

# GIS REGISTRY

## Cover Sheet

July, 2008  
(RR 5367)

### Source Property Information

BRRTS #:

03-05-210393

ACTIVITY NAME:

Green Bay Transit Garage

PROPERTY ADDRESS:

310 S Washington St

MUNICIPALITY:

Green Bay

PARCEL ID #:

13-8

CLOSURE DATE: Jan 6, 2009

FID #:

405090620

DATCP #:

COMM #:

54301421518B

#### \*WTM COORDINATES:

X: 677459

Y: 450598

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

#### WTM COORDINATES REPRESENT:

Approximate Center Of Contaminant Source

Approximate Source Parcel Center

Please check as appropriate: (BRRTS Action Code)

#### Contaminated Media:

Groundwater Contamination > ES (236)

Contamination in ROW

Off-Source Contamination

*(note: for list of off-source properties  
see "Impacted Off-Source Property")*

Soil Contamination > \*RCL or \*\*SSRCL (232)

Contamination in ROW

Off-Source Contamination

*(note: for list of off-source properties  
see "Impacted Off-Source Property")*

#### Land Use Controls:

Soil: maintain industrial zoning (220)

*(note: soil contamination concentrations  
between residential and industrial levels)*

Structural Impediment (224)

Site Specific Condition (228)

Cover or Barrier (222)

*(note: maintenance plan for  
groundwater or direct contact)*

Vapor Mitigation (226)

Maintain Liability Exemption (230)

*(note: local government or economic  
development corporation)*

Monitoring wells properly abandoned? (234)

Yes  No  N/A

*\* Residual Contaminant Level*

*\*\*Site Specific Residual Contaminant Level*

This Adobe Fillable form is intended to provide a list of information that is required for evaluation for case closure. It is to be used in conjunction with Form 4400-202, Case Closure Request. The closure of a case means that the Department has determined that no further response is required at that time based on the information that has been submitted to the Department.

**NOTICE: Completion of this form is mandatory** for applications for case closure pursuant to ch. 292, Wis. Stats. and ch. NR 726, Wis. Adm. Code, including cases closed under ch. NR 746 and ch. NR 726. The Department will not consider, or act upon your application, unless all applicable sections are completed on this form and the closure fee and any other applicable fees, required under ch. NR 749, Wis. Adm. Code, Table 1 are included. It is not the Department's intention to use any personally identifiable information from this form for any purpose other than reviewing closure requests and determining the need for additional response action. The Department may provide this information to requesters as required by Wisconsin's Open Records law [ss. 19.31 - 19.39, Wis. Stats.].

BRRTS #:  PARCEL ID #:

ACTIVITY NAME:  WTM COORDINATES: X:  Y:

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

- Closure Letter**
- Maintenance Plan** (if activity is closed with a land use limitation or condition (land use control) under s. 292.12, Wis. Stats.)
- Conditional Closure Letter**
- Certificate of Completion (COC)** for VPLE sites

**SOURCE LEGAL DOCUMENTS**

- Deed:** The most recent deed as well as legal descriptions, for the **Source Property** (where the contamination originated). Deeds for other, off-source (off-site) properties are located in the **Notification** section.  
*Note: If a property has been purchased with a land contract and the purchaser has not yet received a deed, a copy of the land contract which includes the legal description shall be submitted instead of the most recent deed. If the property has been inherited, written documentation of the property transfer should be submitted along with the most recent deed.*
- Certified Survey Map:** A copy of the certified survey map or the relevant section of the recorded plat map for those properties where the legal description in the most recent deed refers to a certified survey map or a recorded plat map. (lots on subdivided or platted property (e.g. lot 2 of xyz subdivision)).  
**Figure #: L-5795      Title: Certified Survey Map**
- Signed Statement:** A statement signed by the Responsible Party (RP), which states that he or she believes that the attached legal description accurately describes the correct contaminated property.

**MAPS** (meeting the visual aid requirements of s. NR 716.15(2)(h))

Maps must be no larger than 8.5 x 14 inches unless the map is submitted electronically.

- Location Map:** A map outlining all properties within the contaminated site boundaries on a U.S.G.S. topographic map or plat map in sufficient detail to permit easy location of all parcels. If groundwater standards are exceeded, include the location of all potable wells within 1200 feet of the site.  
*Note: Due to security reasons municipal wells are not identified on GIS Packet maps. However, the locations of these municipal wells must be identified on Case Closure Request maps.*  
**Figure #: 1      Title: Site Location Diagram**
- Detailed Site Map:** A map that shows all relevant features (buildings, roads, individual property boundaries, contaminant sources, utility lines, monitoring wells and potable wells) within the contaminated area. This map is to show the location of all contaminated public streets, and highway and railroad rights-of-way in relation to the source property and in relation to the boundaries of groundwater contamination exceeding a ch. NR 140 Enforcement Standard (ES), and/or in relation to the boundaries of soil contamination exceeding a Residual Contaminant Level (RCL) or a Site Specific Residual Contaminant Levels (SSRCL) as determined under s. NR 720.09, 720.11 and 720.19.  
**Figure #: 2      Title: Hydraulic Probe & Monitoring Well Location Diagram**
- Soil Contamination Contour Map:** For sites closing with residual soil contamination, this map is to show the location of all contaminated soil and a single contour showing the horizontal extent of each area of contiguous residual soil contamination that exceeds a Residual Contaminant Level (RCL) or a Site Specific Residual Contaminant Level (SSRCL) as determined under s. NR 720.09, 720.11 and 720.19.  
**Figure #: 3      Title: Potential Soil Contaminated Area**

BRRTS #: 03-05-210393

ACTIVITY NAME: Green Bay Transit Garage

**MAPS (continued)**

- Geologic Cross-Section Map:** A map showing the source location and vertical extent of residual soil contamination exceeding a Residual Contaminant Level (RCL) or a Site Specific Residual Contaminant Level (SSRCL). If groundwater contamination exceeds a ch. NR 140 Enforcement Standard (ES) when closure is requested, show the source location and vertical extent, water table and piezometric elevations, and locations and elevations of geologic units, bedrock and confining units, if any.

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

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

- Groundwater Isoconcentration Map:** For sites closing with residual groundwater contamination, this map shows the horizontal extent of all groundwater contamination exceeding a ch. NR140 Preventive Action Limit (PAL) and an Enforcement Standard (ES). Indicate the direction and date of groundwater flow, based on the most recent sampling data.

**Note:** This is intended to show the total area of contaminated groundwater.

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

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

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

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

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

Tables must be no larger than 8.5 x 14 inches unless the table is submitted electronically. Tables must not contain shading and/or cross-hatching. The use of **BOLD** or *ITALICS* is acceptable.

- Soil Analytical Table:** A table showing remaining soil contamination with analytical results and collection dates.  
**Note:** This is one table of results for the contaminants of concern. Contaminants of concern are those that were found during the site investigation, that remain after remediation. It may be necessary to create a new table to meet this requirement.

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

- Groundwater Analytical Table:** Table(s) that show the most recent analytical results and collection dates, for all monitoring wells and any potable wells for which samples have been collected.

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

- Water Level Elevations:** Table(s) that show the previous four (at minimum) water level elevation measurements/dates from all monitoring wells. If present, free product is to be noted on the table.

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

**IMPROPERLY ABANDONED MONITORING WELLS**

For each monitoring well not properly abandoned according to requirements of s. NR 141.25 include the following documents.

**Note:** If the site is being listed on the GIS Registry for only an improperly abandoned monitoring well you will only need to submit the documents in this section for the GIS Registry Packet.

- Not Applicable**

- Site Location Map:** A map showing all surveyed monitoring wells with specific identification of the monitoring wells which have not been properly abandoned.

**Note:** If the applicable monitoring wells are distinctly identified on the Detailed Site Map this Site Location Map is not needed.

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

- Well Construction Report:** Form 4440-113A for the applicable monitoring wells.

- Deed:** The most recent deed as well as legal descriptions for each property where a monitoring well was not properly abandoned.

- Notification Letter:** Copy of the notification letter to the affected property owner(s).

BRRTS #: 03-05-210393

ACTIVITY NAME: Green Bay Transit Garage

## NOTIFICATIONS

### Source Property

- Letter To Current Source Property Owner:** If the source property is owned by someone other than the person who is applying for case closure, include a copy of the letter notifying the current owner of the source property that case closure has been requested.
- Return Receipt/Signature Confirmation:** Written proof of date on which confirmation was received for notifying current source property owner.

### Off-Source Property

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

- Letter To "Off-Source" Property Owners:** Copies of all letters sent by the Responsible Party (RP) to owners of properties with groundwater exceeding an Enforcement Standard (ES), and to owners of properties that will be affected by a land use control under s. 292.12, Wis. Stats.  
**Note:** Letters sent to off-source properties regarding residual contamination must contain standard provisions in Appendix A of ch. NR 726.  
**Number of "Off-Source" Letters:**
- Return Receipt/Signature Confirmation:** Written proof of date on which confirmation was received for notifying any off-source property owner.
- Deed of "Off-Source" Property:** The most recent deed(s) as well as legal descriptions, for all affected deeded **off-source property(ies)**. This does not apply to right-of-ways.  
**Note:** If a property has been purchased with a land contract and the purchaser has not yet received a deed, a copy of the land contract which includes the legal description shall be submitted instead of the most recent deed. If the property has been inherited, written documentation of the property transfer should be submitted along with the most recent deed.
- Letter To "Governmental Unit/Right-Of-Way" Owners:** Copies of all letters sent by the Responsible Party (RP) to a city, village, municipality, state agency or any other entity responsible for maintenance of a public street, highway, or railroad right-of-way, within or partially within the contaminated area, for contamination exceeding a groundwater Enforcement Standard (ES) and/or soil exceeding a Residual Contaminant Level (RCL) or a Site Specific Residual Contaminant Level (SSRCL).  
**Number of "Governmental Unit/Right-Of-Way Owner" Letters:**



ENVIRONMENTAL & REGULATORY SERVICES DIVISION  
BUREAU OF PECFA  
375 City Center, Suite 1  
Oshkosh, Wisconsin 54901-1805  
TTY: Contact Through Relay  
Fax: (920) 424-0217  
Jim Doyle, Governor  
Richard J. Leinenkugel, Secretary

January 6, 2009

Mr. Jon Mueller  
City of Green Bay  
100 N. Jefferson Street  
Green Bay, WI 54301-5026

RE: **Final Closure**

**Commerce # 54301-4215-18-B**      DNR BRRTS # 03-05-210393  
Green Bay Transit Garage, 318 S. Washington Street, Green Bay

Dear Mr. Mueller:

The Wisconsin Department of Commerce (Commerce) has received the items required as conditions for closure of the site referenced above. This site is now listed as "closed" on the Commerce database and will be included on the Department of Natural Resources (DNR) Geographic Information System (GIS) Registry of Closed Remediation Sites to address residual soil contamination. If you intend to construct or reconstruct a potable well on this property, you must get prior DNR approval.

All current and future owners and occupants of the property need to be aware that excavation of contaminated soil may pose a hazard. If soil is excavated, the property owner at the time of excavation must sample and analyze the excavated soil to determine if residual contamination remains. If sampling confirms that contamination is present, the property owner at the time of excavation must ensure that the storage, treatment or disposal of the soil is in compliance with applicable State regulations and standards.

Costs for sampling and excavation activities conducted after case closure are not eligible for PECFA reimbursement. However, if it is determined that any undisturbed remaining petroleum contamination poses a threat, the case may be reopened and further investigation or remediation may be required. If this case is reopened, any original claim under the PECFA fund would also reopen and you may apply for assistance to the extent of remaining eligibility.

Thank you for your efforts to bring this case to closure. If you have any questions, please contact me in writing at the letterhead address or by telephone at (920) 424-0046.

Sincerely,

A handwritten signature in black ink, appearing to read "Robert H. Klauk". The signature is fluid and cursive, written over a white background.

Robert H. Klauk  
Senior Hydrogeologist  
Site Review Section



BRRTS: 03-05-210393

September 7, 2000

Mr. Jon Mueller  
City of Green Bay Engineering  
101 North Jefferson Street, Room 300  
Green Bay, WI 54301

**RE: COMMERCE # 54301-4215-18B, 318 South Washington Street, Green Bay, WI**

**Conditional Case Closure**

Dear Mr. Mueller:

On September 7, 2000, the above site was reviewed for closure by the Site Review staff of the Petroleum Environmental Cleanup Fund Bureau. Using the standards established in NR 700 and the risk criteria in COMM 46, the Department has determined that this site has been investigated/remediated to a level protective of the environment and human health. The Department considers this site to meet environmental standards and no further action is necessary. The Department, in making this determination, is granting a **PAL exceedance** for total trimethylbenzenes detected in monitoring well MW-1. The following documents prepared by STS Consultants Ltd. and T.R.S. Inc., as well as other correspondence in the case file were reviewed:

- *Site Assessment for City of Green Bay Bus Depot, September 22, 1998*
- *Work Plan for Subsurface Assessment, May 7, 1999*
- *Subsurface Investigation and Closure Request, August 15, 2000*

If, in the future, site conditions indicate that any remaining contamination might pose a threat, the need for further remediation may be necessary. If subsequent information indicates a need to reopen the case, the original claim under the PECFA fund would also reopen and assistance could be granted to the extent of remaining eligibility.

**The following items are necessary to satisfy the conditions of closure:**

1. A notification must be placed on the property deed addressing residual soil impacts. For case closure, we will need a copy of the deed notification that contains the County Register of Deeds' recording information. Enclosed an example of a "Notice of Contamination to Property" for your use. If you wish to modify the language, submit a copy to this office for approval before filing.

# 54301-4215-18B  
BRRTS: 03-05-210393

Mr. Jon Mueller  
City of Green Bay Engineering

Page 2

2. Documentation (WDNR Abandonment form 3300-5B) of abandonment of all monitoring wells.
3. Tank sludge disposal documentation.

**IMPORTANT:** Before this case can be officially listed as "closed" on the Wisconsin Department of Commerce/Natural Resources computer database, you or your consultant must submit the requested information.

Thank you for your efforts in the protection of the environment, if you have any questions you can reach me at (920) 424-0046.

Sincerely,



Robert H. Klauk, P.G.  
Hydrogeologist  
PECFA Site Review Section

Encl.: Draft copies of DI

Cc: Mr. Patrick McCarey – STS Consultants, LTD.  
File – pf\pecfa\543\54301\421518B\Close 1.doc

Document Number

DEED RESTRICTION

2171421

CATHY WILLIQUETTE  
BROWN COUNTY RECORDER  
GREEN BAY, WI

RECORDED ON  
02/03/2005 09:13:39AM

REC FEE: 21.00  
TRANS FEE:  
EXEMPT #  
PAGES: 6

Declaration of Restrictions

In Re:

Lot 1, Volume 45 Certified Survey Maps, page 66, map number 6720, being part of Lots 2 through 7, Block 3, Astor, and the vacated railroad Right-of-way within said Lots 2 through 7, in the City of Green Bay, East side of Fox River, Brown County, Wisconsin.

STATE OF WISCONSIN        )  
  ) ss  
COUNTY OF BROWN        )

Recording Area

Name and Return Address  
John Hopfensperger  
Direct Development, Inc.  
1240 Main Street, Suite 1  
Green Bay, WI 54302

WHEREAS, River East 318, LLC is the owner of the above-described property.

13-8, 13-9-1

Parcel Identification Number

WHEREAS, one or more petroleum and/or lead discharges have occurred on this property. On October 2, 2002; when soil samples were collected on this property, benzene contaminated soil remained on this property at the former location of MW-42 at a concentration of 39 micrograms per kilogram (ug/kg) which is above the NR 720, Wis. Adm. Code, residual contaminant level of 5.5 ug/kg. Between October 26, 2000 and January 31, 2003, when soil samples were collected on this property, benzo(a)anthracene contaminated soil remained on this property at the former locations of AB-6, HP-8, MW-42, MW-43, MW-44, Basement SW-1N, Basement SW-2S and Basement SW-4W at concentrations of 160 ug/kg, 587 ug/kg, 120 ug/kg, 200 ug/kg, 120 ug/kg, 160 ug/kg, 190 ug/kg and 110 ug/kg, respectively; which are above the proposed non-industrial direct contact pathway for ingestion of 88 ug/kg. Between October 26, 2000 and January 31, 2003, when soil samples were collected on this property, benzo(a)pyrene contaminated soil remained on this property at the former locations of AB-6, HP-8, HP-9, HP-25, HP-32, MW-41, MW-42, MW-43, MW-44, MW-47, S Hoist 2.1-NW, S Hoist 2.1-S, NE Corner Fill 3.0', NE Corner W Wall 4.5', East UST E Wall 5.5', East UST S Wall 5.5', East UST N Wall 5.5', Oil House 6-S, Transfer Pump 7-W, SW Excavation E Wall, SW Excavation S Wall, Drum Excavation 8-N, Drum Excavation 8-S, Drum Excavation 8-W, Drum Excavation 8-E, Basement SW-1N, Basement SW-2S and Basement SW-4W at concentrations of 160 ug/kg, 635 ug/kg, 21 ug/kg, 95 ug/kg, 70 ug/kg, 24 ug/kg, 72 ug/kg, 200 ug/kg, 110 ug/kg, 31 ug/kg, 87 ug/kg, 43 ug/kg, 72 ug/kg, 90 ug/kg, 9.7 ug/kg, 32 ug/kg, 14 ug/kg, 110 ug/kg, 53 ug/kg, 22 ug/kg, 14 ug/kg, 62 ug/kg, 70 ug/kg, 61 ug/kg, 49 ug/kg, 160 ug/kg, 190 ug/kg and 130 ug/kg, respectively; which are above the proposed non-industrial direct contact pathway for ingestion of 8.8 ug/kg. Between

Wis. Adm. Code, residual contaminant level of 250 mg/kg. On November 19, 2002, when soil samples were collected on this property gasoline range organic contaminated soil remained on this property at the former locations of NE Corner S Wall 5.5' and NE Corner SW Wall 5.5' at concentrations of 260 mg/kg and 410 mg/kg, respectively, which are above the NR 720, Wis. Adm. Code, residual contaminant level of 250 mg/kg. Between October 26, 2000 and November 22, 2002, when soil samples were collected on this property lead contaminated soil remained on this property at the former locations of HP-15, HP-26, HP-33, MW-5, MW-27, MW-42, MW-43, MW-47, S Hoist 2.1-NW and Transfer Pump 7-N at concentrations of 265 mg/kg, 328 mg/kg, 97 mg/kg, 256 mg/kg, 59 mg/kg, 180 mg/kg, 75 mg/kg, 240 mg/kg, 81 mg/kg and 100 mg/kg, respectively, which are above the NR 720, Wis. Adm. Code, residual contaminant level of 50 mg/kg. The former location of the soil samples can be found on Exhibits A and B, attached and made part of this restriction.

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

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:

The non-paved/paved surfaces and the building foundation that existed on the above-described property on the date that this restriction was signed form a barrier that must be maintained in order to prevent direct contact with residual soil contamination that might otherwise pose a threat to human health. These structures are also required 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 non-paved/paved surfaces and the building foundation shall be maintained on the above-described property in the locations shown on the attached maps, labeled "Exhibit A" and "Exhibit B" unless another barrier, with an infiltration rate of  $10^{-7}$  cm/sec or less, is installed and maintained in their place. The existing structures, and any replacement barrier with an infiltration rate of  $10^{-7}$  cm/sec or less, shall be maintained on the above-described property in compliance with the "Amended Cap Maintenance Plan for the former City of Green Bay Transit Garage Property" dated December 2, 2004, that was submitted to the Wisconsin Department of Natural Resources by the City of Green Bay, as required by section NR 724.13(2), Wis. Adm. Code (1999).

In addition, the following activities are prohibited on any portion of the above-described property where a pervious/impervious cap has been placed or where pervious/impervious surfaces exist, refer to the attached Exhibits A and B, unless prior written approval has been obtained from the Wisconsin Department of Natural Resources or its successor or assign: (1) Excavating or grading of the

October 26, 2000 and January 31, 2003, when soil samples were collected on this property, benzo(b)fluoranthene contaminated soil remained on this property at the former locations of AB-6, HP-8, HP-25, HP-32, MW-43, MW-44, S Hoist 2.1-NW, Basement SW-1N, Basement SW-2S and Basement SW-4W at concentrations of 130 ug/kg, 668 ug/kg, 104 ug/kg, 74 ug/kg, 150 ug/kg, 98 ug/kg, 110 ug/kg, 170 ug/kg, 160 ug/kg and 150 ug/kg, respectively; which are above the proposed non-industrial direct contact pathway for ingestion of 88 ug/kg. Between October 26, 2000 and January 31, 2003, when soil samples were collected on this property, dibenz(ah)anthracene contaminated soil remained on this property at the former locations of AB-6, HP-8, MW-42, MW-43, MW-44, S Hoist 2.1-NW, NE Corner Fill 3.0', NE Corner W Wall 4.5', Oil House 6-S, Transfer Pump 7-W, Drum Excavation 8-N, Drum Excavation 8-S, Drum Excavation 8-W, Drum Excavation 8-E, Basement SW-1N, Basement SW-2S and Basement SW-4W at concentrations of 28 ug/kg, 194 ug/kg, 14 ug/kg, 38 ug/kg, 23 ug/kg, 22 ug/kg, 21 ug/kg, 22 ug/kg, 20 ug/kg, 19 ug/kg, 17 ug/kg, 14 ug/kg, 14 ug/kg, 10 ug/kg, 25 ug/kg, 37 ug/kg and 22 ug/kg, respectively; which are above the proposed non-industrial direct contact pathway for ingestion of 8.8 ug/kg. Between October 26, 2000 and January 31, 2003, when soil samples were collected on this property, indeno(1,2,3-cd)pyrene contaminated soil remained on this property at the former locations of AB-6, HP-8, Oil House 6-S, Basement SW-2S and Basement SW-4W at concentrations of 100 ug/kg, 423 ug/kg, 240 ug/kg, 110 ug/kg and 120 ug/kg, respectively; which are above the proposed non-industrial direct contact pathway for ingestion of 88 ug/kg. On November 19, 2002, when soil samples were collected on this property, 1-methylnaphthalene contaminated soil remained on this property at the former location of East UST NW Corner 5.5' at a concentration of 26,000 ug/kg which is above the proposed groundwater pathway 23,000 ug/kg. On November 19, 2002, when soil samples were collected on this property, 2-methylnaphthalene contaminated soil remained on this property at the former location of East UST NW Corner 5.5' at a concentration of 33,000 ug/kg which is above the proposed groundwater pathway 20,000 ug/kg. Between October 2, 2002 and November 19, 2002, when soil samples were collected on this property, naphthalene contaminated soil remained on this property at the former locations of MW-42, NE Corner SW Wall 5.5' and East UST NW Corner 5.5' at concentrations of 580 ug/kg, 1,100 ug/kg and 1,900 ug/kg, respectively; which are above the proposed groundwater pathway of 400 ug/kg. On November 19, 2002, when soil samples were collected on this property, phenanthrene contaminated soil remained on this property at the former location of East UST NW Corner 5.5' at a concentration of 10,000 ug/kg which is above the proposed groundwater pathway of 1,800 ug/kg. Between October 31, 2000 and December 4, 2002, when soil samples were collected on this property diesel range organic contaminated soil remained on this property at the former locations of HP-31, HP-34, Waste Oil UST W Wall 5.5', NE Corner S Wall 5.5', Waste Oil UST E Wall 5.5', Oil House 6-W, Fuel Line-3 and North UST 3 at concentrations of 3,830 milligrams per kilogram (mg/kg), 8,250 mg/kg, 610 mg/kg, 2,400 mg/kg, 9,600 mg/kg, 940 mg/kg, 9,400 mg/kg and 270 mg/kg, respectively, which are above the NR 720,

land surface; (2) Filling on capped areas and areas with impervious surfaces; (3) Plowing for agricultural cultivation; and (4) Construction or installation of a building or other structure with a foundation that would sit on or be placed within the cap or impervious surface.

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 inures to the benefit of and is enforceable by the Wisconsin Department of Natural Resources, its successors or 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 one or more of the restrictions set forth in this covenant is no longer required. Upon the 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, attached to a copy of the Department's written determination, may be recorded by the property owner or other interested party to give notice that this deed restriction, or portions of this deed restriction, are no longer binding.

By signing this document, John Hopfensperger asserts that he or she is duly authorized to sign this document on behalf of River East 318, LLC.

IN WITNESS WHEREOF, the owner of the property has executed this Declaration of Restrictions, this 27<sup>th</sup> day of January, 2005.

Signature: *John Hopfensperger*  
Printed Name: John Hopfensperger  
Title: Managing Member

Subscribed and sworn to before me  
this 27<sup>th</sup> day of January, 2005.

*Kristie J. Claflin*  
Kristie J. Claflin  
Notary Public, State of WISCONSIN County of Brown  
My commission 8-06-2006



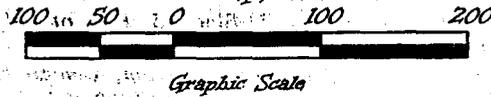
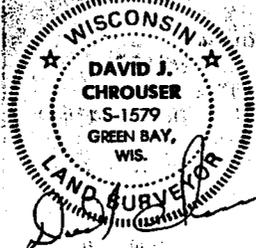
This document was drafted by Wisconsin Department of Natural Resources based on information provided by the City of Green Bay.

1966746

6720

# Certified Survey Map

All of Lots 2 through 7, and part of Lot 8, Block 3, Plat of Astor, and the vacated Railroad Right-of-Way within said Lots 2-7, City of Green Bay, Brown County, Wisconsin.



October 3, 2002  
 Revised November 5, 2002  
 Revised November 26, 2002  
 Revised December 24, 2002

Combined Pierhead and Bulkhead Line

Note:  
 - Outlot 1 is dedicated to the public for parkway

Storm Sewer Easement

L1	N25°39'18" W	18.83'
L2	N64°20'42" E	10.00'
L3	N25°39'18" W	31.60'

**LEGEND**

- 1.32" (o.d.) x 24" iron pipe weighing 1.68 lbs/lin ft set
- ⊕ Computed Point (nothing set)
- 1" iron pipe found
- ⊙ Brown County Surveyor Traverse Point - type noted

Bearings referenced to the centerline of Washington Street, assumed to be S26°26'12"W

Client: Direct Development  
 Date Drafted: 09/27/2002  
 AutoCAD No.: D-22202.dwg  
 Drafted By: JIM

Scale: 1"=100'  
 Tax Parcel Number  
 13-8, 13-9, & 13-9-1

**Mau & Associates**  
 LAND SURVEYING & PLANNING  
 CIVIL & WATER RESOURCE ENGINEERING  
 Phone: 920-434-9670 Fax: 920-434-9672

Sheet One of Three  
 Project No.: D-22202  
 Drawing No.: L-5795

SEE PAGE 68 FOR  
 DPW DEVELOPMENT FEES



January 5, 2009

ROBERT H. KLAUK, P.G.  
WISCONSIN DEPARTMENT OF COMMERCE  
375 CITY CENTER, SUITE I  
OSHKOSH WI 54901

RE: GIS Registry Packet, Green Bay Transit Garage – Waste Oil,  
WDNR BRRTS #: 03-05-210-393  
Commerce # 54301-4215-18B  
318 S. Washington St.  
Green Bay, WI

Mr. Klauk:

Please find attached for your initial review a copy of the most current Deed to the best of my knowledge for the former Green Bay Transit Garage at 318 S. Washington St. in Green Bay. It should be substituted for the Warranty Deed submitted in the Soil GIS Registry Packet for the above referenced BRRTS Case. The GIS registry fee to Diane Hansen in Green Bay was mailed out Wednesday, Dec. 24, 2008.

Please contact me at (920) 448-3114 if you have any questions.

Thank you,

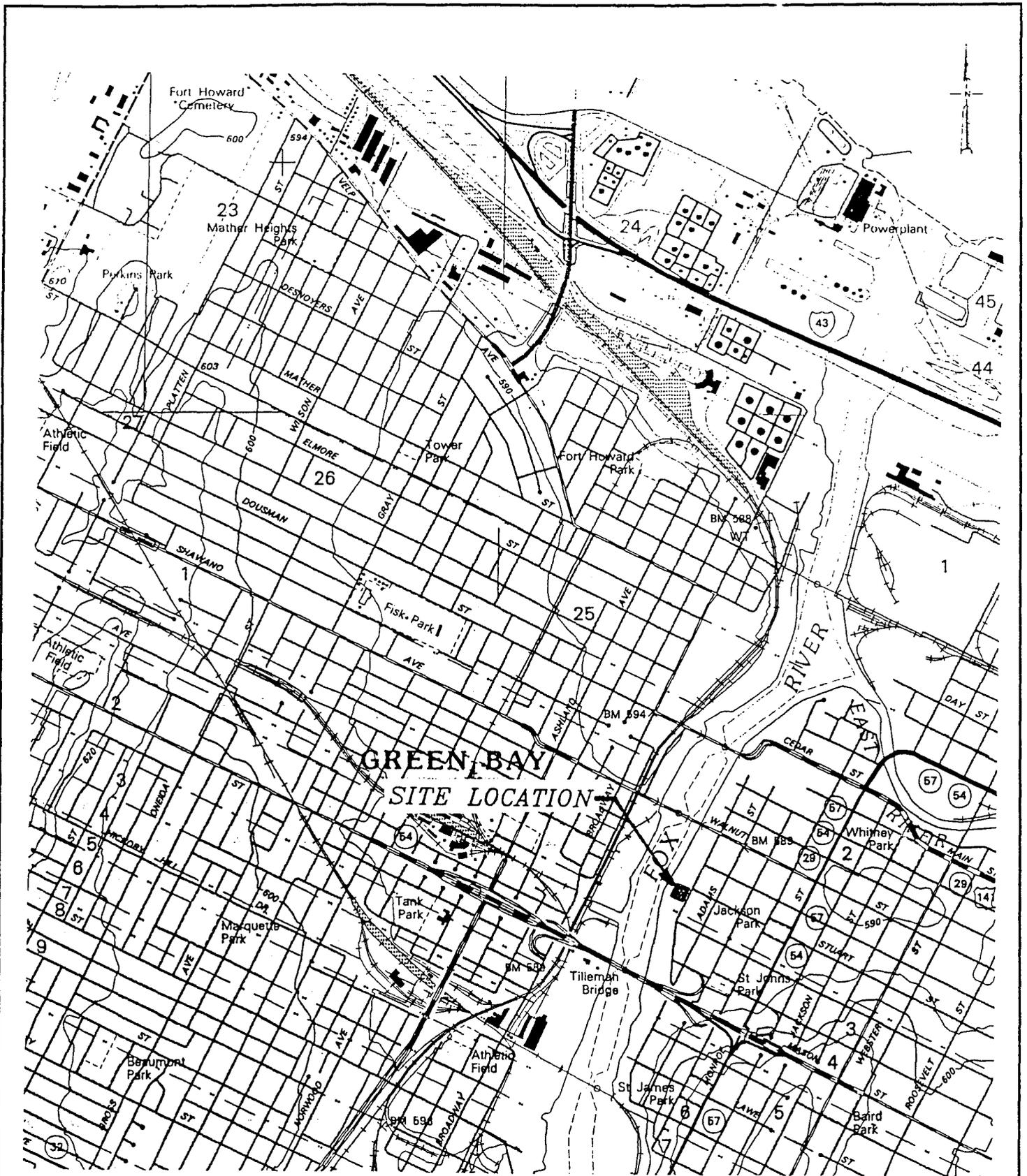
Jon Mueller, P.E.  
Civil Engineer

JM:dmo

Enclosure: Warranty Deed

I:\DeptData\PubWorks\ExecSupport\CT3Desk2\LETTERS\JM\2008\Robert-Klauk-WDNR BRRTS 03-05-210-393-Deed.docx1/5/2009 D. Ouradnik

*Signed Statement*



MAP SOURCE: MODIFIED FROM U.S.G.S. QUADRANGLE MAP GREEN BAY WEST, W. DATED 1992

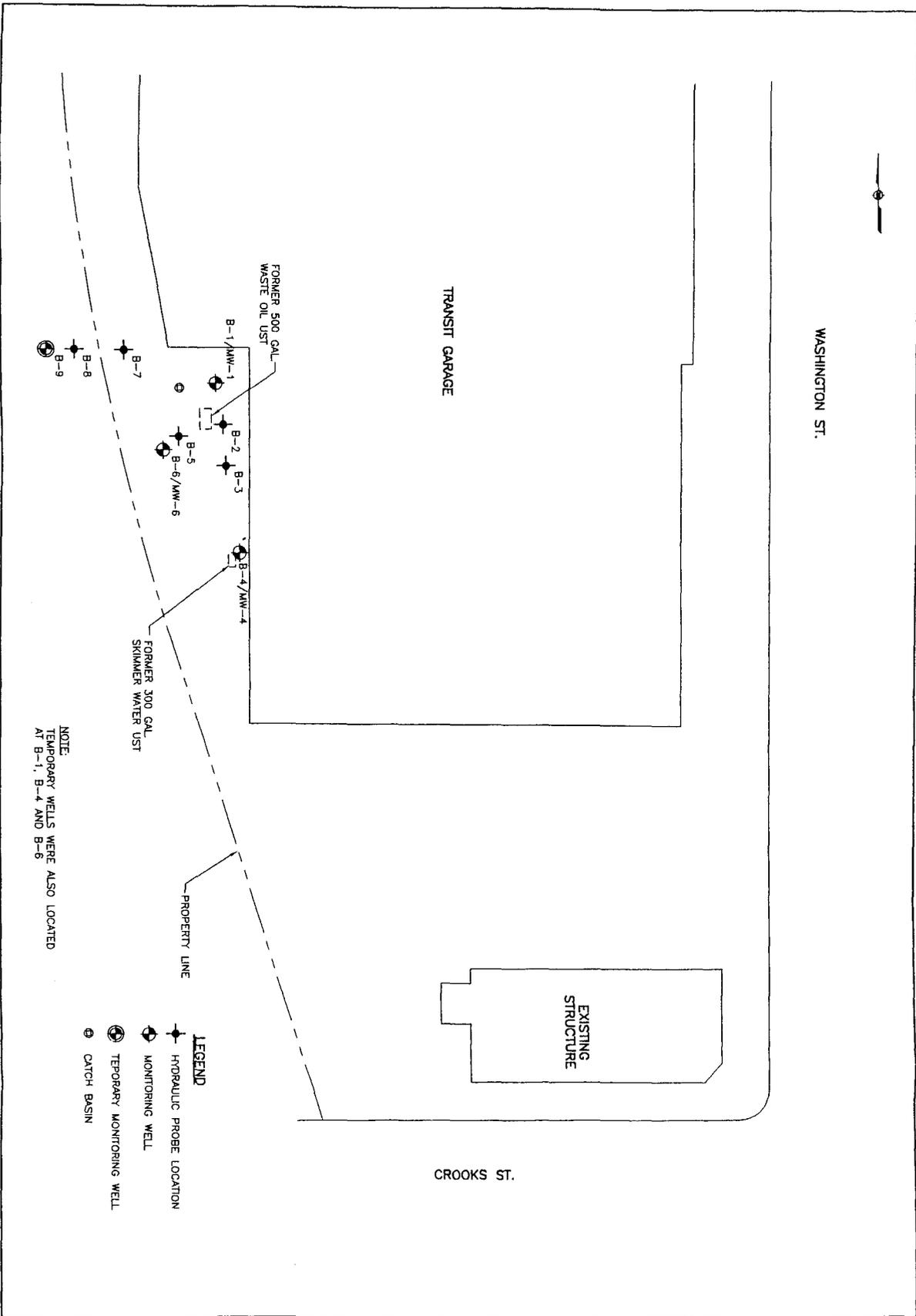
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STS Consultants Ltd.  
 Consulting Engineers

**SITE LOCATION DIAGRAM**  
**GREEN BAY TRANSIT GARAGE**  
**318 WASHINGTON ST.**  
**GREEN BAY, WISCONSIN**

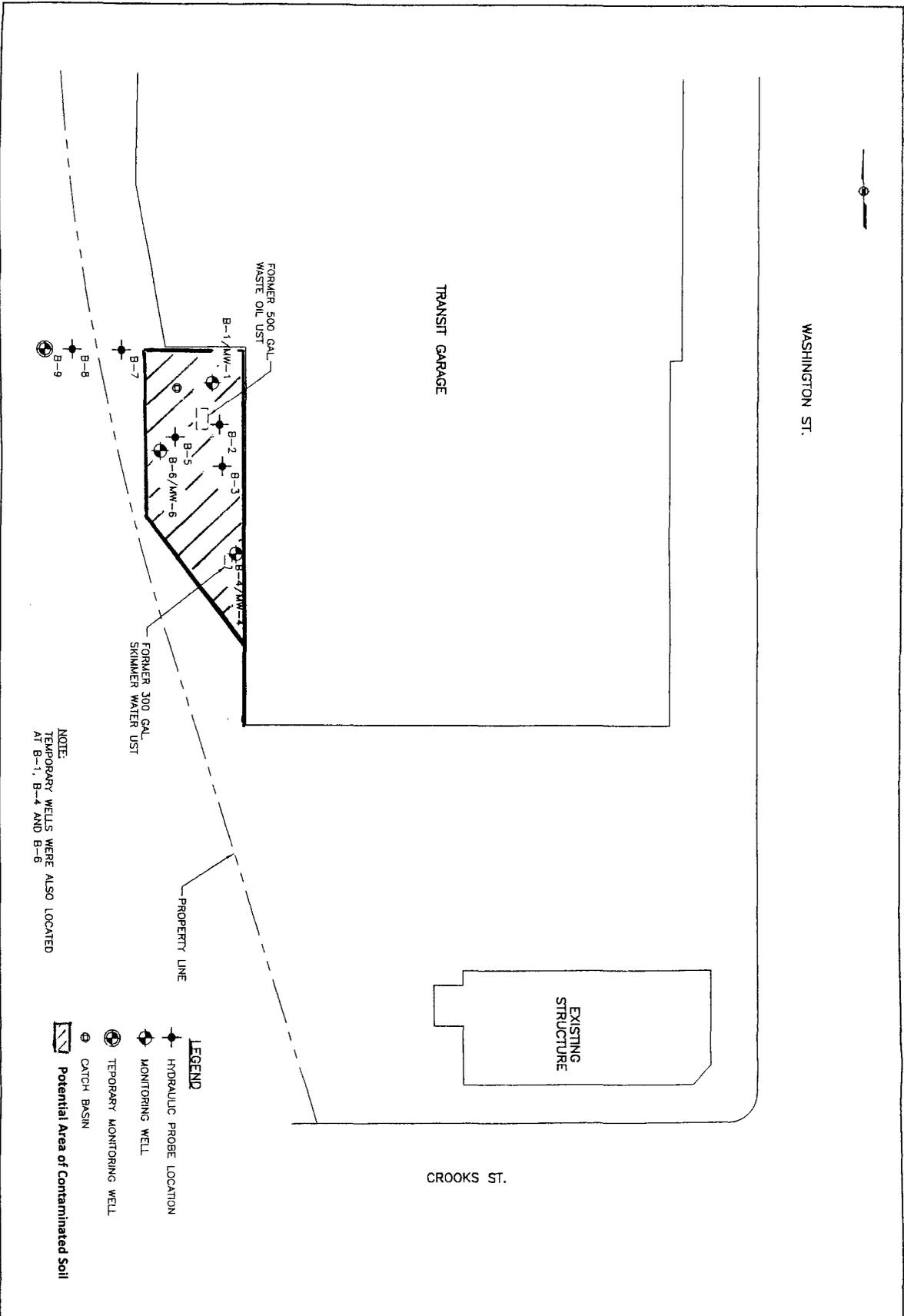
DRAWN BY	D.J.M.	6-23-97
CHECKED BY	P.J.M.	6-23-97
APPROVED BY		
CADFILE	SCALE 1"=2000'	
STS PROJECT NO.	FIGURE NO.	
23211W	1	



 <p>SIS CONSULTANTS LTD. Consulting Engineers</p> <p>SIS PROJECT NO. 24826W</p> <p>SIS PROJECT FILE</p>	<p>HYDRAULIC PROBE &amp; MONITORING WELL LOCATION DIAGRAM CITY OF GREEN BAY TRANSIT GARAGE 318 S. WASHINGTON STREET GREEN BAY, WISCONSIN</p>		<p>DRAWN BY CPB 6/7/00</p>
			<p>CHECKED BY PJM 6/7/00</p>
			<p>APPROVED BY</p>
			<p>CAD FILE X:\PROJECTS\Dwg99\24826\w\G482602.dwg 05/30/2000 15:26</p>

SCALE 1" = 30'

FIGURE NO. 2



NOTE:  
 TEMPORARY WELLS WERE ALSO LOCATED  
 AT B-1, B-4 AND B-8

- LEGEND**
- HYDRAULIC PROBE LOCATION
  - MONITORING WELL
  - TEMPORARY MONITORING WELL
  - CATCH BASIN
  - Potential Area of Contaminated Soil

Potential Soil Contaminated Area  
 LOCATION DIAGRAM  
 CITY OF GREEN BAY TRANSIT GARAGE  
 318 S. WASHINGTON STREET  
 GREEN BAY, WISCONSIN



STS PROJECT NO.  
 24826W  
 STS PROJECT FILE  
 SCALE 1" = 30'  
 FIGURE NO. 3

DRAWN BY	CPB	6/7/00
CHECKED BY	PJM	6/7/00
APPROVED BY		
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Table 1  
Soil Analytical Results  
City of Green Bay - Transit Garage  
Former Used Oil UST Area

Analyte	Units	B-1	B-3	B-4	B-6	B-7	B-9	WAC NR 720 Generic RCL <sup>1</sup> (ug/kg)	NR 746 Table 1 Direct-Contact RCL <sup>2</sup> (ug/kg)	Suggested Generic RCL (ug/kg)			Site Specific RCLs (ug/kg)			
		6/17/99	6/17/99	6/17/99	6/17/99	6/17/99	6/17/99			Groundwater Pathway	Non-Industrial		Groundwater Pathway	Non-Industrial		
		4.0 - 6.0	4.0-6.0	4.0-6.0	0.0-2.0	2.0-4.0	2.0-4.0				Ingestion	Inhalation		Ingestion	Inhalation	
Diesel Range Organics	mg/kg	<b>658</b>	22	<b>172</b>	<b>214</b>	<b>153</b>	39	100								
Total Solids	%	86	95	86	92	88	93									
Total Organic Carbon	mg/kg	NA	NA	NA	76300	11100	36400									
Benzene*	ug/kg	<55.4	<9.99	<11.9	<b>45.4</b>	<39.6	<10.6	5.5	1,100				180			
Toluene	ug/kg	34.9 (p)	<5.85	48.6	281	<23.2	43.4	1,500	670,000							
Ethylbenzene	ug/kg	<57.2	<10.3	13.3 (p)	91.1	<40.9	20.7 (p)	2,900	400,000							
Total Xylenes	ug/kg	<168.5	<30.26	117.2	643	<120.1	178.8	4,100	470,000							
Methyl tert Butyl Ether	ug/kg	<216	<38.9	<46.2	<45.0	<154	<41.3									
1,2,4-Trimethylbenzene	ug/kg	3690	<24.7	45.0 (p)	259	1280	95.2						1,900,000	5,600,000	180,000	
1,3,5-Trimethylbenzene	ug/kg	707	<18.4	<21.8	64.8(p)	267	<19.5						1,900,000	5,600,000	71,000	
n-Butylbenzene	ug/kg	390	<2.13	10.1	34.8	635	14.5						4,400,000	1,100,000	590,000	
sec-Butylbenzene	ug/kg	347	<18.5	<22.0	28.3	447	<19.6						2,700,000	1,100,000	440,000	
Isopropylbenzene	ug/kg	109 (p)	<12.3	<14.6	66.7	109 (p)	30.7 (p)						320,000	11,000,000	560,000	
p-Isopropyltoluene	ug/kg	<36.6	<6.59	<7.83	25.3 (p)	357	12.1 (p)									
n-Propylbenzene	ug/kg	296 (p)	<19.0	<22.6	82	366	24.3 (p)						4,400,000	1,100,000	590,000	
Naphthalene	ug/kg	6360	26.3	68.6	388	620	135			400	60,000	20,000	160,000			
Tetrachloroethene*	ug/kg	<99.1	<17.9	<21.2	21.9 (p)	<70.8	<19.0						2,300	18,000	20,000	

Notes

\*C\* = analyte not detected above method detection limit

\* = Carcinogen

NA = Not Analyzed

mg/kg = milligrams per kilogram

ug/kg = micrograms per kilogram

**125** NR 720 RCL Exceedance **BCLO**

<sup>1</sup>WAC NR 720 Generic RCL = Wisconsin Administrative Code Chapter NR 720 Generic Residual Contaminant Level for Groundwater Pathway

<sup>2</sup>Chapter NR 746 Direct Contact Soil Contaminant Concentrations, Table 1, Petroleum Environmental Cleanup Fund Interagency Responsibilities

(p) = Analyte detected between Method Detection Limit (MDL) and Practical Quantitation Limit (PQL)