

State of Wisconsin \ DEPARTMENT OF NATURAL RESOURCES

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

Southeast Regional Headquarters
2300 N. Dr. ML King Drive, PO Box 12436
Milwaukee, Wisconsin 53212-0436
Telephone 414-263-8500
FAX 414-263-8606
TDD 414-263-8713

FID #: 230039810
County of Kenosha

February 21, 2000

Mr. Bill Pope
6930 39th Avenue
Kenosha, WI 53142

SUBJECT: Flexible Site Closure – Pope's Mobil
6930 39th Avenue, Kenosha, WI 53142
BRRTS#: 03-30-002997

Dear Mr. Pope:

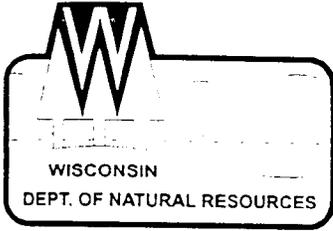
This letter acknowledges receipt of the well abandonment forms and the groundwater use restriction documents. The information is required to satisfy the "flexible site closure" conditions for the above subject site. The site is now "closed" as indicated to you in the letter from Wisconsin Department of Natural Resources (the Department) dated June 3, 1999.

The Department appreciates the actions you have take to investigate and remediate the petroleum contamination at this site. If you have any questions or concerns regarding this letter, please call me at (414) 263-8639.

Sincerely,

Eric Amadi
Hydrogeologist

C: Robert Spanbauer – AES Consultants, Ltd.
SER Case File #: 03-30-002997



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FID #: 230039810
County of Kenosha

June 3, 1999

Mr. Bill Pope
6930 39th Avenue
Kenosha, WI 53142

SUBJECT: Pope's Mobil - Cleanup Status
6930 39th Avenue, Kenosha, WI 53142 BRRTS#: 03-30-002997

Dear Mr. Pope:

The Wisconsin Department of Natural Resources (the Department) has completed the review of the above-named site for a determination as to whether or not the case qualified for close out under current regulatory standards.

Based on the information submitted to the Department, five USTs (one 8,000-gal. gas., one 6,000-gal. gas., one 4,000-gal. gas., one 2,000-gal. diesel, and one 500-gal. waste oil) were removed in 1994. About 1,087 tons of petroleum impacted soils were over-excavated and taken to Pheasant Run Landfill. Groundwater quality data indicates a general decreasing trend in contaminant concentrations in most of the site wells.

However, these concentrations are still above the NR 140 Enforcement Standard (ES). In addition, monitoring well MW10, located off-site and down gradient of source indicated a benzene concentration (75 ppb) above the NR 140 ES during the current sampling round (September, 1998). The Department believes that natural attenuation is working to further reduce the contamination. However, in order for the Department to grant closure on this site at this time, you must place a groundwater use restriction on the site and also obtain a groundwater use restriction on the property where MW10 is located. As an alternative, the Department will consider granting closure when additional groundwater monitoring data shows that groundwater above the NR 140 ES is no longer migrating off-site.

The Department appreciates your continued efforts to restore the environment at this site. If you have any questions, please call me at (414) 263-8639.

Sincerely,
Eric Amadi
Eric Amadi
Hydrogeologist

C: Robert Spanbauer - AES Consultants, Ltd. Rep. James Kreuser. Dale Ziege - RR/3
SER Case File #: 03-30-002997

January 28, 2000

Mr. Eric Amadi
Department of Natural Resources
P.O. Box 12436
Milwaukee, Wisconsin 53212

RECEIVED
FEB 07 2000
Rcvd
2/11/2000

Dear Mr. Amadi:

RE: Groundwater Use Restriction
Popes Mobil, 6930 39th Avenue, Kenosha
BRRTs # 03-30-002997

FD 230039810
brts: 03-30-002997

This letter has been prepared to transmit the finalized groundwater use restrictions for the 6930 and 7003 39th Avenue, Kenosha, Wisconsin locations. The use restrictions are required as part of the closure of this case file.

The use restrictions were filed with the Register of Deeds for Kenosha County on January 28, 2000. A copy of the use restriction, as filed, is enclosed for your records.

If you have any questions concerning this information, please feel free to contact us at (262) 375 - 7500.

