



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 30, 2000

Mr. Daniel Gierke
Gierke's Auto Service
13015 Steintal Road
Kiel, WI 53042

SUBJECT: Case Closure with Groundwater Use Restriction for the Gierke's Auto Service site, Kiel, WI
BRRTS # 03-36-193560

Dear Mr. Gierke:

Enclosed you will find the draft groundwater use restriction which I have completed for the above referenced property. This document should be reviewed and proofread for any errors or misstated information. If the draft is accurate and acceptable, please have the owner, Kip Hoffman, sign it, file it with the Register of Deeds office and return a copy of the signed and filed restriction to the Department for our records. Please be aware that if a restriction is recorded for the wrong property because of an inaccurate legal description you have provided, that you will be responsible for correcting the problem.

The Department must also receive documentation of proper abandonment of any and all monitoring wells, extraction wells, sumps, and piezometers if you do not intend to perform long term monitoring at your site as well as documentation of proper soil disposal (i.e. landfill disposal tickets). Once all this information has been received, the case will be conditionally closed and the Department will send a letter formally stating this.

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

If you have any questions or concerns, please contact me in Green Bay at (920) 492-5871.

Sincerely,

Scott C. Miller
Hydrogeologist
Bureau for Remediation and Redevelopment

cc: Ryan L. Johnson, GHD Inc., P.O. Box 69, Chilton, WI 53014
Kip A. Hoffman, 13335 Cedar Lake Road, Kiel, WI 53042

WARRANTY DEED

This Deed, made between Daniel L. Gierke and Tamara J. Gierke, husband and wife, and Kip A. Hoffman, a married person, Grantors, and Grantee,

STATE OF WISCONSIN - MANITOWOC COUNTY
PRESTON JONES, REGISTER OF DEEDS
RECEIVED FOR RECORD
15 DEC 1998 3:22:02 PM

Witnesseth, That the said Grantors, for a valuable consideration of One Dollar (\$1.00) and other good and valuable consideration convey to Grantee the following described real estate in Manitowoc County, State of Wisconsin:

Tract 1.1-1 of Certified Survey Map recorded in the Office of the Register of Deeds for Manitowoc County on July 15, 1994 at 11:13 AM in Volume 14 of Certified Survey Map, Page 371 as Document No. 740362, being a resurvey of Tract 1, Certified Survey Map Volume 4, Page 523, and Tract 1A, Certified Survey Map Volume 10, Page 605; being a part of the Southwest Quarter of the Southwest Quarter (SW 1/4 of SW 1/4), Section Thirteen (13), Township Seventeen (17) North, Range Twenty-one (21) East, Town of Schleswig, Manitowoc County, Wisconsin.

NAME AND RETURN ADDRESS:

KCP HOFFMAN
13932 NEVENS CT.
WHEEL, WI. 53042
\$10 + 255 c.

TRANSFER
255.00
FEE

Tax Parcel No.: 016-013-001-00200

This is not homestead property.

Together with all and singular the hereditaments and appurtenances thereunto belonging: And Daniel L. Gierke and Tamara J. Gierke warrant that the title is good, indefeasible in fee simple and free and clear of encumbrances except municipal and zoning ordinances, recorded easements for public utilities, recorded building restrictions and any other easements and/or restrictions of public record and will warrant and defend the same.

Dated this 30 day of November, 1998.

[Signature]
Daniel L. Gierke

[Signature]
Tamara J. Gierke

AUTHENTICATION

Signatures of:

authenticated this _____ day of _____, 1998.

David L. Nichols
TITLE: MEMBER STATE BAR OF WISCONSIN

THIS INSTRUMENT WAS DRAFTED BY
David L. Nichols

ACKNOWLEDGMENT

STATE OF WISCONSIN)

)ss.

Manitowoc COUNTY)

Personally came before me this 30th day of November, 1998 the above named Daniel L. Gierke and Tamara J. Gierke to me known to be the persons who executed the foregoing instrument and acknowledge the same.

