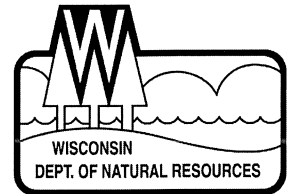


**State of Wisconsin**  
DEPARTMENT OF NATURAL RESOURCES  
Eau Claire Service Center  
1300 W. Clairemont Ave.  
Eau Claire, WI 54701

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



November 19, 2015

BRRTS# 02-37-000010  
02-37-000161  
02-37-315888  
07-37-563589

Mr. Steve DeCleene  
Creekwood Real Estate agent for AnchorBank, FSB  
Suite 202  
153 Park Avenue  
Pewaukee, WI 53072

Subject: Liability Clarification Letter Concerning Environmental Liability for:  
Lot 1, 901 South 60<sup>th</sup> Avenue, Wausau, Wisconsin

Dear Mr. DeCleene:

The purpose of this letter is to provide you with clarifications regarding the environmental liability that a current owner may have for a property located at 901 S. 60<sup>th</sup> Avenue, Wausau, Wisconsin ("the Property"). The Property (Lot 1) consists of approximately 21 acres of land. The Department of Natural Resources ("the Department") has agreed to provide you with a letter clarifying the environmental liability associated with contaminants detected at the Property and respond to your specific concerns.

It is our understanding that AnchorBank, FSB formerly owned the property defined as Lot 1, located at 901 S. 60<sup>th</sup> Ave., Wausau, Wisconsin. AnchorBank, FSB has requested this letter to correct the GIS registry and to clarify the long-term care requirements associated with Lot 1.

### **Request**

On April 14, 2015, you requested that the Department address the environmental liability that a current owner/purchaser of the Property may have related to the following specific questions regarding existing contamination at the Property:

#### **General Liability Clarification Item #1**

"The GIS registrations should be corrected and be placed onto the correct property. Since there are two deed restrictions, there should also be two GIS registrations associated with the former Murray machinery property. One GIS should be correctly placed on the "landfill" property with the correct deed and deed restriction signed by Brownfield Investments, LLC. The other should be placed on the property currently owned by AnchorBank (formerly owned by DMA Ventures, LLC)."

#### **General Liability Clarification Item #2**

"The ongoing responsibilities for environmental monitoring as identified on item B of the deed restriction is listed for both parcels. The owner of the property that is not the landfill is required by the deed restriction to perform environmental monitoring of the foundry waste disposal facility. On December 15, 1999, the WDNR sent a letter to Brownfield Investments, LLC with the subject title of "Modifications to the Plan of Operation Approval for Environmental Monitoring and Long Term Care of the Foundry Waste Disposal Facility known as the Murray Machinery Waste Landfill, Town of Stettin, Marathon County, Wisconsin" (Attachment 4). DMA Ventures was copied on the letter. As AnchorBank is the

current owner of the property formerly owned by DMA Ventures, LLC which is not landfill, what ongoing environmental monitoring responsibility do they have other than allowing access? This environmental monitoring is the responsibility of the owner of the landfill parcel. Is this requirement due to the ongoing annual sampling of the monitoring well (MW-1) that is located on the parcel currently owned by AnchorBank or is there another reason?"

The Department received the \$700 fee for providing assistance on April 15, 2015, as required by s. NR 749.04(1), Wis. Adm. Code.

In order for the Department to make this determination, you have requested a review of the following documents:

- Completed Technical Assistance and Environmental Liability Clarification Request form, Form 4400-237 with cover letter and attachments submitted by Kenneth Lassa from REI on behalf of AnchorBank, FSB signed April 8, 2015.
- Department file for the Murray Machinery site (03-27-000161).
- Department file for the Murray Machinery Landfill site (02-37-315888)
- Department file for the Murray Machinery Lagoon site (02-37-000010)
- GIS Registry for the Murray Machinery Lagoon site (02-37-000010)

The Department has examined the reports listed above and provides the following summary of the case and opinions concerning environmental conditions at the Property.

### **Summary of Environmental Conditions**

Murray Machinery operated a foundry at the Property located at 901 S. 60<sup>th</sup> Avenue in the Town of Stettin (now annexed to the City of Wausau) from 1966 until 1988. Their operations covered three separate parcels of land (Lots 1-3). During that time they deposited waste material from their operation in a licensed and unlicensed landfill located on lot 1 and lot 3 (Landfill case # 02-37-315888). On lot 1, waste material was deposited on the land surface surrounding the building. On Lot 3, waste material was deposited in the licensed landfill as well as on the land surface adjacent to Lot 1. They also discharged non-contact cooling water and air emission control water to a surface impoundment (Lagoon Case # 02-37-000010). In 1989 they removed four underground storage tanks and commenced with an investigation and clean-up of the gasoline contamination from one of the tanks. This case (03-37-000161) was closed in 1998.

The state worked with Murray Machinery after they closed to obtain closure for both the landfill and lagoon cases. Enforcement actions were taken against Murray Machinery. EPA did a removal of the contaminated sediments in the lagoon. They treated the material and placed it in the on-site landfill. As a part of the enforcement actions the state received money to cap the landfill areas along with other areas of waste foundry fill that was found on two of the parcels (Lots 1 and 3) owned by Murray Machinery. The lagoon case was closed in 2002 with no continuing obligations. The landfill case was closed in 2003 and the site was transferred to the waste program for long-term monitoring and maintenance.

To assist the following explanation, a certified survey map indicating the current property boundaries can be found in Attachment A, and a certified survey map indicating the original property boundaries (circa 1990) can be found in Attachment B. The following points clarify property boundaries at the time of landfill closure:

- 1) When the landfill case closed, Lot 3 was subdivided into Lot 3 and Parcel A.
- 2) Parcel A contained the landfill.

- 3) At that time deed restrictions were placed on Lot 1, Lot 3 and Parcel A.

Since the time that the deed restrictions were placed on deeds for Lot 1, Lot 3 and Parcel A the property boundaries have changed:

- 1) Parcel A has stayed the same; however it appears that Lot 3 was subdivided.
- 2) Portions of lot 3 were added to the current Lots 1 and 2.
- 3) The lagoon area was added to Lot 1.
- 4) The area immediately east of the lagoon which does not appear to have foundry waste fill on it was added to Lot 2.

### **Liability Determination**

The Wisconsin Hazardous Substance Spill Law, s. 292.11, Wis. Stats., commonly called the Spills Law, requires those who cause, possess or control a hazardous substance discharge to "take the actions necessary to restore the environment to the extent practicable and minimize the harmful effects from the discharge to the air, lands or waters of this state." Section 292.55, Wis. Stats., authorizes the Department to issue clarification letters concerning liability for environmental pollution.

### **General Liability Clarification Item #1**

The Department has determined that the deed restrictions pertaining to Brownfield Investments, LLC (Parcel A, registered on December 22, 2000) and to DMA Ventures (Lot 1, registered on December 7, 2000) placed in the GIS Registry packet for the Murray Machinery Lagoon should be removed from the packet. The case closure for Murray Machinery Lagoon had no continuing obligations and did not involve any of the landfill or waste material. The Murray Machinery Lagoon case was related strictly to the clean-up of the lagoon. Therefore those documents have been removed from GIS Registry packet for the Lagoon case.

The above-referenced deed restrictions refer to the Landfill case. This case was transferred back to the Waste and Materials Management program. The R&R Program's portion of the case was considered closed since the work that was authorized under the R&R program was complete. However, since this is a landfill there are long-term monitoring requirements that must be met. Consequently, the site could not be closed under NR. 700 Wisconsin Administrative Code. Since the R&R program did not close the case, rather transferred it back to the Waste and Materials Management program, we did not have a procedure at that time to place the site on the GIS Registry. The reason for the deed restrictions was to ensure that future property owners were aware of the long-term care and maintenance.

Since there currently is not a GIS registration related to the landfill case, we do not have the ability to update an existing GIS registry packet. If you would like to request a post closure modification, and pay the applicable fee of \$1400, a GIS registration can be submitted which would accurately reflect property boundaries and long-term care requirements associated with Lot 1.

