07-69-537876

Terracon
Consulting Engineers & Scientists
2277 West Spencer Street
Appleton, Wisconsin 54914
Phone 920.993.9096
Fax 920.993.9108
www.terracon.com

December 15, 2004

Wisconsin Department of Natural Resources
P.O. Box 10448
Green Bay, Wisconsin 54307-0448

FEE RECEIVED
Weissbach $500.-
Date 12-20-04
WDNR - NER

RECEIVED
DEC 20 2004
NER WASTE/RR

Attention: Ms. Annette Weissbach

Re: Request for Liability Clarification Letter
Moore-O-Matic Facility
Waupaca, Wisconsin
Terracon Project No. 38017612
WDNR BRRTS No. 02-69-271026

Dear Ms. Weissbach:

On October 5, 2004, the approved subdivision of the above-referenced site was officially recorded. The site, which has been impacted by volatile organic compounds (VOCs), has been subdivided into the two distinct properties (Lots 1 and 2) depicted in the attached certified survey map provided by Harris and Associates, Inc. The Chamberlain Group, Inc., which owns both properties, plans to sell Lot 1 to ThyssenKrupp Waupaca, Inc.

On behalf of ThyssenKrupp Waupaca, Inc. and The Chamberlain Group, Inc., and per s.292.55(1)(a), Wis. Stats., Terracon is submitting this letter to respectfully request a Liability Clarification Letter for a prospective purchaser. The Liability Clarification Letter shall be addressed to ThyssenKrupp Waupaca, Inc.

The $500 fee for the letter, payable to the Wisconsin Department of Natural Resources (WNDR), is enclosed, along with an off-site exemption application form, Form 4400-201. Because the environmental conditions originated from activities on Lot 2, the letter should affirm that ThyssenKrupp Waupaca, Inc., the new owner of Lot 1, will not be held responsible.

Terracon

Please contact our office if you have questions or require additional information. The property transfer is planned to occur soon. Therefore, the interested parties would appreciate your prompt issuance of the letter.

Sincerely
Terracon

Jason B. Lowery
Hydrogeologist

Blaine R. Schroyer, P.E.
Office Manager

Attachments – CSM of Lots 1 and 2
Form 4400-201 and $500 Check

JBL/BRS:jbl/N:\01\38017612.MooreOMatic\LiabilityClarificationRequest.doc

Copies to: Mr. Mark Tone, Chamberlain
Ms. Emily Colantino, Jones Day

State of Wisconsin
Department of Natural Resources
Box 7921, Madison, WI 53707-7921

Off-Site Discharge Exemption Request Application

Form 4400-201 (8/98)

Notice: Persons requesting an off-site discharge exemption letter ("off-site letter") from the Remediation and Redevelopment Program, as provided in s. 292.13, Wis. Stats., must provide the information requested on this application. Personally identifiable information collected may be used for purposes other than that for which it was originally collected. Under Wisconsin's open records laws, DNR is required to provide all non-confidential information to any person who requests it. Such information may be provided to the public in written or electronic form.

Instructions:

Throughout this application, "Property" refers to a property which has been impacted by hazardous substances that migrated from an off-site source.

1. Fill out separate forms if more than one person is requesting an off-site letter for the Property
2. Attach a check made payable to the DNR to this application form to cover Department review costs. To obtain current information on fees, call (800) 367-6076 for in-state long distance or (608) 264-6020 for out-of-state or local calls.
3. Return completed form to the DNR Regional office where the Property is located. The locations of Regional offices are listed at the end of this form.

Applicant Information - Person Requesting Off-Site Letter

Applicant Name - Last: Gigante	First: Gary	MI: M	Telephone Number: 715-258-6601
Company: ThyssenKrupp Waupaca, Inc.	Title: President & C.O.O.		
Mailing Address: 311 South Tower Rd.			Fax Number: 715-258-1712
City: Waupaca	State: WI	Zip Code: 54981	
Do you: ☐ own or ☐ lease the Property?	Do you intend to: ■ acquire or ☐ lease the Property		
Environmental Consultant Name - Last: Schroyer	First: Blaine	MI: R	Telephone Number: 920-993-9096
Company: Terracon	Title: Office Manager		
Mailing Address: 2277 W Spencer St			Fax Number: 920-993-9108
City: Appleton	State: WI	Zip Code: 54914	
Attorney Name - Last: Colantino	First: Emily	MI: A	Telephone Number: 312-269-4132
Firm: Jones Day	Title:		
Mailing Address: 77 W Wacker			Fax Number: 312-782-8585
City: Chicago	State: IL	Zip Code: 60601	

If you intend to acquire or lease this Property, provide the following information about the current owner of the Property.

