

# State of Wisconsin \ DEPARTMENT OF NATURAL RESOURCES

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

647 Lakeland Road  
Shawano, Wisconsin 54166  
Telephone 715-524-2183  
FAX 715-524-3214

November 6, 2000

Outagamie County Highway Department  
Attn.: Mr. Bill Fischer  
1313 Holland Rd.  
Appleton, WI 54911-8947

**COPY**

Subject: Closure of Petroleum Contamination Case for Outagamie County Highway Dept.,  
Seymour, 311 N. Wisconsin Ave., Seymour, WI; DNR Case # 03-45-202035.

Dear Mr. Fischer:

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 Restriction

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

## 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.

At this time the Department is not requiring any further investigation or other remedial action concerning this specific sites.

## Groundwater Use Restriction

The last round of groundwater sampling indicates that contamination of vinyl chloride and/or 1,2 DCE, above groundwater enforcement standards, remains at MW-2, MW-3, TW-7, TW-8, TW-14 and TW-15. However, trends in concentrations and other data indicate that natural attenuation will be effective in remediating this contamination in a reasonable period of time. Therefore, the Department is requiring that a groundwater use restriction be placed on the property deed indicating that this contamination remains and that certain restriction will be required regarding the use of the groundwater on the property.

Please send me copies of property deeds, as filed with the register of deeds, for all parcels affected by the remaining groundwater contamination. This deeds should provide an accurate property description and the names of the current owners. A certified survey map should also be submitted, if available. I will prepare the documents and send them to the owner of record for filing. The document can only be filed by the current property owner of the parcel.

The Department will formally close this case when we have received 1)documentation that the groundwater use restrictions have been filed and 2)documentation that all monitoring wells related to this case have been abandoned.

The Department appreciates the actions you have undertaken to restore the environment. 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  
Email: sturmt@dnr.state.wi.us

cc: Kendrick Ebbott P.G. – Alpha Terra Science, 1237 S. Pilgrim Road, Plymouth, WI 53073



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, \_\_\_\_\_ asserts that he/she is duly authorized to sign this document on behalf of Outagamie County.

IN WITNESS WHEREOF, the owner of the property has executed this Declaration of Restrictions, this \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_.

Signature: \_\_\_\_\_

Title: \_\_\_\_\_

Subscribed and sworn to before me  
this \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

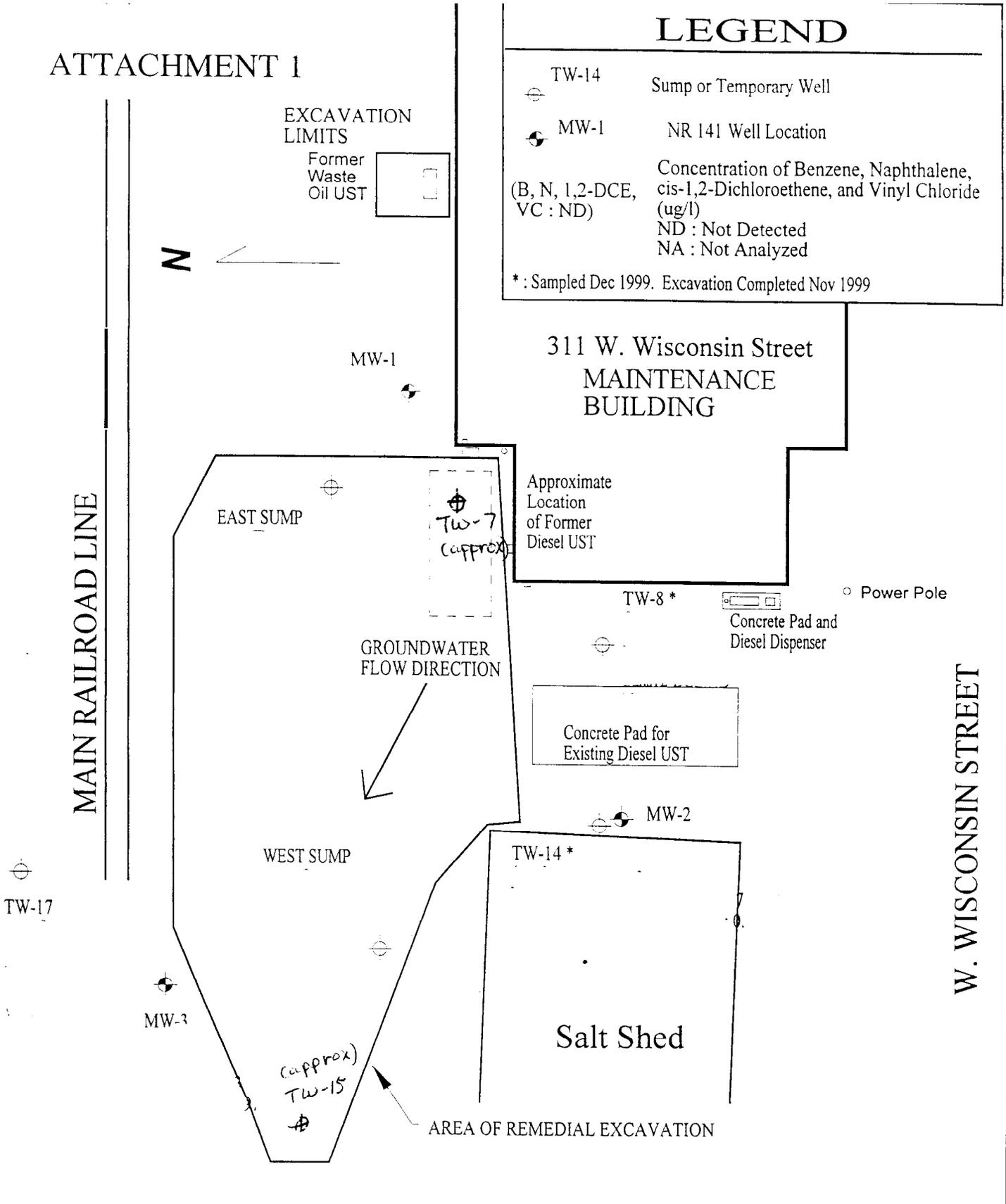
\_\_\_\_\_  
Notary Public, State of \_\_\_\_\_  
My commission \_\_\_\_\_

