

## Source Property Information

CLOSURE DATE: 05/08/2012

**BRRTS #:** 02-41-001161

**ACTIVITY NAME:** HARNISCHFEGER CORP HQ FA \*

**PROPERTY ADDRESS:** 3600 S Lake Dr

**MUNICIPALITY:** St Francis

**PARCEL ID #:** 5439006001

**FID #:** 241828730

**DATCP #:**

**PECFA#:**

**\*WTM COORDINATES:**

X: 694439 Y: 280778

*\* 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)

### CONTINUING OBLIGATIONS

#### Contaminated Media for Residual Contamination:

Groundwater Contamination > ES (236)

Contamination in ROW

Off-Source Contamination

*(note: for list of off-source properties  
see "Impacted Off-Source Property Information,  
Form 4400-246" )*

Soil Contamination > \*RCL or \*\*SSRCL (232)

Contamination in ROW

Off-Source Contamination

*(note: for list of off-source properties  
see "Impacted Off-Source Property Information,  
Form 4400-246" )*

#### Site Specific Obligations:

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)

Direct Contact

Soil to GW Pathway

Vapor Mitigation (226)

Maintain Liability Exemption (230)

*(note: local government unit or economic  
development corporation was directed to  
take a response action )*

#### Monitoring Wells:

Are all monitoring wells properly abandoned per NR 141? (234)

Yes  No  N/A

*\* Residual Contaminant Level*

*\*\*Site Specific Residual Contaminant Level*

This Adobe Fillable form is intended to provide a list of information that is required for evaluation for case closure. It is to be used in conjunction with Form 4400-202, Case Closure Request. The closure of a case means that the Department has determined that no further response is required at that time based on the information that has been submitted to the Department.

**NOTICE: Completion of this form is mandatory** for applications for case closure pursuant to ch. 292, Wis. Stats. and ch. NR 726, Wis. Adm. Code, including cases closed under ch. NR 746 and ch. NR 726. The Department will not consider, or act upon your application, unless all applicable sections are completed on this form and the closure fee and any other applicable fees, required under ch. NR 749, Wis. Adm. Code, Table 1 are included. It is not the Department's intention to use any personally identifiable information from this form for any purpose other than reviewing closure requests and determining the need for additional response action. The Department may provide this information to requesters as required by Wisconsin's Open Records law [ss. 19.31 - 19.39, Wis. Stats.].

BRRTS #:  (No Dashes)      PARCEL ID #:   
ACTIVITY NAME:       WTM COORDINATES: X:  Y:

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

- Closure Letter**
- Maintenance Plan** (if activity is closed with a land use limitation or condition (land use control) under s. 292.12, Wis. Stats.)
- Continuing Obligation Cover Letter** (for property owners affected by residual contamination and/or continuing obligations)
- Conditional Closure Letter**
- Certificate of Completion (COC)** (for VPLE sites)

**SOURCE LEGAL DOCUMENTS**

- Deed:** The most recent deed as well as legal descriptions, for the **Source Property** (where the contamination originated). Deeds for other, off-source (off-site) properties are located in the **Notification** section.  
*Note: If a property has been purchased with a land contract and the purchaser has not yet received a deed, a copy of the land contract which includes the legal description shall be submitted instead of the most recent deed. If the property has been inherited, written documentation of the property transfer should be submitted along with the most recent deed.*
- Certified Survey Map:** A copy of the certified survey map or the relevant section of the recorded plat map for those properties where the legal description in the most recent deed refers to a certified survey map or a recorded plat map. (lots on subdivided or platted property (e.g. lot 2 of xyz subdivision)).  
**Figure #:**                      **Title: CSM 6173**
- Signed Statement:** A statement signed by the Responsible Party (RP), which states that he or she believes that the attached legal description accurately describes the correct contaminated property.

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

Maps must be no larger than 11 x 17 inches unless the map is submitted electronically.

- Location Map:** A map outlining all properties within the contaminated site boundaries on a U.S.G.S. topographic map or plat map in sufficient detail to permit easy location of all parcels. If groundwater standards are exceeded, include the location of all potable wells within 1200 feet of the site.  
*Note: Due to security reasons municipal wells are not identified on GIS Packet maps. However, the locations of these municipal wells must be identified on Case Closure Request maps.*  
**Figure #: 1                      Title: Site Location & Local Topography**
- Detailed Site Map:** A map that shows all relevant features (buildings, roads, individual property boundaries, contaminant sources, utility lines, monitoring wells and potable wells) within the contaminated area. This map is to show the location of all contaminated public streets, and highway and railroad rights-of-way in relation to the source property and in relation to the boundaries of groundwater contamination exceeding a ch. NR 140 Enforcement Standard (ES), and/or in relation to the boundaries of soil contamination exceeding a Residual Contaminant Level (RCL) or a Site Specific Residual Contaminant Levels (SSRCL) as determined under s. NR 720.09, 720.11 and 720.19.  
**Figure #: 2                      Title: Partial Site Plan with Monitoring Well Locations**
- Soil Contamination Contour Map:** For sites closing with residual soil contamination, this map is to show the location of all contaminated soil and a single contour showing the horizontal extent of each area of contiguous residual soil contamination that exceeds a Residual Contaminant Level (RCL) or a Site Specific Residual Contaminant Level (SSRCL) as determined under s. NR 720.09, 720.11 and 720.19.  
**Figure #:**                      **Title:**

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ACTIVITY NAME: HARNISCHFEGER CORP HQ FA \*

**MAPS (continued)**

- Geologic Cross-Section Map:** A map showing the source location and vertical extent of residual soil contamination exceeding a Residual Contaminant Level (RCL) or a Site Specific Residual Contaminant Level (SSRCL). If groundwater contamination exceeds a ch. NR 140 Enforcement Standard (ES) when closure is requested, show the source location and vertical extent, water table and piezometric elevations, and locations and elevations of geologic units, bedrock and confining units, if any.

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

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

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

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

**Figure #: 2** **Title: Extent of Boron Contamination**

- 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 #: 3** **Title: March 22, 2006 Groundwater Flow**

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

**TABLES (meeting the requirements of s. NR 716.15(2)(h)(3))**

Tables must be no larger than 11 x 17 inches unless the table is submitted electronically. Tables must not contain shading and/or cross-hatching. The use of **BOLD** or *ITALICS* is acceptable.

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

**Table #:** **Title:**

- 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 #: 1** **Title: Groundwater Sampling Results**

- 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 #: 1** **Title: Groundwater Sampling Results**

**IMPROPERLY ABANDONED MONITORING WELLS**

For each monitoring well not properly abandoned according to requirements of s. NR 141.25 include the following documents.

**Note:** If the site is being listed on the GIS Registry for only an improperly abandoned monitoring well you will only need to submit the documents in this section for the GIS Registry Packet.

- Not Applicable**

- Site Location Map:** A map showing all surveyed monitoring wells with specific identification of the monitoring wells which have not been properly abandoned.

**Note:** If the applicable monitoring wells are distinctly identified on the Detailed Site Map this Site Location Map is not needed.

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

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

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

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

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ACTIVITY NAME: HARNISCHFEGER CORP HQ FA \*

## NOTIFICATIONS

### Source Property

**Not Applicable**

**Letter To Current Source Property Owner:** If the source property is owned by someone other than the person who is applying for case closure, include a copy of the letter notifying the current owner of the source property that case closure has been requested.

**Return Receipt/Signature Confirmation:** Written proof of date on which confirmation was received for notifying current source property owner.

### Off-Source Property

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

**Not Applicable**

**Letter To "Off-Source" Property Owners:** Copies of all letters sent by the Responsible Party (RP) to owners of properties with groundwater exceeding an Enforcement Standard (ES), and to owners of properties that will be affected by a land use control under s. 292.12, Wis. Stats.

**Note:** Letters sent to off-source properties regarding residual contamination must contain standard provisions in Appendix A of ch. NR 726.

#### Number of "Off-Source" Letters:

**Return Receipt/Signature Confirmation:** Written proof of date on which confirmation was received for notifying any off-source property owner.

**Deed of "Off-Source" Property:** The most recent deed(s) as well as legal descriptions, for all affected deeded **off-source** property(ies). This does not apply to right-of-ways.

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

**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:**

**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:



May 8, 2012

John Rogaczweski  
Stark Investments  
3600 South Lake Drive  
St. Francis, WI 53235

KEEP THIS DOCUMENT WITH YOUR PROPERTY RECORDS

SUBJECT: Final Case Closure with Continuing Obligations, former Harnischfeger Corporation Headquarters Flyash Site, 3600 South Lake Drive, St. Francis, file reference BRRTS #0241001161, FID #241828730.

