

GIS REGISTRY INFORMATION

SITE NAME: THOR AUTO BODY
BRRTS #: 02-36-272485 **FID # (if appropriate):** _____
COMMERCE # (if appropriate): _____
CLOSURE DATE: 07/28/2005
STREET ADDRESS: 603 YORK STREET
CITY: MANITOWOC

SOURCE PROPERTY GPS COORDINATES (meters in WTM91 projection): X= _____ 707697 Y= _____ 404923

CONTAMINATED MEDIA: Groundwater Soil Both

OFF-SOURCE GW CONTAMINATION >ES: Yes No

IF YES, STREET ADDRESS 1: _____

GPS COORDINATES (meters in WTM91 projection): X= _____ Y= _____

OFF-SOURCE SOIL CONTAMINATION >Generic or Site-Specific RCL (SSRCL): Yes No

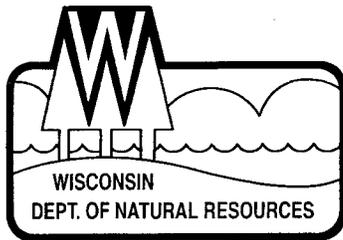
IF YES, STREET ADDRESS 1: _____

GPS COORDINATES (meters in WTM91 projection): X= _____ Y= _____

CONTAMINATION IN RIGHT OF WAY: Yes No

DOCUMENTS NEEDED:

- Closure Letter, and any conditional closure letter or denial letter issued X
- Copy of most recent deed, including legal description, for all affected properties X
- Certified survey map or relevant portion of the recorded plat map (if referenced in the legal description) for all affected properties NA
- County Parcel ID number, if used for county, for all affected properties X
- Location Map which outlines all properties within contaminated site boundaries on USGS topographic map or plat map in sufficient detail to permit the parcels to be located easily (8.5x14" if paper copy). If groundwater standards are exceeded, the map must also include the location of all municipal and potable wells within 1200' of the site. X
- Detailed Site Map(s) for all affected properties, showing buildings, roads, property boundaries, contaminant sources, utility lines, monitoring wells and potable wells. (8.5x14", if paper copy) This map shall also show the location of all contaminated public streets, highway and railroad rights-of-way in relation to the source property and in relation to the boundaries of groundwater contamination exceeding ch. NR 140 ESs and soil contamination exceeding ch. NR 720 generic or SSRCLs. (SEE SOIL MAP) X
- Tables of Latest Groundwater Analytical Results (no shading or cross-hatching) X
- Tables of Latest Soil Analytical Results (no shading or cross-hatching) X
- Isoconcentration map(s), if required for site investigation (SI) (8.5x14" if paper copy). The isoconcentration map should have flow direction and extent of groundwater contamination defined. If not available, include the latest extent of contaminant plume map. NA
- GW: Table of water level elevations, with sampling dates, and free product noted if present NA
- GW: Latest groundwater flow direction/monitoring well location map (should be 2 maps if maximum variation in flow direction is greater than 20 degrees) NA
- SOIL: Latest horizontal extent of contamination exceeding generic or SSRCLs, with one contour X
- Geologic cross-sections, if required for SI. (8.5x14" if paper copy) NA
- RP certified statement that legal descriptions are complete and accurate X
- Copies of off-source notification letters (if applicable) NA
- Letter informing ROW owner of residual contamination (if applicable)(public, highway or railroad ROW) NA
- Copy of (soil or land use) deed restriction(s) or deed notice if any required as a condition of closure X
- Copy of any maintenance plan referenced in the deed restriction. X



State of Wisconsin \ DEPARTMENT OF NATURAL RESOURCES

Jim Doyle, Governor
Scott Hassett, Secretary
Ronald W. Kazmierczak, Regional Director

Northeast Region Headquarters
2984 Shawano Ave., P.O. Box 10448
Green Bay, Wisconsin 54307-0448
Telephone 920-662-5100
FAX 920-662-5413
TTY Access via relay - 711

July 28, 2005

Tim Martinez
3911 Blackhawk Court
Manitowoc, WI 54220

SUBJECT: Final Case Closure by Closure Committee with conditions met
Former Thor Auto Body, 603 York Street, Manitowoc WI
WDNR BRRTS #: 02-36-272485

Dear Mr. Martinez:

On September 21, 2001, the NER 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 September 28, 2001, you were notified that the Closure Committee had granted conditional closure to this case.

On July 27, 2005, the Department received correspondence indicating that you have complied with the conditions of closure. The Conditions of closure required the filing of a soil deed restriction because of the presence of lead in soils and the need to maintain a impervious cap (parking lot) on portions on the property covering the lead contaminated soils. Based on the correspondence and data provided, it appears that your case meets the requirements of ch. NR 726, Wis. Adm. Code. The Department considers this case closed and no further investigation, remediation or other action is required at this time. Furthermore, the NR 140.28 PAL exemption described in the conditional closure letter dated September 28, 2001, is now in effect.

