Post-Closure Long-Term Care Plan

Burnham Canal Superfund Alternative Site Milwaukee, Milwaukee County, Wisconsin WDNR BRRTS #: 02-41-246029 EPA ID: WIN000510222

Prepared For: Miller Compressing Company

April 2, 2019



APRIL 2, 2019 | PROJECT #67830

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Prepared for:

Miller Compressing Company

DANA

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1 INTRODUCTION

This document contains the Long-Term Care Plan (LTCP) prepared on behalf of Miller Compressing Company (Miller) for the Burnham Canal (described in more detail below) that addresses three capped areas: the Subaqueous Engineering Control Area, the Unpaved Engineering Control Area, and the Paved Engineering Control Area. Both the Paved Engineering Control Area and Unpaved Engineering Control Area address soil areas. The Subaqueous Engineering Control Area addresses sediment as defined by Wis. Stat. § 292.01.17g. While this LTCP addresses all three areas, only the Subaqueous Engineering Control Area requires a specific plan tied to financial assurance under Wis. Stat. §§ 292.12(2)(d), (5m)(a)1. The Record of Decision/Explanation of Significant Differences (ROD/ESD) cap and betterment are to be constructed at the Burnham Canal Site (Site) in the Menomonee Valley, Milwaukee, Wisconsin (Figure 1).

1.1 LONG-TERM CARE PLAN OVERVIEW

This LTCP is based on a 30-year monitoring approach consistent with the timeframe utilized in Wis. Admin. Code ch. NR 520 for closed solid waste facilities. Provision is made for modification or cessation of the LTCP in the event the portion of the Burnham Canal is converted to a wetland. An overview of long-term monitoring is provided below, with detail provided in subsequent sections.

- Annual Visual Inspection of the Paved Engineering Control Area
- Scheduled Visual Inspection of the Unpaved Engineering Control Area
- Scheduled Poling Survey Verification of Subaqueous Engineering Control Area
- Maintenance, as needed

The following additional storm event related monitoring will occur from closure to post-closure Year 10:

- After rainfall events greater than the 25-year, 24-hour storm
- Rationale and detail for the event related monitoring is provided in Section 3.3.

At any time after the 10-year monitoring event, a request may be made of the Wisconsin Department of Natural Resources (WDNR) to modify or cease monitoring based on site-specific conditions. In addition, as noted above, should the anticipated wetland be constructed on top of the Betterment, the LTCP will cease due to the substantial additional fill material added to the Burnham Canal in order to construct the wetland. For purposes of the cost estimate and financial assurance, it is assumed the full 30 years of the LTCP will occur. Should WDNR approve modification or termination of the LTCP, the financial assurance will be correspondingly reduced.

1.2 SITE BACKGROUND

The Burnham Canal was historically a federally authorized navigation channel dredged and maintained to a depth of 21 feet below Lake Michigan Low Water Datum (i.e., 556.5 feet IGLD 85 or 557.36 feet NVGD 29) by the United States Army Corps of Engineers (USACE). The canal was dredged regularly while it was maintained by the USACE in order to maintain a depth conducive for shipping. In the mid-1980s as industrial activities decreased in the Menomonee Valley, dredging became less frequent with no dredging taking place since the fall of 1987. During this period, the west portion of the channel (i.e., from the 11th Street Bridge to the west) was federally delisted (1986) and the 11th Street Bridge was built, effectively blocking ship traffic from moving upstream. East of the 11th Street Bridge, the canal was further deauthorized on June 10, 2014 to allow for potential construction of an urban wetland in the Burnham Canal. The canal is approximately 1,500 feet from west to east and ranges from approximately 95 feet to 125 feet in width. Water depths in the canal range from a few feet on the western boundary and up to 10 to 15 feet at some locations.

1.3 PURPOSE AND SCOPE

This LTCP addresses the existing paved area (Paved Engineering Control Area), the canal itself (Subaqueous Engineering Control Area) from the western terminus and extending east to the 11th Street Bridge as shown on



Figure 2, and the Unpaved Engineering Control Area, which consists of cover material placed on upland soils above the ordinary high-water mark (OHWM) at the western end of the canal. All three of these areas are addressed in the ROD/ESD; however, only the Subaqueous Engineering Control Area requires financial assurance under Wis. Stat. §§ 292.12(2)(d), (5m)(a)1. This report sets forth the anticipated long-term care requirements based on the remedial design, ROD/ESD, and the Chapter 30 betterment approach. It is understood that the final long-term care plan under Wis. Stat. 292.12(d)(1) for the Subaqueous Engineering Control Area and the Unpaved Engineering Control Area will be issued at the time WDNR approves closure under Wis. Admin. Code ch. NR 726. Since the Burnham Canal Site is subject to U.S. EPA 5-year reviews and plans approved by U.S. EPA, this LTCP is designed to be implemented in conjunction with the Institutional Control Implementation and Assurance Plan (ICIAP) for maintenance and monitoring of institutional controls (IC) and, as such, addresses all three capped areas.

The Purpose of this LTCP is to outline the necessary post-closure actions in order to maintain, monitor, and properly respond to any changes in the caps that may pose a threat to human health or the environment. As noted above, three cap areas exist, as listed below (Figure 2):

- Paved Engineering Control Area (west of the canal, in the historic location of the wire reclamation furnace)
- Unpaved Engineering Control Area (between the Paved Engineering Control Area and the Subaqueous Engineering Control Area, including the 12-inch Scrape area and the western bank of the canal above the OHWM)
- Subaqueous Engineering Control Area (from the 11th Street Bridge to the west terminus of the canal)

The Paved Engineering Control Area is currently paved with asphalt. This area will remain as is, since it meets the requirements of the existing Cap Maintenance and Hard Surface Sampling Plan approved by the WDNR on September 1, 2009 (Appendix A), and will be monitored to ensure that the existing asphalt cap integrity is not compromised. Future monitoring will be performed in accordance with this approved plan.

The Unpaved Engineering Control Area consists of a small area between the Paved Engineering Control Area and the Subaqueous Engineering Control Area as shown on Figure 2. When the remedial action (RA) described in the Construction Quality Assurance Project Plan in Appendix C of the Final Design Report (CQAPP) is implemented, unsaturated soil will be excavated and backfilled with clean material to re-establish preconstruction grades. The Unpaved Engineering Control Area will consist of a soil cover and seeding, as well as riprap underlain by nonwoven geotextile on the reconstructed west bank of the Canal to prevent erosion. Post-closure monitoring of the Unpaved Engineering Control Area will be visual and focus on erosion control.

The largest area associated with this LTCP is the Subaqueous Engineering Control Area. Prior to capping activities, contaminated sediment will be dredged from the West End of the canal to remove the highest concentrations of contaminants of concern (COCs) in this area. After dredging to the design elevations, capping activities will be initiated within the canal and include the dredge area. The functions of the Subaqueous Engineering Control are to provide an isolation layer between possible receptors (e.g., benthic community) and the underlying contaminated sediments, as well as to prevent migration of the COCs (metals and PAHs) into the water column.

This document describes post-closure monitoring and maintenance activities that will be performed for the Paved Engineering Control Area, the Unpaved Engineering Control Area, and the Subaqueous Engineering Control Area considering the Betterment Project. Maintenance and monitoring will be performed in order to ensure that the caps remain intact, physically stable, and protective over time.

Also, a cost projection of the LTCP activities for the Unpaved Engineering Control Area and the Subaqueous Engineering Control Area is provided as part of the request for technical assistance to estimate long-term care costs associated with these two components of the LTCP.



2 ROD/ESD CAP AND BETTERMENT DESIGN SUMMARY

2.1 UNPAVED ENGINEERING CONTROL AREA - SUMMARY

Soil will be excavated at the western terminus of the canal. Clean imported cover soil will be placed as backfill along the western bank and will be seeded. Riprap will be placed along the western canal slope for stability purposes.

2.2 PAVED ENGINEERING CONTROL AREA – SUMMARY

The Paved Engineering Control Area already meets the requirements of the existing Cap Maintenance and Hard Surfacing Plan approved by the WDNR on September 1, 2009. As such, the requirements of the approved plan are incorporated into the LTCP.

2.3 SUBAQUEOUS ENGINEERING CONTROL AREA - SUMMARY

Sediment in the canal will be capped using imported aggregate to achieve an average thickness of 12 inches or more, across the entire canal area, with no areas less than 9-inches thick. Prior to placement of the ROD/ESD cap, a stabilization layer will be installed over the canal sediment area. The stabilization layer may consist of up to 48 inches of aggregate to provide a base for constructing the ROD/ESD cap as described in the CQAPP.

There are two combined sewer outfalls (CSO) in the canal. The outfall discharges are identified as CSO 193 (formerly CSO-210) and CSO 194 (formerly CSO-211), as shown on Figure 2. At outfall CSO-193, a riprap apron is unnecessary due to the significant water column depth between the CSO invert and top of Betterment that will dissipate discharge velocity from the CSO. For erosion protection at CSO-194, a riprap apron will be constructed at the outfall. As shown in the Final Design Report plans, the riprap apron at outfall CSO-194 will be 19.5 feet wide at the outfall, extend 36 feet from the outlet, and widen to approximately 41 feet at the end of the riprap apron.

An additional five feet of imported aggregate will be placed on top of the ROD/ESD cap in most areas and, in areas near CSO 194 at the west end of the canal, two feet of riprap or material meeting the Wisconsin Department of Transportation (WisDOT) Select Crushed Material Specification (Select Crushed) underlain by nonwoven geotextile will be placed on top of the ROD/ESD cap. The design specifics for the Betterment work in the canal are set forth in the Chapter 30 permit application for the Betterment Project. The following is a summary of the key aspects of the design that relate to the LTCP:

- 1. To accommodate both the Betterment Project fill placement at the west end of the canal and flow from the CSO 194 (formerly CSO 211), a subaqueous conveyance channel will be constructed on top of the ROD/ESD cap in the western portion of the canal, as shown in Appendix B. The channel will extend approximately 200 feet downstream of the CSO 194 (formerly CSO 211) riprap apron, which will also be constructed on top of the ROD/ESD cap. The channel cross-section will be trapezoidal, with a base width and elevation approximately equal to that of the riprap apron. The channel will be lined with two feet of riprap or Select Crushed, and underlain by nonwoven geotextile, placed on top of the ROD/ESD cap, throughout its cross-section. The channel sides will slope upwards at 4H:1V, terminating at the elevation of the betterment fill material (Appendix B).
- 2. Based on the most recent United States Army Corps of Engineers (ACE) survey of the surface of the canal (2017), the sediment surface elevation is greater on the west end than the elevation observed during the remedial investigation (2008) and used in the remedial design. To allow for flow from CSO 194 (formerly CSO 211), up to seven feet of sediment will be relocated and capped (ROD/ESD cap) to build the subaqueous conveyance channel. The relocation will be conducted pursuant to Wis. Admin. Code ch. NR 718. WDNR approved relocation of sediment associated with subaqueous conveyance channel construction in an August 31, 2018 letter to Miller (Appendix C). U.S. EPA confirmed in an April 30, 2018 email to OBG that the sediment relocation associated with subaqueous conveyance channel construction is not considered a design change by U.S. EPA (Appendix C).



3 POST-CLOSURE CAP MONITORING AND MAINTENANCE PLAN

Long-term post-closure monitoring and contingency response actions are required for the cap areas that make up the site. The three monitoring and maintenance areas include:

- Paved Engineering Control Area (west of the canal, in the historic location of the wire reclamation furnace)
- Unpaved Engineering Control Area (between the Paved Engineering Control Area and the Subaqueous Engineering Control Area, including the 12-inch Scrape area and the western bank of the canal above the OHWM)
- Subaqueous Engineering Control Area (from the 11th Street Bridge to the west terminus of the canal)

Results of monitoring efforts will be recorded and provided to the WDNR in Post-Closure Monitoring Reports. Monitoring activities and responses are described in the following sections for each of the areas.

3.1 PAVED ENGINEERING CONTROL AREA MONITORING

The Site includes a Paved Engineering Control Area at the west end of the canal. The condition of the Paved Engineering Control Area will be documented through visual inspection of the area. Since regular facility operations in this area will continue following closure, future monitoring will be performed in accordance with the existing facility-wide Cap Maintenance and Hard Surfacing Plan approved by WDNR on September 1, 2009 (Appendix A). Annual inspection and maintenance logs will be maintained per the example provided in Exhibit A to the Cap Maintenance and Hard Surfacing Plan.

3.2 UNPAVED ENGINEERING CONTROL AREA MONITORING

The Site includes an unpaved upland soil cap at the west end of the canal. The condition of the Unpaved Engineering Control Area will be documented through visual inspection. No operations occur in this area; therefore, reviews will be performed during the monitoring events for the Subaqueous Engineering Control Area as described in Section 3.3.

Monitoring will verify the status of the two main components of the Unpaved Engineering Control Area: the vegetative area and the west end Canal slope riprap above the OHWM. In the vegetative zone, monitoring will identify potential erosion and verify vegetative growth. The riprap zone above the OHWM on the west bank of the canal will be inspected to identify potential erosion and any loss of riprap into the canal. If needed, the riprap will be repaired in accordance with the Technical Specifications, provided in Appendix H of the Final Design Report.

3.3 SUBAQUEOUS ENGINEERING CONTROL AREA MONITORING

Monitoring events associated with the construction phase of the project are described in the CQAPP. The postconstruction, pre-closure monitoring events are described in the revised COMMP. The post-closure monitoring events will be conducted as described by this LTCP and reported to the WDNR within 180 days following the monitoring event. An approval request for cessation of long-term monitoring will be submitted to the WDNR if monitoring sufficiently demonstrates protectiveness and/or additional fill material is added to the canal above the Betterment (i.e. wetland construction) as part of an approved program.

Subaqueous Engineering Control Area and erosion monitoring will be performed every 5 years for 30 years (6 events). These monitoring events will be coordinated with the U.S. EPA "5-year" review process (to the extent an active review is undertaken). In addition, monitoring will be conducted following abnormal weather events (e.g., rainfall greater than the 25-yr, 24-hr storm event) in post-closure Years 1 through 10. The 25-year, 24-hour storm events will be defined by the National Oceanic and Atmospheric Administration (NOAA) Precipitation Frequency Data Server (PFDS) at the time of the event (currently >4.56 inches of rainfall within 24 hours). Storm-related monitoring events will occur within 60 days of the storm event, weather conditions permitting. Storm-based monitoring will cease after post-closure Year 10 if no corrective action occurred due to storm events based on the following rationale:



- Likelihood of storm events occurring within the 10-year monitoring period to sufficiently demonstrate protectiveness. Based on daily precipitation data from NOAA's National Weather Service Forecast Office, two 25-yr, 24-hr storm events have occurred in the area of the Canal between 2008 and 2018. One of these events also met the criteria for a 50-yr, 24-hr storm event. Given the fact that two storm events that would have triggered monitoring events occurred in the most recent period of approximately 10 years, it can be reasonably assumed that a significant storm event will occur in the area of the Canal within 10 years following closure, providing opportunities to demonstrate that the cap remains intact, physically stable, and protective following storm events.
- 2. Low peak flow velocity from CSO 194. The October 6, 2017 USACE Design Documentation Report for the Burnham Canal (USACE Report) states that the peak flow through CSO 194 associated with a 100-yr storm event at canal water elevation of -4 City of Milwaukee Datum (CMD) is 383 cubic feet per second (cfs). Conservatively considering the conveyance channel cross-sectional area of flow at -4 CMD results in a flow velocity through the conveyance channel of approximately 1.7 feet per second (fps). An aggregate mix consisting of at least 50% stone retained by a 1.3-inch sieve (1.3-inch D₅₀) is calculated to be suitable to withstand the scour potential associated with a flow velocity of 1.7 fps. Here, a coarser, more stable aggregate with minimum 1.5-inch D₅₀ will be used for conveyance channel lining material. The use of the coarser material provides a 15% greater safety factor than the 1.3-inch D₅₀ material. Also, data provided by MMSD indicates two CSO overflow events in 2018 caused flow from CSO 194 into the canal, including 0.1 million gallons from June 18th through June 20th, and 0.2 million gallons from August 27th through August 29th. The June and August discharges each occurred over a period of three days. To exceed the design flow on which the channel lining material was conservatively specified, the discharge volumes associated with the two previous discharge events would need to be released from CSO 194 in approximately one minute or less, which is highly unlikely.
- 3. <u>Expectation that consolidation will occur well within the 10-year period</u>. The USACE Report states that 95% of estimated settlement is expected to occur within 5 years of aggregate placement; settlement is not anticipated to affect the stability and protectiveness of the cap. Performing storm-based monitoring for 10 years following Site closure assures that the cap remains intact, physically stable, and protective following storm events, taking into account any settlement that affects the geometry of the top layer of the fill material.

The results of any additional monitoring events between the 5-year events will be reported to the WDNR in a Post-Closure Monitoring Report. An additional Subaqueous Engineering Control Area monitoring event is currently scheduled to occur 2 years following closure.

3.3.1 Purpose

Post-closure monitoring is designed to verify the remedial action cap remains in place by examining the betterment material placed on top of the remedial action cap. Verification of the presence of the betterment material will confirm that the ROD/ESD cap is in place and, thus, the ROD/ESD remedy remains protective of human health and the environment. Following documentation of construction completion, poling surveys, as described below, will be the primary method to demonstrate that material placed is intact.

3.3.2 Poling Surveys

Bathymetric surveys will have been completed for the ROD/ESD cap during construction, as required by the U.S. EPA approved design. These surveys also will include the Betterment fill. The purpose of the bathymetric surveys is to document the as-built elevations of the ROD/ESD cap and Betterment fill to obtain WDNR approval of construction. The survey methods and results will be incorporated into both the Construction Documentation Report to be submitted and reviewed by WDNR under the Negotiated Agreement and the final closure documentation request under Wis. Admin. Code ch. NR 726.

The purpose of post-closure surveys is to demonstrate that the ROD/ESD cap remains in place. Since the ROD/ESD cap will be buried beneath the Betterment Project fill material, a post-closure bathymetric survey of



the ROD/ESD cap is not a feasible verification method. The post-closure monitoring requirement will be met by demonstrating that Betterment Project fill material remains in place. If the Betterment Project fill material remains in place, then the ROD/ESD cap also remains in place.

Post-closure verification monitoring events will consist of a poling survey of the Betterment Project fill material, the conveyance channel, and the CSO 194 (formerly CSO 211) riprap apron at approximately 25 verification locations, as shown in Figure 3 of the COMMP. A real-time kinematic (RTK) global positioning system (GPS) will be used to navigate to proposed locations and log actual poling locations. The poling rod will be used to confirm the presence of riprap or Select Crushed atop the geotextile in the CSO-194 apron and conveyance channel, and confirm the presence of Select Crushed throughout the rest of the Subaqueous Engineering Control Area. As described in the Technical Specifications included in the Chapter 30 Permit Application for the Betterment project, the majority of Betterment fill material to be placed on top of the ROD/ESD cap will consist of aggregates that entirely pass the 1.5-inch sieve. However, the top few inches of the Betterment fill material (Betterment topping) will consist of coarser aggregate that is equivalent to the WisDOT Spec 312 for Select Crushed Material. If poling indicates that riprap or Select Crushed is not present atop the geotextile in the CSO-194 apron and conveyance channel (bare geotextile), additional evaluation or potential corrective action will be conducted, as necessary. Similarly, if poling indicates the absence of Betterment topping (Select Crushed) in the Subaqueous Engineering Control Area outside of the conveyance channel, additional evaluation or potential corrective action will be conducted, as necessary. A flowchart outlining the requirements for poling survey verification of fill material is provided as Figure 4.

The poling rod will also be used to measure canal water depth atop the voluntary betterment fill material. Water depth will be subtracted from canal water elevation to determine the elevation of the top of the Betterment Project material. Canal water elevation will be measured using a gaging station to be installed during construction. The elevations of the top of Betterment Project material will be compared to the elevations provided in the bathymetric and poling survey(s) completed during construction in the same or similar locations.

Post-Closure Monitoring Reports will be submitted to the WDNR following each monitoring event to document the poling survey results. If the presence of riprap or Select Crushed is not verified at all poling locations, additional evaluation conducted to demonstrate that betterment material remains will be discussed in these reports. If additional evaluation indicates the absence of betterment material, corrective actions, likely to include placement of additional aggregate fill materials in the affected areas, will be discussed in these reports. Inspection logs for the Unpaved Engineering Control Area, as discussed in Section 3.2, will be attached to each Post-Closure Monitoring Report.

3.4 POST-CLOSURE PLAN MODIFICATION PROCESS

Given the potential for additional fill material to be added to the canal above the Betterment (i.e. wetland construction), as well as the expectation that post-closure maintenance and monitoring activities will demonstrate that the caps remain intact, physically stable, and protective over time, LTCP modifications will likely be appropriate as the monitoring occurs. Alternative monitoring and documentation activities associated with the Unpaved Engineering Control Area and the Subaqueous Engineering Control Area, and/or frequency of these activities, may be proposed, as warranted, through a post-closure modification submitted to the WDNR. Proposed alternative LTCP activities and/or schedules would continue to confirm the stability and protectiveness of the caps.



4 POST-CLOSURE CAP MONITORING AND MAINTENANCE COST ESTIMATE

Miller entered into a Memorandum of Understanding (MOU) with the MMSD under which MMSD intends to construct an urban wetland on top of the Betterment. As part of the MOU, MMSD will conduct the LTCP activities associated with the Unpaved Engineering Control Area and the Subaqueous Engineering Control Area following site closure. Miller's MOU with the MMSD requires technical assistance from the WDNR in reviewing the post-closure activities to be undertaken by MMSD for the maintenance of the engineering control Area and Subaqueous Engineering Control Area LTCP activities are estimated to extend up to thirty years following closure, per WDNR correspondence and consistent with Wis. Admin. Code ch. NR 520. Post-closure long-term care costs are described below and, excluding those associated with the Paved Engineering Control Area (Site owner responsibility), are summarized in Table 1 - Fill & Cap Monitoring and Maintenance Cost Estimate. As discussed in Section 3.3, if monitoring sufficiently demonstrates protectiveness, a request for modifying or ceasing long-term monitoring will be submitted to the WDNR. Also, if MMSD constructs an urban wetland on top of the Betterment, the LTCP will cease to be implemented due to the substantial additional fill material added to the Burnham Canal.

4.1 ANNUAL VISUAL INSPECTION OF PAVED ENGINEERING CONTROL AREA

Maintenance of the existing hard surface area will be governed by the existing Cap Maintenance and Hard Surfacing Plan approved by the WDNR on September 1, 2009 (Appendix A). Miller is not seeking technical assistance with respect to the maintenance of this area. The inspection requirements specified in the Cap Maintenance and Hard Surfacing Plan will continue to apply and will be the responsibility of the Site owner, rather than the responsibility of the MMSD. As such, costs associated with these inspections are not included in this long-term care cost estimate.

4.2 VISUAL INSPECTION OF UNPAVED ENGINEERING CONTROL AREA

As stated in Section 3.2, since no operations occur in the Unpaved Engineering Control Area, visual inspections of this area will be performed during monitoring events for the Subaqueous Engineering Control Area. Seven scheduled visual inspections are to occur, concurrent with each poling survey verification event, at post-closure Year 2, 5, 10, 15, 20, 25, and 30. Additionally, monitoring events will be performed following abnormal weather events (e.g., rainfall greater than 25-yr, 24-hr storm event at the time of the event) in post-closure Years 1 through 10. As discussed in Section 3.3, two such events have occurred in the area of the canal within the last 11 years. A more frequent recurrence of 3 events over the ten-year post-closure storm-based monitoring period is assumed and is included in the long-term care cost estimate, for a total of 10 budgeted monitoring events.

Visual inspection of the Unpaved Engineering Control Area, including the 12-inch Scrape area and the western bank of the canal above the OHWM, will be completed by one individual in one day. A truck and a camera will be required. A modified version of WDNR Form 4400-305 (Appendix D) will be prepared and completed for each inspection event and submitted to the WDNR as an attachment to the Post-Closure Monitoring Reports discussed in Section 3.3. Each inspection log is anticipated to require professional services from field staff, technical professionals, and/or the project manager. The estimated cost to complete each visual inspection and associated documentation is \$1,000. However, as the Unpaved Engineering Control Area is classified as a soil cap rather than a sediment cap due to being located above the OHWM, financial assurance for visual inspection of this area is not required by the WDNR.

4.3 POLING SURVEY VERIFICATION OF SUBAQUEOUS ENGINEERING CONTROL AREA

As stated in Section 4.2, a total of 10 monitoring events (7 scheduled and 3 event-based) were budgeted. Field labor for two personnel for one day is assumed to complete each poling survey. Field preparation includes professional services from field staff, technicians, GIS professionals, technical professionals, and/or the project manager. Required equipment and supplies include health and safety equipment, an RTK GPS, poling and survey rods, a john boat, a truck, and per-diem meals. The total estimated cost of each poling survey is \$6,600.



Post-Closure Monitoring Reports will be submitted to the WDNR following each post-closure monitoring event to document the poling survey results and any necessary additional evaluation or corrective action measures. Inspection logs for the Unpaved Engineering Control Area, as discussed in Section 4.2, will be attached to each Post-Closure Monitoring Report. Each report is anticipated to require professional services from field staff, GIS professionals, administrative staff, technical professionals, and/or the project manager to produce and submit. A \$700 fee for WDNR technical review is also budgeted for each report. The total estimated cost of each Post-Closure Monitoring Report is \$6,600. The Subaqueous Engineering Control Area includes a sediment cap and, as such, financial assurance for the poling survey verification of riprap or Select Crushed will be required by the WDNR.

4.4 MAINTENANCE

Maintenance of the ROD/ESD cap is not anticipated given the placement of Betterment Project fill material on top of the cap. However, a \$40,000 maintenance budget is included in the LTCP cost estimate as a contingency. The \$40,000 budget is estimated to allow for possible replacement of approximately 400 cubic yards of riprap and/or Select Crushed. This quantity is approximately 25% of the riprap and/or Select Crushed planned to be placed for the construction of the CSO 194 (formerly CSO 211) apron and conveyance channel. The maintenance budget includes costs of associated materials, equipment, and labor. As discussed in Section 3.3, the need to replace riprap apron and/or conveyance channel materials is highly unlikely.

4.5 WIS. ADMIN. CODE CH. NR 520 CONTINGENCY AND TOTAL POST-CLOSURE CAP MONITORING AND MAINTENANCE COST ESTIMATE

Utilizing the applicable provisions of Wis. Admin. Code ch. NR 520, per previous correspondence with the WDNR, a 10% contingency consistent with NR 520.07(3) is applied, resulting in a total post-closure cap monitoring and maintenance cost estimate of \$200,000 over the 30-year period. The portion of this cost estimate for which the WDNR will require financial assurance is approximately \$189,000, associated with the post-closure monitoring and maintenance of the Subaqueous Engineering Control Area.



BURNHAM CANAL SUPERFUND ALTERNATIVE SITE | POST-CLOSURE LONG-TERM CARE PLAN



Tables



Table	Table 1 - Fill & Cap Monitoring and Maintenance Cost Estimate							
Burnh	Г NO.: 67830							
Miller	Compressing Co., Milwaukee, Wisconsin	BY: MDW		CHKD BY:				
			DATE: 4/2/19		TAL/LLP 4/2/19			
ITEM	MONITORING AND MAINTENANCE COSTS	QUANTITY	UNIT	UNIT	TOTAL			
#				COST	COST			
Altern	ative Subaqueous Aggregate Monitoring Cost- with betterm	ent ⁽¹⁾						
1	Poling Survey Verification of Subaqueous Engineering Control Area Fill Material ⁽²⁾	10	EACH	\$6,600	\$66,000			
2	Poling Survey Verification Report ⁽³⁾	10	EACH	\$6,600	\$66,000			
3	Unpaved Engineering Control Area Visual Inspection ⁽⁴⁾	10	EACH	\$1,000	\$10,000			
4	Maintenance	1	LS	\$40,000	\$40,000			
	Subtotal				\$182,000			
	Contingency			10% (5)	\$18,200			
	Subtotal ⁽⁶⁾			-	\$200,000			

BASIS OF ESTIMATE

1) Site owner will be responsible for annual visual inspections of upland paved areas (Paved Engineering Control Area) and maintenance of upland paved areas as needed. Associated costs are not included in this LTC estimate.

