#### **GIS REGISTRY**

#### **Cover Sheet**

March, 2010 (RR 5367)

**Source Property Information CLOSURE DATE:** May 20, 2010 **BRRTS #:** 06-28-549902 FID #: 128061890 **ACTIVITY NAME:** HWY 26 COIN LAUNDRY & DRYCLEANING DATCP #: PROPERTY ADDRESS: 1216 Utah St COMM #: Watertown MUNICIPALITY: PARCEL ID #: 291-0815-0433-011 **\*WTM COORDINATES:** WTM COORDINATES REPRESENT: Approximate Center Of Contaminant Source 623198 301829 Approximate Source Parcel Center \* Coordinates are in WTM83, NAD83 (1991) Please check as appropriate: (BRRTS Action Code) **Contaminated Media:** Groundwater Contamination > ES (236) Soil Contamination > \*RCL or \*\*SSRCL (232) Contamination in ROW Contamination in ROW Off-Source Contamination Off-Source Contamination (**note:** for list of off-source properties (**note:** for list of off-source properties see "Impacted Off-Source Property" form) see "Impacted Off-Source Property" form) **Land Use Controls: ◯** Cover or Barrier (222) (**note:** maintenance plan for Soil: maintain industrial zoning (220) groundwater or direct contact) (note: soil contamination concentrations ☐ Vapor Mitigation (226) between non-industrial and industrial levels) Structural Impediment (224) Maintain Liability Exemption (230) (note: local government unit or economic Site Specific Condition (228) development corporation was directed to take a response action) **Monitoring Wells:** Are all monitoring wells properly abandoned per NR 141? (234) Yes  $\bigcirc$  No  $\bigcirc$  N/A

<sup>\*</sup> Residual Contaminant Level

<sup>\*\*</sup>Site Specific Residual Contaminant Level

State of Wisconsin Department of Natural Resources http://dnr.wi.gov

#### GIS Registry Checklist

Form 4400-245 (R 4/08)

Page 1 of 3

This Adobe Fillable form is intended to provide a list of information that is required for evaluation for case closure. It is to be used in conjunction with Form 4400-202, Case Closure Request. The closure of a case means that the Department has determined that no further response is required at that time based on the information that has been submitted to the Department.

NOTICE: Completion of this form is mandatory for applications for case closure pursuant to ch. 292, Wis. Stats. and ch. NR 726, Wis. Adm. Code, including cases closed under ch. NR 746 and ch. NR 726. The Department will not consider, or act upon your application, unless all applicable sections are completed on this form and the closure fee and any other applicable fees, required under ch. NR 749, Wis. Adm. Code, Table 1 are included. It is not the Department's intention to use any personally identifiable information from this form for any purpose other than reviewing closure requests and determining the need for additional response action. The Department may provide this information to requesters as required by Wisconsin's Open Records law [ss. 19.31 - 19.39, Wis. Stats.].

PARCEL ID #: 291-0815-0433-011 BRRTS #: 02-28-549758 ACTIVITY NAME: Highway 26 Coin Laundry & Dry Cleaning WTM COORDINATES: 623198 301829 **CLOSURE DOCUMENTS** (the Department adds these items to the final GIS packet for posting on the Registry)

- X Closure Letter
- Maintenance Plan (if activity is closed with a land use limitation or condition (land use control) under s. 292.12, Wis. Stats.)
- Conditional Closure Letter
- **Certificate of Completion (COC)** for VPLE sites

#### SOURCE LEGAL DOCUMENTS

- Deed: The most recent deed as well as legal descriptions, for the Source Property (where the contamination originated). Deeds for other, off-source (off-site) properties are located in the **Notification** section.
  - **Note:** If a property has been purchased with a land contract and the purchaser has not yet received a deed, a copy of the land contract which includes the legal description shall be submitted instead of the most recent deed. If the property has been inherited, written documentation of the property transfer should be submitted along with the most recent deed.
- Certified Survey Map: A copy of the certified survey map or the relevant section of the recorded plat map for those properties where the legal description in the most recent deed refers to a certified survey map or a recorded plat map. (lots on subdivided or platted property (e.g. lot 2 of xyz subdivision)).
  - Figure #: NA Title: Certified Survey Map #1313
- Signed Statement: A statement signed by the Responsible Party (RP), which states that he or she believes that the attached legal description accurately describes the correct contaminated property.

#### MAPS (meeting the visual aid requirements of s. NR 716.15(2)(h))

Maps must be no larger than 8.5 x 14 inches unless the map is submitted electronically.

🔀 Location Map: A map outlining all properties within the contaminated site boundaries on a U.S.G.S. topographic map or plat map in sufficient detail to permit easy location of all parcels. If groundwater standards are exceeded, include the location of all potable wells within 1200 feet of the site.

**Note:** Due to security reasons municipal wells are not identified on GIS Packet maps. However, the locations of these municipal wells must be identified on Case Closure Request maps.

Figure #: 1 Title: Topographic Map

- Detailed Site Map: A map that shows all relevant features (buildings, roads, individual property boundaries, contaminant sources, utility lines, monitoring wells and potable wells) within the contaminated area. This map is to show the location of all contaminated public streets, and highway and railroad rights-of-way in relation to the source property and in relation to the boundaries of groundwater contamination exceeding a ch. NR 140 Enforcement Standard (ES), and/or in relation to the boundaries of soil contamination exceeding a Residual Contaminant Level (RCL) or a Site Specific Residual Contaminant Levels (SSRCL) as determined under s. NR 720.09, 720.11 and 720.19.
  - Figure #: 2 Title: Site Plan
- Soil Contamination Contour Map: For sites closing with residual soil contamination, this map is to show the location of all contaminated soil and a single contour showing the horizontal extent of each area of contiguous residual soil contamination that exceeds a Residual Contaminant Level (RCL) or a Site Specific Residual Contaminant Level (SSRCL) as determined under s. NR 720.09, 720.11 and 720.19.
  - Figure #: 7 **Title: Soil Contaminant Distribution Map**

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GIS Registry Checklist

Form 4400-245 (R 4/08) Page 2 of 3

BRRTS #: 102-28-549758

ACTIVITY NAME: Highway 26 Coin Laundry & Dry Cleaning

#### MAPS (continued)

⊠ Geologic Cross-Section Map: A map showing the source location and vertical extent of residual soil contamination exceeding a Residual Contaminant Level (RCL) or a Site Specific Residual Contaminant Level (SSRCL). If groundwater contamination exceeds a ch. NR 140 Enforcement Standard (ES) when closure is requested, show the source location and vertical extent, water table and piezometric elevations, and locations and elevations of geologic units, bedrock and confining units, if any.

Figure #: 3

**Title: Geologic Cross Sections** 

Figure #:

Title:

Groundwater Isoconcentration Map: For sites closing with residual groundwater contamination, this map shows the horizontal extent of all groundwater contamination exceeding a ch. NR140 Preventive Action Limit (PAL) and an Enforcement Standard (ES). Indicate the direction and date of groundwater flow, based on the most recent sampling data.

**Note:** This is intended to show the total area of contaminated groundwater.

Figure #: 8

**Title: Groundwater Contaminant Distribution Map** 

☑ Groundwater Flow Direction Map: A map that represents groundwater movement at the site. If the flow direction varies by more then 20° over the history of the site, submit 2 groundwater flow maps showing the maximum variation in flow direction.

Figure #: 5

**Title: Groundwater Contour Map (10/9/07)** 

Figure #: 6

Title: Groundwater Contour Map (2/12/08)

#### TABLES (meeting the requirements of s. NR 716.15(2)(h)(3))

Tables must be no larger than  $8.5 \times 14$  inches unless the table is submitted electronically. Tables must not contain shading and/or cross-hatching. The use of **BOLD** or *ITALICS* is acceptable.

Soil Analytical Table: A table showing <u>remaining</u> soil contamination with analytical results and collection dates. Note: This is one table of results for the contaminants of concern. Contaminants of concern are those that were found during the

site investigation, that remain after remediation. It may be necessary to create a new table to meet this requirement.