Sincerely,



Robert Spanbauer
Project Manager

a:1040dn5.ltr



Document Number: GROUNDWATER USE RESTRICTION

In Re: Lots 4 & 5 of the Pershing Blvd Subdivision, being a subdivision of part of the NE¼ of the SE ¼ of Section 2, Township 1 North, Range 22 East, in the City of Kenosha. (See attached deed)

DOCUMENT NUMBER

1172019

DECLR COVENANTS/RESTRICTS

R E C O R D E D

at Kenosha County, Kenosha, Louise I Principe, Register of Deeds on 1/28/2000 at 11:35 AM

WI 53140

2907

JDES

REGDEED2

\$16.00

Recording Area

Name and Return Address

Mr. Billy Pope
6930 39th Avenue
Kenosha, Wisconsin 53142

llc ✓

Declaration of Restrictions

Property Identification

Number (PIN): 02-122-02-409-041

STATE OF WISCONSIN)
)ss
COUNTY OF Kenosha)

Fl0 - 230039810
Bnts: 63-30-002997

WHEREAS, Billy & Roberta Pope are the owner(s) of the above-described property.

WHEREAS, one or more unleaded gasoline or diesel discharges have occurred at this property. Benzene (210 ug/l) in monitoring well MW-1, and benzene (2,800 ug/l), toluene (820 ug/l), and xylene (1,240 ug/l) in monitoring well MW-2 and benzene (210 ug/l), ethylbenzene (1,000 ug/l), xylene (3,540 ug/l), and Trimethylbenzenes (2,750 ug/l) in monitoring well EW exists in the groundwater above ch. NR140 enforcement standards on this property. MW-1 is located 25 feet east of the site building and 130 feet north of 70th Street. MW-2 is located 55 feet east of the site building and 55 feet north of 70th Street. Well EW is located 15 feet south of the site building and 90 feet west of 39th Avenue. The attached map presents the well locations.

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 and to obtain DNR 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.

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 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 excited this Declaration of Restrictions, this 28 day of January, 19 2000

Signature: [Handwritten Signature]