Dear Mr. Rogaczweski:

The Wisconsin Department of Natural Resources (WDNR) considers the former Harnischfeger Corporation Headquarters case closed, with continuing obligations. No further investigation or remediation is required at this time. However, you and future property owners must comply with the continuing obligations as explained in the conditions of closure in this letter. Please read over this letter closely to ensure that you comply with all conditions and other on-going requirements. Provide this letter and any attached maintenance plan to anyone who purchases this property from you.

This final closure decision is based on the correspondence and data that your consultant provided, and is issued under ch. NR 726, Wisconsin Administrative Code. The Southeast Region Closure Committee reviewed your request for closure on July 6, 2011. The Closure Committee reviews environmental remediation cases for compliance with state laws and standards to maintain consistency in the closure of these cases. A conditional closure letter was issued by the WDNR on July 25<sup>th</sup>, 2011, and documentation that the conditions in that letter were met, specifically well abandonment, was received on December 11, 2011.

The flyash contamination at this case was addressed by capping the site as part of development and construction of the former Harnischfeger Corporation Headquarters, then by monitoring the groundwater chemistry at the site. The WDNR granted an exemption to build on a waste site prior to the construction of the facility. The conditions of this closure and continuing obligations required are based on the property being used for commercial/industrial purposes.

Continuing Obligations

The continuing obligations for this site are summarized below. Further details on actions required are found in the section Closure Conditions.

- Pavement, and building foundation must be maintained over waste fill and the DNR must approve any changes to this barrier.
- Before the land use may be changed from commercial/industrial to non-industrial, additional environmental work must be completed.

BRRTS #0241001161, May 8, 2012

#### GIS Registry

This site will be listed on the Remediation and Redevelopment Program's internet accessible Geographic Information System (GIS) Registry, to provide notice of residual contamination and of any continuing obligations. DNR approval prior to well construction or reconstruction is required for all sites shown on the GIS Registry, in accordance with s. NR 812.09(4) (w), Wis. Adm. Code. To obtain approval, complete and submit Form 3300-254 to the DNR Drinking and Groundwater program's regional water supply specialist. This form can be obtained on-line at <http://dnr.wi.gov/org/water/dwg/3300254.pdf> or at the web address listed below for the GIS Registry.

All site information is also on file at the Southeast Regional WDNR office, at 2300 N. Dr. Martin Luther King Jr. Drive, Milwaukee. This letter and information that was submitted with your closure request application, including the maintenance plan, will be included on the GIS Registry in a PDF attachment. 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>.

#### Prohibited Activities

Certain activities are prohibited at closed sites because maintenance of a barrier is intended to prevent contact with any remaining contamination and to protect the groundwater from infiltration of contaminants. You or future owners must notify the WDNR before making a change, in order to determine if further action is needed to maintain the protectiveness of the remedy employed. The following activities are prohibited on any portion of the property where pavement or building foundation currently is required, as shown on the attached cap maintenance plan map, unless prior written approval has been obtained from the WDNR:

- Removal of the existing barrier;
- Replacement with another barrier;
- Excavating or grading of the land surface;
- Filling on covered or paved areas;
- Plowing for agricultural cultivation;
- Construction or placement of a building or other structure;
- Changing the use or occupancy of the property to a residential exposure setting, which may include certain uses, such as single or multiple family residences, a school, day care, senior center, hospital, or similar residential exposure settings.

#### Closure Conditions

Compliance with the requirements of this letter is a responsibility to which you and any subsequent property owners must adhere. WDNR staff will conduct periodic prearranged inspections to ensure that the conditions included in this letter and the attached maintenance plans are met. If these requirements are not followed, the WDNR 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.

#### Residual Groundwater Contamination (ch. NR 140, 812, Wis. Adm. Code)

Groundwater contamination greater than enforcement standard for boron is present at the former MW-12 location on this property, as shown on the attached map. If you intend to construct a new well, or reconstruct an existing well, you'll need prior WDNR approval.

#### Cover or Barrier (s. 292.12 (2) (a), Wis. Stats.)

The pavement and building foundation that exists in the location shown on the attached map shall be maintained in compliance with the attached maintenance plan in order to minimize the infiltration of water and prevent additional groundwater contamination that would violate the groundwater quality standards in ch. NR 140, Wis.

BRRTS #0241001161, May 8, 2012

Adm. Code, and to prevent direct contact with residual flyash waste fill that might otherwise pose a threat to human health. A cover or barrier for commercial/industrial land uses, or certain types of commercial land uses may not be protective if use of the property were to change such that a residential exposure would apply. This may include, but is not limited to single or multiple family residences, a school, day care, senior center, hospital or similar settings. Before using the property for such purposes, you must notify the DNR to determine if additional response actions are warranted.

A request may be made to modify or replace a cover or barrier. The replacement or modified cover or barrier must be protective of the revised use of the property, and must be approved in writing by the WDNR prior to implementation. The attached maintenance plan and inspection log are to be kept up-to-date and on-site. Submit the inspection log only on WDNR request.

#### Dewatering Permits

The WDNR's Watershed Management Program regulates point source discharges of contaminated water, including discharges to surface waters, storm sewers, pits or to the ground surface. This includes discharges from construction related dewatering activities, including utility and building construction.

Based on the concentrations of contaminants remaining in groundwater at this location, it appears likely that dewatering activities would require a permit from the Watershed Management Program. If you or any other person plan to conduct such activities, you or that person must contact that program, and if necessary, apply for the necessary discharge permit. Additional information regarding discharge permits is available at <http://www.dnr.state.wi.us/org/water/wm/vw/>.

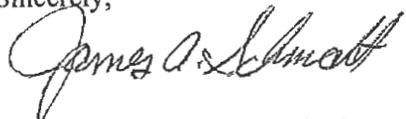
The following WDNR fact sheet, "Continuing Obligations for Environmental Protection", RR-819, was included with this letter, to help explain a property owner's responsibility for continuing obligations on their property. If the fact sheet is lost, you may obtain a copy at <http://dnr.wi.gov/org/aw/rr/archives/pubs/RR819.pdf>.

Please send written notifications in accordance with the above requirements to Vicky Stovall, Remediation and Redevelopment Program Associate, 2300 N. Dr. Martin Luther King Jr. Dr., Milwaukee, WI 53212.

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.

The WDNR 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 John Feeny at 920-892-8756 extension 3023.

Sincerely,



James Schmidt, Hydrogeologist Supervisor  
Southeast Region Remediation & Redevelopment Program

Attachments:

BRRTS #0241001161, May 8, 2012

- remaining groundwater contamination map
- extent of cap map
- maintenance plan

cc: Environ  
SER File

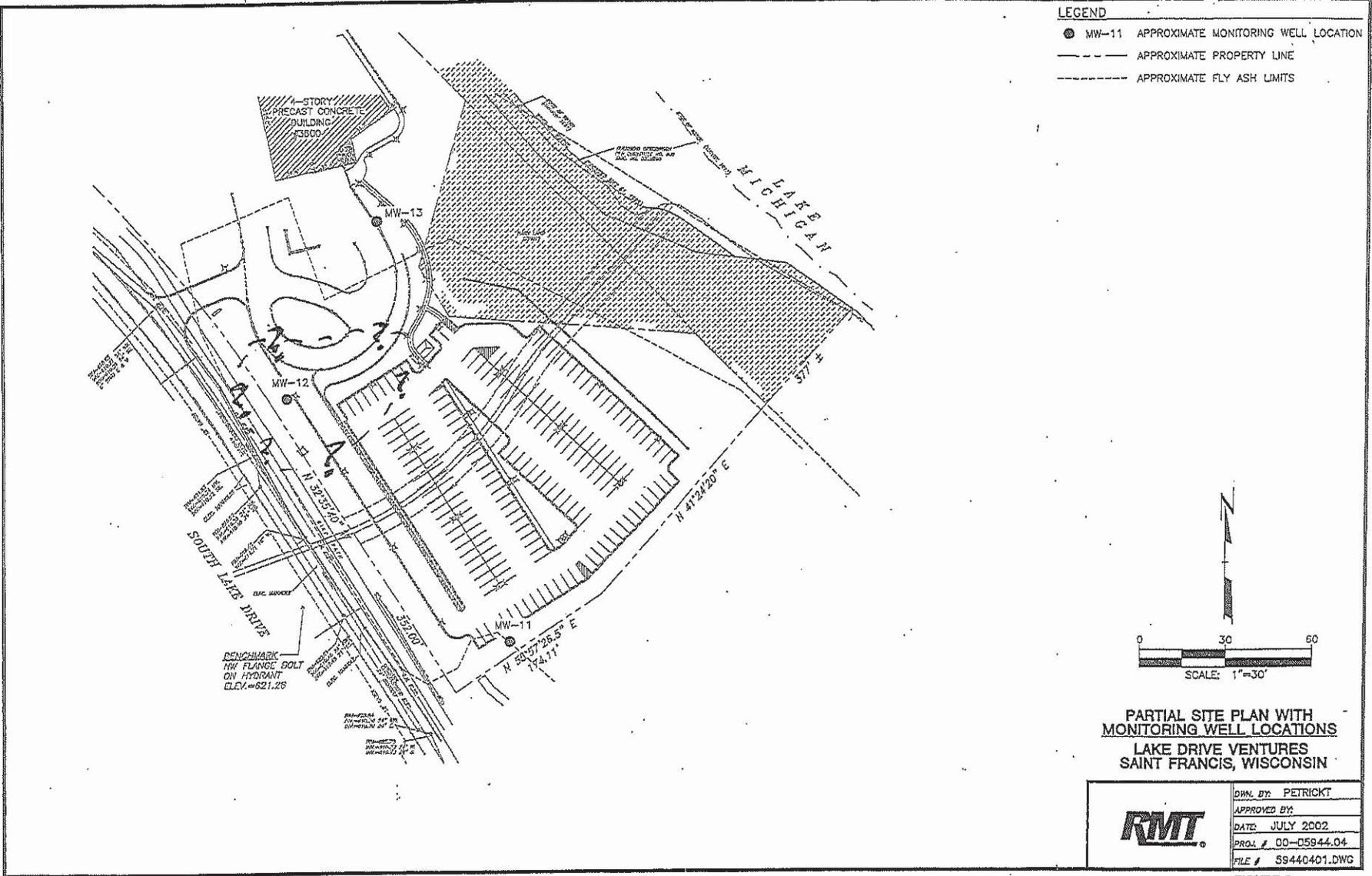


FIGURE 2

- - - Extent of boron contamination 7 E.S.

Pavement and Landscaping Cover Maintenance Plan  
March 2009

Former Harnischfeger Corporation Headquarters Flyash Site  
3600 South Lake Drive, St. Francis, Wisconsin

FID #241828730, BRRTS #0241001161

Tax Key Numbers: 543-9006 and 543-9007

Parcels 1 and 2 of Certified Survey Map No. 6173, recorded December 4, 1995, on Reel 3684, Image 588, as Document No. 7157661, being a subdivision of Lot 1, Lot 2, and Lot 3 of Certified Survey Map No. 5235, being part of the NE  $\frac{1}{4}$  of the SW  $\frac{1}{4}$  and the NW  $\frac{1}{4}$  of the SE  $\frac{1}{4}$  of Sec. 14, T 6 N, R 22 E, in the City of St. Francis, County of Milwaukee, State of Wisconsin.

### Introduction

This document is the Maintenance Plan for a pavement and landscaping cover at the above referenced property in accordance with the requirements of s. NR 724.13(2), Wisconsin Administrative Code. The maintenance activities relate to the landscaping and paved surfaces occupying the area over the fly ash fill areas on site. The location of the landscaped areas and paved surfaces to be maintained in accordance with this Maintenance Plan, as well as the fly ash fill areas, are identified in the attached map (Exhibit A).

### Cover Purpose

The landscaping and paved surfaces over the fly ash fill areas serve as a barrier to prevent direct human contact with residual contamination that might otherwise pose a threat to human health. The landscaping and paved surfaces also act as a partial infiltration barrier to minimize potential future soil-to-groundwater contamination migration that would violate the groundwater standards in Ch. NR 140, Wisconsin Administrative Code. Based on the current and future use of the property, the barrier should function as intended unless disturbed.

### Annual Inspection

The paved surfaces and landscaping overlying the fly ash fill areas, as depicted in Exhibit A, will be inspected once a year, normally in the spring or summer after all snow and ice is gone, for deterioration, cracks, and other potential problems that can cause additional infiltration into and/or exposure to underlying fill materials. The inspections will be performed to evaluate damage due to settling, exposure to the weather, wear from traffic, increasing age and other factors. Any area where fill materials have become or are likely to become exposed will be documented. A log of the inspections and any repairs will be maintained by the property owner and is included as Exhibit B, Cap Inspection Log. The log will include recommendations for necessary repair of any areas where underlying fill materials are exposed. Once repairs are completed, they will be documented in the inspection log. A copy of the inspection log will be sent to the Wisconsin Department of Natural Resources (WDNR) at least annually after every inspection, unless otherwise directed in the case closure letter.

### **Maintenance Activities**

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

In the event the landscaping and/or paved surfaces overlying the fly ash fill areas are removed or replaced, the replacement barrier must be equally impervious. Any replacement barrier will be subject to the same maintenance and inspection guidelines as outlined in this Maintenance Plan unless indicated otherwise by the WDNR or its successor. The property owner, in order to maintain the integrity of the paved surfaces and/or the landscaping, will maintain a copy of this Maintenance Plan on site and make it available to interested parties (*e.g.*, on-site employees, contractors, future property owners, etc.) for viewing.

### **Amendment or Withdrawal of Maintenance Plan**

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

### **Contact Information (as of February 2009)**

#### *Site Owner and Operator*

Stark Investments  
Attn: John Rogaczewski - Facilities Manager  
3600 South Lake Drive  
St. Francis, WI 53235-3716  
Phone: 414-294-7554

#### *Consultant*

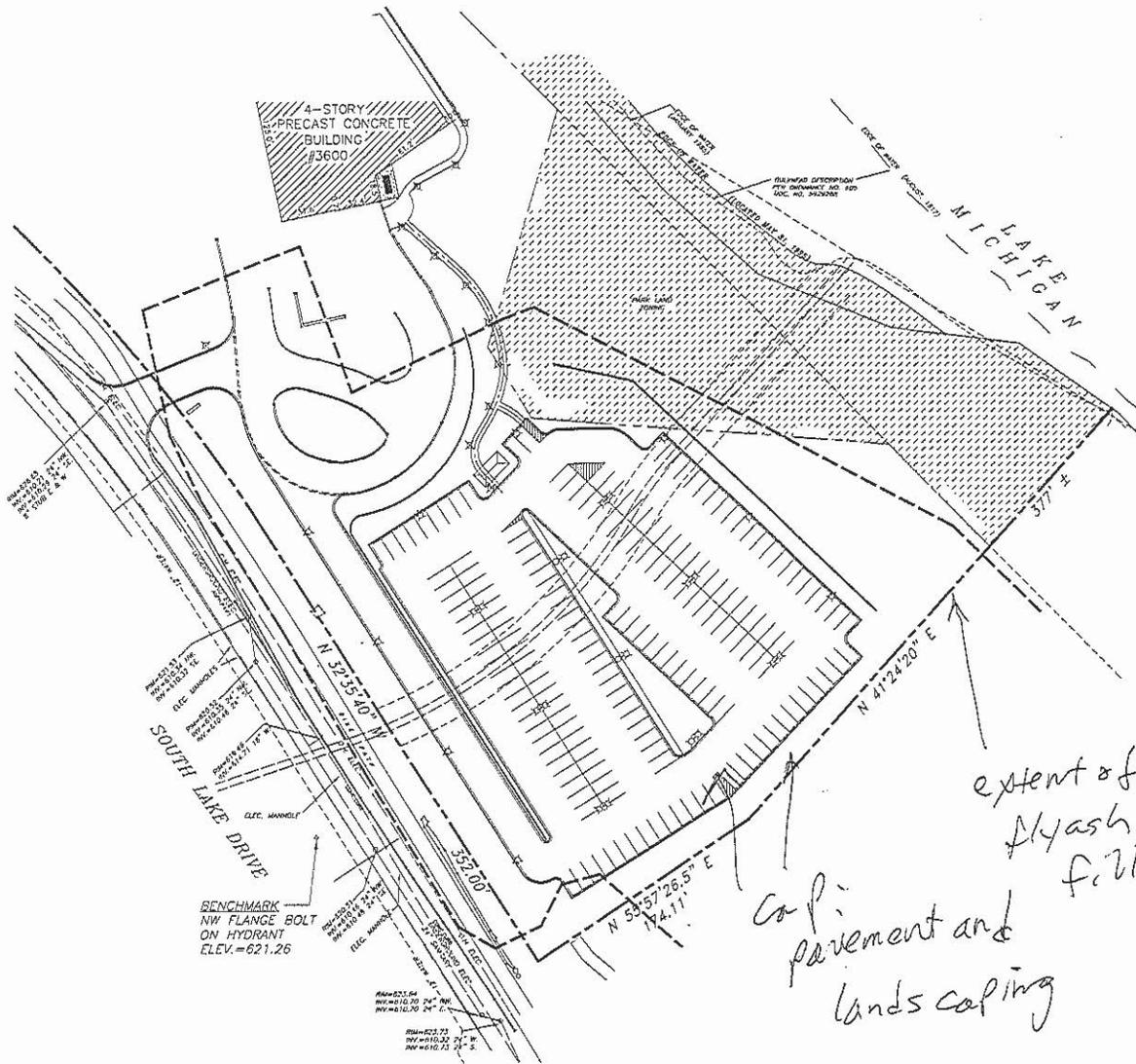
RMT, Inc.  
Jim Hutchens  
150 North Patrick Blvd., Suite 180  
Brookfield, WI 53045-5854  
Phone: 262-879-1212

#### *WDNR*

John Feeney  
Wisconsin Department of Natural Resources  
1155 Pilgrim Road/P.O. Box 408  
Plymouth, WI 53073  
Phone: 920-892-8756

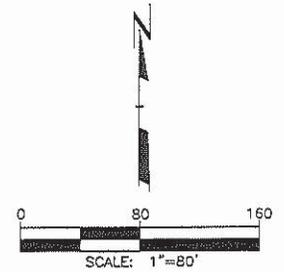
LEGEND

- APPROXIMATE PROPERTY LINE
- - - - - APPROXIMATE FLY ASH LIMITS



*Cap: pavement and landscaping*

*extent of flyash fill*



*Cap Map*

**SITE MAP**  
**FORMER HARNISCHFEGGER CORPORATION**  
**SAINT FRANCIS, WISCONSIN**

<b>RMT</b>	DWN. BY: TCP
	APPROVED BY:
	DATE: 2/19/09
	PROJ. # 00-05944.05
FILE # Exhibit A.DWG	

Exhibit A

**EXHIBIT B  
BARRIER INSPECTION LOG**

**Date of Inspection:**

**Name of Inspector:**

**Condition of Capped Areas:** Review Exhibit A - Site Map for inspection locations.  
Attach photos or additional materials as appropriate.

**Driveways and Sidewalks:**

**Parking Lot:**

**Landscaped Areas:**

**Recommendations or Repairs Needed:**

**Date Repairs Completed:**

State of Wisconsin  
DEPARTMENT OF NATURAL RESOURCES  
Plymouth Service Center  
1155 Pilgrim Rd.  
Plymouth WI 53073

Scott Walker, Governor  
Cathy Stepp, Secretary  
John Hammen, Acting Regional Director  
Telephone 920-892-8756  
FAX 920-892-6638  
TTY Access via relay - 711



July 25, 2011

Robert DiDonato  
Harnischfeger Corporation  
3600 South Lake Drive  
St. Francis, WI 53235

Dear Mr. DiDonato:

Subject: Conditional case closure pending well abandonment, Harnischfeger Corporation Headquarters Flyash Site, 3600 South Lake Drive, St. Francis, file reference FID # 241828730, BRRTS #0241001161.

Thank you for having your consultant submit additional information regarding your case. Please have your consultant abandon the monitoring wells at the site, and submit the abandonment documentation to me. After I get the forms, I will send you a final closure letter and have our program assistant record this case as having final closure on our database.

If you have any questions about this letter, please call me at 920-892-8756, extension 3023.

Sincerely,

A handwritten signature in black ink, appearing to read 'John Feeny'.

John Feeny  
Wisconsin Department of Natural Resources

Cc: ~~RMT~~  
SER File

AMENDMENT TO AGREEMENT

Document Number

Document Title

WHEREAS the City of St. Francis and Harnischfeger Industries, Inc. entered into a Planned Development Agreement recorded in the office of the Register of Deeds of Milwaukee County on December 7, 1995 in Reel 3687, images 1150 to 1154, inclusive as Document No. 7159660, and

WHEREAS Lake Drive Ventures LLC is the successor in interest to Harnischfeger Industries, Inc. to such land and desires to make certain changes to the aforementioned Planned Development Agreement.

NOW, THEREFORE, IT IS HEREBY AGREED, by and between the parties hereto as follows:

1) BUILDING STRUCTURE CHANGES. Lake Drive Ventures LLC may alter the structure and appearance of the building already in place by increasing the amount of roof line that is covered and shielded with materials consistent with the existing makeup of the building to accommodate additional air conditioning units. Further, an adjacent structure to accommodate a generator may be constructed on the South end of the building near the garage entrance. Final approval is subject to plans being submitted and approved by the Building Inspector. Further, the color and appearance shall be maintained in the same manner as initially installed.

2) PARKING LOT. Stark Investments, Inc. may construct an additional surface parking lot South of the existing structure. Such shall accommodate no more than 180 vehicles. It shall be hard surfaced with concrete or asphalt in a depth acceptable to the City Engineer. A construction erosion control plan shall be submitted and approved prior to construction. Owner is aware that all plans need not only approval of the City Plan Commission, but also the City Aesthetic Control Board. Owner shall also maintain proper erosion control practices, such as annual cleaning of storm sewer sumps, catch basins and sweeping of hard surface areas in accordance with the "Best Management Practices". All requirements placed on the City by the State of Wisconsin by NR 216, Wisconsin Administrative Code shall apply to Stark Investments, Inc. for this and all parking lots on this parcel. In the event Owner fails to comply with this paragraph, City may require Owner to post a performance bond, good for a period of five (5) years to insure compliance. If Owner is not in compliance, City may enter the property and charge the cost of compliance against such bond. A landscaping and lighting plan shall be submitted and approved by the City Engineer prior to construction. Such shall be maintained in the same manner as in the original plan.

3) LOTS TO BE COMBINED. Owner shall combine all lots into one lot and tax parcel number. Owner shall not be permitted to use or occupy the building, and no occupancy permit shall be issued until such is accomplished.

4) REMAINDER OF AGREEMENT BINDING. All other portions of the original agreement, cited above, shall remain in full force and effect, except as modified herein.

The Real Estate subject to this agreement is legally described as:

7

0326131

REGISTER'S OFFICE | SS  
Milwaukee County, WI

RECORDED AT 8:54 AM

08-06-2002

IGNATIUS J. NIEMCZYK  
REGISTER OF DEEDS

AMOUNT 13.00

REEL 5385

IMAGE

0662

Recording Area

Name and Return Address

Staats & Staats  
P.O. Box 100288  
Cudahy, WI 53110

543-9006  
543-9007

Parcel Identification Number(PIN)

I believe, to the best of my knowledge, that the attached legal description covers the property owned by Lake Drive Ventures covered by this request for closure.

Name: \_\_\_\_\_

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

Date: \_\_\_\_\_

Parcels 1 and 2 of Certified Survey Map No. 6173, recorded December 5, 1995 as Document No. 7157661 in the Office of the Register of Deeds of Milwaukee County, being part of the Northeast 1/4 of the Southwest 1/4 and the Northwest 1/4 of the Southeast 1/4 of Section 14, Township 6 North, Range 22 East in the City of St. Francis, Milwaukee County, Wisconsin

Dated this 25 day of July, 2002.

City of St. Francis

By: Lawrence J. Burazin  
Lawrence J. Burazin, Mayor

By: Anne B. Uecker  
Anne B. Uecker, CMC, City Clerk

Lake Drive Ventures LLC

By: Brian Stark

By: Michael A. Roth

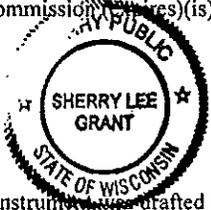
REEL 5385

**ACKNOWLEDGMENT**

Personally came before me this 25 day of July, 2002, the above named Lawrence J. Burazin and Anne B. Uecker, to me known to be the persons who executed this document, and I hereby acknowledge the same.

Sherry Lee Grant  
(signature)  
Sherry Lee Grant  
(typed or printed name)

Notary Public, Wisconsin  
My commission expires (is) 9/8/05



This instrument was drafted by:  
Attorney Richard H. Staats

**STAATS & STAATS**  
Attorneys at Law  
4702 S. Packard Ave.  
P.O. Box 100288  
Cudahy, WI 53110  
414-744-2900

**ACKNOWLEDGMENT**

Personally came before me this 18<sup>th</sup> day of July, 2002, the above named Brian Stark and Michael A. Roth to me personally known to be the persons who executed the above and acknowledge the same.

Karen A. O'Leske  
(signature)  
Karen A. O'Leske  
(typed or printed name)

Notary Public, Wisconsin  
My commission expires (is) April 11, 2004



**FIRST DRAFT 5/23/2002**  
**SECOND DRAFT 7/1/2002**

IMAGE 0663

8271794

WARRANTY DEED

REGISTER'S OFFICE | SS  
Milwaukee County, WI  
RECORDED AT 9:31 AM  
04-29-2002

WALTER R. BARCZAK  
REGISTER OF DEEDS

AMOUNT 17.00

Recording Area

Name and Return Address:

Warren S. Blumenthal, Esq.  
Quarles & Brady LLP  
411 B. Wisconsin Avenue  
Milwaukee WI 53202

PIN: 543-9006 & 543-9007

REEL 5316  
IMAGE 0938

Document Number

Document Title

South Shore Corporation, a Wisconsin corporation ("Grantor"), for valuable consideration, conveys and warrants to Lake Drive Ventures, LLC, a Wisconsin limited liability company ("Grantee"), the real estate in Milwaukee County, Wisconsin described as follows (the "Property"):

See Exhibit A attached hereto.

Together with all appurtenant rights, title and interest.

Grantor warrants that the title to the Property is good, indefeasible in fee simple and clear of encumbrances except for those items listed on Exhibit B attached hereto and will warrant and defend the same.

Dated this 25th day of April, 2002.

TRANSFER  
\$17,400.00  
FEE

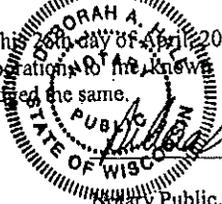
South Shore Corporation

By: *Kenneth J. Stark*  
Kenneth J. Stark, Treasurer

ACKNOWLEDGEMENT

STATE OF WISCONSIN )  
 ) ss.  
COUNTY OF MILWAUKEE )

Personally came before me this 25th day of April, 2002, the above named Kenneth J. Stark, as Treasurer of South Shore Corporation and he knows to be the persons who executed the foregoing instrument and acknowledged the same.



*Deborah A. Hill*  
Notary Public, State of Wisconsin  
My Commission: 2-08-04

This document was drafted by:  
Hal Karas  
Michael Best & Friedrich LLP

4

EXHIBIT A

Legal Description of the Real Property

Parcels 1 and 2 of Certified Survey Map No. 6173, recorded December 4, 1995 on Reel 3684, Image 588, as Document No. 7157661, being a redivision of Lot 1, Lot 2 and Lot 3 of Certified Survey Map No. 5235, being a part of the NE ¼ of the SW ¼ and the Northwest ¼ of the SE ¼ of Sec. 14, T 6 N, R 22 E, in the City of St. Francis, County of Milwaukee, State of Wisconsin.

Tax Key Nos. 543-9006 and 543-9007

ADDRESS: 3600 - 3630 S. Lake Drive

REEL 5316

IMAGE 0939

EXHIBIT B

Permitted Exceptions

1. Municipal and Zoning ordinances.
2. Special taxes or assessments, if any, payable with the taxes levied or to be levied for subsequent years.
3. General taxes for the year 2002.
4. An Ordinance to Establish a Bulkhead Line along the Shore of Lake Michigan Adjacent to Certain Lands, adopted April 2, 1985 and recorded June 25, 1986 on Reel 1905, Image 383 as Document No. 5929268.
5. Storm Sewer Easement, Temporary Drainage Easement entered into by and between St. Francis Joint Venture, a Wisconsin Joint Venture, St. Francis Lakeside Group, an Illinois Limited Partnership, and The City of St. Francis, dated February 20, 1989 and recorded February 21, 1989 on Reel 2305, Image 765 as Document No. 6254228.
6. Ingress and Egress and Utility Easement granted by St. Francis Joint Venture and St. Francis Lakeside Group, dated February 20, 1989 and recorded February 21, 1989 on Reel 2305, Image 776 as Document No. 6254229.
7. Milwaukee County Shore Rehabilitation Installation Permit, dated June 4, 1986 and recorded January 26, 1994 on Reel 3211, Image 1408 as Document No. 6896573.
8. Public rights of the United States, the State of Wisconsin or the City or County or any of their agencies in respect to the portion of the described premises constituting the bed or the waters of the Milwaukee River or the banks, shores, dock lines, wharves, piers, protection walls, bulkheads or other structures relating thereto.
9. Rights of the public in any portion of the subject premises lying below the ordinary highwater mark of Lake Michigan.
10. Planned Development Agreement executed by the City of St. Francis, dated October 9, 1995 and recorded December 7, 1995 on Reel 3687, Image 1150, as Document No. 7159660; as amended by Affidavit recorded August 23, 1999, Reel 4632, Image 108, as Document No. 7791916.
11. Easement made by and between Wisconsin Electric Power Company and City of St. Francis recorded as Document No. 4852726.

REEL 5316  
IMAGE 0910

12. Unrecorded easement for bicycle path depicted on the survey of National Survey & Engineering, Inc., dated January 11, 2002.
13. Easements set forth in Easement and Certificate of Compensation dated September 15, 1983, recorded on November 4, 1983, in Reel 1583, Image 503, as Document No. 5667755.
14. Utility Easement granted to Wisconsin Electric Power Company, dated May 25, 1995, recorded on May 26, 1995, Reel 3552, Image 1087, recorded as Document No. 7086197.
15. 30' Storm Water Easement as set forth on Certified Survey Map No. 6173, recorded on December 4, 1995, on Reel 3684, Image 589 to 592, as Document No. 7157661.
16. Rights of utility companies to maintain the electric transformer set forth on the Plat of Survey prepared by National Survey & Engineering, Inc. under date of January 11, 2002.

T:\CLIENTA\043102\0154\A0366005.2

REEL 5316

IMAGE 0941

# CERTIFIED SURVEY MAP NO. 6173

CITY NO. 2-95

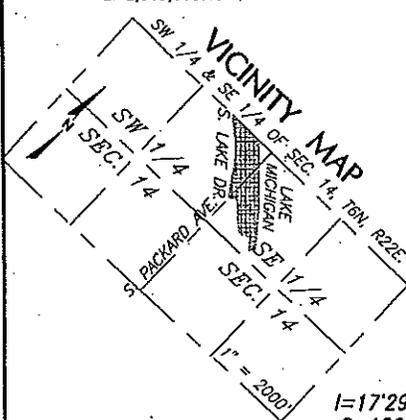
BEING A REDIVISION OF LOT 1, LOT 2 AND LOT 3 OF CERTIFIED SURVEY MAP NO. 5235, BEING A PART OF THE NE 1/4 OF THE SW 1/4, AND THE NW 1/4 OF THE SE 1/4 OF SEC. 14, T 6 N, R 22 E. IN THE CITY OF ST. FRANCIS, MILWAUKEE COUNTY, WISCONSIN.

SEE PAGE 2 FOR EASEMENT INFORMATION

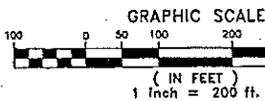
CURVE INTERIOR ANGLE

Curve No.	Interior Angle
1	40°49'43"
2	133°46'19"
3	175°23'16"
4	171°39'21"
5	90°22'04"
6	98°00'00"
7	257°30'00"
8	110°00'00"
9	255°00'00"
10	90°00'00"
11	188°44'38.5"
12	188°44'38.5"

CONC. MON. WITH BRASS CAP  
NW COR. OF THE SW 1/4  
SEC. 14, T 6 N, R 22 E.  
N: 364,784.42  
E: 2,569,999.45

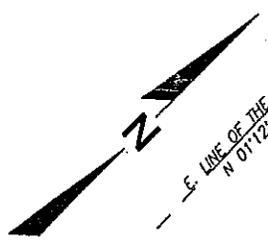


$I=17'29'17''$   
 $R=1205.92$   
 $LC=366.65$   
 $CB=N 41'20'18'' W$



ALL DIMENSIONS SHOWN ARE MEASURED TO THE NEAREST HUNDREDTH OF A FOOT. ALL BEARINGS SHOWN ARE REFERENCED TO GRID NORTH, WISCONSIN STATE PLANE, COORDINATE SYSTEM, SOUTH ZONE.

○ INDICATES 1" FOUND PIPE  
● INDICATES 1" SET PIPE, 24" LONG, WEIGHT 1.68 LBS. PER LINEAL FOOT.



CONC. MON. WITH BRASS CAP  
SE COR. OF THE SW 1/4  
SEC. 14, T 6 N, R 22 E.  
N: 362,208.67  
E: 2,572,690.94

NSE NO. 156617 SPCS02L2H

**national survey & engineering**

4125 north 124th street • brookfield, wisconsin, 53008-0444  
phone 414/781-1000 • fax 414/781-8456 • data 414/781-0514

LOT 4  
C.S.M. NO. 5235

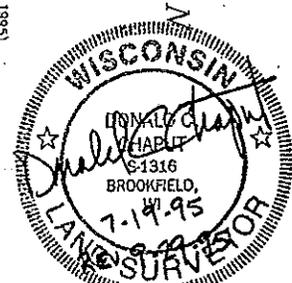
PARCEL 1  
5.43 ACRES ±  
(TO SHORE LINE)  
218,394 S.F.  
5,0136 ACRES  
(TO MEANDER LINE)

PARCEL 2  
3.09 ACRES ±  
(TO SHORE LINE)  
105,383 S.F.  
2,4193 ACRES  
(TO MEANDER LINE)

PARCEL 3  
6.51 ACRES ±  
(TO SHORE LINE)  
179,406 S.F.  
4,1186 ACRES  
(TO MEANDER LINE)

CONC. MON. WITH BRASS CAP  
MEANDER CORNER FOR  
THE NORTH LINE OF THE  
SW 1/4 OF SEC. 14  
T 6 N, R 22 E.  
N: 364,822.55  
E: 2,572,396.86

CONC. MON. WITH BRASS CAP  
MEANDER CORNER FOR  
THE EAST LINE OF THE  
SW 1/4 OF SEC. 14  
T 6 N, R 22 E.  
N: 364,363.40  
E: 2,572,645.68







CERTIFIED SURVEY MAP NO. 6173  
CITY NO. 2-95

Being a redivision of Lot 1, Lot 2 and Lot 3 of Certified Survey Map No. 5235, being a part of the Northeast 1/4 of the Southwest 1/4 and the Northwest 1/4 of the Southeast 1/4 of Section 14, Township 6 North, Range 22 East, in the City of St. Francis, Milwaukee County, Wisconsin.

WITNESS the hands and seals of Michael James, Manager of ~~xxx~~  
Property Management on behalf of WISCONSIN ELECTRIC POWER COMPANY,  
this 12th day of October, 1995.

In the presence of:

WISCONSIN ELECTRIC POWER COMPANY

Michael James  
Michael James  
Manager of Property Management

STATE OF WISCONSIN }  
                                  } :SS  
Milwaukee COUNTY }

PERSONALLY came before me this 12th day of October, 1995,  
the above named Michael James, Manager of Property Management  
on behalf of WISCONSIN ELECTRIC POWER COMPANY, to me known to be the persons who  
executed the foregoing instrument and acknowledged the same.



James T. Raabe (SEAL)  
Notary Public, State of Wisconsin, James T. Raabe  
My commission expires 7/20/97  
My commission is permanent.

PLANNING COMMISSION APPROVAL

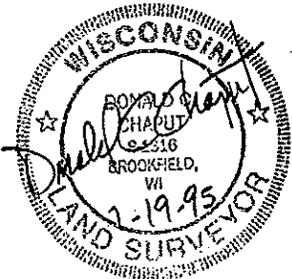
APPROVED by the Planning Commission of the City of St. Francis on this 28th day of  
August, 1995.

Milton Vretenar  
MILTON VRETENAR, MAYOR  
Jack Schultz  
JACK SCHULTZ, SECRETARY

COMMON COUNCIL APPROVAL

APPROVED by the Common Council of the City of St. Francis on this 19th day of  
September, 1995, in accordance with Resolution No. 2069

Milton Vretenar  
MILTON VRETENAR, MAYOR  
Anne B. Uecker  
ANNE B. UECKER, CITY CLERK



THIS INSTRUMENT WAS DRAFTED BY DONALD C. CHAPUT,  
REGISTERED LAND SURVEYOR S-1316



Former Harnischfeger Industries, Inc. Site  
3600 South Lake Drive, St. Francis, WI

FID #241828730  
WDNR Activity #02-41-001161

Parcel Identification Numbers – Milwaukee County 543-9006 and 543-9007

Geographic Position – WTM83/91 E 694439 N 208778 (taken from WDNR GIS Registry Website)

Certification of Legal Descriptions

Former Harnischfeger Industries Site  
FID #241828730  
WDNR Activity No. 02-41-001161

Tax Key Numbers: 543-9006 and 543-9007  
Address: 3600-3630 South Lake Drive, St. Francis, Wisconsin

Parcels 1 and 2 of Certified Survey Map No. 6173, recorded December 4, 1995 on Reel 3684, Image 588, as document no. 7157661, being a subdivision of Lot 1, Lot 2, and Lot 3 of Certified Survey Map No. 5235, being part of the NE ¼ of the SW ¼ and the NW ¼ of the SE ¼ pf Sec. 14, T 6 N, R 22 E, in the City of St. Francis, County of Milwaukee, State of Wisconsin.

I, ROBERT DIDWATO, certify that the legal description provided above and in the attached Warranty Deed and Certified Survey Map is complete and to the best of my knowledge.

  
Signature

CHIEF ADMINISTRATION OFFICER  
Title

4.9.07  
Date

## Certification of Legal Descriptions

Former Harnischfeger Industries Site  
FID #241828730  
WDNR Activity No. 02-41-001161

Tax Key Numbers: 543-9006 and 543-9007  
Address: 3600-3630 South Lake Drive, St. Francis, Wisconsin

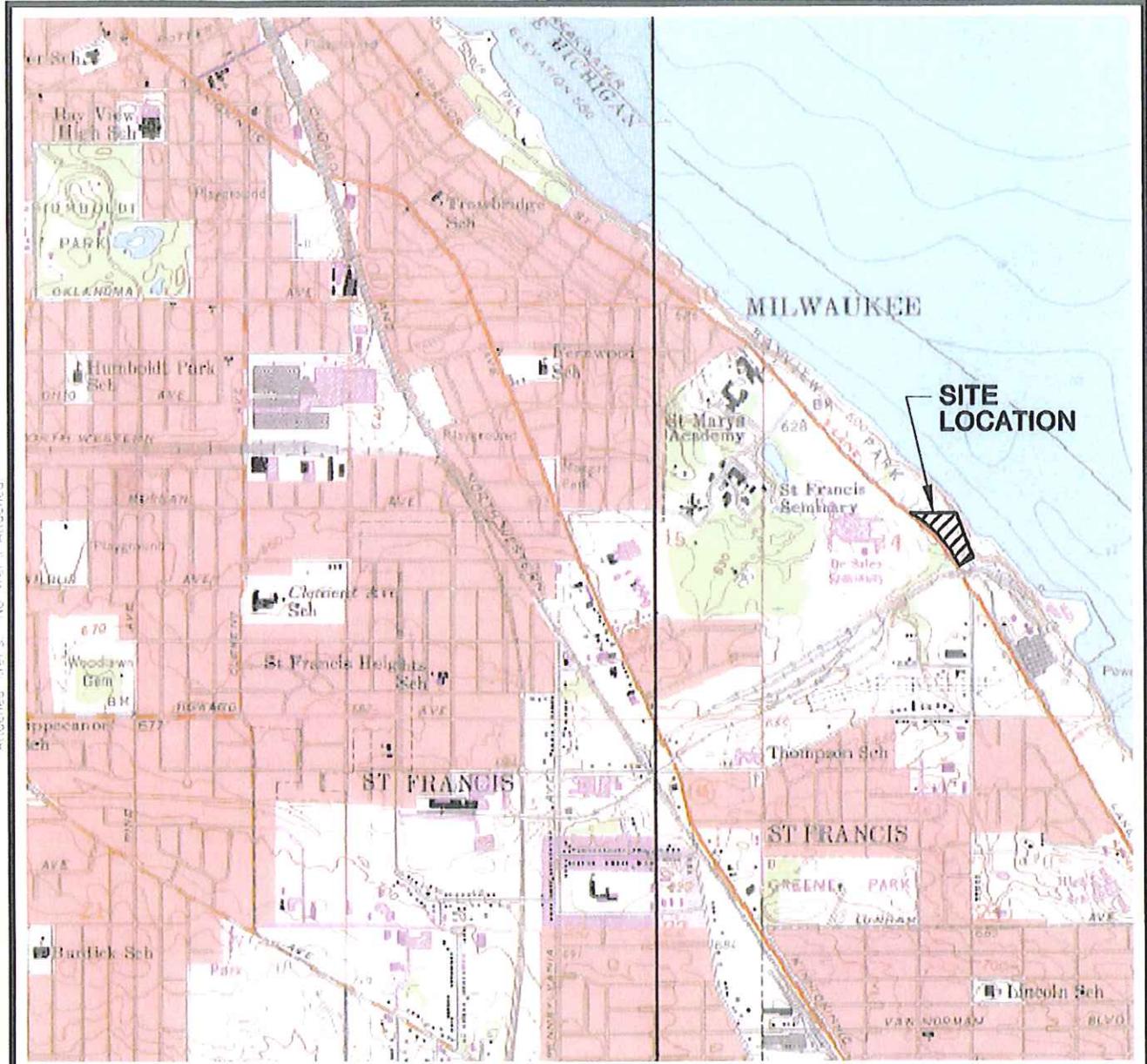
Parcels 1 and 2 of Certified Survey Map No. 6173, recorded December 4, 1995 on Reel 3684, Image 588, as document no. 7157661, being a subdivision of Lot 1, Lot 2, and Lot 3 of Certified Survey Map No. 5235, being part of the NE ¼ of the SW ¼ and the NW ¼ of the SE ¼ pf Sec. 14, T 6 N, R 22 E, in the City of St. Francis, County of Milwaukee, State of Wisconsin.

I, ROBERT DIDonato, certify that the legal description provided above and in the attached Warranty Deed and Certified Survey Map is complete and to the best of my knowledge.

Robert Didonato  
Signature

CHIEF ADMINISTRATION OFFICER  
Title

4.9.07  
Date

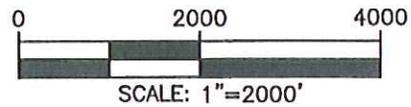


Attached sheets. No sheet's Attached.

\$\$\$SCALESS  
\$\$\$PROJES  
\$\$\$TIMESS



**STATE LOCATION**



**SITE LOCATION &  
AREA TOPOGRAPHY**  
**3600 SOUTH LAKE DRIVE**  
**SAINT FRANCIS, WISCONSIN**

\$\$\$USERS  
\$\$\$PROJES  
\$\$\$TABLESS

SOURCE: BASE MAP FROM SOUTH MILWAUKEE, WI  
7.5 MINUTE USGS QUADRANGLE.  
(1958; PHOTOREVISED 1971)

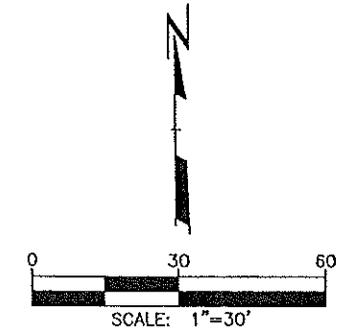
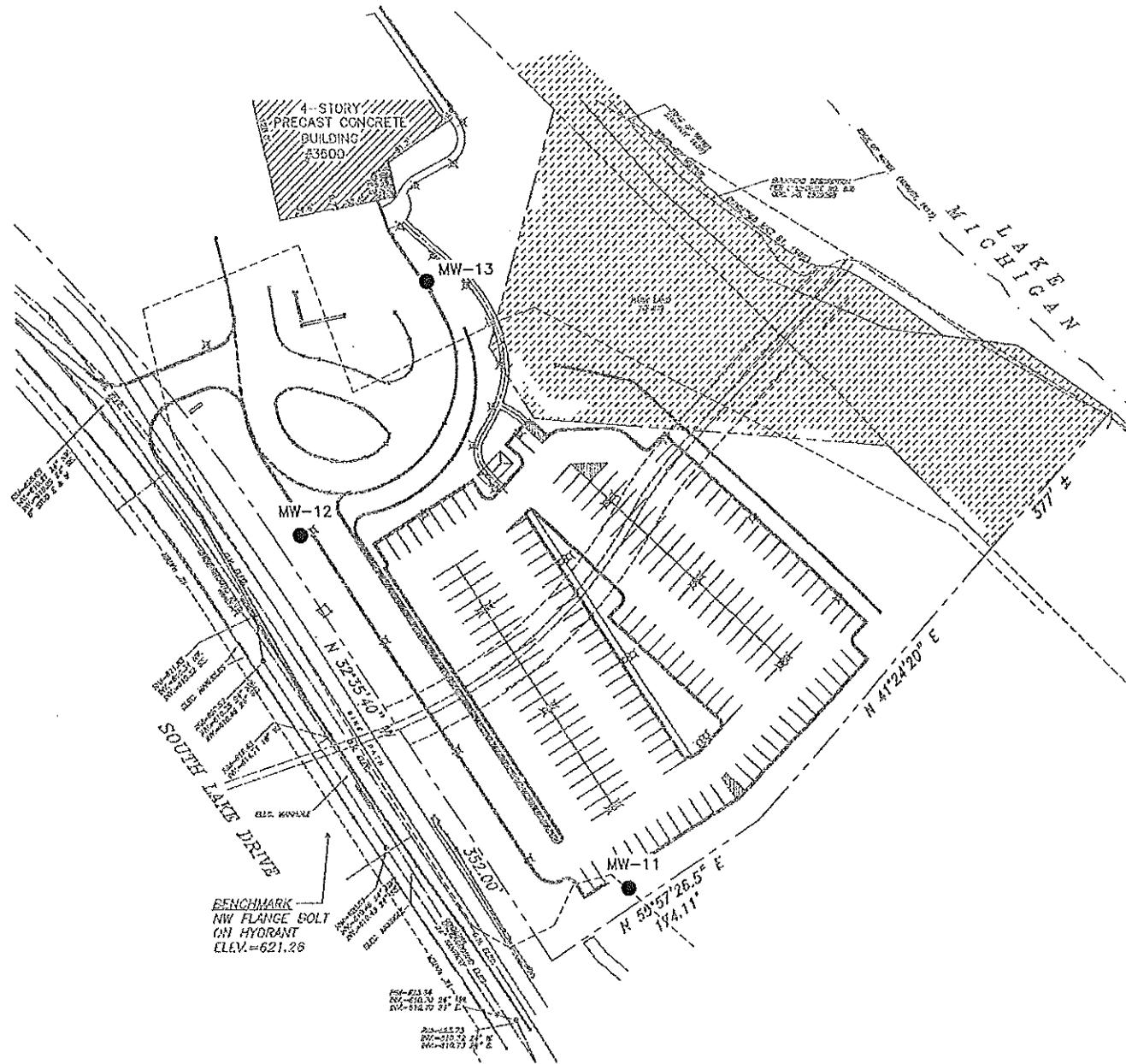


OWN. BY:	PETRICKT
APPROVED BY:	
DATE:	DECEMBER 2001
PROJ. #	00-05944.01
FILE #	59440101.DWG

**FIGURE 1**

**LEGEND**

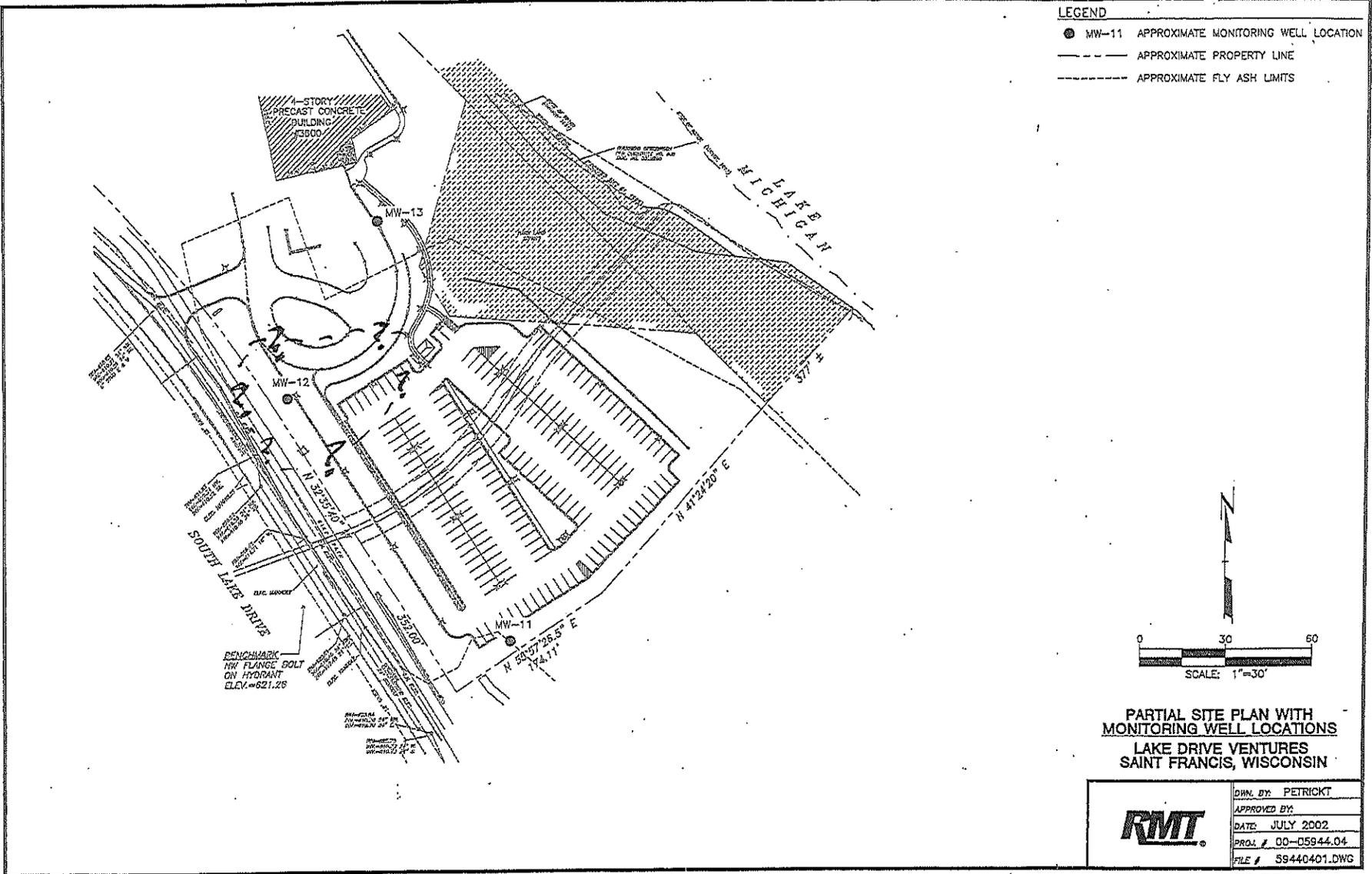
- MW-11 APPROXIMATE MONITORING WELL LOCATION
- APPROXIMATE PROPERTY LINE
- APPROXIMATE FLY ASH LIMITS



**PARTIAL SITE PLAN WITH  
MONITORING WELL LOCATIONS  
LAKE DRIVE VENTURES  
SAINT FRANCIS, WISCONSIN**

<b>RMT</b>	DWN. BY: PETRICKT
	APPROVED BY:
	DATE: JULY 2002
	PROJ. # 00-05944.04
	FILE # 59440401.DWG

**FIGURE 2**



--- Extent of boron contamination 7 E.S.

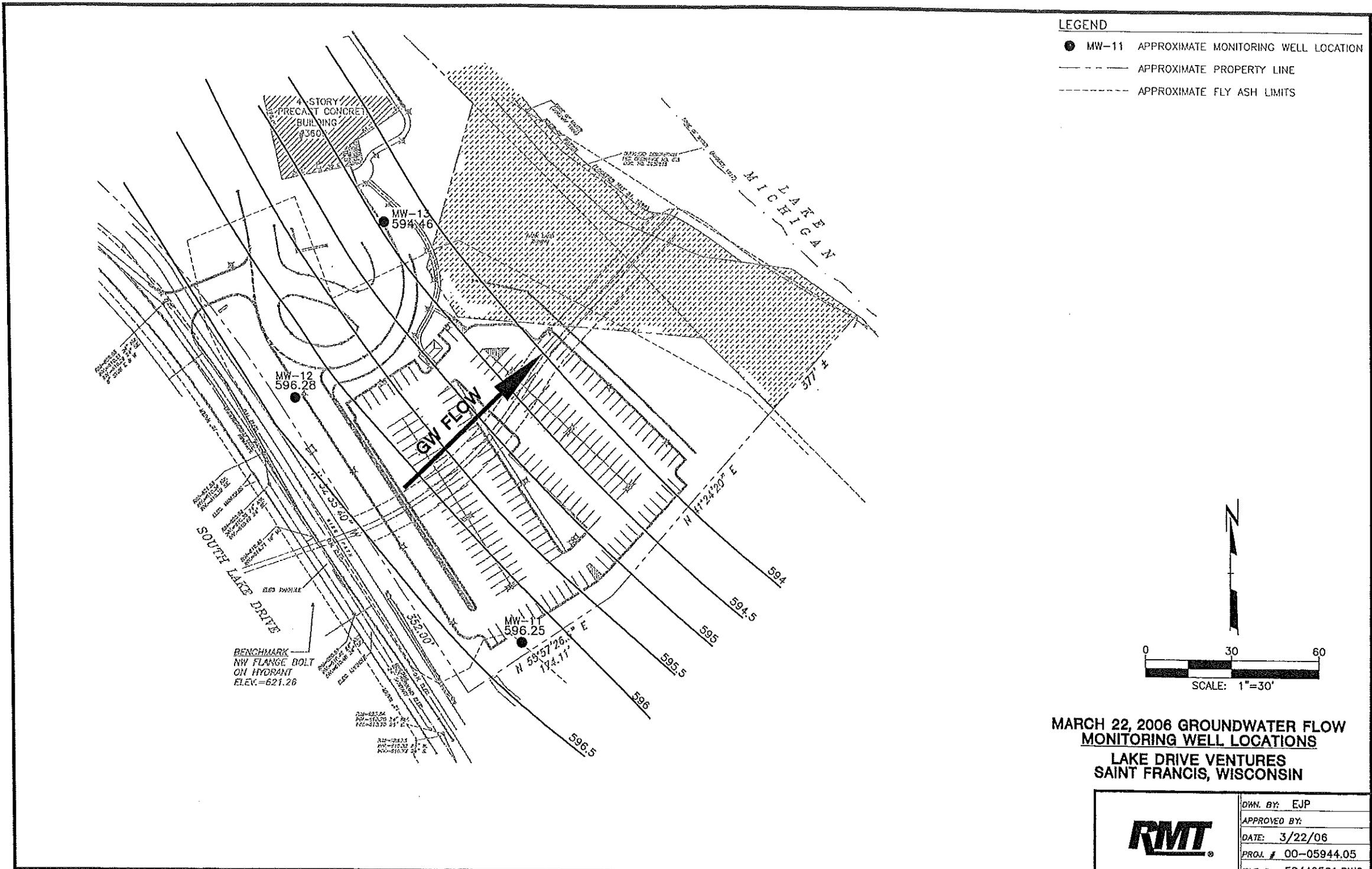


FIGURE 3

Table 1  
Groundwater Sampling Results  
Lake Drive Ventures  
St. Francis, Wisconsin

Sample Date	MW-11							MW-12							MW-13							Public Health GW Standards		Public Welfare GW Standards	
	6/11/2003	9/22/2003	12/12/2003	3/9/2004	9/2/2004	4/1/2005	3/22/2006	6/11/2003	9/22/2003	12/12/2003	3/9/2004	9/2/2004	4/1/2005	3/22/2006	6/11/2003	9/22/2003	12/12/2003	3/9/2004	9/2/2004	4/1/2005	3/22/2006				
Depth to GW	43.71	43.63	43.87	47.01	45.61	45.29	43.97	27.55	27.49	27.72	29.74	28.79	28.29	27.58	21.37	21.1	21.61	23.66	22.33	22.62	21.78				
GW Elevation	596.51	596.59	596.35	593.21	594.61	594.93	596.25	596.31	596.37	596.14	594.12	595.07	595.57	596.28	594.87	595.14	594.63	592.58	593.91	593.63	594.46				
Parameter																						ES	PAL	ES	PAL
Alkalinity	570	521	833	621	657	745	560	610	682	718	698	630	646	560	460	432	467	367	407	415	320	NS	NS	NS	NS
Chloride	50.5	80	35.5	33.5	52.5	51	37	240	521	403	195	545	955	1000	245	1,860	3,250	3,340	3,110	2,050	1,200	NS	NS	250	125
Hardness	992	952	994	868	964	932	980	1,060	1,500	1,270	1,360	1,710	2,020	1,700	778	928	1350	1320	1420	722	1100	NS	NS	NS	NS
Sulfate	388	343	320	297	269	325	360	229	224	210	537	374	465	190	305	302	264	362	274	297	230	NS	NS	250	125
TDS	1,210	1,170	1,190	1,030	1,230	1,090	1,200	1,640	2,130	2,040	1,820	3,210	3,180	3,100	2,760	3,700	6,510	6,730	6,860	4,020	3,100	NS	NS	NS	NS
Arsenic	<0.05	<0.05	<0.05	<0.05	<0.05	<0.05	0.00085J	<0.05	<0.05	<0.05	<0.05	<0.05	<0.05	<0.00079	<0.05	<0.05	<0.05	<0.05	<0.05	<0.05	<0.00079	0.05	0.005	NS	NS
Boron	0.359	0.675	0.559	0.672	0.675	0.59	0.47	3.5	4.59	3.75	5.5	6.36	7.17	3.3	0.39	0.376	0.446	0.566	0.594	0.59	0.64	0.96	0.19	NS	NS
Lead	<0.005	<0.005	<0.005	<0.005	0.00597	0.0465	<0.0014	<0.005	<0.005	<0.005	<0.005	<0.005	<0.005	<0.0014	<0.005	<0.005	<0.005	<0.005	<0.005	0.0465	<0.0014	0.015	0.0015	NS	NS
Selenium	<0.05	0.104	<0.05	0.0886	<0.005	<0.05	<0.0032	0.0638	0.0987	<0.05	0.0947	0.0504	<0.05	<0.0032	<0.05	<0.05	<0.05	0.0518	<0.05	<0.05	<0.0032	0.05	0.01	NS	NS

NOTES

ES - Enforcement Standard

PAL - Preventative Action Level

**Bold** - Enforcement Standard Exceedance

All results in mg/L unless noted

NS - No standard has been established

TDS - Total Dissolved Solids

J - Results reported between Method Detection Limit (MDL) and Limit of Quantitation (LOQ) are less certain than results at or above the LOQ