Modification actions taken after continuing abligations were applied. Refer to BOTW for further information.

SHE NAME:	Nonweller A.P., CO Inc.					
BRRTS #:	03-71-306024	FID #	f (if appropriate):	471021980		
COMMERCE # (if appropriate):						
CLOSURE DATE:	03/26/2003					
STREET ADDRESS:	3321 North Shores Dr	CTH A				
CITY:	Oshkosh					
SOURCE PROPERTY GPS COOP WTM91 projection):	RDINATES (meters in	X=	637747 ₆₃₇	752 _Y=	399789	399787
CONTAMINATED MEDIA:	Groundwater		Soil		Both	х
OFF-SOURCE GW CONTAMINA	ΓΙΟΝ >ES:	Yes		x No		
IF YES, STREET ADDRESS 1:						
GPS COORDINATES (meters in V	VTM91 projection):	X=		Y=		
OFF-SOURCE SOIL CONTAMINA Specific RCL (SSRCL):	ATION >Generic or Site-	Yes		x No		
IF YES, STREET ADDRESS 1:						
GPS COORDINATES (meters in V	VTM91 projection):	X=		Y=		
CONTAMINATION IN RIGHT OF	WAY:	Yes		x No		
DOCUMENTS NEEDED:		<u>—</u>		<u>-</u>		
Closure Letter, and any conditional	closure letter or denial letter	r issued				х
Copy of any maintenance plan refer	enced in the final closure lef	tter.				х
Copy of (soil or land use) deed notice	ce if any required as a condi	ition of closur	e			х
Copy of most recent deed, including	ا legal description, for all aff	fected propert	ties			х
Certified survey map or relevant por County Parcel ID number, if used for			d in the legal descripti	ion) for all affe	cted properties	x
Location Map which outlines all propertie parcels to be located easily (8.5x14" if pape wells within 1200' of the site.	es within contaminated site bounda	aries on USGS to		•	•	
Detailed Site Map(s) for all affected potable wells. (8.5x14", if paper copy) This the source property and in relation to the bogeneric or SSRCLs.	s map shall also show the location	of all contamina	ated public streets, high	way and railroad	rights-of-way in rel	lation to
Tables of Latest Groundwater Analy	•		ng)			х
Tables of Latest Soil Analytical Res	,	O,				<u>x</u>
Isoconcentration map(s), if required extent of groundwater contamination define	• ' ' '			•	I have flow directio	on and X
GW: Table of water level elevations GW: Latest groundwater flow direct greater than 20 degrees)		•	•	mum variation	in flow direction	on is x
SOIL: Latest horizontal extent of co	ontamination exceeding gene	eric or SSRCL	_s, with one contou	ır		х
Geologic cross-sections, if required	, , , , , , , , , , , , , , , , , , , ,	•				
RP certified statement that legal des	•	accurate				X
Copies of off-source notification let		•• Vblia b	1 1	20140		NA NA
Letter informing ROW owner of residual	dual contamination (if applic	cable)(public, h	highway or railroad R	(OW)		NA



State of Wisconsin \ DEPARTMENT OF NATURAL RESOURCES

Jim Doyle, Governor Scott Hassett, Secretary Ronald W. Kazmierczak, Regional Director Oshkosh Service Center 625 E. County Road Y, Suite 700 Oshkosh, WI 54901 Telephone 920-303-5424 FAX 920-424-4404 TTY 920-492-5912

March 26, 2003

Mr. Mark Nonweiler A.P. Nonweiler P.O. Box 1007 Oshkosh, WI 54902

SUBJECT:

Final Case Closure for

A.P. Nonweiler, 3321 North Shore Drive (CTH A), Oshkosh

WDNR BRRTS ID # 03-71-306024 (Petroleum Investigation Only)

Dear Mr. Nonweiler:

On March 19, 2003 the Northeast Region (NER) Closure Committee reviewed your request for closure of the case described above. This committee reviews environmental remediation cases for compliance with state laws and standards to maintain consistency in the closure of these cases. After careful review of the closure request, the NER Closure Committee has determined that the petroleum contamination on the site from the former product tank area on the west side of the property located at 3321 North Shore Drive (CTH A), Oshkosh appears to have been investigated and remediated to the extent practicable under site conditions. This case has been remediated to Department standards in accordance with s. NR 726.05, Wis. Adm. Code and will be closed with the following conditions:

DEED RESTRICTION FOR SOIL CONTAMINATION

To close this site, the Department requires a deed restriction be signed and recorded to address the issue of the remaining soil contamination associated with the site. The purposes of the restriction are as follows: 1) to maintain a surface barrier over the remaining soil contamination to prevent it from impacting human health and the environment, and 2) to 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.

