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October 9, 2012

Mr. William "Mac" McGilvray  
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3517 W. Beltline Hwy.  
Madison, WI 53713

Subject: Phase I Environmental Site Assessment  
Proposed Liberty Business Park – Verona  
6661 Whalen Road and 6620 CTH M  
Verona, Wisconsin  
MES Project No. 7-121033

Dear Mr. McGilvray,

Midwest Engineering Services, Inc. (MES) is pleased to submit herewith the results of this Phase I Environmental Site Assessment (Phase I ESA) conducted for the above referenced project. The results of this Phase I ESA, including pertinent observations and a summary of the findings can be found in the accompanying electronic report. Hard copies this report can be mailed upon request.

Should you have any questions regarding the contents of this Phase I ESA report, or if we could be of any further assistance on this or other projects, please call at any time. Midwest Engineering appreciates the opportunity to be of service.

Very truly yours,

MIDWEST ENGINEERING SERVICES, INC.

Patrick J. Patterson, P.E., P.G.  
Department Manager  
Environmental Services

James M. Becco, P.E.  
Region Manager

**PHASE I ENVIRONMENTAL SITE ASSESSMENT**

**Site:**

**Proposed Liberty Business Park – Verona**

**6661 Whalen Road and 6620 CTH M**

**Verona, Wisconsin**

**User:**

**Liberty Parts Team**

**3517 W. Beltline Hwy.**

**Madison, WI 53713**

**MES Project No. 7-121033**

**October 9, 2012**

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## **INTRODUCTION**

### General

This report presents the findings and conclusions of the Phase I Environmental Site Assessment (Phase I ESA) performed on an approximate 214-acre agricultural property, generally located to the northeast of the intersection of CTH PB and CTH M, in the City of Verona, Wisconsin (referred to herein as the site or property). The site includes the parcels associated with areas referenced as Liberty Business Park. This Phase I ESA was performed for Liberty Parts Team, at the request and authorization of Mr. William “Mac” McGilvray, Director of Economic Development.

It is understood that this property is in the process of becoming an approved Certified Industrial Site per the requirements expressed in the Wisconsin Certified Sites Program created by the Wisconsin Economic Development Corporation. Following approval, it is understood that the site will be developed as an industrial business park by Liberty Parts Team. It is also understood that Liberty Parts Team and its other entities (Whalen Investments and Liberty Development) owns the entire property.

### Purpose

This Phase I ESA was conducted for the purpose of identifying, within the limitations of the authorized scope of work, recognized environmental conditions, in connection with the subject property in accordance with ASTM E1527-05 (“Standard Practice for Environmental Site Assessments: Phase I Environmental Site Assessment Process”). Per ASTM, recognized environmental conditions are defined as the “presence or likely presence of any hazardous substances or petroleum products on a property under conditions that indicate an existing release, a past release, or a material threat of a release of any hazardous substances or petroleum products into structures on the property or into the ground, groundwater, or surface water of the property. The term includes hazardous substances or petroleum products even under conditions in compliance with laws. The term is not intended to include de minimus conditions that generally do not present a threat to human health or the environment and that generally would not be the subject of an enforcement action if brought to the attention of appropriate governmental agencies. Conditions determined to be de minimus are not recognized environmental conditions.”

### Scope

The scope of services for this Phase I ESA included a visual walk-through reconnaissance of the property on one occasion; a description of site topography, including obvious surface staining, depressions, distressed vegetation, disposal areas, obvious evidence of storage tanks, fill areas, apparent site drainage conditions and existing waterways or ponds; a review of various local, state, tribal and federal regulatory agency listings, files, records, and databases for known or potential recognized environmental conditions on the subject property or adjoining properties that were practically reviewable and reasonably ascertainable; a review

of aerial photographs and other readily available maps; informal interviews with various parties; and a general description of adjoining properties and activities as viewed from the subject property or public access points. The scope of work included the submission and review of an MES Environmental Site Assessment Owner and User Questionnaire.

This Phase I ESA did not include physical sampling of soil, groundwater, building materials, chemicals, or hazardous or toxic materials. In addition, surveys for asbestos-containing building materials, radon, lead-based paint, lead in drinking water, wetland delineation, regulatory compliance, cultural and historical resources, industrial hygiene, health and safety, ecological resources, endangered species, indoor air quality, biological agents, mold, controlled substance search and other business environmental risk items, including but not limited to those listed in Section 13 of ASTM E1527-05, were not requested and are not included in the scope of services for this Phase I ESA. A determination of compliance of any activity and use limitations (AULs) established for the property or a determination of compliance of all other landowner liability protection (LLP) requirements under federal Brownfield law are beyond the scope of ASTM E1527-05 and is not included in the scope of services for this Phase I ESA.

The client (user) requested that MES retain the services of a professional title company to search for recorded title and judicial records for environmental liens and activity use limitations (AULs). A summary of MES' review of these documents is provided in the ALL APPROPRIATE INQUIRY INFORMATION section of this report. A determination of compliance of any AULs established for the property or a determination of compliance of all other landowner liability protection (LLP) requirements under federal Brownfield law are beyond the scope of ASTM E1527-05 and is not included in the scope of services for this Phase I ESA.

Phase II recommendations and/or an evaluation of liability or risks associated with the property are beyond the typical scope of the Phase I ESA Practice of ASTM E1527-05. However, as agreed to by the user of this report (client), Phase II ESA recommendations have been included in the CONCLUSIONS section of this report, as deemed warranted in the opinion of MES.

#### Authorization

Authorization to perform this Phase I ESA was in the form of an authorized copy of MES Proposal No. 7-12261, dated September 6, 2012, and signed on September 7, 2012 by Mr. Mac Gilvray with Liberty Parts Team. The general conditions for the performance of the work were referenced in the proposal. This report has been prepared on behalf of, and exclusively for the use of Liberty Parts Team. The information contained in this Phase I ESA report may not be relied upon by any other parties without the express written consent of MES, and acceptance by such parties of MES' General Conditions.

## **GENERAL QUALIFICATIONS**

Various terms, definitions and categorizations used to describe hazardous wastes, materials, or constituents are contained in numerous federal and state regulations, statutes, and other formal documents. A generalized usage of these terms, based on descriptive characteristics included ASTM Practice E1527-05 "Standard Practice for Environmental Site Assessments: Phase I Environmental Site Assessment Process", is intended in this report. As used herein, the terms are intended to refer to substances described as the range of contaminants within the scope of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) as defined in 42 USC §9601(35)(13), and to petroleum products described as those substances included within the meaning of the petroleum exclusion to CERCLA, 42 USC §9601(14).

The conclusions presented in this Phase I ESA report are formulated on the basis of a prescribed work scope, and are reliant upon the credibility of others and accuracy of information sources reviewed. Such limitations can result in a redirection of conclusions and interpretations where new or changed information is obtained. The walk-through survey was performed within the property boundaries, and the findings do not necessarily encompass potential contamination sources present on adjoining properties, or at concealed areas on the subject site.

This Phase I ESA was conducted in accordance with ASTM Practice E1527-05 in a manner consistent with that level of care ordinarily exercised by members of the profession currently practicing in the same locality under similar conditions. Any exceptions to or deletions from this ASTM practice were described in the project scope section of this Phase I ESA report. No other representations, expressed or implied, and no warranty or guarantee is included or intended in this report. Per ASTM-E1527-05, Sec. 4.5.1, it must be recognized that "no environmental site assessment can wholly eliminate uncertainty regarding the potential for recognized environmental conditions in connection with a property. Performance of this practice is intended to reduce, but not eliminate, uncertainty regarding the potential for recognized environmental conditions in connection with a property, and this practice recognizes reasonable limits of time and cost."

## **SITE OBSERVATIONS AND BACKGROUND**

### Site Location and Description

The subject site consists of an approximate 214-acre agricultural property, located at the addresses of 6661 Whalen Road and 6620 CTH M, in the City of Verona, Wisconsin. The site lies within the Southwest ¼ of Section 23, in Township 6 North, and Range 8 East of Dane County. The location of the subject site is shown on the Site Location Map (Figure 1) in the Appendix. A Site Diagram, which depicts various site features and observations made during the site reconnaissance, is provided as Figure 2 in the Appendix. The property consists of eleven (11) separate parcels. Nine (9) of these are vacant agricultural land, while the

remaining parcels are occupied by a vacant farmstead (6661 Whalen Road), and a commercial structure (6620 CTH M). The farmstead area is shown on Figure 3. A description of the subject property, as observed during the MES site visit on September 19, 2012, is provided in the following paragraphs.

The vacant farmstead is generally located in the northwest portion of the property. It includes consists of eleven (11) structures, one corn crib and four (4) silos. The vacant farm house is located about 50 feet south of Whalen Road, and consists of a large two-story structure with a full basement. An old refrigerator, hot water heater, water pressure tank, several one to five-gallon paint containers, doors, some personal items, and a natural gas-fired furnace were observed in the basement. An approximate three-inch diameter pipe, which is similar in appearance to a fill pipe that might be associated with a former fuel oil tank, was observed extending into the basement in the general area where the air intake and exhaust pipes for the existing furnace are located. It appears that the house was formerly heated by a fuel oil-fired furnace and the tank was formerly situated within the basement. However, no tank was observed during the visit. The remainder of the house was generally vacant with some debris material through the house.

An abandoned mobile home is located to the east of the farm house. It does not have a lower basement level. An approximate 275-gallon fuel oil aboveground storage tank (AST), which appears to contain residual fuel oil for heating, was observed along the southern exterior wall line. No obvious evidence of staining or spillage was observed around this tank. Several old appliances, furniture, a furnace, and miscellaneous personal items and debris were observed in the mobile home.

A single-story, metal pole barn with a concrete floor is located to the south of the mobile home. It appears that this structure may have been used as a garage in the past. Debris and garbage were observed within the structure. This structure did not appear to be heated.

Several one to two-story, wood-framed sheds with a concrete floor are located generally to the south to southwest of the farm house. Windows, screens, furniture, numerous electrical circuit boxes, electrical conduits, electrical fuses, light fixtures, heat ducts, hot water heaters, wood molding, several tires, a few empty gasoline containers, electrical items, exercise equipment, shingles, miscellaneous items, and wood and metal debris were observed in and around this structure. It did not appear that these structures were heated in the past.

A large metal pole barn and a small metal pole barn, both with gravel floors are located south of the apparent garage structure. It appears that these structures were originally used as equipment sheds. They contained several boxes of toner cartridges, an old display case, a box of HID light bulbs, and miscellaneous items. They do not appear to have been heated.

A large two-story wood-framed barn with a lower level milking parlor with a concrete floor is located near the center of the farmstead. It did not appear to have been heated in the past. Several tires, old electronics, car parts, electric motors, lumber, hay bales, and miscellaneous wood and metal items and debris were observed in the barn. No obvious evidence of spills or



staining was observed in the area of these miscellaneous items. Four (4) silos are located in the general area of this large barn.

A two-story, wood-framed shed (that appeared to be a former calf barn) with a concrete floor is located to the northwest of large barn. A ceiling-mounted, propane gas-fired heating unit was observed in the eastern portion of the first level of this structure. It appears that a small diameter copper pipe was formerly connected to this unit. The pipe extended to the exterior and was observed at the ground surface near the southeast corner of the structure. The pipe is similar in appearance to those often used as fuel oil or propane supply lines. No obvious evidence of an underground storage tank (UST) was observed in the area. No obvious evidence of staining or significantly distressed vegetation was observed. Some miscellaneous items and debris was observed in the structure. It appears that this structure was originally used as a calf barn. An empty corn crib was observed to the north of this structure.

A single-story, metal pole barn with a gravel floor is located to the south of the large barn. This structure was not heated. It appears that this structure was originally used as a shelter for livestock.

Typical vent pipes associated with private septic systems were observed near the farm house and mobile home. A vent pipe was observed south of the farmhouse and was similar in appearance to vent pipes often associated with a UST or AST. However, the pipe appeared to be loose and not attached to anything in the subsurface. Additionally, a fill pipe or dispenser typically associated with a UST was not observed in the area. The farmstead is serviced with a private potable well.

The commercial building (6620 CTH M) is generally located in the south-central portion of the property and immediately north of CTH M. The building is used for storage, some limited maintenance of vehicles, and offices. The office area was generally vacant. Several vehicles, a boat, numerous mounted heads of cape water buffalo, a snow mobile, power tools, a stove, varying-sized containers of paint and other miscellaneous personal items were observed in the storage area of the building. No significant spillage was observed around the containers. The structure is heated with a propane gas furnace and the propane is stored in an AST near the southeast building corner. An unheated structure is located to the north of the commercial structure. The northern end of this building was open. The building appeared to have been used for storage but was generally vacant. A concrete slab was observed to the north of the commercial structure and west of the unheated structure. No obvious evidence of staining or significantly distressed vegetation was observed in the area of this slab. This parcel is also serviced with private septic and a potable well.

The remainder of most of the property was vacant rolling agricultural land. Wooded areas were observed in the northwest corner of the site, immediately west of the farmstead and in the southeast portion of the site, east of the commercial building. Small to large trees, brush, rock piles with some debris were observed along the existing field fence lines. In addition, wooden farm equipment, metal debris, barbed wire, a few empty metal drums, plastic items, cobbles and large boulders and miscellaneous debris, were observed within the wooded area

near the farmstead. The 5-acre parcel, situated on the northwest corner of CTH PB and CTH M, is vacant and generally covered with brush and small bushes, and trees.

Pole-mounted transformers were located to the west of the farm house and near the former calf barn. No obvious evidence of staining was observed beneath these transformers.

There was no obvious evidence of landfilling or indications that hazardous materials were manufactured, used, stored, or disposed on this property. Features of the subject site and surrounding properties are indicated on Figure 2, included in the Appendix.

### Adjoining Properties

The subject site is located in a generally agricultural area. A description of the adjacent properties as viewed from the subject site or public access points is provided below:

**NORTH:** Whalen Road is located immediately north of the majority of the subject site, followed by vacant agricultural land and residential properties, and USH 151/18.

**SOUTH:** CTH M is located immediately south of the subject site, followed by a business park development.

**EAST:** Vacant agricultural land and residential properties are located immediately east of the subject site.

**WEST:** CTH PB, USH 18/151 and an electrical substation are located immediately west of the subject site.

## **REVIEW OF INFORMATION**

### Aerial Photograph Review

A series of readily available aerial photographs dated 1962, 1968, 1974, 1980, 1990, 1995, 2000, 2005 and 2010 were obtained from the Dane County Regional Planning Commission or reviewed on the Dane County Online Website as part of this Phase I ESA. Aerial photographs typically provide an indication of development trends in the general area and of major changes in topographic features and/or uses of the property. It should be noted that while aerial photographs can sometimes be useful to establish the location of previously existing structures, they are typically not detailed enough to show specific structure type or site usage information.

