

**GIS REGISTRY COVER SHEET**  
**Commerce Case Closure**

**Source Property Information**

Closure Date: August 15, 2008  
BRRTS #: 03-41-215985  
Commerce #: 53209-4827-01-A  
Site Name: LiphaTech Inc (Nitragin Co)  
Street Address: 3101 W Custer Ave  
City: Milwaukee

**Source Property GPS Coordinates:** X = 686669 Y = 295640  
(Coordinates in WTM83, NAD83 (1991))

**GPS Coordinates Represent**

Approximate Center of Contaminant Source       Approximate Source Parcel Center

---

Please check as appropriate: (BRRTS Action Code)

**Contaminated Media**

- |   |  |
|---|--|
| <input type="checkbox"/> <b>Groundwater Contamination &gt;Enforcement Standard (236)</b>                                      | <input checked="" type="checkbox"/> <b>Soil Contamination &gt;Residual Contaminant Levels (RCLs), Site-Specific RCLs (SSRCLs) or Direct Contact &lt;4 feet (232)</b> |
| <input type="checkbox"/> Groundwater Contamination in Right-of-Way  | <input type="checkbox"/> Soil Contamination in Right-of-Way  |
| <input type="checkbox"/> Off-Source Groundwater Contamination<br><i>(See attached list of impacted off-source properties)</i> | <input type="checkbox"/> Off-Source Soil Contamination<br><i>(See attached list of impacted off-source properties)</i>   |

**Land Use Controls**

- |   |  |
|---|--|
| <input type="checkbox"/> Soil: maintain industrial zoning (220) | <input type="checkbox"/> Cover or Barrier (222)  |
| <input type="checkbox"/> Structural Impediment (224)            | <input type="checkbox"/> Vapor Mitigation (226)  |
| <input type="checkbox"/> Site-Specific Condition (228)          | <input type="checkbox"/> Maintain Liability Exemption (230)<br><i>(For local government or economic development corporation)</i> |

**Monitoring wells properly abandoned? (234)**

Yes       No



ENVIRONMENTAL & REGULATORY SERVICES DIVISION  
BUREAU OF PECFA  
9316 North 107<sup>th</sup> Street  
Milwaukee, Wisconsin 53224-1121  
TDD #: (608) 264-8777  
Fax #: (414) 357-4700  
Jim Doyle, Governor  
Jack L. Fischer, A.I.A., Secretary

August 15, 2008

Mr. Markus Kremer  
EMD Crop Bioscience Inc.  
3101 West Custer Avenue  
Milwaukee, WI 53209-4827

RE: **Final Closure**

**Commerce # 53209-4827-01-A** DNR BRRTS # 03-41-215985  
LiphaTech Inc. (Nitragin Co.), 3101 West Custer Avenue, Milwaukee

Dear Mr. Kremer:

The Wisconsin Department of Commerce (Commerce) has received a document packet for listing the above-referenced site on the Department of Natural Resources (DNR) Geographic Information System (GIS) Registry of Closed Remediation Sites, as an alternative to the condition for site closure that was required in Commerce's August 22, 2000 letter. This site is now listed as "closed" on the Commerce database and will be included on the GIS Registry to document residual soil contamination that remains above state standards. To review the site on the GIS Registry web page, visit <http://dnr.wi.gov/org/aw/rr/gis/index.htm>. If you intend to construct or reconstruct a potable well on this property, you must get prior DNR approval.

All current and future owners and occupants of the property need to be aware that excavation of the contaminated soil may pose a direct contact hazard and as a result special precautions may be needed to prevent inhalation, ingestion or dermal contact with the residual contamination when it is removed. If soil is excavated, the property owner at the time of excavation must sample and analyze the excavated soil to determine if residual contamination remains. If sampling confirms that contamination is present, the property owner at the time of excavation must determine whether the material would be considered solid or hazardous waste and ensure that any storage, treatment or disposal is in compliance with applicable State regulations and standards.

Depending on site-specific conditions, construction over contaminated materials may result in vapor migration into enclosed structures or along newly placed underground utility lines. The potential for vapor inhalation and mitigation should be evaluated when planning any future redevelopment, and measures should be taken to ensure the continued protection of public health, safety, welfare and the environment at the site.

