

State of Wisconsin \ DEPARTMENT OF NATURAL RESOURCES

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

Shawano Office
647 Lakeland Rd.
Shawano, Wisconsin 54166-3843
Telephone 715-524-2183
FAX 715-524-3214

August 31, 2000

COPY

Mr. John Dunbar
1020 S. Main St.
Seymour, WI 54165

Subject: Closure Approval, with Restrictions for former Dunbar Service Station, 1020 S. Main St., Seymour, WI; WDNR # 03-45-000013.

Dear Mr. Dunbar:

The Department's Case Closeout Committee in the Northeast Region has completed a review of the above-referenced petroleum contamination case and has approved it for closure. Your case closure letter has the following two significant parts:

1. General case closure criteria.
2. Groundwater Use Deed Restriction

Please read this entire letter. It addresses each of these topics with subtitled indented paragraphs.

1. General Case Closure

The case closure panel reviews environmental remediation cases for compliance with state laws, standards, and guidelines to maintain consistency in the closeout of cases. At the present 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 this state. 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 back to past or future activities at this site. If additional information in the future indicates that further investigation or cleanup is warranted, the Department will require that appropriate action be taken at that time.

2. Deed Notice of Remaining On-site Groundwater Contamination.

Groundwater contamination in excess of NR140 Enforcement Standards for benzene remains at the site. However monitoring data indicates that natural attenuation will remediate the remaining contamination in a reasonable period of time. As a condition of closure, the Department is requiring that a groundwater use restriction be placed on the property deed indicating this condition and special requirements that will be necessary to construct a well on the property.

Please send me a copy of the current property deed as filed with the Outagamie County Register of Deeds. The deed must have a detailed property description and the name of the current property owner. A certified survey map if available, should also be included. The Department will prepare the groundwater use restriction based on this information and return it to the appropriate person for

filing at the register of deed office. Please note that the current property owner or an authorized representative must sign the notice.

The Department appreciates the actions you have undertaken to restore the environment at this site. This case will appear as closed on the Department's case tracking system after our receipt of 1) the monitoring well abandonment forms (Form 3300-05B) for all monitoring wells related to this case and 2) documentation that the deed document has been filed at the register of deeds office.

If you have questions regarding this letter, you may contact me at (715) 526-4230.

Sincerely,

A handwritten signature in black ink that reads "Tom Sturm". The signature is written in a cursive, slightly slanted style.

Tom Sturm
Hydrogeologist
Remediation and Redevelopment Program
E-mail: sturmt@dnr.state.wi.us

C: James B. Hutchison – Foth and Van Dyke, PO Box 19012, Green Bay, WI 54307-9012

984062

STATE BAR OF WISCONSIN - FORM 5
PERSONAL REPRESENTATIVE'S DEED
THIS SPACE RESERVED FOR RECORDING DATA
REGISTER'S OFFICE
OUTAGAMIE COUNTY, WI
RECEIVED AND RECORDED ON

John Dunbar

as Personal Representative of the estate of
Ivan Dunbar s/r/a Ivan H. Dunbar

for a valuable consideration conveys without warranty to John Dunbar
and Alice Dunbar, his wife, as joint tenants.

the following described real estate in Outagamie County,
State of Wisconsin (hereinafter called the "Property")

All of Lot 11, in Block "H", City of Seymour,
Outagamie County, Wisconsin, according to the
recorded Assessor's Plat of said City, less and
excepting the premises described in Volume 439 of Deeds,
at page 545, and Volume 444 of Deeds at page 309.

Tax Key No. _____

RETURN TO Pierre & Wittlin, Attys.

This Deed is given in satisfaction of a Land Contract dated March 15, 1975
and recorded March 19, 1975 at 9:00 a.m. in Volume 973 of Records, Page
321, Outagamie County Registry Document Number 692919.

Lois Dunbar Gustafson is joining in the signing of this Deed for the purpose of
indicating her consent to the transfer of this property in satisfaction of the Land
Contract from her father's estate to her brother who is the named personal representative
in the estate.

Rate of 10¢ per \$100.00
TRANSFER
30.00
FEE

Personal Representative by this deed does convey to Grantee all of the estate and interest in the Property which the
Decedent had immediately prior to Decedent's death, and all of the estate and interest in the Property which the Personal
Representative has since acquired. Dated this 21st day of June, 1990.

Lois Dunbar Gustafson (SEAL)
Lois Dunbar Gustafson
Personal Representative

John Dunbar (SEAL)
John Dunbar
Personal Representative

AUTHENTICATION

Signatures authenticated this 21st day of
June 19 90

Attorney Perry D. Pierre

TITLE: MEMBER STATE BAR OF WISCONSIN
(If not, _____
authorized by § 706.06, Wis. Stats.)

