LANDFILL CLOSURE CONSTRUCTION DOCUMENTATION REPORT

Located at

1735 West Silver Spring Drive Parcel A (a.k.a. Parcel 1) Glendale, Wisconsin FID #241952260

Prepared for

Continental 87 Fund LLC W133 N8569 Executive Parkway Menomonee Falls, Wisconsin 53052

December 1999

Prepared by

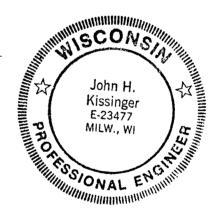
GRAEF, ANHALT, SCHLOEMER & ASSOCIATES, INC. Consulting Engineers and Scientists 125 South 84th Street, Suite 401 Milwaukee, Wisconsin 53214-1470 (414) 259-1500

Project No. 980417

CERTIFICATION OF CORRECTNESS

I, John H. Kissinger, hereby certify that I am a Registered Professional Engineer in the State of Wisconsin, registered in accordance with the requirements of ch. A-E 4, Wis. Adm. Code; that this document has been prepared in accordance with the Rules of Professional Conduct in ch. A-E 8, Wis. Adm. Code; and that, to the best of my knowledge, all information contained in this document is correct and the document was prepared in compliance with all applicable requirements in chs. NR 500 to NR 538, Wis. Adm. Code and conditions set forth in Grant for Exemption to Construct on an Abandoned Landfill approval letter from the Wisconsin Department of Natural Resources (WDNR) dated July 8, 1998 (which included implementing the remedial action plan and soil/groundwater materials handling plan) and the WDNR approved plans notice, dated November 13, 1998, to Continental 87 Fund, LLC.

John H. Kissinger, P.E. $^{\prime\prime}$ Graef, Anhalt, Schloemer & Associates, Inc.



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Site Address:

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Graef, Anhalt, Schloemer & Associates, Inc. Consulting Engineers and Scientists 125 South 84th Street, Suite 401 Milwaukee, Wisconsin 53214-1470 (414) 259-1500

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/Stephen G. Bartoszewski Project Engineer

John H. Kissinger, P.E. Vice-President

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A-2:	WDNR Grant for Exemption to Construct on an Abandoned Landfill
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Appendix C:	Well Abandonment Forms
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FIGURES

Figure 1:	Site	Location	Map
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DRAWINGS

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- Sheet 2: **Post-Closure Conditions**
- Sheet 3:
- Passive Gas Venting System Layout Beneath Building Passive Gas Venting System Layout Beneath Asphalt Parking Lot Sheet 4:

1. INTRODUCTION

1.1. Background

The Wisconsin Department of Natural Resources (WDNR) granted Continental 87 Fund LLC (Continental) an exemption to construct on an abandoned landfill. The exemption was obtained to allow Continental to develop the site. The initial phase of the development included construction of an approximately 62,000 square foot combined grocery/pharmacy store and associated 200,000 square feet of asphalt-paved parking. Preliminary plans are to construct an additional 10,000 square feet of retail space on the western side of the property.

The approximately eight-acre site, formerly owned by the Wisconsin Gas Company, was quarried and filled between 1950 and 1967. The site, identified in earlier project reports as Parcel A (Parcel 1), is located at 1735 West Silver Spring Drive, in the northeast corner of Section 31, Township 8 North, Range 22 East, in the City of Glendale, Milwaukee County, Wisconsin (Figure 1). The fill at the site consisted primarily of clay-type soil, concrete rubble, and small amounts of brick, asphalt, and other miscellaneous debris.

Graef, Anhalt, Schloemer & Associates, Inc. (GAS) was retained by Continental to act as its environmental on-site representative to document closure construction activities in accordance with conditions set forth in the WDNR Grant for Exemption letter dated July 8, 1998 (which included implementing the Soil and Groundwater Materials Management/Handling and the Remedial Action Plan, both prepared by GAS), and the WDNR's approved construction plans notice dated November 13,1998 (Appendix A).

This report presents a narrative summary and photographic description (Appendix B) of the landfill closure construction activities from September 1998 through June 1999. Any deviations from the WDNR - approved closure plans and specifications are summarized in the attached cover letter.

2. PURPOSE OF CLOSURE

The closure activities at this non-engineered fill site were undertaken to minimize the potential infiltration and/or leaching of fill constituents into the groundwater and direct exposure to the soil. This was to be accomplished through three major design criteria: (i) reduce infiltration by the

placement of building slabs and parking lots; (ii) prevent direct exposure by the placement of onefoot of clean soil over green spaces; and (iii) prevent the ponding of surface water through the use of a storm sewer system to convey stormwater run-off away from the site.

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3. PROJECT SCOPE

The general scope of the project involved: 1) earth moving, grading, and compacting of material to construct a suitable subgrade for the building pad and parking lot; 2) installation of separate passive venting systems beneath the building pad and parking lot; and 3) construction of a geomembrane-lined dry detention pond at the southeast corner of the property.

4. PRE-CONSTRUCTION ACTIVITIES

In addition to the preparation of the plans and specifications and obtaining WDNR approval of the materials handling/management and remedial action plans, other issues were completed prior to construction including: obtaining construction permits, site survey, installation of temporary erosion control measures, and site clearing.

A. Epstein & Sons, Inc., was responsible for the design of components related to site development activities (grading, pond liner, utilities, parking lot passive gas venting system). Camburas & Theodore Ltd., was responsible for the design of components associated with the grocery/pharmacy store, including the passive gas venting system beneath the building. Plans and specifications submitted by these firms were approved by the WDNR on November 13, 1998 (Appendix A).

4.1. Temporary Erosion Control Measures

Prior to initiating closure activities, silt fencing was installed around the perimeter of the project area in accordance with WDNR's Best Management Practices Handbook. This fencing was then maintained through the end of the project.

4.2. Site Clearing

Prior to construction activities, it was necessary to remove trees and shrubs from the site. This vegetation was mainly concentrated along the perimeter of the property. The larger trees were 980417.02 4 December 28, 1999

felled, and the other vegetation cut off at ground level. The material was cut into smaller sections, chipped, and hauled off site to be used as mulch.

5. CONSTRUCTION ACTIVITIES

Starting in September 1998 and finishing in June 1999, the general sequence of site closurerelated construction activities was as listed below. Many of the tasks were undertaken concurrently.

- Removal of vegetation.
- Grading of site.
- Excavation and lining of detention pond.
- Installation of water, sanitary sewer, storm sewer, and other underground utilities.
- Removal and landfill disposal of a portion of excess material following site grading.
- Construction of caissons.
- Excavation for building footprint.
- Relocation of remaining excess material to southeast corner of site.
- Installation of passive gas venting system beneath building pad and parking lot.
- Building construction.
- Covering of green space area with one foot of clean fill.
- Site paving and landscaping.

It should be noted that although the groundwater table in the area was relatively shallow groundwater did not impede the progress of construction activities. There was no need to pump and remove groundwater from the site.

5.1. Subgrade Earthwork

Preparation of the subgrade was dependent on the existing cover conditions and final usage of each particular area of the site. The earthwork primarily involved the relocation of on-site material to achieve the required building pad and parking lot subgrade elevations, and excavation for the detention pond. The general contractor for the site earthwork activities was Edgerton Contractors, Inc. of Oak Creek, Wisconsin.

Following the site clearing operations described in Section 4.2, the existing soil was stripped, relocated, graded, and stockpiled on site using earth scraping machines, bulldozers, and graders. A static sheepsfoot roller was used to compact the parking lot and building pad areas. The topsoil stripped from the site was loaded onto dump trucks, and hauled to Emerald Park Landfill in Muskego, Wisconsin for disposal.

During site grading, excess material or material that was deemed non-suitable for use as structural fill was separated, and stockpiled on site for possible landfill disposal. The material not suited for structural fill included railroad ties, pieces of concrete, and brick rubble. When feasible, concrete and brick rubble was separated from other material and stockpiled separately on site. During the fall of 1998 and spring of 1999, a total of approximately 16,610 tons of the stockpiled material was loaded and hauled to Emerald Park Landfill for disposal. Excess material was generated after rough grading of the site due to excavation for building footings, caissons, and underground utilities. This material was stockpiled in a centrally located area on site until the spring of 1999. The material was then relocated and covered with clean soil on the southeast of Parcel A and a portion of Parcel C.

6. DETENTION POND

The detention pond was designed and constructed to meet City of Glendale stormwater quality and quantity requirements. The pond was designed to be a "dry" detention area. That is, stormwater will be held in detention until the City's stormwater system is able to handle the runoff from the site. During "normal" times the pond area will not have standing water.

Following excavation and rough grading, GSI, Inc. completed the final preparations for placement of the geomembrane liner by removing exposed objects that could potentially puncture the geomembrane. The geomembrane was rolled into placed, with a minimum one-foot overlap of the previously placed roll, and welded together according to manufacturer's specifications. A one-foot layer of soil was then spread over the liner (six inches of clay & six inches of topsoil).

7. BELOW GRADE CONSTRUCTION

Development of the site required a significant amount of trench excavation to allow for the installation of new utilities, and in some instances, relocation of existing utilities. The utilities installed or relocated included water, sanitary, storm, natural gas, electric, and telephone. Caisson and building footprint construction also required that work below grade be performed. Work proceeded in substantial conformance with procedures for underground utilities and workers safety in accordance with condition #1 of the WDNR's Grant for Exemption.

Generally, all underground utility construction was performed by the respective earthwork; plumbing, sewer, and water contractors; and utilities companies. Backhoes were used to excavate trenches to the required size to allow for proper installation of utilities. Water/gas-tight seals were used for the utility connections. Spoils were placed along the trench for possible use as backfill. Although the contractors had the opportunity to use the existing material, crushed stone or sand was typically used as bedding material. The remaining portions of the trenches were then backfilled with excavation spoils. Any material not used for that particular operation was relocated to the excess material stockpile. Spoils from the 106 caisson holes and building footprint excavation were immediately placed on the excess material stockpile.

8. GROUNDWATER MONITORING WELLS

Three groundwater monitoring wells and one peizometer well remained from previous site investigations. The layout of the developed site necessitated removal of these wells. In October 1998, Midwest Engineering Services, Inc. was on site to abandon the wells in accordance with Wisconsin Administrative Code NR 141 regulations. The wells were abandoned by cutting off casings below grade and backfilling the void space with chipped bentonite. Well abandonment forms are included in this report as Appendix C.

9. PASSIVE GAS VENTING SYSTEMS

Based on existing site conditions, the WDNR required that passive gas venting systems be installed beneath the building slab and asphalt parking lot. The systems operate independently and are not connected. The piping for both systems consists of four-inch outside diameter perforated pipe. The perforations in the pipes were located along two rows, approximately onequarter inch in diameter, and spaced approximately 12 inches apart. The plumbing contractor was

responsible for installation of the system beneath the building slab, while the grading contractor installed the system beneath the parking lot.

Prior to the placement of the concrete building pad, 11 inches of No. 1 clear stone was placed and rolled. A small backhoe was used to excavate the trench system. Two inches of stone was left in place for use as bedding material so the pipe would not be in direct contact with the soil subgrade. Following placement of the pipe, perforations down, stone was placed around and above the pipe, and then compacted. The system was vented through the roof by non-perforated pipe connected to the building subgrade system. Depending on the venting location, a gooseneck section of pipe or turbine-cap was attached to the end of the outlet.

The venting system beneath the parking lot was completed in a similar manner. The major difference was that the pipe was located in eight inches of No. 1 stone overlain by two inches of traffic bond. The system was vented by outlet locations in non-paved areas such as landscaped islands and along the perimeter of the parking lot. The venting systems were installed in accordance with WDNR-approved plans.

10. BERM CONSTRUCTION

In the spring of 1999, the WDNR was contacted about the possibility of relocating and covering the excess material with one foot of clean fill, which in effect would create a berm with a maximum height of approximately ten feet. This material included concrete and brick rubble generated during the excavation for building footings, caissons, and underground utilities. The location was at the southeast corner of the site adjacent to detention pond and on a portion of Parcel C. The WDNR granted written approval for the material to be relocated (Appendix A) and requested that additional sampling of the material be conducted. GAS collected the necessary soil samples, which were then laboratory analyzed and submitted to the WDNR for review.

The material was relocated using a front-end loader and dump trucks. As the material was relocated, a bulldozer was used to work the material to provide a suitable base for the clean soil layer. The majority of concrete and brick rubble was placed near the base of the berm. Based on the contractor's calculations, the berm is comprised of approximately 3,500 cubic yards of excess site material.

11. SOIL COVER LAYER

A minimum of twelve inches of imported clean fill was placed on all green space areas, which included the berm. The purpose of this soil cover was to provide protection against direct exposure to the existing material; and also to provide a vegetative growth zone. The material was placed using a front-end loader or bulldozer, depending on the size of the area. Following the placement of material, the areas were raked to removed any significantly large pieces of foreign material.

12. SEEDING/MULCHING

In order to provide stability and minimize the weather affects on the clean soil cover layer, the green space areas were seeded with a commercially available grass seed. Following seeding, straw mulch was placed over the surface and watered.

13. WDNR INSPECTIONS

Pursuant to the Grant for Exemption letter, the WDNR was notified one week prior to the construction events listed below for the purpose of inspecting the work:

- a. The installation of granular base for passive venting systems October 21, 1998.
- b. The installation of detention pond liner February 3, 1999.

14. LONG-TERM CARE

Continental will conduct periodic inspections to verify that the engineered controls are maintained and operational. Site inspection activities shall include observations for signs of erosion, settlement, subsidence, or other conditions detrimental to the integrity of asphalt, concrete, and green space areas. Exposed portions of the passive venting systems will also be checked for damage that may be detrimental to operation of the systems. If at any time, deficiencies in the engineered controls are observed, the deficiencies will be recorded and the necessary repairs made. A deed restriction that included the cap maintenance plan was recorded with Milwaukee County (Appendix D).

15. QUALITY ASSURANCE / QUALITY CONTROL REPORT

GAS was responsible for the environmental QA/QC soil and groundwater material handling program at the project site. Prior to construction at the site, GAS developed the WDNR-approved Soil and Groundwater Materials Handling / Management Plan that was used as the guide to monitor site construction closure activities. GAS was on site during site construction closure activities to verify that the materials handling and remedial action plans, and WDNR conditions of approval were implemented. Continental confirmed that health and safety plans had been received from all contractors and consultants that performed work on the site, including GAS.

The materials handling/management plan called for any disturbed soils generated by general grading and underground utility construction activities be screened. The screening process involved both visual observation, and the use of a photo-ionization instrument (PID), which was capable of detecting volatile organic compounds (VOCs). The excavated soils were screened and separated into the following groups:

- 1. Construction debris that was loaded and hauled to Emerald Park Landfill. This included large pieces of concrete rubble.
- 2. Soil material impacted by poly-nuclear aromatics (PNA) and diesel range organics (DRO) that could not be incorporated into the subgrade. This material was landfill disposed as special waste. There had been a possibility that soils excavated near the groundwater table could have also been impacted by tetrachlororthene (PCE) and trichloroethene (TCE). These soils were determined not to be characteristically hazardous, and were landfill disposed as special waste. As previously mentioned, approximately 16,610 tons of this type of material was hauled to the landfill for disposal, while approximately 3,500 cubic yards remained on site and was covered with one-foot of clean soil.
- 3. Soil material encountered that was heavily impacted based on visual observation was not encountered.

Prior to any work being performed, the site was surveyed by a licensed surveyor in order to produce an existing conditions map, establish benchmarks and stake out the site. As a guide, the final required layer elevations were indicated on the stakes. Site grading/excavation activities were completed in substantial conformance with the WDNR-approved remedial action plan, material handling plan, design plans, and exemption approval letter.

15.1. Subgrade Earthwork

15.1.1. Description and Applicability

General grading and underground utility construction activities were completed to provide a suitable subgrade for the building slab and asphalt parking lot, and to provide utility service for the developed site. The work was completed in substantial conformance with recommended procedures for underground utilities and workers safety as discussed in published WDNR guidelines. Other than non-paved areas having a minimum one-foot thick clean general cover layer, there were no site-specific WDNR requirements regarding final in-place soil characteristics, i.e., percent clay, compaction, and moisture content.

15.1.2. Construction Inspection Documentation

A GAS representative was on site during grading and underground utility construction activities to verify the materials handling/management plan was correctly implemented. GAS was also responsible for directing the contractors on the segregating and stockpiling of the excess material based on its proposed final deposition.

15.1.3. Quality Control Documentation and Testing

As work progressed, the GAS representative was on site to visually inspect soil material as it was being excavated and relocated as necessary. A qualified (OSHA 29 CFR 1910.120 40-hour Hazardous Site Worker Trained), GAS representative periodically field screened soil samples with the PID for VOC's using published WDNR soil sampling guidelines. When excavation work neared the water table, the frequency of the PID screening increased.

Visual indications of heavily impacted soils were not observed at any time during the project. PID instrument readings for all sampling events never exceeded 20 instrument units. One instrument unit approximates one part per million. These readings were well below WDNR residual contamination levels (RCLs) for protection of groundwater and chronic direct exposure. Therefore no soil material was classified as category 3 as defined above, and further analytical testing was not required.

15.2. Clean Soil Layer

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15.2.1. Description and Applicability

General cover material consisted of soil material capable of supporting vegetative growth. The material was imported from off site.

15.2.2. Construction Inspection Documentation

A GAS representative conducted periodic site visits during major earth moving activities to verify that specified methods and materials were used.

Following placement and spreading of the clean soil cover material, the areas were prepared for seeding by scarifying the surface, removing objects exceeding four inches in diameter, and removing all debris.

15.2.3. Quality Control Documentation and Testing

After placement of the clean soil cover layer, a GAS representative verified the material thickness using a ruler. All sample locations met or exceeded the specified 12-inch thickness requirement.

15.3. Seeding/Mulching Operations

15.3.1. Description and Applicability

Grass seed mixture consisted of seed capable of providing a quality vegetative cover. Seed material used to cover green space areas were as follows:

- a. General Area Seed: Reinder Brothers Elm Grove, Wisconsin
 - 20% Kentucky Bluegrass
 - 12% Newport Kentucky Bluegrass
 - 6% Park Kentucky Bluegrass
 - 12% Ken Blue Kentucky Bluegrass
 - 25% Creeping Red Fescue

15% Cutter Perennial Rye Grass

10% Fiesta 2 Perennial Rye Grass

b. Pond Basin Seed: Prairie Nursery - Westfield, Wisconsin

23.52%	SR 5100 Chewings Fescue
23.52%	Sheep Fescue
11.76%	Dawson Red Fescue
11.76%	SR 3100 Hard Fescue
11.76%	Scaldis Hard Fescue
11.76%	Creeping Red Fescue
3.88%	Annual Rye Grass
2.0%	Inert material

15.3.2. Construction Inspection Documentation

A GAS representative was on-site during seeding/mulching operations to verify that specified methods and materials were used. The seed mixture was applied with a broadcast spreader. Seed was spread in intersecting directions. The seeded area was then lightly raked to cover the seed. The seeded area was then covered with machine-blown covering hay to an approximate thickness of 0.125 to 0.25 inches.

15.3.3. Quality Control Documentation and Testing

After seeding/mulching operations were completed, a GAS representative walked the site and verified that all the green space areas had been seeded and mulched.

Based on visual observations by the GAS representative, the components required in the WDNR's Grant for Exemption to Construct on an Abandoned Landfill letter dated July 8, 1998 (which included implementing the Soil and Groundwater Materials Management/Handling and the Remedial Action Plan, both prepared by GAS), and the WDNR's Approval of Plans notice dated November 13,1998 were constructed in substantial conformance with the requirements stated in the above documents.

