

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

June 23, 2000

Ms. Donna Kolocheski  
1881 Commerce Drive  
De Pere, WI 54115

**SUBJECT:** Case closure with a groundwater use restriction for the Kay Distributing Co.  
site, 1850 Enterprise Drive, De Pere, WI  
**WDNR BRRTS # 03-05-001157**

Dear Ms. Kolocheski:

On May 3, 1999, your request for closure of the case described above was reviewed by the Wisconsin Department of Natural Resources Northeast Region Closure Committee. This committee reviews environmental remediation cases for compliance with state rules and statutes to maintain consistency in the closure of these cases. After careful review of the closure request, it appears at this time the site has been investigated and remediated to the extent practicable under current site conditions and that the conditions of closure (filing of a groundwater use restriction & monitoring well abandonment) have been met. Your case has been closed under s. NR 726.05, Wis. Adm. Code on June 19, 2000.

Please be aware that the case may be reopened pursuant to s. NR 726.09, Wis. Adm. Code, if additional information regarding site conditions indicates that contamination on or from the site poses a threat to public health, safety, or welfare or to the environment.

We appreciate your efforts to restore the environment at this site. If you have any questions regarding this letter, please contact me in Green Bay at (920) 492-5921.

Sincerely,

Keld B. Lauridsen  
Hydrogeologist  
Remediation & Redevelopment Program

cc: James Gordon, Environmental Assessments, Inc.  
P.O. Box 9127, Appleton WI 54911  
Herbert Liebmann, Liebmann, Conway, Olejniczak & Jerry, S.C.  
231 South Adams Street, Green Bay, WI 54301

Figure A

DOCUMENT NO.	WARRANTY DEED
<p>THOMAS A. KOLOCESKI, a married individual, conveys and warrants to MICHAEL L. LIEBMANN and COLLEEN E. LIEBMANN, husband and wife, as survivorship marital property, the following described real estate in Brown County, State of Wisconsin:</p>	
Return to:	
Tax Parcel No. ED-F0106-1	
<p>Parcel A of Volume 4, Certified Survey Maps, Page 71, being a part of the Southwest 1/4 of the Northwest 1/4 and the Southeast 1/4 of the Northwest 1/4 of Section 34, Township 23 North, Range 20 East, in the City of De Pere, East side of Fox River, Brown County, Wisconsin.</p>	
<p>This is not homestead property.</p>	
<p>Exceptions to Warranties: All reservations, restrictions, easements and highway matters of record.</p>	
<p>Dated this <u>12<sup>th</sup></u> day of October, 1995.</p>	
<p style="text-align: center;"><i>Thomas A. Kolocheski</i>          _____          THOMAS A. KOLOCESKI</p>	
<p style="text-align: center;"><b>AUTHENTICATION</b></p> <p>Signatures: THOMAS A. KOLOCESKI</p> <p>authenticated this _____ day of October, 1995.</p> <hr/> <p>Kenneth G. Calewarts          Title: MEMBER OF THE STATE          BAR OF WISCONSIN</p> <p>Drafted by:          Kenneth G. Calewarts          P.O. Box 488          Green Bay, WI 54305          State Bar 1005965</p>	<p style="text-align: center;"><b>ACKNOWLEDGEMENT</b></p> <p>State of Arizona )          ) - SS.          )  <i>Maricopa</i> County )          Personally came before me this  <u>12<sup>th</sup></u> day of October, 1995 the          above-named: THOMAS A. KOLOCESKI          to me known to be the person          who executed the foregoing          instrument and acknowledge same.</p> <p style="text-align: center;"><i>[Signature]</i>          _____</p> <p>Notary Public, _____ Co., AZ          My Commission Expires <u>Nov 24 1999</u></p>



Declaration of Restrictions

Legal Description of the Property: In re:

Parcel A of Volume 4, Certified Survey Maps, Page 71, being a part of the Southwest 1/4 of the Northwest 1/4 and the Southeast 1/4 of the Northwest 1/4 of Section 34, Township 23 North, Range 20 East, in the City of De Pere, East side of Fox River, Brown County, Wisconsin. (Figure A)

Recording Area

Name and Return Address  
Atty. H.C. Liebmann, III  
Liebmann Law Firm  
P.O. Box 23200  
Green Bay, WI 54305-3200

ED - F0106 - 1  
Parcel Identification Number (PIN)

STATE OF WISCONSIN            )  
  ) ss  
COUNTY OF BROWN            )

WHEREAS, Michael L. Liebmann and Colleen E. Liebmann are the owners of the above-described property.

WHEREAS, one or more petroleum discharges have occurred at this property. Petroleum contaminated groundwater above NR 140 enforcement standards exists on this property at the following location(s): MW-4, Methyl tert-butyl ether is 134 micrograms per liter. Location of monitoring wells and borings are provided on Figure B attached and made part of this restriction.