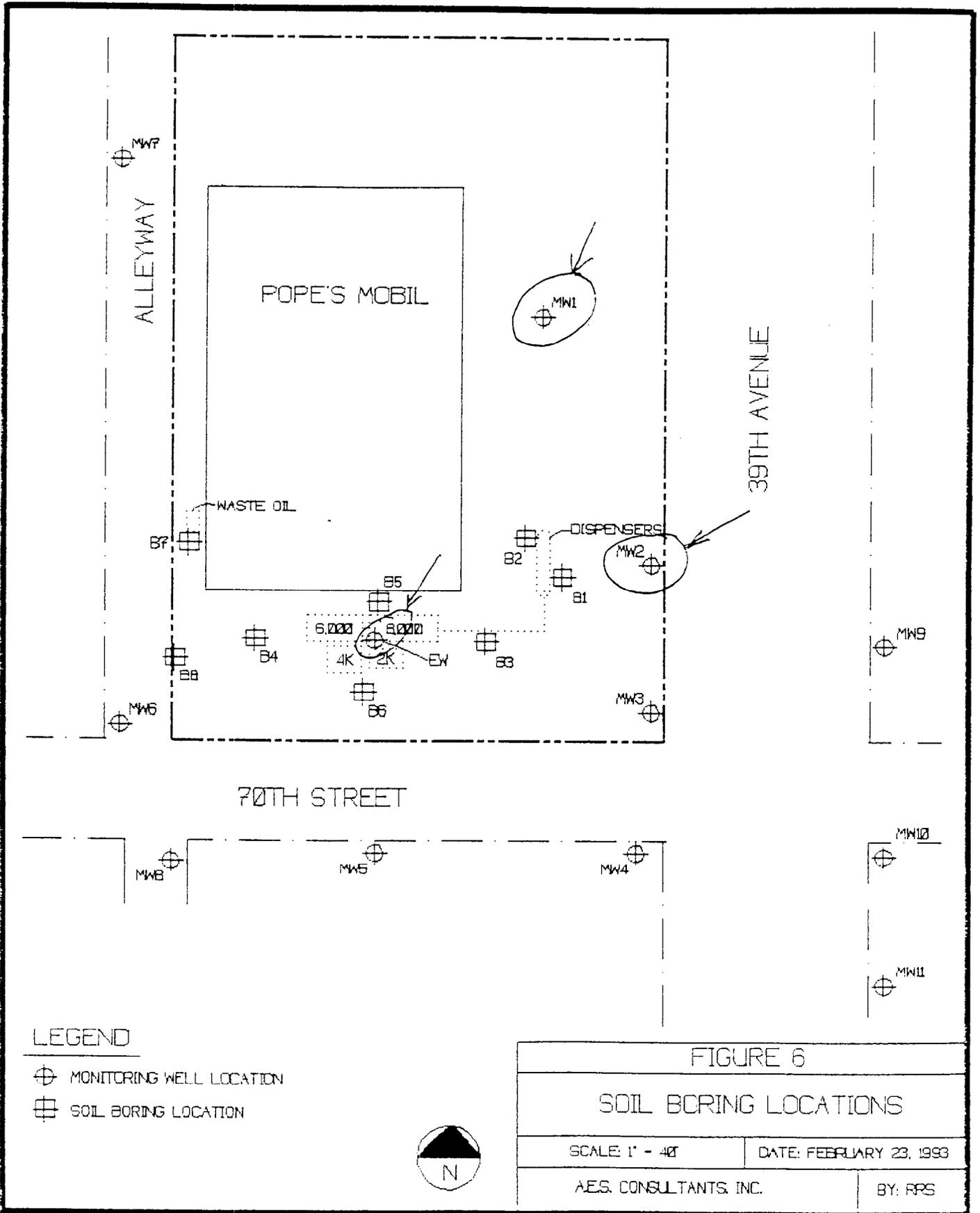
Printed Name: Phillip H. Gyle

Subscribed and sworn to before me this 28 day of January, 19 2000

[Handwritten Signature]

Notary Public, State of Wisconsin

My commission 2000



Document Number:

GROUNDWATER USE RESTRICTION

In Re: Lots 281 & 282 of the Highland View Subdivision, a subdivision of part of the West half of Section 1, in Township 1 North, Range 22 East of the fourth principal meridian, in the City of Kenosha. (See attached deed)

DOCUMENT NUMBER
1172020
DECLR COVENANTS/RESTRICTS
R E C O R D E D
at Kenosha County, Kenosha, WI 53140
Louise I Principe, Register of Deeds
on 1/28/2000 at 11:38 AM
2907
\$18.00
REBDEED2
JOES

Recording Area

Name and Return Address

Dr. Francis Przlowski
7003 39th Avenue
Kenosha, Wisconsin 53142

Declaration of Restrictions

Property Identification

Number (PIN): 01-122-01-355-048

STATE OF WISCONSIN)
)ss
COUNTY OF Kenosha)

WHEREAS, Dr. Francis Przlowski is the owner(s) of the above-described property.

WHEREAS, one or more unleaded gasoline or diesel discharges have occurred at the 6930 39th Avenue property. Benzene (75 ug/l) in monitoring well MW-10 exists in the groundwater above ch. NR140 enforcement standards on the 7003 39th Avenue property. This well is located in the sidewalk at the intersection of 70th Street and 39th Avenue in the northwestern portion of the site and within the right-of-way for 39th Avenue (see attached map).

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 and to obtain DNR 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.

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 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 28 day of JANUARY, 19 2000

Signature: Francis S. Przelomski

Printed Name: FRANCIS S. PRZELOMSKI

Subscribed and sworn to before me this 28 day of JANUARY, 19 2000

[Signature]

Notary Public, State of Wisconsin

My commission [Signature]

This document was drafted by AES Consultants, Ltd. using the information and format provided in the Department of Natural Resources Publication PUBL RR-606 as revised Oct. 1999.

This document was drafted by AES Consultants, Ltd. using the information and format provided in the Department of Natural Resources Publication PUBL RR-606 as revised Oct. 1999..

A:1040cl1.frm

DOCUMENT NO.

STATE BAR OF WISCONSIN FORM 3 - 1982
QUIT CLAIM DEED

THIS SPACE RESERVED FOR RECORDING DATA

8 3 7 3 7 0

VOL 1381-200

REGISTER'S OFFICE
KENOSHA COUNTY, WI.
RECORDED AT

FEB 23 8 52 AM '90

CONNIE W. DIETMAN
REGISTER OF DEEDS

FRANCIS S. PRZLOMSKI and SYLVIA R. PRZLOMSKI
Husband and Wife

quit-claims to FRANCIS S. PRZLOMSKI and SYLVIA R. PRZLOMSKI, Husband and Wife, as survivorship marital property

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

AND 272
Lot 281 of HIGHLAND VIEW, a subdivision of part of the West Half of Section 1 in Township 1 North of Range 22 East of the Fourth Principal Meridian, and lying and being in the City of Kenosha, County of Kenosha and State of Wisconsin.

