

Storm Water Management Practice Maintenance Agreement

Larry Erlich, as "Owner" of the property described below, in accordance with Chapter 32 City of Waukesha Storm Water Management and Erosion Control, agrees to install and maintain storm water management practice(s) on the subject property in accordance with approved plans and Storm Water Management Plan conditions. The owner further agrees to the terms stated in this document to ensure that the storm water management practice(s) continues serving the intended functions in perpetuity. This Agreement includes the following exhibits:

Exhibit A: Legal Description of the real estate for which this Agreement applies ("Property").

Exhibit B: Location Map(s) – shows an accurate location of each storm water management practice affected by this Agreement.

Exhibit C: Maintenance Plan – prescribes those activities that must be carried out to maintain compliance with this Agreement.

Note: After construction verification has been accepted by the City of Waukesha, for all planned storm water management practices, an addendum(s) to this agreement shall be recorded by the Owner showing design and construction details. The addendum(s) may contain several additional exhibits, including certification by City of Waukesha of Storm Water and Erosion Control Permit termination, as described below.

Name and Return Address

City of Waukesha
201 Delafield Street
Waukesha, WI 53188

Parcel Identification Number(s) – (PIN)
WAKC1004968 & WAKC1004989

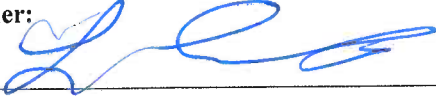
Through this Agreement, the Owner hereby subjects the Property to the following covenants, conditions and restrictions:

1. The Owner shall be responsible for the routine and extraordinary maintenance and repair of the storm water management practice(s) and drainage easements identified in Exhibit B until Storm Water and Erosion Control Permit termination by the City of Waukesha in accordance with Chapter 32 of the City Code of Ordinances.
2. After Storm Water and Erosion Control Permit termination under 1., the current Owner(s) shall be solely responsible for maintenance and repair of the storm water management practices and drainage easements in accordance with the maintenance plan contained in Exhibit C.
3. The Owner(s) shall, at their own cost, complete inspections of the storm water management practices at the time intervals listed in Exhibit C, and conduct the inspections by a qualified professional, file the reports with the City of Waukesha after each inspection and complete any maintenance or repair work recommended in the report. The Owner(s) shall be liable for the failure to undertake any maintenance or repairs. After the work is completed by the Contractor, the qualified professional shall verify that the work was properly completed and submit the follow-up report to the City within 30 days.
4. In addition, and independent of the requirements under paragraph 3 above, the City of Waukesha, or its designee, is authorized to access the property as necessary to conduct inspections of the storm water management practices or drainage easements to ascertain compliance with the intent of this Agreement and the activities prescribed in Exhibit C. The City of Waukesha may require work to be done which differs from the report described in paragraph 3 above, if the City of Waukesha reasonably concludes that such work is necessary and consistent with the intent of this agreement. Upon notification by the City of Waukesha of required maintenance or repairs, the Owner(s) shall complete the specified maintenance or repairs within a reasonable time frame determined by the City of Waukesha.
5. If the Owner(s) do not complete an inspection under 3. above or required maintenance or repairs under 4. above within the specified time period, the City of Waukesha is authorized, but not required, to perform the specified inspections, maintenance or repairs. In the case of an emergency situation, as determined by the City of Waukesha, no notice shall be required prior to the City of Waukesha performing emergency maintenance or repairs. The City of Waukesha may levy the costs and expenses of such inspections, maintenance or repair related actions as a special charge against the Property and collected as such in accordance with the procedures under s. 66.0627 Wis. Stats. or subch. VII of ch. 66 Wis. Stats.

6. This Agreement shall run with the Property and be binding upon all heirs, successors and assigns. After the Owner records the addendum noted above, the City of Waukesha shall have the sole authority to modify this agreement upon a 30-day notice to the current Owner(s).

Dated this 2 day of Oct, 2021

Owner:

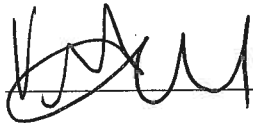


Larry Erlich, Owner
Waukesha Iron & Metal, Inc.

