

Source Property Information

CLOSURE DATE: 03/10/2014

BRRTS #: 06-37-558391

ACTIVITY NAME: Holtz & Krause Contractor - 600 E Kent

PROPERTY ADDRESS: E Kent ST / Northwestern AVE

MUNICIPALITY: Wausau

PARCEL ID #: 291-2808-062-0999

FID #: 737055880

DATCP #:

PECFA#:

***WTM COORDINATES:**

X: 550857 Y: 496190

** 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)

CONTINUING OBLIGATIONS

Contaminated Media for Residual Contamination:

- | | |
|--|--|
| <input type="checkbox"/> Groundwater Contamination > ES (236) | <input 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 see "Impacted Off-Source Property Information, Form 4400-246")</i> | <i>(note: for list of off-source properties see "Impacted Off-Source Property Information, Form 4400-246")</i> |

Site Specific Obligations:

- | | |
|--|---|
| <input type="checkbox"/> Soil: maintain industrial zoning (220) <i>(note: soil contamination concentrations between non-industrial and industrial levels)</i> | <input checked="" type="checkbox"/> Cover or Barrier (222) |
| <input type="checkbox"/> Structural Impediment (224) | <input checked="" type="checkbox"/> Direct Contact |
| <input checked="" type="checkbox"/> Site Specific Condition (228) | <input checked="" type="checkbox"/> Soil to GW Pathway |
| | <input type="checkbox"/> Vapor Mitigation (226) |
| | <input type="checkbox"/> Maintain Liability Exemption (230) <i>(note: local government unit or economic development corporation was directed to take a response action)</i> |

Monitoring Wells:

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

- Yes No N/A

* Residual Contaminant Level
**Site Specific Residual Contaminant Level

BRRTS #: 06-37-558391

SITE NAME: Holtz & Krause Contractor – 600 E Kent ST

This VPLE applies to the following closed ERP and/or LUST site(s). The following link(s) can be used to access the associated GIS packet(s).

BRRTS #

SITE NAME

02-37-000007

[Holtz & Krause](#)



March 10, 2014

BRRTS No. 02-37-000007
FID No. 737055880

MR. DAVE EISENREICH
HOLTZ KRAUSE STEERING COMMITTEE
5208 DJ LANE
SCHOFIELD, WI 54476

Subject: A Certificate of Completion under the Voluntary Party Liability Exemption Program for the Environmental Investigation and Cleanup of the Holtz Krause Landfill Site, East Kent Street and Curling Way, City of Wausau, Marathon County, Wisconsin

Dear Mr. Eisenreich:

The Wisconsin Department of Natural Resources ("the Department") has reviewed your request for issuance of a *Certificate of Completion* under the Voluntary Party Liability Exemption ("VPLE") Program for the environmental investigation and cleanup of property owned by Marathon County and the Wausau Curling Club, Inc. and known as the Holtz Krause Landfill site located at East Kent Street and Curling Way, and Junction Street, City of Wausau, Marathon County, Wisconsin. You have requested that the Department determine whether the Holtz Krause Steering Committee has met the environmental investigation and remediation requirements under s. 292.15(2), Wis. Stats., for issuance of a *Certificate of Completion*.

The Holtz Krause Landfill site consists of six (6) parcels and approximately 92.71 acres of real property described on five deeds located in parts of the South ½ of the Northwest ¼ and North ½ of the Southwest ¼ of Section 6, Township 28 North, Range 08 East, and parts of the Southeast ¼ of the Northeast ¼ and Northeast ¼ of the Southeast ¼ of Section 1, Township 28 North, Range 07 East, City of Wausau, Marathon County, Wisconsin, hereinafter referred to as "the Property." The Property is further described in the aforementioned deeds in Attachment A of the *Certificate of Completion*.

Determination

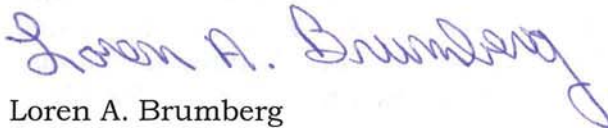
As you are aware, s. 292.15, Wis. Stats., authorizes the Department to issue a *Certificate of Completion* to a voluntary party that conducts an approved environmental investigation of a property and restores the environment to the extent practicable and minimizes the harmful effects with respect to hazardous substance discharges on or originating from the Property. Based on the information received by the Department, the Department has determined that the investigation and cleanup of the Property is complete and that all conditions in s. 292.15(2), Wis. Stats., have been met. Attached is the *Certificate of Completion* for this Property.

The Property has been entered onto the WDNR's Geographical Information System ("GIS") Registry due to the presence of groundwater contamination above ch. NR 140, Wis. Adm. Code, enforcement standards and the requirement to inspect and maintain an engineered cover over the landfill waste materials. The purpose of maintaining this database is to make this information available to the public and to notify future property owners of any requirements, limitations, or conditions imposed by the Department. Continuing obligations and cap maintenance plans imposed by the Department for the Property are described in the final case closure letter, with continuing obligations, as an attachment to the *Certificate of Completion*. Particular attention should be paid to these continuing obligations because failure to maintain and monitor the property as required in case closure letters can result in the loss of your liability protections.

Conclusions

The Department appreciates the work conducted by the Holtz Krause Steering Committee to investigate and restore the environment to the extent practicable at the Property. The exemptions provided by this *Certificate of Completion* apply to any successor or assignee of the Holtz Krause Steering Committee, dependent upon the successor or assignee complying with the conditions of s. 292.15, Wis. Stats. If you have any questions or concerns regarding the *Certificate of Completion* and its exemptions or responsibilities, please call me at 715-839-3770 or Attorney Lacy Cochart at 608-267-0846.

Sincerely,



Loren A. Brumberg
Land Recycling Specialist
Remediation & Redevelopment Program

LAB:lb

Attachment: *Certificate of Completion*

- c: Michael Prager – RR/5
Lacy Cochart – LS/8
Bill Evans – WCR
Erin Endsley – Superior Service Center
Lisa Gutknecht – Wausau Service Center
Mark A. Thimke, Foley & Lardner, LLP, 777 East Wisconsin Avenue, Milwaukee, WI 53202-5306
Russell W. Wilson, Ruder Ware, 500 First Street, Suite 8000, P.O. Box 8050, Wausau, WI 54402-8050
Ronald Frehner, P.E., 1801 Old Highway 8 Northwest, Suite 114, St. Paul, MN 55112
Brad Karger, Marathon County Administrator, Marathon County Courthouse, 500 Forest Street, Wausau, WI 54403
James E. Tipple, Mayor, City of Wausau, 407 Grant Street, Wausau, WI 54403
Cal R. Tillisch, Goyke, Tillisch & Higgins, LLP, 816 North 3rd Street, Wausau, WI 54403

State of Wisconsin
Department of Natural Resources

**CERTIFICATE OF COMPLETION
OF RESPONSE ACTIONS
UNDER SECTION 292.15(2)(ae), WIS. STATS.**

Whereas, the **Holtz and Krause Landfill Steering Committee** has applied for an exemption from liability under s. 292.15, Wis. Stats., for real property located along East Kent Street, Curling Way, and Northwestern Avenue in the City of Wausau, Marathon County, Wisconsin, which is commonly referred to as the Holtz Krause Landfill, further described in the legal description found in Attachment A, hereinafter referred to as "the Property";

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

Whereas, the **Holtz and Krause Landfill Steering Committee** has submitted to the WDNR certain investigation reports, remedial action plans, and final design plans and modifications to the Holtz Krause Landfill, for the Property which comply with the requirements set forth in chs. NR 700-754, Wis. Adm. Code, consisting of documents and reports listed in Attachment B;

Whereas, in accordance with s. 292.15(2)(ae)1., Wis. Stats., the WDNR has determined that an environmental investigation has been conducted which adequately identified and evaluated the nature, degree, and extent of the hazardous substance discharges on the Property. The WDNR approved of the site investigation in a letter issued to the Holtz Krause Steering Committee on **July 25, 2012**;

Whereas, the WDNR has determined that s. 292.15, Wis. Stats., applies to the Holtz Krause Landfill, as a non-approved, solid waste facility where active remedial operation or treatment is not required, including where groundwater monitoring, leachate or groundwater collection or treatment, or active gas extraction is not required as all or part of the remedial action, and the **Holtz and Krause Landfill Steering Committee** is eligible for the exemption under s. 292.15, Wis. Stats.;

Whereas, on March 6, 2013, and June 20, 2013, the WDNR issued Conditional Grants of Exemption for Development on a Licensed Landfill for construction of athletic fields and modifications to the Holtz Krause Landfill, and a concession/restroom building and championship field lighting for the Holtz Krause athletic field complex (Attachment C). If any person proposes to do any future construction work on the Property, the person shall obtain written approval for the work from the WDNR based on s. 506.085, Wis. Adm. Code, prior to initiating any construction on the Property;

Whereas, groundwater contamination on the Property exceeds groundwater quality enforcement standards under s. NR 140, Wis. Adm. Code, and the engineered cover must be inspected, maintained and repaired over the landfill waste. Therefore, the Property will be listed on the WDNR's Geographical Information System database ("the GIS Registry"), pursuant to s.292.12 (3), Wis. Stats. The **Holtz and Krause Landfill Steering Committee** has submitted to the WDNR all the information necessary to be listed on the GIS Registry, pursuant to s. NR 726.11, Wis. Adm. Code;

Whereas, on December 26, 2013, the WDNR issued a final case closure, with continuing obligations, letter for the Property (Attachment D). The owner of this Property shall adhere to, abide by, and maintain the continuing obligations and other requirements that are specified in the attached final case closure letter and site Operations and Maintenance Plan dated November, 2013. The Property will be listed on the WDNR's GIS Registry of Sites with Residual Contamination and Continuing Obligations. The case closure letter includes the following continuing obligations:

- Groundwater contamination is present above ch. NR 140, Wis. Adm. Code, enforcement standards.
- One or more monitoring wells were not located and must be properly filled and sealed if found.
- The engineered cover must be inspected, maintained, and repaired over the landfill waste in accordance with the approved Maintenance and Operations Plan, and the WDNR must approve any changes to this barrier.
- Operations and maintenance of an active gas extraction system, monitoring of the system, and annual reporting to the WDNR is required through a Building on Abandoned Landfill ("BAL") Exemption dated March 6, 2013, given the Property's intended use as a soccer field complex.
- If site use changes in the future, such that the active gas extraction system is no longer necessary by the site owner, the site owner at that time must construct and maintain at a minimum a passive venting system that adequately addresses the contaminants of concern as approved by the WDNR.

Whereas, the WDNR has determined that the response action is complete and was based on the Property being used as a soccer field complex. In the event it is proposed that the Property use changes, and the active gas extraction system is no longer necessary, the site owner must construct and maintain at a minimum a passive gas venting system for methane mitigation approved by the WDNR;

Whereas, the Property is a solid waste landfill enclosed by an engineered final cover consisting of 2-feet of native soils; 2-feet of clay; 40-millimeter very low density polyethylene geo-membrane; 2.5-feet of rooting zone soils; and 6-inches of top soil. The engineered cover shall be inspected, maintained, and repaired over the solid waste in accordance with the approved Maintenance and Operations Plan, and the WDNR must approve any changes to this barrier;

Whereas, if the requirements of this Certificate, the final case closure letter, or the approved Maintenance and Operation Plan are not followed, or if the land use changes from land uses approved in the March 6, 2013, and June 20, 2013, Conditional Grants of Exemption for Development on a Licensed Landfill without WDNR approval, 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, the **Holtz and Krause Landfill Steering Committee** has paid to the WDNR the appropriate environmental insurance fee and has submitted a complete environmental insurance application form to obtain coverage for the Property under Wisconsin's master insurance contract in accordance with s. 292.15(2)(ae)3m., Wis. Stats., and ch. NR 754, Wis. Adm. Code, based on their desire to use natural attenuation to remediate groundwater contamination that exceeds ch. NR 140, Wis. Adm. Code, groundwater quality enforcement standards;

Whereas, on December 26, 2013, the WDNR determined that response actions necessary to restore the environment to the extent practicable were completed, except with respect to groundwater contaminated with arsenic, benzene, tetrahydrofuran, and vinyl chloride above ch. NR 140, Wis. Adm. Code, groundwater quality enforcement standards. The WDNR determined that this groundwater contamination will be brought into compliance through natural attenuation in accordance with administrative rules promulgated by the WDNR.

Therefore, based upon the information that has been submitted, the WDNR hereby certifies that the response actions set forth in the WDNR-approved remedial action plan and case closure letter for the Property and any other necessary response actions have been completed in accordance with rules promulgated by the WDNR.

Upon issuance of this *Certificate of Completion*, the **Holtz and Krause Landfill Steering Committee** and 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 WDNR approved the environmental investigation required under s. 292.15(2)(ae)1., Wis. Stats.

However, the person 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 March 6, 2013, and June 20, 2013, Conditional Grants of Exemption for Development on a Licensed Landfill the conditions in this *Certificate of Completion*, the December 26, 2013, final case closure letter, s. 292.12, Wis. Stats., 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 current Property owner and any other person who possesses or controls that discharge and any person who caused the discharge.

If natural attenuation of contaminated groundwater fails, the insurance coverage under s. 292.15(2)(ae)3m., Wis. Stats., may be used by the state to cover the costs of complying with s. 292.11(3), Wis. Stats., with respect to groundwater quality.

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 knowingly failing to disclose material information or under circumstances in which the **Holtz and Krause Landfill Steering Committee** 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 of Completion* 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 18th day of February, 2014.



Bruce G. Urben, Acting Director
Bureau for Remediation and Redevelopment
Wisconsin Department of Natural Resources

ATTACHMENT A
 LEGAL PROPERTY DESCRIPTIONS
 HOLTZ and KRAUSE LANDFILL STEERING COMMITTEE
 HOLTZ KRAUSE LANDFILL

See Attached Property Map, Warranty Deeds, Quit Claim Deeds, and Certified Survey Maps.

| <u>Parcel No.</u> | <u>Acreage</u> | <u>Deed Reference</u> | <u>Certified Survey Map</u> |
|-------------------|----------------|---|--|
| 291-2807-011-0922 | 2.399 | M417-495 1632243 | CSM 14-160 |
| 291-2807-014-0900 | 29.23 | 1586905WD 1586906QC 1586904QC 183-612 1591958RR 1603108RR 1615982NR | Lot 2 (291-2807-014-0032) Lot 3 (291-2807-014-0035) Outlot 2 (291-2807-014-0903) N/A (291-2807-011-0927) N/A N/A N/A |
| 291-2807-011-0924 | 5.57 | M417-496 1632244 | CSM 27-175 |
| 291-2808-063-0999 | 45.00 | 356-232 1632244 | CSM 27-175 |
| 291-2808-062-0999 | 4.50 | 356-232 1632244 | CSM 27-175 |
| 291-2808-062-0992 | 6.015 | M262-1134 M713-191ANNEX ORD 1632244 | CSM 14-160 497-95B |

Legal Descriptions for Holtz Krause Landfill Properties

| Property | PIN | Owner Name | Parcel Address | Legal Description |
|----------------|-------------------|-------------------------|---------------------------------------|--|
| Soccer Complex | 291-2808-063-0999 | MARATHON COUNTY | 602 E KENT ST WAUSAU WI 54403 | THAT PT OF FRAC N 1/2 SW 1/4 SEC 6 28 8 & OF NW SE LYG WLY OF RR RW EX S 4 RODS FOR ROAD PURPOSES PT OF CSM VOL 27-175(7192) |
| Soccer Complex | 291-2808-062-0992 | MARATHON COUNTY | 1500 NORTHWESTERN AVE WAUSAU WI 54403 | SEC 06-28-08 PT OF FRL S 1/2 NW 1/4 LOT (2) OF CSM VOL 14-160 (3862) EX THAT PT OF LOT (2) LYG IN SE NE SEC 1-28-7 |
| Soccer Complex | 291-2808-062-0999 | MARATHON COUNTY | 600 E KENT ST WAUSAU WI 54403 | THAT PART OF FRAC S 1/2 NW 1/4 LYG S & W OF C & N W R R CO YARDS SEC 6 28 8 PT OF CSM 27-175(7192) |
| Soccer Complex | 291-2807-011-0924 | MARATHON COUNTY | 1237 JUNCTION ST WAUSAU WI 54403 | E 10 ACRES OF SE NE EX PCL DESD IN VOL 118 OF DEEDS PG 282 SEC 1- 28-7 ALSO THAT PT OF LOT 2 ON CSM VOL 14 PG 160 IN SE NE SEC 1-28-7 PT OF CSM VOL 27-175(7192) |
| Soccer Complex | 291-2807-011-0922 | MARATHON COUNTY | 1233 JUNCTION ST WAUSAU WI 54403 | PT OF SE NE SEC 1-28-7 DESD AS LOT 1 ON CSM VOL 14 PG 160 |
| Curling Club | 291-2807-014-0900 | WAUSAU CURLING CLUB INC | 1920 CURLING WAY WAUSAU WI 54403 | SEC 1 28 7 PT N1/2 NE1/4 SE1/4 PT OF SE1/4 NE1/4 THAT PT LYG ELY OF EAU EAU CLAIRE RIVER FLOWAGE ("SLOUGH") AS DESD IN DOC #1603108, ALSO LOT 3 BLK 5 RIPCZINSKES GRAND AVE ADD INCL N1/2 OF VAC E ROSS AVE LYG S OF SD LOT AND VAC 33' LYG E OF SD LOT ALSO LOT 2 BLK 4 OF SD ADD INCL S1/2 OF VAC E ROSS AVE LYG N OF SD LOT & E 10' OF VAC PORTION LYG W OF SD LOT EX OUTLOT (1) CSM VOL 75-47(16248)DOC #1615640 |