[Signature]
[Signature]
Notary Public, Manitowoc County, Wisconsin

My Commission is permanent. (If not, state expiration date: _____)

W-7

867307



VOL 1466 PAGE 445

Document Number

GROUNDWATER USE RESTRICTION

RECEIPT# 9497

\$16.00 MISC

STATE OF WISCONSIN
MANITOWOC COUNTY
PRESTON JONES
REGISTER OF DEEDS
RECEIVED FOR RECORD
1 DEC 2000 12:19:46 PM

COPY

Declaration of Restrictions

In Re:

Tract 1.1-1 of Certified Survey Map recorded in the Office of the register of Deeds for Manitowoc County on July 15, 1994 at 11:13 AM in Volume 14 of Certified Survey Map, Page 371 as Document No. 740362, being a resurvey of Tract 1, Certified Survey Map Volume 4, Page 523, and Tract 1A, Certified Survey Map Volume 10, Page 605; being a part of the Southwest quarter of the Southwest Quarter (SW 1/4 of SW 1/4), Section thirteen (13), Township Seventeen (17) North, Range Twenty-one (21) East, Town of Schleswig, Manitowoc County, also described in Document No. 825654, Vol 1336, Page 503, Manitowoc County Register of Deeds.

Recording Area

Name and Return Address

Atty. James Ungrodt
PO Box 221
Kiel, Wisconsin 53042

J. Ungrodt

16-013-011-002.00

Parcel Identification Number (PIN)

STATE OF WISCONSIN)
) ss
COUNTY OF MANITOWOC)

WHEREAS, Kip A. Hoffman, a married person, 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 Sump 1 located in Building A and Sump 2 located outside Building A. Sump 1 had a benzene concentration of 34 micrograms per liter (ug/l) and sump 2 had a benzene concentration of 22 ug/l. Both sumps were sampled on February 26, 1999. Sump locations are noted on Figure 1, hereby attached and made a part of this document.

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, Wis. Adm. 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, Wis. Adm. 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 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 27 day of November, 2002.

Signature: [Handwritten Signature]

Printed Name: Kip A. Hoffman

Subscribed and sworn to before me this 27 day of November, 2002

[Handwritten Signature]
Notary Public, State of Wisconsin
My commission is permanent

This document was drafted by the Wisconsin Department of Natural Resources based on information provided by GHD, Inc., Environmental Services.



