GIS REGISTRY INFORMATION

SITE NAME: Joseph Property

BRRTS #: 02-65-544207 **FID # (if appropriate):** 865117820

COMMERCE # (if appropriate):

CLOSURE DATE: 7-5-06

STREET ADDRESS: 319-321 West Center St

CITY: Whitewater

SOURCE PROPERTY GPS COORDINATES (meters in WTM91 projection): X= 623423 Y= 263014

CONTAMINATED MEDIA: Groundwater [ ] Soil [X] Both [ ]

OFF-SOURCE GW CONTAMINATION >ES: [ ] Yes [X] No

IF YES, STREET ADDRESS 1:

GPS COORDINATES (meters in WTM91 projection): X= Y=

OFF-SOURCE SOIL CONTAMINATION >Generic or Site-Specific RCL (SSRCL): [ ] Yes [X] No

IF YES, STREET ADDRESS 1:

GPS COORDINATES (meters in WTM91 projection): X= Y=

CONTAMINATION IN RIGHT OF WAY: [ ] Yes [X] No

DOCUMENTS NEEDED:

Closure Letter, and any conditional closure letter or denial letter issued [X]

Copy of most recent deed, including legal description, for all affected properties [X]

Certified survey map or relevant portion of the recorded plat map (*if referenced in the legal description*) for all affected properties [X]

County Parcel ID number, *if used for county*, for all affected properties [X]

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

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

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

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

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

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

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

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

Geologic cross-sections, *If required for SI.* (8.5x14' if paper copy) [X]

RP certified statement that legal descriptions are complete and accurate [X]

Copies of off-source notification letters (if applicable) [X]

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

Copy of (soil or land use) deed restriction(s) or deed notice *if any required as a condition of closure* [X]

Copy of any maintenance plan referenced in the deed restriction. [X]

State of Wisconsin \ DEPARTMENT OF NATURAL RESOURCES

WISCONSIN
DEPT. OF NATURAL RESOURCES

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

Waukesha Service Center
141 NW Barstow St.
Room 180
Waukesha, Wisconsin 53188
Telephone 262-574-2100
FAX 262-574-2117

July 5, 2006

Paul Joseph
W8034 County Road A
Delavan, WI 53115

FID# 265117820
BRRTS# 02-65-544207

Subject: Final Case Closure for Paul Joseph Property, 319-321 West Center Street, Whitewater

Dear Mr. Joseph:

On March 15, 2006, the Wisconsin Department of Natural Resources (Department) notified you that conditional closure was granted to this case. These conditions were the abandonment of monitoring wells, disposal of investigative waste and recording of a deed restriction. On June 5, 2006, the Department received correspondence indicating that you have complied with the conditions of closure. Based on the correspondence and data provided, it appears that your case meets the requirements of ch. NR 726, Wis. Adm. Code. The Department considers this case closed and no further investigation, remediation or other action is required at this time.

Your site will be listed on the DNR Remediation and Redevelopment GIS Registry of Closed Remediation Sites. Information that was submitted with your closure request application will be included on the registry. To review the sites on the GIS Registry web page, visit http://gomapout.dnr.state.wi.us/org/at/et/geo/gwur/index.htm

Please be aware that this 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 the environment.

We appreciate your efforts to protect human health and restore the environment at this site. If you have any questions regarding this letter, please contact me at (262) 574-2140.

Sincerely,

Brenda H. Boyce

Brenda H. Boyce, PG
Hydrogeologist
Bureau for Remediation & Redevelopment

c: Thomas Karwoski – BT^2, Inc.

State of Wisconsin \ DEPARTMENT OF NATURAL RESOURCES

WISCONSIN
DEPT. OF NATURAL RESOURCES

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

Waukesha Service Center
141 NW Barstow St.
Room 180
Waukesha, Wisconsin 53188
Telephone 262-574-2100
FAX 262-574-2117

March 15, 2006

Paul Joseph
W8034 County Road A
Delavan, WI 53115

FID# 265117820
BRRTS# 02-65-544207

Subject: Conditional Case Closure for Paul Joseph Property, 319-321 West Center Street, Whitewater

Dear Mr. Joseph:

On January 23, 2006, the Wisconsin Department of Natural Resources (Department) received your request for closure of the case described above. The Department reviews environmental remediation cases for compliance with state rules and statutes to maintain consistency in the closure of these cases. After careful review of the closure request, the Department has determined that the petroleum and chlorinated solvent contamination on the site from the former dry cleaning operation appears to have been investigated and remediated to the extent practicable under site conditions. Your case has been remediated to Department standards in accordance with s. NR 726.05, Wis. Adm. Code and will be closed if the following conditions are satisfied:

1. The monitoring wells at the site must be properly abandoned in compliance with ch. NR 141, Wis. Adm. Code. Documentation of well abandonment must be submitted to Ms. Victoria Stovall on Form 3300-5B found at www.dnr.state.wi.us/org/water/dwg/gw/ or provided by the Department of Natural Resources.

2. Any remaining waste (soil piles, drilling spoil, and/or purge water) generated as part of site investigation or remediation activities must be removed from the site and disposed of or treated in accordance with Department of Natural Resources' rules. Please send a letter advising me that any remaining waste has been removed once that work is completed.

3. A deed restriction must be signed and recorded to address the issue of the remaining soil contamination associated with the site. The purpose of the restriction is to maintain a surface barrier over the remaining soil contamination to prevent it from impacting human health and the environment, and require that the owner of the property remediate residual contamination that is currently inaccessible, if structural impediments that currently exist on the property are removed.

   The Department acknowledges receipt of a draft deed restriction and approves the revised draft submitted on February 27, 2006. You should sign it if you own the property, or have the appropriate property owner sign it, and have it recorded by the Walworth County Register of Deeds. Then you must submit a copy of the recorded document with the recording information stamped on it to me. Please be aware that if a deed restriction is recorded for the wrong property because of an inaccurate legal description that you have provided, you will be responsible for recording corrected documents at the Register of Deeds Office to correct the problem.

When the above conditions have been satisfied, please submit a letter to let me know that applicable conditions have been met, and your case will be closed.

Recent groundwater monitoring data at this site indicates exceedances of the NR 140 preventive action limit (PAL) for trichloroethylene and tetrachloroethylene at MW-3 and MW-4, but compliance with the NR 140 enforcement standard. The Department may grant an exemption to a PAL for a substance of public health concern, other than nitrate, pursuant to s. NR 140.28(2)(b), Wis. Adm. Code, if all of the following criteria are met:

1. The measured or anticipated increase in the concentration of the substance will be minimized to the extent technically and economically feasible.

2. Compliance with the PAL is either not technically or economically feasible.

3. The enforcement standard for the substance will not be attained or exceeded at the point of standards application.

4. Any existing or projected increase in the concentration of the substance above the background concentration does not present a threat to public health or welfare.

Based on the information you provided, the Department believes that the above criteria have been or will be met. Therefore, pursuant to s. NR 140.28(2)(b), Wis. Adm. Code, an exemption to the PAL is granted for trichloroethylene and tetrachloroethylene at MW-3 and MW-4. This letter serves as your exemption.

We appreciate your efforts to protect human health and restore the environment at this site. If you have any questions regarding this letter, please contact me at (262) 574-2140.

Sincerely,

Brenda H. Boyce

Brenda H. Boyce, PG
Hydrogeologist
Bureau for Remediation & Redevelopment

c: Thomas Karwoski – BT^2, Inc.
Bill Phelps, DG/2

ATTACHMENT D-2

Required GIS Registry Information

1. Copy(s) of Most Recent Deed (attached)
2. Copy of Certified Survey Map(s) (attached)
3. Parcel Identification Number
   /OT 00162
   /OT 00163
   /OT 00164
   /OT 00165
   /OT 00166

   Geographic Position
   623423, 263014

4. Site Location Map (**Figure A-2**)
5. Map of Contaminated Properties Within the Site Boundary (**Figure A-3**)
6. Table of Most Recent Analytical Results (**Tables C-1** and **E-1**)
7. Map of Horizontal Extent of Contamination (**Figures C-2 and E-2**)
8. Table of Previous Four Water Level Elevation Measurements From All Monitoring Wells (**Table E-3**)
9. Groundwater Flow Direction Map (**Figures E-4 and E-5**)
10. Map Showing Location of All Soil Samples (**Figure C-2**)
11. Geologic Cross Section (**Figures C-3 and C-4**)
12. Responsible Party Statement (attached)
13. Copy of Letters Sent by the RP to All Owners of Properties With Groundwater Exceeding ESs (not applicable)
14. Copy of Written Notifications (not applicable)
15. List of Addresses for All Off-Source Properties (not applicable)

0500699

Document Number

STATE BAR OF WISCONSIN FORM 2 – 2000
WARRANTY DEED

RECORDED ON

2002 FEB 14 AM 8 36

CONNIE J. WOOLEVER
REGISTER OF DEEDS
WALWORTH COUNTY, WI

This Deed, made between Joseph Investments, LLP, Grantor and Paul E. Joseph, Grantee,

Grantor, for a valuable consideration, conveys and warrants to Grantee the following described real estate in Walworth County, State of Wisconsin (if more space is needed, please attach addendum):

Lots 11, 12 and 13, in Block 14 of the Original Plat of the Village, now City of Whitewater, Walworth County, Wisconsin.

Exceptions to warranties: Any and all municipal sanitary and zoning ordinances, easements for public utilitities, if any, and recorded building and use restrictions and covenants, real estate taxes and assessments for 2002 and subsequent years.

Recording Area

Name and Return Address 79334

Attorney Martin W. Harrison
P.O. Box 59
Whitewater, WI 53190

SECURITY TITLE COMPANY
25 NORTH WISCONSIN ST.
ELKHORN, WISCONSIN 53121

TRANSFER
$ 120.00
FEE

11.00

/OT 00162, /OT 00163, /OT 00164, /OT 00165, and /OT 00166
Parcel Identification Number (PIN)
This is not homestead property.

Date this 26th day of January, 2002.

*_____

*_____

Jill B. Wiechowski
*Jill B. Wiechowski, partner of Joseph Investments, LLP

*_____

AUTHENTICATION

Signature(s) Jill B. Wiechowski authenticated this 28th day of January, 2002.

Martin W. Harrison
*Martin W. Harrison
TITLE: MEMBER STATE BAR OF WISCONSIN
(If not, _____ authorized by § 706.06, Wis. Stats.)

THIS INSTRUMENT WAS DRAFTED BY
Attorney Martin W. Harrison
P.O. Box 59
Whitewater, WI 53190
(Signatures may be authenticated or acknowledged. Both are not necessary.)

ACKNOWLEDGMENT

STATE OF WISCONSIN)
) ss.
_____County)

Personally came before me this _____ day of _____, _____, _____ the above named _____ to me known to be the person _____ who executed the foregoing instrument and acknowledged the same.

*_____
Notary Public, State of Wisconsin
My Commission is permanent. (If not, state expiration date: _____, _____)

*Names of persons signing in any capacity must be typed or printed below their signature.

UI 66

0500700

Document Number

STATE BAR OF WISCONSIN FORM 2 - 2000
WARRANTY DEED

RECORDED ON

2002 FEB 14 AM 8 36

CONNIE J. WOOLEVER
REGISTER OF DEEDS
WALWORTH COUNTY, WI

This Deed, made between Joseph Investments, LLP, Grantor and Paul E. Joseph, Grantee,

Grantor, for a valuable consideration, conveys and warrants to Grantee the following described real estate in Walworth County, State of Wisconsin (if more space is needed, please attach addendum):

Lots 11, 12 and 13, in Block 14 of the Original Plat of the Village, now City of Whitewater, Walworth County, Wisconsin.

Exceptions to warranties: Any and all municipal sanitary and zoning ordinances, easements for public utilitities, if any, and recorded building and use restrictions and covenants, real estate taxes and assessments for 2002 and subsequent years.

TRANSFER
$ 120.00
FEE

Recording Area

Name and Return Address 79324

Attorney Martin W. Harrison
P.O. Box 59
Whitewater, WI 53190

SECURITY TITLE COMPANY
[illegible] NORTH WISCONSIN ST.
[illegible]HORN, WISCONSIN 53121
11.00

/OT 00162, /OT 00163, /OT 00164, /OT 00165, and /OT 00166
Parcel Identification Number (PIN)
This is not homestead property.

Date this 29th day of January, 2002.

*_____

*_____

Edward A Joseph
*Edward A. Joseph, partner of Joseph Investments, LLP

*_____

AUTHENTICATION

Signature(s) Edward A. Joseph authenticated this 30th day of January, 2002.

Martin W. Harrison
*Martin W. Harrison
TITLE: MEMBER STATE BAR OF WISCONSIN
(If not, _____ authorized by § 706.06, Wis. Stats.)

THIS INSTRUMENT WAS DRAFTED BY
Attorney Martin W. Harrison
P.O. Box 59
Whitewater, WI 53190
(Signatures may be authenticated or acknowledged. Both are not necessary.)

ACKNOWLEDGMENT

STATE OF WISCONSIN)
) ss.
_____County)

Personally came before me this _____ day of _____, _____, _____ the above named _____ to me known to be the person _____ who executed the foregoing instrument and acknowledged the same.

*_____
Notary Public, State of Wisconsin
My Commission is permanent. (If not, state expiration date: _____, _____.)

*Names of persons signing in any capacity must be typed or printed below their signature.

67

0500701

Document Number

STATE BAR OF WISCONSIN FORM 2 – 2000
WARRANTY DEED

RECORDED ON

2002 FEB 14 AM 8 36

CONNIE J. WOOLEVER
REGISTER OF DEEDS
WALWORTH COUNTY, WI

This Deed, made between Joseph Investments, LLP, Grantor, and Paul E. Joseph, Grantee

Grantor, for a valuable consideration, conveys and warrants to Grantee the following described real estate in Walworth County, State of Wisconsin (if more space is needed, please attach addendum):

Lots 11, 12 and 13, in Block 14 of the Original Plat of the Village, now City of Whitewater, Walworth County, Wisconsin.

Exceptions to warranties: Any and all municipal sanitary and zoning ordinances, easements for public utilitities, if any, and recorded building and use restrictions and covenants, real estate taxes and assessments for 2002 and subsequent years.

TRANSFER
$ 120.00
FEE

Recording Area

Name and Return Address 74324
Attorney Martin W. Harrison
P.O. Box 59
Whitewater, WI 53190

SECURITY TITLE COMPANY
25 NORTH WISCONSIN ST.
ELKHORN, WISCONSIN 53121
11.00

/OT 00162, /OT 00163, /OT 00164, /OT 00165, and /OT 00166
Parcel Identification Number (PIN)
This is not homestead property.

Date this 30 day of January, 2002.

*____

*Thomas J. Joseph, partner of Joseph Investments, LLP

*____

*____

AUTHENTICATION

Signature(s) Thomas J. Joseph authenticated this 31st day of January, 2002.

Martin W. Harrison

*Martin W. Harrison
TITLE: MEMBER STATE BAR OF WISCONSIN
(If not, _____ authorized by § 706.06, Wis. Stats.)

THIS INSTRUMENT WAS DRAFTED BY
Attorney Martin W. Harrison
P.O. Box 59
Whitewater, WI 53190
(Signatures may be authenticated or acknowledged. Both are not necessary.)

ACKNOWLEDGMENT

STATE OF WISCONSIN)
) ss.
_____County)

Personally came before me this _____ day of _____, _____, _____ the above named _____ to me known to be the person _____ who executed the foregoing instrument and acknowledged the same.

*____

Notary Public, State of Wisconsin
My Commission is permanent. (If not, state expiration date: _____, _____.)

*Names of persons signing in any capacity must be typed or printed below their signature.

68

0500702

STATE BAR OF WISCONSIN FORM 3 – 2000
QUIT CLAIM DEED

_____
Document Number

RECORDED ON

2002 FEB 14 AM 8 36

CONNIE J. WOOLEVER
REGISTER OF DEEDS
WALWORTH COUNTY, WI

This Deed, made between Joseph Investments, LLP Grantor, and Paul E. Joseph Grantee.

Grantor quit claims to Grantee the following described real estate in Walworth County, State of Wisconsin (if more space is needed, please attach addendum):

Lots 11, 12 and 13, in Block 14 of the Original Plat of the Village, now City of Whitewater, Walworth County, Wisconsin

Together with all appurtenant rights, title and interests.

FEE
#15m
EXEMPT

Recording Area

Name and Return Address
Attorney Martin W. Harrison
P.O. Box 59
Whitewater, WI 53190

79324

COUNTY TITLE COMPANY,
NORTH WISCONSIN ST.
JANESVILLE, WISCONSIN 53121

11.00

/OT 00162, /OT 00163, /OT 00164, /OT 00165 and /OT 00166
Parcel Identification Number (PIN)
This is not homestead property.

Date this 31st day of January, 2002.

*_____

*_____

Paul E. Joseph
*Paul E. Joseph, managing partner of Joseph Investments, LLP

*_____

AUTHENTICATION

Signature(s) Paul E. Joseph authenticated this 31st day of January, 2002.

Martin W. Harrison
*Martin W. Harrison
TITLE: MEMBER STATE BAR OF WISCONSIN
(If not, _____ authorized by § 706.06, Wis. Stats.)

THIS INSTRUMENT WAS DRAFTED BY
Attorney Martin W. Harrison
P.O. Box 59
Whitewater, WI 53190
(Signatures may be authenticated or acknowledged. Both are not necessary.)

ACKNOWLEDGMENT

STATE OF WISCONSIN)
) ss.
_____County)

Personally came before me this _____ day of _____, _____ the above named _____ to me known to be the person _____ who executed the foregoing instrument and acknowledged the same.

*_____
Notary Public, State of Wisconsin
My Commission is permanent. (If not, state expiration date: _____, _____.)

*Names of persons signing in any capacity must be typed or printed below their signature.

69

CITY OF WHITEWATER
312 W. Whitewater St.
P.O. Box 178
Whitewater, Wisconsin 53190

(262) 473-0540 EXT. 243
FAX (262) 473-0549

BRUCE R. PARKER
Code Enforcement Director/
Zoning Administrator

DEPARTMENT OF PUBLIC WORKS
FAX TRANSMISSION COVER SHEET

COMPANY NAME: _____

ATTENTION: Scott Christian

DATE: 1-17-06 TIME: _____

COMMENTS: Excerpt of City of Whitewater plat book and the city of Whitewater Zoning Map showing Lots 11, 12, + 13 of Block 14 (Tax Parcel #'s OT 162, OT 163, OT 164, OT 165, OT 166) in a B-2 Zoning District (Central Business)

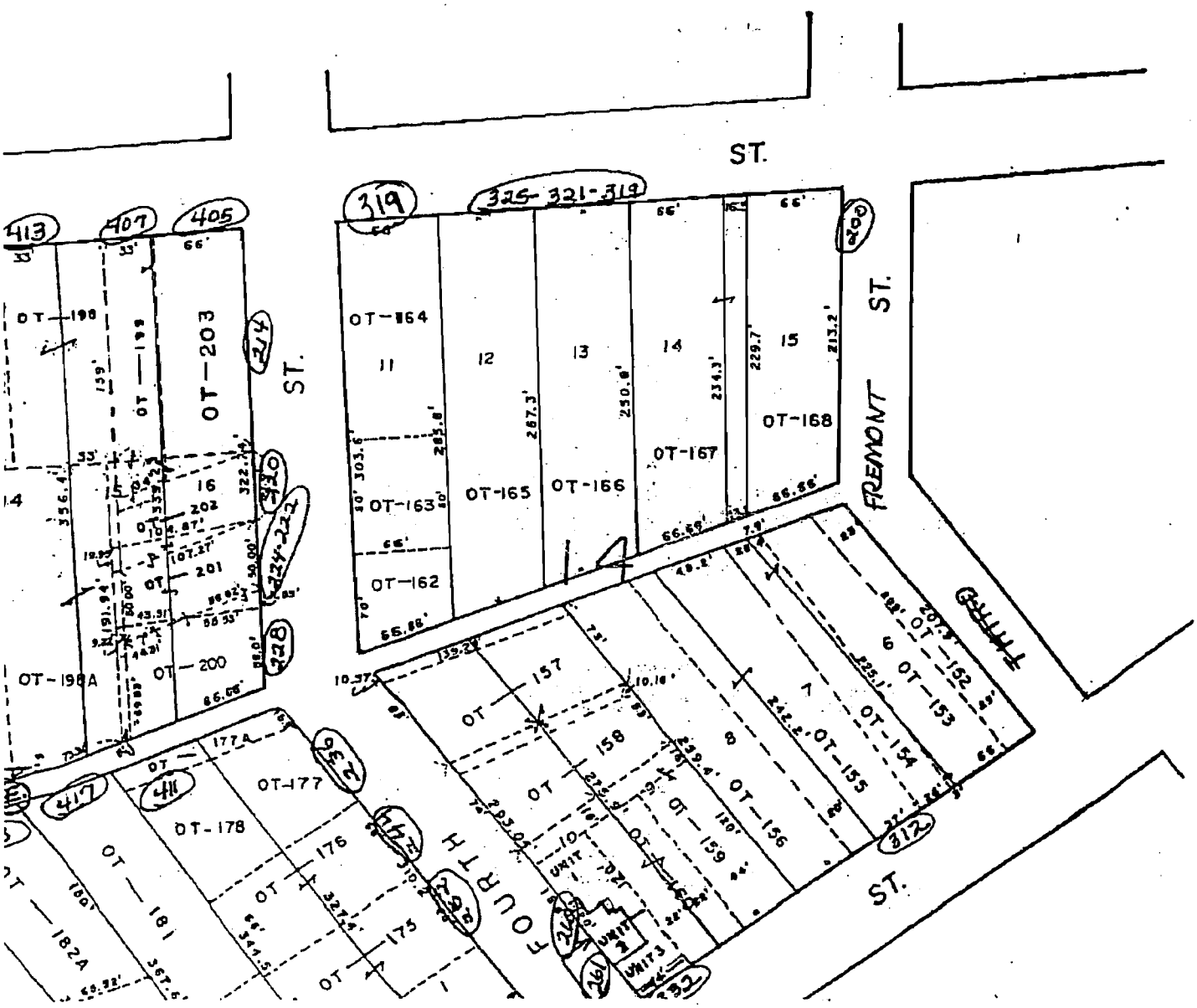
TOTAL PAGES INCLUDING COVER PAGE 5

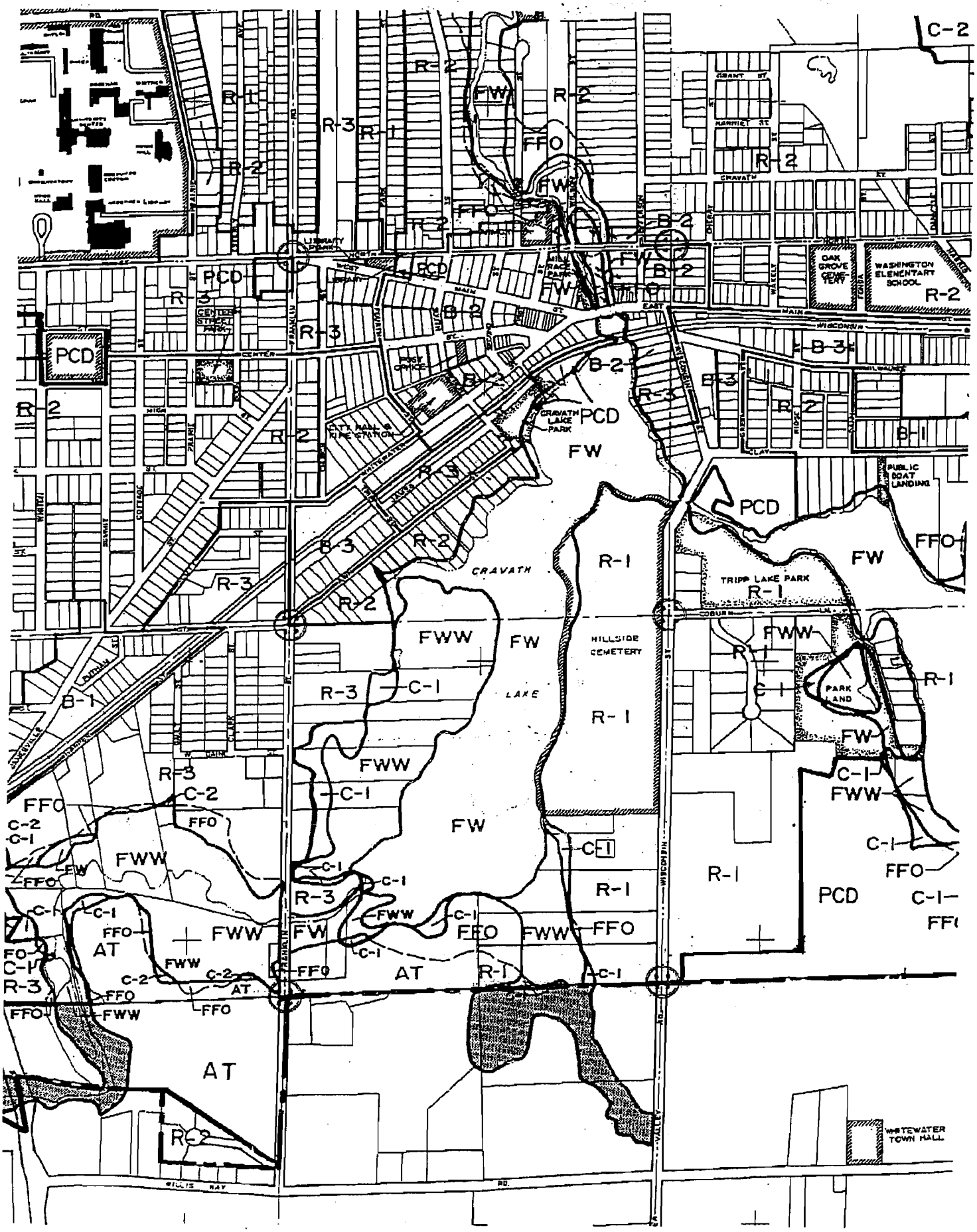
IF PROBLEMS OCCUR DURING TRANSMISSION CONTACT:
Jane Ext 244

