

TAB C



midwest engineering services, inc.

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PHASE I ENVIRONMENTAL SITE ASSESSMENT

Old Can Dump

CTH K

Chenequa, Wisconsin

Prepared for

Village of Chenequa

31275 W. CTH K

Chenequa, WI 53029

MES Project No. 7-41083

September 2, 2004



September 2, 2004

Mr. Jeff Kante
Superintendent/Forester
Village of Chenequa
31275 W. CTH K
Chenequa, WI 53029

Subject: Phase I Environmental Site Assessment
Old Can Dump
CTH K
Chenequa, Wisconsin
MES Project No. 7-41083

Dear Mr. Kante,

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 report, two (2) copies of which are included herein.

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.

Shelley L. Hildebrandt, P.G.
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Patrick J. Patterson, P.E., P.G.
Department Manager
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James M. Becco, P.E.
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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 15-acre parcel located in the Village of Chenequa, Wisconsin. This Phase I ESA was performed for the Village of Chenequa at the request of Mr. Jeff Kante and the authorization of Mr. Bryce Styza, the Village President.

Purpose

This Phase I ESA was conducted for the purpose of evaluating the potential for environmental concerns on the subject property. These concerns are typically related to the overt or recorded disposal, manufacture, usage, or storage of hazardous materials or constituents, which might have had an adverse environmental impact upon the property.

Scope

The scope of services for this Phase I ESA included a visual walk-through reconnaissance of the property and existing structures on one occasion; a description of site topography, including any obvious surface staining, distressed vegetation, disposal areas, storage tanks, fill areas, apparent site drainage conditions and existing waterways; a review of various local, state and federal regulatory agency listings, files, records, and databases for known or potential environmental concerns on the subject property or adjoining properties; 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. Photographs were taken as part of this Phase I ESA and are included in the Appendix. Chain-of-title documents were not provided by the client for review, although an Abstract of Title, with records dating between 1843 and 1954, was provided. The scope of this Phase I ESA did not include sampling and testing of soil, groundwater, or hazardous or toxic materials. Wetland delineation, asbestos, archaeological, radon, mold, and lead-based paint surveys were not included as part of this Phase I ESA.

Authorization

Authorization to perform this Phase I ESA was in the form of an acceptance copy of MES Proposal No. 7-4321, dated July 26, 2004 and signed by Mr. Bryce Styza, the Village President, on August 16, 2004. The general conditions for the performance of the work were referenced in the proposal. This Phase I ESA report has been prepared on behalf of, and exclusively for the use of the Village of Chenequa. 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 E1527-00 "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), as interpreted by the courts and the Environmental Protection Agency (EPA).

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 E1527-00 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.

SITE OBSERVATIONS AND BACKGROUND

Site Location and Description

The subject site is an approximate 15-acre property located immediately north of CTH K, in the Village of Chenequa, Wisconsin. The site lies within the Northeast $\frac{1}{4}$ of the Southwest $\frac{1}{4}$ of Section 20, in Township 8 North and Range 18 East of Waukesha County. The general location of the subject property is shown on Figure 1, included in the Appendix. A more detailed description of the subject site is provided in the following paragraphs.

At the time of the site visit, the subject property was vacant, with the majority of the site covered with dense trees and brush. Some open, low, densely vegetated areas were present on the northeastern portion, and along the western property boundary. The surface was somewhat flat on the northern portion, with ten to thirty foot slopes along the southern and

somewhat flat on the northern portion, with ten to thirty foot slopes along the southern and western property boundaries, and along an access drive extending from CTH K. The southeastern portion of the site was generally higher in elevation, and the surface was irregular on the southwestern and southcentral portion. An overhead power line was observed on the southeastern portion of the site, and evidence of other utilities was observed along the southern property boundary. Remnants of barbed wire fences were observed along the western property boundary, and at other scattered locations. A few pieces of metal debris were observed partially buried adjacent to a fill stockpile located on the south-central portion of the site. According to a representative of the Village of Chenequa, the southwestern portion of the site was used as a municipal dump, to dispose of waste that could not be burned or recycled, such as cans, bottles, wood, coal ash, and an occasional appliance. Reportedly, the waste was buried in shallow trenches between approximately 1930 and 1970. No obvious evidence of underground storage tanks, surface staining, or extensive surface dumping was observed on the subject site at the time of the site visit, however, the presence of the dense vegetation limited surface observations.

Adjoining Properties

The subject site is located in an area developed with residential properties. A description of the adjacent properties is provided below:

- NORTH:** Vacant land and residential properties are located immediately north of the subject property. North Lake is located about 300 feet northeast of the subject site.
- SOUTH:** CTH K is located immediately south of the subject property, beyond which are residential properties and vacant land.
- EAST:** Wildwood Point Road and North Lake Drive are located east and northeast of the subject property. Residences and vacant land are located further to the east.
- WEST:** Vacant land and residential properties are located west of the subject property.

REVIEW OF INFORMATION

Aerial Photograph Review

A series of readily available aerial photographs (scale 1" = 400') dated 1963, 1967, 1970, 1975, 1980, 1985, 1990, 1995 and 2000 were obtained from the Southeastern Wisconsin Regional Planning Commission (SEWRPC) and reviewed as part of this Phase I ESA. The photographs can provide some insight into development trends in the general area of the site and to major changes in topographic features or uses of the property.

On the 1963 photo, the majority of the subject site appears to be vacant marshy land, with numerous trees along the eastern and southern property boundaries. The southeastern portion appears to be cultivated, mowed, or used for pasture. The access road from CTH K is visible, and extends to some surface disturbances evident on the southwestern portion of the site. In the 1963 and 1967 photos, what appear to be long trenches filled with water are present in this area. Several fill stockpiles are also evident in this area in the 1967 photo. The remainder of the subject site appears relatively unchanged in the 1967 photo, although more trees are visible on the southeastern portion. In the 1970 photo, the trenches observed previously are no longer visible, and it appears that the general area of waste has been covered, although some smaller scale surface disturbances are still apparent in this area. The remainder of the subject site is relatively unchanged in the 1970 photo. No obvious evidence of continued dumping or waste disposal is apparent in the remaining photos reviewed, and the subject site remains relatively unchanged.

CTH K, Wildwood Point Road, and North Lake Road are present at the time of the 1963 photo. The surrounding properties appear to be mainly agricultural, with some residential properties along the shores of North Lake and CTH K. The surrounding properties are relatively unchanged in the remaining photos reviewed, although numerous fill piles can be observed on the western adjoining residential property in the 1980 photo. An apparent racetrack or running track is visible on the southern neighboring property in the 1985 through 2000 photos, and gradual development of residential properties in the general area is evident in the remaining photos reviewed. No obvious evidence of landfill operations or other land uses associated with the known disposal, usage, or storage of hazardous materials were observed on the immediately surrounding properties.

Quadrangle Map Review

A review was made of the U.S. Geological Survey Stonebank and Merton Quadrangle maps, dated 1971 and 1994, respectively. The map shows the subject property to be vacant. The surface topography indicated on the map shows the subject property to slope down about thirty feet to the northeast, with a low area on the south-central portion of the site. A land surface elevation of approximately 900 feet above mean sea level was indicated on the central and northeastern portion of the site, about 920 feet on the southeastern portion, and about 930 feet along the western property boundary. General surface drainage would appear to flow towards the northeast, towards North Lake, located about 300 feet to the northeast.

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

Soil Conservation Map Review

A review of the Soil Survey Map for Milwaukee and Waukesha Counties, Wisconsin dated July 1971 and prepared by the U.S. Soil Conservation Service was performed as part of this Phase I ESA. The map indicates that the soils present on the subject site are in the Casco, Casco-Rodman, and St. Charles series, with Pella and Rollin mucks on the majority of the northern portion.

There were no indications on the soil survey map of quarries 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 immediately surrounding properties.

Plat Map Review

Locally available plat maps, dated 1873, 1930, 1949, 1973, 1975, 1980, 1987, 1990, 1994, 2000 and 2002 for Waukesha County were reviewed 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. Additionally, it should be noted that individual ownerships are typically not given for small properties or properties listed as small tracts.

The subject site is indicated to be part of a 80-acre property owned by E. Zimmerman on the 1873 map, and H. Riedeburg on the 1930 map. The subject site is shown in Weins Subdivision on the 1949 map, and individual ownerships were not given. The subject site is indicated to be owned by the Village of Chenequa, or within the Village, on the remaining maps reviewed.

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. No Sanborn maps for the area of the subject were available for review.

Building Inspection Records

A review of building inspection records provided information regarding past ownership of the subject property and activities that may have occurred at the time permits were issued, however, they should not be considered a complete chain of ownership or property history. No building inspection records were available for review for the subject site.

Chain of Title Information

A Chain of Title report can aid in evaluating if there were any previous ownerships, land uses or easements which might obviously be associated with the potential use, storage, handling, or disposal of hazardous materials on the subject site.

An Abstract of Title, which included deeds dated between 1843 and 1954 pertaining to various lands owned by the Village of Chenequa, including the subject site, was reviewed by MES at the Village Hall. A review of the information provided indicates no unusual deed restrictions, defects, liens, or encumbrances which might obviously relate to a potential environmental concern. The information reviewed indicated that the subject site was obtained from Orlo and Gladys Adams in 1954.

REVIEW OF STATE AND FEDERAL PUBLICATIONS

Registry of Waste Disposal Sites In Wisconsin

This listing includes the location of known active and abandoned landfills in Wisconsin, and was reviewed for sites listed in Waukesha County. 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 22, 2002, the subject site was included in the Registry of Waste Disposal Sites in Wisconsin. No details regarding the subject site were given in the listing.

SEWRPC Technical Record, Volume 4, No. 3

This publication, dated February 1982, was developed to provide a compilation of information related to general development considerations in the Southeastern Wisconsin area. The document contains a section, which addresses environmental concerns, and includes several listings, which were reviewed as part of this Phase I ESA. The listings were compiled from information obtained collectively from SEWRPC inventories, WDNR files, and Soil Conservation Survey Maps. The compilation dates for these sections are the most current available at this time. These sections include:

- "Selected Characteristics of Known Existing Solid Waste Landfills in Southeastern Wisconsin"; 1980
- "Selected Characteristics of Proposed Solid Waste Landfills in Southeastern Wisconsin"; 1980
- "Preregulation Landfills or "Dumps" that Are Known To Exist in Southeastern Wisconsin"
- "Solid Waste Disposal Sites in Southeastern Wisconsin Known to Contain Toxic and Hazardous Material"; 1977

The subject site and sites within approximately one half mile of the subject property were not included in these listings.

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, the subject property and sites within an approximate 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, the subject property and properties within 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, which 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 19, 2004, the subject property and properties within one-quarter mile were not listed in the ERP database.

Wisconsin DCOMM Tank Database

The Department of Commerce (DCOMM) computer database of registered underground storage tanks (USTs) and aboveground storage tanks (ASTs) was accessed as part of this Phase I ESA. As of June 25, 2004, no ASTs or USTs were registered for the subject property. Ten (10) USTs are registered on seven (7) properties located on the eastern adjoining Wildwood Point Drive. Six (6) of the USTs were fuel oil tanks, one (1) was used to store gasoline, and no product was indicated for one (1) of the USTs. These eight USTs were indicated as having been removed from the properties between 1995 and 2000. Two (2) USTs, used to store gasoline and fuel oil, are registered as in use on the Paul Warga property, at N67 W32412 Wildwood Point Road.

Wisconsin DNR - 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 19, 2004, the subject property and properties within one-half mile were not listed in this 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 19, 2004, no spills were recorded on the subject property or adjoining sites.

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 July 15, 2004, the subject site and sites within 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 June 23, 2004, the subject site and properties within one half mile of the subject site were not included in this database.

Federal EPA RCRA TSD/Generator Sites

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; which generate, store, transport, or dispose of hazardous waste. The subject property and adjoining properties were not listed as generators as of July 12, 2004. In addition, no RCRA Evaluation/Violation/Enforcement (REVE) Data, RCRA Administrative Action Tracking System (RAATS) Data, or RCRA Corrective Action Data (CORRACTS) Instrument and Event Data were indicated for the subject property or adjoining properties, and no properties within one mile were listed as Treatment, Storage and Disposal (TSD) facilities.

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. A review of the December 31, 2003 listing indicated that the subject site and the adjoining properties were not included as ERNS sites.

Federal EPA NFRAP Database

The EPA CERCLIS-NFRAP archive is a database of sites that have been evaluated for, but not included on the CERCLIS. As of July 23, 2004, the subject site and properties within one-eighth mile were not listed in the EPA CERCLIS Archive (NFRAP).

INTERVIEWS

Fire Department

The Lake County Fire Department, which serves the Chenequa area, was contacted regarding any emergency responses related to the cleanup of hazardous materials or substances that had required the Department's services on the subject site. The Lake County Fire Department is a combination of several former volunteer departments from the general area of the subject site. The representative available for comment was a member of the former Nashotah Fire Department, and did not have any personal knowledge of the subject site. He also was not

aware of any members of the former Chenequa Fire Department that was available to be interviewed.

Current Owner

Mr. Jeff Kante, the Superintendent and Forester for the Village of Chenequa was interviewed for this Phase I ESA. Mr. Kante stated that to his knowledge there were no aboveground or underground storage tanks or buildings currently or previously located on the subject property. Mr. Kante did state that the southern portion of the site had been used to dispose of waste for the Village. He indicated that he was not aware of any other on site conditions related to the improper manufacture, storage, usage, or disposal of hazardous materials or constituents that may have had an adverse environmental impact on the subject site.

