

State of Wisconsin \ DEPARTMENT OF NATURAL RESOURCES

Tommy G. Thompson, Governor
George E. Meyer, Secretary
Gloria L. McCutcheon, Regional Director

Southeast Region
Sturtevant Service Center
9531 Rayne Road
Sturtevant, Wisconsin 53177
Telephone 262-884-2300
FAX 262-884-2307
TDD 262-884-2304

February 2, 2000

William Pohlmann
Associated Bank Lakeshore
1000 Franklin Street
P.O. Box 787
Manitowoc, WI 54221-0787

Subject: Closure Review of Former Midas Muffler Shop, 5701 Sheridan Road, Kenosha, WI.
(FID# 230141120, BRRTS# 03-30-001791)

Dear Mr. Pohlmann:

I have reviewed your case file based on the documents submitted by Northern Environmental. On a February 2, 2000 meeting the Department agreed with Northern's recommendation to grant a case "closure" conditional upon the following:

1. Placement of a groundwater use restriction on the title of the property, and submittal of documentation, within 30 days after receipt of this letter. Please submit a draft copy to the WDNR for approval prior to notarizing the deed with the city. A final notarized copy will be needed for our file in order to close this site. A model deed restriction is included for your reference.
2. Abandonment of the groundwater monitoring wells at the site in accordance with NR 141 and submittal of the abandonment forms to the WDNR - Sturtevant Service Center.

The site currently exceeds an Enforcement Standard (ES) in MW-1 and MW-2 for benzene, ethylbenzene, xylene and trimethylbenzene.

This case may be reopened pursuant to s. NR726.09, 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 of the environment.

The groundwater use restriction placed on the property deed at the county register of deeds office must specify the legal description of the property, the location, type and concentration of the contaminants and include the following language:

"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. Construction of wells where the water quality exceeds the drinking water standards in ch. NR 809 is restricted by chs. NR 811 and 812. Special well construction standards or water treatment requirements, or both, or well construction prohibitions may apply. 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 to determine what specific requirements are applicable prior to constructing or reconstructing a well on this property."

In addition, Northern has estimated approximately 250 cubic yards of residual soil contamination remains on site under the parking lot in the middle the property. Please note that if any of the remaining contaminated soil is ever excavated, the soil must be properly handled according to all applicable laws in effect at that time.

Within sixty days from the date of this letter, all of the monitoring wells (MW-2, 3, 4, 5, 6, and RW-1) located at the property must be abandoned in accordance with NR 141. Once the department receives the 2 listed items above; this case will be tracked as closed on the departments tracking system.

Thank you for the steps you are taking to restore the environment at this site. If you have any questions regarding this letter, please contact me at (262) 884-2341.

Sincerely,



Jennie Pelczar

Hydrogeologist – Remediation & Redevelopment Program

C: Mrs. Kirsten Jurcek – Northern Environmental
SER - File

Enclosures

Document Number

GROUNDWATER USE RESTRICTION

Declaration of Restrictions

In Re:

Part of Lot 1 in Block 40 in the Southeast Quarter of Section 31, Town 2 North, Range 23 East of the Fourth Principal Meridian, particularly described as follows: Commencing at the Northwest corner of said lot, thence South on the West line of said Lot 44 feet, thence East parallel with the North line of said lot 75 feet, thence North parallel with the West line of said lot 44 feet and to the North line thereof; thence West on the North line of said lot 75 feet and to the place of beginning, excepting the West 30.5 feet thereof, and lying and being in the City of Kenosha, County of Kenosha and State of Wisconsin.

Also Part of Lot 1 in Block 40, and in the Southeast Quarter of Section 31, in Town 2 North of Range 23 East of the Fourth Principal Meridian, and more particularly described as follows: Commencing at a point 44 feet Southerly from the Northwest corner of said lot, thence Southerly on the West line of said lot 54 feet and to the South line of said lot; thence Easterly on said South line of said lot 132 feet; thence Northerly parallel with the West line of said lot 54 feet and to the point 44 feet South of the North line of said lot; thence Westerly parallel with the South line of said lot to the place of beginning, excepting the West 30.5 feet thereof, and lying and being in the City of Kenosha, County of Kenosha and State of Wisconsin.

STATE OF WISCONSIN)
COUNTY OF KENOSHA) ss

WHEREAS, The Max Alpert Residuary Trust under will for Bertha Alpert is the owner of the above-described property.