### **General Liability Clarification Item #2**

A clarification of responsibilities for the properties related to the landfill and waste material can be found in the letter dated December 15, 1999 to Mr. David Schuurman from Donald Grasser of the Department of Natural Resources (see Attachment D). The Department's authority to require long-term care of the former Murray Machinery Foundry Waste Landfill is outlined in the "Plan Approval Modification for Long-Term Care Former Murray Machinery Foundry Waste Landfill" letter dated December 15, 1999,

and signed by Donald Grasser and Loren Brumberg of the Department of Natural Resources. This letter relates only to the licensed landfill No. 1722 and states that the long-term monitoring falls under the licensed landfill (Parcel A) owner's responsibilities. This sampling is a requirement of the Waste and Materials Management Program for long-term care of a closed licensed waste disposal facility.

Based on the certified survey map of Parcel A (see attachment A) the landfill is located on Parcel A. Lot 1 is where additional waste material is located which also requires maintenance of the base coarse/asphalt cover. The owner of Lot 1 is responsible for maintaining the base coarse/asphalt cover over the waste material which is contained on Lot 1 and for allowing access to the monitoring wells for sampling and maintenance purposes. The total area of base coarse/asphalt that is required to be maintained for long-term care is outlined in Attachment C. Lot 1 is only a portion of this total area.

Also, because the site (both Parcel A and Lot 1) meets the statutory definition of a solid waste facility, prior to any redevelopment, the Property owner will need to submit an Exemption Application (Forms 4400-226 and 4400-226A) and receive Department approval for development at a historic fill site or licensed landfill. Any impacted soil or fill material graded or excavated from the subsurface will need to be disposed of in accordance with state and federal laws. Please refer to the following guidance documents regarding Development at Historic Fill Site or Licensed Landfill for further information. They can be found on the internet at:

<http://dnr.wi.gov/files/PDF/pubs/rr/RR685.pdf>

<http://dnr.wi.gov/files/PDF/pubs/rr/RR684.pdf>

<http://dnr.wi.gov/files/PDF/pubs/rr/RR683.pdf>

Please understand that this letter clarifies a new owner's liability related to residual contamination on the Property based only on the information presently available to the Department. The Department has made no determination concerning the presence or absence of hazardous substance discharges other than those described above. In the future, if the Department becomes aware of new information concerning the contamination referenced above, or the presence of other contaminants on the Property not previously identified, the Department will need to evaluate that data to determine if response actions may be required.

The Bureau for Remediation and Redevelopment Tracking System (BRRTS) identification numbers for these activities are shown at the top of this letter. The Department tracks information on all determinations such as this in a Department database, "BRRTS on the Web," that is available on the Internet at <http://dnr.wi.gov/topic/Brownfields/clean.html>.

The Department hopes that this letter helps clarify what known areas of residual contamination on the Property may require further environmental response action under Wisconsin law, and who is responsible for conducting these actions. If you have any questions please contact me at [David.Rozeboom@wisconsin.gov](mailto:David.Rozeboom@wisconsin.gov) or 715-839-3710.

Sincerely,



Dave Rozeboom, Team Supervisor  
West Central Remediation & Redevelopment Program

CC: Ken Lassa, REI



Enclosures:

Attachment A: Marathon Co. Certified Survey Map, Map No. 16744, Volume 78, Page 93

Attachment B: Marathon Co. Certified Survey Map, 930856, 930857

Attachment C: Site Plan: Extent of base coarse/asphalt to be maintained

Attachment D: Letter: Modification to the Plan of Operation Approval

Letter: Plan Approval Modification for Environmental Monitoring Long-term Care Former  
Murray Machinery Foundary Waste Landfill

# **Attachment A**

**Marathon Co. Certified Survey Map  
Map No. 16744, Volume 78, Page 93**

# ATTACHMENT A

STATE OF WISCONSIN - MARATHON COUNTY  
 CSM FILED VOL. 78 PAGE 23  
 01/21/2014 12:36:38 PM  
 MICHAEL J. SYDOW, REGISTER OF DEEDS

16744

Chg 3000 R&T  
 Chg 4.00 " Copy Michael J. Sydow Dean J. Stratz



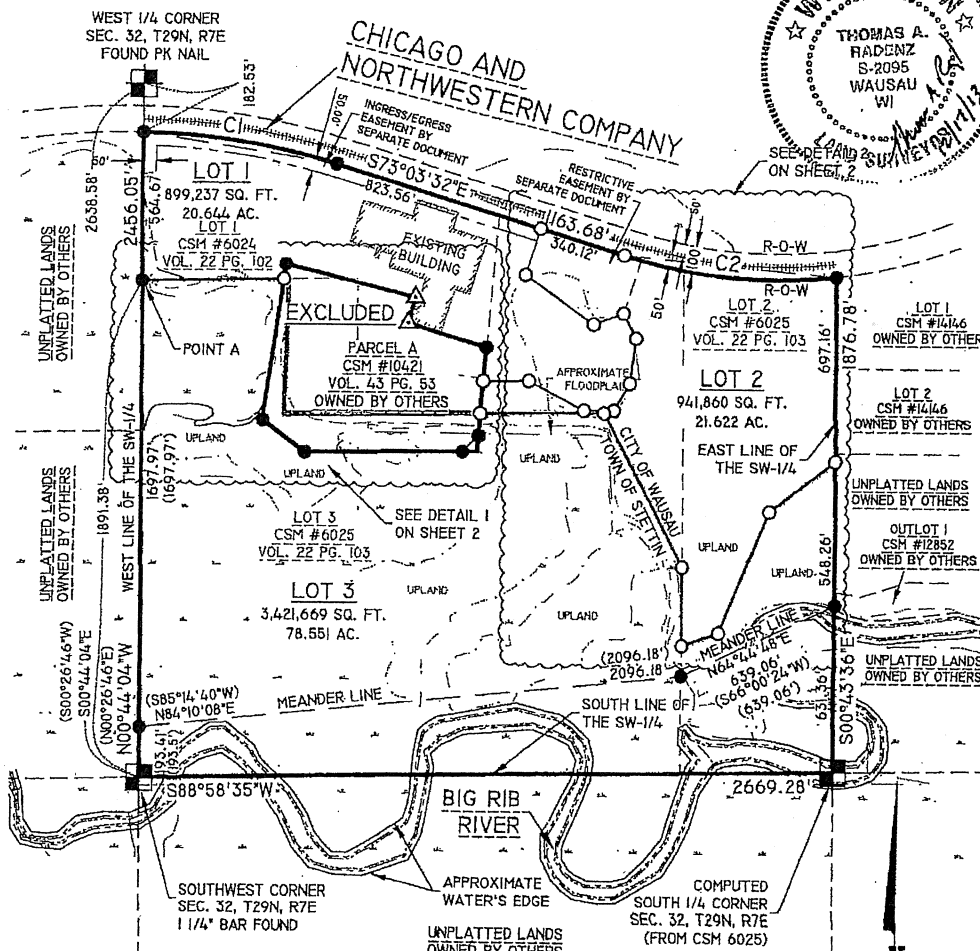
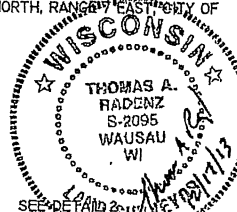
DOC# 1664907

R.E.I. 4080 N. 20th AVE WAUSAU, WI 54401 (715)675-9784

## MARATHON CO. CERTIFIED SURVEY MAP MAP NO. 16744 VOLUME 78 PAGE 23

PREPARED FOR: COLLIER'S INTERNATIONAL LAND OWNER: ANCHORBANK FSB

ALL OF LOT 1 OF CERTIFIED SURVEY MAP NUMBER 6024, RECORDED IN VOLUME 22, ON PAGE 102, AS DOCUMENT NUMBER 930856, IN THE MARATHON COUNTY REGISTER OF DEEDS OFFICES, AND ALL OF LOT 2 AND PART OF LOT 3 OF CERTIFIED SURVEY MAP NUMBER 6025, RECORDED IN VOLUME 22, ON PAGE 103, AS DOCUMENT NUMBER 930857 IN THE MARATHON COUNTY REGISTER OF DEEDS OFFICE EXCLUDING PARCEL A OF CERTIFIED SURVEY MAP NUMBER 10421, RECORDED IN VOLUME 43, ON PAGE 53, AS DOCUMENT NUMBER 1148534, ALL LOCATED IN THE SOUTHWEST 1/4 OF SECTION 32, TOWNSHIP 29 NORTH, RANGE 7 EAST, COUNTY OF WAUSAU AND TOWN OF STETTIN, MARATHON COUNTY, WISCONSIN.

