

State of Wisconsin \ DEPARTMENT OF NATURAL RESOURCES

Tommy G. Thompson, Governor
George E. Meyer, Secretary
William R. Selbig, Regional Director

Remediation and Redevelopment Program
1125 North Military Avenue
P.O. Box 10448
Green Bay, Wisconsin 54307-0448
Telephone 920-492-5916
FAX 920-492-5859
TDD 920-492-5812

June 22, 1998

Mr. William Lewis
Mr. James R. Olson
Lewis and Olson Holdings LLC.
P.O. Box 22190
Green Bay, WI 54305

SUBJECT: Octopus Car Wash (Former), 122 and 134 North Richmond Street, Appleton, WI
WDNR LUST CASE#03-45-~~1000979~~

JRH

Dear Mr. Lewis and Mr. Olson:

On September 21, 1991, the Wisconsin Department of Natural Resources provided a notice to you that the degree and extent of the petroleum contamination at the above-named site was required to be investigated and remediated. We have since been informed that the required investigation and remediation has been accomplished.

On May 4, 1998, 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 Department has received a copy of the completed Groundwater Use Restriction for the Octopus Car Wash (Former) site and proof of filing this record with the Outagamie County Register of Deeds. Based on the investigative and remedial documentation provided to the Department, 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.

The Department's records will reflect final "closure." If you have any questions regarding this determination, please contact me in Green Bay at (920) 492-5943.

Sincerely,

Kristin Nell
Hydrogeologist
Remediation and Redevelopment Program

cc: David Liverseed, Fluid Management
790 Marvella Lane, Green Bay, WI 54304



Quality Natural Resources Management
Through Excellent Customer Service



1206540

DOCUMENT NO.

STATE BAR OF WISCONSIN FORM 3 - 1982
QUIT CLAIM DEED

J 18803 | 34

OUTAGAMIE COUNTY
RECEIVED FOR RECORD

NOV 4 1996

AT 1 O'CLOCK A.M. P.M.
GRACE HERE
REGISTER OF DEEDS

William G. Lewis and
James R. Olson
quit-claims to Lewis - Olson Holdings, LLC

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

The West One Hundred (100) feet of Lot Seven (7)
and all of Lots Eight (8), Nine (9), and Ten (10),
all in Block Twenty-eight (28), Fifth Ward Flat,
City of Appleton, Outagamie County, Wisconsin,
according to the recorded Assessor's Map of said
City.

THIS SPACE RESERVED FOR RECORDING DATA

NAME AND RETURN ADDRESS
Lewis - Olson Holdings, LLC.
P. O. Box 22190
Green Bay, WI 54305

*pd
10/96*

31-5-1150
PARCEL IDENTIFICATION NUMBER
31-5-1150-01
31-5-1155

TRIMETER
675.30
FEE

This is not homestead property.
(or)

Dated this 11th day of September, 1996

(SEAL) *x* William G. Lewis (SEAL)

(SEAL) *x* James R. Olson (SEAL)

AUTHENTICATION

Signature(s) William G. Lewis and
James R. Olson

subscribed this 11th day of September, 1996

John E. Herald
John E. Herald

NOTARY MEMBER STATE BAR OF WISCONSIN
(If not,
authorized by §706.06, Wis. Stat.)

THIS INSTRUMENT WAS DRAFTED BY

Attorney John E. Herald
P. O. Box 22248
Green Bay, WI 54305-2248

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

ACKNOWLEDGMENT

State of Wisconsin, } ss.
County, }

Personally came before me this _____ day of
_____, 19____, the above named

to me known to be the person _____ who executed the foregoing
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.

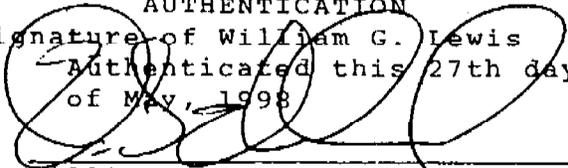
This restriction is hereby declared to be a covenant running with the land and shall be fully binding upon all persons acquiring the above-described property whether by descent, devise, purchase or otherwise. This restriction benefits and is enforceable by, the Wisconsin Department of Natural Resources, its successors and 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 the restrictions set forth in this covenant are no longer required. Upon 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 can be recorded to give notice that this groundwater use restriction is no longer binding.

IN WITNESS WHEREOF, the owner of the property has executed this Declaration of Restrictions, this 27 day of May, 1998.

By signing this document, JAMES R. OLSON and WILLIAM G. LEWIS, as the only Managing Members acknowledges that [he/she] is duly authorized to sign this document on behalf of Lewis-Olson Holdings, LLC.

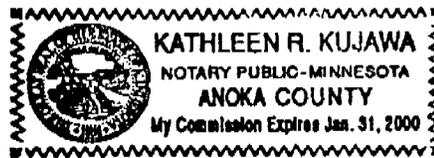
Signature: 
Printed Name: WILLIAM G. LEWIS

AUTHENTICATION
Signature of William G. Lewis
Authenticated this 27th day
of May, 1998

William S. Woodward
Member, State Bar of Wis.

Signature: 
Printed Name: JAMES R. OLSON

Subscribed and sworn to before me
this 29 day of MAY, 1998.

