

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

November 17, 1999

Ms. Marion Ryan
N6099 County Highway H
DePere, Wisconsin 54115

SUBJECT: Chicago Corner Store, N6099 County Highway H, DePere, Wisconsin.
54115 WDNR BRRTS ID #: 03-45-001649

Dear Ms. Ryan:

On November 1, 1999, the Bureau for Remediation and Redevelopment's Northeast Region Closure Committee met to discuss the above referenced site. The committee has agreed to close the site pending: 1) the demonstration that petroleum impacted soils that remain adjacent to the building foundation are not causing petroleum vapor migration into the basement of the structure, and/or contaminated ground water is not entering the basement, and 2) the completion and filing of a groundwater use restriction. You should instruct your consultant to investigate any potential petroleum vapor/contaminated ground water issues in the basement of the structure. The groundwater use restriction will state that inaccessible groundwater contamination may remain at the site and that additional remedial action is not feasible at this time. The restriction would be placed in the file with the deed running with the property.

Only when the groundwater use restriction has been finalized and filed with Outagamie County (with proof of filing received by the Department), and the potential vapor/contaminated ground water issue is resolved can this site be closed. To expedite the completion of the groundwater use restriction and closure process, the Department requests that you submit the following:

- a complete, legible and unabbreviated legal description of the property
- a copy of the most recent deed for your property
- available maps, such as a survey map, showing the property boundaries, building outlines, and monitoring well/piezometer locations

If you do not have these documents they can be obtained from the Outagamie County Register of Deeds. Once this information is received, the Department will send you a draft copy of the groundwater use restriction containing language regarding the remaining contamination.

If the draft is accurate and acceptable, please 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. The Department must also receive documentation of proper abandonment of any and all monitoring wells, extraction wells, piezometers, sumps, and soil venting systems if you do not intend to perform long term monitoring at your site. Once all this information is received, and the

potential vapor/contaminated ground water entering the basement concern is resolved, the site will be conditionally closed.

The groundwater use restriction is an option that the Department can offer in order to conditionally close this site. If you choose not to accept this option you will need to perform additional investigation and cleanup of the remaining contamination. Within **14 days** of receipt of this notice please submit a letter to the Department documenting your intentions.

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, please contact me at 920-492-5868.

Sincerely,

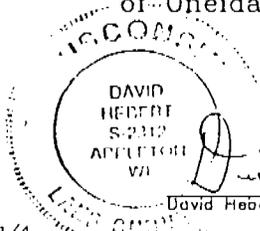


Greg Tilkens, P.G.
Hydrogeologist
Remediation & Redevelopment Program

cc: **Dennis C. Greil**, Environmental Compliance Consultants, Inc., PO Box 11417, Green Bay, Wisconsin 54307-1417

Certified Survey Map

Part of the NE 1/4 of the NE 1/4, Section 24, T23N, R18E, Town of Oneida, Outagamie County, Wisconsin.



