

State of Wisconsin \ DEPARTMENT OF NATURAL RESOURCES

Scott McCallum, Governor
Darrell Bazzell, Secretary
Gloria L. McCutcheon, Regional Director

Southeast Region Headquarters
2300 N. Dr. Martin Luther King, Jr. Drive
P.O. Box 12436
Milwaukee, Wisconsin 53212-0436
Telephone 414-263-8500
FAX 414-263-8716
TTY 414-263-8713

October 4, 2001

Mr. Michael Weiss
Mequon Pilgrims LLC c/o General Capital
10532 N. Port Washington Rd.
Mequon, WI 53092-5563

Subject: Certificate of Completion - Washington Square Mall, Germantown
FID#267160740 BRRTs#06-67-193272

Dear Mr. Weiss:

Thank you for participating in the Voluntary Party Liability Process. We appreciate your interest in remediating and redeveloping the above named property, in order to return it to productive use in the community.

Please find attached your Certificate of Completion signed by Darrell Bazzell, Secretary of the Department.

If you have any questions or comments, please give me a call at (414)263-8557. Again, thank you for your participation and congratulations.

Sincerely,

Margaret M. Brunette, Hydrogeologist
Remediation and Redevelopment Program

Cc: Darsi Foss - RR/3

State of Wisconsin
Department of Natural Resources

**CERTIFICATE OF COMPLETION
OF RESPONSE ACTIONS
UNDER SECTION 292.15(2)(ae), WIS. STATS.**

Whereas, Mequon Pilgrims, LLC has applied for an exemption from liability under s. 292.15, Wis. Stats., for the property located at N112 W15800 Mequon Road, Germantown, Wisconsin, which is commonly referred to as **Washington Square Mall**, further described in the legal description as Attachment A (“the Property”);

Whereas, an environmental investigation of the Property has been conducted and has determined that contamination exists at the Property;

Whereas, Mequon Pilgrims, LLC has submitted to the Wisconsin Department of Natural Resources (“WDNR”) investigation reports and a remedial action plan for the Property which comply with the requirements set forth in chs. NR 700-726, Wis. Adm. Code, consisting of the documents and reports listed in Attachment B;

Whereas, in accordance with s. 292.15(2)(ae)1, Wis. Stats., the WDNR has determined that an environmental investigation has been conducted which adequately identified and evaluated the nature and extent of the hazardous substance discharges on the Property and WDNR has approved of the remedial action plan for the Property; and

Whereas, Mequon Pilgrims, LLC has recorded with the Register of Deeds of Washington County a groundwater use restriction (Attachment C) for the Property which declares that the Property is held and shall be held, conveyed or encumbered, leased, rented, used, occupied and improved subject to the following limitations and restrictions:

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

If construction is proposed on this property that will require dewatering, or if groundwater is to be otherwise extracted from this property, while this groundwater use restriction is in effect, the groundwater shall be sampled and analyzed for contaminants that were previously detected on the property and any extracted groundwater shall be managed in compliance with applicable statutes and rules.

Whereas, Mequon Pilgrims, LLC has paid to WDNR the appropriate insurance fee and has submitted a complete insurance application form to obtain coverage under the state's master insurance contract in accordance with s. 292.15(2)(ae)3m, Wis. Stats., and ch. NR 754, Wis. Adm. Code; and

Whereas, on May 23, 2001 WDNR determined that response actions necessary to restore the environment to the extent practicable and minimize the harmful effects from the discharges to the air, land, and waters of the state were completed, except with respect to groundwater that is contaminated with chlorinated volatile organic compounds (CVOCs) including vinyl chloride, trichloroethylene and cis-1,2-dichloroethylene above ch. NR 140, Wis. Adm. Code, enforcement standards that WDNR has determined will be brought into compliance through natural attenuation, in accordance with rules promulgated by WDNR.

Therefore, based upon the information that has been submitted to the WDNR, the WDNR hereby certifies that the response actions set forth in the ~~WDNR approved remedial action plans~~ for the Property have been completed, except with respect to groundwater that is contaminated with chlorinated volatile organic compounds (CVOCs) including vinyl chloride, trichloroethylene and cis-1,2-dichloroethylene above ch. NR 140, Wis. Adm. Code, enforcement standards that WDNR has determined will be brought into compliance through natural attenuation, in accordance with rules promulgated by WDNR.

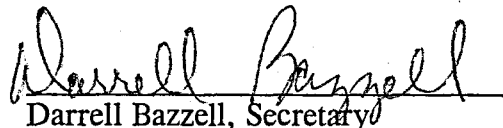
Upon issuance of this Certificate, Mequon Pilgrims, LLC and the persons qualified for protection under s. 292.15(3), Wis. Stats., are exempt from the provisions of ss. 289.05(1), (2), (3) and (4), 289.42(1), 289.67, 291.25(1) to (5), 291.29, 291.37, 292.11(3), (4), and (7)(b) and (c) and 292.31(8), Wis. Stats., with respect to the existence of hazardous substances on or originating from the Property, the release of which occurred prior to the date the environmental investigation required under s. 292.15(2)(ae)1., Wis. Stats., was approved, provided that the owners of the Property continue to maintain and monitor the Property as required by rules promulgated by the WDNR and do not engage in activities that are inconsistent with the maintenance of the Property. Any releases of a hazardous substance to or from the Property that occur after the date that the environmental investigation was approved will be the responsibility of the current Property owner and any other person who possesses or controls that discharge and any person who caused the discharge.

If natural attenuation fails, the insurance coverage which **Mequon Pilgrims, LLC** obtained under s. 292.15(2)(ae)3m, Wis. Stats., may be used to cover the costs of complying with s. 292.11(2), Wis. Stats., with respect to groundwater that is contaminated with chlorinated volatile organic compounds (CVOCs) including vinyl chloride, trichloroethylene and cis-1,2-dichloroethylene above ch. NR 140, Wis. Adm. Code, enforcement standards.

The protection from liability provided under s. 292.15(2), Wis. Stats., does not apply to any person excluded from that protection under s. 292.15(1)(f), Wis. Stats., or any person who has obtained a Certificate of Completion by fraud or misrepresentation, or by the knowing failure to disclose material information or under circumstances in which **Mequon Pilgrims, LLC** knew or should have known about more discharges of hazardous substances than was revealed by the investigation approved by the WDNR.

Nothing in this Certificate or in s. 292.15, Wis. Stats., affects the authority of the WDNR to exercise any powers or duties under applicable laws other than ss. 289.05(1), (2), (3) and (4), 289.42(1), 289.67, 291.25(1) to (5), 291.29, 291.37, 292.11(3), (4), and (7)(b) and (c) and 292.31(8), Wis. Stats., with respect to any release or threatened release of contaminants at the Property, or the right of the WDNR to seek relief available against any person who is not entitled to protection from liability under s. 292.15, Wis. Stats., with respect to such release or threatened release.

SIGNED AND CERTIFIED this 17 day of September, 2001.


Darrell Bazzell, Secretary

Wisconsin Department of Natural Resources

**ATTACHMENT A
LEGAL PROPERTY DESCRIPTION**

Parcel Three (3) of Certified Survey Map No. 2680, recorded in the Washington County Registry on August 10, 1984 in Volume 14 of Certified Survey Maps on pages 333-340, as Document No. 470281 and being a redivision of Certified Survey Map No. 2344, being a part of the Southeast 1/4 of the Southeast 1/4 of Section 22, Township 9 North, Range 20 East, Village of Germantown, Washington County, Wisconsin

ATTACHMENT B
INVESTIGATION AND REMEDIAL ACTION PLAN REPORTS
Washington Square Mall

1. Environmental Site Assessment Washington Square Mall, December 13, 1996, prepared by McLaren/ Hart
2. Geotechnical Investigation, Proposed Kohl's Food Emporium Washington Square, March 17, 1997, prepared by CGC, Inc.
3. Fax from Brian Schneider, McLaren/ Hart, Site Plan and Lab Results, March 26, 1997.
4. Proposal for a Limited Phase 2 Environmental Site Assessment Washington Square Mall, March 31, 1997, prepared by Law Engineering and Environmental Services, Inc.
5. Revised Proposal for Subsurface Assessment Washington Square Mall, May 9, 1997, prepared by Law Engineering and Environmental Services, Inc.
6. Preliminary Results Groundwater Limited Environmental Sites Assessment Washington Square Mall, July 7, 1997, prepared by Law Engineering and Environmental Services, Inc.
7. ~~"Reported Contamination at Germantown Dry Cleaners, N112 W16240 Mequon Rd., Germantown, Wisconsin", November 19, 1997, Letter from DNR - Mike Farley~~
8. Revised Work Plan and Cost Estimate for Site Investigation and Remedial Action Plan, Washington Square Mall, December 3, 1997, prepared by Geraghty Miller Inc.
9. Purchaser Liability Exemption Program Application for Washington Square Mall and letter. December 16, 1997, submitted by Don Gallo, Michael Best and Friedrich
10. Soil and Groundwater Quality Work Plan, Washington Square Mall Property, December 18, 1997, prepared by Geraghty Miller, Inc.
11. Summary of Soil and Groundwater Quality Investigation Activities and Evaluation of Remedial Alternatives, Washington Square Mall Property, January 13, 1998, Arcadis Geraghty & Miller
12. Request for Approval for Special Waste Designation of Tetrachloroethylene (PCE) affected Soils, Washington Square Mall, January 30 1998, prepared by Arcadis Geraghty & Miller
13. Summary of Soil and Groundwater Quality Investigation Activities and Evaluation of

- Remedial Alternatives, February 1998, prepared by Arcadis Geraghty & Miller
14. Site Remediation Implementation Report Washington Square Mall, Volume I and II, February 1998, prepared by Arcadis Geraghty & Miller
 15. Residual Contaminant Level Determination Washington Square Mall, March 19, 1998
 16. Washington Square Mall List of Tenants, March 26, 1998, Fax from Arcadis Geraghty & Miller
 17. Description of Carbon Injection in Groundwater Remediation Technique for the Washington Square Mall remediation Project, March 29, 1998, prepared by Arcadis Geraghty & Miller
 18. Washington Square Shopping Center, Letter from DNR- Margaret Graefe, April 17, 1998
 19. Case Study Performance Data on Carbon Injection Groundwater Remediation Technique Proposed for the Washington Square Mall Remediation Project, May 5, 1998, prepared by Arcadis Geraghty & Miller
 20. Supplemental Information Regarding the Determination of the Residual Contamination Levels and Proposed Groundwater Monitoring Activities, May 6, 1998, prepared by Arcadis Geraghty & Miller
 21. Remedial Action Plan Washington Square Mall Remediation Project, May 15, 1998, prepared by Arcadis Geraghty & Miller
 22. "DNR Approval of Environmental Investigation and Conditions Necessary to Obtain Voluntary Party Liability Exemption (aka the Purchaser Liability Exemption) Under Sec. 292.15, Wis. Stats., Related to the Washington Square Shopping Center", Letter to Michael Weiss from Howard Druckenmuller- DNR, June 10, 1998
 23. Permit Application for Wisconsin Pollutant Discharge Elimination System, General Permit No. WI 0046566-3, Washington Square Mall Remediation Project, July 2, 1998, prepared by Arcadis Geraghty & Miller
 24. Washington Square Mall, July 10, 1998, Letter from Margaret Graefe- DNR
 25. Request for Temporary Exemption for Injection of Remedial Materials to Enhance In Situ Groundwater Remediation Process, Washington Square Mall Remediation Project, July 15, 1998, prepared by Arcadis Geraghty & Miller
 26. Germantown Water Results, July 16, 1998, Fax from by Arcadis Geraghty & Miller

27. Exemption from NR 140.28(5) to Inject Dilute Molasses, July 16, 1998, Letter from Margaret Graefe- DNR
28. General Permit No. WI-0046566-3 for Discharge of Additive Amended Water, July 21, 1998, Letter from Nancy Gloe- DNR
29. Temporary Discharge of Groundwater to Sanitary Sewer, Washington Square Mall Property, September 17, 1998, prepared by Arcadis Geraghty & Miller
30. Hazardous Waste Manifests, Washington Square Mall, September 17, 1998, prepared by Arcadis Geraghty & Miller
31. Temporary Discharge of Additive Amended Water, Washington Square Mall Property, October 21, 1998, prepared by Arcadis Geraghty & Miller
32. Site Remediation Implementation Report Washington Square Mall Project, February 12, 1999, prepared by Arcadis Geraghty & Miller
33. Temporary Discharge of Groundwater to Sanitary Sewer, Washington Square Mall Property, March 29, 1999, prepared by Arcadis Geraghty & Miller
34. Temporary Discharge of Additive Amended Water, Washington Square Mall Property, March 29, 1999, prepared by Arcadis Geraghty & Miller
35. Washington Square Mall, May 5, 1999, Letter from DNR- Margaret Graefe
36. Washington Square Mall, May 11, 1999, Letter from DNR- Margaret Graefe
37. Temporary Discharge of Groundwater to Sanitary Sewer, Washington Square Mall Property, July 6, 1999, prepared by Arcadis Geraghty & Miller
38. Temporary Discharge of Additive Amended Water, Washington Square Mall Property, July 6, 1999, prepared by Arcadis Geraghty & Miller
39. Remedial System Semi Annual Progress Report, Washington Square Mall Remediation Project, August 26, 1999, prepared by Arcadis Geraghty & Miller
40. Temporary Discharge of Groundwater to Sanitary Sewer, Washington Square Mall Property, September 28, 1999, prepared by Arcadis Geraghty & Miller
41. Temporary Discharge of Additive Amended Water, Washington Square Mall Property, September 28, 1999, prepared by Arcadis Geraghty & Miller
42. Project Status Meeting materials, Washington Square Mall remediation Project,

December 12, 1999, prepared by Arcadis Geraghty & Miller

43. Groundwater Analytical Results Washington Square Mall Project, December 17, 1999, prepared by Arcadis Geraghty & Miller
44. Temporary Discharge of Groundwater to Sanitary Sewer, Washington Square Mall Property, January 4, 2000, prepared by Arcadis Geraghty & Miller
45. Temporary Discharge of Additive Amended Water, Washington Square Mall Property, January 4, 2000, prepared by Arcadis Geraghty & Miller
46. Temporary Discharge of Groundwater to Sanitary Sewer, Washington Square Mall Property, February 8, 2000, prepared by Arcadis Geraghty & Miller
47. Temporary Discharge of Additive Amended Water, Washington Square Mall Property, February 8, 2000, prepared by Arcadis Geraghty & Miller
48. Temporary Discharge of Groundwater to Sanitary Sewer, Washington Square Mall Property, June 16, 2000, prepared by Arcadis Geraghty & Miller
49. Temporary Discharge of Additive Amended Water, Washington Square Mall Property, June 16, 2000, prepared by Arcadis Geraghty & Miller
50. Washington Square Mall Property Vertical Gradients, October 31, 2000, Fax from Arcadis Geraghty & Miller
51. Request for Case Closure and Certificate of Completion, Washington Square Mall Remediation Project, August 22, 2000, prepared by Arcadis Geraghty & Miller
52. Natural Attenuation of Vinyl Chloride Washington Square Mall Remediation Project, November 21, 2000, prepared by Arcadis Geraghty & Miller
53. Conditional Case Closure and Voluntary Party Liability Exemption Status, Washington Square Mall, January 12, 2001, Letter from Margaret Brunette- DNR
54. Final Project Closure Documentation Washington Square Mall Remediation Project , April 30, 2001, prepared by Arcadis Geraghty & Miller
55. Case Closure and VPLE Status - Washington Square Mall, May 23, 2001, Letter from Pam Mylotta- DNR
56. Voluntary Party Liability Exemption Insurance Application, Washington Square Mall, June 1, 2001, prepared by Arcadis Geraghty & Miller.

ATTACHMENT C
GROUNDWATER USE RESTRICTION

DOC#: 882836



Recorded
APR. 19, 2001 AT 09:00AM

DOROTHY C. SONNERING
REGISTER OF DEEDS
WASHINGTON COUNTY, WI
Fee Amount: \$16.00

Document Number | GROUNDWATER USE RESTRICTION

Declaration of Restrictions

In Re:

Parcel three (3) of Certified Survey Map No. 2680, recorded in the Washington County Registry on August 10, 1984 in Volume 14 of Certified Survey Maps on pages 333-340, as Document No. 470281 and being a redivision of Certified Survey Map No. 2344, being a part of the Southeast 1/4 of the Southeast 1/4 of Section 22, Township 9 North, Range 20 East, Village of Germantown, Washington County, Wisconsin.

Recording Area

Name and Return Address

Michael Weiss
Mequon Pilgrims LLC
c/o General Capital
10532 N. Fort Washington Road
Mequon, WI 53092-5563

16

STATE OF WISCONSIN)
)"ss"
COUNTY OF WASHINGTON)

Parcel Identification Number (PIN)

WHEREAS, Mequon Pilgrims, LLC is the owner of the above-described property.

WHEREAS, one or more chlorinated volatile organic compound (CVOC) discharges have occurred on this property. CVOCs in groundwater above ch. NR 140, Wis. Adm. Code, enforcement standards exist on this property at the following location(s) on the following date(s): Vinyl chloride at Monitoring Wells MW-9 (April 7, 2000), MW-13 (April 11, 2000), MW-14 (April 11, 2000), MW-15 (April 11, 2000), and MW-16 (April 11, 2000) at concentrations of 0.37 parts per billion (ppb), 16 ppb, 88 ppb, 11 ppb, and 2.1 ppb, respectively; Trichloroethylene and cis-1,2-dichloroethylene at Monitoring Well MW-14 at concentrations of 15 ppb and 300 ppb, respectively (April 11, 2000). The locations of the monitoring wells are depicted on the attached Figure 1 which is hereby made a part of this restriction.

WHEREAS, it is the desire and intention of the property owner to impose on the property restrictions which will make it unnecessary to conduct further groundwater or soil remediation activities on the property at the present time.

WHEREAS, natural attenuation has been approved by the Department of Natural Resources to remediate groundwater contamination exceeding ch. NR 140, Wis. Adm. Code, groundwater standards within the boundaries of this property.

WHEREAS, construction of wells where the water quality does not comply with drinking water standards in ch. NR 809 is restricted by chs. NR 811 and NR 812, Wis. Adm. Code. Special well construction standards or water treatment requirements, or both, or well construction prohibitions may apply.

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

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

If construction is proposed on this property that will require dewatering, or if groundwater is to be otherwise extracted from this property, while this groundwater use restriction is in effect, the groundwater shall be sampled and analyzed for contaminants that were previously detected on the property and any extracted groundwater shall be managed in compliance with applicable statutes and rules.

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

Any person who is or becomes owner of the property described above may request that the Wisconsin Department of Natural Resources or its successor issue a determination that one or more of the restrictions set forth in this covenant is no longer required. Upon the receipt of such a request, the Wisconsin Department of Natural Resources shall determine whether or not the restrictions contained herein can be extinguished. If the Department determines that the restrictions can be extinguished, an affidavit, attached to a copy of the Department's written determination, may be recorded to give notice that this deed restriction, or portions of this deed restriction, are no longer binding.

By signing this document, Michael D. Weiss asserts that he/she is duly authorized to sign this document on behalf of Mequon Pilgrims, LLC.

IN WITNESS WHEREOF, the owner of the property has executed this Declaration of Restrictions, this 18th day of April, 2001.

Signature: [Handwritten Signature]

Printed Name: Michael D. Weiss

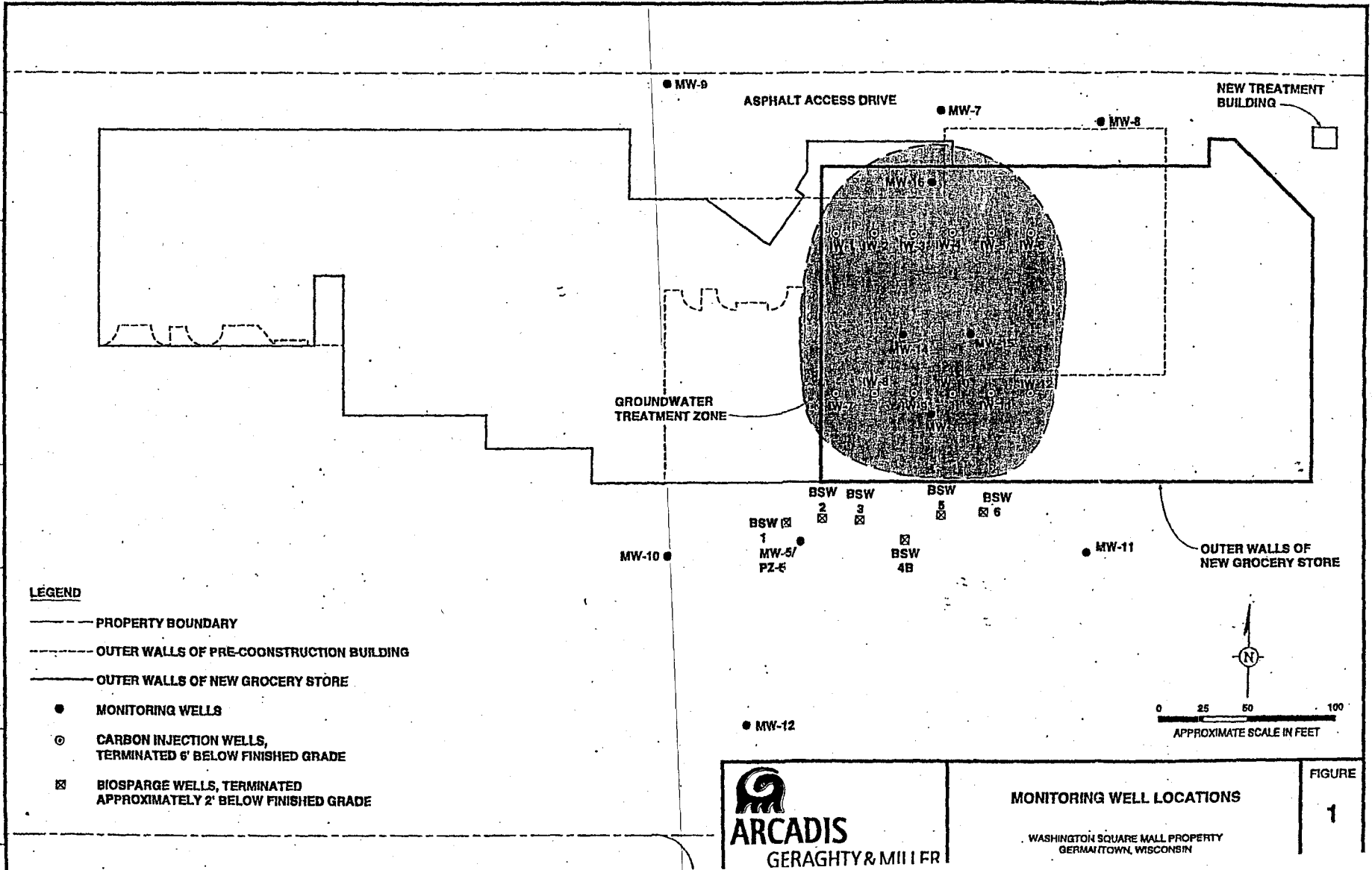
Title: Authorized Agent

Subscribed and sworn to before me
This day of 18th, 2001.

[Handwritten Signature]
Notary Public, State of Wisconsin
My commission expires 1-25-04



This document was drafted by ARCADIS Geraghty & Miller, Inc. based on information provided by the Wisconsin Department of Natural Resources.



LEGEND

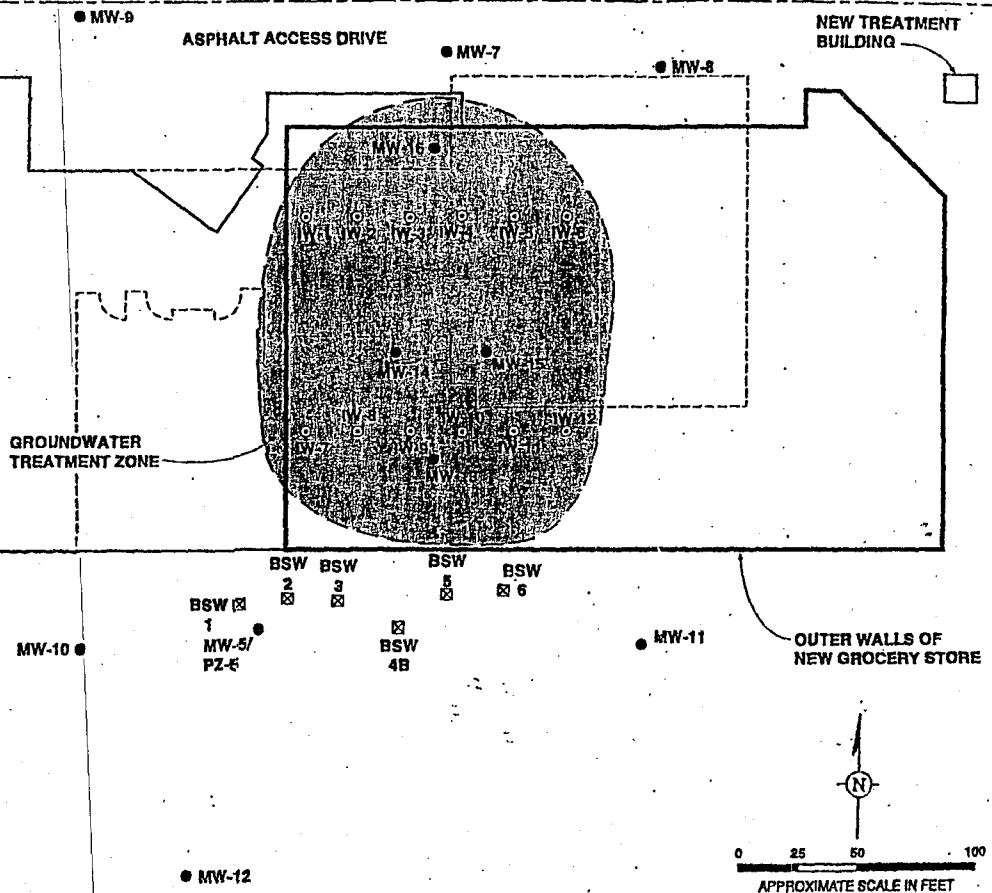
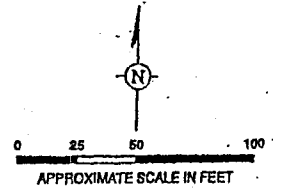
- PROPERTY BOUNDARY
- - - OUTER WALLS OF PRE-CONSTRUCTION BUILDING
- OUTER WALLS OF NEW GROCERY STORE
- MONITORING WELLS
- CARBON INJECTION WELLS, TERMINATED 6' BELOW FINISHED GRADE
- ⊠ BIOSPARGE WELLS, TERMINATED APPROXIMATELY 2' BELOW FINISHED GRADE

ARCADIS
GERAGHTY & MUIR

MONITORING WELL LOCATIONS

WASHINGTON SQUARE MALL PROPERTY
GERMANTOWN, WISCONSIN

FIGURE
1

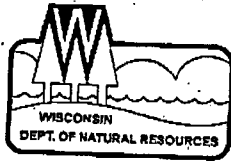


MESSAGE CONFIRMATION

OCT-03-2001 11:13AM WED

FAX NUMBER: 414-263-8716
NAME : DNR SE HQ

NAME/NUMBER : 912622404401
PAGE : 002
START TIME : OCT-03-2001 11:12AM WED
ELAPSED TIME : 00' 38"
MODE : G3 STD ECM
RESULTS : [O.K]



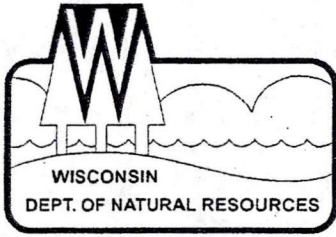
State of Wisconsin \ DEPARTMENT OF NATURAL RESOURCES

Southeast Region
Milwaukee Service Center
2300 N. Dr. ML King Drive, PO Box 12436
Milwaukee, Wisconsin 53212-0436
FAX 414-263-8716

DATE: 10/3/01 TOTAL PAGE COUNT 2
(INCLUDING COVER SHEET)
TO: Michael Weise FAX # _____
COMPANY / AGENCY / REGION: _____

FROM: M. Brunette YOU CAN CALL ME AT: 414-263- 8557

COMMENTS:



State of Wisconsin \ DEPARTMENT OF NATURAL RESOURCES

Southeast Region
Milwaukee Service Center
2300 N. Dr. ML King Drive, PO Box 12436
Milwaukee, Wisconsin 53212-0436
FAX 414-263-8716

DATE: 10/3/01

TOTAL PAGE COUNT 2
(INCLUDING COVER SHEET)

TO: Michael Weiss

FAX # _____

COMPANY / AGENCY / REGION: _____

* * * * *

FROM: M. Brunette

YOU CAN CALL ME AT: 414-263-8557

COMMENTS:



State of Wisconsin \ DEPARTMENT OF NATURAL RESOURCES

Scott McCallum, Governor
Darrell Bazzell, Secretary
Gloria L. McCutcheon, Regional Director

Southeast Region Headquarters
2300 N. Dr. Martin Luther King, Jr. Drive
P.O. Box 12436
Milwaukee, Wisconsin 53212-0436
Telephone 414-263-8500
FAX 414-263-8716
TTY 414-263-8713

October 3, 2001

Mr. Michael Weiss
Mequon Pilgrims LLC c/o General Capital
10532 N. Port Washington Rd.
Mequon, WI 53092-5563

Subject: Invoice for VPLE Project Oversight - Washington Square Mall, Germantown
FID#267160740 BRRTs#06-67-193272

Dear Mr. Weiss:

Thank you for participating in the Voluntary Party Liability Process. We appreciate your interest in remediating and redeveloping the above named property, in order to return it to productive use in the community.

As you are aware, state statutes require the Department of Natural Resources to review and approve all investigations and cleanups in this program, and authorize the Department to collect oversight costs from participants.

According to review of Department hours spent on oversight of property activities through October 3, 2001, 3 hours have been spent by the Department for oversight of the investigation and cleanup of the sight. The cost for Department oversight through June 30, 1999 was calculated at \$55 per hour, since that date, it is calculated at \$70 per hour. This current invoice shows an amount due of \$210.00.

Within 10 days of the issuance of this bill, you have the option of requesting, in writing, a list of department staff and the hours spent of oversight activities associated with your project. This is your final bill for this project.

Please send a check for the amount due, made payable to the Department of Natural Resources, to my attention at the address on this letter, within 30 days of receipt of this letter. Please attach a copy of this letter to your check to speed processing.

For further information, please give me a call at (414)263-8557. Again, thank you for your participation.

Sincerely,

Margaret M. Brunette, Hydrogeologist
Remediation and Redevelopment Program

Cc: Darsi Foss - RR/3

ARCADIS GERAGHTY & MILLER



Wisconsin Department of Natural Resources
Southeast Region
2300 North Dr. Martin Luther King Jr. Drive
Milwaukee, Wisconsin 53212



ARCADIS G&M Inc.
126 North Jefferson Street
Suite 400
Milwaukee
Wisconsin 53202
Tel 414 276 7742
Fax 414 276 7603

Subject:

Voluntary Party Liability Exemption Insurance Application, Washington Square
Mall, N112 W15800 Mequon Road, Germantown, Wisconsin
FID #267160740
BRRTS 02-67-125815
ARCADIS G&M Project No. WI00679.0001

ENVIRONMENTAL

Dear Sir or Madam:

On behalf of Mequon Pilgrims, LLC, ARCADIS G&M, Inc. has completed the enclosed Voluntary Party Liability Exemption (VPLE) Environmental Insurance Application to obtain a Certificate of Completion from the Wisconsin Department of Natural Resources (WDNR) for the subject site. Final closure for the Washington Square Mall site was received from the WDNR in a May 23, 2001 letter from Pamela Mylotta to Michael Weiss of Mequon Pilgrims, LLC. A copy of the closure letter is attached for your reference.

Milwaukee:
1 June 2001

Contact:
Jennine L. Cota

We trust this information will meet your needs. If you have any questions, or require additional information, please contact either of the undersigned.

Extension:
414 276 7742

Sincerely,

ARCADIS G&M

Jennine L. Cota
Staff Engineer

Michael S. Maierle, P.E.
Principal Engineer

Enclosures

copies:

Michael Weiss - Mequon Pilgrims, LLC
Chelle Nennig - Mequon Pilgrims, LLC
Donald P. Gallo - Reinhart, Boerner, Van Deuren, Norris & Rieselbach, S.C.
Mark Lemke - Firststar Bank Milwaukee, N.A.
Margaret Brunette - WDNR
Pamela Mylotta - WDNR

Notice: As required by ch. NR 754, Wis. Stats., voluntary parties must complete this form and pay an insurance fee in order to obtain the Voluntary Party Liability Exemption (VPLE) under s. 292.15(2)(ae), Stats., for sites where groundwater contamination exceeds enforcement standards and the department determines that natural attenuation will restore groundwater quality. This form must be completed by parties seeking a Certificate of Completion. The form should not be submitted until the voluntary party has completed the environmental investigation and remedial action and the DNR has approved the request for case closure. Personally identifiable information that is submitted to the DNR will become a public record and may be used by the DNR in the administration and enforcement of the hazardous substance spill program in addition to the liability exemption program.

Submit this form and the appropriate insurance fee, as specified in the annual VPLE Insurance Fee Schedule, together to the following address:

VPLE Coordinator
 Bureau for Remediation and Redevelopment
 Department of Natural Resources
 P.O. Box 7921
 Madison, WI 53707-7921

1. Property Information

VPLE Property Name
Washington Square Mall

BRRTS Activity Numbers (if there are multiple parcels, please list all BRRTS numbers that begin with 06 or 6)
02-67-125815

Street Address
N112 W15800 Mequon Road

City <u>Germantown</u>	State <u>WI</u>	ZIP Code <u>53022</u>
---------------------------	--------------------	--------------------------

Size (see fact sheet and fee schedule) 1 - 4.99 acres above 5 acres

Indicate which former use category and fee you think would be appropriate for your site using the definitions and information in the fact sheet and fee schedule. Note, however, that the DNR will make the final determination on the form use category and fee.

Former Use Category: <input type="checkbox"/> residential <input type="checkbox"/> heavy industrial <input type="checkbox"/> light industrial <input checked="" type="checkbox"/> commercial <input type="checkbox"/> agricultural	Fee <u>\$11,397.00</u>
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Are you seeking Certificates for more than one legally defined parcel of land?
 Yes No If yes, how many Certificates of Completion are you requesting?

DNR Region <input checked="" type="checkbox"/> SER <input type="checkbox"/> SCR <input type="checkbox"/> NOR <input type="checkbox"/> NER <input type="checkbox"/> WCR	DNR Project Manager (name) <u>Margarette Brunette</u>
---	--

2. Voluntary Party

Organization / Firm Name <u>Mequon Pilgrims, LLC</u>			Title <u>Authorized Agent</u> President
Last Name <u>Weiss</u>	First <u>Michael</u>	MI <u>D</u>	Telephone Number <u>262-240-4400</u>
Street Address <u>10532 N. Port Washington Rd</u>			Fax Number <u>262-240-4401</u>
City <u>Mequon</u>	State <u>WI</u>	ZIP Code <u>53092-5563</u>	E-Mail Address

2a. Additional Voluntary Parties

Organization / Firm Name			Title
Last Name	First	MI	Telephone Number
Street Address			Fax Number
City	State	ZIP Code	E-Mail Address

VPLE Environmental Insurance Application

Form 4400-224 (4/01)

Page 2 of 2

B. Current Property Owner

Does the voluntary party (listed in #2) currently own the property?

Yes No (If No, please list the party who currently owns the property.)

Organization / Firm Name			Title
Last Name	First	MI	Telephone Number
Street Address			Fax Number
City	State	ZIP Code	E-Mail Address

C. Future Property Owner

Does the current property owner (listed in #3) plan to maintain ownership of the property?

Yes No Unknown (If No, please list the party who is expected to own the property after the current owner.)

Organization / Firm Name			Title
Last Name	First	MI	Telephone Number
Street Address			Fax Number
City	State	ZIP Code	E-Mail Address

Attachments (application will not be considered complete unless all attachments are included)

Please attach:

- the applicable insurance fee made payable to the Wisconsin Department of Natural Resources
- the legal property description of the property or properties receiving the certificate of Completion
- a chronological list of all former uses of the property

Certification

I certify that I have read and am familiar with the information on this form and that the information is true, accurate and complete to the best of my knowledge.

I certify that to the best of my knowledge all the requirements of s. 292.15(2)(ae)1 through 6. Stats., have been met.

I hereby request that the DNR issue a Certificate of Completion for the remedial action completed at the property identified in the application under s. 292.15(2)(ae), Stats.

Voluntary party's Name (type or print) <i>Megvon Pittman, LLC</i>	Title <i>Authorized Agent</i>
Signature <i>[Signature]</i> <i>Michael D. Weiss</i>	Date Signed <i>5/23/01</i>

Any questions regarding this form or the insurance requirements described in ch. NR 754, Wis. Adm. Code., shall be directed to the DNR VPLE site project manager or to the DNR Land Recycling Team Leader at (608) 261-4927. Copies of the Annual VPLE Insurance Fee Schedule can be obtained from the DNR VPLE site project manager or the DNR Land Recycling Team Leader or see our website: www.dnr.state.wi.us/org/aw/rr/liability/purchasers_0.html

DOCUMENT NO. 785369

RECORDED

98 JUN 26 PM 1:25

Director of Administration
REGISTER OF DEEDS
OF WASHINGTON COUNTY

WARRANTY DEED

DOCUMENT NO.

This Deed, made between DECADE 80-I, LTD., a Wisconsin
Limited Partnership
_____, Grantor,
and MEQUON PILGRIMS, LLC

_____, Grantee,
Witnesseth, That the said Grantor, for a valuable consideration _____
conveys to Grantee the following described real estate in Washington
County, State of Wisconsin:

Parcel Three (3) of CERTIFIED SURVEY MAP No. 2680, recorded in the
Washington County Registry on August 10, 1984 in Volume 14 of Certified
Survey Maps on pages 333-340, as Document No. 470281 and being a
redivision of Certified Survey Map No. 2344, being a part of the Southeast
1/4 of the Southeast 1/4 of Section 22, Township 9 North, Range 20 East,
Village of Germantown, Washington County, Wisconsin.

THIS SPACE RESERVED FOR RECORDING DATA

NAME AND RETURN ADDRESS

Handwritten: Stephanie A. Lyons
Godfrey + Kahn, P.C.
180 N. Water St.
Milwaukee, WI 53202

GTNV 224 984
PARCEL IDENTIFICATION NUMBER

TRANSFER
\$ 8025.00
FEE

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

Together with all and singular the hereditaments and appurtenances thereunto belonging;
And the Grantor warrants that the title is good, indefeasible in fee simple and free and clear of encumbrances except municipal and zoning ordinances and agreements entered under them, recorded easements, recorded building and use restrictions and covenants, rights of tenants under written leases, general taxes levied in 1998 and thereafter, Cross-Easement Agreement recorded as Document No. 586057 as amended by Amendment recorded as Document No. 614885, all other recorded documents and matters which would be reflected on an accurate survey

and will warrant and defend the same.

Dated this 23rd day of June, 1998.

(SEAL)
* _____
(SEAL)
* _____

DECADE 80-I, LTD. (SEAL)
*By: Decade 80, Inc., General Partner
By: Jeffrey Keierleber (SEAL)
* Jeffrey Keierleber, President

AUTHENTICATION

Signature(s) Jeffrey Keierleber as President
of Decade 80, Inc., as General Partner
of Decade 80-I, Ltd.

authenticated this 23rd day of June, 1998

Mary Neese Fertl
* Mary Neese Fertl

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

ACKNOWLEDGMENT

STATE OF WISCONSIN)
) ss.
) County

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

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

* Notary Public _____ County, Wis.

My Commission is permanent. (If not, state expiration date: _____, 19____.)

THIS INSTRUMENT WAS DRAFTED BY

Mary Neese Fertl, Esq.

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



Washington Square Mall Property
N112 W15800 Mequon Road,
Germantown, Wisconsin

Chronological list of all former uses of the property:

- ⇒ Prior to site development, the site was utilized for agricultural purposes.
- ⇒ A strip mall was constructed on the site between 1977 and 1980.
- ⇒ The original strip mall was razed in 1998.
- ⇒ A new strip mall development was completed in 1999.



State of Wisconsin \ DEPARTMENT OF NATURAL RESOURCES

Scott McCallum, Governor
Darrell Bazzell, Secretary
Gloria L. McCutcheon, Regional Director

Southeast Region Headquarters
2300 N. Dr. Martin Luther King, Jr. Drive
PO Box 12436
Milwaukee, Wisconsin 53212-0436
Telephone 414-263-8500
FAX 414-263-8716
TTY 414-263-8713

May 23, 2001

Mr. Michael Weiss, Mequon Pilgrims, LLC
c/o General Capitol
10532 N. Port Washington Rd.
Mequon, WI 53092-5563

Subject: Case Closure and VPLE Status - Washington Square Mall
N112 W15800 Mequon Rd., Germantown, Wisconsin
FID#267160740 BRRTs#02-67-125815 and 06-67-193272

Dear Mr. Weiss:

The Wisconsin Department of Natural Resources (WDNR) has reviewed the final closure documentation for the Washington Square Mall property, submitted on your behalf by Arcadis Geraghty & Miller, in a letter dated April 30, 2001. The submittal documents completion of the final conditions for case closure required by WDNR in our letter to you dated January 12, 2001. At that time, the WDNR indicated that investigation and remediation met the requirements for case closure under s. NR726.05, Wis. Adm. Code, with the following two exceptions:

1. Abandon all monitor wells, air sparging wells and other remediation system wells in compliance with ch. NR141, Wis. Adm. Code. The recent letter from Arcadis documents completion of this requirement.
2. Record a groundwater use restriction for the property, in accordance with WDNR requirements. The recorded deed restriction was prepared under WDNR review and meets WDNR requirements.

Based on our review of your project, the case is now considered closed under s. NR726.05, Wis. Adm. Code. The case may be reopened under s. NR 726.09, Wis. Adm. Code if information is received which indicates that contamination on or from the site poses a threat to public health, safety or welfare or the environment. Once a Certificate of Completion is obtained under the VPLE process, the applicant and its successors or assigns will no longer be subject to s. NR 726.09, Wis. Adm. Code, for the property.

VPLE Status. Due to statutory changes and recent approval of chapter NR754, Wis. Adm. Code, your property may now be eligible to receive a Certificate of Completion in the Voluntary Party Liability Exemption process. Chapter NR 754 allows voluntary parties that use natural attenuation as a remedy for groundwater contamination, to obtain a Certificate of Completion before groundwater standards are met by paying an insurance fee. This new regulation applies only to voluntary parties who wish to receive a Certificate of Completion under these circumstances.

The new regulation was approved by the Natural Resources Board in February and promulgated as an emergency rule that took affect March 6, 2001. This regulation describes insurance requirements that must be met to obtain the Certificate of Completion before groundwater enforcement standards are met at sites using natural attenuation.

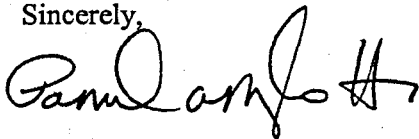
In order to obtain a Certificate of Completion for these types of sites, the following process should be followed:

- The voluntary party must demonstrate that natural attenuation will address groundwater contamination. This requirement has been met for your property.
- DNR staff will review and approve the request for case closure. This letter is the final case closure approval.
- The voluntary party pays an insurance fee and submits an insurance application form to DNR.
- DNR staff determine if all requirements are met, and if so, issue a Certificate of Completion.

A new fact sheet, *Insurance for Voluntary Party Liability Exemption Sites Using Natural Attenuation*, (#RR-661), that describes the rule requirements and fees, is attached for your information, along with a copy of the insurance application form. Copies of rule language (see Order RR-13-01(E)) can be obtained from the DNR website at www.dnr.state.wi.us/org/aw/rr.

Your consultant has indicated that you will be submitting an insurance application form soon. Margaret Brunette, (414) 263-8557, will be returning to work in June, and she will work with you on the completion of your VPLE project. If you have any questions now about this letter or the insurance application form, please contact me at (414) 263-8758.

Sincerely,



Pamela A. Mylotta

Hydrogeologist, Remediation & Redevelopment Program
Southeast Region, Milwaukee Service Center

c: Michael Maierle – Arcadis Geraghty & Miller
Margaret Brunette – SER
Michael Prager – RR/3

ARCADIS GERAGHTY & MILLER



Wisconsin Department of Natural Resources
Southeast Region
2300 North Dr. Martin Luther King Jr. Drive
Milwaukee, Wisconsin 53212

ARCADIS G&M Inc.
126 North Jefferson Street
Suite 400
Milwaukee
Wisconsin 53202
Tel 414 276 7742
Fax 414 276 7603

Subject:

Voluntary Party Liability Exemption Insurance Application, Washington Square
Mall, N112 W15800 Mequon Road, Germantown, Wisconsin
FID #267160740
BRRTS 02-67-125815

ARCADIS G&M Project No. WI00679.0001

ENVIRONMENTAL

Dear Sir or Madam:

On behalf of Mequon Pilgrims, LLC, ARCADIS G&M, Inc. has completed the enclosed Voluntary Party Liability Exemption (VPLE) Environmental Insurance Application to obtain a Certificate of Completion from the Wisconsin Department of Natural Resources (WDNR) for the subject site. Final closure for the Washington Square Mall site was received from the WDNR in a May 23, 2001 letter from Pamela Mylotta to Michael Weiss of Mequon Pilgrims, LLC. A copy of the closure letter is attached for your reference.

Milwaukee:
1 June 2001

Contact:
Jennine L. Cota

We trust this information will meet your needs. If you have any questions, or require additional information, please contact either of the undersigned.

Extension:
414 276 7742

Sincerely,

ARCADIS G&M

Jennine L. Cota
Staff Engineer

Michael S. Maierle, P.E.
Principal Engineer

Enclosures

copies:

Michael Weiss - Mequon Pilgrims, LLC
Chelle Nennig - Mequon Pilgrims, LLC
Donald P. Gallo - Reinhart, Boerner, Van Deuren, Norris & Rieselbach, S.C.
Mark Lemke - Firststar Bank Milwaukee, N.A.
Margaret Brunette - WDNR
Pamela Mylotta - WDNR

Notice: As required by ch. NR 754, Wis. Stats., voluntary parties must complete this form and pay an insurance fee in order to obtain the Voluntary Party Liability Exemption (VPLE) under s. 292.15(2)(ae), Stats., for sites where groundwater contamination exceeds enforcement standards and the department determines that natural attenuation will restore groundwater quality. This form must be completed by parties seeking a Certificate of Completion. The form should not be submitted until the voluntary party has completed the environmental investigation and remedial action and the DNR has approved the request for case closure. Personally identifiable information that is submitted to the DNR will become a public record and may be used by the DNR in the administration and enforcement of the hazardous substance spill program in addition to the liability exemption program.

Submit this form and the appropriate insurance fee, as specified in the annual VPLE Insurance Fee Schedule, together to the following address:

VPLE Coordinator
 Bureau for Remediation and Redevelopment
 Department of Natural Resources
 P.O. Box 7921
 Madison, WI 53707-7921

1 Property Information

VPLE Property Name

Washington Square Mall

BRRTS Activity Numbers (if there are multiple parcels, please list all BRRTS numbers that begin with 06 or 6)

02-67-125815

Street Address

N112 W15800 Mequon Road

City	State	ZIP Code
Germantown	WI	53022

Size (see fact sheet and fee schedule) 1 - 4.99 acres above 5 acres

Indicate which former use category and fee you think would be appropriate for your site using the definitions and information in the fact sheet and fee schedule. Note, however, that the DNR will make the final determination on the form use category and fee.

Former Use Category:	Fee
<input type="checkbox"/> residential <input type="checkbox"/> heavy industrial <input type="checkbox"/> light industrial <input checked="" type="checkbox"/> commercial <input type="checkbox"/> agricultural	\$11,397.00

Are you seeking Certificates for more than one legally defined parcel of land?

Yes No If yes, how many Certificates of Completion are you requesting?

DNR Region	DNR Project Manager (name)
<input checked="" type="checkbox"/> SER <input type="checkbox"/> SCR <input type="checkbox"/> NOR <input type="checkbox"/> NER <input type="checkbox"/> WCR	Margarette Brunette

2 Voluntary Party

Organization / Firm Name	Title
Mequon Pilgrims, LLC	<i>Authorized Agent</i> President

Last Name	First	MI	Telephone Number
Weiss	Michael	D	262-240-4400

Street Address	Fax Number
10532 N. Port Washington Rd	262-240-4401

City	State	ZIP Code	E-Mail Address
Mequon	WI	53092-5563	

2a Additional Voluntary Parties

Organization / Firm Name	Title

Last Name	First	MI	Telephone Number

Street Address	Fax Number

City	State	ZIP Code	E-Mail Address

3. Current Property Owner

Does the voluntary party (listed in #2) currently own the property?
 Yes No (If No, please list the party who currently owns the property.)

Organization / Firm Name			Title
Last Name	First	MI	Telephone Number
Street Address			Fax Number
City	State	ZIP Code	E-Mail Address

4. Future Property Owner

Does the current property owner (listed in #3) plan to maintain ownership of the property?
 Yes No Unknown (If No, please list the party who is expected to own the property after the current owner.)

Organization / Firm Name			Title
Last Name	First	MI	Telephone Number
Street Address			Fax Number
City	State	ZIP Code	E-Mail Address

Attachments (application will not be considered complete unless all attachments are included)


- Please attach:
- the applicable insurance fee made payable to the Wisconsin Department of Natural Resources
 - the legal property description of the property or properties receiving the certificate of Completion
 - a chronological list of all former uses of the property

Certification

I certify that I have read and am familiar with the information on this form and that the information is true, accurate and complete to the best of my knowledge.

I certify that to the best of my knowledge all the requirements of s. 292.15(2)(ae)1 through 6. Stats., have been met.

I hereby request that the DNR issue a Certificate of Completion for the remedial action completed at the property identified in the application under s. 292.15(2)(ae), Stats.

Voluntary party's Name (type or print) <i>Megvon Pittman, LLC</i>	Title <i>Authorized Agent</i>
Signature 	Date Signed <i>5/23/01</i>
<i>Michael D. Weiss</i>	

Any questions regarding this form or the insurance requirements described in ch. NR 754, Wis. Adm. Code., shall be directed to the DNR VPLE site project manager or to the DNR Land Recycling Team Leader at (608) 261-4927. Copies of the Annual VPLE Insurance Fee Schedule can be obtained from the DNR VPLE site project manager or the DNR Land Recycling Team Leader or see our website: www.dnr.state.wi.us/org/aw/rr/liability/purchasers_0.html

DOCUMENT NO. 785369

RECORDED

WARRANTY DEED

DOCUMENT NO.

98 JUN 26 PM 1:25

This Deed, made between DECADE 80-I, LTD., a Wisconsin Limited Partnership, Grantor, and MEQUON PILGRIMS, LLC, Grantee,

REGISTER OF DEEDS OF WASHINGTON COUNTY

Witnesseth, That the said Grantor, for a valuable consideration conveys to Grantee the following described real estate in Washington County, State of Wisconsin:

THIS SPACE RESERVED FOR RECORDING DATA

Parcel Three (3) of CERTIFIED SURVEY MAP No. 2680, recorded in the Washington County Registry on August 10, 1984 in Volume 14 of Certified Survey Maps on pages 333-340, as Document No. 470281 and being a redivision of Certified Survey Map No. 2344, being a part of the Southeast 1/4 of the Southeast 1/4 of Section 22, Township 9 North, Range 20 East, Village of Germantown, Washington County, Wisconsin.

NAME AND RETURN ADDRESS

Stephanie A. Lyons Godfrey + Rain, Inc. 750 N. Water St. Milwaukee, WI 53202

GTNV 224 984 PARCEL IDENTIFICATION NUMBER

This is not homestead property.

TRANSFER \$ 8025.00 FEE

Together with all and singular the hereditaments and appurtenances thereunto belonging; And the Grantor warrants that the title is good, indefeasible in fee simple and free and clear of encumbrances except municipal and zoning ordinances and agreements entered under them, recorded easements, recorded building and use restrictions and covenants, rights of tenants under written leases, general taxes levied in 1998 and thereafter, Cross-Easement Agreement recorded as Document No. 586057 as amended by Amendment recorded as Document No. 614885, all other recorded documents and matters which would be reflected on an accurate survey

and will warrant and defend the same.

Dated this 23rd day of June, 1998.

Signature lines for DECADE 80-I, LTD. and Jeffrey Keierleber, President.

AUTHENTICATION

Signature(s) Jeffrey Keierleber as President of Decade 80, Inc., as General Partner of Decade 80-I, Ltd.

authenticated this 23rd day of June, 1998

Mary Neese Fertl Mary Neese Fertl

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

ACKNOWLEDGMENT

STATE OF WISCONSIN) County)

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

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

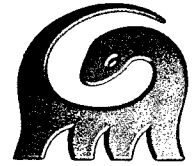
Notary Public County, Wis.

My Commission is permanent. (If not, state expiration date: 19.)

THIS INSTRUMENT WAS DRAFTED BY

Mary Neese Fertl, Esq.

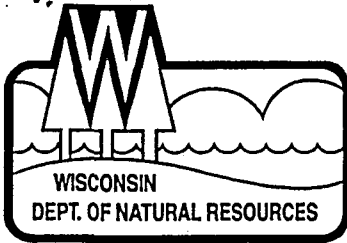
(Signatures may be authenticated or acknowledged. Both are not necessary.)



Washington Square Mall Property
N112 W15800 Mequon Road,
Germantown, Wisconsin

Chronological list of all former uses of the property:

- ⇒ Prior to site development, the site was utilized for agricultural purposes.
 - ⇒ A strip mall was constructed on the site between 1977 and 1980.
 - ⇒ The original strip mall was razed in 1998.
 - ⇒ A new strip mall development was completed in 1999.
-



State of Wisconsin \ DEPARTMENT OF NATURAL RESOURCES

Scott McCallum, Governor
Darrell Bazzell, Secretary
Gloria L. McCutcheon, Regional Director

Southeast Region Headquarters
2300 N. Dr. Martin Luther King, Jr. Drive
PO Box 12436
Milwaukee, Wisconsin 53212-0436
Telephone 414-263-8500
FAX 414-263-8716
TTY 414-263-8713

May 23, 2001

Mr. Michael Weiss, Mequon Pilgrims, LLC
c/o General Capitol
10532 N. Port Washington Rd.
Mequon, WI 53092-5563

Subject: Case Closure and VPLE Status - Washington Square Mall
N112 W15800 Mequon Rd., Germantown, Wisconsin
FID#267160740 BRRTs#02-67-125815 and 06-67-193272

Dear Mr. Weiss:

The Wisconsin Department of Natural Resources (WDNR) has reviewed the final closure documentation for the Washington Square Mall property, submitted on your behalf by Arcadis Geraghty & Miller, in a letter dated April 30, 2001. The submittal documents completion of the final conditions for case closure required by WDNR in our letter to you dated January 12, 2001. At that time, the WDNR indicated that investigation and remediation met the requirements for case closure under s. NR726.05, Wis. Adm. Code, with the following two exceptions:

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2. Record a groundwater use restriction for the property, in accordance with WDNR requirements. The recorded deed restriction was prepared under WDNR review and meets WDNR requirements.

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VPLE Status. Due to statutory changes and recent approval of chapter NR754, Wis. Adm. Code, your property may now be eligible to receive a Certificate of Completion in the Voluntary Party Liability Exemption process. Chapter NR 754 allows voluntary parties that use natural attenuation as a remedy for groundwater contamination, to obtain a Certificate of Completion before groundwater standards are met by paying an insurance fee. This new regulation applies only to voluntary parties who wish to receive a Certificate of Completion under these circumstances.

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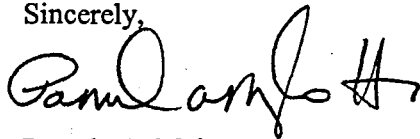
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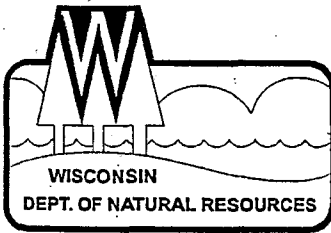
Your consultant has indicated that you will be submitting an insurance application form soon. Margaret Brunette, (414) 263-8557, will be returning to work in June, and she will work with you on the completion of your VPLE project. If you have any questions now about this letter or the insurance application form, please contact me at (414) 263-8758.

Sincerely,



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

c: Michael Maierle – Arcadis Geraghty & Miller
Margaret Brunette – SER
Michael Prager – RR/3



State of Wisconsin | DEPARTMENT OF NATURAL RESOURCES

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

Southeast Regional Headquarters
2300 N. Dr. ML King Drive, PO Box 12436
Milwaukee, Wisconsin 53212-0436
Telephone 414-263-8500
FAX 414-263-8606
TDD 414-263-8713

May 8, 2001

Mr. Michael Weiss
GCG Acquisitions LLP
3900 W. Brown Deer Road
Milwaukee, WI 53209

**Subject: Invoice #RROK101 for VPLE Project Oversight
Washington Square Mall, N112 W16240 Mequon Rd., Germantown
FID# 267160740, BRRT's # 06-67-193272**

Dear Mr. Weiss:

Thank you for participating in the Voluntary Party Liability Process. We appreciate your interest in remediating and redeveloping the above named property, in order to return it to productive use in the community.

As you are aware, state statutes require the Department of Natural Resources to review and approve all investigations and cleanups in this program, and authorize the Department to collect oversight costs from participants.

According to a review of Department hours spent on oversight of property activities through March 31, 2001, 146 hours have been spent by the Department for oversight of the investigation and cleanup of the site. The cost for Department oversight through June 30, 1999 was calculated at \$55 per hour; since that date, it is calculated at \$70 per hour. To date, we have received \$6325 in payments from you. This current invoice shows an amount due of \$2170.

Within 10 days of the issuance of this bill, you have the option of requesting, in writing, a list of department staff and the hours spent on oversight activities associated with your project. The Department will continue to track costs as they incur and inform you of any further amounts due.

Please send a check for the amount due, made payable to the Department of Natural Resources, to the address on the invoice, within 30 days of receipt of this letter. Please attach a copy of this letter to your check to speed processing.

For further information, please give me a call at (414) 263-8758. Again, thank you for your participation.

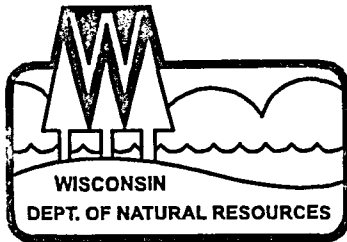
Sincerely,

Pamela A. Mylotta
Remediation and Redevelopment Program

cc: Darsi Foss – DNR/RR/3 Margaret Brunette – DNR/SER

Quality Natural Resources Management
Through Excellent Customer Service





State of Wisconsin \ DEPARTMENT OF NATURAL RESOURCES

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

Southeast Regional Headquarters
2300 N. Dr. ML King Drive, Box 12436
Milwaukee, Wisconsin 53212-0436
TELEPHONE 414-263-8500
FAX 414-263-8716
TDD 414-263-8713

May 11, 1999

FID#267160740
BRRTS#02-67-125815
BRRTS#06-67-193272

Mr. Michael D. Weiss
Mequon Pilgrims, LLC
10532 N. Port Washington Rd.
Mequon, WI 53092-5563

RE: Washington Square Mall
N112 W15800 Mequon Rd., Germantown

Dear Mr. Weiss:

The Department has received and reviewed the February 1999 Site Remediation Implementation Report for the above mentioned site prepared by ARCADIS Geraghty & Miller.

Based on the information submitted, the Department has determined that Mequon Pilgrims, LLC has successfully completed soil remediation activities in accordance with the Remedial Action Plan (RAP) developed for the site and approved by the Department. As a result of the completed soil remediation activities (excavation and off-site disposal), no further action will be required for the unsaturated soils in order to obtain final closure under NR726.05.

To meet the criteria for final site closure, Mequon Pilgrims, LLC will need to continue with groundwater remediation and monitoring activities in accordance with the approved RAP and subsequent comments (letter dated May 5, 1999).

If you have any questions please contact me at the above address or at (414)263-8557 or Frank Schultz at (414)263-8694.

Sincerely,

Margaret M. Graefe

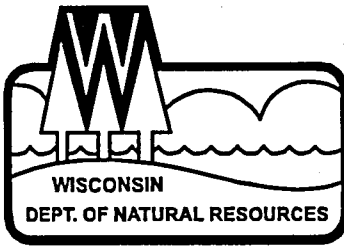
Margaret M. Graefe, P.G.
Hydrogeologist, Remediation and Redevelopment Team

cc: Michael Maierle - ARCADIS Geraghty & Miller



Quality Natural Resources Management
Through Excellent Customer Service





State of Wisconsin \ DEPARTMENT OF NATURAL RESOURCES

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

Southeast Regional Headquarters
2300 N. Dr. ML King Drive, Box 12436
Milwaukee, Wisconsin 53212-0436
TELEPHONE 414-263-8500
FAX 414-263-8716
TDD 414-263-8713

May 5, 1999

Mr. Michael D. Weiss, Partner
Mequon Pilgrims, LLC
10532 N. Port Washington Rd.
Mequon, WI 53092-5563

FID#267160740
BRRTS#02-67-125815
BRRTS#06-67-193272

RE: Washington Square Mall
N112 W15800 Mequon Rd., Germantown

Dear Mr. Weiss:

The Department has received and reviewed the February 1999 Site Remediation Implementation Report for the above mentioned site prepared by ARCADIS Geraghty & Miller. Based on the information submitted the Department has the following comments:

1. Based on the extensive excavation, the Department will not be requiring further action at this time for the PCE contaminated soils at the site.
2. Information from a piezometer installed within the contaminated/treatment area under the new building would have been very helpful. Because this well was not installed, please install a monitoring well/piezometer nest in a location as close to and downgradient of this area as possible (preferably between the biosparge wells and the building if possible).
3. What parameters are being used to assess potential impacts to the aquifer from the injection solution (to show control of the injection process)?
4. Quarterly monitoring of the aquifer should begin as soon as possible.

If you have any questions or comments please contact me at the above address or at (414)263-8557.

Sincerely,

Margaret M. Graefe

Margaret M. Graefe, P.G.
Hydrogeologist, Remediation and Redevelopment Team

cc: Michael Maierle - ARCADIS Geraghty & Miller



Quality Natural Resources Management
Through Excellent Customer Service

