

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, PO Box 12436
Milwaukee, Wisconsin 53212-0436
Telephone 414-263-8500
FAX 414-263-8483
TDD 414-263-8713

June 13, 2000

Ms. Jackie Breese
Recycling Industries, Inc.
9780 S. Meridian Blvd., Suite 180
Englewood, CO 80112

Subject: Final Closure for Recycling World North, 3607 N. Richards St., Milwaukee, WI FID: 241983940,
BRRTS: 02-41-215638.

Dear Ms. Breese:

This letter acknowledges the receipt of a copy of the filed groundwater use restriction for the above-named site by Envirogen in their letter dated June 7, 2000. Based on the investigation and remedial documentation provided to the Department, it appears that the above-named site is in compliance with the requirements of Chs. NR 700 to 726, Wis. Admin. Code. Therefore, the Department considers the case closed and tracked as such, having determined that no further action is necessary at the site at this time. However, the case may be reopened pursuant to S. NR 726.09, Wis. Admin. Code, if additional information regarding site conditions indicates that contamination on or from the site poses a threat to public health, safety, welfare, or the environment.

Residual Soil Contamination

In addition, the Department has determined as a condition of case closure, the following based on residual soil contamination at the site. This condition serves as notice to current and future landowners that residual contamination exists and if soil contamination becomes accessible and is excavated in the future, it should be considered a solid waste and handled accordingly to protect public health, safety, welfare, or the environment:

Soil sampling (4/2/99) revealed a residual soil contaminate concentration remaining at the site that does not pose a threat to human health or the environment, given site conditions, and that are not likely to pose a threat in the future. The soil contamination is located at MW-1 at four to six feet below ground surface (bgs) at a level of 8,310 ppb and is shown in Figure 4 (see attachment).

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) 263-8644. Please refer to the FID number at the top of this letter in any future correspondence. Future correspondence should be sent directly to the Remediation and Redevelopment programs assistant (263-8680) at the above address.

Sincerely,

John J. Hnat
Hydrogeologist
Remediation and Redevelopment

C: Mat Giovanelli, Envirogen
WDNR SER Files

Document Number

GROUNDWATER USE RESTRICTION

7919500

REGISTER'S OFFICE | SS
Milwaukee County, WI

RECORDED AT 8:39 AM

06-07-2000

WALTER R. BARCZAK
REGISTER OF DEEDS

AMOUNT 14.00

Declaration of Restrictions

In Re: That part of the Southeast 50 acres of the Northeast 1/4 of Section 8, Town 7 North, Range 22 East, in the City of Milwaukee, Milwaukee County, Wisconsin, lying Northeasterly of the right of way of SLRCO, Inc., bounded and described as follows: Commencing at a point on the East line 282.86 feet North of the Southeast corner of Northeast 1/4 of Section 8 aforesaid, said point of beginning being the point of intersection of Northeasterly line of the right of way of SLRCO, Inc. with the East line of said 1/4 Section; thence North along the East line of said 1/4 Section, 283.74 feet to a point; thence West and at right angles to the East line of said 1/4 Section 205.77 feet to the Northeasterly line of the right of way of said railway; thence South 35° 57' East along the Northeasterly line of the right of way of said railway 350.5 feet to the point of beginning, also identified as 3607 N. Richards Street, Milwaukee, Wisconsin

Recording Area

Recycling Industries, Inc.
9800 mt Pyramid Ct
Suite *400*
Englewood, CO 80112

RETURN TO

273-9984-2

STATE OF WISCONSIN)
) ss
COUNTY OF MILWAUKEE)

Parcel Identification Number (PIN)

WHEREAS, Recycling Industries of Wisconsin, Inc., a Colorado Corporation, is the owner of the above-described property.

WHEREAS, one or more petroleum compound discharges have occurred at this property. Benzene contaminated groundwater above ch. NR 140 Wis. Adm. Code, preventive action limit and vinyl chloride contaminated groundwater above ch. NR 140 Wis. Adm. Code, enforcement standard exists on this property at the following location(s): benzene at a concentration of 1.9 micrograms per liter (ug/l), at monitoring well MW-1, located 30 feet west of N. Richards Street and 20 feet south of the north property boundary, and vinyl chloride at a concentration of 0.29 ug/l at monitoring well MW-1, located 30 feet west of N. Richards Street and 20 feet south of the north property boundary. Attached to this groundwater use restriction is Figure 1, hereby made a part of this document, which shows the groundwater benzene and vinyl chloride distribution.

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 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. NR 809 is restricted by ch. NR 811 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 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 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.

By signing this document, Raymond C Lawhon asserts that he/she is duly authorized to sign this document on behalf of Recycling Industries, Inc. of Wisconsin

IN WITNESS WHEREOF, the owner of the property has executed this Declaration of Restrictions, this 1st day of June, 2000.

