

State of Wisconsin \ DEPARTMENT OF NATURAL RESOURCES

Scott McCallum, Governor  
Darrell Bazzell, Secretary  
Gloria L. McCutcheon, Regional Director

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

March 8, 2002

Mr. David Drake  
Drake's Automotive  
8004 22<sup>nd</sup> Ave  
Kenosha, WI 53143-6208

SUBJECT: Final Case Closure By Project Manager for Drake's Automotive, 8004 22<sup>nd</sup> Ave,  
Kenosha, WI, GIS registry package received, BRRTs # 03-30-003487, FID 230041350

Dear Mr. Drake:

In March 1999 your site, as described above, was reviewed for closure by the Department of Natural Resources. The Department reviews environmental remediation cases for compliance with state laws and standards to maintain consistency in the closure of these cases. On March 29, 1999, you were notified that conditional closure was granted to this case.

On February 22, 2002, the Department received correspondence indicating that you have complied with the conditions of closure, originally it was to file a groundwater use restriction but you have decided to file the GIS Registry for your site which is an option available now. Based on the correspondence and data provided, it appears that your site has been remediated to Department standards in accordance with s. NR 726.05, Wis. Adm. Code. The Department considers this case closed and no further investigation, remediation or other action is required at this time.

State Statute 101.143 requires that owners seeking reimbursement of interest costs from the PECFA Program submit a final reimbursement claim within 120 days after they receive a closure letter on their site. If you are eligible for the PECFA Program, and anticipate filing a PECFA reimbursement claim that includes interest costs, you must file a final reimbursement claim to the Department of Commerce within 120 days from receipt of this letter. If you fail to file a claim within that 120-day period, subsequent interest costs will not be eligible for reimbursement by PECFA.

Please be aware that this 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 the environment.

The Department appreciates your efforts to restore the environment at this site. If you have any questions regarding this letter, please contact me at 262-884-2341.

Sincerely,

Shanna L. Laube  
Hydrogeologist

Southeast Region, Sturtevant Service Center

cc: Sherry, Moraine Environmental, 1234 12<sup>th</sup> Ave., Grafton, WI 53024-1924

JAN 04 2002



**State of Wisconsin \ DEPARTMENT OF NATURAL RESOURCES**

Scott McCallum, Governor  
Darrell Bazzell, Secretary  
Gloria L. McCutcheon, Regional Director

Southeast Region Headquarters  
2300 N. Dr. Martin Luther King, Jr. Drive  
PO Box 12436  
Milwaukee, Wisconsin 53212-0436  
Telephone 414-263-8500  
FAX 414-263-8483  
TTY 414-263-8713

January 3, 2002

*Dick Bazzell* → *SL*

Moraine Environmental, Inc.  
1234 12<sup>th</sup> Avenue  
Grafton, WI 53024-1924

*697684, 289089*

FID# 230041350  
BRRT# 03-30-003487

*KS*

Dear Sir:

On November 26, 2001 the Wisconsin Department of Natural Resources received check # 15509 in the amount of \$250.00 for which you requested review for GIS. Unfortunately, the check must be returned and your submittal **cannot be reviewed until the following information is submitted:**

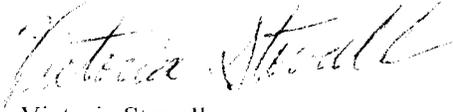
- Copies of the most recent deed for all properties with groundwater above NR 140 enforcement standards related to the closure request, which include legal descriptions for all affected properties.
- A copy of the certified surveyed map or the relevant section of the recorded plat map for those properties where the legal description in the most recent deed refers to a certified survey map or a recorded plat map (lots on subdivided or platted property (eg: lot2 of xyz subdivision)).
- Parcel identification number for each property **if** the county in which the property is located uses parcel identification numbers.
- A location map which outlines all property/ies within the contaminated site boundaries in sufficient detail to permit the easy location of all parcels.
- A location map of all contaminated properties within site boundaries, showing buildings, roads, property boundaries, contaminant sources, utility lines, monitoring wells and potable wells.
- A table of the most recent analytical results form all monitoring wells, and any potable wells for which samples have been collected, with sample collection dates, without shading.
- If available from the site investigation, an isoconcentration map of the contaminated properties within the site boundaries. The map should include the aerial extent of groundwater contamination exceeding PALs, groundwater flow directions based on the most recent data, and sample dates identified.
- If available from the site investigation, a geologic cross section showing vertical extent and location of soil and groundwater contamination, source extent and location; isoconcentrations for all groundwater contaminants that exceed PALs; water table and piezometric elevations, and the locations and elevation of geologic units, bedrock, and confining units, if any.
- A statement signed by the responsible party, certifying that the legal description attached to the statement is complete and accurate. (The point here is that the legal descriptions is describing the correct (i.e. contaminated) properties.)
- A copy of the letters sent by the RP to all affected property owners and/or a copy of notification provided to City/village/municipality/state agency responsible for maintenance of a road right-of-



- A copy of the letters sent by the RP to all affected property owners and/or a copy of notification provided to City/village/municipality/state agency responsible for maintenance of a road right-of-way, within or partially within the boundaries of the contaminated site. (Off source properties will be listed separately with a link to the source property.)

Once the DNR receive all of the above mentioned information along with a check with the proper fee your submittal will be processed as soon as possible. If you have any questions, please call me at (414) 263-8688.

Sincerely,



Victoria Stovall,  
Regional Program Assistant  
Bureau of Remediation and Redevelopment

C: WDNR SER Files  
David Drake  
Enclosure



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

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

March 29, 1999

IN REPLY PLEASE REFER TO FID#230041350  
BRRTS# 03-30-003487

Mr. David Drake  
Drake's Automotive, Inc.  
8004 22<sup>nd</sup> Avenue  
Kenosha, WI 53143-6208

Subject: Request for Site Closure, Drake's Automotive, Inc., 8004 22<sup>nd</sup> Avenue, Kenosha, WI

Dear Mr. Drake:

The Department has again reviewed your case closure request for the Drake Automotive Site. The case file was reviewed to determine whether or not the site qualified for close out under ch. NR 726, Wis. Adm. Code. Based on the additional groundwater data provided by your consultant to the Department, it appears that the contamination at the referenced site is stable and/or receding. The Department concurs with your consultant and will grant closure at this time. However, the case may be reopened pursuant to s. NR 726.09, if additional information regarding site conditions indicates that contamination on or from the site poses a threat to public health, safety or welfare, or the environment.

