State of Wisconsin \ DEPARTMENT OF NATURAL RESOURCES

Tommy G. Thompson, Governor
George E. Meyer, Secretary
Ron Kazmierczak, Regional Director

Northeast Regional Headquarters
Solid Waste Office
PO Box 10448, 1125 N. Military Ave.
Green Bay, Wisconsin 54307-0448
TELEPHONE 414-492-5916
FAX 414-492-5859
TDD 414-492-5812

March 30, 2000

Mr. Erich Pitz
McMullen Pitz Construction
17 Maritime Dr.
Manitowoc, WI. 54221-0008

SUBJECT: Conditional Case Closure – McMullen and Pitz Construction, 17 Maritime Dr. Manitowoc, WI BRRTS CASE # 03-36-111768

Dear Mr. Pitz;

The Department has received a copy of the groundwater use restriction filed with the Manitowoc County Register of Deeds on February 10, 2000 for the above referenced site. This satisfies the closure requirements identified in Wisconsin administrative Code Chapter NR 726. This case will appear as closed on the Department's computer tracking system.

If you have any questions please contact me at (920) 492-5864.

Sincerely;

James Reyburn
Project Manager

Cc: Mr. Kendrick Ebbott – Alpha Terra Science, 1237 S. Pilgrim Rd., Plymouth, WI. 53073

WARRANTY DEED.

This Indenture, Made this the 30th day of December in the year of our lord; one thousand nine hundred and eighteen between William D Richards and Otillie Richards his wife the parties of the first part, and Arthur H. Pitz and Oliver McMullen the parties of the second part

Witnesseth, That the said parties of the first part, for and in consideration of the sum of Five Thousand Dollars of the United States of America Dollars to us in hand paid by the said parties of the second part, the receipt whereof is hereby ~~confessed and~~ acknowledged, ~~be given, granted, bargained, sold, remised, aliened, conveyed and confirmed, and by these presents~~ do by these presents give, grant, bargain, sell, ~~remise, release, alien,~~ convey and confirm, unto the said parties of the second part and to their heirs and assigns forever, ~~the following described real estate, situated in the County of Manitowoc and State of Wisconsin, to wit:~~ all the certain lots pieces or parcels of land situate lying and being in the City of Manitowoc County of Manitowoc State of Wisconsin and bounded and particularly described as follows, to wit:

Lots Three (3) and Four (4) in Block number One hundred eighty four (184) in the said city of Manitowoc Wisconsin according to the recorded plat thereof.

Together with all and singular the tenements hereditaments and appurtenances thereunto belonging or in any wise appertaining, and ~~all the estate, right, title, interest, claim or demand whatsoever, of the said part 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.~~ the reversion and reversions, remainder and remainders rents issues and profits thereof

To Have and to Hold all and singular the said premises ~~as above described~~ together, with the ~~hereditaments and~~ appurtenances, unto the said parties of the second part, and to their heirs and assigns forever.

~~And the said~~ ~~heirs, executors and administrators do covenant, grant, bargain and agree to and with the said~~ ~~for~~ ~~heirs and assigns, that at the time of the ensealing and delivery of these presents~~ ~~part of the second part~~ ~~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 encumbrances whatever~~ ~~and that the above bargained premises in the quiet and peaceable possession of the said part of the second part heirs and assigns against all and every person or persons lawfully claiming the whole or any part thereof will forever warrant and defend.~~

In Witness Whereof, the said parties of the first part have hereunto set their hands and seals the day and year first above written.

Signed, Sealed and Delivered in presence of
Leon R Conklin
Notary Public

(Internal Revenue) $50c

William D. Richards [Seal]
Otillie Richards [Seal]
[Seal]

STATE OF ~~WISCONSIN~~ California
COUNTY OF ~~MANITOWOC~~ Los Angeles

~~BE IT REMEMBERED, That~~ on this 30th day of December in the year one thousand nine hundred and eighteen ~~A. D., 191~~ ~~personally came~~ before me ~~the above named~~ Leon R Conklin a Notary Public in and for said County residing therein duly commissioned and sworn personally appeared William D. Richards and Otillie Richards his wife to me known to be the persons ~~who executed the~~ ~~Deed and acknowledged the same to be~~ ~~free act and deed, for the uses and purposes therein mentioned.~~ whose names are subscribed to the within instrument, and acknowledged to me that they executed the same

Witness my hand and official seal

Received for Record this 14 day of Jan A. D., 1919 at 3 o'clock P. M.

and recorded in Vol. 118 of Deeds, on page 301

Jos Bahoski
Register of Deeds.

