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State of Wisconsin
Department of Natural Resources

CERTIFICATE OF COMPLETION OF RESPONSE ACTIONS UNDER SECTION 292.15(2)(a), WIS. STATS.

Whereas, **City of West Allis** has applied for an exemption from liability under s. 292.15, Wis. Stats., for the property located at 922 South 70th Street, West Allis, Wisconsin, which is commonly referred to as the Polocki & Sons, Inc. site, further described in the legal description found on Attachment A ("the Property");

Whereas, an environmental investigation of the Property has been conducted and has determined that contamination exists at the Property;

Whereas, **City of West Allis** has submitted to the Wisconsin Department of Natural Resources ("WDNR") investigation reports and a remedial action plan for the Property which comply with the requirements set forth in chs. NR 700-754, Wis. Adm. Code, consisting of the documents and reports listed in Attachment B;

Whereas, in accordance with s. 292.15(2)(a), Wis. Stats., the WDNR has determined that an environmental investigation has been conducted which adequately identified and evaluated the nature and extent of the hazardous substance discharges on the Property and WDNR has approved of the remedial action plan for the Property; and

Whereas, the WDNR has granted **the City of West Allis** an exemption under s. **NR 140.28(2)(b)2**, Wis. Adm. Code, for having **arsenic and barium** in the groundwater above the ch. NR 140 preventive action limit;

Whereas, on May 29, 2003, WDNR determined that response actions necessary to restore the environment to the extent practicable with respect to the discharges and minimize the harmful effects from the discharges to the air, land, and waters of the state were completed.

Therefore, based upon the information that has been submitted to the WDNR, the WDNR hereby certifies that the response actions set forth in the WDNR approved remedial action plan for the Property and any other necessary response actions have been completed.

Upon issuance of this Certificate, **City of West Allis** and the persons qualified for protection under s. 292.15(3), Wis. Stats., are exempt from the provisions of ss. 289.05(1), (2), (3) and (4), 289.42(1), 289.67, 291.25(1) to (5), 291.29, 291.37, 292.11(3), (4), and (7)(b) and (c) and 292.31(8), Wis. Stats., with respect to the existence of hazardous substances on or originating from the Property, the release of which occurred prior to the date the department approved the environmental investigation required under s. 292.15(2)(a)1., Wis. Stats. However, **City of West Allis** and a person otherwise qualified for protection under s. 292.15(3), Wis. Stats. who owns or controls the Property would no longer qualify for this liability exemption if that person fails to maintain or monitor the Property as required by rules promulgated by the WDNR. Any releases of a hazardous substance to or from the Property that occur after the date that the environmental investigation was approved will be the responsibility of the current Property owner and any other person who possesses or controls that discharge and any person who caused the discharge.

The protection from liability provided under s. 292.15(2), Wis. Stats., does not apply to any person who has obtained a Certificate of Completion by fraud or misrepresentation, or by the knowing failure to disclose material information or under circumstances in which **City of West Allis** knew or should have known about more discharges of hazardous substances than was revealed by the investigation approved by the WDNR.

Nothing in this Certificate or in s. 292.15, Wis. Stats., affects the authority of the WDNR to exercise any powers or duties under applicable laws other than ss. 289.05(1), (2), (3) and (4), 289.42(1), 289.67, 291.25(1) to (5), 291.29, 291.37, 292.11(3), (4), and (7)(b) and (c) and 292.31(8), Wis. Stats., with respect to any release or threatened release of contaminants at the Property, or the right of the WDNR to seek relief available against any person who is not entitled to protection from liability under s. 292.15, Wis. Stats., with respect to such release or threatened release.

SIGNED AND CERTIFIED this 8th day of December, 2003.

Scott Hassett

Scott Hassett, Secretary
Wisconsin Department of Natural Resources

ATTACHMENT A
LEGAL PROPERTY DESCRIPTION
Poblocki & Sons, Inc. Site

Parcel 1 of Certified Survey Map No. 5879 being a redivision of part of Parcel 1 of Certified Survey No. 5845, in the Northeast ¼ of the Southwest ¼ and the Northwest ¼ of the Southeast ¼ of Section 34, in Township 7 North, Range 21 East, in the City of West Allis, County of Milwaukee, bounded and described as follows:

Commencing at the South ¼ corner of said ¼ Section; thence North 00° 29' 00" East along the North-South ¼ line of said Section 1688.40 ft. to the North line of West Washington Street; thence South 89° 15' 29" East along the North line of West Washington Street 59.72 ft. to the point of beginning of the lands to be described; thence North 89° 15' 29" West 317.85 ft. to an angle point; thence North 84° 23' 59" West 200.72 ft. to an angle point; thence North 89° 15' 29" West 160.24 ft. to a point; thence Northwesterly 31.48 ft. along the arc of a curve whose center lies to the North whose radius is 20.11 ft. and whose chord bears North 44° 24' 49'' West 28.36 ft. to a point on the East line of South 70th Street; thence North 00° 25' 51'' East 400.00 ft. to a point; thence South 89° 15' 29" East 698.00 ft. to a point; thence South 00° 25' 51" West 437.00 ft. to the point of beginning.

ATTACHMENT B
INVESTIGATION AND REMEDIAL ACTION PLAN REPORTS
Poblocki & Sons, Inc. Site, 922 South 70th Street, West Allis, Wisconsin

1. "Environmental Site Assessment-Two Parcels Allis-Chalmers", Geraghty & Miller (G&M), May 1988.

2. "Underground Storage Tank Removal Allis-Chalmers-West Allis Center", Hydro-Search, Inc., July 20, 1988.

3. "Environmental Site Assessment Allis-Chalmers Facility", G&M, April 5, 1989.

4. "Detailed Site Evaluation Building 19 and 82", G&M, September 6, 1989.

5. "Recommended Remedial Action Plan for Former Allis-Chalmers Facility", G&M, September 6, 1989.

6. "Four Quarter, 1990-Summary of Groundwater Sampling", G&M.

7. "Underground Storage Tank Removal Activities and Soil Remediation Report", G&M, April 25 1990.

8. "Site Investigation and Remedial Alternatives for the Substation Area", G&M, March 1991.

9. "Implementation of Remedial Action Plan Building Decontamination Project", G&M, April 1991.

10. "Summary of Environmental Site Assessment Activities Tractor Site Parcel", G&M, July 1991.

11. March 25, 1992, letter to J. Stibal, City of West Allis, from STS, RE: Summary of Available Data Pertaining to Obtaining an Exemption to Construct on a Solid Waste Landfill.

12. April 17, 1992, letter to F. Schultz, WDNR, from City of West Allis, RE: Former Allis-Chalmers Facility Tractor Site Parcel.

13. May 20, 1992 letter to T. Baumgartner, AC-Reorganization Trust, from M. Graefe, WDNR, RE: Response to information dated February 18, 1992, and April 2, 1992.

14. June 30, 1992, letter to M. Graefe, WDNR, from G&M, RE: Soil Investigation in Vicinity of Monitoring Well STS-11.

15. July 23, 1992, letter to M. Graefe, WDNR, from G&M, RE: Former Allis-Chalmers Facility, Tractor Parcel.

16. (A)-"Environmental Site Assessment, Former Allis-Chalmers Tractor Plant Site-Parcel 2 and Proposed Roadway", STS, September 15, 1992.

17. (B)-"Environmental Site Assessment, Former Allis-Chalmers Tractor Plant Site-Parcel 1 & 2.

18. October 14, 1992, letter to M. Sachen, City of West Allis, from F. Schultz, WDNR, RE: Conditional Grant of Exemption (for construction of an abandoned landfill).

19. October 19, 1992, letter to F. Schultz, WDNR, from M. Sachen, City of West Allis, RE: Conditional Grant of Exemption (for construction on abandoned landfill).

20. November 16, 1992, letter to M. Graefe, WDNR, from G&M, RE: Results of Recent Field Investigation at the Former Allis-Chalmers Facility, Tractor Parcel.

21. December 1, 1992, letter to M. Schen, City of west allis, from STS, RE: G&M Correspondence to Margaret Graefe regarding the Former Allis-Chalmers Facility Tractor Parcel.

22. December 7, 1992, letter to M. Sachen, City of West Allis, RE: Summary of Meeting of December 1, 1992, with Margaret Graefe of WDNR regarding the Former Allis-Chalmers Tractor Plant Site.

23. December 29, 1992, letter to T. Baumgartner, AC Reorganization Trust, from M. Graefe, WDNR, RE: Former Allis-Chalmers Facility-Tractor Plant (response to G&M letter of November 16, 1992, and meeting December 1, 1992.)

24. January 4, 1993, letter to M. Sachen, City of West Allis, from F. Schultz, WDNR, RE: Conditional Grant of Exemption (for construction on abandoned landfill).

25. March 5, 1993, letter to M. Graefe, WDNR, from G&M, RE: Former Allis-Chalmers Facility, Tractor Parcel (response to M. Graefe's letter December 29, 1992).

26. May 24, 1993, letter to M. Graefe, WDNR, from G&M, RE: Soil Analytical Results Along Proposed Sewer Line, Former Allis-Chalmers Tractor Parcel.

27. "Remedial Design A-C Reorganization Trust Substation Area", Warzyn, Inc., May 1993.

