

GIS REGISTRY

Cover Sheet

May, 2009
(RR 5367)

Source Property Information

BRRTS #:

ACTIVITY NAME:

PROPERTY ADDRESS:

MUNICIPALITY:

PARCEL ID #:

CLOSURE DATE:

FID #:

DATCP #:

COMM #:

*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"/> Groundwater Contamination > ES (236) | <input checked="" type="checkbox"/> Soil Contamination > *RCL or **SSRCL (232) |
| <input type="checkbox"/> Contamination in ROW | <input type="checkbox"/> Contamination in ROW |
| <input type="checkbox"/> Off-Source Contamination
<i>(note: for list of off-source properties
see "Impacted Off-Source Property")</i> | <input type="checkbox"/> Off-Source Contamination
<i>(note: for list of off-source properties
see "Impacted Off-Source Property")</i> |

Land Use Controls:

- | | |
|--|--|
| <input type="checkbox"/> N/A (Not Applicable) | <input checked="" type="checkbox"/> Cover or Barrier (222)
<i>(note: maintenance plan for
groundwater or direct contact)</i> |
| <input type="checkbox"/> Soil: maintain industrial zoning (220)
<i>(note: soil contamination concentrations
between non-industrial and industrial levels)</i> | <input type="checkbox"/> Vapor Mitigation (226) |
| <input checked="" type="checkbox"/> Structural Impediment (224) | <input type="checkbox"/> Maintain Liability Exemption (230)
<i>(note: local government or economic
development corporation)</i> |
| <input type="checkbox"/> Site Specific Condition (228) | |

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 #: 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: ALTA/ASCM Land Title Survey Helena West Bend Project**
- 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 Plan**
- 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 #: 3 **Title: Areas of Residual Soil Contamination**

BRRTS #: 02-67-553861

ACTIVITY NAME: Helena Chemical Co/ Former Gundrum Bros Farm Su

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 Analytical Results- Residual Contamination

- 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).

BRRTS #: 02-67-553861

ACTIVITY NAME: Helena Chemical Co/ Former Gundrum Bros Farm Su

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:



State of Wisconsin
Jim Doyle, Governor

Department of Agriculture, Trade and Consumer Protection
Rod Nilsestuen, Secretary

April 2, 2010

Mr. Walter and Mark Gundrum
Gundrum Brothers Farm Supply, Inc.
4894 Highway 33 West
West Bend, WI 53095

Re: Final Case Closure with Land Use Limitations or Conditions
Helena Chemical Company / Former Gundrum Brothers Farm Supply, Inc.
4894 Highway 33 West
West Bend, WI 53095
DATCP Case No. 08410072101

Dear Mr. Gundrum:

On March 17, 2010, our Closure Committee reviewed the above-referenced case for closure. This committee reviews environmental remediation cases for compliance with state laws and standards to maintain consistency in the closure of these cases.

Based on the correspondence and data provided, it appears that your case meets the requirements of ch. NR 726, Wisconsin Administrative Code. The Department considers this case closed and no further investigation or remediation is required at this time.

GIS Registry

The conditions of case closure set out below in this letter require that your site be listed on the Remediation and Redevelopment Program's GIS Registry. The specific reasons are summarized below:

- Residual soil contamination exists that must be properly managed should it be excavated or removed
- If a structural impediment that obstructs a complete site investigation or cleanup is removed or modified, additional environmental work must be completed
- Pavement, an engineered cover or a soil barrier must be maintained over contaminated soil and the state must approve any changes to this barrier

Information that was submitted with your closure request application will be included on the GIS Registry. To review the sites on the GIS Registry web page, visit the RR Sites Map page at <http://dnr.wi.gov/org/aw/rr/gis/index.htm>. If your property is listed on the GIS Registry because of remaining contamination and you intend to construct or reconstruct a well, you will need prior Department approval in accordance with s. NR 812.09(4)(w), Wis. Adm. Code. To obtain approval, Form 3300-254 needs to be completed and submitted 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 above for the GIS Registry.

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Closure Conditions

Please be aware that pursuant to s. 292.12 Wisconsin Statutes, compliance with the requirements of this letter is a responsibility to which the current property owner and any subsequent property owners must adhere. If these requirements are not followed or if additional information regarding site conditions indicates that contamination on or from the site poses a threat to public health, safety, welfare, or the environment, the Department 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 or this case may be reopened pursuant to s. NR 726.09, Wis. Adm. Code. The Department may conduct inspections in the future to ensure that the conditions included in this letter including compliance with referenced maintenance plan are met.

Remaining Residual Soil Contamination

Residual fertilizer soil contamination remains at the approximate locations shown on Figure 3 of Alpha Terra Science, Inc.'s (Alpha Terra) GIS Registry Package. The GIS Registry Package can be viewed at <http://dnr.wi.gov/org/aw/rr/gis/index.htm>. If residual contaminated soil is excavated in the future, then the property owner at the time of excavation must sample and analyze the excavated soil to determine if residual contamination remains (requirement pursuant to ch. NR 718, and ch. 289, Stats., and chs. 500 to 536 may also apply). If sampling confirms that contamination is present the property owner at the time of excavation will need to 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. In addition, 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 need to be taken to prevent a direct contact health threat to humans.

Structural Impediments

Structural impediments existing at the time of cleanup including the bulk dry fertilizer warehouse and bulk liquid fertilizer dike made complete investigation and remediation of the soil contamination on this property impracticable. Pursuant to s. 292.12(2)(b), Wis. Stats., if the structural impediments on this property that are described above are removed, the property owner shall conduct an investigation of the degree and extent of fertilizer contamination. If contamination is found at that time, the Department shall be immediately notified and the contamination shall be properly remediated in accordance with applicable statutes and rules. If soil in the specific locations described above 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 will need to determine whether the material would be considered solid or hazardous waste and ensure that any storage, treatment or disposal is in compliance with applicable statutes and rules. In addition, 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 need to be taken during excavation activities to prevent a health threat to humans.

Cover or Barrier

Pursuant to s. 292.12(2)(a), Wis. Stats., the pavement or other impervious cap that currently exists in the location shown on the attached map shall be maintained in compliance with the

attached Cap Maintenance Plan in order to minimize the infiltration of water and prevent groundwater contamination that could violate the groundwater quality standards in ch. NR 140, Wis. Adm. Code. If soil in the specific locations described above is excavated in the future, 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 will need to determine whether the material would be considered solid or hazardous waste and ensure that any storage, treatment or disposal is in compliance with applicable statutes and rules. In addition, 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 need to be taken during excavation activities to prevent a health threat to humans.

The attached maintenance plan and inspection log are to be kept up-to-date and on-site, and the inspection log need only be submitted to the Department upon request.

Prohibited Activities

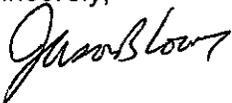
The following activities are prohibited on any portion of the property where the impervious cap is required as shown on the attached map, unless prior written approval has been obtained from the Department: 1) removal of the existing barrier; 2) replacement with another barrier; 3) excavating or grading of the land surface; 4) filling on capped or paved areas; or 5) construction or placement of a building or other structure.

ACCP Considerations

If the case is re-opened, Agricultural Chemical Cleanup Program (ACCP) reimbursement may still be available. Determination of the ACCP eligibility of any future corrective action costs incurred at this site should be made before the corrective action is performed. It is in your best interest to keep all documentation related to the cleanup project and ACCP reimbursement applications.

The Department 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 call me at 608-224-4515.