Title: Remaining Soil Contamination Analytic Test Results Summary Table #: 2

Groundwater Analytical Table: Table(s) that show the most recent analytical results and collection dates, for all monitoring wells and any potable wells for which samples have been collected.

Title: Historical Groundwater Analytic Test results Summary Table #: 3

Water Level Elevations: Table(s) that show the previous four (at minimum) water level elevation measurements/dates from all monitoring wells. If present, free product is to be noted on the table.

**Title: Groundwater Elevations** Table #: 1

#### IMPROPERLY ABANDONED MONITORING WELLS

For each monitoring well <u>not</u> properly abandoned according to requirements of s. NR 141.25 include the following documents. Note: If the site is being listed on the GIS Registry for only an improperly abandoned monitoring well you will only need to submit the documents in this section for the GIS Registry Packet.

X N	lot	Аp	pli	cal	ole
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Site Location Map: A map showing all surveyed monitoring wells with specific identification of the monitoring wells which have not been properly abandoned.

**Note:** If the applicable monitoring wells are distinctly identified on the Detailed Site Map this Site Location Map is not needed.

Figure #:

Well Construction Report: Form 4440-113A for the applicable monitoring wells.

Deed: The most recent deed as well as legal descriptions for each property where a monitoring well was not properly abandoned.

**Notification Letter:** Copy of the notification letter to the affected property owner(s).

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http://dnr.wi.gov

### **GIS Registry Checklist**

Form 4400-245 (R 4/08)

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BRRTS #: 02-28-549758

ACTIVITY NAME: Highway 26 Coin Laundry & Dry Cleaning

NC	<b>TIFICATIONS</b>
So	urce Property
	<b>Letter To Current Source Property Owner:</b> If the source property is owned by someone other than the person who is applying for case closure, include a copy of the letter notifying the current owner of the source property that case closure has been requested.
	<b>Return Receipt/Signature Confirmation:</b> Written proof of date on which confirmation was received for notifying current source property owner.
Gro	f-Source Property  oup the following information per individual property and label each group according to alphabetic listing on the "Impacted  f-Source Property" attachment.
	<b>Letter To "Off-Source" Property Owners:</b> Copies of all letters sent by the Responsible Party (RP) to owners of properties with groundwater exceeding an Enforcement Standard (ES), and to owners of properties that will be affected by a land use control under s. 292.12, Wis. Stats. <b>Note:</b> Letters sent to off-source properties regarding residual contamination must contain standard provisions in Appendix A of ch. NR 726.
	Number of "Off-Source" Letters: 0
	<b>Return Receipt/Signature Confirmation:</b> Written proof of date on which confirmation was received for notifying any off-source property owner.
	<b>Deed of "Off-Source" Property:</b> The most recent deed(s) as well as legal descriptions, for all affected deeded <b>off-source property(ies).</b> This does not apply to right-of-ways. <b>Note:</b> If a property has been purchased with a land contract and the purchaser has not yet received a deed, a copy of the land contract which includes the legal description shall be submitted instead of the most recent deed. If the property has been inherited, written documentation of the property transfer should be submitted along with the most recent deed.
Γ	<b>Letter To "Governmental Unit/Right-Of-Way" Owners:</b> Copies of all letters sent by the Responsible Party (RP) to a city, village, municipality, state agency or any other entity responsible for maintenance of a public street, highway, or railroad right-of-way.

within or partially within the contaminated area, for contamination exceeding a groundwater Enforcement Standard (ES) and/or

soil exceeding a Residual Contaminant Level (RCL) or a Site Specific Residual Contaminant Level (SSRCL).

Number of "Governmental Unit/Right-Of-Way Owner" Letters: 0



#### State of Wisconsin \ DEPARTMENT OF NATURAL RESOURCES

Jim Doyle, Governor Matthew J. Frank, Secretary Lloyd L. Eagan, Regional Director South Central Region Headquarters 3911 Fish Hatchery Road Fitchburg, Wisconsin 53711-5397 Telephone 608-275-3266 FAX 608-275-3338 TTY Access via relay - 711

January 22, 2010

file ref: 02-28-549758

Dan and Mary Dykstra Dykstra Properties, LLC N3020 Savage Road Waupun, WI 53963

Subject:

Final Case Closure with Continuing Obligations

Highway 26 Coin Laundry & Dry Cleaning Site, Watertown, Wisconsin

WDNR BRRTS Activity # 02-28-549758

Dear Mr. and Mrs. Dykstra:

On November 17, 2009, the WDNR South Central Region Closure Committee reviewed the above-referenced case for closure. This committee reviews environmental remediation cases for compliance with state laws and standards to maintain consistency in the closure of these cases. On November 20, 2009, you were notified that the Closure Committee had granted conditional closure to this case.

On January 13, 2009, the Department received documentation indicating that you have complied with the requirements for final closure. The final requirements for case closure were abandonment of the monitoring wells, disposal of the investigation-derived waste, and preparation of an infiltration barrier maintenance plan.

Based on the correspondence and data provided, it appears that your case meets the closure requirements in ch. NR 726, Wisconsin Administrative Code. Your site also appears to meet the liability exemption provisions in s. 292.15 Wisconsin Statutes. A Certificate of Completion will be sent to you as a separate letter.

The Department considers this case closed and no further investigation or remediation is required at this time. However, you and future property owners must comply with the continuing obligations explained in this letter.

#### GIS Registry

This site will be listed on the Remediation and Redevelopment Program's GIS Registry because:

- Residual soil contamination exists that must be properly managed should it be excavated or removed.
- The on-site building and the sidewalk must be maintained so that they continue to prevent infiltration of water through contaminated soil.

This closure letter and information that was submitted with your closure request application will be included on the GIS Registry. To review the sites on the GIS Registry web page, visit the RR Sites Map page at <a href="http://dnr.wi.gov/org/aw/rr/gis/index.htm">http://dnr.wi.gov/org/aw/rr/gis/index.htm</a>.

#### Closure Conditions

Please be aware that, pursuant to s. 292.12 Wisconsin Statutes, compliance with the requirements of this letter is a responsibility to which you and any subsequent property owners must adhere. You must pass on the information about these continuing obligations to the next property owner or owners. If these requirements are not followed or if additional information regarding the known contamination indicates the dry cleaning product-contaminated soil poses a threat to public health, safety, welfare, or the environment, the Department may take enforcement action under s. 292.11 Wisconsin Statutes to ensure compliance with the specified requirements, limitations or other conditions related to the property, or this case may be reopened pursuant to s. NR 726.09, Wis. Adm. Code.



#### Cover or Barrier

Pursuant to s. 292.12(2)(a), Wis. Stats., the current building and adjacent sidewalk act as an impervious barrier and both shall be maintained in compliance with Terracon's Building Barrier Maintenance Plan, which was submitted to the Department of Natural Resources on January 13, 2010, and will be included in the GIS registry package for the case and as an attachment to the Certificate of Completion for the site.

#### Residual Soil Contamination

Residual soil contamination remains beneath the building and adjacent sidewalk as indicated in Terracon's Building Barrier Maintenance Plan. If soil beneath the current building or adjacent sidewalk is excavated, then pursuant to ch. NR 718 or, if applicable, ch. 289, Stats., and chs. 500 to 536, the property owner at the time of excavation must sample and analyze the excavated soil to determine if residual contamination remains. If sampling confirms that contamination is present, the property owner will need to determine whether the material is considered solid or hazardous waste and ensure that any storage, treatment or disposal is in compliance with applicable standards and rules. In addition, all current and future owners and occupants of the property need to be aware that excavation of the contaminated soil may pose an inhalation or other direct contact hazard and as a result special precautions may need to be taken to prevent a human health threat.

#### Prohibited Activities

The following activities are prohibited on any portion of the property at and/or near the current building and adjacent sidewalk, unless prior written approval has been obtained from the Wisconsin Department of Natural Resources: 1) removal of the existing barrier; 2) replacement with another barrier; 3) excavating or grading of the land surface; 4) filling on capped or paved areas; 5) plowing for agricultural cultivation; 6) construction or placement of a building or other structure.

#### Vapor Migration

Construction over contaminated materials may result in vapor migration of contaminants into enclosed structures or migration along newly placed underground utility lines. The potential for vapor inhalation and means of mitigation should be evaluated when planning any future redevelopment, and measures should be taken to ensure the continued protection of public health, safety, welfare and the environment at the site.

#### Post-Closure Notification Requirements

In accordance with ss, 292.12 and 292.13, Wis. Stats., you must notify the Department before making changes that affect or relate to the conditions of closure in this letter. For this case, an example of a changed condition requiring prior notification is disturbance or deterioration of the current building and adjacent sidewalk, which act as a barrier to infiltration.

Please send written notifications in accordance with the above requirements to the WDNR Fitchburg Office, to the attention of Wendy Weihemuller.

#### Reimbursement Eligibility for Operating Dry Cleaners

You should know that in order to remain eligible for future reimbursement of cleanup costs from the Dry Cleaner Environmental Response Fund (DERF), within 90 days of the date of this letter, the owner or operator of the dry cleaning facility must implement enhanced pollution prevention measures found in Section 292.65(5)(a)2, Wis. Statutes, and NR 169.11(2), Wis Adm. Code. Currently, in accordance with Section 292.65(8)(f), Wis. Stats., the maximum amount of money that DERF can reimburse to any facility is \$500,000. The enhanced pollution prevention measures that must be implemented to remain eligible for DERF include:

- all wastes must be managed in accordance with federal and state hazardous waste rules;
- dry cleaning product or wastewater may not be discharged into any sanitary sewers, septic tanks, or any waters of the State;
- a containment structure must entirely surround and be capable of containing any spill or release of a dry cleaning product from a dry cleaning machine or other equipment;

- the floor within any containment structure must be sealed and be impervious to dry cleaning product;
- perchloroethene must be delivered to the dry cleaning facility by means of a closed, direct coupled delivery system.

In order to retain DERF eligibility, you will need to verify that you have implemented these pollution prevention measures. You may wish to keep documentation in your files, such as invoices and photographs, of any enhanced pollution prevention measures you implement, in order to provide future verification.

The Department appreciates your efforts to protect the environment at this site. If you have any questions regarding this closure decision or anything outlined in this letter, please contact Jeff Ackerman at (608) 275-3323.

Sincerely, Okerlan Kun hlmg

Harlan Kuehling, Interim Team Supervisor

South Central Remediation & Redevelopment Program

cc:

Scott Hodgson, Terracon Jeff Ackerman, DNR

#### **BUILDING BARRIER MAINTENANCE PLAN**

January 6, 2010

Property Located at: 1216 Utah Street

Watertown, Wisconsin

FID # 128061890, BRRTS # 02-28-549758

LEGAL DESCRIPTION: LOT 2 OF CERTIFIED SURVEY MAP 1313

Tax #: 291-0815-0433-011

#### Introduction

This document is the Maintenance Plan for a building barrier at the above-referenced property in accordance with the requirements of s. NR 724.13(2), Wisconsin Administrative code (WAC). The maintenance activities relate to the existing slab-on-grade building occupying the area over the contaminated soil onsite. The contaminated soil is impacted by volatile organic compounds (VOCs) above the protection of groundwater residual contaminant level (RCL), including tetrachloroethene (PCE) and trichloroethene (TCE). The location of the building to be maintained in accordance with this Maintenance Plan is identified on the attached map (Exhibit A).

#### **Building Barrier Purpose**

The existing structure over the contaminated soil acts as an infiltration barrier to minimize future soil-to-groundwater contaminant migration that could violate the standards in Chapter NR 140, Wisconsin Administrative Code. Based on the current and future use of the property, the barrier should function as intended unless disturbed.

#### **Annual Inspection**

The building foundation overlying the contaminated soil and as depicted in Exhibit A will be inspected once a year, normally in the spring, for deterioration, cracks, and other potential problems that can allow potential infiltration of rainwater or surface water to underlying soils. The inspections will be performed to evaluate damage due to exposure to the weather, increasing age, settling, and other factors. Any area where soils have become or are likely to become exposed to potential infiltration of water will be documented. A log of the inspections will be maintained by the property owner and is included as Exhibit B, *Cap Inspection Log*. The log will include recommendations for necessary repair of any areas where underlying soils are exposed to potential infiltrating water. Once repairs are completed, they will be documented in the inspection log. A copy of the inspection log will be kept onsite.

#### **Maintenance Activities**

If contaminated soils potentially exposed to infiltration are noted during the annual inspections or at any other time during the year, repairs will be scheduled as soon as practical. Maintenance activities can include patching and filling operations or they can include larger resurfacing or construction operations. In the event that necessary maintenance activities expose the

underlying soil, the owner must inform maintenance workers of the direct contact exposure hazard and provide them with appropriate personal protection equipment ("PPE"). The owner must also sample any soil that is excavated from the site prior to disposal to ascertain if contamination remains. The soil must be treated, stored, and disposed by the owner in accordance with applicable local, state and federal law.

In the event the building overlying the contaminated soil is removed or replaced during redevelopment activities, either the underlying contaminated soil must be excavated and properly disposed, or a replacement barrier must be constructed that is equally impervious as the existing building. Any other option must be discussed with or approved by the Wisconsin Department of Natural Resources (WDNR) or its successor. Any replacement barrier will be subject to the same maintenance and inspection guidelines as outlined in this Maintenance Plan unless indicated otherwise by the WDNR or its successor.

The property owner (current or future), in order to maintain the integrity of the building structure, will maintain a copy of this Maintenance Plan on-site and make it available to all interested parties (i.e. on-site employees, contractors, future property owners, etc.) for viewing.

#### Amendment or Withdrawal of Maintenance Plan

In the event that plans are made to alter or disturb the cap, the owner must notify WDNR prior to disturbing the cap. This Maintenance Plan can be amended or withdrawn by the property owner and its successors with the written approval of WDNR.

Contact Information (January 2010)

Site Owner and Operator:

Dykstra Properties, LLC

N3030 Savage Road, Waupun, WI 53963

(920) 296-0271 Contact: Dan Dykstra

Consultant:

Terracon Consultants, Inc.

9856 S. 57th Street, Franklin, WI 53132

(414) 423-0255

Contact: Scott A. Hodgson

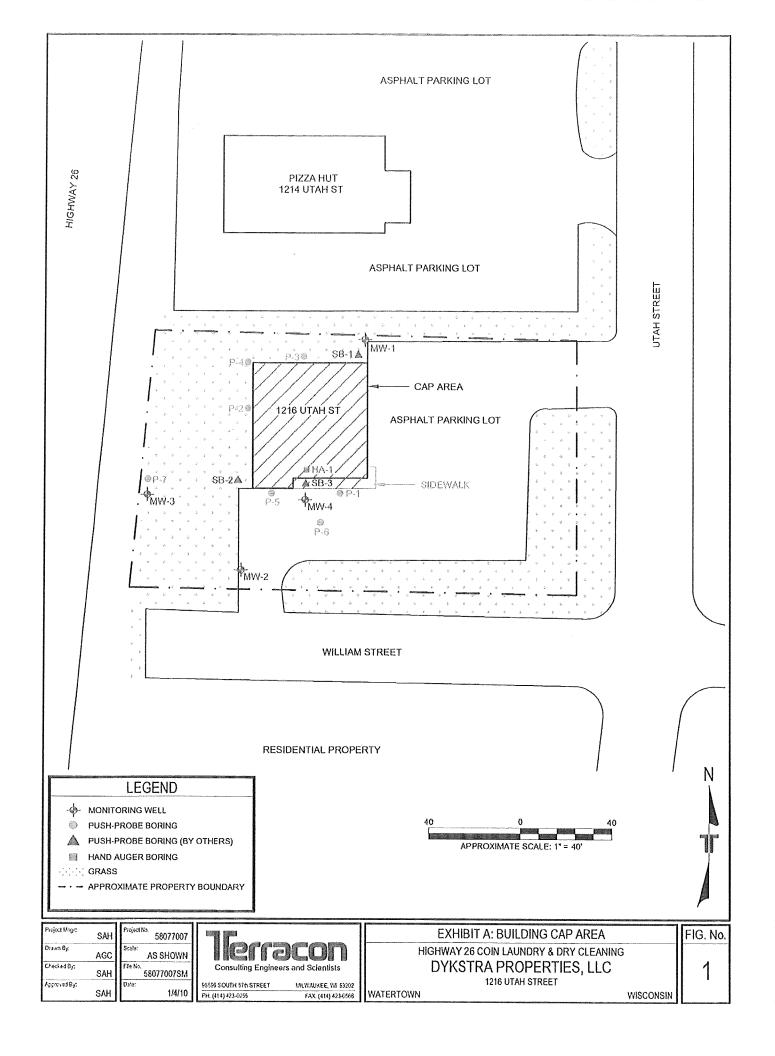
WDNR:

Wisconsin Department of Natural Resources

3911 Fish Hatchery Road, Fitchburg, WI 53711-5397

(608) 275-3323

Contact: Jeff Ackerman



## <u>Exhibit B</u> Barrier INSPECTION LOG

Inspection Date	Inspector	Condition of Cap	Recommendations	Have Recommendations from previous inspection been implemented?
				·

# State of Wisconsin Department of Natural Pesources

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

whereas, Dykstra Properties, LLC. has applied for an exemption from liability under s. 292.15, Wis. Stats., for Property located at 1216 Utah Street in Watertown, WI, which is commonly referred to as Highway 26 Coin Laundry and Dry Cleaners, further described in the legal description found in Attachment A ("the Property");

Thereas, an environmental investigation of the Property has been conducted and the Wisconsin Department of Natural Resources ("WDNR") has determined that contamination exists at the Property;

Thereas, Dykstra Properties, LLC., has submitted to the WDNR environmental investigation reports and other relevant documentation, listed in Attachment B, including a building barrier maintenance plan, presented as Attachment C, which comply with the requirements set forth in chs. NR 700-754, Wis. Adm. Code;

Thereas, 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 proposed remedy for the soil contamination at the Property;

(perchloroethylene and trichloroethylene) that exceeds residual contaminant levels ("RCLs") under ch. NR 720, Wis. Adm. Code, will be included on the WDNR's Geographical Information System Registry of Closed Remediation Sites ("the GIS Registry") pursuant to s. 292.12(3), Wis. Stats. Dykstra Properties, LLC. has submitted to the WDNR all the information necessary to be included on the GIS Registry pursuant to s. NR 726.05(2)(a)3, Wis. Adm. Code;

Thereas, on November 17, 2009, WDNR determined that response actions necessary to restore the environment to the extent practicable, with respect to the discharge, and to minimize the harmful effects from the discharge to the air, land, and waters of the state were completed, and issued a conditional case closure letter on November 20, 2009, and a

final case closure letter on January 22, 2010 (Attachment D). The following are requirements to which current and future Property owners must adhere:

Pursuant to s. 292.12(2)(a), Wis. Stats., the current building and adjacent sidewalk act as an impervious barrier and shall be maintained in compliance with Terracon's Building Barrier Maintenance Plan, which was submitted to the Department of Natural Resources on January 13, 2010, and will be included in the GIS Registry package for the case and as an attachment to the Certificate of Completion for the site.

Residual soil contamination remains beneath the building and adjacent sidewalk, as indicated in Terracon's Building Barrier (i.e., engineering control) Maintenance Plan. If soil beneath the current building or adjacent sidewalk is excavated the Property owner at the time of excavation must sample and analyze the excavated soil in accordance with applicable state and federal laws to determine if residual contamination remains. If sampling confirms that contamination is present the Property owner will need to determine whether the material is considered solid or hazardous waste and ensure that any storage, treatment or disposal is in compliance with applicable state and federal laws. In addition, all current and future owners and occupants of the Property, and any persons replacing the sidewalk, utilities or conducting excavation work, need to be made aware by the current property owner that excavation of the contaminated soil may pose an inhalation or other direct contact hazard and as a result special precautions may need to be taken to prevent a human health threat.

The following activities are prohibited at and/or near the current building and adjacent sidewalk on the Property, unless prior, written approval has been obtained from the Wisconsin Department of Natural Resources: (1) removal of the existing engineering control; (2) replacement with another engineering control; (3) excavating or grading of the land surface; (4) filling on capped or paved areas; (5) plowing for agricultural cultivation; (6) construction or placement of a building or other structure.

In the event that the cover barrier areas that currently exist are removed, the replacement barrier must be equally protective. If this requirement is not followed, the WDNR may take actions under ss. 292.11 or 292.12, Wis. Stats., to ensure compliance with the specified requirements and the person who owns or controls the Property may no longer qualify for the liability protections under s. 292.15, Wis. Stats.

control, the approval of the response action is based on a non-industrial land use classification, per ch. NR 720, Wis. Adm. Code. This would allow for industrial or non-industrial use of the Property, consistent with the limitations specified in the closure letter ("Attachment C"), Barrier Maintenance Plan ("Attachment D"), and this document. As a result, the response action would not need to be re-evaluated to determine if it is protective based on future land uses; and

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, **Dykstra Properties**, LLC. 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, Dykstra Properties, LLC. 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 the conditions in the January 22, 2010, case closure letter and the building barrier maintenance plan, ss. 292.12 and 292.15, Wis. Stats., this Certificate, and administrative rules promulgated by the WDNR. Any discharges 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 person that caused the discharge or the person who possesses or controls that 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 Dykstra Properties, LLC. 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 23 day of April

Matthew Frank, Secretary

Wisconsin Department of Natural Resources

STATE BAR OF WISCONSIN FORM 1 - 2000

Document Number

WARRANTY DEED

000	1	4	7
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This Deed, made between John F. Bendall and M. Barb Bendall, husband and wife						
nusbanu anu	7711					
Grantor, and company	Dykstra Properties, LLC a Wisco	onsin limited liability				
Grantee.						
Grantor,	for a valuable consideration, conve	ys to Grantee the following				
described rea	estate in Jefferson	County, State of				

Wisconsin (the "Property") (if more space is needed, please attach addendum):

RECEIVED FOR RECORD at //: 3.5 o'clock A M

FEB 0 9 2004

Recording Area

Name and Return Address **Dykstra Properties LLC** N3020 Savage Road Waupun, WI 53963

TE TRANSFER

291-3040-0001-000

Parcel Identification Number (PIN) This is not homestead property. (is) (is not)

Lot 2 (Two) of Certified Survey Map No. 1313, recorded in the Office of the Register of Deeds for Jefferson County, Wisconsin on June 20, 1979, in Volume 4 of Certified Survey Maps on Page 272, as Document No. 762150, being a parcel of land in the Southwest 1/4 of Section 4, in Township 8 North, Range 15 East, in the City of Watertown, Jefferson County, Wisconsin.

Together with all appurtenant rights, title and interests.

Grantor warrants that the title to the Property is good, indefeasible in fee simple and free and clear of encumbrances except municipal and zoning ordinances and agreements entered under them, recorded easements for the distribution of utility and municipal services, recorded building and use restrictions and covenants, and general taxes levied in the year of closing.

Dated this Thinking day of Jan, 2004 John F. Bendall M. Barb Bendall AUTHENTICATION **ACKNOWLEDGMENT** STATE OF WISCONSIN Signature(s) WAUKESHA authenticated this day of Personally came before me this JANUARY , 2004 the above named John F. Bendall and M. Barb Bendall, husband and wife TITLE: MEMBER STATE BAR OF WISCONSIN to me known to be the person(s) who executed the foregoing (If not, instrument and acknowledged the same. authorized by § 706.06, Wis. Stats.) Michael A. Krubowski THIS INSTRUMENT WAS DRAFTED BY MICHAEL A. KRUKOWELL Notary Public, State of WISCONSIN

RACHEL S. CHRISTOPH

GATEWOOD TITLE SERVICES, LLC

(Signatures may be authenticated or acknowledged. Both are not necessary.)

Names of persons signing in any capacity must be typed or printed below their signature.

WARRANTY DEED

STATE BAR OF WISCONSIN FORM No. 1 - 2008

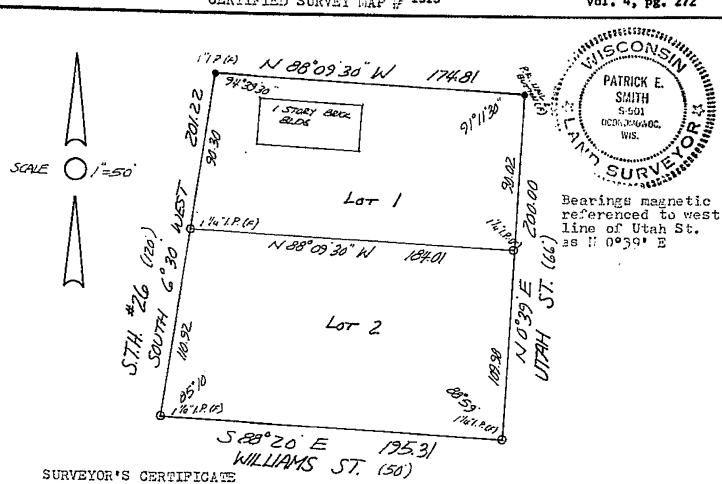
INFO-PRO (800)655-2021 www.infoproforms.com

2004 .)

My Commission is permanent. (If not, state expiration date:

JWY

18



SURVEYOR'S CERTIFICATE

I, Patrick E. Smith, Registera Land Surveyor, do hereby certify that
I have surveyed, divided and mapped a parcel of land in the S.W. 1/4
of Section 4, Town 8 North, Range 15 East, City Of Watertown, Jefferson,
County, Wisconsin, bounded and described as follows: Commencing at an
iron pipe at the S.E. corner of Block 7 in COLE, BAILEY ADDITION to
Watertown; thence N 0°39' E along the west line of Utah Street, 200.00
feet; thence N 88°09'30" W, 174.81 feet to the easterly line of S.T.H. # 26;
Williams Street; thence S88°20; E on said line, 195.31 feet to the beginning.
I further certify that I have made such survey, land division and map
by the direction of Pizza Hut, Inc. owners of the land. That I have
fully complied with the subdivision regulations of the City of Watertown
and with Chapter 236 of the Wisconsin Statutes in surveying, dividing

Date \_ JUNE 18,1979

Patrick E. Smith S- 501

Common Council Resolution Resolved, that the Certified Survey Map, in the City of Watertown, Pizza Hut, inc., owner, is hereby approved by the Common Council

I, hereby certify that the foregoing is a copy of a resolution adopted by the Common Council of the City of Watertown. Date

APPROVED

BY CITY OF WATERTOWN PLAN COMMISSION

Clerk

STATE OF WISCONSIN 762150 Jefferson County Received for record this 20th day of June 1979 at 8:30 A.M. and recorded in Vol. 4 of Certified Survey Maps. on page 272 as C.S.M.#1313

Sane Il

Register of Deeds

This instrument was drafted by Patrick. E. Swith

SHEET 1 OF 1

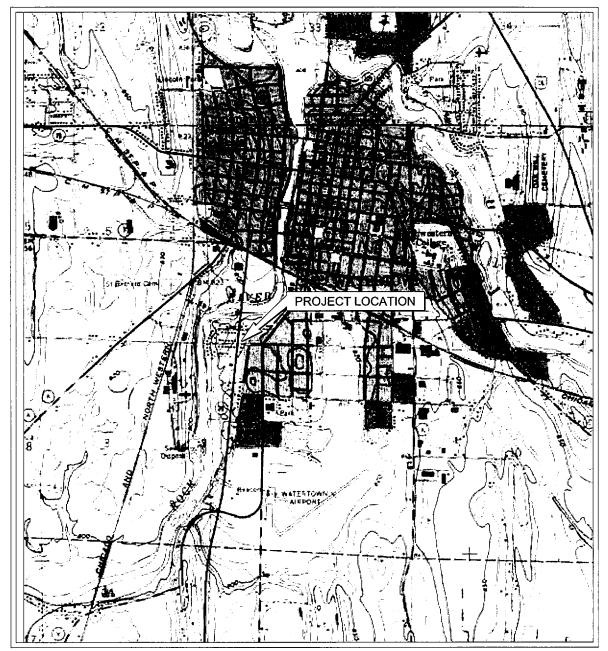
### Statement of Accurate Legal Descriptions

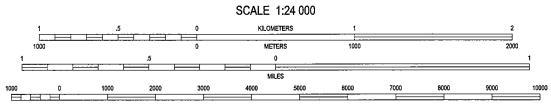
To the best of my knowledge, the attached properly legal descriptions are complete and identify the parcels with soll impacted by volatile organic compounds originating from the property located at 1216 Utah Street, Waterlown, Jefferson County, Wisconsin, parcel identification no. 291-0815-0433-011,

Dan Dykston

Dykstra Properties, LLC

#### UNITED STATES - DEPARTMENT OF THE INTERIOR - GEOLOGICAL SURVEY





CONTOUR INTERVAL 10 FEET NATIONAL GEODETIC VERTICAL DATUM OF 1929

#### WATERTOWN QUADRANGLE

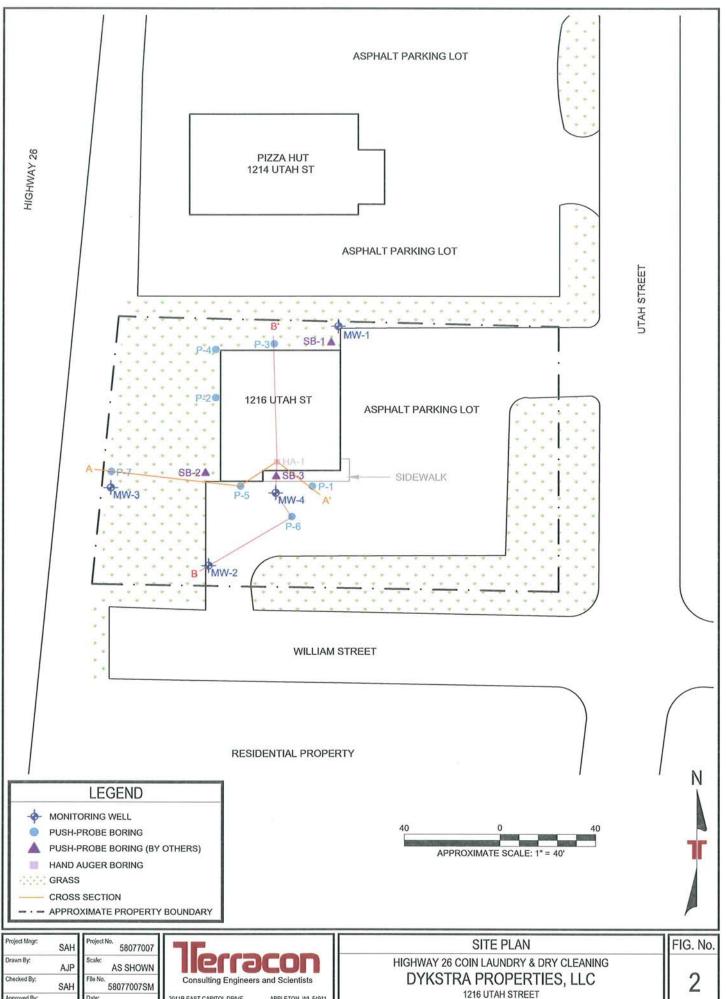
1971 7.5 MINUTE SERIES (TOPOGRAPHIC)

Project Mngr.	SAH	Project No. 58077007
Drawn By:	AJP	Scale: AS SHOWN
Checked By:	SAH	File No. 58077007SL.dwg
Approved By:	SAH	Date: 10/12/07

Terra	<b>ECON</b> ers and Scientists
3011B EAST CAPITOL DRIVE	APPLETON, WI 54911
PH. (920) 993-9108	FAX. (920) 993-9108

TOPOGRAPHIC MAP	
HIGHWAY 26 COIN LAUNDRY & DRY CLEANING	
DYKSTRA PROPERTIES, LLC	
1216 UTAH STREET	
WATERTOWN	WISCONSIN

FIG. No.



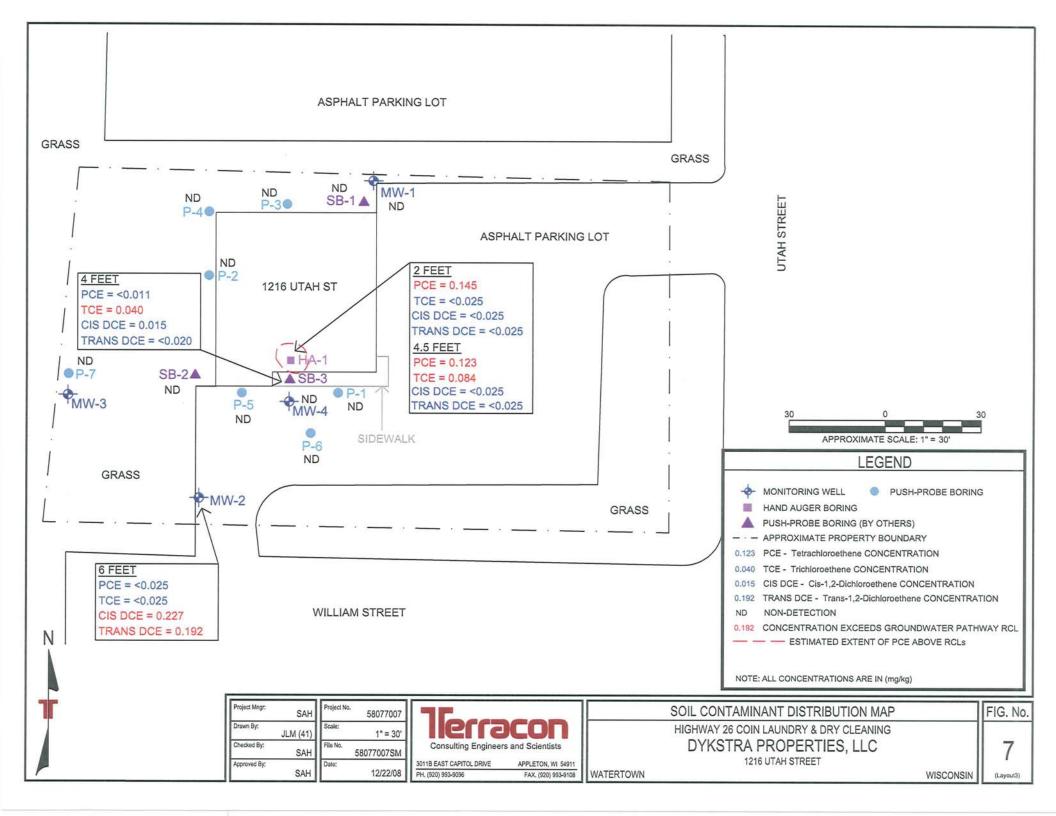
WATERTOWN

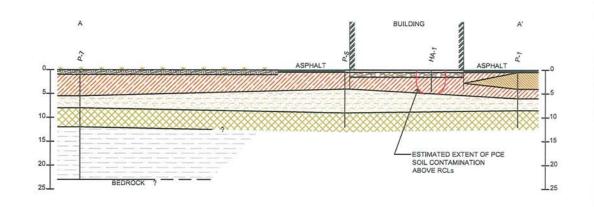
3011B EAST CAPITOL DRIVE SAH 11/5/08 PH. (920) 993-9096

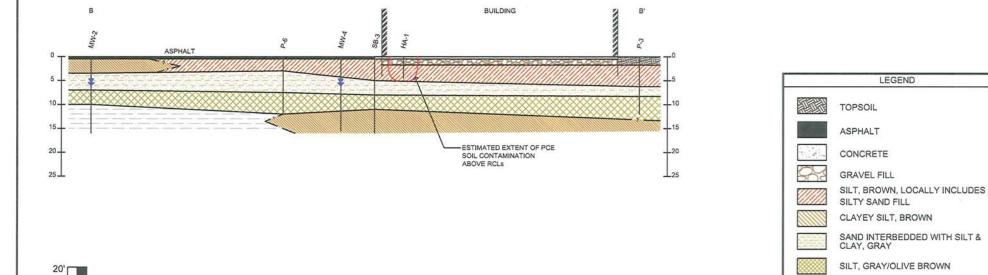
APPLETON, WI 54911

FAX. (920) 993-9108

WISCONSIN (Layout1 (2))







APPROXIMATE SCALE (FT) VERTICAL EXAGGERATION 1X

Project Mngr:	SAH	Project No.	58077007
Drawn By:	JLM (41)	Scale: A	S SHOWN
Checked By:	SAH	File No.	077007CS
Approved By:	SAH	Date:	12/22/08

Consulting Engineer:	s and Scientists  APPLETON, WI 54911
PH. (9220) 993-9096	FAX, (920) 993-9108

WATERTOWN

**GEOLOGIC CROSS SECTIONS** HIGHWAY 26 COIN LAUNDRY & DRY CLEANING

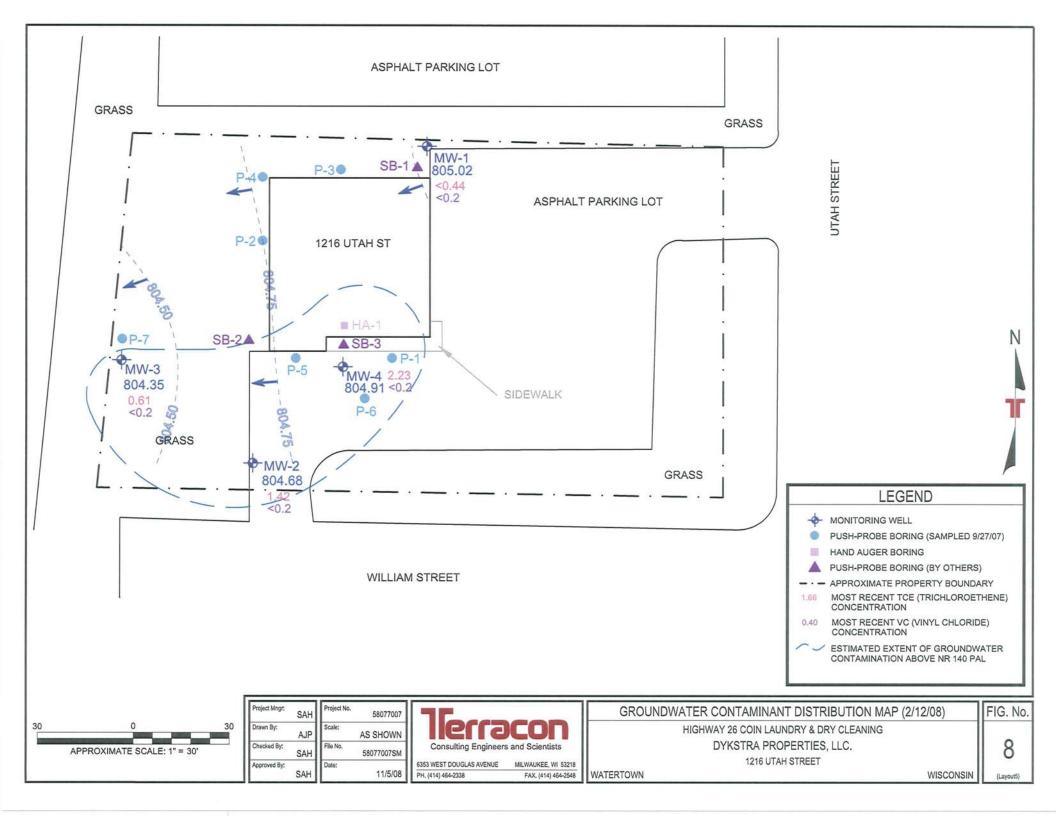
DYKSTRA PROPERTIES, LLC

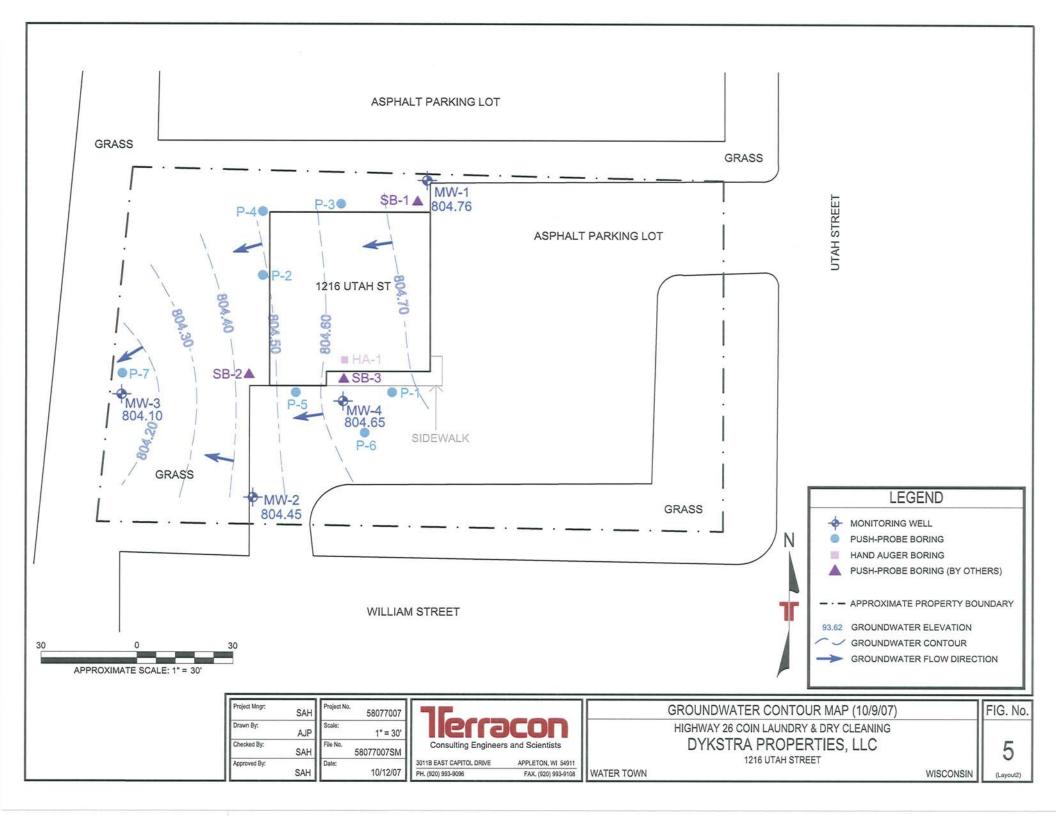
1216 UTAH STREET

CLAY, GRAY ▼ GROUNDWATER TABLE

WISCONSIN

FIG. No.





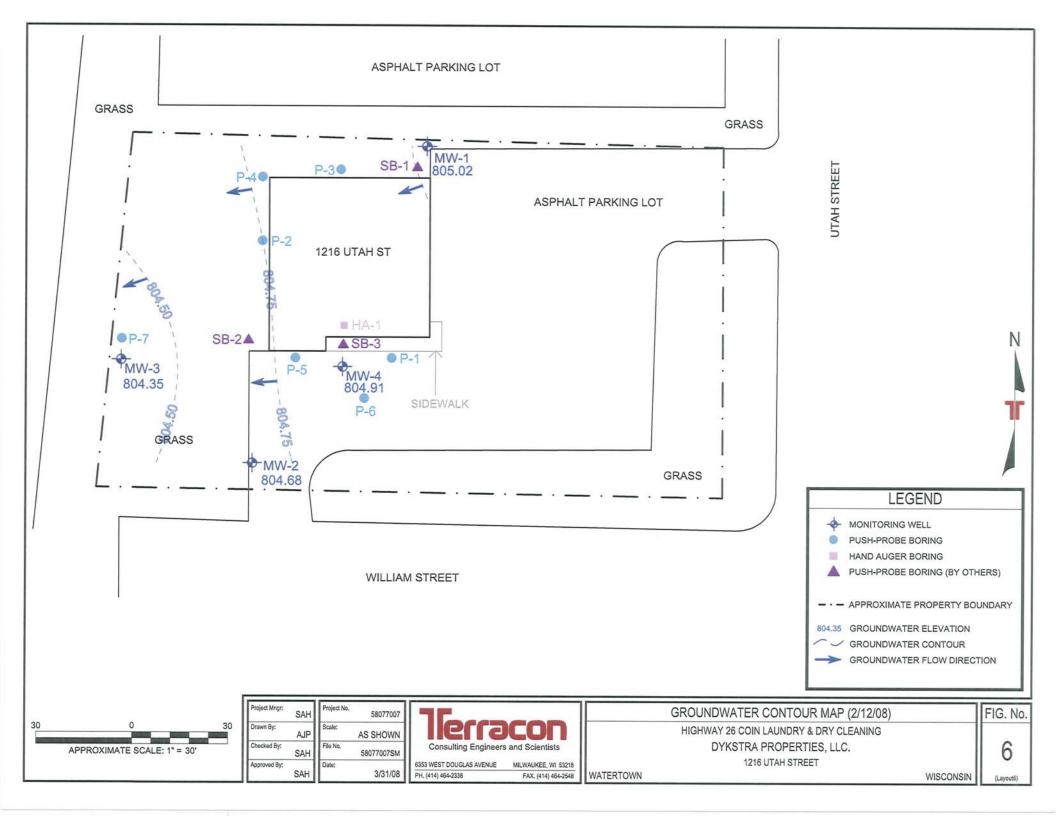


TABLE 2
Remaining Soil Contamination Analytic Test Results Summary

Highway 26 Coin Laundry & Dry Cleaners Watertown, Wisconsin Terracon Project No.: 58077007

			Chlorinated VOCsmg/kg				Othe	Other VOCsmg/kg		
		Tetrachloroethene	Trichloroethene	1,1-Dichloroethane	cis-1,2-Dichloroethene	trans-1,2-Dichloroethene	Vinyl Chloride	Benzene	Toluene	Ethylbenzene
Generic R	CL Groundwater <sup>1</sup>	0.0041	0.0037	0.349	0.027	0.098	0.00013	0.055	1.5	0.0041
RCL Direct Conta	ct Non-Industrial <sup>2</sup>	1.23	0.16	3,130	156	313	0.0426	1.1	NE	NE .
Sample Location (Depth in Feet) Phase II ESA Borings	Sample Date									
SB3 (4')	5/18/2007	<0.011	0.04	<0.0094	0.015	<0.020	<0.011	<0.0082	<0.011	<0.0082
Site Investigation Borings HA-1 (2') HA-1 (4.5') MW-2 (6')	9/27/2007 9/27/2007 10/4/2007	0.145 0.123 <0.025	<0.025 <b>0.084</b> <0.025	<0.025 <0.025 <0.025	<0.025 <0.025 <b>0.227</b>	<0.025 <0.025 <b>0.192</b>	<0.025 <0.025 <0.025	<0.025 <0.025 <0.025	<0.025 <0.025 <0.025	<0.025 <0.025 <0.025

#### NOTES:

Bold values indicate compound was detected above the NR 720.19, Site-Specific Residual Contaminant Level (SSRCL) for Protection of Groundwater

Concentrations are listed in milligrams per kilogram, unless otherwise noted

<sup>&</sup>lt;sup>1</sup> NR 720.09, Wisconsin Administrative Code, Generic Residual Contaminant Level (RCL) for Protection of Groundwater per NR 720.09 Wisconsin Administrative Code Generic RCLs or NR 720.19, USEPA Soil Screening Guidance for Chemicals website utilizing default parameters per WDNR publication RR-682

<sup>&</sup>lt;sup>2</sup> RCL for Direct Contact per NR 720.11 Wisconsin Administrative Code, Table 2 RCLs or USEPA Soil Screening Guidance for Chemicals website utilizing default parameters per WDNR publication RR-682

<sup>&</sup>quot; < " Indicates compound was not detected above the listed limit of detection

<sup>&</sup>quot; NE " Indicates standard not established

#### TABLE 3 Historical Groundwater Analytic Test Results Summary

Highway 26 Coin Laundry & Dry Cleaners Watertown, Wisconsin Terracon Project No.: 58077007

	٠,													X1-4	I Attant	otion Dara	matara /um	ito oo obou	<u>(m)</u>	· ·	_	
	÷		Vol	atile Org	anic Co	mpound	s (VOCs)	ug/L	- 1						urai Attenu	lation Para	meters (un	its as shov	vn)	<del></del> -	-	
Sample Location	Sample Date	Tetrachloroethene	Trichloroethene	1,1-Dichloroethane	cis-1,2-Dichloroethene	trans-1,2-Dichloroethene	Vinyl Chloride	Benzene	Ethylbenzene	Toluene	Dissolved Oxygen (mg/L) - FIELD	ORP (mV) - FIELD	Specific Conductance (µS/cm x 1000) - FIELD	Dissolved (Ferrous) Iron (mg/L.)	Manganese (mg/L) <sup>4</sup>	Total Organic Carbon (mg/L)	Methane (µg/L) - LAB	Ethane (µg/L) - LAB	Ethene (µg/L) - LAB	Nitrite/Nitrate (mg/L) - LAB	Sulfate (mg/L) - LAB	Chloride (mg/L) - LAB
Division II FOA Divisions			-																			ŀ
Phase II ESA Borings TMW1	5/18/2007	<0.40	<0.15	<0.40	<0.40	<0.50	<0.15	<0.16	<0.28	0.7												
TMW2	5/18/2007	<0.40	<0.15	<0.40	2.40	<0.50	<0.15	0.18	<0.28	0.39												
TMW3	5/18/2007	<0.40	22	0.41	<u>31</u>	12	0.56	<0.16	<0.28	0.31												
Push-Probe Borings										1												Į.
P-1	9/27/2007	<u>0.61†</u>	<u>4.9</u>	<0.56	5.8	1.72†	<0.2	<0.47	<0.38	<0.46												
P <b>-2</b>	9/27/2007	<0.52	<0.44	<0.56	<0.68	<0.95	<0.2	<0.47	<0.38	<0.46				-								
P-3	9/27/2007	<0.52	<0.44	<0.56	<0.68	<0.95	<0.2	<0.47	<0.38	<0.46												
P-4	9/27/2007	<0.52	<0.44	<0.56	<0.68	<0.95	<0.2	<0.47	<0.38	<0.46					200							
P-5	9/27/2007	<0.52	<u>1.17†</u>	<0.56	<u>16.7</u>	5.4	<0.2	<0.47	<0.38	<0.46									)			
P-6	9/27/2007	<u>1.12†</u>	8.6	<0.56	<u>19.6</u>	6.4	<0.2	<0.47	<0.38	<0.46												
P-7	9/27/2007	<0.52	<0.44	<0.56	<0.68	<0.95	<0.2	<0.47	<0.38	0.48†												
Permanent Monitoring V	<u>Vells</u>																					
MW-1	10/9/2007	<0.52	< 0.44	< 0.56	<0.68	< 0.95	<0.2	<0.47	<0.38	<0.46	3	106	2.73	9,210	1,240	16	2.8	<1	<1	3.2	33	612
	2/12/2008	<0.52	<0.44	< 0.56	<0.68	< 0.95	<0.2	<0.47	<0.38	<0.46	3	121	2.38									
MW-2	10/9/2007	<0.52	<u>1.66</u>	< 0.56	<u> 20.7</u>	13.8	0.40†	<0.47	<0.38	<0.46	4	137	3.35	6,580	1,560	19	31	<1	<1	2.7	77	696
	2/12/2008	<0.52	<u>1.42</u>	< 0.56	<u>14</u>	4.1	<0.2	<0.47	<0.38	<0.46	4	106	3.31									
MW-3	10/9/2007	<0.52	<0.44	<0.56	<u>12.9</u>	4.0	<0.2	<0.47	<0.38	<0.46	3	36	3.36	4,160	1,130	14	426	<1	<1	0.86	11	746
	2/12/2008	<0.52	<u>0.61†</u>	<0.56	2.3	< 0.95	<0.2	<0.47	<0.38	<0.46	3	138	3.21	<del></del>								
MW-4	10/9/2007	<0.52	<u>1.89</u>	<0.56	5.7	1.39†	<0.2	<0.47	<0.38	<0.46	4	145	3.63	2,550	1,110	18	12	<1	<1	4.0	100	710
	2/12/2008	<0.52	<u>2.23</u>	<0.56	4.8	<0.95	<0.2	<0.47	<0.38	<0.46	4	112	3.01									
	.6.											۳-										
	140, WAC, PAL <sup>1</sup>	<u>0.5</u>	<u>0.5</u>	<u>85</u>	<u> 7</u>	<u>20</u>	<u>0.02</u>	<u>0.5</u>	<u>140</u>	<u>200</u>	NA	NA	NA.	NA	NA	NA	NA NA	NA NA	NA NA	2	NA NA	NA NA
	R 140, WAC, ES <sup>2</sup>	5	5	850	70	100	0.2	5	700	1000	NA_	NA	NA	NA	NA .	NA	NA_	NA .	NA NA	10	NA OO	NA 040
Average Backgrour	nd Concentration <sup>3</sup>	NA	NA	NA	NA	NA_	NA	N <u>A</u>	NA	NA	3	113.5	2.56	9,210	1,240	16	2.8	<1	<1	3.2	33	612
	ne Concentration	NA	NA	NA	NA	NA	NA_	NA	NA	NA	3.7	112.3	3.31	4,430	1,267	17	156	<1 Dresent	<1	2.5	62.7 <bg< td=""><td>717.3</td></bg<>	717.3
Indicative of Reducti	ve Dechlorination	NA	NA	NA	NA	NA	NA	NA	NA	NA	<0.5	<50	>BG	>BG	>BG _	>20	>BG	Present	Present	< 1	\BG	>2xBG

<sup>&</sup>lt;sup>1</sup>NR 140, Wisconsin Administrative Code, Preventative Action Limit (PAL)

<sup>&</sup>lt;sup>2</sup>NR 140, Wisconsin Administrative Code, Enforcement Standard (ES)

<sup>&</sup>lt;sup>3</sup>MW-1 concentrations are considered representative of background concentrations
"ug/L" indicates micrograms per liter "mg/L" indicates milligrams per liter

<u>Underline Italic values</u> indicate compound detected above the listed Preventative Action Limit (PAL)

Bold values indicate compound detected above the listed Enforcement Standard (ES)

<sup>&</sup>quot;†" indicates compound detected above the laboratory Limit of Detection, but below the Limit of Quantitation
" < " Indicates compound not detected above the listed laboratory Limit of Detection

## TABLE 1 Groundwater Elevations

Highway 26 Coin Laundry & Dry Cleaners Watertown, Wisconsin Terracon Project No.: 58077007

Measured Location	Date	Depth to Groundwater	Reference Elevation *	Water Table Elevation**	Screened Interva
MW-1	10/9/2007	6.46	811.22	804.76	796.5 - 806.
	2/12/2008	6.20	811.22	805.02	796.5 - 806.
MW-2	10/9/2007	5.94	810.39	804.45	795.5 - 805.
•	2/12/2008	5.71	810.39	804.68	795.5 - 805.
MW-3	10/9/2007	6.24	810.34	804.10	795.5 - 805.
	2/12/2008	5.99	810.34	804.35	795.5 - 805.9
MW-4	10/9/2007	6.24	810.89	804.65	796.0 - 806.0
	2/12/2008	5.98	810.89	804.91	796.0 - 806.0

Measurements are in feet.

<sup>\*</sup>Depth to groundwater is measured from the top of the monitoring well riser pipe.

<sup>\*\*</sup> Top of the PVC well casing referenced to the rim of sewer manhole near the west terminus of William Street with elevation 811.14 feet msl