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

CLOSURE DATE: Oct 27, 1993

BRRTS #: **03-45-000180**

FID #:

ACTIVITY NAME: Baers Beverage (Badger Metals)

DATCP #:

PROPERTY ADDRESS: 911 S Lynndale Dr

COMM #: 54914451611

MUNICIPALITY: Appleton

PARCEL ID #: 313376700 (obtained 5/2008)

***WTM COORDINATES:**

X: **644016** Y: **421338**

** 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")*
- [x] 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)*
- [x] 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*

State of Wisconsin
Department of Natural Resources
http://dnr.wi.gov

GIS Registry Checklist

Form 4400-245 (R 4/08)

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 #: 03-45-000180 PARCEL ID #: 313376700 (obtained 5/2008)

ACTIVITY NAME: Baers Beverage (Badger Metals) WTM COORDINATES: X: 644016 Y: 421338

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

- [x] **Closure Letter**
- [ ] **Maintenance Plan** (*if activity is closed with a land use limitation or condition (land use control) under s. 292.12, Wis. Stats.*)
- [x] **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 #: **Title:**
- [ ] **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.

- [x] **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**
- [x] **Detailed Site Map:** A map that shows all relevant features (buildings, roads, individual property boundaries, contaminant sources, utility lines, monitoring wells and potable wells) within the contaminated area. This map is to show the location of all contaminated public streets, and highway and railroad rights-of-way in relation to the source property and in relation to the boundaries of groundwater contamination exceeding a ch. NR 140 Enforcement Standard (ES), and/or in relation to the boundaries of soil contamination exceeding a Residual Contaminant Level (RCL) or a Site Specific Residual Contaminant Levels (SSRCL) as determined under s. NR 720.09, 720.11 and 720.19.

  Figure #: 2 **Title: Site Detail Map**
- [ ] **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 #: **Title:**

BRRTS #: 03-45-000180 ACTIVITY NAME: Baers Beverage (Badger Metals)

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 then 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 #: Various **Title: Various - 2 pages total**

☐ **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 #: 03-45-000180 ACTIVITY NAME: Baers Beverage (Badger Metals)

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:

WISCONSIN
DEPT. OF NATURAL RESOURCES
George E. Meyer
Secretary

State of Wisconsin \ DEPARTMENT OF NATURAL RESOURCES

Oshkosh Area Headquarters
905 Bayshore Drive
P.O. Box 2565
Oshkosh, WI 54903
TELEPHONE: (414)424-3050
TELEFAX: (414)424-4404

October 27, 1993

Baer Beverage
Attn: Floyd Baer
754 W. Airport Rd.
Menasha, WI 54952

RE: 911 S. Lynndale Avenue, Appleton, Wisconsin
WDNR LUST ID #45-00180

Dear Mr. Baer:

The closure committee has reviewed the above referenced site and had granted closure on the condition that a Deed Restriction be filed with the Register of Deeds for Outagamie County.

I have received a copy of the Deed Restriction and will require no further action at this time.

The Department appreciates the actions you have undertaken to protect the environment. If you have any questions, please feel free to contact me in my office at (414)424-7887.

Sincerely,

Thomas Verstegen

Thomas Verstegen
Hydrogeologist
Leaking Underground Storage Tank Unit

cc: Ken Hawk, Omnni Engineers, 303 S. Bluemound Road, Appleton, WI 54914

Printed on Recycled Paper

J 14013 1 23

OUTAGAMIE Document # 1095092

OUTAGAMIE COUNTY
RECEIVED FOR RECORD

SEP 22 1993
11:17 a.m.
GRACE HERB
REGISTER OF DEEDS

1/3/15

AFFIDAVIT AFFECTING REAL ESTATE
(Environmental Remediation Actions)

This Affidavit affects the following described property:

The East One Hundred Ninety (190) feet of Lot Thirteen (13), 1ST ADDITION TO INDUSTRIAL PARK PLAT, City of Appleton, Outagamie County, Wisconsin.

