

March 13, 2017

Mr. Jeff Ackerman
Wisconsin Department of Natural Resources
3911 Fish Hatchery Road
Fitchburg, Wisconsin 53711

RE: WDNR BRRTS No. 03-28-176509
Sediment Remediation Work Plan and
Contained out Hazardous Waste Determination Request
DB Oak Facility, 700-710 Oak Street, Ft. Atkinson, Wisconsin

Dear Mr. Ackerman:

On behalf of Gardner Denver, enclosed for review is a Remediation Site Hazardous Waste Determination Request (WDNR Form 4430-019) for sediment remediation at the DB Oak facility. Also included are sediment sample results, a “contained out” evaluation, and our proposed scope of work and schedule for sediment remediation.

1.0 SEDIMENT SAMPLE COLLECTION AND RESULTS

As described in the June 7, 2015 Groundwater Monitoring Report, between December 2014 and March 2016 chlorinated volatile organic compounds (VOCs) were detected in surface water at the storm water outfall at the southeast corner of the DB Oak property near the MW-2 well nest. These results indicate that shallow groundwater contaminated with chlorinated VOCs (tetrachloroethene, trichloroethene, cis-1,2-dichloroethene, vinyl chloride) discharge to a storm drain east of the DB Oak facility building. To further evaluate contamination from the storm drain, sediment sample SED-1 was collected on October 7, 2015 at the storm drain outfall at the southwest corner of the DB Oak property. VOCs were detected in this sample and results were presented in the November 12, 2015 Work Plan along with recommendations for additional sediment sample collection. To further evaluate lateral extent of sediment contamination at the down stream drainage swale borings were proposed within 5-feet of the outfall, and at distances 15 and 25 feet to the south. Three sediment samples per boring were proposed at intervals 0.5 and 1.5, 2 and 4, and between 5 and 6 feet below grade to evaluate the vertical extent of contamination.

On March 23, 2016 three borings (SED-2, SED-3, and SED-4) were advanced at distances 5, 10, and 25 feet south of the outfall. Samples were collected between 0.5 and 2.0 feet below the base of the drainage swale at all three borings. Deeper samples (between 2.0 and 4.0 feet below grade) were also collected at SED-3 and SED-4; gravel and a large boulder encountered at SED-2 prevented samples collection below two feet. Two feet of soft silty clay material with abundant plant debris was encountered overlying a stiff silty clay layer. Very stiff native clay soil prevented the collection of additional samples below four feet.

Following review of March sediment sample results additional samples were collected on April 8, 2016 to further characterize sediment contamination. A deep sample was collected at SED-1 (between 2 and 4 feet below grade) to characterize the vertical extent of contamination at the outfall. Two additional boring (SED-5 and SED-6) were advanced 45 and 65 feet south of the outfall to further characterize the lateral and vertical extent of contamination. Samples were collected between 0.5 and 2 feet and 2 and 4 feet at SED-5 and SED-6. All samples were analyzed for VOCs, and sediment sample results are summarized in Table 1.

As shown in Table 1, chlorinated VOCs were detected at high concentrations in shallow samples at SED-1, SED-2, SED-3, and SED-4. Lower concentrations were detected in shallow samples at SED-5 and SED-6, and in deep samples at SED-1, SED-3, SED-4, and SED-6. Contamination at the outfall area was likely caused by historic releases at the east side of the DB Oak building, conveyed through the storm drain to the drainage swale. Sediment sample results indicate contamination is concentrated within the upper most two feet of soft silty clay material at the outfall, and decline with depth distance from the outfall. This sediment contamination likely contributes to VOCs in surface water. A stiff silty clay unit encountered between 2 and 4 feet likely limits the vertical migration of contaminants. However, long-term seepage beneath the drainage swale may contribute to groundwater contamination at the MW-2 well nest.

2.0 WASTE PROFILE SAMPLE COLLECTION AND ANALYSIS

Contaminated sediment removal was recommended in the June 2016 Groundwater Monitoring Report. To facilitate off-site disposal of contaminated sediment, another sediment sample was collected to develop a waste disposal profile for off-site disposal. The ‘SED-1 Profile’ sample was collected on September 1, 2016 at the outfall near SED-1 and submitted to Northern Lake Services, Inc. for analyses. This sample was analyzed for all constituents included on the Advanced Disposal’s Emerald Park Landfill Protocol II Acceptance Limits list. Landfill acceptance limits and SED-1 Profile sample results are summarized in Table 2, and the laboratory report is included in Attachment A.

3.0 CONTAINED OUT EVALUATION

As shown in Table 1 tetrachloroethene (PCE), trichloroethene (TCE), and vinyl chloride were detected at concentrations below WDNR’s health based “Contained-Out” values¹. SED-1 Profile results in Table 2 are below the landfill acceptance limits. These results also indicate that soil is not hazardous by characteristic per Wisconsin Administrative Code sections NR 620.21 through 620.24. Because chlorinated VOCs (i.e. PCE and TCE) can be considered listed hazardous waste, additional evaluation is needed before a ‘contained out’ waste determination can be made.

¹ “*Contained-Out*” Values for PCE, TCE, and Vinyl Chloride, WDNR Publication RR 969, December 2013

The contained out evaluation follows.

With respect to hazardous waste determination WDNR guidance², policy states the following:

Both State and Federal rules require the generator of a solid waste to determine whether that waste is a hazardous waste. This requirement (see s. 291.21, Stats.) applies to contaminated media and other waste generated during remediation activities, as well as process wastes. There are 2 major ways that contaminated environmental media can become a hazardous waste. The first is if the media contains a listed hazardous waste, and the second is if the media exhibits a hazardous characteristic. In either case it is the waste generator's responsibility to determine if the media is by definition a hazardous waste. This can be accomplished by either testing the material using the methods set out in ch. NR 661, or by "applying knowledge". Unfortunately, no specific guidance exists on the criteria to use when applying knowledge, especially for contaminated media and therefore these decisions need to be made on a case-by-case basis. However, EPA has issued general guidance on how to make case-by-case determinations and these are summarized below.

With respect to listed wastes, WDNR guidance, policy states the following:

Chapter NR 661 Subchapter D includes a series of tables that identify certain waste streams that are, by definition, hazardous wastes. For example, spent cyanide plating bath solutions from electroplating operations are defined as an F007 listed hazardous waste and spent halogenated solvents used for degreasing are defined as F001 listed wastes. These "F" listed wastes are hazardous wastes from non-specific sources. There are also "K" listed wastes that are hazardous wastes from specific sources. An example is K106 that is wastewater treatment sludge from the mercury cell process in chlorine production.

