Endpoint Solutions
6871 South Lovers Lane
Franklin, WI 53132
Telephone: (414) 427-1200
Fax: (414) 427-1259
www.endpointcorporation.com

RECEIVED
MAR 24 2017
By

ATTN: RR Program Assistant
Wisconsin Department of Natural Resources
2300 North Martin Luther King Jr. Drive
Milwaukee, WI 53212

March 21, 2017

Subject: Post Closure Modification Request
3275 East Layton Avenue
Cudahy, Wisconsin
BRRTS #: 02-41-245930 (ERP) and 07-41-560217 (GEN PROP)

Endpoint Solutions Corp. (Endpoint) has prepared this Post-Closure Modification (PCM) request on behalf of Angelic Bakehouse for their property located at 3275 East Layton Avenue in the City of Cudahy, Milwaukee County Wisconsin (the "Site"). The location of the Site is depicted on **Figure B.1.b.1**.

The Site was originally part of a larger property formerly known as the "Iceport Property" or "Figgie Properties" located south of East Layton Avenue, west of Sweet Applewood Lane, east of South Nicholson Avenue, and north of the eastward extension of East Somers Avenue in the City of Cudahy, Milwaukee County, Wisconsin totaling 28.96 acres. The Site encompasses 3.7 acres and is located in the southwest quadrant of the intersection of East Layton Avenue and Sweet Applewood Lane and occupies the eastern 2/3 of the former Parcel 4, north of Iceport Way.

EXISTING SITE CONDITIONS

The Site is the current location of the commercial bakery and offices for Angelic Bakehouse. A 22,000-square foot slab-on-grade structure was constructed in 2013. The current structure is located in the northeast corner of the Site with a paved parking area along the northern Site boundary, west of the building. A paved loading/unloading dock area is located on the east side of the building. The remainder of the Site is grass covered. Current Site conditions are depicted on **Figure B.1.b.1**.

SITE HISTORY

The Iceport Property was originally developed in the 1890s as part of an industrial facility that was used to manufacture pumps and mining equipment. The facility was used from 1928 to 1983 as a bottling equipment manufacturing business by George Meyer Manufacturing, then Figgie International. The buildings associated with the manufacturing facility were razed between 1982 and 1992. In 2009, the Cudahy Community Development Authority (CDA) purchased the Iceport Property at a Sheriff Sale following a failed redevelopment project and foreclosure. In 2011, the Iceport Property was transferred from the Cudahy CDA to the City of Cudahy so remediation efforts could be performed.

To promote future development, the Iceport Property was divided into new parcels and addresses. In 2013, the eastern 2/3 of Parcel 4 was parceled via a Certified Survey Map (CSM) to create the Site for the development of the Angelic Bakehouse. A copy of the CSM is attached as **Figure F.2.**

In 2013, Angelic Bakehouse negotiated a Developer's Agreement with the City of Cudahy to construct a commercial baking facility on the Site. The development occupies the north one-half of the Site. The building was developed on the eastern portion of the parcel with a pad prepared for an approximate 18,000 sf addition to the west. The building is supported on conventional spread foundations.

Soils excavated from beneath the barrier during construction in 2013 were stockpiled on Site to the south of the building and capped with 18-inches of clean soil and topsoil. The capped stockpile was vegetated to minimize erosion of the cap. Current Site conditions and the location of the capped stockpile is shown on **Figure D.2**.

PROPOSED DEVELOPMENT PLAN

The proposed additions at the Site are located to the north, south and east of the existing building. The additions include an expanded freezer area, additional dry storage and a new shipping area with loading docks to the south of the existing building, additional office space to the north of the northwest corner of the existing building and additional office and sprouting areas to the east of the northeast corner of the existing building. The locations of the proposed additions are depicted on **Figure C1.0**. All of the additions will be constructed as single-story, slab-on-grade structures similar to the existing structure.

SITE GEOLOGY AND HYDROGEOLOGY

The soil profile at the Site is described in historical reports as zero (0) to 15 feet of fill over dense glacial till. The fill was reported to be brown, olive or black, silty sand with gravel, cinders, metal, glass, and wood debris. The native soil is dense brown and gray silty clay with trace gravel and occasional occurrences of silty or sandy lenses.

The native sediments were deposited as glacial till and are mapped as the Oak Creek Formation. The Oak Creek Formation is described as a fine-grained calcareous glacial till with lacustrine clay, silt, and sand. Typical grain size distribution of Oak Creek till is zero (0) to 20 percent sand, 50 to 70 percent silt, and 20 to 40 percent clay. Till in the area of the Site is reported to extend to a depth of 90 to 160 feet below ground surface (bgs). The till is underlain by Silurian dolomite bedrock which is reported to be 210 feet thick in the vicinity of the Site.

Groundwater has been encountered between one (1) and 14 feet bgs at the Site. Groundwater flow is reported to be toward the south and southwest.

SITE INVESTIGATION ACTIVITIES

Several phases of investigation and remediation were performed on the Site between 1994 and 2009. A brief summary of the investigations and remediation performed is summarized below.

The boiler room in Building #1 formerly located on the Site was investigated. Soil excavation activities were performed in January and April 2002 to address petroleum free product and petroleum piping beneath the existing floor slab, which was removed in late 2001. Approximately 340 tons of petroleum-impacted soil was excavated for off-site biotreatment. Diesel range organics (DRO) were detected in post-excavation samples at concentrations below generic Wisconsin Administrative Code (WAC) Chapter NR 720 residual contaminant levels (RCLs).

Fill materials were found to contain primarily polycyclic aromatic hydrocarbons (PAHs) and metals.

REMEDIATION

A closure request for BRRTS #02-41-245930 (Iceport *Parcels 1, 2, and 4*) was submitted by BT², Inc. in July 2002. Subsequently, the WDNR approved conditional closure in December 2002. Conditional closure was based on the construction of an exposure barrier consisting of building floor slabs, concrete and asphalt pavement or 18-inches of clean soil and development of an approved barrier maintenance plan. Due to the failed Iceport redevelopment project, the barrier was never constructed and conditional closure was rescinded by WDNR in 2007.

The City of Cudahy reacquired the entire Iceport site in 2009. At that time, several soil stockpiles existed on the parcels. It was deduced that these stockpiles were created during several different development activities that had occurred since 2002. To position the entire Iceport site for eventual redevelopment, the City of Cudahy developed a site-wide grading plan. Utilizing the grading plan, Endpoint prepared a *Remedial Action Plan* (RAP) and submitted it to the WDNR on April 26, 2011 for review and approval. The RAP proposed consolidating the impacted soil piles on the site, creating an 18-inch thick direct contact soil exposure barrier, and uniformly grading the site to promote drainage.

The RAP received WDNR approval on May 18, 2011. Remedial activities based on the approved RAP began in July 2011. Approximately 18,000 cubic yards from five (5) existing soil piles were relocated and consolidated on the parcel south of Iceport Way. During the course of the grading activities, approximately 170 tons of unsuitable material consisting of concrete pieces, boulders, wood timbers, and other debris was transported off site to the Waste Management Metro facility in Franklin, Wisconsin for disposal. Approximately 52,000 cubic yards of clean fill was imported to construct the 18-inch thick direct contact soil exposure barrier across the entire Iceport redevelopment site, including the Site. Additionally, vegetation was established to inhibit soil erosion and protect the construction of the soil barrier.

VAPOR INTRUSION ASSESSMENT

The contaminants of concern at the Site consist of PAHs and metals associated with historical fill. As neither PAHs nor metals are considered volatile contaminants, the potential for vapor intrusion into the building does not exist.

SOIL MANAGEMENT PLAN

The soil barrier constructed at the Site, as described in the RAP, consists of 15-inches of clean soil overlain with 3-inches of topsoil sufficient to support vegetation to prevent erosion of the barrier.

This resulted in a total barrier thickness of 18-inches of clean soil. During the initial Site development in 2013, the existing topsoil from the developable portion of the Site was be stripped and stockpiled for future use. The barrier soils were also stripped from the developable portion of the Site and stockpiled for future use. The topsoil and barrier soils were stockpiled on the adjacent parcel to the west of the Site with permission from the City of Cudahy.

The Site plan for the development was designed to balance as best as possible in regards to the existing fill soils. In general, the existing fill soils which are required to be excavated for foundation and utility installation were placed and compacted in other on areas of the Site requiring fill. Approximately 3,500 cubic yards of excavated soils could not be reused on the Site. Therefore, as previously discussed, a stockpile of these soils was created to the south of the building, capped with 18-inchs of clean soil and topsoil and seeded.

WATER MANAGEMENT PLAN

The measured depth to groundwater is expected to be below the deepest excavation for the proposed structural additions at the Site. However, in the event groundwater is encountered or surface runoff comes in contact with contaminated soil which requires removal for construction, a Notice of Intent will be obtained from the Milwaukee Metropolitan Sewage District (MMSD) to dispose of the contaminated groundwater or surface water to the municipal sanitary sewer system. There is no intention to discharge water originating on the former 3475 East Layton Avenue parcel to the ground surface or to the storm sewer system.

VAPOR INTRUSION MITIGATION PLAN

As the contaminants of concern (PAHs and metals) at the Site do not pose a vapor intrusion threat, a sub-slab vapor mitigation system is not required. However, consistent with the original development, the newly constructed concrete floor slabs will be poured on top of a polyethylene vapor barrier, and the control joints in the slabs will be sealed with an epoxy caulk. Because the facility is a commercial bakery, the concrete floors will also be sealed with an epoxy sealant certified by the Food and Drug Administration (FDA) for use in a commercial bakery.

PROPOSED POST-DEVELOPMENT BARRIER PLAN

Following development of the Site in 2013, the barrier consisted of:

1. Areas undisturbed by construction where the original 18-inch thick soil barrier remains;
2. Areas where the floor slabs and foundations act as the barrier;
3. Areas where the paved parking, driveway and sidewalks act as the barrier; and,
4. Areas where a soil barrier was re-established over excess excavated soils and the prepared pad area to the west of the building for future expansion of the structure.

The contaminants of concern at this Site consist primarily of PAHs and metals associated with foundry sand deposits. The development plan for the Site minimizes the potential for exposure to the impacted soil. Excavations for foundations, floor slabs and utilities will proceed in a controlled fashion to minimize the amount of impacted soils exposed at any one time. A depiction of the various post-redevelopment barriers is presented on **Figure D.2**.

POST-REDEVLOPMENT CONDITIONS

While the final remedial solution for the Site consisted of capping the entire Site with 18-inches of clean soil and topsoil to prevent direct contact exposures, the initial redevelopment of the Site replaced the soil cap with concrete floors slabs and paved parking areas. The structural additions to the existing building will further expand the areas of concrete slab and paved parking areas. It is our opinion the presence of additional concrete floor slabs and paved parking areas improves the overall quality of the cap by replacing additional areas of soil with semi-permanent pavements and permanent structures.

CLOSING

We trust the information provided herein is sufficient for the WDNR to approve the Post-Closure Modification request for the construction of additions to the buildings at the Angelic Bakehouse at 3475 East Layton Avenue. Following completion of the construction of the additions, a revised GIS Registry will be prepared and submitted to the WDNR. A completed Form 4400-237 is attached in **Appendix A**, and, a check in the amount of $1,350 for closure review and soil GIS Registry fees is included with this request. Should you have any questions regarding this request, please feel free to contact me directly at 414-858-1202.

Sincerely,

Endpoint Solutions

Robert A. Cigale, P.G.
Principal Consultant

ATTACHMENTS
Figures
Appendix A

cc: James Marino – JMJ RE Acquisitions LLC
Ken Cassidy – Lancaster Colony
Nathan Laurent - Keller

FIGURES

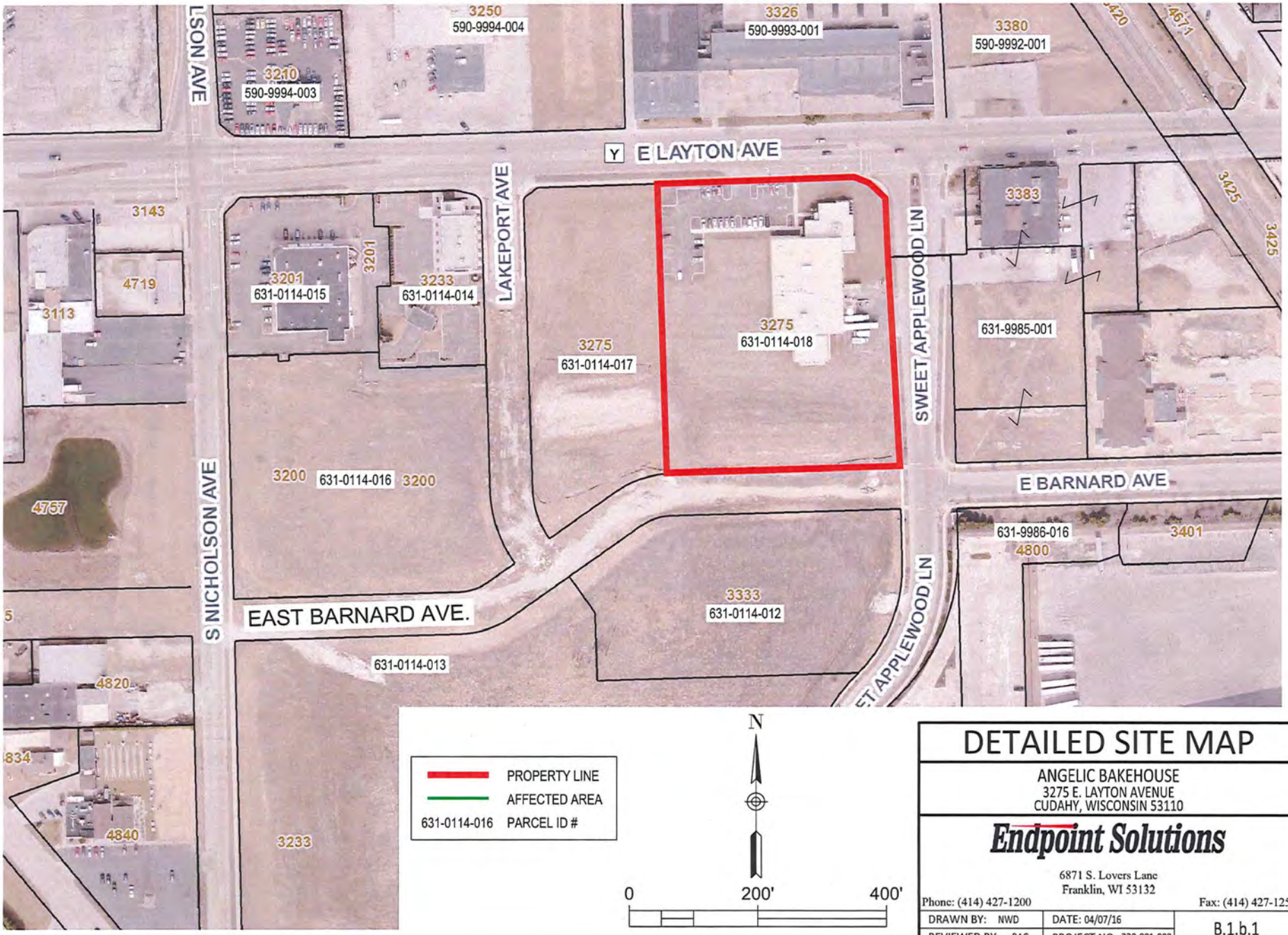
FIGURE B.1.B.1 – DETAILED SITE MAP

FIGURE F.2 – CERTIFIED SURVEY MAP

FIGURE D.2 – BARRIER LOCATION PLAN

FIGURE C1.0 – CONCEPTUAL SITE PLAN

P:\000 ARCHIVED PROJECTS\Angelic Bakehouse - 220\001 - 3275 E. Layton Ave, Cudahy\CAD\001-002 Closure Figures\Fig B.1.b.1_220-001-002 Detailed Site Map.dwg



DETAILED SITE MAP

ANGELIC BAKEHOUSE
3275 E. LAYTON AVENUE
CUDAHY, WISCONSIN 53110

Endpoint Solutions

6871 S. Lovers Lane
Franklin, WI 53132

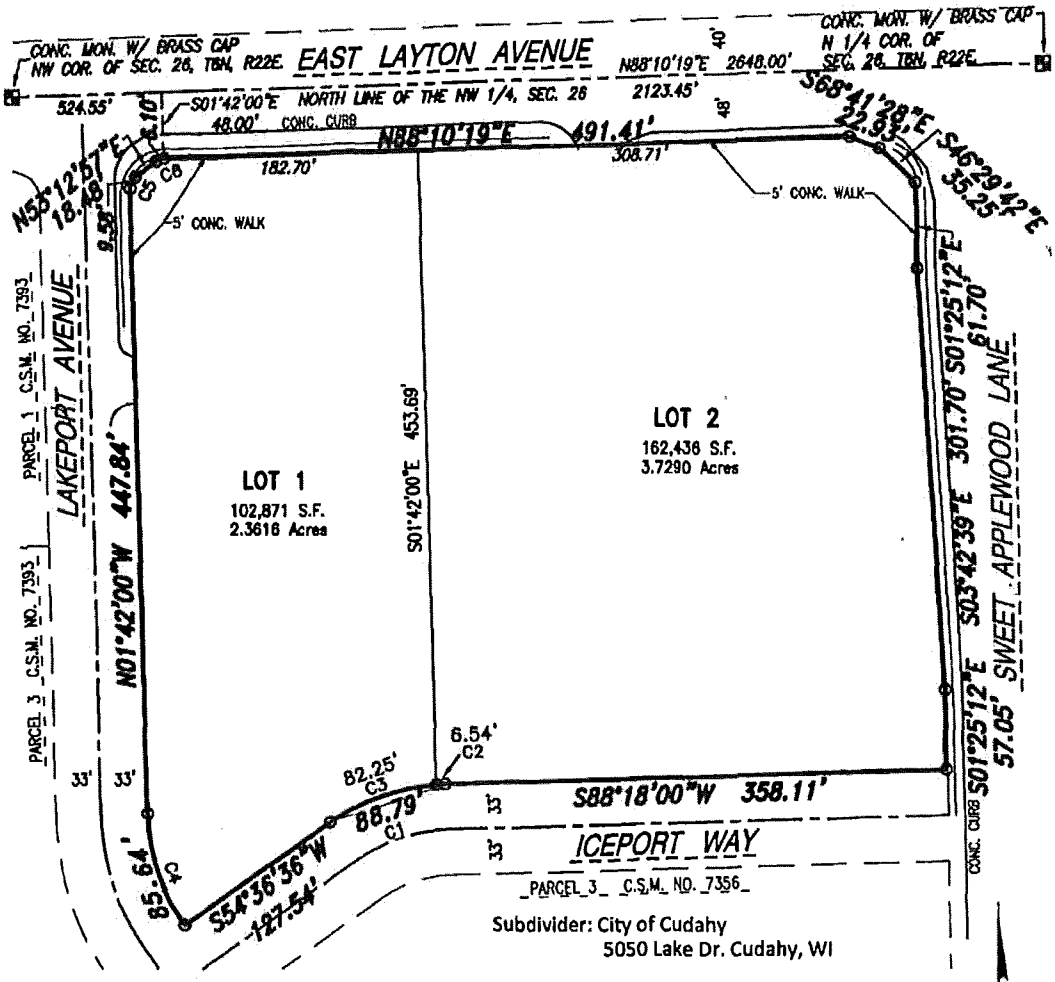
Phone: (414) 427-1200 Fax: (414) 427-1259

DRAWN BY: NWD	DATE: 04/07/16	B.1.b.1
REVIEWED BY: RAC	PROJECT NO: 220-001-002	

F.2 - Certified Survey Map

CERTIFIED SURVEY MAP NO. 8524

A redivision of Parcel 2 of Certified Survey Map No. 7356, being part of the Northwest 1/4 of the Northwest 1/4 of Section 26, Town 6 North, Range 22 East, in the City of Cudahy, Milwaukee County, Wisconsin.



Subdivider: City of Cudahy
5050 Lake Dr. Cudahy, WI

CURVE	ARC LENGTH	RADIUS	DELTA ANGLE	CHORD BEARING	CHORD LENGTH
C1	88.79'	151.00'	33°41'24"	S71°27'18"W	87.51'
C2	6.54'	151.00'	2°28'52"	S87°03'34"W	6.54'
C3	82.25'	151.00'	31°12'32"	S70°12'52"W	81.24'
C4	85.64' (REC'D AS 85.24')	145.64'	33°41'24"	S18°32'42"E	84.41' (REC'D AS 84.02')
C5	9.58'	10.00'	54°54'56"	S25°45'29"W	9.22'
C6	6.10'	10.00'	34°57'21"	S70°41'39"W	6.01'

All bearings are referenced to the Wisconsin State Plane Coordinate System (South zone, NAD 27) in which the North line of the NW 1/4, Sec. 26 bears N88°10'19"E.

⊙ Indicates set 1" iron pipe, 18" in length, 1.13 lbs. per lineal foot.

GRAPHIC SCALE

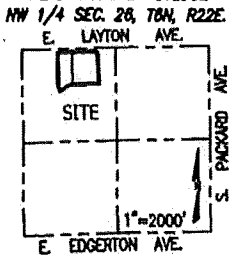
0 100 200

1 Inch = 100 ft.

This instrument was drafted by Donald C. Chaput
Registered Land Surveyor S-1316

VICINITY MAP

NW 1/4 SEC. 26, T6N, R22E.

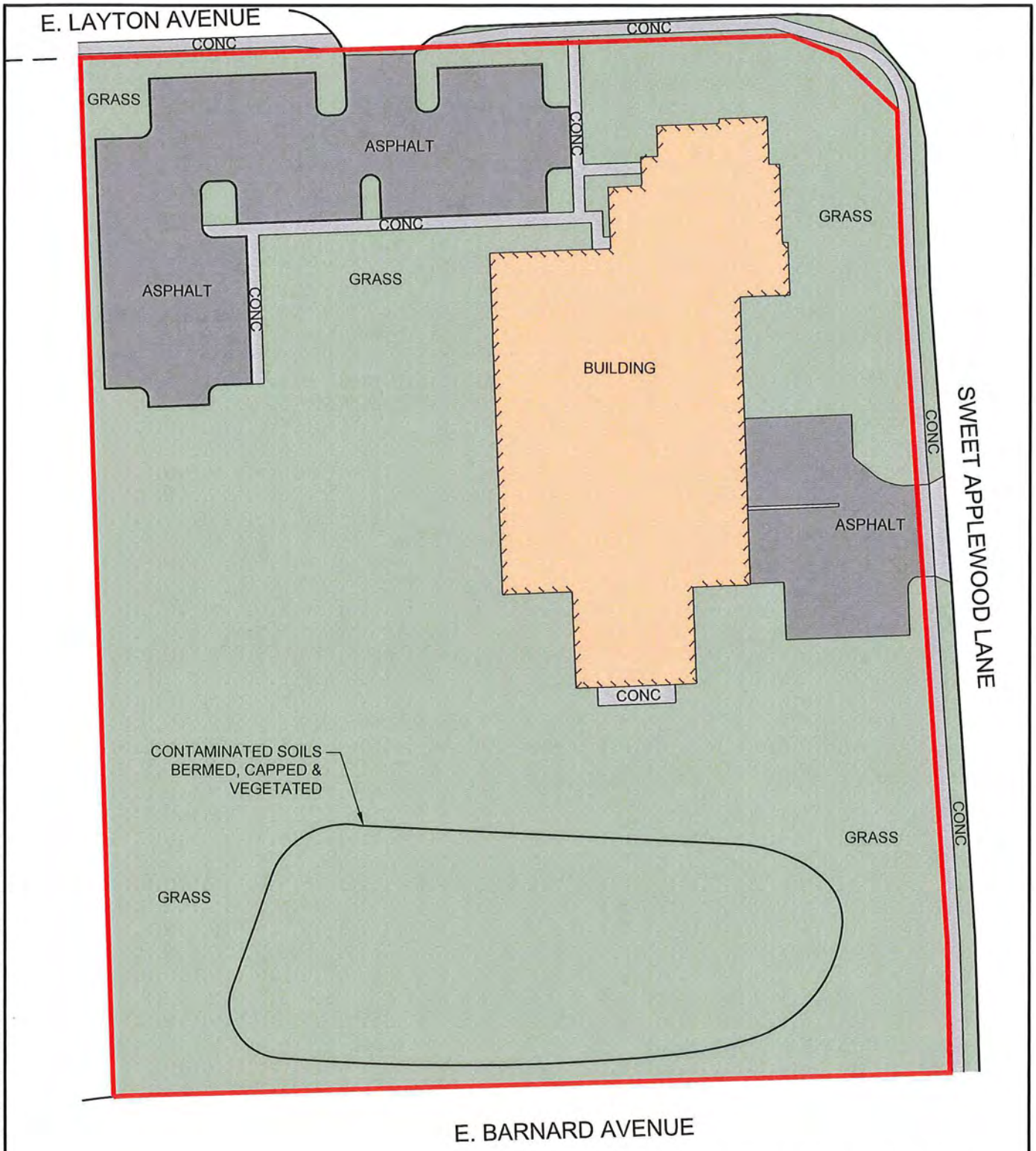


WISCONSIN
DONALD C. CHAPUT
S-1316
MILWAUKEE
WI
LAND SURVEYOR

Date: March 12, 2013

CHAPUT LAND SURVEYS LLC
234 W. FLORIDA STREET
MILWAUKEE, WI 53204
414-224-8068
www.chaputlandsurveys.com

Survey No. 1443-tjn
Sheet 1 of 4 Sheets



ASPHALT
BUILDING
CONCRETE
SOIL CAP

N

0 60' 120'

BARRIER LOCATION MAP

ANGELIC BAKEHOUSE
3275 E. LAYTON AVENUE
CUDAHY, WISCONSIN 53110

Endpoint Solutions
6871 S. Lovers Lane
Franklin, WI 53132
Phone: (414) 427-1200 Fax: (414) 427-1259

DRAWN BY: NWD	DATE: 04/07/16	D.2
REVIEWED BY: RAC	PROJECT NO: 220-001-002	

P:\000 ARCHIVED PROJECTS\Angelic Bakehouse - 220\001 - 3275 E. Layton Ave, Cudahy\CAD\001-002 Closure Figures\Fig D.2_220-001-002 Barrier Location Map.dwg

SHEET INDEX

C1.0 SITE PLAN
A1.0 FLOOR PLAN
A1.1 OFFICE AREA PLAN
A1.2 FREEZER AREA PLAN
A1.3 REFLECTED CEILING PLAN
A2.0 ELEVATIONS
A2.1 3D
A3.0 SECTIONS
A3.1 SECTIONS
A3.2 SECTIONS
T2.0 SPECIFICATIONS

PROJECT INFORMATION

APPLICABLE BUILDING CODE

2009 INTERNATIONAL BUILDING CODE (WITH WISCONSIN AMENDMENTS)
ASHRE STANDARD 90.1-2007

BUILDING CONTENT

BUILDING & FIRE AREA SQUARE FOOTAGES

FLOOR AREAS	EXISTING	NEW	SUB-TOTAL
SECOND FLOOR	— S.F.	— S.F.	— S.F.
FIRST FLOOR	22,092 S.F.	7,690 S.F.	29,780 S.F.
CANOPIES (COLUMN SUPPORTED)	— S.F.	— S.F.	— S.F.
BASEMENT	— S.F.	— S.F.	— S.F.
BUILDING AREA SUB-TOTALS	22,092 S.F.	7,690 S.F.	29,780 S.F.
MEZZANINES	— S.F.	— S.F.	— S.F.
FIRE AREA TOTALS	22,092 S.F.	7,690 S.F.	29,780 S.F.

HIGH PILE STORAGE YES
FIRE ALARM SYSTEM YES

OCCUPANCY

B - OFFICE F1 - BAKERY
NON SEPARATED

CONSTRUCTION CLASSIFICATION

TYPE IIB CONSTRUCTION
SPRINKLED YES
FIREWALL YES/NO

ALLOWABLE AREA

TABULAR FLOOR AREA: XXX,XXX S.F.
FRONTAGE INCREASE: XXX,XXX S.F.
SPRINKLER INCREASE: XXX,XXX S.F.
TOTAL ALLOWABLE AREA: XXX,XXX S.F.
ALLOWABLE FIRE AREA: XX,XXX S.F.

BUILDING/SITE CONTENT

BUILDING SIZE	XXX,XXX S.F.	XX.X%
HARD SURFACE	XXX,XXX S.F.	XX.X%
GREEN SPACE	XXX,XXX S.F.	XX.X%
PARCEL SIZE (APPROX.)	XXX,XXX S.F.	X.XX ACRES
PARKING PROVIDED	58 STALLS (1 STALL/XXX.X S.F.)	

ZONING INFORMATION

ZONING: X
FRONT YARD SETBACK: 12'-0" (ASSUMED)
SIDE YARD SETBACK: 12'-0" (ASSUMED)
REAR YARD SETBACK: 12'-0" (ASSUMED)

PROPOSED FOR:
ANGELIC BAKEHOUSE
CUDAHY, WISCONSIN

Keller
PLANNERS | ARCHITECTS | BUILDERS
www.kellerbuilds.com

PROPOSED FOR: ANGELIC BAKEHOUSE
CUDAHY, WISCONSIN

"COPYRIGHT NOTICE"

REVISIONS
1 FEB. 16, 2017 KNU

PROJECT MANAGER: N. LAURENT
DESIGNER: T. TALAU
DRAWN BY: KNU
INSPECTOR:
SUPERVISOR:
PRELIMINARY NO:
CONTRACT NO:
DATE: 16047
SHEET: C1.0

PRELIMINARY - NOT FOR CONSTRUCTION

APPENDIX A

FORM 4400-237

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

Technical Assistance, Environmental Liability Clarification or Post-Closure Modification Request

Notice: Use this form to request a **written response (on agency letterhead)** from the Department of Natural Resources (DNR) regarding technical assistance, a post-closure change to a site, a specialized agreement or liability clarification for Property with known or suspected environmental contamination. A fee will be required as is authorized by s. 292.55, Wis. Stats., and NR 749, Wis. Adm. Code., unless noted in the instructions below. 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.].

Definitions

"Property" refers to the subject Property that is perceived to have been or has been impacted by the discharge of hazardous substances.

"Liability Clarification" refers to a written determination by the Department provided in response to a request made on this form. The response clarifies whether a person is or may become liable for the environmental contamination of a Property, as provided in s. 292.55, Wis. Stats.

"Technical Assistance" refers to the Department's assistance or comments on the planning and implementation of an environmental investigation or environmental cleanup on a Property in response to a request made on this form as provided in s. 292.55, Wis. Stats.

"Post-closure modification" refers to changes to Property boundaries and/or continuing obligations for Properties or sites that received closure letters for which continuing obligations have been applied or where contamination remains. Many, but not all, of these sites are included on the GIS Registry layer of RR Sites Map to provide public notice of residual contamination and continuing obligations.

Select the Correct Form

This from should be used to request the following from the DNR:

- Technical Assistance
- Liability Clarification
- Post-Closure Modifications
- Specialized Agreements (tax cancellation, negotiated agreements, etc.)