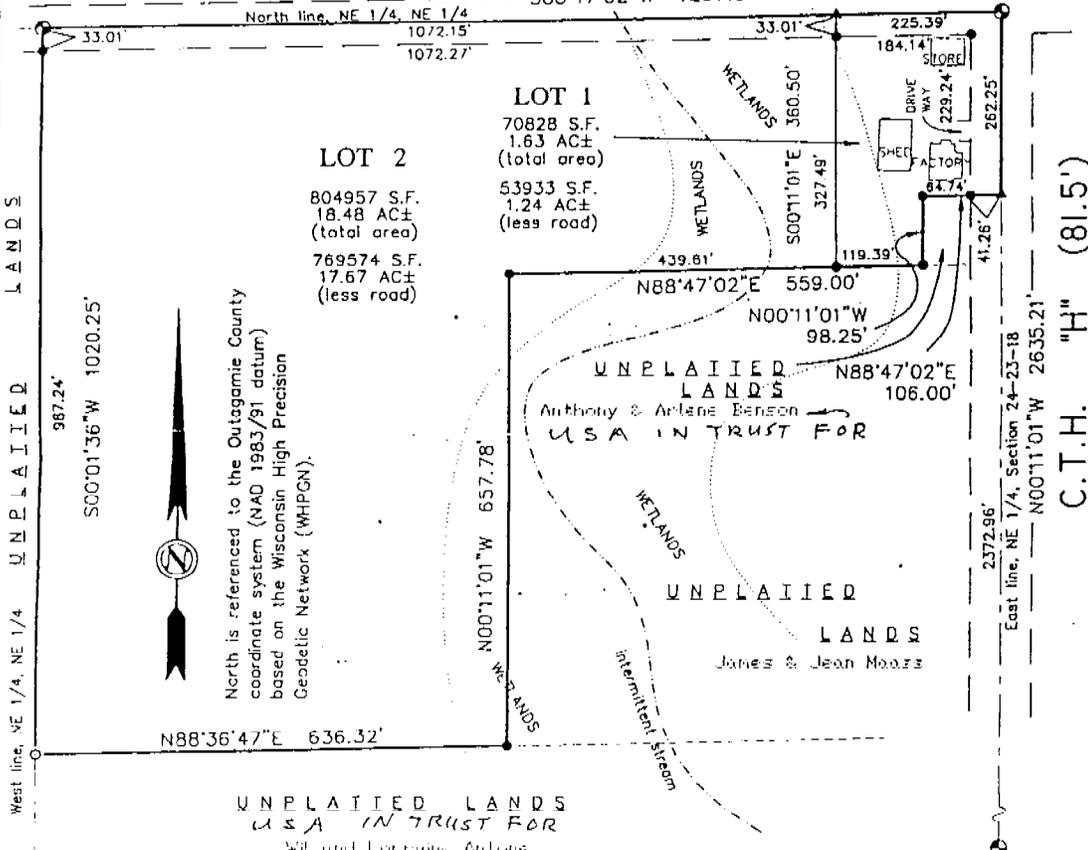
David Hebert 8-10-99
 David Hebert RLS date

NW Corner
 NE 1/4, NE 1/4
 Section 24, T23N, R18E
 Rail road spike

NE Corner
 Section 24, T23N, R18E
 Harrison monument

FISH CREEK ROAD (66')
 S88°47'02"W 1297.54'

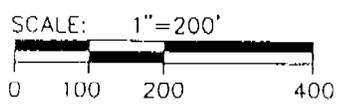
MARION RYAN & JAMES MAZZ



LEGEND

- ⊙ = Government corner
- = Set 3/4" x 24" iron rebar
 Wt. = 1,502 lbs/lf
- ▲ = Set PK nail
- = Found 3/4" iron rod
- ≡ = Wetland boundary

East 1/4 Corner
 Section 24-23-18
 Harrison monument



DRAFTED BY:
HAI Hebert Associates, Inc.
 Land Surveying • Soil Testing • Engineering
 2003 N. Meade Street
 Appleton, WI 54911
 920-734-8373
 Fax: 920-734-3968

PAGE # 1 of 2 FILE # 99057M01

SURVEYOR'S CERTIFICATE
STATE OF WISCONSIN)
OUTAGAMIE COUNTY)⁵⁵

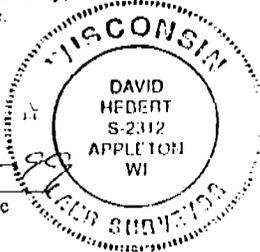
I, David Hebert, Registered Wisconsin Land Surveyor, do hereby certify that I have surveyed, divided and mapped all that part of the NE ¼ of the NE ¼, Section 24, T23N, R18E, Town of Oneida, Outagamie County, Wisconsin which is more fully described as follows:

Beginning at the NE Corner of said Section 24; thence S88°47'02"W, 1297.54 feet; thence S00°01'36"W, 1020.25 feet; thence N88°36'47"E, 636.32 feet; thence N00°11'01"W, 657.78 feet; thence N88°47'02"E, 559.00 feet; thence N00°11'01"W, 98.25 feet; thence N88°47'02"E, 106.00 feet; thence N00°11'01"W, 262.25 feet to the point of beginning

I further certify that I have made said division by order and under direction of the owners of said lands and that I have fully complied with the code of ordinances of Outagamie County, Wisconsin and with Chapter 236.34 of the Wisconsin statutes in surveying, dividing and mapping the same.

David Hebert

8-12-99



David Hebert RLS

Date

NOTES

1. This Certified Survey Map is a portion of tax parcel # 17-0-1115-00.
2. This Certified Survey Map is contained wholly within the lands described in Jacket 16490, Image 46
3. The owner of record is Marion Ryan.
4. There may be easements which affect the lands described on this Certified Survey Map but are not shown hereon. This Certified Survey Map does not constitute a warranty as to the existence or non-existence of any easements or agreements which may affect said lands. A complete and accurate abstract of the described property would reveal any easements or agreements of record.
5. There is a 75' building setback from the normal high water mark of all intermittent streams in Outagamie County.
6. The wetlands as shown on the face of this CSM are per the DNR wetland inventory maps.
7. This Certified Survey Map has been reviewed by the Outagamie County Planning Department

David Johnson

8-26-99

David Johnson

Date

Page 2 of 2
File # 99057M01

Document Number 1339801

Filed this 26 day of August, 1999 at 12:15 p.m. in Volume 19 of Certified Survey Maps on page 3579 being Certified Survey Map Number 3579.

Grace Herb
Grace Herb, Register of Deeds

*pd
12:00*

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 Marion J. Ryan *Trst.* asserts that he/she is duly authorized to sign this document on behalf of the Marion J. Ryan Living Trust.

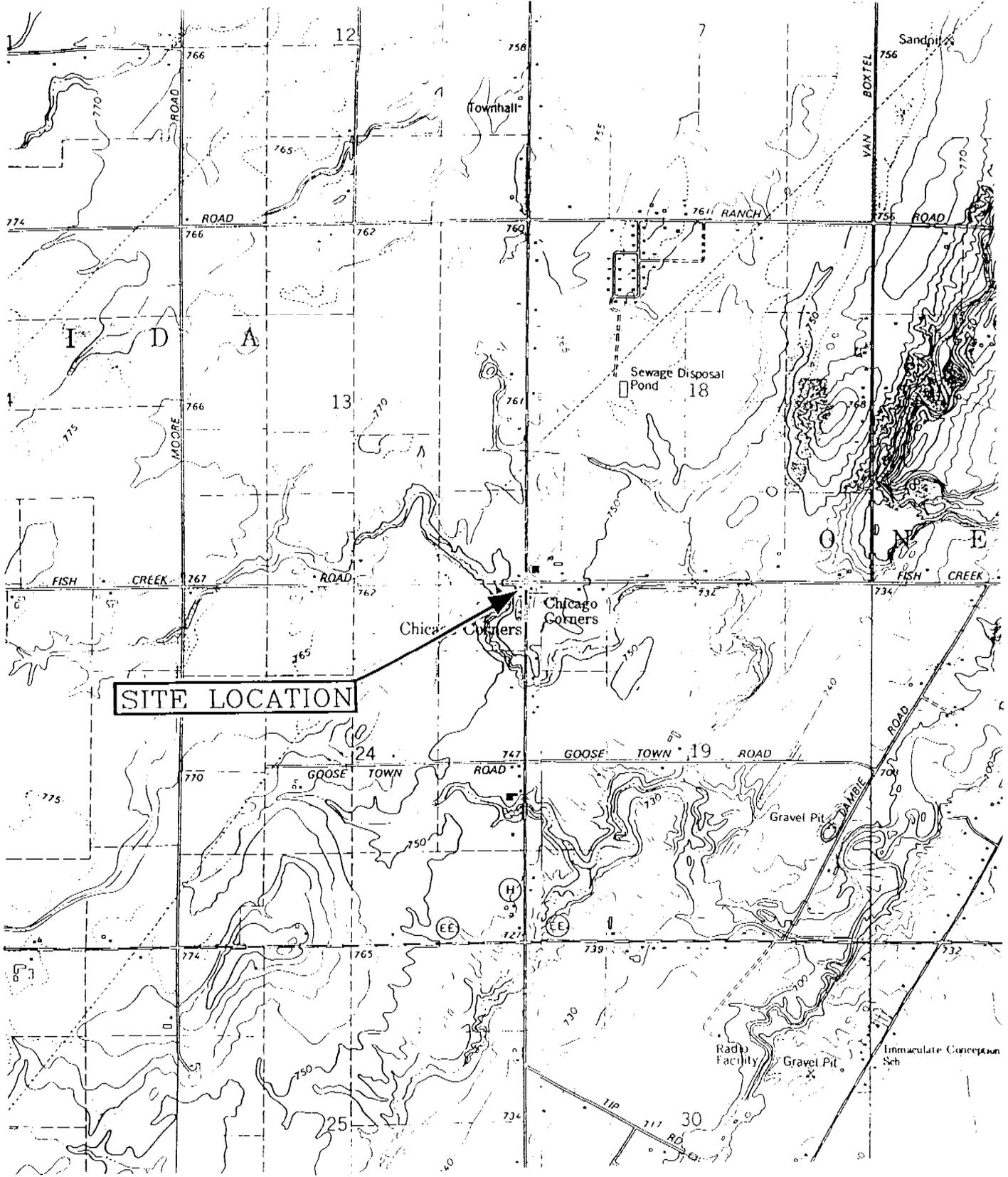
IN WITNESS WHEREOF, the owner of the property has executed this Declaration of Restrictions, this 30 day of March, 2000.

Signature: Marion J. Ryan
Printed Name: MARION J. RYAN
Title: Trustee

Subscribed and sworn to before me
this 30 day of March, 2000
Sara A. Hickey
Notary Public, State of Wisconsin
My commission exp: 1-12-2003



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



SITE LOCATION

NOTE: Taken from the
 ONEIDA SOUTH, WI and
 the FREEDOM, WI
 7.5 Minute USGS
 Topographic Maps 1974

CHICAGO CORNER STORE - DE PERE, WISCONSIN

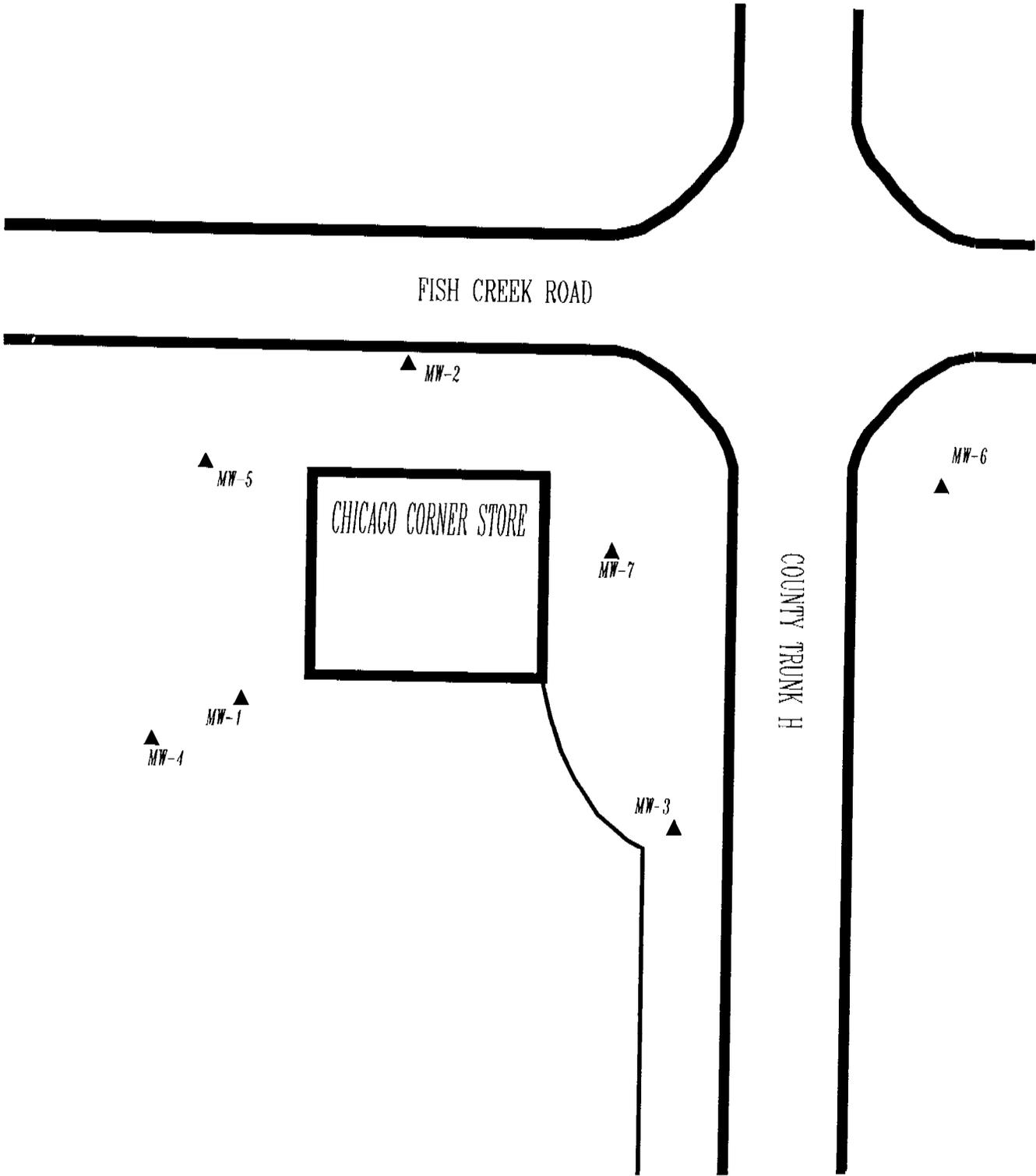
**FIGURE 1
 SITE LOCATION MAP**

SCALE: 1" = 2000'

DATE: 12-11-93

Environmental Compliance Consultants, Inc.