This instrument was drafted by

Attorney Perry D. Pierre
Seymour, Wisconsin 54165

(Signatures may be authenticated or acknowledged. Both
are not necessary.)

ACKNOWLEDGMENT

STATE OF WISCONSIN

Personally came before me, this _____ day of _____
the above named _____

to me known to be the person _____ who executed the fore-
going instrument and acknowledged the same.

Notary Public _____ County, Wis.
My Commission is permanent. (If not, state expiration
date: _____, 19____)

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

1384934

Document Number

GROUNDWATER USE RESTRICTION

3/12

Declaration of Restrictions

In Re: All of Lot 11, in Block "H" City of Seymour, Outagamie County, Wisconsin, according to the recorded Assessor's Plat of said City, less and excepting the premises described in Volume 439 of Deeds, at page 545, and Volume 444 of Deeds at page 309.

OUTAGAMIE COUNTY
RECEIVED FOR RECORD

NOV - 2 2000

AT 9 O'CLOCK A.M. P.M.
JANICE FLENZ
REGISTER OF DEEDS

pd
1600

Recording Area

Name and Return Address

Mark R. Feldmann
Menn, Teetaert & Beisenstein, Lt
P.O. Box 785
Appleton, WI 54912-0785

STATE OF WISCONSIN)
) ss
COUNTY OF OUTAGAMIE)

Parcel Identification Number (PIN)

WHEREAS, John Dunbar and Alice Dunbar are the owners of the above-described property.

WHEREAS, one or more petroleum discharges have occurred on this property. Petroleum contaminated groundwater above ch. NR 140, Wis. Adm. Code, enforcement standards existed on this property at the following monitoring wells on the following dates: MW-3, benzene at 54 micrograms per liter (ug/L) on February 28, 2000; MW-4, 11 ug/L on May 12, 1992; MW-5, 6.5 ug/L on February 28, 2000; MW-6, 63 ug/L on February 28, 2000. Locations of monitoring wells are depicted on Figure 1, attached and incorporated as 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 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 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.

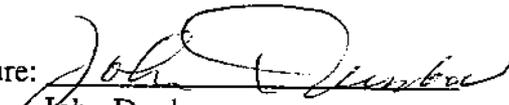
If construction is proposed on this property that will require dewatering, or if groundwater is to be otherwise extracted from this property, while this groundwater use restriction is in effect, the groundwater shall be sampled and analyzed for contaminants that were previously detected on the property 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.

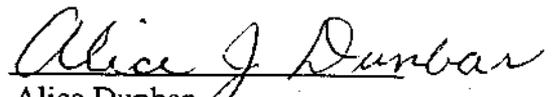
Any person who is or becomes owner of the property described above may request that the Wisconsin Department of Natural Resources or its successor issue a determination that one or more of the restrictions set forth in this covenant is no longer required. Upon the receipt of such a request, the Wisconsin 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 18th day of OCTOBER, 2000.

Signature:


John Dunbar

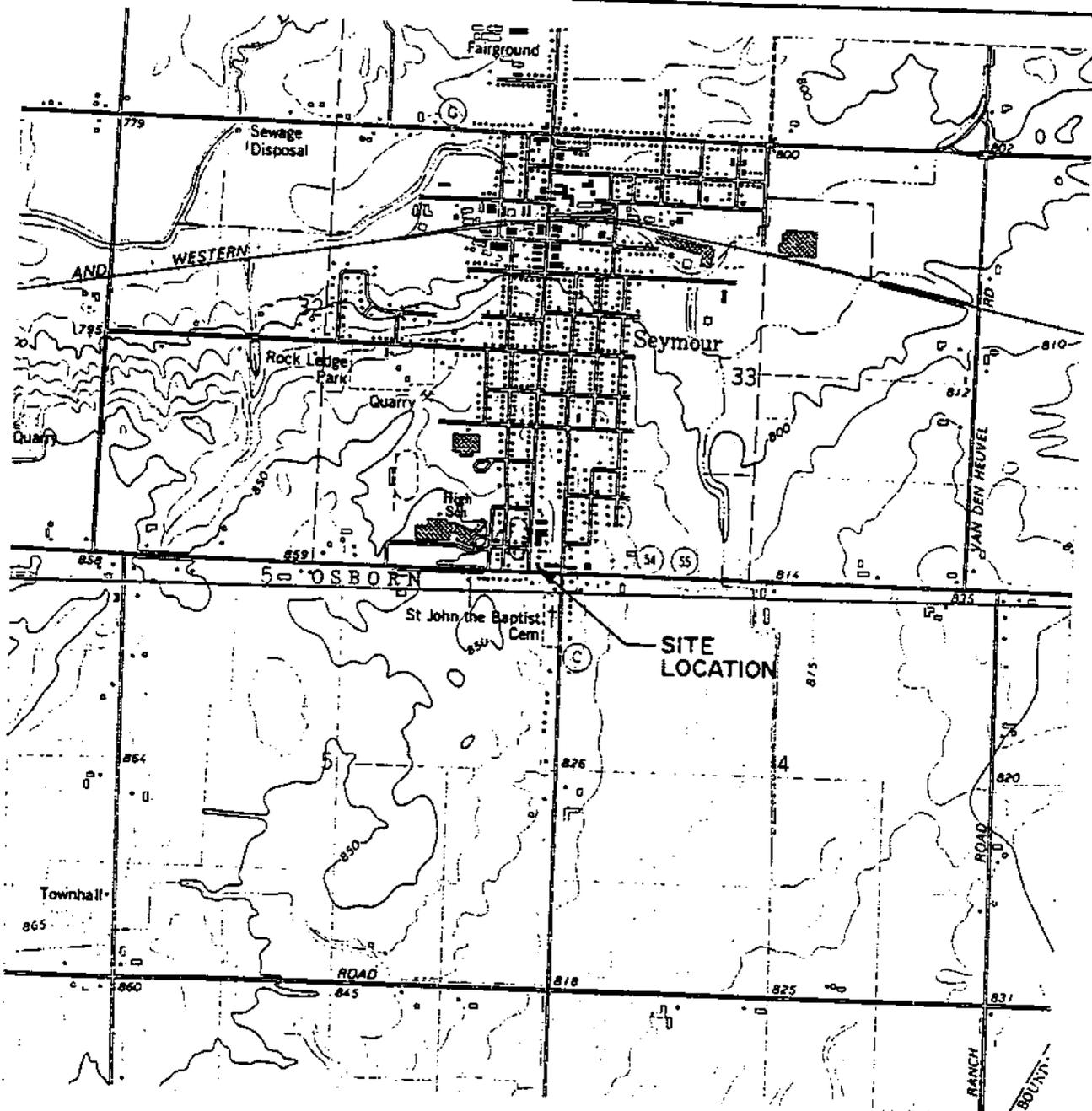
Signature:


