

State of Wisconsin \ DEPARTMENT OF NATURAL RESOURCES

Tommy G. Thompson, Governor
George E. Meyer, Secretary
Ronald W. Kazmierczak, Regional Director

Northeast Region Headquarters
1125 N. Military Ave., P.O. Box 10448
Green Bay, Wisconsin 54307-0448
Telephone 920-492-5800
FAX 920-492-5913
TDD 920-492-5912

February 7, 2000

Mr. Denny Brotski
Riverside Welding Company, Inc.
435 George Street
Green Bay, Wisconsin 54302

Subject: Case Closure, Former Charles Kuehn Property, 500 and 510 North
Webster Avenue, Green Bay, Wisconsin BRRTS #: 02-05-215730

Dear Mr. Brotski:

The Department has received the monitoring well abandonment forms and a copy of the Groundwater Use Restriction filed with the deed of the above property. With the receipt of this information, the Department can now close the above case.

Based on the investigative documentation provided to the Department, it appears that contamination is in compliance with the requirements of chs. NR 700 to NR 726, Wis. Adm. Code. However, this case may be reopened pursuant to s. NR 726.09, Wis. Adm. Code, if additional information regarding site conditions indicate that contamination on or from the site poses a threat to public health, safety or welfare to the environment (standard language in all case closures).

The Department appreciates the cooperation from yourself, Mr. Charles Kuehn and Mr. Kuehn's consultant's in the investigation and cleanup efforts taken at this site. If you have any questions regarding the content of this letter, please contact me in Green Bay at 920-492-5861.

Yours truly,

Alan Thomas Nass, P.G.
Hydrogeologist

Cc: Charles Kuehn, 2249 Lakeside Place, Green Bay, Wisconsin 54302
Lynelle Caine, Northern Environmental, 954 Circle Drive, Green Bay, WI 54304
Timothy Polack, 308 Cherry Street, Green Bay, Wisconsin 54301

1685178

WARRANTY DEED

Document Number

BROWN COUNTY REGISTER OF DEEDS CATHY WILLIQUETTE

1999 APR -1 P 345

Charles E. Kushn, Jr., a single person

conveys and warrants to Denny H. Brotski

the following described real estate in Brown County, State of Wisconsin:

I, Cathy Williquette, Brown County Register of Deeds, do hereby certify that this is a true and correct copy of the original record on file in the Brown County Register of Deeds Office, Green Bay, Wisconsin.

I here-with set my hand and official seal this

20th day of July A.D. 1999

Cathy Williquette REGISTER OF DEEDS

Recording Area

Name and Return Address: Day Title & Abstract, Inc. 345 S. Monroe P.O. Box 173 Green Bay, WI 54305-0173

1080

FE: 40147

9-85

(Parcel Identification Number)

Lot Three Hundred and One (301), and that part of Private Claim Two (2) East side of Fox River, lying within the area formerly known as Lots Two Hundred Ninety-nine (299) and Three Hundred (300) of the Plat of Naverino, as vacated by order described in Vol. 82 Miscellaneous Records, Page 592, Brown County Wisconsin Records, and that part of Vacated Alley lying Easterly of and adjacent prior to vacation, in the City of Green Bay, East side of Fox River, Brown County, Wisconsin.

TRANSFER \$ 585.00 FEE

The is not homestead property.

Exceptions to warranties: municipal and zoning ordinances, recorded building and use restrictions, easements and covenants of record, general taxes for and after the year of closing, and liens or encumbrances created by Grantee.

Dated this 25th day of March, 1999.

(SEAL)

(SEAL)

Charles E. Kushn, Jr.

(SEAL)

(SEAL)

AUTHENTICATION

ACKNOWLEDGMENT

Signature(s)

STATE OF WISCONSIN

Brown County

Personally came before me this 25th day of March, 1999 the above named

Charles E. Kushn, Jr.

authenticated this day of

to me known to be the person who executed the foregoing instrument and acknowledge the same.

Jane Marks Notary Public

Notary Public Brown County, Wis.

My Commission is permanent. (If not, state expiration date: September 27, 2000)

TITLE: MEMBER STATE BAR OF WISCONSIN

(If not, authorized by § 706.06, Wis. Stats.)

THIS INSTRUMENT WAS DRAFTED BY

Atty. Warren H. Nuzarek

Green Bay, WI

(Signatures may be authenticated or acknowledged. Both are not necessary.)

1736189

GROUNDWATER USE RESTRICTION

BROWN COUNTY
REGISTER OF DEEDS
CATHY WILLIQUETTE

2000 JAN 13 A 9 32

Declaration of Restrictions

In Re: Lot Three Hundred and One (301, and that part of Private Claim Two (2) East side of Fox River, lying within the area formerly known as Lots Two Hundred Ninety-nine (299) and Three Hundred (300) of the Plat of Navarino, as vacated by order described in Vol. 82 Miscellaneous Records, Page 592, Brown County Wisconsin Records, and that part of Vacated Alley lying Easterly of and adjacent prior to vacation, in the City of Green Bay, East side of Fox River, Brown County, Wisconsin.

Recording Area

Name and Return Address
Denny H. Brotski
Riverside Welding
435 South George Street
Green Bay, Wisconsin 54302

16 00
④Parcel Identification Number (PIN)

STATE OF WISCONSIN)
) ss
COUNTY OF BROWN)

WHEREAS, Denny H. Brotski is the owner of the above-described property.

WHEREAS, one or more petroleum discharges have occurred on this property. Petroleum-contaminated groundwater above ch. NR 140, Wis. Adm. Code enforcement standards existed on this property at the following location(s) as shown in Attachment 1, identified as Figure 1, hereby attached to and made a part of this document: on May 17 1999, monitoring well MW200, Benzo(b)fluoranthene concentration at 0.3 micrograms per liter (ug/l), monitoring well MW300, Benzo(a)pyrene concentration at 3.0 ug/l, Benzo(b)fluoranthene concentration at 1.8 ug/l, and Chrysene concentration at 1.6 ug/l.

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

WHEREAS, natural attenuation has been approved by the Department of Natural Resources to remediate groundwater contamination exceeding ch. NR 140, Wis. Adm. Code groundwater standards within the boundaries of this property.

WHEREAS, construction of wells where the water quality does not comply with drinking water standards in ch. NR 809, Wis. Adm. Code is restricted by chs. NR 811 and NR 812, Wis. Adm. Code. Special well construction standards or water treatment requirements, or both, or well construction prohibitions may apply.

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

Anyone who proposes to construct or reconstruct a well on this property is required to contact the Department of Natural Resources' Bureau of Drinking Water and Groundwater, or its successor agency, to determine what specific requirements are applicable, prior to constructing or reconstructing a well on this property. No well may be constructed on this property unless applicable requirements are met.

If construction is proposed on this property that will require dewatering, or if groundwater is to be otherwise extracted from this property, while this groundwater use restriction is in effect, the groundwater shall be sampled and analyzed for contaminants that were previously detected on the property and any extracted groundwater shall be managed in compliance with applicable statutes and rules.

This restriction is hereby declared to be a covenant running with the land and shall be fully binding upon all persons acquiring the above-described property whether by descent, devise, purchase or otherwise. This restriction benefits and is enforceable by the Wisconsin Department of Natural Resources, its successors or assigns. The Department, its successors or assigns, may initiate proceedings at law or in equity against any person or persons who violate or are proposing to violate this covenant, to prevent the proposed violation or to recover damages for such violation.

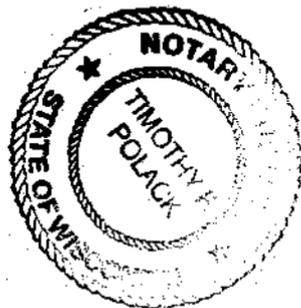
Any person who is or becomes owner of the property described above may request that the Wisconsin Department of Natural Resources or its successor issue a determination that one or more of the restrictions set forth in this covenant is no longer required. Upon the receipt of such a request, the Wisconsin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

IN WITNESS WHEREOF, the owner of the property has executed this Declaration of Restrictions, this 12th day of January, 2000.

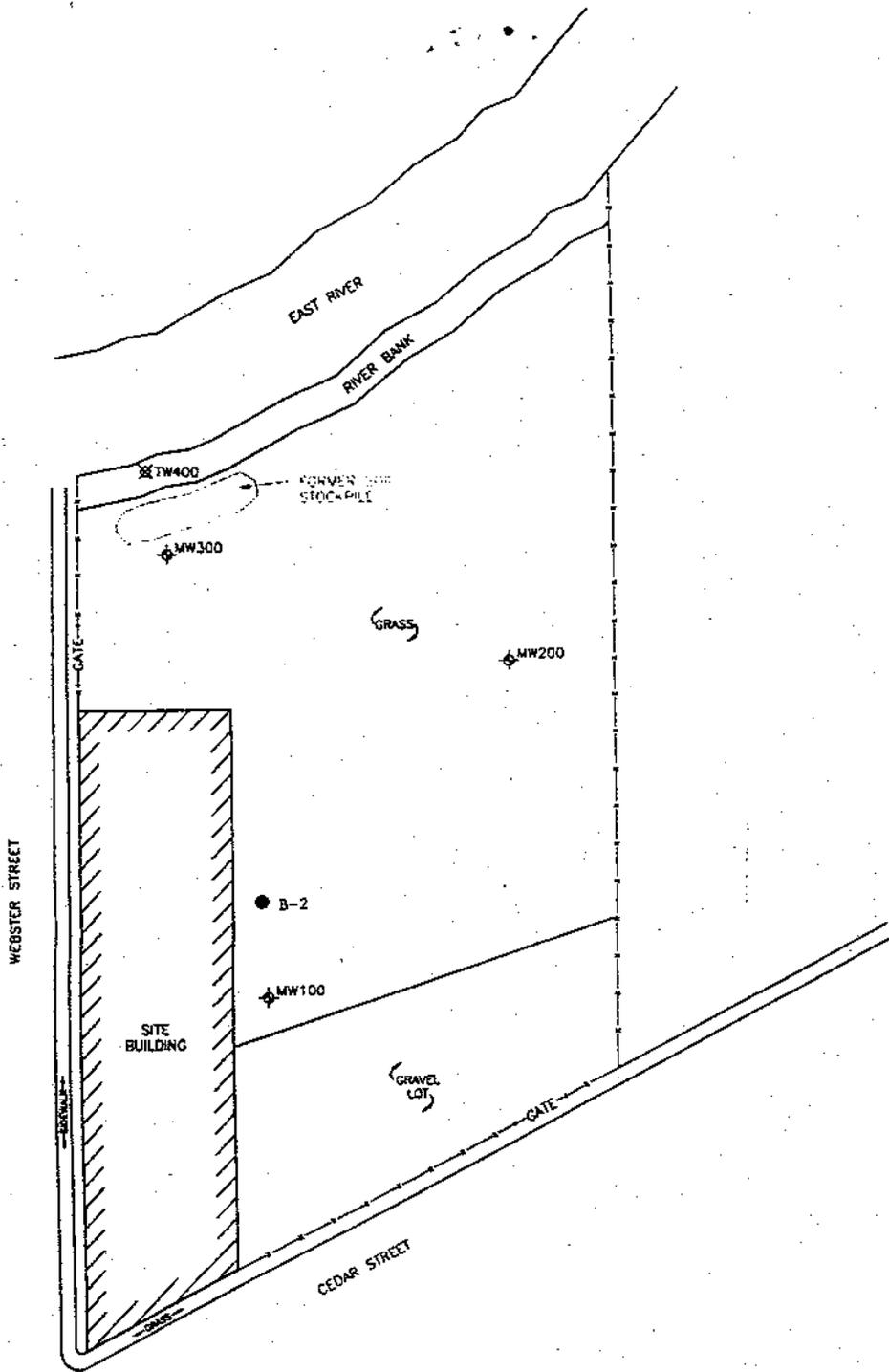
Signature: Denny H. Brotski
 Printed Name: Denny H. Brotski
 Title: Owner

Subscribed and sworn to before me
 this 12th day of January, 2000

Timothy F. Polack
 Notary Public, State of Wisconsin
 My commission 15

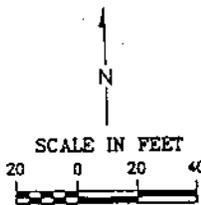


This document was drafted by the Wisconsin Department of Natural Resources based upon information provided by Lynelle Caine, Northern Environmental Technologies, Inc.



LEGEND

- FENCE LINE
- ◆ MW100 MONITORING WELL LOCATION
- ⊗ TW400 TEMPORARY WELL LOCATION
- Temporary Well Location From Soil Boring



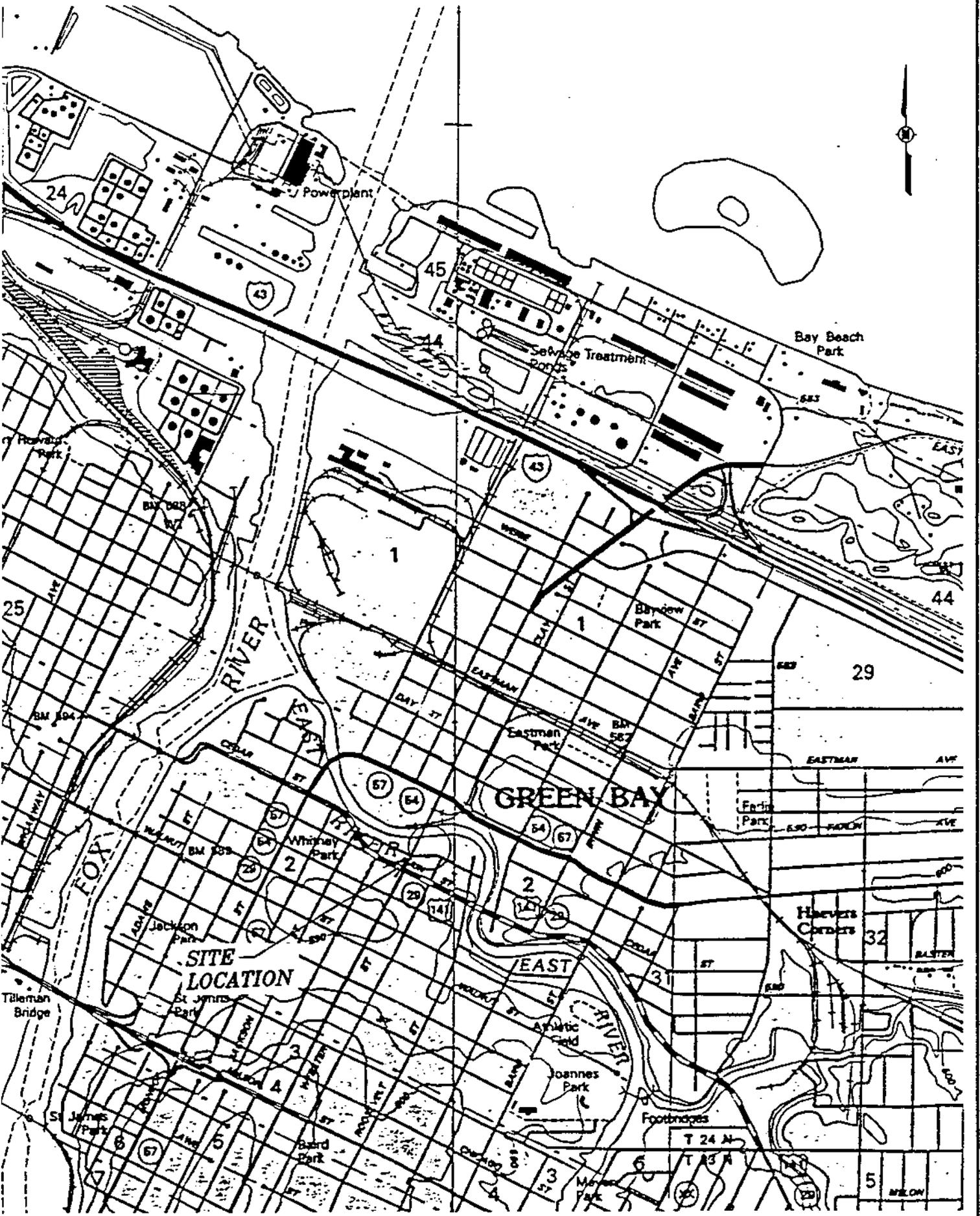
DRAWN BY: SKM PROJECT: RMX-0857 DATE: 10/21/99

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Northern Environmental
Hydrologists • Engineers • Geologists

FIGURE 1
MONITORING WELL LOCATIONS
FORMER CHARLES KUEHN PROPERTY
GREEN BAY, WISCONSIN

FOR: CHARLES KUEHN



FOX RIVER

GREEN BAY

SITE LOCATION

EAST RIVER

Power plant

Sewage Treatment

Bay Beach Park

Bayview Park

Eastmen Park

Whitney Park

Jackson Park

St. James Park

St. James Park

Havers Corners

Footbridges



T 24 N
T 23 N

5
MELON

Proposed Well Location

EAST RIVER

River Bank

Ground-water Flow
on 2/26/99

SOIL STOCKPILE

MW300
92.99

93.2

93.4

93.6

Grassy 93.8

94.0

MW200

94.01

94.3

94.4

94.6

MW100

94.71

GRAVEL LOT

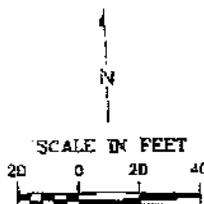
CHARLES KUEHN PROPERTY

CEDAR STREET

WESSELY STREET

LEGEND

- FENCE LINE
- MW100 MONITORING WELL LOCATION



DRAWN BY: SMM PROJECT: RMC-0857 DATE: 2/25/99

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FIGURE 3
MONITORING WELL LOCATIONS
CHARLES KUEHN PROPERTY
GREEN BAY, WISCONSIN

