



October 29, 2015

BRRTS#: 06-38-576107
02-38-564236

Ann M. Hartnell
Marinette County Association for Business & Industry, Inc.
1925 Hall Avenue
Marinette WI 54143

Kenan Pulver
Tyco Fire Products LP
1 Stanton Street
Marinette WI 54143

**SUBJECT: Approval to Proceed in the Voluntary Party Liability Exemption Process
06-38-576107 for the MCABI Incubator Site at 1310-1330 Main St, Marinette, WI
Parcel #251-04268.000**

Dear Ms. Hartnell and Mr. Pulver:

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.

It is our understanding that you are seeking the VPLE for Parcel 1 as described on the deed you submitted with your application (Parcel 251-04268.000 – Attached). You have indicated that ownership of this parcel will be transferred in the future and therefore will be on a separate deed. Please forward the new deed to the project manager when this transfer occurs. Also, in reviewing the documentation sent with the VPLE application we noticed a probable minor error in the Legal Description. Attached with this letter is the Legal Description showing the probable error and the correction.

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 Robert Klauk, located at 2984 Shawano Avenue, Green Bay, WI, 54313-6727, and can be reached at 920-662-5164.

FEES:

Thank you each, for your application fee of \$250.00, one received September 8, 2015 and one received September 17, 2015. As a participant(s) in this process, the applicant(s) 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. Please submit an advance deposit to the DNR of \$2000 if the property is less than one acre in size, or \$4000 for a property one acre or larger, *before any DNR staff time can be devoted to your project*. This advance deposit should be sent to Robert Klauk.

From this advance deposit, the DNR will deduct fees at the *current* hourly rate of \$105 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.

For all correspondence, please let your project manager know all parties that should be receiving any communications, including letters and possible invoicing during the VPLE process.

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

Sincerely,



Denise D. Danelski
Brownfields Outreach Specialist
Remediation and Redevelopment Program

Enclosure: Site Boundary Map
Legal Description – showing correction to be made

cc: Steve Ferris, 480 Pilgrim Way STE 1200, Green Bay WI 54304
Lynelle Caine, Stantec, 210 S Hwy 141, Crivitz WI 54114
Steven Nadeau, Honigman Miller Schwartz & Cohn LLP, 2290 First National Bldg, 660 Woodward Ave,
Detroit MI 48226
Jeff Danko, CH2MHill, 135 S 84th St, Milwaukee WI 53214
Michael Prager – RR/5

DOC. #: 771373

EXHIBIT A

LEGAL DESCRIPTION

One Stanton Street:

Parcel 1:

Lot 2, Block 18, and part of Block 19, Section "B", Menominee River Lumber Company's First Addition to the Village of Menekaunee, in the City of Marinette, Marinette County, Wisconsin, described as: Commencing on the North line of Main Street at the point of its intersection with the East line of Stanton Street, as said streets existed on January 20, 1975; thence North 50° 11' West, 60 feet, to the point of intersection of said North line with the West line of Stanton Street, as said streets so existed, being the point of beginning; thence North 50° 11' West, on the North line of Main Street, 434.3 feet; thence North 39° 49' East, 77 feet; thence South 50° 11' East, 60 feet; thence North 39° 49' East, 153.8 feet; thence South 80° 28' West, 138.96 feet; thence North 37° 41' East, 96 feet to the South line of Ludington Street; thence South 50° 11' East, on said South street line, 469.53 feet to the West line of Stanton Street; thence South 32° 09' West on said West line, 210.6 feet; thence South 39° 49' West, on said West line of Stanton Street, 48.4 feet to the point of beginning.

NORTH

Tax Parcel Number: 251-04268.000

Parcel 2:

That part of Blocks 19 and 20, Section "B", Menominee River Lumber Company's First Addition to the Village of Menekaunee, in the City of Marinette, Marinette County, Wisconsin, described as: Commencing on the North line of Main Street at the point of its intersection with the East line of Stanton Street, as said streets existed on January 20, 1975; thence North 50° 11' West, 60 feet to the point of intersection of said North line with the West line of Stanton Street, as said streets so existed; thence North 39° 49' East, 48.4 feet; thence North 32° 09' East, on the West line of Stanton Street, 210.6 feet to the South line of Ludington Street; thence continuing North 32° 09' East, 66.5 feet to the North line of Ludington Street, being the point of beginning; thence North 50° 11' West, on the North line of Ludington Street, 463.38 feet; thence North 37° 41' East, 528.5 feet; thence North 30° 36' East, 317.7 feet; thence South 58° 03' East, 405 feet to the West line of Stanton Street; thence South 30° 34' West, 435.8 feet; thence South 32° 09' West, on said West street line, 470.7 feet to the point of beginning; EXCEPTING THEREFROM that part thereof described in Jacket 1105 Image 23.