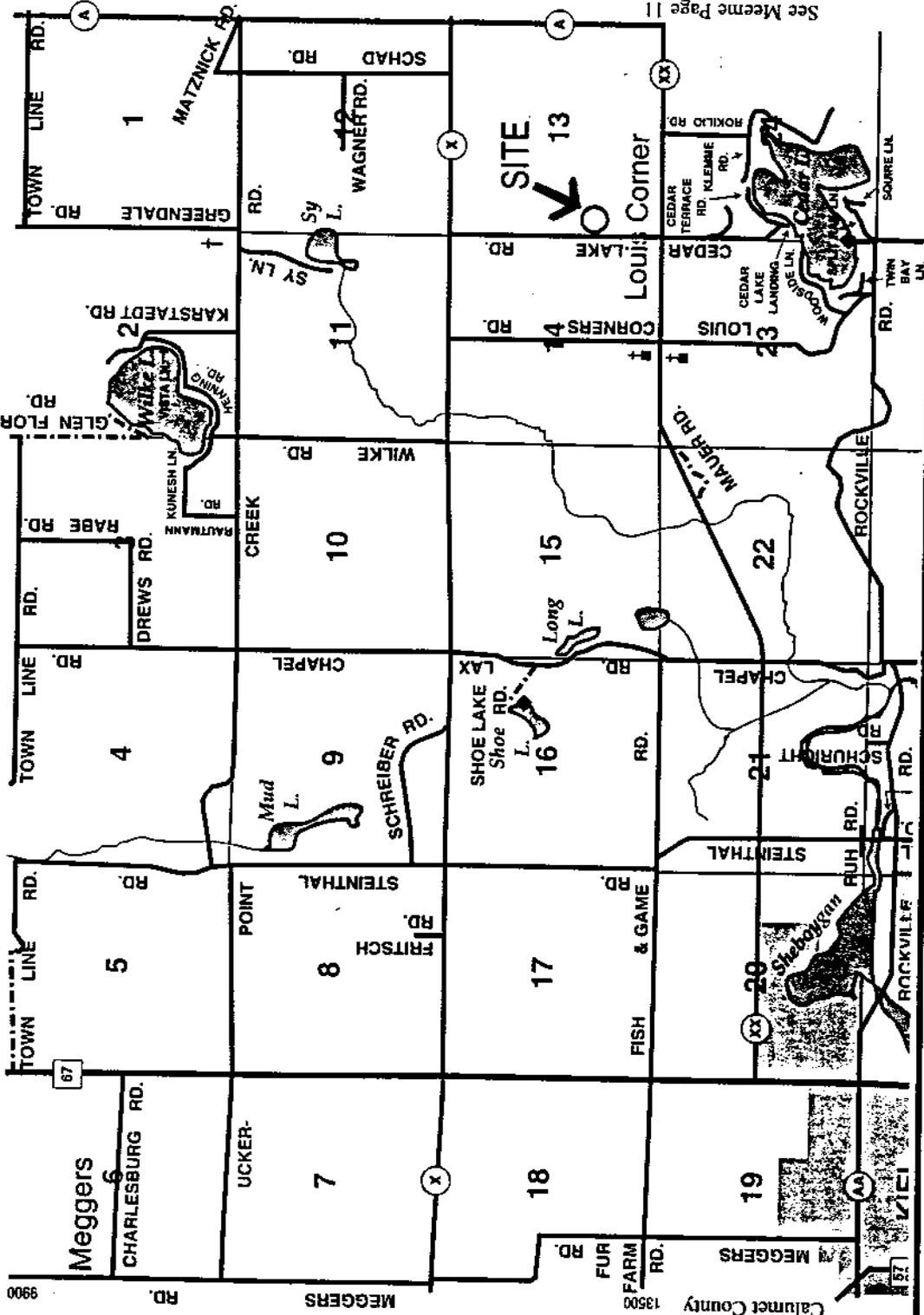
VOL 1466 PAGE 447

SCHLESWIG

T.17N. - R.21E.



See Eaton Page 15



See Meeme Page 11

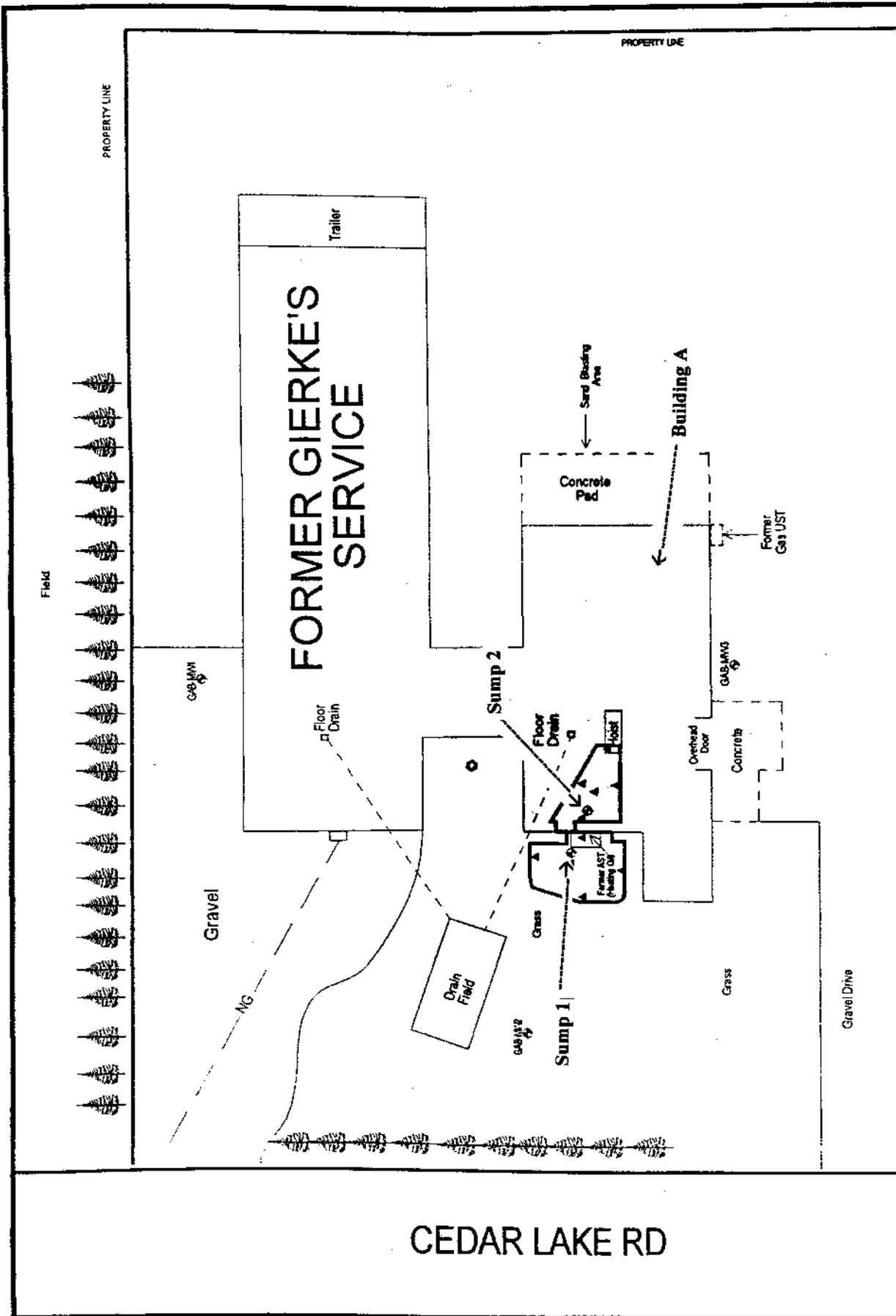
GHD Inc. Environmental Services
 FORMER GIERKE'S SERVICE
 13333 CEDAR LAKE ROAD
 KIEL, WI