WHEREAS, one or more benzene, xylenes, trimethylbenzenes, and naphthalene contaminated ground water above ch. NR 140, Wis. Adm. Code, enforcement standards existed on the property (See attached map and table) and soil contamination exists on the property (See attached map and table).

WHEREAS, it is the desire and intention of the property owner to impose on the property restrictions which will make it unnecessary to conduct further 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 groundwater standards within the boundaries of this property.

WHEREAS, construction of wells where the water quality does not comply with drinking water standards in ch. NR 809 is restricted by chs. NR 811 and 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 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.

DOCUMENT NUMBER

1177570

RESTRICTION

RECORDED

at Kenosha County, Kenosha, WI 53140
Louise I Principe, Register of Deeds
on 4/04/2000 at 9:34 AM

\$30.00

REGNEEDS

11357

BARB

Recording Area

Name and Return Address

Northern Environmental Technologies,
Incorporated
1214 West Venture Court
Mequon, Wisconsin 53092

30

12-4-0223-31-446-00-3

Parcel Identification Number (PIN)

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 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 one or more of 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 deed restriction, or portions of this deed restriction, are no longer binding.

By signing this document, Mr. Bill Pohlman asserts that he is duly authorized to sign this document on behalf of the Max Alpert Residuary Trust under will for Bertha Alpert.

IN WITNESS WHEREOF, the owner of the property has executed this Declaration of Restrictions, this 19th day of MARCH, 2000

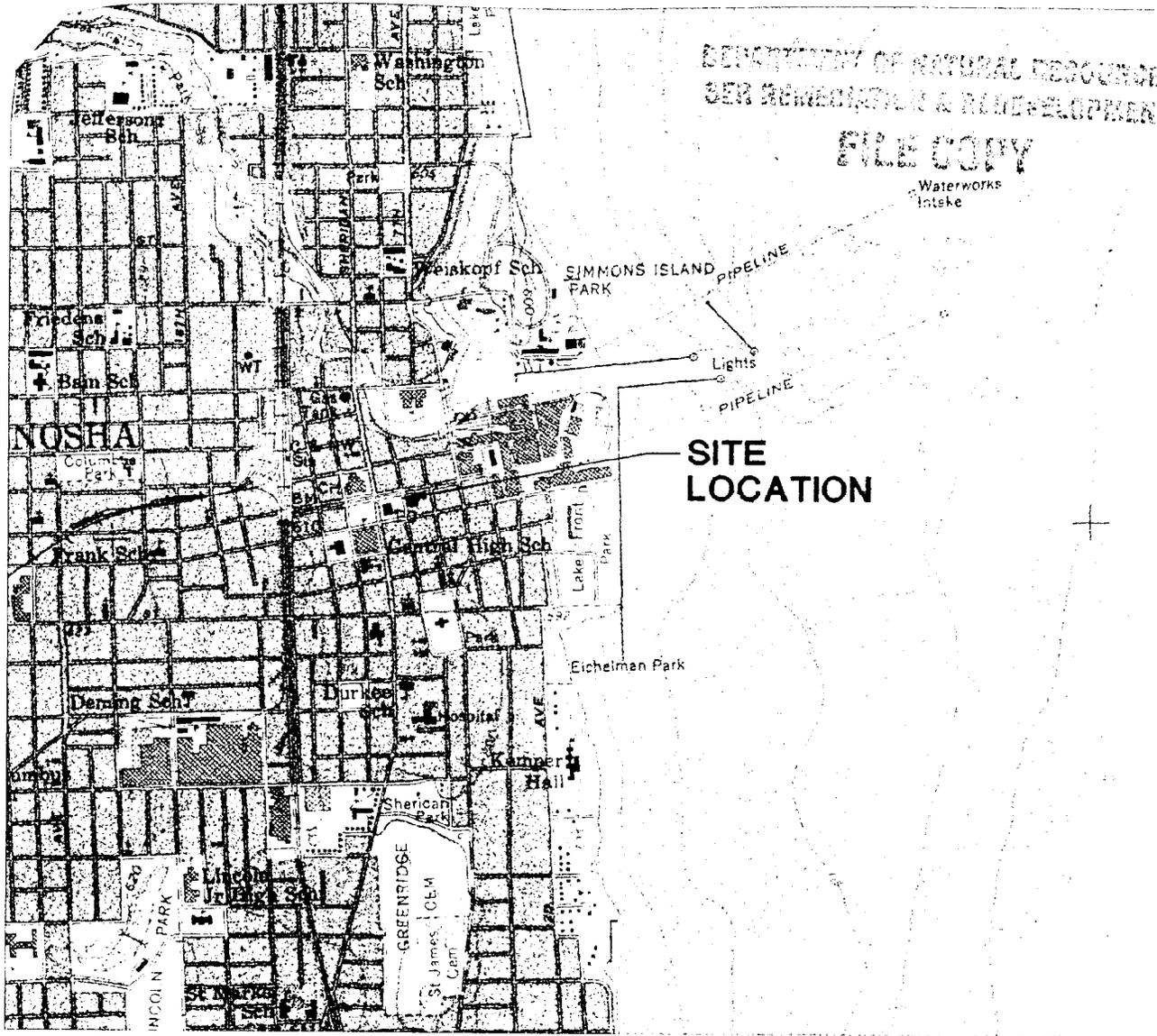
Signature: 
Printed Name: Wm A. POHLMANN

