BRRTS #: 06-05-576806 **FID** #: 405008890

SITE NAME: FORMER ONE HOUR MARTINIZING (VPLE)

Associated ERP/LUST Sites

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

BRRTS # SITE NAME

02-05-217276 ONE HOUR MARTINIZING (MAIN)

State of Wisconsin DEPARTMENT OF NATURAL RESOURCES 2984 Shawano Avenue Green Bay WI 54313-6727

Scott Walker, Governor Daniel L. Meyer, Secretary Telephone 608-266-2621 Toll Free 1-888-936-7463

TTY Access via relay - 711

WISCONSIN
DEPT. OF NATURAL RESOURCES

May 15, 2018

GB Real Estate Investments, LLC Attn: Mr. Garritt Bader 300 North Van Buren Street Green Bay, WI 54301

SUBJECT: Certificate of Completion for One Hour Martinizing (Main)

1931 Main Street, Green Bay, WI DNR BRRTS Activity #: 06-05-576806

Dear Mr. Bader:

The Department of Natural Resources (DNR) has received your request for the issuance of a Certificate of Completion for a property owned by Floss Daily, LLC at 1931 Main Street, in Green Bay, Wisconsin, herein referred to as "the Property." You have requested that the DNR determine whether the requirements under Wis. Stat. § 292.15(2), for issuance of a Certificate of Completion have been met.

The Property encompasses approximately 1.07 acres and is currently owned by Floss Daily, LLC. The property is currently occupied by a familia Dental building and associated paved and landscaped areas and is described as Parcel # 21-1323-4.

Determination

As you are aware, Wis. Stat. § 292.15, authorizes the DNR 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 DNR, the DNR has determined that the investigation and cleanup of the Property is complete and that all the conditions in Wis. Stat. § 292.15(2), have been met. Attached is the Certificate of Completion for this Property. Please review the Certificate of Completion and attached closure letter so you understand the conditions that must be met to maintain the liability protection.

Conclusions

The DNR appreciates the work undertaken by GB Real Estate Investments, LLC to investigate and cleanup contamination associated with the Property. The exemption provided by the Certificate of Completion applies to any successor or assignee of GB Real Estate Investments, LLC if the successor or assignee complies with the appropriate conditions in the closure letter and Certificate of Completion, pursuant to Wis. Stat. § 292.15(3).



May 15, 2018 Page 2 of 2

GB Real Estate Investments, LLC, Mr. Garritt Bader Certificate of Completion Cover Letter One Hour Martinizing (Main) BRRTS # 06-05-576806

If you have questions regarding this letter or the Certificate of Completion, please contact me at 920-662-5178 or at Tauren.Beggs@wisconsin.gov.

Sincerely,

Tauren R. Beggs Hydrogeologist

Ta K By

Remediation & Redevelopment Program

Attachment: Certificate of Completion

ec: Brian Youngwirth – General Engineering (<u>byoungwirth@generalengineering.net</u>)

Ryan Krumrie, Hager Dewick & Zuengler (rkrumrie@hdz-law.com)

Michael Prager - DNR (Michael.Prager@wisconsin.gov)

State of Wisconsin Department of Katural Resources

CERTIFICATE OF COMPLETION OF RESPONSE ACTIONS UNDER WIS. STAT. § 292.15(2)(ae)

Thereas, GB Real Estate Investments, LLC has applied for an exemption from liability under Wis. Stat. § 292.15, for the property located at 1931 Main Street, Green Bay, Wisconsin, which is commonly referred to as the One Hour Martinizing (Main) site, further described in the legal description found on Attachment A (the "Property");

and the Wisconsin Department of Natural Resources ("DNR") has determined that environmental contamination exists at the Property;

Control of the DNR certain investigation reports and a remedial action plan for the Property which comply with the requirements set forth in Wis. Admin. Code chs. NR 700-754, consisting of the documents and reports listed in Attachment B;

Whereas, in accordance with Wis. Stat. § 292.15(2)(ae)1, the DNR has determined that an environmental investigation has been conducted which adequately identified and evaluated the nature and extent of the hazardous substance discharges on the Property. The DNR approved of the site investigation on February 27, 2017;

Contaminant levels ("RCLs") for groundwater pathway under Wis. Admin. Code ch. NR 720, and groundwater contamination that exceeds a groundwater quality enforcement standard under Wis. Admin. Code ch. NR 140. Therefore, the Property will be included on the DNR's Bureau for Remediation and Redevelopment Tracking System (BRRTS) pursuant to Wis. Stat. § 292.12(3). GB Real Estate Investments, LLC has submitted to the DNR all the information necessary to be included on BRRTS, pursuant to Wis. Admin. Code § NR 726.11;

Property (Attachment C). The owner of this Property shall adhere to, abide by and maintain the continuing obligations and other requirements that are specified in the attached state case closure letter and maintenance plan. The case closure letter requires maintenance of a cover or barrier in order to prevent infiltration through residual soil contamination that might otherwise pose a threat to public health and the environment. The case closure letter also requires that if soil with residual contamination is excavated in the future, the Property owner at the time of excavation must manage the soil in accordance with applicable federal and state laws. Also, remaining contamination could result in vapor intrusion if buildings are constructed on the site in the future. The case closure letter states that vapor control technologies are required for construction of occupied buildings, unless the property owner assesses the potential for vapor intrusion, and the DNR agrees that vapor control technologies are not needed;

Whereas, the DNR has determined that the response action is complete and was based on the Property being zoned C1: Commercial One and used for commercial purposes. The land use classification per Wis. Admin. Code § NR 720.05 is non-industrial. In the event the cover or barrier that currently exists is removed, the replacement barrier must be equally protective for the land use classification. Because of the residual contamination and certain continuing obligations for this site, before use of this site can be changed to residential use, or use by certain sensitive populations, such as a day care center, school, a senior center, hospital or a similar use, notification of the DNR is required at a minimum. Additional sampling and/or cleanup may be required to ensure that the residual contamination levels, existing remedial action and land use is protective;

Thereas, if the requirements of this Certificate, the case closure letter or the maintenance plans are not followed, or if the land use changes, the DNR may take actions under Wis. Stat. §§ 292.11 or 292.12, 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 Wis. Stat. § 292.15.;

Investments, LLC an exemption under Wis. Admin. Code § NR 140.28(2) for having polycyclic aromatic hydrocarbons (PAHs) in the groundwater above the Wis. Admin. Code ch. NR 140 preventive action limit;

Appropriate insurance fee and has submitted a complete insurance application form to obtain coverage for the Property under the state's master insurance contract in

accordance with Wis. Stat. § 292.15(2)(ae)3m and Wis. Admin. Code ch. NR 754, based on their desire to use natural attenuation to remediate groundwater contamination that exceeds Wis. Admin. Code ch. NR 140 enforcement standards; and

whereas, on February 22, 2018, the DNR determined that response actions necessary to restore the environment were completed, except with respect to groundwater contaminated with chlorinated volatile organic compounds (CVOCs) above the Wis. Admin. Code ch. NR 140, enforcement standards that DNR has determined will be brought into compliance through natural attenuation, in accordance with administrative rules promulgated by DNR.