This document was drafted by the Wisconsin Department of Natural Resources based on information submitted by Alpha Terra Science.

# ATTACHMENT 1

## LEGEND

-  TW-14 Sump or Temporary Well
-  MW-1 NR 141 Well Location
- (B, N, 1,2-DCE, VC : ND)  
Concentration of Benzene, Naphthalene, cis-1,2-Dichloroethene, and Vinyl Chloride (ug/l)
- ND : Not Detected
- NA : Not Analyzed
- \* : Sampled Dec 1999. Excavation Completed Nov 1999



Title: <b>Post Excavation Groundwater Results : APRIL 2000</b>		 <b>ALPHA TERRA</b> SCIENCE	
Project: <b>Site Remediation : Outagamie County Highway Department</b>			
Client: <b>Seymour Maintenance Facility, Seymour, WI</b>		DRAWN BY: <b>K A E</b>	DATE: <b>Dec 30, 1999</b>

... one thousand nine hundred and thirty-seven, between the City of Seymour, Outagamie County, Wisconsin, a municipal corporation duly organized and existing under the laws of the State of Wisconsin, located at Seymour, Wisconsin, party of the first part, and Outagamie County, Wisconsin, party of the second part.

WITNESSETH, That the said party of the first part, for and in consideration of the sum of One Dollar and other valuable consideration, to it in hand paid by the said party of the second part, the receipt whereof is hereby confessed and acknowledged, has given, granted, bargained, sold, remised, released and quit-claimed, and by these presents does give, grant, bargain, sell, remise, release and quit-claim unto the said party of the second part, and to its successors and assigns forever, the following described real estate, situated in the County of Outagamie and State of Wisconsin, to-wit:

All of Block thirteen (13) lying west of "Elizabeth" Street, which crosses said block from north to south, according to the recorded assessor's plat of the city of Seymour, Wisconsin.

TO HAVE AND TO HOLD; the same, together with all and singular the appurtenances and privileges thereunto belonging or in anywise thereunto appertaining, and all the estate, right, title, interest and claim whatsoever of the said party of the first part either in law or equity, either in possession or expectancy of, to the only proper use, benefit and behoof of the said party of the second part, its successors and assigns forever.

IN WITNESS WHEREOF, the said party of the first part has caused these presents to be signed by its Mayor and countersigned by its Clerk, at Seymour, Wisconsin, and its corporate



CORPORATE  
SEAL

City of Seymour  
Chris Groendahl Mayor.

