

## **GIS Registry Disclaimer**

This case was closed by the DNR prior to August 1, 2002, when DNR began adding approved cleanups with residual soil contamination into the GIS Registry. Certain documents that are currently required by ch. NR 726, Wis. Adm. Code may therefore not be included in this packet as they were unavailable at the time the original case was closed.

The information contained in this document was assembled by DNR from a previously closed case file, and added to the GIS Registry to provide the public with information on closed sites with residual soil and/or groundwater contamination remaining above applicable state standards.

# GIS REGISTRY

## Cover Sheet

July, 2008  
(RR 5367)

### Source Property Information

BRRTS #:

ACTIVITY NAME:

PROPERTY ADDRESS:

MUNICIPALITY:

PARCEL ID #:

CLOSURE DATE:

FID #:

DATCP #:

COMM #:

#### \*WTM COORDINATES:

X:  Y:

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

#### WTM COORDINATES REPRESENT:

Approximate Center Of Contaminant Source

Approximate Source Parcel Center

Please check as appropriate: (BRRTS Action Code)

#### Contaminated Media:

Groundwater Contamination > ES (236)

Contamination in ROW

Off-Source Contamination

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

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

Contamination in ROW

Off-Source Contamination

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

#### Land Use Controls:

Soil: maintain industrial zoning (220)

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

Structural Impediment (224)

Site Specific Condition (228)

Cover or Barrier (222)

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

Vapor Mitigation (226)

Maintain Liability Exemption (230)

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

Monitoring wells properly abandoned? (234)

Yes  No  N/A

*\* Residual Contaminant Level*

*\*\*Site Specific Residual Contaminant Level*

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

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

BRRTS #:  PARCEL ID #:

ACTIVITY NAME:  WTM COORDINATES: X:  Y:

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

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

**SOURCE LEGAL DOCUMENTS**

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

**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 #: na**                      **Title: na**
- Detailed Site Map:** A map that shows all contaminated properties within site boundaries, showing buildings, roads, property boundaries, contaminant sources, utility lines, monitoring wells and potable wells. This map shows 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 Generic Residual Contaminant Level (GRCL) or a Site Specific Residual Contaminant Levels (SSRCL) as determined under s. NR 720.09, 720.11 and 720.19.  
**Figure #: na**                      **Title: Soil Sampling Locations**
- Soil Contamination Contour Map:** For sites closing with residual soil contamination, this map shows the location of all soil and a single contour showing the horizontal extent of each area of contiguous residual soil contamination that exceeds a Generic Residual Contaminant Level (GRCL) or a Site Specific Residual Contaminant Level (SSRCL) as determined under s. NR 720.09, 720.11 and 720.19.  
**Figure #: na**                      **Title: Soil Sampling Locations**

BRRTS #: 02-45-107085

ACTIVITY NAME: Appleton Supply Co

**MAPS (continued)**

- Geologic Cross-Section Map:** A map showing the source location and vertical extent of residual soil contamination exceeding a Generic Residual Contaminant Level (GRCL) 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 #:** na                      **Title:** **Soil and Groundwater Test Results**

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

**Table #:**                      **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 #: 02-45-107085

ACTIVITY NAME: Appleton Supply Co

## NOTIFICATIONS

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

- 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 the RP received confirmation for notifying current source property owner.
- 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 the RP received confirmation 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 boundaries of the contaminated site, for contamination exceeding a groundwater Enforcement Standard (ES) and/or soil exceeding a Generic Residual Contaminant Level (GRCL) or a Site Specific Residual Contaminant Level (SSRCL).

### Number of "Governmental Unit/Right-Of-Way Owner" Letters:



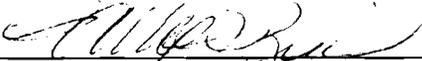
One or more mineral spirit discharges have occurred at this property. Structural impediments existing at the time of cleanup made complete remediation of the contamination impracticable. Mineral spirit contaminated soil may remain on this property at the following locations: Along the southwest corner of the existing building foundation, more specifically near the former **East** post excavation soil sample location. (please see attached maps for location). Pursuant to the requirements of s. 292.11, Stats., any future work on this property which removes the structural impediments which currently exist shall provide for an investigation of the degree and extent of mineral spirit contamination. To the extent that contamination is found at that time, the Wisconsin Department of Natural Resources shall be immediately notified and the contamination shall be properly treated or disposed of in accordance with applicable laws.

