

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, Box 12436
Milwaukee, Wisconsin 53212-0436
TELEPHONE 414-263-8500
FAX 414-263-8716
TDD 414-263-8713

February 17, 1999

FID#241736110
BRRTS#02-41-000986

Ms. Sherri Kanyer
Firststar Bank Milwaukee
777 E. Wisconsin Ave.
Milwaukee, WI 53202

RE: Request for Case Closure
Property located at 1033 N. Mayfair Rd., Wauwatosa

Dear Ms. Kanyer:

At the request of your environmental consultant, STS Consultants, Ltd. (STS), The Department of Natural Resources has reviewed the information for the above referenced site for closure. STS has requested closure of this site with a NR140 PAL exemption and a determination that additional contaminants are migrating onto the property from off-site. Based on the information submitted the Department cannot grant an off-site exemption at this time.

In an effort to reduce the costs of environmental cleanup, the Department is identifying conditions of case closure for contaminated sites. Although your case closure request did not identify a deed instrument as part of your request, the Department has determined that a deed instrument is required under NR726.05(8)(am) in order to approve your closure request.

Your consultant has indicated that you would be willing to close your site with the use of a deed instrument. If this is not the case and you do not wish to record a deed instrument on your property in order to receive closure from the Department, you should be aware that the Department of Commerce may determine that you are not eligible for continued reimbursement from the PECFA program if you choose to continue your remedial actions beyond the point at which closure is possible. A decision to grant case closure means that the Department will not require further remediation at your site.

The groundwater contaminant levels at this site are now above the enforcement standards (ES) promulgated in Ch. NR140, Wisconsin Administrative Code (Groundwater Quality) on your property, but showing evidence that natural attenuation is controlling the spread of contamination. Your site may be closed with a groundwater use restriction. The groundwater use restriction is a notice that is recorded with the Register of Deeds in the county where your property is located informing future property owners that new potable well construction on the property needs the approval of the Department. If at a later time you demonstrate that contaminant levels have fallen below the ES, you may ask the Department to issue a written determination that you may file with the county register of deeds giving notice that the previously recorded groundwater use restriction is no longer required. Groundwater contaminant levels on the adjoining property (1055 N. Mayfair Rd.) are above the preventive action limit (PAL) established in NR140, but below the ES. Therefore this case closure



*Quality Natural Resources Management
Through Excellent Customer Service*

includes a PAL exemption issued for the adjoining property (1055 N. Mayfair Rd.), for which no deed instrument is necessary.

Based on all of the information provided, the Department concurs with the recommendation for site closure and requires no further action at the site at this time based on the following:

1. The source of contamination has been largely removed with minimal soil contamination remaining near the switch fuse unit. Per the Department's July 24, 1995 letter these soils will need to be addressed when the unit is dismantled or moved.
2. The contaminant concentrations in monitoring well B7A (benzene exceeds the ES) appear to be stable and are defined based on the groundwater monitoring data provided.
3. Based on the fact that benzene exceeds the PAL at B3AR (at the property boundary) and B100 on the 1055 N. Mayfair Rd. property and that the levels appear to be stable, the Department is granting an exemption for benzene under the provisions of NR140.28(3), Wisconsin Administrative Code for the 1055 N. Mayfair Rd. property. This letter serves as your exemption.

To complete closure of this site, you must place a groundwater use restriction on the property deed at the county register of deeds office which conforms to the attached model. Also within 60 days, all of the groundwater monitoring wells at the site must be abandoned in accordance with NR141 and the completed abandonment forms must be submitted to the Department. Once the Department receives the abandonment forms and documentation that the groundwater use restriction has been placed on the deed, this case will be tracked as closed on the Department's tracking system.

If you have any questions or comments please contact me at the above address or at (414)263-8557.

Sincerely,



Margaret M. Graefe, P.G.
Hydrogeologist, Remediation and Redevelopment Team

cc: Tom Kroeger - STS
Dale Ziege - RR/3
Lori Huntoon - Dept. of Commerce

WALTER R. BARCZAK
03/17/99

Document Number

GROUNDWATER USE
RESTRICTION

Declaration of Restrictions

In Re:

See Exhibit A attached hereto

7711230 #
RECORD 14.00
SUBTOTAL 14.00
D CASH D TL 14.00

PHONE # 278-4003
#154760 C001 R01 T11:38

Recording Area

Name and Return Address

James B. Young
Towme Realty, Inc.
710 N. Plankinton Ave.
Milwaukee, WI 53203

STATE OF WISCONSIN)
)ss
COUNTY OF MILWAUKEE)

Towme Realty, Inc.

WHEREAS, / _____ 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 NR 140 enforcement standards exists on this property at the following location(s): benzene at monitoring well B-7A.

378-0003-03

Parcel identification Number (PIN)

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 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.

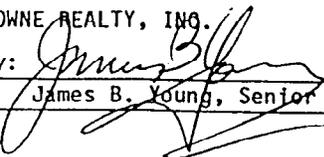
This restriction is hereby declared to be a covenant running with the land and shall be fully binding upon all persons acquiring the above-described property whether by descent, devise, purchase or otherwise. This restriction benefits and is enforceable by, the Wisconsin Department of Natural Resources, 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

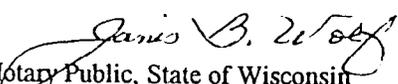
extinguished. If the Department determines that the restrictions can be extinguished, an affidavit, with a copy of the Department's written determination, may be recorded to give notice that this groundwater use restriction is no longer binding.

IN WITNESS WHEREOF, the owner of the property has executed this Declaration of Restrictions, this 12th day of March, 19 99.

TOWNE REALTY, INC.

Signature: By: 
Printed Name: James B. Young, Senior Vice President

Subscribed and sworn to before me
this 12th day of March, 19 99.


Notary Public, State of Wisconsin
My commission expires 9/30/01

JANIS B. WOLF, Notary Public
County of Milwaukee
My Commission Expires September 30, 2001

This document was prepared by and when recorded should be returned to:

James B. Young
Towne Realty, Inc.
710 North Plankinton Avenue
Milwaukee, WI 53202

EXHIBIT A

Parcel A:

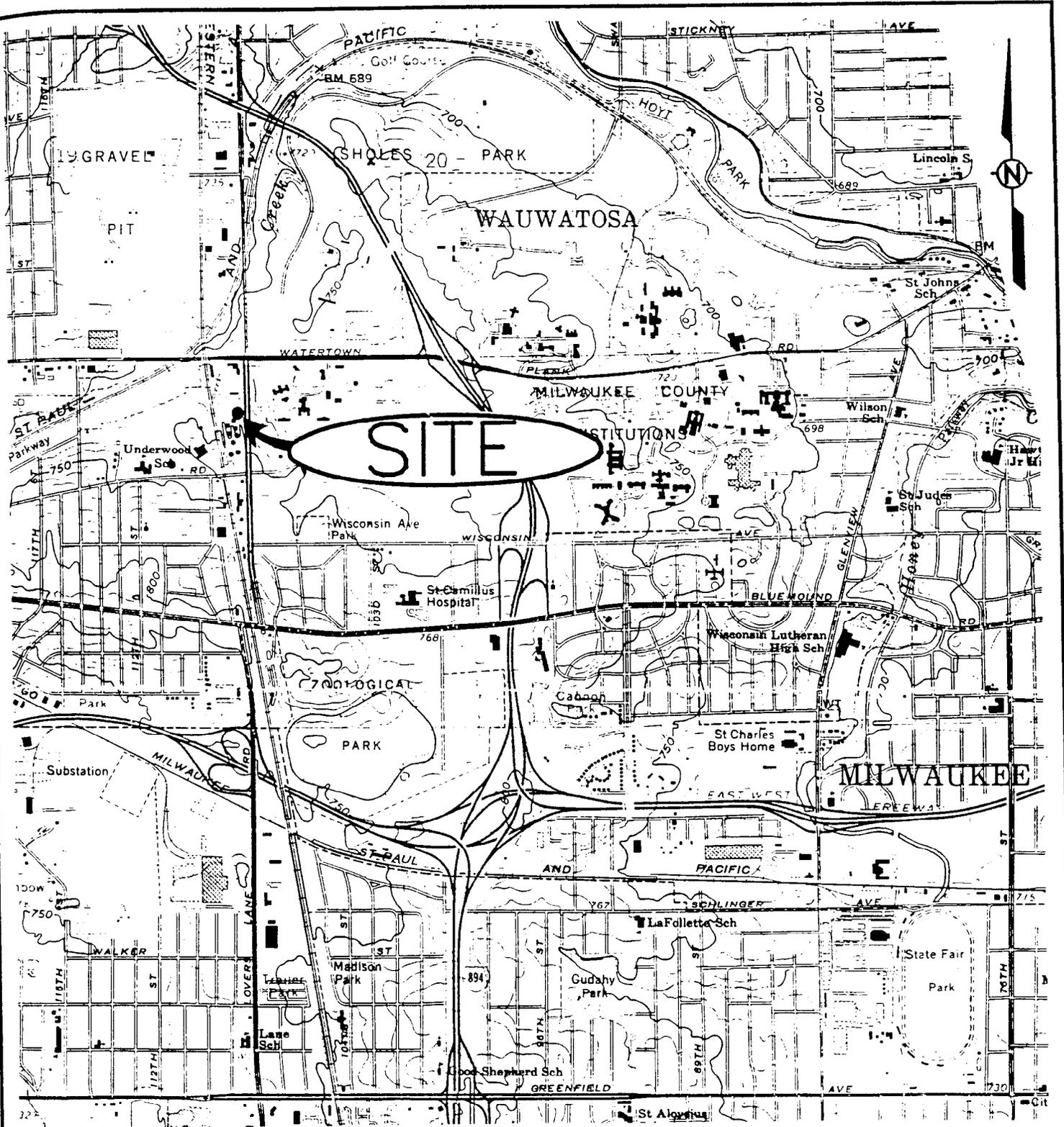
Parcel 2 and the North 95 feet of Parcel 3 of Certified Survey Map No. 2121, being a Re-division of Parcel 2 of Certified Survey Map No. 1868 being a part of Block 1 in Homewood in the Northeast 1/4 of Section 30, in Town 7 North, Range 21 East, in the City of Wauwatosa, County of Milwaukee, State of Wisconsin, recorded on June 15, 1973 in Reel 726, Images 1942 to 1944 inclusive, as Document No. 4768771.

Parcel B:

Easement for the benefit of Parcel A created by Cross Parking License and Easement dated March 28, 1977 and recorded April 11, 1977, on Reel 1005, Image 736, Document No. 5090113 for a Parking Easement over a portion of the South 185 feet of Parcel 3 of Certified Map No. 2121, being a Re-division of Parcel 2 of Certified Survey Map No. 1868, being a part of Block 1 in Homewood, being a Subdivision of a part of the Northeast 1/4 of Section 30, in Town 7 North, Range 21 East, in the City of Wauwatosa, County of Milwaukee, State of Wisconsin.

Tax Key No. 378-0003-03

ADDRESS: 1033 N. Mayfair Road



QUADRANGLE LOCATION

SOURCE: USGS TOPOGRAPHIC MAP, WAUWATOSA QUADRANGLE
DATE 1958, PHOTOREVISED 1871

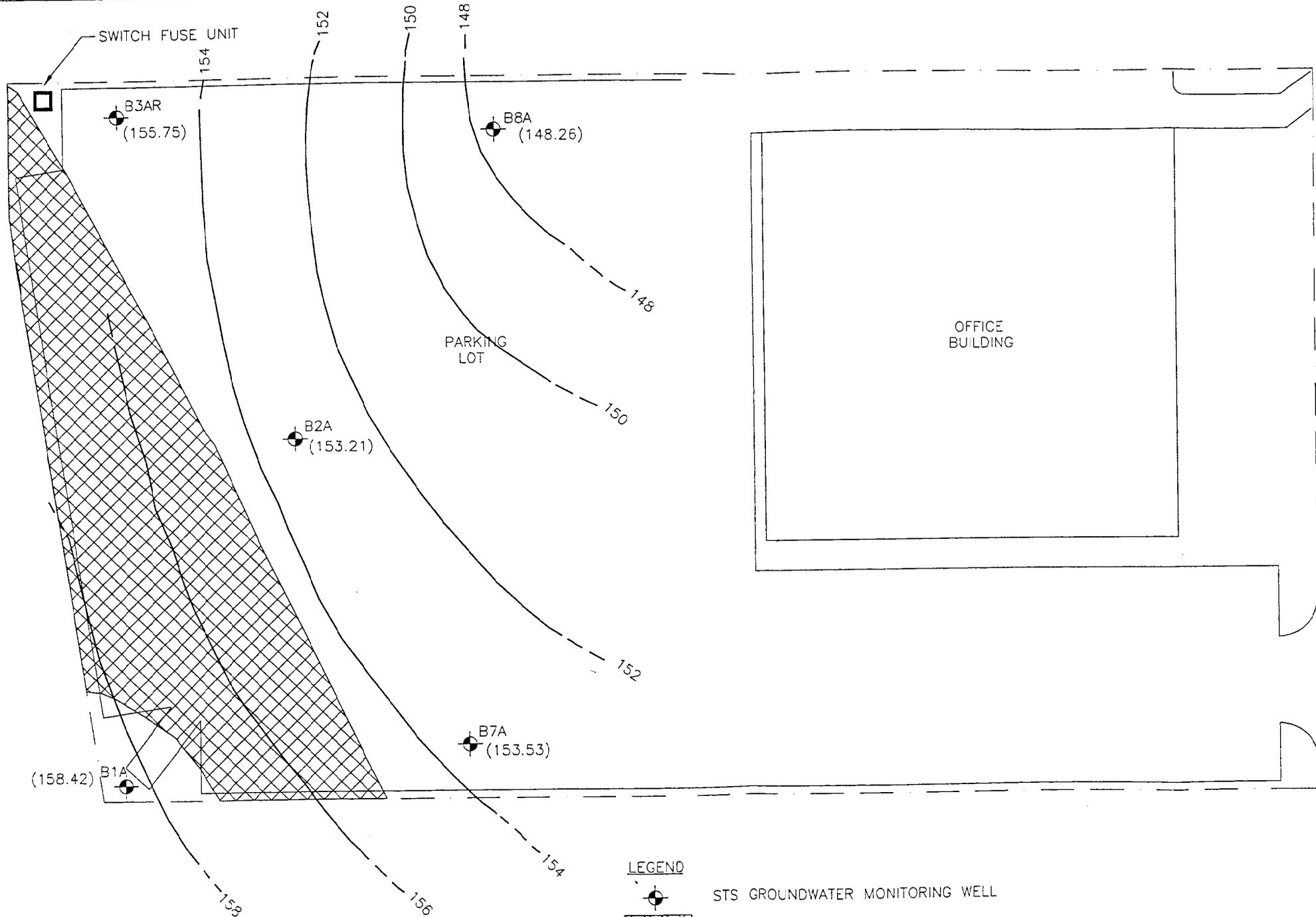


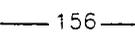
STS Consultants Ltd.
Consulting Engineers

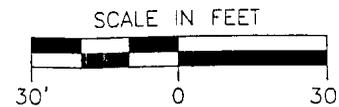
PROJECT/CLIENT

SITE LOCATION PLAN
1033 NORTH MAYFAIR ROAD
WAUWATOSA, WISCONSIN

DRAWN BY	J.M.I.	3/17/84
CHECKED BY	T.G.R.	3/17/84
APPROVED BY	T.W.K.	3/17/84
AUTOCAD FILE	84278014	SCALE 1"=2000'
STS PROJECT NO.	84278WA	FIGURE NO. 1



- LEGEND**
-  STS GROUNDWATER MONITORING WELL
 -  AREA OF EXCAVATION
 -  (156.90) GROUNDWATER ELEVATION FROM JULY 8, 1997
 -  156 ESTIMATED GROUNDWATER CONTOUR



DRAWN BY	DWL	DATE	2-11-98
CHECKED BY	COB	DATE	2-11-98
APPROVED BY	TWK	DATE	2-11-98
CADFILE	PROJECTS\84398XA\WB\84398008.DWG		
XREF	=		

GROUNDWATER FLOW DIAGRAM
 1033 NORTH MAYFAIR ROAD
 WAUWATOSA, WISCONSIN



STS PROJECT NO.	84398WB
STS PROJECT FILE	
SCALE	AS SHOWN
FIGURE NO.	1

Table 1
Groundwater Quality Results
1033 N. Mayfair Road
STS Project No. 84398WB
(units are in µg/l, unless noted otherwise)

Monitoring Well		ES	PAL	7/6/89	5/14/90	11/1/93	1/24/94	10/25/95	1/24/96	4/3/96	6/21/96	10/24/96	1/31/97	4/15/97	7/8/97
Monitoring Well B1A	PVOCs														
	Benzene	5	0.5	<0.03	<0.2	<0.5	---	---	---	---	---	---	---	---	---
	Ethylbenzene	700	140	<0.52	<1.0	<1.0	---	---	---	---	---	---	---	---	---
	MTBE	60	12	---	---	<2.0	---	---	---	---	---	---	---	---	---
	Toluene	343	68.6	<0.37	<0.5	<2.0	---	---	---	---	---	---	---	---	---
	1,2,4-TMB	--	--	---	---	<1.0	---	---	---	---	---	---	---	---	---
	1,3,5-TMB	--	--	---	---	<1.0	---	---	---	---	---	---	---	---	---
	Xylenes	620	124	<1.1	<1.0	<1.0	---	---	---	---	---	---	---	---	---
	GRO	--	--	---	---	127	---	---	---	---	---	---	---	---	---
DRO	--	--	---	---	88.8	---	---	---	---	---	---	---	---	---	
Monitoring Well B2A	PVOCs														
	Benzene	5	0.5	0.7	1.48	---	1.4	1.43	1.07	1.2	1.4	---	1.3 ⁽⁹⁾	1.5	1.6
	Ethylbenzene	700	140	<0.52	<1.0	---	<1.0	<1.0	<1.0	<1.3	<1.3	---	<0.6	<0.68	<0.68
	MTBE	60	12	---	---	---	<2.0	<2.0	<2.0	<0.9	<0.9	---	<0.9	<0.21	<0.21
	Toluene	343	68.6	<0.37	<0.5	---	<2.0	<2.0	<2.0	<1.5	<1.5	---	<0.6	<1.5	<1.5
	1,2,4-TMB	--	--	---	---	---	<2.0	<1.0	<1.0	<2.3	<2.3	---	<1.7	<1	<1
	1,3,5-TMB	--	--	---	---	---	<1.0	<1.0	<1.0	<2.3	<2.3	---	<0.9	<0.86	<0.86
	Xylenes	620	124	<1.1	<1.0	---	<2	<2	<2	<4.5	<4.5	---	<2.3	<1.8	<1.8
	GRO	--	--	---	---	---	<50	58.5 ^(G3)	67.9 ^(G3,G5)	<18	55	---	55 ⁽⁹⁾	<100	<100
	DRO	--	--	---	---	---	4,950 ^(D2,D4)	1,050 ^(D1,D2B,D5)	658 ^(D3,D4)	242 ^(D6)	394 ^(D6,D8)	---	879 ^(D6,D9)	<100	<100
	PAHs														
	Acenaphthene	--	--	---	---	---	---	<0.11	<0.11	<0.19	<1.8	<2.2	<1.3	<0.25	<0.25
	Acenaphthylene	--	--	---	---	---	---	<0.14	<0.14	<0.82	<1.8	<2.0	<1.3	<10	<10
	Anthracene	--	--	---	---	---	---	<0.11	<0.11	<0.11	<0.13	<0.16	<0.099	<0.04	<0.04
	Benzo (a) Anthracene	--	--	---	---	---	---	<0.05	0.472	<0.083	<0.13	<0.16	<0.099	<0.27	<0.27
	Benzo(a) Pyrene	0.2	0.02	---	---	---	---	0.154	0.695 ⁽⁶⁾	<0.075	<0.26	<0.32	<0.20	<0.07	<0.07
	Benzo (b) Fluoranthene	--	--	---	---	---	---	0.164	0.795	<0.12	<0.15	<0.19	<0.12	0.08	<0.05
	Benzo (k) Fluoranthene	--	--	---	---	---	---	0.106	0.329	<0.074	<0.28	<0.35	<0.22	0.07	0.05
	Benzo (ghi) Perylene	--	--	---	---	---	---	<0.16	0.258	<0.18	<0.28	<0.35	<0.22	<0.4	<0.4
	Chrysene	--	--	---	---	---	---	<0.06	<0.06	<0.073	<0.11	<0.14	<0.087	<0.7	<0.7
	Dibenzo (a,h) Anthracene	--	--	---	---	---	---	<0.2	<0.2	<0.13	<0.32	<0.39	<0.24	<0.4	<0.4
	Fluoranthene	--	--	---	---	---	---	0.42	2.54	<0.23	<0.28	0.70	<0.22	<1.3	<1.3
	Fluorene	400	80	---	---	---	---	<0.08	<0.08	<0.22	<0.069	<0.085	<0.053	<0.6	<0.6
	Indeno (1,2,3-cd) Pyrene	--	--	---	---	---	---	<0.17	0.447	<0.11	<0.14	<0.17	<0.11	<0.9	<0.9
	1-Methyl Naphthalene	--	--	---	---	---	---	<0.15	<0.15	<0.31	<1.2	<1.4	<0.90	<0.2	<0.2
	2-Methyl Naphthalene	--	--	---	---	---	---	<0.09	<0.09	<0.39	<1.1	<1.4	<0.87	<0.19	<0.19
	Naphthalene	40	8	---	---	---	---	<0.09	<0.09 ⁽⁷⁾	<0.75	<0.90	<1.1	<0.69	<0.06	<0.06
Phenanthrene	--	--	---	---	---	---	<0.09	1.08	<0.12	<0.14	<0.17	<0.11	<0.17	<0.17	
Pyrene	--	--	---	---	---	---	<0.150	1.51	<0.15	<0.48	<0.59	<0.37	<0.18	<0.18	

Table 1
 Groundwater Quality Results
 1033 N. Mayfair Road
 STS Project No. 84398WB
 (units are in µg/l, unless noted otherwise)

Monitoring Well		ES	PAL	7/6/89	5/14/90	11/1/93	1/24/94	10/25/95	1/24/96	4/3/96	6/21/96	10/18/96	1/31/97	4/15/97	7/8/97
B3AR	PVOCs	5	0.5	5.0	0.95	3.9	---	2.47	1.28	1.5	1.2	1.3	1.5 ⁽⁶⁾	1.5	0.89
	Benzene	700	140	4.4	<1.0	2.3	---	<1.0	<1.0	<1.3	<1.3	0.7	0.90 ^(p)	<0.68	<0.68
	Ethylbenzene	60	12	---	---	<2.0	---	3.27	<2.0	<0.9	<0.9	<0.9	<0.9	<0.21	<0.21
	MTBE	343	68.6	2.3	<0.5	<2.0	---	5.88	5.53	5.1	2.9	4.6	5.1	4.5	1.9
	Toluene	---	---	---	---	8.2	---	1.73	2.05	<2.3	<2.3	2.2	2.7 ^(p)	1.8	1.1
	1,2,4-TMB	---	---	---	---	2.9	---	<1.0	<1.0	<2.3	<2.3	<0.9	1.0 ^(p)	1.3	<0.86
	1,3,5-TMB	---	---	---	---	---	---	---	---	---	---	---	---	---	---
	Xylenes	620	124	15.7	<1.0	1.5	---	3.71	4.67 ^(a)	1.6	<4.6	4	3.7	3.1	1.9
	GRO	---	---	---	---	959 ^(1,2)	---	167.0 ^(G3,G5)	120 ^(G3,G5)	27	36	66 ^(G7)	164 ^(G7)	<100	<100
	DRO	---	---	---	---	2,980 ⁽³⁾	---	4,210 ^(D2)	789 ^(D3,D4)	509 ^(D6,D7)	1550 ^(D6,D8,D9)	---	2380 ^(D6,D8,D9)	690	330
	PAHs	---	---	---	---	---	---	---	---	---	---	---	---	---	---
	Acenaphthene	---	---	---	---	---	---	2.46	2.11	<2.2	8.2	<1.6	<1.4	2	4
	Acenaphthylene	---	---	---	---	---	---	<0.14	<0.14	<0.95	<1.4	<1.5	<1.3	<10	<10
	Anthracene	---	---	---	---	---	---	<0.11	0.417	0.69	0.53	0.12	0.62	0.28	0.7
	Benzo (a) Anthracene	---	---	---	---	---	---	<0.05	<0.05	<0.096	<0.11	<0.12	0.20 ^(p)	<0.27	<0.27
	Benzo(a) Pyrene	0.2	0.02	---	---	---	---	<0.1	0.119 ⁽⁶⁾	<0.087	<0.22	0.37	<0.20	<0.07	<0.07
	Benzo (b) Fluoranthene	---	---	---	---	---	---	<0.08	<0.08	<0.3	<0.13	0.28	<0.12	0.09	<0.05
	Benzo (k) Fluoranthene	---	---	---	---	---	---	<0.08	<0.08	<0.086	<0.24	<0.26	<0.22	0.07	<0.008
	Benzo (ghi) Perylene	---	---	---	---	---	---	<0.16	<0.16	<0.21	<0.24	<0.26	<0.22	<0.4	<0.4
	Chrysene	---	---	---	---	---	---	<0.06	<0.06	0.15	<0.099	0.36	<0.090	<0.7	<0.7
	Dibenzo (a,h) Anthracene	---	---	---	---	---	---	<0.2	<0.2	<0.16	<0.28	<0.30	<0.25	<0.4	<0.4
	Fluoranthene	---	---	---	---	---	---	<0.15	0.574	1.0	1.2	2.0	1.2	2.1	2.3
	Fluorene	400	80	---	---	---	---	1.37	<0.08	1.9	2.2	1.6	1.6	<0.6	0.8
	Indeno (1,2,3-cd) Pyrene	---	---	---	---	---	---	<0.17	<0.17	<0.12	<0.12	0.26	<0.11	<0.9	<0.9
	1-Methyl Naphthalene	---	---	---	---	---	---	7.55	2.46	7.2	13	12	11	1.9	3
	2-Methyl Naphthalene	---	---	---	---	---	---	5.46	<0.09	15	15	20	14	1.6	2.9
	Naphthalene	40	8	---	---	---	---	12.0	16.0 ⁽⁷⁾	28	<0.79	44	27	4	5
	Phenanthrene	---	---	---	---	---	---	<0.09	2.61	4.3	4.8	4.1	2.7	2.9	4
	Pyrene	---	---	---	---	---	---	<0.15	<0.15	0.89	1.4	1.5	1.2 ^(p)	0.7	0.6

Table 1
Groundwater Quality Results
1033 N. Mayfair Road
STS Project No. 84398WB
(units are in µg/l, unless noted otherwise)

Duplicate Sample		ES	PAL	7/6/89	5/14/90	11/1/93	1/24/94	10/25/95	1/24/96	4/3/96	6/21/96	10/19/96	1/31/97	4/15/97	7/8/97
						B3ARD		B7AD	B3ARD	B7AD	B7AD	B7AD	B7AD	B7AD	B7AD
	PVOCs														
	Benzene	5	0.5	---	---	3.9	---	36.1	1.24	25	27	40	27	1.3	1.1
	Ethylbenzene	700	140	---	---	1.6	---	<1.0	<1.0	<1.5	<1.3	<0.6	<0.6	<0.68	<0.68
	MTBE	60	12	---	---	<2.0	---	<2.0	<2.0	<0.9	<0.9	<0.9	<0.9	<0.21	<0.21
	Toluene	343	68.6	---	---	<2.0	---	<2.0	5.27	<1.5	<1.5	<0.6	<0.6	4.4	2.6
	1,2,4-TMB	--	--	---	---	5.8	---	<1.0	1.87	<2.3	<2.3	<1.7	<1.7	1.5	1.3
	1,3,5-TMB	--	--	---	---	1.8	---	<1.0	<1.0	<2.3	<2.3	<0.9	<0.9	1.1	<0.86
	Xylenes	620	124	---	---	<2.0	---	<2	4.30	<4.5	<4.5	<2.2	<2.2	2.9	2.2
	GRO	--	--	---	---	670 ^(1,2)	---	74.9 ^(G3)	121 ^(G3,G5)	18	28	<18	82	<100	<100
	DRO	--	--	---	---	3,298 ⁽³⁾	---	398 ^(D2,D4)	967 ^(D3,D4)	260 ^(D6)	280 ^(D6,D9)	151 ^(D6)	248 ^(D6)	570	330
	PAHs														
	Acenaphthene	--	--	---	---	---	---	<0.11	2.06	<2.1	<1.5	<1.7	<1.4	2.2	4
	Acenaphthylene	--	--	---	---	---	---	<0.14	<0.14	<0.90	<1.4	<1.6	<1.3	<10	<10
	Anthracene	--	--	---	---	---	---	<0.11	0.411	<0.12	<0.11	<0.13	<0.11	0.26	0.7
	Benzo (a) Anthracene	--	--	---	---	---	---	<0.05	<0.05	<0.091	<0.11	<0.13	<0.11	<0.27	<0.27
	Benzo(a) Pyrene	0.2	0.02	---	---	---	---	<0.1	<0.1 ⁽⁶⁾	<0.083	<0.22	<0.25	<0.21	<0.07	<0.07
	Benzo (b) Fluoranthene	--	--	---	---	---	---	<0.08	<0.08	<0.13	<0.13	<0.15	<0.13	<0.05	<0.05
	Benzo (k) Fluoranthene	--	--	---	---	---	---	<0.08	<0.08	<0.082	<0.24	<0.27	<0.23	<0.008	<0.008
	Benzo (ghi) Perylene	--	--	---	---	---	---	<0.16	<0.16	<0.20	<0.24	<0.27	<0.23	<0.4	<0.4
	Chrysene	--	--	---	---	---	---	<0.06	<0.06	<0.081	<0.097	<0.11	<0.093	<0.7	<0.7
	Dibenzo (a,h) Anthracene	--	--	---	---	---	---	<0.2	<0.2	<0.15	<0.27	<0.31	<0.26	<0.4	<0.4
	Fluoranthene	--	--	---	---	---	---	<0.15	0.500	<0.25	<0.24	<0.27	<0.23	<1.3	2.1
	Fluorene	400	80	---	---	---	---	<0.08	<0.08	<0.24	<0.059	<0.067	<0.057	<0.6	0.8
	Indeno (1,2,3-cd) Pyrene	--	--	---	---	---	---	<0.17	<0.17	<0.12	<0.12	<0.14	<0.12	<0.9	<0.09
	1-Methyl Naphthalene	--	--	---	---	---	---	<0.15	2.48	<0.34	<1.0	<1.1	<0.96	2.1	3
	2-Methyl Naphthalene	--	--	---	---	---	---	<0.09	<0.09	<0.43	<0.97	<1.1	<0.93	1.7	2.8
	Naphthalene	40	8	---	---	---	---	<0.09	15.5 ⁽⁷⁾	<0.83	<0.77	<0.88	<0.74	4	5
	Phenanthrene	--	--	---	---	---	---	<0.09	2.57	<0.13	<0.12	<0.14	<0.12	2.7	4
	Pyrene	--	--	---	---	---	---	<0.15	<0.15	<0.17	<0.41	<0.47	<0.39	0.4	0.06

Table 1
Groundwater Quality Results
1033 N. Mayfair Road
STS Project No. 84398WB
(units are in $\mu\text{g/l}$, unless noted otherwise)

Notes:

ES - Enforcement Standard established by NR140, Wisconsin Administrative Code, October 1996

PAL - Preventive Action Limit established by NR140, Wisconsin Administrative Code, October 1996

PVOCs - Petroleum Volatile Organic Compounds

PAHs - Polynuclear Aromatic Hydrocarbons

MTBE - Methyl tertiary butyl ether

TMB - Trimethylbenzene

GRO - Gasoline Range Organics

DRO - Diesel Range Organics

-- : No PAL or ES established in NR140, Wisconsin Administrative Code

--- : Not Sampled/Not Analyzed

1: The chromatogram is not distinct for gasoline. It has characteristics of a product which has significant peaks within the GRO window.

2: The chromatogram also contained significant unidentified peaks outside the GRO window.

3: The chromatogram is not distinct for either gasoline or diesel. It has characteristics of a product which has significant peaks within the DRO window.

4: The chromatogram is not distinct for either gasoline or diesel. All peaks within the DRO window were quantitated.

5: The chromatogram is not distinct for gasoline. All peaks within the GRO window were quantitated.

6: Check standard for this analyte exhibited a high bias; sample results may also be biased high. Non-detects were verified by comparison with a low standard.

7: The matrix spike included with this analytical batch had a high recovery. Since that sample matrix appears similar to the sample, the result may also be high.

8: The matrix spike included with this analytical batch had a low recovery. Since that sample matrix appears similar to the sample the result may also be low.

a: Styrene was also included in this analytical result.

p: The reported result is less than the practical quantitation limit (PQL).

*: The PAH sample was collected on February 13, 1996

G3: The chromatogram is not characteristic for either gasoline or aged gasoline, however, it has a reportable concentration of peaks within the GRO window.

G5: The chromatogram contains a significant amount of peaks outside the GRO window.

G6: The chromatogram contains a significant number of peaks and a raised baseline outside the GRO window.

G7: The chromatogram contains peaks outside the GRO window.

D1: The chromatogram is characteristic for fuel oil/diesel (i.e., #1 or #2 Diesel, jet fuel, kerosene, aged or degraded diesel, etc.)

D2: The chromatogram is not characteristic for diesel. It has the characteristics of a product which has significant peaks within the DRO window.

D2B: The chromatogram is characteristic for a heavier petroleum product other than diesel (i.e., motor or hydraulic oil, etc.)

D4: The chromatogram contained significant peaks outside the DRO window.

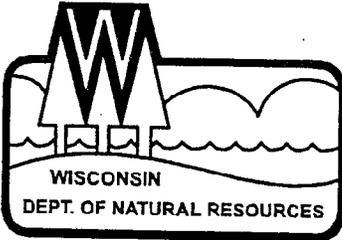
D5: The chromatogram contained significant peaks and a raised baseline outside the DRO window.

D6: The chromatogram contained a rise in baseline after the DRO window.

D7: The chromatogram contained peaks and a rise in baseline before the DRO window.

D8: The chromatogram contained a rise in baseline before the DRO window.

D9: The chromatogram contained peaks after the DRO window.



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, Box 12436
Milwaukee, Wisconsin 53212-0436
TELEPHONE 414-263-8500
FAX 414-263-8716
TDD 414-263-8713

July 1, 1998

Mr. James B. Young
Towne Realty, Inc.
710 North Plankington Ave.
Milwaukee, WI 53203

FID 241615000
BRRTS 02-41-000229

RE: 1055 N. Mayfair Rd., Wauwatosa

Dear Mr. Young:

Purpose

The Department of Natural Resources ("the Department") has recently reviewed your request for an off-site exemption letter for the property located at 1055 N. Mayfair Rd. in Wauwatosa, which will be referred to in this letter as "the Property." You have requested that the Department determine whether 1055 LLC, the owner of the Property is exempt from s. 292.11(3), (4), and (7)(b) and (c), Wis. Stats. (commonly known as the "Hazardous Substance Spill Law"), with respect to the existence of a hazardous substance in the soil and groundwater that you believe is migrating onto the Property from an off-site source. Please note that a similar letter was issued February 13, 1998 for the solvent or chlorinated compound contamination issue at the Property.

Determination

As you are aware, s. 292.13(2), Wis. Stats., requires the Department to issue upon request, a written determination regarding a liability exemption for a person who possesses or controls a property that is contaminated by an off-site source, when certain conditions are met. Specifically, the Department has reviewed the 'Phase I Environmental Site Assessment Report', the 'Request for No Further Action/Innocent Neighbor Letter', and the 'Request for an Off-Site Source Letter' in order to make this determination. Based upon this information, and in accordance with s. 292.13(2), Wis. Stats., the Department makes the following determinations regarding the presence of petroleum compounds in soil and groundwater on the southwest corner of the property (see figures 1 and 2):

1. The hazardous substance discharge originated from a source on property that is not possessed or controlled by 1055 LLC.
2. 1055 LLC did not possess or control the hazardous substance on the property on which the discharge originated.
3. 1055 LLC did not cause the discharge.
4. 1055 LLC will not have liability under the Hazardous Substance Spill Law for investigation or remediation of the soil or groundwater contamination originating from off-site onto the Property, provided that 1055 LLC does not take possession or control of the hazardous substance or the property on which the discharge originated.



Exemption Conditions

The Department's determination, as set forth in this letter, is subject to the following conditions being complied with, as specified in s. 292.13(1) and (1m), Wis. Stats.:

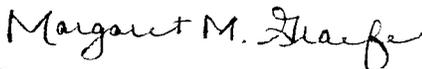
1. The facts upon which the Department based its determination are accurate and do not change.
2. 1055 LLC agrees to allow the following parties to enter the property to take action to respond to the discharge: the Department and its authorized representatives; any party that posses or controlled the hazardous substance or caused the discharge; and any consultant or contractor of such a party.
3. With respect to soil contamination only, 1055 LLC agrees to take one or more specified actions directed by the Department if the Department determines that the actions are necessary to prevent an imminent threat to human health, safety or welfare, or to the environment, after the Department has made a reasonable attempt to notify the party who caused the hazardous substance discharge about that party's responsibilities to investigate and clean-up the discharge.
4. 1055 LLC agrees to avoid any interference with action undertaken to respond to the discharge and to avoid actions that worsen the discharge.
5. 1055 LLC agrees to any other condition that the Department determines is reasonable and necessary to ensure that the Department and any other authorized party can adequately respond to the discharge.

The Department may revoke the determinations made in this letter if it determines that any of the requirements under sections 292.13(1) or (1m), Wis. Stats., cease to be met.

Future property owners are eligible for the exemption under s. 292.13, Wis. Stats., if they meet the requirements listed in that statute section. The determinations in this letter regarding a liability exemption, however, only apply to 1055 LLC, and may not be transferred or assigned to other parties. The Department will provide a written determination to future owners of this property, if such a determination is requested in accordance with the requirements of s. 292.13(2), Wis. Stats.

If you have questions or concerns regarding this letter, please contact me at (414)263-8557 or Attorney Judy Ohm at (608)266-9972.

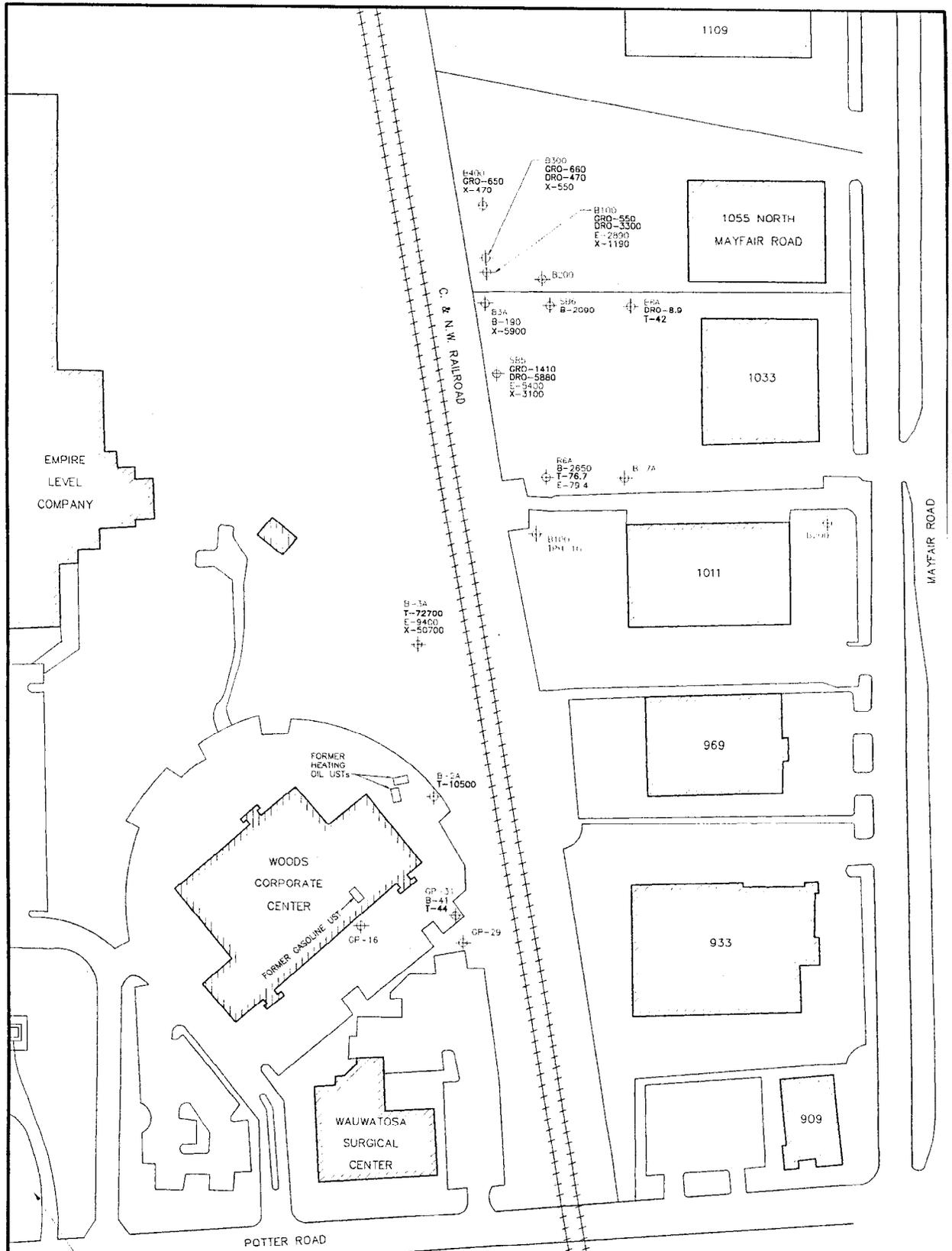
Sincerely,



Margaret M. Graefe, P.G.
Hydrogeologist, Remediation and Redevelopment Team

Enclosure

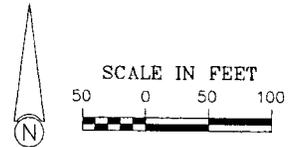
cc: Judy Ohm - LS/5
Darsi Foss - RR/3



EMPIRE
LEVEL
COMPANY

EXPLANATION

WUWATOSA PUMP STATION	B3A	BIOREMEDIATION LOCATION AND IDENTIFICATION	B-1.3	BENZENE VALUE (ug/kg)
	SRO-66	GASOLINE RANGE ORGANICS VALUE (mg/kg)	T-4.6	TOLUENE VALUE (ug/kg)
	DRO-8.9	DIESEL RANGE ORGANICS VALUE (mg/kg)	E-0.7	ETHYLBENZENE VALUE (ug/kg)
			X-4	XYLENE VALUE (ug/kg)
			TPH	TOTAL PETROLEUM HYDROCARBONS (mg/kg)



DRAWN BY: JAW	PROJECT: TR1131734	DATE:
REV. DATE: 03/13/98	THIS DRAWING AND ALL INFORMATION CONTAINED THEREON IS THE PROPERTY OF TOWNE REALTY, INC. AND SHALL NOT BE COPIED OR USED EXCEPT FOR THE PURPOSE FOR WHICH IT IS EXPRESSLY FURNISHED.	
 Hydrologists • Engineers • Geologists		

TOWNE REALTY, INC.
WUWATOSA, WISCONSIN

**SUMMARY OF DETECTED
CONCENTRATIONS OF PETROLEUM
CONSTITUENTS IN SOIL**

FIGURE 1