BY: I DEGENFEE

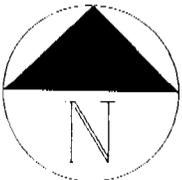


FISH CREEK ROAD

CHICAGO CORNER STORE

COUNTY TRUNK H

- MW-1
- MW-2
- MW-3
- MW-4
- MW-5
- MW-6
- MW-7



LEGEND

▲ - GROUNDWATER MONITORING WELL LOCATION

CHICAGO CORNER STORE - DE PERE, WISCONSIN

Groundwater Monitoring Well Locations

SCALE: 1" = 40'

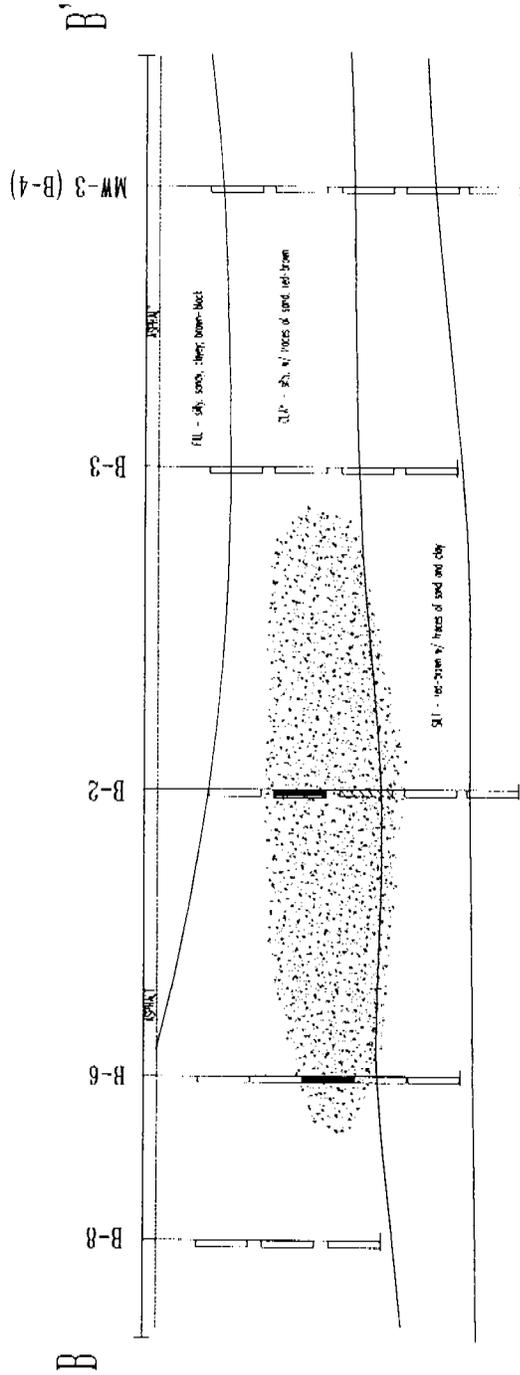
DATE: 04/20/99

Environmental Compliance Consultants, Inc.

BY: D.C. GREIL

E. Pre-Remedial Geologic Cross Section (b-b')

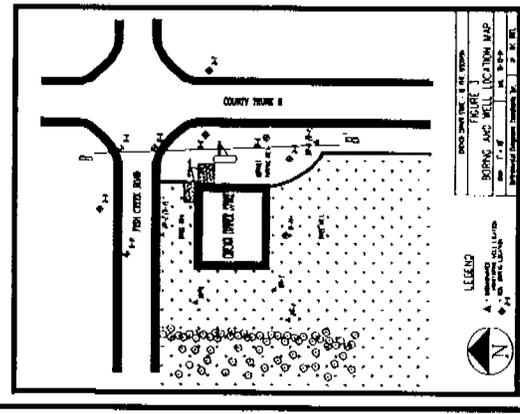
Pre-remedial



LEGEND

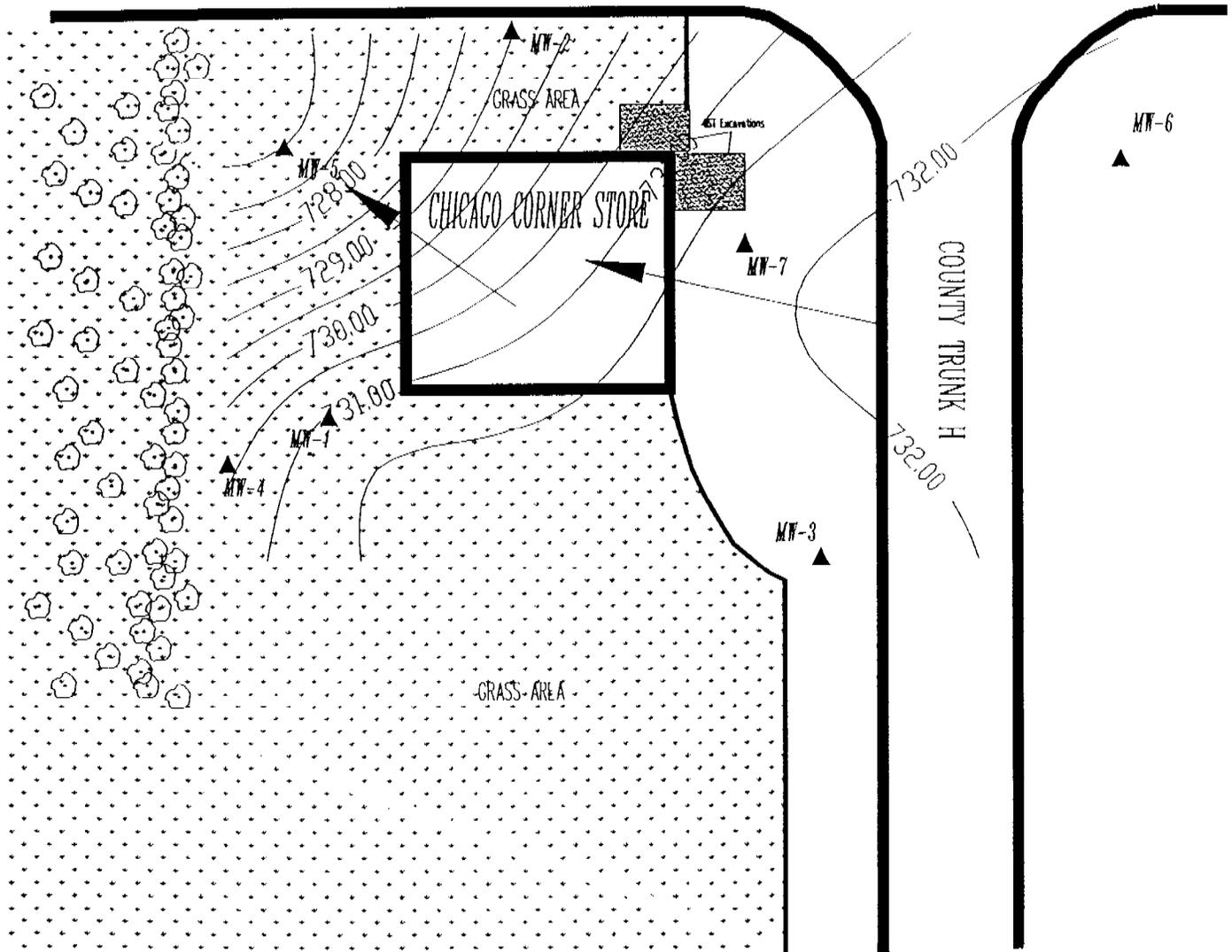
- SOIL SAMPLE INDICATES SPARSE TO MODERATE CONTAMINATION EXCEEDING 100 PPB FOR PCBs, PAHs, AND METALS (OR = 0.05)
- SOIL SAMPLE INDICATES MODERATE TO HEAVY CONTAMINATION EXCEEDING 100 PPB FOR PCBs, PAHs, AND METALS (OR = 0.10)
- SOIL SAMPLE INDICATES SPARSE TO MODERATE CONTAMINATION EXCEEDING 100 PPB FOR PCBs, PAHs, AND METALS (OR = 0.05)
- SOIL SAMPLE INDICATES SPARSE TO MODERATE CONTAMINATION EXCEEDING 100 PPB FOR PCBs, PAHs, AND METALS (OR = 0.05)
- REPRESENTS AREAS OF NON-PALE TO SPARSE CONTAMINATION EXCEEDING 100 PPB FOR PCBs, PAHs, AND METALS (OR = 0.05)

GRAPHIC SCALE



CHICAGO CORNER STORE - DE PERE, WI	
FIGURE 7	
CROSS SECTION B - B'	
SCALE: 1 inch = 5 feet (vertical) / 20 feet (horizontal)	DATE: 7/05/94
Environmental Compliance Consultants	
	BY: C.C. BREIT

FISH CREEK ROAD



LEGEND

▲ = GROUNDWATER MONITORING WELL LOCATION

CHICAGO CORNER STORE - DE PERE, WISCONSIN

Figure 2

Groundwater Contour Map - 29 March 99

SCALE: 1" = 40'

DATE: 04/20/99

Environmental Compliance Consultants, Inc.

BY: D.C. GREIL

Chicago Corner Store

SUMMARY OF GROUNDWATER ANALYTICAL RESULTS - MW-1
VOCs, Pb, GRO, DRO, PAH, and Natural Attenuation Parameters

Parameter	Units	Date	MW-1									
			05/31/94	07/05/94	05/25/95	09/22/95	02/13/96	12/04/97	10/30/98	03/29/99	06/30/99	
Benzene	ug/L	ESPA1	51	101	110	260	250	180	190	240	270	31
Toluene	ug/L	503	<0.6	2.6	2.4	2.7	2.9	2.3	1.2	1.3	1.9	5.3
Ethyl-benzene	ug/L	343/68.6	1.2	5.4	18	32	32	32	16	14	16	43
Total Xylenes	ug/L	700/140	<2.2	1.8	7	6.8	5.2	4.8	3	2.7	4.8	20.1
MTBE	ug/L	620/124	9.3	11	6.4	5.8	9.2	8.8	1.8	1.9	8.3	3
1,2,4-Trimethylbenzene	ug/L	60/12	<1.7	1.9	3	2.8	2.5	2.4	1.7	1.5	2.5	7.8
1,3,5-Trimethylbenzene	ug/L	480/96	<0.9	<0.9	<1.0	0.98	0.95	<2.0	<0.25	<0.25	<1.0	1.1
n-butyl-benzene	ug/L	NE	<1.9	na	na							
Naphthalene	ug/L	40/8	<1.0	na	1.1	0.82	na	na	na	na	2.7	4.1
GRO	ug/L	NE	62	na	na							
DRO	ug/L	NE	43	na	na							
Dissolved Lead	ug/L	15/1.5	<1.0	na	na							
Methylene Chloride	ug/L	80/5	2.6	na	na							
1-Methylnaphthalene	ug/L	NE	na	na	0.51	0.38	na	na	na	na	na	na
Dibenz(a,h)anthracene	ug/L	NE	na	na	0.028	0.024	na	na	na	na	na	na
Pyrene	ug/L	250/50	na	na	0.028	<0.016	na	na	na	na	na	na
1,2-Dichloroethane	ug/L	80/5	0.9	na	na							
Isopropylbenzene	ug/L	NE	na	na								
Benzo(g,h,i)perylene	ug/L	NE	na	na	<0.032	<0.032	na	na	na	na	na	na
Indeno(1,2,3-cd)pyrene	ug/L	NE	na	na	<0.0058	<0.0058	na	na	na	na	na	na
Iron	ug/L		na	na	na	na	na	na	630	710	na	900
Alkalinity	mg/L		na	na	na	na	na	na	410	370	na	490
Nitrogen	mg/L		na	na	na	na	na	na	2.1	2.1	na	1.5
Sulfate	mg/L		na	na	na	na	na	na	68	67	na	52
pH			na	na	na	na	na	na	7.4	7.4	na	7.3
Temperature	Celsius		na	na	na	na	na	na	10.6	10.6	na	15.2
Dissolved Oxygen	mg/L		na	na	na	na	na	na	2	2	na	0.9

Notes: shaded = PAL exceedence
na = Not analyzed for
NE = Not established

Chicago Corner Store

SUMMARY OF GROUNDWATER ANALYTICAL RESULTS - MW-6
 PVOCS: Naphthalene and Natural Attenuation Parameters

