

August 31, 2016

Project No. LC-09-03752D

Ms. Deena Kinney
Wisconsin Department of Natural Resources
Eau Claire DNR Office
1300 W Clairemont Ave.
Eau Claire, WI 54702

Re: Voluntary Party Liability Exemption Application
Former Desmond's Men's Wear
2336 and 2326 Commerce Street
La Crosse, Wisconsin

Dear Ms. Kinney:

Attached is a Voluntary Party Liability Exemption (VPLE) Application (Form 4400-178) for the Former Desmond's Men's Wear site in La Crosse, Wisconsin. The listed applicant, Desmond and Desmond, requests to be a co-applicant with the City of La Crosse through this elective environmental cleanup program. The City of La Crosse was approved to proceed in the VPLE program in a letter correspondence dated May 23, 2013, and was assigned BRRS #06-32-560495 (attached).

Please contact Kevin Nestingen or Mark Gretebeck at 608.781.7277 or knestingen@braunintertec.com if you have questions or require further information on this project.

Sincerely,

BRAUN INTERTEC CORPORATION



Kevin D. Nestingen, PE
Project Engineer



Mark L. Gretebeck
Principal

Attachments:

VPLE Application
City of La Crosse VPLE Approval Letter

c: Mr. Lewis Kuhlman, City of La Crosse

Notice: Pursuant to s. 292.15, Wis. Stats., and s. NR 750.05, Wis. Adm. Code, this form is required by the Department of Natural Resources (DNR) to be submitted when requesting approval to participate in the voluntary party liability exemption (VPLE). Failure to complete this application in its entirety may delay its review and/or may result in denial. Participation in this program is voluntary. If completing this form, refer to the instructions beginning on page 4. 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.).

Section 1: Property Information

BRRTS No. (if known)
 02-32-000203 and VPLE #06-32-560495

Tax Parcel #
 17-10307-20

FID No. (if known) 6320125460		Property Name Former Desmond's Mens Wear	
Address 2338 Commerce St. and 2326 Commerce St.		City La Crosse	State ZIP Code WI 54603
County La Crosse	Municipality Name <input checked="" type="radio"/> City <input type="radio"/> Town <input type="radio"/> Village La Crosse	Property is composed of: <input checked="" type="radio"/> Single Tax Parcel <input type="radio"/> Multiple Tax Parcels	Property Size 1.94 Acres

Section 2: Applicant Information (Voluntary Party)

Organization / Firm / Person Desmond and Desmond (John W. and John G. Desmond)			Title	
Last Name Desmond	First John	MI	Phone Number (include area code) (608) 317-0480	
Address 620 Cass Street			Fax Number (include area code)	
City La Crosse	State WI	ZIP Code 54601	Email jdesmond1951@msn.com	

Section 3: Ownership Information

Applicant Relationship to Property (select one):
 Current Owner Potential/Future Purchaser Previous Owner Other:

Section 4: Regulatory Identification (include ID numbers if known)

DNR FID	6320125460	USEPA ID	
Environmental Repair (ERP)	02-32-000203	Hazardous Substance Spill	
Leaking Ungd. Storage Tank (LUST)		Brownfield Env'l. Asmt. Pilot	
Solid Waste		Municipal Negotiation & Cost Recovery	
Hazardous Waste		Superfund Remedial (NPL)	
Wastewater-surface water (WPDES)		Abandoned Containers	
Wastewater-groundwater (WPDES)		Superfund Site Evaluation (CERCLA)	
DCOM PECFA Claim Number		Municipal Grants Program	
DATCP Agricultural Contamination		Contaminated Sediments	

Other: Current VPLE #06-32-560495

Leave Blank – DNR Use Only			
Date Received	<input type="checkbox"/> Application Fee Received	<input type="checkbox"/> Deposit Received	<input type="checkbox"/> Approval to Proceed PMN _____
BRRTS Activity Number	BRRTS Activity Name		<input type="checkbox"/> Denied (explain) (603)
FID	Region		<input type="checkbox"/> Withdrawn (explain) (610)
Comments		Reviewed By	Date
		Project Manager	

Voluntary Party Liability Exemption Application

Form 4400-178 (R 11/14)

Page 2 of 5

Section 5 Environmental Consultant Representing Applicant

Organization / Firm / Person Braun Intertec Corporation			Title Principal	
Last Name Gretebeck	First Mark	MI L.	Phone Number (include area code) (608) 781-7277	
Address 2309 Palace Street			Fax Number (include area code) (608) 781-7279	
City La Crosse	State WI	ZIP Code 54603	Email mgretebeck@braunintertec.com	

Section 6: Attorney Representing Applicant (if applicable)

Organization / Firm / Person Moen Sheehan Meyer, LTD			Title Attorney	
Last Name Stickler	First David	MI F.	Phone Number (include area code) (608) 784-8310	
Address 201 Main Street, Suite 700			Fax Number (include area code) (608) 782-6611	
City La Crosse	State WI	ZIP Code 54602	Email dstickler@msm-law.com	

Section 7: Past Land Uses and Known or Suspected Contamination Sources (check all that apply)

- | | | |
|---|--|--|
| <input type="checkbox"/> Service station | <input type="checkbox"/> Coal gas manufacturer | <input type="checkbox"/> Contaminated building |
| <input type="checkbox"/> Manufacturing | <input type="checkbox"/> Electroplater | <input type="checkbox"/> Industrial accident |
| <input type="checkbox"/> Agricultural co-op | <input type="checkbox"/> Landfill | <input type="checkbox"/> Lagoons |
| <input checked="" type="checkbox"/> Dry Cleaner | <input type="checkbox"/> Foundry sand | <input type="checkbox"/> Fly ash |
| <input type="checkbox"/> Salvage yard | <input type="checkbox"/> Underground pipeline or tank | <input type="checkbox"/> Unknown |
| <input type="checkbox"/> Bulk plant | <input type="checkbox"/> Surface spills | <input type="checkbox"/> Other _____ |
| <input type="checkbox"/> Pipeline | <input type="checkbox"/> Above ground pipeline or tank | |
| <input type="checkbox"/> Tannery | <input type="checkbox"/> Routine industrial operations | |

Section 8: Solid Waste

Does the property contain a solid waste site or facility as defined in s. 289.01(35), Wis. Stats.?

Yes No Name: _____ License number: _____

If 'Yes', does the site currently have an active or passive system in place for leachate, groundwater or gas treatment, collection or monitoring?

Yes No Describe system: _____

Section 9: Site Eligibility If any boxes are checked "Yes", the site is not eligible for VPLE, see instructions for more information.

