

May 20, 2021

VIA EMAIL – (david.neste@wisconsin.gov)

Dave Neste
Hydrogeologist
Wisconsin Department of Natural Resources

Re: Request for Off-Site Exemption Determination re PFAS Detections
Appleton Wire Facility (Former), 908 N. Lawe Street, Appleton, WI
BRRTS No. 02-45-000015

Dear Mr. Neste:

We represent Albany International Corp. (“Albany International”) with respect to the above captioned matter. On behalf of Albany International, we respectfully request the Wisconsin Department of Natural Resources (WDNR) review the enclosed information and issue an off-site source exemption liability clarification letter concerning the detection of certain PFAS compounds at the Appleton Wire Facility (Former) property, located at 908 N. Lawe Street in Appleton, Wisconsin.¹

Wis. Stat. § 292.11(3) requires anyone who causes the discharge of or possesses or controls a hazardous substance that is discharged to the environment to take action to restore the environment to the extent practicable and minimize the harmful effects thereof. However, Wisconsin law provides an exemption from the requirements of the hazardous substances spill law to owners or operators of property affected by environmental contamination that originated from another property, the “off-site source” exemption. Wis. Stat. § 292.13.

To be eligible for the “off-site source” statutory liability exemption, an affected property owner/former owner must meet all of the conditions listed under Wis. Stat. § 292.13. These conditions include, for example, a demonstration that the property owner did not cause the original discharge of the hazardous substance and that the property that is the source of the migrating contamination is not owned nor controlled by the same person or entity that is seeking the off-site source exemption. *See* Wis. Stat. § 292.13.

¹ Wis. Stats. § 292.13(2), provides: “The department *shall*, upon request, issue a written determination that a person...is exempt from 292.11(3), (4) and (7) if the person satisfies the applicable requirements in subs. (1) and (1m) (emphasis added).”



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As demonstrated in the enclosed technical memorandum, Albany International neither possessed nor controlled the PFAS materials detected at the Site and the source of the compounds is an off-site source. Albany International meets the criteria of Section 292.13 and, as such, is statutorily exempt from responsibility for the detection of PFAS compounds on the subject property. We request the Department issue an “off-site source” liability determination in this regard. *See*, Wis. Stats. § 292.13(2).

In support of this request, please find enclosed:

- A technical memorandum prepared by EnviroForensics, LLC summarizing the PFAS assessment of select groundwater monitoring wells at the former Appleton Wire Facility;
- A completed Form 4400-201, Off-Site Liability Exemption Application; and,
- A check for \$700 as required per Wis. Admin. Code § NR 749 for WDNR to review the information included with this request.

We appreciate your assistance with this matter. If you have any questions or need any additional information to complete your review, please contact me.

Very truly yours,

MICHAEL BEST & FRIEDRICH LLP

A handwritten signature in blue ink, appearing to read 'David A. Crass', written over a light blue horizontal line.

David A. Crass

Cc: Albany International



TECHNICAL MEMORANDUM

TO: Albany International Corp.

FROM: EnviroForensics, LLC

COPY: David Crass, Michael Best

DATE: May 20, 2021

SUBJECT: PFAS Assessment at the Former Appleton Wire Facility, 908 N. Lawe Street, Appleton, WI

Background

At the request of the Wisconsin Department of Natural Resources (WDNR), EnviroForensics, LLC sampled select groundwater monitoring wells at the former Appleton Wire facility (BRRTS #02-45-000015) (Appleton Wire) located at 908 N. Lawe Street Appleton, Wisconsin (the Site) for per- and polyfluorinated alkyl substances (PFAS). Site remediation for releases of chromic acid from past plating operations is nearly complete. The WDNR specifically required PFAS sampling because some plating operations utilized PFAS compounds to reduce mists associated with the plating process. Appleton Wire conducted plating operations at this property from the mid-1960s to 1981. The WDNR was concerned that PFAS compounds could have been released to the subsurface with the chromic acid if Appleton Wire had used chemical mist suppressants in their process. However, as explained below, although certain PFAS compounds were detected in the sampling conducted, the former Appleton Wire operations did not cause the discharge of the PFAS compounds; instead, the evidence suggests those impacts originated from an off-site source.

