

07-16-563483

Technical Assistance and Environmental Liability Clarification Request

Form 4400-237 (R 10/13)

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Section 1. Recipient of the Technical Assistance, Liability Clarification or Agreement from the Department

This is the person who is requesting that his or her liability be clarified or who is seeking technical assistance or a specialized agreement and is identified as the applicant in Section 7. DNR will address its response letter to this person.

Last Name Wick	First Jason	MI	Organization/ Business Name Guardian Pest Solutions, Inc.		
Mailing Address 701 East 4th Street			City Duluth	State MN	ZIP Code 55805
Phone # (include area code) (218) 722-2686	Fax # (include area code) (218) 722-2286	Email jasonwick@guardian-online.com			

The applicant listed above: (select all that apply)

- Is currently the owner

 Is considering selling the property
 Is renting or leasing the property

 Is considering acquiring the property
 Has mortgagee interest in the property
 Other. Explain the status of the property with respect to the applicant:

Contact Information (to be contacted with questions about this request)

Contact Last Name Wick	First Jason	MI	Organization/ Business Name		
Mailing Address			City	State	ZIP Code
Phone # (include area code)	Fax # (include area code)	Email			

Environmental Consultant (if applicable)

Contact Last Name Wahlstrom	First Robert	MI	Organization/ Business Name American Engineering Testing, Inc.		
Mailing Address 550 Cleveland Ave. N			City Saint Paul	State MN	ZIP Code 55114
Phone # (include area code) (651) 647-2743	Fax # (include area code) (651) 659-1379	Email rwahlstrom@amengtest.com			

Attorney (if applicable)

Contact Last Name	First	MI	Organization/ Business Name		
Mailing Address			City	State	ZIP Code
Phone # (include area code)	Fax # (include area code)	Email			

Property Owner (if different from applicant)

Contact Last Name Johnson	First Todd	MI	Organization/ Business Name Winter Business Park, LLC		
Mailing Address 5300 Stinsen Avenue			City Superior	State WI	ZIP Code 54880
Phone # (include area code) (715) 394-7771	Fax # (include area code) (715) 394-7776	Email			

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Section 2. Property Information				
BRRTS ID No. (if known)	FID No. (if known)	Property Name	Tax Parcel #	
		Winter Business Park - Parcel I	068060073900	
Street Address		City	State	ZIP Code
Susquchana Avenue & Halvor Lane		Superior	WI	
County	Municipality where the property is located		Property is composed of:	Property Size Acres
Douglas	<input checked="" type="radio"/> City <input type="radio"/> Town <input type="radio"/> Village of		<input checked="" type="radio"/> Single tax parcel <input type="radio"/> Multiple tax parcels	4

1. Is a response needed by a specific date? (e.g., property closing date) Note: Most requests are completed within 60 days. Please plan accordingly.

No Yes

Reason: April 30 to meet property closing and construction start time in May.

2. Is this property currently enrolled in or undergoing cleanup actions under the Voluntary Party Liability Exemption (VPLE) program?

No. **Include fee that is required for your request in Section 3, 4 or 5.**

Yes. If yes, is the recipient listed above also the voluntary party who is currently reenrolled in the VPLE program at that

No. **Include fee that is listed for your request in Section 3, 4 or 5.**

Yes. **Do not include a separate fee.** This request will be billed separately through the VPLE Program.

Fill out the information in Section 3, 4 or 5 which corresponds with the type of request: Section 3. Technical Assistance; Section 4. Liability Clarification; or Section 5. Specialized Agreement.

Section 3. Property Information

Select the type of technical assistance requested: **[Numbers in brackets are for WI DNR Use]**

- No Further Action Letter (NFA) (Immediate Actions) [183] - NR 708.09 - **Include a fee of \$350.** Use for a written response to an immediate action after a discharge or discovery of hazardous substance. Generally, these are one-time spill event.
- Review of Site Investigation Work Plan [135] - NR 716.09 - **Include a fee of \$700.**
- Review of Site Investigation Report [137] - NR 716.15 - **Include a fee of \$1050.**
- Approval of a Site Specific Soil Cleanup Standard [67] - NR 720.19 Reports - **Include a fee of \$1050.**
- Review of a Remedial Action Options Report [143] - NR 722.13 - **Include a fee of \$1050.**
- Review of a Remedial Action Design Report [148] - NR 724.09 - **Include a fee of \$1050.**
- Review of a Remedial Action Documentation Report [152] - NR 724.15 - **Include a fee of \$350**
- Review of a Long-term Monitoring Plan [25] - NR 724.17 - **Include a fee of \$425.**
- Review of an Operation and Maintenance Plan [192] - NR 724.13 - **Include a fee of \$425.**

Other Technical Assistance [97] - s. 292.55, Wis. Stats. (For request to build on an abandoned landfill use Form 4400-226)

- Schedule a Technical Assistance Meeting - **Include a fee of \$700.**
- Hazardous Waste Determination - **Include a fee of \$700.**
- Other Technical Assistance - **Include a fee of \$700.** Explain your request below or in an attachment.

