



October 12, 2022

OHM Holdings, Inc.  
Mr. Brian Cass  
W229 N2494 CTH F  
Waukesha, WI 53186  
*Via Electronic Mail Only to [brian@ohmholdings.com](mailto:brian@ohmholdings.com)*

Exchange Right  
Net Leased Portfolio 28 DST  
Roger Taylor - Asset Manager  
PO Box 60308  
Pasadena, CA 91116  
*Via Electronic Mail Only to [properties@exchangeright.com](mailto:properties@exchangeright.com)*

**KEEP THIS LEGAL DOCUMENT WITH YOUR PROPERTY RECORDS**

SUBJECT: Case Closure with Continuing Obligations  
OHM Oconomowoc, 36929 Plank Road (current address 36903 E Wisconsin Ave),  
Oconomowoc, WI  
BRRTS #: 02-68-551911, FID #: 268087380

Dear Mr. Cass and Mr. Taylor:

The Wisconsin Department of Natural Resources (DNR) is pleased to inform you that the OHM Oconomowoc (Site) 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 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 OHM Oconomowoc was located at 36929 Plank Road, which is now known as a Pick N Save Metro Mart located at 36903 E Wisconsin Ave, Oconomowoc. The Site was investigated for a discharge of hazardous substances and/or environmental pollution from a dry cleaner. Contamination from the release of chlorinated volatile organic compounds (CVOC) has spread across the property including the off-site properties listed in attachment G of the closure document which are affected by the Site referenced above. The property is currently a Pick N' Save food market and the dry cleaning facility has been removed. 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 contamination. The remedial action consisted of soil vapor extraction along with in situ chemical injection. Contamination remains in soil, groundwater, and vapor on the Site. Groundwater contamination is found in the four (4) off-site properties as shown in the attached figures.

The case closure decision and COs required are based on the current use of the source property referenced above address for commercial purposes, and the affected properties (listed in attachment G of the closure document) for commercial purposes. The source property is currently zoned commercial, and the affected properties are currently zoned commercial. Based on the land use and zoning, the Site, including both the source property and the affected properties, 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:

<b>ADDRESS (CITY, WI)</b>	<b>COS APPLIED</b>	<b>DATE OF MAINTENANCE PLAN(S)</b>
36929 Plank Road, (now 36903 E Wisconsin Ave), Oconomowoc (Source Property)	- Residual Soil Contamination - Cover - Residual Groundwater Contamination - VI – Commercial/Industrial Use - VI – Future Concern	<b>April 5, 2022</b>
36833 E Wisconsin Ave, Oconomowoc	- Residual Groundwater Contamination	No plan required
36883 E Wisconsin Ave, Oconomowoc	- Residual Groundwater Contamination	No plan required
36863 E Wisconsin Ave, Oconomowoc	- Residual Groundwater Contamination	No plan required
36933 E Wisconsin Ave, Oconomowoc	- Residual Groundwater Contamination - VI – Future Concern	No plan required
HWY 16 ROW	- Residual Groundwater Contamination	No plan required

## 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 maintenance plan dated April 5, 2022, 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 as indicated on the enclosed Figure B.2.b., Residual Soil Contamination, dated April 8, 2021. If soil in the location(s) 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 soil cover and the parking lot, as shown on the enclosed Figure D.2, Location and Extent of Asphalt Cap, dated April 5, 2021, shall be maintained in compliance with the enclosed maintenance plan, dated April 5, 2022. The purpose of the cover is to minimize the infiltration of water through contaminated soil 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 or 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 (RCLs).

## GROUNDWATER

### *Continuing Obligations to Address Groundwater Contamination and/or Monitoring Wells*

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 as shown on the enclosed Figure B.3.b., Groundwater Isoconcentration Map, dated April 8, 2021. 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.

VI - Commercial/Industrial Use: (Wis. Stat. § 292.12(2), Wis. Admin. Code § NR 726.15(2)(k) or (m)) Soil vapor or groundwater beneath the Pick N Save building contains contamination at concentrations that pose a long-term risk to human health if allowed to migrate into an occupied building. See the enclosed Figure B.4.a., Soil Vapor Analytical Results Map, dated September 2, 2021. Case closure is based on the following site-specific exposure assumptions: The continued use of the properties as commercial spaces. The continued use of the parking lot as an asphalt covered area. Use of this property is restricted to the following uses: The continued use of the properties as commercial spaces. The continued use of the parking lot as an asphalt covered area. If changes in property or land use are planned, the property owner must evaluate whether the closure is protective for the proposed use. The DNR may require additional response actions.

VI - Future Concern: (Wis. Stat. § 292.12(2), Wis. Admin. Code § NR 726.15(2)(L) or (m), as applicable. CVOCs remain in media soil and/or groundwater at as shown on the enclosed Figure B.4.a., Soil Vapor Analytical Results Map, dated September 29, 2021, 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.

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 maintenance plan for the cover, dated April 5, 2022, to conduct inspections annually, and to use the inspection log (DNR Form 4400-305) to document the required inspections. The maintenance plan and inspection log are to be kept up-to-date and on-site. The property owner shall submit the inspection log to the DNR only upon request using the RR Program Submittal Portal. See the DNR Notification and Approval Requirements section below for more information on how to access the Submittal Portal.

The limitations on activities are identified in the enclosed maintenance plan(s). The following activities are prohibited on any portion of this property where the cover or current building use and layout is/are 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;
- Changing the use or occupancy of the property to a residential exposure setting, which may include certain uses, such as single or multiple family residences, a school, day care, senior, center, hospital, or similar residential exposure settings.