Kathleen R. Kujawa
Notary Public, State of MINNESOTA
My commission 1-31-2000



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

100.9' 60

FRANKLIN

H. ERBS 4

52.05	148.1	3	54
54	148.26	2	54
54	5-0712	5-0710	54
54	148.43	148.6	54.4
54	5-184		54

5TH WARD PLAT 31

7	164.25	18	120	4	54.2	54
54	5-1187	54	5	54	54	54
54	5-1188	18	120	6	54	54

WASHINGTON ST. 60

30

VACATED

102.5	16	90	18	120	4	108.74
208.5	5-1172	5TH WARD PLAT	85	18	16.77	101

RICHMOND 66

5TH WARD PLAT 28

60	120	5-1139	60	40	40	40
60	2	5-1142	60	5-1143	80	40
55	200	4	5-1144	105	95	5-1145
55	5-1147	5-1146	100	6	100	5-1148
60	5-1150	7	5-1149	100	100	5-1150
100	8	100	100	100	100	5-1155
100	9	5-1155	10	11	5-1156	90
104.52	60	130	5-1158	12	121.35	5-1159
53.22	13	64.56	118.2'	110	60	278.77'

N. FAIR ST.

5TH WARD PLATE 27

40	40	45	5-1127	5-1128	2	120
120	4	3	5-1129	120	5	5-1132
806	6	5	5-1134	5-1136	100.2'	17
220	220	9	5-1138	126.48'	261.92'	112.40'

COLLEGE

51 GC 6

3-0364

27'

15

DR.

GRAND

3-0974	2	3-0975	3	3-0976	4	3-0977	5	3-0978	6	3-0979	7	3-0980	8	3-0981	9	3-0982	10	3-0983	11	3-0984	12	3-0985	13	3-0986	14
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7/1/98

APPROVED BY: *[Signature]*

2/17/98

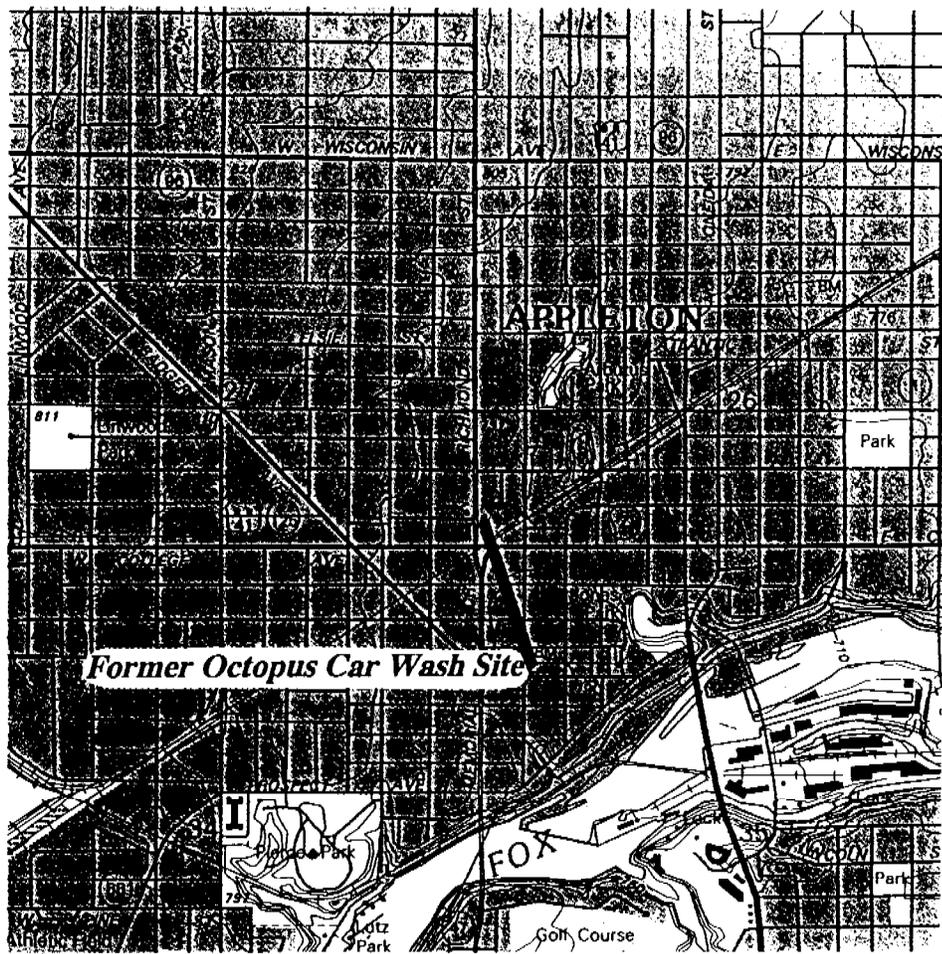
CHECKED BY: DRL

1/28/98

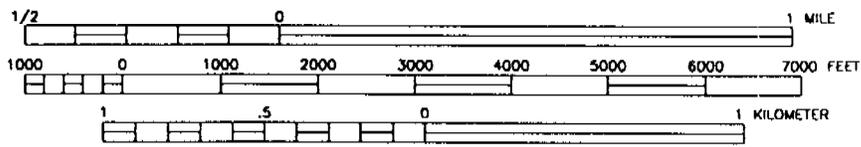
RRT

DRAWN BY:

DRAWING NO. 96.606X1



(USGS 1992) SCALE 1:24000
 APPLETON QUADRANGLE



CONTOUR INTERVAL 10 FEET

Fluid Management
 A Division of **ENVIROGEN, Inc.**



Site Location Map
Former Octopus Car Wash Site
Appleton, Wisconsin

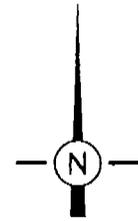


FIGURE NO.
1

THE INTERPRETATIONS IN THIS FIGURE ARE BASED ON KNOWN POINTS IN TIME AND SPACE AND ARE INTEGRAL TO A WRITTEN REPORT AND SHOULD BE REVIEWED IN THAT CONTEXT.

