

23 Dec 04

**GIS REGISTRY INFORMATION**

SITE NAME: Clean Soils Inc., Soil Storage Facility #2  
 BRRTS #: 02-41-246568 FID # (if appropriate): 241851720  
 COMMERCE # (if appropriate): \_\_\_\_\_  
 CLOSURE DATE: September 10, 2004  
 STREET ADDRESS: 7045 S. 6th St. Oak Creek  
 CITY: Oak Creek

SOURCE PROPERTY GPS COORDINATES (meters in WTM91 projection):  
 X= 689533 Y= 273954

CONTAMINATED MEDIA: Groundwater  Soil  Both

OFF-SOURCE GW CONTAMINATION >ES:  Yes  No

IF YES, STREET ADDRESS 1: \_\_\_\_\_  
 GPS COORDINATES (meters in WTM91 projection): X= \_\_\_\_\_ Y= \_\_\_\_\_

OFF-SOURCE SOIL CONTAMINATION >Generic or Site-Specific RCL (SSRCL):  Yes  No

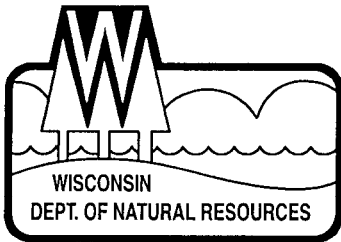
IF YES, STREET ADDRESS 1: \_\_\_\_\_  
 GPS COORDINATES (meters in WTM91 projection): X= \_\_\_\_\_ Y= \_\_\_\_\_

CONTAMINATION IN RIGHT OF WAY:  Yes  No

**DOCUMENTS NEEDED:**

- Closure Letter, and any conditional closure letter issued
- Copy of most recent deed, including legal description, for all affected properties
- Certified survey map or relevant portion of the recorded plat map (if referenced in the legal description) for all affected properties
- County Parcel ID number, if used for county, for all affected properties
- Location Map which outlines all properties within contaminated site boundaries on USGS topographic map or plat map in sufficient detail to permit the parcels to be located easily (8.5x14" if paper copy). If groundwater standards are exceeded, the map must also include the location of all municipal and potable wells within 1200' of the site.
- N/A Detailed Site Map(s) for all affected properties, showing buildings, roads, property boundaries, contaminant sources, utility lines, monitoring wells and potable wells. (8.5x14", if paper copy) This map shall also show the location of all contaminated public streets, highway and railroad rights-of-way in relation to the source property and in relation to the boundaries of groundwater contamination exceeding ch. NR 140 ESs and soil contamination exceeding ch. NR 720 generic or SSRCLs.
- N/A Tables of Latest Groundwater Analytical Results (no shading or cross-hatching)
- Tables of Latest Soil Analytical Results (no shading or cross-hatching)
- N/A Isoconcentration map(s), if required for site investigation (SI) (8.5x14" if paper copy). The isoconcentration map should have flow direction and extent of groundwater contamination defined. If not available, include the latest extent of contaminant plume map.
- N/A GW: Table of water level elevations, with sampling dates, and free product noted if present
- N/A GW: Latest groundwater flow direction/monitoring well location map (should be 2 maps if maximum variation in flow direction is greater than 20 degrees)
- N/A SOIL: Latest horizontal extent of contamination exceeding generic or SSRCLs, with one contour
- Geologic cross-sections, if required for SI. (8.5x14" if paper copy)
- RP certified statement that legal descriptions are complete and accurate
- N/A Copies of off-source notification letters (if applicable)
- N/A Letter informing ROW owner of residual contamination (if applicable)(public, highway or railroad ROW)
- Copy of (soil or land use) deed restriction(s) or deed notice if any required as a condition of closure

X
X
X
X
X
X
X
X



## State of Wisconsin \ DEPARTMENT OF NATURAL RESOURCES

Jim Doyle, Governor  
Scott Hassett, 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 414-263-8606  
TTY 414-263-8713

September 10, 2004

Mr. Charles Wilde  
Biogenesis Enterprises, Inc.  
7420 Alban Station Blvd; Suite B-208  
Springfield, Virginia 22150

SUBJECT: Final Case Closure – CleanSoils, Inc., Soils Storage Facility #2  
7045 South 6<sup>th</sup> Street, Oak Creek, WI 53154-1449  
WDNR BRRTS #: 02-41-246568; FID #: 241851720

Dear Mr. Wilde:

In August, 2002, your site as described above was reviewed for closure by the Department of Natural Resources. The Department reviews environmental remediation cases for compliance with state laws and standards to maintain consistency in the closure of these cases. On August 12, 2002, you were notified that conditional closure was granted to this case.

On September 10, 2004, the Department received correspondence indicating that you have complied with the conditions of closure. The conditions of closure required the responsible party to: a) sign and record a deed restriction on the property; and b) abandon the groundwater monitoring wells. Based on the correspondence provided, it appears that your site has been remediated to Department standards in accordance with s. NR 726.05, Wis. Adm. Code. The Department considers this case closed and no further investigation, remediation or other action is required at this time.

Your site will be listed on the DNR Remediation and Redevelopment GIS Registry of Closed Remediation Sites. Information that was submitted with your closure request application will be included on the registry. To review the sites on the GIS Registry web page, visit <http://gomapout.dnr.state.wi.us/org/at/et/geo/gwur/index.htm>

Please be aware that this case may be reopened pursuant to s. NR 726.09, Wis. Adm. Code, if additional information regarding site conditions indicates that contamination on or from the site poses a threat to public health, safety or welfare, or the environment.

The Department appreciates your efforts to restore the environment at this site. If you have any questions regarding this letter, please contact me at (414) 263-8639.

Sincerely,

Eric Amadi

Hydrogeologist - SER/Milwaukee

cc: David Ruetz Esq. – Whyte Hirschboeck Dudek S.C., 555 E. Wells St.,  
Suite 1900, Milwaukee, WI 53202.  
Katherine Martin – RMT, Inc., 744 Heartland Trail, Madison, WI 53717  
SER Case File #: 02-41-246568



August 12, 2002

Mr. David Kress  
CleanSoils, Inc.  
84 Second Avenue S.E.  
New Brighton, MN 55112

Subject: Conditional Case Closure - GIS Soil Registry  
CleanSoils, Inc., Soil Storage Facility #2  
7045 South 6<sup>th</sup> Street, Oak Creek, Wisconsin, 53154 -1449  
WDNR BRRTS #: 02-41-246568; FID #: 241851720

Dear Mr. Kress:

On August 6, 2002, your request for closure of the case described above was reviewed by the Southeast Regional Closure Committee (Committee). The Committee reviews environmental remediation cases for compliance with state rules and statutes to maintain consistency in the closure of these cases. After careful review of the closure request, the Committee has determined that the petroleum and non petroleum contamination on the site from the stockpiled soils located on the property appear to have been investigated and remediated to the extent practicable under site conditions. Your case will be closed under s. NR 726.05, Wis. Adm. Code, if the following conditions are satisfied:

#### **MONITORING WELL ABANDONMENT**

The monitoring wells at the site must be properly abandoned in compliance with ch. NR 141, Wis. Adm.. Documentation of well abandonment must be submitted to the Department on Form 3300-5B found at [www.dnr.state.wi.us/org/water/dgw/gw/](http://www.dnr.state.wi.us/org/water/dgw/gw/) or provided by the Department.

#### **DEED RESTRICTION FOR CONTAMINATED SOIL**

The closure committee has required that a deed restriction be signed and recorded to address the issue of the remaining soil contamination associated with the site. The purpose of the restriction is to maintain a surface barrier over the remaining soil contamination to prevent it from impacting human health and the environment, and/or require that the owner of the property investigate the degree and extent of residual contamination that is currently inaccessible, if structural impediments that currently exist on the property are removed.

You will need to submit a draft deed restriction to me before the document is signed and recorded. You may find a model deed restriction enclosed for your use or visit our web site at [www.dnr.state.wi.us/org/rr](http://www.dnr.state.wi.us/org/rr). To assist us in our review of the deed restriction, you should submit a copy of the property deed to me along with the draft document. After the Department of Natural Resources has reviewed the draft document for completeness, you should sign it if you own the property, or have the appropriate property owner sign it, and have it recorded by the Milwaukee County Register of Deeds. Then you must submit a copy of the recorded document, with the recording information stamped on it, to me. Please be aware that if a deed restriction is recorded for the wrong property because of an inaccurate legal description that you have provided, you will be responsible for recording corrected documents at the Register of Deeds Office to correct the problem.

## **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 414-263-8606  
TTY 414-263-8713

**GIS SOIL REGISTRY**

Your site will be listed on the DNR Remediation and Redevelopment GIS Registry of Closed Remediation Sites. The information required for the registry is enclosed. Please submit the required information in order for us to place your site on the registry. To review the sites on the GIS Registry web page, visit <http://gomapout.dnr.state.wi.us/org/at/et/geo/gwur/index.htm>

Recent groundwater monitoring data at this site indicates exceedances of the NR 140 preventive action limit (PAL) for benzo(a)pyrene, benzo(b)flouranthene & chrysene at TMW-1, and for chrysene at TMW-2, but compliance with the NR 140 enforcement standard. The Department may grant an exemption to a PAL for a substance of public health concern, pursuant to s. NR 140.28(2)(b), Wis. Adm. Code, if all of the following criteria are met:

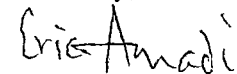
1. The measured or anticipated increase in the concentration of the substance will be minimized to the extent technically and economically feasible.
2. Compliance with the PAL is either not technically or economically feasible.
3. The enforcement standard for the substance will not be attained or exceeded at the point of standards application.
4. Any existing or projected increase in the concentration of the substance above the background concentration does not present a threat to public health or welfare.