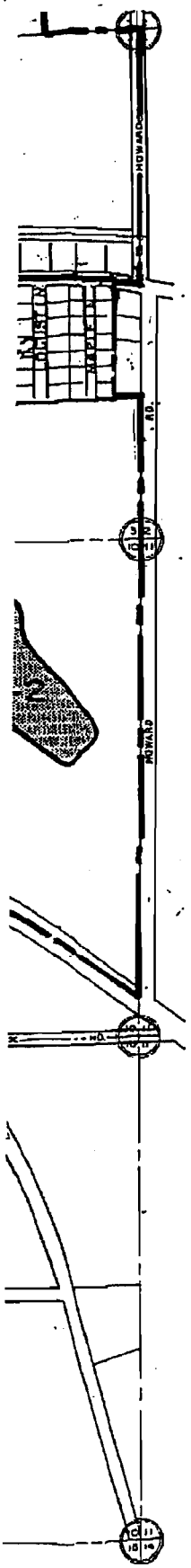
OF WHITEWATER

'4 SEC. 4, T4N R15E

VAL TOWN: BLOCKS 14 (PART OF), 15 & 12




C-2
R-2
R-1
R-3
FW
FFO
B-2
PCD
LIBRARY PARK
CENTER STREET PARK
POST OFFICE
CITY HALL & FIRE STATION
CRAVATH LAKE PARK
OAK GROVE CEMETERY
WASHINGTON ELEMENTARY SCHOOL
B-3
B-1
PUBLIC BOAT LANDING
CRAVATH
LAKE
HILLSIDE CEMETERY
TRIPP LAKE PARK
PARK LAND
FWW
C-1
C-2
AT
WHITEWATER TOWN HALL
WILLIS WAY RD.



LEGEND

Zoning District Boundary

Wetlands located outside the City of Whitewater (for information only)

ZONING DISTRICTS

R-1	One-Family Residence
R-1x	One-Family Residence
R-2	One and Two-Family Residence
R-3	Multi-Family Residence
R-4	Mobile Home
B-1	General Business Purpose
B-2	Central Business Purpose
B-3	Commercial Service and light Manufacturing
M-1	General Manufacturing
PCD	Planned Community Development
AT	Agricultural Transition
I	Institutional
C-1	Shoreland Wetland
C-2	Non-Shoreland Wetland
FW	Floodway
FWW	Floodway/Wetland
FFO	Floodplain Fringe Overlay

CITY LIMITS

CERTIFICATION:

I, The undersigned, City Manager of the City of Whitewater, Jefferson County and Walworth County, Wisconsin, do hereby certify that this "Zoning map, City of Whitewater, Wisconsin" was adopted and approved as part of the "Zoning Ordinance — City of Whitewater, Wisconsin" on October 02, 1990, and is available in the office of the City Clerk. Changes, thereafter, shall not become effective until entered and attested on this certified copy.

ATTESTATION:

Paul E. Webber — Feb 27, 1991
City Manager — Date

Wm. Jean Nelson — Feb 27, 1991
City Clerk — Date

City Manager - revised

MAP REVISION — 23 JANUARY 1995
28 FEBRUARY 1996
18 SEPTEMBER 1996
10 FEBRUARY 1998
4 OCTOBER 2002

Chapter 19.30

B-2 CENTRAL BUSINESS DISTRICT

Sections:

19.30.010 Purpose.
19.30.020 Permitted uses.
19.30.030 Conditional uses.
19.30.040 Development standards.
19.30.050 Park fees.

19.30.010 Purpose. The B-2 district is established to accommodate retail, service and office uses for city-wide and regional use. (Ord. 994 §3.11(part), 1982).

19.30.020 Permitted uses. Permitted uses in the B-2 district include:

Art and school supply stores;

Automotive parts sales stores, automobile sales lots and show rooms and lots; provided, however, that no vehicle in an inoperative condition shall be parked or stored on a lot for more than thirty days;

Antique shops;
Hotels and motels;
Repair stores;
Barbershops and beauty parlors;
Banks and other financial institutions;
Caterers;
Clothing repair shops;
Clinics, medical and dental;
Department stores;
Drugstores;
Insurance agencies;
Jewelry stores;
Paint stores;
Offices;
Restaurants;
Tourist information and hospitality centers;
Variety stores;
Dancehalls;
Movie theaters;
Hospitals;
Charitable or nonprofit institutions and facilities;
Tourist homes;
Wholesale trade of durable and nondurable goods;
Residential uses above the first floor;

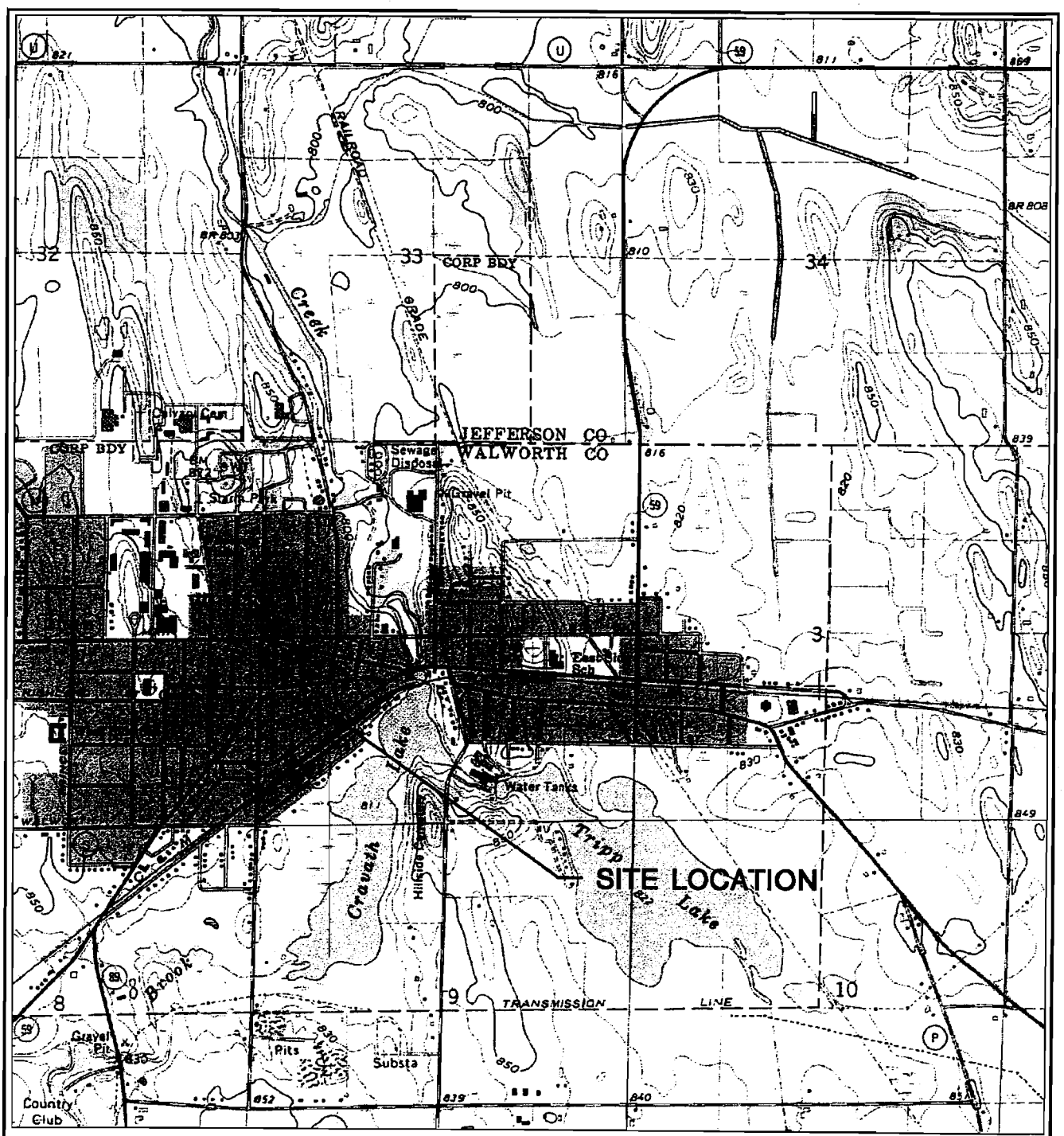
Parcel Identification Numbers and Geographic Position of Affected Properties

Joseph Property
319-321 West Center Street
Whitewater, WI 53545

Parcel I.D.

/OT 00162
/OT 00163
/OT 00164
/OT 00165
/OT 00166

WTM91 Coordinate
X=623423
Y=263014



N

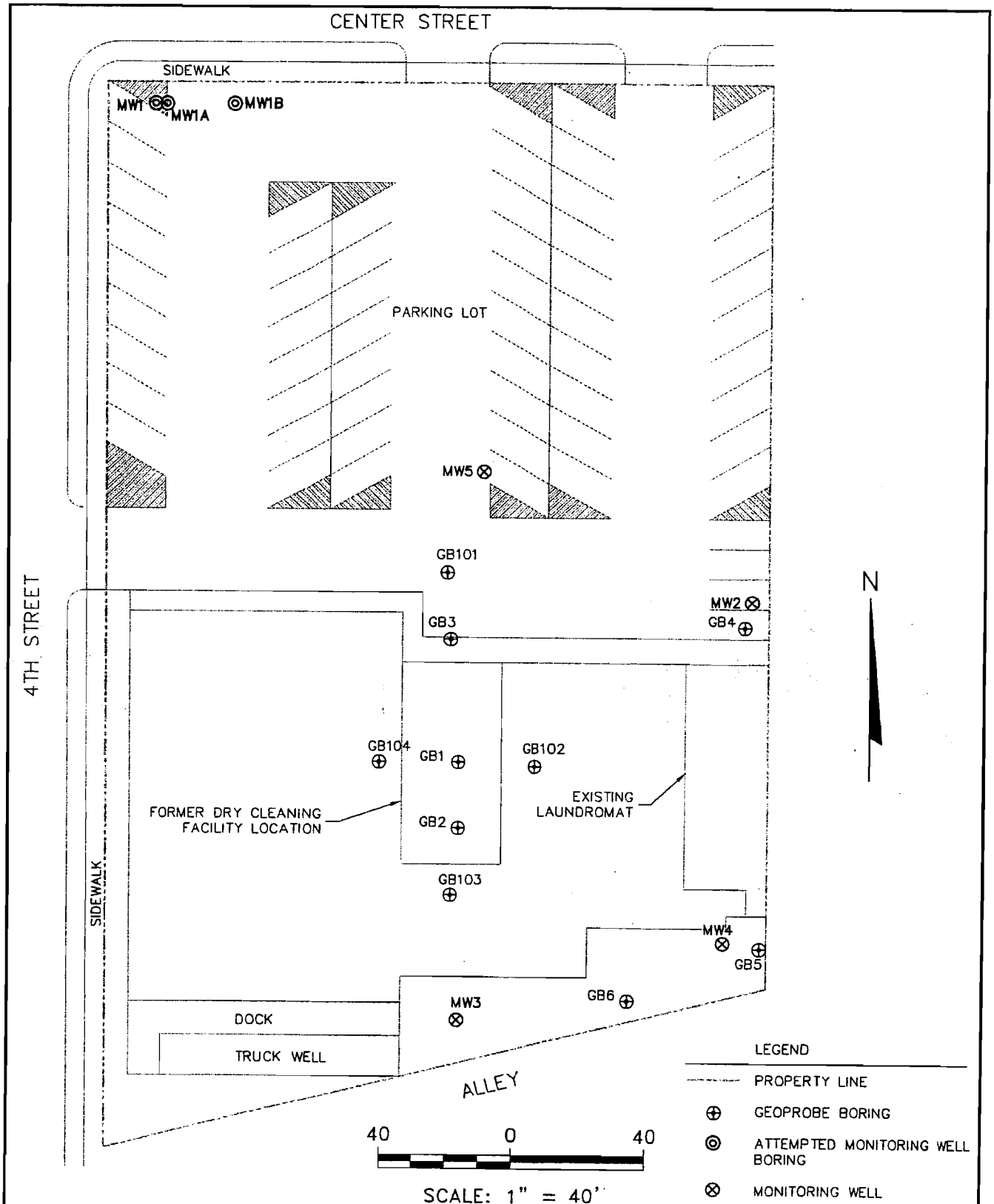
WHITEWATER QUADRANGLE
WISCONSIN
7.5 MINUTE SERIES (TOPOGRAPHIC)
SW/4 WHITEWATER 15' QUADRANGLE
1971
SCALE: 1" = 2,000'

PROJECT NO. 2935	
DRAWN BY: KP	
CHECKED BY: TK	
APPROVED BY:	
DRAWN: 09/23/05	
REVISED: 09/23/05	

FIGURE A-2
SITE LOCATION MAP
JOSEPH PROPERTY
319-321 WEST CENTER STREET
WHITEWATER, WISCONSIN

BT2 inc

I:\2987\figures-general\FIG1.dwg, 1/17/2006 10:48:08 AM



PROJECT NO. 2935A	FIGURE A-3 SITE PLAN JOSEPH PROPERTY 319-321 WEST CENTER STREET WHITEWATER, WISCONSIN
DRAWN BY: KP	
CHECKED BY: TK	
APPROVED BY:	
DRAWN: 09/23/05	
REVISED: 01/18/06	

I:\2987\figures-general\site-plan.dwg, 1/18/2006 11:10:48 AM

Table C-1
Soil Analytical Results Summary
Joseph Property-Whitewater / BT² Project #2987
(Results are in µg/kg, except where noted otherwise)

Sample	Date	Depth (feet)	PID	Lab Notes	DRO (mg/kg)	GRO (mg/kg)	cis-1,2-Dichloroethylene	2,2-Dichloropropane	p-Isopropyltoluene	Methylene Chloride	Naphthalene	Tetrachloroethylene	Toluene	Trichloroethylene
GB1 S2	7/20/2005	2-4	3	(1)	7.7	<5.4	<27	200	<27	<54	<54	*810*	37	*54*
GB1 S4	7/20/2005	6-8	3	(1)	<5.8	<5.8	<29	220	<29	<58	<58	<29	<29	<29
GB2 S2	7/20/2005	2-4	3	(1)	<5.5	<5.5	<28	<28	<28	<55	<55	*310*	<28	<28
GB2 S4	7/20/2005	6-8	1	(2)	<5.6	<5.6	<28	<28	<28	<56	<56	<28	<28	<28
GB3 S2	7/20/2005	2-4	2	(1)	<5.6	<5.6	<28	210	<28	<56	<56	*180*	<28	<28
GB3 S4	7/20/2005	6-8	3	(3)	<5.5	<5.5	<27	<27 R2	<27 R2	<55	<55 R2	<27 R2	<27 R2	<27 R2
GB4 S2	7/20/2005	2-4	3	(3) (4)	6.0	<5.7	<1,400	<1,400 R2	<1,400 R2	<2,800	<2,800 R2	<1,400 R2	<1,400 R2	<1,400 R2
GB4 S4	7/20/2005	6-8	1	(3)	<5.5	<5.5	<28	<28 R2	<28 R2	<55	<55 R2	<28 R2	<28 R2	<28 R2
GB5 S2	7/20/2005	2-4	1	(3)	<5.5	<5.5	<28	<28 R2	<28	<55	<55 R2	<28 R2	<28 R2	<28 R2
GB5 S4	7/20/2005	6-8	1	(1)	<5.7	<5.7	<29	220	<29	<57	<57	<29	<29	<29
GB6 S2	7/20/2005	2-4	1	(3)	<5.7	<5.7	<29	<29 R2	<29 R2	<57	<57 R2	<29 R2	<29 R2	<29 R2
GB6 S4	7/20/2005	6-8	1	(3)	<5.5	<5.5	<28	<28 R2	<28 R2	<55	<55 R2	<28 R2	<28 R2	<28 R2
GB101 S2	10/12/2005	2-4	3	--	22	<5.6	<28	<28 L2	<28	<56	<56	<28	<28	<28
GB101 S4	10/12/2005	6-8	2	--	<4.8	<5.5	<28	<28 L2	<28	<55	<55	<28	<28	<28
GB102 S2	10/12/2005	2-4	4	--	**190**	<5.5	<28	<28 L2	<28	<55	97	*230*	<28	<28
GB102 S4	10/12/2005	6	3	--	<4.5	<5.2	<26	<26 C4, L2	<26	110 S2	<52	<26	<26	<26
GB103 S2	10/12/2005	2-4	2	--	<4.7	<5.2	<26	<26 C4, L2	<26	<52	<52	<26	<26	<26
GB103 S4	10/12/2005	6	3	(5)	12	<8.1 P9	<40	<40 C4, L2	<40	<81	<81	<40	<40	<40
GB104 S2	10/12/2005	2-4	1	--	NA	<5.6	<28	<28 C4, L2	70	<56	<56	*470*	<28	<28
GB104 S4	10/12/2005	6-8	3	--	<4.8	<5.3	<26	<26 C4, L2	<26	<53	<53	<26	<26	<26
MW3 S2	10/7/2005	2-4	2.9	--	NA	NA	*48*	<30	<30	<59	<59	*99*	<30	<30
MW5 S2	11/17/2005	2-4	0	(6)	<5.3	<5.3	<27	<27	<27	<53	<53	<27	<27	<27
MeOH Blank	7/20/2005	--	--	(3)	NA	NA	<25	<25 R2	<25 R2	<50	<50 R2	<25 R2	<25 R2	<25 R2
	11/17/2005	--	--	(6)	NA	NA	<25	<25	<25	<50	<50	<25	<25	<25
NR 720 Residual Contaminant Level (RCL)					100	100	NE	NE	NE	NE	NE	NE	1,500	NE
NR 746 Table 1					NE	NE	NE	NE	NE	NE	2,700	NE	38,000	NE
NR 746 Table 2					NE	NE	NE	NE	NE	NE	NE	NE	NE	NE
Site-Specific RCLs [2]	Ingestion				NSC	NSC	156,000	NSC	NSC	--[1]	313,000	12,300	1,250,000	1,600
	Inhalation of Volatiles				NSC	NSC	1,300,000	NSC	NSC	--[1]	68,000	21,000	670,000	140
	Soil to Groundwater				NSC	NSC	27	NSC	NSC	--[1]	340	4	1,400	3.7

Rev. by: LMH 8/8/05 (Added GB4 S2 7/20/05 Results); LMH 10/27/05; JSN 1/5/06

Table C-1
Soil Analytical Results Summary
Joseph Property-Whitewater / BT² Project #2987
(Results are in µg/kg, except where noted otherwise)

ABBREVIATIONS:
µg/kg = micrograms per kilogram or parts per billion (ppb)
DRO = Diesel Range Organics
NE = Not Established
NSC = No Standard calculated
-- = Not Applicable
mg/kg - milligrams per kilogram or parts per million (ppm)
GRO = Gasoline Range Organics

FOOTNOTES:
(1) Because methylene chloride is a common laboratory solvent and contaminant, the detection of this compound does not represent actual site conditions. Therefore, a site-specific RCL was not calculated.
(2) For five VOC compounds, SSRCLs were developed in accordance with the EPA Guidance titled "Determining Residual Contaminant Levels Using the EPA Soil Screening Level Web Site". Values were calculated using non-industrial, Wisconsin default values, with a target risk of $1X10^{-6}$ for carcinogens.

NOTES:
Only detected compounds are listed in this table.
Italic values exceed Site-Specific RCL for Soil to Groundwater values.
Bold values exceed NR 720 RCLs.
NR 720 RCL - Wisconsin Administrative Code (WAC), Chapter NR 720 Residual Contaminant Level.
NR 746 Table 1 - WAC, Chapter NR 746.06(2)(b) Table 1 - Indicators of Residual Petroleum Product in Soil Pores.
NR 746 Table 2 - WAC, Chapter NR 746.06(2)(b) Table 2 - Protection of Human Health from Direct Contact with Contaminated Soil.

LABORATORY NOTES:
C = Calibration Verification recovery was below the method control limit for this analyte. Analyte not detected, data not impacted.
C4 = Calibration Verification recovery was below the method control limit for this analyte.
C9 = Calibration Verification recovery was outside the method control limits for this analyte. The LCS for this analyte met CCV acceptance criteria, and was used to validate the batch.
L2 = Laboratory Control Sample and/or Laboratory Control Sample Duplicate recovery was below acceptance limits.
P9 = Amount of sample in the container was outside the acceptable range as stated in the method.
R2 = The RPD exceeded the acceptance limit.
S2 = Compound is a common lab solvent and contaminant.
(1) Bromomethane analysis - Calibration Verification recovery was below the method control limit for this analyte.
(2) Bromomethane analysis - The RPD exceeded the acceptance limit.
(3) Bromoform, cis-1,3-dichloropropene, trans-1,3-dichloropropene, and 1,1,1,2-tetrachloroethane analyses - The RPD exceeded the acceptance limit.
Bromomethane Calibration Verification recovery was below the method control limit for this analyte. Laboratory Control Sample and/or Laboratory Control Sample Duplicate recovery was below acceptance limits.
(4) Detection limits were elevated due to the presence of a soap substance in the sample.
(5) VOCs analysis - Amount of sample in the container was outside the acceptable range as stated in the method.
(6) Surr: Dibromofluoromethane analysis - Surrogate recovery was below acceptance limits.

Created by: LMH 8/4/05
Checked by: JMM 8/8/05; JSN 10/27/05

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Rev. by: LMH 8/8/05 (Added GB4 S2 7/20/05 Results); LMH 10/27/05; JSN 1/5/06

Table E-1
Groundwater Analytical Results Summary
Joseph Property-Whitewater / BT² Project #2987
(Results are in µg/l)

Sample	Date	Lab Notes	DRO	GRO	Benzene	Chloromethane	cis-1,2-Dichloroethylene	p-Isopropyltoluene	Methylene Chloride	Naphthalene	Tetrachloroethylene	Toluene	Trichloroethylene (TCE)	TMBs	Xylenes
GB1 GW	7/20/2005	(1)	NA	NA	<0.20	<0.20	<0.50	<0.20	<1.0	<0.25	1.9	0.50 J	<0.20	0.26 J	<0.50
GB2 GW	7/20/2005	(1)	NA	NA	0.28 J	<0.20	<0.50	<0.20	<1.0	0.37 J	<0.50	0.93	<0.20	0.38 J	<0.50
GB3 GW	7/20/2005	(1), (2)	NA	NA	<0.20	<0.20	<0.50	<0.20	<1.0	0.55 J	<0.50	1.1	<0.20	0.71	1.2 J
GB4 GW	7/20/2005	(1), (2)	NA	NA	0.57 J	<0.20	<0.50	<0.20	<1.0	0.33 J	<0.50	1.8	<0.20	0.40 J	0.89 J
GB5 GW	7/20/2005	(1)	NA	NA	<0.20	<0.20	<0.50	<0.20	<1.0	0.36 J	<0.50	0.50 J	<0.20	<0.40	<0.50
GB6 GW	7/20/2005	(1), (2)	NA	NA	<0.20	<0.20	<0.50	0.53 J	<1.0	<0.25	<0.50	0.80	<0.20	0.30 J	<0.50
GB101	10/12/2005	--	NA	NA	0.40 J	<0.20	<0.50	<0.20	1.2 S2, J	0.39 J	<0.50	1.9	<0.20	1.58 J	2.2
GB102	10/12/2005	--	NA	NA	0.53 J	<0.20	<0.50	<0.20	2.6 S2, J	0.33 J	<0.50	2.2	<0.20	1.70 J	2.2
GB103	10/12/2005	--	NA	NA	0.32 J	<0.20	<0.50	<0.20	1.1 S2, J	<0.25	1.4 J	1.5	0.22 J	1.54 J	1.9
GB104	10/12/2005	--	NA	NA	<0.20	<0.20	<0.50	<0.20	1.2 S2, J	<0.25	<0.50	1.9	<0.20	1.2	2.3
MW2	10/12/2005	--	NA	NA	<0.20	<0.20	<0.50	<0.20	<1.0	<0.25	<0.50	0.32 J	<0.20	<0.40	<0.50
	11/23/2005	--	NA	NA	<0.20	<0.20	<0.50	<0.20	5.7	<0.25	<0.50	<0.20	<0.20	<0.40	<0.50
	12/20/2005	--	NA	NA	<0.20	<0.20	<0.50	<0.20	<1.0	<0.25	<0.50	<0.20	<0.20	<0.40	<0.50
MW3	10/12/2005	--	NA	NA	<0.20	<0.20	1.6 J	<0.20	<1.0	<0.25	3.3	<0.20	0.57 J	<0.40	<0.50
	10/12/05 (Dup)	--	NA	NA	<0.20	<0.20	2.4	<0.20	<1.0	<0.25	3.7	0.21 J	0.77	<0.40	<0.50
	11/23/2005	--	NA	NA	<0.20	<0.20	1.2 J	<0.20	4.0 S2	<0.25	4.1	0.23 J	0.65 J	<0.40	<0.50
	12/20/2005	--	NA	NA	<0.20	<0.20	1.0 J	<0.20	<1.0	<0.25	3.1	<0.20	0.52 J	<0.40	<0.50
MW4	10/12/2005	--	NA	NA	<0.20	<0.20	<0.50	<0.20	<1.0	<0.25	1.1 J	<0.20	<0.20	<0.40	<0.50
	11/23/2005	--	NA	NA	<0.20	0.31 J	<0.50	<0.20	6.2	<0.25	1.2 J	<0.20	<0.20	<0.40	<0.50
	12/20/2005	--	NA	NA	<0.20	<0.20	<0.50	<0.20	<1.0	<0.25	0.96 J	<0.20	<0.20	<0.40	<0.50
	12/20/05 Dup	--	NA	NA	<0.20	<0.20	<0.50	<0.20	<1.0	<0.25	1.0 J	<0.20	<0.20	<0.40	<0.50
MW5	11/23/2005	--	NA	NA	<0.20	<0.20	<0.50	<0.20	6.3	<0.25	<0.50	0.21 J	<0.20	<0.40	<0.50
	11/23/2005 Dup	--	NA	NA	<0.20	<0.20	<0.50	<0.20	5.9	<0.25	<0.50	0.22 J	<0.20	<0.40	<0.50
	12/20/2005	--	NA	NA	<0.20	<0.20	<0.50	<0.20	<1.0	<0.25	<0.50	<0.20	<0.20	<0.40	<0.50
Field Blank	11/23/2005	--	NA	NA	<0.20	<0.20	<0.50	<0.20	5.7	<0.25	<0.50	<0.20	<0.20	<0.40	<0.50
Rinsate Blank	12/20/2005	--	NA	NA	<0.20	<0.20	<0.50	<0.20	<1.0	<0.25	<0.50	<0.20	<0.20	<0.40	<0.50
Trip Blank	7/20/2005	--	NA	NA	<0.20	<0.20	<0.50	<0.20	<1.0	<0.25	<0.50	<0.20	<0.20	<0.40	<0.50
	11/23/2005	--	NA	NA	<0.20	<0.20	<0.50	<0.20	6.1	<0.25	<0.50	0.28 J	<0.20	<0.40	<0.50
	12/20/2005	--	NA	NA	<0.20	<0.20	<0.50	<0.20	<1.0	<0.25	<0.50	<0.20	<0.20	<0.40	<0.50
NR 140 Enforcement Standards (ES)			NE	NE	5	3	70	NE	5	40	5	1,000	5	480	10,000
NR 140 Preventive Action Limits (PAL)			NE	NE	0.5	0.3	7	NE	0.5	8	0.5	200	0.5	96	1,000

Rev. by: LMH 10/27/05 (Added 10/12/05 Results); JSN 1/5/06

Table E-1
Groundwater Analytical Results Summary
Joseph Property-Whitewater / BT² Project #2987
(Results are in µg/l)

ABBREVIATIONS:
µg/l = micrograms per liter or parts per billion (ppb)
TMBs = 1,2,4- and 1,3,5-trimethylbenzenes
NE = No Standard Established
DRO = Diesel Range Organics
MTBE = Methyl-tert-butyl ether
-- = Not Applicable

NOTES:
Only detected compounds are listed in this table.
Analytical laboratory indicated that samples collected on November 23, 2005 were corss-contaminated with methylene chloride.
Therefore, the results for methylene chloride do not represent contaminant concentrations in groundwater.
Bold values meet or exceed NR 140 enforcement standards.
Italic values meet or exceed NR 140 preventive action limits.
NR 140 ES - Wisconsin Administrative Code (WAC), Chapter NR 140.10 Table 1 - Public Health Groundwater Quality Standards.
NR 140 PAL - WAC, Chapter NR 140.10 Table 1 - Public Health Groundwater Quality Standards.

LABORATORY NOTES:
C = Calibration Verification recovery was above the method control limit for this analyte. Analyte not detected, data not impacted.
J = Results reported between the Method Detection Limit (MDL) and Limit of Quantitation (LOQ) are less certain than results at or above the LOQ.
S2 = Compound is a common lab solvent and contaminant.
(1) Bromoform and 1,2,3-Trichloropropane analyses - Calibration Verification recovery was above the method control limit for this analyte. Analyte not detected, data not impacted.
(2) VOCs analysis - Sediment present.

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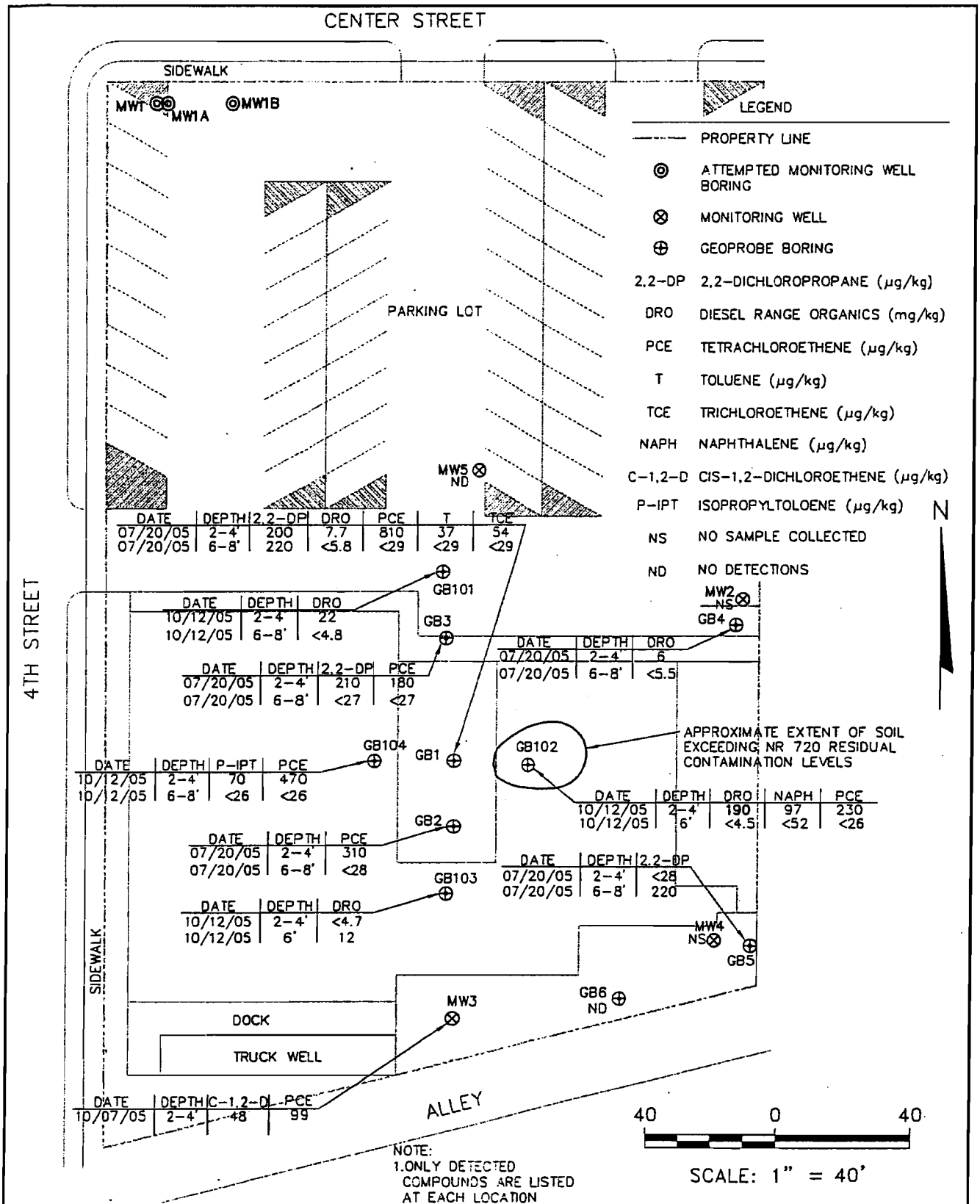
Rev. by: LMH 10/27/05 (Added 10/12/05 Results); JSN 1/5/06



PROJECT NO. 2935A	
DRAWN BY: KP	
CHECKED BY: TK	
APPROVED BY:	
DRAWN: 08/03/05	
REVISED: 01/19/06	

FIGURE C-2
SOIL RESULTS MAP
JOSEPH PROPERTY
319-321 WEST CENTER STREET
WHITEWATER, WISCONSIN

BT² inc.

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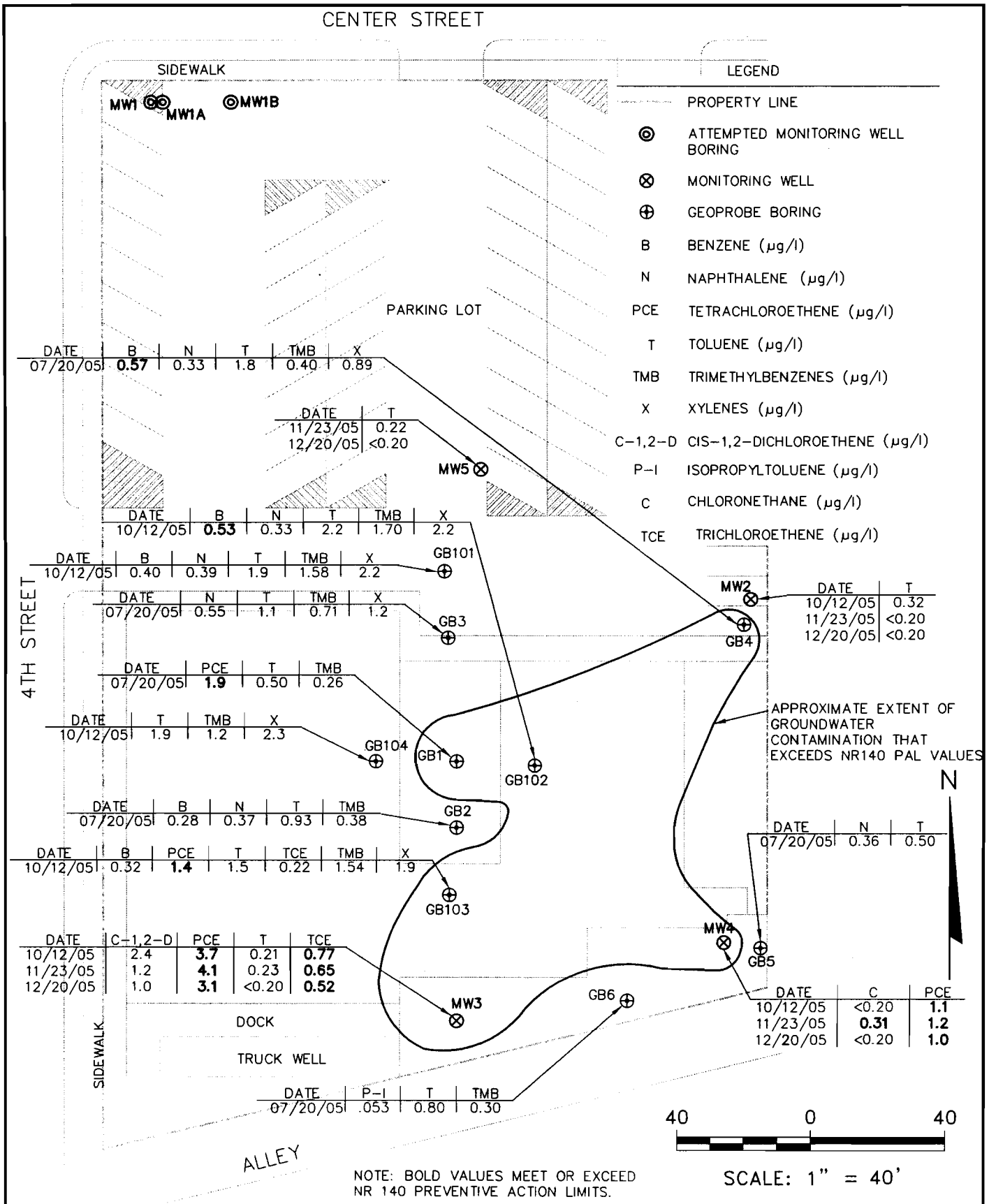

DATE	B	N	T	TMB	X
07/20/05	**0.57**	0.33	1.8	0.40	0.89

DATE	T
11/23/05	0.22
12/20/05	<0.20

DATE	B	N	T	TMB	X
10/12/05	**0.53**	0.33	2.2	1.70	2.2

DATE	B	N	T	TMB	X
10/12/05	0.40	0.39	1.9	1.58	2.2

DATE	N	T	TMB	X
07/20/05	0.55	1.1	0.71	1.2

DATE	T
10/12/05	0.32
11/23/05	<0.20
12/20/05	<0.20

DATE	PCE	T	TMB
07/20/05	**1.9**	0.50	0.26

DATE	T	TMB	X
10/12/05	1.9	1.2	2.3

DATE	B	N	T	TMB
07/20/05	0.28	0.37	0.93	0.38

DATE	B	PCE	T	TCE	TMB	X
10/12/05	0.32	**1.4**	1.5	0.22	1.54	1.9

DATE	N	T
07/20/05	0.36	0.50

DATE	C-1,2-D	PCE	T	TCE
10/12/05	2.4	**3.7**	0.21	**0.77**
11/23/05	1.2	**4.1**	0.23	**0.65**
12/20/05	1.0	**3.1**	<0.20	**0.52**

DATE	C	PCE
10/12/05	<0.20	**1.1**
11/23/05	**0.31**	**1.2**
12/20/05	<0.20	**1.0**

DATE	P-I	T	TMB
07/20/05	.053	0.80	0.30

NOTE: BOLD VALUES MEET OR EXCEED NR 140 PREVENTIVE ACTION LIMITS.

PROJECT NO. 2935A	
DRAWN BY: KP	
CHECKED BY: TK	
APPROVED BY:	
DRAWN: 08/03/05	
REVISED: 01/18/06	

FIGURE E-2
GROUNDWATER RESULTS MAP
JOSEPH PROPERTY
319-321 WEST CENTER STREET
WHITEWATER, WISCONSIN

BT² inc.

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Table E-3
Water Level Summary
Joseph Property / Project #2987
Whitewater, Wisconsin

Monitoring Well ID	MW2	MW3	MW4	MW5
Date				
12-Oct-05	13.08	10.02	10.27	--
1-Nov-05	13.38	10.36	10.60	--
17-Nov-05	12.88	9.62	9.88	13.22 (2)
23-Nov-05	12.71	9.49	9.72	11.95
20-Dec-05	12.66	9.48	9.74	11.86

Monitoring Well ID	MW2	MW3	MW4	MW5
TOC Elevation (1)	100.00	97.88	97.91	100.01
Date				
12-Oct-05	86.92	87.86	87.64	--
1-Nov-05	86.62	87.52	87.31	--
17-Nov-05	87.12	88.26	88.03	86.79 (2)
23-Nov-05	87.29	88.39	88.19	88.06
20-Dec-05	87.34	88.40	88.17	88.15

Abbreviations:
TOC = top of casing
-- = well was not installed

Footnotes:
(1) The TOC elevation for MW2 was assumed to be 100.00.
Monitoring wells MW3, MW4, and MW5 were surveyed relative to MW2.
(2) Monitoring well MW5 was installed and developed on November 17, 2005.
It is uncertain if groundwater reached static conditions in MW5 on this date.
Therefore, the depth to water and groundwater elevations may not be accurate

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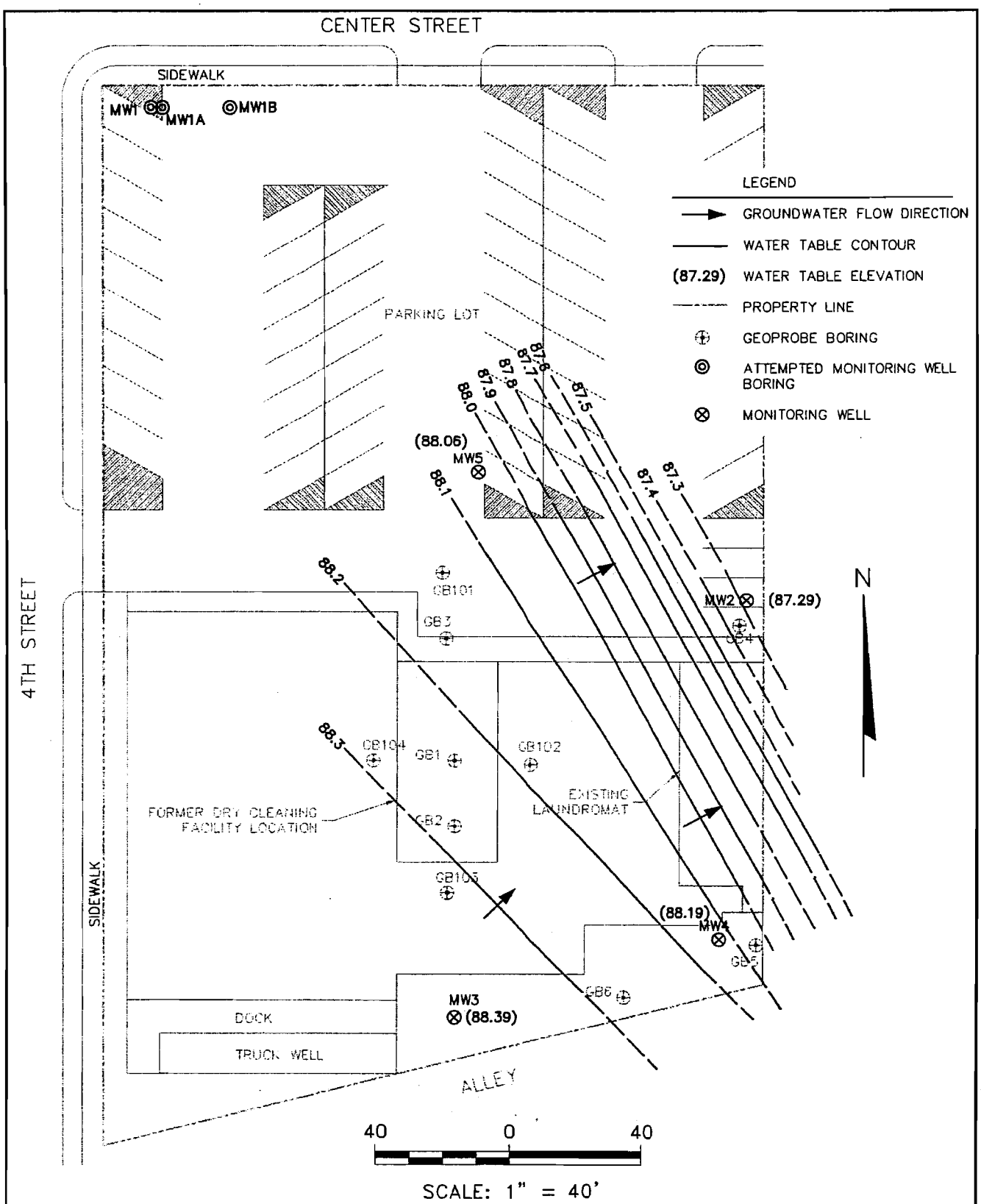

PROJECT NO. 2935A	FIGURE E-4 WATERTABLE MAP (NOVEMBER 23, 2005) JOSEPH PROPERTY 319-321 WEST CENTER STREET WHITEWATER, WISCONSIN
DRAWN BY: KP	
CHECKED BY: TK	
APPROVED BY:	
DRAWN: 01/18/05	
REVISED:	

BT2 inc.

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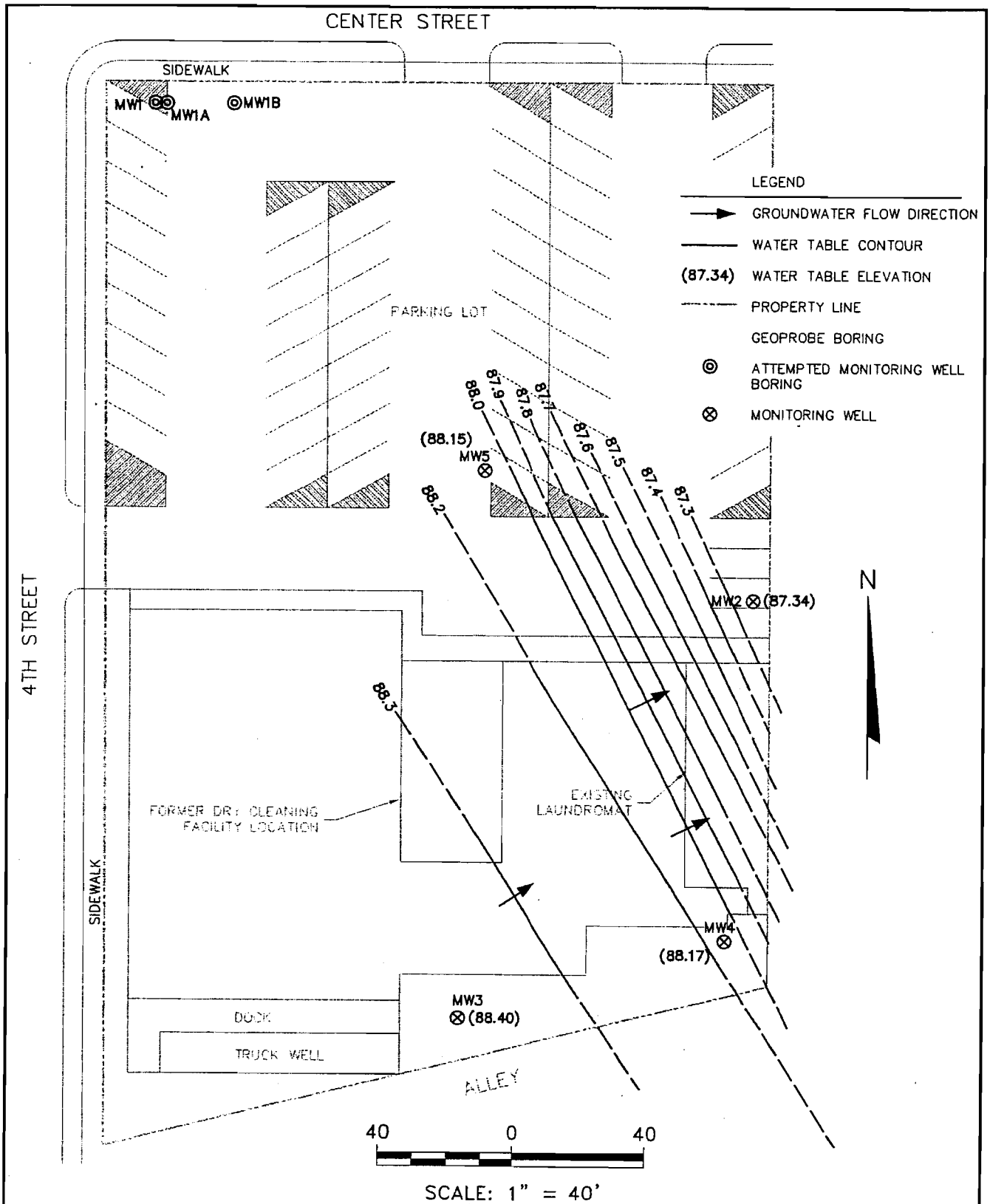

PROJECT NO. 2935A	FIGURE E-5 WATERTABLE MAP (DECEMBER 20, 2005) JOSEPH PROPERTY 319-321 WEST CENTER STREET WHITEWATER, WISCONSIN
DRAWN BY: KP	
CHECKED BY: TK	
APPROVED BY:	
DRAWN: 01/18/05	
REVISED:	

BT inc.

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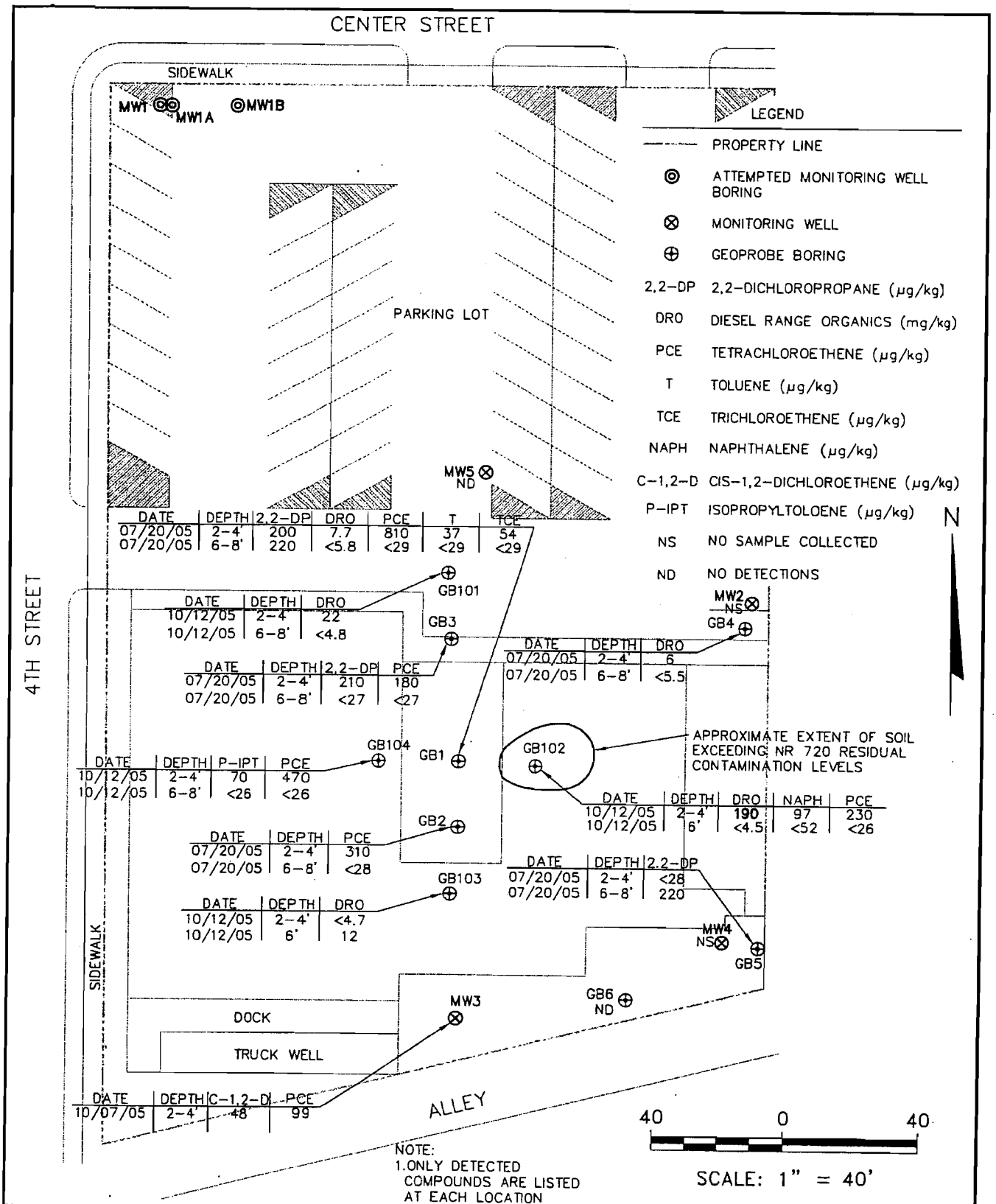

NOTE:
1. ONLY DETECTED COMPOUNDS ARE LISTED AT EACH LOCATION

PROJECT NO. 2935A	FIGURE C-2 SOIL RESULTS MAP JOSEPH PROPERTY 319-321 WEST CENTER STREET WHITEWATER, WISCONSIN
DRAWN BY: KP	
CHECKED BY: TK	
APPROVED BY:	
DRAWN: 08/03/05	
REVISED: 01/19/06	

BT² inc.

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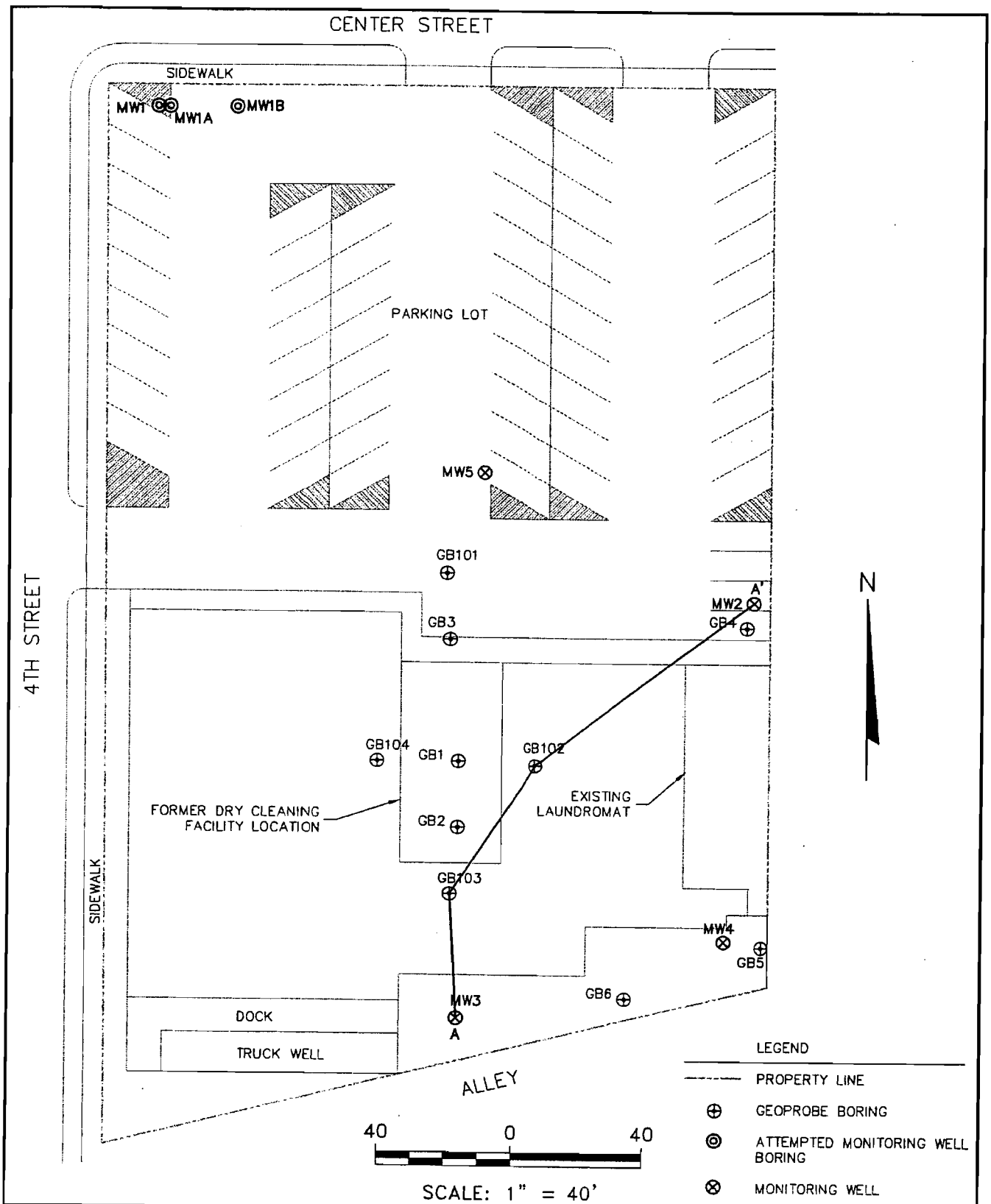

PROJECT NO. 2935A	FIGURE C-3 CROSS SECTION LOCATION MAP JOSEPH PROPERTY 319-321 WEST CENTER STREET WHITEWATER, WISCONSIN
DRAWN BY: KP	
CHECKED BY: TK	
APPROVED BY:	
DRAWN: 09/23/05	
REVISED: 01/18/05	

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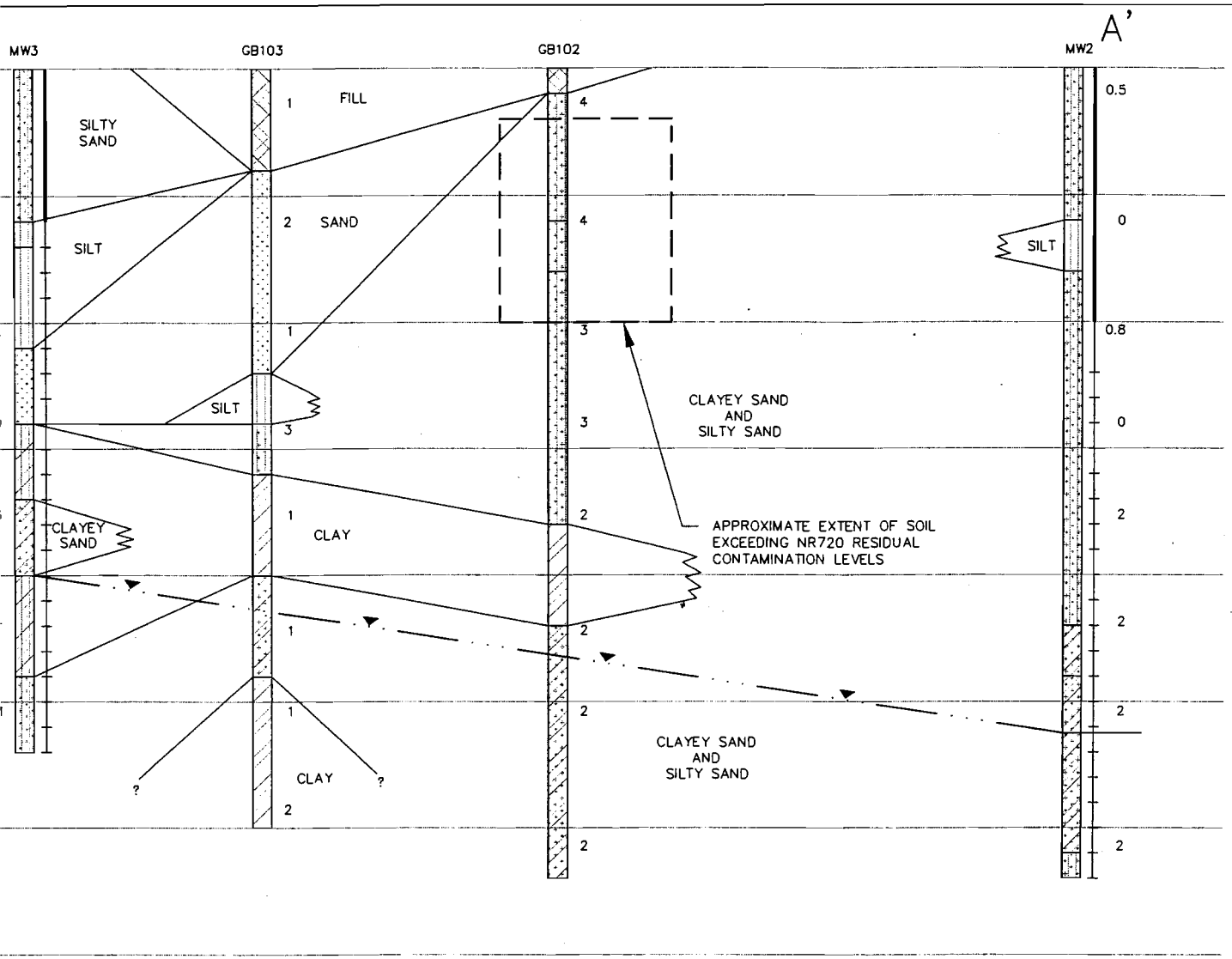
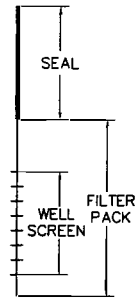


LEGEND

- FILL.
- SAND, POORLY GRADED, LITTLE OR NO FINES (SP).
- SILT (ML).
- LEAN CLAY, LOW PLASTICITY (CL).
- SILTY SAND (SM).
- CLAYEY SAND (SC).
- SILTY CLAY (ML-CL).
- WATER TABLE ELEVATION MEASURED ON 12/20/05
- APPROXIMATE EXTENT OF SOIL CONTAMINATION EXCEEDING NR720 RCLs
- GEOLOGIC CONTACT
- 2 FLAME OR PHOTO-IONIZATION DETECTOR READING



TYPICAL WELL DETAIL

0 20

HORIZONTAL SCALE: 1" = 20'
VERTICAL SCALE: 1"' = 2.5'
VERTICAL EXAGGERATION = 2.5X

FIGURE C-4
GEOLOGIC CROSS SECTION A-A'
JOSEPH PROPERTY
319-321 WEST CENTER STREET
WHITEWATER, WISCONSIN

PROJECT NO. 2987	
DRAWN BY: WK	
CHECKED BY:	
APPROVED BY:	
DRAWN: 12/28/05	
REVISED: 01/19/06	

BT² inc.

THORPE, COMPTON & CHRISTIAN, S.C.

Attorneys at Law

1624 Hobbs Drive, Suite 1
P.O. Box 386 • Delavan, WI 53115
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REBECCA G. LYALL
TODD M. CABELKA

JOHN K. BARTOSZ
- OF COUNSEL

January 16, 2006

January 12, 2006

To: Wisconsin Department of Natural Resources

Subject: Statement that all Legal Descriptions for Properties within the Contaminated Site Boundaries have been included
Joseph Property
319 – 321 West Center Street
Whitewater, Wisconsin
FID #265117820
WDNR BRRTS I.D. #02-65-544207
BT^2 Project # 2987

To Whom It May Concern:

To the best of my knowledge, I believe that with the submittal of the attached property information the legal description for each property within, or partially within the contaminated site boundary has been included with the closure request. The attached property information includes the deed for the property located at 319 – 321 West Center Street, Whitewater, Wisconsin.

If you need additional information, please contact me at (262) 740-1971.

Sincerely,

Scott T. Christian
(Attorney for Mr. Paul Joseph)

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674039

Document Number | DEED RESTRICTION

Recorded
APR. 20, 2006 AT 09:04AM
CONNIE J WOOLEVER
REGISTER OF DEEDS
WALWORTH COUNTY, WI
Fee Amount: $19.00

Declaration of Restrictions

In Re: Lots 11, 12, and 13. in Block 14 of the Original Plat of the Village, now City of Whitewater, Walworth County, Wisconsin.

Recording Area

Name and Return Address
Atty. Scott T. Christian
P.O. Box 386
Delavan, WI 53115
19.00

STATE OF WISCONSIN)
) ss
COUNTY OF WALWORTH

Parcel Identification Numbers /OT 00162, /OT 00163, /OT00164, /OT 00165, and /OT 00166

WHEREAS, Paul Joseph is the owner of the above-described property.

WHEREAS, one or more **volatile organic compound (VOC)** discharges have occurred on this property, and as of **July 20, October 7, October 12, and November 17 of the year 2005** when soil samples were collected on this property, **VOC**-contaminated soil remained on this property at the following location: **center of the property, beneath the existing building, and near the southern property boundary in the area of monitoring well MW3 as shown as the cap maintenance area on the attached map labeled Exhibit 1. Soil results are shown on Exhibit 2.**

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

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

The pavement or other impervious cap that existed on the above-described property in the location shown on the attached map, labeled cap maintenance area on **Exhibit 1** on the date that this restriction was signed shall be maintained in compliance with the **Cap Maintenance Plan, Joseph Property** dated **February 2, 2006** that was submitted to the **Wisconsin Department of Natural Resources** by BT^2, Inc., as required by section NR 724.13 (2), Wis. Adm. Code (October 1999). A copy of the maintenance plan can be found at the **Joseph Property**. This pavement or other impervious cap must be maintained 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. Adm. Code, and to prevent direct contact with residual soil contamination that might otherwise pose a threat to human health. If soil that remains on the property in the location or locations described above where there is residual contamination is excavated in the future, the soil must be sampled and analyzed, may be considered solid or hazardous waste if residual contamination remains and must be stored, treated and disposed in compliance with applicable statutes and rules.

In addition, the following activities are prohibited on any portion of the above-described property within the cap maintenance area, as shown on **Exhibit 1**, unless prior written approval has been obtained from the Wisconsin Department of Natural Resources or its successor or assign: (1) Replacement with a more permeable barrier; (2) Excavating or grading of the land surface in such a way as to increase infiltration; (3) Filling on capped or paved areas with more permeable materials; (4) Plowing for agricultural cultivation; and (5) Construction of a building or other structure, or placement of a building or other structure in an area where the existing **building foundation and/or pavement** is to be replaced.

This restriction is hereby declared to be a covenant running with the land and shall be fully binding upon all persons acquiring the above-described property whether by descent, devise, purchase or otherwise. This restriction inures to the benefit of and is enforceable by the Wisconsin Department of Natural Resources, its successors or assigns. The Department, its successors or assigns, may initiate proceedings at law or in equity against any person or persons who violate or are proposing to violate this covenant, to prevent the proposed violation or to recover damages for such violation.

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

IN WITNESS WHEREOF, the owner of the property has executed this Declaration of Restrictions, this 19th day of April, 2006

Signature: Paul E. Joseph

Printed Name: PAUL E. JOSEPH

Subscribed and sworn to before me
this 19th day of April, 2006.

Notary Public, State of Wisconsin
My commission is permanent.

This document was drafted by BT^2, Inc. based on a model deed restriction provided by the Wisconsin Department of Natural Resources.
Tom Karwoski

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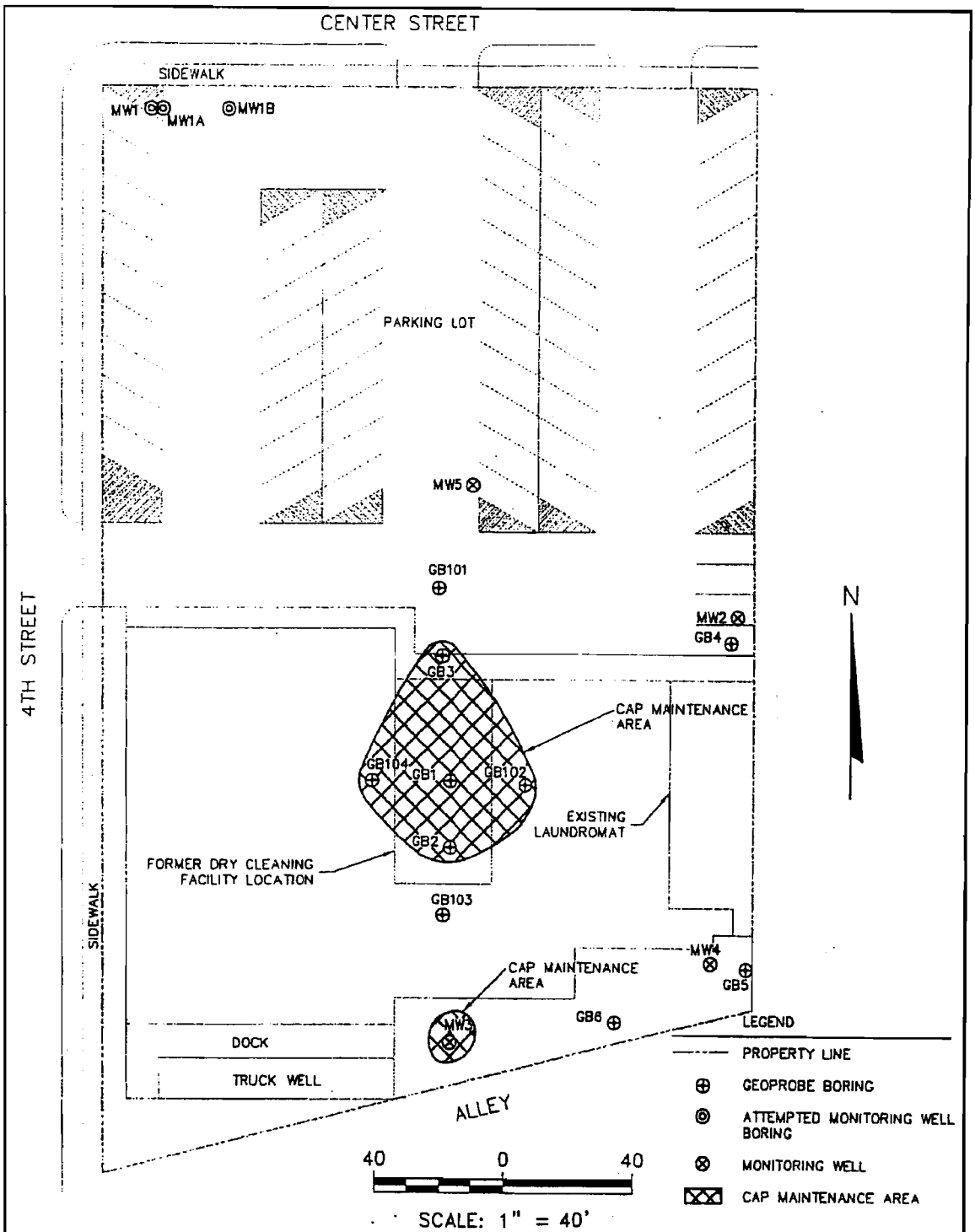

PROJECT NO. 2987	EXHIBIT 1 CAP MAINTENANCE AREA JOSEPH PROPERTY 319-321 WEST CENTER STREET WHITEWATER, WISCONSIN
DRAWN BY: KP	
CHECKED BY: TK	
APPROVED BY:	
DRAWN: 09/23/05	
REVISED: 02/16/06	

BT2 inc

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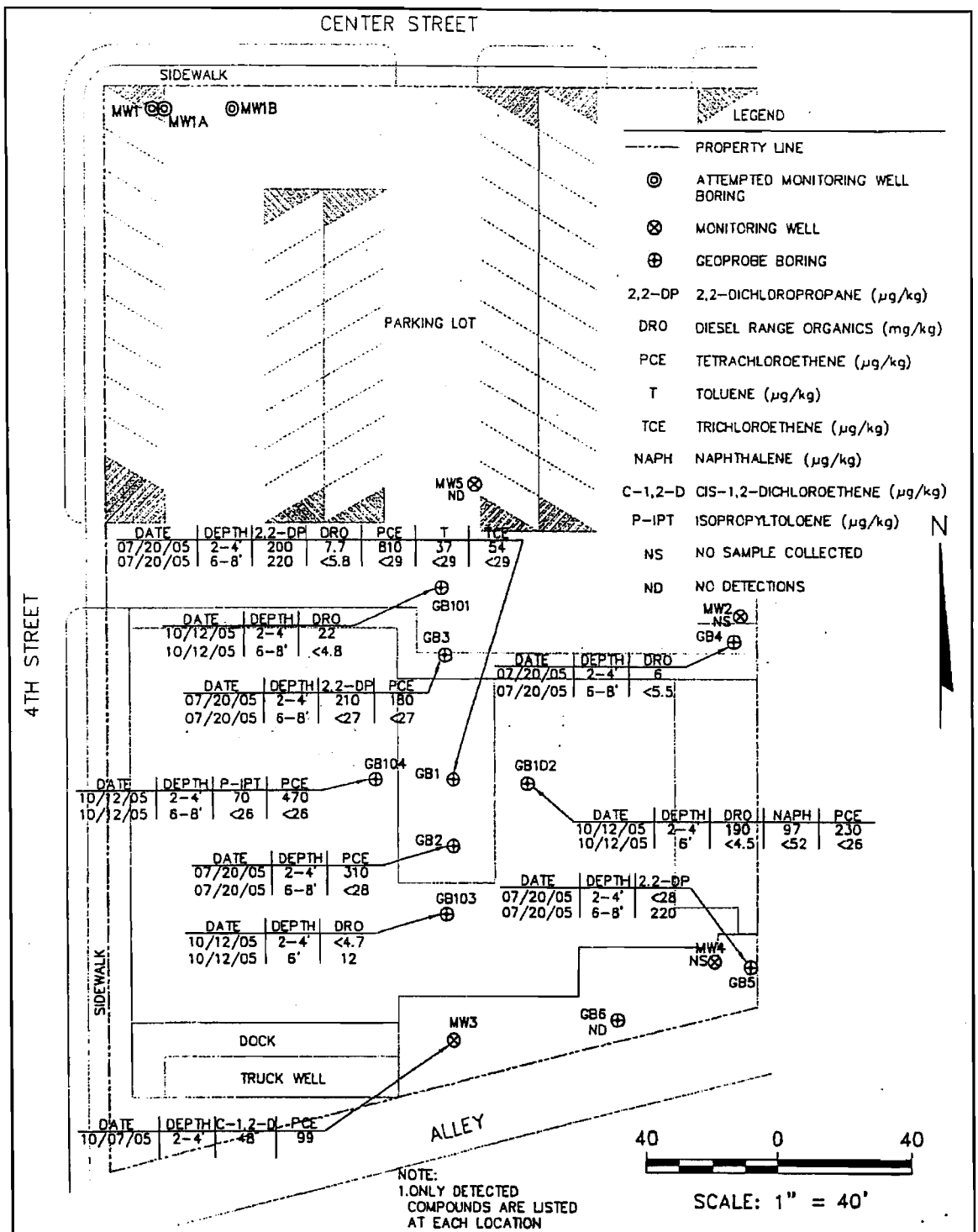

PROJECT NO. 2987	EXHIBIT 2 SOIL RESULTS MAP JOSEPH PROPERTY 319-321 WEST CENTER STREET WHITEWATER, WISCONSIN
DRAWN BY: KP	
CHECKED BY: TK	
APPROVED BY:	
DRAWN: 08/03/05	
REVISED: 01/19/06	

BT2 inc.

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EXHIBIT 2
Building and Pavement Inspection Log

Inspection Date	Inspector	Condition of the Building Floor and Pavement (See Exhibit 1)	Recommendations	Have Recommendations From Previous Inspection Been Implemented?