Acknowledgements

State of Wisconsin:
County of Waukesha

Personally came before me this 2 day of 2021, the above named Larry Erlich, to me known to be the person who executed the foregoing instrument and acknowledged the same.



Notary Public, Waukesha County, WI
My commission expires: 12/13/2022

This document was drafted by:

David B Kendziorski
Stormtech, Inc.
CCP Administrator
1217 North Glenwood Circle
West Bend, WI 53090



For Certification Stamp

City of Waukesha Common Council Approval

Dated this ___ day of _____.

Shawn N. Reilly, Mayor

Gina Kozlik, City Clerk

Acknowledgements

State of Wisconsin:
County of Waukesha

Personally came before me this ___ day of _____, the above named _____ to me known to be the person who executed the foregoing instrument and acknowledged the same.

[Name]
Notary Public, Waukesha County, WI
My commission expires: _____.

EXHIBIT A

LEGAL DESCRIPTION: WAUKESHA IRON & METAL

Commencing at the Southeast corner of said section, thence West along the Townline 703.3 feet; thence North and parallel with the East line of said Section 696.00 feet more or less to the center line of the highway, thence North 83°30' East and along the center of the highway 707.5 feet to the East line of said section; thence South and along the section line 775.0 feet to the place of beginning. Excepting therefrom that part conveyed to Waukesha County as Document No. 574420.

Excepting therefrom the above description a tract of land ten (10) feet wide and thirty-six (36) feet along the Northeast corner thereof as per Volume 67, page 260, Waukesha County records and being a tract of land on which a well is situated.

Further excepting the following described piece of property: Commencing at the Southeast Corner of the Southeast One-quarter (SE 1/4) of Section 35; thence North 00°25'02" West along the East line of said Southeast One-quarter (SE 1/4) 404.28 feet to the place of beginning of the parcel hereinafter described; thence continuing North 00°25'02" West along said East line 310.39 feet to a point on the Southerly Right-of-Way line of C.T.H. "Y" (East Main Street); thence South 83°35'10" West along said Southerly Right-of-Way line 212.00 feet; thence South 04°34'50" East 289.00 feet; thence North 89° 34'58" East 189.86 feet to the place of beginning as shown in Document No. 1159018 recorded on June 4, 1981, in the Register of Deeds Office for Waukesha County, State of Wisconsin, Reel 455, Image 112.

Tax Key No. WAKC 1004.989

Property Address: 1407 East Main St. Waukesha, WI 53186



Prepared by JOHN R. STIGLER – Wis. Reg. No. S-1820

Dated this 30th day of September, 2021.

