

Source Property Information

BRRTS #:

ACTIVITY NAME:

PROPERTY ADDRESS:

MUNICIPALITY:

PARCEL ID #:

CLOSURE DATE:

FID #:

DATCP #:

PECFA#:

***WTM COORDINATES:**

X: Y:

** Coordinates are in
WTM83, NAD83 (1991)*

WTM COORDINATES REPRESENT:

Approximate Center Of Contaminant Source

Approximate Source Parcel Center

Please check as appropriate: (BRRTS Action Code)

CONTINUING OBLIGATIONS

Contaminated Media for Residual Contamination:

Groundwater Contamination > ES (236)

Contamination in ROW

Off-Source Contamination

*(note: for list of off-source properties
see "Impacted Off-Source Property Information,
Form 4400-246")*

Soil Contamination > *RCL or **SSRCL (232)

Contamination in ROW

Off-Source Contamination

*(note: for list of off-source properties
see "Impacted Off-Source Property Information,
Form 4400-246")*

Site Specific Obligations:

Soil: maintain industrial zoning (220)

*(note: soil contamination concentrations
between non-industrial and industrial levels)*

Structural Impediment (224)

Site Specific Condition (228)

Cover or Barrier (222)

Direct Contact

Soil to GW Pathway

Vapor Mitigation (226)

Maintain Liability Exemption (230)

*(note: local government unit or economic
development corporation was directed to
take a response action)*

Monitoring Wells:

Are all monitoring wells properly abandoned per NR 141? (234)

Yes No N/A

** Residual Contaminant Level*

***Site Specific Residual Contaminant Level*

File



State of Wisconsin \ DEPARTMENT OF NATURAL RESOURCES

Tommy G. Thompson, Governor
George E. Meyer, Secretary

Appleton Field Station
Agricultural Services Center
3300 W. Brewster Street
Appleton, Wisconsin 54914-1802
Telephone 820.842.1803
FAX 820.842.1800

August 17, 2000

C. Mark and Steve Ottone
1727 N. Richmond Street
Appleton, WI 54914

Subject: Case Closure with Two Groundwater Use Restrictions, Chuck's Radiator, 1741 N. Richmond Street, Appleton, Wisconsin, WDNR BRRTS ID# 03 45 000160

Dear Messrs. Ottone:

On August 17, 1999, the above-named site was reviewed by the Northeast Region Closure Committee for a determination as to whether or not the case qualified for closeout under ch. NR 726, Wis. Adm. Code. The committee agreed that this case could be closed pending the filing of a groundwater use restriction with the deed running with the property.

On July 24, 2000, we received a copy of the completed groundwater use restriction for this site and proof of filing with the Outagamie County Register of Deeds. We have also received documentation of the abandonment of all site monitoring points. Based on the investigative and remedial documentation provided to the Department and the filing of the groundwater use restriction, it appears that the petroleum contamination at the above-named site has been remediated to the extent practicable under current site conditions. Therefore, closure of this site has been granted and no further action is necessary at this time. In the future, this deed restriction may be amended with approval from the Department if conditions change at the site and the residual contamination has been remediated.

If you have any additional relevant information which was not formerly provided to the Department, you should submit this information to the Department for evaluation. If you have any questions regarding this determination, please contact me at (920) 832-1803.

Sincerely,

Jennifer Huffman, P.G.
Hydrogeologist
Remediation and Redevelopment Program

cc: Scott Hodgson - Miller Engineers, 1119 W. Kennedy Avenue, Suite A, Kimberly, WI 54136



1214589

STATE BAR OF WISCONSIN FORM 1-1982
WARRANTY DEED

DOCUMENT NO.

U.S. Oil Co., Inc.

Ottone Enterprises, LLC, a Wisconsin
limited liability company

Witnesseth, that the said Grantor, for a valuable consideration
of \$1 and other good and valuable consideration

conveys to Grantee the following described real estate in Outagamie
County, State of Wisconsin:

All of Lot One (1), in Block Ten (10), of
the HALL-HEENAN PLAT, City of Appleton,
Outagamie County, Wisconsin.

OUTAGAMIE COUNTY
RECEIVED FOR RECORD

JAN 8 1997

AT 10 O'CLOCK A.M. P.M.
GRACE HEFF
REGISTER OF DEEDS

THIS SPACE RESERVED FOR RECORDING DATA

NAME AND RETURN ADDRESS

Ottone Enterprises, LLC
1727 North Richmond Street
Appleton, WI 54911

31-5-3265
TRACER IDENTIFICATION NUMBER

FEE 17
EXEMPT

011590

This Deed is given in fulfillment of a certain Land Contract between
Charles A. Ottone, Stephen A. Ottone, and C. Mark Ottone and U.S. Oil
Co., Inc. dated September 9, 1993, and recorded September 13, 1993, in
the office of the Outagamie County Register of Deeds, as Document No.
1093899, at Jacket 14572, Image 54, and subsequently assigned to Ottone
Enterprises, LLC, a Wisconsin limited liability company.

This is not homestead property.
(a) (b not)

Together with all and singular the hereditaments and appurtenances therunto belonging:
And Grantor

warrants that the title is good, indefeasible in fee simple and free and clear of encumbrances except easements, zoning
ordinances, and restrictions of record

and will warrant and defend the same.

Dated this 2nd day of January 19 97.

(SEAL)

(SEAL)

U.S. Oil Co., Inc.
Thomas A. Schmidt, President
Paul M. Bachman, Asst. Secretary

AUTHENTICATION

Signature(s) _____
authenticated this _____ day of _____ 19 _____

ACKNOWLEDGMENT

State of Wisconsin, }
Outagamie County } ss.
Personally came before me this 2nd day of
JANUARY 19 97, the above named
Thomas A. Schmidt and Paul M. Bachman, President and Assistant Secretary, respectively, of U.S. Oil Co., Inc.
to me known to be the person(s) who executed the foregoing instrument and acknowledge the same.
Cindy N. Korn
Notary Public, Outagamie County, Wis.
My commission expires August 16 19 98.

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

THIS INSTRUMENT WAS DRAFTED BY
Marjorie M. Young, Esq.

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

property and any extracted groundwater shall be managed in compliance with applicable statutes and rules.

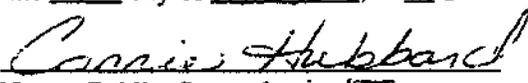
This restriction is hereby declared to be a covenant running with the land and shall be fully binding upon all persons acquiring the above-described property whether by descent, devise, purchase or otherwise. This restriction benefits and is enforceable by the Wisconsin Department of Natural Resources, 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.

By signing this document, Stephen A Ottone certifies that he she is duly authorized to sign this document on behalf of Chuck's Radiator Sr Inc.

IN WITNESS WHEREOF, the owner of the property has executed this Declaration of Restrictions, this 7 day of March 2000

Signature: 
Printed Name: Stephen A Ottone
Title: President

Subscribed and sworn to before me
this 7 day of March 2000

Notary Public, State of WI
My commission 12-26-01

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

1364345

Document Number

GROUNDWATER USE RESTRICTION

Declaration of Restrictions

In Re: That portion of the road right-of-way located adjacent to and East of the parcel of land described as all of Lot One (1), in Block Ten (10), of the HALL-HEENAN PLAT, City of Appleton, Outagamie County, Wisconsin said portion described as follows: beginning at the centerline of the intersection of North Richmond Street (S.T.H. 47) and Parkway Boulevard, thence South along the centerline of North Richmond Street (S.T.H. 47) to a point directly East of the Southeast corner of the above described portion of Lot One (1), Block Ten (10); thence West to the Eastern boundary line of the above described portion of Lot One (1), Block Ten (10); thence North from said Eastern boundary line to the centerline of Parkway Boulevard, thence East along the centerline of Parkway Boulevard to the point of beginning.

OUTAGAMIE COUNTY
RECEIVED FOR RECORD

APR 26 2000

AT 11 O'CLOCK A.M. P.M.
JANICE FLENZ
REGISTER OF DEEDS

Recording Area

Name and Return Address
Attorney Jim Walsh
City of Appleton
100 N. Appleton Street
P.O. Box 2428
Appleton, WI 54913-2428

3/1400

Parcel Identification Number (PIN)

STATE OF WISCONSIN)
COUNTY OF OUTAGAMIE) ss

WHEREAS, the City of Appleton, is the owner of the above-described property.

WHEREAS, one or more petroleum discharges have occurred on this property from a source on an adjacent property. Benzene contaminated groundwater above NR 140 enforcement standards existed on this property and near the following locations on the following dates: at sump MS-3R on February 15, 1999 with 66 micrograms per liter (ug/l), at sump RS-2 on February 15, 1999 with 17 ug/l, and sump RS-4 on February 15, 1999 with 6.5 ug/l. The location of monitoring wells, sumps and borings are provided on Exhibit 1 (Figure 4) attached and made 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 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.

By signing this document, Timothy M. Hanna & Cynthia I. Hesse ^{they are} asserts that ~~he/she~~ is duly authorized to sign this document on behalf of the City of Appleton.

IN WITNESS WHEREOF, the owner of the property has executed this Declaration of Restrictions, this 21st day of April, 192000

Signature: [Signature]
Printed Name: TIMOTHY M. HANNA
Title: MAYOR

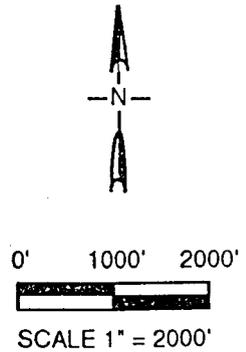
Signature [Signature]
Printed Name: Cynthia I. Hesse
Title: City Clerk

Subscribed and sworn to before me his 21st day of April, 2000

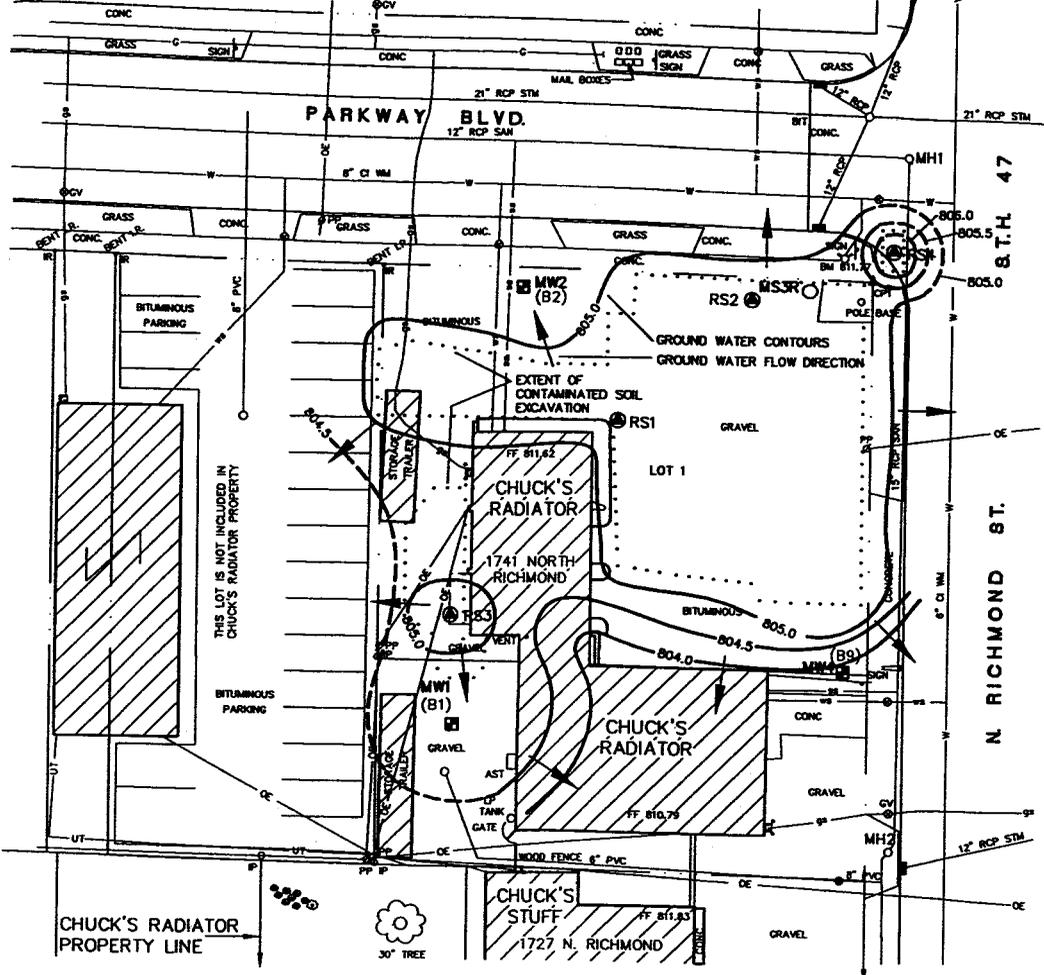
Nancy A Kohlman
Notary Public, State of Wisconsin
My commission expires 7-30-00



APPLETON QUADRANGLE
 WISCONSIN — OUTAGAMIE COUNTY
 7.5 MINUTE SERIES (TOPOGRAPHIC)
 SW/4 APPLETON 15' QUADRANGLE



F-1	Date	By	CLIENT: STEVE AND C. MARK OTTONE JOB: CHUCK'S RADIATOR LOCATION: 1741 NORTH RICHMOND STREET APPLETON, WISCONSIN
	3/9/95	EM	
	Job No.	Ck	
	12403E800	RLK	



GENERAL NOTES

1. HORIZONTAL CONTROL
 CONTROL POINT 1-INTERSECTION OF THE BACK OF THE CONCRETE WALKS AT THE SOUTHWEST CORNER OF RICHMOND ST. & PARKWAY BLVD.
 N-29.102
 E-33.000
 ELEV-809.79

CONTROL POINT 2-INTERSECTION OF THE BACK OF THE CONCRETE WALKS AT THE NORTHWEST CORNER OF RICHMOND ST. & GRANT ST.
 N-292.133
 E-33.000
 ELEV-809.88

2. VERTICAL CONTROL
 BM 1-ELEVATION 811.77
 HYDRANT OPEN "ARROW" ON TOP OF THE MAIN FLANGE AT THE SOUTHWEST CORNER OF RICHMOND ST. & PARKWAY BLVD.

BM2-ELEVATION 812.03
 HYDRANT OPEN "ARROW" ON TOP OF THE MAIN FLANGE ON THE WEST SIDE OF RICHMOND ST. NORTH OF GRANT ST.

WATER ELEVATIONS (U.S.G.S.) (FEET)			
MW1	804.93	MW5	801.95
MW2	804.67	RS2	805.07
MS3R	805.07	RS3	805.30
MW4	803.87	RS4	806.16

NOTE:
 ALL UNDERGROUND UTILITY LOCATIONS SHOWN HEREON ARE BASED ON FIELD SURVEY, RECORD MAPS OR DIGGER'S HOTLINE MARKINGS. PROPERTY LINE INFORMATION SHOWN WAS TAKEN FROM EXISTING RECORDS. THE EXACT LOCATION OF ALL UTILITIES AND PROPERTY LINES MUST BE FIELD VERIFIED BY CONTRACTOR PRIOR TO BEGINNING ANY CONSTRUCTION.

GRAPHIC SCALE



(IN FEET)
 1 inch = 30 ft.

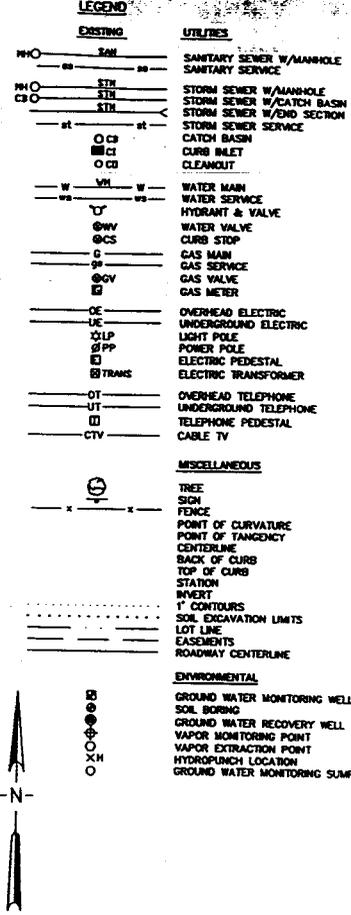


FIGURE 2: GROUND WATER CONTOUR PLAN (10/20/98)

MILLER ENGINEERS SCIENTISTS
 5308 South Twelfth Street
 Sheboygan, Wisconsin 53081
 414-456-8164

THE OTTONE'S CHUCK'S RADIATOR 1741 N. RICHMOND STREET APPLETON, WISCONSIN		SCALE HOR. 1"=30' VER.	DATE 1-21-99	BY SAB	SHEET F-2 OF
NO.	DATE	DESCRIPTION	BY	SAH	

TABLE 2 (Continued)
Historic Ground Water Analytic Test Results

Chuck's Radiator
Appleton, Wisconsin
Project # 12403E

MS3R

Date	Benzene (µg/L)	Ethyl benzene (µg/L)	Toluene (µg/L)	Xylenes (µg/L)	MTBE (µg/L)	PVOC (µg/L)	Benzo (b) Fluoranth. (µg/L)	Benzo (a) Pyrene (µg/L)	Chrysene (µg/L)	D.O. (mg/L)	Sulfate (mg/L)	Nitrate/ Nitrite (mg/L)	Dis. Fe (mg/L)	Dis. Mn (mg/L)	Methane (µg/L)														
09/06/94	Prior to Well Construction																												
02/21/95																													
05/24/95																													
08/31/95																													
11/02/95																													
04/02/96	Prior to Well Construction																												
05/30/96																54	43	57	<u>217</u>	<u>51</u>	560	*	*	*	*	*	*	*	*
07/08/96																64	64	14	<u>197</u>	<u>51</u>	555	*	*	*	*	*	*	*	*
10/21/96																19	32	ND	ND	<u>58</u>	111	*	*	*	*	*	*	*	*
02/03/97																*	*	*	*	*	*	*	*	*	*	*	*	*	*
05/29/97	27	3.7	ND	ND	<u>49</u>	81.5	*	*	*	*	*	*	*	*															
06/26/97	*	*	*	*	*	*	*	*	*	*	*	*	*	*															
09/30/97	7.2	ND	ND	ND	<u>58</u>	65.2	*	*	*	*	*	*	*	*															
11/11/97	*	*	*	*	*	*	*	*	*	*	*	*	*	*															
01/05/98	32	26	1.8	6.9	65	138.5	<0.088	<0.063	<0.021	2.0	59	0.23	3.7	0.11	4,900														
04/02/98	25	18	2.6	35	<24	96.1	*	*	*	0.5	81	<0.11	0.47	0.14	5,700														
07/14/98	22	19	2.1	15	<u>32</u>	97.9	*	*	*	0.1	46	<0.055	0.69	0.15	12,000														
10/20/98	21	0.91	0.21†	<1.34	67	89.12	*	*	*	1.7	320	0.12	1.3	0.23	7,000														
02/15/99	61	22	24	73	<u>42</u>	247.2	<0.015	<0.015	<0.016	1.7	*	*	*	*															

*Methylene Chloride was detected in the laboratory blank. Its presence in the samples may be suspect.
 PVOC = Petroleum Volatile Organic Compounds (EPA 8020)
 D.O. = Dissolved Oxygen
 * = Not Tested

Bold Type = Exceeds NR 140 Enforcement Standard
Underline Type = Exceeds NR 140 Preventive Action Limit
 † = Detected below LOQ, quantity uncertain
 ND = Not Detected Above LOD

TABLE 2 (Continued)
Historic Ground Water Analytic Test Results

Chuck's Radiator
Appleton, Wisconsin
Project #12403E

RS2

Date	Benzene (µg/L)	Ethyl benzene (µg/L)	Toluene (µg/L)	Xylenes (µg/L)	MTBE (µg/L)	PVOC (µg/L)	Benzo (b) Fluoranth. (µg/L)	Benzo (a) Pyrene (µg/L)	Chrysene (µg/L)	D.O. (mg/L)	Sulfate (mg/L)	Nitrate/ Nitrite (mg/L)	Dis. Fe (mg/L)	Dis. Mn (mg/L)	Methane (µg/L)
09/06/94	Prior to Well Construction														
02/21/95															
05/24/95															
08/31/95															
11/02/95	0.35	ND	ND	ND	<u>26.6</u>	26.95	•	•	•	•	•	•	•	•	•
04/02/96	ND	0.94	0.76	1.9	8	19.4	10	3.9	15	•	•	•	•	•	•
05/30/96	31	70	<u>140</u>	<u>370</u>	<u>37</u>	642	•	•	•	•	•	•	•	•	•
07/08/96	27	67	<u>73</u>	<u>440</u>	ND	897	•	•	•	•	•	•	•	•	•
10/21/96	13	33	1.1	ND	65	116.8	•	•	•	•	•	•	•	•	•
02/03/97	60	37	29	41.8	<u>43</u>	252.2	•	•	•	•	•	•	•	•	•
05/29/97	12	2.5	1.6	3.2	<u>28</u>	49.9	<u>0.1</u>	<0.07	<0.7	•	•	•	•	•	•
06/26/97	5	2	ND	0.58	8.7	17.78	<0.05	<0.07	<0.7	•	•	•	•	•	•
09/30/97	<u>4.6</u>	8.6	•	38	7.4	106.8	0.045	<0.073	<0.67	•	•	•	•	•	•
11/11/97	7.2	11	23	32	<u>37</u>	124.2	0.045	0.073	<0.67	•	•	•	•	•	•
01/05/98	<u>4.7</u>	2.1	0.53	0.43	<52	8.16	<u>0.13</u>	0.24	<u>0.20</u>	1.8	74	0.20	0.16	0.14	5,700
04/02/98	<u>7.6</u>	4.4	0.65	1.7	<u>35</u>	50.85	•	•	•	0.4	90	<0.11	1.4	0.23	7,500
07/14/98	<0.13	2.1	<0.20	0.95	<1.5	3.9	•	•	•	0.1	63	<0.055	0.8	0.1	8,900
10/20/98	<u>4.3</u>	1.4	0.38	<1.34	<u>26</u>	32.08	•	•	•	1.5	230	0.05	0.20	0.065	10,000
02/15/99	<u>17</u>	12	0.72	8.8	<u>42</u>	89.02	<u>0.023</u> †	<u>0.023</u> †	0.016†	3.2	•	•	•	•	•