Based on the information you provided, the Department believes that the above criteria have been or will be met because of the remedial actions (source soil removal and groundwater monitoring) that have occurred at this site. Therefore, pursuant to s. NR 140.28(2)(b), Wis. Adm. Code, an exemption to the PAL is granted for benzo(a)pyrene, benzo(b)flouranthene and chrysene at TMW-1 and chrysene at TMW-2. This letter serves as your exemption.

Please be aware that the case may be reopened pursuant to s. NR 726.09, Wis. Adm. Code, if additional information regarding site conditions indicates that contamination on or from the site poses a threat to public health, safety, or welfare or to the environment.

We appreciate your efforts to restore the environment at this site. If you have any questions regarding this letter, please contact me at (414) 263-8639.

Sincerely,



Eric Amadi  
Hydrogeologist - SER/Milwaukee  
Bureau for Remediation & Redevelopment

enclosure: Checklist of Documents for GIS Registry Packet

cc: Katherine Martin - RMT, Inc.,  
Bill Phelps - DG/2; SER Case File #: 02-41-246568

# CERTIFIED SURVEY MAP

OF THAT PART OF THE WEST 30 ACRES OF THE  
WEST 1/2 OF THE SOUTH 1/2 OF THE

SOUTHEAST 1/4 OF SECTION 5,  
TOWNSHIP 5 NORTH, RANGE 22 EAST,  
CITY OF OAK CREEK

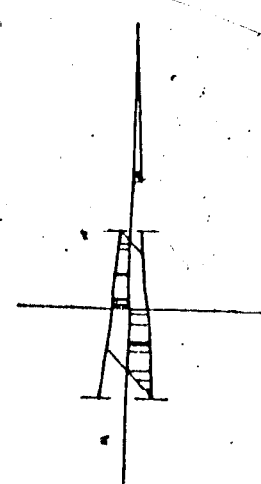
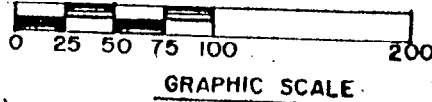
MILWAUKEE COUNTY, WISCONSIN.

4353383 #754

REGISTER'S OFFICE  
Milwaukee County, Wis. - 2:20 PM  
RECORDED AT

in OCT 26 1967 in  
387 Image 1277 to

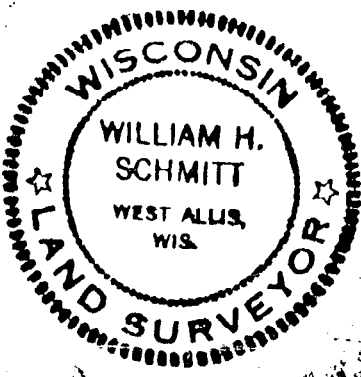
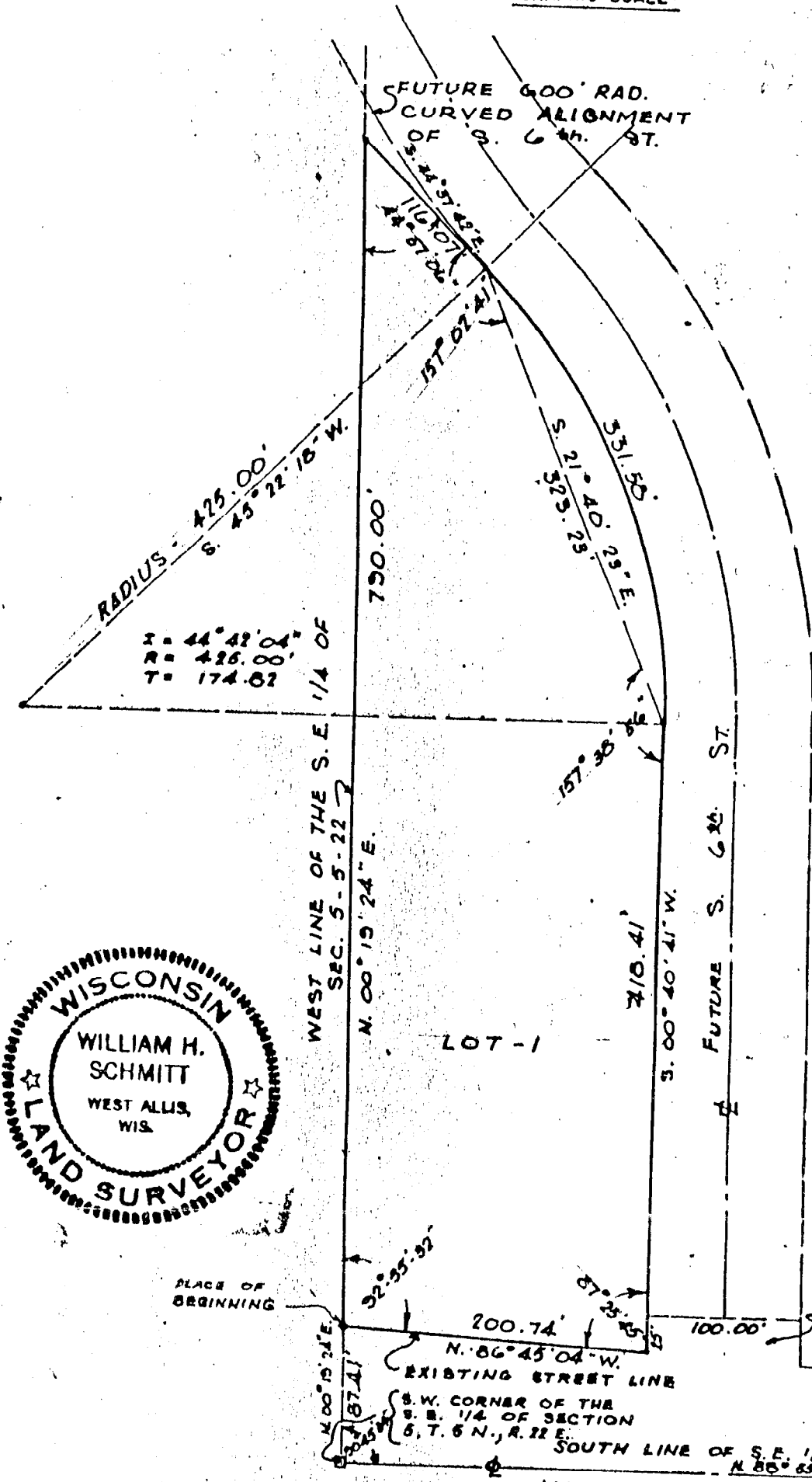
Melan Patten 1279 incl  
Register of Deeds



SCALE: 1" = 100'  
O DENOTES 1" IRON  
PIPE 24" LONG  
1.15 486 / FT.

ALL BEARINGS & NORTH  
SIGN ARE REFERRED TO  
GRID NORTH OF THE  
WISCONSIN STATE PLANE  
COORDINATE SYSTEM.

LANDS



PLACE OF BEGINNING

PORTION OF STREET  
DEDICATED BY PREVIOUS  
AGREEMENT.

W. RAWSON AVE.  
Sheet 1 of 3 Sheets

4353383  
911079

# CERTIFIED SURVEY MAP

Of That Part Of The West 30 Acres of The West  
1/2 of the South 1/2 of the Southeast 1/4 of  
Section 5, Township 5 North, Range 22 East,

CITY OF OAK CREEK  
MILWAUKEE COUNTY, WISCONSIN

## SURVEYOR'S CERTIFICATE

STATE OF WISCONSIN ( SS  
COUNTY OF MILWAUKEE (

I, WILLIAM H. SCHMITT, LAND SURVEYOR, do hereby certify:

THAT I have surveyed and mapped a parcel of land lying in the West 30 acres of the West One-half (1/2) of the South One-half (1/2) of the Southeast One-Quarter (1/4) of Section numbered Five (5), Township numbered Five (5) North, Range numbered Twenty-two (22) East, in the City of Oak Creek, Milwaukee County, State of Wisconsin, bounded and described as follows, to-wit: BEGINNING at a point in the West line of said Southeast 1/4 of Section 5 which is also a point in the North Right-of-way line of West Rawson Avenue, said point being 87.41 feet North 00 degrees 19 minutes 24 seconds East from the Southwest corner of said 1/4 Section; running thence North 00 degrees 19 minutes 24 seconds East along and upon the West line of said 1/4 Section 790.00 feet to a point; thence South 44 degrees 37 minutes 42 seconds East 116.07 feet to the point of beginning of a curve (which is also on the Westerly line of future South 6th. Street) having a radius of 425.00 feet bearing South 45 degrees 22 minutes 18 seconds West and having a chord of 323.23 feet bearing South 21 degrees 40 minutes 23 seconds East; thence Easterly along the Westerly line of future South 6th. Street along the arc of said curve 331.58 feet to the point of tangent; thence South 00 degrees 40 minutes 41 seconds West on the Westerly line of future South 6th. Street 418.41 feet to a point in the North Right-of-way line of West Rawson Avenue; thence North 86 degrees 45 minutes 04 seconds West 200.74 feet along the North Right-of-way line of West Rawson Avenue to the place of beginning. Containing in all 3.13165 acres of land more or less.

THAT I have made this survey, land division and map by the direction of Frank Schroeder and Mabel Schroeder, his wife, owners of said land.

THAT such map is a correct representation of all the exterior boundaries of the land surveyed and the land division thereof made.

THAT I have fully complied with the provisions of Chapter 236 of the Wisconsin Statutes and Ordinance No. 82 of the City of Oak Creek in Surveying, dividing and mapping the same.

September 8, 1967

*William H. Schmitt* S-626  
William H. Schmitt, Land Surveyor

## OWNER'S CERTIFICATE OF DEDICATION

AS OWNERS, WE hereby certify that we have caused the land described above to be surveyed, divided, mapped and dedicated as represented on this map in accordance with the requirements of Ordinance No. 82 of the City of Oak Creek.

WITNESS the hand and seal of said owners this 25<sup>th</sup> day of September 1967.

In the presence of:

*James R. Schauer*

*Frank Schroeder* (SEAL)  
Frank Schroeder

*Carol M. Kennedy*

*Mabel Schroeder* (SEAL)  
Mabel Schroeder, his wife

# CERTIFIED SURVEY MAP

Of That Part Of The West 30 Acres Of The West  
1/2 of The South 1/2 Of The Southeast 1/4 Of  
Section 5, Township 5 North, Range 22 East,

CITY OF OAK CREEK  
MILWAUKEE COUNTY, WISCONSIN

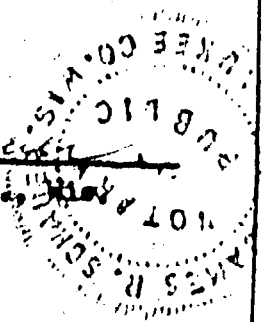
STATE OF WISCONSIN ( SS  
COUNTY OF MILWAUKEE (

PERSONALLY came before me this 25<sup>th</sup> day of September, 1967, the  
above named Frank Schroeder and Mabel Schroeder, his wife, to me known to be  
the persons who executed the foregoing instrument and acknowledged the same.

My commission expires:

is permanent

James R. Schaefer  
Notary Public, Milwaukee Co., Wis.



## PLANNING COMMISSION APPROVAL

APPROVED by the Planning Commission of the City of Oak Creek on this  
4<sup>th</sup> day of October, 1967.

Arthur Abendschein  
Arthur Abendschein, Chairman

Fredrick G. Fairbanks  
Fredrick G. Fairbanks, Secretary

**CERTIFIED SURVEY MAP**

OF PARCEL ONE OF CERTIFIED SURVEY MAP NO. 1249, AS RECORDED IN THE OFFICE OF THE REGISTER OF DEEDS OF MILWAUKEE COUNTY, WISCONSIN, AS DOCUMENT NO. 4520324, LYING IN THE SW 1/4 OF THE SE 1/4 OF SECTION 5, T 5 N, R 22 E, IN THE CITY OF OAK CREEK, MILWAUKEE COUNTY, WISCONSIN.

MAP NUMBER  
REEL NUMBER  
IMAGE NUMBER

RECORDING DATE  
DOCUMENT NUMBER

SURVEYOR'S AFFIDAVIT  
STATE OF WISCONSIN]

:SS  
MILWAUKEE COUNTY [

I, KENNETH E. BERKE, a registered Wisconsin Land Surveyor, do hereby certify:

THAT I have surveyed and mapped a part of Parcel One of Certified Survey Map No. 1249, as recorded in the Office of the Register of Deeds of Milwaukee County, Wisconsin, as Document No. 4520324, lying in the S W 1/4 of the SE 1/4 of Section 5, T 5 N, R 22 E, in the City of Oak Creek, Milwaukee County, Wisconsin, bounded and described as follows:

Commencing at the Southwest corner of said 1/4 Section; thence North 00° 19' 24" East along the West line of said 1/4 Section 877.41 ft. to the point of beginning of the land to be described; thence North 00° 19' 24" East along the West line of Parcel 1 aforesaid 450.84 ft. to a point; thence South 88° 48' 08" East along the North line of Parcel 1 aforesaid 985.09 ft. to a point; thence South 00° 26' 02" West along the East line of Parcel 1 aforesaid 1261.24 ft. to a point; thence North 88° 55' 02" West along the South line of Parcel 1 aforesaid 174.90 ft. to a point; thence Westerly along the South line of Parcel 1 aforesaid 232.34 ft. along the arc of a curve whose center lies to the North whose radius is 11,394.16 ft. and whose chord bears North 88° 19' 59" West 232.34 ft. to a point; thence North 00° 40' 41" East along the West line of Parcel 1 aforesaid 396.67 ft. to a point; thence North 88° 55' 02" West along a South line of Parcel 1 aforesaid 275.00 ft. to a point; thence South 00° 40' 41" West along an East line of Parcel 1 aforesaid 358.51 ft. to a point; thence North 89° 19' 19" West along a South line of Parcel 1 aforesaid 100.00 ft. to a point; thence North 00° 40' 41" East along the West line of Parcel 1 aforesaid 393.41 ft. to a point; thence Northwesterly along the Westerly line of Parcel 1 aforesaid 331.58 ft. along the arc of a curve whose center lies to the West, whose radius is 425.00 ft. and whose chord bears North 21° 40' 23" West 323.23 ft. to a point; thence North 44° 37' 42" West along a Westerly line of Parcel One aforesaid 116.07 ft. to the point of beginning.

THAT I have made such survey, land-division and map by the direction of CITY OF OAK CREEK, owner of said land.

THAT such map is a correct representation of all the exterior boundaries of the land surveyed and the land division thereof made.

THAT I have fully complied with the provisions of Chapter 236 of the Wisconsin Statutes and Ordinance No. 82 of the City of Oak Creek, in surveying, dividing and mapping the same.

6/23/70  
Date

Kenneth E Berke [SEAL]  
Kenneth E Berke, Registered Wisconsin  
Land Surveyor S 107

**NATIONAL SURVEY SERVICE**

**CIVIL ENGINEERS AND SURVEYORS**

3470 N. 127TH ST. (414) 781-3010

BROOKFIELD, WISCONSIN 53005

KENNETH E. BERKE - REGISTERED WIS. LAND SURVEYOR



# CERTIFIED SURVEY MAP

OF PARCEL ONE OF CERTIFIED SURVEY MAP NO. 1249, AS RECORDED IN THE OFFICE OF THE REGISTER OF DEEDS OF MILWAUKEE COUNTY, WISCONSIN, AS DOCUMENT NO. 4520324, LYING IN THE SW 1/4 OF THE SE 1/4 OF SECTION 5, T 5 N, R 22 E, IN THE CITY OF OAK CREEK, MILWAUKEE COUNTY, WISCONSIN.

## CORPORATE OWNER'S CERTIFICATE OF DEDICATION

THE CITY OF OAK CREEK, a Municipal Corporation duly organized and existing under and by virtue of the laws of the State of Wisconsin, as owner, does hereby certify that said Corporation caused the land described on this map to be surveyed, divided, mapped and dedicated as represented on this plat in accordance with the requirements of Ordinance No. 82 of the City of Oak Creek.

IN WITNESS WHEREOF, the said CITY OF OAK CREEK, has caused these presents to be signed by ARTHUR ABENDSCHEIN, its Mayor and countersigned by LAVERNE C. GUTKNECHT, its Clerk, at Oak Creek, Wisconsin, and its Corporate seal to be hereunto affixed on this 28<sup>th</sup> day of July, 1970.

In The Presence of:

CITY OF OAK CREEK

Caroline M. Wagner

Arthur Abendschein SEAL  
Arthur Abendschein, Mayor

COUNTERSIGNED:

Carl Marsh

LaVerne C. Gutknecht SEAL  
LaVerne C. Gutknecht, Clerk

STATE OF WISCONSIN]

:SS

MILWAUKEE COUNTY [

PERSONALLY came before me this 28<sup>th</sup> day of July, 1970 ARTHUR ABENDSCHEIN, Mayor and LAVERNE C. GUTKNECHT, Clerk of the above named Corporation, to me known to be the persons who executed the foregoing instrument and to me known to be such Mayor and Clerk of said Corporation, and acknowledged that they executed the foregoing instrument as such officers as the deed of said Corporation, by its authority.

Elizabeth Williams [SEAL]

Notary Public, State of Wisconsin  
My Commission Expires 5/15/71  
My Commission is Permanent.

## PLANNING COMMISSION APPROVAL

APPROVED by the Planning Commission of the City of Oak Creek, on this 15<sup>th</sup> day of July, 1970.

Arthur Abendschein  
Chairman

Fredrick J. Fairbanks  
Secretary

NATIONAL SURVEY SERVICE  
CIVIL ENGINEERS AND SURVEYORS

3470 N. 127TH ST. (414) 781-3010  
BROOKFIELD, WISCONSIN 53005

KENNETH E. BERKE - REGISTERED WIS. LAND SURVEYOR

# CERTIFIED SURVEY MAP

OF PARCEL ONE OF CERTIFIED SURVEY MAP NO. 1249, AS RECORDED IN THE OFFICE OF THE REGISTER OF DEEDS OF MILWAUKEE COUNTY, WISCONSIN, AS DOCUMENT NO. 4520324, LYING IN THE SW 1/4 OF THE SE 1/4 OF SECTION 5, T 5 N, R 22 E, IN THE CITY OF OAK CREEK, MILWAUKEE COUNTY, WISCONSIN.

## COMMON COUNCIL APPROVAL

APPROVED by the Common Council of the City of Oak Creek on this 21<sup>st</sup> day of July, 1970, by Resolution No. 2083-070170

Arthur Schubert  
Mayor

L. Thomas W. Berke  
City Clerk

NATIONAL SURVEY SERVICE  
CIVIL ENGINEERS AND SURVEYORS

JUL 27 '10 2-9-931 4539244

A REC

5.00

# CERTIFIED SURVEY MAP

OF PARCEL ONE OF CERTIFIED SURVEY MAP NO. 1249, AS RECORDED IN THE OFFICE OF THE REGISTER OF DEEDS OF MILWAUKEE COUNTY, WISCONSIN, AS DOCUMENT NO. 4520324, LYING IN THE SW 1/4 OF THE SE 1/4 OF SECTION 5, T 5 N, R 22 E, IN THE CITY OF OAK CREEK, MILWAUKEE COUNTY, WISCONSIN.

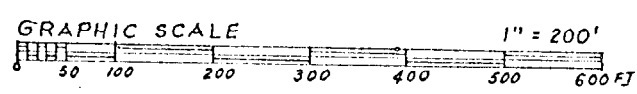
MAP NUMBER  
REEL NUMBER  
IMAGE NUMBER

RECORDING DATE  
DOCUMENT NUMBER

*map #1332*

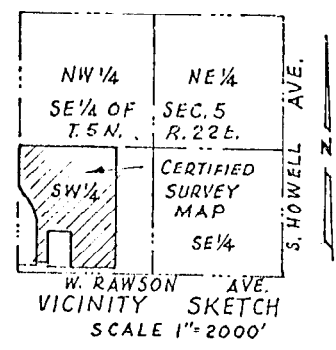
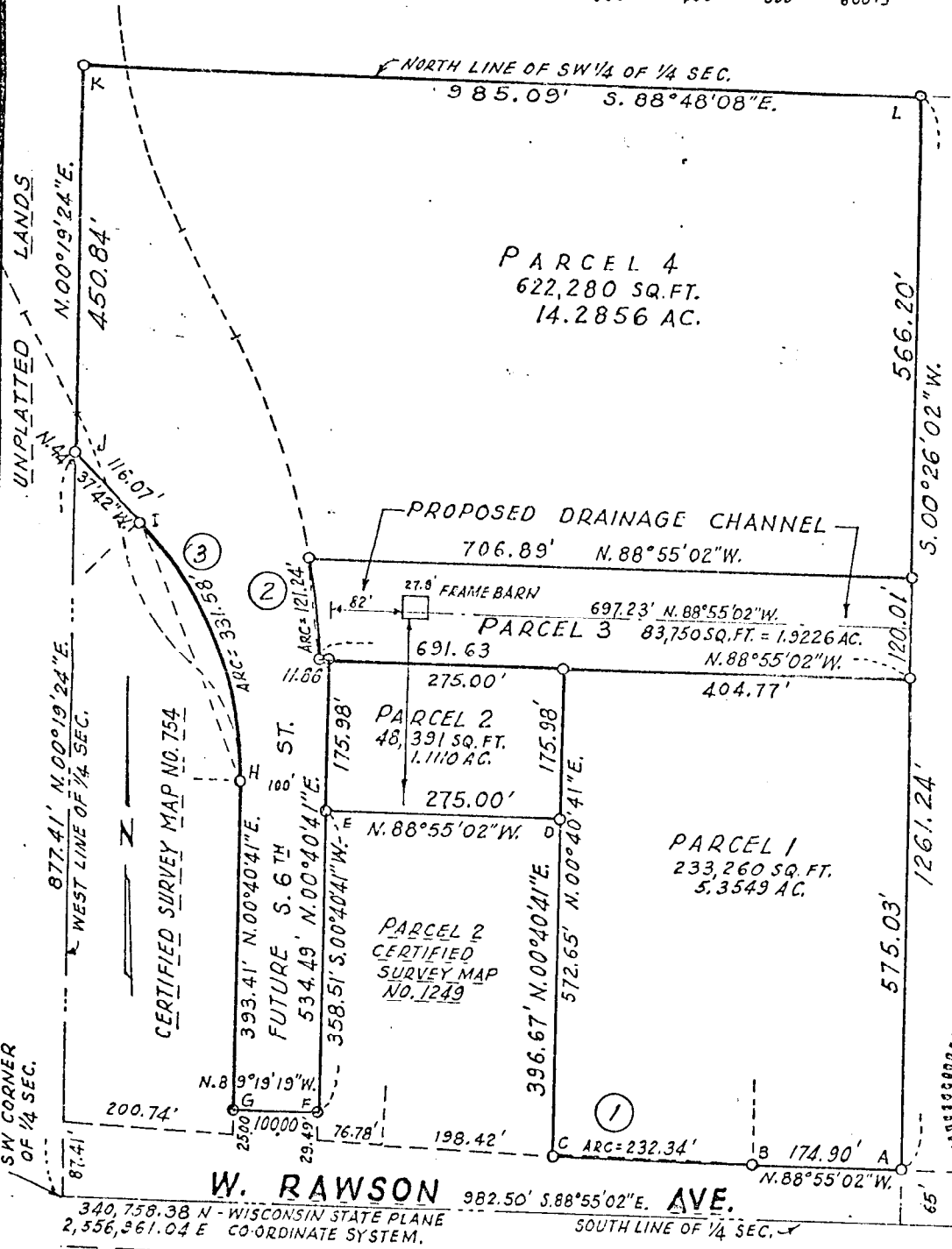
**4539244**

REGISTER'S OFFICE  
Milwaukee County, Wis.  
RECORDED AT *1:40 P M*



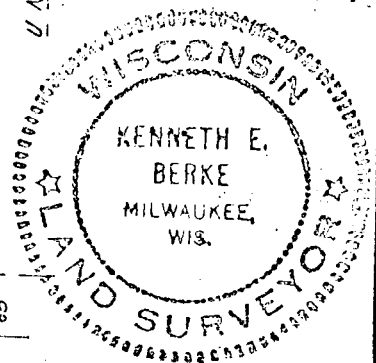
on JUL 29 1970 in  
Reel *542* Image *991 to 994*

*Adela Horbinski incl*  
Register of Deeds



INTERIOR ANGLES

A	89° 21' 04"
B	179° 24' 57"
C	30° 53' 20"
D	269° 35' 43"
E	270° 24' 17"
F	90° 00' 00"
G	90° 00' 00"
H	202° 21' 04"
I	202° 57' 19"
J	135° 02' 54"
K	89° 07' 32"
L	90° 45' 50"



**W. RAWSON AVE.**  
340,758.38 N - WISCONSIN STATE PLANE  
2,556,961.04 E CO-ORDINATE SYSTEM.

UNPLATTED LANDS

CURVE DATA

NO.	RADIUS	ARC	CHORD	CHORD BEARING	Δ ANGLE	Δ/2 ANGLE
1	11,394.16'	232.34'	232.34'	N. 88° 19' 59" W.	01° 10' 06"	00° 35' 03"
2	910.00'	121.24'	121.15'	N. 06° 48' 06" W.	07° 38' 00"	03° 49' 00"
3	425.00'	331.58'	323.23'	N. 21° 40' 23" W.	44° 42' 04"	22° 21' 02"

NOTE:  
o DENOTES 1" DIA. IRON PIPE - 24" LONG - WEIGHT 1.13 LBS./LIN. FT.  
BEARINGS ARE REFERRED TO GRID NORTH - WISCONSIN STATE PLANE COORDINATE SYSTEM - SOUTH ZONE.

**NATIONAL SURVEY SERVICE**  
CIVIL ENGINEERS AND SURVEYORS  
3470 N. 127TH ST. (414) 781-3010  
BROOKFIELD, WISCONSIN 53005  
KENNETH E. BERKE - REGISTERED WIS. LAND SURVEYOR

NOTE FOR THE GIS REGISTRY

The parcel being registered is Parcel 3 on Exhibit A on the Warranty Deed. The other parcels on Exhibit A (Parcels 1,2, & 4) are not being registered because they are outside the boundaries of contamination.



Charles L. Wilde  
Vice President  
BioGenesis Enterprises, Inc.  
5/12/04

DOCUMENT NO.

WARRANTY DEED  
STATE BAR OF WISCONSIN FORM 2 — 1982

THIS SPACE RESERVED FOR RECORDING DATA

6372390

REGISTER'S OFFICE  
Milwaukee County, WI

RECORDED AT-3 00 PM

APR 20 1990 6672

REEL 2440 IMAGE 670

*Handwritten signature*

REGISTER OF DEEDS

RETURN TO CHESLEY P. GRAY JR.  
P.O. Box 444  
Milwaukee, WI 53051

Tax Parcel No: 735-9990, 9991 and 9992, 734-9001-001

Wisconsin Industrial Fuel Oil, Inc.,  
a Wisconsin corporation

conveys and warrants to  
BioVersal USA, Inc.,  
an Illinois corporation

the following described real estate in Milwaukee County,  
State of Wisconsin:

See Exhibit A attached hereto.

TRANSFER

\$ 900.00  
FEE

RECORD 6372390 10.00

RTX 900.00

This is not homestead property.  
(is not)

Exception to warranties: municipal and zoning ordinances, recorded easements and building and use restrictions and covenants, and general taxes for 1990, and encumbrances resulting from acts done or suffered by or judgments against grantee as Lessee of this Property under that certain Lease Agreement dated June 15, 1989.

Dated this 17th day of April, 1990

WISCONSIN INDUSTRIAL FUEL OIL, INC.

By: *Jeffrey Kelling* (SEAL)

\* Jeffrey Kelling, President

Attest: *Andrea B. Cissa* (SEAL)

\* Andrea B. Cissa - Assistant Secretary

AUTHENTICATION

Signature(s) *JEFFREY KELLING and ANDREA B. CISSA*

authenticated this 17th day of April, 1990

*William R. West*  
\* William R. West

TITLE: MEMBER STATE BAR OF WISCONSIN

(If not, authorized by § 706.06, Wis. Stats.)

THIS INSTRUMENT WAS DRAFTED BY

*William R. West*

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

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)

\*Names of persons signing in any capacity should be typed or printed below their signatures.

m16253

DOCUMENT NO.

STATE BAR OF WISCONSIN FORM 13 - 1988  
SATISFACTION OF MORTGAGE

6426800

THIS SPACE RESERVED FOR RECORDING DATA

REGISTER'S OFFICE  
MILWAUKEE COUNTY WIS.

'90 OCT 15 19:20

REEL 2500 PAGE 885  
Walter C. ... REGISTER  
OF DEEDS

The undersigned certifies that Wisconsin Industrial Fuel Oil, Inc., a Wisconsin corporation is the present owner of a mortgage executed by BioVersal USA, Inc., an Illinois corporation to Wisconsin Industrial Fuel Oil, Inc.

to secure payment of \$50,000.00, dated April 17, 1990, recorded in the office of the Register of Deeds of Milwaukee County, Wisconsin, on April 20, 1990, as Document Number 6372391, in (Reel) 2440 (Records) (Image) of (Mortgage) 671-674 has a right to satisfy the same, and hereby satisfies the above described mortgage.

RETURN TO Chesley P. Erwin, Esq.  
Post Office Box 444  
Menomonee Falls, Wisconsin 53095

6426800  
8.0

Dated this 15th day of June, 1990

Wisconsin Industrial Fuel Oil, Inc.

(SEAL) By: Jeffrey J. Felling, President (SEAL)

(SEAL) Attest: Andrea B. Cissa, Assistant Secretary (SEAL)

AUTHENTICATION

ACKNOWLEDGMENT

Signature(s) \_\_\_\_\_

STATE OF WISCONSIN

authenticated on this 3rd day of October, 1990

County, } ss.  
Personally came before me this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_ the above named

CHESLEY P. ERWIN, JR.  
TITLE: MEMBER STATE BAR OF WISCONSIN

(If not authorized by § 700.06, Wis. Stats.)

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

THIS INSTRUMENT WAS DRAINED BY

William R. West, Esq.

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

Notary Public \_\_\_\_\_ County, Wis.  
My Commission is permanent. (If not, state expiration date: \_\_\_\_\_, 19\_\_\_\_.)

\*Names of persons signing in any capacity should be typed or printed below their signature.

## EXHIBIT "A"

PARCEL 1:

That part of the Southwest 1/4 of Section 5, Township 5 North, Range 22 East, in the City of Oak Creek, Milwaukee County, Wisconsin, which is bounded and described as follows, to-wit: Commencing at a point in the East line of the Southwest 1/4 of Section 5, Township 5 North, Range 22 East; said point being 70.00 feet North 00°53' West from the Southeast corner thereof; running thence West on a line parallel to the South line of said 1/4 Section, 600.58 feet to a point in the Easterly right of way line of the Chicago, Milwaukee, St. Paul and Pacific Railroad; thence North 6°00' West along the Easterly right of way line of said Railroad 599.25 feet to a point; thence East on a line parallel to the South line of said 1/4 Section 652.93 feet to a point in the East line of the aforesaid 1/4 Section; thence South 00°53' East along the East line of said 1/4 Section, 596.00 feet to the point of beginning. EXCEPT that part of the Southwest 1/4 of Section 5, Township 5 North, Range 22 East, in the City of Oak Creek, Milwaukee County, Wisconsin, bounded and described as follows: Beginning at a point in the East line of said 1/4 Section, said point being 70.00 feet North 0°53' West from the Southeast corner thereof; running thence West on a line parallel to the South line of said 1/4 Section 600.58 feet to a point in the Easterly Right-of-Way line of the Chicago, Milwaukee, St. Paul and Pacific Railroad; thence North 6°00' West along the Easterly Right-of-Way line of said railroad 85 feet to a point; thence Southeasterly to a point which is 150 feet West of the Southeast corner of (as measured along the South line of) said 1/4 Section and 105 feet North of (as measured at right angles from) the South line of said 1/4 Section; thence East and parallel with the South line of said 1/4 Section to the point of intersection with the East line of said 1/4 Section; thence South 0°53' East along the East line of said 1/4 Section to the place of beginning.

REEL 2440 IMAG 669

PARCEL 2:

That part of the North 20 acres of the South 60 acres of the South 1/2 of the Southwest 1/4 of Section 5, in Township 5 North, Range 22 East, in the City of Oak Creek, Milwaukee County, Wisconsin, which lies East of the right-of-way of the Chicago, Milwaukee and St. Paul Railroad Company. EXCEPT part of the Southwest 1/4 of Section 5, Township 5 North, Range 22 East, in the City of Oak Creek Milwaukee County, Wisconsin, bounded and described as follows: Commencing at the Southeast corner of said 1/4 Section; thence North  $00^{\circ}19'24''$  East along the East line of said 1/4 Section, 925.93 feet to the point of beginning of the lands herein to be described; thence North  $28^{\circ}00'00''$  West, 128.52 feet to a point; thence Northwesterly 308.83 feet along the arc of a curve, whose center lies to the Northeast, whose radius is 869.00 feet, and whose chord bears North  $17^{\circ}49'08''$  West, 307.21 feet to a point on the North line of the South 1/2 of said 1/4 Section; thence South  $88^{\circ}40'04''$  East along the North line of the South 1/2 of said 1/4 Section, 156.65 feet to a point on the East line of said 1/4 Section; thence South  $00^{\circ}19'24''$  West along the East line of said 1/4 Section, 402.31 feet to the point of beginning.

PARCEL 3: aka Parcel II on survey map of 4/22/04

That part of the Southwest 1/4 of Section 5, Township 5 North, Range 22 East, in the Town of Oak Creek, Milwaukee County, Wisconsin, bounded and described as follows: Commencing at a point in the East line and 997.10 feet North of the Southeast corner of the said 1/4 Section; thence 645.97 feet to a point in the East line of railroad property, said point being 997.60 feet North of the South line of said 1/4 Section; thence North along the East line of said railroad property to a point in the East and West 1/8 line of said 1/4 Section; thence East along said 1/8 line 663 feet to a point in the East line of said 1/4 Section thence South 332.40 feet to the place of beginning. EXCEPT part of the Southwest 1/4 of Section 5, Township 5 North, Range 22 East, in the City of Oak Creek Milwaukee County, Wisconsin, bounded and described as follows: Commencing at the Southeast corner of said 1/4 Section; thence North  $00^{\circ}19'24''$  East along the East line of said 1/4 Section, 925.93 feet to the point of beginning of the lands herein to be described; thence North  $28^{\circ}00'00''$  West, 128.52 feet to a point; thence Northwesterly 308.83 feet along the arc of a curve, whose center lies to the Northeast, whose radius is 869.00 feet, and whose chord bears North  $17^{\circ}49'08''$  West, 307.21 feet to a point on the North line of the South 1/2 of said 1/4 Section; thence South  $88^{\circ}40'04''$  East along the North line of the South 1/2 of said 1/4 Section, 156.65 feet to a point on the East line of said 1/4 Section; thence South  $00^{\circ}19'24''$  West along the East line of said 1/4 Section, 402.31 feet to the point of beginning.



## EXHIBIT "A" CONTINUED

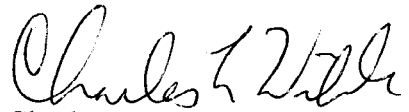
PARCEL 4:

Parcel 1 of Certified Survey Map No. 754, recorded in the Office of the Register of Deeds for Milwaukee County, on October 26, 1967, as Document No. 4353383, of a part of the West 30 acres of the West 1/2 of the South 1/2 of the Southeast 1/4 of Section 5, in Township 5 North, Range 22 East, in the City of Oak Creek, Milwaukee County, Wisconsin. AND ALSO part of Parcel 4 of Certified Survey Map No. 1332, as recorded in the Office of the Register of Deeds for Milwaukee County, on July 29, 1970, on Reel 542, Image 991, as Document No. 4539244, being a part of the Southeast 1/4 of Section 5, Township 5 North, Range 22 East, in the City of Oak Creek, Milwaukee County, Wisconsin, bounded and described as follows: Commencing at the Southwest corner of said 1/4 Section; thence North  $00^{\circ}19'24''$  East along the West line of said 1/4 Section, 877.41 feet to a corner of said Parcel 4 and the point of beginning of the lands herein to be described; continuing thence North  $00^{\circ}19'24''$  East along the West line of said 1/4 Section, 48.52 feet to a point; thence South  $28^{\circ}00'00''$  East, 8.84 feet to a point; thence Southeasterly 91.40 feet along the arc of a curve, whose center lies to the Southwest, whose radius is 705.00 feet; and whose chord bears South  $24^{\circ}17'09''$  East, 91.34 feet to a point on the Southwest line of said Parcel 4; thence North  $44^{\circ}37'42''$  West along the said Southwest line of said Parcel 4, 59.77 feet to the point of beginning. EXCEPT part of Certified Survey Map No. 754, as recorded in the Office of the Register of Deeds for Milwaukee County on October 26, 1967, as Document No. 4353383, being a part of the Southeast 1/4 of Section 5, Township 5 North, Range 22 East, in the City of Oak Creek, Milwaukee County, Wisconsin, bounded and described as follows: Commencing at the Southwest corner of said 1/4 Section; thence North  $00^{\circ}19'24''$  East along the West line of said 1/4 Section, 877.41 feet to a point at the Northwest corner of Lot 1 of said Certified Survey Map; thence South  $44^{\circ}37'42''$  East along the Northeasterly line of Lot 1, 59.77 feet to the point of beginning of the land herein to be described; continuing thence South  $44^{\circ}37'42''$  East along the Northeasterly line of said Lot 1, 56.30 feet to a point; thence Southeasterly 331.58 feet along the Northeasterly line of said Lot 1 and the arc of a curve whose center lies to the Southwest, whose radius is 425.00 feet, and whose chord bears South  $21^{\circ}40'23''$  East, 323.23 feet to a point; thence Northwesterly 153.91 feet along the arc of a curve, whose center lies to the Southwest, whose radius is 180.00 feet and whose chord bears North  $23^{\circ}49'06''$  West, 149.27 feet to a point; thence Northwesterly 145.19 feet along the arc of a curve, whose center lies to the Northeast, whose radius is 240.00 feet and whose chord bears North  $30^{\circ}59'02''$  West, 142.98 feet to a point; thence Northwesterly 85.13 feet along the arc of a curve, whose center lies to the Southwest, whose radius is 705.00 feet and whose chord bears North  $17^{\circ}06'45''$  West, 85.08 feet to the point of beginning.

5

NOTE FOR GIS REGISTRY

The contaminated site boundaries are completely within Parcel 3 of the Warranty Deed. The coordinates of Parcel 3 in WTM91 projection are 689533, 273954.