Your site will be listed on the DNR Remediation and Redevelopment GIS Registry of Closed Remediation Sites. Information that was submitted with your closure request application will be included on the registry. To review the sites on the GIS Registry web page, visit <http://dnr.wi.gov/org/aw/tr/gis/index.htm>. If your property is listed on the GIS Registry due to groundwater contamination exceeding ch. NR 140 standards at the time of closure, and you intend to construct or reconstruct a well, you will need Department approval. Department approval is required before construction or reconstruction of a well on a property listed on the GIS Registry, in accordance with s. NR 812.09(4)(w). 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 the web address listed above.

Please be aware that this 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 the environment.

The Department appreciates your efforts to restore the environment at this site. If you have any questions regarding this letter, please contact me at 920-662-5165.

Sincerely,

A handwritten signature in black ink that reads "Annette Weissbach". The signature is written in a cursive style with a large, sweeping initial 'A'.

Annette Weissbach
Hydrogeologist
Bureau for Remediation & Redevelopment

e-cc: Anne Van Grinsven – NER Environmental Enforcement

If you do not have these documents they can be obtained from the Manitowoc County Register of Deeds. Once I receive this information, I will prepare and send you a draft copy of the soil deed restriction containing language regarding the remaining lead (Pb) contamination. If the draft is accurate and acceptable, please sign it and file it with the Register of Deeds office. Then submit a copy of the recorded document, with the recording information stamped on it, to me. Please be aware that if a deed restriction is recorded for the wrong property because of an inaccurate legal description that you have provided, you will be responsible for recording corrected documents at the Register of Deeds Office to correct the problem. Once all this information is received, the site will be conditionally closed.

NR 140 EXEMPTION

Recent groundwater monitoring data at this site indicate exceedances of the NR 140 preventive action limit (PAL) for Lead (Pb) at Geoprobe locations GP-14 and GP-15, but compliance with the NR 140 enforcement standard. The Department may grant an exemption to a PAL for a substance of public health concern, 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.
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 your consultant provided, the Department believes that the above criteria have been or will be met because the groundwater contamination likely resulted from the placement of foundry sand fill on the property. Therefore, pursuant to s. NR 140.28(2)(b), Wis. Adm. Code, an exemption to the PAL is granted for Lead (Pb) at Geoprobe locations GP-14 and GP-15. **This letter serves as your exemption.**

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 920-492-5865.

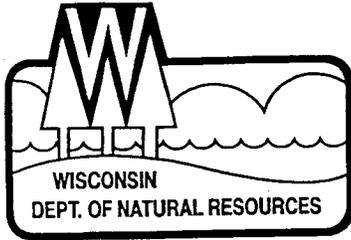
Sincerely,



Annette Weissbach
Hydrogeologist
Bureau for Remediation & Redevelopment

cc: Bill Phelps – DG/2
Susan Lawrenz – GHD, PO Box 69, Chilton, WI 53014
FAX: Kevin Neelis – Heritage Realty, 920-684-0906

file



State of Wisconsin \ DEPARTMENT OF NATURAL RESOURCES

Scott McCallum, Governor
Darrell Bazzell, Secretary
Ronald W. Kazmierczak, Regional Director

Northeast Region Headquarters
1125 N. Military Ave., P.O. Box 10448
Green Bay, Wisconsin 54307-0448
Telephone 920-492-5916
FAX 920-492-5859
TTY 920-492-5912

September 28, 2001

Thomas Lalko
7410 Scheffler Rd.
Newton WI 53063

Subject: Conditional Case Closure with Soil Deed Restriction and NR 140 Exemption
Thor Auto Body, 603 York Street, Manitowoc, Wisconsin
WDNR BRRTS # 02-36-272485

Dear Mr. Lalko:

On September 21, 2001, the Northeast Region Closure Committee reviewed your request for closure of the case described above. This 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 Lead (Pb) contamination on the site appears to have been investigated and addressed to the extent practicable under site conditions. Your case will be closed under s. NR 726.05, Wis. Adm. Code, if the following conditions are satisfied:

DEED RESTRICTION FOR CONTAMINATED SOIL

The closure committee has required that a deed restriction be signed and recorded to address the issue of the remaining soil contamination associated with the site. The purpose of the restriction is to maintain a surface barrier over the remaining soil contamination to prevent direct contact with the soils from impacting human health and the environment.

The Deed Restriction will also state that an impermeable cap must be maintained to minimize contaminant infiltration to groundwater and direct contact concerns. You should be aware that the cap is to be maintained in accordance with a plan prepared and submitted to the Department pursuant to s. NR 724.13(2), Wis. Adm. Code.

In accordance with ss. NR 714.07(5) and 722.0992(a)2, Wis. Adm. Code, you are required to provide a Class 1 public notice under ch. 985, Stats., concerning the impermeable cap you propose to place on your property. Please refer to s. NR 714.07(5), Wis. Adm. Code, for details on the required content of the public notice. The Department requires that you submit proof (a photocopy) of the published notice.

