

GIS REGISTRY INFORMATION

SITE NAME: Chrysler N Receiving Lot (Bain Elementary)

BRRTS #: 06-30-269300

COMMERCE # (if appropriate): _____

FID # (if appropriate): 230149590

CLOSURE DATE: 8/3/2005

STREET ADDRESS: 2600 50th St.

CITY: Kenosha

SOURCE PROPERTY GPS COORDINATES (meters in WTM91 projection):

X= 697125

Y= 237901

CONTAMINATED MEDIA:

Groundwater

Soil

Both

OFF-SOURCE GW CONTAMINATION >ES:

Yes

No

IF YES, STREET ADDRESS 1: _____

GPS COORDINATES (meters in WTM91 projection):

X= _____

Y= _____

OFF-SOURCE SOIL CONTAMINATION >Generic or Site-Specific RCL (SSRCL):

Yes

No

IF YES, STREET ADDRESS 1: _____

GPS COORDINATES (meters in WTM91 projection):

X= _____

Y= _____

CONTAMINATION IN RIGHT OF WAY:

Yes

No

DOCUMENTS NEEDED:

Closure Letter, and any conditional closure letter issued

Copy of most recent deed, including legal description, for all affected properties COC

Certified survey map or relevant portion of the recorded plat map (if referenced in the legal description) for all affected properties
County Parcel ID number, if used for county, for all affected properties See deed

Location Map which outlines all properties within contaminated site boundaries on USGS topographic map or plat map in sufficient detail to permit the parcels to be located easily (8.5x14" if paper copy). If groundwater standards are exceeded, the map must also include the location of all municipal and potable wells within 1200' of the site.

Detailed Site Map(s) for all affected properties, showing buildings, roads, property boundaries, contaminant sources, utility lines, monitoring wells and potable wells. (8.5x14", if paper copy) This map shall also show the location of all contaminated public streets, highway and railroad rights-of-way in relation to the source property and in relation to the boundaries of groundwater contamination exceeding ch. NR 140 ESs and soil contamination exceeding ch. NR 720 generic or SSRCLs.

Tables of Latest Groundwater Analytical Results (no shading or cross-hatching)

Tables of Latest Soil Analytical Results (no shading or cross-hatching)

Isoconcentration map(s), if required for site investigation (SI) (8.5x14" if paper copy). The isoconcentration map should have flow direction and extent of groundwater contamination defined. If not available, include the latest extent of contaminant plume map.

GW: Table of water level elevations, with sampling dates, and free product noted if present

GW: Latest groundwater flow direction/monitoring well location map (should be 2 maps if maximum variation in flow direction is greater than 20 degrees)

SOIL: Latest horizontal extent of contamination exceeding generic or SSRCLs, with one contour

Geologic cross-sections, if required for SI. (8.5x14" if paper copy)

RP certified statement that legal descriptions are complete and accurate

Copies of off-source notification letters (if applicable)

Letter informing ROW owner of residual contamination (if applicable)(public, highway or railroad ROW)

Copy of (soil or land use) deed restriction(s) or deed notice if any required as a condition of closure IN COC

<input checked="" type="checkbox"/>
NA
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NA
NA
NA
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NA
NA
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State of Wisconsin
Department of Natural Resources

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

Whereas, Kenosha Unified School District has applied for an exemption from liability under s. 292.15, Wis. Stats., for the property located at 2600 50th Street, Kenosha, WI, which is commonly referred to as Bain Elementary School of Language and Arts, further described in the legal description found on Attachment A and heretofore referred to as 'the Property';

Whereas, an environmental investigation of the Property has been conducted and has determined that contamination exists at the Property;

Whereas, Kenosha Unified School District has submitted to the Wisconsin Department of Natural Resources ("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)(ag) and (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 WDNR has approved of the remedial action plan for the Property;

Whereas, the WDNR has determined that the fill brought onto the Property in the past does not qualify as exempt under s. NR 500.08, Wis. Adm. Code. Due to the non-exempt status of the fill, any person who proposes to develop this Property must obtain approval from the WDNR under s. NR 506.085, Wis. Adm. Code, prior to the initiation of any development of the Property. On June 9, 2003, WDNR issued a Conditional Grant of Exemption for Development on a Property Where Solid Waste Has Been Disposed, included as Attachment D;

Whereas, Kenosha Unified School District has filed with the Register of Deeds of Kenosha a deed restriction (Attachment C) on the Property which declares that the Property

is held and shall be held, conveyed or encumbered, leased, rented, used, occupied and improved subject to the following limitations and restrictions:

The following activities are prohibited on that portion of the property above where a cap or cover has been placed, unless prior written approval has been obtained from the Wisconsin Department of Natural Resources or its successor or assign(1) Excavating or grading of the land surface; (2) Filling on the capped area; (3) Plowing for agricultural cultivation; and (4) Construction or installation of a building or other structure with a foundation that would sit on or be placed within the cap or cover. In addition, the cap or cover shall be maintained in compliance with a plan prepared and submitted to the Wisconsin Department of Natural Resources by a responsible party, as required by section NR 724.13(2), Wis. Adm. Code (1997). See the Site Cap Maintenance Plan attached.

Whereas, on June 7, 2005, 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, except with respect to **chlorinated volatile organic compounds which are on the property from off-site**, for which **Kenosha Unified School District** is exempt from liability under s. 292.13(1), Wis. Stats.;

Whereas, on April 28, 2005, **Kenosha Unified School District** obtained a written determination from WDNR under s. 292.13(2), Wis. Stats., that **Kenosha Unified School District** is exempt from liability under s. 292.13 (1), Wis. Stats., with respect to chlorinated volatile organic compounds in groundwater on the Property; and

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, except with respect to **chlorinated volatile organic compounds in groundwater**, for which **Kenosha Unified School District** is exempt from liability under s. 292.13(1) Wis. Stats.

Upon issuance of this Certificate, **Kenosha Unified School District** 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 department approved the environmental investigation required under s. 292.15(2)(ag) and (a)1., Wis. Stats., was approved provided that **Kenosha Unified School District** or current owner of the Property continues to satisfy the conditions under s. 292.13(1)(d) to (g) Wis. Stats. Those conditions are detailed in s. 292.13, Wis. Stats., but can be summarized as

follows, with respect to discharges of hazardous substances that originated from a source other than the Property: allow WDNR, parties responsible for the hazardous substance discharges, and their representatives, to enter the Property to take action to respond to the discharges; agree to avoid any interference with action taken to respond to the discharge and avoid actions that worsen the discharge; and agree to any other conditions WDNR determines are reasonable and necessary to ensure that WDNR and the responsible parties can respond to the discharge.

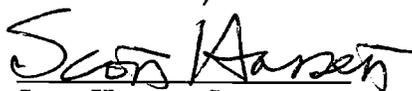
Kenosha Unified School District and a person otherwise qualified for protection under s. 292.15(3), Wis. Stats., who owns or controls the Property would no longer qualify for this liability exemption if that person fails to maintain or monitor the Property as required by rules promulgated by the WDNR, and as required to meet the conditions of the June 9, 2003, Conditional Grant of Exemption for Development on a Property Where Solid Waste Has Been Disposed.

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 discharge 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 **Kenosha Unified School District** 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 or in s. 292.15, Wis. Stats., affects the authority of the WDNR to exercise any powers or duties under applicable laws other than s. 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 18th day of July, 2005.



Scott Hassett, Secretary

Wisconsin Department of Natural Resources

ATTACHMENT A
LEGAL PROPERTY DESCRIPTION
Bain Elementary School of Language and Arts, 2600 50th Street, Kenosha, WI

Lots 1, 2, 3, 4, 5, 6, 7, 8 and 9, Block 2 and Lots 1, 2,3,4,5,6,7,8 and 9, Block 3, all in NEWELL-HOYT SECOND INDUSTRIAL SUBDIVISION; Together with the vacated North-South alleys in said Block 2 and 3., Also the Abandon Chicago North Shore and Milwaukee Railroad being a strip of land 100 feet in width running North and South from the South line of 45th Street South to the North line of 50th Street. Also vacated 46th Street and part of vacated 48th Street. Also part of Lot 16 of the RE-SUBDIVISION OF BLOCK 4 IN NEWELL-HOYT INDUSTRIAL SUBDIVISION, all that above described being part of the Northeast ¼ of Section 36, Town 2 North, Range 22 East of the Fourth Principal Meridian, and being more particularly described as follows: Beginning at the South line of 45th Street and the West line of 26th Avenue; thence South 1°09'25" East along said West line 860.90 feet to the North line of vacated 48th Street; thence North 89°54'32" West along said North line 140.00 feet to the Southeast corner of Lot 9, Block 3 of said Newell-Hoyt Second Industrial Subdivision; thence South 1°09'25" East 310.00 feet; thence North 89°54'32" West 211.02 feet to the East line of abandon Chicago North Shore and Milwaukee Railroad; thence South 1°37'52" East along said East line 372.06 feet to the North line of 50th Street; thence North 89°52'29" West along said North line 100.00 feet to the West line of said abandon railroad; thence North 1°37'52" West 1544.07 feet to the South line of 45th Street; thence South 89°47'40" East along said South line 460.74 feet to the point of beginning, said land lying and being in the City of Kenosha, County of Kenosha and State of Wisconsin.

Part of Tax Key No.: 09-4-0222-36-134-011

ATTACHMENT B
INVESTIGATION AND REMEDIAL ACTION PLAN REPORTS
Bain Elementary School of Language and Arts

1. Subsurface Site Environmental Assessment Report-Phase II, Hydrosearch, March 1990
2. Subsurface Investigation and Remedial Action, Triad Eng. Inc. October 1997
3. Phase I Environmental Assessment, Benchmark Environmental, June 1999
4. Phase II Environmental Site Assessment, ChemReport, August 2000
5. Site Investigation Workplan, ChemReport, April 2001
6. Site Investigation Report, ChemReport, October 2001
7. Site Investigation Report, GZA, GeoEnvironmental, April 2002
8. Supplemental Site Investigation/Remedial Options Report, ChemReport, August 2002
9. Remedial Design Report, ChemReport, March 2003
10. Soil Mitigation Report, GZA, GeoEnvironmental, July 2003
11. Site Remediation Workplan, GZA, GeoEnvironmental, February 2004
12. Remedial Implementation Report, ChemReport, October 2004
13. Closure Request, ChemReport, April 2005

**ATTACHMENT C
DEED RESTRICTION
Bain Elementary School of Language and Arts**

See Attached Deed Restriction

Document Number

DEED RESTRICTION

Declaration of Restrictions

In Re: See Legal Description attached as Addendum A.

STATE OF WISCONSIN)
) ss

COUNTY OF Kenosha County where document is signed]

WHEREAS, Kenosha Unified School District is the owner of the above-described property.

WHEREAS, arsenic, lead, polynuclear aromatic hydrocarbon (PAH) and volatile organic compound (VOC) discharges have occurred on this property. Arsenic, lead, PAH and/or VOC-contaminated soil is considered to remain beneath the entire property.

WHEREAS, it is the desire and intention of the property owner to impose on the property restrictions which will make it unnecessary to conduct further soil remediation activities on the property at the present time.

NOW THEREFORE, the owner hereby declares that all of the property described above is held and shall be held, conveyed or encumbered, leased, rented, used, occupied and improved subject to the following limitation and restrictions:

The following activities are prohibited on that portion of the property described above where a cap or cover has been placed, unless prior written approval has been obtained from the Wisconsin Department of Natural Resources or its successor or assign: (1) Excavating or grading of the land surface; (2) Filling on the capped area; (3) Plowing for agricultural cultivation; and (4) Construction or installation of a building or other structure with a foundation that would sit on or be placed within the cap or cover. In addition, the cap or cover shall be maintained in compliance with a plan prepared and submitted to the Wisconsin Department of Natural Resources by a responsible party, as required by section NR 724.13(2), Wis. Adm. Code (1997). See the Site Cap Maintenance Plan attached as Addendum B.

This restriction is hereby declared to be a covenant running with the land and shall be fully binding upon all persons acquiring the above-described property whether by descent, devise, purchase or otherwise. This restriction inures to the benefit of and is enforceable by the Wisconsin Department of Natural Resources, its successors or assigns. The Department, its successors or assigns, may initiate proceedings at law or in equity



DOCUMENT

1437591

RECORDED
At Kenosha County, Kenosha, WI 53140.
Louise I. Principe, Register of Deeds
on 6/20/2005 at 10:05AM
50027464 \$17.00

ALET

REGDEED3

Recording Area

Name and Return Address

Patrick Finnmore
Kenosha Unified School District No.1
3600 - 52nd Street
Kenosha, WI 53144

09-4-0222-36-134-011

Parcel Identification Number (PIN)

17-

COPY

against any person or persons who violate or are proposing to violate this covenant, to prevent the proposed violation or to recover damages for such violation.

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

By signing this document, _____ asserts that he or she is duly authorized to sign this document on behalf of _____ Kenosha Unified School District.

IN WITNESS WHEREOF, the owner of the property has executed this Declaration of Restrictions, this 15 day of June, 2005

Signature: 
Printed Name: Edward J. Olson

Subscribed and sworn to before me
this 15 day of June, 2005

Kathleen A. DeSantis
Notary Public, State of Wisconsin
My commission 7-31-05

This document was drafted by the Wisconsin Department of Natural Resources.

[FILENAME :Z:\deeddocs\Deed restriction.doc][revised October 6, 1999]

ADDENDUM A

Lots 1, 2, 3, 4, 5, 6, 7, 8 and 9, Block 2 and Lots 1, 2, 3, 4, 5, 6, 7, 8 and 9, Block 3, all in NEWELL- HOYT SECOND INDUSTRIAL SUBDIVISION; Together with the vacated North-South alleys in said Block 2 and 3., Also the Abandon Chicago North Shore and Milwaukee Railroad being a strip of land 100 feet in width running North and South from the South line of 45th Street South to the North line of 50th Street. Also vacated 46th Street and part of vacated 48th Street. Also part of Lot 16 of the RE-SUBDIVISION OF BLOCK 4 IN NEWELL-HOYT INDUSTRIAL SUBDIVISION, all that above described being part of the Northeast 1/4 of Section 36, Town 2 North, Range 22 East of the Fourth Principal Meridian, and being more particularly described as follows: Beginning at the South line of 45th Street and the West line of 26th Avenue; thence South 1°09'25" East along said West line 860.90 feet to the North line of vacated 48th Street; thence North 89°54'32" West along said North line 140.00 feet to the Southeast corner of Lot 9, Block 3 of said Newell-Hoyt Second Industrial Subdivision; thence South 1°09'25" East 310.00 feet; thence North 89°54'32" West 211.02 feet to the East line of abandon Chicago North Shore and Milwaukee Railroad; thence South 1°37'52" East along said East line 372.06 feet to the North line of 50th Street; thence North 89°52'29" West along said North line 100.00 feet to the West line of said abandon railroad; thence North 1°37'52" West 1544.07 feet to the South line of 45th Street; thence South 89°47'40" East along said South line 460.74 feet to the point of beginning, said land lying and being in the City of Kenosha, County of Kenosha and State of Wisconsin.

Part of Tax Key No.: 09-4-0222-36-134-011

Addendum B
Edward Bain School of Language and Art
Site Cap Maintenance Plan

Site Cap Construction: The site construction incorporated three different types of cap construction that effectively cap the entire property. The school building with its sub-base, vapor barrier and concrete floor provides capping for contaminated materials beneath the school. The hard surface playground, access drives and parking areas and walkways were capped with pavement. Landscaped areas and athletic fields were capped with clean soil. The pavement caps were constructed with a minimum of 3 inches of concrete or bituminous pavement overlying 10 inches of crushed aggregate. Grass covered portions of the site were capped by 6 inches of topsoil overlying 6 inches of compacted clay obtained from an off-site source.

Site Cap Inspection: Routine maintenance activities at the property are conducted by Kenosha Unified School District (KUSD) personnel and Edward Bain School of Language and Art custodians. These activities include, but are not limited to, lawn mowing, landscaping and snow removal activities. Personnel performing routine maintenance activities will be made aware of the restriction outlined in the property deed and the necessity of maintaining the site cap integrity. If during the course of these routine activities a significant breach in the cap materials is noted, the Director of Facilities will be promptly notified and repairs to the cap will be made expeditiously.

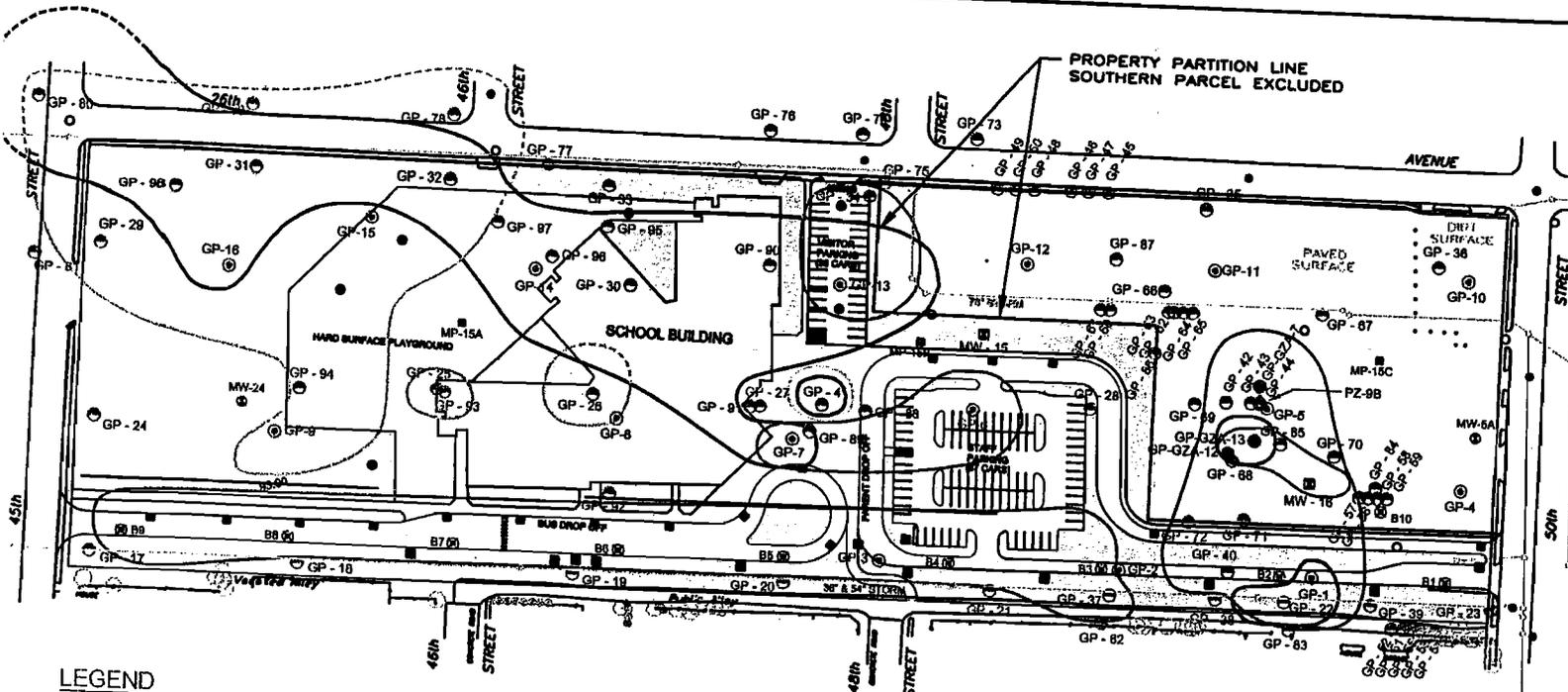
Site Cap Maintenance: Cracks, holes and other small penetrations of paved portions of the site cap will be patched with compatible surface materials on an annual basis. Holes or erosion features in the grassed or landscaped portions of the site cap will be filled and graded with clay, soil or other compatible earth materials as soon as practical.

Excavation: Should excavation through the cap materials be necessary good judgment should be used. Soils below one foot in depth should be considered contaminated. Small excavations for landscaping purposes should avoid penetration of the one-foot thick clean soil cap, if possible. If soils below the one foot depth are removed, they should be placed back into the excavation and covered with one-foot of clean soil or paved.

Excavations that will result in the removal of large amounts of soil from below one foot will require practices to properly handle the contaminated material. The contaminated soil must be staged on, and covered by plastic sheeting until it can be placed back in the excavation or properly disposed. The excavations should be capped with one foot of clean soils or paved. Although the contaminated soil does not pose a risk to human health through short-term exposure, workers contacting the soil should be apprised of the presence of the contamination and directed to employ good hygiene practices to limit exposure.

Reporting: Since the routine cap maintenance activities are consistent with the standard grounds care practices of KUSD, period reporting of routine maintenance activities is not warranted. Large penetrations, catastrophic failures and/or breaches of the site cap will be reported to the Department of Natural Resources as soon as practical.

PRE-CONSTRUCTION SOIL CONTAMINATION DISTRIBUTION SUMMARY
MANKOWSKI PROPERTY
45th STREET & 26th AVENUE
KENOSHA, WI



LEGEND

- ⊗ = GZA GROUNDWATER MONITORING WELL LOCATIONS (MARCH 2002)
- ⬢ = GZA PIEZOMETER LOCATIONS (MARCH 2002)
- ⊙ = GZA SITE INVESTIGATION GEOPROBE SOIL BORING LOCATIONS (FEBRUARY 2002)
- ⊕ = CRI SITE INVESTIGATION GEOPROBE SOIL BORING LOCATIONS (SPRING, SUMMER 2001, SPRING 2002)
- ⊖ = CRI PHASE II ESA GEOPROBE BORING LOCATIONS (JULY 2000)
- ⊗ = PREVIOUS BENCHMARK PHASE II ESA SOIL BORING LOCATIONS (FEBRUARY 2000)
- ⊠ = PREVIOUS TRIAD SITE INVESTIGATION SOIL BORING LOCATIONS (DECEMBER 1989)
- ⊙ = PREVIOUS TRIAD SITE INVESTIGATION MONITORING WELL LOCATIONS (DECEMBER 1989)
- RCL = RESIDUAL CONTAMINANT LEVEL
- PAH = POLYNUCLEAR AROMATIC HYDROCARBON
- TCE = TRICHLOROETHENE
- PCE = PERCHLOROETHENE = TETRACHLOROETHENE
- ORO = GASOLINE RANGE ORGANICS
- = PREVIOUS BUILDING LOCATIONS (APPROXIMATE)
- = STORM SEWER
- = EXTENT OF ARSENIC SOIL CONTAMINATION EXCEEDING RCL
- = EXTENT OF LEAD SOIL CONTAMINATION EXCEEDING RCL
- = EXTENT OF PAH SOIL CONTAMINATION EXCEEDING RCL
- = EXTENT OF BENZENE SOIL CONTAMINATION EXCEEDING RCL
- = EXTENT OF GRO SOIL CONTAMINATION EXCEEDING GENERIC SOIL STANDARD
- = EXTENT OF NAPHTHALENE SOIL CONTAMINATION EXCEEDING RCL
- = EXTENT OF TCE AND/OR PCE SOIL CONTAMINATION

SOIL INORGANIC ANALYTE REGULATORY EXCEEDANCES				
Sample ID	Analyte	Concentration (mg/kg)	RCL Exceeded (mg/kg)	20 x TCLP Limit Exceeded (5 mg/l)
BZ63	Arsenic	18,700	X (1.0 Ind)	X
GP-1 (1'-3')	Arsenic	448	X (1.8 Ind)	X
BZ68	Arsenic	138	X (1.8 Ind)	X
GP-30 (0.8'-1.8')	Arsenic	129	X (1.8 Ind)	X
GP-3 (0.8'-1.8')	Arsenic	82	X (1.8 Ind)	X
BZ67	Arsenic	32	X (1.8 Ind)	X
GP-22 (1'-2')	Arsenic	26.1	X (1.8 Ind)	X
GP-37 (1'-2')	Arsenic	22.3	X (1.8 Ind)	X
BZ69	Arsenic	8.32	X (1.8 Ind)	X
MW-7 (0'-2')	Arsenic	2.1	X (1.8 Ind)	X
GP-GZA-15 (2'-4')	Arsenic	1.1	X (0.838 Non-Ind)	X
GP-GZA-7 (2'-4')	Arsenic	0.88	X (0.838 Non-Ind)	X
PZ-98 (2'-4')	Arsenic	0.76	X (0.838 Non-Ind)	X
GP-22 (1'-2')	Lead	2,110	X (600 Ind)	X
GP-30 (0.8'-3')	Lead	258	X (600 Ind)	X
GP-31 (0.8'-1.8')	Lead	258	X (600 Non-Ind)	X
GP-GZA-13 (2'-4')	Lead	193	X (60 Non-Ind)	X
GP-13 (0.8'-1')	Lead	120	X (60 Non-Ind)	X
GP-13 (1'-2')	Lead	161	X (60 Non-Ind)	X
GP-1 (1'-3')	Lead	85	X (60 Non-Ind)	X
GP-3 (1'-3')	Lead	68	X (60 Non-Ind)	X
GP-14 (0'-0.8')	Lead	60	X (60 Non-Ind)	X
GP-7 (1'-1.8')	Lead	62	X (60 Non-Ind)	X
GP-11 (0'-7')	Lead	60	X (60 Non-Ind)	X
GP-78 (0.8'-1.8')	Lead	60	X (60 Non-Ind)	X

SOIL ORGANIC COMPOUND REGULATORY EXCEEDANCES				
Sample ID	Analyte	Concentration (ppb)	RCL Exceeded (ppb)	20 x TCLP Limit Exceeded (ppb)
GP-7 (1'-2')	Polychlorinated Biphenyls	111	No Standard	X (800)
GP-28 (10.8'-18')	Trichloroethene	604,000	NA	X (600)
GP-28 (18.8'-18')	Trichloroethene	257,000	NA	X (600)
GP-34 (10.8'-18')	Trichloroethene	13,300	NA	X (600)
GP-34 (18.8'-18')	Trichloroethene	11,700	NA	X (600)
GP-27 (10.8'-18')	Trichloroethene	6,370	X (3.7 SSGL GW)	X (1000)
GP-70 (14'-14.8')	Trichloroethene	906	X (3.7 SSGL GW)	X (1000)
GP-13 (1'-2')	Trichloroethene	230	X (3.7 SSGL GW)	X (1000)
GP-13 (1'-2')	Trichloroethene	188	X (3.7 SSGL GW)	X (1000)
GP-28 (10.8'-18')	Trichloroethene	119	X (3.7 SSGL GW)	X (1000)
GP-3 (1'-3')	Trichloroethene	68.1	X (3.7 SSGL GW)	X (1000)
GP-7 (1'-1.8')	Trichloroethene	47	X (3.7 SSGL GW)	X (1000)
GP-11 (1'-3')	Benzene	227	X (3.7 SSGL GW)	X (1000)
GP-25 (0.8'-2')	Benzene	590	X (3.7 SSGL GW)	X (1000)
GP-78 (0.8'-2')	Benzene	1,060	X (400 GW)	X (1000)
GP-31 (0.8'-1.8')	Benzene	611	X (1.8 Non-Ind)	X (1000)
GP-10 (0.8'-1')	Benzene	37.3	X (1.8 Non-Ind)	X (1000)
GP-10 (0.8'-1')	Benzene	35	X (1.8 Non-Ind)	X (1000)
GP-28 (1'-2')	Benzene	20	X (1.8 Non-Ind)	X (1000)
GP-78 (0.8'-2')	Benzene	15.1	X (1.8 Non-Ind)	X (1000)
GP-30 (0.8'-3')	Benzene	12.9	X (1.8 Non-Ind)	X (1000)
GP-30 (0.8'-3')	Benzene	11.7	X (1.8 Non-Ind)	X (1000)
GP-28 (0.8'-2')	Benzene	10.8	X (1.8 Non-Ind)	X (1000)
GP-78 (0.8'-2')	Dibenz(a,h)anthracene	18	X (1.8 Non-Ind)	X (1000)
GP-78 (0.8'-1.8')	Dibenz(a,h)anthracene	16	X (1.8 Non-Ind)	X (1000)
GP-78 (0.8'-2')	Benz(a)anthracene	3.8	X (1.8 Non-Ind)	X (1000)
GP-78 (0.8'-2')	Benz(a)anthracene	291	X (1.8 Non-Ind)	X (1000)
GP-41 (0.7')	Indeno(1,2,3-cd)pyrene	288	X (1.8 Non-Ind)	X (1000)
GP-41 (0.7')	GRO	278,000	X (100,000 USE)	X (1000)



6 PRE-CONSTRUCTION SOIL CONTAMINATION DISTRIBUTION SUMMARY
SCALE: 1" = 200'

Approved By: **S. CRANLEY**
Date Approved: **3/17/05**
Date Drawn: **3/15/05**
Drawn by: **B. PHY**

Figure **16**
6 of 9

**ATTACHMENT D
EXEMPTION FOR DEVELOPMENT ON A PROPERTY WHERE SOILD
WASTE HAS BEEN DISPOSED**

Bain Elementary School of Language and Arts

See Attached Conditional Grant of Exemption for Development on a Property Where Solid Waste Has
Been Disposed



State of Wisconsin \ DEPARTMENT OF NATURAL RESOURCE

Jim Doyle, Governor
Scott Hassett, Secretary
Gloria L. McCutcheon, Regional
Director

Plymouth Service Center
1155 Pilgrim Rd.
Plymouth, Wisconsin 53073
Telephone 920-892-8756
FAX 920-892-6638

June 9, 2003

Mr. Sean Cranley
ChemReport Incorporated
4515 Washington Road
Kenosha, WI 53144

Ref: BRRTS# 06-30-269300 FID# 230149590

Subject: Conditional Grant of Exemption for the Development of the Mankowski Property Where Solid Waste has been Disposed

Dear Mr. Cranley:

We have reviewed your request dated August 1, 2002 for a grant of exemption from regulation under s. NR 506.085, Wis. Adm. Code. Based on that evaluation, the Department is issuing this general grant of exemption from the prohibitions contained in s. NR 506.085, Wis. Adm. Code for the property identified in your application as the Mankowski Property, also known as the American Motors Receiving Lot, located at 2600 45th Street in the City of Kenosha, Kenosha County, Wisconsin. You must comply with the conditions of this grant of exemption in order to maintain the exemption. This grant of exemption is limited to the proposed changes described in your application. If you are considering additional changes beyond those described in the application, a new application must be submitted to the department for approval.

Please review the information contained in the publication *Development at Historic Fill Sites and Licensed Landfills: Considerations and Potential Problems* PUB-RR-685 to assist you in preventing environmental or safety problems during and after development.

You are reminded that this approval does not relieve you of obligations to meet all other applicable federal, state and local permits, as well as zoning and regulatory requirements. If you have any questions concerning this letter, please contact Thomas A. Wentland at 920-892-8756 Ex. 3028.

Sincerely,

James A. Schmidt, Supervisor
Remediation and Redevelopment Section
Southeast Region

Cc: City of Kenosha, Building Inspection

BEFORE THE

STATE OF WISCONSIN
DEPARTMENT OF NATURAL RESOURCES

CONDITIONAL GRANT OF EXEMPTION
FOR
DEVELOPMENT ON A PROPERTY
WHERE SOLID WASTE HAS BEEN DISPOSED

FINDINGS OF FACT

The Department finds that:

1. The Kenosha Unified School District owns the property describer as the Mankowski Property at 2600 45th Street, Kenosha, Wisconsin.
2. Based on information provided by the applicant solid waste materials consisting primarily of foundry sand waste have been disposed of at this property.
3. Mr. Sean Cranley of ChemReport Incorporated submitted the application for exemption and a Project Status Update Supplemental Soil Gas Methane Monitoring Report, dated May 19, 2003 relating to the proposed development and the environmental conditions at the property.
4. Based upon the evaluation provided to the Department, there are low levels of methane gas present at the site.
5. If the conditions set forth below are complied with, the development of the property will not result in environmental pollution as defined in ss. 289.01(8) and 299.01(4), Wis. Stats.

CONCLUSIONS OF LAW

1. The Department has the authority under s. NR 500.08(4), Wis. Adm. Code to issue an exemption from the prohibition in s. NR 506.085, Wis. Adm. Code, if the proposed development will not cause environmental pollution as defined in ss. 289.01(8) and 299.01(4), Wis. Stats.
2. The Department has authority to approve a grant of exemption with conditions if the conditions are necessary to ensure compliance with the applicable provisions of chapters NR 500 to 538, Wis. Adm. Code, or to assure that environmental pollution will not occur.
3. The conditions set forth below are necessary to ensure compliance with the applicable provisions of chapters NR 500 to 538, Wis. Adm. Code, and to assure that environmental pollution will not occur.
4. In accordance with the foregoing, the Department has the authority under s. NR 500.08(4), Wis. Adm. Code, to issue the following conditional grant of exemption.

CONDITIONAL GRANT OF EXEMPTION

The Department hereby issues an exemption to Kenosha Unified School District from the prohibition in s. NR 506.085, Wis. Adm. Code for development on a property which contains solid waste as proposed in the submittal dated April 11, 2003 subject to the following conditions:

1. No action related to the development of the property may be taken which will cause a significant adverse impact on wetlands as provided in ch. NR 103, Wis. Adm. Code.
2. No action related to the development of the property may be taken which will cause a significant adverse impact on critical habitat areas, as defined in s. NR 500.03(55), Wis. Adm. Code.
3. No action related to the development of the property may be taken which will cause a detrimental effect on any surface water, as defined in s. NR 500.03(62), Wis. Adm. Code.
4. No action related to the development of the property may be taken which will cause a detrimental effect on groundwater, as defined in s. NR 500.03(62), Wis. Adm. Code, or will cause or exacerbate an attainment or exceedance of any preventive action limit or enforcement standard at a point of standards application in ch. NR 140, Wis. Adm. Code.

5. No action related to the development of the property may be taken which will cause a migration and concentration of explosive gases in any structures in excess of 25% of the lower explosive limit for such gases at any time. No actions may be taken which will cause a migration and concentration of explosive gases in the soils outside of the limits of solid waste disposal within 200 feet of the property boundary or beyond the property boundary in excess of the lower explosive limit for such gases at any time. No actions may be taken which will cause a migration and concentration of explosive gases in the air outside of the limits of solid waste disposal within 200 feet of the landfill boundary or beyond the landfill property boundary in excess of the lower explosive limit for such gases at any time.
6. No action related to the development of the property may be taken which will cause an emission of any hazardous air contaminant exceeding the limitations for those substances contained in s. NR 445.03, Wis Adm. Code.
7. No action related to the development of the property may be taken which will cause an exceedance of a soil clean up standard in ch. NR 720, Wis. Adm. Code.
8. Safeguards should be taken to prevent methane gas from collecting in the structure. The installation of vents, trenches, methane alarms, flexible membrane liners under foundations, and constructing with slab foundations may prevent the migration of methane into the building. At a minimum, the external venting system should consist of a 6 to 12 inch pea gravel layer laid directly over the waste with an interconnected system of 4-inch diameter polyvinyl chloride (PVC) or corrugated drainage pipe installed in the top 4 inches of the pea gravel. A vapor barrier consisting of a minimum 30-mil thick polyethylene geomembrane welded at the seams to provide a continuous barrier between the venting system and the floor slab should be installed. Filter fabric or a 6-inch layer of fine sand should be placed on top of the geomembrane to act as a cushion.
9. This grant of exemption is limited to the proposed changes described in your application. If you are considering additional changes beyond those described in the application, a new application must be submitted to the department for approval. The Department reserves the right to require the submittal of additional information and to modify this grant of exemption at any time, if in the Department's opinion, modifications are necessary. Unless specifically noted, the conditions of this grant of exemption do not supersede or replace any previous conditions of approval for this property.

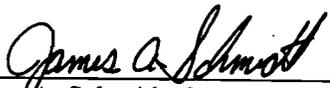
NOTICE OF APPEAL RIGHTS

If you believe that you have a right to challenge this decision, you should know that Wisconsin statutes and administrative rules establish time periods within which requests to review Department decisions must be filed.

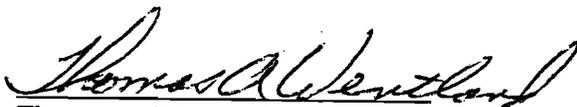
For judicial review of a decision pursuant to section 227.52 and 227.53, Stats., you have 30 days after the decision is mailed, or otherwise served by the Department, to file your petition with the appropriate circuit court and serve the petition on the Department. Such a petition for judicial review shall name the Department of Natural Resources as the respondent.

Dated: June 16, 2003

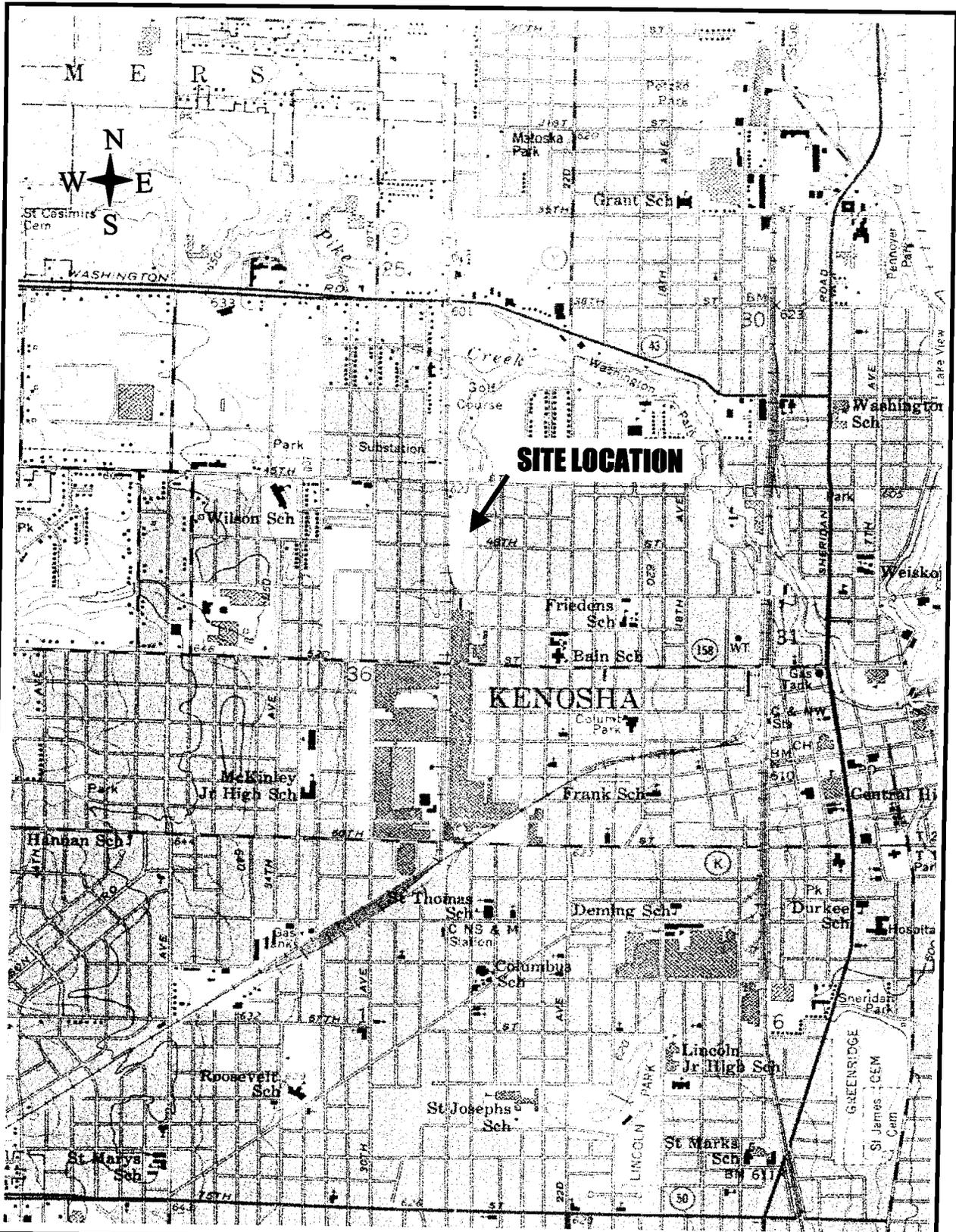
DEPARTMENT OF NATURAL RESOURCES
For the Secretary



James A. Schmidt, Supervisor
Remediation and Redevelopment Section
Southeast Region



Thomas A. Wentland
Waste Management Engineer
Remediation and Redevelopment Section
Southeast Region



Site Location Map	
Project Number:	Figure
Date Drawn: 9907-3	A1
Scale: 3/7/05	1 of 2
Drawn By: Not Scaled	
Brian Murphy	

Project Title and Address

FIGURE 1

SITE LOCATION MAP

Mankowski Property

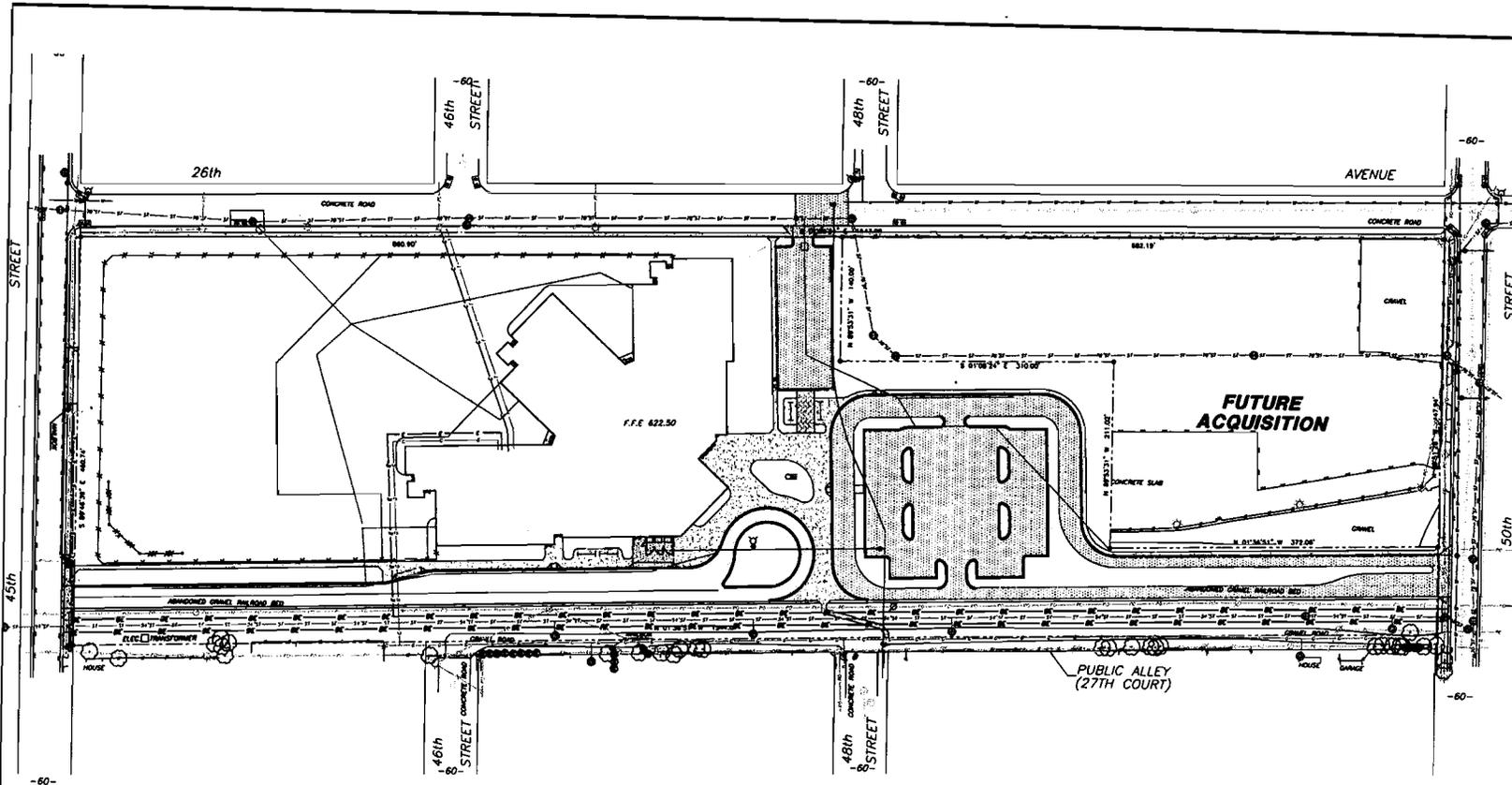
45th Street & 26th Avenue

Kenosha, WI 53140

ChemReport
INCORPORATED

4515 Wash. Rd. • Kenosha, WI 53144
(800) 697-8080 www.chemreport.com

Kenosha • Milwaukee • Racine



UTILITY LEGEND

- STORM INLET
- STORM MANHOLE
- HYDRANT ASSEMBLY
- GATE VALVE
- TREATMENT STRUCTURE

HATCH PATTERNS

- 3' BITUMINOUS PAVEMENT
- 4' BITUMINOUS PAVEMENT
- 4' CONCRETE
- BRICK PAVERS
- 3' GRAVEL SHOULDER
- 6" REINFORCED CONCRETE

- LEGEND**
- These standard symbols will be found in the drawing.
- LIGHT POLE
 - POWER POLE
 - GUY
 - TELEPHONE PEDESTAL
 - SANITARY MANHOLE
 - STORM MANHOLE
 - CATCH BASIN
 - CATCH BASIN
 - WATER VALVE
 - HYDRANT
 - 1 1/4" IRON PIPE FOUND
 - 66 RE-BAR FOUND
 - COMPUTED PROPERTY CORNER
 - FENCE
 - SANITARY SEWER
 - STORM SEWER
 - POWER OVERHEAD
 - BURIED ELECTRIC
 - BURIED GAS
 - BURIED TELEPHONE
 - WATERMAIN
 - FIBER OPTICS
 - BURIED CABLE
 - EDGE OF BITUMINOUS
 - TREE
 - PINE TREE
 - BUSH/SHRUB
 - ELECTRIC METER
 - GAS METER
 - GAS VALVE
 - CONTOUR LINE
 - SIGN
 - SPRINKLER HEAD
 - POLE

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 engineer@chemreport.com

SITE CONFIGURATION MAP
MANKOWSKI PROPERTY
 45th STREET & 26th AVENUE
 KENOSHA, WI

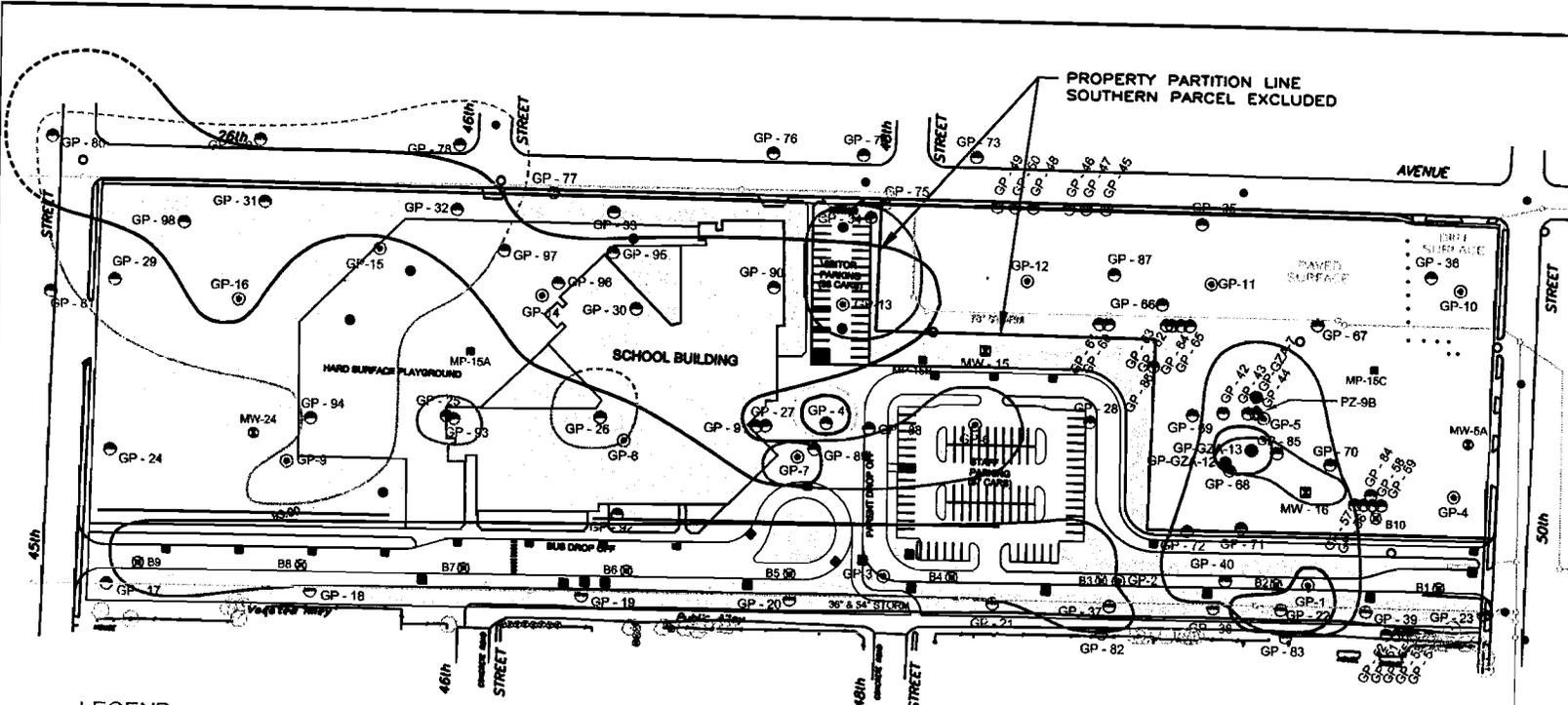


NORTH

A2 SIT' CONFIGURATION MAP
 SCALE: 1" = 200' (APPROXIMATE)

Approved By: S. CRANLEY	Figure
Date Approved: 3/17/05	A2
Date Drawn: 3/15/05	2 of 2
Drawn by: B. PHY	

PRE-CONSTRUCTION SOIL CONTAMINATION DISTRIBUTION SUMMARY
MANKOWSKI PROPERTY
45th STREET & 26th AVENUE
KENOSHA, WI



LEGEND

- ⊗ = GZA GROUNDWATER MONITORING WELL LOCATIONS (MARCH 2002)
- ◊ = GZA PIEZOMETER LOCATIONS (MARCH 2002)
- = GZA SITE INVESTIGATION GEOPROBE SOIL BORING LOCATIONS (FEBRUARY 2002)
- ⊙ = CRI SITE INVESTIGATION GEOPROBE SOIL BORING LOCATIONS (SPRING, SUMMER 2001, SPRING 2002)
- ⊕ = CRI PHASE II ESA GEOPROBE BORING LOCATIONS (JULY 2000)
- ⊗ = PREVIOUS BENCHMARK PHASE II ESA SOIL BORING LOCATIONS (FEBRUARY 2000)
- = PREVIOUS TRIAD SITE INVESTIGATION SOIL BORING LOCATIONS (DECEMBER 1989)
- ⊕ = PREVIOUS TRIAD SITE INVESTIGATION MONITORING WELL LOCATIONS (DECEMBER 1989)

- = EXTENT OF ARSENIC SOIL CONTAMINATION EXCEEDING RCL
- = EXTENT OF LEAD SOIL CONTAMINATION EXCEEDING RCL
- = EXTENT OF PAH SOIL CONTAMINATION EXCEEDING RCL
- = EXTENT OF BENZENE SOIL CONTAMINATION EXCEEDING RCL
- = EXTENT OF GRO SOIL CONTAMINATION EXCEEDING GENERIC SOIL STANDARD
- = EXTENT OF NAPHTHALENE SOIL CONTAMINATION EXCEEDING RCL
- = EXTENT OF TCE AND/OR PCE SOIL CONTAMINATION

RCL = RESIDUAL CONTAMINANT LEVEL
PAH = POLYNUCLEAR AROMATIC HYDROCARBON
TCE = TRICHLOROETHENE
PCE = PERCHLOROETHENE = TETRACHLOROETHENE
GRO = GASOLINE RANGE ORGANICS
— = PREVIOUS BUILDING LOCATIONS (APPROXIMATE)
○ = STORM SEWER

SOIL INORGANIC ANALYTE REGULATORY EXCEEDANCES				
Sample ID	Analyte	Concentration (mg/kg)	RCL Exceeded (mg/kg)	20 x TCLP Limit Exceeded (5 mg/l)
B263	Arsenic	18,400	X (1.8 Ind)	
GP-1 (1-3)	Arsenic	448	X (1.8 Ind)	X
B485	Arsenic	138	X (1.8 Ind)	X
GP-40 (0.8-1.8)	Arsenic	129	X (1.8 Ind)	X
GP-3 (0.8-1.8)	Arsenic	82	X (1.8 Ind)	X
B867	Arsenic	32	X (1.8 Ind)	
GP-21 (1-2)	Arsenic	28.1	X (1.8 Ind)	
GP-37 (1-2)	Arsenic	22.3	X (1.8 Ind)	
B869	Arsenic	8.32	X (1.8 Ind)	
MW-18 (0-8)	Arsenic	2.1	X (1.8 Ind)	
GP-GZA-15 (2-4)	Arsenic	1.1	X (0.038 Non-Ind)	
GP-GZA-7 (2-3)	Arsenic	0.58	X (0.038 Non-Ind)	
PZ-98 (2-4)	Arsenic	0.25	X (0.038 Non-Ind)	
GP-22 (1-2)	Lead	2,170	X (500 Ind)	
GP-25 (0.8-3)	Lead	288	X (50 Non-Ind)	X
GP-31 (0.8-1.8)	Lead	258	X (50 Non-Ind)	X
GP-GZA-13 (2-4)	Lead	133	X (50 Non-Ind)	X
GP-32 (0.8-1)	Lead	120	X (50 Non-Ind)	X
GP-13 (1-2)	Lead	101	X (50 Non-Ind)	X
GP-1 (4-8)	Lead	85	X (50 Non-Ind)	
GP-1 (1-3)	Lead	86	X (50 Non-Ind)	
GP-3 (4-8)	Lead	88	X (50 Non-Ind)	
GP-14 (0.8-3)	Lead	80	X (50 Non-Ind)	
GP-7 (1-1.8)	Lead	82	X (50 Non-Ind)	
GP-11 (0-7)	Lead	80	X (50 Non-Ind)	
GP-18 (0.8-1.8)	Lead	80	X (50 Non-Ind)	

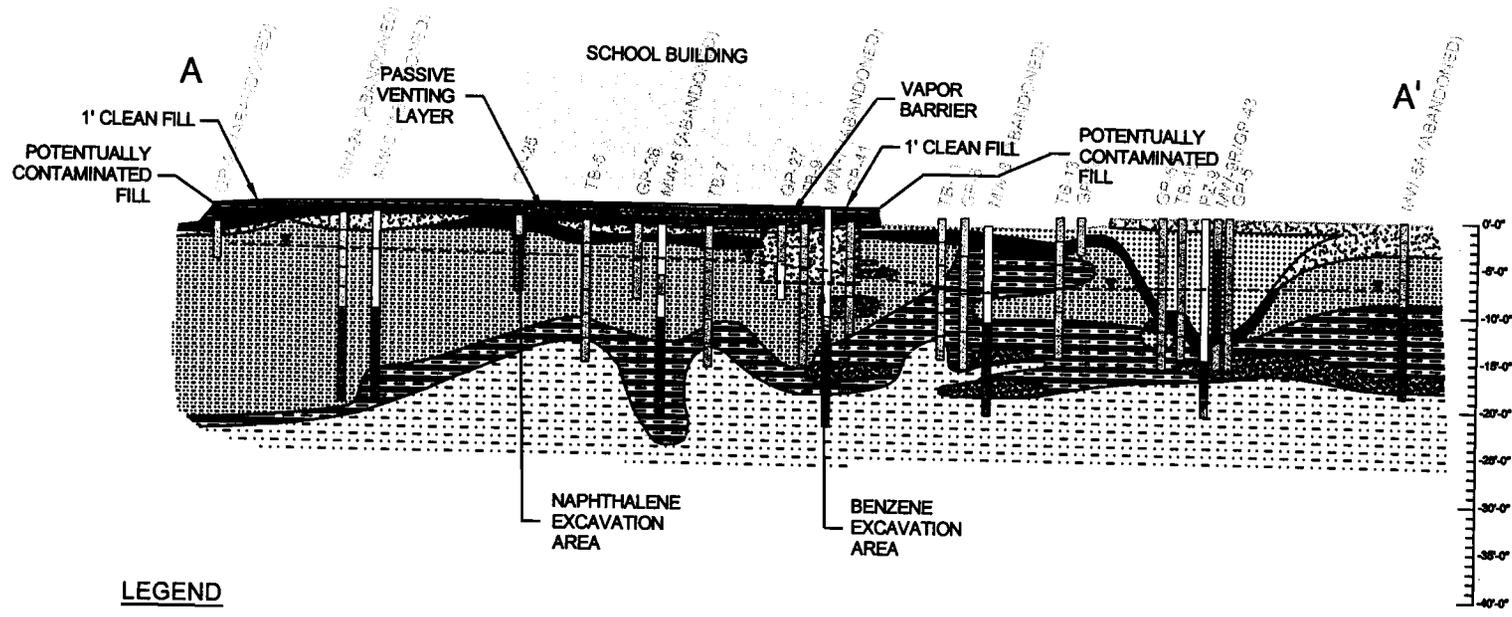
SOIL ORGANIC COMPOUND REGULATORY OR POTENTIAL EXCEEDANCES				
Sample ID	Analyte	Concentration (ug/kg)	RCL Exceeded (ug/kg)	20 x TCLP Limit Exceeded (ug/l)
GP-7 (1-1.8)	Trichloroethene	811	No Standard	
GP-25 (18.8-18)	Trichloroethene	804,000	NA	X (500)
GP-26 (12.8-13)	Trichloroethene	207,200	NA	X (500)
GP-28 (18.8-18)	Trichloroethene	13,800	NA	X (500)
GP-70 (18.8-18)	Trichloroethene	11,700	NA	X (500)
GP-24 (18.8-18)	Trichloroethene	8,370	X (3.7 SSCL GW)	
GP-27 (18.8-18)	Trichloroethene	368	X (3.7 SSCL GW)	
GP-28 (18-17)	Trichloroethene	250	X (3.7 SSCL GW)	
GP-70 (14-14.8)	Trichloroethene	188	X (3.7 SSCL GW)	
GP-13 (1-2)	Trichloroethene	113	X (3.7 SSCL GW)	
GP-55 (18.8-18)	Trichloroethene	88.1	X (3.7 SSCL GW)	
GP-9 (1-3)	Trichloroethene	47	X (3.7 SSCL GW)	
GP-7 (1-1.8)	Trichloroethene	237	X (8.5 GW)	
GP-41 (1-3)	Benzene	600	X (8.5 GW)	
GP-25 (0.8-2)	Naphthalene	1,060	X (400 Ind)	
GP-78 (0.8-4)	Benz(a)Pyrene	371	X (18.8 Non-Ind)	
GP-31 (0.8-1.8)	Benz(a)Pyrene	61.1	X (18.8 Non-Ind)	
GP-2 (0.8-1)	Benz(a)Pyrene	37.3	X (18.8 Non-Ind)	
GP-78 (0.8-1.8)	Benz(a)Pyrene	38	X (18.8 Non-Ind)	
GP-8 (1-2)	Benz(a)Pyrene	27	X (18.8 Non-Ind)	
GP-29 (1-2)	Benz(a)Pyrene	15.4	X (18.8 Non-Ind)	
GP-78 (0.8-4)	Benz(a)Pyrene	12.9	X (18.8 Non-Ind)	
GP-26 (0.8-2)	Benz(a)Pyrene	11.7	X (18.8 Non-Ind)	
GP-28 (0.8-2)	Benz(a)Pyrene	10.5	X (18.8 Non-Ind)	
GP-18 (0.8-1.8)	Dibenz(a,h)Anthracene	1.8	X (18.8 Non-Ind)	
GP-79 (0.8-4)	Dibenz(a,h)Anthracene	17.5	X (18.8 Non-Ind)	
GP-18 (0.8-1.8)	Dibenz(a,h)Anthracene	16	X (18.8 Non-Ind)	
GP-78 (0.8-4)	Benz(a)Anthracene	340	X (88 Non-Ind)	
GP-78 (0.8-4)	Benz(a)Anthracene	291	X (88 Non-Ind)	
GP-78 (0.8-4)	Indeno(1,2,3-cd)Pyrene	288	X (88 Non-Ind)	
GP-41 (0.8-7)	CRU	278,000	X (100,000 CSS)	



16 PRE-CONSTRUCTION SOIL CONTAMINATION DISTRIBUTION SUMMARY
SCALE: 1" = 200'

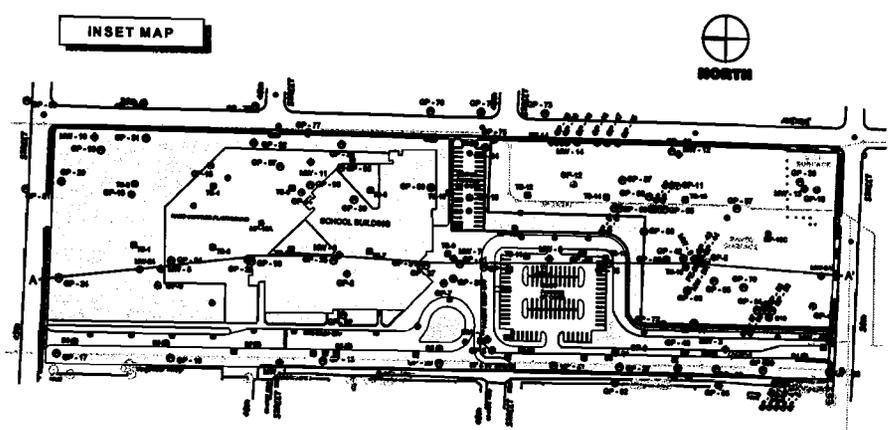
Approved By: **S. CRANLEY** Figure
Date Approved: **3/17/05** **16**
Date Drawn: **3/16/05** 6 of 9
Drawn by: **B. PHY**

ChemReport, Inc.
 INCORPORATED •
 4515 Washington Road
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 800-965-5323
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LEGEND

- FINE SAND
- CLAY OR CLAY W/ SILT
- SILT WITH OR WITHOUT CLAY OR FINE SAND
- FOUNDRY SAND FILL
- TOP SOIL
- CLEAN FILL
- FILL CUT FROM WESTERN PORTION OF SITE
- SAND AND/OR GRAVEL FILL
- SOIL SAMPLING INTERVAL
- WELL SCREEN INTERVAL
- WATER TABLE 5/29/2001
- CONCRETE SURFACE
- ASPHALT SURFACE



POST CONSTRUCTION GEOLOGIC CROSS-SECTION A-A'
MANKOWSKI PROPERTY
 45th STREET & 26th AVENUE
 KENOSHA, WI

D2 POST CONSTRUCTION GEOLOGIC CROSS-SECTION A-A'
 HORIZONTAL SCALE: 1" = 240' - VERTICAL SCALE: 1" = 20'

Approved By: S. CRANLEY	Figure
Date Approved: 3/17/06	D2
Date Drawn: 3/15/06	
Drawn by: B. PHY	2 of 2



KENOSHA UNIFIED SCHOOL DISTRICT NO. 1

EDUCATIONAL SUPPORT CENTER

3600 - 52ND STREET • KENOSHA, WISCONSIN 53144-2697 • PHONE 262-653-6300

www.kusd.edu

April 4, 2005

Ms. Michelle Williams
Hydrogeologist
Wisconsin Department of Natural Resources
P.O. Box 12436
Milwaukee, WI 53212-0436

RE: Edward Bain School of Language & Art
2600 50th Street
Kenosha, Wisconsin 53140
WDNR BRRTS# 06-03-269300
WDNR FID# 230149590
Parcel ID# 09-4-0222-36-134-011

Dear Ms. Williams:

This letter is to certify that to the best of my knowledge the legal description provided in Addendum A of the attached Draft Deed Restriction, for the above referenced site is accurate.

If you have any questions please call Sean Cranley of ChemReport, Inc. at (262) 654-7020. Thank you.

Sincerely,

Patrick M. Finnemore, P.E.
Director of Facilities