- 2) Post-Closure Poling Survey Verifications to be completed at Post-WDNR Closure Years 2, 5, 10, 15, 20, 25, and 30, as well as after rainfall greater than the 25-year, 24-hour storm event (currently greater than 4.56 inches within 24 hours) in Post-WDNR Closure Years 1 through 10. Storm-based monitoring will cease after Post-WDNR Closure Year 10.
- 3) To be completed following each poling survey verification event. Includes WDNR review fee for each report.
- 4) To be completed during each poling survey verification event. Financial assurance for visual inspection of this soil cap will not be required by the WDNR.
- 5) Per NR 520.07 (3) Long-Term Care Cost Estimate requirements.
- 6) Subtotal roundeded to nearest thousand dollars.

BURNHAM CANAL SUPERFUND ALTERNATIVE SITE | POST-CLOSURE LONG-TERM CARE PLAN













Appendix A

Cap Maintenance and Hard Surfacing Plan





State of Wisconsin \ DEPARTMENT OF NATURAL RESOURCES

Jim Doyle, Governor Matthew J. Frank, Secretary Gloria L. McCutcheon, Regional Director Southeast Region Headquarters 2300 N. Dr. Martin Luther King, Jr. Drive Milwaukee, Wisconsin 53212-3128 FAX 414-263-8606 Telephone 414-263-8500 TTY Access via relay - 711

September 1, 2009

In Reply, Refer to: FID# 241213720 BRRTS# 02-41-246029 BRR/ERP

Mr. Joe Kovacich Vice President-Administration Miller Compressing Post Office Box 369 Milwaukee, WI 53201

> Re: Remedial Action / Hard Surfacing Plan Approval for Miller Compressing Site – Bruce Street Facility, 1640 W Bruce Street, Milwaukee, WI

Dear Mr. Kovacich:

As requested by Miller Compressing, the Wisconsin Department of Natural Resources (Department) has reviewed the Hard Surfacing Plan you submitted, dated June 15, 2009. We also received a request from your attorney, Mark Thimke at Foley and Lardner LLP, dated April 9, 2009. The require review fee was received.

You have requested Department approval of a plan to conduct the capping work in a logical, stepwise fashion consistent with Miller Compressing's business plans and activities. Further, the capping work is intended to address soil contamination impacts associated with scrap operations. The Plan contains a set of capping alternatives for areas that Miller Compressing elects to bring into the hard surfacing program at the Bruce Street facility. A copy of the Cap Maintenance / Hard Surfacing Plan (Plan) including a map (Exhibit B) of the areas that are subject to this letter is attached to this letter.

Background

In 1993, an inspector visiting the Miller Compressing property observed that a customer released liquids onto the ground in the area known as the "West Yard." Miller Compressing investigated and remediated the area in which the release occurred. Following that work, a meeting was held with the Department on January 10, 1996, to discuss the entire West Yard. At the meeting, Miller Compressing proposed to address other portions of the West Yard by hard surfacing/capping the yard as operations would allow. Plans for the hard surfacing/capping work were submitted to the Department on July 1, 1997. As opportunities arose, Miller Compressing undertook work consistent with the 1997 plans. On July 13, 2007, the Department issued a "Plan Approval" letter for hard surfacing of the "West Yard". On December 16, 2008, the Department received documentation that hard surfacing of the "West Yard" had been completed.

Department Concurrence

Over the last several years, the Department has worked closely with Wisconsin metal recyclers to develop a cooperative program for addressing soil contamination associated with historic operations at these sites. The Department acknowledges the importance of recycling operations



in the process of recycling and reusing valuable resources that would otherwise be landfilled. At the same time, the industry recognizes the need to take reasonable actions consistent with the nature of metal recycling to protect the environment. The West Yard is a continuing example of this cooperative effort.

Miller Compressing now plans to install hard surfacing on other portions of the site as the opportunity to complete the hard surfacing/capping work arises in those areas. The hard surface cap will be constructed as follows:

- Currently unpaved operating areas would meet a specification of 5 inches of hard surfacing (concrete or asphalt) in addition to a minimum of 4 to 7 inches of stone base. This specification is similar to that approved by the Department in July 2007 for the "West Yard."
- Existing hard surfaced areas will be improved, if necessary, so as to have a 9 to 12 inch cap. This cap will be a combination of existing hard surfacing and crushed stone base. Existing hard surfaced areas will be improved, if necessary, so as to have a minimum of 5 inches of hard surfacing, asphalt or concrete.
- Landscape areas. There are several landscape areas at the Bruce Street facility. Most of these areas are located along the entrance to the Bruce Street/Greenwood Scale and near Mitchell Park. These areas were not used for scrap operations and will continue to be maintained with mulch, plantings and vegetation.

The Department concurs with the approach of hard surfacing/capping the areas shown on Exhibit B of the Plan. Hard surfacing/capping provides a barrier to direct contact with contaminants that may be found in the soil.

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 exists that must be properly managed should it be excavated or removed
- Before the land use may be changed from a metal recycling facility, additional environmental work **may be required to** be completed
- Pavement, an engineered cover or a soil barrier must be maintained over contaminated soil and the state must approve any changes to this barrier

This letter and information that was submitted with your Remedial Action / Hard Surfacing Plan will be included on the GIS Registry. To review the sites on the GIS Registry web page, visit the RR Sites Map page at http://dnr.wi.gov/org/aw/rr/gis/index.htm. If the property is listed on the GIS Registry because of remaining contamination and you intend to construct or reconstruct a well, you will need prior Department approval in accordance with s. NR 812.09(4)(w), Wis. Adm. Code. To obtain approval, Form 3300-254 needs to be completed and submitted to the DNR Drinking and Groundwater program's regional water supply specialist. This form can be obtained on-line http://dnr.wi.gov/org/water/dwg/3300254.pdf or at the web address listed above for the GIS Registry.

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 pavement or other impervious cap that currently exists in the location shown on the attached map shall be maintained in compliance with the **attached maintenance plan** in order to minimize the infiltration of water and prevent groundwater contamination that would violate the groundwater quality standards in ch. NR 140, Wis. Adm. Code, and to prevent direct contact with residual soil contamination that might otherwise pose a threat to human health. If soil in the specific locations described above is excavated in the future, the property owner at the time of excavation must sample and analyze the excavated soil to determine if residual contamination remains. If sampling confirms that contamination is present the property owner at the time of excavation will need to determine whether the material 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 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 attached maintenance plan and inspection log are to be kept up-to-date and on-site. Please submit the inspection log to the Department upon request.

Conditions

The Department's concurrence with the hard surfacing/capping program for the West Yard is specifically conditioned on the following:

- 1. The site will continue to be utilized as part of a metal recycling facility;
- 2. Capping of areas of the Bruce Street facility will occur when operations allow for the work to proceed. Some operations are not readily amenable to capping due to the existing placement of equipment. As opportunities allow for capping to occur (for example, relocation of operations, change in activities or an ownership change), Miller Compressing will move ahead with the work.
- 3. The cap will be constructed and documented according to the Plan.
- 4. It is anticipated that the cap design may vary depending upon the nature of the operations in the area being addressed. The cap should be designed to withstand the anticipated use(s) of the area and minimize premature cap degradation.
- 5. Miller Compressing may, on a case-by-case basis, submit area-specific cap designs that vary from the approved designs or which incorporate newly available capping materials. These case-by-case designs will require Departmental pre-approval before they may be used by Miller Compressing.
- 6. Capping activities will be self-implementing. Once completed, Miller Compressing will notify the Department of the area that was capped and the cap design utilized in the area

(including the type and amount of material that has been added and the pre-existing pavement conditions present prior to final capping).

- 7. For the capped areas, Miller Compressing will comply with the GIS Registry requirements noted above and will notify the next property owner of the requirements set forth in this letter.
- 8. Closure of the site will not be granted until all environmental media are addressed, but for purposes of direct contact risk, capping will be considered sufficient.
- 9. Additional investigation of soil and/or groundwater may be required before this site can be closed per NR 726.

Please note that this letter is not intended to address any issues related to investigation, remediation or any other issues related to the contamination that is the subject of the Superfund Alternatives Program which you are working on with the Environmental Protection Agency (EPA) and Margaret Brunette of the Department.

The Department appreciates efforts to restore the environment at this site. If you have any questions or concerns regarding this letter, please contact Andy Boettcher at (414) 263-8541.

Sincerely,

mus a Schmatt

James A Schmidt SER Remediation & Redevelopment Team Supervisor

CC: Mark Thimke, Foley and Lardner, 777 East Wisconsin Avenue, Milwaukee, WI 53202

Attachment: 1) Cap Maintenance / Hard Surfacing Plan (Plan), dated September 2009

AB

Cap Maintenance / Hard Surfacing Plan

Miller Compressing Company 1640 W. Bruce Street Milwaukee, Wisconsin 53201

FID # 241213720 BRRT# 02-41-246029

This document is the Cap Maintenance / Hard Surfacing Plan (herein referred to as the "Plan") for Miller Compressing's Bruce Street operation in accordance with the requirements of s NR 724.13(2), Wisconsin Administrative Code. The maintenance activities relate to the Plan established with the Wisconsin Department of Natural Resources (WDNR) to cap former/existing scrap handling/processing operations at this location.

More site-specific information about this property may be found in:

- Case file in the WDNR Southeastern regional office (FID# 241213720)
- BRRTS on the Web (<u>http://dnr.wi.gov/org/aw/rr/brrts/index.htm</u>)
- GIS Registry PDF file for further information on the nature and extent of contamination
- The WDNR project manager for Milwaukee County

Description of Contamination

Past scrap handling/processing operations along with past heavy industrial use resulted in elevated levels of RCRA metals, PAHs, petroleum products, PCBs and chlorinated solvents in near surface soils (2-4 feet below ground surface). The purpose of this Plan is to outline the requirements that Miller Compressing Company must follow when it requests that an area be added to the Plan and to describe the inspection and maintenance requirements for the "capped" areas of the site. Miller Compressing must document the compliance with the Plan and must maintain the Hard Surface Cap (herein referred to as the "Cap") agreed to with the WDNR.

Description of Hard Surface Cap

The extent of the Site is outlined on the attached map (Exhibit B) and the extent of the Cap is outlined on the subsequent exhibits designated starting with B (such as B-1, B-2, etc.) as areas are added into the Plan. The Cap will be 9-12 inches thick, consisting of 4-7 inches of suitable sub grade material and a minimum of 5 inches of hard surfacing which maybe asphalt or concrete. A more detailed description of the Cap is described in the WDNR letter dated September 1, 2009.

Page 2 Cap Maintenance / Hard Surfacing Plan Miller Compressing

The proposed Cap over the soil contamination serves as a barrier to prevent direct human contact with residual soil contamination that might otherwise pose a threat to human health. This Cap will also act as a partial infiltration barrier to minimize future soil to groundwater contamination migration that would violate the groundwater standards in ch NR 140, Wisconsin Administrative Code.

Based on the current and future use of the property as a scrap processing facility, the barrier should function as intended unless disturbed.

Annual Inspection

All areas included in the Plan must be inspected annually, preferably in the spring after all snow and ice has melted and should identify deterioration, cracks or other potential problems that can cause exposure to underlying soils and evaluate damage due to settling, exposure to the weather, wear from traffic or operations, increasing age and other factors. Any area where soils have become or are likely to become exposed will be documented in an inspection log which will include recommendations for necessary repairs and the documentation of the completion of those repairs. The inspections will be performed by Miller Compressing or their designated representative. The Hard Surface Cap Inspection and Maintenance Log is attached as Exhibit A. The inspection log will be kept at Miller Compressing Company and available for submittal or inspection by the WDNR representative upon their request during normal business hours.

Maintenance Activities

If problems are noted during the annual inspections or at any other time during the year, repairs will be scheduled as soon as practical. Repairs may include patching and filling or larger resurfacing or construction activities. In the event that necessary maintenance activities expose the underlying soil, Miller Compressing Company must inform maintenance workers of the direct contact exposure hazard and provide them with appropriate personal protection equipment ("PPE"). Miller Compressing Company must notify the WDNR prior to any excavation activities. All soils being removed from the site must be treated, stored and disposed of by Miller Compressing Company in accordance with applicable local, state and federal law.

In the event the Cap overlying the contaminated soils is removed or replaced, the replacement Cap must meet the specifications stated in the WDNR letter dated September 1, 2009. Any replacement Cap will be subject to the same maintenance and inspection guidelines as stated in this Plan unless indicated otherwise by the WDNR or its successor.

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

Page 3 Cap Maintenance / Hard Surfacing Plan Miller Compressing

Prohibition of Activities and Notification of WDNR Prior to Actions Affecting the Cap

The following activities are prohibited on any portion of the property that Miller Compressing Company has selected to include in the Hard Surface Plan, unless prior notification to the WDNR has been made: 1) removal of the existing barrier; 2) replacement with another barrier; 3) excavating or grading of the land surface; 4) filling on capped or paved areas; 5) plowing for agricultural cultivation; or 6) construction or placement of a building or other structure which causes disturbance of the Cap.

Amendment or Withdrawal of Cap Maintenance Plan

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105 1L

CE

This Maintenance Plan can be amended or withdrawn by the property owner and its successors with the written approval of the WDNR

Contact Information

September 2009 Site Owner and Operator:

Miller Compressing Company 1640 W. Bruce Street Milwaukee, Wisconsin 53204 414-671-5980

Signature:

Name:

Title:

WDNR:

Andrew Boettcher WDNR SE Regional Office 2300 N. MLK Jr Drive Milwaukee, Wisconsin 53212-3128

<u>Exhibit A</u> Hard Surface Cap Inspection and Maintenance Log

Inspection		Condition of	Decomposed attempt	Has Recommended maintenance from
Dale	Inspector	Cap	Recommendations	previous inspection been implemented?
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SITUATED ON WEST BRUCE STREET, CITY OF MILWAUKEE, MILWAUKEE COUNTY, WISCONSIN

1901 W. BRUCE STREET

1635 W. BRUCE STREET

1912 W. PIERCE STREET PARCEL 1 OF CERTIFIED SURVEY MAP NO. 2318, RECORDED ON MAY 3, 1974, REEL 783, IMAGES 1056 TO 1061 INCLUSIVE, AS DOCUMENT NO. 4837903, BEING A PART OF THE NORTHEAST 1/4 AND THE NORTHWEST 1/4 OF SECTION 31, TOWN 7 NORTH, RANGE 22 EAST, IN THE CITY OF MILWAUKEE, COUNTY OF MILWAUKEE, STATE OF WISCONSIN.

PARCEL 2 OF CERTIFIED SURVEY MAP NO. 6824, RECORDED ON MAY 26, 2000, AS DOCUMENT NO. 7916288, BEING A DIVISION OF PARCEL 2 OF CERTIFIED SURVEY MAP NO. 4554, IN THE SOUTHEAST 1/4 OF THE NORTHWEST 1/4 AND THE SOUTHWEST 1/4 OF THE NORTHEAST 1/4 OF SECTION 31, TOWN 7 NORTH, RANGE 22 EAST, CITY OF MILWAUKEE, COUNTY OF MILWAUKEE, STATE OF WISCONSIN.

THAT PART OF THE WEST 1/2 OF THE NORTHEAST 1/4 OF SECTION 31, TOWN 7 NORTH, RANGE 22 EAST, IN THE CITY OF MILWAUKEE, COUNTY OF MILWAUKEE, STATE OF WISCONSIN, WHICH IS BOUNDED AND DESCRIBED AS FOLLOWS: COMMENCING AT A POINT IN THE SOUTH LINE AND 1009.50 FEET EAST OF THE SOUTHWEST CORNER OF SAID NORTHEAST 1/4; RUNNING THENCE NORTH ALONG A LINE WHICH IS PARALLEL WITH THE WEST LINE OF SAID 1/4 SECTION. 202 50 FEET TO A POINT: THENCE WEST ALONG A LINE PARALLEL WITH THE SOUTH LINE OF SAID 1/4 SECTION, 102 75 FEET TO A POINT THENCE NORTH ALONG A LINE PARALLEL WITH THE WEST LINE OF SAID 1/4 SECTION, 205 FEET TO THE CENTER LINE OF WEST BRUCE STREET; THENCE EAST ALONG A LINE PARALLEL WITH THE SOUTH LINE OF SAID 1/4 SECTION, 132.75 FEET TO A POINT WHICH IS 1039.50 FEET EAST OF THE WEST LINE OF SAID 1/4 SECTION: THENCE SOUTH ALONG A LINE PARALLEL WITH THE WEST LINE OF SAID 1/4 SECTION, 407.50 FEET TO THE SOUTH LINE OF SAID 1/4 SECTION: THENCE WEST ALONG THE SOUTH LINE OF SAID 1/4 SECTION. 30 FEET TO THE POINT OF BEGINNING. EXCEPTING THEREFROM THAT THAT PART CONVEYED TO THE CITY OF MILWAUKEE BY WARRANTY DEED RECORDED IN VOLUME 1593 OF DEEDS, ON PAGE 555, AS DOCUMENT NO. 2238204 FOR WEST REYNOLDS PLACE, AND EXCEPTING THE NORTH 37.50 FEET CONVEYED TO THE CITY OF MILWAUKEE FOR WEST BRUCE STREET, AND ALSO EXCEPTING WEST PIERCE STREET

PARCEL A (1800-1942 W. BRUCE STREET): PARCEL 1 OF CERTIFIED SURVEY MAP NO. 4554, RECORDED ON JANUARY 8, 1985 ON REEL 1715, IMAGES 1822 TO 1827 INCL., AS DOCUMENT NO. 5779116, BEING A REDIVISION OF PARCEL 1 IN CERTIFIED SURVEY MAP NO. 2219, PARCEL 1 IN CERTIFIED SURVEY MAP NO. 3643, AND PARCELS 2 AND 3 IN CERTIFIED SURVEY MAP NO. 4114, BEING A PART OF THE NE 1/4 AND THE NW 1/4 OF SECTION 31. T 7 N. R 22 E. IN THE CITY OF MILWAUKEE. COUNTY OF MILWAUKEE. STATE OF WISCONSIN ALSO PARCELS 1 AND 2 OF CERTIFIED SURVEY MAP NO. 2544. RECORDED ON MAY 14, 1975 ON REEL 851. IMAGES 764 TO 770 INCL. AS DOCUMENT NO. 4915033. BEING PARCEL II OF CERTIFIED SURVEY MAP NO. 2318, BEING A PART OF THE NE 1/4 AND THE NW 1/4 OF SECTION 31, T 7 N, R 22 E, IN THE CITY OF MILWAUKEE, COUNTY OF MILWAUKEE, STATE OF WISCONSIN.

PARCEL B (1640 W. BRUCE STREET): A PARCEL OF LAND LOCATED IN THE NORTHEAST 1/4 OF SECTION 31, TOWN 7 NORTH, RANGE 22 EAST, IN THE CITY OF MILWAUKEE, COUNTY OF MILWAUKEE, STATE OF WISCONSIN, BOUNDED AND DESCRIBED AS FOLLOWS: COMMENCING AT A POINT 445.00 FEET NORTH 0º 40' 30" EAST OF THE SOUTH LINE OF SAID 1/4 SECTION AND 108.00 FEET WEST OF THE EAST LINE OF THE WEST 1/2 OF SAID 1/4 SECTION, SAID POINT LYING IN THE NORTH LINE OF W. BRUCE STREET; THENCE WEST ALONG SAID NORTH LINE AND PARALLEL WITH THE SOUTH LINE OF SAID 1/4 SECTION 320.50 FEET TO A POINT; THENCE NORTH 0° 40' 30" EAST AND PARALLEL WITH SAID EAST LINE OF THE WEST 1/2 OF SAID 1/4 SECTION 103.00 FEET TO A POINT; THENCE WEST 101.00 FEET TO A POINT; THENCE NORTH 0° 40' 30" EAST 536.20 FEET TO A POINT IN THE SOUTHERLY RIGHT-OF-WAY LINE OF THE C.M. ST. P & P RAILROAD; THENCE SOUTH 80° 03' 25" EAST 102.33 FEET TO A POINT; THENCE SOUTH 82° 55' 26" EAST 152.44 FEET TO A POINT IN A CURVED LINE; THENCE SOUTHEASTERLY ALONG A CURVED LINE (LYING 13 FEET SOUTHERLY OF AND PARALLEL WITH THE CENTERLINE OF AN EXISTING SPUR TRACK) 295 FEET, MORE OR LESS TO THE NORTH WALL OF AN EXISTING BUILDING; THENCE EASTERLY ALONG SAID WALL 5.40 FEET TO THE NORTHEAST CORNER OF SAID BUILDING: THENCE SOUTHERLY ALONG THE EAST WALL OF SAID BUILDING 61.50 FEET TO THE SOUTHEAST CORNER: THENCE WESTERLY ALONG THE SOUTH WALL 5.00 FEET TO A POINT; THENCE SOUTH 0° 40' 30" WEST 239.35 FEET TO THE NORTH WALL OF AN EXISTING BUILDING: THENCE EASTERLY ALONG THE NORTH WALL 7.20 FEET TO THE NORTHEAST CORNER OF SAID BUILDING: THENCE SOUTHERLY ALONG THE EAST WALL 69.35 FEET TO THE POINT OF COMMENCEMENT, ALSO PARCEL 1 OF CERTIFIED SURVEY MAP NO. 4114, RECORDED ON NOVEMBER 3, 1981 ON REEL 1411 IMAGE 1663 TO 1670 INCL., AS DOCUMENT NO. 5509474, BEING A REDIVISION OF PARCEL 2 IN CERTIFIED SURVEY MAP NO. 3643 BEING A PART OF THE NE 1/4 AND THE NW 1/4 OF SECTION 31, T 7 N, R 22 E, IN THE CITY OF MILWAUKEE, COUNTY OF MILWAUKEE, STATE OF WISCONSIN.

PARCEL C (1600 W. BRUCE STREET): A PARCEL OF LAND LOCATED IN THE NORTHEAST 1/4 OF SECTION 31, TOWN 7 NORTH, RANGE 22 EAST, IN THE CITY OF MILWAUKEE, COUNTY OF MILWAUKEE, STATE OF WISCONSIN, BOUNDED AND DESCRIBED AS FOLLOWS: COMMENCING AT A POINT IN THE NORTH LINE OF WI BRUCE STREET WHERE THE SAME IS INTERSECTED BY THE WEST LINE OF THE 16TH STREET VIADUCT: THENCE WEST ALONG THE NORTH LINE OF W. BRUCE STREET, 61.50 FEET TO A POINT: THENCE NORTH 0° 40' 30" EAST AND PARALLEL TO SAID VIADUCT, 590.86 FEET TO A POINT IN THE SOUTH LINE OF THE RIGHT-OF-WAY OF THE CHICAGO, MILWAUKEE, AND ST. PAUL RAILWAY COMPANY; THENCE SOUTH 89° 32' 30" EAST ALONG SAID SOUTH LINE OF THE RIGHT-OF-WAY OF SAID CHICAGO, MILWAUKEE, ST. PAUL RAILWAY COMPANY, 61.50 FEET TO THE WEST LINE OF SAID 16TH STREET VIADUCT; THENCE SOUTH 0° 40' 30" WEST ALONG SAID WEST LINE OF SAID 16TH STREET VIADUCT, 590.36 FEET TO THE PLACE OF BEGINNING.

A PARCEL OF LAND LOCATED IN THE NORTHEAST 1/4 OF SECTION 31, TOWN 7 NORTH, RANGE 22 EAST, IN THE CITY OF MILWAUKEE, COUNTY OF MILWAUKEE, STATE OF WISCONSIN, DESCRIBED AS FOLLOWS COMMENCING AT A POINT IN THE NORTH LINE OF W. BRUCE STREET 61.50 FEET WEST OF ITS INTERSECTION WITH THE WEST LINE OF THE 16TH STREET VIADUCT; CONTINUING THENCE WEST ALONG SAID NORTH LINE, 11.50 FEET TO A POINT LYING IN THE EASTERLY WALL OF AN EXISTING TWO STORY BRICK BUILDING: THENCE NORTH 0° 40' 30" EAST ALONG SAID EASTERLY WALL AND PARALLEL TO THE 16TH STREET VIADUCT LINE 69.35 FEET TO A POINT, BEING THE NORTHEAST BUILDING CORNER; THENCE WESTERLY ALONG SAID BUILDING WALL, 7.20 FEET TO A POINT; THENCE NORTH 0° 40' 30" EAST ON A LINE 13 FEET FROM AND PARALLEL TO THE CENTERLINE OF AN EXISTING SPUR TRACK, 239.35 FEET TO A POINT IN THE SOUTHERLY WALL OF AN EXISTING CONCRETE AND STEEL BUILDING: THENCE EASTERLY ALONG SAID BUILDING WALL 5.00 FEET TO A POINT, BEING THE SOUTHEAST BUILDING CORNER; THENCE NORTHERLY ALONG THE EASTERLY WALL OF SAID BUILDING, 61.50 FEET TO A POINT, BEING THE NORTHEAST BUILDING CORNER; THENCE WESTERLY ALONG SAID BUILDING WALL, 5.40 FEET TO A POINT; THENCE NORTHWESTERLY ALONG A CURVED LINE {LYING 13 FEET SOUTHERLY OF AND PARALLEL TO THE CENTERLINE OF AN EXISTING SPUR TRACK) 295 FEET, MORE OR LESS, TO A POINT IN THE SOUTHERLY RIGHT-OF-WAY LINE OF THE CHICAGO, MILWAUKEE, ST. PAUL AND PACIFIC RAILROAD; THENCE EASTERLY ALONG SAID RIGHT-OF-WAY LINE, 186 FEET, MORE OR LESS, TO A POINT LOCATED 61.50 FEET WESTERLY OF THE WEST LINE OF S. 16TH STREET VIADUCT; THENCE SOUTH 0° 40' 30" WEST AND PARALLEL TO SAID WESTERLY LINE OF S. 16TH STREET, 590.86 FEET TO THE POINT OF COMMENCEMENT.

