State of Wisconsin \ DEPARTMENT OF NATURAL RESOURCES

WISCONSIN
DEPT. OF NATURAL RESOURCES

Jim Doyle, Governor
Matthew J. Frank, Secretary
Gloria L. McCutcheon, Regional Director

Southeast Region Headquarters
2300 N. Dr. Martin Luther King, Jr. Drive
Milwaukee, Wisconsin 53212-3128
FAX 414-263-8606
Telephone 414-263-8500
TTY Access via relay - 711

FID#: 267190220
BRRTS#: 06-67-555986

Received
SEP 28 2010
REMEDIATION &
REDEVELOPMENT

River Bluff Townhomes Limited Partnership
Andrew Schaefer
345 St. Peter Street, Suite 1600
St. Paul, MN 55102

SUBJECT: Approval to Proceed in the Voluntary Party Liability Exemption (VPLE) Process
River Bluff Town Homes – Lot 2, Lot 2 CSM No. 6342, West Bend, WI

Dear Mr. Schaefer,

This letter provides information for VPLE program applicants, property owners, and individuals who are potential responsible parties (RPs) for remedial action at the site described above. Please note the legal responsibilities that may apply to you, based upon your relationship with this property.

APPLICANTS TO THE VPLE PROCESS

Thank you for submitting your application to the Department of Natural Resources (DNR) for approval to proceed with an environmental investigation and cleanup associated with the Property referenced above. As you are aware, the VPLE process provides specific liability exemptions for voluntary parties after the completion of an environmental investigation and cleanup that are conducted in accordance with ss. 292.11, and 292.15, Wis. Stats.

APPLICATION APPROVAL

We have approved your application to participate in this process. Your property has or has had a discharge of a hazardous substance and you meet the definition of "voluntary party." Also, s. 292.15(7), Wis. Stats., describes facilities that are not eligible for the VPLE. Licensed solid waste facilities and certain types of hazardous waste treatment, storage and disposal facilities are not eligible to receive the liability projection. Based on information submitted in your application and a review of DNR records, the DNR has determined that your Property *does not include* one of the ineligible facilities and the Property is eligible to begin the VPLE process. The approval of your VPLE application is based upon information available to the DNR at the time the application was reviewed. If in the future, additional information shall become available which indicates that the site is not eligible for the VPLE, the DNR may remove the site from the VPLE process.

Wisconsin's hazardous substance spill law assigns responsibilities for cleanup in s 292.11(3) WI. Stats., as follows: "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."

If you should choose to withdraw from the VPLE process or discontinue clean-up efforts, you should be aware that you may have continuing legal responsibilities. If you own the property or caused the hazardous substance discharge, state law requires you to complete the necessary environmental work to restore the environment and minimize effects of discharges on the property and/or migrating off of the property. If you do not own the property, have not caused the discharge, and you elect to discontinue clean-up activities at the site, the DNR will work with those persons who caused the discharge or those that own the property to address the remaining environmental concerns.

Thank you for entering the Voluntary Party Liability Exemption process. The Bureau for Remediation and Redevelopment Tracking System (BRRTS) identification number for the Property is included at the top of this letter. Please be aware that information on contamination sites is tracked in a Department database that is available on the Internet at http://dnr.wi.gov/org/aw/rr/. See "BRRTS on the web" under "Contaminated Land Databases".

Further correspondence concerning technical issues at this site can be sent to the SER located at 2300 N. Martin Luther King Dr., Milwaukee, WI. We look forward to working with you as you proceed through this process.

Sincerely,

Victoria Stovall

Victoria Stovall,
Environmental Program Associate
Remediation and Redevelopment Program

cc: Stephen Meer – Sigma Environmental Services, Inc.
Michael Prager – RR/3
WI DNR Case File

267190220

06-67-555986
02-67-555985

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

Voluntary Party Exemption Application

Form 4400-178 (R 7/00)

Notice: Use this application to apply for the voluntary party liability exemption under s. 292.15, Wis. Stats. Refer to the attached instructions when completing this form. This form is authorized by ss. 227.11(2)(b) and 292.15, Wis. Stats. Participation in the voluntary party liability exemption process is voluntary. However, this form is required by ch. NR 750, Wis. Adm. Code, for persons requesting approval to participate in the program. Personally identifiable information that is submitted to the DNR will become a public record and may be used by the DNR in the administration and enforcement of the hazardous substance spill program in addition to the liability exemption program. If additional information is required, DNR staff may contact the applicant or return incomplete applications.