To expedite the completion of the soil deed restriction and closure process, the Department requests that you submit the following:

- a complete, legible and unabbreviated legal description of the property
- a copy of the most recent deed for your property
- available maps, such as a survey map, showing the property boundaries, building outlines and boring/geoprobe locations

893721

STATE BAR OF WISCONSIN FORM 1 - 1999

WARRANTY DEED



VOL 1595 PG 217

Document Number

This Deed, made between Thomas H. Lalko and Kathleen J. Lalko, his wife

Grantor, and Timothy M. Martinez, a married person

Grantee.

Grantor, for a valuable consideration, conveys to Grantee the following described real estate in Manitowoc County, State of Wisconsin (the "Property") (if more space is needed, please attach addendum): Lot Numbered One (1) of Block Numbered One Hundred Seventy-seven (177) in the City of Manitowoc, Manitowoc County, Wisconsin, according to the Recorded Plat thereof; known as the Original Plat of said City of Manitowoc. TOGETHER with the South One-half (S1/2) of vacated York Street lying adjacent thereto.

Property Address: 603 York St., Manitowoc, WI 54220

RECEIPT# 23936 \$11.00 DEED

STATE OF WISCONSIN MANITOWOC COUNTY PRESTON JONES REGISTER OF DEEDS RECEIVED FOR RECORD 20 DEC 2001 9:42:33 AM

Recording Area

Name and Return Address

Timothy M. Martinez 510 Oak St. Manitowoc, WI 54220

11+1320

52-000-177-010.00

Parcel Identification Number (PIN)

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

Together with all appurtenant rights, title and interests.

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

TRANSFER \$ 132.00 FEE

W-7

Dated this 19th day of December, 2001

Thomas H. Lalko * Thomas H. Lalko

Kathleen J. Lalko * Kathleen J. Lalko

AUTHENTICATION

Signature(s)

authenticated this day of

ACKNOWLEDGMENT

STATE OF WISCONSIN)

Manitowoc County,) ss.

Personally came before me this 19th day of December, 2001 the above named

Thomas H. Lalko

Kathleen J. Lalko

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

* Kevin J. ... Notary Public, State of Wisconsin

My Commission is permanent. (If not, state expiration date: 12-30-2001)

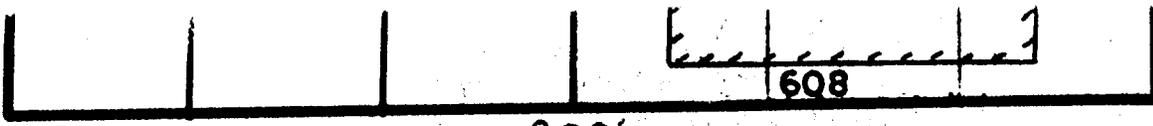
TITLE: MEMBER STATE BAR OF WISCONSIN (If not, authorized by §706.06, Wis. Stats.)

THIS INSTRUMENT WAS DRAFTED BY

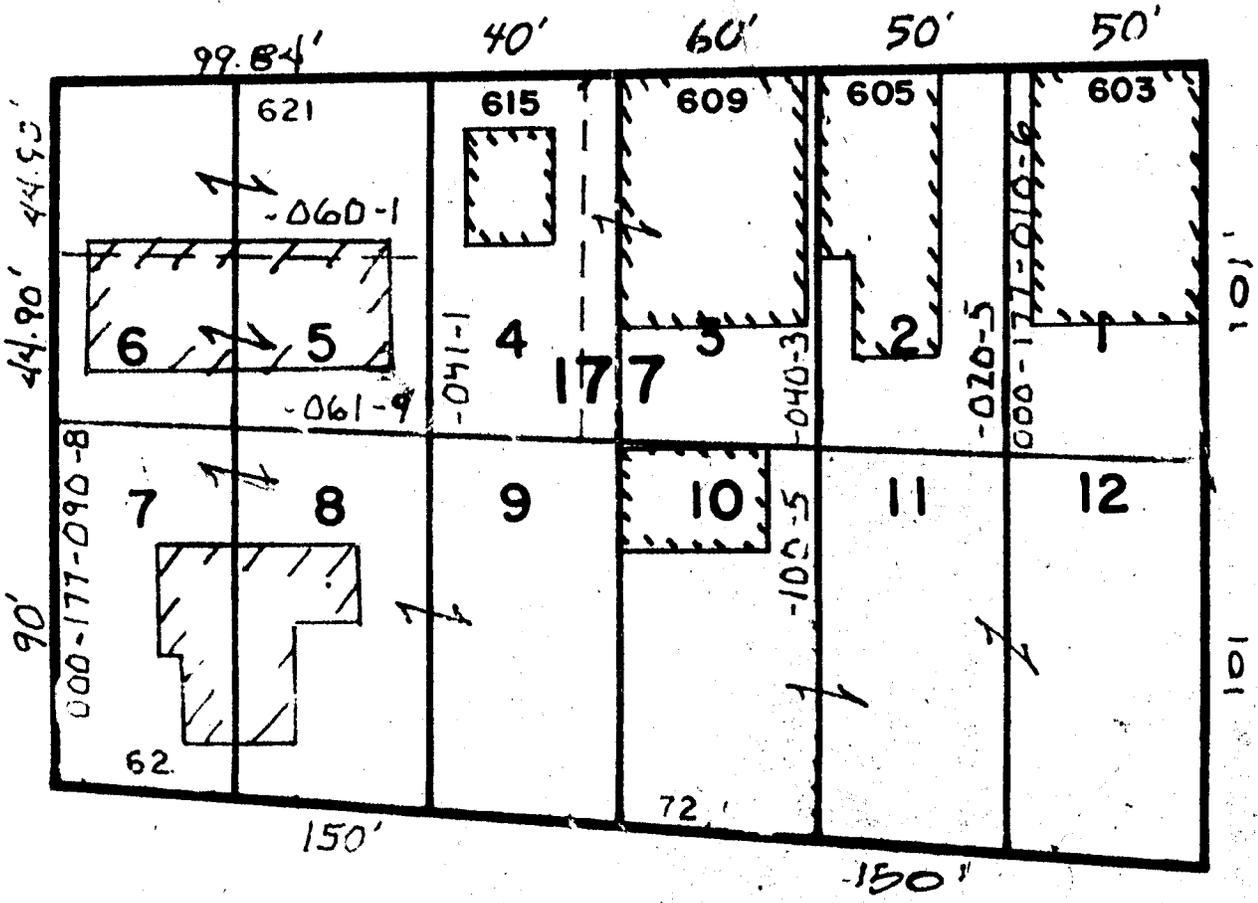
Heritage Real Estate, Inc.

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

WARRANTY DEED STATE BAR OF WISCONSIN FORM No. 1-1999

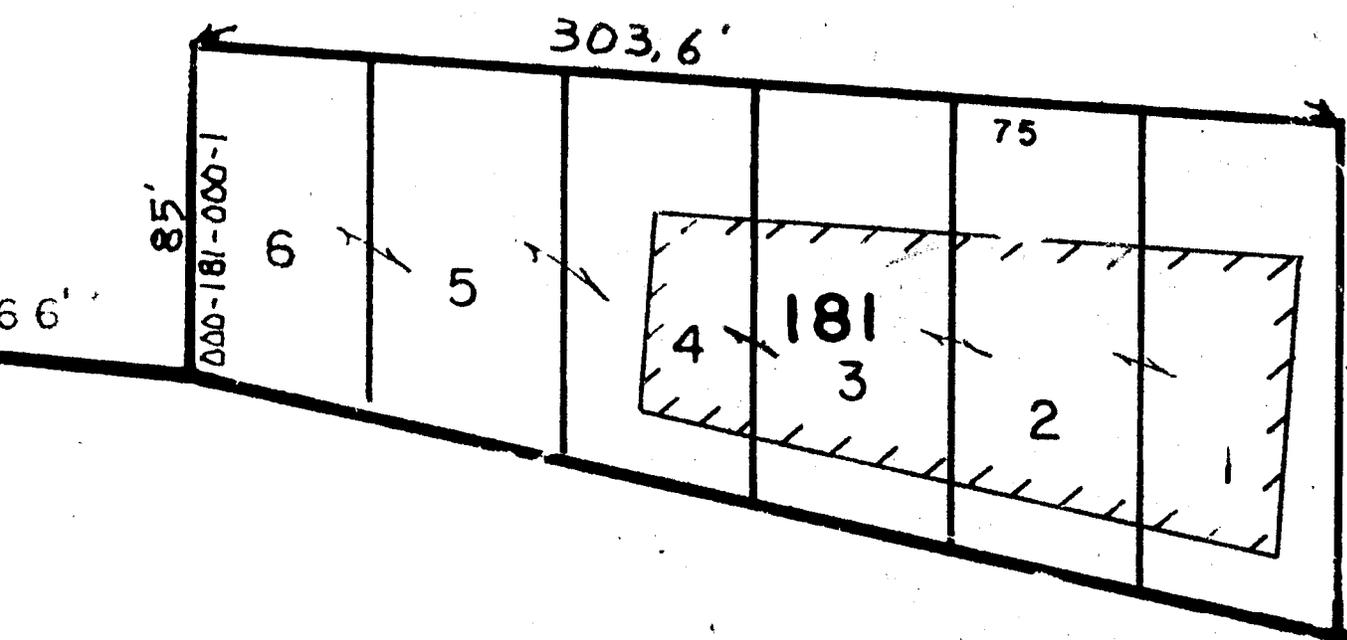


300'



