State of Wisconsin \ DEPARTMENT OF NATURAL RESOURCES

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

Oshkosh Service Center
905 Bay Shore Drive., P.O. Box 2565
Oshkosh, Wisconsin 54903
TELEPHONE 920-424-3050
FAX 920-424-4404

April 20, 1998

Mr. Francis Spellman
1713 W. New York Avenue
Oshkosh, WI 54901

SUBJECT: Conditional Case Closure of
Spellmans Marina, 1713 W. New York, Oshkosh
WDNR BRRTS ID # 03-71-001660

Dear Mr. Spellman:

The above referenced case file has been reviewed by the WDNR's Northeast Region Case Closure Committee. This panel reviews environmental remediation cases for compliance with state laws, standards, and guidelines to maintain consistency in the closeout of cases. After careful review, the Committee has decided to grant a *conditional* case closure. At this 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 the state.

The WDNR is requiring no further remedial action at this time; however, ***You must file the attached "Declaration of Restriction" with your county Register of Deeds office within 30 days and send proof of this filing to the Department within 45 days.*** The attached restriction also includes a map which must be filed with the text.

All monitoring wells, sumps, and/or boreholes must be abandoned according to Chapter NR 141, Wisconsin Administrative Code. The abandonment forms (#3300-5B) should be sent to my attention. Until this verification of proper abandonment is provided, the DNR will continue to track this facility as an active BRR site.

This case will appear as closed on the WDNR's Bureau of Remediation & Redevelopment computer tracking system as soon as we receive documentation that the deed restriction has been filed and the monitoring wells have been abandoned.

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 to past or future activities at this site. If additional information in the future indicates that further investigation and/or remediation is warranted, the Department will require that appropriate action be taken at that time.

The Department appreciates your efforts to protect and restore the environment at this site. If you have any questions regarding this letter, please contact me at (920) 424-0399.

Sincerely,

Kathleen M. Sylvester

Kathleen M. Sylvester, Hydrogeologist
Bureau for Remediation & Redevelopment

cc: Case File - OSH
Chris Elvrum, Fluid Management, 2831 N. Grandview Blvd., Pewaukee, WI 53072

DOCUMENT NO.

STATE BAR OF WISCONSIN FORM 5 — 1982
PERSONAL REPRESENTATIVE'S DEED

THIS SPACE RESERVED FOR RECORDING DATA

Register's Office
Winnebago County, Wis.
Received for record
this 29th Day of November
A.D. 19 94 at 12:22 o'clock PM
Marjorie Dalum
REGISTER OF DEEDS

892413

RETURN TO
DMW&L Attn: TMD

Francis Spellman, a/k/a Francis M. Spellman, as Personal Representative of the estate of Barbara H. Spellman a/k/a Barbara Spellman ("Decedent"), for a valuable consideration conveys, without warranty, to Francis Spellman, a/k/a Francis M. Spellman, Grantee, the following described real estate in Winnebago County, State of Wisconsin (hereinafter called the "Property"):

An undivided one-half interest in and to the following:

Tax Parcel No:

Lot Twenty-one (21) in ASSESSOR'S PLAT (AXLE), Fifth Ward, City of Oshkosh, subject to rights granted by Easements recorded in Winnebago County Registry in Vol. 555 on Page 255 and in Vol. 623 on Page 25 (Marina and Fuel Yard).

FEE

#11
EXEMPT

ENERGY CODE

Personal Representative by this deed does convey to Grantee all of the estate and interest in the Property which the Decedent had immediately prior to Decedent's death, and all of the estate and interest in the Property which the Personal Representative has since acquired.

Dated this 28 day of November, 19 94

(SEAL)
* Personal Representative

Francis Spellman (SEAL)
* Francis Spellman
Personal Representative

AUTHENTICATION

Signature(s)
Francis Spellman
authenticated this 28 day of November, 1994
Timothy M. Dempsey
* Timothy M. Dempsey
TITLE: MEMBER STATE BAR OF WISCONSIN
(If not, authorized by § 706.06, Wis. Stats.)

THIS INSTRUMENT WAS DRAFTED BY
Atty. Timothy M. Dempsey, Oshkosh, WI

(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 acknowledge 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.

Document Number | GROUNDWATER USE RESTRICTION

1006537

REGISTER'S OFFICE
WINNEBAGO COUNTY, WI
RECORDED ON

1998-04-27 03:07 PM

SUSAN WINNINGHOFF
REGISTER OF DEEDS

Rec. Fee: 14.00
Tran. Fee: 0.00
Number of Pages: 3

Lot twenty-one (21) in ASSESSOR'S PLAT (AXLE), Fifth Ward, City of Oshkosh, subject to rights granted by Easements recorded in Winnebago County Registry in vol. 555 on Page 255 and in Vol. 623 on Page 25 (Marina and Fuel Dock).

