



September 8, 2017

MR BARRY JENNERJOHN
JENNERJOHN LLC
N2949 MAIN RD
HORTONVILLE WI 54944-8211

MIKE GONNERING
AFFORDABLE RENTAL STORAGE LLC
825 W MAIN ST
HORTONVILLE WI 54944-8422

KEEP THIS DOCUMENT WITH YOUR PROPERTY RECORDS

SUBJECT: Addendum to Case Closure – Removal of Continuing Obligations
American Toy & Furniture (Former), 825 West Main Street, Hortonville, WI
DNR BRRTS Activity #: 02-45-000563

Dear Messers. Jennerjohn and Gonnering:

On August 11, 2017, the Department of Natural Resources (DNR) received the final documentation for the Post Closure Modification request from Mr. Barry Jennerjohn and OMNNI Associates, Inc. (OMNNI) received May 3, 2017. Based on the information submitted, the DNR concurs that the continuing obligations assigned in 2005 are no longer applicable for the above referenced site. Provide this letter to anyone who purchases this property from you.

The DNR opened the American Toy & Furniture case (BRRTS #02-45-000563) in 1994 in response to discovery of a release of chlorinated volatile organic compounds (CVOCs) to the environment. The above-named case was closed on December 14, 2005 with residual contamination in soil above residual contaminant levels (RCLs), groundwater above enforcement standards and a requirement to maintain the building over residual groundwater contamination at temporary well, TW-3. The closure information was posted on the Geographic Information System (GIS) Registry the DNR maintains for public notification of sites closed with residual contamination. A restriction was filed to the deed as document #1690467 on December 1, 2005 for the requirement to maintain the building over TW-3. In addition, Mr. Jennerjohn chose to maintain the monitoring points TW-2, TW-3 and MW-5 for long-term groundwater monitoring under the Voluntary Party Liability Exemption (VPLE) Program BRRTS #06-45-307856. The property has since been withdrawn from the VPLE Program. See attached Figure 4, *American Toy & Furniture Site Detail Map – LGU* by OMNNI dated May 1, 2017 for locations of former wells TW-2, TW-3 and MW-5.

On May 18, 2017, the DNR reviewed the soil and groundwater data collected since December 2005 that indicates previously documented residual contamination no longer remains in soil or groundwater above applicable standards and agreed that no further soil or groundwater sampling is necessary. On May 24, 2017, the DNR issued a notice to proceed with well abandonment and drafted a deed notice to file at the Outagamie County Register of Deeds office rescinding the requirement to maintain the building over TW-3. TW-3 was abandoned by OMNNI on February 9, 2017 and TW-2 and MW-5 were abandoned on May 21, 2017. On August 11, 2017, the DNR received the deed notice drafted by the DNR, signed by both parties of the current land contract and recorded at the Outagamie County Register of Deeds office as document #2110277 on July 28, 2017 (attached).

Therefore, the soil and groundwater cap continuing obligations assigned in 2005 that included the requirement to maintain the building over TW-3 no longer apply. The DNR will post a modification notice on the BRRTS database system to indicate that continuing obligations are no longer applicable.

Chapter NR 140, Wis. Adm. Code Exemption

Recent groundwater monitoring data at this site indicates that for tetrachloroethylene (PCE) and trichloroethylene (TCE) at temporary well, TW-2, and PCE at temporary well, TW-3, contaminant levels exceed the NR 140 preventive action limit (PAL) but are below the enforcement standard (ES). The DNR may grant an exemption to a PAL for a substance of public health concern, other than nitrate, 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. [Note: at this site the point of standards application is all points where groundwater is monitored.]
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 DNR believes that these criteria have been or will be met. Long-term groundwater monitoring between 2005 and 2014 indicates the PCE and TCE concentrations have decreased and are consistently between the ES and PAL. Therefore, pursuant to s. NR 140.28, Wis. Adm. Code, an exemption to the PAL is granted for PCE and TCE at TW-2 and PCE at TW-3. Please keep this letter, because it serves as your exemption.