Cherefore, based upon the information that has been submitted, the DNR hereby certifies that the response actions set forth in the DNR approved remedial action plan for the Property and any other necessary response actions have been completed, except with respect to groundwater contaminated with CVOCs above Wis. Admin. Code ch. NR 140, enforcement standards that DNR has determined will be brought into compliance through natural attenuation, in accordance with rules promulgated by DNR.

Upon issuance of this Certificate, **GB Real Estate Investments, LLC** and the persons qualified for protection under Wis. Stat. § 292.15(3), are exempt from the provisions of Wis. Stat. §§ 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), with respect to the existence of hazardous substances on or originating from the Property, the release of which occurred prior to the date the DNR approved the environmental investigation required under Wis. Stat. § 292.15(2)(ae)1. 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 conditions in this Certificate, the February 22, 2018 case closure letter, Wis. Stat. § 292.15(2), and administrative rules promulgated by the DNR. 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 Wis. Stat. § 292.15(2)(ae)3m, may be used by the state to cover the costs of complying with Wis. Stat. § 292.11(2), with respect to groundwater quality.

The protection from liability provided under Wis. Stat. § 292.15(2), does not apply to any person who has obtained a Certificate of Completion by fraud or misrepresentation, or by knowingly failing to disclose material information or under circumstances in which **GB Real Estate Investments, LLC** knew or should have known about more discharges of hazardous substances than was revealed by the investigation approved by the DNR.

Nothing in this Certificate or in Wis. Stat. § 292.15, affects the authority of the DNR to exercise any powers or duties under applicable laws other than Wis. Stat. §§ 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), with respect to any release or threatened release of contaminants at the Property, or the right of the DNR to seek relief available against any person who is not entitled to protection from liability under Wis. Stat. § 292.15, with respect to such release or threatened release.

SIGNED AND CERTIFIED this 3'

_, 2018.

Darsi J. Foss, Director

Bureau for Remediation and Redevelopment Wisconsin Department of Natural Resources

ATTACHMENT A LEGAL DESCRIPTION One Hour Martinizing (Main) Site

Lot 3 of Certified Survey Map No. 8669, containing 46,637 square feet or 1.0706 acres, recorded with Brown County Register of Deeds Office on May 31, 2016 in Vol. 61 of Certified Survey Maps at pages 246-248 as Document No.2745305, located in the City of Green Bay, Brown County, Wisconsin. (map attached)

BROWN COUNTY REGISTER OF DEEDS DOC #2745305 PG 1

2745305

CERTIFIED SURVEY MAP NO.

BEING ALL OF LOT 1 OF CERTIFIED SURVEY MAP NUMBER 8266 AS RECORDED IN VOLUME 57 OF CERTIFIED SURVEY MAPS ON PAGE 357 AS DOCUMENT NO. 2602736, EAST SIDE OF FOX RIVER, CITY OF GREEN BAY, BROWN COUNTY, WISCONSIN.

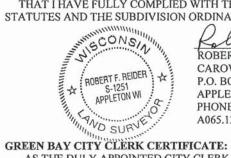
SURVEYOR'S CERTIFICATE:

I, ROBERT F. REIDER, PROFESSIONAL WISCONSIN LAND SURVEYOR, CERTIFY THAT I HAVE SURVEYED, DIVIDED AND MAPPED ALL OF LOT 1 OF CERTIFIED SURVEY MAP NUMBER 8266 AS RECORDED IN VOLUME 57 OF CERTIFIED SURVEY MAPS ON PAGE 357 AS DOCUMENT NO. 2602736, BEING PART OF LOTS 7 & 8 OF ASTOR'S SUBDIVISION OR PRIVATE CLAIMS 3-7, EAST SIDE OF FOX RIVER AND BEING PART OF LOTS 43 & 44 OF THE FIRST ADDITION TO ST. BERNARD HEIGHTS, CITY OF GREEN BAY, BROWN COUNTY, WISCONSIN. SUBJECT TO ALL EASEMENTS AND RESTRICTIONS OF RECORD.

THAT I HAVE MADE SUCH SURVEY UNDER THE DIRECTION GREENBERG FARROW, ATTENTION PAUL PHILLIPS, 1050 S. GRIDER ST., APPLETON, WISCONSIN 54914.

THAT THIS MAP IS A CORRECT REPRESENTATION OF THE EXTERIOR BOUNDARY LINES OF THE LAND SURVEYED.

THAT I HAVE FULLY COMPLIED WITH THE PROVISIONS OF CHAPTER 236.34 OF THE WISCONSIN STATUTES AND THE SUBDIVISION ORDINANCE OF THE CITY OF GREEN BAY.



4-28-16 ROBERT F. REIDER, PLS-1251 DATED CAROW LAND SURVEYING CO., INC. P.O. BOX 1297, 615 N. LYNNDALE DRIVE. APPLETON, WISCONSIN 54912-1297 PHONE (920)731-4168

A065.13-15 (RFR) 10-9-2015 REVISED 4/28-2016

AS THE DULY APPOINTED CITY CLERK FOR THE CITY OF GREEN BAY, I HEREBY CERTIFY THAT THE RECORDS IN MY OFFICE SHOW NO UNPAID TAXES OR SPECIAL ASSESSMENTS AFFECTING ANY OF THE LANDS INCLUDED IN THIS CERTIFIED SURVEY MAP AS OF THE DATE LISTED BELOW.

KRIS TESKE, GREEN BAY CITY CLERK DAPED 🗢

CITY OF GREEN BAY PLANNING COMMISSION APPROVAL:

THIS CERTIFIED SURVEY MAP WAS APPROVED FOR THE CITY OF GREEN BAY PLANNING COMMISSION ON THE 3151 DAY OF May , 2016.

Doch WILLIAM D. LOCKERY, PRINCIPAL CITY PLANNER

RESTRICTIVE COVENANTS:

- 1) THE LAND ON ALL SIDE AND REAR LOT LINES OF ALL LOTS SHALL BE GRADED BY THE PROPERTY OWNER AND MAINTAINED BY THE ABUTTING PROPERTY OWNERS TO PROVIDE FOR ADEOUATE DRAINAGE OF SURFACE WATER.
- 2) EACH LOT OWNER SHALL GRADE THE PROPERTY ABUTTING A STREET TO CONFORM TO THE ADOPTED SIDEWALK GRADE ELEVATION AND MAINTAIN SAID ELEVATION FOR FUTURE SIDEWALKS.
- 3) NO POLES, PEDESTALS OR BURIED CABLE ARE TO BE PLACED SO AS TO DISTURB ANY SURVEY STAKE OR OBSTRUCT VISION ALONG ANY LOT LINES OR STREET LINE, A DISTURBANCE OF A SURVEY STAKE BY ANYONE IS A VIOLATION OF SECTION 236.32 OF THE WISCONSIN STATUTES.

NOTES:

- 1) THIS CERTIFIED SURVEY MAP IS ALL OF TAX PARCEL NO. 21-1323-1
- THE PROPERTY OWNER OF RECORD IS GREEN BAY C, LLC.
- 3) THIS CERTIFIED SURVEY MAP IS WHOLLY CONTAINED WITHIN THE PROPERTY DESCRIBED IN THE FOLLOWING RECORDED INSTRUMENTS: DOCUMENT NO. 2655224.
- CITY OF GREEN BAY ZONING AND BUILDING APPROVALS ARE REQUIRED PRIOR TO COMMENCING CONSTRUCTION OF BUILDINGS, STRUCTURES, DRIVES, OR PARKING AREAS, AND MAY ALSO BE REQUIRED PRIOR TO COMMENCING GRADING, EXCAVATION, FILLING, OR OTHER LAND DISTURBING ACTIVITY.

SHEET 2 OF 3 SHEETS

2745305

CERTIFIED SURVEY MAP NO.

BEING ALL OF LOT 1 OF CERTIFIED SURVEY MAP NUMBER 8266 AS RECORDED IN VOLUME 57 OF CERTIFIED SURVEY MAPS ON PAGE 357 AS DOCUMENT NO. 2602736, EAST SIDE OF FOX RIVER, CITY OF GREEN BAY, BROWN COUNTY, WISCONSIN.

LIMITED PARTNERSHIP OWNER'S CERTIFICATE:

GREEN BAY C, LLC., A WISCONSIN LIMITED LIABILITY COMPANY, AS OWNER, DOES HEREBY CERTIFY THAT SAID LIMITED LIABILITY COMPANY CAUSED THE LAND DESCRIBED ON THIS CERTIFIED SURVEY MAP TO BE SURVEYED, DIVIDED AND MAPPED AS REPRESENTED ON THIS CERTIFIED SURVEY MAP.

GREEN BAY C, LLC., A WISCONSIN LIMITED LIABILITY COMPANY, DOES FURTHER CERTIFY THAT THIS CERTIFIED SURVEY MAP IS REQUIRED BY S.235.10 OR S.236.12 TO BE SUBMITTED TO THE FOLLOWING FOR APPROVAL OR OBJECTION: CITY OF GREEN BAY.

IN WITNESS WHEREOF, THE SAID, GREEN BAY C, LLC., A WISCONSIN LIMITED LIABILITY COMPANY, HAS CAUSED THESE PRESENT TO BE SIGNED BY THOMAS H. SUTTER, ON THIS DAY OF May ,2016.

IN THE PRESENCE OF: GREEN BAY C, LLC. THOMAS H. SUTTER, PRESIDENT OF IT'S MEMBERS

STATE OF WISCONSIN)

COUNTY OF Outagamies PERSONALLY CAME BEFORE ME THIS 6 TO DAY OF May THOMAS H. SUTTER OF THE ABOVE NAMED WISCONSIN LIMITED LIABILITY COMPANY, TO ME KNOWN TO BE THE PERSON WHO EXECUTED THE FOREGOING INSTRUMENT, AND TO ME KNOWN TO BE SUCH THOMAS H. SUTTER OF SAID WISCONSIN LIMITED LIABILITY COMPANY AND ACKNOWLEDGED THAT HE EXECUTED THE FOREGOING INSTRUMENT OF SAID WISCONSIN LIMITED LIABILITY COMPANY.

NOTARY NOTARY PUBLIC MY COMMISSION EXPIRES DOES PUBLIC

EXPIRE ONSINGATION NISCONSIN ROBER SALAMPLETA

12 de wiggins ROBERT F. REIDER, PLS-1251 DATED CAROW LAND SURVEYING CO., INC. 615 N. LYNNDALE DRIVE, P.O. BOX 1297 APPLETON, WISCONSIN 54912-1297 PHONE: (920)731-4168

A065.13-15 (RFR) 10-9-2015 REVISED 4-27-2016

SHEET 3 OF 3 SHEETS

REGISTER'S OFFICE

Brown Co., Wis Received for record the may

P M and I le 3:06 M. and recorded in on page 246

61 PAGE 248

VOL:

ATTACHMENT B INVESTIGATION AND REMEDIAL ACTION PLAN REPORTS One Hour Martinizing (Main) Site

- o Phase II Environmental Site Assessment, March 23, 1999, Northern Environmental
- Project Status Report, September 10, 1999, STS Consultants
- Additional Site Investigation and Remedial Action Recommendations Report, April 20, 2000, STS Consultants
- o Additional Information and Remedial Action Plan, March 23, 2001, STS Consultants
- o Additional Site Investigation Information, November 29, 2001, STS Consultants
- Remedial Options Addendum, February 1, 2002, STS Consultants
- o Final Remedial Options Addendum, November 14, 2002, STS Consultants
- Proposal for Environmental Services, August 27, 2003, STS Consultants
- Change Order for Revised Scope of Services, August 17, 2005, STS Consultants
- Requested Case Status Update, January 25, 2007, STS Consultants
- Additional Sampling Event Results, June 12, 2007, STS Consultants
- Phase II Groundwater Monitoring Summary, November 1, 2010, AECOM
- Phase I Environmental Site Assessment, November 29, 2010, GEI Consultants, Inc.
- Phase II Environmental Site Assessment, December 1, 2010, GEI Consultants, Inc.
- Remedial Action Plan, July 24, 2014, Fehr Graham
- Revised Remedial Action Plan [Remedial Action Change Order #1], February 11, 2015, Fehr Graham
- Former One Hour Martinizing Main St (WDNR BRRTS # 02-05-217276) [Revisions for Remedial Action Change Order #1], March 3, 2015, Fehr Graham
- Phase I Environmental Site Assessment, August 17, 2015, General Engineering Company
- Limited Phase II Environmental Site Assessment for Proposed Development, October 20, 2015, General Engineering Company

- Soil Sampling Plan for Planned Re-Use of Soil from Lots 1 and 2 on Lot 3, December 16, 2015, General Engineering Company
- RE: One Hour Martinizing [Remedial Action Change Order #2], July 20, 2016, Fehr Graham
- RE: One Hour Martinizing Main (BRRTS # 02-05-217276) [Remedial Action Change Order #3], August 10, 2016, Fehr Graham
- o VPLE Site Investigation Report, May 6, 2016, General Engineering Company
- VPLE Site Investigation Update and Construction Documentation Report, September 26, 2016, General Engineering Company
- Imported Topsoil Documentation Letter, November 17, 2016, General Engineering Company
- Order #4], February 13, 2017, Fehr Graham
- FW: Synergy Reports for GB Real Estate [Sub-slab Vapor Testing Results],
 February 24, 2017, General Engineering Company
- o Quarterly Groundwater Monitoring Report, May 16, 2017, Fehr Graham
- o Quarterly Groundwater Monitoring Report, July 21, 2017, Fehr Graham

ATTACHMENT C CLOSURE LETTER AND CAP MAINTENANCE PLAN One Hour Martinizing (Main) Site

See Attached February 22, 2018, Case Closure Letter and cap maintenance plan for the One Hour Martinizing (Main) site.

State of Wisconsin DEPARTMENT OF NATURAL RESOURCES 2984 Shawano Avenue Green Bay WI 54313-6727

Scott Walker, Governor Daniel L. Meyer, Secretary Telephone 608-266-2621 Toll Free 1-888-936-7463 TTY Access via relay - 711



February 22, 2018

Mr. Larry Rice Waupaca Elevator 1726 North Ballard Road, Suite 1 Appleton, WI 54911

Floss Daily, LLC c/o Mr. Garritt Bader, Principal, Green Bay Real Estate Investments, LLC 300 North Van Buren Street Green Bay, WI 54301

KEEP THIS DOCUMENT WITH YOUR PROPERTY RECORDS

SUBJECT: Final Case Closure with Continuing Obligations

One Hour Martinizing (Main), 1931 Main Street, Green Bay, WI

DNR BRRTS # 02-05-217276

Dear Mr. Rice and Mr. Bader:

The Department of Natural Resources (DNR) considers the One Hour Martinizing (Main) contamination case closed with continuing obligations. No further investigation or remediation is required at this time. However, you, future property owners, and occupants of the property must comply with the continuing obligations as explained in the conditions of closure in this letter. Please read over this letter closely to ensure that you comply with all conditions and other on-going requirements. Provide this letter and any attachments listed at the end of this letter to anyone who purchases, rents or leases this property from you.

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 DNR Northeast Region Closure Committee reviewed the request for closure on January 5, 2018. The DNR Closure Committee reviewed this environmental remediation case for compliance with state laws and standards to maintain consistency in the closure of these cases. A request for remaining actions needed was issued by the DNR on January 23, 2018, and documentation that the conditions in that letter were met was received on February 2, 2018.

A strip mall containing a commercial dry cleaner operating from 1979 to 2008 previously existed on this property. The strip mall structure was demolished and the property was spilt into lots 1, 2 and 3 now housing three separate businesses. Lot 3, which was the former location of the dry cleaning facility, is currently utilized as a dentist office. Soil and groundwater contaminated with Volatile Organic Compounds (VOCs) and groundwater contaminated with Polycyclic Aromatic Hydrocarbons (PAH) were identified on the property. Source removal of contaminated soil was completed and groundwater monitoring confirmed stable or receding contaminant trends. Cap maintenance of the existing impervious surface cover is required for groundwater protection. The conditions of closure and continuing obligations required were based on the property being used for commercial purposes.



Continuing Obligations

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

- Groundwater contamination is present at or above ch. NR 140, Wis. Adm. Code enforcement standards.
- Residual soil contamination exists that must be properly managed should it be excavated or removed.
- The existing impervious surface cover must be maintained over contaminated soil and the DNR must be notified and approve any changes to this barrier.
- Remaining contamination could result in vapor intrusion if future construction activities occur.
 Future construction includes expansion or partial removal of current buildings as well as construction of new buildings. Vapor control technologies will be required for occupied buildings, unless the property owner assesses the potential for vapor intrusion, and the DNR agrees that vapor control technologies are not needed.

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/wrrd.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 Northeast Regional DNR office at 2984 Shawano Avenue, Green Bay, WI. This letter and information that was submitted with your closure request application, including any maintenance plan and maps, can be found as a Portable Document Format (PDF) in BRRTS on the Web.

Prohibited Activities

Certain activities are prohibited at closed sites because maintenance of a barrier is intended to prevent contact with any remaining contamination. When a barrier is required, the condition of closure requires notification of the DNR before making a change, in order to determine if further action is needed to maintain the protectiveness of the remedy employed. The following activities are prohibited on any portion of the property where maintenance of the existing asphalt pavement and the building foundation is required, as shown on the attached map (Cap Plan Location Map; Figure D.2; 1/17/2018), unless prior written approval has been obtained from the DNR:

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

- plowing for agricultural cultivation;
- construction or placement of a building or other structure;
- changing the use or occupancy of the property to a residential exposure setting, which may
 include certain uses, such as single or multiple family residences, a school, day care, senior
 center, hospital, or similar residential exposure settings.

Closure Conditions

Compliance with the requirements of this letter is a responsibility to which the current property owner, and any subsequent property owners must adhere. DNR staff will conduct periodic prearranged inspections to ensure that the conditions included in this letter and the attached maintenance 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:

Department of Natural Resources Attn: Remediation and Redevelopment Program Environmental Program Associate 2984 Shawano Avenue Green Bay, WI 54313

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

Groundwater contamination greater than enforcement standards is present on this contaminated property, as shown on the attached map (Groundwater Isoconcentration; Figure B.3.b; 1/18/2018). If you intend to construct a new well, or reconstruct an existing well, you'll need prior DNR approval.

Residual Soil Contamination (ch. NR 718, chs. 500 to 536, Wis. Adm. Code or ch. 289, Wis. Stats.) Soil contamination remains as indicated on the attached map (Residual Soil Contamination; Figure B.2.b; 1/18/2018). If contaminated soil is excavated in the future, the property owner at the time of excavation must sample and analyze the excavated soil to determine if contamination remains. If sampling confirms that contamination is present, the property owner at the time of excavation will need to determine whether the material is considered solid or hazardous waste and ensure that any storage, treatment or disposal is in compliance with applicable standards and rules. Contaminated soil may be managed in accordance with ch. NR 718, Wis. Adm. Code, with prior DNR approval.

In addition, all current and future owners and occupants of the property and right-of-way holders need to be aware that excavation of the contaminated soil may pose an inhalation or other direct contact hazard and as a result special precautions may need to be taken to prevent a direct contact health threat to humans.

Cover or Barrier (s. 292.12 (2) (a), Wis. Stats., s. NR 726.15, s. NR 727.07 Wis. Adm. Code) The asphalt pavement and building foundation that exists in the location shown on the attached map (Cap Plan Location Map; Figure D.2; 1/17/2018) shall be maintained in compliance with the attached maintenance plan in order to minimize the infiltration of water and prevent additional groundwater contamination that would violate the groundwater quality standards in ch. NR 140, Wis. Adm. Code.

The cover approved for this closure was designed to be protective for a commercial or industrial use setting. Before using the property for residential purposes, you must notify the DNR at least 45 days before taking an action, to determine if additional response actions are warranted.

A request may be made to modify or replace a cover or barrier. Before removing or replacing the cover, you must notify the DNR at least 45 days before taking an action. 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. 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 attached maintenance plan and inspection log (DNR form 4400-305) are to be kept up-to-date and on-site. Inspections shall be conducted annually, in accordance with the attached maintenance plan. Submit the inspection log to the DNR only upon request.

<u>Vapor Mitigation or Evaluation</u> (s. 292.12 (2), Wis. Stats., s. NR 726.15, s. NR 727.07, Wis. Adm. Code)

Vapor intrusion is the movement of vapors coming from volatile chemicals in the soil or groundwater, into buildings where people may breathe air contaminated by the vapors. Vapor mitigation systems are used to interrupt the pathway, thereby reducing or preventing vapors from moving into the building.

Future Concern: Chlorinated VOCs remain in soil and groundwater, as shown on the attached maps (Groundwater Isoconcentration; Figure B.3.b; 1/18/2018 and Residual Soil Contamination; Figure B.2.b; 1/18/2018), at levels that may be of concern for vapor intrusion in the future, depending on construction and occupancy of a building. Current sub-slab sampling at the existing on-site building (dentist office) did not indicate any vapor intrusion concerns with the current building construction. Therefore, before a building is constructed and/or an existing building is modified, the property owner must notify the DNR at least 45 days before the change. Vapor control technologies are required for construction of occupied buildings unless the property owner assesses the vapor pathway and DNR agrees that vapor control technologies are not needed.

Other Closure Information

General Wastewater Permits for Construction Related Dewatering Activities

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

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

Chapter NR 140, Wis. Adm. Code Exemption

Recent groundwater monitoring data at this site indicates that for benzo(a)pyrene, benzo(b)fluoranthene and chrysene at monitoring wells MW-4, MW-5 (located off-site at 1911 Main Street, Green Bay, WI), MW-8, MW-11, MW-12 and MW-13, contaminant levels exceed the NR 140 preventive action limit (PAL) but are below the enforcement standard (ES). The DNR may grant an

exemption to a PAL for a substance of public health concern, other than nitrate, pursuant to s. NR 140.28 (2) (b), Wis. Adm. Code, if all of the following criteria are met:

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

Based on the information you provided, the DNR believes that these criteria have been or will be met. Groundwater sampling has confirmed stable contaminant trends and a PAH contaminant source was not identified in soil. Therefore, pursuant to s. NR 140.28, Wis. Adm. Code, an exemption to the PAL is granted for benzo(a)pyrene, benzo(b)fluoranthene and chrysene at monitoring wells MW-4, MW-5 (located off-site), MW-8, MW-11, MW-12 and MW-13. Please keep this letter, because it serves as your exemption.

In Closing

Please be aware that the case may be reopened pursuant to s. NR 727.13, Wis. Adm. Code, for any of the following situations:

- if additional information regarding site conditions indicates that contamination on or from the site poses a threat to public health, safety, or welfare or to the environment,
- if the property owner does not comply with the conditions of closure or with a certificate of completion issued under s. 292.15, Wis. Stats., or
- a property owner fails to maintain or comply with a continuing obligation (imposed under this closure approval letter).

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 Keld Lauridsen at (920) 662-5420, or at Keld Lauridsen@wisconsin.gov.

Sincerely.

Roxanne N. Chronert

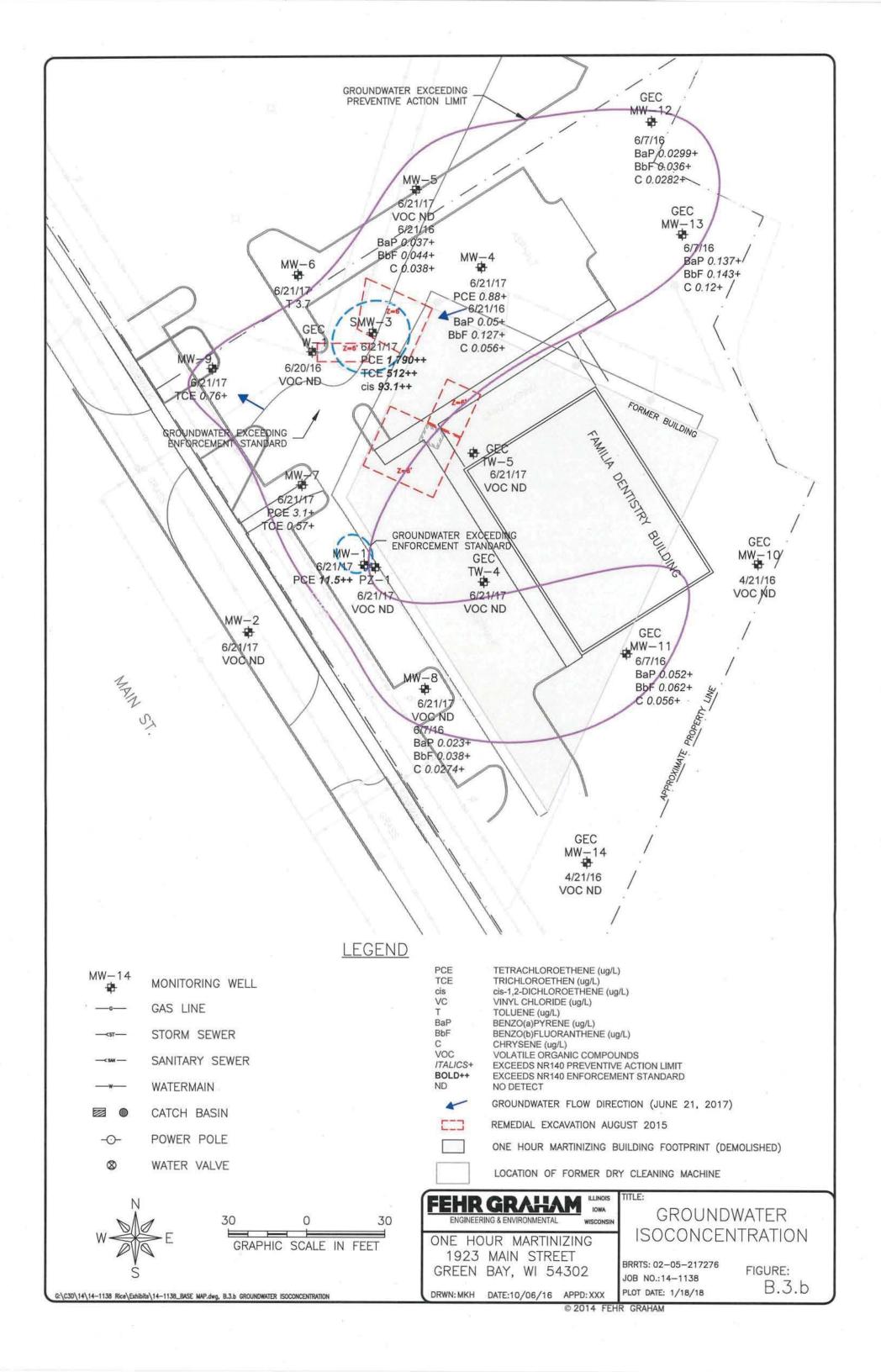
Team Supervisor, Northeast Region Remediation & Redevelopment Program

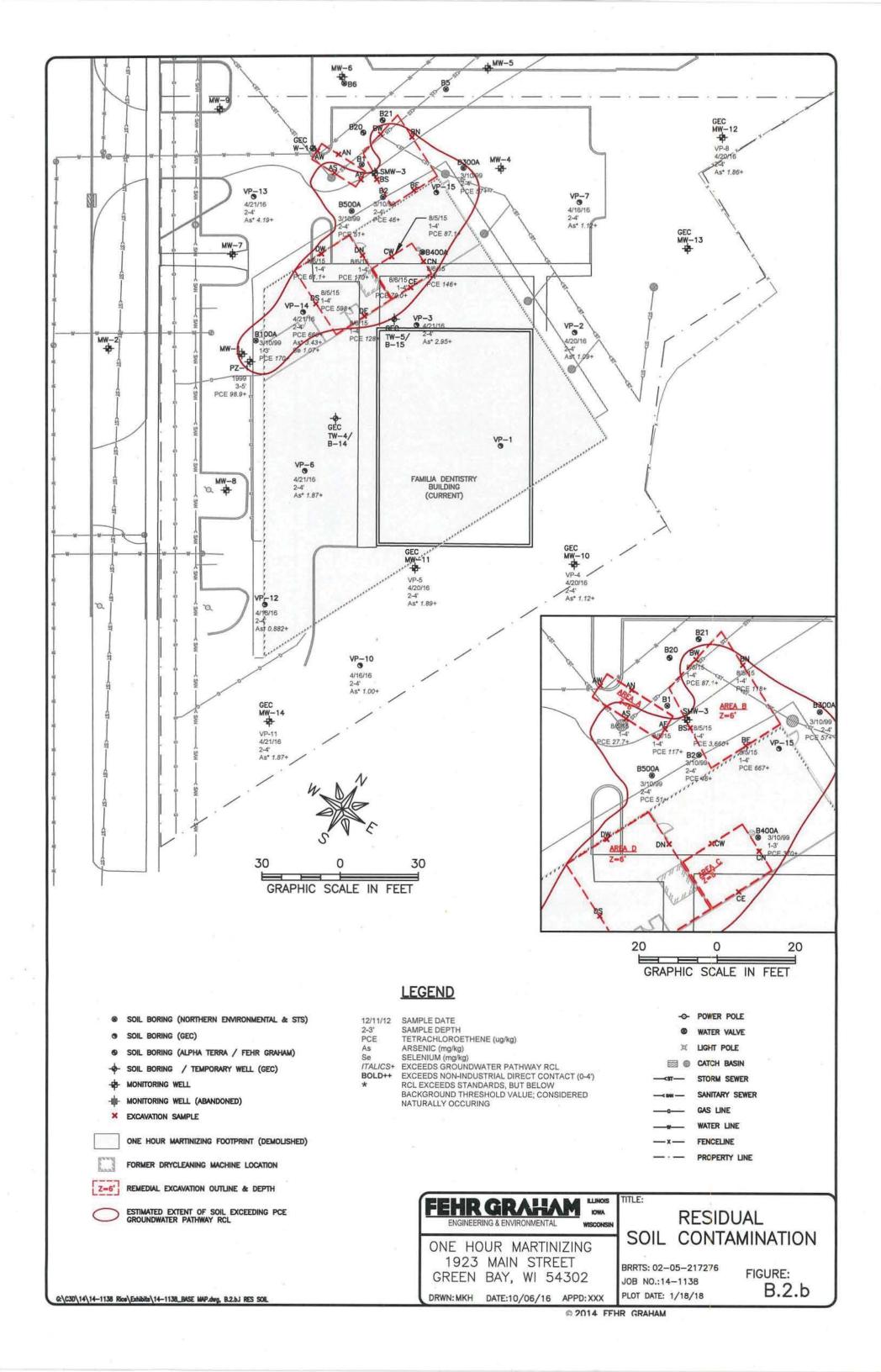
Attachments:

- Groundwater Isoconcentration; Figure B.3.b; 1/18/2018
- Residual Soil Contamination; Figure B.2.b; 1/18/2018
- Cap Maintenance Plan dated February 22, 2018

Matt Dahlem, Fehr Graham (mdahlem@fehr-graham.com) ec: Brian Youngwirth, General Engineering (byoungwirth@generalengineering.net) Bill Phelps, WDNR - DG/5 GB Roast Beef LLC (owner of 1911 Main Street, Green Bay, WI).

5424 N. 134th Avenue, Omaha, NE 68164 (via Garritt Bader - gb@gb-re.com)





CAP MAINTENANCE PLAN

February 22, 2018

Property Located at:

1931 Main Street, Green Bay, WI 54302 (former site address was 1923 Main Street, Green Bay, WI 54302)

DNR BRRTS/Activity # 02-05-217276, FID # 405008890

LEGAL DESCRIPTION

LOT 3 OF 61 CSM 246 BNG PRT OF LOT 8 OF ASTORS SUBD OF PC 3-7 ESFR & BNG PRT OF LOT 43 OF FIRST ADDN TO ST BERNARD HEIGHTS

TAX /Parcel Identification Number 21-1323-4

Introduction

This document is the Maintenance Plan for a pavement/building cap at the above-referenced property in accordance with the requirements of s. NR 724.13 (2), Wis. Adm. Code. The maintenance activities relate to the existing pavement/building cap which addresses or occupies the area over the contaminated soil and groundwater plumes on-site.

More site-specific information about this property/site may be found in:

- The case file in the DNR Northeast Region office
- At http://dnr.wi.gov/topic/Brownfields/wrrd.html, which includes:
 - BRRTS on the Web (DNR's internet based data base of contaminated sites) for the link to a PDF for site-specific information at the time of closure and on continuing obligations;
 - RR Sites Map for a map view of the site, and
- The DNR project manager for Brown County.

D.1. Descriptions:

Description of Contamination

Soil contaminated by PCE is located at a depth of 1-5 feet as shown on Figure B.2.b. Groundwater contaminated by PCE, TCE and cis-1,2-Dichloroethene is located at a depth of approximately 5-6.5-feet as shown on Figure B.3.b.

Description of the Cap to be Maintained

The cap consists of the asphalt/concrete pavement and the on-site building. It is located at 1931 Main Street, Green Bay, WI 54302 (former site address was 1923 Main Street, Green Bay, WI 54302) as shown on Figure D.2.

Pavement/Building Barrier Purpose

The pavement/building cap over the contaminated soil and groundwater plumes serve as a barrier to prevent

direct human contact with residual soil contamination that might otherwise pose a threat to human health. The pavement/building cap also acts as a partial infiltration barrier to minimize future soil-to-groundwater contamination migration that would violate the groundwater standards in ch. NR 140, Wisconsin Administrative Code. Based on the current use of the property, commercial, the barrier should function as intended unless disturbed.

Annual Inspection

The pavement/building cap overlying the contaminated soil and groundwater plumes and as depicted in Figure D.2 will be inspected once a year, normally in the spring after all snow and ice is gone, for deterioration, cracks and other potential problems that can cause additional infiltration into or exposure to underlying soils. The inspections will be performed by the property owner or their designated representative. The inspections will be performed to evaluate damage due to settling, exposure to the weather, wear from traffic, increasing age and other factors. Any area where soils have become or are likely to become exposed and where infiltration from the surface will not be effectively minimized will be documented.

A log of the inspections and any repairs will be maintained by the property owner and is included as D.4, Form 4400-305, Continuing Obligations Inspection and Maintenance Log. The log will include recommendations for necessary repair of any areas where underlying soils are exposed and where infiltration from the surface will not be effectively minimized. Once repairs are completed, they will be documented in the inspection log. A copy of the maintenance plan and inspection log will be kept at the site; or, if there is no acceptable place (for example, no building is present) to keep it at the site, at the address of the property owner and available for submittal or inspection by Wisconsin Department of Natural Resources (DNR) representatives upon their request.

Maintenance Activities

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

In the event the pavement/building cap overlying the contaminated soil and groundwater plumes are removed or replaced, the replacement barrier must be equally impervious. Any replacement barrier will be subject to the same maintenance and inspection guidelines as outlined in this Maintenance Plan unless indicated otherwise by the DNR or its successor.

The property owner, in order to maintain the integrity of the pavement/building cap, will maintain a copy of this Maintenance Plan at the site; or, if there is no acceptable place to keep it at the site (for example, no building is present), at the address of the property owner and make it available to all interested parties (i.e. on-site employees, contractors, future property owners, etc.) for viewing.

Prohibition of Activities and Notification of DNR Prior to Actions Affecting a Cap

The following activities are prohibited on any portion of the property where pavement/building cap is required as shown on the attached maps, unless prior written approval has been obtained from the Wisconsin Department of Natural Resources: 1) removal of the existing barrier; 2) replacement with another barrier;

3) excavating or grading of the land surface; 4) filling on capped or paved areas; 5) plowing for agricultural cultivation; 6) construction or placement of a building or other structure; 7) changing the use or occupancy of the property to a residential exposure setting, which may include certain uses, such as single or multiple family residences, a school, day care, senior center, hospital, or similar residential exposure settings; or 8) changing the construction of a building that has a vapor mitigation system in place.

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

Amendment or Withdrawal of Maintenance Plan

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

Contact Information

FEBRUARY 2018

Site Owner and Operator:

Floss Daily, LLC

C/O Garritt R. Bader, Principal, GB Real Estate Investments, LLC

300 N. Van Buren Street Green Bay, WI 54301

(813) 500-0296

Signature:

Consultant:

Matt Dahlem, P.G.