28. June 14, 1993, letter to M. Graefe, WDNR, from G&M, RE: Amended Application to Treat or Dispose of Petroleum-Contaminated Soil at the Former Allis-Chalmers Facility.

29. November 10, 1993, letter to F. Schultz, WDNR, from STS, RE: Results of Pre-testing to Comply with the Requirement of the Exemption to Construct on the Abandoned Landfill at the Former Allis-Chalmers Tractor Parcel.

30. December 2, 1993, letter to F. Schultz, from STS, RE: Results of Additional Sampling for Lead Within the Utility Corridor at the Former Allis-Chalmers Tractor Plant Site.

31. December 14, 1993, letter to M. Sachen, City of West Allis, from STS, RE: Results of Analytical Testing from Remediation along the Utility Corridor at the Former Allis-Chalmers Tractor Plant Parcel.

32. December 22, 1993, letter to M. Sachen, City of West Allis, from STS, RE: Results of Analytical Testing of Sample Collected within the Utility Corridor on the North Side of the Retaining Wall at the Former Allis-Chalmers Tractor Plant Site.

33. April 27, 1994, letter to J. Stibal, City of West Allis, from STS, RE: Soil Boring Logs and Site Plan for the Former Allis-Chalmers Tractor Plant Site.

34. "Landfill Exemption Pre-testing Results, Former Allis-Chalmers Tractor Parcel", STS, June 21, 1994.

35. June 24, 1994, letter report to M. Graefe, WDNR, from STS, RE: Site Remedial Action Issues, Former Allis-Chalmers Tractor Parcel.

36. August 9, 1994, letter report to M. Graefe, from G&M, RE: Former Allis-Chalmers Reorganization Trust West Allis "Tractor Parcel"/Completion of Remaining Environmental Issues.

37. August 9, 1994, letter to F. Schultz, WDNR, from STS, RE: Results of Required Testing to comply with the Requirements of the Exemption to Construct on the Abandoned Landfill at the Former Allis-Chalmers Tractor Parcel.

38. December 15, 1994, letter report to M. Graefe, WDNR, from STS, RE: Results of the Testing Conducted During Excavation of the Detention Basin Located North of the Former Allis-Chalmers Tractor Parcel.

39. April 20, 1995, letter report to M. Graefe, WDNR, from STS, RE: Former Allis-Chalmers Tractor Plant Site Remedial Action Issues.

40. "Expanded Underground Storage Tank Closure Assessment Near 70th and W. Washington Streets at the Former Allis-Chalmers Tractor Plant Site.", STS, June 27,1995.

41. June 26, 1995, letter to J. Jarvis, WDNR, from City of West Allis, RE: Application for Purchaser Liability Exemption for the Former Allis-Chalmers Tractor Plant Site.

42. August 30, 1995, letter to M. Graefe, WDNR, from STS, RE: Submittal of Giles Phase II Environmental Assessment Report for the Proposed C&H Distributors Facility at South 70th Street.

43. September 14, 1995, letter to J. Stibal, City of West Allis, from C. McCurry, WDNR, RE: Application for Limited Environmental Liability Under Contaminated Land Recycling Program.

44. Letter to M.Sachen, City of West Allis, from B. Sheikholeslami, WDNR, RE: Grant of Exemption to Construct on an Abandoned Landfill.

45. November 20, 1995, letter to M. Graefe, WDNR, from STS, RE: Disposal of Stockpiled Soil at the Former Allis-Chalmers Tractor Plant Site.

46. December 1, 1995, letter to M. Graefe, WDNR, from STS, RE: Former Allis-Chalmers Tractor Plant Site/C&H Distributing Parcel.

47. "Underground Storage Tank Investigation Report-West Washington Street Construction", STS, March 18, 1996.

48. "Investigation Report for Area 4 of the Former Allis-Chalmers Tractor Plant Site", STS, October 30, 1996.

49. November 20, 1996, letter report to M. Graefe, WDNR, from STS, RE: Investigation Report for Area 6 of the Former Allis-Chalmers Tractor Plant Site.

50. December 4, 1996, letter report to M. Graefe, WDNR, from STS, RE: Results of Methane Monitoring in the Vicinity of Area 4 of the Former Allis-Chalmers Tractor Plant Site.

51. March 13, 1997, letter to J. Stibal, City of West Allis, from M. Graefe, WDNR, RE: form 4-B Request for Area 2.

52. "Phase I Environmental Assessment", STS, May 7, 1998.

53. June 23, 1998, letter report to Gina Keenan, WDNR from Tom Kroeger, STS, RE: Allis Chalmers Tractor Site-Act 453 Application.

54. May 29, 2003, letter to John Stibal, City of West Allis, from Gina Keenan, WNDR, RE: Closure of Poblocki & Sons, Inc. site.