

**Source Property Information**

BRRTS #:	03-41-554155	Closure Date:	September 24, 2009
ACTIVITY NAME:	Von Trier Tavern	FID#:	
PROPERTY ADDRESS:	2235 North Farwell Avenue	DATCP#:	
MUNICIPALITY:	Milwaukee	COMM#:	53202-1116-35-A
PARCEL ID#:	356-0290-100-7		

**\*WTM Coordinates:**

X:  Y:

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

**WTM Coordinates Represent:**

- Approximate Center of Contaminant Source
- Approximate Source Parcel Center

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

**Contaminated Media:**

- |  |  |
|--|--|
| <input type="checkbox"/> <u>Groundwater</u> Contamination > ES (236) | <input checked="" type="checkbox"/> <u>Soil</u> Contamination > *RCLs or **SSRCL (232) |
| <input type="checkbox"/> Groundwater Contamination in ROW            | <input type="checkbox"/> Soil Contamination in ROW                                     |
| <input type="checkbox"/> Off-Source Contamination                    | <input type="checkbox"/> Off-Source Contamination                                      |

*(note: for list of impacted off-source properties see attached list of "Impacted Off-Source Property")*

*(note: for list of impacted off-source properties see attached list of "Impacted Off-Source Property")*

**Land Use Controls:**

- |   |   |
|---|---|
| <input type="checkbox"/> Soil: maintain industrial zoning (220) | <input type="checkbox"/> Cover or Barrier (222)             |
| <input checked="" 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) |

*(note: soil contaminant concentrations between residential and industrial levels)*

*(note: maintenance plan for groundwater or direct contact)*

*(note: local government or economic development corporation)*

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

- Yes       No       N/A

*\*Residual Contaminant Level*

*\*\*Site Specific Residual Contaminant Level*

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

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

BRRTS #:  PARCEL ID #:   
ACTIVITY NAME:  WTM COORDINATES: X:  Y:

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

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

**SOURCE LEGAL DOCUMENTS**

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

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

- Maps must be no larger than 8.5 x 14 inches unless the map is submitted electronically.
- Location Map:** A map outlining all properties within the contaminated site boundaries on a U.S.G.S. topographic map or plat map in sufficient detail to permit easy location of all parcels. If groundwater standards are exceeded, include the location of all potable wells within 1200 feet of the site.  
*Note: Due to security reasons municipal wells are not identified on GIS Packet maps. However, the locations of these municipal wells must be identified on Case Closure Request maps.*  
**Figure #:** 1                      **Title:** Site Location Map
  - Detailed Site Map:** A map that shows all relevant features (buildings, roads, individual property boundaries, contaminant sources, utility lines, monitoring wells and potable wells) within the contaminated area. This map is to show the location of all contaminated public streets, and highway and railroad rights-of-way in relation to the source property and in relation to the boundaries of groundwater contamination exceeding a ch. NR 140 Enforcement Standard (ES), and/or in relation to the boundaries of soil contamination exceeding a Residual Contaminant Level (RCL) or a Site Specific Residual Contaminant Levels (SSRCL) as determined under s. NR 720.09, 720.11 and 720.19.  
**Figure #:** 2                      **Title:** Site Layout and Soil Sampling Location Map
  - Soil Contamination Contour Map:** For sites closing with residual soil contamination, this map is to show the location of all contaminated soil and a single contour showing the horizontal extent of each area of contiguous residual soil contamination that exceeds a Residual Contaminant Level (RCL) or a Site Specific Residual Contaminant Level (SSRCL) as determined under s. NR 720.09, 720.11 and 720.19.  
**Figure #:**                      **Title:**

BRRTS #: 03-41-554155

ACTIVITY NAME: Von Trier Tavern, Inc.

**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 #: Title:

- Groundwater Flow Direction Map:** A map that represents groundwater movement at the site. If the flow direction varies by more than 20° over the history of the site, submit 2 groundwater flow maps showing the maximum variation in flow direction.

