



State of Wisconsin
Governor Scott Walker

Department of Agriculture, Trade and Consumer Protection

Ben Brancel, Secretary

August 12, 2011

Steve Bolen
Ag Services of Wisconsin, LLC
P.O. Box 2157
Oshkosh, WI 54903

Re: Phase II Investigation Report
Former Olsen's Mill, 427 West Huron St., Omro, WI 54963
DATCP Case No. 02411103001
WDNR BRRTS No. 02-71-547166

Dear Mr. Bolen:

Thank you for having Sand Creek Consultants, Inc. (Sand Creek) submit their *Phase II Investigation Report* dated August 4, 2011 for the above-referenced cleanup case. This case was closed on April 20, 2011 but you decided shortly thereafter to demolish the former bulk dry fertilizer building. The Phase II Site Investigation was conducted in July 2011 to determine whether the soil beneath and adjacent to the building, which will be accessible and more susceptible to potential leaching after the demolition is completed, is contaminated.

The data from the soil investigation confirms that soil south and southeast of the former bulk dry fertilizer building has been impacted by nitrogen above the previously-approved cleanup goal of 250 milligrams per kilogram (mg/kg) to a depth of approximately 6 feet below grade. We agree that Sand Creek should prepare a remedial action plan to remediate the contaminated soil. Therefore, we are re-opening the recently-closed cleanup case and I am hereby approving the costs in the amount of \$1,530 to prepare the remedial action plan, per s. ATCP 35.16(2)(c)3., Wis. Adm. Code.

If you have any questions, feel free to call me at 608-224-4515.

Sincerely,

Jason B. Lowery
Hydrogeologist

Copy: Ryan Haney, Sand Creek
Mark Skare, DATCP EES (email)
Diane Hansen, WDNR Northeast Region (email)

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GIS REGISTRY
Cover Sheet

March, 2010
(RR 5367)

Source Property Information

CLOSURE DATE: Apr 20, 2011

BRRTS #: 02-71-547166

FID #:

ACTIVITY NAME: Olsens Mill Inc. (Former)

DATCP #: 02-411-10-30-01

PROPERTY ADDRESS: 427 W Huron Street

COMM #:

MUNICIPALITY: Omro

PARCEL ID #: 2650514

*WTM COORDINATES:

WTM COORDINATES REPRESENT:

X: 620256 Y: 396955

- Approximate Center Of Contaminant Source
- Approximate Source Parcel Center

* Coordinates are in
WTM83, NAD83 (1991)

Please check as appropriate: (BRRTS Action Code)

Contaminated Media:

- Groundwater Contamination > ES (236)
 - Soil Contamination > *RCL or **SSRCL (232)
 - Contamination in ROW
 - Contamination in ROW
 - Off-Source Contamination
 - Off-Source Contamination
- (note: for list of off-source properties, see "Impacted Off-Source Property" form)

Land Use Controls:

- N/A (Not Applicable)
 - Soil: maintain industrial zoning (220)
 - Cover or Barrier (222)
 - Vapor Mitigation (226)
 - Structural Impediment (224)
 - Site Specific Condition (228)
 - Maintain Liability Exemption (230)
- (note: maintenance plan for groundwater or direct contact)
- (note: local government unit or economic development corporation was directed to take a response action)

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.].

BRRS #:	02-71-547166	PARCEL ID #:	2650514
ACTIVITY NAME:	Olsens Mill Inc. (Former)	WTM COORDINATES:	X: 620256 Y: 396955

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.)
- Continuing Obligation Cover Letter** (for property owners affected by residual contamination and/or continuing obligations)
- 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 11 x 17 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: Location Map**
- 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 Plan**
- 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 #: 3 **Title: Residual Soil Contamination**

BRRTS #: 02-71-547166

ACTIVITY NAME: Olsens Mill Inc. (Former)

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 11 x 17 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 Table

- 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 #: 02-71-547166

ACTIVITY NAME: Olsens Mill Inc. (Former)

NOTIFICATIONS

Source Property

Not Applicable

- 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.