FIGURES

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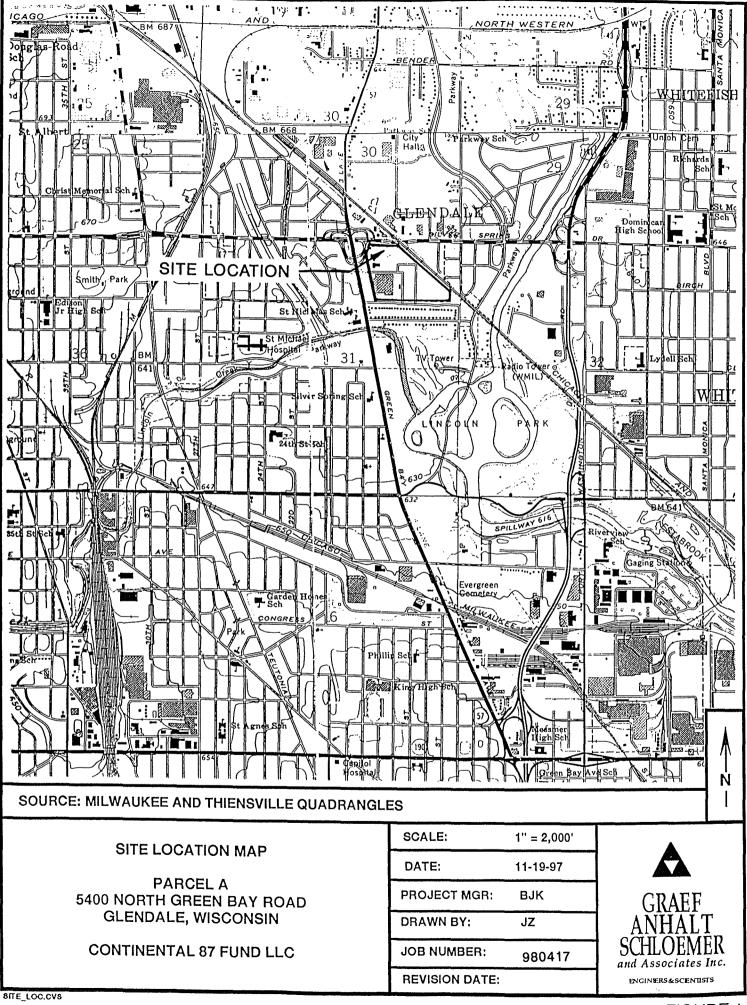
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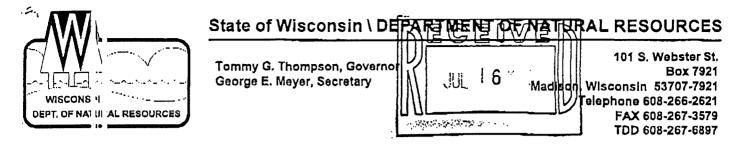
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CONTINENTAL PROP



July 1, .998

File Ref: FID#241952260

Ms. F ii nberly Grimm Continental 87 Fund LLC P.O. Box 220 Milw a kee, WI 53052

Re: DNR Approval of Environmental Investigation and Conditions Necessary to Obtain Voluntary Party Liability Exemption (formerly known as the Purchaser Liability Exemption) under sec. 292.15, Wis. Stats., relating to Parcel 1, formerly part of 5400 N. Green Bay Rd., Glendale, Wisconsin

Dear V.s. Grimm:

Continental 87 Fund LLC ("Continental") has applied to the Wisconsin Department of Natural Resources ("DNR") for the purchaser liability exemption (now known as the voluntary party liability exemption, and referred to in this letter as the "voluntary party liability exemption") under sec. 292.15, Wis. Stats., for the real property described in more detail on the attached Exhibit A, referric to hereafter as "the Property." You have asked DNR to find that an "environmental investigation", required under sec. 292.15(2)(a)1., Wis. Stats., has been conducted for the Property and to pecify the conditions necessary to obtain the voluntary party liability exemption under sec. 292.15. Wis. Stats. This letter will provide you with the DNR's findings and assurances regarding responsibilities and liabilities of the parties under applicable law, including secs. 292.13. Wis. Stats.

All references to sec. 292.15, Wis. Stats., in this letter shall include all amendments to that section made by 1997 Wisconsin Act 27, including the substitution of "voluntary party" for "purchaser" and the availability of certificates of completion for partial cleanups.

- I. <u>"I u chaser" and "Voluntary Party" Status</u>. As noted in a letter from DNR to you, dated June 4, <u>1! 5 3</u>, DNR determined that Continental qualifies as a "purchaser" within the meaning of sec. <u>2! 2 15(1)(c)</u>, Wis. Stats, and DNR has determined that Continental also qualifies as a "vo untary party" within the meaning of sec. 292.15(1)(f), Wis. Stats., because Continental did not cause the discharge of a hazardous substance on the Property.
- II. <u>A la quacy of Environmental Investigation</u>. Certain investigative activities have been conducted or he Property. These activities have been reviewed by DNR to determine if they have been





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d in e in accordance with applicable requirements, including sec. 292.11, Wis. Stats., and ch. NR 71(\cdot , Wis. Admin. Code. DNR approves the scope of these environmental investigations and a p ees that they collectively constitute an "environmental investigation", within the meaning of s c 292.15(2)(a)1, Wis. Stats., which is adequate to identify areas of contamination on the P c perty requiring remediation. Contaminants of concern identified at the Property include d raded petroleum compounds in the diesel range and heavier, poly- nuclear aromatic h α rocarbons, and the heavy metals lead and arsenic. These contaminants occur in soil on the P c perty above levels considered to be protective of direct contact exposure and in some is a ances exceeding levels considered to be protective of groundwater. These compounds were not, however, found in the groundwater at levels requiring further action. Chlorinated volatile o g anic compounds from an off-site source were also found in soil and groundwater at the P c perty. DNR concurs that the source area for petroleum contamination found in Area III of P is cel 1 appears to extend across the property boundary onto the Wisconsin Gas Company p t perty. The investigative activities are described in the following documents, which were s it mitted for DNR review:

- A. "Environmental Site Assessment, Wisconsin Gas Company North Service Center Property and Parcels A and B", dated December 1996, prepared by Geraghty & Miller, Inc. for Wisconsin Gas Company.
- B. "Phase I Environmental Site Assessment for Parcel A", dated December 1997, prepared by Graef, Anhalt, Schloemer & Associates.
- C. "Soil and Groundwater Investigations, Located at Parcel A, Glendale, Wisconsin", prepared by Graef, Anhalt, Schloemer & Associates, dated December 1997.
- D. Letter from Graef, Anhalt, Schloemer & Associates to WDNR, dated December 18, 1997, regarding "Request for Written Determination of "Off-Site" Sources, Wisconsin Gas Company North Service Center and Vacant Lands Adjacent to the NSC (Parcels A, B, and C).
- E. Letter from Graef, Anhalt, Schloemer & Associates to WDNR, dated January 30, 1998, regarding "Continental Glendale Site".
- F. "Site Investigation Report, The Crestwood Area Site, 1720-1800 West Silver Spring Drive, Glendale, Wisconsin", dated March 13, 1998, prepared by HNTB Corporation, for the Glendale Community Development Authority.
- G. "Soil Investigation and Groundwater Quality Monitoring, Parcel A, B, and C", dated March 1998, prepared by Arcadis Geraghty & Miller.
- H. Letter from Graef, Anhalt, Schloemer & Associates to WDNR, dated May 13, 1998, regarding "Opinion Letter Application of Act 453 to Parcels A, B, and C, 5400 North Green Bay Road, Glendale, Wisconsin".
- I. Letter report prepared by Graef, Anhalt, Schloemer & Associates, dated June 19, 1998, regarding "Results of Off-Site Extent of Contamination Soil Investigations, June 8, and 11, 1998, Continental 87 Fund LLC, Wisconsin Gas Company/North Service Center".

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III. Re nediation Activities to be Conducted.

- A. After reviewing the results of the environmental investigation that has been conducted at the Property, the DNR finds that remedial action is necessary at the Property. DNR approves the proposed Remedial Action Plan put forth in the letter report, dated June 25, 1998, prepared by Graef, Anhalt, Schloemer & Associates, regarding "Remedial Action Plan, Parcel A (Also known as Parcel 1), Wisconsin Gas Company, North Service Center Site, 5400 North Green Bay Road, Glendale, Wisconsin". The remedial action proposed for the Property consists of placement of an exposure and infiltration reduction barrier on the Property. This will incorporate the proposed building and parking lot/paved area construction, and a lined detention basin, which together will cover approximately 90% of the Property with impermeable surfaces, and also includes a minimum one-foot thick soil cover in the remaining landscaped areas. A deed restriction requiring maintenance of the Property barrier features shall be submitted to the DNR for approval and then shall be recorded on the Property title. The proposed remedy will prevent direct contact exposure to the petroleum and heavy metal contamination in soil at the Property, and, with the on-going natural degradation of the petroleum products, will protect groundwater from potential future contamination from Property soil.
- B. The remedy excludes consideration of the chlorinated solvent contamination in soil and groundwater, for which the DNR has issued an off-site source liability exemption to Continental (DNR letter to Continental, dated May 12, 1998). The DNR makes the following determinations with regard to the chlorinated solvent contamination which will remain in soil and groundwater at the Property after completion of the proposed remedy:
 - 1. Based on the proposed development, and the existence of a responsible party who is working toward investigating and remediating the chlorinated solvent discharge, public health, safety and the environment will not be endangered by the chlorinated solvents remaining at the Property after the completion of the proposed Remedial Action Plan.
 - 2. The proposed remedy and Property development activities will not aggravate or contribute to the discharge of these chlorinated solvent compounds and will not unduly interfere with, or necessarily increase the costs of, responding to this chlorinated solvent discharge.
 - 3. Continental has agreed, through the off-site source liability exemption process, to allow access to the Property for investigation and remediation activities, relating to the discharge of the chlorinated solvent compounds.

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- IV. <u>Ce tificate of Completion</u>. Upon completion of all activities required by paragraph III.A., and c in ipliance with all applicable statutory and regulatory requirements, the DNR will issue to Continental a certificate of completion for the Property, pursuant to sec. 292.15(2)(am), Wis. S is is.
- V. <u>No</u> Lien for Future Environmental Costs Relating to Hazardous Substance Discharges. DNR a u set that, upon issuance of the certificate of completion, it will not file a lien against the P:c perty for any future expenditures made by the DNR for investigation or cleanup activities relating to hazardous substance discharges, if the discharges existed on the Property prior to the d it : of certificate issuance, nor will it file such a lien if discharges onto the Property originate file n off-site sources.

VI. <u>Construction Activity</u>. Any construction activity during the development of the Property shall b: conducted in accordance with the conditions of the Remedial Action Plan approved by the ENR pursuant to sees. 292.11 and 292.15, Wis. Stats., and the Exemption to Construct on an Abundoned Landfill, approved by the DNR pursuant to s. NR506.085(2), Wis. Adm. Code. Au / construction, excavation or maintenance activities on the Property, after the initial d: elopment construction activities, shall be conducted in accordance with the conditions of the R e nedial Action Plan, the Exemption to Construct on an Abandoned Landfill, and any deed r is riction(s) placed upon the Property to preserve the integrity of the engineering controls and s is cover. Construction or excavation activities will not be considered inconsistent with the n a ntenance of the Property, within the meaning of sec. 292.15(2)(a)5, Wis. Stats., if those a :t vities are conducted in accordance with the conditions of the Remedial Action Plan, the Examption to Construct on an Abandoned Landfill, and any deed restriction(s) placed upon the F x approximation of the Remedial Action Plan, the Examption to Construct on an Abandoned Landfill, and any deed restriction(s) placed upon the F x approximation of the Remedial Action Plan, the E x approximation of the Remedial Action Plan, the E x approximation of the Remedial Action Plan, the F x approximation of the Remedial Action Plan, the E x approximation of the Remedial Action Plan, the E x approximation of the Remedial Action Plan, the E x approximation of the Remedial Action Plan, the F x approximation of the Remedial Action Plan, the E x approximation of the Remedial Action Plan, the F x approximation of the Remedial Action Plan, the F x approximation of the Remedial Action Plan, the F x approximation of the Remedial Action Plan, the F x approximation of the Remedial Action Plan, the F x approximation of the Remedial Action Plan, the F x approximation of the Remedial Action Plan, the F x approximation

- VII. <u>Splicable Statutory and Regulatory Framework</u>. The Environmental Reports identified the source of contamination on the Property as releases of petroleum and placement of contaminated fill. The DNR assures Continental that all remediation required by DNR on the Property shall proceed exclusively under sec. 292.11, Wis. Stats., and chs. NR 700 to 750, Wis. Adn. Code.
- VIII. <u>P syment of Fees for DNR Oversight Costs</u>. Pursuant to sec. 292.15(5), Wis. Stats., DNR is a it norized to assess and collect fees from a voluntary party to offset the cost of DNR's oversight activities under the voluntary party liability exemption program. Continental agree(s) to: eimburse DNR for the costs incurred by DNR for its oversight activities. Fees shall be paid a provided in Chapter NR 750, Wis. Adm. Code.

IX. Successors and Assigns. All of the determinations, statements and commitments of the DNR set forth in this letter shall inure to the benefit of Continental and its successors and assigns, provided that the successors and assigns comply with the terms of this letter and all statutory a moregulatory requirements. Continental may freely assign its rights under this letter to any prison or entity, not inconsistent with sec. 292.15, Wis. Stats.

WISCONSIN DEPARTMENT OF NATURAL RESOURCES

By:

Stan Druckenmiller Executive Assistant

July 7, 1998 Dated:

APPENDIX A-2

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State of Wisconsin \ DEPARTMENT OF NATURAL RESOURCES

Tommy G. Thompson, Governor George E. Meyer, Secretary Gloria L. McCutcheon, Regional Director Southeast Region Headquarters 2300 N. Dr. ML King, Jr. Drive, Box 12436 Milwaukee, Wisconsin 53212-0436 TELEPHONE 414-263-8500 FAX 414-263-8716 TDD 414-263-8713

> FID # 241952260 SW/APP

Ms. Kimber y Grimm, Development Coordinator Continenta Properties, Inc. W133 N8550 Executive Parkway Menomone Falls, WI 53052

RE: Grau of an Exemption to Construct on an Abandoned Landfill, Continental 85 & 87 Fund LLC, Wisconsin Gas North Service Center Site, Parcel A, 5400 North Green Bay Road, Gle wale, WI, (NE Corner of Section 31, Township 8 North, Range 22 East)

Dear Ms. (himm:

July 8, 1998

I am pleased to inform you that your request for an exemption from ss. NR 504.07(9) and 506.085, Wisc. Adm. Code, has been reviewed and granted, subject to the conditions listed in the attachment to this letter.

In a docurr in it submitted on March 2, 1998, and dated February 24, 1998, Graef, Anhalt, Schloemer & Associates, Inc. (GAS), on behalf of Continental 85 & 87 Fund LLC (Continental), requested an exemption to build a retail shopping facility on Parcel A and senior housing facilities on Parcels B &: C of the Wisconsin Gas Company North Service Center property located at 5400 North Green Bay R bad, Glendale, WI. The site is an abandoned landfill. Continental is the prospective owner and develo & r of the property. The exemption request submittal contained generic properties and history of all three p arcels and material specific to the environmental conditions and potential construction impacts on P arcel A. This exemption request is covering just parcel A at this time. Exemption requests for Parcels E and C will be addressed separately.

The depart in int has reviewed your 6-9-98 comments to the 5-27-98 draft document and has incorporated most of the comments into the final document. The following list addresses items that were not incorporate: as requested.

- For page 2, Item 10, of the determination, I also added the date of the off-site determination letter.
- For page 3, Item 11, of the determination, the language submitted in your June 11, 1998, fax has been in croorated. Language was kept in a new condition #13 to clarify that this exemption only covers $\frac{1}{2}$ recel A.
- As suggested Page 3, after Item 9, has been incorporated into the determination with the addition of the May 1998 Soil and Groundwater Materials Handling/Management Plan.
- The suggisted change for Page 4, first full paragraph, of the determination was not changed as

July 8, 1991 · Continental Properties - Exemption to Construct Cover Letter

2

suggest x in order to maintain standard department language.

The June 9. 1998, letter questioned what would be the requirements if the square footage of the additional is all space was increased. Since the construction slabs act as a control technology, I do not anticipate z problem if you increase the square footage of the additional retail space. However, you should notify the department.

Parcel A is an approximately 8 acre site. The plans for this site include a 62,000 square foot combined grocery/ph 11 macy, a ground level parking area, approximately 9,880 square feet of additional 1e ail space, and a retention pond. The structures will be single storied with no basements and have found at ions of caissons and slab on grade. The caissons will be placed to approximately 20 feet below groun i surface (bgs) where they will be placed into a stiff brown clay layer. The site is presently undeveloped

Aerial photo graphs show that the area was quarried and filled between 1950 and 1967. GAS determined that the fill at the site is comprised mainly of silty clay soil, with an estimated 20-30% broken-up pieces of concrete. race amounts of brick and asphalt and trace amounts of miscellaneous debris such as metal and glass. The vertical extent of fill on Parcel A varies from 10.5 feet on the west side to 5.5 to 9.0 feet on the east side.

Methane g is was not detected during the site investigation. The groundwater table depth varies from 8 to 10 feet te ow ground surface (bgs). Groundwater flow direction is from northwest to southeast. Soils encountere 1 on Parcel A are contaminated with tetrachloroethene (PCE)/trichloroethene (TCE) and related deg a dation products. Maximum concentrations of 52,100 ppb of PCE and 2,880 ppb of TCE were detected. PNA contamination was discovered across the site. Concentrations of the PNA compound, t enzo(a) pyrene were found as high as 21.9 ppm. DRO was detected across the site and at a maximum of ncentration of 2,400 ppm.

During corstruction, soils will be moved because of site grading, excavation of the stormwater basin, excavation for underground utilities, and excavation for building foundations. Random construction debris and graded soils will be separated, examined and stored. Of the estimated 17,400 cubic yards of material displaced, approximately 8,300 cubic yards will be used to fill low areas and approximately 9,100 cubic pards will be sent to a licensed landfill. Materials will be screened and separated into three groups: screated construction debris, which will go to a construction materials landfill to be crushed; PNA and LHO contaminated soils that can not be incorporated into grading, which will be sent to a landfill as a pecial waste; and materials which are considered heavily impacted by visual observation which will be tested prior to disposal.

Underneath the building floors, foundations, footings and parking lot surfaces, Continental plans to place a granular is se encasing a 6-inch high-density polyethylene (HDPE) pipe to be placed in the permeable fill. Undern with the detention pond, Continental proposes to also use an impermeable membrane or a compacted may material.

The potential for groundwater contamination at these old sites is always of concern to the department. Continental las applied to the Voluntary Party Remediation Program and any potential for groundwater remediation will be addressed through that program.

A plan review fee of \$500 has been submitted. An inspection fee of \$500 will be needed for a construction inspection.

If you have any questions concerning construction on the abandoned landfill, please don't hesitate to call me at (414) 163-8594.

