

GIS REGISTRY INFORMATION

SITE NAME: Express Convenience Center #65
BRRTS #: 03-45-448844 **FID # (if appropriate):**
COMMERCE # (if appropriate): NA
CLOSURE DATE: 07/11/2007
STREET ADDRESS: 320 S. Kennsington Dr.
CITY: Appleton

SOURCE PROPERTY GPS COORDINATES (meters in WTM91 projection): X= 650832 Y= 421940

CONTAMINATED MEDIA: Groundwater Soil Both
OFF-SOURCE GW CONTAMINATION >ES: Yes No

IF YES, STREET ADDRESS 1:
GPS COORDINATES (meters in WTM91 projection): X= Y=

OFF-SOURCE SOIL CONTAMINATION >Generic or Site-Specific RCL (SSRCL): Yes No

IF YES, STREET ADDRESS 1:
GPS COORDINATES (meters in WTM91 projection): X= Y=

CONTAMINATION IN RIGHT OF WAY: Yes No

DOCUMENTS NEEDED:

- Closure Letter, and any conditional closure letter or denial letter issued
- Copy of any maintenance plan referenced in the final closure letter.
- Copy of (soil or land use) deed notice *if any required as a condition of closure* na
- Copy of most recent deed, including legal description, for all affected properties
- Certified survey map or relevant portion of the recorded plat map *(if referenced in the legal description)* for all affected properties
- County Parcel ID number, *if used for county*, for all affected properties
- Location Map** which outlines all properties within contaminated site boundaries on USGS topographic map or plat map in sufficient detail to permit the parcels to be located easily (8.5x14" if paper copy). If groundwater standards are exceeded, the map must also include the location of all municipal and potable wells within 1200' of the site.
- Detailed Site Map(s) for all affected properties**, showing buildings, roads, property boundaries, contaminant sources, utility lines, monitoring wells and potable wells. (8.5x14", if paper copy) This map shall also show the location of all contaminated public streets, highway and railroad rights-of-way in relation to the source property and in relation to the boundaries of groundwater contamination exceeding ch. NR 140 ESs and soil contamination exceeding ch. NR 720 generic or SSRCLs.
- Tables of Latest Groundwater Analytical Results (no shading or cross-hatching)**
- Tables of Latest Soil Analytical Results (no shading or cross-hatching)**
- Isoconcentration map(s), if required for site investigation (SI)** (8.5x14" if paper copy). The isoconcentration map should have flow direction and extent of groundwater contamination defined. **If not available, include the latest extent of contaminant plume map.**
- GW: Table of water level elevations, with sampling dates, and free product noted if present**
- GW: Latest groundwater flow direction/monitoring well location map (should be 2 maps if maximum variation in flow direction is greater than 20 degrees)**
- SOIL: Latest horizontal extent of contamination exceeding generic or SSRCLs, with one contour**
- Geologic cross-sections, if required for SI.** (8.5x14" if paper copy) na
- RP certified statement that legal descriptions are complete and accurate**
- Copies of off-source notification letters (if applicable)** na
- Letter informing ROW owner of residual contamination (if applicable)**(public, highway or railroad ROW)



State of Wisconsin \ DEPARTMENT OF NATURAL RESOURCES

Jim Doyle, Governor
Scott Hassett, 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
TTY Access via relay - 711

July 11, 2007

Don Johnston
US Oil Co.
425 Washington St.
PO Box 25
Combined Locks, WI 54113

SUBJECT: Final Case Closure with Land Use Limitations or Conditions
Kensington Express Convenience Store #65, 320 S. Kensington Dr., Appleton,
Wisconsin;
WDNR BRRTS Activity #: 03-45-448844

Dear Mr. Johnston:

On January 17, 2007, the Department's Northeast Region Closure Committee reviewed the above referenced case for closure. This committee reviews environmental remediation cases for compliance with state laws and standards to maintain consistency in the closure of these cases. On January 22, 2007, you were notified that the Closure Committee had granted conditional closure to this case. On June 22, 2007 the Department received correspondence monitoring well abandonment forms and waste disposal documentation) indicating that you have complied with the requirements of closure.

Based on the correspondence and data provided, it appears that your case meets the requirements of ch. NR 726, Wisconsin Administrative Code. The Department considers this case closed and no further investigation or remediation is required at this time.

Please be aware that pursuant to s. 292.12 Wisconsin Statutes, compliance with the requirements of this letter is a responsibility to which you and any subsequent property owners must adhere. If these requirements are not followed or if additional information regarding site conditions indicates that contamination on or from the site poses a threat to public health, safety, welfare, or the environment, the Department may take enforcement action under s. 292.11 Wisconsin Statutes to ensure compliance with the specified requirements, limitations or other conditions related to the property or this case may be reopened pursuant to s. NR 726.09, Wis. Adm. Code. It is the Department's intent to conduct inspections in the future to ensure that the conditions included in this letter including compliance with referenced maintenance plans are met.

Pursuant to s. 292.12(2)(a), Wis. Stats., the pavement or other impervious cap that currently exists in the location shown on the attached map shall be maintained in compliance with the **attached maintenance plan** in order to minimize the infiltration of water and prevent additional groundwater contamination that would violate the groundwater quality standards in ch. NR 140, Wis. Adm. Code. If soil in the specific locations described above is excavated in the future, the property owner at the time of excavation must sample and analyze the excavated soil to

determine if residual contamination remains. If sampling confirms that contamination is present the property owner at the time of excavation will need to determine whether the material would be considered solid or hazardous waste and ensure that any storage, treatment or disposal is in compliance with applicable statutes and rules. In addition, all current and future owners and occupants of the property need to be aware that excavation of the contaminated soil may pose an inhalation or other direct contact hazard and as a result special precautions may need to be taken during excavation activities to prevent a health threat to humans.

The following activities are prohibited on any portion of the property where [pavement, a building foundation, soil cover, engineered cap or other barrier] is required as shown on the attached map, unless prior written approval has been obtained from the Wisconsin Department of Natural Resources: 1) removal of the existing barrier; 2) replacement with another barrier; 3) excavating or grading of the land surface; 4) filling on capped or paved areas; 5) plowing for agricultural cultivation; or 6) construction or placement of a building or other structure.

Your site will be listed on the DNR Remediation and Redevelopment GIS Registry of Closed Remediation Sites. Information that was submitted with your closure request application will be included on the GIS Registry. To review the sites on the GIS Registry web page, visit <http://dnr.wi.gov/org/aw/rr/gis/index.htm>. If your property is listed on the GIS Registry because of remaining contamination and you intend to construct or reconstruct a well, you will need prior Department approval in accordance with s. NR 812.09(4)(w), Wis. Adm. Code. To obtain approval, Form 3300-254 needs to be completed and submitted to the DNR Drinking and Groundwater program's regional water supply specialist. This form can be obtained on-line <http://www.dnr.state.wi.us/org/water/dwg/3300254.pdf> or at the web address listed above for the GIS Registry.

Recent groundwater monitoring data at this site indicates exceedances of the NR 140 preventive action limit (PAL) for Methyl tert-butyl ether (MTBE) at B-1 but compliance with the NR 140 enforcement standard. The Department may grant an exemption to a PAL for a substance of public health concern, other than nitrate, pursuant to s. NR 140.28(2)(b), Wis. Adm. Code, if all of the following criteria are met:

1. The measured or anticipated increase in the concentration of the substance will be minimized to the extent technically and economically feasible.
2. Compliance with the PAL is either not technically or economically feasible.
3. The enforcement standard for the substance will not be attained or exceeded at the point of standards application.
4. Any existing or projected increase in the concentration of the substance above the background concentration does not present a threat to public health or welfare.

Based on the information you provided, the Department believes that the above criteria have been or will be met as a result of the remedial action that has taken place at the site.. Therefore, pursuant to s. NR 140.28(2)(b), Wis. Adm. Code, an exemption to the PAL is granted for MTBE at B-1. This letter serves as your exemption.

The Department appreciates your efforts to restore the environment at this site. If you have any questions regarding this closure decision or anything outlined in this letter, please contact Tom Sturm at 715-526-4230

Sincerely,

Bruce G. Urban / B.G.U.

Bruce G. Urban

Northeast Region Remediation & Redevelopment Team Supervisor

cc: Peter Chase – RMT Inc., 744 Heartland Trail, Madison, WI 53717
Bill Phelps, DG/2
Tom Sturm - Shawano

PAVEMENT COVER MAINTENANCE PLAN

October 2007

Property Located at: 320 S. Kensington Drive
Appleton, Wisconsin

WDNR BRRTS # 03-45-448844

See Exhibit A for legal description and tax key #.

Introduction

This document is the Maintenance Plan for the pavement cover at the above-referenced property prepared in accordance with the requirements of s. NR 724.13(2), Wisconsin Administrative Code. The maintenance activities relate to the paved surfaces occupying the area over and adjacent to the underground storage tank basin. The soil is impacted by petroleum-related compounds. The location of the paved surfaces to be maintained in accordance with this Maintenance Plan, as well as the location of the impacted soil, are identified on the attached map (Exhibit B).