Tax Parcel No. 1-4-0122-01-355-002

THE PURPOSE OF THIS DEED IS TO PUT LOT 281 INTO THE NAMES OF BOTH PARTIES COMBINE BOTH LOTS INTO ONE TAX PARCEL LOT 282 IS ALREADY IN BOTH NAMES

FEB 8 EXEMPT

This is not homestead property. (is not)

Dated this 22nd day of FEBRUARY 1990

(SEAL) Francis S. Przylomski (SEAL)

(SEAL) Sylvia R. Przylomski (SEAL)

AUTHENTICATION

Signature(s) Francis S. Przylomski & Sylvia R. Przylomski

authenticated this 22 day of February 1990

Paul F. Wokwicz

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

THIS INSTRUMENT WAS DRAFTED BY PAUL F. WOKWICZ

ATTORNEY AT LAW

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

ACKNOWLEDGMENT

STATE OF WISCONSIN

County

Personally came before me this day of 19

the above named

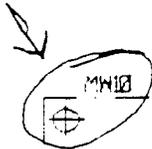
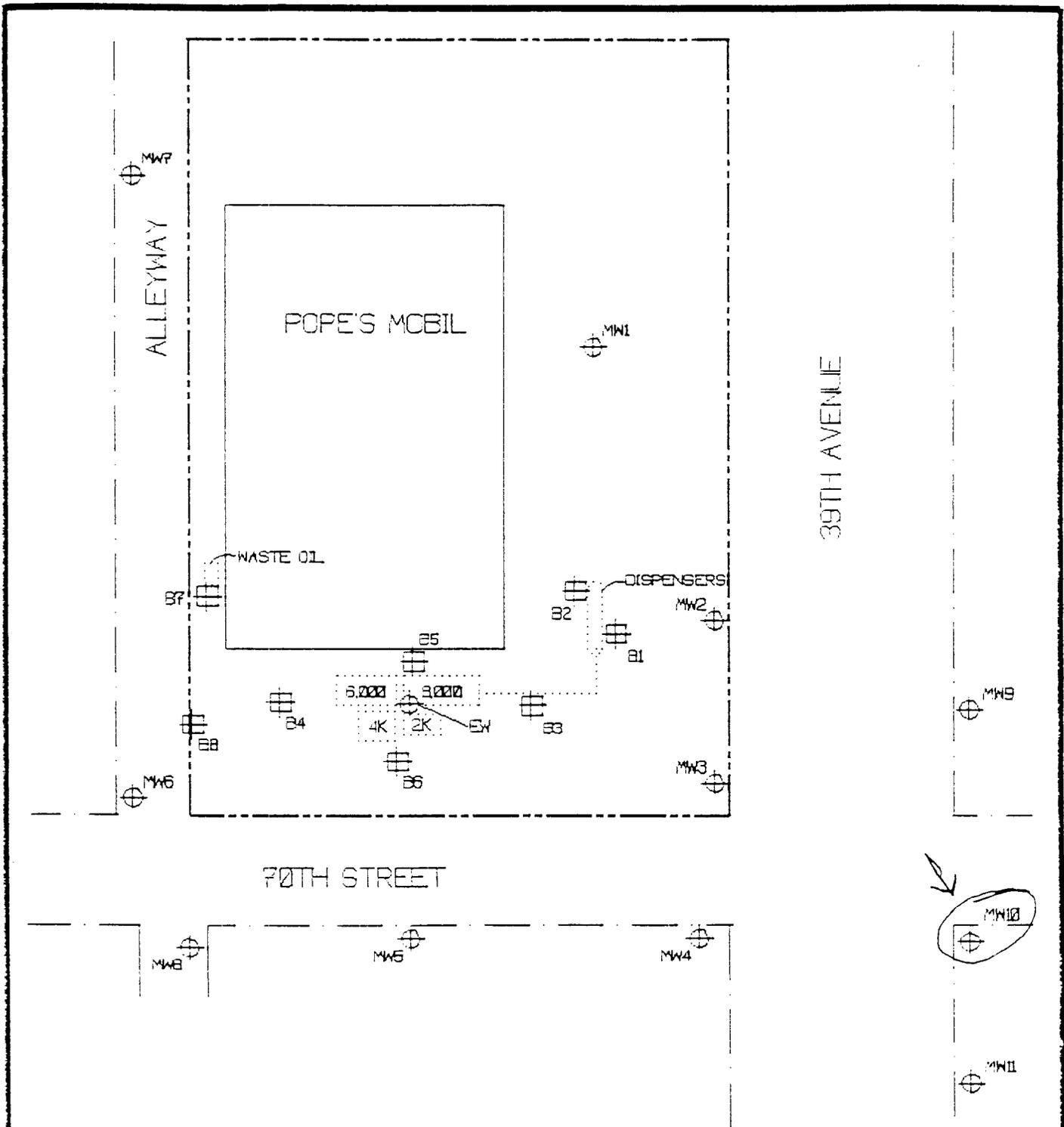
to me known to be the person who executed the foregoing instrument and acknowledge the same.

