

State of Wisconsin \ DEPARTMENT OF NATURAL RESOURCES

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

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

August 18, 1999

Mr. Orville Jaeger
Fond du Lac Express, Inc.
98 Marco Street
North Fond du Lac, WI 54937

SUBJECT Battery Mart, 602 Minnesota Avenue, North Fond du Lac, Fond du Lac County
BRRTS ID# 03-20-002286

Dear Mr. Jaeger:

The above referenced case file has been reviewed by the WDNR's Northeast Region Case Closure Committee. This panel reviews environmental remediation cases for compliance with state laws, standards, and guidelines to maintain consistency in the closeout of cases. After careful review, the Committee has decided to grant a *conditional* case closure. At this time, it appears that actions have been taken to the extent practicable to restore the environment and minimize the harmful effects from this discharge to the air, lands and waters of the state.

First Condition: Deed Restriction

The WDNR is requiring no further remedial action at this time; however, *You must file the attached "Declaration of Restriction" with your county Register of Deeds office within 30 days and send proof of this filing to the Department within 60 days of the date of this letter.* The attached restriction also includes maps which must be filed with the text. (The restriction is a Department standard format and has been drafted with oversight from Department attorneys. Please contact me if you have any questions or concerns regarding the restriction as written.)

Please note that case closure is dependent upon the filing of this deed restriction. *If the restriction is not filed with the County Register of Deeds, the case remains active and continued sampling of the monitoring wells at the site will be required.* A workplan of the sampling schedule and maintenance of the monitoring wells will be required within 90 days of the date of this letter if verification of the restriction filing is not received as indicated above.

Second Condition: Monitoring Well Abandonment

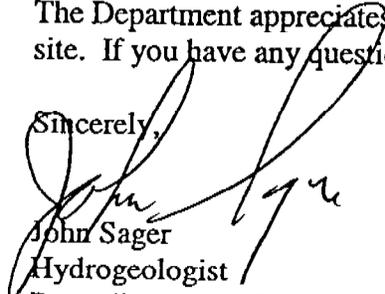
After filing the restriction with the county, all monitoring wells, sumps, and/or boreholes must be abandoned according to Chapter NR 141, Wisconsin Administrative Code. The abandonment forms (#3300-5B) should be sent to my attention. Until verification of **both** the restriction and abandonment documentation is received, the DNR will continue to track this facility as an active BRR site.



Please be aware that this letter does not absolve the current, or any future owner of this property, from future decisions regarding this site or impacts which may be discovered and/or traced to past or future activities at this site. If additional information in the future indicates that further investigation and/or remediation is warranted, the Department will require that appropriate action be taken at that time.

The Department appreciates your efforts to protect and restore the environment at this site. If you have any questions regarding this letter, please contact me at (920) 424-7890.

Sincerely,

A handwritten signature in black ink, appearing to read "John Sager", written over the word "Sincerely,".

John Sager
Hydrogeologist
Remediation and Redevelopment Program

cc: file

Mr. Chris Ewald, ECCI, P.O. Box 1612, Oshkosh, WI 54902-1612

565008

STATE BAR OF WISCONSIN FORM 3 - 1982
QUIT CLAIM DEED

RECEIVED FOR RECORD
VOL 1203 PAGE 697

94 NOV -2 AM 8:28

Mary A. Biella
REGISTER OF DEEDS
FOND DU LAC COUNTY, WI

REYNOLD D and FLORES A. MILLER, husband and wife,

quit-claims to ORVILLE J. JAEGER

the following described real estate in Fond du Lac County,
State of Wisconsin:

RETURN TO
Roth Edgarton
300 Park 1276
FOND DU LAC, WI

Tax Parcel No:
V05-16-17-99-FO-476-00
V05-16-17-99-FO-478-00

Lots 13, 14, 15, 16 and 17, in Block 17 in Fond du Lac Land Company's Plat
of the Village of North Fond du Lac, Fond du Lac County, WI.

TRANSFER
\$ 183⁰⁰
FEE

Subject to Easements of Record and further subject to mortgage in favor of
National Exchange Bank & Trust, Fond du Lac, WI which grantee assumes and agrees
to pay.

This is not homestead property.
(is) (is not)
Dated this 28th day of October, 19 94

(SEAL) Reynold D Miller (SEAL)
Reynold D. Miller
(SEAL) Delores Miller (SEAL)
Delores A. Miller

AUTHENTICATION

Signature(s) of Reynold F. Miller and
Delores A. Miller, husband and wife
authenticated by 28th day of October, 19 94

Robert V. Edgarton
TITLE: MEMBER STATE BAR OF WISCONSIN

(If not authorized by § 766.06, Wis. Stats.)
Attorney Robert V. Edgarton

ACKNOWLEDGMENT

STATE OF WISCONSIN
County, ss.
Personally came before me this day of
19 the above named
to me known to be the person who executed the
foregoing instrument and acknowledge the same.

Notary Public County, Wis
My Commission expires date, 19

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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.

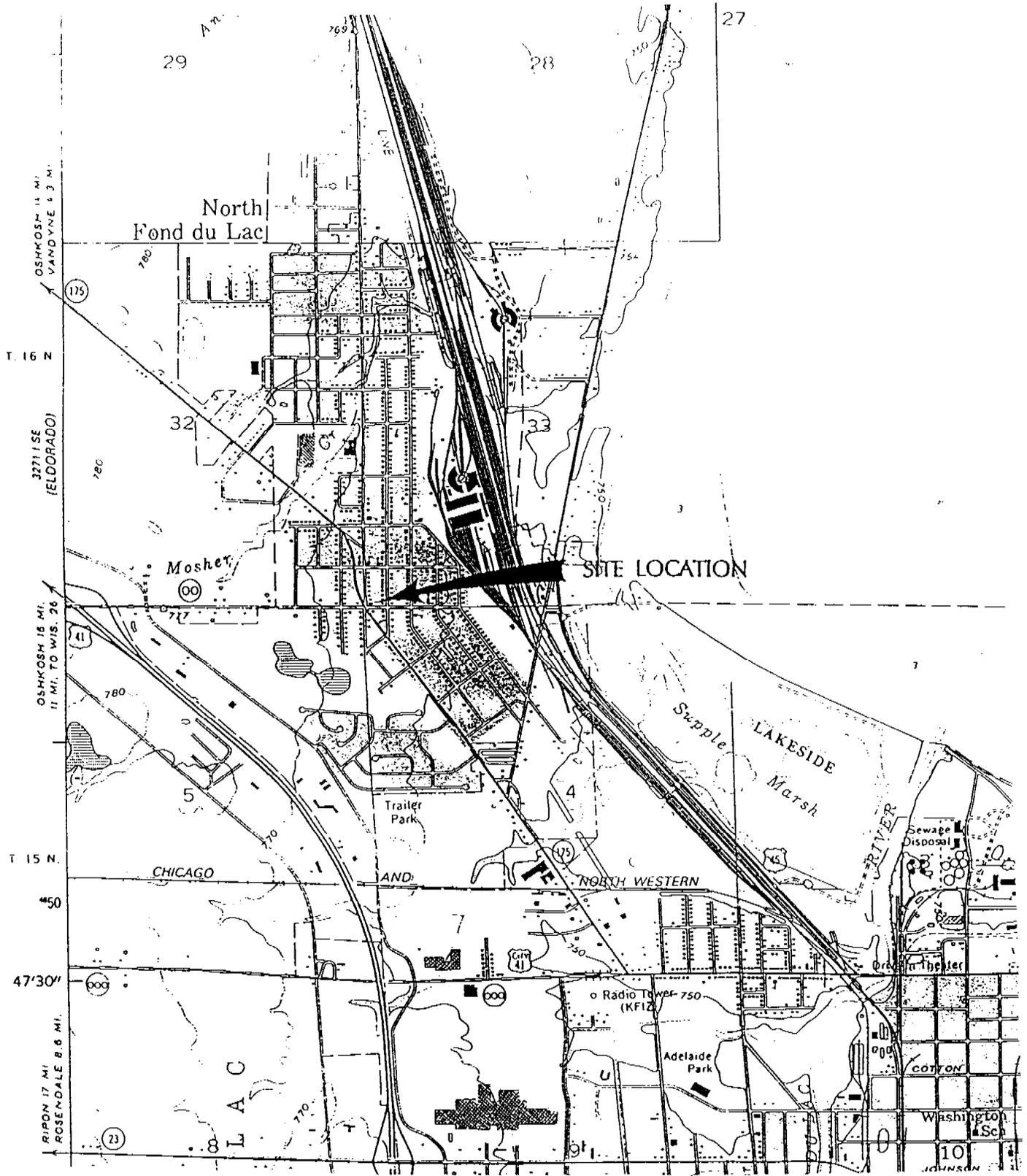
Any person who is or becomes owner of the property described above may request that the Wisconsin Department of Natural Resources or its successor issue a determination that the restrictions set forth in this covenant are no longer required. Upon receipt of such a request, the Wisconsin Department of 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 26 day of Aug, 1999.

Signature: *Orville Jaeger*
Printed Name: ORVILLE J JAEGEIT

Subscribed and sworn to before me
this 26 day of Aug, 1999
Sally Barbhan
Notary Public, State of Wi
My commission 5-21-2000

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



NOTE Taken from the
 Fond du Lac, Wisconsin
 7.5 Minute USGS
 Topographic Map
 1955 (photorevised 1985)



BATTERY MART - NORTH FOND DU LAC, WISCONSIN

FIGURE 1
 SITE LOCATION MAP

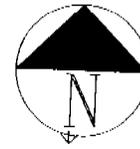
SCALE: 1" = 2000'

DATE 5-10-96

Environmental Compliance Consultants, Inc.

BY C. EWALD

Minnesota Avenue



Gravel Parking Lot

Overhead Electric

Attached Structure

Concrete

Loading Dock (sunken)

Concrete Walk

MW-2 (SB-1)

Approximate former location of pump.

MW-3 (SB-2)

SB-3

Approximate former location of UST's.

B-15

Battery Mart - Main Building

gas meter and bumper posts

MW-1 (formerly TW-1)

B-16

Gravel Drive

Winnebago Street

LEGEND

-  B-16 WDOT Soil Boring
-  MW-3 Monitoring Well Location
-  B-1 Soil Boring Location

BAITERY MART SITE - 602 MINNESOTA AVENUE, NORTH FOND DU LAC, WISCONSIN, SW 1/4, SW 1/4, SEC. 33, T16N, R17E

FIGURE 1

SHALLOW G.W. MAP - 23 FEB 99

SCALE: 1" = 25'

DATE: 24 MAR 99

Environmental Compliance Consultants, Inc.

BY: C. EWALD