Cover Purpose

The paved surfaces over the contaminated soil serves as a barrier to minimize the infiltration of water and prevent additional groundwater contamination. Based on the current and future use of the property, the barriers should function as intended unless disturbed.

Annual Inspection

The paved surfaces overlying the contaminated soil, as depicted in Exhibit B, will be inspected once a year, normally in the spring after all snow and ice are gone, for deterioration, cracks, and other potential problems that can cause excessive infiltration of surface water. The inspections will be performed to evaluate damage due to settling, exposure to the weather, wear from traffic, increasing age, and other factors. Any areas in which the underlying soil have become, or are likely to become exposed will be documented. A log of the inspections and any repairs will be maintained by the property owner and is included as Exhibit C, Barrier Inspection Log. The log will include recommendations for the necessary repair of any areas in which underlying soil are exposed. Cracks larger than ½ inch in width will be sealed or repaired. Once repairs are completed, they will be documented in the inspection log. A copy of the inspection log will be sent to the Wisconsin Department of Natural Resources ("WDNR") at least annually after every inspection, unless otherwise directed in the case closure letter.

Maintenance Activities

If problems are noted during the annual inspections or at any other time during the year, repairs will be scheduled as soon as practical. Repairs can include patching and filling operations, or they can include larger resurfacing or construction operations.

In the event that the paved surfaces overlying the contaminated soil are removed or replaced, the WDNR or the WDNR's successor will be notified, and the replacement barrier will also provide a similar impervious barrier, and will be subject to the same maintenance and inspection guidelines as outlined in this Maintenance Plan unless indicated otherwise by the WDNR or the WDNR's successor.

The property owner, in order to maintain the integrity of the paved surfaces, will maintain a copy of this Maintenance Plan on-site and will make it available to all interested parties (i.e., on-site employees, contractors, future property owners, etc.) for viewing.

Amendment or Withdrawal of Maintenance Plan

This Maintenance Plan can be amended or withdrawn by the property owner and the property owner's successors with the written approval of the WDNR.

Contact Information

Site Contact: Don Johnston
U.S. Oil Company, Inc.
425 S. Washington Street
Combined Locks, WI 54113
(920) 735-8228

Consultant: Pete Chase
RMT, Inc.
744 Heartland Trail
Madison, WI 53717
(608) 831-4444

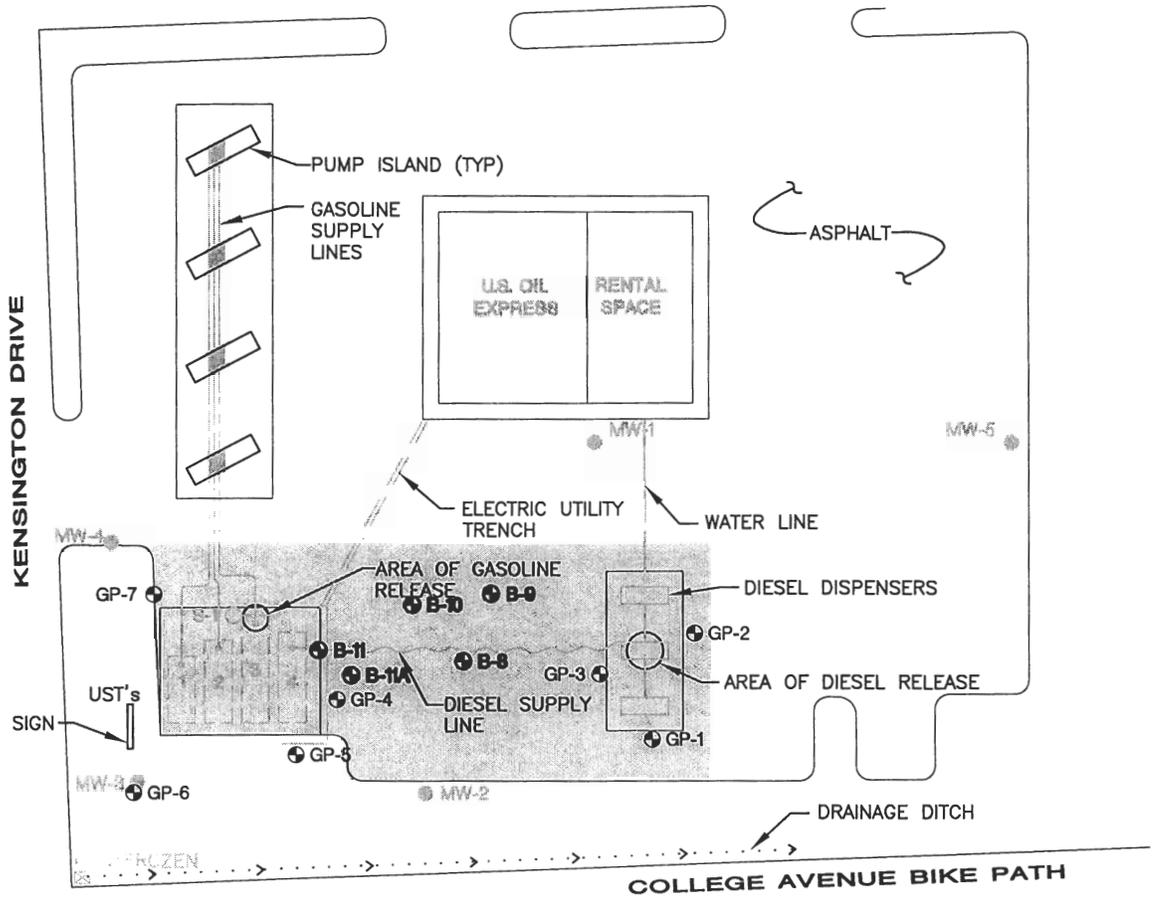
WDNR: Tom Sturm
647 Lakeland Road
Shawano, WI 54166
(715) 526-4230

J 10735 1 32

LEGAL DESCRIPTION

A parcel of land located in part of Government Lot J and Government Lot 4, Section Twenty-nine (29), Township Twenty-one (21) North, Range Eighteen (18) East, City of Appleton, Outagamie County, Wisconsin, more fully described as follows:

Commencing at the intersection of the centerline of C.T.E. "Z" (NEWBERRY STREET) with the west line of Government Lot 4, Section 29; thence S.1°41'00"E. Along the West line of said Government Lot 4, 723.61 feet to the southerly right-of-way line of the Chicago and Northwestern Railroad, said right-of-way line being a point 50.00 feet, measured at right angles from the centerline of said railroad right-of-way; thence continuing S.1°41'00"E., along the west line of said government Lot 4, 800.00 feet to the southwest corner of lands as described in Volume 703 of Records, Page 609; thence continuing S.1°41'00"E. along the west line of said Government Lot 4, 1129.96 feet to its intersection with the North right-of-way line of College Avenue (C.T.E. "CE"); Thence N.88°26'10"E., along said North right-of-way line of College Avenue (C.T.E. "CE"); 30.00 feet to the point of beginning of this description: Thence continuing N.88°26'10"E. along the North right-of-way line of College Avenue (C.T.E. "CE") 580.83 feet; thence N.1°41'00"W. parallel with the west line of said Government Lot 4, 1069.96 feet to a point 60 feet South of the South line of lands as described in Volume 703 of Records, Page 609; thence S.88°26'10"W. parallel with and 60.00 feet south of said described lands and said line being also parallel with the North right-of-way line of College Avenue (C.T.E. "CE") 580.83 feet to a point that is N.88°26'10"E. of and 30.00 feet distant from the west line of said Government Lot 4; thence S.1°41'00"E., 30.00 feet east of and parallel with the west line of said government Lot 4, Being also the proposed East right-of-way line of Kensington Drive, 1069.96 feet to the point of beginning.



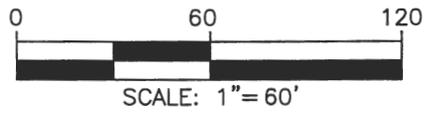
LEGEND

- ⊕ GP-1 GEOPROBE BORING INSTALLED IN JANUARY 1999
- ⊕ B-9 BORINGS SOIL SAMPLE CONTAMINATED
- ⊕ B-10 BORINGS INSTALLED IN APRIL 2000
- MW-1 MONITORING WELL LOCATION
- S-1 SUMP IN TANK BACKFILL (LOCATION APPROXIMATE)
- ⊗ C-1 APPROXIMATE LOCATION OF CULVERT
- [] UNDERGROUND STORAGE TANK
- [] AREA OF PAVEMENT/CONCRETE TO BE MAINTAINED

NOTES

1. BASE MAP PROVIDED BY U.S. OIL. BORING LOCATIONS BASED ON SURVEY BY RMT, INC., IN JANUARY 1999.

TANK DESCRIPTION	
TANK #1	8,000-GALLON UNLEADED GASOLINE
TANK #2	10,000-GALLON UNLEADED GASOLINE
TANK #3	15,000-GALLON UNLEADED GASOLINE
TANK #4	12,000-GALLON DIESEL



\$\$\$SCALE\$\$
 \$\$\$USER\$\$\$
 \$\$\$PROJ\$\$\$
 \$\$\$PRF\$\$\$
 \$\$\$SYTIME\$\$\$
 \$\$\$PLOTTER\$\$\$
 Attached Xrefs: x



PAVEMENT COVER MAINTENANCE PLAN
EXHIBIT B

U.S. OIL COMPANY, INC.
EXPRESS CONVENIENCE CENTER # 65
320 S. KENSINGTON DR.-APPLETON, WISCONSIN

DRAWN BY:	METZA
APPROVED BY:	PC
PROJECT NO.	04877.05
FILE NO.	48770506.DWG
DATE:	OCTOBER 2006

IT.DALZ
 ..AG\$\$
 \$\$\$USER\$\$\$
 \$\$\$PRF\$\$\$
 \$\$\$PLOTTER\$\$\$

Exhibit C
Surface water Infiltration Barrier INSPECTION LOG

Inspection Date	Inspector	Condition of Cap	Recommendations	Have Recommendations from previous inspection been implemented?