Thank you for your efforts to bring this case to closure. If you have any questions, please contact me in writing at the letterhead address or by telephone at (414) 357-4704.

Sincerely,

A handwritten signature in black ink, appearing to read "Stephen D. Mueller". The signature is written in a cursive style and is positioned above the typed name and title.

Stephen D. Mueller  
Senior Hydrogeologist  
Site Review Section

cc: Mr. Richard Binder, Symbiont



ENVIRONMENTAL & REGULATORY SERVICES  
101 West Pleasant Street, Suite 205  
Milwaukee, Wisconsin 53212  
Fax (414) 220-5374  
TDD# (608) 264-8777  
[www.commerce.state.wi.us](http://www.commerce.state.wi.us)  
Tommy G. Thompson, Governor  
Brenda J. Blanchard, Secretary

December 22, 2000

LiphaTech, Inc.  
Attn: Mr. Alan Vosz  
3101 W. Custer Avenue  
Milwaukee, WI 53209

Triad Engineering Inc.  
Attn: Mr. Dennis Lawton  
325 E. Chicago Street  
Milwaukee, WI 53202

RE: **Commerce# 53209-4827-01, BRRTS# 03-41-215985**  
LiphaTech, 3101 West Custer Avenue, Milwaukee, WI

No. 5 bunker oil UST (non-PECFA tank) removed in mid-1980's

**Explanation of Case Closure Condition**

Dear Mr. Vosz:

This letter is in response to the Dec. 6, 2000 letter from Triad Engineering, Inc. requesting an explanation of why the Department of Commerce requires that a *Notice of Contamination* be placed on the property deed for the subject site. The actual deed instrument required is an "affidavit", as described in s. NR 726.05(8)(b), Wis. Administrative Code (WAC). The purpose of the affidavit is only to notify prospective future owners of residual contamination that remains in place and exceeds WAC ch. NR 720 residual cleanup levels (RCLs) on the site. The affidavit does not require additional investigation and remediation of the contamination, but requires that the contaminated media be properly treated or disposed of, in the event that soil is excavated.

To promote consistency, it is the Department's policy to require the placement of an appropriate deed instrument on the deed for each property on which residual contamination above state soil and groundwater standards remains in place. The type of deed instrument required depends upon the type, distribution, and concentration of the residual contamination. In the case of the LiphaTech site, the residual contamination is diesel range organics (DRO) in soil at detected concentrations approaching 600 mg/kg, which exceed the RCL for DRO of 250 mg/kg for sites with low-permeability materials. Because the residual DRO concentrations are relatively low, the contamination occurs at depth and is of small volume, and no groundwater contamination above WAC ch. NR 140 standards was detected, an affidavit is the least restrictive deed instrument that is required for the LiphaTech site in accordance with Department policy.

It is the opinion of the Department that "detailed close out letters", which are sometimes used by the Department of Natural Resources in lieu of deed affidavits, do not ensure that future property owners will be informed of environmental issues on affected properties.

Commerce#: 53209-4827-01, BRRTS#: 03-41-215985

LiphaTech, Inc.

3101 W. Custer Ave., Milwaukee, WI 53209

December 22, 2000

Page 2

If you have any further questions, please contact me at the letterhead address, or at (414) 220-5402 or [smueller@commerce.state.wi.us](mailto:smueller@commerce.state.wi.us), or Lori Huntoon, Chief of the Site Review Section, at (608) 261-7732 or [lhuntoon@commerce.state.wi.us](mailto:lhuntoon@commerce.state.wi.us).

