

State of Wisconsin
Department of Natural Resources

**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”);

Whereas, 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;

Whereas, 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;

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 proposed remedy for the soil contamination at the Property;

Whereas, the Property, with volatile organic compound soil contamination (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;

Whereas, 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.

Whereas, residual contamination remains at the Property under an engineering 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, 2010.


Matthew Frank, Secretary
Wisconsin Department of Natural Resources

ATTACHMENT A
LEGAL PROPERTY DESCRIPTION
Highway 26 Coin Laundry & Dry Cleaning Site
1216 Utah Street, Watertown, WI

See attached Warranty Deed Doc. # 1145234 recorded with Jefferson County Register of Deeds Office on February 9, 2004 and Certified Survey Map No. 1313 recorded with Jefferson County Register of Deeds Office on June 20, 1979.

1145234

Document Number

STATE BAR OF WISCONSIN FORM 1 - 2000

WARRANTY DEED

000147

This Deed, made between John F. Bendall and M. Barb Bendall, husband and wife

Grantor, and Dykstra Properties, LLC a Wisconsin limited liability company

Grantee.

Grantor, for a valuable consideration, conveys to Grantee the following described real estate in Jefferson County, State of Wisconsin (the "Property") (if more space is needed, please attach addendum):

RECEIVED FOR RECORD at 11:25 o'clock A M

FEB 09 2004

Register of Deeds, Jefferson County, WI

Recording Area

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

STATE TRANSFER Tax Paid \$ 900.00

291-3040-0001-000

Parcel Identification Number (PIN)

This is not homestead property.

(X) (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 Thirtieth day of Jan, 2004

John F. Bendall signature and name

M. Barb Bendall signature and name

AUTHENTICATION

Signature(s)

authenticated this day of

TITLE: MEMBER STATE BAR OF WISCONSIN

(If not, authorized by § 706.06, Wis. Stats.)

THIS INSTRUMENT WAS DRAFTED BY

RACHEL S. CHRISTOPH GATEWOOD TITLE SERVICES, LLC

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

ACKNOWLEDGMENT

STATE OF WISCONSIN

Waukesha County

Personally came before me this 30th day of JANUARY, 2004 the above named John F. Bendall and M. Barb Bendall, husband and wife

to me known to be the person(s) who executed the foregoing instrument and acknowledged the same.

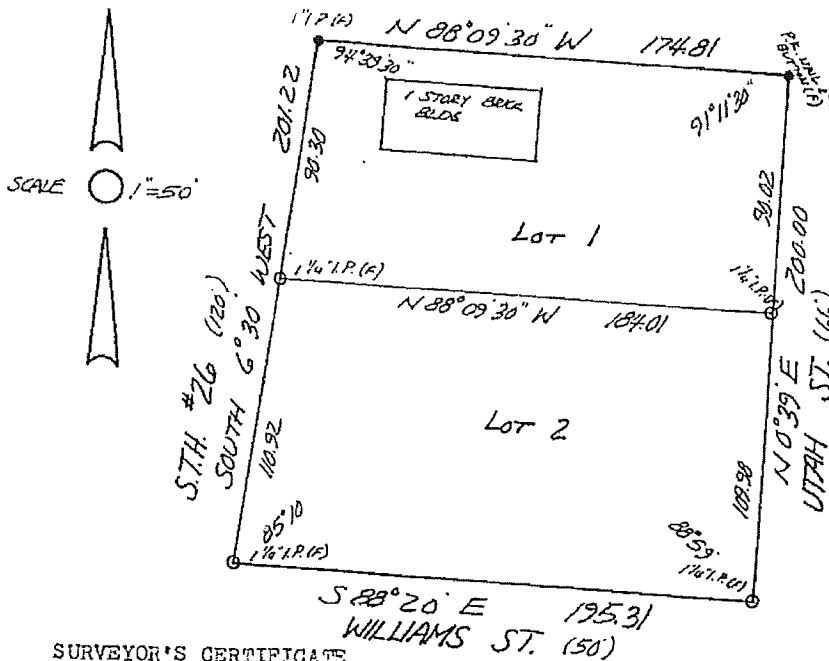
Michael A. Kruidswill Notary Public, State of WISCONSIN

My Commission is permanent. (If not, state expiration date: July 18, 2004)

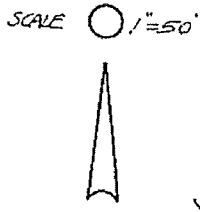
* Names of persons signing in any capacity must be typed or printed below their signature.

CERTIFIED SURVEY MAP # 1313

Vol. 4, PE- 272



Bearings magnetic
referenced to west
line of Utah St.
as N 0° 39' E



SURVEYOR'S CERTIFICATE

I, Patrick E. Smith, Registered 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; thence S 6° 30' W along said line, 201.22 feet to the north line of Williams Street; thence S 88° 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 and mapping the same.

Date JUNE 18, 1979

Patrick E. Smith
Patrick E. Smith S- 501 R.L.S.

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

Kenneth P. Phil
Mayor

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

Date _____

Clerk _____

APPROVED
BY CITY OF WATERTOWN
PLAN COMMISSION
6/18/79 J.R.

762150 STATE OF WISCONSIN
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

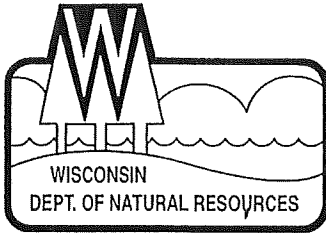
James J. Polchickel
Register of Deeds

This instrument was drafted by Patrick. E. Smith

ATTACHMENT B
INVESTIGATION AND OTHER RELEVANT DOCUMENTATION
Highway 26 Coin Laundry & Dry Cleaning Site
1216 Utah Street, Watertown, WI

1. June, 2007, MSA Professional Services, Inc., "Phase I and II Environmental Site Assessment".
2. August 30, 2007, Reinhart Boerner Van Deuren S.C. "Highway 26 Coin Laundry" letter regarding consultant proposals and a proposed investigation work scope.
3. October 19, 2007, Terracon Consulting Engineers & Scientists, "Investigation Status Report".
4. November 7, 2008, Terracon Consulting Engineers & Scientists, "Contaminated Soil Drum Disposal-Hazardous Waste Determination".
5. January 8, 2009, Terracon Consulting Engineers & Scientists, "Site Investigation Report and Remedial Action Plan".
6. February 5, 2009, Reinhart Boerner Van Deuren S.C. "1216 Utah Street" letter responding to DNR questions regarding the site assessment.
7. September 29, 2009, Terracon Consulting Engineers & Scientists, "Supplemental Site Investigation Letter Report".
8. November 4, 2009, Terracon Consulting Engineers & Scientists, "Request for Closure-VPLE".
9. January 6, 2010, Terracon Consulting Engineers & Scientists, "Final Closure Requirements and Cap Maintenance Plan".

ATTACHMENT C
FINAL CLOSURE LETTER
Highway 26 Coin Laundry & Dry Cleaning Site
1216 Utah Street, Watertown, WI



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 <http://dnr.wi.gov/org/aw/rr/gis/index.htm>.

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:

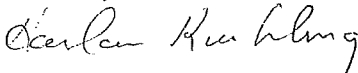
- all wastes must be managed in accordance with federal and state hazardous waste rules;
- dry cleaning product or wastewater may not be discharged into any sanitary sewers, septic tanks, or any waters of the State;
- a containment structure must entirely surround and be capable of containing any spill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



Harlan Kuehling, Interim Team Supervisor
South Central Remediation & Redevelopment Program

cc: Scott Hodgson, Terracon
Jeff Ackerman, DNR

ATTACHMENT D
Building Barrier Maintenance Plan
Highway 26 Coin Laundry & Dry Cleaning Site
1216 Utah Street, Watertown, WI

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 re-development 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

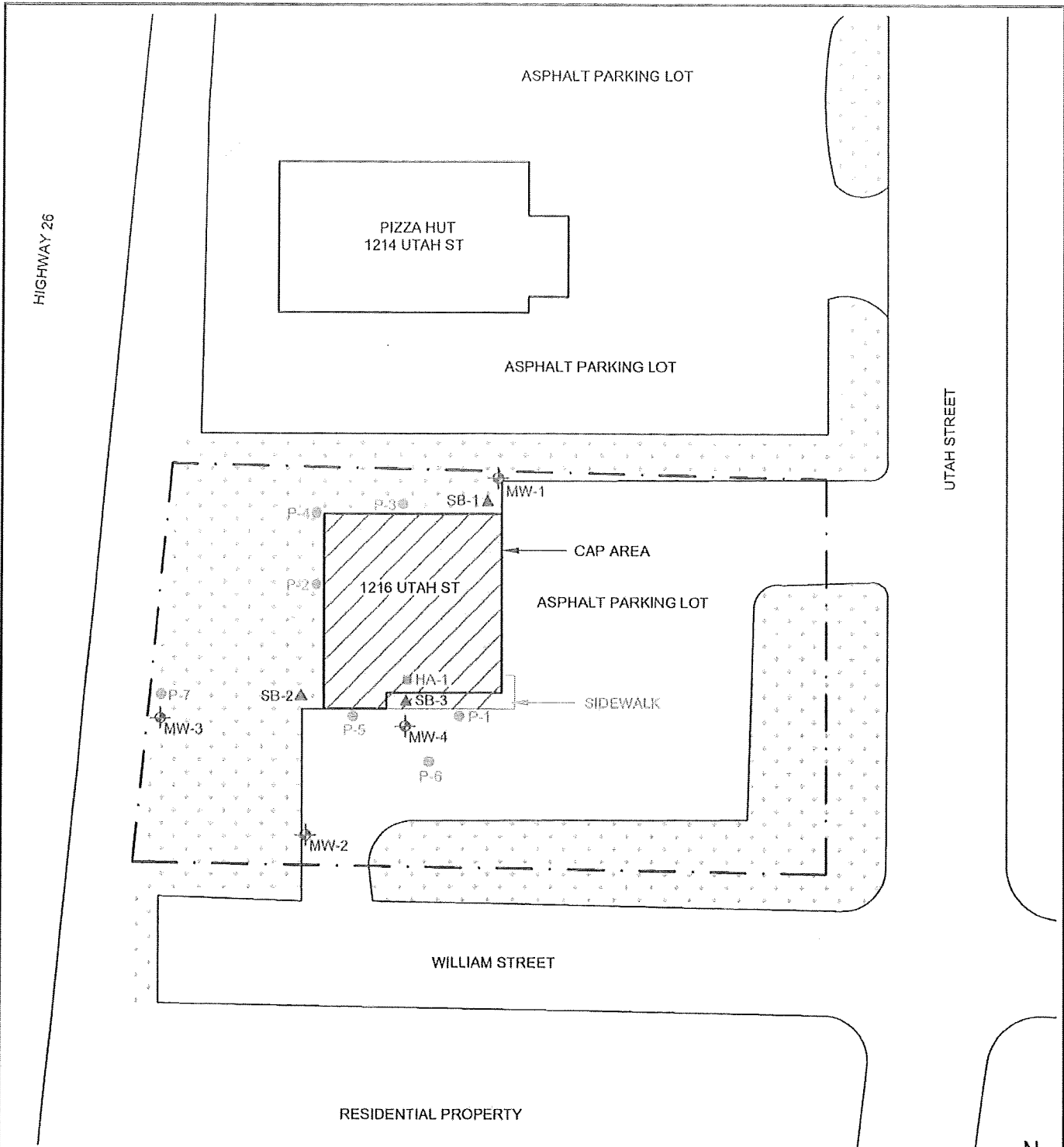
In the event that plans are made to alter or disturb the cap, the owner must notify WDNR prior to disturbing the cap. This Maintenance Plan can be amended or withdrawn by the property owner and its successors with the written approval of WDNR.

Contact Information (January 2010)

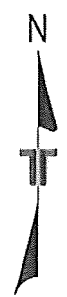
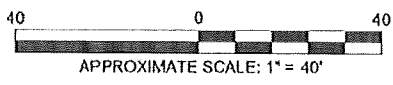
Site Owner and Operator: Dykstra Properties, LLC
N3030 Savage Road, Waupun, WI 53963
(920) 296-0271
Contact: Dan Dykstra

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



LEGEND	
	MONITORING WELL
	PUSH-PROBE BORING
	PUSH-PROBE BORING (BY OTHERS)
	HAND AUGER BORING
	GRASS
	APPROXIMATE PROPERTY BOUNDARY



Project Mgr:	SAH
Drawn By:	AGC
Checked By:	SAH
Approved By:	SAH

Terracon
 Consulting Engineers and Scientists

5555 SOUTH 57th STREET MILWAUKEE, WI 53202
 PH. (414) 423-0255 FAX. (414) 423-0568

EXHIBIT A: BUILDING CAP AREA
 HIGHWAY 26 COIN LAUNDRY & DRY CLEANING
DYKSTRA PROPERTIES, LLC
 1216 UTAH STREET
 WATERTOWN WISCONSIN

FIG. No.	1
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Exhibit B
Barrier INSPECTION LOG

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