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		
Timm	Benjamin		Redevelopment Authority of the City of Milwaukee		
Mailing Address			City	State	ZIP Code
809 North Broadway			Milwaukee	WI	53202
Phone # (include area code)	Fax # (include area code)		Email		
(414) 286-5756			Benjamin.Timm@milwaukee.gov		

The requester listed above: (select all that apply)

- ☐ 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:

The City of Milwaukee owns the Property and the applicant is a representative of the Redevelopment Authority of the City of Milwaukee.

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

Contact Last Name	First	MI	Organization/ Business Name		
Timm	Benjamin		Redevelopment Authority of the City of Milwaukee		
Mailing Address			City	State	ZIP Code
809 North Broadway			Milwaukee	WI	53202
Phone # (include area code)	Fax # (include area code)		Email		
(414) 286-5756			Benjamin.Timm@milwaukee.gov		

Environmental Consultant (if applicable)

Contact Last Name	First	MI	Organization/ Business Name		
Henderson	Dave	S	AECOM		
Mailing Address			City	State	ZIP Code
1555 N RiverCenter Drive, Suite 214			Milwaukee	WI	53212
Phone # (include area code)	Fax # (include area code)		Email		
(414) 944-6190			dave.henderson@aecom.com		

Section 2. Property Information

Property Name			FID No. (if known)	
Century City - Former Building 15 UST, Century City - Area E			241304360	
BRRTS No. (if known)		Parcel Identification Number		
02-41-562588 & 03-41-562589				
Street Address		City	State	ZIP Code
3533 North 27th Street		Milwaukee	WI	53216
County	Municipality where the Property is located	Property is composed of:		Property Size Acres
Milwaukee	◉ City ◯ Town ◯ Village of	◉ Single tax parcel ◯ Multiple tax parcels		

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: _____

Reason:

_____

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.

This request is to extinguish Environmental Deed Restriction Document No.: 7985063, Former Building 15 UST, Century City - Area E.

The post-closure modification fee for this request is included with the post-closure modification request and fee for the adjacent property known as the Paint Tunnel Area, Century City Areas D & E.

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: AECOM July, 13, 2017 letter "Request for Approval to Extinguish..."

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: _____
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: [signature]

Date Signed: 10/12/17

Title: Project Manager

Telephone Number (include area code): 414-708-9291

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.

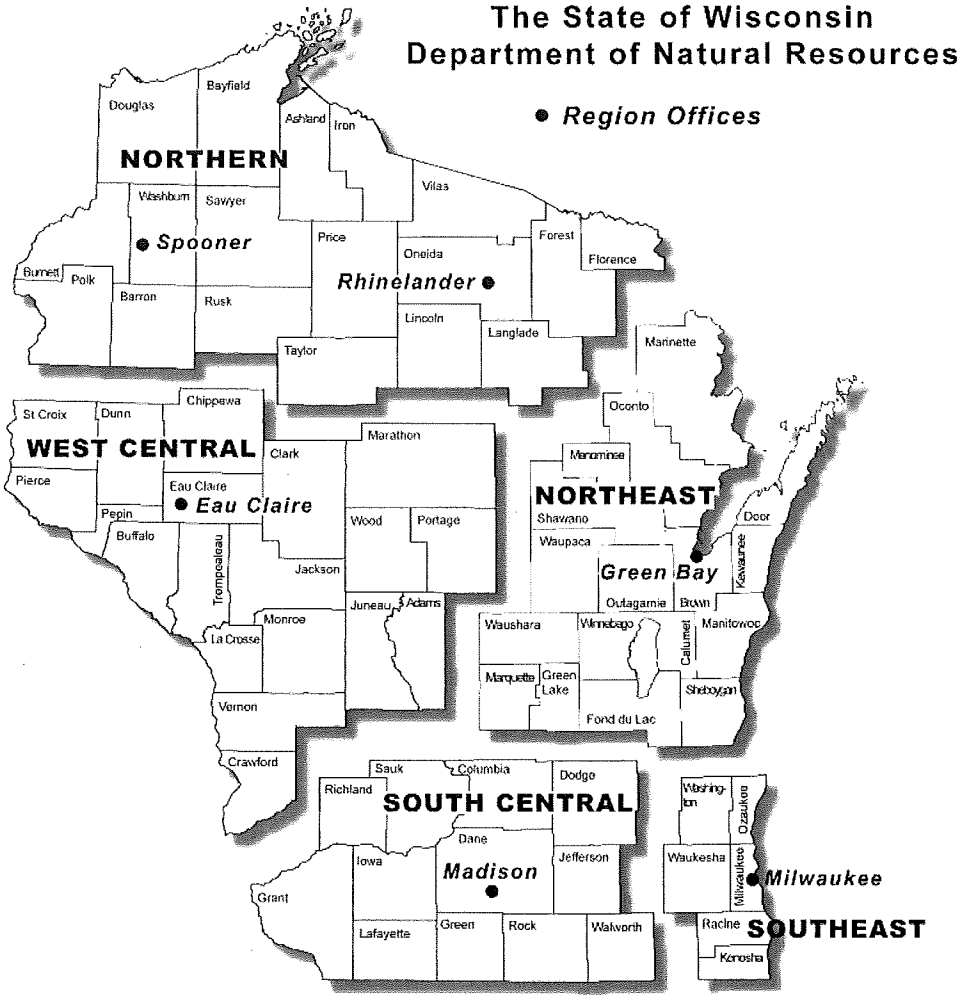
DNR NORTHERN REGION
Attn: RR Program Assistant
Department of Natural Resources
223 E Steinfest Rd Antigo, WI 54409