State of Wisconsin \ DEPARTMENT OF NATURAL RESOURCES

Jim Doyle, Governor
Scott Hassett, Secretary
Ronald W. Kazmierczak, Regional Director

Shawano Field Office
647 Lakeland Rd.
Shawano, Wisconsin 54166
Telephone 715-524-2183
FAX 715-524-3214
TTY Access via relay - 711

January 22, 2007

Don Johnston
US Oil CO.
425 Washington St.
PO Box 25
Combined Locks, WI 54113

Subject: Conditional Closure Decision,
With Requirements to Achieve Final Closure
Kensington Express Conv. Store #65, Appleton, Wisconsin
WDNR BRRTS Activity # 03-45-448844

Dear Mr. Johnston:

On January 17, 2007, the Northeast Region Closure Committee reviewed your request for closure of the case described above. The Committee reviews environmental remediation cases for compliance with state rules and statutes to maintain consistency in the closure of these cases. After careful review of the closure request, the Committee has determined that the petroleum contamination on the site from the tank system failure in April 1999 appears to have been investigated and remediated to the extent practicable under site conditions. Your case has been remediated to Department standards in accordance with s. NR 726.05, Wis. Adm. Code and will be closed if the following conditions are satisfied:

MONITORING WELL ABANDONMENT

The monitoring wells at the site must be properly abandoned in compliance with ch. NR 141, Wis. Adm. Code. Documentation of well abandonment must be submitted to me on Form 3300-5B found at www.dnr.state.wi.us/org/water/dwg/gw/ or provided by the Department of Natural Resources.

PURGE WATER, WASTE AND SOIL PILE REMOVAL

Any remaining purge water, waste and/or soil piles generated as part of site investigation or remediation activities must be removed from the site and disposed of or treated in accordance with Department of Natural Resources' rules. Once that work is completed, please send appropriate documentation regarding the treatment or disposal of the remaining purge water, waste and/or soil piles.

SOIL GIS REGISTRY FEE

Closure of the site requires listing on the Department's GIS registry for the cap maintenance necessary for groundwater protection. Please submit a fee of \$200 as required by NR 749 Table 1

When the above conditions have been satisfied, please submit the appropriate documentation (for example, well abandonment forms, disposal receipts, copies of correspondence, etc.) to

verify that applicable conditions have been met, and your case will be closed. Your site will be listed on the DNR Remediation and Redevelopment GIS Registry of Closed Remediation Sites. Information that was submitted with your closure request application will be included on the GIS Registry. To review the site on the GIS Registry web page, visit <http://maps.dnr.state.wi.us/brrts>.

Section 101.143, Wis. Stats., requires that PECFA claimants seeking reimbursement of interest costs, for sites with petroleum contamination, submit a final reimbursement claim within 120 days after they receive a closure letter on their site. For claims not received by the PECFA Program within 120 days of the date of this letter, interest costs after 60 days of the date of this letter will not be eligible for PECFA reimbursement. If there is equipment purchased with PECFA funds remaining at the site, contact the Commerce PECFA Program to determine the method for salvaging the equipment.

Please be aware that the case may be reopened pursuant to s. NR 726.09, Wis. Adm. Code, if additional information regarding site conditions indicates that contamination on or from the site poses a threat to public health, safety, or welfare or to the environment.

We appreciate your efforts to restore the environment at this site. If you have any questions regarding this letter, please contact me at 715-526-4230.

Sincerely,



Tom Sturm
Hydrogeologist
Remediation & Redevelopment Program

cc: Peter Chase – RMT Inc., 744 Heartland Trail, Madison, WI 53717

J 10735 | 31

DOCUMENT NO.

STATE BAR OF WISCONSIN FORM 1-1982
WARRANTY DEED

THIS SPACE RESERVED FOR RECORDING DATA

991304

REGISTER'S OFFICE
OUTAGAMIE COUNTY WI
RECEIVED AND RECORDED ON

This Deed, made between Miriam Miringoff

OCT 8 1990

Grantor,
and U.S. Oil Co., Inc.

AT 8:30 O'CLOCK AM

JACKET 10735 IMAGE 31-32
Grace Herb
me

Grantee,
Witnesseth, That the said Grantor, for a valuable consideration
of One Dollar
conveys to Grantee the following described real estate in Outagamie
County, State of Wisconsin:

BY McSarty, Curry, Wydeven, Peeters & Ploster
P.O. Box 860
Kaukauna, WI 54130-0860

See attached legal description.

Tax Parcel No: 31-4-5568

This Deed is given in fulfillment of a certain Land Contract
between the parties dated September 5, 1987, and recorded in the
office of the Register of Deeds for Outagamie County, Wisconsin,
on September 24, 1987 at 9:00 a.m., in Jacket 7927, Images 31-33,
as Document No. 923801.

899.10

TRANSFER
899.10
FEE

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

Together with all and singular the hereditaments and appurtenances thereunto belonging;
And said Grantor
warrants that the title is good, indefeasible in fee simple and free and clear of encumbrances except
any liens or encumbrances created by the act or default of Grantee,
and except: easements, restrictions and covenants of record,
and will warrant and defend the same.

Dated this 29th day of September, 1990

(SEAL) Miriam Miringoff (SEAL)
Miriam Miringoff
(SEAL) (SEAL)

AUTHENTICATION

Signature(s) Miriam Miringoff

ACKNOWLEDGMENT

STATE OF WISCONSIN

authenticated this 29th day of Sept, 1990

County. } ss.
Personally came before me this _____ day of
_____, 19____ the above named

• Thomas A. Wilson

TITLE: MEMBER STATE BAR OF WISCONSIN

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

to me known to be the person _____ who executed the
foregoing instrument and acknowledge the same.

THIS INSTRUMENT WAS DRAFTED BY

Thomas A. Wilson, Attorney

211 E. Franklin St., Appleton, WI

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

Notary Public _____ County, Wis.
My Commission is permanent. (If not, state expiration
date: _____, 19____)

J 10735 | 32

LEGAL DESCRIPTION

A parcel of land located in part of Government Lot 3 and Government Lot 4, Section Twenty-nine (29), Township Twenty-one (21) North, Range Eighteen (18) East, City of Appleton, Outagamie County, Wisconsin, more fully described as follows:

Commencing at the intersection of the centerline of C.T.R. "2" (NEWBERRY STREET) with the west line of Government Lot 4, Section 29; thence S.1°41'00"E. Along the West line of said Government Lot 4, 723.61 feet to the southerly right-of-way line of the Chicago and Northwestern Railroad, said right-of-way line being a point 50.00 feet, measured at right angles from the centerline of said railroad right-of-way; thence continuing S.1°41'00"E., along the west line of said government Lot 4, 800.00 feet to the southwest corner of lands as described in Volume 703 of Records, Page 609; thence continuing S.1°41'00"E. along the west line of said Government Lot 4, 1129.96 feet to its intersection with the North right-of-way line of College Avenue (C.T.R. "CE"); Thence N.88°26'10"E., along said North right-of-way line of College Avenue (C.T.R. "CE"); 30.00 feet to the point of beginning of this description: Thence continuing N.88°26'10"E. along the North right-of-way line of College Avenue (C.T.R. "CE") 580.83 feet; thence N.1°41'00"W. parallel with the west line of said Government Lot 4, 1069.96 feet to a point 60 feet South of the South line of lands as described in Volume 703 of Records, Page 609; thence S.88°26'10"W. parallel with and 60.00 feet south of said described lands and said line being also parallel with the North right-of-way line of College Avenue (C.T.R. "CE") 580.83 feet to a point that is N.88°26'10"E. of and 30.00 feet distant from the west line of said Government Lot 4; thence S.1°41'00"E., 30.00 feet east of and parallel with the west line of said government Lot 4, Being also the proposed East right-of-way line of Kensington Drive, 1069.96 feet to the point of beginning.

1450516

WARRANTY DEED

Document Number

THIS DEED, made between U.S. Oil Co., Inc., GRANTOR, and City of Appleton, a Wisconsin municipal corporation, GRANTEE,

WITNESSETH, that the said Grantor, for a valuable consideration of One Dollar (\$1.00) and other valuable consideration conveys to Grantee the following described real estate in Outagamie County, State of Wisconsin:

A strip of land for street purposes, being part of Lot "1" of Certified Survey Map No. 1771, as recorded in Volume 9 on Page 1771 as Document No. 1099762 in the Outagamie County Register of Deeds Office, also being a part of Government Lot 4, Section 29, T.21 N., R.18 E., City of Appleton, Outagamie County, Wisconsin containing 810 square feet of land m/l and being further described by:

The Westerly 3.00 feet of said Lot "1" of Certified Survey Map No. 1771.