STATE OF WISCONSIN)
) ss.
OUTAGAMIE COUNTY)

Floyd L. Baer, being first duly sworn on oath, deposes and states as follows:

1. That your affiant, Floyd L. Baer, is the President of Baer's Beverage, Inc., a Wisconsin Corporation.

2. On July 28, 1989, Baer's Beverage, Inc., deeded to Badger Metals, Inc., the following described property, to-wit:

The East One Hundred Ninety (190) feet of Lot Thirteen (13), 1ST ADDITION TO INDUSTRIAL PARK PLAT, City of Appleton, Outagamie County, Wisconsin.

3. Upon information and belief, on the 12th day of June, 1992, Badger Metals, Inc., deeded a portion of the above-described property to David Van Eperen and Gary Van Eperen, co-partners, doing business as Avanti Investments, by Document No. 1046737, Outagamie County Registry. Upon information and belief, the portion deeded by Badger Metals, Inc., to Avanti Investments is bare land (no buildings thereon).

4. That heretofore, Baer's Beverage, Inc., undertook environmental remediation for petroleum discharges that occurred upon the above-described property. Such petroleum discharge environmental remediation action was and has been completed, except that structural impediments existing upon the property during and following the period of cleanup made complete remediation of the petroleum discharges impractical. Petroleum contaminated soil may remain upon the above-described property along the footings on the northwest side of the existing building thereon. Upon information and belief, pursuant to the requirements of Section 144.76, Wisconsin Statutes, any further subsurface work in this approximate location, which removes the structural impediments which currently exist thereon, shall require investigation of the degree and extent of petroleum contamination. To the extent that any contamination is found at the time of removal of structural impediments, the Wisconsin Department of Natural Resources is required to be immediately notified, and the contamination properly treated or disposed of in accordance with applicable laws.

J 14615 I 24

5. Your affiant, as President of Baer's Beverage, Inc., makes this declaration to inform the existing owners of the above-described property and all third parties who may hereinafter become owners of the above-described property that there is the probability of further contamination removal/remediation required all as above stated in the event the structural impediments now existing on the property are removed.

6. The further purpose of this Affidavit is to notify all parties that the Department of Natural Resources may initiate proceedings in law or in equity against any person or persons violating or proposing to violate the terms set forth above or to prevent any such violation or to recover damages for such violation, such violation being the removal of structural impediments without the further requirement of investigation, testing and possible petroleum discharge remediation.

7. Your affiant makes this Affidavit on behalf of Baer's Beverage, Inc., with the intention to record this Affidavit with the Outagamie County Register of Deeds so as to put all parties on notice, now and in the future, of the terms and conditions of this Affidavit as affects said real estate.

Dated this 14th day of Sept., 1993.

Floyd L. Baer
Floyd L. Baer, President
Baer's Beverage, Inc.

Signature of Floyd L. Baer,
President, Baer's Beverage, Inc.,
authenticated this 14th day of
Sept., 1993.

Charles J. Hartzheim, Attorney

THIS INSTRUMENT DRAFTED BY:

Charles J. Hartzheim, Attorney
Herrling, Clark, Hartzheim & Siddall, Ltd.
301 North Lynndale Drive
Appleton, WI 54914
(414) 739-7366
a:\baer\affidavit (kmv)

Return to

WISCONSIN
DEPT. OF NATURAL RESOURCES
George E. Meyer
Secretary

State of Wisconsin \ DEPARTMENT OF NATURAL RESOURCES

Oshkosh Area Headquarters
905 Bayshore Drive
P.O. Box 2565
Oshkosh, WI 54903
TELEPHONE: (414)424-3050
TELEFAX: (414)424-4404

June 9, 1993

Baer Beverage
Attn: Floyd Baer
754 W. Airport Rd.
Menasha, WI 54952

RE: 911 S. Lynndale Avenue, Appleton, Wisconsin
WDNR LUST ID #45-00180

Dear Mr. Baer:

The closure committee has reviewed the above referenced site and will grant closure on the condition that the enclosed Deed Restriction is completed and filed with the Register of Deeds for Outagamie County.

