

# GIS REGISTRY

## Cover Sheet

March, 2010  
(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 type="checkbox"/> Contamination in ROW                                                |
| <input type="checkbox"/> Off-Source Contamination                                            | <input type="checkbox"/> Off-Source Contamination                                            |
| <i>(note: for list of off-source properties<br/>see "Impacted Off-Source Property" form)</i> | <i>(note: for list of off-source properties<br/>see "Impacted Off-Source Property" form)</i> |

#### Land Use Controls:

- |                                                                                                   |                                                                                                                         |
|---------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------|
| <input type="checkbox"/> N/A (Not Applicable)                                                     | <input checked="" type="checkbox"/> Cover or Barrier (222)                                                              |
| <input checked="" type="checkbox"/> Soil: maintain industrial zoning (220)                        | <i>(note: maintenance plan for<br/>groundwater or direct contact)</i>                                                   |
| <i>(note: soil contamination concentrations<br/>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)                                                             |
| <input type="checkbox"/> Site Specific Condition (228)                                            | <i>(note: local government unit or economic<br/>development corporation was directed to<br/>take a response action)</i> |

#### 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.)
- 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: Charter Films 1901 Winter Street, Plan Review**

- 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: Site Locations 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 & 3                      Title: Site plan & Soil Boring Locations**

- 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 #: 4a & 4b                      Title: B(a)P Equivalents Soil Distribution and Lead Soil Distribution**

BRRTS #: 02-16-554394

ACTIVITY NAME: CHARTER FILMS

**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: Cross-Sections will not add value due to shallow distribution of contaminants**

**Figure #:** **Title: Groundwater not encountered during Investigation**

**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 not encountered during Investigation**

**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: Groundwater not encountered during Investigation**

**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: Phase II Soil Analytical Summary**

**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: Groundwater not encountered during Investigation**

**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: Groundwater not encountered during Investigation**

**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 #: 02-16-554394

ACTIVITY NAME: CHARTER FILMS

## 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).

NA

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



## State of Wisconsin \ DEPARTMENT OF NATURAL RESOURCES

Jim Doyle, Governor  
Matthew J. Frank, Secretary  
John Gozdziński, Regional Director

Northern Region Headquarters  
107 Sutliff Avenue  
Rhineland, Wisconsin 54501  
Telephone 715-365-8900  
FAX 715-365-8932  
TTY Access via relay - 711

February 8, 2010

MR DANIEL MARKHAM  
RJS R/E GROUP LLC  
5300 STINSON AVE  
PO BOX 3068  
SUPERIOR WI 54880

SUBJECT: Final Case Closure with Continuing Obligations  
Charter Films Site, 1901 Winter Street, Superior, Wisconsin  
WDNR BRRTS Activity #02-16-554394

Dear Mr. Markham:

On February 4, 2010, the Department of Natural Resources' Northern Region 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.

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:

- Residual soil contamination exists that must be properly managed should it be excavated or removed
- Before the land use may be changed from industrial to non-industrial, additional environmental work must be completed
- 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 at the web address listed above for the GIS Registry or at <http://dnr.wi.gov/org/water/dwg/3300254.pdf>.

### **Closure Conditions**

Please be aware that pursuant to Section 292.12, Wisconsin Statutes, compliance with the requirements of this letter is a responsibility to which you 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, Wis. Stats., 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.

### **Residual Soil Contamination**

Residual soil contamination remains along the northern side of the Charter Films building, in the area including the soil berm west of the building, and beneath the parking lot south of Winter Street, as indicated on the attached maps contained in the *Cover Cap Maintenance Plan* prepared by Environmental Troubleshooters, Inc. (Figure 4a B(a)P Equivalents Soil Distribution, and Figure 4b Lead Soil Distribution), and in the information submitted to the Department of Natural Resources. If soil in the specific locations described above is excavated in the future, then pursuant to ch. NR 718, Wis. Adm. Code, or, if applicable, ch. 289, Wis. Stats., and chs. 500 to 536, Wis. Adm. Code, 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 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 an inhalation or other direct contact hazard and as a result special precautions may need to be taken to prevent a direct contact health threat to humans.

### **Industrial Residual Soil Standards**

Soil samples that are representative of remaining residual soil contamination on this property were collected on August 22, 2006, May 21, 2008, November 6 and 7, 2008, and September 1, 2009, and contained lead in concentrations that exceeded s. NR 720.11, Table 2, Wis. Adm. Code, non-industrial soil standards but met the industrial soil standards contained in s. NR 720.11, Table 2, Wis. Adm. Code.

Soil samples that are representative of remaining soil contamination on this property were collected on August 22, 2006, May 21, 2008, November 6 and 7, 2008, and September 1, 2009. These samples contained various polynuclear aromatic hydrocarbons (PAH) in concentrations that meet the site-specific benzo(a)pyrene-equivalent industrial soil standards developed for this site.

Therefore, pursuant to s. NR 726.05(8)(b)1., Wis. Adm. Code, this property may not be used or developed for a residential, commercial, agricultural or other non-industrial use, unless (at the time that the non-industrial use is proposed) the property owner provides notification to the Department of Natural Resources of the change in land use and an investigation is conducted, to determine the degree and extent of lead and PAH contamination that remains on the property, and remedial action is taken as necessary to meet all applicable non-industrial soil cleanup standards.

### Cover or Barrier

Pursuant to s. 292.12(2)(a), Wis. Stats., the pavement that currently exists in the location shown on Figure 2 Site Plan dated January 22, 2010, a copy of which is included in the attached Cover Cap Maintenance Plan, shall be maintained in compliance with the attached maintenance plan in order to prevent direct contact with residual soil contamination that might otherwise pose a threat to human health.

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 pavement is required as shown on the attached map, unless prior written approval has been obtained from the 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

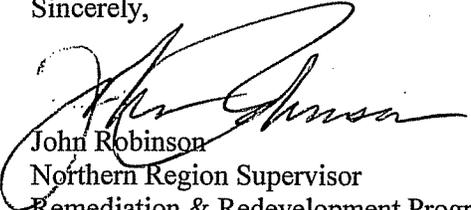
In accordance with ss. 292.12 and 292.13, Wis. Stats., you must notify the Department before making changes that affect or relate to the conditions of closure in this letter. For this case, examples of changed conditions requiring prior notification include, but are not limited to:

- Development, construction or other changes, including zoning changes, that change the land use from industrial to non-industrial
- 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 the Northern Region Headquarters office at the address listed in the letterhead, to the attention of the RR Environmental Program Associate.

The Department appreciates your efforts to restore the environment at this site. If you have any questions concerning this letter or the project in general, please do not hesitate to call Department project manager Chris Saari at 715-685-2920. He can also be reached by e-mail at [Christopher.Saari@Wisconsin.gov](mailto:Christopher.Saari@Wisconsin.gov).

Sincerely,



John Robinson  
Northern Region Supervisor  
Remediation & Redevelopment Program

Attachments: Cover Cap Maintenance Plan, Environmental Troubleshooters, Inc., January 21, 2010  
Figure 2 Site Plan  
Figure 4a B(a)P Equivalent Soil Distribution  
Figure 4b Lead Soil Distribution

cc: Michael Prager RR/3 (w/attach)  
Chris Saari DNR Ashland (w/o attach.)  
John McCarthy, Environmental Troubleshooters, Inc.  
3825 Grand Ave, Duluth, MN 55807(w/attach.)

## COVER CAP MAINTENANCE PLAN

Date: January 21, 2010  
Property Location: 1901 Winter Street, Superior, Wisconsin  
WDNR BRRTS: 02-16-544394  
LEGAL DESCRIPTION/TAX #: SE 1/4 of Section 15, T49N, R14W  
See attached copy of deed for full legal.

### Introduction

This document is the Maintenance Plan for an asphalt cap at the above-referenced property in accordance with the requirements of s. NR 724.13(2), Wisconsin Administrative Code. The maintenance activities relate to the existing asphalt cap occupying the area over the contaminated soil on site. More site-specific information about this property may be found in:

- The case file in the DNR – Northern Regional office located at 107 Sutliff Avenue, Rhinelander, WI 54501.
- BRRTS on the Web (DNR's internet based data base of contaminated sites): <http://botw.dnr.state.wi.us/botw/SetUpBasicSearchForm.do>
- GIS Registry PDF file for further information on the nature and extent of contamination: <http://dnrmaps.wisconsin.gov/imf/imfApplyTheme.jsp?index=1>; and
- The DNR project manager for Douglas County.

### Description of Contamination

Soils have been contaminated by lead (Pb) and polynuclear aromatic hydrocarbons (PAHs) including naphthalene and benzo-a-pyrene (BaP) equivalents exceeding the site-specific industrial direct contact residual contaminant levels (RCL-I). The contaminants are present at a depth of two-to four-feet at in the south-central area of the employee parking lot, which is located south of Winter Street across from the Charter Films manufacturing facility. Groundwater was not encountered during assessment activities and is separated from the contaminated soils by clay with intermittent sand and silt stringers. Figure 1 depicts the site location. Figure 2 depicts the facility layout and parking lot location with background aerial imagery. Figure 3 depicts site boring and soil sampling locations. Figures 4a, 4b and 4c depict the BaP equivalents, lead (Pb) and naphthalene contamination distribution. As shown on the figures, contamination exceeding RCL-I's is primarily limited to the east central area of the parking lot. The site is surrounded by cyclone fencing, except along Winter Street, limiting site access. The site is solely used for employee parking. The site was paved with asphalt in approximately 2006. Surface water flow at the site is via sheetflow toward Winter Street.

### Description of the Cap to be Maintained

The cap in the area of concern consists of a single layer of 4-inch to 6-inch thick asphalt underlain by 2-feet to 4-feet of sand and sand/gravel. It is located over the entire parking lot area and extends to approximately the cyclone fence in all directions. No written documentation related to the installation of the cap has been located, so descriptions above are based on field observations during site investigation activities. The quality of the construction is also substantiated by the absence of significant settling indications in an area prone to freeze/thaw cycles.

## **Cover Barrier Purpose**

The asphalt cap over the contaminated soil serves as a barrier to prevent direct human contact with residual soil contamination that might otherwise pose a threat to human health. The asphalt cap also act as a partial infiltration barrier to minimize future soil-to-groundwater contamination migration that would violate the groundwater standards in ch. NR 140, Wisconsin Administrative Code. Based on the current and future use of the property, the barrier should function as intended unless disturbed.

## **Annual Inspection**

The asphalt cap overlying the contaminated soil and as depicted in Figures 2, 3, 4a, 4b and 4c will be inspected once a year, normally in the spring after all snow and ice is gone, for deterioration, cracks and other potential problems that can cause exposure to underlying soils. The inspections will be performed by the property owner or their designated representative. The inspections will be performed to evaluate damage due to settling, exposure to the weather, wear from traffic, increasing age and other factors. Any area where soils have become or are likely to become exposed will be documented. A log of the inspections and any repairs will be maintained by the property owner and is attached as Cap 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. A copy of the inspection log will be kept at the address of the property owner and available for submittal or inspection by Wisconsin Department of Natural Resources ("WDNR") representatives upon their request.

## **Maintenance Activities**

If problems are noted during the annual inspections or at any other time during the year, repairs will be scheduled as soon as practical. Repairs can include patching and filling or larger resurfacing or construction operations. In the event that necessary maintenance activities expose the underlying soil, the owner must inform maintenance workers of the direct contact exposure hazard and provide them with appropriate personal protection equipment ("PPE"). The owner must also sample any soil that is excavated from the site prior to disposal to ascertain if contamination remains. The soil must be treated, stored and disposed of by the owner in accordance with applicable local, state and federal law.

In the event the asphalt cap overlying the contaminated soil is removed or replaced, the replacement barrier will be equally impervious. Any replacement barrier will be subject to the same maintenance and inspection guidelines as outlined in this Maintenance Plan unless indicated otherwise by the WDNR or its successor.

The property owner, in order to maintain the integrity of the asphalt cap, 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.

## **Prohibition of Activities and Notification of DNR Prior to Actions Affecting Cap**

The following activities are prohibited on any portion of the property where asphalt pavement is required as shown on the attached maps, unless prior written approval has been obtained from the WDNR: 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; or 6) construction or placement of a building or other structure.

**Amendment or Withdrawal of Maintenance Plan**

This Maintenance Plan can be amended or withdrawn by the property owner and its successors with the written approval of WDNR.

**Contact Information (January 2010)**

Site Owner and Operator:

Owner: Winter Street Holdings  
C/O Mr. Dan Markham  
RJS Real Estate Group  
5300 Stinson Ave.  
Superior, WI 54880

Signature: \_\_\_\_\_

Operator: Charter Films, LLC.  
C/O Mr. Dan Markham  
RJS Real Estate Group  
5300 Stinson Ave.  
Superior, WI 54880

Signature: \_\_\_\_\_

Consultant:

Environmental Troubleshooters, Inc.  
C/O John McCarthy  
3825 Grand Avenue  
Duluth, MN 55616  
218-722-6013

WDNR:

Mr. Christopher Saari  
WDNR Hydrogeologist  
Ashland Service Center  
2501 Golf Course Road  
Ashland, WI 54806





## State of Wisconsin \ DEPARTMENT OF NATURAL RESOURCES

Jim Doyle, Governor  
Matthew J. Frank, Secretary  
John Gozdziński, Regional Director

Ashland Service Center  
2501 Golf Course Road  
Ashland, Wisconsin 54806  
Telephone 715-685-2900  
FAX 715-685-2909

May 17, 2010

MR DANIEL MARKHAM  
RJS R/E GROUP LLC  
5300 STINSON AVE  
PO BOX 3068  
SUPERIOR WI 54880

Subject: *A Certificate of Completion* for the Environmental Investigation and Cleanup of Property Owned by the RJS Real Estate Group, LLC at 1901 Winter Street, Superior, Wisconsin

Dear Mr. Markham:

The Department of Natural Resources ("the Department") has received your request for issuance of a *Certificate of Completion* for the environmental investigation and cleanup of property owned by the RJS R/E Group, LLC located at 1901 Winter Street in Superior, Wisconsin, which will be referred to in this letter as "the Property". You have requested that the Department determine whether the RJS R/E Group, LLC has met the requirements under section 292.15(2), Wisconsin Statutes, for issuance of a *Certificate of Completion*.

The Property is comprised of two rectangular-shaped parcels of real property encompassing approximately 6.5 acres and is presently leased to, and occupied by, the Charter Films Company. The property is described on the Warranty Deed (Document Number 825921) recorded at the Douglas County Register of Deeds Office, and identified by Parcel Identification Numbers 04-804-01032-00, 04-804-00978-00, 04-804-00737-00, 04-804-00735-01, and 06-806-00004-00, in the City of Superior, Douglas County, Wisconsin.

### Determination

As you are aware, s. 292.15, Wis. Stats., authorizes the Department to issue a *Certificate of Completion* to a voluntary party that conducts an approved environmental investigation of a property and restores the environment to the extent practicable and minimizes the harmful effects with respect to hazardous substance discharges on or originating from the property. Based on the information received by the department, the Department has determined that the investigation and cleanup of the Property is complete and that all the conditions in s. 292.15(2), Wis. Stats., have been met. Attached is the *Certificate of Completion* for this Property.