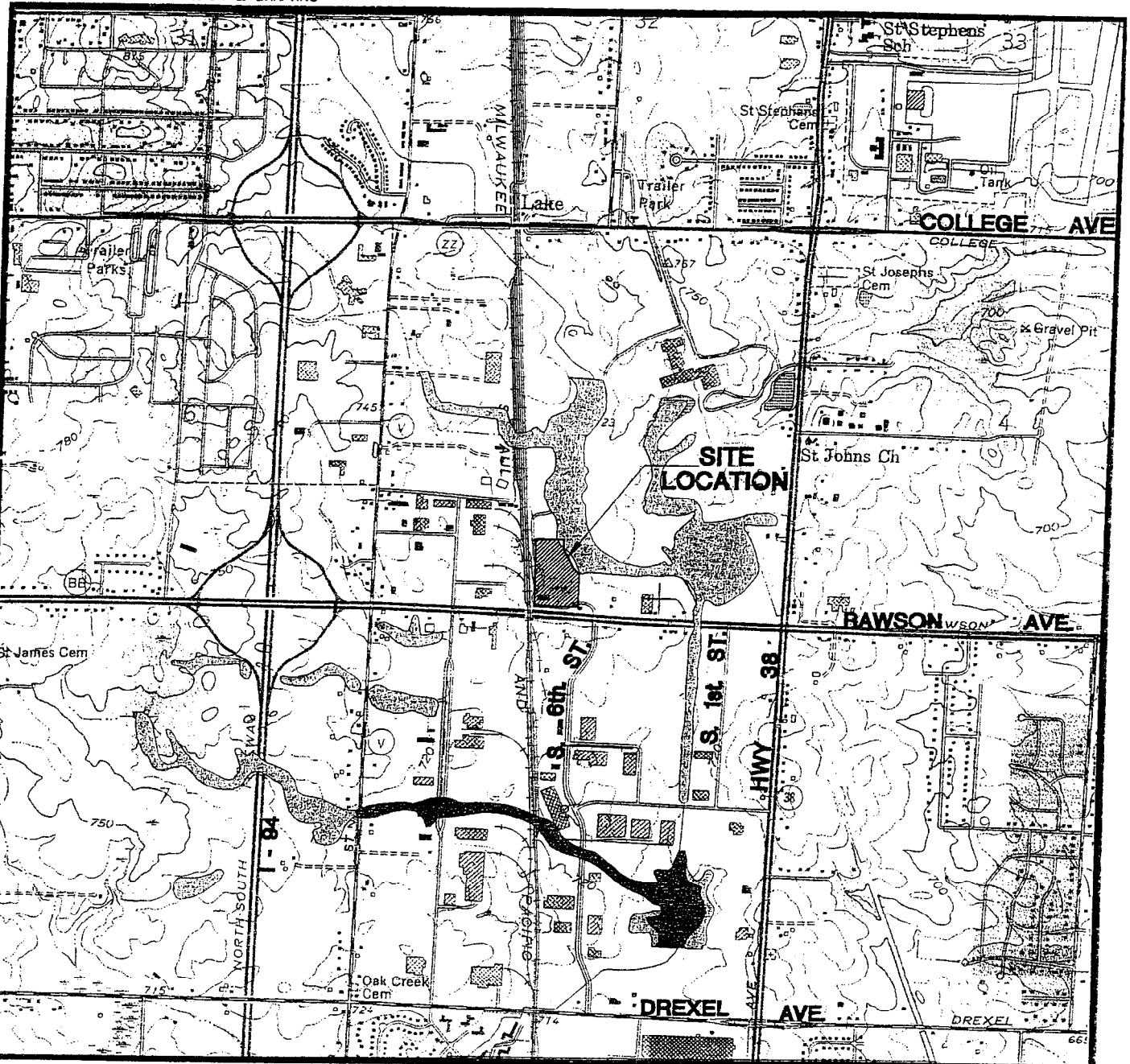
Charles L. Wilde  
Executive Vice President  
5/17/04

Plot Time: 1:47.0558 PM  
Monday, March 5, 2001



Dwg Size: 105142 Bytes  
Attached Xrefs: No xrefs Attached.

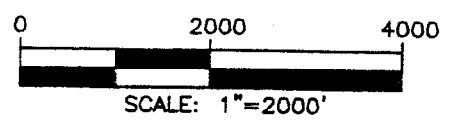
Operator Name: WAHLM  
Scale: 1"=1'

Plot Date: 1:47.0558 PM  
Monday, March 5, 2001



**LEGEND**

-  AREAS OF 100-YEAR FLOOD; BASE FLOOD ELEVATIONS AND FLOOD HAZARD FACTORS NOT DETERMINED
-  AREAS OF 500-YEAR FLOOD; BASE FLOOD ELEVATIONS AND FLOOD HAZARD FACTORS NOT DETERMINED



**BIOGENESIS / CLEAN SOILS SITE  
OAK CREEK, WISCONSIN**

SOURCE: SHEPLEY QUADRANGLE  
WISCONSIN- MILWAUKEE CO.  
7.5 MINUTE SERIES (TOPOGRAPHIC)

CITY OF OAK CREEK, WISCONSIN  
MILWAUKEE COUNTY  
FLOOD INSURANCE RATE MAP



DWN. BY: WAHL M
APPROVED BY:
DATE: JANUARY, 2000
PROJ. # 4854.14
FILE # 0901.DWG

FIGURE 1

Table 1  
 Summary of the July 27 and August 1, 2001, Confirmation Soil Sampling - Metals: GRO, DRO, and PAH Results  
 Units as Shown  
 (CleanSoils, Oak Creek, Wisconsin)

SAMPLE ID	LAB ID: W107220				LAB ID: W108013								NON-INDUSTRIAL (NCC)			INDUSTRIAL (ICC)		
	WW	WE	EW	EE	A81.1	B81.3	F81.4	F81.10	F81.15	F81.19	F81.24	F81.28	VALUE	SOURCE		VALUE	SOURCE	
														DIRECT CONTACT	GROUNDWATER		DIRECT CONTACT	GROUNDWATER
Lead, total (mg/kg)	12.4	15.3	90.2	189	26.5	16.5	48.3	10.6	8.93	33.1	10.2	83.9	50	X		500	X	
Cadmium, total (mg/kg)	--	--	--	--	--	--	--	--	--	--	--	--	8	X		510	X	
DRO (results in mg/kg)	--	6.43	11.4	6.81	46.1	10.5	7.35	--	12.7	--	--	12.1	100		X	100		X
GRO (results in mg/kg)	--	--	--	--	--	--	--	--	--	--	--	--	100		X	100		X
PAHs (results in ug/kg)																		
Acenaphthene	--	--	--	--	--	--	--	--	--	--	--	--	38,000		X	38,000		X
Acenaphthylene	--	--	--	--	--	--	--	--	--	--	--	--	700		X	700		X
Anthracene	--	--	--	--	--	--	--	--	--	--	--	--	3,000,000		X	3,000,000		X
Benzo(a)anthracene	--	--	--	--	--	--	--	--	--	--	--	--	88	X		3,900	X	
Benzo(a)pyrene	--	--	--	--	20.9	12.5	7.91	11.1	--	7.79	--	--	8.8	X		390	X	
Benzo(b)fluoranthene	--	--	--	--	--	--	--	--	--	--	--	--	88	X		3,900	X	
Benzo(g,h,i)perylene	--	--	--	--	--	--	--	--	--	--	--	--	1,800	X		39,000	X	
Benzo(k)fluoranthene	--	--	--	--	--	--	--	--	--	--	--	--	880	X		39,000	X	
Chrysene	--	--	--	--	--	--	--	--	--	--	--	--	8,800	X		37,000		X
Dibenz(a,h)anthracene	--	--	--	--	--	--	--	--	--	--	--	--	8.8	X		390	X	
Fluoranthene	--	--	--	--	--	--	--	--	--	--	--	--	500,000		X	500,000		X
Fluorene	--	--	--	--	--	--	--	--	--	--	--	--	100,000		X	100,000		X
Indeno(1,2,3-cd)pyrene	--	--	--	--	--	--	--	--	--	--	--	--	88	X		3,900	X	
1-Methylnaphthalene	--	--	--	--	--	--	--	--	--	--	--	--	27,000		X	23,000		X
2-Methylnaphthalene	--	--	--	--	--	--	--	--	--	--	--	--	20,000		X	20,000		X
Naphthalene	--	--	--	--	--	--	--	--	--	--	--	--	400		X	400		X
Phenanthrene	--	--	--	--	--	--	--	--	--	--	--	--	1,800		X	1,800		X
Pyrene	--	--	--	--	--	--	--	--	--	--	--	--	500,000	X		8,700,000		X

Legend

- Less than Level of Detection
- Concentration satisfies the NCC and ICC
- Concentration or detection level exceeds the NCC and satisfies the ICC
- Concentration exceeds the NCC and the ICC

QUALITY CONTROL	
Name	Date
PPD	9/10/2001
KS	9/10/2001
Formatting/Footnotes/Detection levels and consistency with workplan	
Data	

Table 2  
 Summary of the July 27 and August 1, 2001, Confirmation Soil Sampling - VOC Results  
 All Values in µg/kg  
 CleanSoils, Oak Creek, Wisconsin

SAMPLE ID	LARI0 W107210				LARI0 W108011								NON-INDUSTRIAL (NCC)				INDUSTRIAL (ICI)			
	WV	WF	EW	TE	ARI1	RI1.3	RI1.4	RI1.10	RI1.15	RI1.19	RI1.24	RI1.28	VALUE	SOURCE		VALUE	SOURCE			
														DIRECT CONTACT	GROUNDWATER		DIRECT CONTACT	GROUNDWATER		
Benzene													5.5		X	5.5		X		
Bromobenzene													N/A			N/A				
Bromochloromethane													SESOL <sup>(1)</sup>			SESOL <sup>(2)</sup>				
tert-Butylbenzene													N/A			N/A				
sec-Butylbenzene													N/A			N/A				
n-Butylbenzene													N/A			N/A				
Carbon Tetrachloride													N/A			N/A				
Chlorobenzene													SESOL <sup>(1)</sup>			SESOL <sup>(2)</sup>				
Chloroethane													N/A			N/A				
Chloroform													SESOL <sup>(1)</sup>			SESOL <sup>(2)</sup>				
Chloromethane													SESOL <sup>(1)</sup>			SESOL <sup>(2)</sup>				
2-Chlorotoluene													SESOL <sup>(1)</sup>			SESOL <sup>(2)</sup>				
4-Chlorotoluene													N/A			N/A				
1,2-Dibromo-3-chloropropane													N/A			N/A				
Dibromochloromethane													SESOL <sup>(1)</sup>			SESOL <sup>(2)</sup>				
1,4-Dichlorobenzene													SESOL <sup>(1)</sup>			SESOL <sup>(2)</sup>				
1,3-Dichlorobenzene													SESOL <sup>(1)</sup>			SESOL <sup>(2)</sup>				
1,2-Dichlorobenzene													SESOL <sup>(1)</sup>			SESOL <sup>(2)</sup>				
Dichlorodifluoromethane													SESOL <sup>(1)</sup>			SESOL <sup>(2)</sup>				
1,2-Dichloroethane													4.9		X	4.9		X		
1,1-Dichloroethane													SESOL <sup>(1)</sup>			SESOL <sup>(2)</sup>				
1,1-Dichloroethene													SESOL <sup>(1)</sup>			SESOL <sup>(2)</sup>				
cis-1,2-Dichloroethene													SESOL <sup>(1)</sup>			SESOL <sup>(2)</sup>				
trans-1,2-Dichloroethene													SESOL <sup>(1)</sup>			SESOL <sup>(2)</sup>				
1,2-Dichloropropane													SESOL <sup>(1)</sup>			SESOL <sup>(2)</sup>				
2,2-Dichloropropane													SESOL <sup>(1)</sup>			SESOL <sup>(2)</sup>				
1,3-Dichloropropane													N/A			N/A				
Diisopropyl ether													SESOL <sup>(1)</sup>			SESOL <sup>(2)</sup>				
Ethylbenzene									M4				N/A			N/A				
Hexachlorobutadiene													2,900		X	2,900		X		
Isopropylbenzene													N/A			N/A				
p-Isopropyltoluene													N/A			N/A				
Methylene chloride													N/A			N/A				
Methyl-tert-butyl ether													SESOL <sup>(1)</sup>			SESOL <sup>(2)</sup>				
Naphthalene													PAH <sup>(3)</sup>			PAH <sup>(3)</sup>				
n-Propylbenzene													N/A			N/A				
1,1,2,2-Tetrachloroethane													N/A			N/A				
Tetrachloroethene													SESOL <sup>(1)</sup>			SESOL <sup>(2)</sup>				
Toluene									43.8				1,500		X	1,500		X		
1,2,4-Trichlorobenzene													SESOL <sup>(1)</sup>			SESOL <sup>(2)</sup>				
1,2,3-Trichlorobenzene													N/A			N/A				
1,1,1-Trichloroethane													SESOL <sup>(1)</sup>			SESOL <sup>(2)</sup>				
1,1,2-Trichloroethane													SESOL <sup>(1)</sup>			SESOL <sup>(2)</sup>				
Trichloroethene													SESOL <sup>(1)</sup>			SESOL <sup>(2)</sup>				
Trichlorofluoromethane													SESOL <sup>(1)</sup>			SESOL <sup>(2)</sup>				
1,2,4-Trimethylbenzene			47.7		27.1								N/A			N/A				
1,3,5-Trimethylbenzene									105				SESOL <sup>(1)</sup>			SESOL <sup>(2)</sup>				
Vinyl Chloride													SESOL <sup>(1)</sup>			SESOL <sup>(2)</sup>				
o-Xylene									29.8				4,100		X	4,100		X		
m,p-Xylene					30.3		40.8		117.5	29.7			4,100		X	4,100		X		

Notes:  
 (1) Naphthalene is evaluated as a PAH.  
 (2) Constituents with detection limits that are analyzed for compliance with EPA 14131-A<sup>1</sup> using the SESOL model.  
 (3) Partitioning coefficient calculations performed for extracts.

Legend:

- Low than level of detection
- N/A Not applicable. This constituent is not a target analyte.
- Concentration satisfies the MCL and the TCL
- Concentration or detection level exceeds the MCL and satisfies the TCL
- Concentration exceeds the MCL and the TCL

QUALITY CONTROL

Name: \_\_\_\_\_ Date: \_\_\_\_\_  
 I/PD: \_\_\_\_\_ 9/10/2001 Formatting, Electronic Data Transfer and  
 Consistency with workplan  
 K/S: \_\_\_\_\_ 9/10/2001 Data

**Table 3**  
**Summary of the July 27 and August 1, 2001, Confirmation Groundwater Sampling - Metals, GRO, DRO, and PAH Results**  
**Units as Shown**  
**CleanSoils, Oak Creek, Wisconsin**

SAMPLE ID	LAB ID: W111055-01	LAB ID: W111055-02	LAB ID: W111055-03	GROUNDWATER QUALITY STANDARDS (NR 140)	
	TMW-1	TMW-2	TMW-3	PREVENTIVE ACTION LIMIT	ENFORCEMENT STANDARD
Lead, total (mg/l)	0.0227	0.291	--	0.0015	0.02
Cadmium, total (mg/l)	--	--	--	0.0005	0.05
DRO (results in mg/l)	0.118	0.49	0.135	N/A	N/A
PAHs (results in ug/l)					
Acenaphthene	--	--	--	N/A	N/A
Acenaphthylene	--	--	--	N/A	N/A
Anthracene	--	--	--	600	3000
Benz(a)anthracene	--	--	--	N/A	N/A
Benz(a)pyrene	0.0274	--	--	0.02	0.2
Benzo(b)fluoranthene	0.032	--	--	0.02	0.2
Benzo(g,h,i)perylene	--	--	--	N/A	N/A
Benzo(k)fluoranthene	--	--	--	N/A	N/A
Chrysene	0.0283	0.115	--	0.02	0.2
Dibenz(a,h)anthracene	--	--	--	N/A	N/A
Fluoranthene	--	--	--	80	400
Fluorene	--	--	--	80	400
Indeno(1,2,3-cd)pyrene	--	--	--	N/A	N/A
1-Methylnaphthalene	--	--	--	N/A	N/A
2-Methylnaphthalene	--	--	--	N/A	N/A
Naphthalene	--	--	--	N/A	N/A
Phenanthrene	--	--	--	8	40
Pyrene	--	--	--	N/A	N/A
				50	250

Legend

- Less than level of detection
- N/A Not applicable

- Concentration satisfies the PAL and ES
- Concentration or detection level exceeds the PAL and satisfies the ES
- Concentration exceeds the PAL and the ES

QUALITY CONTROL	
Name _____	Date _____
PPD _____	12/3/01 Formatting, Footnotes, Detection levels and consistency with workplan
NIC _____	11/28/01 Data

**Statement of Correctness**

I am the Vice President of BioVersal USA, Inc., a subsidiary of BioGenesis Enterprises, Inc. I am the responsible party submitting BRRTS # 02-41-246568, FID#241851720 for closure and registration in the GIS Registry.

I believe that the legal descriptions in this GIS Registry packet are complete and accurate.



Charles L. Wilde  
Vice President  
May 17, 2004

**DEED RESTRICTION**

REGISTER'S OFFICE | SS  
Milwaukee County, WI

RECORDED AT 08:00AM

09/08/2004

JOHN LA FAVE  
REGISTER OF DEEDS

AMOUNT: 17.00

Document Number

Document Title

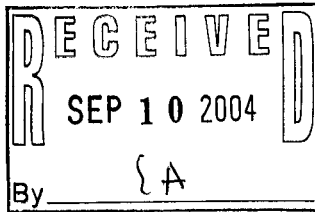
**Recording Area**

Name and Return Address

DAVID P. RUETZ  
WHYTE HIRSCHBOECK DUDEK S.C.  
555 EAST WELLS STREET  
SUITE 1900  
MILWAUKEE, WI 53202

735-9992

Parcel Identification Number (PIN)



**THIS PAGE IS PART OF THIS LEGAL DOCUMENT-DO NOT REMOVE**

This information must be completed by submitter: document title, name & return address, and PIN (if required). Other information such as the granting clauses, legal description, etc. may be placed on this first page of the document or may be placed on additional pages of the document. Note: Use of this cover page adds one page to your document and \$2.00 to the recording fee. Wisconsin Statutes, 59.517. WRDA 2/96



DEED RESTRICTION

DOCUMENT NO:

Declaration of Restrictions

In Re: Property located at the intersection of 6th and Rawson in Milwaukee County, more specifically described as:

PARCEL 3:

That part of the Southwest 1/4 of Section 5, Township 5 North, Range 22 East, in the Town of Oak Creek, Milwaukee County, Wisconsin, bounded and described as follows: Commencing at a point in the East line and 997.10 feet North of the Southeast corner of the said 1/4 Section; thence 645.97 feet to a point in the East line of railroad property, said point being 997.60 feet North of the South line of said 1/4 Section; thence North along the East line of said railroad property to a point in the East and West 1/8 line of said 1/4 Section; thence East along said 1/8 line 663 feet to a point in the East line of said 1/4 Section thence South 332.40 feet to the place of beginning. EXCEPT part of the Southwest 1/4 of Section 5, Township 5 North, Range 22 East, in the City of Oak Creek, Milwaukee County, Wisconsin, bounded and described as follows: Commencing at the Southeast corner of said 1/4 Section; thence North 00°19'24" East along the East line of said 1/4 Section, 925.93 feet to the point of beginning of the lands herein to be described; thence North 28°00'00" West, 128.52 feet to a point; thence Northwesterly 308.83 feet along the arc of a curve, whose center lies to the Northeast, whose radius is 869.00 feet, and whose chord bears North 17°49'08" West, 307.21 feet to a point on the North line of the South 1/2 of said 1/4 Section; thence South 88°40'04" East along the North line of the South 1/2 of said 1/4 Section, 156.65 feet to a point on the East line of said 1/4 Section; thence South 00°19'24" West along the East line of said 1/4 Section, 402.31 feet to the point of beginning.

West

Name and Return Address: David P. Ruetz Whyte Hirschboeck Dudek S.C. 555 East Wells Street Suite 1900 Milwaukee, WI 53202

735-9992

Parcel Identification Number

STATE OF WISCONSIN )
COUNTY OF MILWAUKEE ) ss

WHEREAS, BioVersal USA, Inc. is the owner of the above-described Property (the "Property");

WHEREAS, several soil stockpiles were previously located on the Property. The stockpiles were subsequently removed and the soils were properly landfilled. Post-soil stockpile removal testing confirmed that there are six locations within the former footprint of the soil stockpile at a depth of 1 to 12 inches at which soil tests reflect exceedances of the nonindustrial cleanup criteria ("NCC"); but are below the industrial cleanup criteria. These soils will be left on-site. The specific location of the soils which exceed the nonindustrial criteria for benzo(ac)pyrene are shown on the attached map at Locations B81.3, F81.10 and A81.1 and for Lead at EW.EE and F81.28 (map attached as Exhibit A). The most recent soil samples that were collected on the Property contained benzo(ac)pyrene and lead contaminants in concentrations that exceeded the non-industrial RCLs in s. NR720.11, Table 2, Wis. Adm. Code.

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 soil remediation activities on the Property at the present time;

NOW THEREFORE, the Property described above as reflected in the attached map, which is attached as Exhibit A, is held and shall be held, conveyed or encumbered, leased, rented, used, occupied and improved subject to the following limitations and restrictions:

- 1. Prior to excavating, grading or placing any structure or improvement at the six marked locations specifically described on the attached map, the owner of the portion of the Property upon which this

activity will take place is required to submit a soils management plan consistent with relevant state statutes and administrative rules to the Wisconsin Department of Natural Resources for its approval. The management plan shall set forth the procedures the party who undertakes this work will follow to minimize the exposure of humans and the environment to impacted soils at the six specific locations outlined above. If unexempt materials are encountered, the property owner will be required to obtain from the Department an exemption to build on a historical fill site.

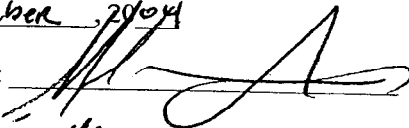
2. The property described above may not be used or developed for a residential, commercial agricultural or other non-industrial use, unless (at the time that the non-industrial use is proposed) an investigation is conducted, to determine the degree and extent of benzo(ac)pyrene and lead contamination that remains on the property and remedial action is taken as necessary to meet all applicable non-industrial cleanup standards. If soil that remains in the property in the location or locations described above is excavated in the future, it will have to be sampled and analyzed, may be considered solid or hazardous waste if residual contamination remains, and must be stored, treated and disposed 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 an owner of the Property as 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 portion of this deed restriction, is no longer binding.

By signing this document, MOHSEN AMIRAN asserts that he/she is duly authorized to sign this document on behalf of BioVersal USA, Inc.

IN WITNESS WHEREOF, the owner of the Property has executed this Declaration of Restrictions this 2nd day of September, 2004

Signature: 

Printed Name: MOHSEN C. AMIRAN

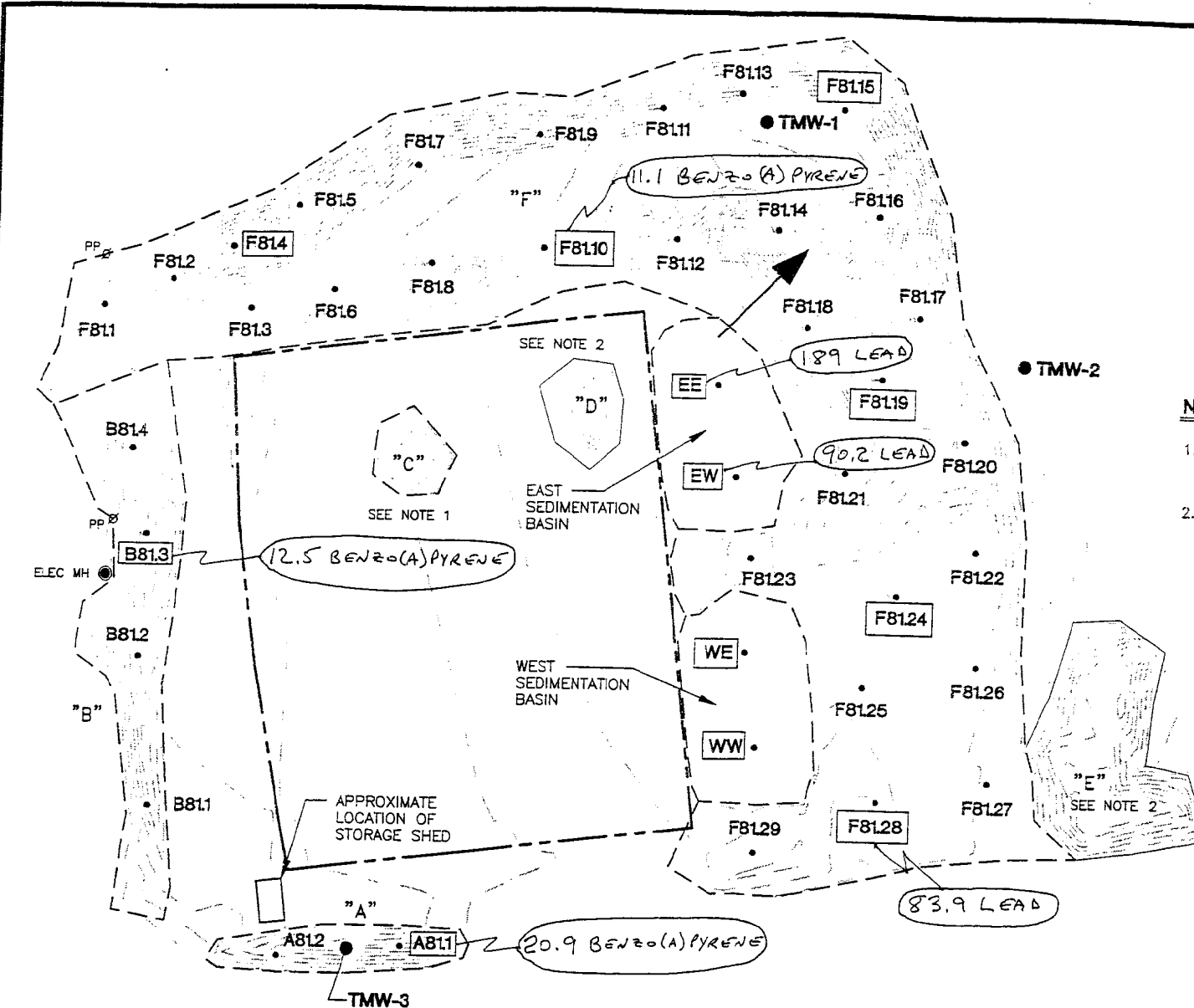
Title: president

BioVersal USA, Inc.

Personally came before me this 2nd day of September, 2004, the above-named Mohsen Amiran, to me known to be the person who executed the foregoing instrument and acknowledged the same.

Royanne D. DeNemie  
Royanne D. DeNemie  
Notary Public State of Wisconsin  
My commission: expires April 6, 2008

# EXHIBIT "A"

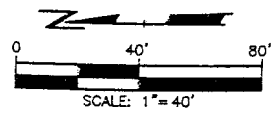


## LEGEND

- APPROXIMATE LIMITS OF ASPHALT PAD
- APPROXIMATE OUTLINE OF FORMER SOIL STOCK PILES
- F817 • APPROXIMATE FIELD-SCREENING SOIL SAMPLING LOCATIONS
- F817 • APPROXIMATE LABORATORY SOIL SAMPLING LOCATIONS
- ANTICIPATED GROUNDWATER FLOW DIRECTION
- TMW-1 TEMPORARY MONITORING WELL LOCATION

## NOTES

1. STOCK PILE "C" PREVIOUSLY ON THE ASPHALT PAD REMOVED DURING SOIL CLEANUP ACTIVITIES.
2. STOCK PILE "D" & "E" CONSIST OF ROCKS, CONCRETE AND DEBRIS.



PROJECT: CLEANSOILS OAK CREEK, WISCONSIN		
SHEET TITLE: SITE LOCATION MAP		
DRAWN BY: WELLONSK	SCALE: 1"=40'	PROJ. NO. 04854.14
CHECKED BY:	DATE PRINTED:	FILE NO. 48541403.DWG
APPROVED BY:	FIGURE 2	
DATE: SEPTEMBER 2001		
744 Heartland Trail Madison, WI 53717-1934 P.O. Box 8823 53708-8823 Phone: 608-831-4444 Fax: 608-831-3334		



Plot Date: Monday, December 3, 2001  
 Plot Time: 12:26:58 PM  
 Attached Xref's: No Xref's attached.  
 Attached Image's: No Images attached.

J:\04854\1\1\8541403.dwg  
 Drawing Name: 1"=40'  
 Operator Name: 257569 Bylas  
 Dwg. Size: