

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

October 7, 1999

Mr. Gene Merwin
Merwin Oil Company
W311 Rolling Meadows Drive
Fond du Lac, WI 54936

Subject: Closure with a groundwater use restriction for the Merwin Oil Co. site, 744
South Military Road, Fond du Lac, WI
BRRTS # 03-20-001863

Dear Mr. Merwin:

On September 28, 1999, the Northeast Region Closeout Committee met to discuss various sites. The committee has agreed to close this site pending a groundwater use restriction for the source property and the adjacent Military Road. The groundwater use restrictions will state that inaccessible groundwater contamination may remain at these properties and that additional remedial action is not feasible at this time. The documents would be placed in the file with the deed running with each of the properties.

Only when the groundwater use restrictions have been finalized and filed with Fond du Lac County can this site be closed. To expedite the completion of the deed restrictions and closure process, the Department requests that you submit the following:

- a complete (unabbreviated) legal description of the properties (this may be obtained from the Fond du Lac Register of Deeds)
- a copy of the deeds (this may be obtained from the Fond du Lac Register of Deeds)
- available maps, such as a survey map, showing the property boundaries, building outlines, areas of remaining contamination, monitoring well/piezometer locations

Once these items have been submitted, the Department will send you a draft copy of the deed restriction containing language regarding the remaining petroleum contamination. If it is acceptable, please sign it and return a signed copy with proof of filing for our records. At that time, the site may be closed.

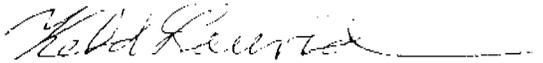
This groundwater use restriction is an option that the Department can offer in order to close this site. If you choose not to accept this option, you may perform additional investigation and cleanup of the remaining contamination. Within 14 days please submit a letter to the

Department documenting your intentions.

If you have additional relevant information which was not formerly provided to the Department, and which you feel would significantly impact the Department's closure decision, you may submit that information for our re-evaluation of case closure.

If you have any questions regarding the content of this letter, please contact me in Green Bay at (920) 492-5921.

Sincerely,



Keld Lauridsen
Hydrogeologist
Remediation & Redevelopment Program

cc: Sandra Barnick, Cooper Environmental & Engineering Resources, Inc.,
1411 North Main Street, West Bend, WI 53090

DOCUMENT NO.

233840

WARRANTY DEED
STATE OF WISCONSIN—FORM 9
THIS SPACE RESERVED FOR RECORDING DATA

CLERK'S OFFICE
FOND DU LAC COUNTY, WIS.

RECORDED AT 9:40 A.M.

ON AUG 21 1968 IN

Vol. 521, Page 449

Kenneth S. Dets.
REGISTER OF DEEDS

THIS INDENTURE, Made by RICHARD L. MERWIN and DOROTHY E. MERWIN, husband and wife

grantor S of Fond du Lac County, Wisconsin, hereby conveys and warrants to MERWIN OIL CO. INC., a Wisconsin corporation

grantee S of Fond du Lac County, Wisconsin, for the sum of One Dollar and other valuable consideration

the following tract of land in Fond du Lac County, State of Wisconsin;

Lots 17 and 18 of Sullivan's First Addition to the City of Fond du Lac, Wisconsin, according to the recorded plat thereof, subject to and with all rights under the agreements, conditions and restrictions set forth in deed, Vol. 377 of Deeds, page 31, Doc. No. 130188, Register of Deeds Office, Fond du Lac County, Wisconsin, and

Also hereby conveying:

A parcel of land located in Lot 16, "Plat of Sullivan's First Addition to the City of Fond du Lac", Fond du Lac County, Wisconsin, and more particularly described as follows: Commencing at an iron pipe stake marking the Easterly most corner of Lot 18 in said Plat which point is also on the Northwesterly right-of-way line of Military Road; thence running North 21° and 59' West, 129.43 feet to an iron pipe stake marking the Northeasterly corner of said Lot 18; thence continuing N. 21° and 51' West, 7.0 feet along the extended Northeasterly line of said Lot 18 to the center of a vacated alley running through said plat which point is the place of beginning for the description of this parcel; thence continuing North 21° and 59' West, 68.40 feet along said extended line to an iron pipe stake; thence running West 65.32 feet to an iron pipe stake set on the center line of vacated Sullivan Street in said plat; thence running South 77.00 feet along center line of vacated Sullivan Street; thence running East 33.0 feet to a point on the center line of the said vacated alley, thence running Easterly and Northerly along the center line of said vacated alley to the place of beginning; and intending to convey that portion of said vacated Sullivan Street and said vacated alley lying within the surveyed boundary of the parcel described above, together with all of that part of the vacated streets abutting upon the above described lands and now forming a part thereof.

IN WITNESS WHEREOF, the said grantor S ha. VC. hereunto set their hand S and seal S this 1st day of May, A. D., 19 68.

SIGNED AND SEALED IN PRESENCE OF

Allan L. Edgerton

Allan L. Edgerton

Katherine Schmitt

Katherine Schmitt

Richard L. Merwin (SEAL)
Richard L. Merwin

Dorothy E. Merwin (SEAL)
Dorothy E. Merwin

____ (SEAL)
____ (SEAL)

STATE OF WISCONSIN,

Fond du Lac County, } ss.

Personally came before me, this 1st day of May, A. D., 19 68 the above named Richard L. Merwin and Dorothy E. Merwin, husband and wife

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



Allan L. Edgerton
Allan L. Edgerton

Notary Public Fond du Lac County, Wis.

My Commission (Expires) (Is) Permanent

This instrument drafted by

Allan L. Edgerton

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.

By signing this document, Gene R. Merwin asserts that he/she is duly authorized to sign this document on behalf of Merwin Oil Co., Inc., a Wisconsin corporation.

IN WITNESS WHEREOF, the owner of the property has executed this Declaration of Restrictions, this 8th day of March, 2000.

Signature: Gene R. Merwin
Printed Name: Gene R. Merwin

Subscribed and sworn to before me
this 8th day of March, 2000.

Joni B. Orsini
Notary Public, State of WI
My commission expires 8/31/03

This document was drafted by the Wisconsin Department of Natural Resources based on information provided by Cooper Environmental & Engineering Resources, Inc.

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.

