State of Wisconsin
Department of Natural Resources
PO Box 7921, Madison WI 53707-7921
dnr.wi.gov

# Voluntary Party Liability Exemption Application

Form 4400-178 (R 11/14)



**Notice**: Pursuant to s. 292.15, Wis. Stats., and s. NR 750.05, Wis. Adm. Code, this form is required by the Department of Natural Resources (DNR) to be submitted when requesting approval to participate in the voluntary party liability exemption (VPLE). Failure to complete this application in its entirety may delay its review and/or may result in denial. Participation in this program is voluntary. If completing this form, refer to the instructions beginning on page 4. Personal information collected will be used for administrative purposes and may be provided to requesters to the extent required by Wisconsin's Open Records Law (ss. 19.31-19.39, Wis. Stats.).

## Section 1: Property Information

BRRTS No. (if known)
06-52-576325

Tax Parcel #
276000004690001, 276000004690024

| FID No. (if known) | Property Name |
|---|---|
| 252010000 | Express Cleaners (fmr) |

| Address | City | State | ZIP Code |
|---|---|---|---|
| 3921 N. Main Street and 3936 N. Bay Drive | Racine | WI | 53402 |

| County | Municipality Name | Property is composed of: | Property Size |
|---|---|---|---|
| Racine | Racine | ○ Single Tax Parcel ◉ Multiple Tax Parcels | 1.22 Acres |

## Section 2: Applicant Information *(Voluntary Party)*

| Organization / Firm / Person | Title |
|---|---|
| PHYDELE G. EHRLICH SURVIVORS TRUST | Trustee |

| Last Name | First | MI | Phone Number (include area code) |
|---|---|---|---|
| Small | James | C | (262) 898-9404 |

| Address | Fax Number (include area code) |
|---|---|
| P.O. Box 081007 | |

| City | State | ZIP Code | Email |
|---|---|---|---|
| Racine | WI | 53402 | jsmall@mallerpetersoncpa.com |

## Section 3: Ownership Information

Applicant Relationship to Property (select one):

○ Current Owner ○ Potential/Future Purchaser ○ Previous Owner ◉ Other: General Partner of Current Owner

## Section 4: Regulatory Identification *(include ID numbers if known)*

| | | | |
|---|---|---|---|
| DNR FID | 252010000 | USEPA ID | |
| Environmental Repair (ERP) | | Hazardous Substance Spill | |
| Leaking Ungd. Storage Tank (LUST) | | Brownfield Env'l. Asmt. Pilot | |
| Solid Waste | | Municipal Negotiation & Cost Recovery | |
| Hazardous Waste | | Superfund Remedial (NPL) | |
| Wastewater-surface water (WPDES) | | Abandoned Containers | |
| Wastewater-groundwater (WPDES) | | Superfund Site Evaluation (CERCLA) | |
| DCOM PECFA Claim Number | | Municipal Grants Program | |
| DATCP Agricultural Contamination | | Contaminated Sediments | |

Other:

**Leave Blank – DNR Use Only**

| | | |
|---|---|---|
| Date Received | ☐ Application Fee Received ☐ Deposit Received | ☐ Approval to Proceed PMN ☐ Denied (explain) (603) ☐ Withdrawn (explain) (610) |
| BRRTS Activity Number | BRRTS Activity Name | |
| FID | Region | Reviewed By / Date |
| Comments | | Project Manager |

**Section 5 Environmental Consultant Representing Applicant**

| Organization / Firm / Person | | | Title |
|---|---|---|---|
| RAMBOLL AMERICAS ENGINEERING SOLUTIONS | | | Principal |
| **Last Name** | **First** | **MI** | **Phone Number (include area code)** |
| Tarmann | Scott | | (262) 901-0093 |
| **Address** | | | **Fax Number (include area code)** |
| 234 W. FLORIDA STREET, FIFTH FLOOR | | | |
| **City** | **State** | **ZIP Code** | **Email** |
| Milwaukee | WI | 53204 | STARMANN@RAMBOLL.COM |

**Section 6: Attorney Representing Applicant *(if applicable)***

| Organization / Firm / Person | | | Title |
|---|---|---|---|
| WILLIAM P. SCOTT, ATTORNEY AT LAW, INC. | | | PRESIDENT |
| **Last Name** | **First** | **MI** | **Phone Number (include area code)** |
| SCOTT | WILLIAM | P | (414) 378-5467 |
| **Address** | | | **Fax Number (include area code)** |
| 4313 N. STOWELL AVE. | | | |
| **City** | **State** | **ZIP Code** | **Email** |
| MILWAUKEE | WI | 53211 | WSCOTT@WPSCOTTLAW.COM |

**Section 7: Past Land Uses and Known or Suspected Contamination Sources *(check all that apply)***

| | | |
|---|---|---|
| ☐ Service station | ☐ Coal gas manufacturer | ☐ Contaminated building |
| ☐ Manufacturing | ☐ Electroplater | ☐ Industrial accident |
| ☐ Agricultural co-op | ☐ Landfill | ☐ Lagoons |
| ☒ Dry Cleaner | ☐ Foundry sand | ☐ Fly ash |
| ☐ Salvage yard | ☐ Underground pipeline or tank | ☐ Unknown |
| ☐ Bulk plant | ☐ Surface spills | ☒ Other Commercial, Retail, Gardening |
| ☐ Pipeline | ☐ Above ground pipeline or tank | |
| ☐ Tannery | ☐ Routine industrial operations | |

**Section 8: Solid Waste**

Does the property contain a solid waste site or facility as defined in s. 289.01(35), Wis. Stats.?

◯ Yes ◉ No Name: _____ License number: _____

If `Yes', does the site currently have an active or passive system in place for leachate, groundwater or gas treatment, collection or monitoring?

◯ Yes ◯ No Describe system: _____

**Section 9: Site Eligibility** ***If any boxes are checked "Yes", the site is not eligible for VPLE, see instructions for more information.***

Does the property contain a solid waste facility or site that meets definition of an approved facility under 289.01(3), Wis. Stats.? ◯ Yes ◉ No

Does the property contain a hazardous waste treatment, storage or disposal facility that first began operation after the voluntary party acquired the property? ◯ Yes ◉ No

Does the property contain a licensed hazardous waste treatment, storage or disposal facility operated on the property before the date on which the voluntary party acquired the property, and that is operated after the date on which the voluntary party acquired the property? ◯ Yes ◉ No

Does the property contain a hazardous waste disposal facility that has been issued a license under s. 144.441 (2), 1995 Wis. Stats., or s. 289.41 (1m), Wis. Stats., or rules promulgated under those sections, for a period of long-term care following closure of the facility? ◯ Yes ◉ No

## Section 10: Regulatory Criteria

Has contamination been detected at the property? (●) Yes ( ) No

If yes, has it been reported to the state? (●) Yes ( ) No

Agent notified: Department of Natural Resources by FAX Date 05/16/2006

Does it include petroleum from a leaking underground storage tank (LUST)? ( ) Yes (●) No

Are you using the Petroleum Environmental Cleanup Fund (PECFA) to pay for any portion of the remedial actions? ( ) Yes (●) No ( ) Undecided

Is there a state or federal enforcement order currently in effect at this property? ( ) Yes (●) No

## Section 11: Attachments and Certification

All listed attachments are required for an application to be complete:

- [ ] a list of past environmental work
- [x] a non-refundable check for $250 application fee made payable to the Wisconsin DNR
- [ ] a clear map showing location of property
- [ ] a detailed map that clearly indicates the property boundaries
- [x] a copy of the property deed

I certify that I have read and am familiar with the information on this application 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 ch. NR 700, Wis. Adm. Code, 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.

| Applicant Name *(Type or Print)* | Title |
|---|---|
| PHYDELE G. EHRLICH SURVIVORS TRUST | Trustee |

Organization / Firm / Person

James C. Small, Trustee

Signature James Charles Small Date Signed 10-15-24

## General Voluntary Party Liability Exemption Application Instructions

Use this application to apply for the Voluntary Party Liability Exemption (VPLE) under s. 292.15, Wis. Stats. In order to receive this liability exemption, applicants must conduct an environmental investigation of the entire property and any hazardous substances on the property must be cleaned up. Environmental work performed under the program is subject to department review and approval. Applicants will be responsible for paying fees to cover the cost of department review. The liability exemption is effective upon completion of the cleanup, if the voluntary party complies with all of the statutory requirements of ss. 292.15 and 292.11, Stats.

Type or clearly print your answers to all questions. Line-by-line instructions are provided on the next page. Submit the completed application and a $250 application fee payable to the Department of Natural Resources. Submit a separate application and fee for each property being considered for an exemption. A property is defined as a contiguous area of land the entire legal description of which is found in one deed. If you are planning on investigating and remediating adjacent properties, you must submit one application and a $250 fee for each legally defined piece of property. You may, however, submit technical reports for more than one property together, if the properties are part of the same project. If more than one party wants to apply for VPLE for the same property, submit one application form and fee for each party. If you are planning on changing the property boundaries, contact the Department to discuss how to submit applications for your project.

The publication, "Voluntary Party Remediation and Exemption from Liability" (RR-506) describes the VPLE process and associated fees. Please mail this completed application form with the $250 application fee and supporting materials to the appropriate local DNR regional office (see map).

Contact a DNR Regional Brownfield Specialist with any questions about this form or a specific situation involving a contaminated property.

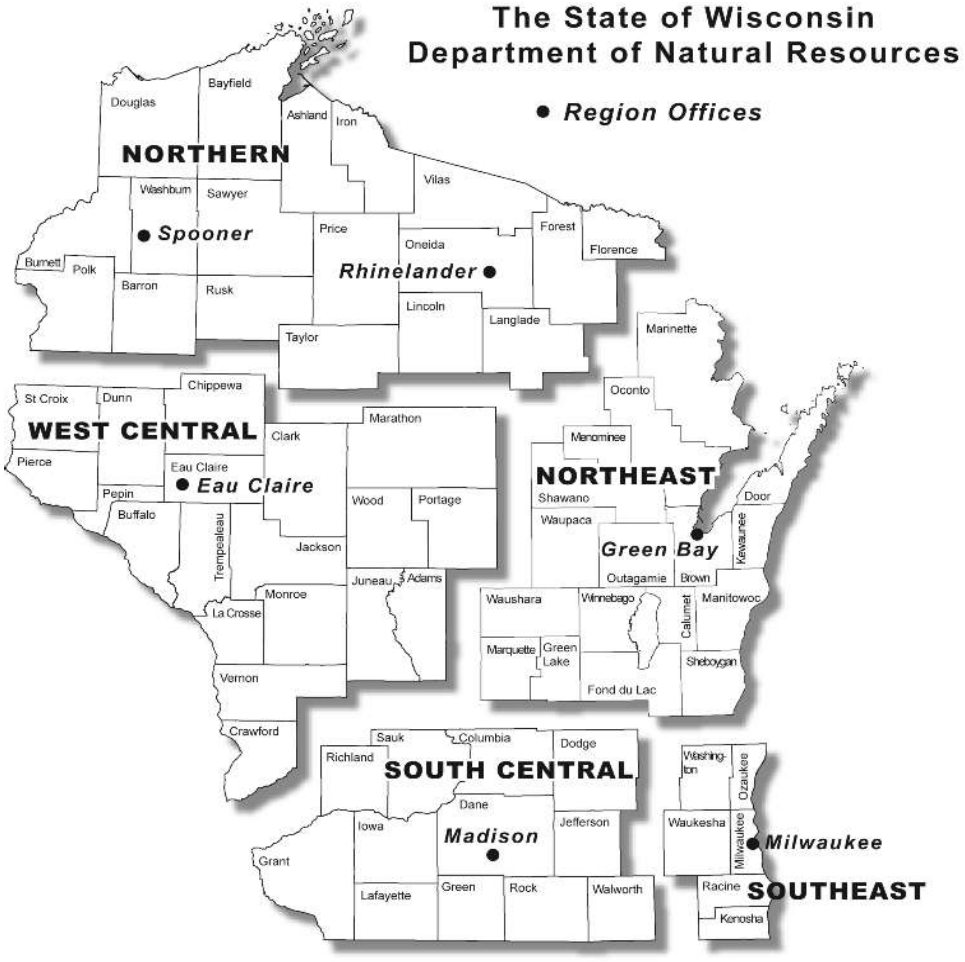
**DNR NORTHERN REGION**
Attn: RR Program Assistant
Department of Natural Resources
107 Sutliff Avenue
Rhinelander WI 54501

**DNR NORTHEAST REGION**
Attn: RR Program Assistant
Department of Natural Resources
2984 Shawano Avenue
Green Bay WI 54313

**DNR SOUTH CENTRAL REGION**
Attn: RR Program Assistant
Department of Natural Resources
3911 Fish Hatchery Road
Fitchburg WI 53711

**DNR SOUTHEAST REGION**
Attn: RR Program Assistant
Department of Natural Resources
2300 North Martin Luther King Drive
Milwaukee WI 53212

**DNR WEST CENTRAL REGION**
Attn: RR Program Assistant
Department of Natural Resources
1300 W Clairemont Avenue
Eau Claire WI 54702




*Note: These are the Remediation and Redevelopment Program's designated regions. Other DNR program regional boundaries may be different.*

## VPLE Application Section-by-Section Instructions

**Section 1: Property Information** - Complete the information regarding the property for which you are seeking a liability exemption. The public land survey location (quarter quarter section location) coordinates of the property must be provided. Please submit a separate application for each property. A property is usually a single parcel of land with the entire legal description found on one deed.

**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. 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 7: Past Land Uses** & **Known or Suspected Contamination Sources** - Indicate any activities or operations that took place on the property in the past, and any known or suspected sources of contamination at the property if known (check as many as apply). Include uses/sources not listed in the space provided.

**Section 8: Solid Waste** - Indicate whether or not there is a solid waste facility on the property such as a landfill or historic fill site. Sites with solid waste facilities may be eligible for VPLE as long as the site does not meet one of the factors listed in Section 10. In addition, some sites with solid waste facilities may not be eligible to complete the VPLE process due to technical issues associated with the environmental clean up at the site. Waste sites must be able to obtain a ch. NR 726, Wis. Adm. Code, site closure in order to receive the VPLE protections. It must do so without the reliance on any active remedial system to ensure compliance with environmental and public health standards, such as active treatment or collection systems relating to groundwater, leachate or gas. Indicate whether such a system is in place now, the existence of such a system will not exclude a site from beginning the VPLE process and such a site could obtain VPLE if the voluntary party can demonstrate that such a system is no longer necessary.

**Section 9: Site Eligibility**
While most contaminated properties can go through the VPLE process, properties with the following types of waste sites or facilities are **NOT** eligible for the VPLE:

- a solid waste facility or site that is an approved facility as defined in s. 289.01(3), Wis. Stats.;
- a hazardous waste treatment, storage or disposal facility that first began operation after the voluntary party acquired the property;
- a licensed hazardous waste treatment, storage or disposal facility operated on the property before the date on which the voluntary party acquired the property and that is operated after the date on which the voluntary party acquired the property; and
- any hazardous waste disposal facility that has been issued a license under s. 144.441 (2), 1995 Wis. Stats., or s. 289.41 (1m), Wis. Stats., or rules promulgated under those sections, for a period of long-term care following closure of the facility.

Check the lists and database on the following webpages to see if the property includes one of these ineligible solid or hazardous waste sites."

**VPLE Webpage:**
http://dnr.wi.gov/topic/brownfields/vple.html

**Solid and Hazardous Waste Information System (SHWIMS)**
http://dnr.wi.gov/sotw/Welcome.do

**Section 10: Regulatory Criteria** - If contamination is present or was present in the past, indicate whether it was reported to the state. Indicate which agency (e.g. DNR, emergency government) the contamination was reported to and when the report was made to that agency. Indicate if an enforcement order is currently in effect for the property or if one has been issued in the past, as well as the issuing agency (e.g. DNR, DATCP, DSPS) and the date of the order. Note that an order is a formal legal document that is distinct from a simple letter notifying a party of its legal responsibility to clean up a property.

**Section 11: Attachments and Certification** - All listed attachments are required for an application to be complete. Attach: 1) a list of all technical reports documenting past environmental work at the property including the date and title of the report and the consultant who prepared it; 2) the application fee in the form of a check or money order payable to the Department of Natural Resources for $250; 3) a copy of a clearly identified public survey map for the property (e.g. the property shown on a portion of the relevant USGS topographic map; plat maps may be used for rural properties); 4) a detailed map that clearly indicates the property boundary of the property for which you are seeking the liability exemption (e.g. a certified survey map, subdivision plat map, or other type of map); and 5) a copy of the deed that includes a legal property description for the property for which you are seeking the liability exemption. The applicant/ Voluntary Party should read and sign the certification. If an agent signs, submit a description and evidence of the legal relationship between the agent and the applicant.

Deeds

Document Number

State Bar of Wisconsin Form 00-2011
**CORRECTION INSTRUMENT**

Under Wis. Stat. § 706.085

Document Name

Document #: **2419570**
Date: 10-09-2015 Time: 02:46:21 PM Pages: 3
Fee: $30.00 County: RACINE State: WI
Requesting Party: Landmark Title of Racine
Register of Deeds: TYSON FETTES
RACINE COUNTY REGISTER OF DEEDS
Exempt Code: 3
**The above recording information verifies this document has been electronically recorded and returned to the submitter**

Undersigned hereby states that a certain document ("conveyance") titled as Warranty Deed, and executed between KINGSTON W. EHRLICH and PHYDELE G. EHRLICH, husband and wife, Grantor, and EHRLICH FAMILY LIMITED PARTNERSHIP, Grantee, was recorded in Racine County, Wisconsin, on August 6, 1998, in volume 2796, page 957, as Document No. 1639822, and contained the following error:

The legal description in the conveyance included Lot 8, 9 and part of Lot 7, Block 3, Greater North Bay Addition No. 2 that had been previously conveyed under Document Nos. 937598 and 923973.

Undersigned makes this Correction Instrument for the purpose of correcting the conveyance as follows:

See attached Exhibit A for the correct legal description:

Name and Return Address

William P. Scott, Esq.
Gonzalez Saggio & Harlan, LLP
111 East Wisconsin Avenue, Suite 1000
Milwaukee, WI 53202

04690001
Parcel Identification Number (PIN)

The basis for undersigned's personal knowledge is (check one):

X Undersigned is the Grantor/Grantee of the property described in the conveyance.
__ Undersigned is the drafter of the conveyance that is subject of the Correction Instrument.
__ Undersigned is the settlement agent in the transaction that is subject of the Correction Instrument.
__ Other (Explain):

A copy of the conveyance (in part or whole) ___is x_ is not attached to this Correction Instrument (if a copy of the conveyance is not
attached, attach the legal description).

Undersigned has sent notice of the execution and recording of this Correction Instrument by 1st class mail to all parties to the transaction that was the subject of the conveyance at their last known address.

**This form has been modified as follows:** All of the signatures appear on the second page and the remainder of this page has intentionally been left blank.

Dated 10.7.15

**GRANTEE:**

**EHRLICH FAMILY LIMITED PARTNERSHIP**

By: **PHYDELE G. EHRLICH IRREVOCABLE TRUST**

Its: General Partner

Signature: * James Charles Small (SEAL)
Printed Name: James C. Small
Title: Trustee

**AUTHENTICATION**

Signature of _____
_____
authenticated on _____,

_____
*
TITLE: MEMBER STATE BAR OF WISCONSIN
(if not, _____
Authorized by Wis. Stat. §706.06)

**ACKNOWLEDGEMENT**

STATE OF WISCONSIN )
) ss
Racine COUNTY )

Personally came before me on October 7, 2015 the above-named James C. Small, Trustee of the Phydele G. Ehrlich Irrevocable Trust, General Partner of the Ehrlich Family Limited Partnership, to me know to be the person who executed the foregoing instrument and acknowledged the same.

Laurie A. Landaal
* Laurie A. Landaal # 203353
Notary Public, State of Wisconsin
My Commission (is permanent)(expires: 4.1.2018 )

**LAURIE A. LANDAAL**
**NOTARY PUBLIC**
**STATE OF WISCONSIN**

THIS INSTRUMENT DRAFTED BY:
Gonzalez Saggio & Harlan,LLP
William P. Scott, Esq.
Wisconsin State Bar No. 1003685

## EXHIBIT A
## Legal Description

All of Lots 1 and 2 and the North 25 feet of Lot 3, Block 3, Greater North Bay Addition No. 2, according to the recorded plat thereof.

Said lands being in the City of Racine, Racine County, State of Wisconsin.

DOCUMENT # 1639822

VOL 2796 PAGE 957

REGISTER'S OFFICE
RACINE COUNTY, WI

RECORDED
98 AUG -6 PM 3:38
MARK A. LADD
REGISTER OF DEEDS

STATE BAR OF WISCONSIN FORM 1 — 1982
**WARRANTY DEED**

DOCUMENT NO.

This Deed, made between KINGSTON W. EHRLICH and PHYDELE G. EHRLICH, husband and wife

, Grantor,

and EHRLICH FAMILY LIMITED PARTNERSHIP

, Grantee.

Witnesseth, That the said Grantor, for a valuable consideration

conveys to Grantee the following described real estate in Racine County, State of Wisconsin:

THIS SPACE RESERVED FOR RECORDING DATA

NAME AND RETURN ADDRESS

Hostak, Henzl & Bichler, S.C.
Box 520

WI REAL ESTATE
TRANSFER FEE
$ 15M

04690001 2
(Parcel Identification Number)

All of Lots 1 and 2, the North 25 feet of Lot 3, the North 40 feet of Lot 7, and all of Lots 8 and 9, Block 3, Greater North Bay Addition No. 2, according to the recorded plat thereof.

Said lands being in the City of Racine, Racine County, State of Wisconsin.

This is not homestead property.
(is) (is not)

Together with all and singular the hereditaments and appurtenances thereunto belonging;
And KINGSTON W. EHRLICH and PHYDELE G. EHRLICH

warrants that the title is good, indefeasible in fee simple and free and clear of encumbrances except municipal and zoning ordinances and agreements entered under them, recorded easements for the distribution of utility and municipal services, recorded building and use restrictions and covenants, general taxes levied in the year of closing

and will warrant and defend the same.

Dated this twenty-fifth (25th) day of July, 1996

Kingston W. Ehrlich (SEAL)
• KINGSTON W. EHRLICH

(SEAL)
•

Phydele G. Ehrlich (SEAL)
• PHYDELE G. EHRLICH

(SEAL)
•

**AUTHENTICATION**

Signature(s) KINGSTON W. EHRLICH and PHYDELE G. EHRLICH

authenticated this 27th day of November, 1996

• STEPHEN J. SMITH
TITLE: MEMBER STATE BAR OF WISCONSIN
(If not, authorized by §706.06, Wis. Stats.)

THIS INSTRUMENT WAS DRAFTED BY
JAMES W. HILL
Hostak, Henzl & Bichler, S.C.

(Signatures may be authenticated or acknowledged. Both are not necessary.)

**ACKNOWLEDGMENT**

STATE OF WISCONSIN } ss.
County.

Personally came before me this day of , 19 . the above named

to me known to be the person who executed the foregoing instrument and acknowledge the same.

•
Notary Public County, Wis.
My commission is permanent. (If not, state expiration date: , 19 .)

*Names of persons signing in any capacity should be typed or printed below their signatures.

Document #: **2368213**
Date: 11-04-2013 Time: 01:06:00 PM Pages: 1
Fee: $30.00 County: RACINE State: WI
Requesting Party: Landmark Title of Racine
Register of Deeds: TYSON FETTES
RACINE COUNTY REGISTER OF DEEDS
Transfer Fee: $195.00
**The above recording information verifies this document has been electronically recorded and returned to the submitter**

State Bar of Wisconsin Form 1-2003
# WARRANTY DEED

Document Number | Document Name

**THIS DEED**, made between SC Johnson & Son, Inc. ("Grantor," whether one or more), and Ehrlich Family Limited Partnership ("Grantee," whether one or more).

Grantor, for a valuable consideration, conveys to Grantee the following described real estate, together with the rents, profits, fixtures and other appurtenant interests, in Racine County, State of Wisconsin ("Property") (if more space is needed, please attach addendum):

The North 40 feet of Lot 7, and all of Lot 8, Block 3, Greater North Bank Addition No. 2, according to the recorded plat thereof. Said land being in the City of Racine, Racine County, Wisconsin.

The following is for informational purpose only:
Address: 3936 North Bay Drive
Tax Key No. 04690024

Recording Area

Name and Return Address

Landmark Title of Racine

04690024
Parcel Identification Number (PIN)

This is not homestead property.
(is) (is not)

Grantor warrants that the title to the Property is good, indefeasible in fee simple and free and clear of encumbrances except: municipal and zoning ordinances and agreements entered under them, recorded easements, recorded building and use restrictions and covenants, present uses of the Property in violation of the foregoing disclosed in Seller's disclosure report, and general taxes levied in the year of closing and matters that would be disclosed by an accurate survey of the Property, and matters caused by Grantee or its agents..

Dated ~~November 1~~ October 30, 2013.

SC Johnson & Son, Inc.

By: _____ (SEAL) _____ (SEAL)
* ~~Mark K. Eckhardt, Executive Vice President~~
Julie F. Branick, Senior Director – Real Estate, Corporate Services & Facilities TSS

_____ (SEAL) _____ (SEAL)
* *

**AUTHENTICATION**

Signature(s) _____
_____
authenticated on _____

_____
*
TITLE: MEMBER STATE BAR OF WISCONSIN
(If not, _____
authorized by Wis. Stat. § 706.06)

THIS INSTRUMENT DRAFTED BY:
Atty Hugh J. O'Halloran, Foley & Lardner LLP
777 E Wisconsin Avenue, Milwaukee, WI 53202
State Bar No. 1008860

**ACKNOWLEDGMENT**

STATE OF WISCONSIN )
) ss.
RACINE COUNTY )

Personally came before me on ~~November 1~~ October 30, 2013.
the above-named ~~Mark K. Eckhardt~~ Julie F. Branick
to me known to be the person(s) who executed the foregoing instrument and acknowledged the same.

Thomas S. Simpson
* Thomas S. Simpson
Notary Public, State of Wisconsin
My Commission (is permanent) (expires: xxxxxxxxxxxxxxxx)

(Signatures may be authenticated or acknowledged. Both are not necessary.)

NOTE: THIS IS A STANDARD FORM. ANY MODIFICATIONS TO THIS FORM SHOULD BE CLEARLY IDENTIFIED.


© 2003 STATE BAR OF WISCONSIN


* Type name below signatures.