P-56

SED
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SW2H

WISCONSIN
DEPT. OF NATURAL RESOURCES

Program Application
Purchaser Liability Exemption

CONTAMINATED LANDS RECYCLING PROGRAM • WDNR •

0641 2608600

Please complete an application form for each property that you are requesting DNR review and approval of cleanup actions. This application form should be submitted to the DNR in order to apply for the protection of limited liability under s.144.765, Stats. Protection of limited liability is effective at the completion of a cleanup action, if the purchaser complies with all of the statutory requirements of ss. 144.76 and 144.765, Stats. Personally identifiable information found in this form will be used for no purpose other than the Contaminated Lands Recycling Program. If you have questions about completing this form, please call (608) 261-6424.

Return to: Wisconsin Department of Natural Resources
Emergency and Remedial Response Section
Contaminated Lands Recycling Program
101 S. Webster (SW/3), Box 7921
Madison, WI 53707

General Information:

Property Name (if any): Former Ambrosia Chocolate Facility

Address: 1133 N. 5th Street

City, Village, or Town: Milwaukee State WI Zip Code 53074

Property size: 2.97 acres (129,400 sq.ft.) (acres)

Public Land Survey Coordinates[1]:

☒ Quarter NW ¼ of NE ¼ ☒ Section 29 ☒ Township 7N

☒ Range 22E ☒ County Milwaukee

Department-issued identification number for site or facility: FID #241686720
One document in DNR's file also refers to FID #241009340 and LUST #03-41-101756

To the best of your knowledge what type of business or businesses have operated at this property in the past?

☐ Landfill ☐ Pipeline ☐ Bulk Plant ☐ Coal Gas Manufacturer

☐ Gas Station ☒ Manufacturing ☐ Dry Cleaners ☐ Salvage Yard

☐ Ag. Coop. ☒ Other (explain) dairy, tailor shop, wood-working shop

[1] Please attach to this application the most recent Wisconsin County Plat map highlighting location of the property.

Applicant:[2]

Name Bradley Center Sports and Entertainment Corp. Contact: Charles I. Henderson

Title Vice President

Organization _____ Phone 414-271-5900

Address 1001 N. 4th Street

City Milwaukee State WI Zip Code 53203

Applicant's Interest in Property:

If applicant is the current owner please fill out Part I; If applicant is the potential purchaser, please fill out Part II:

Part I: Current Owner Status:

If you are the current owner of the property, from whom did you acquire the property?

Name _____ Title _____

Organization _____ Phone _____

Address _____

City _____ State _____ Zip Code _____

When did you acquire the property? _____ (DY,MM,YR)

Please answer the following questions to help DNR determine if you acquired the property in an "*arms length*[3], *good faith*[4]" transaction:

How did you acquire the property? ☐ Inheritance ☐ Purchase ☐ Land Trade

☐ Other (explain) _____

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[2] "Applicant" is the person seeking DNR review and approval of the environmental response actions in order to receive the limited liability exemption in s. 144.765(2), Stats. Applicants will be responsible for payment of any fees to the DNR. In addition, applicants will likely be asked to submit documentation which confirms that they meet the definition of "purchaser" in s. 144.765, Stats.

[3] "Arm's-length" means, according to Black's Law Dictionary, 6th Edition, 1990: "A transaction negotiated by unrelated parties, each acting in his or her own self interest; the basis for a fair market value determination. A transaction in good faith in the ordinary course of business by parties with independent interests."

[4] "Good faith" means, according to Black's Law Dictionary, 6th Edition, 1990: "The absence of malice and design to defraud or to seek an unconscionable advantage . . . An honest intention to abstain from taking any unconscientious advantage of another, even through technicalities of law, together with absence of all information, notice or benefit or belief of facts which render transaction unconscientious."

Did you own the business or entity[5] at the time of the hazardous substance release? ☐ Yes ☐ No

Did you participate in the management of a business or entity[5] that caused the release of a hazardous substance on the property? ☐ Yes ☐ No

Did you own the property at the time of the hazardous substance release? ☐ Yes ☐ No

Did you otherwise cause the release of a hazardous substance on the property? ☐ Yes ☐ No

Part II: Potential Purchaser Status:

If you are the potential purchaser, who currently owns the property?

