Institutional Control Audit Site

The GIS Documentation, contained within, was collected by the WDNR Project Manager from existing documentation contained in the case file.

This case was closed by the WDNR prior to the existence of GIS submittal requirements being in place.

Certain documents that are currently required in ch. NR 726, Wis. Adm. Code, may therefore be unavailable.

GIS REGISTRY INFORMATION

SITE NAME: Western Wisconsin Ready Mix

BRRTS #: 06-32-269560 **FID # (if appropriate):** 998259020

COMMERCE # (if appropriate): NA

CLOSURE DATE: 17-Apr-2003

STREET ADDRESS: 25 Copeland Ave.

CITY: La Crosse

SOURCE PROPERTY GPS COORDINATES (meters in WTM91 projection): **X=** 419414 **Y=** 372809

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

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

IF YES, STREET ADDRESS 1:

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

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

IF YES, STREET ADDRESS 1:

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

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

DOCUMENTS NEEDED:

Closure Letter, and any conditional closure letter or denial letter issued	X
Copy of any maintenance plan referenced in the final closure letter.	X
Copy of (soil or land use) deed notice *if any required as a condition of closure*	X
Copy of most recent deed, including legal description, for all affected properties	NA
Certified survey map or relevant portion of the recorded plat map (*if referenced in the legal description*) for all affected properties	X
County Parcel ID number, *if used for county*, for all affected properties	X
Location Map which outlines all properties within contaminated site boundaries on USGS topographic map or plat map in sufficient detail to permit the parcels to be located easily (8.5x14" if paper copy). If groundwater standards are exceeded, the map must also include the location of all municipal and potable wells within 1200' of the site.	NA
Detailed Site Map(s) for all affected properties, showing buildings, roads, property boundaries, contaminant sources, utility lines, monitoring wells and potable wells. (8.5x14", if paper copy) This map shall also show the location of all contaminated public streets, highway and railroad rights-of-way in relation to the source property and in relation to the boundaries of groundwater contamination exceeding ch. NR 140 ESs and soil contamination exceeding ch. NR 720 generic or SSRCLs.	X
Tables of Latest Groundwater Analytical Results (no shading or cross-hatching)	NA
Tables of Latest Soil Analytical Results (no shading or cross-hatching)	X
Isoconcentration map(s), *if required for site investigation (SI)* (8.5x14" if paper copy). The isoconcentration map should have flow direction and extent of groundwater contamination defined. **If not available, include the latest extent of contaminant plume map.**	NA
GW: Table of water level elevations, with sampling dates, and free product noted if present	NA
GW: Latest groundwater flow direction/monitoring well location map (should be 2 maps if maximum variation in flow direction is greater than 20 degrees)	X
SOIL: Latest horizontal extent of contamination exceeding generic or SSRCLs, with one contour	NA
Geologic cross-sections, *if required for SI.* (8.5x14' if paper copy)	NA
RP certified statement that legal descriptions are complete and accurate	NA
Copies of off-source notification letters (if applicable)	NA
Letter informing ROW owner of residual contamination (if applicable)(public, highway or railroad ROW)	NA

File

State of Wisconsin \ DEPARTMENT OF NATURAL RESOURCES

Scott McCallum, Governor
Darrell Bazzell, Secretary

101 S. Webster St.
Box 7921
Madison, Wisconsin 53707-7921
Telephone 608-266-2621
FAX 608-267-3579
TTY 608-267-6897

July 15, 2003

BRRTS No. 06-32-269560
FID No. 998259020

MR. LAWRENCE J. KIRCH, DIRECTOR
LA CROSSE PLANNING DEPARTMENT
400 LA CROSSE STREET
LA CROSSE, WI 54601

Subject: **A *Certificate of Completion* for the Environmental Investigation and Cleanup of the Western Wisconsin Ready Mix, Inc. Site, Property Owned by the City of La Crosse and located at 25 Copeland Avenue, City of La Crosse, Wisconsin**

Dear Mr. Kirch:

The Department of Natural Resources ("the Department") has received your request for issuance of a *Certificate of Completion* for the environmental investigation and cleanup of the former Western Wisconsin Ready Mix, Inc. site. The site is owned by the City of La Crosse and located at 25 Copeland Avenue, City of La Crosse, Wisconsin, which will be referred to in this letter as "the Property". You have requested that the Department determine whether the City of La Crosse has met the requirements under s. 292.15 (2), Wis. Stats., for issuance of a *Certificate of Completion.*

The Property consists of approximately 8.3 acres and is located in the SE ¼ of the NE ¼ of Section 31, Township 16 North, Range 7 West, City of La Crosse, La Crosse County, Wisconsin. The Property was the former site of a ready mix concrete company known as Western Wisconsin Ready Mix, Inc. The property is more fully described in Attachment A of the enclosed *Certificate of Completion.*

Determination

As you are aware, s. 292.15, Wis. Stats., authorizes the Department to issue a *Certificate of Completion* to a voluntary party that conducts an approved environmental investigation of a property and restores the environment to the extent practicable and minimizes the harmful effects with respect to hazardous substance discharges on or originating from the property. Based on information submitted to the Department, the Department has determined that the investigation and cleanup of the Property is complete and that all the conditions in s. 292.15 (2), Wis. Stats., have been met.