Alice Dunbar

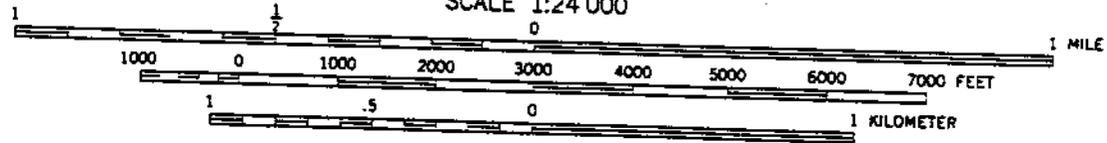
Subscribed and sworn to before me
this 18th day of October, 2000.

Mark R. Feldman
Notary Public, State of Wisconsin
My commission is permanent

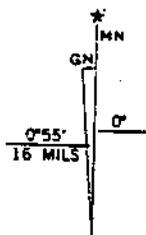
This document was drafted by the Wisconsin Department of Natural Resources based on information provided by John Dunbar.



SCALE 1:24 000



CONTOUR INTERVAL 10 FEET
NATIONAL GEODETIC VERTICAL DATUM OF 1929



(FORMER) DUNBAR SELF SERVICE	
FIGURE 2-1	
GENERAL SITE LOCATION AND SURROUNDING FEATURES	
Scale: AS SHOWN	Date: AUGUST, 1990
Prepared by: Foth & Van Dyke	
By: JOW	

MODIFIED FROM USGS 7.5 MINUTE
QUADRANGLES SEYMOUR, WI (1974)
AND FREEDOM, WI. (1974)

