

# GIS REGISTRY

## Cover Sheet

May, 2009  
(RR 5367)

### Source Property Information

**BRRTS #:**

**ACTIVITY NAME:**

**PROPERTY ADDRESS:**

**MUNICIPALITY:**

**PARCEL ID #:**

**CLOSURE DATE:**

**FID #:**

**DATCP #:**

**COMM #:**

#### \*WTM COORDINATES:

X:  Y:

*\* Coordinates are in  
WTM83, NAD83 (1991)*

#### WTM COORDINATES REPRESENT:

- Approximate Center Of Contaminant Source
- Approximate Source Parcel Center

**Please check as appropriate:** (BRRTS Action Code)

#### Contaminated Media:

- Groundwater Contamination > ES (236)
- Contamination in ROW
- Off-Source Contamination MW-5  
*(note: for list of off-source properties see "Impacted Off-Source Property")*
- Soil Contamination > \*RCL or \*\*SSRCL (232)
- Contamination in ROW
- Off-Source Contamination  
*(note: for list of off-source properties see "Impacted Off-Source Property")*

#### Land Use Controls:

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

#### Monitoring Wells:

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 #: 03-13-000689

PARCEL ID #: 251-0709-224-0501-8

ACTIVITY NAME: Smiles English Hair Design

WTM COORDINATES: X: 586061 Y: 288500

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

- Closure Letter**
- Maintenance Plan** (if activity is closed with a land use limitation or condition (land use control) under s. 292.12, Wis. Stats.)
- Conditional Closure Letter**
- Certificate of Completion (COC)** for VPLE sites

**SOURCE LEGAL DOCUMENTS**

**Deed:** The most recent deed as well as legal descriptions, for the **Source Property** (where the contamination originated). Deeds for other, off-source (off-site) properties are located in the **Notification** section.

**Note:** If a property has been purchased with a land contract and the purchaser has not yet received a deed, a copy of the land contract which includes the legal description shall be submitted instead of the most recent deed. If the property has been inherited, written documentation of the property transfer should be submitted along with the most recent deed.

**Certified Survey Map:** A copy of the certified survey map or the relevant section of the recorded plat map for those properties where the legal description in the most recent deed refers to a certified survey map or a recorded plat map. (lots on subdivided or platted property (e.g. lot 2 of xyz subdivision)).

Figure #: Title:

**Signed Statement:** A statement signed by the Responsible Party (RP), which states that he or she believes that the attached legal description accurately describes the correct contaminated property.

**MAPS** (meeting the visual aid requirements of s. NR 716.15(2)(h))

Maps must be no larger than 8.5 x 14 inches unless the map is submitted electronically.

**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 #: Title: **Site Location Map**

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

Figure #: Title: **Site Map**

**Soil Contamination Contour Map:** For sites closing with residual soil contamination, this map is to show the location of all contaminated soil and a single contour showing the horizontal extent of each area of contiguous residual soil contamination that exceeds a Residual Contaminant Level (RCL) or a Site Specific Residual Contaminant Level (SSRCL) as determined under s. NR 720.09, 720.11 and 720.19.

Figure #: Title: **Soil Plume Map**

BRRTS #: 03-13-000689

ACTIVITY NAME: Smiles English Hair Design

**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: Vacuum Well and Vapor Probe Installation Detail Cross Section**

**Figure #:**                      **Title:**

- Groundwater Isoconcentration Map:** For sites closing with residual groundwater contamination, this map shows the horizontal extent of all groundwater contamination exceeding a ch. NR140 Preventive Action Limit (PAL) and an Enforcement Standard (ES). Indicate the direction and date of groundwater flow, based on the most recent sampling data.

**Note:** This is intended to show the total area of contaminated groundwater.

**Figure #:**                      **Title: Groundwater Contamination Map**

- 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 Flow Map (9/24/2007)**

**Figure #:**                      **Title: Groundwater Flow Map (3/17/2008)**

**TABLES (meeting the requirements of s. NR 7.16.15(2)(h)(3))**

Tables must be no larger than 8.5 x 14 inches unless the table is submitted electronically. Tables must not contain shading and/or cross-hatching. The use of **BOLD** or *ITALICS* is acceptable.

- Soil Analytical Table:** A table showing remaining soil contamination with analytical results and collection dates.  
**Note:** This is one table of results for the contaminants of concern. Contaminants of concern are those that were found during the site investigation, that remain after remediation. It may be necessary to create a new table to meet this requirement.

**Table #:** 4, 5                      **Title: Chemical Analysis Sample Identification Number, Soil Sample Chemical Analysis Results**

- Groundwater Analytical Table:** Table(s) that show the most recent analytical results and collection dates, for all monitoring wells and any potable wells for which samples have been collected.

**Table #:**                      **Title: Groundwater Analytical Results Summary**

- 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: Watertable Elevations Table**

**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: site Map**

- Well Construction Report:** Form 4440-113A for the applicable monitoring wells.

- Deed:** The most recent deed as well as legal descriptions for each property where a monitoring well was not properly abandoned.

- Notification Letter:** Copy of the notification letter to the affected property owner(s).

BRRTS #: 03-13-000689

ACTIVITY NAME: Smiles English Hair Design

**NOTIFICATIONS**

**Source Property**

- Letter To Current Source Property Owner:** If the source property is owned by someone other than the person who is applying for case closure, include a copy of the letter notifying the current owner of the source property that case closure has been requested.
- Return Receipt/Signature Confirmation:** Written proof of date on which confirmation was received for notifying current source property owner.

**Off-Source Property**

Group the following information per individual property and label each group according to alphabetic listing on the "Impacted Off-Source Property" attachment.

- Letter To "Off-Source" Property Owners:** Copies of all letters sent by the Responsible Party (RP) to owners of properties with groundwater exceeding an Enforcement Standard (ES), and to owners of properties that will be affected by a land use control under s. 292.12, Wis. Stats.  
*Note: Letters sent to off-source properties regarding residual contamination must contain standard provisions in Appendix A of ch. NR 726.*  
**Number of "Off-Source" Letters:**
- Return Receipt/Signature Confirmation:** Written proof of date on which confirmation was received for notifying any off-source property owner.
- Deed of "Off-Source" Property:** The most recent deed(s) as well as legal descriptions, for all affected deeded **off-source property(ies)**. This does not apply to right-of-ways.  
*Note: If a property has been purchased with a land contract and the purchaser has not yet received a deed, a copy of the land contract which includes the legal description shall be submitted instead of the most recent deed. If the property has been inherited, written documentation of the property transfer should be submitted along with the most recent deed.*
- Letter To "Governmental Unit/Right-Of-Way" Owners:** Copies of all letters sent by the Responsible Party (RP) to a city, village, municipality, state agency or any other entity responsible for maintenance of a public street, highway, or railroad right-of-way, within or partially within the contaminated area, for contamination exceeding a groundwater Enforcement Standard (ES) and/or soil exceeding a Residual Contaminant Level (RCL) or a Site Specific Residual Contaminant Level (SSRCL).  
**Number of "Governmental Unit/Right-Of-Way Owner" Letters: 1**

## Impacted Off-Source Property Information

Form 4400-246 (R 3/08)

This fillable form is intended to provide a list of information that must be submitted for evaluation for case closure. It is to be used in conjunction with Form 4400-202, Case Closure Request (Section H). 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 #:

ACTIVITY NAME:

ID	Off-Source Property Address	Parcel Number	WTM X	WTM Y
<input type="text" value="A"/>	<input type="text" value="Regent Apartments, 1402 Regent St, Madison, WI 53703"/>	<input type="text"/>	<input type="text" value="568064"/>	<input type="text" value="288513"/>
<input type="text" value="B"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
<input type="text" value="C"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
<input type="text" value="D"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
<input type="text" value="E"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
<input type="text" value="F"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
<input type="text" value="G"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
<input type="text" value="H"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
<input type="text" value="I"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>



## State of Wisconsin \ DEPARTMENT OF NATURAL RESOURCES

Jim Doyle, Governor  
Matthew J. Frank, Secretary  
Lloyd L. Eagan, Regional Director

South Central Region Headquarters  
3911 Fish Hatchery Road  
Fitchburg, Wisconsin 53711-5397  
Telephone 608-275-3266  
FAX 608-275-3338  
TTY Access via relay - 711

January 21, 2010

File Ref.: 03-13-000689

Ms Julia Johnson  
3205 Kingsley Way  
Madison, WI 53713

**SUBJECT:** Final Case Closure with Continuing Obligations  
Smiles English Hair Design, 1403 Regent Street, Madison, WI  
WDNR BRRTS Activity #: 03-13-000689

Dear Ms. Johnson:

On May 19, 2009, the South Central 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. On July 9, 2009, you were notified that the Closure Committee had granted conditional closure to this case.

The Department has received information or documentation indicating that you have complied with the requirements for final closure. The required documentation included the well abandonment form indicating the proper abandonment of the site water quality monitoring wells.

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
- Groundwater contamination is present above Chapter NR 140 enforcement standards
- One or more monitoring wells were not located and must be properly abandoned if found

This letter and information that was submitted with your closure request application will be included on the GIS Registry. To review the sites on the GIS Registry web page, visit the RR Sites Map page at <http://dnr.wi.gov/org/aw/rr/gis/index.htm>. If the property is listed on the GIS Registry because of remaining contamination and you intend to construct or reconstruct a well, you will need prior Department approval in

accordance with s. NR 812.09(4)(w), Wis. Adm. Code. To obtain approval, Form 3300-254 needs to be completed and submitted to the DNR Drinking and Groundwater program's regional water supply specialist. This form can be obtained on-line <http://dnr.wi.gov/org/water/dwg/3300254.pdf> or at the web address listed above for the GIS Registry.

### Closure Conditions

Please be aware that pursuant to s. 292.12 Wisconsin Statutes, compliance with the requirements of this letter is a responsibility to which 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 Wisconsin Statutes to ensure compliance with the specified requirements, limitations or other conditions related to the property or this case may be reopened pursuant to s. NR 726.09, Wis. Adm. Code. The Department intends to conduct inspections in the future to ensure that the conditions included in this letter.

### Residual Soil Contamination

Residual soil contamination remains at the site as indicated on the attached map 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 or, if applicable, ch. 289, Stats., and chs. 500 to 536, 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.

### Residual Groundwater Contamination

Groundwater impacted by petroleum contamination greater than enforcement standards set forth in ch. NR140, Wis. Adm. Code, is present on this contaminated property. For more detailed information regarding the locations where groundwater samples have been collected (i.e., monitoring well locations) and the associated contaminant concentrations, refer to the Remediation and Redevelopment Program's GIS Registry at the RR Sites Map page at <http://dnr.wi.gov/org/aw/rr/gis/index.htm>.

### Monitoring Wells that could not be Properly Abandoned

On April 29, 2009 your consultant METCO notified the Department that a monitoring well MW-5 located on 1403 Regent Street depicted on the attached map, could not be properly abandoned because they were unable to find it. Your consultant has made a reasonable effort to locate the well depicted on the attached map and to determine whether it was properly abandoned but has been unsuccessful in those efforts. You need to understand that in the future you may be held liable for any problems associated with monitoring well MW-5 if it creates a conduit for contaminants to enter groundwater. If in the future the groundwater monitoring well is found, the then current owner of the property on which the well is located will be required to notify the Department, to properly abandon the wells in compliance with the requirements in ch. NR 141, Wis. Adm. Code, and to submit the required documentation of that abandonment to the Department. Because this monitoring well was not properly abandoned, the site will be listed on the DNR Remediation and Redevelopment GIS Registry.

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:

- The monitoring well that was not located is found and properly abandoned

Please send written notifications in accordance with the above requirements to the South Central RR Program, to the attention of the Environmental Program Associate.

The Department appreciates your efforts to restore the environment at this site. If you have any questions regarding this closure decision or anything outlined in this letter, please contact Larry Lester at 608-275-3465.

Sincerely,



Hank Kuehling, Acting Team Supervisor  
South Central Region Remediation & Redevelopment Program

cc: Powell, METCO  
Regent Apartments, 120 West Gorham Street, Madison WI 53703

IMPROPERLY ABANDONED  
MONITORING WELL

OFF-SOURCE  
A  
PROPERTY

State of Wisconsin \ DEPARTMENT OF NATURAL RESOURCES



Jim Doyle, Governor  
Matthew J. Frank, Secretary  
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South Central Region Headquarters  
3911 Fish Hatchery Road  
Fitchburg, Wisconsin 53711-5397  
Telephone 608-275-3266  
FAX 608-275-3338  
TTY Access via relay - 711

January 21, 2010

File Ref.: 03-13-000689

Regent Apartments  
120 West Gorham Street  
Madison, WI 53703

**SUBJECT:** Continuing Obligations and Property Owner Requirements for 1402 Regent Street, Madison, WI  
Parcel Identification Number: 070922112118  
Final Case Closure for Smiles English Hair Design, 1403 Regent Street, Madison, WI  
WDNR BRRTS Activity #: 03-13-000689

To Whom it May Concern:

The purpose of this letter is to notify you that a continuing obligation applies to the property at 1402 Regent Street, Madison, WI, (referred to in this letter as the "Property") due to a lost water quality monitoring well remaining on the Property. The continuing obligations are part of the cleanup and case closure approved for the above referenced case, located at 1403 Regent Street, Madison, WI. (The case is referenced by the location of the source property, i.e. the property where the original discharge occurred.) The continuing obligation that applies to the Property is stated as a condition in the attached closure approval letter, and is consistent with s. 292.12, Wis. Stats., and ch. NR 700, Wis. Adm. Code, rule series. This continuing obligation will also apply to future owners of the Property, until the condition no longer exists at the Property.

It is common for properties with approved cleanups to have continuing obligations as part of cleanup/closure approvals. Information on continuing obligations on properties is shown on the Internet at <http://dnr.wi.gov/org/aw/rr/gis/index.htm>. How to find further information about the closure and residual contamination for this site can be located at <http://dnr.wi.gov/org/aw/rr/clean.htm>.

The Department reviewed and approved the case closure request regarding the petroleum contamination in soil and groundwater at this site, based on the information submitted by METCO. No further investigation or cleanup is required at this time. However, the closure decision is conditioned on the long-term compliance with certain continuing obligations, as described below.

Continuing Obligations Applicable to Your Property

A number of continuing obligations are described in the attached case closure letter to Ms. Julia Johnson, dated January 21, 2010. However, only the following continuing obligation applies to your Property.

