

GIS REGISTRY

Cover Sheet

May, 2009
(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:

- | | |
|--|--|
| <input type="checkbox"/> Groundwater Contamination > ES (236) | <input checked="" type="checkbox"/> Soil Contamination > *RCL or **SSRCL (232) |
| <input type="checkbox"/> Contamination in ROW | <input checked="" type="checkbox"/> Contamination in ROW |
| <input type="checkbox"/> Off-Source Contamination
<i>(note: for list of off-source properties
see "Impacted Off-Source Property")</i> | <input type="checkbox"/> Off-Source Contamination
<i>(note: for list of off-source properties
see "Impacted Off-Source Property")</i> |

Land Use Controls:

- | | |
|--|--|
| <input type="checkbox"/> N/A (Not Applicable) | <input checked="" type="checkbox"/> Cover or Barrier (222)
<i>(note: maintenance plan for
groundwater or direct contact)</i> |
| <input type="checkbox"/> Soil: maintain industrial zoning (220)
<i>(note: soil contamination concentrations
between non-industrial and industrial levels)</i> | <input type="checkbox"/> Vapor Mitigation (226) |
| <input type="checkbox"/> Structural Impediment (224) | <input type="checkbox"/> Maintain Liability Exemption (230)
<i>(note: local government or economic
development corporation)</i> |
| <input type="checkbox"/> Site Specific Condition (228) | |

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 #: 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** (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 #: 10302009 Title: ALTA/ACSM LAND TITLE SURVEY
- 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 - STORY STREET HISTORIC TANK
- 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 #: 1A Title: SITE MAP - STORY STREET HISTORIC TANK
- 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 #: 5A / 5B Title: LEAD / NAPHTHALENE CONCENTRATIONS IN SOIL

BRRTS #: 02-45-554623

ACTIVITY NAME: Story St Historic Tank

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 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 #: 02-45-554623

ACTIVITY NAME: Story St Historic Tank

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: 1



State of Wisconsin \ DEPARTMENT OF NATURAL RESOURCES

Jim Doyle, Governor
Matthew J. Frank, Secretary
Ronald W. Kazmierczak, Regional Director

Oshkosh Service Center
625 East County Road Y, STE. 700
Oshkosh, WI 54901-9731

FAX 920-424-4404

February 26, 2010

MR DON DRAXLER
PIERCE MANUFACTURING INC
2600 AMERICAN DR
APPLETON WI 54914

SUBJECT: Final Case Closure with Continuing Obligations
Story Street – Historic Tank, 315 S. Pierce Ave., Appleton, WI
WDNR BRTS Activity #: 02-45-554623

Dear Mr. Draxler:

On February 22, 2010, the Northeast Regional 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 February 25, 2010, the Department received information or documentation indicating that you have complied with the requirements for final closure. Specifically, abandonment forms for temporary wells, GP-12 and GP-19, were received.

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

GIS Registry

This site will be listed on the Remediation and Redevelopment Program's GIS Registry. The specific reasons are summarized below:

- Pavement, an engineered cover or a soil barrier must be maintained over contaminated soil and the state must approve any changes to this barrier.

This letter and 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 the property is listed on the GIS Registry because of remaining contamination and you intend to construct or reconstruct a well, you will need prior Department approval in accordance with s. NR 812.09(4)(w), Wis. Adm. Code. To obtain approval, Form 3300-254 needs to be completed and submitted to the DNR

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

Closure Conditions

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

Cover or Barrier

Pursuant to s. 292.12(2)(a), Wis. Stats., the **pavement** that currently exists at **GP-19**, shown on the attached map, shall be maintained in compliance with **the attached maintenance plan** in order to prevent direct contact with residual contamination of lead and polycyclic aromatic hydrocarbons (PAHs) that might otherwise pose a threat to human health. In addition., the **pavement or other impervious cap** that currently exists at **GP-12**, shown on the attached map, shall be maintained in compliance with **the attached maintenance plan** in order to minimize the infiltration of water and prevent additional groundwater contamination that would violate the groundwater quality standards in ch. NR 140, Wis. Adm. Code, and to prevent direct contact with residual soil contamination that might otherwise pose a threat to human health.

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

Prohibited Activities

The following activities are prohibited on any portion of the property where a building foundation, or other barrier is required as shown on the attached map, unless prior written approval has been obtained from the Wisconsin Department of Natural Resources: 1) removal of the existing barrier; 2) replacement with another barrier; 3) excavating or grading of the land surface; 4) filling on capped or paved areas; 5) plowing for agricultural cultivation; 6) construction or placement of a building or other structure.

Post-Closure Notification Requirements

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

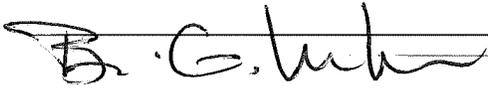
- Disturbance, construction on, change or removal in whole or part of pavement, an engineered cover or a soil barrier that must be maintained over contaminated soil.

Please send written notifications in accordance with the above requirements to:

Jennifer Borski
Department of Natural Resources
625 E Cty Rd Y, STE 700
Oshkosh, WI 54901-9731

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 Jennifer Borski in Oshkosh at (920) 424-7887.

Sincerely,



Bruce Urben, Team Supervisor
Northeast Region, Remediation & Redevelopment Program

Attachments:

Cover / Barrier Maintenance Plan, Story Street Historic Tank, Pierce Manufacturing, Inc.

Exhibit A: Figure Number 5A: *Lead Concentrations in Soil*, January 12, 2010

Figure Number 5B: *Naphthalene Concentrations in Soil*, February 2010

Exhibit B: *Cover / Barrier Inspection Log*

Copy: K. Harkness, City of Appleton
File – Pierce Mfg (former) Redevelopment, WDNR BRRTS #06-45-553959

Electronic copy:

M. Magee, AECOM, mark.magee@aecom.com

B. Wayner, OMNNI, brian.wayner@omni.com

Cover / Barrier Maintenance Plan
Story Street Historic Tank
Pierce Manufacturing, Inc.
315 South Pierce Avenue
Appleton, Wisconsin
WDNR BRRTS Activity No. 02-45-554623

Introduction

This document outlines the Maintenance Plan for a cover / barrier associated with the Story Street Historic Tank site located on the Pierce Manufacturing, Inc. (Pierce) property at 315 South Pierce Avenue in Appleton, Wisconsin. The maintenance activities described in this document are the responsibility of the current property owner (signatory) and / or subsequent owners of the property. The maintenance activities are associated with an existing barrier covering subsurface soil characterized by elevated lead and naphthalene concentrations. The location of the barrier, to be maintained in accordance with this Maintenance Plan, is located in an existing paved (asphalt) parking area. The cover /barrier area is identified on the attached Figure 5A and Figure 5B in Exhibit A. The barrier consists of an existing paved asphalt surface.