Does the property contain a solid waste facility or site that meets definition of an approved facility under 289.01(3), Wis. Stats.? Yes No

Does the property contain a hazardous waste treatment, storage or disposal facility that first began operation after the voluntary party acquired the property? Yes No

Does the property contain a licensed hazardous waste treatment, storage or disposal facility operated on the property before the date on which the voluntary party acquired the property, and that is operated after the date on which the voluntary party acquired the property? Yes No

Does the property contain a hazardous waste disposal facility that has been issued a license under s. 144.441 (2), 1995 Wis. Stats., or s. 289.41 (1m), Wis. Stats., or rules promulgated under those sections, for a period of long-term care following closure of the facility? Yes No

Section 10: Regulatory Criteria

- Has contamination been detected at the property? Yes No
If yes, has it been reported to the state? Yes No
Agent notified: Wisconsin Department of Natural Resources Date 07/28/2004
Does it include petroleum from a leaking underground storage tank (LUST)? Yes No
Are you using the Petroleum Environmental Cleanup Fund (PECFA) to pay for any portion of the remedial actions? Yes No Undecided
Is there a state or federal enforcement order currently in effect at this property? Yes No

Section 11: Attachments and Certification

All listed attachments are required for an application to be complete:

- a list of past environmental work
- a non-refundable check for \$250 application fee made payable to the Wisconsin DNR
- a clear map showing location of property
- a detailed map that clearly indicates the property boundaries
- a copy of the property deed

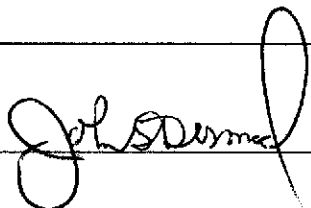
I certify that I have read and am familiar with the information on this application and that the information is true, accurate and complete to the best of my knowledge.

I hereby request assistance from DNR in reviewing the environmental response actions that have been or will be taken to obtain protection of limited liability, as provided in s. 292.15, Wis. Stats.

I recognize that to obtain this limited liability exemption that the environmental response actions taken will need to comply with the applicable provisions of ch. NR 700, Wis. Adm. Code, and will require a Phase I and II environmental assessment to be conducted for the property. I recognize that I will be responsible for paying fees to DNR for assistance provided to me as provided under ch. NR 750, Wis. Adm. Code.

Applicant Name (Type or Print) _____ Title _____

Organization / Firm / Person _____

Signature  _____

Date Signed 8/22/2016

General Voluntary Party Liability Exemption Application Instructions

Use this application to apply for the Voluntary Party Liability Exemption (VPLE) under s. 292.15, Wis. Stats. In order to receive this liability exemption, applicants must conduct an environmental investigation of the entire property and any hazardous substances on the property must be cleaned up. Environmental work performed under the program is subject to department review and approval. Applicants will be responsible for paying fees to cover the cost of department review. The liability exemption is effective upon completion of the cleanup, if the voluntary party complies with all of the statutory requirements of ss. 292.15 and 292.11, Stats.

Type or clearly print your answers to all questions. Line-by-line instructions are provided on the next page. Submit the completed application and a \$250 application fee payable to the Department of Natural Resources. Submit a separate application and fee for each property being considered for an exemption. A property is defined as a contiguous area of land the entire legal description of which is found in one deed. If you are planning on investigating and remediating adjacent properties, you must submit one application and a \$250 fee for each legally defined piece of property. You may, however, submit technical reports for more than one property together, if the properties are part of the same project. If more than one party wants to apply for VPLE for the same property, submit one application form and fee for each party. If you are planning on changing the property boundaries, contact the Department to discuss how to submit applications for your project.

The publication, "Voluntary Party Remediation and Exemption from Liability" (RR-506) describes the VPLE process and associated fees. Please mail this completed application form with the \$250 application fee and supporting materials to the appropriate local DNR regional office (see map).

Contact a DNR Regional Brownfield Specialist with any questions about this form or a specific situation involving a contaminated property.

DNR NORTHERN REGION

Attn: RR Program Assistant
Department of Natural Resources
107 Sutliff Avenue
Rhineland WI 54501

DNR NORTHEAST REGION

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

DNR SOUTH CENTRAL REGION

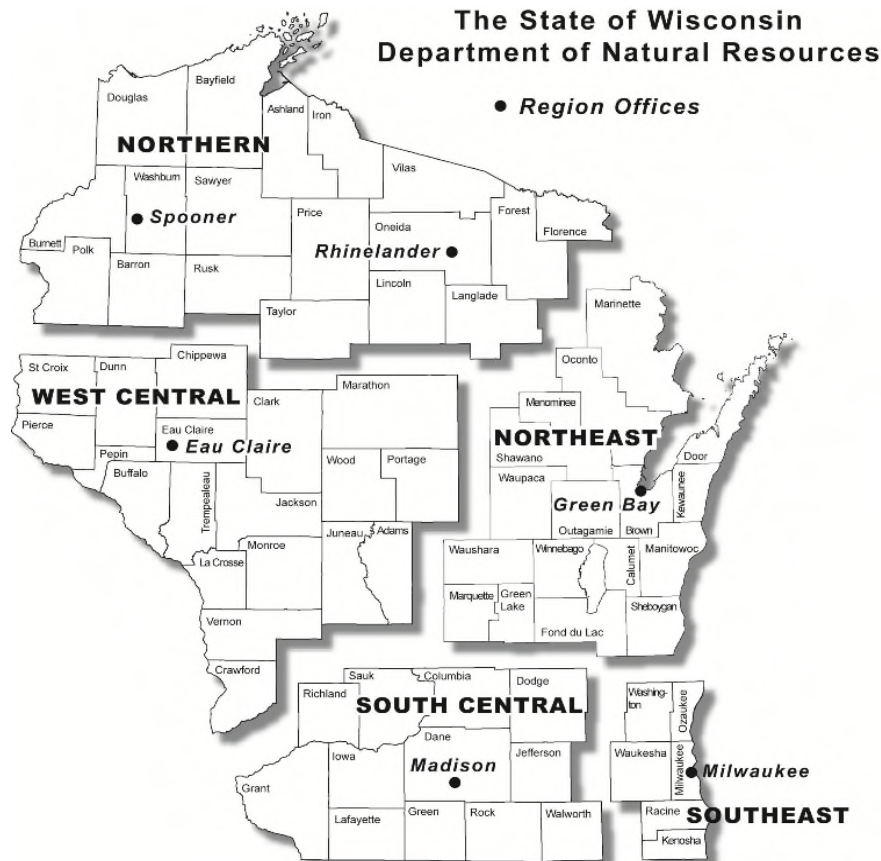
Attn: RR Program Assistant
Department of Natural Resources
3911 Fish Hatchery Road
Fitchburg WI 53711

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 W Clairemont Avenue
Eau Claire WI 54702



Note: These are the Remediation and Redevelopment Program's designated regions. Other DNR program regional boundaries may be different.

VPLE Application Section-by-Section Instructions

Section 1: Property Information - Complete the information regarding the property for which you are seeking a liability exemption. The public land survey location (quarter quarter section location) coordinates of the property must be provided. Please submit a separate application for each property. A property is usually a single parcel of land with the entire legal description found on one deed.

Section 2: Applicant Information- Voluntary Party - Provide contact information about the applicant. The applicant is the person or organization seeking Department review and approval of the response actions that will be taken to receive the liability exemption. Once the application has been processed by the DNR, the applicant will be considered the Voluntary Party for this property. The Voluntary Party is responsible for payment of any fees to the DNR. Unless the DNR is notified to the contrary, all bills and correspondence as part of the VPLE process will be sent to the Voluntary Party. If more than one party is applying for the VPLE for the same property, each party must submit a separate application form and \$250 fee.

Section 7: Past Land Uses & Known or Suspected Contamination Sources - Indicate any activities or operations that took place on the property in the past, and any known or suspected sources of contamination at the property if known (check as many as apply). Include uses/sources not listed in the space provided.

Section 8: Solid Waste - Indicate whether or not there is a solid waste facility on the property such as a landfill or historic fill site. Sites with solid waste facilities may be eligible for VPLE as long as the site does not meet one of the factors listed in Section 10. In addition, some sites with solid waste facilities may not be eligible to complete the VPLE process due to technical issues associated with the environmental clean up at the site. Waste sites must be able to obtain a ch. NR 726, Wis. Adm. Code, site closure in order to receive the VPLE protections. It must do so without the reliance on any active remedial system to ensure compliance with environmental and public health standards, such as active treatment or collection systems relating to groundwater, leachate or gas. Indicate whether such a system is in place now, the existence of such a system will not exclude a site from beginning the VPLE process and such a site could obtain VPLE if the voluntary party can demonstrate that such a system is no longer necessary.

Section 9: Site Eligibility

While most contaminated properties can go through the VPLE process, properties with the following types of waste sites or facilities are **NOT** eligible for the VPLE:

- a solid waste facility or site that is an approved facility as defined in s. 289.01(3), Wis. Stats.;
- a hazardous waste treatment, storage or disposal facility that first began operation after the voluntary party acquired the property;
- a licensed hazardous waste treatment, storage or disposal facility operated on the property before the date on which the voluntary party acquired the property and that is operated after the date on which the voluntary party acquired the property; and
- any hazardous waste disposal facility that has been issued a license under s. 144.441 (2), 1995 Wis. Stats., or s. 289.41 (1m), Wis. Stats., or rules promulgated under those sections, for a period of long-term care following closure of the facility.

Check the lists and database on the following webpages to see if the property includes one of these ineligible solid or hazardous waste sites."

VPLE Webpage:

<http://dnr.wi.gov/topic/brownfields/vple.html>

Solid and Hazardous Waste Information System (SHWIMS)

<http://dnr.wi.gov/sotw/Welcome.do>

Section 10: Regulatory Criteria - If contamination is present or was present in the past, indicate whether it was reported to the state. Indicate which agency (e.g. DNR, emergency government) the contamination was reported to and when the report was made to that agency. Indicate if an enforcement order is currently in effect for the property or if one has been issued in the past, as well as the issuing agency (e.g. DNR, DATCP, DSPS) and the date of the order. Note that an order is a formal legal document that is distinct from a simple letter notifying a party of its legal responsibility to clean up a property.

Section 11: Attachments and Certification - All listed attachments are required for an application to be complete. Attach: 1) a list of all technical reports documenting past environmental work at the property including the date and title of the report and the consultant who prepared it; 2) the application fee in the form of a check or money order payable to the Department of Natural Resources for \$250; 3) a copy of a clearly identified public survey map for the property (e.g. the property shown on a portion of the relevant USGS topographic map; plat maps may be used for rural properties); 4) a detailed map that clearly indicates the property boundary of the property for which you are seeking the liability exemption (e.g. a certified survey map, subdivision plat map, or other type of map); and 5) a copy of the deed that includes a legal property description for the property for which you are seeking the liability exemption. The applicant/ Voluntary Party should read and sign the certification. If an agent signs, submit a description and evidence of the legal relationship between the agent and the applicant.

Wisconsin Department of Natural Resources

Environmental Cleanup & Brownfields Redevelopment

BRRTS on the Web

Click the Location Name below to view the Location Details page for this Activity. Other Activities, if present, may be viewed from that page.

[BOTW Home](#) > [Basic Search](#) > [Search Results](#) > 02-32-000203 Activity Details

02-32-000203 DESMONDS MENS WEAR						
OPEN ERP						
Location Name (Click Location Name to View Location Details)			County	WDNR Region		
MIDWEST GARMENT INC			LA CROSSE	WEST CNTRL		
Address			Municipality			
2338 COMMERCE ST			LA CROSSE			
Public Land Survey System		Latitude	Google Maps	RR Sites Map		
SW 1/4 of the SW 1/4 of Sec 16, T16N, R07W		43.8567654	CLICK TO VIEW	CLICK TO VIEW		
Additional Location Description		Longitude	Facility ID	Size (Acres)		
		-91.2270709	632025460	1		
Jurisdiction	PECFA No.	EPA Cerclis ID	Start Date	End Date	Last Action	
DNR RR			1989-10-27		2016-07-22	
Characteristics						
PECFA Tracked?	EPA NPL Site?	Eligible for PECFA Funds?	Above Ground Storage Tank?	Drycleaner?	Co-Contamination?	On GIS Registry?
No	No	No	No	Yes	No	No
Actions						
Place Cursor Over Action Code to View Description						
Date	Code	Name	Comment			
1989-10-27	1	Notification	PEARL WHISTLER (LAX) WAS LEAD CONTACT FOR DNR.			
1990-02-06	12	Activity Formerly Closed				
2004-07-28	1	Notification				
2004-08-23	13	Activity Reopened	RP RE-OPENER LETTER SENT			
2004-10-12	30	Site Investigation Workplan Go Ahead (notice to proceed)				
2004-10-12	35	Site Investigation Workplan Received (w/out Fee)				
2004-12-15	37	SI Report Received (w/out Fee)				
2004-12-16	99	Miscellaneous	VERBALLY APPROVED SI			
2005-05-31	37	SI Report Received (w/out Fee)				
2005-08-17	98	Technical Assistance Provided	TECHNICAL ASSISTANCE FEE RECEIVED AND MEETING HELD AT SHAW ENVIRONMENTAL OFFICE IN LA CROSSE			
2005-08-17	97	Request for Technical Assistance Received with Fee	TECHNICAL ASSISTANCE FEE RECEIVED AND MEETING HELD AT SHAW ENVIRONMENTAL OFFICE IN LA CROSSE			
2005-08-18	99	Miscellaneous	LETTER SENT BY WDNR SUMMARIZING 8-17-05 MEETING			
2006-03-02	35	Site Investigation Workplan Received (w/out Fee)	SIWP REC'D W/O FEE			
2006-03-21	99	Miscellaneous	EXPANDED SIWP APPROVED			
2006-08-24	43	Status Report Received				
2006-10-31	99	Miscellaneous	SEE SPILL 04-32-047659.			
2006-11-03	35	Site Investigation Workplan Received (w/out Fee)				
2006-11-16	99	Miscellaneous	POTENTIAL CLAIM NOTIFICATION REC'D.			
2007-01-07	99	Miscellaneous	DENIAL OF POTENTIAL CLAIM.			
2007-02-27	99	Miscellaneous	2ND POTENTIAL CLAIM NOTIFICATION REC'D			
2007-02-28	99	Miscellaneous	DENIAL OF 2ND POTENTIAL CLAIM			
2007-03-12	99	Miscellaneous	3RD POTENTIAL CLAIM NOTIFICATION REC'D			
2007-04-26	99	Miscellaneous	DENIED 3RD POTENTIAL CLAIM			
2007-11-02	3	Notice of Noncompliance (NON)				
2007-11-06	99	Miscellaneous	EMAIL FROM SHAW TO DNR INDICATING THEIR INTEND TO COMPLETE GW INVESTIGATION ON WEST SIDE OF RR TRACK			
2007-11-07	99	Miscellaneous	EMAIL FROM DNR TO SHAW RECOMMENDING GW VERTICAL PROFILE PROTOCOL FOR SI ON WEST SIDE OF TRACKS			
2008-01-08	99	Miscellaneous	EMAIL FROM SHAW REQUESTING ADD'L CLARIFICATION TO THEIR MULTIPLE VERSIONS OF THE SIWP.			
2008-01-08	99	Miscellaneous	EMAIL FROM DNR TO SHAW INDICATING THAT SIWP HAS YET TO BE INITIATED & THE REQ'S OF THE NON.			
2008-01-09	99	Miscellaneous	EMAIL FROM DNR CLARIFYING DNR'S APPROVAL OF THE SIWP.			
2008-01-14	30	Site Investigation Workplan Go Ahead (notice to proceed)	NTP SENT EMAIL FOR THE AMENDED SIWP.			
2008-01-14	35	Site Investigation Workplan Received (w/out Fee)	AMENDED SIWP REC'D			
2008-02-01	99	Miscellaneous	EMAIL FROM SHAW INDICATING THE SIWP'S IMPLEMENTATION IS SCHEDULED FOR 2/11/08.			
2008-03-05	43	Status Report Received	GW RESULTS REC'D FOR THE EXPANDED GW SI WEST OF RR TRACKS.			
2008-04-02	39	Remedial Action Options Report Received (w/out Fee)	RAOR REC'D			
2009-03-24	43	Status Report Received	GW SAMPLING DATA FOR MAY 2008 & JAN 2009 REC'D.			
2009-03-25	40	Remedial Action Options Report Approved	RAOR NOTICE TO PROCEED.			
2010-06-30	43	Status Report Received	GW STATUS REPORT			
2011-08-03	99	Miscellaneous	LETTER SENT REQUESTING XSI FOR SOIL & GW			
2011-08-16	37	SI Report Received (w/out Fee)	XSIR FOR SOIL REC'D W/O FEE			
2011-08-17	99	Miscellaneous	EMAIL SENT TO ALL PARTIES REQUESTING MEETING TO DISCUSS REMEDIATION NECESSARY AT SITE			

2011-08-29	35	Site Investigation Workplan Received (w/out Fee)	SIWP FOR GW REC'D W/O FEE
2011-08-30	30	Site Investigation Workplan Go Ahead (notice to proceed)	EMAIL SENT
2011-09-07	130	DNR Regulatory Reminder Sent	Vapor Intrusion (VI) Assessment Notification Ltr Sent
Linked to Code 130: 0232000203_VI_Letter.pdf Click to Download or Open			
2011-10-28	43	Status Report Received	
2012-05-07	43	Status Report Received	GW MONITORING REPORT REC'D
2012-10-10	99	Miscellaneous	SENT ABILITY TO PAY LETTER AND FORMS
2013-03-06	148	Remedial Action Design Report Received with Fee	CH# 807615
2013-03-11	149	Remedial Action Design Report Approved	RAP APPROVED
2013-04-10	99	Miscellaneous	LETTER REC'D RE: J. DESMOND'S NEW ATTORNEY'S LETTER TO THE LA CROSSE CITY COUNCIL DATED 04-09-2013
2013-04-24	99	Miscellaneous	CONCEPTUAL RAOR REC'D W/O FEE
2013-05-01	99	Miscellaneous	EMAIL SENT TO LA CROSSE COUNTY LANDFILL W/CONTAINED-OUT DETERMINATION
2013-05-10	143	Remedial Action Options Report Received with Fee	CH#636
2013-05-15	3	Notice of Noncompliance (NON)	NON SENT WITH APPROVAL TO ABANDON MW-1, MW-3 & MW-4.
2013-05-22	82	Remedial Action Options Report Not Approved	
2014-06-26	43	Status Report Received	GW STATUS REPORT #1
2014-09-23	195	Semi-Annual/PECFA Cost Reporting Requirement Met	Period: 1/1/2014 - 6/30/2014
Click 195 Action Name above to view the NR700 report			
2015-01-27	195	Semi-Annual/PECFA Cost Reporting Requirement Met	Period: 7/1/2014 - 12/31/2014
Click 195 Action Name above to view the NR700 report			
2015-07-28	195	Semi-Annual/PECFA Cost Reporting Requirement Met	Period: 1/1/2015 - 6/30/2015
Click 195 Action Name above to view the NR700 report			
2016-01-19	195	Semi-Annual/PECFA Cost Reporting Requirement Met	Period: 7/1/2015 - 12/31/2015
Click 195 Action Name above to view the NR700 report			
2016-01-23	43	Status Report Received	ADDL SI REPORT, GW STATUS REPORT RECEIVED
2016-06-13	779	Closure Review Fee Received	CH# 242427 BRAUN INTERTEC CORP
2016-06-13	56	Continuing Obligation(s) Required - GIS Registry Site	
2016-06-13	710	Database Fee Paid for Soil	
2016-06-13	700	Database Fee Paid for Groundwater	
2016-06-21	198	Request for Additional Information (Fee-Based or Closure)	MORE SI NEEDED
2016-06-21	79	Closure Review Request Received	AUTO-ENTERED
2016-07-22	195	Semi-Annual/PECFA Cost Reporting Requirement Met	Period: 1/1/2016 - 6/30/2016
Click 195 Action Name above to view the NR700 report			
Impacts			
Type	Comment		
Groundwater Contamination	-		
Off-Site Contamination (Potential)	POTENTIAL OFFSITE VAPOR ISSUES		
Soil Contamination	-		
Vapor Intrusion Pathway	CONFIRMED ON-SITE VI		
Substances			
Substance	Type	Amount Released	Units
Volatile Organic Compounds	VOC		
Who			
Role	Name/Address		
Responsible Party	JOHN DESMOND 620 CASS ST LA CROSSE, WI 54601		
Project Manager	PATRICK COLLINS 890 SPRUCE ST BALDWIN, WI 54002		

