



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

May 10, 2002

In Reply Refer To: FID# 241010770
BRRTS# 02-41-173488
County of Milwaukee
BRR-ERP

Mr. Erv Albrecht
Treat All Metals
5140 N Port Washington Road
Milwaukee, WI 53217

SUBJECT: Final Closure of the *Treat All Metals Site*, 5140 N. Port Washington Road,
Milwaukee, WI

Dear Mr. Albrecht:

The Wisconsin Department of Natural Resources (WDNR) previously reviewed the case file for the above referenced site to determine if case closure could be granted for the site. A letter was issued on August 17, 2001, stating that a groundwater use restriction / deed restriction was required in order to obtain final closure for this site.

The WDNR has received an official copy of the required deed restriction. Based upon the information in the case file, it appears that the degree and extent of contamination has been determined in the soil and groundwater at the site. It appears that the contamination at the above-named site has been remediated in compliance with the requirements of chs. NR 700 to 724, Wis. Adm. Code. Therefore, the Department considers the case "closed," having determined that no further remedial action is necessary at the site at this time. However, the 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 WDNR appreciates the actions you have taken to restore the environment at this site. If you have any questions regarding this letter you may contact me at (414) 263-8541. Please refer to the FID and BRRTS numbers on the top of this letter in any future correspondence.

Sincerely,

Andrew Boettcher
Hydrogeologist

cc: James Westerman - Sigma Environmental
SER File

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August 17, 2001

In Reply Refer To: FID# 241010770
BRRTS# 02-41-173488
County of Milwaukee
BRR-ERP

Mr. Erv Albrecht
Treat All Metals
5140 N Port Washington Road
Milwaukee, WI 53217

SUBJECT: Conditional Closure of the *Treat All Metals Site*, 5140 N. Port Washington Road, Milwaukee, WI

Dear Mr. Albrecht:

The Wisconsin Department of Natural Resources (WDNR) has reviewed the reports entitled *Submittal of Monitoring Report with Closure Request (May 2, 2001)* and *Submittal of 4400-202 Report (August 10, 2001)*, which were prepared by Fox Environmental Services, Inc. The report contains the conclusion that "No Further Action" is warranted at the site. Based upon the information in the case file and in the above referenced report, it appears that the degree and extent of Quench Oil contamination has been determined in the groundwater at the site.

Due to the presence of benzoflapyrene and chrysene in the groundwater at the site, at a concentration above the NR 140 Enforcement Standard (ES), in the following wells (FMW-1, FMW-2 & East Sump), in one or both of the two most recent sampling rounds, a requirement of case closure is that "groundwater use restrictions" be placed on the deed of the property, according to s. NR 726.05(8)(am). Your consultant has submitted a draft copy of the proposed deed restriction, which will be reviewed by WDNR legal staff. Upon completion of the legal review, you will be notified if any changes to the document are required prior to recording the deed restriction at the Milwaukee County Register of Deeds Office.

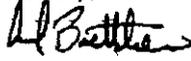
Current site conditions include pumping of sumps in the basement(s) of the on-site building. Because these sumps are continuously operated to keep the basement(s) dry and because they are located several feet below the local groundwater surface, they act to lower the water table in the area immediately surrounding the basement(s). This is likely what is keeping the remaining quench oil contamination from migrating away from the basement(s). Due to this condition, the deed restriction must also require that these sumps and their associated sump pumps continue to be maintained and operated. Furthermore, if the operation of the sump system is ever terminated, due to removal or modification of the building or any other reason, an assessment must be conducted to determine the potential for migration of this contamination and whether there may be any impacts due to termination of sump system operation. This assessment shall be submitted to WDNR or the appropriate agency(s) at that time, to determine if any remedy is necessary.

Please note that if any contaminated soil is ever discovered and excavated due to construction or other activities, the soil must be properly handled according to any applicable laws in effect at that time.

After the WDNR receives an official recorded copy of the acceptable deed restriction from the Register of Deeds office and copies of the well abandonment forms for all on-site monitoring wells, the site will be tracked as closed on the WDNR's computer database.

The WDNR appreciates the actions you have taken to restore the environment at this site. If you have any questions regarding this letter you may contact me at (414) 263-8541. Please refer to the FID and BRRS numbers on the top of this letter in any future correspondence.

Sincerely,



Andrew Boettcher
Hydrogeologist

cc: Larry Fox - Fox Environmental
SER File

8186501

REGISTER'S OFFICE | SS
Milwaukee County, WI

RECORDED AT 2:43 PM

12-18-2001

WALTER R. BARCZAK
REGISTER OF DEEDS

AMOUNT 19.00

Document Number

GROUNDWATER USE RESTRICTION

Declaration of Restrictions

In Re: That part of the North 1/4 of the West 1/2 of the Southeast 1/4 of Section 32, Town 8 North, Range 22 East, in the City of Glendale, County of Milwaukee, State of Wisconsin, bounded and described as follows: Commencing at the Northwest corner of the said 1/4 Section; running thence South along the West line of said 1/4 Section 511.30 feet to a point; thence East 1311.54 feet to a point in the East line of the West 1/2 of the said 1/4 Section, which 511.40 feet South of the North line of said 1/4 Section; thence North along the East line of the West 1/2 of said 1/4 Section 511.40 feet to the Northeast corner of said West 1/2; thence West along the North line of said 1/4 Section 1310.60 feet to the place of commencement. EXCEPTING THEREFROM the West 60 feet, the North 30 feet and the East 30 feet.

Recording Area

Name and Return Address

Mr. Richard Fullington
Milwaukee Gear Company
5150 North Port Washington Rd.
Milwaukee, WI 53217

STATE OF WISCONSIN)
) ss
COUNTY OF MILWAUKEE)

WHEREAS, THE MILWAUKEE GEAR COMPANY, a Wisconsin Corporation, formerly known as PORT AFFILIATES, INC., is the owner of the above-described property.

Tax Key Nos.:
203-8992-001
and
203-8992-002

WHEREAS, petroleum aromatic hydrocarbons (PAH) discharges have occurred on this property. Chrysene contaminated groundwater, above ch. NR 140, Wis. Adm. Code, enforcement standards existed on this property at Monitoring Well FMW-2, seen on the attached FIGURE A. The analytical groundwater data from the most recent sampling event performed at each of the property's monitoring wells is summarized on the attached TABLE 1. FIGURE A and TABLE 1 are hereby made a part of this restriction.

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 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.

(Treat All Metals - Groundwater Use Restriction)

5.

REEL 5224

IMAGE 3228

WHEREAS, construction of wells where the water quality does not comply with drinking water standards in ch. NR 809 is restricted by chs. 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 limitation and restrictions:

PAH discharges have occurred on this property in the area of West Sump (see Figure A, attached), the area associated with the quench oil spill. The basement sumps in the on-site building must be continuously maintained and operated. If construction is proposed, or the area is exposed to future development or improvement because of the current structural impediments and the operations of the sumps is terminated due to removal or modification of the existing building or for any other reason, the property owner shall conduct an investigation of the degree and extent of the remaining contamination which will include an assessment to determine the potential for migration of the existing PAH contamination and the impacts of the termination of the sump system operation. The investigation and assessment results shall be submitted to the Department or its successor agency at that time to determine if any additional remedy is necessary. To the extent that contamination is found at that time, it shall be properly remediated in accordance with applicable statutes and rules. If the currently inaccessible contamination that remains on the property is excavated in the future, it will have to be sampled and analyzed and the treatment or disposal of the soil as a solid or hazardous waste may be necessary.

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 on this property unless applicable requirements are met.

If construction is proposed on this property that will require dewatering, or if groundwater is to be otherwise extracted from this property, while this groundwater use restriction is in effect, the groundwater shall be sampled and analyzed for contaminants that were previously detected on the property and any extracted groundwater shall be managed in compliance with applicable statutes and rules.

This restriction is hereby declared to be a covenant running with the land and shall be fully binding upon all persons acquiring the above-described property whether by descent, device, purchase or otherwise. This restriction benefits and is enforceable by the Wisconsin Department of Natural Resources, its successors or 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 one or more of the restrictions set forth in this covenant is no longer required. Upon the 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.

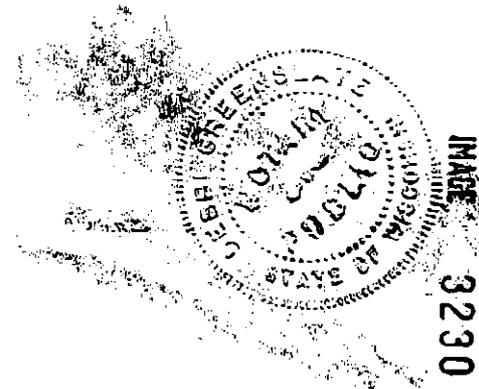
By signing this document, Richard Fullington asserts that he/she is duly authorized to sign this document on behalf of THE MILWAUKEE GEAR COMPANY, a Wisconsin Corporation (formerly known as PORT AFFILIATES, INC.) (the property owner).

IN WITNESS WHEREOF, the owner of the property has executed this Declaration of Restrictions, this 14th day of December, 2001.

Signature: [Signature]
Title: President
Printed Name: Richard Fullington

Subscribed and sworn to before me this 14th day of December, 2001.

Signature: [Signature]
Notary Public, State of Wisconsin
My commission: 5/13/98-5/12/02



Lawrence L. Fox

This document was drafted by Fox Environmental Services, Inc., with assistance from the Wisconsin Department of Natural Resources.

KELL 5224
INABE 3230

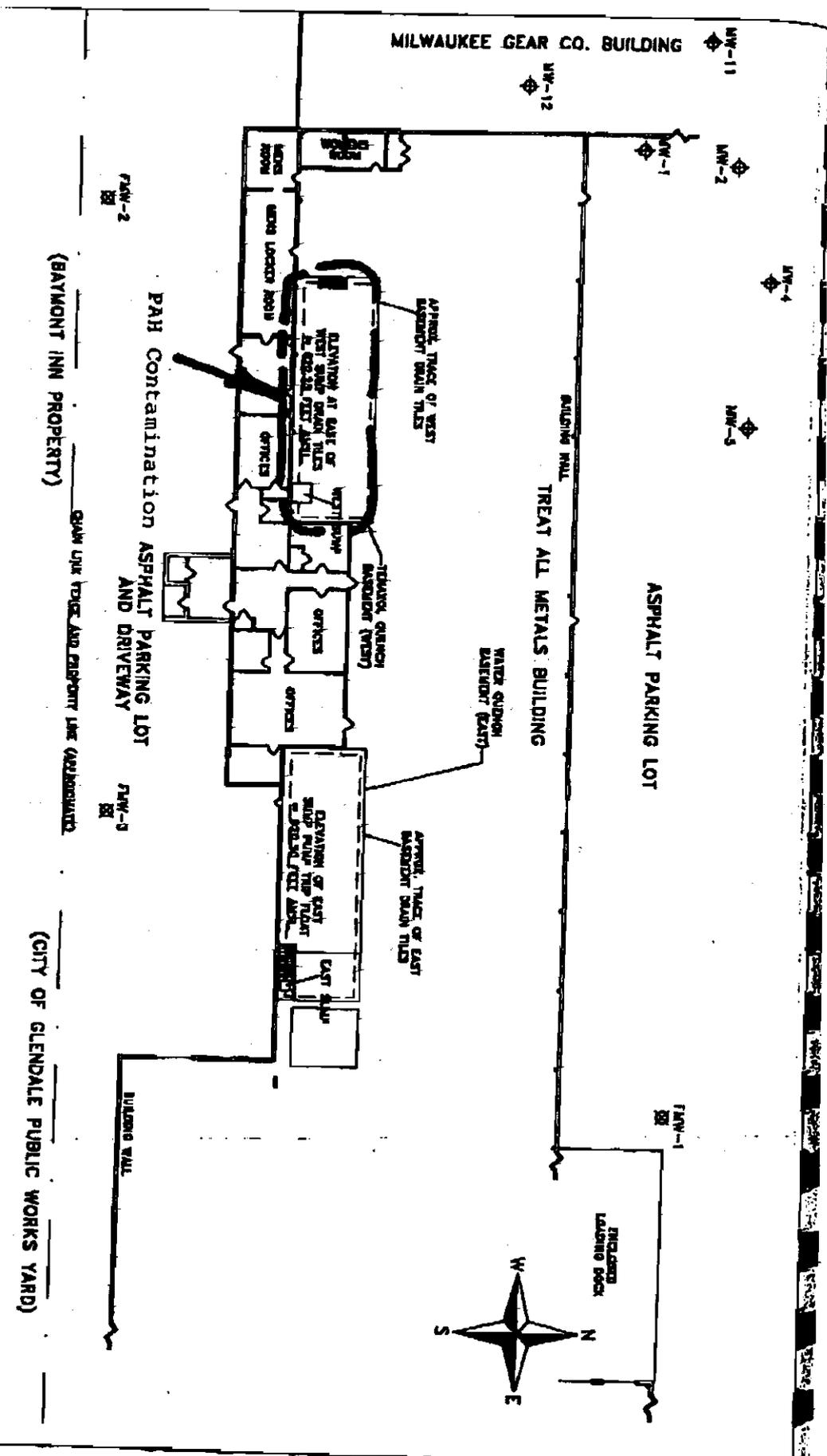


Figure 2. Treat All Metals Detail Site Map with Building Features and Monitoring Well Locations

Treat All Metals
 5140 N. Port Washington Road
 Milwaukee, WI 53217
 Project # 97910

For Environmental Services, Inc., 532 East Capitol Drive, Milwaukee, WI 53212
 Phone (414) 337-8837 Fax (414) 337-8903 e-mail: tom@envtservices.com

Original Map Source: Env. Contamination Services, Inc.
 Drawings: 070101a.dwg

MW-6
 MW-9
 MONITORING WELLS INSTALLED BY ENVIRONMENTAL SERVICES, INC. FOR MONITORING TREAT ALL METALS. MONITORING WELLS INSTALLED BY ENVIRONMENTAL SERVICES, INC. FOR MONITORING TREAT ALL METALS. TO UDHORR MET. GEAR CO.



Map Editor: T. Keel/A. Walsh
 Last Edited On: 3/27/2003

Table Set 1: Groundwater Sampling Results from Monitoring Wells and Sumps
Treat All Metals, Inc., 5140 N. Port Washington Road, Milwaukee, WI 53217

Monitoring Well or Sump Designation: Sampling Event Date:	FMW-1 12/01/00	FMW-2 12/01/00	FMW-3 12/01/00	MM-12 12/01/00	West Sump 12/01/00	East Sump 12/01/00
PAHs (in ppb):						
Anthracene	<0.020 (0.19)	<0.020	<0.020	<0.020	<0.10	0.14
Benzofluoranthene	<0.11 (0.18 D)	<0.11	<0.11	<0.11	<0.57	<0.11
Benzofluoranthene	<0.013 (<0.013)	<0.013	<0.013	<0.013	<0.067	<0.013
Benzofluoranthene	<0.055 (0.15 D)	<0.055	<0.055	<0.055	<0.28	<0.055
Benzofluoranthene	<0.074 (0.14 D)	<0.074	<0.074	<0.074	<0.37	<0.074
Chrysene	<0.11 (<0.11)	<0.11	<0.11	<0.11	<0.57	<0.11
Dibenzofluoranthene	<0.059 (0.19 D)	<0.059	<0.059	<0.059	<0.3	<0.060
Dibenzofluoranthene	<0.068 (0.12 D)	<0.068	<0.068	<0.068	<0.34	<0.069
Fluoranthene	<0.066 (0.31)	0.23	<0.067	<0.067	<0.33	0.19 D
Fluorene	<0.11 (<0.11)	<0.11	<0.11	<0.11	<0.57	<0.11
Indeno(1,2,3-cd)pyrene	<0.080 (0.17 D)	<0.081	<0.081	<0.081	<0.4	<0.081
Naphthalene	<0.056 (<0.056)	0.06 D	0.08 D	0.06 D	<0.28	0.12 D
Phenanthrene	<0.045 (0.30)	<0.12 D	<0.046	<0.046	<0.23	0.14 D
Pyrene	<0.032 (0.22)	<0.032	<0.032	<0.032	<0.16	0.12
All other PAHs	na	ND	ND	ND	ND	ND

Explanation of symbols and abbreviations used above:
 FMW-# = well installed primarily to monitor Treat All Metals.
 MM-# = well installed primarily to monitor Minw. Gear Co.
 PAL = Preventative Action Limit.
 ES = Enforcement Standard.
 # = bolded value exceeds respective PAL.
 # = shaded and bolded value exceeds respective ES.
 nrs = nephelometric turbidity units.
 RCRA = Resource Conservation and Recovery Act.
 PAH = polynuclear aromatic hydrocarbon.
 - = not analyzed for this parameter.
 D = detected at a concentration below lab's quantification limit.
 ND = not detected.
 ppb = parts per billion, ppm = parts per million.