NOTARIAL SEAL

Leon R. Conklin
Notary Public in and for said Los Angeles County State of California
My Commission Expires Dec 4 1919

WARRANTY DEED

Brandt Printing & Binding Co.

832

Edward M Platt and Alida K. Platt, husband and wife, grantors of Chicago Illinois, hereby convey and warrant to Oliver McMillen and Arthur H. Pitzs grantors of Manitowoc County, Wisconsin, ~~hereby~~

~~Convey and Warrant to~~

~~grantor~~, of ~~County, Wisconsin~~, for the sum of

Two Thousand Five Hundred Dollars ($2500.00) Dollars, the following tract of land in Manitowoc County, ~~in the State of~~ the City of Manitowoc Wisconsin, to wit

Lot No. Five (5) in Block No. One Hundred Eighty-four (184) in the said city of Manitowoc according to the recorded plat thereof subject, however, to the rights of Guse Lumber Company therein as tenant of the said Edward M Platt.

$250 Rev

~~Witness~~ the hand and seal of said grantors, this 25th day of February 1918

In presence of

E. G. Nash

Grethe Halvorsen

Edward M Platt [Seal]

Alida K. Platt [Seal]

[Seal]

[Seal]

STATE OF WISCONSIN,
Manitowoc County, } ss.

Personally came before me this 25th day of February A. D. 1918, ~~the above named~~ Edward M Platt and Alida K. Platt husband and wife

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

E. G. Nash
Notary Public, Wisconsin

Notarial Seal

My Commission expires April 28 1918
(To be filled in if signed by a Notary Public)

Received for Record this 26 day of Feb. A. D. 1918, at 2:07 o'clock P. M., and recorded in Vol 107 of Deeds on page 349.

Gus V Eggert Register of Deeds

852067

627

VOL 1416 PAGE 627

Document Number

GROUNDWATER USE RESTRICTION

FEB 22 2000

STATE OF WISCONSIN - MANITOWOC COUNTY
PRESTON JONES, REGISTER OF DEEDS
RECEIVED FOR RECORD

10 FEB 2000 2:45:18 PM

COPY

Declaration of Restrictions

In Re: Lot 4 and 5 of Block 184 of Original Plot of City of Manitowoc

Recording Area

Name and Return Address :
Mr. Erich Pitz
McMullen & Pitz
17 Maritime Drive
Manitowoc, WI 54221

14 ca

STATE OF WISCONSIN)
) ss
COUNTY OF MANITOWOC)

Parcel Identification Number (PIN)

WHEREAS, McMullen and Pitz Construction Company is the owner of the above-described property.

WHEREAS, one or more gasoline discharges have occurred at this property. Benzene contaminated groundwater above the ch. NR 140 Wis. Adm. Code enforcement standard exists on this property at the Sump located in the backfill where the former underground storage tank was installed. Three former monitoring wells (MW-1 to MW-3) indicated the extent of groundwater contamination was limited. The sump location and concentration of contaminants present in the groundwater is shown on the attached Figure 1, hereby made part of this restriction. The estimated extent and contaminant concentration of remaining soil contamination is also shown on Figure 1.

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

WHEREAS, natural attenuation has been approved by the Department of Natural Resources to remediate groundwater exceeding ch. NR 140 Wis. Adm. Code groundwater standards within the boundaries of this property.

WHEREAS, construction of wells where the water quality exceeds the drinking water standards in ch. NR 809 Wis. Adm. Code is restricted by chs. NR 811 and NR 812 Wis. Adm. Code. Special well construction standards or water treatment requirements, or both or well construction prohibitions may apply.

