



January 15, 2014

FID #:241379050
BRRTS #:06-41-561509

Michael Slenska
Beazer East Inc c/o Three Rivers Management Inc
1910 Cochran Rd
Manor Oak One, Suite 200
Pittsburgh, PA 15220-1273

REVISED

SUBJECT: Approval to Proceed in the Voluntary Party Liability Exemption Process
BRRTS # 06-41-561509 for the Connell Aluminum Properties LLC located at
9100 S 5th Ave, Oak Creek, WI 53154

Dear Mr. Slenska,

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, 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 application, 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 applicant meets 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..

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.

OTHER FUTURE CONDITIONS: The approval to proceed in the VPLE process 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 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. 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, 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. 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 Eric Amadi, located at 2300 N. Dr. Martin Luther King Jr. Dr., Milwaukee, WI 53212, and can be reached at (414) 263-8639.

FEES:

Thank you for your application fee of \$250.00 that was received on January 2, 2014. As a participant in this process, the applicant is responsible for paying fees to the DNR to cover the costs of DNR's activities associated with assisting you as you proceed through the VPLE process. We have also received your \$4,000 advanced deposit for the DNR oversight fees.

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 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 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 \$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 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.

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>.

Further correspondence concerning technical issues at this site can be sent to:

Victoria Stovall
Environmental Program Associate
Remediation and Redevelopment Program
Wisconsin Department of Natural Resources
2300 N. Martin Luther King Jr. Dr.
Milwaukee, WI 53212
Victoria.Stovall@wisconsin.gov

We look forward to working with you as you proceed through this process.

Sincerely,



David Hanson
Environmental Program Associate
Remediation and Redevelopment Program

cc: → Eric Amadi – WI DNR
Michael Noel – Tetra Tech Inc
Jennifer Buzacky – Whyte Hirschboeck Dudek S.C.
Shelley Fox - RR/5
→ Regional Site File