

# GIS REGISTRY

## Cover Sheet

May, 2009  
(RR 5367)

### Source Property Information

BRRTS #: 02-20-551632

ACTIVITY NAME: Agriland Coop - Malone

PROPERTY ADDRESS: N8798 CTH W

MUNICIPALITY: Taycheedah

PARCEL ID #: T20-16-18-99-VM-100-00 & T20-16-18-99-VN-040-00

CLOSURE DATE: Jan 25, 2010

FID #: 320001550

DATCP #: 07-419-09-24-01

COMM #:

#### \*WTM COORDINATES:

X: 657901 Y: 377570

*\* 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:

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 or economic  
development corporation)*

#### 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 #:	02-20-551632	PARCEL ID #:	T20-16-18-99-VM-100-00 & T20-16-18-99-VN-040-00			
ACTIVITY NAME:	Agriland Coop - Malone		WTM COORDINATES: X:	657901	Y:	377570

**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 #: A**                      **Title: Plat 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 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 Plan**
  - 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 #: 3,4**                      **Title: Areas of Residual Soil Contamination & Required Cap**

BRRTS #: 02-20-551632

ACTIVITY NAME: Agriland Coop - Malone

**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 #: 1                      Title: Soil Analytical Data - Residual Contamination**

- 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 #: 02-20-551632

ACTIVITY NAME: Agriland Coop - Malone

## 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:**



State of Wisconsin  
Jim Doyle, Governor

Department of Agriculture, Trade and Consumer Protection  
Rod Nilsestuen, Secretary

January 25, 2010

Mr. Dennis Halbach  
Agriland Cooperative  
457 W. 11<sup>th</sup> Street  
Fond du Lac, WI 54935

Re: Final Case Closure with Land Use Limitations or Conditions  
Agriland Cooperative, N8798 County Road W, Malone, WI 53049  
DATCP Case # 07419092401, DNR BRRTS No. 02-20-551632

Dear Mr. Halbach:

On January 15, 2010, our 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.

Based on the correspondence and data submitted by your consultant, Alpha Terra, it appears that your case meets the requirements of ch. NR 726, Wisconsin Administrative Code. The Department considers this case closed and no further investigation or remediation is required at this time.

### GIS Registry

The conditions of case closure set out below require that your site be listed on the Remediation and Redevelopment Program's GIS Registry. The specific reasons are summarized below:

- Residual soil contamination exists that must be properly managed should it be excavated or removed
- If a structural impediment that obstructs a complete site cleanup is removed or modified, additional environmental work must be completed
- An impervious cover must be maintained over contaminated soil and the state must approve any changes to this barrier

Information that was submitted with your closure request application will be included on the GIS Registry. 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 your 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 <http://dnr.wi.gov/org/water/dwg/3300254.pdf> or at the web address listed above for the GIS Registry.

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### 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 you and any subsequent property owners must adhere. 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.

### Structural Impediments

Structural impediments existing at the time of cleanup, including the fertilizer building, concrete pads or asphalt overlying buried utilities, and supports for overhead utilities, as shown on Figure A of the attached Cap Maintenance Plan, made complete remediation of the soil contamination on this property impracticable. Residual soil contamination includes nitrogen compounds (nitrate/nitrite and ammonia) and pesticides, as documented in the GIS registry. Pursuant to s. 292.12(2)(b), Wis. Stats., if the structural impediments on this property that are described above are removed, the property owner shall conduct an investigation of the degree and extent of soil contamination described above. If contamination is found at that time, the Department shall be immediately notified and the contamination shall be properly remediated in accordance with applicable statutes and rules. If soil in the specific locations described above 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 will need to determine whether the material would be considered solid or hazardous waste and ensure that any storage, treatment or disposal is in compliance with applicable statutes 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 a direct contact hazard and as a result special precautions may need to be taken during excavation activities to prevent a health threat to humans.

### Cover or Barrier

Pursuant to s. 292.12(2)(a), Wis. Stats., pavement or other impervious cap covering the locations shown on Figure A of the attached Cap Maintenance Plan 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. If soil in the specific locations described above is excavated in the future, 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 would be considered solid or hazardous waste and ensure that any storage, treatment or disposal is in compliance with applicable statutes 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 during excavation activities to prevent a health threat to humans.

The attached Cap Maintenance Plan and inspection log are to be kept up-to-date and on site, and the inspection log provided to the Department upon request.

#### Prohibited Activities

The following activities are prohibited on any portion of the property where pavement, 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; or 6) construction or placement of a building or other structure.

#### ACCP Considerations

If the case is re-opened, Agricultural Chemical Cleanup Program (ACCP) reimbursement may still be available. Determination of the ACCP eligibility of any future corrective action costs incurred at this site should be made before the corrective action is performed. It is in your best interest to keep all documentation related to the cleanup project and ACCP reimbursement applications.

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 call me at 608-224-4514.