Subscribed and sworn to before me
this 20th day of March, 192000.

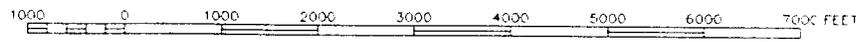

Notary Public, State of Wisconsin
My commission 7/8/2001

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

DEPARTMENT OF NATURAL RESOURCES
 SER REMEDIATION & REDEVELOPMENT
 FILE COPY



SCALE 1" = 2000'



CONTOUR INTERVAL 10 FEET
 NATIONAL GEODETIC VERTICAL DATUM OF 1929



QUADRANGLE LOCATION

BASE MAP SOURCE USGS 7.5 MINUTE TOPOGRAPHIC SERIES.
 TopoScout, U.S. Terrain Series, ©Maptech, Inc. 800-627-7236



DRAWN BY: PXW	PROJECT: ABL130568	DATE: 10/27/99
REV. DATE XX	THIS DRAWING AND ALL INFORMATION CONTAINED THEREON IS THE PROPERTY OF NORTHERN ENVIRONMENTAL INCORPORATED AND SHALL NOT BE COPIED OR USED EXCEPT FOR THE PURPOSE FOR WHICH IT IS EXPRESSLY FURNISHED.	
 Northern Environmental SM Hyarologists • Engineers • Geologists		