Notary Public

County, Wis.

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

(date)

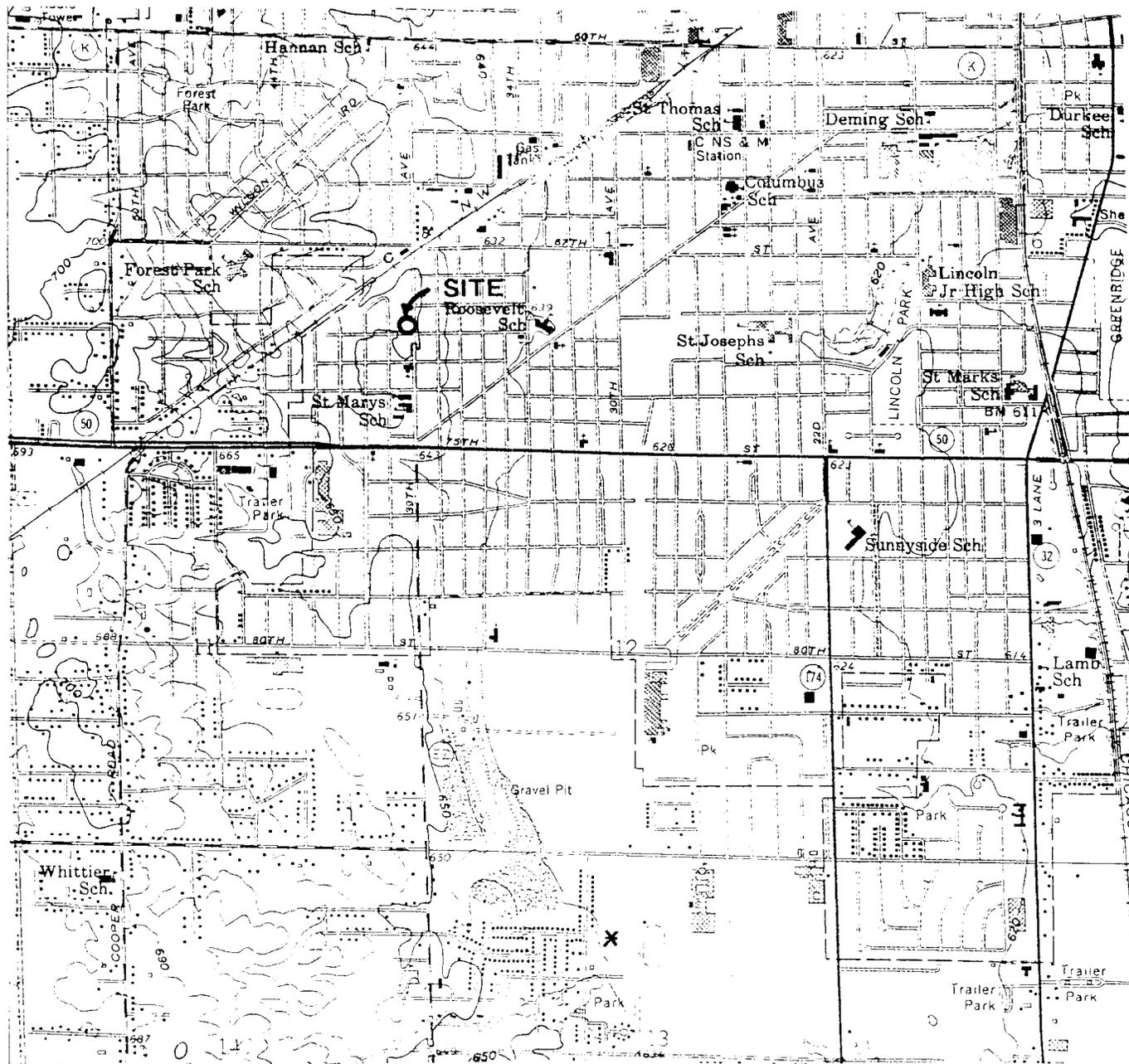


LEGEND

-  MONITORING WELL LOCATION
-  SOIL BORING LOCATION



| | |
|-----------------------|-------------------------|
| FIGURE 6 | |
| SOIL BORING LOCATIONS | |
| SCALE: 1" = 40' | DATE: FEBRUARY 23, 1993 |
| AES CONSULTANTS, INC. | BY: PRS |



SOURCE:

U.S.G.S. 7.5 MINUTE SERIES
 TOPOGRAPHIC MAP - KENOSHA
 QUADRANGLE, 1971



FIGURE 1

SITE LOCATION MAP

SCALE: 1" = 2000'

DATE: FEBRUARY 23, 1993

A.E.S. CONSULTANTS, INC.

BY: RRS

TABLE 1
Groundwater Analytical Results

| Monitoring Well | Date | Benzene (ug/l) | Ethylbenzene (ug/l) | Toluene (ug/l) | Xylene (ug/l) | MTBE (ug/l) | TMB (ug/l) |
|------------------------|-------------|-----------------------|----------------------------|-----------------------|----------------------|--------------------|-------------------|
| NR140 | ES | 5 | 700 | 343 | 620 | 60 | 480 |
| | PAL | 0.5 | 140 | 68.6 | 124 | 12 | 96 |
