

GIS REGISTRY

Cover Sheet

March, 2010
(RR 5367)

Source Property Information

BRRTS #:

ACTIVITY NAME:

PROPERTY ADDRESS:

MUNICIPALITY:

PARCEL ID #:

CLOSURE DATE:

FID #:

DATCP #:

COMM #:

*WTM COORDINATES:

X: Y:

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

WTM COORDINATES REPRESENT:

Approximate Center Of Contaminant Source

Approximate Source Parcel Center

Please check as appropriate: (BRRTS Action Code)

Contaminated Media:

Groundwater Contamination > ES (236)

Contamination in ROW

Off-Source Contamination

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

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

Contamination in ROW

Off-Source Contamination

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

Land Use Controls:

N/A (Not Applicable)

Soil: maintain industrial zoning (220)

*(note: soil contamination concentrations
between non-industrial 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 unit or economic
development corporation was directed to
take a response action)*

Monitoring Wells:

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

Yes No N/A

** Residual Contaminant Level*

***Site Specific Residual Contaminant Level*

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

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

BRRTS #: 03-05-551895 PARCEL ID #: VH-718
ACTIVITY NAME: Mass Appeal WTM COORDINATES: X: 671826 Y: 453845

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

- Closure Letter**
- Maintenance Plan** (if activity is closed with a land use limitation or condition (land use control) under s. 292.12, Wis. Stats.)
- Continuing Obligation Cover Letter** (for property owners affected by residual contamination and/or continuing obligations)
- Conditional Closure Letter**
- Certificate of Completion (COC)** (for VPLE sites)

SOURCE LEGAL DOCUMENTS

- Deed:** The most recent deed as well as legal descriptions, for the **Source Property** (where the contamination originated). Deeds for other, off-source (off-site) properties are located in the **Notification** section.
Note: If a property has been purchased with a land contract and the purchaser has not yet received a deed, a copy of the land contract which includes the legal description shall be submitted instead of the most recent deed. If the property has been inherited, written documentation of the property transfer should be submitted along with the most recent deed.
- Certified Survey Map:** A copy of the certified survey map or the relevant section of the recorded plat map for those properties where the legal description in the most recent deed refers to a certified survey map or a recorded plat map. (lots on subdivided or platted property (e.g. lot 2 of xyz subdivision)).
Figure #: **Title: 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 11 x 17 inches unless the map is submitted electronically.

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

BRRTS #: 03-05-551895

ACTIVITY NAME: Mass Appeal

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 #: 3 Title: Geologic Cross Section

Figure #: 4 Title: Geologic Cross Section

- 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 #: 7 Title: Groundwater Isoconcentration Map

- 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 #: 3, 3 Title: October 29, 2008 Groundwater Flow Map, April 16, 2009 Groundwater Flow Map

Figure #: 3, 6 Title: June 24, 2009 Groundwater Flow Map, 5/28/10 Groundwater Flow Map

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

Tables must be no larger than 11 x 17 inches unless the table is submitted electronically. Tables must not contain shading and/or cross-hatching. The use of **BOLD** or *ITALICS* is acceptable.

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

Table #: 1 Title: Soil Sample Laboratory Analytical Results

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

Table #: 2 Title: Groundwater Sample Laboratory Analytical Results

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

Table #: 3 Title: Summary of Groundwater Elevation Data

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 #: 03-05-551895

ACTIVITY NAME: Mass Appeal

NOTIFICATIONS

Source Property

Not Applicable

Letter To Current Source Property Owner: If the source property is owned by someone other than the person who is applying for case closure, include a copy of the letter notifying the current owner of the source property that case closure has been requested.

Return Receipt/Signature Confirmation: Written proof of date on which confirmation was received for notifying current source property owner.

Off-Source Property

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

Not Applicable

Letter To "Off-Source" Property Owners: Copies of all letters sent by the Responsible Party (RP) to owners of properties with groundwater exceeding an Enforcement Standard (ES), and to owners of properties that will be affected by a land use control under s. 292.12, Wis. Stats.

Note: Letters sent to off-source properties regarding residual contamination must contain standard provisions in Appendix A of ch. NR 726.

Number of "Off-Source" Letters:

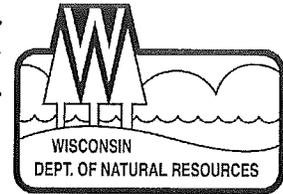
Return Receipt/Signature Confirmation: Written proof of date on which confirmation was received for notifying any off-source property owner.

Deed of "Off-Source" Property: The most recent deed(s) as well as legal descriptions, for all affected deeded **off-source property(ies)**. This does not apply to right-of-ways.

Note: If a property has been purchased with a land contract and the purchaser has not yet received a deed, a copy of the land contract which includes the legal description shall be submitted instead of the most recent deed. If the property has been inherited, written documentation of the property transfer should be submitted along with the most recent deed.

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:



May 23, 2011

GUS Properties
Attn: Mr. Tony Wied
2245 Shawano Avenue
Green Bay, WI 54303

SUBJECT: Final Case Closure with Continuing Obligations
Mass Appeal, 2245 Shawano Avenue, Green Bay, WI
WDNR BRRTS Activity #: 03-05-551895

Dear Mr. Wied:

On April 6, 2011, the Northeast Region Closure Committee reviewed the above referenced case for closure. This committee reviews environmental remediation cases for compliance with state laws and standards to maintain consistency in the closure of these cases. On April 6, 2011, you were notified that the Closure Committee had granted conditional closure to this case.

On April 28, 2011, the Department received information or documentation indicating that you have complied with the requirements for final closure (monitoring well abandonment forms and investigative waste disposal documentation were submitted).

Based on the correspondence and data provided, it appears that your case meets the closure requirements in ch. NR 726, Wisconsin Administrative Code. The Department considers this case closed and no further investigation or remediation is required at this time. However, you and future property owners must comply with certain continuing obligations as explained in this letter.

GIS Registry

This site will be listed on the Remediation and Redevelopment Program's internet accessible GIS Registry, to provide notice of residual contamination, and of any continuing obligations. The continuing obligations for this site are summarized below:

- Residual soil contamination exists that must be properly managed should it be excavated or removed
- Pavement, an engineered cover or a soil barrier must be maintained over contaminated soil and the state must approve any changes to this barrier
- Groundwater contamination is present above Chapter NR 140 enforcement standards

This letter and information that was submitted with your closure request application, including the maintenance plan, will be included on the GIS Registry, in a PDF attachment. To review the sites on the GIS Registry web page, visit the RR Sites Map page at <http://dnr.wi.gov/org/aw/rr/gis/index.htm>. If the property is listed on the GIS Registry because of remaining contamination and you intend to construct or reconstruct a well, you will need prior Department approval in accordance with s. NR 812.09(4) (w), Wis. Adm. Code. To obtain approval, Form 3300-254 needs to be completed and submitted to the DNR Drinking and

Groundwater program's regional water supply specialist. This form can be obtained on-line at <http://dnr.wi.gov/org/water/dwg/3300254.pdf> or at the web address listed above for the GIS Registry.

Closure Conditions

Please be aware that pursuant to s. 292.12 Wisconsin Statutes, compliance with the requirements of this letter is a responsibility to which the current property owner and any subsequent property owners must adhere. You must pass on both the information about these continuing obligations and the maintenance plan to the next property owner or owners. If these requirements are not followed or if additional information regarding site conditions indicates that contamination on or from the site poses a threat to public health, safety, welfare, or the environment, the Department may take enforcement action under s. 292.11 Wisconsin Statutes to ensure compliance with the specified requirements, limitations or other conditions related to the property or this case may be reopened pursuant to s. NR 726.09, Wis. Adm. Code. The Department intends to conduct inspections in the future to ensure that the conditions included in this letter including compliance with **attached maintenance plans** are met.

Residual Soil Contamination

Residual soil contamination remains at MW-1 and S-3 as indicated on the **attached map** and in the information submitted to the Department of Natural Resources. If soil in the specific locations described above is excavated in the future, then pursuant to ch. NR 718 or, if applicable, ch. 289, Stats., and chs. 500 to 536, 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 will need to determine whether the material is considered solid or hazardous waste and ensure that any storage, treatment or disposal is in compliance with applicable standards and rules. In addition, all current and future owners and occupants of the property need to be aware that excavation of the contaminated soil may pose an inhalation or other direct contact hazard and as a result special precautions may need to be taken to prevent a direct contact health threat to humans.

Cover or Barrier

Pursuant to s. 292.12(2)(a), Wis. Stats., the pavement or other impervious cap that currently exists in the location shown on the **attached map** shall be maintained in compliance with the **attached maintenance plan** in order to minimize the infiltration of water and prevent additional groundwater contamination that would violate the groundwater quality standards in ch. NR 140, Wis. Adm. Code, and to prevent direct contact with residual soil contamination that might otherwise pose a threat to human health.

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

Prohibited Activities

The following activities are prohibited on any portion of the property where pavement, soil cover, engineered cap or other barrier is required as shown on the attached map, 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.

Upon Department approval to replace the existing barrier, the replacement barrier must be one of similar permeability, until contaminant levels no longer exceed the applicable standards.

Residual Groundwater Contamination

Groundwater impacted by Tetrachloroethene (PCE) contamination greater than enforcement standards (ES) and MTBE contamination greater than preventive action levels (PAL) set forth in ch. NR140, Wis. Adm. Code, is present on this contaminated source property. Groundwater is impacted by PCE contamination greater than the PAL at the off source site (2269 Shawano Avenue) as shown on the map.

Dewatering Permits

The Department's Watershed Management 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.

Based on the concentrations of contaminants remaining in groundwater at this location, it appears likely that dewatering activities would require a permit from the Watershed Management Program. 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://www.dnr.state.wi.us/org/water/wm/ww/>

Chapter NR 140, Wis. Adm. Code Exemption for the Source Site and Off Source Site at 2269 Shawano Avenue

Recent groundwater monitoring data from the source site indicates that for MTBE at MW-2 contaminant levels exceed the NR 140 preventive action limit (PAL) but are below the enforcement standard (ES). [Note: there is groundwater at this source site impacted by Tetrachloroethene (PCE) contamination greater than enforcement standards (ES)]

Data from the off source site at 2269 Shawano Avenue indicates that for Tetrachloroethene (PCE) at TW-12 and TW-13, contaminant levels exceed the NR 140 preventive action limit (PAL) but are below the enforcement standard (ES). The Department 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 Department believes that these criteria have been or will be met. Therefore, pursuant to s. NR 140.28, Wis. Adm. Code, an exemption to the PAL is granted for MTBE at MW-2 (source site) and PCE at TW-12 and TW-13 (off source site). Please keep this letter because it serves as your exemption. This exemption does not apply to the Tetrachloroethene (PCE) contamination greater than enforcement standards (ES) at the source site.

Post-Closure Notification Requirements

In accordance with ss, 292.12 and 292.13, Wis. Stats., you must notify the Department before making changes that affect or relate to the conditions of closure in this letter. For this case, examples of changed conditions requiring prior notification include, but are not limited to:

- Disturbance, construction on, change or removal in whole or part of pavement or a soil barrier that must be maintained over contaminated soil in accordance with your Cap Maintenance Plan.

Please send written notifications in accordance with the above requirements to DNR Northeast Regional Office, to the attention of Diane Hansen.

The following DNR fact sheet, RR-819, "Continuing Obligations for Environmental Protection" has been developed to help explain a property owner's responsibility for continuing obligations on their property. You may obtain a copy at <http://dnr.wi.gov/org/aw/rr/archives/pubs/RR819.pdf>.

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

The Department 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.

Sincerely,



Kristin DuFresne, Acting Team Supervisor
Northeast Region Remediation & Redevelopment Program

Attach

- Remaining soil contamination map
- Remaining groundwater contamination map
- Maintenance plan and extent of cap map

cc: Erin Mader, Bay Environmental Strategies, Inc.
(ecopy- eemader@bayenvironmental.com)
Thomas Juza, D.A.S.T.M.J., LLC (current owner of source property)
4688 Golden Pond Court, Oneida, WI 54155
Jeff Kamp, Wisconsin Gear and Machine Works, Inc.
(contact for impacted property to the north)
2269 Shawano Avenue, Green Bay, WI 54303



Figure:	Figure 8 Soil Isoconcentration Map	
Site Location:	Mass Appeal 2245 Shawano Avenue Green Bay, Wisconsin	
Client:	GUS Properties, LLC	
Date:	Aug. 2010	
Scale:	1" = 20'	
Drawn By:	EEM	
Source:		

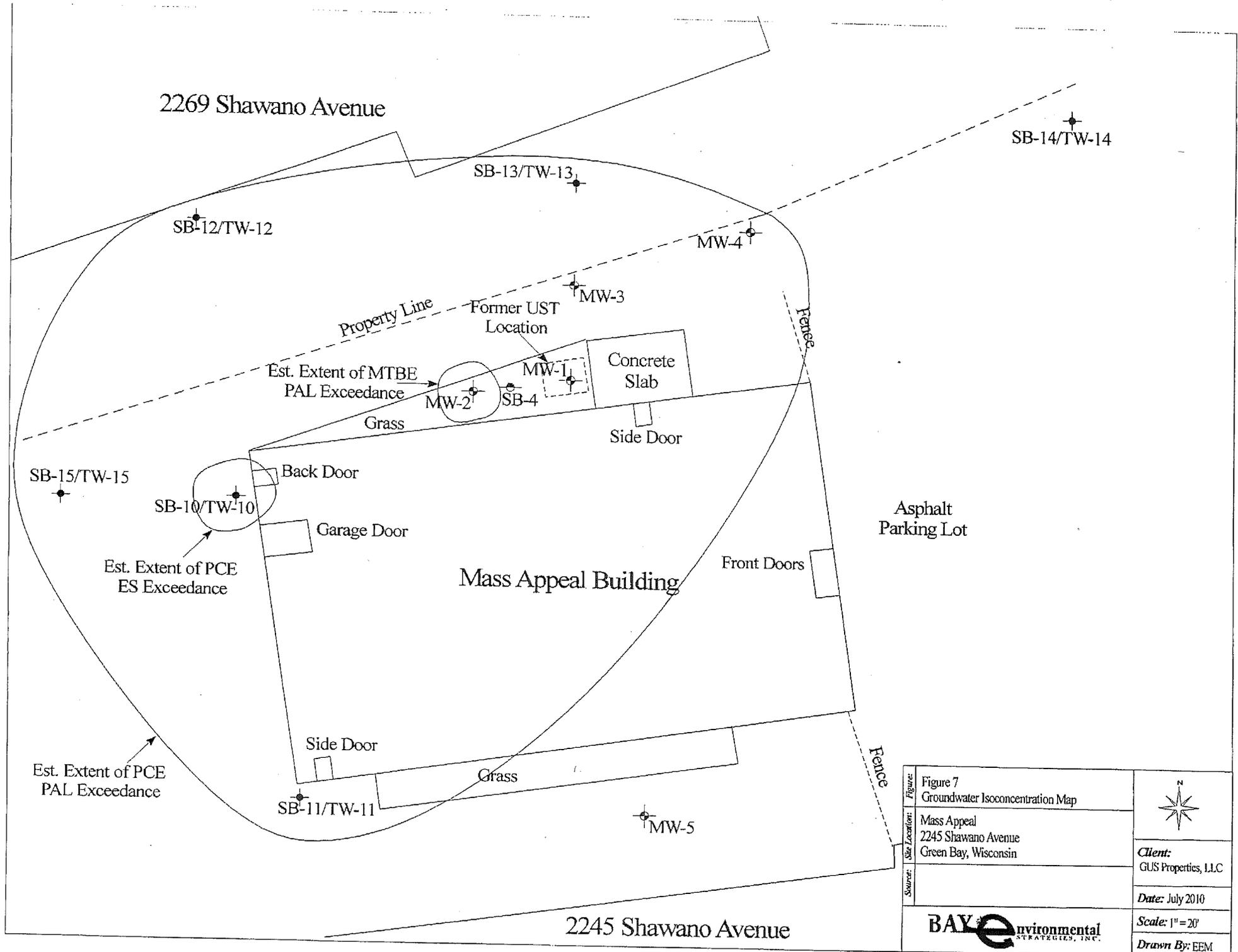


Figure:	Figure 7 Groundwater Isoconcentration Map	
Site Location:	Mass Appeal 2245 Shawano Avenue Green Bay, Wisconsin	
Client:	GUS Properties, LLC	
Date:	July 2010	
Scale:	1" = 20'	
Drawn By:	EEM	



CAP AND BUILDING BARRIER MAINTENANCE PLAN

Property Located at:

**2247 Shawano Avenue
Green Bay, Wisconsin**

BRRTS # 03-05-551895

LEGAL DESCRIPTION:

Parcel Three of Vol. 6 Certified Survey Maps, Page 453, Map No. 1625; said map being part of Lot Three Hundred Four, according to the recorded Plat of Fort Howard Military Reserve, in the Village of Howard, Brown County, Wisconsin, excepting therefrom part described in Jacket 12910 records, image 24 and further excepting therefrom that part described in Jacket 27810 records, image 12.

PARCEL #: VH-718

Introduction

The purpose of this document is to present a Maintenance Plan for an engineered cap and building barrier at the above-referenced property, per the requirements of s. NR 724.13(2) of the Wisconsin Administrative Code. The maintenance activities relate to the existing impermeable surfaces, slab on grade, other paved surfaces, and grassed areas occupying the area over the contaminated soil exceeding the ch. NR 720 generic residual contaminant levels (GRCLs) on-site. The contaminated soil is impacted by diesel range organics and the groundwater plume is impacted by tetrachloroethene. The location of the impervious and grass surfaces to be maintained in accordance with this Maintenance Plan are identified in the attached map (Figure 1).

Engineered Cap Purpose

These impervious and grass surfaces located over the contaminated soil and groundwater plume serve as an infiltration barrier to inhibit and prevent future soil-to-groundwater contamination migration that would violate the standards of NR 140 of the Wisconsin Administrative Code. It is imperative that the barrier remain intact in order to prevent water from infiltrating through contaminated soils and contaminating the groundwater. **In order to function properly, the barrier must remain intact even though soil cannot be observed or encountered.** Based on the current and future use of the property, the barrier should function as intended unless disturbed.

Annual Inspection

The paved surfaces and buildings overlying the contaminated groundwater plume and soil as depicted in Figure 1, will be inspected once a year for cracks and other potential exposures to underlying soils. The inspections will be performed to evaluate damage to the floor due to exposure to the weather, wear from traffic, increasing age and other factors. Any area where soils have become or are likely to become exposed will be documented. A log of the inspections will be maintained by the property owners and is included as Exhibit B, *Annual Cap Inspection Log*. The log will include recommendations for necessary

repair of any areas where underlying soils are exposed. Once repairs are completed, they will be documented in the inspection log. A copy of the inspection log will be sent to the Wisconsin Department of Natural Resources if requested, unless otherwise directed in the case closure letter.

Maintenance Activities

If exposed soils are noted during the annual inspections or at any other time during the year, repairs will be scheduled as soon as practical. Maintenance activities can include patching and filling operations or they can include larger resurfacing or construction operations. In the event that necessary maintenance activities expose the underlying soil, the property owners will take reasonable measures to prevent water from infiltrating the exposed area. They will also 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 will be treated, stored and disposed of by the property owners in accordance with applicable local, state and federal law.

In the event the paved surfaces overlying the contaminated groundwater plume and soil are removed or replaced, the replacement barrier will 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 Wisconsin Department of Natural Resources (WDNR) or its successor.

The property owners, in order to maintain the integrity of the barrier, will maintain a copy of this Maintenance Plan on-site and make it available to all interested parties (i.e. on-site employees, contractors, future property owners, etc.) for viewing.

Amendment or Withdrawal of Maintenance Plan

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

Contact Information
as of February 2011

Site Owner:

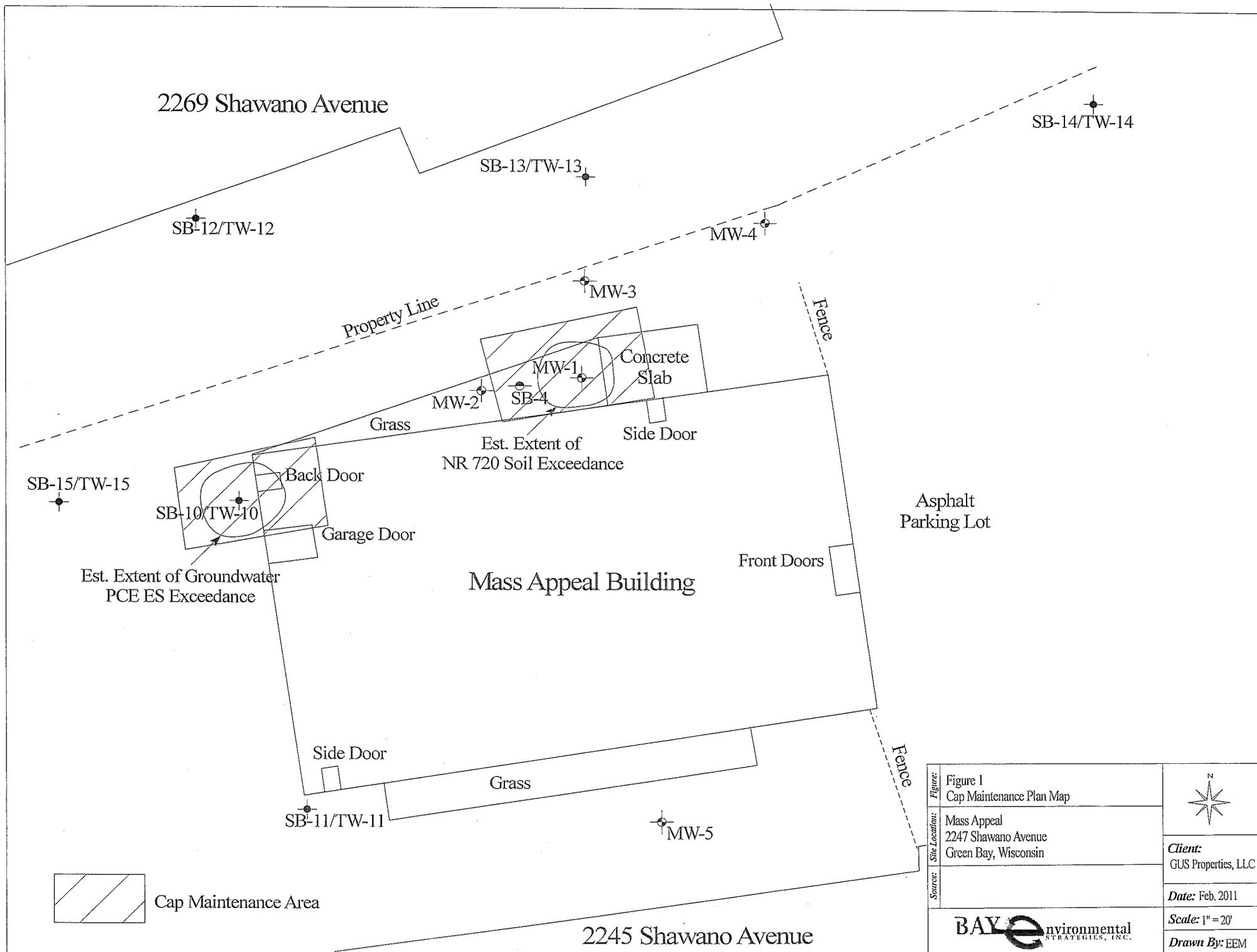
D.A.S.T.M.J., LLC
Mr. Thomas Juza
4688 Golden Pond Park Ct.
Oneida, WI 54155
(920) 406-9292

Site Responsible Party:

GUS Properties, LLC
2245 Shawano Avenue
Green Bay, WI 54303
(920) 405-8925

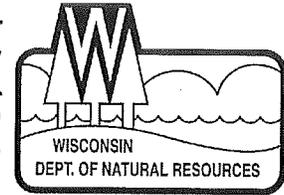
WDNR:

Keld Lauridsen
2984 Shawano Avenue
Green Bay, WI 54313
(920) 662-5420



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

Scott Walker, Governor
Cathy Stepp, Secretary
Jean Romback-Bartels, Acting Regional Dir.
Telephone 920-662-5100
FAX 920-662-5413
TTY Access via relay - 711



May 23, 2011

Thomas Juza
DASTMJ, LLC
4688 Golden Pond Court
Oneida, WI 54155

SUBJECT: Continuing Obligations and Property Owner Requirements
Mass Appeal, 2245 Shawano Avenue, Green Bay, WI
WDNR BRRTS Activity #: 03-05-551895

Dear Mr. Juza:

The purpose of this letter is to notify you, as the current owner, that certain continuing obligations apply to the property at 2245 Shawano Avenue, (referred to in this letter as the "Property") due to contamination remaining on the Property. The continuing obligations are part of the cleanup and case closure approved for the above referenced case. The continuing obligations that apply to the Property are stated as conditions in the attached closure approval letter, and are consistent with s. 292.12, Wis. Stats., and ch. NR 700, Wis. Adm. Code, rule series. They are meant to limit exposure to any remaining environmental contamination at the Property. These continuing obligations will also apply to future owners of the Property, until the conditions no longer exist at the Property.

It is common for properties with approved cleanups to have continuing obligations as part of cleanup/closure approvals. Information on continuing obligations on properties is shown on the Internet at <http://dnr.wi.gov/org/aw/rr/gis/index.htm>. How to find further information about the closure and residual contamination for this site can be located at <http://dnr.wi.gov/org/aw/rr/clean.htm>.

The Department reviewed and approved the case closure request regarding the PCE and MTBE in soil and groundwater at this site, based on the information submitted by Bay Environmental Strategies, Inc. As required by state law, you received notification about the requested closure from the person conducting the cleanup. No further investigation or cleanup is required at this time. However, the closure decision is conditioned on the long-term compliance with certain continuing obligations, as described below.

Continuing Obligations Applicable to Your Property

A number of continuing obligations are described in the attached case closure letter to Mr. Wied of GUS Properties, dated May 20, 2011. The continuing obligations also apply to you as the current property owner.

Closure Conditions

Please be aware that pursuant to s. 292.12 Wisconsin Statutes, compliance with the requirements of this letter is a responsibility to which the current property owner and any subsequent property owners must adhere. You must pass on both the information about these continuing obligations and the maintenance plan to the next property owner or owners. If these

requirements are not followed or if additional information regarding site conditions indicates that contamination on or from the site poses a threat to public health, safety, welfare, or the environment, the Department may take enforcement action under s. 292.11 Wisconsin Statutes to ensure compliance with the specified requirements, limitations or other conditions related to the property or this case may be reopened pursuant to s. NR 726.09, Wis. Adm. Code. The Department intends to conduct inspections in the future to ensure that the conditions included in the closure letter including compliance with the maintenance plans are met.

Residual Soil Contamination

Residual soil contamination remains at MW-1 and S-3 as indicated on the map and in the information submitted to the Department of Natural Resources. If soil in the specific locations described above is excavated in the future, then pursuant to ch. NR 718 or, if applicable, ch. 289, Stats., and chs. 500 to 536, 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 will need to determine whether the material is considered solid or hazardous waste and ensure that any storage, treatment or disposal is in compliance with applicable standards and rules. In addition, all current and future owners and occupants of the property need to be aware that excavation of the contaminated soil may pose an inhalation or other direct contact hazard and as a result special precautions may need to be taken to prevent a direct contact health threat to humans.

Cover or Barrier

Pursuant to s. 292.12(2)(a), Wis. Stats., the pavement or other impervious cap that currently exists in the location shown on the map shall be maintained in compliance with the maintenance plan in order to minimize the infiltration of water and prevent additional groundwater contamination that would violate the groundwater quality standards in ch. NR 140, Wis. Adm. Code, and to prevent direct contact with residual soil contamination that might otherwise pose a threat to human health.

The maintenance plan and inspection log are to be kept up-to-date and on-site. Please submit the inspection log to the Department only upon request.

Prohibited Activities

The following activities are prohibited on any portion of the property where pavement, soil cover, engineered cap or other barrier is required as shown on the attached map, 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.

Upon Department approval to replace the existing barrier, the replacement barrier must be one of similar permeability, until contaminant levels no longer exceed the applicable standards.

Residual Groundwater Contamination

Groundwater impacted by Tetrachloroethene (PCE) contamination greater than enforcement standards (ES) and MTBE contamination greater than preventive action levels (PAL) set forth in ch. NR140, Wis. Adm. Code, is present on this contaminated source property. Groundwater is

impacted by PCE contamination greater than the PAL at the off source site (2269 Shawano Avenue) as shown on the map.

Dewatering Permits

The Department's Watershed Management 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.

Based on the concentrations of contaminants remaining in groundwater at this location, it appears likely that dewatering activities would require a permit from the Watershed Management Program. 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://www.dnr.state.wi.us/org/water/wm/ww/>

Chapter NR 140, Wis. Adm. Code Exemption for the Source Site and Off Source Site at 2269 Shawano Avenue

Recent groundwater monitoring data from the source site indicates that for MTBE at MW-2 contaminant levels exceed the NR 140 preventive action limit (PAL) but are below the enforcement standard (ES). [Note: there is groundwater at this source site impacted by Tetrachloroethene (PCE) contamination greater than enforcement standards (ES)]

Data from the off source site at 2269 Shawano Avenue indicates that for Tetrachloroethene (PCE) at TW-12 and TW-13, contaminant levels exceed the NR 140 preventive action limit (PAL) but are below the enforcement standard (ES). The Department 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 Department believes that these criteria have been or will be met. Therefore, pursuant to s. NR 140.28, Wis. Adm. Code, an exemption to the PAL is granted for MTBE at MW-2 (source site) and PCE at TW-12 and TW-13 (off source site). Please keep this letter because it serves as your exemption. This exemption does not apply to the Tetrachloroethene (PCE) contamination greater than enforcement standards (ES) at the source site.

Post-Closure Notification Requirements

In accordance with ss. 292.12 and 292.13, Wis. Stats., you must notify the Department before making changes that affect or relate to the conditions of closure in this letter. For this case, examples of changed conditions requiring prior notification include, but are not limited to:

- Disturbance, construction on, change or removal in whole or part of pavement or a soil barrier that must be maintained over contaminated soil in accordance with your Cap Maintenance Plan.

GIS Registry – Well Construction Approval Needed

Because of the residual contamination and the continuing obligations, this site will be listed on the Department's internet accessible GIS Registry, at <http://dnr.wi.gov/org/aw/rr/gis/index.htm>. If you intend to construct or reconstruct a well on the Property, you will need to get Department approval in accordance with s. NR 812.09(4) (w), Wis. Adm. Code. To obtain approval, Form 3300-254 needs to be completed and submitted to the DNR Drinking and Groundwater program's regional water supply specialist. A well driller can help with this form. This form can be obtained on-line <http://dnr.wi.gov/org/water/dwg/3300254.pdf>. If at some time, all these continuing obligations are fulfilled, and the remaining contamination is either removed or meets applicable standards, you may request the removal of the Property from the GIS Registry.

Property Owner Responsibilities

The owner (you and any subsequent property owner) of this Property is responsible for compliance with these continuing obligations, pursuant to s. 292.12, Wis. Stats. You are strongly encouraged to pass on the information about these continuing obligations to anyone who purchases this property from you (i.e. pass on this letter). For residential property transactions, you are required to make disclosures under Wis. Stats. s. 709.02. You may have additional obligations to notify buyers of the condition of the property and the continuing obligations set out in this letter and the closure letter.

Please be aware that failure to comply with the continuing obligations may result in enforcement action by the Department. The Department intends to conduct inspections in the future to ensure that the conditions included in this letter, including compliance with referenced maintenance plans, are met.

These responsibilities are the property owner's. A property owner may enter into a legally binding agreement (such as a contract) with someone else (the person responsible for the cleanup) to take responsibility for compliance with the continuing obligations. If the person with whom any property owner has an agreement fails to adequately comply with the appropriate continuing obligations, the Department has the authority to require the property owner to complete the necessary work.

A legal agreement between you and another party to carry out any of the continuing obligations listed in this letter does not automatically transfer to a new owner of the property. If a subsequent property owner cannot negotiate a new agreement, the responsibility for compliance with the applicable continuing obligations resides with that Property owner.

When maintenance of a continuing obligation is required, the Property owner is responsible for inspections, repairs, or replacements as needed. Such actions should be documented by the Property owner and the records kept accessible for the Department to review for as long as the Department directs.

You and any subsequent Property owners are responsible for notifying the Department, and obtaining approval, before making any changes to the property that would affect the obligations applied to the Property. Send all written notifications in accordance with the above requirements to DNR Northeast Regional Office, to the attention of Diane Hansen.

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

The Department appreciates your efforts. If you have any questions regarding this closure decision or anything outlined in this letter, please contact Keld Lauridsen at (920) 662-5420.

Sincerely,

A handwritten signature in cursive script that reads "Kristin DuFresne".

Kristin DuFresne, Acting Team Supervisor
Northeast Region Remediation & Redevelopment Program

Enclosure: RR 819 – Continuing Obligations Fact Sheet
Final Case Closure Letter with attachments

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

Scott Walker, Governor
Cathy Stepp, Secretary
Jean Romback-Bartels, Acting Regional Dir.
Telephone 920-662-5100
FAX 920-662-5413
TTY Access via relay - 711



April 6, 2011

GUS Properties
Attn: Mr. Tony Wied
2245 Shawano Avenue
Green Bay, WI 54303

Subject: Conditional Closure Decision with Requirements to Achieve Final Closure
Mass Appeal, 2245 Shawano Avenue, Green Bay, Wisconsin
WDNR BRRTS Activity # 03-05-551895

Dear Mr. Wied:

On April 6, 2011, the Northeast Region Closure Committee reviewed your request for closure of the case described above. The Closure Committee reviews environmental remediation cases for compliance with state rules and statutes to maintain consistency in the closure of these cases. After careful review of the closure request, the Closure Committee has determined that the chlorinated solvent and petroleum contamination identified at the site in the vicinity of the former location of an underground storage tanks system appears to have been investigated and remediated to the extent practicable under site conditions. Your case has been remediated to Department standards in accordance with s. NR 726.05, Wis. Adm. Code and will be closed if the following conditions are satisfied:

The monitoring wells at the site must be properly abandoned in accordance with ch. NR 141, Wis. Adm. Code. Documentation of well abandonment must be submitted to me on Form 3300-005, found at <http://dnr.wi.gov/org/water/dwg/gw/> or provided by the Department of Natural Resources.

Any remaining purge water, waste and/or soil piles generated as part of site investigation or remediation activities must be removed from the site and disposed of or treated in accordance with Department of Natural Resources' rules. Once that work is completed, please send appropriate documentation regarding the treatment or disposal of the remaining purge water, waste and/or soil piles.

When the above conditions have been satisfied, please submit the appropriate documentation (for example, well abandonment forms, disposal receipts, copies of correspondence, etc.) to verify that applicable conditions have been met, and your case will be closed. Your site will be listed on the DNR's Remediation and Redevelopment GIS Registry. Information that was submitted with your closure request application will be included on the GIS Registry. To review the site on the GIS Registry web page, visit the RR Sites Map page at: <http://dnr.wi.gov/org/aw/rr/gis/index.htm>.

As part of the approval of the closure of this case, the current source property owner will be responsible for maintaining the following continuing obligations for the property.

- Properly manage any contaminated soil excavated in the future
- Obtain WDNR approval if installing a water supply well
- Maintain the existing surface cover per the "Cap and Building Barrier Maintenance Plan" document received by the Department on February 28, 2011

In the final closure approval, the property owner will also be required to conduct annual inspections of the cap (existing surface cover). Documentation of the inspection will be required to be kept on site.

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

We appreciate your efforts to restore the environment at this site. If you have any questions regarding this letter, please contact me at (920) 662-5420.

Sincerely,



Keld Lauridsen
Hydrogeologist
Remediation & Redevelopment Program

cc: Erin Mader, Bay Environmental Strategies, Inc. (ecopy - eemader@bayenvironmental.com)
Thomas Juza, D.A.S.T.M.J., LLC (current owner of source property)
4688 Golden Pond Court, Oneida, WI 54155
Jeff Kamp, Wisconsin Gear & Machine Works, Inc. (contact for impacted property to the north)
2269 Shawano Avenue, Green Bay, WI 54303

Document Number

WARRANTY DEED

2376696

CATHY WILLIQUETTE
BROWN COUNTY RECORDER
GREEN BAY, WI

RECORDED ON
07/08/2008 08:30:53AM

REC FEE: 11.00
TRANS FEE: 6540.00
EXEMPT #
PAGES: 1

Gus Properties, LLC, a Wisconsin limited liability company Grantor
convey(s) and warrant(s) to

D.A.S.T.M.J., LLC, a Wisconsin limited liability company Grantee

Witnesseth, That the said Grantor, for a valuable consideration of one dollar (\$1.00) and other good and valuable consideration conveys to Grantee the following described real estate in Brown County, State of Wisconsin:

PARCEL I:

That part of Lot Three Hundred Four (304), according to the recorded Plat of Fort Howard Military Reserve, in the Village of Howard, Brown County, Wisconsin, described as follows:

Commencing at the most Northerly point of a certain tract of land conveyed by Charles H. Smith and Nellie Smith, his wife to Hamilton and Sons Canning Company by deed recorded in Vol. 182 Deeds, Page 527 and running thence Northerly along the Westerly line of Shawano Avenue, also known as Highway 29, a distance of 104 feet to a point which shall be the place of beginning of the property to be herein described; thence Southwesterly along a line parallel with the Northwesterly line of the tract of land aforesaid 432 feet to the Northerly line of Green Bay and Western Railway right of way; thence Northwesterly along said last mentioned line 125 feet; thence Northerly along the East line of a private road 45.8 feet; thence Northeasterly along a line parallel with the Southerly boundary hereinabove given to Shawano Avenue or Highway 29, a distance of 489.8 feet; thence Southeasterly along the West line of Shawano Avenue, 146 feet to the place of beginning, being the property described in Vol. 211 Deeds, Page 550 and in Vol. 260 Deeds, Page 620, excepting therefrom the premises described in Jacket 12910 Records, Image 27, Brown County Records.

VH-716

PARCEL II:

Parcel Three (3) of Vol. 6 Certified Survey Maps, Page 453, Map No. 1625; said map being part of Lot Three Hundred Four (304), according to the recorded Plat of Fort Howard Military Reserve, in the Village of Howard, Brown County, Wisconsin, excepting therefrom part described in Jacket 12910 Records, Image 24 and further excepting therefrom that part described in Jacket 27810 Records, Image 12.

Parcel No. VH-718

This is not homestead property.

Together with all and singular and hereditaments and appurtenances thereunto belonging, And grantor(s) warrants that the title is good, indefeasible in fee simple and free and clear of encumbrances except recorded restrictions, covenants, easements of record and all applicable zoning ordinances, and will warrant and defend the same.

Dated this 1st day of July, 2008

Gus Properties, LLC:

Gerald A. Wied
by: Gerald A. Wied, sole member

ACKNOWLEDGEMENT

State of Wisconsin)
) S.S.
Brown County)

Personally came before me this July 1, 2008, the above named Gerald M. Wied to me known to be the person(s) who executed the foregoing instrument.

Prepared by: Gerald A. Wied
c/o Bay Title

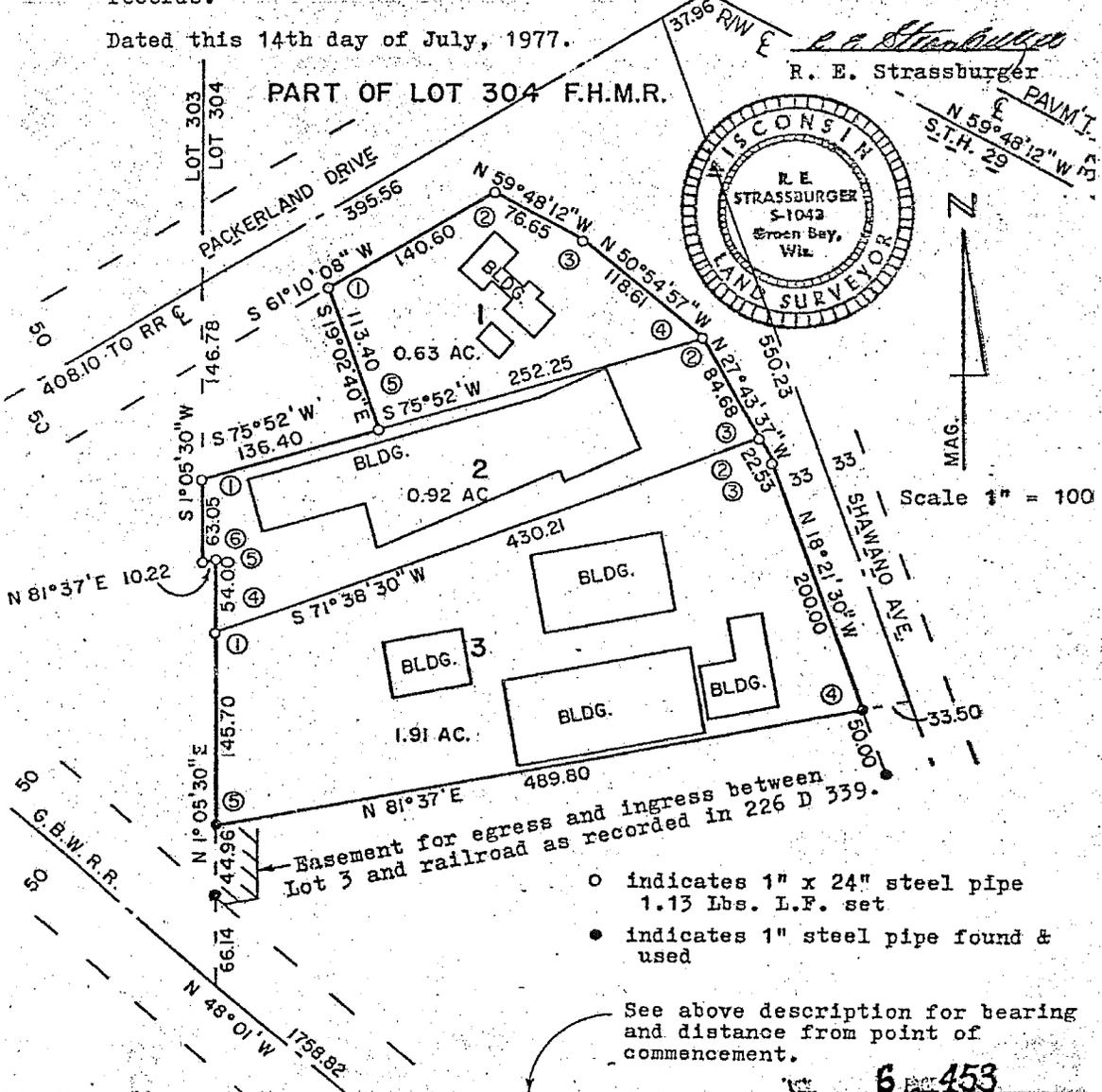


Carolyn M. Toigo
*Carolyn M. Toigo
Notary Public State of Wisconsin
My Commission Expires: 08/03/2008

I, R. E. Strassburger, registered land surveyor, hereby certify: That in full compliance with the provisions of Chapter 236.34 Revised Statutes of the State of Wisconsin and the subdivision regulations of the Village of Howard, and under the direction of Justin Wied, owner of said land, I have surveyed, divided and mapped this plat; that such plat correctly represents all exterior boundaries and the subdivision of the land surveyed; and that this land is located in that part of Lot 304, Fort Howard Military Reserve, Village of Howard, Brown County, Wisconsin, described as follows: Commencing at the Southeast corner of said Lot 304; thence S 0° 43' 50" W along the East line of Lot 310 of said Fort Howard Military Reserve, 907.22 feet to the centerline of the Green Bay & Western Railroad right-of-way; thence N 48° 01' W along said centerline 1758.82 feet; thence N 1° 05' 30" E 111.10 feet to the Southwest corner of the property described in 752 R 440, Brown County records, and the point of beginning; thence N 81° 37' E 489.80 feet; thence N 18° 21' 30" W along the West line of Shawano Avenue 200.00 feet; thence N 27° 43' 37" 107.21 feet; thence N 50° 54' 57" W 118.61 feet; thence N 59° 48' 12" W parallel with the centerline of State Truck Highway 29, 76.65 feet; thence S 61° 10' 08" W along the South line of Packerland Drive 140.60 feet; thence S 19° 02' 40" E 113.40 feet to the Southeast corner of the property described in 341 D 434, Brown County records; thence S 75° 52' W 136.40 feet; thence S 1° 05' 30" W 63.05 feet; thence N 81° 37' E 10.22 feet; thence S 1° 05' 30" W 199.70 feet to the point of beginning. Containing 3.46 acres, more or less.

I also certify that the above described parcel is contained within the deeds recorded in 752 R 440, 861 R 130, and 883 R 434, Brown County records.

Dated this 14th day of July, 1977.



- indicates 1" x 24" steel pipe 1.13 Lbs. L.F. set
- indicates 1" steel pipe found & used

See above description for bearing and distance from point of commencement.

OWNER'S CERTIFICATE OF DEDICATION

As owner, I hereby certify that I caused the land described on this plat to be surveyed, divided, mapped and dedicated as represented on the plat.

Justin Wied
Justin Wied

STATE OF WISCONSIN } SS
BROWN COUNTY

Personally came before me this 28TH day of July, 1977, the above named Justin Wied, to me known to be the person who executed the foregoing instrument and acknowledged the same.



Robert J. Vandursten
Notary Public, Brown County, Wisconsin
My Commission expires June 8, 1980

REGISTRAR'S OFFICE }
Brown Co., Wis. }
Received for record the 9th August A. D. 1977 at 4⁰⁰ o'clock P.M. and recorded in Volume of Certified Survey Maps on Page 453

Gay DeGyl 300

Approved by the Village Board of the Village of Howard, Wisconsin, this 26 day of July, 1977.

Peter Wehner
Village Clerk

Summary of Interior Angles

Lot 1		Lot 2		Lot 3	
1	99° 47' 12"	1	105° 13' 30"	1	109° 27' 00"
2	120° 58' 20"	2	103° 35' 37"	2	99° 22' 07"
3	171° 06' 45"	3	80° 37' 53"	3	170° 37' 53"
4	53° 13' 03"	4	70° 33' 00"	4	80° 01' 30"
5	94° 54' 40"	5	279° 28' 30"	5	80° 31' 30"
		6	80° 31' 30"		

CONSENT OF CORPORATE MORTGAGEE

West Bank & Trust, a Wisconsin corporation, mortgagee of the above described land, does hereby consent to this plat.

H. Mueller
President Exec. Vice

R. Van Groll
Cashier

STATE OF WISCONSIN } SS
BROWN COUNTY

Personally came before me this 3rd day of August, 1977, H. Mueller, President, and J.D. Van Groll, Cashier of the above corporation, to me known to be the persons who executed the instrument.

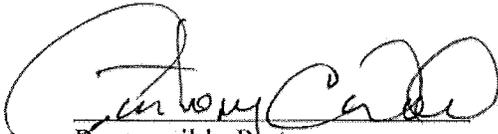


Robert J. Vandursten
Notary Public, Brown County, Wisconsin
My Commission Expires May 17, 1983

My commission expires

B. Strassburger
1465 Russell St

"I, Tony Wied, believe that the enclosed legal description is for the Mass Appeal LUST site located at 2247 Shawano Avenue, Green Bay, Wisconsin."


Responsible Party

9/1/10
Date

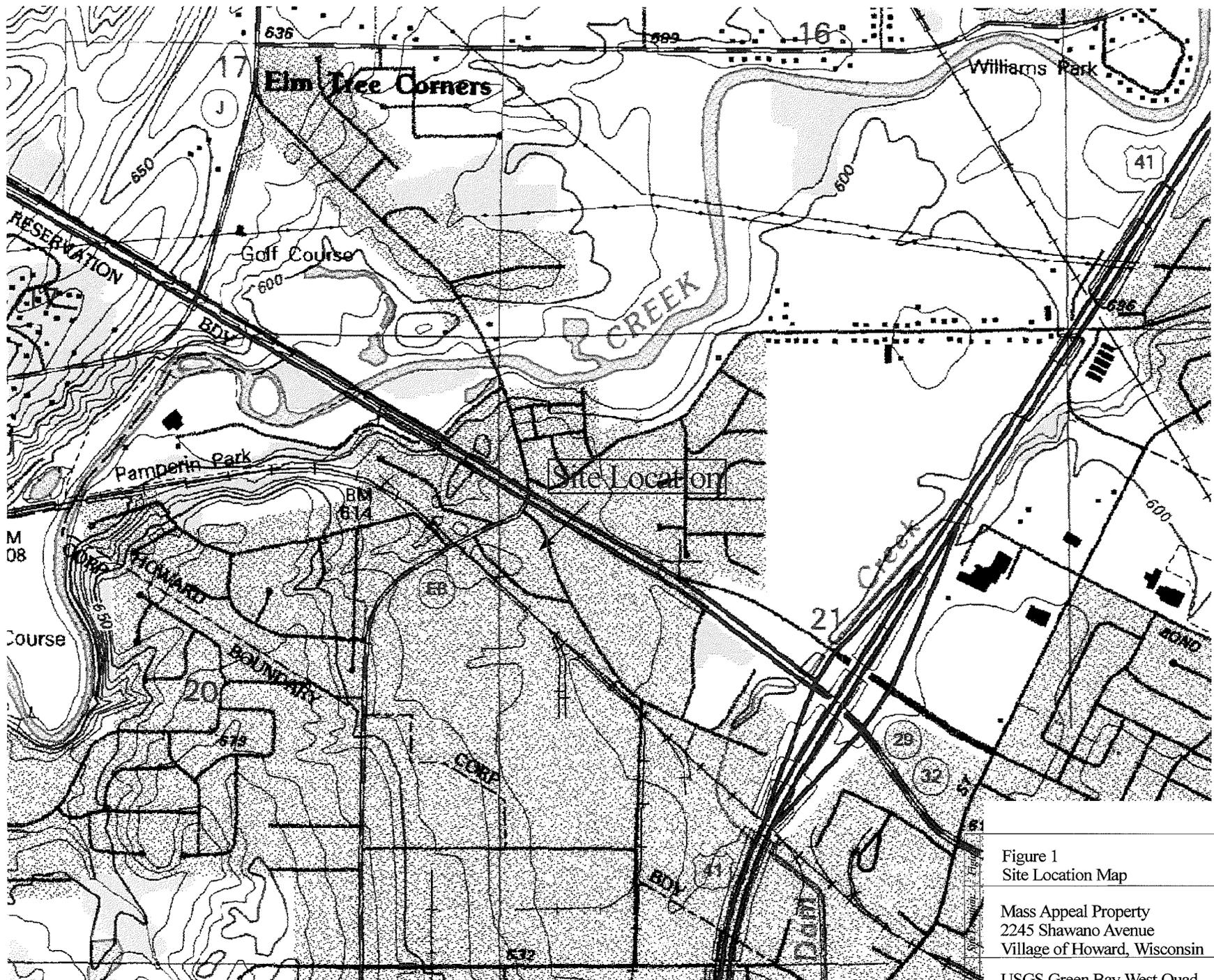


Figure 1
Site Location Map

Mass Appeal Property
2245 Shawano Avenue
Village of Howard, Wisconsin

USGS Green Bay West Quad
Obtained from Trails.com

BAY environmental
STRATEGIES, INC.



Client:
GUS Properties

Date: Oct. 2008

Scale:

Drawn By: EEM

2269 Shawano Avenue

SB-14/TW-14

SB-13/TW-13

SB-12/TW-12

MW-4

Property Line

Former UST Location

MW-3

MW-1

Concrete Slab

MW-2

SB-4

Side Door

Grass

Fence

SB-15/TW-15

Back Door

SB-10/TW-10

Garage Door

Asphalt Parking Lot

Mass Appeal Building

Front Doors

Side Door

Grass

Fence

SB-11/TW-11

MW-5

2245 Shawano Avenue

Figure:	Figure 2 Site Detail Map	
Site Location:	Mass Appeal 2245 Shawano Avenue Green Bay, Wisconsin	
Client:	GUS Properties, LLC	
Date:	March 2010	
Scale:	1" = 20'	
Drawn By:	EEM	



2269 Shawano Avenue

SB-14/TW-14

SB-13/TW-13

SB-12/TW-12

MW-4

Property Line

Former UST Location

MW-3

MW-1

Concrete Slab

MW-2

SB-4

Grass

Side Door

Est. Extent of NR 720 Soil Exceedance

SB-15/TW-15

Back Door

SB-10/TW-10

Garage Door

Asphalt Parking Lot

Mass Appeal Building

Front Doors

Side Door

Grass

SB-11/TW-11

MW-5

Fence

2245 Shawano Avenue

Figure:	Figure 8 Soil Isoconcentration Map	
Site Location:	Mass Appeal 2245 Shawano Avenue Green Bay, Wisconsin	
Source:		Client: GUS Properties, LLC
		Date: Aug. 2010
		Scale: 1" = 20'
		Drawn By: EEM

Figure 3: Geologic Cross Section - Mass Appeal

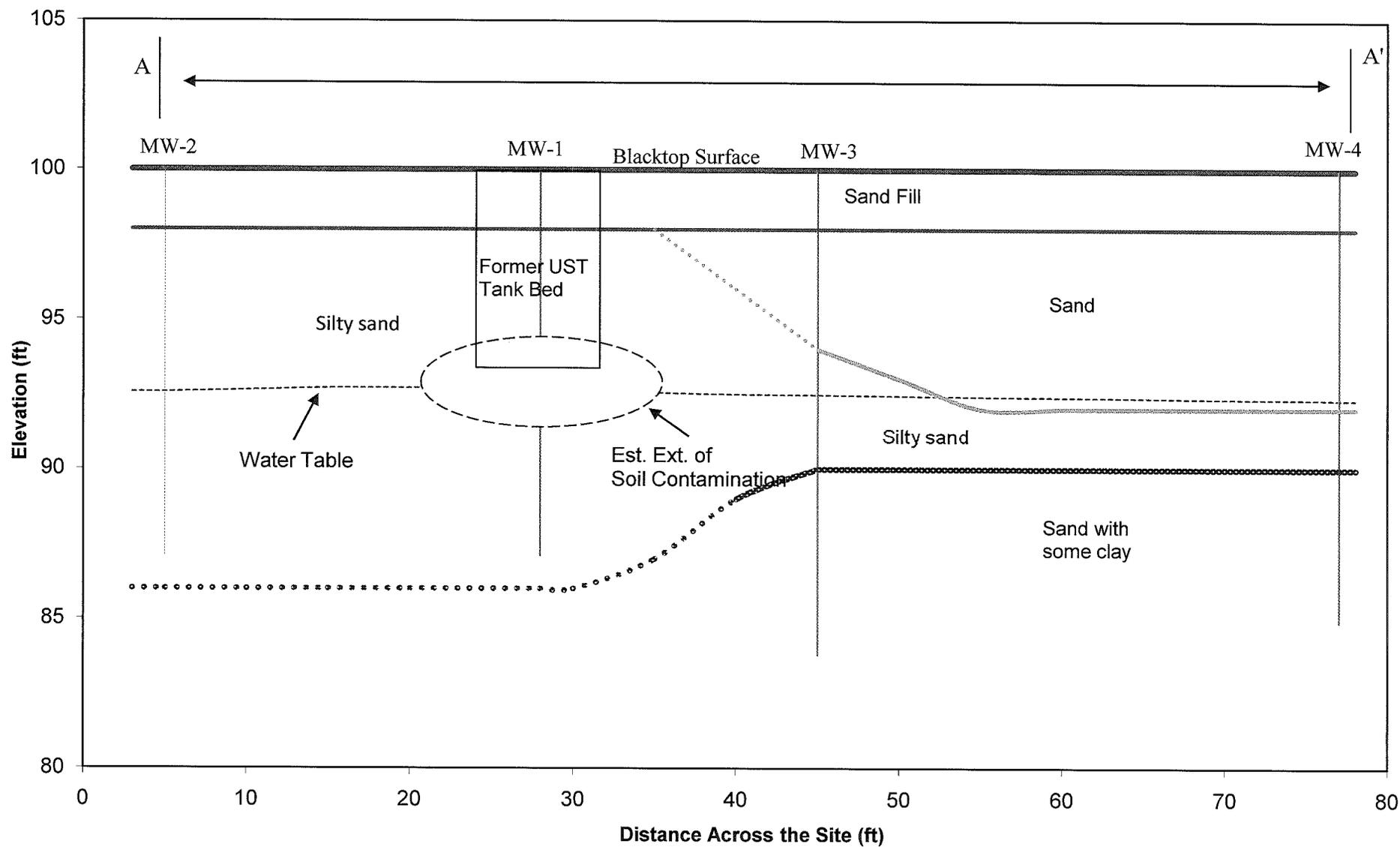
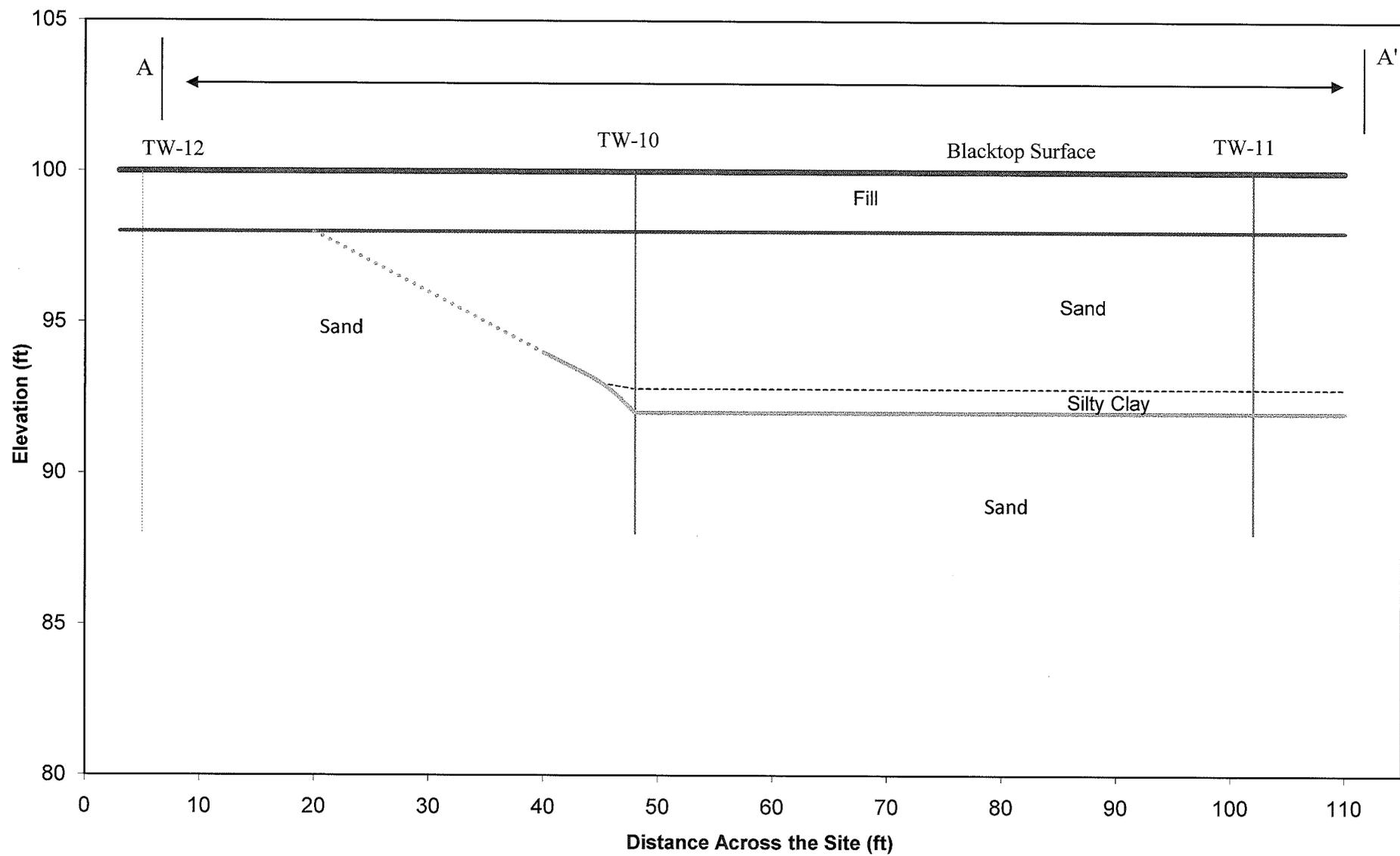


Figure 4: Geologic Cross Section - Mass Appeal



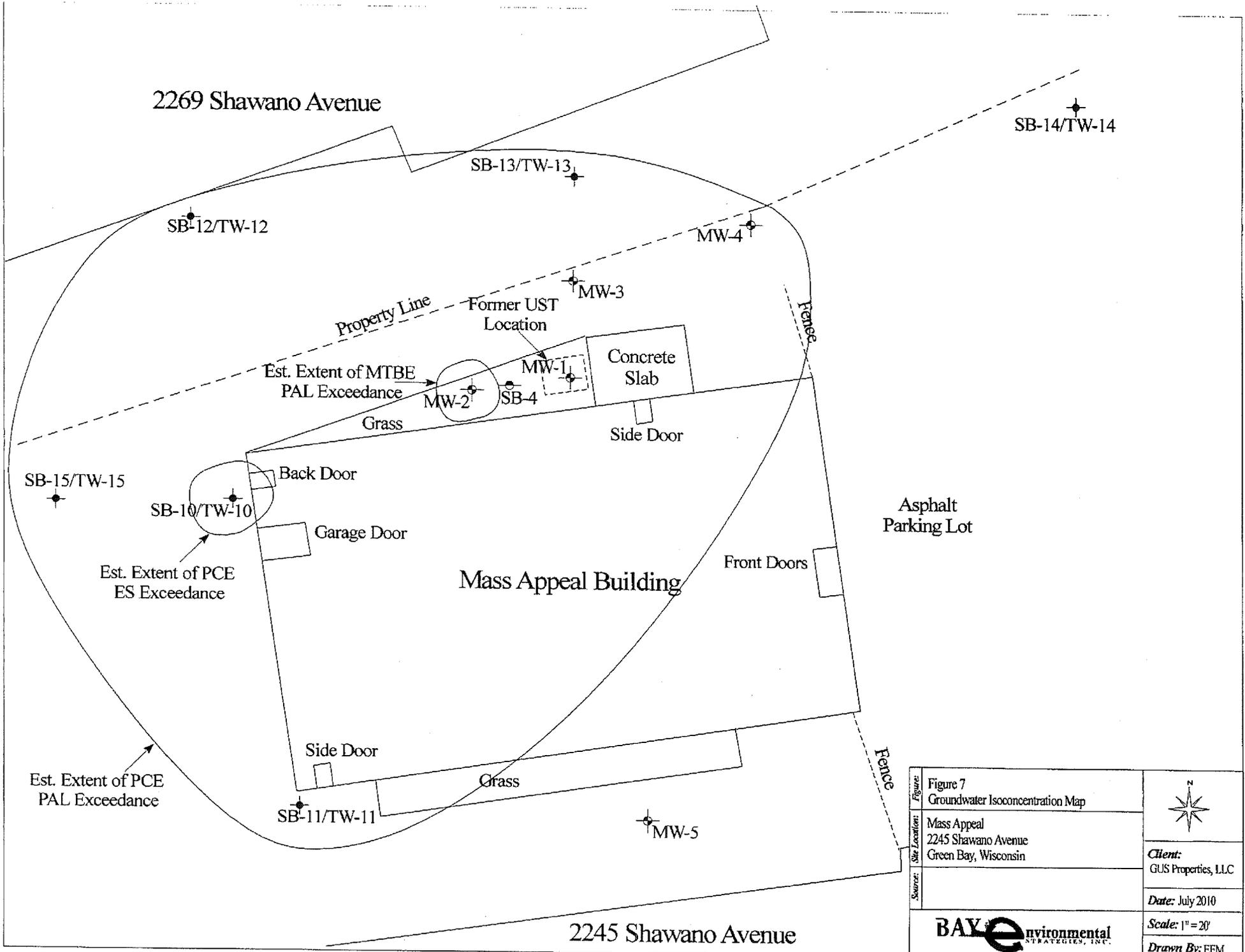
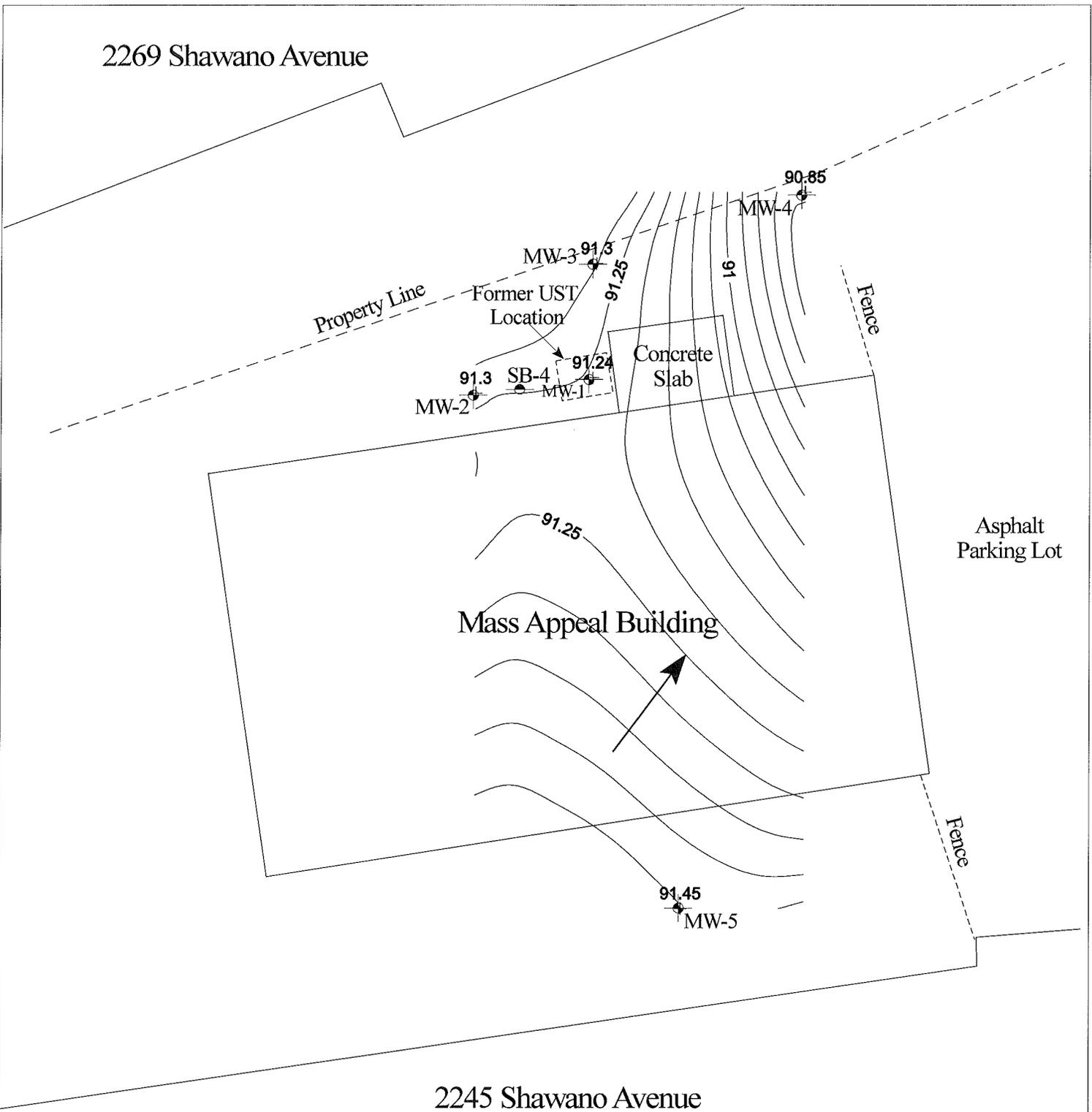


Figure:	Figure 7 Groundwater Isoconcentration Map	
Site Location:	Mass Appeal 2245 Shawano Avenue Green Bay, Wisconsin	
Client:	GUS Properties, LLC	
Date:	July 2010	
Scale:	1" = 20'	
Drawn By:	EEM	
Source:		

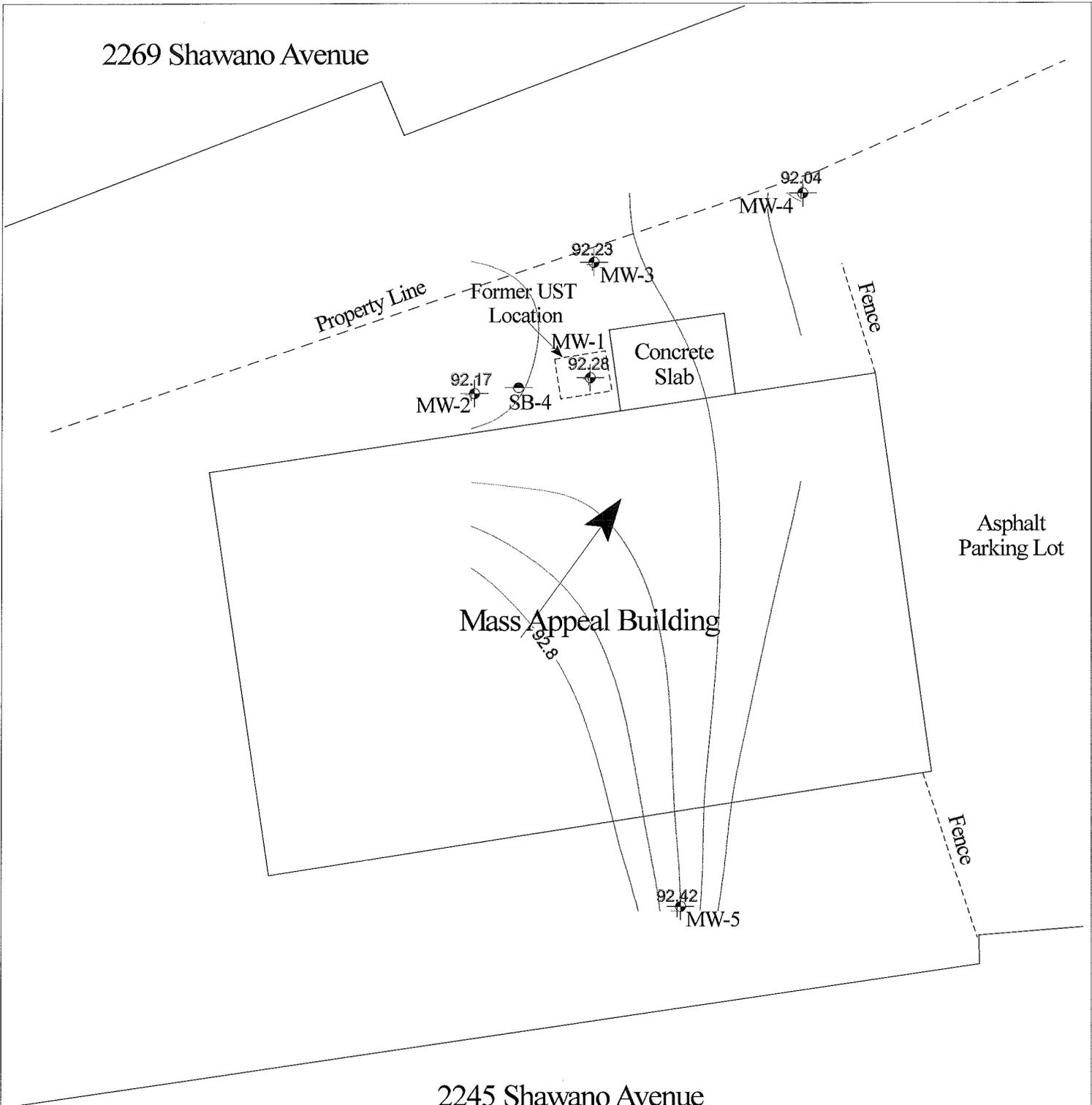
2269 Shawano Avenue



2245 Shawano Avenue

Figure:	Figure 3 October 29, 2008 Groundwater Flow Map	
Site Location:	Mass Appeal 2247 Shawano Avenue Green Bay, Wisconsin	
Source:		Client: GUS Properties, LLC
		Date: December 2008
		Scale: 1" = 20'
		Drawn By: EED

2269 Shawano Avenue



2245 Shawano Avenue

Figure:	Figure 3 April 16, 2009 Groundwater Flow Map	
Site Location:	Mass Appeal 2247 Shawano Avenue Green Bay, Wisconsin	
Source:		Client: GUS Properties, LLC
		Date: April 2009
		Scale: 1" = 20'
		Drawn By: EED

2269 Shawano Avenue

Approximate Location of Leaded Gas Dispenser

91.91

MW-4

92.24

MW-3

Property Line

Former UST Location

MW-1

92.29

Concrete Slab

92.21

MW-2

Fence

Asphalt Parking Lot

Mass Appeal Building

92

92

92

92.32

MW-5

Fence

2245 Shawano Avenue

Figure:	Figure 3 June 24, 2009 Groundwater Flow Map	
Site Location:	Mass Appeal 2247 Shawano Avenue Green Bay, Wisconsin	
Source:	Brown County GIS Website	Date: August 2009
		Scale: 1" = 20'
		Drawn By: EED

2269 Shawano Avenue

SB-14/TW-14

SB-12/TW-12

SB-13/TW-13

MW-4 92.32

MW-3 92.5 92.48

Property Line

Former UST Location

MW-2 92.57

MW-1 92.7

SB-4

Concrete Slab

Side Door

Grass

Back Door

SB-15/TW-15

SB-10/TW-10

Garage Door

Asphalt Parking Lot

Front Doors

Mass Appeal Building

92.7

Side Door

Grass

SB-11/TW-11

MW-5 92.75

2245 Shawano Avenue

Figure:	Figure 6 5/28/10 Groundwater Flow Map	
Site Location:	Mass Appeal 2247 Shawano Avenue Green Bay, Wisconsin	
Source:		Client: GUS Properties, LLC
		Date: July 2010
		Scale: 1" = 20'
		Drawn By: EEM



Table 1
Soil Sample Laboratory Analytical Results
Mass Appeal, 2245 Shawano Avenue, Green Bay, Wisconsin
WDNR BRRTS# 03-05-551895

Sample ID	Sample Date	Sample Interval (ft bgs)	mg/kg		parts per billion (ppb)								
			GRO	DRO	Benzene	Ethyl-benzene	MTBE	Toluene	Total Xylenes	1,2,4-TMB	1,3,5-TMB	Naphthalene	
Limited Phase II ESA Samples													
SB-1, S-3	6/27/2008	4-6	<2.6	NA	<25	<25	<25	<25	<25	<75	<25	<25	<25
SB-2, S-3	6/27/2008	4-6	<2.6	NA	<25	<25	<25	<25	<25	<75	<25	<25	<25
SB-3, S-2	6/27/2008	2-4	<2.7	NA	<25	<25	<25	<25	<25	<75	<25	<25	<25
SB-4, S-4	6/27/2008	6-8	<2.7	26.9	<25	<25	<25	<25	<25	<75	<25	<25	<25
SB-5, S-4	6/27/2008	6-8	<2.6	1.4J	<25	<25	<25	<25	<25	<75	<25	<25	<25
Additional Investigation													
MW-1	10/13/2008	6-8	NA	3570	<500	<500	<500	<500	764J	6,400	5,800	25,400	
MW-5	10/13/2008	2.5-4.5	NA	<0.87	<25	<25	<25	<25	<75	<25	<25	<25	<25
SB-10	12/7/2009	4-6	NA	NA	<25	<25	<25	<25	<75	<25	<25	<25	<25
SB-11	12/7/2009	2-4	NA	NA	<25	<25	<25	<25	<75	<25	<25	<25	<25
SB-12	12/7/2009	10-12	NA	NA	<25	<25	<25	<25	<75	102	50.5J	<25	<25
SB-13	12/7/2009	6-8	NA	NA	<25	<25	<25	<25	<75	<25	<25	<25	<25
SB-14	12/7/2009	4-6	NA	NA	<25	<25	<25	<25	<75	<25	<25	<25	<25
SB-15	2/9/2010	6-8	NA	NA	<25	<25	<25	<25	<75	<25	<25	<25	<25
NR 720.09 RCLs			100	100	5.5	2,900	NS	1,500	4,100	NS	NS	NS	NS
NR 746.06 Table 1 (free product indicator)			NS	NS	8,500	4,600	NS	38,000	42,000	83,000	11,000	2,700	
NR 746.06 Table 2 (direct contact standard)			NS	NS	1,100	NS	NS	NS	NS	NS	NS	NS	NS

Notes:

Bold value represents an exceedence of the WDNR NR720 Generic Soil Standard

- bgs: below ground surface
- GRO: gasoline range organics, mg/kg
- DRO: diesel range organics, mg/kg
- TMB: trimethylbenzene
- MTBE: methyl tert-butyl ether
- NA: not analyzed/not applicable
- NS: no standard

Table 2
Groundwater Sample Laboratory Analytical Results
Mass Appeal, 2245 Shawano Avenue, Green Bay, Wisconsin
WDNR BRRTS# 03-05-551895

parts per billion (ppb)													
Sample ID	Sample Date	Benzene	cis- 1,2 Dichloro ethene	n- Butylben zene	sec- Butylben zene	Ethyl- benzene	MTBE	Toluene	Total Xylenes	Total TMBs	Tetrachloro ethene	p- Isopropy ltoluene	Naphthalene
MW-1	10/29/2008	<0.41	na	<0.93	1.7J	<0.54	2.1	<0.67	<2.63	8.2	2.6	3.8	2.0J
	4/16/2009	<0.41	na	<0.93	0.95J	<0.54	<0.61	<0.67	<2.63	6.5	1.8	2.9	0.92J
	7/24/2009	<0.41	na	0.98J	1.2J	<0.54	<0.61	<0.67	<2.63	6.3	1.9	3.2	0.89J
	5/28/2010	<0.41	<0.83	<0.93	<0.89	<0.54	<0.61	<0.67	<2.63	1.7	1.7	<0.67	<0.89
MW-2	10/29/2008	<0.23	na	na	na	<0.40	<0.36	<0.36	<1.1	<0.79	na	na	<0.47
	4/16/2009	ns	na	ns	ns	ns	ns	ns	ns	ns	ns	ns	ns
	7/24/2009	<0.41	na	<0.93	<0.89	<0.54	<0.61	<0.67	<2.63	<1.8	2.5	<0.67	<0.89
	5/28/2010	<0.41	<0.83	<0.93	<0.89	<0.54	9.9	<0.67	<2.63	<1.8	4.9	<0.67	<0.89
MW-3	6/30/2008	<0.14	na	na	na	<0.40	0.51J	<0.36	<1.1	<0.79	na	na	<0.47
	10/29/2008	<0.23	na	na	na	<0.40	4.5	<0.36	<1.1	<0.79	na	na	<0.47
	4/16/2009	<0.41	na	<0.93	1.9J	<0.54	0.83J	<0.67	<2.63	3.8	3.9	3.7	3.1J
	7/24/2009	<0.41	na	<0.93	2.1J	<0.54	<0.61	<0.67	<2.63	3.3	2.2	<0.67	3.8J
	5/28/2010	<0.41	<0.83	<0.93	<0.89	<0.54	<0.61	<0.67	<2.63	<1.8	1.5	<0.67	1.1J
MW-4	6/30/2008	<0.14	na	na	na	<0.40	8.9	<0.36	<1.1	<0.79	na	na	1.2
	10/29/2008	ns	na	ns	ns	ns	ns	ns	ns	ns	ns	ns	ns
	4/16/2009	ns	na	ns	ns	ns	ns	ns	ns	ns	ns	ns	ns
	7/24/2009	<0.41	na	<0.93	<0.89	<0.54	<0.61	<0.67	<2.63	<1.8	2.1	3.9	<0.89
	5/28/2010	<0.41	<0.83	<0.93	<0.89	<0.54	4.7	<0.67	<2.63	<1.8	0.91J	<0.67	<0.89
MW-5	10/29/2008	<0.23	na	na	na	<0.40	0.87J	<0.36	<1.1	<0.79	na	na	<0.47
	4/16/2009	ns	na	ns	ns	ns	ns	ns	ns	ns	ns	ns	ns
	7/24/2009	ns	na	ns	ns	ns	ns	ns	ns	ns	ns	ns	ns
	5/28/2010	<0.41	<0.83	<0.93	<0.89	<0.54	0.89J	<0.67	<2.63	<1.8	<0.45	<0.67	<0.89
TW-10 (SB-10)	12/7/2009	<0.41	<0.83	<0.93	<0.89	<0.54	<0.61	<0.67	<2.63	<1.8	36.6	<0.67	<0.89
	2/9/2010	<0.41	<0.83	<0.93	<0.89	<0.54	<0.61	<0.67	<2.63	<1.8	22.8	<0.67	<0.89
	5/28/2010	<0.41	<0.83	<0.93	<0.89	<0.54	<0.61	<0.67	<2.63	<1.8	22.7	<0.67	<0.89
TW-11 (SB-11)	12/7/2009	<0.41	<0.83	<0.93	<0.89	<0.54	0.85J	<0.67	<2.63	<1.8	2.7	<0.67	<0.89
	5/28/2010	<0.41	<0.83	<0.93	<0.89	<0.54	<0.61	<0.67	<2.63	<1.8	4.5	<0.67	<0.89
TW-12 (SB-12)	12/7/2009	<0.41	1.1	<0.93	<0.89	<0.54	<0.61	<0.67	<2.63	<1.8	2.1	<0.67	<0.89
	5/28/2010	<0.41	<0.83	<0.93	<0.89	<0.54	<0.61	<0.67	<2.63	<1.8	0.87J	<0.67	<0.89
TW-13 (SB-13)	12/7/2009	<0.41	<0.83	<0.93	<0.89	<0.54	<0.61	<0.67	<2.63	<1.8	1.6	<0.67	<0.89
	5/28/2010	<0.41	<0.83	<0.93	<0.89	<0.54	<0.61	<0.67	<2.63	<1.8	0.45J	<0.67	<0.89
TW-14 (SB-14)	12/7/2009	<0.41	<0.83	<0.93	<0.89	<0.54	<0.61	<0.67	<2.63	<1.8	<0.45	<0.67	<0.89
	5/28/2010	<0.41	<0.83	<0.93	<0.89	<0.54	7.1	<0.67	<2.63	<1.8	<0.45	<0.67	<0.89
TW-15 (SB-15)	2/9/2010	<0.41	<0.83	<0.93	<0.89	<0.54	<0.61	<0.67	<2.63	<1.8	<0.45	<0.67	<0.89
	5/28/2010	<0.41	<0.83	<0.93	<0.89	<0.54	<0.61	<0.67	<2.63	<1.8	1.8	<0.67	<0.89
NR 140 ES		5	70			700	60	1,000	10,000	480	5		100
NR 140 PAL		0.5	7			140	12	200	1,000	96	0.5		10

Notes:

All concentrations reported in parts per billion

Bold value represents exceedence of NR 140 enforcement standard

Italicized values represent exceedence of NR 140 preventive action limits

J: Estimated concentration above the adjusted method detection limit and below the adjusted reporting limit

Table 2
Groundwater Sample Laboratory Analytical Results
Mass Appeal, 2245 Shawano Avenue, Green Bay, Wisconsin
WDNR BRRTS# 03-05-551895

Sample	Sample Date	PAH detections* (ug/L, micrograms per liter)															
		Acenaphthene	Acenaphthylene	Anthracene	Benzo(a)anthracene	Benzo(a)pyrene	Benzo(b)fluoranthene	Benzo(ghi)perylene	Benzo(k)fluoranthene	Chrysene	Dibenz(a,h)anthracene	Fluoranthene	Fluorene	Indeno(1,2,3-cd)pyrene	Naphthalene	Phenanthrene	Pyrene
MW-1	10/29/2008	0.35	0.038J	0.071	0.0082J	0.0098J	0.012J	0.0092J	0.010J	0.013J	<0.0043	0.036J	0.75J	0.0069J	1.1	0.38	0.17
	7/24/2009	0.46J	<0.036	0.063J	<0.036	<0.029	<0.034	<0.048	<0.044	<0.035	<0.032	<0.044	0.88	<0.047	0.48	<0.081	0.34J
NR 140 PAL				600		0.02	0.2			0.2		80	80		10		50
NR 140 ES				3000		0.2	0.02			0.02		400	400		100		250

Table 3
Summary of Groundwater Elevation Data
Mass Appeal, 2247 Shawano Avenue, Green Bay, WI

Monitoring Point	PVC (MSL)	Field Events	Date	Field Water Level	Water Table (MSL)
MW-1	99.22		10/29/2008	7.98	91.24
			4/16/2009	6.94	92.28
			7/24/2009	6.93	92.29
			5/28/2010	6.52	92.7
MW-2	99.09		10/29/2008	7.79	91.3
			4/16/2009	6.92	92.17
			7/24/2009	6.88	92.21
			5/28/2010	6.52	92.57
MW-3	98.78		10/29/2008	7.48	91.30
			4/16/2009	6.55	92.23
			7/24/2009	6.54	92.24
			5/28/2010	6.3	92.48
MW-4	98.64		10/29/2008	7.79	90.85
			4/16/2009	6.6	92.04
			7/24/2009	6.73	91.91
			5/28/2010	6.32	92.32
MW-5	99.88		10/29/2008	8.43	91.45
			4/16/2009	7.46	92.42
			7/24/2009	7.56	92.32
			5/28/2010	7.13	92.75

Received 3/14/11

File
COPY

February 16, 2011

Mr. Thomas Juza
D.A.S.T.M.J., LLC.
4688 Golden Pond Court
Oneida, WI 54155SOURCE
PROPERTYRE: Residual Soil and Groundwater Contamination Notice
Mass Appeal, 2245 Shawano Avenue, Green Bay, WI
WDNR BRRTS #03-05-551895

Dear Mr. Juza:

Soil and groundwater contamination has been verified on your property located at 2247 Shawano Avenue, Green Bay, WI. The level of tetrachloroethene (PCE) contamination in the groundwater on your property are above the state groundwater enforcement standards found in chapter NR 140, Wisconsin Administrative Code. However, Bay Environmental Strategies, Inc. (BAY) has investigated this contamination and believes this groundwater contaminant plume is stable or receding and will naturally degrade over time. BAY believes that allowing natural attenuation to complete the remediation at this site will meet the requirements for case closure that are found in chapter NR 726 Wisconsin Administrative Code. BAY will request that the Department of Natural Resources accept natural attenuation as the final remedy for this site and grant case closure. Closure means that the Department will not be requiring any further investigation or cleanup action to be taken, other than the reliance on natural attenuation.

GUS Properties, LLC (GUS) is acting as the responsible party for this site. GUS is responsible for investigation or cleanup of this groundwater contamination, as long as they comply with the requirements of section 292.13, Wisconsin Statutes, including allowing access to the property for environmental investigation or cleanup if access is required.

The Department of Natural Resources will not review the closure request for at least 30 days after the date of this letter. As the property owner listed on the current deed, you have a right to contact the Department to provide any technical information that you may have that indicates that closure should not be granted for this site. If you would like to submit any information to the Department of Natural Resources that is relevant to this closure request, you should mail that information to: Mr. Keld Lauridsen, WDNR, 2984 Shawano Avenue, Green Bay, Wisconsin 54313. ***You may waive the 30 day period in writing to the WDNR, so the WDNR can review the site prior to the 30 day waiting period. This will speed up the closure process.***

If this case is closed, all properties within the site boundaries where groundwater contamination exceeds chapter NR 140 groundwater enforcement standards will be listed on the Department of Natural Resources' geographic information system (GIS) Registry of Closed Remediation Sites. The information on the GIS Registry includes maps showing the location of properties in Wisconsin where groundwater contamination above chapter NR 140 enforcement standards was found at the time that the case was closed. This GIS Registry will be available to the general public on the Department of Natural Resources' internet web site. Please review the following legal description of your property, and notify BAY within the next 30 days if the attached legal description is incorrect.

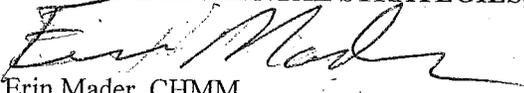
Once the Department makes a decision on BAY's closure request, it will be documented in a letter. If the Department grants closure, you may obtain a copy of this letter by requesting a copy from BAY, by writing to the agency address given above, or by accessing the DNR GIS Registry of Closed Remediation Sites on the internet at <http://www.dnr.wi.gov/org/aw/rr/gis/index.htm>. A copy of the closure letter is included as part of the site-file on the GIS Registry of Closed Remediation Sites.

Should you or any subsequent property owner wish to construct or reconstruct a well on your property, special well construction standards may be necessary to protect the well from the residual groundwater contamination. Any well driller who proposes to construct a well on your property in the future will first need to obtain approval from a regional water supply specialist in DNR's Drinking Water and Groundwater Program. The well construction application, form 3300-254, is on the internet at <http://www.dnr.state.wi.us/org/water/dwg/3300254.pdf>, or may be accessed through the GIS Registry web address in the preceding paragraph.

If you need more information, you may contact BAY at (920) 347-2239 or at 2920 S. Webster Ave, Ste. C, Green Bay, WI 54301 or you may contact Mr. Keld Lauridsen, WDNR, 2984 Shawano Avenue, Green Bay, Wisconsin 54313, (920) 662-5420.

Sincerely,

BAY ENVIRONMENTAL STRATEGIES, INC.


Erin Mader, CHMM
Project Manager

Enclosures

Document Number

WARRANTY DEED

SOURCE PROPERTY

2376696

CATHY WILLIQUETTE
BROWN COUNTY RECORDER
GREEN BAY, WI

RECORDED ON
07/08/2008 08:30:53AM

REC FEE: 11.00
TRANS FEE: 6540.00
EXEMPT #
PAGES: 1

Gus Properties, LLC, a Wisconsin limited liability company Grantor

convey(s) and warrant(s) to

D.A.S.T.M.J., LLC, a Wisconsin limited liability company Grantee

Witnesseth, That the said Grantor, for a valuable consideration of one dollar (\$1.00) and other good and valuable consideration conveys to Grantee the following described real estate in Brown County, State of Wisconsin:

PARCEL I:

That part of Lot Three Hundred Four (304), according to the recorded Plat of Fort Howard Military Reserve, in the Village of Howard, Brown County, Wisconsin, described as follows:

Commencing at the most Northerly point of a certain tract of land conveyed by Charles H. Smith and Nellie Smith, his wife to Hamilton and Sons Canning Company by deed recorded in Vol. 182 Deeds, Page 527 and running thence Northerly along the Westerly line of Shawano Avenue, also known as Highway 29, a distance of 104 feet to a point which shall be the place of beginning of the property to be herein described; thence Southwesterly along a line parallel with the Northwesterly line of the tract of land aforesaid 432 feet to the Northerly line of Green Bay and Western Railway right of way; thence Northwesterly along said last mentioned line 125 feet; thence Northerly along the East line of a private road 45.8 feet; thence Northeasterly along a line parallel with the Southerly boundary hereinabove given to Shawano Avenue or Highway 29, a distance of 489.8 feet; thence Southeasterly along the West line of Shawano Avenue, 146 feet to the place of beginning, being the property described in Vol. 211 Deeds, Page 550 and in Vol. 260 Deeds, Page 620, excepting therefrom the premises described in Jacket 12910 Records, Image 27, Brown County Records.

VH-716

PARCEL II:

Parcel Three (3) of Vol. 6 Certified Survey Maps, Page 453, Map No. 1625; said map being part of Lot Three Hundred Four (304), according to the recorded Plat of Fort Howard Military Reserve, in the Village of Howard, Brown County, Wisconsin, excepting therefrom part described in Jacket 12910 Records, Image 24 and further excepting therefrom that part described in Jacket 27810 Records, Image 12.

Parcel No. VH-718

This is not homestead property.

Together with all and singular and hereditaments and appurtenances thereunto belonging, And grantor(s) warrants that the title is good, indefeasible in fee simple and free and clear of encumbrances except recorded restrictions, covenants, easements of record and all applicable zoning ordinances, and will warrant and defend the same.

Dated this 1st day of July, 2008

Gus Properties, LLC:

Gerald A. Wied
by: Gerald A. Wied, sole member

ACKNOWLEDGEMENT

State of Wisconsin)
) S.S.
Brown County)

Personally came before me this July 1, 2008, the above named Gerald M. Wied to me known to be the person(s) who executed the foregoing instrument.

Prepared by: Gerald A. Wied
c/o Bay Title



Carolyn M Toigo
*Carolyn M. Toigo
Notary Public State of Wisconsin
My Commission Expires: 08/03/2008

SOURCE
PROPERTY

SENDER: COMPLETE THIS SECTION		COMPLETE THIS SECTION ON DELIVERY	
<ul style="list-style-type: none"> Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired. Print your name and address on the reverse so that we can return the card to you. Attach this card to the back of the mailpiece, or on the front if space permits. 		<p>A. Signature <input checked="" type="checkbox"/> <i>Jayne Detampel</i> <input type="checkbox"/> Agent <input type="checkbox"/> Addressee</p>	
<p>1. Article Addressed to:</p> <p>Mr. Thomas Juza D.A.S.T.M.J. LLC 4688 Golden Pond Court Oneida, WI 54155</p>		<p>B. Received by (Printed Name) <i>Jayne T. Detampel</i></p>	<p>C. Date of Delivery <i>3/4/11</i></p>
<p>3. Service Type</p> <p><input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail <input type="checkbox"/> Registered <input checked="" type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.</p>		<p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No</p>	
<p>4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes</p>			
<p>2. Article Number (Transfer from service label)</p>		<p>7010 0780 0000 9512 8370</p>	
PS Form 3811, February 2004		Domestic Return Receipt	
		102595-02-M-1540	

U.S. Postal Service™
CERTIFIED MAIL™ RECEIPT
 (Domestic Mail Only; No Insurance Coverage Provided)

For delivery information visit our website at www.usps.com

OFFICIAL USE

Postage	\$ 44	Mass Appeal Postmark Here Residual eem soil notice
Certified Fee	2.80	
Return Receipt Fee (Endorsement Required)	2.30	
Restricted Delivery Fee (Endorsement Required)		
Total Postage & Fees	\$ 5.54	

7010 0780 0000 9512 8370

Sent To	Mr. Thomas Juza
Street, Apt. No., or PO Box No.	DASTMJ LLC
City, State, ZIP+4	Oneida, WI 54155

PS Form 3800, August 2006 See Reverse for Instructions