WHEREAS, it is the desire and intention of the property owner to impose on the property restrictions which will make it unnecessary to conduct additional soil or 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 exceeding ch. NR 140 groundwater standards within the boundaries of this property.

WHEREAS, construction of wells where the water quality exceeds the drinking water standards in ch. NR 809 is restricted by ch. NR 811 and ch. NR 812. 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 prohibitions or requirements are applicable, prior to constructing or reconstructing a well on this property. No well may be constructed or reconstructed on this property unless applicable requirements are met.

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 and 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 the restrictions set forth in this covenant are no longer required. Upon 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, with a copy of the Department's written determination, may be recorded to give notice that this groundwater use restriction is no longer binding.

IN WITNESS WHEREOF, the owner of the property has executed this Declaration of Restrictions, this 25<sup>TH</sup> day of AUGUST, 1999.

Signature: *Michael L Liebmann*

Printed Name: MICHAEL L LIEBMAN

Signature: *Colleen E Liebmann*

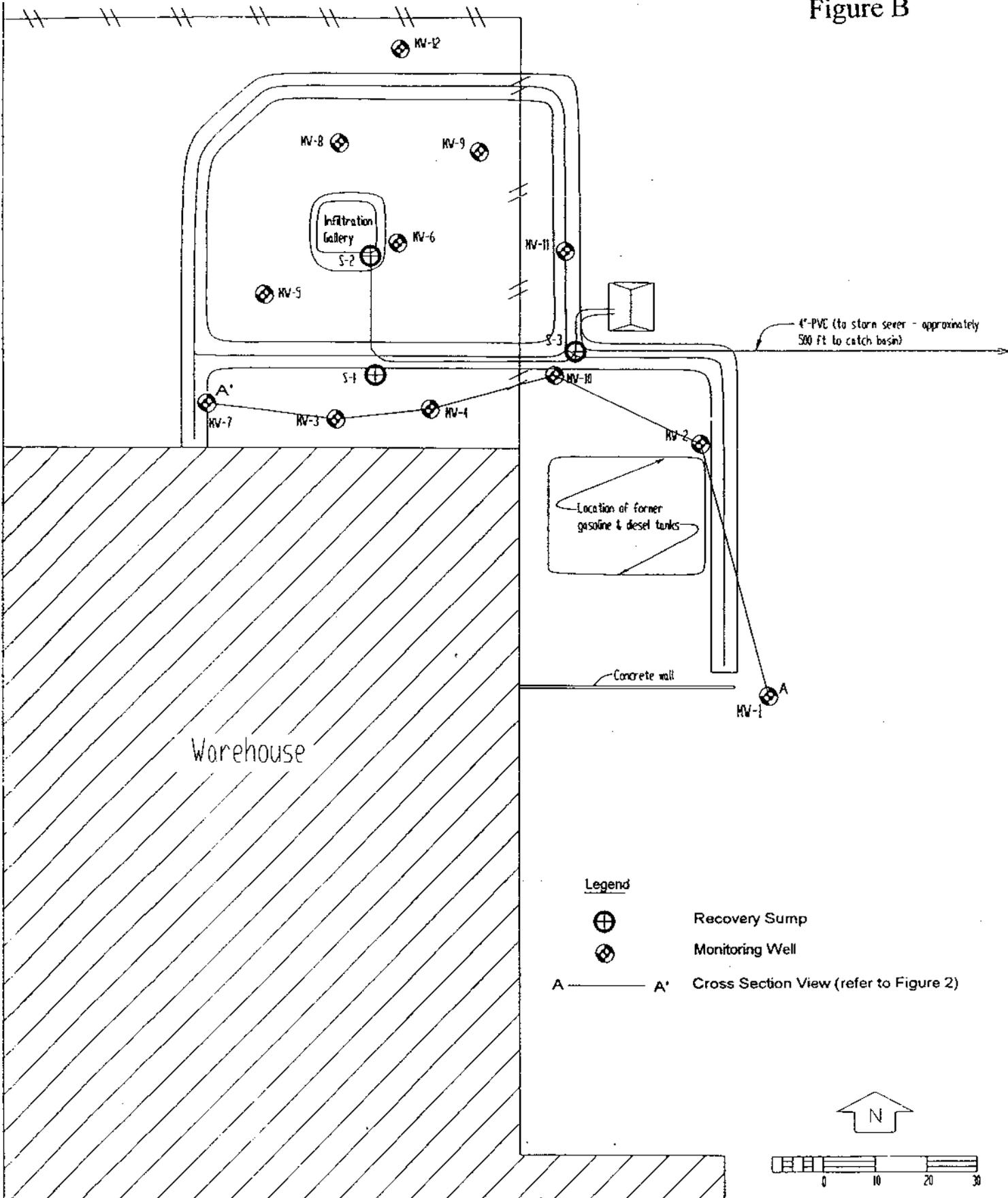
Printed Name: COLLEEN E. LIEBMAN

Subscribed and sworn to before me  
this 25 day of AUGUST, 1999.