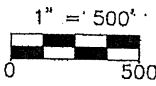


Lot 1: 291.4.2907. 323.0976 N55W  
 Lot 2: 291.4.2907. 323.0975 E85W  
 Lot 3: 076.4.2907. 323.0977 S074

LEGEND	
R-O-W	- RIGHT-OF-WAY
△	- MAG NAIL SET
●	- 1-1/4 IN. O.D. IRON PIPE FOUND
○	- 1-1/4 IN. O.D. X 18 IN. IRON PIPE WEIGHING 1.68 LBS/LIN. FT. SET
(126°)	- RECORDED BEARING/LENGTH
126.00'	- MEASURED BEARING/LENGTH
	- APPROXIMATE WETLANDS
	- EXISTING RAILROAD

CURVE TABLE					
CURVE	RADIUS LENGTH	CHORD BEARING	CHORD LENGTH	CENTRAL ANGLE	ARC LENGTH
C1	2814.93'	S81°13'53"E	758.34'	15°28'57"	760.65'
C2	1960.08'	S84°36'22"E	817.50'	24°04'24"	823.55'

NOTES:  
 1. BEARINGS ARE BASED ON THE MARATHON COUNTY COORDINATE SYSTEM, NAD83(91) AND ARE REFERENCED TO THE WEST LINE OF THE SOUTHWEST 1/4 OF SECTION 32, TOWNSHIP 29 NORTH, RANGE 7 EAST, RECORDED TO BEAR SOUTH 00°44'04" EAST.  
 2. APPROXIMATE 100-YR FLOODPLAIN BOUNDARY WAS DERIVED FROM AVAILABLE WDNR SURFACE WATER VIEWER MAPPING.  
 3. ACCESS TO LOTS 2 AND 3 BY SEPARATE DOCUMENT.  
 4. WETLANDS AND UPLANDS WITHIN THE FLOODPLAIN WERE DELINEATED BY STAR ENVIRONMENTAL ON 11/18/13 AND LOCATED BY DAN HIGGINBOTHAM RLS-1935 SUBSEQUENTLY FORWARDED TO REI. THIS MAP WAS NOT MEANT TO SHOW ALL UPLANDS WITHIN THE FLOODPLAIN.



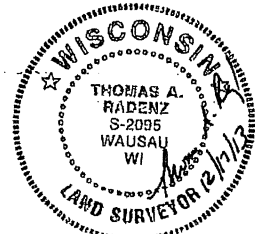
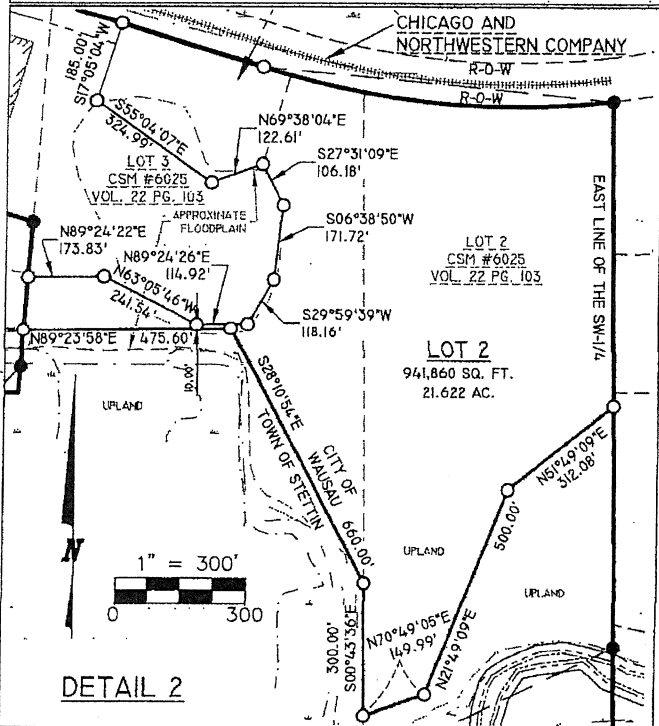
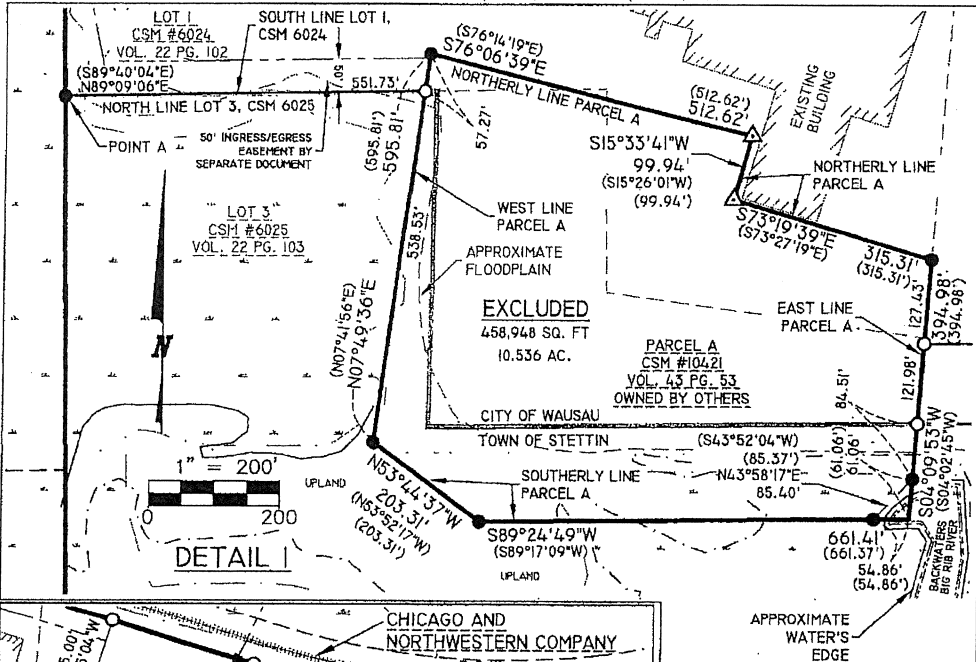


DOC # 1664907

R.E.I. 4080 N. 20th AVE WAUSAU, WI 54401 (715)675-9784  
**MARATHON CO. CERTIFIED SURVEY MAP**  
 MAP NO. 16744 VOLUME 78 PAGE 93

PREPARED FOR: COLLIERS INTERNATIONAL LAND OWNER: ANCHORBANK FSB

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LEGEND	
R-O-W	- RIGHT-OF-WAY
△	- MAG NAIL SET
●	- 1-1/4 IN. O.D. IRON PIPE FOUND
○	- 1-1/4 IN. O.D. X 18 IN. IRON PIPE WEIGHING 1.68 LBS/LIN. FT. SET
(126°)	- RECORDED BEARING/LENGTH
126.00'	- MEASURED BEARING/LENGTH
	- APPROXIMATE WETLANDS

R.E.I. 4080 N. 20th AVE WAUSAU, WI 54401 (715)675-9784  
**MARATHON CO. CERTIFIED SURVEY MAP**  
MAP NO. 16744 VOLUME 78 PAGE 93