Property Owner Name - The Chamberlain Group		MI	Telephone Number: 630-530-6128
Mailing Address: 845 Larch Ave			Fax Number: 630-530-6143
City: Elmhurst	State: IL	Zip Code: 60126-1196	

Property Information - Property Impacted By Off-Site Discharge

Property/Facility Name: Moore-O-Matic

County: Waupaca

Public Land Survey Coordinates

Quarter-Quarter: NW NE / SW SE (SW ■)

Quarter: NW NE / SW SE (SW ■)

Section: 2 0

Range: 1 2 ☐ E ☐ W

Township: 2 2 N

	Latitude	Longitude	Datum (check only one)
Degree	44	89	☐ NAD27
Minutes	21	4	☐ NAD83
Seconds	42	39	☐ 1990 Adjustment

Method: GIS Website

Accuracy:

Location Address (Street Name and Number): 419 Oak St (Lot 1)

City: Waupaca | State: WI | Zip Code: 54981-1316

Property Information - Property Impacted By Off-Site Discharge

Has a discharge to soil or groundwater been detected on the Property described?

■ Yes ☐ No

If contamination has been detected, has it been reported to the State? ■ Yes ☐ No	If yes, check all that apply: ■ DNR ☐ Division of Emergency Government	Date Reported 4/30/01
Is the source of the contamination known? ■ Yes ☐ No	If yes, what is the source? 419 Oak St (Lot 2)	

If yes, provide name of the property owner and address of the property where contamination is known or from which it is suspected to be migrating:

Source Property Owner Name - The Chamberlain Group	MI	Telephone Number 630-530-6128
Location Address of Contamination Source 419 Oak St		Fax Number 630-530-6143
City Waupaca	State WI	Zip Code 54981-1316

Property Information Needed to Process Application

Provide the following information to process your application:

Include the following information for each submittal:

1. Map(s) showing Property location, and any suspected or known off-site source properties.
2. For any environmental data submitted, include:
   a) Property map(s) showing sampling locations for all data submitted.
   b) Interpretation of data signed by a qualified environmental professional.
   c) Soil boring logs,
   d) Groundwater monitor well construction, development and sampling logs,
   e) Laboratory-provided data reports,
   f) Survey information for groundwater elevations,
   g) Chain of custody forms for all samples, and
   h) Description of sample collection methods.

Document that the statutory criteria listed in A through C below are satisfied. Examples of information that may be used to document that the criteria are satisfied are provided.

A. Document that there is hazardous substance contamination present in soil or groundwater on the Property. Examples of information include:

   Analytical results and interpretations for samples collected from soil and/or groundwater on the Property, or at or near the Property line, that conclusively document the presence of a hazardous substance in either or both of these media on the Property. This information could be documented in a Phase II Environmental Assessment report.

B. Document that the hazardous substance contamination present in soil or groundwater on the Property is migrating onto the Property from an off-site source. Examples of information include:
   1. Information identifying known or suspected discharges of the hazardous substance on neighboring property(ies) (e.g., a Phase I Environmental Assessment report).
   2. Soil and/or groundwater sample data and interpretations adequate to conclude that the hazardous substance is migrating onto the Property, such as:
      - Samples from monitoring wells located on the up-gradient side of the Property (include information to establish up-gradient direction), which show increasing contaminant concentrations toward the up-gradient Property boundary; or
      - off-site investigation results which provide information about groundwater flow direction and contaminant movement that convincingly document that hazardous substances from a known or suspected off-site source have impacted the Property.

C. Document that the discharge of a hazardous substance is not from a source on the Property. Examples of information include:
   1. Information related to historical activities, such as descriptions of chemicals used and handled, areas where chemicals were used and handled, and areas of potential discharges on the Property (e.g., a Phase I Environmental Assessment report).
   2. Where the types of hazardous substances used, handled, or discharged on the Property are the same as the hazardous substances migrating on to the Property, provide environmental information (e.g., expanded Phase II environmental assessment data), including analytical results and interpretation for soil and groundwater samples collected from potential discharge areas.