Sincerely,



Stephen D. Mueller

Hydrogeologist

PECFA Site Review Section

C: case file

REEL 196-512

4853-159

JUL--3-74 520295 • 4853459 LI CASEC \*300  
JUL--3-74 520296 • 4853459 LI CASEC 300.00

BY THIS DEED, James T. Barry, Mary S. Hanley, and Sunlite Chemicals, Inc., a corporation duly organized and existing under the laws of the State of Wisconsin, located at Milwaukee, Wisconsin, Grantors, convey and warrant to Nitragin Sales Corporation, a corporation duly organized and existing under the laws of the State of Wisconsin, located at Milwaukee, Wisconsin, Grantee, for a valuable consideration, receipt whereof is hereby acknowledged, the following described real estate:

REGISTER'S OFFICE  
Milwaukee County, Wis. } SS  
RECORDED AT 2500 M  
on in  
JUL 3 1974  
Reel 796 Image 512-513  
Walter C. Bayl  
REGISTER OF DEEDS

TRANSFER  
\$ 300.00  
FEE

That part of the South 1/2 of the North East 1/4 of Section 36, in Township 8 North, Range 21 East in the City of Milwaukee, County of Milwaukee, State of Wisconsin, and part of Payne's 3rd Addition to North Milwaukee, bounded and described as follows, to-wit: Commencing at the intersection of the West line of Block "H" of Payne's 3rd Addition to North Milwaukee extended North and the center line of West Custer Avenue (66 feet wide); thence East along the center line of West Custer Avenue, being 33 feet North of and parallel to the North line of Blocks "G" and "H" of Payne's 3rd Addition to North Milwaukee, 508.82 feet to the point of beginning of the land to be described; thence continuing East along the center line of West Custer Avenue 331.71 feet to its intersection with the Westerly line of the Chicago, Milwaukee, Saint Paul and Pacific Railway right-of-way; thence South 25° 08' West along the said right-of-way, 727.31 feet to a point which is 508.82 feet East of the West line of Block "H" of Payne's 3rd Addition to North Milwaukee; thence North 0° 12' 56" East on a line 508.82 feet East of and parallel to the West line of Block "H" of Payne's 3rd Addition to North Milwaukee, 712.77 feet to the point of beginning, reserving therefrom the North 33 feet taken for West Custer Avenue.

Exceptions to warranties:

Municipal and zoning ordinances, recorded easements and restrictions, easement granted to Wisconsin Electric Power Company by an instrument recorded May 25, 1954 at 1:10 p.m., in Volume 3293 of Deeds, Page 238, as Document No. 3297498, and liens or encumbrances created or permitted by the Nitragin Company, Inc. or Nitragin Sales Corporation, and real estate taxes for 1974 and subsequent years.

300

BT

REC 196MAG 513

This is not homestead property.

Real Estate Tax Key No. 193-9997.

Executed at Milwaukee, Wisconsin this 27th day of June, 1974.

James T. Barry (SEAL)  
James T. Barry

Mary S. Hanley (SEAL)  
Mary S. Hanley

SUNLITE CHEMICALS, INC.

By: Ralph E. Willis  
Ralph E. Willis, President

Attest: Marjorie S. Willis  
Marjorie S. Willis, Secretary

Signatures of James T. Barry, Mary S. Hanley, and Ralph E. Willis, President, and Marjorie S. Willis, Secretary, of Sunlite Chemicals, Inc. authenticated this 27th day of June, 1974.

John W. Emmerling  
John W. Emmerling  
Title: Member of State B.A. of Wisconsin

This instrument was drafted by John W. Emmerling, Attorney at Law.

Return to:  
LAW OFFICES  
JOHN W. EMMERLING  
152 WEST WISCONSIN AVENUE  
MILWAUKEE, WISCONSIN 53203

SEP 12 1986

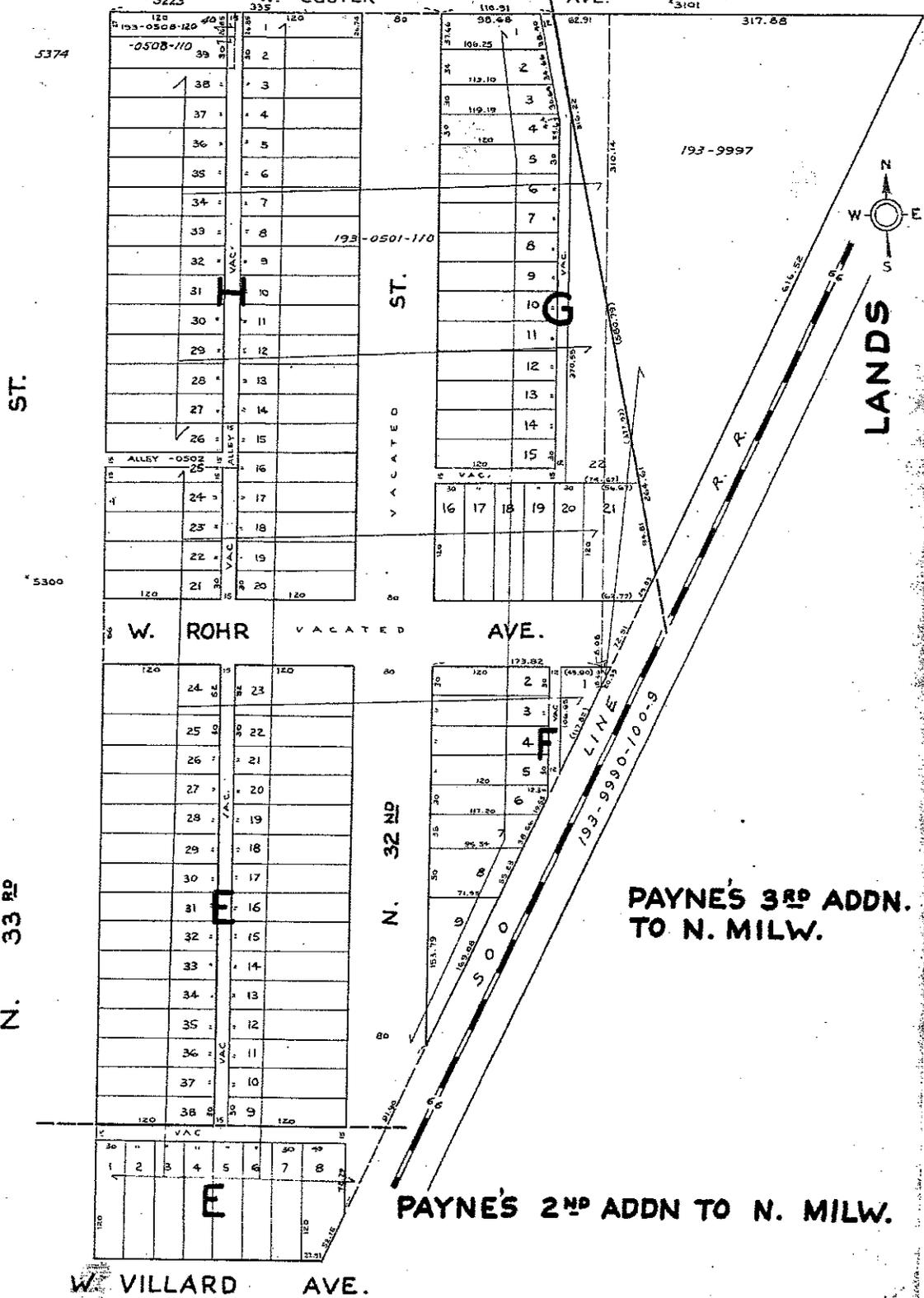
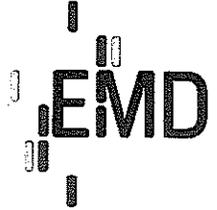


Figure 4  
 Plat Map



June 27, 2008

**RE: Property Legal Description  
Submittal for Geographic Information System (GIS) Registry Submittal  
Former Underground Storage Tank Area  
EMD Crop BioScience Inc., (f/k/a LiphaTech Inc. and Nitragin Co.)  
3101 W. Custer Ave., Milwaukee, Wisconsin  
COMMERCE No. 53209-4827-01-A  
WDNR FID No. 241050700  
WDNR BRRTS No. 03-41-215985  
Symbiont Project No. W093538**

I believe that the attached legal description referenced to this Soil Geographic Information System Registry submittal is accurate and wholly inclusive of the property within the contaminated site's boundaries containing soil contamination that exceeds applicable chapter NR 720 Wisconsin Administrative Code Residual Contaminant Levels (RCLs) at the time that closure is requested.

Sincerely,

EMD Crop BioScience Inc., (f/k/a LiphaTech Inc. and Nitragin Co.)

Signature

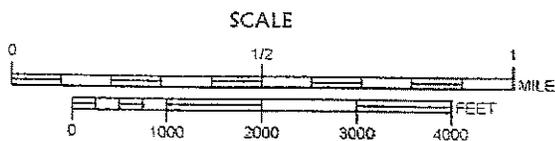
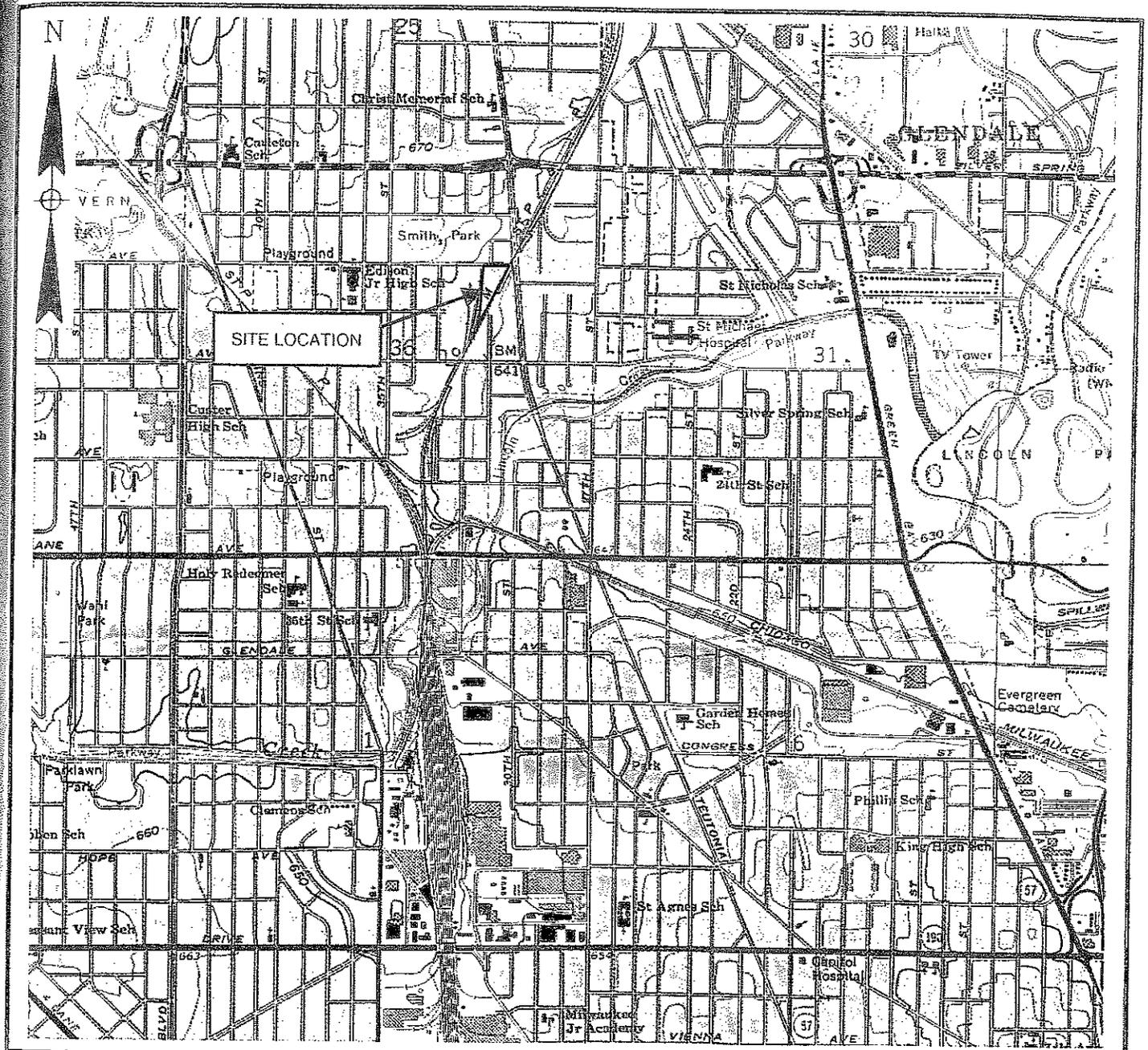
A handwritten signature in black ink, appearing to read 'Markus C. Kemmer', written over a horizontal line.

Print

Markus C. Kemmer

**EMD Crop BioScience**

3101 W. Custer Avenue • Milwaukee, WI 53209  
Phone 414-462-7600  
Fax 414-438-5315  
[www.emdcropbioscience.com](http://www.emdcropbioscience.com)



CONTOUR INTERVAL 10 FEET  
NATIONAL GEODETIC VERTICAL

LATITUDE  
87° 56' 58"

LONGITUDE  
43° 06' 58"



QUADRANGLE LOCATION

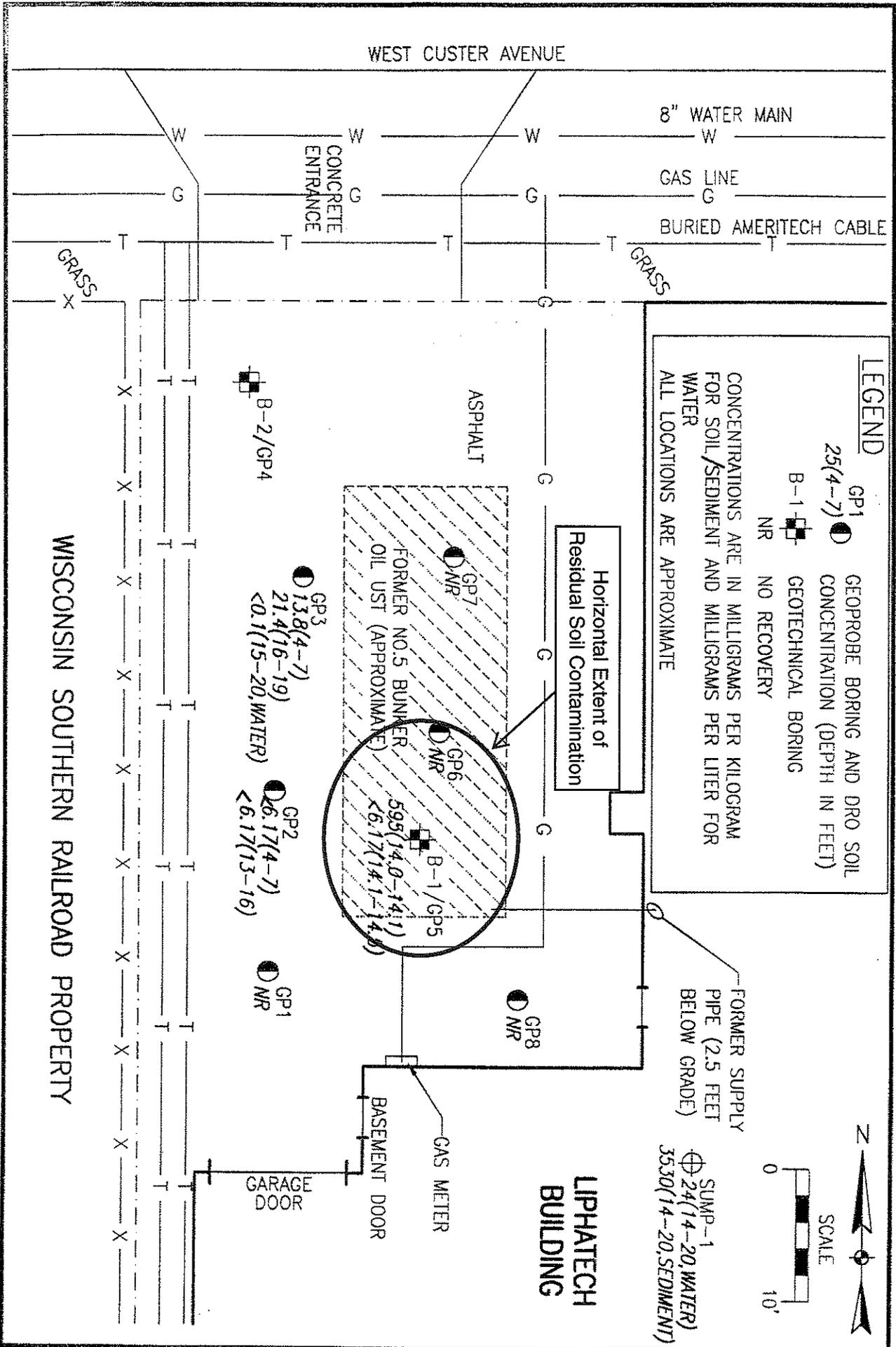
MODIFIED FROM  
U.S.G.S. 7.5'  
MILWAUKEE, WI  
SW. 4 QUADRANGLE 19 QUADRANGLE  
43067 AB-1F-024

1958  
PHOTO REVISED 1971  
DMA 3470 11 217 SERIES 1963

**TIE TRIAD ENGINEERING INCORPORATED**

© 1999 Triad Engineering

**FIGURE 1**  
SITE LOCATION AND LOCAL TOPOGRAPHY  
LIPHATECH INCORPORATED  
3101 WEST CUSTER AVENUE  
MILWAUKEE, WISCONSIN



*Note: Depth to water is approximately 13.25 feet @ 5.55*

**FIGURE 2**  
SAMPLE LOCATIONS AND DRO CONCENTRATIONS  
LIPHATECH INCORPORATED  
3101 WEST CUSTER AVENUE  
MILWAUKEE, WISCONSIN

**TABLE 1  
LABORATORY ANALYTICAL RESULTS**

LiphaTech Inc.  
3101 W. Custer Avenue  
Milwaukee, Wisconsin 53209

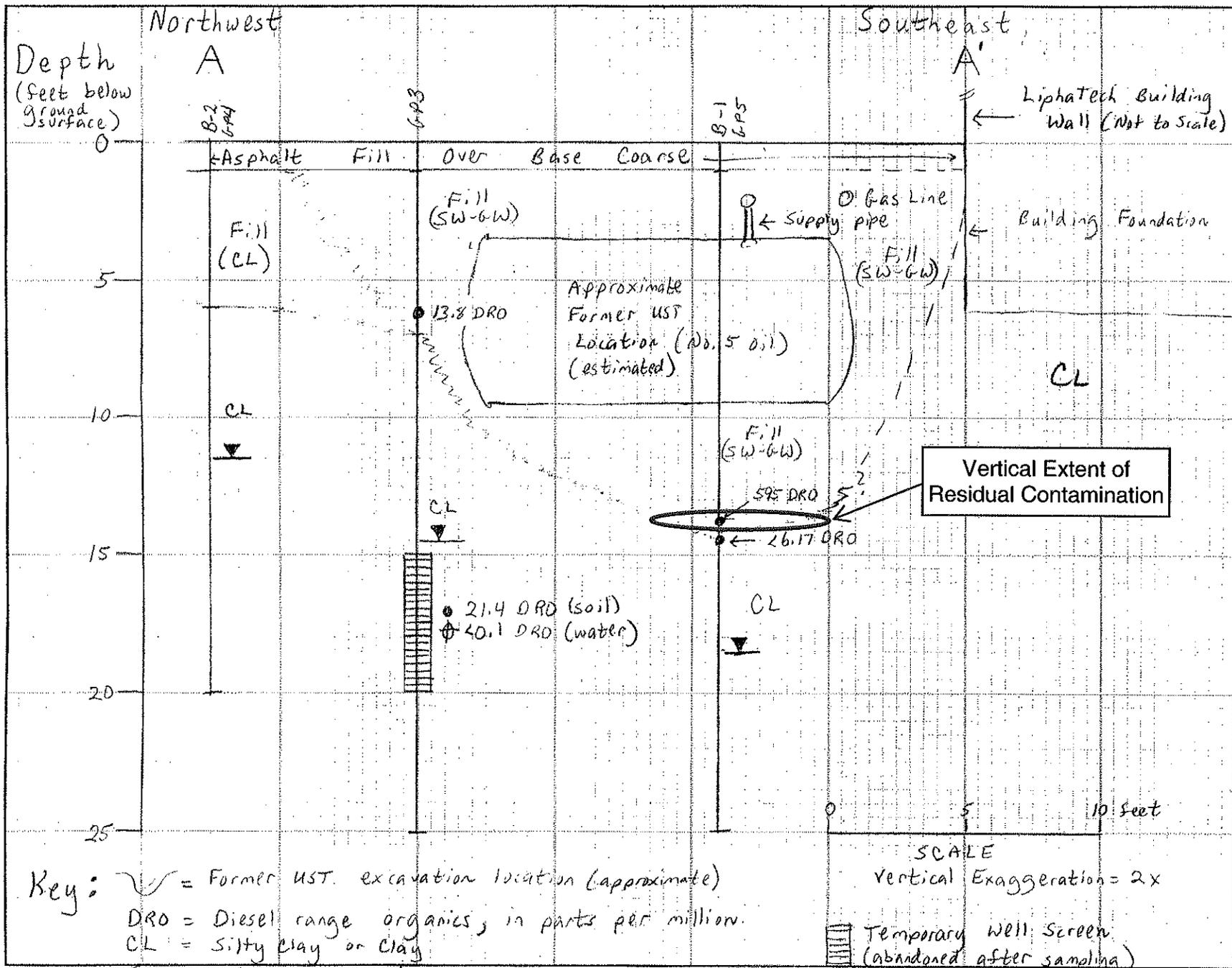
Commerce #53209-4827-01

Sample Name	Sample Depth (ft. bgs)	Lab ID	Collection Date	Matrix	Soil type	DRO results	Quantitation Limit	Reporting Limit	Dilution Factor
<b>Soil Sample Results/Standards (in milligrams per kilogram)</b>									
<b>NR 720 RCL (in clay, near water table)</b>						<b>100</b>			
LT-GP2	4-7'	99-A8269	01/20/1999	Soil	CL	<6.17	6.17	6.17	1
LT-GP2	13-16'	99-A8270	01/20/1999	Soil	CL	<6.10	6.10	6.10	1
LT-GP3	4-7'	99-A8271	01/20/1999	Soil	FILL (SW)	13.8	5.38	5.38	1
LT-GP3	16-19'	99-A8272	01/20/1999	Soil	CL	21.4	6.41	6.41	1
LT-GP5	14.0-14.1'	99-A9022	01/21/1999	Soil	FILL (SW)	595	61.7	61.7	1
LT-GP5	14.1-14.5'	99-A9023	01/21/1999	Soil	CL	<6.17	6.17	6.17	10

<b>Groundwater Results/Standards (in micrograms per liter)</b>										
PAL						none				
ES						none				
LT-GP3-TEMPWELL	15-20' (screen interval)	99-A9024	01/21/1999	Ground water	CL	<100	100	128	1	
Trip Blank	NA	98-A29005	01/21/1999	Lab water		ND (VOCs)			1	

<b>Sump Sample Results (in milligrams per liter)</b>									
Sump-1	14-16'	98-A137287	11/05/1998	Sediment	Peat	3530	167	167	10
Sump-1	14-16'	98-A137285	11/05/1998	Water	Water (turbid)	24	0.1	2.78	20
Trip Blank	NA	98-A137286	11/05/1998	Lab water		ND (VOCs)			1

Laboratory results were provided to Wisconsin Department of Commerce in August 3, 1999 Status Report No. 1. Sample locations are shown on Figure 2 of Case Summary and Close Out Form.



Key: = Former UST. excavation location (approximate)  
 ● = Soil sample result  
 ⊕ = Groundwater sample result  
 DRO = Diesel range organics, in parts per million.  
 CL = Silty clay or clay  
 SW-GW = Sand and Gravel  
 ▼ = Apparent water table, based on color change in clay.

Temporary Well Screen (abandoned after sampling)

Sheet \_\_\_\_\_ of \_\_\_\_\_