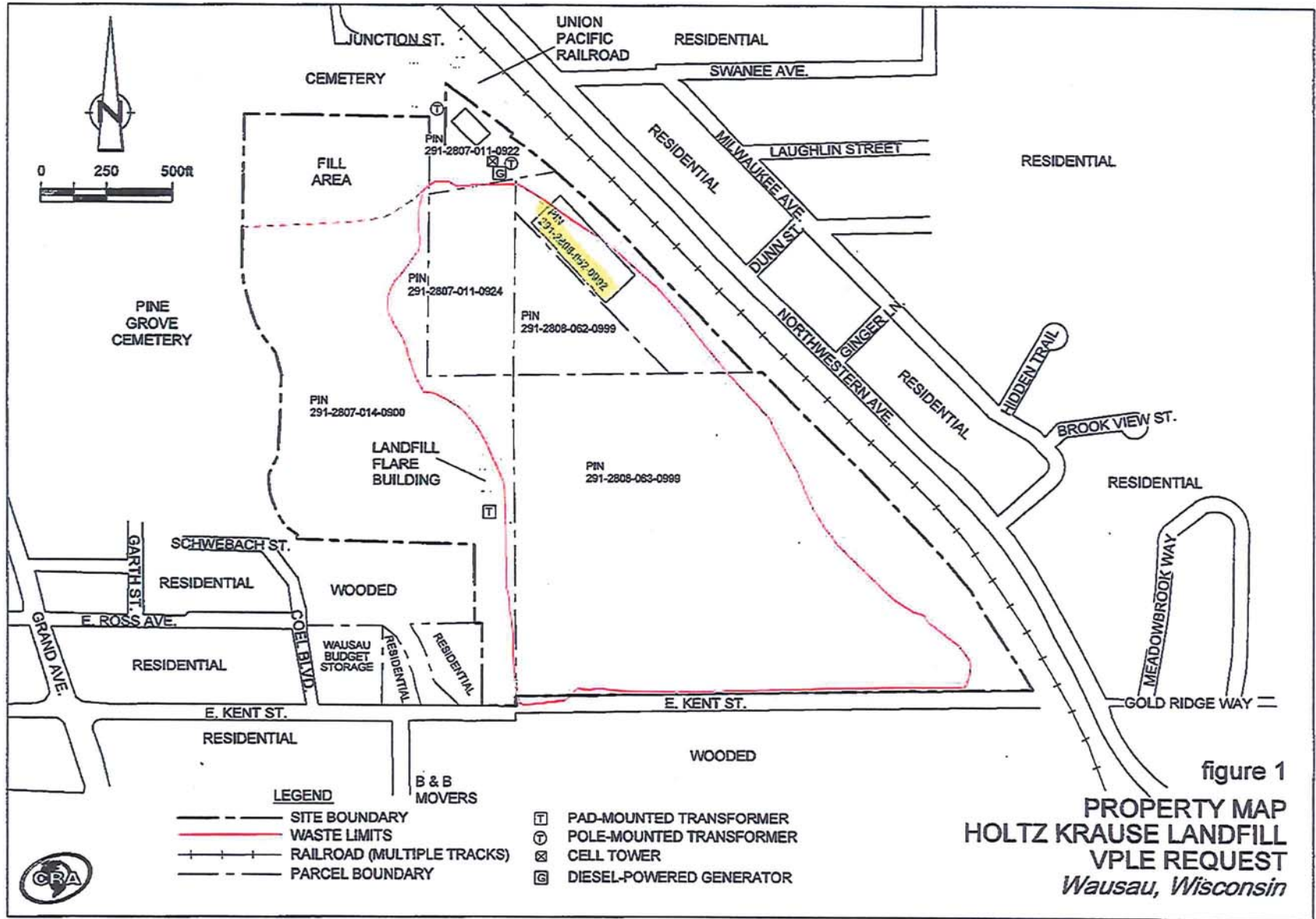
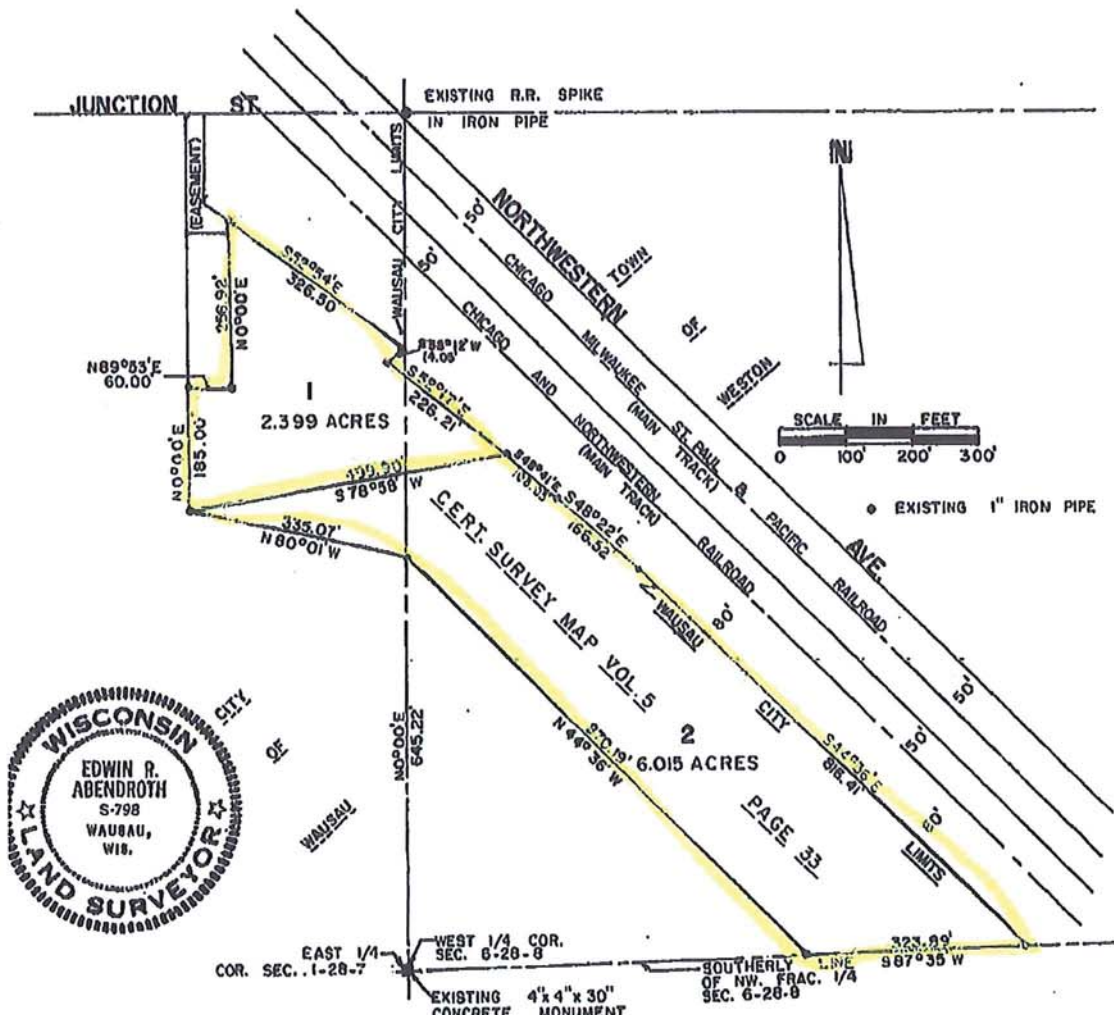


figure 1
PROPERTY MAP
HOLTZ KRAUSE LANDFILL
VPLE REQUEST
Wausau, Wisconsin



CERTIFIED SURVEY MAP FOR THOMAS KRAUSE

I, Edwin R. Abendroth, registered land surveyor, hereby certify that I have surveyed and mapped by the order of Thomas Krause, that part of the SE 1/4 of the NE 1/4, Section 1, Township 28 North, Range 7 East and a part of the South 1/2 of the NW fractional 1/4 Section 6, Township 28 North, Range 8 East, all in the City of Wausau, Marathon County, Wisconsin, described as follows: Commencing at the East 1/4 corner of said Section 1; thence N0°00'E, 645.22 feet to the point of beginning; thence N80°01'W, 335.07 feet; thence N0°00'E, 185.00 feet; thence N89°53'E, 60.00 feet; thence N0°00'E, 256.92 feet to the southerly right of way line of the Chicago and Northwestern Railway; thence S52°04'E, along said railway right of way line, 326.50 feet; thence continuing along the same said railway right of way line on the following five described courses, thence S38°12'W, 14.05 feet; thence S52°17'E, 226.21 feet; thence along the arc of a curve to the right, whose chord bears S48°41'E, 102.05 feet; thence S48°22'E, 166.52 feet; thence S44°36'E, 816.41 feet to the southerly line of the NW fractional 1/4 of said Section 6; thence S87°35'W, along said southerly 1/4 line, 323.89 feet; thence N44°36'W, 870.19 feet to the point of beginning.

That such map is a correct representation of all exterior boundaries of the land surveyed.

That I have fully complied with the provisions of Section 236.34 of the Wisconsin Statutes.

Prepared By:
WISCONSIN VALLEY SURVEYORS

Edwin R. Abendroth
Edwin R. Abendroth RLS No. S-798
August 12, 1985

837035

'85 AUG 29 PM 2 40

REGISTERS OFFICE }
Marathon County, Wis. }
Received for Record this _____
day of _____ A.D. 19 _____
at _____ o'clock _____ M and recorded
in Vol. #14 of CSM
on page 260
Robert St. James
Register

WVS
4.00 Chg

DOCUMENT NO.

INDEXED

WARRANTY NEED-By Corporation
WPA/CIP WINCONSIN-PORNT 10
THIS SPACE RESERVED FOR RECORDING DATA

VOL. 202 PAGE 1134

THIS INDENTURE, Made by Holtz & Krauss, Inc.

A Corporation duly organized and existing under and by virtue of the laws of the State of Wisconsin, grantor, of Marathon County, Wisconsin, hereby conveys and warrants to Holtz & Krauss Contractors, Inc.

grantee, of Marathon County, Wisconsin, for the sum of One dollar (\$1.00) and other good and valuable consideration the following tract of land in Marathon County, State of Wisconsin:

RETURN TO

That parcel of land described in Certified Survey Map filed in Volume 5 of Certified Survey Maps on page 38, together with easement rights as described in Deed recorded in Record Book 52, page 222. All references being to records in the office of Register of Deeds, Marathon County, Wisconsin.

This property is being transferred subject to the outstanding first real estate mortgage to the Citizens State Bank and Trust Company dated December 16, 1976, recorded December 15, 1976, as Document No. 708458 in Volume 241 of Micro Records at page 622-623, which the grantee specifically assumes and agrees to pay.

TRANSFER
\$ 49.80
TAX

In Witness Whereof, the said grantor has caused these presents to be signed by William F. Krauss, III its President, and countersigned by Thomas Krauss its Secretary, at Marathon Wisconsin, and its corporate seal to be hereunto affixed, this 22nd day of October, A. D., 1977.

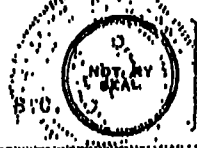
SIGNED AND SEALED IN PRESENCE OF

HOLTZ & KRAUSS, INC.

William F. Krauss III Official Name
President
Thomas Krauss
Secretary
Thomas Krauss
Tom G.

STATE OF WISCONSIN,
Marathon County, ss.
Personally came before me, this 22nd day of October, A. D., 1977, William F. Krauss, III President, and Thomas Krauss Secretary of the above named Corporation, to me known to be the persons who executed the foregoing instrument, and to me known to be such President and Secretary of said Corporation, and acknowledged that they executed the foregoing instrument as such officers as the deed of said Corporation, by its authority.

NOT 81 111
3:21 PM
ROBERT O. GERMANN
Register of Deeds



This instrument drafted by TINKEN, LONSDORF & MALLORY, S.C. Attorneys at Law
Notary Public, Marathon County, Wis.
My Commission Expires (Date) 2/28/81

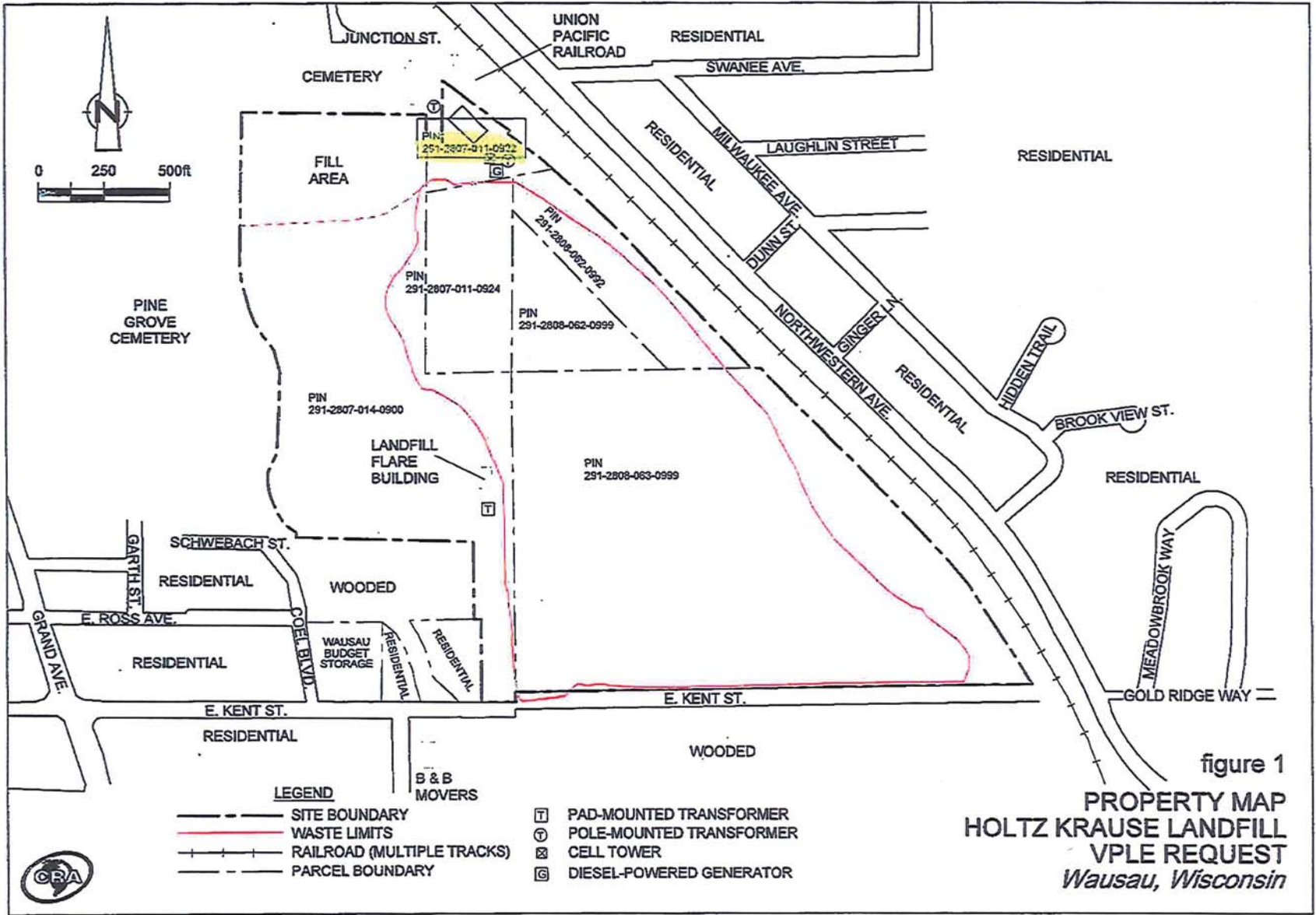


figure 1
PROPERTY MAP
HOLTZ KRAUSE LANDFILL
VPLE REQUEST
Wausau, Wisconsin

State Bar of Wisconsin Form 1-2003
WARRANTY DEED



DOC# 1632243

Document Number

Document Name

THIS DEED, made between HOLTZ & KRAUSE REAL ESTATE DEVELOPMENT, INC., a Wisconsin corporation
("Grantor," whether one or more),
and MARATHON COUNTY, a Municipal corporation of the State of Wisconsin
("Grantee," whether one or more).

Michael J. Sydow

Grantor, for a valuable consideration, conveys to Grantee the following described real estate, together with the rents, profits, fixtures and other appurtenant interests, in Marathon County, State of Wisconsin ("Property") (if more space is needed, please attach addendum):

Recording Area

Name and Return Address
Marathon County
500 Forest Street
Wausau, WI 54403

See attached legal description as Exhibit A.

TRANSFER

\$ 676.⁰⁰
FEE

\$ 30 chg/letter T.T. Ch 676. ^{80%}

See attached Exhibit A.

Parcel Identification Number (PIN)

This is not homestead property.
(is) (is not)

Grantor warrants that the title to the Property is good, indefeasible in fee simple and free and clear of encumbrances except: any 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 October 12, 2012

Holtz & Krause Real Estate Development, Inc.

(SEAL) *Leonard Salzman* (SEAL)
* Leonard Salzman, President

(SEAL) _____ (SEAL)
* _____

AUTHENTICATION

ACKNOWLEDGMENT

Signature(s) _____
authenticated on _____

STATE OF WISCONSIN
MARATHON COUNTY } ss.

* _____
TITLE: MEMBER STATE BAR OF WISCONSIN
(If not, _____
authorized by Wis. Stat. § 706.06)

Personally came before me on October 12, 2012,
the above-named Leonard Salzman, Resident of Holtz & Krause Real Estate Development, Inc.
to me known to be the person(s) who executed the foregoing instrument and acknowledged the same.

THIS INSTRUMENT DRAFTED BY:

Rebecca L. Pilgrim
Attorney at Law

Rebecca L. Pilgrim
* Rebecca L. Pilgrim
Notary Public, State of Wisconsin
My Commission (is) (is not) _____

Exhibit A.

Legal Description

MARATHON COUNTY/HOLTZ & KRAUSE REAL ESTATE DEVELOPMENT, INC., a Wisconsin corporation

Lot one (1) of Certified Survey Map No. 3862 recorded in the office of the Register of Deeds for Marathon County, Wisconsin, in Volume 14 of Certified Survey Maps on page 160, as Document No. 837035; being a part of the Southeast quarter (SE ¼) of the Northeast quarter (NE ¼) of Section one (1), Township twenty-eight (28) North, Range seven (7) East, and part of the South one-half (S ½) of the Northwest fractional quarter (NW fr' ¼) of Section six (6), Township twenty-eight (28) North, Range eight (8) East, in the City of Wausau, Marathon County, Wisconsin; subject to easements of record.

Tax Key: 2807-011-922

PIN: 37-291-4-2807-011-0922

*✓ SE NE + S ½ NW
DEC 1-28-7 DEC 6-28-8*

Together with a perpetual non-exclusive easement for driveway purposes for the benefit of Parcels one (1) and two (2) of Certified Survey Map No. 3862 recorded in the office of the Register of Deeds for Marathon County, Wisconsin, in Volume 14 of Certified Survey Maps on page 160, as Document No. 837035, as described in Deed recorded in said Register's office in Record Book 52 on page 222, as Document No. 597309.

*291-2808-062-0992
Easement PIN*



DOC# 1632243

1632243 2 2

DOCUMENT NO. 417 PAGE 495 843709

WARRANTY DEED-By Corporation
STATE OF WISCONSIN, FORM 10
MARATHON COUNTY, WI

86 JAN 24 PM 4 02

Volume 417 of W1888
RECORDS BY 4173
Handwritten Signature
REGISTRAR

400clg

THIS INDENTURE, Made by Holtz & Krause Contractors, Inc., a Wisconsin corporation, a Corporation duly organized and existing under and by virtue of the laws of the State of Wisconsin, grantor, of Marathon County, Wisconsin, hereby conveys and warrants to Krause & Holtz Real Estate Development, Inc., a Wisconsin corporation, grantee, of Marathon County, Wisconsin, for the sum of One dollar and other valuable consideration the following tract of land in Marathon County, State of Wisconsin:

RETURN TO
Lonsdorf & Andraski
Waunau, WI

Lot No. 1 as recorded in the office of the Register of Deeds for Marathon County in Document No. 837035, Map No. 3862, in Vol. 14 of Certified Survey Maps at page 160.

WEB
477.25 (3)
EXEMPT

In Witness Whereof, the said grantor has caused these presents to be signed by Tom G. Krause its President, and countersigned by Otto Holtz, its Secretary, at Waunau Wisconsin, and its corporate seal to be hereunto affixed, this 24 day of JANUARY, A. D., 1986.

SIGNED AND SEALED IN PRESENCE OF

HOLTZ & KRAUSE CONTRACTORS, INC.
Corporate Seal
Tom G. Krause President
COUNTERSIGNED
Otto Holtz Secretary

STATE OF WISCONSIN,

Marathon County, ss.

Personally came before me, this 24 day of JANUARY, A. D., 1986, Tom G. Krause, President, and Otto Holtz, Secretary of the above named Corporation, to me known to be the persons who executed the foregoing instrument, and to me known to be such President and Secretary of said Corporation, and advised that they executed the foregoing instrument as such officers as the deed of said Corporation, by its authority.

