

## State of Wisconsin \ DEPARTMENT OF NATURAL RESOURCES

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

Oshkosh Service Center  
905 Bay Shore Drive  
P.O. Box 2565  
Oshkosh, Wisconsin 54903  
Telephone 920-424-3050  
FAX 920-424-4404

March 10, 1999

WCL  
Attn: Geoff Nokes  
P.O. Box 5062  
Rosemont IL 60017-5062

**SUBJECT:** Conditional Closure of WCL- Soo Line Lagoon  
2 Harrison St., N Fond du Lac WI  
BRRTS ID# 02-20-179106

Dear Mr. Nokes:

On March 2, 1999, the Northeast Region Closeout Committee met to discuss various sites. The committee has agreed to close this site pending a groundwater use restriction. This groundwater use restriction will state that inaccessible groundwater contamination may remain at this site and that additional remedial action is not feasible at this time. The document would be placed in the file with the deed running with the property.

Only when the groundwater use restriction has been finalized and filed with Fond du Lac County can this site be closed. To complete the deed notification, the Department requires a complete (unabbreviated) legal description and map of the property. This may be obtained from the Fond du Lac County Register of Deeds.

As soon as this is submitted, the Department will send you a draft copy of the groundwater use restriction, containing language regarding the remaining groundwater contamination. If it is acceptable, you are to sign it and return a signed copy along with proof of filing to the Department for our files. Only after the restriction is filed, may monitoring wells be abandoned. Once a copy of the restriction and monitoring well abandonment forms are received by the Department the site will be closed. **Do not abandon wells until after the restriction is filed.**

This groundwater use restriction is an option which the Department can offer in order to close this site. If you choose not to accept this option, you may perform additional investigation and cleanup of the remaining contamination. Within 14 days please submit a letter to the Department documenting your intentions.

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.

If you have any questions, please contact me at (920) 424-7890.

Sincerely,

  
Kevin D. McKnight  
WDNR, Hydrogeologist  
mcknik@dnr.state.wi.us

cc: file  
Bob Mottle, STS, 1035 Kepler Dr., Green Bay WI 54311



Quality Natural Resources Management  
Through Excellent Customer Service



This Indenture, Made this twenty sixth day of September in the year of our Lord, one thousand eight hundred and ninety nine between Frank P. Boudreau and Nancy Boudreau his wife of the first part, and W. D. Wray of the second part, and

The Wisconsin Central Corporation of the second part. Witnesseth, That the said party of the first part, for and in consideration of the sum of Eight thousand Sixty Dollars, to them in hand paid by the said party of the second part, the receipt whereof is hereby confessed and acknowledged, have given, granted, bargained, sold, remised, released, aliened, conveyed and confirmed, and by these presents do give, grant, bargain, sell, remise, release, alien, convey and confirm unto the said party of the second part, Successors heirs and assigns forever, the following described Real Estate, situated in the County of Madison and State of Wisconsin, to-wit:

Commencing at a point where the East and West Quarter line of Section 34 of Township Fifteen (15) North Range 5 East intersect the westerly Right of way line of the Wisconsin Central Railway, thence West along said Quarter line to a point thereon which is three hundred feet South westerly from at Right angle to the center line of said Railway thence North westerly to a point on the center line of the Oshkosh Lake Shore Road so called said point being six hundred forty six and one tenth (646.1) feet distant South westerly from the intersection of the center line of said Road and the center line of said Railway, thence North Easterly along the center line of said Road to a point where the westerly right of way line intersects the center line of said Road, thence South Easterly along said right of way line to the place of beginning

The above described tract of Land containing 19 1/2 Acres More or less Together with all and singular the hereditaments and appurtenances thereunto belonging or in any wise appertaining; and all the estate, right, title, interest, claim or demand whatsoever, of the said party of the first part, either in law or equity, either in possession or expectancy of, in and to the above bargained premises, and their hereditaments and appurtenances.