RECEIVED
MAY 04 1998
WDNR OSH LUST PROGRAM

Recording Area

Spellmans Inc.
1713 W. New York A
Oshkosh WI 54901

Name and Return Address

Parcel ID Number

Declaration of Restrictions

STATE OF WISCONSIN)
) SS
COUNTY OF Winnebago)

WHEREAS, Francis Spellman is the owner of the above described property.

WHEREAS, one or more Petroleum-related discharges have occurred at this property. Petroleum-related contaminated groundwater above ch. NR exists at the following locations: **MW-2 (see attached map) with Benzene at 240 micrograms per liter**.

WHEREAS, it is the desire and intention of the property owner to impose on the property restrictions which will make it unnecessary to conduct additional groundwater or soil remediation activities on the property at the present time.

WHEREAS, natural attenuation has been approved by the Department of Natural Resources to remediate groundwater exceeding ch. NR 140, Wis. Adm. Code groundwater standards within the boundaries of this property.

WHEREAS, construction of wells where the water quality exceeds the drinking water standards in ch. 809, Wis. Adm. Code is restricted by ch. NR 811, Wis. Adm. Code and ch. NR 812, Wis. Adm. Code. Special well construction standards or water treatment requirements, or both, or well construction prohibitions may apply.

NOW THEREFORE, the owner hereby declares that all of the property described above is held and shall be held, conveyed or encumbered, leased, rented, used, occupied and improved subject to the following limitation and restrictions:

> Anyone who proposes to construct or reconstruct a well on this property is required to contact the Department of Natural Resources' Bureau of Drinking Water and Groundwater, or its successor agency, to determine what specific prohibitions or requirements are applicable and to obtain Department approval, prior to constructing or reconstructing a well on this property. No well may be constructed or reconstructed on this property unless applicable requirements are met.

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 27th day of April, 1998.

Signature: Francis Spellman

Printed Name: FRANCIS SPELLMAN

Subscribed and sworn to before me

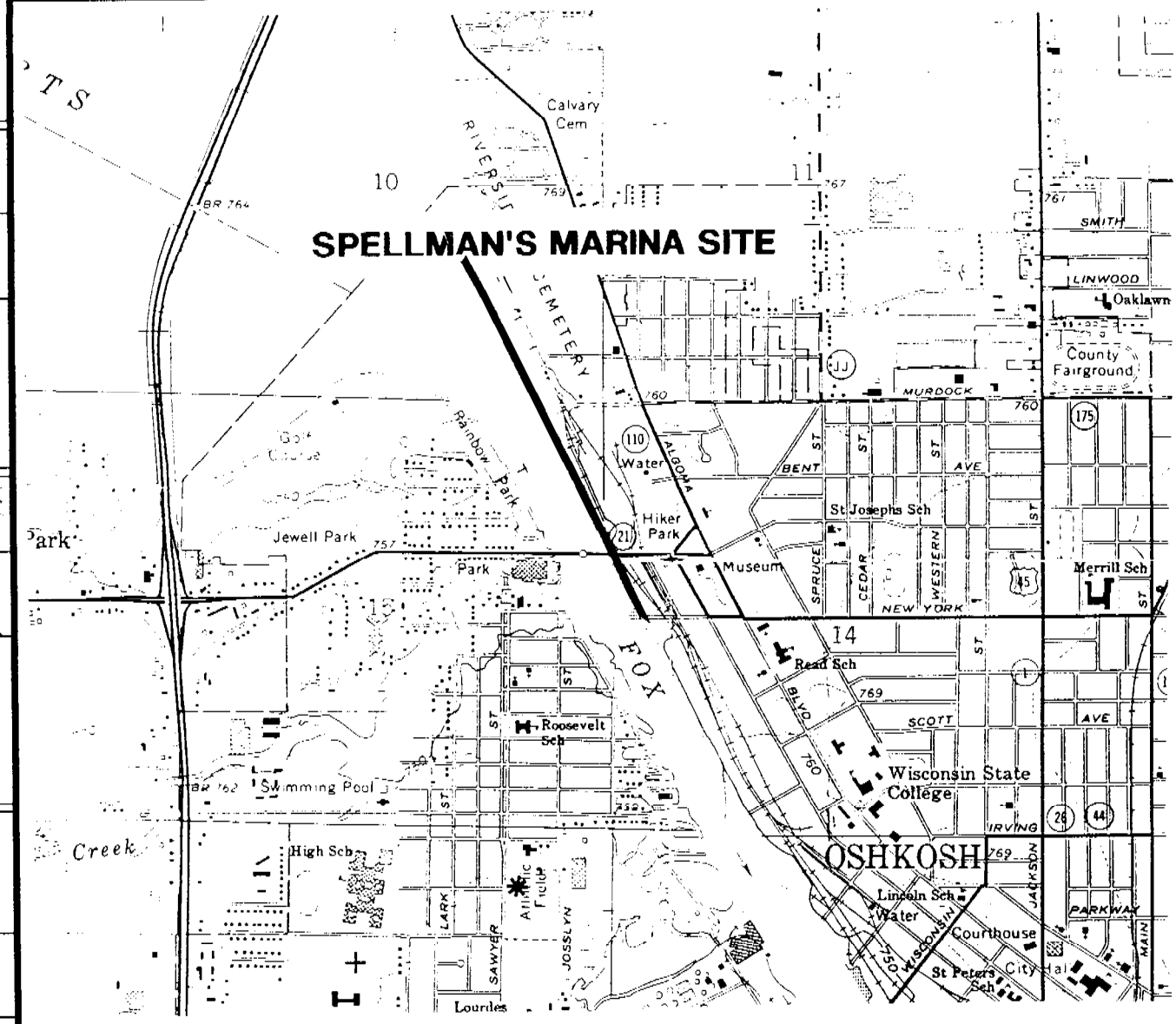
this 27th day of April, 1998.

