

Notice: Use this form to request a **written response (on agency letterhead)** from the Department of Natural Resources (DNR) regarding technical assistance, a post-closure change to a site, a specialized agreement or liability clarification for Property with known or suspected environmental contamination. A fee will be required as is authorized by s. 292.55, Wis. Stats., and NR 749, Wis. Adm. Code., unless noted in the instructions below. 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.].

Definitions

"Property" refers to the subject Property that is perceived to have been or has been impacted by the discharge of hazardous substances.

"Liability Clarification" refers to a written determination by the Department provided in response to a request made on this form. The response clarifies whether a person is or may become liable for the environmental contamination of a Property, as provided in s. 292.55, Wis. Stats.

"Technical Assistance" refers to the Department's assistance or comments on the planning and implementation of an environmental investigation or environmental cleanup on a Property in response to a request made on this form as provided in s. 292.55, Wis. Stats.

"Post-closure modification" refers to changes to Property boundaries and/or continuing obligations for Properties or sites that received closure letters for which continuing obligations have been applied or where contamination remains. Many, but not all, of these sites are included on the GIS Registry layer of RR Sites Map to provide public notice of residual contamination and continuing obligations.

Select the Correct Form

This form should be used to request the following from the DNR:

- Technical Assistance
- Liability Clarification
- Post-Closure Modifications
- Specialized Agreements (tax cancellation, negotiated agreements, etc.)

Do **not** use this form if one of the following applies:

- Request for an **off-site liability exemption or clarification** for Property that has been or is perceived to be contaminated by one or more hazardous substances that originated on another Property containing the source of the contamination. Use DNR's Off-Site Liability Exemption and Liability Clarification Application Form 4400-201.
- Submittal of an Environmental Assessment for the **Lender Liability Exemption**, s 292.21, Wis. Stats., **if no response or review by DNR is requested**. Use the Lender Liability Exemption Environmental Assessment Tracking Form 4400-196.
- Request for an **exemption to develop on a historic fill site** or licensed landfill. Use DNR's Form 4400-226 or 4400-226A.
- **Request for closure** for Property where the investigation and cleanup actions are completed. Use DNR's Case Closure - GIS Registry Form 4400-202.

All forms, publications and additional information are available on the internet at: dnr.wi.gov/topic/Brownfields/Pubs.html.

Instructions

1. Complete sections 1, 2, 6 and 7 for all requests. Be sure to provide adequate and complete information.
2. Select the type of assistance requested: Section 3 for technical assistance or post-closure modifications, Section 4 for a written determination or clarification of environmental liabilities; or Section 5 for a specialized agreement.
3. Include the fee payment that is listed in Section 3, 4, or 5, unless you are a "Voluntary Party" enrolled in the Voluntary Party Liability Exemption Program and the questions in Section 2 direct otherwise. Information on to whom and where to send the fee is found in Section 8 of this form.
4. Send the completed request, supporting materials and the fee to the appropriate DNR regional office where the Property is located. See the map on the last page of this form. A paper copy of the signed form and all reports and supporting materials shall be sent with an electronic copy of the form and supporting materials on a compact disk. For electronic document submittal requirements see: <http://dnr.wi.gov/files/PDF/pubs/rr/RR690.pdf>

The time required for DNR's determination varies depending on the complexity of the site, and the clarity and completeness of the request and supporting documentation.

Technical Assistance, Environmental Liability Clarification or Post-Closure Modification Request

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Section 1. Contact and Recipient Information

Requester Information

This is the person requesting technical assistance or a post-closure modification review, that his or her liability be clarified or a specialized agreement and is identified as the requester in Section 7. DNR will address its response letter to this person.

Last Name Doyen	First Steven	MI	Organization/ Business Name Town of Phelps (Chairman)
Mailing Address 4495 Town Hall Road			City Phelps
			State WI
			ZIP Code 54554
Phone # (include area code) (715) 545-2270	Fax # (include area code)	Email townclerk.phelps@gmail.com	

The requester listed above: (select all that apply)

- | | |
|---|---|
| <input type="checkbox"/> Is currently the owner | <input type="checkbox"/> Is considering selling the Property |
| <input type="checkbox"/> Is renting or leasing the Property | <input checked="" type="checkbox"/> Is considering acquiring the Property |
| <input type="checkbox"/> Is a lender with a mortgagee interest in the Property | |
| <input type="checkbox"/> Other. Explain the status of the Property with respect to the applicant: | |

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

Select if same as requester

Contact Last Name Doyen	First Steven	MI	Organization/ Business Name Town of Phelps
Mailing Address 4495 Town Hall Rd. PO Box 157			City Phelps
			State WI
			ZIP Code 54554
Phone # (include area code) (715) 545-2270	Fax # (include area code)	Email townclerk.phelps@gmail.com	

Section 2. Property Information

Property Name C.M. Christiansen CO. Inc.			FID No. (if known)	
BRRTS No. (if known) 0264-000068		Parcel Identification Number #18-1391		
Street Address County Rd. E		City Phelps	State WI	ZIP Code 54554
County Vilas	Municipality where the Property is located <input type="radio"/> City <input checked="" type="radio"/> Town <input type="radio"/> Village of Phelps	Property is composed of: <input checked="" type="radio"/> Single tax parcel <input type="radio"/> Multiple tax parcels	Property Size Acres 3	

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

Date requested by: 01/20/2019

Reason:

The acquisition of this property is a critical factor in the awarding of a \$150,000 Knowles-Nelson Stewardship Program grant for a bicycle trail between Conover & Phelps WI.

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2. Is the "Requester" enrolled as a Voluntary Party in the Voluntary Party Liability Exemption (VPLE) program?

- No. **Include the fee that is required 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 or Post-Closure Modifications;
Section 4. Liability Clarification; or Section 5. Specialized Agreement.**

Section 3. Request for Technical Assistance or Post-Closure Modification

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

- No Further Action Letter (NFA) (Immediate Actions) - NR 708.09, [183] - **Include a fee of \$350.** Use for a written response to an immediate action after a discharge of a hazardous substance occurs. Generally, these are for a one-time spill event.
- Review of Site Investigation Work Plan - NR 716.09, [135] - **Include a fee of \$700.**
- Review of Site Investigation Report - NR 716.15, [137] - **Include a fee of \$1050.**
- Approval of a Site-Specific Soil Cleanup Standard - NR 720.10 or 12, [67] - **Include a fee of \$1050.**
- Review of a Remedial Action Options Report - NR 722.13, [143] - **Include a fee of \$1050.**
- Review of a Remedial Action Design Report - NR 724.09, [148] - **Include a fee of \$1050.**
- Review of a Remedial Action Documentation Report - NR 724.15, [152] - **Include a fee of \$350**
- Review of a Long-term Monitoring Plan - NR 724.17, [25] - **Include a fee of \$425.**
- Review of an Operation and Maintenance Plan - NR 724.13, [192] - **Include a fee of \$425.**

Other Technical Assistance - s. 292.55, Wis. Stats. [97] (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 in an attachment.

Post-Closure Modifications - NR 727, [181]

- Post-Closure Modifications: Modification to Property boundaries and/or continuing obligations of a closed site or Property; sites may be on the GIS Registry. This also includes removal of a site or Property from the GIS Registry. **Include a fee of \$1050, and:**
- Include a fee of \$300 for sites with residual soil contamination; and
- Include a fee of \$350 for sites with residual groundwater contamination, monitoring wells or for vapor intrusion continuing obligations.

Attach a description of the changes you are proposing, and documentation as to why the changes are needed (if the change to a Property, site or continuing obligation will result in revised maps, maintenance plans or photographs, those documents may be submitted later in the approval process, on a case-by-case basis).

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

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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 - s. 292.21, Wis. Stats. [686]

❖ **Include a fee of \$700.**

Provide the following documentation:

- (1) ownership status of the real Property, and/or the personal Property and fixtures;
- (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 the Property acquisition; for foreclosure actions, include a copy of the signed and dated court order confirming the sheriff's sale.
- (5) documentation showing how the Property was acquired and the steps followed under the appropriate state statutes.
- (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.) - s. 292.21, Wis. Stats. [686]

❖ **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];
- Perceived environmental contamination - [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) clear supporting documentation showing the acquisition method used, and the steps followed under the appropriate state statute(s).
- (2) current and proposed ownership status of the Property;
- (3) date and means by which the Property was acquired by the LGU, where applicable;
- (4) a map and the ¼, ¼ section location of the Property;
- (5) summary of current uses of the Property;
- (6) intended or potential use(s) of the Property;
- (7) descriptions of other investigations that have taken place on the Property; and
- (8) (for solid waste clarifications) a summary of the license history of the facility.

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Section 4. Request for Liability Clarification (cont.)

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

❖ **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 - s. 292.55, Wis. Stats. [682] - Explain your request below.

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

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

❖ **Include a fee of \$700.**

Use where an environmental discharge has or has not occurred, and applicant wants a 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. [682]

❖ **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.

Please see the Attached Document.

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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/Igu.html#tabx4.

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

❖ 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 person submitting this request is responsible for contacting other state agencies to obtain appropriate reports or information.

Phase I Environmental Site Assessment Report - Date: _____

Phase II Environmental Site Assessment Report - Date: _____

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: _____

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: _____

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 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 person submitting this request (requester)
- I prepared this request for: Steven Doyen, Phelps Town Chairman

Requester 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.

R.D. Egan
Signature

12/17/2018
Date Signed

EXECUTIVE DIRECTOR, VILAS COUNTY
Title ECONOMIC DEVELOPMENT CORP

715-891-2099
Telephone Number (include area code)

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Section 8. DNR Contacts and Addresses for Request Submittals

Send or deliver one paper copy and one electronic copy on a compact disk of the completed request, supporting materials, and fee to the region where the property is located to the address below. Contact a [DNR regional brownfields specialist](#) with any questions about this form or a specific situation involving a contaminated property. For electronic document submittal requirements see: <http://dnr.wi.gov/files/PDF/pubs/rr/RR690.pdf>.

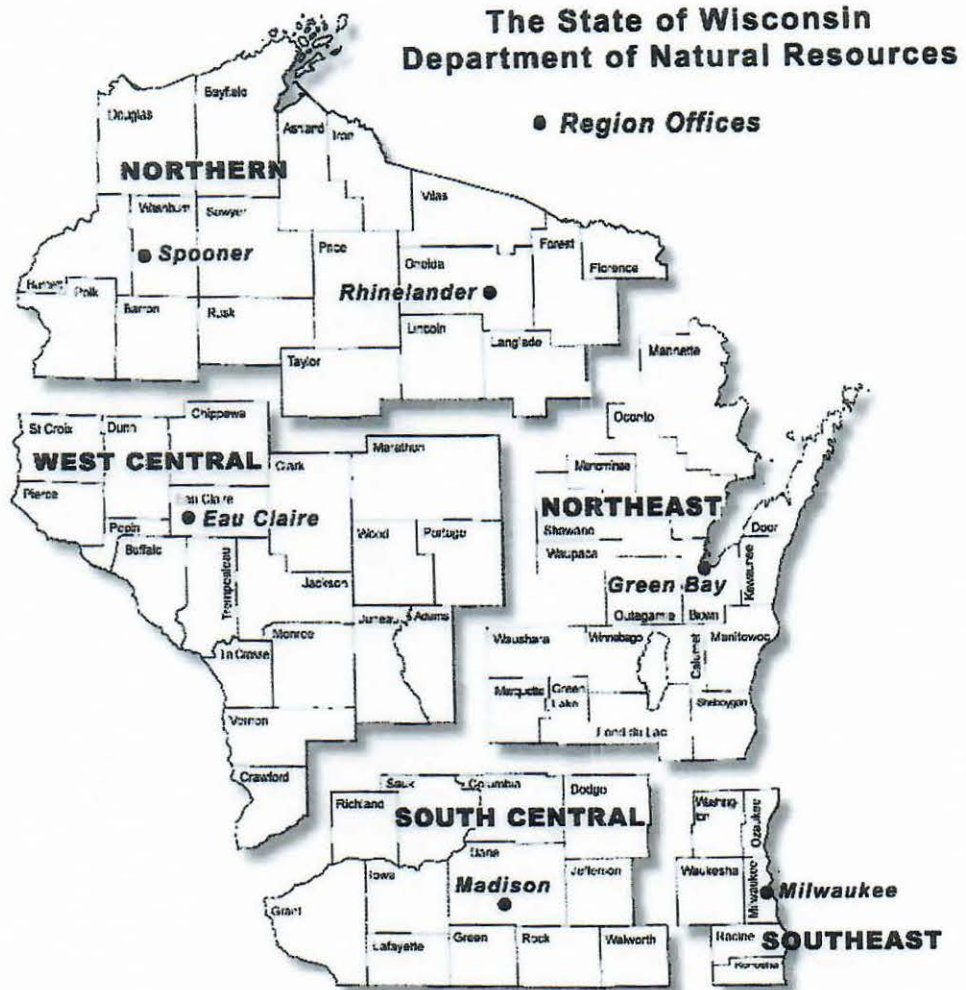
DNR NORTHERN REGION
Attn: RR Program Assistant
Department of Natural Resources
223 E Steinfest Rd Antigo, WI 54409

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 Clairemont Ave.
Eau Claire WI 54702



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

DNR Use Only			
Date Received	Date Assigned	BRRTS Activity Code	BRRTS 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		

Technical Assistance, Environmental Liability Clarification Modification Request

The town of Phelps Wisconsin is requesting a general liability clarification letter. The intent of the town of Phelps is to acquire through tax delinquency a 2.5 acre property currently owned by C. M. Christiansen Company Inc. also known to the DNR as the BRRTS #02 64-000068. This property will be the final step to complete a seven year, 11 mile bike trail project between the towns of Conover and Phelps Wisconsin. The property will be utilized as a trailhead parking area for the Phelps end of the bicycle trail. The parking area will also service the snowmobile trail and ATV trail which originated at this location.

The minimal amount of grading will be necessary to create 125' x 200' parking area. The parking area will then be graveled along with approximately 200 feet of road connecting the parking lot with County Highway E. All necessary erosion control and silt fence will be installed.

Intermittent fencing will be installed along the South side of the parking lot to allow Pedestrian access to the Military Stream area but will also create a corridor to protect the stream and wetland area from motorized vehicles. The area between the parking lot in the Military Stream has heavy vegetation will probably dissuade even pedestrian traffic to the stream.

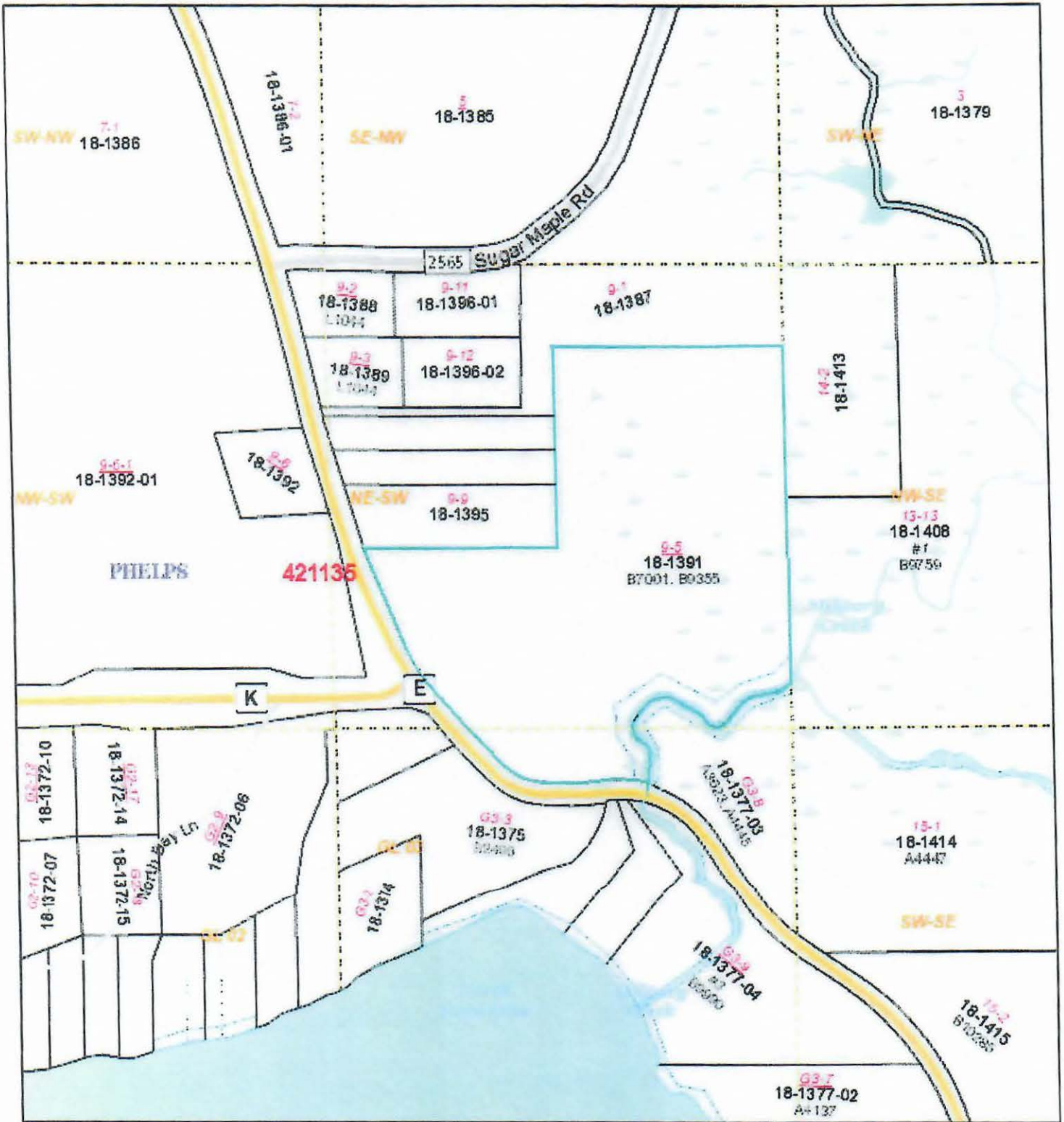
The area will incorporate unisex pit toilet and a loading ramp for ATV's and Snowmobiles. This area is a critical factor in the awarding of a \$150,000 grant for the completion of this trail and has to be approved before January 31st 2019.

The towns of Phelps and Conover are both economically struggling due to the loss of several large employers, a hospital and a sawmill. It is believed these trail systems will have a significant economic impact on these two towns.

The Town of Phelps would like general liability clarification letter on the following items:

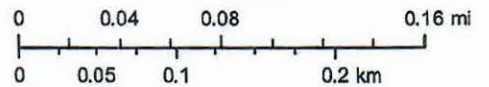
1. Please explain the liability exemption associated with involuntary acquisitions under S. 292. 11 (9). Of the Wisconsin state statutes. By virtue of Vilas County and ultimately the Town of Phelps acquiring the property through tax foreclosure, is the town of Phelps qualified for local government environmental liability exemption under S. 292. 11 (9). of Wisconsin Statutes?
2. What is the responsibility of the Town of Phelps in order to show due care is exercised in the development of the property?
3. Will the town of Phelps incur any future expense for future testing or remediation of the property if due care is shown in developing the property for the purposes mentioned above?
4. What is the town's liabilities because of the deed restriction stating the property can only be utilized for "industrial use"? Specifically, in the areas of residual contaminated soil under clean soil cover, ground water contamination and sediment contamination.

Vilas County Tax Parcel Map



12/17/2018, 12:22:41 PM

1:4,800



Section Corners

- Section Corner
- Quarter Corner

Water Access

- Boat Ramp
- Carry-In Lake Access

Highways

- US/State Highway
- County Highway

Major Roads

- Collector Road
- Local Road
- Resource Road

Minor Roads

- Service Road
- 4WD Road
- Runway
- Section Line
- Quarter/Gov't Lot Line

Created by Vilas County Mapping Department

Vilas County Tax Data

[New Search](#)[Need to change an address? Click here.](#)

Computer Number: 18-1391

Owner: CM CHRISTIANSEN CO INC	Co-Owner(s):	Physical Address: TOWN OF PHELPS
Section/Town/Range: 35/42/11E	Tax Bill: Reprint (2018) Reprint (2017)	Mailing Address: %ERIC R CHRISTIANSEN 5501 N SANTA MONICA BLVD MILWAUKEE WI 53217-0000
Document Numbers: 801/410	3 QQ 9-5 Search for Parcel in Vilas County GIS Map	
Legal Description: PRT GOVT LOT 3 & PRT NE SW RESTRICTION 924-594		

Tax Year	2018	2017	2016	2015
Total Acreage	2.500	N/A	N/A	N/A
Land Assessed Value	\$100.00	\$100.00	\$100.00	\$100.00
Improved Assessed Value	\$0.00	\$0.00	\$0.00	\$0.00
Fair Market Value	\$100.00	\$100.00	\$100.00	\$100.00
Mill Rate	11.232631	10.829685	10.956745	11.024873
Tax Ratio	1.062812	1.070029	1.104668	1.048203

State Of Wisconsin	+	\$0.00	\$0.00	\$0.02	\$0.02
Vilas County	+	\$0.22	\$0.22	\$0.21	\$0.22
Town Of Phelps	+	\$0.23	\$0.21	\$0.21	\$0.21
School District of Phelps	+	\$0.72	\$0.70	\$0.70	\$0.70
Phelps Sanitary Dst	+	\$0.05	\$0.05	\$0.05	\$0.05
Nicolet Vocational, Technical & Adult Ed.	+	\$0.04	\$0.04	\$0.04	\$0.04
Gross Tax	=	\$1.26	\$1.22	\$1.23	\$1.24

State Tax Credit	-	\$0.13	\$0.13	\$0.12	\$0.13
First Dollar Credit	-	\$0.00	\$0.00	\$0.00	\$0.00
Net Tax	=	\$1.13	\$1.09	\$1.11	\$1.11
Special Assessments	+	\$0.00	\$0.00	\$0.00	\$0.00
Net Tax & Special Assessments	=	\$1.13	\$1.09	\$1.11	\$1.11
Lottery Tax Credit	-	\$0.00	\$0.00	\$0.00	\$0.00
Total Tax Due	=	\$1.13	\$1.09	\$1.11	\$1.11

First Installment	\$1.13	\$1.09	\$1.11	\$1.11
First Installment Last Payment				
Second Installment	\$0.00	\$0.00	\$0.00	\$0.00
Second Installment Last Payment				

Paid To Date	\$0.00	\$0.00	\$0.00	\$0.00
Current Due	\$1.13	\$1.09	\$1.11	\$1.11
Interest	\$0.00	\$0.12	\$0.26	\$0.39
Total Payoff	\$1.13	\$1.21	\$1.37	\$1.50