*J.C. Liebmann III*  
Notary Public, State of WISCONSIN  
My commission is permanent

This document was drafted by the Wisconsin Department of Natural Resources.

Figure B



ENVIRONMENTAL  
ASSESSMENTS, INC.  
APPLETON, WISCONSIN

PROJECT/CLIENT

Kay Beer Dist., Inc.

TITLE

MTBE Contour Interval  
for 1994

Drawn by

AMT

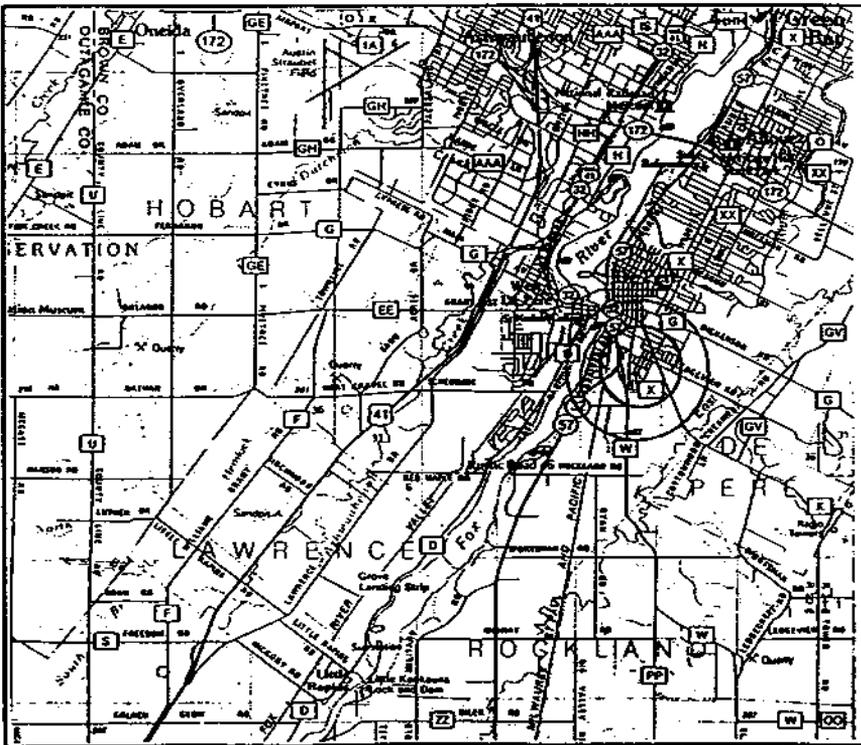
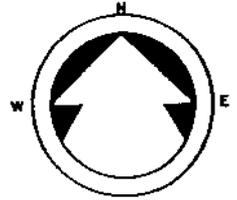
Scale

1 inch = 30 feet

Figure No.

1

KAY BEER DISTRIBUTING, INC  
1850 ENTERPRISE DRIVE  
DE PERE, WI 54115  
SITE LOCATION MAP





UNDEVELOPED LAND

UNDERGROUND  
POWER LINE

FENCE

CONCRETE SLAB

GAS  
RESPONDER

NATURAL GAS LINE

FORMER GAS TANK "A"

FORMER DIESEL TANK "B"

METAL  
RESPONDER

WAREHOUSE

OFFICE

ENTERPRISE DRIVE

THE LAWTON CA CO.



ENVIRONMENTAL  
ASSESSMENTS, INC.  
APPLETON, WISCONSIN

PROJECT/CLIENT

KAY BEER DIST., INC.

