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

Tony Evers, Governor

Telephone 608-266-2621
Toll Free 1-888-936-7463
TTY Access via relay - 711

August 2, 2024

Brillion Works, LLC
Ms. Elise Ariens
200 Park Avenue
Brillion, WI 54110

SUBJECT: **Approval to Proceed in the Voluntary Party Liability Exemption Process #06-08-594740** for the **BIW Redevelopment Lot 2 East Bellin** located at 200 Park Ave, Brillion, WI (the "Property") County Tax Parcel # (s): **15044**

Dear Ms. Ariens:

The Department of Natural Resources (DNR) has received your application to proceed with an environmental investigation and cleanup under the Voluntary Party Liability Exemption (VPLE) process identified in Wis. Stat. § 292.15. This statute establishes environmental liability exemptions available to voluntary parties that successfully complete the VPLE process. This newly created VPLE activity is a divided parcel from BRRTS #06-08-586198, Brillion Works LLC Development. The Property for this VPLE site is Lot 2 of Certified Survey Map number 4084 recorded in the office of the Register of Deeds for Calumet County, Wisconsin on June 4, 2024, in volume 38, at page 10, as document number 583602 (attached).

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 shows the Property boundaries;
- A copy of the Property deed;

VPLE FEES

Thank you for submitting the VPLE application fee of $250, which DNR received on June 14, 2024. 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. The rate has been recalculated and the new rate is $125 an hour. This new hourly billing rate took effect on July 1, 2024. An advance deposit is not required, as whatever costs incurred will be deducted from monies available within or invoiced under this original BRRTS VPLE site.

APPLICATION REVIEW AND APPROVAL TO PROCEED

After reviewing your application, in light of Wis. Stats. § 292.15, the DNR approves your request to enroll the Property identified in the subject line of this letter in the VPLE process for the Property, identified above and depicted on the attached map.

Based on the information you provided, DNR makes the following determinations:

- The discharge of a hazardous substance has occurred at the Property
- You, the applicant, meet the definition of a "voluntary party", per Wis. Admin. § NR 750; and
- The Property does not include any of the ineligible facilities or sites listed in Wis. Stat. §§ 292.15(7)(a) through (f).

GETTING STARTED

Site assessment, site investigation and remedial actions have been taken the Property and the DNR will review the information submitted and determine what additional actions are needed to satisfy some or all of the requirements for VPLE. Discuss these situations with your DNR project manager.

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:

- The VPLE Property must obtain site closure under Wis. Admin. ch. NR 726;
- The Voluntary Party must pay any remaining hourly rate fees if the advance deposit is exhausted;
- 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

The approval to proceed in the VPLE process granted in this letter is based on information available to DNR at the time your application was reviewed. 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. Remaining deposit monies, if any, will be refunded to you. 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.

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.

WELCOME TO 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 assigned to your VPLE project is Kevin McKnight, located at 625 E County Rd Y, Oshkosh, WI, 54901-9731. You can contact your project manager at 920-808-0170 or kevin.mcknight@wisconsin.gov. Please direct all future correspondence relating to the Property to your project manager.

Thank you for entering the Voluntary Party Liability Exemption process. The DNR looks forward to working with you, as you address contamination on and migrating from the Property and complete the VPLE process. We strive 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: Calumet Cnty CSM #4084

cc: Elise Ariens, eariens@ariensco.com
Harris Byers, harris.byers@stantec.com
Kevin McKnight, kevin.mcknight@wisconsin.gov
Michael Prager, michael.prager@wisconsin.gov

FORM NO 985 A

VIRIDIAM

Stock No. 26273

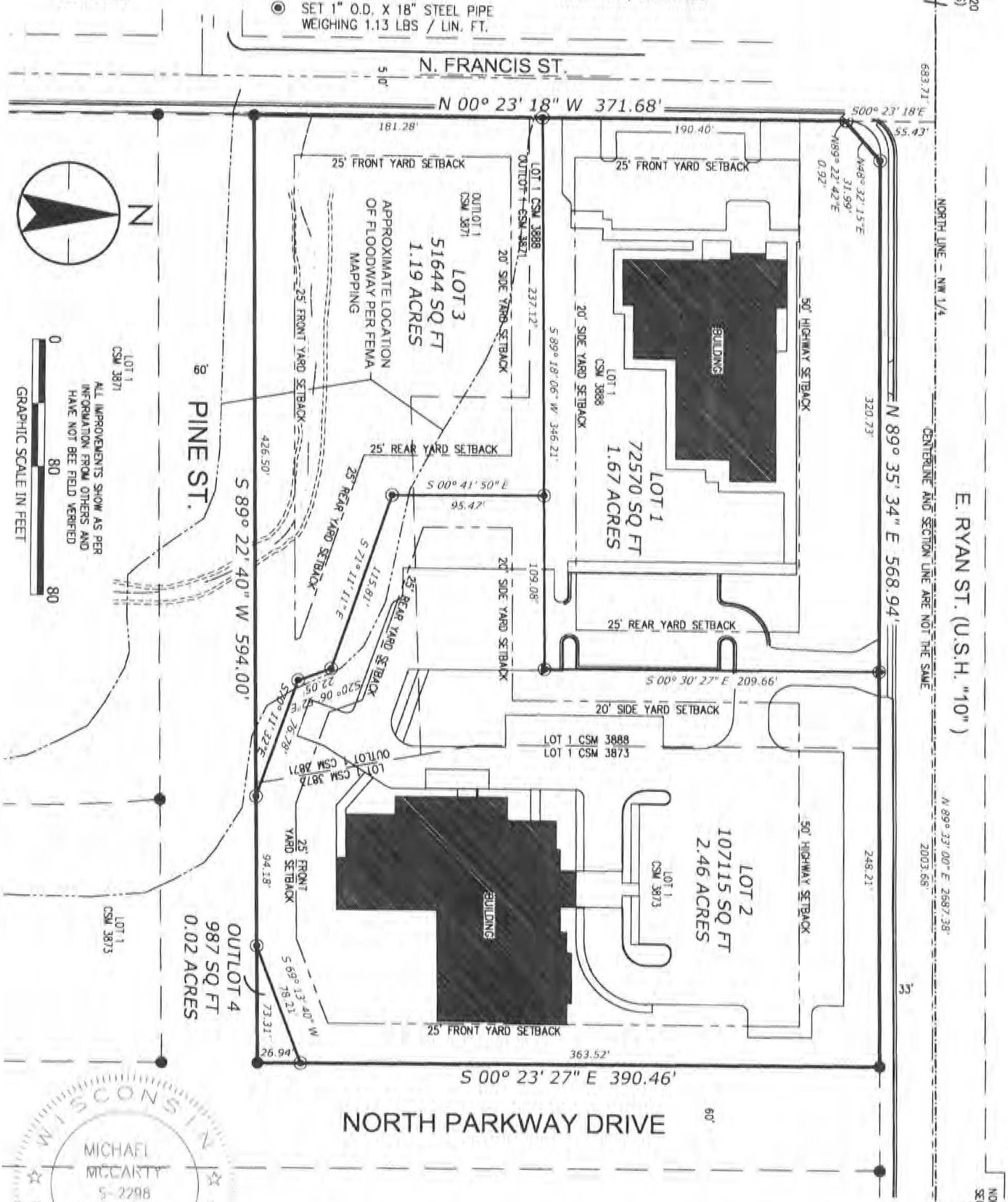
CALUMET COUNTY CERTIFED SURVEY MAP NO. 4084

ALL OF OUTLOT 1 OF CERTIFIED SURVEY MAP NUMBER 3871, DOCUMENT NUMBER 552595; ALL OF LOT 1 OF CERTIFIED SURVEY MAP NUMBER 3873, DOCUMENT NUMBER 552597 AND ALL OF LOT 1 OF CERTIFIED SURVEY MAP NUMBER 3888, DOCUMENT NUMBER 554115, ALL CALUMET COUNTY RECORDS, LOCATED IN PART OF THE NORTHWEST 1/4 OF THE NORTHWEST 1/4 OF SECTION 25, TOWNSHIP 20 NORTH, RANGE 20 EAST, CITY OF BRILLION, CALUMET COUNTY, WISCONSIN

Bearings are referenced to the North line of the NW 1/4 of Section 25, which bears N89°33'00"E on the Wisconsin County Coordinate System Calumet Zone.

- PLSS CORNER AS NOTED
- FOUND CHISLED X
- FOUND 1" STEEL PIPE
- SET MAG MAIL
- SET 1" O.D. X 18" STEEL PIPE WEIGHING 1.13 LBS / LIN. FT.

PREPARED FOR:
BRILLION WORKS LLC
209 E RYAN ST
BRILLION, WI 54110



WISCONSIN LAND SURVEYOR
MICHAEL MCCARTY
S-2298
Sturgeon Bay, WI
4-11-24

Michael McCarty

Stantec

193708435V100CSM

SHEET 1 OF 3

193708435 JOBNO.
4-11-24

FORM NO 985-A

VIRIDIAM

Stock No. 26273

CALUMET COUNTY CERTIFED SURVEY MAP NO. 4084

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SURVEYOR CERTIFICATE

I, Michael G. McCarty, Professional Land Surveyor, PLS-2298, do hereby certify that I have surveyed, divided, mapped and dedicated a parcel on land being:

All of Outlot 1 of Certified Survey Map Number 3871, Document Number 552595; all of Lot 1 of Certified Survey Map Number 3873, Document Number 552597 And all of Lot 1 f Certified Survey Map Number 3888, Document Number 554115, all in Calumet County Records, located in part of the Northwest 1/4 of the Northwest 1/4 of Section 25, Township 20 North, Range 20 East, City of Brillion, Calumet County, Wisconsin.

Parcel contains 232,286 square feet / 5.34 acres more or less. Parcel subject to any easements and restrictions of record.

That such plat is a correct representation of all the exterior boundaries of the land surveyed and land division made thereof. That I complied with the provisions of Chapter 236, Section 236.34 of the Wisconsin Statutes and the City of Brillion in surveying, dividing, mapping and dedicating such lands.

