

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

September 13, 2000

COPY

Mr. Rick Kjolsing
Farm Credit Service Agribank
PO Box 3189
Mankato, MN 56002-3189

Subject: Case Closure with Restrictions for Farm Credit Services Property (Former Roffers Farm), W2572 Angling Rd., Seymour, WI; DNR BRRT's # 03-45-000048.

Dear Mr. Kjolsing:

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 three significant parts:

1. General case closure criteria.
2. Groundwater Use Deed Restriction
3. Soil Landspreading Site Closure

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, Wisconsin Administrative Code Groundwater Quality Enforcement Standards 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

DRAFT

Declaration of Restrictions

In Re: Property in Outagamie County, Wisconsin described in Attachment A, incorporated and made part of this restriction, recorded in Volume 16 Certified Survey Maps, Page 3057, Certified Survey Map no. 3057 as Document no. 125412 being part of the Southeast One-quarter of the Northeast One-Quarter (SE1/4-NE1/4), Section Four (4), Township Twenty-four (24) North, Range Eighteen (18) East in the Town of Seymour, Outagamie County, Wisconsin.

Recording Area

Name and Return Address

STATE OF WISCONSIN)
) ss
COUNTY OF _____)

Parcel Identification Number (PIN)

WHEREAS, Joseph L. Resch and Denise J. Resch, husband and wife 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 locations on the following dates: Monitoring Well MW-6, Benzene at 65 micrograms per liter (ug/L) on July 15, 1999; MW-2, Naphthalene at 303 ug/L on July 18, 1994. Locations of monitoring wells are indicated on Figure 1, attached and incorporated into 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 _____ day of _____, 20____.

Signature: _____
Joseph L. Resch

Signature: _____
Denise J. Resch

Subscribed and sworn to before me
this _____ day of _____, 20____.

Notary Public, State of _____
My commission _____

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



Stock No. 26273

(3 Sheets)

STATE OF WISCONSIN
OUTAGAMIE COUNTY)

CSM 3057

I, Mark L. Jones, Registered Land Surveyor, hereby certify:

That I have surveyed and mapped the property described and represented on this certified survey map.

That I have made such survey and map by the direction of Louis & Ivy Williamson.

That such survey and map is a correct representation of the exterior boundaries of the land surveyed, described as:

Part of the NE1/4 NE1/4 and part of the SE1/4 NE1/4, Section 4, T24N, R18E, Town of Seymour, Outagamie County, Wisconsin;

Commencing at the Bernsten monument on the northeast corner of Section 4;

Thence S04°30'49"E along the east line of Section 4, 24.89 feet an iron rod stake and the Point Of Beginning

Thence S04°30'49"E along the east line of Section 4, 2186.50 feet an iron rod stake on the north right-of-way line of Angling Road;

Thence continue S04°30'49"E along the east line of Section 4, 37.83 feet to the centerline of Angling Road which is the beginning of a circular curve concave to the Northwest which has a radius of 750.00 feet and a central angle of 19°35'27";

Thence Southwesterly along the centerline of Angling Road 256.44 feet to a point of tangency which is measured by a chord of 255.20 feet and bears S66°15'16.5"W;

Thence S76°03'00"W continuing along the centerline of Angling Road 1046.08 feet to the east-west quarter line of Section 4;

Thence S89°59'48"W continuing along the centerline of Angling Road also being the east-west quarter line 84.07 feet to the 1/16 corner;

Thence N03°03'03"W along the 1/16 line 33.04 feet to an iron rod stake on the north right-of-way line of Angling Road;

Thence continue N03°03'03"W along the 1/16 line 2560.49 feet to an iron rod stake;

Thence S89°15'56"E, 1236.24 feet to an iron rod stake;

Thence S88°26'11"E, 59.76 feet to the Point Of Beginning containing 3,225,758 square feet (74.053 acres) and subject to restrictions, reservations, rights-of-way and easements of record.

That I have complied with the provisions of Chapter 236.34 of the Wisconsin Statutes in surveying, dividing and mapping the same.

Dated this 14th day of January, 1998.



