

State of Wisconsin \ DEPARTMENT OF NATURAL RESOURCES

Tommy G. Thompson, Governor
George E. Meyer, Secretary
William R. Selbig, 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 4, 1999

Bend Industries
Attn: Peter Popp
P.O. Box 178
West Bend, WI 53095

Subject: Groundwater Use Restriction for the Fond du Lac Concrete Products site,
183 West Follet Street, Fond du Lac, WI
BRRTS # 03-20-182514

Dear Mr. Popp:

On May 26, 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 that you submit the following:

- a complete (unabbreviated) legal description of the property (this may be obtained from the Fond du Lac County Register of Deeds)
- a certified copy of the deed (this may be obtained from the Fond Du Lac County Register of Deeds)
- available maps, such as a certified survey map, which help identify and locate the property, as well as a map identifying the location of the remaining contamination.

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, you are to 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.

48187

Document Number

WARRANTY DEED

BEND INDUSTRIES, INC., *11/a* FOND DU LAC CONCRETE PRODUCTS CORPORATION conveys and warrants to CHARLES A. MULLEN the following described real estate in Fond du Lac County, State of Wisconsin:

RECEIVED FOR RECORD

VOL. 1394 PAGE 285-286

98 SEP -4 PM 3: 04

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

Recording Area

Name and Return Address

12-
Charles Mullen
3095 N Brookhills Dr
Green Bay WI 54313

FDL-15-17-10-24-744-00

(Parcel Identification Number)

SEE ATTACHED LEGAL

TRANSFER
\$ 472.⁵⁰
FEE

Subject to an Access Easement Agreement dated February 27, 1998, recorded February 27, 1998, at 11:01 A.M., Volume 1355 of Records, Page(s) 957-959, as Document No. 832698.

This is not homestead property.

Dated this 31st day of August, 1998.

Exception to warranties: all easements and restrictions of record.

Bend Industries, Inc

By: *Frederick H Gahr*

AUTHENTICATION

Signature(s) _____

authenticated this _____ day of _____, 19____.

signature _____

type or print name _____

TITLE: MEMBER STATE BAR OF WISCONSIN

(If not, _____ authorized by § 708.06, Wis. Stats.)

THIS INSTRUMENT WAS DRAFTED BY
Louis J. Andrew, Jr.
ANDREW LAW OFFICES, S.C.

ACKNOWLEDGMENT

STATE OF WISCONSIN

Fond du Lac County. Personally came before me this 31st day of August, 1998 the above named BEND INDUSTRIES, INC., *11/a* FOND DU LAC CONCRETE PRODUCTS CORPORATION By: *Frederick H Gahr* to me known to be the person(s) who executed the foregoing instrument and acknowledge the same.

Beth A Puddy

signature _____
type or print name Beth A Puddy

Notary Public Fond du Lac County, Wis.
My commission is permanent. (If not, state expiration date: 4/28/02)

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

VOL. 1394 PAGE 285

All of Lots 8, 9, 10, 11, 12, 13 and 14; the North 96 feet of Lot 54; the North 96 feet of the East 16 feet of Lot 55; the West 40 feet of the North 100 feet of Lot 55; and Lot 56 except the South 115 feet, all in Block 10, of the Original Plat to the City of Fond du Lac, Fond du Lac County, Wisconsin.

That part of a vacated alley, being approximately 12 feet in width (East to West) lying immediately Westwardly of the West line of Lot 56, Block 10, of the Original Plat to the City of Fond du Lac, Fond du Lac County, Wisconsin, except the East 6 feet of the South 115 feet thereof.

The South 1/2 of the following vacated alley: Beginning at the Northeast corner of Lot 54, Block 10 of the Original Plat of the City of Fond du Lac; thence West along the North line of Lots 54, 55 and 56 a distance of 240 feet; thence North along the East line of Lot 11 a distance of 12 feet; thence East along the South line of Lots 15, 16, 17 and 18 a distance of 240 feet; thence South 12 feet to the place of beginning, all contained in Block 10 of the Original Plat of the City of Fond du Lac, Fond du Lac County, Wisconsin.

Excepting therefrom: Commencing at a point 40 feet East of the Northwest corner of Lot 55 in Block 10 of the Original Plat of the City of Fond du Lac, Fond du Lac County, Wisconsin, thence South 32 feet; thence East 132 feet to the West line of Military Road; thence North along the West line of said Military Road 32 feet; thence West to the place of beginning and being a part of Lots 54 and 55 in Block 10 of the Original Plat of the City of Fond du Lac, Fond du Lac County, Wisconsin. Also the South half (S 1/2) of the vacated alley adjoining the property on the North.

680424

Document Number

GROUNDWATER USE RESTRICTION

VOL 1475 PAGE 136-138

99 OCT 14 AM 9:55

Declaration of Restrictions

In Re: All of Lots 8, 9, 10, 11, 12, 13 and 14; the North 96 feet of Lot 54; the North 96 feet of the East 16 feet of Lot 55; the West 40 feet of the North 100 feet of Lot 55; and Lot 56 except the South 115 feet, all in Block 10, of the Original Plat to the City of Fond du Lac, Fond du Lac County, Wisconsin.

That part of a vacated alley, being approximately 12 feet in width (East to West) lying immediately Westerly of the West line of Lot 56, Block 10, of the Original Plat to the City of Fond du Lac, Fond du Lac County, Wisconsin, except the East 6 feet of the South 115 feet thereof.

The South 1/2 of the following vacated alley: Beginning at the Northeast corner of Lot 54, Block 10 of the Original Plat of the City of Fond du Lac; thence West along the North line of Lots 54, 55 and 56 a distance of 240 feet; thence North along the East line of Lot 11 a distance of 12 feet; thence East along the South line of Lots 15, 16, 17 and 18 a distance of 240 feet; thence South 12 feet to the place of beginning, all contained in Block 10 of the Original Plat to the City of Fond du Lac, Fond du Lac County, Wisconsin.

Excepting therefrom: Commencing at a point 40 feet East of the Northwest corner of Lot 55 in Block 10 of the Original Plat of the City of Fond du Lac, Fond du Lac County, Wisconsin, thence South 32 feet; thence East 132 feet to the West line of Military Road; thence North along the West line of said Military Road 32 feet; thence West to the place of beginning and being a part of Lots 54 and 55 in Block 10 of the Original Plat of the City of Fond du Lac, Fond du Lac County, Wisconsin. Also the South half (S 1/2) of the vacated alley adjoining the property on the North.

STATE OF WISCONSIN)
) ss
COUNTY OF FOND DU LAC)

WHEREAS, CHARLES A. MULLEN is the owner of the above-described property.

WHEREAS, one or more petroleum discharges have occurred on this property. Petroleum-contaminated groundwater above NR 140 enforcement standards existed on this property at the following location(s) on the following date(s): At monitoring well 100 (MW-100) on November 18, 1998, Benzene was detected at 400 parts per billion (ppb), Xylene was detected at 1700 ppb. At MW-100 on August 4, 1998,

Recording Area

Charles Mullen
3095 N. Brookhills Drive
Green Bay, WI 54313

14'

Parcel Identification Number (PIN)

RECEIVED
OCT 25 1999
LMD SOLID WASTE

Naphthalene was detected at 570 ppb. At MW-200 on August 4, 1998, 1,2 Dichloroethane was detected at 17 ppb. At MW-400 on November 18, 1998, Benzene was detected at 10 ppb. At MW-500 on November 18, 1998, Benzene was detected at 260 ppb. At MW-600 on November 18, 1998, Benzene was detected at 79 ppb. At Piezometer 1000 (PZ-1000) on August 7, 1998, 1,2 Dichloroethane was detected at 11 ppb. Please refer to the attached map, Figure 1, hereby made a part of this document, for specific locations of the remaining groundwater contamination.

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 NR 140 groundwater standards within the boundaries of this property.

WHEREAS, construction of wells where the water quality does not comply with drinking water standards in NR 809 is restricted by 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 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.

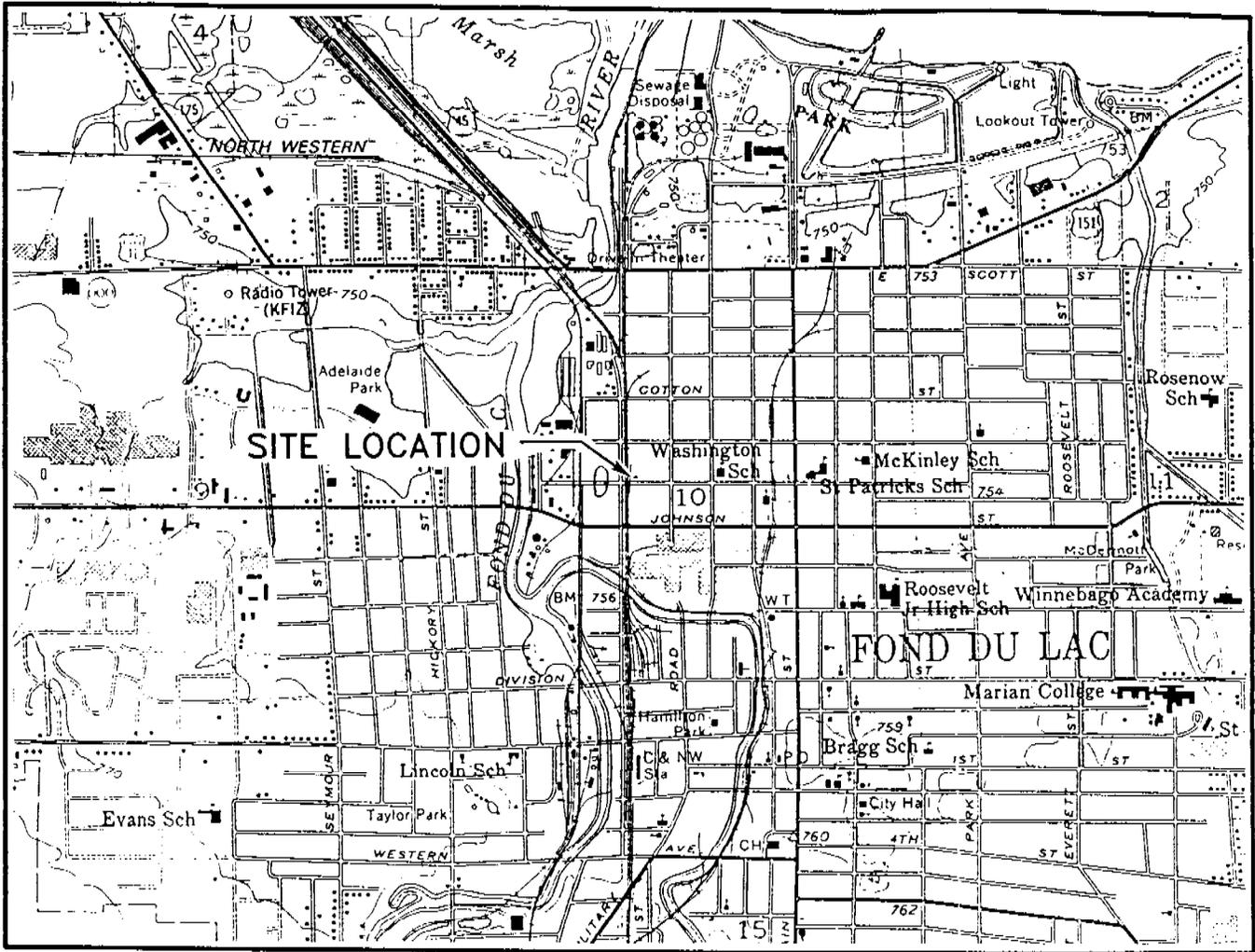
IN WITNESS WHEREOF, the owner of the property has executed this Declaration of Restrictions, this 22 day of Sept, 1999.

Signature: C Muller
Printed Name: Charles A. Muller

Subscribed and sworn to before me
this 22 day of Septembr, 1999.

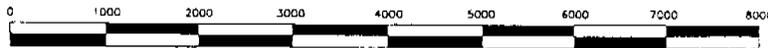
Ben Daurandi
Notary Public, State of WI
My commission expires 09/08/2002

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



SCALE IN FEET

1" = 2000'



CONTOUR INTERVAL 10 FEET
NATIONAL GEODETIC VERTICAL DATUM OF 1929



BASE MAP SOURCE: USGS FOND DU LAC, WISCONSIN QUADRANGLE, 7.5 MINUTE SERIES, PHOTOREVISED 1985

QUADRANGLE LOCATION

DRAWN BY: DMB PROJECT: FCP0814080237 DATE: 03/12/99

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FIGURE 1
SITE LOCATION AND LOCAL TOPOGRAPHY
FORMER FOND DU LAC CONCRETE PRODUCTS
FOND DU LAC, WISCONSIN

Northern Environmental
Hydrologists · Engineers · Geologists

FOR: BEND INDUSTRIES

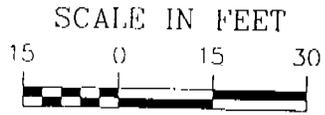
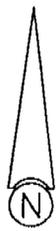
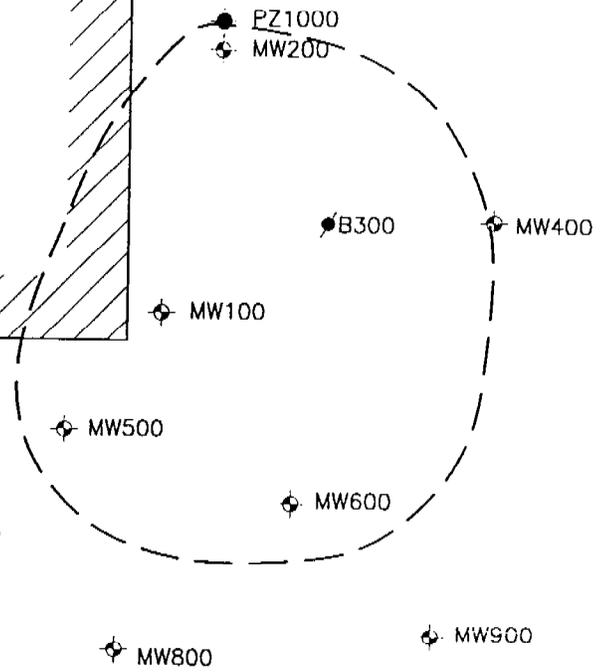
BROOKE STREET

CHICAGO AND NORTHWESTERN RAILROAD TRACKS

FOND DU LAC
CONCRETE
PRODUCTS
BUILDING

LEGEND

- ◆ LOCATION OF SOIL BORING CONVERTED TO MONITORING WELL
- LOCATION OF SOIL BORING CONVERTED TO PIEZOMETER
- SOIL BORING LOCATION
- UTILITY POLE
- - - PROPERTY LINE
- ++++ RAILROAD TRACKS
- - - ESTIMATED EXTENT OF BENZENE IMPACTED GROUNDWATER ABOVE ENFORCEMENT STANDARDS



FOLLETT STREET

DRAWN BY: KTK PROJECT: FCP0814080237 DATE: 05/17/1999

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Northern Environmental
Hydrologists • Engineers • Geologists

FIGURE 1
ESTIMATED EXTENT OF GROUNDWATER IMPACTS
ABOVE ENFORCEMENT STANDARDS
FORMER FOND DU LAC CONCRETE PRODUCTS
FOND DU LAC, WISCONSIN

FOR: BEND INDUSTRIES

BROOKE STREET

CHICAGO AND NORTHWESTERN RAILROAD TRACKS

FOND DU LAC
CONCRETE
PRODUCTS
BUILDING

LEGEND

- ◆ MONITORING WELL LOCATION WITH GROUND-WATER ELEVATION
- PIEZOMETER LOCATION
- UTILITY POLE
- PROPERTY LINE
- ++++ RAILROAD TRACKS
- GROUND-WATER CONTOUR
- GROUND-WATER FLOW DIRECTION

NOTE: ALL ELEVATIONS GIVEN IN FEET ABOVE MEAN SEA LEVEL AND REFERENCED TO A LOCAL BENCHMARK

PZ1000
MW200
745.97

MW100
745.94

MW400
744.97

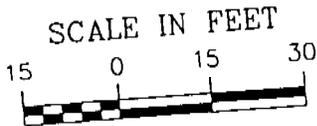
MW500
745.07

MW600
744.37

MW700
742.47

MW800
742.71

MW900
742.94



FOLLETT STREET

DRAWN BY: DMB PROJECT: FCP0814080237 DATE: 03/12/99

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FIGURE 4
GROUND-WATER ELEVATIONS AND FLOW DIRECTION
NOVEMBER 18, 1998
FORMER FOND DU LAC CONCRETE PRODUCTS
FOND DU LAC, WISCONSIN

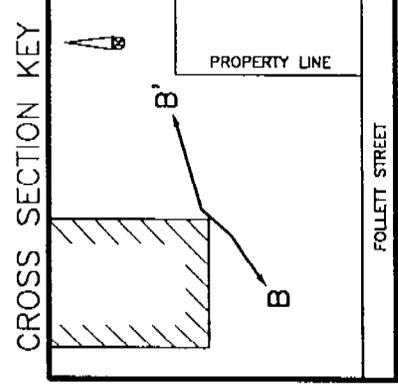
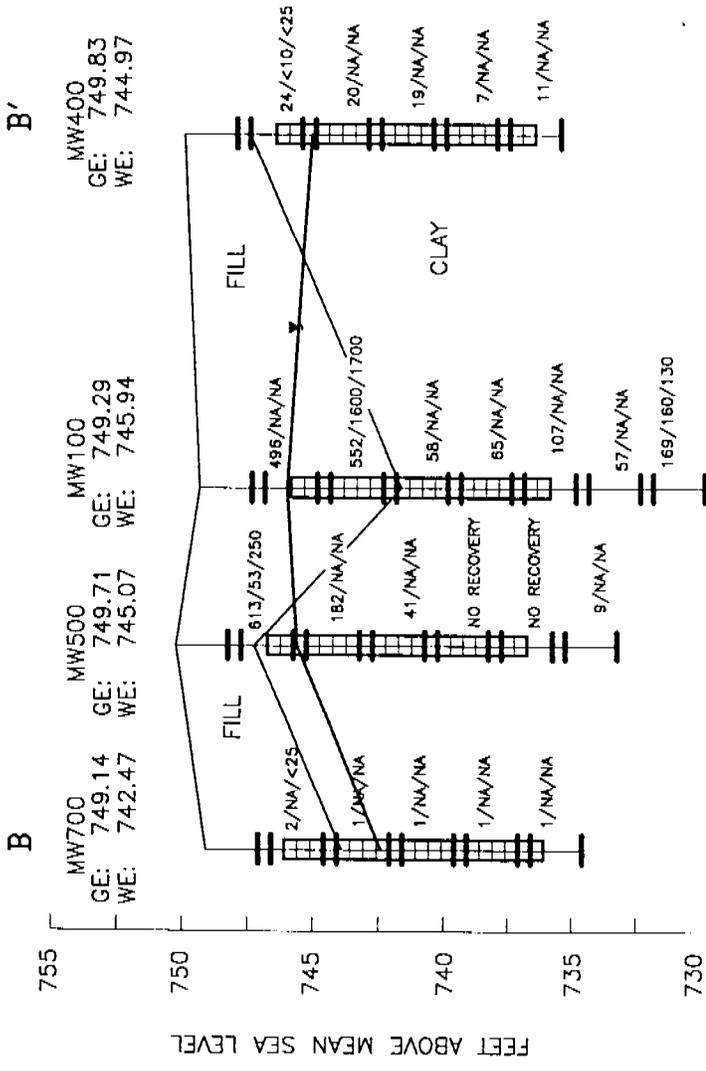
FOR: BEND INDUSTRIES

Table 4: Ground-Water Analytical Results, Fond du Lac Concrete Products

Well ID	Date Sampled	Relevant and Significant Analytical Results (µg/l)																			
		DRO	GRC	Lead	Benzene	Bromobenzene	Bromochloromethane	n-Butylbenzene	sec-Butylbenzene	tert-Butylbenzene	1,2-Dichlorobenzene	Ethylbenzene	isopropylbenzene	p-isopropylbenzene	MTBE	Naphthalene	n-Propylbenzene	Toluene	1,2,4-Trimethylbenzene	1,3,5-Trimethylbenzene	Xylenes
WDNR PAL (µg/l)		NE	NE	15	0.5	NE	0.06	NL	NE	NF	0.5	140	NL	NE	12	8	NE	68.6	NE	NE	124
WDNR LS (µg/l)		NE	NE	15	5	NE	0.6	NE	NE	NF	5	700	NE	NE	< 16	< 16	NE	2700	1100	NE	620
MW100	05/21/98	11000	19000	---	830	< 16	< 19	380	21 "J"	< 17	< 18	450	79 "J"	< 16	< 16	530	59	1300	2700	1100	8000
	08/04/98	---	---	---	670	< 6.4	< 7.6	300	21 "J"	< 6.6	< 7.2	360	24	11 "J"	< 6.2	570	54	240	1900	750	4450
	11/18/98	---	---	---	400	---	---	---	---	---	---	250	---	---	< 3.1	---	---	83	1600	540	1700
MW200	05/21/98	< 100	< 100	---	< 0.32	< 0.32	< 0.38	< 0.23	< 0.34	< 0.33	30	< 0.34	< 0.34	< 0.31	< 0.31	< 0.88	< 0.3	< 0.35	< 0.35	< 0.64	< 0.98
	08/04/98	---	---	---	< 0.32	< 0.32	< 0.38	0.51 "J"	< 0.34	< 0.53	17	0.73 "J"	0.42 "J"	< 0.31	< 0.31	< 0.88	0.37 "J"	< 0.35	0.86 "J"	0.77 "J"	< 0.98
	11/18/98	---	---	---	< 0.32	---	---	---	---	---	---	< 0.34	---	---	< 0.31	---	---	< 0.35	< 0.35	< 0.64	< 1
MW400	05/21/98	140	890	---	6.5	< 0.32	< 0.38	0.47 "J"	0.5 "J"	< 0.33	< 0.36	0.53 "J"	9	0.56 "J"	< 0.31	6.9	7.2	4.7	68	4.3	145.4
	08/04/98	---	---	---	9.4	< 0.32	< 0.38	< 0.9	0.78 "J"	< 0.33	< 0.36	0.93 "J"	11	0.83 "J"	< 0.31	12	10	5.5	6	2.8	66
	11/18/98	---	---	---	10	---	---	---	---	---	---	< 0.34	---	---	< 0.31	---	---	5.8	56	3.7	100
MW500	05/21/98	1700	3300	---	320	< 16	< 19	< 12	< 17	< 17	< 18	150	160	< 16	< 16	140 "J"	140	47 "J"	200	< 32	438
	08/04/98	---	---	---	240	< 6.4	< 7.6	14 "J"	< 6.8	< 6.6	< 7.2	160	46	11 "J"	< 6.2	130	100	8.2 "J"	230	< 13	379
	11/18/98	---	---	---	260	---	---	---	---	---	---	220	---	---	< 0.31	---	---	26	240	72	370
MW600	05/21/98	160	390	---	33	< 0.32	< 0.38	1.9	1.3	0.71 "J"	< 0.36	2.9	13	0.92 "J"	< 0.27	15	15	10	5.1	1.4 "J"	35.4
	08/04/98	---	---	---	100	0.32	0.38	3.5	2.5	1.4	0.91 "J"	4.4	20	2	< 0.27	40	20	17	6	2.8	66
	11/18/98	---	---	---	79	---	---	---	---	---	---	3.7	---	---	< 0.31	---	---	8.5	6.4	1.7 "J"	46
MW700	08/04/98	---	---	---	< 0.32	< 0.32	< 0.38	< 0.23	< 0.34	< 0.33	< 0.36	< 0.34	< 0.34	< 0.31	< 0.31	< 0.66	< 0.3	< 0.35	< 0.35	< 0.64	< 0.98
	11/18/98	---	---	---	< 0.32	---	---	---	---	---	---	< 0.34	---	---	< 0.31	---	---	< 0.35	< 0.35	< 0.64	< 1
MW800	08/13/98	---	---	---	< 0.32	< 0.32	< 0.38	< 0.23	< 0.34	< 0.33	< 0.36	< 0.34	< 0.34	< 0.31	< 0.31	< 0.88	< 0.3	< 0.35	< 0.35	< 0.64	< 0.98
	11/18/98	---	---	---	< 0.32	---	---	---	---	---	---	< 0.34	---	---	< 0.31	---	---	< 0.35	< 0.35	< 0.64	< 1
MW900	08/07/98	---	---	---	< 0.32	< 0.32	< 0.38	< 0.23	< 0.34	< 0.33	< 0.36	< 0.34	< 0.34	< 0.31	< 0.31	< 0.88	< 0.3	< 0.35	< 0.35	< 0.64	< 0.98
	11/18/98	---	---	---	< 0.32	---	---	---	---	---	---	< 0.34	---	---	< 0.31	---	---	< 0.35	< 0.35	< 0.64	< 1
PZ1000	08/07/98	---	---	---	< 0.32	< 0.32	< 0.38	< 0.23	0.72 "J"	< 0.33	11	< 0.34	< 0.34	< 0.31	< 0.31	< 0.88	< 0.3	< 0.35	< 0.35	< 0.64	< 0.98
	11/18/98	---	---	---	< 0.32	---	---	---	---	---	---	< 0.34	---	---	< 0.31	---	---	< 0.35	< 0.35	< 0.64	< 1

Note:
 GRO = Gasoline Range Organics
 MTBE = Methyl-Tertiary-Butyl-Ether
 VOCs = Volatile Organic Compounds
 µg/l = micrograms per liter
 WDNR = Wisconsin Department of Natural Resources
 PAL = Preventive Action Limit
 ES = Enforcement Standard
 NE = Not established by WDNR
 "J" = Analyte detected between Detection and Limit of Quantification
 --- = Not analyzed
 32 = WDNR Preventive Action Limit Exceeded
 32 = WDNR Enforcement Standard Exceeded

:\proj\fcpl14080237\tables\GWQUAL.WK4



LEGEND

MW100 MONITORING WELL
 GE: 749.29
 WE: 745.94

GROUND-ELEVATION
 WATER ELEVATION

GROUND-WATER TABLE

SOIL SEPARATION

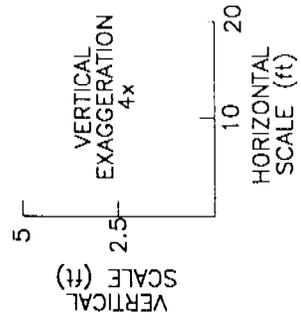
SOIL TYPE

[FILL] FILL
 [CL] CLAY

PID = PHOTOIONIZATION DETECTOR IN *i*i
 SAMPLE INTERVALS NA = NOT ANALYZED
 PID/BENZENE/<X = NOT DETECTED TO LABORATORY REPORTING LIMIT OF X
 GRO = GASOLINE RANGE ORGANICS

NOTES:

- ALL ELEVATIONS REFERENCED TO A LOCAL BENCHMARK
- i*i = INSTRUMENT UNITS AS ISOBUTYLENE
- BENZENE CONCENTRATIONS IN MICROGRAMS PER KILOGRAM ($\mu\text{G}/\text{KG}$)
- GRO CONCENTRATIONS IN MILLIGRAMS PER KILOGRAM (MG/KG)



DRAWN BY: DMB PROJECT: FCP0814080237 DATE: 03/15/99

REV. DATE

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FIGURE 3b

SUBSURFACE CROSS SECTION: B TO B'

FORMER FOND DU LAC CONCRETE PRODUCTS

FOND DU LAC, WISCONSIN

FOR: BEND INDUSTRIES