

GIS REGISTRY INFORMATION

SITE NAME:	Salzsieder 76			FID #	
BRRTS #:	03-71-531578			(if appropriate):	
COMMERCE # (if appropriate):	54901-5656-03				
CLOSURE DATE:	February 24, 2006				
STREET ADDRESS:	103 N Sawyer St				
CITY:	Oshkosh				
SOURCE PROPERTY GPS COORDINATES (meters in WTM91 projection):	X =	634813	Y =	394878	
CONTAMINATED MEDIA:	Groundwater	<input type="checkbox"/>	Soil	<input type="checkbox"/>	Both <input checked="" type="checkbox"/>
OFF-SOURCE GW CONTAMINATION >ES:	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>	
• IF YES, STREET ADDRESS:					
• GPS COORDINATES (meters in WTM91 projection):					
	X =		Y =		
OFF-SOURCE SOIL CONTAMINATION >Generic or Site-Specific RCL (SSRCL):	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	
• IF YES, STREET ADDRESS 1:					
• GPS COORDINATES (meters in WTM91 projection):					
	X =		Y =		
CONTAMINATION IN RIGHT OF WAY:	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	
<u>DOCUMENTS NEEDED</u>					
Closure Letter, and any conditional closure letter issued or denial letter issued.					X
Copy of most recent deed, including legal description, for all affected properties					X
Certified survey map or relevant portion of the recorded plat map (if referenced in the legal description) for all affected properties					X
County Parcel ID number, if used for county, for all affected properties					X
Location Map which outlines all properties within contaminated site boundaries on USGS topographic map or plat map in sufficient detail to permit the parcels to be located easily (8.5x14" if paper copy). If groundwater standards are exceeded, the map must also include the location of all municipal and potable wells within 1200' of the site.					X
Detailed Site Map(s) for all affected properties, showing buildings, roads, property boundaries, contaminant sources, utility lines, monitoring wells and potable wells. (8.5x14", if paper copy) This map shall also show the location of all contaminated public streets, highway and railroad rights-of-way in relation to the source property and in relation to the boundaries of groundwater contamination exceeding ch. NR 140 ESs and soil contamination exceeding ch. NR 720 generic or SSRCLs.					X
Tables of Latest Groundwater Analytical Results (no shading or cross-hatching)					X
Tables of Latest Soil Analytical Results (no shading or cross-hatching)					X
Isoconcentration map(s), if required for site investigation (SI) (8.5x14" if paper copy). The isoconcentration map should have flow direction and extent of groundwater contamination defined. If not available, include the latest extent of contaminant plume map.					
GW: Table of water level elevations, with sampling dates, and free product noted if present					X
GW: Latest groundwater flow direction/monitoring well location map (should be 2 maps if maximum variation in flow direction is greater than 20 degrees)					X
SOIL: Latest horizontal extent of contamination exceeding generic or SSRCLs, with one contour					X
Geologic cross-sections, if required for SI. (8.5x14' if paper copy)					
RP certified statement that legal descriptions are complete and accurate.					X
Copies of off-source notification letters (if applicable)					
Letter informing ROW owner of residual contamination (if applicable)(public, highway or railroad ROW)					X
Copy of (soil or land use) deed restriction (s) or deed notice if any required as a condition of closure					X
Copy of any maintenance plan referenced in the deed restriction					X



ENVIRONMENTAL & REGULATORY SERVICES DIVISION
BUREAU OF PECFA
2129 Jackson Street
Oshkosh, Wisconsin 54901-1805
TDD #: (608) 264-8777
Fax #: (920) 424-0217
Jim Doyle, Governor
Mary P. Burke, Secretary

February 24, 2006

Mr. Paul Thoma
1219 Algoma Blvd
Oshkosh, WI 54901

RE: **Final Closure**

Commerce # 54901-5656-03 **WDNR BRRTS # 03-71-531578**
Salzsieder 76, 103 N Sawyer St, Oshkosh

Dear Mr. Thoma:

The Wisconsin Department of Commerce (Commerce) has received all items required as conditions for closure of the site referenced above. This case is now listed as "closed" on the Commerce database and will be included on the Wisconsin Department of Natural Resources (WDNR) Geographic Information System (GIS) Registry of Closed Remediation Sites to address residual contamination. It is in your best interest to keep all documentation related to the environmental activities that were conducted.

If residual contamination is encountered in the future, it must be managed in accordance with all applicable state and federal regulations. If it is determined that any remaining contamination poses a threat, the case may be reopened and further investigation or remediation may be required.

Thank you for your efforts to bring this case to closure. If you have any questions, please contact me in writing at the letterhead address or by telephone at (920) 424-0025.

Sincerely,

A handwritten signature in black ink that reads "Thomas Verstegen". The signature is written in a cursive style with a long, sweeping underline.

Thomas Verstegen
Department of Commerce
PECFA - Site Review Section

cc: Brian Youngwirth - Midwest Engineering Service
Case File



ENVIRONMENTAL & REGULATORY SERVICES DIVISION
BUREAU OF PECFA
2129 Jackson Street
Oshkosh, Wisconsin 54901-1805
TDD #: (608) 264-8777
Fax #: (920) 424-0217
Jim Doyle, Governor
Mary P. Burke, Secretary

January 26, 2006

Mr. Paul Thoma
1219 Algoma Blvd
Oshkosh, WI 54901

RE: **Conditional Case Closure**

Commerce # 54901-5656-03 **WDNR BRRTS # 03-71-531578**
Salzsieder 76, 103 N Sawyer St, Oshkosh

Dear Mr. Thoma:

The Wisconsin Department of Commerce (Commerce) has reviewed the request for case closure prepared by your consultant, Midwest Engineering Service, for the site referenced above. It is understood that residual soil and groundwater contamination remains on-site. Commerce has determined that this site does not pose a significant threat to the environment and human health. No further investigation or remedial action is necessary.

The following conditions must be satisfied to obtain final closure:

- A letter must be sent to the City of Oshkosh informing them of the soil and groundwater contamination within the R-O-W of Sawyer Street.
- All monitoring wells must be properly abandoned. The appropriate documentation must be forwarded to the letterhead address.

This letter serves as your written notice of "no further action". Timely filing of your final PECFA claim (if applicable) is encouraged. If your claim is not received within 120 days of the date of this letter, interest costs incurred after 60 days of the date of this letter will not be eligible for PECFA reimbursement.

Thank you for your efforts to protect Wisconsin's environment. If you have any questions, please contact me in writing at the letterhead address or by telephone at (920) 424-0025.

Sincerely,

A handwritten signature in black ink that reads "Thomas Verstegen".

Thomas Verstegen
Department of Commerce
PECFA - Site Review Section

cc: Mr. Brian Youngwirth - Midwest Engineering Service
→ Case File

DOCUMENT NO.

