

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 414-884-2300
FAX 414-884-2307
TDD 414-884-2304

July 14, 1999

Mr. Bill Slater
410 Kings Road, 50 Route 12
Fox Lake, IL. 60020

Subject: Case closure request for Great Lakes Yacht Sales, 433 S 50th Street, Kenosha, Wisconsin. FID#230091950, BRRTS# 03-30-108168

Dear Mr. Slater:

I have reviewed your case file based on the documents submitted by Envirogen. During a meeting on July 13th, 1999, the Department staff agreed with Envirogens recommendation to grant case "closure" and require no further action at this site conditional upon the following:

1. Placement of a groundwater use restriction on the title of the property, and submittal of documentation that the groundwater use restriction has been placed on the title of the deed.
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 MWs 1, 5, 10, 11 for methyl-tert-butyl ether (MTBE), and in MWs 1 and 10 for benzene. Preventative Action Limits (PAL) were also exceeded in MWs 4 and 12 for MTBE, and MW 11 and 4 for benzene, and MW-1 for xylene. The 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 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 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, Envirogen has estimated approximately 1261 pounds of GRO contaminated soils remain on site. 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.

Closure #r FID# 230091950
BRTS 03 30 108168

Within sixty days from the date of this letter, all of the monitoring wells must be abandoned in accordance with NR 141. Once the department receives the abandonment forms for these monitoring wells and documentation that the groundwater use restriction has been placed on the deed, 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 (414) 884-2341.

Sincerely,



Jennie Pelczar

Hydrogeologist – Remediation & Redevelopment Section

C: Mr. Andrew Ehlert - Envirogen

SER File

COPY

Document Number

GROUNDWATER USE RESTRICTION

Property includes Three (3) parcels of land in Part of the Northeast One-Quarter (1/4) of Section number Thirty-One (31), in Township numbered Two (2) North, Range Twenty-three (23) East of the Fourth Principal Meridian, in the City of Kenosha, County of Kenosha and State of Wisconsin. Parcel one (I) commences at the Northeast corner of Lot Six (6) in Block Two (2) of Washington Island, as laid out and platted in the Original Village of Southport. Parcel two (II) commences at a point on the North line of Lot Eight (8) of Block Two (2) of Washington Island, as laid out and platted in the Original Village of Southport. Parcel Three (III) commences at the Northeast corner of Lot Five (5) in Block Two (2) of Washington Island, as laid out and platted in the Original Village of Southport. (See Exhibit "A" for a detailed description of each parcel which makes up this property.)

RECEIVED
JAN 24 2000

PT. OF NATURAL RESOURCE
SERVICE CENTER
STURTEVANT, WI

1171365

RECORDED
at Kenosha County, Kenosha, WI 53140
Louise I Principe, Register of Deeds
on 1/20/2000 at 3:33 PM \$14.00
REINDEXED
2133
SNF

Recording Area

Great Lakes ~~Yacht~~ Sales LLC
44. 0th Street
Kenosha, Wisconsin 53140

Name and Return Address

12-223-31-176-002
Parcel Identification No.

Declaration of Restrictions:

STATE OF WISCONSIN

COUNTY OF KENOSHA

Great Lakes Yacht Sales LLC

WHEREAS, Jack Irvin 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 140 enforcement standards exists on this property at the following location(s): benzene at 140 micrograms per liter (µg/L) and 130 µg/L in the location of monitoring wells MW-1 and MW-10, respectively, sampled on October 29, 1997, identified on the map (Figure 1) attached, and hereby made part of the document; methyl t-butyl ether (MTBE) at 250 µg/L, 190 µg/L, 9,200 µg/L, and 810 µg/L in location of monitoring wells MW-1, MW-5, MW-10, and MW-11, respectively, sampled on October 29, 1997, identified on the map (Figure 2), attached, and hereby made part of the document.

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 contamination 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 prior to construction or reconstruction 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 is no longer binding.

IN WITNESS WHEREOF, the owner of the property has executed this Declaration of Restrictions, this 20th day of January, 2000

Signature: Jack Irvin

Printed Name: JACK IRVIN
vice President GREAT LAKES YACHT SALES LLC

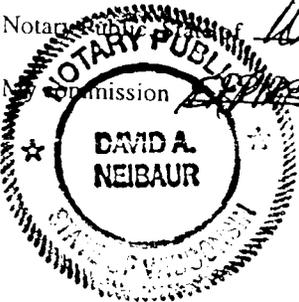
Subscribed and sworn to before me

this 20th day of January, 2000

David A. Neibaur

Notary Public of WISCONSIN

Commission Expires 6/16/02



DEED DESCRIPTION

EXHIBIT "A"

Parcel I:

Part of the Northeast One-Quarter (1/4) of Section number Thirty-One (31), in Township numbered Two (2) North, Range Twenty-three (23) East of the Fourth Principal Meridian, more particularly described as: Commencing at the Northeast corner of Lot Six (6) in Block Two (2) of Washington Island, as laid out and platted in the Original Village of Southport; thence South along and upon the East line of said Lot 6 and said line extended South to the extended dock line of Kenosha Harbor; thence South $72^{\circ} 18'$ West along and upon said Dock line; a distance of 100 feet, more or less, and to the angle in said dock line; thence North $44^{\circ} 49'$ West, a distance of 175.2 feet and to an angle in said dock line; thence North $10^{\circ} 00'$ West a distance of 115.6 feet, more or less, and to the South line of 50th Street; thence North $84^{\circ} 30'$ East along and upon the South line of 50th Street a distance of 240.5 feet, more or less, and to the place of beginning. Said land being in the City of Kenosha, County of Kenosha and State of Wisconsin.

Parcel II:

Part of the Northeast One-Quarter (1/4) of Section number Thirty-One (31), in Township numbered Two (2) North, Range Twenty-three (23) East of the Fourth Principal Meridian, more particularly described as: Commencing at a point on the North line of Lot Eight (8) of Block Two (2) of Washington Island, as laid out and platted in the Original Village of Southport; which is 132 feet West of the Northeast corner of said Lot 8; thence West along and upon the said North line of Lot 8, and said line extended Westerly 264 feet; thence South along and upon a line which is parallel with the West line of Fourth Avenue, 106 feet, more or less, and to the Dock line as established by the U.S. Army Engineers August 11th, 1896; thence North $72^{\circ} 18'$ East along and upon said Dock line and said Dock line extended 140 feet more or less and to the intersection with the South line of the said Lot 8, extended Westerly; thence East along and upon said extended line and the said South line of Lot 8, 130 feet, more or less, to a point which is 132 feet West of the Southeast corner of said Lot 8; thence North 66 feet to the place of beginning. Said land being in the City of Kenosha, County of Kenosha and State of Wisconsin.

Parcel III:

Part of the Northeast One-Quarter (1/4) of Section number Thirty-One (31), in Township numbered Two (2) North, Range Twenty-three (23) East of the Fourth Principal Meridian, more particularly described as: Commencing at the Northeast corner of Lot Five (5) in Block Two (2) of Washington Island, as laid out and platted in the Original Village of Southport; thence South along and upon the East line of said Lot 5 and said line extended the distance of 132 feet; thence West along and upon a line which is parallel with the South line of 50th Street a distance of 66 feet; thence North along and upon a line which is the extension Southerly of the West line of said Lot 5 and along and upon the said West line of the said Lot 5, 132 feet and to the South line of 50th Street and being the Northwest corner of said Lot 5; thence East along the line of said 50th Street 66 feet to the place of beginning. Said land being in the City of Kenosha, County of Kenosha and State of Wisconsin.

Deed by
Du Eiler

Great Lakes Yacht Sales (GLYS)
433 South 50th Street
Kenosha, WI

FID#: 230091950

BRRTs#: 03-30-000901; 03-30-108168

Site is located in the GLYS boat yard which is used for yacht storage in the off-season and yacht service in the summer months.

Site A:

2 - 1000 gal gas removed in Sept. 1990 at the southern end.
Remediation includes gw extraction; sve and air sparging

Site B:

1 - 8000 gal gas. Removed in Aug. 1996 at the northern end of the site.
Remediation includes removal of hot spot from UST cavity.
About 22 tons of impacted soils removed.

GW flow direction: south to southwest towards the harbor.

Depth : 2 - 3' in the south; 7 - 10' in the north.

of sampling rounds: Site A wells - 18 ; Site B wells - 5.

NR 140 PAL exceedances - MW4; MW 12 - downgradient close to the harbor

NR 140 ES exceedances - MW1; MW5; MW10; MW11. (MW11 is downgradient close to the harbor). Based on the data provided, it appears that groundwater contamination above standards is migrating into the harbor.

Comments:

No soil confirmation sample taken after the sve operation and the hot spot removal.
Residual soil contamination not yet estimated.

Consultant requested conditional closure - NA

Action: Called Jim Fratrick (Water Program) since there appears to be a discharge to the lake. Also mailed supporting documents (groundwater monitoring data) to Jim at his request.

APPROVED BY: *[Signature]*

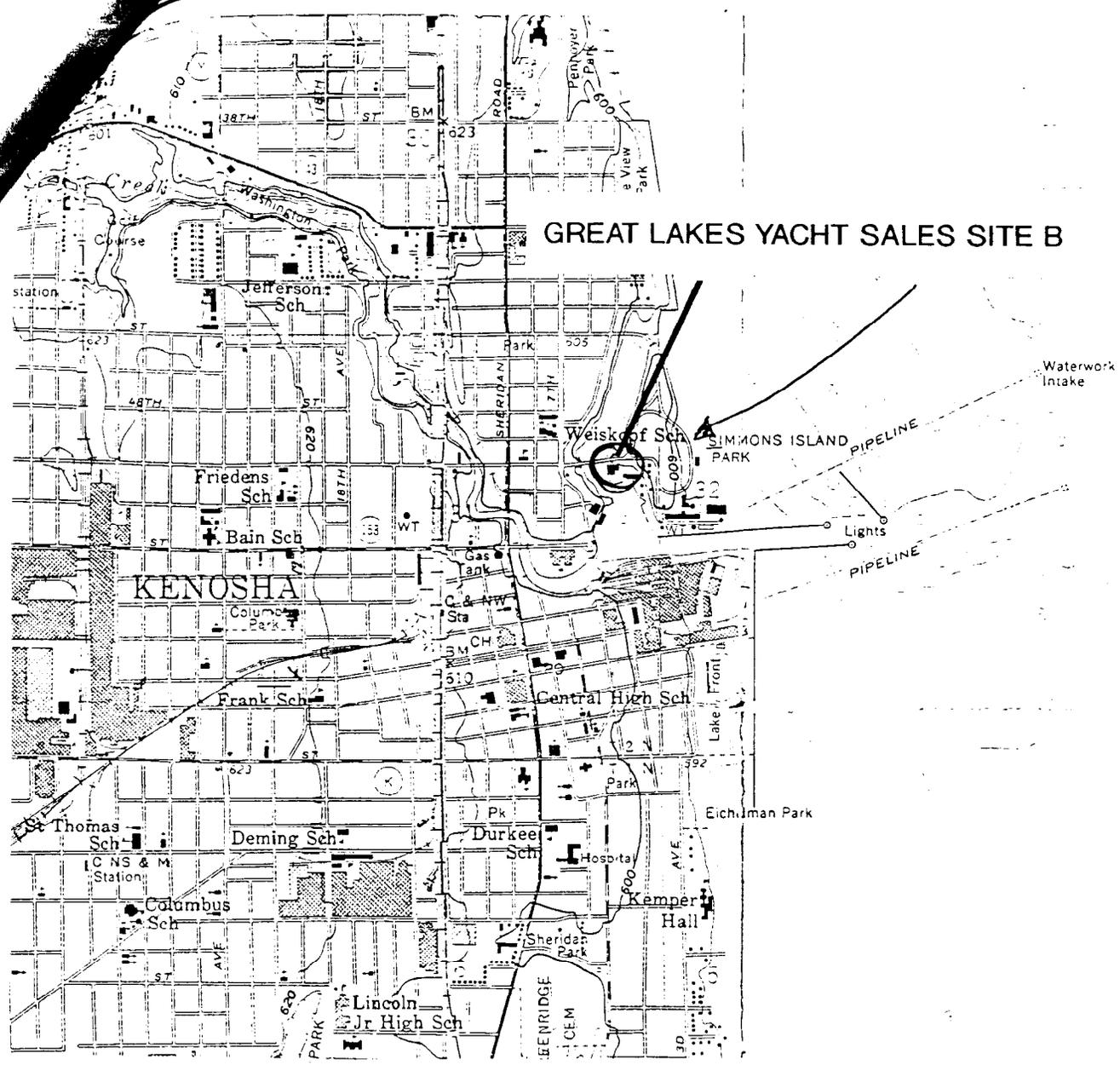
5/14/91

CHECKED BY: A/L

7/17/97

DRAWN BY: LME

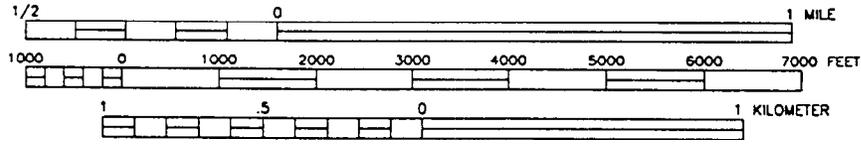
DRAWING NO. 90.166R21



GREAT LAKES YACHT SALES SITE B

(USGS [1958] 1971)

SCALE
1:24000



CONTOUR INTERVAL 10 FEET

Fluid Management
A Division of ENVIROGEN, Inc.



*Site Location Map
Great Lakes Yacht
Sales Site B
Kenosha, Wisconsin*

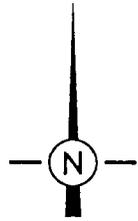


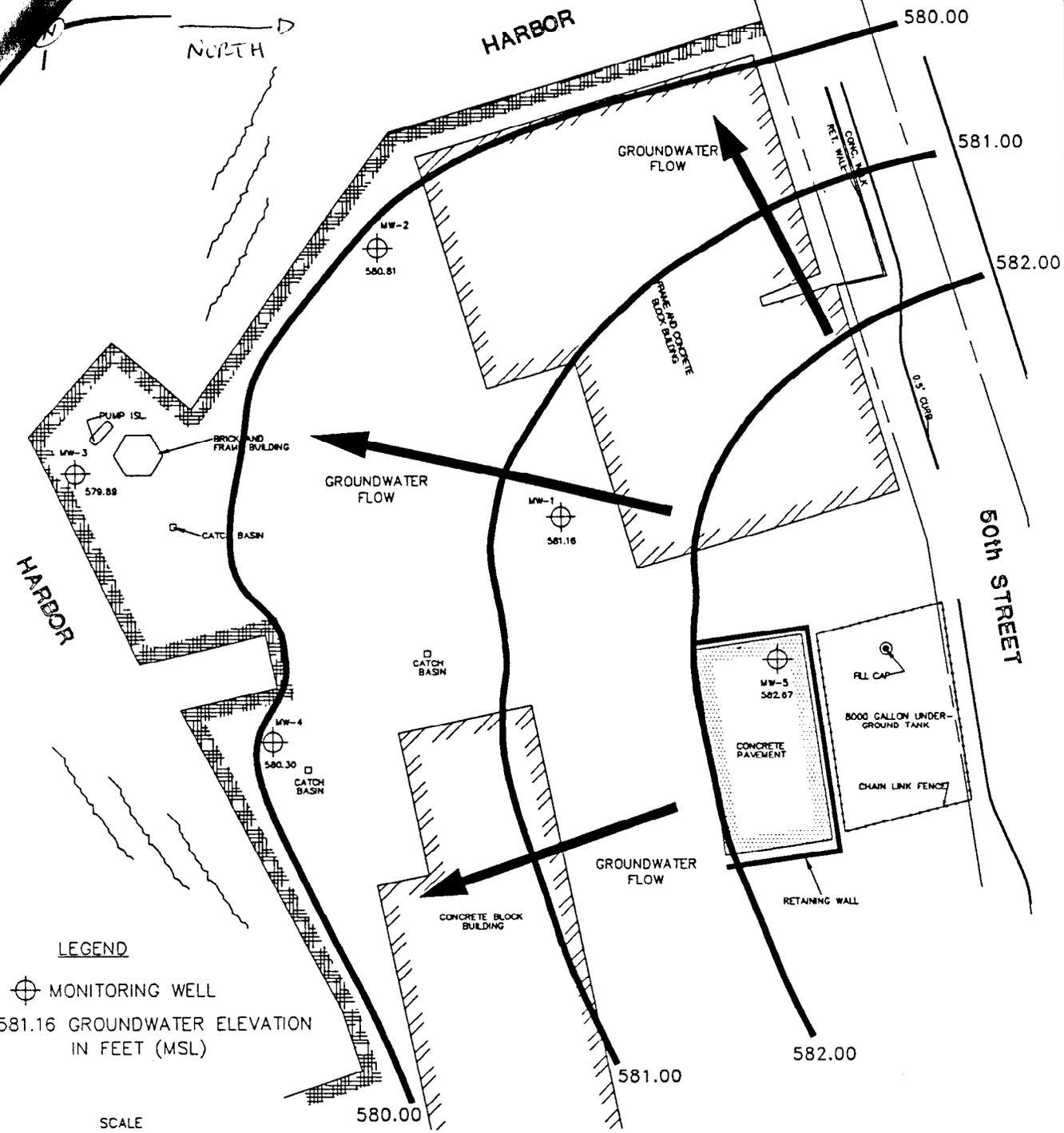
FIGURE NO.
2.1

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.

OR FID # 230 691950

HYDRAULIC GRADIENT = 0.008 FT./FT.

APPROVED BY: JCH 3/24/92
CHECKED BY: SWT
DRAWN BY: SAJ
90.166.44
DRAWING NO.



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.

FIGURE 4.4
POTENTIOMETRIC
SURFACE MAP
GREAT LAKES YACHT SALES
KENOSHA, WISCONSIN



TABLE 3

GLYS-B Site Groundwater Sample Laboratory Analytical Results
Great Lakes Yacht Sales Site
Kenosha, Wisconsin

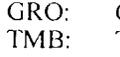
Parameter	Sampling Location								NR 140 Preventive Action Limit	NR 140 Enforcement Standard
	GP-5	GP-6	GP-7	GP-8	GP-9	GP-10	GP-11	GP-12		
	9/30/96	9/30/96	9/30/96	9/30/96	10/1/96	10/1/96	10/1/96	10/1/96		
Benzene	2.0	<1.0	63	0.52	2.4	2.5	150	<0.50	0.5	5.0
Toluene	<5.0	<20	23	<1.0	<2.0	<5.0	53	<1.0	68.6	343
Ethylbenzene	8.1	<2.0	72	<1.0	<2.0	<5.0	110	<1.0	140	700
Xylenes	4.6	<6.0	36	<3.0	<3.0	<15	220	<2.0	124	620
MTBE	200	520	<2.0	4.2	620	1,100	<2.0	260	12	60
Naphthalene	NA	NA	NA	NA	NA	NA	NA	NA	8	40
1,2,4-TMB	2.4	<20	64	<1.0	<2.0	<5.0	370	<1.0	NS	NS
1,3,5-TMB	<1.0	<20	26	<1.0	<2.0	<5.0	220	<1.0	NS	NS
GRO	430	120	4,700	<50	310	480	5,400	130	NS	NS

(Continued)

Notes:

All concentrations 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

GRO: Gasoline range organics

TMB: Trimethylbenzene

MTBE: Methyl t-butyl ether

NA: Not analyzed

NS: No standard

Checked by:

Approved by: ATE

**TABLE 3
(Continued)**

**GLYS-B Site Groundwater Sample Laboratory Analytical Results
Great Lakes Yacht Sales Site
Kenosha, Wisconsin**

Parameter	Sampling Location					NR 140 Preventive Action Limit	NR 140 Enforcement Standard
	MW-10						
	10/25/96	2/6/97	5/20/97	8/5/97	10/29/97		
Benzene	740	620	270	270	130	0.5	5.0
Toluene	53		20	<10	<20	68.6	343
Ethylbenzene	100		100	65	37	140	700
Xylenes		660		61	23	124	620
MTBE	65,000	20,000	9,300	9,600	9,200	12	60
Naphthalene		NA	NA	NA	NA	8	40
1,2,4-TMB	97	220	90	56	27	NS	NS
1,3,5-TMB	35	60	14	21	<29	NS	NS
GRO	20,000	12,000	NA	NA	NA	NS	NS

(Continued)

Notes:

All concentrations 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

TMB: Trimethylbenzene

MTBE: Methyl t-butyl ether

GRO: Gasoline range organics

NS: No standard

NA: Not analyzed

Checked by: _____

Approved by: 

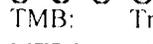
**TABLE 3
(Continued)**

**GLYS-B Site Groundwater Sample Laboratory Analytical Results
Great Lakes Yacht Sales Site
Kenosha, Wisconsin**

Parameter	Sampling Location					NR 140 Preventive Action Limit	NR 140 Enforcement Standard
	MW-11						
	10/29/96	2/6/97	5/20/97	8/5/97	10/29/97		
Benzene	<0.5	NSC	0.74	<1.3	1.6	0.5	5.0
Toluene	<1.0	NSC	<0.20	<2.0	<2.0	68.6	343
Ethylbenzene	<1.0	NSC	<0.22	<2.2	<2.2	140	700
Xylenes	<1.0	NSC	<0.23	<2.3	<2.3	124	620
MTBE	1,500	NSC	1,200	1,300	810	12	60
Naphthalene	<1.0	NSC	NA	NA	NA	8	40
1,2,4-TMB	<1.0	NSC	<0.22	<2.2	<2.2	NS	NS
1,3,5-TMB	<1.0	NSC	<0.29	<2.9	<2.9	NS	NS
GRO	100	NSC	NA	NA	NA	NS	NS

(Continued)

Notes: All concentrations 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
- TMB: Trimethylbenzene
- MTBE: Methyl t-butyl ether
- GRO: Gasoline range organics
- NS: No standard
- NA: Not analyzed
- NSC: No sample collected

Checked by: ATB
Approved by: ATB

**TABLE 3
(Continued)**

**GLYS-B Site Groundwater Sample Laboratory Analytical Results
Great Lakes Yacht Sales Site
Kenosha, Wisconsin**

Parameter	Sampling Location					NR 140 Preventive Action Limit	NR 140 Enforcement Standard
	MW-12						
	12/25/96	2/6/97	5/20/97	8/5/97	10/29/97		
Benzene	<0.50	NSC	<0.18	0.28	0.22	0.5	5.0
Toluene	<1.0	NSC	<0.20	0.21	<0.20	68.6	343
Ethylbenzene	<1.0	NSC	<0.22	<0.22	<0.22	140	700
Xylenes	<3.0	NSC	<0.23	0.70	0.26	124	620
MTBE	<4.1	NSC	43	57	24	12	60
Naphthalene	<1.0	NSC	NA	NA	NA	8	40
1,2,4-TMB	<1.0	NSC	<0.22	0.32	<0.22	NS	NS
1,3,5-TMB	<1.0	NSC	<0.29	<0.29	<0.29	NS	NS
GRO	<50	NSC	NA	NA	NA	NS	NS

(Continued)

Notes:

All concentrations in ppb

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

- TMB: Trimethylbenzene
- MTBE: Methyl t-butyl ether
- GRO: Gasoline range organics
- NS: No standard
- NA: Not analyzed
- NSC: No sample collected

Checked by: _____
Approved by: 

**TABLE 3
(Continued)**

**GLYS-B Site Groundwater Sample Laboratory Analytical Results
Great Lakes Yacht Sales Site
Kenosha, Wisconsin**

Parameter	Sampling Location					NR 140 Preventive Action Limit	NR 140 Enforcement Standard
	MW-13						
	12/23/96	2/6/97	5/20/97	8/5/97	10/29/97		
Benzene	<0.50	<0.13	<0.13	<0.13	<0.13	0.5	5.0
Toluene	<1.0	<0.20	<0.20	<0.20	<0.20	68.6	343
Ethylbenzene	<1.0	<0.22	<0.22	<0.22	<0.22	140	700
Xylenes	<3.0	<0.23	<0.23	<0.23	<0.23	124	620
MTBE	<6.0	<3.0	<0.16	6.5	<0.16	12	60
Naphthalene	NA	NA	NA	NA	NA	8	40
1,2,4-TMB	<1.0	<0.22	<0.22	<0.22	<0.22	NS	NS
1,3,5-TMB	<1.0	<0.29	0.39	0.39	<0.29	NS	NS
GRO	<50	NA	NA	NA	NA	NS	NS

(Continued)

Notes:

- All concentrations in ppb
- TMB: Trimethylbenzene
- MTBE: Methyl t-butyl ether
- GRO: Gasoline range organics
- NS: No standard
- NA: Not analyzed

Checked by: _____
 Approved by: ATC

**TABLE 3
(Continued)**

**GLYS-B Site Groundwater Sample Laboratory Analytical Results
Great Lakes Yacht Sales Site
Kenosha, Wisconsin**

Parameter	Sampling Location					NR 140 Preventive Action Limit	NR 140 Enforcement Standard
	MW-14						
	11/14/96	2/6/97	5/20/97	8/5/97	10/29/97		
Benzene	<0.50	<0.13	<0.13	<0.13	<0.13	0.5	5.0
Toluene	<1.0	<0.20	<0.20	<0.20	<0.20	68.6	343
Ethylbenzene	<1.0	<0.22	<0.22	<0.22	<0.22	140	700
Xylenes	<3.0	<0.23	<0.23	<0.23	<0.23	124	620
MTBE	<1.1	<2.0	<0.16	<0.16	<0.16	12	60
Naphthalene	<1.0	NA	NA	NA	NA	8	40
1,2,4-TMB	<1.0	<0.22	<0.22	<0.22	<0.22	NS	NS
1,3,5-TMB	<1.0	<0.29	<0.29	<0.29	<0.29	NS	NS
GRO	<50	NA	NA	NA	NA	NS	NS

(Continued)

Notes:

- All concentrations in ppb
- TMB: Trimethylbenzene
- MTBE: Methyl t-butyl ether
- GRO: Gasoline range organics
- NS: No standard
- NA: Not analyzed

Checked by: _____
 Approved by: ME

**TABLE 3
(Continued)**

**GLYS-B Site Groundwater Sample Laboratory Analytical Results
Great Lakes Yacht Sales Site
Kenosha, Wisconsin**

Parameter	Sampling Location					NR 140 Preventive Action Limit	NR 140 Enforcement Standard
	MW-15						
	11/4/96	2/6/97	5/20/97	8/5/97	10/29/97		
Benzene	<0.50	<0.13	<0.13	<0.13	<0.13	0.5	5.0
Toluene	<1.0	<0.20	<0.20	<0.20	<0.20	68.6	343
Ethylbenzene	<1.0	<0.22	<0.22	<0.22	<0.22	140	700
Xylenes	<3.0	<0.23	<0.23	<0.23	<0.23	124	620
MTBE	<1.0	<2.0	<0.16	<0.16	<0.16	12	60
Naphthalene	<1.0	NA	NA	NA	NA	8	40
1,2,4-TMB	<1.0	<0.22	<0.22	<0.22	<0.22	NS	NS
1,3,5-TMB	<1.0	<0.29	<0.29	<0.29	<0.29	NS	NS
GRO	<50	NA	NA	NA	NA	NS	NS

Notes:

- All concentrations in ppb
- TMB: Trimethylbenzene
- MTBE: Methyl t-butyl ether
- GRO: Gasoline range organics
- NS: No standard
- NA: Not analyzed

Checked by: _____
 Approved by: HE

