

246148100  
Gen. Prop.

**Ryan, Nancy D**

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**From:** Stephen Castner [slc@castnerlaw.com]  
**Sent:** Wednesday, October 06, 2004 3:11 PM  
**To:** Ryan, Nancy D  
**Cc:** kenebbott@alphaterra.net  
**Subject:** RE: Our Client: Estate of Richard J. Goldberg/Richard J. Goldberg LLC

**Nancy:**

**A corrected application is attached. As stated below, the property was transferred during the RI process in the course of winding up the Estate. The transfer was not voluntary, as in the case of a seller and buyer, but was done according to Wisconsin law so the Estate could be closed.**

**Please disregard the statement on page 2 concerning the fee.**

**Please let me know if you have questions about the attached corrected application.**

**Thank you.**

**Steve Castner**

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**From:** Ryan, Nancy D [mailto:Nancy.Ryan@dnr.state.wi.us]  
**Sent:** Wednesday, October 06, 2004 10:00 AM  
**To:** Stephen Castner  
**Subject:** RE: Our Client: Estate of Richard J. Goldberg/Richard J. Goldberg LLC

Mr. Castner,  
I am not in my office today so am not able to review the offsite exemption application that was submitted for this site. However, if Richard J. Goldberg LLC was not listed as the applicant/owner, I cannot issue a revised exemption unless you submit a corrected application. If I incorrectly issued the exemption, I will correct as appropriate next week when I get back to the office - otherwise, if the exemption application was incorrect, then please send me a corrected version and I will re-issue the exemption in the name of Richard J. Goldberg LLC.

I will be back in my office on Monday, Oct. 11 if you have any questions.

Nancy Ryan, Hydrogeologist  
Remediation and Redevelopment  
(920) 892-8756 ext. 3025

-----Original Message-----

**From:** Stephen Castner [mailto:slc@castnerlaw.com]  
**Sent:** Wednesday, October 06, 2004 9:07 AM  
**To:** Ryan, Nancy D  
**Cc:** kenebbott@alphaterra.net  
**Subject:** Our Client: Estate of Richard J. Goldberg/Richard J. Goldberg LLC

Nancy:

Yesterday we received, via Ken Ebbott at Alpha Terra, the October 1, 2004, your Wis.

Stats. s. 262.13 offsite liability exemption letter for the Estate of Richard J. Goldberg as to the Plymouth Foundry property on 11th Avenue in the Village of Grafton.

In late 2002, the Estate distributed the property to Richard J. Goldberg LLC as part of the ordinary process of winding up the Estate. The LLC continues to be the title holder of record. The RI process for the property was begun long before that, so you issued the letter in the name of the Estate.

I would appreciate your issuing the letter in the name of the current owner, Richard J. Goldberg LLC, to facilitate future agreements with the owner of the source property, Construction Forms, Inc., and brownfield redevelopment of the Plymouth Foundry property.

Thank you for your anticipated assistance.

Steve Castner

Stephen L. Castner  
Castner Law Offices  
1650 Ninth Avenue, Post Office Box 164  
Grafton, Wisconsin 53024-0164  
Voice: 262-377-9377  
Fax: 262-377-5002  
[slc@castnerlaw.com](mailto:slc@castnerlaw.com)  
Licensed to practice in Indiana and Wisconsin.  
Practice in environmental and land use law.

**Notice:** Persons requesting an off-site discharge exemption letter ("off-site letter") from the Remediation and Redevelopment Program, as provided in s. 292.13, Wis. Stats., must provide the information requested on this application. Personally identifiable information collected may be used for purposes other than that for which it was originally collected. Under Wisconsin's open records laws, DNR is required to provide all non-confidential information to any person who requests it. Such information may be provided to the public in written or electronic form.

**Instructions:**

Throughout this application, "Property" refers to a property which has been impacted by hazardous substances that migrated from an off-site source.

1. Fill out separate forms if more than one person is requesting an off-site letter for the Property
2. Attach a check made payable to the DNR to this application form to cover Department review costs. To obtain current information on fees, call (800) 367-6076 for in-state long distance or (608) 264-6020 for out-of-state or local calls.
3. Return completed form to the DNR Regional office where the Property is located. The locations of Regional offices are listed at the end of this form.

