

**BRRTS ID No. 02-28-350153**

Reviewer: Jeff Ackerman

Region: SCR

Review Date: 04/26/2005

Site Name: Vogue Cleaners

**See RR5242 for instructions <http://intranet.dnr.state.wi.us/int/aw/rr/guidance/RR5242.pdf> . Steps with an \* denote DNR follow up; \*\* denote RP/property owner follow up. If auditing a VPLE site, use the applicable LUST or ERP BRRTS number. Use the NOTES area in each section to add information not otherwise addressed.**

**File Review:**

**1. Review BRRTS, and the file if needed, to identify the File Review information:**

Site Address 412 East Main Street	City Watertown	ZIP Code 53094
County Parcel Identification Number (PIN) 291-0815-0412-136	FID Number	

Original Responsible Person

Vogue Cleaners - George Oestrich

Has the property been transferred since the continuing obligation was recorded/applied?  No  Yes

If Yes: Current Property Owner

Vallin Properties LLC

Phone Number

(920) 253-9944

Email

voguewatertown@live.com

Select all continuing obligations applied (at case closure or RAP approval or letter to LGU):

Add to BRRTS	AC in BRRTS	AC	Action Code (AC) Meaning
<input type="checkbox"/>	<input type="checkbox"/>	51	Deed notice
<input type="checkbox"/>	<input checked="" type="checkbox"/>	52	Deed restriction for soil
<input type="checkbox"/>	<input type="checkbox"/>	730	Groundwater use restriction
<input type="checkbox"/>	<input type="checkbox"/>	95	Deed instrument conditions met (for audits, use if deed restriction was updated by filing a deed notice)
<input type="checkbox"/>	<input type="checkbox"/>	101	GIS Registry PDF modified - date DNR letter sent
<input type="checkbox"/>	<input type="checkbox"/>	104	Site removed from GIS Registry - date DNR letter sent
<input type="checkbox"/>	<input type="checkbox"/>	696	Continuing obligation required of LGU to maintain liability exemption
<input type="checkbox"/>	<input type="checkbox"/>	605	Green Space Grant awarded (deed restriction)
<input type="checkbox"/>	<input checked="" type="checkbox"/>	56	Continuing Obligation applied (use with codes 220-238)
<input type="checkbox"/>	<input type="checkbox"/>	46	Impacted Right-of-Way
<input type="checkbox"/>	<input type="checkbox"/>	220	Soil at industrial use level
<input type="checkbox"/>	<input checked="" type="checkbox"/>	222	Cover/engineered containment system (pavement, soil cover, etc.)
<input type="checkbox"/>	<input type="checkbox"/>	224	Structural impediment (buildings or other structures)
<input type="checkbox"/>	<input type="checkbox"/>	226	Vapor mitigation/response
<input type="checkbox"/>	<input type="checkbox"/>	228	Site-specific (identify in comment field)
<input type="checkbox"/>	<input type="checkbox"/>	230	LGU was directed to take a protective action
<input type="checkbox"/>	<input checked="" type="checkbox"/>	232	Residual soil contamination > RCLs/SS RCLs (use with AC 220, 222, 224)
<input type="checkbox"/>	<input type="checkbox"/>	234	Monitoring well needs to be abandoned
<input type="checkbox"/>	<input checked="" type="checkbox"/>	236	Site closed with groundwater contamination > ES
<input type="checkbox"/>	<input type="checkbox"/>	238	Maintenance and inspection documentation required to be submitted
<input checked="" type="checkbox"/>	<input type="checkbox"/>	185	Closure Compliance Review completed
<input type="checkbox"/>	<input type="checkbox"/>	186	Closure Compliance Review - RP follow up needed
<input type="checkbox"/>	<input type="checkbox"/>	187	Closure Compliance Review follow up completed
<input type="checkbox"/>	<input type="checkbox"/>	99	Use this code with comments, for actions not listed under AC 186 (i.e. submittal of inspection reports)

How was site selected for audit? (AC = BRRTS Action Code)

- Vapor Mitigation AC 226
- VPLE with AC 56
- Enforcement Follow-up
- Other: \_\_\_\_\_
- Green Space Grant AC 605
- AC 220, 222, 224, 228, or 230
- Deed Restriction AC 52 or 696 (LGU)
- Age of Remedy
- Complaint Received
- Regional Priority

Date of:

- Final Closure 04/26/2005
- Certificate of Completion \_\_\_\_\_
- Green Space Grant \_\_\_\_\_
- Remedial Action Plan Approval \_\_\_\_\_
- General Liability Clarification Letter \_\_\_\_\_
- Local Gov't Unit (LGU) Letter \_\_\_\_\_

Describe any site-specific requirements (AC 228) that the site owner and/or responsible party needed to address:

Is the site on BRRTS as having residual contamination and continuing obligations?

