

From: Kai Hansen <khansen@scotIndustries.com>
Sent: Monday, September 12, 2022 4:26 PM
To: Prager, Michael A - DNR
Cc: Moll, John G - DNR (Gregory); Sparks, Craig C - DNR; Bower, Phillip R - DNR; Brunette, Margaret M - DNR; Hanson, David L - DNR
Subject: RE: [External] RE: [External] BRRTS # 02-41-587342 (VPLE Agreement, Scot Industries & WDNR) 1532 W. Galena Street, Milwaukee
Attachments: DNR VPLE Amendment - SLW signature (9-12-2022).pdf

CAUTION: This email originated from outside the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Good afternoon Michael,

Please see the signed, short (3-page) amendment to the original agreement to reflect the revised legal contacts.

Regards,

Kai Hansen
EHS
Scot Industries, Inc.
810 E. Nebraska Street
Muscodia, WI 53573
(608) 739-3171, ext 10214

From: Prager, Michael A - DNR [<mailto:Michael.Prager@wisconsin.gov>]
Sent: Thursday, September 8, 2022 3:36 PM
To: Kai Hansen <khansen@scotIndustries.com>
Cc: Moll, John G - DNR (Gregory) <john.moll@wisconsin.gov>; Sparks, Craig C - DNR <Craig.Sparks@wisconsin.gov>; Bower, Phillip R - DNR <phillip.bower@wisconsin.gov>; Brunette, Margaret M - DNR <Margaret.Brunette@wisconsin.gov>; Hanson, David L - DNR <David.Hanson@wisconsin.gov>
Subject: RE: [External] RE: [External] BRRTS # 02-41-587342 (VPLE Agreement, Scot Industries & WDNR) 1532 W. Galena Street, Milwaukee

Hello Kai – We did get the \$4000 deposit. Now that the site is a VPLE site, we will charge our time spent on site oversight at an hourly rate. As a result, you and your consultant won't need to send flat fees in for technical reviews anymore. We will credit the deposit until it is used up and then if there are charges beyond that, we will send you quarterly invoices. Let me know if that doesn't make sense or if you have questions about the fees.

For the amendment, a scanned signature is fine.

Michael Prager

Phone: 608-225-7950

Michael.prager@wisconsin.gov

From: Kai Hansen <khansen@scotIndustries.com>

Sent: Thursday, September 08, 2022 2:04 PM

To: Prager, Michael A - DNR <Michael.Prager@wisconsin.gov>

Cc: Moll, John G - DNR (Gregory) <john.moll@wisconsin.gov>; Sparks, Craig C - DNR <Craig.Sparks@wisconsin.gov>; Bower, Phillip R - DNR <phillip.bower@wisconsin.gov>; Brunette, Margaret M - DNR <Margaret.Brunette@wisconsin.gov>; Hanson, David L - DNR <David.Hanson@wisconsin.gov>

Subject: RE: [External] RE: [External] BRRTS # 02-41-587342 (VPLE Agreement, Scot Industries & WDNR) 1532 W. Galena Street, Milwaukee

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Hello Michael,

Thanks for the documents for my records. The VPLE advanced deposit should already be in DNR's possession as I believe it was sent out USPS mail from Scot's corporate office in TX on August 27th. If the status of this check could be checked I would appreciate that.

I have forwarded the short amendment to Mr. Wilmeth, Scot's president for his signature. Is an ink signature required and sent USPS mail or will a scanned document sent via email suffice?

Regards,

Kai Hansen
EHS
Scot Industries, Inc.
810 E. Nebraska Street
Muscodia, WI 53573
(608) 739-3171, ext 10214

From: Prager, Michael A - DNR [<mailto:Michael.Prager@wisconsin.gov>]

Sent: Thursday, September 8, 2022 1:33 PM

To: Kai Hansen <khansen@scotIndustries.com>

Cc: Moll, John G - DNR (Gregory) <john.moll@wisconsin.gov>; Sparks, Craig C - DNR <Craig.Sparks@wisconsin.gov>; Bower, Phillip R - DNR <phillip.bower@wisconsin.gov>; Brunette, Margaret M - DNR <Margaret.Brunette@wisconsin.gov>; Hanson, David L - DNR <David.Hanson@wisconsin.gov>

Subject: [External] RE: [External] BRRTS # 02-41-587342 (VPLE Agreement, Scot Industries & WDNR) 1532 W. Galena Street, Milwaukee

Hello Kai – Attached is the signed and executed negotiated agreement. Please continue to work with Greg Moll as you move forward with the project. Also, let me and Greg know when the VPLE advanced deposit is submitted so we can make sure it gets to the right people.

In addition to the agreement, we have prepared a short amendment to reflect the revised legal contacts. Please sign the attached amendment and send it back to me.

Michael Prager

Phone: 608-225-7950

Michael.prager@wisconsin.gov

From: Kai Hansen <khansen@scotIndustries.com>

Sent: Friday, September 02, 2022 3:32 PM

To: Prager, Michael A - DNR <Michael.Prager@wisconsin.gov>

Cc: Moll, John G - DNR (Gregory) <john.moll@wisconsin.gov>

Subject: RE: [External] BRRTS # 02-41-587342 (VPLE Agreement, Scot Industries & WDNR) 1532 W. Galena Street, Milwaukee

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Good afternoon Michael,

Yes, Scot intends to proceed with the previously negotiated VPLE agreement signed in October of 2021. I understand that both Mr. Nelson and Mr. Thimke are no longer involved with the project at this time. Mr. Keyes, would be Scot's legal contact for this project.

Scot is committed to keeping this project moving forward to closure (issuance of a COC) and is anxious to have this property placed back into community with a positive and suitable end-use yet to be determined.

Have a very nice holiday weekend Michael.

Regards,

Kai Hansen
EHS
Scot Industries, Inc.
810 E. Nebraska Street
Muscodá, WI 53573
(608) 739-3171, ext 10214

From: Prager, Michael A - DNR [<mailto:Michael.Prager@wisconsin.gov>]
Sent: Friday, September 2, 2022 3:08 PM
To: Kai Hansen <khansen@scotindustries.com>
Cc: Moll, John G - DNR (Gregory) <john.moll@wisconsin.gov>
Subject: RE: [External] BRRTS # 02-41-587342 (VPLE Agreement, Scot Industries & WDNR) 1532 W. Galena Street, Milwaukee

Hello Kai –

Before we sign the negotiated agreement, we wanted to confirm that you still wanted to complete the agreement as written and signed by Scot on 10/14/2022 given the time that has passed since we worked on the language and you have new legal counsel.

We will put together a small amendment to the agreement with revised legal contacts. The DNR attorney who worked on this, Bill Nelson, is no longer with the agency and another DNR attorney, Phil Bower will be listed. Should we list your legal contact as:
Bruce Keyes, Foley and Lardner, LLP 414-297-5815, bkeyes@foley.com?

Please confirm and we will attach the schedule dated 8/25 from Ramboll and have the agreement signed by our Bureau Director.
Thank you and have a good weekend.

Michael Prager

Phone: 608-225-7950

Michael.prager@wisconsin.gov

From: Kai Hansen <khansen@scotindustries.com>
Sent: Friday, June 10, 2022 04:35 PM
To: Moll, John G - DNR (Gregory) <john.moll@wisconsin.gov>
Subject: BRRTS # 02-41-587342 (VPLE Agreement, Scot Industries & WDNR) 1532 W. Galena Street, Milwaukee

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Hello Greg,

During the conference call between you, me, and Ramboll (Jeanne Tarvin and Chris Rogers) Thursday afternoon each of us were going to determine the status of the VPLE agreement that Mark Thimke of Foley & Lardner and Bill Nelson of WDNR had been working on. To the best of my knowledge and I've looked at my records quite carefully, I do not have a fully signed agreement on hand. I have an agreement signed by Mr. Wilmeth, Scot Industries President on 10/14/2021, a copy of the Fee Payment for WDNR review of the negotiated agreement and email correspondence on 11/3/2021 between Mark

Thimke, Foley & Lardner and Bill Nelson's acknowledgement of having received this document on that same day, 11/3/2021. I do not see anything beyond that date regarding this agreement.

Perhaps, WDNR has the signed agreement yet in Legal. If located, I would certainly like a copy of the VPLE agreement.

Please contact me via phone or email with any questions or concerns.

Kindest regards,

Kai

Kai Hansen
EHS
Scot Industries, Inc.
810 E. Nebraska Street
Muscodia, WI 53573
(608) 739-3171, ext 10214

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STATE OF WISCONSIN
DEPARTMENT OF NATURAL RESOURCES

IN THE MATTER OF:

SCOT INDUSTRIES, INC.
BRRTS # 02-41-587342 (ERP)
FID # 241424920

THIS FIRST AMENDMENT TO THE NEGOTIATED AGREEMENT (“Amendment”) is by and between the Wisconsin Department of Natural Resources (“Department”) and Scot Industries, Inc. (“Scot Industries”).

RECITALS

WHEREAS, the Department and Scot Industries entered into that certain Negotiated Agreement dated effective as of September 8, 2022 (the “Negotiated Agreement”); and

WHEREAS, the Department and Scot Industries desire to amend the Negotiated Agreement; and

WHEREAS, Section XV. of the Negotiated Agreement permits the amendment of the Negotiated Agreement by mutual written agreement of the Department and Scot Industries; and

WHEREAS, in consideration of, and in exchange for, the promises and mutual understandings and covenants contained in this Amendment, and intending to be bound legally hereby, the Department and Scot Industries, by their authorized representatives, have agreed to the execution of this Amendment.

AGREEMENT

NOW, THEREFORE, based upon the above recitals, with such recitals considered to be part of this Amendment and incorporated by reference, and the terms and conditions set forth below, the Department and Scot Industries agree as follows:

1. Sections VII.A. and VII.B. of the Negotiated Agreement are deleted and replaced with the following:

VII. SUBMISSION OF DOCUMENTS AND CORRESPONDENCE

- A. Documents and correspondence to be submitted to the Department shall be sent to the Department Project Coordinator:

J. Gregory Moll, P.G.
Southeast Region Headquarters
1027 West St. Paul Ave
Milwaukee, WI 53233
Phone: (262) 202-3921

and if pertaining to this Agreement, an electronic copy to:

Craig Sparks
Bureau of Legal Services
Phone: (608) 266-9454
craig.sparks@wisconsin.gov

B. Documents to be submitted to Scot Industries shall be sent to:

Kai Hansen
Scot Industries, Inc.
810 East Nebraska Street
Muscodia, WI 55573
khansen@scotindustries.com

and if pertaining to this Agreement, an electronic copy to:

Bruce Keyes
Foley & Lardner LLP
777 East Wisconsin Avenue
Milwaukee, WI 53202-5306
bkeyes@foley.com

2. DEFINED TERMS. Capitalized terms used in this Amendment and not defined in this Amendment shall have the meanings given to them in the Negotiated Agreement.
3. CONTINUANCE OF NEGOTIATED AGREEMENT; BINDING EFFECT; GOVERNING LAW. Subject to the specific amendments and agreements set forth in this Amendment, all provisions of the Negotiated Agreement shall remain in full force and effect without modification. If any provision of this Amendment conflicts with the Negotiated Agreement, the provisions of this Amendment shall control. This Amendment is binding upon and shall inure to the benefit of the Department and Scot Industries, and their respective successors and permitted assigns. This Amendment shall be governed by and construed in accordance with the laws of the State of Wisconsin.
4. COUNTERPARTS. This Amendment may be executed in any number of counterparts (including execution by facsimile or other electronic transmission) with the same effect as if all signing parties had signed the same document. All counterparts shall be construed together and constitute the same document. Signature pages may be detached from the counterparts and attached to a single copy of this consent to physically form one document.

IN WITNESS WHEREOF, the Parties hereto have executed this Amendment as of the last date written below.

STATE OF WISCONSIN
DEPARTMENT OF NATURAL RESOURCES

By: Christine Haag
Christine Haag, Director
DNR Remediation and Redevelopment Program

Date: 9/9/22

SCOT INDUSTRIES, INC.

By: Steven L. Wilmeth
(insert name and title)
STEVEN L. WILMETH
PRESIDENT

Date: 9-12-2022