This is not homestead property.

Together with all and singular the hereditaments and appurtenances thereunto belonging.

And said Grantor warrants that the title is good, indefeasible in fee simple and free and clear of encumbrances except easements, covenants, conditions and restrictions of record and will warrant and defend the same.

Dated this 17th day of December, 2001.

U.S. Oil Co., Inc.

[Signature]
Printed Name: Thomas A. Schmidt
Title: President

[Signature]
Printed Name: Marjorie M. Young
Title: General Counsel

OUTAGAMIE COUNTY
RECEIVED FOR RECORD

JAN 28 2002

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

6/11.00

Record and return to:

City of Appleton, City Attorney's Office
100 North Appleton Street
Appleton, WI 54911-4799

Tax Key No. Part of 31-4-5568-04

ENVELOPE

FEE
12
EXEMPT

ACKNOWLEDGMENT

State of Wisconsin)
) ss.
Outagamie County)

Personally came before me on this 17th day of December, 2001, the above named Thomas A. Schmidt and Marjorie M. Young, to me known to be the persons who executed the foregoing instrument and acknowledge the same.

[Signature]
Notary Public, State of Wisconsin
My commission is/expires 8/11/02

This instrument was drafted by:
James P. Walsh, Attorney at Law

1099762

RECEIVED FOR FILING THIS 27th DAY OF OCTOBER 1993 AT 4:15 P.M. AND FILED IN VOLUME 9 OF CERTIFIED SURVEY MAPS ON PAGE 1771, AS NUMBER 1771.

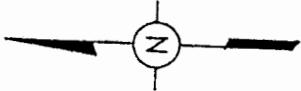
OUTAGAMIE COUNTY CERTIFIED SURVEY MAP NO. 1771

Part of Government Lot Three (3) and Lot Four (4), Section 29, T21N, R18E, City of Appleton, Outagamie County, Wisconsin.

pt. 12.00

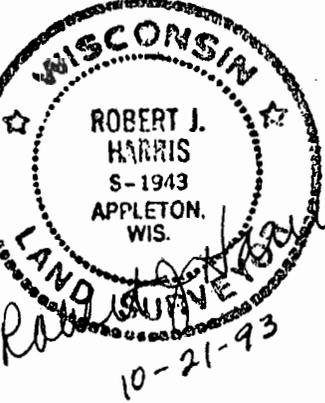
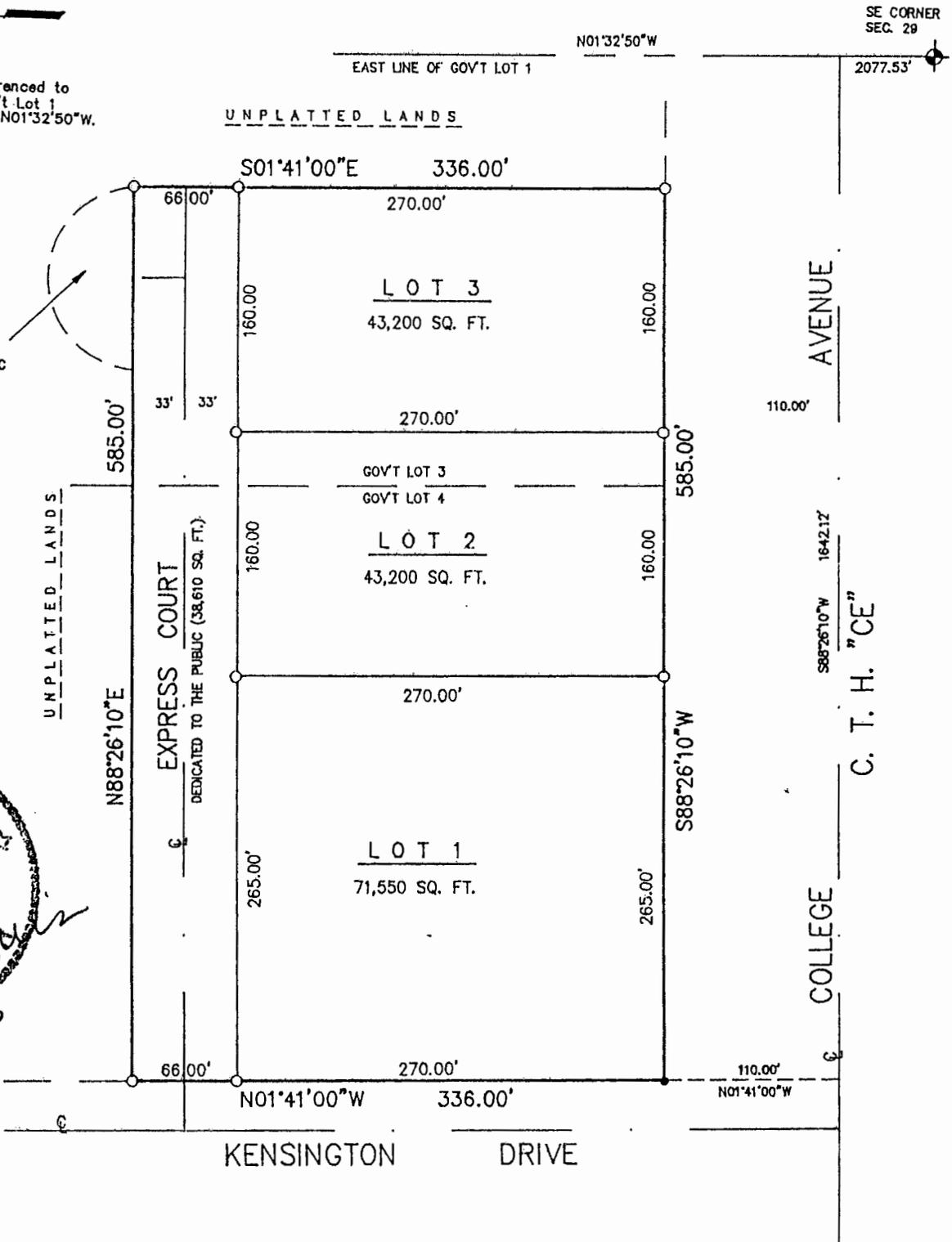
Prepared for: US OIL INC.
425 S. Washington St.
Combined Locks, WI 54913

Prepared by: Harris & Associates, Inc.
2718 N. Meade St.
Appleton, WI. 54911
(414) 733-8377



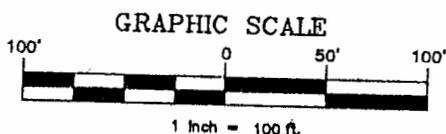
Bearings are referenced to the East line Gov't Lot 1 recorded to bear N01°32'50"W.

TEMPORARY CUL-DE-SAC 60' RADIUS



- NOTES
- 1) This C.S.M. is all of Tax Parcel number 31-4-5568-00.
 - 2) This C.S.M. is wholly contained within the lands described in J 10735 I 31.

Property owner of record is Company, Inc.



- LEGEND
- = 1" X 24" IRON PIPE SET Weighing 1.68 lbs./ln. ft.
 - = 1" IRON PIPE FOUND

OUTAGAMIE COUNTY CERTIFIED SURVEY MAP NO. 1771

SURVEYOR'S CERTIFICATE

Part of Government Lot Three and Four, Section 29, T21N, R18E, City of Appleton, Outagamie County, Wisconsin, described as follows: Commencing at the Southeast corner of said Section 29; thence N01°32'50"W, along the East line of Government Lot 1, 2077.53 feet to the intersection of said East line with the centerline of C.T.H. "CE"; Thence S88°26'10"W, along said centerline 1642.12 feet; thence N01°41'00"W, 110.00 feet to the point of beginning; thence continuing N01°41'00"W, along the East right-of-way line of Kensington Drive 336.00 feet; thence N88°26'10"E, 585.00 feet; thence S01°41'00"E, 336.00 feet to the North right-of-way line of C.T.H. "CE"; thence S88°26'10"W, along said North line, 585.00 feet to the point of beginning, containing 4.51 acres more or less, and subject to all easements and restrictions of record.

That I have made such survey, map and land division as shown hereon, under the direction of U.S. Oil Company.

That this map is a correct representation of the exterior boundary lines of the land surveyed.

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

Robert J. Harris 10-21-93
Robert J. Harris Date



OWNERS CERTIFICATE

As owner I do hereby certify that I caused the land above to be surveyed, divided, dedicated, mapped and dedicated as shown and represented on this map.

[Signature] 10-27-93
U.S. Oil Company, Inc. Date

State of Wisconsin)
Outagamie County) ss

Personally came before me this 27th day of October, 1993, the above named owners to me known to be the persons who executed the foregoing instrument and acknowledged the same.

[Signature]
Notary Public
My commission expires 2/2/94

APPROVALS

Approved by the City Council of the City of Appleton, Outagamie County, Wisconsin this 19th day of October, 1993.