Sincerely,



Jason B. Lowery, P.G.
Hydrogeologist

Attachment: Cap Maintenance Plan

Copy to: Ken Ebbott, Alpha Terra
Ed Brister, Helena
Jeff Saatkamp, DATCP EES
Victoria Stovall, WDNR Southeast Regional Assistant

CAP MAINTENANCE PLAN

February 23, 2010

Property Located at:
6525 Town Line Road, Town of Addison, Washington County, Wisconsin

WDNR BRRTS #: 02-67-553861

Parcel ID # T.1-029000C

Lot Two (2) of the Certified Survey Map no. 6257, recorded in the Washington County Registry on August 27, 2008 in Volume 47 of Certified Survey Maps on pages 55-56 as Document No. 1199814 and being the South $\frac{1}{4}$ of the Northeast $\frac{1}{4}$ of the Southeast $\frac{1}{4}$ and the Southeast $\frac{1}{4}$ of the Southeast $\frac{1}{4}$, (minus parts sold for road right-of-way) of Section 12, Township 11 North, Range 18 East, Town of Addison, Washington County, Wisconsin.

Introduction

This document is the Maintenance Plan for an impervious 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 existing structures occupying the area over the contaminated soil on-site. The contaminated soil is impacted by nitrogen (nitrate/nitrite and ammonia). The location of the impervious caps to be maintained in accordance with this Maintenance Plan, as well as the impacted soil are identified in the attached map (Exhibit A).

Cap Purpose

The structures (liquid containment dike and fertilizer building) over the contaminated soil serve as a partial infiltration barrier to minimize 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 structures overlying the contaminated soil and as depicted in Exhibit A will be inspected once a year, normally in the spring after all snow and ice is gone, for deterioration, cracks and other potential problems that can cause additional infiltration into or exposure to underlying soils. 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 soils 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 soils are exposed. Once repairs are completed, they will be documented in the inspection log. Copies of the annual inspection log will be retained at the facility.

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 soil, 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 this area of 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 structures overlying the contaminated soil 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 WDATCP, WDNR or its successor.

The property owner, in order to maintain the integrity of the surfaces, will maintain a copy of this Maintenance Plan on-site and make it available to all interested parties (i.e. on-site employees, contractors, future property owners, etc.) for viewing.

Prohibition of Activities and Notification of DATCP Prior to Actions Affecting a Cover or Cap

The following activities are prohibited on any portion of the property where a barrier is required as shown on the attached map, unless prior written approval has been obtained from the Wisconsin Department of Agriculture Trade & Consumer Protection: 1) removal of the existing barrier; 2) replacement with another barrier; 3) excavating or grading of the land surface; 4) filling on capped or paved areas; 5) plowing for agricultural cultivation; or 6) construction or placement of a building or other structure.

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 WDATCP.

Contact Information

Current as of February 23, 2010

Site Owner and Operator: Helena Chemical Co.
Attn. John Gundrum
6525 Town Line Road, West Bend, WI 53095
Phone: 262/629-5564

Consultant: Alpha Terra Science
1237 Pilgrim Road, Plymouth, WI 53073
Phone: 920/892-2444

WDATCP: Wisconsin Department of Agriculture, Trade & Consumer Protection
Jason Lowery, Hydrogeologist
P. O. Box 8911
2811 Agriculture Drive, Madison, WI 53708-8911
Phone: 608/224-4514

Helena Chemical Co, West Bend Facility

6525 Town Line Road, West Bend (Town of Addison)

DATCP Case #: 08410072101 BRRTS #: 02-67-553861

Exhibit B
Barrier INSPECTION LOG

Inspection Date	Inspector	Condition of Cap	Recommendations	Have Recommendations from previous inspection been implemented?

State Bar of Wisconsin Form 2-2003
WARRANTY DEED

DOC# 1204831



Recorded
Nov. 11, 2008 AT 01:25PM
SHARON A MARTIN, REGISTER OF DEEDS
WASHINGTON COUNTY, WISCONSIN

Fee Amount: \$15.00
Transfer Fee: \$2,124.00

15-3

Document Number

Document Name

THIS DEED, made between Jason M. Gundrum and John A. Gundrum,

("Grantor," whether one or more), and Helena Chemical Company, a Delaware corporation,

("Grantee," whether one or more).

Grantor for a valuable consideration, conveys and warrants to Grantee the following described real estate, together with the rents, profits, fixtures and other appurtenant interests, in Washington County, State of Wisconsin ("Property") (if more space is needed, please attach addendum):

Lot Two (2) of CERTIFIED SURVEY MAP NO. 6257, recorded in the Washington County Registry on August 27, 2008 in Volume 47 of Certified Survey Maps on pages 55-56, as Document No. 1199814 and being the South One Quarter of the Northeast 1/4, of the Southeast 1/4, and the Southeast 1/4, of the Southeast 1/4, (minus parts sold for road right-of-way) of Section 12, Township 11 North, Range 18 East, Town of Addison, Washington County, Wisconsin.

Also described as set forth on attached exhibit

Exceptions to warranties:

Utility easement recorded in the Washington County Registry in Volume 507 of Records on page 186, as Document No. 326229.

Dated November 6, 2008

TRANSFER
\$ 2,124.00
FEE

(SEAL)

Jason M. Gundrum
Jason M. Gundrum

(SEAL)

(SEAL)

John A. Gundrum
John A. Gundrum

(SEAL)

AUTHENTICATION

Signature(s) Jason M. Gundrum and John A. Gundrum

authenticated on November 6, 2008

Ronald L. Petak
* Ronald L. Petak

TITLE: MEMBER STATE BAR OF WISCONSIN

(If not, _____
authorized by Wis. Stat. § 706.06)

THIS INSTRUMENT DRAFTED BY:

Attorney Ronald L. Petak

Madison, Wisconsin

ACKNOWLEDGMENT

STATE OF _____)

) ss.

_____ COUNTY)

Personally came before me on _____,
the above-named _____

to me known to be the person(s) who executed the foregoing
instrument and acknowledged the same.

* _____
Notary Public, State of _____

My commission (is permanent) (expires: _____)

(Signatures may be authenticated or acknowledged. Both are not necessary.)

NOTE: THIS IS A STANDARD FORM. ANY MODIFICATION TO THIS FORM SHOULD BE CLEARLY IDENTIFIED.

WARRANTY DEED

©2003 STATE BAR OF WISCONSIN

FORM NO. 2-2003

*Type name below signatures.

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ADDITIONAL EXCEPTIONS TO WARRANTIES

Exceptions as Noted on Schedule B - 2 to Land America
Commonwealth Title Insurance Commitment No; 2nd Amended WB 72141
Issued by Abstract & Title Company, West Bend, WI

Including:

1. Statement of Encroachments for West Bend Project:
 1. Encroachment by subject's shed into right-of-way by 14.0 feet.
 2. Encroachment by subject's asphalt & concrete into right-of-way by 2.7 feet.
 3. Encroachment by subject's gravel driveway into right-of-way by 10.1 feet.
 4. Encroachment by subject's house into 40' street setback area by 17.9 feet and into 33' General Telephone Company of Wisconsin easement by 10.9 feet.
 5. Encroachment by subject's building into 40' street setback area by 17.8 feet and into 33' General Telephone Company of Wisconsin easement by 10.8 feet.
 6. Encroachment by subject's gravel drive onto abutting property by 7.5 feet.

As-Surveyed Legal Description

All of Lot 2, CSM 6257, Being part of the SE1/4SE1/4, Section 12, T11N, R18E, Town of Addison, Washington County, Wisconsin.

