

Continental Properties Company, Inc.

October 16, 1998
VIA HAND DELIVERY

Ms. Pam Mylotta
WISCONSIN DEPARTMENT OF NATURAL RESOURCES
2300 N. Dr. Martin Luther King Jr. Drive
Milwaukee, WI 53212

RE: Continental 87 Fund LLC
Off-Site Source Determination for the Ilmar Junge Property

Dear Ms. Mylotta:

Continental 87 Fund LLC (Continental) is requesting that the Wisconsin Department of Natural Resources (WDNR) provide a written determination of an off-site source for the Ilmar Junge property located at 1811 W. Silver Spring Drive in Glendale.

Concentrations of PCE and related degradation compounds were detected in the soil and groundwater samples collected at the Junge property. There is a known source of PCE contamination upgradient to the north of this site which the City of Glendale and their environmental consultant, HNTB, have completed a thorough investigation of this north property. Also, Continental has completed an extensive investigation of the former Wisconsin Gas Company parcel located to the east of the Junge property which showed the site to the north was contaminating that property. Copies of all of these reports are on file at the WDNR. The WDNR has issued an off-site source letter to Continental for the former Wisconsin Gas Company parcel.

Continental has an Offer to Purchase this property from Ilmar Junge and requests this off-site source determination prior to the transfer of ownership so that it is clear that Continental (including their partners, assigns, heirs, successors, lenders, and tenants) is not viewed as a responsible party for cleanup associated with the soil and groundwater contamination of the Junge property via the transport of PCE, TCE, and related degradation products onto the site.

Statute 292.13 Wis.Stats. provides that property owners are not responsible for remediating soil and groundwater contamination that "originated from a source on property that is not possessed or controlled" by said property owner, and if the property

Page 2
October 16, 1998

owner did not “possess or control the hazardous substances on the property on which the discharge originated or caused the discharge”. Continental does not possess or control the property to the north. Also, Continental does not possess or control the hazardous substances on the property on which the discharge originated or caused the discharge.

Enclosed for your review is the completed Off-Site Discharge Exemption Request application along with a copy of the Phase I ESA and Phase II Investigation completed for the Junge property. Also, enclosed is a check for the review fee.

If you have any questions on the enclosed materials, please contact me at 502-5500.

Sincerely,
CONTINENTAL PROPERTIES COMPANY, INC.



Kimberly Grimm
Development Coordinator

Enclosures

Cc: Renee Y. Bowerman, without enclosures
William Roush, without enclosures

Notice: Persons requesting an off-site discharge exemption letter ("off-site letter") from the Remediation and Redevelopment Program, as provided in s. 292.13, Wis. Stats., must provide the information requested on this application. Personally identifiable information collected may be used for purposes other than that for which it was originally collected. Under Wisconsin's open records laws, DNR is required to provide all non-confidential information to any person who requests it. Such information may be provided to the public in written or electronic form.

Instructions:

Throughout this application, "Property" refers to a property which has been impacted by hazardous substances that migrated from an off-site source.

1. Fill out separate forms if more than one person is requesting an off-site letter for the Property
2. Attach a check made payable to the DNR to this application form to cover Department review costs. To obtain current information on fees, call (800) 367-6076 for in-state long distance or (608) 264-6020 for out-of-state or local calls.
3. Return completed form to the DNR Regional office where the Property is located. The locations of Regional offices are listed at the end of this form.

Applicant Information - Person Requesting Off-Site Letter

Applicant Name - Last <u>Grimm</u>	First <u>Kimberly</u>	MI	Telephone Number <u>(414) 502-5500</u>
Company <u>Continental 87 Fund LLC</u>	Title <u>Development Coordinator</u>		Fax Number <u>(414) 502-5522</u>
Mailing Address <u>W133 N8569 Executive Parkway</u>		State <u>WI</u>	Zip Code <u>53051</u>
City <u>Menomonee Falls</u>			
Do you: <input type="checkbox"/> own or <input type="checkbox"/> lease the Property?		Do you intend to: <input checked="" type="checkbox"/> acquire or <input type="checkbox"/> lease the Property	

Environmental Consultant Name - Last <u>Krenek</u>	First <u>Craig</u>	MI <u>W.</u>	Telephone Number <u>(414) 259-1500</u>
Company <u>Graef, Anhalt, Schloemer & Associates, Inc.</u>	Title <u>Environmental Chemist</u>		Fax Number <u>(414) 259-0037</u>
Mailing Address <u>125 South 84th Street, Suite 401</u>		State <u>WI</u>	Zip Code <u>53214</u>
City <u>Milwaukee</u>			
Attorney Name - Last <u>Roush</u>	First <u>William</u>	MI <u>S.</u>	Telephone Number <u>(414) 225-1460</u>
Firm <u>Davis & Kuelthau</u>	Title <u>Attorney</u>		Fax Number <u>(414) 291-2678</u>
Mailing Address <u>111 E. Kilbourn, Suite 1400</u>		State <u>WI</u>	Zip Code <u>53202</u>
City <u>Milwaukee</u>			

If you intend to acquire or lease this Property, provide the following information about the current owner of the Property.

Property Owner Name - Last <u>Junge</u>	First <u>Ilmar</u>	MI	Telephone Number <u>(414) 228-7300</u>
Mailing Address <u>1811 W. Silver Spring Drive</u>		Fax Number	
City <u>Glendale</u>		State <u>WI</u>	Zip Code <u>53209</u>

Property Information - Property Impacted By Off-Site Discharge

Property/Facility Name <u>Junge & Associates</u>	County <u>Milwaukee</u>										
Public Land Survey Coordinates <u>legal description is attached</u>	Latitude	Longitude	Datum (check only one)								
Quarter-Quarter <table border="1"><tr><td>NW</td><td>NE</td></tr><tr><td>SW</td><td>SE</td></tr></table> Quarter <table border="1"><tr><td>NW</td><td>NE</td></tr><tr><td>SW</td><td>SE</td></tr></table> Section <u>31</u> Range <u>22</u> <input checked="" type="checkbox"/> E <input type="checkbox"/> W Township <u>8 N</u>	NW	NE	SW	SE	NW	NE	SW	SE	Degree _____	Minutes _____	<input type="checkbox"/> NAD27
NW	NE										
SW	SE										
NW	NE										
SW	SE										
	Seconds _____		<input type="checkbox"/> NAD83								
			<input type="checkbox"/> 1990 Adjustment								
	Method <u>ALTA Survey</u>	Accuracy									
Location Address (Street Name and Number) <u>1811 W. Silver Spring Drive</u>											
City <u>Glendale</u>		State <u>WI</u>	Zip Code <u>53209</u>								

Off-Site Discharge Exemption Request Application

Form 4400-201 (8/98) Page 2 of 3

Property Information - Property Impacted By Off-Site Discharge

Has a discharge to soil or groundwater been detected on the Property described?

Yes No

If contamination has been detected, has it been reported to the State? Yes No

If yes, check all that apply: DNR

Date Reported

Division of Emergency Government

10/16/98

Is the source of the contamination known?

Yes No

If yes, what is the source?

PCE contamination north of site

If yes, provide name of the property owner and address of the property where contamination is known or from which it is suspected to be migrating:

Source Property Owner Name - Last

First

MI

Telephone Number

Location Address of Contamination Source

Fax Number

City

State

Zip Code

Property Information Needed to Process Application

Provide the following information to process your application:

Include the following information for each submittal:

1. Map(s) showing Property location, and any suspected or known off-site source properties.
2. For any environmental data submitted, include:
 - a) Property map(s) showing sampling locations for all data submitted.
 - b) Interpretation of data signed by a qualified environmental professional.
 - c) Soil boring logs,
 - d) Groundwater monitor well construction, development and sampling logs,
 - e) Laboratory-provided data reports,
 - f) Survey information for groundwater elevations,
 - g) Chain of custody forms for all samples, and
 - h) Description of sample collection methods.

Document that the statutory criteria listed in A through C below are satisfied. Examples of information that may be used to document that the criteria are satisfied are provided.

- A. Document that there is hazardous substance contamination present in soil or groundwater on the Property. Examples of information include:

Analytical results and interpretations for samples collected from soil and/or groundwater on the Property, or at or near the Property line, that conclusively document the presence of a hazardous substance in either or both of these media on the Property. This information could be documented in a Phase II Environmental Assessment report.

- B. Document that the hazardous substance contamination present in soil or groundwater on the Property is migrating onto the Property from an off-site source. Examples of information include:

1. Information identifying known or suspected discharges of the hazardous substance on neighboring property(ies) (e.g., a Phase I Environmental Assessment report).
2. Soil and/or groundwater sample data and interpretations adequate to conclude that the hazardous substance is migrating onto the Property, such as:
 - Samples from monitoring wells located on the up-gradient side of the Property (include information to establish up-gradient direction), which show increasing contaminant concentrations toward the up-gradient Property boundary; or
 - off-site investigation results which provide information about groundwater flow direction and contaminant movement that convincingly document that hazardous substances from a known or suspected off-site source have impacted the Property.

- C. Document that the discharge of a hazardous substance is not from a source on the Property. Examples of information include:

1. Information related to historical activities, such as descriptions of chemicals used and handled, areas where chemicals were used and handled, and areas of potential discharges on the Property (e.g., a Phase I Environmental Assessment report).
2. Where the types of hazardous substances used, handled, or discharged on the Property are the same as the hazardous substances migrating on to the Property, provide environmental information (e.g., expanded Phase II environmental assessment data), including analytical results and interpretation for soil and groundwater samples collected from potential discharge areas.

Off-Site Discharge Exemption Request Application

Form 4400-201 (8/98) Page 3 of 3

Applicant Certification

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

I believe that I meet the criteria in s. 292.13, Wis. Stats., with respect to the fact that I never controlled or possessed the hazardous substances that have migrated onto the Property while they were on the source property, nor did I cause the hazardous substance discharge for which I am seeking this written exemption.

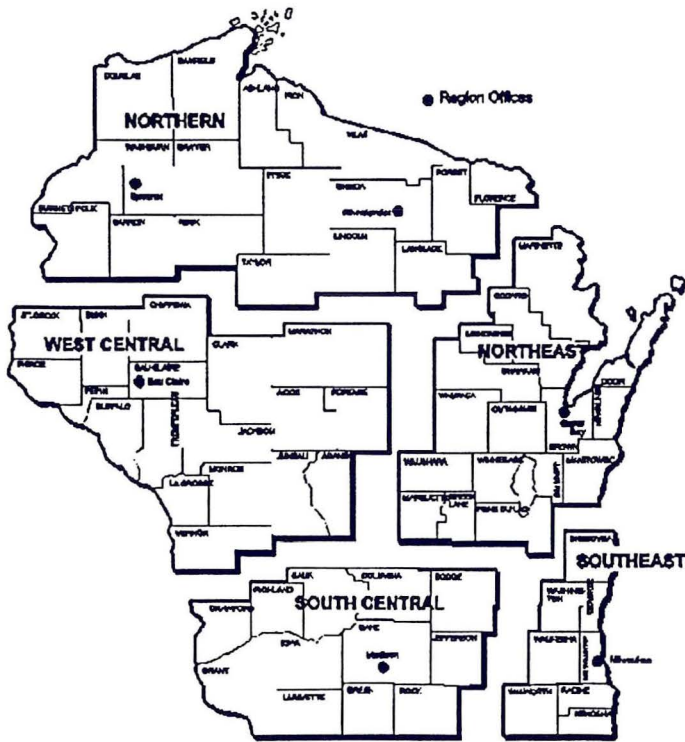
I understand that I retain the responsibility for any hazardous substance discharges that I caused or cause, and for any discharges whose source I possess or control on the Property or on other properties.

I understand that if I fail to satisfy the statutory requirements in s. 292.13, Wis. Stats., such as failing to provide access to the Property, the DNR has the authority to revoke the off-site exemption for the Property.

Applicant Name - Last	First	MI	Title
Continental 87 Fund LLC			
Signature By: <i>Daniel J. Minahan</i> Continental Properties Company, Inc., manager			Date
			10/16/98
By: <i>Daniel J. Minahan</i> Daniel J. Minahan, Executive Vice President			

For DNR Office Use Only

Date Received	BRRTS Activity Name	BRRTS Activity Code
Date Assigned	DNR Reviewer	BRRTS FID No. (if used)
Comments		Fee Enclosed
		<input type="checkbox"/> Yes
		<input type="checkbox"/> No
Date Approved	Date Additional Information Requested	Date Denied
		Date Withdrawn



NORTHERN REGION
Remediation & Redevelopment
Team Supervisor
Department of Natural Resources
107 Sutliff Avenue
Rhineland, WI 54501
(715) 365-8960

WEST CENTRAL REGION
Remediation & Redevelopment
Team Supervisor
Department of Natural Resources
P.O. Box 4001
Eau Claire, WI 54702-4001
(715) 839-3710

NORTHEAST REGION
Remediation & Redevelopment
Team Supervisor
Department of Natural Resources
1125 N. Military Avenue
P.O. Box 10448
Green Bay, WI 54307
(920) 492-5860

SOUTHEAST REGION
Remediation & Redevelopment
Team Supervisor
Department of Natural Resources
2300 N. Dr. Martin Luther King Jr. Dr.
P.O. Box 12436
Milwaukee, WI 53212
(414) 263-8561

SOUTH CENTRAL REGION
Remediation & Redevelopment
Team Supervisor
Department of Natural Resources
3911 Fish Hatchery Rd.
Fitchburg, WI 53711
(608) 275-3241

Legal Description

A parcel of land in the Northeast 1/4 of Section 31, Town 8 North, Range 22 East, in the City of Glendale, County of Milwaukee, State of Wisconsin, which is bounded and described as follows:

Commencing at a point in the North line of said 1/4 Section, 734.98 feet East of the Northwest corner thereof; running thence South, at right angles to said Section line 218 feet to a point; thence East on a line parallel with the North line of said Section, 80 feet to a point; thence North at right angles to said East line, 218 feet to a point in the North line of said Section; thence West along the North line of said Section, 80 feet to the place of beginning, excepting those portions thereof described in Document No. 2093314 and Document No. 3565048.

A parcel of land in the Northeast 1/4 of Section 31, Town 8 North, Range 22 East, in the City of Glendale, County of Milwaukee, State of Wisconsin, which is bounded and described as follows:

Commencing at that point in the North line of said 1/4 Section which is 639.98 feet East of the Northwest corner thereof; running thence South, at right angles to said Section line, 218 feet to a point; thence East on a line parallel to the North line of said 1/4 Section, 95 feet to a point; thence North at right angles to said East line, 218 feet to a point in the North line of said 1/4 Section; thence West along the North line of said 1/4 Section, 95 feet to the place of beginning, excepting those portions thereof described in Document No. 2093314 and Document No. 3581067.

Tax Key No. 145-9000

Address: 1811 W. Silver Spring Drive