Mark L. Jones
 Mark L. Jones
 Registered Land Surveyor, S-2382

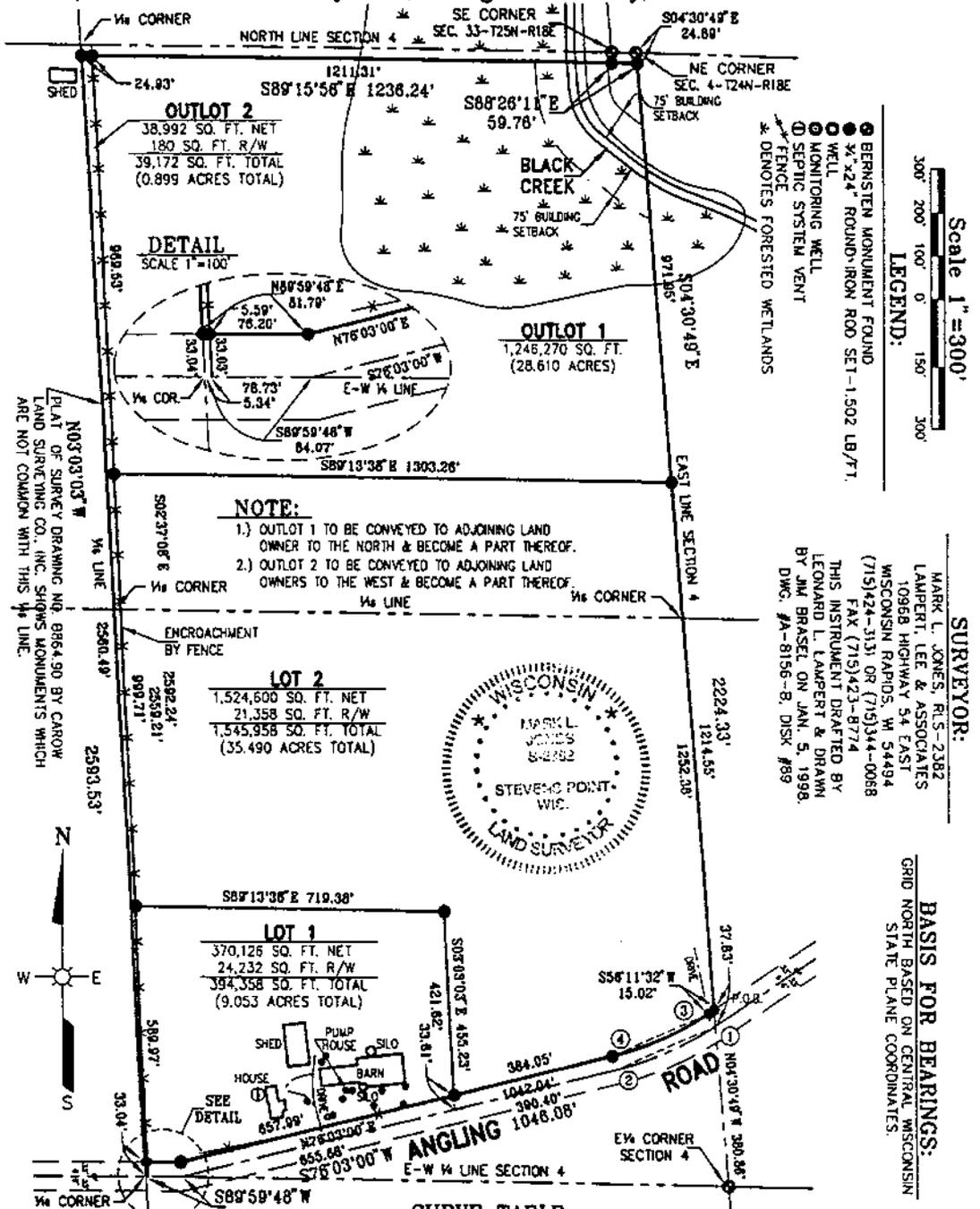


OUTAGAMIE COUNTY CERTIFIED SURVEY MAP NO. 3057

FOR

Louis & Ivy Williamson

Part of the NE $\frac{1}{4}$ NE $\frac{1}{4}$ & part of the SE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 4, T24N, R18E,
Town of Seymour, Outagamie County, Wisconsin.



Scale 1"=300'



SURVEYOR:

MARK L. JONES, R.T. - 2382
LAMPERT, LEE & ASSOCIATES
10968 HIGHWAY 54, EAST
WISCONSIN RAPIDS, WI 54494
(715)24-3131 OR (715)344-0068
FAX (715)423-8774
THIS INSTRUMENT DRAFTED BY
LEONARD L. LAMPERT & DRAWN
BY JIM BRASEL ON JAN. 5, 1998.
DWG. #A-8156-B, DISK #89

BASIS FOR BEARINGS:

GRID NORTH BASED ON CENTRAL WISCONSIN
STATE PLANE COORDINATES.

CURVE NO	LOT NO.	RADIUS LENGTH	CHORD BEARING	TANGENT BEARING	TANGENT BEARING	CENTRAL ANGLE	ARC LENGTH	CHORD LENGTH
1-2	2	750.00'	S66°15'16.5"W	S56°27'33"W	N76°03'00"E	19°35'27"	256.44'	255.20'
3-4	2	717.00'	S66°07'16"W	S56°11'32"W	N76°03'00"E	19°51'28"	248.50'	247.26'

Drawing No. A-8156-B
Project No. 97-318
Approved By:

Page 1 of Sheet 1
Sheet 1 of 3 Sheets
J.A.B. - Jan 14, 1998, 14:55:55

CSM
Vol. P.
Doc'L

PLAT OF SURVEY DRAWING NO. 8964-90 BY CARROW LAND SURVEYING CO., INC. SHOWS MONUMENTS WHICH ARE NOT COMMON WITH THIS LINE.

Stock No. 26273

(3 Sheets)

OUTAGAMIE COUNTY REVIEW

CSM 3057

This certified Survey Map has been reviewed by the Outagamie County Planning Department

David Johnson 1-15-98

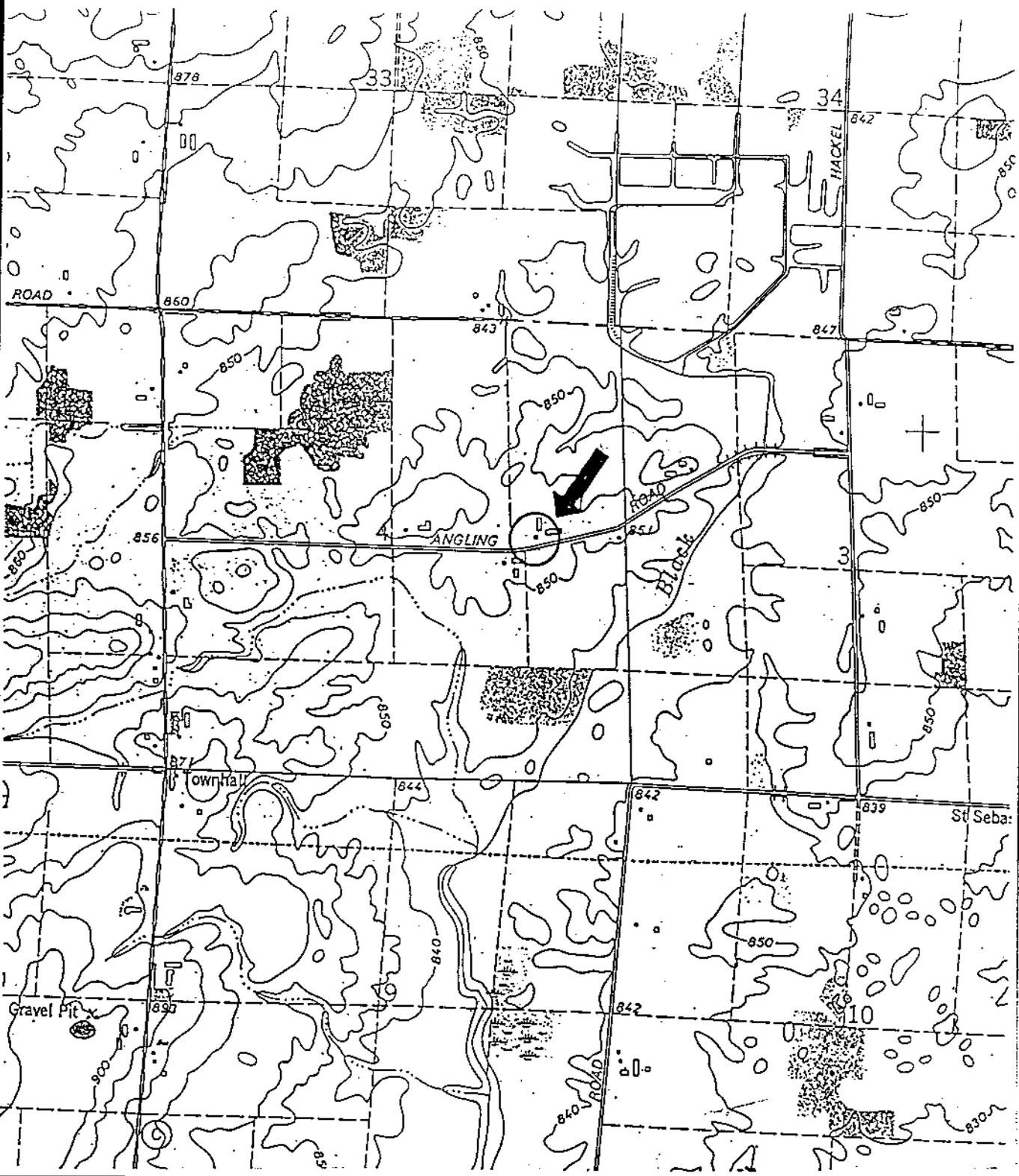
NOTES:

- (1) THIS C.S.M. IS ALL OF TAX PARCEL NUMBER(S): 19-0-0059-00-4 AND 19-0-0062-00-4.
- (2) THE PROPERTY OWNER(S) OF RECORD IS (ARE): AGRIBANK, FCB AND LOUIS & IVY WILLIAMSON AS LAND CONTRACT HOLDERS.
- (3) THE C.S.M. IS CONTAINED WHOLLY WITHIN THE PROPERTY DESCRIBED IN THE FOLLOWING RECORDED INSTRUMENT(S): JACKET 16807, IMAGE 9 AND JACKET 15269 IMAGE 6.

DOCUMENT # 1254512

RECEIVED FOR FILING THIS 15TH DAY OF JANUARY 1998 AT 3PM AND FILED IN
 VOLUME 16 OF CERTIFIED SURVEY MAPS ON PAGE 3057 AS NUMBER 3057.
 GRACE HERB, REGISTER OF DEEDS.

Pd 14.00



**ENVIRONMENTAL
ASSESSMENTS,
INC.**

Project/Client

**SITE LOCATION MAP
FORMER ROFFER'S FARM
SEYMOUR, WISCONSIN**

Figure No.

1

Drawn By

B/G

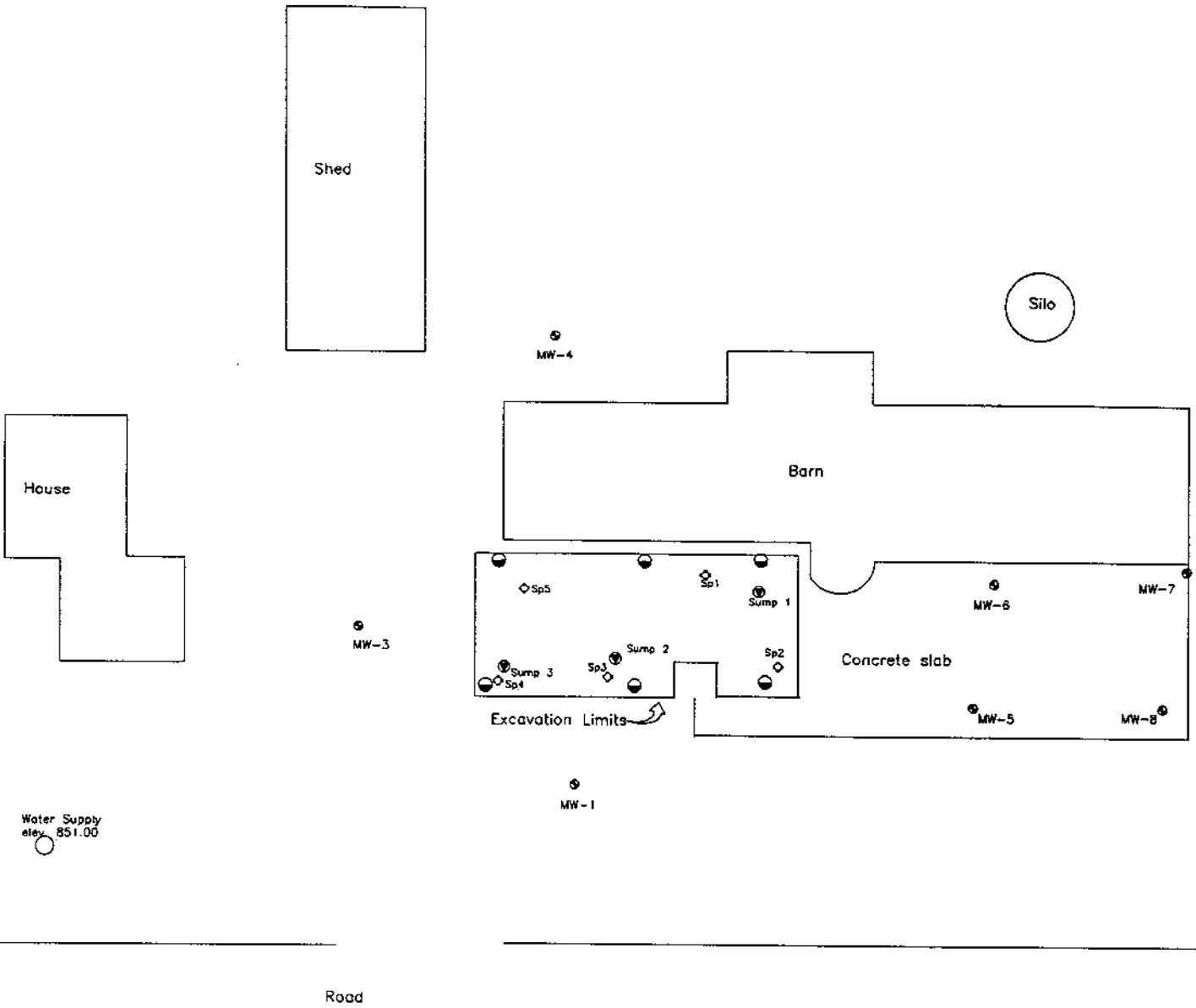
Scale

1" = 1,500'

Project No.

20079010594

(Map Source: USGS 7.5' Series Topographic Quad of Seymour)



LEGEND

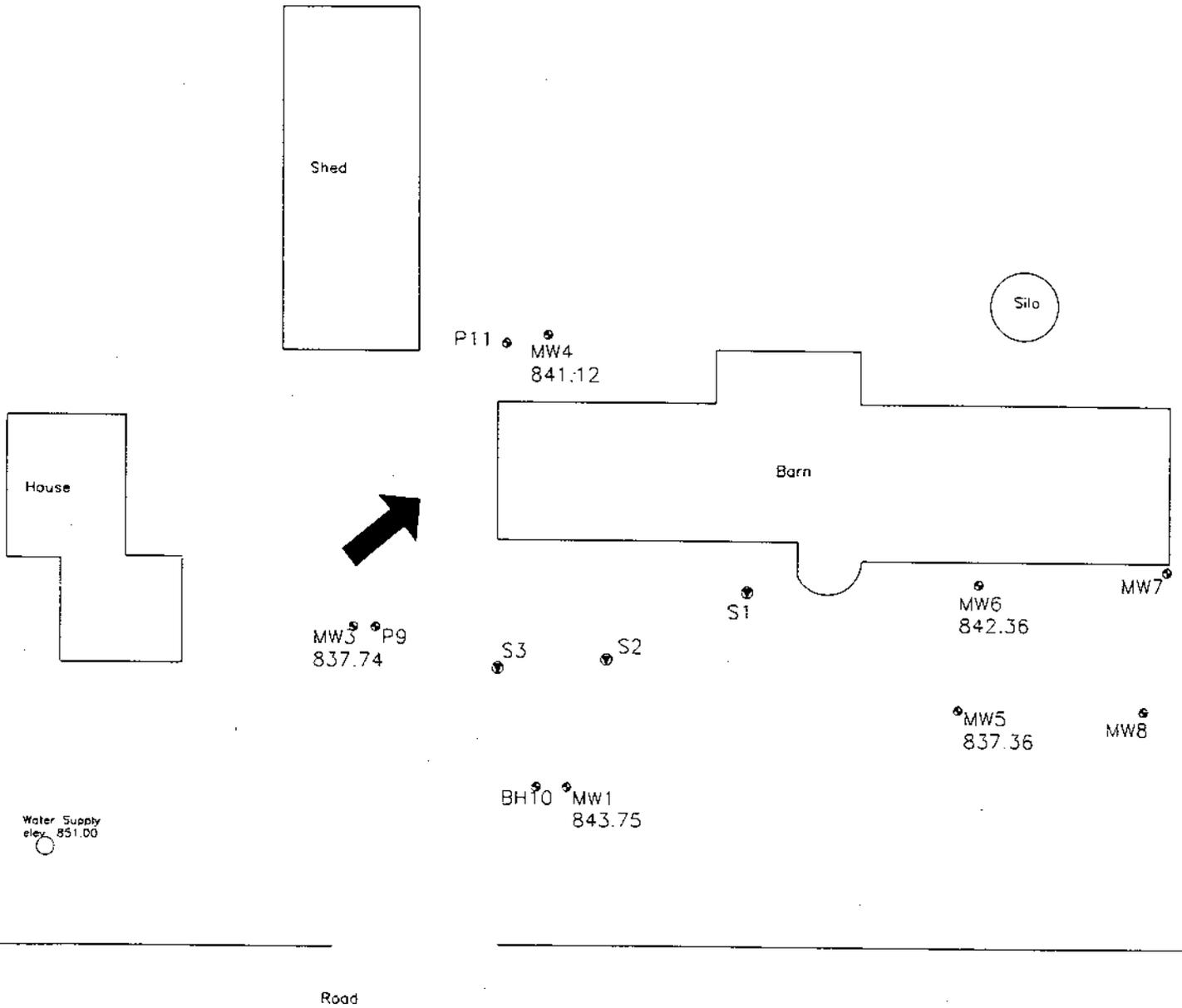
- Excavation Sump Location
- MW-2 = Monitoring Well Identification
- Passive Soil Venting Pipe Location
- ◇ Air sparging point



ENVIRONMENTAL
ASSESSMENTS, INC.
APPLETON, WISCONSIN

PROJECT/CLIENT	Roffer's Farm
TITLE	Post-excavation Site Layout Map

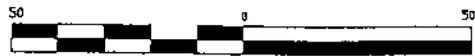
DRAWN BY	Mindy E. Moore
SCALE	1" = 50'
FIGURE NO	1



LEGEND

- ⊕ Excavation Sump Location
- ⊙ MW2 = Monitoring Well Identification

Groundwater Flow Direction, 4/7/99 is anisotropic though displays a somewhat NE trend

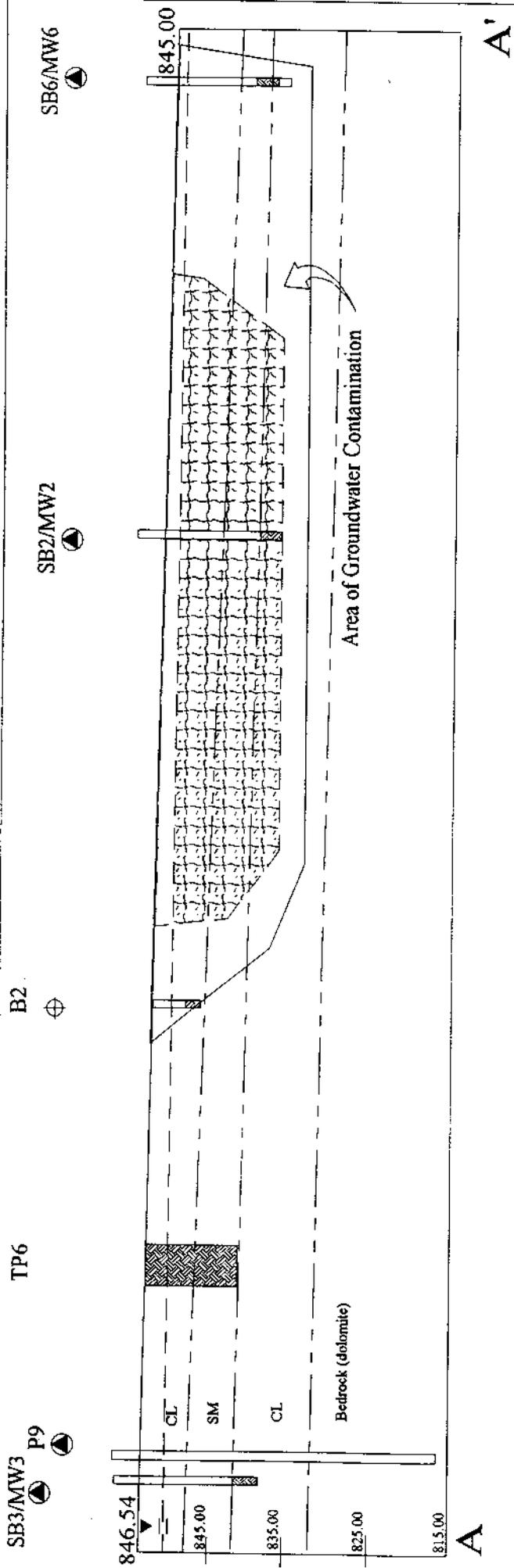


ENVIRONMENTAL ASSESSMENTS, INC. APPLETON, WISCONSIN	PROJECT/CLIENT Roffer's Farm	DRAWN BY Victoria Flowers
	TITLE Groundwater Elevations Map (4/9/99)	SCALE 1" = 70'
		FIGURE NO. 9

Groundwater Sampling Results

MW ID	Date	Benzene	Ethylbenzene	Toluene	Xylenes	TMB
MW1	07/18/94	<0.5	<0.6	<0.6	<1.7	<1.7
	12/05/94	<0.5	<0.6	<0.6	<1.7	<1.7
	03/06/95	<0.5	<0.6	<0.6	<1.7	<1.7
	06/02/95	<0.5	<0.6	<0.6	<1.7	<1.7
Post Excavation	08/22/95	<0.5	<0.6	<0.6	<1.7	<1.7
	01/17/96	<0.5	<0.6	<0.6	<1.7	<1.7
	08/20/96	<0.5	<0.6	<0.6	<1.7	<1.7
	11/22/96	<0.5	<0.6	<0.6	<1.7	<1.7
	08/28/97	1.3	<0.6	<0.6	<1.7	<1.7
	10/21/97	33	4	<0.6	<1.7	<1.7
	01/23/98	<0.5	<0.6	<0.6	<1.7	<1.7
	05/13/98	<0.5	<0.6	<0.6	<1.7	<1.7
	08/20/98	<0.5	<0.6	<0.6	<1.7	<1.7
	11/18/98	<0.5	<0.6	<0.6	<1.7	<1.7
	04/07/99	<0.32	<0.34	<0.35	<1	<0.64
MW2(S1)	07/18/94	462	1470	1350	550	<1.7
	12/05/94	270	323	<0.6	85	<1.7
	03/06/95	977	704	59	1270	<1.7
	06/02/95	708	1550	1740	7090	<1.7
Post Excavation	08/22/95	30	77	373	509	<1.7
	01/17/96	1170	126	433	529	<1.7
	03/19/96	44	<0.6	<0.6	1	<1.7
	04/17/96	882	<0.6	<0.6	<1.7	<1.7
	08/20/96	<0.5	<0.6	<0.6	<1.7	<1.7
	11/22/96	480	43	2.8	46	<1.7
	08/28/97	5.3	<0.6	<0.6	<1.7	<1.7
	10/21/97	<0.5	<0.6	<0.6	<1.7	<1.7
	01/23/98	2.4	<0.6	<0.6	<1.7	<1.7
	05/15/98	<0.5	<0.6	<0.6	<1.7	<1.7
	08/20/98	<0.5	<0.6	<0.6	<1.7	<1.7
	11/18/98	<0.5	<0.6	<0.6	<1.7	<1.7
	04/07/99	<0.32	<0.34	<0.35	<1	<0.64
07/15/99	<0.32	<0.34	<0.35	<1	<0.64	
MW3	07/18/94	<0.5	<0.6	<0.6	<1.7	<1.7
	12/05/94	<0.5	<0.6	<0.6	<1.7	<1.7
	03/06/95	<0.5	<0.6	<0.6	<1.7	<1.7
	06/02/95	<0.5	<0.6	<0.6	<1.7	<1.7
Post Excavation	08/22/95	<0.5	<0.6	<0.6	<1.7	<1.7
	04/07/99	<0.32	<0.34	<0.35	<1	<0.64
MW4	07/18/94	<0.5	<0.6	<0.6	<1.7	<1.7
	12/05/94	<0.5	<0.6	<0.6	<1.7	<1.7
	03/06/95	<0.5	<0.6	<0.6	<1.7	<1.7
	06/02/95	<0.5	<0.6	<0.6	<1.7	<1.7
Post Excavation	08/22/95	<0.5	<0.6	<0.6	<1.7	<1.7
	04/07/99	<0.32	<0.34	<0.35	<1	<0.64