Applicant Certification

I certify that I have read and am familiar with the information on this application and that the information is true, accurate and complete to the best of my knowledge.

I believe that I meet the criteria in s. 292.13, Wis. Stats., with respect to the fact that I never controlled or possessed the hazardous substances that have migrated onto the Property while they were on the source property, nor did I cause the hazardous substance discharge for which I am seeking this written exemption.

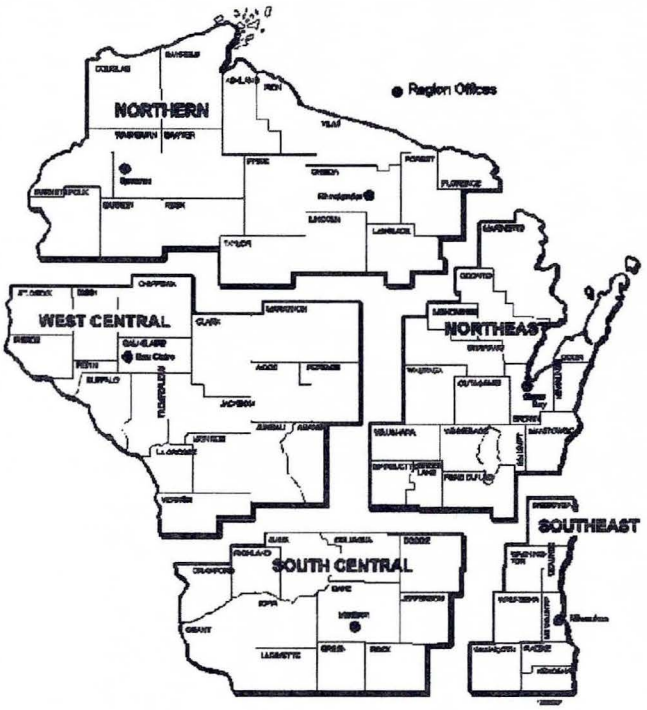
I understand that I retain the responsibility for any hazardous substance discharges that I caused or cause, and for any discharges whose source I possess or control on the Property or on other properties.

I understand that if I fail to satisfy the statutory requirements in s. 292.13, Wis. Stats., such as failing to provide access to the Property, the DNR has the authority to revoke the off-site exemption for the Property.

Applicant Name - Last	First	MI	Title
Gigante	Gary	M	President & C.O.O.

Signature	Date
Gary M Gigante	12/08/04

For DNR Office Use Only			
Date Received 12/20/04	BRRTS Activity Name 07-69-537876-moore-o-matic		BRRTS Activity Code
Date Assigned 12/20/04	DNR Reviewer Weisbach		BRRTS FID No. (if used)
Comments			Fee Enclosed ☒ Yes ☐ No
Date Approved	Date Additional Information Requested	Date Denied	Date Withdrawn



NORTHERN REGION
Remediation & Redevelopment
Team Supervisor
Department of Natural Resources
107 Sutliff Avenue
Rhinelander, WI 54501
(715) 365-8960

WEST CENTRAL REGION
Remediation & Redevelopment
Team Supervisor
Department of Natural Resources
P.O. Box 4001
Eau Claire, WI 54702-4001
(715) 839-3710

NORTHEAST REGION
Remediation & Redevelopment
Team Supervisor
Department of Natural Resources
1125 N. Military Avenue
P.O. Box 10448
Green Bay, WI 54307
(920) 492-5860

SOUTHEAST REGION
Remediation & Redevelopment
Team Supervisor
Department of Natural Resources
2300 N. Dr. Martin Luther King Jr. Dr.
P.O. Box 12436
Milwaukee, WI 53212
(414) 263-8561

SOUTH CENTRAL REGION
Remediation & Redevelopment
Team Supervisor
Department of Natural Resources
3911 Fish Hatchery Rd.
Fitchburg, WI 53711
(608) 275-3241