The deed restriction states that the WDNR is requiring no further action at this time, but in the event that the structural impediments are removed, the contamination will be dealt with at that time.

It is my understanding that this property has been sold to Badger Metals. They will be responsible for signing the deed restriction.

Sincerely,

Thomas Verstegen

Thomas Verstegen
Hydrogeologist
Leaking Underground Storage Tank Unit

cc: Ken Hawk, Omnni Engineers, 303 S. Bluemound Road, Appleton, WI 54914
Bruce Urben - LMD

Printed on Recycled Paper

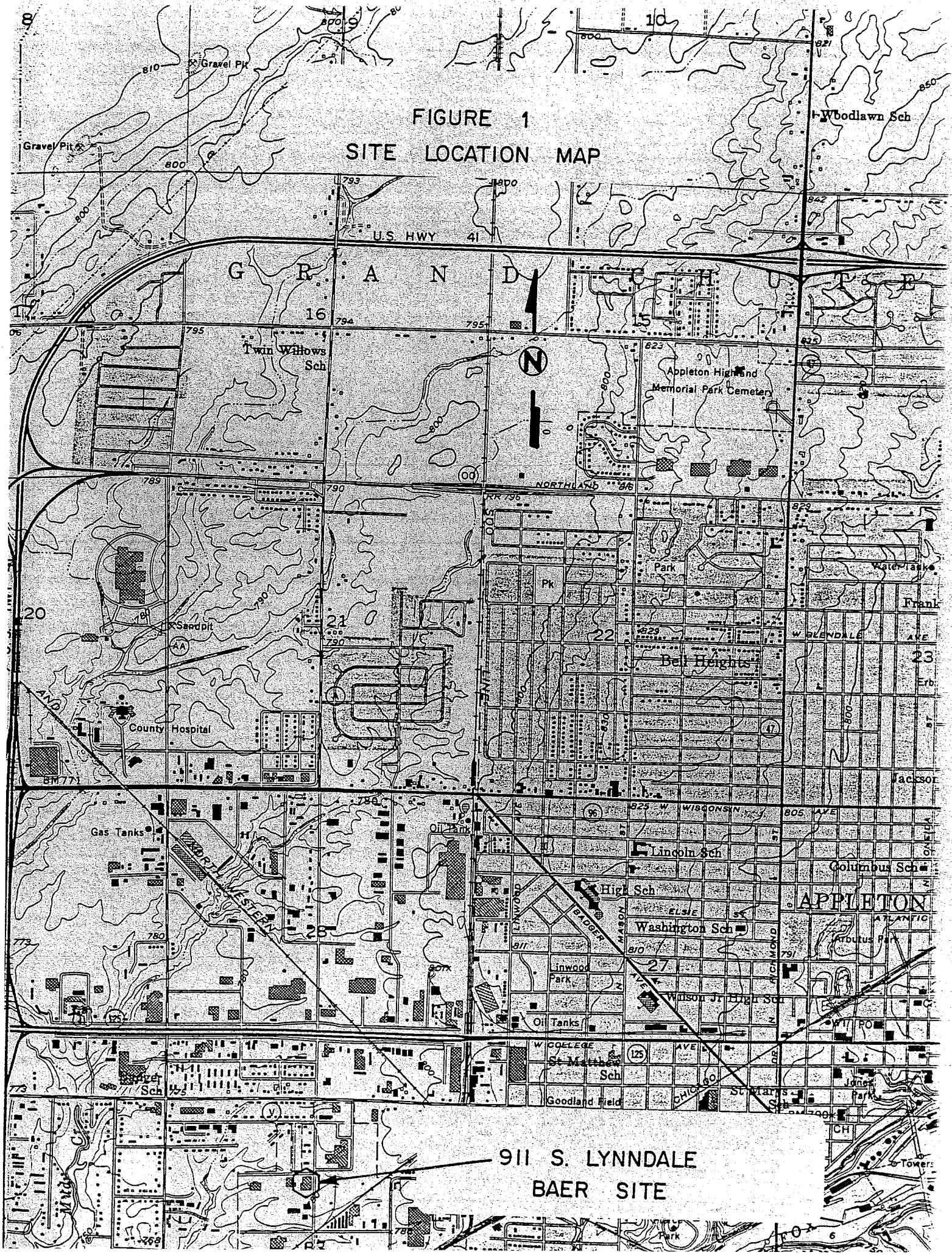
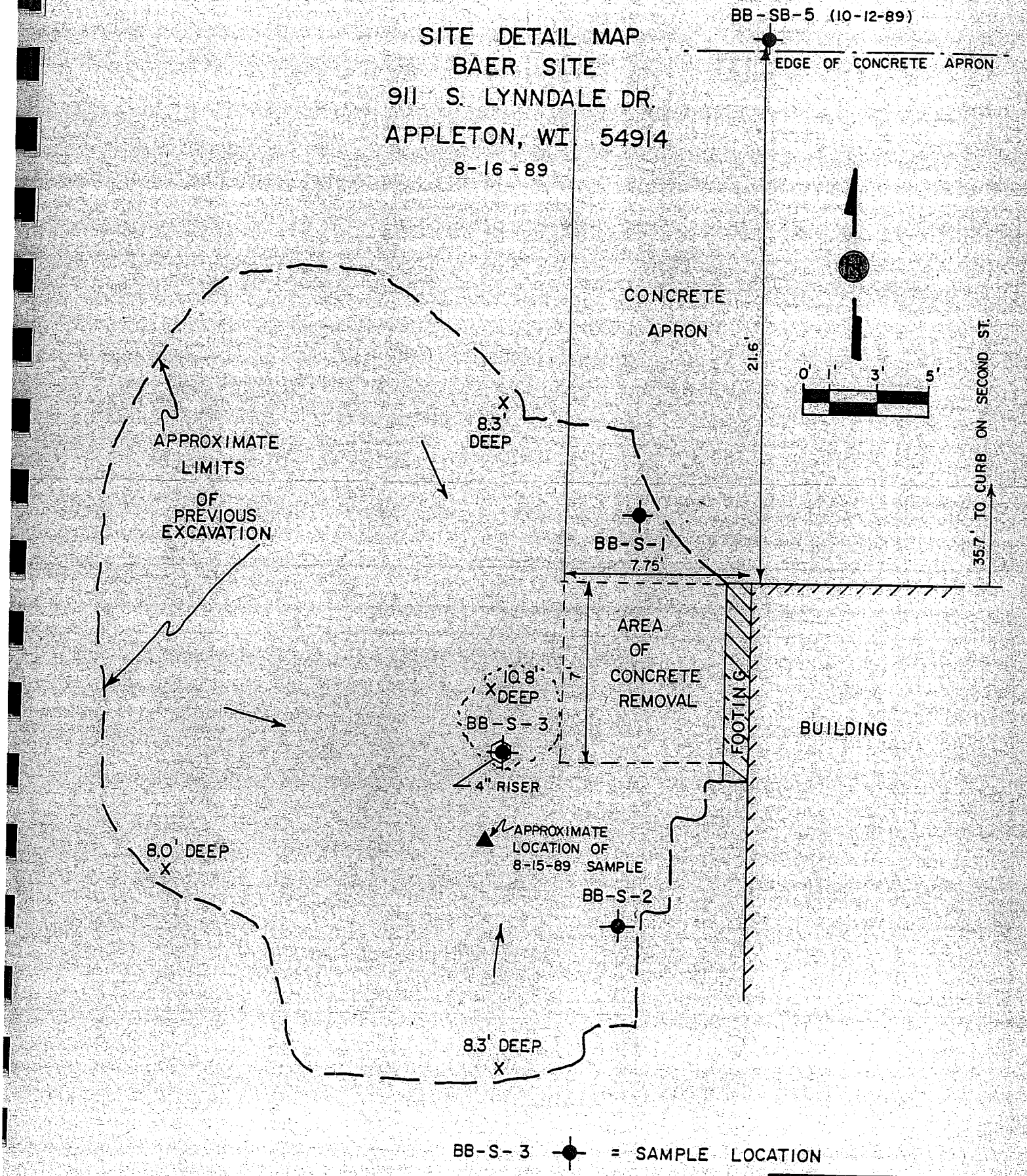


FIGURE 1
SITE LOCATION MAP
911 S. LYNNDALE
BAER SITE
U.S. HWY 41
G R A N D C H U T E
Gravel Pit
Twin Willows Sch
Appleton Highland Memorial Park Cemetery
Woodlawn Sch
NORTHLAND
Park
Pk
Water Tank
Frank
W GLENDALE AVE
Bell Heights
Sandpit
County Hospital
Jackson
W WISCONSIN AVE
Gas Tanks
Oil Tank
Lincoln Sch
Columbus Sch
High Sch
APPLETON
Washington Sch
Arbutus Park
Linwood Park
Wilson Jr High Sch
Oil Tanks
W COLLEGE AVE
St Matthew Sch
Goodland Field
St Marys Sch
Jones Park
Towers
NORTH WESTERN
BADGER
MASON
ELSIE
RICHMOND
ATLANTIC
CHICAGO

SITE DETAIL MAP
BAER SITE
911 S. LYNNDALE DR.
APPLETON, WI 54914
8-16-89



BB-S-3 ⊕ = SAMPLE LOCATION

FIGURE 2

N 523 A GLM

OMNNI ENGINEERS

303 SOUTH BLUEMOUND DRIVE
APPLETON, WI 54914 (414)739-7514

Table 2

Analytical Results

Sample ID	Date	TPH as Gasoline PPM
BB-S-1	8-7-89	<0.5*
South wall**	8-15-89	268
BB-S-1	8-16-89	94
BB-S-2	8-16-89	1.4
BB-S-3	8-16-89	1.2
Waste Pile	8-16-89	5.7
Pile-2	8-25-89	11
Sump (water)	9-5-89	BDL as BTEX see lab report
BB-SB-1	10-12-89	<0.5
BB-W-5 (sump water, in mg/L)	10-12-89	0.015 Benzene 0.040 Toluene 0.002 Ethylbenzene 0.047 Xylenes, tot.

*TPH as Gasoline and Diesel
**This area has since been excavated

Activities intended to remove all gasoline contaminated soils were undertaken on September 15 and 16, 1989. A sample was collected at the end of the first day's excavation, from the south wall of the excavation to verify field observations that more excavation would be necessary. The sample's approximate location is shown in Figure 2 - Site Detail Map. The result of analysis performed on that sample was TPH as Gasoline = 268 PPM.

TABLE 4

Summary of PID Headspace Screening

Date	Sample Location	PID value * PPM
8-15-89 noon	Excavation floor, North end	32
"	" " South end	33
"	" wall, North	77
"	" " South	78
"	" " East	53
"	" " West	46
8-15-89 2:40 pm	" floor, mid	16
"	" wall, East	85
"	" " West	12
"	" " North	28
"	" " South	86
8-16-89	Excavation floor, North end	32
8-16-89	" " South end (under riser pipe location, lab sample BB-S-3, 10.8' deep)	22
8-16-89	" wall South	23
8-16-89	" " North	39
8-16-89	" " West	23
8-16-89	" " East, North end (under concrete apron, lab sample BB-S-1, 7.75' deep)	270
8-16-89	" " " South end (lab sample BB-S-2, 6' deep)	113

*Isobutylene equivalent