Cover Barrier Purpose and Description

The existing cover over the contaminated soil serves as a barrier to limit the potential for direct human contact and limit water infiltration with residual soil that might otherwise pose a risk to human health and groundwater quality. The cover / barrier consist of an asphalt driveway / parking area near GP-19 and a concrete floor slab for the building near GP-12. Based on the current and future use of the property (zoned industrial), the barrier should function as intended, unless disturbed.

The following activities are prohibited on any portion of the property where existing asphalt is required as shown on the attached Figure 5A and 5B, unless prior written approval has been obtained from the Wisconsin Department of Natural Resources (WDNR):

- removal of the existing barrier
- replacement with another barrier
- excavation or grading of the land surface
- filling on capped or paved areas
- plowing for agricultural cultivation
- construction or placement of a building or other structure

Annual Inspection

The barrier overlying the impacted soil, as depicted on Figure 5A and 5B, will be inspected once a year. Inspection will be conducted in the spring of each year after the snow melt or in the summer. The surface area will be inspected visually to evaluate damage due to settling, wear from traffic, erosion, and for other potential problems that may expose underlying soil. Any areas of the barrier that have become or are likely to become disturbed will be documented and repaired. A log of the inspections and any repairs will be maintained by the property owner and is included in Exhibit B, Cover / Barrier 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.

Maintenance Activities

If areas of the barrier are noted to be disturbed during the annual inspection or at any other time of the year, repairs will be scheduled as soon as practical. During maintenance activities, if underlying soils are exposed for an extended period of time, the owner should inform maintenance workers of the direct contact exposure hazard. The owner should also sample any soil that is excavated from the site prior to disposal to document chemical

Cover / Barrier Maintenance Plan

characteristics of soil transported from the facility. The soil should be managed, and disposed of in accordance with applicable local, state, and federal law.

In the event the barrier overlying the soil is removed or replaced, the replacement barrier must also limit direct contact with underlying soil. The replacement barrier will be subject to the same maintenance and inspection guidelines as outlined herein unless indicated otherwise by the WDNR or its successor.

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

Amendment or Withdrawal of Maintenance Plan

This Maintenance Plan can be amended or withdrawn by the current or subsequent owners of the property with the written approval of the WDNR.

Contact Information

Site Owner and Operator:
Pierce Manufacturing, Inc.
Mr. Don Draxler
2600 American Drive
P.O. Box 2017
Appleton, Wisconsin 54912-2017
Phone: (920) 233-9151

Consultant:
Mr. Mark Magee
AECOM, Inc.
1035 Kepler Drive
Green Bay, Wisconsin 54311
Phone: (920) 406-3141

WDNR:
Ms. Jennifer Borski
Wisconsin Department of Natural Resources
625 East County Road Y
Oshkosh, Wisconsin 54901
Phone: (920) 424-7887

Don Draxler
Signature

2/26/2010
Date

Don Draxler
Name

Director, Global Env. Affairs.
Title

Oshkosh Corporation
Company

Cover / Barrier Maintenance Plan

Enclosures:

Exhibit A - Figure 5A and Figure 5B - Cover / Barrier Maintenance Plan

Exhibit B - Cover / Barrier Inspection Log

Exhibit A

Figure 5A / 5B – Approximate Extent of Soil Impact Exceeding RCLs

Cover / Barrier Maintenance Plan

Story Street Historic Tank

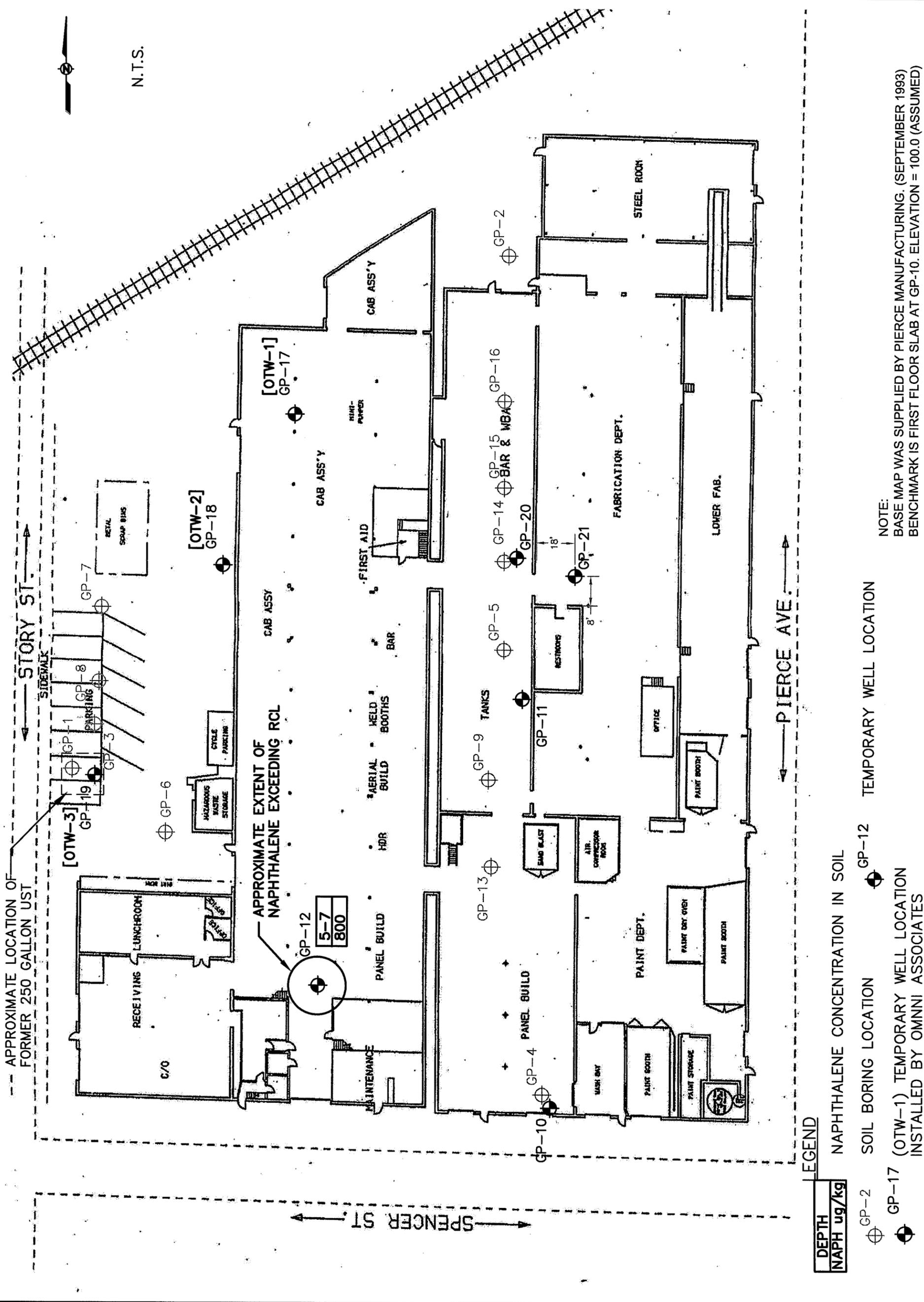
Pierce Manufacturing, Inc.

315 South Pierce Avenue

Appleton, Wisconsin

WDNR BRRTS Activity No. 02-45-554623

Drawn:	DTB	2/26/2010
Checked:	MWM	2/26/2010
Approved:	MWM	2/26/2010
PROJECT NUMBER	60139713	
FIGURE NUMBER	5B	



LEGEND

DEPTH	NAPHTHALENE CONCENTRATION IN SOIL
GP-2	SOIL BORING LOCATION
GP-12	TEMPORARY WELL LOCATION
GP-17	(OTW-1) TEMPORARY WELL LOCATION INSTALLED BY OMNI ASSOCIATES

NOTE:
BASE MAP WAS SUPPLIED BY PIERCE MANUFACTURING. (SEPTEMBER 1993)
BENCHMARK IS FIRST FLOOR SLAB AT GP-10. ELEVATION = 100.0 (ASSUMED)

Exhibit B

Cover / Barrier Inspection Log

Cover / Barrier Maintenance Plan

Story Street Historic Tank

Pierce Manufacturing, Inc.

315 South Pierce Avenue

Appleton, Wisconsin

WDNR BRRTS Activity No. 02-45-554623

WARRANTY DEED

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City of Appleton, a Municipal Corporation,

do hereby grant, sell, convey and warrant unto the said City of Appleton, of Outagamie and Calumet Counties, Wisconsin, grantee, hereby

Three Auto Body Works, Inc., of Appleton, Wisconsin, a corporation duly organized and existing under the laws of Wisconsin, having its principal office in Appleton, Outagamie County, Wisconsin, grantee for the sum of One-hundred (\$1.00) and other valuable consideration Dollars the following

A part of the Southeast 1/4 of the Southeast 1/4 of Section 27, Township 21 North, Range 17 East, Third Ward, City of Appleton, bounded as follows, to-wit:

GRANTOR'S EXEMPT FROM TAX

On South by Spencer Street, on West by Story Street, on North by right of way of O. & N. W. Ry. Co. and on East by a line parallel with West line of Pierce Avenue and 10 feet East of a line drawn from North line of said Spencer Street, North to the right of way of O. & N. W. Ry. Co. equally distant from West line of Pierce Ave. and the East line of Story Street, said land being now otherwise known as West part, as above defined, of Block 37, 3rd Ward, City of Appleton, according to Assessors Map Appleton, Wisconsin, made by Charles H. Gillett 1907. Also known as part of unrecorded part of Block 37, Third Ward Plat, City of Appleton, Outagamie County, Wisconsin according to the recorded Assessors Map of said City, 1888 the East 1/2 west thereof.

It is hereby certified that the said grantor has caused this deed to be signed by its president, duly authorized secretary, and its corporate seal hereunto affixed this 25th day of December, 1966



David C. Gaenen, President of City of Appleton; Kathleen S. Smith, Secretary of City of Appleton

George M. Buckley, Mayor of Appleton; Eiden J. Broehm, City Clerk of Appleton



State of Wisconsin, Outagamie County. Personally came before me this 25th day of December, 1966 the above named George M. Buckley, Mayor, and Eiden J. Broehm, City Clerk, Secretary of the City of Appleton who executed the foregoing instrument and acknowledged that they executed and delivered the same as and for the use and deed of said corporation.

David C. Gaenen, Notary Public, State of Wisconsin



Notary Commission Expires 12/31/67. Drafted by David C. Gaenen, City Attorney, Appleton, Wisconsin

Notwithstanding to what state provided that all payments to be received shall have valid effect as if received thereon the

No. 597251

City of Appleton

Pierce Auto Body Works, Inc.

WARRANTY DEED

REGISTERED

REGISTERS OFFICE

State of Wisconsin

OUTAGAMIE County

Received for recording

Appleton

of book *788* recorded

Vol. *788* of *820* on page *51*

S. D. Carter

7-17-11 Register of Deeds

Robert Bunnell

RS

NUMBER
213973

WARRANTY DEED.

NO. 119.

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This Indenture, Made this 20th day of July In the year of our Lord one thousand nine hundred and seventeen between Humphrey Pierce, widower, of the City of Appleton, Outagamie County, State of Wisconsin

Auto Body Works, a Wisconsin Corporation of the same place, County and State aforesaid part of the first part and part of the second part,

30th month, That the said part of of the first part, for and in consideration of the sum of One Dollar and other good and valuable consideration DOLLARS; here in hand paid by the said part of of the second part, the receipt whereof is hereby confessed and acknowledged, has Given, Granted, Bargained, Sold, Released, Aliened, Conveyed and Confirmed, and by these presents does Give, Grant, Bargain, Sell, Release, Alien, Convey and Confirm unto the said part of of the second part, its successors heirs and assigns forever, the following described Real Estate situated in the County of Outagamie and State of Wisconsin, to-wit:

A part of the south east quarter of the south east of section twenty seven (27) in Township Twenty One (21) North of Range Seventeen (17) East in Third Ward of City of Appleton, bounded as follows, to-wit: - On the East by Pierce Avenue; on the South by Spencer Street; on the west by Stone Street; and on the North and Northwest by Eighth Street and the right of Way of the Chicago and North Western Railway Company, that is to say, half of said parcel of land being and lying south easterly of the Right of Way of said Chicago and North Western Railway Company.

Together with all and singular the hereditaments and appurtenances thereto belonging or in anywise appertaining; and all the estate, right, title, interest, claim or demand whatsoever, of the said part of 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 part of of the second part and to its successors heirs and assigns, FOREVER.

And the said Humphrey Pierce himself, heirs, executors and administrators, do hereby covenant, grant, bargain and agree to and with the said part of of the second part, its successors heirs and assigns, that at the time of the executing and delivery of these presents 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 whatever, except a mortgage of said premises to one Barbara Reitzner for pasture purposes during pasture season of year A.D. 1917 and that the above bargained premises, in the quiet and peaceable possession of the said part of of the second part, its successors heirs and assigns, against all and every person or persons lawfully claiming the whole or any part thereof, he will forever WARRANT AND DEFEND, except as to said pasture lease above mentioned.

In Witness Whereof, The said part of of the first part has hereunto set his hand and seal the day and year first above written.

SIGNED, SEALED AND DELIVERED IN PRESENCE OF
J. L. Tallfson }
H. O. Schwartzburg }
Humphrey Pierce (SEAL)
(SEAL)
(SEAL)

STATE OF WISCONSIN, }
County of Outagamie } ss.

BE IT REMEMBERED, that on the 20th day of July A. D. 1917, personally came before me the above named Humphrey Pierce, widower,

to me known to be the person who executed the foregoing Deed and acknowledged the execution of the same to be free act and deed for the uses and purposes therein mentioned.

Received for Record this 4th day of Aug A. D. 1917 at 10 o'clock A. M.
W. Koch Register.



J. J. Brunnschweiler
Notary Public, Wis.
My Commission Expires April 16 A. D. 1920.

ALTA/ACSM LAND TITLE SURVEY

GENERAL NOTES:

1. Bearings are referenced to the Wisconsin County Coordinate System for Outagamie County. The bearings shown on an ALTA survey of this property dated September 18, 1996, by Martenson and Eisele do not match this survey due to the use of a different bearing reference. The interior lot angles and distances for the property shown on this survey do in fact match very closely with the September 18, 1996 survey.
2. This property is **NOT** located within a designated flood hazard area, per FEMA map panel No. 555542 0010 B, revised April 9, 1982.
3. The underground utilities shown on this map are shown per their field markings and/or City of Appleton records and are only as accurate as the surface markings or the records they were taken from.

LEGAL DESCRIPTION:

All of Lots Nine (9), Ten (10) and Thirteen (13), of Block Forty-eight (48), and All of the Unlotted part of Block Thirty-seven (37), Third Ward Plat, all according to the recorded Assessor's Plat of the City of Appleton and being located in the SE 1/4 of the SE 1/4 of Section 27, Township 21 North, Range 17 East, City of Appleton, Outagamie County, Wisconsin.

Title Commitment No. 1996597, dated October 11, 2009.

Items from Schedule B - Section II of Title Commitment No. 1996597, dated October 11, 2009.

Item 9 "Possible adverse rights of the owners of property adjacent to Lots 9, 10 and 13 in Block 48 in that part of the property lying between the guardrails and property lines as shown on Survey No. 157-360 prepared by Martenson and Eisele under the date of September 18, 1996." This item affects the subject property as shown on this survey.

Item 10 "Encroachment of gravel in Lot 13, Block 48 and a guardrail in Block 37 into the railroad right-of-way as shown on Survey No. 157-360 prepared by Martenson and Eisele under the date of September 18, 1996." This item affects the subject property as shown on this survey. Note: Block 14 listed above should in fact be Block 48 and is incorrectly listed in Item 10 of the exceptions of the title commitment.

Certification:

This is to certify to:

That this map or plat and the survey on which it is based were made in accordance with the "Minimum Standard Detail Requirements for ALTA/ACSM Land Title Surveys", jointly established and adopted by ALTA and NSPS in 2005 and includes Items 1, 3, 4, 7(a), 7(b), 8, 9, 10, 11(a), 11(b) and 17 of Table "A" thereof. Pursuant to the Accuracy Standards as adopted by ALTA and NSPS and in effect on the date of the certification, undersigned further certifies that in my professional opinion, as a land surveyor registered in the State of Wisconsin, the Relative Positional Accuracy of this survey does not exceed that which is specified therein.

Dated this _____ day of November 2009.

Thomas M. Kroun, Wisconsin Registered Land Surveyor S-2062

CITY OF APPLETON
 Dept. of Public Works
 100 N. Appleton Street
 Phone (920) 832-6474
 Fax (920) 832-6489
 www.appleton.org

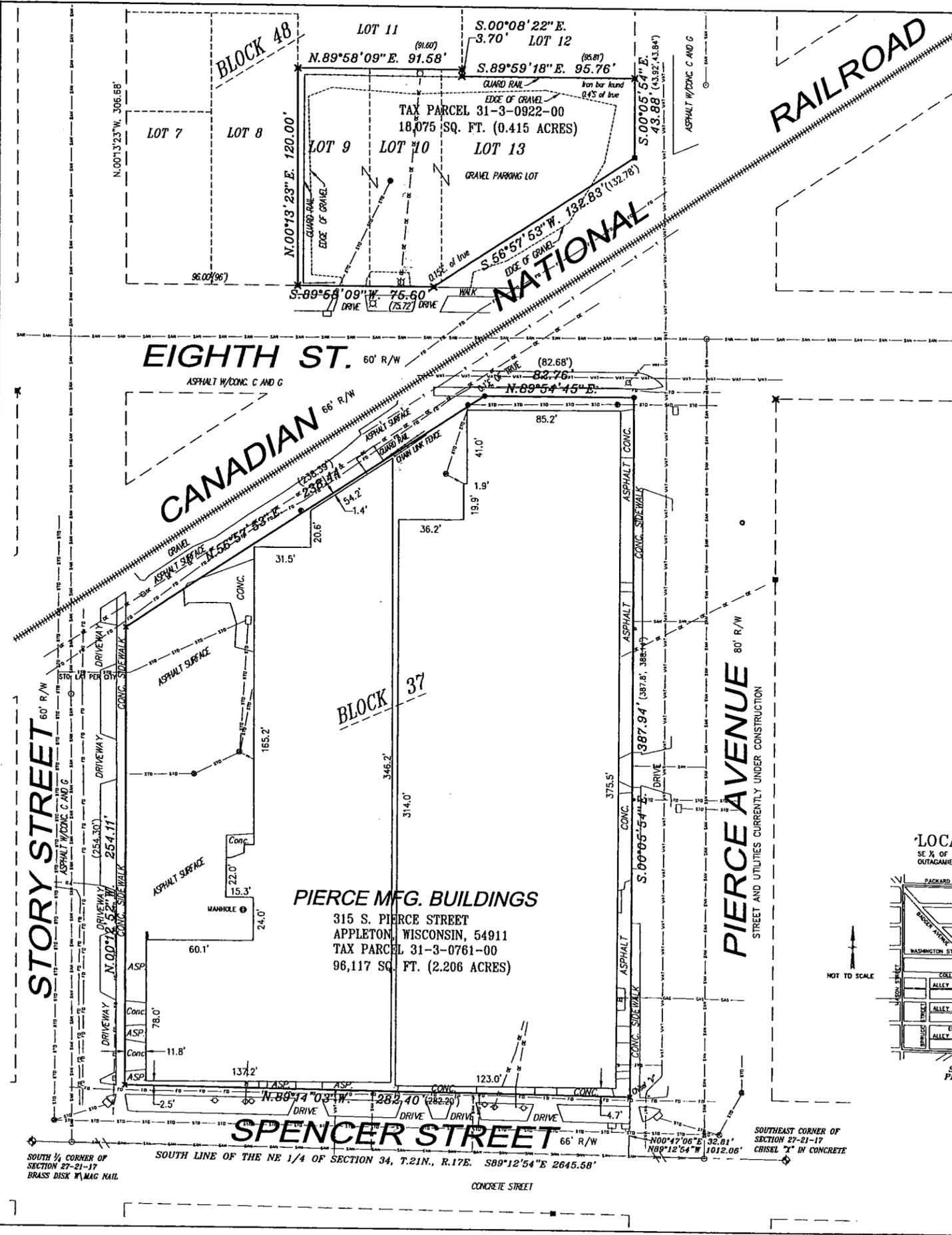
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THK		
ING.		
DATE		
REVISIONS		

ALTA/ACSM LAND TITLE SURVEY
 All of Lots Nine (9), Ten (10) and Thirteen (13), of Block Forty-eight (48), and All of the Unlotted part of Block Thirty-seven (37), Third Ward Plat, all according to the recorded Assessor's Plat of the City of Appleton and being located in the SE 1/4 of the SE 1/4 of Section 27, Township 21 North, Range 17 East, City of Appleton, Outagamie County, Wisconsin.

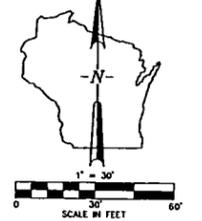
SCALE	DATE
1" = 30'	11/12/09

COMPUTER FILE
 P:\cadd\alta\PierceMfg102709

DRAWING NO.
 10302009



ALL BEARINGS ARE REFERENCED TO THE SOUTH LINE OF THE SOUTHEAST 1/4 OF SECTION 27, RECORDED TO BEAR W 89°12'54\" W.



LEGEND

● 3/4" x 24" IRON REBAR SET	— SAN — SANITARY SEWER LINE
⊗ 1.3" O.D. x 24" IRON PIPE SET	— STO — STORM SEWER LINE
⊗ 3/4" REBAR FOUND	— WAT — WATERMAIN LINE
⊗ 1/4" NAL SET	— DE — OVERHEAD POWER LINES
⊗ CHISEL MARK, "Y" OR "X" SET IN CONCRETE	— EE — UNDERGROUND ELECTRIC
⊗ 3/4" x 24" REBAR SET OVER FOUND 2' O.D. P.	— T — UNDERGROUND TELEPHONE
⊗ 1.3" O.D. IRON PIPE FOUND	— G — UNDERGROUND GAS
⊗ 2" O.D. IRON PIPE FOUND	— CATV — UNDERGROUND CABLE TV
⊗ CHISEL MARK FOUND IN CONCRETE	— FO-FO — UNDERGROUND FIBER OPTIC
⊗ GOVERNMENT CORNER	— GR — EXISTING GUARD RAIL
⊗ 743.2	— EX — EXIST. HYDRANT
⊗ SOIL BORING	— P — POWER POLE
⊗ CONIFEROUS TREE	— L — LIGHT POLE
⊗ DECIDUOUS TREE	— S — SANITARY MANHOLE
⊗ EXIST. WOODS LINE	— SM — STORM MANHOLE
⊗ WETLANDS	— SW — STORM W/LET
⊗ GAS PUMP	— EP — ELECTRIC PEDESTAL
	— CP — CABLE PEDESTAL

SOUTH 1/4 CORNER OF SECTION 27-21-17 BRASS DISK W/MAG NAIL

SOUTH LINE OF THE NE 1/4 OF SECTION 34, T.21N., R.17E. S89°12'54"E 2645.58'

SOUTHEAST CORNER OF SECTION 27-21-17 CHISEL "Y" IN CONCRETE

STATEMENT OF AFFECTED PROPERTY LEGAL DESCRIPTION

As required by s.NR 726.05(3)f of the Wisconsin Administrative Code, Pierce Manufacturing, Inc. is providing this signed statement that to the best of our knowledge, the legal description for the property that is within, or partially within, the contaminated site boundary located at the 315 South Pierce Avenue in Appleton, Wisconsin, has been provided to the Wisconsin Department of Natural Resources.

Don Draxler
Signature

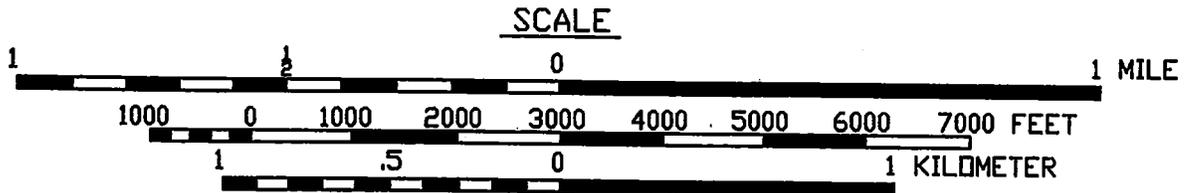
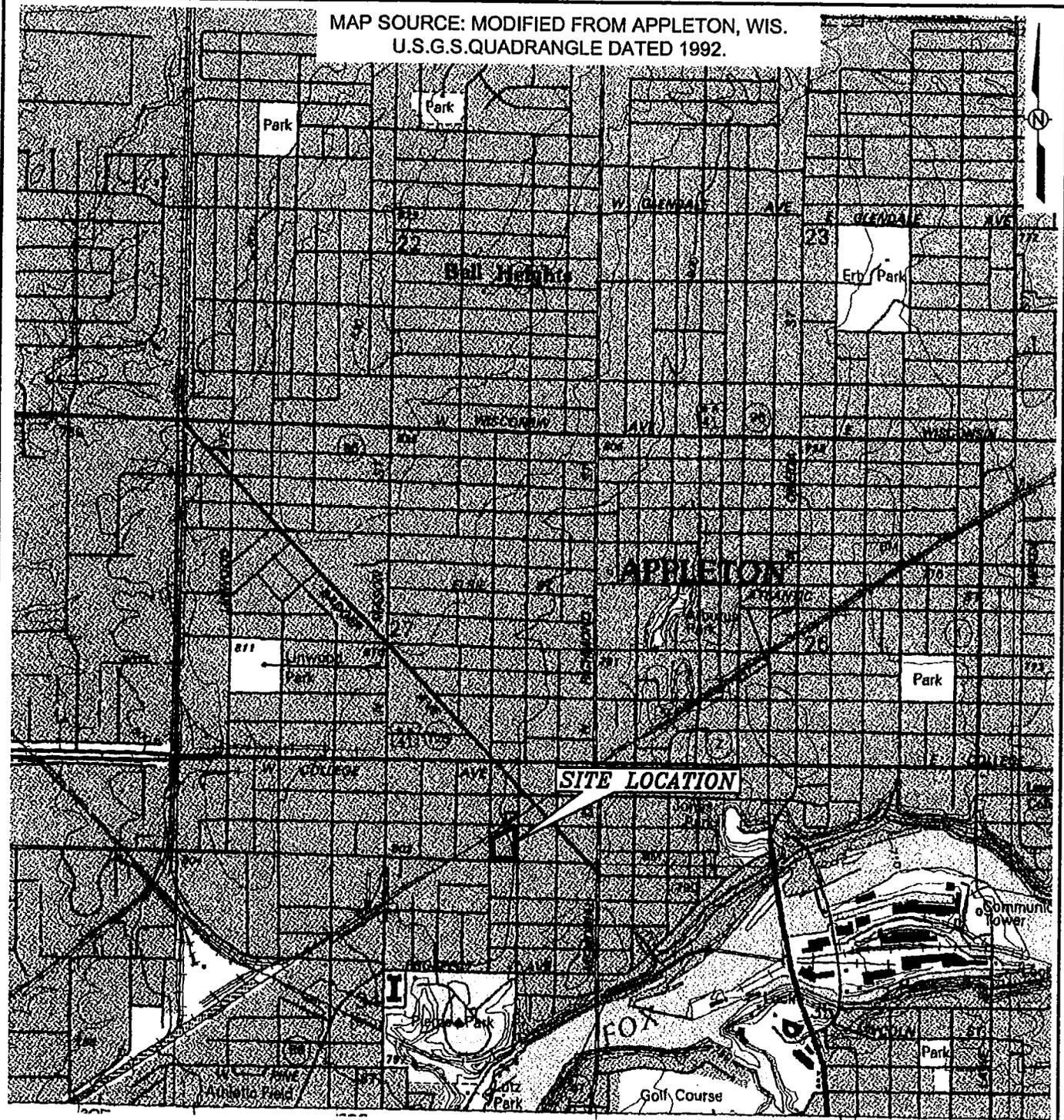
11-25-09
Date

Don Draxler
Name

Director, Global Environmental Affairs
Title

Oshkosh Corporation / Pierce Manufacturing
Company

MAP SOURCE: MODIFIED FROM APPLETON, WIS.
U.S.G.S. QUADRANGLE DATED 1992.



X:\PROJECTS\60139713\story-street.dwg: 1/11/2010 4:07:41 PM: BRATZ, DAN T: STS.sbb

AECOM

1035 Kepler Drive
Green Bay, WI 54311
920.468.1978

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SITE LOCATION MAP
STORY STREET HISTORIC TANK
315 S. PIERCE AVENUE
APPLETON, WISCONSIN

Drawn: DTB 1/12/2010

Checked: MWM 1/12/2010

Approved: RAM 1/12/2010

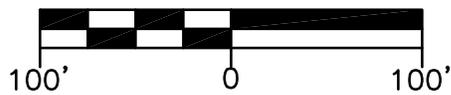
PROJECT NUMBER 60139713

FIGURE NUMBER 1

X:\PROJECTS\60139713\story-street\dwg\60139713_FIG 1A.dwg; 3/25/2010 2:30:33 PM; LEMMENS, JERRY R.



APPROXIMATE
SCALE IN FEET



LEGEND

- SAN — SANITARY SEWER
- W — WATER LINE

NOTES: 1) AERIAL PHOTO OBTAINED FROM OUTAGAMIE COUNTY, WI GEOGRAPHIC WEB SERVER DATED 2005.
2) UTILITIES ARE APPROXIMATE AND ARE REFERENCED TO CITY OF APPLETON UTILITY MAPS.

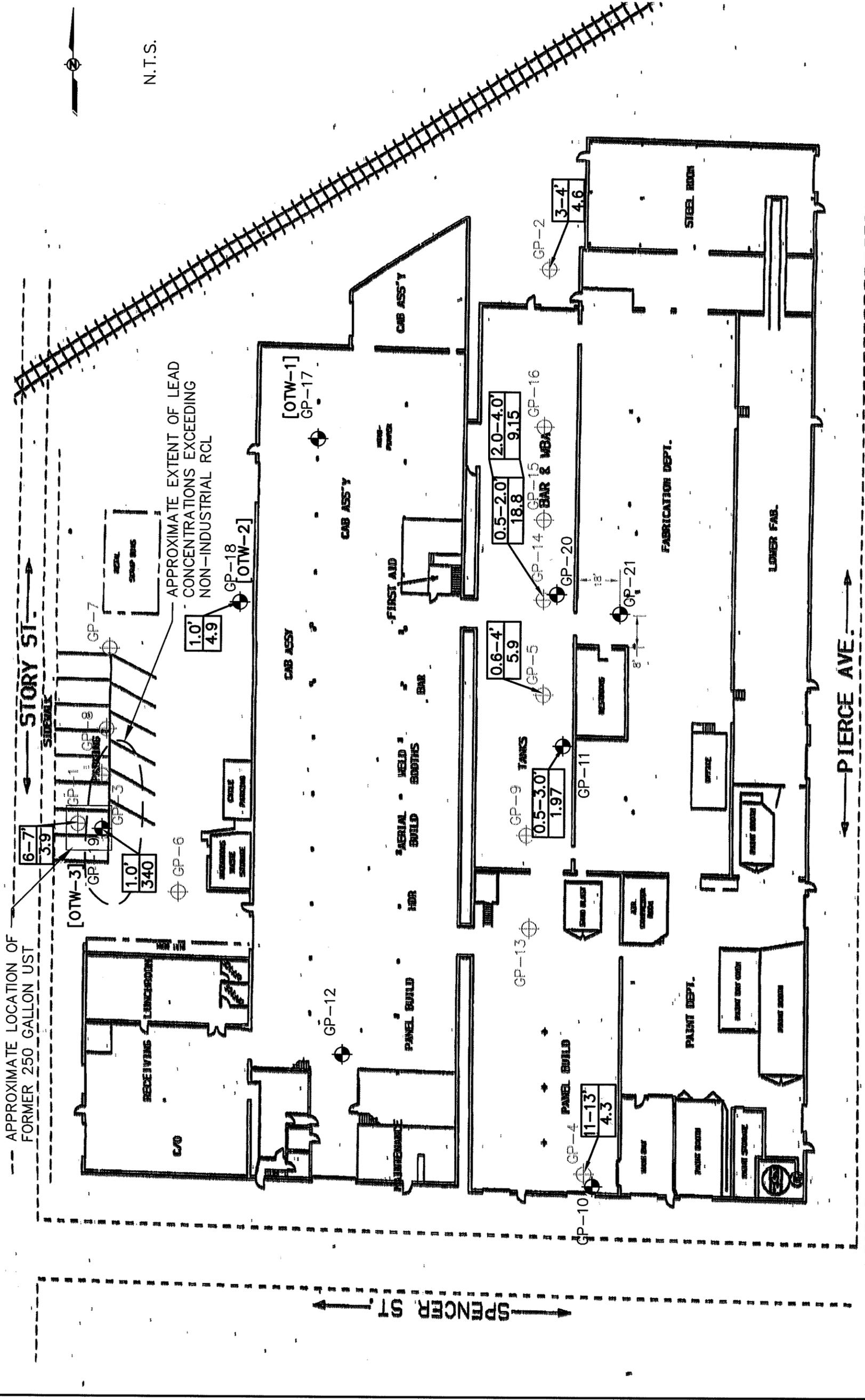


1035 Kepler Drive
Green Bay, WI 54311
920.468.1978
www.aecom.com
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SITE MAP
STORY STREET HISTORIC TANK
315 S. PIERCE AVE
APPLETON, WISCONSIN

Drawn :	DTB 2/8/2010
Checked:	MWM 2/8/2010
Approved:	MWM 2/8/2010
PROJECT NUMBER	60139713
FIGURE NUMBER	1A

Drawn:	DTB	1/12/2010
Checked:	MWM	1/12/2010
Approved:	MWM	1/12/2010
PROJECT NUMBER	60139713	
FIGURE NUMBER	5A	



DEPTH	Pb mg/kg
6-7	3.9
1.0	340
1.0	4.9
0.5-2.0	18.8
2.0-4.0	9.15
0.6-4	5.9
0.5-3.0	1.97
11-13	4.3
3-4	4.6

Table 1
Soil Analytical Results
Pierce Manufacturing, Inc.
315 South Pierce Avenue
Appleton, Wisconsin

Area of Investigation	Former 250 Gallon UST Area, Story Street Historic Tank						Former Alley - North to South														Hydraulic Lift		Former UST Area, NW cor. Bldg.		Former UST Area NW Parking Lot			NR 720 RCL			NR 746 Table 1 Soil Screening Levels		
	Boring ID	GP-1		GP-6	GP-8	GP-19 (OTW-3) [Temp. Well]			GP-2	GP-4	GP-5		GP-9		GP-10 [Temp. Well]	GP-11 [Temp. Well]		GP-13	GP-16	GP-20 [Temp. Well]		GP-21 [Temp. Well]	GP-12 [Temp. Well]		GP-17 (OTW-1) [Temp. Well]	GP-18 (OTW-2) [Temp. Well]			Wisconsin Regulatory Standards				
Sample Depth (ft)	6.0-7.0	10.0-10.5	6.0-6.5	4.0-7.0	1.0	5.0	13.5	3.0-4.0	11.0-13.0	0.6-4.0	4.0-7.0	4.0-8.0	8.0-12.0	9.0-11.0	0.5-3.0	5.0-7.0	4.0-6.0	4.0-6.0	2.0-3.0	7.0-8.0	3.0-4.0	5.0-7.0	9.0-11.0	5.0	14.0	1.0	5.0	14.0	Groundwater Pathway	Non-Industrial Direct Contact Pathway	Industrial Direct Contact Pathway	Table 1 Soil Screening Levels	
Date	2/10/09	2/10/09	2/10/09	2/10/09	7/15/09	7/15/09	7/15/09	2/10/09	2/10/09	2/10/09	2/10/09	2/10/09	2/10/09	6/11/09	6/11/09	6/11/09	6/11/09	6/11/09	10/1/09	10/1/09	12/28/09	6/11/09	6/11/09	7/15/09	7/15/09	7/15/09	7/15/09	7/15/09					
PAH																																	
Concentration (ug/kg)																																	
1-Methylnaphthalene	---	---	---	---	42 (j)	4000	<15	---	---	---	---	---	---	---	<15	<15	<15	<15	430 (j)	<15	<15	1,470	<15	<15	<15	<15	<15	<15	<15	23,000	1.10E+06	7.00E+07	NL
2-Methylnaphthalene	---	---	---	---	36 (j)	<170	<17	---	---	---	---	---	---	---	<17	<17	<17	<17	800	<17	<17	1,830	<17	<17	<17	<17	<17	<17	<17	20,000	600,000	4.00E+07	NL
Acenaphthene	---	---	---	---	60	<190	<19	---	---	---	---	---	---	---	<19	<19	<19	<19	<190	<19	<19	81	<19	<19	<19	<19	<19	<19	<19	38,000	900,000	6.00E+07	NL
Acenaphthylene	---	---	---	---	27.4 (j)	<110	<11	---	---	---	---	---	---	---	<11	<11	<11	<11	<110	<11	<11	76	<11	<11	<11	<11	<11	<11	<11	700	18,000	360,000	NL
Anthracene	---	---	---	---	43 (j)	<190	<19	---	---	---	---	---	---	---	<19	<19	<19	<19	<190	<19	<19	163	<19	<19	<19	<19	<19	<19	<19	3.00E+06	5.00E+06	3.00E+08	NL
Benzo(a)anthracene	---	---	---	---	63	<160	<16	---	---	---	---	---	---	---	<16	<16	<16	<16	<160	<16	<16	37 (j)	<16	23 (j)	<16	<16	<16	<16	<16	17,000	88	3,900	NL
Benzo(a)pyrene	---	---	---	---	62 (j)	<250	<25	---	---	---	---	---	---	---	<25	<25	<25	<25	<250	<25	<25	<25	<25	<25	<25	<25	<25	<25	<25	48,000	88 *	390	NL
Benzo(b)fluoranthene	---	---	---	---	114	<180	<18	---	---	---	---	---	---	---	<18	<18	<18	<18	<180	<18	<18	23.9 (j)	<18	22.4 (j)	<18	<18	<18	<18	<18	360,000	880 *	3,900	NL
Benzo(g,h,i)perylene	---	---	---	---	118	<190	<19	---	---	---	---	---	---	---	<19	<19	<19	<19	<190	<19	<19	<19	<19	<19	<19	<19	<19	<19	<19	6.80E+06	1,800	39,000	NL
Benzo(k)fluoranthene	---	---	---	---	33 (j)	<160	<16	---	---	---	---	---	---	---	<16	<16	<16	<16	<160	<16	<16	<16	<16	<16	<16	<16	<16	<16	<16	870,000	880	39,000	NL
Chrysene	---	---	---	---	130	195 (j)	<18	---	---	---	---	---	---	---	<18	<18	<18	<18	<180	<18	<18	90	<18	27.7 (j)	<18	<18	<18	<18	<18	37,000	8,800	390,000	NL
Dibenzo(a,h)anthracene	---	---	---	---	23.7 (j)	<220	<22	---	---	---	---	---	---	---	<22	<22	<22	<22	<220	<22	<22	<22	<22	<22	<22	<22	<22	<22	<22	38,000	88 *	390	NL
Fluoranthene	---	---	---	---	109	135 (j)	<13	---	---	---	---	---	---	---	<13	<13	<13	<13	152 (j)	<13	<13	162	<13	53	<13	<13	<13	<13	<13	500,000	600,000	4.00E+07	NL
Fluorene	---	---	---	---	13.2 (j)	302	<8.3	---	---	---	---	---	---	---	<8.3	<8.3	<8.3	<8.3	<83	<8.3	<8.3	1,660	<8.3	<8.3	<8.3	<8.3	<8.3	<8.3	<8.3	100,000	600,000	4.00E+07	NL
Indeno(1,2,3-cd)pyrene	---	---	---	---	73	<120	<12	---	---	---	---	---	---	---	<12	<12	<12	<12	<120	<12	<12	<12	<12	<12	<12	<12	<12	<12	<12	680,000	88	3,900	NL
Naphthalene	---	---	---	---	25.1 (j)	<130	<13	---	---	---	---	---	---	---	<13	<13	<13	<13	3,200	<13	<13	760	<13	<13	<13	<13	<13	<13	<13	400	20,000	110,000	NL
Phenanthrene	---	---	---	---	58	1040	<14	---	---	---	---	---	---	---	<14	<14	<14	<14	800	<14	<14	7,300	18.2 (j)	49	<14	<14	<14	<14	<14	1,800	18,000	390,000	NL
Pyrene	---	---	---	---	124	229 (j)	<15	---	---	---	---	---	---	---	<15	<15	<15	<15	<150	<15	<15	172	<15	41 (j)	<15	<15	<15	<15	<15	8.70E+06	500,000	3.00E+07	NL

Notes:

- (mg/kg) = milligrams per kilogram; (ug/kg) = micrograms per kilogram; < = analyte not detected above method detection limit; --- = not analyzed, NL = not listed;
- RCL = Residual Contaminant Level; NL = No Generic Limit Specified by WDNR, * = Soil Screening Level for Ingestion calculated using EPA Risk Assessment Algorithm
- M = matrix effect present;
- Suggested RCLs for PAH were established in WDNR Interim Guidance RR-519-97
- Exceedance of the NR 720 RCL, NR 746 Table 1 Soil Screening Levels, or Suggested PAH Generic RCLs indicated **100**
- (j) = analyte detected at concentration between limit of detection and limit of quantification
- GP-19 (OTW-3) = Temporary monitoring well install by Omni Associates
- *Non-industrial direct contact standard adjusted to reflect exposure risk of 1 x 10⁻⁶ in accordance with NR720.19(5)(a).

RIGHT-OF-WAY

R + R - OSH
RECEIVED

FEB 11 2010

TRACKED 99
REVIEWED

February 8, 2010

Mr. Ross Buetow, P.E.
Appleton City Hall
Engineering Department
100 North Appleton Street
Appleton, Wisconsin 54911

Subject: Notification of Potential for Residual Petroleum Impacts to Remain on City of Appleton
Right-of-Way Adjacent to the Pierce Manufacturing, Inc. Site, 315 South Pierce Avenue,
Appleton, Wisconsin -- -- WDNR BRRS No. 02-45-~~553369~~--
AECOM Project No. 60139713

554623

Dear Mr. Buetow,

On behalf of Pierce Manufacturing, Inc., AECOM has prepared this notification of the potential for residual petroleum impacts in the City of Appleton right-of-way adjacent to the Pierce Manufacturing, Inc. site located at 315 South Pierce Avenue, Appleton, Wisconsin (Figure 1A). This notification is being submitted in accordance with requirements in Wisconsin Administrative Code Chapter NR 726.

If you have any questions or comments, please contact us at (920) 468-1978.

Sincerely,


Mark W. Magee
Senior Project Manager
Paul J. Killian, P.E.
Principal Engineer

Attachments:

Figure 1A – Site Map

Copy: Mr. Don Draxler
Oshkosh Corporation
2307 Oregon Street
Oshkosh, Wisconsin 54902Ms. Sue Murawski
Oshkosh Corporation
2307 Oregon Street
Oshkosh, Wisconsin 54902Ms. Jennifer Borski
Wisconsin Department of Natural Resources
625 East County Road Y, Suite 700
Oshkosh, Wisconsin 54901