To complete the closure of this site you must place a groundwater use restriction on the property deed at the county register of deeds office which specifies the legal description of the property, the location, type and concentration of the contaminants and includes 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 water quality exceeds drinking water standards in ch. NR 809 is restricted by chs. NR 811 and NR 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.

You must also abandoned all groundwater monitoring wells in accordance with s. NR 141.25(1)(b) within 60 days, and the completed abandonment forms must be submitted to the Department. Once the department receives copy of the official groundwater use restriction that was placed on the property deed and the abandonment forms, this case will be tracked closed on our computer tracking system.

The Department appreciates the actions you have taken to investigate and remediate the contamination at this site. If you have any questions or comments, please feel free to contact me at the above address or at 414-263-8546. Please refer to the FID number at the top of this letter in any future correspondence.

Sincerely,

A handwritten signature in cursive script, appearing to read "Barbara G. Grundl".

Barbara G. Grundl P.G.  
Hydrogeologist

Cc: Moraine Environmental, Inc.  
Case File

DOCUMENT NO.

STATE BAR OF WISCONSIN FORM 1 - 1982  
WARRANTY DEED

THIS SPACE RESERVED FOR RECORDING DATA

This Deed, made between RODNEY DRAKE and DOLORES M. DRAKE, husband and wife

Grantor,  
and DAVID A. DRAKE and DARLENE A. DRAKE, husband and wife, as survivorship marital property  
Grantee,

Witnesseth, That the said Grantor, for a valuable consideration

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

978054  
MORT  
WARRANTY DEED  
RECORDED  
at Kenosha County, Kenosha, WI 53140  
Louise I Principe, Register of Deeds  
on 11/11/1994 at 1:05 PM  
940001947 \$10.00

RETURN TO  
10-1 Grantees  
2508 80th St  
Kenosha WI 53143

04-122-12-401-001  
Tax Parcel No:

Part of Block one (1) described as follows: Commencing at the southwest corner of the intersection of 22nd Avenue and 80th Street, running thence south on and along the west line of 22nd Avenue one hundred seventy-five (175) feet to a point; thence west and parallel with the south line of 80th Street one hundred (100) feet to a point; thence north and parallel with the west line of 22nd Avenue one hundred seventy-five (175) feet to a point in the south line of 80th Street; thence east on and along the south line of 80th Street one hundred (100) feet to the point of beginning. Together with an easement for ingress and egress purposes over a parcel described as follows: Commence at the northwest corner of the above described premises running thence south on and along the west line of the above described premises sixty (60) feet to a point; thence northwesterly to a point in the south line of 80th Street which is twenty (20) feet west of the northwest corner of the above described premises; thence east on and along the south line of 80th Street twenty (20) feet to the point of beginning; in SUNNYSIDE PARK I, a subdivision of part of the southeast quarter (1/4) of section twelve (12), town one (1) north, range twenty-two (22) east of the fourth principal meridian, and lying and being in the City of Kenosha, County of Kenosha and State of Wisconsin.

FEE  
8  
EXEMPT

(Street Address: 8004 - 22nd Avenue) (This transfer is a gift to grantees)

This is not homestead property.

Together with all and singular the hereditaments and appurtenances thereunto belonging; And said grantors

warrants that the title is good, indefeasible in fee simple and free and clear of encumbrances except easements and restrictions of record)

and will warrant and defend the same.

Dated this 31st day of October, 19 94

\_\_\_\_\_(SEAL) Rodney Drake \_\_\_\_\_(SEAL)

\* Rodney Drake

\_\_\_\_\_(SEAL) Dolores M. Drake \_\_\_\_\_(SEAL)

\* Dolores M. Drake

AUTHENTICATION

ACKNOWLEDGEMENT

Signature(s) \_\_\_\_\_

STATE OF WISCONSIN

authenticated this \_\_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_\_

Kenosha County, } ss.

Personally came before me this 31st day of October, 19 94 the above named Rodney Drake and Dolores M. Drake

TITLE: MEMBER STATE BAR OF WISCONSIN

to me known to be the person(s) who executed the foregoing instrument and acknowledge the same.  
Donald J. Bauhs

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

THIS INSTRUMENT WAS DRAFTED BY

DONALD J. BAUHS, S.C.  
ATTORNEY AT LAW  
5712 Sixth Avenue  
Kenosha, Wisconsin 53140

Notary Public Kenosha County, Wis.

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

My Commission is permanent. (If not, state expiration date: \_\_\_\_\_, 19 \_\_\_\_\_)

Feb 20 2002 4:22PM MORaine ENV|RO 262-377-9770

No. 3871 P. 2/2

February 20, 2002

Wisconsin Department of Natural Resources  
Bureau of Remediation & Redevelopment  
P.O. Box 12436  
Milwaukee WI 53212-0436

RE: **Drake's Automotive**  
**8004-22<sup>nd</sup> Avenue, Kenosha WI 53143**  
**BRRTS #03-30-003487/FID #230041350**

Project #2147

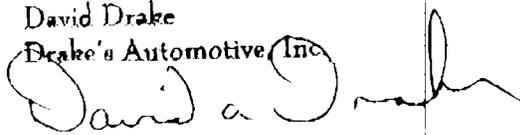
To Whom It May Concern:

I certify that, to the best of my knowledge, the legal description attached to this statement is complete, accurate, and describes the correct contaminated property site.