Commencing at the concrete monument with an aluminum cap on the Southeast corner of Section 12 and the centerline of Town Line Road;

Thence N01°53'18"W along the East line of Section 12 and the centerline of Town Line Road, 465.78 feet;

Thence S88°33'28"W, 59.59 feet to an iron pipe stake on the Northeast corner of Lot 2, CSM 6257, the West line of Town Line Road and the Point of Beginning of the following description:

Thence S03°36'52"W along the Easterly line of Lot 2, CSM 6257 and the Westerly line of Town Line Road, 317.74 feet to an iron pipe stake on a corner of said Lot 2 and the Northerly line of State Highway "33";

Thence S57°19'49"W along the Southerly line of Lot 2, CSM 6257 and the Northerly line of State Highway "33", 159.44 feet to an iron pipe stake on a corner of said Lot 2;

Thence S88°45'32"W along the Southerly line of Lot 2, CSM 6257 and the Northerly line of State Highway "33", 300.00 feet to an iron pipe stake on a corner of said Lot 2;

Thence S69°28'08"W along the Southerly line of Lot 2, CSM 6257 and the Northerly line of State Highway "33", 105.95 feet to an iron pipe stake on a corner of said Lot 2;

Thence S88°45'32"W along the Southerly line of Lot 2, CSM 6257 and the Northerly line of State Highway "33", 139.17 feet to an iron pipe stake on the Southwest corner of said Lot 2;

Thence N01°53'18"W along the West line of Lot 2, CSM 6257, 688.28 feet to an iron rod stake on the Northwest corner of said Lot 2;

Thence N88°33'28"E along the North line of Lot 2, CSM 6257, 543.00 feet to an iron rod stake on a corner of said Lot 2;

Thence S01°53'18"E along the Easterly line of Lot 2, CSM 6257, 256.00 feet to an iron pipe stake on a corner of said Lot 2;

Thence N88°33'28"E along the Northerly line of Lot 2, CSM 6257, 164.00 feet to the Point of Beginning, containing 414,329 square feet or 9.512 acres.

State Bar of Wisconsin Form 7-2003
TRUSTEE'S DEED

DOC# 1204832



Document Number

Document Name

Recorded
Nov. 11, 2008 AT 01:25PM
SHARON A MARTIN, REGISTER OF DEEDS
WASHINGTON COUNTY, WISCONSIN

Fee Amount: \$15.00
Transfer Fee: \$2,124.00

THIS DEED, made between **Mark B. Gundrum and Arlene L. Gundrum**

as Trustee of **the Mark B. and Arlene L. Gundrum Revocable Trust Dated February 27, 2006**,

("Grantor," whether one or more), and **Helena Chemical Company, a Delaware corporation**,

("Grantee," whether one or more).

Grantor conveys to Grantee, ~~with~~ warranty, the following described real estate, together with the rents, profits, fixtures and other appurtenant interests, in **Washington** County, State of Wisconsin ("Property") (if more space is needed, please attach addendum):

Lot Two (2) of CERTIFIED SURVEY MAP NO. 6257, recorded in the Washington County Registry on August 27, 2008 in Volume 47 of Certified Survey Maps on pages 55-56, as Document No. 1199814 and being the South One Quarter of the Northeast 1/4, of the Southeast 1/4, and the Southeast 1/4, of the Southeast 1/4, (minus parts sold for road right-of-way) of Section 12, Township 11 North, Range 18 East, Town of Addison, Washington County, Wisconsin.

Recording Area

15.3

Name and Return Address
BURCH, PORTER & JOHNSON, PLLC
130 NORTH COURT AVENUE
MEMPHIS, TN 38103
ATTN: MELISSA PATRICK-MCGUIRE

T.1-0290

Parcel Identification Number (PIN)

Also described as set forth on attached exhibit

Exceptions to Warranties:

Utility easement recorded in the Washington County Registry in Volume 507 of Records on page 186, as Document No. 326229.

TRANSFER
\$ 2,124.00
FEE

Dated November 6, 2008

* (SEAL) Mark B. Gundrum (SEAL)
* Mark B. Gundrum, Trustee

* (SEAL) Arlene L. Gundrum (SEAL)
* Arlene L. Gundrum, Trustee

AUTHENTICATION

Signature(s) Mark B. Gundrum and Arlene L. Gundrum

authenticated on November 6, 2008

* Ronald L. Petak

TITLE: MEMBER STATE BAR OF WISCONSIN

(If not, _____
authorized by Wis. Stat. § 706.06)

ACKNOWLEDGMENT

STATE OF _____)
) ss.
_____ COUNTY)

Personally came before me on _____,
the above-named _____

to me known to be the person(s) who executed the foregoing
instrument and acknowledged the same.

* _____
Notary Public, State of _____
My commission (is permanent) (expires: _____)

THIS INSTRUMENT DRAFTED BY:

Attorney Ronald L. Petak

Madison, Wisconsin

(Signatures may be authenticated or acknowledged. Both are not necessary.)

NOTE: THIS IS A STANDARD FORM. ANY MODIFICATION TO THIS FORM SHOULD BE CLEARLY IDENTIFIED.

TRUSTEE'S DEED

©2003 STATE BAR OF WISCONSIN

FORM NO. 7-2003

*Type name below signatures.

INFO-PRO™ Legal Forms • (800)655-2021 • infoforms.com

ADDITIONAL EXCEPTIONS TO WARRANTIES

Exceptions as Noted on Schedule B - 2 to Land America
Commonwealth Title Insurance Commitment No; 2nd Amended WB 72141
Issued by Abstract & Title Company, West Bend, WI

Including:

1. Statement of Encroachments for West Bend Project:
 1. Encroachment by subject's shed into right-of-way by 14.0 feet.
 2. Encroachment by subject's asphalt & concrete into right-of-way by 2.7 feet.
 3. Encroachment by subject's gravel driveway into right-of-way by 10.1 feet.
 4. Encroachment by subject's house into 40' street setback area by 17.9 feet and into 33' General Telephone Company of Wisconsin easement by 10.9 feet.
 5. Encroachment by subject's building into 40' street setback area by 17.8 feet and into 33' General Telephone Company of Wisconsin easement by 10.8 feet.
 6. Encroachment by subject's gravel drive onto abutting property by 7.5 feet.

As-Surveyed Legal Description

All of Lot 2, CSM 6257, Being part of the SE1/4SE1/4, Section 12, T11N, R18E, Town of Addison, Washington County, Wisconsin.

Commencing at the concrete monument with an aluminum cap on the Southeast corner of Section 12 and the centerline of Town Line Road;

Thence N01°53'18"W along the East line of Section 12 and the centerline of Town Line Road, 465.78 feet;

Thence S88°33'28"W, 59.59 feet to an iron pipe stake on the Northeast corner of Lot 2, CSM 6257, the West line of Town Line Road and the Point of Beginning of the following description:

Thence S03°36'52"W along the Easterly line of Lot 2, CSM 6257 and the Westerly line of Town Line Road, 317.74 feet to an iron pipe stake on a corner of said Lot 2 and the Northerly line of State Highway "33";

Thence S57°19'49"W along the Southerly line of Lot 2, CSM 6257 and the Northerly line of State Highway "33", 159.44 feet to an iron pipe stake on a corner of said Lot 2;

Thence S88°45'32"W along the Southerly line of Lot 2, CSM 6257 and the Northerly line of State Highway "33", 300.00 feet to an iron pipe stake on a corner of said Lot 2;

Thence S69°28'08"W along the Southerly line of Lot 2, CSM 6257 and the Northerly line of State Highway "33", 105.95 feet to an iron pipe stake on a corner of said Lot 2;