PARCEL D (501-585 S. MUSKEGO AVENUE): A PARCEL OF LAND LOCATED IN THE NORTHEAST 1/4 OF SECTION 31, TOWN 7 NORTH, RANGE 22 EAST, IN THE CITY OF MILWAUKEE, COUNTY OF MILWAUKEE, STATE OF WISCONSIN, BOUNDED AND DESCRIBED AS FOLLOWS: COMMENCING AT A POINT IN THE NORTH LINE OF W BRUCE STREET WHERE THE SAME IS INTERSECTED BY THE WESTERLY LINE OF S MUSKEGO AVENUE: THENCE WEST ALONG THE NORTH LINE OF W BRUCE STREET 43.52 FEET TO A POINT IN THE EAST LINE OF THE 16TH STREET VIADUCT: THENCE NORTH 0° 40' 30" EAST ALONG SAID EAST LINE OF SAID 16TH STREET VIADUCT, 589.80 FEET TO A POINT IN THE SOUTH LINE OF THE RIGHT-OF-WAY OF THE CHICAGO, MILWAUKEE, AND ST. PAUL RAILWAY COMPANY; THENCE SOUTH 89° 32' 30" EAST ALONG SAID SOUTH LINE OF THE RIGHT-OF-WAY OF SAID CHICAGO, MILWAUKEE, AND ST. PAUL RAILWAY COMPANY 210.66 FEET TO THE WESTERLY LINE OF S. MUSKEGO AVENUE; THENCE SOUTH 16° 29' 20" WEST ALONG SAID WESTERLY LINE 613.30 FEET TO THE PLACE OF BEGINNING. PARCEL E (520-524 S. MUSKEGO AVENUE):

THAT PART OF THE EAST 1/2 OF THE NORTHEAST 1/4 OF SECTION 31, TOWN 7 NORTH, RANGE 22 EAST, IN THE CITY OI MILWAUKEE, COUNTY OF MILWAUKEE, STATE OF WISCONSIN, WHICH IS BOUNDED BY A LINE COMMENCING AT A POINT IN THE SOUTH LINE OF THE RIGHT OF WAY OF THE CHICAGO, MILWAUKEE AND ST. PAUL RAILWAY IN THE EAST 1/2 OF THE NORTHEAST 1/4 OF SECTION 31, SAID POINT BEING 712.27 FEET WEST OF THE EAST LINE OF SAID 1/4 SECTION, RUNNING THENCE WEST ALONG THE SOUTH LINE OF THE RIGHT OF WAY OF SAID RAILROAD 320.00 FEET TO A POINT IN THE CENTER LINE OF SOUTH MUSKEGO AVENUE: THENCE SOUTH 16° WEST ALONG THE CENTER LINE OF SAID SOUTH MUSKEGO AVENUE TO A POINT WHICH WOULD BE INTERSECTED BY THE NORTH LINE OF A CERTAIN CANAL CALLED THE BURNHAM CANAL AS THE SAME IS NOW PLATTED AND RECORDED, EXTENDED WEST; THENCE EAST ALONG THE NORTH LINE OF SAID CANAL EXTENDED AS AFORESAID TO THE WESTERN TERMINUS OF SAID CANAL AS AT PRESENT CONSTRUCTED. THENCE SOUTH TO THE CENTER LINE OF SAID CANAL 65.0 FEET: THENCE EAST ALONG THE CENTER LINE OF SAID CANAL TO A POINT WHICH. IS 712.27 FEET DISTANT WEST OF THE EAST LINE OF THE NORTHEAST 1/4 OF SAID SECTION 31; THENCE NORTH ON THE WEST LINE OF SAID TRACT, 250.0 FEET TO THE PLACE OF BEGINNING ALSO THAT PART OF THE EAST 1/2 OF THE NORTHEAST 1/4 OF SECTION 31, TOWN 7 NORTH, RANGE 22 EAST, IN THE CITY OF MILWAUKEE, COUNTY OF MILWAUKEE, STATE OF WISCONSIN, BOUNDED BY A LINE COMMENCING AT A POINT IN THE

CENTER LINE OF SOUTH MUSKEGO AVENUE WHERE THE SAME IS INTERSECTED BY NORTH ESTABLISHED DOCK LINE OF SO-

CALLED BURNHAM'S CANAL, EXTENDED; RUNNING

BURNHAM'S CANAL EXTENDED 250 FEET MORE OR LESS TO THE PLACE OF BEGINNING. BEGINNING.

ALSO THAT PART OF THE WEST 1/2 OF THE EAST 1/2 OF THE NORTHEAST 1/4 OF SECTION 31, TOWN 7 NORTH, RANGE 22

THENCE NORTH 89° 49' 00" EAST 168.96 FEET TO THE POINT OF COMMENCEMENT COUNTY OF MILWAUKEE, STATE OF WISCONSIN, BOUNDED AND DESCRIBED AS FOLLOWS

FOLLOWS

COMMENCING AT A POINT IN THE NORTH LINE OF WEST BRUCE STREET, SAID POINT BEING 233.52 FEET WEST OF THE THE PLACE OF BEGINNING. AND DESCRIBED AS FOLLOWS:

SECTION: THENCE NORTH 250 FEET MORE OR LESS TO THE POINT OF BEGINNING OF MILWAUKEE, STATE OF WISCONSIN, BOUNDED AND DESCRIBED AS FOLLOWS THENCE SOUTH ALONG THE SAID EAST LINE TO PLACE OF BEGINNING

FOLLOWS:

DEEDS ON PAGE 135

POINT OF COMMENCEMENT EXCEPTING THE EAST 48 79 FEET THEREOF EAST, IN THE CITY OF MILWAUKEE, COUNTY OF MILWAUKEE, STATE OF WISCONSIN, BOUNDED AND DESCRIBED AS FOLLOWS:

ALSO A PART OF LOT 5 IN SUBDIVISION AND PARTITION OF THE NORTHWEST 1/4 OF SECTION 32, TOWN 7 NORTH, RANGE 22 EAST

RIGHT OF WAY 145.11 FEET TO A POINT; THENCE SOUTH 192.44 FEET TO PLACE OF BEGINNING.



THENCE SOUTH 15-1/2° WEST ALONG CENTER LINE OF SAID SOUTH MUSKEGO AVENUE 70.17 FEET TO A POINT WHERE CENTER LINE OF THE SO-CALLED BURNHAM'S CANAL EXTENDED WOULD INTERSECT THE CENTER OF SAID ROAD; THENCE EAST ALONG CENTER LINE OF THE SO-CALLED BURNHAM'S CANAL EXTENDED, 250 FEET MORE OR LESS TO THE WEST ESTABLISHED DOCK LINE OF SAID CANAL: THENCE NORTH 15-1/2° EAST ALONG WEST ESTABLISHED DOCK LINE 70.17 FEET TO NORTHWEST CORNER OF SAID BURNHAM'S CANAL; THENCE WEST ALONG THE NORTH ESTABLISHED THE DOCK LINE OF SAID ALSO THAT PART OF THE EAST 1/2 OF THE NORTHEAST 1/4 OF SECTION 31, TOWN 7 NORTH, RANGE 22 EAST, IN THE CITY OF MILWAUKEE, COUNTY OF MILWAUKEE, STATE OF WISCONSIN, BOUNDED BY A LINE COMMENCING AT A POINT IN THE CENTER LINE OF THE SOUTH MUSKEGO AVENUE WHERE SAME IS INTERSECTED BY NORTH ESTABLISHED DOCK LINE OF SO-CALLED BURNHAM'S CANAL. EXTENDED : RUNNING THENCE SOUTH 15-1/2° WEST ALONG CENTER LINE OF SAID SOUTH MUSKEGO AVENUE 70.17 FEET TO A POINT WHERE CENTER LINE OF THE SO-CALLED BURNHAM'S CANAL EXTENDED WOULD INTERSEC THE CENTER OF SAID ROAD. THENCE FAST ALONG CENTER LINE OF THE SO-CALLED BURNHAM'S CANAL EXTENDED, 250 FEFT MORE OR LESS TO THE WEST ESTABLISHED DOCK LINE OF SAID CANAL: THENCE NORTH 15-1/2° EAST ALONG WEST ESTABLISHED DOCK LINE 70.17 FEET TO THE NORTHWEST CORNER OF SAID BURNHAM'S CANAL: THENCE WEST ALONG THE NORTH ESTABLISHED THE DOCK LINE OF SAID BURNHAM'S CANAL EXTENDED 250 FEET MORE OR LESS TO THE PLACE OF

EAST, IN THE CITY OF MILWAUKEE, COUNTY OF MILWAUKEE, STATE OF WISCONSIN, BOUNDED AND DESCRIBED AS COMMENCING AT A POINT IN THE NORTH LINE OF WEST BRUCE STREET AS IT EXISTED ON DECEMBER 18, 1969, SAID POINT BEING SOUTH 89° 49' 00" WEST 233.52 FEET FROM THE INTERSECTION OF SAID NORTH LINE OF WEST BRUCE STREET WITH THE EAST LINE OF THE WEST 1/2 OF THE EAST 1/2 OF SAID 1/4 SECTION; THENCE NORTH 0° 10' 30" EAST AND PARALLEL TO THE EAST LINE OF THE WEST 1/2 OF THE EAST 1/2 OF SAID 1/4 SECTION 288.00 FEET TO A POINT; THENCE SOUTH 88° 38' 00" EAST 57.52 FEET TO A POINT, SAID POINT RECORDED AS BEING THE INTERSECTION OF THE WEST AND SOUTH DOCK LINES OF BURNHAM'S CANAL; THENCE NORTH 0° 10' 30" EAST, 52.76 FEET TO A POINT IN THE CENTERLINE OF BURNHAM'S CANAL: THENCE SOUTH 89° 49' 00" WEST ALONG THE EXTENSION OF SAID CENTERLINE OF BURNHAM'S CANAL. SAID LINE BEING PARALLEL TO AND 340 FEFT FROM THE NORTH LINE OF WEST BRUCE STREET. A DISTANCE OF 241 75 FFFT TO A POINT IN THE EASTERLY STREET LINE OF SAID SOUTH MUSKEGO AVENUE; THENCE SOUTH 15° 45' 00" WEST ALONG SAID EASTERLY STREET LINE 212.75 FEET TO A POINT: THENCE NORTH 89° 49' 00" EAST AND PARALLEL TO THE NORTH LINE OF WEST BRUCE STREET 110.00 FEET TO A POINT; THENCE SOUTH 15° 45' 00" WEST AND PARALLEL TO THE EASTERLY LINE OF SOUTH MUSKEGO AVENUE 140.00 FEET TO A POINT IN THE NORTH LINE OF WEST BRUCE STREET; ALSO THAT PART OF THE NORTHEAST 1/4 OF SECTION 31, TOWN 7 NORTH, RANGE 22 EAST, IN THE CITY OF MILWAUKEE,

COMMENCING AT THE NORTHEAST CORNER OF SOUTH MUSKEGO AVENUE AND WEST BRUCE STREET; RUNNING THENCE EAST ALONG THE NORTH LINE OF WEST BRUCE STREET, 50 FEET TO A POINT; THENCE NORTHEASTERLY PARALLEL WITH THE EASTERLY LINE OF SOUTH MUSKEGO AVENUE, 140 FEET TO A POINT; THENCE WEST PARALLEL WITH THE NORTH LINE OF WEST BRUCE STREET, 50 FEET TO A POINT IN THE EASTERLY LINE OF SOUTH MUSKEGO AVENUE; THENCE SOUTHWESTERLY ALONG THE EASTERLY LINE OF SOUTH MUSKEGO AVENUE, 140 FEET TO THE PLACE OF BEGINNING. ALSO THAT PART OF THE WEST 1/2 OF THE EAST 1/2 OF THE NORTHEAST 1/4 OF SECTION 31, TOWN 7 NORTH, RANGE 22 EAST, IN THE CITY OF MILWAUKEE, COUNTY OF MILWAUKEE, STATE OF WISCONSIN, BOUNDED AND DESCRIBED AS

INTERSECTION OF THE NORTH LINE OF WEST BRUCE STREET WITH THE FAST LINE OF THE WEST 1/2 OF THE FAST 1/2 OF THE NORTHEAST 1/4 SECTION: THENCE NORTH AND PARALLEL TO THE SAID EAST LINE 288 FEET: THENCE SOUTH 89° 36' FAST 57.52 FEET TO A POINT: THENCE NORTH 52.76 FEET TO THE CENTER OF BURNHAM'S CANAL: THENCE EAST ON THE CENTER LINE OF SAID CANAL TO THE EAST LINE OF THE WEST 1/2 OF THE EAST 1/2 OF THE NORTHEAST 1/4 OF SECTION 31; THENCE SOUTH ON SAID EAST LINE TO THE NORTH LINE OF WEST BRUCE STREET; THENCE WEST ON SAID NORTH LINE 233.52 FEET TO ALSO THAT PART OF THE EAST 1/2 OF THE NORTHEAST 1/4 OF SECTION 31, TOWN 7 NORTH, RANGE 22 EAST, BOUNDED

COMMENCING AT A POINT IN THE SOUTH LINE OF THE RIGHT OF WAY OF THE CHICAGO, MILWAUKEE AND ST. PAUL RAILWAY IN THE EAST 1/2 OF THE NORTHEAST 1/4 OF SECTION 31, SAID POINT BEING 255.285 FEET WEST OF THE EAST LINE OF SECTION 31, TOWN 7 NORTH, RANGE 22 EAST, RUNNING THENCE WEST ALONG THE SOUTH LINE OF THE RIGHT OF WAY OF THE CHICAGO, MILWAUKEE AND ST, PAUL RAILWAY, APPROXIMATELY 456,985 FEET TO A POINT 712.27 FEET WEST OF THE EAST LINE OF SAID SECTION 31, TOWN 7 NORTH, RANGE 22 EAST; THENCE SOUTH ON A LINE PARALLEL WITH SAID EAST LINE OF SAID SECTION, 250 FEET MORE OR LESS TO A POINT ON THE CENTER LINE OF BURNHAM'S CANAL: THENCE EAST ALONG THE CENTER OF SAID CANAL 456.985 FEET MORE OR LESS TO A POINT 255.285 FEET WEST OF THE SAID EAST LINE OF SAID ALSO PART OF THE NORTHEAST 1/4 OF SECTION 31, TOWN 7 NORTH, RANGE 22 EAST, IN THE CITY OF MILWAUKEE, COUNTY

BEGINNING AT A POINT ON THE EAST LINE OF SAID SECTION 31 IN THE CENTER OF THE CANAL LAID OUT ON THE SOUTH SIDE OF THE CENTER LINE OF THE CHICAGO, MILWAUKEE & ST. PAUL RAILWAY, LACROSSE DIVISION, ACCORDING TO THE PLAT ADOPTED BY THE CANAL COMMISSIONERS AND RECEIVED FOR RECORD SEPTEMBER 23, 1869, AND RECORDED IN THE REGISTER'S OFFICE; RUNNING THENCE WEST ALONG CENTER LINE OF SAID CANAL 255.285 FEET; THENCE NORTH TO SOUTH BOUNDARY LINE OF RIGHT OF WAY OF LACROSSE DIVISION OF THE CHICAGO, MILWAUKEE & ST. PAUL RAILWAY (ACCORDING TO SAID PLAT); THENCE EAST ALONG SAID BOUNDARY LINE TO THE SAID EAST LINE OF SECTION 31 AFORESAID;

ALSO A PART OF LOT 5 IN SUBDIVISION AND PARTITION OF THE NORTHWEST 1/4 OF SECTION 32, TOWN 7 NORTH, RANGE 22 EAST, IN THE CITY OF MILWAUKEE, COUNTY OF MILWAUKEE, STATE OF WISCONSIN, BOUNDED AND DESCRIBED AS COMMENCING AT A POINT ON THE WEST LINE OF THE NORTHWEST 1/4 OF SECTION 32 WHERE SAME IS INTERSECTED BY THE

NORTH ESTABLISHED DOCK LINE OF MENOMONEE RIVER AND CANAL (CALLED BURNHAM CANAL): THENCE EAST ALONG SAID DOCK LINE 154.63 FEET TO A POINT: THENCE NORTH 188.21 FEET TO A POINT ON THE SOUTH LINE OF THE RIGHT OF WAY OF THE CHICAGO, MILWAUKEE & ST. PAUL RAILWAY; THENCE WEST ALONG THE SOUTH LINE OF THE RIGHT OF WAY OF SAID RAILWAY 154.63 FEET TO A POINT ON THE WEST LINE OF SAID 1/4 SECTION: THENCE SOUTH ON SAID WEST LINE 186.60 FEET TO THE POINT OF COMMENCEMENT, EXCEPT THE RIGHT OF WAY FOR SWITCH TRACK FROM SAID RAILWAY AND ALSO THE PLANK ROAD RIGHT OF WAY ACROSS THE SAME FOR THE COMMON USE OF ALL PARTIES OWNING LAND IN SAID 1/4 SECTION ADJOINING SAID CANAL AS LAID OUT AND IN USE AT THE DATE OF TWO DEEDS RECORDED IN THE OFFICE OF THE REGISTER OF DEEDS MILWAUKEE COUNTY, WISCONSIN, IN VOLUME 677 OF DEEDS ON PAGE 277 AND VOLUME 693 OF

ALSO A PART OF LOT 5 IN SUBDIVISION AND PARTITION OF THE NORTHWEST 1/4 OF SECTION 32, TOWN 7 NORTH, RANGE 22 EAST, IN THE CITY OF MILWAUKEE, COUNTY OF MILWAUKEE, STATE OF WISCONSIN, BOUNDED AND DESCRIBED AS COMMENCING AT A POINT IN THE NORTH ESTABLISHED DOCK LINE OF A BRANCH OF MENOMONEE RIVER AND CANAL CALLED BURNHAM CANAL, 154.63 FEET EAST OF THE WEST LINE OF SAID NORTHWEST 1/4 OF SECTION 32; RUNNING

THENCE EAST ON SAID DOCK LINE 252.72 FEET TO A POINT; THENCE NORTH 190.83 FEET TO A POINT IN THE SOUTH LINE OF THE RIGHT OF WAY OF THE CHICAGO, MILWAUKEE AND ST. PAUL RAILWAY COMPANY: THENCE WESTERLY ALONG THE SOUTH LINE OF THE RIGHT OF WAY OF SAID RAILWAY COMPANY, 252.72 FEET TO A POINT; THENCE SOUTH 189.22 FEET TO THE ALSO A PART OF LOT 5 IN SUBDIVISION AND PARTITION OF THE NORTHWEST 1/4 OF SECTION 32 TOWN 7 NORTH RANGE 22

COMMENCING AT A POINT IN THE NORTHWEST 1/4 OF SECTION 32 AFORESAID ON THE NORTH ESTABLISHED DOCK LINE C MENOMONEE RIVER AND CANAL 358 56 FEET EAST OF THE WEST LINE OF SAID 1/4 SECTION: THENCE EAST ALONG SAID DOCK LINE 203 92 FEET TO A POINT. THENCE NORTH 192 44 FEET TO A POINT ON THE SOUTH LINE OF THE RIGHT OF WAY OF CHICAGO, MILWAUKEE & ST. PAUL RAILWAY; THENCE WESTERLY ALONG THE SOUTH LINE OF THE RIGHT OF WAY OF SAID RAILROAD 203.92 FEET TO A POINT; THENCE SOUTH 190.83 FEET MORE OR LESS TO THE POINT OF COMMENCEMENT. EXCEPTING A STRIP OF LAND 32 FEET IN WIDTH ON THE NORTH SIDE OF THE CANAL AFORESAID ADJOINING AND SOUTH OF THE RIGHT OF WAY OF THE CHICAGO, MILWAUKEE & ST. PAUL RAILWAY. SAID RESERVATION BEING MADE FOR THE JOINT AND SEVERAL USE, AT ALL TIMES OF EITHER OR ALL OF THE PARTIES AND THEIR HEIRS AND ASSIGNS NAMED IN DEED RECORDED MAY 19, 1871 IN VOLUME 120 OF DEEDS ON PAGE 468, FOR A SIDE TRACK OF RAILWAY, WAGON ROAD AND SWITCH

IN THE CITY OF MILWAUKEE, COUNTY OF MILWAUKEE, STATE OF WISCONSIN, BOUNDED AND DESCRIBED AS FOLLOWS: COMMENCING AT A POINT IN THE NORTHWEST 1/4 OF SECTION 32 AFORESAID ON THE NORTH ESTABLISHED DOCK LINE OF BURNHAM'S CANAL 562.48 FEET EAST OF THE WEST LINE OF SAID 1/4 SECTION, AND RUNNING THENCE EAST ALONG SAID DOCK LINE 145.11 FEET TO A POINT: THENCE NORTH 193.95 FEET TO A POINT ON THE SOUTH LINE OF THE RIGHT OF WAY OF THE CHICAGO, MILWAUKEE AND ST. PAUL RAILWAY COMPANY; THENCE WESTERLY ALONG THE SOUTH LINE OF SAID

PARCEL F(1707 W. REYNOLDS PLACE) THAT PART OF THE NORTHEAST 1/4 OF SECTION 31, TOWN 7 NORTH, RANGE 22 EAST, IN THE CITY OF MILWAUKEE, COUNTY OF MILWAUKEE, STATE OF WISCONSIN, BOUNDED AND DESCRIBED AS FOLLOWS COMMENCING AT A POINT WHICH IS 856.75 EAST OF THE WEST LINE AND 298.91 FEET NORTH OF THE SOUTH LINE OF THE NORTHEAST 1/4 OF SAID SECTION 31, SAID POINT BEING ALSO 71.09 FEET SOUTH OF THE SOUTH LINE OF W. BRUCE STREET RUNNING THENCE SOUTHWESTERLY ON AND ALONG A LINE 46.31 FEET TO A POINT WHICH IS 816.75 FEET EAST AND 275.98 FEET NORTH OF THE SOUTHWEST CORNER OF SAID 1/4 SECTION; THENCE SOUTH ON A LINE PARALLEL TO THE WEST LINE OF SAID 1/4 SECTION 73.48 FEET TO A POINT WHICH IS 202.50 FEET NORTH OF THE SOUTH LINE OF SAID 1/4 SECTION; THENCE EAST ON A LINE WHICH IS 202.50 FEET NORTH OF AND PARALLEL TO THE SOUTH LINE OF SAID 1/4 SECTION 40 FEET TO A POINT WHICH IS 856 75 FEET EAST OF THE WEST LINE OF SAID 1/4 SECTION: THENCE NORTH ON A LINE WHICH IS 856 75 FEET EAST OF AND PARALLEL TO THE WEST LINE OF SAID 1/4 SECTION 96.41 FEET TO THE POINT OF COMMENCEMENT. ALSO THE EAST 50 FEET OF THE NORTH 205 FEET OF THE SOUTH 407.50 FEET OF THE WEST 906.75 FEET OF THE NORTHEAST 1/4 OF SECTION 31, TOWN 7 NORTH, RANGE 22 EAST, IN THE CITY OF MILWAUKEE, COUNTY

EXCEPTING THEREFROM THE FOLLOWING DESCRIBED PORTION THEREOF: COMMENCING AT A POINT IN THE SOUTH LINE OF W. BRUCE STREET 856.75 FEET EAST OF THE WEST LINE OF SAID 1/4 SECTION; RUNNING THENCE SOUTH AND PARALLEL TO THE WEST LINE OF SAID 1/4 SECTION 71.09 FEET TO A POINT; THENCE NORTHEASTERLY ALONG A LINE 57.99 FEET TO A POINT WHICH IS 906.75 FEET EAST OF THE WEST LINE AND 327.58 FEET NORTH OF THE SOUTH LINE OF SAID 1/4 SECTION; THENCE NORTH AND PARALLEL TO THE WEST LINE OF SAID 1/4 SECTION 42.42 FEET TO A POINT IN THE SOUTH LINE OF W. BRUCE STREET; THENCE WEST ALONG THE SOUTH LINE OF W. BRUCE STREET 50 FEET TO THE POINT OF COMMENCEMENT. ALSO EXCEPT THAT PART LYING NORTH OF THE SOUTH LINE OF WEST REYNOLDS PLACE.

PARCEL G (1547 W. BRUCE STREET): THAT PART OF THE NORTHEAST 1/4 OF SECTION 31, TOWN 7 NORTH, RANGE 22 EAST, IN THE CITY OF MILWAUKEE, COUNTY

OF MILWAUKEE, STATE OF WISCONSIN

OF MILWAUKEE, STATE OF WISCONSIN, BOUNDED AND DESCRIBED AS FOLLOWS COMMENCING AT A POINT IN THE SOUTH LINE OF W. BRUCE STREET AND THE SOUTHWESTERI Y LINE OF THE RIGHT-OF WAY OF THE CHICAGO, MILWAUKEE & ST. PAUL R.R. COMPANY, SAID POINT BEING 944.78 FEET WEST OF THE EAST LINE OF SAID 1/4 SECTION; RUNNING THENCE WEST ALONG SAID SOUTH LINE OF W. BRUCE STREET, 119.68 FEET TO A POINT; THENCE SOUTHERLY AND PARALLEL TO THE WEST LINE OF THE EAST 1/2 OF THE EAST 1/2 OF SAID 1/4 SECTION, 181.00 (MEASURED) TO A POINT IN THE NORTHERLY LINE OF ANOTHER RIGHT-OF-WAY OF THE C. M. ST. P. & P. R.R. COMPANY THENCE EASTERLY ALONG SAID RIGHT-OF-WAY LINE 204.85 FEET (MEASURED) TO A POINT WHICH IS 200.00 FEET WESTERLY OF THE EAST LINE OF THE EAST 1/2 OF THE EAST 1/2 OF SAID 1/4 SECTION; THENCE NORTHERLY AND RALLEL TO SAID EAST LINE, 52.60 FEET (MEASURED) TO A POINT IN THE SOUTHWESTERLY LINE OF THE C. M. ST. P. & P. R.R. COMPANY RIGHT-OF-WAY; THENCE NORTHWESTERLY ALONG SAID CURVED RIGHT-OF-WAY LINE, 155 FEET MORE OR LESS TO THE POINT OF COMMENCEMENT.