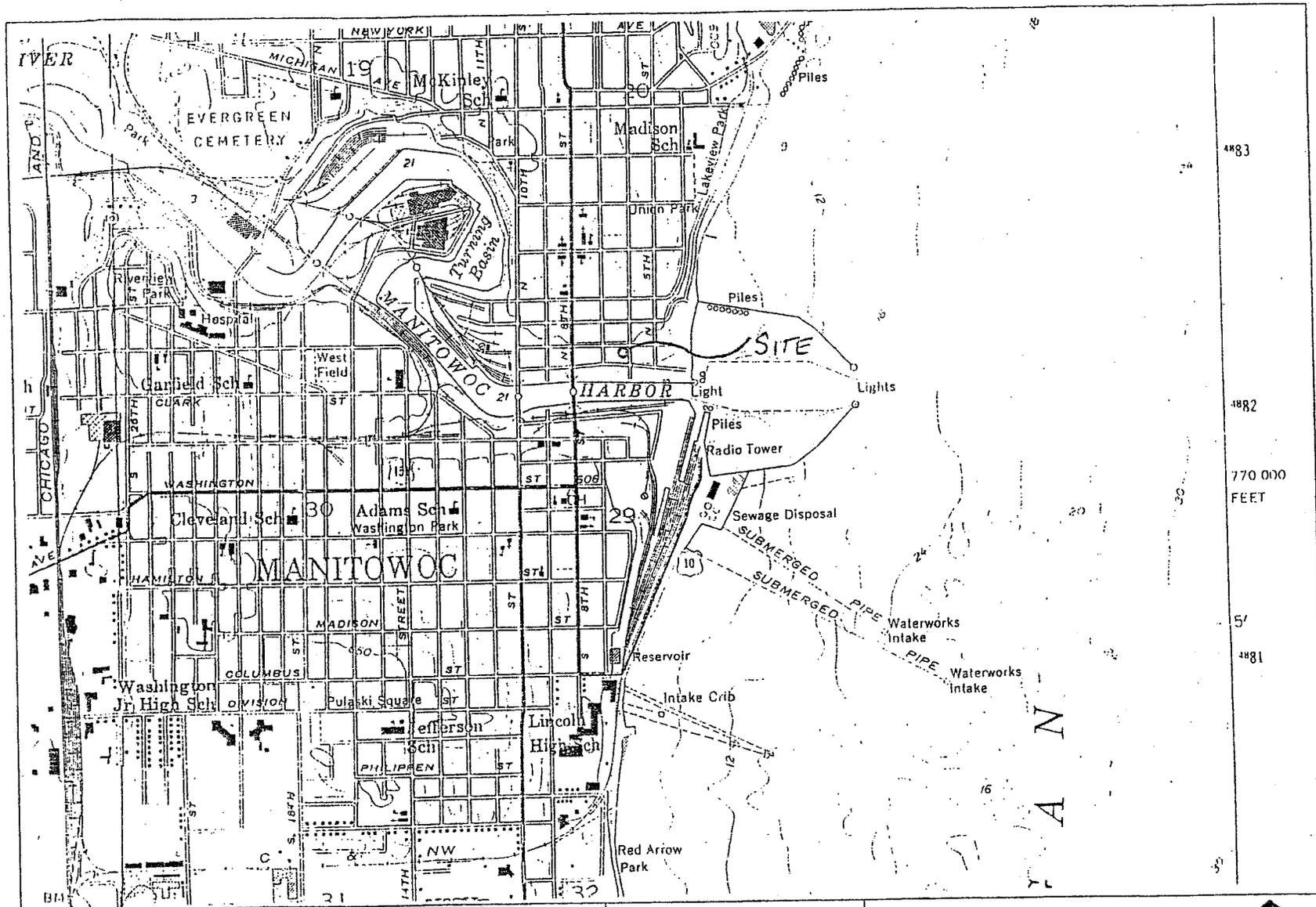
152.4'

53.78'



99.32'

40'



GHD Inc. Environmental Services
 THOR AUTOBODY
 603 YORK STREET
 MANITOWOC, WISCONSIN

FIGURE 1
 SITE LOCATION MAP

Prepared By: SMLAWRENZ

Date: 08/06/01

Scale: 1" = 2000'



Table 1 (Page 1 of 1)
 Laboratory Analytical Results
 Thor Auto Body
 Manitowoc, Wisconsin
 August 2001

Parameter	NR 720 RCL's	SB-1 @ 2-4'	SB-2 @ 2-4'	SB-3 @ 2-4'	SB-4 @ 2-4'	SB-5 @ 2-4'
Soil Results Lead	50	560	nd	120	5.5	4.4
TCLP Lead	none					