LEGEND

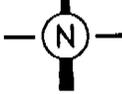
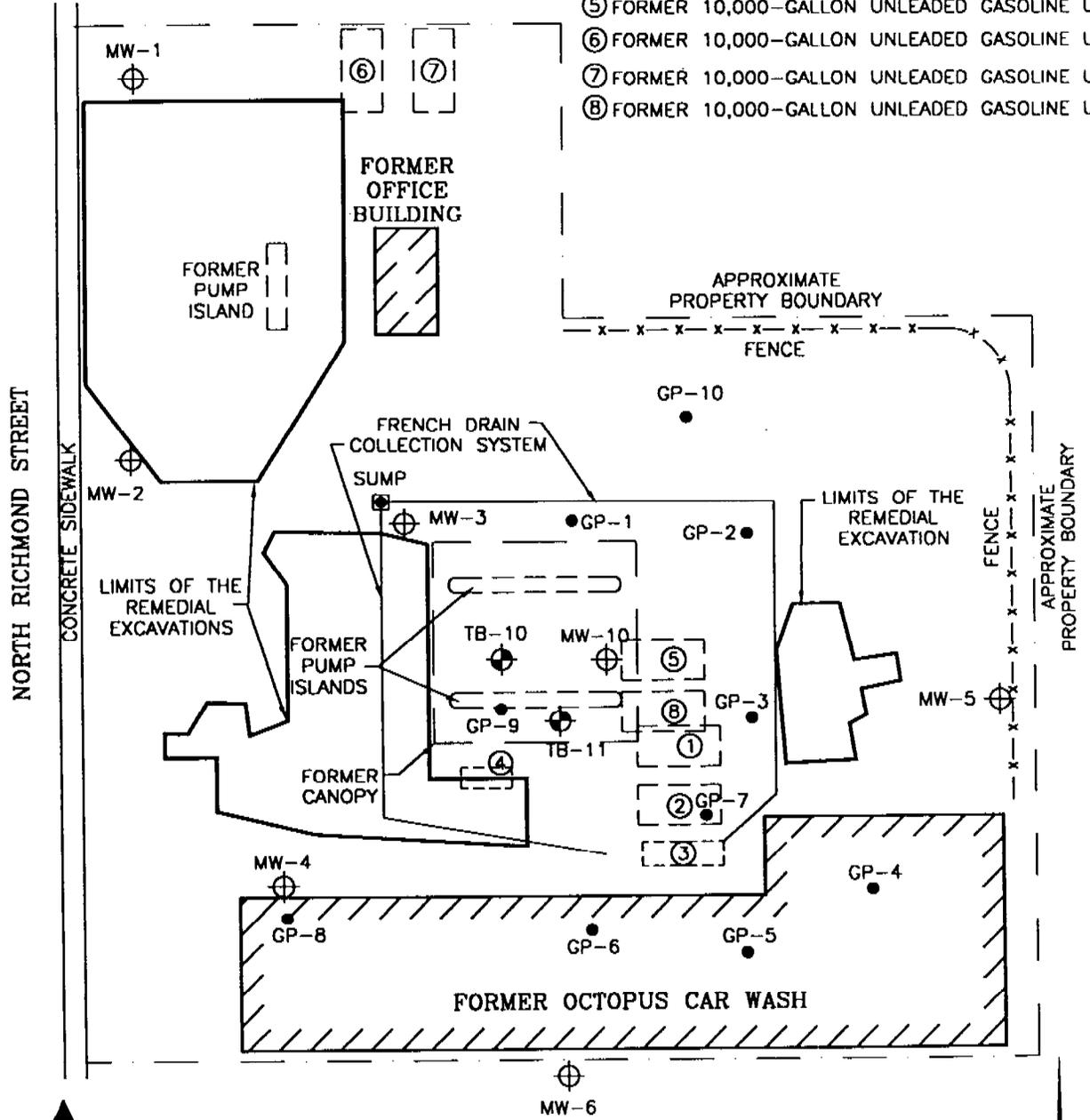
- ⊕ MONITORING WELL
- ⊕ TEST BORING
- GEOPROBE BORING
- SUMP

NOTE: MW-3 WAS ABANDONED IN 9/94.

TANK LEGEND

- ① FORMER 10,000-GALLON UNLEADED GASOLINE UST
- ② FORMER 10,000-GALLON LEADED GASOLINE UST
- ③ FORMER 4,000-GALLON FUEL OIL UST
- ④ FORMER 2,000-GALLON UNLEADED GASOLINE UST
- ⑤ FORMER 10,000-GALLON UNLEADED GASOLINE UST
- ⑥ FORMER 10,000-GALLON UNLEADED GASOLINE UST
- ⑦ FORMER 10,000-GALLON UNLEADED GASOLINE UST
- ⑧ FORMER 10,000-GALLON UNLEADED GASOLINE UST

DRAWING NO. 96.606X3
 DRAWN BY: RRT
 CHECKED BY: DRL
 APPROVED BY: MRO
 2/17/98
 2/17/98



**Soil Boring/
 Monitoring Well Configuration
 Former Octopus Car Wash Site
 Appleton, Wisconsin**

FIGURE NO.
3

THE INTERPRETATIONS IN THIS FIGURE ARE BASED ON KNOWN POINTS IN TIME AND SPACE AND ARE INTEGRAL TO A WRITTEN REPORT AND SHOULD BE REVIEWED IN THAT CONTEXT.

LEGEND

- ⊕ MONITORING WELL
- SUMP
- () GROUNDWATER TABLE ELEVATION IN FEET ABOVE MSI
- (NA) NOT ANALYZED

784.00 ISOELEVATION CONTOUR

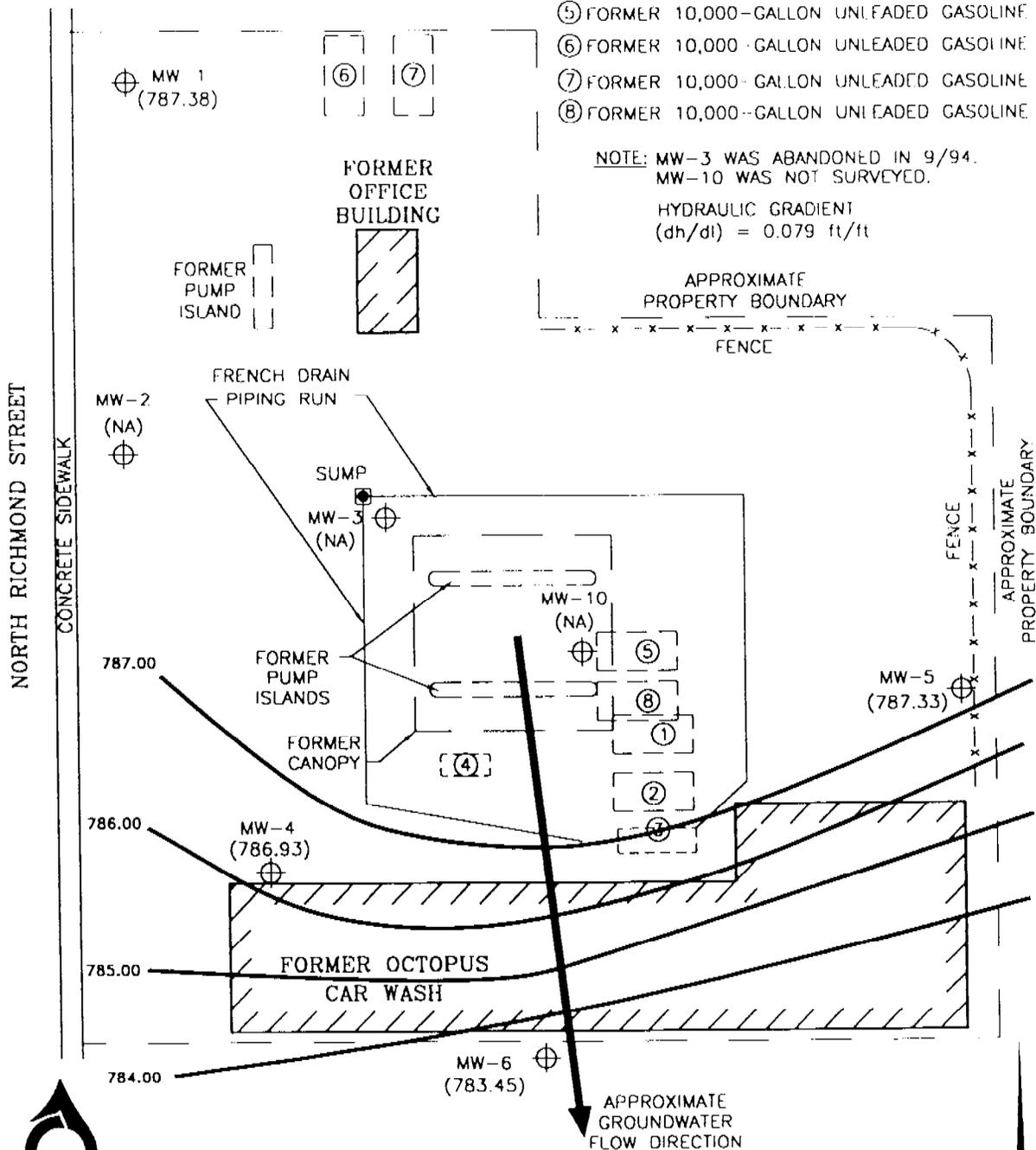
TANK LEGEND

- ① FORMER 10,000-GALLON UNLEADED GASOLINE UST
- ② FORMER 10,000-GALLON LEADED GASOLINE UST
- ③ FORMER 4,000-GALLON FUEL OIL UST
- ④ FORMER 2,000-GALLON UNLEADED GASOLINE UST
- ⑤ FORMER 10,000-GALLON UNLEADED GASOLINE UST
- ⑥ FORMER 10,000-GALLON UNLEADED GASOLINE UST
- ⑦ FORMER 10,000-GALLON UNLEADED GASOLINE UST
- ⑧ FORMER 10,000-GALLON UNLEADED GASOLINE UST

NOTE: MW-3 WAS ABANDONED IN 9/94.
MW-10 WAS NOT SURVEYED.

HYDRAULIC GRADIENT
(dh/dl) = 0.079 ft/ft

DRAWING NO. 96.606X8 DRAWN BY: RRT 1/28/98 CHECKED BY: DRL 1/17/98 APPROVED BY: MNO 2/17/98



Fluid Management
A Division of **ENVIROGEN, Inc.**

**Potentiometric Surface
(12/16/97)
Former Octopus Car Wash Site
Appleton, Wisconsin**

FIGURE NO
8

THE INTERPRETATIONS IN THIS FIGURE ARE BASED ON KNOWN POINTS IN TIME AND SPACE AND ARE INTEGRAL TO A WRITTEN REPORT AND SHOULD BE REVIEWED IN THAT CONTEXT.

LEGEND

- ⊕ MONITORING WELL
- SUMP
- () GROUNDWATER BENZENE CONCENTRATION IN ppb
- (NA) NOT ANALYZED
- 5.0 ISOCONCENTRATION CONTOUR

TANK LEGEND

- ① FORMER 10,000-GALLON UNLEADED GASOLINE UST
- ② FORMER 10,000-GALLON LEADED GASOLINE UST
- ③ FORMER 4,000-GALLON FUEL OIL UST
- ④ FORMER 2,000-GALLON UNLEADED GASOLINE UST
- ⑤ FORMER 10,000-GALLON UNLEADED GASOLINE UST
- ⑥ FORMER 10,000-GALLON UNLEADED GASOLINE UST
- ⑦ FORMER 10,000-GALLON UNLEADED GASOLINE UST
- ⑧ FORMER 10,000-GALLON UNLEADED GASOLINE UST

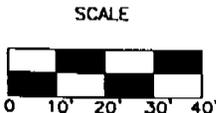
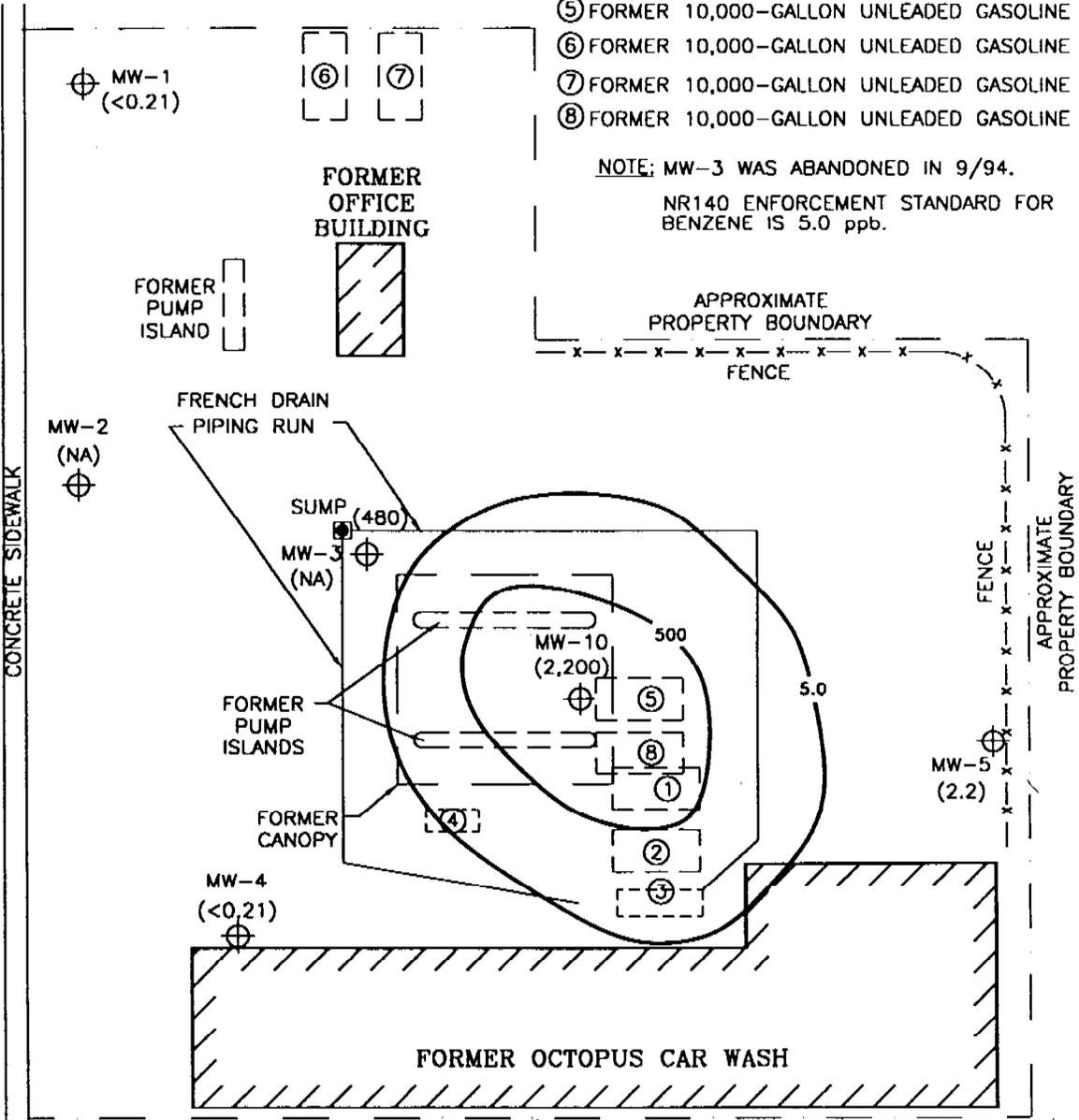
NOTE: MW-3 WAS ABANDONED IN 9/94.

NR140 ENFORCEMENT STANDARD FOR BENZENE IS 5.0 ppb.

DRAWING NO. 96.606X5
 DRAWN BY: RRT
 CHECKED BY: DRL
 APPROVED BY: MAO
 1/28/98
 2/17/98
 2/17/98

NORTH RICHMOND STREET

CONCRETE SIDEWALK



**Groundwater Benzene
 Distribution (12/16/97)
 Former Octopus Car Wash Site
 Appleton, Wisconsin**

FIGURE NO.
5

THE INTERPRETATIONS IN THIS FIGURE ARE BASED ON KNOWN POINTS IN TIME AND SPACE AND ARE INTEGRAL TO A WRITTEN REPORT AND SHOULD BE REVIEWED IN THAT CONTEXT.

DRAWING NO. 96.606X6
 DRAWN BY: RRT
 CHECKED BY: DRL
 APPROVED BY: MAC
 1/28/98
 2/17/98
 2/17/98

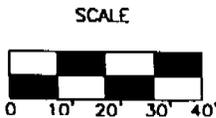
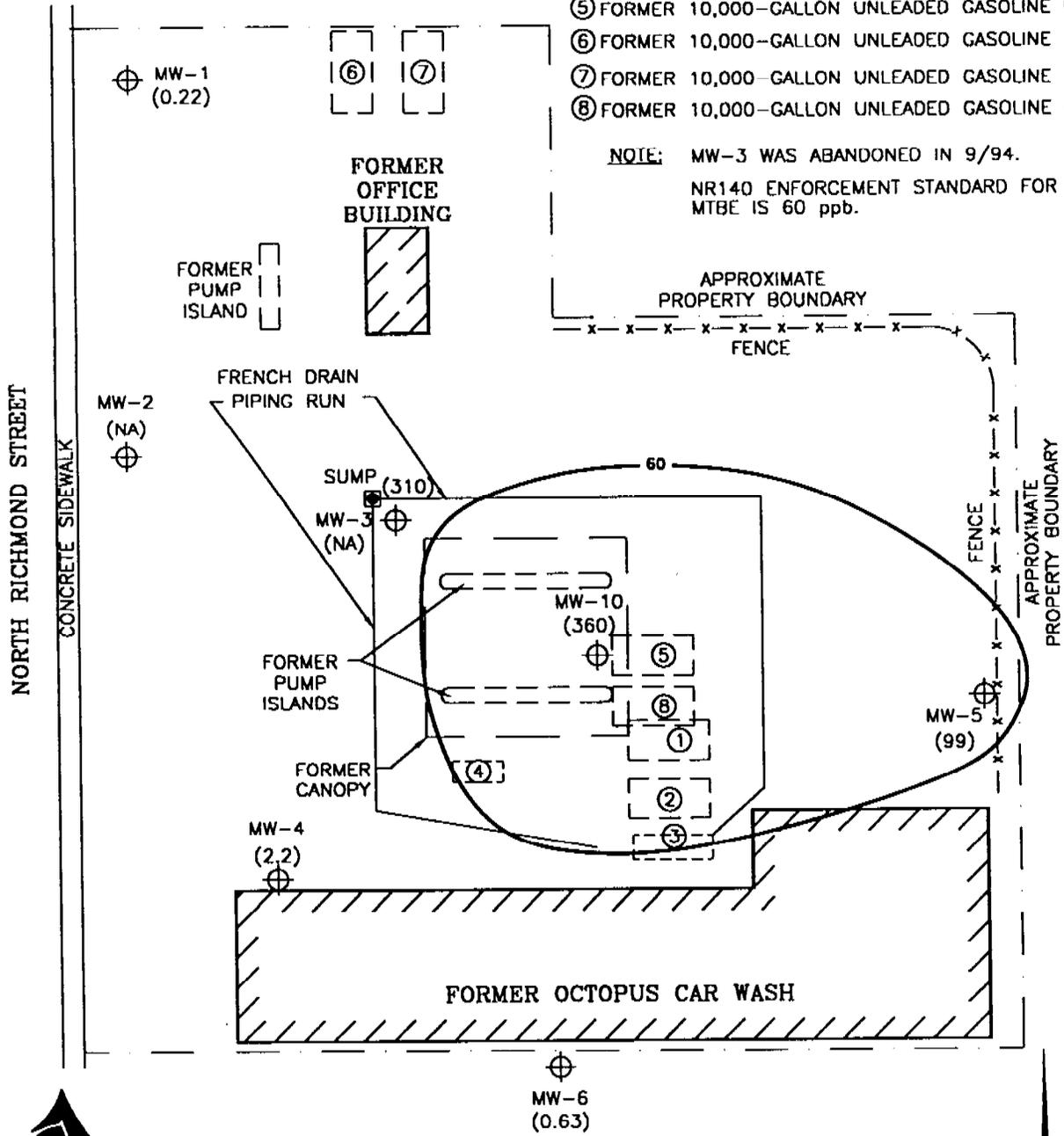
LEGEND

- ⊕ MONITORING WELL
- SUMP
- () GROUNDWATER BENZENE CONCENTRATION IN ppb
- (NA) NOT ANALYZED
- 60 ISOCONCENTRATION CONTOUR

TANK LEGEND

- ① FORMER 10,000-GALLON UNLEADED GASOLINE UST
- ② FORMER 10,000-GALLON LEADED GASOLINE UST
- ③ FORMER 4,000-GALLON FUEL OIL UST
- ④ FORMER 2,000-GALLON UNLEADED GASOLINE UST
- ⑤ FORMER 10,000-GALLON UNLEADED GASOLINE UST
- ⑥ FORMER 10,000-GALLON UNLEADED GASOLINE UST
- ⑦ FORMER 10,000-GALLON UNLEADED GASOLINE UST
- ⑧ FORMER 10,000-GALLON UNLEADED GASOLINE UST

NOTE: MW-3 WAS ABANDONED IN 9/94.
 NR140 ENFORCEMENT STANDARD FOR
 MTBE IS 60 ppb.



**Groundwater MTBE
 Distribution (12/16/97)
 Former Octopus Car Wash Site
 Appleton, Wisconsin**

FIGURE NO.

6

THE INTERPRETATIONS IN THIS FIGURE ARE BASED ON KNOWN POINTS IN TIME AND SPACE AND ARE INTEGRAL TO A WRITTEN REPORT AND SHOULD BE REVIEWED IN THAT CONTEXT.

TABLE 1
Groundwater Quality Analytical Results
Former Octopus Car Wash Site
Appleton, Wisconsin

Sampling Point	Date	Benzene	Ethyl-benzene	MTBE	Toluene	1,2,4-TMB	1,3,5-TMB	Xylenes
MW-1	06/10/92*	<0.6	<1.5	<1.3	<2.0	<3.5	<3.4	<2.5
	11/04/93*	<1.0	<0.08	<0.05	<0.07	<0.08	<0.08	<0.27
	12/07/93*	<0.09	<0.12	<0.2	9.5	<0.13	<0.19	<0.67
	06/30/94*	<0.50	<0.50	<5.0	<0.50	<1.0	<1.0	<0.50
	12/29/94*	<1.0	<1.0	<1.0	2.6	3.7	2.1	3.9
	03/05/97	<0.13	<0.22	0.77	<0.20	<0.22	<0.29	<0.23
	05/06/97	<0.21	<0.68	<0.21	<1.5	<1	<0.86	<1.8
	07/22/97	<0.21	<0.21	<0.21	<0.48	<0.32	<0.27	<0.56
	12/16/97	<0.21	<0.21	0.22	<0.48	<0.32	<0.27	<0.56
	03/16/98	<0.32	<0.34	<0.31	<0.35	<0.35	<0.64	<1.0
MW-2	06/10/92*	5.2	<1.5	<1.3	<2.0	<3.5	<3.4	2.5
	11/04/93*	0.1	<0.08	1.8	<0.07	<0.08	<0.08	<0.27
	12/07/93*	<0.09	<0.12	<0.20	6.6	<0.13	<0.19	<0.67
	06/30/94*	0.6	<0.50	<5.0	<0.50	<1.0	<1.0	<0.50
	12/29/94*	<1.0	<1.0	1.2	2.2	3.0	2.1	3.6
	03/05/97	<0.13	<0.22	1.3	<0.20	<0.22	<0.29	<0.23
	05/06/97	<0.21	<0.68	0.29	<1.5	<1	<0.86	<1.8
	07/22/97	<0.21	<0.21	0.29	<0.48	<0.32	<0.27	<0.56
	12/16/97	NA	NA	NA	NA	NA	NA	NA
	03/16/98	<0.32	<0.34	0.44	<0.35	<0.35	<0.64	<1.0
NR 140 Enforcement Standard		5.0	700	60	343	NS	NS	620
NR 140 Preventive Action Limit		0.5	140	12	68.6	NS	NS	124

Notes: All results are reported in ppb.

(Continued)

 Shading indicates value equals or exceeds NR 140 enforcement standard
 Cross-hatching indicates value equals or exceeds NR 140 preventive action limit.

(*): Data collected and reported by Robert E. Lee & Associates
 MTBE: Methyl t-butyl ether
 TMB: Trimethylbenzene
 NA: Not analyzed
 NS: No standard

Checked by: DLL
 Approved by: MRO

TABLE 1 (Continued)
Groundwater Quality Analytical Results
Former Octopus Car Wash Site
Appleton, Wisconsin

Sampling Point	Date	Benzene	Ethyl benzene	MTBE	Toluene	1,2,4-TMB	1,3,5-TMB	Xylenes
MW-3	06/10/92*	<0.6	<1.5	305	<2.0	<3.5	<3.4	<2.5
	11/04/93*	4.0	<0.39	400	1.7	<0.38	<0.42	1.1
	12/07/93*	55.0	<0.30	250	8.8	<0.33	<0.48	<1.68
	06/30/94*	48	<0.50	440	<0.50	<1.0	<1.0	<0.50
MW-4	11/04/93*	<0.12	<0.08	6	<0.07	<0.08	<0.08	<0.27
	12/07/93*	<0.09	<0.12	3.7	4.7	<0.13	<0.19	<0.67
	06/30/94*	<0.50	<0.50	2	<0.50	<1.0	<1.0	<0.50
	12/29/94*	<1.0	<1.0	13	<1.0	<1.0	1.9	<2.0
	03/05/97	0.16	<0.22	16	<0.20	<0.22	<0.29	<0.23
	05/06/97	<0.21	<0.68	39	<1.5	<1	<0.86	<1.8
	07/22/97	<0.21	<0.21	39	<0.48	<0.32	<0.27	<0.56
	12/16/97	<0.21	<0.21	2.2	<0.48	<0.32	<0.27	0.94
	03/16/98	<0.32	<0.34	8.6	<0.35	<0.35	<0.64	<1.0
MW-5	11/04/93*	82	<0.39	390	0.7	<0.38	<0.42	<1.32
	12/07/93*	<0.09	<0.12	92	<0.11	<0.13	<0.19	<0.67
	06/30/94*	2	<0.50	70	<0.50	<1.0	<1.0	<0.50
	12/29/94*	NA	NA	NA	NA	NA	NA	NA
	03/05/97	1.8	<0.22	230	<0.20	<0.22	<0.29	<0.23
NR 140 Enforcement Standard		5.0	700	60	343	NS	NS	620
NR 140 Preventive Action Limit		0.5	140	12	68.6	NS	NS	124

Notes: All results are reported in ppb.

(Continued)



Shading indicates value equals or exceeds NR 140 enforcement standard

Cross-hatching indicates value equals or exceeds NR 140 preventive action limit.

(*): Data collected and reported by Robert E. Lee & Associates

MTBE: Methyl t-butyl ether

TMB: Trimethylbenzene

NA: Not analyzed

NS: No standard

Checked by: DRL

Approved by: MRO

TABLE 1 (Continued)
Groundwater Quality Analytical Results
Former Octopus Car Wash Site
Appleton, Wisconsin

Sampling Point	Date	Benzene	Ethyl-benzene	MTBE	Toluene	1,2,4-TMB	1,3,5-TMB	Xylenes
MW-5 (Cont.)	05/06/97	<0.21	<0.68	3	<1.5	<1	<0.86	<1.8
	07/22/97	22	<0.21	39	<0.48	<0.32	<0.27	<0.56
	12/16/97	<0.21	<0.21	99	<0.48	<0.32	<0.27	<0.56
	03/16/98	<0.32	<0.34	74	<0.35	<0.35	<0.64	<1.0
MW-6	06/30/94*	<0.50	<0.50	<5.0	<0.50	<1.0	<1.0	<0.50
	12/29/94*	<1.0	<1.0	1.6	<1.0	<1.0	1.3	<2.0
	03/05/97	<0.13	<0.22	1.4	<0.20	<0.22	<0.29	<0.23
	05/06/97	<0.21	<0.68	0.76	<1.5	<1	<0.86	<1.8
	07/22/97	<0.21	<0.21	0.95	<0.48	<0.32	<0.27	<0.56
	12/16/97	<0.21	<0.21	0.63	<0.48	<0.32	<0.27	<0.56
	03/16/98	<0.32	<0.34	0.74	<0.35	<0.35	<0.64	<1.0
MW-10	07/22/97	1,800	700	65	1,300	3,300	1,100	15,000
	12/16/97	2,200	800	360	1,200	3,200	960	15,000
	03/16/98	1,800	378	5	1,600	3,700	1,300	17,000
Sump	12/29/94*	2,900	230	200	52	150	15	374
	03/05/97	50	0.60	2.1	<0.20	<0.22	<0.29	<0.23
	05/06/97	32	0.8	84	<1.5	<1	<0.86	<1.8
	07/22/97	48	0.95	160	<0.48	<0.32	<0.27	<0.56
	12/16/97	480	72	310	1.8	6.3	1.7	12
	03/16/98	17	<0.34	3	<0.35	<0.35	<0.62	<1.0
NR 140 Enforcement Standard		5.0	700	60	343	NS	NS	620
NR 140 Preventive Action Limit		0.5	140	12	68.6	NS	NS	124

Notes: All results are reported in ppb.

 Shading indicates value equals or exceeds NR 140 enforcement standard
 Cross-hatching indicates value equals or exceeds NR 140 preventive action limit.

(*): Data collected and reported by Robert E. Lee & Associates
 MTBE: Methyl t-butyl ether
 TMB: Trimethylbenzene
 NA: Not analyzed
 NS: No standard

Checked by: DKL
 Approved by: MRO