

Schultz, Josie M - DNR

From: Natalie Bussan <nbussan@cjmmlaw.com>
Sent: Tuesday, May 7, 2019 1:50 PM
To: Nelson, William J - DNR
Cc: Diana Campbell; Gary Sorensen; Beggs, Tauren R - DNR; Schultz, Josie M - DNR; Ashenfelter, Barry J - DNR
Subject: RE: Skryzpek Property in Montello, BRRTS # 02-39-001676

The County was waiting for information on the site before it acted so that it had a complete picture of the situation. Now that we have it, the County will review it and make a decision. We will update you when we know more.

Thank you,

Natalie T. Bussan | Attorney
Cross, Jenks, Mercer & Maffei LLP
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From: Nelson, William J - DNR <William.Nelson@wisconsin.gov>
Sent: Monday, May 6, 2019 1:48 PM
To: Natalie Bussan <nbussan@cjmmlaw.com>
Cc: Diana Campbell <dcampbell@co.marquette.wi.us>; Gary Sorensen <gsorensen@co.marquette.wi.us>; Beggs, Tauren R - DNR <Tauren.Beggs@wisconsin.gov>; Schultz, Josie M - DNR <josie.schultz@wisconsin.gov>; Ashenfelter, Barry J - DNR <Barry.Ashenfelter@wisconsin.gov>
Subject: RE: Skryzpek Property in Montello, BRRTS # 02-39-001676

Good afternoon Natalie,

I am contacting you again regarding the Skryzpek Property in Montello, WI in Marquette County. The County is still listed as the owner of this parcel in the Marquette County land records database. I assume no deed has been executed since our January 2019 correspondence regarding this issue.

In your January email below, you stated you would place an agenda item in the February County Board Meeting to discuss addressing the 2013 deed. **Can you please let DNR staff know if and when the County plans to resolve the unauthorized deed from 2013?** Thanks for your help!

You also asked a question to my colleague Tauren Beggs regarding the contamination on the property. Tauren prepared the following background at my request:

Site Background Based on Review of the Case File

There was a Phase II environmental site assessment (ESA) report (attached) completed by DOT on October 6, 1995 for the proposed acquisition of a portion of the property for construction of right-of-way (ROW) at the intersection of CTH B and STH 23. The Phase II ESA included soil and groundwater sampling, which detected elevated Diesel Range Organics (DRO). Based on the figure from the 1995 assessment, there is elevated DRO contamination on the property and in the area of the proposed ROW at that time. No other sampling has been completed at the property. A responsible party letter was issued on October 18, 1995 to the property owner, Stanley and Charles Skrzypek. The site went through enforcement and the property owner was unable to pay, so a deed affidavit (attached) was placed on the property on August 31, 2000. There was a letter (attached) sent by a previous DNR project manager in 2012 to Properties LLC. This remains an open site with unaddressed environmental pollution.

Determining Degree and Extent of Contamination

Regarding what is necessary for property owners of real estate that have discharges of hazardous substances or environmental pollution, the DNR recommends hiring an environmental consultant familiar with administrative law pertaining to cleanups in Wisconsin. A qualified environmental consultant can assist a property owner determine the degree and extent of environmental contamination at a site. Here is a guidance document covering that topic:

<https://dnr.wi.gov/files/PDF/pubs/rr/RR502.pdf> Here is an additional guidance document regarding environmental contamination in Wisconsin, in general: <https://dnr.wi.gov/files/PDF/pubs/rr/RR674.pdf>.

Please let me know if you have any additional questions. The project manager assigned to the site is Josie Schultz, also copied here, who can be reached at 920 662-5424.

Best,
Bill Nelson

We are committed to service excellence.

Visit our survey at <http://dnr.wi.gov/customersurvey> to evaluate how I did.

William J. Nelson

Attorney — Bureau of Legal Services
Wisconsin Department of Natural Resources
Phone: (608) 267-7456
Cell: (608) 259-6479
Fax: (608) 640-6395
william.nelson@wisconsin.gov

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From: Natalie Bussan <nbussan@cjmmlaw.com>

Sent: Friday, January 25, 2019 9:48 AM

To: Beggs, Tauren R - DNR <Tauren.Beggs@wisconsin.gov>; Nelson, William J - DNR <William.Nelson@wisconsin.gov>

Cc: Diana Campbell <dcampbell@co.marquette.wi.us>; Gary Sorensen <gsorensen@co.marquette.wi.us>

Subject: Skrzypek Property in Montello, BRRS # 02-39-001676

Good morning,

I am the attorney for Marquette County. I had a discussion with Attorney Nelson this morning about the property at issue and explained that the action to "rescind" the deed to "Properties LLC" in 2013 was never directed, or authorized, by the Marquette County Board, as required by sections 59.06(2) and 59.52(6) of the Wisconsin Statutes. A subcommittee acted to issue the deed, and it was not authorized by law to do so.

However, I have not had time to present this issue to County Board to advise them in full, or to take action to declare the previous deed void, so we request additional time to address this matter.

If I understood our conversation correctly, I believe Attorney Nelson agreed with my initial analysis.