| MW-1 | 12/92 | 494 | ND | 150 | ND | 93 | |
| | 11/94 | 420 | ND | 150 | 1.5 | 68 | 1.8 |
| | 1/95 | NA | NA | NA | NA | NA | NA |
| | 1/96 | 4.5 | ND | 10 | ND | ND | ND |
| | 11/96 | 5.1 | ND | 24 | ND | ND | ND |
| | 5/98 | 240 | ND | 18 | ND | 0.5 | ND |
| | 9/98 | 210 | ND | 26 | ND | 1.3 | ND |
| MW-2 | 12/92 | 2,355 | 1,222 | 3,177 | 3,873 | 164 | |
| | 11/94 | 7,200 | 2,200 | 6,800 | 7,400 | 110 | 2,480 |
| | 1/95 | NA | NA | NA | NA | NA | NA |
| | 1/96 | 4,900 | 770 | 450 | 2,200 | ND | 900 |
| | 11/96 | 5,800 | 600 | 1,400 | 2,150 | 20 | 670 |
| | 5/98 | 3,600 | 900 | 4,200 | 2,500 | 80 | 1040 |
| | 9/98 | 2,800 | 340 | 820 | 1,240 | 26 | 460 |
| MW-3 | 12/92 | 2.0 | 2.0 | 6.0 | 10 | ND | |
| | 11/94 | ND | ND | ND | ND | ND | ND |
| | 1/95 | ND | ND | ND | ND | ND | ND |
| | 1/96 | ND | ND | ND | ND | ND | ND |
| | 11/96 | NA | NA | NA | NA | NA | NA |
| | 5/98 | ND | ND | ND | ND | ND | ND |
| | 9/98 | ND | ND | ND | ND | ND | ND |

benzene *Ethylbenzene* **TABLE 1** *Toluene*
Groundwater Analytical Results *Xylene* *MTBE* *TMB*

| NR140 | ES | 5 | 700 | 343 | 620 | 60 | 480 |
|-------|-------|-----|-------|-------|-------|-----|-----|
| | PAL | 0.5 | 140 | 68.6 | 124 | 12 | 96 |
| MW-4 | 12/92 | 55 | 17 | 2.0 | 41 | ND | |
| | 11/94 | ND | ND | ND | ND | 1.0 | ND |
| | 1/95 | ND | ND | ND | ND | ND | ND |
| | 1/96 | ND | ND | ND | ND | ND | ND |
| | 11/96 | ND | ND | ND | ND | ND | ND |
| | 5/98 | 12 | 15 | 3.4 | 49 | ND | ND |
| | 9/98 | 10 | 4.8 | 0.9 | 13 | ND | ND |
| MW-5 | 12/92 | 988 | 839 | 3,283 | 2,932 | 201 | |
| | 11/94 | ND | ND | ND | ND | ND | ND |
| | 1/95 | NA | NA | NA | NA | NA | NA |
| | 1/96 | 220 | 910 | 1,700 | 3,070 | ND | 890 |
| | 11/96 | 670 | 1,100 | 2,800 | 3,140 | 80 | 930 |
| | 5/98 | ND | 0.6 | ND | ND | ND | 6 |
| | 9/98 | 7.4 | 6.3 | 13 | 12 | 4.5 | 11 |
| MW-6 | 12/92 | ND | ND | 7.0 | 6.0 | ND | |
| | 11/94 | ND | ND | ND | ND | ND | ND |
| | 1/95 | NA | NA | NA | NA | NA | NA |
| | 1/96 | ND | ND | ND | ND | ND | ND |
| | 11/96 | NA | NA | NA | NA | NA | NA |
| | 5/98 | ND | ND | ND | ND | ND | ND |
| | 9/98 | ND | ND | ND | ND | ND | ND |
| MW-7 | 12/92 | ND | ND | ND | ND | ND | ND |

TABLE 1
Groundwater Analytical Results

| | | | | | | | |
|--------------|------------|--------------|--------------|--------------|--------------|--------------|--------------|
| NR140 | ES | 5 | 700 | 343 | 620 | 60 | 480 |
| | PAL | 0.5 | 140 | 68.6 | 124 | 12 | 96 |
| MW-8 | 12/92 | ND | ND | ND | ND | ND | ND |
| | 11/94 | 2,500 | 2,600 | 8,700 | 7,600 | 2,500 | 5,000 |
| | 1/95 | NA | NA | NA | NA | NA | NA |
| | 1/96 | ND | ND | ND | ND | ND | ND |
| | 11/96 | ND | ND | ND | ND | ND | ND |
| | 5/98 | ND | ND | ND | ND | ND | ND |
| | 9/98 | ND | ND | ND | ND | ND | ND |
| MW-9 | 1/95 | ND | ND | ND | ND | ND | ND |
| | 1/96 | ND | ND | ND | ND | ND | ND |
| | 11/96 | ND | ND | ND | ND | ND | ND |
| | 5/98 | ND | ND | ND | ND | 0.7 | ND |
| | 9/98 | ND | ND | ND | ND | 0.8 | ND |
| MW-10 | 1/95 | ND | ND | ND | ND | ND | ND |
| | 1/96 | ND | ND | ND | ND | ND | ND |
| | 11/96 | 1.7 | ND | ND | ND | 14 | ND |
| | 5/98 | 120 | ND | ND | ND | 2.1 | ND |
| | 9/98 | 75 | ND | ND | ND | 4.0 | ND |
| MW-11 | 1/95 | ND | ND | 1.8 | ND | ND | ND |
| | 1/96 | ND | ND | ND | ND | ND | ND |
| | 11/96 | ND | ND | ND | ND | ND | ND |
| | 5/98 | ND | ND | ND | ND | ND | ND |
| | 9/98 | ND | ND | ND | ND | 0.7 | ND |

TABLE 1
Groundwater Analytical Results

| | | | | | | | |
|--------------|------------|--------------|--------------|--------------|--------------|------------|--------------|
| NR140 | ES | 5 | 700 | 343 | 620 | 60 | 480 |
| | PAL | 0.5 | 140 | 68.6 | 124 | 12 | 96 |
| EW | 11/94 | 2,400 | 1,500 | 2,700 | 5,100 | 67 | 1,400 |
| | 1/95 | NA | NA | NA | NA | NA | NA |
| | 1/96 | 1,500 | 480 | 1,000 | 2,400 | ND | 430 |
| | 11/96 | 3,200 | 1,500 | 4,200 | 7,500 | 160 | 3,240 |
| | 5/98 | NA | NA | NA | NA | NA | NA |
| | 9/98 | 210 | 1,000 | 120 | 3,540 | 30 | 2,750 |