Not Applicable

- 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:

Full Remediation/Investigation needed
Call Project Manager for Assistance 08/12/2017



State of Wisconsin
Governor Scott Walker

Department of Agriculture, Trade and Consumer Protection
Ben Brancel, Secretary

April 20, 2011

Steve Bolen
Ag Services of Wisconsin, LLC
P.O. Box 2157
Oshkosh, WI 54903

Re: Final Case Closure with Land Use Limitations or Conditions
Former Olsen's Mill, 427 West Huron St., Omro, WI 54963
DATCP Case No. 02411103001
WDNR BRRTS No. 02-71-547166

Dear Mr. Bolen:

On May 6, 2003, our 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 June 16, 2004, you were notified that the Closure Committee had granted conditional closure of this case. We informed you at that time that closure would require the implementation of a deed restriction and placement of the property on the Wisconsin Dept. of Natural Resources (WDNR) Geographic Information Systems (GIS) Registry for residual soil contamination. On August 10, 2010, I informed you that the deed restriction is no longer necessary.

We received the soil GIS Registry Package and the WDNR received the associated \$200 fee in December 2010. At that time, we informed you that we would close the case as soon as we could confirm that you had removed the residual dry fertilizer that was documented in 2005 to exist within the abandoned bulk dry fertilizer warehouse. A bulk inspection that we subsequently performed at the facility in January 2011 revealed that the dry fertilizer was still not adequately removed from the building. You were informed of the violation in Mr. Mathew Laak's letter dated March 10, 2011.

We performed another bulk inspection on March 22, 2011 and confirmed that the dry fertilizer has now been appropriately removed from the building. Based on the correspondence and data provided, it appears that your case meets the requirements of ch. NR 726, Wisconsin Administrative Code. The Department considers this case closed and no further investigation or remediation is required at this time.

GIS Registry

The conditions of case closure set out below in this letter require that your site be listed on the Remediation and Redevelopment Program's GIS Registry. The specific reasons are summarized below:

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- Residual soil contamination exists that must be properly managed should it be excavated or removed
- If a structural impediment that obstructs a complete site investigation or cleanup is removed or modified, additional environmental work must be completed

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 your 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 at <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 you and any subsequent property owners must adhere. 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. 292.14 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 may conduct inspections in the future to ensure that the conditions included in this letter are met.

Remaining Residual Soil Contamination

Residual fertilizer soil contamination remains at the approximate locations shown on Figure 3 of Sand Creek Consultants, Inc.'s (Sand Creek) GIS Registry Package. The GIS Registry Package can be viewed at <http://dnr.wi.gov/org/aw/rr/gis/index.htm>. If residual contaminated soil is excavated in the future, then the property owner at the time of excavation must sample and analyze the excavated soil to determine if residual contamination remains (requirement pursuant to ch. NR 718, and ch. 289, Stats., and chs. 500 to 536 may also apply). If sampling confirms that contamination is present the property owner at the time of excavation will need to determine whether the material would be considered solid or hazardous waste and ensure that any storage, treatment, or disposal is in compliance with applicable standards 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 a direct contact hazard and as a result special precautions may need to be taken to prevent a direct contact health threat to humans.

Structural Impediments

Structural impediments existing at the time of cleanup including the former bulk dry fertilizer warehouse made complete investigation and remediation of the soil contamination on this property impracticable. Pursuant to s. 292.12(2)(b), Wis. Stats., if the structural impediment on this property that is described above is removed, the property owner shall conduct an investigation of the degree and extent of nitrogen contamination. If contamination is found at that time, the Department shall be immediately notified and the contamination shall be properly remediated in accordance with applicable statutes and rules. If soil in the specific location described above is excavated, 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 would be 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 a direct contact hazard and as a result special precautions may need to be taken during excavation activities to prevent a health threat to humans.

ACCP Considerations

If the case is re-opened, Agricultural Chemical Cleanup Program (ACCP) reimbursement may still be available. Determination of the ACCP eligibility of any future corrective action costs incurred at this site should be made before the corrective action is performed. It is in your best interest to keep all documentation related to the cleanup project and ACCP reimbursement applications.

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 call me at 608-224-4515.

Sincerely,



Jason B. Lowery
Hydrogeologist

Copy to: Mark Skare, DATCP EES
Diane Hansen, WDNR Northeast Region
Ryan Haney, Sand Creek

State Bar of Wisconsin Form 3-2003
QUIT CLAIM DEED

Document Number

Document Name

THIS DEED, made between **MICHAEL S. POLSKY, AS RECEIVER OF OLSEN'S MILL, INC., UNDER CHAPTER 128 PROCEEDINGS, GREEN LAKE COUNTY CIRCUIT COURT CASE NUMBER 09-CV-25**

("Grantor," whether one or more), and **OLSEN'S MILL ACQUISITION COMPANY, LLC, A WISCONSIN LIMITED LIABILITY COMPANY**

("Grantee," whether one or more).