PREPARED FOR: COLLIERS INTERNATIONAL LAND OWNER: ANCHORBANK FSB

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**SURVEYOR'S CERTIFICATE**

I, THOMAS A. RADENZ, WISCONSIN REGISTERED LAND SURVEYOR S-2095, DO HEREBY CERTIFY TO THE BEST OF MY KNOWLEDGE AND BELIEF: THAT I HAVE SURVEYED, MAPPED AND DIVIDED ALL OF LOT 1 OF CERTIFIED SURVEY MAP NUMBER 6024, RECORDED IN VOLUME 22, ON PAGE 102, AS DOCUMENT NUMBER 930856, IN THE MARATHON COUNTY REGISTER OF DEEDS OFFICES, AND ALL OF LOT 2 AND PART OF LOT 3 OF CERTIFIED SURVEY MAP NUMBER 6025, RECORDED IN VOLUME 22, ON PAGE 103, AS DOCUMENT NUMBER 930857 IN THE MARATHON COUNTY REGISTER OF DEEDS OFFICE EXCLUDING PARCEL A OF CERTIFIED SURVEY MAP NUMBER 10421, RECORDED IN VOLUME 43, ON PAGE 53, AS DOCUMENT NUMBER 1148534, ALL LOCATED IN THE SOUTHWEST 1/4 OF SECTION 32, TOWNSHIP 29 NORTH, RANGE 7 EAST, CITY OF WAUSAU AND TOWN OF STETTIN, MARATHON COUNTY, WISCONSIN, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF SAID SECTION 32, SAID SOUTHWEST CORNER ALSO BEING THE POINT OF BEGINNING; THENCE NORTH 00°44'04" WEST, COINCIDENT WITH THE WEST LINE OF SAID SOUTHWEST 1/4, 1891.38 FEET TO A POINT TO BE HEREINAFTER KNOWN AS POINT A; THENCE NORTH 00°44'04" WEST, COINCIDENT WITH SAID WEST LINE OF THE SOUTHWEST 1/4 564.67 FEET TO THE SOUTHERLY RIGHT-OF-WAY LINE OF THE CHICAGO AND NORTHWESTERN COMPANY RAILROAD; THENCE 760.65 FEET COINCIDENT WITH THE ARC OF A CURVE CONCAVE TO THE SOUTHWEST AND COINCIDENT WITH SAID SOUTHERLY RIGHT-OF-WAY LINE, SAID CURVE HAVING A RADIUS OF 2814.93 FEET, A CENTRAL ANGLE OF 15°28'57", AND A CHORD BEARING SOUTH 81°13'53" EAST FOR A DISTANCE OF 758.34 FEET; THENCE SOUTH 73°03'32" EAST, COINCIDENT WITH SAID SOUTHERLY RIGHT-OF-WAY LINE, 1163.68 TO THE BEGINNING OF CURVE CONCAVE TO THE NORTHEAST; THENCE 823.55 FEET COINCIDENT WITH SAID ARC CONCAVE TO THE NORTHEAST AND COINCIDENT WITH SAID SOUTHERLY RIGHT-OF-WAY LINE, SAID CURVE HAVING A RADIUS OF 1960.08 FEET, A CENTRAL ANGLE OF 24°04'24", AND A CHORD BEARING SOUTH 84°36'22" EAST FOR A DISTANCE OF 817.50 FEET TO THE EAST LINE OF SAID SOUTHWEST 1/4; THENCE SOUTH 00°43'36" EAST, COINCIDENT WITH SAID EAST LINE OF THE SOUTHWEST 1/4 TO THE SOUTH 1/4 CORNER OF SAID SECTION 32; THENCE SOUTH 88°58'35" WEST, COINCIDENT WITH THE SOUTH LINE OF SAID SOUTHWEST 1/4, 2669.28 FEET TO SAID SOUTHWEST CORNER OF SECTION 32 AND THE POINT OF BEGINNING.

EXCLUDING THE FOLLOWING DESCRIBED PARCEL: COMMENCING AT THE AFOREMENTIONED POINT A; THENCE NORTH 89°09'06" EAST, COINCIDENT WITH THE SOUTH LINE OF SAID LOT 1 OF CERTIFIED SURVEY MAP NUMBER 6024 AND THE NORTH LINE OF SAID LOT 3 OF CERTIFIED SURVEY MAP NUMBER 6025, 551.73 FEET TO THE WEST LINE OF SAID PARCEL A OF CERTIFIED SURVEY MAP NUMBER 10421 AND THE POINT OF BEGINNING; THENCE NORTH 07°49'36" EAST, COINCIDENT WITH SAID WEST LINE OF PARCEL A, 57.27 FEET TO THE NORTHERLY LINE OF SAID PARCEL A; THENCE SOUTH 76°06'39" EAST, COINCIDENT WITH SAID NORTHERLY LINE OF PARCEL A, 512.62 FEET; THENCE SOUTH 15°33'41" WEST, COINCIDENT WITH SAID NORTHERLY LINE OF PARCEL A, 99.94 FEET; THENCE SOUTH 73°19'39" EAST, COINCIDENT WITH SAID NORTHERLY LINE OF PARCEL A, 315.31 FEET TO THE EAST LINE OF SAID PARCEL A; THENCE SOUTH 04°09'53" WEST, COINCIDENT WITH SAID EAST LINE OF PARCEL A, 394.98 FEET TO THE SOUTHERLY LINE OF PARCEL A; THENCE SOUTH 89°24'49" WEST, COINCIDENT WITH SAID SOUTHERLY LINE OF PARCEL A, 661.41 FEET; THENCE NORTH 63°44'37" WEST, COINCIDENT WITH SAID SOUTHERLY LINE OF PARCEL A, 203.31 FEET TO SAID WEST LINE OF PARCEL A; THENCE NORTH 07°49'36" EAST, COINCIDENT WITH SAID WEST LINE OF PARCEL A, 538.53 FEET TO THE POINT OF BEGINNING.

THAT THE ABOVE DESCRIBED PARCEL OF LAND CONTAINS 5,262,766 SQ. FT. 120.817 ACRES, MORE OR LESS.

THAT I HAVE MADE THIS SURVEY, DIVISION AND MAP THEREOF AT THE DIRECTION OF COLLIERS INTERNATIONAL, AGENT OF SAID PARCEL.

THAT SAID PARCEL IS SUBJECT TO EASEMENTS, RESTRICTIONS, AND RIGHT-OF-WAYS OF RECORD.

THAT I HAVE FULLY COMPLIED WITH THE PROVISIONS OF SECTION 236.34 OF THE WISCONSIN STATUTES AND THE SUBDIVISION REGULATIONS OF THE CITY OF WAUSAU AND THE TOWN OF STETTIN.

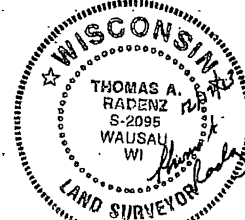
THAT THIS MAP IS A CORRECT AND ACCURATE REPRESENTATION OF THE EXTERIOR BOUNDARIES OF SAID PARCEL, AND OF THE DIVISION THEREOF MADE.

DATED THIS 17 DAY OF December, 2013

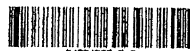
Thomas A. Radenz  
REI  
THOMAS A. RADENZ  
WI R.L.S. S-2095

Winters  
ZONING ADMINISTRATOR  
BEING DULY APPOINTED BY THE COMMON COUNCIL, DO HEREBY CERTIFY  
THAT THE ATTACHED CERTIFIED SURVEY MAP HAS BEEN REVIEWED AND  
THERE ARE NO OBJECTIONS TO RECORDING THIS CERTIFIED SURVEY IN THE  
REGISTER OF DEEDS OFFICE.

DATE January 21, 2014

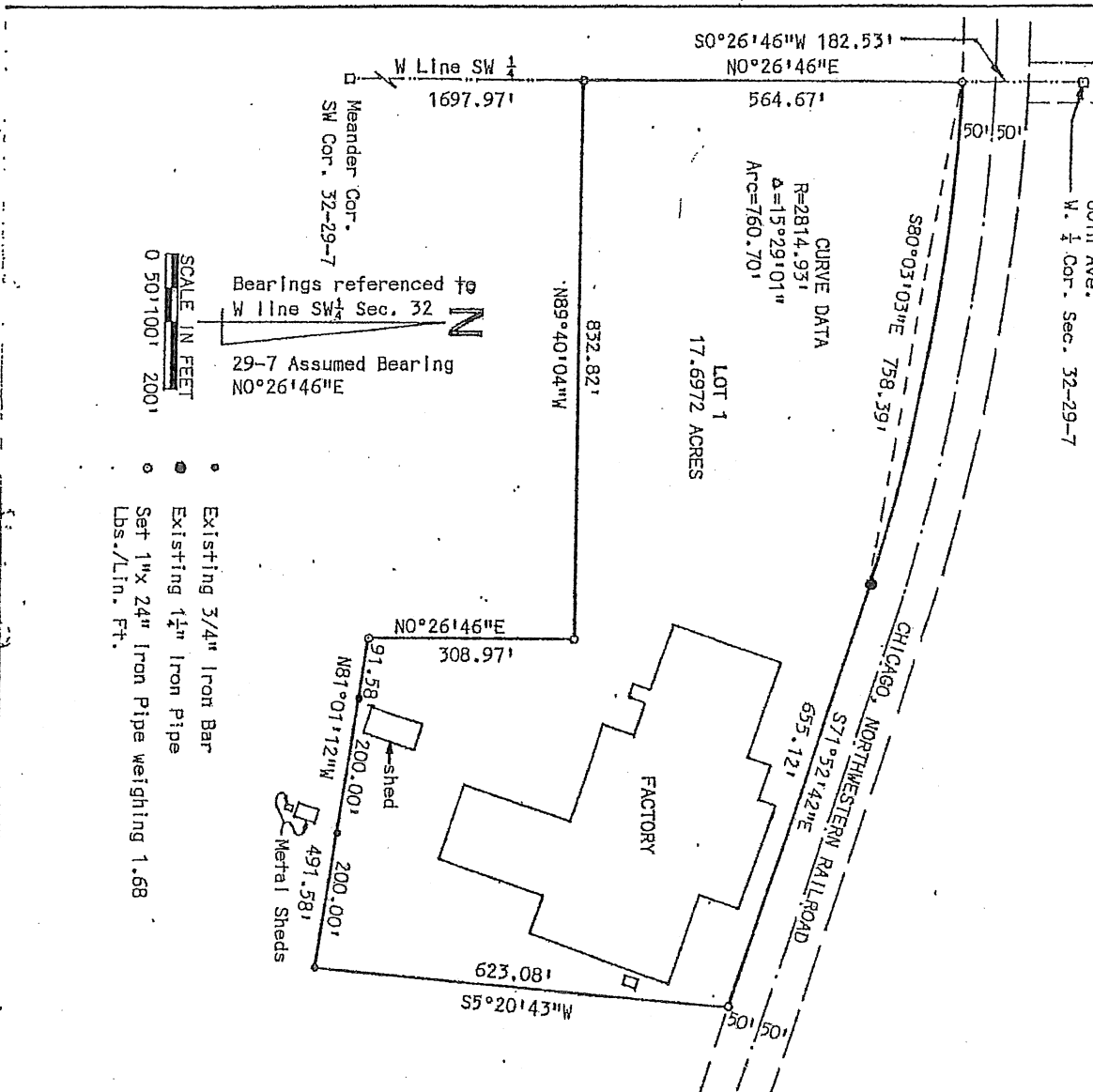


NOTE:  
THE TOWN OF STETTIN AND MARATHON  
COUNTY HAVE WAIVED REVIEW AUTHORITY  
ON THIS MAP.



# **Attachment B**

**Marathon Co. Certified Survey Map  
930856, 930857**



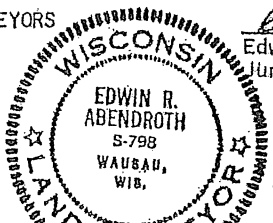
MARATHON COUNTY CERTIFIED SURVEY MAP FOR MURRAY MACHINERY, INC.

I, Edwin R. Abendroth, registered land surveyor, hereby certify that I have surveyed and mapped by the order of, Murray Machinery, Inc., part of the Southwest 1/4 of Section 32, Township 29 North, Range 7 East, Town of Stettin, Marathon County, Wisconsin, described as follows: Commencing at the West 1/4 corner of said Section 32; thence SO°26'46"W, 182.53 feet to the point of beginning; thence on the arc of a curve whose chord bears S80°03'03"E, 758.39 feet; thence S71°52'42"E, 655.12 feet; thence S5°20'43"W, 623.08 feet; thence N81°01'12"W, 491.58 feet; thence NO°26'46"E, 308.97 feet; thence N89°40'04"W, 832.82 feet; thence NO°26'46"E, 564.67 feet to the point of beginning..

Subject to easements and roadways of record.

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  
415 W Thomas Street  
Wausau, WI 54401



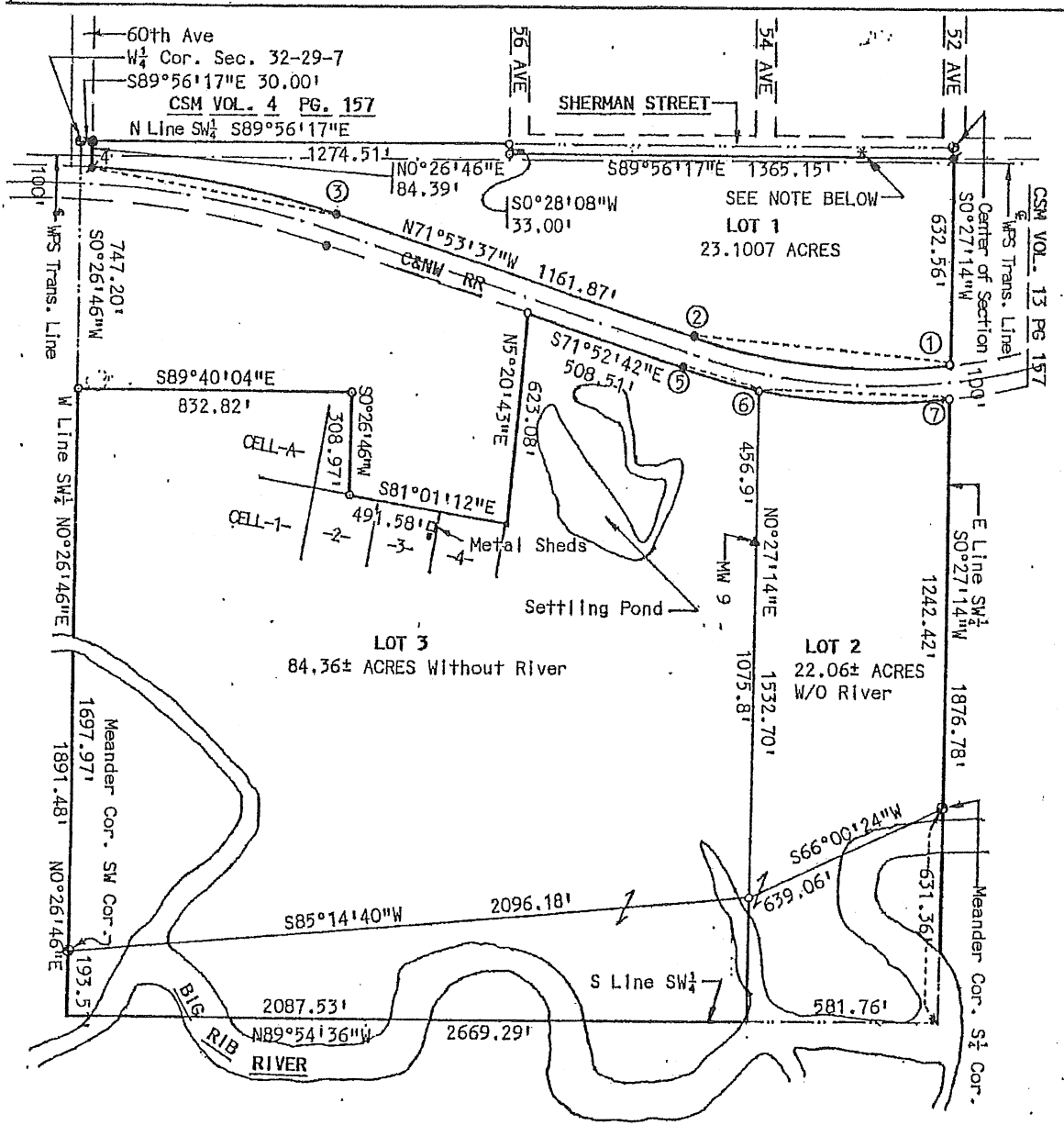
*Edwin R. Abendroth*  
Edwin R. Abendroth RLS No. s-798  
June 18, 1990

CS 22-103

930857

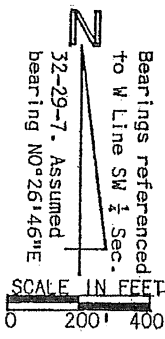
8-20-90

6025



NOTE: Sherman Street not dedicated South of 1/4 Line. Set Irons for future 66' Street.

- Existing 2" Iron Pipe
- Existing 1 1/4" Iron Pipe
- Existing 1" Iron Pipe
- Existing 3/4" Iron Bar
- ▲ Existing Monitor Well Casing
- Set 1"x24" Iron Pipe weighing 1.68 Lbs./Lin. Ft.



CURVE DATA

Curve	Chord Bearing	Chord Dist.	Radius	Delta	Tangent Dist.	Arc Dist.
1-2	N83°36'12"W	786.27'	1860.08'	24°24'12"	402.22'	792.24'
3-4	N79°45'52"W	761.47'	2914.93'	15°00'37"	384.02'	763.65'
5-6	S74°40'35"E	239.11'	1960.08'	6°59'38"	119.78'	239.26'
6-7	S87°00'23"E	582.31'	1960.08'	17°05'06"	294.42'	584.47'



MARATHON COUNTY CERTIFIED SURVEY MAP FOR MURRAY MACHINERY, INC.

I, Edwin R. Abendroth, registered land surveyor, hereby certify that I have surveyed and mapped by the order of, Murray Machinery, Inc., the Southwest  $\frac{1}{4}$  of Section 32, Township 29 North, Range 7 East, Town of Stettin, Marathon County, Wisconsin, except Chicago & Northwestern Railroad; Commencing at the West  $\frac{1}{4}$  corner of said Section 32; thence S89°56'17"E, 30.00 feet to the point of beginning; thence S89°56'17"E, 1274.51 feet; thence S0°28'08"W, 33.0 feet; thence S89°56'17"E, 1365.15 feet; thence S0°27'14"W, 632.56 feet; thence on the arc of a curve whose chord bears N83°36'12"W, 786.27 feet; thence N71°53'37"W, 1161.87 feet; thence on the arc of a curve whose chord bears N79°45'52"W, 761.47 feet; thence N0°26'46"E, 84.39 feet to the point of beginning.

Also Commencing at West  $\frac{1}{4}$  corner of said Section 32; thence S0°26'46"W, 747.20 feet to the point of beginning; thence S89°40'04"E, 832.82 feet; thence S0°26'46"W, 308.97 feet; thence S81°01'12"E, 491.58 feet; thence N5°20'43"E, 623.08 feet; thence S71°52'42"E, 508.51 feet; thence on the arc of a curve whose chord bears S74°40'35"E, 239.11 feet; thence continuing on said curve S87°00'23"E, 582.31 feet; thence S0°27'14"W, 1242.42 feet to a meander corner on the Big Rib River, 631.36 feet from the southeast corner of said Southwest  $\frac{1}{4}$ ; thence on a meander line along the bank of said River, S66°00'24"W, 639.06 feet; thence S85°14'40"W, 2096.18 feet, to a point which is 193.5 feet from the Southwest corner of said Southwest  $\frac{1}{4}$  and the end of the meander line; thence N0°26'46"E, 1697.97 feet to the point of beginning. Including all lands lying between the above described meander line and the south line of said Southwest  $\frac{1}{4}$ , except Big Rib River flowage rights..

Subject to easements and roadways of record.

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.

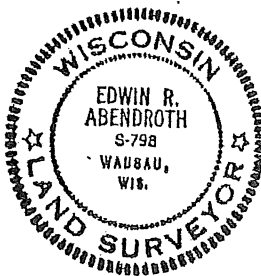
Prepared By:  
WISCONSIN VALLEY SURVEYORS  
415 W Thomas Street  
Wausau, WI 54401

*Edwin R. Abendroth*

Edwin R. Abendroth, RLS No. S-798

June 18, 1990

Revised June 22, 1990



'90 AUG 20 PM 1 39

930857

REGISTERS OFFICE  
Marathon County, Wis.  
Received for Record this \_\_\_\_\_ day of \_\_\_\_\_ A.D. 19\_\_\_\_  
at \_\_\_\_\_ o'clock \_\_\_\_\_ M and recorded  
in Vol. \_\_\_\_\_ of CSM  
on page \_\_\_\_\_  
*Charles D. Barry*  
Register

CHANGES 9 10

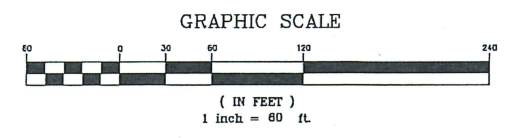
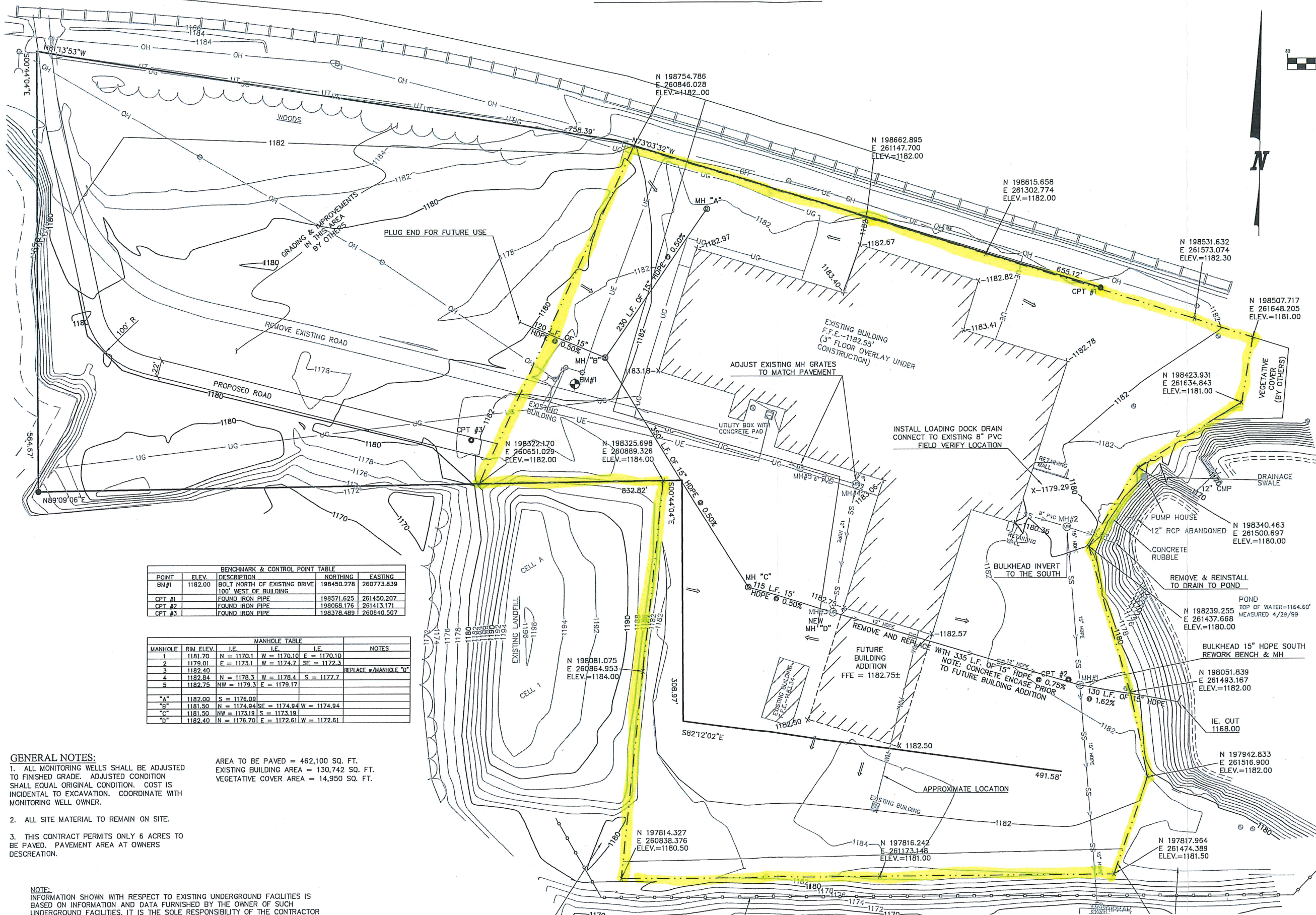
# **Attachment C**

**Site Plan**

**Extent of base coarse/asphalt to be maintained**



## SITE PLAN



**LEGEND**

- BENCHMARK
- 1" IRON BAR FOUND
- EXISTING MANHOLE
- EXISTING TELEPHONE MANHOLE
- EXISTING HYDRANT
- EXISTING WATER VALVE
- EXISTING UTILITY POLE
- EXISTING LIGHT POLE
- EXISTING DECIDUOUS TREE
- EXISTING CONIFEROUS TREE
- EXISTING GAS VALVE
- EXISTING CURB INLET
- EXISTING WELL
- EXISTING RAILROAD TRACKS
- EXISTING TREELINE
- EXISTING GUY POLE
- EXISTING MONITORING WELL
- PROPOSED SPOT ELEVATION
- EXISTING SHORE LINE
- EXISTING UNDERGROUND GAS
- EXISTING UNDERGROUND ELECTRIC
- EXISTING UNDERGROUND TELEPHONE
- EXISTING OVERHEAD UTILITIES
- EXISTING WATER MAIN
- EXISTING STORM SEWER
- EXISTING SANITARY SEWER
- EXISTING PROPERTY LINE
- PROPOSED DRAINAGE ARROW
- PROPOSED DRAINAGE CATCH BASIN
- PROPOSED EDGE OF PAVEMENT (REQUIRED LIMITS)
- PROPOSED SILT FENCE
- EXISTING GROUND CONTOUR (INTERVAL - 2 FT.)
- PROPOSED GROUND CONTOUR (INTERVAL - 2 FT.)

**BENCHMARK & CONTROL POINT TABLE**

POINT	ELEV.	DESCRIPTION	NORTHING	EASTING
BM#1	1182.00	BOLT NORTH OF EXISTING DRIVE 100' WEST OF BUILDING	198450.278	260773.839
CPT #1		FOUND IRON PIPE	198571.625	261450.207
CPT #2		FOUND IRON PIPE	198068.176	261413.171
CPT #3		FOUND IRON PIPE	198378.489	260840.507

**MANHOLE TABLE**

MANHOLE	RIM ELEV.	I.E.	I.E.	I.E.	NOTES
1	1181.70	N = 1170.1	W = 1170.10	E = 1170.10	
2	1179.01	F = 1173.1	W = 1174.7	SE = 1172.3	
3	1182.40				REPLACE w/ MANHOLE "D"
4	1182.84	N = 1178.3	W = 1178.4	S = 1177.7	
5	1182.75	NW = 1179.3	E = 1179.17		
"A"	1182.00	S = 1176.09			
"B"	1181.50	N = 1174.94	SE = 1174.94	W = 1174.94	
"C"	1181.50	NW = 1173.19	S = 1173.19		
"D"	1182.40	N = 1176.70	E = 1172.61	W = 1172.61	

**GENERAL NOTES:**

- ALL MONITORING WELLS SHALL BE ADJUSTED TO FINISHED GRADE. ADJUSTED CONDITION SHALL EQUAL ORIGINAL CONDITION. COST IS INCIDENTAL TO EXCAVATION. COORDINATE WITH MONITORING WELL OWNER.
- ALL SITE MATERIAL TO REMAIN ON SITE.
- THIS CONTRACT PERMITS ONLY 6 ACRES TO BE PAVED. PAVEMENT AREA AT OWNERS DESCRETION.

AREA TO BE PAVED = 462,100 SQ. FT.  
EXISTING BUILDING AREA = 130,742 SQ. FT.  
VEGETATIVE COVER AREA = 14,950 SQ. FT.

**NOTE:**  
INFORMATION SHOWN WITH RESPECT TO EXISTING UNDERGROUND FACILITIES IS BASED ON INFORMATION AND DATA FURNISHED BY THE OWNER OF SUCH UNDERGROUND FACILITIES. IT IS THE SOLE RESPONSIBILITY OF THE CONTRACTOR

DATE	REVISION	BY	CHK'D

**CIVIL & ENVIRONMENTAL ENGINEERING, SURVEYING**  
4080 N. 20th AVENUE  
WAUSAU, WISCONSIN 54401  
PHONE: (715) 675-9784 FAX: (715) 675-4060  
EMAIL: re@cp-pros.net

**SITE IMPROVEMENT PLAN FOR  
FORMER MURRAY MACHINERY SITE  
WAUSAU, WISCONSIN**

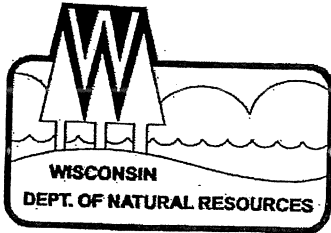


# **Attachment D**

**Letter: Modification to the Plan of Operation Approval**

**Letter: Plan Approval Modification for Environmental  
Monitoring Long-term Care Former Murray Machinery  
Foundary Waste Landfill**

# ATTACHMENT D



## State of Wisconsin \ DEPARTMENT OF NATURAL RESOURCES

Tommy G. Thompson, Governor  
George E. Meyer, Secretary  
Scott A. Humrickhouse, Regional Director

West Central Region Headquarters  
1300 W. Clairemont Avenue  
PO Box 4001  
Eau Claire, Wisconsin 54702-4001  
Telephone 715-839-3700  
FAX 715-839-6076  
TDD 715-839-2786

December 15, 1999

FID No. 737062920  
SW/APPR

Mr. David Schuurman  
Brownfield Investments, LLC  
609 Gray Place  
Wausau, WI 54403

Subject: Modifications to the Plan of Operation Approval for Environmental Monitoring and Long-term Care of the Foundry Waste Disposal Facility known as the Murray Machinery Foundry Waste Landfill, Town of Stettin, Marathon County, Wisconsin

Dear Mr. Schuurman:

The Wisconsin Department of Natural Resources ("Department") has determined that, due to changing circumstances, modifications to the *Vertical Fill Plan for Murray Machinery, Inc., License No. 1722* for environmental monitoring and long-term care of the foundry waste disposal facility known as the Murray Machinery Foundry Waste Landfill are necessary. The foundry waste disposal facility is located in a part of the SW  $\frac{1}{4}$  of Section 32, Township 29 North, Range 7 East, Town of Stettin, Marathon County, Wisconsin.

Modification of the requirements for environmental monitoring and long-term care of the foundry waste disposal facility are necessary due to the abandonment of monitoring wells, groundwater quality trends and placement of base coarse and asphalt as a final cover over much of the foundry waste disposal facility. Purposes of the modifications are to provide for the routine care and maintenance of the facility's base coarse/asphalt and clay covers and to provide the environmental monitoring necessary to determine whether contaminants are present in groundwater.

### Environmental Monitoring

Modification of the environmental monitoring requirements shall include a reduction in the frequency of groundwater sampling from quarterly to annually; an increase in the number of monitoring wells sampled from three to four; and changes in the number and type of analytical parameters.

### Long-Term Care

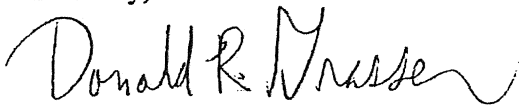
Modification of the long-term care requirements shall include the addition of routine care and maintenance of base coarse and asphalt that serves as a final cover over areas of the foundry waste disposal facility and conditions on any proposed changes to the base coarse and asphalt cover.

On October 25, 1999, the Department issued a notice of intent to modify a plan approval for the foundry waste disposal facility known as the Murray Machinery Foundry Waste Landfill, License No. 1722, to the Schuurman Corporation. The Department did not receive written or verbal comments in response to the notification. As a result, no revisions were made to the draft plan of operation approval modification as seen in the notification.

Environmental monitoring and long-term care of the foundry waste disposal facility shall be conducted in accordance with the conditions of the *Vertical Fill Plan for Murray Machinery, Inc., License No. 1722* dated November 23, 1983, and this plan modification and applicable portions of Chapter 289, Wis. Stats., and Chapters NR 500-520, Wis. Adm. Code. This plan modification should be attached to the *Vertical Fill Plan for Murray Machinery, Inc., License No. 1722* for future reference.

If you have any questions concerning this plan modification, please call Joe Traynor at 715-839-1603 or Loren Brumberg at 715-839-3770.

Sincerely,



Donald R. Grasser,  
Waste Sub-Team Supervisor  
West Central Region

DEC 16 1999

- c: Joe Traynor/Loren Brumberg – WCR  
Bill Evans - WCR  
Chuck Leveque – LS/5  
Darsi Foss/Barb Hennings – RR/3-WA/3  
Mr. Dean Prohaska, DMA Ventures, LLC, P.O. Box 72, Rothschild, WI 54474

BEFORE THE  
STATE OF WISCONSIN  
DEPARTMENT OF NATURAL RESOURCES

PLAN APPROVAL MODIFICATION  
FOR  
ENVIRONMENTAL MONITORING  
LONG-TERM CARE  
FORMER MURRAY MACHINERY FOUNDRY WASTE LANDFILL

FINDINGS OF FACT

The Department of Natural Resources ("Department") finds that:

1. Murray Machinery, Inc. owned and operated a foundry waste disposal facility at 901 South 60<sup>th</sup> Avenue, Wausau, Wisconsin located in a part of the SW ¼ of Section 32, Township 29 North, Range 7 East, Town of Stettin, Marathon County, Wisconsin.
2. Murray Machinery, Inc. operated the solid waste facility as an unlicensed foundry waste disposal facility from 1966 until 1972.
3. On March 2, 1972, the Department conditionally approved plans and specifications for the foundry waste disposal facility and, thereafter, issued operating license No. 1722 to Murray Machinery, Inc.
4. On November 23, 1983, the Department conditionally approved the *Vertical Fill Plan for Murray Machinery, Inc., License No. 1722*, including requirements for the environmental monitoring and long-term care of the facility.
5. On December 16, 1985, the Department and Murray Machinery, Inc. signed and entered into a landfill closure agreement.
6. Murray Machinery, Inc. operated the solid waste facility as a licensed, "nonapproved" foundry waste disposal facility from 1972 through 1989.
7. On October 10, 1990, the Department conditionally approved the *Conditional Closure Plan Modification - Murray Machinery Foundry Waste Landfill, License No. 1722, Marathon County*.
8. On November 23, 1992, the plaintiff State of Wisconsin brought suit against defendant Murray Machinery, Inc., a Delaware corporation, alleging violations of state hazardous and solid waste and air pollution laws under Chapter 144, Wis. Stats., arising over the operation of Murray's foundry located in the Town of Stettin near the City of Wausau.
9. On June 2, 1993, a Final Judgment and Stipulation was signed and entered by the Honorable Judge Gary L. Carlson in Marathon County Circuit Court. Provisions of the Stipulation required that Murray Machinery, Inc. transfer the majority of its existing and future assets to the State of Wisconsin, Department of Natural Resources and that the Department take responsibility for the clean up and closure of the facility's landfill and hazardous waste surface impoundment.

10. In August 1996, the Federal Environmental Protection Agency ("EPA") completed a time-critical removal action of contaminated sediments from the hazardous waste surface impoundment and construction of an engineered clay cover over Cell A and Cell 1 of the foundry waste disposal facility as a partial cleanup and closure of the facility's landfill and hazardous waste surface impoundment.
11. In December 1999, the Department contracted for the placement of base coarse and asphalt to serve as a final cover over the remaining areas of the foundry waste disposal facility through a state-funded response action in an effort to complete cleanup and closure of the facility and to comply with the Judgment and Stipulation.
12. A draft of this plan modification was sent to Mr. David Schuurman, Schuurman Corporation on October 25, 1999. The Department did not receive written or verbal comments in response to the notification.

The conditions set-forth below are needed to provide for the routine care and maintenance of the facility's base coarse/asphalt and clay covers and to provide the environmental monitoring necessary to determine whether contaminants are present in groundwater. If the conditions set-forth below are complied with, the modifications will not inhibit compliance with the applicable portions of Chapters NR 500-538, Wis. Adm. Code.

#### CONCLUSIONS OF LAW

1. The Department has authority under s. 289.30(6), Wis. Stats., to modify a plan of operation approval if newly discovered information indicates that the modification would not inhibit compliance with applicable sections of Chapters NR 500-538, Wis. Adm. Code.
2. The Department has authority to modify a plan of operation approval with special conditions if the conditions are needed to ensure compliance with applicable sections of Chapters NR 500-538, Wis. Adm. Code.
3. The Department has authority to modify a plan of operation approval for the environmental monitoring and long-term care requirements of a foundry waste disposal facility to ensure compliance with applicable sections of Chapters NR 500-538, Wis. Adm. Code.
4. In accordance with the foregoing, the Department has authority under s. 289.30, Wis. Stats., to issue the following modifications to the plan of operation approval for the foundry waste disposal facility known as the Murray Machinery Foundry Waste Landfill.

#### PLAN OF OPERATION APPROVAL MODIFICATION

The Department hereby modifies the plan of operation approval entitled *Vertical Fill Plan for Murray Machinery, Inc., License No. 1722* and dated November 23, 1983, for the foundry waste disposal facility known as the Murray Machinery Foundry Waste Landfill subject to the following conditions:

1. Environmental monitoring requirements set forth in conditions 10 and 13 of the November 23, 1983, approval shall be modified as follows:



- (a) Groundwater monitoring wells sampled for laboratory analysis shall include water table observation wells MM-1 (DNR ID No. 003), MM-3 (DNR ID No. 005), MW-11 (DNR ID No. 035) and piezometer MW-11A (DNR ID No. 037). Monitoring well MM-2 (south of the boundary between cells 1 & 2) located near the southwest corner of the facility will no longer require monitoring.
- (b) Groundwater monitoring wells shall be sampled annually for the parameters listed below. Quarterly sampling will no longer be required. Groundwater monitoring for chemical oxygen demand ("COD"), chloride and sulfate will no longer be required.

<u>Parameter</u>	<u>ID No.</u>
Total Alkalinity, diss.	39036
Barium, diss.	01005
Field Conductivity @ 25°C	00094
Field pH	00400
Field Temperature	00010
Groundwater Elevation	72020
Total Hardness, diss.	22413
Iron, diss.	01046
Lead, diss.	01049
Manganese, diss.	01056
Sodium, diss.	00929

2. Long-term care requirements set-forth in conditions 14, 15 and 16 of the November 23, 1983, approval shall be modified as follows:
- (a) The routine care and maintenance of base coarse and asphalt that serves as a final cover over areas of the foundry waste disposal facility shall be performed annually to insure the integrity of the final cover.
- (b) Any modifications to base coarse and asphalt that serves as a final cover over areas of the foundry waste disposal facility are prohibited unless specifically approved by the Department in writing.
- (c) The following activities are prohibited at solid waste disposal facilities that are no longer in operation unless specifically approved by the Department in writing, pursuant to sec. NR 506.085, Wis. Adm. Code.
- (1) Use of the waste disposal area for agricultural purposes.
  - (2) Establishment or construction of any buildings over the waste disposal areas.
  - (3) Excavation of the final cover or any waste materials.

The Department reserves the right to require the submittal of additional information or to modify this approval at any time if, in the Department's opinion, conditions warrant further modification. Unless specifically noted, the conditions of this plan approval modification do not supersede or replace any previous conditions of approval for the foundry waste disposal facility known as the Murray Machinery Foundry Waste Landfill.

**NOTICE OF APPEAL RIGHTS**

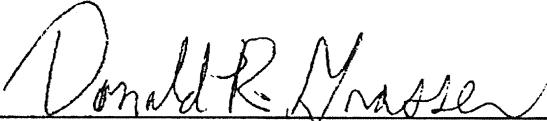
If you believe that you have a right to challenge this decision, you should know that Wisconsin statutes and administrative rules establish time periods within which requests to review Department decisions must be filed.

For judicial review of a decision pursuant to sections 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.

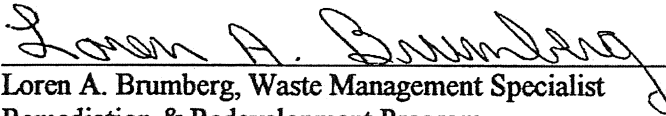
This notice is provided pursuant to section 227.48(2), Wis. Stats.

Dated: DEC 15 1999

DEPARTMENT OF NATURAL RESOURCES  
For the Secretary



Donald R. Grasser, Waste Sub-Team Supervisor  
Waste Management Program  
West Central Region



Loren A. Brumberg, Waste Management Specialist  
Remediation & Redevelopment Program  
West Central Region