To Have and to Hold the said premises as above described, with the hereditaments and appurtenances, unto the said party of the second part, and to their Successors heirs and assigns FOREVER. And the said Frank P. Boudreau and Nancy Boudreau his wife for themselves their heirs, executors and administrators, do covenant, grant, bargain and agree to and with the said party of the second part, their heirs and assigns, that at the time of the enrolling and delivery of these presents they are well seized of the premises above described, as of a good, sure, perfect, absolute and indefensible estate of inheritance in the law, in fee simple, and that the same are free and clear from all incumbrances whatever.

and that the above bargained premises in the quiet and peaceable possession of the said party of the second part Successors heirs and assigns, against all and every person or persons lawfully claiming the whole or any part thereof they will forever WARRANT AND DEFEND. In Witness Whereof, the said party of the first part have hereunto set their hand and seal this the day of the date hereof A. D. 1899

Signed, Sealed and Delivered in Presence of Frank P. Boudreau [SEAL] Nancy Boudreau [SEAL] E. B. Kerkove S. D. Wray [SEAL]

State of Wisconsin, Madison COUNTY. Personally came before me, this 26th day of September A. D. 1899, the above named Frank P. Boudreau and Nancy Boudreau his wife to me known to be the persons who executed the foregoing instrument and acknowledged the same. Received for Record this 24 day of September 1899 S. D. Wray

- 995 -



The groundwater use restriction area and the location of monitoring wells are shown on the attached Figure 1 which is 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 further groundwater or soil 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 Wisc. Admin. 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 Wisc. Admin. 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

2

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.

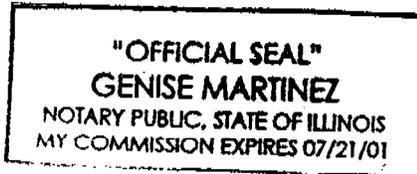
By signing this document, WALTER C. KELLY asserts that he/she is duly authorized to sign this document on behalf of Wisconsin Central Ltd.

IN WITNESS WHEREOF, the owner of the property has executed this Declaration of Restrictions, this 18<sup>th</sup> day of AUGUST, 192000

Signature: W.C. Kelly  
Printed Name: W.C. Kelly  
Title: V.P. Finance & CFO N.A.

Subscribed and sworn to before me  
this 18 day of August, 192000

Genise Martinez  
Notary Public, State of Illinois  
My commission 7-21-01



This document was drafted by the Wisconsin Department of Natural Resources based on information provided by STS Consultants, Ltd.

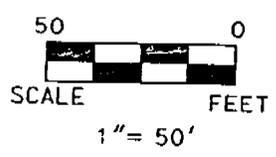
## EXHIBIT A

Commencing at a point where the East and West Quarter line of Section Four (4) Township Fifteen (15) North Range Seventeen (17) East intersects the Westerly right of way line of the Wisconsin Central Railroad thence West along said Quarter line to a point thereon which is three hundred feet (300 ft.) distant South Westerly from at right angles to the center line of said Railway thence North Westerly to a point on the center line of the Oshkosh Lake Shore Road so called said point being six hundred forty-six and one tenth (646.1) feet distant South Westerly from the intersection of the center line of said road and the center line of said Railway thence North Easterly along the center line of said road to a point where the westerly right of way line intersects the center line of said road; thence South Easterly along said right of way line to the place of beginning.

The above-described tract of land containing 19 ½ acres more or less.

# FIGURE 1

NORTH 1/4 CORNER SECTION 4  
T. 15 N., R. 17 E.



LAKE SHORE DR.

1325.69'  
N00°00'00"W

NE COR. OHIO AVE.  
& LAKE SHORE DRIVE

168.09FT

MW-1

B-11

B-9

MW-6

B-5

B-4

MW-4

B-6

B-8

MW-3

MW-2

B-10

APPROXIMATE BOUNDARY  
OF ABANDONED LAGOON

OHIO AVENUE

1361.21'  
N00°00'00"W

CENTER SECTION 4  
T. 15 N., R. 17 E.

## LEGEND

-  MONITORING WELL
-  SOIL BORING
-  RAILROAD TRACK
-  GROUND ELEVATION
-  LIGHT POLE

DRAWN BY	FMH	9/99
CHECKED BY	RJM	9/99
APPROVED BY	MAB	9/99
CADFILE	SCALE	
... \21509sv1.dgn	1"=50'	
STS PROJECT NO.	SHEET NO.	
21509XF	2 of 2	

WISCONSIN CENTRAL RAILROAD  
NORTH FOND DU LAC YARD  
SOO LINE LAGOON  
GROUNDWATER USE RESTRICTION



STS Consultants Ltd.  
Consulting Engineers

x:\projects\dwg99\21509\xf\survey\21509sv1.dgn  
01 OCT 1999 11:32:23

## BOUNDARY DESCRIPTION

A portion of land located in the Northeast quarter of Section 4, Township 15 North, Range 17 East, Town of Fond du Lac, Fond du Lac County, Wisconsin. More particularly described as follows:

Commencing at the North quarter corner of said Section 4;

thence South along the North-South section line, a distance of 1325.69 feet to a point on the Northerly right of way line of Ohio Avenue;

thence North 27°05'44" East, a distance of 62.39 feet to the POINT OF BEGINING of the Groundwater Use Restriction Boundary;

thence North 27°05'44" East, a distance of 40.61 feet;

thence South 63°34'31" East, a distance of 157.10 feet;

thence South 63°34'22" West, a distance of 81.59 feet;

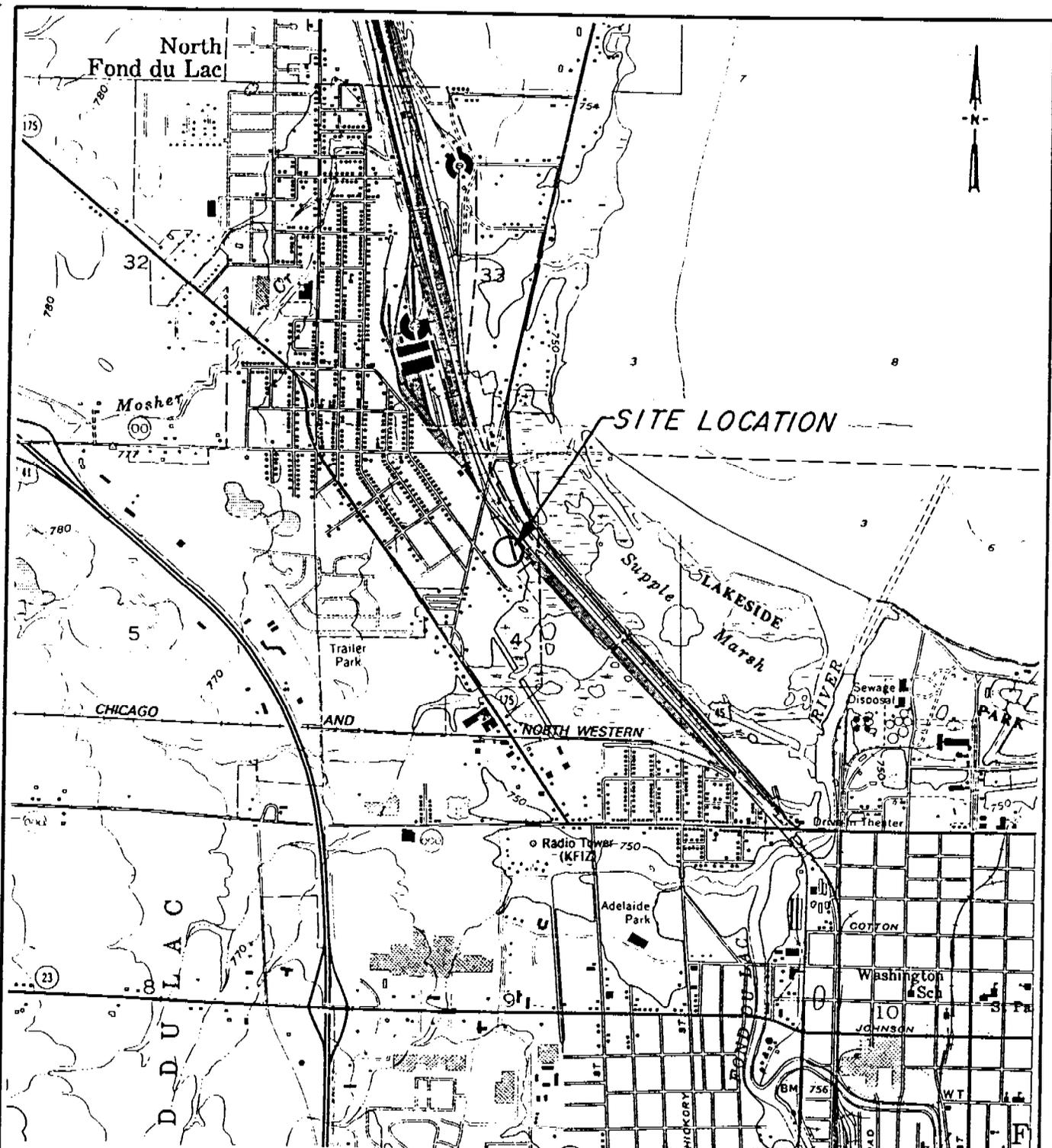
thence North 73°48'05" West, a distance of 61.53 feet;

thence North 27°04'04" West, a distance of 46.62 feet to the aforesaid POINT OF BEGINING.