- Yes
- No – *Add to BRRTS using applicable action codes (56, etc.)\**

Were neighboring properties affected?

- Yes
- No

If yes, are these properties listed in BRRTS with AC 56?

- Yes
- No – *Update BRRTS, use form 4400-246\**

Was a maintenance plan required at closure?  NA  No

- Yes – It is:  in the file  PDF  missing

*If no maintenance plan was required, offer the property owner the template model with inspection log, and note in the follow up section of the audit that one was provided on the audit date*

Was/were the appropriate restriction(s) recorded with the Register of Deeds?  Yes

- No
- NA

Has a restriction been amended, or been nullified by DNR?  No

- Yes: Was BRRTS updated? (95)

- Yes
- No\*

Was the CO PDF updated?

- Yes
- No\*

Notes:

**Site Visit:**

2. **Contact the site owner for access. Provide a copy of the maintenance plan, if applicable. If the audit is being conducted for a CO which would now require a maintenance plan, provide a template version if no maintenance plan was required at closure, for the property owner's use (voluntary).**
3. **Walk the site (ideally with the owner or responsible party) to review the site conditions against the conditions documented at closure/other to verify or change answers to questions in #1. Discuss use of the maintenance plan or template.**
4. **With the site owner/RP (if possible), answer the following for DNR RR records:**

Did the site owner know about the continuing obligation(s)?

- Yes
- No

Have site conditions changed since closure that would affect either a deed restriction or other restrictions or requirements associated with the site?

- No

Yes – Explain:

*Examples: 1) a building has been razed and investigation and remediation occurred.  
2) excavation or residential development has occurred in a restricted area.*

Has a pavement (asphalt or concrete) cover, soil cover or other sort of cover, such as a building, been removed or is it in disrepair?  No/NA

Yes – Should it be replaced or repaired?  Yes\*\*  No

If a performance standard was the final remedy, has it been altered?

No

Yes – Explain:

Was the DNR notified?  Yes  No

Have local zoning changes occurred since closure?

No/NA

Yes – Does it appear to impact the effectiveness of the restriction?

No

Yes – Describe:

Is soil sampling needed to determine if the final remedy has been modified such that a direct contact threat exists?

No

Yes – Describe:

*For example, an asphalt cover has been removed or is in disrepair, or a new contaminated site is present upgradient, etc.*

Has additional monitoring or remediation been done since the site was closed?

No

Yes – Describe:

Does a new threat to public health or the environment exist (e.g. new sources or exposure routes)?

No

Yes – Does sampling need to be performed?

No

Yes\*\* – Describe what should be done to address the problem, and by whom:

Is the vapor mitigation system or sub-slab depressurization system (SSDS) operating as designed? (pressure gradient being maintained)

Yes

NA

No\*\* – Describe any follow up needed:

Have any of the exposure assumptions used for closure changed at this site?

NA

No

Yes – Describe any follow up needed:

Has the land use at this site changed such that a vapor intrusion pathway may now exist?

No

Yes – Describe any follow up needed:

Has the land use changed such that there are either health or safety issues?

- No
- Yes – Describe any follow up needed:

**Notes:**

The site appears unchanged since case closure in 2005.

**COMPLIANCE AND FOLLOW-UP SUMMARY:**

**5. Identify compliance and any follow up needed.**

Is the site in compliance with the continuing obligations/closure approval document?

- Yes
- No – Describe what's not in compliance and the reasons for noncompliance:

*(May depend on extent of non-compliance, non-maintenance of remedy or changed ownership or conditions. If case is out of compliance, it should be prioritized by the region, for new casework or enforcement, as needed.)*

Has the maintenance agreement required at closure been followed?

- Yes
- NA
- No – Describe:

Was the property owner reminded to complete and document the (yearly) inspections?

- Yes
- NA
- No – Why not?

The maintenance plan calls for inspections "at least monthly". I reminded Mr. Vallins of this.

Was a maintenance plan or template provided to the property owner at the site visit?

- Yes
- NA
- No – If no, why not?

I provided a copy the maintenance plan and deed notice by email.

**6.\*\* Are additional actions by the RP property owner warranted at the site?** *The intent is to return the site to compliance with continuing obligation. If a significant land use change has occurred, and/or further remedial action is needed, determine if the site meets the NR 726 reopening criteria.)*

- No
- Yes – Summarize the actions needed to return the site to compliance and identify who is responsible:

**Notes:**

Add AC 186 for RP/property owner follow-up required. Use AC 99 if a reminder was provided to the property owner to complete and document inspections.

7. \* Does the site require follow up by DNR?

- No
- Yes:  contact or enforcement to return site to compliance with continuing obligation
- updating BRRTS for the CO PDF (adding or modifying a packet)
- reopen site (add ACs 186, 12 and 13)
- other: \_\_\_\_\_

8. \* Attach photographs of the site, documenting site conditions. Label the photos with the site name/BRRTS Activity number/date/view. If a follow-up letter is sent, include a copy with the audit. (audit/photos/follow-up letter)

9. \* Save a copy of the audit using the following naming convention:  
YYYYMMDD\_185\_CO\_Audit.pdf. For follow-up documentation use YYYYMMDD\_186\_Follow\_Up\_Needed.pdf.

10. Update applicable BRRTS action codes on the Table on page 1. Use the regional tracking sheet, and have your Regional EPA update the ACs and upload the audit PDF into BRRTS.

11. Notify Central Office when the audit has been completed and loaded into BRRTS.

{Click to Add/Edit Image File (\*.bmp;\*.jpg;\*.gif;\*.png;\*.tif)}

Date added: 08/10/2023



Title: view of the business from the street.

{Click to Add/Edit Image File (\*.bmp;\*.jpg;\*.gif;\*.png;\*.tif)}

Date added: 08/10/2023



Title: looking northeast at building in the area of the residual soil contamination.



{Click to Add/Edit Image File (\*.bmp;\*.jpg;\*.gif;\*.png;\*.tif)}

Date added: 08/10/2023



Title: looking southwest at the building in the area of residual soil contamination





3. That this affidavit is being recorded for the purpose of notifying prospective purchasers and other interested parties that as of October 31, 2002, when soil samples were collected on this property, soil contaminated with Stoddard solvents remained on this property in the following location: beneath the building (see attached Exhibit A). If this contaminated soil 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, disposed in compliance with applicable statutes and rules.

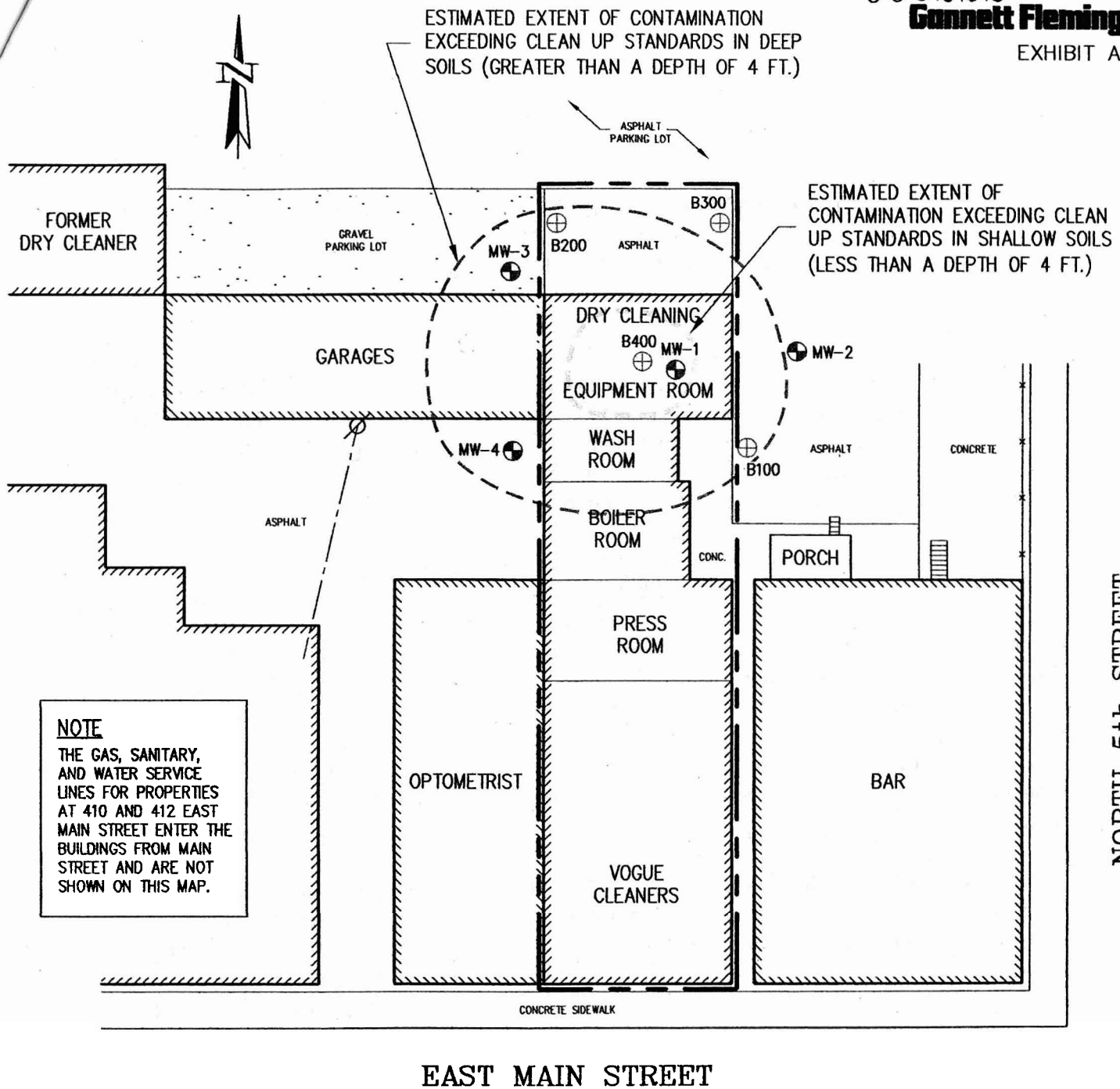
Signature: George Oestreich  
Printed Name: George Oestreich

Karen Oestreich  
KAREN Oestreich

Subscribed and sworn to before me  
this 27th day of MARCH, 2002  
Kay A. Holm  
Notary Public, State of WISCONSIN  
My commission July 30 2000



This document was drafted by the Wisconsin Department of Natural Resources. [FILENAME :Z:\deeddocs\deednote.doc][revised August 25, 1999]



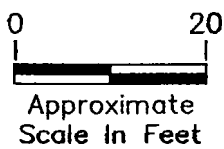
**NOTE**  
 THE GAS, SANITARY, AND WATER SERVICE LINES FOR PROPERTIES AT 410 AND 412 EAST MAIN STREET ENTER THE BUILDINGS FROM MAIN STREET AND ARE NOT SHOWN ON THIS MAP.

**LEGEND**

- GANNETT FLEMING WELL LOCATION (10/02)
- ⊕ NORTHERN ENVIRONMENTAL BOREHOLE LOCATION (6/02)
- ∅ TELEPHONE POLE
- — — — — OVERHEAD UTILITIES
- x — x — FENCE
- · — · — PROPERTY LINE

**ESTIMATED EXTENT OF CONTAMINATED SOILS**

VOGUE CLEANERS  
 412 EAST MAIN STREET  
 WATERTOWN, WISCONSIN



090704 40594WC

## EXHIBIT B

**MAINTENANCE PLAN FOR 412 EAST MAIN STREET  
WATERTOWN, WISCONSIN  
PARCEL ID # - J291-5208-0001**

Based on soil samples collected on October 30 and 31, 2002, there is soil beneath the building located at 412 East Main Street in Watertown, Wisconsin, that contains compounds associated with Stoddard solvents (a petroleum-based dry cleaning fluid) at concentrations that exceed the Wisconsin Administrative Code NR 720 residual contaminant levels (RCLs) and the interim RCLs for polycyclic aromatic hydrocarbons (PAHs) issued by the WDNR in April 1997 for the protection of the groundwater or direct human contact at a non-industrial sites.

The building currently serves as an engineered cap that prevents direct human contact with the subsurface contamination. Because the contaminants in this area are within 4 feet of the ground surface, the building or similar impervious surface must be maintained in order to prevent human contact with the contaminants in the future. See Exhibit A for a map showing the approximate extent of the contamination in the soil at concentrations above the applicable clean-up standards and the portion of the building that covers it and must be maintained. This portion of the building should be inspected at least monthly and maintained in such a manner so as to prevent any breeches or cracks in the floor covering the contaminated soil that may allow direct human contact with the contaminants below. Any breeches or cracks should be filled and patched as soon as they are evident.