MILLER COMPRESSING

FEBRUARY 24, 2006

BASIS OF BEARINGS BEARINGS ARE BASED ON THE SOUTH LINE OF THE NORTHEAST 1/4 OF SECTION 31 WHICH IS ASSUMED TO BEAR SOUTH 89°58'19" EAST TITLE COMMITMENT

- THIS SURVEY WAS PREPARED BASED ON CHICAGO TITLE INSURANCE COMPANY TITLE COMMITMENT NOS. 1210246, 1210249, 1210352 AND 1210247, ALL REVISED ON MARCH 31, 2006 AND ALL EFFECTIVE DATES OF MARCH 15, 2006, WHICH LISTS THE FOLLOWING EASEMENTS AND/OR RESTRICTIONS: TITLE COMMITMENT NO. 1210246
- 10. RESTRICTIONS SET FORTH ON THE CERTIFIED SURVEY MAPS DESCRIBED IN SCHEDULE A HEREOF, PROVIDING AS FOLLOWS:

SURVEY NO. 162917-RMK

- "NO LOT OR PARCEL AS HEREON SET FORTH SHALL AT ANY TIME SUBSEQUENT TO THE RECORDING OF THIS MAP BE IN ANY MANNER DIVIDED, DESCRIBED OR CONVEYED SO AS TO RESULT IN LOTS, PARCELS OR BUILDING SITES HAVING DIMENSIONS, AREAS, OR COURSES OTHER THAN AS HEREIN SET FORTH, UNLESS SAID DIVISIONS, DESCRIPTIONS OR CONVEYANCES ARE FIRST APPROVED BY THE COMMON COUNCIL OF THE CITY OF MILWAUKEE. THAT ALL UTILITY LINES TO PROVIDE ELECTRIC POWER AND TELEPHONE SERVICE TO ALL LOTS IN THE CERTIFIED SURVEY MAP SHALL BE INSTALLED UNDERGROUND IN EASEMENTS PROVIDED THEREFORE..
- SAID RESTRICTIONS WERE MODIFIED BY RESOLUTION ADOPTED BY THE COMMON COUNCIL ON OCTOBER 21, 1975, A CERTIFIED COPY OF WHICH WAS RECORDED AS DOCUMENT NO. 4970290. AFFECTS SITE BY LOCATION – GENERAL IN NATURE, CANNOT BE PLOTTED
- 11. SPUR TRACK AND INGRESS AND EGRESS EASEMENTS SET FORTH ON THE CERTIFIED SURVEY MAPS DESCRIBED IN SCHEDULE A HEREOF. (AFFECTS PARCEL A) AFFECTS SITE BY LOCATION - SHOWN 12. CITY OF MILWAUKEE SEWER EASEMENTS SET FORTH ON CERTIFIED SURVEY MAP NO. 2318
- RECORDED AS DOCUMENT NO. 4837903. AFFECTS SITE BY LOCATION SHOWN EASEMENTS AND AGREEMENTS RESPECTING UTILITIES EXECUTED BY AND BETWEEN KALMAN REALTY CORP., A WISCONSIN CORPORATION AND VALLEY INDUSTRIAL PARK, A WISCONSIN
- PARTNERSHIP, RECORDED AS DOCUMENT NO. 4924844. (AFFECTS PARCEL A) AFFECTS SITE BY LOCATION – GENERAL IN NATURE, CANNOT BE PLOTTED 14. EASEMENTS FOR INGRESS AND EGRESS EXECUTED BY AND BETWEEN KALMAN REALTY CORP., A WISCONSIN CORPORATION AND VALLEY INDUSTRIAL PARK A WISCONSIN GENERAL
- PARTNERSHIP RECORDED AS DOCUMENT NO. 4924845 AS MODIFIED BY AGREEMENT BY AND BETWEEN KALMAN REALTY CORP., A WISCONSIN CORPORATION AND VALLEY INDUSTRIAL PARK, A WISCONSIN PARTNERSHIP, RECORDED AS DOCUMENT NO. 4983610 AND FURTHER MODIFIED BY AMENDMENT TO AGREEMENT EXECUTED BY AND BETWEEN KALMAN REALTY CORP., A WISCONSIN CORPORATION AND VALLEY INDUSTRIAL PARK, A WISCONSIN PARTNERSHIP, RECORDED AS DOCUMENT NO. 5025801. (AFFECTS PARCEL A) AFFECTS SITE BY LOCATION – SHOWN
- 15. UTILITY EASEMENT GRANTED TO WISCONSIN ELECTRIC POWER COMPANY RECORDED AS DOCUMENT NO. 4976689. (AFFECTS PARCEL A) AFFECTS SITE BY LOCATION - SHOWN
- AGREEMENTS AND EASEMENTS RESPECTING RAILROAD TRACKS EXECUTED BY AND BETWEEN KALMAN REALTY CORP., A WISCONSIN CORPORATION AND VALLEY INDUSTRIAL PARK, A PARTNERSHIP, RECORDED AS DOCUMENT NO. 4996966. (AFFECTS PARCELS A AND B) AFFECTS SITE BY LOCATION – CANNOT BE PLOTTED, EXHIBIT "A" NOT SUPPLIED



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		1,			LSUNVLI
	EASEMENTS, IF ANY, OF THE PUBLIC OR ANY SCHOOL DISTRICT, UTILITY, MUNICIPALITY OR PERSON, AS PROVIDED IN SECTION 80.32(4) OF THE STATUTES, FOR THE CONTINUED USE AND RIGHT			57.	UTILITY EASEMENT GRANTED TO WISCONSIN ELECTRIC POWER COMPANY RECORDED AS DOCUMENT NO. 4881780. (AFFECTS PARCEL E) AFFECTS SITE BY LOCATION – SHOWN
	OF ENTRANCE, MAINTENANCE, CONSTRUCTION AND REPAIR OF UNDERGROUND OR OVERGROUND STRUCTURES, IMPROVEMENTS OR SERVICE IN THAT PORTION OF THE SUBJECT PREMISES WHICH WERE FORMERLY A PART OF STREETS AND ALLEYS NOW VACATED. MAY AFFECT SITE BY LOCATION – VACATED STREETS AND ALLEYS SHOWN			58.	EASEMENT GRANTED TO CITY OF MILWAUKEE RECORDED AS DOCUMENT NO. 4891 MODIFIED BY AMENDMENT OF EASEMENTS AND LICENSES RECORDED AS DOCUMENT NO. 6 (AFFECTS PARCEL E) AFFECTS SITE BY LOCATION – SHOWN
i.	RIGHTS AND EASEMENTS, IF ANY, IN AND TO ANY AND ALL RAILROAD SWITCHES, SIDETRACKS, SPUR TRACKS AND RIGHTS OF WAY LOCATED UPON OR APPURTENANT TO THE SUBJECT PREMISES. MAY AFFECT SITE BY LOCATION – SPUR TRACKS SHOWN			59.	GRANT OF EASEMENT AND AGREEMENT ENTERED INTO BY AND BETWEEN THE MU ASSOCIATES AND MUSKEGO REALTY CO. RECORDED AS DOCUMENT NO. 5377059. (A PARCEL E) AFFECTS SITE BY LOCATION – SHOWN
l,	RIGHTS, IF ANY, WITH RESPECT TO THE MAINTENANCE AND USE OF SEWERS, UTILITY PIPES, CABLES OR CONDUITS WHICH MAY BE INSTALLED UNDER THE SURFACE OF THE SUBJECT PREMISES. MAY AFFECT SITE BY LOCATION – GENERAL IN NATURE, CANNOT BE PLOTTED			65.	EASEMENT RECORDED AS DOCUMENT NO. 3237353. AFFECTS SITE BY LOCATION – GEN NATURE, CANNOT BE PLOTTED
ĺ.	UTILITY EASEMENT GRANTED TO WISCONSIN ELECTRIC POWER COMPANY RECORDED AS DOCUMENT NO. 6291254. (AFFECTS PARCEL A) AFFECTS SITE BY LOCATION – SHOWN			TITLE	COMMITMENT NO. 1210249
×	AGREEMENTS DISCLOSED BY ASSIGNMENT EXECUTED BY INTERNATIONAL HARVESTER COMPANY TO VALLEY INDUSTRIAL PARK RECORDED AS DOCUMENT NO. 4718179. (AFFECTS PARCEL A) AFFECTS SITE BY LOCATION – LOCATION UNCERTAIN, CANNOT BE PLOTTED			10A.	EASEMENTS, IF ANY, OF THE PUBLIC OR ANY SCHOOL DISTRICT, UTILITY, MUNICIPAL PERSON, AS PROVIDED IN SECTION 80.32(4) OF THE STATUTES, FOR THE CONTINUED U RIGHT OF ENTRANCE, MAINTENANCE, CONSTRUCTION AND REPAIR OF UNDERGROU OVERGROUND STRUCTURES, IMPROVEMENTS OR SERVICE IN THAT PORTION OF THE S
	UTILITY EASEMENT GRANTED TO WISCONSIN ELECTRIC POWER COMPANY RECORDED AS DOCUMENT NO. 4980070. (AFFECTS PARCEL A) AFFECTS SITE BY LOCATION – SHOWN				PREMISES WHICH WERE FORMERLY A PART OF ALLEY NOW VACATED. AFFECTS S LOCATION – GENERAL IN NATURE, CANNOT BE PLOTTED
ł.	RESERVATION SET FORTH IN WARRANTY DEED TO KNOX BUILDING CORPORATION RECORDED AS DOCUMENT NO. 3981560. (AFFECTS PARCEL B) MAY AFFECT SITE BY LOCATION – LOCATION OF BULDING 203 AND FIRE ESCAPE UNCERTAIN			11A.	COVENANTS SET FROTH ON CERTIFIED SURVEY MAP NO. 4554 AND CERTIFIED SURVEY M6824 RECITING AS FOLLOWS:
ι.	EASEMENT GRANTED TO CHICAGO, MILWAUKEE AND ST. PAUL RAILWAY CO. RECORDED AS DOCUMENT NO. 431460. (AFFECTS PARCEL B) AFFECTS SITE BY LOCATION – SHOWN				TELEVISION OR COMMUNICATIONS SYSTEMS LINES OR CABLES TO ALL PARCELS CERTIFIED SURVEY MAP SHALL BE INSTALLED UNDERGROUND IN EASEMENTS PR THEREFORE, WHERE FEASIBLE.
	RIGHTS SET FORTH IN WARRANTY DEED RECORDED AS DOCUMENT NO. 623159. (AFFECTS PARCEL B) AFFECTS SITE BY LOCATION – SHOWN				THIS AGREEMENT SHALL BE BINDING ON THE UNDERSIGNED AND ASSIGNS."
i.	UTILITY EASEMENT GRANTED TO WISCONSIN ELECTRIC POWER COMPANY RECORDED AS DOCUMENT NO. 5398580. (AFFECTS PARCELS B AND C) AFFECTS SITE BY LOCATION – SHOWN			104	AFFECTS SITE BY LOCATION - GENERAL IN NATURE, CANNOT BE PLOTTED
	UTILITY EASEMENT GRANTED TO WISCONSIN ELECTRIC POWER COMPANY RECORDED AS DOCUMENT NO 4763844 (AFFECTS PARCELS C AND D) AFFECTS SITE BY LOCATION – SHOWN			TZA.	AFFECTS SITE BY LOCATION – GENERAL IN NATURE, CANNOT BE PLOTTED
i.	REVISED EASEMENT GRANTED TO THE MILWAUKEE METROPOLITAN SEWERAGE DISTRICT RECORDED AS DOCUMENT NO. 6321109. (AFFECTS PARCEL C) AFFECTS SITE BY LOCATION – SHOWN			13A.	UNRECORDED RIGHTS, IF ANY, WITH RESPECT TO THE MAINTENANCE AND USE OF S UTILITY PIPES, CABLES OR CONDUITS WHICH MAY BE INSTALLED UNDER THE SURFACE SUBJECT PREMISES AND NOT RECORDED. AFFECTS SITE BY LOCATION – GENERAL IN N CANNOT BE PLOTTED
ι.	AGREEMENT ENTERED INTO BY AND BETWEEN GEORGE BURNHAM, GUIDO PFISTER, FREDERICK PABST, EMIL SCHANDEIN, GEORGE BURNHAM AND JOHN L. BURNHAM, RECORDED IN VOLUME 120 OF DEEDS ON PAGE 372. (AFFECTS PARCELS C AND D) AFFECTS SITE BY LOCATION – SHOWN			14A.	RIGHTS AND EASEMENTS, IF ANY, IN AND TO ANY AND ALL RAILROAD SWITCHES, SIDET SPUR TRACKS AND RIGHTS OF WAY LOCATED UPON OR APPURTENANT TO THE S PREMISES, AND NOT RECORDED IN THE REGISTER OF DEEDS OFFICE OF MILWAUKEE OF AFFECTS SITE BY LOCATION – GENERAL IN NATURE, CANNOT BE PLOTTED
				15A.	UTILITY EASEMENT GRANTED TO WISCONSIN ELECTRIC POWER COMPANY RECORI DOCUMENT NO. 4976689. AFFECTS SITE BY LOCATION – SHOWN
Ι.	AGREEMENT ENTERED INTO BY AND BETWEEN GUIDO PFISTER, GEORGE BURNHAM, JONATHAN L. BURNHAM, FREDERICK PABST, EMIL SCHANDEIN AND THE MILWAUKEE RAILWAY COMPANY RECORDED IN VOLUME 122 OF DEEDS ON PAGE 204. (AFFECTS PARCELS C AND D) AFFECTS SITE BY LOCATION – SHOWN			16A.	CITY OF MILWAUKEE SEWER EASEMENT SET FORTH ON CERTIFIED SURVEY MAP NO RECORDED MAY 3, 1974, IN REEL 783, IMAGE 1056, AS DOCUMENT NO. 4837903. AFFECTS LOCATION – SHOWN
	CONDITIONS AND RESERVATIONS SET FORTH IN WARRANTY DEED TO THE MUSKEGO COMPANY RECORDED AS DOCUMENT NO. 2387898, AS MODIFIED BY AGREEMENT ENTERED INTO BY AND BETWEEN THE MUSKEGO COMPANY, A WISCONSIN CORPORATION AND MUSKEGO REALTY CO., A WISCONSIN CORPORATION RECORDED AS DOCUMENT NO. 3177254. (AFFECTS PARCEL E) AFFECTS SITE BY LOCATION – SHOWN			17A.	EASEMENT FOR INGRESS AND EGRESS SET FORTH ON CERTIFIED SURVEY MAP NOS. 22' 4554 AND 6824. AFFECTS SITE BY LOCATION – SHOWN
G .	RIGHT-OF-WAY SEWER EASEMENT GRANTED TO CITY OF MILWAUKEE RECORDED AS DOCUMENT NO. 1531909. (AFFECTS PARCEL E) AFFECTS SITE BY LOCATION – SHOWN			TITLE	COMMITMENT NO. 1210352
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REGISTERED LAND SURVEYOR

DATE OF SURVEY: FEBRUARY 24, 2006

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Appendix B

Sheet C035 and Reuse Cross-Sections from NR 718.15 Low Hazard Exemption Request





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Appendix C

WDNR and U.S. EPA Sediment Relocation Correspondence



State of Wisconsin DEPARTMENT OF NATURAL RESOURCES 2300 N. Dr. Martin Luther King, Jr. Drive Milwaukee WI 53212-3128

Scott Walker, Governor Daniel L. Meyer, Secretary Telephone 608-266-2621 Toll Free 1-888-936-7463 TTY Access via relay - 711



August 31, 2018

Mr. Jon Spigel Miller Compressing Company 1640 West Bruce Street Milwaukee, WI 53204

Subject: Approval to Manage Contaminated Material under Wis. Admin. Code § NR 718.15 Miller Compressing (Burnham Canal) (ALT SF), 1640 West Bruce Street, Milwaukee, WI DNR BRRTS Activity #s: 02-41-552940, 15-41-581667; FID #: 241213720

Dear Mr. Spigel:

On June 26, 2018, Mark Walter of O'Brien & Gere Engineers, Inc. (OBG) submitted a completed 'Recommended Format for Exemption Request' on your behalf requesting to manage 1,400 cubic yards of contaminated material on the same site from which it will be excavated in accordance with Wis. Admin. Code § NR 718.15. The Department of Natural Resources (DNR) received all applicable technical assistance and database fees for providing review and response, in accordance with Wis. Admin. Code § NR 749.04(1).

Contaminated sediment within the western portion of the Burnham Canal is being addressed through limited dredging and offsite disposal of sediment and the installation of a cap over remaining contamination. In order to complete the remediation and to maintain storm water flow through the canal a channel must be formed at the base of the canal east of the West End Dredge Area. To form the channel, 1400 cubic yards of sediment will be excavated and replaced to an adjacent portion of the canal. Polycyclic aromatic hydrocarbon (PAH) and metal contamination was identified in samples collected from sediments within the canal. The approved cover will be installed over both the excavation and reuse areas within the canal.

Wis. Admin. Code § NR 718.15 Exemption

This letter grants an exemption from the solid waste requirements in Wis. Stats. § 289 and Wis. Admin. Code §§ NR 500 to NR 538 for the proposed material management activities. Approval of the exemption is based on the following:

- Managing contaminated waste material in areas of the site identified on Figure A1, Sample Locations (1/14/16) included with the completed 'Recommended Format for Exemption Request' will meet the locational criteria listed under Wis. Admin. Code § NR 718.12(1)(c), with the exception of the following:
 - Within a floodplain
 - Within 3 feet of the high groundwater level
 - At a depth greater than the depth of the original excavation from which the contaminated soil was removed

Grant of exemption to s. NR 718.12(1)(c)1, 5, and 6

In consideration that sediment is being excavated from within a canal and will be replaced in an adjacent portion of the canal under similar conditions (with the exception of that the reuse area is located downslope from the excavation area), and the material will pose no greater risk to human health or the



environment after it is replaced within the canal, the DNR grants an exemption to the location criteria of Wis. Admin. Code § 718.12(1)(c)1, 5, and 6 will allow placement of contaminated waste material within the floodplain, below the waterline, and at a greater depth from which it was excavated.

- 2) Soil samples have been collected for analysis of contaminants previously detected or expected to be present at this site including PAHs and metals from areas most likely to contain residual contamination. Based on an estimated volume of 1,400 cubic yards of material, and a sampling frequency of 1 sample per 160 cubic yards, the sampling protocol described in Wis. Admin. Code § NR 718.12(1)(e) has been met.
- 3) A complete soil management plan, as defined by Wis. Admin. Code §§ NR 718.12(2)(b) and (c), has been provided to the DNR.
- 4) The proposed management of contaminated material at the Miller Compressing (Burnham Canal) (ALT SF) is expected to meet the criteria of Wis. Admin. Code §§ NR 726.13(1)(b)1 to 5.
- 5) Per Wis. Admin. Code § NR 718.12(2), the DNR was provided with at least 7 days' notice prior to commencing to proposed material management.
- 6) You have acknowledged that the continuing obligations described below will be required as a condition of managing the contaminated material on your property as proposed.

Continuing Obligations

The current property owner of the Miller Compressing (Burnham Canal) (ALT SF), and any subsequent property owners, must comply with the following continuing obligations, established under Wis. Admin. Code § NR 718.12(2)(d) at this site, to ensure that conditions will remain protective. DNR staff will conduct periodic prearranged inspections to ensure that the conditions included in this letter and the "Institutional Control Implementation Plan" are met. If these requirements are not followed, the DNR may take enforcement action under Wis. Stat. § 292.11 to ensure compliance with the specified requirements, limitations or other conditions related to the property.

Documents submitted to the DNR to request the Wis. Admin. Code § 718.15 exemption meet the requirements of Wis. Admin. Code § NR 718.12(2)(e) and are available in Portable Document Format (PDF) on the Bureau for Remediation and Redevelopment Tracking System (BRRTS on the Web) at http://dnr.wi.gov/topic/Brownfields/wrrd.html. Additionally, this site will be identified on the Remediation and Redevelopment Sites Map (RRSM), available at http://dnr.wi.gov/topic/Brownfields/wrrd.html. Additionally, this site will be identified on the Remediation and Redevelopment Sites Map (RRSM), available at http://dnr.wi.gov/topic/Brownfields/wrrd.html. Additionally, this site will be identified on the Remediation and Redevelopment Sites Map (RRSM), available at http://dnr.wi.gov/topic/Brownfields/wrrd.html. Additionally, this site will be identified on the Remediation and Redevelopment Sites Map (RRSM), available at http://dnr.wi.gov/topic/Brownfields/wrrd.html, as having continuing obligations. All site information is on file at the Regional DNR office located at 2300 N. Dr. Martin Luther King, Jr. Drive, Milwaukee, WI 53212-3128.

The DNR fact sheet "Continuing Obligations for Environmental Protection," RR-819, helps to explain a property owner's responsibility for continuing obligations on their property. The fact sheet may be obtained at http://dnr.wi.gov/files/PDF/pubs/rr/RR819.pdf.

Please send written notifications in accordance with the following requirements to:

Department of Natural Resources Attn: Remediation and Redevelopment Program Environmental Program Associate 2300 N. Dr. Martin Luther King, Jr. Drive Milwaukee, WI 53212-3128
Site Specific Condition - Residual Sediment Contamination:

If contaminated sediment that was managed as proposed in the completed 'Recommended Format for Exemption Request' is excavated in the future, the property owner at the time of excavation will be responsible for the following:

- determine if contamination is present,
- · determine whether the material would be considered solid or hazardous waste,
- ensure that any storage, treatment or disposal is in compliance with applicable statutes and rules.

Excavated material may be managed in accordance with Wis. Admin. Code § NR 718, with DNR approval obtained at that time. In addition, all current and future property owners and occupants of the property need to be aware that excavation of the contaminated soil may pose a hazard and special precautions may need to be taken to prevent a health threat to humans. If material managed under this exemption included solid waste other than soil, a historic fill exemption may be required to be obtained from the DNR prior to excavating the waste or constructing any structure over the materials.

The location(s) where contaminated soil is proposed to be managed at the Miller Compressing (Burnham Canal) (ALT SF) site is depicted on the attached Figure A1, Sample Locations (1/14/2016).

DNR approval prior to well construction or reconstruction is required *where contaminated sediment has been managed*, in accordance with Wis. Admin. Code § NR 812.09(4)(w). This requirement applies to private drinking water wells and high capacity wells. To obtain approval, complete and submit Form 3300-254 to the DNR Drinking and Groundwater program's regional water supply specialist. This form can be obtained at http://dnr.wi.gov/topic/wells/documents/3300254.pdf.

Maintenance of a cover:

A cover of approximately five feet of aggregate fill overlying a one-foot gravel remedial subaquous cap is proposed to be installed and maintained over contaminated solid waste that will managed at the Miller Compressing (Burnham Canal) (ALT SF) site as proposed in the completed 'Recommended Format for Exemption Request'. Once constructed, inspections of the cover will be required, and submittal of inspection reports may also be required. If the cover is approved for industrial land use the DNR is required to be notified before changing to a non-industrial use, to determine if the cover will be protective for that use. Institutional Controls will be implemented to ensure that the sand cover remains in place and is not disturbed. The Institutional Control Implementation and Assurance Plan (ICIAP) must be updated as part of the remedial design for the Site which will describe the inspections (1/14/2016), shows where contaminated material is proposed to be managed and covered. An updated ICIAP must be provided to the DNR once the barrier has been constructed if changes were made to address actual site conditions.

Certain activities will be prohibited in areas of this site where maintenance of a cover or barrier is intended to prevent contact with any remaining contamination. When a barrier is required, the DNR must be notified before making a change, in order to determine if further action is needed to maintain the protectiveness of the remedy employed. The following activities are prohibited on any portion of the property where the cover is required, <u>unless prior written approval has been obtained from the DNR</u>:

- removal of the existing barrier or cover;
- replacement with another barrier or cover;
- excavating or grading of the land surface;
- filling on covered or paved areas;

- plowing for agricultural cultivation;
- construction or placement of a building or other structure;
- changing the use or occupancy of the property to a non-industrial exposure setting.

Other Information

- 1) Any hazardous substance discharge discovered during material management activities must be reported to the DNR following the requirements of Wis. Admin. Code § NR 706.
- 2) Material management activities exempted by this letter are scheduled to be completed within one year. Notify the DNR if this schedule will change.
- 3) Unless otherwise directed by the DNR, documentation of material management activities shall be provided within 60 days of the completion of this project. The documentation must describe how the activities complied with the approved management plan and must also. comply with the requirements of Wis. Admin. Code § NR 724.15(3). Documentation must include:
 - a. A cover letter that contains the information required by Wis. Admin. Code § NR 724.05(2)(e)1.
 - b. Owner contact and property location information for the Miller Compressing (Burnham Canal) (ALT SF) site.
 - c. Maps, drawings, and cross sections that depict how contaminated material was managed.
 - d. A synopsis of the work conducted and an explanation as to how it complied with the material management plan and the conditions in this exemption approval.
 - e. A description of any changes made to the planned management activity and an explanation as to why they were necessary for the project.
 - f. Any field observations or results of monitoring conducted during the management activity.
 - g. A description of how new site conditions are protective of human health, safety, welfare and the environment at the Miller Compressing (Burnham Canal) (ALT SF) site.
 - h. A revised cover maintenance plan, if needed.

The DNR will request that incomplete documentation be amended as allowed by Wis. Admin. Code § NR 724.07(2).

- 4) This exemption is granted under Wis. Admin. Code § NR 718.15 and applies only to the specific activities described within the submitted 'Recommended Format for Exemption Request'. Any contaminated material that is excavated or otherwise disturbed at the Miller Compressing (Burnham Canal) (ALT SF) site, not covered under this or another exemption, must be managed in compliance with the requirements of Wis. Admin. Code §§ NR 500 through NR 538, the solid waste rules administered by the DNR's Waste and Materials Management Program. The management of contaminated material on a property that does not comply with these rules may be considered a hazardous substance discharge and would be required to be addressed following the process outlined in Wis. Admin. Code §§ NR 700 to NR 750.
- 5) Miller Compressing Company is responsible for obtaining any local, federal, or other applicable state permits to carry out the project.

All remediation sites are included in DNR's Bureau of Remediation and Redevelopment Tracking System (BRRTS) database. All documents and project milestones related to the cleanup of each of the involved sites are listed in the database entry identified by BRRTS activity #(s) 02-41-552940. Actions relating only to the management of contaminated material are tracked in the BRRTS system under activity # 15-41-552940.

Miller Compressing (Burnham Canal) (ALT SF) 1640 West Bruce Street, Milwaukee, WI WDNR BRRTS #: 02-41-552940, 15-41-581667 FID #: 241213720

We appreciate your efforts to protect the environment at this site. If you have any questions regarding this approval decision, please contact me by calling (608) 266-0941, or by email at <u>paul.grittner@wisconsin.gov</u>. Other questions regarding this site can be directed to the DNR project manager Margaret Brunette at (414) 263-8557, or <u>margaret.brunette@wisconsin.gov</u>.

Sincerely,

Level Lumth

Paul Grittner Contaminated Material Management Specialist Remediation & Redevelopment Program

Attachments:

- Figure A1, Sample Locations, Natural Resource Technology
- cc: Mark Walter, O'Brien & Gere Engineers, Inc., 234 W. Florida Street, Fifth Floor, Milwaukee, WI 53204 (electronic)

Leah Evison - EPA Region V (electronic)



Jan 14, 2016 8: 30pm PLOTTED BY: dauda SAVED BY: dauda Y: Mapping/Projects/21/2117/CAD\3-1 Final Design Report\Appendix A Figs\Figure A1_Sample Locations.dwg Layout MAGES: Y: Mapping/Projects/21/2117/CAD\SOURCE\Bing_Aerial_2010.tif;

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Mark Walter

To:Evison, LeahSubject:RE: Burnham Canal - EPA

From: Evison, Leah [mailto:evison.leah@epa.gov]
Sent: Monday, April 30, 2018 11:29 AM
To: Mark Walter <Mark.Walter@obg.com>
Cc: Laurie Parsons <Laurie.Parsons@obg.com>
Subject: Re: Burnham Canal - EPA

Thanks for the summary. As I mentioned on the phone, I do not consider the implementation adjustments you describe to be design changes. Please continue to coordinate with WDNR as you explore management options for the additional material.

Leah

Leah Evison US EPA Remedial Project Manager/Region 5 outstationed at 520 Lafayette Rd N St. Paul MN 55155 <u>evison.leah@epa.gov</u> St. Paul office 651-757-2898

From: Mark Walter <<u>Mark.Walter@obg.com</u>> Sent: Monday, April 30, 2018 11:00:13 AM To: Evison, Leah Cc: Laurie Parsons Subject: RE: Burnham Canal - EPA

Hi Leah,

Thank you for your 3/27/18 response and for the discussion earlier this morning. A summary of today's discussion is provided below. As always, please feel free to contact us if you have any questions.

- Sediment designated to be removed from the West End Dredge Area, as called out in the EPA-approved ESD/ROD Design, will be removed, stabilized, and disposed at a landfill per the EPA-approved Design.
- Additional dredging will be performed, outside the footprint of (east of) the West End Dredge Area shown in the EPA-approved ESD/ROD Design, to allow placement of betterment material without obstructing canal hydraulics.
- The ESD/ROD cap will still be constructed in accordance with the EPA-approved Design.
- We will work with WDNR on management (and associated permitting) of sediment to be removed outside the footprint of (east of) the West End Dredge Area shown in the EPA-approved ESD/ROD Design. Management

options to be discussed with WDNR include in-place management of this material within the canal project area, east of the West End Dredge Area shown in the EPA-approved ESD/ROD Design.

Thanks again,

Mark

Mark D. Walter, PE OBG | Environmental Engineer 414-837-3563 | *c* 608-220-2480 Mark.Walter@obg.com | www.obg.com

Appendix D

WDNR Form 4400-305 Continuing Obligations Inspection and Maintenance Log



Continuing Obligations Inspection and Maintenance Log

Form 4400-305 (2/14)

Page 1 of 2

Directions: In accordance with s. NR 727.05 (1) (b) 3., Wis. Adm. Code, use of this form for documenting the inspections and maintenance of certain continuing obligations is required. Personal information collected will be used for administrative purposes and may be provided to requesters to the extent required by Wisconsin's Open Records law [ss. 19.31-19.39, Wis. Stats.]. When using this form, identify the condition that is being inspected. See the closure approval letter for this site for requirements regarding the submittal of this form to the Department of Natural Resources. A copy of this inspection log is required to be maintained either on the property, or at a location specified in the closure approval letter. Do NOT delete previous inspection results. This form was developed to provide a continuous history of site inspection results. The Department of Natural Resources project manager is identified from the database, BRRTS on the Web, at http://dnr.wi.gov/botw/SetUpBasicSearchForm.do, by searching for the site using the BRRTS ID number, and then looking in the "Who" section.

Activity (Site	e) Name				BRRTS No.			
Inspections are required to be conducted (see closure app			approval letter):	When submittal of this form is required, submi manager. An electronic version of this filled ou the following email address (see closure appro	I it the form electronically to the DNR project ut form, or a scanned version may be sent to oval letter):			
Inspection Date	spection Date Inspector Name Item		Describe the condition of the item that is being inspected	Recommendations for repair or mainte	enance imp	Previous nmendations plemented?	Photographs taken and attached?	
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Title:		Title:								



Revised Cap Operations, Maintenance, and Monitoring Plan Burnham Canal Superfund Alternative Site Milwaukee, Milwaukee County, Wisconsin WDNR BRRTS #: 02-41-246029 EPA ID: WIN000510222

Prepared For: Miller Compressing Company

April 17, 2019



APRIL 17, 2019 | PROJECT #67830

Revised Cap Operations, Maintenance, and Monitoring Plan

Burnham Canal Superfund Alternative Site Milwaukee, Milwaukee County, Wisconsin WDNR BRRTS #: 02-41-246029 EPA ID: WIN000510222

Prepared for:

Miller Compressing Company

na-

LAURIE L. PARSONS, PE, PH Senior Vice President

MARK D. WALTER, PE Project Manager / Senior Engineer



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1 INTRODUCTION

This document contains the Cap Operations, Maintenance, and Monitoring Plan (COMMP) prepared on behalf of Miller Compressing Company (Miller) for the Burnham Canal (described in more detail below). The COMMP addresses three capped areas; the Subaqueous Engineering Control Area, the Unpaved Engineering Control Area, and the Paved Engineering Control Area. Both the Paved Engineering Control Area and the Unpaved Engineering Control Area address soil areas. The Subaqueous Engineering Control Area addresses sediment as defined by Wis. Stat. § 292.01.17g. The Record of Decision/Explanation of Significant Differences (ROD/ESD) cap and betterment are to be constructed at the Burnham Canal Site (Site) in the Menomonee Valley, Milwaukee, Wisconsin (Figure 1).

1.1 SITE BACKGROUND

The Burnham Canal was historically a federally authorized navigation channel dredged and maintained to a depth of 21 feet below Lake Michigan Low Water Datum (i.e., 556.5 feet IGLD 85 or 557.36 feet NVGD 29) by the United States Army Corps of Engineers (USACE). The canal was dredged regularly while it was maintained by the USACE in order to maintain a depth conducive for shipping. In the mid-1980s as industrial activities decreased in the Menomonee Valley, dredging became less frequent with no dredging taking place since the fall of 1987. During this period, the west portion of the channel (i.e., from the 11th Street Bridge to the west) was federally delisted (1986) and the 11th Street Bridge was built, effectively blocking ship traffic from moving upstream. East of the 11th Street Bridge, the canal was further deauthorized on June 10, 2014 to allow for potential construction of an urban wetland in the Burnham Canal (USACE, May 2016). The canal is approximately 1,500 feet from west to east and ranges from approximately 95 feet to 125 feet in width. Water depths in the canal range from a few feet on the western boundary and up to 10 to 15 feet at some locations.

1.2 PURPOSE AND SCOPE

This COMMP addresses the existing paved area (Paved Engineering Control Area), the canal itself (Subaqueous Engineering Control Area) from the western terminus and extending east to the 11th Street Bridge as shown on Figure 2, and the Unpaved Engineering Control Area, which consists of cover material placed on upland soils above the ordinary high-water mark (OHWM) at the western end of the canal. This report sets forth the post-construction maintenance and monitoring requirements based on the remedial design, ROD/ESD, and the Chapter 30 betterment approach. It is understood that the final long-term care plan under Wis. Stat. 292.12(d)(1) for the Subaqueous Engineering Control Area and the Unpaved Engineering Control Area will be issued at the time WDNR approves closure under Wis. Admin. Code ch. NR 726. At the time of closure, the requirements of the COMMP will be superseded by WDNR's post-closure continuing obligations. The anticipated continuing obligations for the Site are described in the Long-Term Care Plan (LTCP). Since the Burnham Canal Site is subject to plans approved by the U.S. EPA, this COMMP is designed to be implemented in conjunction with the Institutional Control Implementation and Assurance Plan (ICIAP) for maintenance and monitoring of institutional controls (IC) until the COMMP is superseded. As such, the COMMP addresses all three capped areas.

The Purpose of this COMMP is to outline the necessary post-construction actions in order to maintain, monitor, and properly respond to any changes in the caps that may pose a threat to human health or the environment. As noted above, three cap areas exist, as listed below (Figure 2):

- Paved Engineering Control Area (west of the canal, in the historic location of the wire reclamation furnace)
- Unpaved Engineering Control Area (between the Paved Engineering Control Area and the Subaqueous Engineering Control Area, including the 12-inch Scrape area and the western bank of the canal above the OHWM)
- Subaqueous Engineering Control Area (from the 11th Street Bridge to the west terminus of the canal)

The Paved Engineering Control Area is currently paved with asphalt. This area will remain as is, since it meets the requirements of the existing Cap Maintenance and Hard Surfacing Plan approved by the WDNR on



September 1, 2009 (Appendix A), and will be monitored to ensure that the existing asphalt cap integrity is not compromised. Future monitoring will be performed in accordance with this approved plan.

The Unpaved Engineering Control Area consists of a small area between the Paved Engineering Control Area and the Subaqueous Engineering Control Area as shown on Figure 2. When the remedial action (RA) described in the Construction Quality Assurance Project Plan in Appendix C of the Final Design Report (CQAPP) is implemented, unsaturated soil will be excavated and backfilled with clean material to re-establish preconstruction grades. The Unpaved Engineering Control Area will consist of a soil cover and seeding, as well as riprap underlain by nonwoven geotextile on the reconstructed west bank of the Canal to prevent erosion. Post-construction monitoring of the Unpaved Engineering Control Area will be visual and focus on erosion control.

The largest area associated with this COMMP is the Subaqueous Engineering Control Area. Prior to capping activities, contaminated sediment will be dredged from the West End of the canal to remove the highest concentrations of contaminants of concern (COCs) in this area. After dredging to the design elevations, capping activities will be initiated within the canal and include the dredge area. The functions of the Subaqueous Engineering Control are to provide an isolation layer between possible receptors (e.g., benthic community) and the underlying contaminated sediments, as well as to prevent migration of the COCs (metals and PAHs) into the water column.

This document describes post-construction monitoring and maintenance activities that will be performed for the Paved Engineering Control Area, the Unpaved Engineering Control Area, and the Subaqueous Engineering Control Area considering the Betterment Project. Maintenance and monitoring will be performed in order to ensure that the caps remain intact, physically stable, and protective over time.



2 ROD/ESD CAP AND BETTERMENT DESIGN SUMMARY

2.1 UNPAVED ENGINEERING CONTROL AREA - SUMMARY

Soil will be excavated at the western terminus of the canal. Clean imported cover soil will be placed as backfill along the western bank and will be seeded. Riprap will be placed along the western canal slope for stability purposes.

2.2 PAVED ENGINEERING CONTROL AREA – SUMMARY

The Paved Engineering Control Area already meets the requirements of the existing Cap Maintenance and Hard Surfacing Plan approved by the WDNR on September 1, 2009. As such, the requirements of the approved plan are incorporated into the COMMP (Appendix A).

2.3 SUBAQUEOUS ENGINEERING CONTROL AREA – SUMMARY

Sediment in the canal will be capped using imported aggregate to achieve an average thickness of 12 inches or more, across the entire canal area, with no areas less than 9-inches thick. Prior to placement of the ROD/ESD cap, a stabilization layer will be installed over the canal sediment area. The stabilization layer may consist of up to 48 inches of aggregate to provide a base for constructing the ROD/ESD cap as described in the CQAPP.

There are two combined sewer outfalls (CSO) in the canal. The outfall discharges are identified as CSO 193 (formerly CSO-210) and CSO 194 (formerly CSO-211), as shown on Figure 2. At outfall CSO 193, a riprap apron is unnecessary due to the significant water column depth between the CSO invert and top of Betterment that will dissipate discharge velocity from the CSO. For erosion protection at CSO 194, a riprap apron will be constructed at the outfall. As shown in the Final Design Report plans, the riprap apron at outfall CSO 194 will be 19.5 feet wide at the outfall, extend 36 feet from the outlet, and widen to approximately 41 feet at the end of the riprap apron.

An additional five feet of imported aggregate will be placed on top of the ROD/ESD cap in most areas and, in areas near CSO 194 at the west end of the canal, two feet of riprap or material meeting the Wisconsin Department of Transportation (WisDOT) Select Crushed Material Specification (Select Crushed) underlain by nonwoven geotextile will be placed on top of the ROD/ESD cap. The design specifics for the Betterment work in the canal are set forth in the Chapter 30 permit application for the Betterment Project. The following is a summary of the key aspects of the design that relate to the COMMP:

- 1. To accommodate both the Betterment Project fill placement at the west end of the canal and flow from the CSO 194 (formerly CSO-211), a subaqueous conveyance channel will be constructed on top of the ROD/ESD cap in the western portion of the canal, as shown in Appendix B. The channel will extend approximately 200 feet downstream of the CSO 194 (formerly CSO-211) riprap apron, which will also be constructed on top of the ROD/ESD cap. The channel cross-section will be trapezoidal, with a base width and elevation approximately equal to that of the riprap apron. The channel will be lined with two feet of riprap or Select Crushed, and underlain by nonwoven geotextile, placed on top of the ROD/ESD cap, throughout its cross-section. The channel sides will slope upwards at 4H:1V, terminating at the elevation of the betterment fill material (Appendix B).
- 2. Based on the most recent United States Army Corps of Engineers (ACE) survey of the surface of the canal (2017), the sediment surface elevation is greater on the west end than the elevation observed during the remedial investigation (2008) and used in the remedial design. To allow for flow from CSO 194 (formerly CSO-211), up to seven feet of sediment will be relocated and capped (ROD/ESD cap) to build the subaqueous conveyance channel. The relocation will be conducted pursuant to Wis. Admin. Code ch. NR 718. WDNR approved relocation of sediment associated with subaqueous conveyance channel construction in an August 31, 2018 letter to Miller (Appendix C). U.S. EPA confirmed in an April 30, 2018 email to OBG that the sediment relocation associated with subaqueous conveyance channel construction is not considered a design change by U.S. EPA (Appendix C).



3 CAP MONITORING AND MAINTENANCE

Post-construction monitoring and contingency response actions are required for the cap areas that make up the Site. The three monitoring and maintenance areas include:

- Paved Engineering Control Area (west of the canal, in the historic location of the wire reclamation furnace)
- Unpaved Engineering Control Area (between the Paved Engineering Control Area and the Subaqueous Engineering Control Area, including the 12-inch Scrape area and the western bank of the canal above the OHWM)
- Subaqueous Engineering Control Area (from the 11th Street Bridge to the west terminus of the canal)

Results of monitoring efforts will be recorded and provided to the WDNR in Post-Construction Monitoring Reports. Monitoring activities and responses are described in the following sections for each of the areas.

3.1 PAVED ENGINEERING CONTROL AREA MONITORING

The Site includes a Paved Engineering Control Area at the west end of the canal. The condition of the Paved Engineering Control Area will be documented through visual inspection of the area. Since regular facility operations in this area will continue following construction, future monitoring will be performed in accordance with the existing facility-wide Cap Maintenance and Hard Surfacing Plan approved by WDNR on September 1, 2009 (Appendix A). Annual inspection and maintenance logs will be maintained per the example provided in Exhibit A to the Cap Maintenance and Hard Surfacing Plan.

3.2 UNPAVED ENGINEERING CONTROL AREA MONITORING

The Site includes an unpaved upland soil cap at the west end of the canal. The condition of the Unpaved Engineering Control Area will be documented through visual inspection. No operations occur in this area; therefore, reviews will be performed during the monitoring events for the Subaqueous Engineering Control Area as described in Section 3.3. A modified version of WDNR Form 4400-305 (Appendix D) will be prepared and completed for each inspection event and submitted to the WDNR as an attachment to the Post-Construction Monitoring Reports.

Monitoring will verify the status of the two main components of the Unpaved Engineering Control Area: the vegetative area and the west end Canal slope riprap above the OHWM. In the vegetative zone, monitoring will identify potential erosion and verify vegetative growth. The riprap zone above the OHWM on the west bank of the canal will be inspected to identify potential erosion and any loss of riprap into the canal. If needed, the riprap will be repaired in accordance with the Technical Specifications, provided in Appendix H of the Final Design Report.

3.3 SUBAQUEOUS ENGINEERING CONTROL AREA MONITORING

Monitoring events associated with the construction phase of the project are described in the CQAPP. The postclosure monitoring events are described in the LTCP. The post-construction, pre-closure monitoring events will be conducted as described by this COMMP and reported to the WDNR within 180 days following the monitoring event. An approval request for cessation of COMMP activities will be submitted to the WDNR with the Site closure request. At the time of closure, the requirements of the COMMP will be superseded by WDNR's postclosure continuing obligations. The anticipated post-closure continuing obligations for the Site are described in the Long-Term Care Plan (LTCP)

Post-construction, pre-closure Subaqueous Engineering Control Area and erosion monitoring events will be performed annually. In addition, monitoring will be conducted following abnormal weather events (e.g., rainfall greater than the 25-yr, 24-hr storm event). The 25-year, 24-hour storm events will be defined by the NOAA Precipitation Frequency Data Server (PFDS) at the time of the event (currently >4.56 inches of rainfall within 24 hours). Storm-related monitoring events will occur within 60 days of the storm event, weather conditions permitting. Storm-related monitoring events will satisfy the annual monitoring event requirement, but if an



annual event has already been performed, additional event(s) must be conducted that year if rainfall greater than the 25-year, 24-hour storm event occurs.

3.3.1 Purpose

Post-construction monitoring is designed to verify the remedial action cap remains in place by examining the betterment material placed on top of the remedial action cap. Verification of the presence of the betterment material will confirm that the ROD/ESD cap is in place and, thus, the ROD/ESD remedy remains protective of human health and the environment. Following documentation of construction completion, poling surveys, as described below, will be the primary method to demonstrate that material placed is intact.

3.3.2 Poling Surveys

Bathymetric surveys will have been completed for the ROD/ESD cap during construction, as required by the U.S. EPA approved design. These surveys also will include the Betterment fill. The purpose of the bathymetric surveys is to document the as-built elevations of the ROD/ESD cap and Betterment fill to obtain WDNR approval of construction. The survey methods and results will be incorporated into the Construction Documentation Report to be submitted and reviewed by WDNR under the Negotiated Agreement.

The purpose of post-construction surveys is to demonstrate that the ROD/ESD cap remains in place. Since the ROD/ESD cap will be buried beneath the Betterment Project fill material, a post-construction bathymetric survey of the ROD/ESD cap is not a feasible verification method. The post-construction monitoring requirement will be met by demonstrating that Betterment Project fill material remains in place. If the Betterment Project fill material remains in place, then the ROD/ESD cap also remains in place.

Post-construction verification monitoring events will consist of a poling survey of the Betterment Project fill material, the conveyance channel, and the CSO 194 (formerly CSO-211) riprap apron at approximately 25 verification locations, as shown in Figure 3. A real-time kinematic (RTK) global positioning system (GPS) will be used to navigate to proposed locations and log actual poling locations. The poling rod will be used to confirm the presence of riprap or Select Crushed atop the geotextile in the CSO 194 apron and conveyance channel, and confirm the presence of Select Crushed throughout the rest of the Subaqueous Engineering Control Area. As described in the Technical Specifications included in the Chapter 30 Permit Application for the Betterment project, the majority of Betterment fill material to be placed on top of the ROD/ESD cap will consist of aggregates that entirely pass the 1.5-inch sieve. However, the top few inches of the Betterment fill material (Betterment topping) will consist of coarser aggregate that is equivalent to the WisDOT Spec 312 for Select Crushed Material. If poling indicates that riprap or Select Crushed is not present atop the geotextile in the CSO 194 apron and conveyance channel (bare geotextile), additional evaluation or potential corrective action will be conducted, as necessary. Similarly, if poling indicates the absence of Betterment topping (Select Crushed) in the Subaqueous Engineering Control Area outside of the conveyance channel, additional evaluation or potential corrective action will be conducted, as necessary. A flowchart outlining the requirements for poling survey verification of fill material is provided as Figure 4.

The poling rod will also be used to measure canal water depth atop the voluntary betterment fill material. Water depth will be subtracted from canal water elevation to determine the elevation of the top of the Betterment Project material. Canal water elevation will be measured using a gaging station to be installed during construction. The elevations of the top of Betterment Project material will be compared to the elevations provided in the bathymetric and poling survey(s) completed during construction in the same or similar locations.

Post-Construction Monitoring Reports will be submitted to the WDNR following each monitoring event to document the poling survey results. If the presence of riprap or Select Crushed is not verified at all poling locations, additional evaluation conducted to demonstrate that betterment material remains will be discussed in these reports. If additional evaluation indicates the absence of betterment material, corrective actions, likely to include placement of additional aggregate fill materials in the affected areas, will be discussed in these reports. Inspection logs for the Unpaved Engineering Control Area, as discussed in Section 3.2, will be attached to each Post-Construction Monitoring Report.



3.4 POST-CONSTRUCTION PLAN MODIFICATION PROCESS

The COMMP sets forth the post-construction maintenance and monitoring requirements based on the remedial design, ROD/ESD, and the Chapter 30 betterment approach. It is understood that the final long-term care plan under Wis. Stat. 292.12(d)(1) for the Subaqueous Engineering Control Area and the Unpaved Engineering Control Area will be issued at the time WDNR approves closure under Wis. Admin. Code ch. NR 726. At the time of closure, the requirements of the COMMP will be superseded by WDNR's post-closure continuing obligations. The anticipated continuing obligations for the Site are described in the Long-Term Care Plan (LTCP).

Given the potential for additional fill material to be added to the canal above the Betterment (i.e. wetland construction) prior to Site closure, as well as the expectation that post-construction maintenance and monitoring activities will demonstrate that the caps remain intact, physically stable, and protective over time, COMMP modifications may be appropriate as the monitoring occurs. Alternative monitoring and documentation activities associated with the Unpaved Engineering Control Area and the Subaqueous Engineering Control Area, and/or frequency of these activities, may be proposed, as warranted, through a COMMP modification submitted to the WDNR. Proposed alternative COMMP activities and/or schedules would continue to confirm the stability and protectiveness of the caps until the COMMP is superseded.



3.4 POST-CONSTRUCTION PLAN MODIFICATION PROCESS

The COMMP sets forth the post-construction maintenance and monitoring requirements based on the remedial design, ROD/ESD, and the Chapter 30 betterment approach. It is understood that the final long-term care plan under Wis. Stat. 292.12(d)(1) for the Subaqueous Engineering Control Area and the Unpaved Engineering Control Area will be issued at the time WDNR approves closure under Wis. Admin. Code ch. NR 726. At the time of closure, the requirements of the COMMP will be superseded by WDNR's post-closure continuing obligations. The anticipated continuing obligations for the Site are described in the Long-Term Care Plan (LTCP).

Given the potential for additional fill material to be added to the canal above the Betterment (i.e. wetland construction) prior to Site closure, as well as the expectation that post-construction maintenance and monitoring activities will demonstrate that the caps remain intact, physically stable, and protective over time, COMMP modifications may be appropriate as the monitoring occurs. Alternative monitoring and documentation activities associated with the Unpaved Engineering Control Area and the Subaqueous Engineering Control Area, and/or frequency of these activities, may be proposed, as warranted, through a COMMP modification submitted to the WDNR. Proposed alternative COMMP activities and/or schedules would continue to confirm the stability and protectiveness of the caps until the COMMP is superseded.



BURNHAM CANAL SUPERFUND ALTERNATIVE SITE | REVISED CAP OPERATIONS, MAINTENANCE, AND MONITORING PLAN















Appendix A

Cap Maintenance and Hard Surfacing Plan





State of Wisconsin \ DEPARTMENT OF NATURAL RESOURCES

Jim Doyle, Governor Matthew J. Frank, Secretary Gloria L. McCutcheon, Regional Director Southeast Region Headquarters 2300 N. Dr. Martin Luther King, Jr. Drive Milwaukee, Wisconsin 53212-3128 FAX 414-263-8606 Telephone 414-263-8500 TTY Access via relay - 711

September 1, 2009

In Reply, Refer to: FID# 241213720 BRRTS# 02-41-246029 BRR/ERP

Mr. Joe Kovacich Vice President-Administration Miller Compressing Post Office Box 369 Milwaukee, WI 53201

> Re: Remedial Action / Hard Surfacing Plan Approval for Miller Compressing Site – Bruce Street Facility, 1640 W Bruce Street, Milwaukee, WI

Dear Mr. Kovacich:

As requested by Miller Compressing, the Wisconsin Department of Natural Resources (Department) has reviewed the Hard Surfacing Plan you submitted, dated June 15, 2009. We also received a request from your attorney, Mark Thimke at Foley and Lardner LLP, dated April 9, 2009. The require review fee was received.

You have requested Department approval of a plan to conduct the capping work in a logical, stepwise fashion consistent with Miller Compressing's business plans and activities. Further, the capping work is intended to address soil contamination impacts associated with scrap operations. The Plan contains a set of capping alternatives for areas that Miller Compressing elects to bring into the hard surfacing program at the Bruce Street facility. A copy of the Cap Maintenance / Hard Surfacing Plan (Plan) including a map (Exhibit B) of the areas that are subject to this letter is attached to this letter.

Background

In 1993, an inspector visiting the Miller Compressing property observed that a customer released liquids onto the ground in the area known as the "West Yard." Miller Compressing investigated and remediated the area in which the release occurred. Following that work, a meeting was held with the Department on January 10, 1996, to discuss the entire West Yard. At the meeting, Miller Compressing proposed to address other portions of the West Yard by hard surfacing/capping the yard as operations would allow. Plans for the hard surfacing/capping work were submitted to the Department on July 1, 1997. As opportunities arose, Miller Compressing undertook work consistent with the 1997 plans. On July 13, 2007, the Department issued a "Plan Approval" letter for hard surfacing of the "West Yard". On December 16, 2008, the Department received documentation that hard surfacing of the "West Yard" had been completed.

Department Concurrence

Over the last several years, the Department has worked closely with Wisconsin metal recyclers to develop a cooperative program for addressing soil contamination associated with historic operations at these sites. The Department acknowledges the importance of recycling operations



in the process of recycling and reusing valuable resources that would otherwise be landfilled. At the same time, the industry recognizes the need to take reasonable actions consistent with the nature of metal recycling to protect the environment. The West Yard is a continuing example of this cooperative effort.

Miller Compressing now plans to install hard surfacing on other portions of the site as the opportunity to complete the hard surfacing/capping work arises in those areas. The hard surface cap will be constructed as follows:

- Currently unpaved operating areas would meet a specification of 5 inches of hard surfacing (concrete or asphalt) in addition to a minimum of 4 to 7 inches of stone base. This specification is similar to that approved by the Department in July 2007 for the "West Yard."
- Existing hard surfaced areas will be improved, if necessary, so as to have a 9 to 12 inch cap. This cap will be a combination of existing hard surfacing and crushed stone base. Existing hard surfaced areas will be improved, if necessary, so as to have a minimum of 5 inches of hard surfacing, asphalt or concrete.
- Landscape areas. There are several landscape areas at the Bruce Street facility. Most of these areas are located along the entrance to the Bruce Street/Greenwood Scale and near Mitchell Park. These areas were not used for scrap operations and will continue to be maintained with mulch, plantings and vegetation.

The Department concurs with the approach of hard surfacing/capping the areas shown on Exhibit B of the Plan. Hard surfacing/capping provides a barrier to direct contact with contaminants that may be found in the soil.

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 exists that must be properly managed should it be excavated or removed
- Before the land use may be changed from a metal recycling facility, additional environmental work **may be required to** be completed
- Pavement, an engineered cover or a soil barrier must be maintained over contaminated soil and the state must approve any changes to this barrier

This letter and information that was submitted with your Remedial Action / Hard Surfacing Plan will be included on the GIS Registry. To review the sites on the GIS Registry web page, visit the RR Sites Map page at http://dnr.wi.gov/org/aw/rr/gis/index.htm. If the property is listed on the GIS Registry because of remaining contamination and you intend to construct or reconstruct a well, you will need prior Department approval in accordance with s. NR 812.09(4)(w), Wis. Adm. Code. To obtain approval, Form 3300-254 needs to be completed and submitted to the DNR Drinking and Groundwater program's regional water supply specialist. This form can be obtained on-line http://dnr.wi.gov/org/water/dwg/3300254.pdf or at the web address listed above for the GIS Registry.

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 pavement or other impervious cap that currently exists in the location shown on the attached map shall be maintained in compliance with the **attached maintenance plan** in order to minimize the infiltration of water and prevent groundwater contamination that would violate the groundwater quality standards in ch. NR 140, Wis. Adm. Code, and to prevent direct contact with residual soil contamination that might otherwise pose a threat to human health. If soil in the specific locations described above is excavated in the future, the property owner at the time of excavation must sample and analyze the excavated soil to determine if residual contamination remains. If sampling confirms that contamination is present the property owner at the time of excavation will need to determine whether the material 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 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 attached maintenance plan and inspection log are to be kept up-to-date and on-site. Please submit the inspection log to the Department upon request.

Conditions

The Department's concurrence with the hard surfacing/capping program for the West Yard is specifically conditioned on the following:

- 1. The site will continue to be utilized as part of a metal recycling facility;
- 2. Capping of areas of the Bruce Street facility will occur when operations allow for the work to proceed. Some operations are not readily amenable to capping due to the existing placement of equipment. As opportunities allow for capping to occur (for example, relocation of operations, change in activities or an ownership change), Miller Compressing will move ahead with the work.
- 3. The cap will be constructed and documented according to the Plan.
- 4. It is anticipated that the cap design may vary depending upon the nature of the operations in the area being addressed. The cap should be designed to withstand the anticipated use(s) of the area and minimize premature cap degradation.
- 5. Miller Compressing may, on a case-by-case basis, submit area-specific cap designs that vary from the approved designs or which incorporate newly available capping materials. These case-by-case designs will require Departmental pre-approval before they may be used by Miller Compressing.
- 6. Capping activities will be self-implementing. Once completed, Miller Compressing will notify the Department of the area that was capped and the cap design utilized in the area

(including the type and amount of material that has been added and the pre-existing pavement conditions present prior to final capping).

- 7. For the capped areas, Miller Compressing will comply with the GIS Registry requirements noted above and will notify the next property owner of the requirements set forth in this letter.
- 8. Closure of the site will not be granted until all environmental media are addressed, but for purposes of direct contact risk, capping will be considered sufficient.
- 9. Additional investigation of soil and/or groundwater may be required before this site can be closed per NR 726.

Please note that this letter is not intended to address any issues related to investigation, remediation or any other issues related to the contamination that is the subject of the Superfund Alternatives Program which you are working on with the Environmental Protection Agency (EPA) and Margaret Brunette of the Department.

The Department appreciates efforts to restore the environment at this site. If you have any questions or concerns regarding this letter, please contact Andy Boettcher at (414) 263-8541.

Sincerely,

mus a Schmatt

James A Schmidt SER Remediation & Redevelopment Team Supervisor

CC: Mark Thimke, Foley and Lardner, 777 East Wisconsin Avenue, Milwaukee, WI 53202

Attachment: 1) Cap Maintenance / Hard Surfacing Plan (Plan), dated September 2009

AB

Cap Maintenance / Hard Surfacing Plan

Miller Compressing Company 1640 W. Bruce Street Milwaukee, Wisconsin 53201

FID # 241213720 BRRT# 02-41-246029

This document is the Cap Maintenance / Hard Surfacing Plan (herein referred to as the "Plan") for Miller Compressing's Bruce Street operation in accordance with the requirements of s NR 724.13(2), Wisconsin Administrative Code. The maintenance activities relate to the Plan established with the Wisconsin Department of Natural Resources (WDNR) to cap former/existing scrap handling/processing operations at this location.

More site-specific information about this property may be found in:

- Case file in the WDNR Southeastern regional office (FID# 241213720)
- BRRTS on the Web (<u>http://dnr.wi.gov/org/aw/rr/brrts/index.htm</u>)
- GIS Registry PDF file for further information on the nature and extent of contamination
- The WDNR project manager for Milwaukee County

Description of Contamination

Past scrap handling/processing operations along with past heavy industrial use resulted in elevated levels of RCRA metals, PAHs, petroleum products, PCBs and chlorinated solvents in near surface soils (2-4 feet below ground surface). The purpose of this Plan is to outline the requirements that Miller Compressing Company must follow when it requests that an area be added to the Plan and to describe the inspection and maintenance requirements for the "capped" areas of the site. Miller Compressing must document the compliance with the Plan and must maintain the Hard Surface Cap (herein referred to as the "Cap") agreed to with the WDNR.

Description of Hard Surface Cap

The extent of the Site is outlined on the attached map (Exhibit B) and the extent of the Cap is outlined on the subsequent exhibits designated starting with B (such as B-1, B-2, etc.) as areas are added into the Plan. The Cap will be 9-12 inches thick, consisting of 4-7 inches of suitable sub grade material and a minimum of 5 inches of hard surfacing which maybe asphalt or concrete. A more detailed description of the Cap is described in the WDNR letter dated September 1, 2009.

Page 2 Cap Maintenance / Hard Surfacing Plan Miller Compressing

The proposed Cap over the soil contamination serves as a barrier to prevent direct human contact with residual soil contamination that might otherwise pose a threat to human health. This Cap will also act as a partial infiltration barrier to minimize future soil to groundwater contamination migration that would violate the groundwater standards in ch NR 140, Wisconsin Administrative Code.

Based on the current and future use of the property as a scrap processing facility, the barrier should function as intended unless disturbed.

Annual Inspection

All areas included in the Plan must be inspected annually, preferably in the spring after all snow and ice has melted and should identify deterioration, cracks or other potential problems that can cause exposure to underlying soils and evaluate damage due to settling, exposure to the weather, wear from traffic or operations, increasing age and other factors. Any area where soils have become or are likely to become exposed will be documented in an inspection log which will include recommendations for necessary repairs and the documentation of the completion of those repairs. The inspections will be performed by Miller Compressing or their designated representative. The Hard Surface Cap Inspection and Maintenance Log is attached as Exhibit A. The inspection log will be kept at Miller Compressing Company and available for submittal or inspection by the WDNR representative upon their request during normal business hours.

Maintenance Activities

If problems are noted during the annual inspections or at any other time during the year, repairs will be scheduled as soon as practical. Repairs may include patching and filling or larger resurfacing or construction activities. In the event that necessary maintenance activities expose the underlying soil, Miller Compressing Company must inform maintenance workers of the direct contact exposure hazard and provide them with appropriate personal protection equipment ("PPE"). Miller Compressing Company must notify the WDNR prior to any excavation activities. All soils being removed from the site must be treated, stored and disposed of by Miller Compressing Company in accordance with applicable local, state and federal law.

In the event the Cap overlying the contaminated soils is removed or replaced, the replacement Cap must meet the specifications stated in the WDNR letter dated September 1, 2009. Any replacement Cap will be subject to the same maintenance and inspection guidelines as stated in this Plan unless indicated otherwise by the WDNR or its successor.

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

Page 3 Cap Maintenance / Hard Surfacing Plan Miller Compressing

Prohibition of Activities and Notification of WDNR Prior to Actions Affecting the Cap

The following activities are prohibited on any portion of the property that Miller Compressing Company has selected to include in the Hard Surface Plan, unless prior notification to the WDNR has been made: 1) removal of the existing barrier; 2) replacement with another barrier; 3) excavating or grading of the land surface; 4) filling on capped or paved areas; 5) plowing for agricultural cultivation; or 6) construction or placement of a building or other structure which causes disturbance of the Cap.

Amendment or Withdrawal of Cap Maintenance Plan

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This Maintenance Plan can be amended or withdrawn by the property owner and its successors with the written approval of the WDNR

Contact Information

September 2009 Site Owner and Operator:

Miller Compressing Company 1640 W. Bruce Street Milwaukee, Wisconsin 53204 414-671-5980

Signature:

Name:

Title:

WDNR:

Andrew Boettcher WDNR SE Regional Office 2300 N. MLK Jr Drive Milwaukee, Wisconsin 53212-3128

<u>Exhibit A</u> Hard Surface Cap Inspection and Maintenance Log

Inspection	Inspector	Condition of	Recommendations	Has Recommended maintenance from
Date	mspecior	Cap	Necommendations	previous inspection been implemented !
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		<u></u>		

SITUATED ON WEST BRUCE STREET, CITY OF MILWAUKEE, MILWAUKEE COUNTY, WISCONSIN

1901 W. BRUCE STREET

1635 W. BRUCE STREET

1912 W. PIERCE STREET PARCEL 1 OF CERTIFIED SURVEY MAP NO. 2318, RECORDED ON MAY 3, 1974, REEL 783, IMAGES 1056 TO 1061 INCLUSIVE, AS DOCUMENT NO. 4837903, BEING A PART OF THE NORTHEAST 1/4 AND THE NORTHWEST 1/4 OF SECTION 31, TOWN 7 NORTH, RANGE 22 EAST, IN THE CITY OF MILWAUKEE, COUNTY OF MILWAUKEE, STATE OF WISCONSIN.

PARCEL 2 OF CERTIFIED SURVEY MAP NO. 6824, RECORDED ON MAY 26, 2000, AS DOCUMENT NO. 7916288, BEING A DIVISION OF PARCEL 2 OF CERTIFIED SURVEY MAP NO. 4554, IN THE SOUTHEAST 1/4 OF THE NORTHWEST 1/4 AND THE SOUTHWEST 1/4 OF THE NORTHEAST 1/4 OF SECTION 31, TOWN 7 NORTH, RANGE 22 EAST, CITY OF MILWAUKEE, COUNTY OF MILWAUKEE, STATE OF WISCONSIN.

THAT PART OF THE WEST 1/2 OF THE NORTHEAST 1/4 OF SECTION 31, TOWN 7 NORTH, RANGE 22 EAST, IN THE CITY OF MILWAUKEE, COUNTY OF MILWAUKEE, STATE OF WISCONSIN, WHICH IS BOUNDED AND DESCRIBED AS FOLLOWS: COMMENCING AT A POINT IN THE SOUTH LINE AND 1009.50 FEET EAST OF THE SOUTHWEST CORNER OF SAID NORTHEAST 1/4; RUNNING THENCE NORTH ALONG A LINE WHICH IS PARALLEL WITH THE WEST LINE OF SAID 1/4 SECTION. 202 50 FEET TO A POINT: THENCE WEST ALONG A LINE PARALLEL WITH THE SOUTH LINE OF SAID 1/4 SECTION, 102 75 FEET TO A POINT THENCE NORTH ALONG A LINE PARALLEL WITH THE WEST LINE OF SAID 1/4 SECTION, 205 FEET TO THE CENTER LINE OF WEST BRUCE STREET; THENCE EAST ALONG A LINE PARALLEL WITH THE SOUTH LINE OF SAID 1/4 SECTION, 132.75 FEET TO A POINT WHICH IS 1039.50 FEET EAST OF THE WEST LINE OF SAID 1/4 SECTION: THENCE SOUTH ALONG A LINE PARALLEL WITH THE WEST LINE OF SAID 1/4 SECTION, 407.50 FEET TO THE SOUTH LINE OF SAID 1/4 SECTION: THENCE WEST ALONG THE SOUTH LINE OF SAID 1/4 SECTION. 30 FEET TO THE POINT OF BEGINNING. EXCEPTING THEREFROM THAT THAT PART CONVEYED TO THE CITY OF MILWAUKEE BY WARRANTY DEED RECORDED IN VOLUME 1593 OF DEEDS, ON PAGE 555, AS DOCUMENT NO. 2238204 FOR WEST REYNOLDS PLACE, AND EXCEPTING THE NORTH 37.50 FEET CONVEYED TO THE CITY OF MILWAUKEE FOR WEST BRUCE STREET, AND ALSO EXCEPTING WEST PIERCE STREET

PARCEL A (1800-1942 W. BRUCE STREET): PARCEL 1 OF CERTIFIED SURVEY MAP NO. 4554, RECORDED ON JANUARY 8, 1985 ON REEL 1715, IMAGES 1822 TO 1827 INCL., AS DOCUMENT NO. 5779116, BEING A REDIVISION OF PARCEL 1 IN CERTIFIED SURVEY MAP NO. 2219, PARCEL 1 IN CERTIFIED SURVEY MAP NO. 3643, AND PARCELS 2 AND 3 IN CERTIFIED SURVEY MAP NO. 4114, BEING A PART OF THE NE 1/4 AND THE NW 1/4 OF SECTION 31. T 7 N. R 22 E. IN THE CITY OF MILWAUKEE. COUNTY OF MILWAUKEE. STATE OF WISCONSIN ALSO PARCELS 1 AND 2 OF CERTIFIED SURVEY MAP NO. 2544. RECORDED ON MAY 14, 1975 ON REEL 851. IMAGES 764 TO 770 INCL. AS DOCUMENT NO. 4915033. BEING PARCEL II OF CERTIFIED SURVEY MAP NO. 2318, BEING A PART OF THE NE 1/4 AND THE NW 1/4 OF SECTION 31, T 7 N, R 22 E, IN THE CITY OF MILWAUKEE, COUNTY OF MILWAUKEE, STATE OF WISCONSIN.

PARCEL B (1640 W. BRUCE STREET): A PARCEL OF LAND LOCATED IN THE NORTHEAST 1/4 OF SECTION 31, TOWN 7 NORTH, RANGE 22 EAST, IN THE CITY OF MILWAUKEE, COUNTY OF MILWAUKEE, STATE OF WISCONSIN, BOUNDED AND DESCRIBED AS FOLLOWS: COMMENCING AT A POINT 445.00 FEET NORTH 0º 40' 30" EAST OF THE SOUTH LINE OF SAID 1/4 SECTION AND 108.00 FEET WEST OF THE EAST LINE OF THE WEST 1/2 OF SAID 1/4 SECTION, SAID POINT LYING IN THE NORTH LINE OF W. BRUCE STREET; THENCE WEST ALONG SAID NORTH LINE AND PARALLEL WITH THE SOUTH LINE OF SAID 1/4 SECTION 320.50 FEET TO A POINT; THENCE NORTH 0° 40' 30" EAST AND PARALLEL WITH SAID EAST LINE OF THE WEST 1/2 OF SAID 1/4 SECTION 103.00 FEET TO A POINT; THENCE WEST 101.00 FEET TO A POINT; THENCE NORTH 0° 40' 30" EAST 536.20 FEET TO A POINT IN THE SOUTHERLY RIGHT-OF-WAY LINE OF THE C.M. ST. P & P RAILROAD; THENCE SOUTH 80° 03' 25" EAST 102.33 FEET TO A POINT; THENCE SOUTH 82° 55' 26" EAST 152.44 FEET TO A POINT IN A CURVED LINE; THENCE SOUTHEASTERLY ALONG A CURVED LINE (LYING 13 FEET SOUTHERLY OF AND PARALLEL WITH THE CENTERLINE OF AN EXISTING SPUR TRACK) 295 FEET, MORE OR LESS TO THE NORTH WALL OF AN EXISTING BUILDING; THENCE EASTERLY ALONG SAID WALL 5.40 FEET TO THE NORTHEAST CORNER OF SAID BUILDING: THENCE SOUTHERLY ALONG THE EAST WALL OF SAID BUILDING 61.50 FEET TO THE SOUTHEAST CORNER: THENCE WESTERLY ALONG THE SOUTH WALL 5.00 FEET TO A POINT; THENCE SOUTH 0° 40' 30" WEST 239.35 FEET TO THE NORTH WALL OF AN EXISTING BUILDING: THENCE EASTERLY ALONG THE NORTH WALL 7.20 FEET TO THE NORTHEAST CORNER OF SAID BUILDING: THENCE SOUTHERLY ALONG THE EAST WALL 69.35 FEET TO THE POINT OF COMMENCEMENT, ALSO PARCEL 1 OF CERTIFIED SURVEY MAP NO. 4114, RECORDED ON NOVEMBER 3, 1981 ON REEL 1411 IMAGE 1663 TO 1670 INCL., AS DOCUMENT NO. 5509474, BEING A REDIVISION OF PARCEL 2 IN CERTIFIED SURVEY MAP NO. 3643, BEING A PART OF THE NE 1/4 AND THE NW 1/4 OF SECTION 31, T 7 N, R 22 E, IN THE CITY OF MILWAUKEE, COUNTY OF MILWAUKEE, STATE OF WISCONSIN.

PARCEL C (1600 W. BRUCE STREET): A PARCEL OF LAND LOCATED IN THE NORTHEAST 1/4 OF SECTION 31, TOWN 7 NORTH, RANGE 22 EAST, IN THE CITY OF MILWAUKEE, COUNTY OF MILWAUKEE, STATE OF WISCONSIN, BOUNDED AND DESCRIBED AS FOLLOWS: COMMENCING AT A POINT IN THE NORTH LINE OF WI BRUCE STREET WHERE THE SAME IS INTERSECTED BY THE WEST LINE OF THE 16TH STREET VIADUCT: THENCE WEST ALONG THE NORTH LINE OF W. BRUCE STREET, 61.50 FEET TO A POINT: THENCE NORTH 0° 40' 30" EAST AND PARALLEL TO SAID VIADUCT, 590.86 FEET TO A POINT IN THE SOUTH LINE OF THE RIGHT-OF-WAY OF THE CHICAGO, MILWAUKEE, AND ST. PAUL RAILWAY COMPANY; THENCE SOUTH 89° 32' 30" EAST ALONG SAID SOUTH LINE OF THE RIGHT-OF-WAY OF SAID CHICAGO, MILWAUKEE, ST. PAUL RAILWAY COMPANY, 61.50 FEET TO THE WEST LINE OF SAID 16TH STREET VIADUCT; THENCE SOUTH 0° 40' 30" WEST ALONG SAID WEST LINE OF SAID 16TH STREET VIADUCT, 590.36 FEET TO THE PLACE OF BEGINNING.

A PARCEL OF LAND LOCATED IN THE NORTHEAST 1/4 OF SECTION 31, TOWN 7 NORTH, RANGE 22 EAST, IN THE CITY OF MILWAUKEE, COUNTY OF MILWAUKEE, STATE OF WISCONSIN, DESCRIBED AS FOLLOWS COMMENCING AT A POINT IN THE NORTH LINE OF W. BRUCE STREET 61.50 FEET WEST OF ITS INTERSECTION WITH THE WEST LINE OF THE 16TH STREET VIADUCT; CONTINUING THENCE WEST ALONG SAID NORTH LINE, 11.50 FEET TO A POINT LYING IN THE EASTERLY WALL OF AN EXISTING TWO STORY BRICK BUILDING: THENCE NORTH 0° 40' 30" EAST ALONG SAID EASTERLY WALL AND PARALLEL TO THE 16TH STREET VIADUCT LINE 69.35 FEET TO A POINT, BEING THE NORTHEAST BUILDING CORNER; THENCE WESTERLY ALONG SAID BUILDING WALL, 7.20 FEET TO A POINT; THENCE NORTH 0° 40' 30" EAST ON A LINE 13 FEET FROM AND PARALLEL TO THE CENTERLINE OF AN EXISTING SPUR TRACK, 239.35 FEET TO A POINT IN THE SOUTHERLY WALL OF AN EXISTING CONCRETE AND STEEL BUILDING: THENCE EASTERLY ALONG SAID BUILDING WALL 5.00 FEET TO A POINT, BEING THE SOUTHEAST BUILDING CORNER; THENCE NORTHERLY ALONG THE EASTERLY WALL OF SAID BUILDING, 61.50 FEET TO A POINT, BEING THE NORTHEAST BUILDING CORNER; THENCE WESTERLY ALONG SAID BUILDING WALL, 5.40 FEET TO A POINT; THENCE NORTHWESTERLY ALONG A CURVED LINE {LYING 13 FEET SOUTHERLY OF AND PARALLEL TO THE CENTERLINE OF AN EXISTING SPUR TRACK) 295 FEET, MORE OR LESS, TO A POINT IN THE SOUTHERLY RIGHT-OF-WAY LINE OF THE CHICAGO, MILWAUKEE, ST. PAUL AND PACIFIC RAILROAD; THENCE EASTERLY ALONG SAID RIGHT-OF-WAY LINE, 186 FEET, MORE OR LESS, TO A POINT LOCATED 61.50 FEET WESTERLY OF THE WEST LINE OF S. 16TH STREET VIADUCT; THENCE SOUTH 0° 40' 30" WEST AND PARALLEL TO SAID WESTERLY LINE OF S. 16TH STREET, 590.86 FEET TO THE POINT OF COMMENCEMENT.

PARCEL D (501-585 S. MUSKEGO AVENUE): A PARCEL OF LAND LOCATED IN THE NORTHEAST 1/4 OF SECTION 31, TOWN 7 NORTH, RANGE 22 EAST, IN THE CITY OF MILWAUKEE, COUNTY OF MILWAUKEE, STATE OF WISCONSIN, BOUNDED AND DESCRIBED AS FOLLOWS: COMMENCING AT A POINT IN THE NORTH LINE OF W BRUCE STREET WHERE THE SAME IS INTERSECTED BY THE WESTERLY LINE OF S MUSKEGO AVENUE: THENCE WEST ALONG THE NORTH LINE OF W BRUCE STREET 43.52 FEET TO A POINT IN THE EAST LINE OF THE 16TH STREET VIADUCT: THENCE NORTH 0° 40' 30" EAST ALONG SAID EAST LINE OF SAID 16TH STREET VIADUCT, 589.80 FEET TO A POINT IN THE SOUTH LINE OF THE RIGHT-OF-WAY OF THE CHICAGO, MILWAUKEE, AND ST. PAUL RAILWAY COMPANY; THENCE SOUTH 89° 32' 30" EAST ALONG SAID SOUTH LINE OF THE RIGHT-OF-WAY OF SAID CHICAGO, MILWAUKEE, AND ST. PAUL RAILWAY COMPANY 210.66 FEET TO THE WESTERLY LINE OF S. MUSKEGO AVENUE; THENCE SOUTH 16° 29' 20" WEST ALONG SAID WESTERLY LINE 613.30 FEET TO THE PLACE OF BEGINNING. PARCEL E (520-524 S. MUSKEGO AVENUE):

THAT PART OF THE EAST 1/2 OF THE NORTHEAST 1/4 OF SECTION 31, TOWN 7 NORTH, RANGE 22 EAST, IN THE CITY OI MILWAUKEE, COUNTY OF MILWAUKEE, STATE OF WISCONSIN, WHICH IS BOUNDED BY A LINE COMMENCING AT A POINT IN THE SOUTH LINE OF THE RIGHT OF WAY OF THE CHICAGO, MILWAUKEE AND ST. PAUL RAILWAY IN THE EAST 1/2 OF THE NORTHEAST 1/4 OF SECTION 31, SAID POINT BEING 712.27 FEET WEST OF THE EAST LINE OF SAID 1/4 SECTION, RUNNING THENCE WEST ALONG THE SOUTH LINE OF THE RIGHT OF WAY OF SAID RAILROAD 320.00 FEET TO A POINT IN THE CENTER LINE OF SOUTH MUSKEGO AVENUE: THENCE SOUTH 16° WEST ALONG THE CENTER LINE OF SAID SOUTH MUSKEGO AVENUE TO A POINT WHICH WOULD BE INTERSECTED BY THE NORTH LINE OF A CERTAIN CANAL CALLED THE BURNHAM CANAL AS THE SAME IS NOW PLATTED AND RECORDED, EXTENDED WEST; THENCE EAST ALONG THE NORTH LINE OF SAID CANAL EXTENDED AS AFORESAID TO THE WESTERN TERMINUS OF SAID CANAL AS AT PRESENT CONSTRUCTED. THENCE SOUTH TO THE CENTER LINE OF SAID CANAL 65.0 FEET: THENCE EAST ALONG THE CENTER LINE OF SAID CANAL TO A POINT WHICH. IS 712.27 FEET DISTANT WEST OF THE EAST LINE OF THE NORTHEAST 1/4 OF SAID SECTION 31; THENCE NORTH ON THE WEST LINE OF SAID TRACT, 250.0 FEET TO THE PLACE OF BEGINNING ALSO THAT PART OF THE EAST 1/2 OF THE NORTHEAST 1/4 OF SECTION 31, TOWN 7 NORTH, RANGE 22 EAST, IN THE CITY OF MILWAUKEE, COUNTY OF MILWAUKEE, STATE OF WISCONSIN, BOUNDED BY A LINE COMMENCING AT A POINT IN THE

CENTER LINE OF SOUTH MUSKEGO AVENUE WHERE THE SAME IS INTERSECTED BY NORTH ESTABLISHED DOCK LINE OF SO-

CALLED BURNHAM'S CANAL, EXTENDED; RUNNING

BURNHAM'S CANAL EXTENDED 250 FEET MORE OR LESS TO THE PLACE OF BEGINNING. BEGINNING.

ALSO THAT PART OF THE WEST 1/2 OF THE EAST 1/2 OF THE NORTHEAST 1/4 OF SECTION 31, TOWN 7 NORTH, RANGE 22

THENCE NORTH 89° 49' 00" EAST 168.96 FEET TO THE POINT OF COMMENCEMENT COUNTY OF MILWAUKEE, STATE OF WISCONSIN, BOUNDED AND DESCRIBED AS FOLLOWS

FOLLOWS

COMMENCING AT A POINT IN THE NORTH LINE OF WEST BRUCE STREET, SAID POINT BEING 233.52 FEET WEST OF THE THE PLACE OF BEGINNING. AND DESCRIBED AS FOLLOWS

SECTION: THENCE NORTH 250 FEET MORE OR LESS TO THE POINT OF BEGINNING OF MILWAUKEE, STATE OF WISCONSIN, BOUNDED AND DESCRIBED AS FOLLOWS THENCE SOUTH ALONG THE SAID EAST LINE TO PLACE OF BEGINNING

DEEDS ON PAGE 135 FOLLOWS:

POINT OF COMMENCEMENT EXCEPTING THE EAST 48 79 FEET THEREOF EAST, IN THE CITY OF MILWAUKEE, COUNTY OF MILWAUKEE, STATE OF WISCONSIN, BOUNDED AND DESCRIBED AS FOLLOWS:

ALSO A PART OF LOT 5 IN SUBDIVISION AND PARTITION OF THE NORTHWEST 1/4 OF SECTION 32, TOWN 7 NORTH, RANGE 22 EAS

RIGHT OF WAY 145.11 FEET TO A POINT; THENCE SOUTH 192.44 FEET TO PLACE OF BEGINNING.



THENCE SOUTH 15-1/2° WEST ALONG CENTER LINE OF SAID SOUTH MUSKEGO AVENUE 70.17 FEET TO A POINT WHERE CENTER LINE OF THE SO-CALLED BURNHAM'S CANAL EXTENDED WOULD INTERSECT THE CENTER OF SAID ROAD; THENCE EAST ALONG CENTER LINE OF THE SO-CALLED BURNHAM'S CANAL EXTENDED, 250 FEET MORE OR LESS TO THE WEST ESTABLISHED DOCK LINE OF SAID CANAL; THENCE NORTH 15-1/2° EAST ALONG WEST ESTABLISHED DOCK LINE 70.17 FEET TO NORTHWEST CORNER OF SAID BURNHAM'S CANAL; THENCE WEST ALONG THE NORTH ESTABLISHED THE DOCK LINE OF SAID ALSO THAT PART OF THE EAST 1/2 OF THE NORTHEAST 1/4 OF SECTION 31, TOWN 7 NORTH, RANGE 22 EAST, IN THE CITY OF MILWAUKEE, COUNTY OF MILWAUKEE, STATE OF WISCONSIN, BOUNDED BY A LINE COMMENCING AT A POINT IN THE CENTER LINE OF THE SOUTH MUSKEGO AVENUE WHERE SAME IS INTERSECTED BY NORTH ESTABLISHED DOCK LINE OF SO-CALLED BURNHAM'S CANAL. EXTENDED : RUNNING THENCE SOUTH 15-1/2° WEST ALONG CENTER LINE OF SAID SOUTH MUSKEGO AVENUE 70 17 FEET TO A POINT WHERE CENTER LINE OF THE SO-CALLED BURNHAM'S CANAL EXTENDED WOULD INTERSEC THE CENTER OF SAID ROAD. THENCE FAST ALONG CENTER LINE OF THE SO-CALLED BURNHAM'S CANAL EXTENDED, 250 FEET MORE OR LESS TO THE WEST ESTABLISHED DOCK LINE OF SAID CANAL: THENCE NORTH 15-1/2° EAST ALONG WEST ESTABLISHED DOCK LINE 70.17 FEET TO THE NORTHWEST CORNER OF SAID BURNHAM'S CANAL: THENCE WEST ALONG THE NORTH ESTABLISHED THE DOCK LINE OF SAID BURNHAM'S CANAL EXTENDED 250 FEET MORE OR LESS TO THE PLACE OF

EAST, IN THE CITY OF MILWAUKEE, COUNTY OF MILWAUKEE, STATE OF WISCONSIN, BOUNDED AND DESCRIBED AS COMMENCING AT A POINT IN THE NORTH LINE OF WEST BRUCE STREET AS IT EXISTED ON DECEMBER 18, 1969, SAID POINT BEING SOUTH 89° 49' 00" WEST 233.52 FEET FROM THE INTERSECTION OF SAID NORTH LINE OF WEST BRUCE STREET WITH THE EAST LINE OF THE WEST 1/2 OF THE EAST 1/2 OF SAID 1/4 SECTION; THENCE NORTH 0° 10' 30" EAST AND PARALLEL TO THE EAST LINE OF THE WEST 1/2 OF THE EAST 1/2 OF SAID 1/4 SECTION 288.00 FEET TO A POINT; THENCE SOUTH 88° 38' 00" EAST 57.52 FEET TO A POINT, SAID POINT RECORDED AS BEING THE INTERSECTION OF THE WEST AND SOUTH DOCK LINES OF BURNHAM'S CANAL; THENCE NORTH 0° 10' 30" EAST, 52.76 FEET TO A POINT IN THE CENTERLINE OF BURNHAM'S CANAL THENCE SOUTH 89° 49' 00" WEST ALONG THE EXTENSION OF SAID CENTERLINE OF BURNHAM'S CANAL SAID LINE BEING PARALLEL TO AND 340 FEFT FROM THE NORTH LINE OF WEST BRUCE STREET. A DISTANCE OF 241 75 FEET TO A POINT IN THE EASTERLY STREET LINE OF SAID SOUTH MUSKEGO AVENUE: THENCE SOUTH 15° 45' 00" WEST ALONG SAID EASTERLY STREET LINE 212.75 FEET TO A POINT: THENCE NORTH 89° 49' 00" EAST AND PARALLEL TO THE NORTH LINE OF WEST BRUCE STREET 110.00 FEET TO A POINT; THENCE SOUTH 15° 45' 00" WEST AND PARALLEL TO THE EASTERLY LINE OF SOUTH MUSKEGO AVENUE 140.00 FEET TO A POINT IN THE NORTH LINE OF WEST BRUCE STREET; ALSO THAT PART OF THE NORTHEAST 1/4 OF SECTION 31, TOWN 7 NORTH, RANGE 22 EAST, IN THE CITY OF MILWAUKEE,

COMMENCING AT THE NORTHEAST CORNER OF SOUTH MUSKEGO AVENUE AND WEST BRUCE STREET; RUNNING THENCE EAST ALONG THE NORTH LINE OF WEST BRUCE STREET, 50 FEET TO A POINT; THENCE NORTHEASTERLY PARALLEL WITH THE EASTERLY LINE OF SOUTH MUSKEGO AVENUE, 140 FEET TO A POINT; THENCE WEST PARALLEL WITH THE NORTH LINE OF WEST BRUCE STREET, 50 FEET TO A POINT IN THE EASTERLY LINE OF SOUTH MUSKEGO AVENUE; THENCE SOUTHWESTERLY ALONG THE EASTERLY LINE OF SOUTH MUSKEGO AVENUE, 140 FEET TO THE PLACE OF BEGINNING. ALSO THAT PART OF THE WEST 1/2 OF THE EAST 1/2 OF THE NORTHEAST 1/4 OF SECTION 31, TOWN 7 NORTH, RANGE 22 EAST, IN THE CITY OF MILWAUKEE, COUNTY OF MILWAUKEE, STATE OF WISCONSIN, BOUNDED AND DESCRIBED AS

INTERSECTION OF THE NORTH LINE OF WEST BRUCE STREET WITH THE FAST LINE OF THE WEST 1/2 OF THE FAST 1/2 OF THE NORTHEAST 1/4 SECTION: THENCE NORTH AND PARALLEL TO THE SAID EAST LINE 288 FEET: THENCE SOUTH 89° 36' EAST 57.52 FEET TO A POINT: THENCE NORTH 52.76 FEET TO THE CENTER OF BURNHAM'S CANAL: THENCE EAST ON THE CENTER LINE OF SAID CANAL TO THE EAST LINE OF THE WEST 1/2 OF THE EAST 1/2 OF THE NORTHEAST 1/4 OF SECTION 31: THENCE SOUTH ON SAID EAST LINE TO THE NORTH LINE OF WEST BRUCE STREET; THENCE WEST ON SAID NORTH LINE 233.52 FEET TO ALSO THAT PART OF THE EAST 1/2 OF THE NORTHEAST 1/4 OF SECTION 31, TOWN 7 NORTH, RANGE 22 EAST, BOUNDED

COMMENCING AT A POINT IN THE SOUTH LINE OF THE RIGHT OF WAY OF THE CHICAGO, MILWAUKEE AND ST. PAUL RAILWAY IN THE EAST 1/2 OF THE NORTHEAST 1/4 OF SECTION 31, SAID POINT BEING 255.285 FEET WEST OF THE EAST LINE OF SECTION 31, TOWN 7 NORTH, RANGE 22 EAST, RUNNING THENCE WEST ALONG THE SOUTH LINE OF THE RIGHT OF WAY OF THE CHICAGO, MILWAUKEE AND ST, PAUL RAILWAY, APPROXIMATELY 456,985 FEET TO A POINT 712.27 FEET WEST OF THE EAST LINE OF SAID SECTION 31, TOWN 7 NORTH, RANGE 22 EAST; THENCE SOUTH ON A LINE PARALLEL WITH SAID EAST LINE OF SAID SECTION, 250 FEET MORE OR LESS TO A POINT ON THE CENTER LINE OF BURNHAM'S CANAL: THENCE EAST ALONG THE CENTER OF SAID CANAL 456.985 FEET MORE OR LESS TO A POINT 255.285 FEET WEST OF THE SAID EAST LINE OF SAID ALSO PART OF THE NORTHEAST 1/4 OF SECTION 31, TOWN 7 NORTH, RANGE 22 EAST, IN THE CITY OF MILWAUKEE, COUNTY

BEGINNING AT A POINT ON THE EAST LINE OF SAID SECTION 31 IN THE CENTER OF THE CANAL LAID OUT ON THE SOUTH SIDE OF THE CENTER LINE OF THE CHICAGO, MILWAUKEE & ST. PAUL RAILWAY, LACROSSE DIVISION, ACCORDING TO THE PLAT ADOPTED BY THE CANAL COMMISSIONERS AND RECEIVED FOR RECORD SEPTEMBER 23, 1869, AND RECORDED IN THE REGISTER'S OFFICE; RUNNING THENCE WEST ALONG CENTER LINE OF SAID CANAL 255.285 FEET; THENCE NORTH TO SOUTH BOUNDARY LINE OF RIGHT OF WAY OF LACROSSE DIVISION OF THE CHICAGO, MILWAUKEE & ST. PAUL RAILWAY (ACCORDING TO SAID PLAT); THENCE EAST ALONG SAID BOUNDARY LINE TO THE SAID EAST LINE OF SECTION 31 AFORESAID;

ALSO A PART OF LOT 5 IN SUBDIVISION AND PARTITION OF THE NORTHWEST 1/4 OF SECTION 32, TOWN 7 NORTH, RANGE 22 EAST, IN THE CITY OF MILWAUKEE, COUNTY OF MILWAUKEE, STATE OF WISCONSIN, BOUNDED AND DESCRIBED AS COMMENCING AT A POINT ON THE WEST LINE OF THE NORTHWEST 1/4 OF SECTION 32 WHERE SAME IS INTERSECTED BY THE

NORTH ESTABLISHED DOCK LINE OF MENOMONEE RIVER AND CANAL (CALLED BURNHAM CANAL): THENCE EAST ALONG SAID DOCK LINE 154 63 FEET TO A POINT: THENCE NORTH 188 21 FEET TO A POINT ON THE SOUTH LINE OF THE RIGHT OF WAY OF THE CHICAGO, MILWAUKEE & ST. PAUL RAILWAY; THENCE WEST ALONG THE SOUTH LINE OF THE RIGHT OF WAY OF SAID RAILWAY 154.63 FEET TO A POINT ON THE WEST LINE OF SAID 1/4 SECTION: THENCE SOUTH ON SAID WEST LINE 186.60 FEET TO THE POINT OF COMMENCEMENT, EXCEPT THE RIGHT OF WAY FOR SWITCH TRACK FROM SAID RAILWAY AND ALSO THE PLANK ROAD RIGHT OF WAY ACROSS THE SAME FOR THE COMMON USE OF ALL PARTIES OWNING LAND IN SAID 1/4 SECTION ADJOINING SAID CANAL AS LAID OUT AND IN USE AT THE DATE OF TWO DEEDS RECORDED IN THE OFFICE OF THE REGISTER OF DEEDS MILWAUKEE COUNTY, WISCONSIN, IN VOLUME 677 OF DEEDS ON PAGE 277 AND VOLUME 693 OF

ALSO A PART OF LOT 5 IN SUBDIVISION AND PARTITION OF THE NORTHWEST 1/4 OF SECTION 32, TOWN 7 NORTH, RANGE 22 EAST, IN THE CITY OF MILWAUKEE, COUNTY OF MILWAUKEE, STATE OF WISCONSIN, BOUNDED AND DESCRIBED AS COMMENCING AT A POINT IN THE NORTH ESTABLISHED DOCK LINE OF A BRANCH OF MENOMONEE RIVER AND CANAL CALLED BURNHAM CANAL, 154.63 FEET EAST OF THE WEST LINE OF SAID NORTHWEST 1/4 OF SECTION 32: RUNNING

THENCE EAST ON SAID DOCK LINE 252.72 FEET TO A POINT; THENCE NORTH 190.83 FEET TO A POINT IN THE SOUTH LINE OF THE RIGHT OF WAY OF THE CHICAGO, MILWAUKEE AND ST. PAUL RAILWAY COMPANY: THENCE WESTERLY ALONG THE SOUTH LINE OF THE RIGHT OF WAY OF SAID RAILWAY COMPANY, 252.72 FEET TO A POINT; THENCE SOUTH 189.22 FEET TO THE ALSO A PART OF LOT 5 IN SUBDIVISION AND PARTITION OF THE NORTHWEST 1/4 OF SECTION 32 TOWN 7 NORTH RANGE 22

COMMENCING AT A POINT IN THE NORTHWEST 1/4 OF SECTION 32 AFORESAID ON THE NORTH ESTABLISHED DOCK LINE C MENOMONEE RIVER AND CANAL 358 56 FEET EAST OF THE WEST LINE OF SAID 1/4 SECTION: THENCE EAST ALONG SAID DOCK LINE 203 92 FEET TO A POINT. THENCE NORTH 192 44 FEET TO A POINT ON THE SOUTH LINE OF THE RIGHT OF WAY OF CHICAGO, MILWAUKEE & ST. PAUL RAILWAY; THENCE WESTERLY ALONG THE SOUTH LINE OF THE RIGHT OF WAY OF SAID RAILROAD 203.92 FEET TO A POINT; THENCE SOUTH 190.83 FEET MORE OR LESS TO THE POINT OF COMMENCEMENT. EXCEPTING A STRIP OF LAND 32 FEET IN WIDTH ON THE NORTH SIDE OF THE CANAL AFORESAID ADJOINING AND SOUTH OF THE RIGHT OF WAY OF THE CHICAGO, MILWAUKEE & ST. PAUL RAILWAY. SAID RESERVATION BEING MADE FOR THE JOINT AND SEVERAL USE, AT ALL TIMES OF EITHER OR ALL OF THE PARTIES AND THEIR HEIRS AND ASSIGNS NAMED IN DEED RECORDED MAY 19, 1871 IN VOLUME 120 OF DEEDS ON PAGE 468, FOR A SIDE TRACK OF RAILWAY, WAGON ROAD AND SWITCH

IN THE CITY OF MILWAUKEE, COUNTY OF MILWAUKEE, STATE OF WISCONSIN, BOUNDED AND DESCRIBED AS FOLLOWS: COMMENCING AT A POINT IN THE NORTHWEST 1/4 OF SECTION 32 AFORESAID ON THE NORTH ESTABLISHED DOCK LINE OF BURNHAM'S CANAL 562.48 FEET EAST OF THE WEST LINE OF SAID 1/4 SECTION, AND RUNNING THENCE EAST ALONG SAID DOCK LINE 145 11 FEET TO A POINT. THENCE NORTH 193 95 FEET TO A POINT ON THE SOUTH LINE OF THE RIGHT OF WAY OF THE CHICAGO, MILWAUKEE AND ST. PAUL RAILWAY COMPANY; THENCE WESTERLY ALONG THE SOUTH LINE OF SAID

PARCEL F(1707 W. REYNOLDS PLACE) THAT PART OF THE NORTHEAST 1/4 OF SECTION 31, TOWN 7 NORTH, RANGE 22 EAST, IN THE CITY OF MILWAUKEE, COUNTY OF MILWAUKEE, STATE OF WISCONSIN, BOUNDED AND DESCRIBED AS FOLLOWS COMMENCING AT A POINT WHICH IS 856.75 EAST OF THE WEST LINE AND 298.91 FEET NORTH OF THE SOUTH LINE OF THE NORTHEAST 1/4 OF SAID SECTION 31, SAID POINT BEING ALSO 71.09 FEET SOUTH OF THE SOUTH LINE OF W. BRUCE STREET RUNNING THENCE SOUTHWESTERLY ON AND ALONG A LINE 46.31 FEET TO A POINT WHICH IS 816.75 FEET EAST AND 275.98 FEET NORTH OF THE SOUTHWEST CORNER OF SAID 1/4 SECTION; THENCE SOUTH ON A LINE PARALLEL TO THE WEST LINE OF SAID 1/4 SECTION 73.48 FEET TO A POINT WHICH IS 202.50 FEET NORTH OF THE SOUTH LINE OF SAID 1/4 SECTION; THENCE EAST ON A LINE WHICH IS 202.50 FEET NORTH OF AND PARALLEL TO THE SOUTH LINE OF SAID 1/4 SECTION 40 FEET TO A POINT WHICH IS 856 75 FEET EAST OF THE WEST LINE OF SAID 1/4 SECTION: THENCE NORTH ON A LINE WHICH IS 856 75 FEET EAST OF AND PARALLEL TO THE WEST LINE OF SAID 1/4 SECTION 96.41 FEET TO THE POINT OF COMMENCEMENT. ALSO THE EAST 50 FEET OF THE NORTH 205 FEET OF THE SOUTH 407.50 FEET OF THE WEST 906.75 FEET OF THE NORTHEAST 1/4 OF SECTION 31, TOWN 7 NORTH, RANGE 22 EAST, IN THE CITY OF MILWAUKEE, COUNTY

EXCEPTING THEREFROM THE FOLLOWING DESCRIBED PORTION THEREOF: COMMENCING AT A POINT IN THE SOUTH LINE OF W. BRUCE STREET 856.75 FEET EAST OF THE WEST LINE OF SAID 1/4 SECTION; RUNNING THENCE SOUTH AND PARALLEL TO THE WEST LINE OF SAID 1/4 SECTION 71.09 FEET TO A POINT; THENCE NORTHEASTERLY ALONG A LINE 57.99 FEET TO A POINT WHICH IS 906.75 FEET EAST OF THE WEST LINE AND 327.58 FEET NORTH OF THE SOUTH LINE OF SAID 1/4 SECTION: THENCE NORTH AND PARALLEL TO THE WEST LINE OF SAID 1/4 SECTION 42.42 FEET TO A POINT IN THE SOUTH LINE OF W. BRUCE STREET; THENCE WEST ALONG THE SOUTH LINE OF W. BRUCE STREET 50 FEET TO THE POINT OF COMMENCEMENT. ALSO EXCEPT THAT PART LYING NORTH OF THE SOUTH LINE OF WEST REYNOLDS PLACE.

PARCEL G (1547 W. BRUCE STREET): THAT PART OF THE NORTHEAST 1/4 OF SECTION 31, TOWN 7 NORTH, RANGE 22 EAST, IN THE CITY OF MILWAUKEE, COUNTY

OF MILWAUKEE, STATE OF WISCONSIN

OF MILWAUKEE, STATE OF WISCONSIN, BOUNDED AND DESCRIBED AS FOLLOWS COMMENCING AT A POINT IN THE SOUTH LINE OF W. BRUCE STREET AND THE SOUTHWESTERI Y LINE OF THE RIGHT-OF WAY OF THE CHICAGO, MILWAUKEE & ST. PAUL R.R. COMPANY, SAID POINT BEING 944.78 FEET WEST OF THE EAST LINE OF SAID 1/4 SECTION; RUNNING THENCE WEST ALONG SAID SOUTH LINE OF W. BRUCE STREET, 119.68 FEET TO A POINT; THENCE SOUTHERLY AND PARALLEL TO THE WEST LINE OF THE EAST 1/2 OF THE EAST 1/2 OF SAID 1/4 SECTION, 181.00 (MEASURED) TO A POINT IN THE NORTHERLY LINE OF ANOTHER RIGHT-OF-WAY OF THE C. M. ST. P. & P. R.R. COMPANY THENCE EASTERLY ALONG SAID RIGHT-OF-WAY LINE 204.85 FEET (MEASURED) TO A POINT WHICH IS 200.00 FEET WESTERLY OF THE EAST LINE OF THE EAST 1/2 OF THE EAST 1/2 OF SAID 1/4 SECTION; THENCE NORTHERLY AND RALLEL TO SAID EAST LINE, 52.60 FEET (MEASURED) TO A POINT IN THE SOUTHWESTERLY LINE OF THE C. M. ST. P. & P R.R. COMPANY RIGHT-OF-WAY; THENCE NORTHWESTERLY ALONG SAID CURVED RIGHT-OF-WAY LINE, 155 FEET MORE OR LESS TO THE POINT OF COMMENCEMENT.

MILLER COMPRESSING

FEBRUARY 24, 2006

BASIS OF BEARINGS BEARINGS ARE BASED ON THE SOUTH LINE OF THE NORTHEAST 1/4 OF SECTION 31 WHICH IS ASSUMED TO BEAR SOUTH 89°58'19" EAST TITLE COMMITMENT

- THIS SURVEY WAS PREPARED BASED ON CHICAGO TITLE INSURANCE COMPANY TITLE COMMITMENT NOS. 1210246, 1210249, 1210352 AND 1210247, ALL REVISED ON MARCH 31, 2006 AND ALL EFFECTIVE DATES OF MARCH 15, 2006, WHICH LISTS THE FOLLOWING EASEMENTS AND/OR RESTRICTIONS: TITLE COMMITMENT NO. 1210246
- 10. RESTRICTIONS SET FORTH ON THE CERTIFIED SURVEY MAPS DESCRIBED IN SCHEDULE A HEREOF, PROVIDING AS FOLLOWS:

SURVEY NO. 162917-RMK

- "NO LOT OR PARCEL AS HEREON SET FORTH SHALL AT ANY TIME SUBSEQUENT TO THE RECORDING OF THIS MAP BE IN ANY MANNER DIVIDED, DESCRIBED OR CONVEYED SO AS TO RESULT IN LOTS, PARCELS OR BUILDING SITES HAVING DIMENSIONS, AREAS, OR COURSES OTHER THAN AS HEREIN SET FORTH, UNLESS SAID DIVISIONS, DESCRIPTIONS OR CONVEYANCES ARE FIRST APPROVED BY THE COMMON COUNCIL OF THE CITY OF MILWAUKEE. THAT ALL UTILITY LINES TO PROVIDE ELECTRIC POWER AND TELEPHONE SERVICE TO ALL LOTS IN THE CERTIFIED SURVEY MAP SHALL BE INSTALLED UNDERGROUND IN EASEMENTS PROVIDED THEREFORE...
- SAID RESTRICTIONS WERE MODIFIED BY RESOLUTION ADOPTED BY THE COMMON COUNCIL ON OCTOBER 21, 1975, A CERTIFIED COPY OF WHICH WAS RECORDED AS DOCUMENT NO. 4970290. AFFECTS SITE BY LOCATION – GENERAL IN NATURE, CANNOT BE PLOTTED
- 11. SPUR TRACK AND INGRESS AND EGRESS EASEMENTS SET FORTH ON THE CERTIFIED SURVEY MAPS DESCRIBED IN SCHEDULE A HEREOF. (AFFECTS PARCEL A) AFFECTS SITE BY LOCATION - SHOWN
- CITY OF MILWAUKEE SEWER EASEMENTS SET FORTH ON CERTIFIED SURVEY MAP NO. 2318 RECORDED AS DOCUMENT NO. 4837903. AFFECTS SITE BY LOCATION – SHOWN EASEMENTS AND AGREEMENTS RESPECTING UTILITIES EXECUTED BY AND BETWEEN KALMAN
- REALTY CORP., A WISCONSIN CORPORATION AND VALLEY INDUSTRIAL PARK, A WISCONSIN PARTNERSHIP, RECORDED AS DOCUMENT NO. 4924844. (AFFECTS PARCEL A) AFFECTS SITE BY LOCATION – GENERAL IN NATURE, CANNOT BE PLOTTED 14. EASEMENTS FOR INGRESS AND EGRESS EXECUTED BY AND BETWEEN KALMAN REALTY CORP., A WISCONSIN CORPORATION AND VALLEY INDUSTRIAL PARK A WISCONSIN GENERAL
- PARTNERSHIP RECORDED AS DOCUMENT NO. 4924845 AS MODIFIED BY AGREEMENT BY AND BETWEEN KALMAN REALTY CORP., A WISCONSIN CORPORATION AND VALLEY INDUSTRIAL PARK, A WISCONSIN PARTNERSHIP, RECORDED AS DOCUMENT NO. 4983610 AND FURTHER MODIFIED BY AMENDMENT TO AGREEMENT EXECUTED BY AND BETWEEN KALMAN REALTY CORP. A WISCONSIN CORPORATION AND VALLEY INDUSTRIAL PARK, A WISCONSIN PARTNERSHIP, RECORDED AS DOCUMENT NO. 5025801. (AFFECTS PARCEL A) AFFECTS SITE BY LOCATION – SHOWN
- 15. UTILITY EASEMENT GRANTED TO WISCONSIN ELECTRIC POWER COMPANY RECORDED AS DOCUMENT NO. 4976689. (AFFECTS PARCEL A) AFFECTS SITE BY LOCATION - SHOWN
- AGREEMENTS AND EASEMENTS RESPECTING RAILROAD TRACKS EXECUTED BY AND BETWEEN KALMAN REALTY CORP., A WISCONSIN CORPORATION AND VALLEY INDUSTRIAL PARK, A PARTNERSHIP, RECORDED AS DOCUMENT NO. 4996966. (AFFECTS PARCELS A AND B) AFFECTS SITE BY LOCATION – CANNOT BE PLOTTED, EXHIBIT "A" NOT SUPPLIED