*Methylene Chloride was detected in the laboratory blank. Its presence in the samples may be suspect.

PVOC = Petroleum Volatile Organic Compounds (EPA 8020)

D.O. = Dissolved Oxygen

• = Not Tested

Bold Type = Exceeds NR 140 Enforcement Standard

Underline Type = Exceeds NR 140 Preventive Action Limit

† = Detected below LOQ, quantity uncertain

ND = Not Detected Above LOD

TABLE 2 (Continued)
Historic Ground Water Analytic Test Results

Chuck's Radiator
Appleton, Wisconsin
Project #12403E

RS4

Date	Benzene (µg/L)	Ethyl benzene (µg/L)	Toluene (µg/L)	Xylenes (µg/L)	MTBE (µg/L)	PVOC (µg/L)	Benzo (b) Fluoranth. (µg/L)	Benzo (a) Pyrene (µg/L)	Chrysene (µg/L)	D.O. (mg/L)	Sulfate (mg/L)	Nitrate/ Nitrite (mg/L)	Dis. Fe (mg/L)	Dis. Mn (mg/L)	Methane (µg/L)														
09/06/94	Prior to Well Construction																												
02/21/95																													
05/24/95																													
08/31/95																													
11/02/95																													
04/02/96	Prior to Well Construction																												
05/30/96																100	43	29	<u>413</u>	ND	572
07/08/96															
10/21/96																48	23	1.2	ND	5.7	88.9
02/03/97																78	13	30	<u>128</u>	7.4	371.4
05/29/97	5.9	3.9	ND	3.3	4	21.8	<0.05	<0.07	<0.7															
06/26/97	<u>3.7</u>	3.1	ND	1.8	1.9	21.5	<0.05	<0.07	<0.7															
09/30/97	<u>3.1</u>	7	24	30	0.39	71.79	<0.045	<0.073	<0.67															
11/11/97	8	13	21	29	7.4	93.4	<0.045	<0.073	<0.67															
01/05/98	21	34	2.0	40	ND	135.2	0.48	0.63	0.61	3.2	130	<0.10	1.0	0.36	93														
04/02/98	<u>2.8</u>	2.6	0.43	5.1	<7.8	14.04	.	.	.	0.4	160	<0.055	0.43	0.38	440														
07/14/98	11	15	0.55	<0.30	<1.6	32.35	.	.	.	0.2	120	<0.055	1.7	0.16	1,400														
10/20/98	6.4	0.28†	<0.21	<1.34	3.0	9.68	.	.	.	1.7	170	0.068	1.3	0.17	770														
02/15/99	6.5	15	0.50†	4.09	12	67.66	<u>0.068</u>	<u>0.070</u>	<u>0.041†</u>	1.7														

*Methylene Chloride was detected in the laboratory blank. Its presence in the samples may be suspect.

PVOC = Petroleum Volatile Organic Compounds (EPA 8020)

D.O. = Dissolved Oxygen

. = Not Tested

Bold Type = Exceeds NR 140 Enforcement Standard

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