July 8, 1998 - Continental Properties - Exemption to Construct Cover Letter

Sincerely,

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Patrick J. I it idy Waste Mar a tement Engineer Southeast I e gion

c: SER V'aste Management Casefile - (F. Schultz, B. Sheikholeslami, P. Brady) SER R&R Casefile - (J. Schmidt / P. Mylotta) Bure n of Waste Management - SW/3 Mr. Jury Boyer - GAS

BEFORE THE STATE OF WISCONSIN DEPARTMENT OF NATURAL RESOURCES CONDITIONAL GRANT OF EXEMPTION FOR CONSTRUCTION ON AN ABANDONED LANDFILL

FINDINGS OF FACT

Tl e Department finds that:

- Continental 85 and 87 Fund LLC (Continental), W133 N8569 Executive Parkway, Menomonee Falls, WI 53051, intends to purchase and develop the lands located at Wisconsin Gas North Service Center Site (Parcels A, B, & C), 5400 North Green Bay Road, Glendale, WI, (NE Corner of Section 31, Township 8 North, Range 22 East), County of Milwaukee, State of Wisconsin.
- 2. The land in question is owned by the Wisconsin Gas Company. The site is currently undeveloped.
- 3. The project involves the construction of a retail shopping facility on Parcel A and enior housing facilities on Parcels B, & C.
- 4. 'arcel A is an approximately 8 acre site. The plans for this site include an approximately 62,000 square foot combined grocery/pharmacy, a ground level parking area, approximately 9,880 square feet of additional retail space, and a stetention pond. The structures will be single storied with no basements and have foundations of caissons and slab on grade.
- 5. The site has been assigned the facility identification (FID) number 241952260.
- 6. In a February 24, 1998, document, Graef, Anhalt, Schloemer & Associates, Inc. GAS), on behalf of Continental 85 & 87 Fund LLC (Continental) submitted an exemption request for department review to construct on this site.
- 7. Information reviewed in connection with this exemption request is as follows: a) the eport titled "Soil and Groundwater Materials Handling/Management Plan" for Visconsin Gas North Service Center Site (Parcels A, B, & C), 5400 North Green Bay Road, Glendale, WI, and dated May 13, 1998; b) the February 24, 1998, exemption request; c) a May 13, 1998, letter from GAS to Parn Mylotta; d) the December 1997 Soil and Groundwater Report; and e) the December 1997 Phase 1 Environmental Site Assessment.
- 8. 'The site has been quarried and filled. The fill at the site is comprised mainly of ilty clay soil, with some broken-up pieces of concrete, trace amounts of brick and sphalt and trace amounts of miscellaneous debris. The vertical extent of fill on Tarcel A varies from 10.5 feet on the west side to 5.5 to 9.0 feet on the east side.

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Ju y 8, 1998 - Grant of Exemption to Build - Continental Properties

- 9. The groundwater table depth varies from 8 to 10 feet below ground surface (bgs). Groundwater flow direction is from northwest to southeast.
- 1C. Soils encountered on Parcel A in the vicinity of the groundwater table are contaminated with tetrachloroethene (PCE)/trichloroethene (TCE) and related legradation products. On May 12, 1998, the department issued an Off-Site Source Determination Letter for these contaminants. Site soils are also contaminated with 'NA and DRO. No methane was detected in the sampling of Parcel A.
- 11. Continental proposes to: a) grade the site, and excavate soils for the stormwater letention pond and building foundations; b) place underground venting and liner for letention pond; c) construct the retail buildings, parking lot, detention pond, and d) placement of 1 foot of combined clean engineered fills and/or topsoil on undeveloped space.

CONCLUSIONS OF LAW

- 1. 'The department has authority under ss. NR 504.07(9) and 506.085, Wisc. Adm. Code, to approve construction of buildings and the excavation of waste materials at closed solid waste disposal facilities.
- 2. 'The department has authority under ch. NR 500.08(4), Wisc. Adm. Code, to grant exemption from requirements in chs. NR 500 to NR 538, Wisc. Adm. Code.
- 3. In accordance with the foregoing, the department has authority under ch. 289, Visc. Stats., to issue the following conditional grant of exemption to ensure compliance with chs. NR 500-538, Wisc. Adm. Code.

CONDITIONAL GRANT OF EXEMPTION FOR BUILDING ON AN ABANDONED LANDFILL

The department hereby grants an exemption from ch. 289, Wisc. Stats., to Continental to construct on Parcel A of the Wisconsin Gas North Service Center site, subject to the following conditions:

- 1. Construction will proceed in substantial conformance with the recommended procedures for underground utilities and workers safety which are discussed in the i Department's Guidelines for Review of Requests for Exemptions to Construct on a bandoned Landfills, dated November 23, 1992.
- 2. (Continental shall ensure that all environmental contractors and consultants involved in this project prepare their own health and safety plan to deal with contingencies which may arise from concerns addressed in this report.

July 8, 1998 - Grant of Exemption to Build - Continental Properties

- 3
- 3. For all utility connections, Continental shall use water/gas-tight seals. Continental shall take measures to prevent utility trenches from becoming a conduit for inigration of contaminants.
- 4. f dewatering is required during construction, Continental shall ensure that any iquid collected shall be discharged in accordance with all applicable laws and egulations.
- 5. Continental shall provide erosion controls consistent with the Wisconsin Construction Site Best Management Practice Handbook during construction.
- 6. Continental shall prevent any significant and persistent ponding of surface water on the waste material.
- 7. The department will perform a construction inspection for the installation of the vented granular base and the detention pond liner. Continental shall notify the coutheast region a minimum of one week prior to the listed events for the purpose of allowing the department the opportunity to inspect the work. A \$500 fee shall be paid to the department for each required inspection in accordance with s. NR : i20.04(5) Wisc. Adm. Code.
- 8. Continental shall submit site and grading construction plans to the department. The plans shall include specifications on the foundations, the 6-inch high-density polyethylene (HDPE) pipe, the passive venting system, the permeable fill, the caissons and slab on grade, the retention pond, the parking lot, and the utilities for the site.
- 9. Continental shall submit an approvable remedial action plan for the site.
- 10. Continental shall manage contaminated soils according to an approved Remedial Action Plan and the May 1998 Soil and Groundwater Materials Handling/Management Plan.
- 11 (Continental shall provide information on how the engineered controls will be naintained.
- 12 Continental shall complete the construction of the retail space in the western portion of Parcel A in a manner consistent with the current construction design drawings for the development on the east side of Parcel A. Continental shall submit final construction design drawings to the department at least 30 days prior to the commencement of construction.
- 13 This approval of the exemption request is only for Parcel A at this time. Separate exemptions will be issued for the construction activities on Parcels B and C.
- 14 Continental shall prepare a construction documentation report(s) verifying and clocumenting all aspects of the above conditions and submit the report(s) to the clepartment within 60 days of completion of the construction on Parcel A. The report(s) shall contain at a minimum: a) a plan sheet (or sheets) documenting the location of all the features required by the above conditions and any other pertinent

July 8, 1998 - Grant of Exemption to Build - Continental Properties

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tems (such documentation is referred to hereinafter as the "Approved Plans"); b) a comprehensive narrative explaining how the construction of the project was accomplished; c) a series of 35-mm color prints documenting all major aspects of ite construction; and d) a letter under the seal of a registered professional engineer certifying that all features required by the above conditions have been constructed in ubstantial compliance with the Approved Plans, noting any deviations from the Approved Plans.

This exemption shall be applicable to the construction of the buildings and structures currently proposed by Continental, and any reconstruction of the same or equivalent structures in conformance with the foregoing conditions and on the same foundations approved under this exemption, will not require further department action or approval.

The department retains the jurisdiction to either require the submittal of additional into mation or to modify this approval at any time, if in the Department's opinion, co wittings warrant further modification.

NOTICE OF APPEAL RIGHTS

If you believe that you have a right to challenge this decision, you should know that W s onsin statutes and administrative rules establish time periods within which requests to review department decisions must be filed.

For judicial review of a decision pursuant to ss. 227.52 and 227.53, Wisc. Stats., you have 30 days after the decision is mailed, or otherwise served by the department, to file your petition with the appropriate circuit court and serve petition on the department. Such a petition for judicial review shall name the Department of Natural Resources as the department.

This notice is provided pursuant to section 227.48(2), Wisc. Stats.

July 8, 1998

DI I ARTMENT OF NATURAL RESOURCES Fcr the Secretary

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FOR

Fr u klin C. Schultz W 15 te Management Section Supervisor Sour heast Region

ノミュテ Patrick J. Brady

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APPENDIX A-3

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CONTINENTAL PROPERTIES

State of Wisconsin \ DEPARTMENT OF NATURA RESOURCES

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WISCONSIN DEPT. OF NATURAL RESOURCES

March 26, 1999

P.O. Box 220

Tommy G. Thompson, Governor George E. Meyer, Secretary Gloria L. McCutchson, Regional Director

cc: Dan

Southeast Region Milwingkes Service Center 2300 N. Dr. ML King Erive, PO Box 12436 Milwaukee, Wisconsin 53212-0436 Telephone 414-263-8500 FAX 414-263-8716 TDD 414-263-8713

File Ref: FID#241952260 RR/453 BRRT'8 0241181872

Subject:

Menomonee Falls, WI 53052

Ms. Renee Bowerman

Continental Properties Company, Inc.

Continental 85/87 Fund LLC Jewel Osco and Senior Housing Projects in Glendale Request to move soil from Parcel 1 (Parcel A) to Parcel 2 (Parcel 11)

Dear Ms. Bowerman:

You have asked for a letter indicating whether the Department would be able to approve your moving soil from the construction site for the future Jewel Osco development (identified as Parcel A) onto the adjacent area (identified as Parcel C). This part of Parcel C was proposed as an open space between the Jewel Osco commercial development and the future senior housing development to the south. As specified in your letter dated March 19,1999, this part of Parcel C would, as now proposed, contain a berm constructed with soil excavated from the Jewel Osco development site.

Under your proposal, approximately 3500 cubic yards of soil, which was removed from the unsaturated zone in the area of the proposed Jewel Osco building footprint, will be used to construct the berm on Parcel C. The final soil berm will with a maximum height of 7 feet with 3:1 slopes, and will be covered with one foot of clean soil cover. You have proposed to have your consultant collect two composite samples from the soil, to analyze for all constituents of concern at the site, in order to confirm that no unexpected levels of these constituents are present. You have indicated that field screening conducted during the excavation of this soil did not find high levels of volatile organic vapors. Expected levels of chlorinated solvent compounds are less than 200 ug/kg in soils found in this area.

Criteria for off-site disposal of contaminated soil at a response action site are described in a. NR 718.13, Wisconsin Administrative Code. No formal Department approval is required for disposal that meets these criteria. It appears that your proposal will, in general, meet these criteria. The Department: recognizes that your proposal does not meet the requirement to collect one sample for every 300 cubic, yards of soil, but is adequate in conjunction with the previous soil sampling that has been conducted in the excavation area. You have indicated that the area of placement will meet the location criteria found in s. NR 718.13(6), Wis, Adm. Code. Information obtained during the site investigations conducted for Parcels A, B, and C shows that the subsurface materials in these areas are similar in nature and contain similar constituents of concern, specifically, petroleum compounds, volatile organic compounds, polynuclear arotuatic hydrocarbons and lead and arsenic. Your proposal indicates that the soil will be placed at the surface, which is at least one meter above the high groundwater level. The final management of this soil will include covering the soil with one foot of clean soil, which is consistent with the remedial action plans approved for Parcels A, B and C. You will need to follow the requirements specified under s. NR 718.13(9), Wis. Adm. Code, regarding notification of the final disposition within 30 days after disposal. I



.. CONTINENTAL PROPERTIES

Proposal to Move Soil from Parcel 1 to Parcel 2

March 26, 1999

Ms. Renee Bowerman, Continental Properties Company Jewel Osco Development and Senior Housing Projects

have recommended that you provide the analytical results as soon as possible so that I may review them prior to completion of your current construction efforts.

You will still need to obtain an approval from our Waste program, due to the change you are inaking in your construction plans submitted to obtain an Exemption to Construct on an Abandoned Landfill. We anticipate that such an approval will be formally issued within the next week, and you may proceed with the soil movement prior to receiving that approval.

I hope this letter has assisted you in determining whether your proposed actions are consistent with state requirements. If you have any questions about this letter, please contact me at (414) 263-87; B.

Sincerely,

Parnela A. Mylotta Hydrogeologist, Remediation & Redevelopment Program Southeast Region, Milwaukee Service Center

C: Pat Brady - SER Waste Program SER RR/453 Casefile 241952260

	FAX C	COVER SHE	<u>ET</u>		
To: Attn: FAX:	Graef Anholt Schloemer Steve Bartoszewski (414) 256-4065		# of Page Date:	es (including cover):	3 3/29/99
From	Michael Andrews Continental Properties Company, Inc. W133 N8569 Executive Parkway P.O. Box 220 Menomonee Falls, W1 53051			(414) 502-5522 (414) 502-5500	
The c	original of this document will be sent by:	U.S. Mail Carrier FedEx Fax Only	XX		
Ref:	Jewel - Osco Sitework Glendale, Wisconsin C87 Fund LLC				
	Steve				
	Enclosed is the DNR approval letter date	d 3/26/99 from	Pam Myic	otta.	
	· · · · · · · · · · · · · · · · · · ·				
	As always, any questions, please call.			Thanks,	·····
	Please notify sender if you rec	eive this trans	mlssion in	error.	
	: File	Transmit	fed by:	Michael Andrews	

W133 N8569 EXECUTIVE PARKWAY, P.O. BOX 220, MENOMONEE FALLS, WISCONSIN 53052 TELEPHIONE (414)502-5500 FACSIMILE (414)502-5522

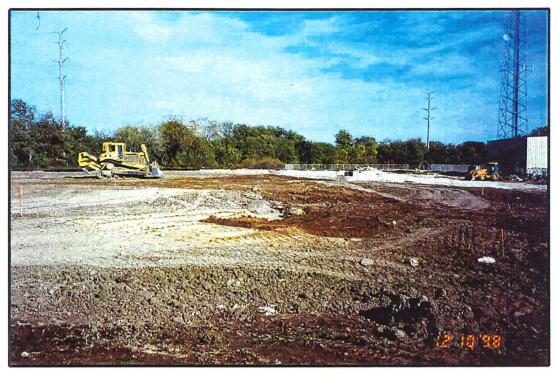
APPENDIX B

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Site grading.



Completed grading of building footprint.

SITE PHOTOGRAPHS

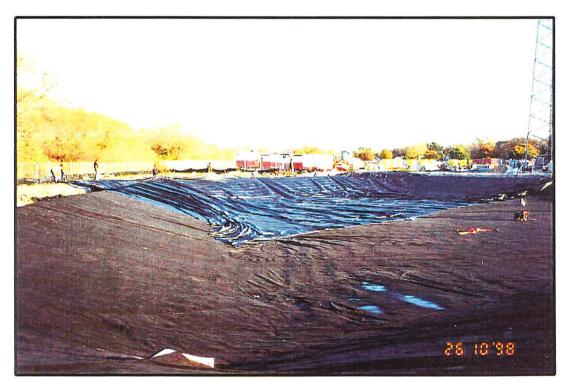
CONTINENTAL 87 FUND LLC GLENDALE, WISCONSIN



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Excavation for detention pond.



Installation of pond liners.

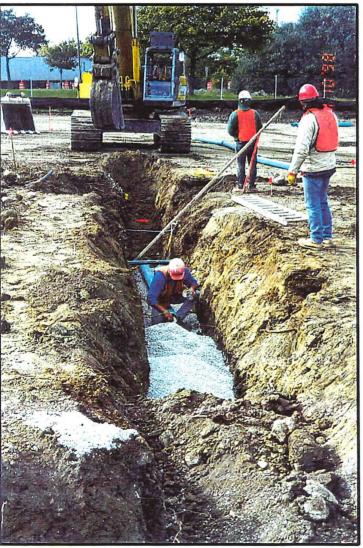
SITE PHOTOGRAPHS

CONTINENTAL 87 FUND LLC GLENDALE, WISCONSIN



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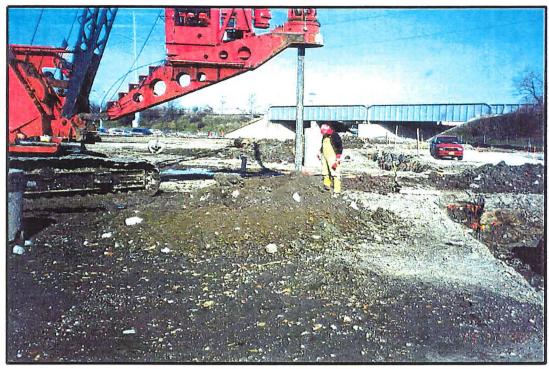
Typical underground construction.

Placement of clean fill.

SITE PHOTOGRAPHS

CONTINENTAL 87 FUND LLC GLENDALE, WISCONSIN





Caisson drilling.



Excess material stockpile.

SITE PHOTOGRAPHS

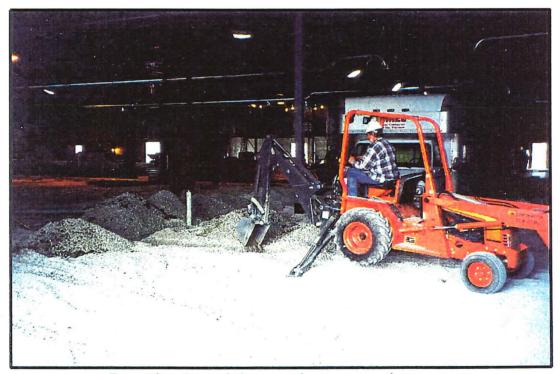
CONTINENTAL 87 FUND LLC GLENDALE, WISCONSIN



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Excess material berm construction.



Trenching for building passive gas venting system.

SITE PHOTOGRAPHS

CONTINENTAL 87 FUND LLC GLENDALE, WISCONSIN



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Installed parking lot passive gas venting system.



Completed construction.

SITE PHOTOGRAPHS

CONTINENTAL 87 FUND LLC GLENDALE, WISCONSIN



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APPENDIX C

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APR-05-1999 15:18	EDGERTON CONTRACTORS INC.	414 764 9788 P.01/08
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If there are any problems with this facsimile transmission, please call **764-4443** immediately.

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as Well Annular Space Grouted? [] Yes [X] No [] Unknown		ite-Sand SI	unv	I Be	entonite-Cen	nent-Grout
If Yes, to What Depth? Feet		d Bentonite				
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(9) Name of Person or Firm Doing Sealing Work				• 4.46. • • • • C.ast. • •	and a second second Second second second Second second	
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reet or Route Telephone Number						
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APR-05-1999 15:18 EDGERTON CON	TRACTORS	INC.	414 7	764 9788 P.03/08
State of Wisconsin (ELUDRILLH	OLE/BORE	HOLE ABA		
Department of Natural Resources Form 3300-5W				11-89
All abandonment work shall be performed in accordance wi	th the provis	ions of Cha	oters NR 111, NR	112,
or NR 141, Wis, Admin, Code, whichever is applicable. Als				
GENERAL INFORMATION	(2) FACILIT	YNAME		
Well/Drillhole/Borehole County	Original We	ell Owner (if	Known)	
ocation Dodge	Continentia	I Properties		
[]E	Present We	ell Owner		
1/4 of 1/4 of Sec; T,N; RW	Same			
(If applicable)	Street or R	oute		
Gov't Lot Grid Number				
nd Location	City, State,	Zip Code		
ft. []N. []S. ft. []E. []W.	The state water		Analia ahisi	
ิพ์I Town Name	~	I NO.&/OF Na	ame (If Applicable)	WI Unique Well No.
Street Address of Well	MP-1A	Abandonm		
	Constructio		ent	
SE Corner Silverspring & Green Bay Roads	Date of Aba			
Jendale	16-Oct-98			
WELL/DRILLHOLE/BOREHOLE INFORMATION				an a
) Original Wel/Drillinole/Borehole Construction Completed On	(4) Denth t	o Water (Fe	et)	
(Date)			~ /	-
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] Monitoring Well Construction Report Available?				lo [X] Not Applicable
Water Well [] Yes [] No	Screen Rer	noved?	[] Yes [X] N	No [] Not Applicable
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Construction Type:	Was Casin	g Cut Off Be	low Surface? [2	(] Yes [] No
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] Other (Specify)	Did Materia	I Settle Afte	r 24 Hours? []] Yes [X] No
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	[] Dump		[X] GI	
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Trom groundsunface)		ement Grou		ring well boreholes only
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	[] Clay-S	•		Granular Bentonite
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Carline Material Llood			Sealant or Volum	
.) Sealing Material Used	From (Ft.)	20		
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(3) Comments:	70303-02-2	\$ 11-X		e na producti i i i i i i i na na in antise si i i i i i i i i i i i i i i i i i
(9) Name of Person or Firm Doing Sealing Work				and the second
Midwest Engineering Services, Inc.				
ignature of Person Boing Work Date Signed			······································	· · · · · · · · · · · · · · · · · · ·
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Waukesha, Wisconsin 53189 DNR/COUNTY	94. d. 2			
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APR-05-1999 15:19 EDGERTON CON	TRACTORS I	NC.	414 7E	49788 P.04/08
State of Wisconsin (/ELL/DRILLH	OLE/BORE	HOLE ABA	ND MENT	
Department of Natural Resources Form 3300-5W			•	11-89
All abandonment work shall be performed in accordance wi	ith the provis	ions of Cha	oters NR 111, NR 1	12,
r NR 141, Wis. Admin, Code, whichever is applicable. Als	o, see instru	ction on bad	sk.	
) GENERAL INFORMATION	(2) FACILIT	the statement of the second		
Well/Drillhole/Borehole County	Original We	and a second	Known)	
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	Present We			
1/4 of 1/4 of Sec; T N; R [] W	Same	en en en		
(If applicable)	Street or Ro			
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Location	City, State,	Zin Code		
ft.[]N.[]Sft.[]E. []W,				
ivil Town Name	Facility Wel	No &/or N	ame (If Applicable)	WI Unique Well No.
	MW-1A			out Cindus wash No.
Street Address of Well	Reason For	Abandong	iont	
TE Corner Silverspring & Green Bay Roads	Constructio			
ity, Village	Date of Aba			
Giendale	16-Oct-98	ingonnent		
	10-001-90			
WELL/DRILLHOLE/BOREHOLE INFORMATION				•
) Original Wel/Drillhole/Borehole Construction Completed On	(4) Depth t	o Water (Fe	et)	
(Date) <u>10/2/97</u>				
				o [X] Not Applicable
(] Monitoring Well Construction Report Available?				[X] Not Applicable
] Water Well [] Yes [] No				o [] Not Applicable
[] Drillhole			[X] Yes [] No	[] Not Applicable
] Borehole	If No, Expla	in j		
Construction Type:			low Surface? [X]	
Image: Second state Image: Second state Imag	Did Sealing	Material Ri	se to Surface? [X]	
Other (Specify)	Did Materia	I Settle Afte	r 24 Hours? []	Yes [X] No
	If Yes, Was	Hole Retor	ped? []'	Yes [] No
Formation Type:			Placing Sealing M	
K] Unconsolidated Formation [] Bedrock	[] Condu	ctor Pipe-Gi	avity [] Cor	nductor Pipe-Pumped
	[] Dump]	Baller	[X] Gra	
Total Borehole Depth (ft.)	(6) Sealing	Materials	For M	onitoring wells and
From groundsurface)	[] Neat C	ement Grou	it monitori	ing well boreholes only
	[] Sand-C	Cement (Co	ncrete) Grout	
Casing Depth (ft.)		ne	[]	Bentonite Pellets
	[] Clay-S	and Slurry	[j]	Granular Bentonite
Nas Well Annular Space Grouted? [] Yes [X] No [] Unknown		ite-Sand Sl	unty []	Bentonite-Cement-Grout
If Yes, to What Depth? Feet		d Bentonite		
			·	
			No. Yards, Sacks	Mix Ratio or
(7) Sealing Material Used	From (Ft.)	To (FL)	Sealant or Volume	
3/8" Chipped Bentonite	Surface	20	1 bag	
		<u> </u>	I VON	
	777	21 - <i>1</i> - 2		
(8) Comments:		an a		
(9) Name of Person or Firm Doing Sealing Work		······································		
Midwest Engineering Services, Inc.				
Signature of Person Done Work Date Signed				
Paules Hull 11/5/98	Alexandria de la construcción de la Construcción de la construcción de l Construcción de la construcción de	· · ·		
Street or Route Telephone Number	<u> </u>			
205 Wilmont Drive (414) 521-2125				
City, State, Zip Code	3.			
Waukesha, Wisconsin 53189 DNR/COUNTY		nin in de la su		

APR-05-1999 15:19 EDGERTON	N CONTRACTORS INC. 414 764 9788 P.05/08
State of Wisconsin C.VELL/D Department of Natural Resources Form 330	DRILLHOLE/BOREHOLE ABAND IMENT
	ance with the provisions of Chapters NR 111, NR 112,
or NR 141, Wis. Admin, Code, whichever is applicab	
1) GENERAL INFORMATION	(2) FACILITY NAME
Vell/Drillhole/Borehole County	Original Well Owner (If Known)
ocation Dodge	Continential Properties
[]E	Present Well Owner
	Same
If applicable)	Street or Route
Govit Lot Grid Number	City Otale 71 Code
ft. []N. []Sft. []E. []W.	City, State, Zip Code
Civil Town Name	Facility Well No.&/or Name (if Applicable) WI Unique Well No.
	MW-2A
Street Address of Well	Reason For Abandonment
E Corner Silverspring & Green Bay Roads	Construction
City, Village	Date of Abandonment
Slendale	16-Oct-98
VELU/DRILLHOLE/BOREHOLE INFORMATION	
3) Original Wel/Driffncle/Borehole Construction Completed On	(4) Depth to Water (Feet)
(Date) <u>10/2/97</u>	
	Pump & Piping Removed? [] Yes [] No [X] Not Applicable
X] Monitoring Well Construction Report Available?	
] Water Well [] Yes [] No	Screen Removed? [] Yes [X] No [] Not Applicable
] Drillhole	Casing Left in Place? [X] Yes [] No [] Not Applicable
] Borehole	If No, Explain
Construction Type:	Was Casing Cut Off Below Surface? [X] Yes [] No
X], Drilled [] Driven (Sandpoint) [] Dug	Did Sealing Material Rise to Surface? [X] Yes [] No
] Other (Specify)	Did Material Settle After 24 Hours? [] Yes [X] No
	If Yes, Was Hole Retopped? [] Yes [] No
ormation Type:	(5) Required Method of Placing Sealing Material
X] Unconsolidated Formation [] Bedrock	[] Conductor Pipe-Gravity [] Conductor Pipe-Pumped
	[] Dump Bailer [X] Gravity
otal Borehole Depth (ft.)	(6) Sealing Materials For Monitoring wells and
From groundsurface)	[] Neat Cement Grout monitoring well boreholes only
	[] Sand-Cement (Concrete) Grout
Casing Depth (ft.)	[] Concrete [] Bentonite Pellets
	[] Clay-Sand Slurry [] Granular Bentonite nknown [] Bentonite-Sand Slurry [] Bentonite-Cement-Grout
Was Well Annular Space Grouted? [] Yes [X] No [] Ur	
If Yes, to What Depth? Feet	[x] Chipped Bentonite
	No. Yards, Sacks Mix Ratio or
7) Sealing Material Used	From (Ft.) To (Ft.) Sealant or Volume Mud Weight
V/8" Chipped Bentonite	Surface 20 1 bag
8) Comments:	
(9) Name of Person or Firm Doing Sealing Work	
Vidwest Engineering Services, Inc.	
Signature of Persen Doing Work Date Signed	and the second
fling 1/2/ 11/5/98	
	nber XXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXX
Street or Role Telephone Num	
Street or Rolle Telephone Num	

APR-05-1999 15:20 EDGERTON CONT	RACTORS I	NC.	414 764 9	9788 P.06/08
State of Wisconsin (JELL/DRILLH	OLE/BORE	HOLE ABA	NOCMENT	
Department of Natural Resources Form 3300-5W				-89
All abandonment work shall be performed in accordance wi				
or NR 141, Wis. Admin, Code, whichever is applicable. Als	o, see instru	ction on bac	sk.	
I) GENERAL INFORMATION	(2) FACILITY	Y NAME		
Well/Drillhole/Borehole County	Original We	Il Owner (if	Known)	
ocation Dodge	Continentia	Properties		
[]E	Present We	Il Owner		
1/4 of1/4 of Sec; TN; R] W	Same			
(If applicable)	Street or Ro	oute		
Govit Lot Grid Number				
Und Location	City, State,	Zip Code		
ft.[]N.[]Sft.[]E.[]W.		No. 0 /o - No		
MI IOWI NAME	Facility wei MW-3A	INO.6/OF Na	ame (If Applicable)	WI Unique Well No.
Street Address of Well	Reason For	Abandong	ant	
SE Comer Silverspring & Green Bay Roads	Construction		ICHL	
ity, Village	Date of Aba			
Glendale	16-Oct-98			
WELL/DRILLHOLE/BOREHOLE INFORMATION				
i) Original Well/Drillhole/Borehole Construction Completed On	(4) Depth to	o Water (Fe	et)	
(Date) 10/2/97			~,	
	Pump & Pic	oina Remov	ed? [] Yes [] No [X] Not Applicable
() Monitoring Well Construction Report Available?			[] Yes [] No []	
] Water Well [] Yes [] No	Screen Rer	noved?	[] Yes [X] No [] Not Applicable
[] Drillhole	Casing Left	in Place?	[X] Yes [] No [
] Borehole	If No, Expla			
Construction Type:	Was Casing	g Cut Off Be	low Surface? [X] Ye	es [] No
[] Driven (Sandpoint) [] Dug	Did Sealing	Material Ri	se to Surface? [X] Ye	es [] No
] Other (Specify)	Did Materia	I Settle Afte	r 24 Hours? [] Ye	s 🛛 No
	lf Yes, Was	Hole Retor	oped? [] Yes	5 [] No
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Unconsolidated Formation () Bedrock		ctor Pipe-Gi		ctor Pipe-Pumped
•			[X] Gravity	
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	1	and Slurry		ntonite-Cement-Grout
Vas Weil Annular Space Grouted? [] Yes [X] No [] Unknown		ite-Sand Sl		
If Yes, to What Depth? Feet	It Chippe	d Bentonite	Ĩ	
			No. Yards, Sacks	Mix Ratio or
	From (Ft.)	To (Ft.)	Sealant or Volume	Mud Weight
(7) Sealing Material Used 7/8" Chipped Bentonite	Surface	20	1 bag	
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		-		
8) Comments:	14 (margaret			
		nakinininininininini Tarif		
(9) Name of Person or Firm Doing Sealing Work	ng tanàng ang taong ang ang ang ang ang ang ang ang ang a			
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State of Wisconsin (VELL/DRILLH	OLE/BORE	HOLE ABA	NO IMENT	44.00	
Department of Natural Resources Form 3300-SW All abandonment work shall be performed in accordance w	ille the provin		NO 111 NO	11-89	
or NR 141, Wis. Admin, Code, whichever is applicable. Als	iai ale provis 10. see instru	ction on ha	pters mix 111, mix	1 ; 2,	
1) GENERAL INFORMATION	(2) FACILIT				
Well/Drillhole/Borehole County	Original We		Known)		
Location Dodge	Continential	•			
[]E	Present We	and the second se			-
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Srid Location	City, State, J	Zip Code		_	
ft.[]N.[]Sft.[]E.[]W.					
Mi town Name	MW-4A	INO.6/OF N	ame (If Applicable)) WI Unkue Well	No.
Street Address of Weil	Reason For	Abandon	Pent		
SE Corner Silverspring & Green Bay Roads	Constructio				
City, Village	Date of Aba		۵. بروره و در معرف می		
Glendale	16-Oct-98				
WELL/DRILLHOLE/BOREHOLE INFORMATION					
3) Original Well/Drillhole/Borehole Construction Completed On	(4) Depth to	o Water (Fe	eet)		
(Date) <u>10/3/97</u>					
				No [X] Not Applicable	
X] Monitoring Well Construction Report Available?	Liner(s) Rei			lo [X] Not Applicable	
] Water Well [] Yes [] No				No [] Not Applicable	
[] Drilihole] Borehole	Casing Left			lo [] Not Applicable	
	lf No, Expla	iti .			
Construction Type:	Was Casine		elow Surface? [2	Yes [] No	<u></u>
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] Other (Specify)	-			Yes X No	
	If Yes, Was	Hole Retor		Yes [] No	
Formation Type:	(5) Require	d Method o	f Placing Sealing N		
X] Unconsolidated Formation [] Bedrock		tor Pipe-G		inductor Pipe-Pumpe	d
	[] Dump				
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From groundsurface)		ement Grou		ring well boreholes of	niy
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Nas Well Annular Space Grouted? [] Yes [X] No [] Unknown		ite-Sand Si		Bentonite-Cement-C	Srout
If Yes, to What Depth? Feet		d Bentonite			
			·		
			No. Yards, Sacks	Mix Ratio or	
(7) Sealing Material Used	From (Ft.)	To (Ft.)	Sealant or Volum	e Mud Weight	
3/8" Chipped Bentonite	Surface	20	1 bag		
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(8) Comments:	Name for an and the second second		***************************************	n andre en en ander andre en	
(9) Nome of Person as Elin Deine Contine Mart	Carl San a sa s				
(9) Name of Person or Firm Doing Sealing Work Midwest Engineering Services, Inc.		anda ang ang ang ang ang ang ang ang ang an		en eta en esta da de la construcción de la construcción de la construcción de la construcción de la construcción En esta de la construcción de la con	·
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Street or Royte Telephone Number					2922
205 Wilmon Drive (414) 521-2125		n an			• • • • •
City, State, Zip Code		· · · ·			
Waukesha, Wisconsin 53189 DNR/COUNTY			an a	er en ser en la ser Ten en la ser en la s	

APR-05-1999 15:20	EDGERTON CONTR	ACTORS IN	2.	414	764 9788	P.08/08
State of Wisconsin	WELL/DRILLH	OLE/BORE	IOLE ABA	N. JMENT		
Department of Natural Resource					11-89	
All abandonment work shall be perfo					NR 112,	
or NR 141, Wis. Admin, Code, which	ver is applicable. Also			<u>.</u>		
1) GENERAL INFORMATION		(2) FACILIT				
	ounty	Original We		Known)		
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	[]E	Present We	ll Owner			
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(if applicable)	nd Number	Street or Ro	ute			
Gov't Lot G		City, State,	Zin Code			
	ft.[]E.[]W.					
Civil Town Name		Facility Wel	No.&/or N	ame (if Applical	ble)	WI Unique Well No.
		PZ-1A		(P P	,	
Street Address of Well		Reason For	Abandonn	ient		
SE Corner Silverspring & Green Bay	Roads	Constructio	<u>٦</u>			
City, Village		Date of Aba	ndonment			· · · ·
Glendale		16-Oct-98				
WELL/DRILLHOLE/BOREHOLE IN	FORMATION					
3) Original Well/Drillhole/Borehole Construction	an Completed On	(4) Depth t	o Water (Fe	:et)		
(Date) <u>10/1/97</u>						NI
				ed? [] Yes [
	Report Available?			[] Yes [
[] Water Well [] Yes []	NO	Screen Rer				Not Applicable
[] Drilihole		Casing Left		[X] Yes [1 100 [] 1	lot Applicable
] Borehole		If No, Expla	יח			
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] Other (Specify)				r 24 Hours?	[] Yes [
		If Yes, Was			[] Yes [F
Formation Type:			and them are a second	Placing Sealin		
X] Unconsolidated Formation []	Bedrock					r Pipe-Pumped
		[] Dump	Bailer	X	Gravity	
Total Borehole Depth (IL)		(6) Sealing				ng wells and
From groundsurface)			ement Grou	nt moi	nitoring wei	I boreholes only
		[] Sand-C	ement (Co	ncrete) Grout	-	
Casing Depth (ft.)			te		[] Bentor	nite Pellets
		[] Clay-S	and Slurry		[] Granu	lar Bentonite
Nas Well Annular Space Grouted? []	Yes [X] No [] Unknown		ite-Sand SI		[] Bento	nite-Cement-Grout
If Yes, to What Depth?	Feet	[x] Chippe	d Bentonite			
				No. Yards, Sad		Mix Ratio or
(7) Sealing Material U	lsed	From (Ft.)		Sealant or Vol	ume	Mud Weight
3/8" Chipped Bentonite		Surface	33	1 bag	-A.,	
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8) Comments:				8.3:38887.5-380.		
	Section Manual		harbuch?ed		t Rei in de la serie de la de Marca Antonio estas academ Marca de la compositione de la de	
(9) Name of Person or Firm Doing S	sealing work				y a star en solo e com Se s	
Vidwest Engineering Services, Inc.	Data Sizzad			aliniin ar she she sh		
Signature of Person Prices Work	1/5/08			and the second	· · · · · · · · · · · · · · · · · · ·	
	1/5/98 Telephone Number			un data da sub An anti-anti-anti-anti-anti-anti-anti-anti-		
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City, State, Zip Code Naukesha Maccoccia 53189				د د معنون در در می در مرکز مرکز میروند از این از مرکز در این		
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APPENDIX D

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REGISTER'S OFFICE | Milvaukew County, VII RECORDED AT 1:21 PM

49-42-1999

WALTER R. BARCZAK REGISTER OF DEEDS

AHOUNT 20. 10

REEL 4640 INAGE 1365 73

REEL 4640 IMAG 1365 DEED RESTRICTION

Ducament Number

Parcel 1 of Certified Survey Map No. <u>6499</u> recorded in Milwaukce County on April 2, 1998 in Volume 4278, Pages 949-955 as Document No. 7511509, and Affidavit of Correction recorded in Milwaukce County on July 20, 1998 in Volume 4353, Pages 2520-2522 as Document No. 7567565, being a division of lands in that part of the Northeast 1/4 and the Northwest 1/4 of the Northeast 1/4 of Section 31, Township 8 North, Range 22 East, partly in the cities of Milwaukce and Glendale, Milwaukce County, Wisconsin

DECLARATION OF RESTRICTIONS

STATE OF WISCONSIN)) 55. COUNTY OF WAUKESHA)

WHEREAS, Continental 87 Fund LLC is the owner of the above-described property (hereinafter the "Property").

WHEREAS, it is the desire and intention of Continental 87 Fund LLC to impose restrictions on the Property which will make it unnecessary to conduct further soil remediation activities on the Property and will preserve the integrity of certain engineering controls for the protection of human health and the environment.

NOW THEREFORE, Continental 87 Fund LLC hereby declates that all of the Property is held and shall be held, conveyed or encumbered, leased, rented, used, occupied and improved subject to the following limitation and restrictions:

On and after the date of this Declaration of Restrictions, the following activities are prohibited on the Property unless prior written approval has been obtained from the Wisconsin Department of Natural Resources, its successor or assigns (hereinafter collectively "the Department"): (1) Excavating or grading, other than in conformance with the Cap Maintenance Plan; (2) Filling or placing any material in landscaped areas other than clean topsoil or other clean landscaping material; (3) Plowing for the cultivation of agricultural crops; and (4) Construction or installation of a building or other structure, other than reconstruction of buildings and structures on the foundations that exist as of the date of this Deed Restriction as shown on Exhibit 1.

August 26, 1999 I:Meeds/c87decorestriction.doc W. Dirk Hausmann, Esq. Continental Properties Company, Inc. W133 N8689 Executive Perkway Menomones Falls, W1 63051

De AFTER Adding

Parcel Identification Number (PIN)

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REEL 4640 IMAG 1366

On and after the date of this Deed Restriction, the following activities are prohibited on the Property unless done in accordance with the Cap Maintenance Plan approved by the Department and appended hereto as <u>Exhibit 2</u>, or after obtaining the prior written approval of the Department: (1) Utility repairs; (2) Removal, repair or replacement of pavement; and (3) Placement of plants or other landscapping features that require excavation or grading.

Otherwise prohibited actions that are necessary to respond to emergencies or conditions presenting an imminent and substantial threat to human health, safety or property may be undertaken without the prior written approval of the Department; however, the Department shall be notified of such actions as soon as possible.

These restrictions are hereby declared to be a covenant running with the land and shall be fully binding upon all persons acquiring the Property whether by descent, devise, purchase or otherwise. This restriction inures to the benefit of and is enforceable by the Department. The Department 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 Department issue a determination that one or more of the restrictions set forth in this covenant is no longer required. Upon the receipt of such a request, the Department shall determine whether or not the restrictions contained herein can be extinguished.

IN WITNESS WHEREOF, the owner of the Property has executed this Declaration of Restrictions, this 26th day of August, 1999.

CONTINENTAL 87 FUND LLC, a Wisconsin limited liability company

By: CONTINENTAL PROPERTIES COMPANY, INC., its manager

By:

Daniel J. Minahan, Executive Vice President

Subscribed and swom to before me this 26th day of August, 1999.

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Notary Public, State of Wisconsin

My Commission Expires: August 4, 2002

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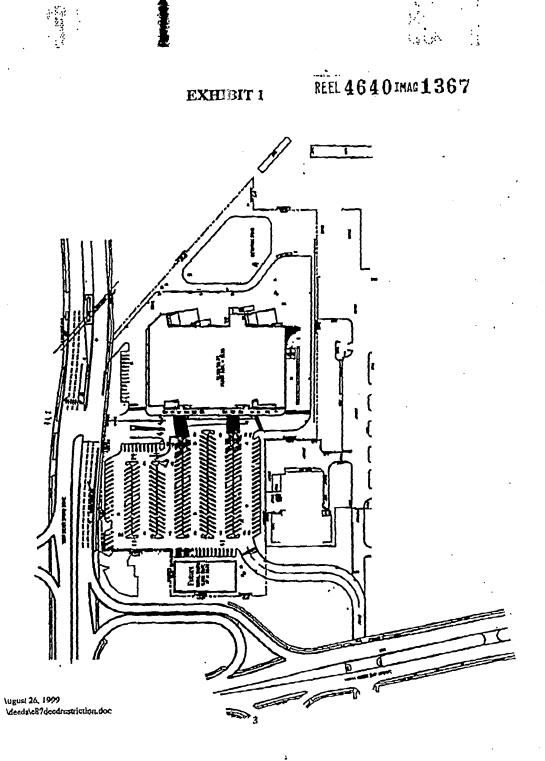


EXHIBIT 2 Cap Maintenance Plan

REEL 4640 IMAG 1368

This Cap Maintenance Plan shall be applicable to the parcel of Property depicted on Exhibit 1, and a copy of this Cap Maintenance Plan shall at all times be kept on file in the offices of the owner of the Property, Continental 87 Fund LLC, or its successors(s) in interest (the "Owner"), and any company that is retained to manage the Property on behalf of the Owner (the "Property Manager").

- 1. <u>Annual Inspections</u>. Not less than annually, the paved areas of the Property and the landscaped areas of the Property shall be inspected to ensure that the integrity of the soil cover in the landscaped areas is maintained and that no significant fissures or cracks develop in the paved areas, which would allow a materially significant increase in the infiltration and percolation of precipitation or surface water through the contaminated soils beneath the paved areas. Any disturbances of the soil cover or significant cracking of the pavement shall be noted. Upon completion of the inspection a brief report shall be prepared which identifies the date of the inspection, the individual(s) conducting the inspection, any observed in the paved areas. A copy of the inspection report shall be kept on file by the Owner and/or Property Manager, with a copy of this Cap Maintenance Plan, and shall be made available for inspection by representatives of the Wisconsin Department of Natural Resources, upon reasonable request, during the normal business hours of the Owner or Property Manager.
- <u>Repairs to Capped Areas</u>. If, during the annual inspection or other routine inspections of the Property, the soil cover is observed to have been disturbed or significant cracking is observed in paved areas, the Owner shall arrange to have repairs made to such areas, in a manner consistent with this Cap Maintenance Plan. Such repairs shall be carried out within a reasonable period of time, not to exceed one hundred twenty (120) days, subject to weather and season considerations.
- 3. Landscaping Maintenance. The Owner of the Property shall maintain the vegetative cover in landscaped areas according to the custom and practice of the landscaping industry applicable to similarly situated properties in the Metropolitan Milwaukee area. In the event it becomes necessary, or if the Owner desires to install or replace trees, shrubs, fencing or retaining walls, or perform other landscaping that would penetrate below the soil cap into the contaminated soils below the soil cap, the following steps shall be taken:
 - A. The contractor performing the work shall be provided with a copy of this Cap Maintenance Plan and shall propare a health and safety plan, appropriate to the work being performed, to protect workers from any significant or health threatening exposure to contaminated soils beneath the clean soil cover.

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REEL 4640 IMAG 1369

- B. Any excavated clean soils from the soil cover shall be separated and segregated so that they may be replaced upon completion of the work. Any excavation into the contaminated soils beneath the soil cover shall be conducted in accordance with the health and safety plan, and any excavated contaminated soils shall be segregated and kept on site, in conformance with the requirements of Chapter NR718, Wis. Adm. Code, until completion of the work.
- C. Upon completion of the work, previously excavated contaminated soils may be placed back into the excavation, but only to the extent such replacement does not interfere with the replacement and maintenance of the minimum one foot of clean soil cover over the area of the excavation, and does not constitute a violation of Wisconsin hazardous waste management law (Chapter 291, Wis. Stats.). The clean soil cover material and any additional clean soil necessary to bring the excavation to grade shall be replaced in such a way to maintain a minimum one foot of clean soil cover, and the area of the excavation shall be seeded and/or mulched in a manner consistent with the landscape plan for the areas and standard landscaping custom and practice.
- D. Any remaining contaminated soils that cannot be replaced in the excavation shall be properly characterize and disposed of at an appropriately licensed facility.
- E. A brief memorandum report describing the work performed, identifying the person(s) performing the work, and verifying that this Cap Maintenance Plan was adhered to, shall be prepared and kept on file by the Owner and/or the Property Manager, and shall be made available for inspection by representatives of the Wisconsin Department of Natural Resources, upon reasonable request, during the normal business hours of the Owner or Property Manager.
- 4. <u>Pavement Replacement and Repairs</u>. If it becomes necessary or desirable to remove or replace pavement, or perform repairs to paved areas, the pavement removal, repair or replacement shall be undertaken in the following manner:
 - A. The contractor performing the work shall be provided with a copy of this Cap Maintenance Plan and shall prepare a health and safety plan, appropriate to the work being performed, to protect workers from any significant or health threatening exposure to contaminated soils beneath the paved area.
 - B. Any excavated clean soils from the soil cover, or granular layer materials where they exist beneath the paved area to be removed or repaired, shall be separated and segregated so that they may be replaced upon completion of the work. Any excavation into the contaminated soils beneath the soil cover, pavement, or granular layer shall be conducted in accordance with the health and safety plan, and any excavated contaminated soils shall be segregated and kept on site, in

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conformance with the requirements of Chapter NR718, Wis. Adm. Code, until completion of the work.

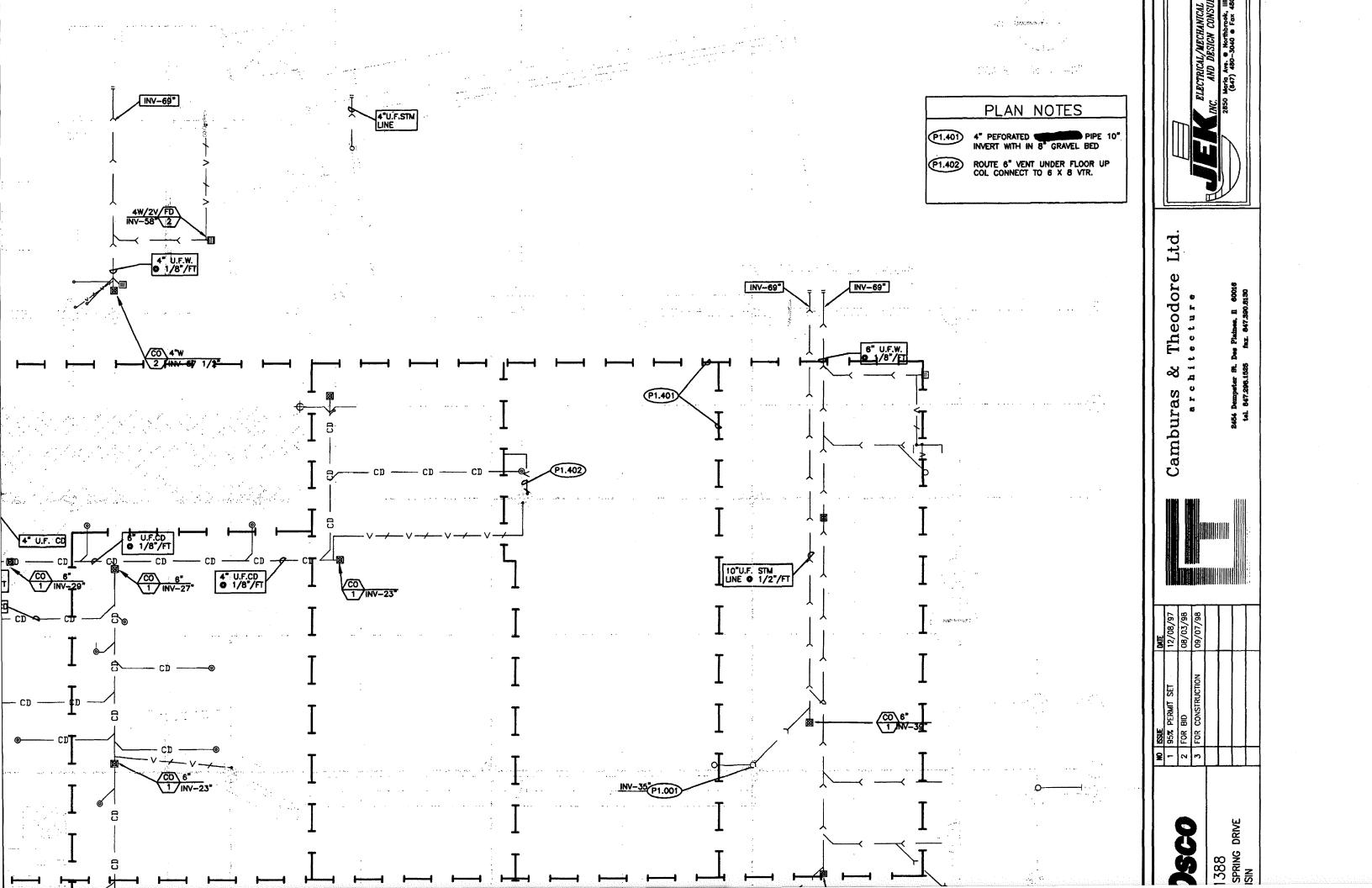
C. Upon completion of the work, previously excavated contaminated soils may be placed back into the excavation, but only to the extent such replacement does not interfere with the replacement and maintenance of either the minimum one foot of clean soil cover and/or granular layer over the area of the excavation, and does not constitute a violation of Wisconsin hazardous waste management law (Chapter 291, Wis. Stats.). The clean soil cover material or granular layer material, and any additional clean soil or granular material necessary to bring the excavation to grade shall be replaced in such a way as to maintain either the minimum one foot of clean soil cover or the original thickness of the granular layer, if they previously existed beneath the pavement, and the area of the excavation shall be paved in a manner consistent with its original condition.

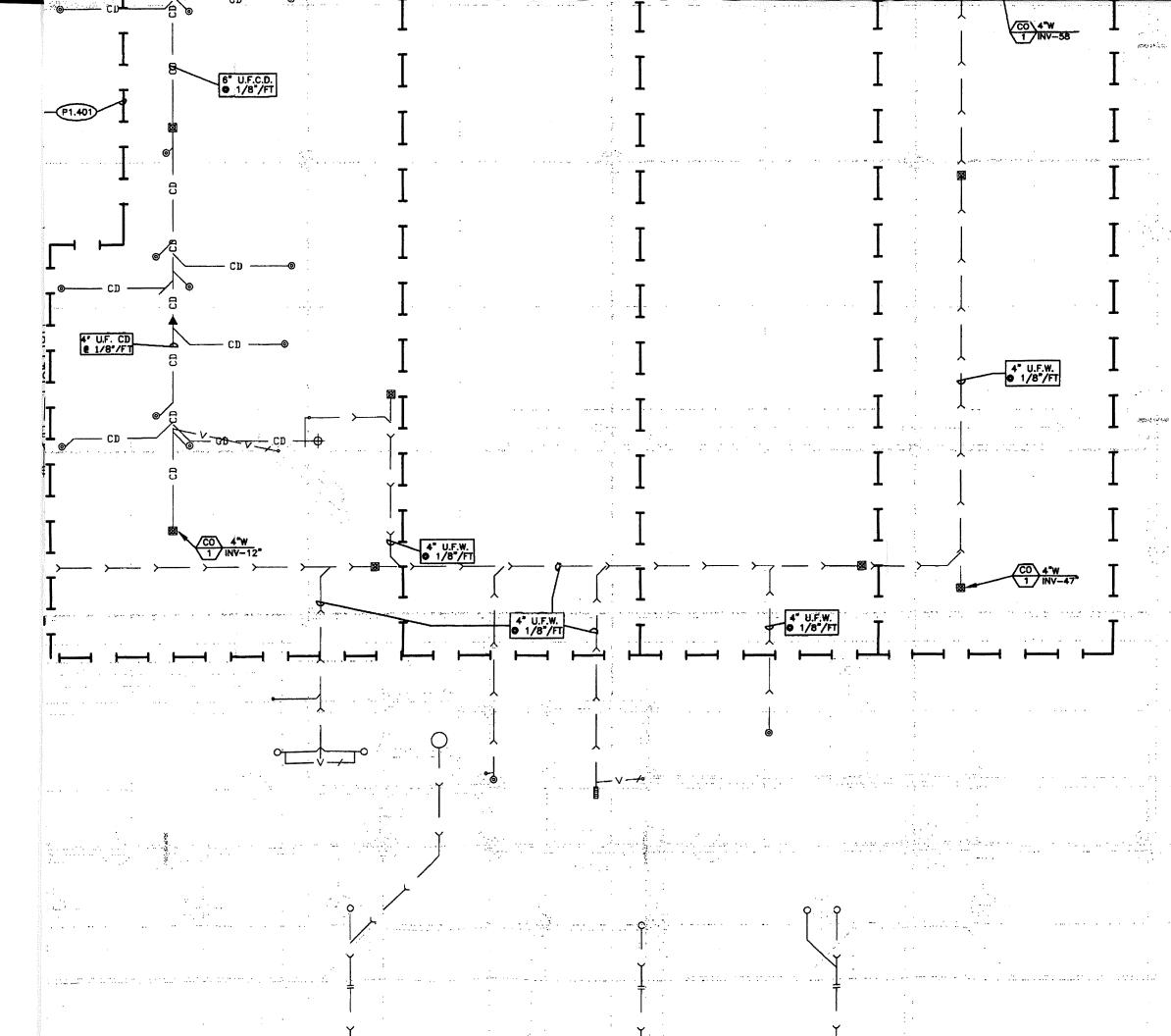
- D. Any remaining contaminated soils that cannot be replaced in the excavation shall be properly characterized and disposed of at an appropriately licensed facility.
- E. A brief memorandum report describing the work performed, identifying the person(s) performing the work, and verifying that this Cap Maintenance Plan was adhered to, shall be prepared and kept on file by the Owner and/or the Property Manager, and shall be made available for inspection by representatives of the Wisconsin Department of Nanaral Resources, upon reasonable request, during the normal business hours of the Owner or Property Manager.
- 5. <u>Utility Repairs</u>. No utility repairs or installation of new or replacement utilities shall be conducted on the Property until after the utility and any contractor(s) for the utility have acknowledged receipt of a copy of this Cap Maintenance Plan. The utility repairs or installation(s) shall be conducted in strict conformance with the standards set forth above with respect to excavations into landscaped areas and paved areas. In addition, if the utility repairs or installation (s) involve any disturbance of the scals used to seal the entrance of utility lines into structures on the property, such seals shall be replaced with new scals of like or superior quality. The utility or its contractor(s) shall prepare a memorandum report regarding the work, as set forth above, which shall be kept on file and made available for inspection by representatives of the Wisconsin Department of Natural Resources, upon reasonable request, during the normal business hours of the Owner or Property Manager.

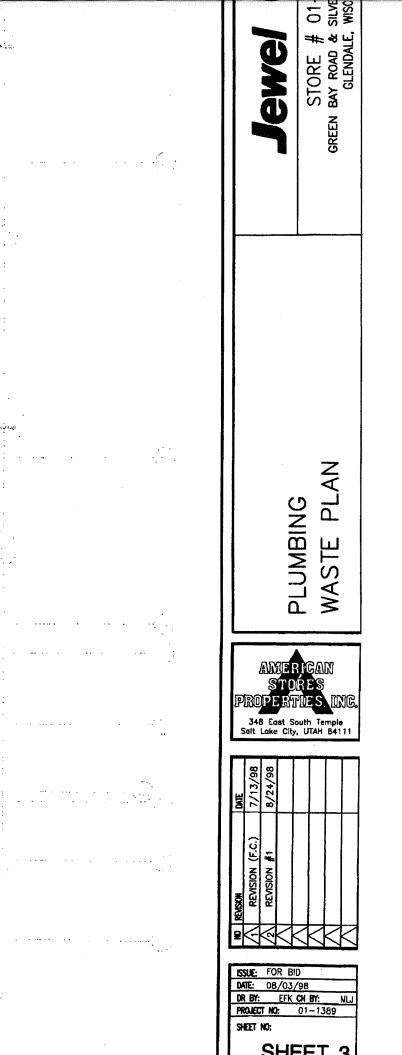
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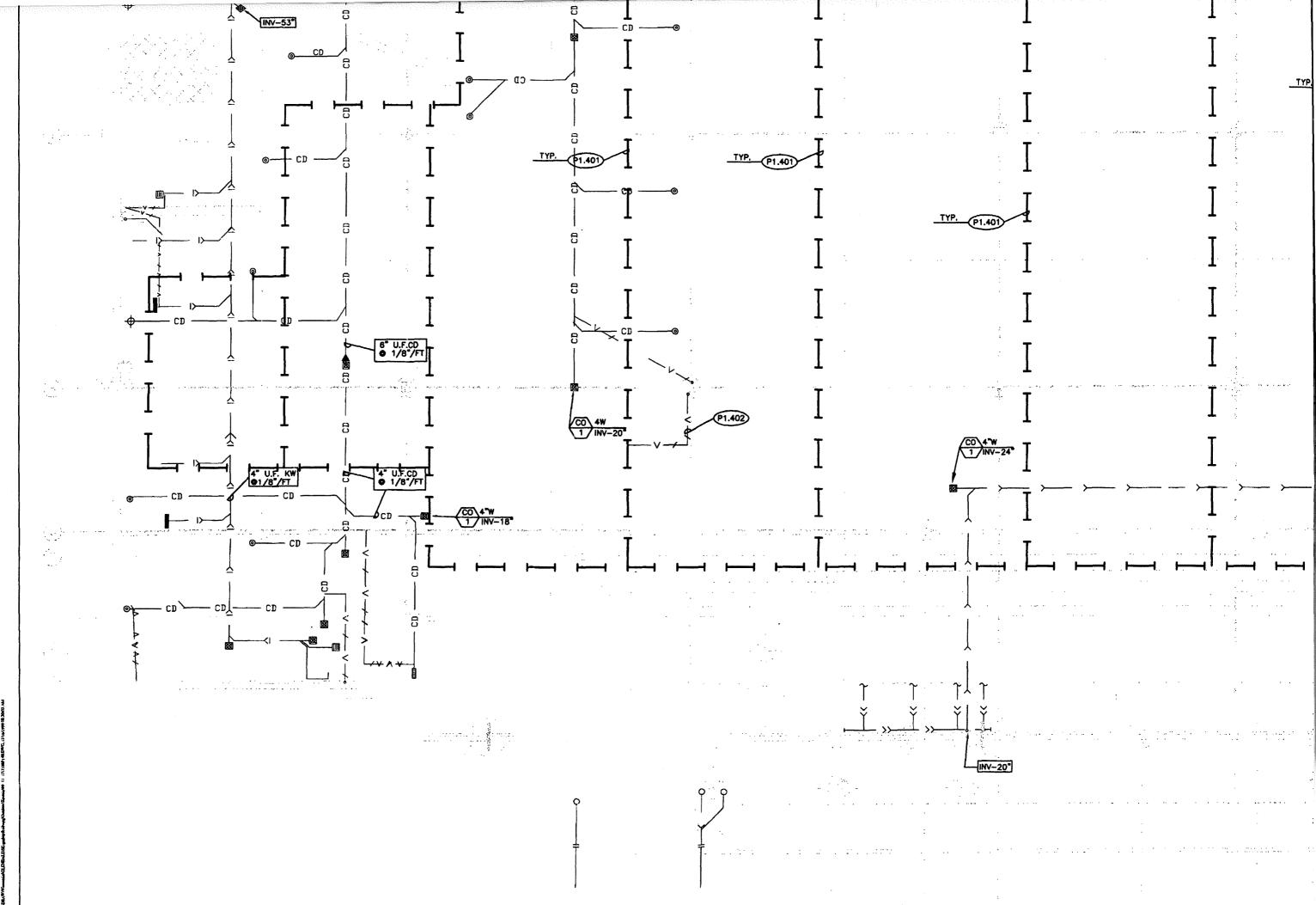
This Document was drafted by, and should be returned to: W. Dirk Hausmann Wisconsin State Bar No. 1000205 W133 N8569 Executive Parkway Mcmomonee Falls, WI 53051

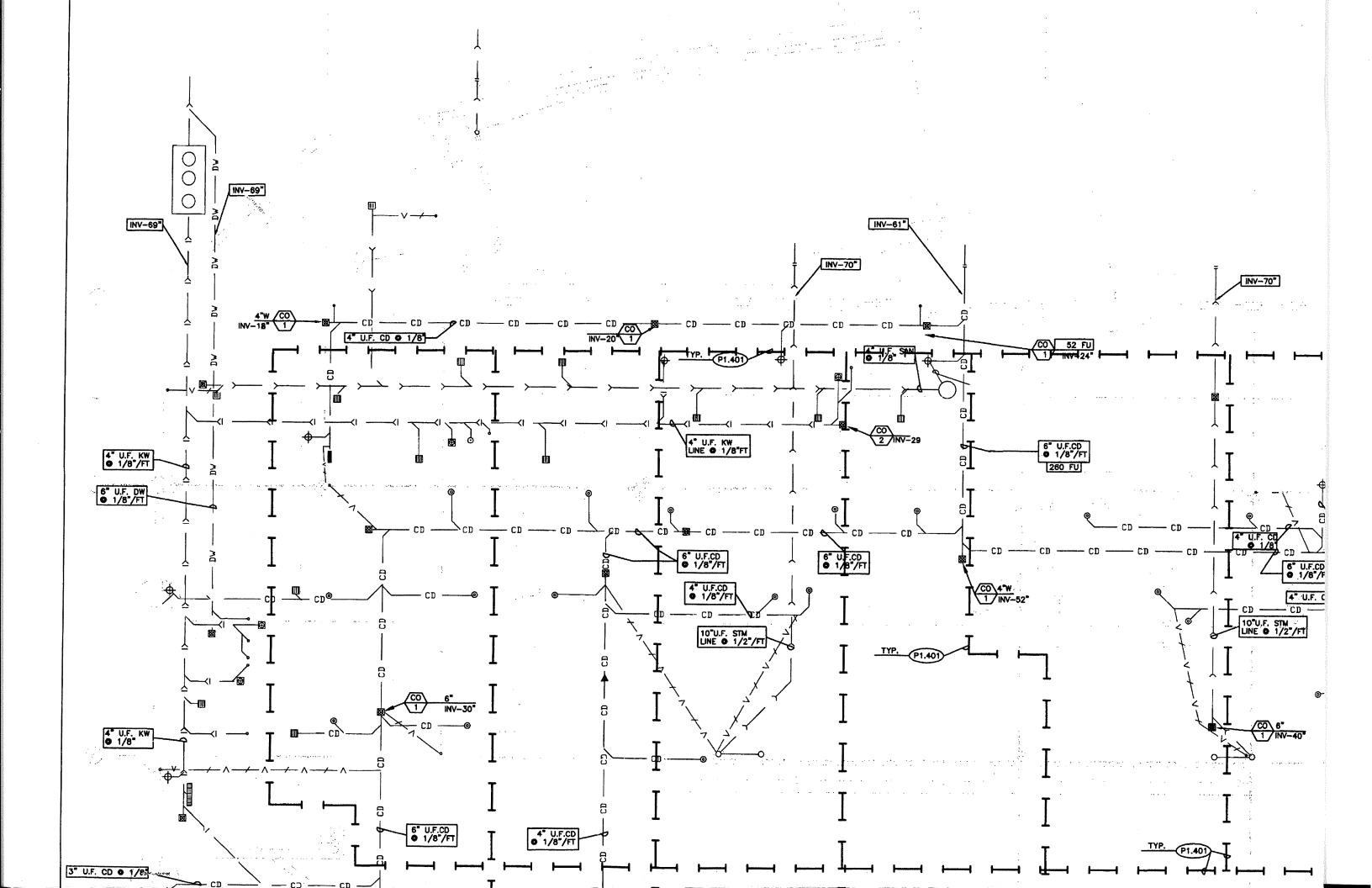
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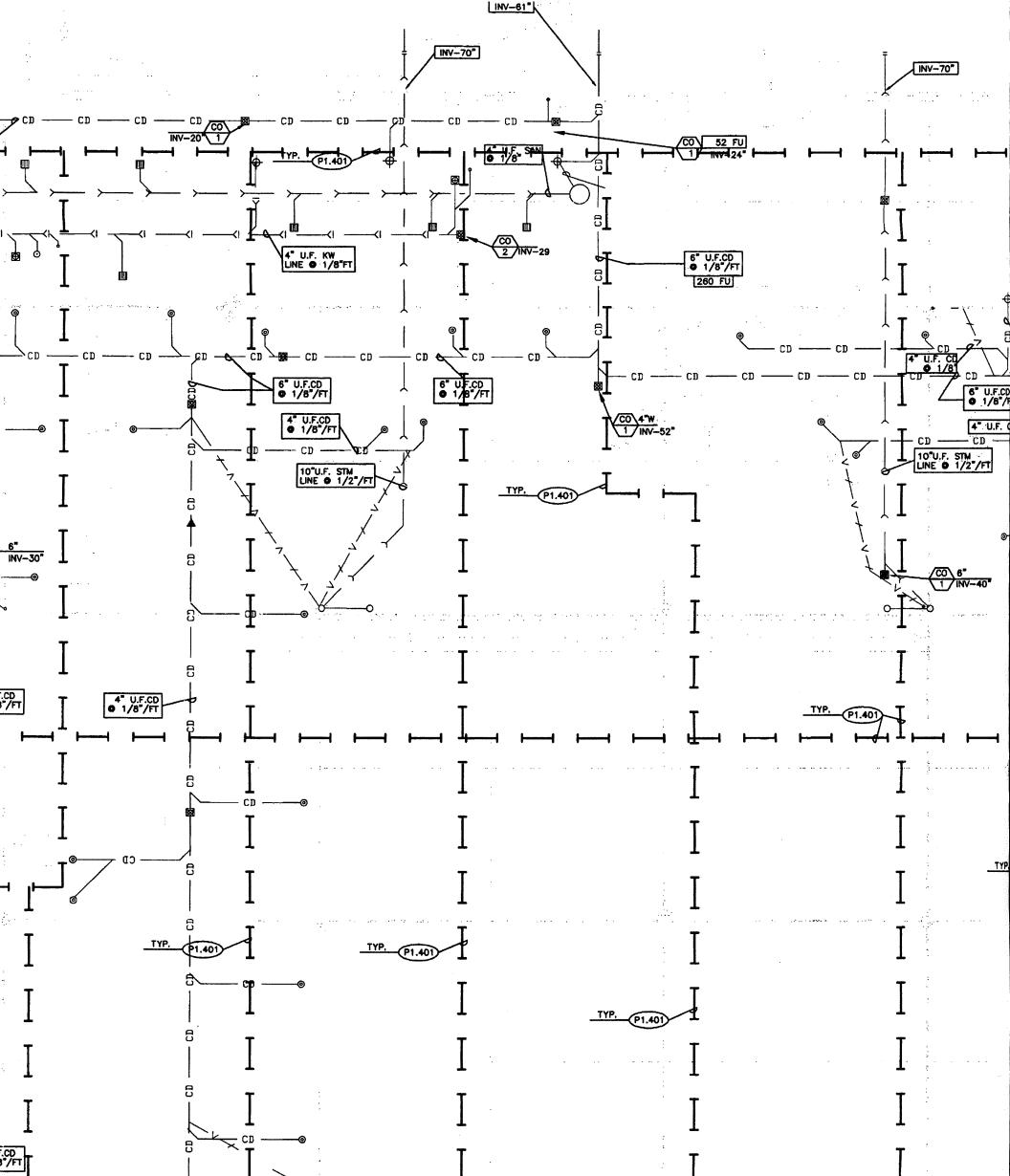


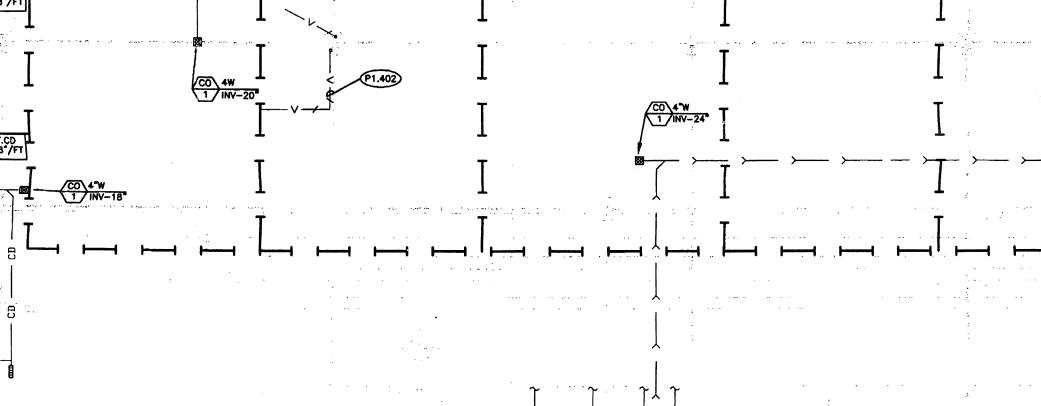


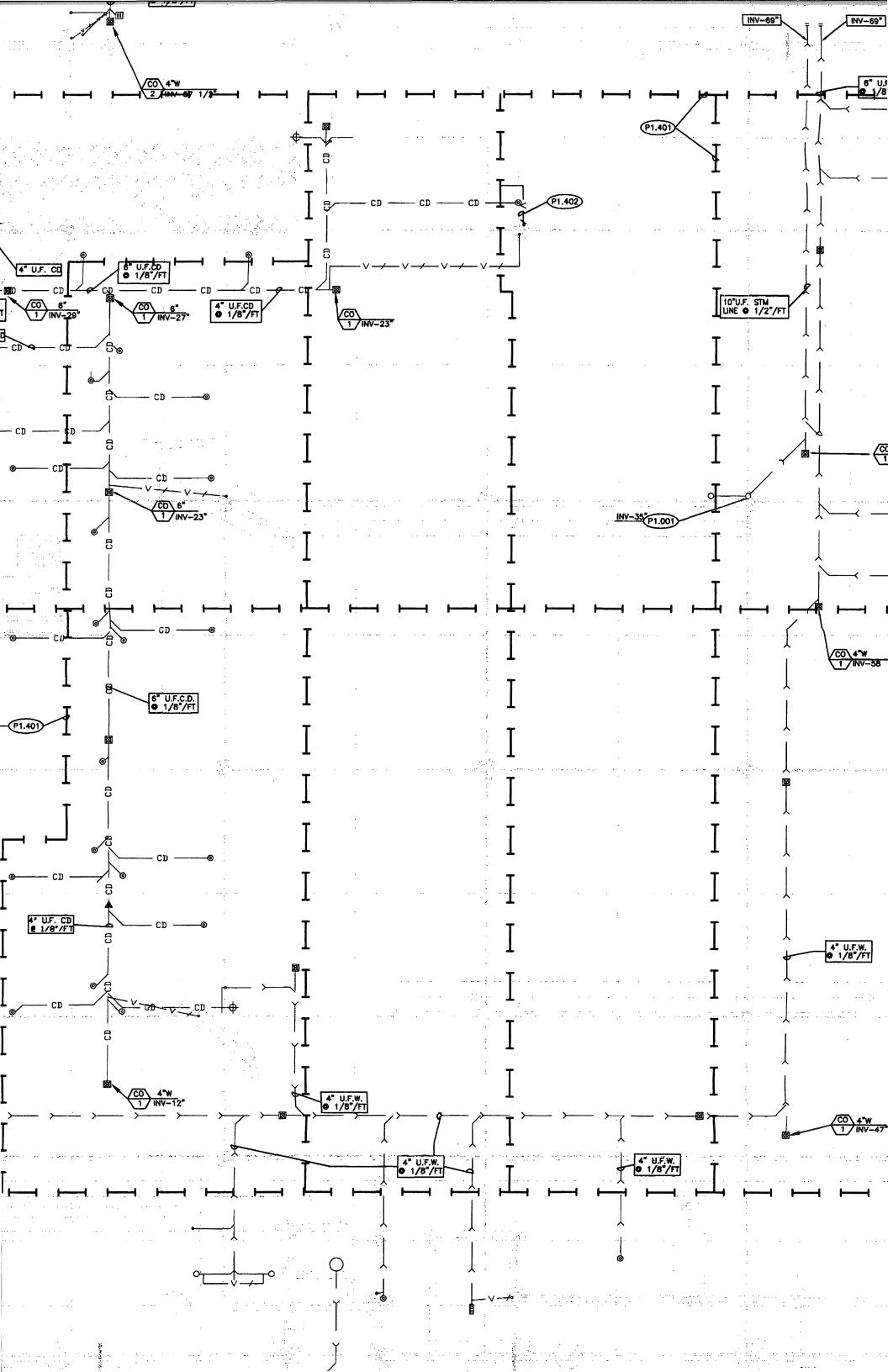


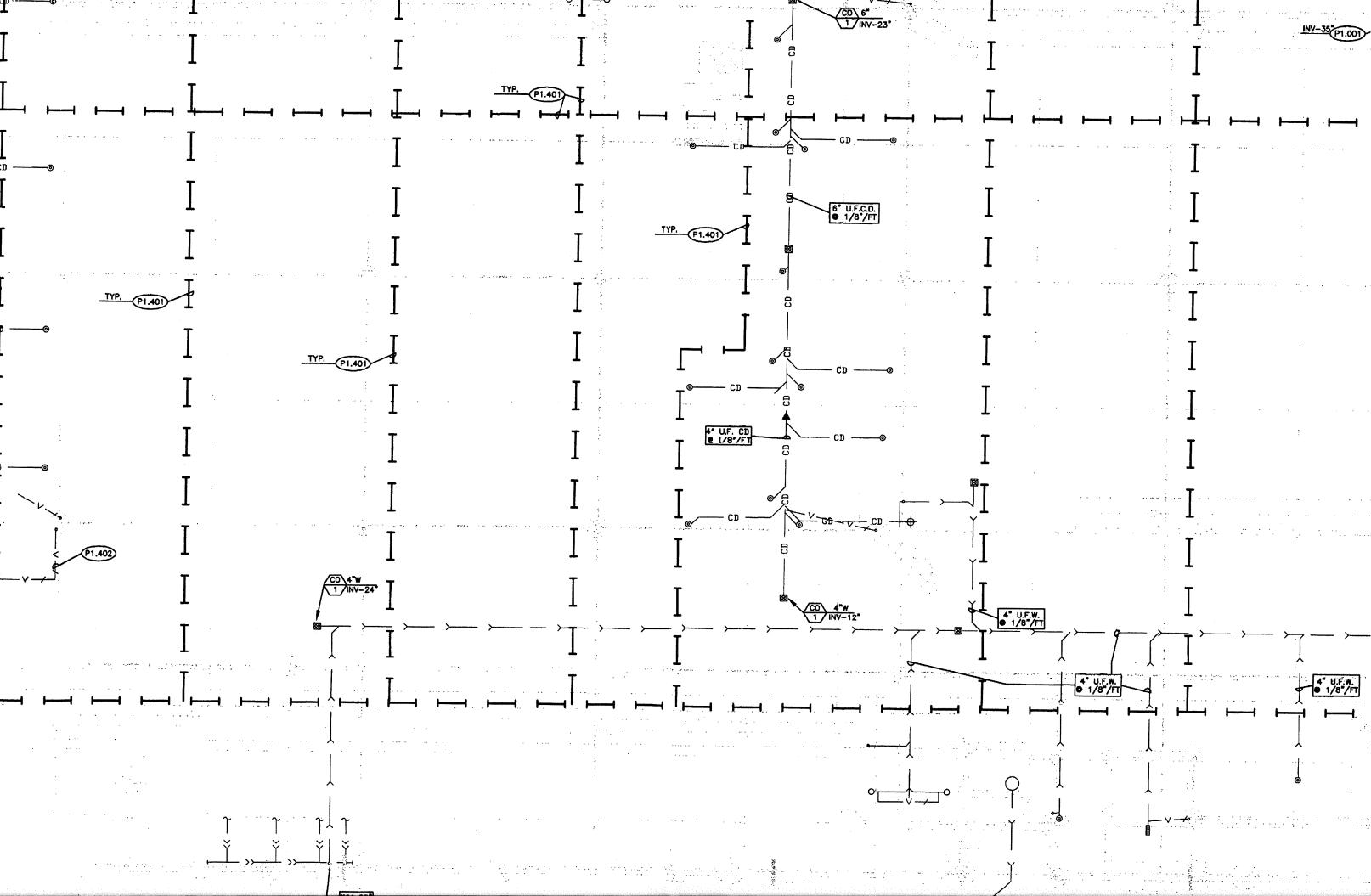


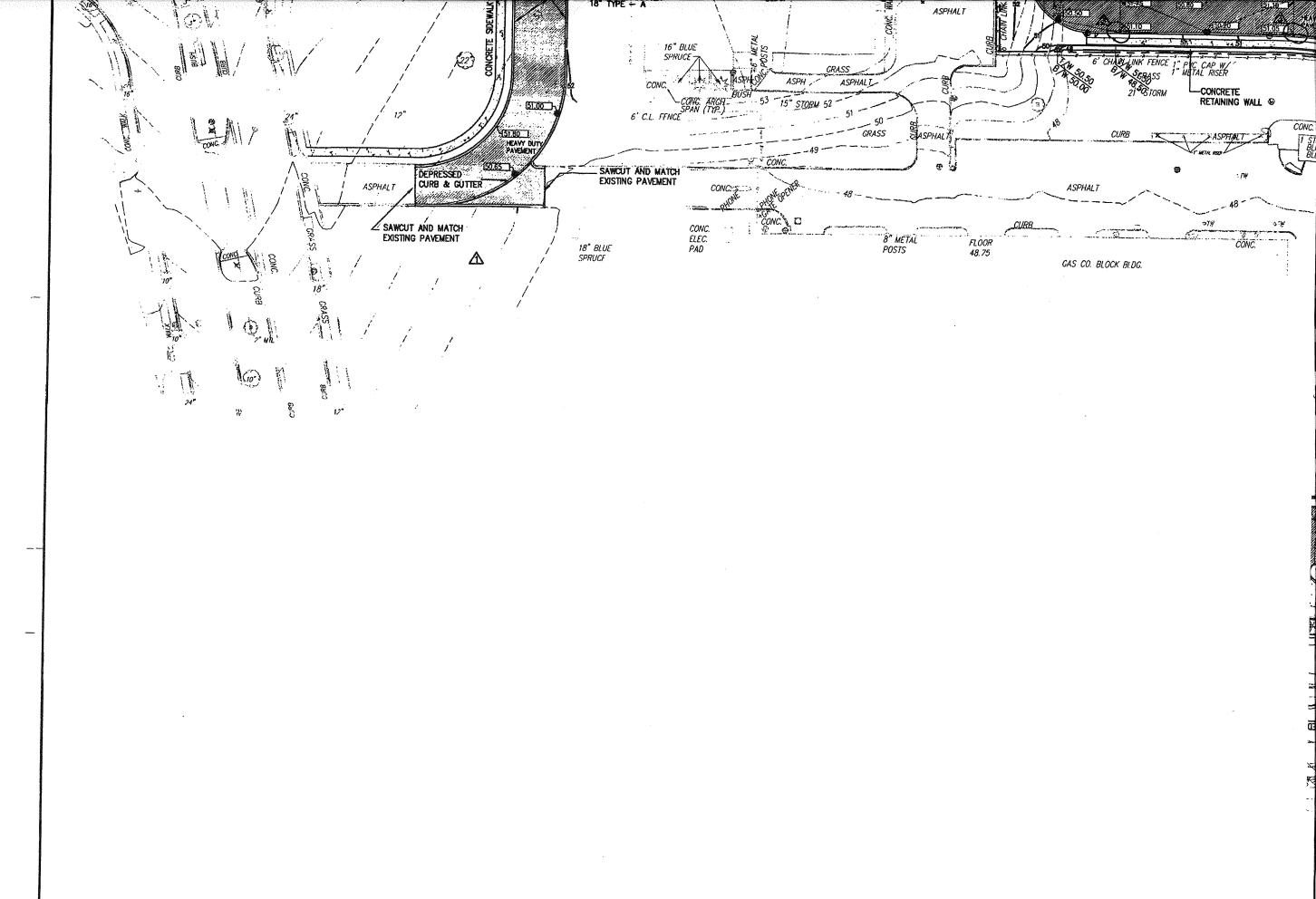


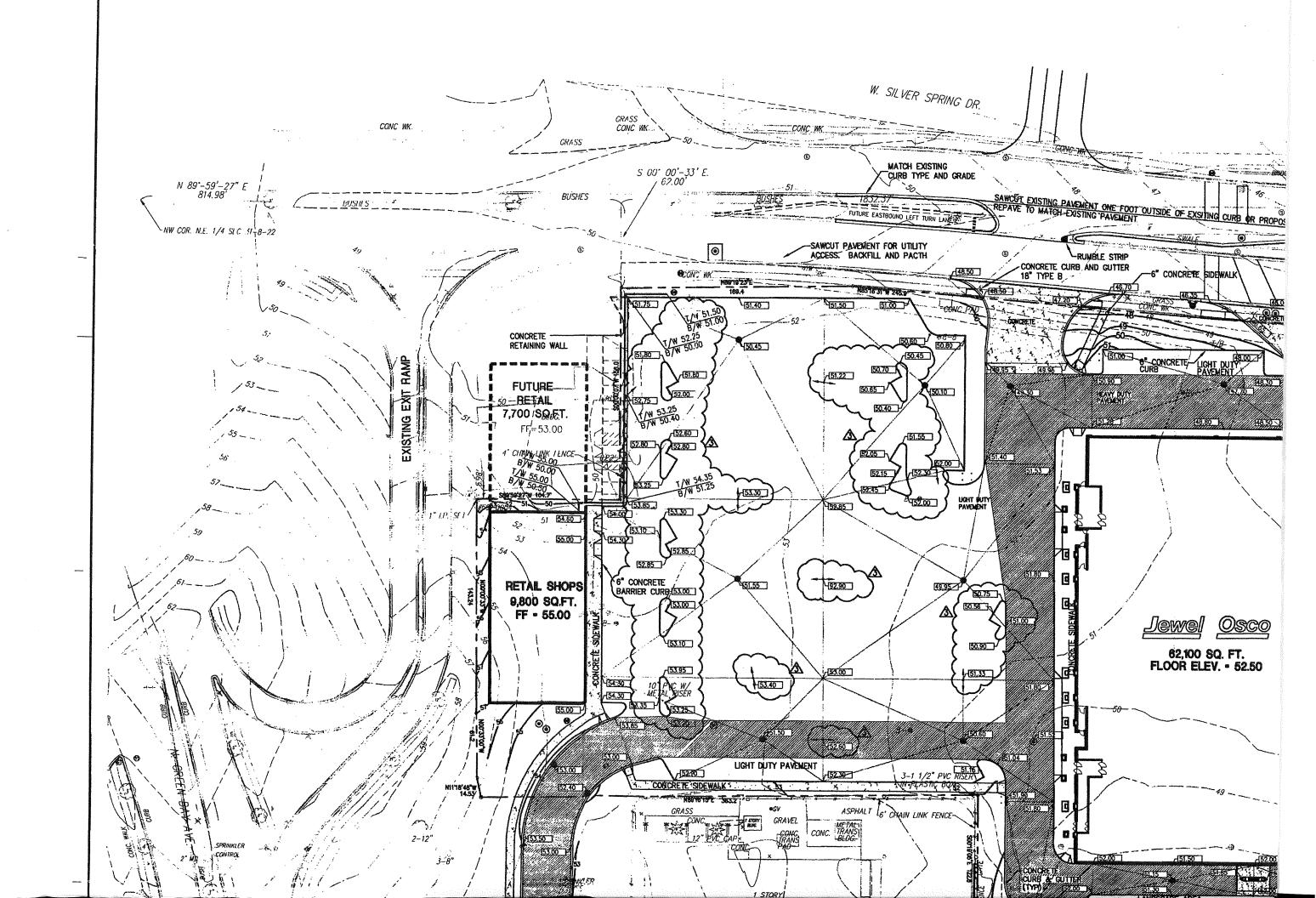


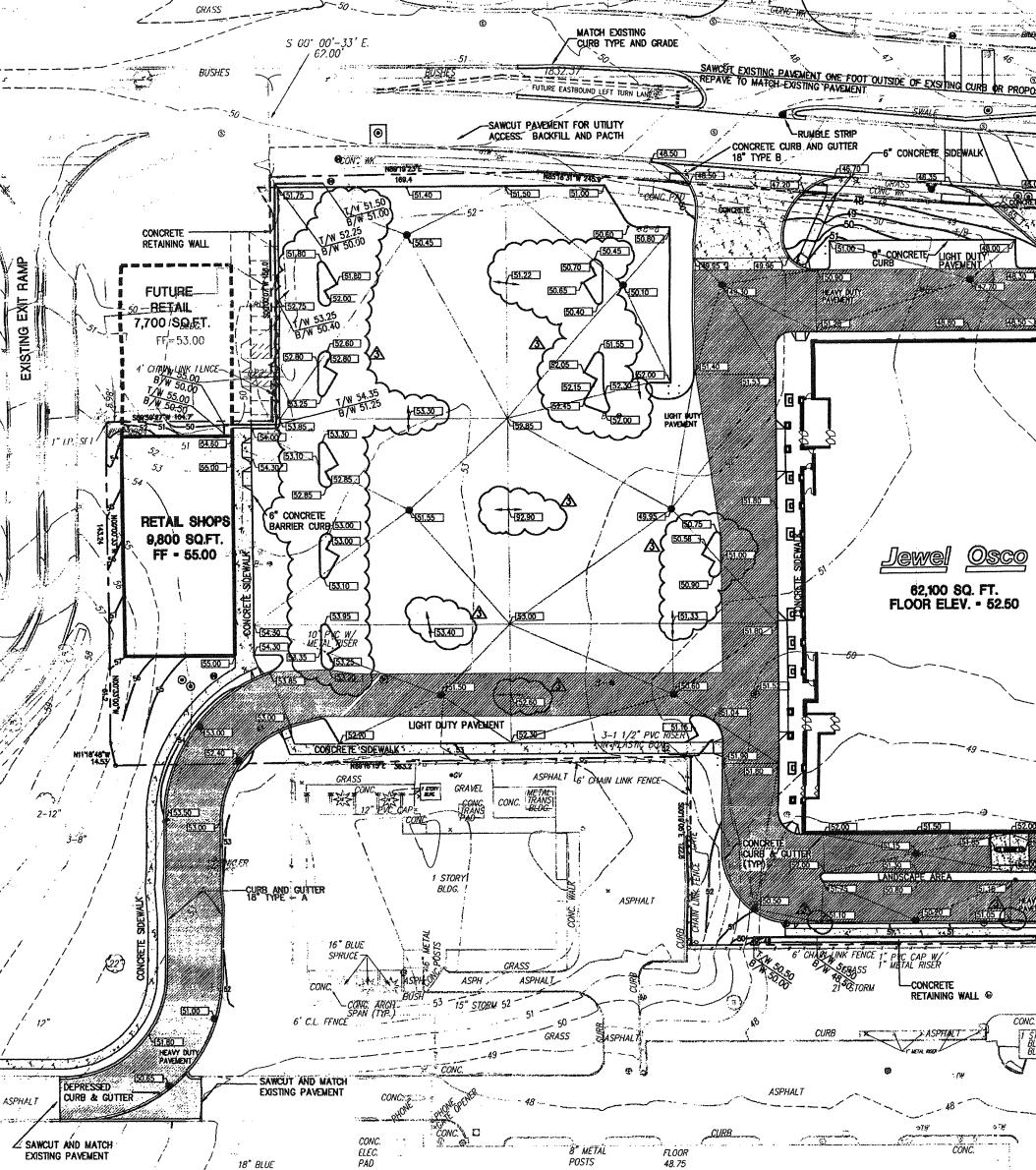








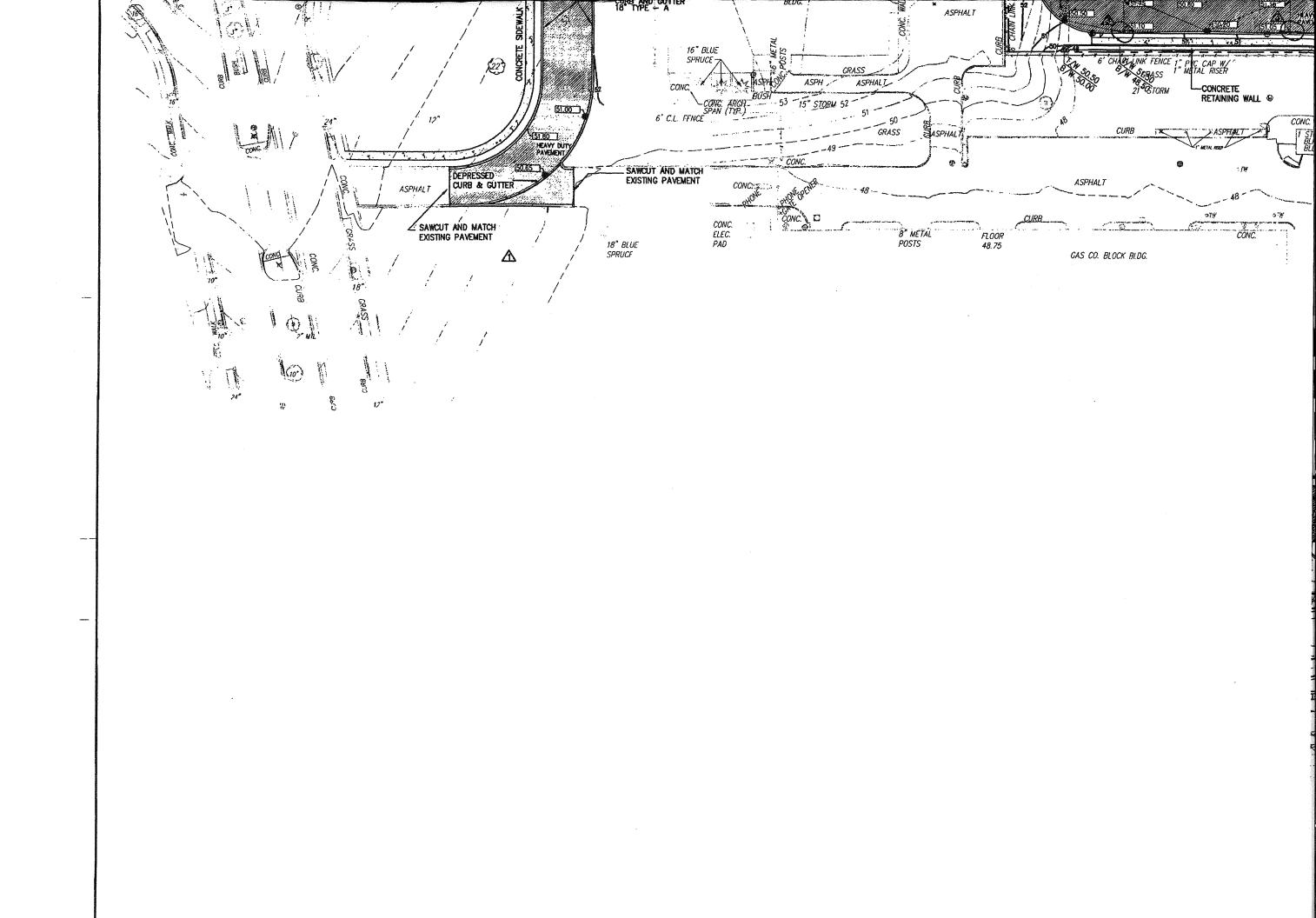


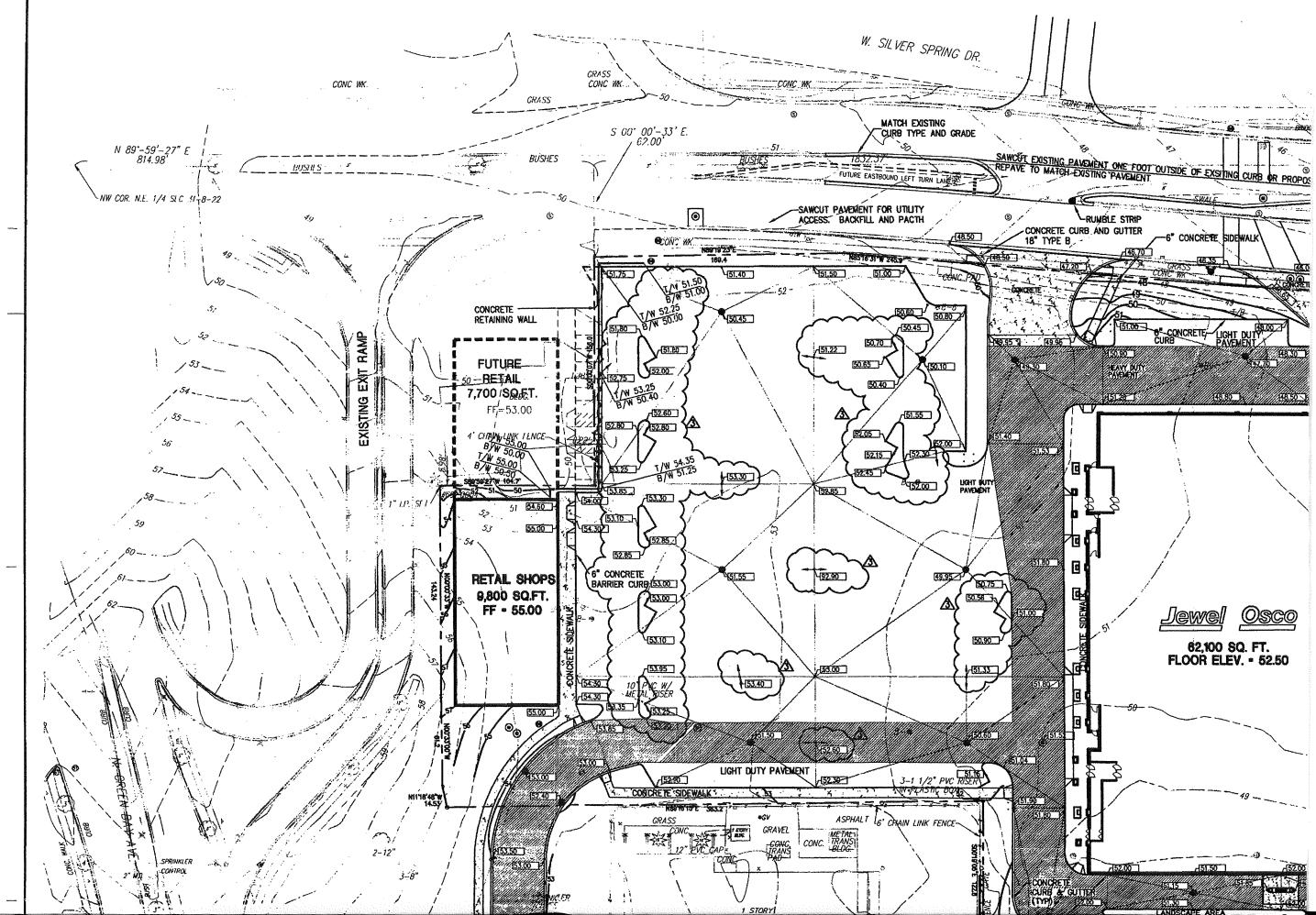


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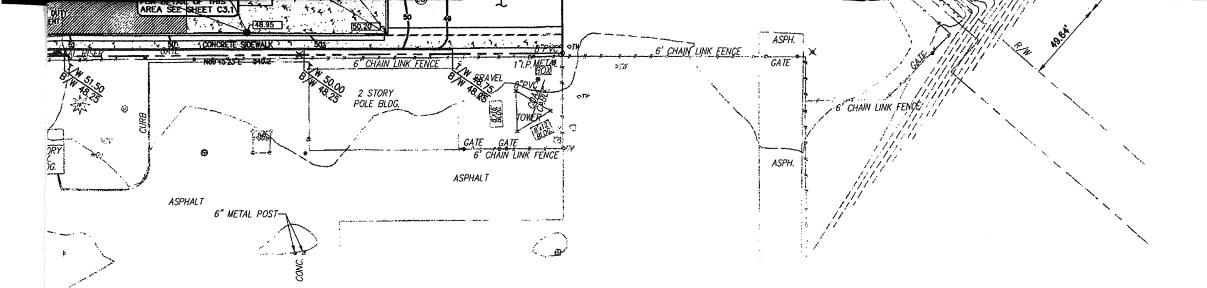
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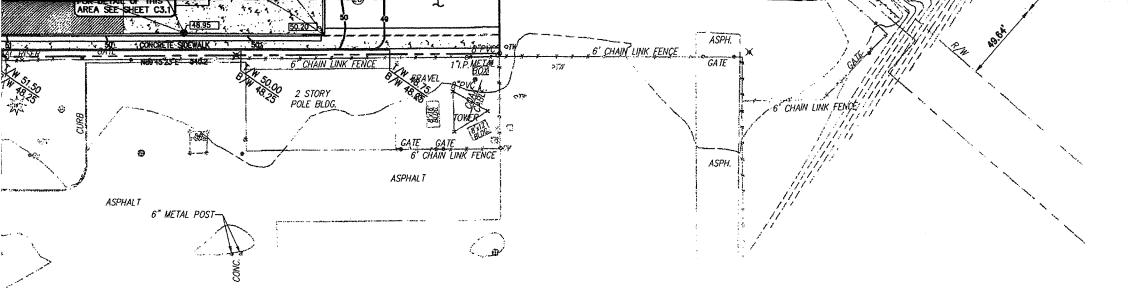


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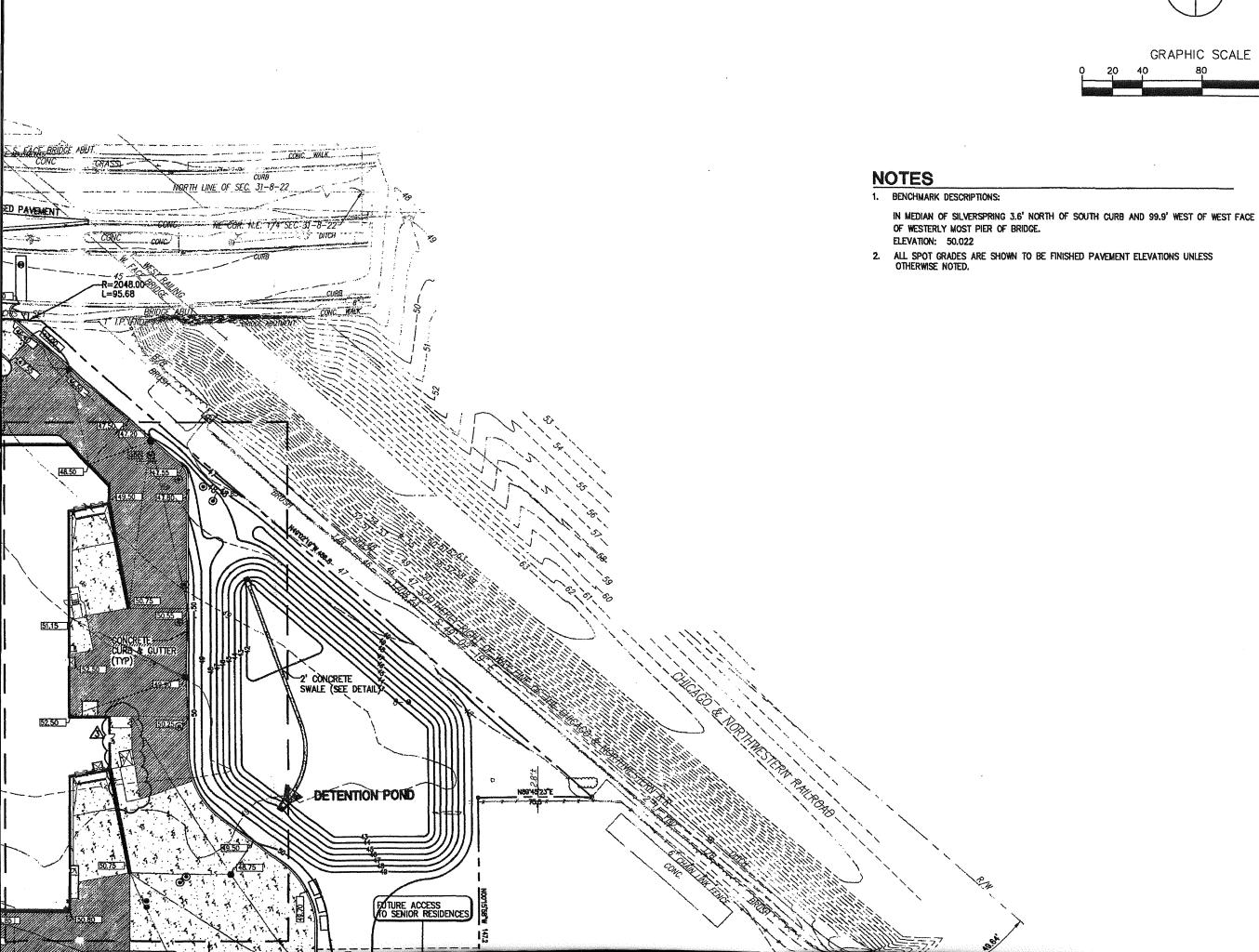
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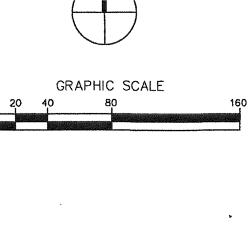
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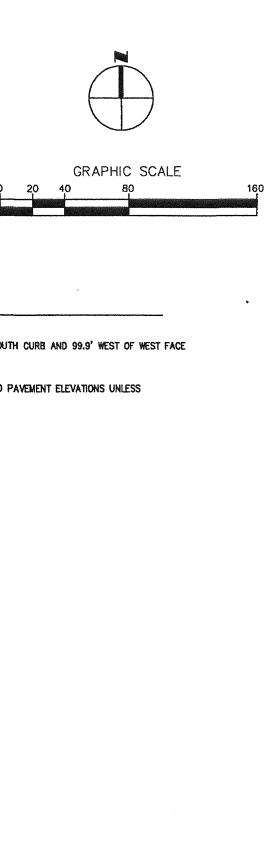
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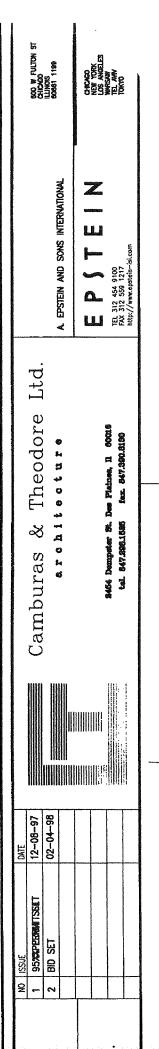
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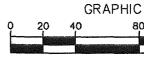
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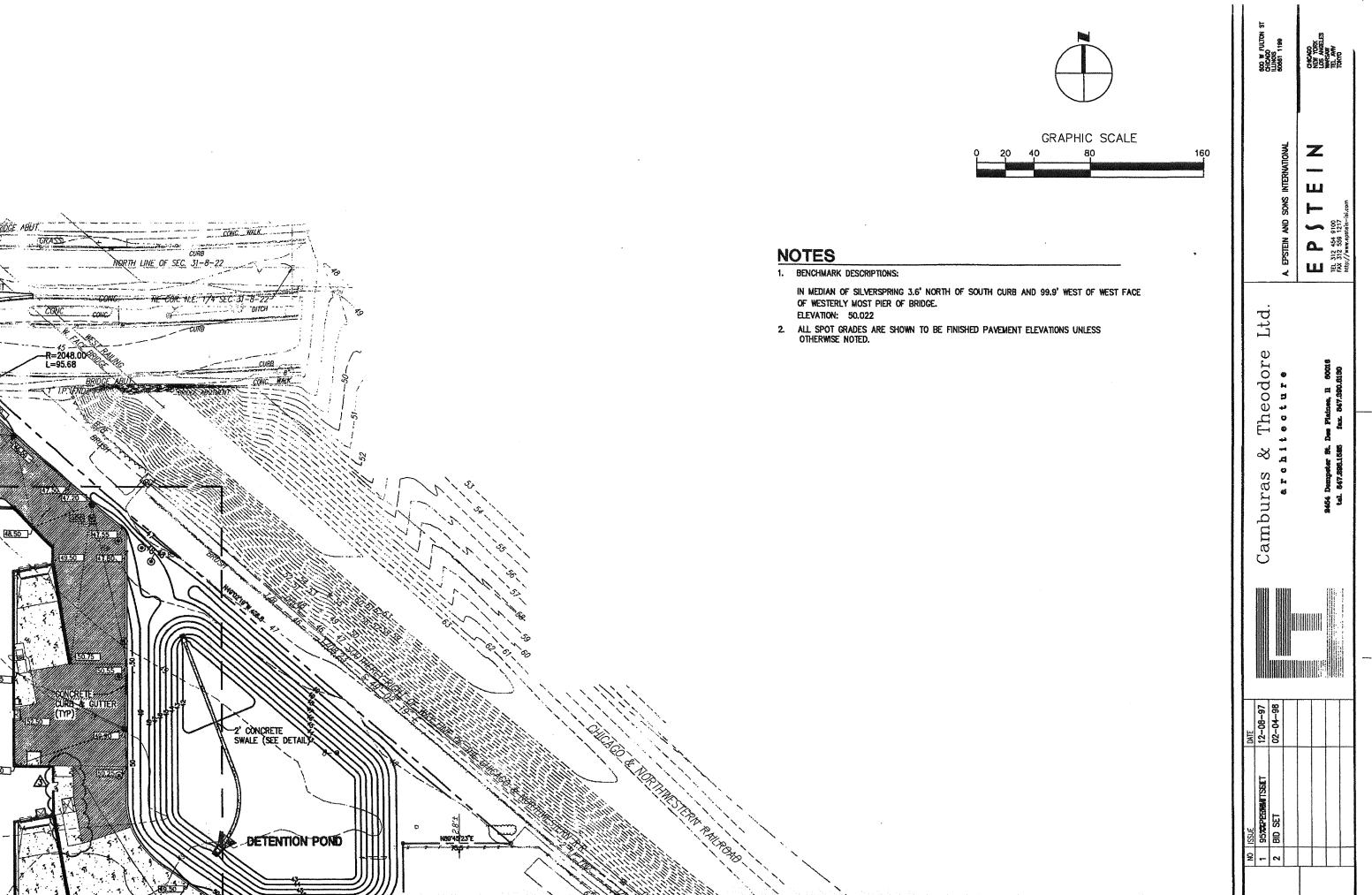


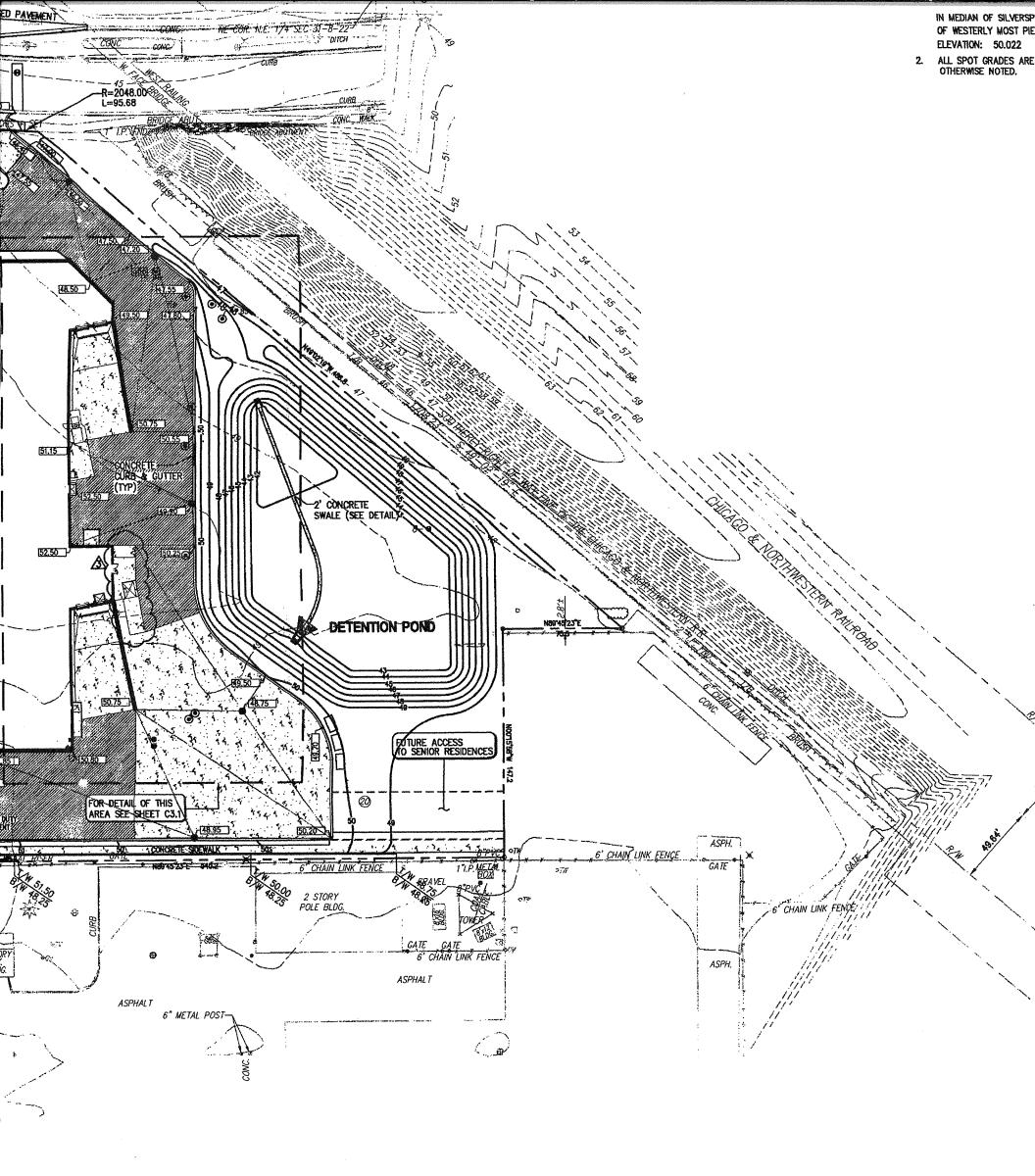


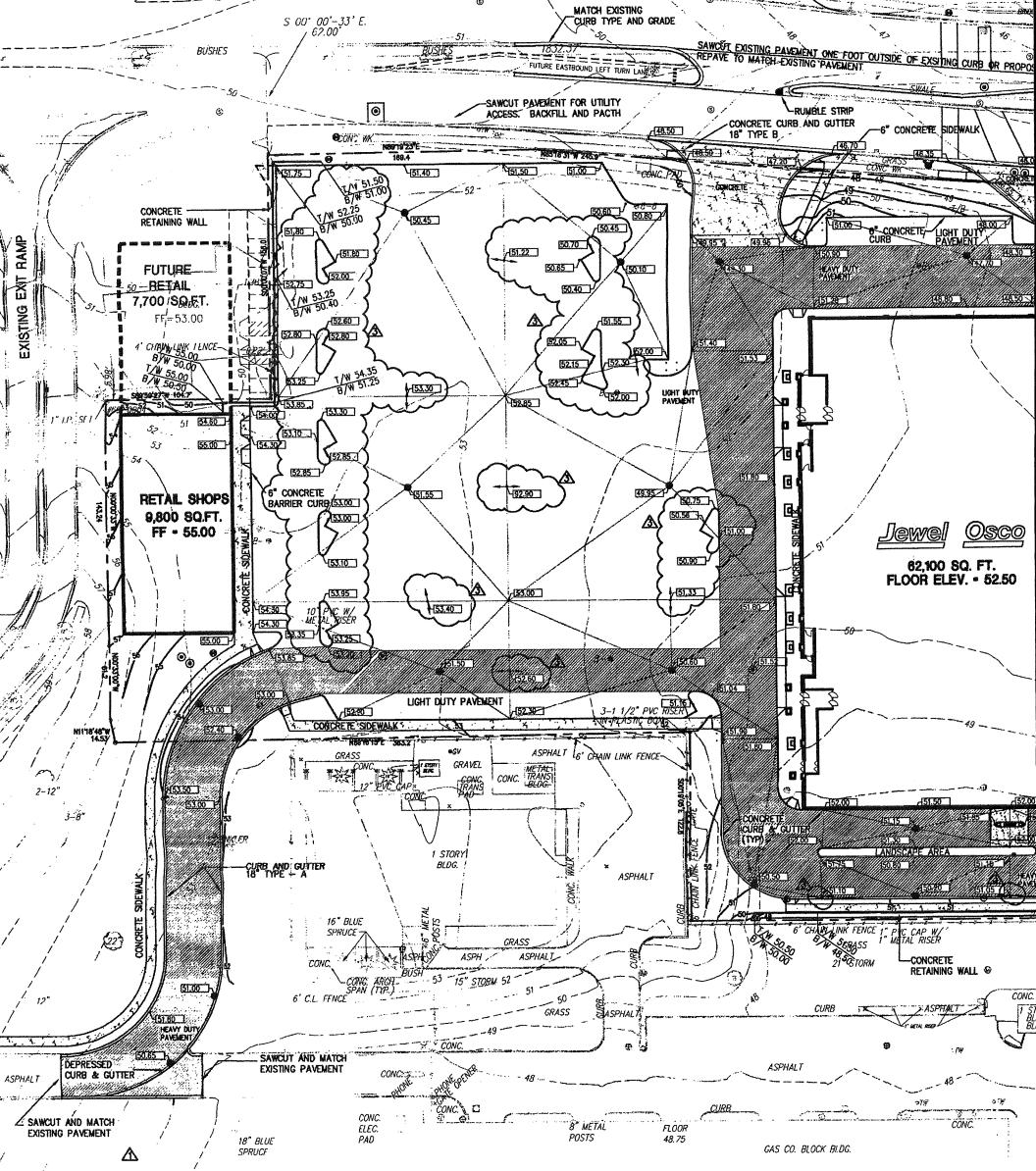
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