

State of Wisconsin \ DEPARTMENT OF NATURAL RESOURCES

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

Southeast Region Annex
4041 North Richards Street
PO Box 12436
Milwaukee, Wisconsin 53212-0436
Telephone 414-229-0800
FAX 414-229-0810

December 2, 1999

Mr. Scott A. Sampson
Sampson Investments
222 East Erie Street
Milwaukee, WI 53202

FID# 241496420
BRRTS# 02-41-000591

Subject: Sampson Investments
188 W. Edgerton Avenue
Milwaukee, WI

Dear Mr. Sampson:

The Department of Natural Resources has received your letter report, **Environmental Investigation Activities**, dated October 21, 1999 and prepared by McLaren Hart Inc. for the referenced property. The tables presented indicate that stable or shrinking groundwater contamination is occurring at the site. The property was paved in the fall of 1998 and the source of contamination has been excavated. There are no water supply wells or potable water wells in the vicinity of the site. Drinking water is supplied by the city of Milwaukee from Lake Michigan. The chlorinated solvent concentrations that remain in the soils and the groundwater do not appear to pose a threat to human health or the environment.

The Department's Closeout Committee has reviewed your case closure request and based on the information submitted, it appears that the site has been actively remediated. The Department will consider the case "closed" having determined that no further action is necessary at the site at this time. Because residual soil contamination above NR 720 standards remains and groundwater contamination on site exceeds the NR 140 Wis. Adm. Code enforcement standards a condition of closure is a deed restriction on the soils and groundwater be recorded with the County Registrar of Deeds.

A Groundwater Use Restriction Deed must be submitted to the DNR legal staff for review. Upon approval of the deed restriction, it must then be filed at the county register of deed office for the 188 W. Edgerton, Milwaukee property. The property deed must specify the legal description of the property, the location, type and concentration of the soil and groundwater contaminants at the time of closure, including the date of the last groundwater sampling event and must include the following language:

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Sampson Investments
December 2, 1999

The Department of Natural Resources to remediate groundwater exceeding ch. NR 140 groundwater standards within the boundaries of this property has approved Natural Attenuation. Construction of wells where water quality exceeds the drinking water standards in NR 809 is restricted by chs. NR 811 and NR 812. Special well construction prohibitions may apply. Anyone who proposes to construct or reconstruct potable well(s) 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 reconstruction of a well on this property.

Also include the optional provision for dewatering as written in the example groundwater use restriction included with this letter. Your consultant may refer to the Guidance on the Use of Deed and Groundwater Use Restrictions document for information they may need to fulfill this requirement. Please abandon any monitoring wells that remain on the property in accordance to NR 141 guidelines.

Once the Department has reviewed and approved the "draft" deed and has received documentation of the recorded deed restriction and monitoring well abandonment; we will finalize the closure of this case in our computer system. This is the Departmental closure letter for this site.

This case may be reopened pursuant to s. 726.09 Wis. Adm. Code, if additional information regarding site conditions indicates that contamination on or from the property poses a threat to public health, safety or welfare of the environment. The Department appreciates the actions that Sampson Investments has taken to investigate this site. If you have any questions or comments regarding this letter, please contact me at (414) 229-0873 or at the above address.

Sincerely,



Mary Lou Bozica
Hydrogeologist

Enclosure

Cc: SER casefile
Pam Barker Esq./Godfrey & Kahn
Brian Schneider/McLaren Hart

GROUNDWATER USE RESTRICTION

7891714

Document Number

REGISTER'S OFFICE 1 SS
Milwaukee County, WI

RECORDED AT 10:17 AM

04-03-2000

WALTER R. BARCZAK
REGISTER OF DEEDS

AMOUNT 16.00

Record this document with the Register of Deeds

Name and Return Address:
Pamela E. Barker
Godfrey & Kahn, S.C.
780 North Water Street
Milwaukee, WI 53202

626-0322-000-0
(Parcel Identification Number)

Document Number

GROUNDWATER USE RESTRICTION

Declaration of Restrictions

Legal Description of the Property:

Parcel 2, Certified Survey Map No. 5867, recorded August 10, 1993, as Document no. 6808985, being a redivision of Parcel 1 Certified Survey Map No. 4835 in the SE ¼ of the NE ¼ of Section 29, Township 6 North, Range 22 East, in the City of Milwaukee, Milwaukee County, Wisconsin.

