



July 14, 1999

State of Wisconsin \ DEPARTMENT OF NATURAL RESOURCES

Tommy G. Thompson, Governor  
George E. Meyer, Secretary  
William R. Selbig, Regional Director

Remediation and Redevelopment  
1125 North Military Avenue  
P.O. Box 10448  
Green Bay, Wisconsin 54307-0448  
Telephone 920-492-5916  
FAX 920-492-5859  
TDD 920-492-5812

Wintergreen Investments, Inc.  
N9581 Cemetery Road  
Brillion, WI 54110

SUBJECT: Rueden Farm 1, 184 Adam Drive, Town of Hobart, Wisconsin  
WDNR LUST CASE# 03-05-002143

Dear Sir or Madam:

On September 6, 1995, the Wisconsin Department of Natural Resources provided a notice to you that the degree and extent of the petroleum contamination at the above-named site was required to be investigated and remediated. We have since been informed that the required investigation and remediation has been accomplished.

On March 1, 1999, the above-named site was reviewed by the Northeast Region Closure Committee for a determination as to whether or not the case qualified for closeout under ch. NR 726, Wis. Adm. Code.

The Department has received a copy of the completed Groundwater Use Restriction for the above referenced site and proof of filing this record with the Brown County Register of Deeds. Based on the investigative and remedial documentation provided to the Department, it appears that the petroleum contamination at the above-named site has been remediated to the extent practicable under current site conditions. Therefore, closure of this site has been granted and no further action is necessary at this time. In the future, this groundwater use restriction may be amended with approval from the Department if conditions change at the site and the residual contamination has been remediated.

If you have any additional relevant information which was not formerly provided to the Department, you should submit this information to the Department for reevaluation.

The Department's records will reflect final "closure." If you have any questions regarding this determination, please contact me in Green Bay at (920) 492-5943.

Sincerely,

Kristin Nell  
Hydrogeologist  
Remediation and Redevelopment Program

cc: Dennis Griel, ECCI  
P.O. Box 11417, Green Bay, WI 54307  
Steven Frassetto, McCarty Curry Wydeven Peeters & Haak, LLP  
P.O. Box 860, 120 East Fourth Street, Kaukauna, WI 54130-0860

Quality Natural Resources Management  
Through Excellent Customer Service



STATE BAR OF WISCONSIN FORM 1 -- 1982  
WARRANTY DEED

DOCUMENT NO.

This Deed, made between BASIL J. RUEDEN a/k/a Basil Rueden and JOAN L. RUEDEN a/k/a Joan Rueden, husband and wife,

RICHARD J. GIESLER, 36.5%; WILLIAM C. BAIN, 36.5%; and LEWIS H. KRUEGER, 27.0%; Grantor,  
as tenants in common as to the whole;

One Dollar & other valuable considerations Grantee,  
Witnesseth, That the said Grantor, for a valuable consideration of  
conveys to Grantee the following described real estate in Brown  
County, State of Wisconsin:

The West 1050 feet of the South 450 feet of Lots 5 and 6, Section 10, T23N, R19E, Town of Hobart, Brown County, Wisconsin.

THIS SPACE RESERVED FOR RECORDING DATA

NAME AND RETURN ADDRESS

c/o Richard J. Giesler  
2043 Shady Lane  
Green Bay WI 54313

Parent Parcel HB-117  
(Parcel Identification Number)

This is homestead property.  
(is) (is not)

Together with all and singular the hereditaments and appurtenances thereunto belonging;  
And Grantor

warrants that the title is good, indefeasible in fee simple and free and clear of encumbrances except  
highway rights of way and easements and restrictions of record,

and will warrant and defend the same.

Dated this 31st day of August, 19 95.

\_\_\_\_\_  
(SEAL)

Basil J. Rueden (SEAL)  
Basil J. Rueden

\* \_\_\_\_\_  
(SEAL)

\* Joan L. Rueden (SEAL)  
Joan L. Rueden

\* \_\_\_\_\_  
(SEAL)

\* \_\_\_\_\_  
(SEAL)

AUTHENTICATION

Signature(s) \_\_\_\_\_

authenticated this \_\_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_\_

TITLE: MEMBER STATE BAR OF WISCONSIN

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

THIS INSTRUMENT WAS DRAFTED BY

Bernard U. Roels, Attorney  
De Pere, WI 54115

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

ACKNOWLEDGMENT

STATE OF WISCONSIN

Brown County.

ss.

Personally came before me this 31st day of  
August, 19 95 the above named  
Basil J. Rueden and Joan L. Rueden, husband and wife,

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

Bernard U. Roels  
Bernard U. Roels

Notary Public Brown County, Wis.

My commission is permanent. (If not, state expiration date:

\_\_\_\_\_, 19 \_\_\_\_\_)

\*Names of persons signing in any capacity should be typed or printed below their signatures.

1694630

Document Number

GROUNDWATER USE RESTRICTION

BROWN COUNTY  
REGISTER OF DEEDS  
CATHY WILLIQUETTE

1999 MAY 17 A 10:43

Legal Description of the Property:

The West 1050 feet of the South 450 feet of Lots 5 and 6, Section 10, T23N, R19E, Town of Hobart, Brown County, Wisconsin.

Recording Area

Name and Return Address  
McCARTY, CURRY, WYDEVEN,  
PEETERS & HAAK, LLP  
120 EAST FOURTH STREET  
PO BOX 860  
KAURAUNA WI 54130-0860

Declaration of Restrictions

Parent Parcel HB - 117  
Parcel Identification Number (PIN)

STATE OF WISCONSIN )  
                                  ) ss  
COUNTY OF BROWN )

WHEREAS, Richard J. Giesler, William C. Bain and Lewis H. Krueger, are the owners of the above-described property.

WHEREAS, one or more petroleum-related discharges have occurred at this property. Petroleum contaminated groundwater above NR 140 enforcement standards exists on this property at the following location(s): benzene remains at 71 parts per billion, ("ppb") at Monitoring Well 4, ("MW-4"), and benzene remains at 28 ppb at MW-5. The locations of the monitoring wells are provided on Figure 2, hereby attached and made a part of this deed 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, or portions of this groundwater use restriction are no longer binding.

IN WITNESS WHEREOF, the owner of the property has executed this Declaration of Restrictions, this 5<sup>th</sup> day of May, 1999.

Signature: Lewis H. Krueger  
Printed Name: Lewis H. Krueger

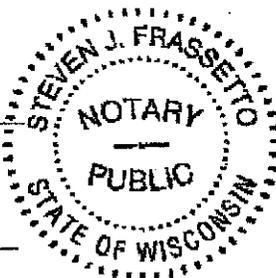
Signature: Richard J. Giebler  
Printed Name: RICHARD J. GIEBLER

Signature: William C. Bain  
Printed Name: WILLIAM C. BAIN

Subscribed and sworn to before me

this 5<sup>th</sup> day of May, 1999

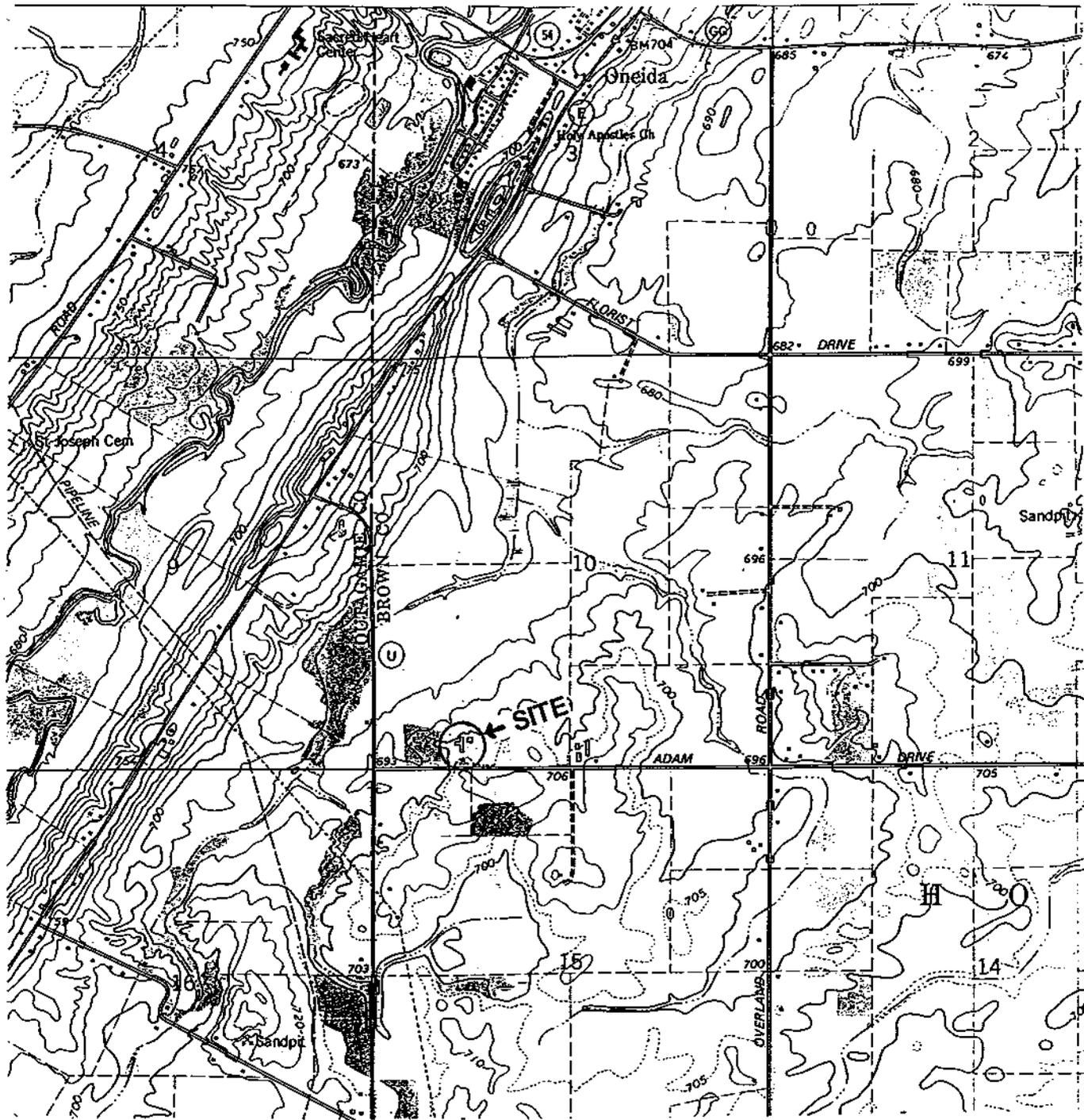
Steven J. Frassetto  
Notary Public, State of Wisconsin



My commission is permanent

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

enc.



NOTE: Taken from the  
 Oneida South, Wis.  
 7.5 Minute USGS  
 Topographic Map 1974

RUEDEN PROPERTY-FARM 1, HOBART, WISCONSIN

FIGURE 1  
 SITE LOCATION MAP

SCALE: 1" = 2000'

DATE: 10-30-95

Environmental Compliance Consultants, Inc.

BY: C.M. SANDERS

Animal Waste Settling Pond



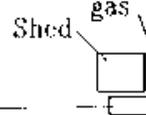
2,000g "Whey" tanks. Look like USTs on the surface.

Dairy Barns

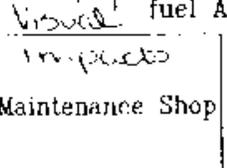
130ppm Gas  
Former 2,000g gas UST

Soil Sample for Phase II

Former 10,000g diesel UST



Old Shop

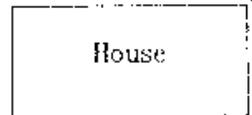


Maintenance Shop

1000g diesel fuel AST

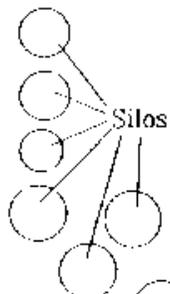
Silo

500g gas AST



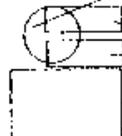
House

Garage



Silos

Corn Bins



10,000g Alcohol USTs (now removed)

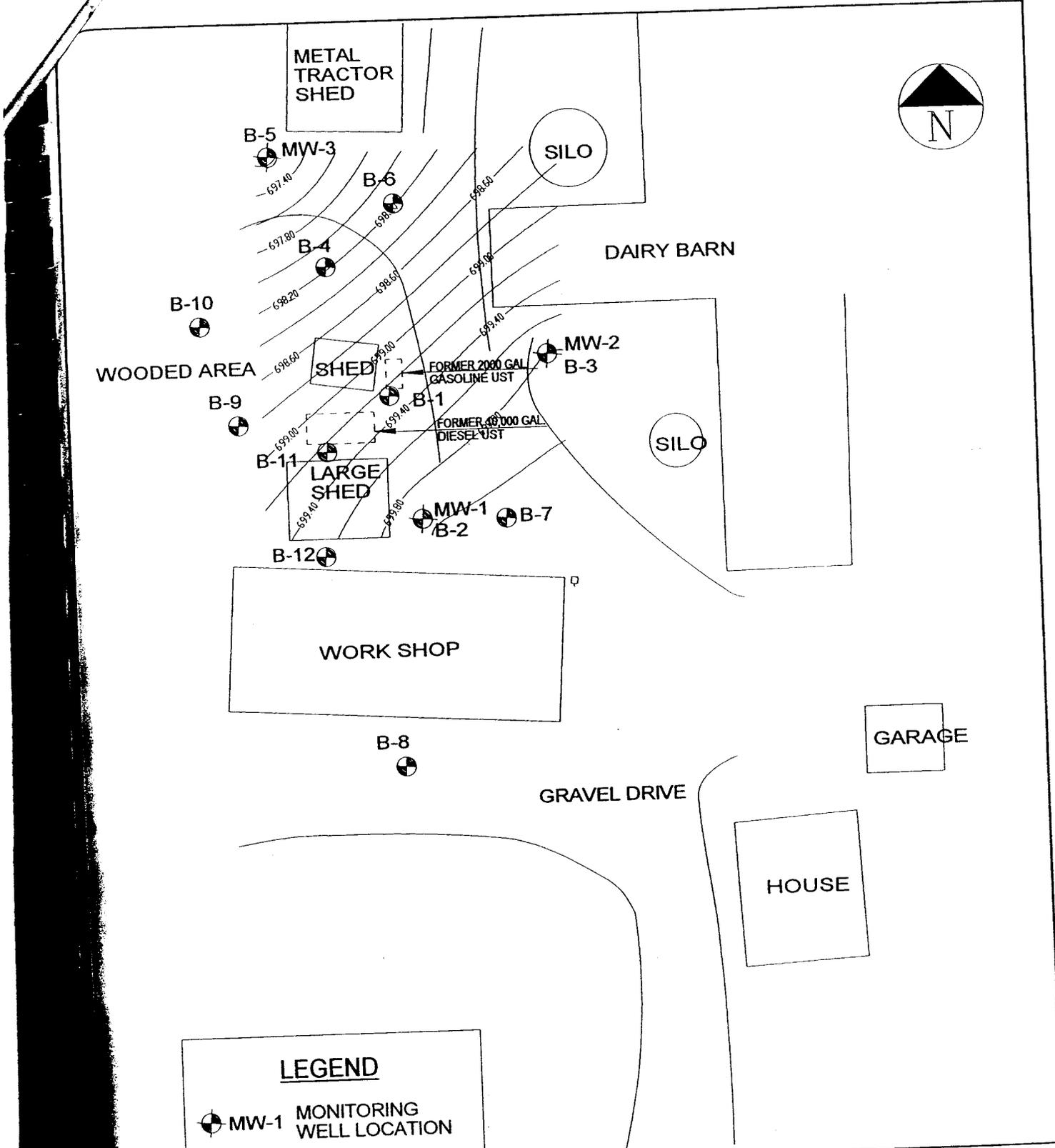
Adam Drive

RUFEN PROPERTY - "FARM 1", TOWN OF HOBART, WI

### FIGURE 2 SITE DETAIL MAP

UST Removals  
11/7/20 excudance

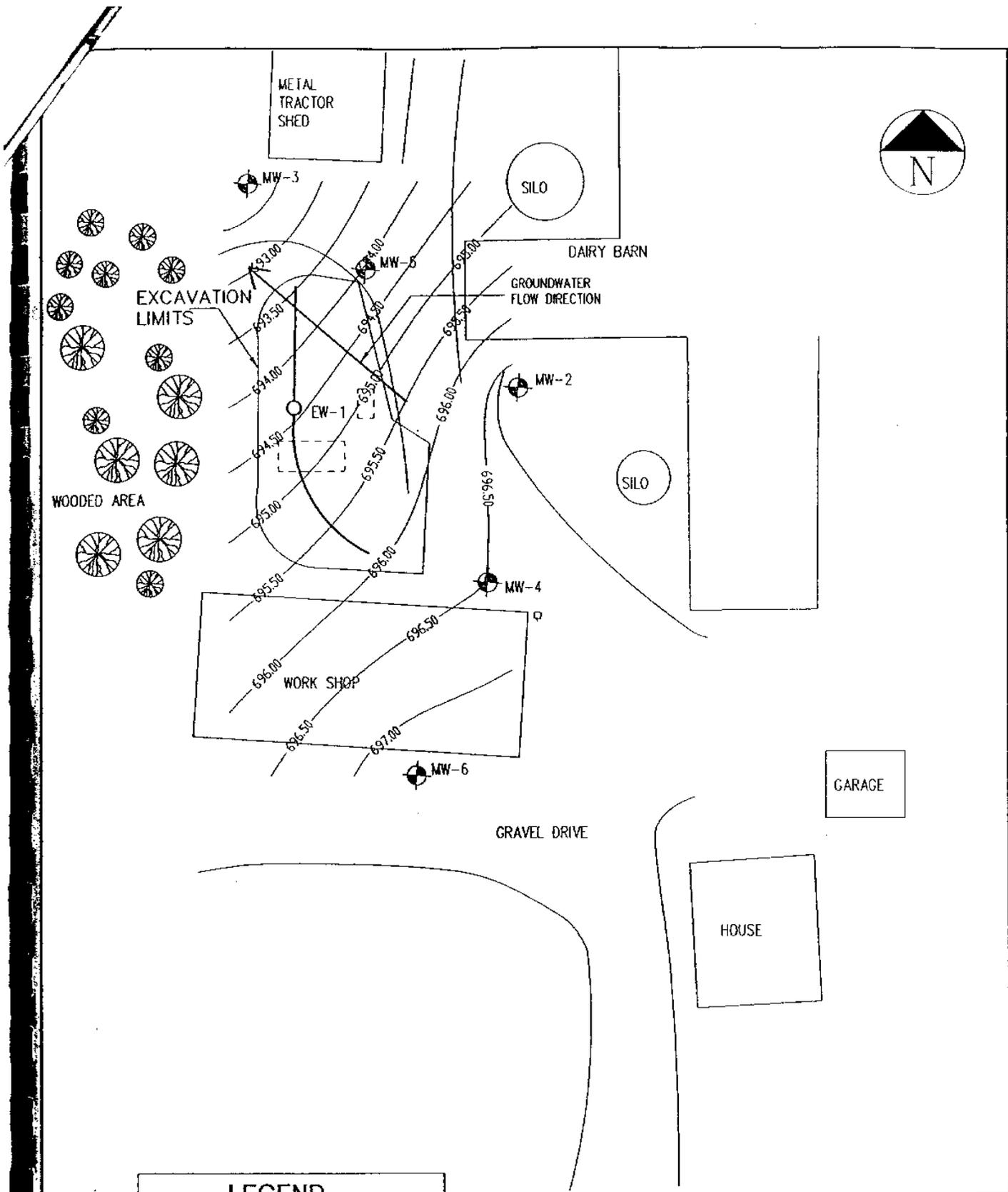
SCALE	NOT TO SCALE	DATE:	04 27-95
Environmental Compliance Consultants, Inc.		BY: BHB, Rev. CMS	



**LEGEND**

 MW-1 MONITORING WELL LOCATION  
 B-7 BORING LOCATION

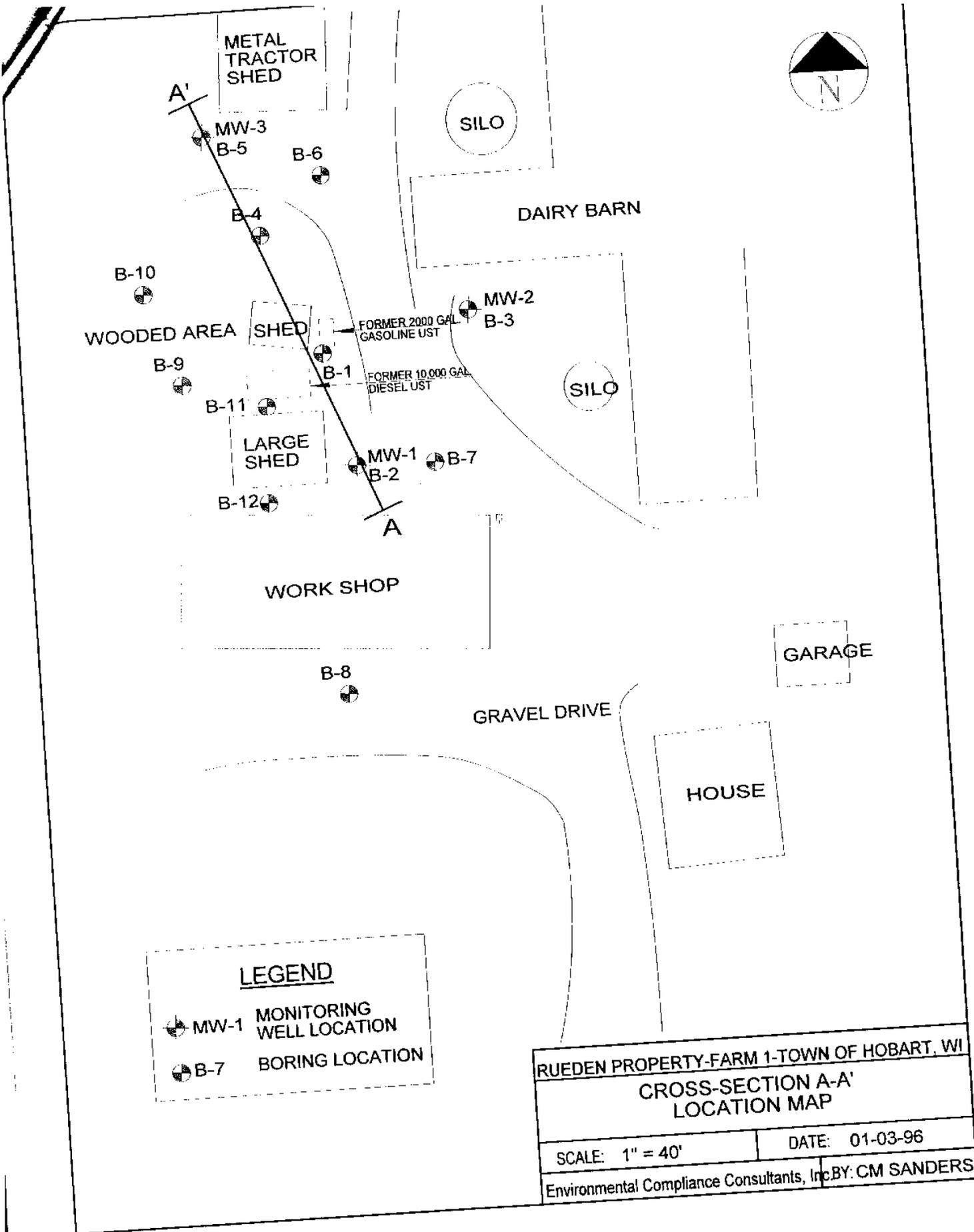
RUEDEN PROPERTY - FARM 1 - TOWN OF HOBART, WI	
FIGURE 7 GROUNDWATER FLOW DATA PLOT 05-02-96	
SCALE: 1" = 40'	DATE: 05-03-96
Environmental Compliance Consultants, Inc.	BY: CM SANDERS



**LEGEND**

-  MW-1 MONITORING WELL LOCATION
-  FORMER UST
-  TREES

RUEDEN PROPERTY - FARM 1, TOWN OF HOBART, WI	
GROUNDWATER FLOW MAP 10-16-97	
SCALE: 1" = 40'	DATE: 12-12-97
Environmental Compliance Consultants, Inc.	BY: CM SANDERS



METAL TRACTOR SHED

MW-3  
B-5

B-6

SILO

DAIRY BARN

B-4

B-10

WOODED AREA

SHED

FORMER 2000 GAL GASOLINE UST

MW-2  
B-3

SILO

B-9

B-1

FORMER 10,000 GAL DIESEL UST

B-11

LARGE SHED

MW-1  
B-2

B-7

B-12

A

WORK SHOP

GARAGE

GRAVEL DRIVE

HOUSE

**LEGEND**

 MW-1 MONITORING WELL LOCATION

 B-7 BORING LOCATION

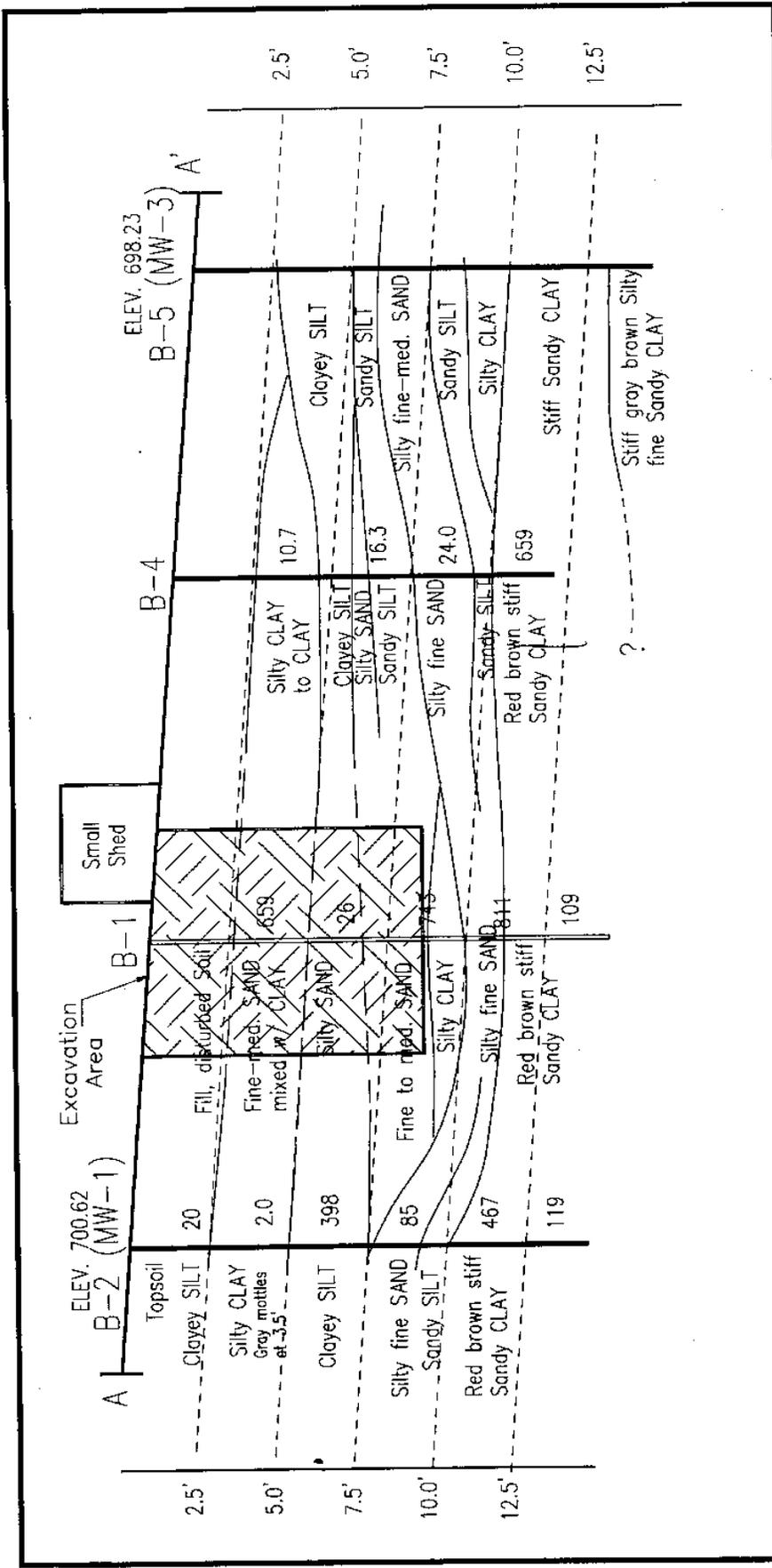
RUEDEN PROPERTY-FARM 1-TOWN OF HOBART, WI

CROSS-SECTION A-A'  
LOCATION MAP

SCALE: 1" = 40'

DATE: 01-03-96

Environmental Compliance Consultants, Inc. BY: CM SANDERS



**LEGEND**

B-1  
 |  
 5.0  
 Boring Location  
 with PID Reading

RUEDEN PROPERTY - FARM 1 - TOWN OF HOBART, WI

**FIGURE 3**  
**CROSS-SECTION A-A'**

SCALE: 1" = 20' HORZ.  
 1" = 5' VERT.

DATE: 05-28-96

Environmental Compliance Consultants, Inc. DRAWN BY: CMS

# Rueden Property - Farm 1

## SUMMARY OF GROUNDWATER ANALYTICAL RESULTS

Parameter Analyzed	Units	Date-->		MW-4							
		ESPAL		04/15/97	07/09/97	10/16/97	10/16/97	10/16/97	06/01/98	08/13/98	10/30/98
Benzene	ug/L	50.5		44	69	29	28		11	14	71
Ethyl Benzene	ug/L	700/140		75	180	72	69		23	19	90
Methyl-tert-Butyl-Ether	ug/L	60/12		2.8	<1.1	<0.53	<0.53		<0.20	<0.2	8.8
Toluene	ug/L	343/68.6		280	280	29	27		3.8	5	26
1,2,4-Trimethylbenzene	ug/L	NE		170	220	120	120		64	49	120
1,3,5-Trimethylbenzene	ug/L	NE		60	65	36	34		27	19	22
Total Xylenes	ug/L	620/124		590	710	163	155		58	58	140
Napthalene (VOC & PVOC)	ug/L	40/8		27	60	26	25		11	9.2	13
n-Butylbenzene				na	na	na	na		na	na	na
sec-Butylbenzene				na	na	na	na		na	na	na
1,2-Dichloroethane				na	na	na	na		na	na	na
Isopropylbenzene				na	na	na	na		na	na	na
p-Isopropyltoluene				na	na	na	na		na	na	na
n-Propylbenzene				na	na	na	na		na	na	na
1-Methylnapthalene				na	na	na	na		na	na	na
2-Methylnapthalene				na	na	na	na		na	na	na
Napthalene (PAH)				na	na	na	na		na	na	na
GRO				na	na	na	na		na	na	na
DRO				na	na	na	na		na	na	na
Sulfate	mg/L			130	81	<2.0	<2.0		na	na	na
Nitrate	mg/L			1.7	0.77	<0.026	<0.026		na	na	na
Iron	ug/L			<22	<22	110	110		na	na	na
Alkalinity	mg/L			460	430	<6.4	<6.4		na	na	na
pH				6.38	7.2	na	na		na	na	na
Dissolved Oxygen				na	0.7	0.3	0.3		na	na	na

Notes: Boldface numbers indicate a PAL exceedence  
na = not analyzed for  
shaded box indicates and ES exceedence

# Rueden Property - Farm 1

## SUMMARY OF GROUNDWATER ANALYTICAL RESULTS

Parameter Analyzed	Units	Date -> ES/PAL	MW-5										
			04/15/97	07/09/97	07/09/97	10/16/97	06/01/98	06/01/98	08/13/98	08/13/98	10/30/98		
Benzene	ug/L	50.5	<0.20	30	27	51	44	36	38	40	26	Duplicate	25
Ethyl Benzene	ug/L	700/140	<0.30	27	25	28	20	18	3.5	3.6	3.9	3.3	3.3
Methyl-tert-Butyl-Ether	ug/L	60/12	0.2	<0.53	<0.53	<0.53	0.61	0.65	4.3	4.4	33	11	11
Toluene	ug/L	343/68.6	<0.40	1.4	1.2	1.6	2.0	1.0	0.78	0.71	<0.5	<0.5	<0.5
1,2,4-Trimethylbenzene	ug/L	NE	<0.30	32	29	17	<1.0	<1.0	4.4	4.9	3.8	3.2	3.2
1,3,5-Trimethylbenzene	ug/L	NE	<0.30	9.7	8.6	1.1	<1.0	<1.0	<1.0	<1.0	<1.0	<1.0	<1.0
Total Xylenes	ug/L	620/124	<0.90	24.8	44.4	16.2	5.4	5.5	1.1	1.3	0.6	1	1
Naphthalene (VOC & PVOC)	ug/L	40/B	<0.80	4.9	<0.80	2.3	<8.0	<8.0	<2.0	<2.0	<2.0	<2.0	<2.0
n-Butylbenzene			na	na									
sec-Butylbenzene			na	na									
1,2-Dichloroethane			na	na									
Isopropylbenzene			na	na									
p-Isopropyltoluene			na	na									
n-Propylbenzene			na	na									
1-Methylnaphthalene			na	na									
2-Methylnaphthalene			na	na									
Naphthalene (PAH)			na	na									
GRO			na	na									
DRO			na	na									
Sulfate	mg/L		140	280	280	<2.0	na	na	na	na	na	na	na
Nitrate	mg/L		1.2	0.047	0.047	<0.026	na	na	na	na	na	na	na
Iron	ug/L		33	400	400	420	na	na	na	na	na	na	na
Alkalinity	mg/L		600	550	550	<13	na	na	na	na	na	na	na
pH			6.41	7.1	7.1	na	na						
Dissolved Oxygen			na	0.6	0.6	0.6	na	na	na	na	na	na	na

Notes: Boldface numbers indicate a PAL exceedance  
na = not analyzed for