Please be aware that the case may be reopened pursuant to s. NR 727.13, 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.

The DNR appreciates your efforts to restore the environment at this site. If you have any questions regarding this closure decision or anything outlined in this letter, please contact Jennifer Borski in Oshkosh by calling 920-424-7887, or by email at jennifer.borski@wisconsin.gov.

Sincerely,










Roxanne N. Chronert
Team Supervisor, Northeast Region
Remediation & Redevelopment Program

Attachment:

- Figure 4, *American Toy & Furniture Site Detail Map – LGU* by OMNNI dated May 1, 2017
- Deed Notice Document #2110277 recorded July 28, 2017 (BRRTS #02-45-000563 & 03-45-245541)

cc: Brian Wayner, OMNNI – bwayner@omnni.com
Maura Matthews, Canadian National - maura.matthews@cn.ca
Bill Phelps, DNR, Madison - DG/5 – william.phelps@wisconsin.gov

-  Parcels
-  Hand Auger Locations
-  Soil Sample Locations
-  Geoprobe Locations
-  Soil Boring Locations
-  Monitoring Wells
-  2017 Soil Samples



OMNI
ASSOCIATES

ONE SYSTEMS DRIVE PHONE (920) 735-6900
APPLETON, WI 54914 FAX (920) 830-6100



AMERICAN TOY & FURNITURE
SITE DETAIL MAP - LGU

BRRTS #024500563
CITY OF HORTONVILLE, OUTAGAMIE COUNTY, WISCONSIN

Project Manager: BDW	SCALE: 1" = 30'
Project Engineer: BDW	PROJECT NO. N1602A13
Drawn By: JCW	FIGURE NO. 4
Checked By: BDW	
Date: 5/1/2017	

Document Number	DEED NOTICE
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2110277
Recorded
July 28, 2017 12:39 PM

OUTAGAMIE COUNTY
SARAH R VAN CAMP
REGISTER OF DEEDS

Fee Amount: \$30.00
Total Pages: 9

Legal Description of the Property:

Part of the Northwest ¼ of the Southwest ¼ all in Section 35, Township 22 North, Range 15 East, Village of Hortonville, Outagamie County, Wisconsin, described as follows:
Commencing at the West ¼ corner of said Section 35; thence North 89°29'33" East, 33.00 feet to the point of beginning; thence South 0°55'19" East, along the East line of Givens Road, 38.23 feet; thence South 04°55'34" East, along the East line of Givens Road, 100.25 feet; thence South 0°55'19" East along the East line of Givens Road 400.00 feet; thence South 28°05'12" East, along the northerly line of U.S.H. "45" a distance of 85.24 feet; thence South 84°12'56" East, along the Northerly line of U.S.H. "45" a distance of 1087.46 feet; thence North 53°29'48" West, along the Southwesterly line of the former Chicago and Northwestern Railroad, 215.00 feet; thence North 36°30'12" East, 3.00 feet; thence North 53°29'48" West, 240.00 feet; thence South 36°30'12" West, 3.00 feet; thence North 53°29'48" West, along the Southwesterly line of the former Chicago and Northwestern Railroad to the North line of said Northwest ¼ of the Southwest ¼; thence West along said North line to the point of beginning.

Recording Area	
Name and Return Address	9.
Jennifer Borski, WDNR 625 E. County Rd. Y, STE. 700 Oshkosh, WI 54901-9731	

240031200
Parcel Identification Number (PIN)

For informational purposes only:
Address: 825 W. Main Street, Hortonville, WI 54944

STATE OF WISCONSIN)
) ss
COUNTY OF OUTAGAMIE)

Mark Jennerjohn & Mike Gonnering, being first duly sworn, on oath deposes and says:

1. That he/she is an officer in the corporation that owns the property.
2. That approval has been given by the Department of Natural Resources to terminate the previously recorded Deed Restriction for the above-described property, Document #1690467 recorded on December 1, 2005, as documented in the attached letter from the Department, labeled Exhibit A.
3. That approval has been given by the Department of Natural Resources to terminate the previously recorded Notice of Contamination for the above-described property, Document #1459354, recorded on March 28, 2002, as documented in the attached letters from the Department, labeled Exhibit B and Exhibit C.
4. That this affidavit is being recorded for the purpose of notifying prospective purchasers and other interested persons that there are no further restrictions on the use of the above-described property due to the presence of residual contamination.

JENNERJOHN LLC

Signature: Mark Jennerjohn

Printed Name: Mark Jennerjohn

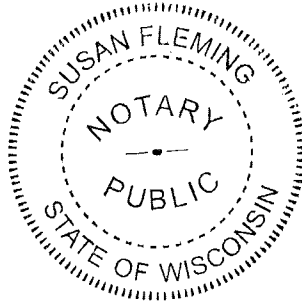
Title: Managing Member

Subscribed and sworn to before me
this 28 day of July, 2017.

Susan Fleming

Notary Public, State of Wisconsin

My commission Nov 16 2019



AFFORDABLE RENTAL STORAGE LLC

Signature: Michael Gompfing

Printed Name: Michael Gompfing

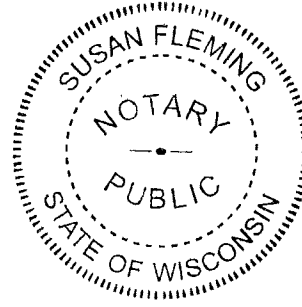
Title: Managing Member

Subscribed and sworn to before me
this 28 day of July, 2017.

Susan Fleming

Notary Public, State of Wisconsin

My commission Nov 16 2019



This document was drafted by the Department of Natural Resources.

Jennifer Bergki



SENT BY CERTIFIED MAIL – RETURN RECEIPT REQUESTED

May 24, 2017

MR BARRY JENNERJOHN
JENNERJOHN LLC
N2949 MAIN RD
HORTONVILLE WI 54944-8211

MIKE GONNERING
AFFORDABLE RENTAL STORAGE LLC
825 W MAIN ST
HORTONVILLE WI 54944-8422

SUBJECT: Continuing Obligation Modification Notice to Proceed for
American Toy & Furniture (Former), 825 West Main Street, Hortonville, WI
DNR BRRTS Activity #: 02-45-000563

Dear Messrs. Jennerjohn and Gonnering :

On May 3, 2017, the Department of Natural Resources (DNR) received a *Post-Closure Modification Request* from Barry Jennerjohn of Jennerjohn, LLC dated April 30, 2017 regarding the American Toy & Furniture (Former) site at the property described above (the "PCM Request"). The PCM Request includes technical information submitted by OMNNI Associates on behalf of Jennerjohn, LLC. The database modification fee of \$1,050, soil database fee of \$300 and groundwater database fee of \$350 accompanied the PCM Request in accordance with ch. NR 749, Wis. Adm. Code.

The case was closed on December 14, 2005 with residual soil and groundwater contamination and a requirement to maintain the building over temporary well, TW-3, as shown on the attached Figure 4, *Site Detail Map, BRRTS #0245000563*, by OMNNI dated 5/1/2017. In addition, a restriction was filed on the property by Document #1690467, recorded on December 1, 2005. Monitoring points, MW-5, TW-2 and TW-3 were also retained for post-closure monitoring. All other monitoring points were abandoned.

Since that time, soil and groundwater data has been collected by OMNNI Associates on behalf of Jennerjohn, LLC under the Voluntary Party Liability Exemption (VPLE) Program BRRTS #06-45-307856. The DNR worked to confirm the applicant on record for the VPLE case after the DNR performed a continuing obligation audit for the case in July 2016. The applicant was found to be the original applicant, Outagamie County, and not Jennerjohn, LLC as believed by all parties. The DNR withdrew Outagamie County from the VPLE Program on February 9, 2017 after providing notice.

Jennerjohn, LLC proceeded with OMNNI to submit the PCM Request on May 3, 2017 in an effort to remove the restriction filed on the property. The PCM Request also recommended the remaining monitoring well, MW-5, and the remaining temporary well, TW-2, be abandoned/sealed. (Note TW-3 was properly abandoned on February 9, 2017 and documentation received by the DNR on May 3, 2017.) These two action items are terms of the Land Contract between Jennerjohn, LLC and Affordable Rental Storage, LLC filed as Document #2005135 and recorded on December 17, 2013.

The DNR Northeast Region (NER) Closure Committee reviewed the PCM Request on May 18, 2017 and is in agreement that no further soil or groundwater sampling is necessary. Jennerjohn, LLC can move forward with the following actions:

May 24, 2017

Exhibit A

Page 2 of 2

Messrs. Jennerjohn and Gonnering
Continuing Obligation Modification Notice to Proceed
American Toy & Furniture (Former), 825 W. Main St., Hortonville, WI
BRRTS #02-45-000563

1. Proper abandonment of MW-5 and TW-2 must be performed in accordance with ch. NR 141, Wis. Adm. Code. Documentation of well abandonment for all wells must be submitted to Jennifer Borski with the DNR on Form 3300-005, found at <http://dnr.wi.gov/topic/groundwater/forms.html>.
2. Any remaining purge water, waste and/or soil piles generated as part of site investigation activities must be removed from the site and disposed of or treated in accordance with the applicable rules. Once that work is completed, please send appropriate documentation regarding the treatment or disposal of the remaining purge water, waste and/or soil piles.

The DNR will draft a notice for the property owner to sign, notarize and file with the Outagamie County Register of Deeds office to terminate the restriction on the property filed on December 1, 2005. We anticipate this notice will be finalized within the next 30 to 60 days and will be forwarded to you along with instructions for filing.

Upon receipt of the well abandonment forms, investigative waste disposal documentation and a copy of the filed notice, the DNR will draft a post closure addendum letter for this site. We look forward to working with you to complete all remaining actions.

If you have any questions regarding this letter, please contact Jennifer Borski in Oshkosh by calling 920-424-7887, or by email at jennifer.borski@wisconsin.gov.

Sincerely,



Roxanne N. Chronert
Team Supervisor, Northeast Region
Remediation & Redevelopment Program

Attachment: Figure 4, *Site Detail Map*, BRRTS #0245000563, by OMNNI dated 5/1/2017

cc: Barry Jennerjohn, Jennerjohn, LLC – jennerjohnsellshomes@gmail.com
Mike Gonnering, Affordable Rental Storage, LLC – ARS_LLCC@att.net

Exhibit A



- Parcels
- ◆ Hand Auger Locations
- ⊕ Soil Sample Locations
- ◆ Geoprobe Locations
- ◆ Soil Boring Locations
- ▲ Monitoring Wells
- 2017 Soil Samples



OMNI ASSOCIATES
 ONE SYSTEMS DRIVE PHONE (920) 735-6900
 APPLETON, WI 54914 FAX (920) 830-6100



**AMERICAN TOY & FURNITURE
 SITE DETAIL MAP - LGU**

BRRTS #024500563
 CITY OF HORTONVILLE, OUTAGAMIE COUNTY, WISCONSIN

Project Manager: BDW	SCALE: 1" = 30'
Project Engineer: BDW	PROJECT NO. N1602A13
Drawn By: JCW	FIGURE NO. 4
Checked By: BDW	
Date: 5/1/2017	



SENT BY CERTIFIED MAIL – RETURN RECEIPT REQUESTED

May 24, 2017

MR BARRY JENNERJOHN
JENNERJOHN LLC
N2949 MAIN RD
HORTONVILLE WI 54944-8211

MIKE GONNERING
AFFORDABLE RENTAL STORAGE LLC
825 W MAIN ST
HORTONVILLE WI 54944-8422

SUBJECT: Continuing Obligation Modification Notice to Proceed for
American Toy & Furniture (Former) – Site 2, 825 West Main Street, Hortonville, WI
DNR BRRTS Activity #: 03-45-245541

Dear Messrs. Jennerjohn and Gonnering :

On May 3, 2017, the Department of Natural Resources (DNR) received a *Post-Closure Modification Request* from Barry Jennerjohn of Jennerjohn, LLC dated April 30, 2017 regarding the American Toy & Furniture (Former) – Site 2 at the property described above (the “PCM Request”). The PCM Request includes technical information submitted by OMNNI Associates on behalf of Jennerjohn, LLC. The database modification fee of \$1,050, soil database fee of \$300 and groundwater database fee of \$350 accompanied the PCM Request in accordance with ch. NR 749, Wis. Adm. Code.

The case was closed on April 22, 2002 by the Department of Commerce with residual soil and groundwater contamination. See attached Figure 4, *Site Detail Map – Site 2, BRRTS #0345245541*, by OMNNI dated 5/1/2017. In addition, a notice of contamination was filed on the property by Document #1459354, recorded on March 28, 2002. Monitoring point, MW-1 was also retained for post-closure monitoring.

Since that time, soil and groundwater data has been collected by OMNNI Associates on behalf of Jennerjohn, LLC under the Voluntary Party Liability Exemption (VPLE) Program BRRTS #06-45-307856. The DNR worked to confirm the applicant on record for the VPLE case after the DNR performed a continuing obligation audit for BRRTS #02-45-000563 at the property in July 2016. The applicant was found to be the original applicant, Outagamie County, and not Jennerjohn, LLC as believed by all parties. The DNR withdrew Outagamie County from the VPLE Program on February 9, 2017 after providing notice.

Jennerjohn, LLC proceeded with OMNNI to submit the PCM Request on May 3, 2017 in an effort to satisfy the notice of contamination filed to the property. The PCM Request also recommended the remaining monitoring well, MW-1, be abandoned/sealed. These two action items are terms of the Land Contract between Jennerjohn, LLC and Affordable Rental Storage, LLC filed as Document #2005135 and recorded on December 17, 2013.

The DNR Northeast Region (NER) Closure Committee reviewed the PCM Request on May 18, 2017 and is in agreement that no further soil or groundwater sampling is necessary. Jennerjohn, LLC can move forward with the following actions:

May 24, 2017

Messrs. Jennerjohn and Gonnering
Continuing Obligation Modification Notice to Proceed
American Toy & Furniture (Former) – Site 2, 825 W. Main St., Hortonville, WI
BRRTS #03-45-245541

Exhibit B

Page 2 of 2

1. Proper abandonment of MW-1 must be performed in accordance with ch. NR 141, Wis. Adm. Code. Documentation of well abandonment for all wells must be submitted to Jennifer Borski with the DNR on Form 3300-005, found at <http://dnr.wi.gov/topic/groundwater/forms.html>.
2. Any remaining purge water, waste and/or soil piles generated as part of site investigation activities must be removed from the site and disposed of or treated in accordance with the applicable rules. Once that work is completed, please send appropriate documentation regarding the treatment or disposal of the remaining purge water, waste and/or soil piles.

The DNR will draft, sign and notarize a notice for the property owner to file with the Outagamie County Register of Deeds office to satisfy the notice of contamination filed with the property on March 28, 2002. We anticipate this notice will be finalized within the next 30 to 60 days and will be forwarded to you along with instructions for filing.

Upon receipt of the well abandonment forms, investigative waste disposal documentation and a copy of the filed notice, the DNR will draft a post closure addendum letter for this site. We look forward to working with you to complete all remaining actions.

If you have any questions regarding this letter, please contact Jennifer Borski in Oshkosh by calling 920-424-7887, or by email at jennifer.borski@wisconsin.gov.

Sincerely,









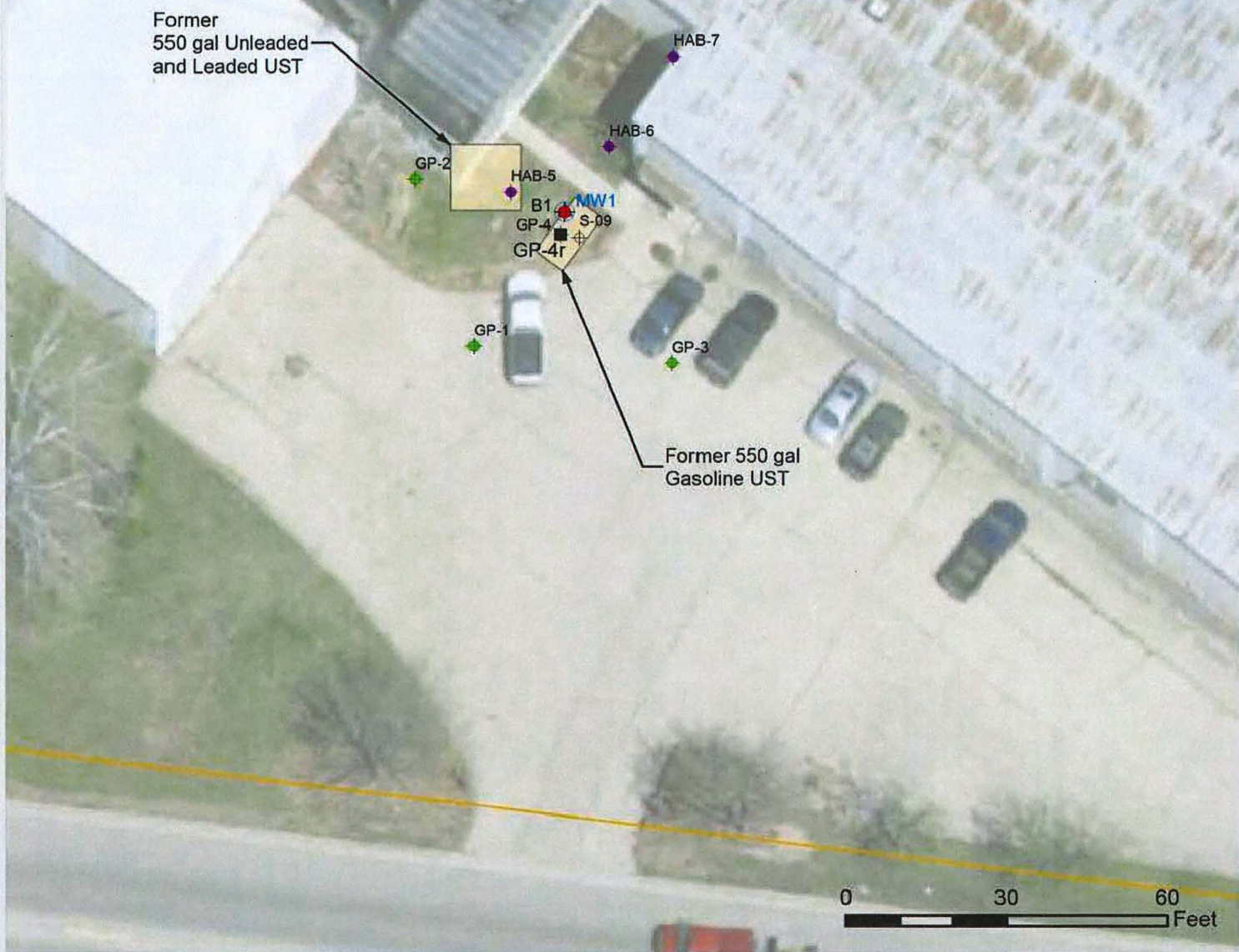
Roxanne N. Chronert
Team Supervisor, Northeast Region
Remediation & Redevelopment Program

Attachment: Figure 4, *Site Detail Map – Site 2, BRRTS #0345245541*, by OMNNI dated 5/1/2017

cc: Barry Jennerjohn, Jennerjohn, LLC – jennerjohnsellshomes@gmail.com
Mike Gonnering, Affordable Rental Storage, LLC – ARS_LLC@att.net

Exhibit B

-  Parcels
-  Tank Locations
-  Hand Auger Locations
-  Soil Sample Locations
-  Geoprobe Locations
-  Soil Boring Locations
-  Monitoring Wells
-  2017 Soil Samples



OMNI
ASSOCIATES
ONE SYSTEMS DRIVE PHONE (920) 735-6900
APPLETON, WI 54914 FAX (920) 830-6100



**AMERICAN TOY & FURNITURE
SITE DETAIL MAP - SITE 2**

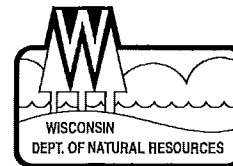
BRRTS #0345245541
CITY OF HORTONVILLE, OUTAGAMIE COUNTY, WISCONSIN

Project Manager: BDW	SCALE: 1" = 30'
Project Engineer: BDW	PROJECT NO. N1602A13
Drawn By: JCW	FIGURE NO. 4
Checked By: BDW	
Date: 5/1/2017	

State of Wisconsin
DEPARTMENT OF NATURAL RESOURCES
Oshkosh Service Center
625 East County Road Y, STE 700
Oshkosh, WI 54901-9731

Exhibit C

Scott Walker, Governor
Cathy Stepp, Secretary
Telephone 608-266-2621
Toll Free 1-888-936-7463
TTY Access via relay - 711



July 18, 2017

MR BARRY JENNERJOHN
JENNERJOHN LLC
N2949 MAIN RD
HORTONVILLE WI 54944-8211

MIKE GONNERING
AFFORDABLE RENTAL STORAGE LLC
825 W MAIN ST
HORTONVILLE WI 54944-8422

SUBJECT: Deed Notice for Signature and Filing Regarding
American Toy & Furniture (Former), 825 West Main Street, Hortonville, WI
DNR BRRTS Activity #: 02-45-000563
AND
American Toy & Furniture (Former) – Site 2, 825 West Main Street, Hortonville, WI
DNR BRRTS Activity #: 03-45-245541

Dear Messrs. Jennerjohn and Gonnering:

On May 24, 2017, the Department of Natural Resources (DNR) sent you a letter stating that the DNR intended to draft a deed notice for the property owner to sign, notarize and file with the Outagamie County Register of Deeds office to terminate the restriction on the property filed on December 1, 2005 under BRRTS #02-45-000563. The DNR also sent you a letter dated May 24, 2017 stating that the DNR intended to draft, sign and notarize a deed notice for the property owner to file with the Outagamie County Register of Deeds office to satisfy the notice of contamination filed with the property on March 28, 2002 under BRRTS #03-45-245541.

Please note that it has since been clarified that under s. NR 727.09, Wis. Adm. Code, the property owner has authority to sign and notarize both deed notices. As a result, a single deed notice has been drafted to address both items.

Please sign the attached deed notice in the presence of a public notary and file the document with referenced exhibits at the Outagamie County Register of Deeds office in Appleton. The Register of Deeds office will return the recorded notice to the DNR with a document number and date of filing. Upon receipt of the recorded notice, the DNR will draft a post closure addendum letter for each site.

We look forward to working with you to complete all remaining actions. Please contact me with any questions in Oshkosh by phone at 920-424-7887 or by email at jennifer.borski@wisconsin.gov.

Sincerely,

A handwritten signature in black ink that reads 'Jennifer Borski'.

Jennifer Borski
Hydrogeologist
Remediation & Redevelopment Program

Attachment: Deed Notice