EXHIBIT B—SITE MAP

Waukesha Iron & Metal
1351 East Main Street
Waukesha, WI 53186

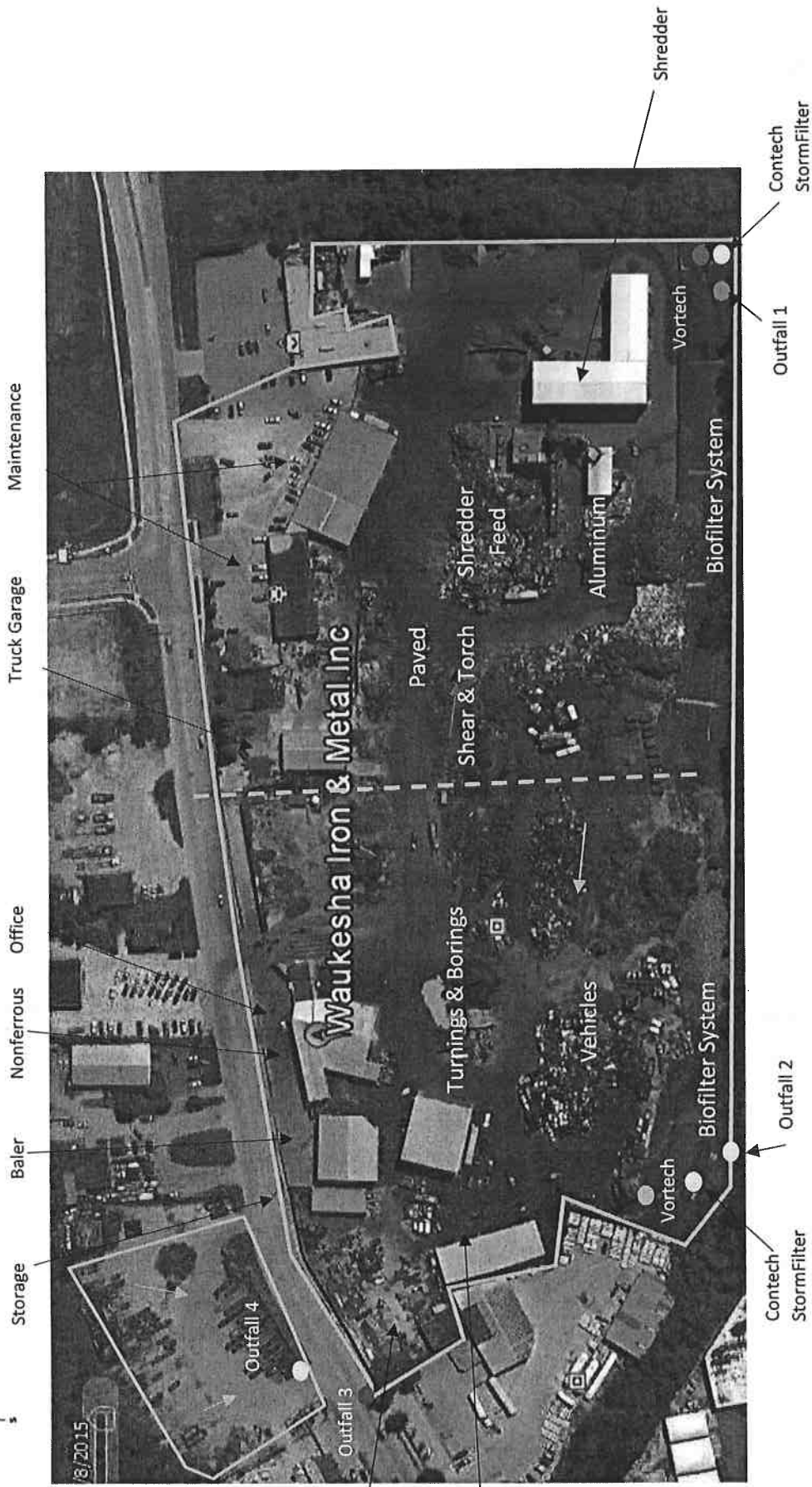


EXHIBIT C

Waukesha Iron & Metal, Inc.
1351 East Main Street
Waukesha, WI 53186

Storm Water Treatment Maintenance Plan

Prepared by
David B. Kendziorski
Stormtech, Inc.
CCP Administrator
September 16, 2021

Waukesha Iron & Metal has storm water permit coverage under WPDES Permit No. WI-S058831-4, Storm Water Associated with Industrial Activity Recycling of Scrap and Waste Materials. The Permit effective date was May 1, 2021, and the expiration date is April 30, 2026. Under this permit, Waukesha Iron & Metal participates in the Cooperative Compliance Program (CCP) for scrap recyclers. The CCP option in the permit requires that member facilities have a storm water pollution prevention plan (SWPPP) and Site Map, implement a set of Best Management Practices (BMPs) agreed to by DNR and the industry, do non-storm water observations twice per year, conduct monthly inspections, perform storm water visual observations twice per year, participate in an annual compliance audit conducted by the CCP Administrator, and attend a group training session annually. Waukesha Iron & Metal has participated in the CCP since the program began in 1998. David Kendziorski, President of Stormtech, Inc. is the CCP Administrator.

The BMPs required by the CCP include inbound scrap quality control, fluid storage, battery handling and storage, management of scrap vehicles and parts, management of turnings and borings, operation of vehicle crusher, operation of portable shear/baler, equipment preventive maintenance, washing equipment, trash and debris, spill and leak prevention and response, control of debris piles, management of shredder residue and fluff, the processing of scrap vehicles, management of other types of scrap, pavement sweeping, the use of catch basin filters, erosion control, management of vegetated swales and ditches, and construction and operation & maintenance of storm water structural or treatment facilities.

Waukesha Iron & Metal has two primary storm water discharge locations or outfalls: one at the west end of the property, and one at the southeast end. Each outfall has a nearly identical storm water treatment system. Storm water runoff enters a large shallow vegetated biofilter which allows larger sediments and particulate metals to settle. Oil absorbent booms placed across the biofilters trap oils and hydrocarbons. Storm water discharged from the biofilters enter a subsurface Vortech hydrodynamic device that removes smaller sediment particles through flow control and swirl concentration. The Vortech units also trap floatables and hydrocarbons. Discharges from the Vortech units are conveyed to Contech StormFilter systems, which are subsurface concrete vaults containing several 27-inch diameter filtration cartridges. The proprietary filter media are designed to remove fine sediments, dissolved and particulate metals, hydrocarbons, and various other pollutants. The StormFilter on the west end has 18 cartridges, and the StormFilter on the southeast end has 37 cartridges. Treated storm water is conveyed from the StormFilters to the upper bank of Frame Park Creek. The discharge pipe locations are protected with riprap.

This Maintenance Plan addresses the inspection, cleaning, replacement, and maintenance of the two storm water treatment systems.

Signed: *David B Kendziorski*

September 16, 2021

Maintenance Activities

Biofilters

1. Biofilters are inspected monthly during the CCP Monthly Inspections and following large storm events.
2. Check for vegetation health and condition, erosion, scouring, excessive sedimentation, trash & debris, flow obstructions, condition of oil absorbent booms, and condition of riprap.
3. Woody vegetation (trees and shrubs) is periodically removed.
4. Needed repairs are made within 30 days, weather permitting.

Vortech Units

1. Vortech units are inspected quarterly through access ports (weather permitting).
2. Check for depth of accumulated sediment with a graduated pole.
3. When sediment depth exceeds one foot, a contracted vacuum truck is brought in to pump out and remove the sediment.

Contech StormFilters

1. The required inspection interval is dependent on the degree of pollutant loading. At Waukesha Iron & Metal, the Contech StormFilters are inspected quarterly (weather permitting).
2. Inspections address the amount and depth of accumulated sediment, the appearance and deposition on the surface of the filter cartridges, and indications that the vaults are not draining properly (as indicated by the scumline above the shoulder of the cartridge, or by reduced effluent flow). Other indications that maintenance is needed: accumulated vault sediment depths exceed two inches, more than ½ inch of sediment accumulates on top of the cartridges, standing water remains in the vault between storm events, and excessive trash or debris are present.
3. In general, Waukesha Iron & Metal replaces the filter cartridges about once per year. The vaults are also vacuum cleaned. The maintenance is performed by a contractor.

Discharge Locations

1. The outfall pipes to the bank of Frame Park Creek are inspected monthly during the CCP Monthly Inspection.
2. Check for condition and placement of the riprap, evidence of contaminated discharges, sediment deposits, scouring, and unrestricted flow (each year, two of the Monthly Inspections are conducted during storm events).
3. Make needed repairs or cleaning within 30 days of inspection, weather permitting.

Documentation

The titleholder(s) or their designee must document all inspections as specified above. Documentation shall include as a minimum: (a) Inspector's Name, Address, and Telephone Number; (b) Date of Inspections; (c) Condition Report of the Storm Water Management Practice; (d) Corrective Actions to be Taken and Time Frame for Completion; and (e) Follow-up Documentation after Completion of the maintenance Activities. All documentation is to be delivered to the attention of the City Engineer at the City of Waukesha Engineering Department on January 10th and July 10th of each year.