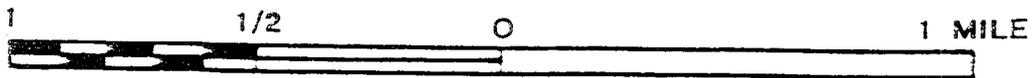
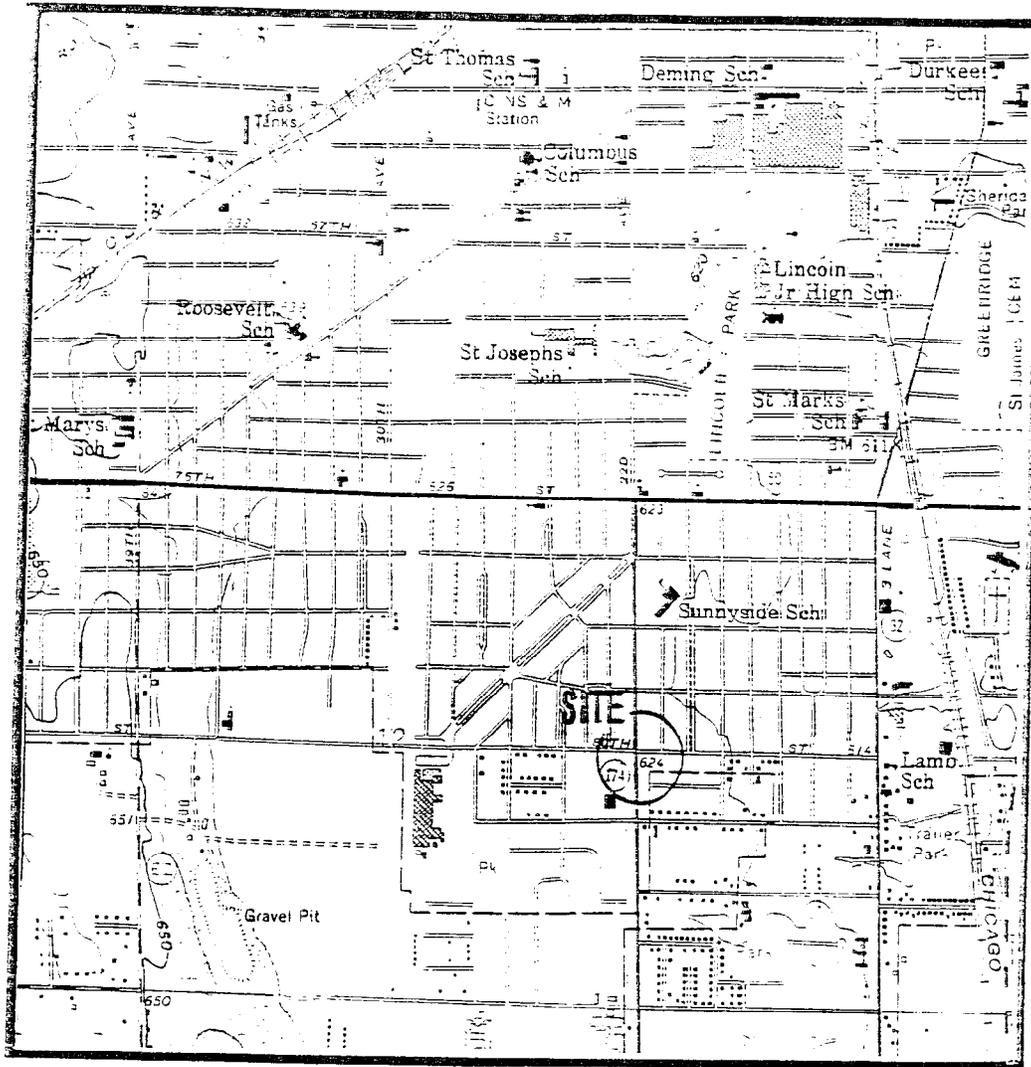
If you should have any questions, please do not hesitate to contact me, or my consultant, Moraine Environmental at (262) 377-9060.

Sincerely,

David Drake  
Drake's Automotive Inc.



Enc.