Sampling Conducted

Initially, in June of 2020, three (3) wells (MW-19R, MW-20R, and MW-28R) were sampled for PFAS. These well locations are within the former chrome plating section of the current building (now used as a warehouse). The attached **Figure 1** shows the locations of all site wells. The initial group of sampled wells contained several PFAS with perfluorooctanoic acid (PFOA) and perfluorooctane sulfonate (PFOS) concentrations exceeding the individual or combined proposed groundwater enforcement standard (ES) of 20 part per trillion (ppt). **Table 1** summarizes the PFAS analytical results. Figure 1 also presents the groundwater flow direction. During December 2020, these wells were re-sampled along with an up-gradient well (MW-22), a side-gradient well (MW-21 to the west), two (2) down-gradient off-property wells (MW-2 and MW-5), and one further down-gradient well (MW-1).

As shown in **Table 1**, most wells contained PFOA or PFOS at concentrations exceeding the proposed ES of 20 ppt either singularly or in combination. The exceptions were warehouse well MW-20R, side-

Document: 6486-2485



gradient well MW-21 located in the active manufacturing area, and the furthest down-gradient well MW-1 on the Appvion property. The highest combined concentrations of PFOA and PFOS were detected in the up-gradient property boundary well, MW-22.

Grounds for Liability Exemption

Currently, the WDNR is developing PFAS enforcement standards based on preliminary toxicological studies performed by the Wisconsin Department of Health Services.¹ While several samples contained PFAS above the proposed standards, the past operations of Appleton Wire at the Site did not cause or contribute to the presence of these compounds. Our basis for this determination is the result of the following investigative lines of evidence:

1. The highest relative concentrations of any PFAS were perfluorobutyrate (PFBA) and perfluorobutane sulfonic acid (PFBS). Each of the sampled wells contained various concentrations of both compounds. These compounds are more soluble in water than most other PFAS and are free to migrate like most other PFAS because they do not readily degrade by microbial action. PFBA is somewhat more mobile in groundwater than PFBS because it does not adsorb to soil particles as readily as PFBS. PFBA is a breakdown product of other PFAS used in stain-resistant fabrics, paper food packaging, and carpets². PFBS is a more recent replacement compound for PFOS (US EPA Technical Fact Sheet: Draft Toxicity Assessments for GenX Chemicals and PFBS). The phase-out of PFOS and wide use of PFBS began around or after 2002 when 3M stopped manufacturing PFOS. Therefore, Appleton Wire could not have caused its release at this Site during a chrome plating operation that ended in 1981. Both PFBS and PFBA have known uses for stain-resistant fabrics, paper food packaging, and carpeting and are used as surfactants often used for leveling agents in inks, dyes, and coatings.³ **Appleton Wire did not conduct these processes at the Site. Therefore, Appleton Wire is not a source of PFBA and PFBS.**
2. The highest combined concentrations of PFOA and PFOS are in the northern property boundary well MW-22, which is *up-gradient* relative to the direction of groundwater flow. **Figure 1** presents the groundwater flow direction. **The detection in MW-22 indicates that PFAS compounds are entering the property via groundwater from an up-gradient, off-site source.**
3. Although several detected PFAS compounds in site wells were at concentrations that exceed proposed groundwater ESs, those locations do not correspond to the highest concentrations of chromic acid previously detected in soil and groundwater. If Appleton Wire applied a mist suppressant to the chromic acid, we would expect the concentrations of PFAS compounds to be much higher in these areas since these compounds are persistent in the environment. The

¹ See [Rule No. WY-23-19](#) (July 23, 2019).

² Minnesota Department of Health PFBA and Drinking Water, August 2017

³ NGI (Norwegian Geotechnical Institute). 2017. "Sources of Perfluorobutane Sulfonic Acid (PFBS) in the Environment." Norwegian Environmental Agency. COWI Investigation of Sources to PFBS in the Environment.



distribution of the PFAS compounds detected to date does not reflect a concentrated source area correlated to the former chrome plating operations. There is no evidence that a more concentrated plume has moved in the down-gradient direction of groundwater flow due to minimal detections of PFAS compounds below proposed regulatory groundwater ESs in down-gradient monitoring well MW-1.

4. The WDNR issued its initial request for the assessment of emerging contaminants in 2019. In response, Albany International researched past operations and interviewed former employees. On June 10, 2019, an Albany International representative emailed the findings to the WDNR. The research revealed that Albany International evaluated the use of chemical mist suppressants for managing vapors but ultimately decided not to risk adversely affecting their plating quality from chemical additives. Instead, they captured airborne mists using mechanical exhausting and air scrubbing equipment at the former plating facility's exterior areas to recover the chromic acid mists. Subsurface investigations performed by EnviroForensics have revealed that there were releases of chromic acid to the subsurface in precise outside locations that correspond to the areas of past air scrubbing mechanisms as identified by Albany International, corroborating this historical research.
5. Several industries are located nearby in the side-gradient to the up-gradient direction of groundwater flow that could be using or could have historically used PFAS compounds in their manufacturing process. The observations are based on an analysis of historical data such as Sanborn® Maps, EDR⁴ database of historical operations data, hazardous waste generator data, and spills data, along with spills information acquired from the WDNR BRRTS database. The attached **Figure 2** shows the locations of industrial processes that could have potentially used or are currently utilizing PFAS compounds in their operations. **None of the identified potential sources of the PFAS discharges are controlled or owned by Albany International.** The potential sources include the industrial manufacturing processes conducted by the current owner of the property, Luvata Appleton, and most likely the paper coating and food packaging and printing by Appvion, Inc. Appvion's marketing information for a specific line of products states that the products are made safe, renewable and recyclable by eliminating plastic films and PFAS, suggesting that PFAS were or are part of manufacturing for alternative products lines⁵. Similarly, an Appvion press release from April 2, 2020 states, "Our *new lines* of aqueous coated and fully recyclable cup stock for single-use food and beverage containers and our fluorochemical/PFAS-free oil and grease barrier products will now be produced in the certified plant" (emphasis added)⁶. This "new line" suggests that PFAS may have been previously used in the manufacturing of these products.

⁴ Environmental Data Resources, Inc., Radius Map Report. Inquiry Number: 6406240.2s, dated March 15, 2021.

⁵ www.appvion.com/en-us/products/PackagingandSpecialtyCoating/Pages/FoodService.aspx

⁶ <http://appvion.com/en-us/Documents/Historical%20News/Appvion%20Announces%20FDA%20Certification.pdf>



CONCLUSION

In summary, the foregoing lines of evidence collectively support a conclusion that the former Appleton Wire operations did not cause a release of PFAS to the environment. The PFAS detections in groundwater at the Site originate from an off-site source. The compounds detected and concentrations indicate the timing and source of the release originated outside of Appleton Wire operations and likely sourced from ongoing processes at the Site or off-Site from nearby manufacturers.

**TABLE 1
DETECTED PFAS IN GROUNDWATER**

Albany International - Luvata Site
908 N. Lawe St., Appleton, Wisconsin

Monitoring Well	Sample Date	PFOA	PFOS	PFHxA	PFHxS	PFHpA	PFHpS	PFBA	PFBS	PFNA	PFDA	PFPeA	PFPeS	HFPO-DA
Proposed Groundwater Enforcement Standard		20*	20*	150,000	40	NE	NE	10,000	450,000	30	300	NE	NE	300
Proposed Groundwater Preventative Action Limit		2*	2*	30,000	4	NE	NE	2,000	90,000	3	60	NE	NE	30
MW-1	12/29/2020	6.3	5.3	3.1 J	1.8 J	1.8 J	<0.92	17	5.1	<0.92	1.2 J	4.0	<0.92	<1.8
MW-2	12/29/2020	75	11	41	18	28	<0.92	220	69	<1.0	1.2 J	34	<1.0	<2.1
MW-5	12/29/2020	19	22	8.9	<0.98	7.4	<0.98	32	9.9	2.4 J	<0.98	9.5	<0.98	<2.0
MW-19R	6/30/2020	43.8	8.08	27.8	5.59	26.7	0.788 J	799	324	4.36	0.602 J	31.3	2.18	<0.726
	12/29/2020	52	16	34	6.5 J	31	<1.9	1000	830	5.9 J	<1.9	40	8.9	<3.8
MW-20R	6/30/2020	17.1	4.03	25.1	1.95	NR	<0.730	98.9	NR	<0.788	<0.718	NR	<0.495	3.25
	12/29/2020	10	<0.97	<0.97	<0.97	<0.97	<0.97	180	40	<0.97	<0.97	<0.97	<0.97	<1.9
	12/29/2020 DUP	10	<1.2	<1.2	<1.2	<1.2	<1.2	220	54	<1.2	<1.2	<1.2	<1.2	<2.4
MW-21	12/29/2020	9.8	<0.99	4.0	3.4 J	3.8 J	<0.99	150	89	<0.99	<0.99	2.7 J	1.6 J	<2.0
MW-22	12/29/2020	60	53	22	7.3	19	<1.0	83	26	<1.0	<1.0	12	1.9 J	<2.1
MW-28R	6/30/2020	30.2	16.2	15.3	3.23	13.3	<0.854	575FRB	27.1	6.7	<0.839	13.6	1.93	<1.13
	12/29/2020	16	9.5	8	<0.89	5.4	<0.89	43	14	3.3 J	<0.89	7.1	<0.89	<1.8

Notes:

All concentrations reported in units of nanograms per liter (ng/L)

Bolded and blue shaded values are above proposed groundwater preventative action limits

Bolded and orange shaded values are above proposed groundwater enforcement standards

Bolded values are above detection limits

* Proposed groundwater standard applies to individual compound or combined PFOA and PFOS

J = Analyte concentration detected between the laboratory level of detection and the level of quantification

FRB = Compound detected in field reagent blank

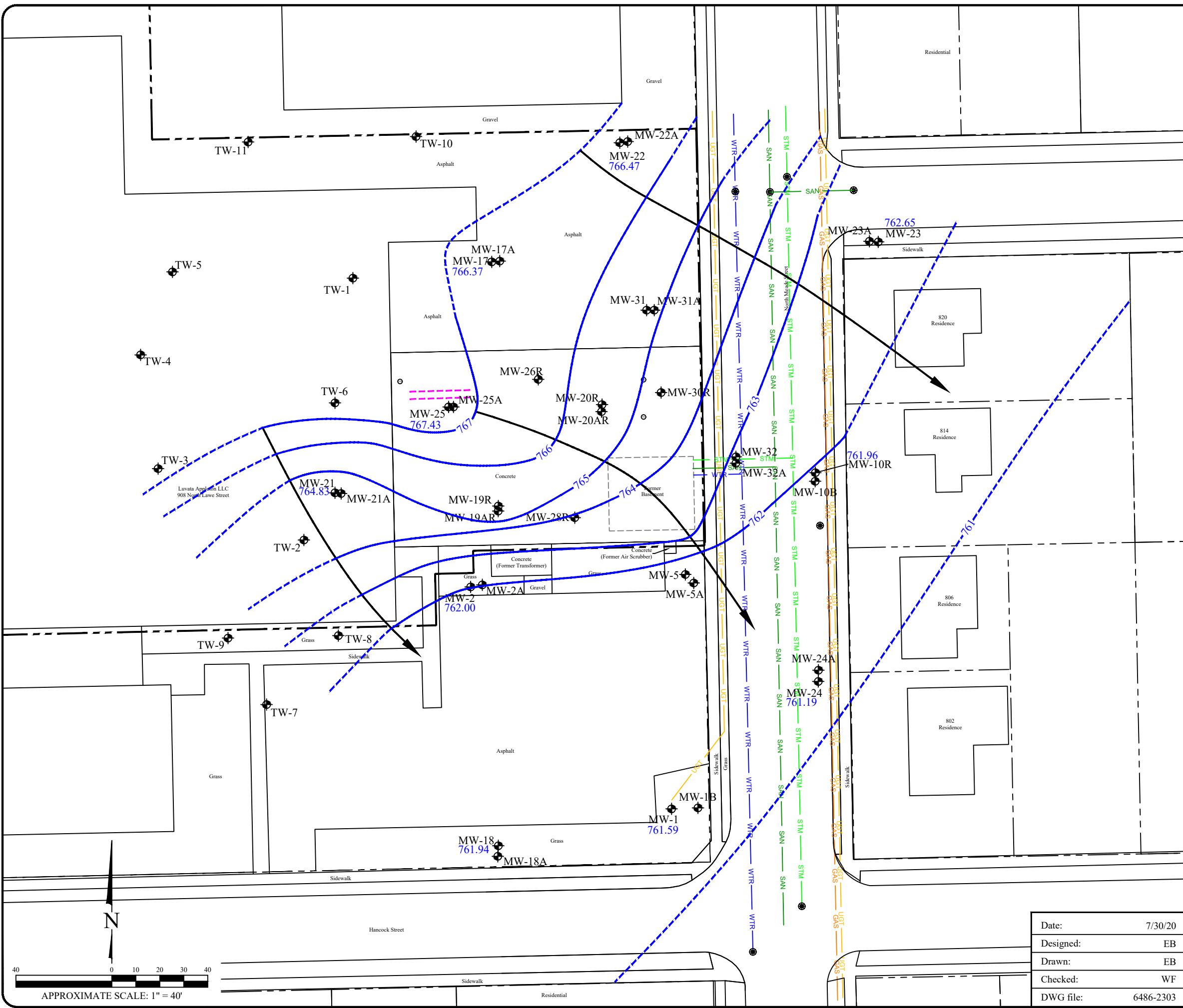
NA = Not Analyzed

NR = Not reported due to failure of laboratory QC

NE = Not Established

Legend

- Property boundary
- GAS Underground gas utility line
- WTR Underground water utility line
- SAN Underground sanitary utility line
- UGT Fiber optics line
- STM Underground storm utility line
- Pipe chase
- Floor drain
- Manhole
- TW-1 Monitoring well
- 764 Groundwater elevation contour
- Dashed boundaries are inferred
- 761.59 Groundwater elevation (feet above mean sea level)
- Approximate groundwater flow direction



DIRECTION OF GROUNDWATER FLOW
JUNE 30, 2020

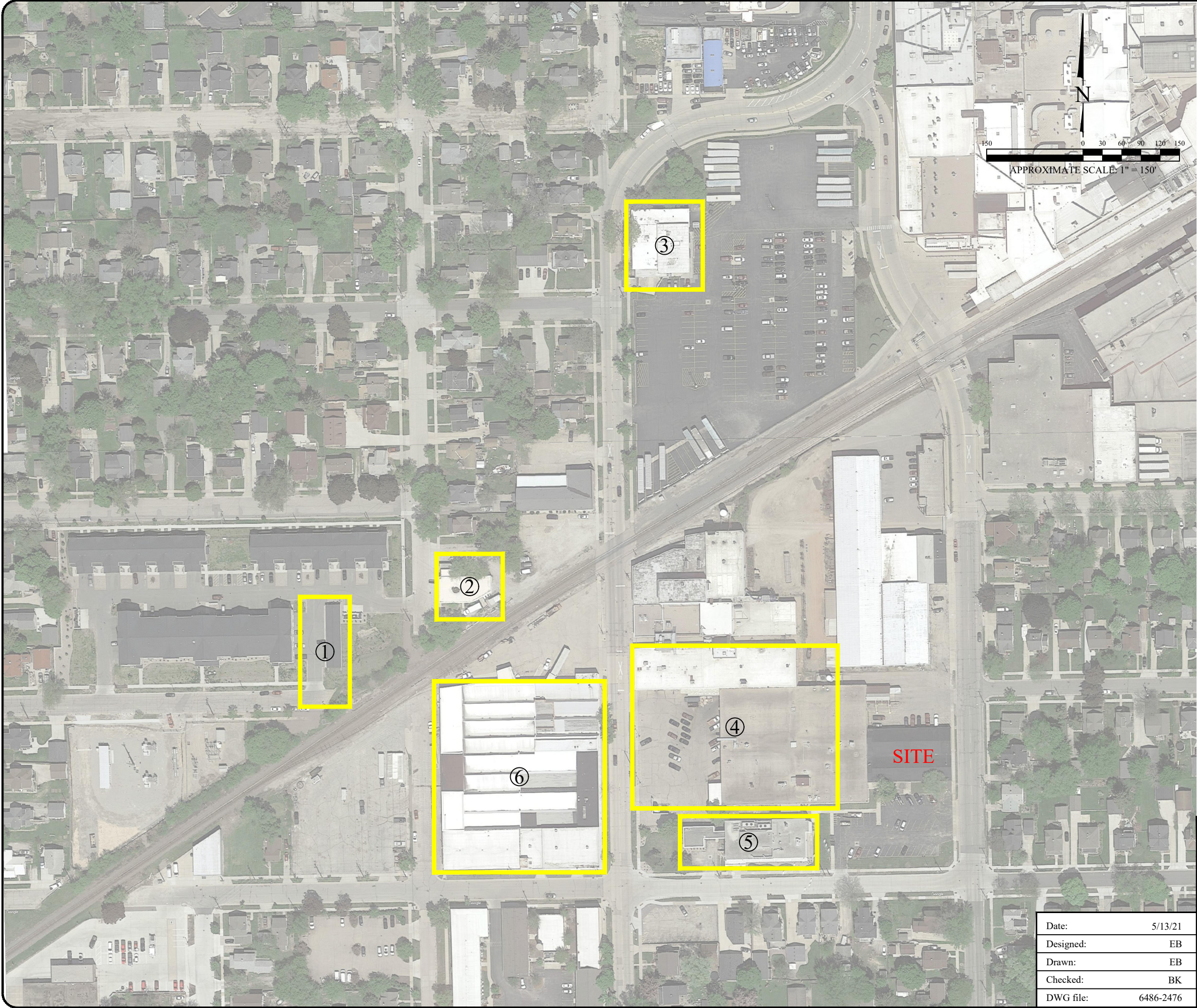
Albany International - Luvata Site
908 North Lawe Street
Appleton, Wisconsin

Date:	7/30/20
Designed:	EB
Drawn:	EB
Checked:	WF
DWG file:	6486-2303



825 North Capitol Avenue • Indianapolis, IN 46204
EnviroForensics.com

Figure	1
Project	6486



Legend

- ① Eagle Supply & Plastics (former) – 903 N. Union Street. Manufactured plastic components for food and beverage processing equipment.
- ② CD Products Inc. – 918 N. Union Street. Produces floor coating and joint filler products.
- ③ Appvion Laboratory – 1100 N. Lawe Street. Produces coated papers and packaging for a variety of industries including food service.
- ④ Luvata Appleton – 908 N. Lawe Street. Performs metal plating.
- ⑤ Appvion Laboratory – 714 E. Hancock Street. Produces coated papers and packaging for a variety of industries including food service.
- ⑥ Appleton Papers/Sulpaco West (former) – 600 E. Hancock Street. Produced a variety of paper products. These entities became Appvion.

LOCATIONS OF POTENTIAL CURRENT AND HISTORICAL PFAS USE IN INDUSTRIAL PROCESSES

Former Appleton Wire
 908 North Lawe Street
 Appleton, Wisconsin

Date:	5/13/21
Designed:	EB
Drawn:	EB
Checked:	BK
DWG file:	6486-2476



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 EnviroForensics.com

Figure	2
Project	6486

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

Form 4400-237 (R 9/15)

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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 Gaug	First Joseph	MI	Organization/ Business Name Albany International Corp
Mailing Address P.O. Box 1907			City Albany
			State NY
			ZIP Code 12201-1907
Phone # (include area code) (518) 445-2273	Fax # (include area code) (518) 935-9316	Email Joseph.Gaug@albint.com	

The requester 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
 Is a lender with a mortgagee interest in the Property
 Other. Explain the status of the Property with respect to the applicant:

General counsel for the responsible party.

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

Select if same as requester

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

Environmental Consultant (if applicable)

Contact Last Name Hoverman	First Rob	MI	Organization/ Business Name EnviroForensics LLC
Mailing Address N16W23390 Stone Ridge Dr, Suite G			City Waukesha
			State WI
			ZIP Code 53188
Phone # (include area code) (262) 290-4001	Fax # (include area code) (317) 972-7875	Email bkappen@enviroforensics.com	

Attorney (if applicable)

Contact Last Name Crass	First David	MI	Organization/ Business Name Michael Best
Mailing Address 1000 Maine Ave SW, Suite 400			City Washington
			State DC
			ZIP Code 20024
Phone # (include area code) (202) 595-7921	Fax # (include area code) (202) 347-1819	Email dacrass@michaelbest.com	

Property Owner (if different from requester)

Contact Last Name	First	MI	Organization/ Business Name
Mailing Address P.O. Box 1714			City Appleton
			State WI
			ZIP Code 54912
Phone # (include area code)	Fax # (include area code)	Email	

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

Form 4400-237 (R 9/15)

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Section 2. Property Information

Property Name Appleton Wire - Former		FID No. (if known) 445035910	
BRRTS No. (if known) 02-45-000015	Parcel Identification Number 311114500		
Street Address 908 N Lawe St	City Appleton	State WI	ZIP Code 54911
County Outagamie	Municipality where the Property is located <input checked="" type="radio"/> City <input type="radio"/> Town <input type="radio"/> Village of Appleton	Property is composed of: <input checked="" type="radio"/> Single tax parcel <input type="radio"/> Multiple tax parcels	Property Size Acres 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

Date requested by: _____

Reason: _____

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).

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

Form 4400-237 (R 9/15)

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- Skip Sections 4 and 5 if the technical assistance you are requesting is listed above and 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 - 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 $\frac{1}{4}$, $\frac{1}{4}$ 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.

Albany International Corp is seeking a general liability clarification per s. 292.55 Wis. Stats. regarding responsibility for PFAS detected at the property listed in Section 2. See attached memo and attachments for details and supporting information.

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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: Technical Memo regarding PFAS Assessment

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: Joseph Gaug

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.



Signature

05/21/2021

Date Signed

Regional Director

Title

414.630.0060

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

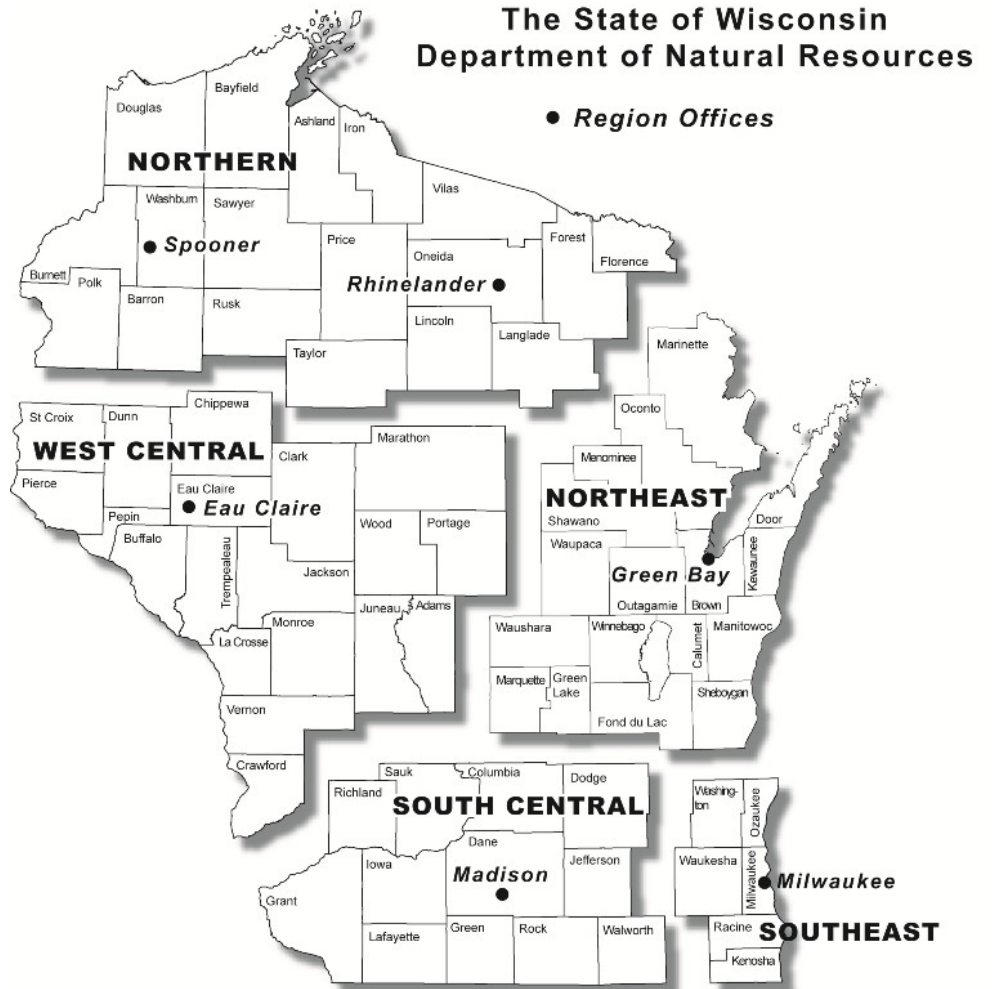
Attn: RR Program Assistant
Department of Natural Resources
3911 Fish Hatchery Road
Fitchburg WI 53711

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		