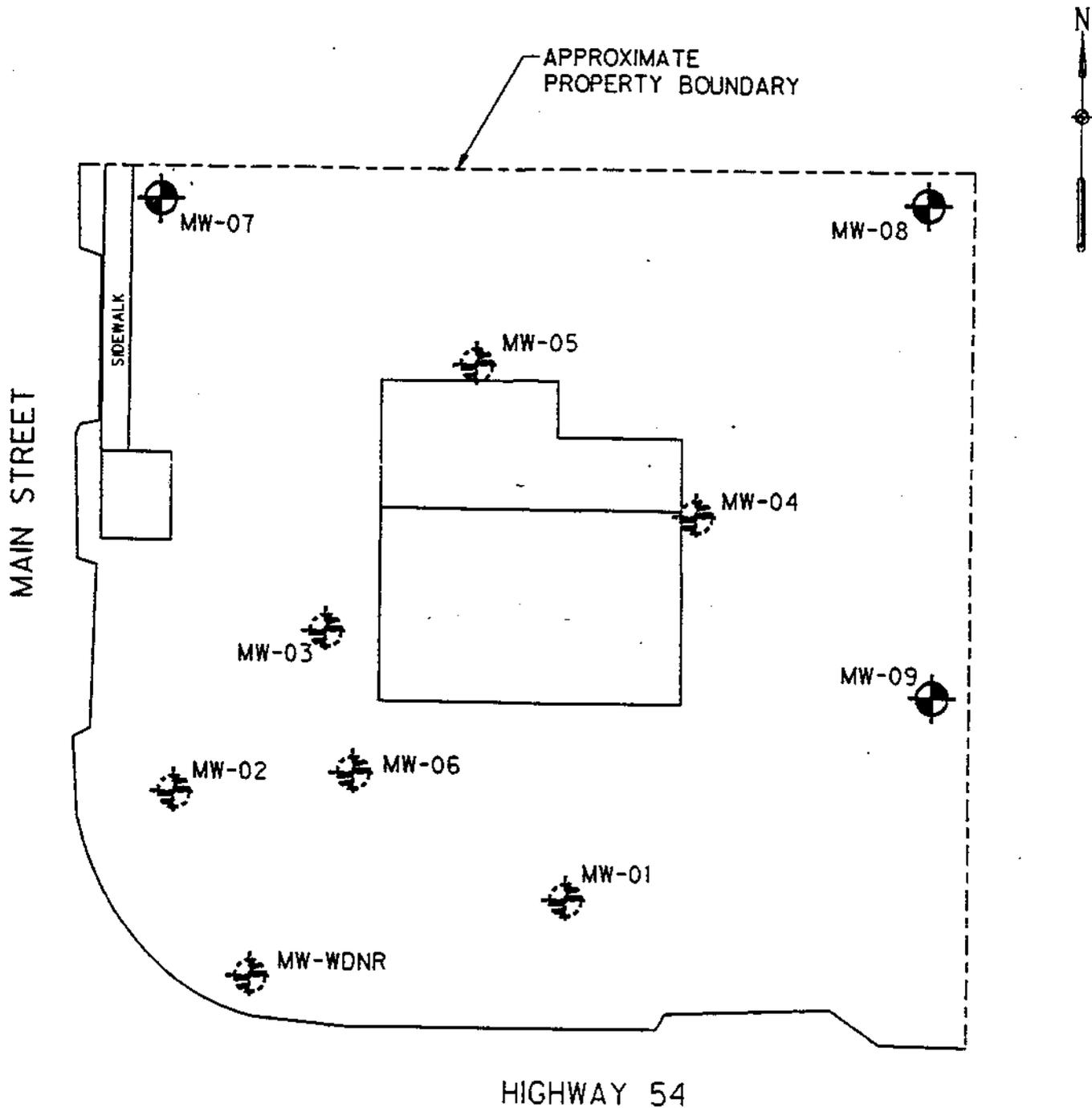


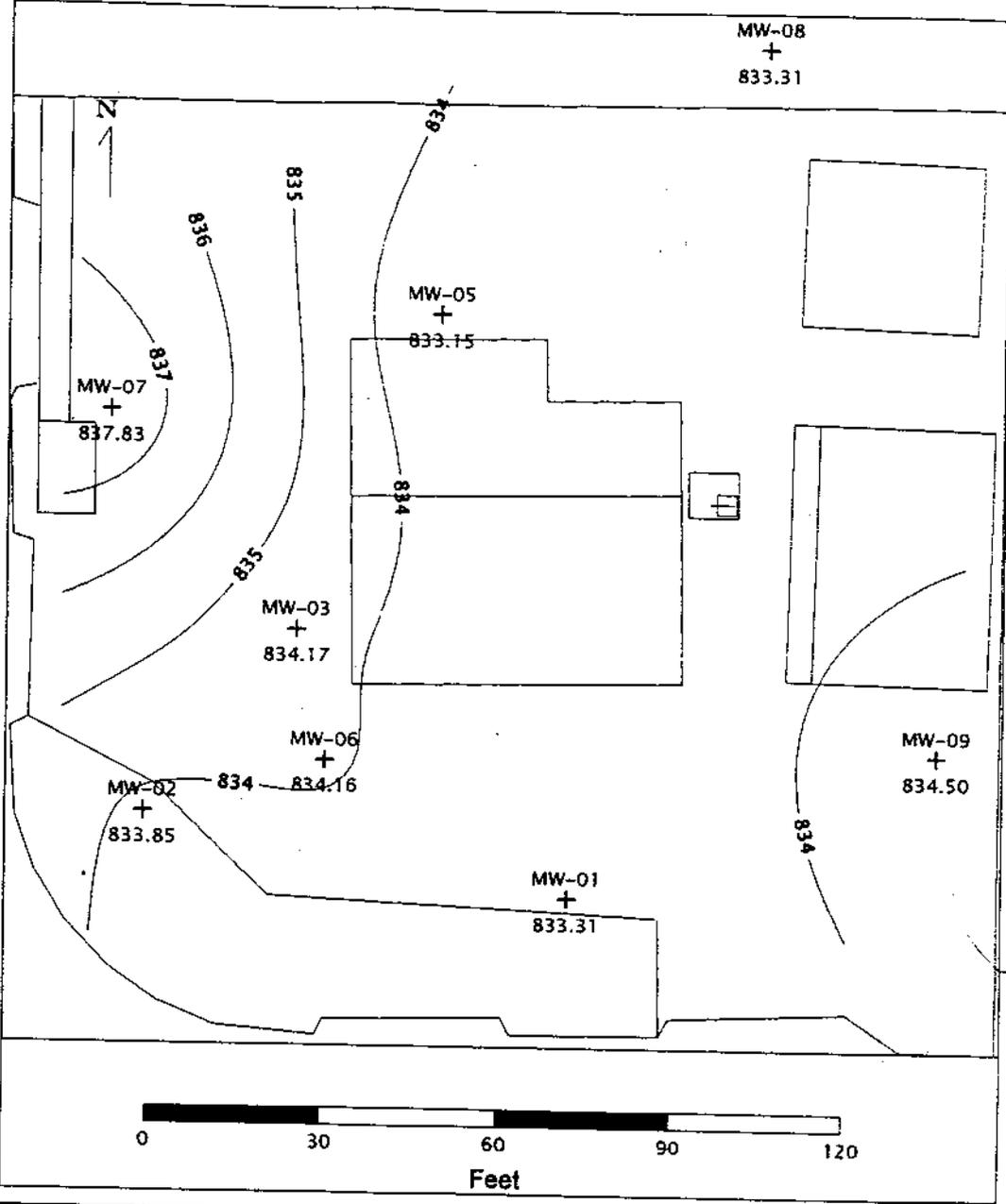
Figure 1

LEGEND

- APPROXIMATE BOUNDARY LINE
-  MW-06 MONITORING WELL
-  MW-07 MONITORING WELL

(FORMER) DUNBAR SELF SERVICE		
MONITORING WELL LOCATIONS		
Scale:	1" = 30'	Date: JULY 1991
Prepared By:	Foth & Van Dyke	By: JRB

February 2000



(FORMER) DUNBAR SELF SERVICE

GROUNDWATER TRENDS

Groundwater
Elevation (MSL)

Scale: As Shown

Date Prepared: May 2000

Prepared By: Foth & Van Dyke

By: SGL

Table 3 (Continued)

Wells	Benzene ($\mu\text{g/l}$)	Ethylbenzene ($\mu\text{g/l}$)	Toluene ($\mu\text{g/l}$)	Total Xylenes ($\mu\text{g/l}$)	Methyl-tert butyl ether ($\mu\text{g/l}$)	Lead ($\mu\text{g/l}$)
MW-02						
Nov 90	11	<0.5	7	84	<1	29
Oct 91	9.3	3.3	<1.0	8.3	5.0	<2.0