[Signature] 10/21/93 [Signature] 10/21/93
Mayor Date City Clerk Date

Approved by the City of Appleton Planning Commission this 11th day of October, 1993.

TREASURER'S CERTIFICATE

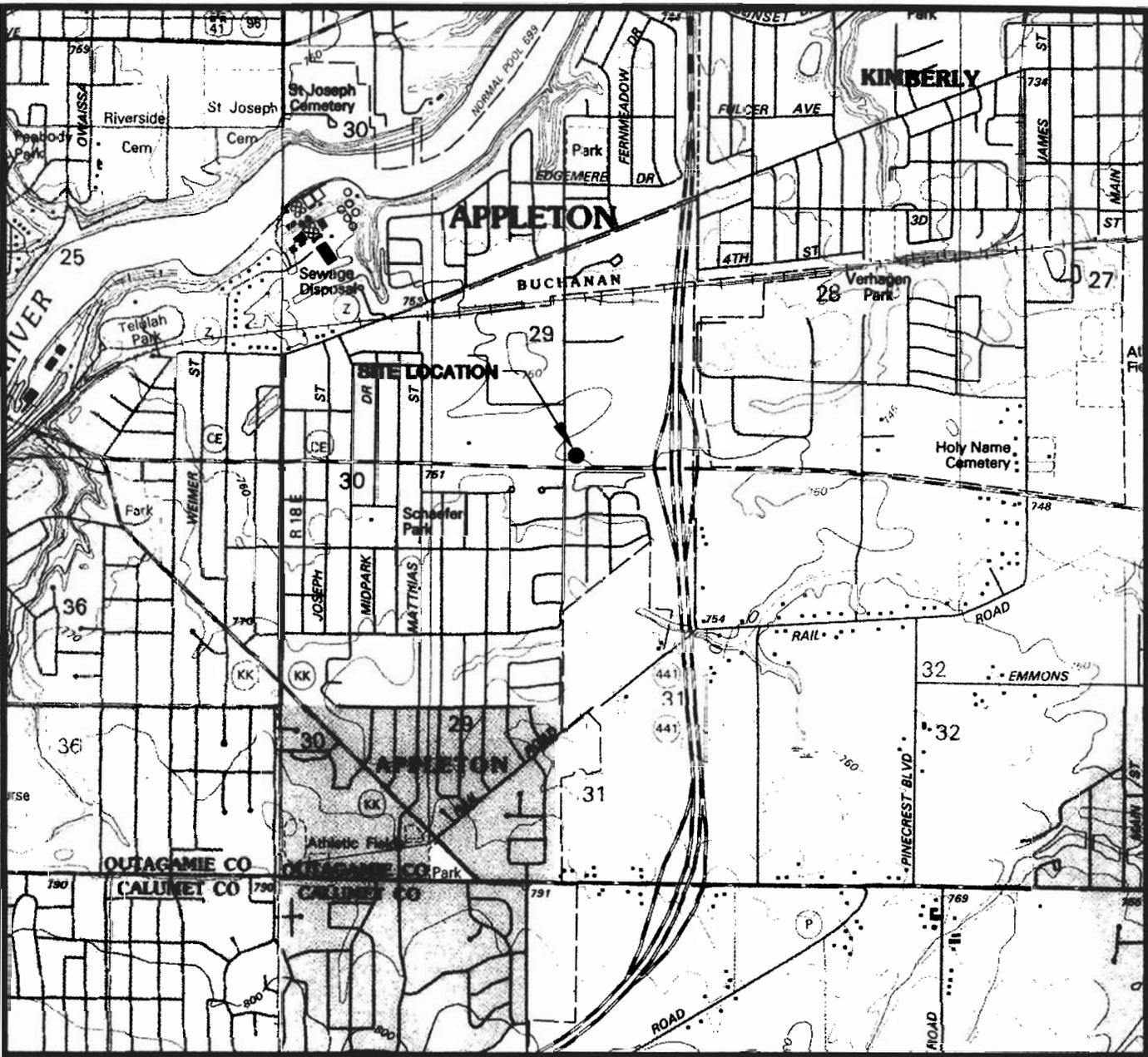
I hereby certify that there are no unpaid taxes or unpaid special assessment on any of the lands shown hereon.

[Signature] 10/29/93 [Signature] 10/27/93
City Treasurer Date County Treasurer Date
[Signature] Deputy

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 Attached image's: x

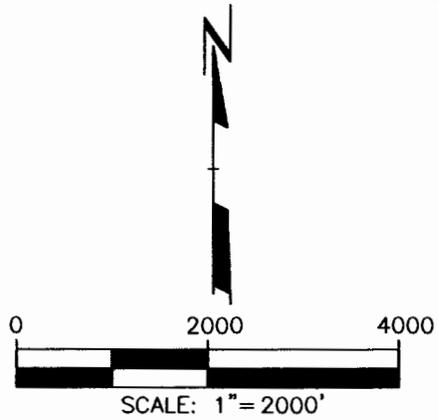
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 Plot Date: Monday, January 5, 2004

Plot Data
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 Operator Name: hooksb



STATE LOCATION

SOURCE: BASE MAPS FROM APPLETON, NEENAH, KAUKAUNA, AND SHERWOOD 7.5 MIN. USGS QUADRANGLES.

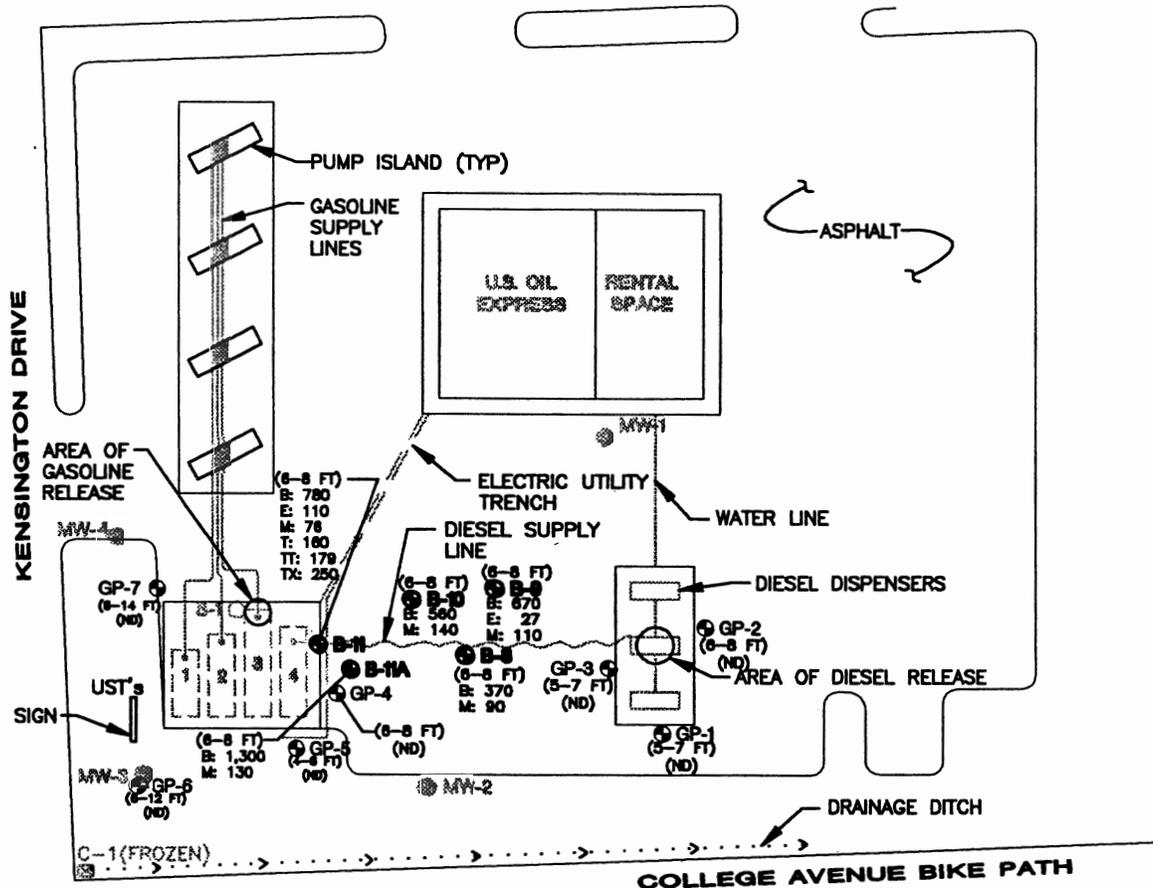


**U.S. OIL COMPANY INC.
 320 SOUTH KENSINGTON DRIVE
 APPLETON, WISCONSIN**

SITE LOCATION MAP

DRAWN BY:	HOOKSB
APPROVED BY:	PC
PROJECT NO.	4877.05
FILE NO.	siteloc.dwg
DATE:	MAY 2004

FIGURE 1



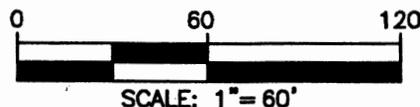
LEGEND

- ⊕ GP-1 GEOPROBE BORING INSTALLED IN JANUARY 1999
 - ⊙ B-1 BORINGS SOIL SAMPLE CONTAMINATED
 - ⊙ B-10 BORINGS INSTALLED IN APRIL 2000
 - ⊙ MW-1 MONITORING WELL LOCATION
 - B-1 SUMP IN TANK BACKFILL (LOCATION APPROXIMATE)
 - ⊙ C-1 APPROXIMATE LOCATION OF CULVERT
 - 1 UNDERGROUND STORAGE TANK
- B: 670 BENZENE GROUNDWATER CONCENTRATION (B) ug/L
 M: 110 MTBE GROUNDWATER CONCENTRATION (M) ug/L
 E: 27 ETHYL-BENZENE GROUNDWATER CONCENTRATION (E) ug/L
 T: 160 TOLUENE GROUNDWATER CONCENTRATION (T) ug/L
 TT: 179 TOTAL TMB GROUNDWATER CONCENTRATION (TT) ug/L
 TX: 250 TOTAL XYLENE GROUNDWATER CONCENTRATION (TX) ug/L
 (ND) NO DETECT

NOTES

1. BASE MAP PROVIDED BY U.S. OIL. BORING LOCATIONS BASED ON SURVEY BY RMT, INC., IN JANUARY 1999.

TANK DESCRIPTION	
TANK #1	8,000-GALLON UNLEADED GASOLINE
TANK #2	10,000-GALLON UNLEADED GASOLINE
TANK #3	15,000-GALLON UNLEADED GASOLINE
TANK #4	12,000-GALLON DIESEL



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U.S. OIL COMPANY, INC.
EXPRESS CONVENIENCE CENTER # 65
320 S. KENSINGTON DR-APPLETON, WISCONSIN

SITE PLAN AND SAMPLING LOCATIONS

DRAWN BY:	HOOKSB
APPROVED BY:	
PROJECT NO.	04877.05
FILE NO.	48770504.DWG
DATE:	FEBRUARY 2004

Table 2
Summary of Groundwater Sample Results
U.S. Oil - Kensington Express
Appleton, Wisconsin

WELL LOCATION	SAMPLE DATE	PETROLEUM CONSTITUENTS						INORGANIC PARAMETERS							
		BENZENE (µg/L)	ETHYL-BENZENE (µg/L)	MTBE (µg/L)	TOLUENE (µg/L)	TOTAL TMBs (µg/L)	TOTAL XYLENES (µg/L)	NITROGEN (NITRATE) (mg/L)	SULFATE (mg/L)	pH (std. units)	TEMPERATURE (°C)	SPECIFIC CONDUCTANCE (µmhos/cm)	DISSOLVED OXYGEN (ppm)	IRON (ppm)	EH (mV)
PAL ⁽¹⁾		0.5	140	12	200	96	1,000	2	125	NS	NS	NS	NS	0.15	NS
ES ⁽¹⁾		5.0	700	60	1,000	480	10,000	10	250	NS	NS	NS	NS	0.3	NS
MW-1	5/11/00	13	<0.4	130	<0.37	<1.03	<1.43	NA	NA	6.8	9.5	1,976	2	0.0	264
	8/9/00	<0.39	<0.4	89	<0.37	<1.03	<1.4	0.059	390	6.7	18.8	1,889	0.4	0.0	-24
	11/15/00	<0.39	<0.4	170	<0.37	<1.03	<1.4	0.011	380	6.7	16.4	1,836	0.3	0.0	58
	4/25/01	<0.39	<0.4	200	<0.37	<1.03	<1.4	NA	NA	6.8	12.4	2,310	0.4	0.0	122
	9/20/01	<0.21	<0.22	170	<0.41	<0.6	<0.69	<0.02	410	6.7	19.9	2180	0.4	<1	45
	3/19/02	<0.43	<0.49	170	<0.63	<1.14	<1.45	<0.0023	390	6.9	10.1	2270	0.2	0.1	96
	11/07/02	<0.45	<0.82	170	<0.68	<1.86	<2.47	NA	NA	NA	16.6	2320	0.4	<1	NA
	3/18/03	<0.45	<0.82	170	<0.68	<1.18	<2.47	NA	NA	6.6	9.3	2430	0.3	<1	19
9/23/03	<0.30	<0.60	190	<0.58	<1.86	<1.84	<0.057	370	6.63	20.2	2260	0.4	<1	-9	
MW-2	5/11/00	<0.39	<0.4	<0.47	<0.37	<1.03	<1.43	NA	NA	7.0	7.4	2,560	3.0	0.0	276
	8/9/00	<0.39	<0.4	0.49J	<0.37	<1.03	<1.4	0.011	100	6.7	16.8	2,790	1.0	0.0	39
	11/15/00	0.46J	<0.4	<0.47	<0.37	<1.03	<1.4	0.033	95	6.5	13.9	2,710	0.2	0.0	92
	4/25/01	<0.39	<0.4	1J	<0.37	<1.03	<1.4	NA	NA	6.9	10.2	2,870	0.2	0.0	19
	9/20/01	<0.21	<0.22	<0.46	<0.41	<0.6	<0.69	<0.02	72	6.7	18.5	4800	0.4	<1	>39
	3/19/02	<0.43	<0.49	<0.49	<0.63	<1.14	<1.45	<0.011	81	6.9	8.1	2570	0.8	0.1	96
11/07/02	<0.45	<0.82	<0.43	<0.68	<1.86	<2.47	NA	NA	NA	14.8	2970	0.3	<1	NA	
MW-3	5/11/00	37	0.47J	400	4.7	0.82J	7.4	NA	NA	7.2	7.5	1,652	3.0	0.0	267
	8/9/00	280	16	380	1.1J	17.6	8.1	0.0081	260	7.1	17.8	1,474	0.2	2.0	-115
	11/15/00	74	4.7	400	0.49J	3	1.6J	0.0069J	250	7.0	11.2	1,396	0.1	1.0	-24
	4/25/01	1.2	0.53J	310	<0.41	0.42J	<0.69	NA	NA	6.9	10.1	1,789	1.0	0.0	179
	9/20/01	<0.21	<0.22	390	<0.41	<0.6	<0.69	<0.02	340	6.9	18.5	1,816	0.5	<1	-11
	3/19/02	<0.43	<0.49	120	<0.63	<1.14	<1.45	2.1	290	7.1	7.7	1,632	2.0	<0.1	245
	11/07/02	<0.45	<0.82	220	<0.68	<1.86	<2.47	NA	NA	NA	13.3	1887	0.3	4.5	NA
	3/18/03	<0.45	<0.82	250	<0.68	<1.86	<2.47	NA	NA	7.0	7.7	1952	0.3	2	-60
9/23/03	0.76	<0.60	120	<0.58	<1.18	<1.84	<0.057	280	7.0	19.5	1740	0.4	>250	-90	
MW-4	5/11/00	<0.39	<0.4	76	<0.37	<1.03	<1.43	NA	NA	6.9	8.1	2,098	3.0	0.0	274
	8/9/00	<0.39	<0.4	44	<0.37	<1.03	<1.4	0.8	570	6.7	19.0	2,280	0.3	0.0	-6
	11/15/00	<0.39	<0.4	60	<0.37	<1.03	<1.4	0.0076	440	6.6	15.8	2,250	0.2	0.0	122
	4/25/01	<0.39	<0.4	56	<0.37	<1.03	<1.4	NA	NA	6.7	11.5	2,650	0.4	0.0	85
	9/20/01	<0.21	<0.22	100	<0.41	<0.6	<0.69	<0.02	290	6.8	21.5	2.40	0.3	<1	15
	3/19/02	<0.43	<0.49	170	<0.63	<1.14	<1.45	<0.0023	350	6.9	8.2	2.26	0.8	0.7	53
	11/07/02	<0.45	<0.82	150	<0.68	<1.86	<2.47	NA	NA	NA	16	2240	0.3	1	NA
	3/18/03	<0.45	<0.82	180	<0.68	<1.86	<2.47	NA	NA	6.7	7.6	2280	0.4	<1	33
9/23/03	<0.30	<0.60	68	<0.58	<1.18	<1.84	<0.057	210	6.5	19.9	1935	0.4	<1	-64	

Notes:

⁽¹⁾ NR 140 Enforcement Standard (ES) and Preventive Action Limit (PAL) effective March 2000.

J = compound detected between the Limit of Detection and the Limit of Quantitation; results are qualified.

NA = not analyzed.

NS = no standard.

MTBE = methyl-tert-butyl-ether.

TMBs = sum of 1,2,4- and 1,3,5-trimethylbenzenes.

Bold = Enforcement Standard exceedence.

