

## Source Property Information

**BRRTS #:**  (No Dashes)

**ACTIVITY NAME:**

**PROPERTY ADDRESS:**

**MUNICIPALITY:**

**PARCEL ID #:**

CLOSURE DATE:

**FID #:**

**DATCP #:**

**PECFA#:**

**\*WTM COORDINATES:**

X:  Y:

*\* Coordinates are in  
WTM83, NAD83 (1991)*

**WTM COORDINATES REPRESENT:**

- Approximate Center Of Contaminant Source
- Approximate Source Parcel Center

**Please check as appropriate:** (BRRTS Action Code)

### Contaminated Media:

- |  |  |
|--|--|
| <input type="checkbox"/> Groundwater Contamination > ES (236)                                | <input checked="" type="checkbox"/> Soil Contamination > *RCL or **SSRCL (232)               |
| <input type="checkbox"/> Contamination in ROW  | <input type="checkbox"/> Contamination in ROW  |
| <input type="checkbox"/> Off-Source Contamination  | <input type="checkbox"/> Off-Source Contamination  |
| <i>(note: for list of off-source properties<br/>see "Impacted Off-Source Property" form)</i> | <i>(note: for list of off-source properties<br/>see "Impacted Off-Source Property" form)</i> |

### Continuing Obligations:

- |   |  |
|---|--|
| <input type="checkbox"/> N/A (Not Applicable)   | <input checked="" type="checkbox"/> Cover or Barrier (222)   |
| <input type="checkbox"/> Soil: maintain industrial zoning (220)                                   | <i>(note: maintenance plan for<br/>groundwater or direct contact)</i>  |
| <i>(note: soil contamination concentrations<br/>between non-industrial and industrial levels)</i> | <input type="checkbox"/> Vapor Mitigation (226)  |
| <input type="checkbox"/> Structural Impediment (224)  | <input type="checkbox"/> Maintain Liability Exemption (230)  |
| <input type="checkbox"/> Site Specific Condition (228)  | <i>(note: local government unit or economic<br/>development corporation was directed to<br/>take a response action )</i> |

**Note:** Comments will not print out.

### Monitoring Wells:

Are all monitoring wells properly abandoned per NR 141? (234)

- Yes     No     N/A

*\* Residual Contaminant Level  
\*\*Site Specific Residual Contaminant Level*

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.].

BRRTS #: 02-68-555147 (No Dashes) PARCEL ID #: NBC 1207970002

ACTIVITY NAME: US Cleaners

**CLOSURE DOCUMENTS** (the Department adds these items to the final GIS packet for posting on the Registry)

- Closure Letter**
- Maintenance Plan** (if activity is closed with a land use limitation or condition (land use control) under s. 292.12, Wis. Stats.)
- Continuing Obligation Cover Letter** (for property owners affected by residual contamination and/or continuing obligations)
- 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 #:**                      **Title: CSM 4728**
- 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 11 x 17 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: Site Location 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 #: 4 & 3**                      **Title: Extent of Post-Remediation Soil Contamination & Soil Analytical Results**



BRRTS #: 02-68-555147

ACTIVITY NAME: US Cleaners

**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 #:**                      **Title:**

**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 #: 6**                      **Title: Extent of Groundwater Contamination**

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

**Figure #: 7A**                      **Title: Groundwater Table Contour Map (10/22/2010)**

**Figure #: 7E**                      **Title: Groundwater Table Contour Map (06/29/2011)**

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

Tables must be no larger than 11 x 17 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 remaining 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.

**Table #: 1**                      **Title: Soil Analytical Results Summary**

**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.

**Table #: 2**                      **Title: Groundwater Analytical Results Summary**

**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.

**Table #: 3**                      **Title: Groundwater Elevation Summary**

**IMPROPERLY ABANDONED MONITORING WELLS**

For each monitoring well not 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.

**Not Applicable**

**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 #:**                      **Title:**

**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).

BRRS #: 02-68-555147

ACTIVITY NAME: US Cleaners

## NOTIFICATIONS

### Source Property

**Not Applicable**

- Letter To Current Source Property Owner:** 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.
- Return Receipt/Signature Confirmation:** Written proof of date on which confirmation was received for notifying current source property owner.

### Off-Source Property

Group the following information per individual property and label each group according to alphabetic listing on the "Impacted Off-Source Property" attachment.

**Not Applicable**

- Letter To "Off-Source" Property Owners:** 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.  
*Note: 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:

- Return Receipt/Signature Confirmation:** Written proof of date on which confirmation was received for notifying any off-source property owner.
- Deed of "Off-Source" Property:** The most recent deed(s) as well as legal descriptions, for all affected deeded **off-source** property(ies). This does not apply to right-of-ways.  
*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 #:**                      **Title:**

- Letter To "Governmental Unit/Right-Of-Way" Owners:** 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:**





January 24, 2013

Mr. Gregory Devorkin  
New Berlin Enterprises, LLC  
11518 North Port Washington Road, Suite 102  
Mequon, WI 53092

**KEEP THIS DOCUMENT WITH YOUR PROPERTY RECORDS**

Subject: Final Case Closure with Continuing Obligations  
US Cleaners, 3616 S. Moorland Road, New Berlin, Wisconsin  
BRRTS# 02-68-555147, FID# 268615050

Dear Mr. Devorkin:

The Department of Natural Resources (DNR) considers the US Cleaners closed, with continuing obligations. No further investigation or remediation is required at this time. However, you and future property owners must comply with the continuing obligations as explained in the conditions of closure in this letter. Please read over this letter closely to ensure that you comply with all conditions and other on-going requirements. Provide this letter and any attached maintenance plan to anyone who purchases this property from you.

This final closure decision is based on the correspondence and data provided, and is issued under ch. NR 726, Wisconsin Administrative Code. The DNR has reviewed the request for closure. The DNR reviews environmental remediation cases for compliance with state laws and standards to maintain consistency in the closure of these cases.

This drycleaner site had a release of tetrachloroethene to the soil and groundwater on the property. Remedial responses on the property included soil excavation and monitored natural attenuation. The conditions of closure and continuing obligations required were based on the property being used for commercial purposes.

Continuing Obligations

The continuing obligations for this site are summarized below. Further details on actions required are found in the section Closure Conditions.

- Residual soil contamination exists that must be properly managed should it be excavated or removed.
- Pavement, an engineered cover or a soil barrier must be maintained over contaminated soil and the DNR must approve any changes to this barrier.

### GIS Registry

This site will be listed on the Remediation and Redevelopment Program's internet accessible Geographic Information System (GIS) Registry, to provide notice of residual contamination and of any continuing obligations. DNR approval prior to well construction or reconstruction is required for all sites shown on the GIS Registry, in accordance with s. NR 812.09(4) (w), Wis. Adm. Code. To obtain approval, complete and submit Form 3300-254 to the DNR Drinking and Groundwater program's regional water supply specialist. This form can be obtained on-line at <http://dnr.wi.gov/topic/wells/documents/3300254.pdf> or at the web address listed below for the GIS Registry.

All site information is also on file at the Southeast Regional DNR office, at 141 NW Barstow Street in Waukesha, WI. This letter and information that was submitted with your closure request application, including the maintenance plan, will be included on the GIS Registry in a PDF attachment. To review the site on the GIS Registry web page, visit the RR Sites Map page at <http://dnrmaps.wi.gov/imf/imf.jsp?site=brrts2>.

### Prohibited Activities

Certain activities are prohibited at closed sites because maintenance of a barrier is intended to prevent contact with any remaining contamination. When a barrier is required, the condition of closure requires notification of the DNR before making a change, in order to determine if further action is needed to maintain the protectiveness of the remedy employed. The following activities are prohibited on any portion of the property where pavement or the building foundation is required, as shown on the **attached Extent of Cap Maintenance Area map**, unless prior written approval has been obtained from the DNR:

- removal of the existing barrier;
- replacement with another barrier;
- excavating or grading of the land surface;
- filling on covered 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;

### Closure Conditions

Compliance with the requirements of this letter is a responsibility to which you and any subsequent property owners must adhere. DNR staff will conduct periodic prearranged inspections to ensure that the conditions included in this letter and the attached maintenance plans are met. If these requirements are not followed, the DNR 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.

Residual Soil Contamination (ch. NR 718, chs. 500 to 536, Wis. Adm. Code or ch. 289, Wis. Stats.) Soil contamination remains on the property as indicated on the **attached Extent of Cap Maintenance Area map**. If soil in the specific locations described above is excavated in the future, the property owner at the time of excavation must sample and analyze the excavated soil to determine if contamination remains. If sampling confirms that contamination is present, the property owner at the



time of excavation 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 direct contact health threat to humans.

Cover or Barrier (s. 292.12 (2) (a), Wis. Stats.)

The pavement and building that exist in the location shown on the **attached Extent of Cap Maintenance Area map** shall be maintained in compliance with the **attached maintenance plan** in order to minimize the infiltration of water and prevent additional groundwater contamination that would violate the groundwater quality standards in ch. NR 140, Wis. Adm. Code.

A cover or barrier for industrial land uses, or certain types of commercial land uses may not be protective if use of the property were to change such that a residential exposure would apply. This may include, but is not limited to single or multiple family residences, a school, day care, senior center, hospital or similar settings. Before using the property for such purposes, you must notify the DNR to determine if additional response actions are warranted.

A request may be made to modify or replace a cover or barrier. The replacement or modified cover or barrier must be protective of the revised use of the property, and must be approved in writing by the DNR prior to implementation.

The **attached maintenance plan and inspection log** are to be kept up-to-date and on-site. Submit the inspection log to the DNR only upon request.

General Wastewater Permits for Construction Related Dewatering Activities

The DNR's Water Quality Program regulates point source discharges of contaminated water, including discharges to surface waters, storm sewers, pits, or to the ground surface. This includes discharges from construction related dewatering activities, including utility and building construction.

If you or any other person plan to conduct such activities, you or that person must contact that program, and if necessary, apply for the necessary discharge permit. Additional information regarding discharge permits is available at <http://dnr.wi.gov/topic/wastewater/GeneralPermits.html>. If residual soil or groundwater contamination is likely to affect water collected in a pit/trench that requires dewatering, a general permit for Discharge of Contaminated Groundwater from Remedial Action Operations may be needed. If water collecting in a pit/trench that requires dewatering is expected to be free of pollutants other than suspended solids and oil and grease, a general permit for Pit/Trench Dewatering may be needed.

Chapter NR 140, Wis. Adm. Code Exemption

Recent groundwater monitoring data at this site indicates that for tetrachloroethene at monitoring wells MW-1, MW-3 and MW-4 contaminant levels exceed the NR 140 preventive action limit (PAL) but are below the enforcement standard (ES). The DNR may grant an exemption to a PAL for a substance of public health concern, other than nitrate, pursuant to s. NR 140.28 (2) (b), Wis. Adm. Code, if all of the following criteria are met:

1. The measured or anticipated increase in the concentration of the substance will be minimized to the extent technically and economically feasible.
2. Compliance with the PAL is either not technically, or economically feasible.
3. The enforcement standard for the substance will not be attained or exceeded at the point of standards application. [Note: at this site the point of standards application is all points where groundwater is monitored.]
4. Any existing or projected increase in the concentration of the substance above the background concentration does not present a threat to public health or welfare.

Based on the information you provided, the DNR believes that these criteria have been or will be met, because of the excavation and landfilling of impacted soils. Therefore, pursuant to s. NR 140.28, Wis. Adm. Code, an exemption to the PAL is granted for tetrachloroethene at monitoring wells MW-1, MW-3 and MW-4. Please keep this letter, because it serves as your exemption.

The following DNR fact sheet, "Continuing Obligations for Environmental Protection", RR-819, was included with this letter, to help explain a property owner's responsibility for continuing obligations on their property. If the fact sheet is lost, you may obtain a copy at <http://dnr.wi.gov/files/PDF/pubs/rr/RR819.pdf>.

Please send written notifications in accordance with the above requirements to the DNR at 2300 North Dr. Martin Luther King Jr. Drive, Milwaukee, WI 53212, to the attention of the Southeast Region R&R Program Associate.

Please be aware that the case may be reopened pursuant to s. NR 726.09, Wis. Adm. Code, if additional information regarding site conditions indicates that contamination on or from the site poses a threat to public health, safety, or welfare or to the environment.

The DNR appreciates your efforts to restore the environment at this site. If you have any questions regarding this closure decision or anything outlined in this letter, please contact Dave Volkert at (262) 574-2166.

Sincerely,



Frances M. Koonce  
Southeast Region Sub-Team Supervisor  
Remediation & Redevelopment Program

Attachments:

- Extent of Cap Maintenance Area map
- Engineered Building/Pavement Cap Maintenance Plan w/ Inspection Log
- Continuing Obligations for Environmental Protection, RR-819

cc: Kevin Bugel, Giles Engineering Associates, Inc.  
Bill Phelps, DG/5 w/o attachments  
SER File



## ENGINEERED BUILDING/PAVEMENT CAP MAINTENANCE PLAN

November 29, 2012  
Property Located at:

3616 South Moorland Road  
New Berlin, Wisconsin

FID No. 268615050/BRRTs No. 02-68-555147

SEE "EXHIBIT A" FOR LEGAL DESCRIPTION

TAX KEY No. NBC-1207-970

### Introduction

The purpose of this document is to present a Maintenance Plan for an engineered cap and/or barrier system at the above-referenced property per the requirements of NR 724.13(2) of the Wisconsin Administrative Code. The maintenance activities relate to the existing building, landscaped areas, and paved surfaces occupying the area over the contaminated soil on site. The soil is impacted by dry cleaning solvent (tetrachloroethene) and volatile organic compounds (VOCs). The location of the paved surfaces and buildings (caps) are to be maintained in accordance with this Maintenance Plan, as well as the impacted soil is identified on the attached map Figure 1, included as Exhibit B.

### Engineered Cap Purpose

The paved surfaces and buildings over the contaminated soil serve as a cap to prevent direct human contact with residual soil contamination that might otherwise pose a threat to human health. Surfaces covered with an impervious cap also restrict infiltration to minimize future soil-to-groundwater contamination migration that would violate the standards of NR 140 of the Wisconsin Administrative Code. Based on the current and future use of the property, the cap should function as intended unless disturbed.

### Annual Inspection

The cap/barrier surfaces overlying the contaminated soil will be inspected once a year for cracks, erosion, and other potential exposure pathways to underlying soil. The inspections will be performed to evaluate damage due to exposure to the weather, wear from traffic, increasing age and other factors. Areas where contaminated soil has become or are likely to become exposed will be documented. A log of the inspections will be maintained by the property owner and is included as Exhibit C, *Cap/Barrier Inspection Log*. The log will include recommendations for necessary repair of any areas where underlying soil is exposed. Once repairs are completed, they will be documented in the inspection log.

### Maintenance Activities

If exposed contaminated soil is 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 of by the owner in accordance with applicable local, state and federal law.

In the event the cap/barrier surfaces overlying the contaminated soil are removed or replaced, the replacement cap/barrier must be equally impervious or thick, with an infiltration rate equal to or less than  $1 \times 10^{-7}$  cm/s. Any replacement barrier will be subject to the same maintenance and inspection guidelines as outlined in this Maintenance Plan unless indicated otherwise by the Wisconsin Department of Natural Resources ("WDNR") or its successor.

The property owner, in order to maintain the integrity of the cap/barrier surfaces, 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

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



Contact Information  
(as of November 2012)

Site Owner and Operator: 3616 South Moorland Road  
New Berlin, Wisconsin 53151  
262-240-0249  
Attn: Greg Devorkin

Consultant: Giles Engineering Associates, Inc.  
N8 W22350 Johnson Drive, Suite A1  
Waukesha, Wisconsin 53186  
262-544-0118  
Attn: Kevin Bugel, P.G., C.P.G.

WDNR: Wisconsin Dept. of Natural Resources  
141 NW Barstow St, Room 180  
Waukesha WI, 53188  
262-574-2166  
Attn: David Volkert

## **EXHIBIT A**



3727720

REGISTER OF DEEDS  
WAUKESHA COUNTY, WI  
RECORDED ON

February 18, 2010 12:18 PM  
James R Behrend  
Register of Deeds

3 PGS  
TOTAL FEE: \$15.00  
TRANS FEE: \$24,858.60  
Book Page -



**WARRANTY  
DEED**

This instrument was drafted by and  
to be returned to:

*Nathaniel A. Hoffman, Esq. (LKS)*  
*Whyte Hirschboeck Dudek S.C.*  
*555 E. Wells Street, Suite 1900*  
*Milwaukee, WI 53202*

Parcel I.D. Nos.: (See Exhibit A)

*Space above this line reserved for recording data*

THIS WARRANTY DEED is made between New Berlin Associates, LLP, a Wisconsin limited liability partnership, f/k/a New Berlin Associates, a Wisconsin partnership ("Grantor"), and New Berlin Enterprises LLC, a Wisconsin limited liability company ("Grantee").

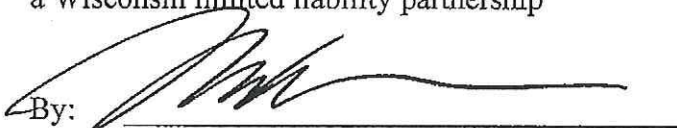
*9/12/10*

Grantor, for a valuable consideration, conveys and warrants to Grantee the real estate situated in the City of New Berlin, County of Waukesha, State of Wisconsin more particularly described on Exhibit A attached hereto and made a part hereof, together with the rents, profits, fixtures and other appurtenant interests thereto or in any wise appertaining (collectively, the "Property").

Grantor warrants that the title to the Property is good, indefeasible in fee simple and free and clear of all liens and encumbrances, except: municipal and zoning ordinances and agreements entered under them; recorded easements; recorded restrictions and covenants; rights of tenants in possession; taxes and assessments, general or special, since January 1, 2010; and questions of survey, if any.

Dated February 16, 2010.

New Berlin Associates, LLP,  
a Wisconsin limited liability partnership

By: 

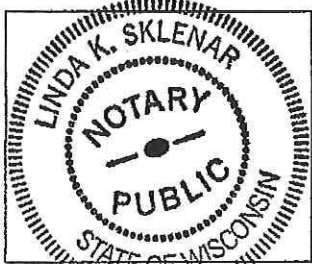
Mark E. Brickman, Managing Partner

**ACKNOWLEDGMENT**

STATE OF WISCONSIN            )  
  ) ss.  
COUNTY OF MILWAUKEE        )

On February 16, 2010, before me personally appeared Mark E. Brickman, the Managing Partner of New Berlin Associates, LLP, who is personally known to me to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same as the free and voluntary act of such party for the uses and purposes mentioned in the instrument in his duly authorized capacity.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal.



Above space for Notary Seal

A handwritten signature in cursive script that reads "Linda K. Sklenar".

\_\_\_\_\_  
(Print or type name of Notary) **Linda K. Sklenar**  
Notary Public, State of Wisconsin

My commission expires: March 27, 2011

**EXHIBIT A**

**Legal Description**

PARCEL 1 OF CERTIFIED SURVEY MAP NO. 4728 RECORDED IN THE OFFICE OF THE REGISTER OF DEEDS FOR WAUKESHA COUNTY, WISCONSIN, ON MAY 30, 1985 IN VOLUME 38 OF CERTIFIED SURVEY MAPS, AT PAGE 130-132, AS DOCUMENT NO. 1297683, BEING A DIVISION OF PARCEL 2 OF CERTIFIED SURVEY MAP NO. 2928, BEING A PART OF THE SOUTHWEST 1/4 OF SECTION 14, TOWNSHIP 6 NORTH, RANGE 20 EAST.

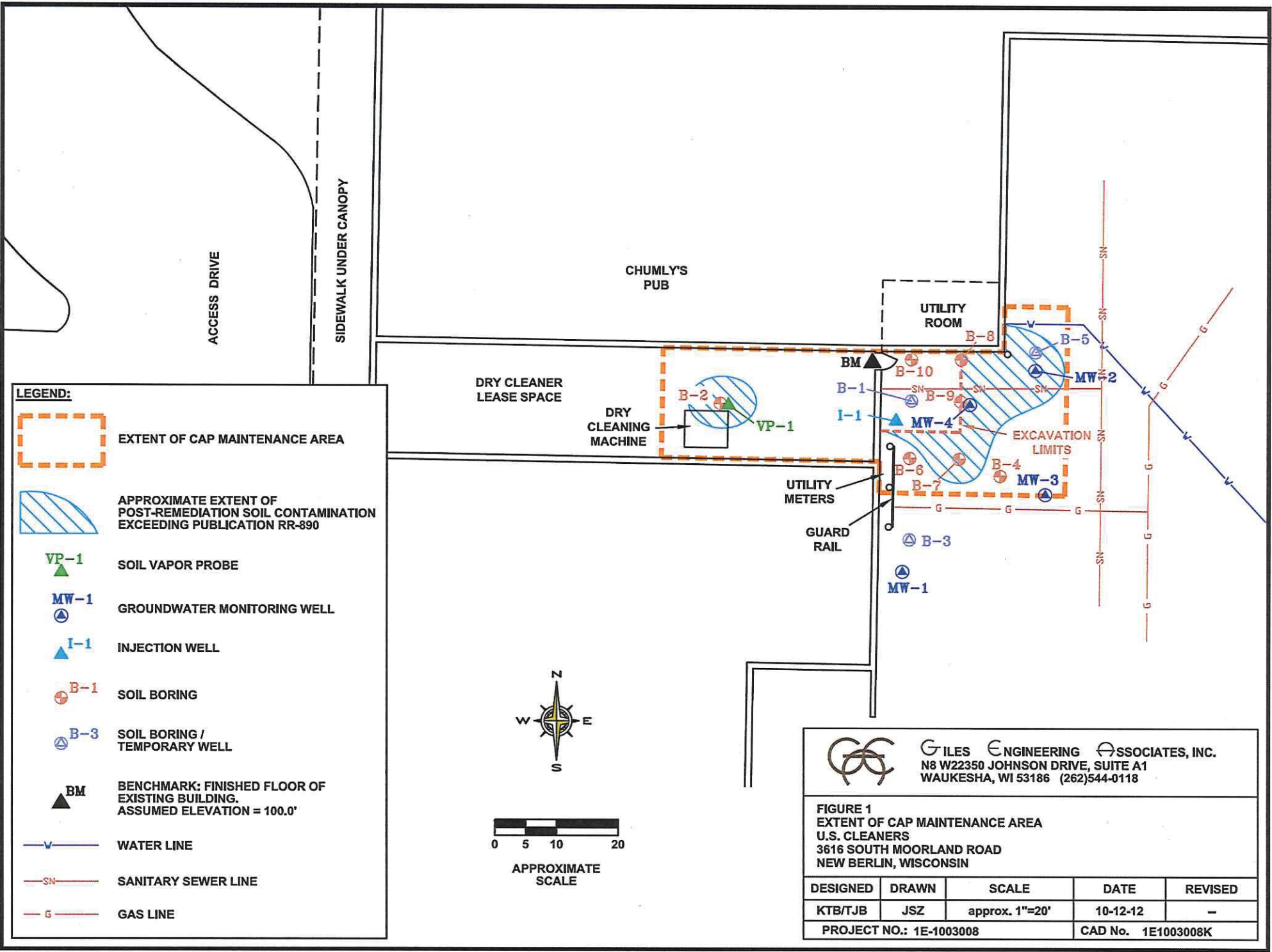
EXCEPTING THEREFROM LAND CONVEYED IN WARRANTY DEED AS DOCUMENT NO. 2750912. SAID LAND BEING IN THE CITY OF NEW BERLIN, COUNTY OF WAUKESHA, STATE OF WISCONSIN.

TAX KEY NO.: NBC 1207-970

PROPERTY ADDRESS: 3550-3656 S. MOORLAND ROAD



**EXHIBIT B**



**LEGEND:**

- EXTENT OF CAP MAINTENANCE AREA
- APPROXIMATE EXTENT OF POST-REMEDATION SOIL CONTAMINATION EXCEEDING PUBLICATION RR-890
- SOIL VAPOR PROBE
- GROUNDWATER MONITORING WELL
- INJECTION WELL
- SOIL BORING
- SOIL BORING / TEMPORARY WELL
- BENCHMARK: FINISHED FLOOR OF EXISTING BUILDING. ASSUMED ELEVATION = 100.0'
- WATER LINE
- SANITARY SEWER LINE
- GAS LINE

**Giles Engineering Associates, Inc.**  
 N8 W22350 JOHNSON DRIVE, SUITE A1  
 WAUKESHA, WI 53186 (262)544-0118

**FIGURE 1**  
 EXTENT OF CAP MAINTENANCE AREA  
 U.S. CLEANERS  
 3616 SOUTH MOORLAND ROAD  
 NEW BERLIN, WISCONSIN

DESIGNED	DRAWN	SCALE	DATE	REVISED
KTB/TJB	JSZ	approx. 1"=20'	10-12-12	--
PROJECT NO.: 1E-1003008			CAD No. 1E1003008K	



## EXHIBIT C





3727720

REGISTER OF DEEDS  
WAUKESHA COUNTY, WI  
RECORDED ON

February 18, 2010 12:18 PM  
James R Behrend  
Register of Deeds

3 PGS  
TOTAL FEE: \$15.00  
TRANS FEE: \$24,858.60  
Book Page -



**WARRANTY  
DEED**

This instrument was drafted by and  
to be returned to:

*Nathaniel A. Hoffman, Esq. (LKS)*  
*Whyte Hirschboeck Dudek S.C.*  
*555 E. Wells Street, Suite 1900*  
*Milwaukee, WI 53202*

Parcel I.D. Nos.: (See Exhibit A)

*Space above this line reserved for recording data*

THIS WARRANTY DEED is made between New Berlin Associates, LLP, a Wisconsin limited liability partnership, f/k/a New Berlin Associates, a Wisconsin partnership ("Grantor"), and New Berlin Enterprises LLC, a Wisconsin limited liability company ("Grantee").

*8/12/3*

Grantor, for a valuable consideration, conveys and warrants to Grantee the real estate situated in the City of New Berlin, County of Waukesha, State of Wisconsin more particularly described on Exhibit A attached hereto and made a part hereof, together with the rents, profits, fixtures and other appurtenant interests thereto or in any wise appertaining (collectively, the "Property").

Grantor warrants that the title to the Property is good, indefeasible in fee simple and free and clear of all liens and encumbrances, except: municipal and zoning ordinances and agreements entered under them; recorded easements; recorded restrictions and covenants; rights of tenants in possession; taxes and assessments, general or special, since January 1, 2010; and questions of survey, if any.

Dated February 16, 2010.

New Berlin Associates, LLP,  
a Wisconsin limited liability partnership

By:

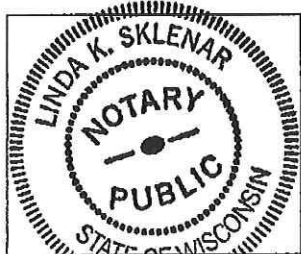
Mark E. Brickman, Managing Partner

**ACKNOWLEDGMENT**

STATE OF WISCONSIN            )  
  ) ss.  
COUNTY OF MILWAUKEE        )

On February 16, 2010, before me personally appeared Mark E. Brickman, the Managing Partner of New Berlin Associates, LLP, who is personally known to me to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same as the free and voluntary act of such party for the uses and purposes mentioned in the instrument in his duly authorized capacity.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal.



Above space for Notary Seal

Handwritten signature of Linda K. Sklenar in cursive script.

(Print or type name of Notary) **Linda K. Sklenar**  
Notary Public, State of Wisconsin

My commission expires: March 27, 2011



**EXHIBIT A**

**Legal Description**

PARCEL 1 OF CERTIFIED SURVEY MAP NO. 4728 RECORDED IN THE OFFICE OF THE REGISTER OF DEEDS FOR WAUKESHA COUNTY, WISCONSIN, ON MAY 30, 1985 IN VOLUME 38 OF CERTIFIED SURVEY MAPS, AT PAGE 130-132, AS DOCUMENT NO. 1297683, BEING A DIVISION OF PARCEL 2 OF CERTIFIED SURVEY MAP NO. 2928, BEING A PART OF THE SOUTHWEST 1/4 OF SECTION 14, TOWNSHIP 6 NORTH, RANGE 20 EAST.

EXCEPTING THEREFROM LAND CONVEYED IN WARRANTY DEED AS DOCUMENT NO. 2750912. SAID LAND BEING IN THE CITY OF NEW BERLIN, COUNTY OF WAUKESHA, STATE OF WISCONSIN.

TAX KEY NO.: NBC 1207-970

PROPERTY ADDRESS: 3550-3656 S. MOORLAND ROAD



New Berlin Enterprises, LLC, as the party responsible for the impacts originating at 3616 South Moorland Road, New Berlin, Wisconsin (WDNR Activity No. 02-68-555147), believes that the current legal description has been attached for the subject property. That legal description is:

Parcel 1 of Certified Survey Map No. 4728, recorded in the office of the Register of Deeds for Waukesha County, Wisconsin, on May 30, 1985 in Volume 38 of Certified Survey Maps, at page 130-132, as document no. 2928, being part of the southeast ¼ Section of Section 14, Township 6 North, Range 20 East, Excepting therefrom land conveyed in Warranty Deed as document no. 2750912. Said land being in the City of New Berlin, County of Waukesha, State of Wisconsin.

Tax Key No.: NBC 1207-970

Property Address: 3550-3656 South Moorland Road

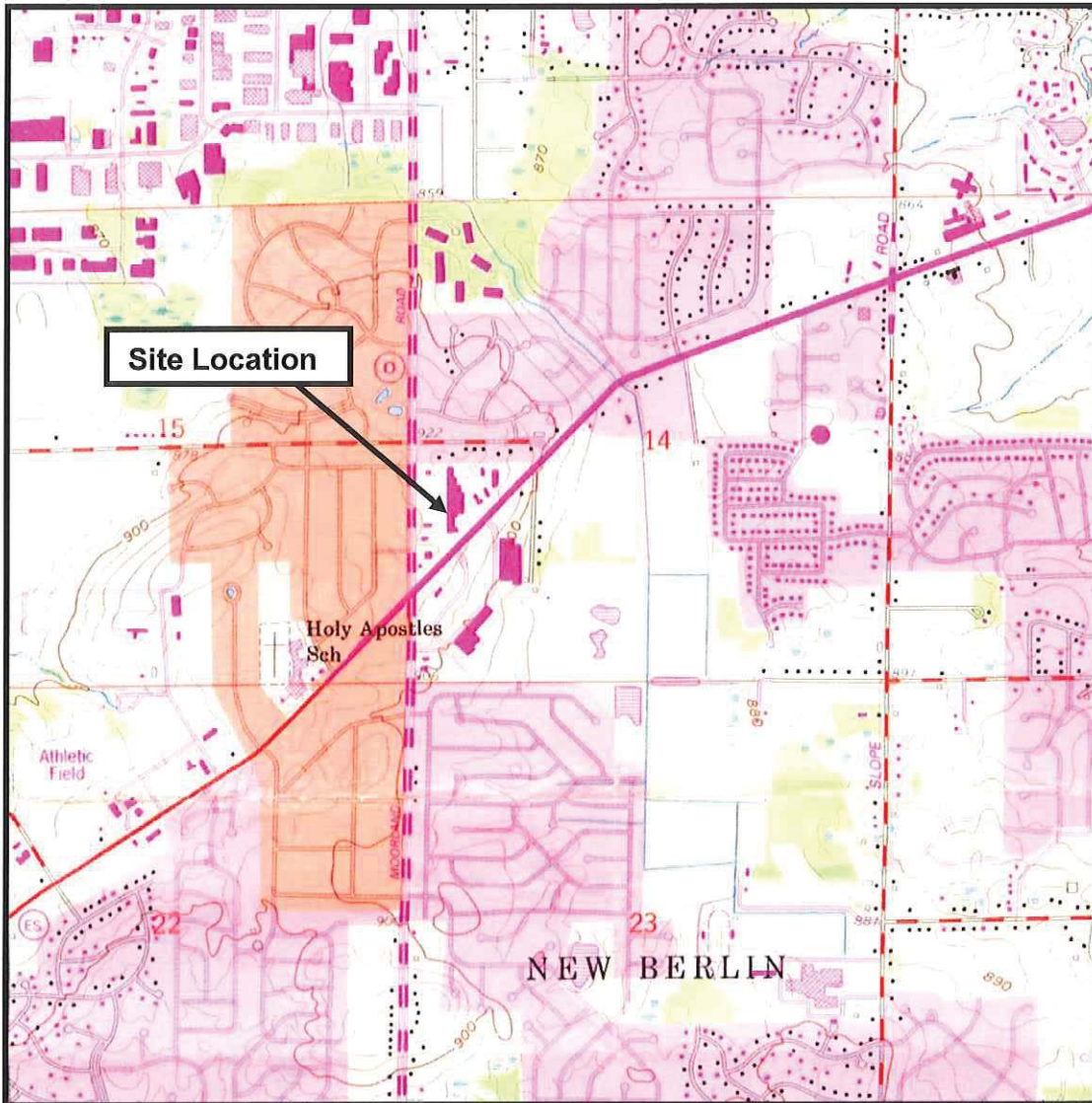
Signature: Greg DeWolfe

Printed Name: Greg DeWolfe

Title: Manager

Date: 11/28/2012





Source: USGS 7.5 Minute Series (topographic) *Hales Corners, Wisconsin* Quadrangle Map (1959, photorevised 1994)

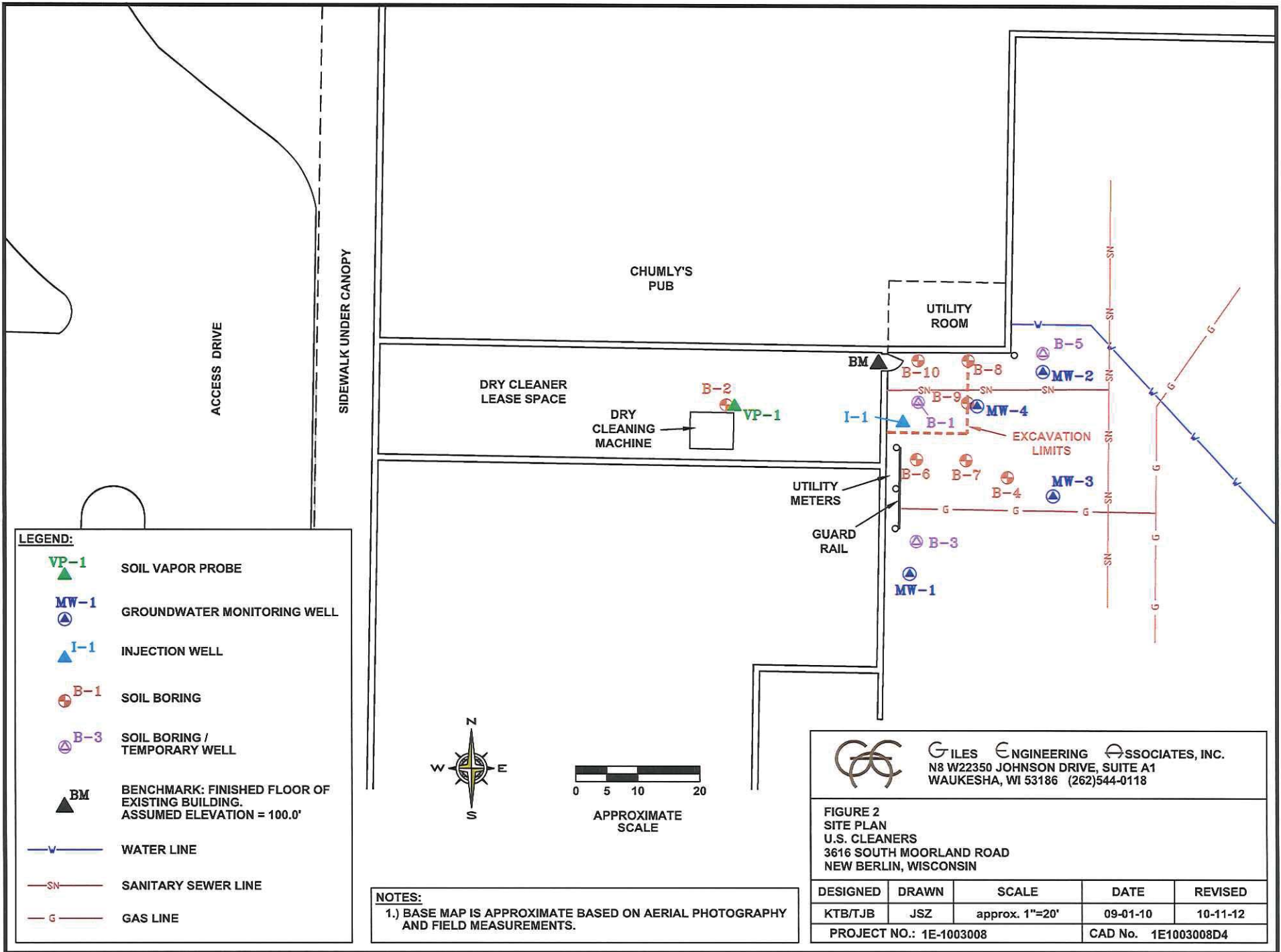
**Figure 1**  
**Site Location Map**

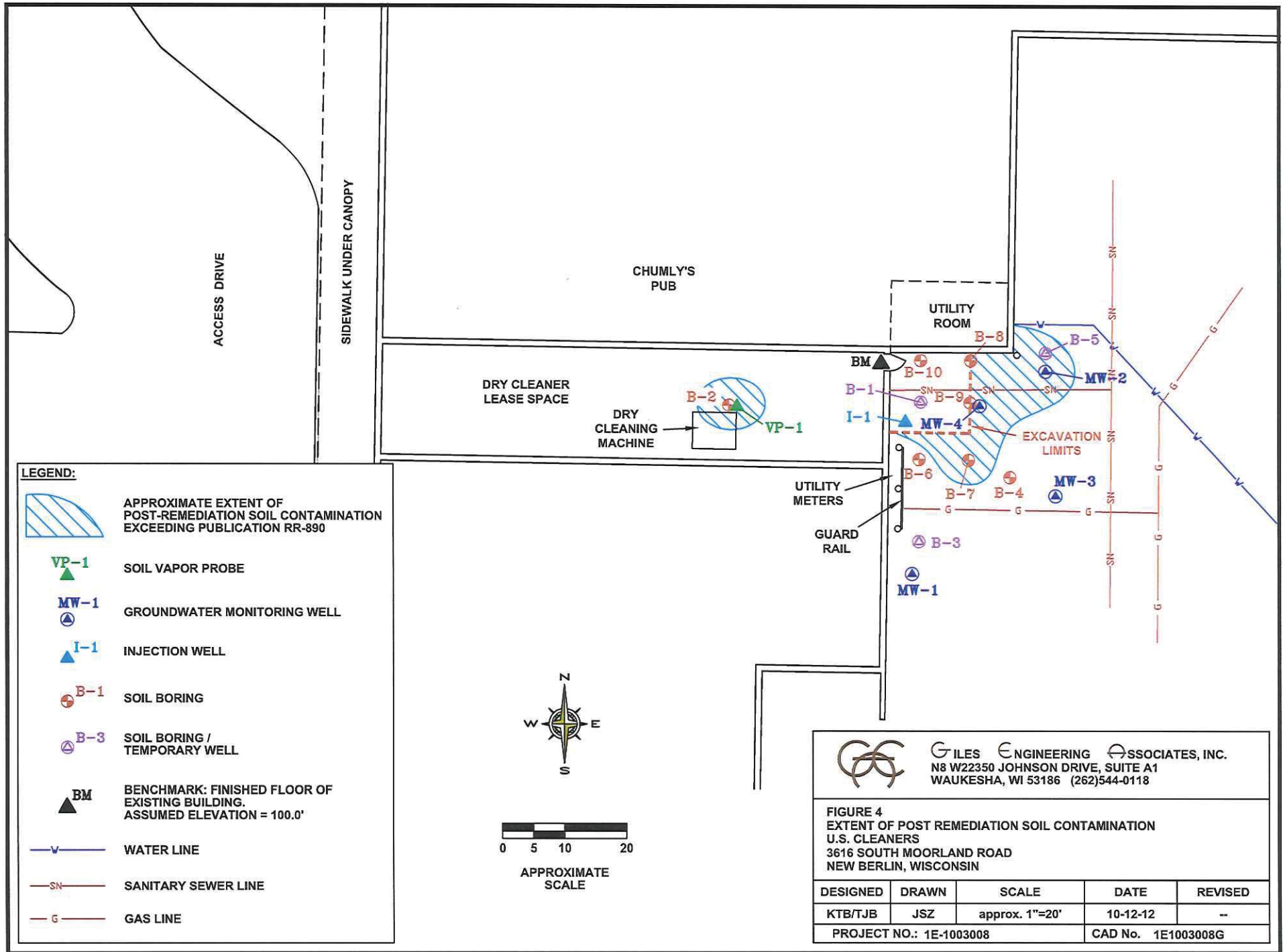


**New Berlin Enterprises LLC – U.S. Cleaners**  
**3616 South Moorland Road**  
**New Berlin, Wisconsin**  
**Project No. 1E-1003008**



**GILES**  
 ENGINEERING ASSOCIATES, INC.





ACCESS DRIVE

SIDEWALK UNDER CANOPY

CHUMLY'S PUB

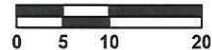
UTILITY ROOM

DRY CLEANER LEASE SPACE

DRY CLEANING MACHINE

UTILITY METERS  
GUARD RAIL

EXCAVATION LIMITS



GILES ENGINEERING ASSOCIATES, INC.  
N8 W22350 JOHNSON DRIVE, SUITE A1  
WAUKESHA, WI 53186 (262)544-0118

FIGURE 4  
EXTENT OF POST REMEDIATION SOIL CONTAMINATION  
U.S. CLEANERS  
3616 SOUTH MOORLAND ROAD  
NEW BERLIN, WISCONSIN

DESIGNED	DRAWN	SCALE	DATE	REVISED
KTB/TJB	JSZ	approx. 1"=20'	10-12-12	--
PROJECT NO.: 1E-1003008			CAD No. 1E1003008G	



**CHEMICAL KEY:**

- PCE: TETRACHLOROETHENE
- T: TOLUENE

**ABBREVIATIONS:**

- BDL: BELOW DETECTION LIMIT
- LOD: LIMIT OF DETECTION
- PID: PHOTOIONIZATION DETECTOR (FIELD)
- RCLs: RESIDUAL CONTAMINANT LEVELS
- VOCs: VOLATILE ORGANIC COMPOUNDS

**NOTES:**

FIELD PID RESULTS EXPRESSED IN INSTRUMENT UNITS

VOC RESULTS EXPRESSED IN MICROGRAMS PER KILOGRAM (ug/kg) EQUIVALENT TO PARTS PER BILLION (ppb)

RESULTS INDICATED IN BLUE / (PARENTHESES) EXCEED THE PUBLICATION RR-890 RCLs FOR DIRECT CONTACT PATHWAY

**LEGEND:**



APPROXIMATE EXTENT OF PRE-REMEDATION SOIL CONTAMINATION EXCEEDING PUBLICATION RR-890

MW-1

GROUNDWATER MONITORING WELL

B-1

SOIL BORING

B-3

SOIL BORING / TEMPORARY WELL

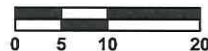
BM

BENCHMARK: FINISHED FLOOR OF EXISTING BUILDING. ASSUMED ELEVATION = 100.0'

—V— WATER LINE

—SN— SANITARY SEWER LINE

—G— GAS LINE



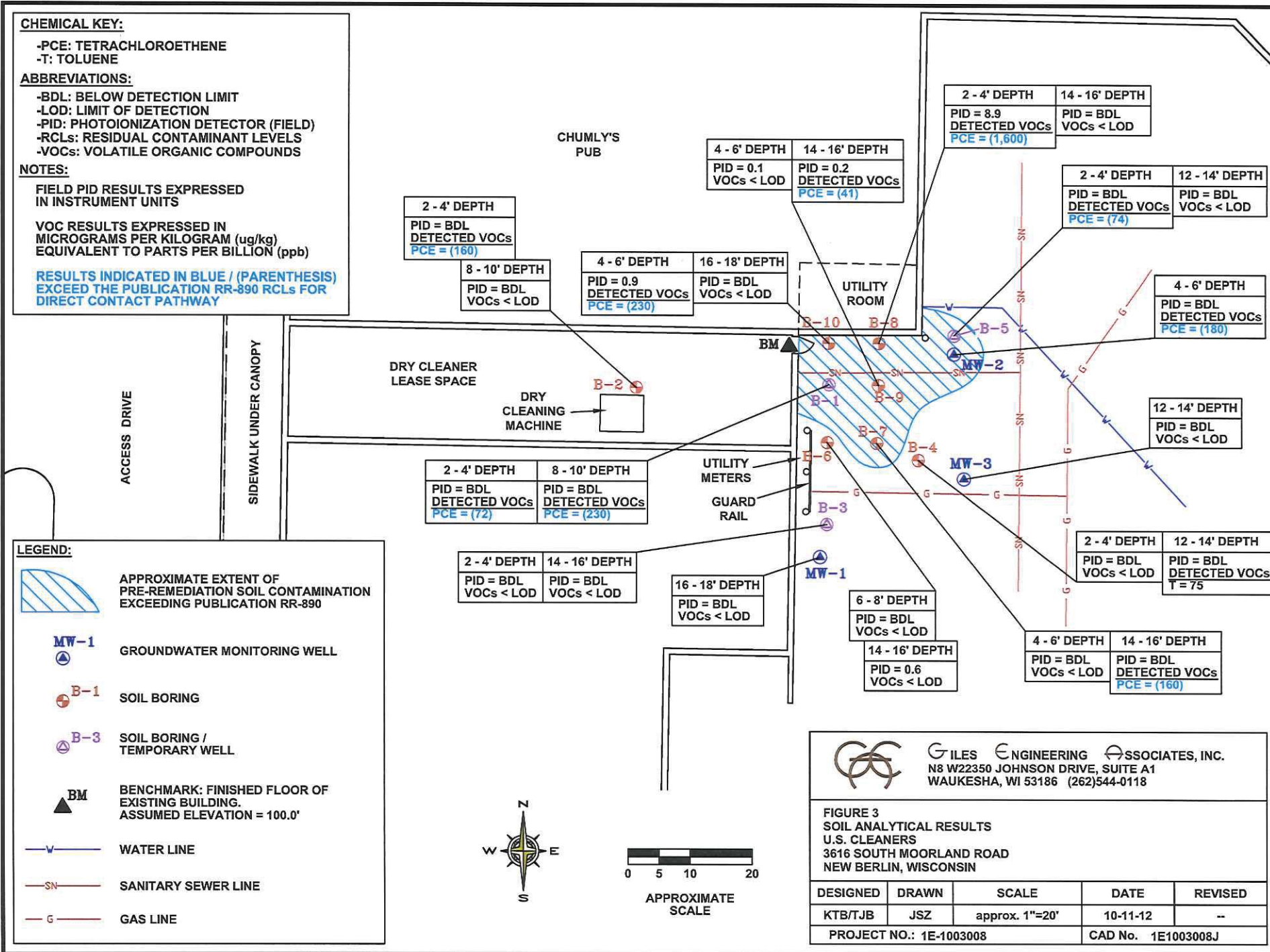
APPROXIMATE SCALE

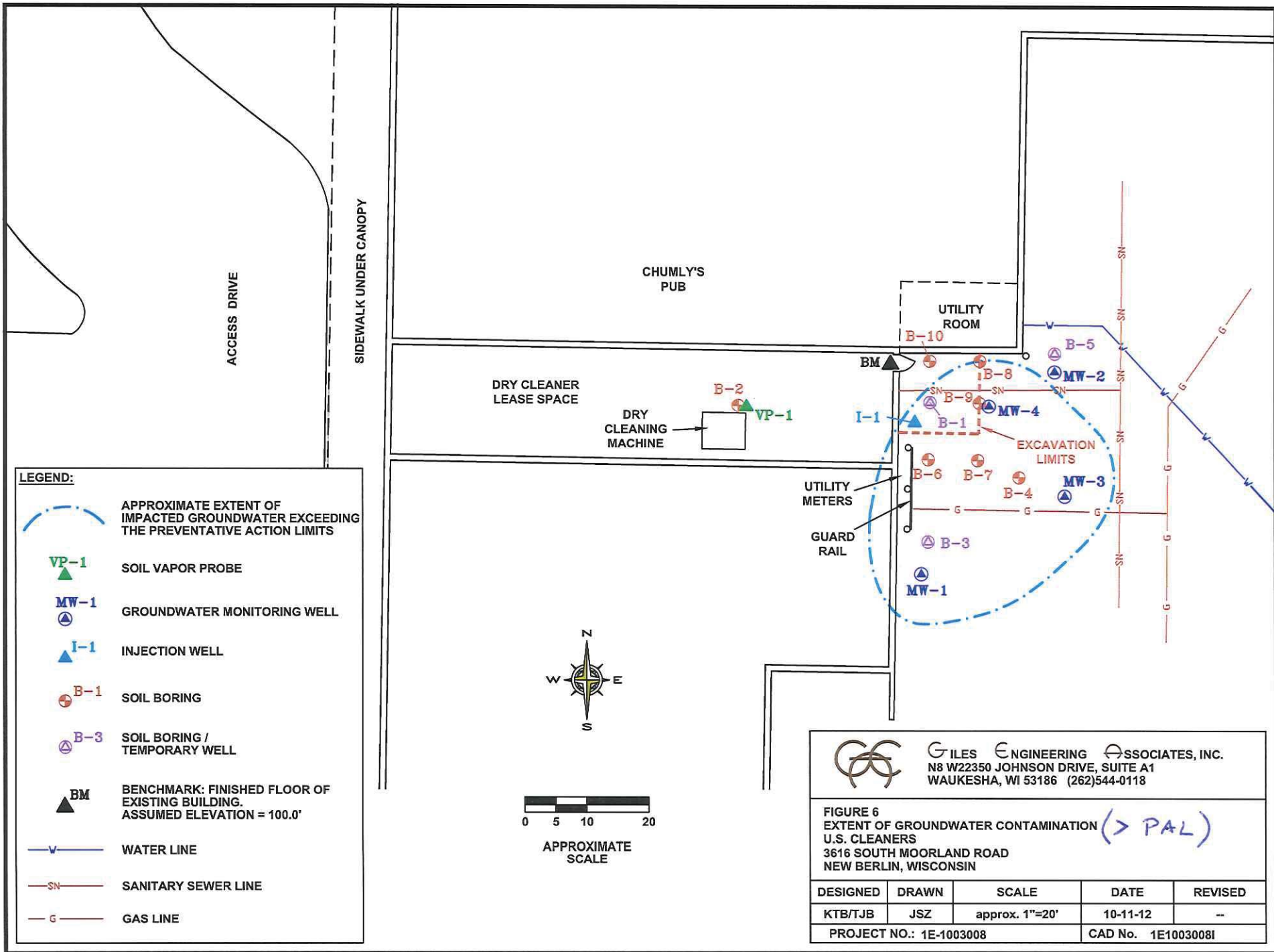


GILES ENGINEERING ASSOCIATES, INC.  
N8 W22350 JOHNSON DRIVE, SUITE A1  
WAUKESHA, WI 53186 (262)544-0118

FIGURE 3  
SOIL ANALYTICAL RESULTS  
U.S. CLEANERS  
3616 SOUTH MOORLAND ROAD  
NEW BERLIN, WISCONSIN

DESIGNED	DRAWN	SCALE	DATE	REVISED
KTb/TJB	JSZ	approx. 1"=20'	10-11-12	--
PROJECT NO.: 1E-1003008			CAD No. 1E1003008J	





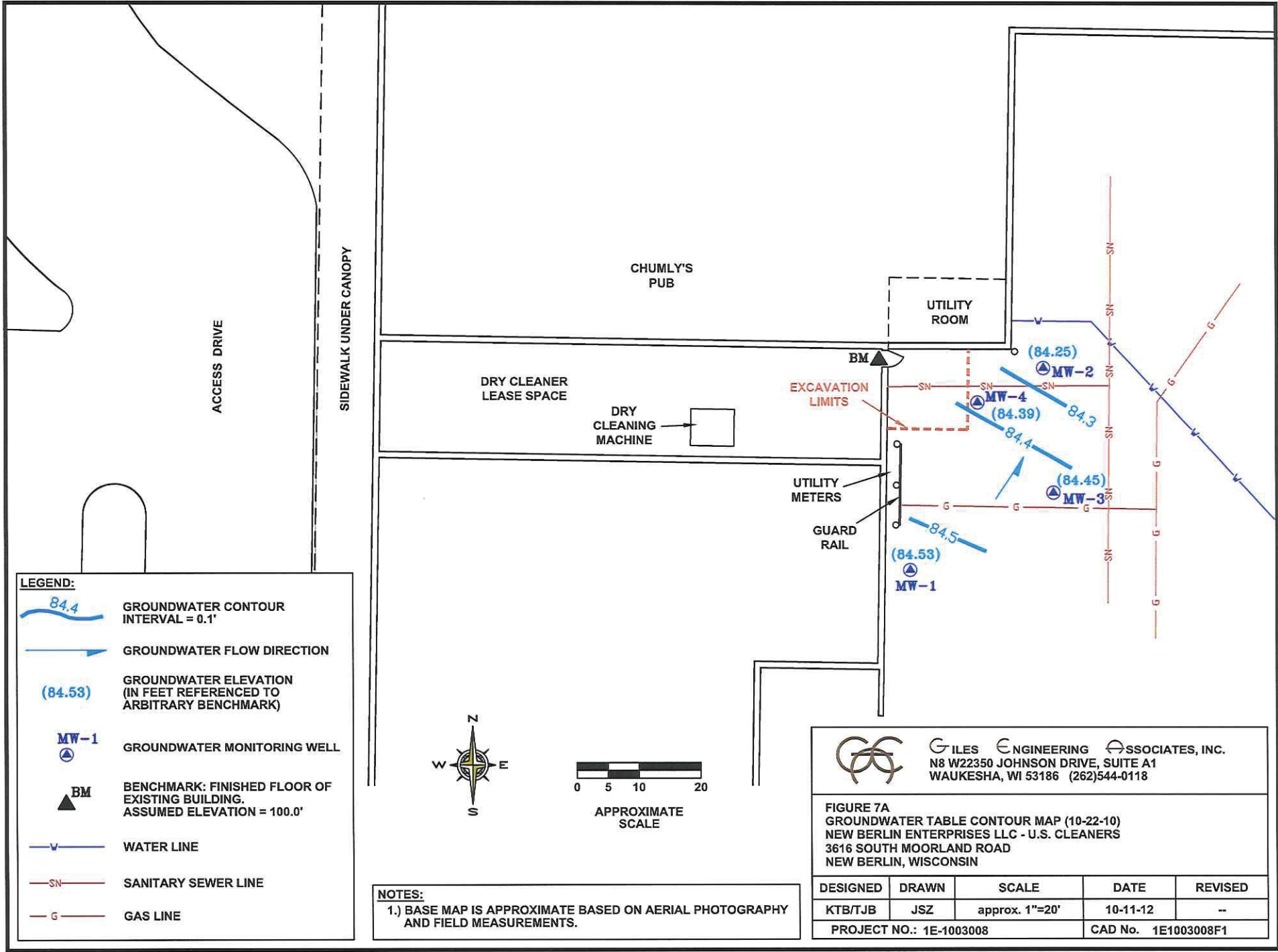
**LEGEND:**

- APPROXIMATE EXTENT OF IMPACTED GROUNDWATER EXCEEDING THE PREVENTATIVE ACTION LIMITS
- SOIL VAPOR PROBE
- GROUNDWATER MONITORING WELL
- INJECTION WELL
- SOIL BORING
- SOIL BORING / TEMPORARY WELL
- BENCHMARK: FINISHED FLOOR OF EXISTING BUILDING. ASSUMED ELEVATION = 100.0'
- WATER LINE
- SANITARY SEWER LINE
- GAS LINE

GILES ENGINEERING ASSOCIATES, INC.  
 N8 W22350 JOHNSON DRIVE, SUITE A1  
 WAUKESHA, WI 53186 (262)544-0118

**FIGURE 6**  
 EXTENT OF GROUNDWATER CONTAMINATION (> PAL)

DESIGNED	DRAWN	SCALE	DATE	REVISED
KTB/TJB	JSZ	approx. 1"=20'	10-11-12	--
PROJECT NO.: 1E-1003008			CAD No. 1E1003008I	



**LEGEND:**

- GROUNDWATER CONTOUR INTERVAL = 0.1'
- GROUNDWATER FLOW DIRECTION
- GROUNDWATER ELEVATION (IN FEET REFERENCED TO ARBITRARY BENCHMARK)
- GROUNDWATER MONITORING WELL
- BENCHMARK: FINISHED FLOOR OF EXISTING BUILDING. ASSUMED ELEVATION = 100.0'
- WATER LINE
- SANITARY SEWER LINE
- GAS LINE

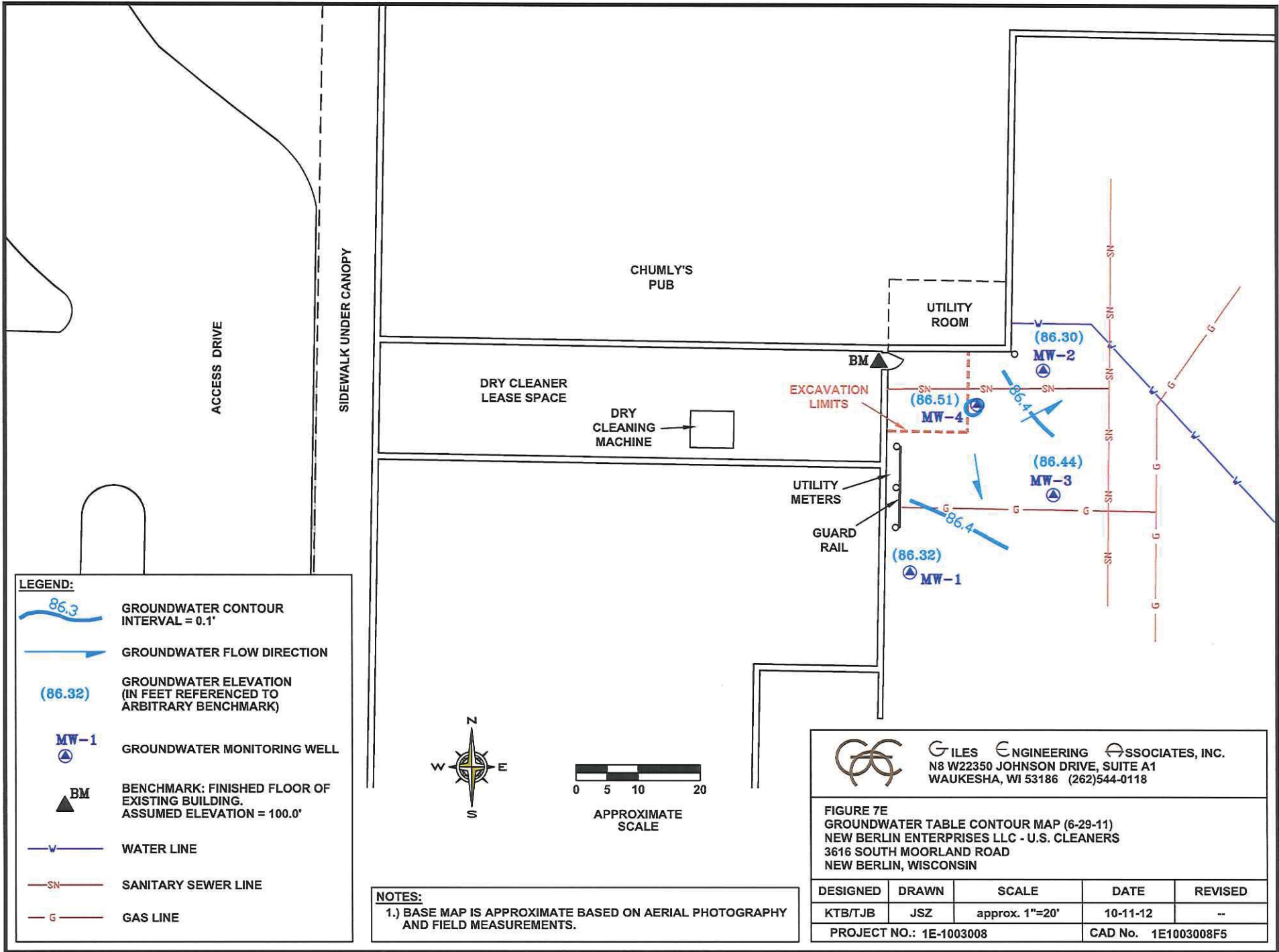
**NOTES:**  
 1.) BASE MAP IS APPROXIMATE BASED ON AERIAL PHOTOGRAPHY AND FIELD MEASUREMENTS.

GILES ENGINEERING ASSOCIATES, INC.  
 N8 W22350 JOHNSON DRIVE, SUITE A1  
 WAUKESHA, WI 53186 (262)544-0118

**FIGURE 7A**  
 GROUNDWATER TABLE CONTOUR MAP (10-22-10)  
 NEW BERLIN ENTERPRISES LLC - U.S. CLEANERS  
 3616 SOUTH MOORLAND ROAD  
 NEW BERLIN, WISCONSIN

DESIGNED	DRAWN	SCALE	DATE	REVISED
KTB/TJB	JSZ	approx. 1"=20'	10-11-12	--
PROJECT NO.: 1E-1003008			CAD No. 1E1003008F1	





**LEGEND:**

- GROUNDWATER CONTOUR INTERVAL = 0.1'
- GROUNDWATER FLOW DIRECTION
- GROUNDWATER ELEVATION (IN FEET REFERENCED TO ARBITRARY BENCHMARK)
- GROUNDWATER MONITORING WELL
- BENCHMARK: FINISHED FLOOR OF EXISTING BUILDING. ASSUMED ELEVATION = 100.0'
- WATER LINE
- SANITARY SEWER LINE
- GAS LINE

APPROXIMATE SCALE

**NOTES:**  
 1.) BASE MAP IS APPROXIMATE BASED ON AERIAL PHOTOGRAPHY AND FIELD MEASUREMENTS.

**GILES ENGINEERING ASSOCIATES, INC.**  
 N8 W22350 JOHNSON DRIVE, SUITE A1  
 WAUKESHA, WI 53186 (262)544-0118

**FIGURE 7E**  
 GROUNDWATER TABLE CONTOUR MAP (6-29-11)  
 NEW BERLIN ENTERPRISES LLC - U.S. CLEANERS  
 3616 SOUTH MOORLAND ROAD  
 NEW BERLIN, WISCONSIN

DESIGNED	DRAWN	SCALE	DATE	REVISED
KTB/TJB	JSZ	approx. 1"=20'	10-11-12	--
PROJECT NO.: 1E-1003008			CAD No. 1E1003008F5	

**TABLE 1  
SOIL ANALYTICAL RESULTS SUMMARY  
DETECTED VOCS**

US Cleaners  
3616 South Moorland Avenue  
New Berlin, Wisconsin  
Project No. 1E-1003008

Analyte	Sample Location												Calculated RCL for Direct-Contact <sup>(1)</sup>	Calculated RCL for Groundwater Protection <sup>(2)</sup>
	B-1		B-2		B-3		B-4		B-5		B-6			
Sample Depth (feet)	2-4	8-10	2-4	8-10	2-4	14-16	2-4	12-14	2-4	12-14	6-8	14-16		
Sample Date	2/5/2010	2/5/2010	2/5/2010	2/5/2010	2/15/2010	2/15/2010	2/15/2010	2/15/2010	2/15/2010	2/15/2010	6/21/2010	6/21/2010		
PID (HNU)	BDL	BDL	BDL	BDL	BDL	BDL	BDL	BDL	BDL	BDL	BDL	0.6		
<b>Detected VOCs (ug/kg)</b>														
Tetrachloroethene	<u>72</u>	<u>230</u>	<u>160</u>	<28	<28	<28	<29	<29	<u>74</u>	<28	<28	<28	<u>30,700</u>	<u>4.5</u>
Toulene	<30	<29	<30	<28	<28	<28	<29	<u>75</u>	<28	<28	<28	<28	<u>818</u>	<u>1,107.2</u>

**Notes:**

**PID:** Photoionization Detector

**VOCs:** Volatile Organic Compounds

**ug/kg:** Micrograms per kilogram; equivalent to parts per billion (ppb)

**EPA:** Environmental Protection Agency

**BDL:** Below Detection Limit

**RCLs:** Residual Contaminant Levels

<sup>(1)</sup>: "green/paranthesis" exceeds the Publication RR-890 RCL for direct contact pathway.

<sup>(2)</sup>: "blue/underlined" exceeds the Puplication RR-890 RCL for soil to groundwater pathway.

TABLE 1 (Continued)  
SOIL ANALYTICAL RESULTS SUMMARY  
DETECTED VOCS

Commercial Property  
3616 South Moorland Avenue  
New Berlin, Wisconsin  
Project No. 1E-1002002

Analyte	Sample Location											Calculated RCL for Direct-Contact <sup>(1)</sup>	Calculated RCL for Groundwater Protection <sup>(2)</sup>
	B-7		B-8		B-9		B-10		MW-1	MW-2	MW-3		
Sample Depth (feet)	4-6	14-16	2-4	14-16	4-6	14-16	4-6	16-18	16-18	4-6	12-14		
Sample Date	6/21/2010	6/21/2010	6/21/2010	6/21/2010	6/21/2010	6/21/2010	6/21/2010	6/21/2010	6/21/2010	6/21/2010	6/21/2010		
PID (HNU)	BDL	BDL	8.9	BDL	0.1	0.2	0.9	BDL	BDL	BDL	BDL		
<b>Detected VOCs (ug/kg)</b>													
Tetrachloroethene	<29	<b>160</b>	<b>1,600</b>	<29	<29	<b>41</b>	<b>230</b>	<27	<28	<b>180</b>	<27	<b>30,700</b>	<b>4.5</b>
Toulene	<29	<28	<29	<29	<29	<29	<29	<27	<28	<28	<27	<b>818</b>	<b>1,107.2</b>

**Notes:**

PID: Photoionization Detector

VOCs: Volatile Organic Compounds

ug/kg: Micrograms per kilogram; equivalent to parts per billion (ppb)

EPA: Environmental Protection Agency

BDL: Below Detection Limit

RCLs: Residual Contaminant Levels

<sup>(1)</sup>: "green/paranthesis" exceeds the Publication RR-890 RCL for direct contact pathway.

<sup>(2)</sup>: "blue/underlined" exceeds the Puplicaton RR-890 RCL for soil to groundwater pathway.



**TABLE 2**  
**GROUNDWATER ANALYTICAL RESULTS SUMMARY**  
**Detected VOC's**

US Cleaners  
3616 South Moorland Avenue  
New Berlin, Wisconsin  
Project No. 1E-1003008

Detected Volatile Organic Compounds (VOCs) (ug/L)		
Sample Location	Sample Date	PCE
MW-1	10/22/10	(1.7j)
	01/13/11	(2.7)
	04/19/11	(3.5)
	06/29/11	(2.4)
MW-2	10/22/10	<0.5
	01/13/11	<0.5
	04/19/11	<0.5
	06/29/11	<0.5
MW-3	10/22/10	<0.5
	01/13/11	<0.5
	04/19/11	(1.4j)
	06/29/11	(1.6j)
MW-4	10/22/10	(1.3j)
	01/13/11	<0.5
	04/19/11	<0.5
	06/29/11	(1.4j)
	<b>NR140 ES</b>	<b>5.0</b>
	<b>NR140 PAL</b>	<b>0.5</b>

**Notes:**

**DCA:** Dichloromethane

**DCE:** Dichloroethene

**TMB:** Trimethylbenzene

**ug/L:** Micrograms per liter; equivalent to parts per billion (ppb)

" - ": No data collected and/or well not installed.

j: Concentration was detected between the laboratory detection limit and the quantitation limit

**Results indicated in blue/parenthesis are above the Wisconsin Administrative Code NR 140 Preventive Action Limits (PALs)**

**Table 3**  
**Groundwater Elevation Summary**

US Cleaners  
3616 South Moorland Avenue  
New Berlin, Wisconsin  
Project No. 1E-1003008

Well ID	Elevation (TOC)*	Elevation Ground Surface	Well Depth	Screen Length	Groundwater Depth (TOC)	Calculated Groundwater Elevation	Change in Elevation	Feet Water in Well	Date
MW-1	98.81	99.16	24.50	15.00	14.28	84.53		10.22	10/22/2010
					14.65	84.16	-0.37	9.85	11/08/2010
					16.06	82.75	-1.41	8.44	01/13/2011
					13.81	85.00	2.25	10.69	04/19/2011
					12.49	86.32	1.32	12.01	06/29/2011
MW-2	97.20	97.65	20.00	10.00	12.95	84.25		7.05	10/22/2010
					13.26	83.94	-0.31	6.74	11/08/2010
					14.71	82.49	-1.45	5.29	01/13/2011
					12.03	85.17	2.68	7.97	04/19/2011
					10.90	86.30	1.13	9.10	06/29/2011
MW-3	97.89	98.19	20.00	10.00	13.44	84.45		6.56	10/22/2010
					13.91	83.98	-0.47	6.09	11/08/2010
					15.31	82.58	-1.40	4.69	01/13/2011
					12.72	85.17	2.59	7.28	04/19/2011
					11.45	86.44	1.27	8.55	06/29/2011
MW-4	97.80	98.21	20.00	10.00	13.41	84.39		6.59	10/22/2010
					13.77	84.03	-0.36	6.23	11/08/2010
					15.23	82.57	-1.46	4.77	04/19/2011
					12.71	85.09	2.52	7.29	04/19/2011
					11.29	86.51	1.42	8.71	06/29/2011

Notes:

TOC: Top of Casing

"\*": Temporary benchmark referenced to finished floor grade of the US Cleaners rear entry