Recording Area

Name and Return Address

Godfrey & Kahn, S.C.
c/o Pamela E. Barker
780 North Water Street
Milwaukee, WI 53202-3590

0-626-0322-000-0

Parcel Identification Number (PIN)

STATE OF WISCONSIN)
)
COUNTY OF MILWAUKEE) ss

WHEREAS, Sampson Investments, a Wisconsin general partnership, is the owner of the above described property (the "Property"); and

WHEREAS, one or more solvent discharges have occurred on this Property. In particular, vinyl chloride contaminated groundwater above NR140 enforcement standards exists on the Property in the area of MW-6, MW-7 and MW-8. Groundwater sampling performed at the Property in June 1999 revealed the presence of vinyl chloride in concentrations of 17 ug/l at MW-6, 6.7 ug/l at MW-7 and 2.9 ug/l at MW-8. The locations of MW-6, MW-7 and MW-8 are depicted on the attached Exhibit A. In addition, as of September 1997 tetrachloroethylene soil contamination existed on the Property in the area of GP-1 at a depth of 6ft. – 8ft. at a concentration of 310 ug/kg and at GP-1A at a depth of 7ft. – 9ft. at a concentration of 66 ug/kg. The locations of GP-1 and GP-1A are depicted on the attached Exhibit A.

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 contamination exceeding 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 NR 809 is restricted by 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 restrictions:

Anyone who proposes to construct or reconstruct a potable 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.

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 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 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 is 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, attached to a copy of the Department's written determination, may be recorded to give notice that this deed restriction, or portions of this deed restriction, are no longer binding.

By signing this document, Scott Sampson asserts that he is duly authorized to sign this document on behalf of Sampson Investments, a Wisconsin general partnership.

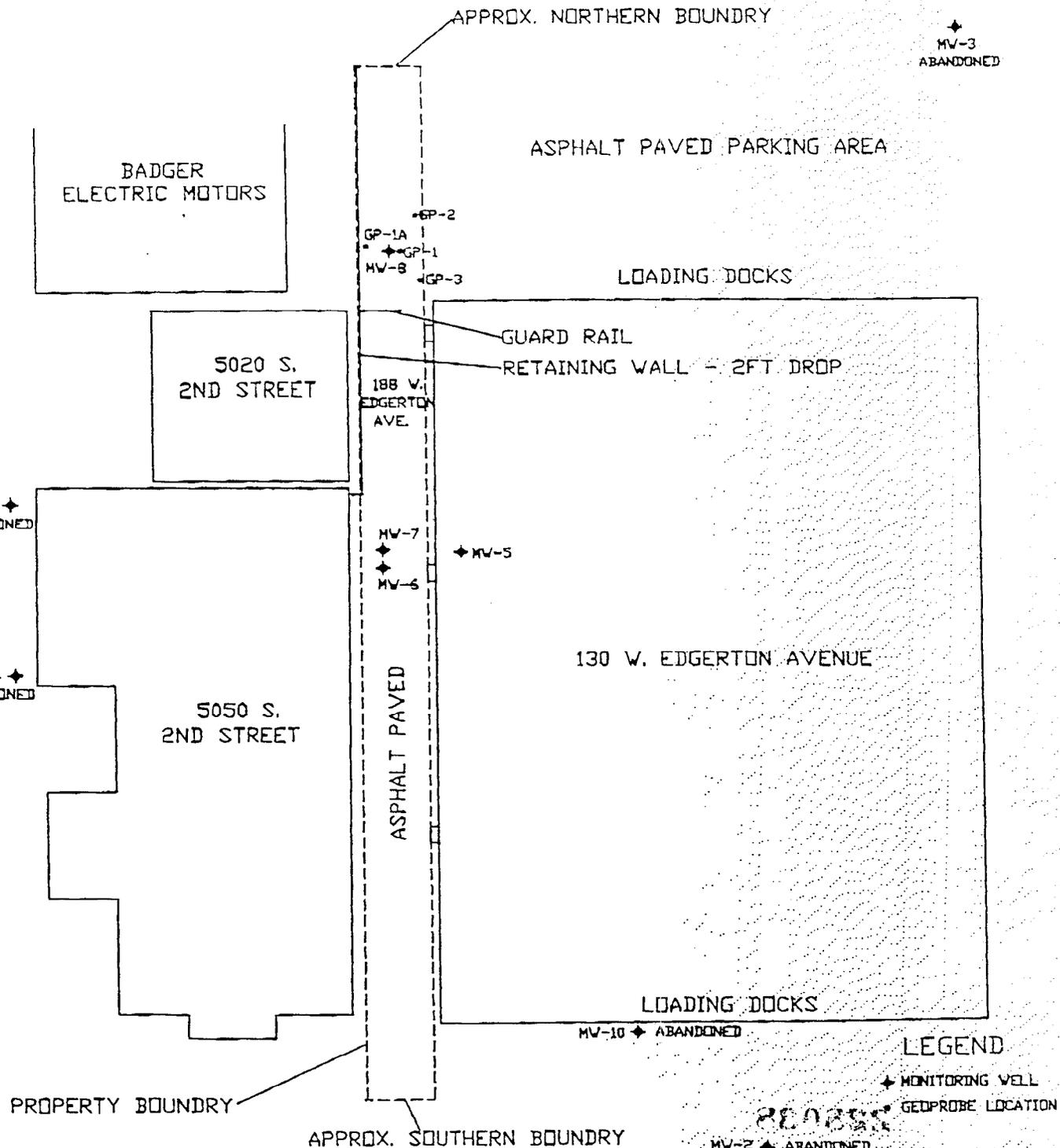
IN WITNESS WHEREOF, the owner of the Property has executed this Declaration of Restrictions, this 21st day of March 2000.

SAMPSON INVESTMENTS

Signature: [Handwritten Signature]
Printed Name: Scott Sampson, Managing Partner

Subscribed and sworn to before me
this 21st day of ~~January~~ March 2000.
[Handwritten Signature]
Notary Public, State of Wisconsin
My commission is Permanent
Nancy A. Sinos

This document was drafted by Pamela E. Barker of Godfrey & Kahn, S.C., based on comments from the Wisconsin Department of Natural Resources