In the 1962 photo, the subject site appears to be generally agricultural land with a farmstead located in the northwestern portion. In the 1968 photo, the subject site is similar in appearance, with the addition of the mobile home and the structure located south of the barn.

The subject site remains similar in the 1974 through the 1990 aerial photographs. The existing commercial building and unheated structure present in the southeast portion of the site are first observed in the 1995 photo. What appear to be possible ASTs are first observed on the existing concrete slab near these structures in the 2000 photo, but appeared to be removed by the 2010 photo.

The immediate surrounding area appears to be mostly vacant agricultural land throughout the photographs reviewed. Whalen Road, CTH M and CTH PB were observed in all of the reviewed aerial photographs. USH 18/151 is first observed on the 1995 photo. The southern business park is first observed in the 2005 photo.

There were no widespread land feature changes, or evidence of systematic large scale landfilling, site development changes, or other overt signs evident in the photos related to potential hazardous materials presence or disposal on any immediately surrounding properties in any of the photos reviewed.

#### Quadrangle Map Review

A review was made of the U.S. Geological Survey – Verona and Oregon Quadrangle Maps dated 1961 and 1962 and revised in 1982. The subject site appeared to be vacant agricultural land, with a wooded area and a farmstead located in the northwest corner, and a wooded area in the southeast corner of the site. A land surface elevation of approximately 1,050 feet above mean sea level was indicated generally in the southern portion of the property, and slopes upward towards the northern portion of the subject site towards an intermittent stream. Whalen Road, CTH M and CTH PB were all observed on the maps.

There were no indications on the maps of any gravel pits, quarries, landfilling operations, or other land uses, which might be associated with the disposal, usage, or storage of hazardous materials on the subject site or surrounding properties.

#### Soil Conservation Map Review

A review of the Soil Survey Map for Dane County, Wisconsin, dated January 1978, and prepared by the U.S. Soil Conservation Service was performed as part of this Phase I ESA. The subject site appears to be vacant agricultural land with a wooded area and a farmstead in the northwest corner and a wooded area in the southeast corner. An intermittent stream was observed within the north-central portion of the subject site. Whalen Road, CTH PB and CTH M were observed in the reviewed soil survey.

There were no indications on the soil survey map of quarry or gravel pits, surface dumping, landfill operations or any other land uses associated with the disposal, usage, or storage of hazardous materials on the subject site or surrounding properties.

### Plat Map Review

Locally available plat maps, dated 1904, 1974, 1976, 2003, 2007, 2008 and 2010 for Dane County were reviewed at the Verona Public Library as part of this Phase I ESA. These publications provide past ownerships of the subject property at the time they were issued, however, they were not available for every year and, therefore, should not be considered a complete chain of ownership.

In the 1904 map, the subject site consisted of several parcels owned by A. Winkelman, E.W. Larkin, and C. Nelson. In the 1974 and 1976 maps, the subject site was owned by Lester Dettwiler and Charles Dahlk. In the 2003, the subject site was owned by the Van De Grift Family and Wayne Diekrager. Whalen Investment and David R. Reinke own the subject site in the 2007 and 2008 maps. In the 2010 map, the subject site is within the City limits and ownership is not indicated.

### Sanborn Maps

Sanborn Fire Insurance Maps typically can provide information on the location and usage of buildings, building structure, and materials, and sources of power, heating, and other utilities. However, details are not included for many buildings, and the maps cover a range of years, therefore, the information provided should not be considered a complete building history.

The area of the subject site is beyond municipal regions typically encompassed by Sanborn maps. As such, no maps depicting the property were available for review.

### City of Verona Tax Assessment Records

The City of Verona Tax Assessors Office was contacted as part of the Phase I ESA. An Assessors Office representative indicated that the Whalen Investments property was annexed into the City from the Town of Verona in 1998. The representative also indicated that the farm house was estimated to have been constructed in around 1920, and was reportedly heated by a fuel oil-fired furnace. The representative indicated that the commercial property was annexed into the City prior to 2003, and the remaining agricultural land was annexed in 2006.

The on-line tax records from Dane County indicated that the subject site is divided into eleven (11) different parcels. The records indicated that Whalen Investments, LLC purchased the northwestern portion of the parcel in 2003; Mr. David Reinke purchased the eastern portion of the site in 2005; and Liberty Development Corporation purchased the commercial parcel in 2010.

### City of Verona Building Inspection Records

MES attempted to review building inspection files at the City of Verona for the subject site. However, according to Mr. Brian Flannery, Commercial and Residential Building Inspector for the City of Verona, the City does not have any records pertaining to the two (2) addresses

associated with the subject property. Mr. Flannery also stated that he was not aware of any USTs or ASTs present or formerly present on the property. He was also not aware of any landfills on the site or in the general area around the subject site.

#### Town of Verona

MES previously visited the Town of Verona City Hall to review available records for the northwestern portion of the subject site. The representatives indicated that the Town began maintaining records in 1970 and no records exist for the subject site, likely due to the age of the structure. They further indicated that Dr. James Van De Grift owned the property for about five (5) years prior to the Whalen Investments, LLC. purchase of the site. The representatives stated that Dr. Van De Grift purchased the site from Mr. Dettweiler, who farmed the property for numerous years. They also indicated that the farmhouse has been rented since Dr. Van De Grift purchased the property.

#### Previous Phase I ESA Report

A copy of a previous Phase I ESA report was furnished by the client to MES for review as part of this Phase I ESA. The report was prepared by URS (Milwaukee, Wisconsin) for Ruedebusch Development and Construction (Madison, Wisconsin). It was dated January 31, 2008 and was performed on the approximate 12 acres owned by Liberty Development Corporation and occupied by the commercial structure. URS indicated that the property owner at the time of their report was Mr. Robert Darrow. They indicated that Mr. Darrow purchased the parcel from Mr. Tom Fisher in 2006.

In review of the information within the report, the existing commercial and storage buildings were present on this property. At the time of the report, these buildings were utilized for storage and an apartment unit. It was indicated that the existing storage/limited vehicle maintenance area of the commercial building was constructed in 1991 and the existing office portion in 1993. The storage building was constructed in 1996. The report indicated that the commercial building was heated with a propane-fired furnace, and serviced with private septic and water.

The report indicated that two (2) double-walled ASTs were present on the existing concrete slab. URS stated that the tanks consisted of a 550 gallon diesel fuel tank and a 1,000 gallon unleaded gasoline tank. URS did not indicate if staining or spillage was observed around this slab. However, they stated that the property owner, Mr. Robert Darrow, was planning on removing these tanks at the time of the property transaction. The URS report concluded that they did not identify any recognized environmental conditions (RECs) associated with the 12 acre commercial property.

## **REVIEW OF STATE AND FEDERAL PUBLICATIONS**

### Standard Environmental Record Sources

In order to consolidate the data regarding the locations of sites listed in state and federal regulatory databases in the vicinity of the subject site, MES commissioned a report from FirstSearch Environmental Technology (FirstSearch). In addition, MES reviewed a Wisconsin Department of Natural Resource (WDNR) publication titled "Inventory of Sites or Facilities Which May Cause Or Threaten to Cause Environmental Pollution", the Wisconsin DNR No Action Required Database, the Wisconsin DNR Voluntary Party Liability Exemption database, and the WDNR GIS Registry, which are not included in the FirstSearch report. The FirstSearch report and additional listings provided data regarding the names and locations of several types of facilities engaged in operations of potential environmental concern. Each database or listing was searched for facilities within a specific distance from the subject site, which is based on the relative potential for the specific category of facility to environmentally impact a neighboring property. The research findings are summarized in the following sections.

### Registry of Waste Disposal Sites In Wisconsin

This listing includes the location of known active and abandoned landfills in Wisconsin. Inclusion on this list generally indicates that solid or hazardous waste has been or may have been deposited on the property identified; however, the WDNR indicates that inclusion of a site on the Registry is not intended to suggest that environmental problems have occurred, are occurring, or will occur in the future. The potential environmental hazard, if any, is evaluated through the use of criteria established in the Wisconsin Administrative Code, Section NR 550.20 (5). Sites, which are identified to cause or threaten to cause environmental pollution, are then added to a separate inventory, discussed in a later section of this report.

As of June 29, 2012, the most recent update of this registry, the subject property and properties within approximately one-half mile of the subject site were not included in the Registry of Waste Disposal Sites in Wisconsin.

### Inventory of Sites or Facilities Which May Cause Or Threaten to Cause Environmental Pollution

The State report is an inventory of the sites, which have caused or may cause environmental pollution, compiled by requirements of Wisconsin Statutes, Section 144.4242 (4) (a). The sites appearing on this inventory are prioritized by the State for eventual clean up, and are ranked by the hazards they project to the public health. As of the December 1991 publication, which is the most recent update of this publication, the subject property and properties within approximately one-half mile of the subject site were not included in this listing.

### Wisconsin Environmental Repair Program, Hazard Ranking List

The WDNR is currently using the Federal Superfund and the State Environmental Repair Fund, along with cooperating responsible parties to correct the uncontrolled release of contaminants to the environment. The Environmental Repair Fund provides for Federal and State funding to correct contamination problems, where such problems are not large enough to be eligible for remedial action under Superfund, but still endanger the public health, welfare and safety. These sites are placed upon the Hazard Ranking List and are assigned a score based upon the type of contaminants and the relative threat to public health and the environment.

As of September 20, 2000, which is the most recent update of this list, the subject property and properties within approximately one-half mile of the subject site were not included in the Hazard Ranking List.

### Wisconsin DNR-Environmental Repair Program (ERP) Database

This listing is compiled at the local Bureau for Remediation and Redevelopment Department of the WDNR, and includes sites with reported contamination that is not related to a leaking underground storage tank. The listing includes the names of facilities, manufacturing plants, residential, agricultural, commercial and municipal properties from which known contamination has been reported. As of July 6, 2012, which is the most recent update of this database, the subject property and properties within approximately one-quarter mile of the subject site were not listed in the ERP database.

### Wisconsin DSPS and Tribal Lands Tank Database

The Department of Safety and Professional Services (DSPS) computer database of registered underground storage tanks (USTs) and aboveground storage tanks (ASTs) was accessed as part of this Phase I ESA. As of September 7, 2012, which is the most recent update of this database, no ASTs (including those previously indicated to have been present) or USTs were registered on the subject site or adjoining properties.

### Wisconsin DNR and Tribal Lands - Leaking Underground Storage Tanks (LUST) Database

This listing is compiled at the local district of the WDNR, and includes sites at which releases from underground storage tank systems have been reported. The listing includes the names of facilities, including gasoline stations, manufacturing plants, or residential, agricultural, commercial and municipal properties from which known releases have been reported. As of July 6, 2012, which is the most recent update of this database, the subject property and properties within approximately one-half mile of the subject site were not included in the LUST database.

### Wisconsin DNR Spills Database

This document includes a listing of spills or illicit dumping of varying volumes of known or suspected hazardous materials, petroleum products, or unidentified substances, which are reported to and subsequently investigated by the WDNR. As of July 6, 2012, which is the most recent update of this database, the subject site and adjoining properties were not included in the spills list.

### Wisconsin DNR No Action Required Database

This listing is compiled at the local district of the WDNR, and includes sites where an environmental investigation has found no contamination or contamination with little or no impact to human health and the environment, and the WDNR is not requiring further action. The listing includes the names of facilities, including underground storage tank sites and other properties which known releases have been reported. As of September 18, 2012, which is the most recent update of this database, the subject site and adjoining properties were not included in the No Action Required database (NAR).

### Wisconsin DNR VPLE Database

Voluntary Party Liability Exemptions (VPLEs) are an elective process in which a property owner or prospective purchaser of the property conducts an environmental investigation and cleanup of an entire property and then receives limits on future liability for that contamination under s. 292. 15, Wisconsin Statutes. The VPLE program is administered by the local WDNR office. An individual, business, or unit of government can receive the liability exemption after a completed cleanup is approved. As of September 18, 2012, which is the most recent update of this database, the subject site and properties within approximately one-half mile of the subject site were not included in the VPLE database.

### Wisconsin DNR GIS Registry

The WDNR GIS Registry is a database of closed remediation sites. Only closed sites with groundwater contamination remaining above ch. NR140 enforcement standards or soil contamination above NR720 residual contaminant levels are included in this registry. In addition, information is provided on properties affected by migration from a source property. These affected properties are known as "off-source" properties, and include right-of-ways (ROW) and deeded parcels. As of September 18, 2012, which is the most recent update of this database, the subject site was not included on the GIS Registry.

### State and Tribal Brownfield Sites

The State and Tribal Brownfield database is an inventory of contaminated sites based on present and/or historical land uses and tax-delinquent brownfield properties. Brownfield sites are abandoned or underused industrial or commercial properties that are contaminated or perceived to be contaminated and have an active potential for redevelopment. According to



the WDNR, there is no formal complete listing of all Brownfield properties; however, there is a listing of Brownfield sites that are owned by local municipalities that have been or are currently being evaluated under the WDNR. Brownfield sites that are owned by a municipality or unit of local government and are seeking state funding for redevelopment assessment and cleanup costs are tracked by the WDNR. The WDNR offers grants to municipalities to assist in site investigation and remediation for redevelopment under the WDNR Remediation and Redevelopment program.

As of July 15, 2012, which is the most recent update of this database, the subject site and properties within approximately one-half mile radius were not listed in the Brownfields database. However, the State of Wisconsin does not have a complete listing of all Brownfield sites. The City of Verona was contacted regarding Brownfield properties. According to a representative of the City of Verona, the subject site and properties within one-half mile of the subject site were not known to be Brownfield properties.

#### Federal EPA National Priorities List

The National Priorities List (NPL) is a compilation of uncontrolled or abandoned hazardous waste sites which have been targeted for remediation under the EPA Superfund Program. As of September 20, 2012, which is the most recent update of this list, the subject site and properties within approximately one-mile of the subject site were not included in this listing.

#### Federal EPA CERCLIS Database

The CERCLIS is an automated inventory of known potential uncontrolled hazardous waste sites, based upon State investigation efforts and upon reports received by the US EPA under the Comprehensive Environmental Response Compensation and Liability Act. Some of the sites are being evaluated for inclusion on the National Priorities List (Superfund). As of August 1, 2012, which is the most recent update of this database, the subject site and properties within approximately one-half mile of the subject site were not included on this listing.

#### Federal EPA NFRAP Database

The EPA No Further Remedial Action Plan (NFRAP) is a database of sites where, following an initial investigation, no contamination was found, contamination was removed quickly, or contamination was not considered serious enough to require Federal Superfund action or NPL consideration. As of August 1, 2012, which is the most recent update of this database, the subject site and properties within approximately one-half mile of the subject property were not included on the EPA NFRAP database.

#### Federal EPA RCRA TSD/CORRACTS/NLR/Generator Sites Database

The Resource Conservation and Recovery Act (RCRA), program of the Federal EPA tracks hazardous waste from the point of generation to the point of disposal. The EPA compiles a database of reporting facilities that generate, store, transport, or dispose of hazardous waste.

As of July 10, 2012, which is the most recent update of this database, the subject property and adjoining sites were not listed as generators.

In addition, no RCRA Corrective Action Data (CORRACTS) Instrument and Event Data was indicated for the subject site or properties located within approximately one mile of the subject site. No sites listed as Treatment, Storage and Disposal (TSD) facilities were located within an approximate one-half mile of the subject site.

#### Federal EPA ERNS Database

The EPA Emergency Response and Notification Systems (ERNS) is a database of information on releases of oil and hazardous substances initially reported to the federal government by any party. The ERNS combines data from the National Response Center and the EPA. As of July 5, 2012, which is the most recent update of this database, the subject site was not listed in the ERNS database.

#### Federal USGS/EPA Land Use

The USGS/EPA Land Use is a database of lands owned or administered by the Federal Government. Indian Lands of the United States are also included in the database and are areas administered by the Bureau of Indian Affairs. Included in the database are Federally-administered lands within a reservation which may or may not be considered part of the reservation. Only areas of 640 acres or more are included in the database. As of December 1, 2005, which is the most recent update of this database, the subject site was not listed in the Land Use database. However, a Bureau of Indian Affairs contact for the Midwest Regional Office was included within the database. According to the Great Lakes Division of the Bureau of Indian Affairs, no Indian Lands are located on the subject site or within approximately one-mile of the subject site.

## **INTERVIEWS**

#### Verona Fire Department

MES made several attempts to contact the City of Verona Fire Department regarding any emergency responses related to the cleanup of hazardous materials or substances on the subject site. However, no department members were available for comments at the time of the Phase I ESA. An addendum letter will be prepared if pertinent environmental information is provided at a later date.

#### Current Property Owner

A copy of the owner questionnaire was furnished to the client to be completed as part of this Phase I ESA. Mr. Mac McGilvray, Director of Economic Development of Liberty Parts Team, completed the MES Environmental Site Assessment Owner Questionnaire (Owner

Questionnaire) on September 20, 2012, as part of this Phase I ESA, regarding historical ownership, as well as past and present land usage.

Mr. McGilvray indicated that Mr. David Reinke purchased the multiple portions of the subject property in 2003, 2005 and 2010 from the Van De Grift family; Mr. Wayne A Diekrager; and JLD Enterprises, LLC, respectively. He also stated that the northern portion of the property is agricultural and occupied by an abandoned farmstead. He indicated that he believed the farmhouse was formerly heated by natural gas. Mr. McGilvray stated that prior to Mr. Reinke's purchase of the commercial parcel, it was occupied by a concrete contractor. He stated that the remainder of the property was always used for agricultural purposes.

Mr. McGilvray indicated that the property is currently serviced by private sewer and water. He did not know if there have been any aboveground or underground storage tanks on the subject site, with the exception of the existing propane tank present on the commercial parcel and the abandoned fuel oil tank adjacent to the mobile home near the farmstead. Mr. McGilvray indicated that Liberty Parts Team was not aware of the presence of the two (2) former ASTs on the commercial parcel. He was also not aware of any conditions related to the improper manufacture, storage, usage, or disposal of hazardous materials that may have had an adverse environmental impact on the subject property, including any farm dumps.

Mr. McGilvray indicated on the Owner Questionnaire that he did not know if there are recorded AULs. He indicated that to the best of his knowledge, there are no recorded current or pending environmental liens for the property. He was also not aware of any pending, threatened or past litigation or administrative proceedings relevant to hazardous substances or petroleum products in, on, or from the site. He was also not aware of any notices from any governmental agency regarding any possible violation of environmental law or possible liability relating hazardous substances or petroleum products.

#### Past Property Owner

The property owner representative did not provide MES with contact information for the former property owners. If the past owner contact information can be provided, MES will conduct an interview and summarize any additional information ascertained in an addendum letter to this Phase I ESA report.

#### City of Verona

The City of Verona Assessors Office was contacted regarding any information pertaining to groundwater or land use restrictions or local groundwater use ordinances or restrictions. According to Mr. Bruce Sylvester, Director of Planning and Development, no groundwater or land use restrictions are associated with the subject site. In addition, no local groundwater use ordinances or restrictions are associated with the City of Verona.

## **ALL APPROPRIATE INQUIRY INFORMATION**

In accordance with Appendix X.3 of ASTM E1527-05, in order to qualify for one of the Landowner Liability Protections (LLPs) offered by the Small Business Liability Relief and Brownfields Revitalization Act of 2001 (the "Brownfields Amendments"), the user of this Phase I ESA report (Clark Street Development) must provide additional specific property information (if available) to the environmental professional as specified in 40 CFR 312.25 through 312.31. LLPs is the term used to describe the three types of potential defenses to Superfund liability and include innocent landowner, bona fide prospective purchaser or contiguous property owner. Per ASTM, it is the responsibility of the user of this report, to identify and review reasonably ascertainable recorded land title records and lien records that are filed under federal, tribal, state or local law to identify environmental cleanup liens or activity and use limitations (AULs) that are currently recorded against the property. In addition, the user is also required to provide responses to specific property "all appropriate inquiry" (AAI) questions provided in a User Questionnaire. It should be recognized that other conditions, above and beyond this ASTM practice, must also be met by the user in order to qualify for landowner liability protection defenses in accordance with the federal law.

### User Questionnaire

The AAI questions that require completion by the user are outlined in a User Questionnaire that was provided to the client during this Phase I ESA project. In summary, the User Questionnaire includes AAI questions pertaining to environmental cleanup liens, AULs such as Institutional Controls, specialized knowledge or experience of the person seeking to qualify for the LLP, relationship of the purchase price to the fair market value of the property if it were not contaminated, commonly known or reasonably ascertainable information about the property and the degree of obviousness of the presence of likely presence of contamination at the property, and the ability to detect the contamination by appropriate investigation.

The User Questionnaire was completed by Mr. Mac McGilvray, Director of Economic Development and is summarized as follows.

- The user is not aware of any environmental cleanup liens that are filed or recorded against the subject site.
- The user is not aware of any activity and land use limitations (AULs) that are in place on the subject site or that have been filed or recorded in a registry.
- The user is not aware of any specialized knowledge or experience related to the subject site or nearby properties.
- The user indicated that the purchase price paid for the subject site reasonably reflects the fair market value of the property.
- The user is not aware of the past uses of the property.

- The user is not aware of any specific chemicals that are present or once were present on the subject site.
- The user is not aware of any spills or other chemical releases that have taken place at the subject site.
- The user is not aware of any environmental cleanups that have occurred on the property.
- The user is not aware of any obvious indicators that point to the presence or likely presence of contamination at the property.

#### Recorded Land Title Records

Attorney Michael Green with Michael Best Friedrich, LLP, legal counsel for Mr. David Reinke (current property owner) and his corporations, furnished MES with a copy of property information. As part of this Phase I ESA, MES reviewed the client provided copies of property deeds and title commitment information. No environmental liens or AULs were observed in the furnished information.

#### **SUMMARY AND CONCLUSIONS OF PHASE I ESA**

This Phase I Environmental Site Assessment has been performed for the subject property located at the addresses of 6661 Whalen Road and 6620 CTH M in the City of Verona, Wisconsin. It was conducted in accordance with the scope and limitations of ASTM Practice E 1527-05, with the exceptions previously described in the project scope section of this Phase I ESA report. Based upon the visual site observations, reviewed databases and interviews performed for the Phase I ESA at the subject property, there is no indication that the subject site has been affected by off-site events of an environmental nature originating from recognized environmental conditions associated with other properties located within the specific ASTM search radius. However, there are indications that potential recognized environmental conditions are present on the property.

#### Unknown Vent Pipe

At the time of the site visit, a pipe of unknown origin was observed protruding from the ground surface south of the farm house. The pipe is somewhat similar to those often used as a vent pipe for underground storage tanks. However, as indicated, the past or present use of the pipe could not be ascertained at the time of the site visit and it also appeared not be connected to anything. It is recommended that a limited exploration of the subsurface in this area of the site be performed to further evaluate the use of the pipe and the possible presence of a UST. This can be accomplished with a backhoe. If a tank is present, an evaluation of the potential for a past release to have occurred is also recommended.

### Copper Pipe

At the time of the site visit, a copper pipe was observed extending from the ground near the southeast corner of the calf barn. The observed copper pipe is similar to those often used as a product line for a propane tank or a fuel oil tank. It appeared that it was connected to a ceiling-mounted heater formerly used to heat the structure. However, it is unknown if the pipe was connected to a propane tank or a fuel oil tank. It is recommended that a limited exploration of the subsurface in this area of the site be performed to further evaluate the use of the pipe and the possible presence of a UST. This can be accomplished with a backhoe. If a tank is present, an evaluation of the potential for a past release to have occurred is also recommended.

### Fuel Oil Tank

One (1) AST presently exists along the southern building line of the mobile home. The tank is similar to those typically used to store fuel oil, and may therefore have been used in the past as part of the heating system for the mobile home. Further, possible residual product appears to remain in the tank. If the AST is not to be utilized for future development, it is recommended that the residual product be removed and the tank be properly cleaned, removed and disposed of at an appropriate facility.

In addition to the above mentioned potential recognized environmental conditions identified on the subject property, the following issues warrant further discussion, but are not viewed as recognized environmental conditions.

### Potable Wells

The subject site is serviced with potable wells. Wells can provide a conduit for contaminants to infiltrate surficial and deeper drinking water aquifers. If the wells are not to be used as part of future site development, it is recommended that they be properly abandoned by a qualified well drilling/abandonment firm, and that the abandonment be performed in accordance with local and WDNR specifications. State and local regulations generally require that inactive wells be abandoned.

### Septic Systems

The site is serviced by private septic systems. Septic systems can provide a conduit for contaminants to infiltrate surficial and deeper drinking water aquifers. If the septic system is not to be used in the future, it is recommended that it be abandoned in accordance with any local specifications.

### Unknown Tanks

It is common practice for petroleum storage tanks to be associated with agricultural properties to refuel farm vehicles and equipment, or to heat structures. In the absence of formal records in local or state sources, the presence of unregistered tanks is difficult to verify during Phase I ESA research. Additionally, the performance of a magnetometer survey, ground penetrating radar, test pits, borings, or other exploratory methods, in an attempt to locate unknown or unreported tanks can be extremely costly, and still may not produce definitive results. As such, it must be recognized that the presence or absence of hidden or buried USTs cannot be verified, in the lack of visible aboveground components, municipal records, or reports from knowledgeable persons.

### **GENERAL COMMENTS**

This study has been conducted in a manner consistent with that level of care ordinarily exercised by members of the profession currently practicing in the same locality under similar conditions. The findings contained herein have been obtained in accordance with generally accepted practice. No other representations, expressed or implied and no other warranty or guarantee are intended.

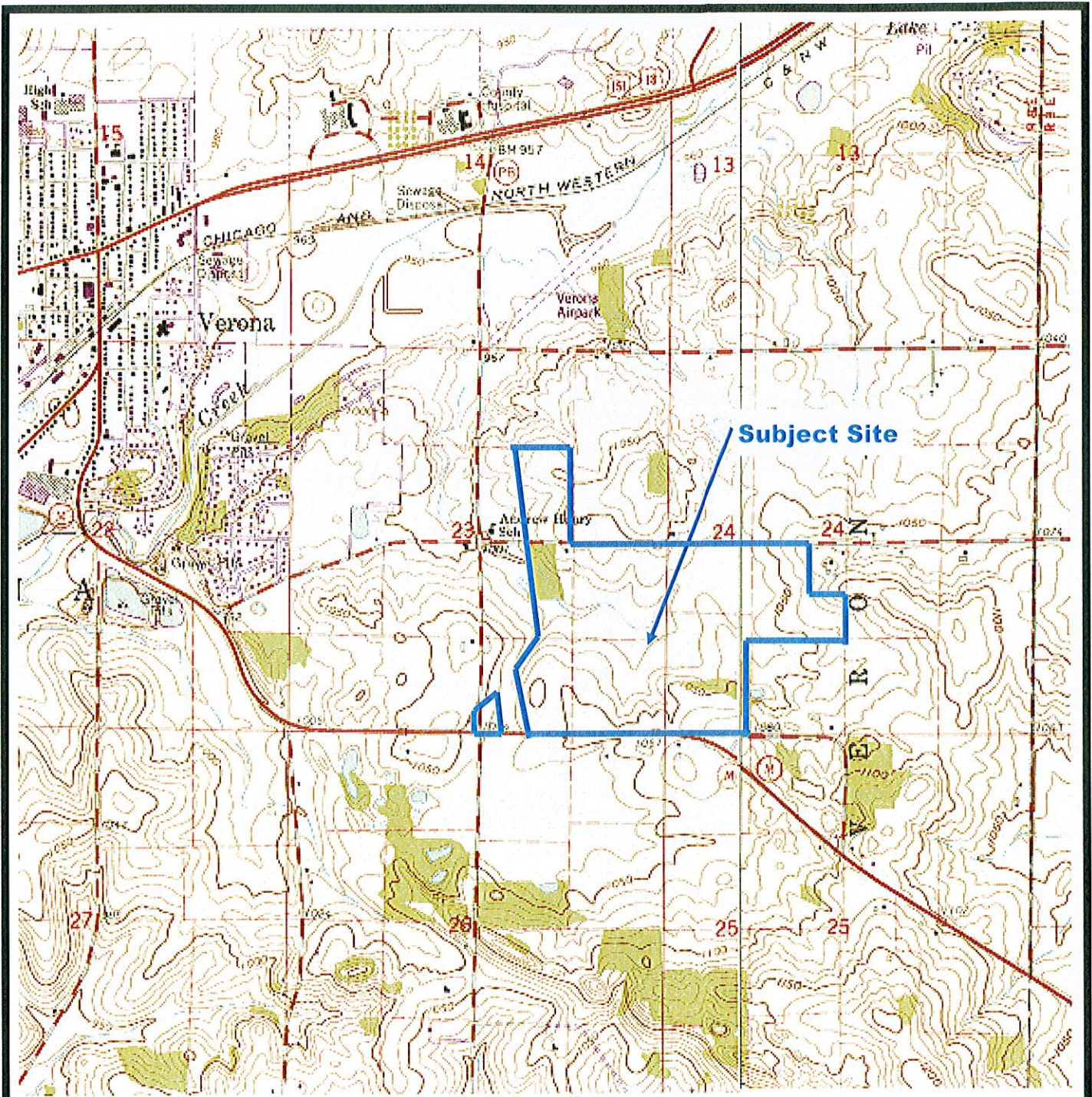
The results presented in this report are formulated on the basis of a limited work scope, which may result in a redirection of conclusions and interpretations where new information is obtained, or where changed conditions occur with time. The regulatory climate and interpretation may also have an effect on the outcome of the environmental assessment and clean-up objectives for this site. In general, information contained in such assessments may have an effect on the value of the property, and is considered confidential. Copies of this report will be submitted to others only with written authorization from the owner's representative. MES can make no representation about the completeness or accuracy of other's work, or the credibility of information obtained from the various sources cited herein.

