

# GIS REGISTRY

## Cover Sheet

May, 2009  
(RR 5367)

### Source Property Information

BRRTS #: 02-68-553634  
ACTIVITY NAME: Folkman Property  
PROPERTY ADDRESS: 728 E Wisconsin Ave  
MUNICIPALITY: Oconomowoc  
PARCEL ID #: 0C0C 563 316 0C0C 563 317

CLOSURE DATE: 12/8/09  
FID #: 208603500  
DATCP #: —  
COMM #: —

#### \*WTM COORDINATES:

X: 642994 Y: 293886

*\*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:

Groundwater Contamination > ES (236)

Contamination in ROW

Off-Source Contamination

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

Soil Contamination > \*RCL or \*\*SSRCL (232)

Contamination in ROW

Off-Source Contamination

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

### Land Use Controls:

N/A (Not Applicable)

Soil: maintain industrial zoning (220)

*(note: soil contamination concentrations  
between non-industrial and industrial levels)*

Structural Impediment (224)

Site Specific Condition (228)

Cover or Barrier (222)

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

Vapor Mitigation (226)

Maintain Liability Exemption (230)

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

### 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 #: 02-68-553634

PARCEL ID #: OCOC0563316

ACTIVITY NAME: Folkman Rental Property (Former)

WTM COORDINATES: X: 642994 Y: 293886

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

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

**SOURCE LEGAL DOCUMENTS**

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

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

Maps must be no larger than 8.5 x 14 inches unless the map is submitted electronically.

- Location Map:** A map outlining all properties within the contaminated site boundaries on a U.S.G.S. topographic map or plat map in sufficient detail to permit easy location of all parcels. If groundwater standards are exceeded, include the location of all potable wells within 1200 feet of the site.  
*Note: Due to security reasons municipal wells are not identified on GIS Packet maps. However, the locations of these municipal wells must be identified on Case Closure Request maps.*  
**Figure #: 1**                      **Title: Site Location Map**
- Detailed Site Map:** A map that shows all relevant features (buildings, roads, individual property boundaries, contaminant sources, utility lines, monitoring wells and potable wells) within the contaminated area. This map is to show the location of all contaminated public streets, and highway and railroad rights-of-way in relation to the source property and in relation to the boundaries of groundwater contamination exceeding a ch. NR 140 Enforcement Standard (ES), and/or in relation to the boundaries of soil contamination exceeding a Residual Contaminant Level (RCL) or a Site Specific Residual Contaminant Levels (SSRCL) as determined under s. NR 720.09, 720.11 and 720.19.  
**Figure #: 2**                      **Title: Site Plan View Aerial Photograph**
- 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 #: 3A**                      **Title: Soil Sample Results & Contaminant Plume Map**

BRRTS #: 02-68-553634

ACTIVITY NAME: Folkman Rental Property (Former)

**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 Sample Analytical Results

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

Table #: Title:

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

Table #: Title:

**IMPROPERLY ABANDONED MONITORING WELLS**

For each monitoring well not properly abandoned according to requirements of s. NR 141.25 include the following documents.

*Note: If the site is being listed on the GIS Registry for only an improperly abandoned monitoring well you will only need to submit the documents in this section for the GIS Registry Packet.*

**Not Applicable**

**Site Location Map:** A map showing all surveyed monitoring wells with specific identification of the monitoring wells which have not been properly abandoned.

*Note: If the applicable monitoring wells are distinctly identified on the Detailed Site Map this Site Location Map is not needed.*

Figure #: Title:

**Well Construction Report:** Form 4440-113A for the applicable monitoring wells.

**Deed:** The most recent deed as well as legal descriptions for each property where a monitoring well was not properly abandoned.

**Notification Letter:** Copy of the notification letter to the affected property owner(s).

BRRTS #: 02-68-553634

ACTIVITY NAME: Folkman Rental Property (Former)

**NOTIFICATIONS**

**Source Property** NA

- 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 \ DEPARTMENT OF NATURAL RESOURCES

Jim Doyle, Governor  
Matthew J. Frank, Secretary  
Gloria L. McCutcheon, Regional Director

Waukesha Service Center  
141 NW Barstow St  
Waukesha, Wisconsin 53188  
Telephone 262-574-2100  
FAX 262-574-2117  
TTY Access via relay - 711

December 8, 2009

L.F. George West LLC  
Charles Folkman  
W231 N1129 CTH F  
Waukesha, WI 53186

FID # 268603500  
BRRTS # 02-68-553634

SUBJECT: Case Closure and NR 140 Exemption  
Folkman Property, 728 E. Wisconsin Ave., Oconomowoc, WI

Dear Mr. Folkman:

On December 3, 2009, the Department of Natural Resources (Department) reviewed 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.

Based on the correspondence and data provided, it appears that your case meets the closure requirements in 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

This site will be listed on the Remediation and Redevelopment Program's GIS Registry. The specific reasons are summarized below:

- Residual soil contamination and fill materials exists that must be properly managed should it be excavated or removed
- Traffic Bond cap must be maintained over contaminated soil and fill and the state must approve any changes to this barrier

This letter and 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>. The property is listed on the GIS Registry because of remaining contamination and if 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 <http://dnr.wi.gov/org/water/dwg/3300254.pdf> or at the web address listed above for the GIS Registry.

### 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 you and any subsequent property owners must adhere. You must pass on the information about these continuing obligations to the next property owner or owners. 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 intends to conduct inspections in the future to ensure that the conditions included in this letter including compliance with referenced maintenance plans are met.

#### Cover or Barrier

Pursuant to s. 292.12(2)(a), Wis. Stats., the traffic bond parking areas shown on the attached map (Exhibit A) shall be maintained in compliance with the attached maintenance plan 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 eliminate threats of direct contact. If soil or fill materials in the specific locations described above are excavated in the future, the property owner at the time of excavation must sample and analyze the excavated soil or fill materials 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 is 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 or fill material may pose an inhalation or other 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 maintenance plan and inspection log are to be kept up-to-date and on-site. Please submit the inspection log to the Department only upon request.

#### Prohibited Activities

The following activities are prohibited on any portion of the property where [traffic bond, or a building] is required, unless prior written approval has been obtained from the Wisconsin Department of Natural Resources: 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; 6) construction or placement of a building or other structure.

#### Post-Closure Notification Requirements

In accordance with ss, 292.12 and 292.13, Wis. Stats., you must notify the Department before making changes that affect or relate to the conditions of closure in this letter. For this case, examples of changed conditions requiring prior notification include, but are not limited to:

- Development, construction or other changes, including zoning changes, that change the land use from industrial to non-industrial
- Disturbance, construction on, change or removal in whole or part of pavement or building that must be maintained over contaminated soil

If capped areas are disturbed, please send written notifications in accordance with the above requirements to Southeast Regional RR Program Office, to the attention of Regional RR Program contact.

## Dewatering Permits

The Department's Watershed Management Program regulates point source discharges of contaminated water, including discharges to surface waters, storm sewers, pits or to the ground surface. This includes discharges from construction related dewatering activities, including utility and building construction.

Based on the concentrations of contaminants remaining in groundwater at this location, it appears likely that dewatering activities would require a permit from the Watershed Management Program. If you or any other person plan to conduct such activities, you or that person must contact that program, and if necessary, apply for the necessary discharge permit. Additional information regarding discharge permits is available at <http://www.dnr.state.wi.us/org/water/wm/www/>

## Chapter NR 140, Wis. Adm. Code Exemption

Recent groundwater monitoring data at this site indicates that barium, cadmium, lead and benzene at monitoring point GP-3, contaminant levels exceed the NR 140 preventive action limit (PAL) but are below the enforcement standard (ES). 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. [Note: at this site the point of standards application is all points where groundwater is monitored.]
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 these criteria have been or will be met since the sample was collected in the fill material. Therefore, pursuant to s. NR 140.28, Wis. Adm. Code, an exemption to the PAL is granted for barium, cadmium, lead and benzene at monitoring point GP-3. Please keep this letter, because it serves as your exemption.

If you have any questions regarding this closure decision or anything outlined in this letter, please contact Mark Drews at 262-574-2146.

Sincerely,



Mark Drews, P.G.

Hydrogeologist

Bureau for Remediation & Redevelopment

cc: Kapur & Assoc., Travis Peterson, 7711 N. Port Washington Rd., Milwaukee, WI 53217  
SER File



NOV 30 00 0 0 0 4 0 3

STATE BAR OF WISCONSIN FORM 3 - 1999

QUIT CLAIM DEED

2607733 REGISTER'S OFFICE WAUKESHA COUNTY, WI RECORDED ON

11-30-2000 10:38 AM

MICHAEL J. HASSLINGER REGISTER OF DEEDS

REC. FEE: 8.00 REC. FEE-CO: 4.00 REC. FEE-ST: 2.00 TRAN. FEE: TRAN. FEE-STATE: PAGES: 3

This Deed, made between Folkman Rental Company, a Wisconsin general partnership

Grantor, and Folkman Rental Company, LLP

Grantee. Grantor quit claims to Grantee the following described real estate in Waukesha County, State of Wisconsin: (if more space is needed, please attach addendum): See attached Exhibit A.

(This deed is exempt from the transfer fee and return requirements as a conversion from a general partnership to a limited liability partnership under section 178.40, Stats., and is not a conveyance.)

Together with all appurtenant rights, title and interests.

Dated this 17 day of OCT, 2000.

Recording Area

Name and Return Address

Michael J. Allen Stafford Rosenbaum LLP P.O. Box 1784 Madison, WI 53701-1784

OCOC 563 316 OCOC 563 317

Parcel Identification Number (PIN)

This is not homestead property. (is) (is not)

Folkman Rental Company

By: Charles J. Folkman, Jr., General Partner

AUTHENTICATION

FEE

Signature(s)

#77-21(1) EXEMPT

authenticated this \_\_\_ day of \_\_\_

ACKNOWLEDGMENT

STATE OF WISCONSIN

WAUKESHA County

Personally came before me this 17th day of OCTOBER 2000 the above named

Charles J. Folkman, Jr.

TITLE: MEMBER STATE BAR OF WISCONSIN

(If not, authorized by § 706.06, Wis. Stats.)

THIS INSTRUMENT WAS DRAFTED BY

Michael J. Allen

Stafford Rosenbaum LLP

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

to me known to be the person who executed the foregoing instrument and acknowledged the same:

KINDA DRAG Notary Public, State of Wisconsin

My Commission is permanent. (If not, state expiration date:)

NOTARY PUBLIC, WAUKESHA COUNTY, WI MY COMMISSION EXPIRES MARCH 10, 2007

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

**EXHIBIT A****PARCEL 1**

All that part of Lot 64 of Assessor's Plat #3 of the Village (now City) of Oconomowoc, Waukesha County, Wisconsin, bounded and described as follows, to-wit: Commencing at the Southwest corner of said lot 64; thence South 76° East 50 feet to the place of beginning of the parcel hereinafter described: thence continuing south 76° East 100 feet; thence North 24° East 100 feet to a point; thence North 76° West 100 feet to a point; thence South 24° West to place of beginning.

**PARCEL 2**

All that part of Lots 63 and 64 of Assessor's Plat of the Village (now City) of Oconomowoc, Waukesha County, Wisconsin, bounded and described as follows, to-wit: Commencing at the Southeasterly corner of said Lot 63; thence North 76° West 120 feet along the Southerly line of said lot; thence North 24° East 225 feet; thence South 76° East 225 feet; thence South 24° West 225 feet to the Southerly line of Lot 64; thence North 76° West 105 feet to the place of commencement, being a piece of land 225 feet by 225 feet. Except that part of Lot 64 of Assessor's plat #3 of the Village (now City) of Oconomowoc, Waukesha County, Wisconsin, bounded and described as follows, to-wit: Commencing at the Southwest corner of said Lot 64; thence South 76° East 5 feet to the place of beginning of the parcel hereinafter described, thence continuing South 76° East 100 feet; thence North 24° East 100 feet to a point; thence North 76° West 100 feet to a point; thence South 24° West to place of beginning.

**ALSO:**

All that part of Lots 63 and 64 in Assessor's Plat No. 3 in Section 33, Town 8 North, Range 17 East, City of Oconomowoc, Waukesha County, Wisconsin, bounded and described as follows:

Commencing at the Southeasterly Corner of Lot 63; thence North 76° West along the Southerly line of Lot 63, 120.00 feet; thence North 24° East, 225.00 feet to the place of beginning of the parcel herein described; thence continuing North 24° East 310.00 feet to a point on a meander line near the shore of Fowler Lake; thence North 80° 19' East along the meander line 270.42 feet; thence South 24° West 460.00 feet; thence North 76° West, 225.00 feet to the place of beginning.

Also all lands lying between the meander line and the easterly and westerly lines extended to the shore of Fowler Lake.

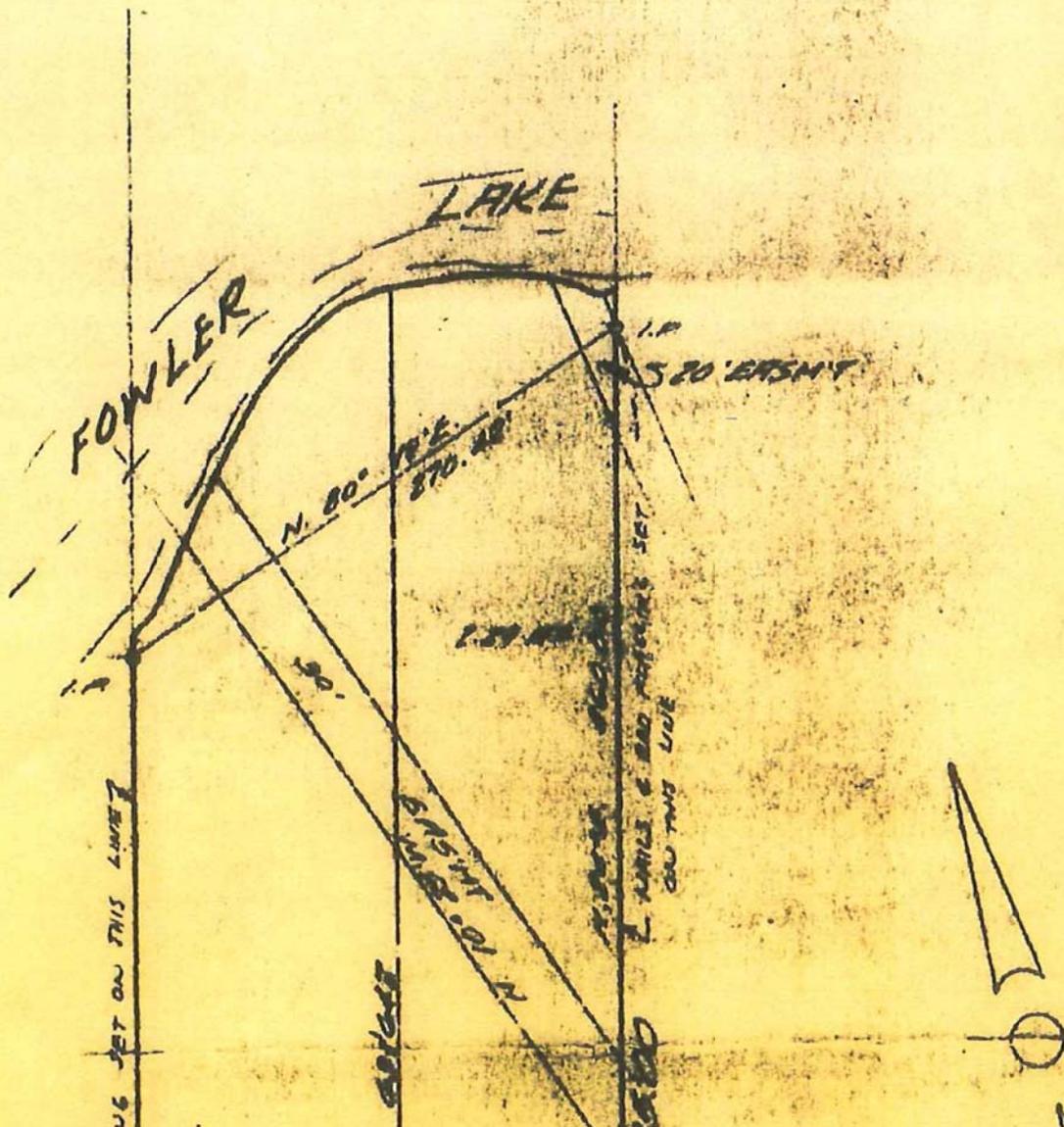
PRESERVING therefrom a 30 foot storm sewer easement for the City of Oconomowoc along the center lines of the existing storm sewers, the center line being described as follows: Commencing at the Southeasterly corner of Lot 63; thence North  $76^{\circ} 00'$  West along the Southerly line of said Lot 120.00 feet; thence North  $24^{\circ} 00'$  East 225.00 feet; thence South  $76^{\circ} 00'$  East, 225.00 feet; thence North  $24^{\circ} 00'$  East 66 feet; thence South  $76^{\circ} 00'$  East 17 feet to the place of beginning of the center line of the 20 foot easement; thence North  $10^{\circ} 25'$  West along the center of said existing sewer line 370 feet more or less to the shore of Fowler Lake.

ALSO a 20 foot easement across the Northeast corner of the above described property along the center line of the storm sewer as it now exists.

PLAN OF SURVEY

PREPARED FOR: L.F. George

LEGAL DESCRIPTION:





PLAN OF SURVEY

PREPARED FOR:

L.F. George

LEGAL DESCRIPTION: All that part of Lots 63 and 64 in Assessors Flat #3 in Section 33, Town 8 North, Range 17 East, City of Oconomowoc, Waukesha County, Wisconsin, bounded and described as follows:

Commencing at the southeasterly corner of Lot 63; thence North 76° West along the southerly line of Lot 63, 120.00 feet; thence North 24° East, 225.00 feet to the place of beginning of the parcel herein described; thence continuing North 24° East, 310.00 feet to a point on a meander line near the shore of Fowler Lake; thence North 80°19' East along the meander line, 270.42 feet; thence South 24° West, 460.00 feet; thence North 76° West, 225.00 feet to the place of beginning, containing 2.29 acres.

ALSO all lands lying between the meander line and the easterly and westerly lines extended to the shore of Fowler Lake.

RESERVING therefrom a 30 foot storm sewer easement for the City of Oconomowoc along the center lines of the existing storm sewers, the center line being described as follows: Commencing at the southeasterly corner of Lot 63; thence North 76°00' West along the southerly line of said lot, 120.00 feet; thence North 24°00' East, 225.00 feet; thence South 76°00' East, 225.00 feet; thence North 24°00' East, 66 feet; thence South 76°00' East, 17 feet to the place of beginning of the center line of the 20 foot easement; thence North 10°25' West, along the center of said existing sewer line 370 feet more or less to the shore of Fowler Lake. ALSO a 20 foot easement across the Northeast corner of the above described property along the center line of the storm sewer as it now exists.

SURVEY CERTIFICATE — I have surveyed the above described property and the above map is a true representation thereof and shows the size and location of the property, its exterior boundaries, the location and dimensions of all visible structures thereon, fences, apparent easements and roadways and visible encroachments, if any.

This survey is made for the exclusive use of the present owners of the property, and also those who purchase, mortgage, or guarantee the title thereto within one (1) year from date hereof; and as to them I warrant the accuracy of said survey and map.

Dated at Oconomowoc, this 7<sup>th</sup> day of August, 1976

**PAT SMITH AND ASSOCIATES**

**SURVEYORS and ENGINEERS**

830 East Armour Road - Box 703

OCONOMOWOC, WISCONSIN 53066

TELEPHONE 414-567-4716





I, Charles Folkman for L.F. George West LLC, owner/responsible party of the Folkman Rental Property, located at 728 East Wisconsin Avenue, Oconomowoc, Wisconsin, certify that to the best of my knowledge, the legal description has been attached for each property that is within, or partially within, the contaminated boundary.



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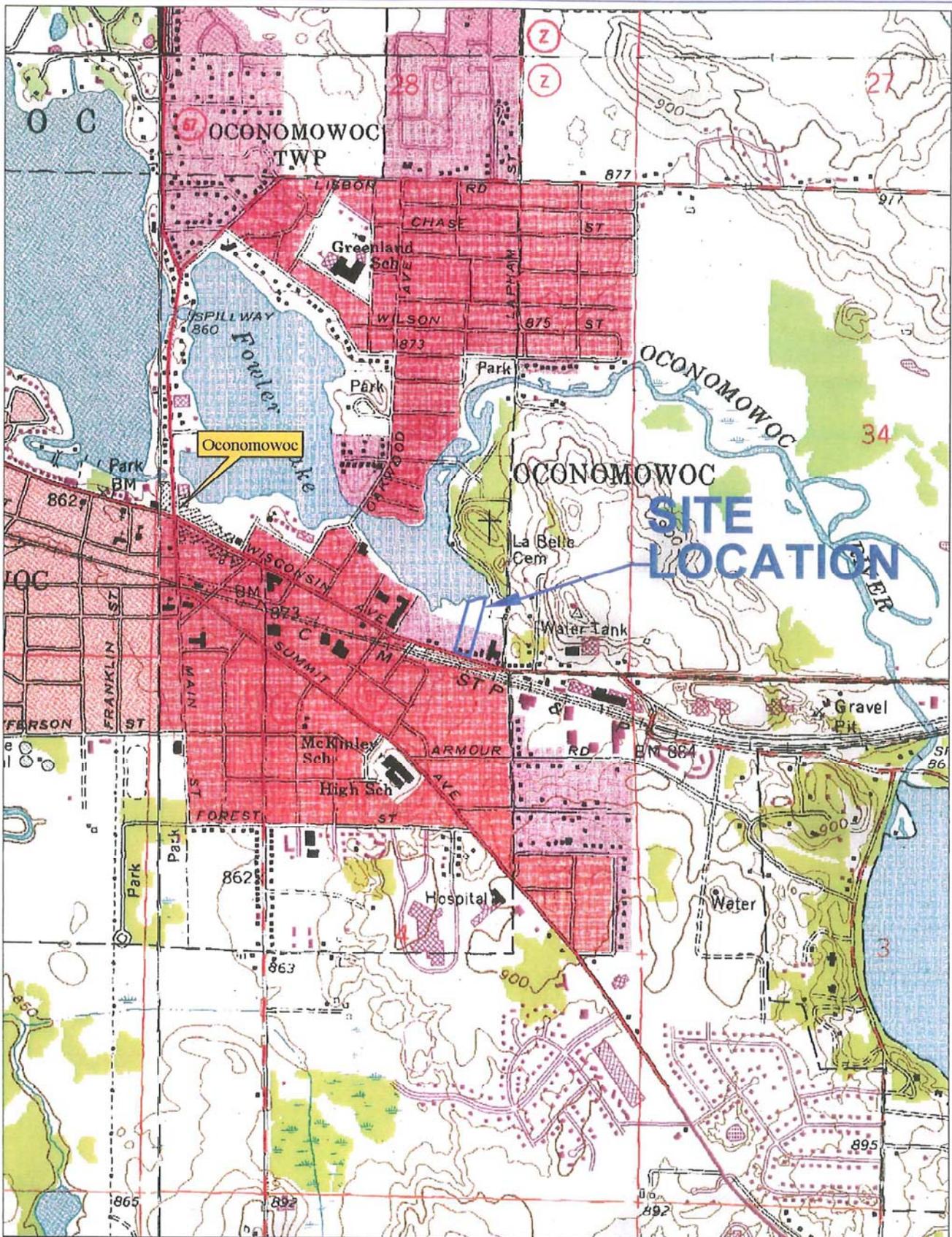
Charles Folkman  
L.F. George West LLC

-6-3-09

---

Date

**Under & Above Ground Equipment**



DeLORME

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www.delorme.com



# SITE LOCATION MAP

FIGURE

1

FOLKMAN PROPERTY

728 EAST WISCONSIN AVENUE, OCONOMOWOC, WISCONSIN

SOURCE: USGS (1959 OCONOMOWOC EAST QUADRANGLE)

REFERENCE: U.S.G.S. 7.5 MINUTE SERIES. PHOTOREVISED 1971 & 1976

DRAWN BY: TWP

CHECKED BY: TEH

APPROVED BY: TWP

PROJECT NUMBER: 08.0157.01

DATE: 06/02/08

REVISED DATE:



SOURCE: LIVE SEARCH MAPS



**KAPUR & ASSOCIATES, INC.**  
CONSULTING ENGINEERS  
MILWAUKEE, WISCONSIN  
414.351.6668

**SITE PLAN VIEW  
AERIAL PHOTOGRAPH**

**FOLKMAN PROPERTY**  
728 EAST WISCONSIN AVENUE, OCONOMOWOC, WISCONSIN

FIGURE  
**2**

DESIGNED BY TWP	CHECKED BY TEH	APPROVED BY TWP	PROJECT NUMBER 08.0157.01	DATE 08/03/08	REVISION DATE
--------------------	-------------------	--------------------	------------------------------	------------------	---------------



SOURCE: LIVE SEARCH MAPS



**KAPUR & ASSOCIATES, INC.**  
 CONSULTING ENGINEERS  
 MILWAUKEE, WISCONSIN  
 414.351.6668

**TEST PIT LOCATION MAP  
 AERIAL VIEW**

DESIGN BY: TWP    CHECKED BY: TEH    APPROVED BY: TWP

FOLKMAN PROPERTY  
 728 EAST WISCONSIN AVENUE, OCONOMOWOC, WISCONSIN

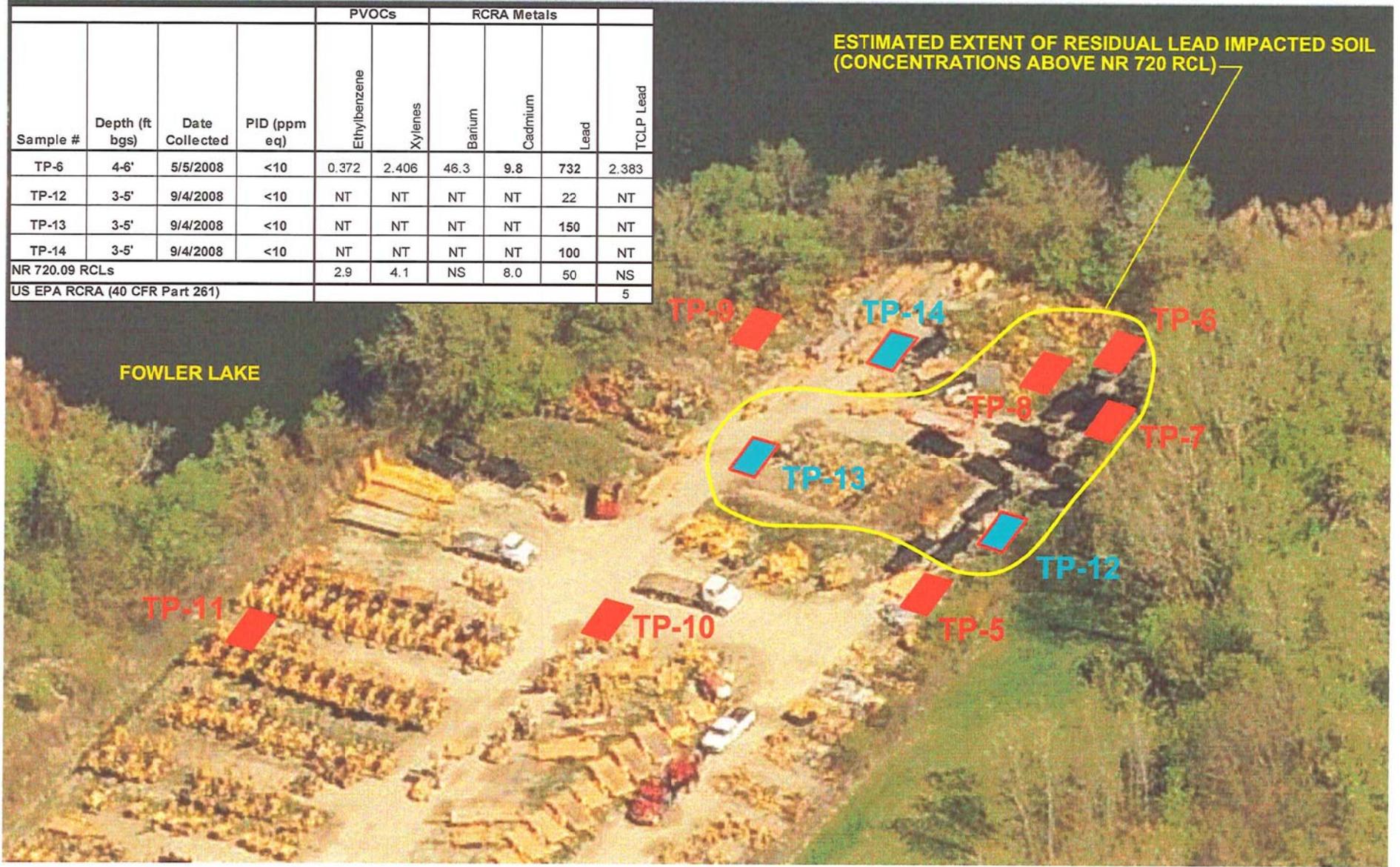
PROJECT NUMBER: 08L0157.01    DATE: 08/03/08    REVISION DATE:

FIGURE  
**3**



Sample #	Depth (ft bgs)	Date Collected	PID (ppm eq)	PVOCs		RCRA Metals			TCLP Lead
				Ethylbenzene	Xylenes	Barium	Cadmium	Lead	
TP-6	4-6'	5/5/2008	<10	0.372	2.406	46.3	9.8	732	2.383
TP-12	3-5'	9/4/2008	<10	NT	NT	NT	NT	22	NT
TP-13	3-5'	9/4/2008	<10	NT	NT	NT	NT	150	NT
TP-14	3-5'	9/4/2008	<10	NT	NT	NT	NT	100	NT
NR 720.09 RCLs				2.9	4.1	NS	8.0	50	NS
US EPA RCRA (40 CFR Part 261)									5

**ESTIMATED EXTENT OF RESIDUAL LEAD IMPACTED SOIL (CONCENTRATIONS ABOVE NR 720 RCL)**



SOURCE: LIVE SEARCH MAPS

**KAPUR & ASSOCIATES, INC.**  
 CONSULTING ENGINEERS  
 MILWAUKEE, WISCONSIN  
 414.351.6668

**SOIL SAMPLE RESULTS AND CONTAMINANT PLUME MAP**

FOLKMAN PROPERTY  
 728 EAST WISCONSIN AVENUE, OCONOMOWOC, WISCONSIN

FIGURE  
**3A**

OWNER BY: TWP	DRAWN BY: TEH	APPROVED BY: TWP	PROJECT NUMBER: 08.0157.01	DATE: 08/03/08	REVISION DATE:
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SITE PLAN VIEW -  
TEST PIT, SOIL BORING & TEMPORARY MONITORING WELL LOCATION MAP

FIGURE 3

FOLKMAN PROPERTY

728 E. WISCONSIN AVENUE, OCONOMOWOC, WISCONSIN

NORTH ARROW:



SCALE AS INDICATED ABOVE



SEAL

**Table # 1: Soil Sample Analytical Results**  
**Folkman Property**  
**Oconomowoc, Wisconsin**

Sample #	Depth (ft bgs)	Date Collected	PID (ppm eq)	PVOCs		RCRA Metals			TCLP Lead
				Ethylbenzene	Xylenes	Barium	Cadmium	Lead	
TP-6	4-6'	5/5/2008	<10	0.372	2.406	46.3	<b>9.8</b>	<b>732</b>	2.383
TP-12	3-5'	9/4/2008	<10	NT	NT	NT	NT	22	NT
TP-13	3-5'	9/4/2008	<10	NT	NT	NT	NT	<b>150</b>	NT
TP-14	3-5'	9/4/2008	<10	NT	NT	NT	NT	<b>100</b>	NT
<b>NR 720.09 RCLs</b>				2.9	4.1	NS	8.0	50	NS
<b>US EPA RCRA (40 CFR Part 261)</b>									5

NOTES: All results are in parts per million (ppm) unless otherwise noted  
Concentrations exceeding the NR 720 RCLs are in **BOLD FACE**  
\* = Residual Contaminant Levels (RCLs) based on protection of groundwater per NR 720 in ppm  
US EPA = United States Environmental Protection Agency  
RCRA = Resource Conservation Recovery Act  
TCLP = Toxicity Characteristic Leaching Procedure  
ft bgs = feet below ground surface  
PID = photoionization detector  
ppm eq = parts per million equivalent  
PVOCs = petroleum volatile organic compounds  
NA = not applicable  
NS = no standard  
NT = not tested

*Only compounds detected in at least one sample are shown*



Table 1: Soil Sample Analytical Results  
Folkman Property  
Oconomowoc, Wisconsin

Sample #	Depth (ft bgs)	Date Collected	PID (ppmv)	METALS									VOCs													
				Arsenic	Barium	Cadmium	Chromium	Lead	Mercury	Selenium	Silver	TCLP Lead	n-Butylbenzene	sec-Butylbenzene	cis-1,2-Dichloroethene	isopropylbenzene	Ethylbenzene	p-Isopropyltoluene	Naphthalene	n-Propylbenzene	Tetrachloroethene	Toluene	1,2,4-Trimethylbenzene	1,3,5-Trimethylbenzene	Xylenes	
TP-6	4-6'	5/5/2008	<10	<5.98	46.3	9.8	<8.9	732	2.28	<14.9	<4.53	2.383	2.87	2.73	<0.124	<0.597	0.372	<0.597	<1.19	<0.597	<0.043	<0.22	1.58	<0.597	2.406	
TP-12	3-5'	9/4/2008	<10	NA	NA	NA	NA	22	NA	NA	NA	NA	NA													
TP-13	3-5'	9/4/2008	<10	NA	NA	NA	NA	150	NA	NA	NA	NA	NA													
TP-14	3-5'	9/4/2008	<10	NA	NA	NA	NA	100	NA	NA	NA	NA	NA													
GP-1	4-6'	9/2/2009	<10	<1.6	140	0.85	13	520	0.26	<4.6	0.33	NA	0.067	0.057	<0.029	0.034	0.029	0.078	0.13	0.053	<0.029	0.034	0.11	0.04	0.13	
GP-2	4-6'	9/2/2009	<10	1.8	250	1.3	16	350	5.6	<4.9	0.58	NA	<0.033	<0.033	<0.033	<0.033	<0.033	<0.033	<0.065	<0.033	<0.033	<0.033	<0.033	<0.033	<0.110	
GP-3	4-6'	9/2/2009	<10	<1.6	500	5.4	35	830	55	<4.7	15	<0.2	<0.032	<0.032	0.073	<0.032	<0.032	<0.032	<0.065	<0.032	0.099	<0.032	<0.032	<0.032	<0.110	
Methanol Trip Blank	NA		NA										<0.025	<0.025	<0.025	<0.025	<0.025	<0.025	<0.050	<0.025	<0.025	<0.025	<0.025	<0.025	<0.085	
NR 720.09 Residual Contaminant Levels (RCLs)				0.039	NS	8	16,014	50	NS	NS	NS		NS	NS	NS	NS	2.9	NS	NS	NS	NS	NS	1.5	NS	NS	4.1
RR-519-97 Non-Industrial Residual Contaminant Levels (RCLs)				NS	NS	NS	NS	NS	NS	NS	NS		NS	NS	NS	NS	NS	NS	NS	NS	NS	NS	NS	NS	NS	NS
US EPA RCRA (40 CFR Part 261) TCLP Limits												5														

NOTES:

only samples with detection in at least one sample are shown  
All results are in parts per million (ppm) unless otherwise noted

Metals Residual Contaminant Level (RCLs) based on NR 720.09 Human Health Risk from Direct Contact related to Non-Industrial Land Use  
Volatile Organic Compound (VOCs) RCLs based NR 720.09 on Protection of Groundwater, Table 1 Indicators of Residual Petroleum Product in Soil Pores per NR 746.06, and Table 2 Protection of Human Health from Direct Contact with Contaminated Soil per NR 746.06  
Concentrations equal to or exceeding the NR 720 or RR-519-97 RCLs are in bold face

PID - Photoionization Detector  
ft bgs = feet below ground surface  
ppmv = parts per million by volume in air  
NA = Not Applicable  
NS = No Standard

## ENGINEERED CAP MAINTENANCE PLAN

April 15, 2009

### Property Located at:

728 E. Wisconsin Avenue, Oconomowoc, Wisconsin 53066

FID No. 268603500, BRRTS No. 02-68-553634

PIN / TAX ID No. OCOC0563316

### Introduction

The purpose of this document is to present a Maintenance Plan for an engineered cap at the above-referenced property per the requirements of NR 724.13(2) of the Wisconsin Administrative Code. The maintenance activities relate to the existing hard-pack traffic bond surface occupying the area over the contaminated soil on-site. The contaminated soil is impacted by Volatile Organic Compounds (VOCs) and Lead. The location of the hard-pack traffic bond surface to be maintained in accordance with this Maintenance Plan, as well as the impacted soil are identified in the attached map (Exhibit A).

### Engineered Cap Purpose

The hard-pack traffic bond surface over the contaminated soil serve as a barrier to prevent direct human contact with residual soil contamination that might otherwise pose a threat to human health. The hard-pack traffic bond surface also acts as an infiltration barrier to minimize future soil-to-groundwater contamination migration that would violate the standards of NR 140 of the Wisconsin Administrative Code. Based on the current and future use of the property, the barrier should function as intended unless disturbed.

### Annual Inspection

The hard-pack traffic bond surface overlying the contaminated soil and as depicted in Exhibit A will be inspected once a year for loss of cover and other potential exposures to underlying soils. The inspections will be performed to evaluate damage due to 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 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.

### Maintenance Activities

If exposed soils are noted during the annual inspections or at any other time during the year, repairs will be scheduled as soon as practical. Maintenance activities 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 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 hard-pack traffic bond surface overlying the contaminated soil are removed or replaced, the replacement barrier must be equally impervious, with an infiltration rate equal to or less than  $1 \times 10^{-7}$  cm/s. Any replacement barrier will be subject to the same maintenance and inspection guidelines as outlined in this Maintenance Plan unless indicated otherwise by the Wisconsin Department of Natural Resources ("WDNR") or its successor.

The property owner, in order to maintain the integrity of the hard-pack traffic bond surface, 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.

### 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 WDNR.

### Contact Information (as of June 2009)

Site Owner and Operator: LF George West LLC. – Mr. Charles Folkman  
W231 N1129 CTH F  
262-567-6666

Consultant: Kapur & Associates, Inc.  
7711 N. Port Washington Road, Milwaukee, Wisconsin 53217  
414-351-6668

WDNR: Jim Delwiche  
Wisconsin Department of Natural Resources  
Waukesha Service Center  
141 NW Barstow Street, Room 180, Waukesha, Wisconsin 53188  
262-574-2145

**EXHIBIT B**

***BARRIER INSPECTION LOG***

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