**Applicant Information - Person Requesting Off-Site Letter**

Applicant Name - Last Castner		First Stephen	MI L.	Telephone Number 262-377-9377
Company Richard J. Goldberg LLC		Title Attorney		
Mailing Address Post Office Box 164, Grafton, WI 53024-0164			Fax Number 262-377-5002	
City Grafton		State Wisconsin	Zip Code 53024-0164	
Do you: <input checked="" type="checkbox"/> own or <input type="checkbox"/> lease the Property?		Do you intend to: <input type="checkbox"/> acquire or <input type="checkbox"/> lease the Property		
Environmental Consultant Name - Last Ebbott		First Kendrick	MI	Telephone Number (920) 892-2444
Company Alpha Terra Science		Title		
Mailing Address 1237 South Pilgrim Road			Fax Number (920) 892-2620	
City Plymouth		State Wisconsin	Zip Code 53073	
Attorney Name - Last Castner		First Stephen	MI L.	Telephone Number 262-377-9377
Firm Castner Law Offices		Title Attorney		
Mailing Address Post Office Box 164			Fax Number 262-377-5002	
City Grafton		State Wisconsin	Zip Code 53024-0164	

If you intend to acquire or lease this Property, provide the following information about the current owner of the Property.

Property Owner Name - Last N/A		First	MI	Telephone Number
Mailing Address			Fax Number	
City		State	Zip Code	

**Property Information - Property Impacted By Off-Site Discharge**

Property/Facility Name Plymouth Foundry			County Ozaukee		
Public Land Survey Coordinates			Latitude	Longitude	Datum (check only one)
Quarter-Quarter	Quarter	Section	Range	Township	Minutes
<input checked="" type="checkbox"/> NW <input type="checkbox"/> NE <input type="checkbox"/> SW <input type="checkbox"/> SE	<input type="checkbox"/> NW <input checked="" type="checkbox"/> NE <input type="checkbox"/> SW <input type="checkbox"/> SE	24	21E	<input type="checkbox"/> E <input checked="" type="checkbox"/> W 10N	
					Seconds
					Adjustment
			Method		Accuracy
Location Address (Street Name and Number) 1019 North 11th Avenue					
City Grafton			State Wisconsin	Zip Code 53024	

# Off-Site Discharge Exemption Request Application

Form 4400-201 ( 8/98) Page 2 of 3

## Property Information - Property Impacted By Off-Site Discharge

Has a discharge to soil or groundwater been detected on the Property described?

Yes  No

If contamination has been detected, has it been reported to the State?  Yes  No

If yes, check all that apply:  DNR  
 Division of Emergency Government

Date Reported

Is the source of the contamination known?

Yes  No

If yes, what is the source?

Construction Forms, Inc., property. See, BRRTS # 07-46-529254.

If yes, provide name of the property owner and address of the property where contamination is known or from which it is suspected to be migrating:

Source Property Owner Name - Last Construction Forms, Inc.	First	MI	Telephone Number See, BRRTS # 07-46-529254
Location Address of Contamination Source 1040 Ninth Avenue			Fax Number See, BRRTS # 07-46-529254
City Grafton		State Wisconsin	Zip Code 53024

## Property Information Needed to Process Application

Provide the following information to process your application:

This is an application by a successor to the Estate of Richard J. Goldberg, to which the department issued an off-site liability exemption letter dated October 1, 2004. See, BRRTS # 07-46-529254. Richard J. Goldberg LLC hereby requests determination concerning liability pursuant to:

(2) Determinations concerning liability. The department shall, upon request, issue a written determination that a person who possesses or controls property on which a hazardous substance exists in the soil or groundwater is exempt from s. 292.11(3), (4) and (7)(b) and (c) if the person satisfies the applicable requirements in subs. (1) and (1m). The department may revoke its determination if it determines that any of the requirements in sub. (1) or (1m) cease to be met.

WSA 292.13, Property affected by off-site discharge.

\$500 fee enclosed pursuant to s. NR 749.04, Wis. Admin. Code.

# Off-Site Discharge Exemption Request Application

Form 4400-201 (8/98) Page 3 of 3


## Applicant Certification

I certify that I have read and am familiar with the information on this application and that the information is true, accurate and complete to the best of my knowledge.

I believe that I meet the criteria in s. 292.13, Wis. Stats., with respect to the fact that I never controlled or possessed the hazardous substances that have migrated onto the Property while they were on the source property, nor did I cause the hazardous substance discharge for which I am seeking this written exemption.

I understand that I retain the responsibility for any hazardous substance discharges that I caused or cause, and for any discharges whose source I possess or control on the Property or on other properties.

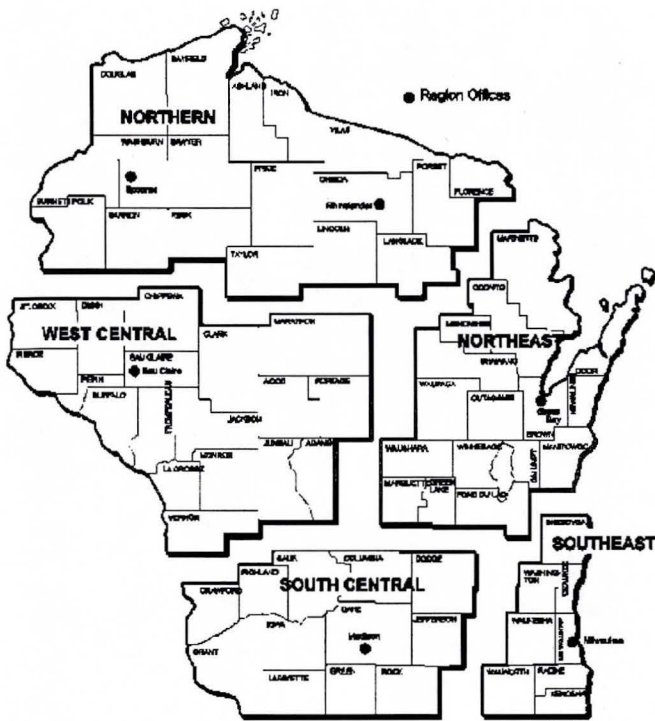
I understand that if I fail to satisfy the statutory requirements in s. 292.13, Wis. Stats., such as failing to provide access to the Property, the DNR has the authority to revoke the off-site exemption for the Property.

Applicant Name - Last Castner	First Stephen	MI L.	Title Attorney
Signature 			Date 10/5/04

Digitally signed by Stephen Castner  
DN: cn = Stephen Castner, o = Veridigm, Inc., ou = Veridigm  
Trust Network  
Reason: I am the author of this document  
Date: 2004.10.05 14:56:24 -0500

## For DNR Office Use Only

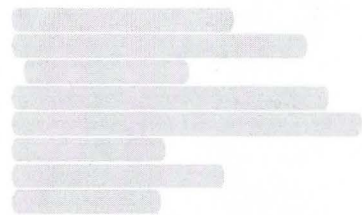
Date Received	BRRTS Activity Name	BRRTS Activity Code	
Date Assigned	DNR Reviewer	BRRTS FID No. (if used)	
Comments		Fee Enclosed <input type="checkbox"/> Yes <input type="checkbox"/> No	
Date Approved	Date Additional Information Requested	Date Denied	Date Withdrawn



**NORTHERN REGION**  
Remediation & Redevelopment  
Team Supervisor  
Department of Natural Resources  
107 Sutliff Avenue  
Rhineland, WI 54501  
(715) 365-8960

**WEST CENTRAL REGION**  
Remediation & Redevelopment  
Team Supervisor  
Department of Natural Resources  
P.O. Box 4001  
Eau Claire, WI 54702-4001  
(715) 839-3710

**NORTHEAST REGION**  
Remediation & Redevelopment  
Team Supervisor  
Department of Natural Resources  
1125 N. Military Avenue  
P.O. Box 10448  
Green Bay, WI 54307  
(920) 492-5860



**SOUTH CENTRAL REGION**  
Remediation & Redevelopment  
Team Supervisor  
Department of Natural Resources  
3911 Fish Hatchery Rd.  
Fitchburg, WI 53711  
(608) 275-3241