FORMER MIDAS MUFFLER SHOP
 PENOSHA, WISCONSIN

SITE LOCATION AND
 LOCAL TOPOGRAPHY

FIGURE 1

K:\CAD\NET\DWG\ABL130568\102799-1.DWG

57TH STREET

SIDEWALK

SHERIDAN ROAD

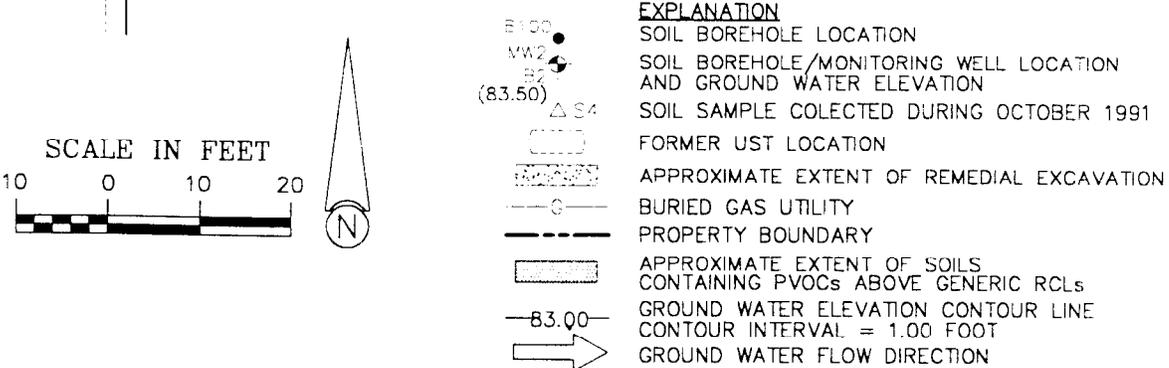
SIDEWALK

COMMUNITY SUPPORT PROGRAM BUILDING

HERITAGE HOUSE PROPERTY

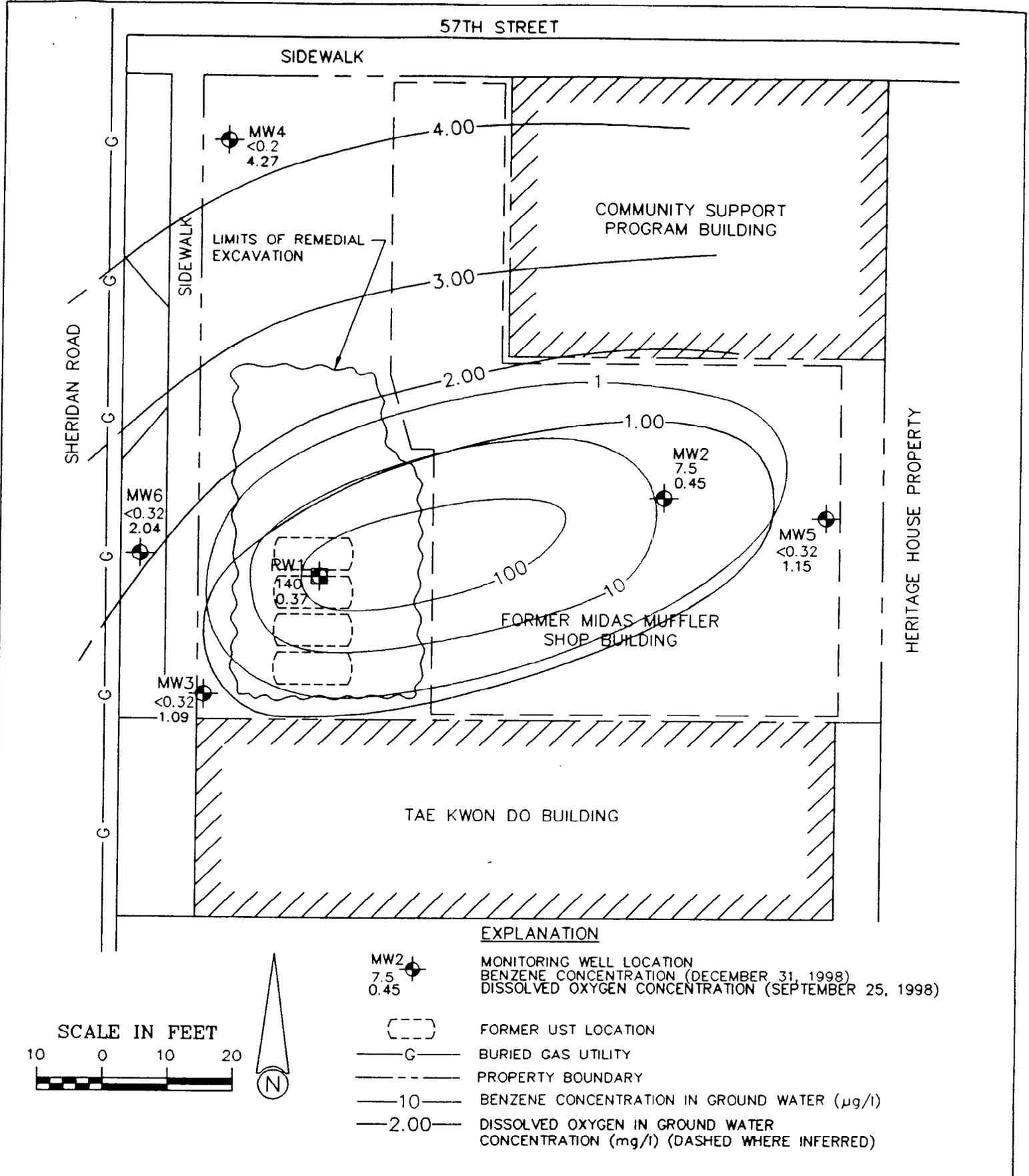
FORMER MIDAS MUFFLER SHOP BUILDING

TAE KWON DO BUILDING



DRAWN BY: JAW REV. DATE: 10/13/97 10/27/99	PROJECT: ABL130568 THIS DRAWING AND ALL INFORMATION CONTAINED THEREON IS THE PROPERTY OF NORTHERN ENVIRONMENTAL INCORPORATED AND SHALL NOT BE COPIED OR USED EXCEPT FOR THE PURPOSE FOR WHICH IT IS EXPRESSLY FURNISHED.	DATE: 11/19/97
<p>Northern Environmental Hydrologists . Engineers . Geologists</p>		FORMER MIDAS MUFFLER SHOP KENOSHA, WISCONSIN
		WATER TABLE ELEVATION, DECEMBER 31, 1998 AND HORIZONTAL EXTENT OF PETROLEUM-AFFECTED SOIL