MONITORING WELL MAINTENANCE PLAN

NR 141.25(1)(b) Wisc. Admin. Code states "Any permanent groundwater monitoring well no longer being used to gather information on a geologic or groundwater properties shall be abandoned within 60 days after its use has been discontinued." The monitoring wells and piezometers at this site will be allowed to stay in place considering the following justifications:

- 1. The wells are located in an extremely confined area and difficulties of well installation
- 2. Monitoring well MW-B has an exceedance of the NR 140 Enforcement Standard for Benzene and the wells are needed to monitor groundwater conditions for the LUST site identified as WDNR BRRTS ID #03-71-306024. This site will correspondingly be added to the Department's GIS Registry.



Monitoring well MW-C is required to stay in place in order for the chlorinated solvent investigation to continue.

The monitoring wells at the site must be properly maintained. Frequent and regular inspections of the integrity of the monitoring well seals are required along with annual groundwater measurements. Any necessary repairs must be made immediately. This is very important in order to prevent further contaminant migration. Please provide a detailed schedule of inspections with a date-stamped photograph of each well.

The well maintenance schedule must be followed and written verification documents kept at the property for as long as the deed restriction and wells remain in place. Documents must be made available to the Department upon request.

On January 23, 2003 the Department received correspondence indicating that you have complied with the conditions of closure. The conditions included a soil deed restriction, cap maintenance plan and a monitoring plan. Based on the correspondence and data provided, it appears that your case 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. In addition, the investigation of chlorinated solvents continues from the property adjacent and to your east. Your monitoring well MW-C has had detections of Vinyl Chloride in excess of the state's NR 140 Enforcement Standard; therefore, access should be granted to the neighboring property owner for monitoring of this well and any other investigation work necessary.

The Department appreciates your efforts to restore the environment at this site. If you have any questions regarding this letter, please contact me at (920) 424-0399.

Sincerely,

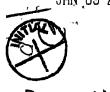
Kathleen M. Sylvester, Hydrogeologist

Kathleen proffwests

Remediation & Redevelopment Program

cc: Case File – OSH

Dave Nemetz, Liesch Environmental, 6000 Gisholt Drive, Suite 203, Madison, WI 53713 R. Todd Thill, Associated Investors Inc., 2660 Oregon Street, Oshkosh, WI 54902 Mark Zimmerman, RMT, 744 Heartland Trail, P.O. Box 8923, Madison, WI 53708-8923



Document Number

DEED RESTRICTION

Declaration of Restrictions

In Re: The South Four Hundred (400) feet of that part of the South West ¼ of the North East ¼ of Section One (1) Township Eighteen (18) North, of Range Sixteen (16) East, in the Town of Oshkosh, lying east of the Easterly line of right-of-way of the Chicago and North Western Rail Road Company and West of the Westerly line of County Trunk Highway "A", excepting therefrom the North Three Hundred Sixty (360) feet of the South Four Hundred (400) feet of the East Three Hundred Eight (308) feet of said South West ¼ of the North East ¼, subject to rights granted over and across the South Forty (40) feet of the East Three Hundred Eight (308) feet of said South West 1/4 of the North East 14, now in the 15th Ward, City of Oshkosh, Winnebago County, Wisconsin.

STATE OF WISCONSIN) ss COUNTY OF WINNEBAGO

1217004

REGISTER'S OFFICE WINNEBAGO COUNTY, 1 RECORDED ON

12-04-2002 02:44 PM

SUSAN VINNINGHOFF REGISTER OF DEEDS

RECORDING FEE 19.00 5 DF PAGES

Recording Area

Name and Return Address 3821 Couply Rd A.

Oshkosh, B; 54901

MARK NON WEILER

15-1960-7400

Parcel Identification Number

WHEREAS, NONWEILER INVESTMENTS LLC is the owner of the abovedescribed property.

WHEREAS, one or more Toluene and Xylene discharges have occurred on this property, and as of September 11, 1997 when soil samples were collected on this property. Toluene and Xylene-contaminated soil remained on this property at the following location: inaccessible areas beneath the building as identified on the attached Figure 1.

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 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:

Structural impediments existing at the time of clean-up, the building, as identified on Figure 1, made complete investigation and remediation of the soil contamination on this property impracticable. If the structural impediments on this property that are described above are removed, the property owner shall

conduct an investigation of the degree and extent of Toluene and Xylene contamination. To the extent that contamination is found at that time, the Wisconsin Department of Natural Resources shall be immediately notified and the contamination shall be properly remediated in accordance with applicable statutes and rules. If currently inaccessible soil near or beneath the structural impediments on the property is excavated in the future, the soil must 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.