DWG: SAMSONS

 McLaren Hart ENVIRONMENTAL ENGINEERING CORPORATION	
DRWN: GSV	CHK'D: BWS
JOB#: 10080-4098-002-001	DATE: 08-25-99



APPROXIMATE SCALE

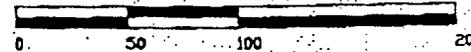
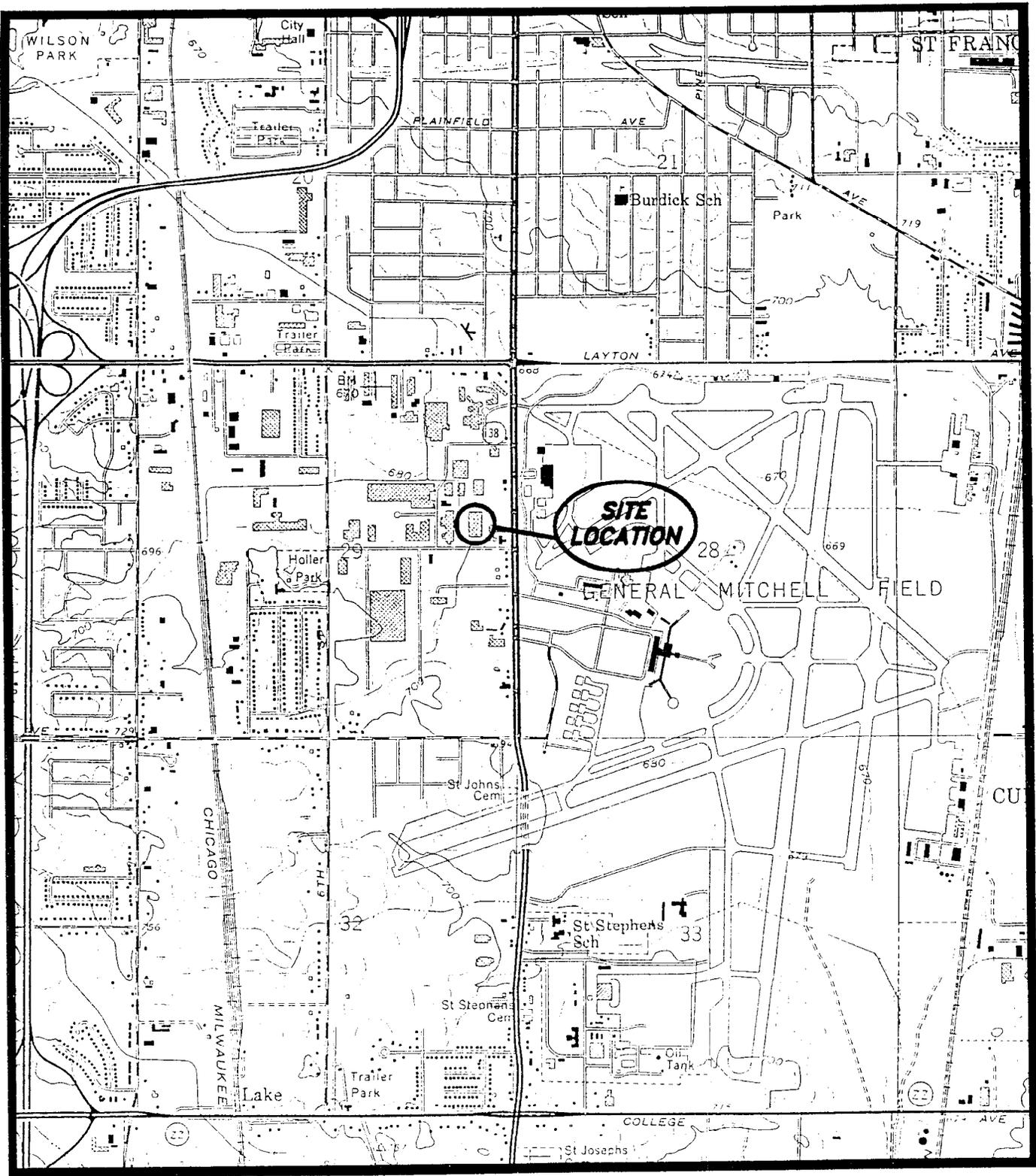