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Skip Sections 4 and 5 if the technical assistance you are requesting is listed above. Complete Sections 6 and 7 of this form.

Section 4. Request for Liability Clarification

Select the type of liability clarification requested. Use the available space given or attach information, explanations, or specific questions that you need answered in DNR's reply. Complete Sections 6 and 7 of this form. [Numbers in brackets are for DNR Use]

"Lender" liability exemption clarification [686] - s. 292.21, Wis. Stats.

❖ **Include a fee of \$700.**

Provide the following documentation:

- (1) ownership status; of the property;
- (2) an environmental assessment, in accordance with s. 292.21, Wis. Stats.;
- (3) the date the environmental assessment was conducted by the lender;
- (4) the date of property acquisition;
- (5) documentation showing how the property was acquired;
- (6) a copy of the property deed with the correct legal description; and,
- (7) the Lender Liability Exemption Environmental Assessment Tracking Form (Form 4400-196).
- (8) If no sampling was done, please provide reasoning as to why it was **not** conducted. Include this either in the accompanying environmental assessment or as an attachment to this form, and cite language in s. 292.21(1)(c)2., h.-i., Wis. Stats.:

h. The collection and analysis of representative samples of soil or other materials in the ground that are suspected of being contaminated based on observations made during a visual inspection of the real property or based on aerial photographs, or other information available to the lender, including stained or discolored soil or other materials in the ground and including soil or materials in the ground in areas with dead or distressed vegetation. The collection and analysis shall identify contaminants in the soil or other materials in the ground and shall quantify concentrations.

i. The collection and analysis of representative samples of unknown wastes or potentially hazardous substances found on the real property and the determination of concentrations of hazardous waste and hazardous substances found in tanks, drums or other containers or in piles or lagoons on the real property.

"Representative" liability exemption clarification (e.g. trustees, receivers, etc.) [686] - s.292.21, Wis. Stats.

❖ **Include a fee of \$700.**

Provide the following documentation:

- (1) ownership status of the property;
- (2) the date of property acquisition by the representative;
- (3) the means by which the property was acquired;
- (4) documentation that the representative has no beneficial interest in any entity that owns, possesses, or controls the property;
- (5) documentation that the representative has not caused any discharge of a hazardous substance on the property; and
- (6) a copy of the property deed with the correct legal description.

Clarification of local governmental unit (LGU) liability exemption at sites with: (select all that apply)

hazardous substances spills - s. 292.11(9)(e), Wis. Stats. [649];

hazardous waste - s.292.24 (2), Wis. Stats. [649]; and/or

solid waste - s. 292.23 (2), Wis. Stats. [649].

❖ **Include a fee of \$700, a summary of the environmental liability clarification being requested, and the following:**

- (1) current and proposed ownership status of the property;
- (2) date and means by which the property was acquired by the LGU, where applicable;
- (3) a map and the ¼, ¼ section location of the property;
- (4) summary of current uses of the property;
- (5) intended or potential use(s) of the property;
- (6) descriptions of other investigations that have taken place on the property; and
- (7) (for solid waste clarifications) a summary of the license history of the facility.

Section 4. Request for Liability Clarification (cont.)

Lease liability clarification [646] - s. 292.55, Wis. Stats.

❖ **Include a fee of \$700 for a single property, or \$1400 for multiple properties and the information listed below:**

- (1) a copy of the proposed lease;
- (2) the name of the current owner of the property and the person who will lease the property;
- (3) a description of the lease holder's association with any persons who have possession, control, or caused a discharge of a hazardous substance on the property;
- (4) map(s) showing the property location and any suspected or known sources of contamination detected on the property;
- (5) a description of the intended use of the property by the lease holder, with reference to the maps to indicate which areas will be used. Explain how the use will not interfere with any future investigation or cleanup at the property; and
- (6) all reports or investigations (e.g. Phase I and Phase II Environmental Assessments and/or Site Investigation Reports conducted under s. NR 716, Wis. Adm. Code) that identify areas of the property where a discharge has occurred.

General or other environmental liability clarification [682] - s. 292.55, Wis. Stats. - Explain your request below.

❖ **Include a fee of \$700 and an adequate summary of relevant environmental work to date.**

No Action Required (NAR) [682] - s. NR 716.05

❖ **Include a fee of \$700.**

Use where an environmental discharge has or has not occurred, and applicant wants DNR determination that no further assessment or clean-up work is required. Usually this is requested after a Phase I and Phase II environmental assessment has been conducted; the assessment reports should be submitted with this form. This is not a closure letter.

Clarify the liability associated with a "closed" property - s. 292.55, Wis. Stats.

❖ **Include a fee of \$700.**

- Include a copy of any closure documents if a state agency other than DNR approved the closure.

Use this space or attach additional sheets to provide necessary information, explanations or specific questions to be answered by the DNR.

A letter of environmental liability clarification is being requested to provide reassurance that interested parties (i.e., buyer, seller, and RP for the remediation of historical petroleum contamination in the Winter Business Park) understand their responsibilities during the redevelopment of the southern-most four-acre section of Parcel I (Property) in the Winter Business Park, and also understand specific cleanup requirements for environmental concerns identified at the Property. The legal description of the referenced property is Section 16, Township 49N, Range 14W, Douglas County, Wisconsin.

Section 5. Request for a Specialized Agreement

Select the type of agreement needed. Include the appropriate draft agreements and supporting materials. Complete Sections 6 and 7 of this form. More information and model draft agreements are available at: dnr.wi.gov/topic/Brownfields/lgu.html#tabx4.

Tax cancellation agreement [654] - s. 75.105(2)(d), Wis. Stats.

❖ Include a fee of \$700, and the information listed below:

- (1) Phase I and II Environmental Site Assessment Reports,
(2) a copy of the property deed with the correct legal description; and,
(3) a draft 75.105 agreement based on the DNR's model (dnr.wi.gov/topic/brownfields/documents/mod75-105agrmt.pdf).

Agreement for assignment of tax foreclosure judgement - s.75.106, Wis. Stats. [666]

❖ Include a fee of \$700, and the information listed below:

- (1) Phase I and II Environmental Site Assessment Reports,
(2) a copy of the property deed with the correct legal description; and,
(3) a draft 75.105 agreement based on the DNR's model (dnr.wi.gov/topic/brownfields/documents/mod75-106agrmt.pdf).

Negotiated agreement - Enforceable contract for non-emergency remediation - s. 292.11(7)(d) and (e), Wis. Stats. [630]

❖ Include a fee of \$1400, and the information listed below:

- (1) a draft schedule for remediation; and,
(2) the name, mailing address, phone and email for each party to the agreement.

Section 6. Other Information Submitted

Identify all materials that are included with this request.

Include one copy of any document from any state agency files that you want the Department to review as part of this request. The applicant is responsible for contacting other state agencies to obtain appropriate reports or information.

Phase I Environmental Site Assessment Report - Date: 04/10/2014

Phase II Environmental Site Assessment Report - Date: 03/02/2015

Legal Description of Property (required for all liability requests and specialized agreements)

Map of the property (required for all liability requests and specialized agreements)

Analytical results of the following sampled media: Select all that apply and include date of collection.

Groundwater Soil Sediment Other medium - Describe: _____

Date of Collection: 01/22/2015

A copy of the closure letter and submittal materials

Draft tax cancellation agreement

Draft agreement for assignment of tax foreclosure judgment

Other report(s) or information - Describe: March 2006 Phase I ESA report completed for the Winter Business Park.

For property with newly identified discharges of hazardous substances only: Has a notification of a discharge of a hazardous substance been sent to the DNR as required by s. NR 706.05(1)(b), Wis. Adm. Code?

Yes - Date (if known): _____

No

Note: The Fax Notification for Hazardous Substance Discharge (non-emergency) form is available at:

dnr.wi.gov/files/PDF/forms/4400/4400-225.pdf

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Section 7. Certification by the Person who completed this form

I am the applicant

I prepared this request for: Jason Wick
Applicant Name

I certify that I am familiar with the information submitted on this request, and that the information on and included with this request is true, accurate and complete to the best of my knowledge. I also certify I have the legal authority and the applicant's permission to make this request.

Robert J. Wathen

March 18, 2015

Signature

Date Signed

Principal Engineer/Geologist

651-647-2743

Title

Telephone Number (include area code)

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Section 8. DNR Contacts and Addresses for Request Submittals

Send or deliver the completed request, supporting materials, and fee to the region where the property is located. Contact the individual listed with any questions about this form or a specific situation involving contaminated property.

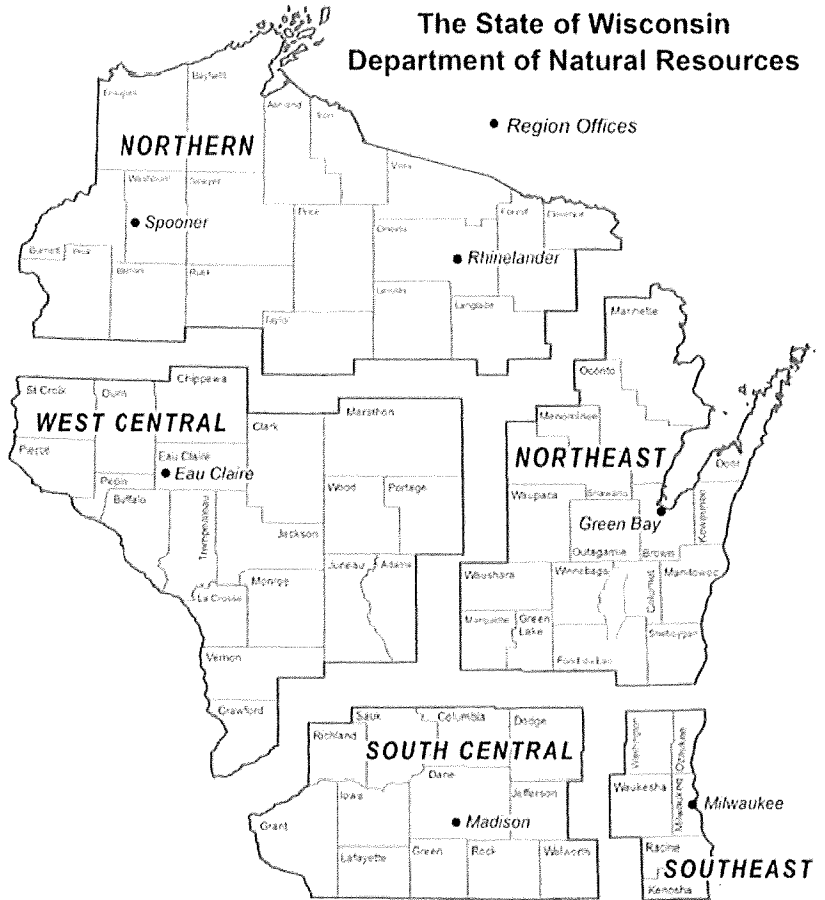
DNR NORTHERN REGION
 Attn: RR Program Assistant
 Department of Natural Resources
 223 E Steinfest Rd Antigo, WI 54409
 Carrie Stoltz (715) 365-8942

DNR NORTHEAST REGION
 Attn: RR Program Assistant
 Department of Natural Resources
 2984 Shawano Avenue
 Green Bay WI 54313
 Annette Weissbach (920) 662-5165

DNR SOUTHEAST CENTRAL REGION
 Attn: RR Program Assistant
 Department of Natural Resources
 3911 Fish Hatchery Road
 Fitchburg WI 53711
 Janet DiMaggio (608) 275-3295

DNR SOUTHEAST REGION
 Attn: RR Program Assistant
 Department of Natural Resources
 2300 North Martin Luther King Drive
 Milwaukee WI 53212
 Margaret Brunette (414) 263-8557

DNR WEST CENTRAL REGION
 Attn: RR Program Assistant
 Department of Natural Resources
 1300 Clairemont Ave.
 Eau Claire WI 54702
 Loren Brumberg (715) 839-3770



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

DNR Use Only			
Date Received	Date Assigned	BRRTS Activity Code	BRRTS FID No. (if used)
DNR Reviewer		Comments	
Fee Enclosed? <input type="radio"/> Yes <input type="radio"/> No	Fee Amount \$	Date Additional Information Requested	Date Requested for DNR Response Letter
Date Approved	Final Determination		