The rules also contain a list of commercial chemical products and manufacturing chemical intermediates such as benzene or trichloroethylene (TCE) that would be considered listed hazardous waste if a person discards or intends to discard these products or intermediates. These would be considered either "U" listed or "P" listed wastes depending on the compound. Further, wastes or media derived from the treatment of a listed hazardous waste would be considered listed hazardous waste. As an example, activated carbon being used to treat groundwater contaminated with a listed hazardous waste would be considered listed hazardous waste under the "derived from" rule. Finally, solid wastes or environmental media that are mixed with listed hazardous waste are also considered hazardous waste under the "mixture rule".

As discussed earlier, the "contained-in" policy states that contaminated environmental media is not itself a hazardous waste but requires management as a hazardous waste if it contains a listed waste or exhibits a hazardous characteristic. In remedial situations, it is

² *Guidance For Hazardous Waste Remediation, RR-705, Wisconsin Department of Natural Resources Bureau for Remediation and Redevelopment and Waste and Materials Management, May, 2006.*

often difficult to determine the source of contamination. EPA guidance indicates: “Where a facility owner/operator makes a good faith effort to determine if the material is a listed hazardous waste but cannot make such a determination because documentation regarding the source of contamination, contaminant or waste is unavailable or inconclusive, one may assume the source, contaminant or waste is not a listed hazardous waste”. The EPA guidance goes on to say: “Therefore, provided the material in question does not exhibit a characteristic of hazardous waste, RCRA requirements do not apply”.

Gardner Denver believes contaminated sediment should not be classified as a hazardous waste. SED-1 Profile results indicate that all contaminant concentrations are below the appropriate regulatory levels and therefore the excavated material can be managed as a solid waste. The following good faith effort supports this conclusion.

Site History

The DB Oak facility is currently used as a warehouse, but was historically used for manufacturing. Residential lighting fixtures were manufactured at the facility by Moe Brothers Manufacturing beginning in 1939. Moe Brothers Manufacturing changed its name to Moe Lighting and was acquired by Thomas Industries³ in 1948. Lighting fixtures continued to be manufactured at the facility until the early 1980’s. Thomas sold the facility in 1985. The Wand Corporation (Wand) subsequently utilized the facility to manufacture storm doors and windows beginning in 1985, but vacated the building by 1992 reportedly after filing for bankruptcy. The building is currently leased for warehouse space by Storage Space Solutions. Office and garage areas at the south end of the building previously occupied by 5 Alarm Fire & Safety Inc. are currently leased by Riedl & Son Exterior Specialist. The Fort Atkinson Kennel Club also leases space at the west side of the building.

In an August 28, 1985 letter to Wand, RMT, Inc. identified a 10,000 gallon above ground storage tank (AST) that was used to store PCE, and an 18,000 gallon underground storage tank (UST) that held No. 2 fuel oil. The Wisconsin Department of Natural Resources (WDNR) subsequently performed a generator inspection on March 27, 1986, when the facility was occupied by Wand. This inspection was completed by Wendell Wojner of the WDNR and described in an April 1986 memo; no hazardous waste was observed during the inspection. The inspection report indicated that the site had been decontaminated prior to remodeling the building. Decontamination included the removal of all hazardous waste stored on site, and the decontamination and removal of wastewater treatment tanks and degreasers. An electroplating line had been dismantled, and a new concrete floor installed; the old concrete floor had also been removed and transported off-site for disposal. A foundation for a large AST remained on site at the rear of the building, but the tank had been removed.

During a March 16, 1994 Phase I Environmental Site Assessment (ESA), Gabriel Midwest found no evidence of the fuel oil UST. It also observed that the AST that held PCE was absent, but

³ Thomas Industries was acquired by Gardner Denver in 2006.

confirmed that the concrete AST cradle remained on-site. In March 1995 ATEC Associates Inc. (ATEC) completed a Phase II ESA at the facility to identify potential releases from the former fuel oil UST, PCE AST, and a former 500 gallon gasoline UST; the latter was not identified in previous reports. The Phase II ESA consisted of the collection of soil and groundwater samples from Geoprobe borings. Trace levels of petroleum constituents (ethylbenzene, toluene, and xylenes) along with low concentrations of metals (arsenic, barium, chromium, and lead) were detected in soil and groundwater at various locations on the facility property. PCE and associated degradation products were also detected in soil and groundwater samples collected along the east and south sides of the facility building. These compounds were detected at concentrations several orders of magnitude above regulatory standards. Results were presented in a Phase II ESA report dated April 1995.

Hazardous Waste Determination

Per WDNR guidance the generator of a contaminated media is responsible for determining if the material is a hazardous waste. Determining if contaminated media is regulated as a hazardous waste depends on whether the contaminant was a waste or product at the time of the release, the date the release occurred, and if the contaminated media will be actively managed. The following is a brief explanation of the steps evaluated to make a waste determination per WDNR guidance. This process follows the flow chart included with WDNR guidance⁴ used to determine when a contaminated media is defined as hazardous waste.

Step 1 – The first step a responsible party or waste generator needs to take is to determine if the media was contaminated by material meeting the definition of a listed hazardous waste or commercial chemical product. As previously discussed, this requires a good faith effort to determine the source of the contamination (see attached Remediation Site Hazardous Waste Determination form). If information on the source of the contamination is unavailable or inconclusive, the responsible party or waste generator may assume that the media is not contaminated by a listed hazardous waste

Though chlorinated VOCs may be considered a listed waste per NR 661.33, there is no information regarding a source of contamination for VOCs detected in soil, groundwater, and sediment samples at the DB Oak property. Soil and groundwater samples collected during previous investigations identified source areas at the east side of the facility building years after manufacturing operation by Thomas Industries ceased. There are no known records regarding generation or disposal of chlorinated VOCs waste related to historic manufacturing that meet the definition of a listed hazardous waste.

Don't know – move on to Step 1a.

⁴ See Figures 1 of *Guidance For Hazardous Waste Remediation, RR-705, Wisconsin Department of Natural Resources Bureaus for Remediation and Redevelopment and Waste and Materials Management, May, 2006.*

Step 1a. – If the answer under Step 1 is no, (the media is not contaminated by a listed hazardous waste) then the responsible party or waste generator must make the same good faith effort to determine if the source of the contamination was from the release of a characteristic waste after the waste was defined as hazardous. If the material was a characteristic hazardous waste at the time it was released, e.g., the answer to this step is yes, go to Step 1c.

There are no known records regarding generation or disposal of chlorinated VOCs wastes related to historic manufacturing that meet the definition of hazardous waste

Don't know – move on to Step 1b.

Step 1b. – If the answer under Step 1a. is no, (the source of contamination was not a characteristic hazardous waste) the next step is to determine whether the media will be managed in-situ or ex-situ. If management is to take place in-situ (for example, remediation is proposed to take place using a soil vapor extraction system), then active management has not occurred and the media would not be considered hazardous waste. The responsible party would follow the NR 700 process to evaluate the effectiveness of the remedy and to determine when the site is ready for closure. As discussed earlier, process wastes generated during the treatment of contaminated media must be managed in accordance with all applicable environmental regulations

Soil will be managed ex-situ.

If management of the media will take place ex-situ (for example, excavation and off-site disposal) then the generator would need to determine if the media exhibits a hazardous characteristic through testing or applying knowledge.

Gardner Denver believes the soil should not be classified as a hazardous waste. SED-1 Profile results indicate that all contaminant concentrations are below the appropriate regulatory levels and therefore the excavated material can be managed as a solid waste. A completed Remediation Site Hazardous Waste Determination form (WDNR Form 4430-019) is included in Attachment B along with Technical Assistance Request (WDNR Form 4400-237) and required review fee.

4.0 SEDIMENT REMOVAL AND OFF-SITE DISPOSAL

Gardner Denver intends to remove contaminated sediment in the open drainage swale and transport the material to an off-site landfill for proper disposal. Sediment remediation will consist of the removal of approximately 110 to 120 cubic yards of contaminated sediment as follows:

- Excavation of contaminated sediment from approximately 150 liner feet of drainage swale between the outfall near MW-2 to the culvert beneath the rail line at the west side of Lorman Street;
- Contaminated sediment will be removed from the base of the drainage swale (approximately ten feet wide) to a depth of 2 feet;

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SHANNON & WILSON, INC.

- Contaminated sediment will be temporally stockpiled and dewatered (if needed) at the parking lot area at the southeast corner of the DB Oak property;
- Pending landfill approval, contaminated sediment will then be transported to Advanced Disposal Mallard Ridge landfill facility in Delavan, Wisconsin.
- The drainage swale will be restored by placing a minimum of 12-inches of ½-inch to ¾ inch stone at the base, and
- Tree limbs and shrubs will be removed as necessary for access to sediment removal areas with excavation equipment.

5.0 SCHEDULE

Gardner Denver intends to remove contaminated following WDNR approval. It is anticipated that one to two weeks will be required for sediment removal and site restoration.

If you have any questions please call me at (608) 442-5223 extension 8157.

Sincerely,

SHANNON & WILSON, INC.



Mark S. McColloch, P.G.
Senior Associate

cc: Mr. John M. Van Lieshout, Reinhart Boerner Van Deuren S.C.

Attachments

Table 1	Site Investigation Sediment Sample Results
Table 2	Hazardous Waste Determination Sediment Sample Results
Attachment A	Laboratory Report – SED-1 Profile Sample Results
Attachment B	Site Hazardous Waste Determination form (WDNR Form 4430-019) and Technical Assistance, Environmental Liability Clarification or Post-Closure Modification Request (WDNR Form 4400-237)

Table 1
Site Investigation Sediment Sample Results
DB Oak Facility, Fort Atkinson, Wisconsin

Location		SED-1	SED-1	SED-2	SED-2	SED-3	SED-3	SED-4	SED-4	SED-5	SED-5	SED-6	SED-6	
Depth (feet)		0.5 - 1.0	2.0 - 4.0	0.5 - 2.0	2.0 - 4.0	0.5 - 2.0	2.0 - 4.0	0.5 - 2.0	2.0 - 4.0	0.5 - 2.0	2.0 - 4.0	0.5 - 2.0	2.0 - 4.0	
Sample Date		7-Oct-15	8-Apr-16	23-Mar-16	23-Mar-16	23-Mar-16	23-Mar-16	23-Mar-16	23-Mar-16	8-Apr-16	8-Apr-16	8-Apr-16	8-Apr-16	
Distance from Outfall (feet)		0	0	5	5	15	15	25	25	45	45	65	65	
Constituent	Contained Out Value*													
Chlorobenzene	--	<61>	<22	1,500	Refusal - No Sample Collected	220	<22	<110	<22	<22	<22	<22	<22	
1,2-Dichlorobenzene	--	<53>	<19	2,500		700	<19	<97	<19	<19	<19	<19	<19	<52>
1,1-Dichloroethene	--	<60>	<21	<210		<42	<21	<110	<21	<21	<21	<21	<21	<21
cis-1,2-Dichloroethene	--	18,000	<20	8,300		540	<20	1,500	<35>	170	<20	<20	<20	<20
trans-1,2-Dichloroethene	--	290	<19	<190		<38	<19	<96	<19	<19	<19	<19	<19	<19
Ethylbenzene	--	180	<27	1,100		200	<27	<140	<27	<27	<27	<27	<27	<27
Isopropylbenzene	--	<31	<20	<200		<76>	<20	<99	<20	<20	<20	<20	<20	<20
p-Isopropyltoluene	--	<73>	<18	<180		<76>	<18	<92	<18	<18	<18	<18	<18	<18
Methylene chloride	--	<64>	<19	<190		<37	<19	<83	<19	<19	<19	<19	<19	<19
Naphthalene	--	<99>	<37	<370		<75	<37	<190	<37	<37	<37	<37	<37	<37
n-Propylbenzene	--	<88>	<20	<200		<39	<20	<98	<20	<20	<20	<20	<20	<20
Tetrachloroethene	153,000	96,000	120	28,000		5,700	<50>	27,000	460	790	<20	540	<33>	<33>
Toluene	--	210	<19	1,000		<37	<19	<94	<19	<19	<19	<19	<19	<19
1,1,2-Trichloroethane	--	<28	<22	<220		<44	150	<110	<22	<22	<22	100	<22	<22
Trichloroethene	8,800	14,000	<29	2,600		570	<29	4,400	<29	<72>	<29	<29	<29	<29
Trichlorofluoromethane	--	450	<16	<160		<32	<16	<80	<16	<16	<16	<16	<16	<16
1,2,4-trimethylbenzene	--	210	<16	<610>		190	<16	<120	<23	<23	<23	<23	<23	<23
1,3,5-trimethylbenzene	--	<75>	<22	<220		<43	<22	<110	<22	<22	<22	<22	<22	<22
Vinyl chloride	2,000	1,200	<17	<410>		<34	<17	<86	<17	<56>	<17	<17	<17	<17
o-Xylene	--	180	<19	1,300		230	<19	<93	<19	<19	<19	<19	<19	<19
meta, para-Xylene	--	490	<39	2,900	580	<39	<200	<39	<39	<39	<39	<39	<39	
Percent Solids	--	61.2	89.1	61.7	61.6	88.3	76.3	86.3	57.3	83.9	61.7	84.1	84.1	

* "Contained-Out Values" for PCE, TCE, and vinyl chloride, WDNR Publication RR 969, December 2013.
All units reported in µg/kg.

**Table 2
Hazardous Waste Determination Sediment Sample Results
DB Oak Facility, Fort Atkinson, Wisconsin**

Constituent	Landfill Acceptance Limit	SED-1 Profile Results
General Parameters		
pH (pH Units)	2.0 ≤ pH ≤ 12.5	8.1
Free Liquids	No Free Liquids	--
Acidity (Percent)	If pH < 4	< 17%
Alkalinity (Percent)	If pH > 10	11%
Flash Point	> 140° F	> 140° F
Phenol	< 2,000 mg/l	2.8 mg/kg
Reactive Cyanide	< 250 mg/l	< 0.10 mg/kg
Reactive Sulfide	< 500 mg/l	110 mg/kg
Percent Chlorine	< 1 percent	< 0.017%
PCBs	< 50 ppm	3.3 mg/kg
GRO	--	3.5 mg/kg
DRO	--	18 mg/kg
TCLP Metals		
Arsenic	< 5.0 mg/l*	< 0.06 mg/l
Barium	< 100.0 mg/l*	0.97 mg/l
Cadmium	< 5.0 mg/l*	0.042 mg/l
Chromium	< 5.0 mg/l*	0.088 mg/l
Copper	< 200.0 mg/	0.19 mg/l
Lead	< 5.0 mg/l*	0.54 mg/l
Mercury	< 0.2 mg/l*	< 0.00047 mg/l
Nickel	< 35.0 mg/l	1.4 mg/l
Selenium	< 1.0 mg/l*	< 0.085 mg/l
Silver	< 5.0 mg/l*	< 0.0037 mg/l
Zinc	< 500.0 mg/l	10 mg/l
TCLP List Organic Compounds		
Benzene	< 0.5 mg/l*	< 0.00024 mg/l
Carbon Tetrachloride	< 0.5 mg/l*	< 0.00016 mg/l
Chlorobenzene	< 100 mg/l*	< 0.00025 mg/l
Chloroform	< 6.0 mg/l	< 0.00022 mg/l
o-Cresol (2-Methylphenol)	< 200.0 mg/l*	< 0.0046 mg/l
m-Cresol	3 & 4-Methylphenol	< 0.0078 mg/l
p-Cresol		
1,4-Dichlorobenzene	< 7.5 mg/l*	< 0.00027 mg/l
1,2- Dichloroethane	< 0.5 mg/l*	< 0.00022 mg/l
1,1-Dichloroethylene	< 0.7 mg/l*	< 0.00020 mg/l
2,4-Dinitrotoluene	< 0.13 mg/l*	< 0.0048 mg/l
Hexachlorobenzene	< 0.13 mg/l*	< 0.0034 mg/l
Hexachloro-1,3,butadiene	< 0.5 mg/l*	< 0.0027 mg/l
Hexachloroethane	< 3.0 mg/l*	< 0.0057 mg/l
Methyl Ethyl Ketone	< 200.0 mg/l*	0.0065 mg/l
Nitrobenzene	< 2.0 mg/l*	< 0.003 mg/l
Pentachlorophenol	< 100 mg/l*	< 0.0058 mg/l
Pyridine	< 5.0 mg/l*	< 0.0025 mg/l
Tetrachloroethylene	< 0.7 mg/l*	0.011 mg/l
Trichloroethylene	< 0.5 mg/l*	0.0015 mg/l
2,4,5-Trichlorophenol	< 400.0 mg/l*	< 0.0044 mg/l
2,4,6-Trichlorophenol	< 2.0 mg/l*	< 0.0036 mg/l
Vinyl Chloride	< 0.2 mg/l*	0.00047 mg/l

* Maximum Concentration of Contaminants for the Toxicity Characteristic per Table 2 Wis. Admin. Code § NR 661.24.

Attachment A

**Laboratory Report
SED-1 Profile Sample Results**

NORTHERN LAKE SERVICE, INC.
 Analytical Laboratory and Environmental Services
 400 North Lake Avenue - Crandon, WI 54520
 Ph: (715)-478-2777 Fax: (715)-478-3060

ANALYTICAL REPORT

WDNR Laboratory ID No. 721026460
 WDATCP Laboratory Certification No. 105-330
 EPA Laboratory ID No. WI00034
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Client: Shannon & Wilson, Inc.
 Attn: Mark McColloch, P.G.
 6506 Schroeder Road, Suite 201
 Madison, WI 53711

NLS Project: 266549
 NLS Customer: 104721

Fax: 608 442 9013 Phone: 608 442 5223
 PO # 42-1-37320-003

Project: DB Oak

Sed-1 Profile NLS ID: 942886

COC: 206146:1 Matrix: SO
 Collected: 09/01/16 16:15 Received: 09/02/16

Parameter	Result	Units	Dilution	LOD	LOQ	Analyzed	Method	Lab
Percent Acidity	ND	% DWB	1	17*	55*	10/12/16	AAG TST-62901	241249360
Percent Alkalinity	11	% DWB	1	3.0	11	10/12/16	SM2320B 1997	241249360
Percent Chlorine	ND	% DWB	1	0.017	0.052	09/14/16	EPA 8260C	157066030
Cyanide, reactive	ND	mg/Kg DWB	1	0.10	0.30	09/30/16	EPA 9014 & Chap 7	632021390
pH, lab (soil/sludge)	8.1	s.u. pHw	1		*	09/02/16	SW846 9045	721026460
Phenols (on solid)	[2.8]	mg/Kg DWB	1	1.6	5.3	09/06/16	5530 D-2005	721026460
Solids, total on solids	61.5	%	1	0.10*		09/07/16	SM 2540-G 20ed	721026460
Sulfide, reactive	110	mg/Kg DWB	1	18	58	09/30/16	EPA 9034 & Chap 7	632021390
Water, Free EPA 9095	5.0	mL/100g	1	1.0*		09/06/16	SW846 9095	721026460
TCLP Extraction	yes					09/13/16	SW846 1311	721026460
TCLP Zero Head Space Extraction	yes					09/13/16	SW846 1311	721026460
Flashpoint	>140.0	Deg. F	1		*	09/12/16	EPA 1010	157066030
PCBs (solid) by SW846 8082	see attached					09/29/16	SW846 8082	721026460
GRO (soil)	3.5	mg/Kg DWB	1	0.51	1.7	09/13/16	WI(95)GRO Sept 95	721026460
	spike-95%, duplicate-102%, surrogate-94%							
DRO (soil)	18	mg/Kg DWB	1	1.3*	4.4*	09/19/16	WI(95)DRO Sept 95	721026460
	spike-90%, duplicate-107%, surrogate-100%							
Organics Extraction (Soil) for PCBs	yes					09/15/16	SW846 3546	721026460
Organics Extraction (DRO SOIL)	yes					09/09/16	WI(95)DRO Sept 95	721026460

TCLP Sed-1 Profile NLS ID: 942887

COC: 206146 Matrix: EX
 Collected: 09/14/16 08:30 Received: 09/14/16

Parameter	Result	Units	Dilution	LOD	LOQ	Analyzed	Method	Lab
Arsenic, tot. recoverable on extract as As by ICP	ND	ug/L	10	60*	190*	09/15/16	SW846 6010	721026460
Barium, tot. recoverable on extract as Ba by ICP	970	ug/L	10	25*	50*	09/15/16	SW846 6010	721026460
Cadmium, tot. recoverable on extract as Cd by ICP	42	ug/L	10	1.4	4.5	09/15/16	SW846 6010	721026460
Chromium, tot. recoverable on extract as Cr by ICP	88	ug/L	10	6.7	20	09/15/16	SW846 6010	721026460
Copper, tot. recoverable on extract as Cu by ICP	190	ug/L	10	13	40	09/15/16	SW846 6010	721026460
Lead, tot. recoverable on extract as Pb by ICP	540	ug/L	10	15	49	09/15/16	SW846 6010	721026460
Mercury by CVAA	ND	ug/L	1	0.47	1.5	09/23/16	EPA 245.1, Rev 3	721026460
Nickel, tot. recoverable on extract as Ni by ICP	1400	ug/L	10	11	34	09/15/16	SW846 6010	721026460
Selenium, tot. recoverable on extract as Se by ICP	ND	ug/L	10	85	270	09/15/16	SW846 6010	721026460
Silver, tot. recoverable on extract as Ag by ICP	ND	ug/L	10	3.7	12	09/15/16	SW846 6010	721026460
Zinc, tot. recoverable on extract as Zn by ICP	10000	ug/L	10	50	100	09/15/16	SW846 6010	721026460
Metals digestion - tot. recov. ICP	yes					09/14/16	SW846 3005M	721026460
TCLP VOC by EPA Method 8260B	see attached					09/20/16	SW846 8260	721026460
Acid/Base Extraction for GC/MS	yes					09/14/16	SW846 3510C	721026460
Semi-Volatiles TCLP by EPA Method 8270C	see attached					09/23/16	SW846 8270	721026460

MeOH Trip Blank NLS ID: 942888

COC: 206146 Matrix: TB
 Collected: 09/01/16 00:00 Received: 09/02/16

Parameter	Result	Units	Dilution	LOD	LOQ	Analyzed	Method	Lab
GRO (soil)	ND	mg/Kg DWB	1	0.51	1.7	09/13/16	WI(95)GRO Sept 95	721026460
	spike-95%, duplicate-102%, surrogate-93%							

NORTHERN LAKE SERVICE, INC.
Analytical Laboratory and Environmental Services
400 North Lake Avenue - Crandon, WI 54520
Ph: (715)-478-2777 Fax: (715)-478-3060

ANALYTICAL REPORT

WDNR Laboratory ID No. 721026460
WDATCP Laboratory Certification No. 105-330
EPA Laboratory ID No. WI00034

Printed: 10/13/16 Page 2 of 2

Client: Shannon & Wilson, Inc.
Attn: Mark McColloch, P.G.
6506 Schroeder Road, Suite 201
Madison, WI 53711

NLS Project: 266549

NLS Customer: 104721


Fax: 608 442 9013 Phone: 608 442 5223
PO # 42-1-37320-003

Project: DB Oak

Values in brackets represent results greater than or equal to the LOD but less than the LOQ and are within a region of "Less-Certain Quantitation". Results greater than or equal to the LOQ are considered to be in the region of "Certain Quantitation". LOD and/or LOQ tagged with an asterisk(*) are considered Reporting Limits. All LOD/LOQs adjusted to reflect dilution and/or solids content.

ND = Not Detected (< LOD) LOD = Limit of Detection LOQ = Limit of Quantitation NA = Not Applicable
DWB = Dry Weight Basis %DWB = (mg/kg DWB) / 10000 1000 ug/L = 1 mg/L
MCL = Maximum Contaminant Levels for Drinking Water Samples. Shaded results indicate >MCL.

Reviewed by:



Authorized by:
R. T. Krueger
President

ANALYTICAL RESULTS: PCBs by GC

Customer: Shannon & Wilson, Inc. NLS Project: 266549 PO # 42-1-37320-003

Project Description: DB Oak

Project Title: Template: PCBS Printed: 10/13/2016 11:12

Sample: 942886 Sed-1 Profile Collected: 09/01/16 Analyzed: 09/29/16 - 61.5%Solids Analytes: 8

ANALYTE NAME	RESULT	UNITS DWB	DIL	LOD	LOQ	Note
PCB-1016	ND	ug/Kg	10	50	160	MS
PCB-1221	ND	ug/Kg	10	110	380	
PCB-1232	ND	ug/Kg	10	64	210	
PCB-1242	ND	ug/Kg	10	42	140	
PCB-1248	ND	ug/Kg	10	31	99	
PCB-1254	2500	ug/Kg	10	76	250	
PCB-1260	840	ug/Kg	10	61	200	MS
Total PCBs	3300	ug/Kg	10	61	200	
TCMX (SURR)	76%					S

NOTES APPLICABLE TO THIS ANALYSIS:

S = This compound is a surrogate used to evaluate the quality control of a method.

CL = The extract was subjected to florisil cleanup by SW846 Method 3620 and sulfur cleanup by SW846 Method 3660 before analysis.

IV = Initial extract is 2.04 grams.

MS = Matrix spike recovery was outside QC limits.

PCB-1016 recovered below QC limits.

PCB-1260 recovered below QC limits.

The matrix spike recovered below QC limits due to the sample matrix.

ANALYTICAL RESULTS: Semi-Volatile Organic TCLP Compounds by GC/MS

Page 1 of 1

Customer: Shannon & Wilson, Inc. NLS Project: 266549 PO # 42-1-37320-003

Project Description: DB Oak

Project Title: Template: SVTCLP Printed: 10/13/2016 11:12

Sample: 942887 TCLP Sed-1 Profile Collected: 09/14/16 Analyzed: 09/23/16 - Analytes: 12

Notes: HX

ANALYTE NAME	RESULT	UNITS	DIL	LOD	LOQ	Note
Pyridine	ND	ug/L	5	2.5	8.4	
2-Methylphenol (o-Cresol)	ND	ug/L	5	4.6	17	
3 & 4-Methylphenol (m/p-Cresol)	ND	ug/L	5	7.8	26	
Nitrobenzene	ND	ug/L	5	3.0	10	
1,4-Dichlorobenzene	ND	ug/L	5	4.5	15	
2,4,6-Trichlorophenol	ND	ug/L	5	3.6	12	
2,4,5-Trichlorophenol	ND	ug/L	5	4.4	15	
2,4-Dinitrotoluene	ND	ug/L	5	4.8	16	
Hexachlorobutadiene	ND	ug/L	5	2.7	8.8	
Hexachloroethane	ND	ug/L	5	5.7	19	
Hexachlorobenzene	ND	ug/L	5	3.4	11	
Pentachlorophenol	ND	ug/L	5	5.8	19	
2-Fluorophenol (SURR)	40%					S
Phenol-d5 (SURR)	24%					S
Nitrobenzene-d5 (SURR)	66%					S
2-Fluorobiphenyl (SURR)	67%					S
2,4,6-Tribromophenol (SURR)	73%					S
Terphenyl-d14 (SURR)	51%					S

NOTES APPLICABLE TO THIS ANALYSIS:

S = This compound is a surrogate used to evaluate the quality control of a method.

HX = A dilution was required due to complex sample matrix.

IV = Initial extract is 200 mL.

ANALYTICAL RESULTS: VOC's by P&T/GCMS - TCLP - (VarSat2000)

Page 1 of 1

Customer: Shannon & Wilson, Inc. NLS Project: 266549 PO # 42-1-37320-003

Project Description: DB Oak

Project Title:

Template: SATTCLP Printed: 10/13/2016 11:12

Sample: 942887 TCLP Sed-1 Profile Collected: 09/14/16 Analyzed: 09/20/16 - Analytes: 11

ANALYTE NAME	RESULT	UNITS	DIL	LOD	LOQ	Note
Benzene	ND	ug/L	1	0.24	0.84	
Carbon Tetrachloride	ND	ug/L	1	0.16	0.55	
Chlorobenzene	ND	ug/L	1	0.25	0.87	
Chloroform	ND	ug/L	1	0.22	0.78	
1,4-Dichlorobenzene	ND	ug/L	1	0.27	0.95	
1,2-Dichloroethane	ND	ug/L	1	0.22	0.78	
1,1-Dichloroethene	ND	ug/L	1	0.20	0.69	
Tetrachloroethene	11	ug/L	1	0.22	0.78	
Trichloroethene	1.5	ug/L	1	0.32	1.1	
Vinyl chloride	[0.47]	ug/L	1	0.17	0.60	J
Methyl ethyl ketone	6.5	ug/L	1	0.57	2.0	
Dibromofluoromethane (SURR)	105%					S
Toluene-d8 (SURR)	122%					S
1-Bromo-4-Fluorobenzene (SURR)	101%					S

NOTES APPLICABLE TO THIS ANALYSIS:

J = Result enclosed in brackets is between LOD and LOQ, a region of less certain quantitation.

S = This compound is a surrogate used to evaluate the quality control of a method.

AMPLE COLLECTION AND CHAIN OF CUSTODY RECORD

NORTHERN LAKE SERVICE, INC.

CLIENT *SHANNON & WILSON*

ADDRESS *6506 Schroeder Road, Suite 201*

CITY *Madison* STATE *WI* ZIP *53711*

PROJECT DESCRIPTION / NO. *WB OAK* QUOTATION NO.

DNR FID # _____ DNR LICENSE # _____

CONTACT *Mark McIlloch* PHONE *608/442-5223*

PURCHASE ORDER NO. *42-1-37320-003* FAX _____

Wisconsin DNR cert ID
721026460 (Cran) / 268533760 (Wauk)
Wisconsin DATCP ID
105-000330 (Cran) / 105-000479 (Wauk)

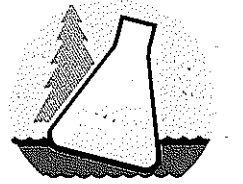
Analytical Laboratory and Environmental Services
400 North Lake Avenue • Crandon, WI 54520-1298
Tel: (715) 478-2777 • Fax: (715) 478-3060

MATRIX:
SW = surface water
WW = waste water
GW = groundwater
DW = drinking water
TIS = tissue
AIR = air
SOIL = soil
SED = sediment
PROD = product
SL = sludge
OTHER

USE BOXES BELOW: Indicate Y or N if GW Sample is field filtered.
Indicate G or C if WW Sample is Grab or Composite.

ANALYZE PER ORDER OF ANALYSIS

20	NP	NP	NP	NP	NP	120ml							
<i>1.0 L amber glass</i>	<i>1.000 L amber glass</i>	<i>2000 ml plastic</i>	<i>1.25 ml plastic</i>	<i>60 ml glass</i>	<i>600 ml glass</i>								



NO. 206146

ITEM NO.	NLS LAB NO.	SAMPLE ID	COLLECTION		MATRIX (See above)	ANALYZE PER ORDER OF ANALYSIS							COLLECTION REMARKS (i.e. DNR Well ID #)	
			DATE	TIME		20	NP	NP	NP	NP	NP	120ml		
1.	<i>042886</i>	<i>SED-1 PROFILE</i>	<i>09/1/16</i>	<i>1615</i>	<i>SOIL</i>	<i>2</i>	<i>1</i>	<i>3</i>	<i>1</i>	<i>2</i>	<i>2</i>			
2.	<i>887</i>													
3.	<i>888</i>													
4.														
5.														
6.														
7.														
8.														
9.														
10.														

COLLECTED BY (signature) <i>Mark McIlloch</i>	CUSTODY SEAL NO. (IF ANY)	DATE/TIME <i>09-01-16 1615</i>	REPORT TO <i>Mark McIlloch</i>
RELINQUISHED BY (signature) <i>Mark McIlloch</i>	RECEIVED BY (signature) <i>UPS</i>	DATE/TIME <i>09-01-16 1800</i>	<i>Shannon & Wilson, Inc.</i>
DISPATCHED BY (signature) <i>TCLP metals, TCLP Vols, and TCLP SVOCs (per state lab) PCBs, GPO, and DRO</i>	METHOD OF TRANSPORT	DATE/TIME	<i>6506 Schroeder Road, Suite 201</i>
RECEIVED AT NLS BY (signature) <i>Timothy Pease</i>	DATE/TIME <i>9-16-16 10:00</i>	CONDITION <i>ONICE</i>	TEMP.
COOLER #	REMARKS & OTHER INFORMATION		
PRESERVATIVE: NP = no preservative S = sulfuric acid	N = nitric acid Z = zinc acetate M = methanol	OH = sodium hydroxide HA = hydrochloric & ascorbic acid H = hydrochloric acid	WDNR FACILITY NUMBER
		E-MAIL ADDRESS	

INVOICE TO

Same as above

IMPORTANT

- TO MEET REGULATORY REQUIREMENTS, THIS FORM **MUST** BE COMPLETED IN DETAIL AND INCLUDED IN THE COOLER CONTAINING THE SAMPLES DESCRIBED.
- PLEASE USE ONE LINE PER SAMPLE. **NOT** PER BOTTLE.
- RETURN THIS FORM WITH SAMPLES - CLIENT MAY KEEP YELLOW COPY.
- PARTIES COLLECTING SAMPLE, LISTED AS **REPORT TO** AND LISTED AS **INVOICE TO** AGREE TO STANDARD TERMS & CONDITIONS ON REVERSE.

Rev. 7/20/15

DUPLICATE COPY

Attachment B

**Site Hazardous Waste
Determination (WDNR Form 4430-019) and
Technical Assistance, Environmental Liability
Clarification or Post-Closure Modification
Request (WDNR Form 4400-237)**

Notice: This voluntary form is intended as an aid for use by Generators and Responsible Parties in determining whether *contaminated soil or groundwater and wastes* encountered or generated during the remediation of contaminated sites in Wisconsin are or would be listed or characteristic hazardous wastes subject to regulation under ch. 291, Wis. Stats. and chs. NR 600 to 690, Wis. Adm. Code. There are no penalties for failure to provide information requested. Personally identifiable information collected will be used for program management. Wisconsin's Open Records law requires the Department to provide this information upon request [ss. 19.31 - 19.69, Wis. Stats.].

Listing determinations are often particularly difficult in the remedial context because the listings are generally identified by the sources of the hazardous wastes rather than the concentrations of various hazardous constituents. Therefore, analytical testing alone, without information on a waste's source, will not generally produce information that will conclusively indicate whether a given waste is a listed hazardous waste. Generators and Responsible Parties should use available site information such as material safety data sheets (MSDS's), manifests, vouchers, bills of lading, sales and inventory records, accident reports, spill reports, inspection reports, and other available information. It may also be necessary to conduct interviews of current or former personnel who would have knowledge of the processes and hazardous materials used including waste handling or past spills in an effort to ascertain the sources of wastes or contaminants.

Where a person makes a good faith effort to determine if a material is a listed hazardous waste but cannot make such a determination because documentation regarding a source of contamination, contaminant, or waste is unavailable or inconclusive, EPA has stated that one may assume the source, contaminant or waste is not listed hazardous waste and, therefore, provided the material in question does not exhibit a characteristic of hazardous waste, RCRA requirements do not apply.

Generator Information	
Generator's Name Gardner Denver (a.k.a Thomas Industries and Gardner Denver)	Preparer's Name Mark McColloch
Address 1800 Gardner Expressway	Address 6506 Schroeder Road, Suite 201
City, State and ZIP Code Quincy, Illinois 62305	City, State and ZIP Code Madison, Wisconsin 53711
Telephone Number (217) 222-5400 ext. 8157	Telephone Number (608) 442-5223 ext. 8157
Site Information	
Site Name D.B. Oak	Other name(s) site is known by Former Thomas Industries facility
Address 700 - 710 Oak Street	County Jefferson
Located in the City, Town or Village ZIP Code Fort Atkinson, Wisconsin 53711	

Hazardous Waste Determination Information Reviewed

Listed Hazardous Waste Determination

Manifests reviewed <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> None Found <input checked="" type="checkbox"/> None Available	Vouchers reviewed <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> None Found <input checked="" type="checkbox"/> None Available
Bills of lading reviewed <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> None Found <input checked="" type="checkbox"/> None Available	Sales and inventory records reviewed <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> None Found <input checked="" type="checkbox"/> None Available
Material safety data sheets <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> None Found <input checked="" type="checkbox"/> None Available	Accident reports reviewed <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> None Found <input checked="" type="checkbox"/> None Available
Spill reports reviewed <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> None Found <input checked="" type="checkbox"/> None Available	Inspection reports reviewed <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> None Found <input checked="" type="checkbox"/> None Available
DNR's case files reviewed <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> None Found <input checked="" type="checkbox"/> None Available	Interviewed current and/or former employees who are likely to know about the use and/or disposal of the chemical or waste of concern (not just managers). <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> None Found <input checked="" type="checkbox"/> None Available

Remediation Site
Hazardous Waste Determination

Form 4430-019 (R 4/03)

Page 2 of 2

Hazardous Waste Determination Information Reviewed (continued)

Other information considered (provide description)

Yes No None Found None Available

PCE, TCE, cis-1,2-DCE and vinyl chloride were detected in surface water at the storm water outfall near the MW-2 well nest in December 2014. Consequently additional samples were collected between March 2015 and March 2016 concurrent with quarterly groundwater samples. PCE, TCE, cis-1,2-DCE, and vinyl chloride were measured in storm water discharging to the drainage swale. Surface water sample results indicate that contaminated shallow groundwater discharges to a storm drain east of the DB Oak facility building. To further evaluate VOC contamination at the outfall, a shallow sediment sample (SED-1) was also collected at the outfall in October 2015 and analyzed for VOCs. Additional sediment samples were subsequently collected to identify the lateral and vertical extent of sediment contamination. Six borings were advanced on March 23 and April 8, 2016. VOCs were detected in sediment samples collected from borings advanced at the drainage swale between 0 and 65 feet south of the outfall. Elevated VOCs were detected in shallow samples collected at the outfall (SED-1), and at distance 5-feet (SED-2), 15-feet (SED-3), and 25-feet (SED-4). Low concentrations were detected in shallow samples collected 45-feet (SED-5) and 65-feet (SED-6), and in deep samples collected at SED-1, SED-3, SED-4, and SED-6. Shallow samples were collected between 0.5 and 2 feet and between 2 and 4 feet below grade. Sediment results indicate elevated VOC contamination is within the upper most two feet of soft silty clay material. Concentrations decline with distance from the outfall and with depth. Sediment contamination at the outfall likely contributes to VOCs in surface water. A stiff silty clay unit encountered between 2 and 4 feet likely limits the vertical migration of contaminants. Contaminated sediment likely resulted from historic releases at the east side of the DB Oak building conveyed through the storm drain to the outfall and drainage swale.

Characteristic Hazardous Waste Determination

Identified location(s)

Sediment samples SED-1 through SED-6 were collected from the drainage swale at the southeast corner of the DB Oak property as described above. SED-1 through SED-6 samples were analyzed for VOCs. Sediment sample SED-1 Profile was collected on September 1st, 2016 and analyzed for Protocol II parameters (flash point, reactive cyanide, reactive sulfide, TCLP metals, TCLP VOCs, TCLP SVOCs, PCBs, GRO, and DRO) to determine if sediment exhibits any characteristics of hazardous waste.

Testing results

VOCs detected in SED-1 through SED-6 samples are summarized in Table 1 (attached). PCE, TCE, and vinyl chloride are below WDNR's health based "Contained-Out" values. SED-1 Profile results are below the landfill acceptance limits, and also indicate that soil is not hazardous by characteristic per Wisconsin Administrative Code sections NR 620.21 through 620.24.

Certification

I certify that the information documented above in the "Information reviewed to make a hazardous waste determination" section was developed and used as part of a good faith effort to make a hazardous waste determination. Reasonable diligence was used in collecting the information, evaluating the information, and using the compiled information. I certify that this document is true and correct to the best of my knowledge, and that I have authority to make this certification.

Name and Title

MARK S. McCOLLICH, Senior Associate AGENT FOR GENERAL DENVER

Signature

Mark McCollich

Date

03-13-17

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)

Page 2 of 6

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 McColloch	First Mark	MI	Organization/ Business Name Shannon & Wilson
Mailing Address 6506 Schroeder Road, Suite 201			City Madison
			State WI
			ZIP Code 53711
Phone # (include area code) (608) 442-5223	Fax # (include area code)	Email msm@shanwil.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:

Consultant / Agent for previous owner.

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

Select if same as requester

Contact Last Name Mark McColloch	First Mark	MI S	Organization/ Business Name Shannon & Wilson
Mailing Address 6506 Schroeder Road, Suite 201			City Madison
			State WI
			ZIP Code 53711
Phone # (include area code) (608) 442-5223	Fax # (include area code)	Email msm@shanwil.com	

Environmental Consultant (if applicable)

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

Property Owner (if different from requester)

Contact Last Name Randy	First Knox	MI	Organization/ Business Name DB Oak Ltd. Partnership
Mailing Address 700 Oak Street			City Fort Atkinson
			State WI
			ZIP Code 53538
Phone # (include area code) (414) 573-9800	Fax # (include area code)	Email	

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

Form 4400-237 (R 9/15)

Page 3 of 6

Section 2. Property Information

Property Name DB Oak		FID No. (if known)	
BRRTS No. (if known) 03-28-176509	Parcel Identification Number		
Street Address 700-710 Oak Street	City Fort Atkinson	State WI	ZIP Code 53538
County Jefferson	Municipality where the Property is located <input checked="" type="radio"/> City <input type="radio"/> Town <input type="radio"/> Village of	Property is composed of: <input checked="" type="radio"/> Single tax parcel <input type="radio"/> Multiple tax parcels	Property Size Acres

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)

Page 4 of 6

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 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: Sediment Remediation Work Plan/Contained out Hazardous Waste Determin

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.

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

Form 4400-237 (R 9/15)

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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: Mark S. McColloch

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.

Mark S. McColloch
Signature

03-13-17
Date Signed

Senior Associate
Title

608/442-5223 ext. 8157
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

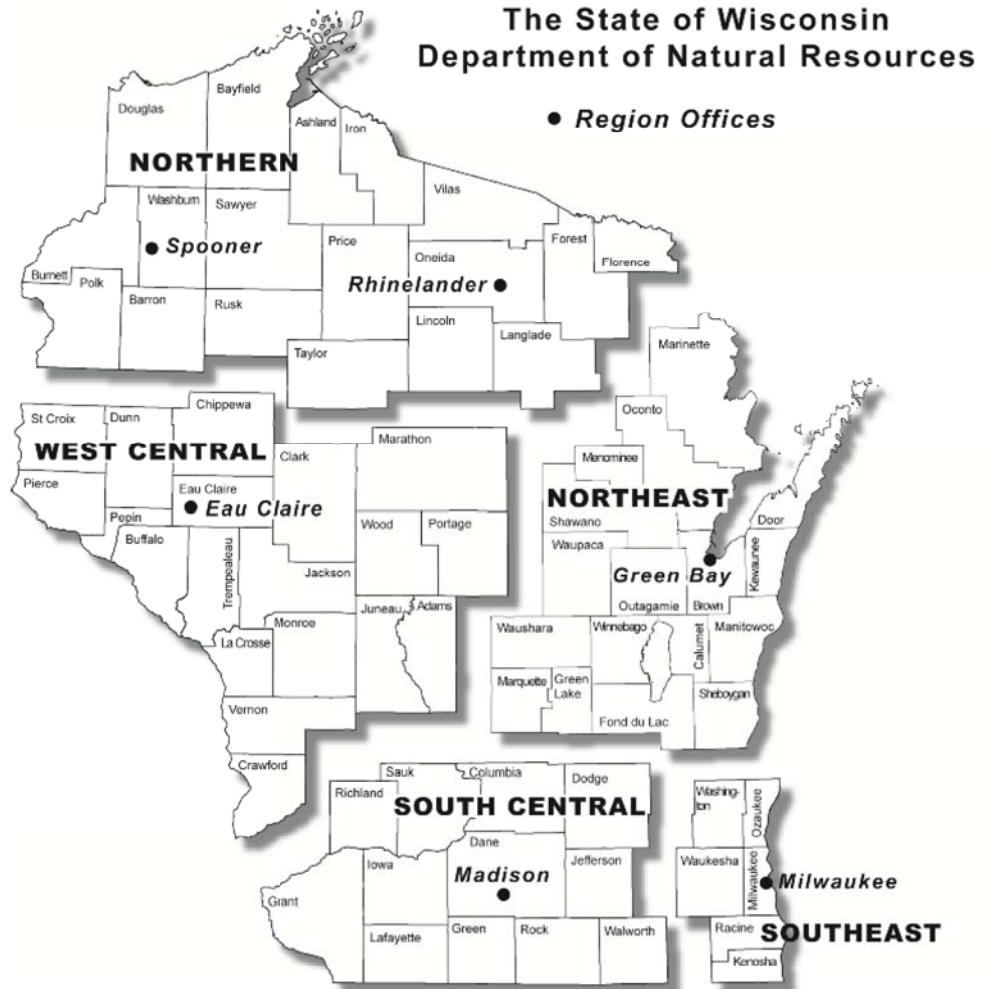
Attn: RR Program Assistant
Department of Natural Resources
3911 Fish Hatchery Road
Fitchburg WI 53711

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		