Mr. Daniel Markham – May 17, 2010

Page 2

**Conclusions**

The Department appreciates the work undertaken by the RJS R/E Group, LLC to investigate and clean up contamination associated with the Property. The exemption provided by the *Certificate of Completion* applies to any successor or assignee of the RJS R/E Group, LLC if the successor or assignee complies with the appropriate conditions, pursuant to s. 292.15(3), Wis. Stats. If you have any questions or concerns regarding this letter or the *Certificate of Completion*, please contact me at 715-685-2920, or by e-mail at Christopher.Saari@Wisconsin.gov.

Sincerely,



Christopher A. Saari  
Hydrogeologist

Attachment: *Certificate of Completion*

cc: Land Recycling Program – RR/5  
John Robinson – DNR Rhinelander  
John McCarthy – Environmental Troubleshooters, Inc.

**State of Wisconsin**  
**Department of Natural Resources**

**CERTIFICATE OF COMPLETION  
OF RESPONSE ACTIONS  
UNDER SECTION 292.15(2)(a), WIS. STATS.**

**Whereas**, RJS R/E Group, LLC has applied for an exemption from liability under s. 292.15, Wis. Stats., for the property located at 1901 Winter Street, Superior, Wisconsin, which is currently referred to as Charter Films Company, further described in the legal description found on Attachment A, filed at the Register of Deeds Office for Douglas County (“the Property”);

**Whereas**, an environmental investigation of the Property has been conducted and the Wisconsin Department of Natural Resources (“WDNR”) determined that contamination exists at the Property;

**Whereas**, RJS R/E Group, LLC has submitted to the WDNR investigation reports and a remedial action plan for the Property which comply with the requirements set forth in chs. NR 700-754, Wis. Adm. Code, consisting of the documents and reports listed in Attachment B;

**Whereas**, in accordance with s. 292.15(2)(a), Wis. Stats., the WDNR has determined that an environmental investigation has been conducted which adequately identified and evaluated the nature and extent of the hazardous substance discharges on the Property and the WDNR has approved of the remedial action plan for the Property;

**Whereas**, the Property with soil contamination that exceeds site specific residual contaminant levels for the non-industrial direct contact pathway will be included on the WDNR’s Geographical Information System Registry of Closed Remediation Sites (“the GIS Registry”) pursuant to s. 292.12(3), Wis. Stats. **RJS R/E Group, LLC** has submitted to the WDNR all the information necessary to be included on the GIS Registry pursuant to s. NR 726.05(2)(a)3. and s. NR 726.05(3)(a)4., Wis. Adm. Code;

**Whereas**, on February 8, 2010, the WDNR issued a case closure letter for the Property (Attachment C), based on an industrial land use classification. The owner of this Property shall adhere to, abide by and maintain the land use controls and other requirements that are specified in the attached state case closure letter. The closure letter requires that the

Property, given its current conditions, not be used or developed for a residential, commercial, agricultural or other non-industrial use; that the existing asphalt parking surface on that portion of the Property located at the northeast corner of Winter Street and Banks Avenue (identified in the Cover Cap Maintenance Plan in Attachment C) be maintained to prevent direct contact with residual soil contamination; and that if soil with residual contamination is excavated in the future, the Property owner at the time of excavation must manage the soil in accordance with solid and hazardous waste regulations. In the event that the pavement areas that currently exist are removed, the replacement barrier must be equally protective for the direct contact pathway;

**Whereas**, if the requirements of case closure are not followed, or if the land use changes from industrial to non-industrial use without the appropriate approvals by the WDNR, the WDNR may take actions under ss. 292.11 or 292.12, Wis. Stats., to ensure compliance with the specified requirements, and the person who owns or controls the Property may no longer qualify for the liability protections under s. 292.15, Wis. Stats.; and

**Whereas**, on February 8, 2010, the WDNR determined that response actions necessary to restore the environment to the extent practicable with respect to the discharges and minimize the harmful effects from the discharges to the air, land, and waters of the state were completed, given the industrial land use limitations noted above.

**Therefore**, based upon the information that has been submitted to the WDNR, the WDNR hereby certifies that the response actions set forth in the WDNR approved remedial action plan for the Property and any other necessary response actions have been completed, based on industrial land use.

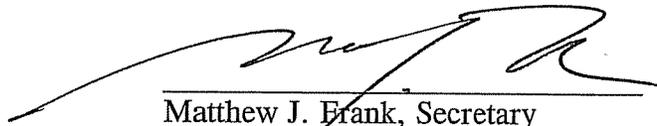
Upon issuance of this Certificate of Completion, **RJS R/E Group, LLC** and the persons qualified for protection under s. 292.15(3), Wis. Stats., are exempt from the provisions of ss. 289.05(1), (2), (3) and (4), 289.42(1), 289.67, 291.25(1) to (5), 291.29, 291.37, 292.11(3), (4), and (7)(b) and (c), and 292.31(8), Wis. Stats., with respect to the existence of hazardous substances on or originating from the Property, the release of which occurred prior to the date the WDNR approved the environmental investigation required under s. 292.15(2)(a)1., Wis. Stats. However, **RJS R/E Group, LLC** and a person otherwise qualified for protection under s. 292.15(3), Wis. Stats. who owns or controls the Property would no longer qualify for this liability exemption if that person fails to maintain or monitor the Property as required by the conditions in this Certificate of Completion, the February 8, 2010 case closure letter and maintenance plan [Attachment C], s. 292.12, Wis. Stats., and rules promulgated by the WDNR. Any releases of a hazardous substance to or from the Property that occur after the date that the environmental investigation was approved will be the responsibility of the current Property owner and any other person who possesses or controls that release and any other person who possesses or controls that release, and any person who caused the discharge.

The protection from liability provided under s. 292.15(2), Wis. Stats., does not apply to any person who has obtained a Certificate of Completion by fraud or misrepresentation, or by the knowing failure to disclose material information or under circumstances in which **RJS R/E**

**Group, LLC** knew or should have known about more discharges of hazardous substances than was revealed by the investigation approved by the WDNR.

Nothing in this Certificate of Completion or in s. 292.15, Wis. Stats., affects the authority of the WDNR to exercise any powers or duties under applicable laws other than ss. 289.05(1), (2), (3) and (4), 289.42(1), 289.67, 291.25(1) to (5), 291.29, 291.37, 292.11(3), (4), and (7)(b) and (c), and 292.31(8), Wis. Stats., with respect to any release or threatened release of contaminants at the Property, or the right of the WDNR to seek relief available against any person who is not entitled to protection from liability under s. 292.15, Wis. Stats., with respect to such release or threatened release.

SIGNED AND CERTIFIED this 23 day of April, 2010.



Matthew J. Frank, Secretary  
Wisconsin Department of Natural Resources

ATTACHMENT A  
LEGAL PROPERTY DESCRIPTION  
Charter Films, 1901 Winter Street, City of Superior

See attached deed.



## Parcel II A

All that part of Lots Nine (9) through Thirteen (13), inclusive, Block Seventy-five (75), in the "Subdivision of Lot "A", West Superior, First Division and of the South Half of the Southeast Quarter of the Northeast Quarter (S $\frac{1}{2}$  SE $\frac{1}{4}$  NE $\frac{1}{4}$ ), Section Fifteen (15), Township Forty-nine (49) North, Range Fourteen (14) West, City of Superior, Douglas County, Wisconsin, included in the following described traverse:

Commencing at the Southeast (SE) corner of said Block 75; thence N 90° 00' W, along South line of said Block 75 a distance of 182.13 feet to the place of beginning; thence N 00° 00' E, 90.12 feet; thence N 90° 00' W, 27.71 feet to the face of the existing building; thence N 00° 15' 26" E, along said building a distance of 89.88 feet; thence N 90° 00' W 63.56 feet; thence S 68° 48' 53" W, 45.06 feet; thence S 00° 00' E, 163.72 feet; thence N 90° 00' E, 133.21 feet to the place of beginning.

All in the City of Superior, Douglas County, Wisconsin

## Parcel II B

All that part of Lots Six (6) through Ten (10), inclusive, Block Seventy-five (75), in the "Subdivision of Lot A", West Superior First Division, City of Superior, Douglas County, Wisconsin, subject to a building encroachment of approximately 6 inches along the East side of the Southerly  $\pm$ 120 feet of said Lot 6, included in the following described traverse:

Commencing at the Southeast (SE) corner of said Block 75; thence N 90°00' W, along the South line of said Block 75 a distance of 100.00 feet to the SE corner of said Lot 6 and the place of beginning; thence continuing N 90°00' W along the South line of said Block 75 a distance of 82.13 feet; thence N 00°00' E, 90.12 feet; thence N 90°00' W, 27.71 feet to the face of an existing building; thence N 00°15'26" E, along said building face a distance of 89.88 feet; thence N 90°00' E, 95.14 feet; thence S 00°00' W, 60.6 feet; thence S 90°00' E, 14.3 feet to the East line of said Lot 6; thence S 00°00' W, along the East line of said Lot 6 a distance of 119.4 feet to the place of beginning.

825921

Parcel III

Sub-division Lot A, West Superior first Division, Lots 1, 2, 3, 4, 5, and 6 and Banks Avenue vacated, Block 76, also that part of the Southwest 1/4 of the Northeast 1/4 of 15-49-14 described as follows: beginning at the Northwest corner of lot 1, Block 76, Sub-Division of Lot A west Superior First Division thence Northeasterly in a straight line along the Northerly Boundary of said Block and said Boundary produced Northeasterly to a point 10.5 feet distant southerly from the center line of the most southerly track of the L.S.T.&T Railway Company measured at right angles there to, as said track exists at the date here of 6/28/16, thence southwesterly parallel with and 10.5 feet distant southerly from center line of said tract to the west line of said lot produced Northerly, thence south along West line of said lot produced Northerly to the place of beginning.

All in the City of Superior, Douglas County, Wisconsin

825921

Parcel IV

A parcel of land located in the Southwest Quarter of the Northeast Quarter (SW ¼ of NE ¼), Section Fifteen (15), Township Forty-nine (49), Range Fourteen (14), in Douglas County, Wisconsin, which is described as follows: beginning at a point on the North line of Winter Street, distant 191 feet Westerly from the center line of Banks Avenue, thence Westerly along the North line of Winter Street a distance of 220 feet more or less to a point which is 60 feet Easterly of the center line of the most Easterly track of the Lake Superior Terminal and Transfer Railway Company as now located and measured along the North line of Winter Street; thence North at an angle of 90 degrees a distance of 50 feet or more or less to a point which is located 8 ½ feet southerly from the center line of the most Southerly track on the Lake Superior Terminal and Transfer Railway Company as now located and when measured at right angles to said railroad track; thence in an Easterly direction on a line parallel with and everywhere a distance of 8 ½ feet from the center of the most Southerly track of the Lake Superior Terminal and Transfer Railway Company as now located to a point which is 119 feet more or less Northerly of the point of beginning when measured at right angles to the Northerly line of Winter Street; thence Southerly in a straight line a distance of 119 feet more or less to the point of beginning.

And

A parcel of land situated in the S1/2 N1/2 of Section 15, Township 49 North Range 14 West of the 4<sup>th</sup> P.M., Douglas County, Wisconsin, being a portion of the same property described in Warranty Deed from Land and River Improvement Company to the Lake Superior Terminal and Transfer Railway Company filed for record June 29, 1885 in Book W of Deeds, page 201 in and for said County, described as follows, to-wit:

Commencing at the center of said Section 15; thence due West 9.0 feet; thence due North 50.0 feet to the true point of Beginning; thence due East 339 feet to the Southwest corner of that certain 0.515 acre parcel of land described in deed to Central Co-op Wholesale Grocery Co. dated May 13, 1942; thence North along the West line of said 0.515 acre parcel of land 50 feet, more or less, to the Northwest corner of said 0.515 acre parcel of land; thence Northeasterly and Easterly along the Northerly line of said 0.515 acre parcel of land to the intersection with a line drawn due North and 564.0 feet due East of the True Point of Beginning; thence due North 20 feet, more or less, to the intersection with a line drawn parallel with and 50 feet normally distant Southerly from the Lake Superior Terminal and Transfer Railway Company's Main Track centerline, as originally located and constructed; thence West along the last described parallel line 564 feet, more or less, to the intersection with a line drawn due North from the True Point of Beginning; thence due South 140 feet, more or less, to the True Point of Beginning.

All in the City of Superior, Douglas County, Wisconsin

Parcel V

Lots Five (5) through Twelve (12), inclusive, Block Ninety-three (93), West Superior, First Division, in the City of Superior, Douglas County, Wisconsin.

**ATTACHMENT B**  
**INVESTIGATION AND REMEDIAL ACTION PLAN REPORTS\***  
**Charter Films, 1901 Winter Street, City of Superior**

**2008**

- Phase I Environmental Site Assessment, Charter Films, 1911 Winter Street, Superior, WI, October 23, 2008
- Phase II Environmental Site Assessment, Charter Films, 1901 Winter Street, Superior, WI, December 4, 2008

**2009**

- VPLE Certificate of Completion Request/Supplemental Phase II Site Assessment: BRRTS 02-16-554394, Charter Films, 1901 Winter Street, Superior, WI, November 24, 2009
- Case Closure Request, Charter Films Site-Wide VPLE Assessment, Charter Films, 1901 Winter Street, Superior, WI 54880, BRRTS No. 02-16-554394, December 23, 2009

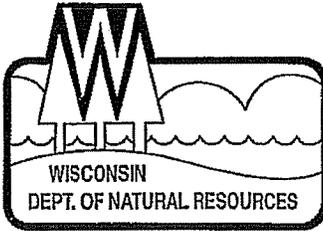
**2010**

- GIS Registry Checklist (Form 4400-245), February 22, 2010

\*All reports and materials prepared and submitted by Environmental Troubleshooters, Inc.

ATTACHMENT C  
Case Closure Letter and Maintenance Plan  
Charter Films, 1901 Winter Street, City of Superior

See attached letter – Final Case Closure with Continuing Obligations, WDNR, February 8, 2010.



State of Wisconsin \ DEPARTMENT OF NATURAL RESOURCES

Jim Doyle, Governor  
Matthew J. Frank, Secretary  
John Gozdziński, Regional Director

Northern Region Headquarters  
107 Sutliff Avenue  
Rhinelander, Wisconsin 54501  
Telephone 715-365-8900  
FAX 715-365-8932  
TTY Access via relay - 711

February 8, 2010

MR DANIEL MARKHAM  
RJS R/E GROUP LLC  
5300 STINSON AVE  
PO BOX 3068  
SUPERIOR WI 54880

SUBJECT: Final Case Closure with Continuing Obligations  
Charter Films Site, 1901 Winter Street, Superior, Wisconsin  
WDNR BRRTS Activity #02-16-554394

Dear Mr. Markham:

On February 4, 2010, the Department of Natural Resources' Northern Region 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.

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:

- Residual soil contamination exists that must be properly managed should it be excavated or removed
- Before the land use may be changed from industrial to non-industrial, additional environmental work must be completed
- 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 at the web address listed above for the GIS Registry or at <http://dnr.wi.gov/org/water/dwg/3300254.pdf>.