NOW THEREFORE, the owner hereby declares that all of the property described above is held and shall be held, conveyed or encumbered, leased, rented, used, occupied and improved subject to the following limitation and restrictions:

> Anyone who proposes to construct or reconstruct a well on this property is required to contact the Department of Natural Resources' Bureau of Drinking Water and Groundwater, or its successor agency, to determine what specific requirements are applicable, prior to constructing or reconstructing a well on this property. No well may be constructed or reconstructed on this property unless applicable requirements are met.
>
> If construction is proposed on this property that will require dewatering or if contaminated groundwater is otherwise extracted from this property in the future, the groundwater must be sampled and analyzed and must be managed in compliance with applicable laws and regulations.

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 benefits and is enforceable by, the Wisconsin Department of Natural Resources, its successors and 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 the restrictions set forth in this covenant are no longer required. Upon 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, with a copy of the Department's written determination, may be recorded to give notice that this groundwater use restriction is no longer binding.

IN WITNESS WHEREOF, the owner of the property has executed this Declaration of Restrictions, this 10th day of February, 2000.

By signing this document, Erich W Pitz acknowledges that he is duly authorized to sign this document on behalf of McMullen and Pitz.

Signature: [signature]

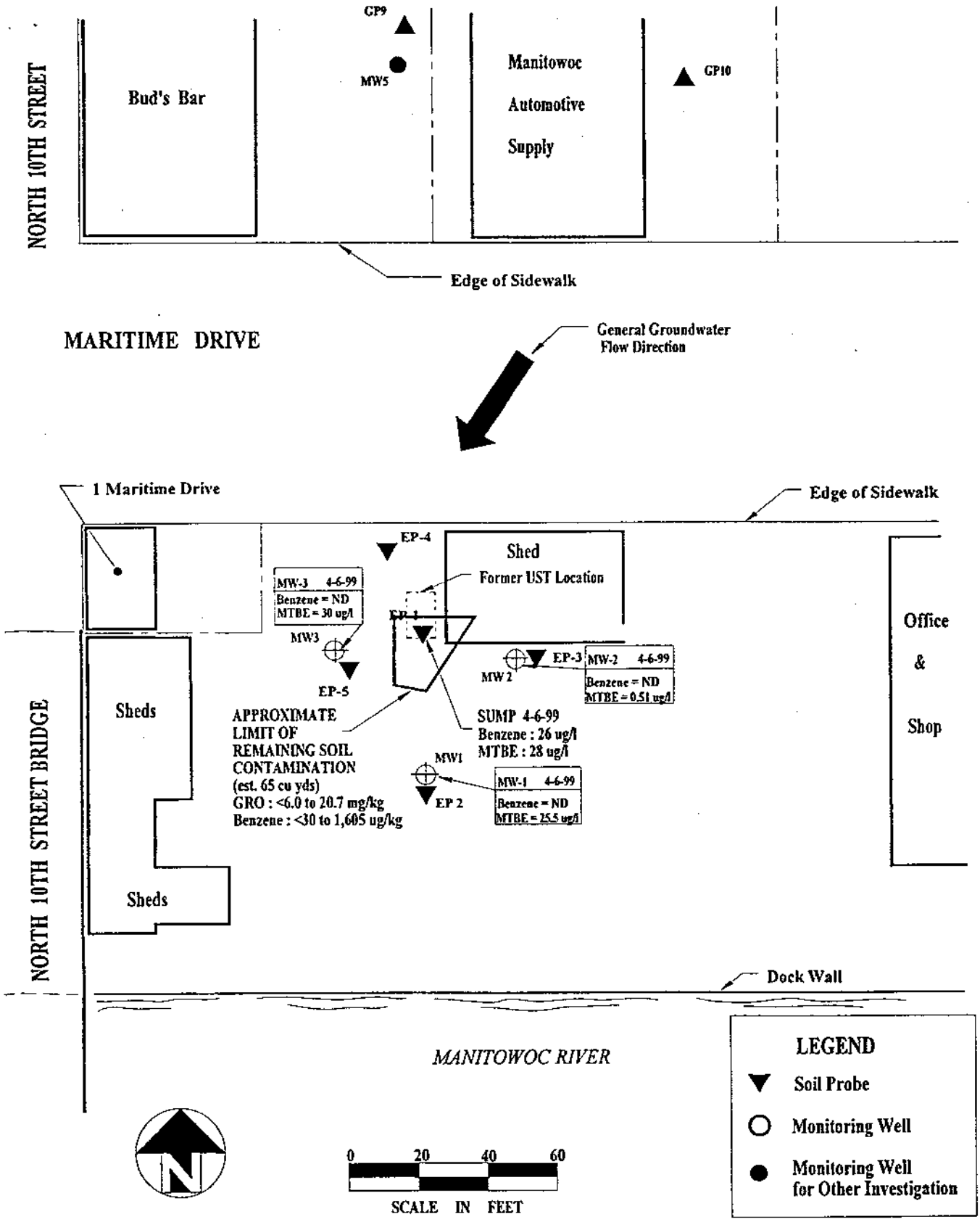
Printed Name: Erich W Pitz

Title: President

Subscribed and sworn to before me
this 10th day of February, 2000.

Kathleen Hackmann
Notary Public, State of Wisconsin
My commission 11-11-2001

DRAFTED BY KEN EBBOTT OF ALPHA TERRA SCIENCE USING INFORMATION PROVIDED BY THE WISCONSIN DEPARTMENT OF NATURAL RESOURCES.



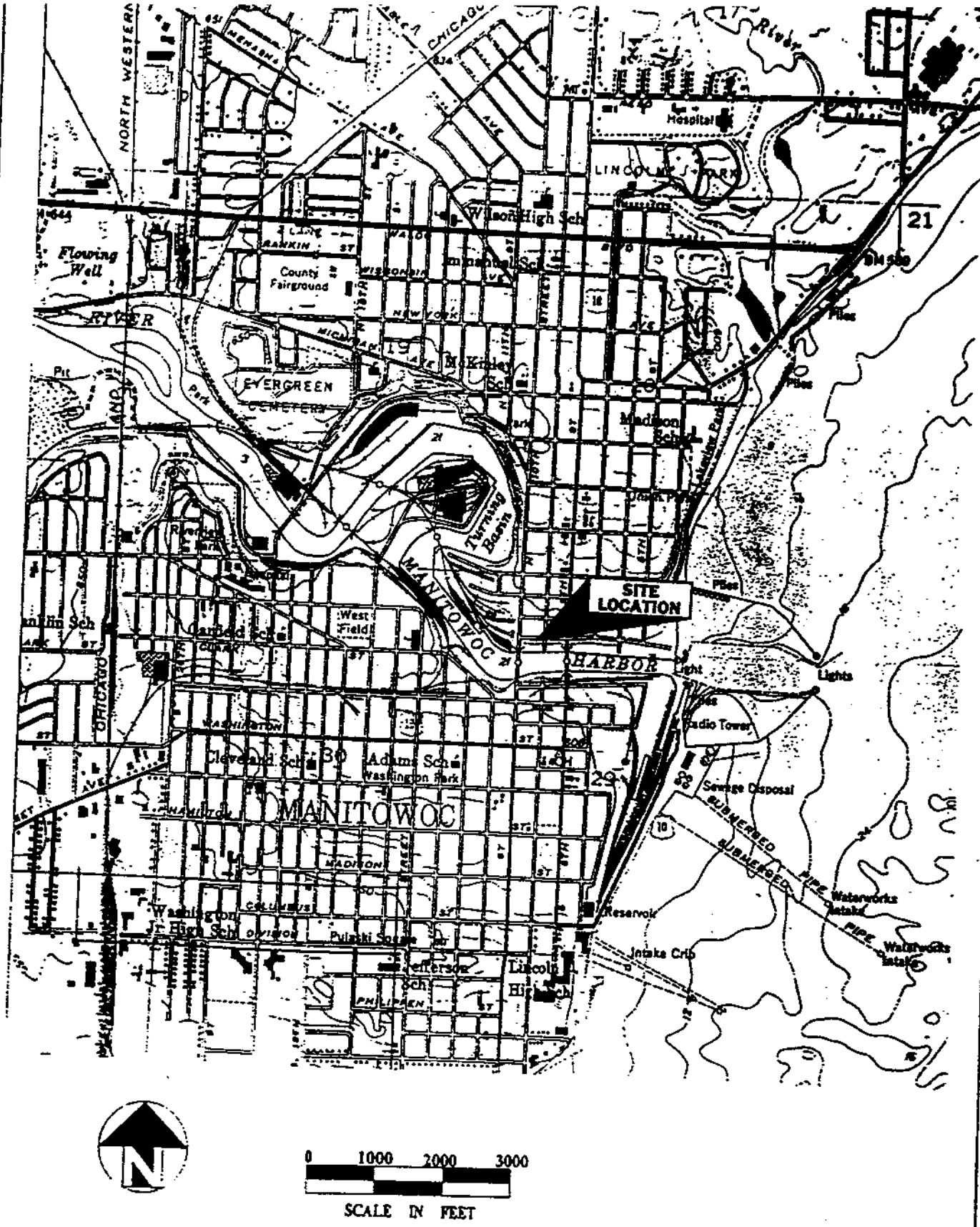
Title: **Figure 1: Site Layout and April 1999 Groundwater Chemistry Results**