Mr. Don Lund, who worked for the Village between 1962 and 2001, was also interviewed for this Phase I ESA. Mr. Lund indicated that approximately two pick-up truck loads of household waste were dumped per week on the southern portion of the subject site. He stated that to the best of his knowledge the waste was placed between the 1930's and the early 1970's, and was generally placed in the summer months, as the surrounding properties were typically only occupied as summer homes. He also stated that the waste generally consisted of material that could not be burned or recycled, such as bottles, cans, and wood or coal ash. However, Mr. Kante previously stated to an MES representative that an occasional appliance may have been dumped into the trenches. Mr. Lund indicated that the waste was placed in shallow trenches, that were approximately 6 feet deep and wide, and about 100 feet long. The trenches were reportedly about 4 feet apart. He estimated the total surface area over which waste was placed was approximately 100,000 square feet. He stated that after a trench was filled, the waste was subsequently covered with soil, and a new trench was started. Mr. Lund stated that the waste was not produced by the Village government, and was not collected from any commercial or industrial properties. He also stated his belief that the waste typically did not contain municipal, biodegradable, or methane producing garbage, such as paper, yard waste, or food. He also indicated his belief that the waste did not typically contain appliances, machinery, or vehicles.

CONCLUSIONS AND RECOMMENDATIONS

This Phase I Environmental Site Assessment has been performed in accordance with the scope and limitations of ASTM Practice E 1527-00, 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 are no indications 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 recognized environmental conditions associated with current or former site usage.

Buried Waste

As mentioned within this report, a large amount of household waste, such as cans, bottles, and coal ash, possibly including an occasional appliance, were buried on the southern portion of the subject property. The site was operated as a municipal type dump over a period of many years. As a result, it is possible that items of potential environmental concern were placed on the site. Additionally, it is possible that the subsurface has been effected by the dumping activities. It is therefore recommended that test pits be performed to evaluate the nature and extent of the buried waste and evaluate the underlying soils through sampling and testing. It is also recommended that evaluation and testing of the groundwater in this area be performed.

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, recommendations and opinions contained herein have been promulgated in accordance with generally accepted practice in similar fields. No other representations, expressed or implied, and no warranty or guarantee is included or intended in this Phase I ESA report. The information contained in this report 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 authorization from the client.

APPENDIX



Source: USGS Stonebank (1971) and Merton (1994) Quadrangle Maps

Northeast 1/4 of the Southwest 1/4, Section 20, Township 8 North, Range 18 East, Waukesha County