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 Water 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](http://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 changing the land use for sites where commercial or industrial exposure settings were used to determine vapor risk screening levels
- 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](https://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](https://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 Project Manager below or to the environmental program associate (EPA) for the regional DNR office. Visit [dnr.wi.gov](https://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, Greg Michael at 414-405-1203, or at [Greg.Michael@wisconsin.gov](mailto:Greg.Michael@wisconsin.gov).

Sincerely,



Pamela A. Mylotta  
Southeast Region Team Supervisor  
Remediation & Redevelopment Program

#### Attachments:

Figure B.2.b., Residual Soil Contamination, dated April 8, 2021  
Figure D.2, Location and Extent of Asphalt Cap, dated April 5, 2021  
Figure B.3.b., Groundwater Isoconcentration Map, dated April 8, 2021  
Figure B.4.a., Soil Vapor Analytical Results Map, dated September 29, 2021  
Attachment D, Maintenance Plan, April 5, 2022 & Inspection Log (DNR Form 4400-305)

cc.

EnviroForensics, LLC, Brian Kappen, e-mail only

#### Additional Resources:

The DNR fact sheets can be obtained by visiting the DNR website at "[dnr.wi.gov](https://dnr.wi.gov)" and searching 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)*

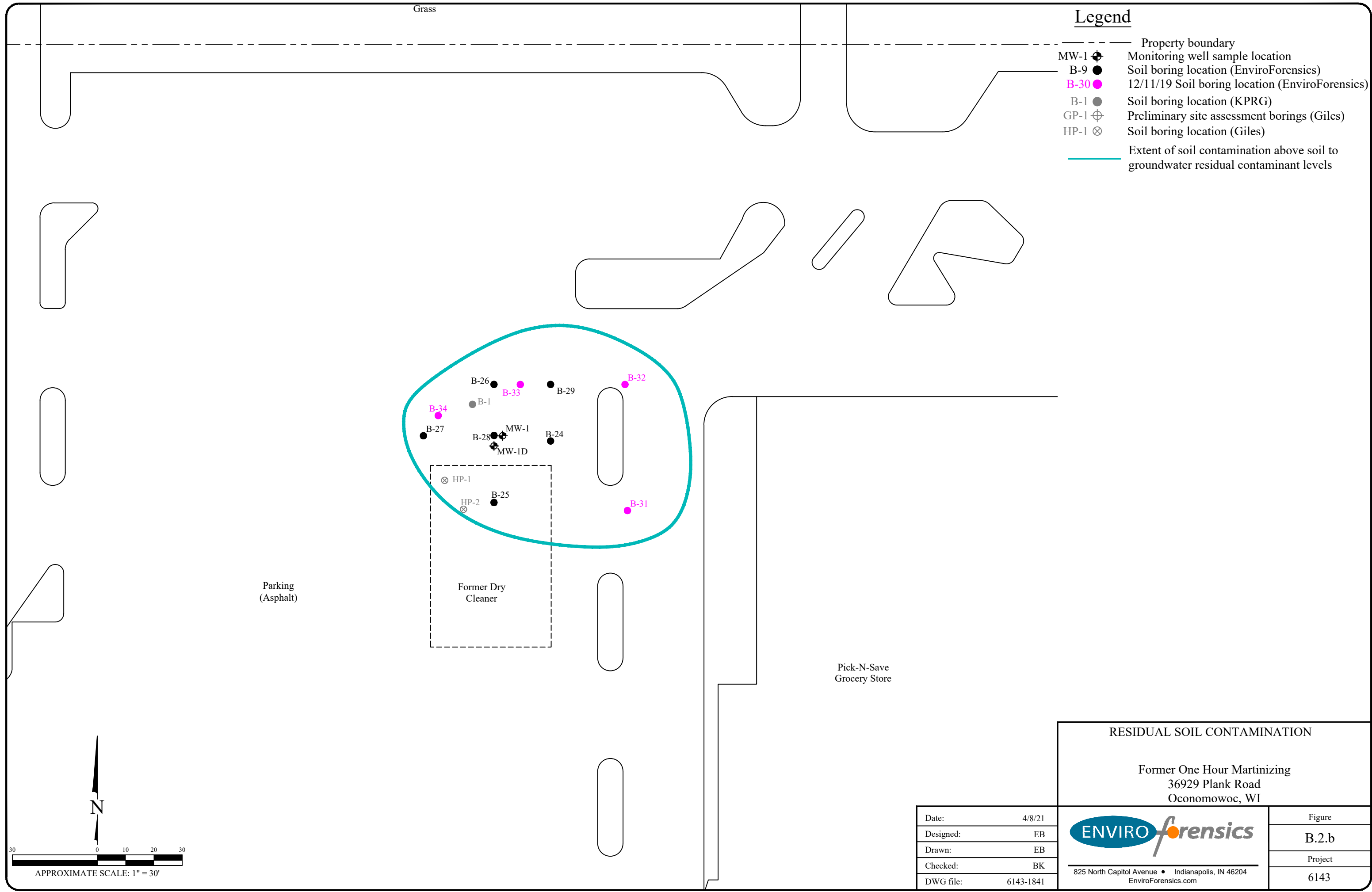
*Post-Closure modifications: Changes to Property Conditions after a State-Approved Cleanup (RR-987)*

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

Grass

### Legend

- Property boundary
- MW-1  Monitoring well sample location
- B-9  Soil boring location (EnviroForensics)
- B-30  12/11/19 Soil boring location (EnviroForensics)
- B-1  Soil boring location (KPRG)
- GP-1  Preliminary site assessment borings (Giles)
- HP-1  Soil boring location (Giles)
-  Extent of soil contamination above soil to groundwater residual contaminant levels



Parking  
(Asphalt)

Former Dry  
Cleaner

Pick-N-Save  
Grocery Store

### RESIDUAL SOIL CONTAMINATION

Former One Hour Martinizing  
36929 Plank Road  
Oconomowoc, WI

Date:	4/8/21
Designed:	EB
Drawn:	EB
Checked:	BK
DWG file:	6143-1841



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Figure

B.2.b

Project

6143



APPROXIMATE SCALE: 1" = 30'










Attachment D.2 Location Maps

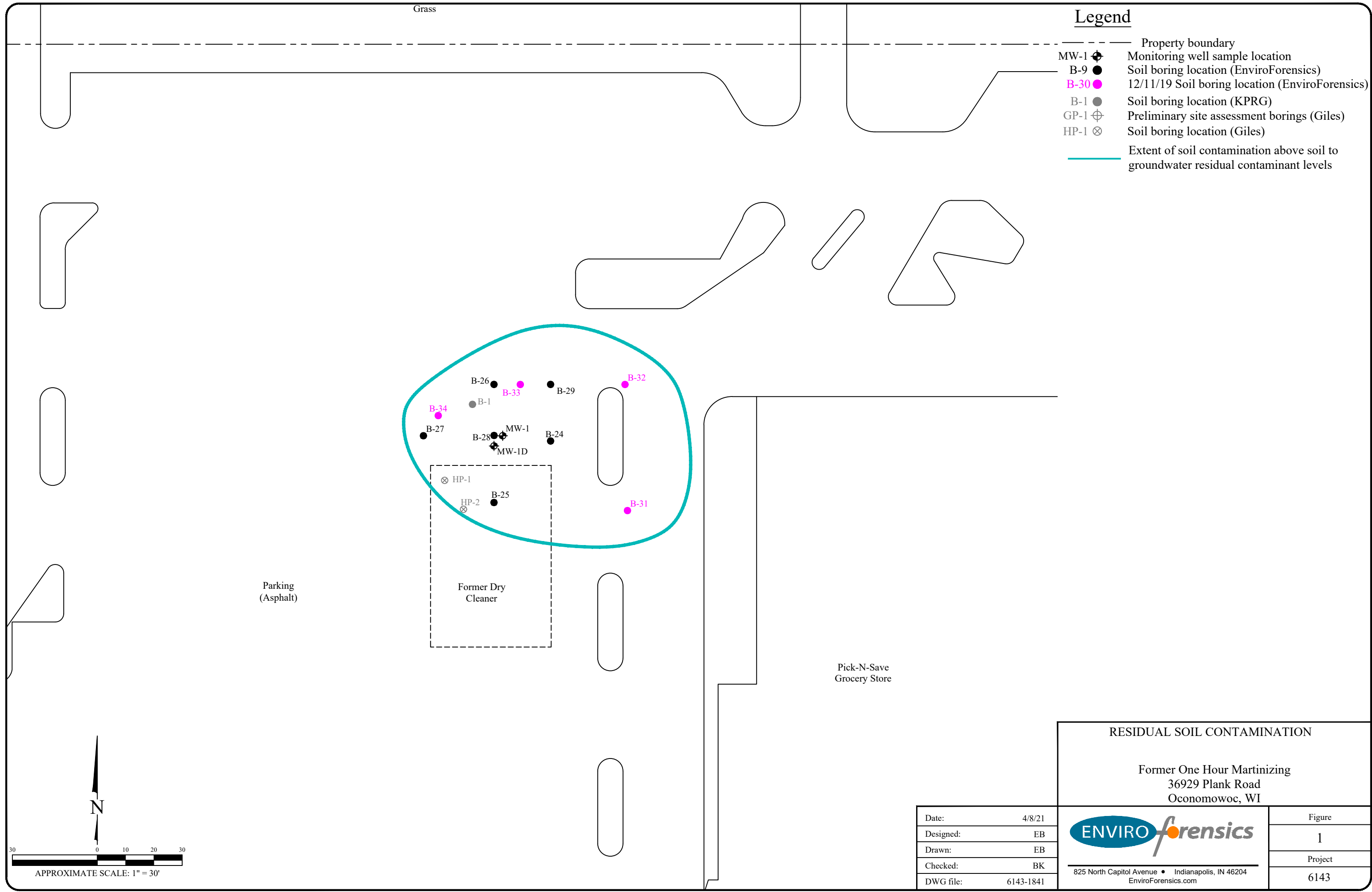
**FIGURES**



Grass

### Legend

- Property boundary
- MW-1  Monitoring well sample location
- B-9  Soil boring location (EnviroForensics)
- B-30  12/11/19 Soil boring location (EnviroForensics)
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Parking  
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Former Dry  
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Pick-N-Save  
Grocery Store

### RESIDUAL SOIL CONTAMINATION

Former One Hour Martinizing  
36929 Plank Road  
Oconomowoc, WI

Date:	4/8/21
Designed:	EB
Drawn:	EB
Checked:	BK
DWG file:	6143-1841

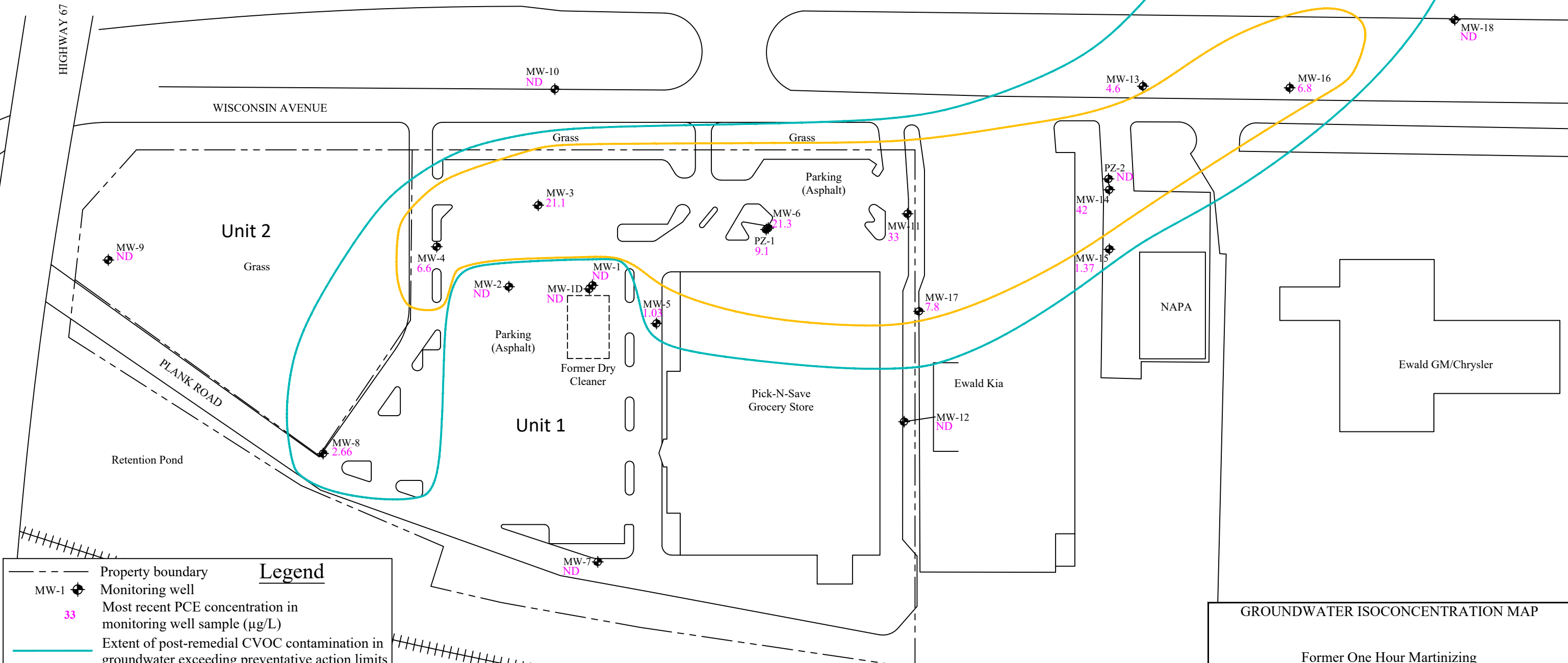
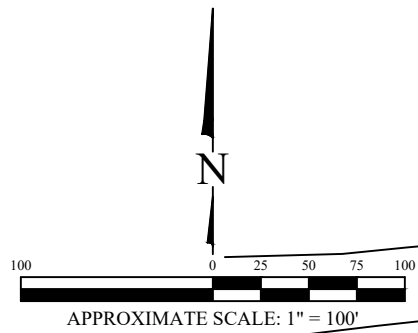


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Figure	1
Project	6143



APPROXIMATE SCALE: 1" = 30'



**Legend**

- Property boundary
- MW-1 Monitoring well
- 33 Most recent PCE concentration in monitoring well sample (µg/L)
- Extent of post-remedial CVOC contamination in groundwater exceeding preventative action limits
- Extent of post-remedial CVOC contamination in groundwater exceeding enforcement standards

Note:

1. PCE = Tetrachloroethene
2. Units in micrograms per liter (µg/L)
3. ND = PCE not detected in most recent sample
4. CVOC = Chlorinated Volatile Organic Compound

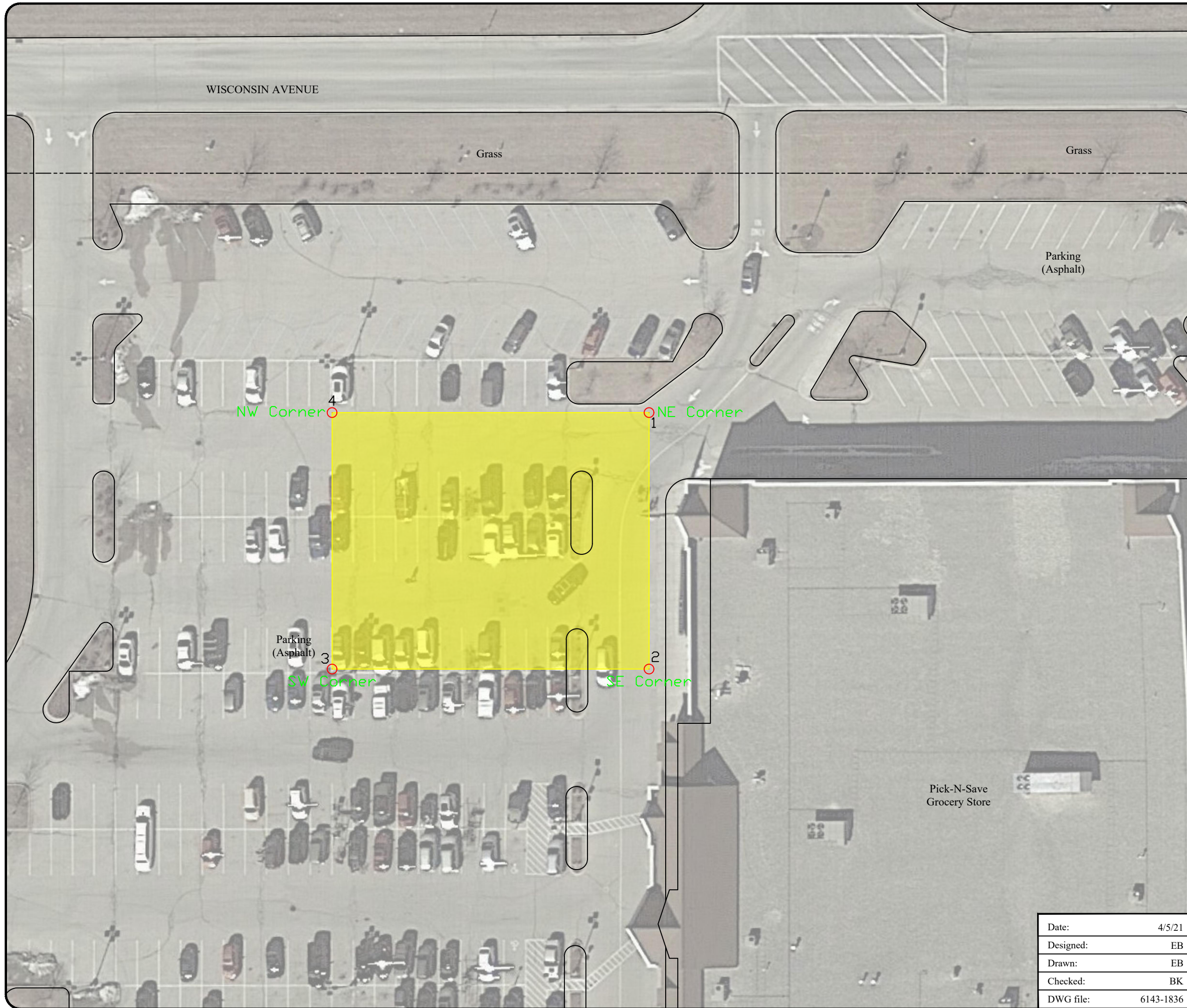
**GROUNDWATER ISOCONCENTRATION MAP**

Former One Hour Martinizing  
36929 Plank Road  
Oconomowoc, WI

Date:	4/8/21
Designed:	EB
Drawn:	EB
Checked:	BK
DWG file:	6143-1840

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Figure	2
Project	6143



### Legend

----- Property boundary

Cap Maintenance area

Cap Area Coordinates are in State Plane NAD 27 Wisconsin South

PointNo.	Northing(Y)	Easting(X)	Elev(Z)	Description
1	406924.4023	2406472.3756	0.0000	NE corner
2	406817.8297	2406472.3756	0.0000	SE Corner
3	406817.8297	2406340.6428	0.0000	SW Corner
4	406924.4023	2406340.6428	0.0000	NW Corner

### LOCATION AND EXTENT OF ASPHALT CAP

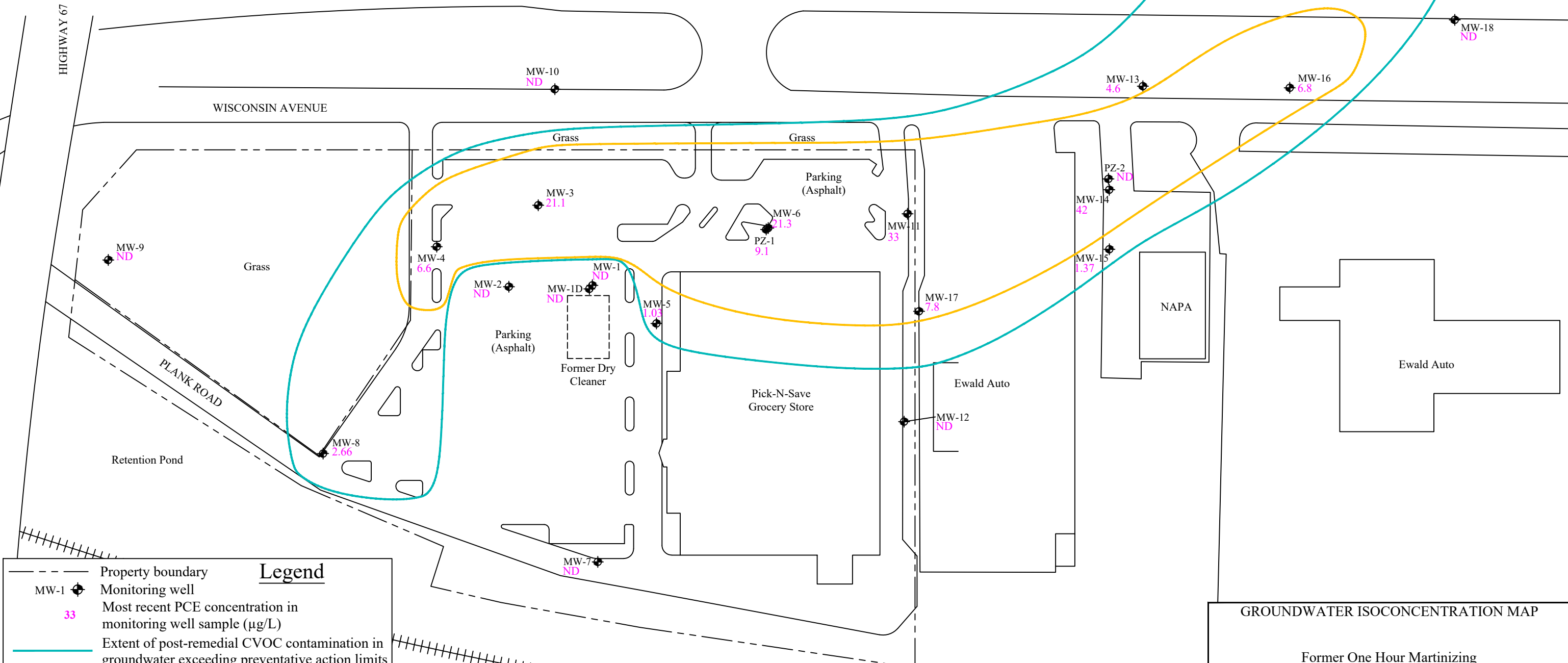
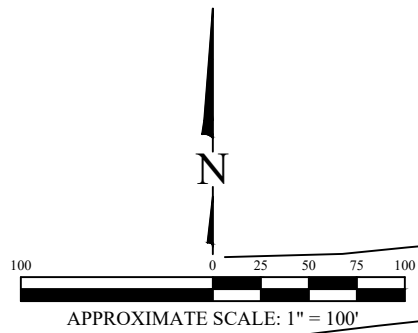
Former One Hour Martinizing  
 36929 Plank Road  
 Oconomowoc, WI

Date:	4/5/21
Designed:	EB
Drawn:	EB
Checked:	BK
DWG file:	6143-1836



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Figure	3
Project	6143



**Legend**

- Property boundary
- MW-1 Monitoring well
- 33 Most recent PCE concentration in monitoring well sample ( $\mu\text{g/L}$ )
- Extent of post-remedial CVOC contamination in groundwater exceeding preventative action limits
- Extent of post-remedial CVOC contamination in groundwater exceeding enforcement standards

Note:

1. PCE = Tetrachloroethene
2. Units in micrograms per liter ( $\mu\text{g/L}$ )
3. ND = PCE not detected in most recent sample
4. CVOC = Chlorinated Volatile Organic Compound

**GROUNDWATER ISOCONCENTRATION MAP**

Former One Hour Martinizing  
36929 Plank Road  
Oconomowoc, WI

Date:	4/8/21
Designed:	EB
Drawn:	EB
Checked:	BK
DWG file:	6143-1840

Figure	B.3.b
Project	6143

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HIGHWAY 67

<b>VP-3s</b>	12/20/19	9/23/20	6/7/21	9/15/21
PCE	372	<b>8,220</b>	<b>9,310</b>	<b>1,820</b>
TCE	4.94	<10.7	<10.7	<10.7
<b>VP-3d</b>	12/20/19	9/23/20	6/7/21	9/15/21
PCE	948	NS	<b>12,100</b>	1,220
TCE	13.3		<b>478</b>	<10.7

<b>SG-1s</b>	6/21/13	1/17/18	12/20/19	9/23/20	6/7/21	9/15/21
PCE	<b>20,000</b>	1,260	86.8	276	815	328
<b>SG-1d</b>	6/21/13	1/17/18	12/20/19	9/23/20	6/7/21	9/15/21
PCE	<b>80,000</b>	<b>2,440</b>	248	489	971	402
TCE	<10.7	<10.7	<10.7	<10.7	41.9	<10.7

<b>SG-4</b>	9/15/15	2/25/16
PCE	54.9	<3.19

**Legend**

- Property boundary
- MW-1 Monitoring well sample location
- SG-1s/d Nested soil gas sampling point
- SVE-1s/d SVE wells
- VP-1s/d Nested vacuum monitoring point

Analyte	Soil Vapor Risk Screening Level		
	Large Commercial/Industrial <sup>1</sup>	Small Commercial <sup>2</sup>	Residential <sup>3</sup>
PCE	<b>18,000</b>	<b>5,800</b>	<b>1,400</b>
TCE	<b>880</b>	<b>290</b>	<b>70</b>
Vinyl Chloride	<b>2,800</b>	<b>930</b>	<b>56</b>

**Notes:**

1. Bolded and orange shaded values exceed the Large Commercial/Industrial Vapor Risk Screening Level
2. Bolded and blue shaded values exceed the Small Commercial Vapor Risk Screening Level
3. Bolded values exceed the Residential Vapor Risk Screening Level
4. All concentrations reported in reported in micrograms per cubic meter (ug/m<sup>3</sup>)
5. PCE = Tetrachloroethene
6. TCE = Trichloroethene
7. s = Shallow Soil Gas
8. d = Deep Soil Gas
9. NS = Not sampled
10. <sup>1</sup> = The Vapor Risk Screening Levels (VRSL's) are based on US EPA's Regional Screening Levels (RSL's) for Large Commercial indoor air with an attenuation factor of 0.01 for soil gas below large commercial/industrial
11. <sup>2</sup> = The Vapor Risk Screening Levels (VRSL's) are based on US EPA's Regional Screening Levels (RSL's) for Small Commercial indoor air with an attenuation factor of 0.03 for soil gas below small commercial
12. <sup>3</sup> = The Vapor Risk Screening Levels (VRSL's) are based on US EPA's Regional Screening Levels (RSL's) for Residential indoor air with an attenuation factor of 0.03 for soil gas below residential

- Extent of soil contamination above soil to groundwater residual contaminant levels
- Extent of post-remedial CVOC contamination in groundwater exceeding preventative action limits

<b>MW-1</b>	1/17/18	9/23/20
PCE	<b>14,700</b>	404
TCE	<b>83.8</b>	23.1
Vinyl Chloride	<12.8	<b>343</b>

<b>SG-6</b>	10/14/20
PCE	<b>2,220</b>

<b>SG-7</b>	10/14/20
PCE	<b>4,570</b>

<b>MW-2</b>	1/17/18
PCE	14.8

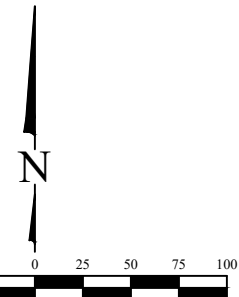
<b>SG-8</b>	10/14/20
PCE	326

<b>SG-5</b>	9/15/15	2/25/16
PCE	661	<3.19

<b>VP-1s</b>	12/20/19	9/23/20	6/7/21	9/15/21
PCE	28.6	1,000	653	604
<b>VP-1d</b>	12/20/19	9/23/20	6/7/21	9/15/21
PCE	<3.19	<b>3,130</b>	<b>6,320</b>	719
TCE	<10.7	23.1	18.3	<10.7

<b>SG-2s</b>	6/21/13	1/17/18	12/20/19	9/23/20	6/7/21	9/15/21
PCE	<b>3,600</b>	NS	231	1,320	142	253
TCE	<b>120</b>		<10.7	<10.7	<10.7	<10.7
<b>SG-2d</b>	6/21/13	1/17/18	12/20/19	9/23/20	6/7/21	9/15/21
PCE	<b>22,000</b>	<b>6,470</b>	<b>1,610</b>	<b>2,360</b>	477	393
TCE	<330	<10.7	<10.7	<b>103</b>	<10.7	<10.7

<b>SG-3s</b>	6/21/13	1/17/18	12/20/19	9/23/20	6/7/21	9/15/21
PCE	570	NS	<3.19	<b>1,510</b>	206	212
TCE	31		<10.7	<10.7	<10.7	<10.7
<b>SG-3d</b>	6/21/13	1/17/18	12/20/19	9/23/20	6/7/20	9/25/21
PCE	<b>15,000</b>	<b>1,610</b>	758	<b>2,330</b>	446	355
TCE	<170	<10.7	16.7	29.6	26.3	26.3



APPROXIMATE SCALE: 1" = 100'

**SOIL VAPOR ANALYTICAL RESULTS MAP**

Former Martinizing Dry Cleaning  
36929 Plank Road  
Oconomowoc, WI

Date:	9/29/21
Designed:	EB
Drawn:	EB
Checked:	BK
DWG file:	6143-1751

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Figure	B.4.a
Project	6143



## CAP MAINTENANCE PLAN

April 5, 2022

Property located at:

**36903 E WISCONSIN AVENUE  
OCONOMOWOC, WISCONSIN 53066  
WDNR BRRTS# 02-68-551911, FID# 268087380**

**LEGAL DESCRIPTION:** UNIT 1 PLANK ROAD COMMERCIAL CONDOMINIUM & UNDIV INTEREST IN THE COMMON AREAS CREATED UNDER DECLARATION RECORDED AS DOC #3623237: LOCATED IN LOT 1 CSM #10494 VOL 100/119 PT NW/14 SEC 3 T7N R17E

**TAX ID#:** OCLV0586994003

### INTRODUCTION

This document is the Maintenance Plan for the asphalt surface materials (the “Cap”) covering soil contaminated with dry cleaning solvent at the above-referenced property in accordance with the requirements of s. NR 724.13(2), Wis. Adm. Code. The maintenance activities relate to a portion of the existing asphalt parking lot over the area of residual soil contamination.

More site-specific information about this property/site may be obtained from:

- The case file in the Wisconsin Department of Natural Resources (WDNR) Regional office;
- [BRRTS on the Web](#) (WDNR’s internet based data base of contaminated sites) for the link to a PDF for site-specific information at the time of closure and on continuing obligations;
- [RR Sites Map](#) for a map view of the site, and
- The WDNR project manager.

### DESCRIPTION OF CONTAMINATION

Soil contaminated by chlorinated volatile organic compounds (CVOCs) is located at a depth of 0-28 feet below ground surface (bgs) under a portion of the asphalt parking area near the northeast corner of the existing commercial building. Groundwater contaminated by CVOCs is encountered at a depth of 28-40 feet bgs beneath the same areas. The extent of residual CVOC contamination in soil and groundwater is shown on the attached **Figure 1** and **Figure 2**, respectively.



## DESCRIPTION OF CAP

The cap consists of a portion of the asphalt parking lot measuring approximately 130 by 110 feet, covering an area of approximately 14,300 square feet. The asphalt cap is 4 to 6 inches thick across the area to be maintained. The location and extent of the cap in relation to property features is depicted on **Figure 3**. Location coordinates for the four (4) corners of the cap are also listed on **Figure 3** so that inspection and maintenance, as described below, can be performed in the correct area. The cap in its present condition serves to act as a partial infiltration barrier to minimize future soil-to-groundwater contamination migration that would violate the groundwater standards in ch. NR 140, Wisconsin Administrative Code. Based on the current commercial use of the property, the cap should function as intended unless disturbed.

## ANNUAL INSPECTION

The asphalt cap will be inspected once per year, normally in the spring after all snow and ice is gone. The inspections will be performed to evaluate damage due to settling, exposure to the weather, wear from traffic, increasing age, and other factors contributing to deterioration. The inspections will be performed by the property owner or their designated representative.

Any area where soils have become or are likely to become exposed will be documented on WDNR Form 4400-305 (Continuing Obligations Inspection and Maintenance Log), included as **Attachment A**. The log will include recommendations for necessary repair of any areas where underlying soils are exposed. Once repairs are completed, they will be documented in the Inspection Log. A copy of the Inspection Log will be kept at the property and available for submittal or review by WDNR representatives upon their request.

## MAINTENANCE ACTIVITIES

If problems are noted during the annual inspections or at any other time during the year, repairs will be scheduled as soon as practical. Repairs can include patching and filling or larger resurfacing or construction operations. In the event that necessary maintenance activities expose the underlying soil, the property owner must inform maintenance workers of the direct contact exposure hazard and provide them with appropriate personal protection equipment (PPE). The property owner must also sample any soil excavated from the site prior to disposal to ascertain if contamination is present. The soil must be treated, stored, or disposed of by the owner in accordance with applicable local, state and federal law.

In the event the asphalt overlying the contaminated soil is removed or replaced, the replacement barrier must be equally impermeable. Any replacement barrier will be subject to the same maintenance and inspection guidelines as outlined in this Cap Maintenance Plan

### **Cap Maintenance Plan**



unless indicated otherwise by the WDNR or its successor. The property owner, in order to maintain the integrity of the asphalt cap, 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.

**PROHIBITION OF ACTIVITIES AND NOTIFICATION**

The following activities are prohibited on any portion of the property where an asphalt cap is required as depicted on the attached **Figure 3**, unless prior written approval has been obtained from the WDNR: 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; or 7) changing the use or occupancy of the property to a residential exposure setting, which may include certain uses, such as single or multiple family residences, a school, day care, senior center, hospital, or similar residential exposure settings.

If removal, replacement or other changes to a cover, or a building which is acting as a cover, are considered, the property owner will contact DNR at least 45 days before taking such an action, to determine whether further action may be necessary to protect human health, safety, or welfare or the environment, in accordance with s. NR 727.07, Wis. Adm. Code.

**AMENDMENT OR WITHDRAWAL OF MAINTENANCE PLAN**

This Maintenance Plan can be amended or withdrawn by the property owner and its successors with the written approval of the WDNR.

**CONTACT INFORMATION**

Property Owner: EXCHANGERIGHT NET LEASED PORTFOLIO 28 DST  
P.O. Box 60308  
Pasadena, CA 91116-6308  
Roger Taylor, Director of Asset Management  
855-317-4448

Signature: \_\_\_\_\_





Consultant: EnviroForensics, LLC  
Brian Kappen, PG  
N16W23390 Stone Ridge Dr., Suite G  
Waukesha, WI 53188  
262-290-4001  
bkappen@enviroforensics.com

WDNR Project Manager: Greg Michael  
Wisconsin Dept. of Natural Resources  
141 NW Barstow St  
Waukesha, WI 53188-3789  
(414) 405-1203  
Greg.Michael@wisconsin.gov



Attachment D.3

**PHOTOGRAPHS**



Overview of southern part of asphalt cap, facing west



Overview of northern part of asphalt cap, facing west



West side of asphalt cap area, facing northeast



East side of asphalt cap area, facing southeast



Asphalt patches installed after abandonment of remediation system



Attachment D.4

**APPENDIX A**

**Continuing Obligations Inspection and Maintenance Log**



**Directions:** In accordance with s. NR 727.05 (1) (b) 3., Wis. Adm. Code, use of this form for documenting the inspections and maintenance of certain continuing obligations is required. Personal information collected will be used for administrative purposes and may be provided to requesters to the extent required by Wisconsin's Open Records law [ss. 19.31-19.39, Wis. Stats.]. When using this form, identify the condition that is being inspected. See the closure approval letter for this site for requirements regarding the submittal of this form to the Department of Natural Resources. A copy of this inspection log is required to be maintained either on the property, or at a location specified in the closure approval letter. Do NOT delete previous inspection results. This form was developed to provide a continuous history of site inspection results. The Department of Natural Resources project manager is identified in the closure letter. The project manager may also be identified from the database, BRRTS on the Web, at <http://dnr.wi.gov/botw/SetUpBasicSearchForm.do>, by searching for the site using the BRRTS ID number, and then looking in the "Who" section.

Activity (Site) Name <b>Former One Hour Martinizing</b>	BRRTS No. <b>02-68-551911</b>
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Inspections are required to be conducted (see closure approval letter):

annually  
 semi-annually  
 other – specify \_\_\_\_\_

When submittal of this form is required, submit the form electronically to the DNR project manager. An electronic version of this filled out form, or a scanned version may be sent to the following email address (see closure approval letter):

**greg.michael@wisconsin.gov**

Inspection Date	Inspector Name	Item	Describe the condition of the item that is being inspected	Recommendations for repair or maintenance	Previous recommendations implemented?	Photographs taken and attached?
		<input type="checkbox"/> monitoring well <input checked="" type="checkbox"/> cover/barrier <input type="checkbox"/> vapor mitigation system <input type="checkbox"/> other:	Condition of the asphalt cap described and shown in the Cap Maintenance Plan		<input type="radio"/> Y <input type="radio"/> N	<input type="radio"/> Y <input type="radio"/> N
		<input type="checkbox"/> monitoring well <input type="checkbox"/> cover/barrier <input type="checkbox"/> vapor mitigation system <input type="checkbox"/> other:			<input type="radio"/> Y <input type="radio"/> N	<input type="radio"/> Y <input type="radio"/> N
		<input type="checkbox"/> monitoring well <input type="checkbox"/> cover/barrier <input type="checkbox"/> vapor mitigation system <input type="checkbox"/> other:			<input type="radio"/> Y <input type="radio"/> N	<input type="radio"/> Y <input type="radio"/> N
		<input type="checkbox"/> monitoring well <input type="checkbox"/> cover/barrier <input type="checkbox"/> vapor mitigation system <input type="checkbox"/> other:			<input type="radio"/> Y <input type="radio"/> N	<input type="radio"/> Y <input type="radio"/> N
		<input type="checkbox"/> monitoring well <input type="checkbox"/> cover/barrier <input type="checkbox"/> vapor mitigation system <input type="checkbox"/> other:			<input type="radio"/> Y <input type="radio"/> N	<input type="radio"/> Y <input type="radio"/> N
		<input type="checkbox"/> monitoring well <input type="checkbox"/> cover/barrier <input type="checkbox"/> vapor mitigation system <input type="checkbox"/> other:			<input type="radio"/> Y <input type="radio"/> N	<input type="radio"/> Y <input type="radio"/> N

{Click to Add/Edit Image}

Date added:

Title:

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Date added:

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