Property Information (1)

Property Name	Address
River Bluff Town Homes - Lot 2	not yet assigned Lot 2 of CSM No. 6342

City	State	ZIP Code	County	Property Size (in acres)
West Bend	WI	53095	Washington	1.095

Public Land Survey Coordinates

Township	Range	E/W	Section	¼ NE SE NW SW	¼ NE SE NW SW
11 N	19	E	13	NW	NW

Applicant Information (2) Voluntary Party

Organization / Firm / Person	Title
River Bluff Townhomes Limited Partnership	agent for owner

Last Name	First	MI	Telephone Number (including Area Code)
Schaefer	Andrew	R	651-389-3821

Street Address	Fax Number (including Area Code)
345 St. Peter Street, Suite 1600	651-389-3721

City	State	ZIP Code	E-Mail Address
St. Paul	MN	55102	aschaefer@reeliving.com

Ownership Information (3)

Applicant Relationship to Property (check one)

- [ ] Current Owner
- [x] Potential / Future Purchase
- [ ] Previous Owner
- [ ] Other: _____

Regulatory Identification (4) Include ID Numbers (if known)

- [x] DNR FID *267056790 26/112-45
- [x] Environmental Repair (ERP *02-67-286111 & 02-67-538231
- [ ] Leaking Underground Storage Tank (LUST _____
- [ ] Solid Waste _____
- [ ] Hazardous Waste _____
- [ ] Wastewater-surface water (WPDES _____
- [ ] Wastewater-groundwater (WPDES _____
- [ ] DCOM PECFA Claim Number _____
- [ ] DATCP Agricultural Contamination _____
- [ ] Other: _____
- [ ] USEPA ID
- [ ] Hazardous Substance Spill
- [ ] Brownfield Env'l. Asmt. Pilo
- [ ] Municipal Negotiation & Cost Recover
- [ ] Superfund Remedial (NPL
- [ ] Abandoned Containers
- [ ] Superfund Site Evaluation (CERCLA
- [ ] Municipal Grants Program
- [ ] Contaminated Sediments

For Office Use

Date Received	Application Fee Received	Deposit Received
BRRTs Activity Number	BRRTs Activity Name	
FID	Region	

- [ ] Approval to Proceed PMN
- [ ] Denied (explain) (603)
- [ ] Withdrawn (explain) (610)

Comments	Reviewed By	Date
	Project Manager	

Environmental Consultant Representing Applicant (5)

Organization / Firm: Sigma Environmental Services, Inc.			Title: Senior Engineer
Last Name: Kurzka	First: Kristin	MI: K	Telephone Number (including Area Code): (414) 643-4200
Street Address: 1300 W. Canal St.			Fax Number (including Area Code): (414) 643-4210
City: Milwaukee	State: WI	ZIP Code: 53233	E-Mail Address: KKurzka@thesigmagroup.com

Attorney Representing Applicant (If Applicable) (6)

Organization / Firm: NA			Title:
Last Name:	First:	MI:	Telephone Number (including Area Code):
Street Address:			Fax Number (including Area Code):
City:	State:	ZIP Code:	E-Mail Address:

Past Land Uses (7)

- [ ] Service station
- [x] Agricultural co-op
- [ ] Salvage yard
- [ ] Pipeline
- [ ] Coal gas manufacturer
- [ ] Electroplater
- [x] Other: bulk petroleum storage
- [ ] Manufacturing
- [ ] Dry cleaner
- [x] Bulk plant
- [ ] Tannery
- [ ] Unknown
- [ ] Landfill

Known or Suspected Sources / Wastes (8)