Parameter	Units	ES/PAL	Date-->	
			10/30/98	03/29/99 6/30/99
Benzene	ug/L	5/0.5	<0.50	<0.27
Ethyl-benzene	ug/L	700/140	<0.50	<0.32
MTBE	ug/L	60/12	3.4	<0.32
1,2-Dichloroethane	ug/L	s/s	na	<0.37
Naphthalene	ug/L	40/8	<2.0	na
Toluene	ug/L	343/68.6	<0.50	<0.27
1,2,4-Trimethylbenzene	ug/L	480/96	<1.0	<0.22
1,3,5-Trimethylbenzene	ug/L		<1.0	<0.27
Total Xylenes	ug/L	620/124	<0.50	<1.34
Iron	ug/L		na	<47
Alkalinity	mg/L		na	400
Nitrogen	mg/L		na	6.5
Sulfate	mg/L		na	63
pH			na	7.3
Temperature	Celsius		na	11.1
Dissolved Oxygen	mg/L		na	6.8

Notes: shaded = PAL exceedence
 na = Not analyzed for
 NE = Not established

Chicago Corner Store

SUMMARY OF GROUNDWATER ANALYTICAL RESULTS - MW-7
 PVOCS, Naphthalene and Natural Attenuation Parameters

Parameter	Units	ES/PAL	Date-->		
			10/30/98	03/29/99	6/30/99
Benzene	ug/L	5/0.5	130	<0.26	<0.27
Ethyl-benzene	ug/L	700/140	10	<0.24	<0.32
MTBE	ug/L	60/12	5.6	<0.22	<0.32
1,2-Dichloroethane	ug/L	5/5	na	na	<0.37
Naphthalene	ug/L	40/8	28	<0.89	na
Toluene	ug/L	343/68.6	1.6	<0.21	<0.27
1,2,4-Trimethylbenzene	ug/L	480/96	24	<0.86	<0.22
1,3,5-Trimethylbenzene	ug/L		5.3	<0.54	<0.27
Total Xylenes	ug/L	620/124	36	<1.34	<0.67
Iron	ug/L		na	<47	na
Alkalinity	mg/L		na	400	370
Nitrogen	mg/L		na	3.4	3.6
Sulfate	mg/L		na	910	890
pH			na	na	7.4
Temperature	Celsius		na	na	17.8
Dissolved Oxygen	mg/L		na	na	2.8

Notes: shaded = PAL exceedence
 na = Not analyzed for
 NE = Not established

Chicago Corner Store

SUMMARY OF GROUNDWATER ANALYTICAL RESULTS - Supply Well
 VOCs, Pb, GRO, DRG, & PAH

Parameter	Units	ES/PAL	Date-->		
			08/09/94	05/25/95	09/22/95
Benzene	ug/L	5/0.5	<0.5	<1.0	<0.6
Toluene	ug/L	343/68.6	<0.6	<1.0	<1.0
Ethyl-benzene	ug/L	700/140	<0.6	<1.0	<0.57
Total Xylenes	ug/L	620/124	<2.2	<2.0	<2.5
MTBE	ug/L	60/12	<2.7	<1.0	<1.2
1,2,4-Trimethylbenzene	ug/L	NE	<1.7	<1.0	<1.0
1,3,5-Trimethylbenzene	ug/L	NE	<0.9	<1.0	<0.84
n-butyl- benzene	ug/L	NE	<1.9	na	na
naphthalene	ug/L	40/8	<1.0	<0.24	<1.1
GRO	ug/L		na	<100	<100
DRO	ug/L		na	<2.0	<100
Methylene Chloride	ug/L		3.1	na	na
1-Methylnaphthalene	ug/L		<2.0	<0.24	<1.3
Dibenzo (a,h) anthracene	ug/L		<0.4	<0.014	<7
Pyrene	ug/L		<0.2	<0.016	<0.2
1,2-Dichloroethane	ug/L	5/0.5	<1.1	na	na
Isopropylbenzene	ug/L		<0.6	na	na
Benzo(g,h,i) perylene	ug/L		<0.4	<0.032	<1.0
Indeno (1,2,3,c,d)pyrene	ug/L		<0.1	0.014	<9.0
Iron	ug/L		na	na	na
Alkalinity	mg/L		na	na	na
Nitrogen	mg/L		na	na	na
Sulfate	mg/L		na	na	na
pH			na	na	na
Temperature			na	na	na
Dissolved Oxygen			na	na	na

Notes: Shaded = PAL exceedence
 na = Not analyzed for
 NE = Not established