Name: Grace Cocoa Associates, L.P., a Delaware Limited Partnership

Address: 12500 W. Carmen Avenue

City, Village or Town Milwaukee State WI Zip Code 53225-6199

Please answer the following questions to help DNR determine if you will acquire the property in an "*arms-length*,[3] *good-faith*[4]" transaction:

How will you acquire the property? ☐ Inheritance ☒ Purchase ☐ Land Trade

☐ Other (explain) _____

Did you own the business or entity[5] at the time of the hazardous substance release? ☐ Yes ☒ No

Did you participate in the management of the business or entity[5] that caused the release of a hazardous substance on the property? ☐ Yes ☒ No

Did you own the property at the time of the hazardous substance release? ☐ Yes ☒ No

Did you otherwise cause the release of a hazardous substance on the property? ☐ Yes ☒ No

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[5] "Owner of a business or entity" , as defined in s. 144.765, Stats., means "any person who owns or who receives direct or indirect consideration from the operation of a business or entity regardless of whether the business or entity remains in operation and regardless of whether the person owns or receives consideration at the time any discharge of a hazardous substance occurs." "Owner of a business or entity" is further defined in s. 144.765(1)(e), Stats., to include a "subsidiary or parent corporation as any business entity, including a subsidiary, parent corporation or other business arrangement that has elements of common ownership or control or uses a long-term contractual arrangement with any person that has the effect of avoiding direct responsibility for conditions on a parcel of property."

Property-Specific Information:

Type of Environmental Contamination (check all that apply):

☐ Soil ☐ Groundwater ☐ Sediment ☐ Surface water ☒ Unknown ☐ Other _____

If groundwater is contaminated, do the concentrations attain or exceed any ch. NR 140 groundwater quality?

☐ Yes ☐ PAL ☐ ES
☐ No
☐ Unknown
☐ Substance detected, but no ch. NR 140 standard has been established.

If any environmental work has been conducted to date at the property, please check all that apply:

in progress ☐ Environmental Assessment - Phase I

☐ Thorough Property Investigation

☐ Full Cleanup of Property

☒ Partial Property Investigation

☒ Partial Cleanup of Property

☒ DNR Closeout Approved*

*See WDNR LUST closure letter dated 7 June, 1995, at Attachment E.

Who conducted this environmental work?

☐ Former Owner ☒ Current Owner ☐ Other (explain) _____

If environmental work must be conducted at the property, who will conduct the following activities:

- Thorough environmental investigation of the property? ☐ Current Owner ☒ Potential Purchaser
- Cleanup to restore the environment? ☐ Current Owner ☒ Potential Purchaser

Known or Suspected Sources of Contamination:

Please check all that apply:

☐ Foundry Sand
☒ Underground tank[6] or pipeline discharge
☐ Landfill
☒ Above ground tank or pipeline discharge
☐ Coal gas manufacturing
☐ Surface spills or discharge
☒ Routine industrial operations
☐ Contaminated building
☐ Transformer
☐ Industrial accident
☐ Dumping or burial
☐ Lagoons
☐ Burning of materials
☐ Unknown
☐ Other(explain)

_____

[6] If tanks have been closed, please attach the Closure Assessment Report, if available, which was completed in accordance with DNR guidance.

Known or Suspected Contaminants:

Please check all that apply:

- ☒ Petroleum Products
- ☐ RCRA Hazardous Waste
- ☒ VOCs
- ☒ Metals
- ☐ Chlorinated Solvents
- ☐ PCBs
- ☐ Pesticides
- ☐ Other (explain) _____

Involvement with Other Regulatory Programs:

Please check the appropriate boxes below if any of the following programs or agencies have been involved with the property in question.