MW ID	Date	Benzene	Ethylbenzene	Toluene	Xylenes	TMB
MW5	07/18/94	21	<0.6	<0.6	<1.7	<1.7
	12/05/94	5.2	<0.6	<0.6	<1.7	<1.7
	03/06/95	2.9	<0.6	<0.6	<1.7	<1.7
	06/02/95	5.7	<0.6	<0.6	<1.7	<1.7
Post Excavation	08/22/95	<0.6	<0.6	<0.6	<1.7	<1.7
	01/17/96	3	<0.6	<0.6	<1.7	<1.7
	08/20/96	2.1	<0.6	<0.6	<1.7	<1.7
	11/22/96	<0.6	<0.6	<0.6	<1.7	<1.7
	08/28/97	0.93	<0.6	<0.6	<1.7	<1.7
	10/21/97	6	<0.6	<0.6	<1.7	<1.7
	01/23/98	<0.5	<0.6	<0.6	<1.7	<1.7
	05/15/98	<0.5	<0.6	<0.6	<1.7	<1.7
	08/20/98	17	<0.6	<0.6	<1.7	<1.7
	11/18/98	<0.5	<0.6	<0.6	<1.7	<1.7
	04/07/99	0.77	<0.34	<0.35	<1	<0.64
07/15/99	0.91	<0.34	<0.35	<1	<0.64	
MW6	07/18/94	170	4.5	3.1	11	<1.7
	12/05/94	21	<0.6	<0.6	<1.7	<1.7
	03/06/95	159	3.9	2.5	6.1	<1.7
	06/02/95	107	0.6	0.7	0.8	<1.7
Post Excavation	08/22/95	2.2	<0.6	<0.6	<1.7	<1.7
	01/17/96	34	<0.6	<0.6	<1.7	<1.7
	08/20/96	1.5	<0.6	<0.6	<1.7	<1.7
	11/22/96	57	<0.6	<0.6	<1.7	<1.7
	08/28/97	78	<0.6	<0.6	<1.7	<1.7
	01/23/98	54	<0.6	<0.6	<1.7	<1.7
	05/15/98	60	<0.6	<0.6	<1.7	<1.7
	08/20/98	97	<0.6	<0.6	<1.7	<1.7
	11/18/98	40	<0.6	<0.6	<1.7	<1.7
	04/07/99	25	<0.34	<0.35	<1	<0.64
07/15/99	65	<0.34	<0.35	<1	<0.64	
MW7	07/18/94	<0.5	<0.6	<0.6	<1.7	<1.7
	12/05/94	<0.5	<0.6	<0.6	<1.7	<1.7
	03/06/95	<0.5	<0.6	<0.6	<1.7	<1.7
	06/02/95	<0.5	<0.6	<0.6	<1.7	<1.7
Post Excavation	08/22/95	<0.5	<0.6	<0.6	<1.7	<1.7
	01/17/96	<0.5	<0.6	<0.6	<1.7	<1.7
	08/20/96	<0.5	<0.6	<0.6	<1.7	<1.7
	11/22/96	<0.5	<0.6	<0.6	<1.7	<1.7
	08/28/97	<0.5	<0.6	<0.6	<1.7	<1.7
MW8	07/18/94	<0.5	<0.6	<0.6	<1.7	<1.7
	12/05/94	<0.5	<0.6	<0.6	<1.7	<1.7
	03/06/95	<0.5	<0.6	<0.6	<1.7	<1.7
	06/02/95	<0.5	<0.6	<0.6	<1.7	<1.7
Post Excavation	08/22/95	<0.5	<0.6	<0.6	<1.7	<1.7
	01/17/96	<0.5	<0.6	<0.6	<1.7	<1.7
	08/20/96	<0.5	<0.6	<0.6	<1.7	<1.7
	11/22/96	<0.5	<0.6	<0.6	<1.7	<1.7
P9	03/19/96	<0.5	<0.6	<0.6	<1.7	<1.7
	05/07/96	<0.5	<0.6	<0.6	<1.7	<1.7
	05/15/98	<0.5	<0.6	<0.6	<1.7	<1.7
	11/18/98	<0.5	<0.6	<0.6	<1.7	<1.7
	04/07/99	<0.32	<0.34	<0.35	<1	<0.64



Area of Soil Contamination

- ▼ Water table elevation - 04/07/99
- ⊕ Hand Auger Soil Boring
- ⊙ Soil Boring / Monitoring Well Locations
- ▨ Soil Sample Location

Environmental Assessments, Inc.
P.O. Box 9127
Appleton, WI 54911
(920) 749-9746 Fax (920) 749-9748

Title: Cross Section A - A'

Project: Former Roffers Farm
 W2572 Angling Road
 Seymour, Wisconsin

Figure # 4A

Horizontal Scale : 1" = 20'

Drafted By: VAF