State of Wisconsin
DEPARTMENT OF NATURAL RESOURCES
2984 Shawano Avenue
Green Bay WI 54313-6727

Tony Evers, Governor
Adam N. Payne, Secretary
Telephone 608-266-2621
Toll Free 1-888-936-7463
TTY Access via relay - 711

January 27, 2023

Village of Ashwaubenon
Aaron M. Schuette
2155 Holmgren Way
Ashwaubenon, WI 54304
Sent Via E-Copy Only – aschuette@ashwaubenon.gov

SUBJECT: **Approval of Modification to the Voluntary Party Liability Exemption Property Boundaries**
BRRTS # 06-05-280631, Southern Riverfront Redevelopment Site (the "Property")
County Tax Parcel #'s: VA-1373, VA-1374, VA-1374-1, VA-132-4, VA-132-4-1, VA-1400, VA-1401, VA-1402, VA-1403, VA-1404, VA-1405, VA-1405-1

Dear Mr. Schuette:

The Department of Natural Resources (DNR) has received your application to modify the property boundaries of the existing Voluntary Party Liability Exemption (VPLE) site.

DOCUMENTS AND PAYMENTS RECEIVED

The DNR received the following documents and payments that you submitted:

- Voluntary Party Liability Exemption Application (DNR Form 4400-178);
- A non-refundable check for the $250 VPLE application fee, made payable to DNR;
- A map of the Property identifying location and clearly showing the Property boundaries;

VPLE FEES

Thank you for submitting the VPLE application fee of $250, which DNR received on January 9, 2022. All VPLE participants are responsible for paying the hourly costs of DNR's review and oversight of their project, pursuant to Wis. Admin. § NR 750.

DNR costs will continue to be at the current hourly rate. This hourly rate is calculated every year and is subject to change. Check the VPLE webpage for the current hourly oversight rate: dnr.wi.gov, search VPLE. You will receive quarterly invoices that must be paid within 30 days.

To obtain the Voluntary Party Liability Exemption, DNR project managers must review and approve all necessary environmental investigation and response actions at the Property to ensure compliance with Wis. Stats. §§ 292.11 and 292.15, and with the Wis. Admin. NR 700 rule series. To obtain a Certificate of Completion (COC) for the Voluntary Party Liability Exemption, the following requirements must be met:

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- The VPLE Property must obtain site closure under Wis. Admin. ch. NR 726;
- The Voluntary Party must pay any remaining hourly rate fees;
- The Voluntary Party must pay the appropriate one-time groundwater insurance fee if there is residual groundwater contamination at the time of case closure; and
- The Voluntary Party must pay appropriate database registration fees.

CHANGES IN PROPERTY CONDITIONS

If, in the future, additional information becomes available which indicates that the Property does not meet the conditions in Wis. Stat. § 292.15(7) for VPLE eligibility, DNR may remove the Property from the VPLE process.

DUTIES OF APPLICANTS, PROPERTY OWNERS AND POTENTIALLY RESPONSIBLE PARTIES

If you decide to withdraw from the VPLE process, please notify the DNR in writing within 90 days of making such a decision. Also, if a voluntary party in the VPLE process fails to make reasonable progress towards completing the investigation and remedial actions necessary, or fails to submit progress reports, the DNR may withdraw the party from the program.

If a voluntary party withdraws from the VPLE process, or discontinues clean-up efforts, the party may still have legal and financial responsibilities at the Property. Wisconsin law assigns responsibility for environmental cleanups in Wis. Stat. § 292.11(3). This statute states, “a person who possesses or controls a hazardous substance which is discharged or who causes the discharge of a hazardous substance shall take the actions necessary to restore the environment to the extent practicable and minimize the harmful effects from the discharge to the air, lands, or waters of the state.”

Anyone who currently owns or controls the Property, or caused the hazardous substance discharge, is required by state law to complete all necessary work to restore the environment and minimize effects of discharges on the Property and migrating from the Property unless they qualify for liability exemptions authorized in state law.

DNR will work with individuals and entities to respond to the hazardous substance discharge(s) on the Property whether they own or control the Property, and whether or not the Property is enrolled in the VPLE process.

The Bureau for Remediation and Redevelopment Tracking System (BRRTS) identification number for the Property is listed at the top of this letter. Information about the Property and other cleanup sites can be found in the BRRTS database, which is at dnr.wi.gov, search BOTW.

The DNR project manager for your VPLE project continues to be Josie Schultz, located at 2984 Shawano Avenue, Green Bay, WI, 54313-6727. You can contact your project manager at 920-366-5685 or at josie.schultz@wisconsin.gov. Please direct all future correspondence relating to the Property to your project manager.

Thank you for submitting the modification to the VPLE Property boundaries. The DNR looks forward to continuing to work with you to complete the VPLE process. DNR strives to provide prompt and outstanding service.

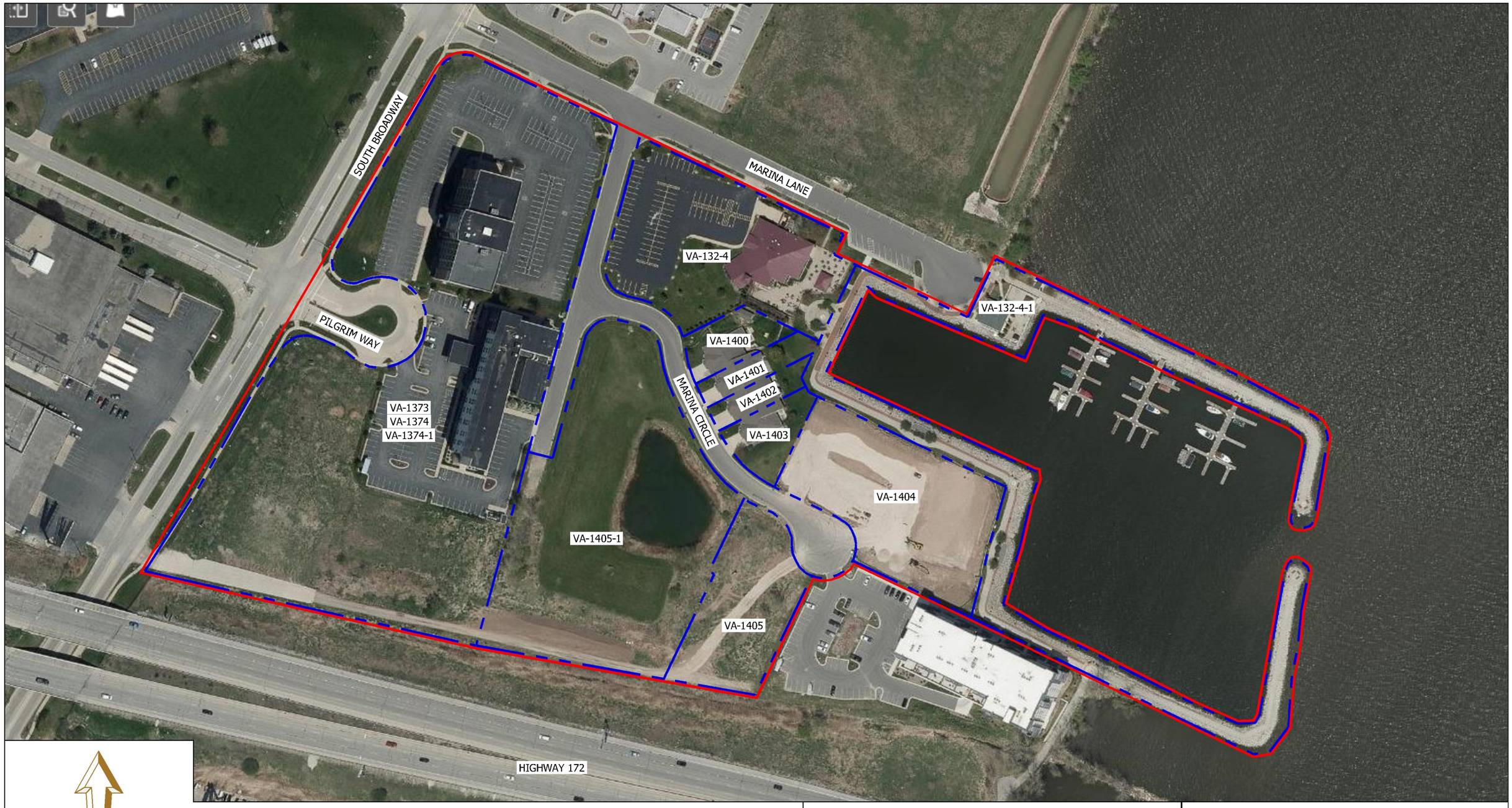
Sincerely,

Denise D. Danelski

Denise D. Danelski
Environmental Program Associate
Remediation and Redevelopment Program
Wisconsin Department of Natural Resources

Attachments: VPLE Proposed Boundary Map, Figure 2

cc: Josie Schultz - NER
Lynelle Caine, Stantec Consulting Services, Inc., Lynelle.caine@stantec.com
Michael Prager - RR/5



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SCALE IN FEET

75 0 75 150

LEGEND

APPROXIMATE SOUTHERN RIVERFRONT PARCELS

PROPOSED VPLE BOUNDARY

Stantec

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

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SOUTHERN RIVERFRONT PROPOSED VPLE BOUNDARY

SOUTHERN RIVERFRONT REDEVELOPMENT
(PARCELS #VA-1324, VA-132-4-1, VA-1373, VA-1374, VA-1374-1, VA-1400, VA-1401, VA-1402, VA-1403, VA-1404, VA-1405, VA-1405-1)
475 MARINA LANE
ASHWAUBENON, WISCONSIN

DATE: 12/07/22	DRAWN BY: JRB	PROJECT MANAGER: LPC	PROJECT NUMBER: 193705698	FIGURE 2