Attached is the *Certificate of Completion* for the Property.

While the conditions for issuance of a *Certificate of Completion* have been met, monitoring data collected from groundwater monitoring wells established at the Property indicates the presence of arsenic, barium, chromium, lead and mercury at concentrations in the groundwater that attains or exceeds the ch. NR 140, Wis. Adm. Code, preventive action limits ("PALs"), but compliance with enforcement standards ("ES"). The Department may grant an exemption under s. NR 140.28 (2), Wis. Adm. Code, when a PAL is attained or exceeded, where the background concentrations of the substances are below the PAL, if the following criteria are met:

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

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

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

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

Based on information submitted to the Department, the Department believes that the aforementioned criteria have been met as a result of the remedial actions that have taken place on the Property. Removal of fill material (likely source of the metals) is not economically feasible and it is anticipated that the concentrations of metals in the groundwater will not attain or exceed their respective Enforcement Standards. Therefore, pursuant to s. NR 140.28 (2)(b), Wis. Adm. Code, an exemption to the PAL is granted for arsenic at monitoring wells MW-5, MW-6 and MW-8, barium at piezometer PZ-7, chromium at monitoring well MW-10, lead at piezometer PZ-9 and mercury at monitoring well MW-5. This letter shall serve as your exemption.

Conclusions

The Department appreciates the work undertaken by the City of La Crosse to investigate and cleanup contamination associated with the Property. The exemption provided by the *Certificate of Completion* applies to any successor or assignee of the City of La Crosse, if the successor or assignee complies with the appropriate conditions, pursuant to s. 292.15 (3), Wis. Adm. Code. If you have any questions or concerns regarding this letter or the *Certificate of Completion*, please call me at 715-839-3770 or Attorney Linda Meyer at 608-266-7588.

Sincerely,

Loren A. Brumberg

Loren A. Brumberg
Waste Management Specialist
Remediation & Redevelopment Program

Attachment: *Certificate of Completion*

State of Wisconsin
Department of Natural Resources

CERTIFICATE OF COMPLETION OF RESPONSE ACTIONS UNDER SECTION 292.15 (2)(ag), WIS. STATS.

Whereas, the **City of La Crosse** has applied for an exemption from liability under s. 292.15, Wis. Stats., for property located at 25 Copeland Avenue, City of La Crosse, La Crosse County, Wisconsin, which is commonly referred to as the Western Wisconsin Ready Mix, Inc. site, owned by the City of La Crosse, a municipal corporation, further described in the legal description found in Attachment A, and hereinafter known as "the Property";

Whereas, an environmental investigation of the Property has been conducted and has determined that contamination exists at the Property;

Whereas, the **City of La Crosse** has submitted to the Wisconsin Department of Natural Resources ("the WDNR") investigation reports and a remedial action plan for the Property which comply with the requirements set forth in chs. NR 700-754, Wis. Adm. Code, consisting of documents and reports as listed in Attachment B;

Whereas, in accordance with ss. 292.15 (2) (a)1. and (ag), Wis. Stats., the WDNR has determined that an environmental investigation has been conducted which adequately identified and evaluated the nature and extent of the hazardous substance discharges on the Property and WDNR has approved of the remedial action plan for the Property;

Whereas, the WDNR has granted the **City of La Crosse** an exemption under s. NR 140.28 (2)(b), Wis. Adm. Code, for the presence of arsenic, barium, chromium, lead and mercury in groundwater on the Property that attains or exceeds the ch. NR 140, Wis. Adm. Code, preventive action limits ("PAL") for those substances;

Whereas, the **City of La Crosse** has filed with the Register of Deeds of La Crosse County a deed restriction on the Property, Attachment C, which declares that a portion of the Property is held and shall be held, conveyed or encumbered, leased, rented, used, occupied and improved subject to the following limitations and restrictions:

> The following activities are prohibited on that portion of the Property where, described in Attachment D, a cap or cover has been placed in the area where soil boring B-3 was

located, unless prior written approval has been obtained from the Wisconsin Department of Natural Resources or its successor or assign: (1) excavating or grading of the land surface; (2) filling on the capped area; (3) plowing for agricultural cultivation; and (4) construction or installation of a building or other structure with a foundation that would sit on or be placed within the cap or cover. In addition, the cap or cover shall be maintained in compliance with a plan, as seen in Attachment E, prepared and submitted to the Wisconsin Department of Natural Resources by the **City of La Crosse**, as required by s. NR 724.13 (2), Wis. Adm. Code (1999);

Whereas, on April 17, 2003, WDNR determined that response actions necessary to restore the environment to the extent practicable with respect to the discharges and minimize the harmful effects from the discharges to the air, land, and waters of the state were completed, except with respect to benzene, toluene, ethylbenzene, m,o,p-xylenes, 1,2,4-trimethylbenzene, 1,3,5-trimethyl-benzene, bis(2-ethylhexyl)phthalate, methyl tert-butyl ether ("MTBE"), acenaphthylene, benzo(a)anthracene, benzo(a)pyrene, benzo(b)fluoranthene, benzo(k)fluoranthene, chrysene, 2-methyl naphthalene, phenanthrene, naph-thalene and lead for which the **City of La Crosse** is exempt from liability under s. 292.13 (1), Wis. Stats.;