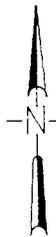
FIGURE 1

PROPERTY BOUNDRY AND WELL LOCATIONS

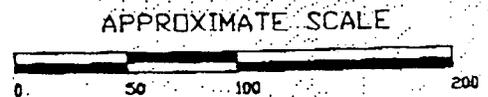
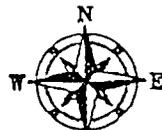
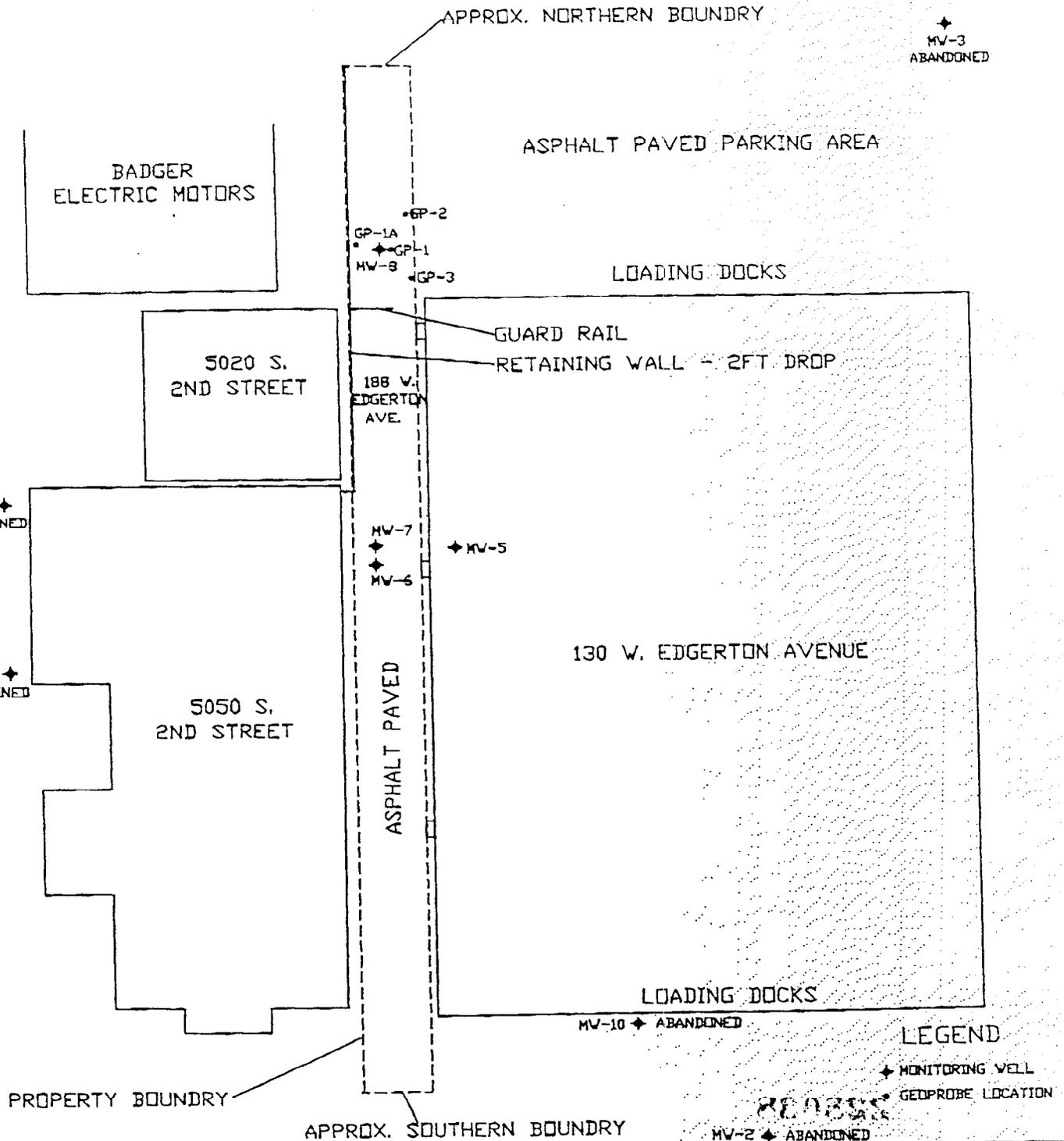
SAMPSON INVESTMENTS
188 W. EDGERTON AVENUE



MAP SHOWN IS EXTRACTED FROM U.S. GEOLOGICAL SURVEY MAP:
 GREENDALE QUADRANGLE
 WISCONSIN-MILWAUKEE CO.
 7.5 MINUTE SERIES (TOPOGRAPHIC)
 NW/4 SOUTH MILWAUKEE 15' QUADRANGLE
 SCALE 1:24,000