Sincerely,



Trevor Bannister  
Hydrogeologist

Attachments: Cap Maintenance Plan

cc: Mark Skare, DATCP EES (w/Attachment)  
Diane Hansen, DNR (w/Attachment and GIS packet)  
Amy Haak, Alpha Terra (w/Attachment)

# **CAP MAINTENANCE PLAN**

December 18, 2009

Property Located at:  
N8798 County Road W, Town of Taycheedah, Fond du Lac County, Wisconsin

WDNR BRRTS #: 02-20-551632

Parcel ID # T20-16-18-99-VM-040-00 and # T20-16-18-99-VM-100-00  
(See attached legal description)

## **Introduction**

This document is the Maintenance Plan for a pavement cover at the above-referenced property in accordance with the requirements of s. NR 724.13(2), Wisconsin Administrative Code. The maintenance activities relate to the existing paved surfaces occupying the area over the contaminated soil on-site. The contaminated soil is impacted by nitrogen (nitrate/nitrite and ammonia). The location of the paved surfaces to be maintained in accordance with this Maintenance Plan, as well as the impacted soil are identified in the attached map (Figure A).

## **Cap Purpose**

The paved surfaces over the contaminated soil serve as a partial infiltration barrier to minimize future soil-to-groundwater contamination migration that would violate the groundwater standards in ch. NR 140, Wisconsin Administrative Code. Based on the current and future use of the property, the barrier should function as intended unless disturbed.

## **Annual Inspection**

The paved surfaces overlying the contaminated soil and as depicted in Figure A will be inspected once a year, normally in the spring after all snow and ice is gone, for deterioration, cracks and other potential problems that can cause additional infiltration into or exposure to underlying soils. The inspections will be performed to evaluate damage due to settling, exposure to the weather, wear from traffic, increasing age and other factors. Any area where soils have become or are likely to become exposed will be documented. A log of the inspections and any repairs will be maintained by the property owner and is included as Exhibit B, 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. Copies of the annual inspection log will be retained at the facility.

### **Maintenance Activities**

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

In the event the paved surfaces overlying the contaminated soil are removed or replaced, the replacement barrier must be equally impervious. Any replacement barrier will be subject to the same maintenance and inspection guidelines as outlined in this Maintenance Plan unless indicated otherwise by the WDATCP, WDNR or its successor.

The property owner, in order to maintain the integrity of the paved surfaces, 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.

### **Prohibition of Activities and Notification of DATCP Prior to Actions Affecting a Cover or Cap**

The following activities are prohibited on any portion of the property where pavement, or other barrier is required as shown on the attached map, unless prior written approval has been obtained from the Wisconsin Department of Agriculture Trade & Consumer Protection: 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; or 6) construction or placement of a building or other structure.

### **Amendment or Withdrawal of Maintenance Plan**

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

**Contact Information**

Current as of December 18, 2009

Site Owner and Operator: AgriLand Coop  
c/o Dennis Halbach, General Manager  
P. O. Box 468, Fond du Lac, WI 54936-0468  
Phone: 920)/923-7960

Consultant: Alpha Terra Science  
c/o Amy Haak, P. G.  
1237 Pilgrim Road, Plymouth, WI 53073  
Phone: 920/892-2444

WDATCP: Wisconsin Department of Agriculture, Trade & Consumer Protection  
Trevor Bannister, Hydrogeologist  
P. O. Box 8911  
2811 Agriculture Drive, Madison, WI 53708-8911  
Phone: 608/224-4514

DOCUMENT NO.

348874

WARRANTY DEED  
STATE OF WISCONSIN - FORM 3

THIS SPACE RESERVED FOR RECORDING DATA

VOL 795 PAGE 484  
REGISTER'S OFFICE  
Fond du Lac County, Wis.  
Recorded at 10 AM  
JUN 4 - 1979  
Tel 795 Records Page 484  
GEORGE H. OTTEY 485  
REGISTER OF DEEDS

This indenture, Made this 31st day of May  
A. D. 1979, between H. C. Timm Company  
a Corporation duly organized and existing under and by  
virtue of the laws of the State of Wisconsin, located at New Holstein  
Wisconsin, party of the first part, and the Fond du Lac Midland  
Cooperative Association, a Wisconsin Cooperative  
Association party of the second part.

Witnesseth, That the said party of the first part, for and in consideration of the sum  
of One (\$1) Dollar and other good and valuable consideration  
to it paid by the said party of the second part, the receipt whereof is hereby confessed  
acknowledged, has given, granted, bargained, sold, remised, released, aliened, conveyed and con-  
firmed, and by these presents does give, grant, bargain, sell, remise, alien, convey, and confirm unto  
the said party of the second part, its heirs and assigns forever, the following described real estate, situated in  
the County of Fond du Lac, State of Wisconsin, to-wit:

HAUER LAW OFFICE  
Box 1577  
Fond du Lac, WI 54935

-DESCRIPTION ATTACHED-  
-See Reverse-

TRANSFER  
\$120.00  
FEE

(IF NECESSARY, CONTINUE DESCRIPTION ON REVERSE SIDE)

Together with all and singular the hereditaments and appurtenances therunto belonging or in any wise appertaining; and all the  
estate, right, title, interest, claim or demand whatsoever, of the said party of the first part, either in law or equity, either in possession or  
expectancy of, in and to the above bargained premises, and their hereditaments and appurtenances.

To have and to hold the said premises as above described with the hereditaments and appurtenances, unto the said party  
of the second part, and to its heirs and assigns FOREVER.

And the said H. C. Timm Company  
party of the first part, for itself and its successors, does covenant, grant, bargain and agree to and with the said party of the  
second part, its heirs and assigns, that at the time of the casing and delivery of these presents it is well  
seized of the premises above described, as of a good, sure, perfect, absolute and indefeasible estate of inheritance in the law, in fee simple,  
and that the same are free and clear from all incumbrances ~~HEREIN~~

and that the above bargained premises in the quiet and peaceable possession of the said party of the second part, its  
heirs, and assigns, against all and every person or persons lawfully claiming the whole or any part thereof, it will forever WARRANT and  
DEFEND.

This conveyance is made pursuant to a vote of a majority of the stock of said corporation, grantor, given at a  
meeting duly called and held for the purpose of authorizing the same.

In Witness Whereof, the said H. C. Timm Company  
party of the first part, has caused these presents to be signed by Herman C. Timm, III  
its President, and countersigned by Cyril A. Niquette, its Secretary,  
at New Holstein, Wisconsin, and its corporate seal to be hereunto affixed, this  
31st day of May, A. D. 1979.

SIGNED AND SEALED IN PRESENCE OF:

H. C. TIMM COMPANY

Herman C. Timm, III  
Corporate Name  
President

Herman C. Timm, III

COUNTERSIGNED:

Cyril A. Niquette  
Secretary

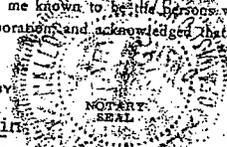
STATE OF WISCONSIN

Calumet County, ss.

Personally came before me, this 31st day of May, A. D. 1979,  
Herman C. Timm, III, President, and Cyril A. Niquette, Secretary

of the above named Corporation, to me known to be the persons who executed the foregoing instrument, and to me known to be such  
President and Secretary of said Corporation, and acknowledged that they executed the foregoing instrument as such officers as the deed of  
said Corporation, by its authority.

THIS INSTRUMENT WAS DRAFTED BY  
Attorney M. E. Mellor  
New Holstein, Wisconsin



M. E. Mellor  
Notary Public, State of Wisconsin, Wis.  
My commission expires (is) Permanent.

DESCRIPTION

A part of the Southeast 1/4 of the Northeast 1/4 and part of the Northeast 1/4 of the Northeast 1/4 of Section 13, T. 16 N., R. 18 E., Town of Taycheedah, Fond du Lac County, Wisconsin and more particularly described as follows:

Commencing at the Southeast corner of the Northeast 1/4 of said Section 13 and running thence North along the East line of the Northeast 1/4 of said Section 13, a distance of 860.74 feet; thence West along a line which is 60.00 feet South of and parallel with the South line of the "Plot of Malone Village", 645.01 feet; thence North along the West line of said "Plot of Malone Village", 472.50 feet to a point on the North line of a 16.5 foot alley and to the point of beginning; thence continuing North, 41.67 feet to a point which is 55 feet South of the Centerline of the Chicago & Northwestern Railroad; thence North 80°-00' West along a line parallel with and 55 feet South of the centerline of the Chicago & Northwestern Railroad, 685.41 feet to a point on the West line of the East 1/2 of the Northeast 1/4 of said Section 13; thence North along the West line of the East 1/2 of the Northeast 1/4 of said Section 13, a distance of 71.07 feet to a point which is 15 feet North of the centerline of the Chicago & Northwestern Railroad; thence South 80°-00' East along a line which is 15 feet North of and parallel with the centerline of the Chicago & Northwestern Railroad, 1340.36 feet to a point on the East line of the Northeast 1/4 of said Section 13; thence South along the East line of the Northeast 1/4 of said Section 13, a distance of 71.07 feet; thence North 80°-00' West along the North right-of-way line of R.R. Street, 414.97 feet; thence West along the North line of a 16.5 foot alley, 236.33 feet to the point of beginning and containing 2.267 acres of land more or less and being subject to the rights of the public for Highway purposes over that part of the above described parcel which lies within the right-of-way of County Trunk Highway W.

ALSO:-

Lots 4, 5, 6, 7, 8 and 9, Block I of the Plot of Malone Village together with the North 60 feet of Vacated Main Street lying South of said Lots 4, 5, 6, 7, 8 and 9, Block I of the Plot of Malone Village, containing 2.209 acres of land more or less.

Virginia Timm Meyer and H. C. Timm, Jr. are joining in this Deed to convey whatever individual interest they may have in said property.

Virginia Timm Meyer  
Virginia Timm Meyer

H. C. Timm, Jr.  
H. C. Timm, Jr.

STATE OF WISCONSIN  
CALUMET COUNTY

Personally came before me this 31st day of May, 1979, the above named Virginia Timm Meyer and H. C. Timm, Jr. to me known to be the persons who executed the foregoing instrument and acknowledge the same.

M. E. Mellor  
M. E. Mellor, Notary Public  
State of Wisconsin  
My Commission is Permanent

DOCUMENT NO.

348875

STATE BAR OF WISCONSIN - FORM 1  
WARRANTY DEED  
THIS SPACE RESERVED FOR RECORDING DATA

VOL 795 PAGE 486  
REGISTER'S OFFICE  
Fond du Lac County, Wis.

Recorded at 80 AM

JUN 4 - 1979

Vol 795 Records Page 486

GEORGE H. OTTERY  
REGISTER OF DEEDS

RETURN TO  
HAUER LAW OFFICE  
Box 1577

Fond du Lac, WI. 54935

Tax Key No.

This Deed, made between H. C. Timm, Jr. and Virginia Timm Meyer  
Grantor  
and the Fond du Lac Midland Cooperative Association,  
a Wisconsin Cooperative Association

Witnesseth, That the said Grantor, for a valuable consideration One (\$1) Dollar and other good and valuable consideration conveys to Grantee the following described real estate in Fond du Lac County, State of Wisconsin: A part of the Southeast 1/4 of the Northeast 1/4 of Section 13, T. 16 N. - R. 18 E., Town of Taycheedah, Fond du Lac County, Wisconsin and more particularly described as follows:

Commencing at the Southeast corner of the Northeast 1/4 of Section 13 and running thence North along the East line of the Northeast 1/4 of said Section 13, a distance of 860.74 feet; thence West along a line which is 60.00 feet South of and parallel with the South line of the "plot of Malone Village" and on its extension Easterly, 42.48 feet to a point on the West right-of-way line of County Trunk Highway "W" and to the point of beginning; thence continuing West, 602.53 feet; thence North along the extension Southerly of the West line of said "Plot of Malone Village", 60.00 feet to the Southwest corner thereof; thence East along the South line of said "Plot of Malone Village", 605.00 feet to a point on the West right-of-way line of County Trunk Highway W; thence South along the West right-of-way line of County Trunk Highway W, 33.50 feet; thence South 05° - 20' West along the West right-of-way line of said County Trunk Highway W, 26.62 feet to the point of beginning.

ALSO: Lot 1, 2, 4, 5, 6, 7, 8, 9 and 10 and the South 37 feet of Lot 3 and the West 5 feet of the North 18 feet of Lot 3, all in Block II of the "Plot of Malone Village", together with the South 6 feet of Vacated Main Street lying North of Lot 4, 5, 6, 7, 8, 9 and 10, Block II of the "Plot of Malone Village".

All of the above described parcels containing 3.119 acres of land, more or less.

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

Together with all and singular the hereditaments and appurtenances thereunto belonging; And H. C. Timm, Jr. and Virginia Timm Meyer warrants that the title is good, indefeasible in fee simple and free and clear of encumbrances except

TRANSFER

\$ 40.00  
FEE

and will warrant and defend the same.

Dated this 31st day of May, 1979

(SEAL) H. C. Timm, Jr. (SEAL)

\* H. C. Timm, Jr.

(SEAL) Virginia Timm Meyer (SEAL)

\* Virginia Timm Meyer

AUTHENTICATION

Signatures authenticated this day of 19

TITLE: MEMBER STATE BAR OF WISCONSIN

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

THIS INSTRUMENT WAS DRAFTED BY

Attorney M. E. Mellor

New Holstein, Wisconsin

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



ACKNOWLEDGMENT

STATE OF WISCONSIN

Calumet County, ss.

Personally came before me, this 31st day of May, 1979 the above named H. C. Timm, Jr., and Virginia Timm Meyer

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

M. E. Mellor  
Notary Public, State of Wisconsin  
My Commission is permanent. (If not, state expiration date: 19)

\*Names of persons signing in any capacity should be printed below their signatures.



AgriLand Co-op, Malone Facility

N8798 County Road W, Malone (Town of Taycheedah)

DATCP Case #: 07419092401 BRRIS #: 02-20-551632

**Exhibit B**  
**Barrier INSPECTION LOG**

<b>Inspection Date</b>	<b>Inspector</b>	<b>Condition of Cap</b>	<b>Recommendations</b>	<b>Have Recommendations from previous inspection been implemented?</b>

DOCUMENT NO.

348874

WARRANTY DEED  
STATE OF WISCONSIN - FORM 3  
THIS SPACE RESERVED FOR RECORDING DATA

VOL 795 PAGE 484  
REGISTER'S OFFICE

Fond du Lac County, Wis.

Recorded at Y.C.M.

JUN 4 - 1979

Tel 795 Records Page 484

GEORGE H. OTTERY  
REGISTER OF DEEDS

RETY  
HAUER LAW OFFICE  
Box 1577  
Fond du Lac, WI. 54935

500  
days

This indenture, Made this 31st day of May  
A. D., 1979, between H. C. Timm Company

a Corporation duly organized and existing under and by  
virtue of the laws of the State of Wisconsin, located at New Holstein  
Wisconsin, party of the first part, and the Fond du Lac Midland  
Cooperative Association, a Wisconsin Cooperative  
Association  
party of the second part.

Witnesseth, That the said party of the first part, for and in consideration of the sum  
of One (\$1) Dollar and other good and valuable consideration  
to it paid by the said party of the second part, the receipt whereof is hereby confessed  
acknowledged, has given, granted, bargained, sold, remised, released, aliened, conveyed and con-  
firmed, and by these presents does give, grant, bargain, sell, remise, alien, convey, and confirm unto  
the said party of the second part, its heirs and assigns forever, the following described real estate, situated in  
the County of Fond du Lac, State of Wisconsin, to-wit:

-DESCRIPTION ATTACHED-  
-See Reverse-

TRANSFER  
\$120.00  
FEE

(IF NECESSARY, CONTINUE DESCRIPTION ON REVERSE SIDE)

Together with all and singular the hereditaments and appurtenances thereunto belonging or in any wise appertaining; and all the  
estate, right, title, interest, claim or demand whatsoever, of the said party of the first part, either in law or equity, either in possession or  
expectancy of, in and to the above bargained premises, and their hereditaments and appurtenances.

To have and to hold the said premises as above described with the hereditaments and appurtenances, unto the said party  
of the second part, and to its heirs and assigns FOREVER.

And the said H. C. Timm Company  
party of the first part, for itself and its successors, does covenant, grant, bargain and agree to and with the said party of the  
second part, its heirs and assigns, that at the time of the en sealing and delivery of these presents it is well  
seized of the premises above described, as of a good, sure, perfect, absolute and indefeasible estate of inheritance in the law, in fee simple,  
and that the same are free and clear from all incumbrances ~~known~~

and that the above bargained premises in the quiet and peaceable possession of the said party of the second part, its  
heirs, and assigns, against all and every person or persons lawfully claiming the whole or any part thereof, it will forever WARRANT and  
DEFEND.

This conveyance is made pursuant to a vote of a majority of the stock of said corporation, grantor, given at a  
meeting duly called and held for the purpose of authorizing the same.

In Witness Whereof, the said H. C. Timm Company  
party of the first part, has caused these presents to be signed by Herman C. Timm, III  
its President, and countersigned by Cyril A. Niquette, its Secretary,  
at New Holstein, Wisconsin, and its corporate seal to be hereunto affixed, this  
31st day of May, A. D., 1979.

SIGNED AND SEALED IN PRESENCE OF:

H. C. TIMM COMPANY  
Corporate Name  
Herman C. Timm III  
President

COUNTERSIGNED:  
Herman C. Timm, III  
Cyril A. Niquette  
Secretary

STATE OF WISCONSIN  
Calumet County, 53.

Personally came before me, this 31st day of May, A. D., 1979,  
Herman C. Timm, III, President, and Cyril A. Niquette, Secretary  
of the above named Corporation, to me known to be the persons who executed the foregoing instrument, and to me known to be such  
President and Secretary of said Corporation, and acknowledged that they executed the foregoing instrument as such officers as the deed of  
said Corporation, by its authority.

THIS INSTRUMENT WAS DRAFTED BY  
Attorney M. E. Mellor  
New Holstein, Wisconsin



M. E. Mellor  
Notary Public, State of Wisconsin,  
My commission expires (is) Permanent.

(Section 39.31 (1) of the Wisconsin Statutes provides that all instruments to be recorded shall have plainly printed or typewritten thereon  
the names of the grantor, grantees, witnesses and notary. Section 39.313 similarly requires that the name of the person who, or govern-  
mental agency which, drafted such instrument, shall be printed, typewritten, stamped or written thereon in a legible manner.)

WARRANTY DEED - By Corporation  
With Authorization Clause

STATE OF WISCONSIN  
FORM No. 3

Wisconsin Legal Blank Company  
Milwaukee, Wis. (Job 38212)

DESCRIPTION

A part of the Southeast 1/4 of the Northeast 1/4 and part of the Northeast 1/4 of the Northeast 1/4 of Section 13, T. 16 N.-R. 18 E., Town of Taycheedah, Fond du Lac County, Wisconsin and more particularly described as follows;

Commencing at the Southeast corner of the Northeast 1/4 of said Section 13 and running thence North along the East line of the Northeast 1/4 of said Section 13, a distance of 860.74 feet; thence West along a line which is 60.00 feet South of and parallel with the South line of the "Plot of Malone Village", 645.01 feet; thence North along the West line of said "Plot of Malone Village", 472.50 feet to a point on the North line of a 16.5 foot alley and to the point of beginning; thence continuing North, 41.67 feet to a point which is 55 feet South of the Centerline of the Chicago & Northwestern Railroad; thence North 80°-00' West along a line parallel with and 55 feet South of the centerline of the Chicago & Northwestern Railroad, 685.41 feet to a point on the West line of the East 1/2 of the Northeast 1/4 of said Section 13; thence North along the West line of the East 1/2 of the Northeast 1/4 of said Section 13, a distance of 71.07 feet to a point which is 15 feet North of the centerline of the Chicago & Northwestern Railroad; thence South 80°-00' East along a line which is 15 feet North of and parallel with the centerline of the Chicago & Northwestern Railroad, 1340.36 feet to a point on the East line of the Northeast 1/4 of said Section 13; thence South along the East line of the Northeast 1/4 of said Section 13, a distance of 71.07 feet; thence North 80°-00' West along the North right-of-way line of R.R. Street, 414.97 feet; thence West along the North line of a 16.5 foot alley, 236.33 feet to the point of beginning and containing 2.267 acres of land more or less and being subject to the rights of the public for Highway purposes over that part of the above described parcel which lies within the right-of-way of County Trunk Highway W.

ALSO:

Lots 4, 5, 6, 7, 8 and 9, Block I of the Plot of Malone Village together with the North 60 feet of Vacated Main Street lying South of said Lots 4, 5, 6, 7, 8 and 9, Block I of the Plot of Malone Village, containing 2.209 acres of land more or less.

Virginia Timm Meyer and H. C. Timm, Jr. are joining in this Deed to convey whatever individual interest they may have in said property.

Virginia Timm Meyer  
Virginia Timm Meyer

H. C. Timm, Jr.  
H. C. Timm, Jr.

STATE OF WISCONSIN  
CALUMET COUNTY

Personally came before me this 31st day of May, 1979, the above named Virginia Timm Meyer and H. C. Timm, Jr. to me known to be the persons who executed the foregoing instrument and acknowledge the same.

M. E. Mellor  
M. E. Mellor, Notary Public  
State of Wisconsin  
My Commission is Permanent

DOCUMENT NO.

348875

STATE BAR OF WISCONSIN - FORM 1  
WARRANTY DEED  
THIS SPACE RESERVED FOR RECORDING DATA

VOL 795 PAGE 486  
REGISTER'S OFFICE  
Fond du Lac County, Wis.

Recorded at 9:00 AM

JUN 4 - 1979

Vol. 795 Records Page 486

GEORGE H. OTTERT  
REGISTER OF DEEDS

RETURN TO  
HAUER LAW OFFICE  
Box 1577  
Fond du Lac, WI. 54935

Tax Key No.

This Deed, made between H. C. Timm, Jr. and Virginia Timm Meyer  
Grantor and the Fond du Lac Midland Cooperative Association a Wisconsin Cooperative Association  
Grantee,

Witnesseth, That the said Grantor, for a valuable consideration One (\$1) Dollar and other good and valuable consideration conveys to Grantee the following described real estate in Fond du Lac County, State of Wisconsin: A part of the Southeast 1/4 of the Northeast 1/4 of Section 13, T. 16 N. - R. 18 E., Town of Taycheedah, Fond du Lac County, Wisconsin and more particularly described as follows:

Commencing at the Southeast corner of the Northeast 1/4 of Section 13 and running thence North along the East line of the Northeast 1/4 of said Section 13, a distance of 860.74 feet; thence West along a line which is 60.00 feet South of and parallel with the South line of the "plot of Malone Village" and on its extension Easterly, 42.48 feet to a point on the West right-of-way line of County Trunk Highway "W" and to the point of beginning; thence continuing West, 602.53 feet; thence North along the extension Southerly of the West line of said "Plot of Malone Village", 60.00 feet to the Southwest corner thereof; thence East along the South line of said "Plot of Malone Village", 605.00 feet to a point on the West right-of-way line of County Trunk Highway W; thence South along the West right-of-way line of County Trunk Highway W, 33.50 feet; thence South 05°-20' West along the West right-of-way line of said County Trunk Highway W, 26.62 feet to the point of beginning.

ALSO: Lot 1, 2, 4, 5, 6, 7, 8, 9 and 10 and the South 37 feet of Lot 3 and the West 5 feet of the North 18 feet of Lot 3, all in Block II of the "Plot of Malone Village", together with the South 6 feet of Vacated Main Street lying North of Lot 4, 5, 6, 7, 8, 9 and 10, Block II of the "Plot of Malone Village."

All of the above described parcels containing 3.119 acres of land, more or less.

This is not homestead property.

Together with all and singular the hereditaments and appurtenances thereunto belonging; And H. C. Timm, Jr. and Virginia Timm Meyer

warrants that the title is good, indefeasible in fee simple and free and clear of encumbrances except

TRANSFER

\$ 40.00

FEE

and will warrant and defend the same.

Dated this 31st day of May, 1979

(SEAL)

H. C. Timm Jr.

(SEAL)

H. C. Timm, Jr.

(SEAL)

Virginia Timm Meyer

(SEAL)

Virginia Timm Meyer

AUTHENTICATION

Signatures authenticated this 19 day of

ACKNOWLEDGMENT

STATE OF WISCONSIN

Calumet County, ss.

Personally came before me, this 31st day of May, 1979 the above named H. C. Timm, Jr. and Virginia Timm Meyer

TITLE: MEMBER STATE BAR OF WISCONSIN

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

THIS INSTRUMENT WAS DRAFTED BY

Attorney M. E. Mellor

New Holstein, Wisconsin

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

M. E. Mellor

Notary Public State of Wisconsin  
My Commission is permanent. (If not, state expiration date: 19 )

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

\*Names of persons signing in any capacity should be typed or printed below their signatures.

WARRANTY DEED

STATE BAR OF WISCONSIN  
FORM No. 1 - 1977

Wisconsin Legal Blank Co. Inc.  
Milwaukee, Wis. (Job 88689)

RESOLVED, that the Articles of Incorporation of Fond du Lac Midland Cooperative be amended in their entirety and restated, and as amended and restated they will supersede the existing Articles of Incorporation and all amendments, said restated Articles of Incorporation to read as follows:

ARTICLES OF INCORPORATION  
OF  
AGRI-LAND CO-OP

ARTICLE I.  
Name

The name of this cooperative is AGRI-LAND CO-OP. It is a cooperative organized under Chapter 185 of the Statutes of Wisconsin.

ARTICLE II.  
Duration

The period of its existence shall be perpetual.

ARTICLE III.  
Purposes and Limitation

This cooperative may engage in any activity within the purposes for which cooperatives may be organized under the provisions of Chapter 185 of the Statutes of Wisconsin. All of the activities of the cooperative shall be conducted strictly on the cooperative plan. It shall not sell supplies or equipment to nonmembers in an amount the value of which exceeds the value of supplies or equipment sold to members.

ARTICLE IV.  
Capital Stock

Section 1. This cooperative shall be organized with capital stock. The amount of authorized capital stock shall be Two Million

THIS MUST BE RECORDED PROMPTLY WITH THE COUNTY REGISTER OF DEEDS

United States of America

State of Wisconsin

Office of Secretary of State

TO ALL TO WHOM THESE PRESENTS SHALL COME, GREETING:

The undersigned, as Secretary of State of the State of Wisconsin, certifies that the attached is a duplicate of a document accepted and filed in my office.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal, at Madison, on the date of filing of said document.



*Vel Phillips*  
VEL PHILLIPS  
Secretary of State

375307

REGISTER'S OFFICE

Fond du Lac County, Wis.

Recorded at *8 AM*

DEC 28 1981

Vol. *33* <sup>copy</sup> Records Page *647, 648, 649, 650, 651,*

GEORGE H. OTTERY. *652, 653.*

REGISTER OF DEEDS

*Vol. 33. Page. 653*

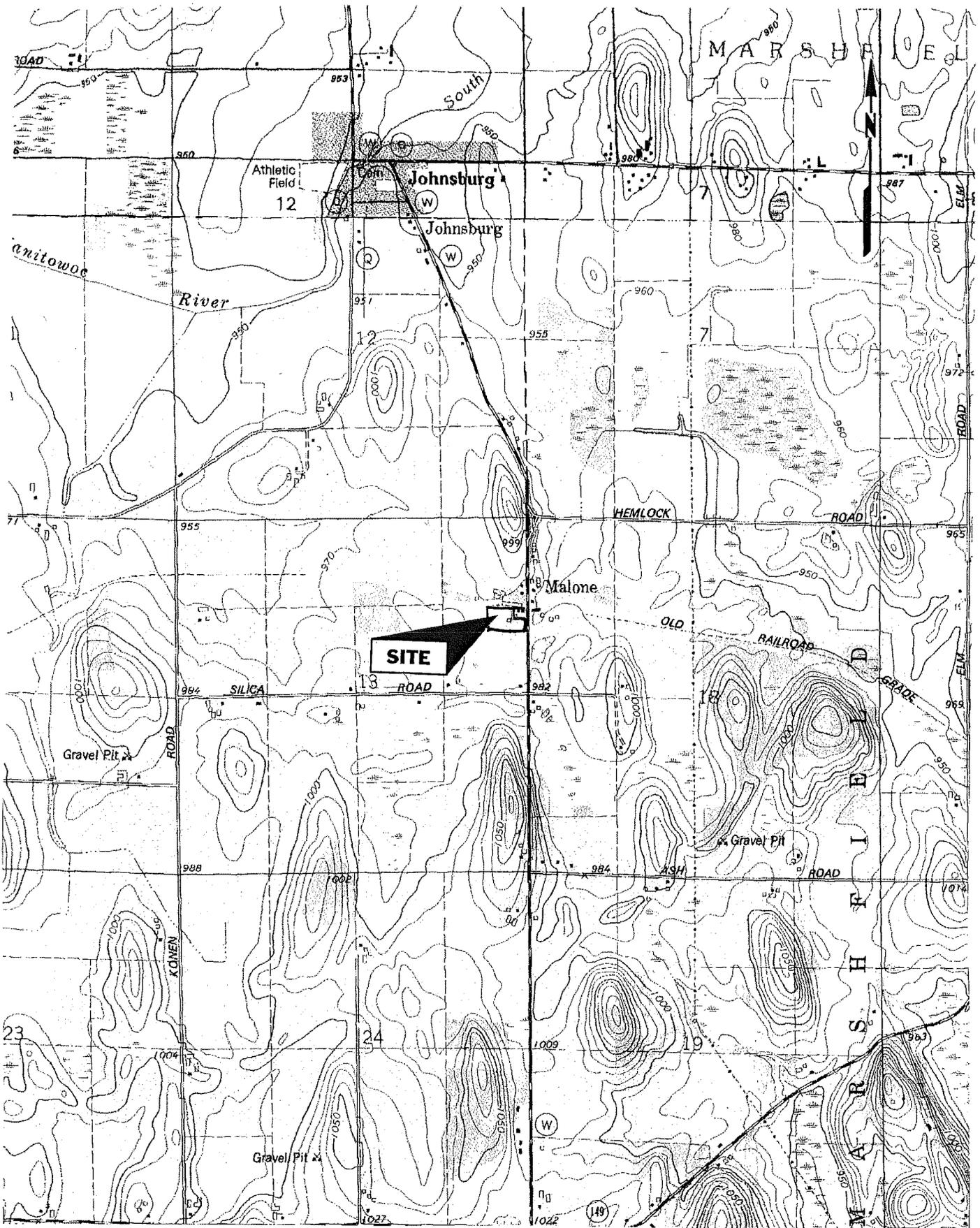
*100 Activity, Rumber & Butler  
1-500 1st floor 2nd floor  
1-225 1st floor 1st floor 55101*



I have reviewed the attached legal description for the AgriLand Co-op Property. I believe the legal description is complete and accurate for the property located at N8798 County Road W, Malone, Town of Taycheedah, Wisconsin, with residual soil contamination.

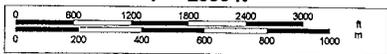
A handwritten signature in cursive script, appearing to read "Amy Haak", written over a horizontal line.

Amy Haak  
Alpha Terra Science



Scale 1 : 24,000

1" = 2000 ft



SITE LOCATION MAP

AgriLand Co-op, Malone, WI

Scale 1:24,000



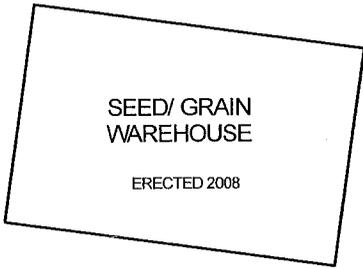
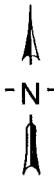
DATE: 3/11/08

DWG #: siteloc

APPROVED: AH

FIGURE 1

SOURCE: St. Peter 7.5 minute topographic quadrangle - 1995



TO GRAIN MILL

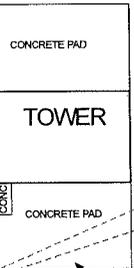


2008  
FERTILIZER  
BUILDING EXPANSION

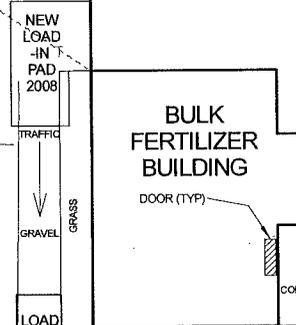


OFFICE/  
MAINTENANCE  
SHOP  
ERECTED 2008

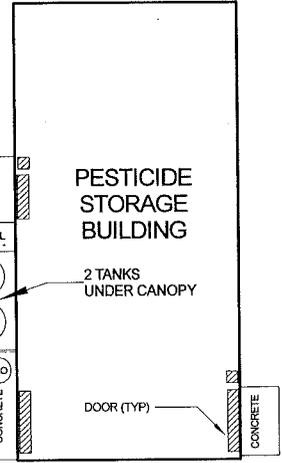
OFFICE  
★ WELL



TOWER

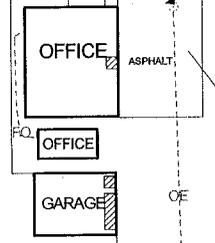


BULK  
FERTILIZER  
BUILDING  
DOOR (TYP)



PESTICIDE  
STORAGE  
BUILDING

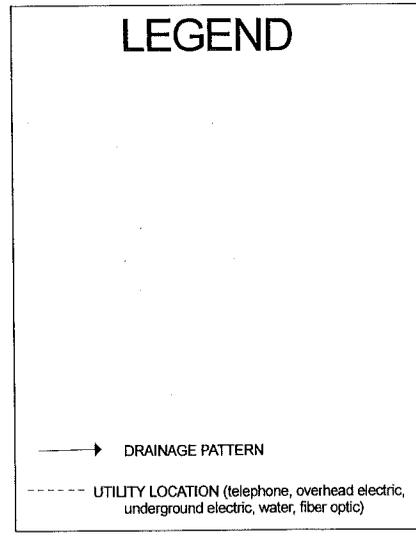
2 TANKS  
UNDER CANOPY



OFFICE

OFFICE

GARAGE



LEGEND

→ DRAINAGE PATTERN  
--- UTILITY LOCATION (telephone, overhead electric,  
underground electric, water, fiber optic)



SCALE: 1 INCH = 40 FEET

APPROXIMATE PROPERTY LINE

APPROXIMATE PROPERTY LINE

SITE WELL ★

SPREADER  
PARKING AREA

TITLE:		SITE PLAN			
SITE:		AgriLand Co-op, Malone, WI			
SCALE: 1"=40'	ATS PROJECT NUMBER: AGR 2008-01		DATE: 3/12/08	DWG #... site plan.skf	
REV:	DATE:	DESCRIPTION:	APPVD.:	DRAWN BY: AH	FIGURE 2



TABLE 1  
 SOIL ANALYTICAL DATA - RESIDUAL CONTAMINATION  
 AgriLand Coop, Malone Facility

Sample Date	Sample ID	Sample Depth	ANALYTICAL PARAMETERS		
			Ammonia	Nitrate/Nitrite	Total Nitrogen
4/9/08	GP-19	3-4'	120	180	300
11/11/08	11	2'	1200	510	1710
11/11/08	12	6'	120	72	192
11/11/08	14	2'	<20	160	160
11/12/08	39	1.75'	54	220	274
11/13/08	50	6'	49	110	159

SITE SPECIFIC TOTAL NITROGEN CLEANUP LEVEL = 150 MG/KG