Said boundary contains 8,644 square feet or 0.20 acres and is subject to all easements or other matters of record.

This instrument drafted by: Francis M. Heafy RLS # 2079





MAP SOURCE: MODIFIED FROM FOND DU LAC, WIS. U.S.G.S. QUADRANGLE DATED 1985.

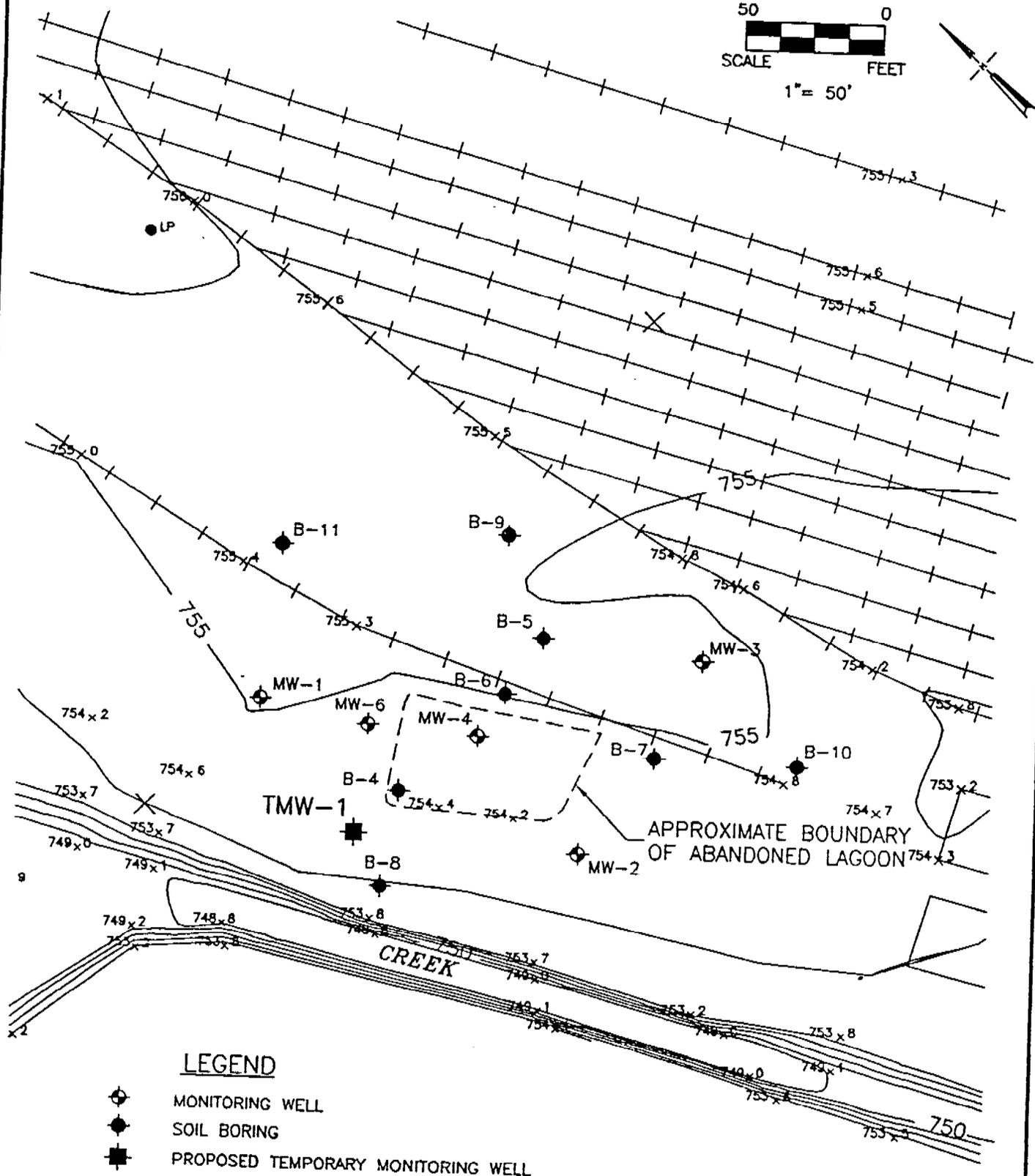
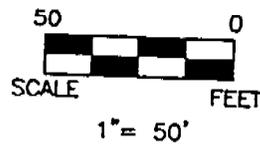


STS Consultants Ltd.  
Consulting Engineers

PROJECT/CLIENT

SITE LOCATION DIAGRAM  
WISCONSIN CENTRAL LTD.  
FORMER SOO LINE LAGOON  
NORTH FOND DU LAC, WISCONSIN

DRAWN BY	P.D.P.	5-25-95
CHECKED BY	R.J.M.	5-25-95
APPROVED BY	<i>MAB</i>	7-7-95
SCALE	1" = 2000'	FIGURE NO. 1
STS DRAWING NO.	21509XF	



**LEGEND**

- ◆ MONITORING WELL
- SOIL BORING
- PROPOSED TEMPORARY MONITORING WELL

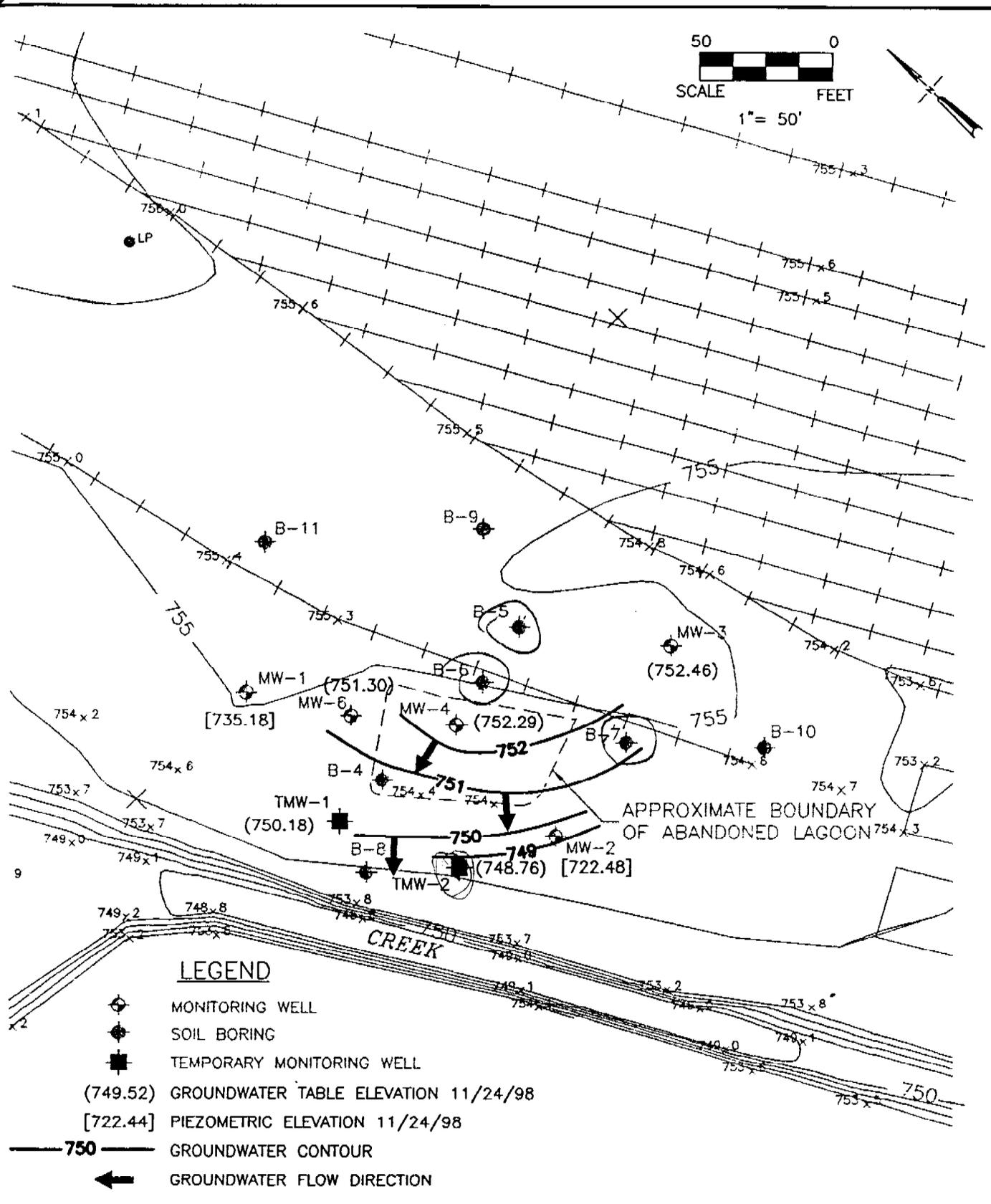


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Consulting Engineers

PROJECT/CLIENT

BORING LOCATION DIAGRAM  
WISCONSIN CENTRAL LTD.  
FORMER SOO LINE LAGOON  
NORTH FOND DU LAC, WISCONSIN

DRAWN BY	P.D.P.	5-27-98
CHECKED BY	M.A.B.	5-27-98
APPROVED BY		
SCALE 1" = 50'	FIGURE NO.	1
STS DRAWING NO.		21509XF



**LEGEND**

- MONITORING WELL
- SOIL BORING
- TEMPORARY MONITORING WELL
- (749.52) GROUNDWATER TABLE ELEVATION 11/24/98
- [722.44] PIEZOMETRIC ELEVATION 11/24/98
- GROUNDWATER CONTOUR
- GROUNDWATER FLOW DIRECTION



STS Consultants Ltd.  
Consulting Engineers

PROJECT/CLIENT  
GROUNDWATER TABLE CONTOUR MAP (11/24/98)  
WISCONSIN CENTRAL LTD.  
FORMER SOO LINE LAGOON  
NORTH FOND DU LAC, WISCONSIN

DRAWN BY	P.D.P.	11/30/98
CHECKED BY	M.A.B.	11/30/98
APPROVED BY		
SCALE 1" = 50'	FIGURE NO.	1
STS DRAWING NO.	21509XF	

Table  
 Groundwater Analytical Results  
 Wisconsin Central Ltd.  
 Former Soo Line Lagoon  
 North Fond du Lac, Wisconsin

Date	Well I.D.	Benzene	Ethyl- benzene	Toluene	Total Xylenes	MTBE	Naphthalene
12/21/92	MW-1	<0.6	<0.5	<0.7	<1.0	NA	NA
4/20/95		<0.2	<1	<2	<1	<2	<1
6/20/96		<0.5	<1	<1	<1	<1	<1
12/5/96		<0.5	<1	<1	<1	<1	<1
6/17/97		<0.21	<0.68	<1.5	<1.8	<0.21	<1
6/30/98		<0.5	<1	<1	<1	<1	<1
12/21/92	MW-2	<0.6	<0.5	0.8	<1.0	NA	NA
4/20/95		<0.2	<1	21.5	<1	<2	<1
6/20/96		<0.2	<1	<2	<1	<2	<1
12/5/96		<0.5	<1	<1	<1	<2	<1
6/17/97		<0.21	<0.68	<1.5	<1.8	<0.21	<1
6/30/98		<0.5	<1	<1	<1	<1	<1
12/21/92	MW-3	<0.3	<2.5	<3.5	<5.0	NA	NA
4/20/95		0.52	<1	<1	<1	<2	2.53
6/20/96		<0.5	<1	<1	<1	<1	<1
12/5/96		<0.5	<1	<1	<1	<1	<1
6/17/97		0.37	1	<1.5	2	<0.21	4
6/30/98		<0.5	<1	<1	<1	<1	<1
8/29/95	MW-4	<2	<10	<20	<20	<20	350
6/20/96		<0.5	<1	<1	<1.8	<0.21	184
12/5/96		<0.5	<1	<1	1.2	<0.21	426
6/17/97		0.3	0.9	<1.5	3	<0.21	410
6/30/98		<0.5	<1	<1	1.09	<1	94
8/29/95		MW-5	<0.2	<1	<1	<2	<2
8/29/95	MW-6	<0.2	<1	<1	<2	<2	<1
6/20/96		<0.5	<1	<1	<1	<2	<1
12/5/96		<0.2	<1	<1	<1	<2	<1
6/17/97		<0.21	<0.68	<1.5	<1.8	<0.21	<1
6/30/98		<0.5	<1	<1	<1	<1	<1
6/30/98		TMW-1	<0.5	<1	<1	<1	<1
Enforcement Standard (ES)		5	700	343	620	60	40
Preventive Action Limit (PAL)		0.5	140	68.6	124	12	8
Notes:							
All Concentrations Reported in µg/l							
<div style="background-color: black; color: white; padding: 2px;">53</div> ES exceedance							
NA = Not Analyzed							