Do not use this form if one of the following applies:

- Request for an **off-site liability exemption or clarification** for Property that has been or is perceived to be contaminated by one or more hazardous substances that originated on another Property containing the source of the contamination. Use DNR's Off-Site Liability Exemption and Liability Clarification Application Form 4400-201.
- Submittal of an Environmental Assessment for the **Lender Liability Exemption**, s 292.21, Wis. Stats., **if no response or review by DNR is requested**. Use the Lender Liability Exemption Environmental Assessment Tracking Form 4400-196.
- Request for an **exemption to develop on a historic fill site** or licensed landfill. Use DNR's Form 4400-226 or 4400-226A.
- **Request for closure** for Property where the investigation and cleanup actions are completed. Use DNR's Case Closure - GIS Registry Form 4400-202.

All forms, publications and additional information are available on the internet at: dnr.wi.gov/topic/Brownfields/Pubs.html.

Instructions

1. Complete sections 1, 2, 6 and 7 for all requests. Be sure to provide adequate and complete information.
2. Select the type of assistance requested: Section 3 for technical assistance or post-closure modifications, Section 4 for a written determination or clarification of environmental liabilities; or Section 5 for a specialized agreement.
3. Include the fee payment that is listed in Section 3, 4, or 5, unless you are a "Voluntary Party" enrolled in the Voluntary Party Liability Exemption Program **and** the questions in Section 2 direct otherwise. Information on to whom and where to send the fee is found in Section 8 of this form.
4. Send the completed request, supporting materials and the fee to the appropriate DNR regional office where the Property is located. See the map on the last page of this form. A paper copy of the signed form and all reports and supporting materials shall be sent with an electronic copy of the form and supporting materials on a compact disk. For electronic document submittal requirements see: http://dnr.wi.gov/files/PDF/pubs/rr/RR690.pdf"

The time required for DNR's determination varies depending on the complexity of the site, and the clarity and completeness of the request and supporting documentation.

Section 1. Contact and Recipient Information

Requester Information

This is the person requesting technical assistance or a post-closure modification review, that his or her liability be clarified or a specialized agreement and is identified as the requester in Section 7. DNR will address its response letter to this person.

Last Name	First	MI	Organization/ Business Name		
Marino	James		JMJ RE Acquisitions LLC		
Mailing Address			City	State	ZIP Code
3275 East Layton Avenue			Cudahy	WI	53110
Phone # (include area code)	Fax # (include area code)		Email		
(414) 312-7300					

The requester listed above: (select all that apply)

- [x] Is currently the owner
- [ ] Is considering selling the Property
- [ ] Is renting or leasing the Property
- [ ] Is considering acquiring the Property
- [ ] Is a lender with a mortgagee interest in the Property
- [ ] Other. Explain the status of the Property with respect to the applicant:

Contact Information (to be contacted with questions about this request) [ ] Select if same as requester

Contact Last Name	First	MI	Organization/ Business Name		
Cigale	Robert		Endpoint Solutions Corp.		
Mailing Address			City	State	ZIP Code
6871 South Lovers Lane			Franklin	WI	53132
Phone # (include area code)	Fax # (include area code)		Email		
(414) 858-1202			bob@endpointcorporation.com		

Environmental Consultant (if applicable)

Contact Last Name	First	MI	Organization/ Business Name		
Cigale	Robert		Endpoint Solutions Corp.		
Mailing Address			City	State	ZIP Code
6871 South Lovers Lane			Franklin	WI	53132
Phone # (include area code)	Fax # (include area code)		Email		
(414) 858-1202			bob@endpointcorporation.com		

Section 2. Property Information

Property Name			FID No. (if known)	
Angelic Bakehouse			341228910	
BRRTS No. (if known) 10-41-560232		Parcel Identification Number		
07-41-560217 & 02-41-245930		6310114018		
Street Address		City	State	ZIP Code
3275 East Layton Avenue		Cudahy	WI	53110
County	Municipality where the Property is located	Property is composed of:	Property Size Acres	
Milwaukee	(•) City ( ) Town ( ) Village of Cudahy	(•) Single tax parcel ( ) Multiple tax parcels	4	

1. Is a response needed by a specific date? (e.g., Property closing date) Note: Most requests are completed within 60 days. Please plan accordingly.

   ○ No ◉ Yes

   Date requested by: 06/01/2017

   Reason: Construction set to commence

2. Is the "Requester" enrolled as a Voluntary Party in the Voluntary Party Liability Exemption (VPLE) program?

   ◉ No. **Include the fee that is required for your request in Section 3, 4 or 5.**

   ○ Yes. **Do not include a separate fee.** This request will be billed separately through the VPLE Program.

   Fill out the information in Section 3, 4 or 5 which corresponds with the type of request:
   Section 3. Technical Assistance or Post-Closure Modifications;
   Section 4. Liability Clarification; or Section 5. Specialized Agreement.

Section 3. Request for Technical Assistance or Post-Closure Modification

Select the type of technical assistance requested: **[Numbers in brackets are for WI DNR Use]**

- ☐ No Further Action Letter (NFA) (Immediate Actions) - NR 708.09, [183] - **Include a fee of $350.** Use for a written response to an immediate action after a discharge of a hazardous substance occurs. Generally, these are for a one-time spill event.
- ☐ Review of Site Investigation Work Plan - NR 716.09, [135] - **Include a fee of $700.**
- ☐ Review of Site Investigation Report - NR 716.15, [137] - **Include a fee of $1050.**
- ☐ Approval of a Site-Specific Soil Cleanup Standard - NR 720.10 or 12, [67] - **Include a fee of $1050.**
- ☐ Review of a Remedial Action Options Report - NR 722.13, [143] - **Include a fee of $1050.**
- ☐ Review of a Remedial Action Design Report - NR 724.09, [148] - **Include a fee of $1050.**
- ☐ Review of a Remedial Action Documentation Report - NR 724.15, [152] - **Include a fee of $350**
- ☐ Review of a Long-term Monitoring Plan - NR 724.17, [25] - **Include a fee of $425.**
- ☐ Review of an Operation and Maintenance Plan - NR 724.13, [192] - **Include a fee of $425.**

Other Technical Assistance - s. 292.55, Wis. Stats. [97] (For request to build on an abandoned landfill use Form 4400-226)

- ☐ Schedule a Technical Assistance Meeting - **Include a fee of $700.**
- ☐ Hazardous Waste Determination - **Include a fee of $700.**
- ☐ Other Technical Assistance - **Include a fee of $700.** Explain your request in an attachment.