Whereas, on June 20, 2003, the **City of La Crosse** obtained a written determination from WDNR under s. 292.13 (2), Wis. Stats., that the **City of La Crosse** is exempt from liability under s. 292.13 (1), Wis. Stats., with respect to benzene, toluene, ethylbenzene, m,o,p-xylenes, 1,2,4-trimethylbenzene, 1,3,5-trimethylbenzene, bis(2-ethylhexyl)phthalate, methyl tert-butyl ether ("MTBE"), acenaphthylene, benzo(a)anthracene, benzo(a)pyrene, benzo(b)fluoranthene, benzo(k)fluoranthene, chrysene, 2-methyl naphthalene, phenanthrene, naph-thalene and lead in groundwater on the Property; and

Therefore, based upon the information that has been submitted to the WDNR, the WDNR hereby certifies that the response actions set forth in the WDNR approved remedial action plan for the Property and any other necessary response actions have been completed, except with respect to benzene, toluene, ethylbenzene, m,o,p-xylene, 1,2,4-trimethylbenzene, 1,3,5-tri-methylbenzene, bis(2-ethylhexyl)phthalate, methyl tert-butyl ether ("MTBE"), acenaphthylene, benzo(a)anthracene, benzo(a)-pyrene, benzo(b)fluoranthene, benzo(k)fluoranthene, chrysene, 2-methyl naphthalene, phenanthrene, naphthalene and lead for which the **City of La Crosse** is exempt from liability under s. 292.13 (1), Wis. Stats.;

Upon issuance of this Certificate, the **City of La Crosse** and the persons qualified for protection under s. 292.15 (3), Wis. Stats., are exempt from the provisions of ss. 289.05 (1), (2), (3) and (4), 289.42 (1), 289.67, 291.25 (1) to (5), 291.29, 291.37, 292.11 (3), (4), and (7)(b) and (c) and 292.31 (8), Wis. Stats., with respect to the existence of hazardous substances on or originating from the Property, the release of which occurred prior to the date the Department approved the environmental investigation required under ss. 292.15 (2) (a)1. and (ag), Wis. Stats., was approved provided that the **City of La Crosse** or current owner of the Property continues to satisfy the conditions under ss. 292.13 (1)(d) to (g) and ss. 292.13 (1m) (d) to (g), Wis. Stats.

Those conditions are detailed in s. 292.13, Wis. Stats., but can be summarized as follows, with respect to discharges of hazardous substances that originated from a source other than the Property: allow WDNR, parties responsible for the hazardous substance discharges, and their representatives, to enter the Property to take actions to respond to the discharges; agree to avoid any interference with actions taken to respond to the discharges and avoid actions that worsen the discharges; and agree to any other conditions WDNR determines are reasonable and necessary to ensure that WDNR and the responsible parties can respond to the discharge.

Also, the **City of La Crosse** and a person otherwise qualified for protection under s. 292.15 (3), Wis. Stats., who owns or controls the Property would no longer qualify for this liability exemption if that person fails to maintain or monitor the Property as required by rules promulgated by the WDNR. Any releases of a hazardous substance to or from the Property that occur after the date that the environmental investigation was approved will be the responsibility of the current Property owner and any other person who possesses or controls the substances that are discharged and any person who caused the discharge.

The protection from liability provided under s. 292.15 (2), Wis. Stats., does not apply to any person who has obtained a Certificate of Completion by fraud or misrepresentation, or by the knowing failure to disclose material information or under circumstances in which the **City of La Crosse** knew or should have known about more discharges of hazardous substances than were revealed by the investigation approved by the WDNR.

Nothing in this Certificate or in s. 292.15, Wis. Stats., affects the authority of the WDNR to exercise any powers or duties under applicable laws other than ss. 289.05 (1), (2), (3) and (4), 289.42 (1), 289.67, 291.25 (1) to (5), 291.29, 291.37, 292.11 (3), (4), and (7)(b) and (c) and 292.31 (8), Wis. Stats., with respect to any release or threatened release of contaminants at the Property, or the right of the WDNR to seek relief available against any person who is not entitled to protection from liability under s. 292.15, Wis. Stats., with respect to such release or threatened release.

SIGNED AND CERTIFIED this 20th day of JUNE, 2003.

Scott Hassett

Scott Hassett, Secretary
Wisconsin Department of Natural Resources

ATTACHMENT A
LEGAL PROPERTY DESCRIPTION
CITY OF LA CROSSE PROPERTY

That part of Government Lot 2, Section 31, Township 16 North, Range 7 West, City of La Crosse, La Crosse County, Wisconsin, described as follows:

Commencing at the intersection of the North line thereof and the West line of Copeland Avenue, said point being 33 feet West of the East line of said Section 31; thence South along said West line of Copeland Avenue 200.10 feet to the point of beginning of this description: Thence continuing South along said West line 25.01 feet; thence West parallel to the North line of said Government Lot 2 a distance of 305.00 feet; thence South 1 degree 48 minutes West 447.05 feet to a point hereinafter known as point "A"; thence North 88 degrees 12 minutes West 134.45 feet to the Northeasterly right-of-way line of the Soo Line Railroad, the centerline of which right-of-way is located North 88 degrees 12 minutes West 469.80 feet from said Point "A" and on a 14 degree curve concave to the Northeast; thence along said Northeasterly right-of-way line (the centerline of which right-of-way is described as follows: along the arc of said 14 degree curve 37.00 feet with a chord bearing North 34 degrees 54 minutes West and measuring 36.98 feet to the end of said curve; thence north 32 degrees 19 minutes West 137.14 feet to the point of curvature of a 14 degree curve, concave to the Southwest; thence along the arc of said 14 degree curve 278.98 feet, with a chord bearing North 51 degrees 47 minutes 50 seconds West and measuring 273.63 feet to the point of termination of this centerline description) to a point on a 422.77 foot radius curve concave to the South; thence 260.04 feet along the arc of said curve, the chord of which bears North 89 degrees 24 minutes 44 seconds West and measures 255.96 feet to a "point on curve"; thence continuing along the arc of a 422.77 foot radius curve, the chord of which bears South 39 degrees 57 minutes 37 seconds West and measures 460.59 feet to the Easterly right-of-way line of the Soo Line Railroad at a point 50.00 feet (measured perpendicularly) Northeasterly of the existing railroad track; thence along said right-of-way North 24 degrees 31 minutes 20 seconds West 227.27 feet to the point of a curve concave to the East, having a radius of 1,397.80 feet and a central angle of 07 degrees 02 minutes, the chord of said curve having a bearing of North 21 degrees 00 minutes 20 seconds West and measuring 171.48 feet; thence Northwesterly along the arc of said curve and right-of-way line 171.59 feet; thence continuing along said right-of-way line North 17 degrees 29 minutes 20 seconds West 304.43 feet; thence continuing along said right-of-way line North 12 degrees 55 minutes West 74.22 feet to the North line of said Government Lot 2; thence along said North line South 88 degrees 12 minutes 263.00 feet; thence South 12 degrees 55 minutes East 206.78 feet; thence South 88 degrees 12 minutes East 1,285.19 feet (recorded as 1,285.84 feet) to the West line of Copeland Avenue and the point of beginning of this description.

25 Copeland Avenue
(Tax Parcel Nos. 17-20251-090, 17-20252-020 and 17-20252-030)

State of Wisconsin \ DEPARTMENT OF NATURAL RESOURCES

WISCONSIN
DEPT. OF NATURAL RESOURCES

Jim Doyle, Governor
Scott Hassett, Secretary
Scott Humrickhouse, Regional Director

La Crosse Service Center
3550 Mormon Coulee
La Crosse, Wisconsin 54601
Telephone 608-785-9000
FAX 608-785-9990

April 17, 2003

Lawrence Kirch, City Planner
City of La Crosse
400 La Crosse Street
La Crosse, WI 54601

Subject: Case Closure
Western Wisconsin Ready Mix, 25 Copeland Avenue, La Crosse
BRRTS#03-32-000096/02-32-264485/06-32-269560

Dear Mr. Kirch:

On October 18, 2001, you were notified by the Department of Natural Resources ("the Department") of specific conditions required for closure of the Western Wisconsin Ready Mix site, 25 Copeland Avenue, City of La Crosse ("the Ready Mix Property"). These conditions included a groundwater use restriction to address groundwater contamination at the site, a deed restriction on the Ready Mix Property to address residual soil contamination, a Class 1 Public Notice that a Performance Standard consisting of a soil cover over contaminated areas is proposed to be selected for the soil remedial action, a maintenance for the cover, and the abandonment of specific monitoring wells on the Ready Mix Property. This letter will address each of the conditions of closure for the Ready Mix Property.

It is the Department's understanding that the monitoring wells at the Ready Mix Property are now the responsibility of the Exxon Mobil Oil Corporation, and that they will be abandoned when it is determined that they are no longer needed by the Exxon Mobil Oil Corporation.

To close this site, the regulations require a deed restriction be signed and recorded to address the issue of the remaining soil contamination associated with the site. The purpose of the restriction is to maintain a surface barrier over the remaining soil contamination to prevent it from impacting human health and the environment. The Department has received the required documentation.

It has been determined by the Department that a groundwater use restriction will not be required on the Ready Mix Property at this time. Petroleum-contaminated groundwater above NR 140 Public Health Groundwater Quality enforcement standards ("ES") still existed on the Ready Mix Property at monitoring wells MW-05 and MW-08. Additionally, groundwater monitoring data at this site indicates exceedances of the NR 140 Public Welfare Groundwater Quality ES for iron and manganese at monitoring wells MW-5, MW-6, PZ-7, MW-8, PZ-9 and MW-10. However, it has been determined that the source of this contamination is originating from an off site source located on the adjacent Exxon Mobil Oil Corporation site. Therefore, it will be the responsibility of the Exxon Mobil Oil Corporation to address any required closure conditions associated with the contamination at these two monitoring wells based on specific site conditions present at some future time when the Exxon Mobil Oil Corporation site is considered for closure.

Groundwater monitoring data for the Ready Mix Property indicates exceedances of the NR 140 Public Health Groundwater Quality preventative action limits ("PAL") for arsenic at monitoring wells MW-5, MW-6 and MW-8, barium at piezometer PZ-7, lead at piezometer PZ-9, chromium at monitoring well MW-10, and mercury at monitoring well MW-5, but compliance with the NR 140 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 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 arsenic at monitoring wells MW-5, MW-6 and MW-8, barium at piezometer PZ-7, lead at piezometer PZ-9, chromium at monitoring well MW-10, and mercury at monitoring well MW-5. This letter serves as your exemption.

Pursuant to s. NR 140.28(4)(c), Wis. Adm. Code, the Department shall take action under s. NR 140.26, Wis. Adm. Code, if it determines that an increase in concentration of iron or manganese causes an increased threat to public health or welfare or it determines that the incremental increase in the concentration of iron or manganese, by itself, exceeds the preventive action limit. (This may be the case as long as the authority you are using to require the action is not found in ss. 292.11(3), (4) and (7)(b) and (c), Wis. Stats.)

We appreciate your efforts to restore the environment at this site. If you have any questions regarding this letter, please contact me at 608/785-9973.

Sincerely,

David Carper BY Doug Joseph

David L. Carper P.E., P.G.
West Central Region Remediation & Redevelopment Program

cc: Bill Phelps, DG/2

REDEVELOPMENT AUTHORITY

April 16, 2003

Dave Carper
WI DNR
3550 Mormon Coulee Rd.
La Crosse, WI 54601

SUBJECT: Maintenance plan for Western Wisconsin Ready Mix property

Dear Dave:

The City of La Crosse has developed a maintenance plan for the one-foot cap at the Western Wisconsin Ready Mix property. The maintenance plan is as follows:

> The City of La Crosse will inspect periodically the one-foot granular cap to ensure that the one-foot cap remains intact.

If you have need of additional information, please let me know.

Sincerely,

Lawrence J. Kirch, Executive Director
La Crosse Redevelopment Authority

cc: Doug Joseph, WI DNR
Loren Brumberg, WI DNR
Pat Caffrey, Director of Public Works
Randy Turtenwald, City Engineer
Pat Houlihan, City Attorney
Greg Kozelek, City Engineering

CITY HALL — 400 LA CROSSE STREET — LA CROSSE, WISCONSIN 54601
— PHONE 789-7512 —

Document Number	DEED RESTRICTION

1319262

LACROSSE COUNTY, WI
REGISTER OF DEEDS
DEBORAH J. FLOCK

RECORDED ON 08-15-2002
AT 3:25 PM

REC. FEE: 15.00
TRANSFER FEE:

PAGES: 3

VOL. 1642 PAGE 691

Name and Return Address
City of La Crosse
400 La Crosse Street
La Crosse, WI 54601
Attn: Redevelopment Authority

Declaration of Restrictions

In Re: part of government Lot 2 of Section 31, T16N, R7W, in the City of La Crosse, La Crosse County, Wisconsin, described as follows: commencing at the Northeast corner of said Section 31; thence SO9° 41'04"W 1643.75 Feet to the West line of parcel recorded in Volume 1335, Page 273 and the point of beginning; thence continuing along said West line SOO° 33'36"E 99.58 Feet; thence S88° 17'10"W 61.52 Feet; thence NOO°06'24"W 96.67 Feet; thence N85° 31'47"E 60.88 Feet to the point of beginning. Portion contains 5,997 square feet (0.14 acres).

STATE OF WISCONSIN)
) ss
COUNTY OF LA CROSSE)

WHEREAS, the City of La Crosse is the owner of the above-described property.

WHEREAS, one or more petroleum discharges have occurred on this property. Petroleum-contaminated soil contamination existed on the property (based on soil sampling conducted on June 11, 2001) at soil boring B-3 consisting of lead @ 431 milligram per kilogram (mg/kg) and the polycyclic aromatic hydrocarbon compounds benzo(a)anthracene @0.094 mg/kg, benzo(b)fluoranthene @ 0.111 mg/kg, benzo(a)pyrene @ 0.087 mg/kg and dibenzo(a,h)anthracene @ 0.025 mg/kg, and was left in place. See the attached Exhibit A site map.

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

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

> The following activities are prohibited on that portion of the property in the area of soil boring B-3 described above where a cap or cover has been placed, unless prior written approval has been obtained from the Wisconsin Department of Natural Resources or its successor or assign: (1) Excavating or grading of the land surface; (2) Filling on the capped area; (3) Plowing for agricultural cultivation; and (4) Construction or installation of a building or other structure with a

foundation that would sit on or be placed within the cap or cover. In addition, the cap or cover shall be maintained in compliance with a plan prepared and submitted to the Wisconsin Department of Natural Resources by a responsible party, as required by section NR 724.13(2), Wis. Adm. Code (1999).

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 or assigns. The Department, its successors or assigns, may initiate proceedings at law or in equity against any person or persons who violate or are proposing to violate this covenant, to prevent the proposed violation or to recover damages for such violation.

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

By signing this document, Lawrence J. Kirk asserts that he/she is duly authorized to sign this document on behalf of The Redevelopment Authority of the City of La Crosse

IN WITNESS WHEREOF, the owner of the property has executed this Declaration of Restrictions, this 15th day of August, 2002.

Signature: Lawrence J. Kirk
Printed Name: LAWRENCE J. KIRK

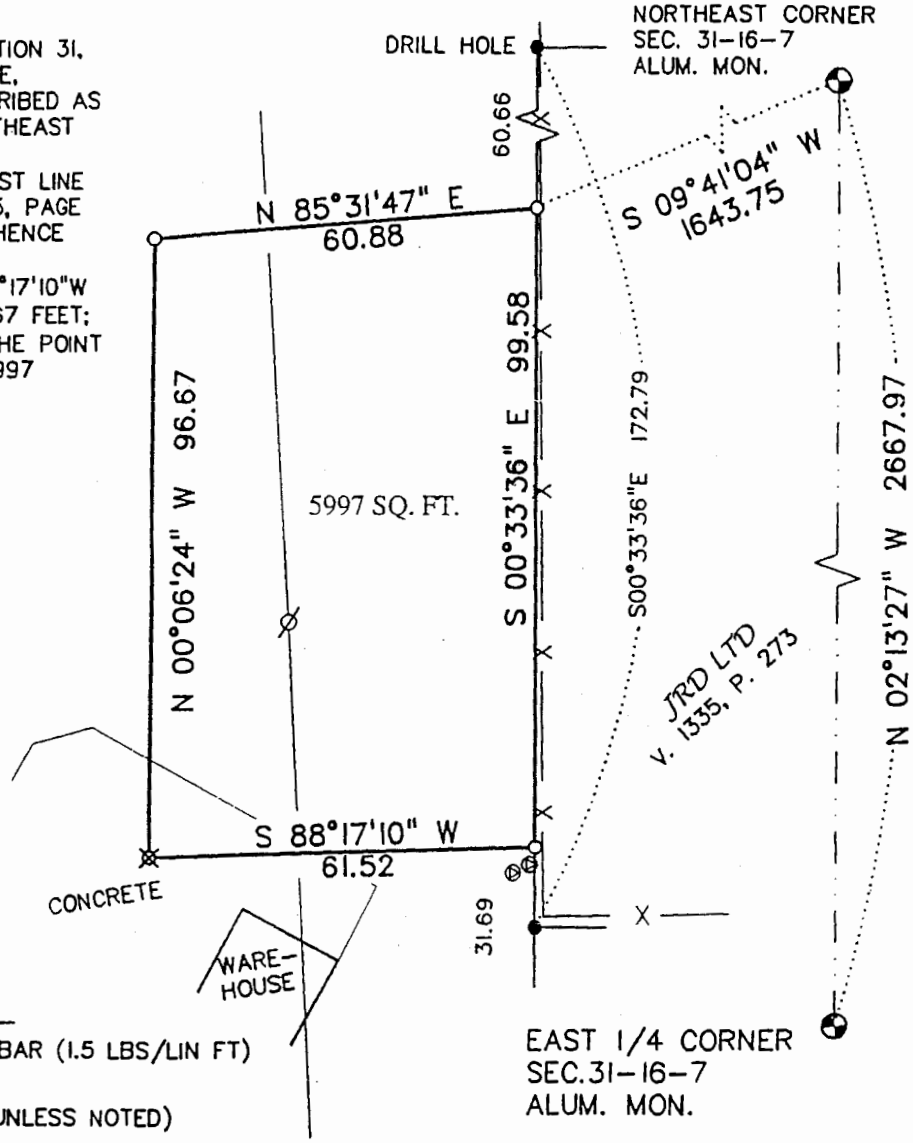
Subscribed and sworn to before me
this 15th day of August, 2002
D. J. Jeranek
Notary Public, State of Wisconsin
My commission 10-16-05

NOTARY PUBLIC D.J. JERANEK STATE OF WISCONSIN

This document was drafted by the Wisconsin Department of Natural Resources.

LA CROSSE REDI-MIX SITE
PORTION FOR DEED RESTRICTION

DESCRIPTION OF RESTRICTED PORTION
PART OF GOVERNMENT LOT 2 OF SECTION 31, T16N, R7W, IN THE CITY OF LA CROSSE, LA CROSSE COUNTY, WISCONSIN, DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHEAST CORNER OF SAID SECTION 31; THENCE S09°41'04"W 1643.75 FEET TO THE WEST LINE OF PARCEL RECORDED IN VOLUME 1335, PAGE 273 AND THE POINT OF BEGINNING; THENCE CONTINUING ALONG SAID WEST LINE S00°33'36"E 99.58 FEET; THENCE S88°17'10"W 61.52 FEET; THENCE N00°06'24"W 96.67 FEET; THENCE N85°31'47"E 60.88 FEET TO THE POINT OF BEGINNING. PORTION CONTAINS 5,997 SQUARE FEET (0.14 ACRES).



-N-

BASIS FOR BEARINGS
LA CROSSE COUNTY
COORDINATE SYSTEM

LEGEND

- ○ SET 3/4" x 18" IRON BAR (1.5 LBS/LIN FT)
- ⊠ SET CHISELED 'X'
- ● FOUND 1" IRON PIPE (UNLESS NOTED)
- ⊗ MONITORING WELL
- ø POWER POLE
- —— X —— CHAIN LINK FENCE
- ——OE—— OVERHEAD ELECTRIC

30 15 0 30
SCALE: 1"=30'

I, PAUL E. FAIRCHILD, REGISTERED LAND SURVEYOR #2058, HEREBY CERTIFY THAT I HAVE SURVEYED AND MAPPED THE ABOVE PARCEL AT THE DIRECTION OF LARRY KIRCH, AND REVISED SAID SURVEY AT THE DIRECTION OF TED HUBBES, AND THAT THE ATTACHED SURVEY MAP IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.

WISCONSIN
PAUL E. FAIRCHILD
S-2058
WESTBY, WISCONSIN
LAND SURVEYOR

REVISED 8-5-02

PARAGON ASSOCIATES
SURVEYING.ENGINEERING.LANDSCAPE ARCHITECTURE
744 Moore Street, La Crosse, WI 54603
Tel.608.781.3110 Fax.608.781.3197 paragon@execpc.com

Monday, 05 August 2002 - 4:10pm
\\Jon\survcadddwg\Mobil Site\REVISED RESTRICTED PORTION 72402.dwg

State of Wisconsin
Department of Natural Resources
dnr.wi.gov

Remediation & Redevelopment
Closure Compliance Review
Form 4400-232 (R 3/04)

1. Conduct a file review of the case information at the time of closure to answer some general questions about the site including:

Project Manager: Doug Joseph Review Date: 8-8-06

Site Name: Western Wisconsin Ready Mix, Inc.

BRRTS Number: 02-32-264485

FID Number: 998259020

Parcel No.: 17-20251-090, 17-20251-020, 17-20252-020 & 17-20252-030

Address: 25 Copeland Avenue, La Crosse, Wisconsin

Current Property Owner: City of La Crosse

Original Responsible Party: City of La Crosse

Property Owner at Closure (if different): City of La Crosse

Has the site been geolocated? X Yes ☐ No

Site Coordinates (WTM83/91): 419426, 372848

How was site selected for audit?

X Random ☐ Regional Priority ☐ Compliance Follow-up ☐ Other (specify)

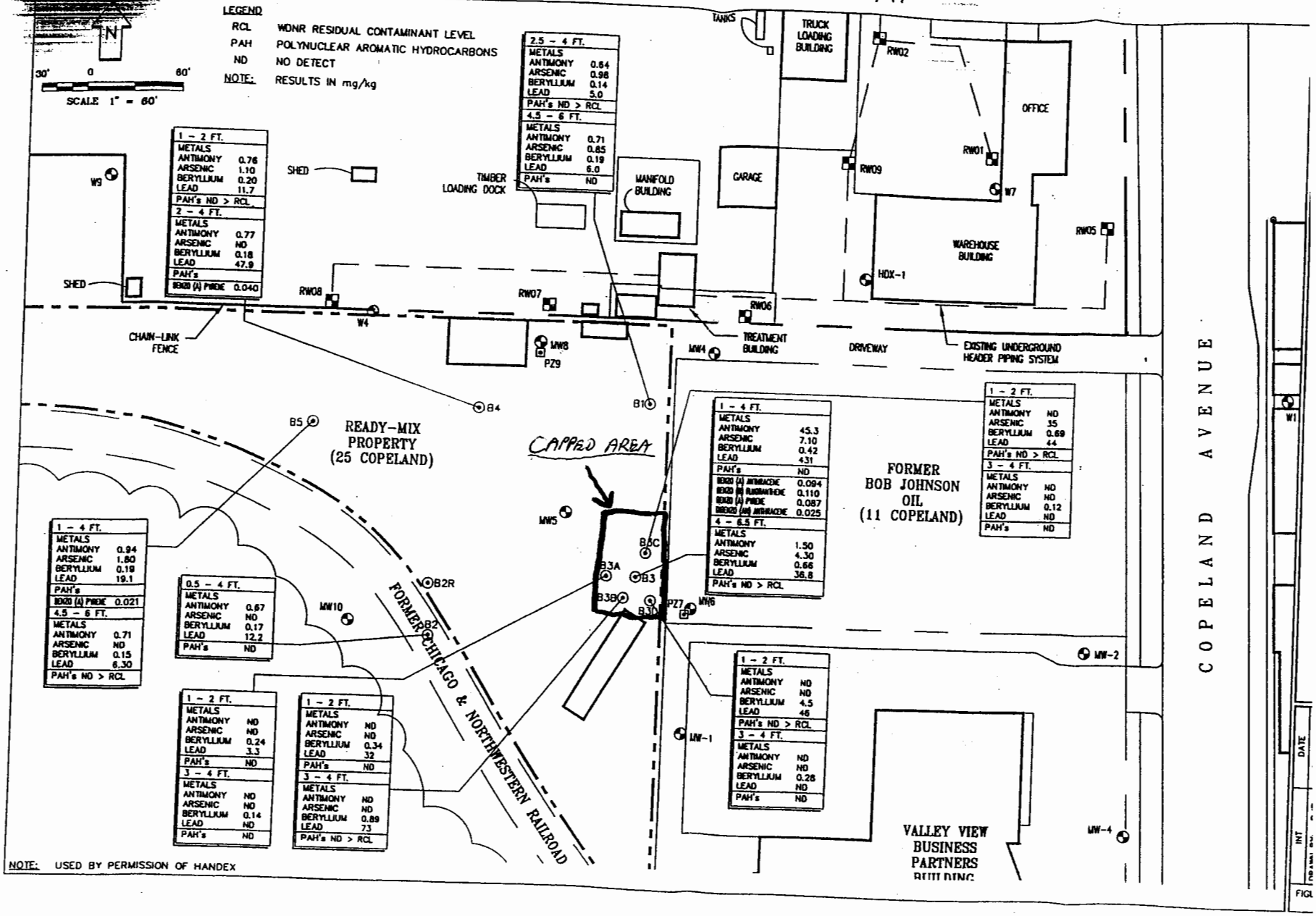
☐ Complaint Received

Is the site on a GIS Registry? ☐ Yes X No

Did the close-out letter include some specific requirements that the site owner and/or responsible party needed to address? X Yes ☐ No

If Yes, describe specific requirements:
Deed restriction and maintenance plan for cap over contaminated soils.

EXHIBIT A SITE MAP



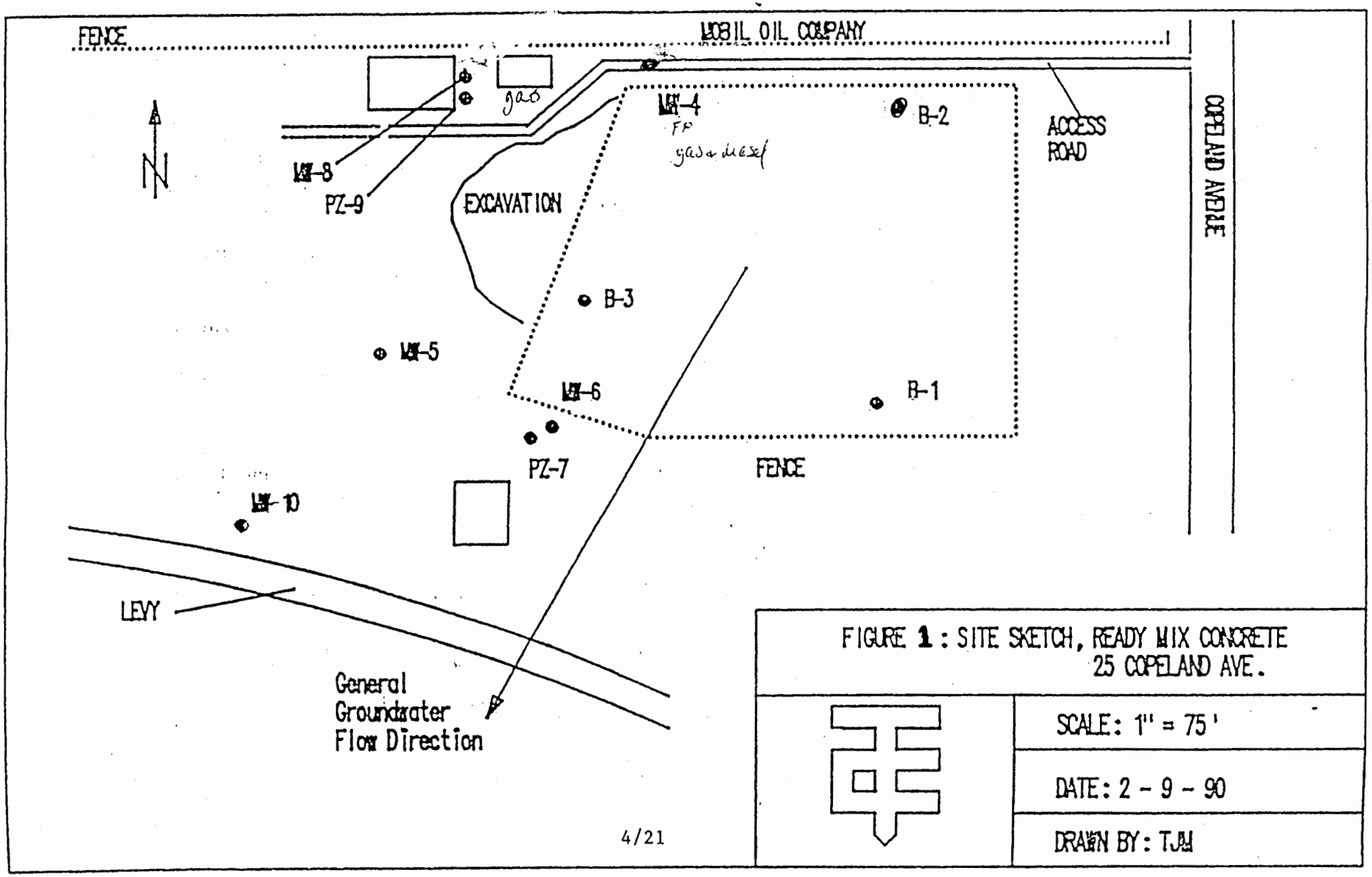


FIGURE 1: SITE SKETCH, READY MIX CONCRETE
25 COPELAND AVE.