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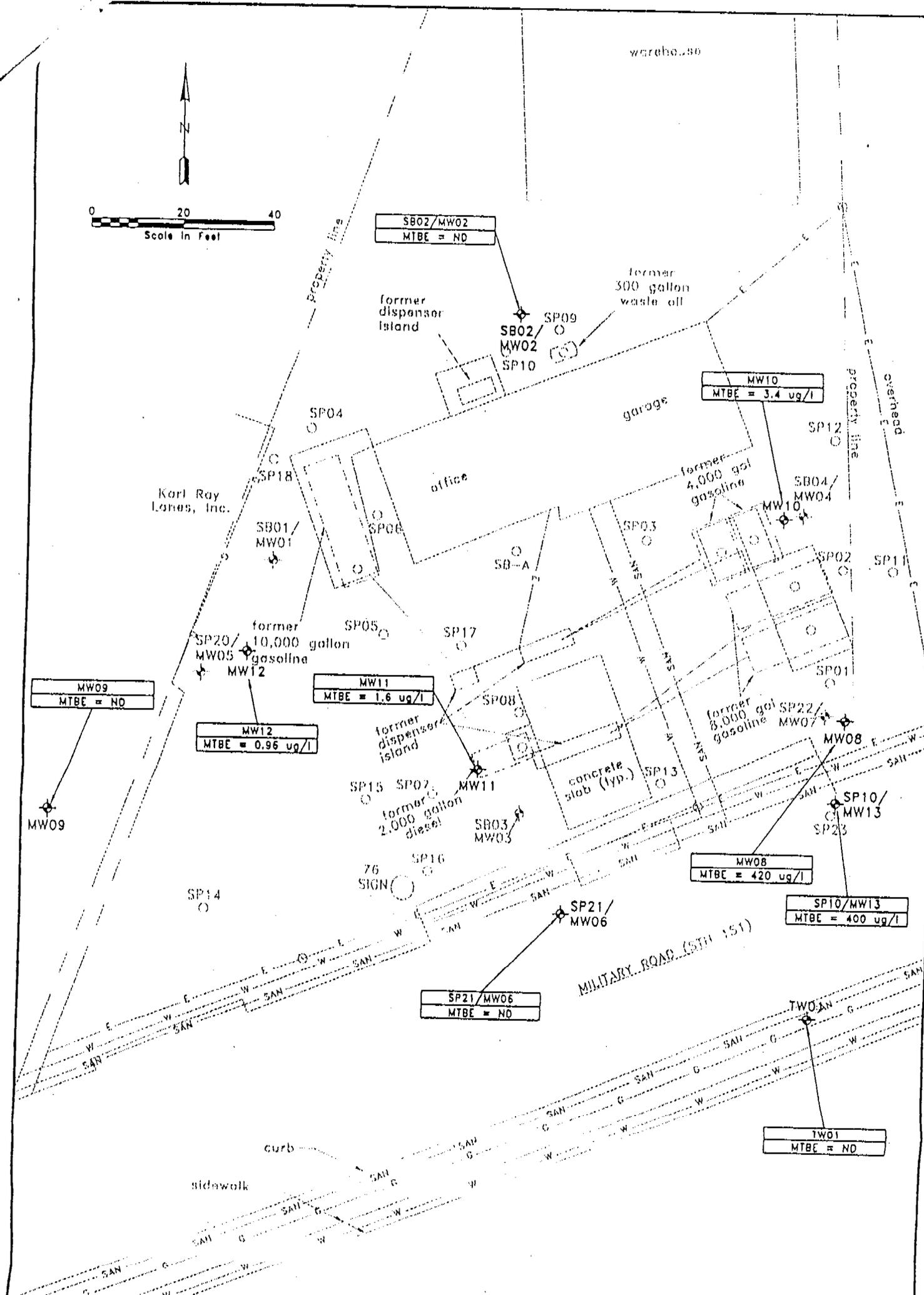
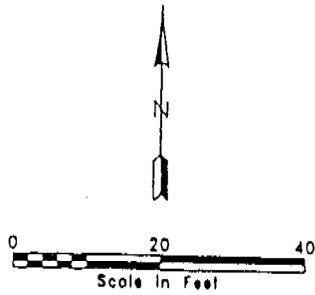
By signing this document, MARK O. LENTZ asserts that he/she is duly authorized to sign this document on behalf of the City of Fond du Lac.

IN WITNESS WHEREOF, the owner of the property has executed this Declaration of Restrictions, this 8 day of MARCH, 2000.

Signature: [Handwritten Signature]
Printed Name: MARK O. LENTZ
D.R. PUBLIC WORKS

Subscribed and sworn to before me this 8th day of March, 2000.

[Handwritten Signature]
Notary Public, State of WI.
My commission expires 8/31/03



- ⊕ = TELEPHONE POLE
- ⊕ = WATERMAIN VALVE
- ⊕ = FORMER MONITORING WELL LOCATION AND I.D.
- ⊕ = FORMER SOIL PROBE LOCATION AND I.D.
- MTBE = METHYL-TERT-BUTYL-ETHER (ug/l)
- ug/l = MICROGRAMS PER LITER
- E- = ELECTRIC LINE
- G- = GAS MAIN
- W- = WATER MAIN
- SAN- = SANITARY SEWER
- ⊕ = MONITORING WELL LOCATION AND I.D.
- ⊕ = TEMPORARY WELL LOCATION AND I.D.

Figure 1
POST REMEDIATION
GROUNDWATER IMPACTS

Merwin Oil Company
 744 S. Military Road
 Fond du Lac, WI

Date:	Drafted by:	Checked by:	Approved by:
9/2/99	JOK		

Cooper
 Environmental & Engineering Resources Inc.
 1411 North Main Street, West Bend, Wisconsin 53090
 1" = 20'
 C:\DWG3\MERWINOL\MILROAD\PRGI

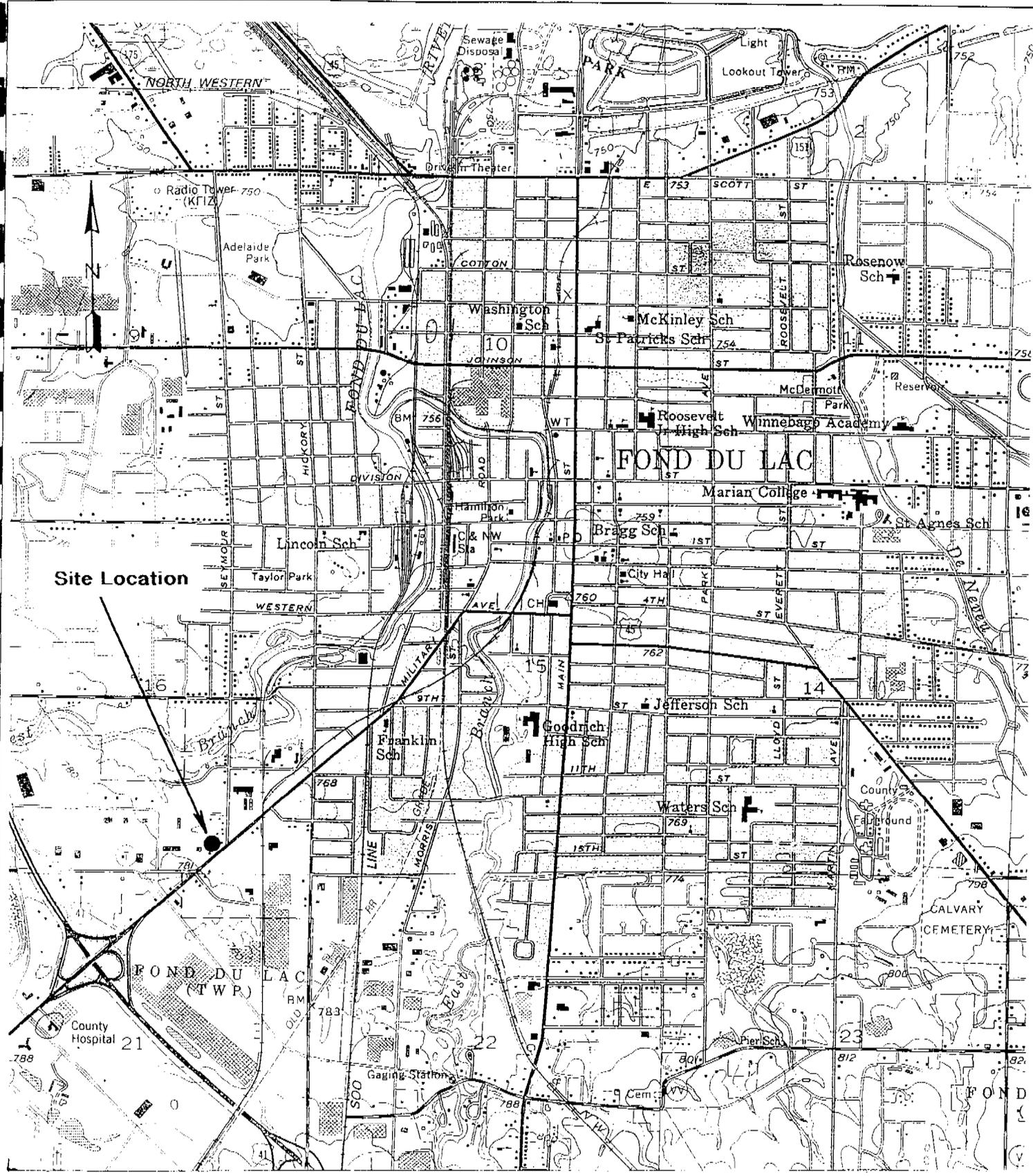


Figure 1

SITE LOCATION MAP

**Merwin Oil Co.
744 S. Military Road
Fond du Lac, WI**

source: USGS 7.5' Quadrangle; (Fond du Lac, WI: 1985)

scale: 1 : 2,400 contour interval = 10 feet

date:	drafted by:	checked by:	approved by:
1-20-93	JGK	LKG	AC

Cooper

Environmental and Engineering Resources, Inc.
1411 North Main Street, West Bend, Wisconsin, 53090

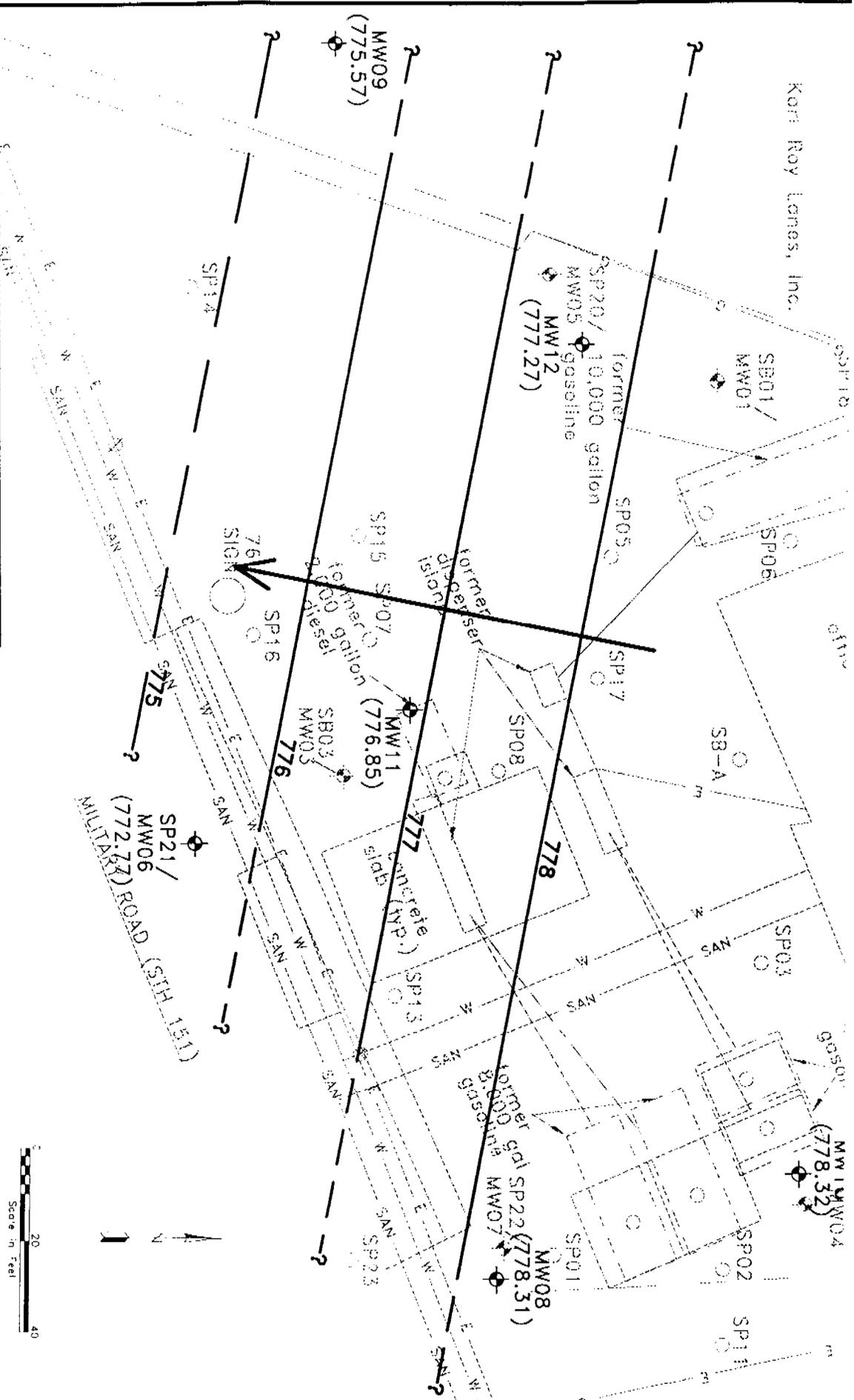
Table 1
 Post - Remedial Groundwater Analytical Results Summary
 Merwin Oil Company
 744 S. Military Road
 Fond du Lac, Wisconsin

Monitoring Well I.D.	MW02		MW06		MW08**		NR 140 Enforcement Standard (ug/l)*	NR 340 Preventive Action Limit (ug/l)*	
	MOM/MW02-7/98 07/01/98	MOM/MW02/12/98 12/07/98	MOM/MW06-7/98 07/01/98	MOM/MW06/12/98 12/07/98	MOM/MW08-7/98 07/01/98	MOM/MW08/12/98 12/07/98			
Sample I.D.	Petroleum Volatile Organic Compounds (PVOCS)(ug/l)								
Date Collected	03/02/99								
Benzene	ND (<0.26)	ND (<0.26)	ND (<0.26)	ND (<0.26)	62	ND (<0.41)	5	0.5	
Ethylbenzene	ND (<0.24)	ND (<0.24)	ND (<0.24)	ND (<0.24)	ND (<0.60)	ND (<0.43)	700	140	
Methyl-tert-butyl-ether	0.26Q	ND (<0.22)	ND (<0.22)	ND (<0.22)	280	ND (<0.41)	60	12	
Toluene	ND (<0.21)	0.25Q	ND (<0.21)	ND (<0.21)	ND (<0.53)	ND (<0.38)	343	68.6	
Trimethylbenzenes	ND	ND	ND	ND	ND	ND	480	96	
Total Xylene	ND	ND	ND	ND	ND	ND (<1.4)	620	124	
Total PVOCS	0.26	0.25	ND	ND	342	ND	NS	NS	
Gasoline Range Organics (mg/l)	ND (<0.05)	NT	ND (<0.05)	NT	0.29	NT	NS	NS	
Diesel Range Organics (mg/l)	0.22	NT	0.15	NT	0.87	NT	NS	NS	

Monitoring Well I.D.	MW09		MW10**		MW11***		NR 140 Enforcement Standard (ug/l)*	NR 340 Preventive Action Limit (ug/l)*	
	MOM/MW09-7/98 07/01/98	MOM/MW09/12/98 12/07/98	MOM/MW10-7/98 07/01/98	MOM/MW10/12/98 12/07/98	MOM/MW11-7/98 07/01/98	MOM/MW11/12/98 12/07/98			
Sample I.D.	Petroleum Volatile Organic Compounds (PVOCS)(ug/l)								
Date Collected	03/02/99								
Benzene	ND (<0.26)	ND (<0.26)	ND (<0.26)	ND (<0.26)	1.9	ND (<0.41)	5	0.5	
Ethylbenzene	ND (<0.24)	ND (<0.24)	ND (<0.24)	ND (<0.24)	ND (<0.24)	ND (<0.43)	700	140	
Methyl-tert-butyl-ether	ND (<0.22)	ND (<0.22)	5.4	4.1	0.58Q	ND (<2.9)	60	12	
Toluene	ND (<0.21)	ND (<0.21)	ND (<0.21)	ND (<0.21)	ND (<0.21)	ND (<0.38)	343	68.6	
Trimethylbenzenes	ND	ND	ND	ND	ND	ND	480	96	
Total Xylene	ND	ND	ND	ND	ND	ND (<1.4)	620	124	
Total PVOCS	ND	ND	5.4	4.1	2.48	ND	NS	NS	
Gasoline Range Organics (mg/l)	ND (<0.05)	NT	ND (<0.05)	NT	ND (<0.05)	NT	NS	NS	
Diesel Range Organics (mg/l)	0.28	NT	0.18	NT	0.13	NT	NS	NS	

Monitoring Well I.D.	MW12**		MW13		NR 140 Enforcement Standard (ug/l)*	NR 340 Preventive Action Limit (ug/l)*
	MOM/MW12-7/98 07/01/98	MOM/MW12/12/98 12/07/98	MOM/MW13-7/98 07/01/98	MOM/MW13/12/98 12/07/98		
Sample I.D.	Petroleum Volatile Organic Compounds (PVOCS)(ug/l)					
Date Collected	03/02/99					
Benzene	ND (<0.26)	ND (<0.26)	ND (<1.3)	ND (<0.41)	5	0.5
Ethylbenzene	ND (<0.24)	ND (<0.24)	ND (<1.2)	ND (<0.43)	700	140
Methyl-tert-butyl-ether	7.5	7.5	440	330	60	12
Toluene	ND (<0.21)	ND (<0.21)	ND (<1.1)	ND (<0.38)	343	68.6
Trimethylbenzenes	ND	ND	ND	ND	480	96
Total Xylene	ND	ND	ND	ND	620	124
Total PVOCS	7.5	8.3	440	330	NS	NS
Gasoline Range Organics (mg/l)	ND (<0.05)	NT	NT	NT	NS	NS
Diesel Range Organics (mg/l)	0.11	NT	NT	NT	NS	NS

* = Wisconsin Administrative Code NR 140, October 1996
 ug/l = micrograms per liter
 ND = not detected above limit of detection (LOD) (LOD is in parentheses)
 NS = Enforcement Standard or Preventive Action Limit not established for this compound
 NT = Not Tested
 ** Monitoring wells MW03, MW04, MW05, and MW07 were removed during excavation activities and replaced with monitoring wells MW11, MW10, MW12, and MW08, respectively.
 *** Indicates the results are qualified due to the laboratory's uncertainty of the parameter concentration between the LOD and LOQ



(777.27) = GROUNDWATER ELEVATION (7/1/98)

--- 777 --- ? = INTERPRETED SHALLOW GROUNDWATER CONTOUR LINE (7/1/98) QUESTION MARKED WHERE INFERRED

→ = INTERPRETED SHALLOW GROUNDWATER FLOW DIRECTION (7/1/98)

○ = TELEPHONE POLE

⊗ = WATERMAIN VALVE

⊕ = MONITORING WELL LOCATION AND I.D.

⊖ = SOIL PROBE LOCATION AND I.D.

— = ELECTRIC LINE

— = GAS MAIN

— = WATER MAIN

— = PROPERTY LINE

— = SANITARY SEWER

Figure 6

INTERPRETED SHALLOW GROUNDWATER FLOW DIRECTION

7/1/98

Merwin Oil Company
 744 S. Military Road
 Fond du Lac, WI

Date:	7/22/98	Drilled by:	JCK	Checked by:	JK	Approved by:	JK
Environmental & Engineering Resources Inc. 1411 North Main Street, West Bend, Wisconsin 53090 C:\DWG5\MERWIN\OIL\ROAD\156FD							

1" = 20'