State of Wisconsin
DEPARTMENT OF NATURAL RESOURCES
101 S. Webster Street
Box 7921
Madison WI 53707-7921

Scott Walker, Governor
Daniel L. Meyer, Secretary
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September 21, 2018

BRRTS # 06-41-559332

Rogers West Allis LLC
Gerald Kostner
1579 S 38th St Ste 9
Milwaukee WI 53215

Subject: Request for Supplemental Environmental Site Investigation Information for Properties Pursuing a Certificate of Completion Through the Voluntary Party Liability Exemption Program

Dear VPLE Applicant:

This letter is being sent to all Voluntary Parties ("VP") and their consultants that are pursuing a Certificate of Completion ("COC") through the Voluntary Party Liability Exemption ("VPLE") program for a contamination site. Our records indicated that you are designated as a VP for Regal Products located at 11331 W Rogers Street, West Allis (the "VPLE Property"), pursuant to Wis. Stat. § 292.15. The purpose of this letter is to request that you provide supplemental site investigation information about the VPLE Property to determine whether or not the environmental investigation of the VPLE Property is complete, in accordance with Wis. Admin. Code chs. NR 716 and 750. This request applies whether or not the DNR has previously issued an approval of the environmental investigation of the VPLE Property.

Emerging Contaminants
As you may be aware, concerns have arisen nationally and in Wisconsin about a group of chemicals, called per- and polyfluoroalkyl substances ("PFAS"). PFAS are a group of man-made chemicals that includes PFOA, PFOS, GenX, and many others. PFAS have been manufactured and used in a variety of industries since the 1940s. Some PFAS are environmentally persistent and bioaccumulative and may pose human health risks. Recent high-profile cases involving human exposure across the United States have further focused both public and regulatory scrutiny on PFAS. This group of chemicals has been found in the environment but has not typically been included as part of an environmental investigation or cleanup. These chemicals are beginning to be identified in Wisconsin in groundwater and soils.

VPLE Requirements
A VPLE COC provides liability protections for the owner and future owners of a VPLE property such that the DNR cannot reopen the case and request additional investigation or cleanup work in the future for past releases of hazardous substances. If additional contamination (e.g. PFAS) is found in the future after the exemption is issued and no one is responsible for addressing a priority health or environmental situation, the state may have to expend taxpayer funds to address the contamination.

To obtain the VPLE COC, Wis. Stat. §§ 292.15(2)(a)(1) and (ae)(1) requires that an environmental investigation of the VPLE property is conducted in compliance with Wis. Admin Code chs. NR 716 and 750 and is approved by the DNR. In order for the environmental investigation of the VPLE Property to be complete, a Phase I and Phase II environmental site assessment must be conducted that identifies all known and possible discharges of hazardous substances to the environment that may have occurred on the VPLE Property from historical practices.

To confirm that adequate environmental site investigation has been conducted based on past land use practices and operations, the DNR will evaluate the information previously provided on your site. In addition, we are requesting that supplemental information be provided to the DNR to determine if discharges of PFAS chemicals may have occurred on the VPLE Property and pose a potential concern. This information will include, at a minimum, the attached PFAS Manufacturing and Use Information sheet. Upon receipt of this information, the DNR may request a supplemental Phase I assessment report and if necessary, additional sampling, including soil, sediment, surface water, leachate and/or groundwater.

Evaluation for PFAS
The DNR has started evaluating the potential for historic discharges of PFAS chemicals at properties enrolled in VPLE that have not received a COC. Specifically, we are evaluating whether one or more industries on the VPLE Property may have used or manufactured PFAS chemicals or if waste or historic fill from industries that used PFAS chemicals has been disposed of on the VPLE Property. Please complete the enclosed PFAS Manufacturing and Use Information sheet within 30 days of receipt of this letter and return it in the enclosed envelope.

You may also provide a supplemental Phase I environmental assessment that specifically addresses whether any industries that used PFAS chemicals have operated on the VPLE Property. Supplemental Phase I environmental assessment information should provide documentation to show whether PFAS chemicals were manufactured, used in the industry or disposed of on the VPLE Property, and should include your recommendation about whether sampling for PFAS chemicals is warranted. If you determine that PFAS chemicals have not been manufactured, used, discharged or disposed at the property and DNR agrees, no additional actions related to PFAS may be needed. Additional information including sampling, including soil, sediment, surface water, leachate and/or groundwater may be needed if there were potential PFAS discharges on the VPLE Property.

Enclosed is a fact sheet on the history and use of PFAS from the Interstate Technology Regulatory Council, which is a program of the Environmental Research Institute of the States. Also, several states and the U.S. Environmental Protection Agency have made available publications about the use of PFAS chemicals that are readily available on the internet that you and your consultant may review to assist with evaluating past PFAS use.

The DNR will be working with VPs and their consultants on a site-by-site basis to evaluate PFAS at VPLE properties. This analysis must be conducted prior to the issuance of a certificate of completion or DNR approval of site-specific steps (e.g. site investigation work plan, site investigation report, remedial action options and plans, and case closure). We anticipate that we will contact you within 30 days of receiving your PFAS Manufacturing and Use Information sheet to discuss your submittal and the proposed next steps.

If you wish to provide supplemental Phase I assessment information related to the potential use of PFAS on your VPLE property, please contact Michael Prager at (608) 261-4927 or Michael.Prager@Wisconsin.Gov. He will work with you on the process for submittal.

If you have any questions regarding this letter, or no longer wish to pursue a COC through the VPLE program, please contact Christine Haag at (608) 266-0244 or Christine.Haag@Wisconsin.Gov or Judy Fassbender at (608) 266-7278 or Judy.Fassbender@Wisconsin.Gov.

Thank you for your cooperation.

Sincerely,

Darsi Foss

Darsi Foss, Director
Remediation & Redevelopment Program

Enc. *PFAS Manufacturing and Use Information*
History and Use of Per- and Polyfluoroalkyl Substances (PFAS), ITRC, November 2017

Cc Steve Mueller - SER
KPRG And Associates, Patrick Allenstein, 14665 West Lisbon Rd, Ste 2B, , Brookfield, WI 53005

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

Voluntary Party Liability Exemption (VPLE) Program
PFAS Manufacturing and Use Information

Notice: Personally identifiable information collected will be used for administrative purposes and may be provided to requesters as required by Wisconsin's open records law, ss. 19.31-19.39, Wis. Stats.

Instructions: Provide the following information regarding potential use of PFAS chemicals at your VPLE property. You may also submit a supplemental Phase I assessment or other information that documents whether one or more industries may have used or manufactured PFAS chemicals on the VPLE property or if waste from industries that have used PFAS chemicals has been disposed of or discharged on the VPLE Property. The DNR may request additional information if discharges of PFAS chemicals on the VPLE Property are identified as a potential concern, including supplemental Phase I assessment documentation and/or additional site characterization/sampling. The DNR requests this information pursuant to Wis. Stat. §§ 292.15 and 292.31, as well as Wis. Admin. Code chs. NR 716 and 750.

Contact Information for Voluntary Party	
Name of Voluntary Party	
Mailing address	
Phone	Email

Contact Information for Voluntary Party's Environmental Consultant	
Name of Consultant	
Mailing address	
Phone	Email

VPLE Property Information			
VPLE Property Name		BRRTS Number:	
VPLE Property Address			
County	City	State	Zip code

1. Property usage from 1940 to present (Enter "P" for past use and "C" for current use; select all that apply):

- ☐ Chemical Use or Manufacturing ___
- ☐ Waste Water Treatment Plant Biosolids/Sludges___
- ☐ Sludge spreading ___
- ☐ Cookware Manufacturing ___
- ☐ Personal Care Product Manufacturing ___
- ☐ Industrial Surfactants Use or Manufacturing___
- ☐ Resins, Molds, Plastics Use or Manufacturing ___
- ☐ Metal Plating or Etching ___
- ☐ Cleaning Products Use or Manufacturing___
- ☐ Coating, Paint and Varnish Use or Manufacturing ___
- ☐ Adhesives Use or Manufacturing ___
- ☐ Cement Additives Use or Manufacturing ___
- ☐ Dry Cleaning ___
- ☐ Automobile and Parts Manufacturing ___
- ☐ Textile Manufacturing ___
- ☐ Paper and Cardboard Packaging Manufacturing ___
- ☐ Medical Uses ___
- ☐ Wire Manufacturing ___
- ☐ Photographic Industry ___
- ☐ Semiconductor Manufacturing ___
- ☐ Licensed or Unlicensed Landfill ___
- ☐ Historic Fill Site ___
- ☐ Fire Fighting Foam Training or Manufacturing ___
- ☐ Fire Fighting Foam in Fire Suppression System___
- ☐ Fire Fighting Foam Used to Suppress a Fire ___
- ☐ Leather Use or Manufacturing ___
- ☐ Antifogging Use or Antifogging Manufacturing ___
- ☐ Oil Industry ___

2. Provide the following information to the DNR:

PFAS Use and Manufacturing - If any of these facilities or commercial or industrial uses operated on the property, provide an attachment with detailed description of the type of manufacturing or uses related to PFAS. Describe the types of products manufactured and the processes involved. Include the type of PFAS or PFAS-containing substances used or manufactured, and quantity generated, used, or stored. Please reference the ITRC fact sheet: *History and Use of Per- and Polyfluoroalkyl Substances (PFAS)*, November 2017.

Landfills and Historic Fill Sites - If waste was disposed of on the property, provide an attachment detailing the type and source of the PFAS-related waste material and when the disposal occurred. Describe whether the PFAS waste disposed of on the property was generated from a specific industrial process or processes and identify the generators.

Firefighting Foam - If firefighting foam was manufactured, stored or tested at the property or if it was used in fire training or to extinguish frequent fires at the property, please provide an attachment with a detailed description of the location, frequency, and timeframe of its use.

Self-Certification

☐ I certify that information in this form and all information attached is true and correct and in conformity with applicable Wisconsin and Federal Statutes.

☐ I acknowledge, pursuant to Wis. Stats. 292.15(2)(a)6, that a voluntary party may not obtain the certificate of completion by fraud or misrepresentation, by the knowing failure to disclose material information or under circumstances in which the voluntary party knew or should have known about more discharges of hazardous substances than were revealed by the investigation conducted.

Print Name of Voluntary Party

Signature of Voluntary Party Date

Submit this completed form and all attachments to:

Wisconsin Department of Natural Resources
Remediation and Redevelopment Program
Brownfields and Outreach Section Chief, RR/5
PO Box 7921
Madison, WI 53707-7921