

## State of Wisconsin \ DEPARTMENT OF NATURAL RESOURCES

Jim Doyle, Governor  
Scott Hassett, Secretary  
Gloria L. McCutcheon, Regional Director

Southeast Region Headquarters  
2300 N. Dr. Martin Luther King, Jr. Drive  
Milwaukee, Wisconsin 53212-0436  
Telephone 414-263-8500  
FAX 414-263-8716  
TTY 414-263-8713

January 24, 2005

Mr. Geoff Pyka  
Bostik Findley, Inc.  
11320 Watertown Plank Road  
Wauwatosa, WI 53226

Subject: A *Certificate of Completion* for the Environmental Investigation and Cleanup of Property Owned by Bostik Findley, Inc. located at 2930 West Center Street, Milwaukee, Wisconsin

Dear Mr. Pyka:

The Department of Natural Resources ("the Department") has received your request for issuance of a *Certificate of Completion* for the environmental investigation and cleanup of property owned by Bostik Findley, Inc. located at 2930 West Center Street, Milwaukee, Wisconsin, which will be referred to in this letter as "the Property". You have requested that the Department determine whether Bostik Findley, Inc. has met the requirements under s. 292.15(2), Wis. Stats., for issuance of a *Certificate of Completion*.

The Property is a parcel of real property encompassing approximately 1.5 acres and is presently unoccupied.

### Determination

As you are aware, s. 292.15, Wis. Stats., authorizes the Department to issue a *Certificate of Completion* to a voluntary party that conducts an approved environmental investigation of a property and restores the environment to the extent practicable and minimizes the harmful effects with respect to hazardous substance discharges on or originating from the property. Based on the information received by the Department, the Department has determined that the investigation and cleanup of the Property is complete and that all the conditions in s. 292.15(2), Wis. Stats., have been met. Attached is the *Certificate of Completion* for this Property.

### Conclusions

The Department appreciates the work undertaken by Bostik Findley, Inc. to investigate and cleanup contamination associated with the Property. The exemption provided by the *Certificate of Completion* applies to any successor or assignee of Bostik Findley, Inc. if the successor or assignee complies with the

appropriate conditions, pursuant to s. 292.15(3), Wis. Adm. Code. If you have any questions or concerns regarding this letter or the *Certificate of Completion*, please call me at (414)263-8557 or Attorney Judy Ohm at (608)266-9972.

Sincerely,

 For

Margaret M. Brunette, P.G.  
Hydrogeologist  
Remediation & Redevelopment Program

Attachment: *Certificate of Completion*

cc: Tanya C. O'Neill - Foley & Lardner  
Judy Ohm - LS/5

*State of Wisconsin*  
*Department of Natural Resources*

**CERTIFICATE OF COMPLETION  
OF RESPONSE ACTIONS  
UNDER SECTION 292.15(2)(a), WIS. STATS.**

*Whereas*, Bostik Findley, Inc. has applied for an exemption from liability under s. 292.15, Wis. Stats., for the property located at 2930 West Center Street, which is commonly referred to as Bostik – Center St., further described in the legal description found on Attachment A (“the Property”);

*Whereas*, an environmental investigation of the Property has been conducted and has determined that contamination exists at the Property;

*Whereas*, Bostik Findley, Inc. has submitted to the Wisconsin Department of Natural Resources (“WDNR”) investigation reports and a remedial action plan for the Property which comply with the requirements set forth in chs. NR 700-754, Wis. Adm. Code, consisting of the documents and reports listed in Attachment B;

*Whereas*, in accordance with s. 292.15(2)(a), Wis. Stats., the WDNR has determined that an environmental investigation has been conducted which adequately identified and evaluated the nature and extent of the hazardous substance discharges on the Property and WDNR has approved of the remedial action plan for the Property; and

*Whereas*, Bostik Findley, Inc. has filed with the Register of Deeds of Milwaukee County a deed restriction (Attachment C) on the Property which declares that the Property is held and shall be held, conveyed or encumbered, leased, rented, used, occupied and improved subject to the following limitations and restrictions:

“The paved surfaces and the building foundation that existed on the above described property on the date that this restriction was signed form a 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 groundwater contamination that would violate the groundwater quality standards in ch. NR 140, Wis. Admin. 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 “Historical Soil Analytical Results, Figure 1” unless another barrier, with an infiltration rate of  $10^{-7}$  cm/sec or less, is installed and maintained in their place. The existing structures, and any replacement

barrier with an infiltration rate of  $10^{-7}$  cm/sec or less, shall be maintained on the above described property in compliance with the "Cover System Maintenance Plan, 2930 West Center Street, Milwaukee, Wisconsin" dated November 11, 2004, that was submitted to the Wisconsin Department of Natural Resources by Bostik Findley, Inc., as required by s. NR 7224.13(2), Wis. Admin. Code (1999)."

"In addition, the following activities are prohibited on any portion of the above described property unless prior written approval has been obtained from the Wisconsin Department of Natural Resources or its successor or assign: (1) excavation 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 site on or be placed within the cap or impervious surface."

*Whereas*, on January 19, 2005, WDNR determined that response actions necessary to restore the environment to the extent practicable with respect to the discharges and minimize the harmful effects from the discharges to the air, land, and waters of the state were completed.

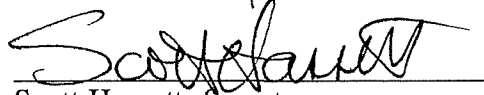
*Therefore*, based upon the information that has been submitted to the WDNR, the WDNR hereby certifies that the response actions set forth in the WDNR approved remedial action plan for the Property and any other necessary response actions have been completed.

Upon issuance of this Certificate, Bostik Findley, Inc. and the persons qualified for protection under s. 292.15(3), Wis. Stats., are exempt from the provisions of ss. 289.05(1), (2), (3) and (4), 289.42(1), 289.67, 291.25(1) to (5), 291.29, 291.37, 292.11(3), (4), and (7)(b) and (c) and 292.31(8), Wis. Stats., with respect to the existence of hazardous substances on or originating from the Property, the release of which occurred prior to the date the department approved the environmental investigation required under s. 292.15(2)(a)1., Wis. Stats. However, Bostik Findley, Inc. and a person otherwise qualified for protection under s. 292.15(3), Wis. Stats. who owns or controls the Property would no longer qualify for this liability exemption if that person fails to maintain or monitor the Property as required by rules promulgated by the WDNR. Any releases of a hazardous substance to or from the Property that occur after the date that the environmental investigation was approved will be the responsibility of the current Property owner and any other person who possesses or controls that discharge and any person who caused the discharge.

The protection from liability provided under s. 292.15(2), Wis. Stats., does not apply to any person who has obtained a Certificate of Completion by fraud or misrepresentation, or by the knowing failure to disclose material information or under circumstances in which Bostik Findley, Inc. knew or should have known about more discharges of hazardous substances than was revealed by the investigation approved by the WDNR.

Nothing in this Certificate or in s. 292.15, Wis. Stats., affects the authority of the WDNR to exercise any powers or duties under applicable laws other than ss. 289.05(1), (2), (3) and (4), 289.42(1), 289.67, 291.25(1) to (5), 291.29, 291.37, 292.11(3), (4), and (7)(b) and (c) and 292.31(8), Wis. Stats., with respect to any release or threatened release of contaminants at the Property, or the right of the WDNR to seek relief available against any person who is not entitled to protection from liability under s. 292.15, Wis. Stats., with respect to such release or threatened release.

SIGNED AND CERTIFIED this 20<sup>th</sup> day of January, 2005.



Scott Hassett, Secretary

Wisconsin Department of Natural Resources

ATTACHMENT A  
LEGAL PROPERTY DESCRIPTION  
Bostik Center Street Site

**Parcel I**

Lots 19 to 22 inclusive, in Block 3, in Pauline's Subdivision, in the Northeast  $\frac{1}{4}$  of Section 13, in Township 7 North, Range 21 East. Said land being in the City of Milwaukee, County of Milwaukee, State of Wisconsin.

Tax Key No. 309-1133-110-8  
Address: 2900-2914 W. Center Street

**Parcel II**

Lot 23 together with the South  $\frac{1}{2}$  of the vacated alley adjoining on the North, in Block 3, in Pauline's Subdivision, in the Northeast  $\frac{1}{4}$  of Section 13, in Township 7 North, Range 21 East. Said land being in the City of Milwaukee, County of Milwaukee, State of Wisconsin.

Tax Key No. 309-1134-X  
Address: 2918 W. Center Street

**Parcel III**

Lots 24, 25, 26, 27, 28, 29, 30, 31, 32 and 33, in Block 3, in Pauline's Subdivision, in the Northeast  $\frac{1}{4}$  of Section 13, in Township 7 North, Range 21 East, together with the South  $\frac{1}{2}$  of the East-West vacant alley contiguous to the North line of Lots 24, 25 and 26 and the North  $\frac{1}{2}$  of the vacated alley adjacent to Lot 27. Said land being in the City of Milwaukee, County of Milwaukee, State of Wisconsin.

Tax Key No. 309-1135-110-9  
Address: 2930 W. Center Street

ATTACHMENT B  
INVESTIGATION AND REMEDIAL ACTION PLAN REPORTS  
Bostik Center Street Site

1. *"A Report of an Underground Storage Tank Soil Assessment at Findley Adhesives, Milwaukee, Wisconsin,"* CBC Environmental Services (CBC), January 14, 1991
2. *"Report on Underground Storage Tank Removal, Site Investigation and Closure, Findley Adhesives, Inc., 2930 West Center Street, Milwaukee, Wisconsin,"* Swanson Environmental, Inc. (Swanson), March 25, 1996
3. Included as an attachment to the above report is, *"Evaluation of Site-Specific Soil Cleanup Standards, Findley Adhesives, Inc., 2930 West Center Street, Milwaukee, Wisconsin,"* Environmental Software Consultants, Inc., March 13, 1996
4. Letter to Mr. Charles Krohn, Wisconsin Department of Natural Resources (WDNR) from Mr. Wayne R. Hutchinson, Braun Intertec (Braun), *"RE: Results of Geoprobe Investigation for Chlorinated Hydrocarbons – Findley Adhesives (30<sup>th</sup> and West Center),* August 26, 1996
5. *"Sump Investigation Report,"* Braun, November 1996
6. Letter to Mr. Charles Krohn, WDNR from Mr. Wayne R. Hutchinson, Braun, *(No Subject Indicated),* December 16, 1996
7. Letter to Ms. Kim Dabertin, Findley Adhesives, Inc. from Ms. Gina Keenan, WDNR Subject: *Request for Closure, Findley Adhesives, Inc., 2930 Center Street, Milwaukee, Wisconsin. BRR-ERP FID # 241024740 BRRT # 04-41-000530,* February 27, 1997
8. Letter to Ms. Kim Dabertin, Findley Adhesives, Inc. from Ms. Gina Keenan, Wisconsin WDNR, Subject: *Request for Closure, Findley Adhesives, Inc., 2930 Center Street, Milwaukee, Wisconsin. BRR-ERP FID # 241024740 BRRT # 04-41-000530,* June 11, 1997
9. *"Phase I Environmental Site Assessment, Six Properties on N. 29<sup>th</sup> Street and W. Center Street, Milwaukee, Wisconsin,"* STS Consultants, Ltd. (STS), June 24, 1997
10. *"Phase II Investigation Report at the Properties on North 29<sup>th</sup> Street and West Center Street in Milwaukee, Wisconsin,"* STS, August 25, 1997
11. *"Addendum to the Phase II Investigation Report at the Properties on North 29<sup>th</sup> Street and West Center Street in Milwaukee, Wisconsin,"* STS, August 28, 1997

12. *"Tank Closure Report, ATO Findley, Inc. Center Street Facility, 2930 West Center Street, Milwaukee, Wisconsin,"* Braun, April 1, 1998
13. *"Phase I Environmental Site Assessment Report",* GZA GeoEnvironmental, Inc. (GZA) September 3, 2003
14. Letter to Ms. Gina Keenan, WDNR, from Mr. Bruce A. Keyes, Esq., Foley & Lardner, LLP., Subject: *Bostik Findley - Property located at 2930 West Center Street, FID # 241024740 and 3033 West Pemberton Avenue - FID # 241024630* May 14, 2004
15. *"Site Investigation Work Plan,"* ENSR, June 2, 2004
16. Letter to Ms. Gina Keenan, WDNR, from Mr. Geoff Pyka, Bostik Findley, Inc., Subject: *Bostik Findley, Inc. Property located at 2930 West Center Street, (FID # 241024740; VPLE 06-41-526102),* June 2, 2004
17. Letter to Ms. Gina Keenan, WDNR, from Mr. William Looney, ENSR, Subject: *Historical Investigation Reports and Correspondence, Former Bostik Findley, Inc. Facility, 2930 West Center Street, Milwaukee, Wisconsin. WDNR BRRTS # 03-41-000530,* June 9, 2004
18. Letter to Ms. Gina Keenan, WDNR, from Mr. William Looney, ENSR, Subject: *Historical Soil Analytical Results Drawing, Former Bostik Findley, Inc. Facility, 2930 West Center Street, Milwaukee, Wisconsin. WDNR BRRTS # 03-41-000530,* July 7, 2004
19. *"Site Investigation and Remedial Action Options Report, Former Bostik Findley, Inc. Facility, 2930 West Center Street, Milwaukee, Wisconsin, BRRTS #03-41-00530,"* ENSR, November 2004
20. *"Case Summary and Close Out Request, Former Bostik Findley, Inc. Facility, 2930 West Center Street, Milwaukee, Wisconsin, WDNR File Ref. # 03-41-005301",* ENSR November 19, 2004



ATTACHMENT C  
DEED RESTRICTION  
Bostik Center Street Site

See attached copy of deed restriction

Document Number | DEED RESTRICTION

Please see legal description of property below.

Wisconsin Tranverse Mercator  
Coordinates:  
686869, 290414

STATE OF WISCONSIN    )  
                                  )    ss  
COUNTY OF MILWAUKEE

Recording Area

Name and Return Address  
Bruce A. Keyes, Esq.  
Foley & Lardner LLP  
777 E. Wisconsin Ave.  
Milwaukee, WI 530202-5306  
ROD Box 286

309-1133-110-8; 309-1134-X  
309-1135-110-9  
Parcel Identification Numbers

Declaration of Restrictions

In Re: Land Situated in the County of Milwaukee, State of Wisconsin described as follows:

Parcel I: Lots 19 to 22 inclusive, in Block 3, in Pauline's Subdivision, in the Northeast ¼ of Section 13, in Township 7 North, Range 21 East. Said land being in the City of Milwaukee, County of Milwaukee, State of Wisconsin.

Parcel II: Lot 23 together with the South ½ of the vacated alley adjoining on the North, in Block 3, in Pauline's Subdivision in the Northeast ¼ of Section 13, in Township 7 North, Range 21 East. Said land being in the City of Milwaukee, County of Milwaukee, State of Wisconsin.

Parcel III: Lots 24, 25, 26, 27, 28, 29, 30, 31, 32 and 33, Block 3, Pauline's Subdivision, in the Northeast ¼ of Section 13, Township 7 North, Range 21 East, together with the South ½ of the East-West vacant alley contiguous to the North line of Lots 24, 25 and 26 and the North ½ of vacated alley adjacent to Lot 27. Said land being in the City of Milwaukee, County of Milwaukee, State of Wisconsin.

WHEREAS, Bostik, Inc. is the owner of the above-described property.

WHEREAS, one or more chlorinated and non-chlorinated volatile and semi-volatile organic compound discharges have occurred on this property, and as of July 30, 2004 when soil

samples were collected on this property, chlorinated and non-chlorinated volatile and semi-volatile organic compound contaminated soil remained on this property at the following location: beneath the building foundation in the area known as the Main Parcel (see attached figure, "Deed Restriction Area, 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:

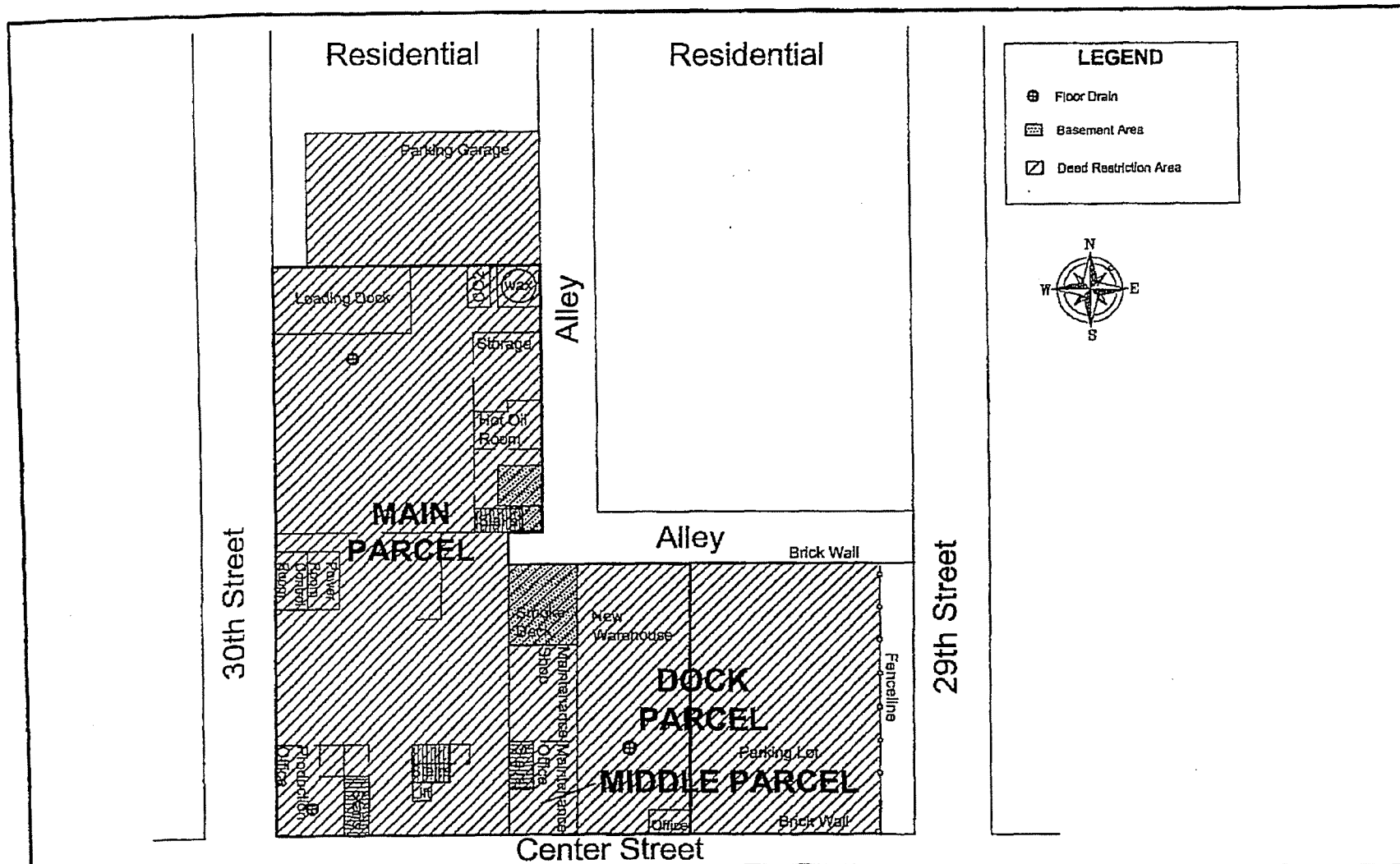
The paved surfaces and the building foundation that existed on the above-described property on the date that this restriction was signed form a barrier that must be maintained in order to prevent direct contact with residual soil contamination that might otherwise pose a threat to human health. These structures are also required in order to minimize the infiltration of water and prevent groundwater contamination that would violate the groundwater quality standards in ch. NR 140, Wis. Admin. 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 "Deed Restriction Area, Figure 1" unless another barrier, with an infiltration rate of  $10^{-7}$  cm/sec or less, is installed and maintained in their place. The existing structures, and any replacement barrier with an infiltration rate of  $10^{-7}$  cm/sec or less, shall be maintained on the above-described property in compliance with the "Cover System Maintenance Plan, 2930 West Center Street, Milwaukee, Wisconsin" that was submitted to the Wisconsin Department of Natural Resources on November 17, 2004 by Bostik, Inc., as required by s. NR 724.13(2), Wis. Admin. Code (1999).

In addition, the following activities are prohibited on any portion of the above described property 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.

Use other than industrial use or commercial use and use as a school, daycare, hospital, nursing home or other residential use is prohibited in any location on the above described property at which any portion of this deed restriction remains in effect.

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





J:\PROJECTS\00563 Bostik Floor\00902023 - Center ST Closure Request Figures\Figure 1 REC and Doring Location Map B7A11.dwg



**DEED RESTRICTION AREA**  
 Bostik, Inc.  
 2930 West Center Street  
 Milwaukee, Wisconsin

DRWN: HEP	SCALE: 1" = 60'
CHK'D: LG	DATE: 08-03-04
APP'D: BL	<b>FIGURE 1</b>