Feb 92	10	87	4.2	42	5.5	<2.0
May 92	14	31	11	27	<5.0	9.2
Sep 92	4.1	19	2.2	7.3	3.6	<2.0
Nov 92	15	45	7.6	48	8.0	<2.0
Feb 93	220	79	36	40	47	<2.0
May 93	37	59	21	110	49	<6.0
Aug 93	8.1	24	8.9	31	38	<2.0
Nov 93	6.4	15	2.1	3.3	<1.0	3.2
Feb 94	760	130	550	360	140	<2.0
May 94	67	57	17	91	<5.0	<1.0
Aug 94	31	25	7.7	31.7	<1.0	<2.0
Nov 94	23	16	2.4	4.2	<1.0	<2.0
Feb 95	8.3	12	1.7	4.3	<1.0	<2.0
May 95	9.0	23	9.2	50.5	12	<2.0
Oct 95	2.1	2.1	<1.0	1.8	<1.0	<2.0
Apr 96	1.2	4.6	1.6	10.3	<1.0	<2.0
Oct 96	27	2	<1.4	<5.6	4.6	<2.0
Jan 97	<1	<1.1	<1	<3.6	<0.98	<1.9
April 97	4.4	16	3.7	28.5	<0.29	<0.59
Oct 97	5.6	16	3.8	25.7	<0.53	<1.5
Jan 98	1100	64	64	11.7	110	<1.5
April 98	23	22	22	33.7	2.3	<1.8
Dec 99	270	76	3.2	10.0	NP	<1.4
Feb 00	1.4	1.9	<0.52	1.4	<0.47	<2.4

Table 3 (Continued)

Wells	Benzene (µg/l)	Ethylbenzene (µg/l)	Toluene (µg/l)	Total Xylenes (µg/l)	Methyl-tert butyl ether (µg/l)	Lead (µg/l)
MW-03						
Nov 90	150	9	36	340	14	14
Oct 91	200	<5.0	35	27	16	2.7
Feb 92	1600	210	360	490	100	<2.0
May 92	9.6	130	<5.0	100	5.8	2.2
Sep 92	92	15	4.8	9.1	2.9	<2.0
Nov 92	59	21	45	40	2.5	<2.0
Feb 93	700	380	150	490	25	<2.0
May 93	280	240	41	360	250	<6.0
Aug 93	150	65	9.1	48	45	<2.0
Nov 93	690	390	260	570	<20	<2.0
Feb 94	3000	<100	580	1400	430	<2.0
May 94	58	30	18	111	<10	<1.0
Aug 94	25	3.9	1.5	7.2	<1.0	<2.0
Nov 94	150	12	4.4	17.4	3.6	<2.0
Feb 95	NS	NS	NS	NS	NS	NS
May 95	28	5.2	1.9	21.9	5.7	<2.0
Oct 95	87	29	3.0	17.2	3.5	<2.0
Apr 96	87	180	8.9	136.4	8.3	<2.0
Oct 96	980	620	180	355	22	<2.0
Jan 97	500	250	110	500	<9.8	<1.9
April 97	19	14	1.2	22.7	<0.29	<0.59
Oct 97	1100/960	520/450	270/230	261/234	11/10	<1.5/<1.5
Jan 98	2000/1600	810/700	530/470	1010/880	18/33	<1.7/<1.7
April 98	230	37	51	242	4.4	<1.8
Dec 99	1800	640	470	600	NP	2.8
Feb 00	54	74	12	134	<2.4	3.8
MW-04(a)						
Nov 90	360	18	49	260	14	22
Oct 91	1500	520	530	7100	<25	<2.0
Feb 92	2100	<200	470	15000	<200	<2.0
May 92	11	150	320	720	<5.0	<2.0

Table 3 (Continued)

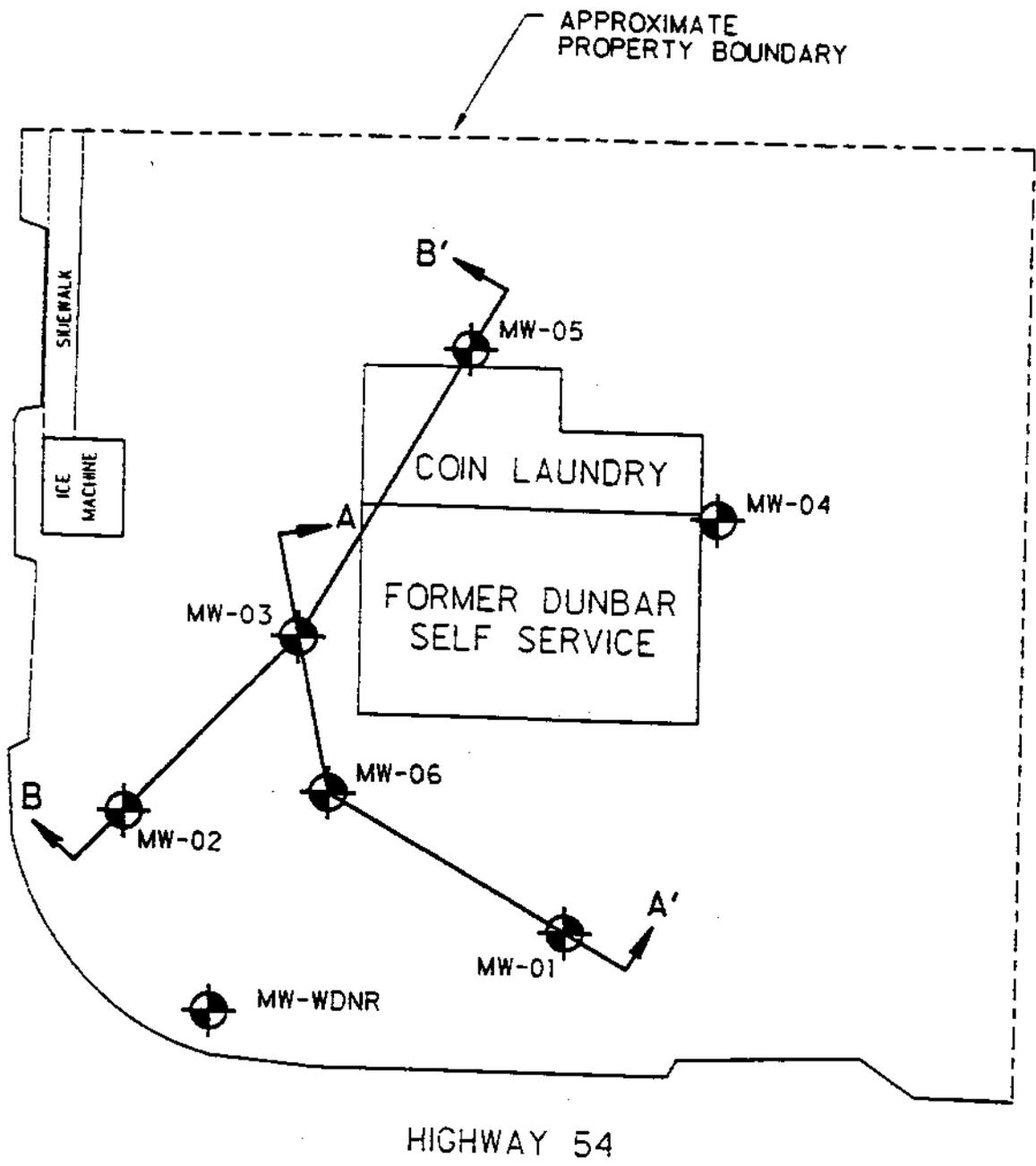
Wells	Benzene ($\mu\text{g/l}$)	Ethylbenzene ($\mu\text{g/l}$)	Toluene ($\mu\text{g/l}$)	Total Xylenes ($\mu\text{g/l}$)	Methyl-tert butyl ether ($\mu\text{g/l}$)	Lead ($\mu\text{g/l}$)
MW-05						
Nov 90	12	<0.5	2	53	<1	24
Oct 91	11	<1.0	<1.0	10	<1.0	<2.0
Feb 92	38	<1.0	47	94	<1.0	<2.0
May 92	1.6	<1.0	1.2	15	<1.0	<2.0
Sep 92	19	4.7	13	47	2.0	<2.0
Nov 92	4300	1600	12000	8700	<200	20
Feb 93	1000	1300	5000	8000	<50.0	4.3
May 93	1700	1600	7900	10000	<100	<6.0
Aug 93	11000	4700	18000	27000	490	<3.7
Nov 93	1300	4500	5800	21000	<200	<2.0
Feb 94	360	3800	2500	20000	240	NP
May 94	100	300	430	1900	<20	<1.0
Aug 94	76	260	140	4100	<25	<2.0
Nov 94	78	960	710	6600	<25	3.3
Feb 95	<60	1100	140	9800	<100	23
May 95	5.8	24	7.4	208	<5.0	<2.0
Oct 95	34	110	10	1440	<10.0	<2.0
Apr 96	100	65	160	980	<5.0	<2.0
Oct 96	490	1100	2200	8900	<160	6.0
Jan 97	<50	700	900	7100	<49	5.6
April 97	1500	1000	3200	8600	69	<0.59
Oct 97	1500	1800	6600	11700	<26	7.1
Jan 98	53	1500	2400	11600	<13	5.1
April 98	<1	34	2.2	560	1.6	<1.8
Dec 99	30	<11	<10	57	NP	3.5
Feb 00	6.5	14	9.4	27	<2.4	<2.4

Table 3 (Continued)

Wells	Benzene (µg/l)	Ethylbenzene (µg/l)	Toluene (µg/l)	Total Xylenes (µg/l)	Methyl-tert butyl ether (µg/l)	Lead (µg/l)
MW-06						
Nov 90	140	5	240	770	6	18
Oct 91	1100	360	590	590	50	<2.0
Feb 92	240	270	50	72	<5.0	<2.0
May 92	100	160	16	81	<5.0	<2.0
Sep 92	570	530	900	950	<25	<2.0
Nov 92	350	390	760	760	8.9	<2.0
Feb 93	120	220	18	40	<10.0	<2.0
May 93	87	130	6.2	120	2.8	<6.0
Aug 93	160	250	77	190	9.1	330
Nov 93	550	880	240	750	<25	3.7
Feb 94	1000	1200	4500	3300	220	<2.0
May 94	140	350	110	750	<10	<1.0
Aug 94	150	480	28	110	<10	<2.0
Nov 94	360	670	41	44	31	<2.0
Feb 95	530	920	82	203	33	<2.0
May 95	140	510	5.0	44	7.2	<2.0
Oct 95	95	330	8.8	19.8	5.6	<2.0
Apr 96	160/110	360/240	61/50	89/106	6.0/4.3	<2.0
Oct 96	49/48	200/200	4.5/3.4	<11.2/<11.2	<3.1/<3.1	<2.0/<2.0
Jan 97	140/150	440/450	42/43	148/158	<4.9/<9.8	<1.9/<1.9
April 97	17/16	18/17	1.8/1.5	19.5/16.2	<0.29/<0.29	<0.59/<0.59
Oct 97	27	120	4.1	3.93	<0.53	<1.5
Jan 98	220	380	31	30	26	<1.5
April 98	5.4/5.5	0.49/0.51	<0.21/<0.37	<0.37/<0.97	<0.22/<0.22	<1.8/<1.8
Dec 99	30	54	5.4	15.7	NP	<1.4
Feb 00	63	480	38	274	<9.4	<2.4



MAIN STREET



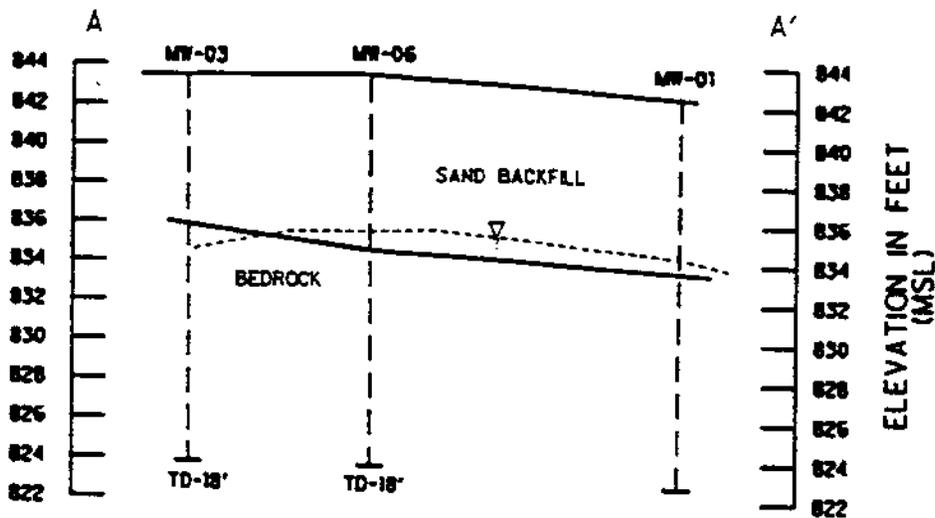
LEGEND

-  APPROXIMATE BOUNDARY LINE
-  MW-01 MONITORING WELL
-  CROSS SECTION LOCATION

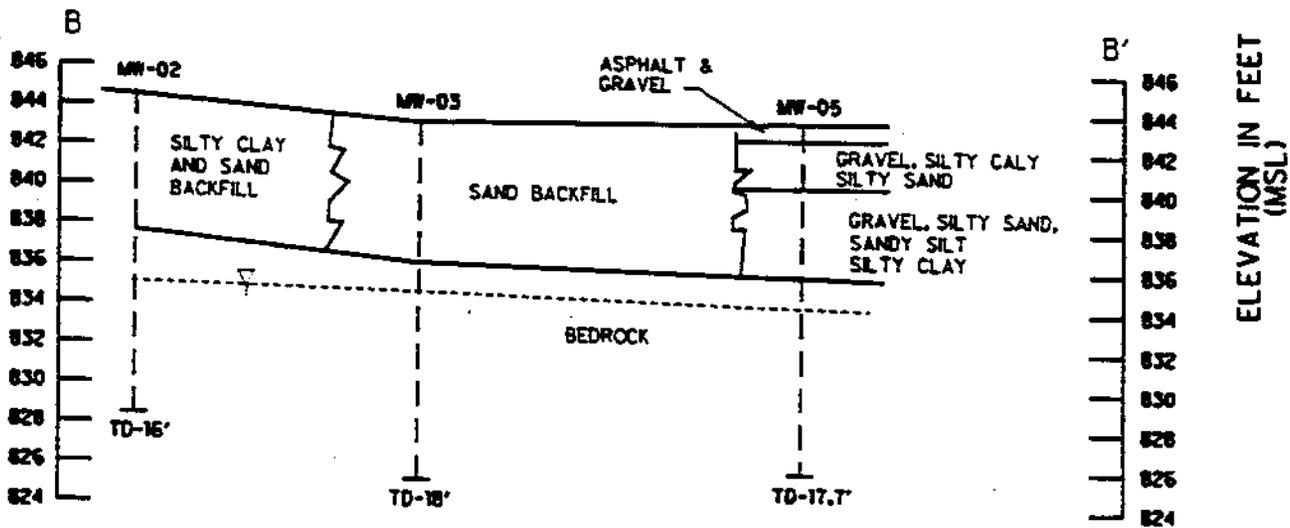
20

(FORMER) DUNBAR SELF SERVICE	
FIGURE 3-4	
MONITORING WELL LOCATIONS	
Scale: 1" = 30'	Date: JANUARY, 1991
Prepared By: Foth & Van Dyke	By: SAG

LOOKING NORTHEAST



LOOKING NORTHWEST



LEGEND

---▽--- WATER ELEVATION IN THE BEDROCK

(FORMER) DUNBAR SELF SERVICE	
<p>FIGURE 3-5</p> <p>SUBSURFACE CROSS-SECTIONS</p>	
Scale: HORIZONTAL: 1" = 30' VERTICAL: 1" = 10'	Date: JANUARY, 1991
Prepared By: Foth & Van Dyke	By: JOY