ALTA/ACSM LAND TITLE SURVEY

•	EASEMENTS, IF ANY, OF THE PUBLIC OR ANY SCHOOL DISTRICT, UTILITY, MUNICIPALITY OR PERSON, AS PROVIDED IN SECTION 80.32(4) OF THE STATUTES, FOR THE CONTINUED USE AND RIGHT		57.	UTILITY EASEMENT GRANTED TO WISCONSIN ELECTRIC POWER COMPANY RECORDED AS DOCUMENT NO. 4881780. (AFFECTS PARCEL E) AFFECTS SITE BY LOCATION – SHOWN
	OF ENTRANCE, MAINTENANCE, CONSTRUCTION AND REPAIR OF UNDERGROUND OR OVERGROUND STRUCTURES, IMPROVEMENTS OR SERVICE IN THAT PORTION OF THE SUBJECT PREMISES WHICH WERE FORMERLY A PART OF STREETS AND ALLEYS NOW VACATED. MAY AFFECT SITE BY LOCATION – VACATED STREETS AND ALLEYS SHOWN		58.	EASEMENT GRANTED TO CITY OF MILWAUKEE RECORDED AS DOCUMENT NO. 4891259, AS MODIFIED BY AMENDMENT OF EASEMENTS AND LICENSES RECORDED AS DOCUMENT NO. 6523656. (AFFECTS PARCEL E) AFFECTS SITE BY LOCATION – SHOWN
	RIGHTS AND EASEMENTS, IF ANY, IN AND TO ANY AND ALL RAILROAD SWITCHES, SIDETRACKS, SPUR TRACKS AND RIGHTS OF WAY LOCATED UPON OR APPURTENANT TO THE SUBJECT PREMISES. MAY AFFECT SITE BY LOCATION – SPUR TRACKS SHOWN		59.	GRANT OF EASEMENT AND AGREEMENT ENTERED INTO BY AND BETWEEN THE MUSKEGO ASSOCIATES AND MUSKEGO REALTY CO. RECORDED AS DOCUMENT NO. 5377059. (AFFECTS PARCEL E) AFFECTS SITE BY LOCATION – SHOWN
	RIGHTS, IF ANY, WITH RESPECT TO THE MAINTENANCE AND USE OF SEWERS, UTILITY PIPES, CABLES OR CONDUITS WHICH MAY BE INSTALLED UNDER THE SURFACE OF THE SUBJECT PREMISES. MAY AFFECT SITE BY LOCATION – GENERAL IN NATURE, CANNOT BE PLOTTED		65.	EASEMENT RECORDED AS DOCUMENT NO. 3237353. AFFECTS SITE BY LOCATION – GENERAL IN NATURE, CANNOT BE PLOTTED
	UTILITY EASEMENT GRANTED TO WISCONSIN ELECTRIC POWER COMPANY RECORDED AS DOCUMENT NO. 6291254. (AFFECTS PARCEL A) AFFECTS SITE BY LOCATION – SHOWN		TITLE	<u>.E COMMITMENT NO. 1210249</u>
×	AGREEMENTS DISCLOSED BY ASSIGNMENT EXECUTED BY INTERNATIONAL HARVESTER COMPANY TO VALLEY INDUSTRIAL PARK RECORDED AS DOCUMENT NO. 4718179. (AFFECTS PARCEL A) AFFECTS SITE BY LOCATION – LOCATION UNCERTAIN, CANNOT BE PLOTTED		10A.	EASEMENTS, IF ANY, OF THE PUBLIC OR ANY SCHOOL DISTRICT, UTILITY, MUNICIPALITY OR PERSON, AS PROVIDED IN SECTION 80.32(4) OF THE STATUTES, FOR THE CONTINUED USE AND RIGHT OF ENTRANCE, MAINTENANCE, CONSTRUCTION AND REPAIR OF UNDERGROUND OF OVERCEDUED STRUCTURES, IMPROVEMENTS OF SERVICE IN THAT DOPTION OF THE SUBJECT
	UTILITY EASEMENT GRANTED TO WISCONSIN ELECTRIC POWER COMPANY RECORDED AS DOCUMENT NO. 4980070. (AFFECTS PARCEL A) AFFECTS SITE BY LOCATION – SHOWN			PREMISES WHICH WERE FORMERLY A PART OF ALLEY NOW VACATED. AFFECTS SITE BY LOCATION – GENERAL IN NATURE, CANNOT BE PLOTTED
	RESERVATION SET FORTH IN WARRANTY DEED TO KNOX BUILDING CORPORATION RECORDED AS DOCUMENT NO. 3981560. (AFFECTS PARCEL B) MAY AFFECT SITE BY LOCATION – LOCATION OF BULDING 203 AND FIRE ESCAPE UNCERTAIN		11A.	COVENANTS SET FROTH ON CERTIFIED SURVEY MAP NO. 4554 AND CERTIFIED SURVEY MAP NO. 6824 RECITING AS FOLLOWS:
	EASEMENT GRANTED TO CHICAGO, MILWAUKEE AND ST. PAUL RAILWAY CO. RECORDED AS DOCUMENT NO. 431460. (AFFECTS PARCEL B) AFFECTS SITE BY LOCATION – SHOWN			TELEVISION OR COMMUNICATIONS SYSTEMS LINES OR CABLES TO ALL PARCELS IN THE CERTIFIED SURVEY MAP SHALL BE INSTALLED UNDERGROUND IN EASEMENTS PROVIDED THEREFORE, WHERE FEASIBLE.
•	RIGHTS SET FORTH IN WARRANTY DEED RECORDED AS DOCUMENT NO. 623159. (AFFECTS PARCEL B) AFFECTS SITE BY LOCATION – SHOWN			THIS AGREEMENT SHALL BE BINDING ON THE UNDERSIGNED AND ASSIGNS."
	UTILITY EASEMENT GRANTED TO WISCONSIN ELECTRIC POWER COMPANY RECORDED AS DOCUMENT NO. 5398580. (AFFECTS PARCELS B AND C) AFFECTS SITE BY LOCATION – SHOWN		124	AFFECTS SITE BY LOCATION – GENERAL IN NATURE, CANNOT BE PLOTTED
	UTILITY EASEMENT GRANTED TO WISCONSIN ELECTRIC POWER COMPANY RECORDED AS DOCUMENT NO. 4763844. (AFFECTS PARCELS C AND D) AFFECTS SITE BY LOCATION – SHOWN		127.	AFFECTS SITE BY LOCATION – GENERAL IN NATURE, CANNOT BE PLOTTED
	REVISED EASEMENT GRANTED TO THE MILWAUKEE METROPOLITAN SEWERAGE DISTRICT RECORDED AS DOCUMENT NO. 6321109. (AFFECTS PARCEL C) AFFECTS SITE BY LOCATION – SHOWN		13A.	UNRECORDED RIGHTS, IF ANY, WITH RESPECT TO THE MAINTENANCE AND USE OF SEWERS, UTILITY PIPES, CABLES OR CONDUITS WHICH MAY BE INSTALLED UNDER THE SURFACE OF THE SUBJECT PREMISES AND NOT RECORDED. AFFECTS SITE BY LOCATION – GENERAL IN NATURE, CANNOT BE PLOTTED
	AGREEMENT ENTERED INTO BY AND BETWEEN GEORGE BURNHAM, GUIDO PFISTER, FREDERICK PABST, EMIL SCHANDEIN, GEORGE BURNHAM AND JOHN L. BURNHAM, RECORDED IN VOLUME 120 OF DEEDS ON PAGE 372. (AFFECTS PARCELS C AND D) AFFECTS SITE BY LOCATION – SHOWN		14A.	RIGHTS AND EASEMENTS, IF ANY, IN AND TO ANY AND ALL RAILROAD SWITCHES, SIDETRACKS, SPUR TRACKS AND RIGHTS OF WAY LOCATED UPON OR APPURTENANT TO THE SUBJECT PREMISES, AND NOT RECORDED IN THE REGISTER OF DEEDS OFFICE OF MILWAUKEE COUNTY. AFFECTS SITE BY LOCATION – GENERAL IN NATURE, CANNOT BE PLOTTED
			15A.	UTILITY EASEMENT GRANTED TO WISCONSIN ELECTRIC POWER COMPANY RECORDED AS DOCUMENT NO. 4976689. AFFECTS SITE BY LOCATION – SHOWN
	AGREEMENT ENTERED INTO BY AND BETWEEN GUIDO PHISTER, GEORGE BURNHAM, JONATHAN L. BURNHAM, FREDERICK PABST, EMIL SCHANDEIN AND THE MILWAUKEE RAILWAY COMPANY RECORDED IN VOLUME 122 OF DEEDS ON PAGE 204. (AFFECTS PARCELS C AND D) AFFECTS SITE BY LOCATION – SHOWN		16A.	CITY OF MILWAUKEE SEWER EASEMENT SET FORTH ON CERTIFIED SURVEY MAP NO. 2318, RECORDED MAY 3, 1974, IN REEL 783, IMAGE 1056, AS DOCUMENT NO. 4837903. AFFECTS SITE BY LOCATION – SHOWN
_	CONDITIONS AND RESERVATIONS SET FORTH IN WARRANTY DEED TO THE MUSKEGO COMPANY RECORDED AS DOCUMENT NO. 2387898, AS MODIFIED BY AGREEMENT ENTERED INTO BY AND BETWEEN THE MUSKEGO COMPANY, A WISCONSIN CORPORATION AND MUSKEGO REALTY CO., A WISCONSIN CORPORATION RECORDED AS DOCUMENT NO. 3177254. (AFFECTS PARCEL E) AFFECTS SITE BY LOCATION – SHOWN		17A.	EASEMENT FOR INGRESS AND EGRESS SET FORTH ON CERTIFIED SURVEY MAP NOS. 2219, 2318, 4554 AND 6824. AFFECTS SITE BY LOCATION – SHOWN
	RIGHT-OF-WAY SEWER EASEMENT GRANTED TO CITY OF MILWAUKEE RECORDED AS DOCUMENT NO. 1531909. (AFFECTS PARCEL E) AFFECTS SITE BY LOCATION – SHOWN		TITLE	<u>.E COMMITMENT NO. 1210352</u>
	RIGHT-OF-WAY SEWER EASEMENT GRANTED TO THE CITY OF MILWAUKEE RECORDED AS DOCUMENT NO. 1531910. (AFFECTS PARCEL E) AFFECTS SITE BY LOCATION – SHOWN		10B.	EASEMENT RECORDED AS DOCUMENT NO. 1809080. DOES NOT AFFECT SITE BY LOCATION – GENERAL IN NATURE, CANNOT BE PLOTTED
•	UTILITY EASEMENT GRANTED TO WISCONSIN ELECTRIC POWER COMPANY RECORDED AS DOCUMENT NO. 2957625. (AFFECTS PARCEL E) AFFECTS SITE BY LOCATION – GENERAL IN NATURE CANNOT BE PLOTTED		TITLE	<u>.E COMMITMENT NO. 1210247</u>
	EASEMENT GRANTED TO CITY OF MILWAUKEE RECORDED AS DOCUMENT NO. 3171163. (AFFECTS PARCEL E) AFFECTS SITE BY LOCATION – SHOWN		10C.	COVENANT AND AGREEMENT AS SET FORTH ON THE CERTIFIED SURVEY MAP DESCRIBED ON SCHEDULE A HEREOF, AS MODIFIED BY RESOLUTION RECORDED AS DOCUMENT NO. 4970290 AFFECTS SITE BY LOCATION – GENERAL IN NATURE, CANNOT BE PLOTTED
-	UTILITY EASEMENT GRANTED TO WISCONSIN ELECTRIC POWER COMPANY RECORDED AS DOCUMENT NO. 3184732. (AFFECTS PARCEL E) AFFECTS SITE BY LOCATION – REFERENCED TO BUILDINGS NO LONGER EXISTING CANNOT BE PLOTTED.	C.	11C. FLOOD NOTE	EASEMENT RECORDED AS DOCUMENT NO. 4907138. AFFECTS SITE BY LOCATION – SHOWN
20	UTILITY EASEMENT GRANTED TO WISCONSIN ELECTRIC POWER COMPANY AND WISCONSIN TELEPHONE COMPANY RECORDED AS DOCUMENT NO. 3520101. (AFFECTS PARCEL E) AFFECTS SITE BY LOCATION – BUILDING REFERENCE UNCERTAIN, CANNOT BE PLOTTED		ACCO 550278 YEAR	ORDING TO FLOOD INSURANCE RATE MAP OF THE CITY OF MILWAUKEE, COMMUNITY PANEL NO. 278 0013C, EFFECTIVE DATE OF NOVEMBER 11, 1985, THIS SITE FALLS IN ZONES A2 (AREAS OF 100 .R FLOOD) AND C (AREAS OF MINIMAL FLOODING)
	UTILITY EASEMENT GRANTED TO WISCONSIN ELECTRIC POWER COMPANY AND WISCONSIN TELEPHONE COMPANY RECORDED AS DOCUMENT NO. 3852852. (AFFECTS PARCEL E) AFFECTS SITE BY LOCATION – SHOWN	D.	MUNICIPAL ZO THE B REFLE	ZONING BASIC ZONING INFORMATION LISTED BELOW IS TAKEN FROM MUNICIPAL CODES AND DOES NOT LECT ALL REGULATIONS THAT MAY APPLY – SITE IS ZONED PD AND IH
	EASEMENT ENTERED INTO BY AND BETWEEN MILLER BROS. REALTY CO. AND MILLER COMPRESSING COMPANY RECORDED AS DOCUMENT NO. 4168074. (AFFECTS PARCEL E) AFFECTS SITE BY LOCATION – SHOWN		IH ZON FRON SIDEY REAR	ONING INT SETBACK – NONE EYARD SETBACK – NONE IRYARD SETBACK – NONE
el.	UTILITY EASEMENT GRANTED TO WISCONSIN ELECTRIC POWER COMPANY AND WISCONSIN TELEPHONE COMPANY RECORDED AS DOCUMENT NO. 4245753. (AFFECTS PARCEL E) AFFECTS SITE BY LOCATION – GENERAL IN NATURE, CANNOT BE PLOTTED		MAXIN PD ZO THIS S	TMUM HEIGHT – NONE ZONING 3 SITE IS A PLANNED UNIT DEVELOPMENT AND HAS SPECIFIC ZONING REGULATIONS THAT DEPOSITE OF A DAMANGORAL CODE ZONING DESCRIPTIONS, DUR DURO SET DAMAGE AND OFFICE DEPOSITE OF A DAMANGORAL CODE ZONING DESCRIPTIONS, DUR DURO SET DAMAGE AND OFFICE DEPOSITE OF A DAMANGORAL CODE ZONING DESCRIPTIONS, DUR DURO SET DAMAGE AND OFFICE DEPOSITE OF A DAMANGORAL CODE ZONING DESCRIPTIONS, DUR DURO SET DAMAGE AND OFFICE DEPOSITE OFFICE OFFICE OFFICE OFFICE OFFICE AND OFFICE OFFICE OFFICE ZONING REGULATIONS THAT
	UTILITY EASEMENT GRANTED TO WISCONSIN ELECTRIC POWER COMPANY AND WISCONSIN TELEPHONE COMPANY RECORDED AS DOCUMENT NO. 4749129. (AFFECTS PARCEL E) AFFECTS SITE BY LOCATION – SHOWN	E.	REVISION DAT	ERSEDE REGULAR MUNICIPAL CODE ZONING REGULATIONS. BUILDING SETBACKS AND OFFSET TRICTIONS ARE AS APPROVED BY THE CITY OF MILWAUKEE AT THE TIME OF DEVELOPMENT ATE
•	UTILITY EASEMENT GRANTED TO WISCONSIN ELECTRIC POWER COMPANY RECORDED AS DOCUMENT NO. 4749130. (AFFECTS PARCEL E) AFFECTS SITE BY LOCATION – SHOWN		MARCH 31, 200	2006 REVISED CERTIFICATION REVISION NO.1-RMK
	UTILITY EASEMENT GRANTED TO WISCONSIN ELECTRIC POWER COMPANY RECORDED AS DOCUMENT NO. 4749131. (AFFECTS PARCEL E) AFFECTS SITE BY LOCATION – SHOWN	TO:	JPMORGAN CH CHASE AS ADI OTHER ENTITI	CHASE BANK, N.A. ("CHASE"), IT'S SUCCESSORS AND ASSIGNS. .DMINISTRATIVE AGENT FOR THE BENEFIT OF A SYNDICATE OF BANKS, FINANCIAL INSTITUTIONS AND ITIES, INCLUDING CHASE, ARRANGED BY CHASE. APRESSING COMPANY, A WISCONSIN CORPORATION
•	RIGHT OF WAY GRANT GRANTED TO WISCONSIN TELEPHONE COMPANY RECORDED AS DOCUMENT NO. 4798298. (AFFECTS PARCEL E) AFFECTS SITE BY LOCATION – SHOWN		CHICAGO TITL	TLE INSURANCE COMPANY.
6	UTILITY EASEMENT GRANTED TO WISCONSIN TELEPHONE COMPANY RECORDED AS DOCUMENT NO. 4798299. (AFFECTS PARCEL E) AFFECTS SITE BY LOCATION – SHOWN	THIS WITH ADOP PURS	IS TO CERTIFY T "MINIMUM STANI PTED BY ALTA AN SUANT TO THE A	THAT THIS MAP OR PLAT AND THE SURVEY ON WHICH IT IS BASED WERE MADE IN ACCORDANCE NDARD DETAIL REQUIREMENTS FOR ALTA/ACSM LAND TITLE SURVEYS," JOINTLY ESTABLISHED AND AND NSPS IN 2005 AND INCLUDES ITEMS 1, 2, 3, 4, 5, 6, 7(A), 8, 10, AND 11(A) OF TABLE "A" THEREOF ACCURACY STANDARDS AS ADOPTED BY ALTA AND NSPS AND IN EFFECT ON THE DATE OF THIS

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DONALD C. CHAPUT REGISTERED LAND SURVEYOR

SEI											REGISTRATION	NO. 5-1310			
CENTRA RMERLY SOO L CAGO, MILWAU	L LIN NE RAI	ITED R Ilroad Nd st. paul	AILROAD railroad s89°59'20"w	1363.48'				1-		(WEST 562.48')	S89*59'20"W 203.92'	203.92')	S	89°59'20"\ 144.70'
(т. остост (т. ст. ст. (т. ст. ст. ст. ст. ст. ст. ст. ст. ст. ст.	PA	(WEST 456.3	AREA 476,493 sq.ft. 10.9388 acres 3URNHAM CANAL	(NORTH) (250.00'±)	(WEST 255. (EAST)	.285'))	(HTUOS)	(SOUTH 186.60')	WEST 154.63')	(SOUTH 188.22')	(WEST 252.72')	(SOUTH 190.83'±) (NORTH 190.83')	PTS. SET EXCEPTING 32.00'	<u>(коктн 192.44')</u> (South 192.44')	WEST 145.11')
(EAST)		NE (EAST CENTER LINE BU	89°56°27°W 793.11 (712.27') 456.985') JRNHAM CANAL	·	(WEST_255	5.285') Ê	17		(E	EAST 358.56') 	(EAST 562.48' N89°28'0	(EAST : 2"W 705.66'	203.92')		SET 1 IRON 3.0'
NO PT. SET S89°56'27"E 169.26' (For 169.26' SET 8' O/S CROSS B=S33'29'33"E 154.60' 268.00' UNPLATTED LANDS	2 OF NE 1/4 SECTION 31 SOC'11'16"W 275.01'	SOUTH LINE E	WRNHAM CANAL	BUR ZE ST.	UNPLATTED		N0012'28"E	S. 13th ST	CAN/			UNPLATTED		UNPLAT LANDS	
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DATE OF SURVEY: FEBRUARY 24, 2006






Appendix B

Sheet C035 and Reuse Cross-Sections from NR 718.15 Low Hazard Exemption Request





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Appendix C

WDNR and U.S. EPA Sediment Relocation Correspondence



State of Wisconsin DEPARTMENT OF NATURAL RESOURCES 2300 N. Dr. Martin Luther King, Jr. Drive Milwaukee WI 53212-3128

Scott Walker, Governor Daniel L. Meyer, Secretary Telephone 608-266-2621 Toll Free 1-888-936-7463 TTY Access via relay - 711



August 31, 2018

Mr. Jon Spigel Miller Compressing Company 1640 West Bruce Street Milwaukee, WI 53204

Subject: Approval to Manage Contaminated Material under Wis. Admin. Code § NR 718.15 Miller Compressing (Burnham Canal) (ALT SF), 1640 West Bruce Street, Milwaukee, WI DNR BRRTS Activity #s: 02-41-552940, 15-41-581667; FID #: 241213720

Dear Mr. Spigel:

On June 26, 2018, Mark Walter of O'Brien & Gere Engineers, Inc. (OBG) submitted a completed 'Recommended Format for Exemption Request' on your behalf requesting to manage 1,400 cubic yards of contaminated material on the same site from which it will be excavated in accordance with Wis. Admin. Code § NR 718.15. The Department of Natural Resources (DNR) received all applicable technical assistance and database fees for providing review and response, in accordance with Wis. Admin. Code § NR 749.04(1).

Contaminated sediment within the western portion of the Burnham Canal is being addressed through limited dredging and offsite disposal of sediment and the installation of a cap over remaining contamination. In order to complete the remediation and to maintain storm water flow through the canal a channel must be formed at the base of the canal east of the West End Dredge Area. To form the channel, 1400 cubic yards of sediment will be excavated and replaced to an adjacent portion of the canal. Polycyclic aromatic hydrocarbon (PAH) and metal contamination was identified in samples collected from sediments within the canal. The approved cover will be installed over both the excavation and reuse areas within the canal.

Wis. Admin. Code § NR 718.15 Exemption

This letter grants an exemption from the solid waste requirements in Wis. Stats. § 289 and Wis. Admin. Code §§ NR 500 to NR 538 for the proposed material management activities. Approval of the exemption is based on the following:

- Managing contaminated waste material in areas of the site identified on Figure A1, Sample Locations (1/14/16) included with the completed 'Recommended Format for Exemption Request' will meet the locational criteria listed under Wis. Admin. Code § NR 718.12(1)(c), with the exception of the following:
 - Within a floodplain
 - Within 3 feet of the high groundwater level
 - At a depth greater than the depth of the original excavation from which the contaminated soil was removed

Grant of exemption to s. NR 718.12(1)(c)1, 5, and 6

In consideration that sediment is being excavated from within a canal and will be replaced in an adjacent portion of the canal under similar conditions (with the exception of that the reuse area is located downslope from the excavation area), and the material will pose no greater risk to human health or the



environment after it is replaced within the canal, the DNR grants an exemption to the location criteria of Wis. Admin. Code § 718.12(1)(c)1, 5, and 6 will allow placement of contaminated waste material within the floodplain, below the waterline, and at a greater depth from which it was excavated.

- 2) Soil samples have been collected for analysis of contaminants previously detected or expected to be present at this site including PAHs and metals from areas most likely to contain residual contamination. Based on an estimated volume of 1,400 cubic yards of material, and a sampling frequency of 1 sample per 160 cubic yards, the sampling protocol described in Wis. Admin. Code § NR 718.12(1)(e) has been met.
- 3) A complete soil management plan, as defined by Wis. Admin. Code §§ NR 718.12(2)(b) and (c), has been provided to the DNR.
- 4) The proposed management of contaminated material at the Miller Compressing (Burnham Canal) (ALT SF) is expected to meet the criteria of Wis. Admin. Code §§ NR 726.13(1)(b)1 to 5.
- 5) Per Wis. Admin. Code § NR 718.12(2), the DNR was provided with at least 7 days' notice prior to commencing to proposed material management.
- 6) You have acknowledged that the continuing obligations described below will be required as a condition of managing the contaminated material on your property as proposed.

Continuing Obligations

The current property owner of the Miller Compressing (Burnham Canal) (ALT SF), and any subsequent property owners, must comply with the following continuing obligations, established under Wis. Admin. Code § NR 718.12(2)(d) at this site, to ensure that conditions will remain protective. DNR staff will conduct periodic prearranged inspections to ensure that the conditions included in this letter and the "Institutional Control Implementation Plan" are met. If these requirements are not followed, the DNR may take enforcement action under Wis. Stat. § 292.11 to ensure compliance with the specified requirements, limitations or other conditions related to the property.

Documents submitted to the DNR to request the Wis. Admin. Code § 718.15 exemption meet the requirements of Wis. Admin. Code § NR 718.12(2)(e) and are available in Portable Document Format (PDF) on the Bureau for Remediation and Redevelopment Tracking System (BRRTS on the Web) at http://dnr.wi.gov/topic/Brownfields/wrrd.html. Additionally, this site will be identified on the Remediation and Redevelopment Sites Map (RRSM), available at http://dnr.wi.gov/topic/Brownfields/wrrd.html. Additionally, this site will be identified on the Remediation and Redevelopment Sites Map (RRSM), available at http://dnr.wi.gov/topic/Brownfields/wrrd.html. Additionally, this site will be identified on the Remediation and Redevelopment Sites Map (RRSM), available at http://dnr.wi.gov/topic/Brownfields/wrrd.html. Additionally, this site will be identified on the Remediation and Redevelopment Sites Map (RRSM), available at http://dnr.wi.gov/topic/Brownfields/wrrd.html, as having continuing obligations. All site information is on file at the Regional DNR office located at 2300 N. Dr. Martin Luther King, Jr. Drive, Milwaukee, WI 53212-3128.

The DNR fact sheet "Continuing Obligations for Environmental Protection," RR-819, helps to explain a property owner's responsibility for continuing obligations on their property. The fact sheet may be obtained at http://dnr.wi.gov/files/PDF/pubs/rr/RR819.pdf.

Please send written notifications in accordance with the following requirements to:

Department of Natural Resources Attn: Remediation and Redevelopment Program Environmental Program Associate 2300 N. Dr. Martin Luther King, Jr. Drive Milwaukee, WI 53212-3128 Site Specific Condition - Residual Sediment Contamination:

If contaminated sediment that was managed as proposed in the completed 'Recommended Format for Exemption Request' is excavated in the future, the property owner at the time of excavation will be responsible for the following:

- determine if contamination is present,
- · determine whether the material would be considered solid or hazardous waste,
- ensure that any storage, treatment or disposal is in compliance with applicable statutes and rules.

Excavated material may be managed in accordance with Wis. Admin. Code § NR 718, with DNR approval obtained at that time. In addition, all current and future property owners and occupants of the property need to be aware that excavation of the contaminated soil may pose a hazard and special precautions may need to be taken to prevent a health threat to humans. If material managed under this exemption included solid waste other than soil, a historic fill exemption may be required to be obtained from the DNR prior to excavating the waste or constructing any structure over the materials.

The location(s) where contaminated soil is proposed to be managed at the Miller Compressing (Burnham Canal) (ALT SF) site is depicted on the attached Figure A1, Sample Locations (1/14/2016).

DNR approval prior to well construction or reconstruction is required *where contaminated sediment has been managed*, in accordance with Wis. Admin. Code § NR 812.09(4)(w). This requirement applies to private drinking water wells and high capacity wells. To obtain approval, complete and submit Form 3300-254 to the DNR Drinking and Groundwater program's regional water supply specialist. This form can be obtained at http://dnr.wi.gov/topic/wells/documents/3300254.pdf.

Maintenance of a cover:

A cover of approximately five feet of aggregate fill overlying a one-foot gravel remedial subaquous cap is proposed to be installed and maintained over contaminated solid waste that will managed at the Miller Compressing (Burnham Canal) (ALT SF) site as proposed in the completed 'Recommended Format for Exemption Request'. Once constructed, inspections of the cover will be required, and submittal of inspection reports may also be required. If the cover is approved for industrial land use the DNR is required to be notified before changing to a non-industrial use, to determine if the cover will be protective for that use. Institutional Controls will be implemented to ensure that the sand cover remains in place and is not disturbed. The Institutional Control Implementation and Assurance Plan (ICIAP) must be updated as part of the remedial design for the Site which will describe the inspections (1/14/2016), shows where contaminated material is proposed to be managed and covered. An updated ICIAP must be provided to the DNR once the barrier has been constructed if changes were made to address actual site conditions.

Certain activities will be prohibited in areas of this site where maintenance of a cover or barrier is intended to prevent contact with any remaining contamination. When a barrier is required, the DNR must be notified before making a change, in order to determine if further action is needed to maintain the protectiveness of the remedy employed. The following activities are prohibited on any portion of the property where the cover is required, <u>unless prior written approval has been obtained from the DNR</u>:

- removal of the existing barrier or cover;
- replacement with another barrier or cover;
- excavating or grading of the land surface;
- filling on covered or paved areas;

- plowing for agricultural cultivation;
- construction or placement of a building or other structure;
- changing the use or occupancy of the property to a non-industrial exposure setting.

Other Information

- 1) Any hazardous substance discharge discovered during material management activities must be reported to the DNR following the requirements of Wis. Admin. Code § NR 706.
- 2) Material management activities exempted by this letter are scheduled to be completed within one year. Notify the DNR if this schedule will change.
- 3) Unless otherwise directed by the DNR, documentation of material management activities shall be provided within 60 days of the completion of this project. The documentation must describe how the activities complied with the approved management plan and must also. comply with the requirements of Wis. Admin. Code § NR 724.15(3). Documentation must include:
 - a. A cover letter that contains the information required by Wis. Admin. Code § NR 724.05(2)(e)1.
 - b. Owner contact and property location information for the Miller Compressing (Burnham Canal) (ALT SF) site.
 - c. Maps, drawings, and cross sections that depict how contaminated material was managed.
 - d. A synopsis of the work conducted and an explanation as to how it complied with the material management plan and the conditions in this exemption approval.
 - e. A description of any changes made to the planned management activity and an explanation as to why they were necessary for the project.
 - f. Any field observations or results of monitoring conducted during the management activity.
 - g. A description of how new site conditions are protective of human health, safety, welfare and the environment at the Miller Compressing (Burnham Canal) (ALT SF) site.
 - h. A revised cover maintenance plan, if needed.

The DNR will request that incomplete documentation be amended as allowed by Wis. Admin. Code § NR 724.07(2).

- 4) This exemption is granted under Wis. Admin. Code § NR 718.15 and applies only to the specific activities described within the submitted 'Recommended Format for Exemption Request'. Any contaminated material that is excavated or otherwise disturbed at the Miller Compressing (Burnham Canal) (ALT SF) site, not covered under this or another exemption, must be managed in compliance with the requirements of Wis. Admin. Code §§ NR 500 through NR 538, the solid waste rules administered by the DNR's Waste and Materials Management Program. The management of contaminated material on a property that does not comply with these rules may be considered a hazardous substance discharge and would be required to be addressed following the process outlined in Wis. Admin. Code §§ NR 700 to NR 750.
- 5) Miller Compressing Company is responsible for obtaining any local, federal, or other applicable state permits to carry out the project.

All remediation sites are included in DNR's Bureau of Remediation and Redevelopment Tracking System (BRRTS) database. All documents and project milestones related to the cleanup of each of the involved sites are listed in the database entry identified by BRRTS activity #(s) 02-41-552940. Actions relating only to the management of contaminated material are tracked in the BRRTS system under activity # 15-41-552940.

Miller Compressing (Burnham Canal) (ALT SF) 1640 West Bruce Street, Milwaukee, WI WDNR BRRTS #: 02-41-552940, 15-41-581667 FID #: 241213720

We appreciate your efforts to protect the environment at this site. If you have any questions regarding this approval decision, please contact me by calling (608) 266-0941, or by email at <u>paul.grittner@wisconsin.gov</u>. Other questions regarding this site can be directed to the DNR project manager Margaret Brunette at (414) 263-8557, or <u>margaret.brunette@wisconsin.gov</u>.

Sincerely,

Level Lumth

Paul Grittner Contaminated Material Management Specialist Remediation & Redevelopment Program

Attachments:

- Figure A1, Sample Locations, Natural Resource Technology
- cc: Mark Walter, O'Brien & Gere Engineers, Inc., 234 W. Florida Street, Fifth Floor, Milwaukee, WI 53204 (electronic)

Leah Evison - EPA Region V (electronic)



Jan 14, 2016 8: 30pm PLOTTED BY: dauda SAVED BY: dauda Y: \Mapping\Projects\21\2117\CAD\3-1 Final Design Report\Appendix A Figs\Figure A1_Sample Locations.dwg Layout MAGES: Y: \Mapping\Projects\21\2117\CAD\SOURCE\Bing_Aerial_2010.tif;

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Mark Walter

To:Evison, LeahSubject:RE: Burnham Canal - EPA

From: Evison, Leah [mailto:evison.leah@epa.gov]
Sent: Monday, April 30, 2018 11:29 AM
To: Mark Walter <Mark.Walter@obg.com>
Cc: Laurie Parsons <Laurie.Parsons@obg.com>
Subject: Re: Burnham Canal - EPA

Thanks for the summary. As I mentioned on the phone, I do not consider the implementation adjustments you describe to be design changes. Please continue to coordinate with WDNR as you explore management options for the additional material.

Leah

Leah Evison US EPA Remedial Project Manager/Region 5 outstationed at 520 Lafayette Rd N St. Paul MN 55155 <u>evison.leah@epa.gov</u> St. Paul office 651-757-2898

From: Mark Walter <<u>Mark.Walter@obg.com</u>> Sent: Monday, April 30, 2018 11:00:13 AM To: Evison, Leah Cc: Laurie Parsons Subject: RE: Burnham Canal - EPA

Hi Leah,

Thank you for your 3/27/18 response and for the discussion earlier this morning. A summary of today's discussion is provided below. As always, please feel free to contact us if you have any questions.

- Sediment designated to be removed from the West End Dredge Area, as called out in the EPA-approved ESD/ROD Design, will be removed, stabilized, and disposed at a landfill per the EPA-approved Design.
- Additional dredging will be performed, outside the footprint of (east of) the West End Dredge Area shown in the EPA-approved ESD/ROD Design, to allow placement of betterment material without obstructing canal hydraulics.
- The ESD/ROD cap will still be constructed in accordance with the EPA-approved Design.
- We will work with WDNR on management (and associated permitting) of sediment to be removed outside the footprint of (east of) the West End Dredge Area shown in the EPA-approved ESD/ROD Design. Management

options to be discussed with WDNR include in-place management of this material within the canal project area, east of the West End Dredge Area shown in the EPA-approved ESD/ROD Design.

Thanks again,

Mark

Mark D. Walter, PE OBG | Environmental Engineer 414-837-3563 | *c* 608-220-2480 Mark.Walter@obg.com | www.obg.com



Appendix D

WDNR Form 4400-305 Continuing Obligations Inspection and Maintenance Log



Continuing Obligations Inspection and Maintenance Log

Form 4400-305 (2/14)

Page 1 of 2

Directions: In accordance with s. NR 727.05 (1) (b) 3., Wis. Adm. Code, use of this form for documenting the inspections and maintenance of certain continuing obligations is required. Personal information collected will be used for administrative purposes and may be provided to requesters to the extent required by Wisconsin's Open Records law [ss. 19.31-19.39, Wis. Stats.]. When using this form, identify the condition that is being inspected. See the closure approval letter for this site for requirements regarding the submittal of this form to the Department of Natural Resources. A copy of this inspection log is required to be maintained either on the property, or at a location specified in the closure approval letter. Do NOT delete previous inspection results. This form was developed to provide a continuous history of site inspection results. The Department of Natural Resources project manager is identified from the database, BRRTS on the Web, at http://dnr.wi.gov/botw/SetUpBasicSearchForm.do, by searching for the site using the BRRTS ID number, and then looking in the "Who" section.

Activity (Site	e) Name				BRRTS No.		
Inspections are required to be conducted (see closure approval letter): O annually O semi-annually O other – specify			When submittal of this form is required, submit the form electronically to the DNR project manager. An electronic version of this filled out form, or a scanned version may be sent to the following email address (see closure approval letter):				
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