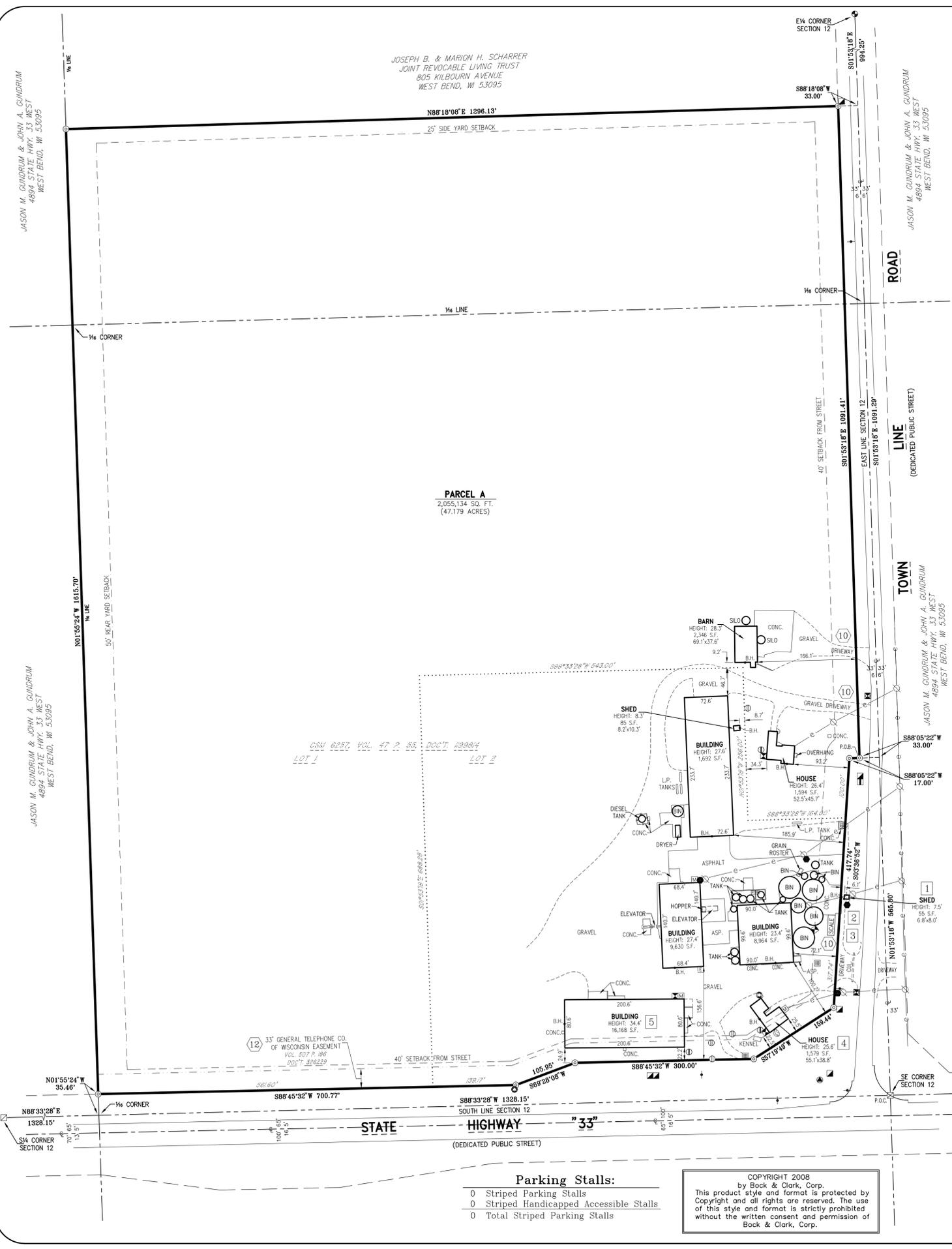
Thence S88°45'32"W along the Southerly line of Lot 2, CSM 6257 and the Northerly line of State Highway "33", 139.17 feet to an iron pipe stake on the Southwest corner of said Lot 2;

Thence N01°53'18"W along the West line of Lot 2, CSM 6257, 688.28 feet to an iron rod stake on the Northwest corner of said Lot 2;

Thence N88°33'28"E along the North line of Lot 2, CSM 6257, 543.00 feet to an iron rod stake on a corner of said Lot 2;

Thence S01°53'18"E along the Easterly line of Lot 2, CSM 6257, 256.00 feet to an iron pipe stake on a corner of said Lot 2;

Thence N88°33'28"E along the Northerly line of Lot 2, CSM 6257, 164.00 feet to the Point of Beginning, containing 414,329 square feet or 9.512 acres.



J.L.B.-Sept. 04, 2008, 08:18:18, CADD FILE: 9399-A-1-A.dwg

JASON M. GUNDRUM & JOHN A. GUNDRUM
4894 STATE HWY. 33 WEST
WEST BEND, WI 53095

JASON M. GUNDRUM & JOHN A. GUNDRUM
4894 STATE HWY. 33 WEST
WEST BEND, WI 53095

JASON M. GUNDRUM & JOHN A. GUNDRUM
4894 STATE HWY. 33 WEST
WEST BEND, WI 53095

JASON M. GUNDRUM & JOHN A. GUNDRUM
4894 STATE HWY. 33 WEST
WEST BEND, WI 53095

JOSEPH B. & MARION H. SCHARRE
JOINT REVOCABLE LIVING TRUST
805 KILBOURN AVENUE
WEST BEND, WI 53095

PARCEL A
2,055,134 SQ. FT.
(47.179 ACRES)

Parking Stalls:
0 Striped Parking Stalls
0 Striped Handicapped Accessible Stalls
0 Total Striped Parking Stalls

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Bock & Clark, Corp.

Items Corresponding to Schedule B-II:

- Existing drives, as disclosed by recorded Certified Survey Map No. 6257. (Plotted) (Affects subject property).
- Certificate of Compliance, recorded in the Washington County Registry as Document No. 1194929. (Not plotted, blanket in nature) (Affects subject property).
- Utility Easement, recorded in the Washington County Registry in Volume 507 of Records on page 186, as Document No. 326229. (Plotted) (Affects subject property).

Table A:

- Item 16: No earth moving activities observed.
Item 17: No proposed changes to street right-of-way lines found.
Item 18: No observed evidence of site being used as a solid waste dump, sump or sanitary landfill.

Statement Of Encroachments:

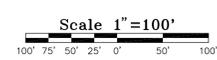
- Encroachment by subject's shed into right-of-way by 14.0 feet.
- Encroachment by subject's asphalt & concrete into right-of-way by 2.7 feet.
- Encroachment by subject's gravel driveway into right-of-way by 10.1 feet.
- Encroachment by subject's house into 40' street setback area by 17.9 feet and into 33' General Telephone Company of Wisconsin easement by 10.9 feet.
- Encroachment by subject's building into 40' street setback area by 17.8 feet and into 33' General Telephone Company of Wisconsin easement by 10.8 feet.

Utility Information:

Utilities were located by observed evidence.

Miscellaneous Notes:

- All field measurements matched record dimensions within the precision requirements of ALTA/ACSM specifications.
- There were no cemeteries or burial grounds observed in the field or information regarding cemeteries or burial grounds found in the recorded documents provided.
- Flood note: Zone C - Area of minimal flooding.
- All setbacks shown are building setbacks.



- LEGEND:**
- CAST IRON PLUG WITH CROSS FOUND
 - CONCRETE MONUMENT W/ALUMINUM CAP FOUND
 - 1/4" IRON PIPE FOUND
 - WOOD R/W CHANNEL FOUND
 - ALUMINUM GPS MONUMENT FOUND
 - POWER POLE
 - POWER POLE ANCHOR
 - ELECTRIC METER
 - ELECTRIC PANEL
 - PUMP
 - TELEPHONE JUNCTION BOX
 - CABLE TV JUNCTION BOX
 - SATELLITE DISH
 - VENT
 - SEPTIC TANK COVER
 - CATCH BASIN
 - WELL
 - GAS REGULATOR
 - SIGN
 - MAILBOX
 - FENCE
 - AERIAL ELECTRIC LINE
 - PREVIOUSLY RECORDED AS (XXX)
 - P.O.B. POINT OF BEGINNING
 - P.O.C. POINT OF COMMENCEMENT
 - B.H. BUILDING HEIGHT LOCATION

BASIS FOR BEARINGS:
THE EAST LINE OF THE SE1/4, SECTION 12, T11N, R18E, ASSUMED TO BEAR N01°53'18"W.