Tax Parcel Number: 251-04269.001

Parcel 3:

Lot 1, Block 6, and part of Blocks 21 and 22, Section "B", Menominee River Lumber Company's First Addition to the Village of Menekaunee, in the City of Marinette, Marinette County, Wisconsin, described as: Commencing on the North line of Main Street, at the point of its intersection with the East line of Stanton Street, as said streets existed on January 20, 1975, thence North 39° 49' East, on the East line of Stanton Street, 63.7 feet to the Southwest corner of said Block 21; thence North 32° 09' East, on said East street line, 120 feet; thence North 32° 09' East, on said East street line, 619.25 feet; thence North 30° 33' 33" East, on said East street line, 501.20 feet; thence South 58° 14' 45" East, 210.19 feet; thence South 57° 35' 45" East, 354.37 feet; thence South 58° 27' 15" East, 83.74 feet; thence South 20° 23' 45" West, 469.6 feet; thence North 79° 45' West, 379.82 feet; thence South 32° 09' West, 372 feet; thence South 32° 09' West, 177 feet, to the North line of Water Street, as it existed on January 20, 1975; thence South 89° 42' West, on said North line of Water Street, 99.65 feet; thence North 65° 26' West, on said line, 69.1 feet;

0/6/2015 -
Tim Mella/ddd

State Bar of Wisconsin Form 1-2003
WARRANTY DEED

DOC. #: 804516
RENEE MILLER
MARINETTE COUNTY
REGISTER OF DEEDS
June 29, 2016 10:01 AM
Fee Amount: \$30.00
Transfer Fee: \$1,500.00

Document Number

Document Name

THIS DEED, made between TYCO FIRE PRODUCTS LP, a Delaware limited partnership

(“Grantor,” whether one or more),
and MARINETTE COUNTY ASSOCIATION FOR BUSINESS AND INDUSTRY, INC., a Wisconsin corporation

(“Grantee,” 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 MARINETTE County, State of Wisconsin (“Property”) (if more space is needed, please attach addendum):

SEE REVERSE SIDE FOR LEGAL DESCRIPTION

TRANSFER
\$1500.00
FEE
MARINETTE
COUNTY

Recording Area

Name and Return Address

Bay Title & Abstract, Inc.
824 10th Avenue
Menominee, WI 49858

NTI-25948

251-04268.000

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: Subject to roadways, easements, zoning regulations, restrictions, restrictive covenants, agreements, reservations and statements of mineral claims of record, if any and municipal and zoning ordinances and agreements entered under them, recorded easements for the distribution of utility and municipal services, recorded building and use restrictions and covenants, present uses of the Property in violation of the foregoing disclosed in Seller’s disclosure report and in the offer to purchase and general taxes levied in the year of closing.

Dated 6/24/16

Tyco Fire Products LP

Ken Pulver (SEAL) _____ (SEAL)
* Kenan Pulver, Authorized Representative *

* _____ (SEAL) _____ (SEAL) *

AUTHENTICATION

ACKNOWLEDGMENT

Signature(s) _____

STATE OF WISCONSIN)

authenticated on _____

MARINETTE)

COUNTY)

Personally came before me on 6-24-2016

the above-named Tyco Fire Products LP by Kenan Pulver,
Authorized Representative,

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

Budde Frazer
BUDDE FRAZER

Notary Public, State of Wisconsin
My Commission (is permanent) (expires: 12/29/17)

THIS INSTRUMENT DRAFTED BY:

Atty. David Spangenberg (1017429)(rm)(6-16)

Marinette, WI 54143 (Tyco to MCABI)

(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.

DOC. #: 804516

Lot 2, Block 18, and part of Block 19, Section "B", Menominee River Lumber Company's First Addition to the Village of Menekaunee, in the City of Marinette, Marinette County, Wisconsin, described as: Commencing on the North line of Main Street at the point of its intersection with the East line of Stanton Street, as said streets existed on January 20, 1975; thence North $50^{\circ}11'$ West, 60 feet to the point of intersection of said North line with the West line of Stanton Street, as said streets so existed, being the point of beginning; thence North $50^{\circ}11'$ West, on the North line of Main Street, 434.3 feet; thence North $39^{\circ}49'$ East, 77 feet; thence South $50^{\circ}11'$ East, 60 feet; thence North $39^{\circ}49'$ East, 153.8 feet; thence South $80^{\circ}28'$ West, 138.96 feet; thence North $37^{\circ}41'$ East, 96 feet to the South line of Ludington Street; thence South $50^{\circ}11'$ East, on said South street line, 469.53 feet to the West line of Stanton Street; thence South $32^{\circ}09'$ West on said West line, 210.6 feet; thence South $39^{\circ}49'$ West, on said West line of Stanton Street, 48.4 feet to the point of beginning, containing 2.42 acres more or less.

Tax Parcel Number: 251-04268.000