Grantor quit claims to Grantee the following described real estate, together with the rents, profits, fixtures and other appurtenant interests, in **Winnebago County, State of Wisconsin** ("Property") (if more space is needed, please attach addendum):

See Attached

1508851

REGISTER'S OFFICE
WINNEBAGO COUNTY, WI
RECORDED ON

06/10/2009 01:23PM

JULIE PAGEL
REGISTER OF DEEDS

RECORDING FEE 15.00
TRANSFER FEE 750.00
OF PAGES 3

Recording Area

Name and Return Address

Attorney Thomas M. Olejniczak
Liebmann Conway Law Firm
P.O. Box 23200
Green Bay, WI 54305

See attached

Parcel Identification Number (PIN)

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

Dated April 28, 2009

OLSEN'S MILL, INC.

(SEAL)

*By: Michael S. Polsky, Receiver

(SEAL)

(SEAL)

(SEAL)

AUTHENTICATION

Signature(s)

authenticated on

ACKNOWLEDGMENT

STATE OF WISCONSIN

Milwaukee COUNTY) ss.

Personally came before me on April 28, 2009, the above-named Michael S. Polsky as Receiver of Olsen's Mill, Inc.

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

Notary Public, State of Wisconsin
My commission (is permanent) (expires:)

NOTARY

PUBLIC

FORM NO. 3-2003

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THIS INSTRUMENT DRAFTED BY:
Attorney Thomas M. Olejniczak
Liebmann, Conway, Olejniczak & Jerry, S.C.

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

NOTE: THIS IS A STANDARD FORM. ANY MODIFICATION TO THIS FORM SHOULD BE CLEARLY IDENTIFIED.
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*Type name below signatures.

Further remediation/investigation needed
Site re-opened 08/12/20
Call Project Manager for AS55 stance

13

Legal Descriptions

PROPERTY DESCRIPTION:

Lots Forty-one (41), Forty-two (42), Forty-three (43) and Forty-four (44) in WESTN ADDITION to Town Plat of Omro, in the City of Omro, Winnebago County, Wisconsin.

Tax Key Nos. 265-0514, 265-0515, 265-0516, 265-0517
Property Address: W. Huron Street, Omro, Wisconsin

Legal description: The South West ¼ of the SOUTH WEST ¼ of Section 32, T18N, R16E, in the Town of Algoma, Winnebago County, Wisconsin, excepting therefrom the four (4) following described tracts of land viz:

1. Commencing at the Southwest corner of said Southwest ¼; thence East, along the South line of said South West ¼, 2 rods; thence northwesterly to the North West corner of said South West ¼ of the South West ¼; thence south, along the West line of said South West ¼ of the South West ¼, to the place of beginning.
2. That portion thereof lying south and east of the North westerly line of the former right-of-way of the Chicago, Milwaukee, St. Paul and Pacific Railroad.
3. That portion thereof heretofore conveyed to Winnebago County for roadway purposes by Instrument recorded in Volume 1071 on Page 447.
4. That portion thereof heretofore conveyed to the State of Wisconsin Department of Transportation by Deed recorded in Document No. 17-18967.

Property Address: 2550 Clairville Road

Tax Key Number: 002-0413

Further remediation/investigation needed
Site re-opened 08/12/2011
Call Project Manager for Assistance

Property Address: 2550 Clairville Road

Tax Key Number: 002-0413

Legal description: The South West ¼ of the SOUTH WEST ¼ of Section 32, T18N, R16E, in the Town of Algoma, Winnebago County, Wisconsin, excepting therefrom the four (4) following described tracts of land, viz:

1. Commencing at the Southwest corner of said Southwest ¼; thence East, along the South line of said South West ¼, 2 rods; thence northwesterly to the Northwest corner of said South West ¼ of the South West ¼; thence south, along the West line of said South West ¼ of the South West ¼, to the place of beginning.
2. That portion thereof lying south and east of the Northwesterly line of the former right-of-way of the Chicago, Milwaukee, St. Paul and Pacific Railroad.
3. That portion thereof heretofore conveyed to Winnebago County for roadway purposes by Instrument recorded in Volume 1071 on Page 447.
4. That portion thereof heretofore conveyed to the State of Wisconsin Department of Transportation by Deed recorded in Document No. 1248967.

Further remediation/investigation needed
Site re-opened 08/12/2011
Call Project Manager for Assistance

Statement Regarding Legal Description of
Former Olsen's Mill Site
427 West Huron Street, Omro, WI 54963
WDATCP Case No. 02411103001
WDNR BRRTS No. 02-71-547166

The legal description for the site specified above, and as shown on Document No. 1508851 attached to this statement, is complete and accurate to the best of my knowledge.



Signature 12-13-16
Date

STEVEN J. BOLEN VICE PRESIDENT OF AGRONOMY

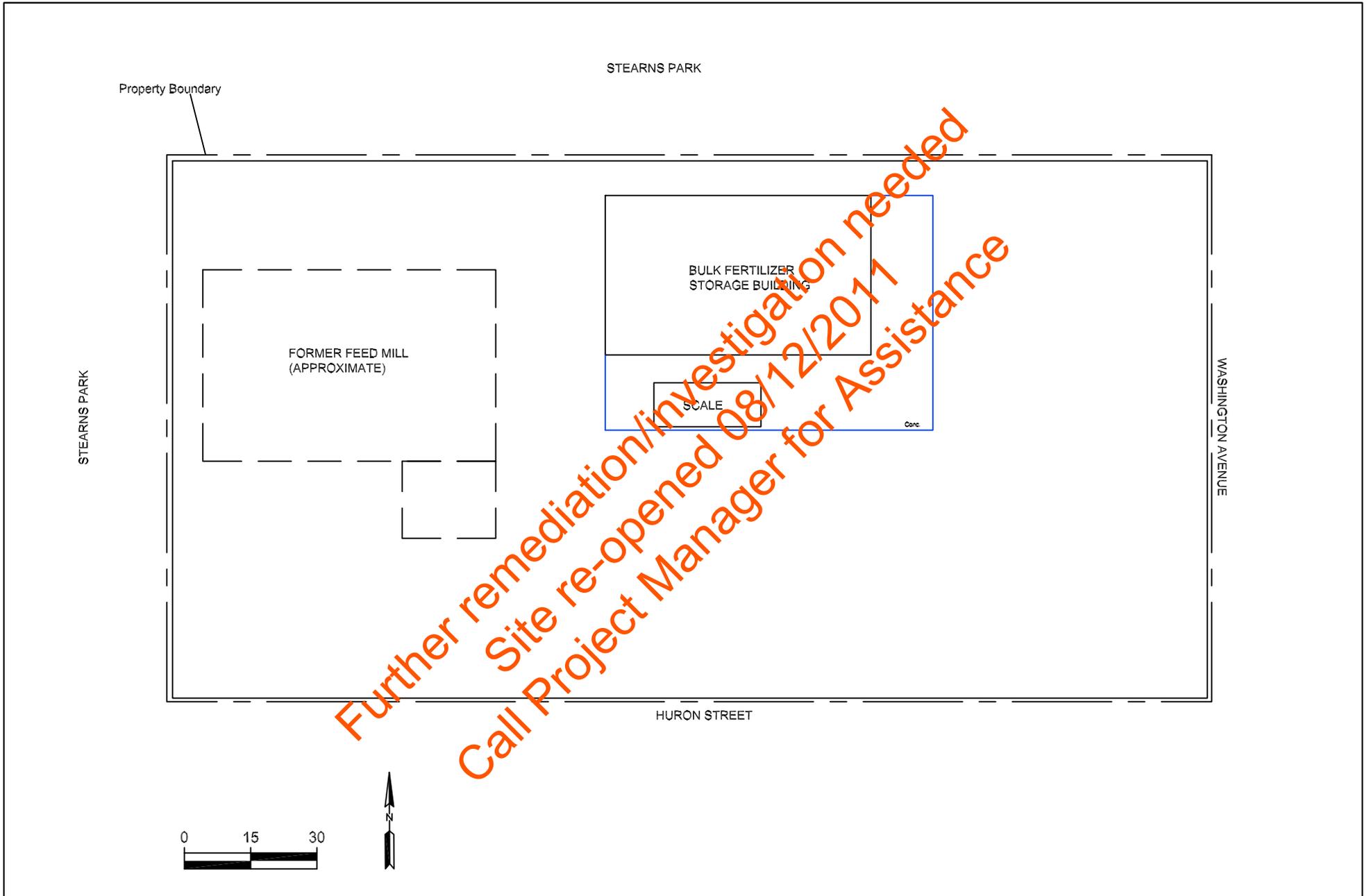
Printed Name, Title

Ag Services of Wisconsin, Inc.
N2084 State Road 49
Berlin, WI 54923

Further remediation/investigation needed
Site re-opened 08/12/2011
Call Project Manager for Assistance

Figure 1
Location Map
Former Olsen's Mill – Omro, WI





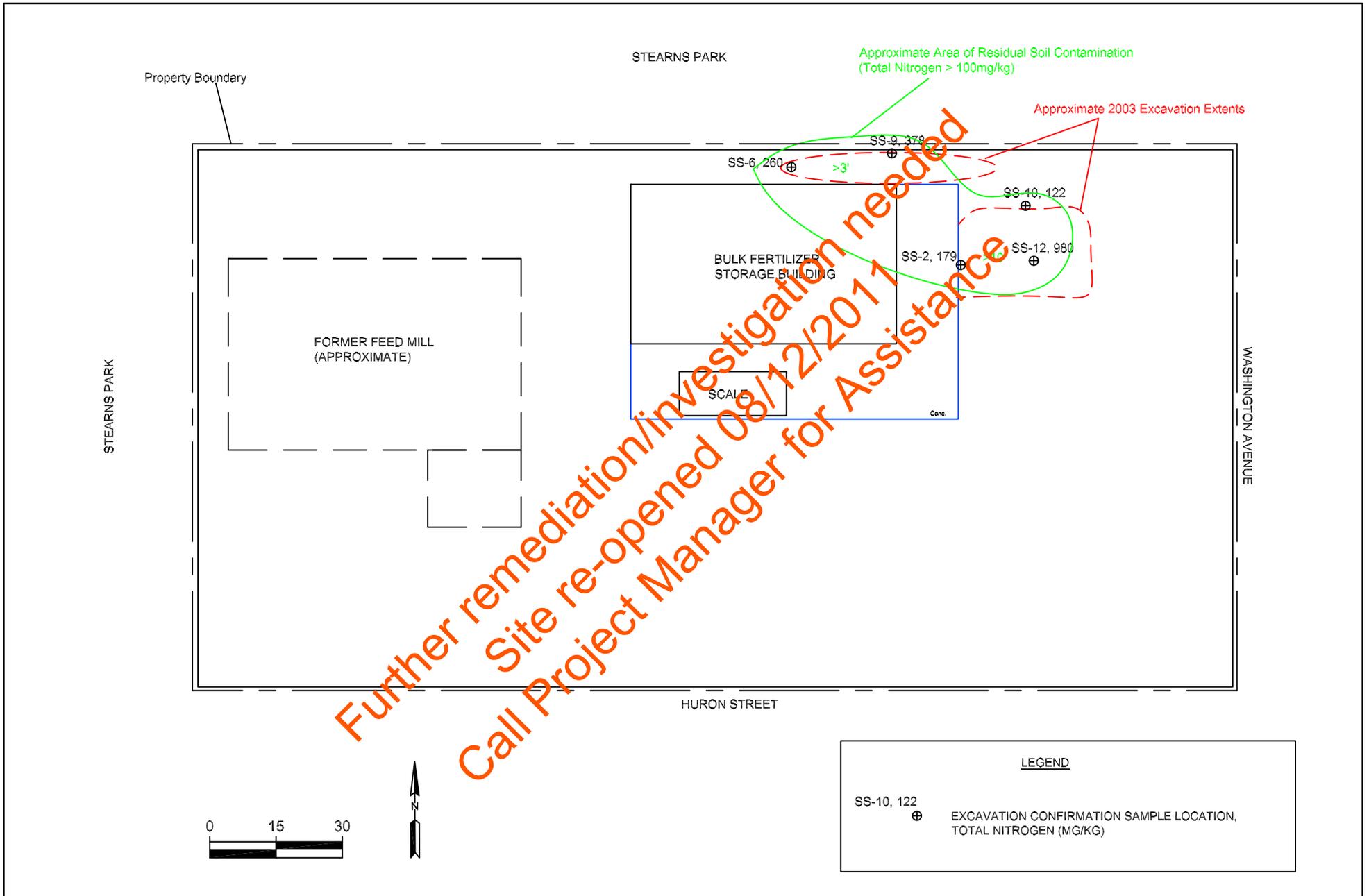


Table 1
Soil Analytical Table
Former Olsen's Mill - Omro, WI

Sample	Date	Sample Depth (feet)	Total Nitrogen (mg/kg)
SS-1	4/8/03	5	346
SS-2			179
SS-3			450
SS-4			59
SS-5			364
SS-6		3	260
SS-7		3	1700
SS-8		3	-
SS-9	4/10/03		378
SS-10			122
SS-11			49
SS-12			980

- = Less than reporting limit.

Further remediation/investigation needed
 Site re-opened 08/12/2011
 Call Project Manager for Assistance