Michael McCarty — 4-11-24

Michael G. McCarty, PLS-2298 — Date

MICHAEL MCCARTY S-2298 Sturgeon Bay, WI — LAND SURVEYOR

COMMON COUNCIL APPROVAL CERTIFICATE

Resolved, this this Certified Survey Map in the City of Brillion, Brillion Works LLC, Owners, is hereby approved by the common Council.

Date Approved: 5-13-2024 — Mike Smith, Mayor

Date Signed: 5-13-2024 — Mike Smith, Mayor

I hereby certify that the forgoing is a copy of a resolution adapted by the Common Council of the City of Brillion.

Date: 5/13/2024 — Patty Schreiber, City Administrator

CITY TREASURER'S CERTIFICATE

I hereby certify that the records in my office show no unpaid taxes or special assessments affecting any of the lands included in this Certified Survey Map as of the 13 day of May, 2024.

Patty Schreiber — 5-13-2024

Patty Schreiber, Clerk - Treasurer — Date

COUNTY TREASURER'S CERTIFICATE

I being the duly elected qualified and acting Treasurer of the County of Calumet, do hereby certify that the records in my office show no unredeemed tax sales, no unpaid taxes or special assessments affecting any of the lands included in this Certified Survey Map as of the 22nd day of May, 2024 affecting the land included in this Certified Survey Map.

Michael Schlaak — 5-22-2024

Mike Schlaak, County Treasurer — Date

Stantec 193708435V100CSM SHEET 2 OF 3 193708435 JOBNO. 4-11-24

FORM NO 985 A

VIRIDIAM

Stock No. 26273

CALUMET COUNTY CERTIFED SURVEY MAP NO. 4084

ALL OF OUTLOT 1 OF CERTIFIED SURVEY MAP NUMBER 3871, DOCUMENT NUMBER 552595; ALL OF LOT 1 OF CERTIFIED SURVEY MAP NUMBER 3873, DOCUMENT NUMBER 552597 AND ALL OF LOT 1 OF CERTIFIED SURVEY MAP NUMBER 3888, DOCUMENT NUMBER 554115, ALL CALUMET COUNTY RECORDS, LOCATED IN PART OF THE NORTHWEST 1/4 OF THE NORTHWEST 1/4 OF SECTION 25, TOWNSHIP 20 NORTH, RANGE 20 EAST, CITY OF BRILLION, CALUMET COUNTY, WISCONSIN

OWNERS CERTIFICATE

As owners, Brillion Works, LLC, we caused the land described on this map to be surveyed, divided, mapped and combined as represented on this Certified Survey Map, we also certify that this Certified Survey Map is required by s. 236.10 or s. 236.12 to be submitted to the following for approval or objection: City of Brillion.

Dated this 21st day of May, 2024.

Evan Soderlund

Brillion Works, LLC
Vice President

STATE OF WISCONSIN)
Calumet COUNTY)SS

Personally care before me this 21st day of May, 2024 the above named Evan Soderlund Vice President, to me known to be the person who executed the above and foregoing instrument and acknowledged the same.

Victoria A. Marquardt Notary Public, Brillion, WI

My Commission Expires: November 5, 2025

VICTORIA A MARQUARDT
Notary Public
State of Wisconsin

NOTES PER CERTIFIED SURVEY MAP #2483

All lots and blocks are hereby restricted so that no owner, possessor, user, licenses, or other person may have any right of direct vehicular ingress from or egress to any highway lying within the right-of-way of USH 10, it is expressly intended that this restriction constitutes a restriction for the benefit of the public as provided in S236.293, Wisconsin Statutes and shall be enforceable by the department or its assigns, Any access shall be allowed only by special exception. Any Access allowed by special exception shall be confirmed and granted only through the driveway permitting and all permits or revocable.

No improvements or structures are allowed between the right-of-way line and the highway setback line. Improvements and structures include, but are not limited to, signs, parking lots, parallel driveways, wills, septic systems, drainage facilities, etc. It is expressly intended that this restriction is for the benefit of the public as provided in Section 236.293, Wisconsin Statutes and shall be enforceable by the Wisconsin Department of Transportation or its assigns. Contact the Wisconsin Department of Transportation District office for more information. The phone number may be obtained by contacting the County Highway Department.

The Wisconsin Department of Transportation has granted a special exception to Trans 233 to allow on commercial driveway. All driveways are subject to provisions of Section 86.07(2) stats., and shall be evaluated under the criteria established in Section Trans 231, Wisconsin Administrative Code.

DOT File Number 08-010-0811-02 the Wisconsin Department of Transportation has granted a special exception to allow a reduced setback of 50 feet which is consistent with the City of Brillion setback.

DOCUMENT # 583602
TAMARA ALTEN
REGISTER OF DEEDS
CALUMET COUNTY, WI
06/04/2024 12:49 PM
VOL: 38 PAGE: 10

WISCONSIN
MICHAEL G MCCARTY
S-2296
STURGEON BAY
LAND SURVEYOR
4-11-24

Stantec 193708435V100CSM SHEET 3 OF 3 193708435 JOBNO. 4-11-24