



Stantec Consulting Services Inc.
1165 Scheuring Road, De Pere, WI 54115

December 23, 2021

Ms. Jennifer Borski

Wisconsin Department of Natural Resources
625 East County Road Y, Suite 700
Oshkosh, WI 54901

**Reference: Liability Clarification Request – Donaldson’s One Hour Cleaners (Former)
110 West Cecil Street, Neenah, Wisconsin**

Dear Ms. Borski:

On behalf of the Community Development Authority of the City of Neenah (CDA), Stantec Consulting Services Inc. (Stantec) is requesting a Liability Clarification in association with the CDA’s plans to acquire the former Donaldson’s One Hour Cleaners Lot at 110 West Cecil Street, Neenah, Wisconsin (the Site/Property) from H&J Investments, LLC. A completed Wisconsin Department of Natural Resources (WDNR) Form 4400-237 is enclosed, and the associated fee will be mailed separately. The Site location is illustrated in Figure 1.

BACKGROUND INFORMATION

The Property consists of approximately 0.37 acres within the City of Neenah (the City) and is currently a vacant lot. The Property was formerly occupied by a single-story building which housed several commercial businesses including Donaldson’s One Hour Cleaners. The Property is zoned C1 General Commercial. The Site layout is illustrated in Figure 2. A copy of the certified survey map is included in Attachment A.

Chlorinated solvent contamination was identified in soil at the Site during November 1995, when Northern Environmental Inc. conducted a limited subsurface assessment. The assessment was triggered by the discovery of chlorinated solvent contamination at a gas station northeast of the Site. The WDNR was notified in February 1996 of the sampling results and subsequently assigned a Bureau of Remediation and Redevelopment identification number #02-71-110797 to the Site and requested an investigation be performed to determine the extent of chlorinated solvent contamination in soil and groundwater. During April 1999, Northern Environmental was hired by Donaldson’s One Hour Cleaners to complete the site investigation.

Based on soil sampling results, a fairly large area of soil containing chlorinated volatile organic compounds (CVOCs) exhibiting exceedances of the calculated migration to groundwater pathway limits remained at the Site and neighboring properties to the south and east. Smaller areas of soil containing CVOCs at concentrations in excess of hazardous characteristic limits remained beneath the southeast corner of the Site building and the northwest corner of the NAPA building south of the Site. The remaining soil contamination was mostly covered by asphalt parking lots and driveways or concrete floors of buildings.

The groundwater investigation identified a large, CVOC plume present in fractured dolomite bedrock. The northern extent of the plume appeared to be slightly north of West Cecil Street, the eastern extent near Commercial Street, the western extent slightly northeast of the NAPA property and the southern extent near Wright Avenue. The water table was found to be relatively flat near the Site, exhibiting a semi-radial flow direction to the north, east and south with the gradient south of the Site more pronounced, consistently exhibiting a southerly flow direction. Water elevation data collected from the piezometers indicated a south-southwesterly flow direction. Groundwater elevation data also indicated the water table exhibited significant seasonal fluctuations.

Based on initial investigation results, the WDNR requested implementation of expedited soil and groundwater remediation at the primary source area to inhibit further expansion of the contaminant plume. Source area remedial action included the excavation and disposal of 59.62 tons of soil classified as hazardous waste and installation and operation of a total fluids recovery system. The total fluids recovery system consisted of groundwater extraction and treatment, and a soil vapor extraction system pumping from one extraction well installed at the source area. Operation of the remedial system was initiated on July 25, 2001. Operation of the remedial system continued off and on through 2007 before being discontinued.

**Reference: Liability Clarification Request – Donaldson’s One Hour Cleaners Lot
110 West Cecil Street, Neenah, Wisconsin**

Additional site investigation activities continued at the Site through 2016. CVOCs were found to be present in soil, groundwater, and vapor beyond the source property. A zone of CVOCs in soil approximately 80 feet wide extends approximately 60 feet north and 60 feet south of the source property. The CVOCs are present in soil from near ground surface to the top of bedrock (approximately 15 feet below ground surface [bgs]). CVOCs are present in groundwater in an area approximately 150 to 400 feet wide and extending approximately 80 feet north of the property to approximately 900 feet south of the property. CVOCs are present in groundwater from the water table to depth of approximately 45 feet bgs. CVOCs are present in soil gas underneath the source property and neighboring property buildings including the residence at 116 West Cecil Street; Cranky Pat’s Pizzeria, 905 South Commercial Street; Cranky Pat’s Frozen Pizza Factory, 911 South Commercial Street; and Fastenal, 109 Curtis Avenue.