In the event that the building is demolished or the property renovated in such a manner as to remove the floor surface covering the contaminated soil that exists above a depth of 4 feet, the owner of the property should replace with floor covering the contaminated soil with a similar impervious surface as soon as practicable, and public access to that portion of the property should be limited by a fence or similar barrier during the interim period when the soils are exposed. The owner has the option of excavating the contaminated soil to a depth of 4 feet or more and can thereby remove this restriction from the deed; however, the WDNR should be notified before the excavation activities begin, and the contaminated soil will have to be disposed of at a licensed and approved landfill.

19

000224

1171957

RECEIVED FOR RECORD  
at 3:30 o'clock P M

Document  
Number

DEED RESTRICTION

MAR 22 2005

*S. J. ...*  
Register of Deeds  
Jefferson County, WI

Legal Description of the Property: A part of Outlot Two (2) as marked and designated on the recorded map or plat of the Outlots of the Second Ward of the City of Watertown described as follows: Commencing at the Southwest corner of said Outlot Two (2); thence running North on the West line of the same to the Northwest corner thereof; thence East on the North line of said Outlot Two (2), 22 feet; thence running South parallel with aforesaid West line to the South line of said Outlot; thence West on the last mentioned line, 22 feet to the place of beginning.

Also, all that part of the so-called Bruesch Block in the Second Ward of the City of Watertown, bounded as follows:

Commencing at a point on the West line of North Fifth Street, 108 feet North from the North line of Main Street; thence running West parallel with said North line of said Main Street, 66 feet to the place of beginning; thence running West parallel with the North line of said Main Street, a distance of 22 feet; thence running North parallel with the West line of said North Fifth Street, a distance of 8 feet; thence running East and parallel with the North line of said Main Street, a distance of 22 feet; thence running South and parallel with the West line of said North Fifth Street, a distance of 8 feet to the place of beginning, together with a right-of-way in and over the following described piece of land, to-wit: Commencing at a point on the West line of said North Fifth Street, 108 feet North from the North line of said Main Street; thence running West and parallel with the North line of said Main Street, a distance of 66 feet; thence running North and parallel with the West line of said North Fifth Street, a distance of 8 feet; thence running East and parallel with the North line of said Main Street, a distance of 66 feet to a point on the West line of said North Fifth Street; thence running South on the West line of said North Fifth Street, a distance of 8 feet to the place of beginning.

Recording Area

STATE OF WISCONSIN)

) ss.

COUNTY OF JEFFERSON)

*Return to:  
Oestreich  
998 Labaree St  
Watertown WI 53098*

WHEREAS, George Oestreich is the owner of the above-described property.

Name and Return Address <i>George and Karen Oestreich</i> <i>998 Labaree St.</i> <i>Watertown, Wi 53098</i>
Parcel Identification Number <u>J291-5208-0001</u>

WHEREAS, one or more Stoddard solvent discharges have occurred on this property, and as of October 31, 2002, when soil samples were collected on this property, soil contaminated with Stoddard solvents at concentrations exceeding the NR 720 residual contaminant levels remained on this property underneath the building (see the attached Exhibit A).

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:

The engineered cap that existed on the above-described property in the location shown on the attached map (labeled "EXHIBIT A") on the date that this restriction was signed shall be maintained in compliance with maintenance plan (labeled "EXHIBIT B") that was submitted to the Wisconsin Department of Natural Resources by George Oestreich, as required by section NR 724.13(2), Wis. Adm. Code (1999), unless another barrier, with an infiltration rate of  $10^{-7}$  cm/sec or less, is installed and maintained in its place.

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 (see attached Exhibit A), 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.

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, \_\_\_\_\_ acknowledges that [he/she] is duly authorized to sign this document on behalf of Vogue Cleaners.

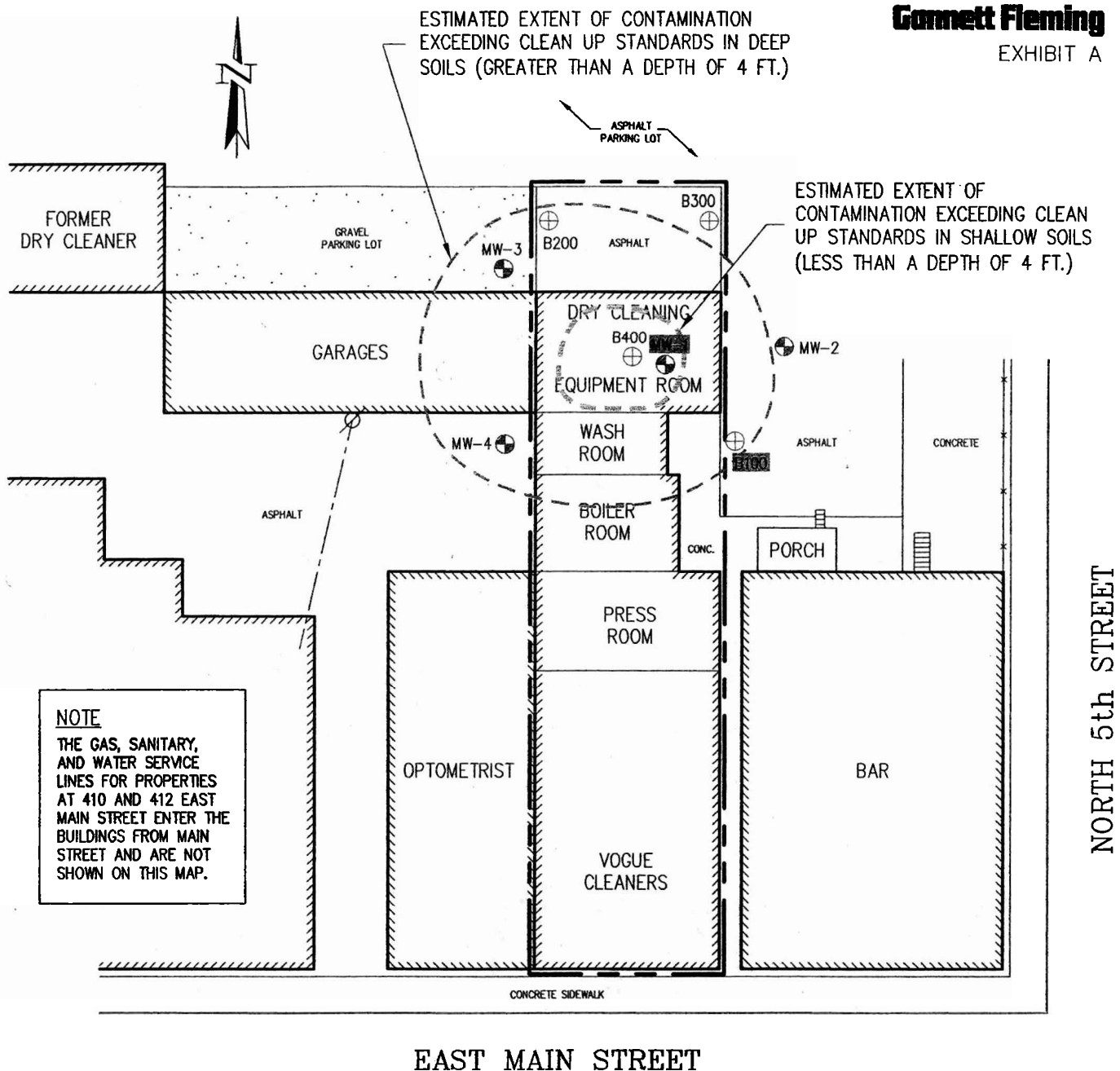
IN WITNESS WHEREOF, the owner of the property has executed this document, this 22ND day of MARCH 2005.

Signature: George Oestreich - Karen Oestreich  
Printed Name: George Oestreich KAREN Oestreich  
Title: OWNER Owner

Subscribed and sworn to before me this 22ND day of MARCH 2005  
Signature: Kay A. Holm  
Notary Public, State of Wisconsin  
My commission expires on July 2006



This document was drafted by: WE DEPT of Natural Resources



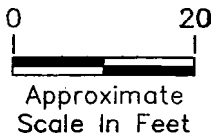
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- GANNETT FLEMING WELL LOCATION (10/02)     
  TELEPHONE POLE     
  FENCE  
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**ESTIMATED EXTENT OF  
 CONTAMINATED SOILS**

VOGUE CLEANERS  
 412 EAST MAIN STREET  
 WATERTOWN, WISCONSIN



090704 4059

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