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.

By signing this document, Larry L. Rice acknowledges that (he/~~she~~) is duly authorized to sign this document on behalf of Rice Enterprises.

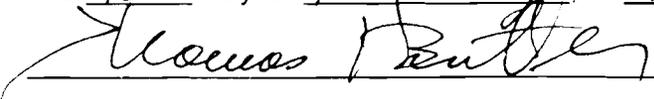
IN WITNESS WHEREOF, the owner of the property has executed this Declaration of Restrictions and Covenants, this 10<sup>th</sup> day of February, 1998.

Signature: 

Printed Name: Larry L. Rice

Title: Partner

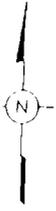
Subscribed and sworn to before me this 10<sup>th</sup> day of February, 1998.



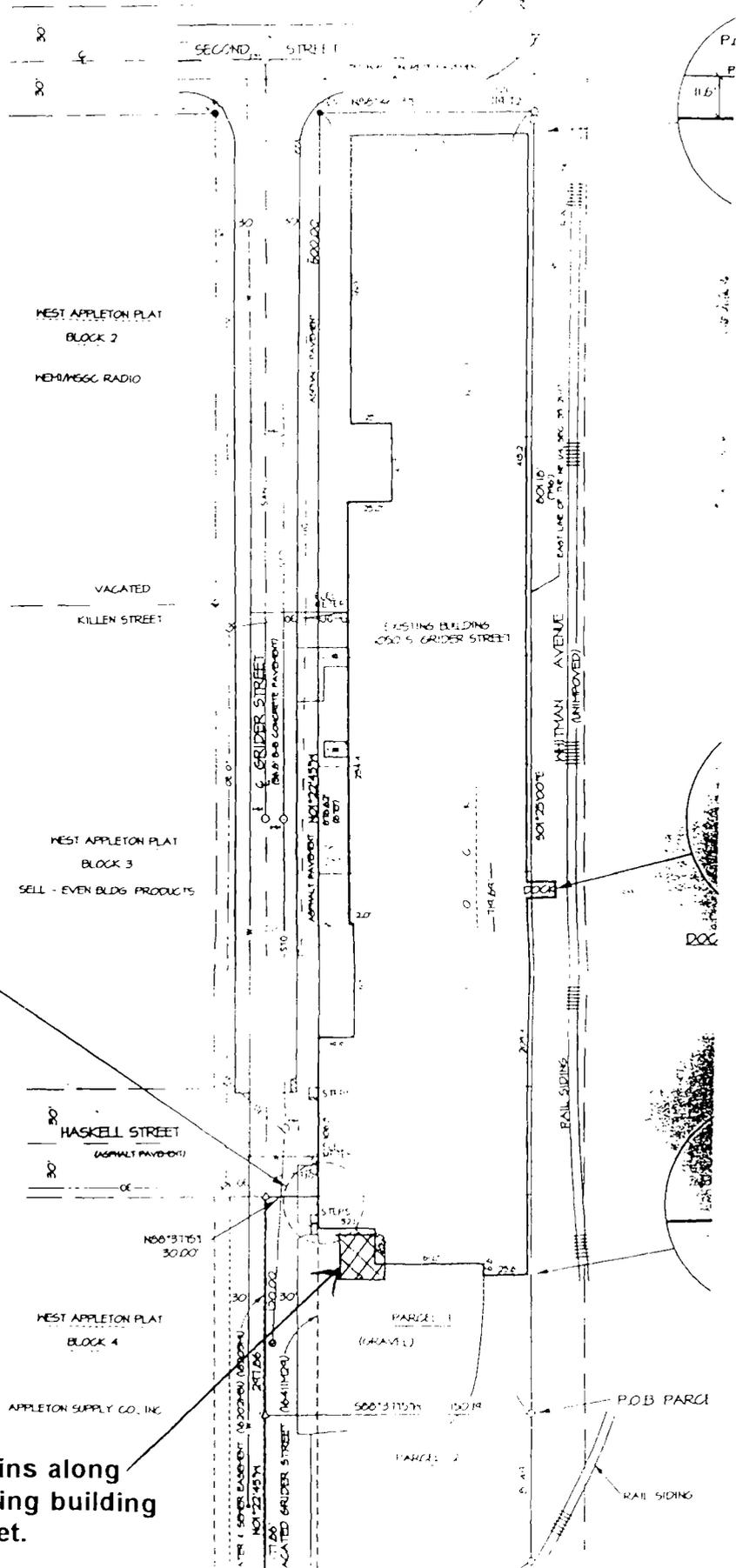
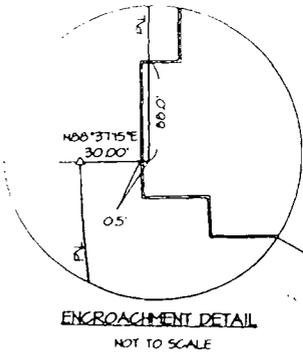
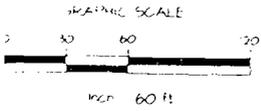
Notary Public, State of Wisconsin

My commission is permanent

This document was drafted by the Wisconsin Department of Natural Resources



Measurements are referenced to the  
East line of the NE 1/4, Sec. 33, 21, 11  
assumed to bear 501°25'00"E



Mineral Spirit impacted soil remains along  
the southwest corner of the existing building  
foundation at 1050 S. Grider Street.

DRAWING NO

APPSUPP.GCD

DRAWN BY.

DMB

CHECKED BY:

JWK

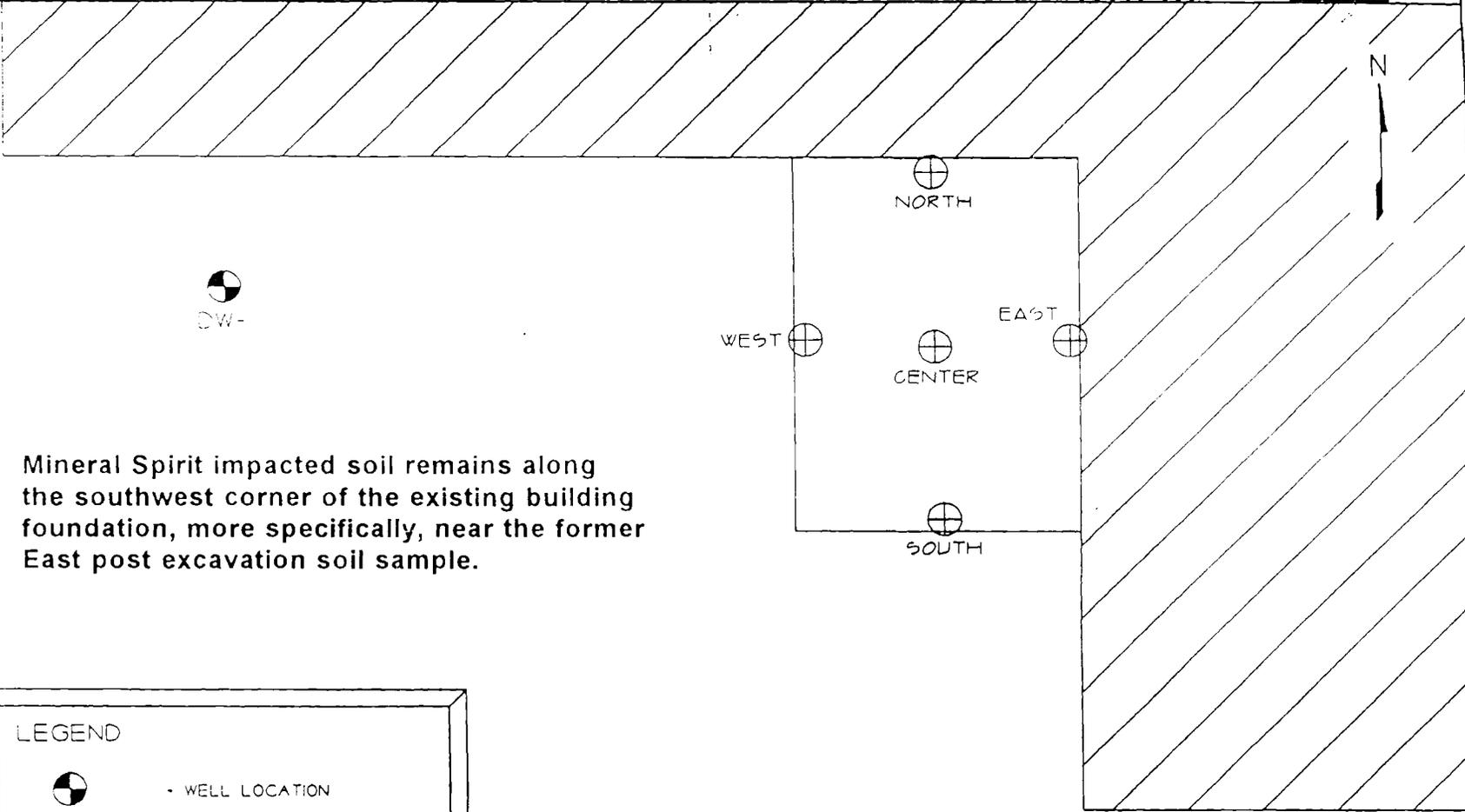
DATE:

MARCH 22, 1996

# BADGER LABORATORIES & ENGINEERING

APPLETON,  
WISCONSIN

CHEMISTS  
ENGINEERS



Mineral Spirit impacted soil remains along the southwest corner of the existing building foundation, more specifically, near the former East post excavation soil sample.

**LEGEND**

-  - WELL LOCATION
-  - SOIL SAMPLE LOCATION
-  - BUILDING

SCALE: 1 INCH = 5 FEET



PROJECT: APPLETON SUPPLY

TITLE: SOIL SAMPLING LOCATIONS

File



State of Wisconsin \ DEPARTMENT OF NATURAL RESOURCES

Tommy G. Thompson, Governor  
George E. Meyer, Secretary  
William R. Selbig, Regional Director

Solid Waste Office  
1298 Lombardi Avenue  
Green Bay, Wisconsin 54304  
TELEPHONE 414-492-5868  
Fax (414) 492-5859

May 7, 1997

Mr. Michael Lorbiecki  
Appleton Supply Co.  
P.O. Box 327  
Appleton, WI 54914

SUBJECT: Case Closure Pending a Deed Restriction . Appleton Supply Co., 1050  
S. Grider Street, Appleton, Wisconsin, WDNR BRR# 02-45-107085

Dear Mr. Lorbiecki:

On May 5, 1997 the Northeast Region Closeout Committee reviewed your request for case closure for the site identified above. The committee has agreed to close this site pending a deed restriction. This deed restriction will state that inaccessible soil contamination remains at this site and that additional remedial action is not feasible at this time. The document would be placed in the file with the deed running with the property.

Only when the deed restriction has been finalized and filed with Outagamie County can this site be closed. To complete the deed notification, the Department requires a complete (unabbreviated) legal description of the property be provided. This may be obtained from the Outagamie County Register of Deeds.

In addition to providing a copy of the unabbreviated deed, you must also provide a completed *Declaration of Restrictions and Covenants*. I have attached an uncompleted model copy that you must follow and fill in with the following specific information:

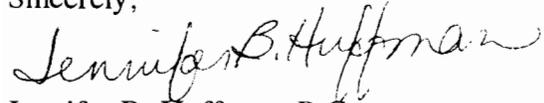
1. Inserted complete, legal description of the property as it appears on the most recent deed.
2. Inserted description of the location or locations on the property where contamination was left in place because structural impediments made a complete cleanup impracticable. This description must be based upon a survey of this location.
3. An attached site map labeled Exhibit A which visually identifies the specific location or locations which were surveyed and described in number 2, above.

As soon as this is submitted, the Department will review the completed deed restriction. If it is accurate, we will ask you to send us a signed copy with proof of filing with Outagamie County for our files. At that time, the site may be closed.

This deed restriction is an option which the Department can offer in order to close this site. If you choose not to accept this option, you may perform additional investigation and cleanup of the remaining contamination. Within **14 days** please submit a letter to the Department documenting your intentions.

If you have any questions, please feel free to contact me at (414) 492-5868.

Sincerely,

A handwritten signature in black ink that reads "Jennifer B. Huffman". The signature is written in a cursive style with a large, sweeping "H" and "M".

Jennifer B. Huffman, P.G.

Hydrogeologist

Remediation and Redevelopment Program

attachment (*Model Declaration of Restrictions and Covenants*)

cc: Joe Kramer - Badger Laboratories, 501 W. Bell Street, Neenah, WI 54956-4868  
(w/attachment)

**WARRANTY DEED**

THIS DEED, made between APPLETON SUPPLY COMPANY, INC., a/k/a APPLETON SUPPLY CO, INC., a Wisconsin corporation, Grantor, and RICE ENTERPRISES, a Wisconsin general partnership, Grantee,

WITNESSETH, that the said Grantor, for a valuable consideration of One Dollar and other valuable consideration conveys to Grantee the following described real estate in Outagamie County, State of Wisconsin:

I hereby certify that this is a true and correct copy of the instrument executed at closing and forwarded to the register of deeds for recording.

SEE ATTACHED EXHIBIT A.

Tax Parcel No.: 31-3-4000

This is not homestead property.

Together with all and singular the hereditaments and appurtenances thereunto belonging; And Grantor warrants that the title is good, indefeasible in fee simple and free and clear of encumbrances except for restrictions of record including without limitation a Declaration of Restrictions and Covenants document which was drafted by the Wisconsin Department of Natural Resources relating to the environmental condition of a portion of the above described parcel, easements of record, zoning ordinances, if any, and general taxes levied in 1997, and will warrant and defend the same.

Dated this 20 day of May, 1997.

APPLETON SUPPLY COMPANY, INC.,  
a/k/a APPLETON SUPPLY CO., INC.

Judson E. Fowler (SEAL)  
Judson E. Fowler, President

**ACKNOWLEDGMENT**

STATE OF WISCONSIN )  
 ) ss.  
COUNTY OF OUTAGAMIE )

Personally came before me this 20 day of May, 1997, the above-named Judson E. Fowler, as President of Appleton Supply Company, Inc., a/k/a Appleton Supply Co., Inc., to me known to be the person who executed the foregoing instrument and acknowledged the same.

Reaga C. Uenver  
Notary Public, State of Wisconsin  
My Commission:  
APRIL 1 2001

This instrument was drafted by:  
Attorney Joseph F. Franzoi IV  
514 Racine Street  
Menasha, WI 54952  
(414) 725-3916

EXHIBIT A

PARCEL I:

Lots One (1) through Twelve (12), in Block One (1), WEST APPLETON PLAT OF THE SECURITY LAND COMPANY, City of Appleton, Outagamie County, Wisconsin.

PARCEL II:

Part of the vacated portion of Grider Street lying South of Haskell Street, and adjacent to Lot Eleven (11) and Twelve (12), Block One (1), WEST APPLETON PLAT OF THE SECURITY LAND COMPANY, City of Appleton, Outagamie County, Wisconsin, described as follows: Beginning at the Northwest corner of said Lot Eleven (11); thence  $S01^{\circ}22'45''E$ , along the West line of said Block One (1), 120.00 feet; thence  $S88^{\circ}37'15''W$ , along the South line of Lot Twelve (12) extended, 30.00 feet; thence  $N01^{\circ}22'45''W$ , along the centerline of vacated Grider Street, 120.00 feet; thence  $N88^{\circ}37'15''E$ , along the North line of Lot Eleven (11) extended, 30.00 feet to the point of beginning.

.....

FEET

60	60	60	60	60
5	4	3	2	1
Block 2				
8	9	10	11	12
60	60	60	60	60

FEET

60	60	60	60	60
5	4	3	2	1
Block 3				
8	9	10	11	12
60	60	60	60	60

FEET

60	60	60	60	60
5	4	3	2	1
Block 4				
8	9	10	11	12
60	60	60	60	60

FEET

60	60	60	100
4	3	2	1
Block 5			

GRIDER

STREET

120	60
1	60
2	60
3	60
4	60
5	60
6	60
7	60
8	60
9	60
10	60
11	60
12	60
13	60
14	60

R.R. TRACK

R.R. TRACK

R.R. TRACK

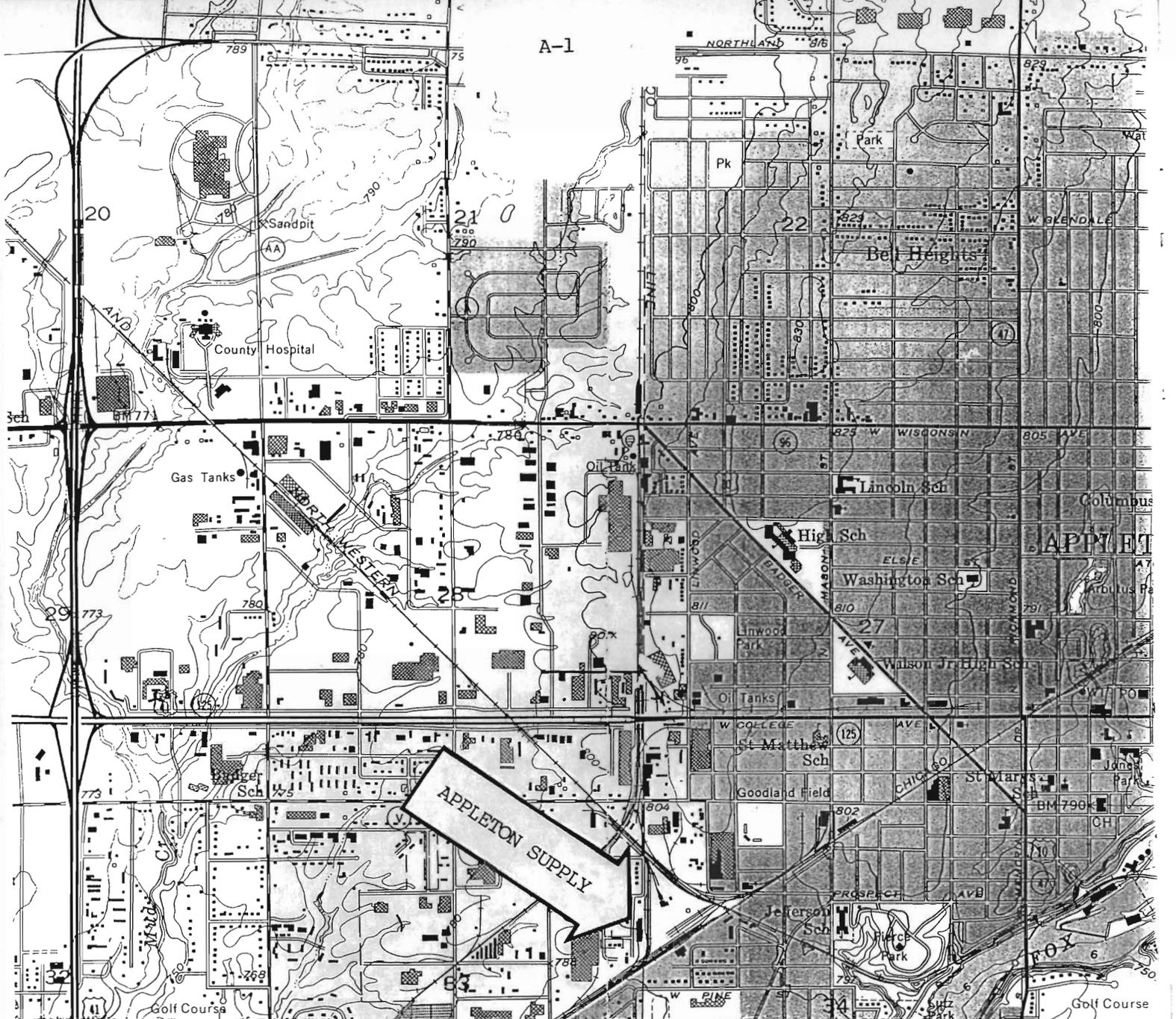
CITY LIMITS

Survey  
I hereby certify that the  
Plat as represented  
It is  
East quarter of section  
No 17 East of the 4<sup>th</sup>  
Beginning  
side of said 1/4 sec  
center of second str  
the center of said  
center of Perkins  
thence North 87 deg  
the West line of the  
line 796 feet to the  
This  
under direction of  
That is  
tenor boundary of the  
made  
That I have  
101 of the Revised to  
the same.  
Surveyed  
Set 3 deg East

We hereby certify that  
in the foregoing cert  
mapped by reference  
attached the seal of  
Witness our  
the 21<sup>st</sup> day of July  
In Presence of  
A. B. Whitman  
Grace Beck  
State of Wisconsin



A-1

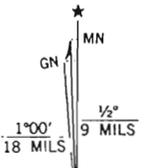
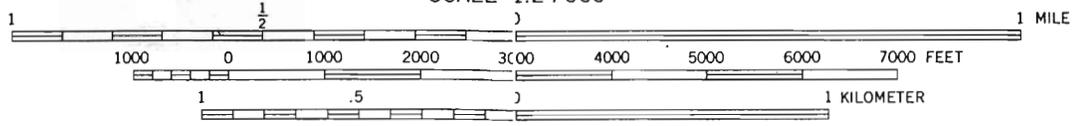


APPLETON SUPPLY

383 27'30" 384 385 (NEENAH) 3372 III NW 386 25' 0.4 MI. TO HY. BB NEENAH (CITY HALL) 5.8 MI.

SCALE 1:24 000

0.2 MI. TO JUNC. MENASHA (CITY H)



EXP  
107075

CONTOUR INTERVAL 10 FEET  
NATIONAL GEODETIC VERTICAL DATUM OF 1929  
DEPTH CURVES AND SOUNDINGS IN FEET—DATUM IS NORMAL POOL LEVEL

THIS MAP COMPLIES WITH NATIONAL MAP ACCURACY STANDARDS  
FOR SALE BY U. S. GEOLOGICAL SURVEY, RESTON, VIRGINIA 22092  
AND WISCONSIN GEOLOGICAL AND NATURAL HISTORY SURVEY, MADISON, WISCONSIN 53706  
A FOLDER DESCRIBING TOPOGRAPHIC MAPS AND SYMBOLS IS AVAILABLE ON REQUEST

AND 1984 MAGNETIC NORTH  
AT CENTER OF SHEET

QUADRAN  
Revisions shown  
photographs taken  
This information  
Purple tint indica

DRAWING NO

APPSUPP.GCD

DRAWN BY.

DMB

CHECKED BY:

JWK

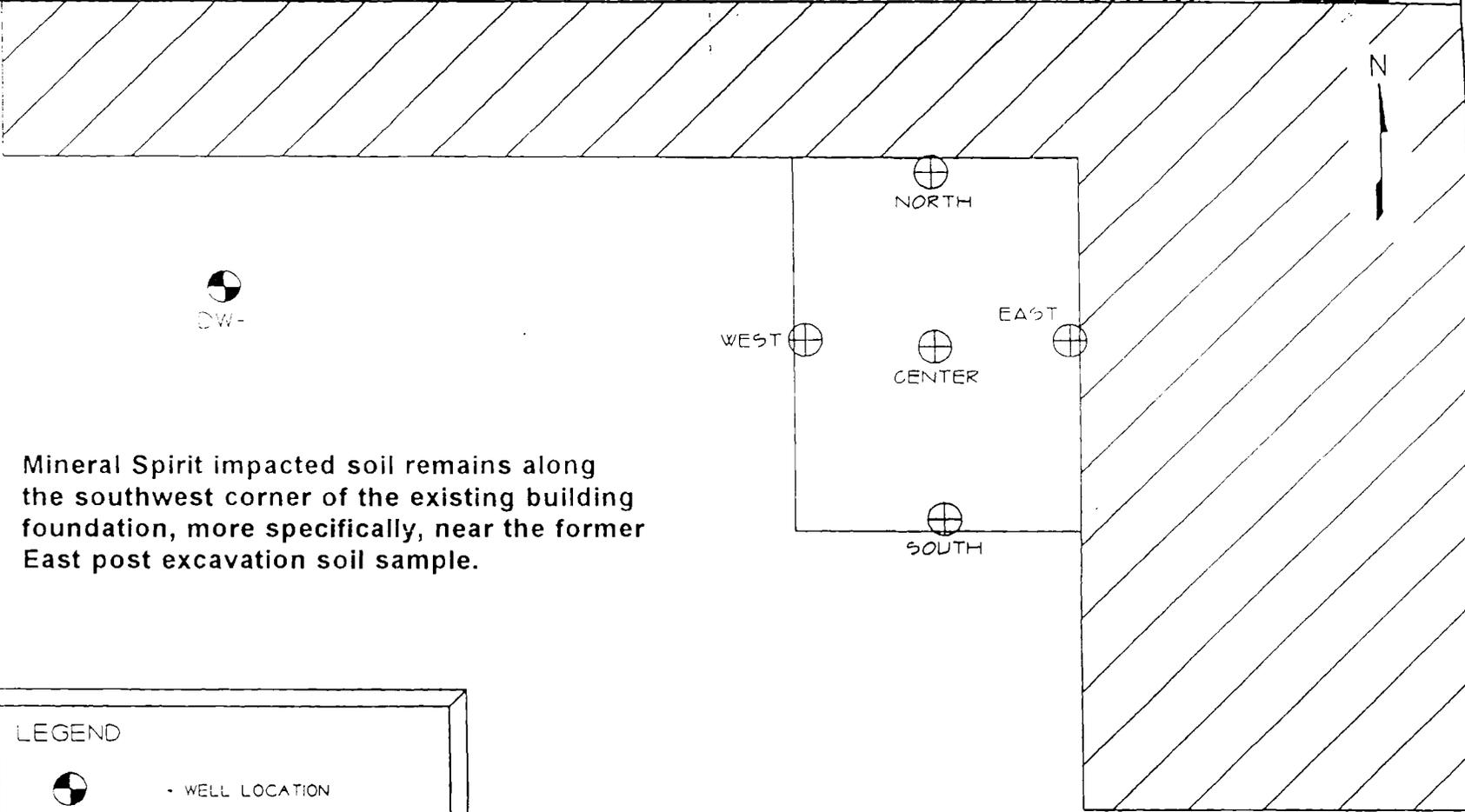
DATE:

MARCH 22, 1996

# BADGER LABORATORIES & ENGINEERING

APPLETON,  
WISCONSIN

CHEMISTS  
ENGINEERS



Mineral Spirit impacted soil remains along the southwest corner of the existing building foundation, more specifically, near the former East post excavation soil sample.

**LEGEND**

-  - WELL LOCATION
-  - SOIL SAMPLE LOCATION
-  - BUILDING

SCALE: 1 INCH = 5 FEET



PROJECT: APPLETON SUPPLY

TITLE: SOIL SAMPLING LOCATIONS

Ms. Kathleen Thunes  
 Martenson & Eisele, Inc.

March 21, 1996  
 Appleton Supply Co. Soil Investigation

3-4-96

Soil and Groundwater Test Results (mg/kg)						Potable
Sample	North	South	East	West	Center	Well
sec-Butyl-benzene	x	x	14.2	x	0.0845	x
tert-Butyl-benzene	x	x	x	x	0.108	x
n-Pro-pylbenzene	x	x	16.6	x	0.101	x
Trichlor-oethylene	x	0.0310	x	x	x	x
1,2,4--Tri-methyl-benzene	0.0488	x	9.76	x	0.0534	x
1,3,5-Tri-methyl-benzene	x	x	7.36	x	0.0483	x
o-Xylene & Styrene	0.0435	0.165	5.59	0.097	0.112	x
GRO	x	x	2310	x	7.9	x
Benzo(a)-anthracene	x	x	0.057	x	x	x
Benzo(b)-fluoran-thene	x	x	0.0085	x	x	x
Benzo(k)fluoranthene	x	x	0.0060	x	x	x
Benzo(a)-pyrene	x	x	0.011	x	x	x
Indeno-(1,2,3-cd)-pyrene	x	x	0.0056	x	x	x