A case closure request was submitted to the WDNR on March 3, 2017. The WDNR denied the case closure request in a letter dated June 20, 2017, and required further site investigation, remediation, mitigation, disposal of investigation-derived waste, and submittal of another case closure request.

On November 19, 2019, the City of Neenah issued a raze order for the Site building. The remedial system and Site building were subsequently demolished in late March 2020. On February 25, 2020, and June 24, 2020, the Department of Natural Resources sent a notice of intent to incur expenses regarding an off-site vapor intrusion site investigation at Cranky Pat’s Pizza located at 905 South Commercial Street in Neenah (“Cranky Pat’s”) resulting from the removal of the vapor mitigation system and demolition of the on-site building at 110 West Cecil Street in Neenah. On June 24, 2020, the letter also included intentions for an off-site vapor intrusion site investigation at Commercial Square Apartments at 1015/1019 South Commercial Street in Neenah. Between November 2020 and March 2021, Enviroforensics was subcontracted by the WDNR to complete two vapor sampling events at each of the off-site locations.

At this time, the CDA is considering acquiring the Property from H&J Investments, LLC via blight elimination or deed in lieu of condemnation. Prior to acquiring the Property, the CDA is requesting a general liability clarification from the WDNR as it relates to the Property and its remaining soil and groundwater contamination.

LIABILITY CLARIFICATION

Prior to the CDA acquiring the Site, the CDA is requesting a liability clarification regarding the CDA’s future obligations, and their potential environmental liability associated with the Site. Specifically, the CDA would like clarification on the following:

- 1) Does the CDA’s process for acquiring the Property via blight elimination or deed in lieu of condemnation qualify the CDA for the LGU Liability Exemption in accordance with s. 292.11(9)(e) and 292.23(2), Stats?
- 2) The City would like the WDNR to provide its opinion as to whether the pending acquisition satisfies the criteria for the Bona Fide Prospective Purchaser Defense under Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) s. 107(r) and 101(40), for protection against liability under CERCLA s. 107(a)(1)?
- 3) The CDA understands that continued groundwater monitoring is needed at the Site. If the CDA qualifies for a LGU exemption, would the additional groundwater monitoring still be required? If yes, who would be responsible to pay for these activities.
- 4) If the CDA invokes their LGU exemption, would any further work including, but not limited to, a site investigation, vapor monitoring, remedial activities, or continuing obligations be required by the CDA/City to maintain the LGU exemption once it is achieved?
- 5) Will the CDA/City be eligible for brownfield grants and loans while the liability case is at Department of Justice and/or how may the personal bankruptcy affect a court decision on liability?



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**Reference: Liability Clarification Request – Donaldson’s One Hour Cleaners Lot
 110 West Cecil Street, Neenah, Wisconsin**

If you have any questions, please feel free to contact us at 920-655-7211 or via email.

Regards,

STANTEC CONSULTING SERVICES INC.

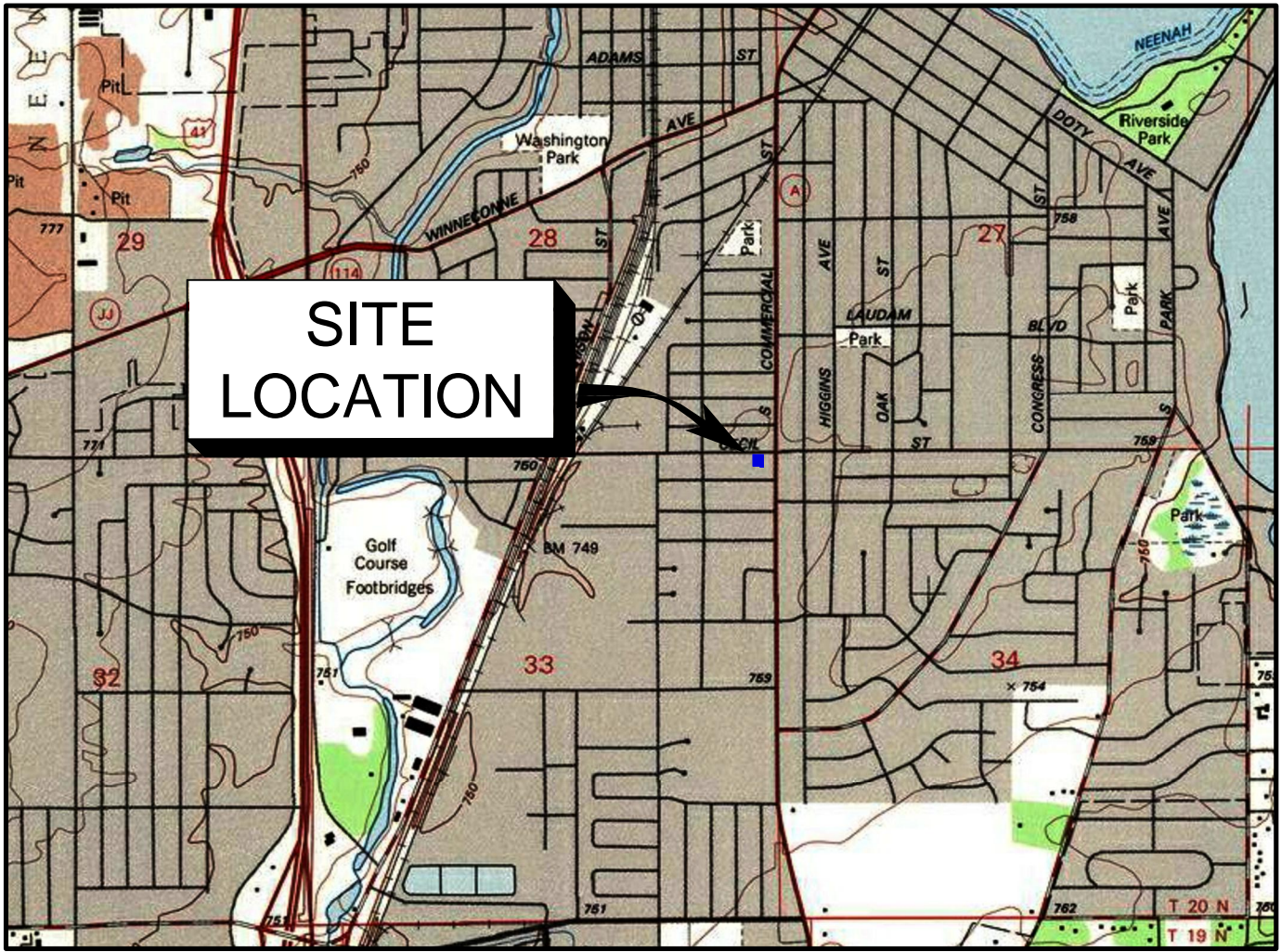
A handwritten signature in blue ink that reads 'Lynelle P. Caine'.

Lynelle P. Caine
Senior Project Manager
Tel: 920-655-7211
Lynelle.Caine@stantec.com

C: Chris Haese, Director of CDA

Enclosures: Figure 1 – Site Location and Local Topography
 Figure 2 – Site Layout
 Attachment A – Certified Survey Map

FIGURES



**SITE
LOCATION**

SCALE IN FEET

1" = 2000'



CONTOUR INTERVAL 10 FEET

NATIONAL GEODETIC VERTICAL DATUM OF 1929



QUADRANGLE LOCATION

BASE MAP SOURCE: USGS 7.5 MINUTE QUADRANGLE, NEENAH, WISCONSIN, 1992 (NATIONAL GEOGRAPHIC HOLDINGS, INC.)



1165 Scheuring Road, De Pere, Wisconsin 54115
Phone: 920-592-8400 Fax: 920-592-84844

**SITE LOCATION
& LOCAL TOPOGRAPHY**

DONALDSON'S ONE HOUR CLEANERS (FORMER)
PARCEL #80204150100
110 WEST CECIL STREET
NEENAH, WISCONSIN

This drawing and all information contained thereon is the property of Stantec. Stantec will not be held liable for improper or incorrect usage. Professional seals and signatures do not apply to electronic drawing files. The user assumes all responsibility and risk for the accuracy and verification of all information contained in electronic files.

DATE: 11/12/21	DRAWN BY: JRB	PROJECT MANAGER: LPC	PROJECT NUMBER: 193706450	FIGURE 1
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DONALDSON'S ONE HOUR CLEANERS (FORMER)
 PARCEL #80204150100
 110 WEST CECIL STREET
 NEENAH, WISCONSIN

WEST CECIL STREET

SOUTH COMMERCIAL STREET



SCALE IN FEET



LEGEND



APPROXIMATE PROPERTY LINE



1165 Scheuring Road, Green Bay, Wisconsin 54115
 Phone: 920-592-8400 Fax: 920-592-8444

This drawing and all information contained thereon is the property of Stantec. Stantec will not be held liable for improper or incorrect usage. Professional seals and signatures do not apply to electronic drawing files. The user assumes all responsibility and risk for the accuracy and verification of all information contained in electronic files.

SITE LAYOUT

DONALDSON'S ONE HOUR CLEANERS (FORMER)
 (PARCEL #80204150100)
 110 WEST CECIL STREET
 NEENAH, WISCONSIN

ATTACHMENT A CERTIFIED SURVEY MAP

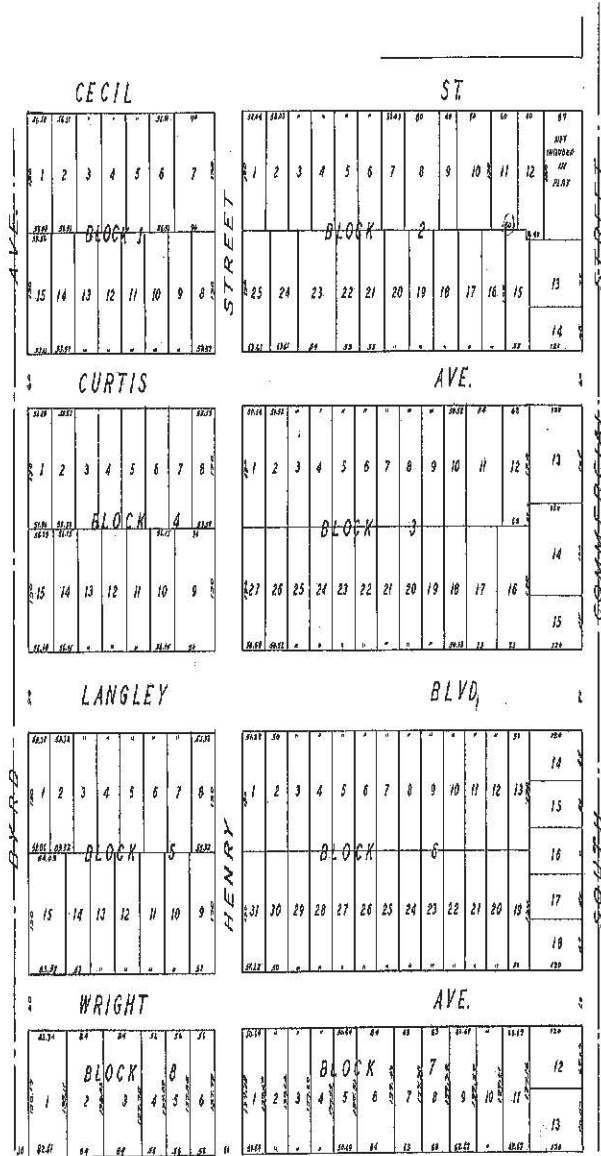
F.2. Certified Survey Map

REPLAT OF AIRPORT HEIGHTS

BEING IN NE 1/4 NE 1/4 SECTION 33-20-17
WINNEBAGO COUNTY, WIS.

SCALE 1" = 100'

6.



I, HENRY JENSEN, A SURVEYOR OF OSHKOSH, WISCONSIN, DO HEREBY CERTIFY AS FOLLOWS:

THAT THIS REPLAT IS DRAWN IN ACCORDANCE WITH A JUDGMENT OF THE CIRCUIT COURT OF WINNEBAGO COUNTY, WISCONSIN IN THE MATTER OF THE APPLICATION OF A CERTAIN PLAT, KNOWN AS AIRPORT HEIGHTS, UNDER THE PROVISIONS OF SECTION 235.17 OF THE WISCONSIN STATUTES FOR 1947.

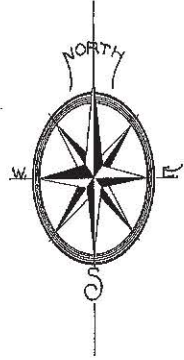
160505

REGISTERED - 1956
Winnebago County, Wis.
Inspected for record this 12th
day of June A.D. 1956
F. S. (Seal) Clerk and
Recorder in Vol. 22 of
1956.

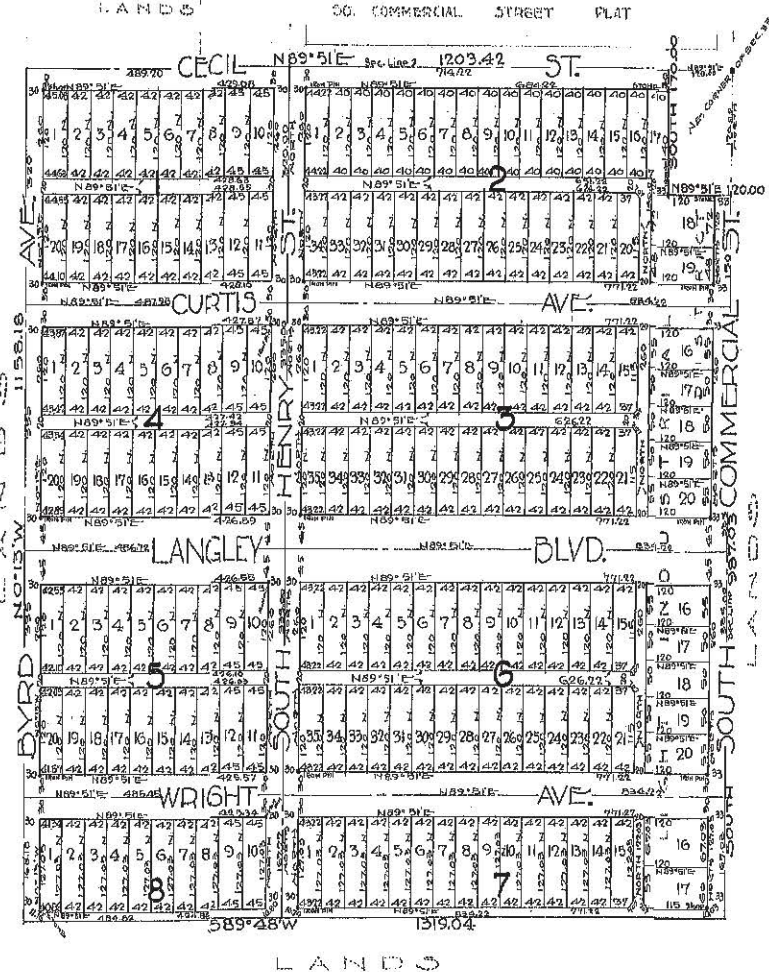
James H. Jensen
2-19-56
Judge of the Court

AIRPORT HEIGHTS

BEING A SUBDIVISION OF A PART OF THE NE 1/4 OF THE
NE 1/4 OF SEC. 33 T. 20 N. R. 17 E.
TOWN OF NEENAH - WINNEBAGO COUNTY,
WISCONSIN



SCALE 1 INCH = 100 FEET.



STATE OF WISCONSIN } 55
COUNTY OF MILWAUKEE }

I, H.C. WEBSTER do hereby certify that I have surveyed, subdivided and mapped AIRPORT HEIGHTS being a subdivision of a part of the NE 1/4 of the NE 1/4 of the NW 1/4 of SEC. 33, TOWN OF NEENAH, RANGE 17 EAST, TOWN OF NEENAH, WINNEBAGO COUNTY, WISCONSIN, bounded and described as follows, to-wit:
Commencing at a point in the east line of said 1/4 section 170.00' south of the N.E. corner of said 1/4 section, running thence south along the east line of said 1/4 section 397.05' to a point, thence S89°48'W 1919.00' to a point in the west line of the east 1/4 of said 1/4 section, thence N0°13'W, 1158.18' on and along the west line of the east 1/4 of said 1/4 section, to a point in the North line of said 1/4 section, thence N89°51'E along the North line of said 1/4 sec. 1203.42' to a point, thence South and parallel to the east line of said 1/4 section 170.00' to a point, thence N89°51'E and parallel to the North line of said 1/4 section 120.00' to the place of commencement.

That I have made such survey, subdivision and map by the order and direction of JOHN G. DALLANGE.
That I fully complied with the provisions of the Statutes relating to plats in surveying, subdividing and mapping land.
That the within map is a correct representation of all exterior boundaries of the land surveyed and of the divisions therein made.
H.C. Webster
Surveyor.
Milwaukee, Wisc. Dec. 3, 1929

STATE OF WISCONSIN } 55
COUNTY OF MILWAUKEE }

H.C. WEBSTER, being first duly sworn on oath deposes and says that he is the Surveyor who signed the foregoing certificate and that he now swears that all the contents of the same are true, and that he makes this affidavit as required by Law.
H.C. Webster

Subscribed and Sworn to before me this 3rd day of December, 1929.
Joseph J. Feltus
Notary Public, Milwaukee County, Wisconsin.
My Commission expires Sept 16, 1931

STATE OF WISCONSIN } 55
COUNTY OF MILWAUKEE }

JOHN G. DALLANGE hereby certifies that he is the owner of the above described land and that he has caused the land described in the foregoing certificate of H.C. Webster, the Surveyor thereof to be surveyed, subdivided and mapped as represented on the within map.
Signed and sealed in the presence of:
John G. Dallange
Chairman
Wm. J. ...
Witnesses.

STATE OF WISCONSIN } 55
COUNTY OF WINNEBAGO }

Personally came before me this 3rd day of December 1929, the above named John G. Dallange to me known to be the person who executed the foregoing instrument and acknowledged same.
Wm. J. ...
Notary Public, Winnebago County, Wisconsin.
My Commission expires May 31, 1931

RESOLVED, by the Common Council of the City of Neenah that the attached plat of AIRPORT HEIGHTS be and the same is hereby approved.
Passed this 4th day of Feb. 1931 A.D.
Approved this 4th day of Feb. 1931 A.D.
H.S. Zornlock
City Clerk

APPROVED, by the TOWN BOARD Town of Neenah, Winnebago County, WISCONSIN, this 3rd day of Dec. 1929 A.D.
Chairman
Wm. J. ...
Attest
John G. Dallange
Town Clerk.

STATE OF WISCONSIN } 55
COUNTY OF WINNEBAGO }
I, H. S. Zornlock, City Clerk of the City of Neenah, hereby certify that the above and foregoing is a true and correct copy of a resolution of the City of Neenah.
H.S. Zornlock
City Clerk

APPROVED, by the County Surveyor of the County of Winnebago, WISCONSIN, this 3rd day of Dec. 1929 A.D.
Wm. J. ...
COUNTY SURVEYOR.

Handwritten notes and signatures at the bottom right of the page.

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 Haese	First Chris	MI	Organization/ Business Name Community Development Authority of the City of Neenah
Mailing Address 211 Walnut Street			City Neenah
			State WI
			ZIP Code 54956
Phone # (include area code) (920) 886-6127	Fax # (include area code) (920) 886-6129	Email chaese@ci.neenah.wi.us	

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:

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

Select if same as requester

Contact Last Name Haese	First Chris	MI	Organization/ Business Name Community Development Authority of the City of Neenah
Mailing Address 211 Walnut Street			City Neenah
			State WI
			ZIP Code 54956
Phone # (include area code) (920) 886-6127	Fax # (include area code) (920) 886-6129	Email chaese@ci.neenah.wi.us	

Environmental Consultant (if applicable)

Contact Last Name Caine	First Lynelle	MI	Organization/ Business Name Stantec
Mailing Address 1165 Scheuring Road			City DePere
			State WI
			ZIP Code 54115
Phone # (include area code) (920) 655-7211	Fax # (include area code) (920) 592-8444	Email lynelle.caine@stantec.com	

Attorney (if applicable)

Contact Last Name Godlewski	First Jim	MI	Organization/ Business Name City Attorney, City of Neenah
Mailing Address PO Box 426			City Neenah
			State WI
			ZIP Code 54957
Phone # (include area code) (920) 886-6106	Fax # (include area code) (920) 886-6109	Email JGodlewski@ci.neenah.wi.us	

Property Owner (if different from requester)

Contact Last Name Donaldson	First Craig	MI	Organization/ Business Name H&J Investments LLC
Mailing Address N2018 Domain Drive			City Kaukauna
			State WI
			ZIP Code 54130
Phone # (include area code)	Fax # (include area code)	Email donacraig@gmail.com	

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 Donaldsons One Hour Cleaners (Former)		FID No. (if known)	
BRRTS No. (if known) 02-71-110797	Parcel Identification Number 80204150100		
Street Address 110 West Cecil Street	City Neenah	State WI	ZIP Code 54956
County Winnebago	Municipality where the Property is located <input checked="" type="radio"/> City <input type="radio"/> Town <input type="radio"/> Village of Neenah	Property is composed of: <input checked="" type="radio"/> Single tax parcel <input type="radio"/> Multiple tax parcels	Property Size Acres 0

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: 01/31/2022

Reason: Potential acquisition of the property.

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 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.

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

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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 attached letter with background information and specific questions in regards to the liability clarification.

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

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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: CDA of the City of Neenah

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

12/23/2021
Date Signed

Senior Project Manager

(920) 655-7211

Title

Telephone Number (include area code)

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

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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

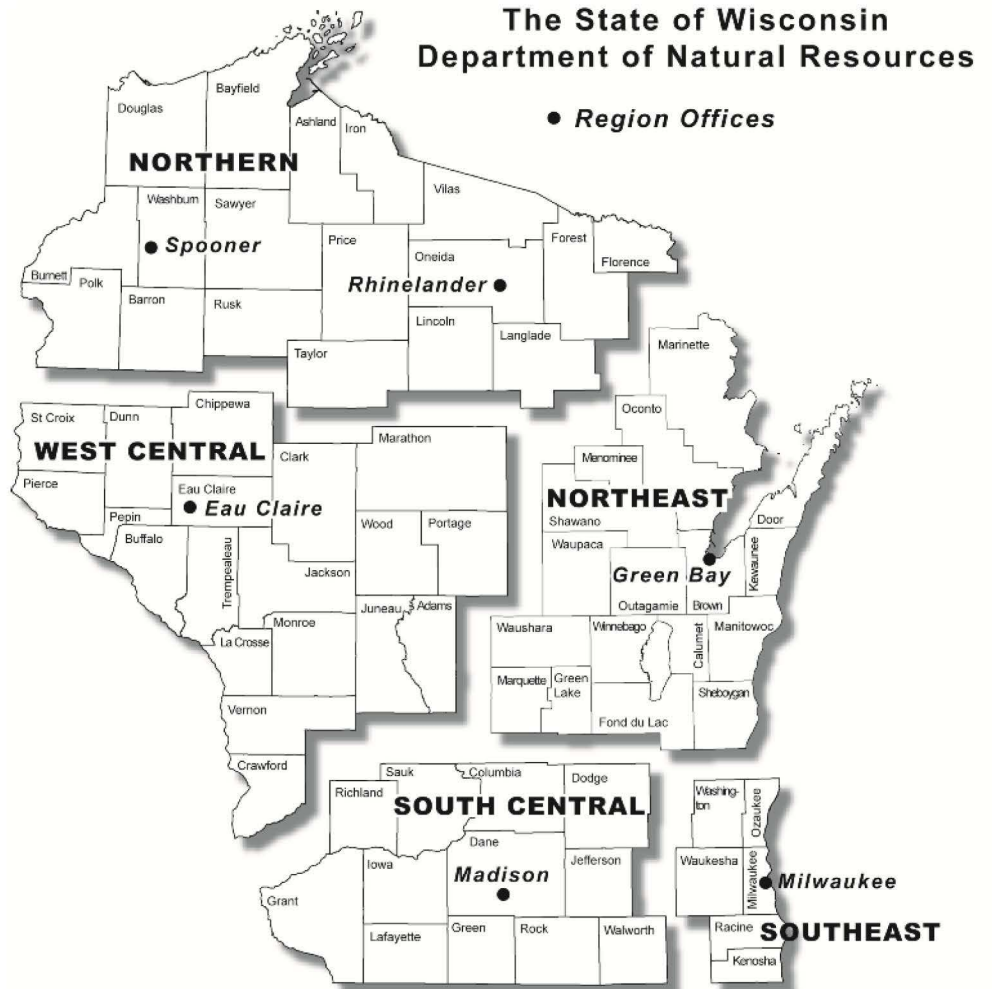
Attn: RR Program Assistant
Department of Natural Resources
3911 Fish Hatchery Road
Fitchburg WI 53711

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		