Created by: G. Schultz

Checked by: P.Chase

Table 1
Summary of Soil Sample Results
U.S. Oil - Kensington Express
Appleton, Wisconsin

SOIL SAMPLE RESULTS (in mg/kg unless otherwise noted)									
BORING LOCATION	SAMPLE DATE	DEPTH OF SAMPLE (ft)	DRO (mg/kg)	BENZENE	ETHYL-BENZENE	MTBE	TOLUENE	TOTAL TMBs	TOTAL XYLENES
GP-1	1/28/99	5.0 - 7.0	<10	<25	<25	<25	<25	<50	<50
GP-2	1/28/99	6.0 - 8.0	<10	<25	<25	<25	<25	<50	<50
GP-3	1/28/99	5.0 - 7.0	<10	<25	<25	<25	<25	<50	<50
GP-4	1/28/99	7.0 - 9.0	<10	<25	<25	<25	<25	<50	<50
	1/28/99	13.0 - 15.0	<10	<25	<25	<25	<25	<50	<50
GP-5	1/28/99	4.0 - 6.0	<10	<25	<25	<25	<25	<50	<50
GP-6	1/28/99	6.0 - 8.0	<10	<25	<25	<25	<25	<50	<50
	1/28/99	10.0 - 12.0	<10	<25	<25	<25	<25	<50	<50
GP-7	1/28/99	6.0 - 8.0	<10	<25	<25	<25	<25	<50	<50
	1/28/99	12.0 - 14.0	<10	<25	<25	<25	<25	<50	<50
B-8	4/18/00	6.0 - 8.0	<10	370	<25	90	<25	<50	<75
B-9	4/18/00	6.0 - 8.0	<10	670	27	110	<25	<50	<75
B-10	4/18/00	6.0 - 8.0	<10	560	<25	140	<25	<50	<75
B-11	4/18/00	6.0 - 8.0	<10	780	110	76	160	179	250
B-11A	4/18/00	6.0 - 8.0	<10	1,300	<25	130	<25	<50	<75

Notes:

Because the water table is present at between 6 feet and 8 feet below land surface, all of the soil samples were collected from below the water table, or from within the capillary fringe. Therefore, results are indicative of groundwater impacts.

MTBE = methyl-tert-butyl-ether.

TMBs = sum of 1,2,4- and 1,3,5-trimethylbenzenes.

Prepared by: JN

Checked by: COB 8/00

**Table 1
Groundwater Elevation Summary
U.S. Oil - Kensington Express
Appleton, Wisconsin**

WELL LOCATION	DATE	MEASURING POINT ELEVATION (feet)	DEPTH TO WATER (feet)	GROUNDWATER ELEVATION (feet)
MW-1	5/11/2000	100.00	7.53	92.47
	8/9/2000		7.77	92.23
	11/15/2000		7.88	92.12
	12/8/2000		7.81	92.19
	4/25/2001		7.28	92.72
	9/20/2001		7.81	92.19
	3/19/2002		7.33	92.67
	11/7/2002		8.00	92.00
	3/18/2003		9.16	90.84
MW-2	5/11/2000	98.57	5.72	92.85
	8/9/2000		5.76	92.81
	11/15/2000		5.23	93.34
	12/8/2000		5.76	92.81
	4/25/2001		4.87	93.70
	9/20/2001		5.53	93.04
	3/19/2002		5.43	93.14
	11/7/2002		6.37	92.20
	3/18/2003		6.86	91.71
MW-3	5/11/2000	97.63	6.36	91.27
	8/9/2000		6.23	91.40
	11/15/2000		6.31	91.32
	12/8/2000		6.40	91.23
	4/25/2001		5.44	92.19
	9/20/2001		6.59	91.04
	3/19/2002		5.15	92.48
	11/7/2002		6.80	90.83
	3/18/2003		7.46	90.17
MW-4	5/11/2000	98.89	6.21	92.68
	8/9/2000		6.08	92.81
	11/15/2000		6.51	92.38
	12/8/2000		6.60	92.27
	4/25/2001		4.93	93.96
	9/20/2001		6.34	92.55
	3/19/2002		5.84	93.05
	11/7/2002		6.87	92.02
	3/18/2003		8.40	90.49

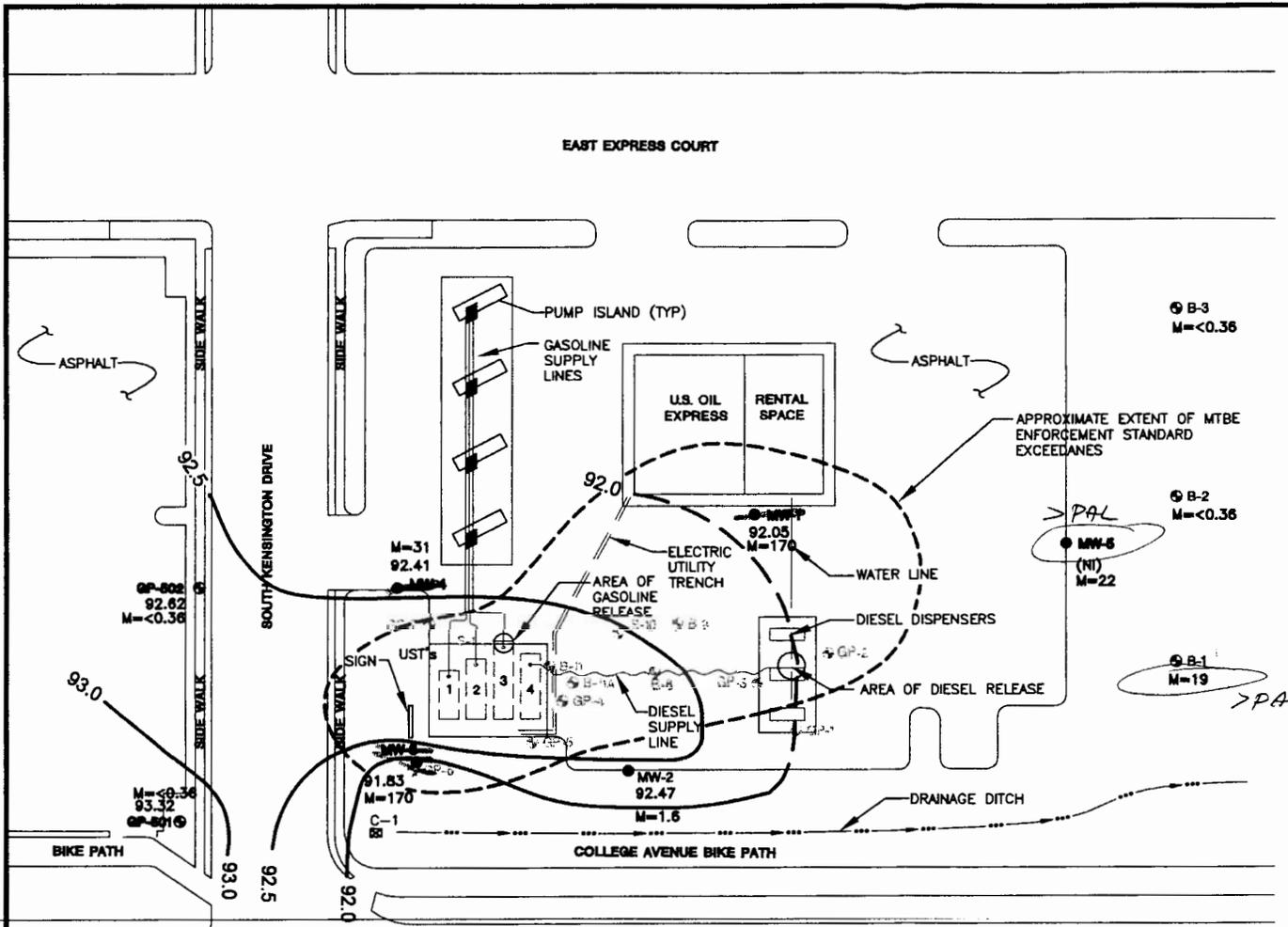
Table 1 (continued)
Groundwater Elevation Summary
U.S. Oil - Kensington Express
Appleton, Wisconsin

WELL LOCATION	DATE	MEASURING POINT ELEVATION (feet)	DEPTH TO WATER (feet)	GROUNDWATER ELEVATION (feet)
S-1	12/8/2000 ⁽¹⁾	99.31	6.56 (product) 6.71 (H ₂ O)	92.71
	4/25/2001		4.66	94.65
	9/20/2001		6.20	93.11
	3/19/2002		Sheen present 4.83	94.48
	11/7/2002		Sheen present 7.23 (H ₂ O)	92.08
	3/18/2003		7.66	91.65

Note:

⁽¹⁾ Elevation of free product = 92.75 ft. Elevation of groundwater = 92.60 ft. 0.15 foot of free product with specific gravity of ~0.7. Therefore, $0.15' \times 0.7 = 0.105 \text{ ft} + 92.60 \text{ ft} = 92.71 \text{ ft}$ (corrected groundwater elevation).

Checked by: PMC 4/16/03



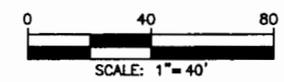
LEGEND

- B-1 SOIL BORINGS INSTALLED FOR SITE ASSESSMENT ON ADJOINING PROPERTY (LOCATIONS APPROXIMATE)
- S-1 SUMP IN TANK BACKFILL (LOCATION APPROXIMATE)
- C-1 APPROXIMATE LOCATION OF CULVERT
- UST UNDERGROUND STORAGE TANK
- 92.05 GROUNDWATER ELEVATION (7/12/05) BASED ON LOCAL DATUM
- M=140 MTBE CONCENTRATION IN µG/L (SEE NOTE 3)
- MW-1 MONITORING WELL LOCATION
- BORINGS INSTALLED IN APRIL 2000 MONITORING
- GP-1 GEOPROBE BORING INSTALLED IN JANUARY 1999
- APPROXIMATE EXTENT OF MTBE ENFORCEMENT STANDARD EXCEEDANCES

NOTES

1. BASE MAP PROVIDED BY U.S. OIL BORING LOCATIONS BASED ON SURVEY BY RMT, INC., IN JANUARY 1999.
2. WELL MW-5 WAS NOT INSTALLED ON DATE OF MEASUREMENTS
3. MTBE CONCENTRATIONS FROM SAMPLES COLLECTED IN JUNE OR JULY 2005

TANK DESCRIPTION	
TANK #1	8,000-GALLON UNLEADED GASOLINE
TANK #2	10,000-GALLON UNLEADED GASOLINE
TANK #3	15,000-GALLON UNLEADED GASOLINE
TANK #4	12,000-GALLON DIESEL



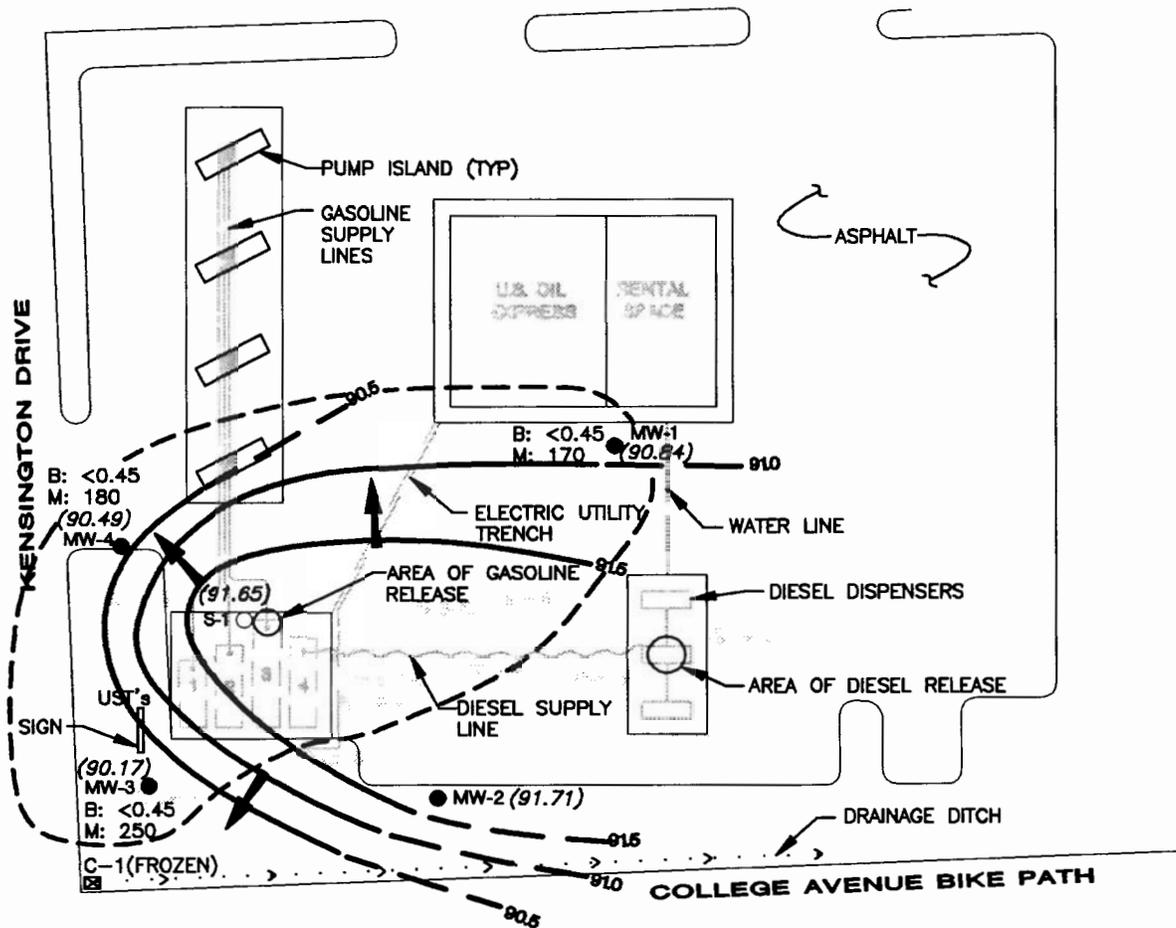
PROJECT: US OIL
320 SOUTH KENSINGTON DRIVE
APPLETON, WI

SHEET TITLE: SITE MAP AND WATER TABLE
JULY 12, 2006

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CHECKED BY: PMC		FILE NO. wtable.dwg
APPROVED BY: KDK	DATE PRINTED: NOV 28 2005	FIGURE 1
DATE: NOVEMBER 2005		

744 Heartland Trail
Madison, WI 53717-1834
P.O. Box 8923 53708-8923
Phone: 608-831-4444
Fax: 608-831-3334

Drawing Name:
 Author Name:
 Scale: 1"=40'



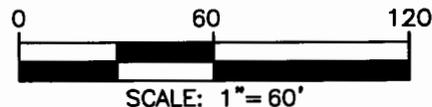
LEGEND

- GEOPROBE BORING INSTALLED IN JANUARY 1999
- BORINGS INSTALLED IN APRIL 2000
- MW-1 MONITORING WELL LOCATION
- 92.5 — GROUNDWATER CONTOUR ELEVATION (DASHED WHERE INFERRED)
- (91.27) GROUNDWATER ELEVATION
- ➔ DIRECTION OF GROUNDWATER FLOW
- B: <0.39 BENZENE GROUNDWATER CONCENTRATION (B) ug/L - 3/18/03
- M: <0.47 MTBE GROUNDWATER CONCENTRATION (M) ug/L - 3/18/03
- S-1 SUMP IN TANK BACKFILL (LOCATION APPROXIMATE)
- ☒ C-1 APPROXIMATE LOCATION OF CULVERT UNDERGROUND STORAGE TANK
- - - APPROXIMATE EXTENT OF GW IMPACTS ABOVE ENFORCEMENT STD.

NOTES

1. BASE MAP PROVIDED BY U.S. OIL. BORING LOCATIONS BASED ON SURVEY BY RMT, INC., IN JANUARY 1999.

TANK DESCRIPTION	
TANK #1	8,000-GALLON UNLEADED GASOLINE
TANK #2	10,000-GALLON UNLEADED GASOLINE
TANK #3	15,000-GALLON UNLEADED GASOLINE
TANK #4	12,000-GALLON DIESEL



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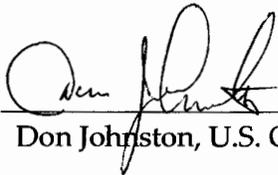
U.S. OIL COMPANY, INC.
EXPRESS CONVENIENCE CENTER # 65
320 S. KENSINGTON DR.-APPLETON, WISCONSIN

WATER TABLE MAP
3/18/03

DRAWN BY:	HOOKSB
APPROVED BY:	PC
PROJECT NO.	04877.05
FILE NO.	48770501.DWG
DATE:	MAY 2004

Responsible Party Statement

I, Don Johnston, believe that the legal description has been attached for each property that is within, or partially within, the contaminated site boundary of the Kensington Express Site.

A handwritten signature in black ink, appearing to read "Don Johnston", is written over a horizontal line.

Don Johnston, U.S. Oil Company, Inc., Combined Locks, Wisconsin

April 28, 2004

Mr. Ross Buetow
City Engineer
100 North Appleton Street
Appleton, WI 54911-4702

**Subject: Notification of Contamination in Kensington Drive Right-of-Way
US Oil Property, 320 South Kensington Drive, Appleton, Wisconsin**

Dear Mr. Buetow:

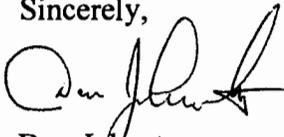
In March 2004, the Wisconsin Department of Natural Resources (WDNR) will be asked to close the above-referenced site. The subsurface investigation for the property indicated that petroleum-impacted groundwater above WDNR standards was present beneath Kensington Drive. For that reason, we are providing you with notification of the presence of these impacts in accordance with NR 726.05(2)(b)4. The regulation states "that the town clerk, and the municipal department or state agency that is responsible for maintaining the street or highway have been given written notification of the presence of residual soil and groundwater contamination within the right-of-way." No action is required on the part of the City.

Attachment 1 shows the wells where impacts above WDNR standards have been identified based on the results of the September 2003 sampling round (the most recent monitoring event). The groundwater contamination is in a stable or receding state, and the plume margins are not expanding. Natural attenuation will continue to decrease the remaining concentrations over time.

Please keep this letter on file as a reminder to personnel who may be conducting subsurface work at this location in the future that petroleum impacts to groundwater exceeding the NR 140 standards were present at the time this letter was written.

If you have any questions, please call me at (920) 735-8228.

Sincerely,



Don Johnston
US Oil Company
Corporate Environmental Manager

Attachments

cc: Ms. Cheryl Laatsch - WDNR