



State of Wisconsin \ DEPARTMENT OF NATURAL RESOURCES

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

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

December 21, 2006

Kaminsky Real Estate LLC
1303 Pearl St.
Waukesha, WI 53186

WDNR BRRTS FID #: 268216520
WDNR BRRTS Activity #: 02-68-285170

SUBJECT: Final Case Closure, Former Badger Tool & Engineering, 1303 Pearl St.,
Waukesha

Dear Sir or Madam:

On March 4, 2003, you were notified that the Closure Committee had granted conditional closure to this case. The condition to file a deed restriction on the property has not been completed to date. Recently, the legislature has changed state law to allow sites to close without deed restrictions, if they are placed on the states GIS registry.

Based on the previously submitted correspondence and data provided, it appears that your case meets the screening criteria of ch. NR 726, Wis. Adm. Code and this site may be closed without a deed restriction. The Department considers this case closed and no further investigation, remediation or other action is required at this time. Furthermore, the NR 140.28 PAL exemption described in the conditional closure letter dated March 4, 2003 is now in effect.

FUTURE EXCAVATION OF RESIDUAL CONTAMINATED SOIL

Residual soil contamination remains at B-3 as indicated in the information submitted to the Department of Natural Resources. If soil in these specific locations is excavated in the future, the property owner at the time of excavation will be required to sample and analyze the excavated soil to determine whether the contamination still remains. If contamination remains, all current and future owners and occupants of the property need to be aware that excavation of the contaminated soil may pose an inhalation or other direct contact hazard at the time of excavation. **Special precautions may need to be taken during excavation activities to prevent a direct contact health threat to humans.** Based upon the results of sample analysis, the current owner will also have to properly store, treat, or dispose of any excavated materials, in accordance with state and federal laws.

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 GIS Registry. To review the sites on the GIS Registry web page, visit <http://dnr.wi.gov/org/aw/rr/gis/index.htm>. If your property is listed on the GIS Registry and you intend to construct or reconstruct a well, you will need Department approval. Department approval is required before construction or reconstruction of a well on a property listed on the GIS Registry, in accordance with s. NR 812.09(4)(w). 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 <http://www.dnr.state.wi.us/org/water/dwg/3300254.pdf> or at the web address listed above for the GIS Registry.

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.

The Department appreciates your efforts to restore the environment at this site. If you have any questions regarding this letter, please contact me at 262-574-2146.

Sincerely,



Mark Drews, P.G.

Hydrogeologist

Bureau for Remediation & Redevelopment

cc: Tim Anderson, United Engineering, 10617 W. Oklahoma Ave, Suite L2, West Allis, WI 53227
Jim Clancy, Waukesha Machine & Tool, 1200 Nike Dr., Waukesha, WI 53186
SER File



State of Wisconsin \ DEPARTMENT OF NATURAL RESOURCES

Scott McCallum, Governor
Darrell Bazzell, 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 4, 2003

Mr. Jim Clancy
Waukesha Machine & Tool
1200 Nike Drive
Waukesha, WI 53186

FID#268216520
BRRTS#02-68-285170

Subject: Conditional Case Closure for Former Badger Tool & Engineering, 1303 Pearl Street,
Waukesha

Dear Mr. Clancy:

On January 16, 2003 and February 13, 2003, the Department of Natural Resources (Department) received the additional information required to review the above-referenced site for closure again. The laboratory analytical results reported that neither TCE nor chromium was detected in the groundwater at MW-1. In addition, the soil sample collected from surface to two feet at GP-3 contained no detection of hexavalent chromium. The draft deed restriction for the above-referenced site was submitted. The case was again presented to the Southeast Region Closeout Committee. Based on the Department's review of the case, it appears that the contamination in the area of GB-3 at the site has been investigated and remediated to the extent practicable under site conditions. Your case meets the screening criteria of s. NR 746.07, Wis. Adm. Code, and the requirements of ch. NR 726, Wis. Adm. Code and will be closed if the following conditions are satisfied:

- A complete soil GIS registry package and associated fee of \$200 must be received by the Department.
- The monitoring well 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/dgw/gw/ or provided by the Department of Natural Resources.
- After the Department of Natural Resources has reviewed the draft deed document for completeness, you should sign it (if you own the property), or have the appropriate property owner sign it, and have it recorded by the Waukesha County Register of Deeds. Then you must submit a copy of the recorded document, with the recording information stamped on it, to Ms. Victoria Stovall. 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 the documents requested to the Department, and your case will be closed. Your site will be listed on the DNR Remediation and Redevelopment GIS Registry of Closed Remediation Sites. Information that was submitted with your GIS package 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>].

Recent groundwater monitoring data at this site indicates exceedances of the NR 140 preventive action limit (PAL) for trichloroethylene (TCE) at MW-1, 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:

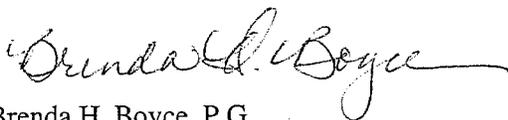
1. The measured or anticipated increase in the concentration of the substance will be minimized to the extent technically and economically feasible.
2. Compliance with the PAL is either not technically or economically feasible.
3. The enforcement standard for the substance will not be attained or exceeded 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 TCE at MW-1. This letter serves as your exemption.

Please be aware that the case may be reopened pursuant to s. NR 726.09, Wis. Adm. Code, if additional information regarding site conditions indicates that contamination on or from the site poses a threat to public health, safety, or welfare or to the environment.

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

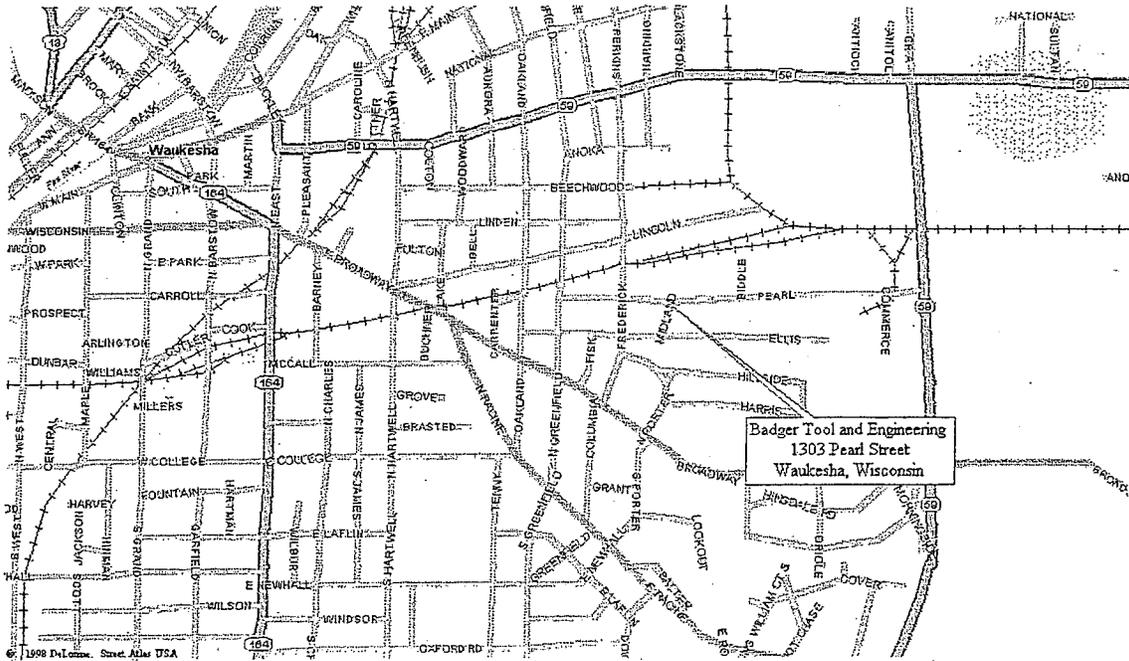
Sincerely,



Brenda H. Boyce, P.G.
Hydrogeologist
Remediation and Redevelopment Program

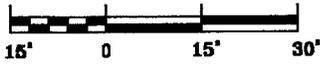
C: Tim Anderson – UEC, Inc.

FIGURE 2 SITE LOCATION MAP



One Inch Equals Approximately 0.2 Miles





SCALE: 1" = 30'

ALL LOCATIONS ARE APPROXIMATE

Note: Giles Borings
Approximate Locations

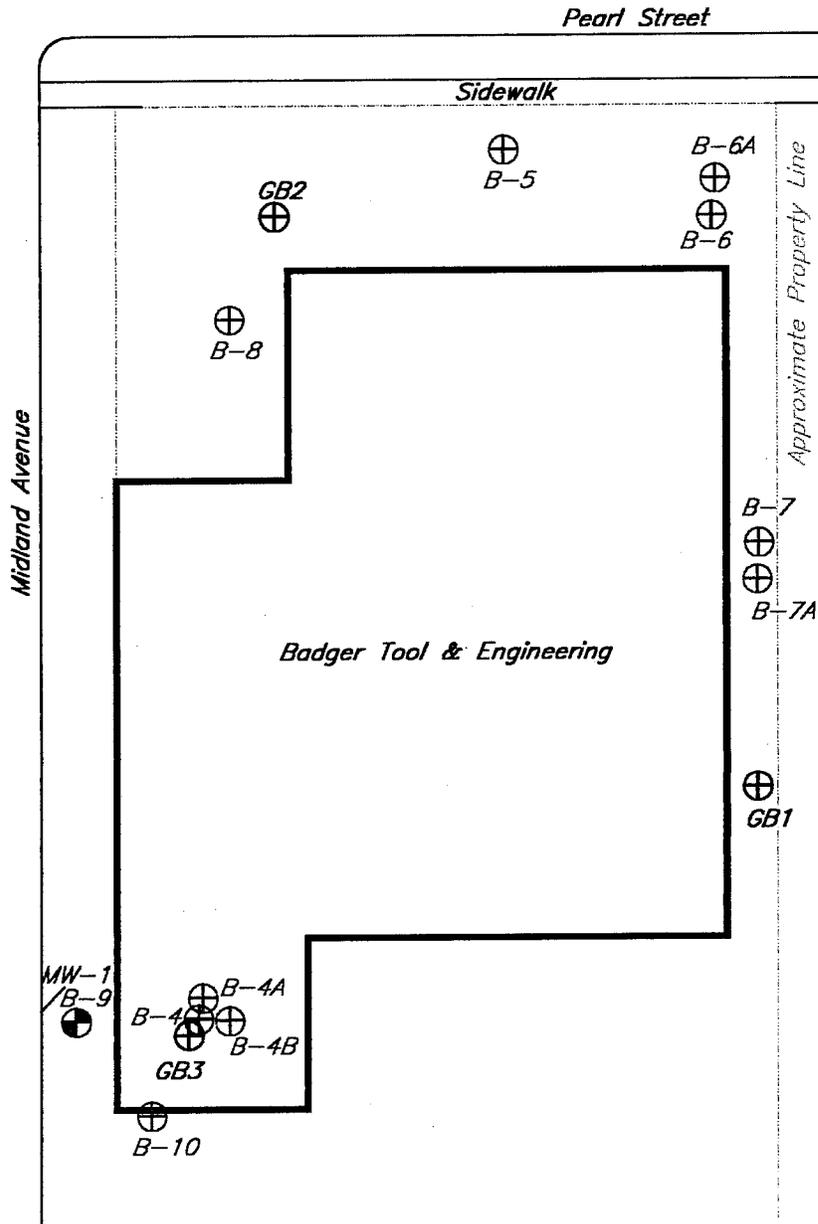


Figure 3: Soil Boring Location Map

United Engineering
Consultants, Inc.

Badger Tool & Engineering
Waukesha, Wisconsin
Site Investigation

included in the appendix, and are summarized on the following table. RCL exceedances are in bold.

<p style="text-align: center;">TABLE 1 RCRA METALS ANALYSIS BADGER TOOL AND ENGINEERING APRIL 27, 2001</p>								
Parameters Depth	B-4 2'-4'	B-4 4'-8'	B-4A 8'-12'	B-4A 12'-16'	B-5 2'	B-6 3'	B-7 3'	RCL
Arsenic	ND	ND	ND	ND	ND	ND	ND	1.6
Barium	106	85.7	ND	ND	37.8	ND	30.9	-
Cadmium	ND	ND	ND	ND	ND	ND	ND	510
Chromium	66.8	25.1	3.33	14.8	6.82	6.91	8.19	200
Lead	51.4	11.4	1.88	2.29	7.01	6.01	6.26	500
Mercury	0.178	0.0821	ND	ND	ND	ND	0.0618	-
Selenium	ND	ND	ND	ND	ND	ND	ND	-
Silver	ND	ND	ND	ND	ND	ND	ND	-
ND – Compound not detected at or above laboratory method detection limit RCL – Residual Contaminant Level for industrial sites, where established All results are expressed in mg/kg (parts per million)								

The above concentrations are below their respective RCLs, where established. In addition, the previously reported total chromium (307 mg/kg) and Lead (330 mg/kg) concentrations in the near surface soils at B-3 decrease significantly in the immediately adjacent borings B-4 and B-4A to 14.8 mg/kg (Chromium) and 2.29 mg/kg (Lead) at approximate depths of twelve (12) to sixteen (16) feet.

The TCLP analysis for Lead and Cadmium did not indicate their presence at or above their respective detection limits. The TCLP analysis for Chromium was inadvertently omitted.

GROUNDWATER CONTAMINATION

Groundwater Quality Standards

The WDNR has established Groundwater Quality Standards in Section NR 140.10 of the Wisconsin Administrative Code. ES and PAL have been established for several VOC of concern to the public health as determined by the WDNR. If the ES or PAL for a given compound in groundwater is exceeded, the WDNR is authorized to enforce action to restore groundwater quality to a level below the ES or PAL. Exceedance of the ES generally mandates the need for further investigation and/or groundwater remediation, where as exceedance of the PAL may require further investigation, but usually does not necessitate groundwater remediation.

SECTION V - CONTAMINATION ASSESSMENT

SOIL CONTAMINATION

Soil Quality Standards

The WDNR currently utilizes generic Residual Contaminant Levels (RCLs) for certain compounds which are designed to protect human health from direct contact with contaminated soils. The current WDNR RCLs for these compounds are included in the upcoming table summarizing the analytical results.

Soil Sampling Results

The split spoon samples obtained during the field exploration were screened with the PID and the results are presented on the boring logs in the Appendix. No detectable levels were present in the screened samples. The results of the VOC analysis are included in the appendix, and are summarized on the following table.

TABLE 1 VOC ANALYSIS BADGER TOOL AND ENGINEERING MAY 1, 2002										
Borehole Depth	B-4B 6'	B-4B 10'	B-6A 3.5'	B-7A 3'	B-8 1'	B-9 3'	B-9 6.5'	B-10 2'	B-10 7.5'	B-10 10.5'
Trichloro- ethene	ND	70.7	ND	ND	74.9	124	ND	ND	ND	ND
ND – Compound not detected at or above laboratory method detection limit All results are expressed in ug/kg (parts per billion)										

No other compounds were present at the sampled intervals at concentrations at or above their respective detection limits.

TABLE 1

**Soil Analytical Results
Proposed Badger Tool and Engineering Facility
1303 Pearl Street
Waukesha, Wisconsin
Project No. 1E-9909023**

Boring No.	Sample Depth (feet)	Detected VOCs (ppb)		8 RCRA Metals (ppm)							
		Trichloroethene	1,3,5 Trimethylbenzene	Arsenic	Barium	Cadmium	Total Chromium	Lead	Mercury	Selenium	Silver
B1	0-2	<11	<9.7	9.3*	103	1.5	31	39	<0.1	<5.3	<0.7
B2	2-4	<11	<9.7	<4.6	15	<0.3	15	8.1*	<0.1	<4.1	<0.5
B3	0-2	1,400	66	10*	212	2.2	307	330	0.23*	<5.2	15
WDNR Residual Contaminant Level (non-industrial) **		NS	NS	0.039	NS	8	16,014	50	NS	NS	NS
WDNR Residual Contaminant Level (industrial) **		NS	NS	1.6	NS	510	N/A	500	NS	NS	NS
USEPA TCLP Standard		NA	NA	5.0	100	1.0	5.0	5.0	0.2	1.0	5.0

- Notes:
- ppb - parts per billion; equivalent to micrograms per kilogram
 - ppm - parts per million; equivalent to milligrams per kilogram
 - WDNR - Wisconsin Department of Natural Resources
 - < - less than the limit of detection
 - * - result is between the limit of detection and limit of quantitation
 - NS - no standard
 - TCLP - Toxicity Characteristics Leaching Procedure

Results indicated in blue are 20 times greater than the United States Environmental Protection Agency TCLP Standard. RCRA metals must exceed the TCLP Standard by at least 20 times for there to be a potential TCLP Standard exceedence

** - NR 720.11 Residual Contaminant Level based on Human Health Risk from Direct Contact Related to Land Use



SCALE: 1" = 30'

ALL LOCATIONS ARE APPROXIMATE

Note: Giles Borings
Approximate Locations

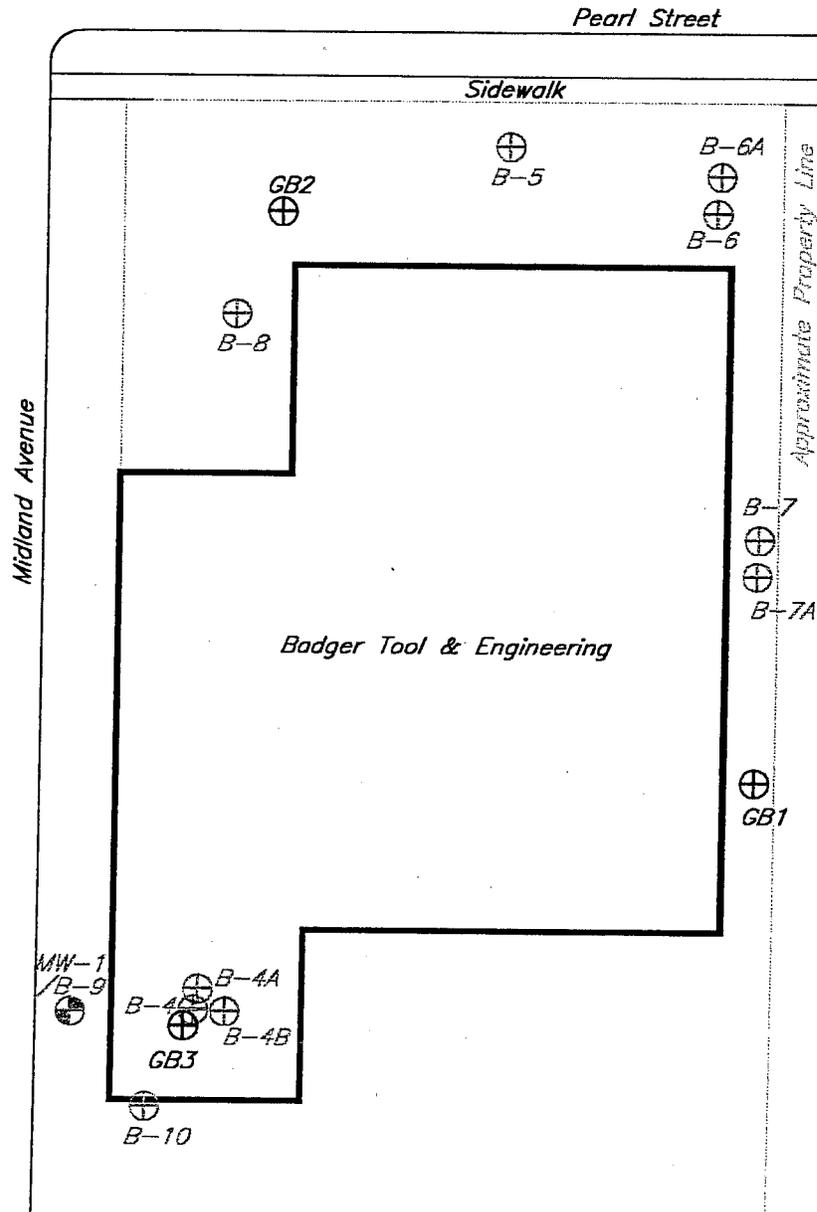


Figure 3: Soil Boring Location Map

United Engineering
Consultants, Inc.

Badger Tool & Engineering
Waukesha, Wisconsin
Site Investigation

September 16, 2003

Ms. Brenda Boyce
Wisconsin Department of Natural Resources
Southeast Region
407 Pilot Court
Waukesha, Wisconsin 53188

Dear Ms. Boyce:

To the best of my knowledge, the legal description in the attached Warranty Deed is complete and accurate for the facility located at 1303 Pearl Street in Waukesha, Wisconsin.

Sincerely,



James P. Clancy