



June 6, 2013

BRRTS# 06-05-560553

Mark Lake
Midland (Wisconsin/Broadway Associates)
W 228 N745 Westmound Drive
Waukesha WI 53186

John F. Butz
2580 South Broadway
PO Box 12115
Green Bay, WI 54307

Judy Schmidt-Lehman, City Attorney
City of De Pere
335 South Broadway
De Pere, WI 54115-2593

Ken Pabich, Director
Planning & Economic Development
City of De Pere/Redevelopment Authority
335 South Broadway
De Pere, WI 54115-2593

SUBJECT: Approval to Proceed in the Voluntary Party Liability Exemption Process
The new Walgreens De Pere, 135 S. Broadway, De Pere, Brown County, WI 54115
Encompasses the former Royal Cleaners (BRRTS 02-05-513320) and portions of Silverado Speedy Stop (BRRTS 03-05-000008), former Charles Street Right-of-Way, a public alley, and parcels east of Royal Cleaners as shown in the attached draft Certified Survey Map

Dear Messrs. Lake, Butz, and Pabich, and Ms. Schmidt-Lehman,

APPLICANTS TO THE VPLE PROCESS:

Thank you for submitting your applications to the Department of Natural Resources (DNR) for approval to proceed with an environmental investigation and cleanup, pursuant to s. 292.15, Stats., associated with the property referenced above. 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 REVIEW AND APPROVAL TO PROCEED:

The DNR has reviewed your applications, and is granting you approval to proceed in the VPLE process. Based on a review of the information provided to the DNR, s. 292.15, Stats., and ch. NR 750, Wis. Admin. Code, the DNR has determined the following:

- the property has or has had a discharge of a hazardous substance;
- the applicants meet the definition of a "voluntary party", in ch. NR 750, Wis. Admin. Code; and
- the property *does not include* one of the ineligible facilities or sites listed in s. 292.15(7)(a) through (d), Stats..

The approval to proceed in the VPLE process is based upon information available to the DNR 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, the DNR may remove the site from the VPLE process. Specifically, s. 292.15(7), Stats., includes provisions regarding certain hazardous waste facilities that may begin operation after the property enters the VPLE process, which 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, Stats.

REQUIREMENTS FOR ENVIRONMENTAL WORK:

In order to obtain the Voluntary Party Liability Exemption, 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. Previous environmental work has been conducted on the property and this work will satisfy some 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 DNR project manager assigned to your VPLE project will be me, Annette Weissbach, located at 2984 Shawano Avenue, Green Bay and I can be reached at 920-662-5161 or annette.weissbach@wisconsin.gov. In a Liability Clarification letter sent to you on March 12, 2013, the current project manager, Mr. Alan Nass, provided a summary of the environmental status of the two closed BRRTS cases that are encompassed in the Walgreens VPLE property. Mr. Nass is retiring soon and I have knowledge of the site, therefore I was assigned to this new VPLE case.

FEES:

Thank you for your application fee of \$250.00 that was received on April 4th, 2013. We have also received your \$3,000 advance deposit for the DNR oversight fees. From this advance deposit, the DNR will deduct fees at the *current* hourly rate of \$100 cover the costs of DNR providing VPLE assistance on your project. Fees will be deducted as costs are incurred under the VPLE process 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 DNR's VPLE review costs exceed the deposit amount, the DNR will send you quarterly invoices for costs associated with your project 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 \$5,000 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 to address the contamination on or migrating to or from this property. We would like to clarify 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, the applicants should be aware that the person who possesses or controls the property 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 from 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. If you wish to withdraw from the process, please notify the DNR in writing and any remaining deposit will be refunded to you.

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. Admin. 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), Stats., specifies that a solid waste facility or waste site must be able to be closed by the DNR 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. Admin. Code. The Voluntary Party should understand that they will not receive the exemption under s. 292.15, Stats., unless, at the conclusion of all necessary response actions, the property satisfies s. 292.15(7)(e), 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 (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.

Thank you for entering the Voluntary Party Liability Exemption process. The Bureau for Remediation and Redevelopment Tracking System (BRRTS) identification number for the property is included at the top of this letter. Please be aware that information on contamination sites is tracked in a Department database that is available on the Internet at <http://dnr.wi.gov/topic/Brownfields/clean.html>. See "BRRTS on the web" under "Contaminated Land Databases".

Further correspondence concerning technical issues at this site can be sent to me at the above address. We look forward to working with you as you proceed through this process.

Sincerely,



Annette Weissbach
Northeast Region Land Recycling Coordinator
Remediation and Redevelopment Program

Attach: DRAFT Certified Survey Map, prepared by John R. Stigler, dated December 12, 2012,
Last revision date May 28, 2013.

cc: Alan Nass – NER
Michael Prager – RR/5

CERTIFIED SURVEY MAP NO. _____

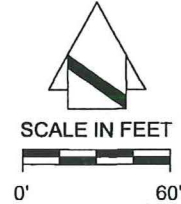
Sheet 1 of 6

Being a redivision of Outlot 1, Outlot 2 and part of Lot 2 of Volume 54, Certified Survey Maps, Page 312, Map No. 7902; Lot 1 of Volume 14, Certified Survey Maps, Page 231, Map No. 2868; Lot Seven (7) and part of Lot Eight (8), Block Eighteen (18), Original Plat of De Pere, and vacated Charles Street and public alley
CITY OF DE PERE, BROWN COUNTY, WISCONSIN