FIGURE: 3



DRAWN BY: JAW	PROJECT: ABL130568	DATE:
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10/13/97	<p>Northern Environmental™ Hydrologists • Engineers • Geologists</p>	
10/26/99		
11/19/99		
02/04/00		

**FORMER MIDAS MUFFLER SHOP
KENOSHA, WISCONSIN**

**DISSOLVED OXYGEN AND BENZENE
CONCENTRATIONS IN GROUND WATER
SEPTEMBER 25 AND DECEMBER 31, 1998**

FIGURE: 1

K:\CAD\NET\DWG\ABL130568\FINAL\041299-3.DWG

Table 1 Ground-Water Quality Data, Associated Bank Lakeshore, Kenosha, Wisconsin

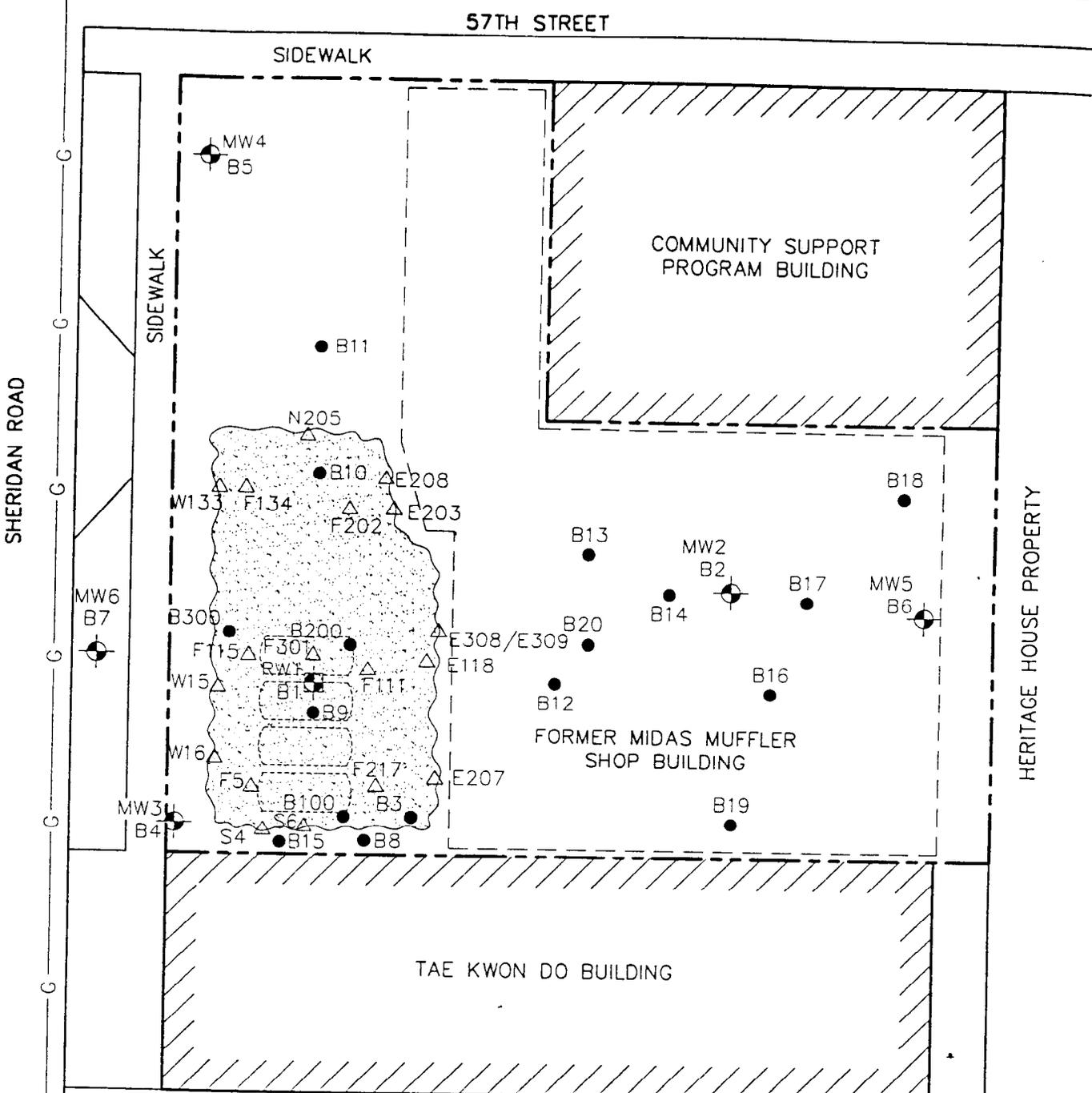
Well Number	Date	DRO (mg/kg)	GRO (mg/kg)	Laboratory Analysis																	Lead (µg/l)	
				Detected VOCs (µg/l)													MTBE	Naphthalene	1,1-Dichloroethane	1,1,1-Trichloroethane		Di-Isopropyl Ether
				Benzene	N-Butyl-benzene	Ethyl-benzene	Isopropyl-benzene	N-Propyl-benzene	sec-Butyl-benzene	tert-Butyl-benzene	Toluene	p-Isopropyl toluene	Xylenes	Trimethyl-benzenes								
RW1*	01/29/92	-	30,000	1700	-	370	-	-	-	-	-	3700	-	2010	600	<500	-	-	-	-	-	112
	05/26/92	-	-	3480	-	<250	-	-	-	-	-	5340	-	3615	1000	<1250	-	-	-	-	-	5.5
	08/31/92	-	-	2500	-	310	-	-	-	-	-	4600	-	3060	580	<250	-	-	-	-	-	49.2
	02/16/93	-	-	1500	-	440	-	-	-	-	-	1500	-	3100	670	<10	-	-	-	-	-	4
	02/16/93	-	-	1600	-	470	-	-	-	-	-	1600	-	3400	730	<10	-	-	-	-	-	-
	05/10/93	-	-	950	-	200	-	-	-	-	-	1000	-	2700	1010	<1.0	-	-	-	-	-	-
	05/10/93	-	-	700	-	200	-	-	-	-	-	870	-	2300	710	<2.5	-	-	-	-	-	-
	08/30/93	-	-	1500	-	700	-	-	-	-	-	1400	-	4400	1520	<10	-	-	-	-	-	-
	08/30/93	-	-	1000	-	430	-	-	-	-	-	740	-	2400	520	<10	-	-	-	-	-	-
	11/08/93	-	-	2100	-	950	-	-	-	-	-	1700	-	3600	1210	<50	-	-	-	-	-	-
	11/08/93	-	-	2100	-	1000	-	-	-	-	-	1700	-	2600	1200	<50	-	-	-	-	-	-
	02/04/94	-	-	1300	-	840	-	-	-	-	-	1000	-	2600	930	<10	-	-	-	-	-	-
	02/04/94	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
	05/06/94	-	-	410	-	470	-	-	-	-	-	530	-	1000	1270	25	-	-	-	-	-	-
	05/06/94	-	-	430	-	470	-	-	-	-	-	600	-	1700	1110	<10	-	-	-	-	-	-
	08/08/94	1700	22,000	670	-	550	-	-	-	-	-	470	-	1800	1250	<10	-	-	-	-	-	-
	11/04/94	19000	20,000	1000	-	640	-	-	-	-	-	460	-	1800	1030	<50	-	-	-	-	-	-
	11/04/94	-	18,000	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
	02/23/95	13000	12,000	76	241	610	81.6	241	<49	<46	462	<46	1747	1069	<22	103	<0.12	<0.2	<0.2	117	4	
	05/25/95	9600	18,000	370	166	36	56	84	20.2	<4.6	197	<4.6	235	630	<2.2	60	<0.12	<0.2	<0.2	<3.8	3	
	08/02/95	2800	9,600	450	97	280	37	56	<4.9	4.6	154	16.9	373	451	<2.2	26.9	<0.12	<0.2	<3.8	5		
	11/13/95	210	8,800	400	85	430	45	61	16	<4	240	15	957	439	<2.2	62	<2.7	<6.3	<3.8	4		
	02/27/96	-	-	680	-	430	-	-	-	-	320	-	950	550	<22	-	-	-	-	-	-	
05/24/96	6200	6500	220	-	220	-	-	-	-	120	-	490	440	<10	-	-	-	-	-	-		
08/12/96	-	-	250	-	250	-	-	-	-	79	-	440	296	<5	-	-	-	-	-	-		
12/31/96	-	-	520	-	610	-	-	-	-	219	-	1030	645	<1.5	-	-	-	-	-	-		
09/17/97	-	-	210	-	400	-	-	-	-	77	-	640	425	<2.1	-	-	-	-	-	-		
06/12/98	-	-	210	-	510	-	-	-	-	117	-	900	522	<0.31	-	-	-	-	-	-		
09/25/98	-	-	250	-	530	-	-	-	-	110	-	850	610	<16	-	-	-	-	-	-		
12/31/98	-	-	140	-	240	-	-	-	-	<18	-	270	581	<16	-	-	-	-	-	-		
MW2	02/20/92	-	15,000	35	-	250	-	-	-	-	35	-	2010	1160	<5.0	-	-	-	-	-	<100	
	05/26/92	-	-	315	-	<100	-	-	-	-	555	-	4430	2040	<500	-	-	-	-	-	<1.0	
	08/31/92	-	-	<50	-	200	-	-	-	-	<50	-	3000	1760	<250	-	-	-	-	-	-	
	02/16/93	-	-	36	-	330	-	-	-	-	45	-	2400	1100	<10	-	-	-	-	-	-	
	05/10/93	-	-	120	-	1000	-	-	-	-	110	-	2800	2080	<1.0	-	-	-	-	-	-	
	08/30/93	-	-	93	-	640	-	-	-	-	66	-	3300	1480	<10	-	-	-	-	-	-	
	11/08/93	-	NC	NC	NC	NC	NC	NC	NC	NC	NC	NC	NC	NC	NC	NC	NC	NC	NC	NC	NC	
	02/04/94	-	NC	NC	NC	NC	NC	NC	NC	NC	NC	NC	NC	NC	NC	NC	NC	NC	NC	NC	NC	
	05/06/94	-	NC	NC	NC	NC	NC	NC	NC	NC	NC	NC	NC	NC	NC	NC	NC	NC	NC	NC	NC	
	08/08/94	-	NC	NC	NC	NC	NC	NC	NC	NC	NC	NC	NC	NC	NC	NC	NC	NC	NC	NC	NC	
	11/04/94	-	NC	NC	NC	NC	NC	NC	NC	NC	NC	NC	NC	NC	NC	NC	NC	NC	NC	NC	NC	
	02/23/95	-	NC	NC	NC	NC	NC	NC	NC	NC	NC	NC	NC	NC	NC	NC	NC	NC	NC	NC	NC	
	05/25/95	-	NC	NC	NC	NC	NC	NC	NC	NC	NC	NC	NC	NC	NC	NC	NC	NC	NC	NC	NC	
	08/02/95	-	-	25	-	370	-	-	-	-	26	-	1900	1120	<12	-	-	-	-	-	-	
	08/02/95	-	-	26	-	390	-	-	-	-	27	-	2100	1240	<12	-	-	-	-	-	-	
	11/13/95	-	-	11	-	400	-	-	-	-	25	-	1800	1150	<12	-	-	-	-	-	-	
	02/27/96	-	-	27	-	350	-	-	-	-	14	-	1700	262	2.4	-	-	-	-	-	-	
	05/24/96	1100	4500	27	-	270	-	-	-	-	55	-	1100	620	<5	-	-	-	-	-	-	
	08/12/96	-	-	340	-	420	-	-	-	-	55	-	2100	1050	<5	-	-	-	-	-	-	
	12/31/96	-	-	52	-	630	-	-	-	-	34	-	3400	1860	<1.5	-	-	-	-	-	-	
	09/17/97	-	-	24	-	610	-	-	-	-	<30	-	2500	1490	<4.2	-	-	-	-	-	-	
	06/12/98	-	-	43	-	800	-	-	-	-	39	-	3200	1530	<6.2	-	-	-	-	-	-	
	09/25/98	-	-	19	-	360	-	-	-	-	17	-	1600	1120	<3.1	-	-	-	-	-	-	
12/31/98	-	-	7.5" 1"	-	250	-	-	-	-	52" J"	-	1000	530	<3.1	-	-	-	-	-	-		
12/31/98	-	-	7.5" 1"	-	270	-	-	-	-	9.1" J"	-	1100	900	<3.1	-	-	-	-	-	-		