- ☒ WDNR Tank Program (LUST)
- ☐ WDNR Voluntary Sediment Program
- ☒ WDNR Hazardous Waste Program
- ☐ WDNR Solid Waste Program
- ☐ WDNR Site Assessment (CERCLIS)
- ☐ U.S. EPA National Priorities List Site
- ☐ WDNR Air Program
- ☐ WDNR Waste Water Program
- ☐ PECFA Eligible
- ☐ Wisconsin DATCP
- ☐ WDNR Water Supply Program

Is there an enforcement order issued by WDNR, DILHR or DATCP in effect at this property?

☐ Yes ☒ No

Date issued: _____ (DY,MM,YR)

Agency: _____

If not, has an enforcement order been issued and complied with in the past?

☒ Yes ☐ No
(Notice of Noncompliance)

Date issued: 19 December, 1990 (DY,MM,YR)

Date Compliance Attained: 8 March, 1991 (DY,MM,YR)

Agency: WDNR

see Attachments A and B

Has a hazardous substance discharge been reported in accordance with s. 144.76(2), Stats, and ch. NR 158 or 705?

☒ Yes ☐ No
LUST notification

Date reported: December 1993 and 2 February, 1994 (DY,MM,YR)

see Attachments C and D

Environmental

Please list the name(s) of your current environmental consultant, if one has been selected:

Name Daniel J. Mueller

Company HNTB

Address One Park Plaza, Suite 500, 11270 W. Park Place, Milwaukee, WI 53224

Phone 414-359-2300

Please note: Effective May 1, 1995, specific types of environmental response actions are to be conducted by persons who meet the qualifications established in ch. NR 712, Wis. Adm. Code.

Legal Counsel:

Please list the name(s) of the legal counsel representing the applicant in this matter, if any:

Name Charles I. Henderson, Kevin J. Lyons, Pamela H. Schaefer

Firm Cook & Franke S.C.

Address 660 E. Mason Street, Milwaukee, WI 53202-3877

Phone 414-271-5900

Certification:

The applicant should read and sign the following certification:

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 believe that I meet the definition of "purchaser" in s. 144.765, Stats., and I agree that I will provide to the WDNR further information to document my status as a "purchaser," if requested to do so.

I hereby request assistance from WDNR in reviewing the environmental response actions that have been or will be taken to obtain protection of limited liability, as provided in s. 144.765, Stats.

I recognize that to obtain this limited liability exemption from s.144.76(3), (4), 7(b) and (c), Stats., 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.

Applicant's Name Bradley Center Sports and Entertainment Corp. Title Vice President

Signature Charles I Henderson Date 11/14/96

ATTACHMENT A

State of Wisconsin \ DEPARTMENT OF NATURAL RESOURCES

Carroll D. Besadny, Secretary
Box 12436
Milwaukee, Wisconsin 53212
TELEFAX NO. 414-263-8483

December 19, 1990

File Ref: 4430

Mr. Paul A. Cera
Ambrosia Chocolate
1133 North 5th Street
Milwaukee, WI 53203-1097

Dear Mr. Cera:

RE: Hazardous Waste Inspection - Notice of Noncompliance

Enclosed are copies of the inspection forms that were completed and verified concerning Ambrosia Chocolate Company located at 1133 North 5th Street, Wisconsin, EPA ID# WID 001 658 160 on October 23, 1990.

At the time of the inspection it was found that Ambrosia Chocolate Company was not in compliance with the hazardous waste small quantity generator requirements of Chapter NR 181, Wisconsin Administrative Code.

Identified below are the alleged areas of noncompliance with Chapter NR 181 and the actions needed to resolve these apparent violations.

1. Comply with s. NR 181.22, Wisconsin Administrative Code, by making an adequate determination to identify and if necessary, test a representative sample of each waste in order to obtain enough information to treat, store, or dispose of the waste properly off-site. At the time of the inspection, parts washer waste oil, and paint wastes determinations had not been made. Ambrosia Chocolates must test these wastes and send a copy of the results to the Department.

2. Mark containers with the words "Hazardous Waste" before placing them in an accumulation area or on-site storage facility as specified by s. NR 181.26(2)(a), Wisconsin Administrative Code. A 55 gallon drum of parts washer waste oil was not labeled at the time of the inspection.

3. Remove hazardous waste from the site before the end of the 180 day accumulation period or treat, store or dispose of it as specified by s. NR 181.13(1)(b)1.a. and b., Wisconsin Administrative Code. At the time of the inspection, one (1) 55 gallon drum labeled "Toxic Waste

EARTH YEAR
WISCONSIN
1970 April 22 1990

Solvent, D001", dated 1-19-90 and a second 55 gallon drum of toxic solids dated 4-24-90 were seen in the "cocoa garage". You must remove these wastes within the timeframes in s. NR 181.13(1)(b)a. and b., Wisconsin Administrative Code.

4. Make available required placards as required by s. NR 181.26(3), Wisconsin Administrative Code.

5. Submit annual reports covering generator activities as required by s. NR 181.24, Wisconsin Administrative Code.

6. Comply with contingency plan and emergency procedures specified by sections NR 181.13(1)(b)9. and 10., Wisconsin Administrative Code.

7. Provide adequate aisle space throughout the hazardous waste facility as required by s. NR 181.42(4)(b)5., Wisconsin Administrative Code.

8. Separate ignitable or reactive wastes from source of ignition or reaction as specified by s. NR 181.42(4)(b)6., Wisconsin Administrative Code.

9. Post "No Smoking" signs in areas where there is a hazard from ignitable or reactive wastes as specified by s. NR 181.42(4)(b)6., Wisconsin Administrative Code.

10. Keep a written description of the training program specified by s. NR 181.13(1)(b)11 and 12.a & b, Wisconsin Administrative Code.

11. Provide documentation that employees have received training, and that the training has been reviewed annually to comply with s. NR 181.13(17(b)12.c., Wisconsin Administrative Code.

12. Record weekly inspections of containers in an inspection log or summary as specified by s. NR 181.13(1)(b)2.c., Wisconsin Administrative Code.

You must document to the Department that the above areas of noncompliance have been corrected. If I can be of any assistance in providing guidance to help you meet these standards, please feel free to contact me at (414) 263-8661. You must provide written documentation to the Department within 30 days of the date of this letter to verify that these standards have been put into place. Please provide two copies of all information submitted to the Department in response to this Notice of Noncompliance.

Thank you for your cooperation.

Sincerely,

Dolores Hayden

Dolores Hayden
Hazardous Waste Specialist

DH:sbr

Enclosure

c: Program Services Section File Manager - PSS-SW/3
Debby Ladd - PSS - SW/3

Dec90\3420\4

ATTACHMENT B

State of Wisconsin \ DEPARTMENT OF NATURAL RESOURCES

Carroll D. Besadny, Secretary
Box 12436
Milwaukee, Wisconsin 53212
TELEFAX NO. 414-263-8483

File Ref: 4430

June 19, 1991

Mr. Paul A. Cera
EH&S/Operations
Ambrosia Chocolate Company
1133 North Fifth Street
Milwaukee, WI 53203-0197

Dear Mr. Cera:

RE: Hazardous Waste Inspection

On October 12, 1990 and October 23, 1990, your facility located at 1133 North Fifth Street, Milwaukee, Wisconsin, EPA ID No. WID 001658160 was inspected by the Department. As a result of this inspection, your facility was found to be in noncompliance with the small quantity generator requirements of Chapter NR 181, Wisconsin Administrative Code. In a letter dated December 19, 1990, the specific areas of noncompliance were listed by the Department.

The Department received submittals on January 3 and 23, and February 8, 1991 from Ambrosia Chocolate Company, dated January 3 and January 8, 1991, and February 8, 1991 respectively.
A followup inspection, performed by the Department on March 8, 1991, verified the facility's compliance with the above-referenced Department letter.

You should be informed that the Department may perform additional inspections at this facility in the future to insure compliance with Chapters NR 600-685, Wisconsin Administrative Code.

If you should have any questions, please contact Dolores Hayden at (414) 263-8661.

Sincerely,

Dolores Hayden

Dolores Hayden
Environmental Specialist
Hazardous Waste Section

DH:sbr

c: PSS-SW/3 6-19-91

ATTACHMENT C

WISCONSIN
DEPT. OF NATURAL RESOURCES

George E. Meyer
Secretary

State of Wisconsin \ DEPARTMENT OF NATURAL RESOURCES

Southeast District - Annex building
Post Office Box 12436
4041 N. Richards St.
Milwaukee, Wisconsin 53212
TELEPHONE: 414-961-2727
TELEFAX #: 414-961-2770

December 3, 1993

File Ref: FID# (to be assigned)
Milwaukee Co.
ERRP/ERP

Mr. Chris Van Hauten
Ambrosia Chocolate
12500 West Carmen Avenue
Milwaukee, WI 53225

Dear Mr. Van Hauten:

RE: Soil contamination at Ambrosia Chocolate,
1133 North 5th Street, Milwaukee

The Wisconsin Department of Natural Resources (WDNR) has been notified that soil contamination was discovered during building demolition at the above referenced location. The purpose of this letter is to inform you of your legal responsibilities to address this situation.

The WDNR proceeds in contamination cases under the authority of s. 144.76, Wisconsin Statutes, commonly referred to as Wisconsin's Hazardous Substance Spill Law. The definition of "hazardous substance" as found in s. 144.01(4m), Wisconsin Statutes, includes any discharged solid, semisolid, liquid or gaseous substance, such as diesel fuel, that can cause harm to the environment or human health.

> **Wisconsin Statute 144.76(2a) states:** "A person who possesses or controls a hazardous substance or who causes the discharge of a hazardous substance shall notify the Department immediately of any discharge not exempt under sub. (9)."
>
> **Wisconsin Statute 144.76(3) 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 this state."

Because you are the legal owner of a property where a hazardous substance has been released to the environment, the WDNR identifies you as the party responsible for taking the actions necessary to restore the environment. You are required to:

1. Immediately identify any risks of explosive vapors, free product and/or well contamination, notify the WDNR of those risks and undertake measures to remedy any emergency conditions.

2. Conduct an investigation to determine the extent of contamination, the potential for groundwater impacts and the remedial action(s) necessary to cleanup contaminated soil and groundwater.

3. Develop and carry out a remedial action plan for the site in accordance with state laws, regulations and guidance.

4. Treat or dispose of all products, soils, wastewater or sludges in

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compliance with all applicable federal, state and local laws and regulations.

The WDNR was notified of the release to the environment on September 30, 1993. Reportedly, an above ground tank which contained diesel fuel was discovered during demolition of the building. Soil samples taken at a depth of six feet detected diesel fuel impacts. The conditions present at this site may pose a serious threat to human health and/or the environment. The site specific information known to the WDNR at this time, however, is not adequate to evaluate the relative potential threat from this site.

Due to the WDNR workload, it is necessary to rank all contamination cases for review priority. The highest priority sites have assigned WDNR project managers who are actively reviewing and approving investigation and remediation plans. Lower priority cases do not always have assigned project managers, however, responsible parties are required to proceed with investigation and clean-up efforts. Due to the lack of information about this site, it's relative priority cannot be determined. Therefore, the priority ranking of this site is considered unknown. Until a priority has been assigned to this site, you should proceed with the required response work, submitting all plans and reports, along with quarterly status reports, to this office. The WDNR will notify you if active oversight for your site will be given.

Within 15 days of receiving this letter, you should provide the WDNR with the following information:

1. Any site information you have that would clarify the nature of the potential environmental and/or human health threat from this site.

2. The name of the individual/firm who will direct a remedial investigation for you.

3. The date the remedial investigation will begin, or the date the next work phase will begin, if applicable.

Please be advised that, if you fail to respond within the time period stated above, or if you fail to take appropriate action, the WDNR has the authority to proceed with any of the following actions:

1. The WDNR may pursue further enforcement actions to require the appropriate remedial response to comply with s. 144.76, Wis. Stats. Violation of s. 144.76, Wis. Stats. may ultimately result in forfeitures of up to $5,000 per day of violation.

2. The WDNR has the authority, under s.144.76(7), Wis. Stats., to take actions necessary to remediate the site and to seek reimbursement for all actual and necessary expenditures from responsible parties.

3. The WDNR may recommend that the site be included on the CERCLIS, for evaluation through the federal Superfund program. The EPA has the authority to carry out investigation and remediation at sites which meet the program criteria, and to seek reimbursement for its expenditures from responsible parties.

Submit the requested information and future submittals to:

Ms. Pamela Mylotta
c/o ERRP/ERP
Wisconsin Department of Natural Resources
P.O. Box 12436
Milwaukee, Wisconsin 53212

The WDNR suggests that you have a qualified environmental engineer or hydrogeologist direct the remedial investigation, assess the environmental impact and coordinate the implementation of a cleanup program. A document titled "Selecting an Environmental Consultant" and a consultant listing are enclosed for your convenience. Your investigation should follow the requirements contained in the WDNR's latest "Remedial Investigation Checklist" (enclosed). You or your consultant may also request additional remedial response guidance documents from this office.

Your cooperation in this matter will be appreciated. If you have any questions about this letter, please contact me at (414) 961-2774. In addition, please reference all correspondence for this site to the FID# (Facility Identification number) at the top of this letter.

Sincerely,

Linda Michalets

Linda Michalets
Environmental Repair Specialist

Enclosures: Selecting an Environmental Consultant
Consultants Listing
Remedial Investigation Checklist

c: SED Case File

ATTACHMENT D

WISCONSIN
DEPT. OF NATURAL RESOURCES

George E. Meyer
Secretary

State of Wisconsin \ DEPARTMENT OF NATURAL RESOURCES

Southeast District
Post Office Box 12436
4041 N. Richards Street
Milwaukee, Wisconsin 53212
TELEPHONE: 414-961-2727
TELEFAX #: 414-961-2770

February 9, 1994

File Ref: FID #241686720
ERR-LUST

Chris Van Houghten
Ambrosia Chocolate
12500 West Carmen Avenue
Menomonee Falls, WI 53051

Subject: Ambrosia Chocolate, 1133 North 5th Street, Milwaukee

Dear Chris:

Please include all file reference information (i.e., FID # and ERR-LUST) when submitting all correspondence or reports to the Department.

Wisconsin Department of Natural Resources (WDNR) has been notified that petroleum contamination was discovered February 2, 1994 at the above referenced location. Based on the site specific information provided, this case has been assigned to the Low Priority Rank group. The purpose of this letter is to inform you of your legal responsibilities to address this situation.

Releases from underground storage tanks regulated under Subtitle I of the Resource Conservation and Recovery Act require compliance with the provisions of 40 CFR Parts 280 and 281. The Environmental Protection Agency (EPA) has the authority to take enforcement action at any time, but will generally not take action against parties cooperating with the state. The WDNR proceeds in LUST cases under the authority of s. 144.76, Wisconsin Statutes, commonly referred to as Wisconsin's Hazardous Substance Spill Law. The definition of "hazardous substance" as found in s. 144.01(4m), Wisconsin Statutes, includes petroleum products.

> Wisconsin Statute 144.76(2a) states: "A person who possesses or controls a hazardous substance which is discharged or who causes the discharge of a hazardous substance shall notify the Department immediately of any discharge not exempted under sub.(9)."
>
> Wisconsin Statute 144.76(3) 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 this state."

Because you possess or control a hazardous substance which has been released to the environment, the Department identifies you as the party responsible for taking the actions necessary to restore the environment. You are required to:

1. Immediately notify the WDNR Spills Hotline at (414) 263-8491 should emergency conditions involving explosive vapors and/or well contamination develop.

2. Conduct an investigation to determine the extent of soil and groundwater contamination.

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3. Remediate all of the environmental impacts caused by this situation.

4. Sample private water supply wells which may have been impacted by the release.

The Department suggests that you have a qualified environmental engineer or hydrogeologist direct the remedial investigation, assess the environmental impact, and coordinate the implementation of a cleanup program. Within 30 days of receiving this letter, you should provide the WDNR with the following information:

1. The name of the individual/firm directing the investigation.

2. The date the remedial investigation will begin.

The Department requires that the location of the tank and/or release be submitted with the work plan. **Requirements for location are Latitude, Longitude, 1/4, 1/4, Township, and Range (east or west).**

Final documentation of the investigation and cleanup should be prepared according to the guidance enclosed and sent to this office on completion of compliance with all applicable federal, state and local laws and regulations. Remedial actions must adequately cleanup contaminated soil and/or groundwater to current WDNR guidelines and/or standards. All product, soil, wastewater, and sludge must be disposed of in compliance with all applicable federal, state and local laws and regulations. Because the Department is experiencing a backlog of leaking underground storage tank cases of emergency status and your case is not currently ranked as an emergency, your submittals will be reviewed as time permits. Investigation and cleanup should not, however, be delayed pending WDNR review of your case.

The WDNR requests that concise LUST project updates be submitted every six months for all low priority sites; biannual updates will enable WDNR project managers to monitor the status of remedial investigations and/or corrective actions on projects which are not under direct WDNR oversight.

You are encouraged to contact the Department of Industry, Labor, and Human Relations (DILHR), the state agency that administers the Petroleum Environmental Cleanup Fund (PECFA). This fund may reimburse you for eligible costs associated with the remedial investigation and cleanup. DILHR should be contacted at (608) 266-2424 to obtain current information regarding the PECFA program.

Please be aware that your ability to utilize PECFA funds will be dependent on your cooperation in adequately addressing this problem.

Sincerely,

Giselle Red

Giselle Red
Program Assistant, Environmental Repair Section

Enclosures

c: Greg Taubner, Cooper Environmental, 1411 North Main Street, West Bend, WI 53095
SED Case File

ATTACHMENT E

WISCONSIN
DEPT. OF NATURAL RESOURCES

George E. Meyer
Secretary

State of Wisconsin \ DEPARTMENT OF NATURAL RESOURCES

Southeast District - Annex Building
4041 N. Richards Street
P. O. Box 12436
Milwaukee, WI 53212
TELEPHONE 414-229-0800
TELEFAX 414-229-0810

June 7, 1995

File Ref: FID#~~24167720~~
ERR/LUST
Milwaukee Co.

24100934

Mr. Chris Van Houten
Director of Engineering
Ambrosia Chocolate Facility
12550 West Carmen Avenue
Milwaukee, WI 53225-6199

RE: Ambrosia Chocolate Property
1133 North 5th Street
Milwaukee, Milwaukee County, WI
FID# ~~24167720~~
LUST# ~~4024~~ 03-41-181756

Dear Mr. Van Houten:

The Department of Natural Resources has reviewed all previously submitted reports and correspondence and the most recent **Site Investigation** Report submitted by Cooper Environmental & Engineering Resources Inc., dated April 11, 1995 for the referenced property. It is understood that from December 28, 1994 to February 14, 1995, additional site assessment activities were conducted by Cooper Environmental pursuant to the Department's request (DNR letters dated September 7, 1994 and October 19, 1994) for additional site specific information. Soil borings were advanced to a depth of 34.5 feet in the vicinity of the previous excavation on the northern portion of the property to evaluate the degree and extent of remaining soil impacts. DRO/GRO impacts (1,100/93 mg/kg) remain on the south-south central portion of the excavation at a depth of 17.5-to 19.5-feet bls. Soils at a depth of 32-feet below land surface (bls) in this locale did not display DRO impacts above NR 720 regulatory standards. The quantity of impacted soils above NR 720 regulations is estimated at 50 cubic yards. No VOC's were detected above the regulatory clean up levels found in chs. NR 720 Wisc. Admin. Code. As requested a monitor well was installed on the northeast portion of the excavation but no groundwater was encountered. Groundwater from monitor well MW-1 was resampled for DRO parameters. Analytical results indicated 2.9 parts per millon (ppm) DRO in the groundwater at the previous AST excavation location.

In addition, one 10,000 gallon #2 fuel oil underground storage tank (UST) and one 12,000 gallon #6 fuel oil UST were removed from the property on January 28, 1994, and February 2, 1994, respectively. Approximately 20 cubic yards of contaminated soil was removed from the site and taken to Land Reclamation Company in Racine, Wisconsin for disposal. Soil samples collected after overexcavation activities indicate clean soil was reached in the excavation.

Based on the investigative and remedial documentation provided to the Department, it appears that the contamination at the Ambrosia Chocolate Property located at 1133 North 5th Avenue,

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Milwaukee has been remediated in compliance with the requirements of chs. NR 700 to 724, Wis. Adm. Code. Therefore, the Department considers the case "closed," having determined that no further action is necessary at the site at this time. However, the case may be reopened pursuant to s. NR 726.09, Wis. Adm. Code, if additional information regarding site conditions indicates that contamination on or from the site poses a threat to public health, safety or welfare or the environment. If, the area containing the impacted soils is ever excavated or disturbed, the soils should be evaluated for proper management/disposal. Please abandon the monitor wells onsite in accordance with NR 141, Wis. Adm. Code and submit a copy of the completed Well/Drillhole/Borehole Abandonment Forms 3300-5B to the Department.

Please be aware that this letter does not represent Department "certification" that any response actions taken at your property, such as a site investigation, remedial action or case closure under the chapter NR 700 series, are "approved by the department", as those terms are used in the "remediated property;purchaser liability" section of the hazardous substance discharge law, s. 144.765, Stats.

Those persons wishing to receive a Department-issued exemption from liability under s. 144.765, Stats., must obtain a separate approval outside those standard approvals granted to sites or facilities as part of the chapter NR 700 response process. Please contact Mark Giesfeldt at (608) 267-7562 or Darsi Foss at (608) 267-6713 to receive further information on this program.

The Department advises persons to contact the WDNR and receive "pre-approval" for this program at the earliest possible point in the response process, such as before developing the site investigation workplan required by ch. NR 716.

The WDNR appreciates the actions Ambrosia Chocolate has taken to investigate and remediate the contamination at this site. If you have any questions or comments, please feel free to contact Mary Lou Bozica at (414) 229-0873, Pamela Mylotta at (414) 229-0842 or Jim Delwiche at (414) 229-0846 or at the above address.

Sincerely,

Mary Lou Bozica

Mary Lou Bozica
Hydrogeologist
Environmental Repair Program

Jim Delwiche

Jim Delwiche
Hydrogeologist
L.U.S.T. Program

c: SED casefile
Ms. Roxane Wolske/Cooper Env.

COOK & FRANKE S. C.
ATTORNEYS AT LAW
660 EAST MASON STREET
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MEMBER:
COMMERCIAL LAW AFFILIATES,
INDEPENDENT BUSINESS & LITIGATION LAW FIRMS,
WORLDWIDE

BY FEDERAL EXPRESS

November 14, 1996

RECEIVED
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BUREAU FOR
REMEDIATION & REDEVELOPMENT

Darsi Foss
Land Recycling Program
Dept. of Natural Resources
101 S. Webster St., P. O. Box 7921
Madison, Wisconsin 53707-7921

Re: Bradley Center Sports & Entertainment Corp
Our File: 5006-001

Dear Ms. Foss:

Please find enclosed the Program Application Purchaser Liability Exemption, and attachments A-E, for the Bradley Center Sports & Entertainment Corporation. I understand that this matter has been assigned to Pam Mylotta in Milwaukee.

We also enclose a check in the amount $2,500.00, for your $250 application fee and $3,000.00 advance deposit. If you have further questions or concerns, please contact Pamela H. Schaefer, Daniel P. Gustafson, or me at your convenience.

Very truly yours,

Charles I. Henderson

Enclosures

cc: Pam Mylotta (by federal express)
Dan Mueller (by regular mail)