MES declares that, to the best of our professional knowledge and belief, we meet the definition of Environmental Professional as defined in §312.10 of 40 CFR 312 and as outlined in Appendix X.2 of ASTM E1527-05. We have specific qualifications based on education, training and experience to assess a property of the nature, history and setting of the subject property. MES has developed and performed the all appropriate inquires in conformance with the standards and practices set forth in 40 CFR Part 312. If requested, MES can provide the user of this report with supporting documentation and qualifications for the Environmental Professionals that have performed this Phase I ESA.



**APPENDIX**





Source: USGS Verona and Oregon Quadrangle Maps, Dated 1961/62, Revised 1982



midwest engineering services, inc.

Proposed Liberty Business Park  
Whalen Road and CTH M  
Verona, Wisconsin

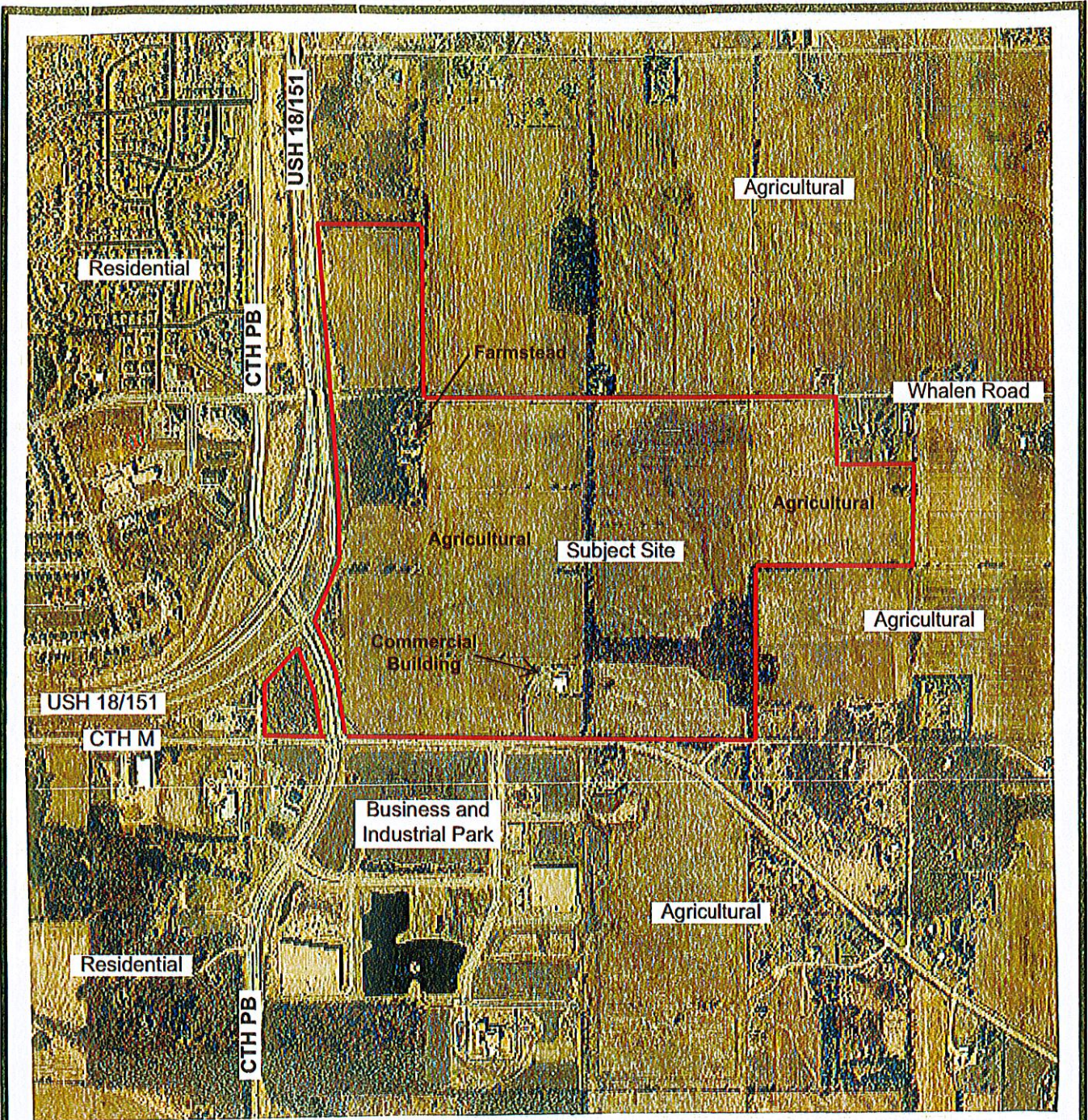
SITE LOCATION MAP

Scale: 1" = 2000' ±

Project No.: 7-121033

Date:

Figure 1



Source: Dane County DCiMap, dated 2010


	Proposed Liberty Business Park Whalen Road and CTH M Verona, Wisconsin	Scale: NTS
	SITE LOCATION MAP	Project No.: 7-121033
		Date:

Figure 2



Source: Google Earth, dated 2010



Proposed Liberty Business Park  
Whalen Road and CTH M  
Verona, Wisconsin

SITE LOCATION MAP

Scale: NTS

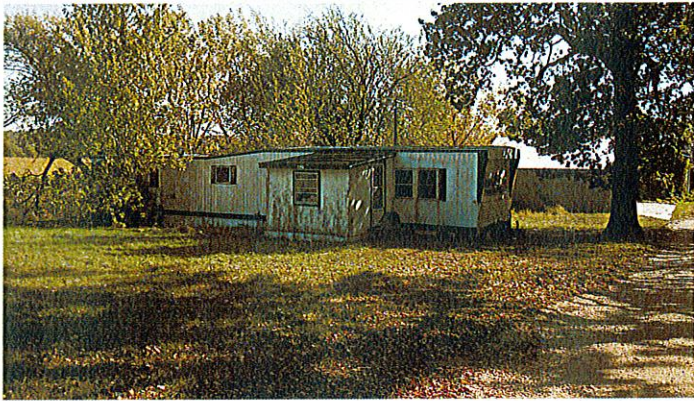
Project No.: 7-121033

Date:

Figure 3



1. The photograph shows the vacant farm house.



2. Photograph shows the abandoned mobile home.



3. Photograph shows the vacant calf barn where the copper pipe was observed.



SITE PHOTOGRAPHS

Proposed Liberty Business Park  
Whalen Road and CTH M  
Verona, Wisconsin

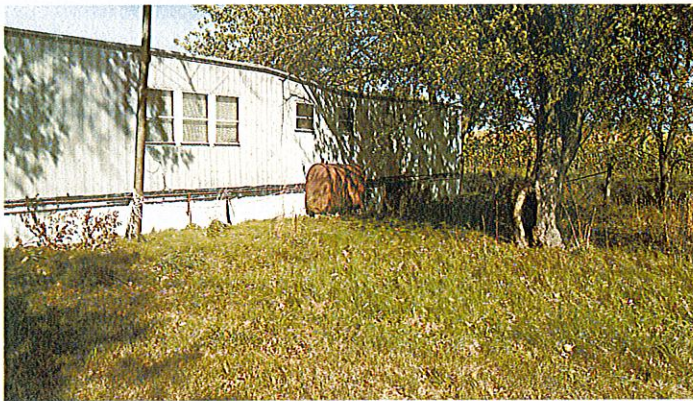
Project Number:

7-121033

Initials:



4. Photograph shows the observed copper tube/pipe present near the calf barn.



5. Photograph shows the AST near the mobile home.



6. Photograph shows the commercial building present in the south-central portion of the site.



SITE PHOTOGRAPHS

Proposed Liberty Business Park  
Whalen Road and CTH M  
Verona, Wisconsin

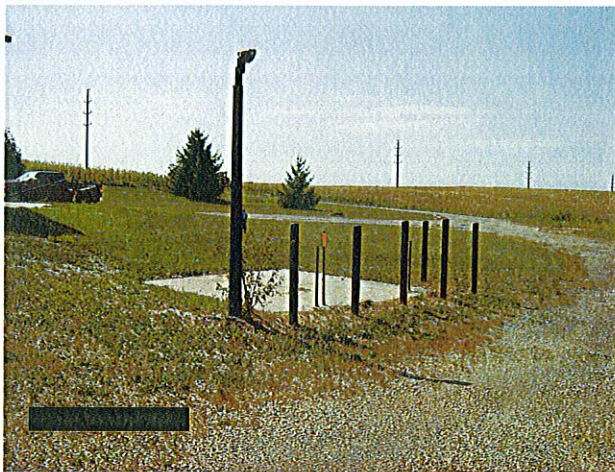
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7-121033

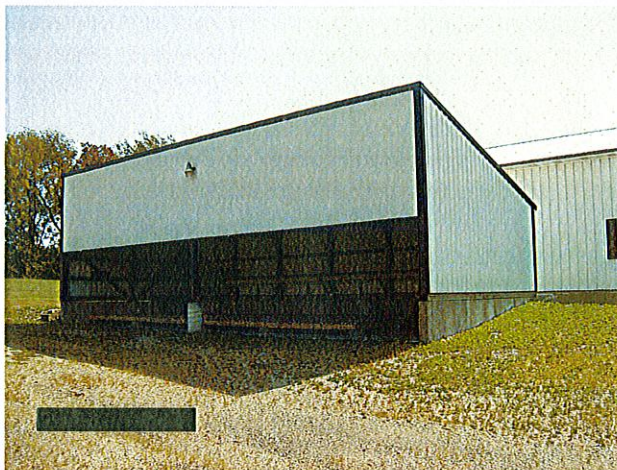
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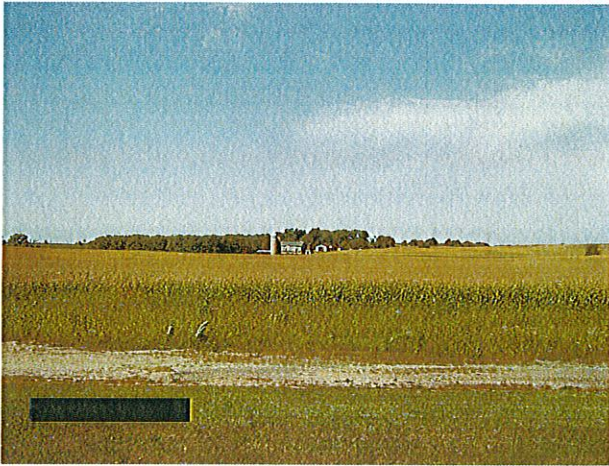
7. Photograph shows the existing propane tank and septic system present on the commercial parcel.



8. Photograph shows the concrete slab present on the commercial parcel.



9. Photograph shows the storage structure present on the commercial parcel.



10. Photograph taken from the commercial parcel and facing to the northwest. The abandoned farmstead is shown in the background.



11. Photograph shows personal items and debris observed in one of the farmstead structures.



12. Photograph shows the apparent vent pipe observed to the south of the farmhouse.



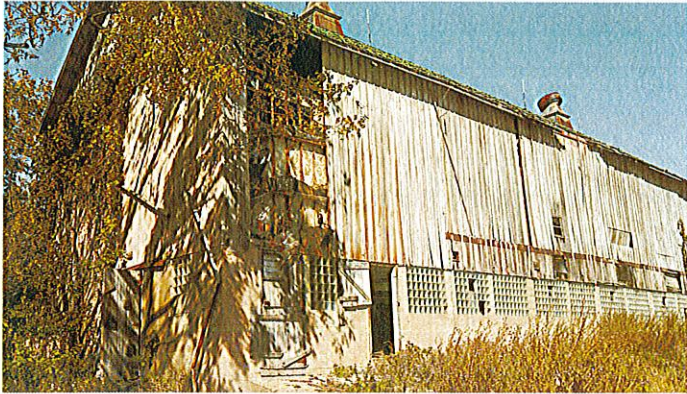
SITE PHOTOGRAPHS

Proposed Liberty Business Park  
Whalen Road and CTH M  
Verona, Wisconsin

Project Number:

7-121033

Initials:



13. Photograph shows the southern side of the large barn.



14. Photograph shows electrical material present in one of the farmstead buildings.



15. Photograph shows personal items and debris observed in one of the farmstead buildings.



SITE PHOTOGRAPHS

Proposed Liberty Business Park  
Whalen Road and CTH M  
Verona, Wisconsin

Project Number:

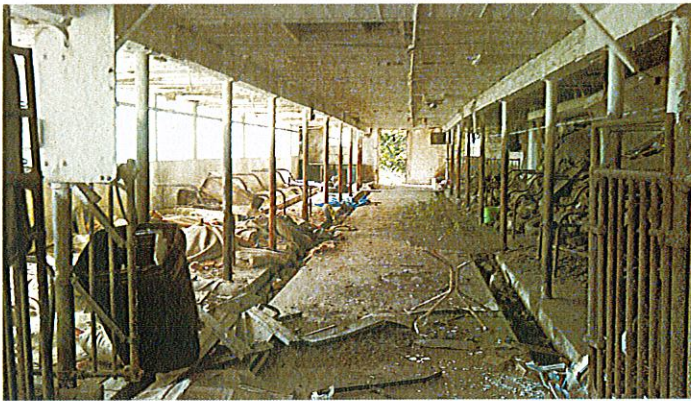
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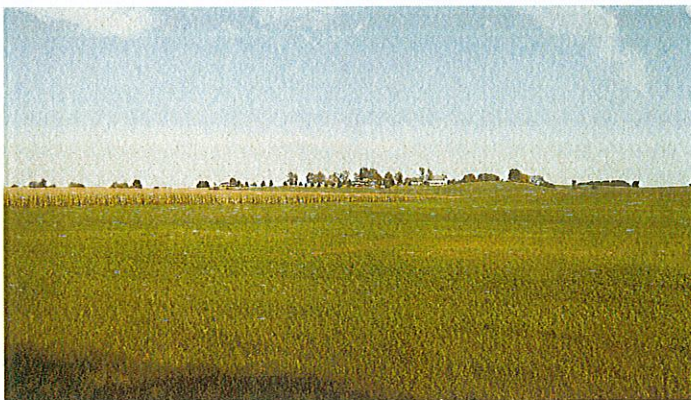




16. Photograph shows debris observed in the wooded area near the farmstead.



17. Photograph shows the former milking parlor in the large barn.



18. Photograph shows a portion of the agricultural land present on the subject site.



SITE PHOTOGRAPHS

Proposed Liberty Business Park  
Whalen Road and CTH M  
Verona, Wisconsin

Project Number:

7-121033

Initials: