

State of Wisconsin \ DEPARTMENT OF NATURAL RESOURCES

Jim Doyle, Governor
Matthew J. Frank, Secretary
Ronald W. Kazmierczak, Regional Director

Northeast Region Headquarters
2984 Shawano Ave.
Green Bay, Wisconsin 54313-6727
Telephone 920-662-5100
FAX 920-662-5413
TTY Access via relay - 711

December 1, 2010

BRRTS VPLE #: 06-36-556282

Kenneth Kazmierczak
CFO, VP Administration
Skana Aluminum Company
2009 Mirro Drive
Manitowoc, WI 54220

SUBJECT: Approval to Proceed
in the Voluntary Party Liability Exemption (VPLE) Process
Skana Aluminum Company (location formerly known as Koenig & Vits, and Mirro)
2009 Mirro Drive, Manitowoc
Parcel #s: 052-809-401-010.00, 052-809-102-011.00, 052-809-103-011.00,
009-109-013-002.00

Dear Mr. Kazmierczak,

This letter provides information for VPLE program applicants, property owners, and individuals who are potentially responsible parties (RPs) for remedial action at the site described above. Please note the legal responsibilities that may apply to you, based upon your relationship with this property.

APPLICANTS TO THE VPLE PROCESS

Thank you for submitting your application to the Department of Natural Resources (DNR) for approval to proceed with an environmental investigation and cleanup associated with the Skana Aluminum company (formerly known as Koenig & Vits and Mirro) hereafter referred to as "the Property". The current DNR environmental repair cases for this property are referenced below and the Property boundary is provided in the attached site map.

BRRTS case #: 02-36-555268 north mound site (PCB)
02-36-550138 site-wide (low level metals and PAH)
02-36-544601 sumps (chlorinated solvents)

As you are aware, the VPLE process provides specific liability exemptions for voluntary parties after the completion of an environmental investigation and cleanup that are conducted in accordance with ss. 292.11, and 292.15, Wis. Stats.

APPLICATION APPROVAL

We have approved your application to participate in this process. Your Property has had a discharge of a hazardous substance and you meet the definition of a "voluntary party." Also, s. 292.15(7), Wis. Stats., describes facilities that are not eligible for the VPLE. Licensed solid waste facilities and certain types of hazardous waste treatment, storage, and disposal facilities are not eligible to receive the liability protection. Based on information submitted in your application and a review of DNR records, the DNR has determined that your Property *does not include* one of the ineligible facilities and the Property is eligible to begin the VPLE process. The approval of your VPLE application is based upon information

available to the DNR at the time the application was reviewed. If in the future, additional information becomes available which indicates that the site is not eligible for the VPLE, the DNR may remove the Property from the VPLE process.

REQUIREMENTS FOR ENVIRONMENTAL WORK

In order to obtain the Voluntary Party Liability Exemption as described in a Certificate of Completion, all necessary environmental response actions must be reviewed by DNR to determine their compliance with ss. 292.11 and 292.15, Wis. Stats., and with the ch. NR 700 administrative rule series. The first step in the process is to conduct an environmental investigation of the entire Property, in addition to investigation of the known or suspected areas of contamination. The environmental investigation includes Phase I and II environmental site assessments, as well as a site investigation conducted in accordance with ch. NR 716, Wis. Adm. Code. Where previous environmental work has been conducted on the Property, that work may satisfy some or all of the requirements for an environmental investigation. The scope of the environmental investigation must assess all discharges of any hazardous substances on the Property or that migrated from the Property, and solid or hazardous waste disposed of on the Property. DNR will review the reports you submit and inform you whether additional work is necessary to complete the environmental investigation requirement. The DNR project manager assigned to your VPLE project is Annette Weissbach, located at 2984 Shawano Avenue in Green Bay, WI 54313-6727 and can be reached at 920-662-5165 and annette.weissbach@wisconsin.gov.

FEES

Thank you for your application fee of \$250 and advance deposit of \$3000 that was received on November 1, 2010. From this advance deposit, the DNR will deduct fees at the *current* hourly rate of \$100 to cover the costs of DNR providing assistance on your project. Fees will be deducted as costs are incurred until all VPLE related environmental work at Property is completed, or until the deposit is spent, whichever **comes** first. In the former case, any remaining balance will be refunded to you. If DNR's review costs exceed the deposit amount, the DNR will send you quarterly invoices for VPLE costs associated with your Property during that time period. You will be required to reimburse the DNR for its costs within 30 days of receiving the invoices. You should be aware that the costs associated with DNR assisting you on this Property will vary depending on the complexity and size of the Property, as well as the completeness of the information that you submit to us. The costs of DNR assistance generally average from \$2,000 to \$10,000 per site, with some properties costing more or less than that range, based on the factors referenced.

ADDITIONAL OBLIGATIONS OF APPLICANTS, POTENTIALLY RESPONSIBLE PARTIES, AND PROPERTY OWNERS

The DNR looks forward to working with you, as you address the contamination on or migrating from this Property. We would like to clarify your responsibilities, as well as the responsibilities of any potentially responsible parties and property owners who may have relationships to this Property.

Wisconsin's hazardous substance spill law assigns responsibilities for cleanup in s 292.11(3), Wis. Stats., as follows: "a person who possesses or controls a hazardous substance which is discharged or who causes the discharge of a hazardous substance shall take the actions necessary to restore the environment to the extent practicable and minimize the harmful effects from the discharge to the air, lands, or waters of the state."

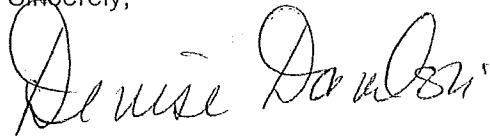
If you should choose to withdraw from the VPLE process or discontinue clean-up efforts, you should be aware that you may have continuing legal and financial responsibilities. If you own the Property or

caused the hazardous substance discharge, state law requires you to complete the necessary environmental work to restore the environment and minimize effects of discharges on the Property and/or migrating off of the Property. If you do not own the Property, have not caused the discharge, and you elect to discontinue clean-up activities at the site, the DNR will work with those persons who caused the discharge or those who own the property to address the remaining environmental concerns.

Thank you for entering the Voluntary Party Liability Exemption process. The Bureau for Remediation and Redevelopment Tracking System (BRRTS) identification number for this activity is shown at the top of this letter. The Department tracks information on all determinations such as this in the BRRTS database that is available at <http://dnr.wi.gov/org/aw/rr/clean.htm>. The Contaminated Lands Environmental Action Network (CLEAN) is an inter-linked system providing information on land activities in Wisconsin, to assist with the investigation, cleanup and eventual re-use of those lands.

Further correspondence concerning technical issues at this site can be sent to Annette Weissbach. We look forward to working with you as you proceed through this process.

Sincerely,



Denise Danelski
Environmental Program Associate/Brownfields Outreach
Remediation and Redevelopment Program

e-cc: Annette Weissbach – NER
Michael Prager - RR/5

attach: Property Map (prepared by Andrew Czerwonka, Registered Land Surveyor, April 14, 2010)

NE CORNER
SEC. 2
(S. 1943)