Old Can Dump
 CTH K
 Chenequa, Wisconsin

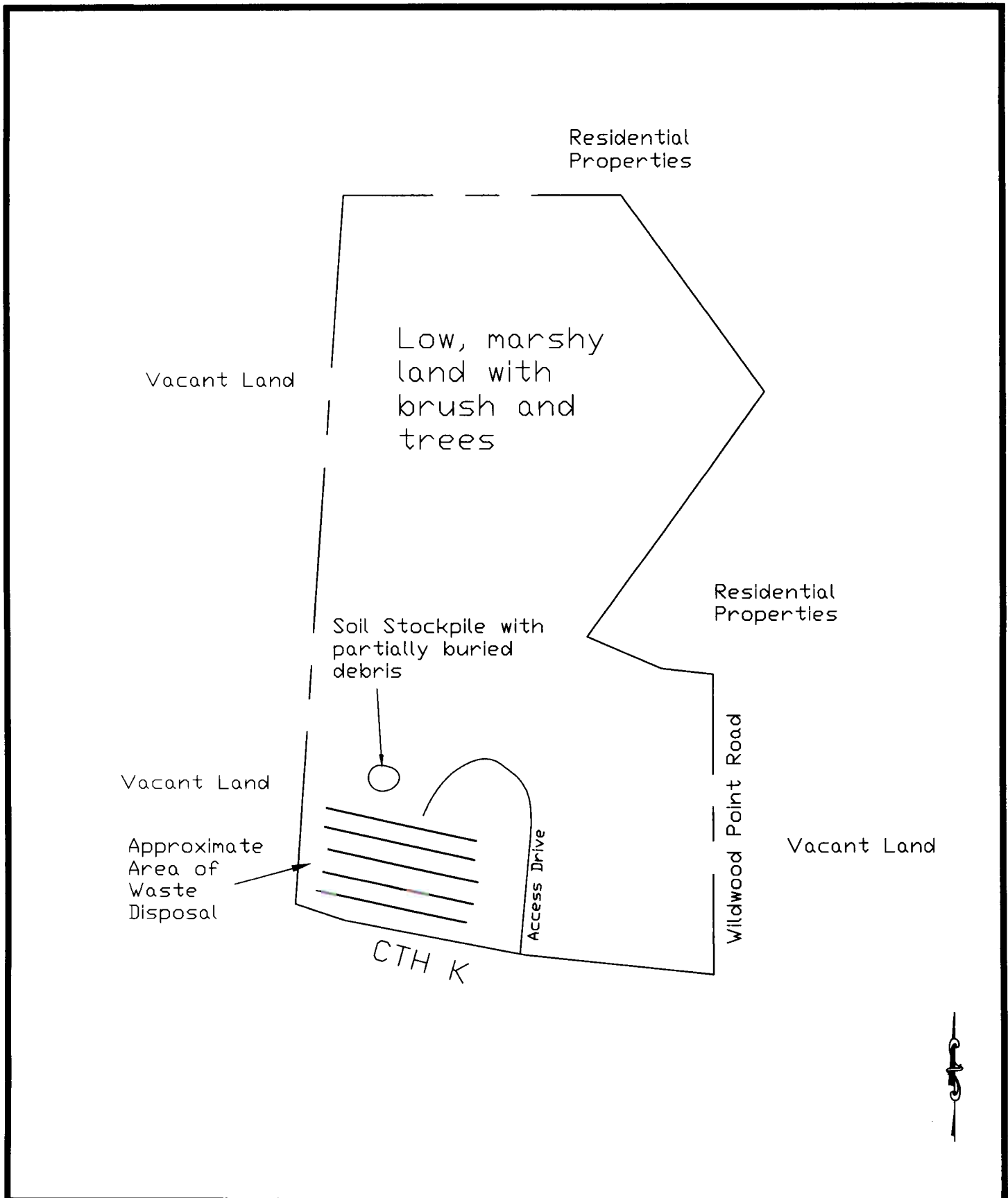
SITE LOCATION MAP

Scale: 1" = 2000' ±

Project No.: 7-41083

Date: 8/17/04

Figure 1



midwest engineering services, inc.

Site Diagram and Surrounding Property Usage

Old Can Dump
 CTH K
 Chenequa, Wisconsin

Scale: 1" = 200' +/-

Project Number: 7-41083

Date: 8/27/04

Drawn By: slh



General Location
of Waste



Aerial Photograph
1967

Old Can Dump
CTH K
Chenequa, Wisconsin

Scale: 1" = 400' +/-

Project Number: 7-41083

Date: 8/27/04

Drawn By:



1. View of typical brushy area on the subject site.



2. View of typical low, open area on the subject site.



3. View of open area on the subject site.



4. View of general area of buried waste.



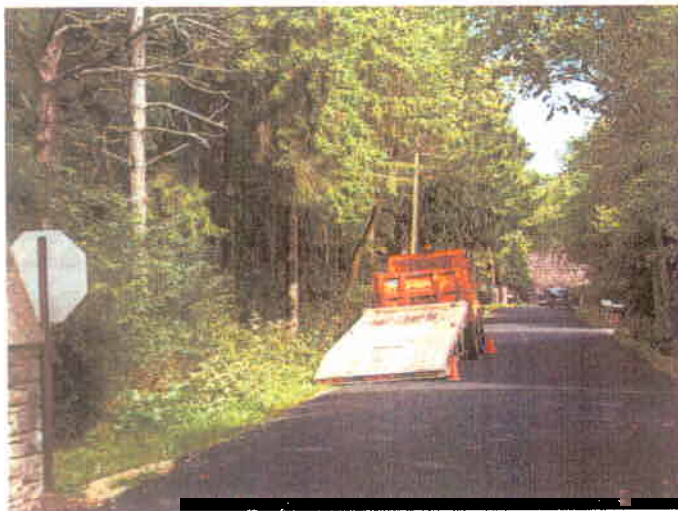
5. Photograph of surface trash observed in the vicinity of the buried waste.



6. Photograph of partially buried metal debris observed near soil stockpile on south-central portion of site.



7. View of southern property boundary and southern adjoining CTH K.



8. View of eastern property boundary and eastern adjoining Wildwood Point Road.



9. View of western property boundary. Truck and water tank are located on western adjoining property.



SITE PHOTOGRAPHS

Old Can Dump
 CTH K
 Chenequa, Wisconsin

Project Number:

7-41083

Initials: