State of Wisconsin
DEPARTMENT OF NATURAL RESOURCES
1027 W. Saint Paul Avenue
Milwaukee WI 53233

Tony Evers, Governor Preston D. Cole, Secretary

Telephone 608-266-2621 Toll Free 1-888-936-7463 TTY Access via relay - 711



September 8, 2022

Mr. Amin Bhimani A & J Swan LLC 4751 N. Santa Monica Blvd. Milwaukee, WI 53211

KEEP THIS LEGAL DOCUMENT WITH YOUR PROPERTY RECORDS

SUBJECT:

Continuing Obligations and Property Owner Requirements for 4751 N. Santa Monica Blvd.

Parcel Identification Number: 23-40-012100

Final Case Closure for One Hour Martinizing, 285 E. Hampton Avenue, Milwaukee

BRRTS #02-41-543260, FID #241176650

Dear Mr. Bhimani:

The purpose of this letter is to notify you that you are responsible for certain continuing obligations applied to your property at 4751 N. Santa Monica Blvd., Milwaukee, parcel ID number 23-40-012100 (Property) due to contamination remaining on the Property. The continuing obligations are part of the cleanup and case closure approved by the Wisconsin Department of Natural Resources (DNR) for the One Hour Martinizing site, located at 285 East Hampton Avenue, Milwaukee (Site). The Site is referenced by the location of the source of contamination, i.e., the property where the original hazardous substance discharge or environmental pollution occurred, prior to contamination migrating to the Property. The continuing obligations that apply to the Property are included in this letter and are stated as conditions in the closure approval letter and are consistent with Wisconsin Statute (Wis. Stat.) § 292.12 and Wisconsin Administrative Code (Wis. Admin. Code) chs. NR 700-799. Continuing obligations are intended to limit exposure to remaining environmental contamination at the Property. These continuing obligations will also apply to future owners of the Property, until the conditions no longer exist.

It is common for properties to have continuing obligations as part of case closure approvals when contamination remains in the environment for a specific reason. Information on the continuing obligations associated with this Site, including the case closure approval letter, is available in the DNR's Bureau for Remediation and Redevelopment Tracking System (BRRTS) on the Web (BOTW) at dnr.wi.gov, search "BOTW." Enter BRRTS #02-41-543260 in the **Activity Number** field and then click **Search**. Scroll down and click on the **CO Packet** link for information about the completion of the environmental work. The Site may also be seen on the map viewer, RR Sites Map. RR Sites Map can be found online at dnr.wi.gov, search "RRSM."

The DNR reviewed and approved the case closure request regarding the chlorinated volatile organic compound (CVOC) contamination in soil, groundwater and vapor at this Site, based on information submitted by EnviroForensics, LLC. As required by state law, you received notification about the requested case closure from the person conducting the cleanup on June 17, 2020. No further investigation or cleanup is required at this time. However, the case closure decision is conditioned upon long-term compliance with the continuing obligations at the Property.



Continuing Obligations and Property Owner Requirements for 4751 N. Santa Monica Blvd. Final Case Closure for One Hour Martinizing Site BRRTS #02-41-543260 September 8, 2022

Continuing Obligations Applicable to the Property

Continuing obligations associated with the Site are described in the attached case closure letter to OHM Holdings, Inc., dated September 8, 2022. However, only the following continuing obligations apply to the Property.

Residual Soil Contamination (Wis. Admin. Code chs. NR 718, NR 500 to 599, and § NR 726.15(2)(b) and Wis. Stat. ch. 289)

Soil contamination remains on the north side of the property, as indicated on the enclosed map (Figure B.2.b, Residual Soil Contamination, May 7, 2020). If soil in the location shown on the map is excavated in the future, the property owner at the time of excavation must sample and analyze the excavated soil. If sampling confirms that contamination is present, the property owner at the time of excavation will need to determine if the material is considered solid waste and ensure that any storage, treatment or disposal complies with applicable standards and rules. Contaminated soil may be managed under Wis. Admin. Code ch. NR 718 with prior DNR approval.

In addition, all current and future property owners and occupants need to be aware that excavation of the contaminated soil may pose an inhalation and direct contact hazard; special precautions may be needed to prevent a threat to human health.