The paved surfaces and the building foundation that exist on the abovedescribed property on the date that this restriction is signed form a cap or barrier that must be maintained in order to prevent direct contact with residual soil contamination that might otherwise pose a threat to human health. These structures are also required in order to minimize the infiltration of water and prevent additional groundwater contamination that would violate the groundwater quality standards in ch. NR 140, Wis. Adm. Code. The paved surfaces and the building foundation shall be maintained on the above-described property in the locations shown on the attached map, labeled "Figure 1" unless another barrier. with an infiltration rate of 10' centimeters per second (cm/sec) or less, is installed and maintained in their place. The existing structures, and any replacement barrier with an infiltration rate of 107 cm/sec or less, shall be maintained on the above-described property in compliance with the "Cap Maintenance Plan" dated June 2002, that was submitted to the Wisconsin Department of Natural Resources by Mark Nonweiler, as required by section NR 724.13(2), Wis. Adm. Code (1999)

In addition, the following activities are prohibited on any portion of the above-described property where an impervious cap has been placed or where impervious surfaces exist (Figure 1), unless prior written approval has been obtained from the Wisconsin Department of Natural Resources or its successor or assign: (1) Excavating or grading of the land surface; (2) Filling on capped areas and areas with impervious surfaces; (3) Plowing for agricultural cultivation; and (4) Construction or installation of a building or other structure with a foundation that would sit on or be placed within the cap or impervious surface.

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 inures to the benefit of 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.

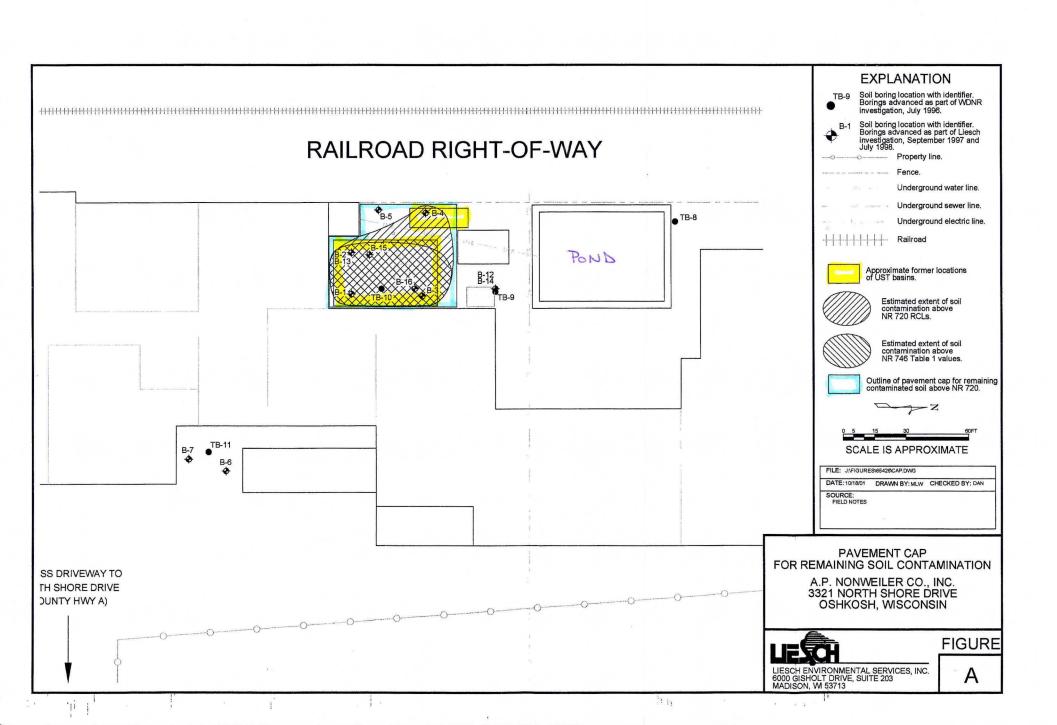
Notary Public, State of wisconsin

My commission 10/22/2006

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 by the property owner or other interested party to give notice that this deed restriction, or portions of this deed restriction, are no longer binding.

By signing this document, <u>Mark Nonweiler</u> asserts that he or she is duly authorized to sign this document on behalf of <u>Nonweiler Investments LLC</u>
IN WITNESS WHEREOF the owner of the property has executed this
Declaration of Restrictions, this 04 day of DECHABER , 2062.
Signature:
Printed Name: Mark Nonweiler
Title: President
Subscribed and sworn to before me

This document was drafted by the Department of Natural Resources with data provided by Liesch Environmental Services Inc.



This plan addresses soil contamination remaining at the A.P. Nonweiler facility located at 3321 North Shore Drive in Oshkosh, Wisconsin (the Site). The plan is in response to the utilization of a soil performance standard per NR 720.19(2) and 724.13(2). Soil containing ethylbenzene, toluene, and xylenes exists at the Site above NR 720 generic residual contaminant levels. A pavement cap (see photograph) will be maintained to cover this soil (see attached map). At a minimum, an inspection of the cap will be made once per year in the month of May to document the condition of the pavement, note cracks and deterioration, and delineate areas needing repair. Inspections will also be conducted on an as needed basis due to abnormal wear or emergency situations. Currently, the person responsible for such inspections is Mr. Mark Nonweiler. A written record of inspections and repairs will be maintained. Repairs may include sealing of cracks, section replacement, or wholesale repaving.

j:\6542601\CAPmaintenance.doc



Photograph 1
Drilling of PZ-A (boring B-18), looking South.
(September 15, 1999)



Document Number

QUIT CLAIM DEED

Jacqueline L. Nonweiler and Mark Nonweiler, each an undivided one-half interest as tenants in common, quit-claims to Nonweiler Investments LLC the following described real estate in Winnebago County, State of Wisconsin:

1161835

REGISTER'S OFFICE WINNEBAGO COUNTY, WI RECORDED ON

12-28-2001 12:45 PK

SUSAN WINNINGHOFF REGISTER OF DEEDS

> 11.00 \$15S 1

RECORDING FEE TRANSFER FEE # OF PAGES

Recording Area

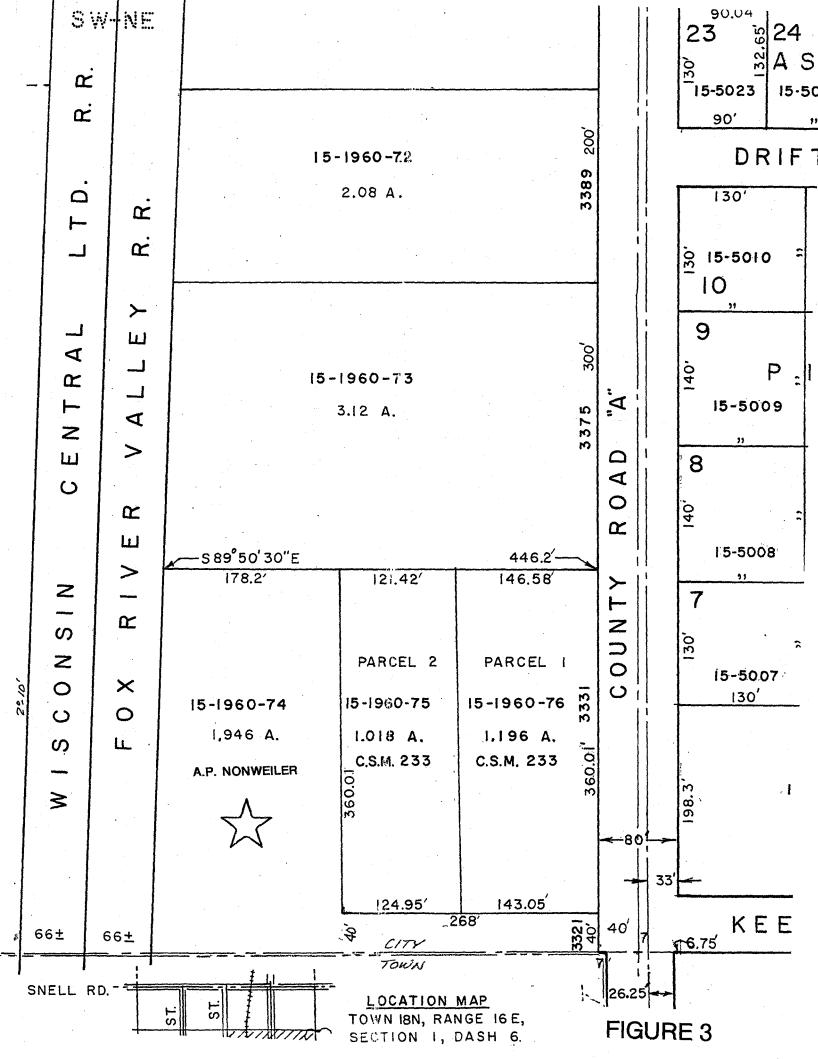
Name and Return Address

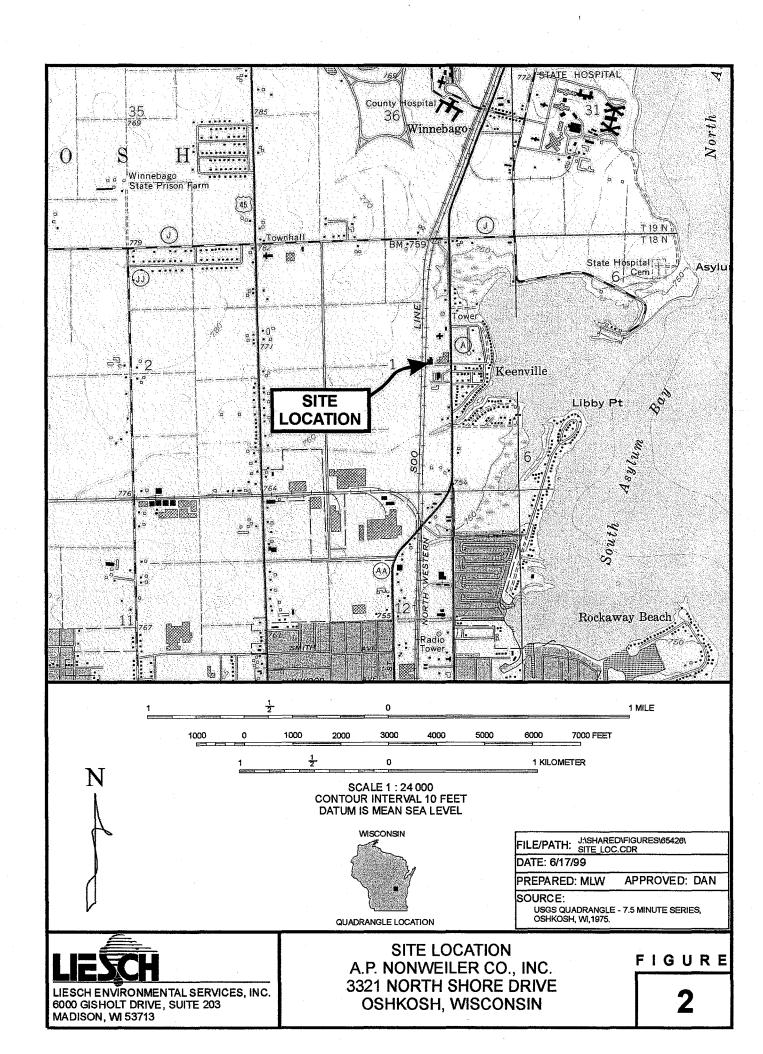
Attorney James J. Williamson P.O. Box 886 Oshkosh, W! 54903-0886

15-1960-7400 (Parcel Identification Number)

The South Four Hundred (400) feet of that part of the South West 1/4 of the NORTH EAST 1/4 of Section One (1) Township Eighteen (18) North, of Range Sixteen (16) East, in the Town of Oshkosh, lying east of the Easterly line of right-of-way of the Chicago and North Western Rail Road Company and West of the Westerly line of County Trunk Highway "A", excepting therefrom the North Three Hundred Sixty (360) feet of the South Four Hundred (400) feet of the East Three Hundred Eight (308) feet of said South West 1/4 of the North East 1/4, subject to rights granted over and across the South Forty (40) feet of the East Three Hundred Eight (308) feet of said South West 1/4 of the North East 1/4, now in the 15th Ward, City of Oshkosh, Winnebago County, Wisconsin.

This is not homestead property. Date	d this 12 day of Merch, 2001
AUTHENTICATION	*Mark Nogweiler ACKNOWLEDGMENT
authentiqued this 13th day of April 20	STATE OF WISCONSIN WINNEBAGO COUNTY Personally came before me this day of March, 2001 the above named Jacquelline L. Nonweiler and Mark Nonweiler to me known to be the person(s) who executed the foregoing instrument and acknowledge the same.
Type or print name	signature type or print name
TITLE: MEMBER STATE BAR OF WISCONSIN (If not,authorized by § 706.06, Wis. Stats.)	Notary Public Winnebago County, Wisconsin. My commission is permanent. (If not, state expiration date:, 20)
THIS INSTRUMENT WAS DRAFTED BY Attorney James J. Williamson P.O. Box 2808	*Names of persons signing in any capacity should be typed or printed below their signatures.