Project: REMEDIAL ACTION AT MCMULLEN & PITZ CONSTRUCTION CO.

Client: MCMULLEN & PITZ CONSTRUCTION CO.

ALPHA TERRA SCIENCE

SCALE: 1" = 40'	DWG NO: DEEDREST
DRAWN BY: KAE	DATE: 12-15-99



Source: USGS Manitowoc 7.5' Quadrangle

Title: FIGURE 1 - SITE LOCATION

Project: SITE INVESTIGATION OF MCMULLEN & PITZ CONSTRUCTION CO.

Client: MCMULLEN & PITZ CONSTRUCTION CO.

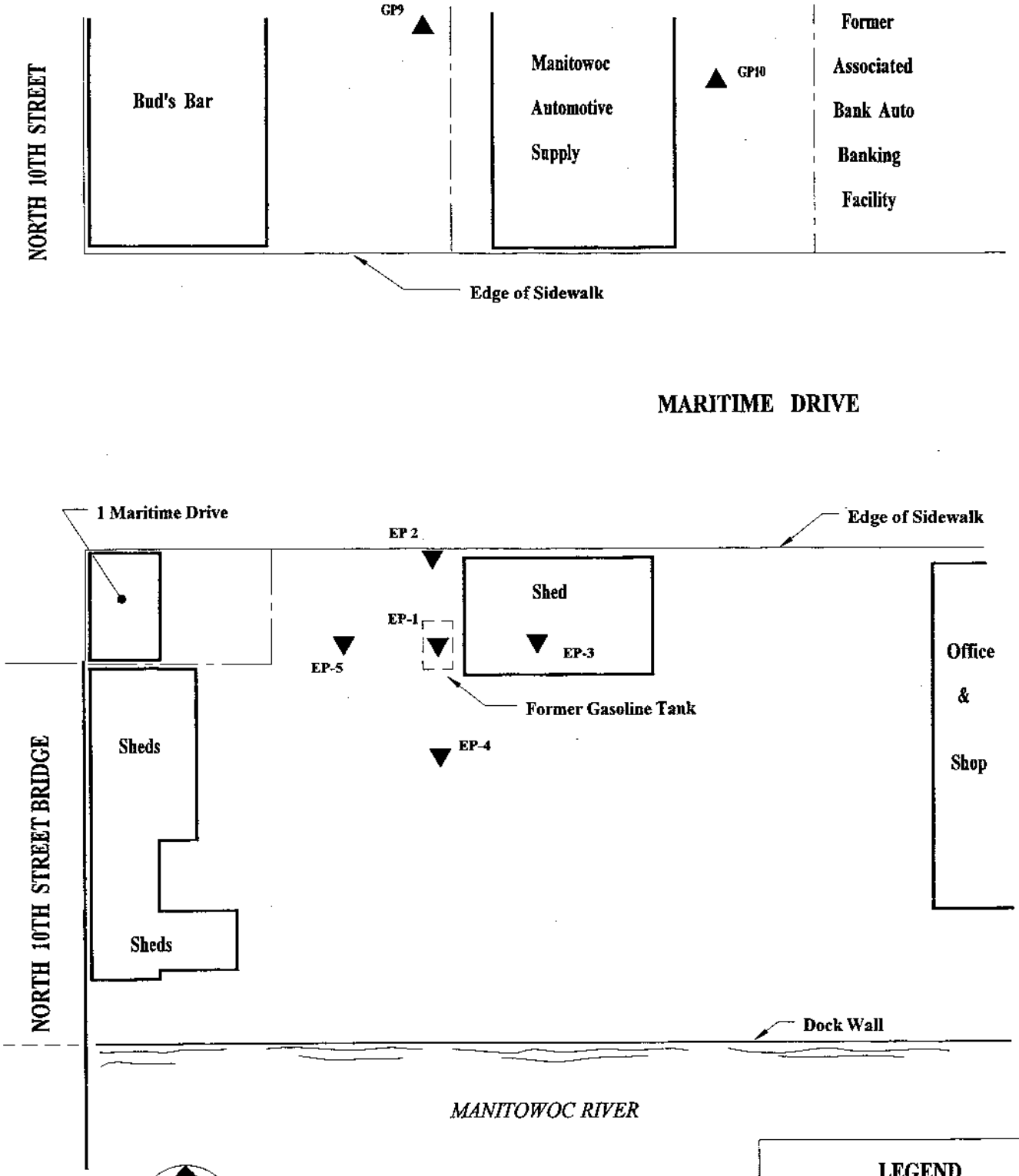
ALPHA TERRA SCIENCE

SCALE: 1" = 2000'

DWG NO: FIG1-WP.SKD

DRAWN BY: JPR

DATE: 6-30-97

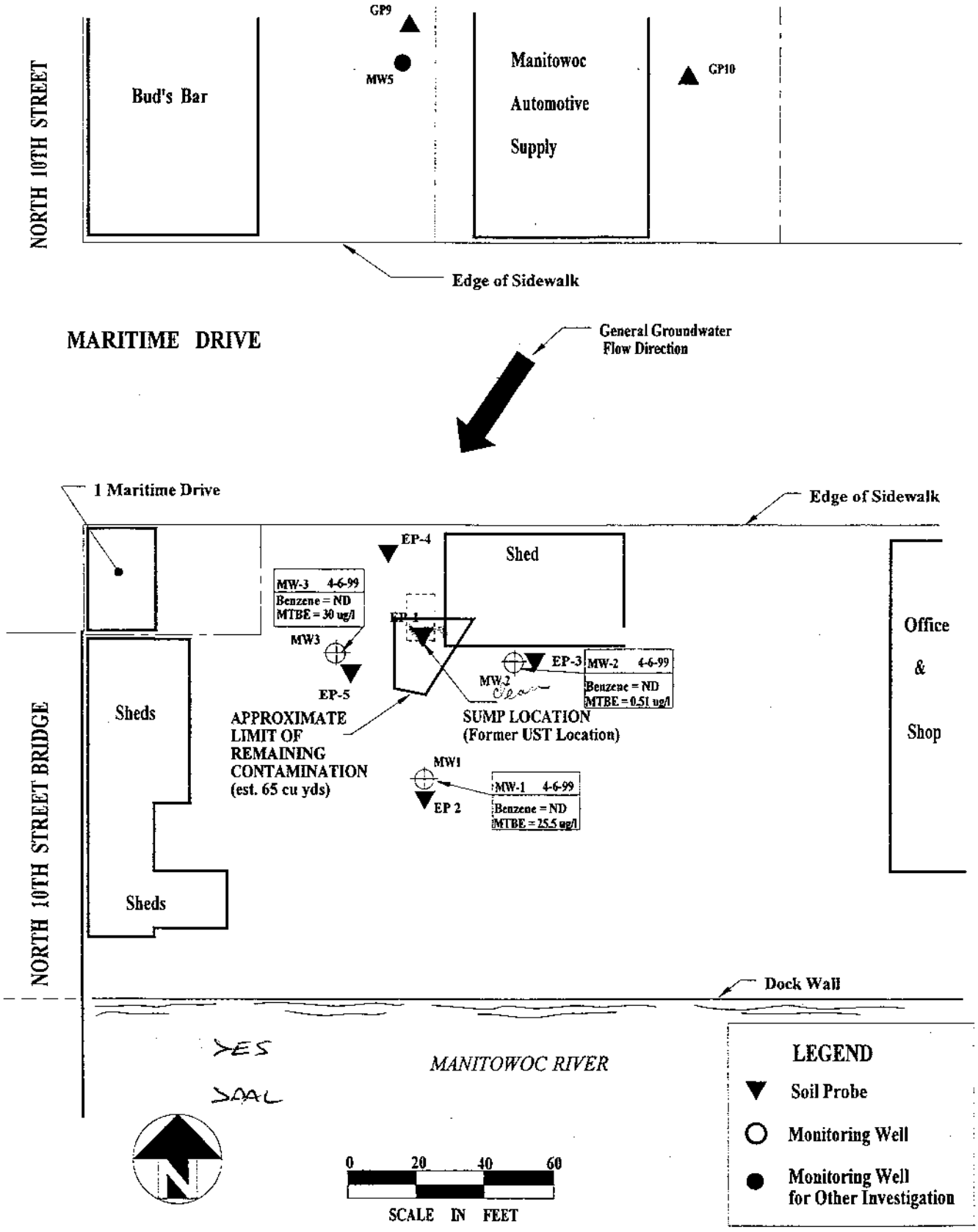


Title: FIGURE 2 - SITE PLAN AND BORING LOCATIONS

Project: SITE INVESTIGATION OF MCMULLEN & PITZ CONSTRUCTION CO.

Client: MCMULLEN & PITZ CONSTRUCTION CO.

SCALE: 1" = 40'	DWG NO: FIG2-WP.SKD
DRAWN BY: JPR	DATE: 9-29-97



Title: **Figure 3: Site Layout and April 1999 Groundwater Chemistry Results**

Project: REMEDIAL ACTION AT MCMULLEN & PITZ CONSTRUCTION CO.

Client: MCMULLEN & PITZ CONSTRUCTION CO.

ALPHA TERRA SCIENCE

SCALE: 1" = 40'	DWG NO: FIG4-RA.SKD
DRAWN BY: DMG	DATE: 7-2-99

Table 2 - Summary of Groundwater Analytical Data (Page 3)
Remedial Action - McMullen & Pitz

Sampling Location		MW-3					SUMP				NR140 ES/PAL (ug/l)
Sample ID		MW-3	Remedial Excavation	W Well	MW-3	MW-3	Remedial Excavation	Sump	Sump	Sump	
Sample Depth below Ground Surface		4-14'		4-9'	4-9'	4-9'		4-9'	4-9'	4-9'	
Sampling Date		27-Feb-98	27-Sep-98	30-Sep-98 See Note 4	19-Feb-99	6-Apr-99	27-Sep-98	30-Sep-98	19-Feb-99	6-Apr-99	
Parameter	Units										
VOC											
Benzene	ug/l	<0.5		<0.5	<0.26	<0.26		6.75	34	26	5/0.5
Ethyl Benzene	ug/l	<1.0		<1.0	<0.24	<0.24		5.21	0.97	1.00	700/140
p-Isopropyltoluene	ug/l	<1.0		NA	NA	NA		NA	NA	NA	NS
Methyl-tert-Butyl Ether	ug/l	56.7		22.9	30	30		<5.0	46	28	60/12
Total Trimethylbenzenes	ug/l	<2.0		<2.0	<1.40	<1.40		13.54	4.37	18	480/96
Toluene	ug/l	<1.0		<1.0	<0.21	<0.24		<5.0	<0.21	0.34	343/68.6
Total Xylene	ug/l	<2.0		<2.0	<1.34	<1.34		80.3	4.44	4.3	620/124
LEAD											
Lead, Filtered	ug/l	<1.0		NA	NA	NA		NA	NA	NA	15/1.5
GRO											
Gasoline Range Organics	ug/l	<50		<50	<50	<50		2,000	110	140	NS

Notes:

(1) NS = No Standard, ug/l = micrograms per liter or parts per billion, ug/kg = micrograms per kilogram or parts per billion.
(2) ES=Groundwater Enforcement Standard, PAL= Groundwater Preventive Action Limit.
(3) Only detected parameters and PVOC parameters are listed.
(4) Well No. MW-3 was damaged during remedial action: bottom 5' of well was filled with clean crushed stone.

Key:

= Preventive Action Limit Exceedance
= Enforcement Standard Exceedance