Stephanie A. Brewster

Notary Public, State of WISCONSIN

My commission 7-01-01

This document was drafted by the Wisconsin Department of Natural Resources



(UNITED STATES GEOLOGICAL SURVEY. 1961, PHOTOREVISED 1975.
OSHKOSH QUADRANGLE. WISCONSIN MAP. 7.5 MINUTE SERIES.)
SCALE
1:24000

1/2 0 1 MILE

1000 0 1000 2000 3000 4000 5000 6000 7000 FEET

1 .5 0 1 KILOMETER

CONTOUR INTERVAL 10 FEET

N

Fluid Management
A Division of ENVIROGEN, Inc.

LOCATION

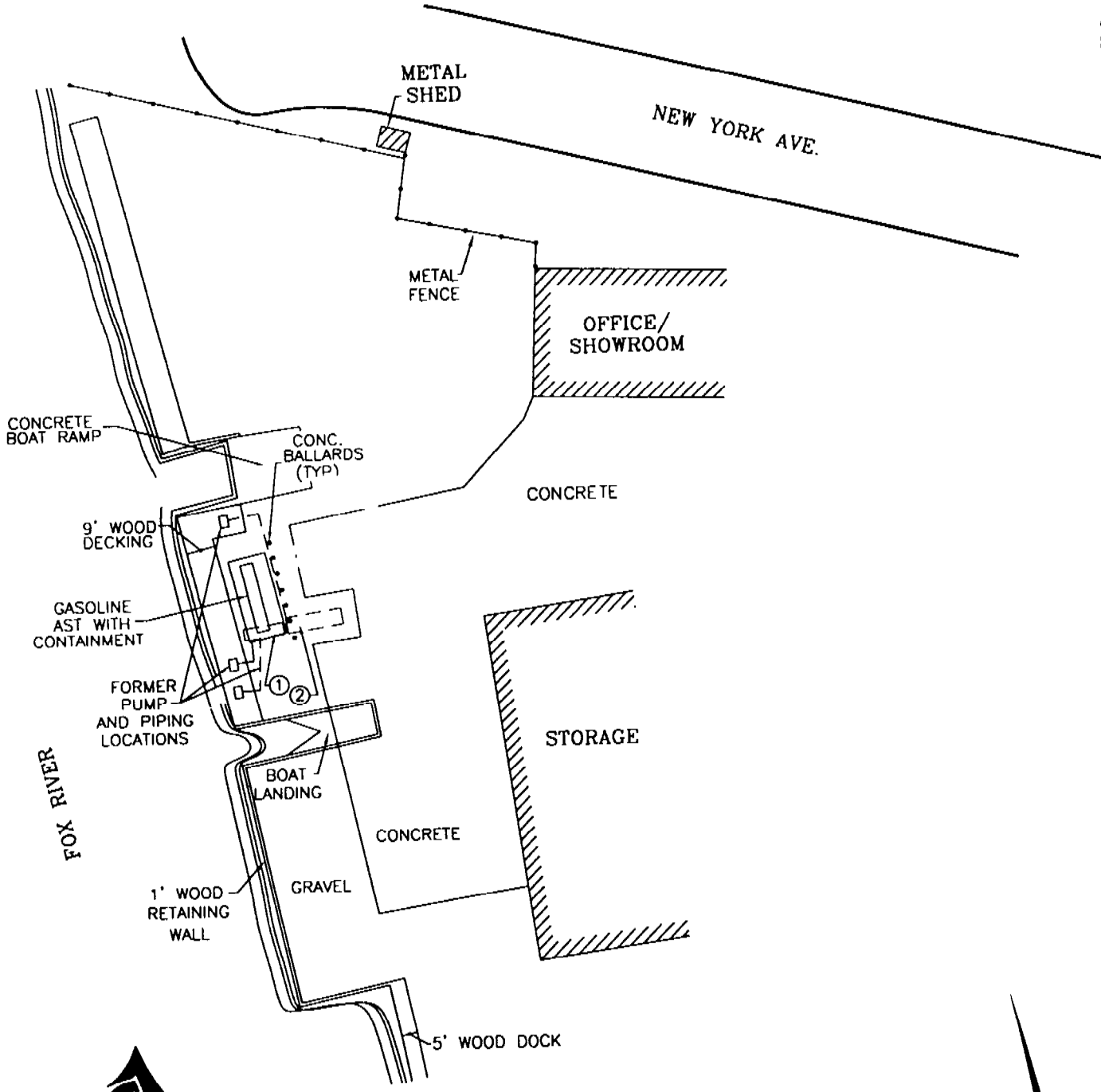
Site Location Map
Spellman's Marina, Inc. Site
Oshkosh, Wisconsin

FIGURE NO.
1

DRAWING NO.	DRAWN BY:	CHECKED BY:	APPROVED BY:
93.204V1	LME	8/6/97	DJF 8/25/97

...PRETATIONS 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.

TANK LEGEND
① FORMER 1,000-GALLON GASOLINE UST
② FORMER 3,000-GALLON GASOLINE UST



Fluid Management
A Division of ENVIROGEN, Inc.

SCALE
0 10' 20' 30' 40' 50'

Site Plan View
Spellman's Marina, Inc. Site
Oshkosh, Wisconsin

FIGURE NO
2

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.	93.204V2	DRAWN BY:	LME	8/6/97	CHECKED BY:	APPROVED BY:	8/29/97

TANK LEGEND

① FORMER 1,000-GALLON GASOLINE UST

② FORMER 3,000-GALLON GASOLINE UST

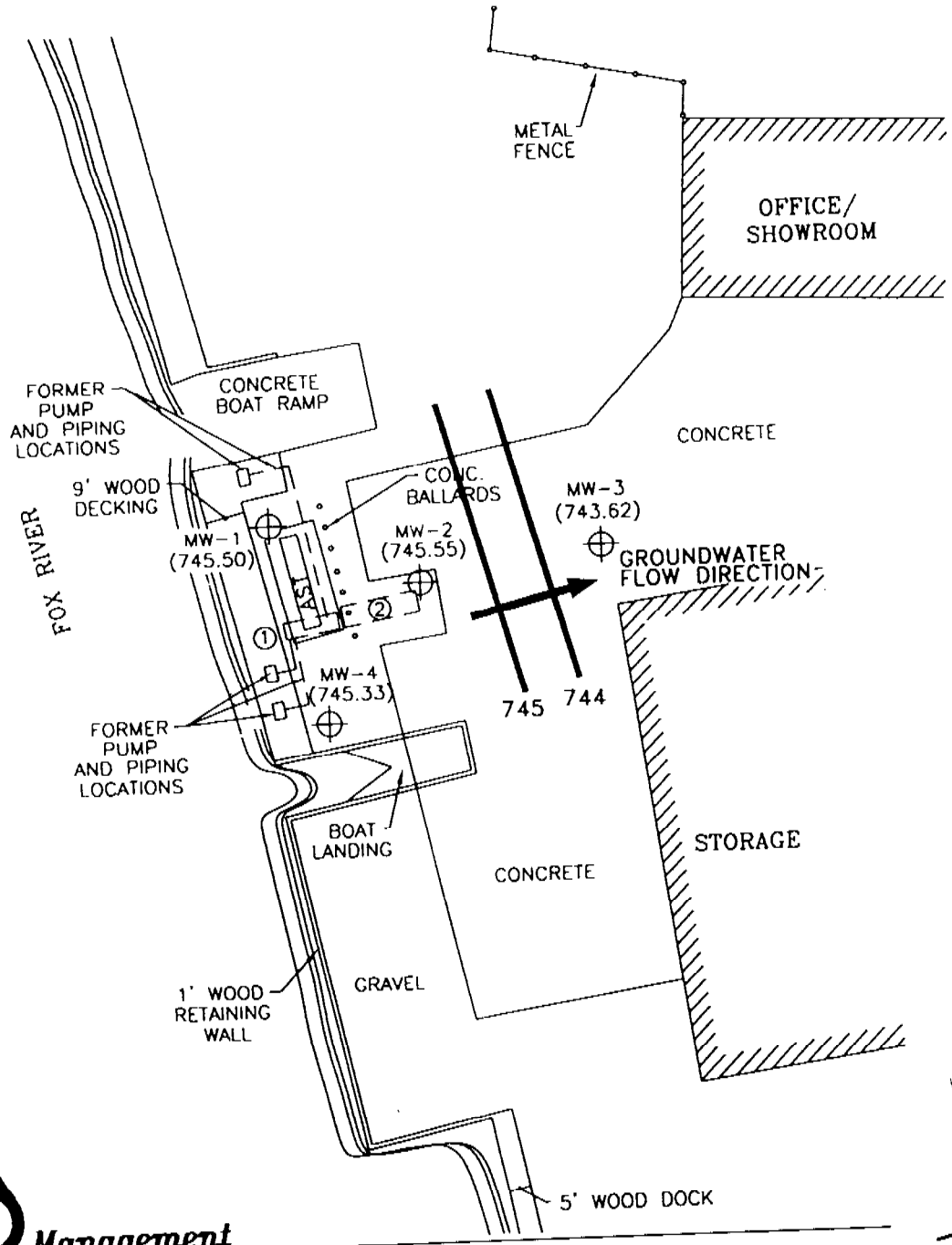
LEGEND

⊕ MONITORING WELL

( ) ELEVATIONS IN FEET ABOVE MEAN SEA LEVEL

745 ISOELEVATION CONTOUR

HYDRAULIC GRADIENT : 0.05 ft/ft



Fluid Management
A Division of ENVIROGEN, Inc.

SCALE

0 10' 20' 30' 40'

Potentiometric Surface (2/4/97)
Spellman's Marina, Inc. Site
Oshkosh, 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.

DRAWING NO.	93.204V3	DRAWN BY:	LME	8/6/97	CHECKED BY:		APPROVED BY:	9/25/97

TANK LEGEND

① FORMER 1,000-GALLON GASOLINE UST

② FORMER 3,000-GALLON GASOLINE UST

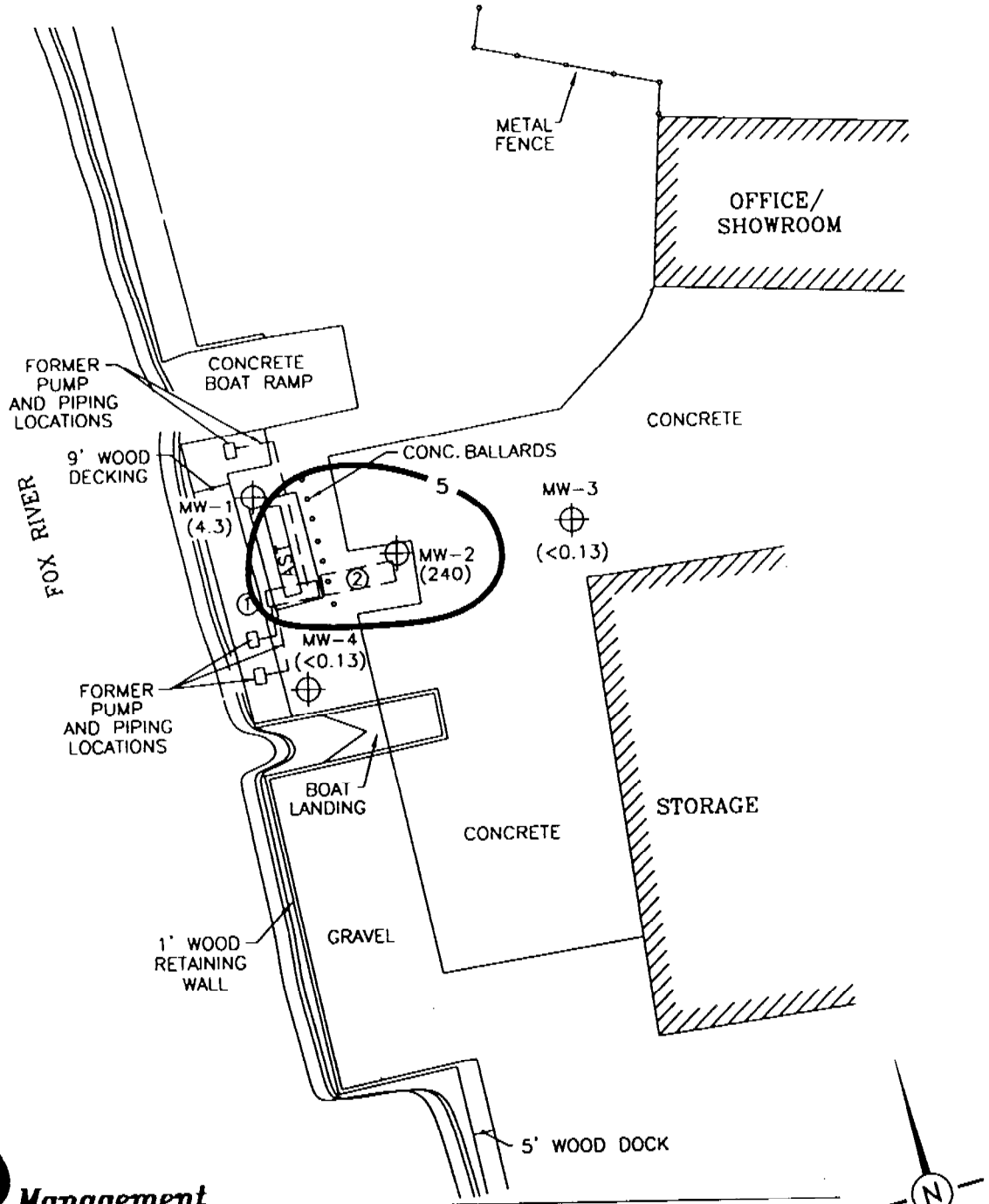
NOTES: NR140 ENFORCEMENT STANDARD FOR BENZENE IS 5 ppb

LEGEND

⊕ MONITORING WELL

( ) CONCENTRATION IN ppb

5 ISOCONCENTRATION CONTOUR



Fluid Management
A Division of ENVIROGEN, Inc.

SCALE

0 10' 20' 30' 40'

Groundwater Benzene Diatribution (2/4/97)

Spellman's Marina, Inc. Site
Oshkosh, 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.

DRAWING NO.	93.204V8	DRAWN BY:	LME	8/6/97	CHECKED BY:		APPROVED BY:	CMS	9-25-97

TABLE 4

Groundwater Analytical Results
Spellman's Marina, Inc. Site
Oshkosh, Wisconsin

near river

Parameter	MW-1						NR 140 ES	NR 140 PAL
	4/21/94	7/27/95	5/22/96	8/15/96	11/12/96	2/4/97		
GRO	130	210	<50	71	61	71	NS	NS
Benzene	~~1.7~~	[redacted]	<0.50	13	~~4.3~~	~~4.3~~	5	0.5
Ethylbenzene	1.8	15	<1.0	1.6	<1.0	0.23	700	140
Toluene	1.7	1.9	<1.0	<1.0	<1.0	0.50	343	68.6
Total Xylenes	3.4	1.0	<3.0	<3.0	<3.0	0.40	620	124
Methyl t-butyl ether	~~56~~	~~12~~	<1.0	<5.0	<2.0	0.53	60	12
Naphthalene	3.5	NA	NA	NA	<1.0	NA	40	8
1,2,4-Trimethylbenzene	5.5	5.6	<1.0	<1.0	<1.0	0.55	NS	NS
1,3,5-Trimethylbenzene	<1.0	<1.0	<1.0	<1.0	<1.0	<0.29	NS	NS

(Continued)

Notes:

Concentrations are in ppb

[redacted] Shading indicates value equals or exceeds the NR 140 enforcement standard

XXX Cross hatching indicates value equals or exceeds the NR 140 preventive action limit

GRO: Gasoline range organics
ES: Enforcement standard
PAL: Preventive action limit
NA: Not analyzed
NS: No standard

Checked by: AJC
Approved by: [illegible]

O:\proj1993\9320[illegible]

TABLE 4
(Continued)

Groundwater Analytical Results
Spellman's Marina, Inc. Site
Oshkosh, Wisconsin

This is "HOT" WELL.

Parameter	MW-2										NR 140 ES	NR 140 PAL
	4/21/94	7/27/95	Dup. 7/27/95	5/22/96	Dup. 5/22/96	8/15/96	11/12/96	Dup. 11/12/96	2/4/97	Dup.* 2/4/97		
GRO	6,500	3,600	3,900	3,400	2,900	2,800	2,100	3,300	3,000	3,000	NS	NS
Benzene	1,100	440	420	270	260	190	270	300	240	240	5	0.5
Ethylbenzene	180	70	79	66	62	46	20	37	52	52	700	140
Toluene	460	24	22	62	61	21	12	41	110	110	343	68.6
Total Xylenes	890	300	340	300	290	240	120	200	230	230	620	124
Methyl t-butyl ether	<20	35	33	<50	55	<25	<20	<100	6.5	5.5	60	12
Naphthalene	35	NA	NA	NA	NA	NA	7.8	14	NA	NA	40	8
1,2,4-Trimethylbenzene	650	460	530	380	360	360	220	350	280	290	NS	NS
1,3,5-Trimethylbenzene	200	170	200	150	150	150	100	170	120	120	NS	NS

(Continued)

Notes:

Concentrations are in ppb

Shading indicates value equals or exceeds the NR 140 enforcement standard

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

(*): Sample labeled MW-5 in analytical results

GRO: Gasoline range organics

ES: Enforcement standard

PAL: Preventive action limit

NA: Not analyzed

NS: No standard

HAS FOUR QTRS of STABLE BENZ, XYLENES, MTBE
TOLUENE FAIRLY STABLE

Checked by: ASL

Approved by: CDS

O:\proj1993\93204\projects\93204

TABLE 4
(Continued)

Groundwater Analytical Results
Spellman's Marina, Inc. Site
Oshkosh, Wisconsin

Easterly well

Parameter	MW-3							NR 140 ES	NR 140 PAL
	4/21/94	Dup. 4/21/94	7/27/95	5/22/96	8/15/96	11/12/96	2/4/97		
GRO	<50	<50	<50	<50	<50	<50	<50	NS	NS
Benzene	<1.0	<1.0	<1.0	1.1	1.1	0.58	<0.13	5	0.5
Ethylbenzene	<1.0	<1.0	<1.0	<1.0	<1.0	<1.0	<0.22	700	140
Toluene	<1.0	<1.0	<1.0	<1.0	<1.0	<1.0	<0.20	343	68.6
Total Xylenes	<3.0	<3.0	<3.0	<3.0	<3.0	<3.0	<0.23	620	124
Methyl t-butyl ether	9.1	8.7	8.8	12	12	11	<7.0	60	12
Naphthalene	<1.0	<1.0	NA	NA	NA	<1.0	NA	40	8
1,2,4-Trimethylbenzene	<1.0	<1.0	<1.0	<1.0	<1.0	<1.0	<0.22	NS	NS
1,3,5-Trimethylbenzene	<1.0	<1.0	<1.0	<1.0	<1.0	<1.0	<0.29	NS	NS

(Continued)

Notes:

Concentrations are in ppb

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

GRO: Gasoline range organics
ES: Enforcement standard
PAL: Preventive action limit
NA: Not analyzed
NS: No standard

STABLE +/OR RECEDE

Checked by: ASL
Approved by: CAP

TABLE 4
(Continued)

Groundwater Analytical Results
Spellman's Marina, Inc. Site
Oshkosh, Wisconsin

near River

Parameter	MW-4							NR 140 ES	NR 140 PAL
	4/21/94	7/27/95	5/22/96	8/15/96	Dup. 8/15/96	11/12/96	2/4/97		
GRO	<50	<50	<50	<50	<50	<50	<50	NS	NS
Benzene	<1.0	<1.0	**6.7**	<0.50	<0.5	<0.50	<0.13	5	0.5
Ethylbenzene	<1.0	<1.0	<1.0	<1.0	<1.0	<1.0	<0.22	700	140
Toluene	<1.0	<1.0	<1.0	<1.0	<1.0	**11**	**0.23**	343	68.6
Total Xylenes	<3.0	<3.0	<3.0	<3.0	<3.0	<3.0	<0.23	620	124
Methyl t-butyl ether	<1.0	<1.0	<2.0	<1.0	<1.0	<1.0	<0.16	60	12
Naphthalene	<1.0	NA	NA	NA	NA	<1.0	NA	40	8
1,2,4-Trimethylbenzene	<1.0	<1.0	<1.0	<1.0	<1.0	<1.0	<0.22	NS	NS
1,3,5-Trimethylbenzene	<1.0	<1.0	<1.0	<1.0	<1.0	<1.0	<0.29	NS	NS

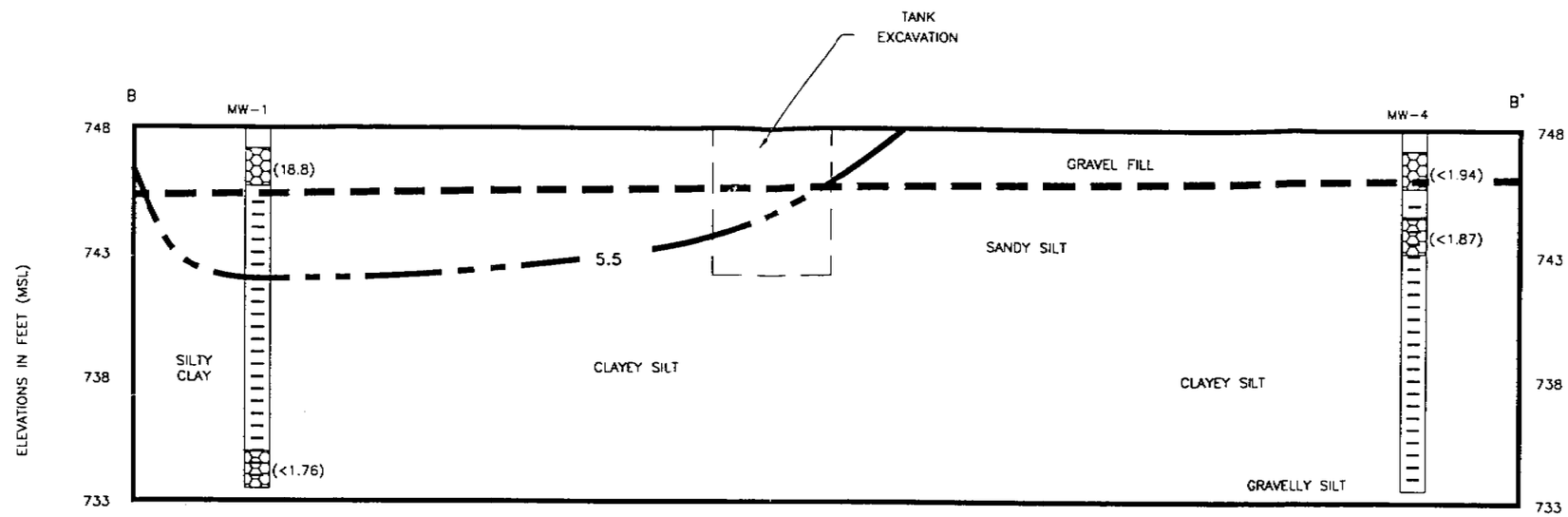
Notes:

Concentrations are in ppb

Shading indicates value equals or exceeds the NR 140 enforcement standard

GRO: Gasoline range organics
ES: Enforcement standard
PAL: Preventive action limit
NA: Not analyzed
NS: No standard

Checked by: ALC
Approved by: CAB



LEGEND

SAMPLE INTERVAL

SCREENED INTERVAL

GROUNDWATER TABLE (5/19/94)

( ) CONCENTRATIONS IN ppb

5.5 ISOCONCENTRATION CONTOUR

NOTE: THE NR720 GENERIC SOIL STANDARD FOR BENZENE IS 5.5 ppb.

Fluid Management
A Division of ENVIROGEN, Inc.

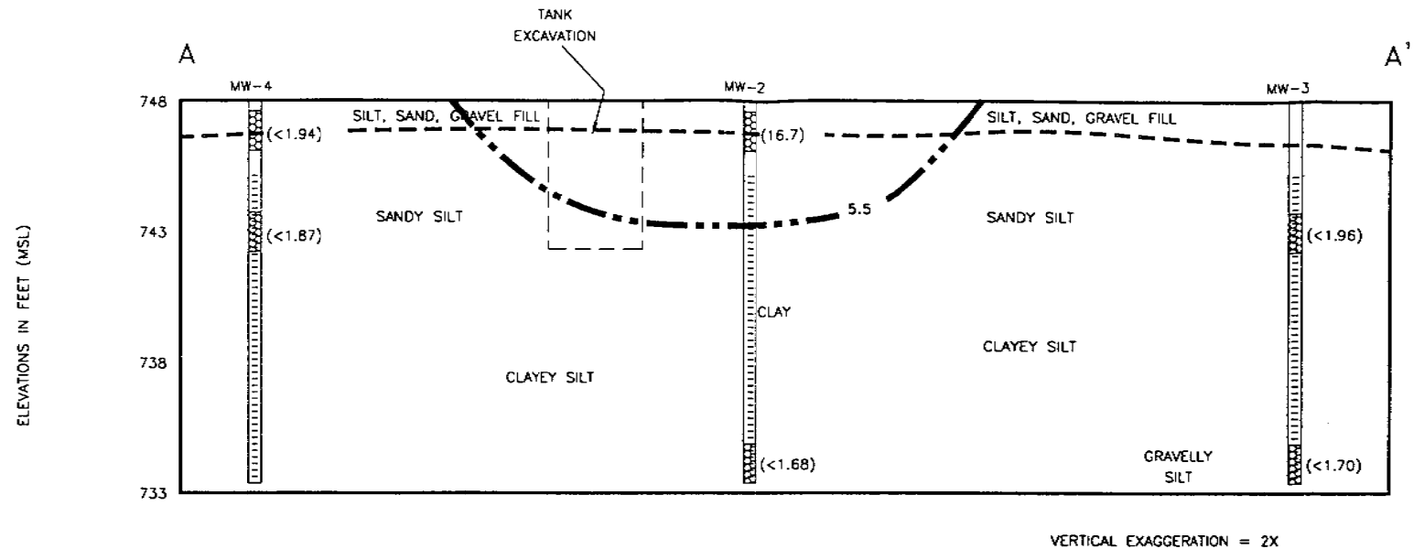
SCALE
0 1' 2' 3' 4' 5'

Soil Benzene Distribution
Cross-Section B-B' (4/4/94)
Spellman's Marina, Inc. Site
Oshkosh, Wisconsin

FIGURE NO.
7

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.	93.204V7	DRAWN BY:	LME	8/6/97	CHECKED BY:	APPROVED BY:	



LEGEND

SAMPLE INTERVAL

SCREENED INTERVAL

GROUNDWATER TABLE (5/19/94)

( ) CONCENTRATIONS IN ppb

5.5 ISOCONCENTRATION CONTOUR

NOTE: THE NR720 GENERIC SOIL STANDARD FOR BENZENE IS 5.5 ppb.

SCALE

0 2' 4' 6' 8' 10'

Fluid Management
A Division of ENVIROGEN, Inc.

Soil Benzene Distribution
Cross-Section A-A' (4/4/94)
Spellman's Marina, Inc. Site
Oshkosh, 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.

DRAWING NO.	DRAWN BY:	CHECKED BY:	APPROVED BY:
93.204V6	LME 8/6/97	ASC 8/25/97	CDB 8/28/97