STATE BAR OF WISCONSIN FORM 5 - 1982
PERSONAL REPRESENTATIVE'S DEED

THIS SPACE RESERVED FOR RECORDING DATA

995634

Register's Office
Winnebago County, Wis.
Received for record
this 10th Day of
January
A.D. 1994
9:04 a.m.
Susan W. Winkler
REGISTER OF DEEDS

RETURN *dy*
Rt. Russell J. Reff
P.O. Box 1190
18

Louis Thoma

Willabelle J. Thoma, as Personal Representative of the estate of

Willabelle J. Thoma ("Decedent"),
for a valuable consideration conveys, without warranty, to Louis A. Thoma

the following described real estate in Winnebago County,
State of Wisconsin (hereinafter called the "Property"):

Lots Four (4), Five (5) and Six (6) of WEISBROD AND
BUCKSTAFF'S SUBDIVISION, of the Southwest 1/4 of the
Northeast 1/4 of Section 22 - T18N - R16E, Sixth Ward,
City of Oshkosh.

Tax Parcel No: 906-0796

(Known as 103-111 N. Sawyer Street, Oshkosh, WI)

This deed is being given for the purpose of conveying the marital property interest
of Willabelle J. Thoma in the above-described real estate.

THIS TRANSFER IS EXEMPT FROM THE WISCONSIN REAL ESTATE TRANSFER FEE PURSUANT TO
SECTION 77.25(11).

Personal Representative by this deed does convey to Grantee all of the estate and interest in the Property which
the Decedent had immediately prior to Decedent's death, and all of the estate and interest in the Property which the
Personal Representative has since acquired.

Dated this 31st day of December, 1994.

(SEAL) *Louis Thoma* (SEAL)
Personal Representative Personal Representative

AUTHENTICATION

Signature(s) of Louis Thoma

authenticated this 31st day of December, 1994

Russell J. Reff
* Russell J. Reff
TITLE: MEMBER STATE BAR OF WISCONSIN

(If not authorized by § 706.06, Wis. Stats.)

THIS INSTRUMENT WAS DRAFTED BY

Russell J. Reff
Attorney at Law

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

ACKNOWLEDGMENT

STATE OF WISCONSIN

County, ss.
Personally came before me this _____ day of
_____, 19____ the above named

to me known to be the person _____ who executed the
foregoing instrument and acknowledge the same.

Notary Public _____ County, Wis.
My Commission is permanent (if not, state expiration
date: _____, 19____)

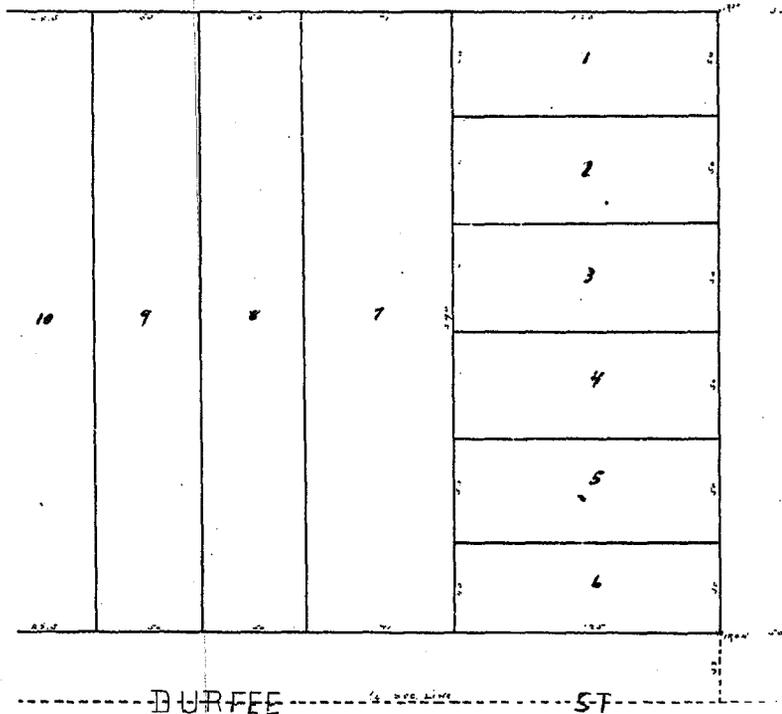
*Names of persons signing in any capacity should be typed or printed below their signature.

WEISBROD & BUCKSTAFF'S

SUBDIVISION

OF PART OF SW 1/4 OF NE 1/4 OF SEC 22 - 1A - 16

SIXTH WARD
CITY OF OMAHA
SECT. 22, 1A, 16



County Surveyors Office, Omaha, Mo.
July 6th 1898.

I certify that this is a correct plat of the above
Weisbrod & Buckstaff's Subdivision of part of S.W. 1/4 of N.E. 1/4
of Sec 22-1A-16 in the Sixth Ward City of Omaha, Mo. as
surveyed by me in order of Edith Weisbrod, now
deceased, and that the map is
a correct representation of all the exterior bound-
aries of the land surveyed and of the dimensions
thereon made and that I have fully complied with
all the provisions of Chapter One hundred and
one in connection with subdividing and in offering
the same.

The lot boundaries are as follows:
Dimensions 296 1/2 ft. south of the north line
of S.W. 1/4 of N.E. 1/4 of Sec 22-1A-16 in the Sixth Ward, on
the west line of Sawyer Ave thence south on
said west line three hundred twenty three
feet (323) more or less to the south line of said
S.W. 1/4 of N.E. 1/4 of the corner of Durfee St. thence
west along said south line three hundred forty
three feet (343) thence north parallel with the
west line of Sawyer Ave. three hundred twenty
three (323) feet more or less thence east three
hundred forty three feet (343) to the place of
beginning (being three acres and four
square feet).

SAWYER AVE

A. W. Leach
County Surveyor.

11 1 111 11 11 11



Assessment Records

- Parcel Info
- Assessment/Sales
- Main Building(s)
- Commercial
- OBY
- Photo

Parcel Information	
Address	103 SAWYER N ST
Class	COMMERCIAL

Owner	
Name	THOMA ESTATE, LOUIS A
Address 1	5254 SAMERS BAY RD
Unit#	
City	OMRO
State	WI
Zip Code	54963

Lot Size	
Frontage	
Effective Depth	
Square Feet	17500
Acres	.40
Shape	

Legal Description	
Desc	WEISBROD & BUCKSTAFF SUB DIV LOTS 4 5 & 6

Current Record

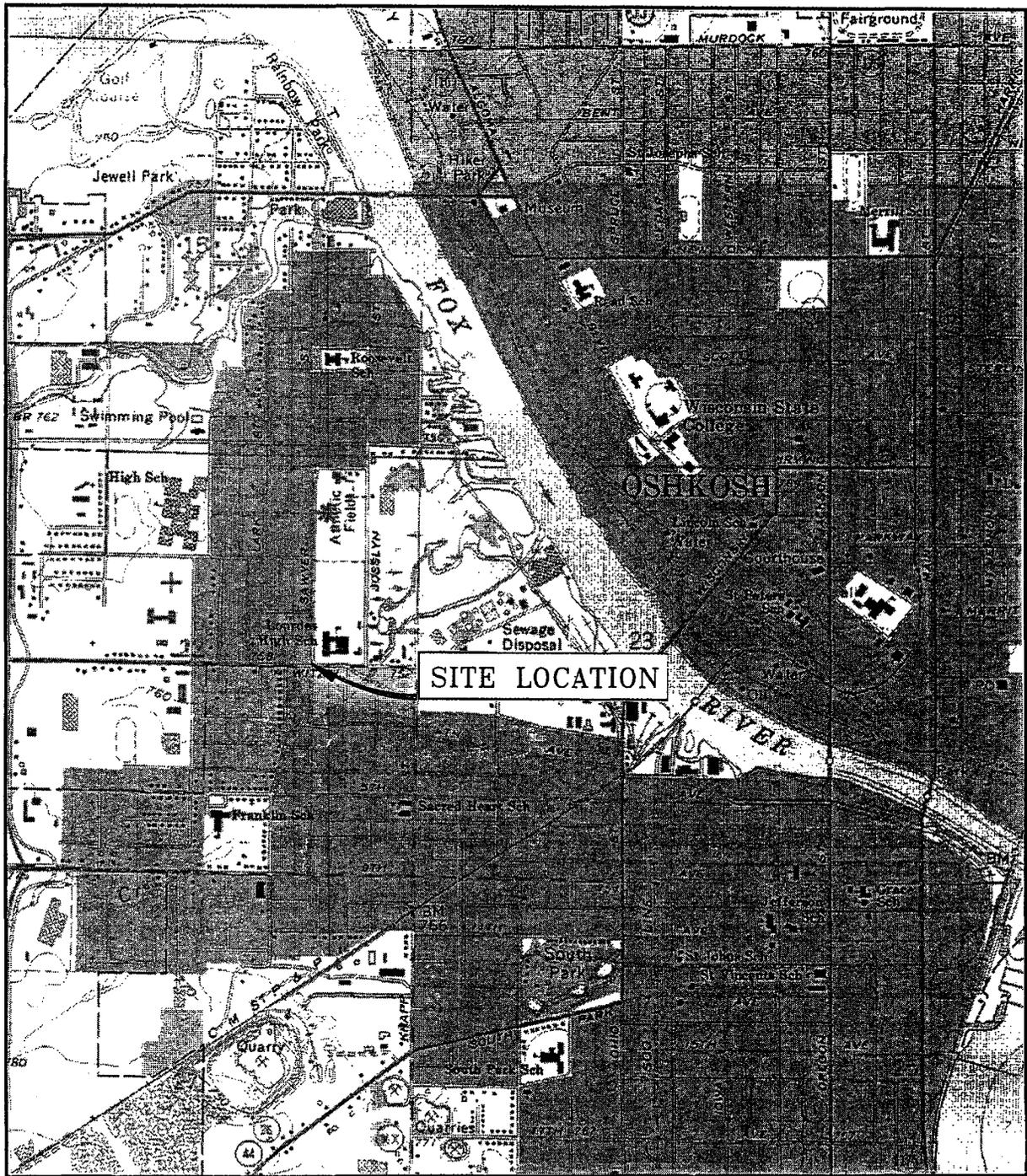
0607960000

Your Search List

1 of 1

- View Search List
- Refine Search
- New Search





OSHKOSH QUADRANGLE
 U.S.G.S. 7.5 MINUTE SERIES
 (TOPOGRAPHIC) WINNEBAGO COUNTY
 WISCONSIN



SCALE: 1:24,000

FIGURE 1: SITE LOCATION MAP



midwest engineering services, inc.
 104 W. Jackson St. Ripon, WI
 Tel: (920) 745-2200
 Fax: (920) 745-2222