Monitoring well could not be properly abandoned

Because of the residual soil and groundwater contamination and the continuing obligations, this site, which includes your Property, will be listed on the Department's internet accessible GIS Registry, at <http://dnr.wi.gov/org/aw/rr/gis/index.htm>. If at some time, the continuing obligation on your Property is fulfilled, you may request the removal of the Property from the GIS Registry.

### Property Owner Responsibilities

The owner (you and any subsequent property owner) of this Property is responsible for compliance with this continuing obligation, pursuant to s. 292.12, Wis. Stats. You are strongly encouraged to pass on the information about this continuing obligation to anyone who purchases this property from you (i.e. pass on this letter). For residential property transactions, you are required to make disclosures under Wis. Stats. s. 709.02. You may have additional obligations to notify buyers of the condition of the property and the continuing obligation set out in this letter and the closure letter.

Please be aware that failure to comply with the continuing obligation may result in enforcement action by the Department. The Department intends to conduct inspections in the future to ensure that the conditions included in this letter are met.

These responsibilities are the property owner's. A property owner may enter into a legally binding agreement (such as a contract) with someone else (the person responsible for the cleanup) to take responsibility for compliance with continuing obligations. If the person with whom any property owner has an agreement fails to adequately comply with the appropriate continuing obligation, the Department has the authority to require the property owner to comply with the continuing obligation.

A legal agreement between you and another party to carry out the continuing obligation listed in this letter does not automatically transfer to a new owner of the property. If a subsequent property owner cannot negotiate a new agreement, the responsibility for compliance with the applicable continuing obligation resides with that Property owner.

You and any subsequent Property owners are responsible for notifying the Department, and obtaining approval, before making any changes to the property that would affect the obligation applied to the Property. Send all written notifications in accordance with the above requirements to the South Central Regional RR Program Office, to the attention of the Environmental Program Associate.

Under s. 292.13, Wis. Stats., owners of properties affected by contamination from another property are generally exempt from investigating or cleaning up a hazardous substance discharge that has migrated onto a property from another property, through the soil, groundwater or sediment pathway. However, the exemption under s. 292.13, Wis. Stats., does not exempt the property owner from the responsibility to maintain a continuing obligation placed on the property in accordance with s. 292.12, Wis. Stats. To maintain this exemption, that statute requires the current property owner and any subsequent property owners, to meet the conditions in the statute, including:

- Granting reasonable access to DNR or responsible party, or their contractors;
- Avoiding interference with response actions taken; and
- Avoiding actions that make the contamination worse (e.g., demolishing a structure and causing or worsening the discharges to the environment).

IMPROPERLY ABANDONED  
MONITORING WELL

OFF-SOURCE  
A  
PROPERTY

The Department appreciates your efforts to maintain and restore the environment. If you have any questions regarding this closure decision or anything outlined in this letter, please contact Larry Lester at 608-275-3465.

Sincerely,



Hank Kuehling  
Acting Remediation & Redevelopment Team Supervisor

cc: Julia Johnson, 3205 Kingsley Way, Madison, WI 53713  
Powell, Metco

Enclosure: RR 819 – Continuing Obligations Fact Sheet



State of Wisconsin \ DEPARTMENT OF NATURAL RESOURCES

Jim Doyle, Governor  
Matthew J. Frank, Secretary  
Lloyd L. Eagan, Regional Director

South Central Region Headquarters  
3911 Fish Hatchery Road  
Fitchburg, Wisconsin 53711-5397  
Telephone 608-275-3266  
FAX 608-275-3338  
TTY Access via relay - 711

July 9, 2009

File Ref.: 03-13-000689

Ms. Julia Johnson  
3205 Kingsley Way  
Madison, WI 53713

Subject: Conditional Closure Decision,  
With Requirements to Achieve Final Closure  
Smiles English Hair Design, 1403 Regent Street, Madison, Wisconsin  
WDNR BRRTS Activity # 03-13-000689

Dear Ms. Kingsley:

On May 19, 2009, the South Central Region Regional Closure Committee reviewed your request for closure of the case described above. The Closure Committee reviews environmental remediation cases for compliance with state rules and statutes to maintain consistency in the closure of these cases. After careful review of the closure request, the Closure Committee has determined that the petroleum contamination on the site from the former underground storage tanks appears to have been investigated and remediated to the extent practicable under site conditions. Your case has been remediated to Department standards in accordance with s. NR 726.05, Wis. Adm. Code and will be closed if the following conditions are satisfied:

**MONITORING WELL ABANDONMENT**

The monitoring wells, vapor probes and extraction wells at the site must be properly abandoned in compliance with ch. NR 141, Wis. Adm. Code. Documentation of well abandonment must be submitted to the Department on Form 3300-005 found at <http://dnr.wi.gov/org/water/dwg/gw/> or provided by the Department of Natural Resources.

When the above condition has been satisfied, please submit the appropriate documentation (well abandonment forms, etc.) to verify that applicable conditions have been met, and your case will be closed. Your site will be listed on the DNR Remediation and Redevelopment GIS Registry. Information that was submitted with your closure request application will be included on the GIS Registry. To review the site on the GIS Registry web page, visit the RR Sites Map page at: <http://dnr.wi.gov/org/aw/rr/gis/index.htm>.

Section 101.143, Wis. Stats., requires that PECFA claimants seeking reimbursement of interest costs, for sites with petroleum contamination, submit a final reimbursement claim within 120 days after they receive a closure letter on their site. For claims not received by the PECFA Program within 120 days of the date of this letter, interest costs after 60 days of the date of this letter will not be eligible for PECFA reimbursement. If there is equipment purchased with PECFA funds remaining at the site, contact the Commerce PECFA Program to determine the method for salvaging the equipment.

Please be aware that the case may be reopened pursuant to s. NR 726.09, Wis. Adm. Code, if additional information regarding site conditions indicates that contamination on or from the site poses a threat to public health, safety, or welfare or to the environment.

We appreciate your efforts to restore the environment at this site. If you have any questions regarding this letter, please contact me at 608-275-3465.

Sincerely,

A handwritten signature in black ink, appearing to read "Lawrence J. Lester". The signature is written in a cursive style with a large, stylized initial "L".

Lawrence Lester  
Hydrogeologist  
Remediation & Redevelopment Program

cc: Powell, Metco

DOCUMENT NO.

1797687

WARRANTY DEED

STATE BAR OF WISCONSIN FORM 2-1983

THIS SPACE RESERVED FOR RECORDING DATA

REGISTERED IN THE  
DANE COUNTY RECORDS  
RECORDS DEPARTMENT

AUG 29 2 16 PM '83

CAROL L. DALYKE  
REGISTER OF DEEDS

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N. Stephen Wang and Minnie Wang,  
husband and wife as joint tenants

conveys and warrants to  
Edwin J. Johnson and Julia M. Johnson  
husband and wife, joint tenants with  
right of survivorship

the following described real estate in Dane County,  
State of Wisconsin:

RETURN TO  
James A. Jaeger  
P. O. Box 1664  
Madison, WI 53704

Tax Parcel No: 251-0709-224-0501-8

Part of Lot Twenty-two (22), Block Four (4), Oakland Heights, in the City of Madison, described as follows: Beginning at the East corner of said Lot 22; thence West along the North line of said Lot 22, a distance of 40.0 feet; thence Southwardly at right angles to said North line 82.5 feet more or less to the Southwesterly line of said Lot 22; thence Southeasterly along said Southwesterly line 5 feet to the South corner of said Lot 22; thence Northeasterly along the Southeasterly line of said Lot 22, 124.1 feet to the point of beginning.

TRANSFER  
\$219<sup>00</sup> ✓  
FEE PAID

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

Exception to warranties: municipal and zoning recorded easements for public utilities located adjacent to side and rear lot lines, recorded building and use restrictions and covenants and current taxes not yet due.  
Dated this 29th day of August, 1983.

(SEAL)  
.....  
(SEAL)  
.....

(SEAL) *N. Stephen Wang*  
• N. Stephen Wang  
(SEAL) *Minnie Wang*  
• Minnie Wang

AUTHENTICATION

Signature(s) N. Stephen Wang and  
Minnie Wang  
authenticated this 29 day of August, 1983  
*Charles P. Cell*  
• Charles P. Cell  
TITLE: MEMBER STATE BAR OF WISCONSIN  
(If not authorized by § 706.06, Wis. Stats.)

ACKNOWLEDGMENT

STATE OF WISCONSIN } ss.  
..... County.  
Personally came before me this ..... day of  
....., 19..... the above named  
.....  
to me known to be the person ..... who executed the  
foregoing instrument and acknowledge the same.  
.....  
Notary Public ..... County, Wis.  
My Commission is permanent. (If not, state expiration  
date: ..... 19.....)

THIS INSTRUMENT WAS DRAFTED BY  
Attorney Charles P. Cell  
(Signatures may be authenticated or acknowledged. Both are not necessary.)

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

400  
CR

I hereby certify that the accompanying map is a true and correct representation of a survey of the following described tract of land as and a true and correct representation of the division of said tract into lots, blocks, streets, and alleys, to wit: Beginning at the north east corner of the north west quarter of the south east quarter of section twenty five (25), township seven (7) north, range five (5) east in Wayne County Wisconsin; thence north eighty five (85) degrees and eleven (11) minutes west (variation five (5) degrees, thirty seven (37) minutes east) along the east and west quarter line of said section, eight hundred and ninety nine (899) feet to the center line of the right of way of the Illinois Central Railroad Company; thence south and one (1) degree, twenty five (25) minutes west, along said right of way line, one hundred and twenty (120) feet; thence south and one (1) degree, twenty five (25) minutes west, along said center line, south forty seven (47) degrees, forty eight (48) minutes west, seven hundred and thirty three (733) feet; thence south forty two (42) degrees, and twenty (20) minutes east, one thousand and twenty two (1022) feet; thence east, nine hundred and thirty seven (937) feet to the east line of said north west quarter of said south east quarter of said section; thence north along said east line twelve hundred and ninety five (1295) feet to the center line of the right of way of the Illinois Central Railroad Company; thence north along said center line, twenty (20) minutes east, one thousand and twenty two (1022) feet to the place of beginning. All bearings refer to the true north. I further certify that the above survey, the variation of the magnetic bearing five (5) degrees and thirty seven (37) minutes east, is a further survey of the tract of land in trust for the use of Julia M. Rowley and Eugenia B. Rowley and that the said Julia M. Rowley and Eugenia B. Rowley joined in said order and direction. I further certify that in making said survey, subdividing and mapping the same, I have fully complied with the requirements of Chapter one hundred and one (101) of the Revised Statutes of the State of Wisconsin, and of the acts amended forty three (43) and supplementary thereto, and that the scale of said map is one hundred feet to one inch.

A. W. Whittey  
Civil Engineer.

State of Wisconsin }  
County of Wayne } I, S. S. personally came before me this 17th day of May A. D. 1896 the above named A. W. Whittey to me known to be the person who executed the above certificate and acknowledged his signature to the same.  
Ernest C. Wampler  
Notary Public  
Wayne County Wisconsin

I hereby certify that I caused the land described in the foregoing certificate of A. W. Whittey, Surveyor, to be surveyed and mapped as represented on the within map.  
By presence of Leslie B. Rowley, Charles S. Miller, Julia M. Rowley, Eugenia B. Rowley

We hereby certify that we joined with the above Edward B. Riley in having the within described land surveyed and mapped as aforesaid.  
Julia M. Rowley  
Eugenia B. Rowley

State of Wisconsin }  
County of Wayne } I, S. S. personally came before me this 17th day of May A. D. 1896 the above named Edward B. Riley, Julia M. Rowley and Eugenia B. Rowley, and acknowledged their signatures to the above certificate.  
Charles S. Miller  
Notary Public  
Wayne Co. Wis.

Recorded at 5.45 P.M. on May 16 1896 in Book I of Maps on Page 30

WDNR BRRTS Case #: 03-13-000689

WDNR Site Name: Smiles English Hair Design

**Geographic Information System (GIS) Registry of Closed Remediation Sites**

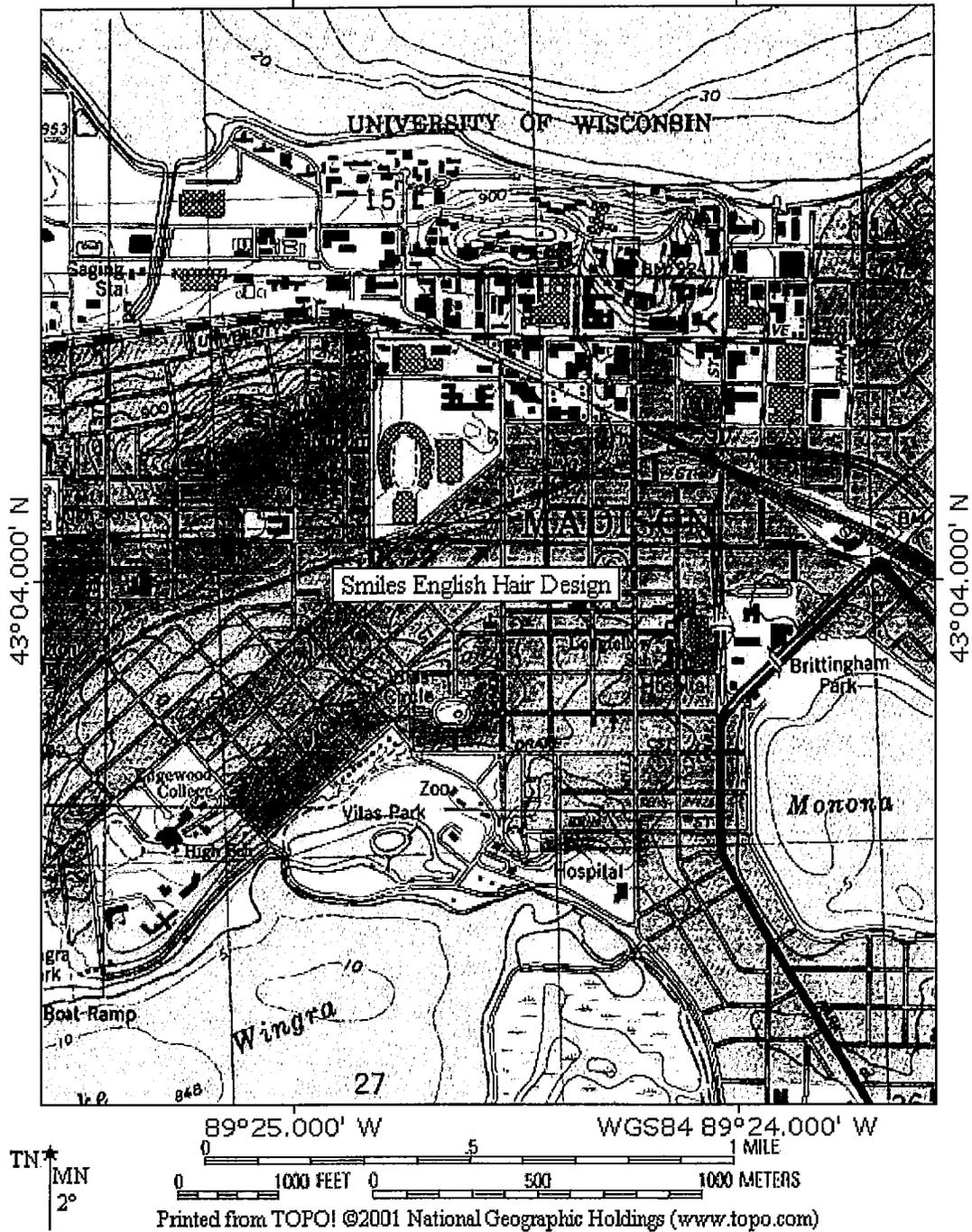
In compliance with the revisions to the NR 700 rule series requiring certain closed sites to be listed on the Geographic Information System (GIS) Registry of Closed Remediation Sites (Registry) effective Nov., 2001, I have provided the following information.

To the best of my knowledge the legal descriptions provided and attached to this statement are complete and accurate.

Responsible Party: JULIA JOHNSON OWNER  
(print name/title)

J  
(signature) 3/201  
(date)

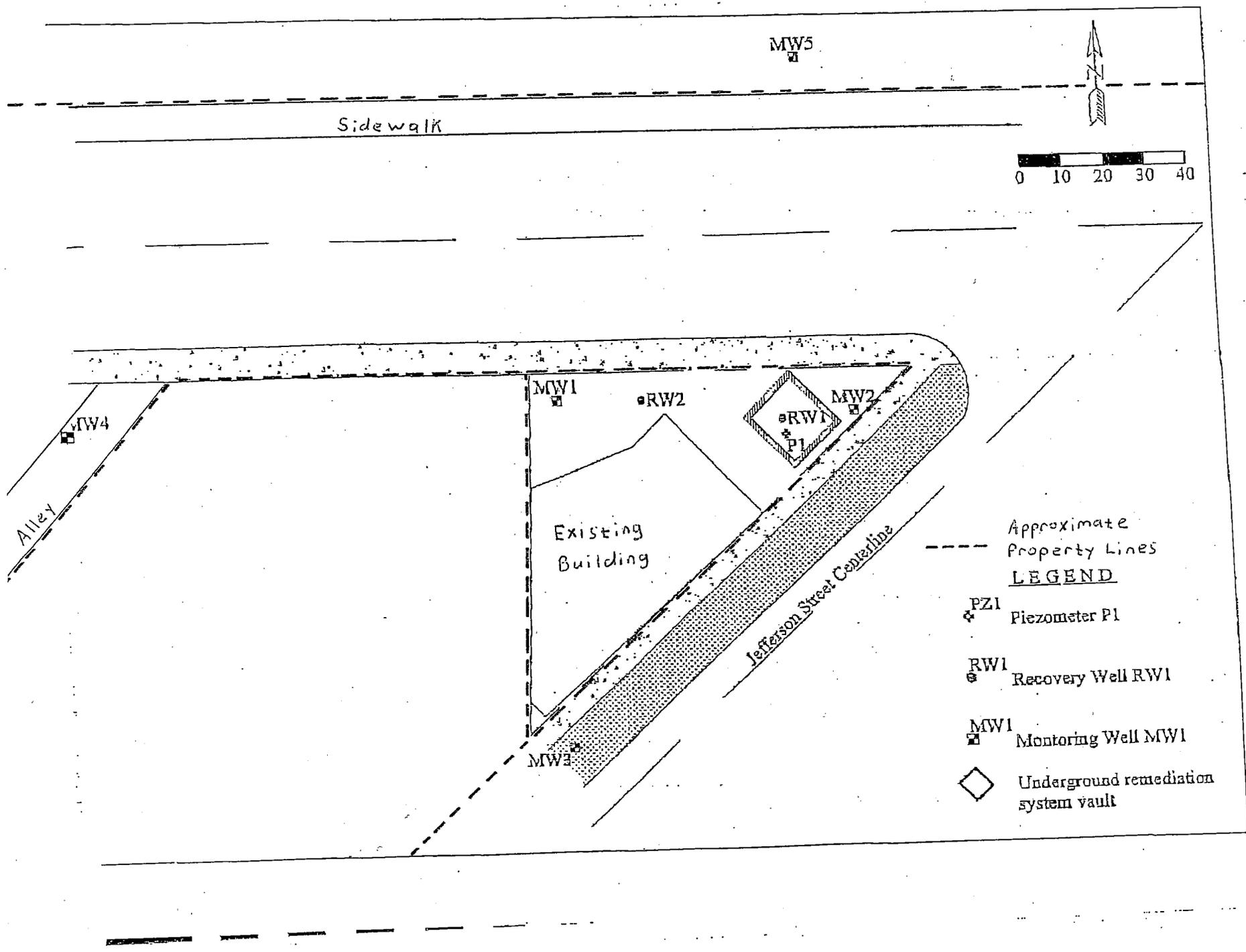
TOPO! map printed on 04/17/09 from "wisconsin.tpo" and "Untitled.tpg"  
 89°25.000' W WGS84 89°24.000' W



SITE LOCATION MAP – CONTOUR INTERVAL 10 FEET
SMILES ENGLISH HAIR DESIGN – MADISON, WI
SEAMLESS USGS TOPOGRAPHIC MAPS ON CD-ROM

October 1995

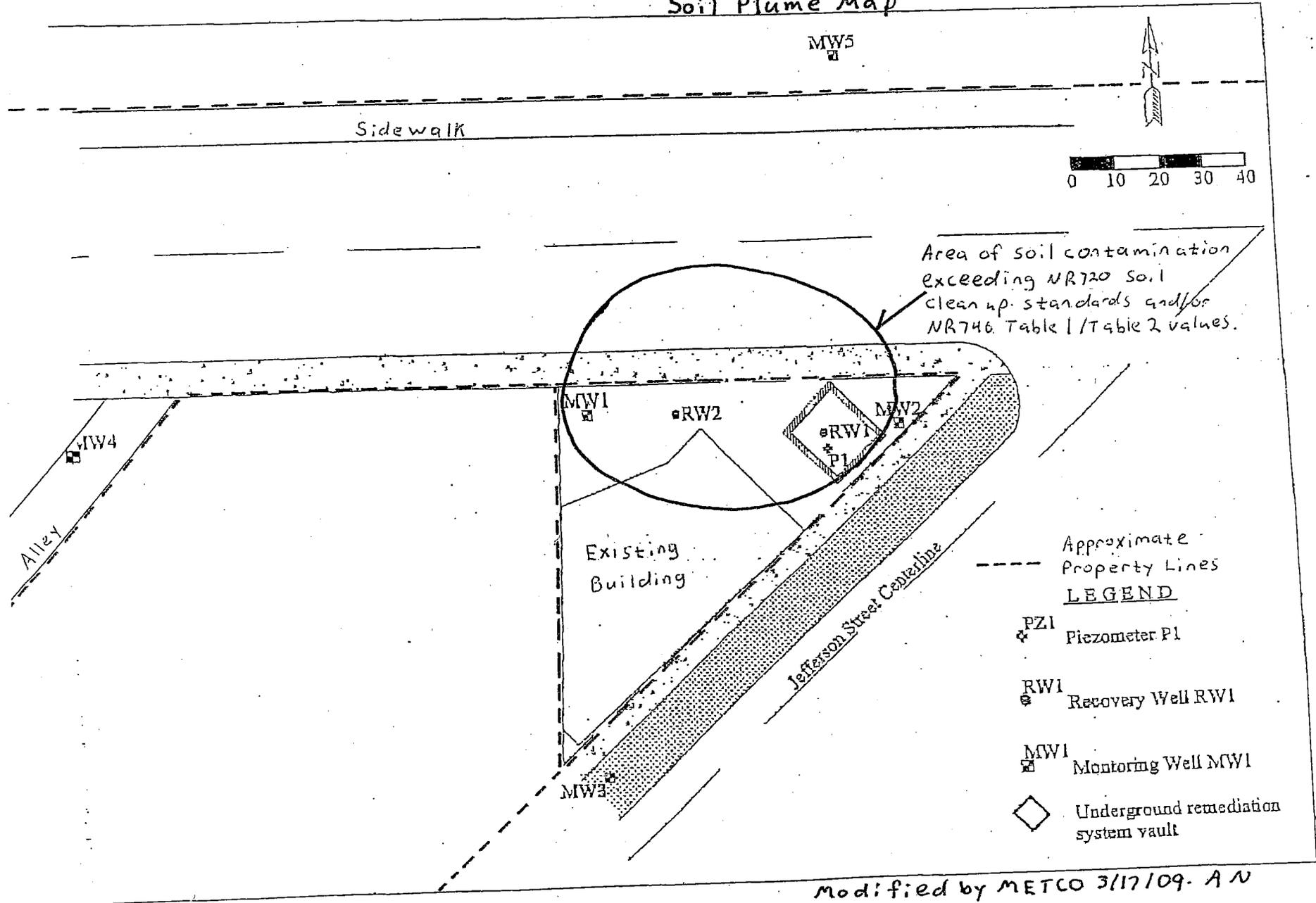
Figure A1: Project Site Layout



Feb 1995

Figure A-1:

# Soil Plume Map



Area of soil contamination exceeding NR720 Soil clean up standards and/or NR746 Table 1/ Table 2 values.

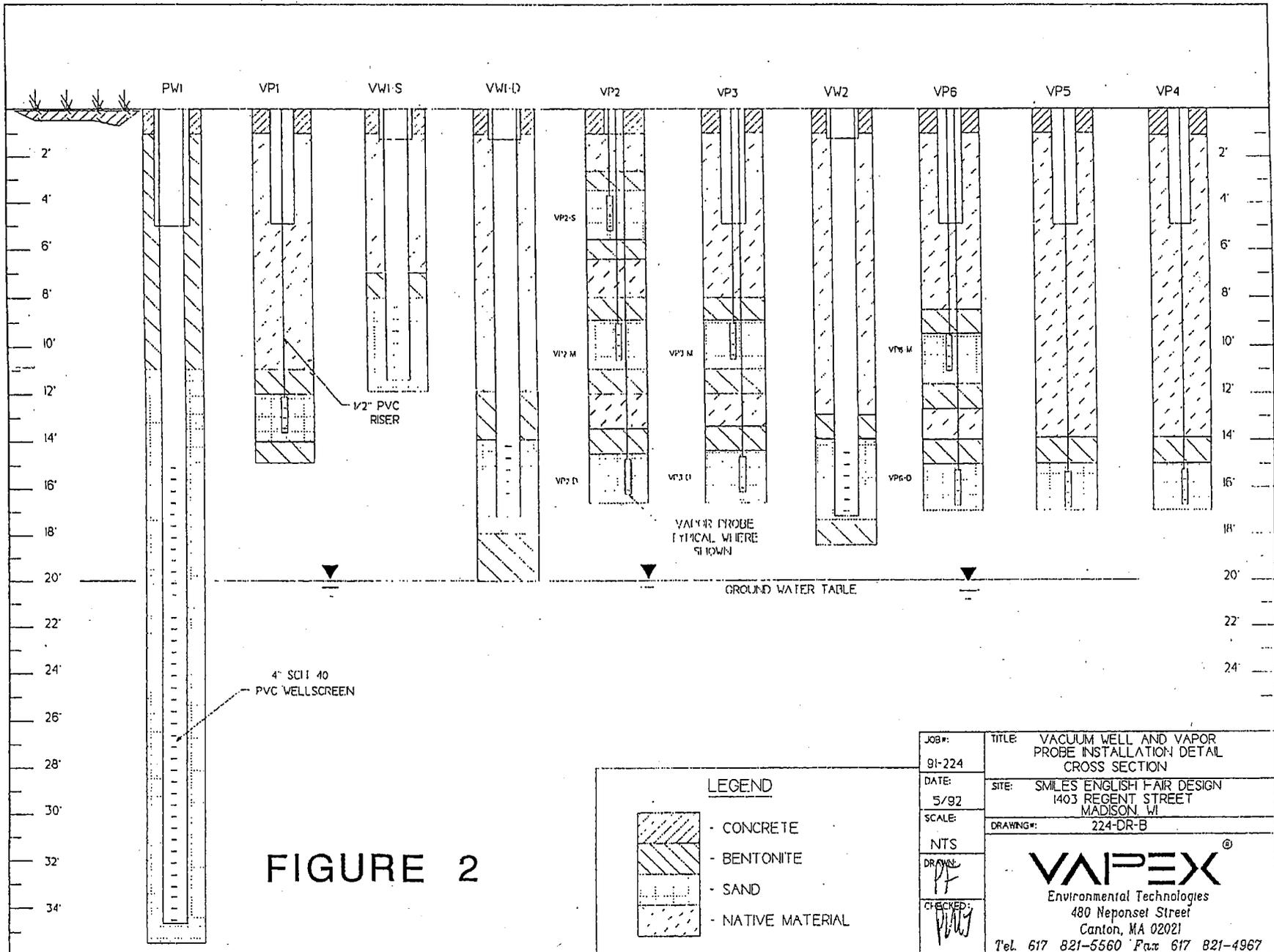


Approximate Property Lines

### LEGEND

- Piezometer P1
- Recovery Well RW1
- Monitoring Well MW1
- Underground remediation system vault

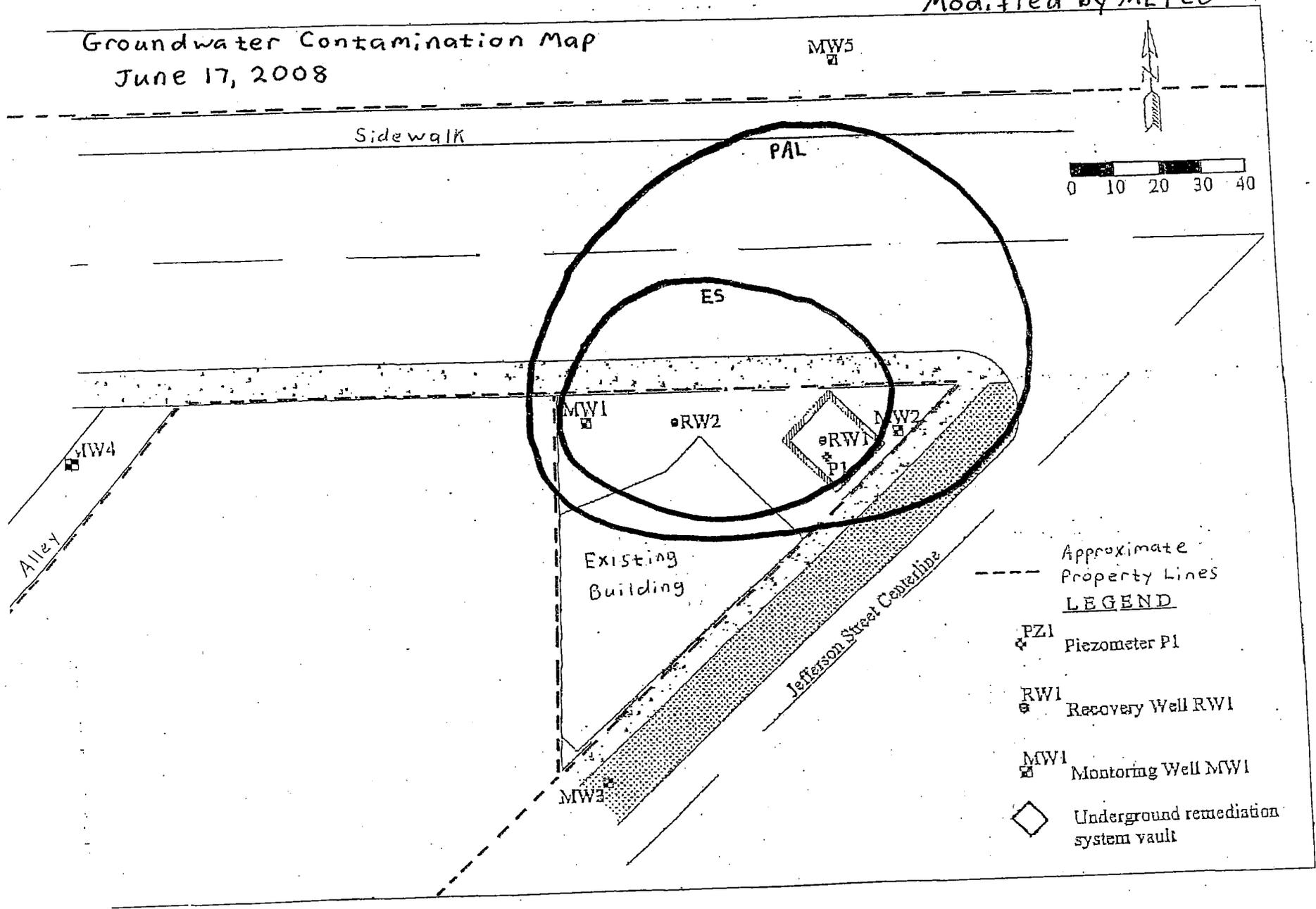
Modified by METCO 3/17/09. AN



Modified by METCO

# Groundwater Contamination Map June 17, 2008

1995  
1995  
Figure A.1:



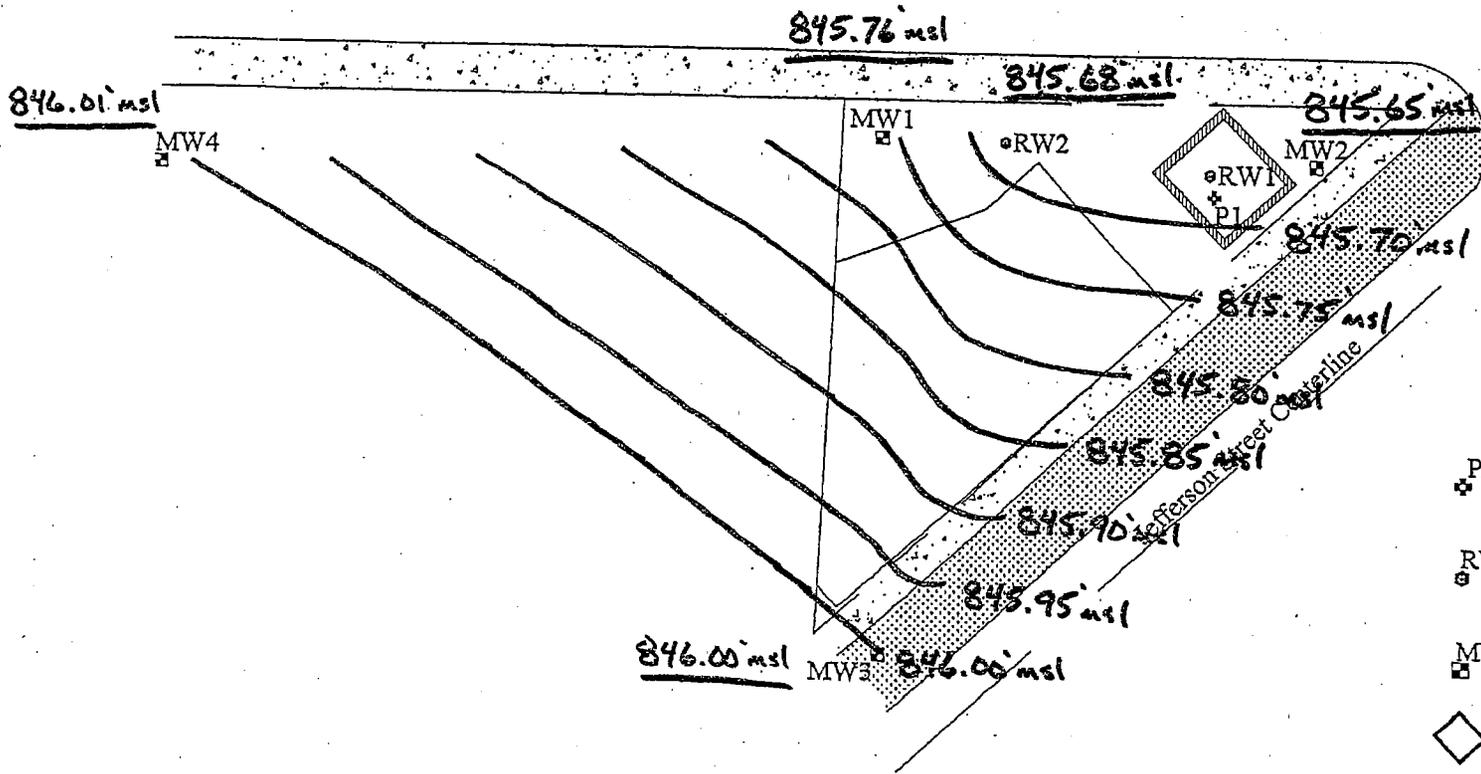
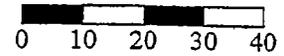
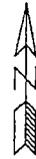
Approximate  
Property Lines  
**LEGEND**

- PZ1 Piezometer P1
- RW1 Recovery Well RW1
- MW1 Monitoring Well MW1
- Underground remediation system vault

# Groundwater Contour Map

September 24, 2007

MW5  
 CNL



## LEGEND

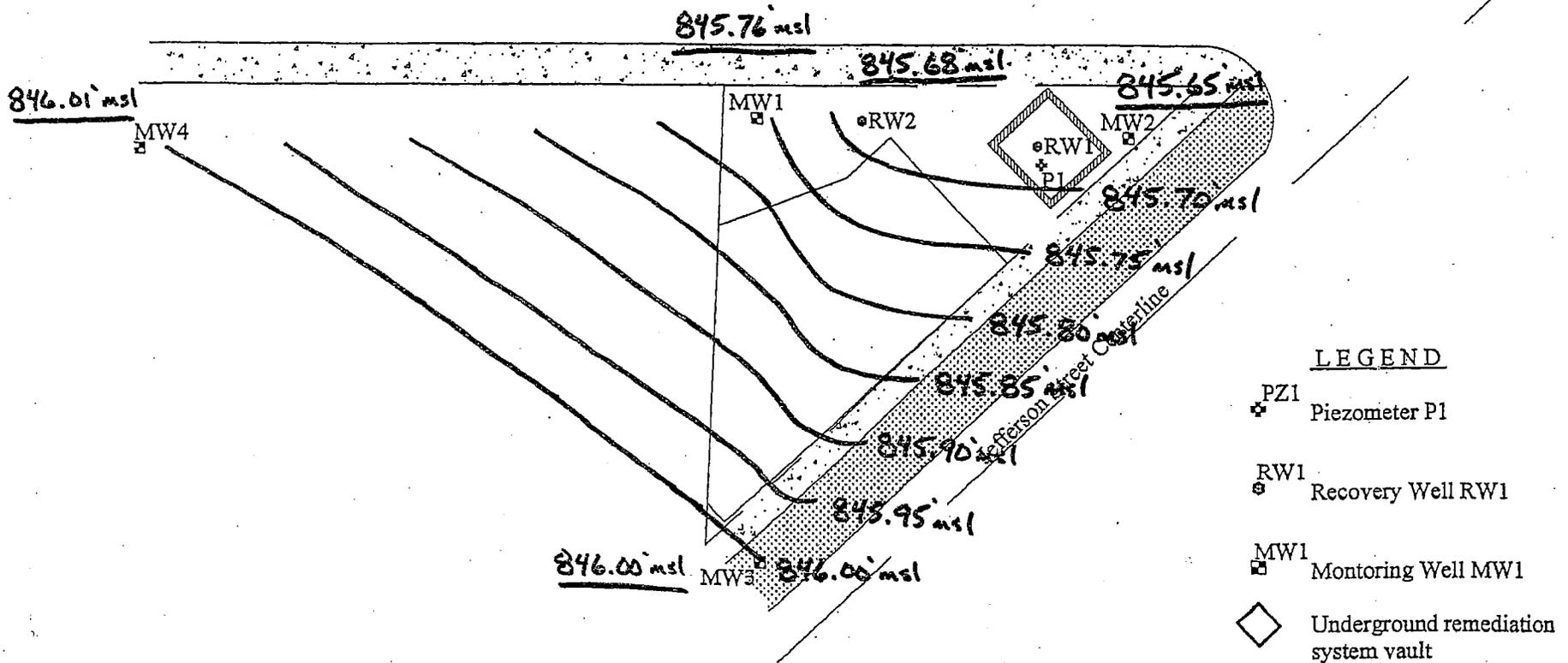
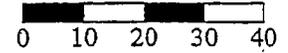
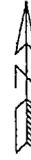
-  PZ1 Piezometer P1
-  RW1 Recovery Well RW1
-  MW1 Monitoring Well MW1
-  Underground remediation system vault

Modified by METCO/BW 11-1-07

# Groundwater Contour Map

September 24, 2007

MW5  
CNL



# Groundwater Flow Map, March 17, 2008

Modified by METCO, ED, 4/10/08

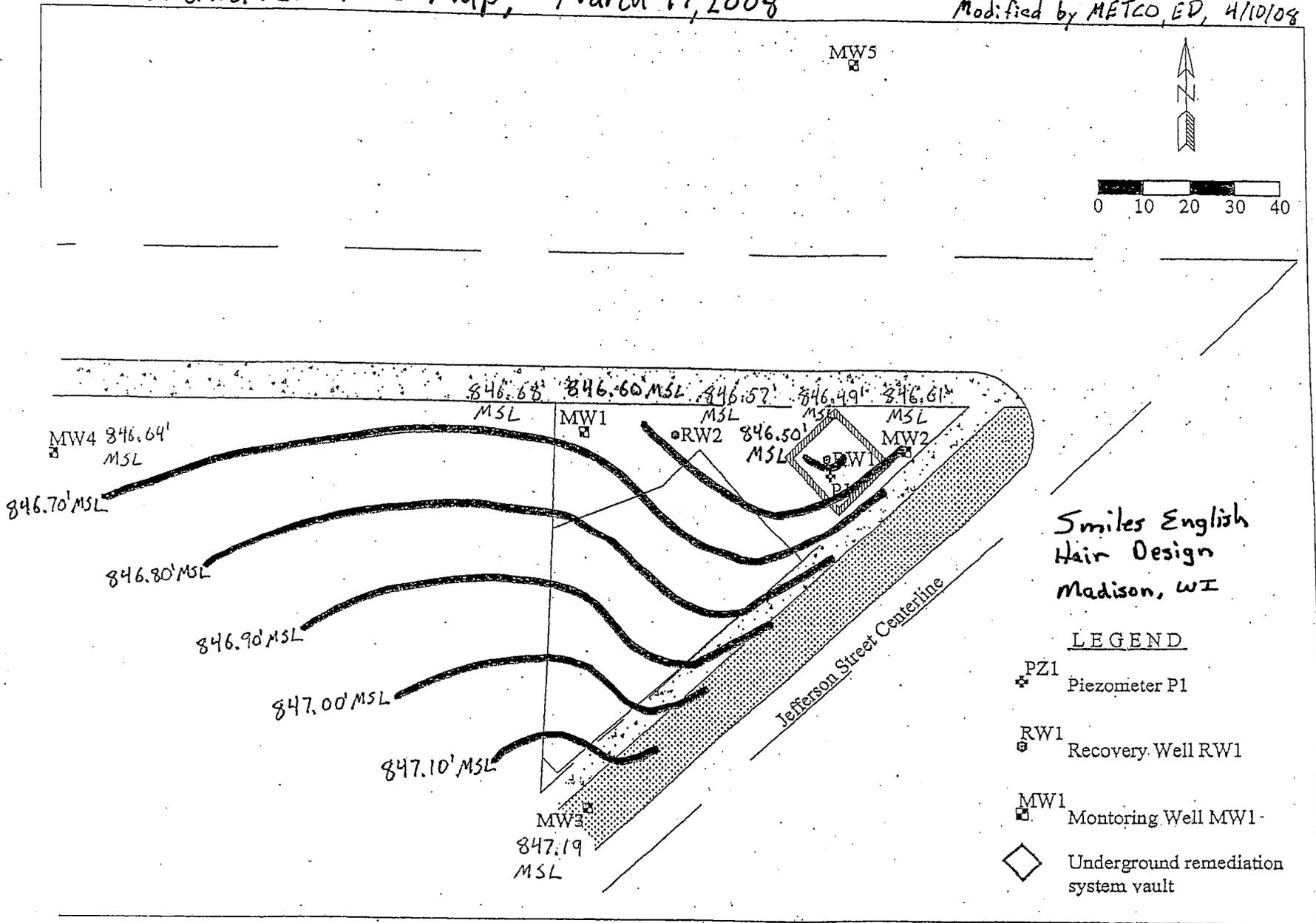


TABLE 4

Project 200.028

CHEMICAL ANALYSES SAMPLE IDENTIFICATION NUMBERS  
SMILES ENGLISH HAIR DESIGN  
MADISON, WISCONSIN  
October 23, 1991

SES CHEMICAL SAMPLE IDENTIFICATION NUMBER	EXCAVATION SOIL SAMPLES	BORING	MONITORING WELL	PIEZOMETER	SAMPLE BLANK	SOIL SAMPLE DEPTH	WATER SAMPLE ROUND	FIELD DUPLICATE
028-1		1				9'6"		
028-2		1				17'0"		
028-3		1				22'0"		
028-4		1					Boring	
028-5		1					Boring	
028-6		2				12'0"		
028-7		2				14'6"		
028-8		3				17'0"		
028-9		3				4'6"		
028-10	This sample number was inadvertently skipped.							
028-11	Excavated Soils					—		
028-12	Excavated Soils					—		
028-13	(16.5°N, 20.5°E)					3		
028-14	(28°N, 6.6°E)					7		
028-15	(13°N, 11.5°E)					8 6		

Please refer to Table 1 for Notes and Legend Page.

TABLE 4

Project 200.028

CHEMICAL ANALYSES SAMPLE IDENTIFICATION NUMBERS  
SMILES ENGLISH HAIR DESIGN  
MADISON, WISCONSIN  
October 23, 1991

SES CHEMICAL SAMPLE IDENTIFICATION NUMBER	EXCAVATION SOIL SAMPLES	BORING	MONITORING WELL	PIEZOMETER	SAMPLE BLANK	SOIL SAMPLE DEPTH	WATER SAMPLE ROUND	FIELD DUPLICATE
028-16	(20'N, 9.5'E)					7		
028-17	(39'N, 8'E)					6		
028-18	(29'N, 32'E)					8.6		
028-19	(24'N, 29.5'E)					10		
028-20	(27.5'N, 28'E)					12		
028-21	Excavated Soils					-		
028-22	Excavated Soils					-		
028-23			MW-1			19'6"		
028-24				P-1		19'6"		
028-25				P-1		19'6"		YES
028-26			MW-2			19'6"		
028-27			MW-3			19'6"		
028-28			MW-1				First	
028-29			MW-3				First	
028-30			MW-2				First	

Please refer to Table 1 for Notes and Legend Page.

TABLE 4

CHEMICAL ANALYSES SAMPLE IDENTIFICATION NUMBERS  
SMILES ENGLISH HAIR DESIGN  
MADISON, WISCONSIN  
October 23, 1991

SES CHEMICAL SAMPLE IDENTIFICATION NUMBER	EXCAVATION SOIL SAMPLES	BORING	MONITORING WELL	PIEZOMETER	SAMPLE BLANK	SOIL SAMPLE DEPTH	WATER SAMPLE ROUND	FIELD DUPLICATE
028-31				P-1			First	
028-32			MW-2				First	YES
028-33					FIELD		First	
028-34					TRIP		First	
028-35					FIELD		Second	
028-36				P-1			Second	
028-37			MW-1				Second	
028-38			MW-2				Second	
028-39			MW-3				Second	
028-40			MW-3				Second	YES

Please refer to Table 1 for Notes and Legend Page.

SOIL SAMPLES CHEMICAL ANALYSES RESULTS SUMMARY  
SMILES ENGLISH HAIR DESIGN  
MADISON, WISCONSIN  
September 24, 1991

Results presented in micrograms per liter, ug/L, except where noted otherwise.

CHEMICAL COMPOUND	SES CHEMICAL SAMPLE IDENTIFICATION NUMBER						
	028-1	028-2	028-3	028-6	028-7	028-8	028-9
Allyl Chloride	--	--	--	ND	ND	ND	ND
Benzene	ND <sup>1</sup>	548	178	ND	37	90	ND
Bromodichloromethane	ND	ND	ND	ND	ND	ND	ND
Bromoform	ND	ND	ND	ND	ND	ND	ND
Bromomethane	ND	ND	ND	ND	ND	ND	ND
Carbon Tetrachloride	ND	ND	ND	ND	ND	ND	ND
Chlorobenzene	ND	ND	ND	ND	ND	ND	ND
Chloroethane	ND	ND	ND	ND	ND	ND	ND
2-Chloroethylvinyl ether	ND	ND	ND	ND	ND	ND	ND
Chloroform	ND	ND	ND	ND	ND	ND	ND
Chloromethane	--	--	--	ND	ND	ND	ND
1,2-Dibromo-3-chloropropane (DBCP)	--	--	--	ND	ND	ND	ND
Dibromochloromethane	ND	ND	ND	ND	ND	ND	ND
Dibromomethane	--	--	--	ND	ND	ND	ND
1,2-Dibromomethane	--	--	--	ND	ND	ND	ND
cis-1,3-Dichloropropene	ND	ND	ND	ND	ND	ND	ND
trans-1,4-Dichloro-2-butene	--	--	--	ND	ND	ND	ND
1,2-Dichlorobenzene	ND	ND	ND	ND	ND	ND	ND
1,3-Dichlorobenzene	ND	ND	ND	ND	ND	ND	ND
1,4-Dichlorobenzene	ND	ND	ND	ND	ND	ND	ND
Dichlorodifluoromethane	ND	ND	ND	ND	ND	ND	ND
1,1-Dichloroethane	ND	ND	ND	ND	ND	ND	ND
1,2-Dichloroethane	ND	ND	ND	ND	ND	ND	ND
1,1-Dichloroethene	ND	ND	ND	ND	ND	ND	ND
trans-1,2-Dichloroethene	ND	ND	ND	ND	ND	ND	ND

Please refer to Table 4 for Chemical Sample Identification Information.  
Please refer to Table 1 for Notes and Legend Page.

DRAFT

SOIL SAMPLES CHEMICAL ANALYSES RESULTS SUMMARY  
SMILES ENGLISH HAIR DESIGN  
MADISON, WISCONSIN  
September 24, 1991

Chemical Analyses Results Continued From Previous Page

Results presented in micrograms per liter, ug/L, except where noted otherwise.

CHEMICAL COMPOUND	SES CHEMICAL SAMPLE IDENTIFICATION NUMBER						
	028-1	028-2	028-3	028-6	028-7	028-8	028-9
1,2-Dichloropropane	ND	ND	ND	ND	ND	ND	ND
trans-1,3-Dichloropropene	ND	ND	ND	ND	ND	ND	ND
Ethylbenzene	295	287	145	ND	10000	620	38
Ethylene Dibromide (EDB)	ND	ND	ND	ND	ND	ND	ND
Methyl Iodide	--	--	--	ND	ND	ND	ND
Methyl Tertiary Butyl Ether (MTBE)	ND	ND	ND	ND	ND	ND	ND
Methylene Chloride	ND	ND	ND	ND	ND	ND	ND
Styrene	--	--	--	ND	ND	ND	ND
1,1,1,2-Tetrachloroethane	--	--	--	ND	ND	ND	ND
1,1,2,2-Tetrachloroethane	ND	ND	ND	ND	ND	ND	ND
Tetrachloroethene (PCE)	ND	ND	ND	ND	ND	ND	ND
Toluene	72.1	662	508	ND	1100	170	ND
1,1,1-Trichloroethane	ND	ND	ND	ND	ND	ND	ND
1,1,2-Trichloroethane	ND	ND	ND	ND	ND	ND	ND
Trichloroethene (TCE)	ND	ND	ND	ND	ND	ND	ND
Trichlorofluoromethane (Freon-11)	ND	ND	ND	ND	ND	ND	ND
1,2,3-Trichloropropane	--	--	--	ND	ND	ND	ND
Vinyl Chloride	ND	ND	ND	ND	ND	ND	ND
o-Xylene	151	49.9	144	5.8	2800	130	120
m- & p-Xylenes	677	420	861	7.8	ND	ND	ND
The following results are in milligrams per kilogram [mg/kg].							
TPH <sup>7</sup> as Diesel Fuel	1420	--	--	57	--	--	23
TPH <sup>7</sup> as Gasoline	--	409	23.3	--	97	16	--
Total Lead	13.0	13.0	12.8	1.76	7.43	3.13	3.46

Please refer to Table 4 for Chemical Sample Identification Information.  
Please refer to Table 1 for Notes and Legend Page.

DRAFT

TABLE 5  
 SOIL SAMPLE SUMMARY  
 CHEMICAL ANALYSIS RESULTS  
 SMILES ENGLISH HAIR DESIGN  
 MADISON, WISCONSIN  
 October 23, 1991

## BORINGS MW-1 THROUGH MW-3 AND P-1

Results are presented in milligrams per kilogram, (mg/kg).

CHEMICAL COMPOUND	SES CHEMICAL SAMPLE IDENTIFICATION NUMBER				
	028-11	028-12	028-13	028-14	028-15
TPH <sup>7</sup> AS DIESEL FUEL	3630	886	ND	134	30.8
TPH <sup>7</sup> AS GASOLINE	1360	332	ND	50.2	10.4
BENZENE	0.064	0.008	--	ND	ND
ETHYLBENZENE	19.8	3.33	--	0.163	0.007
TOLUENE	2.49	0.408	--	ND	0.006
m- & p-XYLENES	10.8	1.74	--	ND	0.028
o-XYLENES	11.8	2.14	--	0.072	0.013

Please refer to Table 4 for Chemical Sample Identification Information.  
 Please refer to Table 1 for Notes and Legend Page.

TABLE 5  
SOIL SAMPLE SUMMARY  
CHEMICAL ANALYSIS RESULTS  
SMILES ENGLISH HAIR DESIGN  
MADISON, WISCONSIN  
October 23, 1991

BORINGS MW-1 THROUGH MW-3 AND P-1

Results are presented in milligrams per kilogram, (mg/kg).

CHEMICAL COMPOUND	SES CHEMICAL SAMPLE IDENTIFICATION NUMBER				
	028-16	028-17	028-18	028-19	028-20
TPH <sup>7</sup> AS DIESEL FUEL	1730	764	2830	12000	12.5
TPH <sup>7</sup> AS GASOLINE	651	287	1060	4500	ND
BENZENE	0.043	0.006	0.330	0.091	ND
ETHYLBENZENE	4.33	3.52	10.1	0.022	ND
TOLUENE	0.814	0.093	4.76	0.131	ND
m- & p-XYLENES	0.143	0.277	7.12	0.045	0.009
o-XYLENES	2.01	1.05	6.55	0.042	0.013

Please refer to Table 4 for Chemical Sample Identification Information.  
Please refer to Table 1 for Notes and Legend Page.

TABLE 5  
 SOIL SAMPLE SUMMARY  
 CHEMICAL ANALYSIS RESULTS  
 SMILES ENGLISH HAIR DESIGN  
 MADISON, WISCONSIN  
 October 23, 1991

## BORINGS MW-1 THROUGH MW-3 AND P-1

Results are presented in milligrams per kilogram, (mg/kg).

CHEMICAL COMPOUND	SES CHEMICAL SAMPLE IDENTIFICATION NUMBER				
	028-21	028-22			
TPH <sup>7</sup> AS DIESEL FUEL	2180	305			
TPH <sup>7</sup> AS GASOLINE	817	114			
BENZENE	0.008	ND			
ETHYLBENZENE	15.1	0.339			
TOLUENE	2.19	0.018			
m- & p-XYLENES	13.3	0.304			
o-XYLENES	14.9	0.482			

Please refer to Table 4 for Chemical Sample Identification Information.  
 Please refer to Table 1 for Notes and Legend Page.

TABLE 5  
SOIL SAMPLE SUMMARY  
CHEMICAL ANALYSIS RESULTS  
SMILES ENGLISH HAIR DESIGN  
MADISON, WISCONSIN  
October 23, 1991

Project 200.028

BORINGS MW-1 THROUGH MW-3 AND P-1

Results are presented in milligrams per kilogram, (mg/kg).

CHEMICAL COMPOUND	SES CHEMICAL SAMPLE IDENTIFICATION NUMBER				
	028-23	028-24	028-25	028-26	028-27
DIESEL RANGE ORGANICS (DRO)	8.9	18	64	ND	ND
GASOLINE RANGE ORGANICS (GRO)	390	510	550	50.8	ND
BENZENE	ND	13	0.68	ND	ND
ETHYLBENZENE	2.1	11	8.6	ND	ND
Methyl-tert-butyl Ether (MTBE)	ND	ND	ND	ND	ND
TOLUENE	2.2	13	7.1	ND	ND
1,2,4-TRIMETHYLBENZENE	1.7	11	11	ND	ND
1,3,5-TRIMETHYLBENZENE	5.1	22	23	ND	ND
TOTAL XYLENES	31	130	85	ND	ND
TOTAL LEAD	3.62	1.84	3.76	ND	0.872

Please refer to Table 4 for Chemical Sample Identification Information.  
Please refer to Table 1 for Notes and Legend Page.