Countersigned:

B. G. Dean Clerk.

Signed, Sealed and Delivered

in Presence of

Flora H Boyden

Al Boyden

STATE OF WISCONSIN )  
OUTAGAMIE COUNTY ) SS

Personally came before me this 17 day of Sept. A. D. 1937, Chris Groendahl, Mayor of the City of Seymour, Outagamie County, Wisconsin, the municipal corporation named in the above deed, and B. G. Dean, Clerk of said municipal corporation, to me known to be the persons who executed the foregoing instrument, and to me known to be such Mayor and Clerk of said municipal corporation, and acknowledged that they executed the foregoing instrument as such officers and as the deed of said municipal corporation, by its authority.

(SEAL)

Michael Burns  
Notary Public, Outagamie Co., Wis.

My Commission expires Dec 29, 1940.

1361286

Document Number

STATE BAR OF WISCONSIN FORM 1 - 1998

WARRANTY DEED

This Deed, made between THE CITY OF SEYMOUR, a Wisconsin Municipal Corporation, Grantor, and OUTAGAMIE COUNTY, a Wisconsin Municipal Corporation, Grantee.

Grantor, for a valuable consideration, conveys to Grantee the following described real estate in OUTAGAMIE County, State of Wisconsin (The "Property"):

OUTAGAMIE COUNTY  
RECEIVED FOR RECORD

MAR 30 2000

AT 2 O'CLOCK P.M.  
JANICE TILTZ  
REGISTER OF DEEDS

2/10/00

Recording Area

Name and Return Address

PIERRE & SWEENEY LAW OFFICES  
307 SOUTH MAIN STREET  
SEYMOUR, WI 54165

FEE  
2  
EXEMPT

PT. 34-0-0473-05-4

Parcel Identification Number (PIN)

This IS NOT homestead property.  
(is) (is not)

All of Lot Two (2) of Certified Survey Map No. 3679 filed February 4, 2000 at 2:30 p.m. in Volume 19 of Certified Survey Maps on page 3679 as Document No. 1356398, Outagamie County Registry. Being a part of the West half of Lot Four (4), Block "C" according to the Recorded Assessor's Plat of the City of Seymour, Outagamie County, Wisconsin.

Together with all appurtenant rights, title and interests.

Grantor warrants that the title to the Property is good, indefeasible in fee simple and free and clear of encumbrances except easements and restrictions of record.

Dated this 30th day of MARCH, 2000.

Carlisle Austin  
Lori Thiel

Henry Burrows  
\*Henry Burrows - Mayor  
Susan Garson  
\*Susan Garson - City Clerk

AUTHENTICATION

Signature(s) of Henry Burrows and Susan Garson

authenticated this 30th day of MARCH, 2000.

Robert D. Sweeney

TITLE: MEMBER STATE BAR OF WISCONSIN

(If not, \_\_\_\_\_  
authorized by § 706.06, Wis. Stats.)

THIS INSTRUMENT WAS DRAFTED BY  
Attorney Robert D. Sweeney  
Seymour, Wisconsin

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

ACKNOWLEDGMENT

STATE OF WISCONSIN )

) ss.

County )

Personally came before me this day of , the above named to me known to be the person(s) who executed the foregoing instrument and acknowledge the same.

\_\_\_\_\_

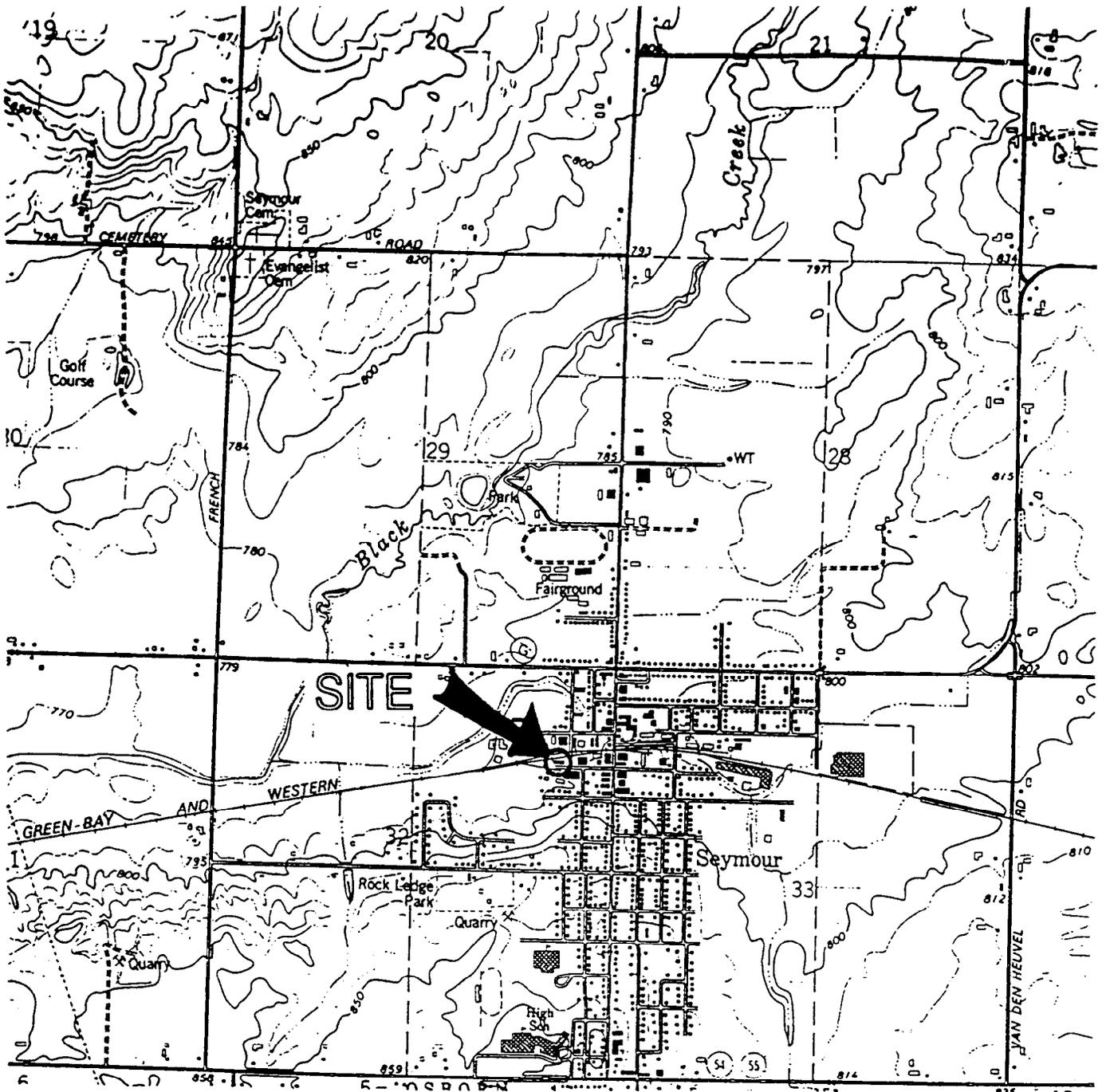
\* \_\_\_\_\_

Notary Public, State of Wisconsin

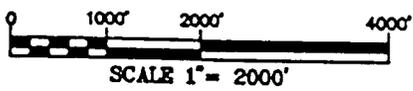
My Commission is permanent. (If not, state expiration date: \_\_\_\_\_)

\_\_\_\_\_

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



SOURCE: USGS 7.5 MINUTE TOPOGRAPHIC MAP, SEYMOUR, WISCONSIN QUADRANGLE, 1974.



**Figure 1: Site Location Map**  
**Outagamie County Highway**  
**Department**  
**311 W. Wisconsin Street,**  
**Seymour, Wisconsin**



# LEGEND

⊕ TW-11 Geoprobe Boring and Temporary Well Installation

● TW-3 Soil Boring / Abandoned Temporary Well

(B, N, VC : ND) Concentration of Benzene, Naphthalene, and Vinyl Chloride (ug/l)  
 ND : Not Detected  
 NA : Not Analyzed

MAIN RAILROAD LINE

W. WISCONSIN STREET



TW-1  
(B, N, VC : ND)

TW-2  
(B,N,VC : ND)

Former Waste Oil UST

TW-3  
(B,N,VC : ND)

311 W. Wisconsin Street  
MAINTENANCE BUILDING

Approximate Location of Former Diesel UST

TW-7  
(B : 0.35  
N : 14  
VC : 0.69)

TW-11  
(B,N,VC : ND)

TW-9  
(B : 1.5  
N : 96  
VC : NA)

Concrete Pad and Diesel Dispenser

○ Power Pole

TW-8  
(B,N : ND  
VC : NA)

Concrete Pad for Existing Diesel UST

TW-12  
(B : ND  
N : 0.95  
VC : NA)

TW-10  
(NA)

TW-13  
(B : 1.9  
N : ND  
VC : NA)

TW-14  
(B : 0.65  
N : <0.35  
VC : 3.8)

Salt Shed

TW-17  
(B, N, VC : ND)

TW-16  
(B : 0.92  
N : ND  
VC : NA)

TW-15  
(B : 0.31  
N : ND  
VC : 1.0)

PROPOSED EXCAVATION LIMITS

Title: Site Investigation Groundwater Chemistry Results :  
JUNE 1998 to APRIL 1999

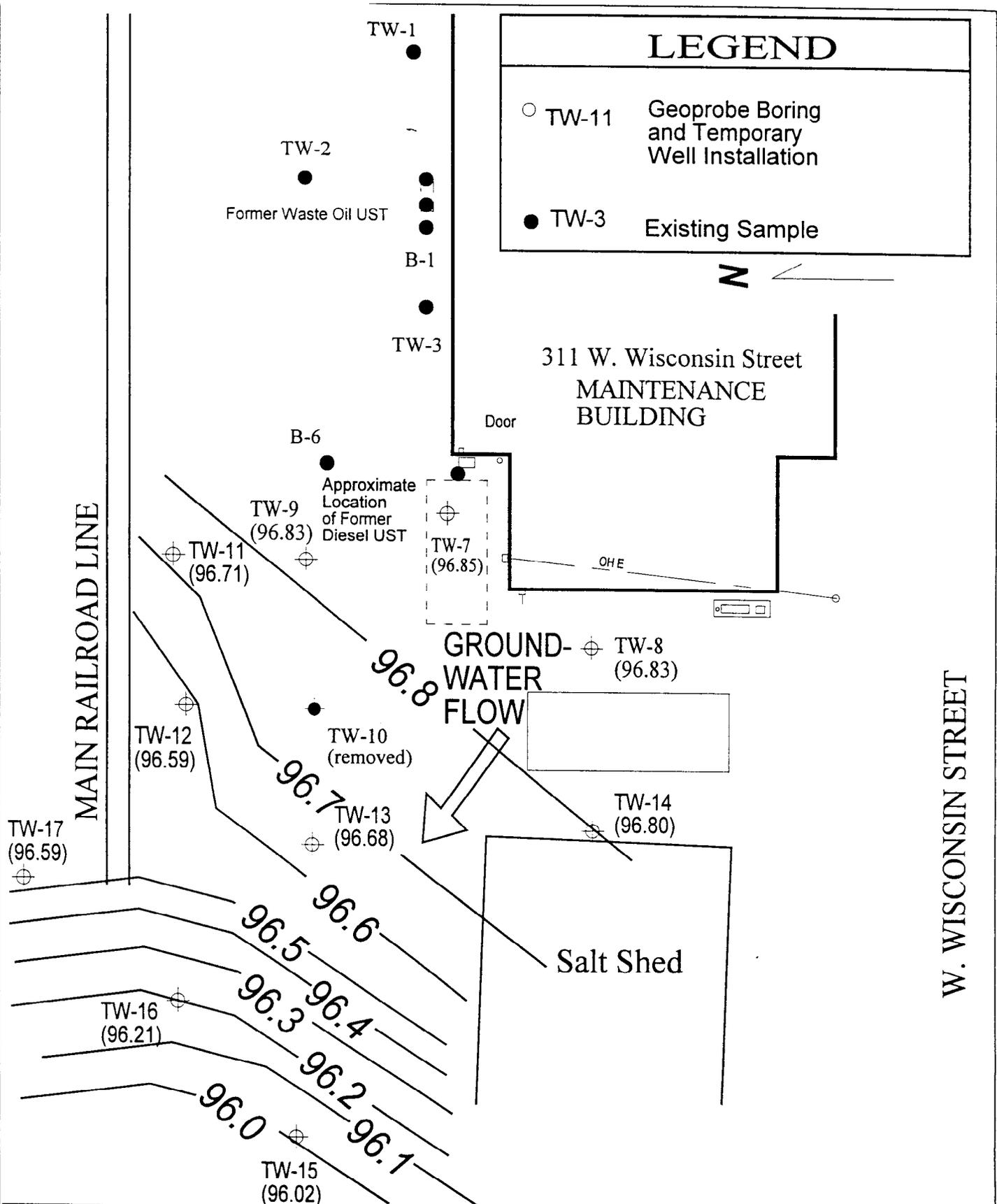
Project: Site Investigation : Outagamie County Highway Department

Client: Seymour Maintenance Facility, Seymour, WI



SCALE: 1" = 20'  
DRAWN BY: K A E

DWG NO: FIGURE 4  
DATE: April 23, 1999



Title: **Groundwater Elevation : April 22, 1999**

Project: **Site Investigation : Outagamie County Highway Department**

Client: **Seymour Maintenance Facility, Seymour, WI**

**ALPHA TERRA**  
SCIENCE

SCALE: 1" = 20'	DWG NO: FIGURE 2
DRAWN BY: K A E	DATE: April 23, 1999

Route To:  Watershed/Wastewater  Waste Management   
 Remediation/Revelopment  Other

Page 1 of 1

Facility/Project Name <u>Outagamie Co Hwy Dept - Seymour Facility</u>			License/Permit/Monitoring Number		Boring Number <u>MW-1</u>		
Boring Drilled By: Name of crew chief (first, last) and Firm First Name: <u>Rick</u> Last Name: <u>Burns</u>			Date Drilling Started <u>01/17/2000</u>		Date Drilling Completed <u>01/17/2000</u>		
Firm: <u>Best Drilling &amp; Geoprobings, Inc</u>			Final Static Water Level Feet MSL		Drilling Method <u>HSA</u>		
WI Unique Well No. <u>28353</u>		DNR Well ID No.		Well Name <u>MW-1</u>		Borehole Diameter <u>3.6</u> inches	
Local Grid Origin <input type="checkbox"/> (estimated: <input type="checkbox"/> ) or Boring Location <input type="checkbox"/>			Surface Elevation Feet MSL		Local Grid Location		
State Plane <u>N</u> , <u>E S/C/N</u>			Lat <u>0</u> ' "		<input type="checkbox"/> N <input type="checkbox"/> E		
<u>NE 1/4 of NE 1/4 of Section 32, T 24 N, R 16 E/W</u>			Long <u>0</u> ' "		<input type="checkbox"/> S <input type="checkbox"/> W		
Facility ID		County <u>Outagamie</u>		County Code <u>75</u>		Civil Town/City/ or Village <u>Seymour</u>	

Sample Number and Type	Length Alt. & Recovered (in)	Blow Counts	Depth in Feet (Below ground surface)	Soil/Rock Description And Geologic Origin For Each Major Unit	USCS	Graphic Log	Well Diagram	PID/FID	Soil Properties					RQD/ Comments	
									Compressive Strength	Moisture Content	Liquid Limit	Plasticity Index	P 200		
				0-6" asphalt	Fill										
				6"-2' brown sand + gravel, non-plastic	Fill										
			2	black silty clay, moderate plasticity	CL			0.5			moist				
	60%	10 6	5	brown sand + gravel, non plastic (fill?)	SP			0.5			moist				
	20%	3 3	6	brown sandy clay, plastic.	CH			0.6			wet				lab
	60%	4 4	8	brown silty clay, high plasticity	CH			0.2			m-w				
	100%	7 9	10	brown silty clay, high plasticity	CH			0.2			m-w				
	100%	4 10	12	brown silty clay, high plasticity	CH			0.2			m-w				
	100%	4 7	14	brown silty clay w/ subangular gravel, high plasticity	CH			0.2			m-w				

I hereby certify that the information on this form is true and correct to the best of my knowledge.

Signature [Signature] Firm Alpha Terra Science

This form is authorized by Chapters 281, 283, 289, 291, 292, 293, 295, and 299, Wis. Stats. Completion of this form is mandatory. Failure to file this form may result in forfeiture of between \$10 and \$25,000, or imprisonment for up to one year, depending on the program and conduct involved. Personally identifiable information on this form is not intended to be used for any other purpose. NOTE: See instructions for more information, including where the completed form should be sent.