### **Closure Conditions**

Please be aware that pursuant to Section 292.12, Wisconsin Statutes, compliance with the requirements of this letter is a responsibility to which you 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, Wis. Stats., 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.

### **Residual Soil Contamination**

Residual soil contamination remains along the northern side of the Charter Films building, in the area including the soil berm west of the building, and beneath the parking lot south of Winter Street, as indicated on the attached maps contained in the *Cover Cap Maintenance Plan* prepared by Environmental Troubleshooters, Inc. (Figure 4a B(a)P Equivalents Soil Distribution, and Figure 4b Lead Soil Distribution), and in the information submitted to the Department of Natural Resources. If soil in the specific locations described above is excavated in the future, then pursuant to ch. NR 718, Wis. Adm. Code, or, if applicable, ch. 289, Wis. Stats., and chs. 500 to 536, Wis. Adm. Code, 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 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 an inhalation or other direct contact hazard and as a result special precautions may need to be taken to prevent a direct contact health threat to humans.

### **Industrial Residual Soil Standards**

Soil samples that are representative of remaining residual soil contamination on this property were collected on August 22, 2006, May 21, 2008, November 6 and 7, 2008, and September 1, 2009, and contained lead in concentrations that exceeded s. NR 720.11, Table 2, Wis. Adm. Code, non-industrial soil standards but met the industrial soil standards contained in s. NR 720.11, Table 2, Wis. Adm. Code.

Soil samples that are representative of remaining soil contamination on this property were collected on August 22, 2006, May 21, 2008, November 6 and 7, 2008, and September 1, 2009. These samples contained various polynuclear aromatic hydrocarbons (PAH) in concentrations that meet the site-specific benzo(a)pyrene-equivalent industrial soil standards developed for this site.

Therefore, pursuant to s. NR 726.05(8)(b)1., Wis. Adm. Code, this property may not be used or developed for a residential, commercial, agricultural or other non-industrial use, unless (at the time that the non-industrial use is proposed) the property owner provides notification to the Department of Natural Resources of the change in land use and an investigation is conducted, to determine the degree and extent of lead and PAH contamination that remains on the property, and remedial action is taken as necessary to meet all applicable non-industrial soil cleanup standards.

### Cover or Barrier

Pursuant to s. 292.12(2)(a), Wis. Stats., the pavement that currently exists in the location shown on Figure 2 Site Plan dated January 22, 2010, a copy of which is included in the attached Cover Cap Maintenance Plan, shall be maintained in compliance with the attached maintenance plan in order to prevent direct contact with residual soil contamination that might otherwise pose a threat to human health.

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 pavement is required as shown on the attached map, unless prior written approval has been obtained from the 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

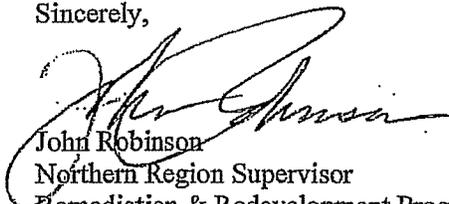
In accordance with ss, 292.12 and 292.13, Wis. Stats., you must notify the Department before making changes that affect or relate to the conditions of closure in this letter. For this case, examples of changed conditions requiring prior notification include, but are not limited to:

- Development, construction or other changes, including zoning changes, that change the land use from industrial to non-industrial
- 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 the Northern Region Headquarters office at the address listed in the letterhead, to the attention of the RR Environmental Program Associate.

The Department appreciates your efforts to restore the environment at this site. If you have any questions concerning this letter or the project in general, please do not hesitate to call Department project manager Chris Saari at 715-685-2920. He can also be reached by e-mail at Christopher.Saari@Wisconsin.gov.

Sincerely,



John Robinson  
Northern Region Supervisor  
Remediation & Redevelopment Program

Attachments: Cover Cap Maintenance Plan, Environmental Troubleshooters, Inc., January 21, 2010  
Figure 2 Site Plan  
Figure 4a B(a)P Equivalent Soil Distribution  
Figure 4b Lead Soil Distribution

cc: Michael Prager RR/3 (w/attach)

→ Chris Saari DNR Ashland (w/o attach.)

John McCarthy, Environmental Troubleshooters, Inc.

3825 Grand Ave, Duluth, MN 55807(w/attach.)

## COVER CAP MAINTENANCE PLAN

Date: January 21, 2010  
Property Location: 1901 Winter Street, Superior, Wisconsin  
WDNR BRRTS: 02-16-544394  
LEGAL DESCRIPTION/TAX #: SE 1/4 of Section 15, T49N, R14W  
See attached copy of deed for full legal.

### Introduction

This document is the Maintenance Plan for an asphalt cap at the above-referenced property in accordance with the requirements of s. NR 724.13(2), Wisconsin Administrative Code. The maintenance activities relate to the existing asphalt cap occupying the area over the contaminated soil on site. More site-specific information about this property may be found in:

- The case file in the DNR – Northern Regional office located at 107 Sutliff Avenue, Rhinelander, WI 54501.
- BRRTS on the Web (DNR's internet based data base of contaminated sites): <http://botw.dnr.state.wi.us/botw/SetUpBasicSearchForm.do>
- GIS Registry PDF file for further information on the nature and extent of contamination: <http://dnrmaps.wisconsin.gov/imf/imfApplyTheme.jsp?index=1>; and
- The DNR project manager for Douglas County.

### Description of Contamination

Soils have been contaminated by lead (Pb) and polynuclear aromatic hydrocarbons (PAHs) including naphthalene and benzo-a-pyrene (BaP) equivalents exceeding the site-specific industrial direct contact residual contaminant levels (RCL-I). The contaminants are present at a depth of two- to four-feet at in the south-central area of the employee parking lot, which is located south of Winter Street across from the Charter Films manufacturing facility. Groundwater was not encountered during assessment activities and is separated from the contaminated soils by clay with intermittent sand and silt stringers. Figure 1 depicts the site location. Figure 2 depicts the facility layout and parking lot location with background aerial imagery. Figure 3 depicts site boring and soil sampling locations. Figures 4a, 4b and 4c depict the BaP equivalents, lead (Pb) and naphthalene contamination distribution. As shown on the figures, contamination exceeding RCL-I's is primarily limited to the east central area of the parking lot. The site is surrounded by cyclone fencing, except along Winter Street, limiting site access. The site is solely used for employee parking. The site was paved with asphalt in approximately 2006. Surface water flow at the site is via sheetflow toward Winter Street.

### Description of the Cap to be Maintained

The cap in the area of concern consists of a single layer of 4-inch to 6-inch thick asphalt underlain by 2-feet to 4-feet of sand and sand/gravel. It is located over the entire parking lot area and extends to approximately the cyclone fence in all directions. No written documentation related to the installation of the cap has been located, so descriptions above are based on field observations during site investigation activities. The quality of the construction is also substantiated by the absence of significant settling indications in an area prone to freeze/thaw cycles.

## **Cover Barrier Purpose**

The asphalt cap over the contaminated soil serves as a barrier to prevent direct human contact with residual soil contamination that might otherwise pose a threat to human health. The asphalt cap also act as a partial infiltration barrier to minimize future soil-to-groundwater contamination migration that would violate the groundwater standards in ch. NR 140, Wisconsin Administrative Code. Based on the current and future use of the property, the barrier should function as intended unless disturbed.

## **Annual Inspection**

The asphalt cap overlying the contaminated soil and as depicted in Figures 2, 3, 4a, 4b and 4c will be inspected once a year, normally in the spring after all snow and ice is gone, for deterioration, cracks and other potential problems that can cause exposure to underlying soils. The inspections will be performed by the property owner or their designated representative. The inspections will be performed to evaluate damage due to settling, exposure to the weather, wear from traffic, increasing age and other factors. Any area where soils have become or are likely to become exposed will be documented. A log of the inspections and any repairs will be maintained by the property owner and is attached as Cap 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. A copy of the inspection log will be kept at the address of the property owner and available for submittal or inspection by Wisconsin Department of Natural Resources ("WDNR") representatives upon their request.

## **Maintenance Activities**

If problems are noted during the annual inspections or at any other time during the year, repairs will be scheduled as soon as practical. Repairs can include patching and filling or larger resurfacing or construction operations. In the event that necessary maintenance activities expose the underlying soil, the owner must inform maintenance workers of the direct contact exposure hazard and provide them with appropriate personal protection equipment ("PPE"). The owner must also sample any soil that is excavated from the site prior to disposal to ascertain if contamination remains. The soil must be treated, stored and disposed of by the owner in accordance with applicable local, state and federal law.

In the event the asphalt cap overlying the contaminated soil is removed or replaced, the replacement barrier will be equally impervious. Any replacement barrier will be subject to the same maintenance and inspection guidelines as outlined in this Maintenance Plan unless indicated otherwise by the WDNR or its successor.

The property owner, in order to maintain the integrity of the asphalt cap, 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.

## **Prohibition of Activities and Notification of DNR Prior to Actions Affecting Cap**

The following activities are prohibited on any portion of the property where asphalt pavement is required as shown on the attached maps, unless prior written approval has been obtained from the WDNR: 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; or 6) construction or placement of a building or other structure.

**Amendment or Withdrawal of Maintenance Plan**

This Maintenance Plan can be amended or withdrawn by the property owner and its successors with the written approval of WDNR.

**Contact Information (January 2010)**

Site Owner and Operator:

Owner: Winter Street Holdings  
C/O Mr. Dan Markham  
RJS Real Estate Group  
5300 Stinson Ave.  
Superior, WI 54880

Signature: \_\_\_\_\_

Operator: Charter Films, LLC.  
C/O Mr. Dan Markham  
RJS Real Estate Group  
5300 Stinson Ave.  
Superior, WI 54880

Signature: \_\_\_\_\_

Consultant:

Environmental Troubleshooters, Inc.  
C/O John McCarthy  
3825 Grand Avenue  
Duluth, MN 55616  
218-722-6013

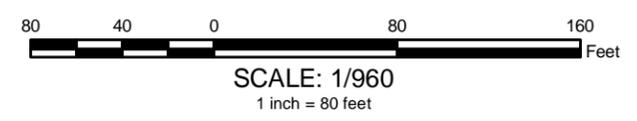
WDNR:

Mr. Christopher Saari  
WDNR Hydrogeologist  
Ashland Service Center  
2501 Golf Course Road  
Ashland, WI 54806



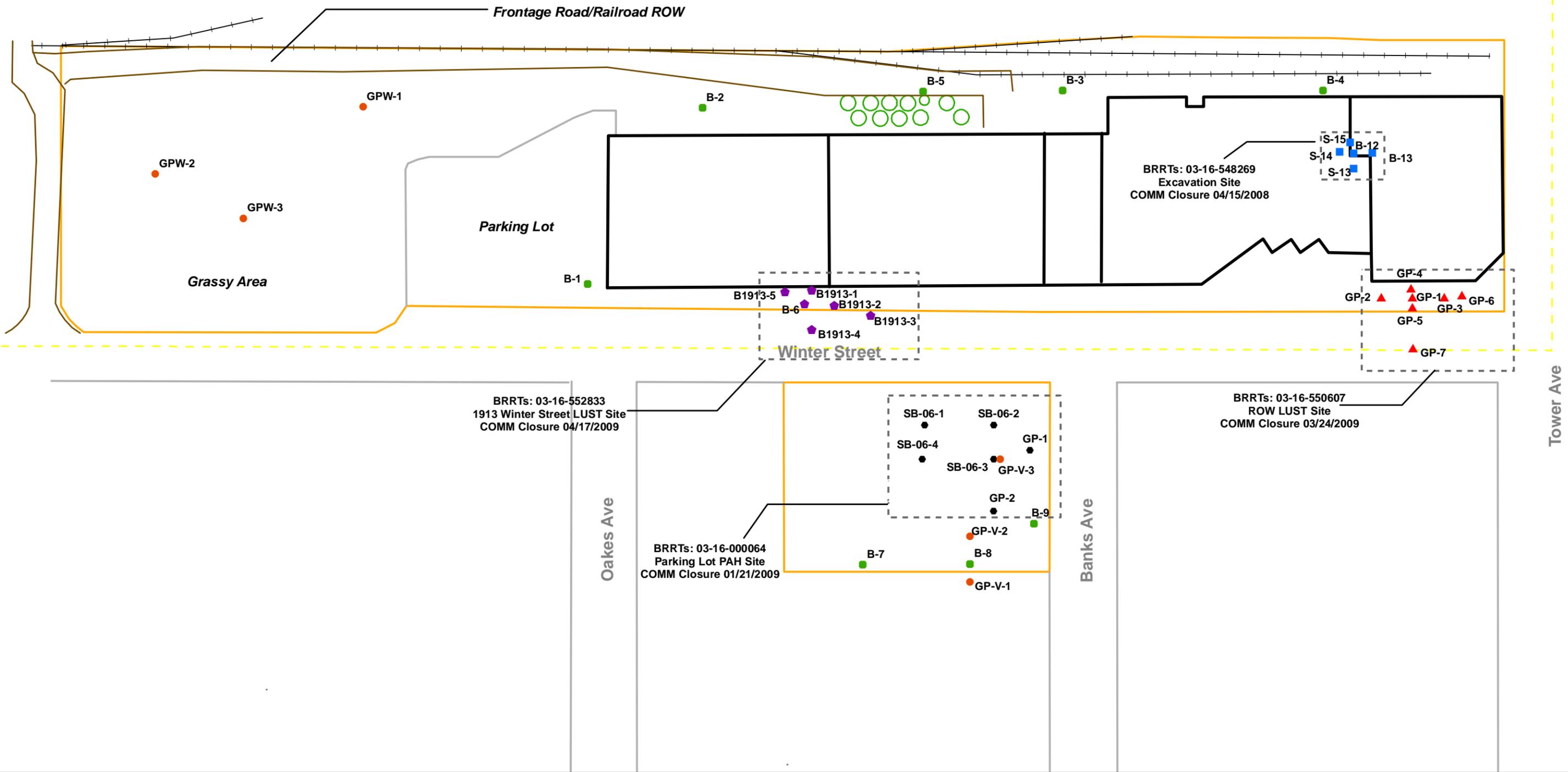


- Legend**
- 2006 Charter Films Excavation Site
  - 2006 Charter Films Parking Lot PAH Site
  - ▲ 2007 Charter Films ROW UST
  - 2008 Phase II ESA
  - ◆ 2009 1913 LUST
  - Supplemental VPLE Borings
  - Approximate Property Boundary
  - Building

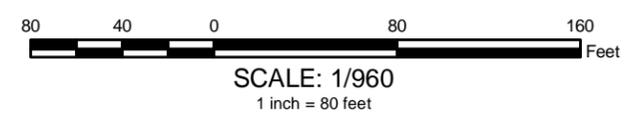


<b>FIGURE 2</b> Site Plan	
Charter Films VPLE Superior, Wisconsin	
PROJECT #: 09-0105	CREATED BY: MLT
DATE: 09/22/2009	FILE NAME: //GIS/2009Projects/09-0105 CharterFilmsVPLE/Figure2





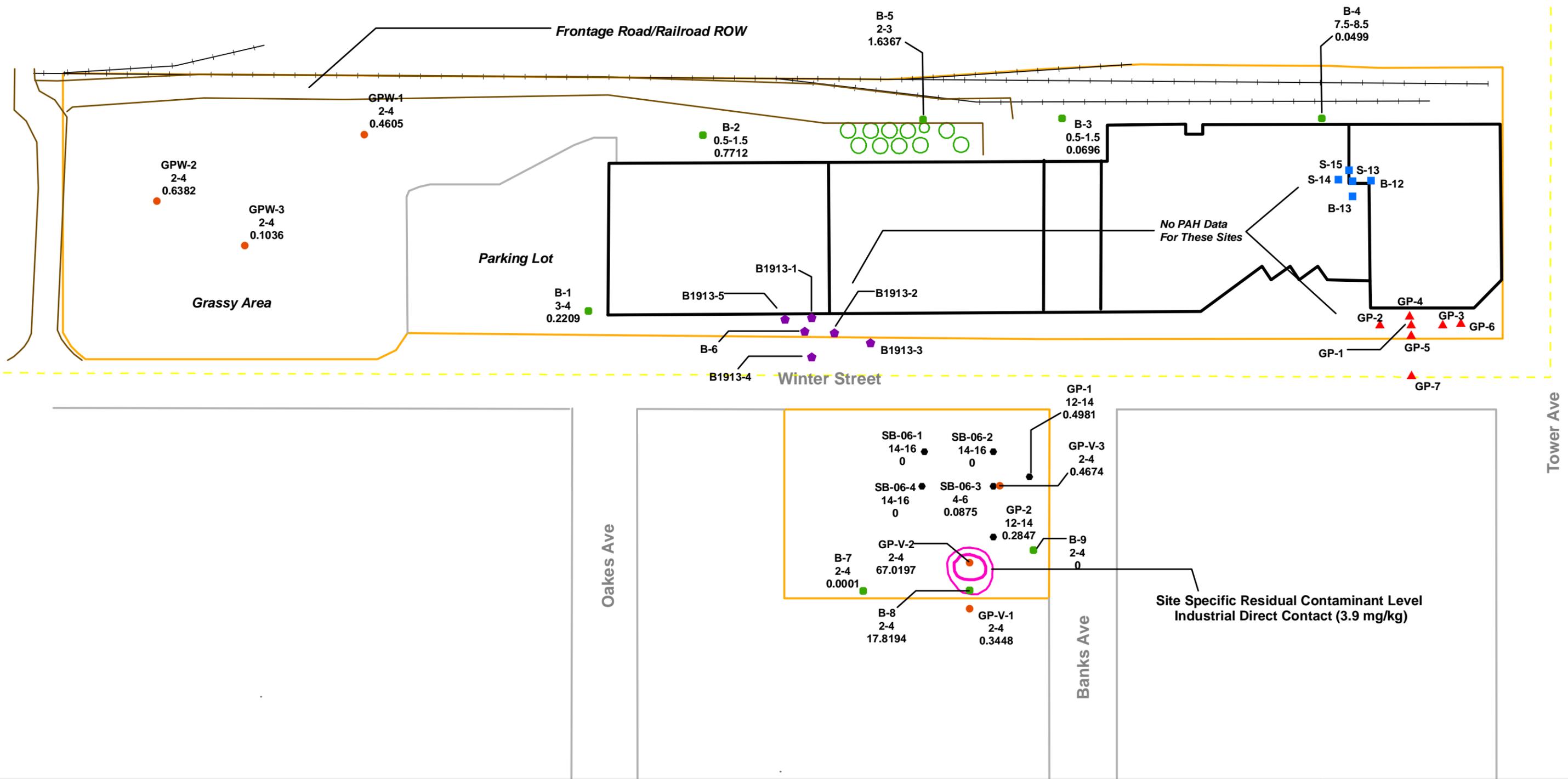
- Legend**
- 2006 Charter Films Excavation Site
  - 2008 Phase II ESA
  - Road
  - 2006 Charter Films Parking Lot PAH Site
  - 2009 1913 LUST
  - +— Railroads
  - ▲ 2007 Charter Films ROW UST
  - 2009 Supplemental VPLE Borings
  - Tank Farm
  - Approximate Property Boundary
  - - - Street Center Line
  - Building



**FIGURE 3**  
Soil Boring Locations

Charter Films VPLE  
Superior, Wisconsin

PROJECT #: 09-0105	
DATE: 09/22/2009	CREATED BY: MLT
FILE NAME: //GIS/2009Projects/09-0105 CharterFilmsVPLE/Figure3	



- Legend**
- 2006 Charter Films Excavation Site
  - 2006 Charter Films Parking Lot PAH Site
  - ▲ 2007 Charter Films ROW UST
  - 2008 Phase II ESA
  - 2009 1913 LUST
  - 2009 Supplemental VPLE Borings
  - Approximate Property Boundary
  - - - Street Center Line
  - Building
  - Road
  - Railroads
  - Tank Farm
  - B(a)P Equivalents Isopleths (mg/kg)
  - 3.9
  - 39

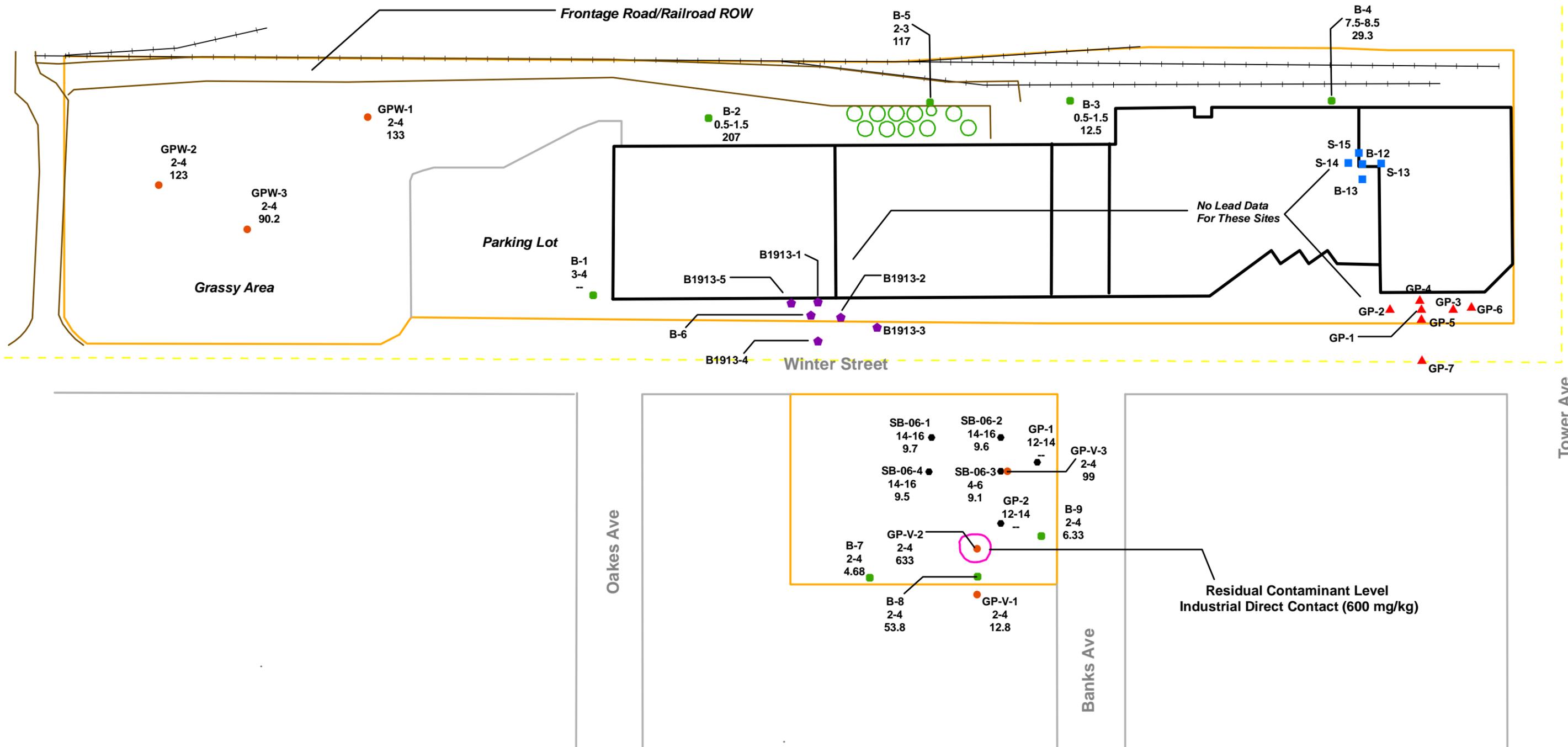
**B-9 - Soil Boring Name**  
**2-4 - Soil Sample Depth (ft)**  
**0.08447 - B(a)P Equivalents Concentration (mg/kg)**

80 40 0 80 160 Feet  
 SCALE: 1/960  
 1 inch = 80 feet

**FIGURE 4a**  
 B(a)P Equivalents Soil Distribution

Charter Films VPLE  
 Superior, Wisconsin

PROJECT #: 09-0105	
DATE: 11/20/2009	CREATED BY: MLT
FILE NAME: //GIS/2009Projects/09-0105CharterFilms VPLE/2009VPLEFigures/Figure4a	



- Legend**
- Lead Concentration Isopleth (600 mg/kg)
  - 2006 Charter Films Excavation Site
  - 2006 Charter Films Parking Lot PAH Site
  - ▲ 2007 Charter Films ROW UST
  - 2008 Phase II ESA
  - ◆ 2009 1913 LUST
  - 2009 Supplemental VPLE Borings
  - Approximate Property Boundary
  - Street Center Line
  - Building
  - Road
  - Railroads
  - Tank Farm

**B-9 - Soil Boring Name**  
**2-4 - Soil Sample Depth (ft)**  
**111 - Lead Concentration (mg/kg)**

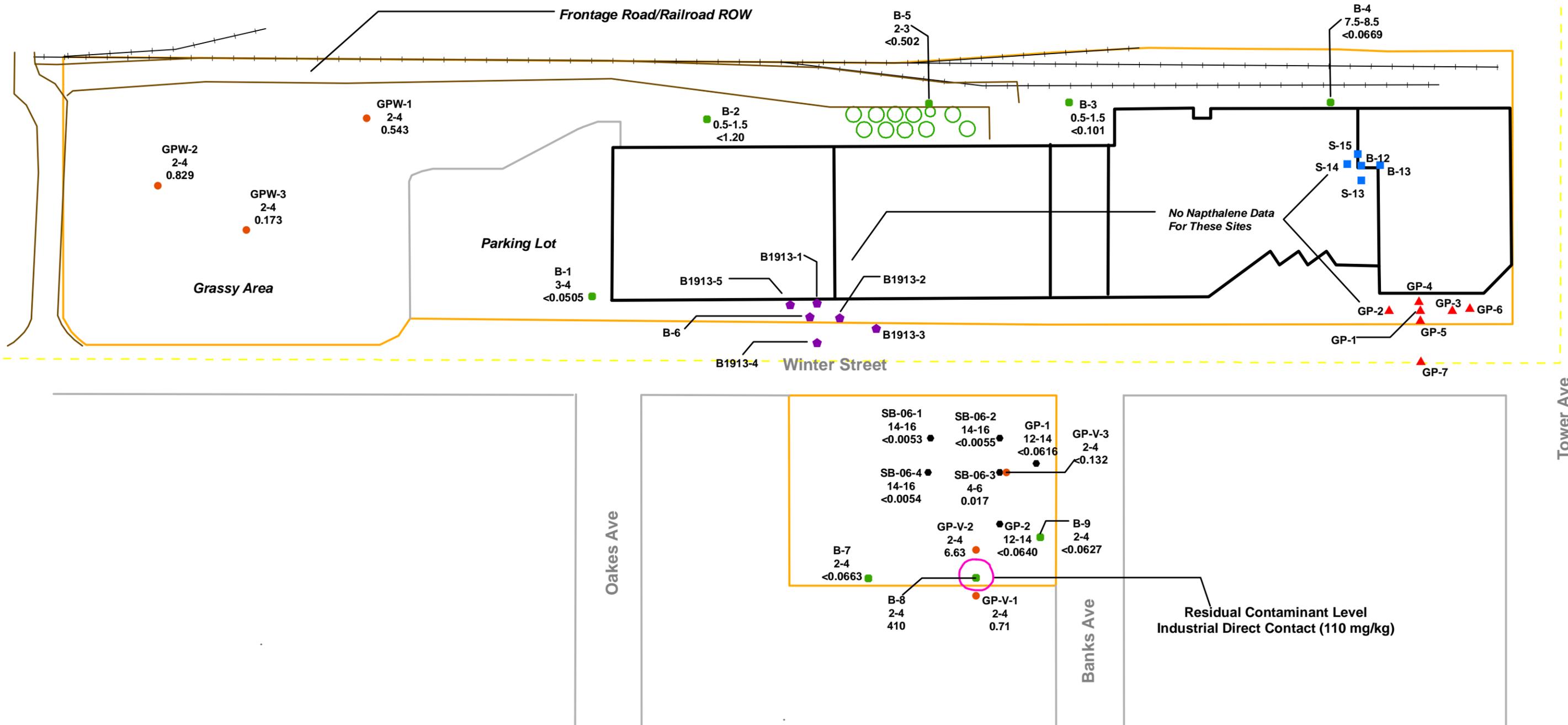


**FIGURE 4b**

Lead Soil Distribution  
 Charter Films VPLE  
 Superior, Wisconsin

PROJECT #: 09-0105	CREATED BY: MLT
DATE: 09/22/2009	FILE NAME: //GIS/2009Projects/09-0105CharterFilms VPLE/2009VPLEFigures/Figure4b





- Legend**
- Napthalene Concentration Isopleth (110 mg/kg)
  - 2006 Charter Films Excavation Site
  - 2006 Charter Films Parking Lot PAH Site
  - ▲ 2007 Charter Films ROW UST
  - 2008 Phase II ESA
  - ◆ 2009 1913 LUST
  - 2009 Supplemental VPLE Borings
  - Approximate Property Boundary
  - Street Center Line
  - Building
  - Road
  - Railroads
  - Tank Farm

**B-9 - Soil Boring Name**  
**2-4 - Soil Sample Depth (ft)**  
**111 - Napthalene Concentration (mg/kg)**



**FIGURE 4c**  
 Napthalene Soil Distribution

Charter Films VPLE  
 Superior, Wisconsin

PROJECT #: 09-0105

DATE: 09/22/2009 | CREATED BY: MLT

FILE NAME: //GIS/2009Projects/09-0105CharterFilms VPLE/2009VPLEFigures/Figure4c



825921

Document Number

State Bar of Wisconsin Form 2-2003

WARRANTY DEED

Document Name

DOCUMENT # 825921

THIS DEED, made between RJS R/E Group, LLC, a Wisconsin Limited Liability Company ("Grantor," whether one or more), and Winter Street Holdings, LLC. ("Grantee," whether one or more).

Certified, Filed and or Recorded on May 28, 2009 AT 10:40AM GAYLE I. WAHNER DOUGLAS COUNTY RECORDER SUPERIOR, WI 54880-2769 Fee Amount: \$17.00 Transfer Fee: \$5,212.80

Grantor, for a valuable consideration, conveys and warrants to Grantee the following described real estate, together with the rents, profits, fixtures and other appurtenant interests, in Douglas County, State of Wisconsin ("Property") (if more space is needed, please attach addendum):

Recording Area

Name and Return Address Winter Street Holdings, LLC PO Box 3068 Superior, WI 54880 17CK

See Attached

04-804-01032-00, 04-804-00978-00, 04-804-00737-00 04-804-00735-01, 06-806-00004-00

Parcel Identification Number (PIN)

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

Exceptions to warranties:

Dated 1/11, 2007

Reuben Johnson & Son, Inc. Sole Member

(SEAL) [Signature] (SEAL)

\* Todd L. Johnson, President

(SEAL) [Signature] (SEAL)

AUTHENTICATION

Signature(s)

authenticated on

\* TITLE: MEMBER STATE BAR OF WISCONSIN

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

THIS INSTRUMENT DRAFTED BY:

Joseph J. Till, III Attorney

ACKNOWLEDGMENT

STATE OF WISCONSIN ) Douglas COUNTY ) ss.

Personally came before me on 1/11/07 the above-named Todd L. Johnson, President

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

\* [Signature] Notary Public, State of Wisconsin My Commission (is permanent) (expires)

My Commission Expires 5/4/2008

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

NOTE: THIS IS A STANDARD FORM. ANY MODIFICATIONS TO THIS FORM SHOULD BE CLEARLY IDENTIFIED.

WARRANTY DEED

© 2003 STATE BAR OF WISCONSIN

FORM NO. 2-2003

\* Type name below signatures.

## Parcel II A

All that part of Lots Nine (9) through Thirteen (13), inclusive, Block Seventy-five (75), in the "Subdivision of Lot "A", West Superior, First Division and of the South Half of the Southeast Quarter of the Northeast Quarter (S½ SE¼ NE¼), Section Fifteen (15), Township Forty-nine (49) North, Range Fourteen (14) West, City of Superior, Douglas County, Wisconsin, included in the following described traverse:

Commencing at the Southeast (SE) corner of said Block 75; thence N 90° 00' W, along South line of said Block 75 a distance of 182.13 feet to the place of beginning; thence N 00° 00' E, 90.12 feet; thence N 90° 00' W, 27.71 feet to the face of the existing building; thence N 00° 15' 26" E, along said building a distance of 89.88 feet; thence N 90° 00' W 63.56 feet; thence S 68° 48' 53" W, 45.06 feet; thence S 00° 00' E, 163.72 feet; thence N 90° 00' E, 133.21 feet to the place of beginning.

All in the City of Superior, Douglas County, Wisconsin

## Parcel II B

All that part of Lots Six (6) through Ten (10), inclusive, Block Seventy-five (75), in the "Subdivision of Lot A", West Superior First Division, City of Superior, Douglas County, Wisconsin, subject to a building encroachment of approximately 6 inches along the East side of the Southerly ±120 feet of said Lot 6, included in the following described traverse:

Commencing at the Southeast (SE) corner of said Block 75; thence N 90°00' W, along the South line of said Block 75 a distance of 100.00 feet to the SE corner of said Lot 6 and the place of beginning; thence continuing N 90°00' W along the South line of said Block 75 a distance of 82.13 feet; thence N 00°00' E, 90.12 feet; thence N 90°00' W, 27.71 feet to the face of an existing building; thence N 00°15'26" E, along said building face a distance of 89.88 feet; thence N 90°00' E, 95.14 feet; thence S 00°00' W, 60.6 feet; thence S 90°00' E, 14.3 feet to the East line of said Lot 6; thence S 00°00' W, along the East line of said Lot 6 a distance of 119.4 feet to the place of beginning.

825921

Parcel III

Sub-division Lot A, West Superior first Division, Lots 1, 2, 3, 4, 5, and 6 and Banks Avenue vacated, Block 76, also that part of the Southwest  $\frac{1}{4}$  of the Northeast  $\frac{1}{4}$  of 15-49-14 described as follows: beginning at the Northwest corner of lot 1, Block 76, Sub-Division of Lot A west Superior First Division thence Northeasterly in a straight line along the Northerly Boundary of said Block and said Boundary produced Northeasterly to a point 10.5 feet distant southerly from the center line of the most southerly track of the L.S.T.&T Railway Company measured at right angles there to, as said track exists at the date here of 6/28/16, thence southwesterly parallel with and 10.5 feet distant southerly from center line of said tract to the west line of said lot produced Northerly, thence south along West line of said lot produced Northerly to the place of beginning.

All in the City of Superior, Douglas County, Wisconsin

## Parcel IV

A parcel of land located in the Southwest Quarter of the Northeast Quarter (SW  $\frac{1}{4}$  of NE  $\frac{1}{4}$ ), Section Fifteen (15), Township Forty-nine (49), Range Fourteen (14), in Douglas County, Wisconsin, which is described as follows: beginning at a point on the North line of Winter Street, distant 191 feet Westerly from the center line of Banks Avenue, thence Westerly along the North line of Winter Street a distance of 220 feet more or less to a point which is 60 feet Easterly of the center line of the most Easterly track of the Lake Superior Terminal and Transfer Railway Company as now located and measured along the North line of Winter Street; thence North at an angle of 90 degrees a distance of 50 feet or more or less to a point which is located 8  $\frac{1}{2}$  feet southerly from the center line of the most Southerly track on the Lake Superior Terminal and Transfer Railway Company as now located and when measured at right angles to said railroad track; thence in an Easterly direction on a line parallel with and everywhere a distance of 8  $\frac{1}{2}$  feet from the center of the most Southerly track of the Lake Superior Terminal and Transfer Railway Company as now located to a point which is 119 feet more or less Northerly of the point of beginning when measured at right angles to the Northerly line of Winter Street; thence Southerly in a straight line a distance of 119 feet more or less to the point of beginning.

And

A parcel of land situated in the S $\frac{1}{2}$  N $\frac{1}{2}$  of Section 15, Township 49 North Range 14 West of the 4<sup>th</sup> P.M., Douglas County, Wisconsin, being a portion of the same property described in Warranty Deed from Land and River Improvement Company to the Lake Superior Terminal and Transfer Railway Company filed for record June 29, 1885 in Book W of Deeds, page 201 in and for said County, described as follows, to-wit:

Commencing at the center of said Section 15; thence due West 9.0 feet; thence due North 50.0 feet to the true point of Beginning; thence due East 339 feet to the Southwest corner of that certain 0.515 acre parcel of land described in deed to Central Co-op Wholesale Grocery Co. dated May 13, 1942; thence North along the West line of said 0.515 acre parcel of land 50 feet, more or less, to the Northwest corner of said 0.515 acre parcel of land; thence Northeasterly and Easterly along the Northerly line of said 0.515 acre parcel of land to the intersection with a line drawn due North and 564.0 feet due East of the True Point of Beginning; thence due North 20 feet, more or less, to the intersection with a line drawn parallel with and 50 feet normally distant Southerly from the Lake Superior Terminal and Transfer Railway Company's Main Track centerline, as originally located and constructed; thence West along the last described parallel line 564 feet, more or less, to the intersection with a line drawn due North from the True Point of Beginning; thence due South 140 feet, more or less, to the True Point of Beginning.

All in the City of Superior, Douglas County, Wisconsin

## Parcel V

Lots Five (5) through Twelve (12), inclusive, Block Ninety-three (93), West Superior, First Division, in the City of Superior, Douglas County, Wisconsin.

# PLAT OF SUBDIVISION OF LOT A

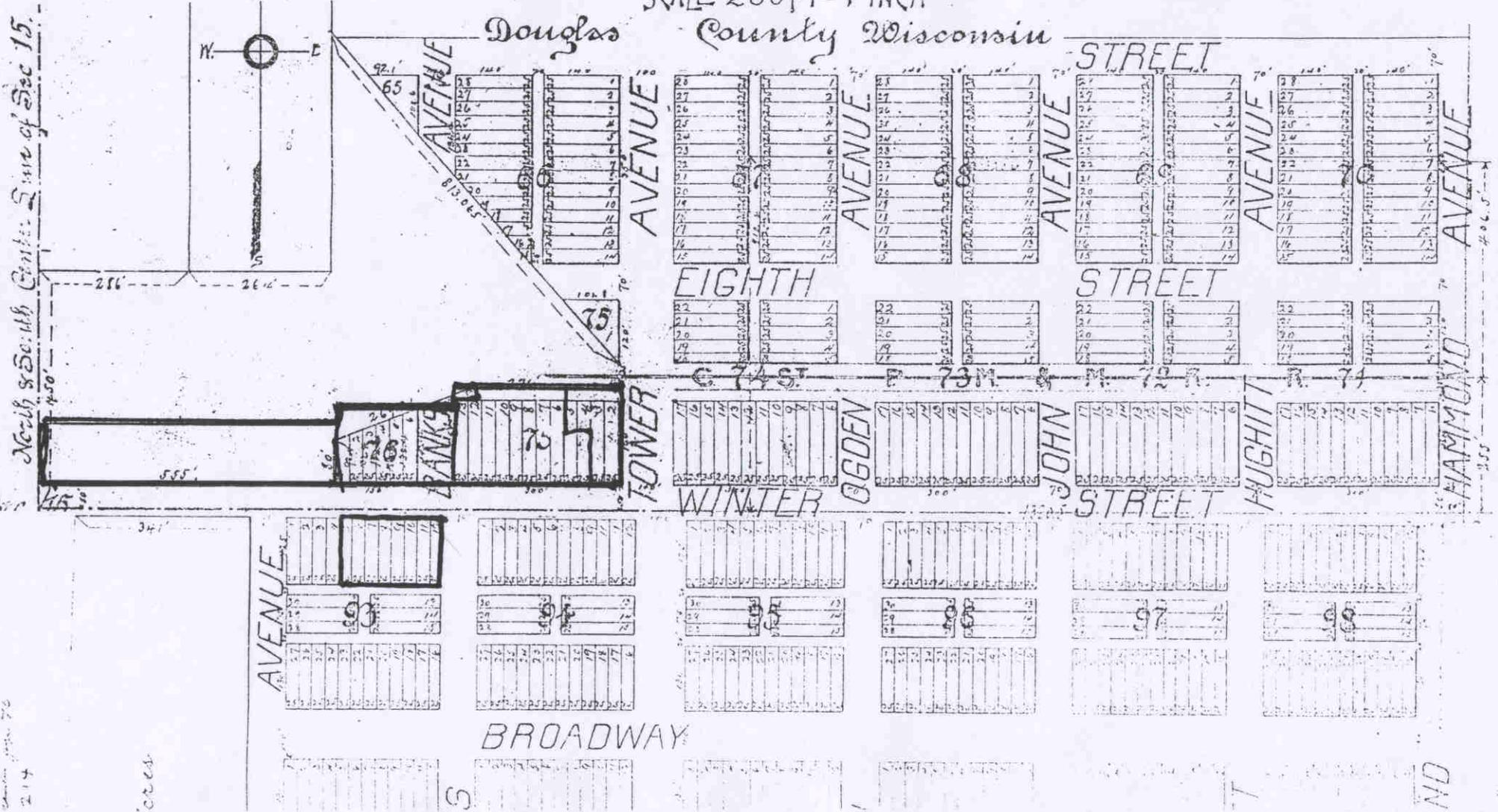
Sec 15 Twp 49 N. Range 14 W.  
IN WEST SUPERIOR FIRST DIVISION

AND

the S.  $\frac{1}{2}$  of the S.E.  $\frac{1}{4}$  of the N.E.  $\frac{1}{4}$  Sec. 15 T. 49 N., R. 14 W.

SCALE 200 FT = 1 INCH

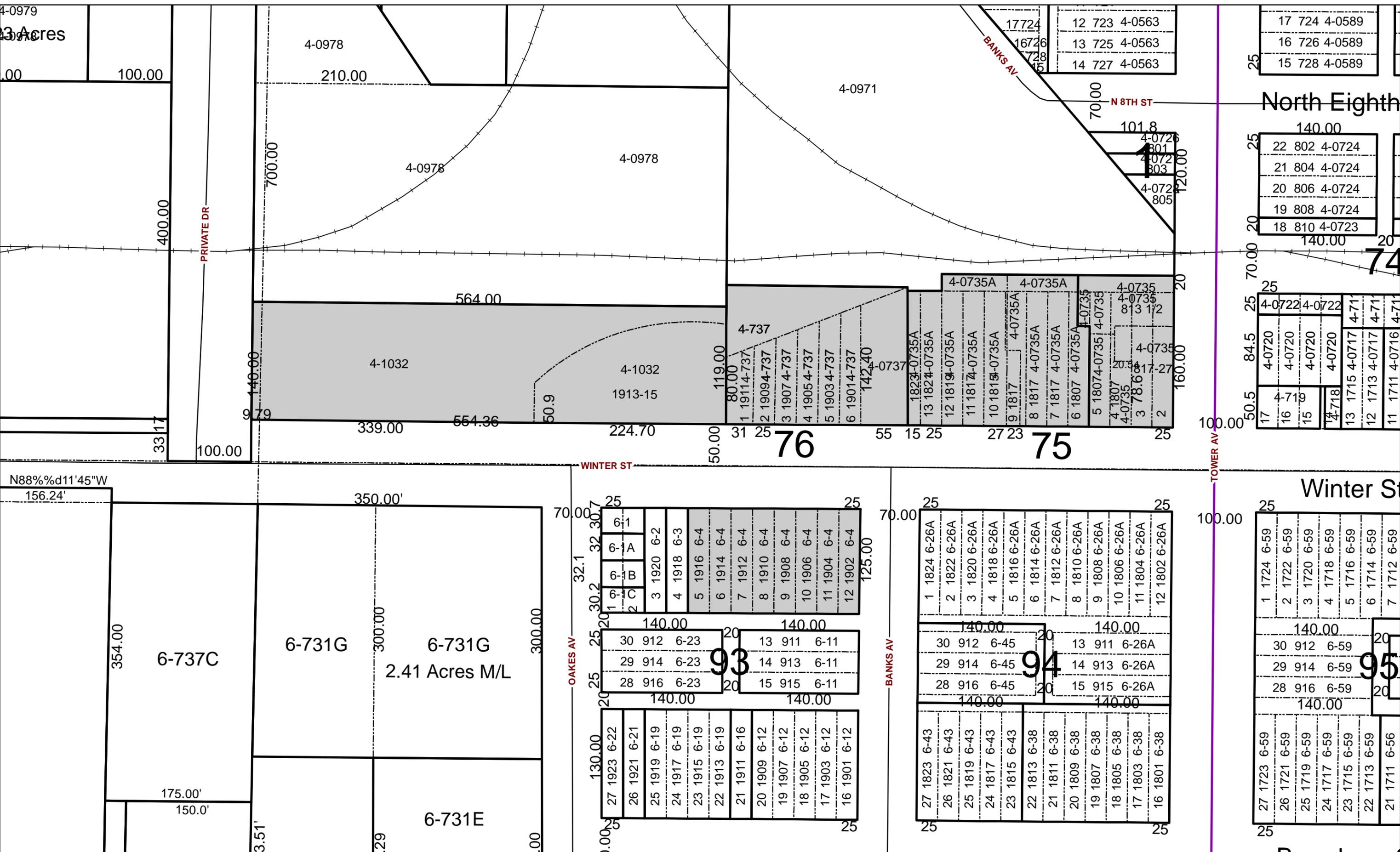
Douglas  
County Wisconsin



214

cted

ND



PARCEL MAP  
 LINES AND DIMENSIONS ARE APPROXIMATE  
 Prepared by Randy Jones  
 Douglas County GIS Mapping Department

1/6/2010

WINTER STREET HOLDINGS, LLC. SHADED GRAY



November 20, 2009

Christopher A. Saari  
Hydrogeologist  
Remediation and Redevelopment Program  
Wisconsin Dept. of Natural Resources  
Ashland Service Center  
2501 Golf Course Road  
Ashland, WI 54806

**RE: Statement of Legal Description Accuracy  
Charter Films, 1901 Winter Street, Superior, WI 54880  
BRRTs No. 02-16-554394**

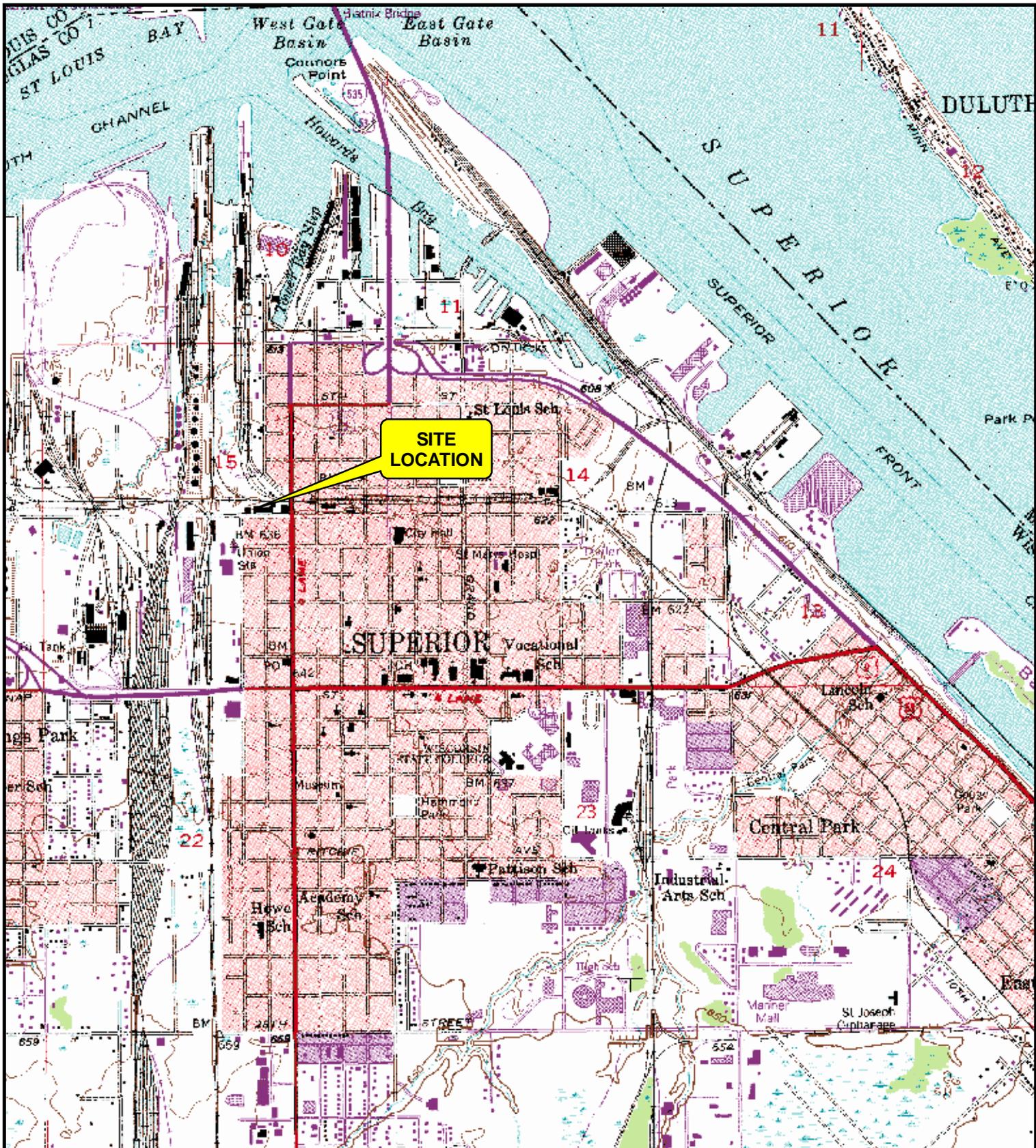
Dear Mr. Saari:

I confirm that the attached legal description accurately describes the correct contaminated property.

A handwritten signature in black ink, appearing to read "Dan Markham", is written over a horizontal line.

Dan Markham, RJS Real Estate Group

Cc: John McCarthy, Environmental Troubleshooters, Inc.



**FIGURE 1**

Site Location Map

Charter Films  
 1911 Winter Street  
 Superior, Wisconsin 54880

PROJECT #: 09-0104

DATE: 02/13/2009

FILE NAME: //GIS/2009Projects/09-0104  
 CharterFilms1913LUST/Figure1



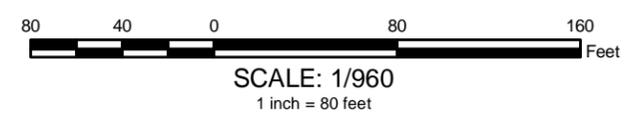
SCALE: 1/24,000

Source: USGS Superior 7 1/2" Quadrangle Map



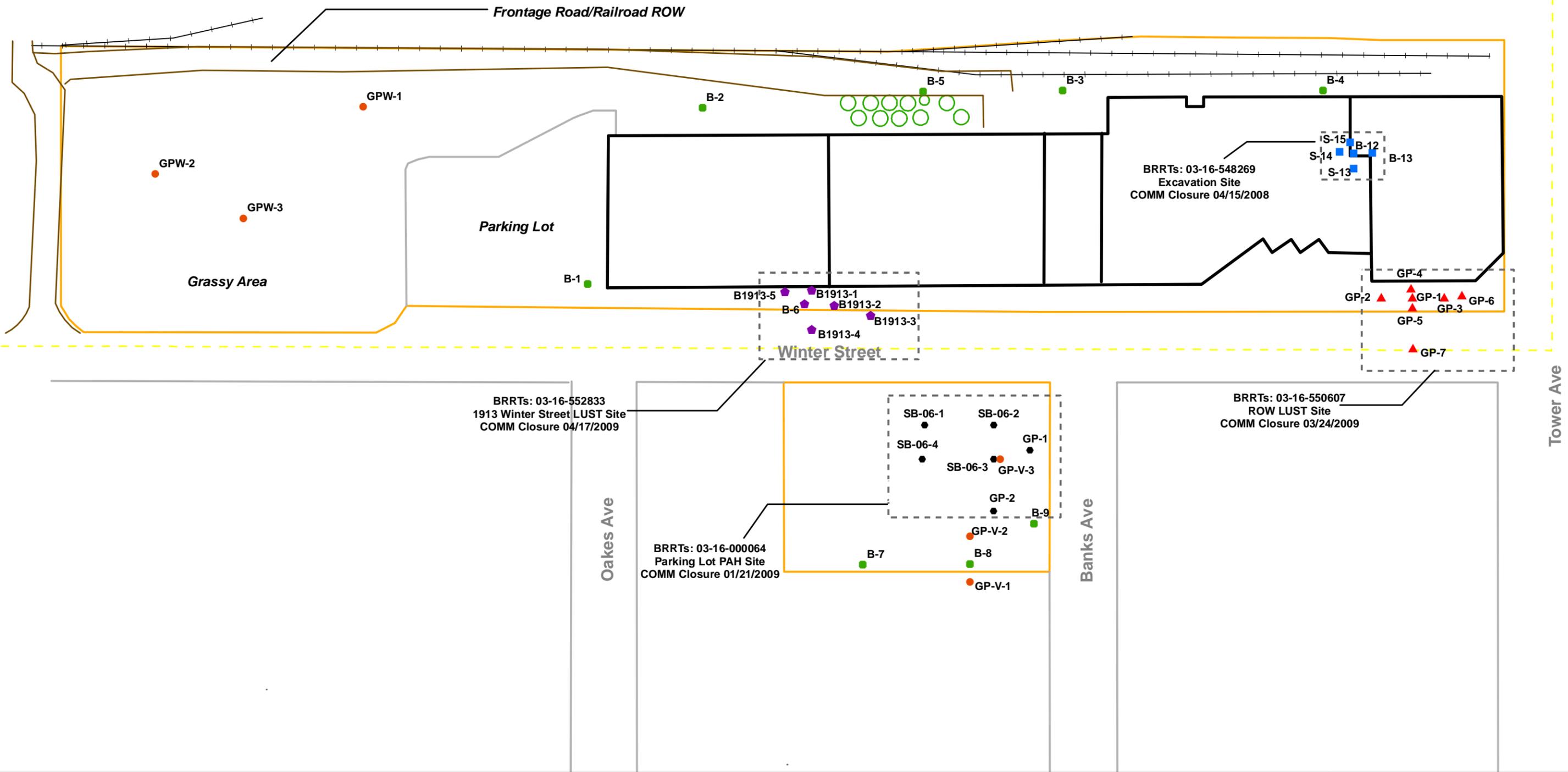


- Legend**
- 2006 Charter Films Excavation Site
    - 2006 Charter Films Parking Lot PAH Site
    - ▲ 2007 Charter Films ROW UST
  - 2008 Phase II ESA
    - ◆ 2009 1913 LUST
    - Supplemental VPLE Borings
    - Approximate Property Boundary
    - Building

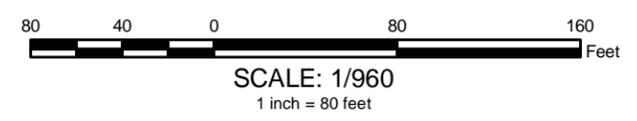


<b>FIGURE 2</b>	
Site Plan	
Charter Films VPLE Superior, Wisconsin	
PROJECT #: 09-0105	
DATE: 09/22/2009	CREATED BY: MLT
FILE NAME: //GIS/2009Projects/09-0105 CharterFilmsVPLE/Figure2	





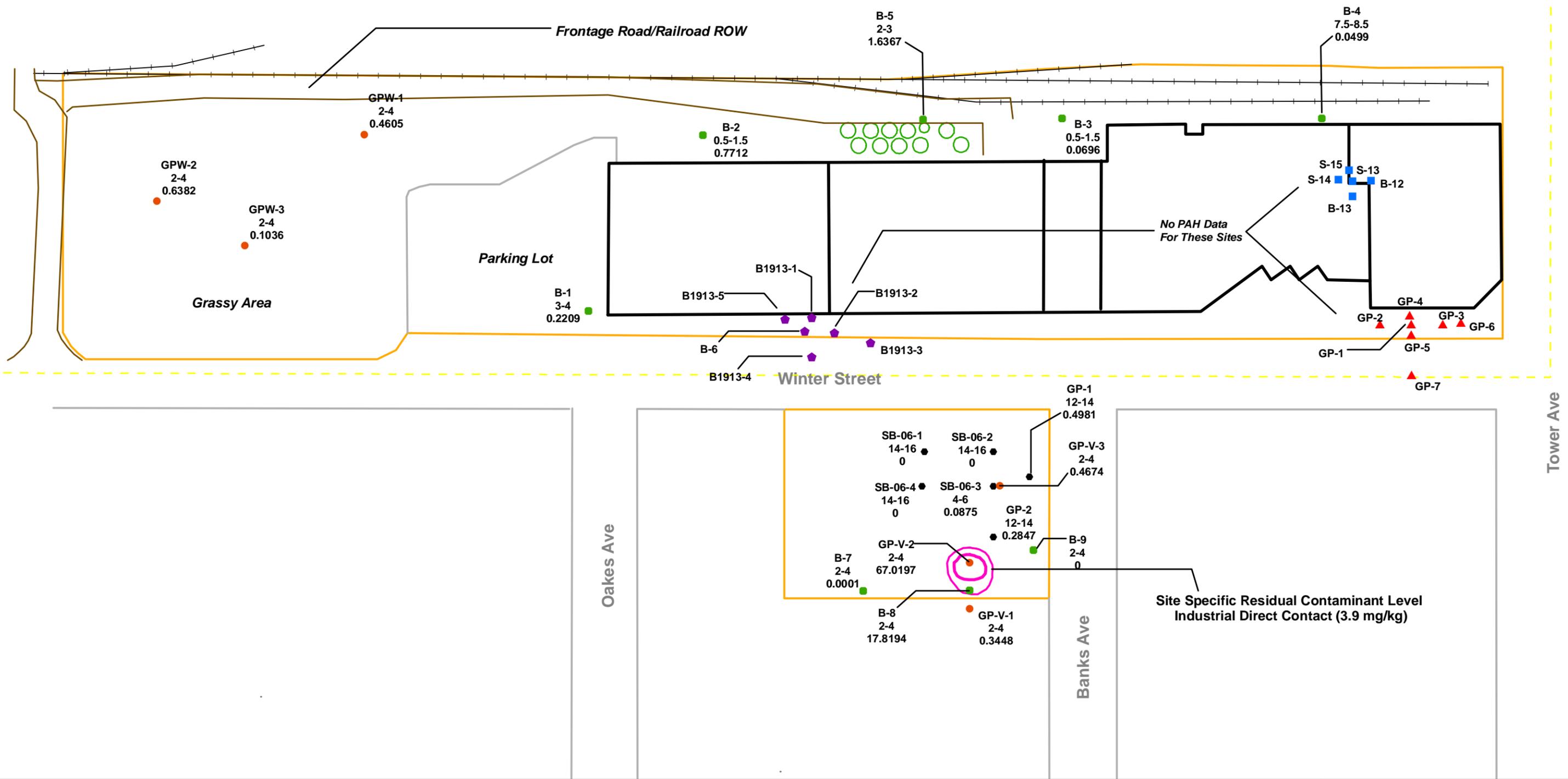
- Legend**
- 2006 Charter Films Excavation Site
  - 2008 Phase II ESA
  - Road
  - 2006 Charter Films Parking Lot PAH Site
  - 2009 1913 LUST
  - +— Railroads
  - ▲ 2007 Charter Films ROW UST
  - 2009 Supplemental VPLE Borings
  - Tank Farm
  - Approximate Property Boundary
  - - - Street Center Line
  - Building



**FIGURE 3**  
Soil Boring Locations

Charter Films VPLE  
Superior, Wisconsin

PROJECT #: 09-0105	
DATE: 09/22/2009	CREATED BY: MLT
FILE NAME: //GIS/2009Projects/09-0105 CharterFilmsVPLE/Figure3	



- Legend**
- 2006 Charter Films Excavation Site
  - 2006 Charter Films Parking Lot PAH Site
  - ▲ 2007 Charter Films ROW UST
  - 2008 Phase II ESA
  - ◆ 2009 1913 LUST
  - 2009 Supplemental VPLE Borings
  - Approximate Property Boundary
  - - - Street Center Line
  - ▬ Building
  - ▬ Road
  - ▬ Railroads
  - ▬ Tank Farm
  - ▬ B(a)P Equivalents Isoleths (mg/kg)
  - ▬ 3.9
  - ▬ 39