That said, it was unclear to me from BRRTS what exactly is going on with this property. The BRRTS site included one letter regarding assessment of a "vapor intrusion pathway" but nothing else. Is it possible to get some additional information regard the type and extent of contamination, as well as what would be required for clean up? This information will be useful for dealing with the owner of Properties LLC, who is a member of the local community, and I am sure he will be very upset to learn that his company is now a remaining responsible party. Attorney Nelson said that Tauren would be the best person to provide us with that information. This information will also be useful for the County Board to assess its risk with regard to this situation.

We will place this item on the agenda for the February County Board Meeting, which will be held on February 19, 2019. I would appreciate it if you could have information to be by that time.

Unless you advise otherwise, I will assume that our time to appeal your previous determination has been extended in light of this additional information. If we need to do anything to preserve our appeal rights, please advise.

Thank you,

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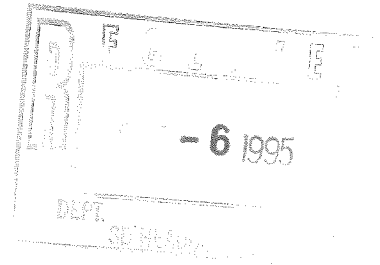
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111 Warren Street
Beaver Dam, WI 53916
414-887-4242
FAX: 414-887-4250

Engineers • Architects • Planners • Surveyors • Scientists

October 4, 1995



Wisconsin Department of Natural Resources
Attn. Marilyn Jahnke
3911 Fish Hatchery Road
Fitchburg, WI 53711

Re: WisDOT I.D. 1430-10-00
STH 82/23
Oxford to Montello
Phase 2 Hazardous Materials Investigation Results

Dear Ms. Jahnke:

MSA is providing you with a copy of the Phase 2 Environmental Site Assessment Report (ESA) for the property located at the intersection of CTH "B" and STH 23 just west of Montello, WI. The DOT requested that we forward a copy to you and the property owner.

Stanley & Charles Skrzypek
5209 West 53rd Place
Chicago, IL 60638
Phone: (312) 582-8124

773

The right-of-way is scheduled to be purchased sometime in 1998 with construction to take place in 2000.

Should you have any questions regarding this report, please contact me or Lynette St. George at 1-800-552-6330.

Sincerely,

Mid-State Associates, Inc.

William A. Betzig, P.E.

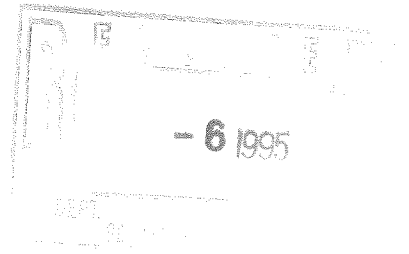
- Page 2 -

Wisconsin Department of Natural Resources
October 4, 1995

William A. Betzig, P.E.

Encl.

cc: Dave Barth - WisDOT District 4



Phase II Environmental Site Assessment

STH 82/23 Oxford to Montello
Intersection of STH 23 and CTH "B"
Montello, WI

WDOT Project No. 1430-10-00
MSA Project No. 939232

Prepared For:
Wisconsin Department of Transportation - District 4
Wisconsin Rapid, WI

Prepared By:
Mid-State Associates, Inc.
Beaver Dam, WI 53916



Phase II Environmental Site Assessment

STH 82/23 Oxford to Montello
Intersection of STH 23 and CTH "B"
Montello, WI

WDOT Project No. 1430-10-00
MSA Project No. 939232

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Table 2	Summary Groundwater Analytical Results

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APPENDICES

Appendix A	Soil and Groundwater Analytical Results
Appendix B	Soil Boring Logs

INTRODUCTION

This report presents findings of a subsurface soil and groundwater investigation performed during a Phase II Environmental Site Assessment (ESA) at the intersection of STH 23 and CTH "B" in Montello, Wisconsin (Figure 1). The objective of the ESA was to investigate environmental concerns associated with the Subject Property.

SUMMARY OF PREVIOUSLY COMPLETED ACTIVITIES

A Phase I Environmental Site Assessment was conducted at the intersection of STH 23 and CTH "B" on April 27, 1995. During the Phase I ESA it was discovered that the wooded area at this intersection contained hundreds of old paint and motor oil cans on the ground surface. It was determined that a Phase II ESA would be warranted to determine if soils or groundwater at this intersection had been impacted.



SITE INVESTIGATION SCOPE AND METHODS

The Phase II ESA was performed on September 6, 1995. Three soil borings were conducted in areas with the highest concentration of surficial debris (Figure 1). Each soil boring was advanced to a depth of 3 m. (10 ft.) below ground surface (bgs). Groundwater was encountered in each boring at a depth of approximately 1 m.(3 ft.) bgs. Soil samples were collected from the 0-0.6 m.(0-2 ft.) depth interval. Groundwater was collected from a depth of 1.5 m. (5 ft.) bgs, which is 0.6 m. (2 ft.) below the water-table surface. Approximately 1 liter (0.26 gal.) of water (corresponding to 5 well volumes) was removed from each boring prior to the collection of the groundwater sample. A single soil and groundwater sample was collected from each boring and submitted for laboratory analysis of Diesel Range Organic (DRO) compounds and Gasoline Range Organic (GRO) compounds.

RESULTS

Summary soil analytical results and photoionization detector (PID) results are presented in Table 1. Laboratory analytical reports are presented in Appendix A. These data indicate that site soils have been impacted by DRO compounds. All soil samples have DRO detections which exceed the Wisconsin Department of Natural Resources (WDNR) site investigation trigger value of 10 ppm and therefore must be reported to the WDNR. No GRO compounds were detected in the soil samples collected.

Summary groundwater analytical results are presented in Table 2. Laboratory analytical reports are presented in Appendix A. No GRO compounds were detected in any of the groundwater samples collected at the site. DRO compounds were detected in groundwater samples collected in SB02 and SB03 at concentrations of 37 ppm and 800 ppm, respectively. There are no established WDNR groundwater standards for DRO compounds, however, these results also

exceed the 10 ppm soil site investigation trigger value for DRO.

SUMMARY AND CONCLUSIONS

DRO analytical results for soil boring SB01 (18 ppm), SB02 (100 ppm) and SB03 (330 ppm) exceed the WDNR site investigation trigger value of 10 ppm. DRO compounds were also detected in groundwater samples collected from SBO2 (37 ppm) and SB03 (800 ppm). The WDNR requires that the discharger of a hazardous substance immediately notify the department per Wisconsin Administrative Code Chapter NR 158.05. The WDNR may request that this report be sent to them and based on the findings may likely require that a site investigation be performed at this site.

TABLES

TABLE 1

STH 82/23 Oxford to Montello Intersection of STH 23 and CTH "B" Summary Soil Analytical Results Phase II ESA

Borehole I.D. Depth Interval	SB01 0-2'	SB02 0-2'	SB03 0-2'	WDNR Site Investigation Trigger Value (1)
Sample Date	9/6/95	9/6/95	9/6/95	
Parameters				
GRO (ppm)	BMDL	BMDL	BMDL	10
DRO (ppm)	18	100	330	10
PID (2)	3	2	1.1	-
LMS / lms / JEM				

FOOTNOTES:

- (1) Soil investigation trigger value was obtained from WDNR Release News April 1994, Vol. 4, No. 2, Page 7 (Units = ppm)
- (2) Reported in ppm as isobutylene equivalents

NOTES:

Results in bold equal or exceed WDNR trigger value
 BMDL = No detection above method detection limit
 "-" = Not Applicable

939232/soilantb.wb2

TABLE 2

STH 82/23 Oxford to Montello
 Intersection of STH 23 and CTH "B"
 Summary Groundwater Analytical Results
 Phase II ESA

Sample I.D.	<u>GW-1 (SB01)</u>	<u>GW-2 (SB02)</u>	<u>GW-3 (SB03)</u>	<u>WDNR Groundwater Standard</u>	
				<u>ES</u>	<u>PAL</u>
Sample Date	9/6/95	9/6/95	9/6/95		
<u>Parameters</u>					
GRO (ug/L)	BMDL	BMDL	BMDL	-	-
DRO (ug/L)	BMDL	37	800	-	-

LMS / lms / JEM

NOTES:

BMDL = No detection above monitoring detection limit

"-" = Not Applicable (there are no groundwater standards established for GRO or DRO)

939232/gwanyltb.wb2

FIGURES

ORIGINATOR: WAB
 LEVELS ON: 2, 6, 8, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 25, 27, 29, 36, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60
 REV. DATE: 7-24-95
 PLOT NAME: CTHB.PLT
 PLOT SCALE: 1:250

PI = 9"B"+844.134
 Δ = 15°53'14"
 T = 74.68 m
 R = 535.18 m
 L = 148.40 m

AREA OF RIGHT-OF-WAY TO BE ACQUIRED
 SB01
 SOIL BORING LOCATION AND NUMBER

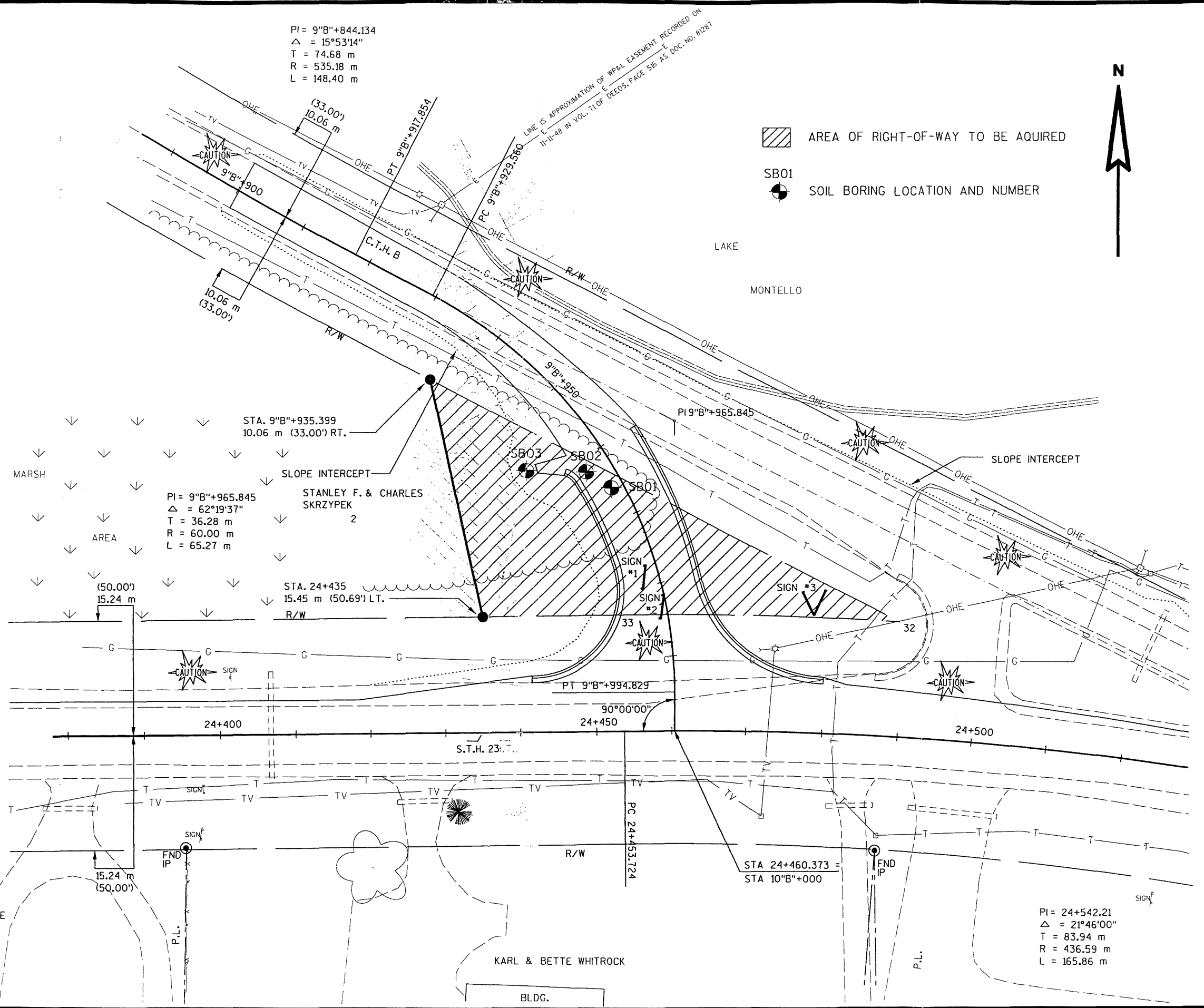


1676

FLOYD R. MC/GEE

KARL & BETTE WHITROCK

BLDG.



REVISION DATE	DATE SEPTEMBER 8, 1995	SCALE, METERS 0 5 10 20	HWY: STH 23	FEDERAL PROJECT NO:	FIGURE 1
	GRID FACTOR		COUNTY: MARQUETTE	STATE PROJECT NO: 1430-10-00	

M

APPENDIX A

Soil and Groundwater Analytical Data



ANALYTICAL REPORT

Client I.D. No.: LM8100000008

Work Order No.: 9509000131

Report Date: 09/21/95

Date Received: 09/07/95

Arrival Temperature: On Ice

MID-STATE ASSOCIATES
LYNETTE ST. GEORGE
111 WARREN STREET
BEAVER DAM, WI 53916

Project Name: OXFORD/MONTELLO

Project Number: 939232

Sample I.D. #:109558 Sample Description:SB01 Date Sampled:09/06/95

Analyte	Result	Units	LOD	LOQ
Diesel Range Organics- WDNR Modified DRO	18	mg/kg	1.2	4.0
Extraction Date DRO	9/07/95			
Analysis Date DRO	9/20/95			
Gasoline Range Organics- WDNR Modified GRO	< 1.0	mg/kg	1.0	3.3
Extraction Date GRO	9/08/95			
Analysis Date GRO	9/08/95			
LUST Total Percent Solids--EPA 5030	78.3	%		

Sample I.D. #:109559 Sample Description:SB02 Date Sampled:09/06/95

Analyte	Result	Units	LOD	LOQ
Diesel Range Organics- WDNR Modified DRO	100	mg/kg	1.2	4.0
Sample contained fractions heavier than DRO hydrocarbons.				
Extraction Date DRO	9/07/95			
Analysis Date DRO	9/19/95			
Gasoline Range Organics- WDNR Modified GRO	< 1.0	mg/kg	1.0	3.3
Extraction Date GRO	9/08/95			
Analysis Date GRO	9/08/95			
LUST Total Percent Solids--EPA 5030	75.7	%		

Sample I.D. #:109560 Sample Description:SB03 Date Sampled:09/06/95

Analyte	Result	Units	LOD	LOQ
Diesel Range Organics- WDNR Modified DRO	330	mg/kg	1.2	4.0
Extraction Date DRO	9/07/95			
Analysis Date DRO	9/19/95			
Gasoline Range Organics- WDNR Modified GRO	< 1.0	mg/kg	1.0	3.3
Extraction Date GRO	9/08/95			
Analysis Date GRO	9/08/95			
LUST Total Percent Solids--EPA 5030	82.9	%		

Sample I.D. #:109561 Sample Description:GW-1 Date Sampled:09/06/95

Analyte	Result	Units	LOD	LOQ
Diesel Range Organics-WDNR Modified DRO	< 33	ug/L	30	100
Extraction Date DRO	9/08/95			
Analysis Date DRO	9/15/95			
Gasoline Range Organics-WDNR Modified GRO	< 50	ug/L	50	170
Analysis Date GRO	9/09/95			

Submitted By: *AR*



ANALYTICAL REPORT

Client I.D. No.: LM8100000008
Work Order No.: 9509000131
Report Date: 09/21/95
Date Received: 09/07/95
Arrival Temperature: On Ice