Groundwater Analytical Results Summary  
Smiles English Hair Design LUST Site BRRTS# 03-13-000689

Well MW-1

PVC Elevation = 855.50 (feet) (MSL)

Date	Water Elevation (in feet msl)	Depth to Water (in feet)	GRO (ppb)	Benzene (ppb)	Ethyl Benzene (ppb)	MTBE (ppb)	Naphthalene (ppb)	Toluene (ppb)	Trimethyl-benzenes (ppb)	Xylene (Total) (ppb)
8/1/1991	834.25	21.25	10800	<b>5.35</b>	1.18	NS	NS	8.11	NS	9.39
8/20/1991	834.67	20.83	513000	<b>3490</b>	17.2	3.72	+	490	151.8	379
10/29/1991	NM	NM	77500	<b>3830</b>	<b>2360</b>	NS	+	<b>11100</b>	<b>3440</b>	<b>11630</b>
5/1/1992	NM	NM	42000	<b>2300</b>	<b>1100</b>	NS	+	<b>6000</b>	<b>1430</b>	<b>5200</b>
11/9/1994	NM	NM	16000	<b>310</b>	<b>1200</b>	NS	<b>220</b>	<b>2000</b>	<b>1550</b>	<b>4210</b>
6/8/1995	NM	NM	12000	<b>260</b>	<b>9600</b>	NS	+	<b>2500</b>	<b>3090</b>	<b>6660</b>
8/12/2005	NM	NM	NS	<1.55	23.8	<1.50	<0.1	7.15	130.92	105.94
12/30/2005	NM	NM	NS	<b>140</b>	<b>2220</b>	ND	<b>222</b>	<b>353</b>	<b>1567</b>	<b>14200</b>
9/24/2007	845.76	9.74	NS	<b>39</b>	<b>400</b>	<0.53	<b>45</b>	<b>71</b>	<b>350</b>	<b>1077</b>
12/17/2007	UNDER ICE & SNOW									
3/17/2008	846.68	8.82	NS	<b>27.8</b>	<b>247</b>	<6.2	1.03	57	159	526
6/17/2008	847.93	7.57	NS	<b>7.5</b>	<b>51</b>	<0.7	9.4	22.1	29.42	110.2

Well MW-2

PVC Elevation = 855.15 (feet) (MSL)

Date	Water Elevation (in feet msl)	Depth to Water (in feet)	GRO (ppb)	Benzene (ppb)	Ethyl Benzene (ppb)	MTBE (ppb)	Naphthalene (ppb)	Toluene (ppb)	Trimethyl-benzenes (ppb)	Xylene (Total) (ppb)
8/1/1991	834.68	20.47	6860	<b>152</b>	268	ND	ND	12.7	ND	364
8/20/1991	834.98	20.17	3040	<b>19.1</b>	24.4	ND	+	37	32.79	85.37
10/29/1991	NM	NM	25000	<b>236</b>	<b>329</b>	8.39	+	636	395.9	1147
5/1/1992	NM	NM	16000	<b>700</b>	<b>860</b>	ND	+	<b>3000</b>	<b>820</b>	<b>8670</b>
11/9/1994	NM	NM	16000	<b>560</b>	<b>890</b>	ND	<b>280</b>	<b>1600</b>	<b>1020</b>	<b>2980</b>
6/8/1995	NM	NM	16000	<b>2900</b>	<b>1000</b>	ND	+	<b>2800</b>	<b>1140</b>	<b>3560</b>
8/12/2005	NM	NM	NS	<b>77.9</b>	<b>975</b>	<6.00	2.78	1220	1012	3636
12/30/2005	NM	NM	NS	<b>50.4</b>	<b>1110</b>	ND	<b>280</b>	<b>1250</b>	<b>1229</b>	<b>4480</b>
9/24/2007	845.65	9.50	NS	<b>169</b>	<b>980</b>	<26.5	<b>181</b>	<b>870</b>	<b>1090</b>	<b>3760</b>
12/17/2007	845.07	10.08	NS	<b>60</b>	<b>1110</b>	<26.5	<b>196</b>	<b>500</b>	<b>1165</b>	<b>4560</b>
3/17/2008	846.61	8.54	NS	<b>37</b>	<b>1020</b>	<31	<b>225</b>	<b>520</b>	<b>1134</b>	<b>3910</b>
6/17/2008	847.91	7.24	NS	<12	<b>68</b>	<35	<b>10</b>	<b>62</b>	<b>84</b>	<b>168-201.5</b>

Well MW-2D

PVC Elevation = NM (feet) (MSL)

Date	Water Elevation (in feet)	Depth to Water (in feet)	GRO (ppb)	Benzene (ppb)	Ethyl Benzene (ppb)	MTBE (ppb)	Naphthalene (ppb)	Toluene (ppb)	Trimethyl-benzenes (ppb)	Xylene (Total) (ppb)
12/30/2005	NM	NM	NS	<b>49</b>	<b>1070</b>	ND	NS	<b>1210</b>	<b>1165</b>	<b>4281</b>

Note: Bold type indicates an ES exceedance, *italics* indicates a PAL exceedance. NS = not sampled, NM = Not Measured

**Groundwater Analytical Results Summary**  
**Smiles English Hair Design LUST Site BRRTS# 03-13-000689**

**Well MW-3**

PVC Elevation = 854.94 (feet) (MSL)

Date	Water Elevation (in feet msl)	Depth to Water (in feet)	GRO (ppb)	Benzene (ppb)	Ethyl Benzene (ppb)	MTBE (ppb)	Naphthalene (ppb)	Toluene (ppb)	Trimethyl-benzenes (ppb)	Xylene (Total) (ppb)
8/1/1991	834.44	20.50	75.2	ND	ND	ND	ND	0.99	ND	0.89
8/20/1991	834.77	20.17	ND	ND	ND	ND	ND	1	ND	1.64
5/1/1992	NM	NM	ND	ND	ND	ND	ND	1.4	6.7	7.3
11/9/1994	NM	NM	470	1	3.4	ND	1.2	ND	8.5	2.8
6/8/1995	NM	NM	490	bdl	2.1	ND	+	bdl	1.2	4.8
8/12/2005	NM	NM	NS	<0.31	<0.5	<0.3	<0.1	<0.3	<0.4	<0.62
9/24/2007	846.00	8.94	NS	<0.22	3.3	<0.53	0.43	<0.26	34.56	5.36
12/17/2007	845.41	9.53	NS	<0.22	<0.44	<0.53	0.02	<0.26	<0.67	<1.21
3/17/2008	847.19	7.75	NS	<0.49	0.83	<0.62	0.33	0.60	8.43	1.07-2.5
6/17/2008	849.05	5.89	NS	<0.24	<0.34	<0.7	0.020	<0.39	<0.74	<1.67

**Well MW-4**

PVC Elevation = 855.2 (feet) (MSL)

Date	Water Elevation (in feet msl)	Depth to Water (in feet)	GRO (ppb)	Benzene (ppb)	Ethyl Benzene (ppb)	MTBE (ppb)	Naphthalene (ppb)	Toluene (ppb)	Trimethyl-benzenes (ppb)	Xylene (Total) (ppb)
4/20/1992	NM	NM	150	4.6	14	210	8.4	38	113	94
11/9/1994	NM	NM	bdl	ND	ND	ND	ND	ND	ND	ND
6/8/1995	NM	NM	bdl	ND	bdl	ND	+	bdl	ND-bdl	ND-bdl
8/12/2005	NM	NM	NS	<0.31	<0.5	<0.3	<0.1	<0.3	<0.4	<0.62
9/24/2007	846.01	9.19	NS	<0.22	<0.44	<0.53	0.02	<0.26	<0.67	<1.21
12/17/2007	845.47	9.73	NS	<0.22	<0.44	<0.53	0.03	<0.26	<0.67	<1.21
3/17/2008	846.64	8.56	NS	<0.49	<0.68	<0.62	<0.02	<0.46	<1.42	<1.85
6/17/2008	848.34	6.86	NS	<0.24	<0.34	<0.7	0.017	<0.39	<0.74	<1.67

**Well MW-5**

PVC Elevation = 856.35 (feet) (MSL)

Date	Water Elevation (in feet msl)	Depth to Water (in feet)	GRO (ppb)	Benzene (ppb)	Ethyl Benzene (ppb)	MTBE (ppb)	Naphthalene (ppb)	Toluene (ppb)	Trimethyl-benzenes (ppb)	Xylene (Total) (ppb)		
4/21/1992	NM	NM	17000	180	55	ND	ND	55	24.3	141		
11/9/1994	NM	NM	4000	600	220	ND	42	140	162	480		
6/8/1995	NM	NM	4100	920	250	ND	+	170	189	481		
8/12/2005	NM	NM	NS	<0.31	<0.5	<0.3	<0.1	<0.3	<0.4	<0.62		
12/30/2005	NM	NM	NS	NO DETECTS								
9/24/2007	UNABLE TO LOCATE- MAY HAVE BEEN DESTROYED											
12/17/2007	UNABLE TO LOCATE- MAY HAVE BEEN DESTROYED											
3/17/2008	UNABLE TO LOCATE- MAY HAVE BEEN DESTROYED											
6/17/2008	UNABLE TO LOCATE- MAY HAVE BEEN DESTROYED											

Note: Bold type indicates an ES exceedance, *italics* indicates a PAL exceedance. NS = not sampled, NM = Not Measured

Groundwater Analytical Results Summary  
Smiles English Hair Design LUST Site BRRTS# 03-13-000689

Well P1

PVC Elevation = 843.00 (feet) (MSL)

Date	Water Elevation (in feet msl)	Depth to Water (in feet)	GRO (ppb)	Benzene (ppb)	Ethyl Benzene (ppb)	MTBE (ppb)	Naphthalene (ppb)	Toluene (ppb)	Trimethyl-benzenes (ppb)	Xylene (Total) (ppb)
8/1/1991	822.50	20.50	3110	5.01	3.21	ND	ND	1.57	ND	138.78
8/20/1991	823.17	19.83	4090	233	39.2	ND	+	480	107.4	501
5/1/1992	NM	NM	1200	140	23	ND	+	190	30.3	95
12/30/2005	NM	NM	NS	0.33	ND	ND	ND	0.81	ND	1.53
9/24/2007	840.19	2.81	NS	1.04	<0.44	<0.53	0.21	<0.26	0.55-0.77	<1.21
12/17/2007	UNABLE TO SAMPLE - WATER IN VAULT									
3/17/2008	841.06	1.94	NS	<0.49	<0.68	<0.62	<0.02	<0.46	<1.42	<1.85
6/17/2008	UNABLE TO SAMPLE - WATER IN VAULT									

Well RW-1

PVC Elevation = 847.33 (feet) (MSL)

Date	Water Elevation (in feet msl)	Depth to Water (in feet)	GRO (ppb)	Benzene (ppb)	Ethyl Benzene (ppb)	MTBE (ppb)	Naphthalene (ppb)	Toluene (ppb)	Trimethyl-benzenes (ppb)	Xylene (Total) (ppb)
5/1/1992	NM	NM	13000	1600	61	ND	+	2300	386	1570
6/8/1995	NM	NM	NS	66	43	NS	NS	130	NS	124
6/15/1995	NM	NM	NS	380	200	NS	NS	680	NS	640
6/29/1995	NM	NM	NS	520	290	NS	NS	930	NS	980
7/18/1995	NM	NM	NS	540	310	NS	NS	920	NS	960
8/1/1995	NM	NM	NS	630	320	NS	NS	1600	NS	1070
12/30/2005	NM	NM	NS	558	954	ND	129	1730	960	3076
9/24/2007	UNABLE TO SAMPLE - WATER IN VAULT									
12/17/2007	UNABLE TO SAMPLE - WATER IN VAULT									
3/17/2008	846.49	0.84	NS	16.3	<6.8	<6.2	0.78	25.1	9.3-16.1	53.1
6/17/2008	UNABLE TO SAMPLE - WATER COVERING WELL									

Well RW-2

PVC Elevation = 854.89 (feet) (MSL)

Date	Water Elevation (in feet msl)	Depth to Water (in feet)	GRO (ppb)	Benzene (ppb)	Ethyl Benzene (ppb)	MTBE (ppb)	Naphthalene (ppb)	Toluene (ppb)	Trimethyl-benzenes (ppb)	Xylene (Total) (ppb)
5/23/1995	NM	NM	NS	1100	770	NS	NS	2800	NS	5400
5/31/1995	NM	NM	NS	1300	870	NS	NS	3400	NS	3860
6/8/1995	NM	NM	NS	1600*	1200	NS	NS	2800*	NS	4000*
6/15/1995	NM	NM	NS	1200	580	NS	NS	3600	NS	4040
6/29/1995	NM	NM	NS	1900	1200	NS	NS	6100	NS	7100
7/18/1995	NM	NM	NS	1400	1300	NS	NS	4800	NS	5700
8/1/1995	NM	NM	NS	1600	1000	NS	NS	5500	NS	7000
8/12/2005	NM	NM	NS	<0.31	6.14	<0.3	<0.1	2.57	5.734	18.16
12/30/2005	NM	NM	NS	40	246	ND	ND	218	297.7	782
9/24/2007	845.68	9.21	NS	4.9	17.5	<0.53	36	11	15.84	35.2
12/17/2007	845.03	9.86	NS	41	200	<0.53	33	181	320	1160
3/17/2008	846.57	8.32	NS	10.6	44	<6.2	0.59	39	19.1-25.9	131
6/17/2008	847.67	7.22	NS	22	249	<7	21.4	253	241.1	672

Note: Bold type indicates an ES exceedance, *italics* indicates a PAL exceedance. NS = not sampled, NM = Not Measured

**Watertable Elevations Table**  
**Smiles English Hair Design BRRTS# 03-13-000689**  
**Madison, Wisconsin**

	MW-1	MW-2	MW-3	MW-4	MW-5	P-1	RW-1	RW-2
<i>pvc top (ft)</i>	855.55	855.21	854.94	855.24	856.35	843.00	847.33	855.05
<i>pvc top (ft)</i>	855.50	855.15	854.94	855.20	CNL	CNM	CNM	854.89
<i>resurveyed (8/6/07)</i>								

<i>Date</i>								
8/1/1991	834.30	834.74	834.44	NM	NM	822.50	NM	NM
8/20/1991	834.72	835.04	834.77	NM	NM	823.17	NM	NM
10/29/1991	NM	NM	NM	NM	NM	NM	NM	NM
5/1/1992	NM	NM	NM	NM	NM	NM	NM	NM
11/9/1994	NM	NM	NM	NM	NM	NM	NM	NM
6/8/1995	NM	NM	NM	NM	NM	NM	NM	NM
8/12/2005	NM	NM	NM	NM	NM	NM	NM	NM
12/30/2005	NM	NM	NM	NM	NM	NM	NM	NM
9/24/2007	845.76	845.65	846.00	846.01	CNL	840.19	WATER	845.68
12/17/2007	CNL	845.07	845.41	845.47	CNL	WATER	WATER	845.03
3/17/2008	846.68	846.61	847.19	846.64	CNL	841.06	846.49	846.57
6/17/2008	847.93	847.91	849.05	848.34	CNL	WATER	WC	847.67

Note: Elevations are presented in feet mean sea level (msl).

NM = Not Measured

CNM= Could not measure

CNL = Could not locate

WATER = Water in Vault

WC = Well covered with water

## Impacted Off-Source Property Information

Form 4400-246 (R 3/08)

This fillable form is intended to provide a list of information that must be submitted for evaluation for case closure. It is to be used in conjunction with Form 4400-202, Case Closure Request (Section H). 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.].

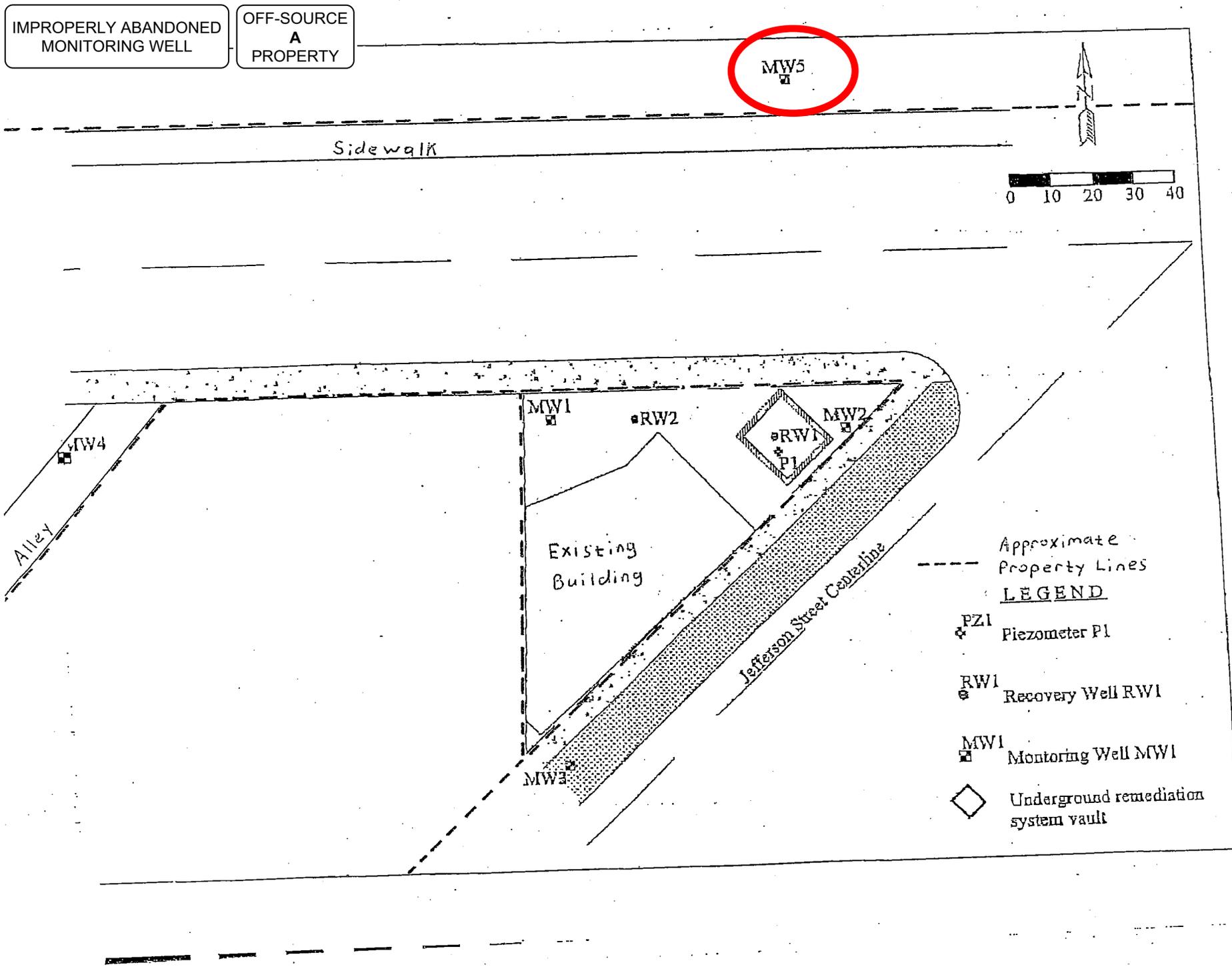
BRRTS #:

ACTIVITY NAME:

ID	Off-Source Property Address	Parcel Number	WTM X	WTM Y
<input type="text" value="A"/>	<input type="text" value="Regent Apartments, 1402 Regent St, Madison, WI 53703"/>	<input type="text"/>	<input type="text" value="568064"/>	<input type="text" value="288513"/>
<input type="text" value="B"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
<input type="text" value="C"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
<input type="text" value="D"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
<input type="text" value="E"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
<input type="text" value="F"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
<input type="text" value="G"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
<input type="text" value="H"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
<input type="text" value="I"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>

Feb 1995

Figure A1: Project site plan



IMPROPERLY ABANDONED MONITORING WELL

OFF-SOURCE A PROPERTY

MW5

Sidewalk

0 10 20 30 40

MW4

Alley

MW1

RW2

RW1

MW2

P1

Existing Building

Jefferson Street Centerline

Approximate Property Lines

LEGEND

PZ1 Piezometer P1

RW1 Recovery Well RW1

MW1 Monitoring Well MW1

Underground remediation system vault

MW3

IMPROPERLY ABANDONED MONITORING WELL

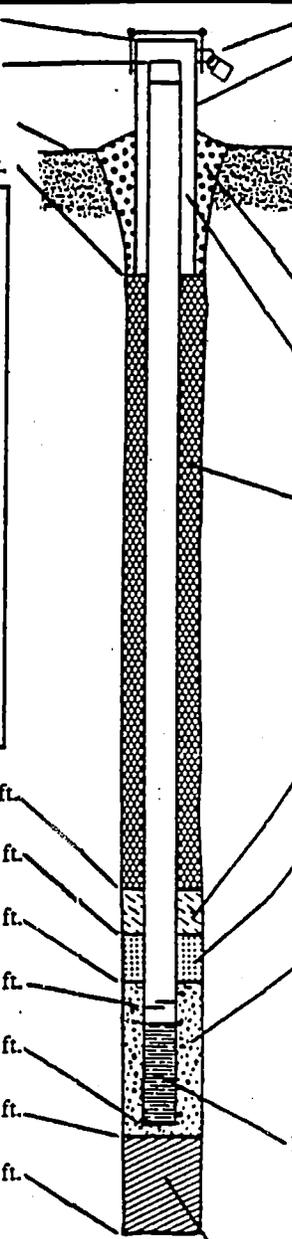
OFF-SOURCE A PROPERTY

MONITORING WELL CONSTRUCTION Form 4400-113A Rev. 4-90

State of Wisconsin Department of Natural Resources Env. Response & Repair

Facility/Project Name: SMILES ENGLISH HAIR DESIGN
Local Grid Location of Well: 41.0 ft. N, 102.0 ft. E
Well Name: MONITORING WELL MW-5
Date Well Installed: 04/20/92
Well Installed By: David B. Myhre

1. Protective pipe, top elevation: 856.73 ft. MSL
2. Well casing, top elevation: 856.36 ft. MSL
3. Land surface elevation: 856.7 ft. MSL
12. USCS classification of soil near screen: GP, GM, GC, GW, SW, SP, SM, SC, ML, MH, CL, CH
13. Sieve analysis attached? Yes
14. Drilling method used: Hollow Stem Auger



1. Cap and lock? Yes
2. Protective cover pipe: Inside diameter: 8.0 in., Length: 1.1 ft., Material: Steel
3. Surface seal: Bentonite 30, Concrete 01
4. Material between well casing and protective pipe: Bentonite 30, Annular space seal
5. Annular space seal: 3/8" CNIPSA, Bentonite 33
6. Bentonite seal: Bentonite granules 33
7. Fine sand material: American Materials; REO FLINT
8. Filter pack material: Same as #7 above
9. Well casing: Flush threaded PVC schedule 40
10. Screen material: PVC Schedule 40
11. Backfill material (below filter pack): None

Bentonite seal, top: 846.1 ft. MSL or 10.6 ft.
Fine sand, top: 844.1 ft. MSL or 12.6 ft.
Filter pack, top: 842.1 ft. MSL or 14.6 ft.
Screen joint, top: 840.0 ft. MSL or 16.7 ft.
Well bottom: 825.5 ft. MSL or 31.2 ft.
Filter pack, bottom: 824.7 ft. MSL or 32.0 ft.
Borehole, bottom: 824.7 ft. MSL or 32.0 ft.
Borehole, diameter: 8.2 in.
O.D. well casing: 2.38 in.
I.D. well casing: 2.07 in.

I hereby certify that the information on this form is true and correct to the best of my knowledge.
Signature:raig M. Bower Firm: SOILS & ENGINEERING SERVICES, INC.
Case complete both sides of this form and return to the appropriate DNR office listed at the top of this form as required by chs. 144, 147 and 160, Wis. Stats., and ch. NR 100, Wis. Ad. Code.

IMPROPERLY ABANDONED  
MONITORING WELL

OFF-SOURCE  
A  
PROPERTY



\* 4 4 4 2 8 0 6 9 \*

DANE COUNTY  
REGISTER OF DEEDS

ASSIGNMENT OF LEASES  
AND RENTALS

DOCUMENT #

4442806

06/19/2008 08:11AM

Exempt #:

Rec. Fee: 27.00

Pages: 9

This Document Should Be Returned To:

Richard E. Petershack, Esq.  
Axley Brynson, LLP  
P.O. Box 1767  
Madison, WI 53701-1767

Tax Parcel No.:  
See Exhibit A attached hereto

THIS ASSIGNMENT is made this 16<sup>th</sup> day of June 2008, by Borrower (as defined below) and 121 West Gilman Street, LLC, a Wisconsin limited liability company ("Gilman LLC"), 126 Langdon Street, LLC, a Wisconsin limited liability company ("Langdon LLC"), and 1402 Regent Street, LLC, a Wisconsin limited liability company ("Regent LLC") (for the purpose of this Assignment, Gilman LLC, Langdon LLC and Regent LLC are collectively referred to herein as the "Assignor") to M&I Marshall & Ilsley Bank ("Lender").

WITNESSETH:

WHEREAS, Stephen D. Brown, LLC, a Wisconsin limited liability company ("SDB LLC"), Gilman LLC, Langdon LLC and Regent LLC (collectively, for the purpose of this Assignment, referred to herein as the "Borrower") and Assignor have executed and delivered a Mortgage and Security Agreement of even date herewith (the "Mortgage") to Lender covering a parcel of land, together with all improvements now or hereafter placed thereon, being described on Exhibit A which is attached hereto and made a part hereof (the "Premises"), for the purpose of securing the payment of (i) a Mortgage Note of even date herewith in the amount of Thirteen Million Five Hundred Thousand and no/100 Dollars (\$13,500,000.00) executed by Borrower and payable to the order of Lender, together with any and all amendments, modifications, renewals or extensions thereof, and substitutions (in whole or in part) therefor (the "Note"), and (ii) all other debts of every kind and character now or hereafter owing by the Borrower to Lender (said Note and debts being hereinafter called the "Indebtedness"); and

WHEREAS, Assignor desires to secure further to Lender the full and complete payment of the Indebtedness and the full and complete performance of each and all of the covenants and agreements contained in the Mortgage; and

WHEREAS, each Assignor owns one of the parcels described in Exhibit A, as such ownership is more particularly described in the Mortgage; and

9/27

WHEREAS, while SDB LLC is not an owner of any part of the Premises, it is joining Gilman LLC, Langdon LLC and Regent LLC, all in their position as "Borrower" hereunder, for the purpose of making certain covenants set forth herein.

NOW, THEREFORE, Assignor, for and in consideration of the above Premises and other good and valuable consideration to the Assignor in hand paid by Lender, the receipt and sufficiency of which are hereby acknowledged, does hereby assign, transfer, deliver and set over unto Lender (i) any and all leases and rental agreements, whether written or verbal, including any and all amendments thereto and guarantees thereof, now existing or hereafter executed by the Assignor, and covering all or any part of the Premises (hereinafter called the "Leases"), and (ii) all rents, issues, profits and proceeds now due or to become due and derived from the Premises, including without limitation, all rents and other benefits to be derived under or by virtue of the terms and provisions of the Leases, all until the Indebtedness and all covenants and agreements contained in the Mortgage shall have been fully satisfied or until Lender shall be entitled to possession of the Premises by order of court or operation of law.

This Assignment is subject to the following terms and conditions:

(1) Although it is the intention of the parties that this assignment shall be a present assignment, so long as no Event of Default under the Mortgage or any other mortgage, assignment or agreement given as security for the Note (together, the "Security Documents") shall have occurred, the Assignor may collect and retain the currently accruing rents, revenues, profits and income from the Premises and under the Leases, but in no event shall Assignor collect amounts exceeding one month's rental in advance or two months' rental in advance where one such month's rental is attributable to the next ensuing month and one such month's rental is attributable to the last month in the lease term and is collected as security under the provisions of a written lease or rental agreement.

(2) In any event, however, if the Indebtedness is not paid at maturity, howsoever such maturity may be brought about, or if an Event of Default shall have occurred under any Security Document, then, until such time, if any, as such default is subsequently cured, Lender may, personally or through an agent selected by Lender, take possession and control of the Premises or any part thereof, and receive and collect all rents, revenues, profits and income theretofore accrued or thereafter accruing from the Premises so long as any of the Indebtedness remains unpaid or until the foreclosure of the lien of the Security Documents, applying so much thereof as may be collected prior to the sale of the Premises under foreclosure first to the expenses incident to such possession, control and collection, and thereafter to the reduction of the Indebtedness, irrespective of whether then mature, paying the balance, if any, to the Borrower. Borrower and Assignor agrees that the reasonable expenses incident to such possession, control and collection shall include, without limitation, the costs of management, repair and upkeep of the Premises (including the purchase of such additional equipment and appurtenances as Lender, in its sole discretion, may deem necessary for the maintenance of a proper rental value of the Premises) all taxes, assessments, premiums for public liability insurance and insurance premiums payable by Assignor as provided in the Mortgage, all to the extent required of the Assignor under the Leases. No credit shall be given by Lender for any sum or sums received from the rents, issues, profits and proceeds from the Leases and from the Premises until the money representing the same is actually received in cash or a cash equivalent at Lender's office, and no credits shall be given for any uncollected rents or other uncollected amounts, nor shall any credit be given upon the Indebtedness after Lender shall have obtained possession of the Premises through foreclosure under order of sale or by operation of law or by sheriff's sale.

In the event Borrower or Assignor shall receive any rents, revenues, profits or income except to the extent permitted under paragraph (1) hereof, Borrower and Assignor will hold such funds in trust for Lender and will not commingle them with other monies or properties of Assignor or Borrower.

(3) Lender may, upon the happening of default which remains uncured beyond any applicable grace period, from time to time appoint and dismiss such agents or employees as may be necessary for the collection of the rents, issues, profits and proceeds under the Leases and from the Premises, and for the proper care and operation of the Premises and the facilities under the Leases, and Assignor hereby grants to such agents and employees so appointed full and irrevocable authority on Assignor's behalf to manage the Premises and do all acts relating to such management. Lender shall have the sole control of such agents and employees whose remuneration shall be paid out of the rents, issues, profits and proceeds as hereinafter provided, at the rate of compensation then prevailing in the municipality in which the Premises is located, and Borrower and Assignor hereby expressly release Lender from any liability to them for the acts of such agents and employees, except to the extent of such agent's or employee's gross negligence or willful misconduct.

Borrower and Assignor agree that nothing in this Assignment shall be construed to limit or restrict in any way the rights, liens and powers granted in the Security Documents to Lender. The collection and application of the rents, issues, profits and proceeds of the Leases to the Indebtedness or as otherwise above provided shall not constitute waiver of any default which might at the time of application or thereafter exist under the Mortgage or Note. The Indebtedness or any part thereof secured by the Mortgage may be accelerated in accordance with the terms of the Security Documents, notwithstanding such application. Notice of default may be given and the exercise of the power of sale under the Security Documents may be had notwithstanding that Lender continues in possession of the Premises and continues to collect the rents, issues, profits and proceeds thereon.

(4) Borrower and Assignor agree that Lender shall never, under any circumstances, be held liable for failure to collect any rents, issues, profits or proceeds from the Premises.

(5) Assignor warrants and represents that (i) Assignor has full right and power to pledge and assign to Lender hereunder all interests and estates of the lessor under the Leases; (ii) all Leases will be on forms reviewed and approved in writing by Lender, and (iii) the interests and estates of Assignor, as the lessor under the Leases, are subject to no other pledge or assignment, except in favor of Lender. Assignor agrees that, without the prior written consent of Lender, Assignor will not make any material change or modification in the existing Leases or in any lease hereafter executed, will not exercise any options contained in any of the Leases or take any action to forfeit the same, and will not collect any rental in advance, except to the extent expressly permitted herein. Without limiting the foregoing, it is expressly understood and agreed that unless and until such written consent from Lender is first obtained, no such material change, modification, payment or exercise of option or forfeit so made shall be valid or effective against Lender. Assignor further agrees to inform Lender promptly in writing of the notices received from any lessee with respect to any obligation or default under any of the Leases, provided that the amount in controversy exceeds Five Thousand and no/100 Dollars (\$5,000.00). Assignor agrees to perform all obligations binding upon Assignor under the Leases, it being understood that Lender does not in any way assume or agree to perform such obligations or to be or become in any way liable under the obligations contained in any such Leases. Assignor further agrees that without the prior written consent of Lender, Assignor will not transfer, assign, convey or encumber the Leases or any rents, revenues, profits or income therefrom.

(6) Assignor agrees to furnish to Lender true and correct copies or photostatic copies of all leases hereafter entered into promptly after the full execution of such lease.

(7) This Assignment shall be binding upon the Borrower and Assignor and their respective successors, and permitted assigns, and shall inure to the benefit of Lender and its successors and assigns as the owner and holder of the Indebtedness.

(8) This Assignment shall be construed in accordance with the laws of the State of Wisconsin. The invalidity of any provision herein shall not affect the validity of any other provision. As used herein, the singular includes the plural, the plural the singular and the use of any gender (masculine, feminine or neuter) includes all genders.

Executed at Madison, Wisconsin, as of the date first above written.

BORROWER:

Stephen D. Brown, LLC, a Wisconsin limited liability company

By:

Stephen D. Brown, Manager

121 West Gilman, LLC, a Wisconsin limited liability company

By:

Stephen D. Brown, Manager

126 Langdon Street, LLC, a Wisconsin limited liability company

By:

Stephen D. Brown, Manager

1402 Regent Street, LLC, a Wisconsin limited liability company

By:

Stephen D. Brown, Manager

(SIGNATURES CONTINUE ON NEXT PAGE FOLLOWING)



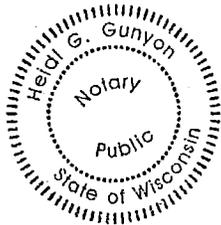
ACKNOWLEDGMENT

STATE OF WISCONSIN     )  
  ) ss.  
COUNTY OF DANE         )

On this 11th day of June 2008, before me personally appeared Stephen D. Brown, the Manager of 121 West Gilman Street, LLC, a Wisconsin limited liability company, who acknowledged himself to be such Manager, to me known to be the person who executed the foregoing instrument on behalf of and by the authority of such company and acknowledged the same.

IN WITNESS WHEREOF, I hereunto set my hand and notarial seal.

(Notarial Seal)



*Heidi G. Gunyon*  
Heidi G. Gunyon  
Notary Public, State of Wisconsin  
My Commission expires 9/28/08

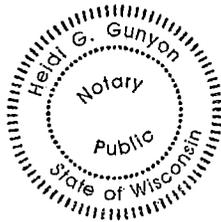
ACKNOWLEDGMENT

STATE OF WISCONSIN     )  
  ) ss.  
COUNTY OF DANE         )

On this 11th day of June 2008, before me personally appeared Stephen D. Brown, the Manager of 126 Langdon Street, LLC, a Wisconsin limited liability company, who acknowledged himself to be such Manager, to me known to be the person who executed the foregoing instrument on behalf of and by the authority of such company and acknowledged the same.

IN WITNESS WHEREOF, I hereunto set my hand and notarial seal.

(Notarial Seal)



*Heidi G. Gunyon*  
Heidi G. Gunyon  
Notary Public, State of Wisconsin  
My Commission expires 9/28/08

(ADDITIONAL ACKNOWLEDGMENT ON NEXT PAGE FOLLOWING)

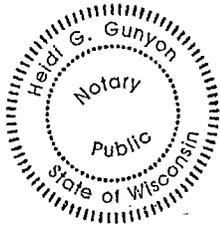
ACKNOWLEDGMENT

STATE OF WISCONSIN     )  
  ) ss.  
COUNTY OF DANE         )

On this 11th day of June 2008, before me personally appeared Stephen D. Brown, the Manager of 1402 Regent Street, LLC, a Wisconsin limited liability company, who acknowledged himself to be such Manager, to me known to be the person who executed the foregoing instrument on behalf of and by the authority of such company and acknowledged the same.

IN WITNESS WHEREOF, I hereunto set my hand and notarial seal.

(Notarial Seal)



*Heidi G. Gunyon*  
Heidi G. Gunyon  
Notary Public, State of Wisconsin  
My Commission expires 9/28/08

This instrument was drafted by:  
Attorney Richard E. Petershack  
Axley Brynson, LLP

EXHIBIT A

LEGAL DESCRIPTION

PARCEL A (121 West Gilman Street, LLC Property)

The Northeast one-half (1/2) of Lot Six (6), and all of Lot Seven (7), Block Sixty-two (62) of the Original Plat of the City of Madison, in the City of Madison, Dane County, Wisconsin.

PARCEL B ( 126 Langdon Street, LLC Property)

All that part of Lot Eight (8) and the Southwesterly 16 feet of Lot Nine (9), Block Sixty (60), Madison, according to the Pritchette Plat thereof, in the City of Madison, Dane County, Wisconsin, which lies Southeasterly of a line parallel with and 275 feet Northwesterly from the Southeasterly line of said lots.

Together with and subject to the easements, covenants and reservations set forth in a Warranty Deed recorded in Volume 337 of Deeds, page 425, as Document No. 492580, Dane County Registry.

The Southeast 115 feet of Lot Seven (7), and the Northeasterly 4 1/2 feet in width of the Southeast 115 feet of Lot Six (6), Block Sixty (60), Madison, according to the recorded plat thereof, in the City of Madison, Dane County, Wisconsin.

Together with the easements set forth in an agreement recorded in Volume 65 of Misc., Page 160, as Document No. 441969, Dane County, Wisconsin; and together with easement set forth in instrument recorded September 24, 1963, in Volume 398 of Misc., page 156, as Document No. 1083622.

PARCEL C (1402 Regent Street, LLC Property)

Lots One (1) and Two (2) of Certified Survey Map Number 6027, recorded February 8, 1990, in the Dane County Register of Deeds office in Volume 28 of Certified Survey Maps, Pages 332 and 333, as Document No. 218451, in the City of Madison, Dane County, Wisconsin.

Also described as:

Lots 1 and 2 of Certified Survey Map Number 6027 in Volume 28 on Pages 332 and 333 of Dane County Certified Surveys, lying in the Southwest 1/4 of Section 22, Township 07 North, Range 09 East, City of Madison, Dane County, Wisconsin more fully described as follows:

Commencing at the East 1/4 corner of said Section 22; Thence N 89°31'00" W, 2247.01 feet, along the East-West 1/4 line of said Section 22; Thence N 70°59'00" E, 101.12 feet, to the intersection of the North right-of-way of Regent Street and the Southerly right-of-way of the Wisconsin Rails Commission and the Point of Beginning of this description; Thence N 70°59'00" E, 676.10 feet, along said Southerly right-of-way, to the Northeast corner of Lot 3 of said Certified Survey Map Number 6027; Thence S 00°40'00" E, 68.72 feet, along the West line of said Lot 3, to the Southwest corner of said Lot 3; Thence S 89°36'00" E, 160.00 feet, along the South line of said Lot 3, to the West right-of-way of North Randall Avenue; Thence S 00°40'00" E, 140.79 feet, along said West right-of-way; Thence, along a curve to the right, having a radius of 15.00 feet and

chord of S 44°52'00" W, 21.41 feet, to the North right-of-way of Regent Street; Thence N 89°36'00" W, 786.55 feet, along the North right-of-way of Regent Street to the Point of Beginning of this description.

IMPROPERLY ABANDONED  
MONITORING WELL

OFF-SOURCE  
A  
PROPERTY



Excellence through experience™

**COPY**

1421 State Road 16 ♦ La Crosse, WI 54601 ♦ 1-800-552-2932 ♦ Fax (608) 781-8893 Email: rona@metcohq.com ♦ www.metcohq.com

April 10, 2009

Regent Apartments  
120 W. Gorham Street  
Madison, WI 53703

Subject: Missing monitoring well from the Smiles English Hair Design LUST Investigation (BRRTS#: 03-13-000689) located at 1403 Regent St., Madison, Wisconsin 53711.

To Whom It May Concern,

On August 6, 2007 METCO noted that monitoring well MW-5 located on the Regent Apartments property at 1402 Regent Street can not be located or properly abandoned because it appears to have been destroyed during on site construction activities. METCO has made a reasonable effort to locate the lost well to determine whether it was properly abandoned but has been unsuccessful in those efforts. You need to understand that in the future you may be held responsible for any problems associated with the missing monitoring well if it creates a conduit for contaminants to enter groundwater. If in the future the lost monitoring well is found, you will be required to notify the WDNR and to properly abandon the well in compliance with the requirements in ch. NR 141, Wis. Adm. Code, and to submit the required documentation of the abandonment to the WDNR.

Because the lost monitoring well cannot be properly abandoned at this time, it will be listed on the DNR Remediation and Redevelopment GIS Registry.

If you have any questions regarding this matter please contact Wendell Wojner of the WDNR at 262-275-3297 or myself at 608-781-8879.

Sincerely,

A handwritten signature in black ink that reads "Jason T. Powell".

Jason T. Powell  
Project Manager

Attached: Site map with missing monitoring well location

c: Julia Johnson – Smiled Distributors LTD

IMPROPERLY ABANDONED  
MONITORING WELL

OFF-SOURCE  
A  
PROPERTY

**SENDER: COMPLETE THIS SECTION**

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

ent Apartments  
W. Gorham Street  
son, WI 53703

**COMPLETE THIS SECTION ON DELIVERY**

A. Signature  Agent  
 Addressee

B. Received by (Printed Name) C. Date of Delivery  
4-13-09

D. Is delivery address different from item 1?  Yes  
If YES, enter delivery address below:  No

3. Service Type  
 Certified Mail  Express Mail  
 Registered  Return Receipt for Merchandise  
 Insured Mail  C.O.D.

4. Restricted Delivery? (Extra Fee)  Yes

10 6929

102595-02-M-1540



March 18, 2009

Mr. Ray Fisher  
City of Madison Clerk  
Room 103  
210 Martin Luther King Jr. Boulevard  
Madison, WI 53703

**COPY**

Notification: Smiles English Hair Design (BRRTS # 03-13-000689), Conditional Case Closure Notification

To Whom It May Concern:

I am writing to inform you that soil/groundwater contamination from the Smiles English Hair Design site at 1403 Regent Street exists within the right of way of Regent Street to the north of the subject property.

As part of the required documentation, you are hereby notified that residual petroleum contamination exists in the soil and groundwater within the right-of-way of Regent Street to the north of the Smiles English Hair Design site at 1403 Regent Street. Soil and groundwater contamination was found to exist in the area of the removed underground petroleum storage tanks and dispensers and has migrated into right of way of Regent Street. Depth to groundwater in this area is approximately 6 to 10 feet below ground surface.

If the contaminated soil or groundwater is encountered during future construction, it may pose inhalation or other direct contact hazards. Any contaminated soil or groundwater encountered will require sampling and analysis, as well as proper storage, treatment, and disposal of any excavated materials. We are enclosing site maps displaying inferred soil groundwater contamination plumes.

If you have any questions, or require more detailed information, please contact me at METCO's La Crosse office (608-781-8879).

Sincerely,

A handwritten signature in cursive script that reads "Jason T. Powell".

Jason T. Powell  
Staff Scientist

Enclosure: Maps

C: Julia Johnson – Smiles Distributors LTD