DOC# 699005

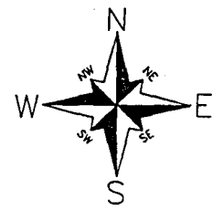
CSM 6310

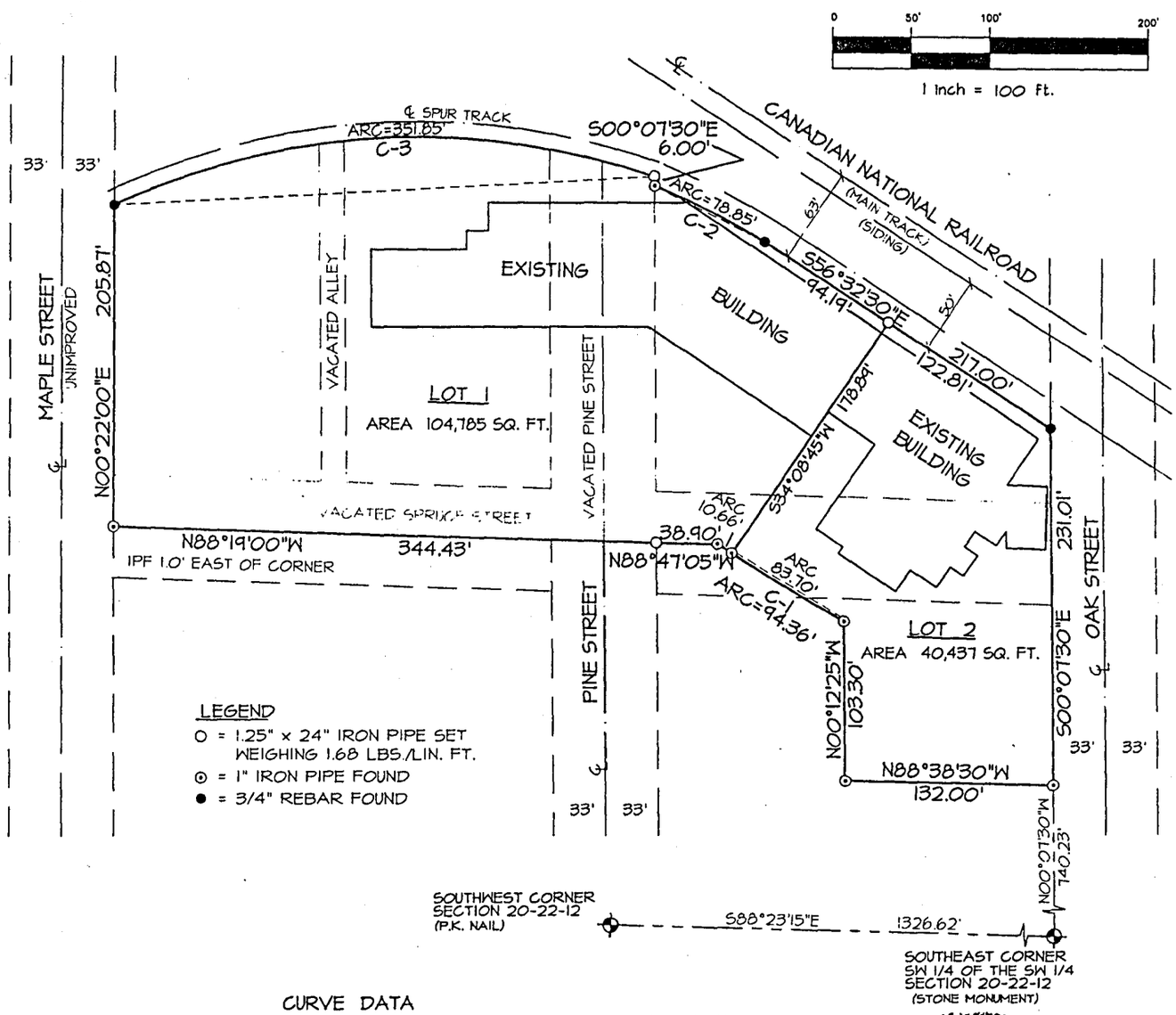
WAUPACA COUNTY CERTIFIED SURVEY MAP NO. ~~6310~~

PART OF OUTLOTS NINE (9) AND TEN (10), PART OF VACATED SPRUCE STREET, PART OF VACATED PINE STREET, PART OF BLOCK Z, PART OF ABANDONED RAILROAD SPUR TRACK, AND ALL OF VACATED ALLEY IN BLOCK Z, ALL BEING PART OF THE ORIGINAL PLAT OF THE VILLAGE (NOW CITY) OF WAUPACA, LOCATED IN PART OF THE SOUTHWEST 1/4 OF THE SOUTHWEST 1/4 , SECTION 20, T22N, R12E, CITY OF WAUPACA, WAUPACA COUNTY, WISCONSIN.