Post-Closure Modifications - NR 727, [181]

- ☒ Post-Closure Modifications: Modification to Property boundaries and/or continuing obligations of a closed site or Property; sites may be on the GIS Registry. This also includes removal of a site or Property from the GIS Registry. **Include a fee of $1050, and:**
  - ☒ Include a fee of $300 for sites with residual soil contamination; and
  - ☐ Include a fee of $350 for sites with residual groundwater contamination, monitoring wells or for vapor intrusion continuing obligations.

  Attach a description of the changes you are proposing, and documentation as to why the changes are needed (if the change to a Property, site or continuing obligation will result in revised maps, maintenance plans or photographs, those documents may be submitted later in the approval process, on a case-by-case basis).

Skip Sections 4 and 5 if the technical assistance you are requesting is listed above and complete Sections 6 and 7 of this form.

Section 4. Request for Liability Clarification

Select the type of liability clarification requested. Use the available space given or attach information, explanations, or specific questions that you need answered in DNR's reply. Complete Sections 6 and 7 of this form. **[Numbers in brackets are for DNR Use]**

☐ "Lender" liability exemption clarification - s. 292.21, Wis. Stats. [686]

- **Include a fee of $700.**

Provide the following documentation:

(1) ownership status of the real Property, and/or the personal Property and fixtures;

(2) an environmental assessment, in accordance with s. 292.21, Wis. Stats.;

(3) the date the environmental assessment was conducted by the lender;

(4) the date of the Property acquisition; for foreclosure actions, include a copy of the signed and dated court order confirming the sheriff's sale.

(5) documentation showing how the Property was acquired and the steps followed under the appropriate state statutes.

(6) a copy of the Property deed with the correct legal description; and,

(7) the Lender Liability Exemption Environmental Assessment Tracking Form (Form 4400-196).

(8) If no sampling was done, please provide reasoning as to why it was **not** conducted. Include this either in the accompanying environmental assessment or as an attachment to this form, and cite language in s. 292. 21(1)(c)2.,h.-i., Wis. Stats.:

h. The collection and analysis of representative samples of soil or other materials in the ground that are suspected of being contaminated based on observations made during a visual inspection of the real Property or based on aerial photographs, or other information available to the lender, including stained or discolored soil or other materials in the ground and including soil or materials in the ground in areas with dead or distressed vegetation. The collection and analysis shall identify contaminants in the soil or other materials in the ground and shall quantify concentrations.

i. The collection and analysis of representative samples of unknown wastes or potentially hazardous substances found on the real Property and the determination of concentrations of hazardous waste and hazardous substances found in tanks, drums or other containers or in piles or lagoons on the real Property.

☐ "Representative" liability exemption clarification (e.g. trustees, receivers, etc.) - s. 292.21, Wis. Stats. [686]

- **Include a fee of $700.**

Provide the following documentation:

(1) ownership status of the Property;

(2) the date of Property acquisition by the representative;

(3) the means by which the Property was acquired;

(4) documentation that the representative has no beneficial interest in any entity that owns, possesses, or controls the Property;

(5) documentation that the representative has not caused any discharge of a hazardous substance on the Property; and

(6) a copy of the Property deed with the correct legal description.

☐ Clarification of local governmental unit (LGU) liability exemption at sites with: (select all that apply)

- ☐ hazardous substances spills - s. 292.11(9)(e), Wis. Stats. [649];
- ☐ Perceived environmental contamination - [649];
- ☐ hazardous waste - s. 292.24 (2), Wis. Stats. [649]; and/or
- ☐ solid waste - s. 292.23 (2), Wis. Stats. [649].

- **Include a fee of $700, a summary of the environmental liability clarification being requested, and the following:**

(1) clear supporting documentation showing the acquisition method used, and the steps followed under the appropriate state statute(s).

(2) current and proposed ownership status of the Property;

(3) date and means by which the Property was acquired by the LGU, where applicable;

(4) a map and the ¼, ¼ section location of the Property;

(5) summary of current uses of the Property;

(6) intended or potential use(s) of the Property;

(7) descriptions of other investigations that have taken place on the Property; and

(8) (for solid waste clarifications) a summary of the license history of the facility.

Section 4. Request for Liability Clarification (cont.)

☐ Lease liability clarification - s. 292.55, Wis. Stats. [646]

- **Include a fee of $700 for a single Property, or $1400 for multiple Properties and the information listed below:**

(1) a copy of the proposed lease;

(2) the name of the current owner of the Property and the person who will lease the Property;

(3) a description of the lease holder's association with any persons who have possession, control, or caused a discharge of a hazardous substance on the Property;

(4) map(s) showing the Property location and any suspected or known sources of contamination detected on the Property;

(5) a description of the intended use of the Property by the lease holder, with reference to the maps to indicate which areas will be used. Explain how the use will not interfere with any future investigation or cleanup at the Property; and

(6) all reports or investigations (e.g. Phase I and Phase II Environmental Assessments and/or Site Investigation Reports conducted under s. NR 716, Wis. Adm. Code) that identify areas of the Property where a discharge has occurred.

General or other environmental liability clarification - s. 292.55, Wis. Stats. [682] - Explain your request below.

- **Include a fee of $700 and an adequate summary of relevant environmental work to date.**

☐ No Action Required (NAR) - NR 716.05, [682]

- **Include a fee of $700.**

Use where an environmental discharge has or has not occurred, and applicant wants a DNR determination that no further assessment or clean-up work is required. Usually this is requested after a Phase I and Phase II environmental assessment has been conducted; the assessment reports should be submitted with this form. This is not a closure letter.

☐ Clarify the liability associated with a "closed" Property - s. 292.55, Wis. Stats. [682]

- **Include a fee of $700.**

- Include a copy of any closure documents if a state agency other than DNR approved the closure.

Use this space or attach additional sheets to provide necessary information, explanations or specific questions to be answered by the DNR.

Section 5. Request for a Specialized Agreement

Select the type of agreement needed. Include the appropriate draft agreements and supporting materials. Complete Sections 6 and 7 of this form. More information and model draft agreements are available at: dnr.wi.gov/topic/Brownfields/lgu.html#tabx4.

☐ Tax cancellation agreement - s. 75.105(2)(d), Wis. Stats. [654]

- **Include a fee of $700, and the information listed below:**

(1) Phase I and II Environmental Site Assessment Reports,
(2) a copy of the Property deed with the correct legal description; and,
(3) a draft 75.105 agreement based on the DNR's model (dnr.wi.gov/topic/brownfields/documents/mod75-105agrmt.pdf).