TITLE

SITE LAYOUT

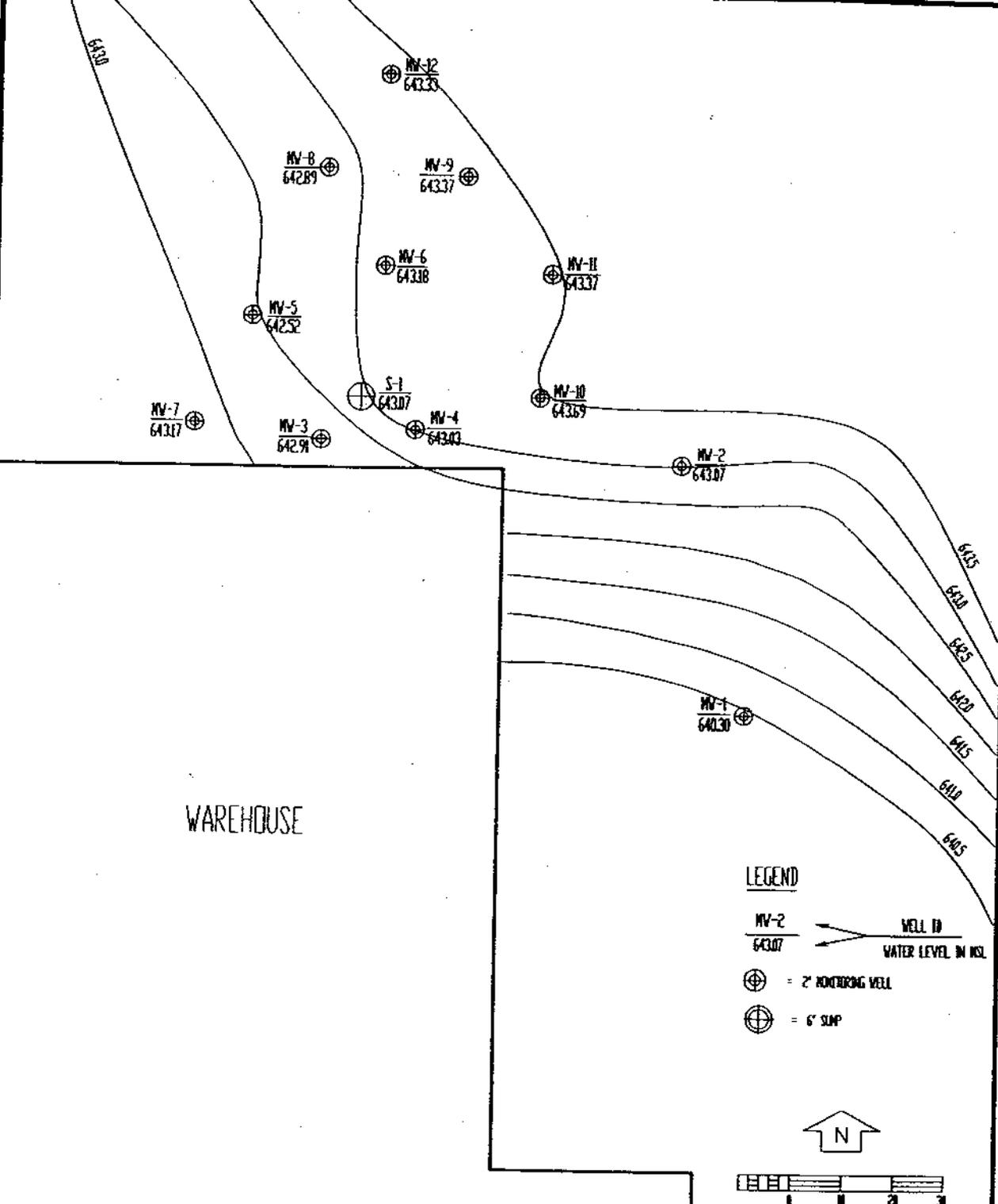
DRAWN BY

AMT

SCALE

1 IN = 100 FT

FIGURE NO



ENVIRONMENTAL  
ASSESSMENTS, INC.  
APPLETON, WISCONSIN

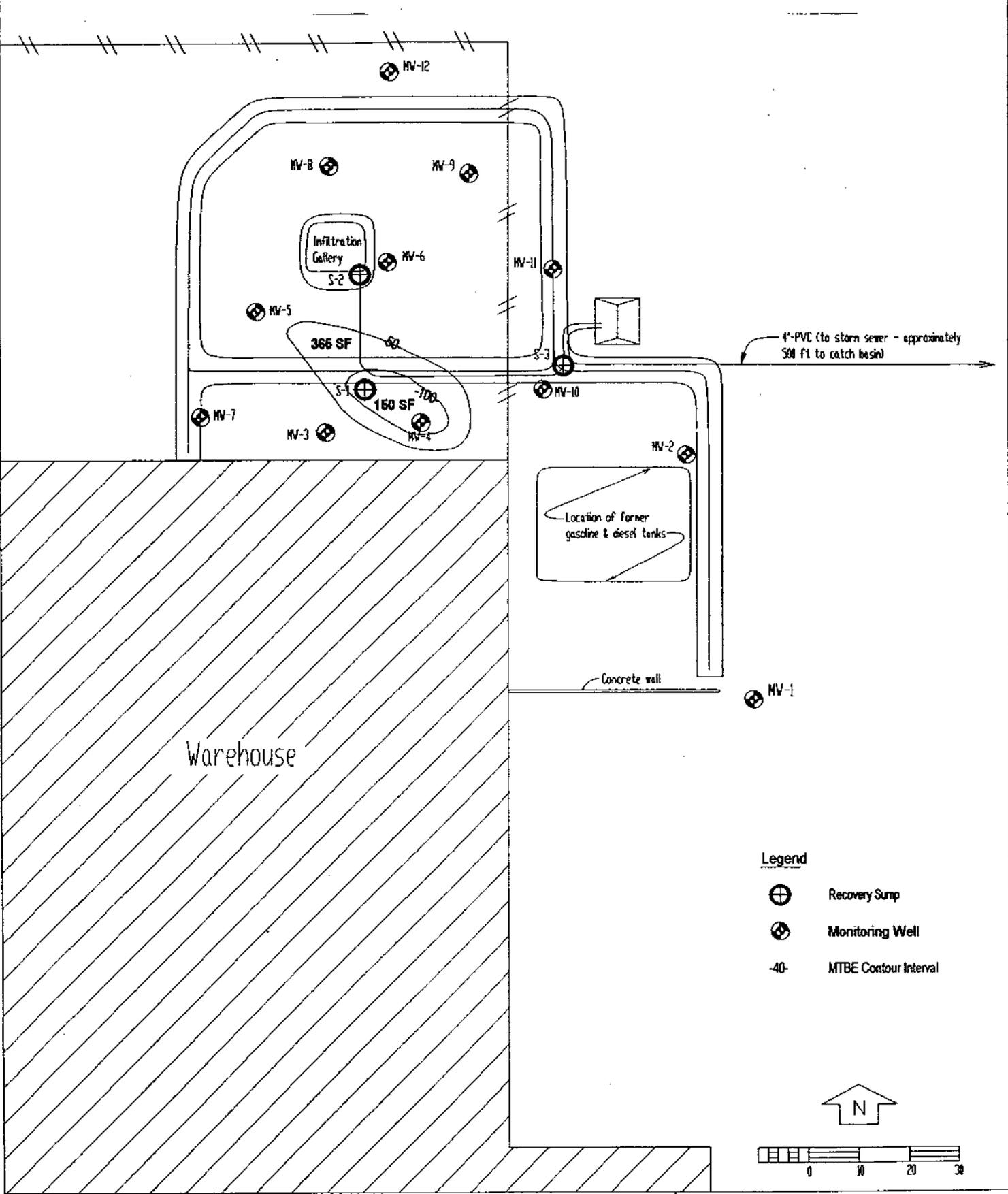
PROJECT/CLIENT  
KAY BEER DIST., INC.

TITLE  
GROUNDWATER CONTOUR MAP

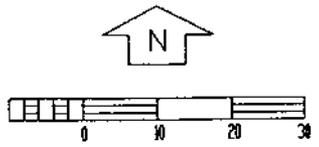
DRAWN BY  
AMT

SCALE  
1 IN = 30 FT

FIGURE NO



- Legend**
- ⊕ Recovery Sump
  - ⊗ Monitoring Well
  - 40- MTBE Contour Interval



**ENVIRONMENTAL  
ASSESSMENTS, INC.  
APPLETON, WISCONSIN**

**PROJECT/CLIENT**  
Kay Beer Dist., Inc.

**TITLE**  
Area of MTBE Plume

**Drawn by** AMT

**Scale** 1 inch = 30 feet

**Figure No.**

Table I (continued)  
Summary of Detected Groundwater Parameters

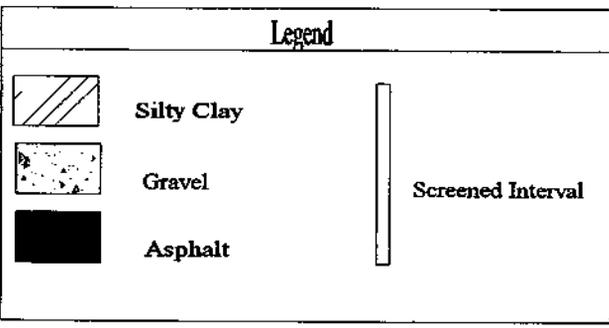
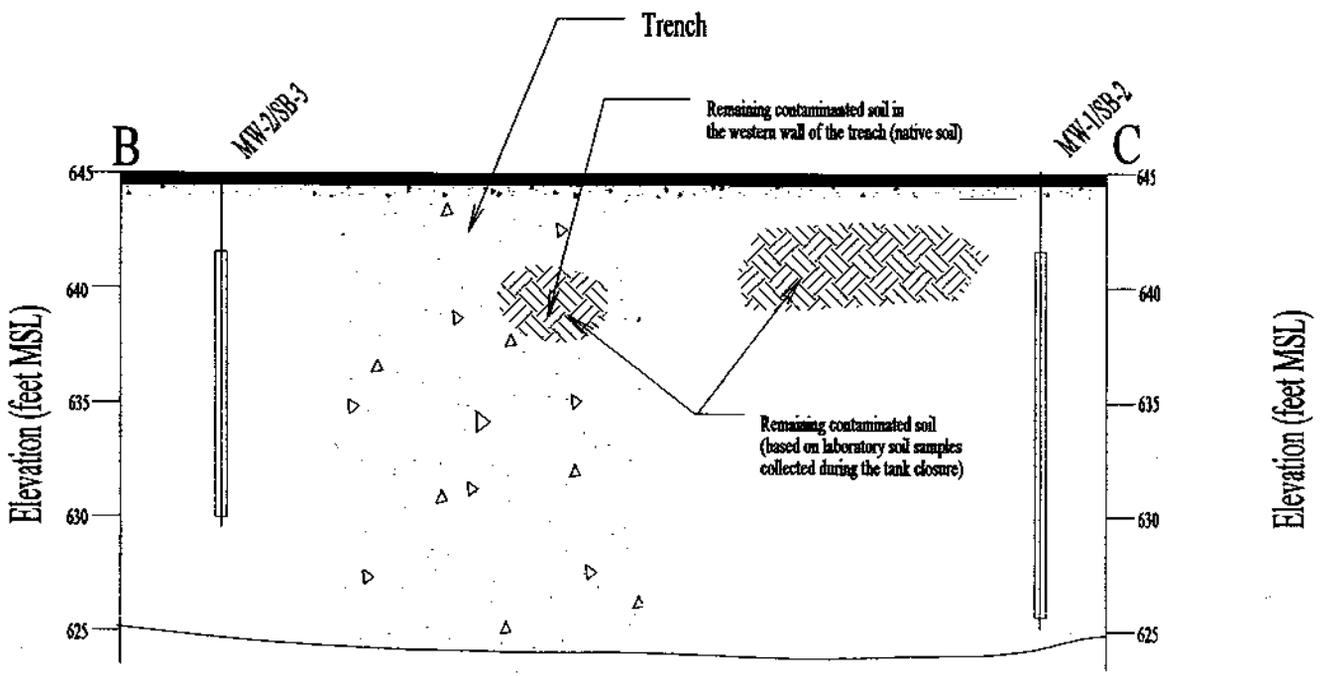
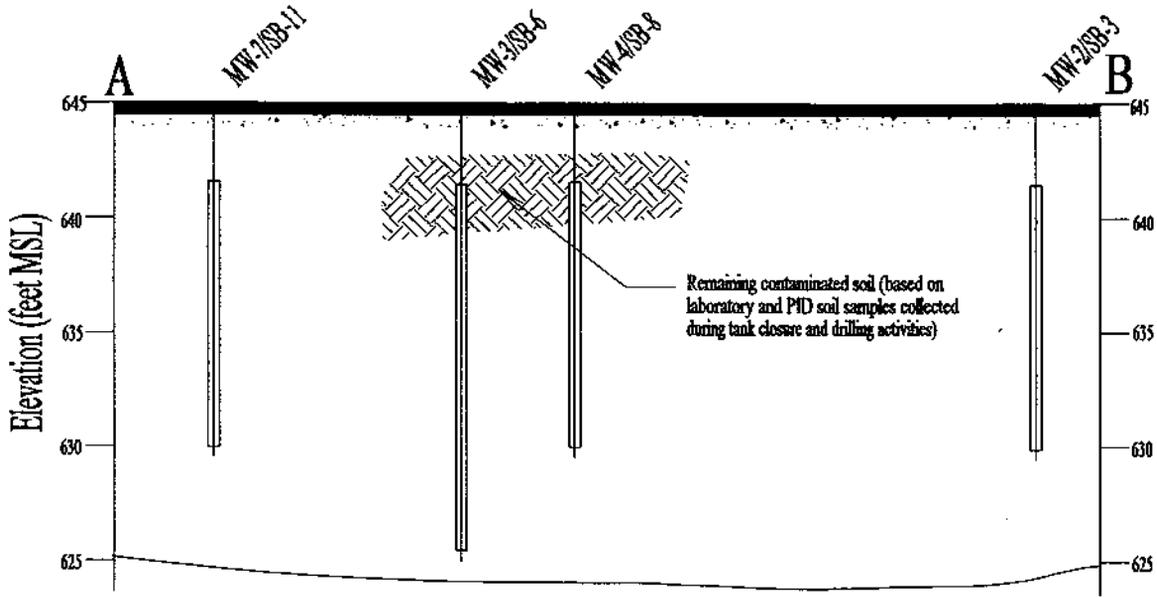
Date Sampled	Well ID	Benzene	Toluene	Ethylbenzene	Total Xylene	TMB	MTBE
11/03/94	MW-2	<MDL	<MDL	<MDL	<MDL		4.6
05/23/95		<MDL	<MDL	<MDL	<MDL		16.6
09/13/95		6.6	<MDL	<MDL	<MDL		<MDL
12/28/95		<MDL	<MDL	<MDL	<MDL		<MDL
04/16/96		<MDL	<MDL	<MDL	<MDL		<MDL
08/15/96		<MDL	<MDL	<MDL	<MDL		3
10/05/94	MW-3	42	21	93	48		60
11/03/94		16	1.1	6.9	0.9		53
05/23/95		25.2	0.73	9.9	4.11		60
09/13/95		12.7	0.98	12.1	4.52		38.9
12/28/95		1.43	0.13	<MDL	0.92		5.36
04/16/96		16	1.3	17	4.8		26
05/24/96		8.2	0.7	11	14.4		20
08/15/96		6	<MDL	1.9	<MDL		22
04/08/97		13	1.9	31	17.8		20
08/29/97		4.5	<MDL	1.3	0.55		18
12/11/97		2.4	<MDL	6.6	<MDL		15