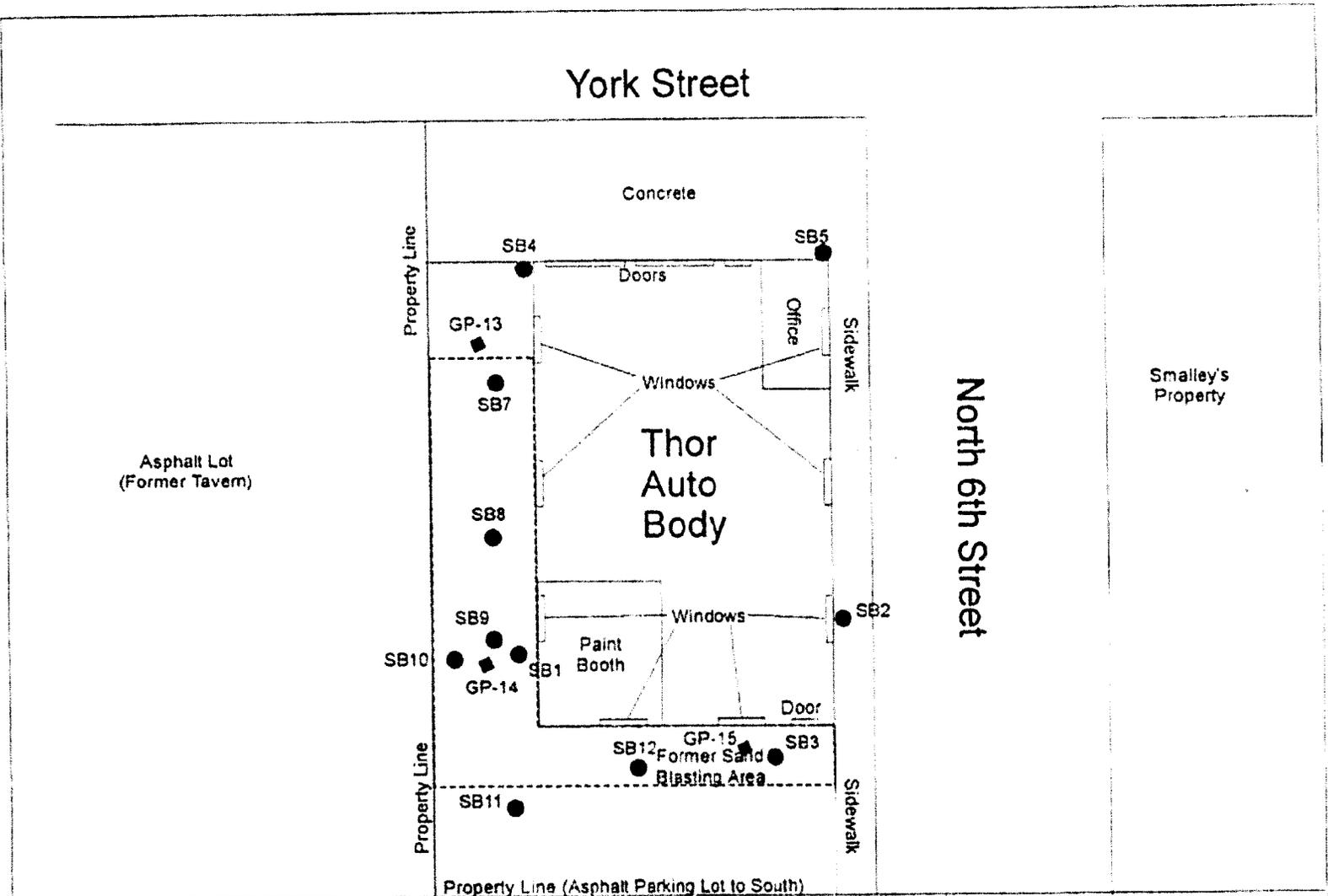
Parameter	NR 720 RCL's	SB-7 @ 0-2'	SB-7 @ 2-4'	SB-8 @ 0-2'	SB-8 @ 2-4'	SB-9 @ 0-2'	SB-9 @ 2-4'
Soil Results Lead	50	14	110	42	37	99	380
TCLP Lead	None		ND				ND

Parameter	NR 720 RCL's	SB-10 @ 0-2'	SB-10 @ 2-4'	SB-11 @ 0-2'	SB-11 @ 2-4'	SB-12 @ 0-2'	SB-12 @ 2-4'
Soil Results Lead	50	16	120	23	21	680	ND
TCLP Lead	None		ND			ND	

Parameter	NR 720 RCL's	GP-13 @ 8-10'	GP-13 @ 12-14'	GP-14 @ 8-10'	GP-14 @ 12-14'	GP-15 @ 6-8'	GP-15 @ 10-12'
Soil Results Lead	50	1.9	1.5	8.2	1.1	5.3	1.2

Parameter	NR 140 ES	NR 140 PAL	GP-13	GP-14	GP-15
Groundwater Results Dissolved Lead	15	1.5	<0.39	1.6	1.8

Notes: Soil concentrations are reported in parts per million (ppm) and groundwater concentrations are reported in parts per billion (ppb)
 RCL = residual contaminant level
 ES = WDNR Enforcement Standard
 PAL = WDNR Preventive Action Limit



GHD Inc. Environmental Services
 THOR AUTOBODY
 603 YORK STREET
 MANITOWOC, WISCONSIN

FIGURE 2
 SITE LAYOUT MAP

Legend:

- Proposed Area of Permanent Cap (dashed line)
- Geoprobe Well/Soil Sample Location (solid square)
- Soil Sample Location (solid circle)

Date 08/06/01

Scale: 1" = 20'

↑
N

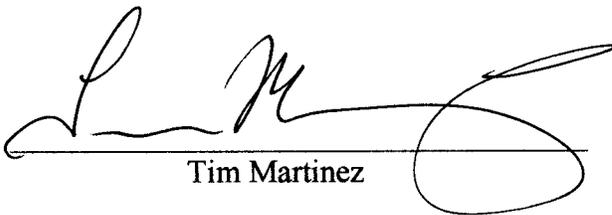
Prepared By SALAWRENZ

Property Description Verification:

Lot Numbered One (1) of Block Numbered
One Hundred Seventy-seven (177) in the City of Manitowoc, Manitowoc County,
Wisconsin,
according to the Recorded Plan thereof: known as
the original Plat of said City of Manitowoc.

Together with the South One-half (S1/2) of vacated York Street lying adjacent thereto.

The description of this property is believed to be the correct legal description and the
described contamination is within or partially within the boundary of said property.



Tim Martinez

Date 7/20/05

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 that remains on the property in the locations described above where there is residual contamination is excavated in the future, the soil must be sampled and analyzed, may be considered solid or hazardous waste if residual contamination remains and must be stored, treated and disposed in compliance with applicable statutes and rules.

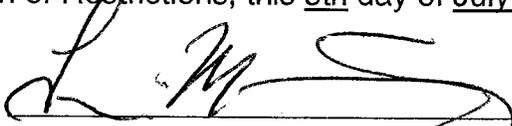
In addition, the following activities are prohibited on any portion of the above-described property where pavement and the building foundation exist, unless prior written approval has been obtained from the Wisconsin Department of Natural Resources or its successor or assign: (1) Replacement with another barrier; (2) Excavating or grading of the land surface; (3) Filling on capped or paved areas; (4) Plowing for agricultural cultivation; and (5) Construction or placement of a building or other structure in an area where the pavement and building foundation is required.

This restriction is hereby declared to be a covenant running with the land and shall be fully binding upon all persons acquiring the above-described property whether by descent, devise, purchase or otherwise. This restriction inures to the benefit of and is enforceable by the Wisconsin Department of Natural Resources, its successors or assigns. The Department, its successors or assigns, may initiate proceedings at law or in equity against any person or persons who violate or are proposing to violate this covenant, to prevent the proposed violation or to recover damages for such violation.

Any person who is or becomes owner of the property described above may request that the Wisconsin Department of Natural Resources or its successor issue a determination that one or more of the restrictions set forth in this covenant is no longer required. Upon the receipt of such a request, the Wisconsin Department of Natural Resources shall determine whether or not the restrictions contained herein can be extinguished. If the Department determines that the restrictions can be extinguished, an affidavit, attached to a copy of the Department's written determination, may be recorded by the property owner or other interested party to give notice that this deed restriction, or portions of this deed restriction, are no longer binding.

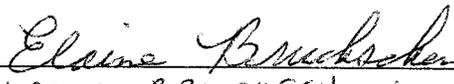


IN WITNESS WHEREOF, the owner of the property has executed this Declaration of Restrictions, this 5th day of July, 2005.

Signature: 

Printed Name: Timothy Martinez

Subscribed and sworn to before me this 5th day of July, 2005


ELAINE BRUCKSCHEN
Notary Public, State of Wisconsin
My commission 2-15-09

This document was drafted by James J. Bolger, Director, JBI, llc (734.663.1784), based on a model deed restriction provided by the Wisconsin Department of Natural Resources.



VOL 2093 PG 384

Cap Maintenance Plan

603 York Street, Manitowoc, Wisconsin

June 20, 2005

Introduction

The pavement forming an impervious cap (parking lot) and the building that exist on the property at 603 York Street on the date that a deed restriction was signed shall be maintained in compliance with this Cap Maintenance Plan, as required by section NR 724.13 (2), Wis. Adm. Code (October 1999). The pavement will be maintained in order to minimize the infiltration of water and prevent 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.

Existing Conditions

As of June 20, 2005, the soil along the south end of the property at 603 York Street (fka Thor Auto Body; currently owned by Timothy Martinez) is covered by an impermeable asphalt cap and the central area of the property is covered by the building foundation. The deed restriction on this property prohibits the following without prior approval of the WDNR:

- (1) Replacement of the barrier with another barrier;
- (2) Excavating or grading of the land surface;
- (3) Filling on capped or paved areas;
- (4) Plowing for agricultural cultivation; and
- (5) Construction or placement of a building or other structure in an area where a barrier is required.

Cap Maintenance

In order to maintain the impermeable surfaces that prevent direct contact or migration of the lead in the underlying soil to groundwater, the owner of the property will:

- (1) Periodically inspect and maintain the condition of the asphalt surface and the building foundation to prevent cracking, Spaulding or other damage that would allow storm water to accumulate or penetrate below the surface;
- (2) Prohibit and avoid any intentional penetration, drilling, or removal of any part of the contiguous surface of the asphalt surface and foundation;



- (3) Upon discovery of any damage to the surface of the asphalt surface or building foundation, take action to repair the damage, including the retaining of a contractor to perform the repair work. Repair work can include but is not limited to sealing, filling, grouting, caulking, and performing other techniques to restore the impermeability of the surface. In cases where substantial sections of the surface are damaged or removed, replacement of the section with compatible similar materials may be required.

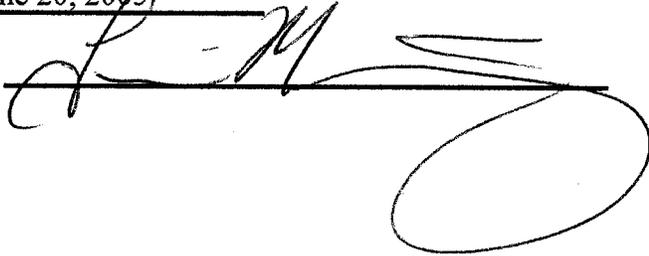
Agency Notification

If the owner determines that a substantial section of the impermeable surfaces have been damaged or removed and that storm water penetration is likely to have occurred, the DNR will be notified of the problem and a timetable for repair will be furnished.

Plan approved by:

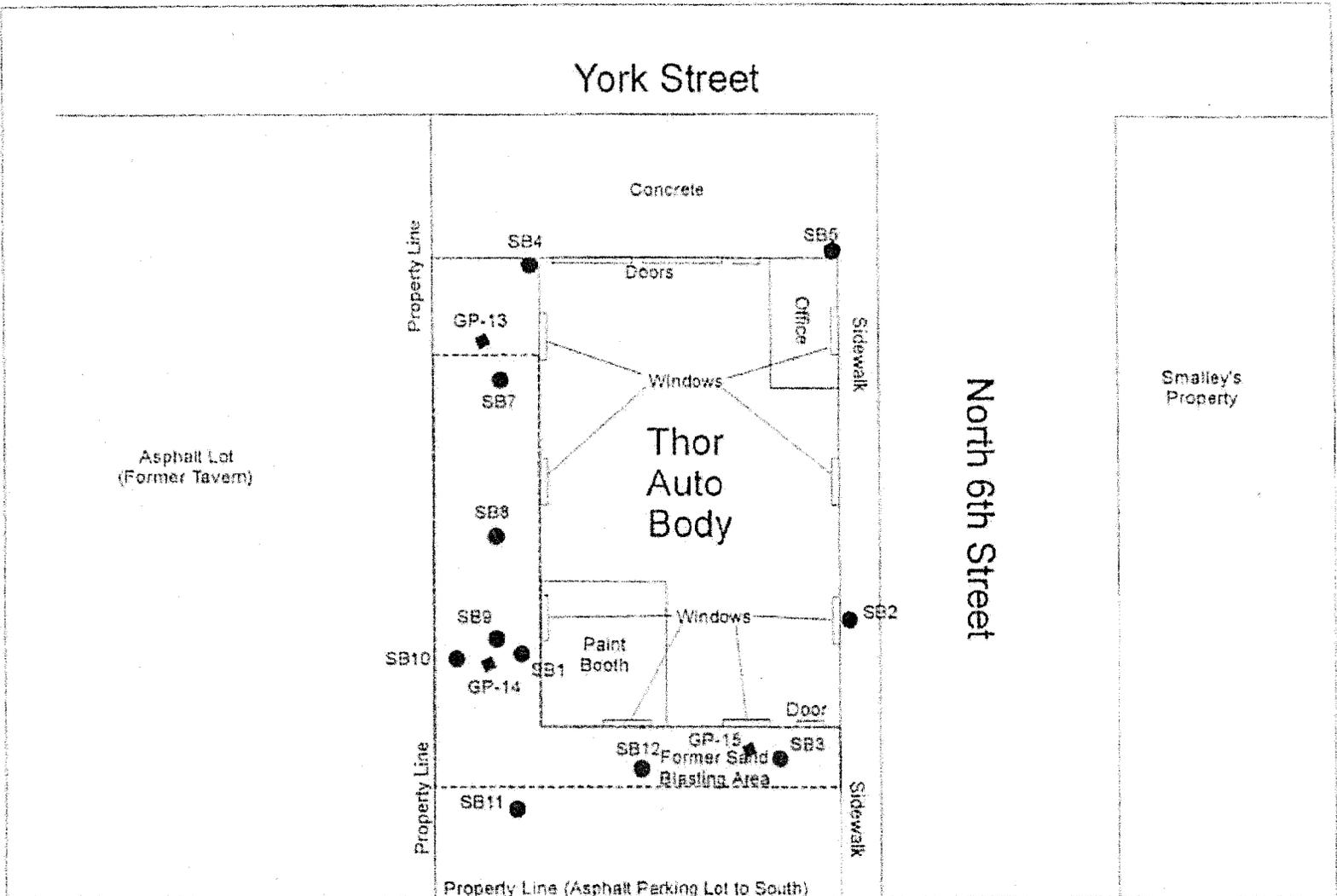
Owner: Timothy Martinez

Date: June 20, 2005

Signature: 



York Street



GHD Inc. Environmental Services
 THOR AUTOBODY
 603 YORK STREET
 MANITOWOC, WISCONSIN

FIGURE 2
 SITE LAYOUT MAP

Legend:

- Proposed Area of Permanent Cap
- Geoprobe Well/Soil Sample Location
- Soil Sample Location

Date: 08/06/01

Scale: 1" = 20'

Prepared By: SMLAWRENZ