☐ Agreement for assignment of tax foreclosure judgement - s.75.106, Wis. Stats. [666]

- **Include a fee of $700, and the information listed below:**

(1) Phase I and II Environmental Site Assessment Reports,
(2) a copy of the Property deed with the correct legal description; and,
(3) a draft 75.105 agreement based on the DNR's model (dnr.wi.gov/topic/brownfields/documents/mod75-106agrmt.pdf).

☐ Negotiated agreement - Enforceable contract for non-emergency remediation - s. 292.11(7)(d) and (e), Wis. Stats. [630]

- **Include a fee of $1400, and the information listed below:**

(1) a draft schedule for remediation; and,
(2) the name, mailing address, phone and email for each party to the agreement.

Section 6. Other Information Submitted

Identify all materials that are included with this request.

Include one copy of any document from any state agency files that you want the Department to review as part of this request. The person submitting this request is responsible for contacting other state agencies to obtain appropriate reports or information.

☐ Phase I Environmental Site Assessment Report - Date:_____

☐ Phase II Environmental Site Assessment Report - Date:_____

☒ Legal Description of Property (required for all liability requests and specialized agreements)

☒ Map of the Property (required for all liability requests and specialized agreements)

Analytical results of the following sampled media: Select all that apply and include date of collection.

☐ Groundwater ☒ Soil ☐ Sediment ☐ Other medium - Describe:_____

Date of Collection: _____

☒ A copy of the closure letter and submittal materials

☐ Draft tax cancellation agreement

☐ Draft agreement for assignment of tax foreclosure judgment

☐ Other report(s) or information - Describe:_____

For Property with newly identified discharges of hazardous substances only: Has a notification of a discharge of a hazardous substance been sent to the DNR as required by s. NR 706.05(1)(b), Wis. Adm. Code?

○ Yes - Date (if known):_____
◉ No

Note: The Notification for Hazardous Substance Discharge (non-emergency) form is available at: dnr.wi.gov/files/PDF/forms/4400/4400-225.pdf.

Section 7. Certification by the Person who completed this form

☐ I am the person submitting this request (requester)

☒ I prepared this request for: JMJ RE Acquisitions LLC
Requester Name

I certify that I am familiar with the information submitted on this request, and that the information on and included with this request is true, accurate and complete to the best of my knowledge. I also certify I have the legal authority and the applicant's permission to make this request.

Signature

3/21/17
Date Signed

PRINCIPAL CONSULTANT
Title

414-858-1202
Telephone Number (include area code)

Section 8. DNR Contacts and Addresses for Request Submittals

Send or deliver one paper copy and one electronic copy on a compact disk of the completed request, supporting materials, and fee to the region where the property is located to the address below. Contact a DNR regional brownfields specialist with any questions about this form or a specific situation involving a contaminated property. For electronic document submittal requirements see: http://dnr.wi.gov/files/PDF/pubs/rr/RR690.pdf.

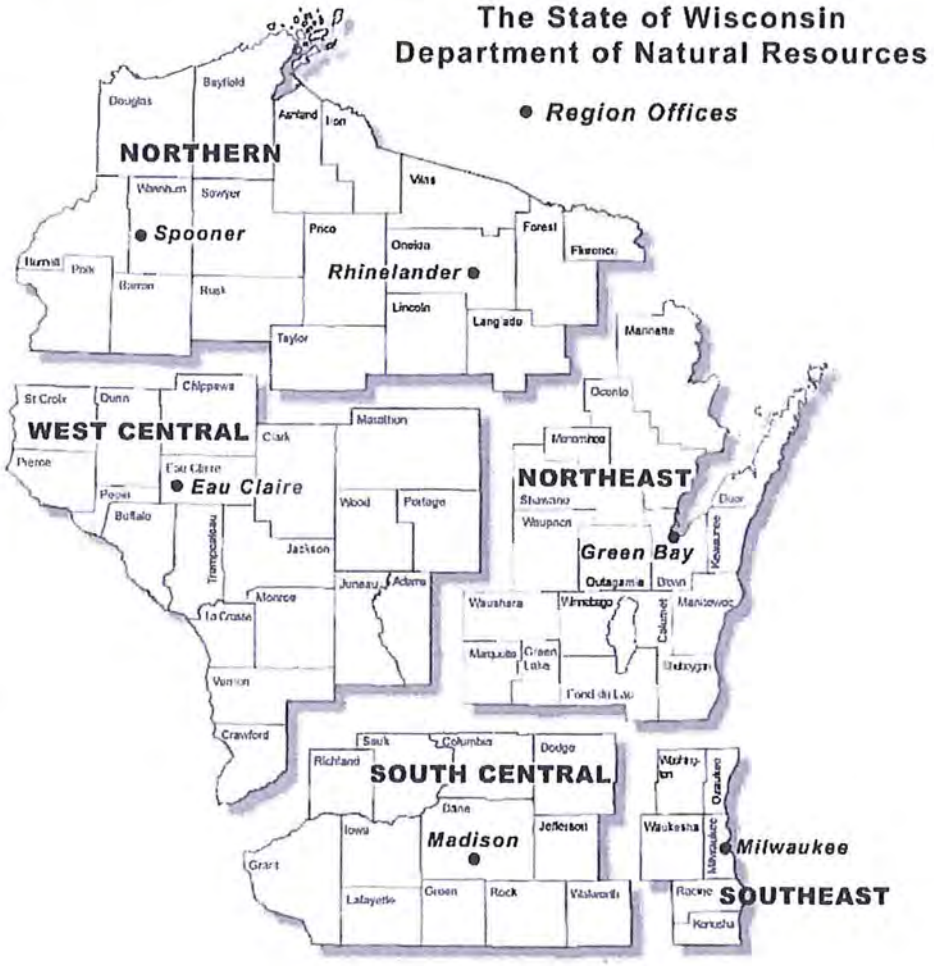
DNR NORTHERN REGION
Attn: RR Program Assistant
Department of Natural Resources
223 E Steinfest Rd Antigo, WI 54409

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 Clairemont Ave.
Eau Claire WI 54702



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

DNR Use Only			
Date Received	Date Assigned	BRRTS Activity Code	BRRTS No. (if used)
DNR Reviewer	Comments		
Fee Enclosed? ◯ Yes ◯ No	Fee Amount $	Date Additional Information Requested	Date Requested for DNR Response Letter
Date Approved	Final Determination		