

State of Wisconsin \ DEPARTMENT OF NATURAL RESOURCES

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

Oshkosh Service Center
625 East County Road Y, Suite 700
Oshkosh, Wisconsin 54901-97313
Telephone 920-424-3050
FAX 920-424-4404

August 26, 1999

Mr. & Mrs. Russel Leitz
4518 Jackson Street
Oshkosh, WI 54901

SUBJECT: *Conditional* Case Closure of
Leitz Property, 4518 Jackson Street, Oshkosh
WDNR BRRTS ID # 03-71-119908
And Closure of Leitz Landsread Site

Dear Mr. & Mrs. Leitz:

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.

First Condition: Soil or Groundwater Use Restriction

The WDNR is requiring no further remedial action at this time; however, *You must sign and 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 60 days of the date of this letter.*

The attached restriction also includes maps, which must be filed with the text. The deed restriction includes information concerning the property impacted by the restriction that has been provided by you and/or your consultant (or attorney). The restriction is a Department standard format and has been drafted with oversight from Department attorneys. Please contact me if you have any questions or concerns regarding the restriction as written.

Please note that case closure is dependent upon the filing of this deed restriction. *If the restriction is not filed with the County Register of Deeds, the case remains active and continued sampling of the monitoring wells at the site will be required.* A workplan of the sampling schedule and maintenance of the monitoring wells will be required within 90 days of the date of this letter if verification of the restriction filing is not received as indicated above.

Quality Natural Resources Management
Through Excellent Customer Service



Second Condition: Monitoring Well Abandonment

After filing the restriction with the county, all monitoring wells, sumps, and/or boreholes and remedial systems must be abandoned according to Chapter NR 141, Wisconsin Administrative Code. The abandonment forms (#3300-5B) should be sent to my attention.

Until verification of **both** the restriction and abandonment documentation is received, the DNR will continue to track this facility as an active BRR site.

In conjunction with the conditional closure of the LUST site, the Leitz Landspread site has also been granted closure at this time.

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, Hydrogeologist
Bureau for Remediation & Redevelopment

cc: Case File - OSH
Lori Huntoon, Site Review Section Chief, Bureau of PECFA, Dept of Commerce,
P.O. Box 7970, Madison, WI 53707
Scott Konkle, Engel & Associates, N4737 Highway 175 South, Fond du Lac, WI 54937

Register's Office
Winnebago County, Wis
Received for record
this 4th Day of
December
A.D., 1978 at P
3:20 o'clock 'M

Allen M. Payne

REGISTER OF DEEDS

RETURN TO
Adams, C. L. & W.

526668

Chy 2/15/78

June Walter, a/k/a June E. Walter, surviving joint
tenant of Irving E. Walter, a/k/a Irving Walter,
deceased.

conveys and warrants to Russel E. Leitz and Ruth A. Leitz,
his wife, as joint tenants

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

Tax Key No.

Tract 1 according to CERTIFIED SURVEY MAP filed in Volume 1 of Survey Maps
on Page 477 as Document No. 526024; being a part of the South West 1/4 of the
South West 1/4 of Section 25-19-16, in the Town of Oshkosh.

TRANSFER

\$ 72.⁰⁰
FEE

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

Exception to warranties: as may be of record.

Dated this 30th day of November, 19 78

..... (SEAL) X June Walter (SEAL)
* June Walter
..... (SEAL) (SEAL)
*

AUTHENTICATION

Signatures authenticated this day of
....., 19.....

TITLE: MEMBER STATE BAR OF WISCONSIN
(If not,
authorized by § 706.06, Wis. Stats.)

THIS INSTRUMENT WAS DRAFTED BY

Atty. James J. Williamson
Oshkosh, Wisconsin 54902

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

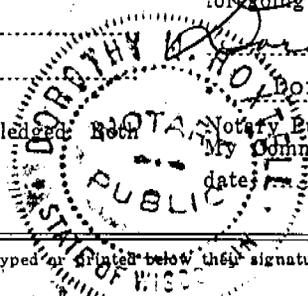
ACKNOWLEDGMENT

STATE OF WISCONSIN

Winnebago County, } ss.
Personally came before me, this 30th day of
November the above named
June Walter, a/k/a June E. Walter

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

Borothy M. Hoxtell
Borothy M. Hoxtell
Notary Public Winnebago County, Wis.
My Commission is permanent. (If not, state expiration
date: February 10, 1980.)



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



Document Number

GROUNDWATER USE RESTRICTION

1071075

REGISTER'S OFFICE
WINNEBAGO COUNTY, WI
RECORDED ON

08-30-1999 03:42 PM

SUSAN WINNINGHOFF
REGISTER OF DEEDS

RECORDING FEE 16.00
TRANSFER FEE
OF PAGES 4

In re: Tract 1 according to CERTIFIED SURVEY MAP filed in Volume 1 of Survey Maps on Page 477 as Document No. 526024 (*identified as Exhibit A, hereby attached and made a part of this restriction*); being part of the South West ¼ of the South West ¼ of Section 25 Township 19 North, Range 16 East, in the Town of Oshkosh. (Also identified as 4518 Jackson Street, Oshkosh)

Recording Area

Name and Return Address

Leitz
4518 Jackson St
Oshkosh WI 54901

Parcel Identification Number (PIN)

Declaration of Restrictions

STATE OF WISCONSIN)
) ss
COUNTY OF WINNEBAGO)

WHEREAS, Russel E. Leitz and Ruth A. Leitz are the owners of the above-described property.

WHEREAS, one or more petroleum-related discharges have occurred at this property. Petroleum-contaminated groundwater above NR 140 enforcement standards exists on this property at the following location(s): Recovery Sump RS-1 for Benzene at 190 micrograms per liter (ug/l), Toluene at 730 ug/l, Total Xylenes at 790 ug/l, and 1,2 Dichloroethane at 10 ug/l as identified on Figure G hereby attached and made a part of this groundwater use restriction.

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 soil or groundwater 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 groundwater standards within the boundaries of this property.

WHEREAS, construction of wells where the water quality exceeds the drinking water standards in ch. NR 809 is restricted by ch. NR 811 and ch. NR 812. 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, 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, with a copy of the Department's written determination, may be recorded to give notice that this groundwater use restriction, or portions of this groundwater use restriction are no longer binding.

IN WITNESS WHEREOF, the owners of the property have executed this Declaration of Restrictions, this 30th day of August, 1999.

Signature: Russel E. Leitz

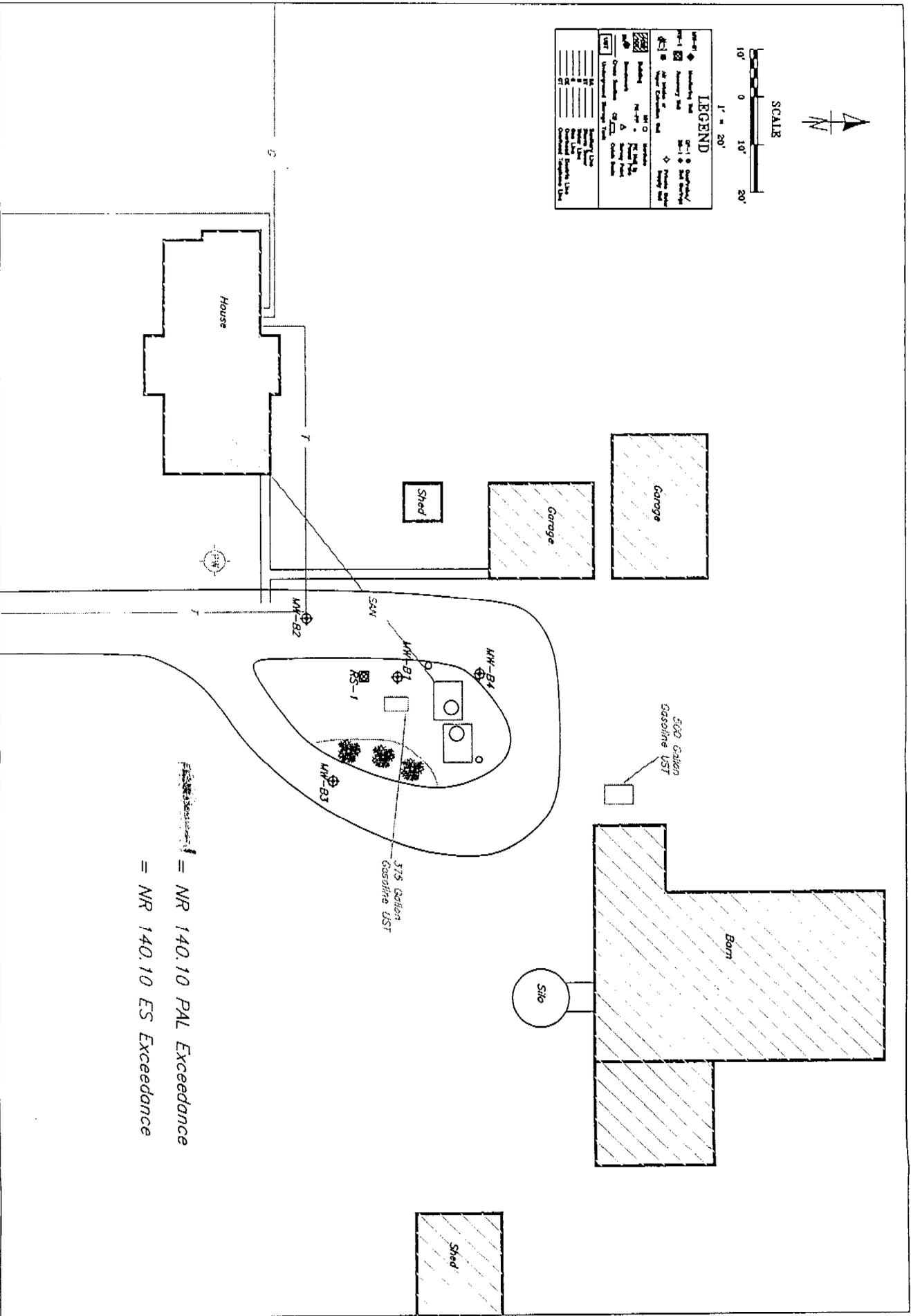
Printed Name: Russel E. Leitz

Signature: Ruth A. Leitz

Printed Name: Ruth A. Leitz

Subscribed and sworn to before me
this 30th day of August, 1999.
Stephanie D. Brewster
Notary Public, State of WISCONSIN
My commission 2-01-01

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



= NR 140.10 PAL Exceedance
 = NR 140.10 ES Exceedance

220-02 FIGURE J	Groundwater Sample Location Map Russel Litz Property Town of Oshkosh	ENGEL & ASSOCIATES, INC. N4737 HIGHWAY 175 S. FOND DU LAC, WI 54937 920-929-9279 FAX: 920-929-8764	FILE INFORMATION leitaplot.dwg
			DRAWN BY DDS
			DATE 6/98

Table I - 1

Groundwater Analytical Results
Russell Leitz Farm Site

Well ID	Sample Date	Static Water Level	Benzene	Ethylbenzene	Toluene	Xylenes*	MTBE	Naphthalene	1,2 DCA
MW-B1	5/6/98 <i>post remediation</i>	9.91	330	870	1000	2700	<2.5	89	22
RS-1	5/3/99	15.22	190	97	730	790	<1.6	23	10
MW-B2	5/6/98 <i>post remediation</i>	9.01	0.3	<0.25	0.4	<0.25	<0.25	0.11	<0.25
MW-B2	2/8/99	15.69	<0.26	<0.24	<0.22	<0.97	<0.22	NS	NS
MW-B2	5/3/99	13.16	<0.27	<0.32	0.28	<0.43	<0.32	<0.35	<0.37
MW-B3	5/6/99 <i>post remediation</i>	8.46	0.17	<0.25	0.38	<0.25	<0.25	<0.10	<0.25
MW-B3	1/27/99	16.68	<0.26	<0.24	<0.22	<0.97	<0.22	NS	NS
MW-B3	5/3/99	13.71	<0.27	<0.32	<0.27	<0.43	<0.32	<0.35	<0.37
MW-B4	5/6/99 <i>post remediation</i>	9.04	0.22	<0.25	0.85	<0.25	<0.25	0.21	<0.25
MW-B4	1/27/99	17.36	3.8	0.91	0.56	3	0.26	NS	NS
MW-B4	5/3/99	12.79	<0.27	<0.32	0.36	<0.43	<0.32	<0.35	<0.37
PW	5/3/99		<0.27	<0.32	0.32	<0.43	<0.32	<0.35	<0.37
NR 140.10 Preventive Action Limit (PAL)			0.5	140	68.6	124	12	8	0.5
NR 140.10 Enforcement Standard (ES)			5	700	343	620	60	40	5

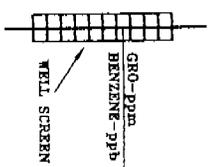
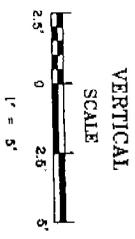
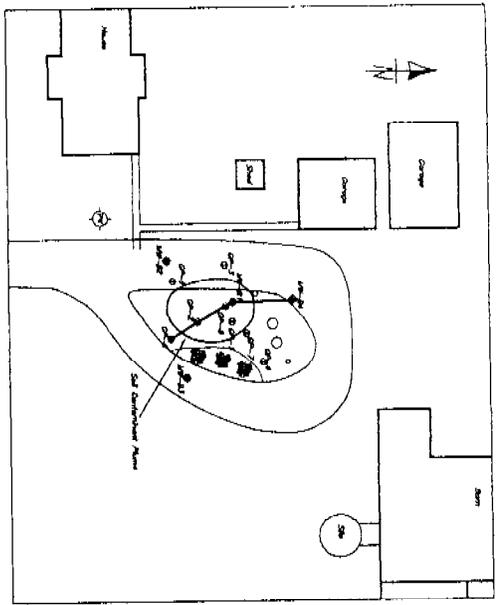
Explanation:

NS: Not sampled for this parameter

*: xylenes reported as total of o-, p-, and m-xylenes results reported in micrograms-per-liter

Bold indicates exceedance of NR 140.10 ES, italics indicates exceedance of PAL

Postremediation



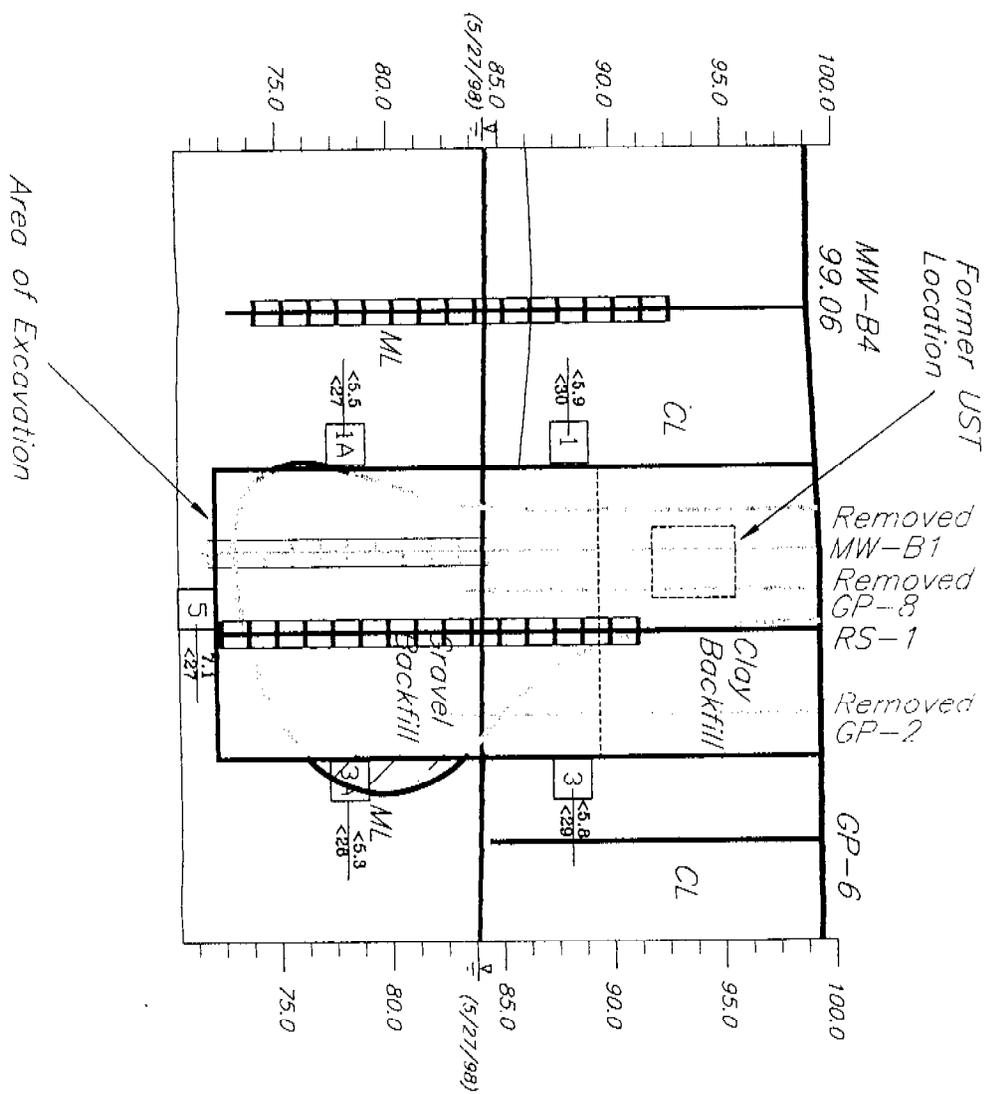
GROUNDWATER TABLE



Inferred Area of Hydrocarbon Impacted Soil



Soil Sample Locations



Post Remedial Geologic
Cross Section A-A'
Russel Leitz Property
Town of Oshkosh

ENGEL & ASSOCIATES, INC.

N4737 HIGHWAY 175 S.
FOND DU LAC, WI 54937

920-929-9279

FAX: 920-929-8754

FILE REFERENCE
leitzsec.dwg

PREPARED BY
DDS
6/98

220-02

FIGURE

H