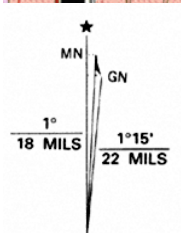
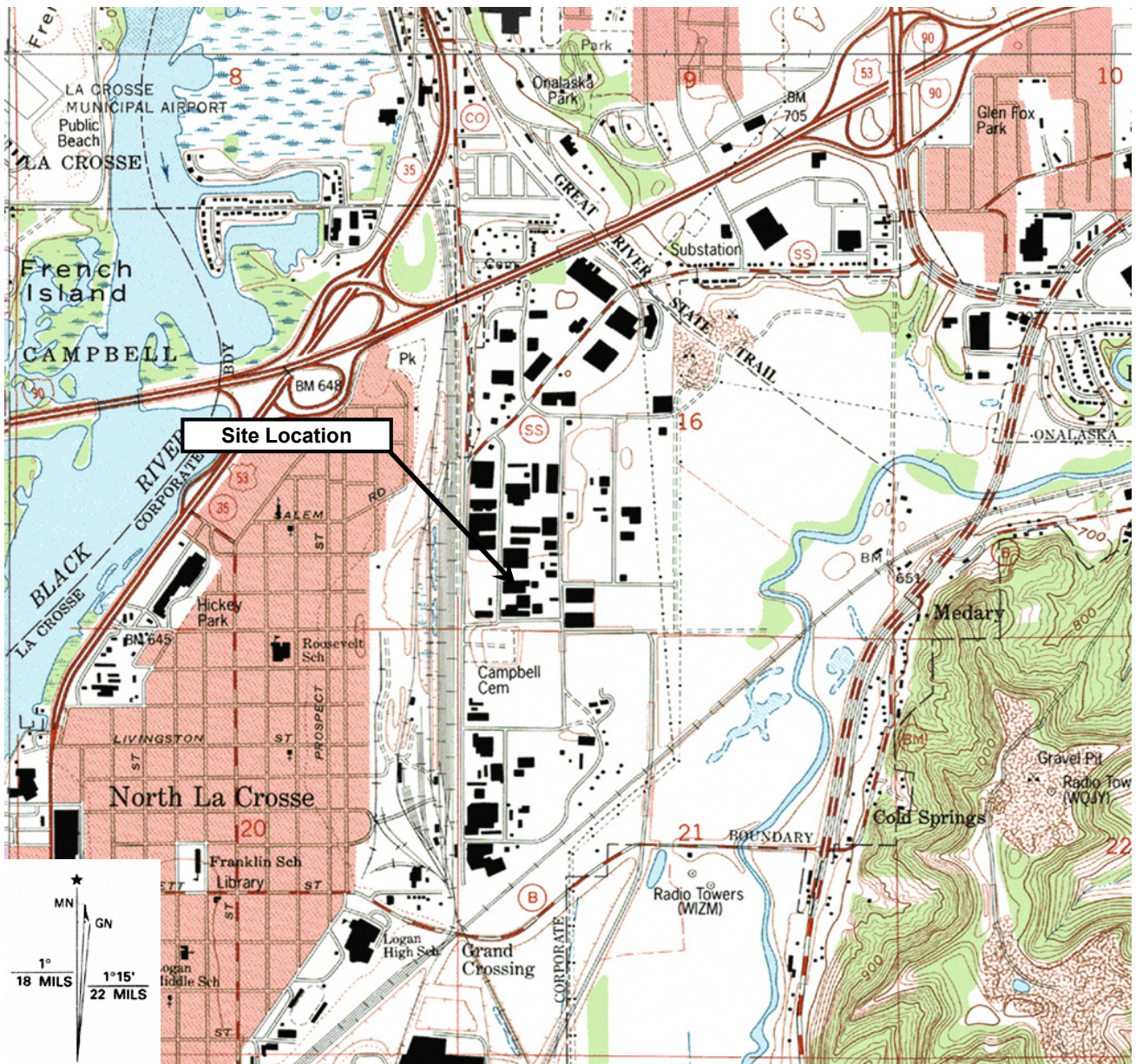
BRRTS data comes from various sources, both internal and external to DNR. There may be omissions and errors in the data and delays in updating new information. Please see the [disclaimers page](#) for more information.

The Official Internet site for the Wisconsin Department of Natural Resources
101 S. Webster Street . PO Box 7921 . Madison, Wisconsin 53707-7921 . 608.266.2621

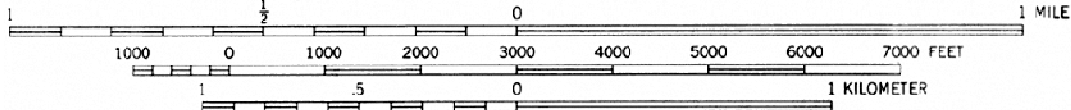
Release 2.5.1 | 08/30/2016 | [Release Notes](#)

UNITED STATES
DEPARTMENT OF THE INTERIOR
GEOLOGICAL SURVEY

LA CROSSE QUADRANGLE
WISCONSIN-MINNESOTA
7.5 MINUTE SERIES (TOPOGRAPHIC)



SCALE 1:24 000



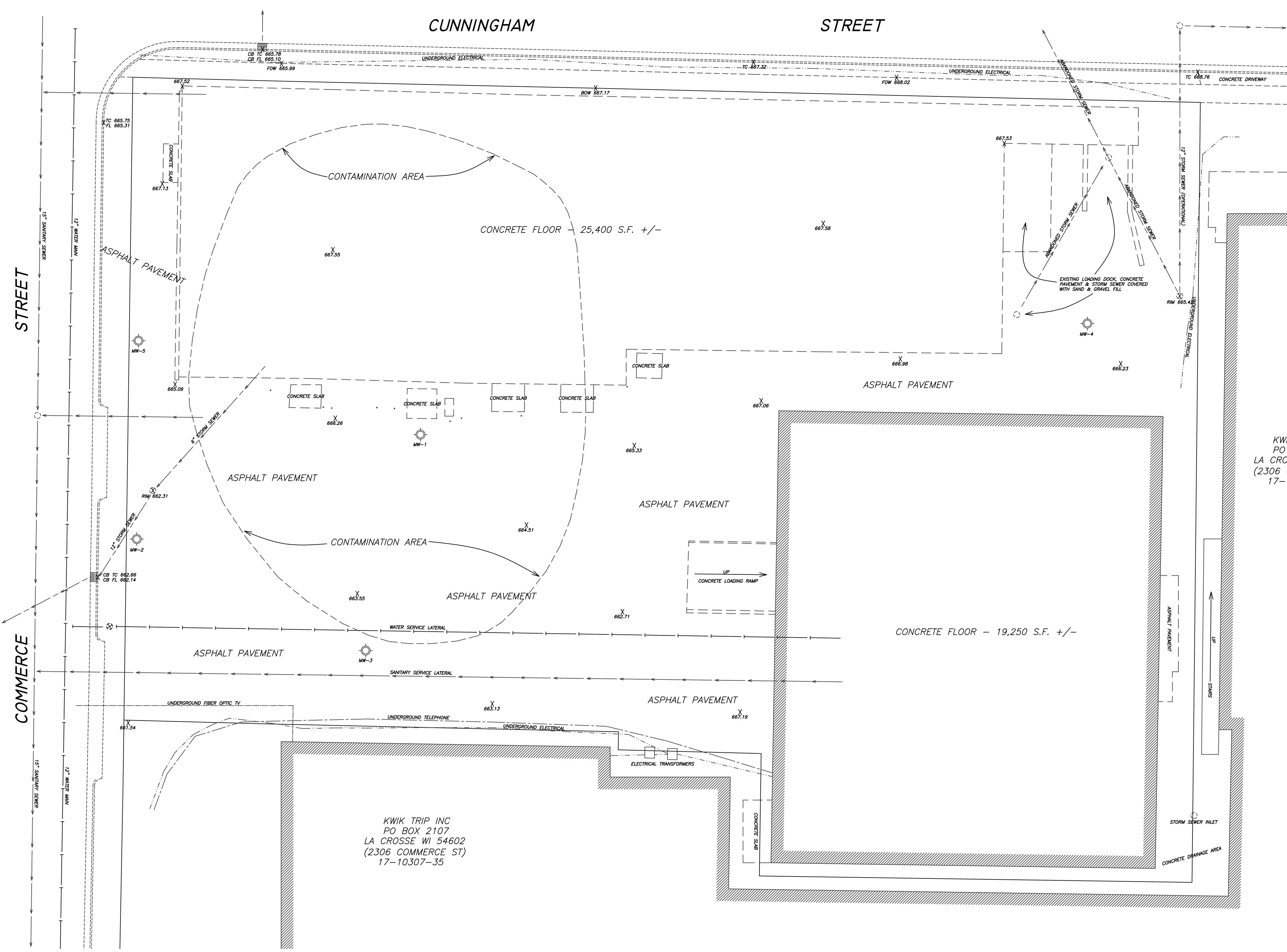
CONTOUR INTERVAL 20 FEET
DOTTED LINES REPRESENT 10-FOOT CONTOURS



BRAUNSM
INTERTEC

Site Location Map
Former Desmond's Formal Wear Facility
2238 Commerce Street
La Crosse, Wisconsin

	DATE	SHEET
DRAWN BY: KLH	6/30/2010	
APP'D BY: KDN	6/30/2010	OF
JOB NO. LC-09-03752		
DWG. NO.	FIGURE NO.	
SCALE		1



N
SCALE: 1"=20'

EDF # 13-030		DWG NAME: KWIK TRIP FREEZER EXPANSION.dwg	
PROJECT No. EXISTING CONDITIONS			
LOCATION KWIK TRIP FREEZER EXPANSION SITE CLEAN-UP			
RESOLUTION		DATE	
ENGINEERING DEPT. City of La Crosse, Wis.			
FIELD BOOK	SURVEYED	BY	DATE
NUMBER	DRAWN	KJC	01/2013
	CHECKED	KJC	03/2013
	APPROVED	BT	03/2013
PAGE	REVISIONS		
SHEET NO. 1		TOTAL SHEETS 3	

2326 COMMERCE ST LA CROSSE

Parcel: 17-10307-20
Internal ID: 68209
Municipality: City of La Crosse
Record Status: Current
On Current Tax Roll: Yes
Total Acreage: 1.940
Township: 16
Range: 07
Section: 16
Qtr: SW-SW

Abbreviated Legal Description:

1ST ADDN TO COULEESITES INDUSTRIAL ADDN PRT LOTS 2 & 3 BLOCK 5 COM NE COR LOT 3 S ALG E LN LOT 3 60FT TO S LN CUNNINGHAM ST & POB S ALG E LN LOTS 3 & 2 TO A PT 40FT N OF SE COR LOT 2 W 148FT N 47FT W 43FT N 6 FT W 165FT M/L TO E LN COMMERCE ST N ALG E LN TO S LN CUNNINGHAM ST & A PT 60FT S OF NW COR LOT 3 E ALG S LN CUNNINGHAM ST TO POB T/W & SUBJ TO ESMT IN DOC NO. 1614879

Property Addresses:

Street Address	City(Postal)
2326 COMMERCE ST	LA CROSSE
2338 COMMERCE ST	LA CROSSE

Owners/Associations:

Name	Relation	Mailing Address	City	State	Zip Code
CITY OF LACROSSE	Owner	400 LA CROSSE ST	LA CROSSE	WI	54601
KWIK TRIP INC	In Care Of	1626 OAK ST	LA CROSSE	WI	54603

Districts:

Code	Description	Taxation District
2849	LA CROSSE SCHOOL	Y
1	Book 1	N
0033	La Crosse TIF 13	N

Additional Information:

Code	Description	Taxation District
2012+ VOTING SUPERVISOR	2012+ Supervisor District 2	
2012 + VOTING WARDS	2012+ Ward 3	
POSTAL DISTRICT	LACROSSE POSTAL DISTRICT 54603	
Use	WAREHSE/STOR	

Lottery Tax Information:

Lottery Credits Claimed: 0
Lottery Credit Application Date:

Tax Information:**Billing Information:**

Bill Number: 3301

Billed To: CITY OF LACROSSE
C/O KWIK TRIP INC
1626 OAK ST
LA CROSSE WI 54603

Total Tax: 7025.52

Payments Sch.

1-31-2016	1756.38
3-31-2016	1756.38
5-31-2016	1756.38
7-31-2016	1756.38

Tax Details:

	Land Val.	Improv Val.	Total Val.	Assessment Ratio	0.937156002
Assessed:	241200	0	241200	Mill Rate	0.029127370
Fair Market:	257400	0	257400	School Credit:	502.95
Taxing Jurisdiction:			2014 Net Tax	2015 Net Tax	% of Change
STATE OF WISCONSIN			\$ 0.0000	\$ 43.6700	0.0000
La Crosse County			\$ 0.0000	\$ 944.7100	0.0000
Local Municipality			\$ 0.0000	\$ 2951.5600	0.0000
LA CROSSE SCHOOL			\$ 0.0000	\$ 2679.6300	0.0000
WTC			\$ 0.0000	\$ 405.9500	0.0000
	Credits:				
			First Dollar Credit:	0.00	
			Lottery Credit:	0.00	
	Additional Charges:				
			Special Assessment:	0.00	
			Special Charges:	0.00	
			Special Delinquent:	0.00	
			Managed Forest:	0.00	
			Private Forest:	0.00	
			Total Woodlands:	0.00	
			Grand Total:	7025.52	

Payments & Transactions

Desc.	Rec. Date	Rec. #	Chk #	Total Paid	Post Date
Payment to Local Municipality	1/26/2016	486838	0	\$ 1756.38	1/2016
Payment to Local Municipality	3/21/2016	504513	0	\$ 1756.38	3/2016
			Totals:	\$ 3512.76	

Assessment Information:

Class	Description	Year	Acreage	Land	Improvements	Total	Last Modified
G2	Commercial	2015	1.940	241200	0	241200	3/30/2015

Deed Information:

The following documents are those that impact the number or ownership of the legal description of the parcel. There may be other documents on file with the Register of Deeds Office.

Volume Number	Page Number	Document Number	Recorded Date	Type
641	704	0	5/16/2013	
646	244	0	5/16/2013	
656	344	914414	1/12/1981	WD PRIOR 9-1-81
716	331	951307	6/8/1984	Land Contract
1402	399	1260655	10/11/2000	Quit Claim Deed
1311	274	1224509	4/7/1999	RELEASE
0	0	1416599	3/17/2005	Quit Claim Deed
0	0	1416600	3/17/2005	Quit Claim Deed
0	0	1416601	3/17/2005	Quit Claim Deed
0	0	1416602	3/17/2005	Warranty Deed
0	0	1545257	3/1/2012	AWARD OF DAMAGES
0	0	1614879	1/28/2013	Warranty Deed

Outstanding Taxes

Tax Yr.	Bill #	Total Tax	Total Paid	Accrued Interest	Accrued Penalties	Remaining Bal.
2015	3301	\$7,025.52	\$3,512.76	\$0.00	\$0.00	\$3,512.76

Permits Information:

Municipality: City of La Crosse
Property Address: 2326 COMMERCE ST

Click on the permit number for additional details regarding the permit.

Description	Per. #	Applicant Name	Status	Status Date	Activity
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History Information:

Parent Parcel(s)

The parcel(s) below were used to create the parcel currently being viewed.

Parcel Parent	Internal ID	Date
17-10307-20	50798	5/16/2013
17-10307-50	67545	5/16/2013

Child Parcel(s)

There are no child parcels for this property.



State Bar of Wisconsin Form 1-2003
WARRANTY DEED

1614879
LACROSSE COUNTY
REGISTER OF DEEDS
CHERYL A. MCBRIDE

Document Number

Document Name

THIS DEED, made between ALM Family Limited Partnership, a Wisconsin limited partnership
and City of La Crosse ("Grantor," whether one or more),

Grantor, for a valuable consideration, conveys to Grantee the following described real estate, together with the rents, profits, fixtures and other appurtenant interests, in La Crosse County, State of Wisconsin ("Property") (if more space is needed, please attach addendum):

**SEE ATTACHED LEGAL DESCRIPTION ADDENDUM

RECORDED ON
01/28/2013 02:17PM
REC FEE: 30.00
TRANSFER FEE: 1338.00
EXEMPT #:
PAGES: 2

Recording Area

*198

Name and Return Address

New Castle Title
750 N. 3rd Street, Suite E
La Crosse, WI 54601

17-10307-020

12760

Parcel Identification Number (PIN)

This is not homestead property.
(is) (is not)

Grantor warrants that the title to the Property is good, indefeasible in fee simple and free and clear of encumbrances except: easements, restrictions & highway deeds of record, municipal & zoning ordinances & agreements entered into under them, recorded plat, building & use restrictions & covenants & except lands sold, taken or used for road or highway purposes.

Dated January 9, 2013

ALM FAMILY LIMITED PARTNERSHIP

Albert L. Miller, Partner (SEAL) * _____ (SEAL)
By: Albert L. Miller, Partner

_____* _____ (SEAL) * _____ (SEAL)

AUTHENTICATION

ACKNOWLEDGMENT

Signature(s) _____

authenticated on _____

STATE OF WISCONSIN)
LaCrosse) ss.
COUNTY)

* Personally came before me on Jan. 9, 2013
the above-named Albert L. Miller

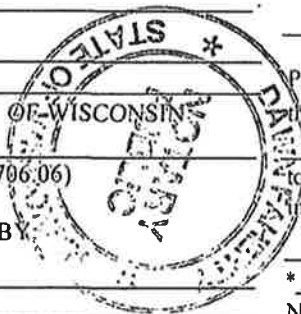
TITLE: MEMBER STATE BAR OF WISCONSIN

(If not, _____
authorized by Wis. Stat. § 706.06)

to me known to be the person(s) who executed the foregoing instrument and acknowledged the same.

THIS INSTRUMENT DRAFTED BY

Attorney Darla A. Krzoska
Bosshard Parke Ltd.



* Dawn Faherty
Notary Public, State of Wisconsin
My Commission (is permanent) (expires: 4-6-2014)

(Signatures may be authenticated or acknowledged. Both are not necessary.)

NOTE: THIS IS A STANDARD FORM. ANY MODIFICATIONS TO THIS FORM SHOULD BE CLEARLY IDENTIFIED.
WARRANTY DEED © 2003 STATE BAR OF WISCONSIN FORM NO. 1-2003
* Type name below signatures.

Legal Description Addendum

Primary Grantor:

ALM FAMILY LIMITED PARTNERSHIP

Primary Grantee:

CITY OF LA CROSSE

Property Address:

2326 Commerce Street, La Crosse, Wisconsin

Part of Lots 2 and 3 in Block 5 of First Addition to Couleesites Industrial Addition to the City of La Crosse, La Crosse County, Wisconsin, described as follows: Commencing at the Southeast corner of said Lot 2; thence North along the East line thereof 40 feet to the point of beginning: Thence West 148 feet; thence North 47 feet; thence West 43 feet; thence North 6 feet; thence West 165 feet to the East line of Commerce Street; thence North along said East line 86 feet; thence East 190 feet; thence North 30 feet; thence East 166 feet to the East line of said Lot 3; thence South along said East line and the East line of said Lot 2 to the point of beginning.

Together with and subject to a 16-foot right-of-way easement, the centerline of which is the North line of the above-described parcel.

Together with a perpetual, non-exclusive easement for vehicular and pedestrian ingress and egress over, upon and across (3) parcels located on part of Lot 2 in Block 5 of First Addition to Couleesites Industrial Addition and described as follows:

- (1) Beginning at the Southeast corner of said Lot 2; thence North 40 feet; thence West 10 feet; thence South 40 feet; thence East 10 feet to the point of beginning.
- (2) Commencing at the Southeast corner of said Lot 2; thence North 40 feet; thence West 148 feet to the point of beginning: Thence North 47 feet; thence West 43 feet; thence South 10 feet; thence East 33 feet; thence South 37 feet; thence East 10 feet to the point of beginning.
- (3) Commencing at the Southeast corner of said Lot 2; thence North 40 feet; thence West 148 feet; thence North 47 feet; thence West 43 feet to the point of beginning: Thence North 6 feet; thence West 165 feet to the East line of Commerce Street; thence South 6 feet; thence East 165 feet to the point of beginning.