- [ ] Foundry sand
- [ ] Surface spills
- [ ] Routine industrial operations
- [ ] Pipeline
- [ ] Coal gas manufacturer
- [ ] Electroplater
- [x] Other: fill material
- [ ] Underground pipeline or tank
- [x] Above ground pipeline or tank
- [ ] Contaminated building
- [ ] Industrial accident
- [ ] Lagoons
- [ ] Fly ash

Regulatory Criteria (9)

Has contamination been detected at the property?	[x] Yes	[ ] No	
If contamination was detected, has it been reported to the state?	[x] Yes	[ ] No	Agency notified: WDNR Date: 01/2002
Does it include petroleum from a leaking underground storage tank (LUST)?	[x] Yes	[ ] No	
Are you using the Petroleum Environmental Cleanup Fund (PECFA) to pay for any portion of the remedial actions?	[ ] Yes	[x] No	[ ] Undecided
Does it include non-LUST petroleum or non-petroleum contamination?	[x] Yes	[ ] No	
Is there an enforcement order currently in effect at this property?	[ ] Yes	[x] No	Issuing agency: _____ Date: _____

Attachments and Certification (10)

I have attached:
1) ☒ a list of past environmental work;
2) ☒ a check or money order for $250 application fee made payable to the Wisconsin DNR;
3) ☒ a public survey map showing location of property;
4) ☒ a detailed map that clearly indicates the property boundaries; and
5) ☐ a copy of the property deed. – to be submitted at a later date

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

I hereby request assistance from DNR in reviewing the environmental response actions that have been or will be taken to obtain protection of limited liability, as provided in s. 292.15, Wis. Stats.

I recognize that to obtain this limited liability exemption that the environmental response actions taken will need to comply with the applicable provisions of the NR 700 rule series, and will require a Phase I and II environmental assessment to be conducted for the property.

I recognize that I will be responsible for paying fees to DNR for assistance provided to me as provided under ch. NR 750, Wis. Adm. Code.

☐ Withhold personal identifiers collected on this form from disclosure on any list of 10 or more individuals that the DNR is requested to provide to another person. [s. 23.45(2) and (3), Wis. Stats.]. Effective date: November 1, 2000.

Applicant's Name (Type or Print)	Title
Andrew Schaefer	Agent for Owner
Signature	Date Signed
	8/26/10

Line-by-Line VPLE Application Instructions

Section 1: Property Information - Fill in the information requested for the property for which you are seeking a Liability Exemption. Property name usually refers to the name of the last business that operated at the property. Provide the size of the property or estimate it as accurately as possible. The public land survey coordinates of the property should be provided.

Section 2: Applicant Information- Voluntary Party - Provide contact information about the applicant. The applicant is the person or organization seeking Department review and approval of the response actions that will be taken to receive the liability exemption under s.292.15, Stats. Once the application has been processed by the DNR, the applicant will be considered the Voluntary Party for this property. The Voluntary Party is responsible for payment of any fees to the DNR. Unless the DNR is notified to the contrary, all bills and correspondence as part of the VPLE process will be sent to the Voluntary Party. If more than one party is applying for the VPLE for the same property, each party must submit a separate application form and $250 fee.

Section 3: Ownership Information - Answer the question regarding the relationship of the Applicant to the property.

Section 4: Regulatory Identification - Provide readily available regulatory identification. Check any regulatory program(s) involved with the property in the past and provide the corresponding ID number, if known. For superfund property evaluation (CERCLIS), superfund remedial (NPL), and hazardous waste properties, write the USEPA ID in the corresponding space (only one USEPA ID should apply). For hazardous waste properties and solid waste properties, write the license number for the facility in the space next to the program, and provide additional license number if applicable, under "Other" or on a separate sheet.

Section 5: Environmental Consultant - Please provide contact information about the applicant's environmental consultant.

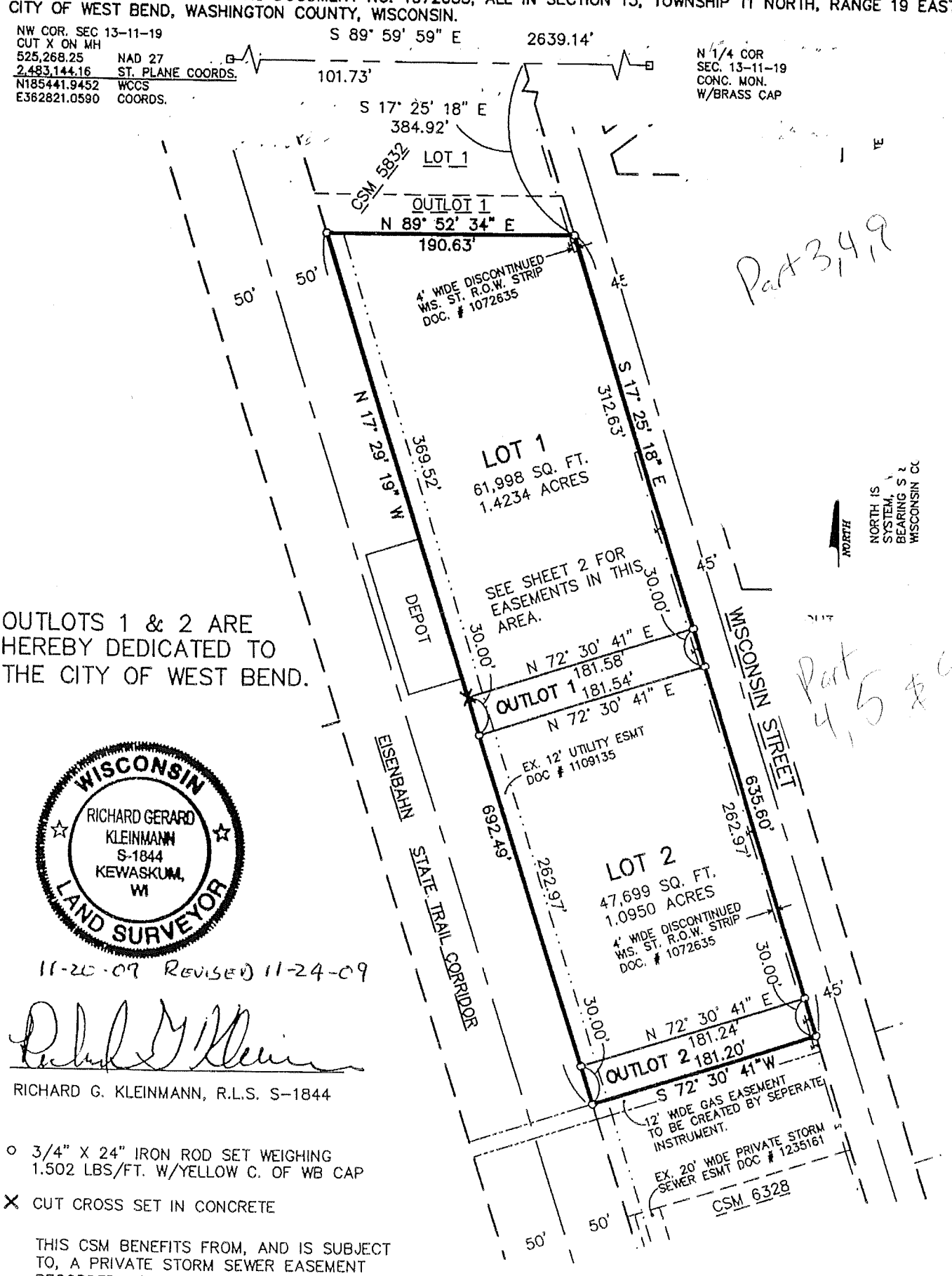
Section 6: Legal Counsel - Provide contact information about the Voluntary Party's attorney, if applicable.

Section 7: Past Land Uses - Indicate any activities or operations that took place on the property in the past, if known (check as many as apply). Include additional land uses not listed in the space provided, if relevant.

Section 8: Known or Suspected Sources - Indicate any known or suspected sources of contamination at the property if known (check as many as apply). Include sources not listed in the space provided.

CERTIFIED SURVEY MAP

PART OF THE NW 1/4 OF THE NW 1/4, AND PART OF THE PORTION OF WISCONSIN STREET DISCONTINUED BY RESOLUTION 86 2004-2005 AS DOCUMENT NO. 1072635, ALL IN SECTION 13, TOWNSHIP 11 NORTH, RANGE 19 EAST, CITY OF WEST BEND, WASHINGTON COUNTY, WISCONSIN.



OUTLOTS 1 & 2 ARE HEREBY DEDICATED TO THE CITY OF WEST BEND.

WISCONSIN
RICHARD GERARD KLEINMANN
S-1844
KEWASKUM, WI
LAND SURVEYOR

11-20-09 REVISED 11-24-09

RICHARD G. KLEINMANN, R.L.S. S-1844

○ 3/4" X 24" IRON ROD SET WEIGHING 1.502 LBS/FT. W/YELLOW C. OF WB CAP

✕ CUT CROSS SET IN CONCRETE

THIS CSM BENEFITS FROM, AND IS SUBJECT TO, A PRIVATE STORM SEWER EASEMENT RECORDED AS DOC# 1235161.

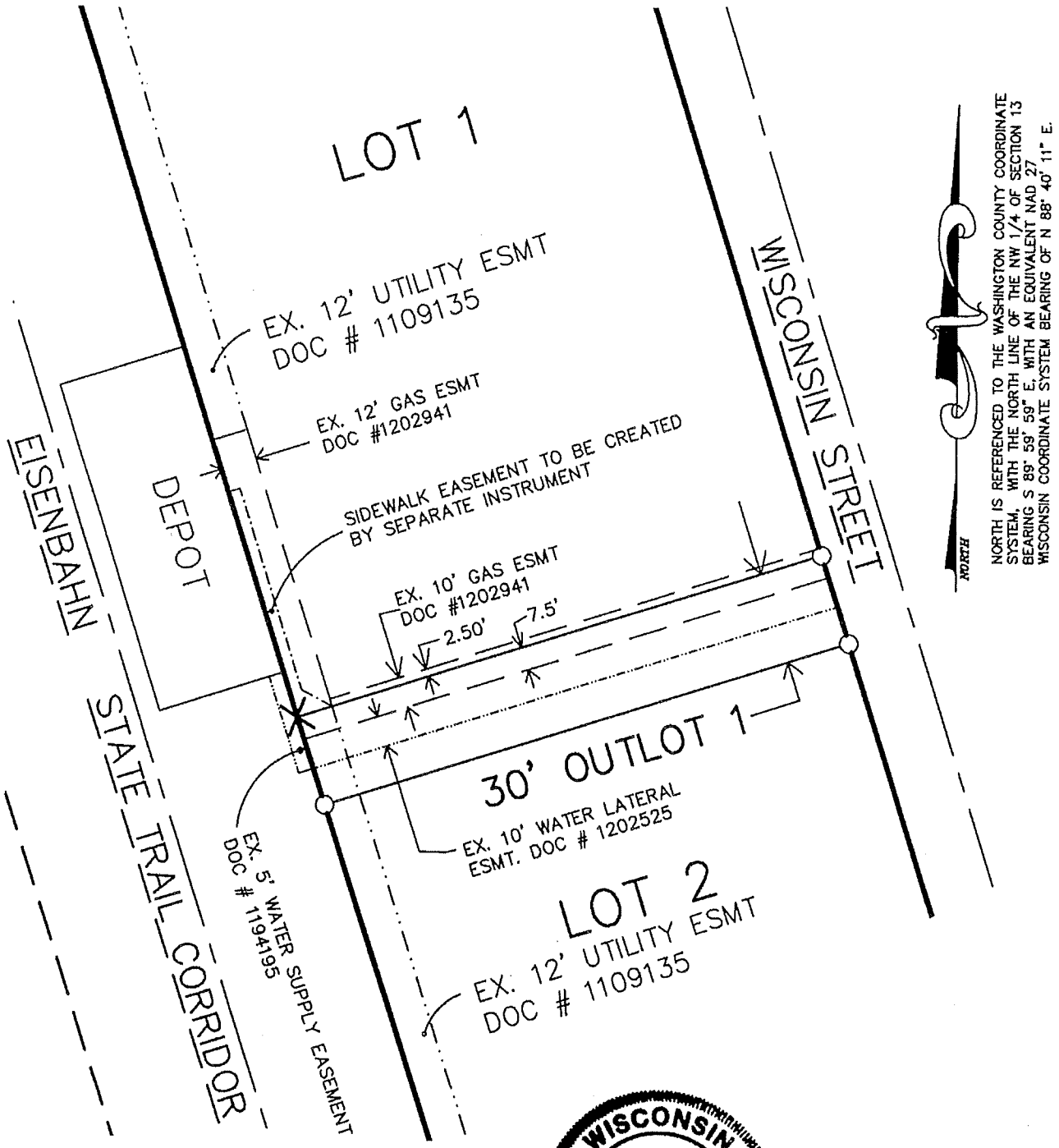
Part 3, 4, 9

Part 4, 5 & 9

DOC# 1235161

CERTIFIED SURVEY MAP

PART OF THE NW 1/4 OF THE NW 1/4, AND PART OF THE PORTION OF WISCONSIN STREET DISCONTINUED BY RESOLUTION 86 2004-2005 AS DOCUMENT NO. 1072635, ALL IN SECTION 13, TOWNSHIP 11 NORTH, RANGE 19 EAST, CITY OF WEST BEND, WASHINGTON COUNTY, WISCONSIN.



NORTH IS REFERENCED TO THE WASHINGTON COUNTY COORDINATE SYSTEM, WITH THE NORTH LINE OF THE NW 1/4 OF SECTION 13 BEARING S 89° 59' 59" E, WITH AN EQUIVALENT NAD 27 WISCONSIN COORDINATE SYSTEM BEARING OF N 88° 40' 11" E.

NORTH

WISCONSIN
RICHARD GERARD KLEINMANN
S-1844
KEWASKUM, WI
LAND SURVEYOR

11-20-09
REVISED 11-24-09

RICHARD G. KLEINMANN, R.L.S. S-1844

○ 3/4" X 24" IRON ROD SET WEIGHING 1.502 LBS/FT. W/YELLOW C. OF WB CAP

X CUT CROSS SET IN CONCRETE

THIS CSM BENEFITS FROM, AND IS SUBJECT TO, A PRIVATE STORM SEWER EASEMENT RECORDED AS DOC# 1235161.

CSM map No. 6342 Vol. 47 Pg. 351

DOC# 12

Recorde
Dec. 22, 2009 f
SHARON A MARTIN, REG
WASHINGTON COUNTY

Fee Amount:

CERTIFIED SURVEY MAP

Part of the NW ¼ of the NW ¼, and part of the portion of Wisconsin Street discontinued by Resolution 86 2004-2005 as Document No. 1072635, all in Section 13, Township 11 North, Range 19 East, City of West Bend, Washington County, Wisconsin.

SURVEYOR'S CERTIFICATE:

I hereby certify that by the direction of the Redevelopment Authority of the City of West Bend, owner, I have surveyed, divided and mapped the land shown hereon; being that part of the NW ¼ of the NW ¼, and part of the portion of Wisconsin Street discontinued by Resolution 86 2004-2005 as Document No. 1072635, all in Section 13, Township 11 North, Range 19 East, City of West Bend, Washington County, Wisconsin, which is bounded and described as follows:

Commencing at the Northwest Corner of said Section 13; thence S 89° 59' 59" E, along the North line of said Section 13, 101.73 feet to a point on the northerly extension of the Westerly right of way line of Wisconsin Street; thence S 17° 25' 18" E, along said extension and Westerly right of way line of Wisconsin Street, 384.92 feet to the POINT OF BEGINNING of the lands herein described; thence continuing S 17° 25' 18" E, along said Westerly right of way line of Wisconsin Street, 635.60 feet; thence S 72° 30' 41" W, 181.20 feet to the Easterly right of way line of the Eisenbahn State Trail Corridor; thence N 17° 29' 19" W, along said East right of way line, 692.49 feet; thence N 89° 52' 34" E, 190.63 feet to the point of beginning. Bearings are based on the Washington County Coordinate System, with the north line of the NW ¼ of Section 13 bearing S 89° 59' 59" E, with an equivalent NAD 27 Wisconsin Coordinate System Bearing of N 88° 40' 11" E.

Containing 120,581 square feet (2.7682 acres) more or less.

I further certify that I have complied with the provisions of Section 236.34 of the Wisconsin Statutes and Chapter 18 of the City of West Bend, Municipal Code in surveying and mapping said lands. I also certify that this map is a correct representation of all the exterior boundaries of the land surveyed and the division of that land.

Richard G. Kleinmann, R.L.S. S-1844
City Surveyor, City of West Bend.

11-20-09

Revised 11-24-09

WISCONSIN
RICHARD GERARD KLEINMANN
S-1844
KEWASKUM, WI
LAND SURVEYOR

CITY OF WEST BEND PLAN COMMISSION APPROVAL

This land division, CSM file No. 09-19, is hereby approved by the West Bend City Plan Commission as being in conformance with the City's Subdivision Ordinance this 15th day of December, 2009.

Kristine M. Deiss, Mayor

Amy Reuteman, City Clerk

OWNER-DEVELOPER
Redevelopment Authority of
the City of West Bend
1115 S. Main St.
West Bend, WI 53095

SURVEYOR
Richard G. Kleinmann, R.L.S.
City of West Bend
1115 S. Main St.
West Bend, WI 53095

CSM MAP No. 6342 Vol. 47 Pg. 352

DOC# 1239933

CERTIFIED SURVEY MAP

Part of the NW ¼ of the NW ¼, and part of the portion of Wisconsin Street discontinued by Resolution 86 2004-2005 as Document No. 1072635, all in Section 13, Township 11 North, Range 19 East, City of West Bend, Washington County, Wisconsin.

CITY OF WEST BEND COMMON COUNCIL APPROVAL

This land division is hereby approved by the West Bend Common council as being in conformance with the City's Subdivision Ordinance. The West Bend Common Council also hereby approves and accepts all dedications shown thereon. Adopted by Resolution No. 58, 2009 - 2010 Common Council this 21st day of December, 2009.

Kristine M. Deiss, Mayor

Amy Reuteman, City Clerk

OWNER'S CERTIFICATE:

The Redevelopment Authority of the City of West Bend, created under S.S. 66.1333, as owner, does hereby certify that said Redevelopment Authority caused the land described on this plat to be surveyed, divided, mapped and dedicated as represented on this Certified Survey Map. We also certify that this plat is required by s.236.10 or s.236.12 to be submitted to the following for approval or objection; City of West Bend Common Council & Plan Commission.

Date: 12/16/09

By: John B. Capelle, Executive Director

ACKNOWLEDGMENT

STATE OF WISCONSIN)
)ss.
WASHINGTON COUNTY)

Personally came before me the 16th day of December, 2009, the above named John B. Capelle to me known to be the Executive Director of the Redevelopment Authority of the City of West Bend and to me known to be the person who executed the foregoing certificate and acknowledged the same.

Dawn M Wiebelhaus

(Print): Dawn M Wiebelhaus

Notary Public, State of Wisconsin
Washington County.
My Commission is permanent.
If not, expiration date is 6/27/10.

DAWN M. WIEBELHAUS NOTARY PUBLIC STATE OF WISCONSIN

Date: 12/16/09

By: Michael Palm, Chairperson

ACKNOWLEDGMENT

STATE OF WISCONSIN)
)ss.
WASHINGTON COUNTY)

Personally came before me the 16th day of December, 2009, the above named Michael Palm to me known to be the Chairperson of the Redevelopment Authority of the City of West Bend and to me known to be the person who executed the foregoing certificate and acknowledged the same.

Dawn M Wiebelhaus

(Print): Dawn M Wiebelhaus

Notary Public, State of Wisconsin
Washington County.
My Commission is permanent.
If not, expiration date is 6/27/10.

DAWN M. WIEBELHAUS NOTARY PUBLIC STATE OF WISCONSIN

WISCONSIN
RICHARD GERARD KLEINMANN
S-1844
KEWASKUM, WI
LAND SURVEYOR

CSM MAP No. 6342 Vol. 47 Pg. 353

DOC# 1239