ADAPTED FROM USGS 7.5 MINUTE KENOSHA QUADRANGLE

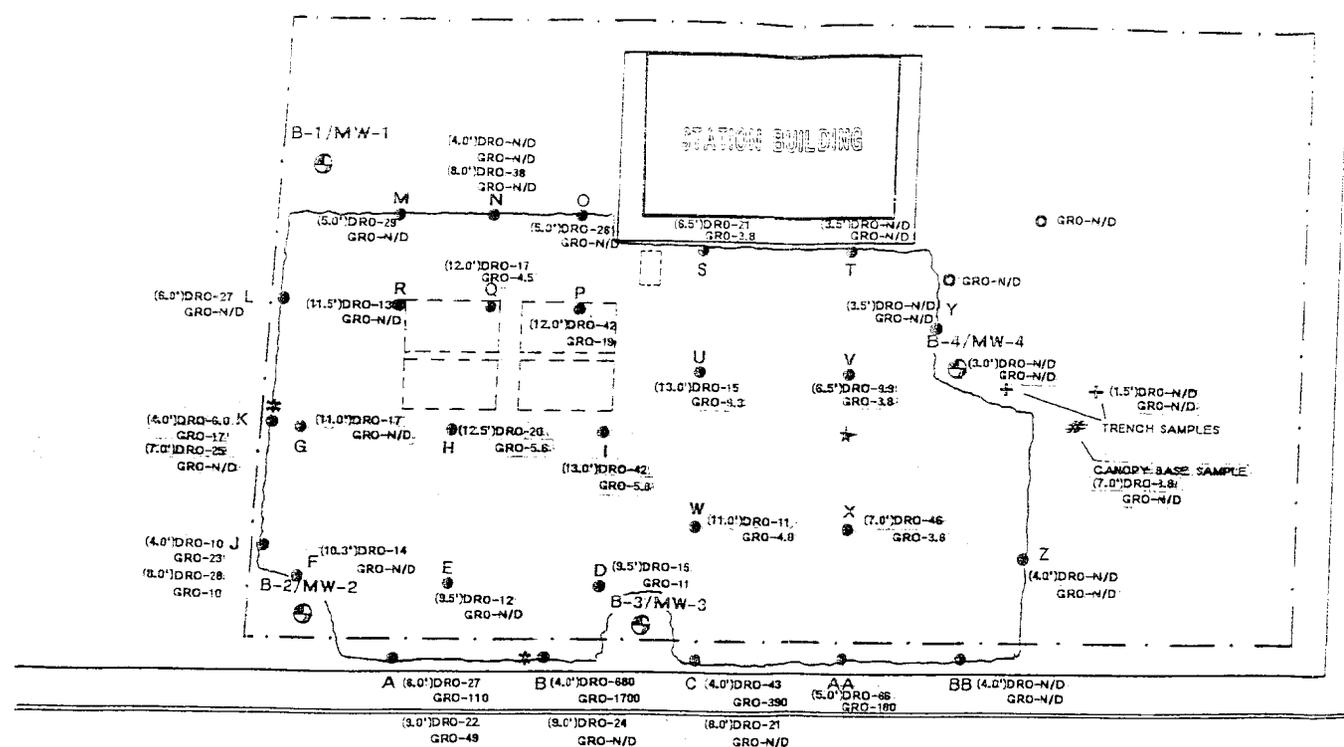


Moraine Environmental, Inc.  
Environmental Management Services

FIGURE 1

**SITE LOCATION MAP**

**DRAKE'S AUTOMOTIVE, INC.**  
8004 22nd AVENUE  
KENOSHA, WISCONSIN



60TH STREET

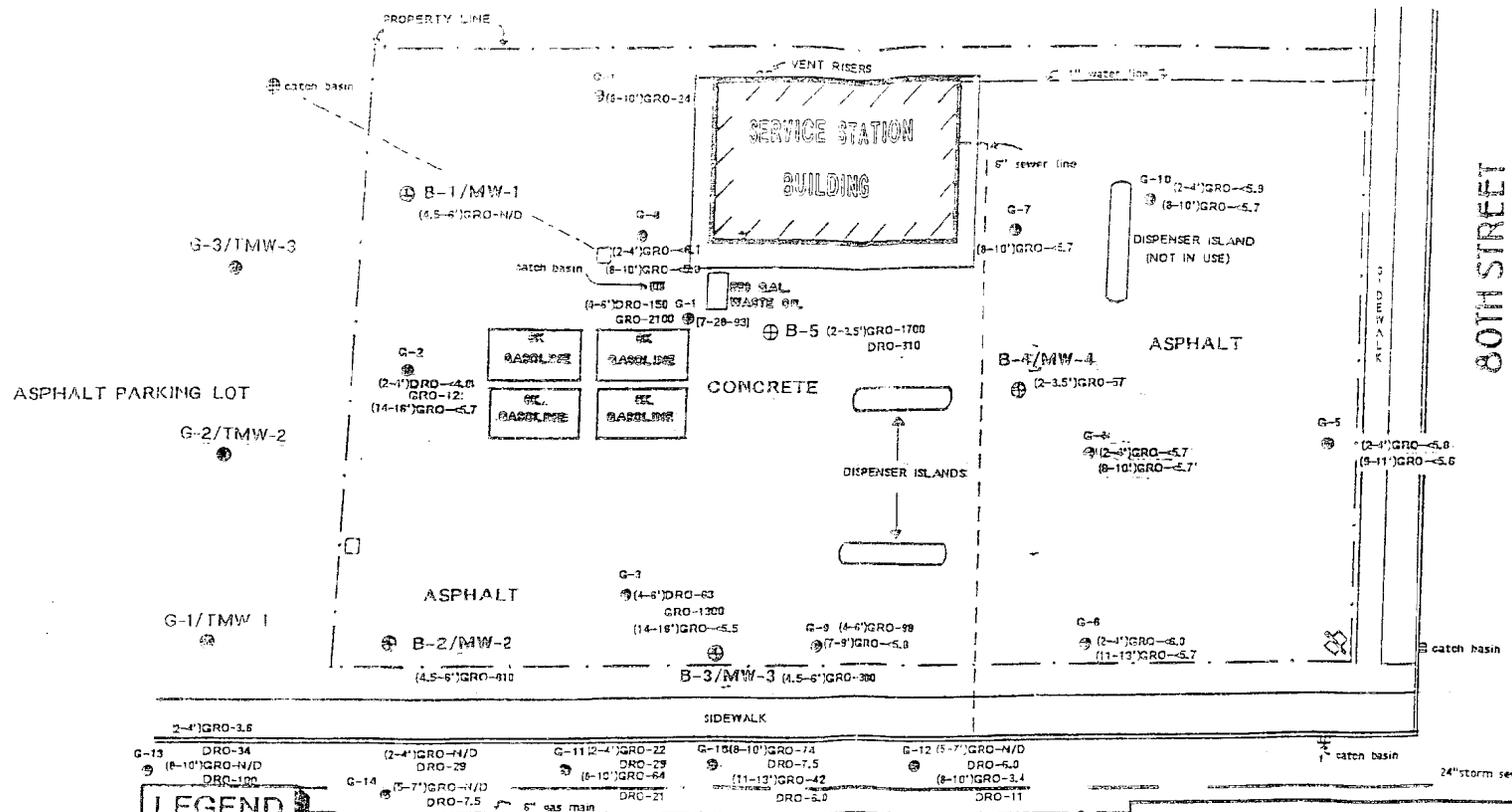
22ND AVENUE

- ⊕ - MONITORING WELL LOCATION
- - FORMER UST LOCATION
- - SOIL SAMPLE LOCATION
- ~ - EXCAVATION BOUNDARY
- ★ - GEOPHYSICAL SAMPLE LOCATION
- ⊕ - MICROBIAL SAMPLE LOCATION
- ⊕ - CANOPY BASE SAMPLE
- - PIPING SAMPLE LOCATION

*Moraine Environmental, Inc.*  
Environmental Management Services

SCALE: 1" = 20'	APPROVED BY:	DRAWN BY: CAV
DATE: 11-18-91		REVISED:
<b>DRAKE'S AUTOMOTIVE, INC.</b> 8004 22nd AVE. KENOSHA, WI.		
<b>SAMPLE LOCATION MAP</b>		DRAWING NUMBER <b>FIGURE 3</b>

ASPHALT PARKING LOT



**LEGEND**

- ⊕ = GEOPROBE LOCATION
- ⊗ = SOIL BORING LOCATION
- ⊕⊗ = SOIL BORING/MONITORING WELL LOCATION
- ( ) = SAMPLE DEPTH (feet below ground surface)
- DRO = DIESEL RANGE ORGANICS
- GRO = GASOLINE RANGE ORGANICS

LABORATORY DATA IN PPM(parts per million)

22ND AVENUE

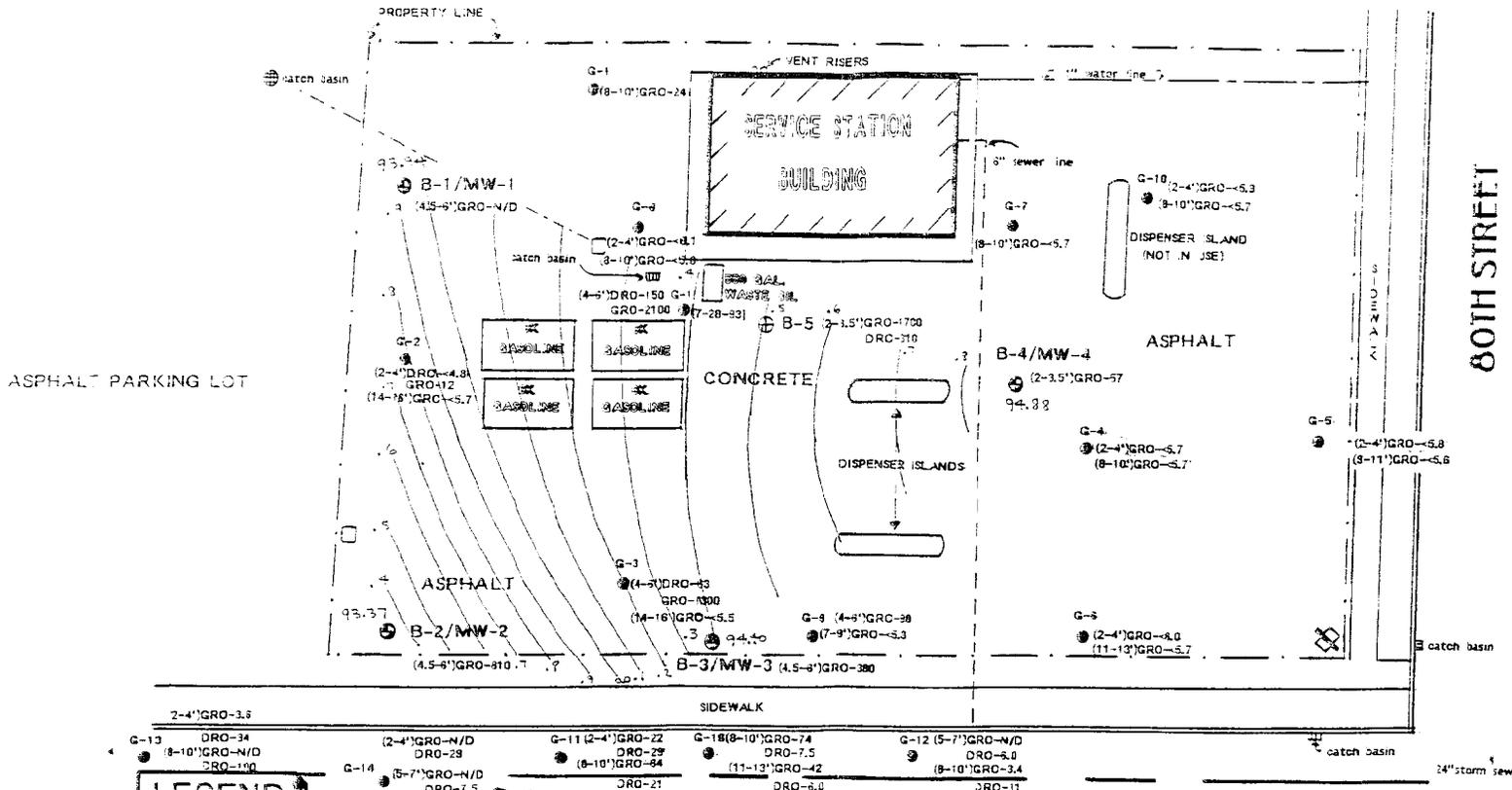
80TH STREET

SCALE: 1" = 20'	DRAWN BY: <i>CLV</i>
DATE: 10-19-93	REVISED: 3-15-94
<b>SITE PLAN MAP</b> DRAKE'S AUTOMOTIVE, INC. 8004 22nd AVE. KENOSHA, WISCONSIN	
DRAWING NUMBER <b>FIGURE 2</b>	

ASPHALT PARKING LOT



80TH STREET



**LEGEND**

- = GEOPROBE LOCATION
- ⊕ = SOIL BORING LOCATION
- ⊕ = SOIL BORING/MONITORING WELL LOCATION
- ( ) = SAMPLE DEPTH(feet below ground surface)
- DRO = DIESEL RANGE ORGANICS
- GRO = GASOLINE RANGE ORGANICS

LABORATORY DATA IN PPM(parts per million)

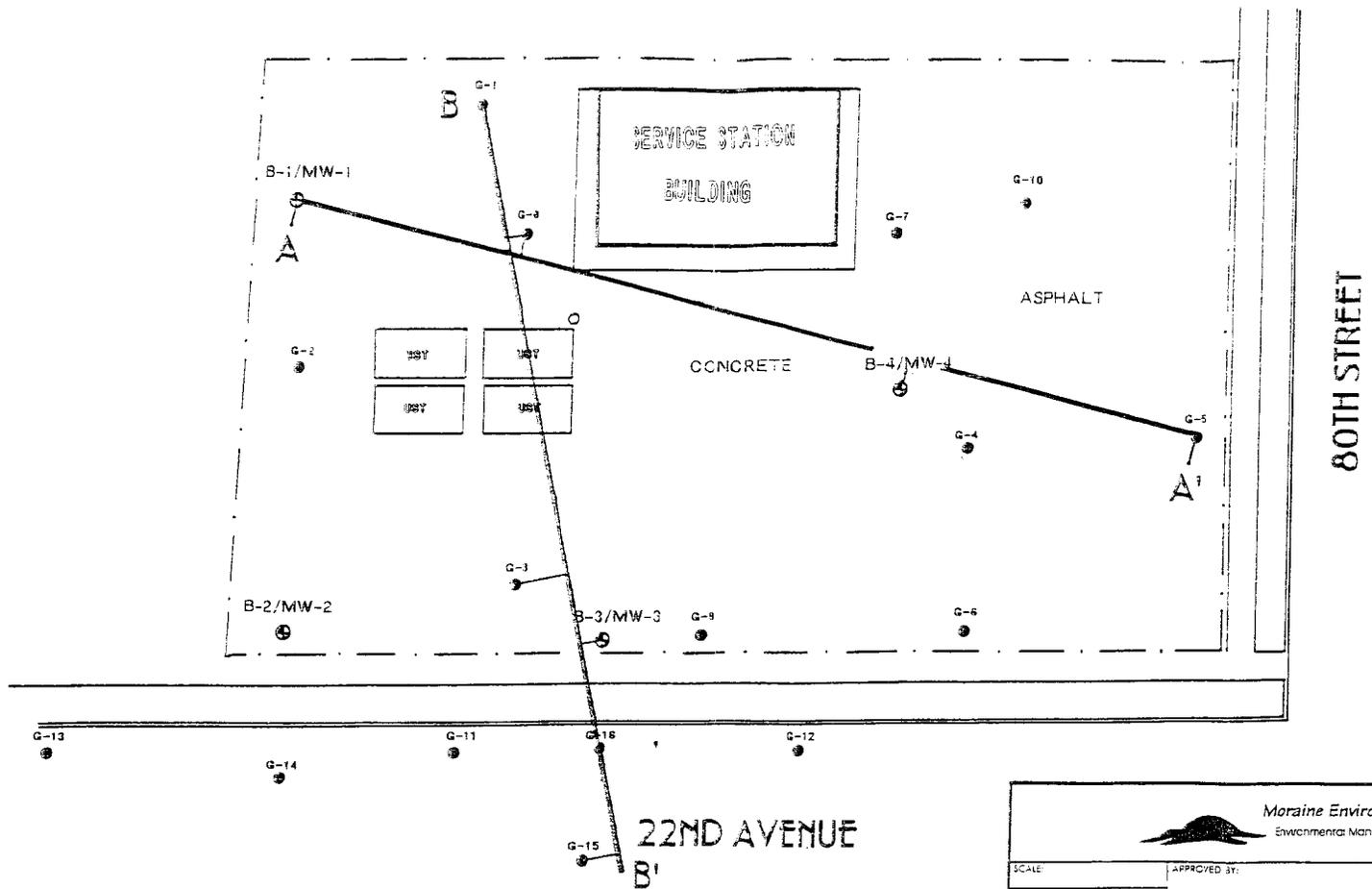
22ND AVENUE

**GROUNDWATER CONTOUR MAP**

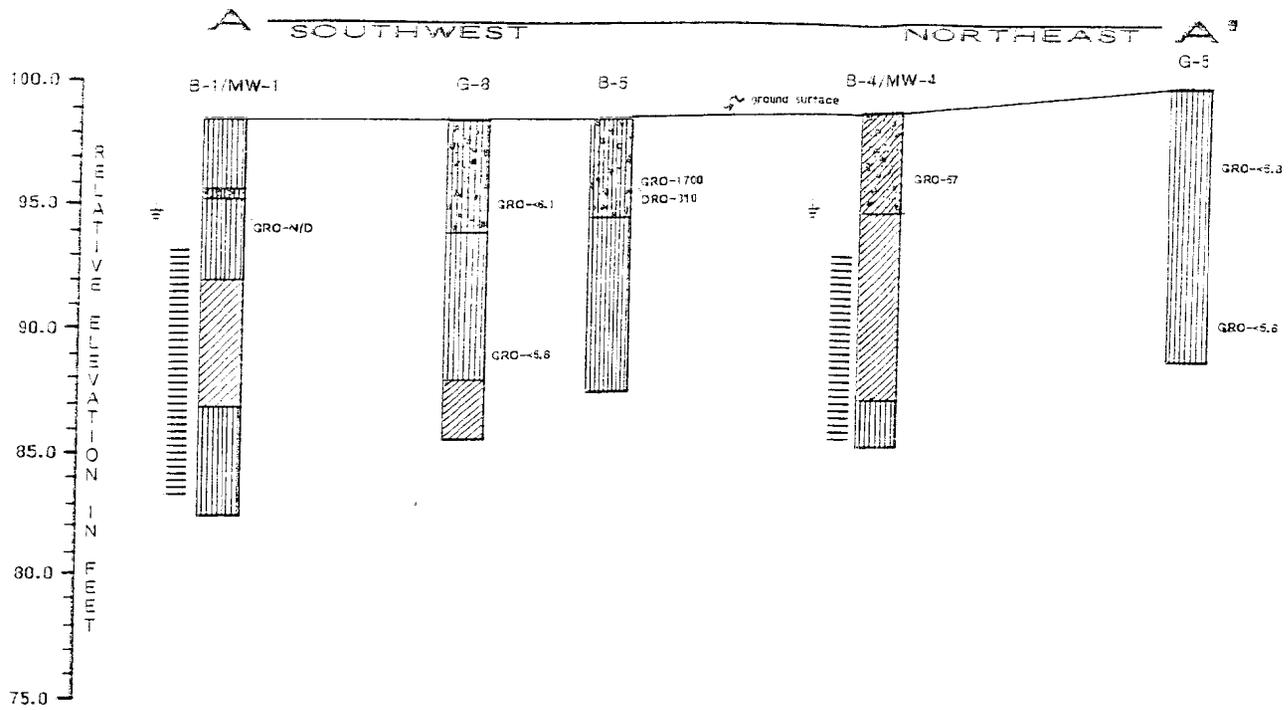
9-6-96 DATA

SCALE: 1" = 20'	DRAWN BY: <i>CLV</i>
DATE: 10-29-93	REVISED: 3-15-94
DRAKE'S AUTOMOTIVE, INC. 8004 22nd AVE. KENOSHA, WISCONSIN	
DRAWING NUMBER	

ASPHALT PARKING LOT



 Moraine Environmental, Inc. Environmental Management Services		
SCALE:	APPROVED BY:	DRAWN BY: <i>CAV</i>
DATE: 5-15-94		REVISED:
DRAKE'S AUTOMOTIVE, INC. 8004 22ND AVENUE KENOSHA, WISCONSIN		
CROSS SECTION LOCATION MAP		DRAWING NUMBER <b>FIGURE 3</b>



USCS SYMBOLS

- ML - SILTS AND CLAYS
- SM - SANDS WITH FINES
- CL - SILTS AND CLAYS
- SC - SANDS WITH FINES

LEGEND

- SCREENED PORTION OF WELL
- WATER LEVEL (3-11-94)
- GRO-GASOLINE RANGE ORGANICS
- DRO-DIESEL RANGE ORGANICS

LABORATORY DATA IN PARTS PER MILLION (ppm)

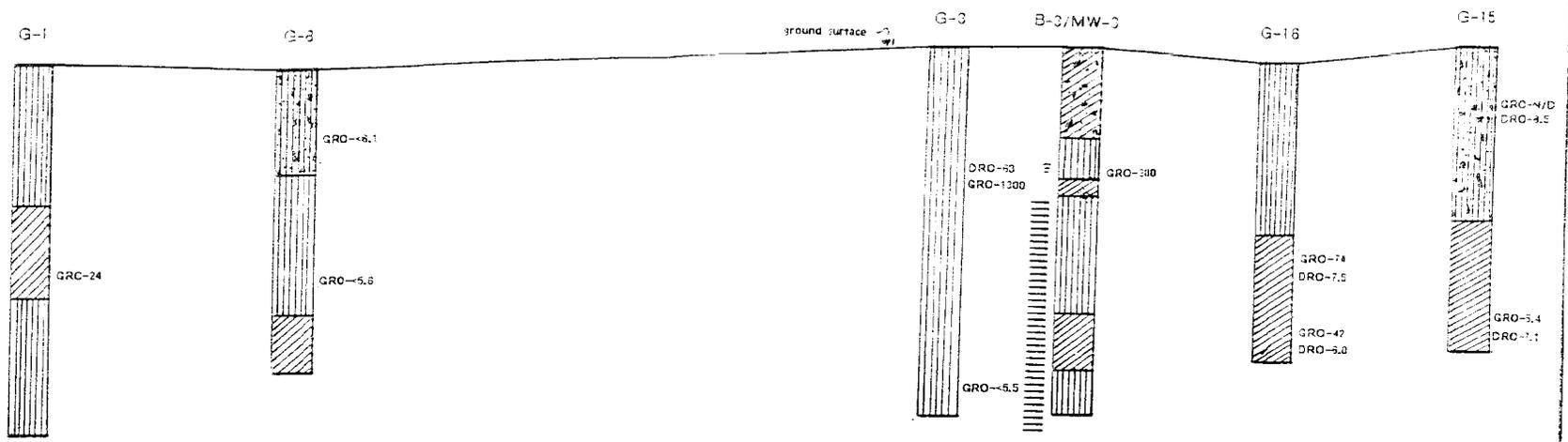
GEOLOGIC CROSS SECTION A -- A'

DATE: 2-25-94	VERTICAL SCALE 1" = 5' HORIZONTAL SCALE 1" = 20'	DRAWN BY: CAV REVISED:
DRAKE'S AUTOMOTIVE, INC. 8004 22nd AVE. KENOSHA, WISCONSIN		
		DRAWING NUMBER: <b>FIGURE 4</b>

B WEST EAST B'

100.0  
95.0  
90.0  
85.0  
80.0  
75.0

ELEVATION  
FEET



USCS SYMBOLS

-  ML - SILTS AND CLAYS
-  SM - SANDS WITH FINES
-  CL - SILTS AND CLAYS
-  SC - SANDS WITH FINES

LEGEND

-  SCREENED PORTION OF WELL
-  WATER LEVEL ( 3-11-94 )
- GRO-GASOLINE RANGE ORGANICS
- DRO-DIESEL RANGE ORGANICS
- LABORATORY DATA IN PARTS PER MILLION (ppm)

GEOLOGIC CROSS SECTION B -- B'

DATE: 3-23-94	VERTICAL SCALE 1" = 5' HORIZONTAL SCALE 1" = 10'	DRAWN BY: [Signature]
DRAKE'S AUTOMOTIVE, INC. 3004 22nd AVE. KENOSHA, WISCONSIN		REVISED:
		DRAWING NUMBER: <b>FIGURE 5</b>

56-67

INDICATES OVERHEAD SUBSTANTIAL SERVICE

175.00'

56-67

EXISTING SERVICE CENTER

EXISTING SERVICE CENTER

NEW ADDITION

CONVENIENCE STORE  
FLOOR EL. 100'-0"

SEWER LINE INDICATES SLOPE  
MARKED BY 1/4" = 1'00"

56-67

EXISTING UNIT FLOOR  
WITH SURROUNDING GRAVEL

EXISTING UNIT FLOOR  
WITH SURROUNDING GRAVEL

EXISTING SERVICE

EXISTING SERVICE

22nd Avenue

EXISTING SERVICE

80th Street

12th Street

12th Street

12th Street

12th Street

12th Street

**GROUNDWATER QUALITY RESULTS  
DRAKES AUTOMOTIVE  
May, 1996 - October 1998**

Chemical	MW-1					MW-2					MW-3					MW-4					TW-1		TW-2		TW-3		Enforcement Standard (ES)	Preventive Action Limit (PAL)
	5-96	9-96	8-97	12-97	10-98	5-96	9-96	8-97	12-97	10-98	5-96	9-96	8-97	12-97	10-98	5-96	9-96	8-97	12-97	10-98	8-97		8-97		8-97			
Gasoline Range Organics (GRO)	780	54	<50	<50	<50	<50	1400	110	1800	<50	14000	3400	2800	2400	700	<50	<50	<50	<50	<50	<50	<50	<50	110	<50	<50	NSE	NSE
Diesel Range Organics (DRO)	<100	160	<100	<100	<100	750	690	160	560	240	4800	1300	1400	770	400	<100	150	<100	<100	<100	450	220	<180	<180	<100	160	NSE	NSE
Benzene	230	<0.6	<0.41	<0.16	<0.26	<0.6	250	14	150	0.73●	340	330	160	200	28	<0.6	<0.6	<0.41	<0.16	<0.26	<0.41	0.81●	<0.41	2.0	<0.41	<0.41	5.0	0.5
Ethyl Benzene	150	<1.0	<0.23	<0.29	<0.24	<1.0	270	6.3	300	<0.24	1500	1100	300	400	67	<1.0	<1.0	<0.23	<0.29	<0.24	<0.23	0.60●	<0.23	1.5	<0.23	<0.23	700	140
Methyl-Tert-Butyl-Ether	17	70	64	72	54	56	14	9.5	18	9.7	38	29	34	26	28	<1.0	<1.0	<0.53	0.36●	0.38●	<0.53	<0.53	<0.53	<0.53	<0.53	<0.53	60	12
Toluene	<2.5	<1.0	<0.28	<0.36	<0.21	<1.0	<2.5	<0.28	0.88●	<0.21	310	91	6.4	12	2.0	<1.0	<1.0	<0.28	<0.36	<0.21	1.5	6.4	<0.29●	16	0.44●	0.55●	343	68.6
1,2,4-Trimethylbenzene	29	<1.0	<0.30	<0.30	<0.86	<1.0	110	2.3	130	<0.86	1100	510	110	140	17	<1.0	<1.0	<0.30	<0.30	<0.36	<0.41●	<0.30	<0.30	<0.76●	<0.20	<0.20	480 (1)	96 (1)
1,3,5-Trimethylbenzene	<2.5	<1.0	<0.25	<0.34	<0.54	<1.0	<2.5	0.43●	20	<0.54	320	140	22	34	6.1	<1.0	<1.0	<0.25	<0.34	<0.54	<0.25	<0.25	<0.25	<0.25	<0.25	<0.25	480 (1)	96 (1)
Xylenes, m + p	140	<1.0	<0.51	<0.94	<0.97	<1.0	50	5.6	410	<0.97	2600	1300	71	330	17	<1.0	<1.0	<0.51	<0.94	<0.97	<0.51	1.9	<0.51	5.1	<0.51	<0.51	620 (2)	124 (2)
Xylene, o	<2.5	<1.0	<0.28	<0.21	<0.37	<1.0	<2.5	<0.28	0.79●	<0.37	420	130	6.9	31	4.3	<1.0	<1.0	<0.28	<0.21	<0.37	0.34●	0.62●	<0.28	1.7	<0.28	<0.28	620 (2)	124 (2)
Naphthalene	NA	NA	<0.66	NA	NA	NA	NA	<0.66	NA	NA	NA	NA	16	NA	10	<1.0	<1.0	<0.66	NA	NA	<0.66	<0.66	<0.66	<0.66	<0.66	<0.66	60	12

**Key:**  
 NA - Not Analyzed  
 00.00 - Exceeds ES  
 00.00 - Exceeds PAL  
 NSE - No Standard Established

ES = Enforcement Standard  
 PAL = Preventive Action Limit  
 ● = Concentration detected below the limit of quantitation

(1) = 1,2,4 and 1,3,5 combined  
 (2) = Total Xylenes  
 All groundwater results reported in ug/l (equivalent to parts per billion)

Document Number

DECLARATION OF RESTRICTION

Deed and Groundwater Use Restrictions

In Re: 8004 22nd Avenue, Kenosha, Wisconsin, more particularly described as:

STATE OF WISCONSIN )  
 ) ss  
COUNTY OF KENOSHA )

Recording Area

Name and Return Address  
Mr. David Drake  
Drake's Automotive, Inc.  
8004 22nd Avenue  
Kenosha, WI 53143-6208

WHEREAS, Mr. David A. Drake is the owner of the above-described property.

Tax Key No.: 04-122-12-701-00

WHEREAS, concentrations of Methyl-Tert-Butyl-Ether (MTBE) contaminated groundwater above the ch. NR 140, Wis. Adm. Code, Preventive Action Limit (PAL) of 12 ug/l exists on this property in monitoring wells MW-2 located east of the building and MW-3 adjacent to the southeast building corner and concentrations of Benzene above the ch. NR 140 Wis. Adm. Code, PAL standard of 0.5 ug/l exists on the property in monitoring well MW-3 located adjacent to the southeast building corner. The most recent groundwater samples from MW-1, MW-2, MW-3, and Temporary Well TW-1 were collected on Feb. 9, 1999. A total of approximately 1,114 tons of petroleum-contaminated soil were excavated and removed from this site. Approximately 340 cubic yards of inaccessible petroleum impacted soil remains on the property. Concentrations of Benzene as high as 7800 ug/kg, Ethylbenzene of 24,000 ug/kg, Toluene of 1800 ug/kg, Total Xylenes of 76,800 ug/kg and Gasoline Range Organics of 690 mg/kg are present along the southern perimeter of the property. Off-site impacts beneath S. Kimmickinnic Ave., as revealed by soil samples collected during investigations, were minimal.

WHEREAS, it is the desire and intention of the property owners 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 Wisconsin Department of Natural Resources (WDNR) 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 owners hereby declare 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:

- 1) 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

Declaration of Restrictions  
April, 1999

property unless applicable requirements are met.

2) The building that exists on the property, as of the date that this restriction is signed, and the concrete slab on which the building sits shall be repaired and maintained by the property owner, or shall be replaced by a suitable cap or covering, to serve as an impermeable cover over residual petroleum contamination that is located beneath the existing building. If the existing building is demolished or destroyed, the property owner shall take immediate steps to minimize infiltration and shall, as soon as possible, install, maintain and repair a cap or cover to prevent the infiltration of rain water or snow melt in the area that was previously occupied by the building. The design for the cap or cover, and a repair and maintenance plan, shall be approved by the Department of Natural Resources (WDNR), or its successor agency, prior to the cap or cover's installation. The property owner may propose to utilize the concrete slab on which the existing building sits to satisfy the requirements of this restriction after other portions of the building are removed, but approval of a repair and maintenance plan for the concrete slab must be obtained from the Department of Natural Resources, or its successor agency prior to the building's demolition or as soon as possible after the building's destruction.

These restrictions are hereby declared to be covenants running with the land and shall be fully binding upon all persons acquiring the above described property whether by descent, devise, purchase or otherwise. These restrictions benefit and are enforceable by the WDNR, its successors or assigns. The WDNR, its successors or assigns may initiate proceedings at law or in equity against any person or persons who violate or are proposing to violate these covenants, 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 WDNR or its successor issue a determination that the restriction set forth in this covenant are no longer required. Upon the written receipt of such a request, the WDNR shall determine whether or not the restriction contained herein can be extinguished. If the WDNR determines that the restrictions can be extinguished, an affidavit, with a copy of the WDNR written determination, may be recorded to give notice that this groundwater use restriction is no longer binding.

IN WITNESS WHEREOF, the owners of the property have executed this Declaration of Restriction, this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

Signature: \_\_\_\_\_

Signature: \_\_\_\_\_

Printed Name: David Drake

Subscribed and sworn to before me this \_\_\_\_ day of \_\_\_\_, 20\_\_.

Notary Public, State of \_\_\_\_\_

My commission expires \_\_\_\_\_

Signature: \_\_\_\_\_