



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., Room 180
Waukesha, Wisconsin 53188
Telephone 262-574-2166
FAX 262-574-2117

October 8, 2003

Mr. Ray Horcher
Tractor Loader Sales, Inc.
W231 N1129 Hwy 164
Waukesha, WI 53186

Subject: Final Case Closure, Tractor Loader Sales, Inc.
W231 N1129 Hwy 164, Pewaukee, WI
FID# 268421120 BRRTS# 03-68-003854

Dear Mr. Horcher:

On May 15, 2000, you were notified that the Wisconsin Department of Natural Resources had granted conditional closure for the above referenced site.

The Department has since received correspondence indicating that you have complied with the conditions of closure. On December 7, 2000, the Department received the monitoring well abandonment forms for the site. On July 31, 2003, the Department received a copy of the Groundwater Use and Deed Restriction that was filed with the Waukesha County Register of Deeds. Based on the correspondence and data provided, it appears that your site has been remediated to Department standards in accordance with s. NR 726.05, Wis. Ad. Code. Therefore, the Department considers this case closed and no further investigation, remediation or other action is required at this time.

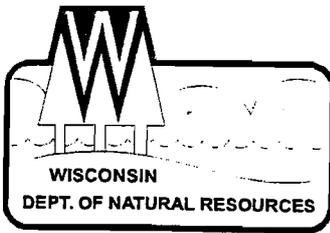
Please be aware that this case may be reopened pursuant to s. NR 726.09, Wis. Adm. Code, if additional information regarding site conditions indicates that contamination on or from the site poses a threat to public health, safety or welfare, or the environment.

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) 574-2166.

Sincerely,

David G. Volkert, P.G.
Hydrogeologist
Bureau for Remediation & Redevelopment

cc: Trent Ott, Drake Environmental
SER File



State of Wisconsin \ DEPARTMENT OF NATURAL RESOURCES

Tommy G. Thompson, Governor
George E. Meyer, Secretary
Gloria L. McCutcheon, Regional Director

Southeast Region Annex
4041 North Richards Street
PO Box 12436
Milwaukee, Wisconsin 53212-0436
Telephone 414-229-0800
FAX 414-229-0810

May 15, 2000

Mr. Ray Horcher
Tractor Loader Sales, Inc.
W231 N1129 Hwy 164
Pewaukee, WI 53186

Subject: Transfer of site file and closure request for Tractor Loader Sales, Inc. W231 N1129 Hwy 164, Pewaukee, WI 53186 **WDNR FID#268421120 WDNR BRRTS#0368003854**

Dear Mr. Horcher:

The Wisconsin Department of Natural Resources (the Department) recently sent you a letter informing you that the above-referenced site file was being transferred to the Department of Commerce. However, since the information recently submitted is in response to a previous request for information from the Department and completes the requirements for closure, the site will not be transferred to Commerce.

Based on a review of the investigative and remedial documentation provided to the Department, it appears that contamination associated with 3 underground storage tanks at the Tractor Loader Sales site has been remediated to the extent practicable. Therefore the Department has determined that no further action is necessary at the site at this time and will consider the case closed in accordance with ch. NR726.05 (8)(am), Wis. Adm. Code upon completion of the conditions cited below.

Your environmental consultant estimates that approximately 3,500 tons of residual soil contamination remains at the site at concentrations that exceed NR 720, Wis. Adm. Code residual contaminant levels (RCLs) (see attached map for locations) at depths from approximately 4-11 feet below ground surface. An unknown volume of soil contamination is also present beneath the northeast corner of the onsite building.

1. Site closure is conditioned upon the recording of a property deed restriction with the County Registrar of Deeds requiring investigation of the degree and extent of soil contamination beneath the building if it becomes accessible in the future and proper handling, storage treatment or disposal of any contaminated soils disturbed in the future. A model deed restriction is enclosed to aid you in drafting the deed restriction.
2. The concentration of chrysene monitored at Ext-1 exceeds NR 140 Wis. Adm. Code enforcement standard (ES). Although your case closure request did not identify a deed instrument as part of your request, the Department has determined that a groundwater use restriction is also required under s. 726.05(8)(am), Wis. Adm. Code. The groundwater use restriction is a notice that is recorded with the Registrar of Deeds in the county where your property is located, informing future property owners that new potable well construction on the property needs the approval of the Department. If at a later time you demonstrate that

contaminant levels have fallen below the ES, you may ask the Department to issue a written determination that you may file with the county Registrar of Deeds giving notice that the previously recorded groundwater use restriction is no longer required. A model groundwater use deed restriction is enclosed for your reference.

The soil deed restriction and groundwater use restriction may be combined as one document. If you elect to pursue closure at this time, please submit a draft deed restriction to the Department for approval prior to recording. To document that this condition has been complied with, the property owner must submit to the Department a copy of the recorded deed restriction.

If you do not wish to record a groundwater use deed instrument on your property in order to receive closure from the Department, you should be aware that the Department of Commerce may determine that you are not eligible for continued reimbursement from the PECFA program if you choose to continue your remedial actions beyond the point at which closure is possible. The site could closed be without the groundwater use restriction once contaminant concentrations in ES-1 have fallen below the 140 ES. Please inform the Department if you choose to continue groundwater monitoring instead of pursuing closure at this time.

3. An additional condition of site closure is that groundwater monitoring wells must be abandoned in accordance with Wis. Adm. Code NR 141 and the completed abandonment forms must be submitted to the Department.

Once the Department has received a copy of the recorded groundwater use/soil deed restriction and well abandonment forms, this site will be entered as closed on the Department's tracking system. However, the case may be reopened pursuant to s. NR 726.09, 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 the actions you have taken to investigate and remediate the contamination at the Tractor Loader Sales property. If you have any questions or comments, please contact me at the letterhead address or at (414) 229-0874. Please include the FID and BRRS numbers listed at the top of this letter in any future correspondence.

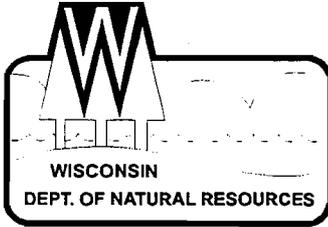
Sincerely,



Nancy D. Ryan
Hydrogeologist

Cc: SER site file
Rick Frieseke, Drake Environmental
Lori Huntoon, Department of Commerce
Dale Ziege, WDNR

Enclosure



State of Wisconsin \ DEPARTMENT OF NATURAL RESOURCES

Tommy G. Thompson, Governor
George E. Meyer, Secretary
Gloria L. McCutcheon, Regional Director

Southeast Region Annex
4041 North Richards Street
PO Box 12436
Milwaukee, Wisconsin 53212-0436
Telephone 414-229-0800
FAX 414-229-0810

October 8, 1999

WDNR FID#268421120
BRRTS#0368003854

Mr. Ray Horcher
Tractor Loader Sales, Inc.
W231 N1129 Hwy 164
Waukesha, WI 53186

Subject: Closure request for Tractor Loader Sales site, W231 N1129 Hwy 164, Waukesha, WI

Dear Mr. Horcher:

The Wisconsin Department of Natural Resources (the Department) has received a request for closure of the above-referenced site submitted on your behalf by Drake Environmental, Inc. We apologize for the delay in responding to this request. Unfortunately, based on a review of submitted documents, the Department is unable to grant site closure at this time.

The concentration of diesel range organics (DRO) detected in the onsite groundwater extraction well EX-1 increased to 22,000 parts per billion during the most recent sampling event. No analysis for polyaromatic hydrocarbons (PAHs) has been submitted for site soils or groundwater. Please provide the following information:

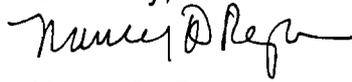
1. Please PAH analysis for groundwater from EX-1 and MW-5, a minimum of one round.
2. Please provide tank sludge disposal documentation for the three underground storage tanks removed from the site in 1993.

Also note, that because residual soil contamination in excess of standards set forth in NR 720, Wis. Adm. Code remains onsite and beneath the building (unknown volume), closure will be conditioned on the recording of a property deed restriction which requires that an assessment of contaminated soils be completed if soils become accessible in the future of soil.

This site may be reconsidered for site closure once the above-mentioned information has been provided to the Department. The Department appreciates the actions you have taken to date to restore the environment at the Tractor Loader Sales site. If you

have any questions regarding this letter, please contact me at the letterhead address or at (414) 229-0874.

Sincerely,

A handwritten signature in cursive script, appearing to read "Nancy D. Ryan".

Nancy D. Ryan
Hydrogeologist

Cc: site file
Richard Frieseke, Drake Environmental, Inc.

DOCUMENT NO
1114335

TRANSFER
69.80
LEE

STATE BAR OF WISCONSIN
THIS SPACE RESERVED FOR THE STATE BAR
REGISTER'S OFFICE
WAUKESHA COUNTY
RECORDED ON

1979 NOV 21 PM 12:48

REEL **388** IMAGE **585**

Richard H. Purcell
REGISTER OF DEEDS

REEL **388** IMAGE **585**

This Deed, made between **MORTON LUCK**
.....
..... Grantor
and **RAYMOND M. HORCHER and ALFRED L. BURGETT,**
.....
..... a partnership known as **H. B. COMPANY,**
.....
..... Grantee,
Witnesseth, That the said Grantor, for a valuable consideration of
One Dollar (\$1.00) and other good and valuable con-
..... sideration **Waukesha**
.....
County, State of Wisconsin:

RETURN TO **PURTELL, PURCELL**
WILMOT & BURROUGHS, S.C.
1330 Marine Plaza,
Milwaukee, WI 53202
Tax Key No. **965-999**

Parcel I of Certified Survey Map No. 3740 recorded November 15, 1979 Pages 320 thru 322 of Waukesha County Records, being a part of the NE $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Section 26 and the NW $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Section 25, Township 7 North, Range 19 East, in the Town of Pewaukee, Waukesha County, Wisconsin.

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

Together with all and singular the hereditaments and appurtenances thereunto belonging;
And **Morton Luck**

warrants that the title is good, indefeasible in fee simple and free and clear of encumbrances except zoning ordinances, restrictions of record, and general taxes for 1979.

and will warrant and defend the same.

Dated this **21st** day of **November**, 19**79**

..... (SEAL) *Morton Luck* (SEAL)
.....
..... (SEAL) (SEAL)

AUTHENTICATION

Signatures authenticated this day of
..... 19.....

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

THIS INSTRUMENT WAS DRAFTED BY

David V. Purcell

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

ACKNOWLEDGMENT

STATE OF WISCONSIN

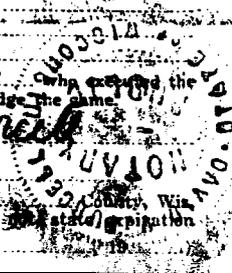
MILWAUKEE County, ss.

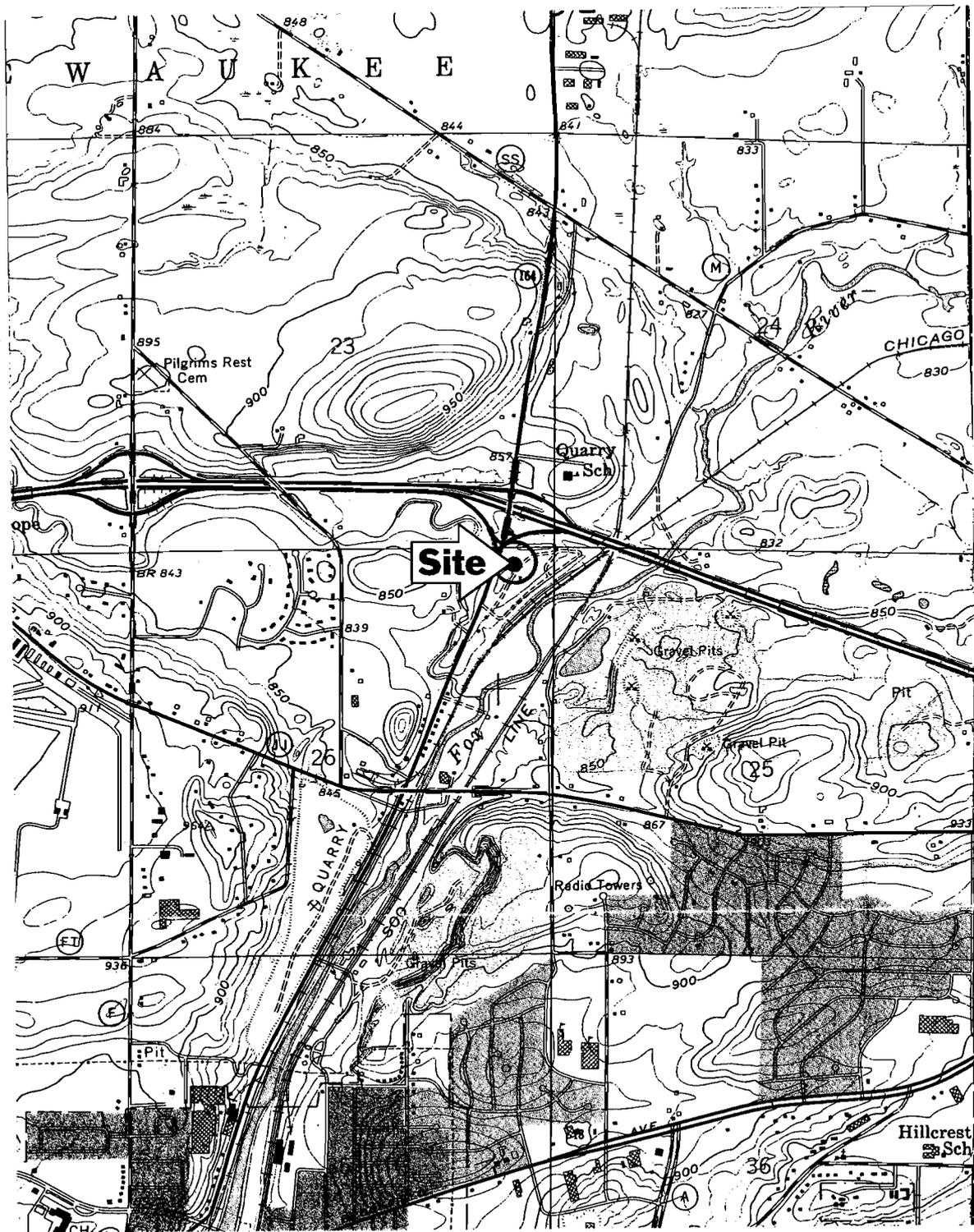
Personally came before me, this **21st** day of **November**, 19**79** the above named **Morton Luck**

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

David V. Purcell

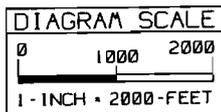
David V. Purcell
Notary Public **Milwaukee**
My Commission is permanent. (If not, state expiration date:





COPIED FROM 7.5 SERIES (TOPOGRAPHIC) - U.S.G.S. QUADRANGLE

WAUKESHA - WISCONSIN
NE 1/4 NE 1/4 SEC 26 T7N R18E



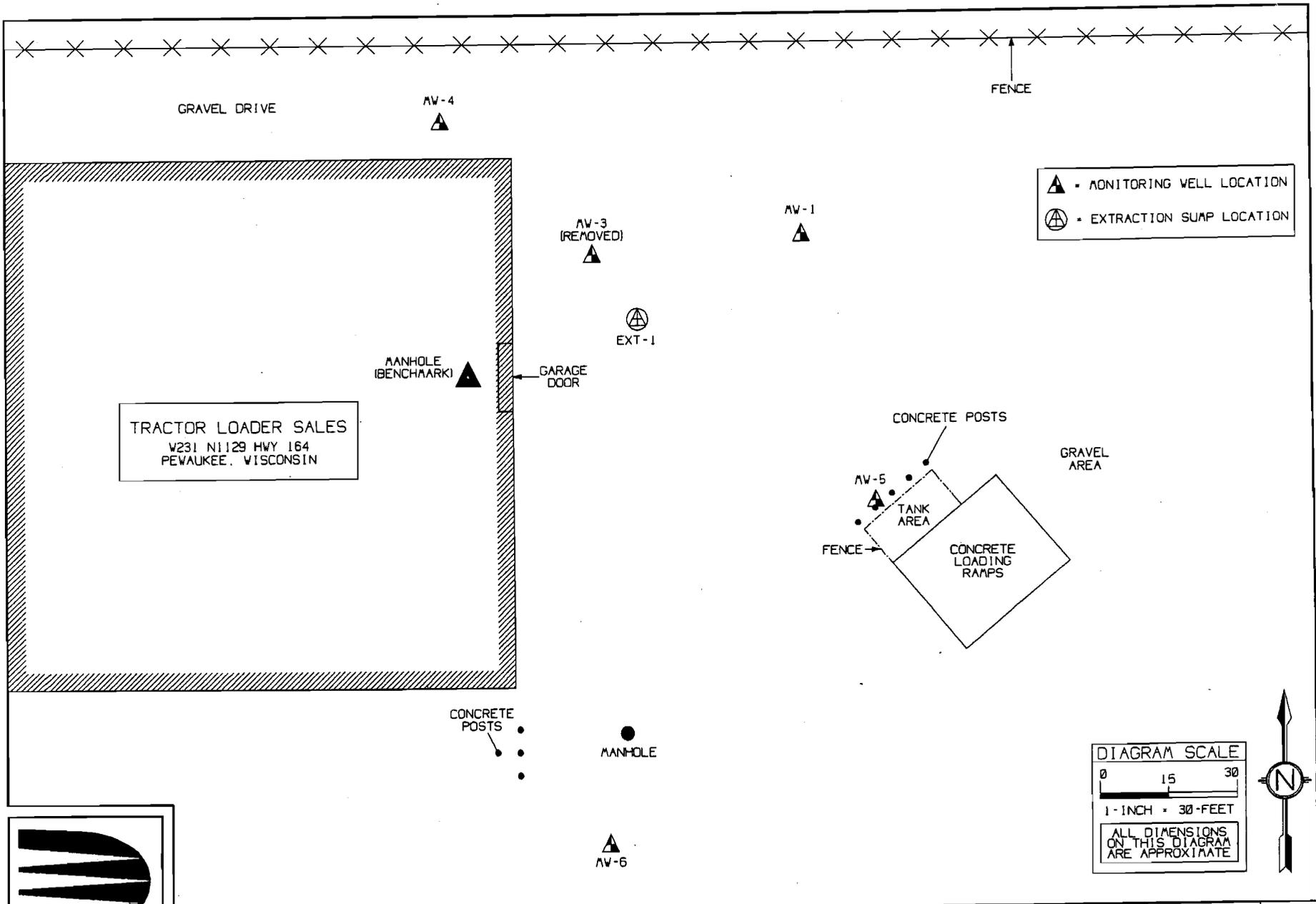
TRACTOR LOADER SALES
REMEDIAL INVESTIGATION/REMEDATION

PROJECT NO. J97078 PA GAO
 TOPO COPIED DATE: 03/31/98
 CHKD BY: SD DATE: 3/31/98
 APRVD BY: SD DATE: 3/31/98

VICINITY
DIAGRAM

FIGURE
1

FILE:



TRACTOR LOADER SALES REMEDIAL INVESTIGATION	PROJECT NO. J97078 PA RVF	MONITORING WELL AND EXTRACTION SUMP LOCATIONS DIAGRAM	FIGURE 2
	DRAWN BY JAA DATE: 6/11/98		
	CHKD BY <i>Ruv</i> DATE: 7/13/98		
	APRVD BY <i>Ruv</i> DATE: 7/13/98		

TABLE 2 (Page 1 of 3)
Analytical Results — Groundwater Samples
Tractor Loader Sales Property

Date	MW-1	MW-1	MW-1	MW-1	MW-1	*MW-3	*MW-3 (dup.)	PAL	ES
	10-1-97	2-3-98	5-14-98	8-10-98	11-19-98	10-1-97	10-1-97		
Parameter									
DRO (ppb)	<100	<100	<100	<100	<100	<100	<100	—	—
GRO (ppb)	<50	<100	<50	<100	<50	<50	<50	NS	NS
PVOCs (ppb)									
Benzene	0.60	<0.50	0.58	<0.50	<0.50	<u>17</u>	<u>140</u>	0.5	5
Toluene	<0.50	<0.50	1.1	0.86	<0.50	<0.50	1.5	68.6	343
Ethylbenzene	0.84	<0.50	0.54	<0.50	<0.50	0.62	3.2	140	700
Total xylenes	2.6	<0.50	0.62	0.71	<0.50	1.6	7.3	124	620
1,2,4-Trimethylbenzene	<1.0	<1.0	<1.0	<1.0	<1.0	<1.0	<1.0	NS	NS
1,3,5-Trimethylbenzene	<0.50	<1.0	<1.0	2.7	<1.0	<0.50	<0.50	NS	NS
Methyl tert-butyl ether	<0.20	<0.20	<0.20	<0.20	<0.20	<0.20	<0.20	12	60
Lead (ppm)	NA	NA	NA	NA	NA	.01	NA	1.5	15

*MW-3 was subsequently removed during soil excavation and replaced with well number EXT-1.

ppb = parts per billion

ppm = parts per million

PAL = Preventive Action Limit

ES = Enforcement Standard

NA = Not analyzed for the individual parameter.

NS = No established standard.

< = less than the specified laboratory detection limit

Note: Numbers that exceed the respective DNR groundwater quality PALs are in bold type.

Numbers that exceed the respective DNR groundwater quality ESs are in bold type and underlined.

TABLE 2 (Page 2 of 3)
Analytical Results — Groundwater Samples
Tractor Loader Sales Property

Date	MW-4	MW-4	MW-4	MW-4	MW-4	MW-5	MW-5	MW-5	MW-5	PAL	ES
	10-1-97	2-3-98	5-14-98	8-10-98	11-19-98	10-1-97	5-14-98	8-10-98	11-19-98		
Parameter											
DRO (ppb)	<100	<100	<100	<100	<100	130	270	430	120	—	—
GRO (ppb)	<100	<100	<50	<100	<50	<50	180	220	120	NS	NS
PVOCs (ppb)											
Benzene	<0.50	<0.50	<0.50	<0.50	<0.50	<0.50	<u>6.2</u>	1.1	<0.50	0.5	5
Toluene	<0.50	<0.50	<0.50	<0.50	<0.50	<0.50	<u>1.2</u>	1.3	<0.50	68.6	343
Ethylbenzene	<0.50	<0.50	<0.50	<0.50	<0.50	2.0	7.4	2.7	<0.50	140	700
Total xylenes	<0.50	<0.50	<0.50	<0.50	<0.50	0.58	2.9	2.4	<0.50	124	620
1,2,4-Trimethylbenzene	<1.0	<1.0	<1.0	<1.0	<1.0	1.2	3.8	2.6	<1.0	NS	NS
1,3,5-Trimethylbenzene	<0.50	<1.0	<1.0	1.6	<1.0	<0.50	<1.0	1.8	<0.50	NS	NS
Methyl tert-butyl ether	<0.20	<0.20	<0.20	<0.20	<0.20	3.4	1.2	2.3	<2.0	12	60
Lead (ppm)	NA	NA	NA	1.5	15						

ppb = parts per billion

ppm = parts per million

PAL = Preventive Action Limit

ES = Enforcement Standard

NA = Not analyzed for the individual parameter.

NS = No established standard.

< = less than the specified laboratory detection limit

Note: Numbers that exceed the respective DNR groundwater quality PALs are in bold type.

Numbers that exceed the respective DNR groundwater quality ESs are in bold type and underlined.

TABLE 2 (Page 3 of 3)
Analytical Results — Groundwater Samples
Tractor Loader Sales Property

Date	*MW-6	EXT-1	EXT-1 (dup.)	EXT-1	EXT-1 (dup.)	EXT-1	EXT-1 (dup.)	EXT-1	PAL	ES
	10-1-97	2-3-98	2-3-98	5-14-98	5-14-98	8-10-98	8-10-98	11-19-98		
Parameter										
DRO (ppb)	<100	96	350	3,300	4,200	<100	NA	22,000	—	—
GRO (ppb)	<50	2,300	1,300	660	580	350	790	530	NS	NS
PVOCs (ppb)										
Benzene	<0.50	9.7	10	6.2	6.0	3.2	3.9	1.6	0.5	5
Toluene	<0.50	<2.5	4.1	0.52	<5.0	2.5	5.3	<5.0	68.6	343
Ethylbenzene	<0.50	<2.5	<2.5	6.0	<5.0	4.0	5.1	2.2	140	700
Total xylenes	<0.50	33	40	7.8	7.4	5.0	8.7	0.88	124	620
1,2,4-Trimethylbenzene	<1.0	40	37	18	17	4.1	11	2.8	NS	NS
1,3,5-Trimethylbenzene	<0.50	42	36	10	10	7.9	47	<1.0	NS	NS
Methyl tert-butyl ether	4.3	8.6	10	3.2	<2.0	<2.0	<2.0	<2.0	12	60
Lead (ppm)	NA	NA	NA	NA	NA	NA	NA	NA	1.5	15

*MW-6 was abandoned during soil remediation procedures.

ppb = parts per billion

ppm = parts per million

PAL = Preventive Action Limit

ES = Enforcement Standard

NA = Not analyzed for the individual parameter.

NS = No established standard.

< = less than the specified laboratory detection limit

Note: Numbers that exceed the respective DNR groundwater quality PALs are in bold type.

Numbers that exceed the respective DNR groundwater quality ESs are in bold type and underlined.

Additional groundwater samples were collected by Drake from the Tractor Loader Sales monitoring sump and monitoring well on October 20, 1999, and March 8, 2000. Analytical results indicate that only one PAH (chrysene) exceeded the NR 140 enforcement standard during the October 1999 and March 2000 sampling events. However, the concentration decreased from 41 parts per billion (ppb) in October 1999 to 2.51 ppb in March 2000. This indicates a decreasing trend that is further supported by other PAHs that were detected below the NR 140 enforcement standard that all indicate a decreasing trend in the PAH concentrations. Therefore, Drake is again requesting closure for the Tractor Loader Sales site.

The following table summarizes the analytical results associated with the two groundwater sampling events that have been collected from the monitoring sump installed within the backfilled remedial excavation and downgradient monitoring well at the Tractor Loader Sales site. The laboratory report and chain of custody for both of the sampling events are included with this letter.

**Groundwater Analytical Results
Tractor Loader Sales
MW-5 and EXT-1**

Parameter	10-20-99	3-8-00	10-20-99	3-8-00	PAL	ES
	MW-5	MW-5	EXT-1	EXT-1		
PAHs (ppb)						
Acenaphthylene	9.9	<4.0	<40	7.59	NS	NS
Anthracene	<0.20	<0.20	11	2.90	600	3000
Benzo (a) anthracene	<0.01	<0.01	6.8	2.21	NS	NS
Benzo (b) fluoranthene	<0.02	<0.02	<0.20	0.193	0.02	0.2
Chrysene	<0.05	<0.05	41	2.51	0.02	0.2
Fluoranthene	<1.0	<1.0	110	65.9	80	400
Fluorene	3.5	<1.0	35	2.84	80	400
1-Methylnaphthalene	<3.0	17.9	<30	23.0	NS	NS
Naphthalene	12	3.04	<30	<3.0	8	40
Phenanthrene	0.92	<0.30	140	9.32	NS	NS
Pyrene	<1.0	<1.0	24	4.87	50	250

PAL = preventive action limit

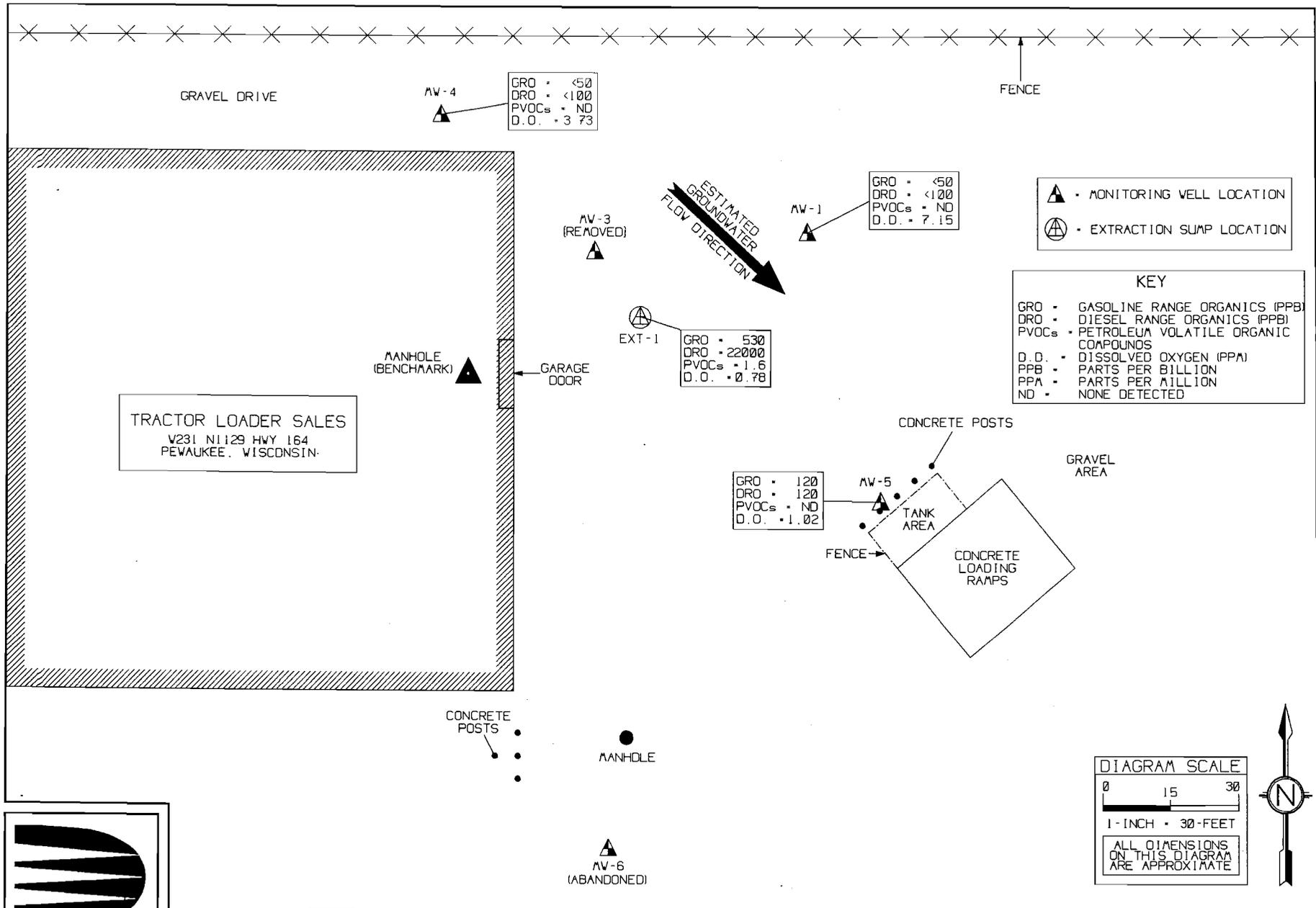
ES = enforcement standard

PAH = polycyclic aromatic hydrocarbons

ppb = parts per billion

Note: Concentrations in bold exceed their respective NR 140 PALs.

Concentrations in bold and underlined exceed their respective NR 140 ESs.



TRACTOR LOADER SALES REMEDIAL INVESTIGATION	PROJECT NO. J97078 PA RWF	CONTAMINANT AND DISSOLVED OXYGEN DISTRIBUTION DIAGRAM (NOVEMBER 1998)	FIGURE 4
	DRAWN BY JAA DATE: 01/25/99		
	CHKD BY [Signature] DATE: 2/24/99 APRVD BY [Signature] DATE: 2/24/99		

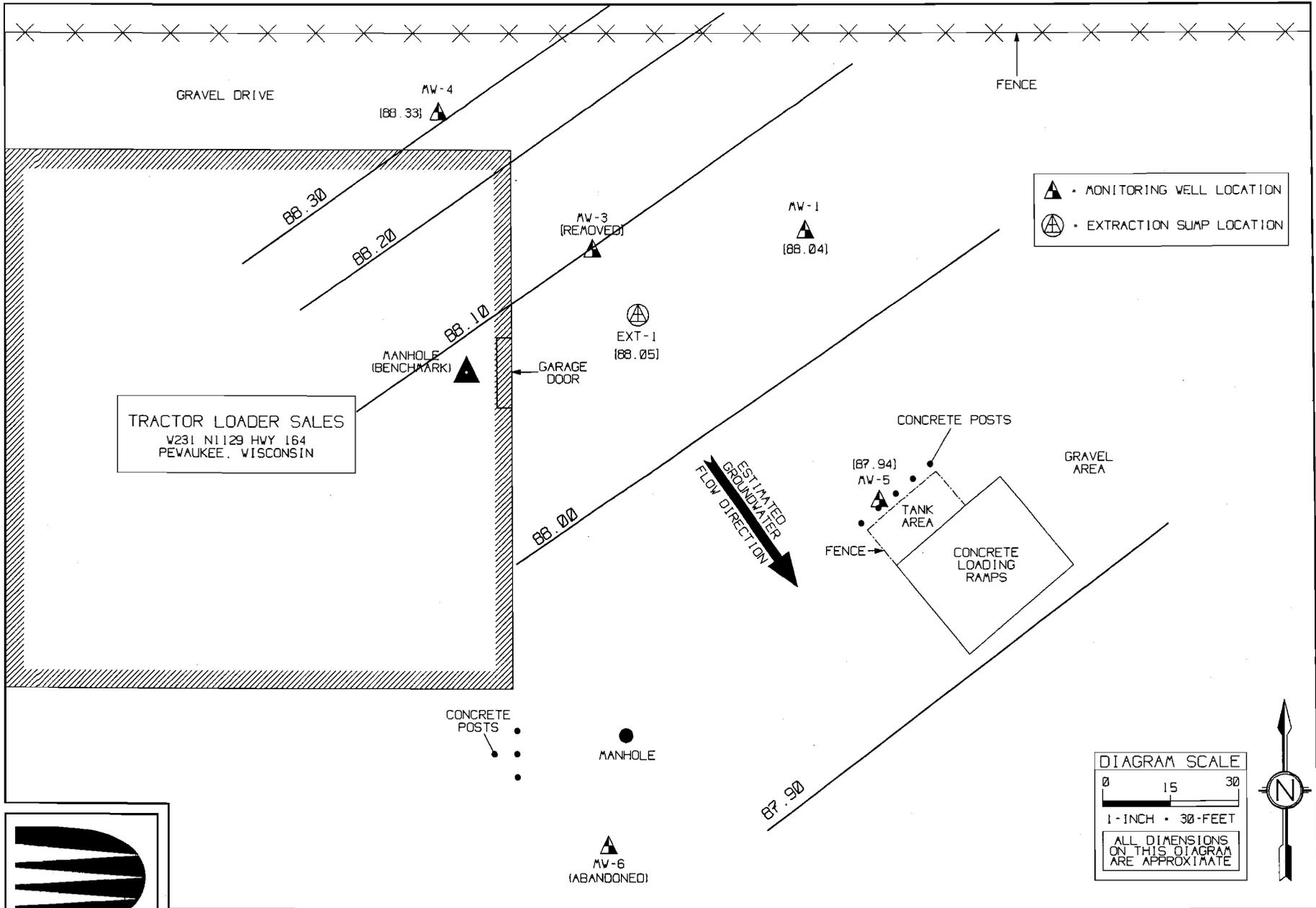
TABLE 1
Groundwater Elevations
Tractor Loader Sales Property

<u>Well Location</u>	<u>Elevation - Top of PVC Pipe</u>	<u>Date</u>	<u>Depth to Water</u>	<u>Groundwater Elevation</u>
MW-1	98.84	10-1-97	10.49	88.35
		10-10-97	10.66	88.18
		2-3-98	10.66	88.18
		5-14-98	9.05	89.75
		8-10-98	10.46	88.38
		11-19-98	10.80	88.04
MW-3	99.00	10-1-97	10.53	88.47
		10-10-97	10.74	88.26
		2-3-98	—	—
		5-14-98	—	—
		8-10-98	—	—
		11-19-98	—	—
MW-4	99.51	10-1-97	10.81	88.70
		10-10-97	11.01	88.50
		2-3-98	11.08	88.43
		5-14-98	9.16	90.35
		8-10-98	10.76	88.75
		11-19-98	11.18	88.33
MW-5	98.81	10-1-97	10.55	88.26
		10-10-97	10.75	88.06
		2-3-98	—	—
		5-14-98	9.13	89.68
		8-10-98	10.56	88.25
		11-19-98	10.87	87.94
MW-6	98.27	10-1-97	10.25	88.02
		10-10-97	10.46	87.81
		2-3-98	—	—
		5-14-98	—	—
		8-10-98	—	—
		11-19-98	—	—
EXT-1	99.34	10-1-97	—	—
		10-10-97	—	—
		2-3-98	11.10	88.24
		5-14-98	9.30	90.04
		8-10-98	10.96	88.38
		11-19-98	11.29	88.05

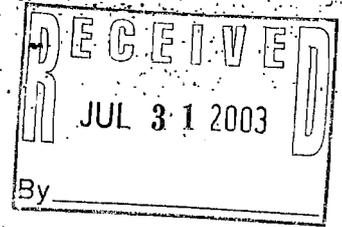
Note: All elevations are presented in feet.

MW-3 and MW-6 were abandoned.

Benchmark: North rim of sewer catch basin inside overhead door on east side of building. Assumed elevation = 100.00 feet.



TRACTOR LOADER SALES REMEDIAL INVESTIGATION	PROJECT NO. J97078 PA RVF DRAWN BY JAM DATE: 01/25/99 CHKD BY <i>TR</i> DATE: 2/24/99 APRVD BY <i>RWF</i> DATE: 2/24/99	GROUNDWATER ELEVATION AND FLOW (NOV 1998) DIAGRAM	FIGURE 3
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07-25-2003

TRANSACTION # 167641
DOCUMENT # 3031126
RESTRICTION
CERTIFIED #(S) 0

Recording Fee - County: 12.00
Recording Fee - LIS: 5.00
State Recording Fee LIS: 2.00

TOTAL: 19.00
CASH: 20.00
CHANGE: -1.00

THANK YOU
MICHAEL J. HASSLINGER
WAUKESHA COUNTY
REGISTER OF DEEDS

GROUNDWATER USE AND DEED RESTRICTION

Document Number

Declaration of Restrictions

In Re:

Parcel I of Certified Survey Map No. 3740 recorded November 15, 1979 Pages 320 thru 322 of Waukesha County Records, being a part of the NE 1/4 of the NE 1/4 of Section 26 and the NW 1/4 of the NW 1/4 of Section 25, Township 7 North, Range 19 East, in the Town of Pewaukee, Waukesha County, Wisconsin.

STATE OF WISCONSIN)
) ss
COUNTY OF WAUKESHA)

WHEREAS, Raymond M. Horcher and Alfred L. Burgett, a partnership known as H. B. Company is the owner of the above-described property.

WHEREAS, one or more petroleum discharges have occurred at this property. Petroleum contaminated groundwater above ch. NR 140, Wis. Adm. Code, enforcement standards existed on this property (2.51 ppb of Chrysene at EXT-1 on March 8, 2000) and petroleum contaminated soils above ch. NR 720, Wis. Adm. Code, residual contaminant levels (RCLs) existed on this property in the area to the east of the on-site building, as well as beneath the northeast corner of the building itself. Locations are illustrated on the attached Figures 1 and 7, which are hereby made a part of this restriction.

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

WHEREAS, natural attenuation has been approved by the Department of Natural Resources to remediate groundwater contamination exceeding ch. NR 140, Wis. Adm. Code, groundwater standards within the boundaries of this property.

WHEREAS, construction of wells where the water quality exceeds the drinking water standards in ch. NR 809, Wis. Adm. Code, is restricted by ch. NR 811 and ch. NR 812, Wis. Adm. Code. Special well construction standards or water treatment requirements, or both, or well construction prohibitions may apply.

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

Anyone who proposes to construct or reconstruct a well on this property is required to contact the Department of Natural Resources' Bureau of Drinking Water and Groundwater, or its successor agency, to determine what specific requirements are applicable, prior to constructing or reconstructing a well on this property. No well may be constructed or reconstructed on this property unless applicable requirements are met.

Recording Area

Name and Return Address
Mr. Raymond M. Horcher
Tractor Loader Sales, Inc.
W231 N1129 Hwy 164
Pewaukee, WI 53186

PWT 0965 999 001

Parcel Identification Number (PIN)

If construction is proposed on this property that will require dewatering, or if groundwater is to be otherwise extracted from this property, while this groundwater use restriction is in effect, the groundwater shall be sampled and analyzed for contaminants that were previously detected on the property and any extracted groundwater shall be managed in compliance with applicable statutes and rules.

And

Structural impediments (the Tractor Loader Sales, Inc. building) existing at the time of clean-up made complete remediation of the soil contamination on this property impracticable. In addition, soil contamination remains on this property at depths of 4 to 11 feet below ground surface (bgs) in the area to the east of the building, in concentrations that exceed ch. NR 720, Wis. Adm. Code, residual contaminant levels. If the structural impediments on this property that are described above are removed or if the contaminated soil at depths of 4 to 11 feet bgs is disturbed in the future, the property owner shall conduct an investigation of the degree and extent of petroleum contamination. To the extent that contamination is found at that time, the Wisconsin Department of Natural Resources shall be immediately notified and the contamination shall be properly remediated in accordance with applicable statutes and rules. If the currently-inaccessible contaminated soil that remains on the property is excavated in the future, it will have to be sampled and analyzed and the treatment or disposal of the soil as a solid or hazardous waste may be necessary.

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

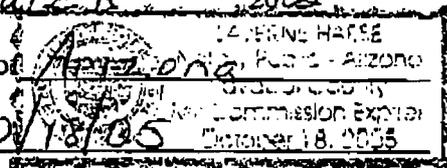
Any person who is or becomes owner of the property described above may request that the Wisconsin Department of Natural Resources or its successor issue a determination that the restrictions set forth in this covenant are no longer required. That property owner shall provide any and all necessary information to the Department in order for the Department to be able to make a determination. Upon receipt of such a request, the Wisconsin Department of Natural Resources shall determine whether or not the restrictions contained herein can be extinguished. Conditions under which a restriction may be extinguished will be determined in accordance with the site specific standards, rules and laws for this property. If the Department determines that the restrictions can be extinguished, an affidavit, with a copy of the Department's written determination, may be recorded to give notice that this restriction, or portions of this restriction, are no longer binding. Any restriction placed upon this property shall not be extinguished without the Department's written determination.

By signing this document, Raymond M. Horcher acknowledges that [he/she] is duly authorized to sign this document on behalf of H. B. Company.

IN WITNESS WHEREOF, the owner of the property has executed this Declaration of Restrictions, this 12 day of MARCH, 2002

Signature: [Signature]
Printed Name: ALBERTA L. BURGETT
Title: Postman

Subscribed and sworn to before me
This 12 day of March, 2002
Notary Public, State of Arizona
My commission 10/18/05



Signature: [Signature]
Printed Name: HORCHER, RAYMOND
Title: PARTNER

Subscribed and sworn to before me
This 19th day of March, 2002
Notary Public, State of Wisconsin
My commission Nov 28 2004

DOCUMENTING

1144335

TRANSFER
69.00
EEF

STATE OF WISCONSIN
THIS SPACE RESERVED FOR
REGISTER OF DEEDS
WAUKESHA COUNTY
RECORDED IN

1979 NOV 21 PM 12:48

REEL 388 IMAGE 585

Walter J. Purcell
REGISTER OF DEEDS

388 IMAGE 585

RETURN TO PURCELL, PURCELL
MILMOT & BURROUGHS, S.C.
1330 Marine Plaza,
Milwaukee, WI 53202
Tax Key No. 965-999

This Deed, made between MORTON LUCK

Grantor
and RAYMOND M. FORCHER and ALFRED L. BURGETT,
a partnership known as H. B. COMPANY,

Grantee

Witnesseth, That the said Grantor, for a valuable consideration of
One Dollar (\$1.00) and other good and valuable con-
sideration conveys to Grantee the following described real estate in
County, State of Wisconsin:

Parcel I of Certified Survey Map No. 3740 recorded November 15,
1979 Pages 320 thru 322 of Waukesha County Records, being a part
of the NE $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Section 26 and the NW $\frac{1}{4}$ of the NW $\frac{1}{4}$ of
Section 25, Township 7 North, Range 19 East, in the Town of
Pewaukee, Waukesha County, Wisconsin.

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

Together with all and singular the hereditaments and appurtenances thereto belonging;

And Morton Luck

warrants that the title is good, indefeasible in fee simple and free and clear of encumbrances except
zoning ordinances, restrictions of record, and general taxes for 1979

and will warrant and defend the same.

Dated this 21st day of November, 1979

(SEAL)

Morton Luck

(SEAL)

Morton Luck

(SEAL)

(SEAL)

AUTHENTICATION

Signatures authenticated this _____ day of _____ 19____

TITLE: MEMBER STATE BAR OF WISCONSIN

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

THIS INSTRUMENT WAS DRAFTED BY

David V. Purcell

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

ACKNOWLEDGMENT

STATE OF WISCONSIN

MILWAUKEE County, WI

Personally came before me, _____ day of
November, 1979 the above named
Morton Luck

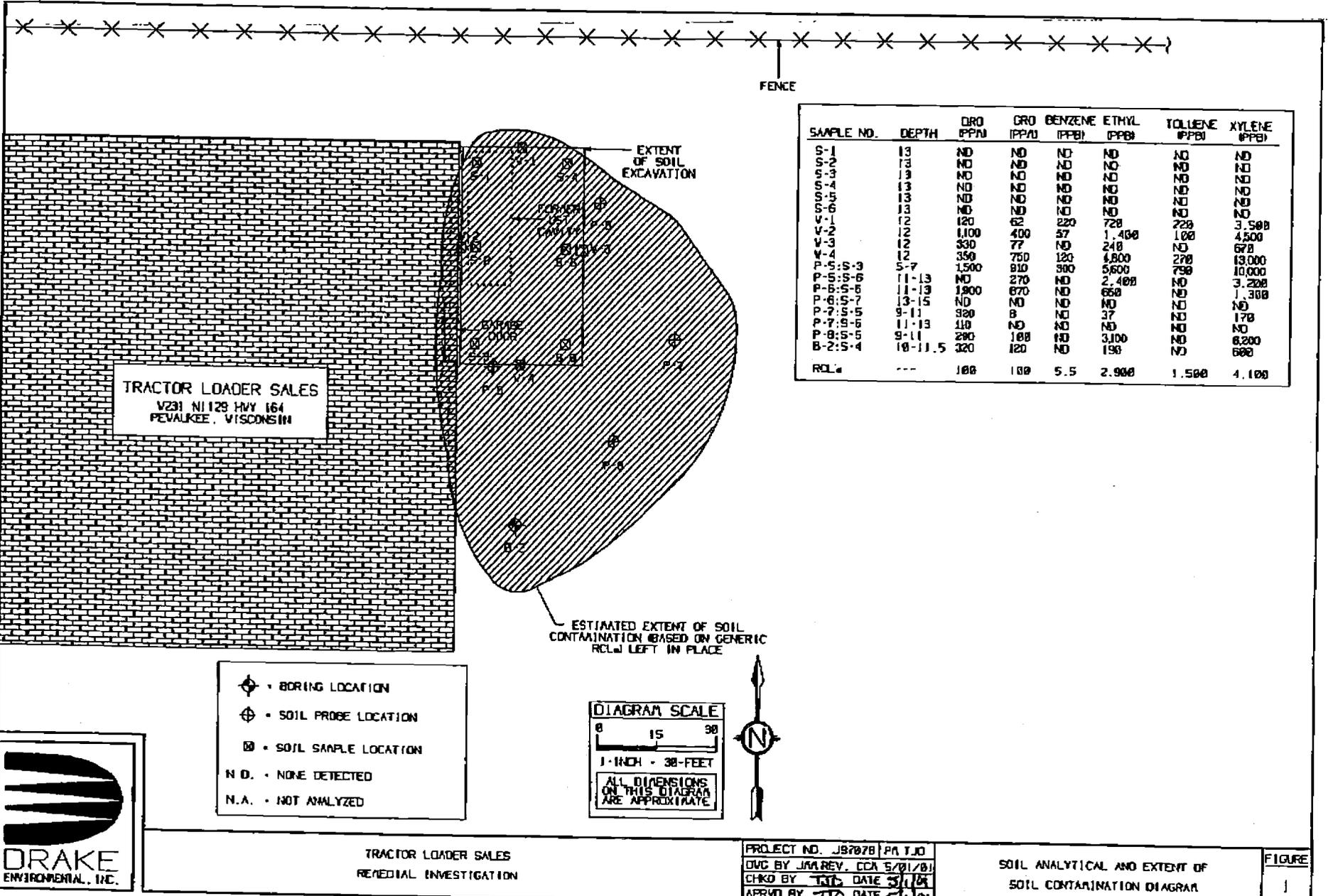
to me known to be the person who executed the
foregoing instrument and acknowledged the same.

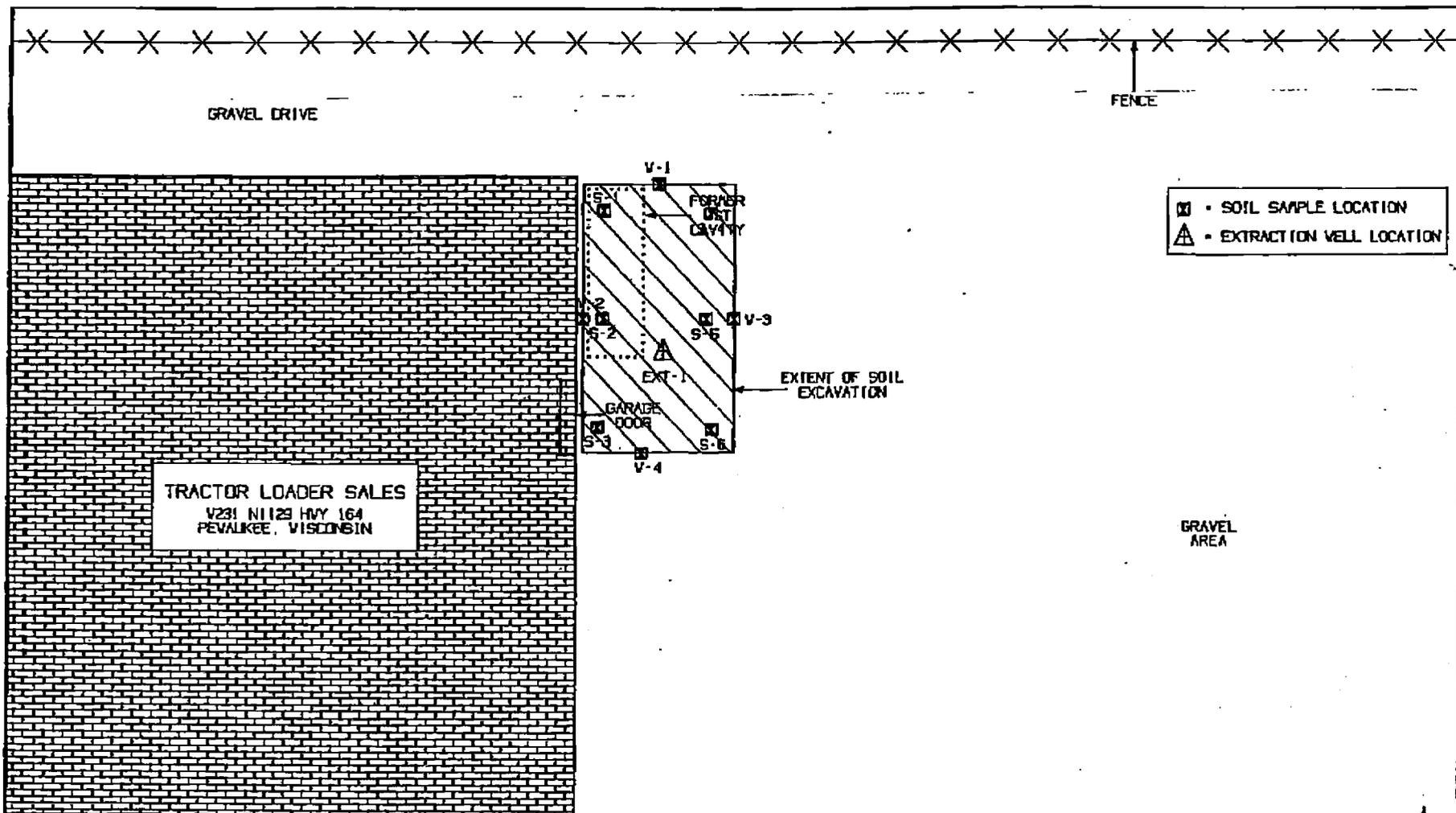
David V. Purcell

David V. Purcell

Notary Public Milwaukee

My Commission is permanent. (If _____
date: _____)





• SOIL SAMPLE LOCATION
 • EXTRACTION WELL LOCATION

DIAGRAM SCALE

 1-INCH = 30-FEET
 ALL DIMENSIONS ON THIS DIAGRAM ARE APPROXIMATE



TRACTOR LOADER SALES
REMEDIAL INVESTIGATION

PROJECT NO. J97878 PA 040
 DRAWN BY JAM DATE: 02/11/98
 CHKD BY WJF DATE 4/13/98
 APRVD BY WJF DATE 4/13/98

SOIL EXCAVATION, EXTRACTION WELL AND SOIL
SAMPLE LOCATIONS DIAGRAM

FIGURE
7