04/20/98		4.6	0.67	29	2.47	32.2	8
07/13/98		1.2	<0.6	<0.6	<2.2	<2.6	11
11/03/94		MW-4	<MDL	<MDL	<MDL	<MDL	
05/23/95	<MDL		<MDL	<MDL	<MDL		58
12/28/95	<MDL		0.13	<MDL	<MDL		353
05/24/96	<MDL		<MDL	<MDL	<MDL		201
08/15/96	<MDL		<MDL	<MDL	<MDL		185
04/08/97	<MDL		<MDL	<MDL	<MDL		221
08/29/97	<MDL		<MDL	<MDL	<MDL		147
12/11/97	<MDL		<MDL	<MDL	<MDL		152
04/20/98	<0.5		<0.6	<0.6	<2.2	<2.6	134
07/13/98	<0.5	<0.6	<0.6	<2.2	<2.6	134	
11/03/94	MW-5	<MDL	<MDL	<MDL	<MDL		5.8
05/23/95		<MDL	<MDL	<MDL	<MDL		26.8
09/13/95		30	<MDL	<MDL	<MDL		0
12/28/95		<MDL	<MDL	<MDL	<MDL		28.3
05/24/96		<MDL	<MDL	<MDL	<MDL		30
08/15/96		<MDL	<MDL	<MDL	<MDL		38
04/08/97		<MDL	<MDL	<MDL	<MDL		46
08/29/97		<MDL	<MDL	<MDL	<MDL		37
12/11/97		<MDL	<MDL	<MDL	<MDL		27
04/20/98		<0.5	<0.6	<0.6	<1.2	<2.6	28
07/13/98	<0.5	<0.6	<0.6	<1.2	<2.6	29	
11/03/94	MW-6	<MDL	0.9	<MDL	<MDL		76
05/23/95		<MDL	<MDL	<MDL	<MDL		42
12/28/95		<MDL	<MDL	<MDL	<MDL		14
04/29/96		<MDL	<MDL	<MDL	<MDL		32
05/24/96		<MDL	<MDL	<MDL	<MDL		3.1
08/15/96		<MDL	<MDL	<MDL	<MDL		3.4
11/03/94	MW-7	<MDL	<MDL	<MDL	<MDL		<MDL
05/23/95		<MDL	<MDL	<MDL	<MDL		<MDL
12/28/95		<MDL	<MDL	<MDL	<MDL		<MDL
08/15/96		<MDL	<MDL	<MDL	<MDL		<MDL
NR 140 ES		5	343	700	620	480	60
NR 140 PAL		0.5	68.6	140	124	96	12

Table I  
Summary of Detected Groundwater Parameters

Date Sampled	Well ID	Benzene	Toluene	Ethylbenzene	Total Xylene	TMB	MTBE
10/05/94	Sump #1	<MDL	<MDL	<MDL	<MDL		3.3
05/23/95		<MDL	<MDL	<MDL	<MDL		120
12/28/95		<MDL	<MDL	<MDL	<MDL		98.3
05/24/96		<MDL	<MDL	<MDL	<MDL		50
08/15/96		<MDL	<MDL	<MDL	<MDL		44
04/08/97		<MDL	<MDL	<MDL	<MDL		30
08/29/97		<MDL	<MDL	<MDL	<MDL		155
12/11/97		<MDL	<MDL	<MDL	<MDL		24
04/20/98		<0.5	<0.6	<0.6	<1.2	<2.6	7.6
07/13/98	1.2	<0.6	<0.6	<2.2	<2.6	3	
10/05/94	Sump #2	<MDL	<MDL	<MDL	<MDL		3.3
05/23/95		<MDL	<MDL	<MDL	<MDL		11.6
12/28/95		<MDL	<MDL	<MDL	<MDL		9.15
05/28/96		<MDL	<MDL	<MDL	<MDL		6.9
08/15/96		<MDL	<MDL	<MDL	<MDL		4.7
10/05/94	Sump #3	1.2	<MDL	<MDL	<MDL		6.1
12/28/95		<MDL	0.15	<MDL	<MDL		7.93
05/24/96		<MDL	<MDL	<MDL	<MDL		<MDL
08/15/96		<MDL	<MDL	<MDL	<MDL		<MDL
04/20/98		<0.5	<0.6	<.06	<1.2	<2.6	<0.92
03/28/95	INFLUENT "Inf"	0.88	<MDL	<MDL	<MDL		10.9
05/03/95		0.28	<MDL	<MDL	<MDL		2.8
05/23/95		0.69	<MDL	<MDL	<MDL		7.4
07/21/95		<MDL	<MDL	<MDL	<MDL		16
09/13/95		<MDL	<MDL	<MDL	<MDL		13.8
12/28/95		<MDL	<MDL	<MDL	<MDL		22.7
04/17/96		<MDL	<MDL	<MDL	<MDL		5.4
08/15/96		<MDL	<MDL	<MDL	<MDL		0
05/15/97		<MDL	<MDL	<MDL	<MDL		0
08/29/97		<MDL	<MDL	<MDL	<MDL		7.7
12/05/97		<MDL	<MDL	<MDL	<MDL		4.8
03/28/95		EFFLUENT "Eff"	<MDL	<MDL	<MDL	<MDL	
05/03/95	<MDL		<MDL	<MDL	<MDL		<MDL
05/23/95	<MDL		<MDL	<MDL	<MDL		<MDL
07/21/95	<MDL		1	<MDL	<MDL		4.9
09/13/95	<MDL		8.87	<MDL	<MDL		6.97
12/28/95	<MDL		0.13	<MDL	<MDL		8.37
04/17/96	<MDL		6.1	<MDL	<MDL		2.7
08/15/96	<MDL		0.9	<MDL	<MDL		<MDL
05/15/97	<MDL		<MDL	<MDL	<MDL		<MDL
12/05/97	<MDL		<MDL	<MDL	<MDL		2.5
11/03/94	MW-1	<MDL	<MDL	<MDL	<MDL		<MDL
05/23/95		<MDL	<MDL	<MDL	<MDL		<MDL
08/15/96		<MDL	<MDL	<MDL	<MDL		<MDL
NR 140 ES		5	343	700	620	480	60
NR 140 PAL		0.5	68.6	140	124	96	12

Table I (continued)  
Summary of Detected Groundwater Parameters

Date Sampled		Benzene	Toluene	Ethylbenzene	Total Xylene	TMB	MTBE
11/03/94	MW-8	<MDL	<MDL	<MDL	<MDL		21
05/23/95		<MDL	<MDL	<MDL	<MDL		25.3
09/13/95		22	<MDL	<MDL	<MDL		<MDL
12/28/95		<MDL	<MDL	<MDL	<MDL		18
04/29/96		<MDL	<MDL	<MDL	<MDL		12
05/24/96		<MDL	<MDL	<MDL	<MDL		14
08/15/96		<MDL	<MDL	<MDL	<MDL		8.7
11/03/94	MW-9	<MDL	<MDL	<MDL	<MDL		2.7
05/23/95		<MDL	<MDL	<MDL	<MDL		3.1
09/13/95		<MDL	<MDL	<MDL	<MDL		<MDL
12/28/95		<MDL	<MDL	<MDL	<MDL		<MDL
04/16/96		<MDL	<MDL	<MDL	<MDL		4.5
05/24/96		<MDL	<MDL	<MDL	<MDL		4.2
08/15/96		<MDL	<MDL	<MDL	<MDL		3
11/03/94	MW-10	<MDL	<MDL	<MDL	<MDL		4.2
05/23/95		<MDL	<MDL	<MDL	<MDL		0.307
12/28/95		<MDL	<MDL	<MDL	<MDL		7.5
05/24/96		<MDL	<MDL	<MDL	<MDL		<MDL
08/15/96		<MDL	<MDL	<MDL	<MDL		<MDL
11/03/94	MW-11	<MDL	<MDL	<MDL	<MDL		5.6
05/23/95		<MDL	<MDL	<MDL	<MDL		6.2
09/13/95		<MDL	<MDL	<MDL	<MDL		<MDL
12/28/95		<MDL	<MDL	<MDL	<MDL		5.1
04/16/96		<MDL	<MDL	<MDL	<MDL		3.5
08/15/96		<MDL	<MDL	<MDL	<MDL		<MDL
11/03/94	MW-12	<MDL	<MDL	<MDL	<MDL		<MDL
05/23/95		<MDL	<MDL	<MDL	<MDL		0.55
12/28/95		<MDL	<MDL	<MDL	<MDL		<MDL
08/15/96		<MDL	<MDL	<MDL	<MDL		<MDL
NR 140 ES		5	343	700	620	480	60
NR 140 PAL		0.5	68.6	140	124	96	12



ENVIRONMENTAL  
ASSESSMENTS, INC.  
APPLETON, WISCONSIN

PROJECT/CLIENT  
Kay Beer Dist., Inc.

TITLE  
A - B & B - C  
Geologic Cross Sections

Drawn by  
AMT

Scale  
Not To Scale

Figure No.  
2