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		

AECOM

AECOM
1555 N. RiverCenter Drive
Milwaukee, WI 53212

414.944.6080 tel
414.944.6081 fax

July 13, 2017

Ms. Margaret Brunette
Wisconsin Department of Natural Resources
Remediation and Redevelopment Program
2300 North Dr. Martin Luther King, Jr. Drive
Milwaukee, Wisconsin 53212-3128

Subject: Request for Approval to Extinguish Environmental Deed Restriction Document No.: 7985063, Former Building 15 UST, Century City - Area E
AECOM Project No. 60540197

Century City Project Area E
3533 N. 27th Street, Milwaukee, Wisconsin
Historical BRRTS No. 03-41-000508
BRRTS Nos. 02-41-562588 & 03-41-562589
FID ID No. 241304360

Dear Ms. Brunette,

On behalf of the Redevelopment Authority of the City of Milwaukee (RACM) and the Century City Redevelopment Corporation (CCRC), AECOM is requesting Wisconsin Department of Natural Resources (WDNR) approval to extinguish Deed Restriction No.: 7985063, noted as the former Building 15 underground storage tank (UST) area deed restriction, reported to located at the northeast corner of former Building 15 at the Century City site.

Included in this request is background information about the deed restricted area, a discussion of the environmental site investigation, remediation, and redevelopment activities as they apply to the deeded area, and our request to extinguish the deed restriction.

Background:
A short description of property ownership and the recording of the former Building 15 UST deed restriction are provided below.

Property Ownership:
The goal of this description is to provide clarification regarding property ownership when the Building 15 UST deed restriction was originally recorded and the current property ownership status.

The Century City property was used for residential and agricultural purposes before its purchase by the A.O. Smith Corporation in 1909. A.O. Smith manufactured many products including automotive frames, bomb shells, oil pipe line products, and glass-lined storage vessels. Operations such as metal pickling, annealing, polishing, painting, and drying, which were conducted to support the manufacturing activities, also occurred on the property.

In 1997, A.O. Smith sold its automotive division (including the property) to Tower Automotive, Inc. who continued manufacturing operations on the property. The Building 15 UST deed restriction (Document No.: 7985063, recorded November 3, 2000) was registered during the Tower Automotive ownership period for the property. Tower Automotive shut down operations at the property in 2006.

On November 10, 2006, Tower Automotive, Inc. sold the property to Milwaukee Industrial Trade

Center, LLC (MITC) (Warranty Deed No.: 9341266). MITC leased parts of the property for manufacturing and warehousing activities; however, MITC's primary activity consisted of salvaging equipment and recyclable materials.

The RACM obtained ownership of the property from MITC on December 15, 2009 (Warranty Deed No.: 09827162, recorded December 21, 2009) and designated the property as the Century City redevelopment site. The RACM originally divided the property into six project Areas (A through F) to facilitate remediation and redevelopment.

On June 27, 2011, RACM legally subdivided the Century City property into three lots (Certified Survey Map [CSM] No. 8363, Deed No.: 10009389):

- Lot 1 as given the Area E-1 designation with the street address of 3180 West Townsend Street.
- Lot 2 retained the Area E designation with the street address of 3533 North 27th Street. Additionally, a western portion of Area F associated with the rail road spur serving Area E was incorporated into Lot 2.
- Lot 3 retained Areas A, B, C, D and the balance of Area F with the street address of 2725 West Hopkins Street.

On October 14, 2011, the ownership of the Lot 1 and Lot 2 (e.g. Areas E-1 and E, respectively) was transferred via Warranty Deed RACM to the CCRC (Deed No.:10082821 and 10082822, respectively). The CCRC is a redevelopment corporation in accordance with and subject to the terms of Urban Redevelopment Law, Wis. Stat. 66.1301-66.1329. The CCRC is an instrumentality of the City of Milwaukee, Wisconsin. The City of Milwaukee is its sole owner and shareholder with RACM as the custodian of records.

In summary, as the property ownership currently relates to the Building 15 UST deed restriction area, Area E, 3533 North 27th Street, is currently owned by CCRC with RACM as the custodian of record.

<u>Application of the Building 15 UST Deed Restriction:</u>
The Building 15 UST deed restriction, Document No.: 7985063, was recorded on November 3, 2000, while Tower Automotive owned the property (Note, this specific tank has been identified as Tank 40, WDCOM Tank ID 3000994). The document is a groundwater use restriction. The deed document identifies:

> *"One or more petroleum discharges have occurred at this property. Contaminated ground water above Wisconsin Administrative Code ch. NR 140 enforcement standards (ES) exists at this property located in tank basin water associated with the UST located beneath Building 15."*

The document provides a metes and bounds description of the restricted area as:

> *"A tract of land in the SE ¼ of Section 12, Town 7 North, Range 21 East, in the city of Milwaukee, State of Wisconsin, bounded and described as follows: Commence at the intersection of the north line of West Townsend Street and the west line of North 27th Street; Thence south 88 degrees 28 minutes 02 seconds west for a distance of 1041.15 feet, along the north line of West Townsend Street, to a point; thence north 01 degrees 31 minutes 59 seconds west for a distance of 399.47 feet, to the point of beginning; thence south 88 degrees 28 minutes 01 seconds west for a distance of 30.00 feet, to a point; thence north 01 degrees 31 minutes 59 seconds west for a distance of 25.00 feet, to a point; thence*

north 88 degrees, 28 minutes 01 seconds west for a distance of 30 feet, to a point; thence south 01 degrees 31 minutes 59 seconds west for a distance of 25.00 feet, to the point of beginning. Together with and subject to covenants, easements and restrictions of record. Said property contains 750 square feet more or less."

The area encumbered by the deed restriction is represented by a rectangular shaped area approximately 30 feet (east to west) by 25 feet (north to south) with the entire area contained within Area E.

Note; there is some discrepancy concerning the location of the Building 15 UST area within Area E, as follows:

- Exhibit A of the Deed document provides a figure (Figure 2, Site Plan View, Tower Automotive, Delta Environmental Consultants, Inc. dated 02/10/00) that depicts the location of the UST on the northeast corner of former Building 15.
- AECOM's *Site Assessment Report for Underground Storage Tank Closures – Area E*[1] located and removed a UST (Tank 40) associated with the northeast corner of former Building 15.
- The metes and bounds legal description of the deeded area, presented above, provides a location description of the Building 15 UST area. This location description does not appear to correspond with the northeast corner of former Building 15. The metes and bounds location, checked by a surveyor, locates the Building 15 UST about 100 feet to the north of the documented area.

For the purpose of extinguishing the deed restriction this discrepancy in tank location may or may not be significant. The metes and bounds description of the deed restricted area is presented on Figure 1 along with a green "UST's Removed" symbol identifying the UST removed (Tank 40) from the northeast corner of Building 15. A copy of the deed restriction document is also attached.

Investigation, Remediation, and Redevelopment:

Environmental investigation, remediation, and Area E site redevelopment activities have had an impact on the former Building 15 UST deed restricted area.

Applicable Site Investigation Soil Sampling Results:

Initial site-wide soil and groundwater site investigation activities began with RACM's purchase of the property and continued through 2011. Based on the investigation analytical data, soil contaminants (e.g. solvents, petroleum products, and metals) typical of chemicals associated with industrial facilities were identified at the Site. The investigation included the identification of source area hot spots that would become the focus of future remedial action activities. The pre-remediation extent of soil impacts is described in AECOM's *Site Investigation Report*[2] previously submitted to the WDNR.

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[1] *Site Assessment Report for Underground Storage Tank Closures – Area E, Century City Property, Milwaukee, Wisconsin, WDNR BRRTS No. 02-41-562588 and 03-41-562589, WDNR FID No. 241304360*, AECOM, dated September 2, 2016.

[2] *Site Investigation Report – Area E, Century City Property, Milwaukee Wisconsin, WDNR FID No. Pending*, AECOM, dated June 9, 2010.

On October 7, 2009, a soil boring, DCD-SB123, was advanced adjacent to the former Building 15 UST location. Soil laboratory analytical results for DCD-SB123 at 3-4 feet below ground surface (ft bgs)indicated that naphthalene exceeded the NR720 Generic RCL for groundwater pathway and at 5-6 ft bgs the NR745 Indicator of Residual Petroleum in Soil Pores contaminant limit for naphthalene was exceeded. No other site investigation soil borings were advanced within or immediately adjacent to the deed restricted area.

During 2010, in support of the area-specific redevelopment activities, a remedial excavation was conducted that included the former Building 15 UST area.

Remedial Excavation Confirmation Soil Sampling Results:
A remedial excavation was conducted in Area E between August 30th and October 8th, 2010. The excavation encompassed the former Building 15 UST deed restriction area.

In September 2010, following excavation of impacted soils, which included the former Building 15 UST deed restriction area, confirmation samples were collected. Samples E-D4/3VFR (northwest of Tank 40) and E-D5PITVFR (southwest of Tank 40) were collected at 6-8 ft bgs and 11-12 ft bgs, respectively. The E-D4/3VFR sample location was over excavated after Tank 40 was removed and naphthalene was detected at E-D5PITVFR at concentrations above the NR Interim PAH Generic Groundwater Protection RCL. Remedial excavation activities are described in AECOM's *Soil Remedial Action Documentation Report – Area E*[3] previously submitted to the WDNR.

At the completion of the remedial excavation activities, area wide site grading for redevelopment took place.

Redevelopment Activities:
The Area E redevelopment site grading plan required the relocation of a significant volume of soil to facilitate the installation of two new railroad spur tracks and the redevelopment of Building 36. With the exception of the remedial excavation area, most of these cut soils were either clean or contained minor environmental impacts. In an effort to keep all of the cut material created by the redevelopment site grading (clean soil or soil with minor impacts) on the Area E site, as requested by the WDNR, the RACM created two soil management areas.

One of the soil management areas was the Area E remedial excavation area, northeast of the new railroad spur tracks, where soils with minor impacts were placed and capped with clean soil. This remedial excavation soil management area has a minimum of two feet of clean soil cover over impacted soils, including the former Building 15 UST deed restriction area.

Details of the remedial excavation soil management area are presented in AECOM's *Soil Remedial Action Documentation Report – Area E* previously submitted to the WDNR

Request to Extinguish:
The original deed restriction for the Building 15 UST area, Document No.: 7985063, is a groundwater use restriction. Since that time, historic manufacturing operations have ceased on the property and a majority of the former manufacturing buildings, including sub-surface structures, have been razed in anticipation of redevelopment. Additionally, site investigation and remediation activities have been conducted within the former Building 15 UST area.

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[3] Soil Remedial Action Documentation Report – Area E, Century City Property, 3533 N. 27th Street, Milwaukee Wisconsin, AECOM, June, 2017

Based on the summation of these activities, AECOM recommends that the former Building 15 UST deed restriction be extinguished. Because the potential for VOCs impacts may still exist within the former Building 15 UST area (which is contained within the Area E remedial excavation soil management area) AECOM recommends that the area be included with the proposed WDNR Geographic Information System (GIS) Registry associated with the Area E remedial excavation soil management area, northeast of the railroad spur tracks. In this manner, the impacts will remain in-place covered by an engineered barrier/cap, requiring only registration and maintenance of the barrier.

AECOM, on behalf of the RACM and CCRC, requests your written concurrence with the recommendation to extinguish Deed Restriction No. 7985063 associated with the former Building 15 UST area within Lot 2 of CSM 8363 (e.g. Area E) of the Century City site. Following receipt of your concurrence, RACM will proceed with extinguishing the deed.

Should you have any questions regarding this request, please contact Dave Henderson at 414-944-6190 or dave.henderson@aecom.com.

Regards,

AECOM Technical Services, Inc.

Jennifer Kubicek
Graduate Engineer

D.S. Henderson

Dave Henderson, P.E.
Senior Project Manager/Director

Cc: Benji Timm, RACM
Tory Kress, RACM

Attachments:
Figure 1
Deed Restriction Document No.: 7985063

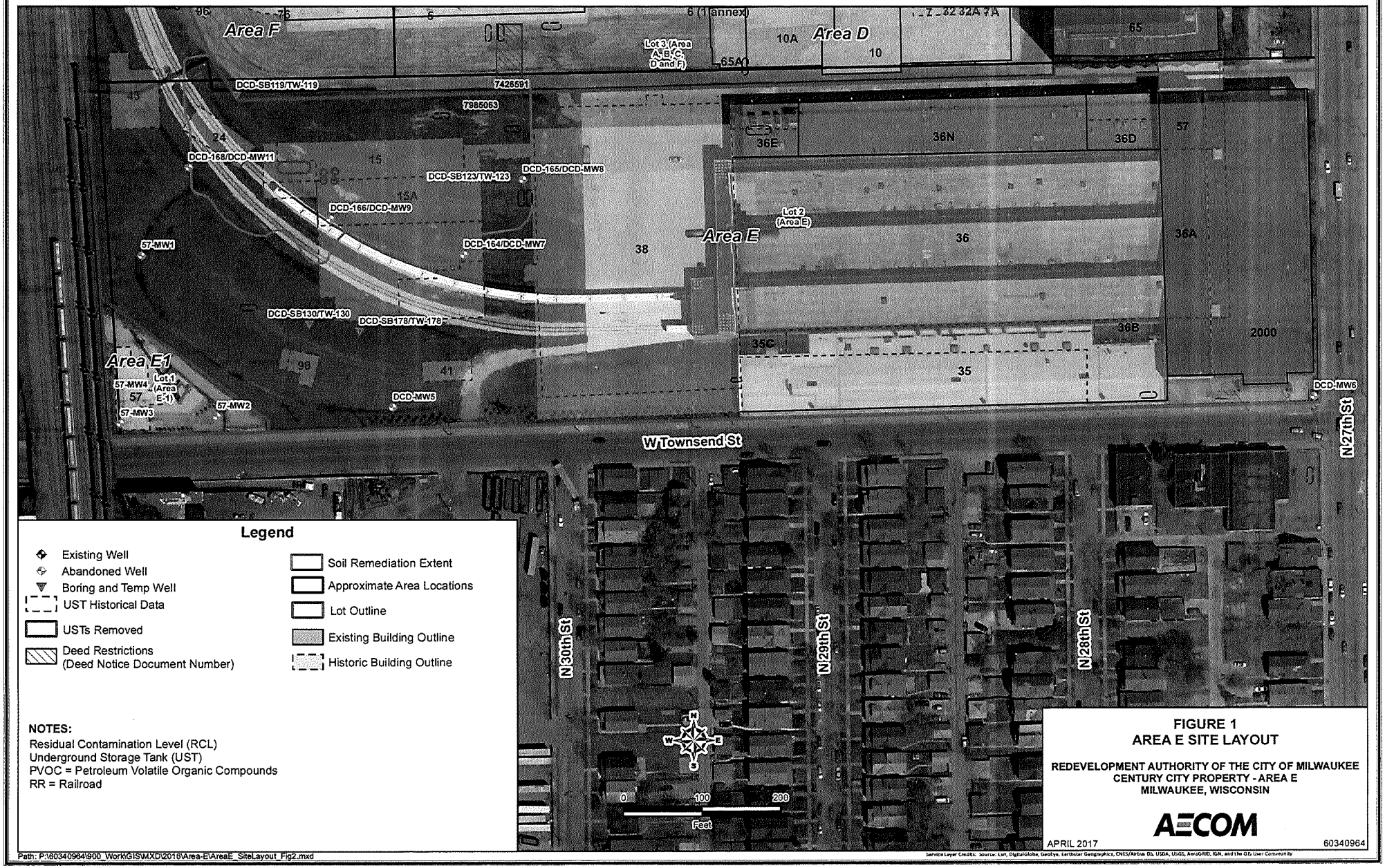


FIGURE 1
AREA E SITE LAYOUT

REDEVELOPMENT AUTHORITY OF THE CITY OF MILWAUKEE
CENTURY CITY PROPERTY - AREA E
MILWAUKEE, WISCONSIN

AECOM

APRIL 2017 60340964

7985063

REGISTER'S OFFICE | SS
Milwaukee County, WI|

RECORDED AT 8:56 AM

11-03-2000

WALTER R. BARCZAK
REGISTER OF DEEDS

AMOUNT 16.00

Document Number	GROUNDWATER USE RESTRICTION

Declaration of Restrictions

Legal Description of the Property: In re:
A tract of land in the SE ¼ of Section 12, Town 7 North, Range 21 East, in the City of Milwaukee, State of Wisconsin, bounded and described as follows: Commence at the intersection of the north line of West Townsend Street and the west line of North 27th Street: Thence south 88 degrees 28 minutes 02 seconds west for a disotance of 1041.15 feet, along the north line of West Townsend Street, to a point; thence north 01 degrees 31 minutes 59 seconds west for a distance of 399.47 feet, to the point of beginning; thence south 88 degrees 28 minutes 01 seconds west for a distance of 30.00 feet, to a point; thence north 01 degrees 31 minutes 59 seconds west for a distance of 25.00 feet, to a point; thence north 88 degrees, 28 minutes 01 seconds west for a distance of 30.00 feet, to a point; thence south 01 degrees 31 minutes 59 seconds west for a distance of 25.00 feet, to the point of beginning. Together with and subject to covenants, easements, and restrictions of record. Said property contains 750 square feet more or less.

Name and Return Address

Tower Automotive
3522 N. 27th Street
Milwaukee, WI 53216-2663

Parcel ID _2__, subparcel _13_
Tax Key # 269-0302-110-0
Parcel Identification Number (PIN)

00037364 9

STATE OF WISCONSIN)
) ss
COUNTY OF MILWAUKEE) [County where document is signed])

Section 1. Tower Automotive Products Company, Inc., a Delaware corporation, is the owner of the above-described property.

Section 2. One or more petroleum discharges have occurred at this property. Contaminated ground water above Wisconsin Administrative Code ch. NR 140 enforcement standards (ES) exists at this property located in tank basin water associated with the UST located beneath Building 15. Exhibit A depicts the location of the subject UST. Methylene chloride contaminated ground water exists at a concentration of 24 micrograms per liter (µg/l), which exceeds the NR 140 ES of 5 µg/l. Benzene contaminated groundwater exists at a concentration of 13 µg/l, which is above the NR 140 ES of 5 µg/l. Naphthalene contaminated ground water exists at a concentration of 210 µg/l, which is above the NR 140 ES of 40 µg/l. Vinyl chloride contaminated groundwater exists at a concentration of 9.8 µg/l, which is above the NR 140 ES of 0.2 µg/l.

Section 3. It is the desire and intention of the property owner to impose on the property restrictions which will make it unnecessary to conduct additional soil or groundwater remediation activities on the property at the present time.

Section 4. Natural attenuation has been approved by the Department of Commerce to remediate groundwater exceeding ch. NR 140 groundwater standards within the boundaries of this property.

Section 5. Construction of wells where the water quality exceeds the drinking water standards in ch. NR 809 is restricted by ch. NR 811 and ch. NR 812. Special well construction standards or water treatment requirements, or both, or well construction prohibitions may apply.

4

Section 6. The owner hereby declares that all of the property described above is held and shall be held, conveyed or encumbered, leased, rented, used, occupied and improved subject to the following limitation and restrictions:

> Anyone who proposes to construct or reconstruct a well on this property is required to contact the Department of Natural Resources' Bureau of Drinking Water and Groundwater, or its successor agency, to determine what specific prohibitions or requirements are applicable, prior to constructing or reconstructing a well on this property. No well may be constructed or reconstructed on this property unless applicable requirements are met.

This restriction is hereby declared to be a covenant running with the land and shall be fully binding upon all persons acquiring the above-described property whether by descent, devise, purchase or otherwise. This restriction benefits and is enforceable by, the Wisconsin Department of Natural Resources, its successors and assigns. The Department, its successors or assigns, may initiate proceedings at law or in equity against any person or persons who violate or are proposing to violate this covenant, to prevent the proposed violation or to recover damages for such violation.

Any person who is or becomes owner of the property described above may request that the Wisconsin Department of Natural Resources, or its successor , issue a determination that the restrictions set forth in this covenant are no longer required. That property owner shall provide any and all necessary information to the Department in order for the Department to be able to make a determination. Upon receipt of such a request, the Department shall determine whether or not the restrictions contained herein can be extinguished. Conditions under which a restriction may be extinguished will be determined in accordance with the site specific standards, rules and laws for this property. If the Department determines that the restrictions can be extinguished, an affidavit, with a copy of the Department's written determination, may be recorded to give notice that this groundwater use restriction is no longer binding. Any restriction placed upon this property shall not be extinguished without the Department's written determination.

00037365O

IN WITNESS WHEREOF, the owner of the property has executed this Declaration of Restrictions, this 9th day of October, 20xx.

By signing this document, David Rutila acknowledges that [he/she] is duly authorized to sign this document on behalf of Tower Automotive Products Company, Inc.

Signature:

Printed Name: David Rutila

Title: Milwaukee Works Mentor

Subscribed and sworn to before me
this 9th day of October, 20xx.

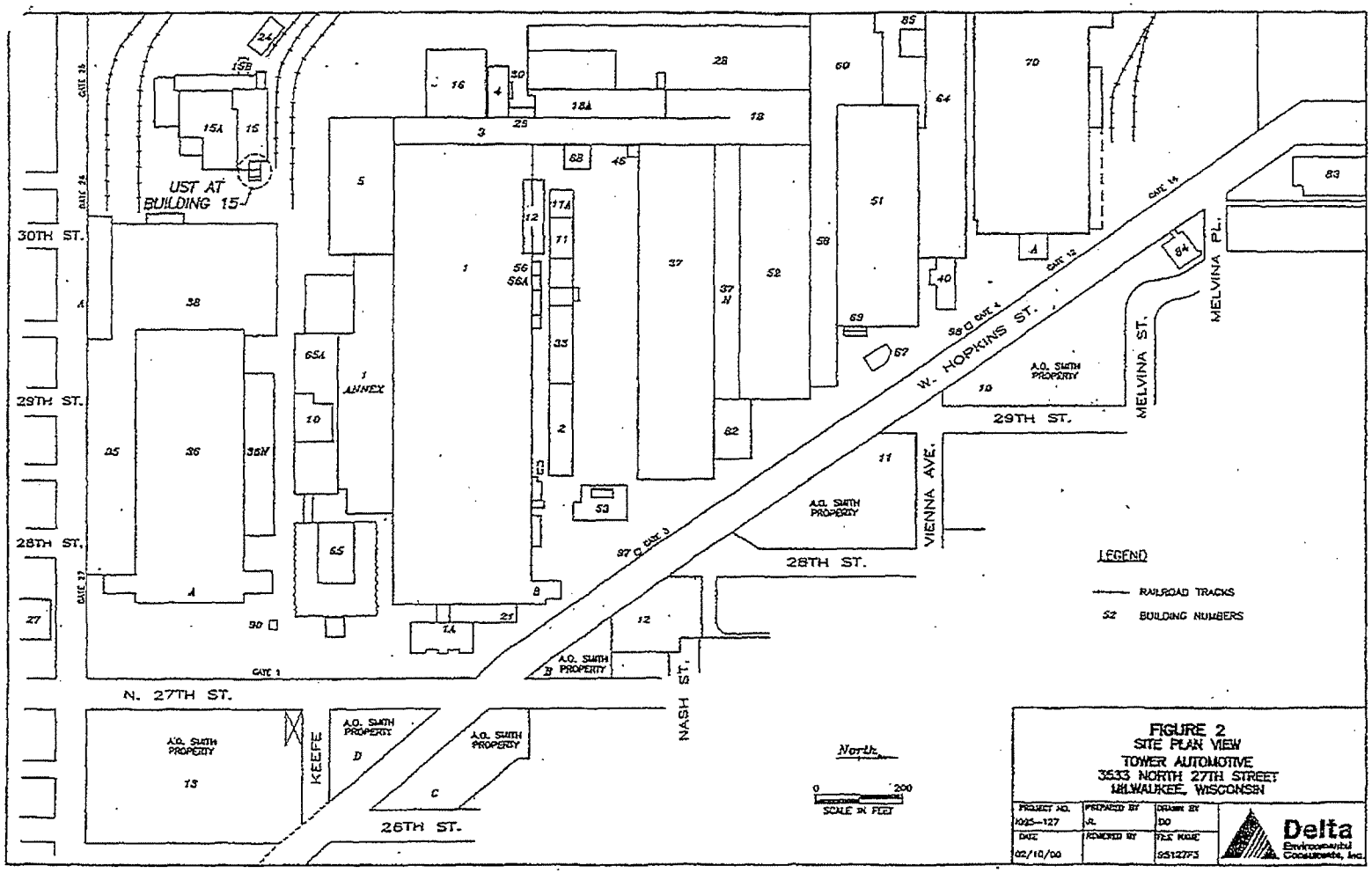
Notary Public, State of Wisconsin
My commission is permanent

This document was drafted by the Wisconsin Department of Natural Resources.

EXHIBIT A

000373651

000373652


UST AT BUILDING 15
30TH ST.
29TH ST.
28TH ST.
N. 27TH ST.
26TH ST.
W. HOPKINS ST.
VIENNA AVE.
MELVINA ST.
MELVINA PL.
NASH ST.
KEEFE
A.O. SMITH PROPERTY
ANNEX
GATE 1
GATE 3
GATE 4
GATE 12
GATE 14
LEGEND
RAILROAD TRACKS
S2 BUILDING NUMBERS
North
0 200
SCALE IN FEET
FIGURE 2
SITE PLAN VIEW
TOWER AUTOMOTIVE
3533 NORTH 27TH STREET
MILWAUKEE, WISCONSIN
PROJECT NO. 1025-127
PREPARED BY JL
DRAWN BY DO
DATE 02/10/00
REVIEWED BY
FILE NAME 951127F3
Delta Environmental Consultants, Inc.