Table 1 Ground-Water Quality Data, Associated Bank Lakeshore, Kenosha, Wisconsin

Well Number	Date	DRO (mg/kg)	GRO (mg/kg)	Laboratory Analysis																
				Detected VOCs (µg/l)																
				Benzene	N-Butyl-benzene	Ethyl-benzene	Isopropyl-benzene	N-Propyl-benzene	sec-Butyl-benzene	tert-Butyl-benzene	Toluene	p-Isopropyl toluene	Xylenes	Trimethyl-benzenes	MTBE	Naphthalene	1,1-Dichloro-ethane	1,1,1-Trichloro-ethane	Di-Isopropyl Ether	Lead (µg/l)
MW6	08/02/95	-	<100	<0.26	<0.45	<0.32	<0.36	<0.41	<0.49	<0.4	<0.69	<0.46	<2.5	<1.3	<0.22	<0.41	<0.27	<0.61	<0.38	<2
	11/13/95	-	<100	<0.26	<0.45	<0.32	<0.36	<0.41	<0.49	<0.4	<0.69	<0.46	<1.23	<1.3	<0.57	<0.41	<0.27	<0.61	<0.38	<10
	08/12/96	-	-	<0.7	-	<0.7	-	-	-	-	<1.0	-	<2.0	<1.9	<0.5	-	-	-	-	-
	12/31/96	-	-	<0.2	-	<0.68	-	-	-	-	<1.5	-	<2.0	<1.9	<0.15	-	-	-	-	-
	09/17/97	-	-	<0.21	-	<0.68	-	-	-	-	<1.5	-	<1.8	<1.9	<0.21	-	-	-	-	-
	06/12/98	-	-	<0.32	-	<0.34	-	-	-	-	<0.35	-	<0.98	<1.1	<0.31	-	-	-	-	-
09/25/98	-	-	<0.32	-	<0.34	-	-	-	-	<0.35	-	<1	0.46*J	<0.31	-	-	-	-	-	-
Trip	12/31/96	-	-	<0.2	-	<0.68	-	-	-	-	<1.5	-	<2.0	<1.9	<0.15	-	-	-	-	-
	06/12/98	-	-	<0.32	-	<0.34	-	-	-	-	<0.35	-	<0.98	<1	<0.31	-	-	-	-	-
	09/25/98	-	-	<0.32	-	<0.34	-	-	-	-	<0.35	-	<1	<0.31	-	-	-	-	-	-
	12/31/98	-	-	<0.32	-	<0.34	-	-	-	-	<0.35	-	<1	<0.31	-	-	-	-	-	-
NR 140, Wis. Adm. Code PAL	NR	NR	0.5	NR	140	NR	NR	NR	NR	NR	68.6	NR	124	96	12	8	85	40	NR	1.5
NR 140, Wis. Adm. Code ES	NR	NR	5.0	NR	700	NR	NR	NR	NR	NR	143	NR	620	480	60	40	850	200	NR	15

NOTE:

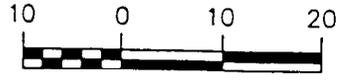
- DRO = diesel range organics
 - GRO = gasoline range organics
 - VOC = volatile organic compounds
 - mg/l = milligrams per liter
 - µg/l = micrograms per liter
 - * = skimmer installed on RW1 (March 21, 1994)
 - ** = duplicate sample
 - MTBE = methyl-tertiary-butyl-ether
 - NC = well damaged, unable to take sample
 - ND = not detected
 - NR = not regulated by the Wisconsin Department of Natural Resources
 - = not analyzed
 - <X = less than a detection limit of X
 - J = analyte detected between Limit of Detection and Limit of Quantitation
 - *** = samples collected 12/31/96 from MW4 and MW6 were mislabeled; however, analytes from both samples were below detection limits
- XXXX = Exceeds Chapter NR 140, Wisconsin Administrative Code (NR 140, Wis. Adm. Code) preventive action limit (PAL)
XXXX = Exceeds NR 140, Wis. Adm. Code enforcement standard (ES)



EXPLANATION

- B100 ● SOIL BOREHOLE LOCATION
- MW2 B2 ◐ SOIL BOREHOLE/MONITORING WELL LOCATION
- △ S4 SOIL SAMPLE COLLECTED DURING OCTOBER 1991
- ⋯ FORMER UST LOCATION
- ⋯ APPROXIMATE EXTENT OF REMEDIAL EXCAVATION
- G— BURIED GAS UTILITY
- - - PROPERTY BOUNDARY

SCALE IN FEET



DRAWN BY: JAW PROJECT: ABL130568 DATE: 11/19/97

REV. DATE 10/13/97 THIS DRAWING AND ALL INFORMATION CONTAINED THEREON IS THE PROPERTY OF NORTHERN ENVIRONMENTAL INCORPORATED AND SHALL NOT BE COPIED OR USED EXCEPT FOR THE PURPOSE FOR WHICH IT IS EXPRESSLY FURNISHED.



FORMER MIDAS MUFFLER SHOP
KENOSHA, WISCONSIN

SITE LAYOUT

G:\SHARED\PROJECTS\ABL130568\FIGURES\111997-2