12-51036
DATE: 11/22/05
ID#: THOMA

103 N. SAYWER ST.
 OSHKOSH, WISCONSIN
 GIS REGISTRATION PACKAGE

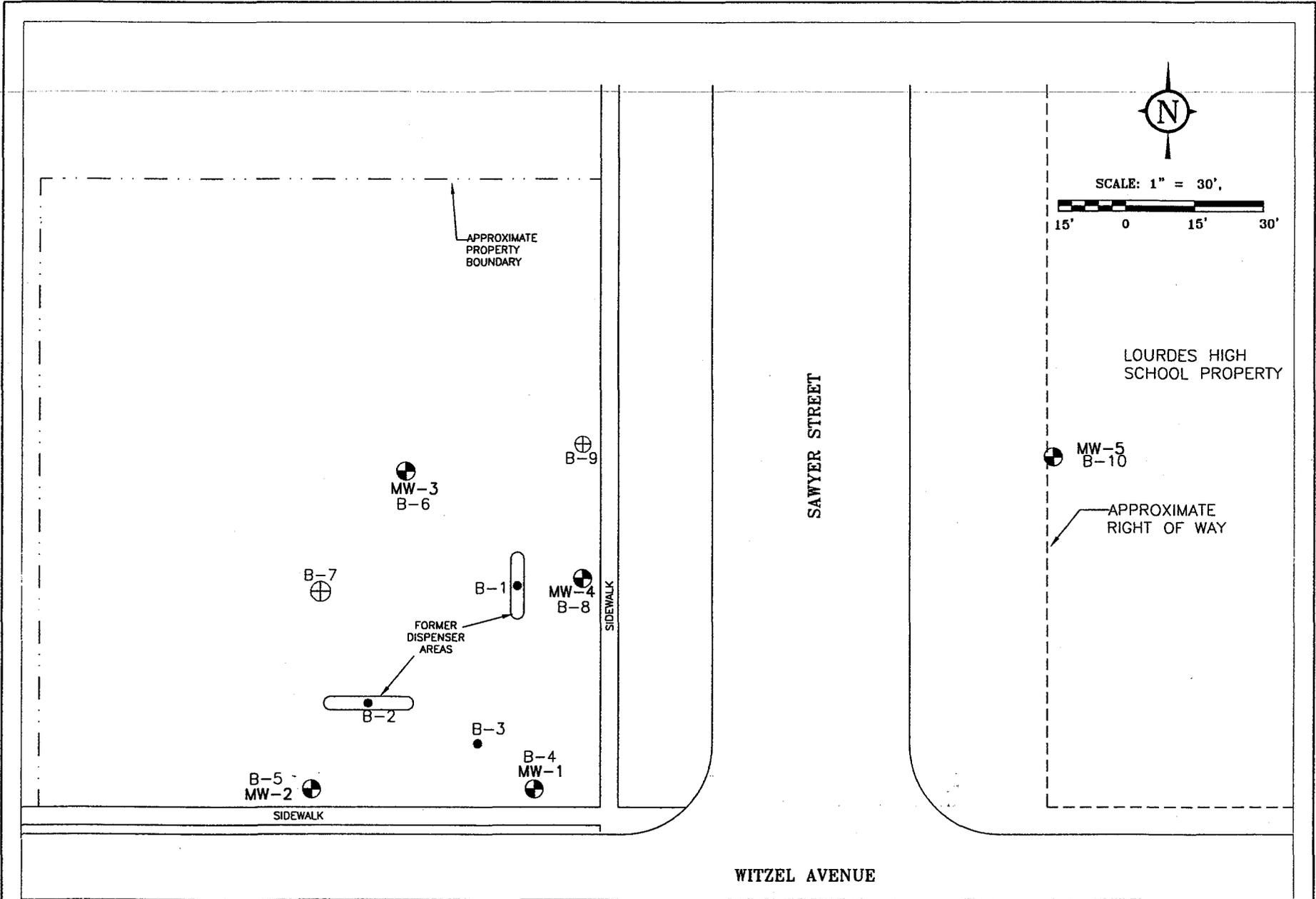


FIGURE 2: SITE PLAN MAP



midwest engineering services, inc.
 104 W. Jackson St. Ripon, WI
 Tel: (920) 745-2200
 Fax: (920) 745-2222

12-51036
DRAWN BY: KP
DATE: 11/21/05
ID#: SI-CLOSURE

103 N. SAWYER ST.
 OSHKOSH, WISCONSIN
 GIS REGISTRATION PACKAGE

TABLE 2
SUMMARY OF GROUNDWATER ANALYTICAL RESULTS
103 NORTH SAWYER PROPERTY
MES PROJECT NO. 12-51036

Monitoring Well	NR 140		MW-1		MW-2		MW-3		MW-4		MW-5	
	ES	PAL	07/23/2005	10/25/2005	07/23/2005	10/25/2005	07/23/2005	10/25/2005	07/23/2005	10/25/2005	09/21/2005	10/25/2005
PETROLEUM VOLATILE ORGANIC COMPOUNDS (PVOC) (µg/L)												
Benzene	5	0.5	Q	<0.14	<0.41	0.38	<0.41	<0.14	59	580	<0.41	<0.14
Ethylbenzene	700	140	<0.54	<0.40	<0.54	<0.40	<0.54	<0.40	15	40	<0.54	<0.40
Methyl tert-butyl ether	60	12	4.2	4.0	Q	11	<0.61	1.5	200	1500	<0.61	<0.36
Toluene	1000	200	<0.67	<0.36	<0.67	0.41	<0.67	<0.36	120	12	<0.67	<0.36
1,2,4 -Trimethylbenzene	480	96	<0.97	<0.39	<0.97	<0.39	<0.97	<0.39	9.7	6.2	<0.97	<0.39
1,3,5 -Trimethylbenzene			<0.83	<0.40	<0.83	<0.40	<0.83	<0.40	Q	15	<0.83	<0.40
Xylenes, -m, -p	10000	1000	<2.63	<1.10	<2.63	<1.10	<2.63	<1.10	72	16.5	<2.63	<1.10
Xylenes, -o			<2.63	<1.10	<2.63	<1.10	<2.63	<1.10	72	16.5	<2.63	<1.10
OTHER DETECTED VOLATILE ORGANIC COMPOUNDS (VOC) (µg/L)												
sec-Butylbenzene	NE	NE	<0.89	NA	<0.89	NA	<0.89	NA	<1.8	NA	<0.89	NA
n-Butylbenzene	NE	NE	<0.93	NA	<0.93	NA	<0.93	NA	<1.9	NA	<0.93	NA
1,2-Dichloroethane	5	0.5	Q	NA	<0.36	NA	<0.36	NA	<0.72	NA	<0.36	NA
1,1-Dichloroethane	850	85	<0.75	NA	<0.75	NA	<0.75	NA	<1.5	NA	<0.75	NA
Diisopropyl ether	NE	NE	<0.76	NA	<0.76	NA	<0.76	NA	<1.5	NA	<0.76	NA
Isopropylbenzene	NE	NE	<0.59	NA	<0.59	NA	<0.59	NA	<1.2	NA	<0.59	NA
p-Isopropyltoluene	NE	NE	<0.67	NA	<0.67	NA	<0.67	NA	<1.3	NA	<0.67	NA
Naphthalene	40	8	<0.74	NA	<0.74	NA	<0.74	NA	Q	NA	<0.74	NA
n-Propylbenzene	NE	NE	<0.81	NA	<0.81	NA	<0.81	NA	Q	NA	<0.81	NA

ES = Enforcement Standard

PAL = Preventive Action Limit

µg/L = micrograms per liter

NA = Parameter not analyzed

NE = NR 140 ES not established

Q = Analyte detected above laboratory limit of detection but below limit of quantitation.

Bold indicates analytical results above NR 140 ES

TABLE 1
SUMMARY OF SOIL ANALYTICAL RESULTS
103 N. SAWYER STREET
MES PROJECT #12-51036

Sample No.	NR 720	NR 746	NR 746	B-1	B-2	B-3
Sampling Date	RCL	SSL	DCL	7/15/04	7/15/04	7/15/04
Sample Depth (feet)				2-4	2-4	5-7
GASOLINE RANGE ORGANICS (GRO) (mg/kg)						
GRO	250	NE	NE	1470	1900	8.76
PETROLEUM VOLATILE ORGANIC COMPOUNDS (PVOC) (µg/kg)						
Benzene	5.5	8500	1100	2580	128	649
Ethylbenzene	2900	4600	NE	14900	10500	159
Methyl tert-butyl ether	NE	NE	NE	1150	<50.0	<25
Toluene	1500	38000	NE	28200	3410	647
1,2,4-Trimethylbenzene	NE	83000	NE	73700	16200	430
1,3,5-Trimethylbenzene	NE	11000	NE	25700	54800	179
Total Xylenes	4100	42000	NE	112000	158000	1100

mg/kg = milligrams per kilogram

µg/kg = micrograms per kilogram

RCL = Residual Contaminant Level

SSL = Soil Screening Level

DCL = Direct Contact Level

NA = Parameter not analyzed

NE = NR 720 RCL not established

Q = Analyte detected above laboratory limit of detection but below limit of quantitation.

Bold indicates analytical results exceed NR 720 RCL

TABLE 1
SUMMARY OF SOIL ANALYTICAL RESULTS
SAWYER AND WITZEL PROPERTY
MES PROJECT No. 12-51036

Sample No.	NR 720 RCL	NR 746 SSL	NR 746 DCL	B-4	B-5	B-6	B-7	B-8	B-9	
Sampling Date				07/22/05	07/22/05	07/22/05	07/22/05	07/22/05	09/15/05	09/15/05
Sample Depth (feet)				2-4'	2-4'	4-6'	6-8'	2-4'	2-4'	6-8'
GASOLINE RANGE ORGANICS (GRO) (mg/kg)										
GRO	250	NE	NE	5.4	<3.0	<2.8	<2.9	580	<3.0	8.5
VOLATILE ORGANIC COMPOUNDS (VOC) (µg/kg)										
Benzene	5.5	8500	1100	<25	<25	<25	<25	1200	<25	<25
Ethylbenzene	2900	4600	NE	<25	<25	<25	<25	12000	<25	<25
Methyl tert-butyl ether	NE	NE	NE	<25	<25	<25	<25	<100	<25	<25
Toluene	1500	38000	NE	<25	<25	<25	<25	26000	<25	<25
1,2,4-Trimethylbenzene	NE	83000	NE	<25	<25	<25	<25	45000	<25	<25
1,3,5-Trimethylbenzene	NE	11000	NE	<25	<25	<25	<25	14000	<25	<25
Xylenes, -m, -p	4100	42000	NE	<75	<75	<75	<75	64000	<50	<50
Xylenes, -o										
n-butylbenzene	NE	NE	NE	<25	NA	NA	NA	<100	NA	NA
Isopropylbenzene	NE	NE	NE	<25	NA	NA	NA	1100	NA	NA
Methylene Chloride	NE	NE	NE	<25	NA	NA	NA	<100	NA	NA
p-Isopropyltoluene	NE	NE	NE	<25	NA	NA	NA	1200	NA	NA
sec-Butylbenzene	NE	NE	NE	<25	NA	NA	NA	530	NA	NA
n-Propylbenzene	NE	NE	NE	<25	NA	NA	NA	5400	NA	NA

mg/kg = milligrams per kilogram

µg/kg = micrograms per kilogram

RCL = Residual Contaminant Level

SSL = Soil Screening Level

DCL = Direct Contact Level

NA = Parameter not analyzed

NE = NR 720 RCL not established

Q = Analyte detected above laboratory limit of detection but below limit of quantitation.

Bold indicates analytical results exceed NR 720 RCL

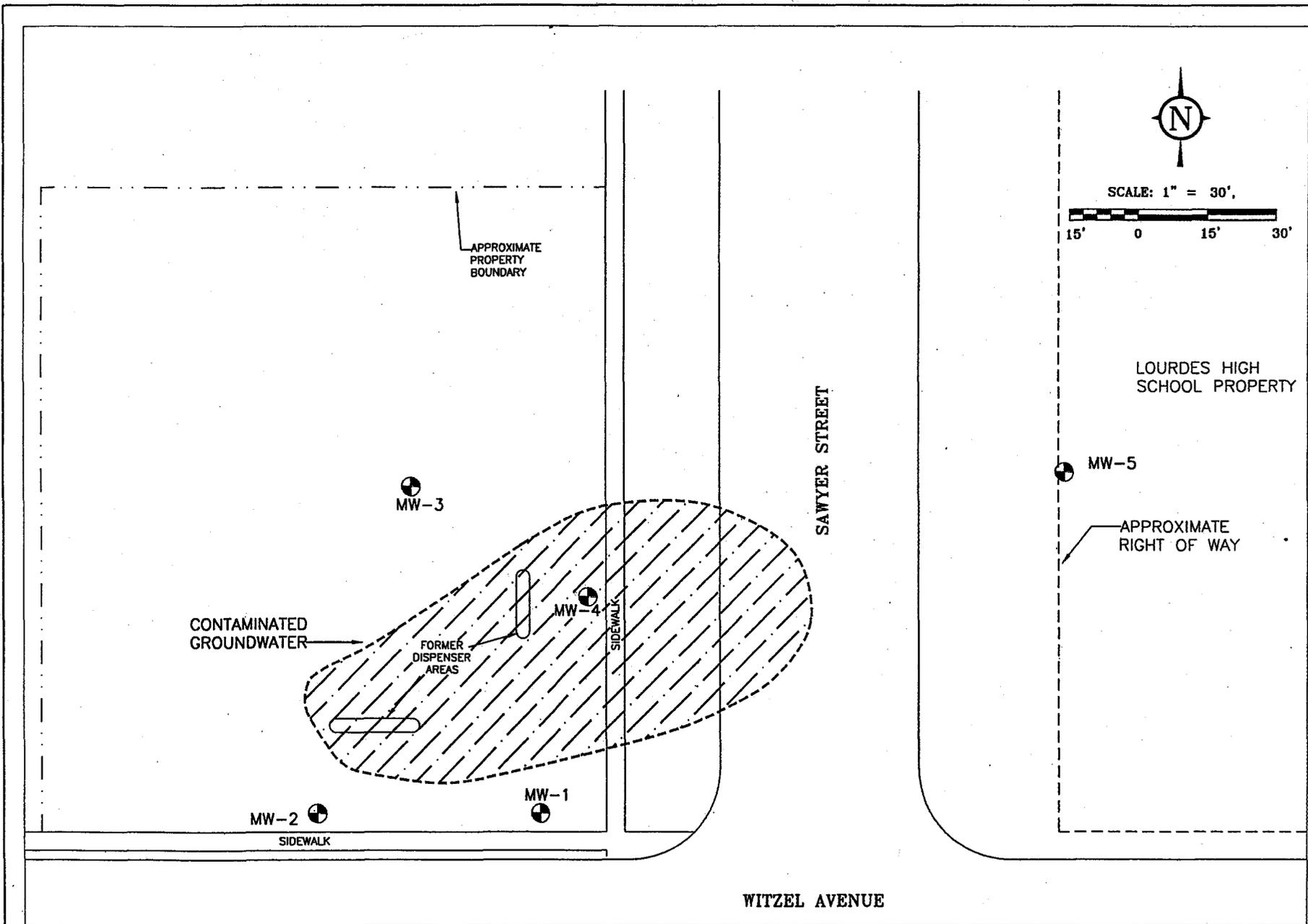


FIGURE 3: ESTIMATED GROUNDWATER CONTAMINATION EXCEEDING NR 140 ES



midwest engineering services, inc.
 104 W. Jackson St. Ripon, WI
 Tel: (920) 745-2200
 Fax: (920) 745-2222

12-51036
 DRAWN BY: KP
 DATE: 11/21/05
 ID#: SI-CLOSURE

103 N. SAWYER ST.
 OSHKOSH, WISCONSIN
 GIS REGISTRATION PACKAGE

TABLE 3
WATER LEVEL DATA
103 N. SAWYER STREET, OSHKOSH
MES PROJECT NO. 12-51036

Monitoring Well Number	Top of Well Casing Elevation	Date Measured	Depth to Water (Ft.)	Groundwater Elevation (Ft.)
MW-1	97.75	07/27/2005	6.17	91.58
	97.75	08/08/2005	6.35	91.40
	97.75	09/14/2005	6.56	91.19
	97.75	10/25/2005	6.43	91.32
MW-2	98.58	07/27/2005	6.35	92.23
	98.58	08/08/2005	7.16	91.42
	98.58	09/14/2005	7.32	91.26
	98.58	10/25/2005	7.23	91.35
				0.00
MW-3	98.11	07/27/2005	6.56	91.55
	98.11	08/08/2005	10.05	88.06
	98.11	09/14/2005	6.97	91.14
	98.11	10/25/2005	6.44	91.67
MW-4	97.39	07/27/2005	6.43	90.96
	97.39	08/08/2005	5.98	91.41
	97.39	09/14/2005	6.22	91.17
	97.39	10/25/2005	6.05	91.34
MW-5	96.46	09/21/2005	11.45	85.01
	96.46	10/25/2005	6.15	90.31

ft = feet

NR=Not recorded

Elevations in feet in reference to benchmark with an assumed elevation of 100 feet.

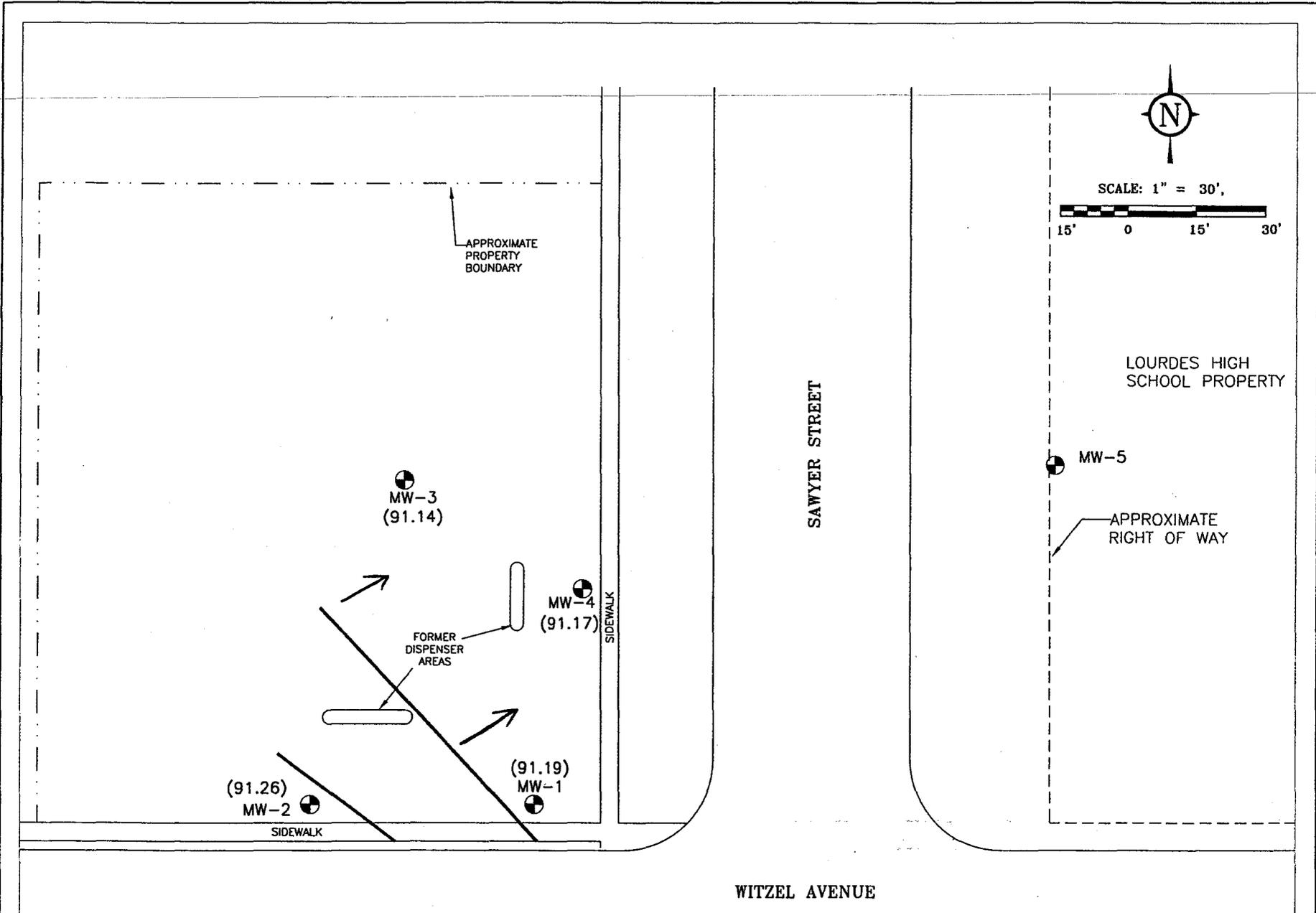


FIGURE 4: GROUNDWATER ELEVATION CONTOUR MAP - SEPTEMBER 14, 2005



midwest engineering services, inc.
 104 W. Jackson St. Ripon, WI
 Tel: (920) 745-2200
 Fax: (920) 745-2222

12-51036
 DRAWN BY: KP
 DATE 11/21/05
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103 N. SAWYER ST.
 OSHKOSH, WISCONSIN
 GIS REGISTRATION PACKAGE

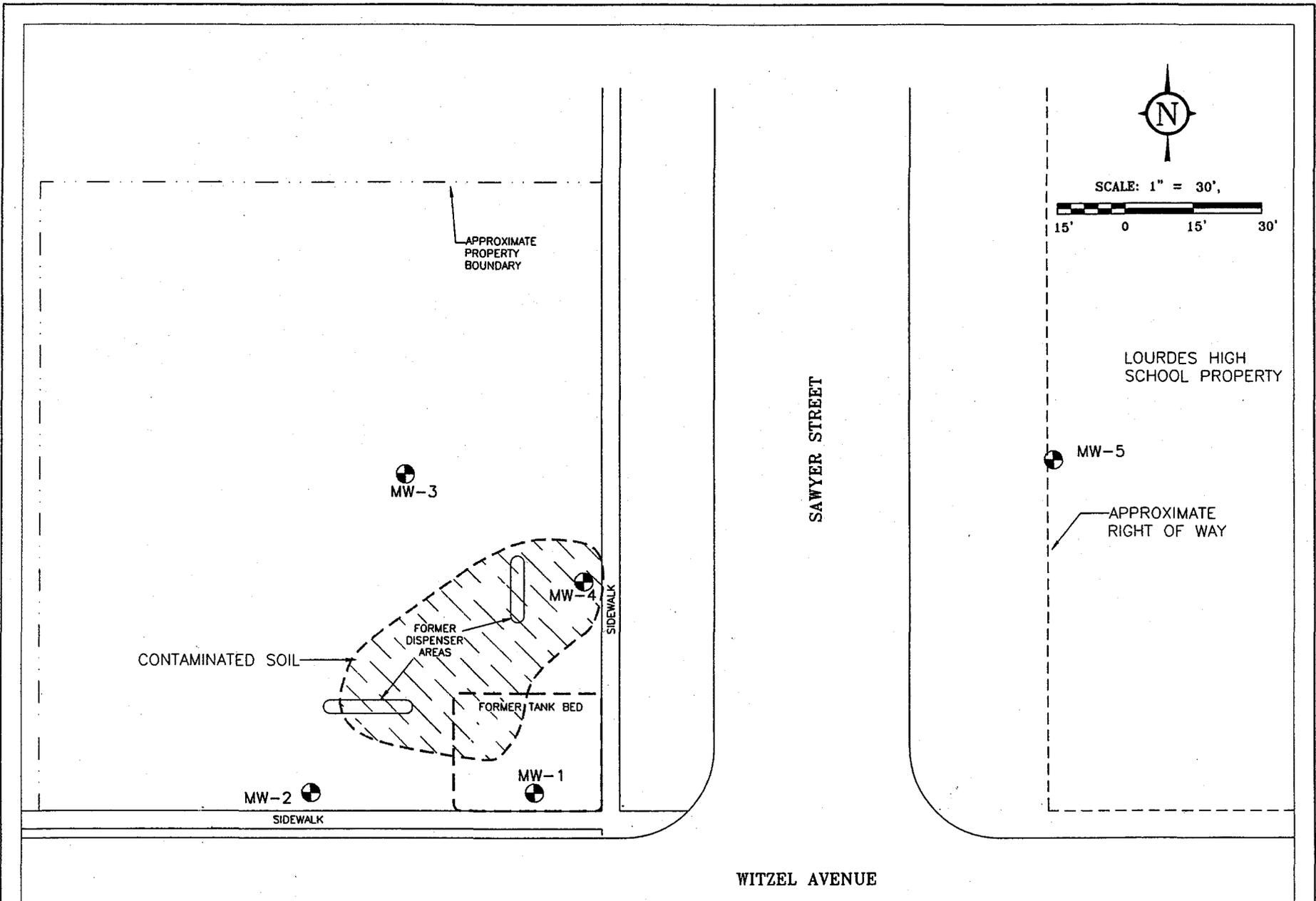


FIGURE 5: ESTIMATED SOIL CONTAMINATION EXCEEDING NR 720 RCL



midwest engineering services, inc.
 104 W. Jackson St. Ripon, WI
 Tel: (920) 745-2200
 Fax: (920) 745-2222

12-51036
 DRAWN BY: KP
 DATE: 11/21/05
 ID#: SI-CLOSURE

103 N. SAWYER ST.
 OSHKOSH, WISCONSIN
 GIS REGISTRATION PACKAGE



midwest engineering services, inc.

fischer division

geotechnical • environmental • materials engineers

104 W. Jackson St.
Ripon, WI 54971-1314
920-745-2200
FAX 920-745-2222
www.midwesteng.com

November 28, 2005

Mr. Paul Thoma
742 Witzel Avenue
Oshkosh, WI 54901

RE: CERTIFY GIS
Thoma Property
103 N. Sawyer Street
Oshkosh, Wisconsin
MES Report No.12-51036
WDNR BRRTS #03-71-531578
PECFA # 54901

Dear Mr. Thoma:

Midwest Engineering is currently acquiring the necessary information to complete the soil and groundwater Geographical Information System (GIS) package. Registration on the GIS is required to close the site with the present levels of petroleum compounds within the samples collected from B-1, B-2, B-3 and B-4/ MW-4. As part of the GIS, the WDNR requires a statement signed by the Responsible Party certifying that the legal descriptions contained on the deed are correct. Therefore, please review the legal description on the attached deed and if the information appears correct, please sign the attached statement and return it to MES utilizing the attached envelope.

If you have any questions, or wish to discuss any part of this correspondence, please feel free to contact MES at (920) 745-2200.

Respectfully Submitted,

MIDWEST ENGINEERING SERVICES, INC.

Jeff Fischer
Branch Manager

I hereby certify that the legal descriptions in the GIS registration package are complete and accurate.

Paul Thoma
Mr. Paul Thoma

CERTIFIED MAIL

January 26, 2006

Mr. Scott Erickson
City of Oshkosh
P.O. Box 1130
Oshkosh, WI 54903-1130

RE: OFF SITE NOTICE OF GROUNDWATER CONTAMINATION WITHIN RIGHT OF WAY
103 North Sawyer Property
Oshkosh, WI
MES Project No. 12-51036
WDNR BRRTS No. 03-71-531578

Dear Mr. Erickson:

Groundwater contamination that appears to have originated on the property located at 103 North Sawyer Street has migrated onto the City of Oshkosh Right of Way east of the site (Sawyer Avenue). The levels of benzene and methyl-tert-butyl-ether (MTBE) in the groundwater are above the state enforcement standards found in chapter NR 140, Wisconsin Administrative Code. This site appears eligible for closure under ch. NR 746 Wisconsin Administrative Code. I have requested that the Department of Commerce close the site with natural attenuation as the final remedy for this site, with a deed restriction, and submittal of a Cap Maintenance Plan due to soil contamination at the subject site (103 North Sawyer Street) in excess of the NR 746 Table 2 values. Closure means that the Department will not be requiring any further investigation or cleanup action to be taken, other than the reliance on natural attenuation and execution of the terms of the Cap Maintenance Plan.

Since the source of the groundwater contamination is not on your property, neither you nor any subsequent owner of your property will be held responsible for investigation or cleanup of this groundwater contamination, as long as you and any subsequent owners comply with the requirements of section 292.13, Wisconsin Statutes, including allowing access to your property for environmental investigation or cleanup if access is required. For further information on the requirements of section 292.13, Wisconsin Statutes, you may call 1-800-367-6076 for calls originating in Wisconsin, or 608-264-6020 if you are calling from out of state or within the Madison area, to obtain a copy of the Department of Natural Resources' publication #RR-589, Fact Sheet 10: Guidance for Dealing with Properties Affected by Off-Site Contamination."

The Department of Natural Resources recently established an alternative mechanism for closing sites where groundwater contamination remains at levels above the NR 140 enforcement standards. The alternative closure mechanism of listing the property on the geographical information system database, does not require recording a deed modification at the register of deeds.

All properties within the site boundaries where groundwater contamination exceeds chapter NR 140 enforcement standards will be listed on the Department of Natural Resources geographic information system (GIS) Registry of Closed Remediation Sites. The information on the GIS Registry includes

OFF SITE NOTICE OF GROUNDWATER CONTAMINATION

103 North Sawyer Property

Oshkosh, WI

WDNR BRRTS No. 03-71-196912

maps showing the location of properties in Wisconsin where groundwater contamination above chapter NR 140 enforcement standards was found at the time that the case was closed. This GIS Registry is available to the public on the Department of Natural Resource internet web site.

You may access the DNR GIS Registry of Closed Remediation Sites on the internet at <http://geomapour.dnr.state.wi.us/org/at/et/geo/gwur/index.htm>.

If you need more information, you may contact Ms. Lisa Evenson with the WDNR at (920) 492-5864.

Sincerely Yours,

Mr. Paul Thoma

Paul Thoma
Attachments: Property Deed

Document Number	DEED RESTRICTION
------------------------	-------------------------

Legal Description of the Property: In re: (as it appears on the most recent deed)

Lots Four (4), Five (5) and Six (6) of WEISBROD AND BUCKSTAFF'S SUBDIVISION, of the Southwest ¼ of the Northeast ¼ of Section 22 – T18N – R16E, Sixth Ward, City of Oshkosh.

(Known as 103-11 N. Sawyer Street, Oshkosh, WI)

1386201
 REGISTER'S OFFICE
 WINNEBAGO COUNTY, WI
 RECORDED ON
 01/25/2006 02:42PM
 JULIE PAGEL
 REGISTER OF DEEDS
 RECORDING FEE 25.00
 TRANSFER FEE
 # OF PAGES 8

Recording Area
 Name and Return Address
 PAUL THOMA
 OSHKOSH, WI 54901

90607960000
Parcel Identification Number (PIN)

STATE OF WISCONSIN)
) ss
 COUNTY OF)

Section 1. WHEREAS Paul Thoma, is the owner of the above-described property.

Section 2. WHEREAS, one or more petroleum discharges have occurred at this property. Petroleum contaminated soil with concentrations that exceed NR 720 residual contaminant levels of the Wisconsin Administrative Code exists on this property. File references: WDNR BRRTS # 03-71531578, last consultant of record: Midwest Engineering Services, Inc.

Section 3. NOW THEREFORE, it is the desire and intention of the property owner to impose restrictions on the property that will make it unnecessary to conduct additional soil remediation activities on the property at the present time. The owner hereby declares that all of the property described above is held and shall be held, conveyed or encumbered, leased, rented, used, occupied and improved subject to the following limitations and/or restrictions:

Petroleum contaminated soil remains on this property. According to the report prepared by Midwest Engineering Services, Inc., dated November 29, 2005, the residual contaminated soil is located in the area of soil borings B-1, B-2, B-3 and B-8, installed in the area of the former underground storage tanks and dispensers (See enclosed maps Figure 2, Figure 3, and Figure 5, Site Plan and Estimated Extent of Soil and Groundwater Contamination, and Table 2 Summary of Soil Analytical Results). An impermeable cap or cover is the selected remedial action to address residual soil contamination on the property. Therefore, an impermeable cap or cover (i.e., concrete, asphalt, building) shall be installed and maintained across this area of the property until, 1) the soil is actively remediated or removed or, 2) it can be demonstrated that the contamination in soil has naturally degraded to levels that are protective of the

environment and human health. If this contaminated soil is encountered in the future, it will need to be managed in accordance with all applicable laws.

Any person who is or becomes owner of the property described above may request that the Wisconsin Department of Commerce, or its successor, issue a determination that the restrictions/notifications set forth in this covenant are no longer required. That property owner shall provide any and all necessary information to the Department in order for the Department to be able to make a determination. Upon receipt of such a request, the Department shall determine whether or not the restrictions/notifications contained herein can be released. Conditions under which a restriction/notification may be released will be determined in accordance with the site specific standards, rules and laws for this property. If the Department determines that the restrictions/notifications can be released, an affidavit, with a copy of the Department's written determination, may be recorded to give notice that this restriction/notification or portions of this restriction/notification are no longer required. Any restriction/notification placed upon this property may not be released without the Department's written determination.

This restriction is hereby to be a covenant running with the land and shall be fully binding upon all persons acquiring the above-described property whether by descent, devise, purchase, or otherwise. This restriction inures to the benefit of and is enforceable by the Wisconsin Department of Commerce, its successors or assigns. The Department, its successors or assigns, may initiate proceedings at law or in equity against any person or persons who violate this covenant, to prevent the proposed violation or to recover damages for such violation.

Any person who is or becomes owner of the property described above may request that the Wisconsin Department of Commerce or its successor issue a determination that one or more of the restrictions set forth in this covenant is no longer required. Upon the receipt of such a request, the Wisconsin Department of Commerce shall determine whether or not the restrictions contained herein can be extinguished. If the Department determines that the restrictions can be extinguished, an affidavit, attached to a copy of the Department's written determination, may be recorded by the property owner or other interested party to give notice that this deed restriction, or portions of this deed restriction, are no longer binding.

IN WITNESS WHEREOF, the owner of the property has executed this document, this 25 day of January, 2006

By signing this document, [he/she] acknowledges that [he/she] is duly authorized to sign this document on behalf of LOUIS THOMA ESTATE

Signature: Paul J Thoma P. R.

Printed Name: PAUL THOMA

Title: Personal Rep.

Subscribed and sworn to before me this 25 day of Jan., 2006

Nancy Poppe-Hackbart
Notary Public, State of Wisconsin
My commission July 27, 2008



This document was drafted by Midwest Engineering Services based on a model deed restriction provided by the Wisconsin Department of Natural Resources.

January 25, 2006

Mr. Thomas Verstegen
Hydrogeologist
Wisconsin Department of Commerce
2129 Jackson Street
Oshkosh, WI 54901-1805

RE: CAP MAINTENANCE PLAN
Thoma Property
103 N. Sawyer Street
Oshkosh, WI
WDNR BRRTS #03-71-531578
Commerce No. 54901-56-5603

Dear Mr. Verstegen:

Midwest Engineering Services, Inc., (MES) has prepared this Cap Maintenance Plan for the referenced site on behalf of Mr. Paul Thoma, the current owner of the above-mentioned property. A site location map is shown in Figure 1. The following is the information requested from the WDNR for the cap maintenance plan:

- *The Name and Address of the party responsible for maintaining the cap.*

Mr. Paul Thoma
742 Witzel Avenue
Oshkosh, WI 54901
Telephone No.: (920)379-2383

If the ownership should change, Mr. Thoma will notify COMM of the responsible party name, and the responsible party should be notified of the duties to maintain the cap.

- *Schedule of annual or on-going inspections:*

An asphalt, concrete or other suitable cap will be installed and maintained in the area of soil borings B-1, B-2, B-3 and B-8. This impermeable cap will be inspected annually. A site plan is shown in Figure 2. The integrity of the cap will be photo-

Wisconsin Department of Commerce
Golden Grill Restaurant
Cap Maintenance Plan
October 4, 2005
Page 2

documented annually, and pictures of the above-mentioned area will be stored in a file, for future reference, if required. Additionally, a log documenting any cap maintenance will be kept for COMM review, if necessary.

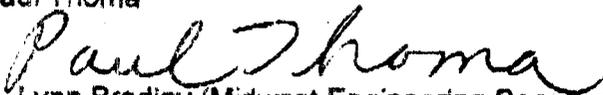
- *Repair of cap as necessary*

If imperfections are observed during the inspection, they will be repaired as necessary.

If you have any questions, please contact MES at (920) 745-2200.

Sincerely yours,

Mr. Paul Thoma


c: Lynn Bradley (Midwest Engineering Services Inc.)

Attachments

Figure 1 Site Location Map
Figure 2 Site Plan