2. Ronald Woelfel did not possess or control the hazardous substance on the property on which the discharge originated.

3. Ronald Woelfel did not cause the discharge

4. Ronald Woelfel will not have liability under the Hazardous Substance Spill Law for investigation or remediation of the soil or groundwater contamination originating from off-site onto the Property, provided that Ronald Woelfel does not take possession or control of the hazardous substance of the property on which the discharge originated.

Exemption Conditions

The Department's determination, as set forth in this letter, are subject to the following conditions being complied with, as specified in s. 292.13(1) and (1m), Wis. Stats.:

1. The facts upon which the Department based its determination are accurate and do not change.
2. Ronald Woelfel agrees to allow the following parties to enter the property to take action to respond to the discharge: the Department and its authorized representatives; any party that possessed or controlled the hazardous substance or caused the discharge; and any consultant or contractor of such a party.
3. With respect to soil contamination only, Ronald Woelfel agrees to take one or more specified actions directed by the Department if the Department determines that the actions are necessary to prevent an imminent threat to human health, safety or welfare or to the environment, after the Department has made a reasonable attempt to notify the party who caused the hazardous substance discharge about that party's responsibilities to investigate and clean up the discharge. The Department imposes no specific actions at this time.
4. Ronald Woelfel agrees to avoid any interference with action undertaken to respond to the discharge and to avoid actions that worsen the discharge.
5. Ronald Woelfel agrees to any other condition that the Department determines is reasonable and necessary to ensure that the Department and any other authorized party can adequately respond to the discharge. The Department imposes no specific conditions at this time.

The Department may revoke the determinations made in this letter if it determines that any of the requirements under sections 292.13(1) or (1m), Wis. Stats., cease to be met.

Future property owners are eligible for the exemption under section 292.13, Wis. Stats., if they meet the requirements listed in that statute section. The determinations in this letter regarding a liability exemption, however, only apply to Ronald Woelfel, and may not be transferred or assigned to other parties. The Department will provide a written determination to future owners of this property, if such a determination is requested in accordance with the requirements of section 292.13(2), Wis. Stats.

Mr. Ronald Woelfel
January 8, 2002
Page 3

If you have any questions or concerns regarding this letter, please contact me in Green Bay at 920-492-5861 or Attorney Judy Ohm at (608) 266-9972.

Yours truly,



Alan Thomas Nass, PG, PS
Hydrogeologist

Attachment

Cc: Scott Fleming, Weiss, Berzowski & Brady, LLP, 700 Water Street, Milwaukee, Wisconsin 53202-4273
Kerry DeKeyser, Tecumseh Products Company, 1604 Michigan Avenue, New Holstein, Wisconsin 53061
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Jim Bauman, WT/2
Erdmann, Kathy – NER/RR
Percy Mather – RR/3
Judy Ohm – LS/5

Exhibit A

[Legal description of premises]

The East half of the North east quarter (E. 1/2 of N.E. 1/4) of section number ten (10) in township number seventeen (17) north of range number twenty (20) east, Town of New Holstein, Calumet County, Wisconsin excepting and reserving therefrom the following:

Commencing at the north west corner of the north east quarter of the south east quarter of section number ten (10) in township "17" north of range "20" east, thence running north "25" feet, thence in a southeasterly direction to a point of "25" feet due east of the point of beginning, thence west "25" feet to the point of beginning;

and

N 1/2 NW 1/4, Section 11 T17N R20E, Town of New Holstein, Calumet County, Wisconsin less and excepting commencing at a point 1,027 feet East of Northwest corner of the NW 1/4 NW 1/4, thence South parallel with East line of said NW 1/4 NW 1/4, a distance of 233 feet, thence East parallel with the North line of said NW 1/4 NW 1/4, a distance of 230 feet, thence North parallel with said East line 233 feet, thence West along the North line of NW 1/4 NW 1/4 a distance of 230 feet to the point of beginning (See Parcel 1 of Warranty Deed recorded in Volume 156 of Records on Page 456 and Warranty Deed recorded in Volume 156 of Records on Page 802).

Also less and excepting Lot 1 of Certified Survey Map No. 2180.

Also less and excepting Lot 2 of Certified Survey Map No. 2238.

TECUMSEH RD

Ran. Woeffel

10-1720-11
40A

NE $\frac{1}{4}$ of NE $\frac{1}{4}$

Sec. 10-17-20

11-1720-22A
1.22 A

NW $\frac{1}{4}$ of NW $\frac{1}{4}$

Sec. 11-17-20

11-1720-22B
38.78 A

NE $\frac{1}{4}$ of NW $\frac{1}{4}$

Sec. 11-17-20

11-1720-21
40A

HONEYMOON HILL RD.

SE $\frac{1}{4}$ of NE $\frac{1}{4}$
Sec. 10-17-20

10-1720-14A
39.99A

11-1720-23A
35.94A

SW $\frac{1}{4}$ of NW $\frac{1}{4}$

Sec. 11-17-20

11-1720-24
39.05A

10-1720-14B
.01A

CITY OF NEW HOLSTEIN

TECUMSEH PRODUCTS COMPANY