<u>VI - Future Concern</u> (Wis. Stat. § 292.12(2), Wis. Admin. Code § NR 726.15(2)(L) or (m), as applicable) Vapor intrusion (VI) is the movement of vapors coming from volatile chemicals in the soil or groundwater or within preferential pathways into buildings where people may breathe air contaminated by the vapors.

Chlorinated volatile organic compounds remain in soil beneath the Property, as shown on the enclosed map (Figure B.4.a, Vapor Intrusion Map, May 7, 2020), at concentrations that may be of concern for vapor intrusion in the future, if a building is constructed, renovated or expanded in an area where no building currently exists, or if an existing building is remodeled. At the time of closure, a gas station is located on the property, with gasoline underground storage tanks located on the north side of the property.

Vapor control technologies are required for new construction or for modification of occupied buildings on the property unless the property owner assesses the vapor pathway and the DNR agrees that vapor control technologies are not needed. The property owner shall maintain the current building use and layout.

Pre-Approval is Required for Well Construction (Wis. Admin. Code § NR 812.09 (4) (w))

DNR approval is required before well construction or reconstruction for all sites identified as having residual contamination and/or continuing obligations. This requirement applies to private drinking water wells and high capacity wells. To obtain approval, the property owner is required to complete and submit Form 3300-254, "Continuing Obligations/Residual Contamination Well Approval Application," to the DNR Drinking and Groundwater program's regional water supply specialist. A well driller can help complete this form. The form can be obtained online at dnr.wi.gov, search "3300-254." Additional casing may be necessary to help prevent contamination of the well.

Property Owner Responsibilities (Wis. Stat. § 292.12 & § 709.02, Wis. Admin. Code § NR 727.05) The Property owner (you and any subsequent Property owner) is responsible for compliance with the continuing obligations in this letter, pursuant to Wis. Stat. § 292.12. You are required to notify anyone who purchases the Property from you of the responsibility to comply with the continuing obligations in this letter, in accordance with Wis. Admin. Code § NR 727.05 (2).

If you lease or rent the Property to an occupant who will be responsible for maintaining a continuing obligation, you must include that responsibility in a lease agreement, in accordance with Wis. Admin. Code § NR 727.05 (3).

Continuing Obligations and Property Owner Requirements for 4751 N. Santa Monica Blvd. Final Case Closure for One Hour Martinizing Site BRRTS #02-41-543260 September 8, 2022

Please be aware that failure to comply with the continuing obligations may result in enforcement action by the DNR. The DNR intends to conduct periodic inspections to ensure that the conditions included in this letter are met.

DNR Notification (Wis. Admin. Code §§ NR 727.07, NR 726.15 (2))

The Property owner is required to notify the DNR at least 45 days before taking the following actions. The DNR may require additional investigation and/or cleanup actions if necessary to be protective of human health and the environment.

• Before constructing a building and/or modifying the construction of an existing building

Send written notifications to the DNR using the RR Program Submittal Portal at dnr.wi.gov, search "RR submittal portal" (https://dnr.wi.gov/topic/Brownfields/Submittal.html). Questions on using this portal can be directed to the environmental program associate (EPA) for the Southeast Region DNR office. Visit dnr.wi.gov, search "RR contacts" and select the EPA tab (https://dnr.wi.gov/topic/Brownfields/Contact.html). More information on submitting electronic documents can be found in the DNR publication "Guidance for Electronic Submittal for the Remediation and Redevelopment Program" (RR-690), which can be found at dnr.wi.gov, search "RR-690."

The DNR fact sheet, RR-819, "Continuing Obligations for Environmental Protection" explains a property owner's responsibility for continuing obligations on their property. This fact sheet should have been sent to you when you received a notification letter before the case closure request was submitted to the DNR. You may obtain a copy at dnr.wi.gov by searching "RR-819."

Under Wis. Stat. § 292.13 owners of properties affected by contamination from another property are generally exempt from investigating or cleaning up a hazardous substance discharge that migrated onto a property from another property. However, the exemption under Wis. Stat. § 292.13 does not exempt the property owner from the responsibility to maintain a continuing obligation placed on the property in accordance with Wis. Stat. § 292.12. To maintain this exemption, that statute requires the current property owner and any subsequent property owners to meet the conditions in the statute, including:

- Granting reasonable access to the DNR, responsible party, or their contractors;
- Avoiding interference with response actions taken; and
- Avoiding actions that make the contamination worse (e.g., demolishing a structure and causing or worsening the discharges to the environment).

The DNR appreciates your cooperation to restore the environment at this site. If you have any questions regarding this closure decision or anything stated in this letter, please contact the DNR Project Manager, Linda Michalets, at linda.michalets@wisconsin.gov, or 414-435-8010.

Sincerely,

Michele R. Norman

Southeast Region Team Supervisor

Michele R. Norman

Remediation and Redevelopment Program

Attachments: Case Closure with Continuing Obligations, OHM Holdings, Inc., September 8, 2022

Figure B.2.b, Residual Soil Contamination, May 7, 2020

Figure B.4.a, Vapor Intrusion Map, May 7, 2020

cc: Brian Cass, OHM Holdings, Inc. (brian@ohmholdings.com)

Brian Kappen, EnviroForensics, LLC (bkappen@EnviroForsensics.com)

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September 8, 2022

Mr. Brian Cass
OHM Holdings, Inc.
W229N2494 County Rd. F
Waukesha, WI 53186
Via Electronic Mail Only to brian@ohmholdings.com

KEEP THIS LEGAL DOCUMENT WITH YOUR PROPERTY RECORDS

SUBJECT:

Case Closure with Continuing Obligations

One Hour Martinizing, 285 E. Hampton Ave., Milwaukee, Wisconsin

BRRTS #02-41-543260, FID #241176650

Dear Mr. Cass:

The Wisconsin Department of Natural Resources (DNR) is pleased to inform you that the One Hour Martinizing case identified above met the requirements of Wisconsin Administrative (Wis. Admin.) Code chs. NR 700 to 799 for case closure with continuing obligations (COs). COs are legal requirements to address potential exposure to remaining contamination. No further investigation or remediation is required at this time for the reported hazardous substance discharge and/or environmental pollution.

However, you, future property owners and occupants of the property must comply with the COs as explained in this letter, which may include maintaining certain features and notifying the DNR and obtaining approval before taking specific actions. You must provide this letter and all enclosures to anyone who purchases, rents or leases this property from you. Some COs also apply to other properties or rights of way (ROWs) affected by the contamination as identified in the Continuing Obligation Summary section of this letter.

This case closure decision is issued under Wis. Admin. Code chs. NR 700 to 799 and is based on information received by the DNR to date. The DNR reviewed the case closure request for compliance with state laws and standards and determined the case closure request met the notification requirements of Wis. Admin. Code ch. NR 725, the response action goals of Wis. Admin. Code § NR 726.05(4), and the case closure criteria of Wis. Admin. Code §§ NR 726.05, 726.09 and 726.11, and Wis. Admin. Code ch. NR 140.

The One Hour Martinizing site was an active dry cleaning facility from 1980 until 2007. Since 2007, the facility has been used for drop-off and pick-up service only. The dry-cleaning machine was removed in 2016. The One Hour Martinizing site was investigated for a discharge of hazardous substances and/or environmental pollution from the dry-cleaning operations located within the current building, which migrated off-site to the north, south and west. Case closure is granted for the chlorinated volatile organic compounds (CVOCs) as documented in the case file. The site investigation and/or remedial action addressed soil, groundwater, and vapor. The remedial action consisted of soil excavation activities south of the building as a source control action for vapor intrusion. Contamination remains in soil, groundwater and/or vapor on the western half of the source property, and extends off-site to the north, south and west.



The case closure decision and COs required were based on the current use of the site for commercial purposes. The site is currently zoned commercial. Based on the land use and zoning, the site meets the non-industrial land use classification under Wis. Admin. Code § NR 720.05(5) for application of residual contaminant levels in soil.

SUMMARY OF CONTINUING OBLIGATIONS

COs are applied at the following locations:

ADDRESS (Milwaukee, WI)	COS APPLIED	DATE OF
, , ,		MAINTENANCE PLANS
285 East Hampton Avenue	- Residual Soil Contamination	
(Source Property)	- Residual Groundwater Contamination	
	- Cap Maintenance Plan Required	May 16, 2022
	- Vapor Mitigation System Required	April 10, 2019
	- Future Vapor Risk	
4751 N. Santa Monica Blvd.	- Residual Soil Contamination	Not Applicable
Clark Oil	- Future Vapor Risk	
4771 N. Santa Monica Blvd.	- Residual Soil Contamination	
Shovers Realty	- Cap Maintenance Plan	May 16, 2022
	- Future Vapor Risk	
249-261 E. Hampton Ave.	- Residual Soil Contamination	Not Applicable
Hampton WFB, LLC	- Commercial Vapor Exposure	
	Assumption Applied	
	- Future Vapor Risk	6
265 E. Hampton Ave.	- Residual Soil Contamination	2
Confluence Graphics	- Residual Groundwater Contamination	
	- Cap Maintenance Plan	February 16, 2022
	- Future Vapor Risk	
ROW for South side of 200 Block	- Residual Soil Contamination	Not Applicable
of E. Hampton Ave., Milwaukee	- Residual Groundwater Contamination	2

CLOSURE CONDITIONS

Closure conditions are legally required conditions which include both COs and other requirements for case closure (Wis. Stat. § 292.12(2)). Under Wis. Stat. § 292.12(5), you, any subsequent property owners and occupants of the property must comply with the closure conditions as explained in this letter. The property owner must notify occupants for any condition specified in this letter under Wis. Admin. Code §§ NR 726.15(1)(b) and NR 727.05(2). If an occupant is responsible for maintenance of any closure condition specified in this letter, you and any subsequent property owner must include the condition in the lease agreement under Wis. Admin. Code § NR 727.05(3) and provide the maintenance plan to any occupant that is responsible.

DNR staff may conduct periodic pre-arranged inspections to ensure that the conditions included in this letter and the cap and vapor mitigation maintenance plans are met (Wis. Stat. § 292.11(8)). If these requirements are not followed, the DNR may take enforcement action under Wis. Stat. ch. 292 to ensure compliance with the closure conditions.

SOIL

Continuing Obligations to Address Soil Contamination

Residual Soil Contamination (Wis. Admin. Code chs. NR 718, NR 500 to 599, and § NR 726.15(2)(b) and Wis. Stat. ch. 289)

Soil contamination remains on the west side of the property, extending off-site to the west, north and south as indicated on the enclosed map (Figure B.2.b, Residual Soil Contamination, May 7, 2020). If soil in the locations shown on the map is excavated in the future, the property owner or right of way holder at the time of excavation must sample and analyze the excavated soil. If sampling confirms that contamination is present, the property owner or right of way holder at the time of excavation will need to determine if the material is considered solid waste and ensure that any storage, treatment or disposal complies with applicable standards and rules. Contaminated soil may be managed under Wis. Admin. Code ch. NR 718 with prior DNR approval.

In addition, all current and future property owners, occupants and right of way holders need to be aware that excavation of the contaminated soil may pose an inhalation and direct contact hazard; special precautions may be needed to prevent a threat to human health.

Cover (for soil) (Wis. Stat. § 292.12(2)(a), Wis. Admin. Code §§ NR 724.13(1) and (2), NR 726.15(2)(d) and/or (e), NR 727.07(1))

The building foundation, concrete walkway and asphalt parking that surround the One Hour Martinizing building, as shown on the enclosed map (D.2, Figure 3, Location and Extent of Asphalt/Concrete Cap, February 24, 2017) shall be maintained in compliance with the enclosed maintenance plan, dated May 16, 2022. The purpose of the cover is to minimize the infiltration of water through contaminated soil and prevent direct contact with residual soil contamination that might otherwise pose a threat to human health.

The cover approved for this closure was designed to be protective for commercial or industrial land uses. Before using the property for residential purposes and before taking an action, the property owner must notify the DNR to determine if additional response actions are warranted. A cover intended for industrial land uses or certain types of commercial land uses may not be protective if the property changes to a residential use. This may include, but is not limited to, single or multiple family residences, a school, day care, senior center, hospital or similar settings. In addition, a cover designed for multi-family residential housing use may not be appropriate for use at a single-family residence.

To modify or replace a cover, the property owner must submit a request to the DNR under Wis. Admin. Code ch. NR 727. The DNR approval must be obtained before implementation. The replacement or modified cover must be a structure of similar permeability or be protective of the revised use of the property until contaminant levels no longer exceed Wis. Admin. Code ch. NR 720 groundwater pathway residual contaminant levels and/or direct contact residual contaminant levels (RCLs).

GROUNDWATER

Continuing Obligations to Address Groundwater Contamination

Residual Groundwater Contamination (Wis. Admin. Code ch. NR 140 and § NR 812.09(4)(w)) Groundwater contamination which equals or exceeds the enforcement standards for CVOCs is present on the west side of the property and extends off-site to the north and west, as shown on the enclosed map (Figure B.3.b, Groundwater Isoconcentration, June 1, 2020). To construct a new well or reconstruct an existing well, the property owner must obtain prior DNR approval. Additional casing may be necessary to prevent contamination of the well.

VAPOR

Continuing Obligations to Address Vapor Contamination

Vapor intrusion (VI) is the movement of vapors coming from volatile chemicals in the soil or groundwater or within preferential pathways into buildings where people may breathe air contaminated by the vapors.

<u>VI - Vapor Mitigation Systems:</u> (Wis. Stat. § 292.12(2), Wis. Admin. Code § NR 726.15(2)(h), (i), (j) or (m)) Vapor mitigation systems, which may include vapor barriers, are used to interrupt the vapor pathway, thereby reducing or preventing vapors from moving into the building. Soil vapor beneath the One Hour Martinizing building contains CVOCs at levels that would pose a risk to human health, if allowed to migrate into an occupied building on the property.

The sub-slab depressurization system was installed on the site building with two vents that extend above the roof to remove vapors beneath the foundation. The property owner shall maintain, operate and inspect the vapor mitigation system, installed on October 4, 2018, in accordance with the enclosed maintenance plan. System components must be repaired or replaced immediately upon discovery of a malfunction. The property owner shall document inspections on the VMS inspection log (Form 4400-321). See the Other Closure Requirements section of this letter for more details.

VI - Future Concern (Wis. Stat. § 292.12(2), Wis. Admin. Code § NR 726.15(2)(L) or (m), as applicable) CVOCs remain in soil and groundwater on the west side of the property, as shown on the enclosed map (Figure B.4.a, Vapor Intrusion Map, May 7, 2020), at concentrations that may be of concern for vapor intrusion in the future, if a building is constructed, renovated or expanded in an area where no building currently exists or if an existing building is remodeled. At the time of closure, a 2,500 square-foot single-story commercial building is a drop-off dry cleaning facility. The rest of the property is a paved parking lot.

Vapor control technologies are required for new construction or for modification of occupied buildings on the property unless the property owner assesses the vapor pathway and the DNR agrees that vapor control technologies are not needed. The property owner shall maintain the current building use and layout.

OTHER CLOSURE REQUIREMENTS

Maintenance Plan and Inspection Log (Wis. Admin. Code §§ NR 726.11(2), NR 726.15(1)(d), NR 727.05(1)(b)3., Wis. Admin. Code § NR 716.14(2) for monitoring wells)

The property owner is required to comply with the enclosed cap maintenance plan dated May 16, 2022 and the vapor mitigation system maintenance plan dated April 10, 2019, to conduct inspections annually as specified within the plans, and to use the inspection logs (DNR Form 4400-305 for cover and Form 4400-321 for VMS Inspection Log) to document the required inspections. The maintenance plans and inspection logs are to be kept up-to-date and on-site. The property owner shall submit the inspection log to the DNR only upon request.

The limitations on activities are identified in the enclosed maintenance plans. The following activities are prohibited where the vapor mitigation system is in place, without prior DNR approval.

- Removal/modification of any component of the vapor intrusion system;
- Changing the use of occupancy of the building to a residential exposure setting, which may include certain uses such as single or multiple family residence, a school, day care, senior center, hospital, or similar residential exposure setting;
- Changing the construction of the building that has a vapor mitigation system in place.

The following activities are prohibited on any portion of this property where the cover is required, without prior DNR approval.

- Removal of the existing barrier;
- Replacement with another barrier;
- Excavating or grading of the land surface;
- Filling on capped or paved areas;
- Plowing for agricultural cultivation;
- Construction or placement of a building or other structure.

Pre-Approval Required for Well Construction (Wis. Admin. Code § NR 812.09(4)(w))

DNR approval is required before well construction or reconstruction for all sites identified as having residual contamination and/or COs. This requirement applies to private drinking water wells and high capacity wells. To obtain approval, the property owner is required to complete and submit Form 3300-254, Continuing Obligations/Residual Contamination Well Approval Application, to the DNR Drinking and Groundwater program's regional water supply specialist. A well driller can help complete this form. The form can be obtained online at dnr.wi.gov, search "3300-254." Additional casing may be necessary to help prevent contamination of the well.

DNR NOTIFICATION AND APPROVAL REQUIREMENTS

Certain activities are limited at closed sites to maintain protectiveness to human health and the environment. The property owner is required to notify the DNR at least 45 days before and obtain approval from the DNR prior to taking the following actions (Wis. Admin. Code §§ NR 727.07, NR 726.15 (2), Wis. Stat. § 292.12(6)).

- Before removing a cover or any portion of a cover.
- Before deciding to no longer use the vapor mitigation system, to shut off the fan or disrupt or abandon the vapor mitigation system, or before making any change to the vapor mitigation system or to a vapor barrier.
- Before constructing a building and/or modifying use of or the construction of an existing building or changing property use. Certain activities are limited at closed sites to reduce the risk of exposure to residual contamination via vapor intrusion. For properties with a continuing obligation for addressing the future risk of vapor intrusion when buildings exist at the time of closure approval, changes to the current building use and layout are prohibited without prior DNR approval. This includes any change in building construction, reconstruction or partial demolition. The DNR may require additional actions may be required at that time to re-assess for vapor intrusion and mitigate, as appropriate.

The DNR may require additional investigation and/or cleanup actions if necessary, to be protective of human health and the environment. The case may be reopened under Wis. Admin. Code § NR 727.13 if additional information indicates that contamination on or from the site poses a threat, or for a lack of compliance with a CO or closure requirement. Compliance with the maintenance plan is considered when evaluating the reopening criteria.

SUBMITTALS AND CONTACT INFORMATION

Site, case-related information and DNR contacts can be found online in the Bureau for Remediation and Redevelopment Tracking System (BRRTS) on the Web (BOTW); go to dnr.wi.gov and search "BOTW." Use the BRRTS ID # found at the top of this letter. The site can also be found on the map view, Remediation and Redevelopment Sites Map (RRSM) by searching "RRSM."

Send written notifications to the DNR using the RR Program Submittal Portal at dnr.wi.gov, search "RR submittal portal" (https://dnr.wi.gov/topic/Brownfields/Submittal.html). Questions on using this portal can be directed to the environmental program associate (EPA) for the Southeast Region DNR office. Visit dnr.wi.gov, search "RR contacts" and select the EPA tab (https://dnr.wi.gov/topic/Brownfields/Contact.html).

CLOSING

The DNR appreciates your efforts to restore the environment at this site. If you have any questions regarding this letter, please contact the DNR project manager, Linda Michalets, at linda.michalets@wisconsin.gov, or 414-435-8010. If the project manager is not available, contact information can be found at dnr.wi.gov, search "RR contacts."

Sincerely,

Michele R. Norman

Southeast Region Team Supervisor

Michele R. Norman

Remediation and Redevelopment Program

Attachments: Figure B.2.b, Residual Soil Contamination, May 7, 2020

Figure B.3.b, Groundwater Isoconcentration, June 1, 2020

Figure B.4.a, Vapor Intrusion Map, May 7, 2020

Cap Maintenance Plan, May 16, 2022, with D.2, Figure 3, Location and Extent of

Asphalt/Concrete Cap, February 24, 2017

Continuing Obligations Inspection and Maintenance Log (DNR Form 4400-305) Vapor Mitigation System Operation, Maintenance & Monitoring Plan, April 10, 2019

Vapor Mitigation System Inspection Log (DNR Form 4400-321)

cc. Brian Kappen, EnviroForensics, LLC (bkappen@EnviroForsensics.com)

Additional Resources:

The DNR fact sheets listed below can be obtained by visiting the DNR website at "dnr.wi.gov," search the DNR publication number.

Guidance for Electronic Submittals for the Remediation and Redevelopment Program (RR-690)

Continuing Obligations for Environmental Protection (RR-819)

Environmental Contamination and Your Real Estate (RR-973)

Post-Closure Modifications: Changes to Property Conditions after a State-Approved Cleanup (RR-987)

Using Natural Attenuation to Clean Up Contaminated Groundwater: What Landowners Should Know (RR-671)