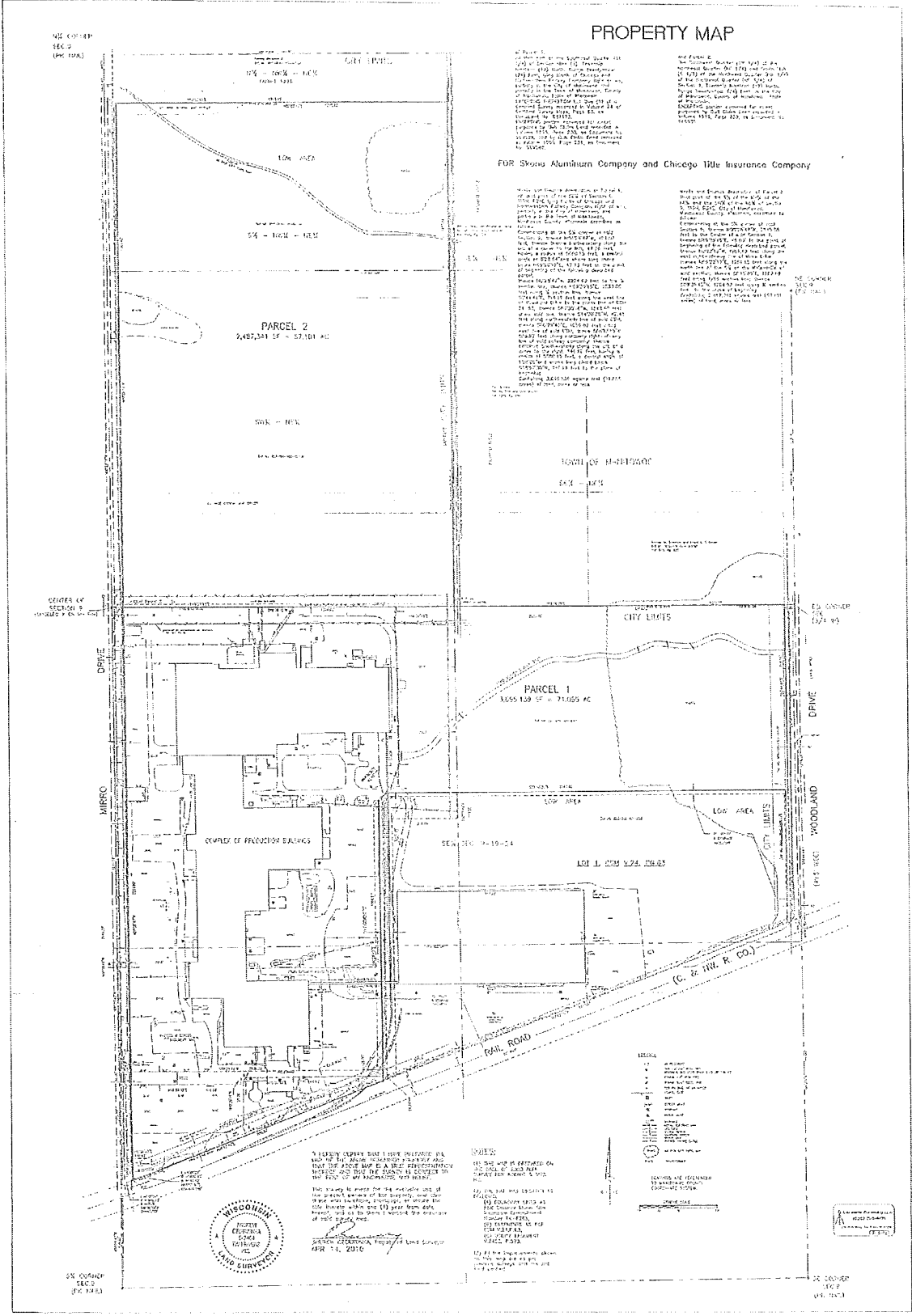
PROPERTY MAP

OF PARCEL 1
 The following is a description of Parcel 1, as shown on the attached map, to-wit: A certain lot of land in the City of Chicago, Illinois, containing 3.15 acres, more or less, bounded on the north by the City of Chicago, on the east by the City of Chicago, on the south by the City of Chicago, and on the west by the City of Chicago.

FOR Stone Aluminum Company and Chicago Title Insurance Company

OF PARCEL 2
 The following is a description of Parcel 2, as shown on the attached map, to-wit: A certain lot of land in the City of Chicago, Illinois, containing 2.487,234 sq. ft., more or less, bounded on the north by the City of Chicago, on the east by the City of Chicago, on the south by the City of Chicago, and on the west by the City of Chicago.

OF PARCEL 3
 The following is a description of Parcel 3, as shown on the attached map, to-wit: A certain lot of land in the City of Chicago, Illinois, containing 3.15 acres, more or less, bounded on the north by the City of Chicago, on the east by the City of Chicago, on the south by the City of Chicago, and on the west by the City of Chicago.



A LEGAL NOTICE THAT I HAVE INCORPORATED THE MAP OF THE ABOVE PROPERTY AS SHOWN ON THIS OFFICE MAP OF A RECENT SURVEY, AND THAT THE POINTS AS SHOWN ON THE MAP ARE THE POINTS AS SHOWN ON THE RECORD OF AN ANCESTRAL SURVEY.

This survey was made for the purpose of showing the location of the above property, and the location of the points as shown on the map, and the location of the points as shown on the map, and the location of the points as shown on the map.

W. J. CHRISTENSEN, Surveyor
 APR 14, 2010

NOTICE
 (1) THIS MAP IS PREPARED ON THE BASIS OF THE RECORD OF AN ANCESTRAL SURVEY.
 (2) THE MAP IS PREPARED ON THE BASIS OF THE RECORD OF AN ANCESTRAL SURVEY.
 (3) THE MAP IS PREPARED ON THE BASIS OF THE RECORD OF AN ANCESTRAL SURVEY.
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SW CORNER
SEC. 2
(S. 1943)

SE CORNER
SEC. 2
(S. 1943)