May 23, 2013

BRRTS No. 06-32-560495
FID#: 632025460

MR. LARRY J. KIRCH, DIRECTOR
PLANNING DEPARTMENT
CITY OF LA CROSSE
400 LA CROSSE STREET
LA CROSSE, WI 54601

SUBJECT: **Approval to Proceed in the Voluntary Party Liability Exemption ("VPLE") Program for the Kwik Trip Bakery Expansion (Former Desmond's Men's Wear, Inc.) Site, 2338/2326 Commerce Street, City of La Crosse, La Crosse County, Wisconsin. Parcel No. 17-10307-20.**

Dear Mr. Kirch:

APPLICANTS TO THE VPLE PROCESS

Thank you for submitting your application to the Wisconsin Department of Natural Resources ("WDNR") for approval to proceed with an environmental investigation and cleanup, pursuant to s. 292.15, Wis. Stats., associated with the Kwik Trip Bakery Expansion (Former Desmond's Men's Wear, Inc.) site located at 2338/2326 Commerce Street, City of La Crosse, La Crosse County, Wisconsin, hereinafter referred to as "the Property." As you are aware, the Voluntary Party Liability Exemption ("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 REVIEW AND APPROVAL TO PROCEED

The WDNR has reviewed your application and is granting the City of La Crosse approval to proceed in the VPLE process. Based on a review of the information provided to the WDNR, s. 292.15, Wis. Stats., and ch. NR 750, Wis. Adm. Code, the WDNR has determined the following:

- the Property has or has had a discharge of a hazardous substance;
- the applicant meets the definition of a "voluntary party" under s. 292.15(1)(f), Wis. Stats.; and
- the Property *does not include* one of the ineligible facilities or sites listed in s. 292.15(7)(a) through (e), Wis. Stats.

IF YOUR PROPERTY HAS A SOLID WASTE FACILITY OR WASTE SITE, PLEASE NOTE:

While your site can proceed in the VPLE process, all sites, including solid waste facilities or waste sites, must obtain a site closure under ch. NR 726, Wis. Adm. Code, in order to receive the VPLE protections. This can be technically challenging for some solid waste facilities or waste sites. More specifically, s. 292.15(7)(e), Wis. Stats., specifies that a solid waste facility or waste site must be able to be closed by the WDNR without the reliance on any active remedial action (i.e. operation or treatment) systems to ensure compliance with environmental, public health, and safety standards. "Active remedial operation or treatment" includes sites or facilities where groundwater monitoring; leachate or groundwater collection or treatment; or active gas extraction is required as all or part of a remedial action under ch. NR 700, Wis. Adm. Code. The Voluntary Party should understand that they will not receive the exemption under s. 292.15, Wis. Stats., unless at the conclusion of all necessary response actions, the property satisfies s. 292.15(7)(e), Wis. Stats. If such a system is necessary at a solid waste facility or waste site after closure is approved, the site would not be eligible to receive the liability protection (i.e. Certificate of Completion) under the VPLE process. You should also be aware that approvals and continuing obligations, such as building on abandoned landfills and cap maintenance requirements, may be required as part of a case closure and will need to be met even after issuance of a Certificate of Completion.

OTHER FUTURE CONDITIONS: The approval to proceed in the VPLE process is based upon information available to the WDNR at the time the applications were reviewed. If in the future, additional information becomes available which indicates that the site is not eligible for the VPLE program, the WDNR may remove the site from the VPLE process. Specifically, s. 292.15(7), Wis. Stats., includes provisions regarding certain hazardous waste facilities that may begin operation after the property enters the VPLE process, that are not eligible for a Certificate of Completion. If at any time in the future, even after the liability exemption has been granted, a hazardous waste treatment, storage, or disposal facility is operated on the property, the Voluntary Party would no longer be eligible for the exemption in s. 292.15, Wis. Stats.

REQUIREMENTS FOR ENVIRONMENTAL WORK

In order to obtain the Voluntary Party Liability Exemption, all necessary environmental response actions must be reviewed by WDNR 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 ("ESA"), 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, the 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. The WDNR will review the reports you submit and inform you whether additional work is necessary to complete the environmental investigation requirement. The WDNR has assigned Doug Joseph, Hydrogeologist, and Loren Brumberg, Land Recycling Specialist, Eau Claire Regional Headquarters, to manage your VPLE project. Doug Joseph will provide technical review of the environmental investigation and can be reached at 715-839-1602. Loren Brumberg will manage program responsibilities and can be reached at 715-839-3770.

FEES

Thank you for your application fee of \$500.00 for one (1) parcel that will comprise the VPLE Property received on March 25, 2013. As a participant in this process, the applicant is responsible for paying fees to the WDNR to cover the costs of WDNR's activities associated with assisting the City of La Crosse through the VPLE process.

Thank you for your advanced deposit of \$3,000.00 to cover WDNR review fees. From this advance deposit, the WDNR will deduct fees at the *current* hourly rate of \$100.00 to cover the costs of WDNR providing assistance on your project. Fees will be deducted as costs are incurred until the project is completed, or until the deposit is spent, whichever comes first. In the former case, any remaining balance will be refunded to you. If WDNR's review costs exceed the deposit amount, the WDNR will send you quarterly invoices for costs associated with your project during that time period. You will be required to reimburse the WDNR for its costs within 30 days of receiving the invoices.

You should be aware that the costs associated with WDNR assisting you 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 WDNR 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 WDNR looks forward to working with you, as you address the contamination on or migrating from the 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 the Property.

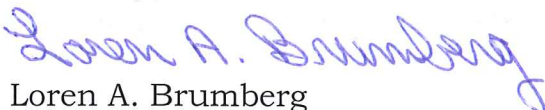
Wisconsin's hazardous substance spills law assigns responsibilities for cleanup in s. 292.11(3), Wis. Stats., as follows: "a person who possesses or controls a hazardous substance which is discharged or who causes the discharge of a hazardous substance shall take the actions necessary to restore the 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 and are not eligible for the local governmental unit ("LGU") exemption under s. 292.11(9)(e), Wis. Stats., 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 WDNR will work with those persons who caused the discharge or those who own the Property to address the remaining environmental concerns. If you wish to withdraw from the process, please notify the WDNR in writing and any remaining advanced deposit will be refunded.

Thank you for entering the Voluntary Party Liability Exemption process. The Bureau for Remediation and Redevelopment Tracking System ("BRRTS") identification numbers for the Property are included on page 1 of this letter. Please be aware that information on contamination sites is tracked in a WDNR database that is available on the Internet at <http://dnr.wi.gov/org/aw/rr/>. See "BRRTS on the Web" under "Contaminated Land Databases".

Further correspondence concerning technical issues at this site can be sent to Doug Joseph at the Wisconsin Department of Natural Resources, 1300 West Clairemont Avenue, Eau Claire, WI 54701.

Sincerely,



Loren A. Brumberg
Land Recycling Specialist
Remediation and Redevelopment Program

cc: Michael Prager - RR/5
Bill Evans/Doug Joseph - WCR
Stephen F. Matty, City Attorney, City of La Crosse, 400 La Crosse
Street, La Crosse, WI 54601
Mark L. Gretebeck, Braun Intertec Corporation, 2309 Palace Street,
La Crosse, WI 54603