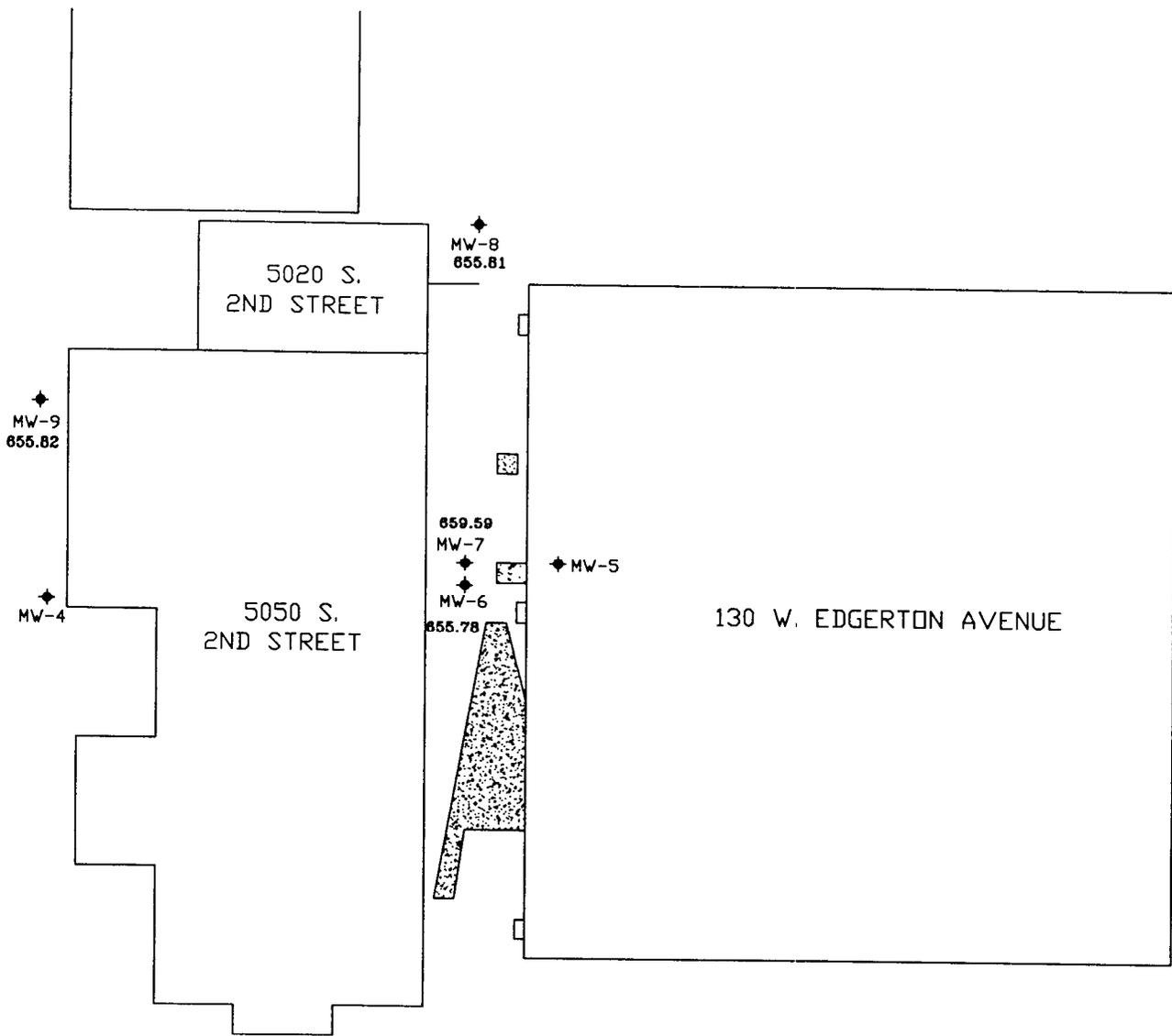
 The Earth Technology Corporation	SAWPSON INVESTMENTS MILWAUKEE, WISCONSIN PROJECT NO. 93-5915-04
FIGURE 1 SITE LOCATION AND VICINITY MAP	
SUBJECT PROPERTY 130 WEST EDGERTON AVENUE MILWAUKEE, WISCONSIN	
2515 North 124th Street • Suite 100 • Brookfield • WI • 53005	



DWG. SAMSONS

		ENVIRONMENTAL ENGINEERING CORPORATION
DRWN: GSV	CHK'D: BWS	
JOB#: 10080-4098-002-001	DATE: 08-25-99	

FIGURE 1
PROPERTY BOUNDRY AND WELL LOCATIONS
SAMPSON INVESTMENTS 188 W. EDGERTON AVENUE



LEGEND

- ◆ MONITORING WELL
- ▣ EXCAVATION AREA

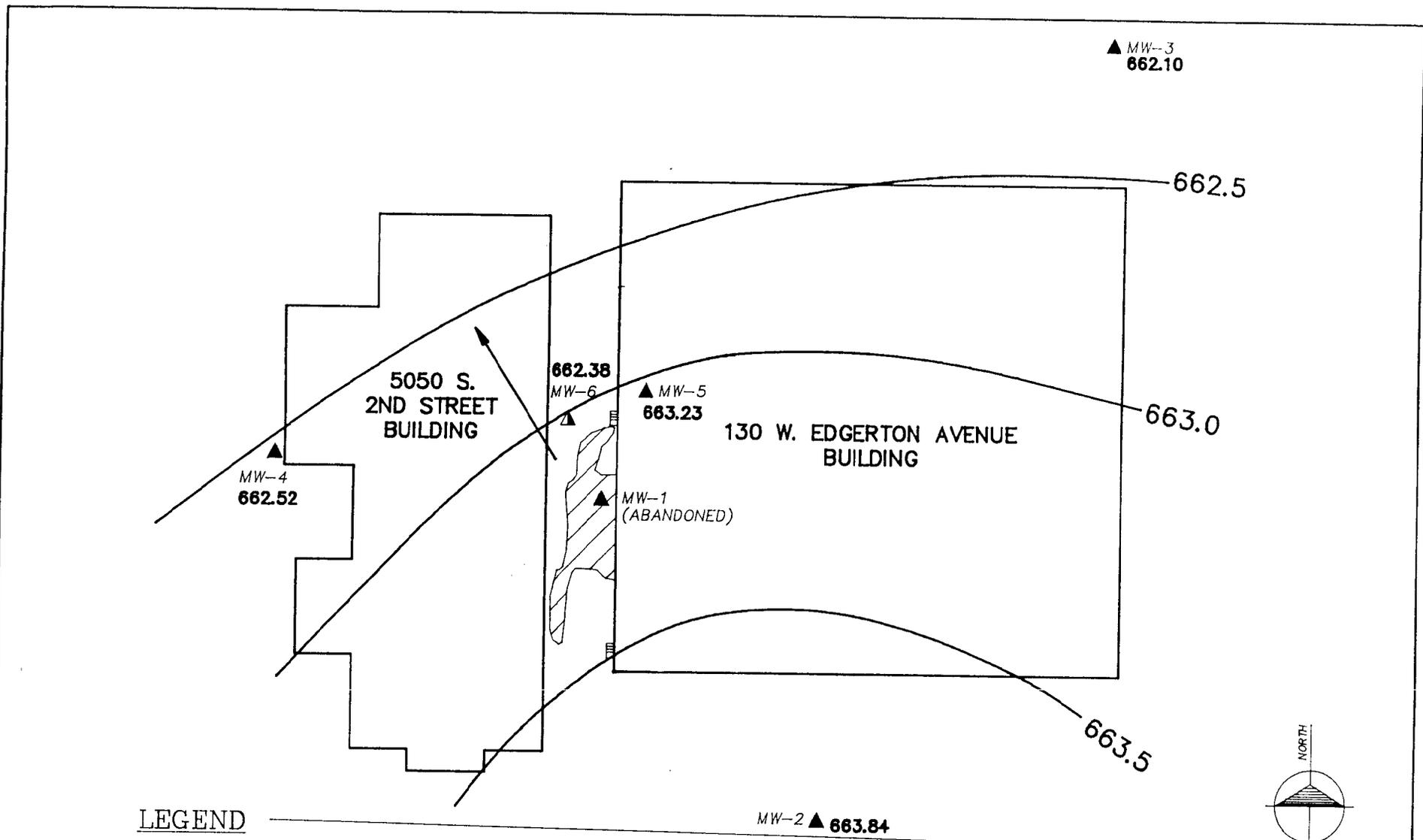


APPROXIMATE SCALE



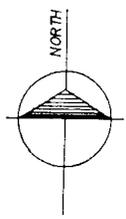
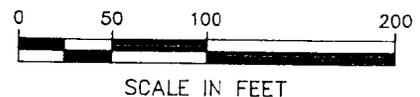
DRWN: GSV	CHK'D: BWS
JOB#: 10080-4098-001-001	DATE: 11-25-98

FIGURE 1
MONITORING WELL LOCATION
SAMPSON INVESTMENTS 130 W. EDGERTON AVENUE



LEGEND

- ▲ — MONITORING WELL LOCATION (OBSERVATION WELL)
- ▲ — PIEZOMETER SCREENED 30'–35'; NOT USED IN FLOW EVALUATION
- ▨ — AREA PREVIOUSLY EXCAVATED (APPROXIMATE)
- 683.20 — GROUNDWATER ELEVATION (FT. MSL)
- 662.5 — GROUNDWATER CONTOUR
- ← — GROUNDWATER FLOW DIRECTION



23047GW1
VR090795

FIGURE 2
**GROUNDWATER CONTOUR
MAP (JULY 7, 1995)**
130 WEST EDGERTON AVENUE
MILWAUKEE, WISCONSIN

TABLE 1
 Summary of Groundwater Investigation Results
 Sampson Investments
 188 W. Edgerton Avenue, Milwaukee, WI.
 Samples analyzed for VOCs EPA Method 8260
 (Detected Compounds Only)

Concentrations in Micrograms per Liter (ug/L) Unless Otherwise Noted

SAMPLE LOCATION DATE	MW-6			MW-7			ENFORCEMENT STANDARD	PREVENTIVE ACTION LIMIT
	9/3/97	8/13/98	11/5/98	9/3/97	8/13/98	11/5/98		
<i>cis</i> -1,2-Dichloroethene	17	16	15	26	30	30	70	7
<i>trans</i> -1,2-Dichloroethene	0.91	< 0.79	< 0.79	2	1.8	1.9	100	20
Tetrachloroethene	< 0.27	< 0.43	< 0.43	< 0.27	< 0.43	< 0.43	5	0.5
Trichloroethene	< 0.20	< 0.37	< 0.37	0.71	0.7Q	0.60Q	5	0.5
Vinyl chloride	17	14	10	5.5	6.2	5.8	0.2	0.02
Dissolved Oxygen	2.3	-	-	3.2	-	-	-	-
Carbon Dioxide	21	-	-	13	-	-	-	-

SAMPLE LOCATION DATE	MW-8			MW-8D			ENFORCEMENT STANDARD	PREVENTIVE ACTION LIMIT
	9/3/97	8/13/98	11/5/98	9/3/97	8/13/98	11/5/98		
<i>cis</i> -1,2-Dichloroethene	8.1	7.3	13	8.1	6.8	14	70	7
<i>trans</i> -1,2-Dichloroethene	0.56	< 0.79	< 0.79	0.61	< 0.79	< 0.79	100	20
Tetrachloroethene	0.42	0.57Q	< 0.43	0.30	0.55Q	< 0.43	5	0.5
Trichloroethene	< 0.20	< 0.37	< 0.37	< 0.20	< 0.37	< 0.37	5	0.5
Vinyl chloride	4.7	4.5	4.9	4.7	4.2	4.9	0.2	0.02
Dissolved Oxygen	2.4	-	-	-	-	-	-	-
Carbon Dioxide	85	-	-	-	-	-	-	-

Notes:

1. Q = Detected below the Limit of Quantitation
2. **Bold** = Detected above the Limit of Detection