MID-STATE ASSOCIATES
LYNETTE ST. GEORGE
111 WARREN STREET
BEAVER DAM, WI 53916

Project Name: OXFORD/MONTELLO

Project Number: 939232

<u>Sample I.D. #:</u> 109562	<u>Sample Description:</u> GW-2	<u>Date Sampled:</u> 09/06/95			
<u>Analyte</u>	<u>Result</u>	<u>Units</u>	<u>LOD</u>	<u>LOQ</u>	
Diesel Range Organics-WDNR Modified DRO	37	ug/L	30	100	
Extraction Date DRO	9/08/95				
Analysis Date DRO	9/15/95				
Gasoline Range Organics-WDNR Modified GRO	< 50	ug/L	50	170	
Analysis Date GRO	9/09/95				

<u>Sample I.D. #:</u> 109563	<u>Sample Description:</u> GW-3	<u>Date Sampled:</u> 09/06/95			
<u>Analyte</u>	<u>Result</u>	<u>Units</u>	<u>LOD</u>	<u>LOQ</u>	
Diesel Range Organics-WDNR Modified DRO	800	ug/L	30	100	
Extraction Date DRO	9/08/95				
Analysis Date DRO	9/19/95				
Gasoline Range Organics-WDNR Modified GRO	< 50	ug/L	50	170	
Analysis Date GRO	9/09/95				

<u>Sample I.D. #:</u> 109564	<u>Sample Description:</u> TRIP BLANK	<u>Date Sampled:</u> 09/06/95			
<u>Analyte</u>	<u>Result</u>	<u>Units</u>	<u>LOD</u>	<u>LOQ</u>	
Gasoline Range Organics-WDNR Modified GRO	< 50	ug/L	50	170	
Analysis Date GRO	9/09/95				

Comments for entire Work Order:
None

Submitted By:



Chain of Custody:
 MID-STATE ASSOCIATES, INC.
 1-800-228-3012

1230 Lange Court
 Baraboo, WI 53913
 (608) 356-2760
 FAX: (608) 356-2766

Is this a PECFA project? (Please indicate "yes" or "no") NO

SAMPLE COLLECTOR: L. St. George COMPANY: Mid State Associates TELEPHONE NUMBER (INCLUDE AREA CODE): (800) 552-6330
 PROJECT NUMBER: 939232 PROJECT NAME: Hwy 23 A.K.A. (STH 82/23 Oxford - Montello)

I HEREBY CERTIFY THAT I RECEIVED, PROPERLY HANDLED, AND DISPOSED OF THESE SAMPLES AS NOTED BELOW.

INVOICE ADDRESS (MUST BE COMPLETED): 111 Warren St. Beaver Dam, WI 53916 REPORT ADDRESS (MUST BE COMPLETED): 111 Warren Street Beaver Dam, WI 53916 Attn: Lynette St. George

DATE & TIME OF RELINQUISHMENT: 9/6/95 4:30 pm RELINQUISHED BY (SIGNATURE): [Signature] RECEIVED BY (SIGNATURE): _____ DATE/TIME OF RECEPTION: _____

DATE & TIME OF RELINQUISHMENT: _____ RELINQUISHED BY (SIGNATURE): _____ RECEIVED BY LABORATORY (SIGNATURE): [Signature] DATE/TIME OF RECEPTION: 9/7/95

FIELD ID NUMBER	DATE COLLECTED	TIME COLLECTED	SAMPLE		PRESERV. TYPE	LOCATION/DESCRIPTION	TYPE OF ANALYSIS REQUIRED (PLEASE CIRCLE)	LAB USE ONLY		LAB I.D.
			TYPE	DEVICE				Prep. w/ MBOH? <input type="checkbox"/>	NO. TYPE OF CONTAINERS	
S801	9/6/95	10:15	soil		Meth	S801 0-2'	<input checked="" type="checkbox"/> DRO <input checked="" type="checkbox"/> GRO/PVOC PVOC Pb Cd <input checked="" type="checkbox"/> %SOLIDS FLASHPOINT		4/325	109558
							VOC-LUST VOC-8021 SIEVE #200 SIEVE PAINT FILTER PAH		1/16450	
S802	9/6/95	11:00	soil		Meth	S802 0-2'	<input checked="" type="checkbox"/> DRO <input checked="" type="checkbox"/> GRO/PVOC PVOC Pb Cd <input checked="" type="checkbox"/> %SOLIDS FLASHPOINT		"	109559
							VOC-LUST VOC-8021 SIEVE #200 SIEVE PAINT FILTER PAH			
S803	9/6/95	11:45	soil		Meth	S803 0-2'	<input checked="" type="checkbox"/> DRO <input checked="" type="checkbox"/> GRO/PVOC PVOC Pb Cd <input checked="" type="checkbox"/> %SOLIDS FLASHPOINT		"	109560
							VOC-LUST VOC-8021 SIEVE #200 SIEVE PAINT FILTER PAH			
GW-1	9/6/95	9:50	G.W.		HCl	GW-1	<input checked="" type="checkbox"/> DRO <input checked="" type="checkbox"/> GRO/PVOC PVOC Pb Cd <input checked="" type="checkbox"/> %SOLIDS FLASHPOINT		3/40 mL	109561
							VOC-LUST VOC-8021 SIEVE #200 SIEVE PAINT FILTER PAH		2/1 Lit. cap	
GW-2	9/6/95	11:15	G.W.		HCl	GW-2	<input checked="" type="checkbox"/> DRO <input checked="" type="checkbox"/> GRO/PVOC PVOC Pb Cd <input checked="" type="checkbox"/> %SOLIDS FLASHPOINT		"	109562
							VOC-LUST VOC-8021 SIEVE #200 SIEVE PAINT FILTER PAH			
GW-3	9/6/95	12:15	G.W.		HCl	GW-3	<input checked="" type="checkbox"/> DRO <input checked="" type="checkbox"/> GRO/PVOC PVOC Pb Cd <input checked="" type="checkbox"/> %SOLIDS FLASHPOINT		"	109563
							VOC-LUST VOC-8021 SIEVE #200 SIEVE PAINT FILTER PAH			
Trip Blank	-	-	G.W.			Trip Blank	<input checked="" type="checkbox"/> DRO <input checked="" type="checkbox"/> GRO/PVOC PVOC Pb Cd <input checked="" type="checkbox"/> %SOLIDS FLASHPOINT		2/40 mL	109564
							VOC-LUST VOC-8021 SIEVE #200 SIEVE PAINT FILTER PAH			
							DRO GRO GRO/PVOC PVOC Pb Cd <input checked="" type="checkbox"/> %SOLIDS FLASHPOINT			
							VOC-LUST VOC-8021 SIEVE #200 SIEVE PAINT FILTER PAH			
							DRO GRO GRO/PVOC PVOC Pb Cd <input checked="" type="checkbox"/> %SOLIDS FLASHPOINT			
							VOC-LUST VOC-8021 SIEVE #200 SIEVE PAINT FILTER PAH			
							DRO GRO GRO/PVOC PVOC Pb Cd <input checked="" type="checkbox"/> %SOLIDS FLASHPOINT			
							VOC-LUST VOC-8021 SIEVE #200 SIEVE PAINT FILTER PAH			

SAMPLE CONDITIONS/COMMENTS:

CHECKED
 DD

ARRIVAL TEMPERATURE

On 9/6/95 DEG. C

APPENDIX B

Soil Boring Logs

- Route To:
- Solid Waste
 - Emergency Response
 - Wastewater
 - Superfund
 - Haz. Waste
 - Underground Tanks
 - Water Resources
 - Other

Facility/Project Name: STH 82/23 Oxford-Montello (STH 23 and CTH "B") License/Permit/Monitoring Number: _____ Boring Number: SBO1

Boring Drilled By (Firm name and name of crew chief): METCO Date Drilling Started: 09/06/95 Date Drilling Completed: 09/06/95 Drilling Method: Hydraulic Probe

DNR Facility Well No.: _____ WI Unique Well No.: _____ Common Well Name: _____ Final Static Water Level: _____ Feet MSL Surface Elevation: _____ Feet MSL Borehole Diameter: 1 1/4 inches

Boring Location: State Plane _____ N, _____ E S/C/N Lat _____ Local Grid Location (If applicable): _____ N _____ E _____ S _____ W

County: Marquette DNR County Code: 39 Civil Town/City/ or Village: Montello

Section: NW 1/4 of SW 1/4 of Section 8, T 15 N, R 10 E Long _____ Feet _____ Feet _____ Feet _____ Feet

Sample Number and Type	Length Att. & Recovered (ft)	Blow Counts	Depth in Feet	Soil/Rock Description And Geologic Origin For Each Major Unit	USCS	Graphic Log	Well Diagram	PID/FID	Soil Properties				P 200	ROD/ Comments
									Compressive Strength	Moisture Content	Liquid Limit	Plasticity Index		
1	10			- Top Soil (Silt Loam) 0.5'	Top Soil			3	M/W					
				- Well sorted, medium SAND, little to trace Silt										
2	12							2.5	W					
3	17				SP			2.5	W					
4	24							2.0	W					
5	24							1.7	W					
				E.O.B. 10.6'										

I hereby certify that the information on this form is true and correct to the best of my knowledge.

Signature: [Signature] Firm: MID-STATE ASSOCIATES

This form is authorized by Chapters 144.147 and 162, Wis. Stats. Completion of this report is mandatory. Penalties: Forfeit not less than \$10 nor more than \$5,000 for each violation. Fined not less than \$10 or more than \$100 or imprisoned not less than 30 days, or both for each violation. Each day of continued violation is a separate offense, pursuant to ss 144.99 and 162.06, Wis. Stats.

- Route To:
- Solid Waste
 - Emergency Response
 - Wastewater
 - Superfund
 - Haz. Waste
 - Underground Tanks
 - Water Resources
 - Other

Facility/Project Name: STH 82/23 Oxford-Montello (STH 23 and CTH "B") License/Permit/Monitoring Number: _____ Boring Number: SBOZ

Boring Drilled By (Firm name and name of crew chief): METCO Date Drilling Started: 09/06/95 Date Drilling Completed: 09/06/95 Drilling Method: hydraulic probe

DNR Facility Well No.: _____ WI Unique Well No.: _____ Common Well Name: _____ Final Static Water Level: _____ Feet MSL Surface Elevation: _____ Feet MSL Borehole Diameter: 1 1/4 inches

Boring Location: State Plane _____ N, _____ E S/C/N Lat: _____ Local Grid Location (If applicable): _____ N _____ E _____ S _____ W
NW 1/4 of SW 1/4 of Section 8, T 15 N, R 10 W Long: _____ Feet

County: Marquette DNR County Code: 39 Civil Town/City/ or Village: Montello

Sample Number and Type	Length Att. & Recovered (ft)	Blow Counts	Depth in Feet	Soil/Rock Description And Geologic Origin For Each Major Unit	USCS	Graphic Log	Well Diagram	PID/FID	Soil Properties					RQD/ Comments	
									Compressive Strength	Moisture Content	Liquid Limit	Plasticity Index	P 200		
				- Top Soil (silt loam)	Top Soil										
1	7			- medium SAND with little to trace silt				2.0	M						
2	12						<u>1/8</u>	2.2	M/W						
3	18				SP			2.0	M/W						
4	20							1.4	W						
5	20							0.9	W						
				E.O.B.											

I hereby certify that the information on this form is true and correct to the best of my knowledge.

Signature: [Signature] Firm: MID-STATE ASSOCIATES

This form is authorized by Chapters 144.141 and 162, Wis. Stats. Completion of this report is mandatory. Penalties: Forfeit not less than \$10 nor more than \$5,000 for each violation. Fined not less than \$10 or more than \$100 or imprisoned not less than 30 days, or both for each violation. Each day of continued violation is a separate offense, pursuant to ss 144.99 and 162.06, Wis. Stats.

Route To:

- Solid Waste
- Emergency Response
- Wastewater
- Superfund
- Haz. Waste
- Underground Tanks
- Water Resources
- Other

Page 1 of 1

Facility/Project Name: STA 82/23 Oxford - Montello (STA 23 and CTN "B") License/Permit/Monitoring Number: _____ Boring Number: SB03
 Boring Drilled By (Firm name and name of crew chief): METCO Date Drilling Started: 09/06/95 Date Drilling Completed: 09/06/95 Drilling Method: Hydraulic Probe

DNR Facility Well No.: _____ WI Unique Well No.: _____ Common Well Name: _____ Final Static Water Level: _____ Feet MSL
 Surface Elevation: _____ Feet MSL Borehole Diameter: 1 1/4 inches

Boring Location State Plane: _____ N, _____ E S/C/N Lat: _____ Local Grid Location (if applicable): _____
NW 1/4 of SW 1/4 of Section 8, T 15 N, R 10 EW Long: _____ Feet _____ S _____ Feet _____ W

County: Marquette DNR County Code: 39 Civil Town/City/ or Village: Montello

Sample Number and Type	Length Att. & Recovered (ft)	Blow Counts	Depth in Feet	Soil/Rock Description And Geologic Origin For Each Major Unit	USCS	Graphic Log	Well Diagram	PID/FID	Soil Properties				RQD/ Comments
									Compressive Strength	Moisture Content	Liquid Limit	Plasticity Index	
1	9			- Top Soil (silt loam) - medium SAND with little to trace silt	SP	Top Soil		1.1	M				
2	17						≡	1.7	M				
3	20							2.8	M/W				
4	20							1.4	W				
5	20							0.9	W				
				E.O.B.	100'								

I hereby certify that the information on this form is true and correct to the best of my knowledge.

Signature: [Signature] Firm: MID-STATE ASSOCIATES

This form is authorized by Chapters 144.147 and 162, Wis. Stats. Completion of this report is mandatory. Penalties: Forfeit not less than \$10 nor more than \$5,000 for each violation. Fined not less than \$10 or more than \$100 or imprisoned not less than 30 days, or both for each violation. Each day of continued violation is a separate offense, pursuant to ss 144.99 and 162.06, Wis. Stats.

AFFIDAVIT

VOL. 380 PAGE 204

223867

Document Number

Legal Description of the Property:

A parcel of land located in the Southwest Quarter (SW 1/4) of the Northwest Quarter (NW 1/4) of Section Eight (8), Township fifteen (15) North, Range Ten (10) East, described as follows: Beginning at a point on the quarter line of said Section Eight (8) which is South 89° 50' East 520.22 feet from the West one-quarter corner thereof; thence North 1° 41' East 352.60 feet to the center of County Trunk Highway "B"; thence Southeasterly along the center of County Trunk Highway "B" to said quarter line; thence West along said quarter line to the point of beginning, and excepting therefrom the right-of-way of County Trunk Highway "B" and the right-of-way of State Trunk Highway 23, Town of Montello, Marquette county, Wisconsin.

REGISTER'S OFFICE,

Marquette County, Wis.

Received for Record, the 31 day of August A.D. 2000 at 10:25 o'clock A.M., and recorded in Vol. 380 of Records on page 204

Bernice M. Wegner

Recording Area

Name and Return Address:

Kevin D. McKnight
WI Department of Natural Resources
625 E. CTY Y, Suite 700
Oshkosh, WI 54901-9731 \$12.00

As described in Volume 138, page 874, Marquette County Register of Deeds.

STATE OF WISCONSIN)
COUNTY OF Winnebago)

Parcel Identification Number (PIN)

I, Kevin D. McKnight, being first duly sworn, state that:

- 1. I am a Hydrogeologist, employed by the Wisconsin Department of Natural Resources (herein after "the Department") at its Oshkosh Service Center, 625 E. County Rd Y, Suite 700, City of Oshkosh, Winnebago County, Wisconsin.
2. I have knowledge of the facts herein set forth and believe the same to be true.
3. The Department has determined that petroleum product discharged to the property which is located on CTY B and STH 23 in the city of Montello, County of Marquette, and which has the above captioned legal description, has contaminated soil and groundwater in the vicinity. The property is listed as owned by Stanley F. Skrzypek and Bernice Skrzypek, husband and wife, as joint tenants, on the most recent deed at the Marquette County Register of Deeds.
4. The Department believes that removal or treatment of the contaminated soil, and/or groundwater monitoring, are required on the property under the authority of s. 292.11(3), Wisconsin Statutes.
5. On October 18, 1995, the Department sent a letter to Stanley and Charles Skrzypek, which advised them of the statutory requirement to restore the environment at that location. The Department received an inadequate response to that letter.
6. On June 17, 1999, the Department sent a Notice of Violation to Stanley and Charles Skrzypek concerning his responsibility to address the contamination. That Notice of Violation was returned to the Department as

AFFIDAVIT – Page 2 of 2

In Re: Property Located in the
Town of Montello, Marquette County,
described above:

unclaimed. The Department resent the Notice of Violation on August 17, 1999. Department records indicate that no investigation or cleanup of the petroleum contamination occurred as a result of these activities.

7. On November 23, 1999, the Department sent a certified letter to Stanley Skrzypek, which advised that an affidavit of contamination would be recorded if satisfactory action to restore the environment did not commence. That letter requested a written response by December 3, 1999. The Department received a response from Charles Skrzypek, on behalf of his father Stanley Skrzypek informing the Department that Stanley Skrzypek was financially unable to proceed with a investigation or cleanup at this time and understood the need for a deed affidavit.


8. On April 13, 2000, the Department sent a certified letter to Stanley Skrzypek, which advised that the Department would record an affidavit on the property deed. This letter was resent with a affidavit of mailing following the return of the April 13, 2000 mailing as unclaimed.

9. As the Department believes that petroleum contamination currently found in the soil on the property with the above legal description, will continue to discharge into the environment, subsequent purchasers of the property could be held responsible for investigation and clean-up costs under s. 292.11(3), Wis. Stats.

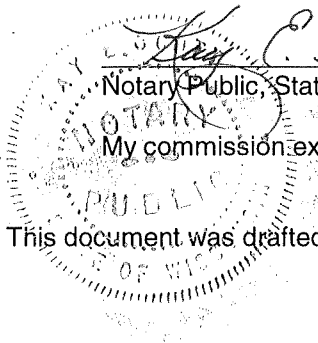


Hydrogeologist

Subscribed and sworn to before me this 14th day of August, 2000, 1999.



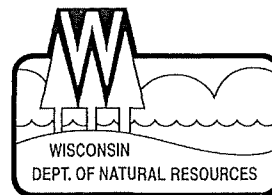
Notary Public, State of Wisconsin
My commission expires on: 10-21-2001



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

State of Wisconsin
DEPARTMENT OF NATURAL RESOURCES
Shawano Office
647 Lakeland Rd.
Shawano WI 54166

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



October 24, 2012

Whitemarsh Properties LLC
PO Box 177
Montello, WI 53949

Subject: Parcel of Land between STH 23 and CTH B
Marquette County Parcel ID 251-00782-0000
DNR BRRT's Tracking # 02-39-001676

To Whom it May Concern:

The Department of Natural Resources ("Department") is requesting information on the above property as to ownership and inquire if any actions have been taken to address the petroleum contamination discovered in 1995 as a result of Wisconsin DOT site assessment.

According to the Marquette County Land Information Web site, Stanley and Charles Skrzypek owned the property until 2006 when the property was transferred to Marquette County. In 2011, the property was transferred to Properties LLC. I have enclosed a map of the parcel that was included in the MSA report. If I am in error, please notify me immediately.

In 1995, MSA Inc., on behalf of WDOT, performed a subsurface site assessment for the purpose of a potential right of way purchase. The site assessment was prompted by the presence of "hundreds of old paint and motor oil cans on the ground surface" in the wooded area of the parcel. Petroleum related contamination was documented in the soil and groundwater and reported to the Department. On October 18, 1995, Charles and Stanley Skrzypek were notified of their legal responsibilities to address this contamination as required by s.144.76(3) Wisconsin Statute (renumbered to s 292.11(3)).

In response to the Skrzypeks lacking the financial resources to pursue the necessary actions to investigate and remediate the contamination, the Department filed an affidavit on the property deed (enclosed) stating that petroleum contamination is present on the property and that future property owners may be responsible to take the actions necessary to remediate the site.

At this time the Department is requesting the following information:

Verification that Whitemarsh Properties LLC is the current owner of the property or any information you may have as to name and address of the current property owner.

Any update on actions that have been taken to address the contamination on the property.

Please respond to this request within 30 days. I can be reached at 715-526-4230 or Thomas.Sturm@wisconsin.gov

Sincerely

Tom Sturm, Hydrogeologist
Remediation and Redevelopment Program

C: Marquette County Treasurer - PO Box 186, Montello, WI 53949