Prepared for:
Terracon
2277 West Spencer Street
Appleton, WI 54914

Bearings are referenced to the South line of the SW 1/4, Section 20-22-12, assumed to bear S88°23'15"E.





CURVE DATA

CURVE NO.	LOT	RADIUS	ARC	CHORD	CHORD BRG.	DELTA
1		1273.57'	94.36'	94.34'	N57°51'00"W	04°14'43"
	1	1273.57'	10.66'	10.66'	N55°58'02"W	00°28'47"
	2	1273.57'	83.70'	83.69'	N58°05'23"W	03°45'56"
2		452.66'	78.85'	78.75'	S62°43'30"E	09°58'50"
3		452.66'	351.85'	343.06'	N86°46'34"E	44°32'07"

WISCONSIN
ROBERT J. HARRIS
S-1943
APPLETON, WIS.
LAND SURVEYOR

HARRIS & ASSOCIATES, INC.
CONSULTING ENGINEERS AND LAND SURVEYORS
2718 NORTH MEADE ST.
APPLETON, WI 54911
TEL: (920) 733-8377
FAX: (920) 733-4731

Robert J. Harris 9-15-04
ROBERT J. HARRIS R.L.S. 1943 DATE

SHEET 1 OF 2

LS-8356

WAUPACA COUNTY CERTIFIED SURVEY MAP NO. 6310

SURVEYOR'S CERTIFICATE

I, Robert J. Harris, Registered Wisconsin Land Surveyor, certify that I have surveyed, divided and mapped part of Outlots Nine (9) and Ten (10), part of vacated Spruce Street, part of vacated Pine Street, part of Block Z, part of abandoned railroad spur track and all of vacated alley in Block Z, all being part of the original plat of the Village (now City) of Waupaca, located in part of the Southwest 1/4 of the Southwest 1/4, Section 20, T22N, R12E, City of Waupaca, Waupaca County, Wisconsin, described as follows: Commencing at the Southwest corner of said Section 20; thence S88°23'15"E, along the South line of the Southwest 1/4 of said Section 20, 1326.62 feet; thence N00°07'30"W, along the East line of the Southwest 1/4 of the Southwest 1/4 of said Section 20, 740.23 feet to the point of beginnnig; thence N88°38'30"W, 132.00 feet; thence N00°12'25"W, 103.30 feet; thence 94.36 feet along the arc of a 1273.57 foot radius curve to the right whose chord bears N57°51'00"W, 94.34 feet; thence N88°47'05"W, 38.90 feet; thence N88°19'00"W, 344.43 feet; thence N00°22'00"E, along the East line of Maple Street, 205.87 feet to the Southerly right-of-way line of a railroad spur track; thence 351.85 feet along the arc of a 452.66 foot radius curve to the right whose chord bears N86°46'34"E, 343.06 feet, thence S00°07'30"E, 6.00 feet; thence 78.85 feet along the arc of a 452.66 foot radius curve to the right whose chord bears S62°43'30"E, 78.75 feet; thence S56°32'30"E, along said Southerly right-of-way line, 217.00 feet; thence S00°07'30"E, along the West line of Oak Street, 231.01 feet to the point of beginning.

That I have made such survey, map and land division as shown hereon, under the direction of the owners of said lands.

That this map is a correct representation of the exterior boundary lines of the land surveyed.

That I have fully complied with the provisions of Chapter 236.34 of the Wisconsin Statutes and the Subdivision and Platting Code of the City of Waupace in surveying, dividing and mapping the same.

Robert J. Harris 9-15-04

Robert J. Harris — Date

WISCONSIN ROBERT J. HARRIS S-1343 APPLETON, WIS. LAND SURVEYOR

CITY OF WAUPACA CERTIFICATION

I hereby certify that the City of Waupaca Planning Commission and Common Council have approved this minor subdivision according to the subdivision and platting code of the City of Waupaca on _____ .

Brian Smith 10.05.04

Mayor Brian Smith — Dated

Sharon Nelson 10/6/04

City Clerk Sharon Nelson — Dated

Certified, Filed and or Recorded on
OCT. 08, 2004 AT 01:17PM

Vol/Cab 22 Pag/Slide 223
WAUPACA COUNTY
RECEIVED FOR RECORD
GEORGE E. JORGENSEN REGISTER OF DEEDS
Fee Amount: $13.00