Figure #: Title:

Figure #: Title:

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

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

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

Table #: 1 Title: **Soil Sampling Results**

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

Table #: Title:

- Water Level Elevations:** Table(s) that show the previous four (at minimum) water level elevation measurements/dates from all monitoring wells. If present, free product is to be noted on the table.

Table #: Title:

**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: Von Trier Tavern, Inc.

**NOTIFICATIONS**

**Source Property**

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

**Off-Source Property**

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

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



ENVIRONMENTAL & REGULATORY SERVICES DIVISION  
BUREAU OF PECFA  
9316 North 107th Street  
Milwaukee, Wisconsin 53224-1121  
TTY: Contact Through Relay  
Fax: (414) 357-4700  
Jim Doyle, Governor  
Richard J. Leinenkugel, Secretary

September 24, 2009

Mr. Todd Whittaker  
12845 West Burleigh Road  
Brookfield, WI 53005

RE: **Final Closure with a Land Use Limitation for a Structural Impediment**

**Commerce # To Be Assigned** DNR BRRTS # 03-41-554155  
Von Trier Tavern, 2235 North Farwell Avenue, Milwaukee

1,000-gallon fuel oil underground storage tank (UST) closed in place on August 14, 2009

Dear Mr. Whittaker:

The Wisconsin Department of Commerce (Commerce) has determined that this site does not pose a significant threat to human health and the environment as long as current and subsequent property owners adhere to the following limitation:

If the site building is removed, the UST must be removed and an investigation of the degree and extent of petroleum contamination must be conducted and the results reported to Commerce.

Failure to remove the UST and investigate the degree and extent of petroleum contamination if the impediment is removed may result in financial penalties from \$10 to \$5,000 per day in accordance with section 292.99(1), Wis. Stats. This limitation makes it unnecessary to conduct additional activities on the property at this time. In the future, you may request that Commerce review *new* information to determine if the limitation requirement can be changed or removed.

This site is now listed as "closed" on the Commerce database and will be included on the Department of Natural Resources (DNR) Geographic Information System (GIS) Registry of Closed Remediation Sites to address residual soil contamination. According to the DNR database, a groundwater GIS Registry fee of \$250 was paid on September 23, 2009. The fee for the soil GIS Registry is \$200. You are entitled to a refund of \$50 from the DNR as this site is only required to be included on the GIS Registry for soil contamination. You may submit a request for a refund to the Program Associate, Victoria Stovall (414) 263-8688, at Wisconsin Department of Natural Resources, 2300 North Dr. Martin Luther King, Jr. Drive, Milwaukee, WI 53212. Please include a copy of this letter with your request for a refund.

To review the sites on the GIS Registry web page, visit <http://dnr.wi.gov/org/aw/rr/gis/index.htm>. It is in your best interest to keep all documentation related to the environmental activities at your site. If it is determined that any remaining contamination poses a threat, the case may be reopened and further investigation or remediation may be required.

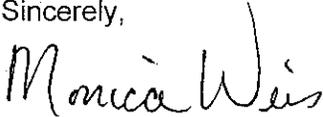
If you intend to construct or reconstruct a potable well on this property, you must get prior DNR approval. To obtain approval, complete Form 3300-254, GIS Registry Site Well Approval Application, and submit it to the DNR Drinking and Groundwater program's regional water supply specialist. This form can be obtained on-line at <http://www.dnr.state.wi.us/org/water/dwg/3300254.pdf> or through the GIS Registry web address.

All current and future owners and occupants of the property need to be aware that excavation of contaminated soil may pose a hazard. 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 have the soil sampled and analyzed 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 standards and rules.

Depending on site-specific conditions, construction over contaminated materials may result in vapor migration into enclosed structures or migration 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 protect Wisconsin's environment. If you have any questions, please contact me in writing at the letterhead address or by telephone at (414) 357-4705.

Sincerely,

A handwritten signature in cursive script that reads "Monica Weis".

Monica L. Weis  
Senior Hydrogeologist  
Site Review Section

cc: Mr. Gregory Walsh, Assured Environmental Associates, Inc.

5549194  
REGISTER'S OFFICE  
Milwaukee County, Wis. } ss  
RECORDED AT 2:30 PM

JUL - 1 1982  
REEL 1454 IMAGE 499

Wanda Engel  
REGISTER OF DEEDS

Dorothy Thompson and Gerald J. Rice

as Co- Personal Representative of the estate of  
Karl H. Lotharius, Deceased

for a valuable consideration conveys without warranty to Von Trier  
Tavern, Inc., a Wisconsin Corporation,

the following described real estate in Milwaukee County,  
State of Wisconsin: (hereinafter called the "Property").

RETURN TO Atty. Gerald Rice  
759 North Milwaukee St.  
Milwaukee, WI 53202

Tax Key No. 356-0290-100-7

Lot Five (5) and the Southwesterly Forty Hundreths (0.40) feet of  
Lot Nine (9) in Block Twenty-nine (29) in Glidden and Lockwood's  
Addition of Lots One (1) and Two (2) of Section Twenty-two (22) in  
Township Seven (7) North, Range Twenty-two (22) East, in the City  
of Milwaukee, County of Milwaukee, State of Wisconsin, except that  
portion lying North of a line 40 feet South of and parallel to the  
North line of said quarter section.

TRANSFER  
\$645.00  
FEE

DOC # 5549194 #  
RECORD 4.00  
RTX 645.00

Personal Representative by this deed does convey to Grantee all of the estate and interest in the Property which  
the Decedent had immediately prior to Decedent's death, and all of the estate and interest in the Property which the  
Personal Representative has since acquired.

*Dorothy Thompson* (SEAL)  
Dorothy Thompson  
Personal Representative

*Gerald J. Rice* (SEAL)  
Gerald J. Rice  
Personal Representative

AUTHENTICATION

Signatures authenticated this \_\_\_\_\_ day of  
\_\_\_\_\_, 19\_\_\_\_\_

TITLE: MEMBER STATE BAR OF WISCONSIN  
(If not, authorized by § 706.06, Wis. Stats.)

THIS INSTRUMENT WAS DRAFTED BY

Gerald J. Rice  
Attorney at Law

(Signatures may be authenticated or acknowledged. Both  
are not necessary.)  
The use of witnesses is optional.

ACKNOWLEDGMENT

STATE OF WISCONSIN

MILWAUKEE County, } ss.

Personally came before me, this 29<sup>th</sup> day of  
JUNE the above named  
DOROTHY THOMPSON  
GERALD J. RICE

to me known to be the person S who executed the  
foregoing instrument and acknowledge the same

Notary Public *Robert A. Killian*  
MILWAUKEE County, Wis.  
My Commission is permanent. (If not, state expiration  
date: Oct. 29, 1985)

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

400

SIDE WALK ACCESS DOOR REPLACEMENT

STEIGERWALD CONSTRUCTION INC.  
5310 WEST STATE STREET  
MILWAUKEE, WI 53208-2687

REPAIR TOP OF CONCR.  
WALLS

EXISTING BUILDING

NEW BILCO JD-2AL  
4'x4' ALUM. ACCESS  
DOOR TO EXIST. VAULT

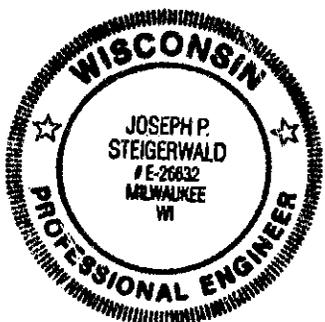
ALLOW. LIVE  
LOAD = 300 PSF

*OK*

NEW SIDEWALKS  
BY CITY.

BUILDING PLANS APPROVED  
Subject to Sec. 200.28 of Milw. Code  
COMMISSIONER OF BUILDING INSPECTION  
CITY OF MILWAUKEE

By *[Signature]* Date 8-2-95  
REMARKS



*Joseph P. Steigerwald*  
7-6-95

PLAN  
SCALE: 1/4" = 1'-0"

DIST HISP

2235 N. Farwell

PLAT OF SURVEY

PART OF BLOCK 29, IN GLIDDEN & LOCKWOOD'S ADDITION.

IN THE

W. 1/4 SECTION 22, T. 7N., R. 22 E.

IN THE

CITY OF MILWAUKEE.

SCALE: 1"=15'

STEINHAGEN & STEINHAGEN,  
CIVIL ENGINEERS,  
MILWAUKEE.

M. DENOTES  
MEASURED DISTANCE.

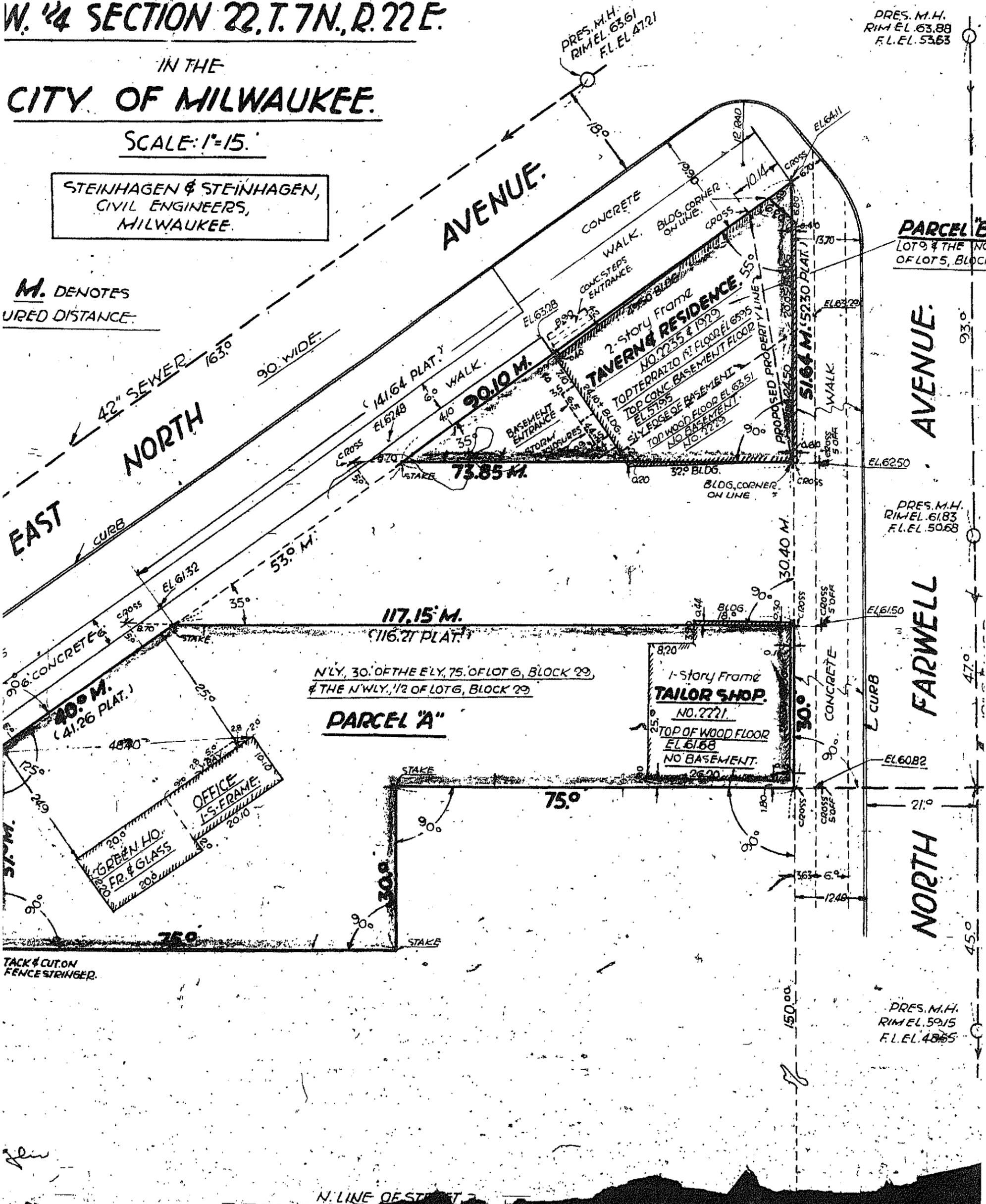
B.M. CITY OF MILWAUKEE DATUM USED.  
NO. 13, NORTH FARWELL & EAST NORTH AVES.  
N.W. CORNER. ELEV. 65.524

PRES. M.H.  
RIM EL. 63.88  
F.L. EL. 53.63

**PARCEL B**  
LOT 9 & THE NW  
CORNER OF LOTS 5, BLOCK 29

PRES. M.H.  
RIM EL. 61.83  
F.L. EL. 50.68

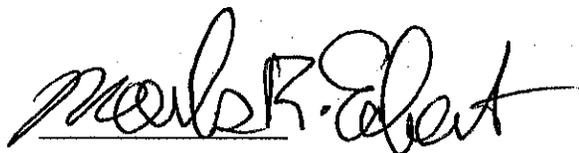
PRES. M.H.  
RIM EL. 59.15  
F.L. EL. 48.85



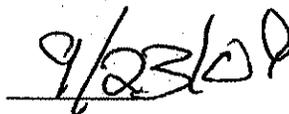


SIGNED STATEMENT BY RESPONSIBLE PARTY (REPRESENTATIVE) THAT THE LEGAL DESCRIPTION ATTACHED TO THIS STATEMENT IS COMPLETE AND ACCURATE FOR THE REFERENCED PROPERTY

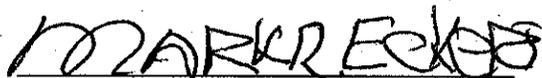
As the responsible party for the property located at 2235 North Farwell Avenue, Milwaukee, Wisconsin, I believe the legal description provided to the Wisconsin Department of Natural Resources for the case file referenced DNR BRRTS # 03-41-554155 is complete and accurate to the best of my knowledge.



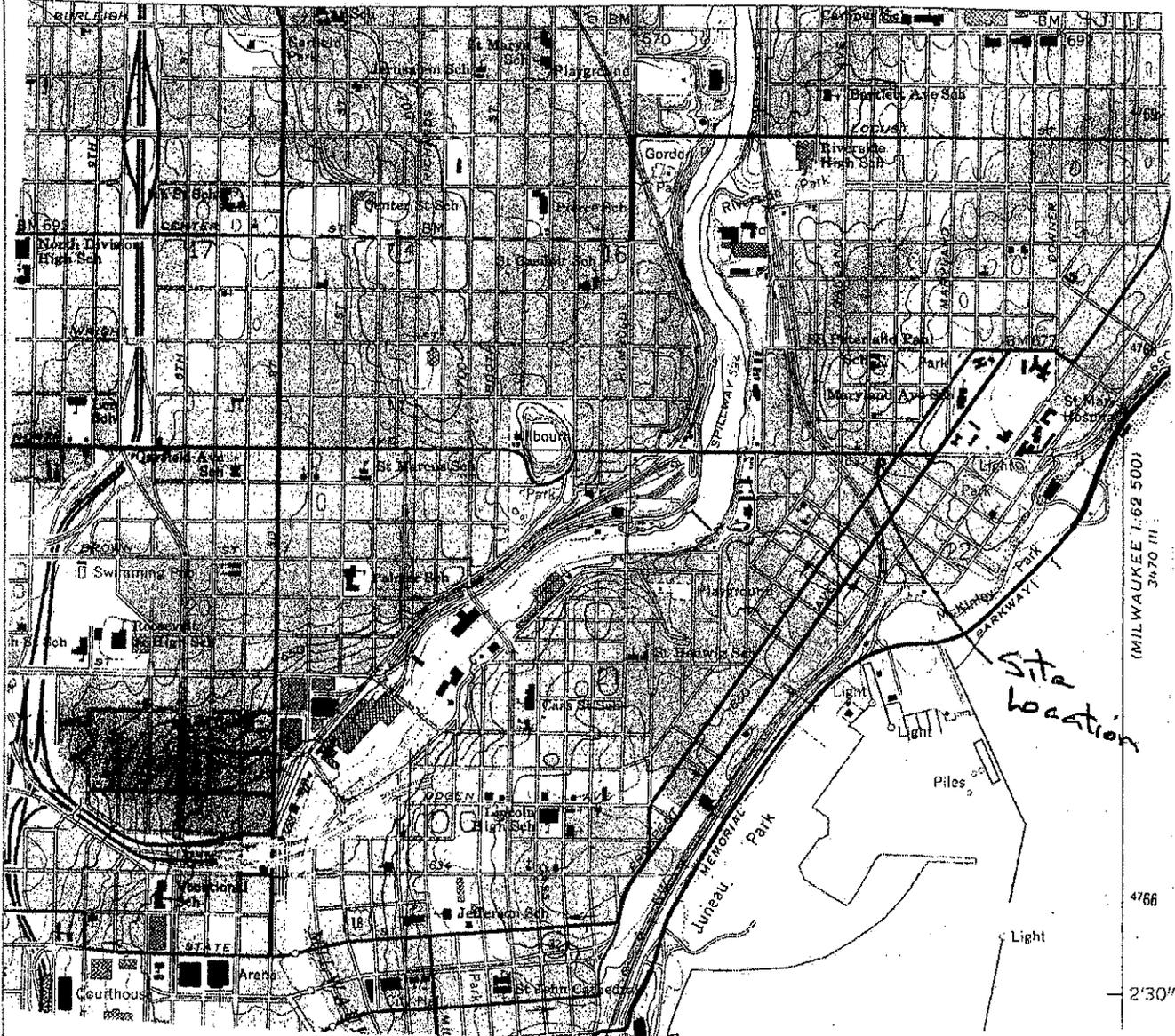
Signature



Date



Printed Name and Title



USGS Topographic Milwaukee Quadrangle  
Wisconsin-Milwaukee County  
7.5 Minute Series

Figure 1

Site Location Map  
Von Trier Tavern Inc.

Assured Environmental Associates, Inc. 2227-2235 North Farwell Avenue  
14120 West Glendale Avenue  
Brookfield, Wisconsin Milwaukee, Wisconsin





North Avenue

Concrete Sidewalk

Soil Sample 2'BUST  
DRO = 196 ppm

Former UST

Property Line

Covered Entryway

Beer Garden

2227-2235 North  
Farwell Ave

Underground Electric

Building Foundations

Farwell Avenue

Approximate Scale:  
1-inch = 20-feet

◆ Soil Sampling  
Location

Figure 2

Site Layout and Soil Sampling Location Map

Von Trier Tavern Inc.

2227-2235 North Farwell Avenue

Milwaukee, Wisconsin



Assured Environmental Associates, Inc.  
14120 West Glendale Avenue  
Brookfield, Wisconsin

Table 1  
Soil Sampling Results  
Von Trier Tavern, Inc  
2235 North Farwell Avenue  
Milwaukee, Wisconsin

Analysis	2'BUST
Percent Moisture	17.5%
Diesel Range Organics	196. mg/kg

Soil sampling completed on August 11, 2009. Sampling depth approximately 10-feet below ground surface.