SURVEYOR/ENGINEER:
JOHN R. STIGLER, RLS
JAHNKE & JAHNKE ASSOC., INC.
711 WEST MORELAND BLVD.
WAUKESHA, WI. 53188-2479
PHONE: (262) 542-5797

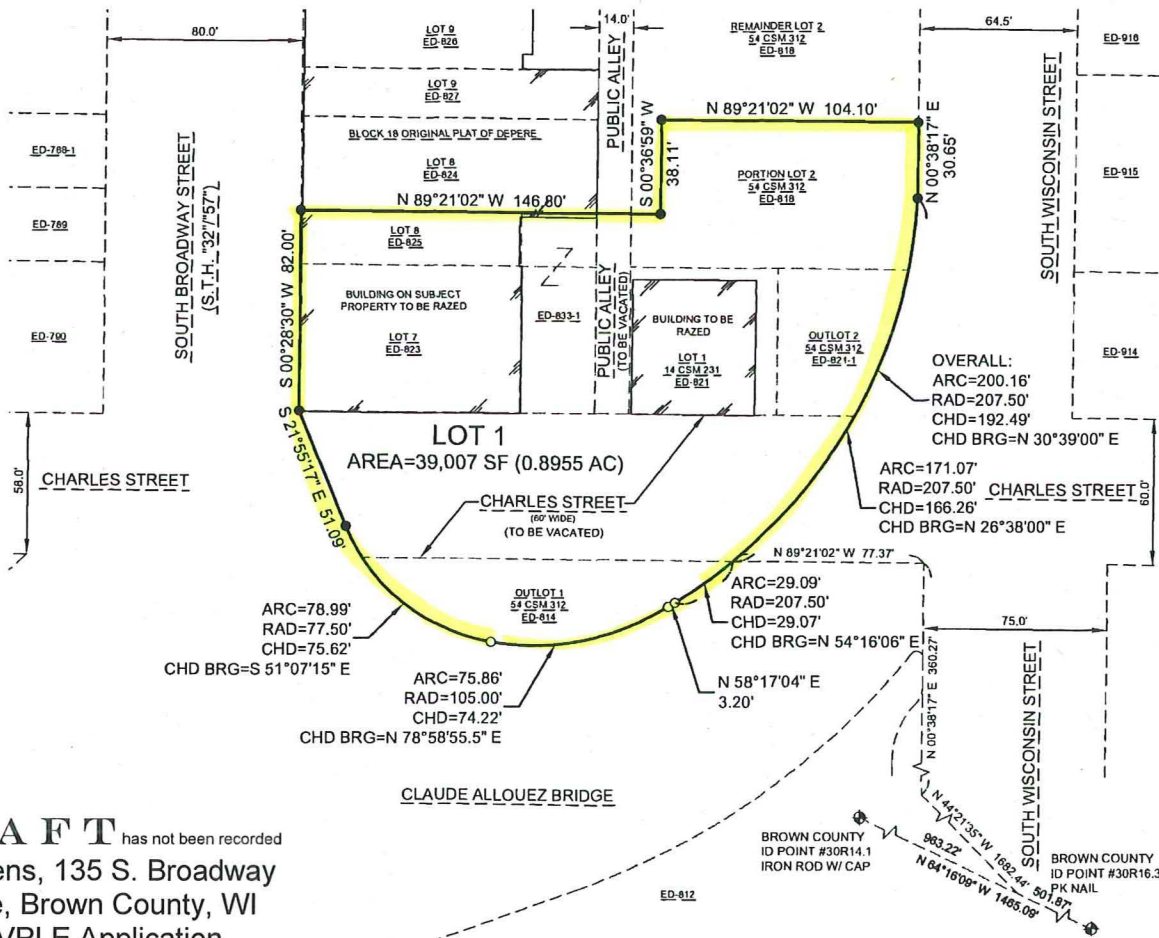
OWNER/SUBDIVIDER:
MIDLAND (WISCONSIN/BROADWAY)
ASSOCIATES, A WISCONSIN LIMITED
PARTNERSHIP
W228 N745 WESTMOUND DRIVE
WAUKESHA, WI 53186

LEGEND:
● -IRON PIPE 18" x 1" DIA. (PLACED)
1.13+ LBS. PER LIN. FT.
○ -IRON PIPE/ROD (FOUND)
◆ -CONC. MON. (FOUND)



REFERENCE BEARING: BEARINGS ARE REFERENCED TO THE BROWN COUNTY COORDINATE SYSTEM. THE WESTERLY RIGHT OF WAY OF WISCONSIN STREET BEARS NORTH 00°38'17" EAST PER CERTIFIED SURVEY MAP No. 7902.

NOTE: SEE PROPOSED EASEMENTS ON SHEETS 2 AND 3.



DRAFT has not been recorded
Walgreens, 135 S. Broadway
De Pere, Brown County, WI
WDNR VPLE Application
BRRTS 06-05-560553



John R. Stigler
JOHN R. STIGLER - Wis. Reg. No. S - 1820
DATED THIS 12th DAY OF December, 2012
REVISED THIS 7th DAY OF May, 2013
REVISED THIS 15th DAY OF May, 2013
REVISED THIS 28th DAY OF May, 2013
INSTRUMENT DRAFTED BY JOHN R. STIGLER