Fehr Graham Engineering & Environmental

1237 Pilgrim Road

Plymouth, Wisconsin 5307

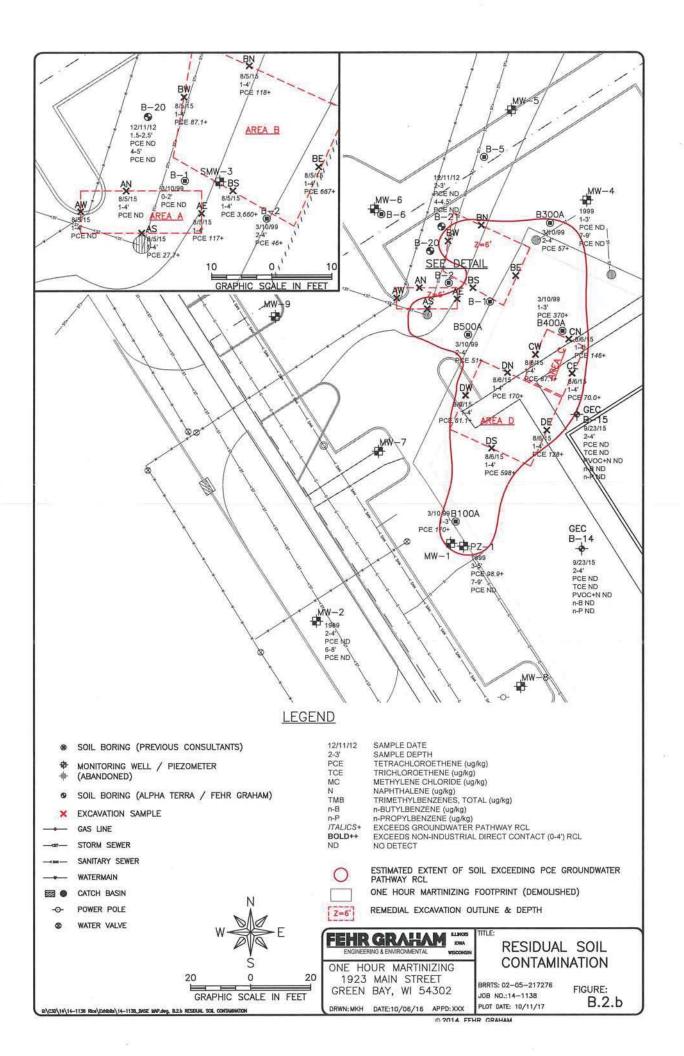
(920) 892-2444

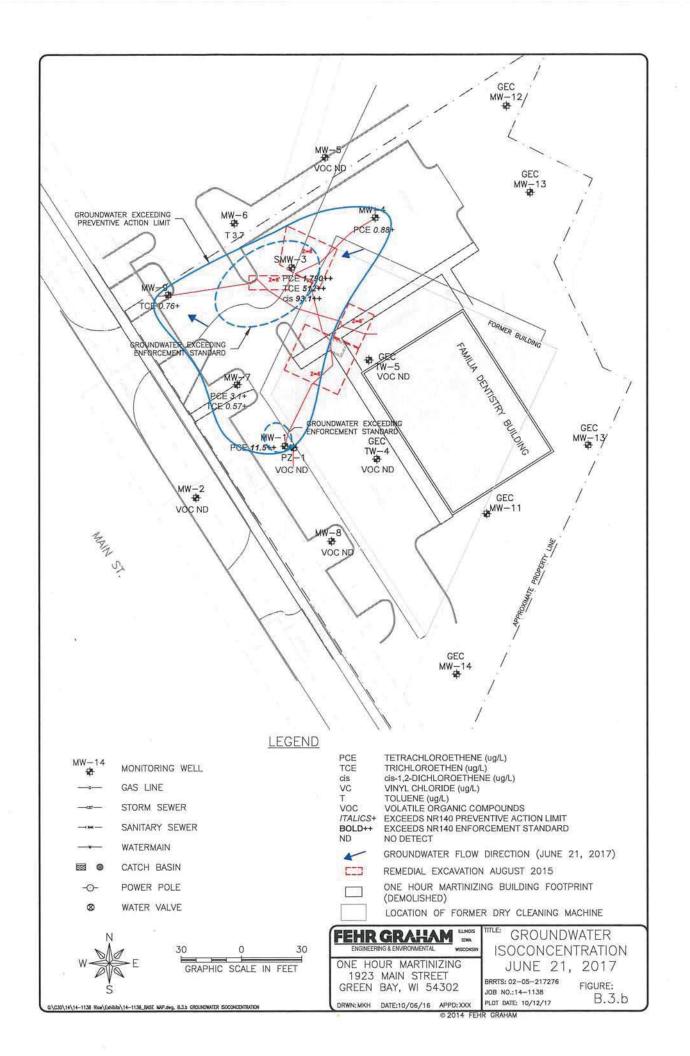
DNR:

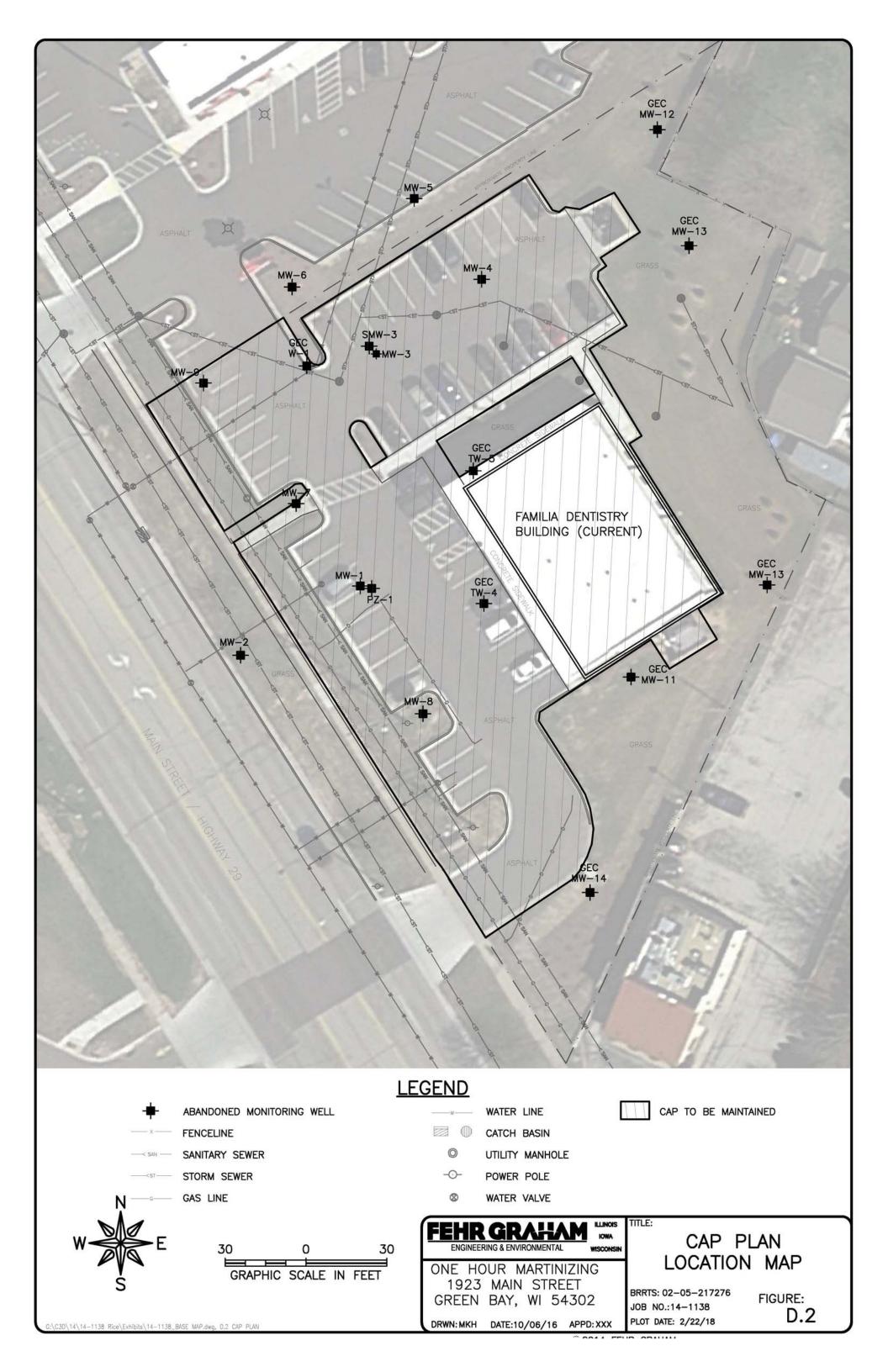
Keld B. Lauridsen

GREEN BAY SERVICE CENTER 2984 Shawano Avenue Green Bay, WI 54313-6727

(920) 662-5420







State of Wisconsin Department of Natural Resources dnr.wi.gov

Continuing Obligations Inspection and Maintenance Log

Form 4400-305 (2/14)

Page 1 of 2

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

Activity (Site) Name ONE HOUR MARTINIZING (MAIN)					BRRTS No.		
					02-05-217276		
Inspections are required to be conducted (see closure approval letter): annually semi-annually other – specify				When submittal of this form is required, submit the form electronically to the DNR project manager. An electronic version of this filled out form, or a scanned version may be sent to the following email address (see closure approval letter): Keld.Lauridsen@wisconsin.gov			
Inspection Date	Inspector Name	Item	Describe the condition of the item that is being inspected	Recommendations for repair or maint		Previous commendations mplemented?	Photographs taken and attached?
		monitoring well cover/barrier vapor mitigation system other:				N O Y	OYON
		monitoring well cover/barrier vapor mitigation system other:				N O N	OYON
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Form 4400-305 (2/14)

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