FIGURE 1
 SITE LOCATION MAP

Map taken from the Manitowoc County Platbook,
 Published by Cloud Cartographics, Inc.-1995

Prepared By: T. OTT

Date: 07/16/98



<p>GHD Inc. Environmental Services FORMER GIERKE'S SERVICE 13333 CEDAR LAKE ROAD KIEL, WISCONSIN 53042</p>	<p>FIGURE 4 EXTENT OF EXCAVATIONS AND SOIL SAMPLE LOCATIONS</p>	<p>Legend:</p> <ul style="list-style-type: none"> ○ Potable well ⊕ Monitoring Wells ▲ Excavation Sample Locations
<p>Prepared By: TLO/SML</p>		<p>Date: 06/02/99</p> <p>Scale: 1" = 30'</p>

Parameter	ES / PAL	Inside Sump		Outside Sump	
		16-Feb-99		16-Feb-99	
Benzene	5 / 0.5	34		22	
Ethylbenzene	700 / 140	10		8.9	
Toluene	343 / 68.6	80		72	
Total Trimethylbenzenes	480 / 96	46		32.4	
Methyl-Tert-Butyl Ether	60 / 12	<0.94		<0.47	
Total Xylenes	620 / 124	52		44	

Notes:

Results in bold exceed NR 140 Enforcement Standards or Preventive Action Limits, respectively.

All Results are reported in parts per billion unless otherwise noted.

>ES

Table 5
Water Elevation Data
Gierke's Auto Body
Kiel, Wisconsin
SRDR - June 1999

GAB-MW1 Water Levels

Date	Depth to Water	TOC Elevation	TOS Elevation	Water Elevation
24-Jul-98	5.42	98.40	94.90	92.98
20-Aug-98	3.65	98.40	94.90	94.75
08-Mar-99	2.93	98.40	94.90	95.47
07-Jun-99	0.78	98.40	94.90	97.62

GAB-MW2 Water Levels

Date	Depth to Water	TOC Elevation	TOS Elevation	Water Elevation
24-Jul-98	5.73	99.94	96.44	94.21
20-Aug-98	4.61	99.94	96.44	95.33
08-Mar-99	3.33	99.94	96.44	96.61
07-Jun-99	2.38	99.94	96.44	97.56

GAB-MW3 Water Levels

Date	Depth to Water	TOC Elevation	TOS Elevation	Water Elevation
24-Jul-98	4.37	98.66	95.16	94.29
20-Aug-98	3.40	98.66	95.16	95.26
08-Mar-99	1.88	98.66	95.16	96.78
07-Jun-99	0.60	98.66	95.16	98.06

TOC = Top of Casing

TOS = Top of Screen

- Route 10:
- Solid Waste
 - Emergency Response
 - Wastewater
 - Haz. Waste
 - Underground Tanks
 - Water Resources
 - Other ERR

Project Name: GIERYE'S Auto Body License/Permit/Monitoring Number: _____ Boring Number: GAB-B4

Drilled By (Firm name and name of crew chief): DICK DVORAK /GTH Date Drilling Started: 06/08/98 Date Drilling Completed: 06/08/98 Drilling Method: Geoprobe

Facility Well No.: _____ Unique Well No.: _____ Common Well Name: _____ Final Static Water Level: _____ Feet MSL Surface Elevation: _____ Feet MSL Borehole Diameter: 2.5 inches

Location: _____ N, _____ E S/C/N Lat: _____ Long: _____ Local Grid Location (if applicable): _____

County: MANITOWOC DNR County Code: 36 Civil Town/City/ or Village: Schleswig Township / Kiel

Sample	Length Recovered (in)	Blow Counts	Depth in Feet	Soil/Rock Description And Geologic Origin For Each Major Unit	USCS	Graphic Log	Well Diagram	PID/FID	Soil Properties					RQD/ Comments	
									Standard Penetration	Moisture Content	Liquid Limit	Plastic Limit	P 200		
			1	CONCRETE, Black soil, petro odor, 1 foot void space beneath concrete floor	FCU										
			2	SAND, moist, trace gravel, slight odor, medium grained	SP										
24			3												
			4	pea size gravel, fine to med. grained, waste oil/ weathered petroleum staining, slight odor saturated.											
15			5												
			6												
24			7												
			8	medium to coarse grained,											
			9												
24			10												
				Boring complete to 10 ft.											

I hereby certify that the information on this form is true and correct to the best of my knowledge.

Signature: Joan M. Lawrence Firm: _____

This form is authorized by Chapters 144.147 and 162, Wis. Stats. Completion of this report is mandatory. Penalties: Forfeit not less than \$10 nor more than \$5,000 for each violation. Fined not less than \$10 or more than \$100 or imprisoned not less than 30 days, or both for each violation. Each day of continued violation is a separate offense, pursuant to ss 144.99 and 162.06, Wis. Stats.

- Route To:
- Solid Waste
 - Emergency Response
 - Wastewater
 - Haz. Waste
 - Underground Tanks
 - Water Resources
 - Other ERR

Facility/Project Name: GERKE'S Auto Body
 License/Permit/Monitoring Number: _____ Boring Number: GAB-B1
 Boring Drilled By (Firm name and name of crew chief): DICK DVORAK / GHD, Inc
 Date Drilling Started: 06/08/98 Date Drilling Completed: 06/08/98 Drilling Method: Geoprobe
 M M D D Y Y M M D D Y Y
 DNR Facility Well No.: _____ Well Unique Well No.: _____ Common Well Name: _____
 Final Static Water Level: _____ Feet MSL Surface Elevation: _____ Feet MSL Borehole Diameter: 2.5 inches
 Boring Location: State Plane _____ N, _____ E S/C/N Lat _____ Long _____
 Local Grid Location (if applicable): N E S W
 SW 1/4 of SW 1/4 of Section 13, T 17N, R 21EW
 County: MANITOWOC DNR County Code: 36 Civil Town/City/ or Village: Schleswig Township Kiel

Sample Number	Length Recovered (in)	Blow Counts	Depth in Feet	Soil/Rock Description And Geologic Origin For Each Major Unit	USCS	Graphic Log	Well Diagram	PID/FID	Soil Properties				RQD/ Comments
									Standard Penetration	Moisture Content	Liquid Limit	Plastic Limit	
16 10 24	1 2 3 4 5 6	1 2 3 4 5 6	1	SAND, trace gravel, moist, fine to medium grained, no odor, brown	SP	[Dotted pattern]	[Well diagram]						
			2	petroleum odor, wet									
			3										
			4	medium to coarse grained, saturated, strong petroleum odor, gray									
			5										
			6										
				Boring completed at 6 ft.									

I hereby certify that the information on this form is true and correct to the best of my knowledge.
 Signature: Susan M. Lawrence Firm: GHD, Inc.

This form is authorized by Chapters 144.147 and 162, Wis. Stats. Completion of this report is mandatory. Penalties: Forfeit not less than \$10 nor more than \$5,000 for each violation. Fines not less than \$10 or more than \$100 or imprisoned not less than 30 days, or both for each violation. Each day of continued violation is a separate offense, pursuant to ss 144.99 and 162.06 Wis. State