REC'D FOR RECORD
JAN 24 1986
4:02 PM

This instrument drafted by ROBERT G. GERNATZ Registrar of Deeds
JAMES P. LONSDORF
WAUNAU, WI 54401



Lois J. Waderlein
LOIS J. WADERLEIN
Notary Public Marathon County, Wis.
My Commission Expires 11/15/87

1177818
KRAUSE/HOLTZ & KRAUSE

REGISTER'S OFFICE
MARATHON COUNTY, WI
06-23-1999 10:30 AM

Document Number GROUNDWATER USE RESTRICTION

Declaration of Restrictions

In Re: Lot 1 of Marathon County Certified Survey Map No. 3862, recorded
in Volume 14 of Certified Surveys on Page 160, Document No.
837035.

Michael J. Sydow

STATE OF WISCONSIN)
) SS
COUNTY OF Marathon)

Recording Area

Name and Return Address
Tom Deggan
200 Indiana Ave
Stevens Point, WI 54481
CK 12.10

WHEREAS, Holtz & Krause Real Estate Development Company, Inc. is the
owner of the above-described property.

291.4-2807-011.0922
Parcel Identification Number (PIN) *SENE*

WHEREAS, one or more petroleum discharges have occurred at this property.
Petroleum contaminated groundwater above NR 140 enforcement standards
exists on this property at the following location(s): Benzene was detected in
the groundwater in Monitoring Well MW-3R, located near the center of the
parcel, at a concentration of 8 ug/l, and petroleum soil contamination exists at
the following locations: Petroleum compounds, characterized by the Diesel
Range Organics (DRO) analysis, are believed to be present at the site in a
contiguous elongated area with an axis extending from near the north east property line to a point 150 feet to the
southwest. Concentrations of DRO detected during soil sampling activities ranged from method detection limits to 50,400
mg/kg, with the highest concentrations present near the center of the parcel. Other petroleum constituents were detected,
including, but not limited to, total xylenes at concentrations ranging from method detection limits to 12 mg/kg, and
trimethylbenzenes ranging from method detection limits to 44 mg/kg.

WHEREAS, it is the desire and intention of the property owner to impose on the property restrictions which will make it
unnecessary to conduct additional soil or groundwater remediation activities on the property at the present time.

WHEREAS, natural attenuation has been approved by the Department of Natural Resources to remediate groundwater
exceeding ch. NR 140 groundwater standards within the boundaries of this property.

WHEREAS, construction of wells where the water quality exceeds the drinking water standards in ch. NR 809 is
restricted by ch. NR 811 and ch. NR 812. Special well construction standards or water treatment requirements, or both, or
well construction prohibitions may apply.

NOW THEREFORE, the owner hereby declares that all of the property described above is held and shall be held,
conveyed or encumbered, leased, rented, used, occupied and improved subject to the following limitation and restrictions:

Anyone who proposes to construct or reconstruct a well on this property is required to contact the Department of
Natural Resources' Bureau of Drinking Water and Groundwater, or its successor agency, to determine what
specific requirements are applicable, prior to constructing or reconstructing a well on this property. No well may
be constructed or reconstructed on this property unless applicable requirements are met.

This restriction is hereby declared to be a covenant running with the land and shall be fully binding upon all persons
acquiring the above-described property whether by descent, devise, purchase or otherwise. This restriction benefits and is
enforceable by, the Wisconsin Department of Natural Resources, its successors and assigns. The Department, its
successors or assigns, may initiate proceedings at law or in equity against any person or persons who violate or are
proposing to violate this covenant, to prevent the proposed violation or to recover damages for such violation.

Any person who is or becomes owner of the property described above may request that the Wisconsin Department of Natural Resources or its successor issue a determination that the restrictions set forth in this covenant are no longer required. Upon receipt of such a request, the Wisconsin Department of Natural Resources shall determine whether or not the restrictions contained herein can be extinguished. If the Department determines that the restrictions can be extinguished, an affidavit, with a copy of the Department's written determination, may be recorded to give notice that this groundwater use restriction is no longer binding.

IN WITNESS WHEREOF, the owner of the property has executed this Declaration of Restrictions, this 4 day of May, 1999.

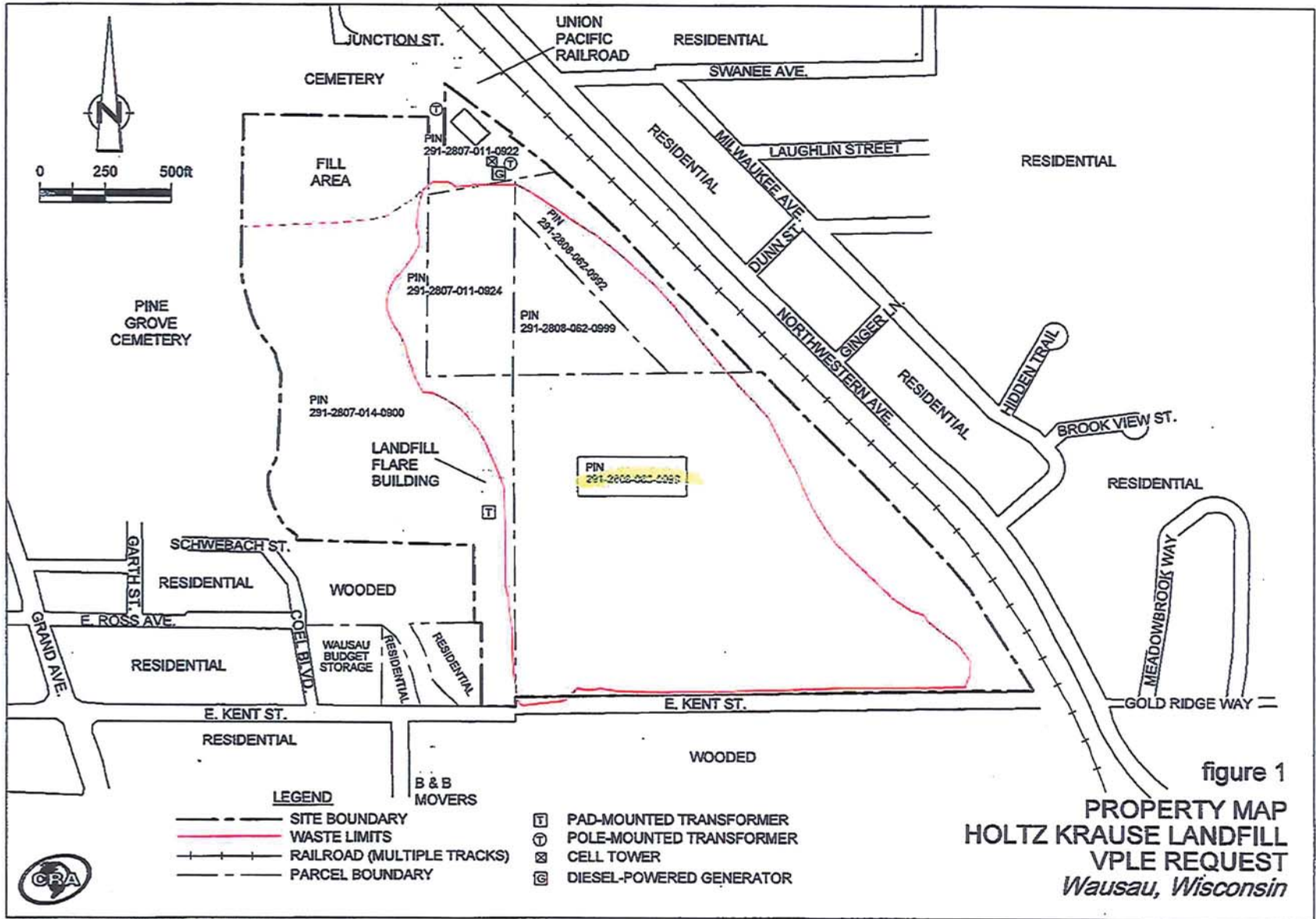
Signature: [Handwritten Signature] Pres.
Printed Name: Tom A Krause

Subscribed and sworn to before me
this 4 day of May, 1999
[Handwritten Signature]
Notary Public, State of WI
My commission 12-1-2002

This document was drafted by the Wisconsin Department of Natural Resources.

The SE¼ of the NE¼, Section 1 Township 28 North, Range 7 East and a part of the South ½ of the NW fractional ¼ Section 6, Township 28 North, Range 8 East, all in the City of Wausau, Marathon County, Wisconsin, described as follows: Commencing at the East ¼ corner of said Section 1; then N0°00'E, 645.22 feet to the point of beginning; thence N80°01'W, 335.07 feet; thence N0°08'E, 185.00 feet; thence N89°53'E, 60.00 feet; thence N0°00'E, 256.92 feet to the southerly right of way line of the Chicago and Northwestern Railway; thence S52°54'E, along said railway right of way line, 326.50 feet; thence continuing along the same said railway right of way line on the following five described courses, thence S38°12'W, 14.05 feet; thence S52°17'E, 226.21 feet; thence along the arc of a curve to the right, whose chord bears S48°41'E, 102.05 feet; thence S48°22'E, 166.52 feet; thence S44°36'E, 816.41 feet to the southerly line of the NW fractional ¼ of said Section 6; thence S87°35'W, along said southerly ¼ line, 323.89 feet; thence N44°36'W, 870.19 feet to the point of beginning.

1177818
KRAUSE, HOLTZ & KRAUSE



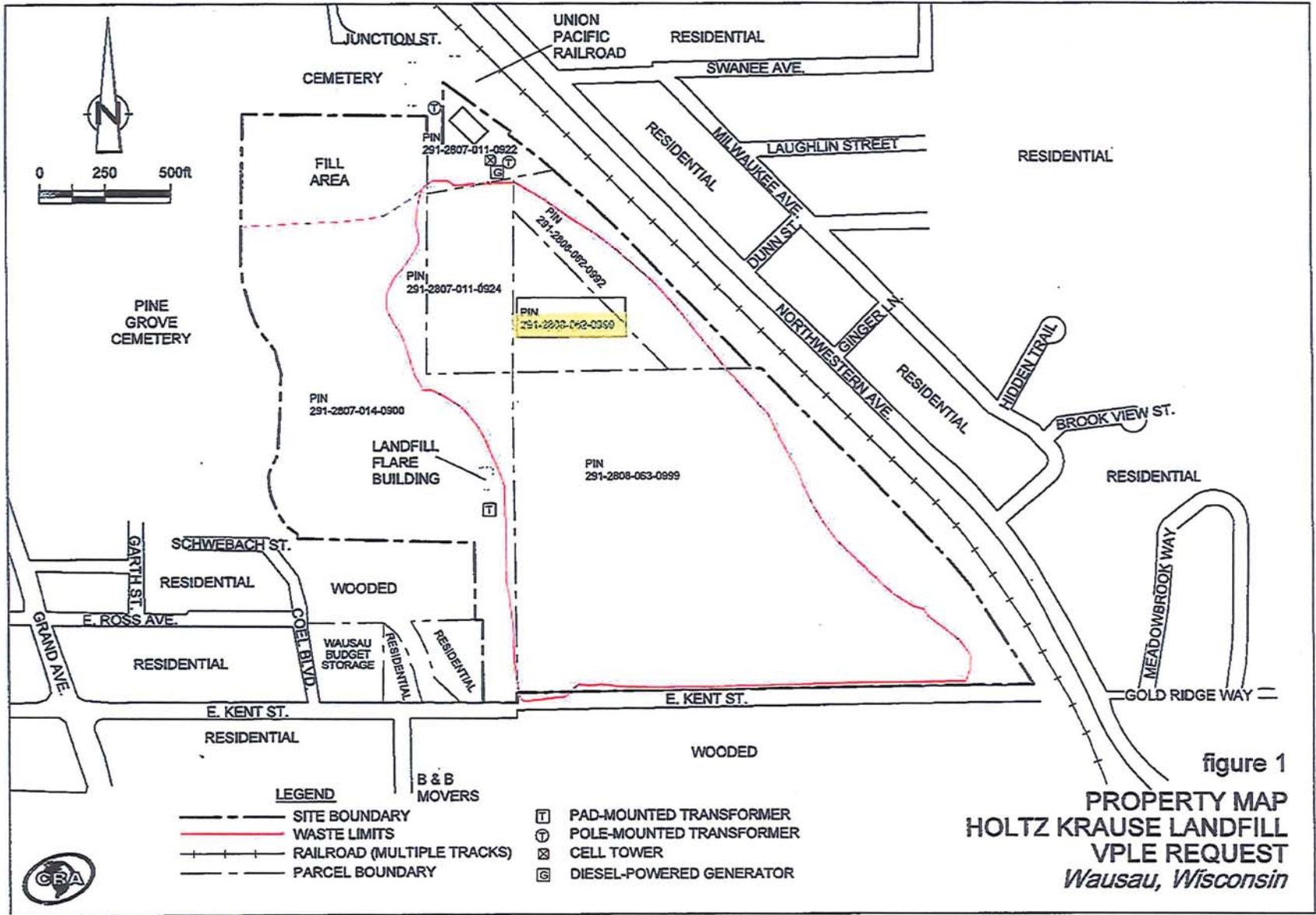


figure 1

**PROPERTY MAP
HOLTZ KRAUSE LANDFILL
VPLE REQUEST
Wausau, Wisconsin**



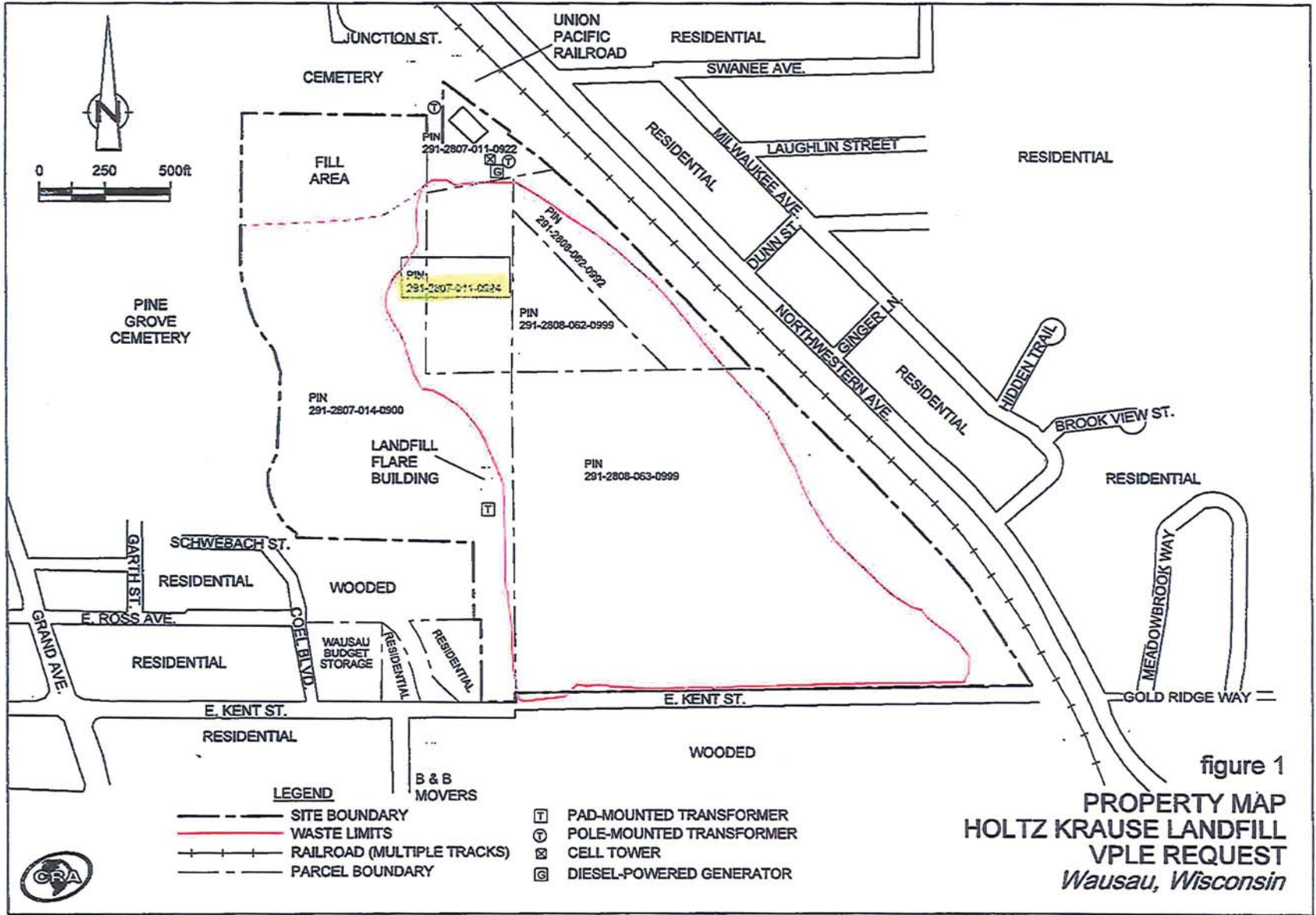


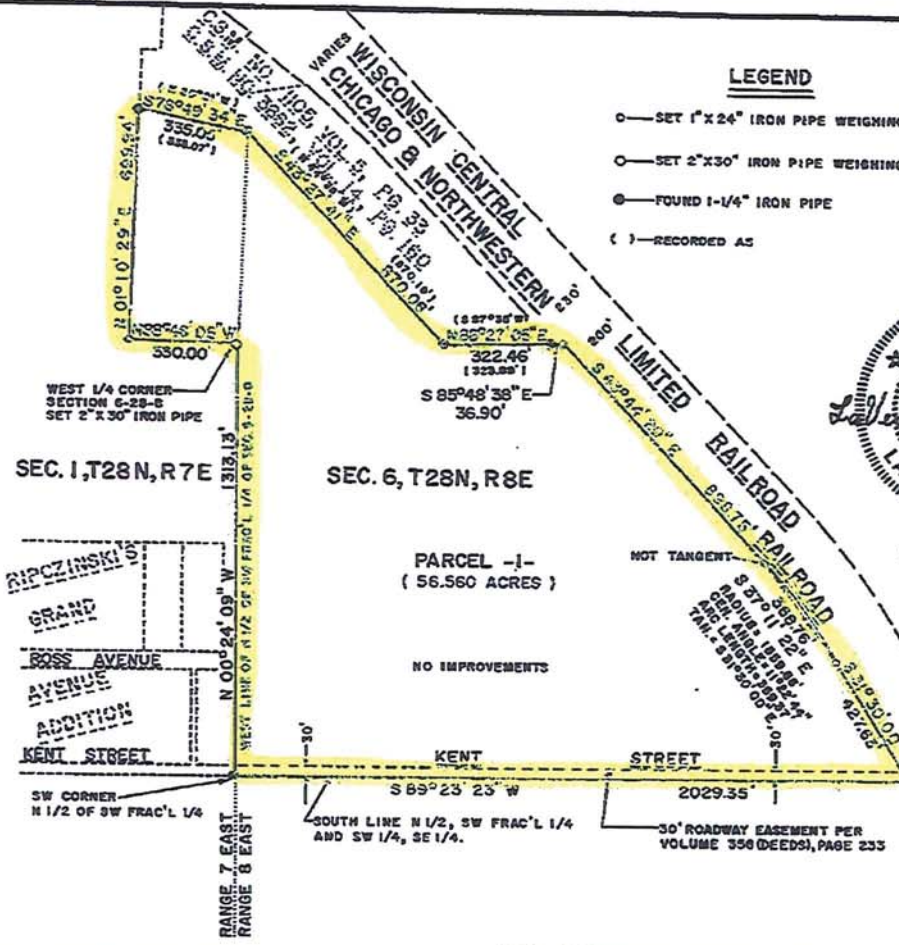
figure 1
PROPERTY MAP
HOLTZ KRAUSE LANDFILL
VPLE REQUEST
Wausau, Wisconsin

JOHN ROBINSON 7192

37,291.4 2808.062.099 s12 nwh
 37,291.4 2808.063.099 n12-swh
 37,291.4 2807.011.099

7192

MARATHON COUNTY CERTIFIED SURVEY MAP
 OF part of the Southeast 1/4 of the Northeast 1/4 of Section 1, Township 28 North, Range 7 East, City of Wausau, Marathon County, Wisconsin, also part of the South 1/4 of the Northwest fractional 1/4 also part of the North 1/4 of the Southwest fractional 1/4 and also part of the Southwest 1/4 of the Southeast 1/4 all in Section 6, Township 28 North, Range 8 East, City of Wausau, Marathon County, Wisconsin.



LEGEND

- SET 1" X 24" IRON PIPE WEIGHING 1.68 LBS./FT.
- SET 2" X 30" IRON PIPE WEIGHING 3.65 LBS./FT.
- FOUND 1-1/4" IRON PIPE
- () RECORDED AS



BEARINGS REFERENCED TO THE WEST LINE OF THE NORTH 1/2 OF THE SW FRAC'L 1/4 OF SECTION 6, T 28 N, R 8 E. ASSUMED TO BEAR N 00° 24' 09" W.



THIS INSTRUMENT DRAFTED BY: R.D. MEYER

MARATHON COUNTY CERTIFIED SURVEY MAP

I, LaVerne H. Mosher, Registered Land Surveyor, hereby certify:
That I have surveyed, divided and mapped that part of the Southeast $\frac{1}{4}$ of the Northeast $\frac{1}{4}$ of Section 1, Township 28 North, Range 7 East, City of Wausau, Marathon County, Wisconsin; also part of the South $\frac{1}{4}$ of the North-West fractional $\frac{1}{4}$; also part of the North $\frac{1}{4}$ of the Southwest fractional $\frac{1}{4}$ and also part of the Southwest $\frac{1}{4}$ of the Southeast $\frac{1}{4}$; all in Section 6, Township 28 North, Range 8 East, City of Wausau, Marathon County, Wisconsin, described as follows:

Beginning at the West $\frac{1}{4}$ corner of said Section 6, Township 28 North, Range 8 East; thence N 88° 48' 06" W, 330.00 feet; thence N 01° 10' 29" E, 699.94 feet; thence S 78° 49' 34" E, 335.05 feet; thence S 43° 27' 41" E, 870.06 feet; thence N 88° 27' 05" E, 322.46 feet; thence S 85° 48' 38" E, 36.90 feet to the Southwesterly right-of-way line of the Wisconsin Central Limited Railroad and also the Chicago & Northwestern Railroad; thence S 43° 44' 20" E along the said Southwesterly right-of-way line of the Wisconsin Central Limited and Chicago & Northwestern Railroads, 898.75 feet; thence continuing along the said Southwesterly right-of-way line of the Wisconsin Central Limited and Chicago & Northwestern Railroads, along the arc of a curve, concave Southwesterly, having a radius of 1859.86 feet, whose long chord bears S 37° 11' 22" E, 368.76 feet; thence continuing along the said Southwesterly right-of-way line of the said Wisconsin Central Limited and Chicago & Northwestern Railroads along a line bearing S 31° 30' 00" E, 427.65 feet to a point on the South line of the said Southwest $\frac{1}{4}$ of the Southeast $\frac{1}{4}$ of said Section 6; thence S 89° 23' 23" W along the South line of the said Southwest $\frac{1}{4}$ of the Southeast $\frac{1}{4}$ and also along the South line of the said North $\frac{1}{4}$ of the Southwest fractional $\frac{1}{4}$ of said Section 6, 2029.35 feet to the Southwest corner of the said North $\frac{1}{4}$ of the Southwest fractional $\frac{1}{4}$; thence N 00° 24' 09" W along the West line of the said North $\frac{1}{4}$ of the Southwest fractional $\frac{1}{4}$, 1313.13 feet to the point of beginning. Said described parcel is subject to roadway, driveway and utility easements of record and usage.

That I have made such survey, land division and plat by the direction of John Robinson and the Holtz-Krause Landfill Steering Committee.

That such plat is a correct representation of all exterior boundaries of the land surveyed and the subdivision thereof made.

That I have fully complied with the provisions of Chapter 236.34 of the Wisconsin Statutes, Chapter A-8 7 of the Wisconsin Administrative Code, and the Subdivision Regulations of the City of Wausau in surveying, dividing and mapping the same.

Dated this 12th day of March, 1993.



LaVerne H. Mosher
LaVerne H. Mosher
R.L.S. No. S-1188

Prepared by:
LHM SURVEYING
4203 Schofield Avenue
Schofield WI 54476

Prepared for:
Holtz-Krause Landfill Steering
Committee - John Robinson
P.O. Box 31
Wausau WI 54402-0031

0989218
JOHN ROBINSON 7192
REGISTER'S OFFICE
REC'D FOR REC'D
MARATHON CO. WI
03-15-1993 08:32 AM
AND REC'D IN VOL. 27.

OF CSM ON PAGE 175.
Michael J. Sydor
REGISTER

Pd ck 12⁰⁰

State Bar of Wisconsin Form 1-2003
WARRANTY DEED

Document Number

Document Name



DOC# 1632244

THIS DEED, made between HOLTZ & KRAUSE CONTRACTORS, INC., a
Wisconsin corporation

_____ ("Grantor," whether one or more),
and MARATHON COUNTY, a Municipal corporation of the State of Wisconsin

_____ ("Grantee," whether one or more).

Grantor, for a valuable consideration, conveys to Grantee the following described real estate, together with the rents, profits, fixtures and other appurtenant interests, in Marathon County, State of Wisconsin ("Property") (if more space is needed, please attach addendum):

See attached legal description as Exhibit A.

TRANSFER

\$ 139. ²⁰⁰⁰
FEE

Recording Area

Name and Return Address

Marathon County
500 Forest Street
Wausau, WI 54403

\$ 30.00 Rates T.T. Ck 139.20

See attached Exhibit A.

Parcel Identification Number (PIN)

This _____ is not _____ homestead property.
(is) (is not)

Grantor warrants that the title to the Property is good, indefeasible in fee simple and free and clear of encumbrances except: any 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 October 12, 2012

Holtz & Krause Contractors, Inc., a Wisconsin corporation
By:

(SEAL) Leonard Salzman (SEAL)
* Leonard Salzman, President

(SEAL) _____ (SEAL)
* _____

AUTHENTICATION

ACKNOWLEDGMENT

Signature(s) _____
authenticated on _____

STATE OF WISCONSIN)
MARATHON COUNTY) ss.

TITLE: MEMBER STATE BAR OF WISCONSIN
(If not, _____
authorized by Wis. Stat. § 706.06)

Personally came before me on 10-12-2012,
the above-named Leonard Salzman, President of Holtz & Krause Contractors, Inc., a Wisconsin corporation
to me known to be the person(s) who executed the foregoing instrument and acknowledged the same.

THIS INSTRUMENT DRAFTED BY:

Rebecca L. Pilgrim
Attorney at Law

Rebecca L. Pilgrim
Notary Public, State of Wisconsin
My Commission (is permanent) _____

Exhibit A.

Legal Description

MARATHON COUNTY/HOLTZ & KRAUSE CONTRACTORS, INC., a Wisconsin corporation

Lot two (2) of Certified Survey Map No. 3862 recorded in the office of the Register of Deeds for Marathon County, Wisconsin, in Volume 14 of Certified Survey Maps on page 160, as Document No. 837035; being a part of the Southeast quarter (SE ¼) of the Northeast quarter (NE ¼) of Section one (1), Township twenty-eight (28) North, Range seven (7) East, and part of the South one-half (S ½) of the Northwest fractional quarter (NW fr'1 ¼) of Section six (6), Township twenty-eight (28) North, Range eight (8) East, in the City of Wausau, Marathon County, Wisconsin; subject to easements of record; and

Parcel one (1) of Certified Survey Map No. 7192 recorded in the office of the Register of Deeds for Marathon County, Wisconsin, in Volume 27 of Certified Survey Maps on page 175, as Document No. 989218; excepting the South four (4) rods thereof; being a part of the Southeast quarter (SE ¼) of the Northeast quarter (NE ¼) of Section one (1), Township twenty-eight (28) North, Range seven (7) East, part of the South one-half (S ½) of the Northwest fractional quarter (NW fr'1 ¼); part of the North one-half (N ½) of the Southwest fractional quarter (SW fr'1 ¼); and part of the Northwest quarter (NW ¼) of the Southeast quarter (SE ¼) of Section six (6), Township twenty-eight (28) North, Range eight (8) East, in the City of Wausau, Marathon County, Wisconsin; subject to easements of record.

Together with a perpetual non-exclusive easement for driveway purposes for the benefit of Parcels one (1) and two (2) of Certified Survey Map No. 3862 recorded in the office of the Register of Deeds for Marathon County, Wisconsin, in Volume 14 of Certified Survey Maps on page 160, as Document No. 837035, as described in Deed recorded in said Register's office in Record Book 52 on page 222, as Document No. 597309. *291-2808-062-0992 Easement Pin*

| | |
|-----------------------|--|
| Tax Key: 2808-063-999 | PIN: 37-291-4-2808-063-0999 ✓ N 1/2 SW v NW SE |
| 2808-062-999 | 37-291-4-2808-062-0999 ✓ S 1/2 NW |
| 2808-062-992 | 37-291-4-2808-062-0992 ✓ SENE v S 1/2 NW |
| 2807-011-924 | 37-291-4-2807-011-0924 ✓ SENE |



DOC# 1632244

DOCUMENT NO.

797352
356 PAGE 232

QUIT CLAIM DEED
STATE BAR OF WISCONSIN - FORM 9
THIS STATE RECEIVES THE RECORDING DATA
REGISTRATION COUNTY, WI } 99
*02 DEC 20 PM 3 51

Volume 356 of MICRO-
RECORDS on page 24-233
INDEXED BY
REGISTRATION

RETURN TO
Lonsdorf & Andraski
P. O. Box 872
Wausau, WI 54401

797352
797352
6.00

Holtz & Krauss, Inc., a Wisconsin Corporation,
quit claims to Holtz & Krauss Corporation, Inc., a
Wisconsin Corporation,
the following described real estate in Marathon County,
State of Wisconsin:

(See attached description)

Tax Key No

TRANSFER
\$ 43.50
FEE

This is not
(is) (is not)
Dated this 26th day of December, 1982

HOLTZ & KRAUSS, INC.
By William F. Krauss (SMAL)
William F. Krauss, III
By Tom G. Krauss (SMAL)
Tom G. Krauss

AUTHENTICATION
Signatures authenticated this 26th day of
December, 1982
James P. Lonsdorf
TITLE MEMBER STATE BAR OF WISCONSIN
(If not
authorized by § 708.06, Wis. Stats.)

ACKNOWLEDGMENT
STATE OF WISCONSIN
County, }
Personally came before me, this day of
the above named
to me known to be the person who executed the
foregoing instrument and acknowledge the same.
Notary Public County, Wis.
My Commission is permanent. (If not, state expiration
date)

THIS INSTRUMENT WAS DRAFTED BY
James P. Lonsdorf of Lonsdorf & Andraski
610 JACKSON EC., P.O. BOX 872
WAUSAU, WI 54401
(Signatures may be authenticated or acknowledged. Both
are not necessary.)
The use of witnesses is optional.

*Name printed above in any capacity shall be typed or printed below their signature.

That part of the Southeast quarter (SE-1/4) of the Northeast quarter (NE-1/4) of Section one (1), Township twenty-eight (28) North, Range seven (7) East, in the City of Wauau, described as follows:

356 PAGE 233

Beginning at a point 330 feet West and 600 feet South of the Northeast corner of said SE-1/4 of NE-1/4; thence Southeasterly, at an included angle of 79° 58', 338.20 feet to the East line of said SE-1/4 of NE-1/4; thence South, on said East line, 660.79 feet to the Southeast corner of said SE-1/4 of NE-1/4; thence West, at right angles, 330 feet; and thence North, at right angles, 720 feet to the point of beginning; also

That part of the South one-half (S-1/2) of the Northwest fractional quarter (NW fr'1-1/4) of Section six (6), Township twenty-eight (28) North, Range eight (8) East, described as follows:

Beginning at a point on the West line of said S-1/2 of NW fr'1-1/4 which is 689.21 feet South of the Northwest corner thereof; thence Southeasterly, at an included angle of 39° 14', 852.30 feet to an iron pipe on the South line of said S-1/2 of NW fr'1-1/4; thence West, on said South line, 538.87 feet to the Southwest corner of said S-1/2 of NW fr'1-1/4; and thence North, on the West line of said S-1/2 of NW fr'1-1/4, 660.79 feet to the point of beginning; also

All that part of the North one-half (N-1/2) of the Southwest fractional quarter (SW fr'1-1/4) and of the Northwest quarter (NW-1/4) of the Southeast quarter (SE-1/4) of Section six (6), Township twenty-eight (28) North, Range eight (8) East, lying Southerly and Westerly of the railroad rights-of-way, subject to an easement for roadway purposes 30 feet in width extending West from the existing public crossing over the railroad tracks located in the NW-1/4 of SE-1/4, also subject to utility easements; also

All that part of the Southwest quarter (SW-1/4) of the Southeast quarter (SE-1/4) of Section six (6), Township twenty-eight (28) North, Range eight (8) East, lying southwesterly of the right-of-way of the Chicago, Milwaukee, St. Paul and Pacific Railway Company (formerly the Chicago, Milwaukee and St. Paul Railway Company); subject to utility easements.

REC'D FOR RECORD
DEC 20 1902
ROBERT B. GUMNITZKY
Register of Deeds

DOCUMENT NO. 417 PAGE 496 843710

WARRANTY DEED-By Corporation
STATE OF WISCONSIN-FORM 10
THIS SPACE RESERVED FOR RECORDING DATA

REGISTER'S OFFICE
Marathon County, WI

86 JAN 14 1987

Volume 417 of RECORDS

INDEXED on page 496

RETURN TO ROBERT G. GERNISTERS
Lonsdorf & Andraski
WAUSAU, WI

843710
8-15

400.00

THIS INSTRUMENT, Made by Krause & Holtz Real Estate Development, Inc., a Corporation duly organized and existing under and by virtue of the laws of the State of Wisconsin, grantor, of Marathon County, Wisconsin, hereby conveys and warrants to Holtz & Krause, Contractors, Inc., a Wisconsin corporation, of Marathon County, Wisconsin, for the sum of One dollar and other valuable consideration the following tract of land in Marathon County, State of Wisconsin:

Lot No. 2 as recorded in the office of the Register of Deeds for Marathon County in Document No. 837035, Map No. 3882, in Vol. 14 of Certified Survey Maps at page 160.

REG
77.25 (3)
EXEMPT

In Witness Whereof, the said grantor has caused these presents to be signed by Tom G. Krause, its President, and countersigned by Otto Holtz, its Secretary, at Wausau, Wisconsin, and its corporate seal to be hereunto affixed, this 14 day of January, A. D., 1987.

SIGNED AND SEALED IN PRESENCE OF

KRAUSE & HOLTZ REAL ESTATE DEVELOPMENT, INC.

Corporate Name

Tom G. Krause President

Otto Holtz Secretary

Otto Holtz

STATE OF WISCONSIN,

Marathon County,) ss.

Personally came before me, this 14 day of JANUARY, 1987, Tom G. Krause, Secretary of the above named Corporation, to me known to be the persons who executed the foregoing instrument, and to me known to be such President and Secretary of said Corporation, and acknowledged that they executed the foregoing instrument as the deed of said Corporation, by its authority.

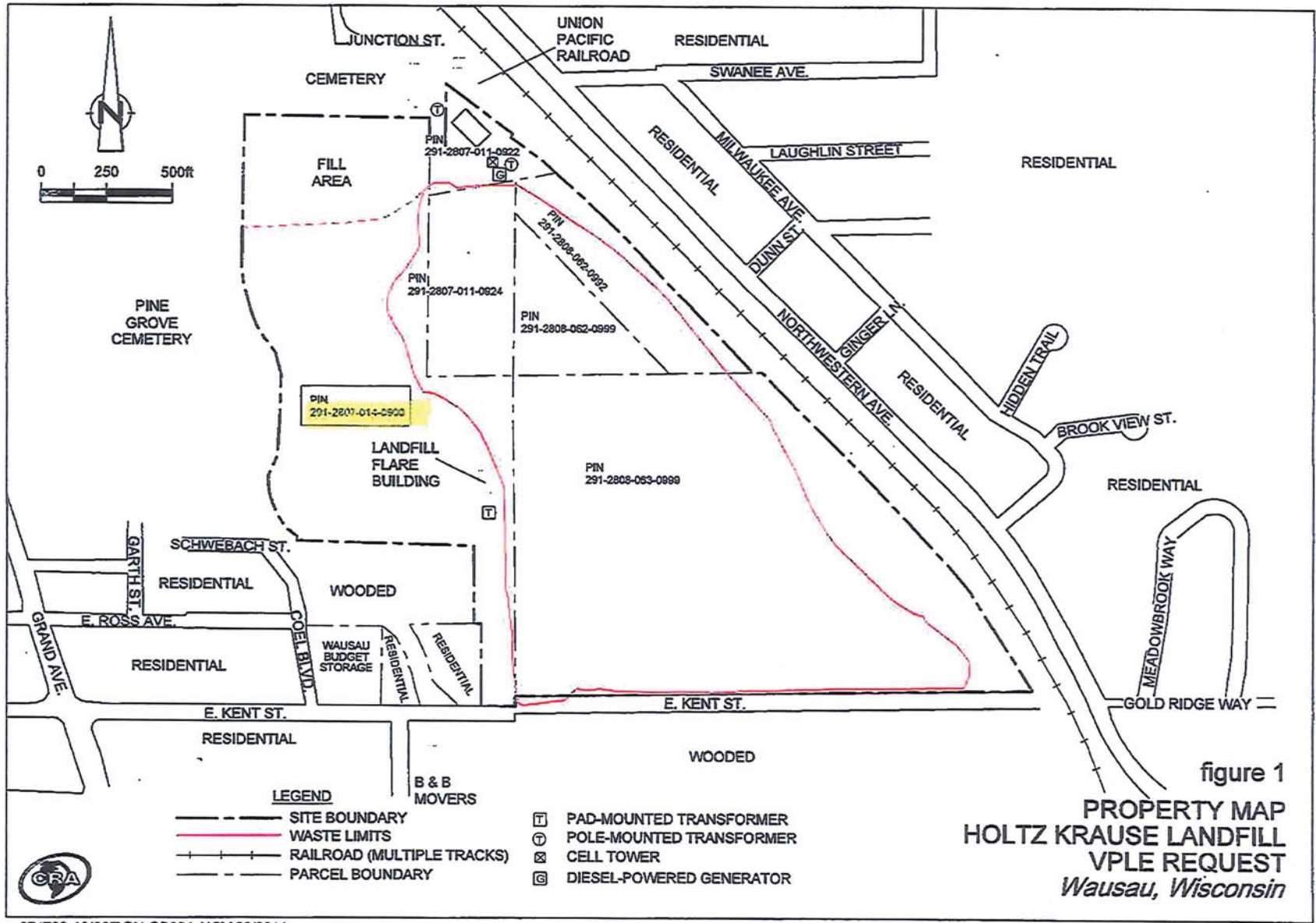
REC'D FOR RECORD
JAN 24 1987
4:02 PM



This instrument drafted by
JAMES P. LONSDORF
WAUSAU, WI 54401.

ROBERT G. GERNISTERS
Register of Deeds

Luis J. Haderlein
L. J. HADERLEIN
Notary Public Marathon County, Wis.
My Commission (Expires) 11/15/87



State Bar of Wisconsin Form 3 - 2003

QUIT CLAIM DEED

Document Number

Document Name



DOC# 1586904

THIS DEED, made between Wausau Cemetery Association, a Wisconsin non-profit corporation

and Wausau Curling Club, Inc., a Wisconsin non-profit corporation

(Grantor, "whether one or more),
("Grantor," whether one or more).

Grantor, quit claims to Grantee the following described real estate, together with the rents, profits, fixtures and other appurtenant interests, in Marathon County, State of Wisconsin ("Property")

(if more space is needed, please attach addendum):
See legal description on attached Addendum.

Michael J. Sydzio

FEE

#77.25 (13)
EXEMPT

Recording Area

Name and Return Address
Wausau Curling Club, Inc.
PO Box 627
Wausau, WI 54402-0627

CL 30.00

37-291-4-2807-014-0903 ✓ *NESE*

Parcel Identification Number (PIN)

This is not homestead property.
(is) (is not)

Dated April 7, 2010

Wausau Cemetery Association

Melvin L. Sandquist
* By Melvin L. Sandquist
President and Authorized Representative

(SEAL)

BY Donald Howard
Authorized Representative

(SEAL)

Donald Howard, Treas. (SEAL)

AUTHENTICATION

Signature(s) _____

authenticated on _____

TITLE: MEMBER STATE BAR OF WISCONSIN

(If not, _____
authorized by Wis. Stat. § 706.06)

THIS INSTRUMENT DRAFTED BY:

Attorney Cal R. Tillisch
PO Box 2188, Wausau, WI 54402-2188

ACKNOWLEDGMENT

STATE OF WISCONSIN

Marathon COUNTY

Personally came before me on April 7, 2010
the above-named Melvin L. Sandquist, Donald Howard, and Donald Howard, Treas.
to me known to be the person(s) who, executed the foregoing instrument and acknowledged the same to be his/their act and deed.

Cal R. Tillisch
* Cal R. Tillisch
Notary Public, State of Wisconsin
My Commission (is permanent) (expires: _____)

(Signatures may be authenticated or acknowledged. Both are not necessary.)
NOTE: THIS IS A STANDARD FORM. ANY MODIFICATIONS TO THIS FORM SHOULD BE CLEARLY IDENTIFIED.
QUIT CLAIM DEED STATE BAR OF WISCONSIN FORM No. 3-2003

Legal Description:

The North one-half (N ½) of the Northeast quarter (NE ¼) of the Southeast quarter (SE ¼) of Section one (1), Township twenty-eight (28) North, Range seven (7) East, in the City of Wausau, Marathon County, Wisconsin; and

Outlot two (2) of Certified Survey Map No. 14808 recorded in the office of the Register of Deeds for Marathon County, Wisconsin in Volume 66 of Certified Survey Maps on page 80; being part of the South one-half (S ½) of the Northeast quarter (NE ¼) of the Southeast quarter (SE ¼) of Section one (1), Township twenty-eight (28) North, Range seven (7) East, in the City of Wausau, Marathon County, Wisconsin.

Except the North three hundred (300) feet thereof.

Tax key: 2807-014-903

PIN: 37-291-4-2807-014-0903 ✓



DOC# 1586904

STATE OF WISCONSIN - MARATHON COUNTY
RECORDED
12/28/2010 10:37:37 AM
MICHAEL J. BYDOW, REGISTER OF DEEDS

This Deed, made between ROMAN R. PRZYBYLSKI
a single person,



Doc # 1586905

Grantor,
and WAUSAU CURLING CLUB, INC., a non-profit
corporation,

Michael J. Sydow

Grantee,
Witnesseth, That the said Grantor, for a valuable consideration
ROMAN R. PRZYBYLSKI
conveys to Grantee the following described real estate in Marathon
County, State of Wisconsin:

RETURN TO: *Carl R. Tillisch - aka Enc*
816 N. 3rd St. Wausau, WI.

FEE

OK 30.00
Tax Parcel No:

#77.25 (13)
EXEMPT

PIN: 37.291.4.2807.014.0032 ✓ Lot 2
37.291.4.2807.014.0035 ✓ Lot 3

#6470

Lot two (2) in Block four (4); and

Lot three (3) in Block five (5) of Ripezinske's Grand Avenue
Addition, in the City of Wausau.

This is homestead property.
(is) (is not)

Together with all and singular the hereditaments and appurtenances thereto belonging;
And..... Roman R. Przybylski
warrants that the title is good, indefeasible in fee simple and free and clear of encumbrances except
any easements, restrictions or reservations of record or by use; and
any portions thereof used for highway purposes;
and will warrant and defend the same.

Dated this 30th day of May, 1994

(SEAL) Roman R. Przybylski (SEAL)

• Roman R. Przybylski

(SEAL) (SEAL)

AUTHENTICATION

ACKNOWLEDGMENT

Signature(s) Roman R. Przybylski

STATE OF WISCONSIN

authenticated this 30th day of May, 1994

MARATHON County, Wis.

Personally came before me this day of

1994 the above named
ROMAN R. PRZYBYLSKI,

Notary Public, MEMBER STATE BAR OF WISCONSIN
(If not, JAMES P. LONSDORF
authorized by § 706.08, Wis. Stats.)

to me known to be the person who executed the
foregoing instrument and acknowledge the same.

THIS INSTRUMENT WAS DRAFTED BY
Atty. James P. Lonsdorf of
Lonsdorf & Andraski
Wausau, WI 54403
(Signatures may be authenticated or acknowledged. Both
are not necessary.)

Notary Public Marathon County, Wis.
My Commission is permanent (If not, state expiration
date:, 19.....)

QUIT CLAIM DEED

Document Number



DOC # 1586906

This Deed, made between Roman R. Przybylki

Grantor,
and Wausau Curling Club, Inc., a Wisconsin non-profit corporation

Michael J. Sydow

Grantee,
Grantor, quit claims to Grantee, the following described real estate
in Marathon County, State of Wisconsin; (if more space
is needed, please attach addendum)

See attached legal description

Recording Area

Name and Return Address *See Encl.*
Attorney Cal R. Tillisch
Goyke, Tillisch & Higgins, LLP
P.O. Box 2188
Wausau, WI 54402-2188 *Ch. 30th*

FEE

#77.25 (B)
EXEMPT

Part of 291-2807-014-0035 *Lot 3*
Part of 291-2807-014-0032 *" 2*

Parcel Identification Number (PID) *#6470*

This is not homestead property
(is) (is not)

Together with all appurtenant rights, title and interests.

Dated this 17 day of December, 2010

(USE BLACK INK FOR ALL WRITING)

Roman R. Przybylki
* Roman R. Przybylki

AUTHENTICATION

Signature(s) _____
authenticated this _____ day of _____

ACKNOWLEDGMENT

STATE OF WISCONSIN)
Marathon County,) ss.
Personally came before me this 17 day of
December, 2010 the above named
Roman R. Przybylki

TITLE: MEMBER STATE BAR OF WISCONSIN

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

THIS INSTRUMENT WAS DRAFTED BY

Attorney Cal R. Tillisch
816 N. Third Street, Wausau, WI

to me known to be the person
the foregoing instrument and acknowledged the fact
Cal R. Tillisch
Notary Public, State of Wisconsin
My Commission is permanent (if not, expiration date: _____)

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

*Name: of persons signing in this capacity must be typed or printed below their signature.

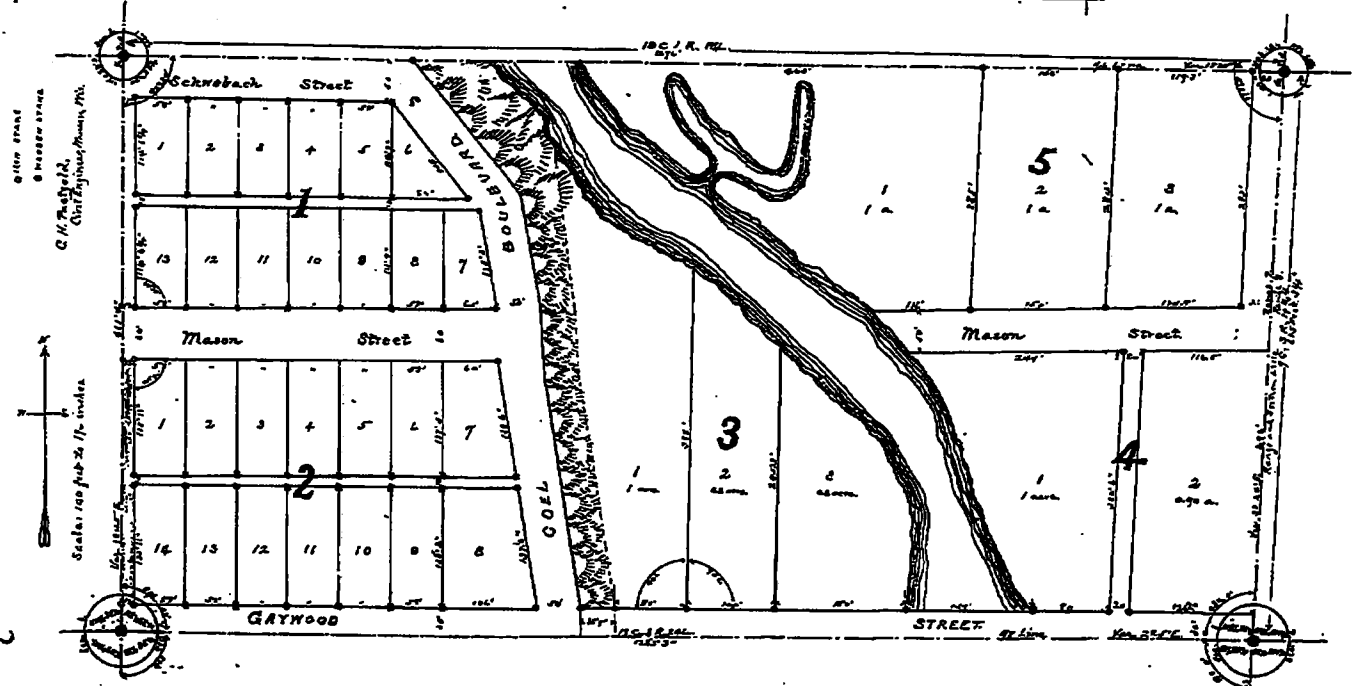
Lot three (3) in Block five (5) of Ripczinske's Grand Avenue Addition, including the north one half (N ½) of vacated Ross Avenue lying south of said Lot, including the vacated thirty three (33) feet lying east of said Lot, in the City of Wausau, Marathon County, Wisconsin.

AND

Lot two (2) in Block four (4) of Ripczinske's Grand Avenue Addition, including the south one half (S ½) of vacated Ross Avenue lying north of said Lot, also the east ten (10) feet of the vacated portion lying west of said Lot, in the City of Wausau, Marathon County, Wisconsin.



DOC# 1586906



**RIPOLINSKIS'S
Grand Avenue Addition.**

Attest of the County Clerk of Wisconsin, County of Winnebago, Wis.
 I, C. H. Oudry, County Clerk, do hereby certify that the above plat of Grand Avenue Addition, containing 15 lots, was duly filed for record in the office of the County Clerk of Winnebago County, Wisconsin, on the 11th day of June, A.D. 1917, at 10 o'clock A.M., and that the same was duly recorded in the office of the County Clerk of Winnebago County, Wisconsin, on the 11th day of June, A.D. 1917, at 10 o'clock A.M., and that the same is now a part of the public records of the County Clerk of Winnebago County, Wisconsin.

C. H. Oudry, County Clerk of Winnebago County, Wisconsin.
 Attest of the County Clerk of Wisconsin, County of Winnebago, Wis.
 I, C. H. Oudry, County Clerk, do hereby certify that the above plat of Grand Avenue Addition, containing 15 lots, was duly filed for record in the office of the County Clerk of Winnebago County, Wisconsin, on the 11th day of June, A.D. 1917, at 10 o'clock A.M., and that the same was duly recorded in the office of the County Clerk of Winnebago County, Wisconsin, on the 11th day of June, A.D. 1917, at 10 o'clock A.M., and that the same is now a part of the public records of the County Clerk of Winnebago County, Wisconsin.

Call Meeting of Owners
 The County Clerk of Winnebago County, Wisconsin, do hereby certify that the following certificate of Grand Avenue Addition, containing 15 lots, was duly filed for record in the office of the County Clerk of Winnebago County, Wisconsin, on the 11th day of June, A.D. 1917, at 10 o'clock A.M., and that the same was duly recorded in the office of the County Clerk of Winnebago County, Wisconsin, on the 11th day of June, A.D. 1917, at 10 o'clock A.M., and that the same is now a part of the public records of the County Clerk of Winnebago County, Wisconsin.

Call Meeting of Owners
 The County Clerk of Winnebago County, Wisconsin, do hereby certify that the following certificate of Grand Avenue Addition, containing 15 lots, was duly filed for record in the office of the County Clerk of Winnebago County, Wisconsin, on the 11th day of June, A.D. 1917, at 10 o'clock A.M., and that the same was duly recorded in the office of the County Clerk of Winnebago County, Wisconsin, on the 11th day of June, A.D. 1917, at 10 o'clock A.M., and that the same is now a part of the public records of the County Clerk of Winnebago County, Wisconsin.

Attest of the County Clerk of Wisconsin, County of Winnebago, Wis.
 I, C. H. Oudry, County Clerk, do hereby certify that the above plat of Grand Avenue Addition, containing 15 lots, was duly filed for record in the office of the County Clerk of Winnebago County, Wisconsin, on the 11th day of June, A.D. 1917, at 10 o'clock A.M., and that the same was duly recorded in the office of the County Clerk of Winnebago County, Wisconsin, on the 11th day of June, A.D. 1917, at 10 o'clock A.M., and that the same is now a part of the public records of the County Clerk of Winnebago County, Wisconsin.

(For your certificate of approval)
 All the lots of this plat are
 in compliance with the provisions of
 Chapter 191 of the Statutes of
 Wisconsin, and the same are
 subject to the provisions of
 Chapter 191 of the Statutes of
 Wisconsin.

DOCUMENT NO.

VOL 183 PAGE 612
665033

STATE MAP OF WISCONSIN - FORM 1
THIS SPACE RESERVED FOR RECORDING DATA

By This Deed, Floyd C. Marten and Navia D. Marten, his wife, and each in his own right, create and warrants to Donald J. Johnson and Shirley M. Johnson, husband and wife, as joint tenants, for a valuable consideration of one dollar (\$1.00) and other good and valuable consideration, the following described real estate in Marathon County, State of Wisconsin:

The North 363 feet of the East 240 feet of the West 750 feet of Government Lot six (6) in Section six (6), Township twenty-eight (28) North, Range nine (9) East, excepting the North two and one-half (2 1/2) rods thereof, and excepting the 80% of the gas, oil and mineral rights reserved by the Federal Land Bank as recorded in Deed recorded in Volume 304, Page 601, in the Register of Deeds Office in and for Marathon County, Wisconsin.

RETURN TO

Tax Key #
This is homestead property.

TRANSFER
\$25.00
FEB

Exception to warranties: Subject to easements, conditions, covenants, restrictions and reservations of record.

Executed at MARQUAN RAPIDS this 7th day of March 1974.
SIGNED AND SEALED IN PRESENCE OF
Harlan J. Clark
Roger H. Niemann
Floyd C. Marten (SEAL)
Navia D. Marten (SEAL)

Signatures of
witnessed this day of 1974

Notary Public, Member State Bar of Wisconsin as Other Party
Authorized under Sec. 706.05 et seq.

STATE OF WISCONSIN
Marathon County
Personally came before me, this day of March 1974, the above named Floyd C. Marten and Navia D. Marten to me known to be the persons who executed the foregoing instrument and acknowledged to me that they executed the same for the purposes and consideration therein expressed.

THIS INSTRUMENT WAS DRAFTED BY
Colin D. Piets
Attorney at Law
Neenah, Wisconsin
The use of witnesses is optional.
MAR 8 1974
Notary Public, Marathon County, Wis.

Names of persons signing in any capacity should be typed or written below their signatures

WISCONSIN

STATE OF WISCONSIN
NOTARY PUBLIC

NOTARY PUBLIC
MAR 8 1974

WARRANTY DEED

WL 575/HA 37

This Deed, made between **ROMAN R. PRZYBYLAKI**, a single person, Grantor, and **STATE OF WISCONSIN**, Grantee, Witnesseth, that the said Grantor, for a valuable consideration, conveys to Grantee the following described real estate in **DANE COUNTY, STATE OF WISCONSIN**

TO HAVE AND TO HOLD TO SAID GRANTEE

For and to the Use of

PIN: 37.801.4.2807.014.0032
37.801.4.2807.014.0035

+ 6470

Lot two (2) in Block four (4); and

Lot three (3) in Block five (5) of Riposinko's Grand Avenue Addition, in the City of WAUKESHA.

This is a homestead property.

Together with all and singular the hereditaments and appurtenances thereto belonging, **Roman R. Przybylaki** warrants that this title is good, indefeasible in fee simple and free and clear of encumbrances except any encumbrances, restrictions or reservations of record or by use; and any portions thereof used for highway purposes; and will warrant and defend the same.

Dated this 18th day of April, 1999

(GRANTOR)

Roman R. Przybylaki (GRANTOR)

(GRANTEE)

(GRANTEE)

AUTHENTICATION

Signature(s)

authenticated this 18th day of April, 1999

TITLE: **WARDEN STATE OF WISCONSIN**

(If not certified by a Notary Public, this instrument is void.)

THIS INSTRUMENT WAS CREATED BY **ANN JAMES F. LONDORP** of **WAUKESHA COUNTY, WISCONSIN**

(If created by a Notary Public, this instrument is void unless it is authenticated or acknowledged, with date and commission.)

ACKNOWLEDGMENT

STATE OF WISCONSIN

WAUKESHA County.

Personally came before me this 18th day of April, 1999, the above named **Roman R. Przybylaki**, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged the same.

Notary Public, **Ann James F. Londorp**, County, Wis.
My Commission is **unexpired** (or not, state expiration date)

VOL. 675 PAGE 31

HOLTZ & KRAUSE LANDFILL/ROMAN R. PRZYBYLSKI
RIGHT OF POSSESSION AGREEMENT

THIS AGREEMENT (hereinafter referred to as the "Agreement") made and effective as of the 3rd day of May, 1994, by Roman R. Przybylski ("Owner") and Holtz Krause Landfill Cleanup Steering Committee, an unincorporated association ("Occupant").

W I T N E S S E T H :

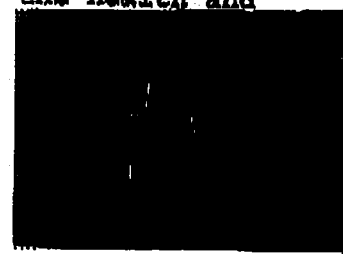
WHEREAS, Owner presently owns and holds title to certain real property (the "Property," which term shall include all easements, rights-of-way and other appurtenances), located in the City of Wausau, Marathon County, State of Wisconsin, which is described on Exhibit A attached hereto and is incorporated herein; and

WHEREAS, the Property is partially adversely impacted by certain environmental conditions, and adjoins the Holtz & Krause Landfill and as a result thereof, the State of Wisconsin Department of Natural Resources ("DNR") has taken action to have the Property and adjoining landfill remediated; and

WHEREAS, Occupant, pursuant to a Consent Decree entered into with DNR (the "DNR Decree"), requires the right to possession, occupancy and use of the Property in order to allow certain environmental remediation work to be performed on the Property consistent with the Record of Decision ("ROD") issued by DNR and to provide for the ongoing operation and maintenance of such work, and Owner is willing to grant Occupant such right; and

THEREFORE, in consideration of the mutual promises and covenants contained in this Agreement, and other good and valuable consideration, the receipt and sufficiency of which are acknowledged, the parties agree as follows:

(1) Right of Possession. Owner hereby irrevocably grants and conveys to Occupant, its agents, contractors, employees and designees, the complete and exclusive right of possession, occupancy and use of the Property during the term set forth below for the purpose of allowing it to perform its environmental remediation work as required by DNR and ongoing operation and maintenance duties related thereto, and all uses incidental or in any matter relating thereto. Owner and Occupant acknowledge that during the remediation work access to the Property is restricted in accordance with the health and safety requirements of the Occupational Safety and Health Administration and the health and safety plan required by DNR or of the Occupant.



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(2) Ongoing Duty to Convey Title. Owner and Occupant acknowledge it is in their mutual best interest to arrange for a third party to take title to the Property as soon as practical. Therefore, Owner agrees that it will upon at least 10 days' notice execute a warranty deed in the form set forth on Exhibit B attached hereto, which is incorporated herein, and a form Wisconsin real estate transfer return conveying the Property to a grantee designated by Occupant. Occupant or the grantee shall be responsible for all recording and transfer fees. The foregoing shall not imply that Occupant has a duty to take title or designate a grantee to take title to the Property. Further, Owner and Occupant acknowledge that the Property has no value because the costs required to be expended for the environmental work far exceed the fair market value of the Property if it were free of environmental conditions. Therefore, no additional sums will be due and owing Owner for the conveyance described above. In no event will Occupant or any other person or entity (other than Owner) be considered the owner of the Property, whether by equitable conversion or otherwise, unless title is conveyed as set forth above.

(3) Default. Owner shall also be responsible for all costs and expenses incurred by Occupant as a result of a default under this Agreement, including but not limited to reasonable attorneys' fees. The rights and remedies set forth in this Agreement shall not be exclusive and are in addition to and not in lieu of any other rights or remedies which are available to Occupant at law or in equity, including but not limited to the right to specific performance. All rights and remedies in Occupant shall be cumulative and may be exercised and enforced concurrently and whenever and as often as occasion therefor arises.

(4) Insurance Proceeds. Owner agrees to assign to Occupant the proceeds of any and all insurance policies issued to Owner which may provide coverage for environmental conditions on the Property.

(5) Other Property. It is understood that waste materials associated with the landfill are located on some of the Property.

(6) Covenant Not to Sue. Occupant covenants not to sue Owner for any claims it or they may have against Owner arising out of the environmental conditions on the Property or on any Additional Property, including but not limited to the environmental investigation and any and all remedial work done or to be done on the Property or any Additional Property, provided that Owner complies with all of the terms and conditions of this Agreement.

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(7) Consent Decree. Occupant shall use its best efforts to assist Owner in allowing Owner to become a signatory to the DNR Decree currently lodged with the United States District Court for the Western District of Wisconsin, captioned State of Wisconsin v. 10-13 Club, et al., Case No. 94-C-0248C. The DNR Decree requires the signatories to undertake certain tasks to remediate the environmental conditions on the Property and any Additional Property. As between the Occupant and its members and Owner, the obligation of Owner in fulfilling the terms and condition of the DNR Decree shall be to comply with the terms and conditions of this Agreement. It is understood and agreed that if Owner is complying with this Agreement, Occupant's members shall take the necessary actions and be responsible for complying with the terms and conditions of the DNR Decree.

(8) Governmental Approval/Access. Occupant will be responsible for obtaining any required approvals from appropriate governmental and/or regulatory agencies having jurisdiction over the remediation activities undertaken or permitted by Occupant. Owner hereby grants the right of access to the State of Wisconsin and its contractors. It is understood that Occupant is not DNR's representative with respect to the remedial activities.

(9) Representations and Warranties. Owner represents and warrants as follows:

(a) Neither the signing of this Agreement nor compliance with it by Owner will result in a breach of any term or condition of or constitute a default under the terms of any agreement to which Owner is a party or by which Owner may be bound.

(b) There are no suits filed or claims made, pending or threatened against Owner or the Property that in any way jeopardize the ability of Occupant to in any way possess, use or occupy the Property.

(c) Occupant shall have the right to quiet enjoyment of the Property undisturbed by Owner or anyone claiming or acting by, through or under Owner.

(10) Cooperation. Owner will cooperate, in good faith, with Occupant in the matters set forth in this Agreement.

(11) Property Matters. Occupant shall not be responsible for the payment of any real estate taxes or assessments related to the Property. Owner and Occupant shall cooperate in having the City of Wausau reduce the assessment of the Property and any Additional Property because the environmental condition of the Property (and any Additional Property).

34

(12) Notices. All notices and other communications required under this Agreement shall be in writing and mailed in the United States mail, postage prepaid, addressed to Owner or Occupant, as the case may be, at the address set forth below, or at such other address as either party may designate:

(a) If to Owner, then to:

Roman R. Przybylski
404 W. Kent Street
Wausau, WI 54408

(b) If to Occupant, then to:

Holtz & Krause Steering Committee
c/o John Robinson
P.O. Box 31
Wausau, WI 54402-0031

(13) Modification. Neither this Agreement nor any term or condition may be modified or amended, except by an agreement in writing, executed and delivered by the party against whom enforcement of such modification or amendment is sought.

(14) Successors; Assigns. This Agreement and all of its terms and conditions shall be binding upon and inure to the benefit of the parties and their respective successors and assigns and shall run with the land. In particular, Occupant shall be permitted to assign any or all of its rights.

(15) Headings. The headings of the paragraphs and subparagraphs of this Agreement are for purposes of convenience only and shall in no way affect the interpretation of any of the terms or conditions of this Agreement.

(16) Notice of Record. Owner and Occupant agree that it may be necessary for Occupant to record a notice of the DNR Decree in the office of the Register of Deeds for Marathon County and Occupant shall ensure that the recording of said notice is indexed to the title of Owner so as to provide notice to third parties of the issuance and terms of the DNR Decree with respect to Owner's property.

(17) Term. The term of this Agreement shall commence as of the date first above written and shall end on January 1, 1999, subject to the extension by Occupant at Occupant's sole option, if Occupant is delayed in its remediation operating and maintenance activities on the Property for any reason.

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IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be executed by their duly authorized representatives, sealed and delivered as of the day and year first above written.

Roman Przybylski
ROMAN R. PRZYBYLSKI, a/k/a
Roman Przybylski

HOLTZ & KRAUSE LANDFILL STEERING
COMMITTEE

By David Eisenreich X
ITS Chairman David Eisenreich

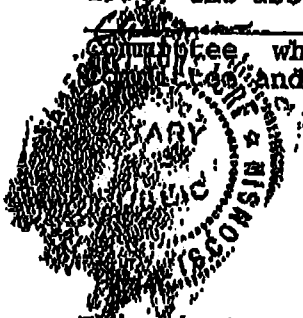
State of Wisconsin)
) SS.
County of Marathon)



Personally came before me this 3rd day of May, 1994, the above-named Roman R. Przybylski, to me known to be the person who executed the foregoing document and acknowledged the

James P. Lonsdorf
Name: James P. Lonsdorf
Notary Public, State of Wisconsin
County of Marathon
My Commission: Permanent

State of Wisconsin)
) SS.
County of Marathon)



Personally came before me this 3rd day of May, 1994, the above-named, David Eisenreich, to me known to be the Chairman of the Holtz & Krause Landfill Steering Committee who executed the foregoing document on behalf of such Committee and acknowledged the same.

James P. Lonsdorf
Name: James P. Lonsdorf
Notary Public, State of Wisconsin
County of Marathon
My Commission: Permanent

.....
This instrument was drafted by and after recording should be returned to James P. Lonsdorf, of Lonsdorf & Andraski, 610 Jackson Street, P.O. Box 872, Wausau, WI 54402-0872.

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EXHIBIT A - TO HOLTZ & KRAUSE LANDFILL/
ROMAN R. PRZYBYLSKI RIGHT OF POSSESSION AGREEMENT

LEGAL DESCRIPTION

Lot two (2) in Block four (4); and
Lot three (3) in Block five (5) of Ripczinska's Grand Avenue
Addition, in the City of Wausau.
(c/k/a 404 E. Kent St. and 340 E. Ross Ave., respectively)

PIN: 37.291.4.2807.014.0032 # 6470
37.291.4.2807.014.0035

Exhibit: 

ATTACHMENT B
INVESTIGATION and REMEDIAL ACTION PLAN REPORTS
HOLTZ and KRAUSE LANDFILL STEERING COMMITTEE
HOLTZ KRAUSE LANDFILL

1. *“Technical Memorandum No. 2, Migration Pathway Assessment and Contaminant Characterization, Holtz and Krause Landfill, Wausau, Wisconsin, Volume 1 of 2”* prepared by Geraghty & Miller, Inc. and dated August, 1990.
2. *“Technical Memorandum No. 2, Migration Pathway Assessment and Contaminant Characterization, Holtz and Krause Landfill, Wausau, Wisconsin, Volume 2 of 2”* prepared by Geraghty & Miller, Inc. and dated August, 1990.
3. *“Remedial Investigation, Holtz and Krause Landfill, Wausau, Wisconsin”* prepared by Geraghty & Miller, Inc. and dated June 14, 1991.
4. *“Feasibility Study, Holtz and Krause Landfill, Wausau, Wisconsin”* prepared by Geraghty & Miller, Inc. and dated January, 1992.
5. *“Design Report, Holtz & Krause Landfill Remedial Design, Wausau, Wisconsin, Final Design Submittal, Volume 1 of 2”* prepared by Dames & Moore and dated April, 1994.
6. *“Operation and Maintenance Manual, Landfill Cap & Gas Extraction System, Holtz and Krause Landfill, Wausau, Wisconsin”* prepared by Dames & Moore dated May, 1995.
7. *“Construction Documentation Report, Landfill Cap & Gas Extraction System, Holtz and Krause Landfill, Wausau, Wisconsin”* prepared by Dames & Moore and dated June, 1995.
8. *“Construction Documentation for Holtz and Krause Landfill Final Cover and Landfill Gas Extraction System, Site Grading – Design Modifications, Wausau, Wisconsin”* prepared by Dames & Moore and dated June, 1995.
9. Letter: *“Additional Monitoring Wells, Holtz-Krause Landfill, Wausau, Wisconsin – DNR License No. 00674 – STS Project No. 21954XA”* prepared by STS Consultants, Ltd. and dated November 18, 1998.
10. *“Technical Justification for ROD Amendment, Holtz-Krause Landfill, City of Wausau”* prepared by STS Consultants, Ltd. and dated January, 2003.
11. *“Additional Investigation Work Plan, Holtz-Krause Landfill, City of Wausau”* prepared by STS Consultants, Ltd. and dated January, 2005.
12. *“Five-Year Review Report, Holtz-Krause Landfill, City of Wausau”* prepared by AECOM and dated July, 2010.

13. "*ROD Amendment, Holtz-Krause Landfill, City of Wausau*" prepared by WDNR and dated June, 2011.
14. "*Annual Monitoring Report, Holtz-Krause Landfill, Wausau, Wisconsin*" prepared by the City of Wausau and dated October 1, 2011.
15. "*Phase 1 Environmental Site Assessment, Holtz-Krause Landfill, Wausau, Wisconsin*" prepared by Conestoga-Rovers & Associates, and dated December, 2011.
16. "*Expert Opinion on Groundwater Quality, Holtz-Krause Landfill, Wausau, Wisconsin*" prepared by Conestoga-Rovers & Associates, and dated April, 2012.
17. "*Remedial Action Plan, Proposed Modifications to Holtz Krause Landfill, Holtz Krause landfill, Wausau, Wisconsin*" prepared by Conestoga-Rovers & Associates, and dated April, 2012.
18. "*Holtz and Krause Landfill Agreement*" signed by the City of Wausau, Marathon County, and the Holtz & Krause Landfill Steering Committee and dated September 25, 2012.
19. "*Proposed Athletic Complex, 30% Design Review, Holtz Krause Landfill*" prepared by Conestoga-Rovers & Associates, and submitted on September 29, 2012.
20. "*Final Design Report for Athletic Fields and Proposed Modifications to Holtz Krause Landfill, Holtz Krause Landfill, Wausau, Wisconsin*" prepared by Conestoga-Rovers & Associates and dated February, 2013.
21. "*Proposed Landfill Cap and Gas Repairs, Holtz Krause Landfill, Wausau, Wisconsin*" prepared by Conestoga-Rovers & Associates and dated April, 2013.
22. "*Construction Quality Assurance Plan, Holtz Krause Landfill, Wausau, Wisconsin*" prepared by Conestoga-Rovers & Associates and dated April, 2013.
23. "*Construction Completion Report for Athletic Fields and Landfill Remediation Upgrade, Former Holtz Krause Landfill, Wausau, Wisconsin*" prepared by Conestoga-Rovers & Associates, and dated October, 2013.
24. "*Case Closure – GIS Registry, Former Holtz Krause Landfill, Wausau, Wisconsin*" (Form 4400-202) package prepared by Conestoga-Rovers & Associates and dated October 31, 2013.
25. "*Operation and Maintenance Plan for City of Wausau Operations, Former Holtz Krause Landfill, Wausau, Wisconsin*" prepared by Conestoga-Rovers & Associates and dated November, 2013.

ATTACHMENT C
CONDITIONAL GRANTS OF EXEMPTION
DEVELOPMENT on a LICENSED LANDFILL
ATHLETIC FIELDS and LANDFILL MODIFICATIONS
CONSESSION/RESTROOM and CHAMPIONSHIP FIELD LIGHTING
HOLTZ and KRAUSE LANDFILL STEERING COMMITTEE
HOLTZ KRAUSE LANDFILL



March 6, 2013

Mark Thimke, Esquire
Foley & Lardner, LLP
777 West Wisconsin Avenue
Milwaukee, WI 53202-5306

File Ref: FID# 737055880
Marathon County
SW Approval

Subject: Conditional Case-by-Case Grant of Exemption for Development of a Property
Where Solid Waste has been Disposed, and Approval of Final Design Report
Holtz and Krause Landfill, Wausau, WI
License #0674, BRRTS #02-37-000007

Dear Mr. Thimke:

The purpose of this letter is to provide a response to the Holtz Krause PRP Group's request dated April 2012 for a grant of exemption from regulation under s. NR 506.085, Wis. Adm. Code, for the purposes of obtaining approval for the proposed soccer field development on the Holtz Krause Landfill. In order to make this determination, the Wisconsin Department of Natural Resources (the "Department") has reviewed the "*Development at Historic Fill Site or Licensed Landfill Exemption Application*" April 2012, as well as the "*Final Design Report for Athletic Fields and Proposed Modifications to Holtz-Krause Landfill*" February 2013, both prepared by Conestoga-Rovers & Associates, St. Paul, MN.

Based on the Department's review and evaluation, we are issuing this conditional grant of exemption from the prohibitions contained in s. NR 506.085, Wis. Adm. Code, in conjunction with the approval of the final design submittal, including the incorporated Department comments provided to Ron Frehner of Conestoga-Rovers & Associates on January 16, 2013. You must comply with the conditions of this grant of exemption in order to maintain the exemption. This grant of exemption is limited to the proposed changes described in your application, including the specific construction requirements that are detailed in the final design document. If you are considering additional changes beyond those described in the application, a new application must be submitted to the Department for approval.

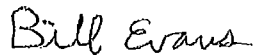
Several modifications have been proposed to the existing site features in preparation for site development. The 1995 remedy will remain intact, but the development of the soccer field complex will necessitate changes to the grading of the flat area of the landfill cap, as well as modifications to the active gas extraction system for management of methane and possible odors. The final design report included detailed specifications for the grading changes, gas extraction system modifications, and the layout of the soccer fields, parking lots, activity pads, and utilities.

Please review the information contained in the publication *Development at Historic Fill Sites and Licensed Landfills: Considerations and Potential Problems* PUB-RR-685 to assist you in preventing environmental or safety problems during and after development. We would like to particularly draw your

attention to the public safety risk posed by the explosive potential for methane gas that may be present on a property due to the presence of decomposing solid waste.

You are reminded that this approval does not relieve you of obligations to meet all other applicable federal, state and local permits, as well as zoning and regulatory requirements. If you have any questions concerning this letter, please contact Erin Endsley at 715-392-3126 or by email to erin.endsley@wisconsin.gov.

Sincerely,



Bill Evans
West Central Regional Team Supervisor
Remediation and Redevelopment Program

cc: Dave Eisenreich, Chairman, Holtz & Krause Steering Committee, PO Box 1582, Wausau WI 54402-1582
Ron Frehner, Conestoga-Rovers & Associates
Dave Erickson, City of Wausau
Mark Giesfeldt – RR/5
Erin Endsley – RR/NOR
Loren Brumberg – RR/WCR
Brad Wolbert – WA/5
Bob Grefe – WA/5
Eric Syftestad – WA/5
Jill Schoen – WMM/WCR
Brad Johnson – Water/Wausau
Ashley Gray – AM/Wausau

BEFORE THE
STATE OF WISCONSIN
DEPARTMENT OF NATURAL RESOURCES

CONDITIONAL GRANT OF EXEMPTION
FOR
DEVELOPMENT ON A PROPERTY
WHERE SOLID WASTE HAS BEEN DISPOSED

FINDINGS OF FACT

The Department finds that:

1. The Holtz Krause PRP Group has proposed to construct soccer fields, paved parking areas, and activity pads on the Holtz Krause Landfill located in the City of Wausau, Marathon County, Wisconsin.
2. Holtz & Krause, Inc. owned and operated a municipal waste landfill licensed by the Department (License #0674) from approximately 1957 until 1980. The landfill is a 57-acre site that received approximately 2.0 million cubic yards of waste materials, including municipal waste, non-combustible waste, demolition and construction waste, wood waste, animal waste, and other waste materials. The Department issued the initial operating license on April 24, 1970.
3. The Department issued a conditional closure plan approval to the Holtz Krause Steering Committee for plans addressing closure of the landfill entitled "*April 25, 1994 Closure Plan Approval, Holtz & Krause Landfill, License No. 674*".
3. As documented in the Record of Decision ("ROD") dated July 22, 1992, the Holtz Krause Landfill has a final cover system consisting of (in ascending order) a nominal 2-foot soil cover (installed in 1982), 2-feet of clay (installed in 1994), a 40-mil very low density polyethylene ("VLDPE") geomembrane liner, 2.5-foot rooting zone soil, and 6-inches of topsoil. An active gas extraction system was installed to manage methane migration and to minimize groundwater impacts (installed in 1994).
4. Marathon County took title to the Holtz Krause Landfill on October 12, 2012, and now owns five parcels (Parcels 291-2808-063-0999, 291-2808-062-0999, 291-2808-062-0992, 291-2807-011-0924, & 291-2807-011-0922) that collectively constitute the landfill property located at 400 East Kent Street, City of Wausau, Marathon County, Wisconsin, hereinafter referred to as "the Property."
5. Solid waste has been disposed of at the Property and remains at the Property.
6. The Holtz Krause PRP Group submitted a "*Development at Historic Fill Site or Licensed Landfill Exemption Application*" dated April 2012 for an exemption from the prohibitions in NR 506.085, Wis. Adm. Code, for development of athletic fields, parking lots, and related improvements on the cover of the Holtz Krause Landfill.

7. Conestoga-Rovers & Associates, on behalf of the Holtz Krause PRP Group, submitted the "*Final Design Report for Athletic Fields and Proposed Modifications to Holtz-Krause Landfill*", dated February 2013. The report was submitted by Conestoga-Rovers & Associates under the seal of a professional engineer relating to the proposed development and the environmental conditions at the Property.
7. Based upon the information provided to the Department, the proposed development at the Property is not expected to cause future exceedances of applicable soil and groundwater standards.
8. Additional documents considered in review of the exemption request include the following:
 - Final Design Report for Athletic Fields and Proposed Modifications to Holtz-Krause Landfill, February 2013, prepared by Conestoga-Rovers & Associates, St. Paul, MN
 - Wisconsin Department of Natural Resources Development at Historic Fill Site or Licensed Landfill Exemption Application, April 2012, prepared by Conestoga-Rovers & Associates, St. Paul, MN
 - Remedial Action Plan, Proposed Modifications to Holtz-Krause Landfill, April 2012, prepared by Conestoga-Rovers & Associates, St. Paul, MN
 - Expert Opinion on Groundwater Quality, Holtz Krause Landfill, Wausau, Wisconsin, April 5, 2012, prepared by Conestoga-Rovers & Associates, St. Paul, MN
9. Additional facts relevant to the review of the grant of exemption modification request include the following:
 - "*April 25, 1994 Closure Plan Approval, Holtz & Krause Landfill, License No. 674*" issued by the Department and dated April 25, 1994.
 - Holtz & Krause Landfill, Record of Decision, Selected Remedial Alternative, establishing final cover system, gas extraction system, and groundwater remedy dated July 22, 1992.
 - Holtz & Krause Landfill, Record of Decision Amendment modifying the groundwater remedy to allow for monitored natural attenuation dated June 22, 2011.
10. The special conditions set forth below are needed to assure that construction of the proposed soccer field complex is conducted in a manner that will maintain the integrity of the landfill cap, maintain the integrity of the gas extraction system components, prevent settlement, that long-term care is conducted to maintain the landfill cover and gas extraction system, and reduces the potential for deleterious impact to human health or the environment.
11. If conditions set forth below are complied with, development of the Property will not result in environmental pollution as defined in ss. 289.01(8) and 299.01(4), Wis. Stats.

CONCLUSIONS OF LAW

1. The Department has authority under s. NR 500.08(4), Wis. Adm. Code, to issue an exemption from the prohibitions in s. NR 506.085, Wis. Adm. Code, if the proposed development will not cause environmental pollution as defined in ss. 289.01(8) and 299.01(4), Wis. Stats.

2. The Department has authority to approve a grant of exemption with conditions if the conditions are necessary to ensure compliance with the applicable provisions of chapters NR 500 to 538, Wis. Adm. Code, or to assure that environmental pollution will not occur.
3. The conditions set forth below are necessary to ensure compliance with the applicable provisions of chapters NR 500 to 538, Wis. Adm. Code, and to assure that environmental pollution will not occur.
4. In accordance with the foregoing, the Department has the authority under s. NR 500.08(4), Wis. Adm. Code, to issue the following conditional grant of exemption.

CONDITIONAL GRANT OF EXEMPTION

The Department hereby issues an exemption to the Holtz Krause PRP Group, from the prohibitions in s. NR 506.085, Wis. Adm. Code, for development on the Property which contains solid waste as proposed in the final design report dated February 2013, subject to the following conditions:

1. No action related to development of the Property may be taken which will cause a significant adverse impact on wetlands as provided in ch. NR 103, Wis. Adm. Code.
2. No action related to development of the Property may be taken which will cause a significant adverse impact on critical habitat areas, as defined in s. NR 500.03(55), Wis. Adm. Code.
3. No action related to development of the Property may be taken which will cause a detrimental effect on any surface water, as defined in s. NR 500.03(62), Wis. Adm. Code.
4. No action related to development of the Property may be taken which will cause a detrimental effect on groundwater, as defined in s. NR 500.03(62), Wis. Adm. Code, or will cause or exacerbate an attainment or exceedance of any preventive action limit or enforcement standard at a point of standards application as defined in ch. NR 140, Wis. Adm. Code.
5. No action related to development of the Property may be taken which will cause a migration and concentration of explosive gases in any structures in excess of 25% of the lower explosive limit for such gases at any time. No actions may be taken which will cause a migration and concentration of explosive gases in the soils outside of the limits of solid waste disposal within 200 feet of the property boundary or beyond the Property boundary in excess of the lower explosive limit for such gases at any time. No actions may be taken which will cause a migration and concentration of explosive gases in the air outside of the limits of solid waste disposal within 200 feet of the landfill boundary or beyond the landfill property boundary in excess of the lower explosive limit for such gases at any time.
6. No action related to development of the Property may be taken which will cause an emission of any hazardous air contaminant exceeding the limitations for those substances contained in s. NR 445.03, Wis. Adm. Code.
7. No action related to development of the Property may be taken which will cause an exceedance of a soil cleanup standard in ch. NR 720, Wis. Adm. Code.

8. This exemption shall transfer with changes in property ownership. In accordance with s. 289.46(2), Wis. Stats., any person having or acquiring rights of ownership in land where a solid or hazardous waste disposal facility was previously operated may not undertake any activities on the land which interfere with the closed facility causing a significant threat to public health, safety or welfare. The Department should be contacted to discuss any proposed changes to avoid activities that could violate the statute.
9. This grant of exemption is limited to the proposed changes described in your application and the final design report. If you are considering additional changes beyond those described in the application, a new application must be submitted to the Department for approval. This grant of exemption is also based on the expectation that the work will be done in accordance with the specifications outlined in the final design report. Any variations from these specifications must obtain Department approval prior to being implemented.
10. Site development including grading and storm water design, modifications of landfill gas extraction and flare system, construction of athletic fields and irrigation system, construction of access roads, parking lots, and trails, gas probe monitoring, construction of concessions and restrooms, maintaining landfill cover integrity, and all improvements associated with the development shall be conducted in accordance with the final design report and the review comments provided by the Department.
11. The Holtz Krause PRP Group shall submit an operations and maintenance plan that includes periodic inspection and maintenance of the landfill cap, and monitoring and maintenance of the gas extraction system, including monitoring of the gas extraction wells, blower, and gas probes.
12. Monitoring results from the gas extraction wells, blower, and gas probes shall be summarized and submitted to the Department annually in an Annual Monitoring Report. This report shall include a summary of inspection and maintenance activities the prior year, their findings and recommended planned and/or completed activities.
13. The proposed buildings, access roads, parking lots, and soccer fields on the landfill are considered modifications to the existing cap, and as such, will function as part of the cap. If the buildings, parking lots, access roads, or soccer field locations or designs change, you must ensure that those open areas are restored to the conditions specified in the Department's 1994 closure plan approval for the existing landfill cap.
14. Provide a ten day or more advance notice to the Department of the pre-installation meeting for the geosynthetic clay liner and geomembrane (Appendix N, SECTION 02072 – 5).
15. During construction, provide weekly status reports to the Department, and coordinate with the Department in scheduling construction inspections as needed.
16. Final as-built drawings and a construction documentation report shall be submitted to the Department for review and approval, and it should document the modifications to the cap and gas extraction system, and any other site feature modifications and development activities.

17. Prior to commencing construction, contact Brad Johnson in the Wausau office, for approval of the necessary storm water permits from the Department.
18. This document must be given to the general contractor for the site so that they are aware of the conditions related to the development of the site.
19. At the time of site closure, there may be continuing obligations and conditions applied to the site, in addition to those required as part of this exemption.

The Department reserves the right to require the submittal of additional information and to modify this grant of exemption at any time, if in the Department's opinion, modifications are necessary. Unless specifically noted, the conditions of this grant of exemption do not supersede or replace any previous conditions of approval for this property.

NOTICE OF APPEAL RIGHTS

If you believe that you have a right to challenge this decision, you should know that Wisconsin statutes and administrative rules establish time periods within which requests to review Department decisions must be filed.

For judicial review of a decision pursuant to section 227.52 and 227.53, Wis. Stats., you have 30 days after the decision is mailed, or otherwise served by the Department, to file your petition with the appropriate circuit court and serve the petition on the Department. Such a petition for judicial review shall name the Department of Natural Resources as the respondent.

Dated: 3/8/13

DEPARTMENT OF NATURAL RESOURCES
For the Secretary

Bill Evans

Bill Evans – West Central Regional Team Supervisor
Remediation & Redevelopment Program

Erin Endsley

Erin Endsley – Hydrogeologist
Remediation & Redevelopment Program
Northern Region



June 20, 2013

Dave Eisenreich
Holtz & Krause Steering Committee
5208 DJ Lane
Weston, WI 54476

File Ref: FID# 737055880
Marathon County
SW Approval

Subject: Conditional Case-by-Case Grant of Exemption for Development of a Property Where Solid Waste has been Disposed and Approval for Construction of Concession/Restroom Building and Championship Field Lighting for the Holtz Krause Athletic Complex
Holtz and Krause Landfill, Wausau, WI
License #0674, BRRTS #02-37-000007

Dear Mr. Eisenreich:

The purpose of this letter is to provide a response to the Holtz Krause PRP Group's request dated June 3, 2013 for a grant of exemption from regulation under s. NR 506.085, Wis. Adm. Code, for the purposes of obtaining approval for the construction of a concession building and lighting towers as part of the soccer field development on the Holtz Krause Landfill. In order to make this determination, the Wisconsin Department of Natural Resources (the "Department") has reviewed the "*Development at Historic Fill Site or Licensed Landfill Exemption Application*", submitted as part of the "*Building on Abandoned Landfill Application, Holtz-Krause Landfill*" dated June 3, 2013, and the "*BAL Addendum, Holtz Krause Landfill*" dated June 15, 2013, both prepared by Conestoga-Rovers & Associates, St. Paul, MN.

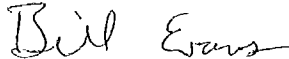
Based on the Department's review and evaluation, we are issuing this conditional grant of exemption from the prohibitions contained in s. NR 506.085, Wis. Adm. Code. You must comply with the conditions of this grant of exemption in order to maintain the exemption. This grant of exemption is limited to the proposed activities described in your application, including the specific construction requirements that are detailed in the application. If you are considering additional changes beyond those described in the application, a new application must be submitted to the Department for approval. This grant of exemption is in addition to the exemption issued by the Department dated March 6, 2013, for development of an athletic complex on the Holtz Krause Landfill.

Several modifications have been proposed to the existing site features in preparation for site development. The 1995 remedy will remain intact, but construction of the concession/restroom building and championship field lighting will necessitate specific design plans that will protect the integrity of the landfill cap. The final design plans included detailed specifications for the cap integrity, grading changes, vapor barrier, and passive venting system.

Please review the information contained in the publication *Development at Historic Fill Sites and Licensed Landfills: Considerations and Potential Problems* PUB-RR-685 to assist you in preventing environmental or safety problems during and after development. We would like to particularly draw your attention to the public safety risk posed by the explosive potential for methane gas that may be present on the property due to the presence of decomposing solid waste.

You are reminded that this approval does not relieve you of obligations to meet all other applicable federal, state and local permits, as well as zoning and regulatory requirements. If you have any questions concerning this letter, please contact Erin Endsley at 715-392-3126 or by email to erin.endsley@wisconsin.gov.

Sincerely,



Bill Evans
West Central Regional Team Supervisor
Remediation and Redevelopment Program

cc: Mark Thimke, Foley & Lardner, LLP, 777 West Wisconsin Avenue, Milwaukee, WI 53202-5306
Ron Frehner, Conestoga-Rovers & Associates
Dave Erickson, City of Wausau
Mark Giesfeldt – RR/5
Erin Endsley – RR/NOR
Loren Brumberg – RR/WCR
Eric Syftestad – WA/5
Jill Schoen – WMM/WCR

BEFORE THE
STATE OF WISCONSIN
DEPARTMENT OF NATURAL RESOURCES

CONDITIONAL GRANT OF EXEMPTION
FOR
DEVELOPMENT ON A PROPERTY
WHERE SOLID WASTE HAS BEEN DISPOSED

FINDINGS OF FACT

The Department finds that:

1. The Holtz Krause PRP Group has proposed to construct soccer fields, paved parking areas, activity pads, field lighting, and a concession/restroom building on the Holtz Krause Landfill located in the City of Wausau, Marathon County, Wisconsin.
2. Holtz & Krause, Inc. owned and operated a municipal waste landfill licensed by the Department (License #0674) from approximately 1957 until 1980. The landfill is a 57-acre site that received approximately 2.0 million cubic yards of waste materials, including municipal waste, non-combustible waste, demolition and construction waste, wood waste, animal waste, and other waste materials. The Department issued the initial operating license on April 24, 1970.
3. The Department issued a conditional closure plan approval to the Holtz Krause Steering Committee for plans addressing closure of the landfill entitled "*April 25, 1994 Closure Plan Approval, Holtz & Krause Landfill, License No. 674*".
4. As documented in the Record of Decision ("ROD") dated July 22, 1992, the Holtz Krause Landfill has a final cover system consisting of (in ascending order) a nominal 2-foot soil cover (installed in 1982), 2-feet of clay (installed in 1994), a 40-mil very low density polyethylene ("VLDPE") geomembrane liner, 2.5-foot rooting zone soil, and 6-inches of topsoil. An active gas extraction system was installed to manage methane migration and to minimize groundwater impacts (installed in 1994).
5. Marathon County took title to the Holtz Krause Landfill on October 12, 2012, and now owns five parcels (Parcels 291-2808-063-0999, 291-2808-062-0999, 291-2808-062-0992, 291-2807-011-0924, & 291-2807-011-0922) that collectively constitute the landfill property located at 400 East Kent Street, City of Wausau, Marathon County, Wisconsin, hereinafter referred to as "the Property."
6. Solid waste has been disposed of at the Property and remains at the Property.
7. The Holtz Krause PRP Group submitted a "*Development at Historic Fill Site or Licensed Landfill Exemption Application*" dated April 2012 for an exemption from the prohibitions

in NR 506.085, Wis. Adm. Code, for development of athletic fields, parking lots, and related improvements on the cover of the Holtz Krause Landfill.

8. Conestoga-Rovers & Associates, on behalf of the Holtz Krause PRP Group, submitted the "*Final Design Report for Athletic Fields and Proposed Modifications to Holtz-Krause Landfill*", dated February 2013. The report was submitted by Conestoga-Rovers & Associates under the seal of a professional engineer relating to the proposed development and the environmental conditions at the Property.
9. Based upon the information provided, the Department issued a conditional grant of exemption to the Holtz Krause PRP Group, dated March 6, 2013, from the prohibitions in s. NR 506.085, Wis. Adm. Code, for development of an athletic complex on the Property where solid waste had been disposed.
10. The Holtz Krause PRP Group submitted a second "*Development at Historic Fill Site or Licensed Landfill Exemption Application*" dated June 2012, for an exemption from the prohibitions in NR 506.085, Wis. Adm. Code, for development of a concession/restroom building and championship field lighting on the cover of the Holtz Krause Landfill, which were not included as part of the original exemption application.
11. Based upon the information provided to the Department, the proposed development at the Property is not expected to cause future exceedances of applicable soil and groundwater standards.
12. Additional documents considered in review of the exemption request include the following:
 - BAL Addendum, Holtz Krause Landfill, June 3, 2013, prepared by Conestoga-Rovers & Associates, St. Paul, MN.
 - Wisconsin Department of Natural Resources Development at Historic Fill Site or Licensed Landfill Exemption Application, June 3, 2013, prepared by Conestoga-Rovers & Associates, St. Paul, MN.
 - Final Design Report for Athletic Fields and Proposed Modifications to Holtz-Krause Landfill, February 2013, prepared by Conestoga-Rovers & Associates, St. Paul, MN
 - Wisconsin Department of Natural Resources Development at Historic Fill Site or Licensed Landfill Exemption Application, April 2012, prepared by Conestoga-Rovers & Associates, St. Paul, MN
 - Remedial Action Plan, Proposed Modifications to Holtz-Krause Landfill, April 2012, prepared by Conestoga-Rovers & Associates, St. Paul, MN
 - Expert Opinion on Groundwater Quality, Holtz Krause Landfill, Wausau, Wisconsin, April 5, 2012, prepared by Conestoga-Rovers & Associates, St. Paul, MN
13. Additional facts relevant to the review of the grant of exemption modification request include the following:

- *“April 25, 1994 Closure Plan Approval, Holtz & Krause Landfill, License No. 674”* issued by the Department and dated April 25, 1994.
 - Holtz & Krause Landfill, Record of Decision, Selected Remedial Alternative, establishing final cover system, gas extraction system, and groundwater remedy dated July 22, 1992.
 - Holtz & Krause Landfill, Record of Decision Amendment modifying the groundwater remedy to allow for monitored natural attenuation dated June 22, 2011.
14. The special conditions set forth below are needed to assure that construction of the proposed concession building and championship field light towers is conducted in a manner that will maintain the integrity of the landfill cap, maintain the integrity of the gas extraction system components, prevent settlement, that long-term care is conducted to maintain the landfill cover and gas extraction system, and reduces the potential for deleterious impact to human health or the environment.
15. If conditions set forth below are complied with, development of the Property will not result in environmental pollution as defined in ss. 289.01(8) and 299.01(4), Wis. Stats.

CONCLUSIONS OF LAW

1. The Department has authority under s. NR 500.08(4), Wis. Adm. Code, to issue an exemption from the prohibitions in s. NR 506.085, Wis. Adm. Code, if the proposed development will not cause environmental pollution as defined in ss. 289.01(8) and 299.01(4), Wis. Stats.
2. The Department has authority to approve a grant of exemption with conditions if the conditions are necessary to ensure compliance with the applicable provisions of chapters NR 500 to 538, Wis. Adm. Code, or to assure that environmental pollution will not occur.
3. The conditions set forth below are necessary to ensure compliance with the applicable provisions of chapters NR 500 to 538, Wis. Adm. Code, and to assure that environmental pollution will not occur.
4. In accordance with the foregoing, the Department has the authority under s. NR 500.08(4), Wis. Adm. Code, to issue the following conditional grant of exemption.

CONDITIONAL GRANT OF EXEMPTION

The Department hereby issues an exemption to the Holtz Krause PRP Group, from the prohibitions in s. NR 506.085, Wis. Adm. Code, for development on the Property which contains solid waste as proposed in the Development at Historic Fill Site or Licensed Landfill Exemption Application, June 3, 2013, and the final design report dated February 2013, subject to the following conditions:

1. No action related to development of the Property may be taken which will cause a significant adverse impact on wetlands as provided in ch. NR 103, Wis. Adm. Code.
2. No action related to development of the Property may be taken which will cause a significant adverse impact on critical habitat areas, as defined in s. NR 500.03(55), Wis. Adm. Code.
3. No action related to development of the Property may be taken which will cause a detrimental effect on any surface water, as defined in s. NR 500.03(62), Wis. Adm. Code.
4. No action related to development of the Property may be taken which will cause a detrimental effect on groundwater, as defined in s. NR 500.03(62), Wis. Adm. Code, or will cause or exacerbate an attainment or exceedance of any preventive action limit or enforcement standard at a point of standards application as defined in ch. NR 140, Wis. Adm. Code.
5. No action related to development of the Property may be taken which will cause a migration and concentration of explosive gases in any structures in excess of 25% of the lower explosive limit for such gases at any time. No actions may be taken which will cause a migration and concentration of explosive gases in the soils outside of the limits of solid waste disposal within 200 feet of the property boundary or beyond the Property boundary in excess of the lower explosive limit for such gases at any time. No actions may be taken which will cause a migration and concentration of explosive gases in the air outside of the limits of solid waste disposal within 200 feet of the landfill boundary or beyond the landfill property boundary in excess of the lower explosive limit for such gases at any time.
6. No action related to development of the Property may be taken which will cause an emission of any hazardous air contaminant exceeding the limitations for those substances contained in s. NR 445.03, Wis. Adm. Code.
7. No action related to development of the Property may be taken which will cause an exceedance of a soil cleanup standard in ch. NR 720, Wis. Adm. Code.
8. This exemption shall transfer with changes in property ownership. In accordance with s. 289.46(2), Wis. Stats., any person having or acquiring rights of ownership in land where a solid or hazardous waste disposal facility was previously operated may not undertake any activities on the land which interfere with the closed facility causing a significant threat to public health, safety or welfare. The Department should be contacted to discuss any proposed changes to avoid activities that could violate the statute.
9. This grant of exemption is limited to the proposed changes described in your application and the final design report. If you are considering additional changes beyond those described in the application, a new application must be submitted to the Department for approval. This grant of exemption is also based on the expectation that the work will be

done in accordance with the specifications outlined in the exemption application and the final design report. Any variations from these specifications must obtain Department approval prior to being implemented. If any additional structures are considered for placement on the landfill cap, such as bleachers or other structures, you must obtain prior Department approval.

10. This grant of exemption is in addition to the exemption granted by the Department on March 6, 2013, from the prohibitions in s. NR 506.085, Wis. Adm. Code, for development of an athletic complex on the Property where solid waste had been disposed. The conditions in this exemption do not replace or modify any of the conditions contained within the original exemption granted on March 6, 2013.
11. Site development, including construction of a concession/restroom facility with vapor barrier and passive venting system and the championship field lighting, maintaining landfill cover integrity, and all improvements associated with the development shall be conducted in accordance with the specifications in the exemption application dated June 3, 2013, as well as the final design report and the review comments provided by the Department.
12. The Holtz Krause PRP Group shall submit an operations and maintenance plan that includes periodic inspection and maintenance of the landfill cap, and monitoring and maintenance of the gas extraction system, including monitoring of the gas extraction wells, blower, and gas probes.
13. Monitoring results from the gas extraction wells, blower, and gas probes shall be summarized and submitted to the Department annually in an Annual Monitoring Report. This report shall include a summary of inspection and maintenance activities the prior year, their findings and recommended planned and/or completed activities.
14. The proposed buildings and lighting standards on the landfill are considered modifications to the existing cap, and as such, will function as part of the cap. If the buildings or structures change, you must ensure that those areas are restored to the conditions specified in the Department's 1994 closure plan approval for the existing landfill cap.
15. During construction, provide weekly status reports to the Department, and coordinate with the Department in scheduling construction inspections as needed.
16. Final as-built drawings and a construction documentation report shall be submitted to the Department for review and approval, and it should document the modifications to the cap and gas extraction system, and any other site feature modifications and development activities.
17. This document must be given to the general contractor for the site so that they are aware of the conditions related to the development of the site.

18. At the time of site closure, there may be continuing obligations and conditions applied to the site, in addition to those required as part of this exemption.

The Department reserves the right to require the submittal of additional information and to modify this grant of exemption at any time, if in the Department's opinion, modifications are necessary. Unless specifically noted, the conditions of this grant of exemption do not supersede or replace any previous conditions of approval for this property.

NOTICE OF APPEAL RIGHTS

If you believe that you have a right to challenge this decision, you should know that Wisconsin statutes and administrative rules establish time periods within which requests to review Department decisions must be filed.

For judicial review of a decision pursuant to section 227.52 and 227.53, Wis. Stats., you have 30 days after the decision is mailed, or otherwise served by the Department, to file your petition with the appropriate circuit court and serve the petition on the Department. Such a petition for judicial review shall name the Department of Natural Resources as the respondent.

Dated: 6/20/2013

DEPARTMENT OF NATURAL RESOURCES
For the Secretary

Bill Evans
Bill Evans – West Central Regional Team Supervisor
Remediation & Redevelopment Program

Erin Endsley
Erin Endsley – Hydrogeologist
Remediation & Redevelopment Program
Northern Region

ATTACHMENT D
CASE CLOSURE LETTER
HOLTZ and KRAUSE LANDFILL STEERING COMMITTEE
HOLTZ KRAUSE LANDFILL

State of Wisconsin
DEPARTMENT OF NATURAL RESOURCES
Superior Service Center
1701 N. 4th Street
Superior WI 54880

Scott Walker, Governor
Cathy Stepp, Secretary
Telephone 608-266-2621
Toll Free 1-888-936-7463
TTY Access via relay - 711



December 26, 2013

Holtz-Krause Steering Committee
c/o Mark Thimke, Esquire
Foley and Lardner, LLP
777 West Wisconsin Ave
Milwaukee WI 53202

Brad Karger
Marathon County Administrator
Marathon County Courthouse
500 Forest St
Wausau, WI 54403

Wausau Curling Club, Inc.
c/o Cal Tillisch
Goyke, Tillisch & Higgins, LLP
816 N 3rd St
PO Box 2188
Wausau, WI 54403-2188

KEEP THIS DOCUMENT WITH YOUR PROPERTY RECORDS

SUBJECT: Final Case Closure with Continuing Obligations
Holtz-Krause Landfill, including the Wausau Curling Club, Wausau, WI
DNR BRRTS Activity #: 02-37-000007
FID #: 737055880

Dear Mr. Thimke, Mr. Karger, Mr. Tillisch, and subsequent property owners:

The Department of Natural Resources (DNR) considers the Holtz-Krause Landfill, including the Wausau Curling Club, to have satisfied the conditions of case closure in ch. NR 700 rule series, with continuing obligations. No further investigation or remediation is required. However, you, future property owners, and occupants of the property must comply with the "continuing obligations" as specified in the conditions of closure in this letter. Please read over this letter closely to ensure that you continue to comply with all conditions and other on-going requirements.

Per s. NR 726.15, Wis. Adm. Code, the current Property owner is required to provide this letter and any attachments listed at the end of this letter to anyone who purchases, rents or leases these properties from you. This letter is being sent to three parties: the responsible party, Holtz-Krause Steering Committee, as well as current owners of the properties, as the landfill cap and other landfill components are located on five parcels owned by Marathon County, and one parcel owned by the Wausau Curling Club, Inc. (see attached map, Figure B.1.b, Detailed Site Map, CRA, October 2013; and the attached "Legal Descriptions for Holtz Krause Landfill Properties").

This final closure decision is based on the correspondence and data provided, and is issued under chs. NR 726 and 727, Wis. Adm. Code. The West Central Region (WCR) Closure Committee reviewed the request for case closure on November 14, 2013. The Closure Committee reviews environmental remediation cases for compliance with applicable laws and standards to maintain consistency in the closure of these cases. A conditional closure letter was issued by the DNR on November 18, 2013, and documentation that the conditions in that letter were met was received on December 23, 2013.

Background

The Holtz-Krause landfill was used as a municipal, residential, and industrial landfill, which accepted wastes from 1957 until it ceased operation in 1980. Given the environmental conditions at the site, a remedial action was selected for the site consisting of a low-permeability landfill cap, an active gas extraction system, long-term groundwater monitoring, groundwater extraction and treatment, and institutional controls. The landfill cap and gas system were constructed in 1994, and long-term monitoring commenced. In 2011, the DNR modified the groundwater remedy to replace groundwater extraction with natural attenuation.

In 2012, the responsible parties entered the site into the Voluntary Party Liability Exemption Program (VPLE), and the DNR issued an assurance letter on July 25, 2012, confirming eligibility for the exemption, with a determination that site investigation activities were complete. The assurance letter also approved the proposed remedial action plan for the site, which included redevelopment of the property into a soccer field complex, including repairs and modifications to the gas extraction system. Construction of the soccer field complex was completed by fall of 2013.

There is currently a legal agreement, dated July 25, 2012, between the Holtz Krause Steering Committee, Marathon County, and the City of Wausau, which includes responsibilities for operation and maintenance of the soccer field complex. Under this agreement, the City of Wausau will provide operation and maintenance activities of the landfill, including gas monitoring, maintenance of the gas extraction system, and maintenance of the landfill cap. This includes the portions of the cap that exist on the Wausau Curling Club property, and the blower and flare for the gas extraction system, also on the Curling Club property. Under the agreement, Marathon County will operate and maintain the soccer complex.

The conditions of closure and continuing obligations required at the time of closure were based on the property being used for recreational purposes, given this intended use.

Continuing Obligations

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

- Groundwater contamination is present above ch. NR 140, Wis. Adm. Code, enforcement standards.
- One or more monitoring wells were not located and must be properly filled and sealed if found.
- The engineered cover must be inspected and maintained over the landfill waste and the DNR must approve any changes to this barrier.

- Site-specific continuing obligation – Operation and maintenance of an active gas extraction system, monitoring of that system, and annual reporting to the DNR is required through a building on an abandoned landfill (BAL) exemption dated March 6, 2013 (attached), given the Property's intended use as a soccer complex. If the site had remained as a passive recreational facility (i.e., an open green space), then a passive gas extraction system would have been sufficient for that use. The need for an active gas extraction system was the natural result of the redevelopment issues associated with the design and placement of the numerous soccer fields on the Property.
- Site-specific continuing obligation – If site use changes in the future, such that the active gas extraction system is no longer necessary by the site owner, the site owner at that time must construct and maintain at a minimum a passive venting system that adequately addresses the contaminants of concern to the satisfaction of the Department.

The DNR fact sheet, "Continuing Obligations for Environmental Protection", RR-819, helps to explain a property owner's responsibility for continuing obligations on their property. The fact sheet may be obtained at <http://dnr.wi.gov/files/PDF/pubs/rr/RR819.pdf>.

GIS Registry

This site will be included on the Bureau for Remediation and Redevelopment Tracking System (BRRTS on the Web) at <http://dnr.wi.gov/topic/Brownfields/rrsm.html>, to provide public notice of residual contamination and of any continuing obligations. The site can also be viewed on the Remediation and Redevelopment Sites Map (RRSM), a map view, under the Geographic Information System (GIS) Registry layer, at the same web address.

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. This requirement applies to private drinking water wells and high capacity wells. 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>.

All site information is also on file at the West Central Regional DNR office, at 1300 W. Clairemont Avenue, Eau Claire, WI, 54701. This letter and information that was submitted with your closure request application, including any maintenance plan and maps, can be found as a PDF in BRRTS on the Web.

Prohibited Activities

Certain activities are prohibited at sites closed under the ch. NR 700 rule series 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 an engineered cover is required, as shown on the attached map (Figure B.1.b, Detailed Site Map, CRA, October 2013), 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 requires an exemption under the building on abandoned landfill process;
- 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 the current property owner, lessee, occupants, 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 site Operations and Maintenance Plan are met. If these requirements are not followed, the DNR may take enforcement action under s. 292.11, Wis. Stats., to ensure compliance with the specified requirements, limitations or other conditions related to the property.

Please send written notifications in accordance with the following requirements to the attention of Erin Endsley, project manager for the site, at 1701 N. 4th St, Superior, WI 54880.

Residual Groundwater Contamination (ch. NR 140, 812, Wis. Adm. Code)

Groundwater contamination greater than enforcement standards is present both on the Curling Club property and off this contaminated property, as shown on the attached maps (Figures B.3.b.1.1, Groundwater Isoconcentrations Dissolved Arsenic; B.3.b.1.2, Groundwater Isoconcentrations Total Arsenic; B.3.b.2, Groundwater Isoconcentrations Benzene; B.3.b.4, Groundwater Isoconcentrations Tetrahydrofuran; B.3.b.6, Groundwater Isoconcentrations Vinyl Chloride; CRA, October 2013). If you intend to construct a new well, or reconstruct an existing well, you'll need prior DNR approval. Affected property owners and right-of-way holders were notified of the presence of groundwater contamination.

Monitoring Wells that could not be Properly Filled and Sealed (ch. NR 141, Wis. Adm. Code)

Monitoring wells MW-2 located on Curling Club property, MW-15 located on the Northwestern Avenue right-of-way, and MW-20 located at 2313 Grandview Drive (off-site property), as shown on the attached map (Figure B.3.d, Monitoring Well Locations, CRA, October 2013), could not be properly filled and sealed because they were missing due to being paved over, covered or removed during site development activities. Your consultant made a reasonable effort to locate the wells and to determine whether they were properly filled and sealed, but was unsuccessful. You or subsequent property owners may be held liable for any problems associated with the monitoring wells as they may create a conduit for contaminants to enter groundwater. If any of the groundwater monitoring wells are found, the then current owner of the property on which the well is located is required to notify the DNR, to properly fill and seal the wells and to submit the required documentation to the DNR.

Cover or Barrier (s. 292.12 (2) (a), Wis. Stats., s. NR 726.15, s. NR 727.07 Wis. Adm. Code)

There is a 5-7' thick landfill cap covering the waste mass, compliant with s. NR 504.07, Wis. Adm. Code. This cover, which exists in the specific location shown on the attached map (Figure B.1.b, Detailed Site Map, CRA, October 2013), shall be inspected and maintained in compliance with the site Operations and 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, and to prevent direct contact with the landfill waste mass that might otherwise pose a threat to human health.

A cover or barrier for industrial land uses, or certain types of commercial land uses may not be protective if the 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. In addition, a cover or barrier for multi-family residential housing use may not be appropriate for use at a single family residence.

The cover approved for this case closure is protective for the intended use as a recreational facility. Before using the property for residential purposes, such as single or multiple family residences, a school, day care, senior center, hospital or similar settings you must notify the DNR at least 45 days before taking an action, and await the DNR's response 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 landfill cover must be inspected on a monthly basis. As described in the site Operations and Maintenance Plan, inspections of the landfill cover will be done as part of the monthly site inspections. The inspection logs will be submitted to the DNR annually in the Annual Monitoring Report submittal. The first submittal of the Annual Monitoring Report will be in 2014. Although there is an agreement in place for the City of Wausau to conduct the inspection and maintenance of the landfill cover, it is still the responsibility of the property owners (Marathon County and Wausau Curling Club, Inc.) to ensure that the cover is not damaged in any way, and that prior DNR approval is obtained for any modifications to the cover.

Site-Specific Condition (s. NR 726.05 (9), NR 726.15 (2) (m), s. NR 727.07 (7), Wis. Adm. Code)

An exemption for development at a Historic Fill Site or Licensed Landfill was approved by the DNR on March 6, 2013, for the construction of soccer fields on the landfill cover and repairs to the gas extraction system (attached). Another exemption for development was approved by the DNR on June 20, 2013, for the construction of championship field lighting and a concession/restroom building on the landfill cap (attached). Any redevelopment of this property will require compliance with the approved exemptions. Any changes from the March 6, 2013, and June 20, 2013, exemptions will require prior DNR approval in writing. Please refer to the Development at Historic Fill Site or Licensed Landfill guidances for further information at <http://dnr.wi.gov/topic/landfills/development.html>.

Although there are exemptions in place for the soccer field development on the landfill cover, any development on the Wausau Curling Club property that will impact the landfill cover or other landfill components (the gas extraction system, the blower or flare station, or gas probes), will also require an exemption for development at a Historic Fill Site or Licensed Landfill. The Curling Club, or subsequent owner of that property, should contact the DNR if any such developments are planned.

Specific requirements contained in the exemptions for the soccer field development include site inspection and maintenance activities, as well as monitoring. These requirements include submittal of a site Operations and Maintenance Plan and submittal of Annual Monitoring Reports. The Operations and Maintenance Plan was received in October 2013, and includes periodic inspection and maintenance of the landfill cap, and monitoring and maintenance of the gas extraction system, including monitoring of the gas extraction wells, blower, and gas probes. This includes landfill components on the Marathon County parcels as well as the Wausau Curling Club property. Monitoring results from the gas extraction wells, blower, and gas probes shall be summarized and submitted to the Department annually in an Annual Monitoring Report. This report shall include a summary of inspection and maintenance activities the prior year, their findings and recommended planned and/or completed activities. As with the landfill cover requirements, inspection, maintenance and reporting will be conducted by the City of Wausau, under the agreement between the Holtz Krause Steering Committee, Marathon County, and the City of Wausau.

Site-Specific Condition (s. NR 726.05 (9), NR 726.15 (2) (m), s. NR 727.07 (7), Wis. Adm. Code)

In addition to the requirements contained in the March 6, 2013, and June 20, 2013, exemptions, there is another site-specific continuing obligation regarding the gas extraction system, should the land use change in the future. If the site use changes in the future, such that the active gas extraction system is no longer necessary, the site owner at that time must either continue to maintain and operate the active system, or construct and maintain a passive venting system for methane mitigation.

Sites with an Exemption for Development at a Historic Fill Site or Licensed Landfill

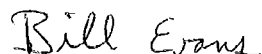
Any future redevelopment of this property must take into account consideration of the presence of waste materials and will require the issuance of an exemption from the DNR to build on an abandoned landfill prior to the start of any construction. Please refer to the Development at Historic Fill Site or Licensed Landfill guidance for further information at <http://dnr.wi.gov/topic/landfills/development.html>.

Given that this is a VPLE site, the owners of the properties are required to comply with the conditions of case closure and state law. If a Certificate of Completion (COC) is issued under s. 292.15, Stats., for these properties, then a COC may be revoked by the DNR if the property owners fail to comply with the applicable provisions of ch. 292, Stats., ch. NR 700 rule series, including the provisions of s. NR 727.13, Wis. Adm. Code, for any of the following situations:

- if the property owner does not comply with the conditions of closure, applicable laws, or with a certificate of completion issued under ss. 292.11 and 292.15, Wis. Stats, or
- a property owner fails to maintain or comply with a continuing obligation (imposed under this closure approval letter and administrative rules).

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 Erin Endsley at 715-392-3126 or via email at erin.endsley@wisconsin.gov.

Sincerely,



Bill Evans
West Central Team Supervisor
Remediation & Redevelopment Program

Attachments:

- Figure B.1.b, Detailed Site Map, CRA, October 2013
- Legal Descriptions for Holtz Krause Landfill Properties
- Figure B.3.b.1.1, Groundwater Isoconcentrations Dissolved Arsenic, CRA, October 2013
- Figure B.3.b.1.2, Groundwater Isoconcentrations Total Arsenic, CRA, October 2013
- Figure B.3.b.2, Groundwater Isoconcentrations Benzene, CRA, October 2013
- Figure B.3.b.4, Groundwater Isoconcentrations Tetrahydrofuran, CRA, October 2013
- Figure B.3.b.6, Groundwater Isoconcentrations Vinyl Chloride, CRA, October 2013
- Figure B.3.d, Monitoring Well Locations, CRA, October 2013
- Building on an Abandoned Landfill Exemption, March 6, 2013
- Building on an Abandoned Landfill Exemption, June 20, 2013

cc: Dave Eisenreich, Holtz-Krause Steering Committee, 5208 DJ Lane, Schofield, WI 54476
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Russell Wilson, Ruder Ware, 500 First Street, Suite 8000, PO Box 8050, Wausau, WI 54402-8050
Mark Giesfeldt /Michael Prager/Darsi Foss -- RR/3
Erin Endsley -- NOR
Loren Brumberg -- WCR
Kristine Hess -- LS/8
Pat Stevens -- AD/8
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Mickie A. Myers, 213 Schwebach St., Wausau, WI 54403
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TMJ Properties LLC, 701 Sand Lake Road, Onalaska, WI 54650
Wausau Cemetery Association, 1501 Grand Ave., Wausau, WI 54403
St. Michaels Congregation, 611 Stark St., Wausau, WI 54403
Grandview Storage, 2313 Grandview Dr., Wausau, WI 54403