FLOOD NOTE:
By graphic plotting only, this property is in Zone C of the Flood Insurance Rate Map, Community Panel No. 550471 0060 B, which bears an effective date of September 1, 1983 and is not in a Special Flood Hazard Area. By telephone call dated Aug. 28, 2008 to the National Flood Insurance Program (800-638-6620) we have learned this community does currently participate in the program. No field surveying was performed to determine this zone and an elevation certificate may be needed to verify this determination or apply for a variance from the Federal Emergency Management Agency.

Zoning Information:

STATUS	ZONED A-1 AGRICULTURAL	DISTRICT	TOWN OF ADDISON
PERMITTED USE	35 ACRES	47.18 ACRES	PERSON CONTACTED
MINIMUM LOT AREA	NONE	1238.1'	DATED CONTACT
MINIMUM FRONTAGE	600'	317.74'	PHONE / FAX NUMBER
MINIMUM LOT WIDTH	NONE	2.04%	EMAIL ADDRESS
MAX. BUILDING COVERAGE	NONE	0	NOTES:
PARKING REGULAR	NONE	0	
PARKING HANDICAP	NONE	0	
PARKING TOTAL	NONE	0	



LOCATION SKETCH
TOWN OF ADDISON
NOT TO SCALE

DRAWN BY: JIM BRASEL
FIELD DATA BY: D.S. & T.T.
DATE: 8/28/08
CHECKED BY: DATE:
DWG. DATE: SEPT. 4, 2008
DWG. NO.: 9399-A-1-D
PROJECT NO.: 08-149
PLAN SHEET: SHEET 1 OF 1 SHEET(S)

ESP GROUP, INC.
LAMPERT-LEE & ASSOCIATES
ENGINEERS • SURVEYORS • PLANNERS
10968 Highway 54 East • Wisconsin Rapids, WI 54494-8718
715-424-3131 or 715-344-0068 • FAX 715-423-8774
COPYRIGHT © 2008 BY ESP GROUP, INC. ALL RIGHTS RESERVED. DUPLICATION BY WRITTEN PERMISSION ONLY.

Record Legal Description:

Parcel A:
Lots One (1) and Two (2) of CERTIFIED SURVEY MAP NO. 6257, recorded in the Washington County Registry on August 27, 2008 in Volume 47 of Certified Survey Maps on pages 55-56, as Document No. 1199814 and being the South One Quarter of the Northeast 1/4, of the Southeast 1/4, and the Southeast 1/4, of the Southeast 1/4, (minus parts sold for road right-of-way) of Section 12, Township 11 North, Range 18 East, Town of Addison, Washington County, Wisconsin.

As-Surveyed Legal Description

All of Lots 1 and 2, CSM 6257, Being part of the NE1/4SE1/4 and SE1/4SE1/4, Section 12, T11N, R18E, Town of Addison, Washington County, Wisconsin.
Commencing at the concrete monument with an aluminum cap on the Southeast corner of Section 12 and the centerline of Town Line Road;
Thence N01°53'18"W along the East line of Section 12 and the centerline of Town Line Road, 565.80 feet to the Southeast corner of CSM 6257;
Thence S88°05'22"W along the Southerly line of CSM 6257, 33.00 feet to an iron pipe stake on the Southeast corner of Lot 1, CSM 6257, the West line of Town Line Road and the Point of Beginning of the following description;
Thence continue S88°05'22"W along the Southerly line of Lot 1, CSM 6257, 17.00 feet to an iron pipe stake on a corner of said Lot 1, CSM 6257;
Thence S03°36'52"W along the Easterly line of CSM 6257 and the Westerly line of Town Line Road, 417.74 feet to an iron pipe stake on a corner of said CSM 6257 and the Northerly line of State Highway "33";
Thence S57°19'49"W along the Southerly line of CSM 6257 and the Northerly line of State Highway "33", 159.44 feet to an iron pipe stake on a corner of said CSM 6257;
Thence S88°45'32"W along the Southerly line of CSM 6257 and the Northerly line of State Highway "33", 300.00 feet to an iron pipe stake on a corner of said CSM 6257;
Thence S69°28'08"W along the Southerly line of CSM 6257 and the Northerly line of State Highway "33", 105.95 feet to an iron pipe stake on a corner of said CSM 6257;
Thence S88°45'32"W along the Southerly line of CSM 6257 and the Northerly line of State Highway "33", 700.77 feet to an iron pipe stake on the Southwest corner of said CSM 6257 and the 1/16 line;
Thence N01°55'24"W along the West line of CSM 6257 and the 1/16 line, 1615.70 feet to an iron pipe stake on the Northwest corner of said CSM 6257;
Thence N88°18'08"E along the North line of CSM 6257, 1296.13 feet to the Northeast corner of Lot 1, CSM 6257 and the East line of Town Line Road;
Thence S01°53'18"E along the East line of Lot 1, CSM 6257 and the West line of Town Line Road, 1091.41 feet to the Point of Beginning, containing 2,055,134 square feet or 47.179 acres.
This description describes the same Parcel A as insured in Commonwealth Land Title Insurance Company Commitment Number WB 72141 with an effective date of July 29, 2008 at 8:00 A.M.

ALTA/ACSM Land Title Survey

Helena West Bend Project
B&C Project No. 200801109, 001
Helena West Bend
4894 Highway 33 West, West Bend, WI 53019

Surveyor's Certification

Mark B. Gundrum and Arlene L. Gundrum, as Trustees of the Mark B. and Arlene L. Gundrum Revocable Trust Dated February 27, 2006, or the successor Trustee thereof, as to a one-half interest; Jason M. Gundrum, as to a one-fourth interest; John A. Gundrum, as to a one-fourth interest as to Parcel A; Gundrum Fertilizer & Feed, Inc., a Wisconsin Corporation as to Parcels B, C, D and E, Commonwealth Land Title Company and Bock and Clark Corporation.

The undersigned certifies that to the best of his professional knowledge, information and belief, this map or plat and the Survey on which it is based were made on the date shown below of the premises specifically described in Commitment No. WB 72141 dated July 29, 2008 at 8:00 A.M. and were made: (i) in accordance with "Minimum Standard Detail Requirements for ALTA/ACSM Land Title Surveys," jointly established and adopted by ALTA and NSPS in 2005; (ii) in accordance with the "Survey Requirements for the Helena West Bend Survey dated 09/04/2008," and includes Items 1, 2, 3, 4, 6, 7(a), 7(b)(1), 7(c), 8, 9, 10, 11(a), 13, 14, 16, 17 and 18 of Table A specifically defined therein, and (iii) Pursuant to the Accuracy Standards as adopted by ALTA and NSPS and in effect on the date of this certification, undersigned further certifies that in my professional opinion, as a land surveyor registered in the State of Wisconsin, the Relative Positional Accuracy of this survey does not exceed that which is specified therein.

Thomas J. Trzinski
Registration No. 2636
In the State of Wisconsin
Date of Survey: August 28, 2008
Date of Last Revision:
Network Project No. 200801109-001

Survey Performed By:

Lampert - Lee & Associates
10968 Highway 54 East
Wisconsin Rapids, WI 54494
Phone: 715-424-3131
Fax: 715-423-8774
Email: lampert@wctc.net

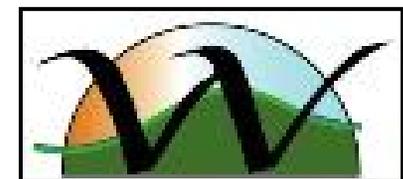
Bock & Clark's National Surveyors Network
National Coordinators of ALTA/ACSM Land Title Surveys
www.1800surveys.com
Akron, Ohio 44333
537 North Cleveland-Massillon Road
Phone: (800) SURVEYS; Fax: (330) 666-3608

I have reviewed the attached legal description for the Former Gundrum Bros/ Helena Chemical Property. I believe the legal description is complete and accurate for the property located at 6525 Town Line Road, Town of Addison, Washington County, with residual soil contamination.

A handwritten signature in black ink, appearing to read "John M. Gundrum", is written above a solid horizontal line.

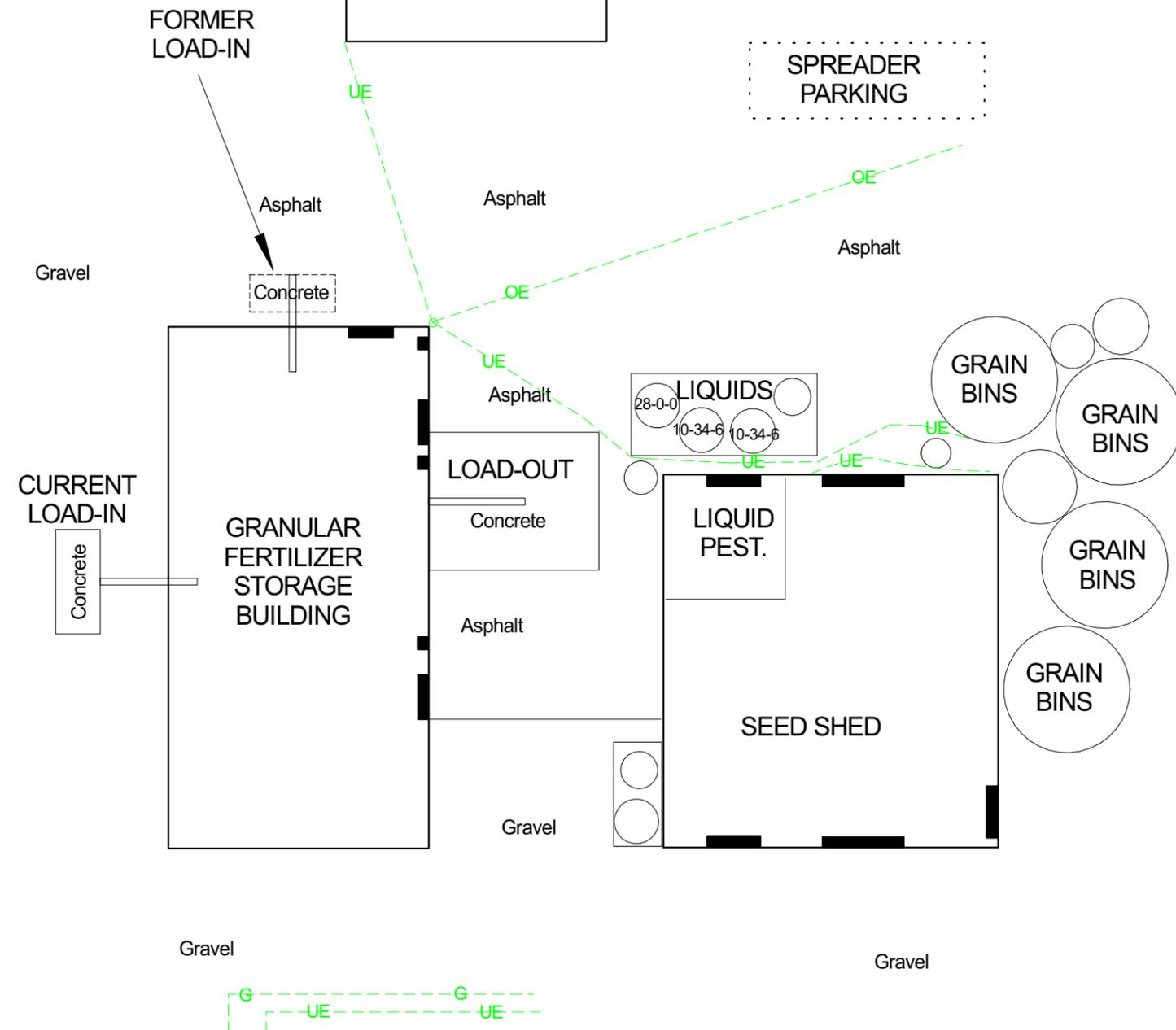
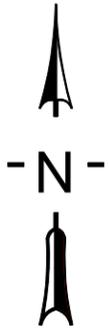
John M. Gundrum
Representative for Gundrum Bros. Farm Supply
Helena Chemical Co.

Location Map



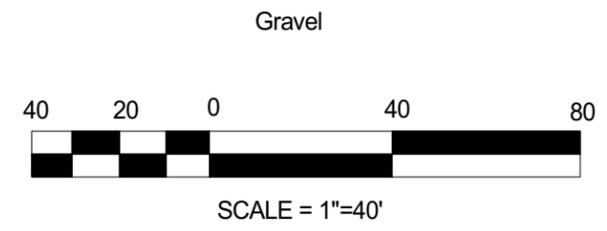
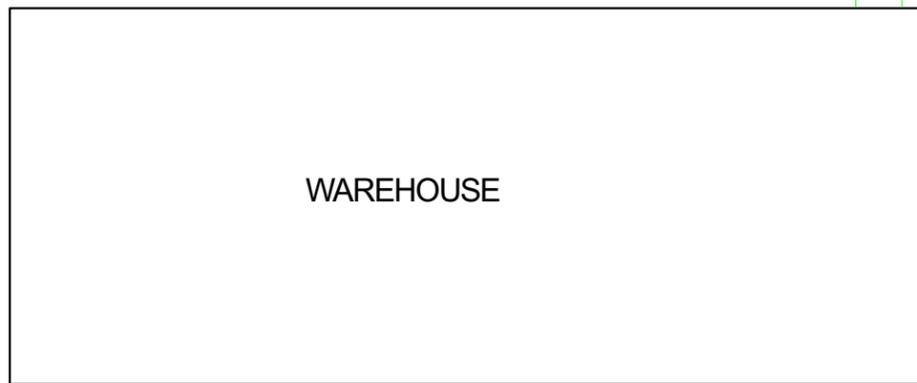
Disclaimer: This map is not guaranteed to be accurate, correct, current, or complete and conclusions drawn are the responsibility of the user.

FIGURE 1
SITE LOCATION MAP

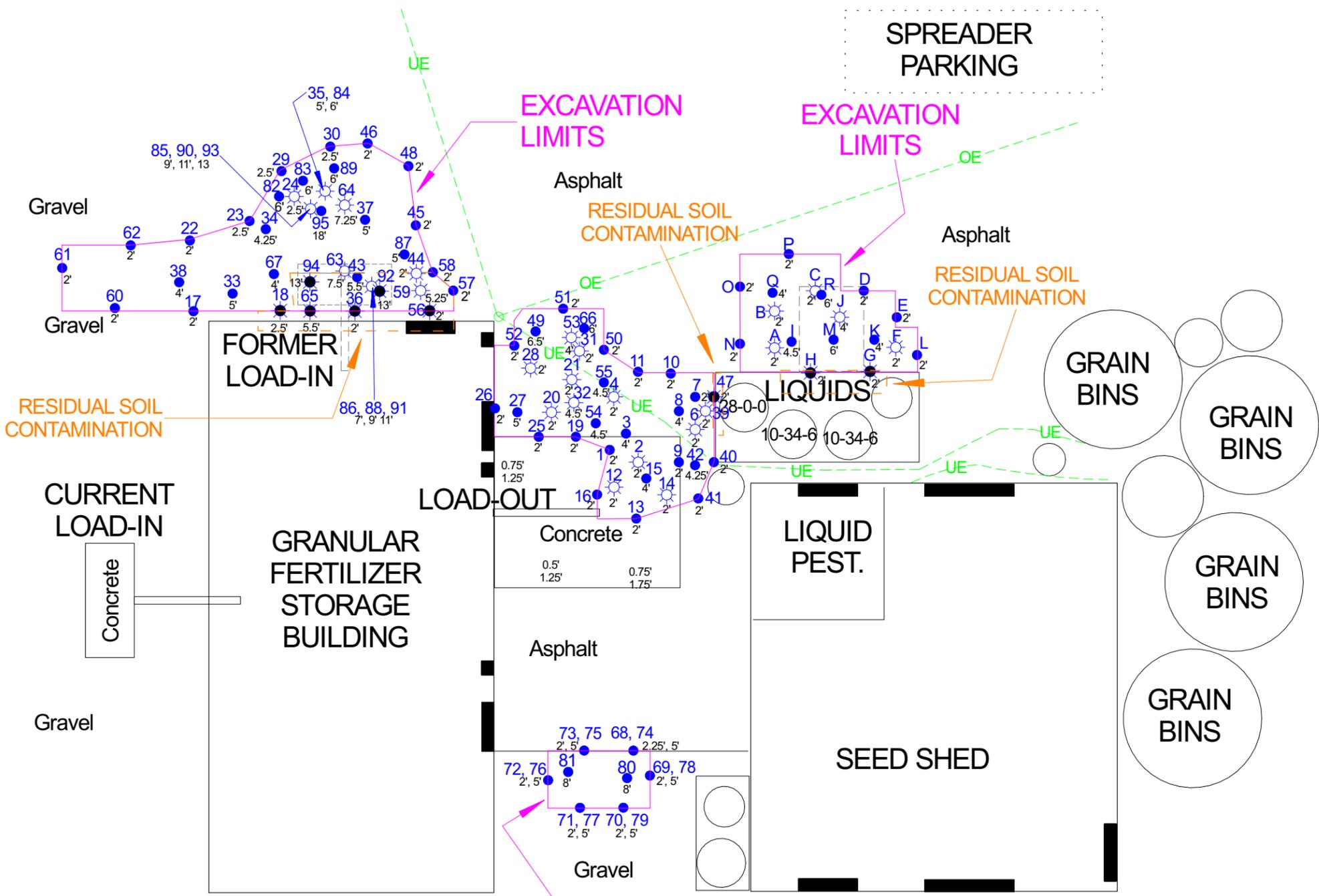
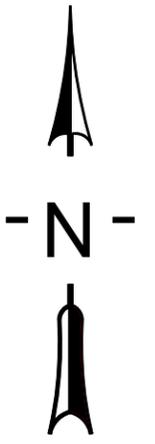


LEGEND

UTILITY LOCATION (overhead electric, underground gas & electric)

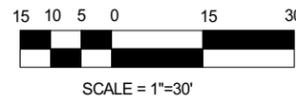


TITLE: SITE PLAN		ALPHA TERRA SCIENCE	
SITE: Gundrum Bros. Farm Supply, West Bend, WI			
SCALE: 1"=40'	ATS PROJECT NUMBER: GBF-2009-01	DATE: 2/10/09	DWG #: ...sitemap.skf
REV:	DATE:	DESCRIPTION:	APPVD.: DRAWN BY: AH
			FIGURE 2



LEGEND

- 1 ● SOIL SAMPLE - TOTAL NITROGEN < CLEANUP STANDARD
- 6 ☀ SOIL SAMPLE - TOTAL NITROGEN > CLEANUP STANDARD - SOIL EXCAVATED
- 12 ☀ SOIL SAMPLE - TOTAL NITROGEN > CLEANUP STANDARD - SOIL REMAINS
- 2.5' DEPTH OF SOIL SAMPLE
- UE UTILITY LOCATION (overhead electric, underground electric)



TITLE: AREAS OF RESIDUAL SOIL CONTAMINATION		ALPHA TERRA SCIENCE	
SITE: Gundrum Bros. Farm Supply, West Bend, WI			
SCALE: 1"=30'	ATS PROJECT NUMBER: GBF-2009-01	DATE: 2/10/09	DWG #: remed rescaled sitemap.skf
REV:	DATE:	DESCRIPTION:	APPVD.: DRAWN BY: AH
		FIGURE 3	

TABLE 1
SOIL ANALYTICAL RESULTS - RESIDUAL CONTAMINATION
 Gundrum Bros. Farm Supply, West Bend, WI

REMEDIATION SOIL SAMPLES

Fertilizer Load-Out

Analytical Parameter	Sample ID	1	2	3	4	6	7	8	9	10	11	12	13
Sample Depth		2'	2'	4'	2'	2'	2'	4'	2'	2'	2'	2'	2'
Ammonia		<20	29	<20	240	490	<20	<20	<20	<20	<20	290	<20
Nitrate/Nitrite		140	180	<20	240	94	22	<20	66	52	53	540	35
TOTAL NITROGEN		140	209	<40	480	584	22	<40	66	52	53	830	35

Analytical Parameter	Sample ID	14	15	16	19	20	21	25	26	27	28	31	32
Sample Depth		2'	4'	2'	2'	2'	2'	2'	2'	5'	2'	2'	4.5'
Ammonia		420	<20	<20	<20	570	570	<20	33	<20	530	<20	<20
Nitrate/Nitrite		360	64	68	57	130	840	29	120	100	790	360	140
TOTAL NITROGEN		780	64	68	57	700	1410	29	153	100	1320	360	140

Analytical Parameter	Sample ID	39	40	41	42	47	49	50	51	52	53	54	55
Sample Depth		2'	2'	2'	4.25'	2'	6.5'	2'	2'	2'	4'	4.5'	4.5'
Ammonia		2500	<20	<20	<20	1600	<20	<20	<20	<20	<20	<20	<20
Nitrate/Nitrite		270	22	160	26	< 200	30	89	110	30	180	28	140
TOTAL NITROGEN		2770	22	160	26	1600	30	89	110	30	180	28	140

Analytical Parameter	Sample ID	66
Sample Depth		6'
Ammonia		<20
Nitrate/Nitrite		58
TOTAL NITROGEN		58

Notes: Analytical Results reported in mg/kg

BOLD exceeded total nitrogen cleanup goal of 200 mg/kg and was excavated.

BOLD soil contaminated with nitrogen at level above 200 mg/kg cleanup goal remains at this location

TABLE 1
SOIL ANALYTICAL RESULTS - RESIDUAL CONTAMINATION
 Gundrum Bros. Farm Supply, West Bend, WI

REMEDIATION SOIL SAMPLES

Former Fertilizer Load-in

Analytical Parameter	Sample ID Sample Depth	17 2'	18 2.5'	22 2'	23 2.5'	24 2.5'	29 2.5'	30 2.5'	33 5'	34 4.25'	35 5'	36 2'	37 5'
Ammonia		<20	170	<20	<20	<20	<20	<20	<20	<20	<20	890	<20
Nitrate/Nitrite		<20	73	36	80	120	<20	79	42	47	140	170	34
TOTAL NITROGEN		<40	243	36	80	120	<40	79	42	47	140	1060	34

Analytical Parameter	Sample ID Sample Depth	38 4'	43 5.5'	44 2'	45 2'	46 2'	48 2'	56 2'	57 2'	58 2'	59 5.25'	60 2'	61 2'
Ammonia		<20	22	90	<20	<20	<20	<20	<20	<20	66	<20	<20
Nitrate/Nitrite		46	21	160	96	34	51	250	80	57	92	93	26
TOTAL NITROGEN		46	43	250	96	34	51	250	80	57	158	93	26

Analytical Parameter	Sample ID Sample Depth	62 2'	63 7.5'	64 7.25'	65 5.5'	67 4'	82 6'	83 6'	84 6'	85 9'	86 7'	87 5'	88 9'
Ammonia		<20	68	49	1900	<20	<20	<20	<20	<20	120	<20	42
Nitrate/Nitrite		21	42	51	250	34	24	34	130	130	110	79	110
TOTAL NITROGEN		21	110	100	2150	34	24	34	130	130	230	79	152

Analytical Parameter	Sample ID Sample Depth	89 6'	90 11'	91 11'	92 13'	93 13'	94 13'	95 18'
Ammonia		<20	26	200	84	27	400	<20
Nitrate/Nitrite		45	220	120	85	120	140	<20
TOTAL NITROGEN		45	246	320	169	147	540	<40

Notes: Analytical Results reported in mg/kg

BOLD exceeded total nitrogen cleanup goal of 100 mg/kg and was excavated.

BOLD soil contaminated with nitrogen at level above 100 mg/kg cleanup goal remains at this location

TABLE 1
SOIL ANALYTICAL RESULTS - RESIDUAL CONTAMINATION
 Gundrum Bros. Farm Supply, West Bend, WI

REMEDIATION SOIL SAMPLES

Liquid Pad Remediation Area

Analytical Parameter	Sample ID Sample Depth	A 2'	B 2'	C 2'	D 2'	E 2'	F 2'	G 2'	H 2'	I 4.5'	J 4'	K 4'	L 2'
Ammonia		1300	360	490	98	<20	140	3400	3400	37	200	<20	<20
Nitrate/Nitrite		260	57	35	29	120	180	700	370	45	58	65	200
TOTAL NITROGEN		1560	417	525	127	120	320	4100	3770	82	258	65	200

Analytical Parameter	Sample ID Sample Depth	M 6'	N 2'	O 2'	P 2'	Q 4'	R 6'
Ammonia		21	<20	<20	<20	<20	<20
Nitrate/Nitrite		57	53	46	80	81	38
TOTAL NITROGEN		78	53	46	80	81	38

Notes: Analytical Results reported in mg/kg

BOLD exceeded total nitrogen cleanup goal of 200 mg/kg and was excavated.

BOLD soil contaminated with nitrogen at level above 200 mg/kg cleanup goal remains at this location



Alpha Terra Science, Inc.
1237 Pilgrim Road, Plymouth, WI 53073
TEL 920/892-2444 FAX 920/892-2620
Website: www.alphaterra.net
E-mail: alphaterra@alphaterra.net

February 24, 2010

Mr. Ed Brister
Helena Chemical Co.
225 Schilling Blvd, Suite 300
Collierville, TN 38017

RE: Remaining Soil Contamination at Helena Chemical/ Former Gundrum Bros. Farm Supply
6525 Town Line Road, West Bend WI
DATCP # 08410072101 WDNR BRRTS # 02-67-553861

Dear Mr. Brister:

As you know, Alpha Terra Science has been working with Gundrum Bros. Farm Supply (Gundrum) to clean up agrichemical contaminated soil at the property in West Bend, Wisconsin that Helena Chemical purchased from Gundrum last year. Soil contamination that originated on the property located at 6525 Town Line Road in West Bend, Wisconsin has been investigated and remediated to the extent practicable. Remaining levels of fertilizer (ammonia and nitrate/nitrite as total nitrogen) in the soil on your property are above the site cleanup goals of 200-mg/kg total nitrogen for areas under impervious surfaces and the 100-mg/kg total nitrogen cleanup goal for areas that are not covered.

In requesting closure, it is our opinion that the remaining soil contamination does not pose a risk to human health or the environment as long as contaminated soil is kept capped to prevent infiltration of precipitation through the zone of residual contamination. We believe that the completed site investigation and remediation activities meet the requirements for case closure that are found in chapter NR 726 Wisconsin Administrative Code, and will be requesting that DATCP grant case closure. Closure means that DATCP will not be requiring any further investigation or cleanup action to be taken, other than maintenance of the existing surface cover materials.

Since the contamination is on your property, you or any subsequent owner of your property could be held responsible for investigation or cleanup of the remaining contamination. If you make modifications to the property that disturb the remaining contaminated soil, you may be required to test and handle the contaminated soil per the existing regulations at that time.

The Wisconsin Department of Agriculture, Trade, and Consumer Protection (DATCP) has regulatory authority of cases involving agrichemicals. DATCP will review the closure request within approximately 30 days after the date of this letter. You have a right to contact DATCP to discuss the situation and provide any technical information that may help in their decision regarding case closure. The contact person at DATCP is Mr. Jason Lowery, 2811 Agriculture Drive, P.O. Box 8911, Madison, WI 53708-8911, (608) 224-2514 or by email at jason.lowery@wisconsin.gov.

The Wisconsin Department of Natural Resources (DNR) maintains a web-based list of contaminated properties. If this case is closed, the location of the remaining soil contamination will be identified on the geographic information system (GIS) Registry of Closed Remediation Sites located on the DNR's web site. The information on the GIS Registry includes maps showing the location of properties in Wisconsin where soil or groundwater contamination above state standards was present at the time that the case was closed. Please review the enclosed legal description of your property, and notify me within the next 30 days if the legal description is incorrect.

Once DATCP makes a decision regarding case closure, it will be documented in a letter. If DATCP grants closure, you may obtain a copy of this letter by requesting a copy from John Gundrum at your West Bend Location, by contacting DATCP at the address given above or by accessing the DNR GIS Registry of Closed Remediation Sites on the Internet at www.dnr.state.wi.us/org/at/et/geo/gwur. A copy of the closure letter is included as part of the site file on the GIS Registry of Closed Remediation Sites.

If you need more information regarding this matter, please contact John Gundrum at the West Bend facility. If you have questions about the technical details of this project, you may contact me at Alpha Terra Science, 1237 Pilgrim Road, Plymouth, WI 53073 or by telephone at (920) 892-2444. Likewise, you may contact Mr. Jason Lowery of DATCP by one of the methods listed above.

Sincerely,

Amy Haak, P. G.
Senior Geologist

attachment

Amy Haak

From: Brister, Edward [BristerE@helenachemical.com]
Sent: February 25, 2010 8:18 AM
To: Amy Haak
Subject: RE: Agricultural Cleanup at West Bend Wisconsin Location

Amy,
Thank you. I received the letter indicating there is remaining soil contamination at West Bend.

Ed Brister
Director, Regulatory Compliance/Engineering
Helena Chemical Co.
901-537-8600

From: Amy Haak [mailto:amyhaak@alphaterra.net]
Sent: Wednesday, February 24, 2010 2:30 PM
To: Brister, Edward
Subject: Agricultural Cleanup at West Bend Wisconsin Location

Good Afternoon Ed,

As you know I've been working with Gundrums on their agrichemical cleanup project in West Bend. With completion of excavation activities last fall to remove accessible contaminated soil we are requesting case closure from DATCP. On requirement for cases with property owners other than the responsible party is that they have to be notified of the closure request.

I have attached the required letter and am requesting that you send a short email in reply that you have received the correspondence. This will allow me to complete the report sooner.

John Gundrum was going to call you but I may have beat him with sending this letter. As indicated, do not hesitate to contact either of us with any questions.

Amy Haak, P. G., Senior Geologist
Alpha Terra Science
1237 Pilgrim Rd, Plymouth, WI 53073
Phone: 920/892-2444 Fax: 920/892-2620
www.alphaterra.net