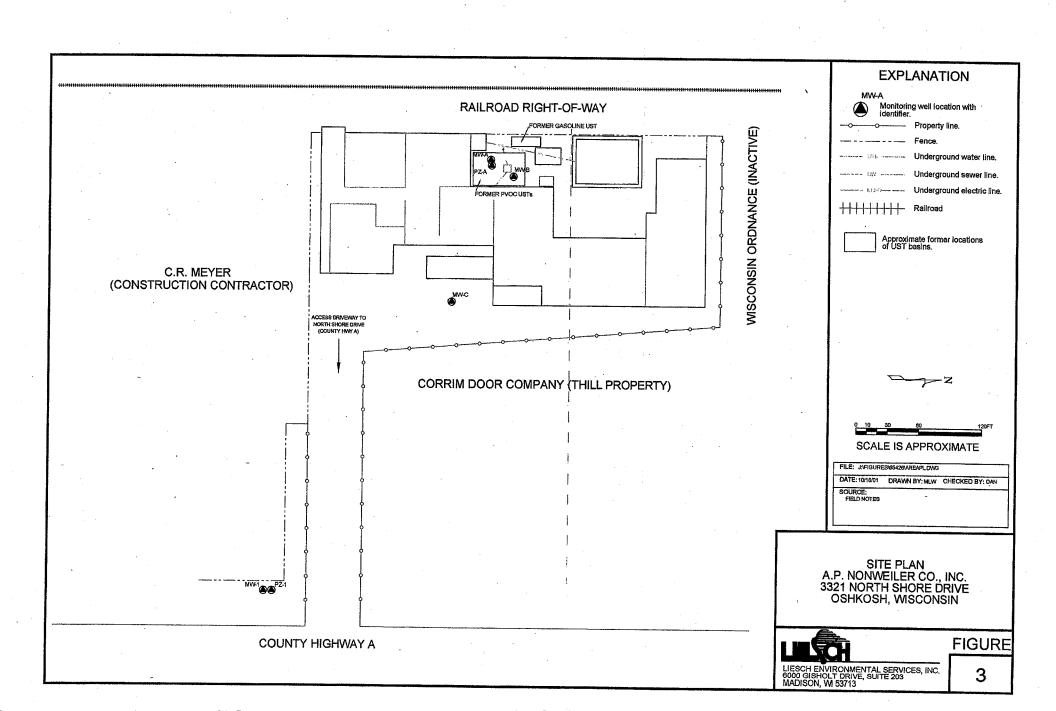


Table 1
Most Recent Groundwater Laboratory Analytical Results

A.P. Nonweiler Oshkosh, Wisconsin

	DATE	UNITS	MW-A	FD	PZ-A	MW-B	MW-C	Trip	PAL	ES
Volatiles (Petroleum)						~				
BENZENE	7/11/2001	μg/L	0.824	<0.8	<0.16	11.6	2.19	< 0.16	0.5	5
n-BUTYLBENZENE	7/11/2001	μg/L	<1.20	<1.20	<0.24	<1.20	<0.24	<0.24	•	-
sec-BUTYLBENZENE	7/11/2001	μg/L	<0.95	< 0.95	<0.19	<0.95	<0.19	<0.19	-	-
ETHYLBENZENE	7/11/2001	μg/L	3.19	3.12	<0.5	<2.50	<0.5	0.552*	140	700
ISOPROPYLBENZENE	7/11/2001	μg/L	<0.85	<0.85	<0.17	<0.85	<0.17	<0.17	•	-
METHYL TERT BUTYL ETHER	7/11/2001	μg/L	7.67	7.63	<0.30	<1.50	<0.30	<0.30	12	60
TOLUENE	7/11/2001	μg/L	240	231	0.437*	193	<0.40	0.546*	200	1,000
TRIMETHYLBENZENES (total)	7/11/2001	μg/L	<2.85	<2.85	< 0.57	<2.85	<0.57	<0.57	96	480
XYLENES (total)	7/11/2001	μg/L	15.3	13.0	< 0.57	<2.85	<0.57	0.999*	1,000	10,000
Volatiles (Chlorinated)										
cis-1,2-DICHLOROETHENE	7/11/2001	μg/L	<1.25	<1.25	< 0.25	<1.25	2.46	<0.25	7	70
VINYL CHLORIDE	7/11/2001	μg/L	<1.95	<1.95	< 0.39	<1.95	1.99	<0.39	0.02	0.2

NOTES:

Only analytes detected in concentrations above method detection limits are listed on this table.

Blank cell indicates analysis not conducted.

FD

Field Duplicate (for MW-A)

<

Result between limit of detection and limit of quantification $% \left(1\right) =\left(1\right) \left(1\right$

PAL

Below method detection limit NR 140 preventive action limit

ES

NR 140 enforcement standard

OAKLOUGO.

No PAL or ES established

μg/L

micrograms per liter (parts per billion)

Results in italics indicate contaminant above the current PAL

Results in **bold** indicate contaminant above the current ES

Table 2 Soil Screening and Soil Laboratory Analytical Results

September 11, 1997 A.P. Nonweiler Oshkosh, Wisconsin

ANALYTE			B-	4 B-4	B-5		RCL
			7'-1	9'-11'	3'-5'		l l
	HEAD	SPACE READING	GS (vppm)				
Organic Vapor Meter (OVM)			48.	0 10.5	3.7		-
	I	PETROLEUM (mg	/kg)				
Diesel Range Organics (DRO)			<1	0 <10	<10		100
Gasoline Range Organics (GRO)			43	<10	<10		100
		VOLATILES (μg/l	kg)				
Benzene			<2	5 <25	<25		5.5
n-Butylbenzene			27) <25	93		-
sec-Butylbenzene			25	<25	26		-
Ethylbenzene			46) <25	45	·	2,900
Isopropylbenzene			49) <25	30		
Naphthalene			12) <25	<25		
n-Propylbenzene			1,10	00 <25	100		-
Tetrachloroethene			<2	5 <25	<25		-
Toluene			<2	5 360	<25		1,500
1,2,4-Trimethylbenzene			3,10	0 <25	220		-
1,3,5-Trimethylbenzene			1,40	0 <25	150		-
Xylenes (total)			33,0	32 79	490		4,100
		METALS (mg/kg	g)				
Lead (total)			15	10	15		50

Note:

Only analytes detected in concentrations above method detection limits are listed on this table.

Dates indicate when samples were collected.

vppm = vapor parts per million
mg/kg = milligrams per kilogram

μg/kg = micrograms per kilogram

RCL = NR 720 generic residual contaminant levels

-= Not established bold = Above RCL f:\shared\6542601\0997SOIL-dnr-lust.doc

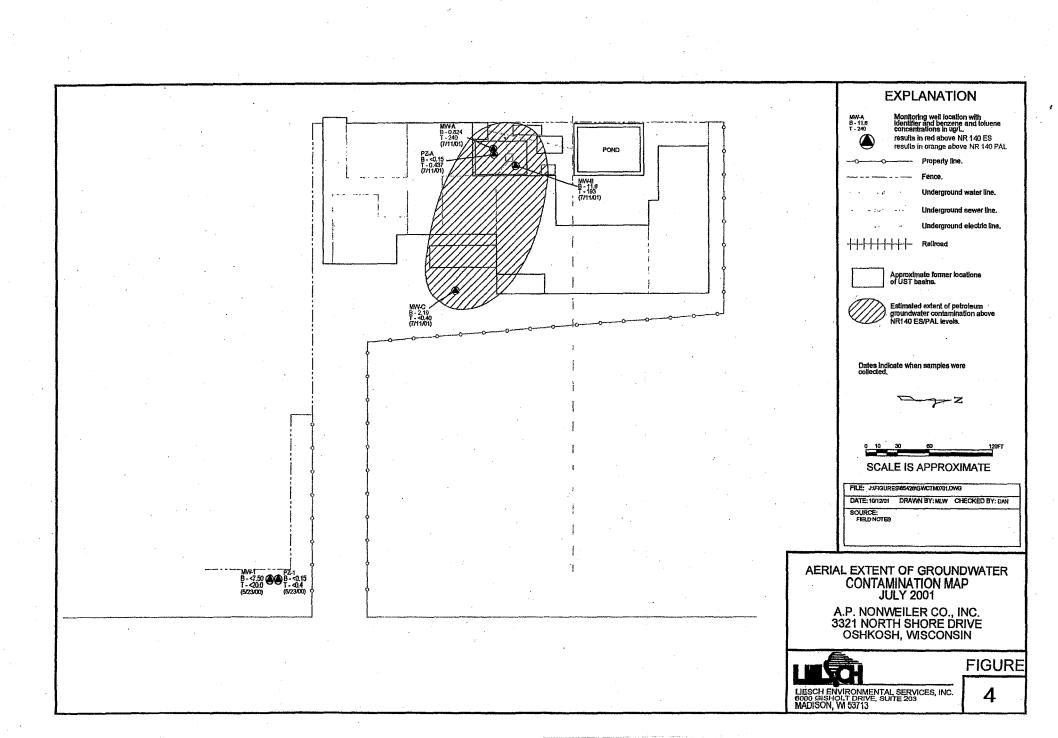


Table 3 Groundwater Elevation Data 2000-2001

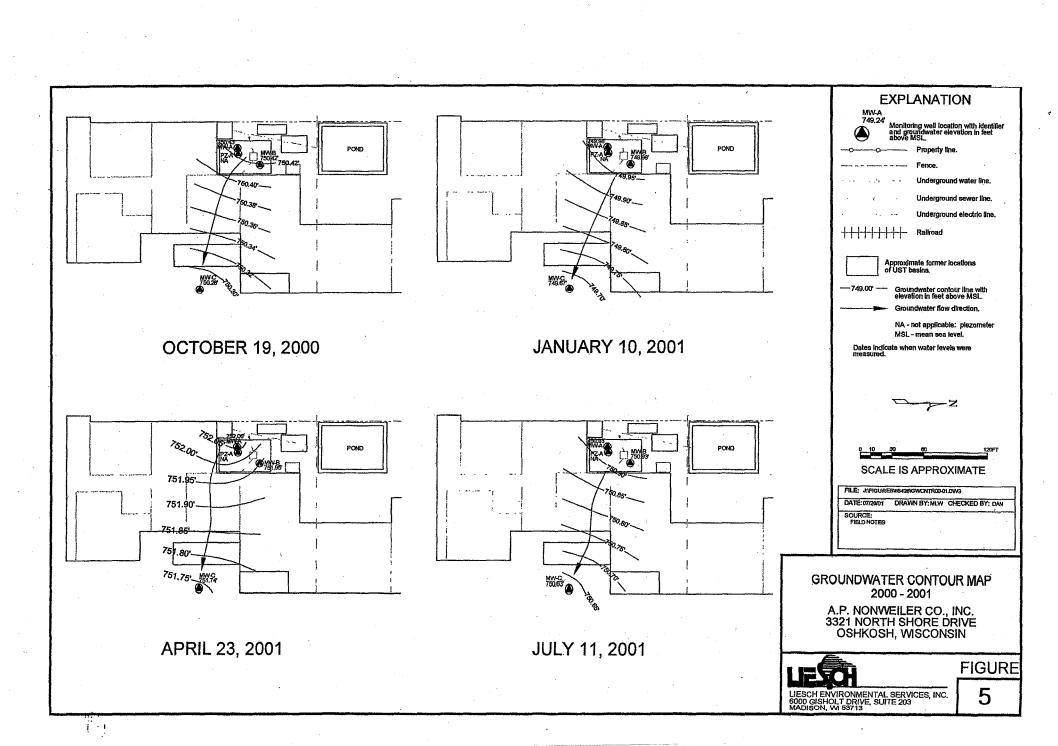
A.P. Nonweiler Oshkosh, Wisconsin

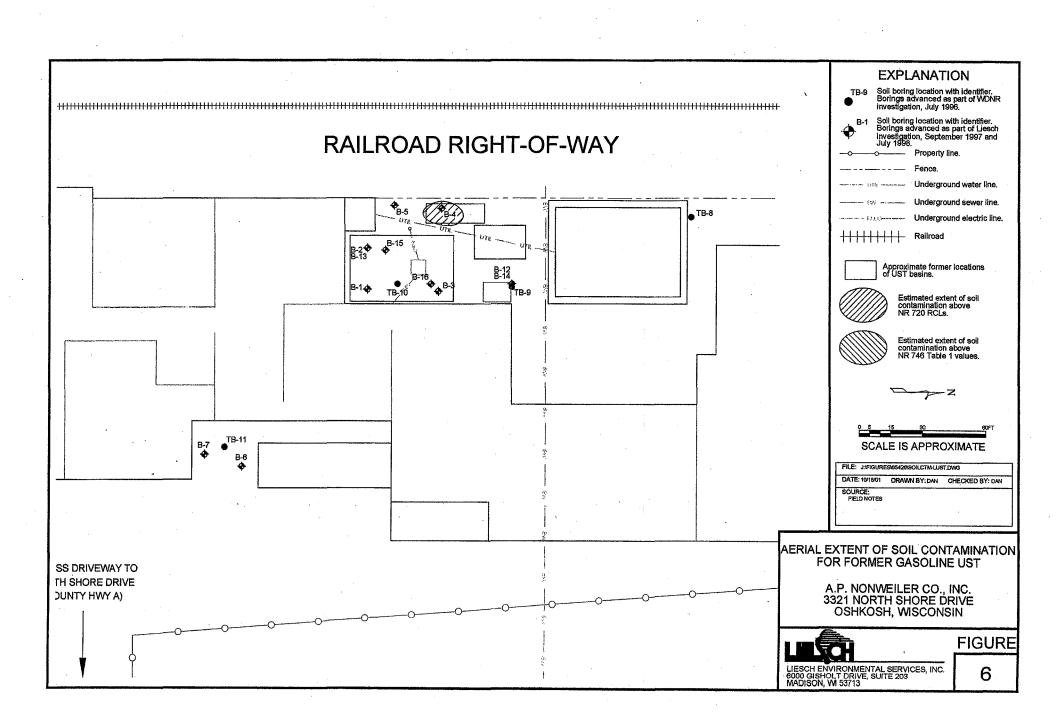
Date	MW-A	PZ-A	MW-B	MW-C
top of riser=>	755.79	755.69	755.67	753.29
10/19/2000	750.43	***	750.42	750.28
1/10/2001	749.98	***	749.98	749.67
4/23/2001	752.06	***	751.95	751.74
7/11/2001	750.93	***	750.93	750.63

Notes:

NGVD = National Geodetic Vertical Datum of 1929

^{***}Not applicable because of non-equilibrium conditions due to very low hydraulic conductivity Elevation data in feet NGVD





CERTIFICATION OF PROPERTY DESCRIPTION

15-1960-7400 (Parcel Identification Number)

The South Four Hundred (400) feet of that part of the South West 1/4 of the NORTH EAST 1/4 of Section One (1) Township Eighteen (18) North, of Range Sixteen (16) East, in the Town of Oshkosh, lying east of the Easterly line of right-of-way of the Chicago and North Western Rail Road Company and West of the Westerly line of County Trunk Highway "A", excepting therefrom the North Three Hundred Sixty (360) feet of the South Four Hundred (400) feet of the East Three Hundred Eight (308) feet of said South West 1/4 of the North East 1/4, subject to rights granted over and across the South Forty (40) feet of the East Three Hundred Eight (308) feet of said South West 1/4 of the North East 1/4, now in the 15th Ward, City of Oshkosh, Winnebago County, Wisconsin.

I, Mark Nonweiler, hereby certify that, to the best of my knowledge, the above legal description is complete and accurate for all property within or partially within the contaminated site's boundaries that have groundwater contamination exceeding Wisconsin Administrative Code ch. NR 140 enforcement standards at the time that regulatory closure was requested.

Mark Nonweiler

Date

J:\6542601\ITEM-F.doc