**B-9 - Soil Boring Name**  
**2-4 - Soil Sample Depth (ft)**  
**0.08447 - B(a)P Equivalents Concentration (mg/kg)**

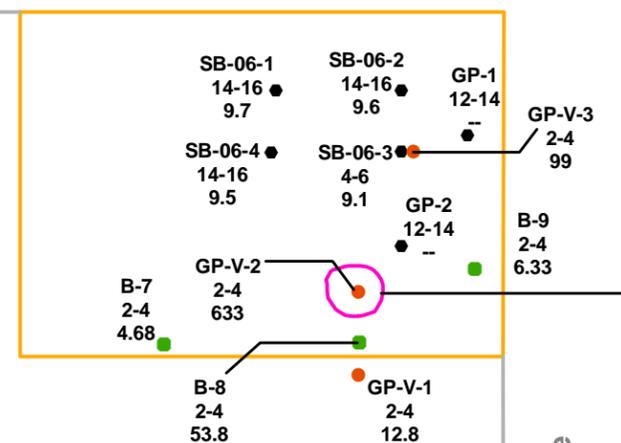
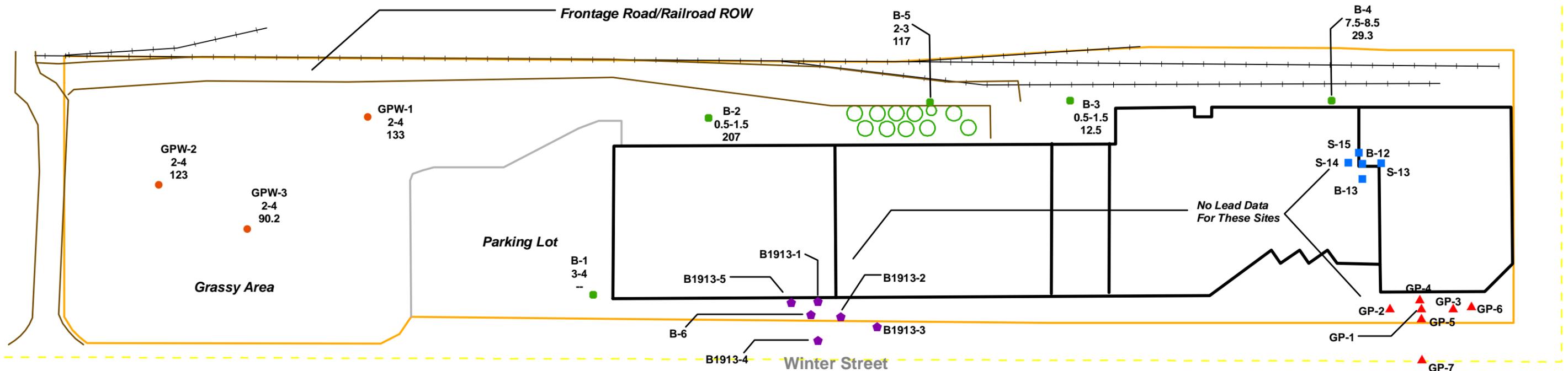
80 40 0 80 160 Feet  
 SCALE: 1/960  
 1 inch = 80 feet

**FIGURE 4a**  
 B(a)P Equivalents Soil Distribution

Charter Films VPLE  
 Superior, Wisconsin

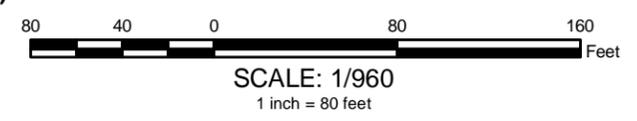
PROJECT #: 09-0105  
 DATE: 11/20/2009 CREATED BY: MLT  
 FILE NAME: //GIS/2009Projects/09-0105CharterFilms  
 VPLE/2009VPLEFigures/Figure4a





- Legend**
- Lead Concentration Isopleth (600 mg/kg)
  - 2006 Charter Films Excavation Site
  - 2006 Charter Films Parking Lot PAH Site
  - ▲ 2007 Charter Films ROW UST
  - 2008 Phase II ESA
  - ◆ 2009 1913 LUST
  - 2009 Supplemental VPLE Borings
  - Approximate Property Boundary
  - Street Center Line
  - Building
  - Road
  - Railroads
  - Tank Farm

**B-9 - Soil Boring Name**  
**2-4 - Soil Sample Depth (ft)**  
**111 - Lead Concentration (mg/kg)**



**FIGURE 4b**

Lead Soil Distribution  
 Charter Films VPLE  
 Superior, Wisconsin

PROJECT #: 09-0105  
 DATE: 09/22/2009 CREATED BY: MLT  
 FILE NAME: //GIS/2009Projects/09-0105CharterFilms  
 VPLE/2009VPLEFigures/Figure4b



**Table 1 Phase II Soil Analytical Summary**  
**Charter Films, 1901 Winter Street, Superior, WI**

All results in mg/kg

	Rail Line Areas					Former Fueling**		
	Sample ID	B1	B2	B3	B4		B5	
	Sample Depth (ft)	3-4	0.5-1.5	0.5-1.5	7.5-8.5		2-3	
	Generic RCLs***	ETS	ETS	ETS	ETS		ETS	
	GW Path	Non-Ind Direct Contact	Indust. Direct Contact	11/7/08	11/7/08	11/7/08	11/7/08	11/7/08
<b>RCRA Metals (mg/kg)</b>								
Arsenic		0.039	1.6	--	7.54	2.71	<0.484	5.26
Bismuth				--	80.0	31.6	383	106
Cadmium		8	510	--	0.296	0.172	0.944	0.508
Chromium (total) ****		16000	na	--	14.5	29.7	27	26
Lead		50	500	--	207	12.5	29.3	117
Mercury				--	0.985	<0.142	<0.189	<0.147
Selenium				--	2.00	<0.857	<0.971	<0.654
Silver				--	<0.260	<0.219	<0.290	<0.218
<b>PAHs/SVOCs (mg/kg)</b>								
1-Methylnaphthalene	23	1100	7000	<0.0407	<0.964	<0.0811	<0.0538	<0.404
2-Methylnaphthalene	20	600	4000	<0.0587	<1.07	<0.0899	<0.0596	<0.448
Acenaphthene	38	900	6000	<0.0516	1.83	<0.103	<0.0683	0.685
Acenaphthylene	0.7	18	360	<0.0725	<1.72	<0.145	<0.0959	<0.721
Anthracene	3000	5000	30000	0.0876	3.62	0.257	<0.0465	1.72
Benzo(a)anthracene	17	0.088	3.9	0.180	3.57	<0.0829	<0.0598	1.04
Benzo(a)pyrene	48	0.0088	0.39	0.171	<0.599	<0.0504	0.0453	1.22
Benzo(b)fluoranthene	360	0.088	3.9	0.192	2.24	0.367	0.0421	1.34
Benzo(k)fluoranthene	6800	1.8	39	<0.0440	<1.04	0.13	<0.0581	<0.437
Benzo(e)pyrene	870	0.88	39	0.130	1.42	0.229	<0.0422	0.731
Chrysene	37	8.8	390	0.130	3.15	<0.0504	0.0422	1.88
Dibenz(a,h)anthracene	38	0.0088	0.39	<0.0297	<0.703	<0.0592	<0.0392	<0.295
Fluoranthene	500	600	4000	0.532	10.9	1.34	0.107	5.6
Fluorene	100	600	4000	<0.0363	2.03	<0.0724	<0.0480	0.933
Indeno(1,2,3-cd)pyrene	680	0.088	3.9	0.0623	0.95	0.215	<0.0320	0.411
Naphthalene	0.4	20	110	<0.0505	<1.20	<0.101	<0.0669	<0.502
Phenanthrene	1.8	18	390	0.394	14.6	1.03	0.0843	5.89
Pyrene	8700	500	3000	0.787	22.3	2.89	0.18	8.26
Number of PAH cmpds	48	0.0088	see below	0.2209	0.7712	0.0696	0.0499	1.6387
BaP Equiv. - Default Industrial RCL (c=10 cmpds)				12	11	8	6	12
BaP Equiv. - Combined Target Cancer Risk Level (>10 cmpds)				3.9	3.9	0.39	0.39	3.9
Diesel Range Organics	100			14 (a)	44.9 (a)	9.47 (a)	23.3 (a)	<b>103 (a)</b>
Gasoline Range Organics	100			--	--	--	--	--
<b>VOCs</b>								
1,1,1,2-Tetrachloroethane (PCA)	GW Path	Direct Contact	Free Prod. Indicator	<0.020	<0.020	<0.020	<0.020	<0.020
1,1,1-Trichloroethane (TCA)				<0.021	<0.021	<0.021	<0.021	<0.021
1,1-Dichloroethane (DCA)				<0.016	<0.016	<0.016	<0.016	0.0265
1,2,3-Trichloropropane				<0.049	<0.049	0.0602	0.0575	<0.049
1,2,4-Trimethylbenzene	83			<0.036	0.238	0.0706	<0.036	0.0743
1,3,5-Trimethylbenzene	11			<0.014	0.0329	0.0338	<0.014	<0.014
4-Isopropyltoluene				<0.020	0.0756	<0.020	<0.020	<0.020
Benzene	0.0055	1.1	8.5	<0.010	0.0508	<0.010	<0.010	0.0285
Bromobenzene				<0.024	<0.024	0.0396	<0.024	<0.024
Bromomethane				<0.10	<0.10	<0.10	<0.10	0.106
Butylbenzene				<0.011	<0.011	0.0447	<0.011	0.062
Chlorobenzene				<0.011	<0.011	<0.011	<0.011	<0.011
cis-1,2-Dichloroethylene				<0.026	<0.026	<0.026	<0.026	<0.026
Ethylbenzene	2.9	4.6		<0.015	0.182	0.0287	<0.015	0.039
Isopropylbenzene (cumene)				<0.014	0.0692	0.0278	<0.014	0.0401
Methylene Chloride				0.03	<0.024	<0.024	<0.024	0.0471
Meth-tert-butyl-ether (MTBE)				<0.084	<0.084	<0.084	<0.084	<0.084
Naphthalene			2.7	0.097	0.303	0.137	<0.097	0.185
Propylbenzene				<0.012	<0.012	<0.012	<0.012	0.0364
sec-Butylbenzene				<0.019	0.086	<0.019	<0.019	<0.019
Toluene	1.5		38	<0.041	0.434	0.0914	0.0497	0.12
Trichlorofluoromethane				<0.028	<0.028	<0.028	<0.028	<0.028
Xylenes	4.1		42	<0.100	0.805	0.212	<0.100	0.329
<b>34.8</b>	Exceeds WDNR Industrial Direct Contact Pathway (or free product indicator, if noted).							
<b>26.0</b>	MDL Exceeds WDNR Industrial Direct Contact Pathway. Unknown if result exceeds value.							
--	Not analyzed							
(a)	Chromatogram characteristic of petroleum product heavier than Diesel							
(b)	Chromatogram characteristic of lighter petroleum product							
(c)	Boring soil samples collected too deep (below PAH containing fill).							
**	Note: B8 PAH analyses had 10,000x dilution and VOCs had 1,000x dilution so < values are elevated							
***	Note: Need to run lead on next round of samples in case it was leaded gasoline (assumed due to age)							
****	Generic RCLs: PAHs (per RR-519-97 Interim Guidance, 4.97); Metals & VOCs (per NR 720, 9.07)							
*****	Chromium RCLs are for Trivalent (not hexavalent)							

**Table 1 Phase II Soil Analytical Summary**  
**Charter Films, 1901 Winter Street, Superior, WI**

All results in mg/kg

	West End of Property						B113 Winter UST
	Sample ID	GP-W-1	GP-W-2	GP-W-3	B6		
	Sample Depth (ft)	2-4	2-4	2-4	2-4	12-14	
	Generic RCLs****	ETS	ETS	ETS	ETS	ETS	
GW Path	Non-Ind Direct Contact	Indust. Direct Contact	9/1/09	9/1/09	9/1/09	11/8/08	
<b>RCRA Metals (mg/kg)</b>							
Arsenic	0.039	1.6	20.4	21.5	17.7	--	
Bismuth			91.2	53.9	31.9	--	
Cadmium	8	510	2.4	3.5	2.5	--	
Chromium (total) ****	16000	na	17.4	23.5	11.5	--	
Lead	50	500	133	123	90.2	--	
Mercury			0.1	<0.023	0.027	--	
Cesium			<2	7.5	5.9	--	
Silver			<0.52	<0.52	<0.49	--	
<b>PAHs/SVOCs (mg/kg)</b>							
1-Methylnaphthalene	23	1100	7000	--	--	--	
2-Methylnaphthalene	20	600	4000	--	--	--	
Acenaphthene	38	900	6000	69.4	0.189	<0.0218	
Acenaphthylene	0.7	18	360	<67.8	0.314	0.0371	
Anthracene	3000	5000	30000	0.151	0.619	0.0706	
Benzo(a)anthracene	17	0.088	3.9	0.587	0.710	0.119	
Benzo(a)pyrene	48	0.0088	0.39	0.407	0.643	0.0708	
Benzo(b)fluoranthene	360	0.088	3.9	0.567	1.230	0.160	
Benzo(k)fluoranthene	6800	1.8	39	0.55	0.935	0.164	
Benzo(e)fluoranthene	870	0.88	39	0.251	0.489	0.055	
Chrysene	37	8.8	390	0.504	0.796	0.128	
Dibenz(a,h)anthracene	38	0.0088	0.39	0.184	0.273	0.0533	
Fluoranthene	500	600	4000	0.947	1.740	0.202	
Fluorene	100	600	4000	<67.8	0.107	<0.0218	
Indeno(1,2,3-cd)pyrene	660	0.088	3.9	0.376	0.804	0.115	
Naphthalene	0.4	20	110	0.543	0.829	0.173	
Phenanthrene	1.8	18	390	1.190	1.460	0.291	
Pyrene	8700	500	3000	0.736	0.61	0.11	
BP Equivalents	48	0.0088	see below	0.4626	0.6362	0.1036	
Number of PAH cmpds				14	16	14	
BP Equiv. - Default Industrial RCL (<= 10 cmpds)						0.39	
BP Equiv. - Combined Target Cancer Risk Level (> 10 cmpds)				3.9	3.9	3.9	
Diesel Range Organics	100			--	--	24.7 (b)	
Gasoline Range Organics	100			--	--	129	
<b>VOCs</b>							
1,1,2-Tetrachloroethane (PCA)	GW Path	Direct Contact	Free Prod. Indicator	<0.265	<0.221	<0.229	<0.020
1,1,1-Trichloroethane (TCA)				<0.265	<0.221	<0.229	0.0297
1,1-Dichloroethane (DCA)				<0.265	<0.221	<0.229	<0.016
1,2,3-Trichloropropane				<0.265	<0.221	<0.229	0.152
1,2,4-Trimethylbenzene		83		<0.265	0.784	0.618	<0.036
1,3,5-Trimethylbenzene		11		<0.265	<0.221	<0.229	<0.014
4-Isopropyltoluene				<0.265	0.244	<0.229	<0.020
Benzene	0.0055	1.1	8.5	<0.0662	0.110	0.381	<0.010
Bromobenzene				<0.265	<0.221	<0.229	<0.024
Bromomethane				<0.265	<0.221	<0.229	<0.10
Butylbenzene				<0.265	<0.221	<0.229	<0.011
Chlorobenzene				<0.265	<0.221	<0.229	0.0389
cis-1,2-Dichloroethylene				<0.265	<0.221	<0.229	0.0867
Ethylbenzene	2.9		4.6	0.0733	0.399	0.365	0.0346
Isopropylbenzene (cumene)				<0.265	<0.221	0.242	0.105
Methylene Chloride				<0.265	<0.221	<0.229	<0.024
Meth-tert-butyl-ether (MTBE)				<0.265	<0.221	<0.229	<0.084
Naphthalene			2.7	<0.265	1.310	1.310	0.0438
Propylbenzene				<0.265	0.232	0.320	0.0914
sec-Butylbenzene				<0.265	<0.221	<0.229	<0.019
Toluene	1.5		38	0.405	1.380	1.690	<0.041
Trichlorofluoromethane				<0.265	<0.221	<0.229	0.0313
Xylenes	4.1		42	0.447	2.330	2.210	<0.100
<b>34.8</b>	Exceeds WDNR Industrial Direct I						
<b>26.0</b>	MDL Exceeds WDNR Industrial D						
--	Not analyzed						
(a)	Chromatogram characteristic of p						
(b)	Chromatogram characteristic of li						
(c)	Boring soil samples collected too						
*	Note: B6 PAH analyses had 10,00						
**	Generic RCLs: PAHs (per RR-611)						
****	Chromium RCLs are for Trivalent						

**Table 1 Phase II Soil Analytical Summary**  
**Charter Films, 1901 Winter Street, Superior, WI**

All results in mg/kg

	Parking Lot									
	Sample ID	B7	B8*	B9	GP-V-1	GP-V-2	GP-V-3			
	Sample Depth (ft)	2-4	2-4	2-4	2-4	2-4	2-4	2-4	2-4	2-4
	Generic RCLs***	ETS	ETS	ETS	ETS	ETS	ETS	ETS	ETS	ETS
GW Path	Non-Ind Contact	Indust. Contact	11/6/08	11/6/08	11/6/08	9/1/09	9/1/09	9/1/09		
<b>RCRA Metals (mg/kg)</b>										
Arsenic	0.039	1.6	<0.480	1.36	<0.454	--	--	--		
Barium			124	106	162	--	--	--		
Cadmium	8	510	0.118	0.337	0.0902	--	--	--		
Chromium (total)****	16000	na	33.7	17.5	38.2	--	--	--		
Lead	50	500	4.68	53.8	6.33	12.8	<b>633</b>	<b>99.0</b>		
Mercury			<0.187	0.211	<0.183	--	--	--		
Cesium			1.86	<0.705	1.4	--	--	--		
Silver			<0.288	<0.235	<0.272	--	--	--		
<b>PAHs/SVOCs (mg/kg)</b>										
1-Methylnaphthalene	23	1100	7000	<0.0533	<43.5	<0.0504	--	--	--	
2-Methylnaphthalene	20	600	4000	<0.0591	<48.2	<0.0559	--	--	--	
Acenaphthene	38	900	6000	<0.0677	195	<0.0640	0.481	8.780	0.138	
Acenaphthylene	0.7	18	360	<0.0951	<77.6	<0.0890	<0.133	<1.340	<0.132	
Anthracene	3000	5000	30000	<0.0461	233	<0.0436	1.130	24.900	0.343	
Benzo(a)anthracene	17	0.088	3.9	<0.0591	<b>88.2</b>	<0.0559	1.000	<b>41.100</b>	0.848	
Benzo(a)pyrene	48	0.0088	0.39	<0.0331	<27.1	<0.0313	0.682	<b>30.200</b>	0.575	
Benzo(b)fluoranthene	360	0.088	3.9	<0.0303	<b>38</b>	<0.0286	1.040	<b>45.100</b>	0.781	
Benzo(k)fluoranthene	6800	1.8	39	<0.0576	<47.1	<0.0545	0.489	18.700	0.502	
Benzo(g)fluoranthene	870	0.88	39	<0.0418	<34.1	<0.0395	0.284	16.200	0.381	
Chrysene	37	8.8	390	<0.0331	62.4	<0.0313	0.770	32.100	0.811	
Dibenz(a,h)anthracene	38	0.0088	0.39	<0.0389	<31.8	<0.0368	<0.133	<b>7.760</b>	0.188	
Fluoranthene	500	600	4000	0.0776	394	<0.0354	2.310	92.700	1.530	
Fluorene	100	600	4000	<0.0476	151	<0.0450	0.491	12.800	<0.132	
Indeno(1,2,3-cd)pyrene	680	0.068	3.9	<0.0317	<25.8	<0.0300	0.428	<b>15.800</b>	0.412	
Naphthalene	0.4	20	110	<0.0663	<b>410</b>	<0.0627	0.710	6.830	<0.132	
Phenanthrene	1.8	18	390	<0.0591	<b>864</b>	<0.0559	3.960	26.200	1.710	
Pyrene	8700	500	3000	<0.0406	763	0.0479	2.040	92.500	1.340	
Σ17 PAH Equivalents	48	0.0088	see below	0.0001	<b>17,819.4</b>	0.0000	0.3448	<b>67,819.7</b>	0.4674	
Number of PAH cmpds				1	10	0	14	15	10	
Σ17 PAH Equiv. - Default Industrial RCL (≤10 cmpds)				0.39		0.39			0.39	
Σ17 PAH Equiv. - Combined Target Cancer Risk Level (> 10 cmpds)					3.9		3.9	3.9		
Diesel Range Organics	100		36.2 (a)	<b>3440 (a)</b>	<b>368 (a)</b>	--	--	--	--	
Gasoline Range Organics	100		--	--	--	--	--	--	--	
<b>VOCs</b>										
1,1,1,2-Tetrachloroethane (PCA)	GW Path	Direct Contact	Free Prod. Indicator	<0.020	0.438	<0.020	<0.274	<0.266	<0.255	
1,1,1-Trichloroethane (TCA)				<0.021	<0.210	<0.021	<0.274	<0.266	<0.255	
1,1-Dichloroethane (DCA)				<0.016	<0.160	0.0285	<0.274	<0.266	<0.255	
1,2,3-Trichloropropane				<0.049	<0.490	0.0662	<0.274	<0.266	<0.255	
1,2,4-Trimethylbenzene			83	<0.036	1.11	<0.036	<0.274	0.956	<0.255	
1,3,5-Trimethylbenzene			11	<0.014	0.279	<0.014	<0.274	<0.266	<0.255	
4-Isopropyltoluene				<0.020	<0.200	<0.020	<0.274	<0.266	<0.255	
Benzene	0.0055	1.1	8.5	<0.010	<0.100	<0.010	<0.0684	0.091	<0.0637	
Bromobenzene				<0.024	<0.240	0.024	<0.274	<0.266	<0.255	
Bromomethane				<0.10	<1.000	<0.10	<0.684	<0.266	<0.255	
Butylbenzene				<0.011	<0.110	0.0431	<0.274	<0.266	<0.255	
Chlorobenzene				<0.011	<0.110	<0.011	<0.274	<0.266	<0.255	
cis-1,2-Dichloroethylene				<0.028	<0.280	0.028	<0.274	<0.266	<0.255	
Ethylbenzene	2.9		4.6	<0.015	0.497	<0.015	<0.0684	0.172	<0.0637	
Isopropylbenzene (cumene)				<0.014	0.297	<0.014	<0.274	<0.266	<0.255	
Methylene Chloride				<0.024	<0.240	0.0425	<0.274	<0.266	<0.255	
Meth-tert-butyl-ether (MTBE)				<0.084	<0.840	<0.084	<0.274	<0.266	<0.255	
Naphthalene			2.7	0.044	<b>88.2</b>	0.044	0.600	<b>66.800</b>	<0.255	
Propylbenzene				<0.012	<0.120	<0.012	<0.274	<0.266	<0.255	
sec-Butylbenzene				<0.019	<0.190	<0.019	<0.274	<0.266	<0.255	
Toluene	1.5		38	<0.041	<0.410	<0.041	<0.0684	0.428	<0.0637	
Trichlorofluoromethane				<0.028	<0.280	<0.028	<0.274	<0.266	<0.255	
Xylenes	4.1		42	<0.100	<1.000	0.0783	<0.205	0.903	<0.191	
<b>34.8</b>	Exceeds WDNR Industrial Direct I									
<b>26.0</b>	MDL Exceeds WDNR Industrial D									
--	Not analyzed									
(a)	Chromatogram characteristic of p									
(b)	Chromatogram characteristic of li									
(c)	Boring soil samples collected too									
*	Note: B8 PAH analyses had 10.00									
**	Note: Need to run lead on next row									
***	Generic RCLs: PAHs (per RR-511)									
****	Chromium RCLs are for Trivalent									

**Table 1 Phase II Soil Analytical Summary**  
**Charter Films, 1901 Winter Street, Superior, WI**

All results in mg/kg

	Sample ID		Parking Lot																
			Sample Depth (ft)		GP-1 (c)	GP-2 (c)	SB-06-1(c)	SB-06-2 (c)	SB-06-3	SB-06-4 (c)									
			Generic RCLs****	ETS	ETS	EPC	EPC	EPC	EPC										
			Non-Ind Direct Contact	Indust. Direct Contact	5/21/08	5/21/08	8/22/06	8/22/06	8/22/06	8/22/06									
<b>RCRA Metals (mg/kg)</b>																			
Arsenic		0.039	1.6	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--
Barium				--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--
Cadmium		8	510	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--
Chromium (total) ****		16000	na	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--
Lead		50	500	--	--	9.7	9.6	9.1	9.5	--	--	--	--	--	--	--	--	--	--
Mercury				--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--
Cesium				--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--
Silver				--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--
<b>PAHs/SVOCs (mg/kg)</b>																			
1-Methylnaphthalene	23	1100	70000	<0.0495	<0.0515	<0.004	<0.0041	0.0088	<0.0041										
2-Methylnaphthalene	20	600	40000	<0.0549	<0.0570	<0.0041	<0.0043	<0.0040	<0.0042										
Acenaphthene	38	900	60000	<0.0629	<0.0654	<0.0039	<0.0040	0.0057	<0.0040										
Acenaphthylene	0.7	18	360	<0.0884	<0.0918	<0.0038	<0.0039	0.0077	<0.0039										
Anthracene	3000	5000	300000	0.076	0.103	<0.0047	<0.0048	0.03	<0.0048										
Benzo(a)anthracene	17	0.088	3.9	0.317	0.183	<0.007	<0.0072	0.019	<0.0072										
Benzo(a)pyrene	48	0.0088	0.39	0.328	0.205	<0.0038	<0.0039	0.021	<0.0039										
Benzo(b)fluoranthene	360	0.088	3.9	0.333	0.21	<0.0037	<0.0038	0.0068	<0.0038										
Benzo(h)jiperylene	6800	1.8	39	0.158	0.102	<0.0047	<0.0048	<0.0045	<0.0048										
Benzo(k)fluoranthene	870	0.88	39	0.179	0.117	<0.004	<0.0042	0.0062	<0.0041										
Chrysene	37	8.8	390	<0.0361	<0.0376	<0.0036	<0.0037	<0.0035	<0.0037										
Dibenz(a,h)anthracene	38	0.0088	0.39	0.373	0.207	<0.0058	<0.0059	0.082	<0.0059										
Fluoranthene	500	600	40000	0.652	0.443	<0.0038	<0.0039	0.029	<0.0039										
Fluorene	100	600	40000	<0.0442	<0.0459	<0.0045	<0.0046	0.035	<0.0046										
Indeno(1,2,3-cd)pyrene	660	0.068	3.9	0.213	0.132	<0.0033	<0.0034	<0.0032	<0.0034										
Naphthalene	0.4	20	110	<0.0616	<0.0640	<0.0053	<0.0055	0.017	<0.0054										
Phenanthrene	1.8	18	390	0.309	0.343	<0.0039	<0.004	0.32	<0.0040										
Pyrene	8700	500	30000	0.952	0.733	<0.0032	<0.0033	0.03	<0.0033										
PAE Equivalents	48	0.0088	see below	0.4881	0.2847	0.0000	0.0000	0.0875	0.0000										
Number of PAH cmpds				11	12	0	0	14	0										
BaP Equiv. - Default Industrial RCL (c=10 cmpds)						0.39	0.39												
BaP Equiv. - Combined Target Cancer Risk Level (> 10 cmpds)				3.9	3.9			3.9											
Diesel Range Organics		100		--	--	--	--	--	--										
Gasoline Range Organics		100		--	--	--	--	--	--										
<b>VOCs</b>																			
1,1,1,2-Tetrachloroethane (PCA)	GW Path	Direct Contact	Free Prod. Indicator	--	--	--	--	--	--										
1,1,1-Trichloroethane (TCA)				--	--	--	--	--	--										
1,1-Dichloroethane (DCA)				--	--	--	--	--	--										
1,2,3-Trichloropropane				--	--	--	--	--	--										
1,2,4-Trimethylbenzene			83	<0.013	0.036	<0.025	<0.025	<0.025	<0.025										
1,3,5-Trimethylbenzene			11	<0.018	<0.018	<0.025	<0.025	<0.025	<0.025										
4-Isopropyltoluene				--	--	--	--	--	--										
Benzene	0.0055	1.1	8.5	<0.016	<0.016	<0.025	<0.025	<0.025	<0.025										
Bromobenzene				--	--	--	--	--	--										
Bromomethane				--	--	--	--	--	--										
Butylbenzene				--	--	--	--	--	--										
Chlorobenzene				--	--	--	--	--	--										
cis-1,2-Dichloroethylene				--	--	--	--	--	--										
Ethylbenzene	2.9		4.6	<0.018	<0.018	<0.025	<0.025	<0.025	<0.025										
Isopropylbenzene (cumene)				--	--	--	--	--	--										
Methylene Chloride				--	--	--	--	--	--										
Meth-tert-butyl-ether (MTBE)				<0.011	<0.011	<0.025	<0.025	<0.025	<0.025										
Naphthalene			2.7	--	--	<0.025	<0.025	<0.025	<0.025										
Propylbenzene				--	--	--	--	--	--										
sec-Butylbenzene				--	--	--	--	--	--										
Toluene	1.5		38	<0.017	0.071	<0.025	<0.025	<0.025	<0.025										
Trichlorofluoromethane				--	--	--	--	--	--										
Xylenes	4.1		42	0.046	0.145	<0.075	<0.075	<0.075	<0.075										
<b>34.8</b>				Exceeds WDNR Industrial Direct I															
<b>26.0</b>				MDL Exceeds WDNR Industrial D															
--				Not analyzed															
(a)				Chromatogram characteristic of p															
(b)				Chromatogram characteristic of li															
(c)				Boring soil samples collected too															
--				Note: B8 PAH analyses had 10,00															
***				Generic RCLs: PAHs per RR-611															
****				Chromium RCLs are for Trivalent															