



September 1, 2016

THOMAS LEMKE JR
1268 MAYER ST
MENASHA, WI 54952

SUBJECT: No Further Action
Schindler Construction Co, 1310 Earl Street, Menasha, Winnebago County, WI
BRRTS Activity #: 02-71-000611; Facility ID #: 471030010
Parcel ID #: 740079101

Dear Mr. Lemke:

On July 25, 2016, the Wisconsin Department of Natural Resources (department) received a Request for No Further Action at the Schindler Construction Company (Former) Report with the applicable fee. The department has reviewed the document and concurs that the environment has been restored to the extent practicable as provided in ch. NR 708.09, Wis. Adm. Code. The immediate action in response to a discharge has been completed and the Department of Natural Resources is requiring no further action at this time.

Excavation and initial investigation of soil impacted by a 1993 diesel spill from the fuel tank of a truck was completed by Superior Services Inc. (Superior) in 1994. The work completed by Superior is believed to have removed a majority of the affected soil; however, a full investigation of degree and extent was deemed necessary by the department. General Engineering Company (GEC) was retained by Mr. Thomas Lemke, Jr. in 2016 to complete the required site investigation. On June 29, 2016 GEC advanced six Geoprobe borings in the presumed area of the former spill, three of which were converted to temporary monitoring wells. Soil and groundwater samples submitted for laboratory analysis either did not contain detectable concentrations of petroleum volatile organic compounds (PVOCs) or naphthalene, or did not contain them at levels in exceedance of NR 720 residual contamination levels (RCLs). Based on these site investigation results submitted by GEC, the department believes that the degree and extent of residual contamination associated with the 1993 diesel spill has been adequately defined.

Low-level contamination remains in the soil at GP-2, the location of which is shown on the attached map, *Geoprobe & Temporary Monitoring Well Location, Figure 3, June, 2016*. The concentrations of naphthalene and 1,3,5-trimethylbenzene detected in the soil at this location do not require further action at this time, but this soil may require management as a solid waste if it is excavated in the future. The property owner or right-of-way holder at the time of excavation must determine whether the material is considered solid or hazardous waste and ensure that any storage, treatment or disposal

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is in compliance with applicable standards and rules. Contaminated soil may be managed in accordance with ch. NR 718, Wis. Adm. Code, with prior DNR approval.

The July 19, 2016 Request for No Further Action submitted by GEC fulfills the requirement to fully investigate and remediate the site and therefore the Affidavit of Contamination placed on the deed is no longer applicable.

Attached is a Deed Notice ("Notice"), drafted by the Department that rescinds the Affidavit previously filed to the Property on September 8, 2000, document number 1105590. The Notice will need to be signed by you, as the property owner, in front of a notary. You will then need to file the Notice with the Winnebago County Register of Deeds office in Winnebago, Wisconsin, and pay the fee to file the Notice. The Register of Deeds office will file the Notice and provide you with a copy clearly stating the date it was filed.

A copy of the Notice, with the recorded date and document number, should be submitted to:
Wisconsin Department of Natural Resources
Attn: Kevin McKnight
625 E CTY Y, Suite 700
Oshkosh, WI 54901

We appreciate your efforts to protect and restore the environment at this site. If you have any questions regarding this No Further Action determination, please contact the Project Manager, Kevin McKnight, in Oshkosh at (920) 424-7890 or at Kevin.McKnight@wisconsin.gov.

Sincerely,



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

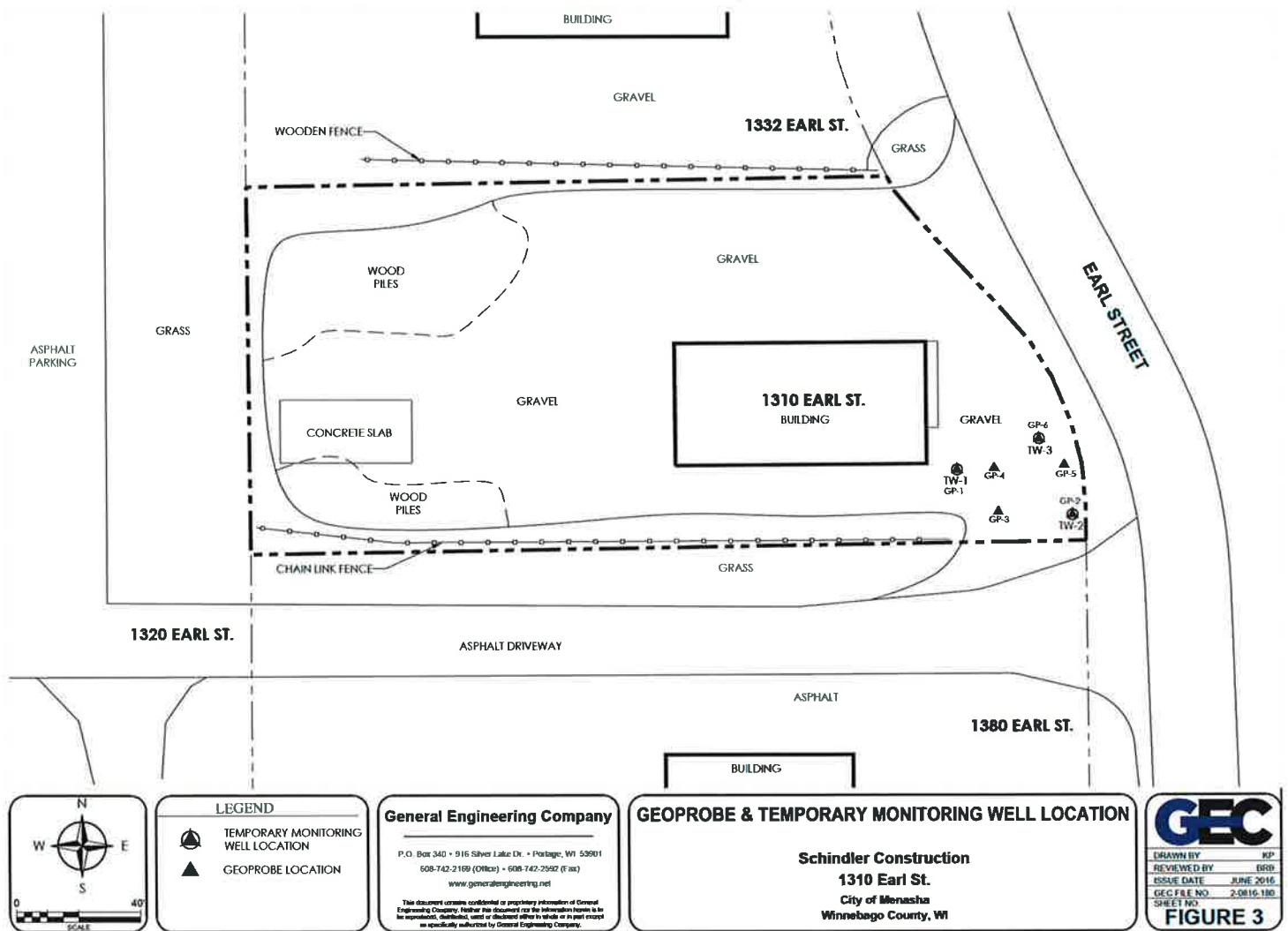
Enclosure:

Geoprobe & Temporary Monitoring Well Location, Figure 3, June, 2016

Electronic Copy:

Brian Youngwirth, General Engineering Company

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Document Number

DEED NOTICE

In Re: The South 118.75 feet, front and rear, of the North 318.75 feet of the West 10 acres of the South East 1/4 of the North West 1/4 of Section 11, in Township 20 North, of Range 17 East, in the Town of Menasha, Winnebago County, Wisconsin, EXCEPTING therefrom that portion of Earl Street as described by Deed recorded in Winnebago County Registry in Volume 881 on Page 319 as Document No. 256281 AND the South 78.75 front and rear, of the North 378.75 feet of the West 10 acres of the South East 1/4 of the North West 1/4 of Section 11, Township 20 North, of Range 17 East, in the Town of Menasha, Winnebago County, Wisconsin, EXCEPTING that portion conveyed for street purposes, less and excepting the South 60 feet thereof sold previously to John Strange Paper Company.

Recording Area

Name and Return Address:

THOMAS LEMKE JR
1268 MAYER ST
MENASHA, WI 54952

STATE OF WISCONSIN)
) ss
COUNTY OF WINNEBAGO)

704-07910100
Parcel Identification Number (PIN)

Thomas Lemke, Jr., being first duly sworn, on oath deposes and says:

1. That he is the owner of the above-described property.
2. That approval has been given by the Wisconsin Department of Natural Resources to terminate previously recorded land use restrictions for the above-described property, as documented in the attached No Further Action letter from the Department, dated September 1, 2016.
3. 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.

Thomas Lemke, Jr.

Subscribed and sworn to before me this _____ day of _____, 2016.

Notary Public, State of Wisconsin

My commission expires on: _____

This document was drafted by the Wisconsin Department of Natural Resources.