Recycling Industries of Wisconsin, Inc

Signature: R. Lawhon

Printed Name: Raymond C Lawhon

Title: Vice President

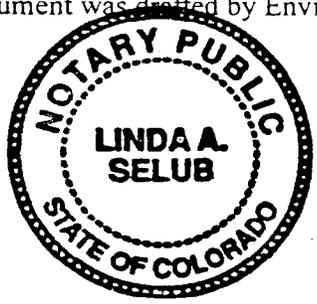
Subscribed and sworn to before me this 1st day of June, 2000.

Linda A Selub

Notary Public, State of Colorado

My commission expires 5-22-2001

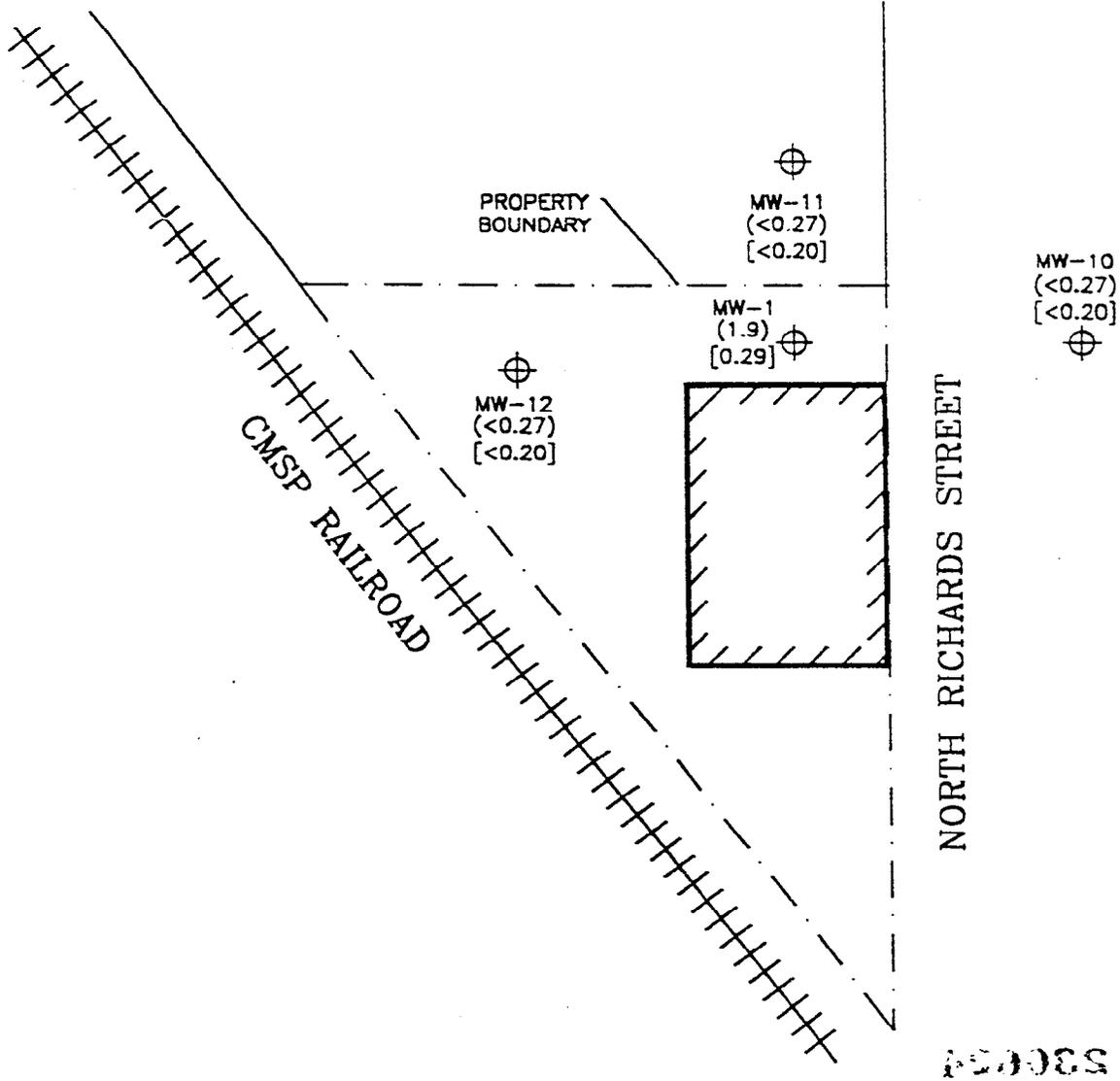
This document was drafted by Envirogen, Inc. based on comments from the Wisconsin Department of Natural Resources.



My Commission Expires May 22, 2001

LEGEND

- ⊕ MONITORING WELL
- () BENZENE (ppb)
- [] VINYL CHLORIDE (ppb)



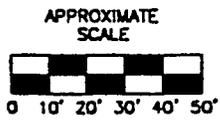
ENGINEER	DATE
ENGINEER	DATE
REVISIONS:	
APPROVED BY:	M/21
CHECKED BY:	
03/16/00	
RRT	
DRAWN BY:	
990025.21	
DRAWING NO.	



ENVIROGEN

COST EFFECTIVE LEADER FOR A CLEANER ENVIRONMENT

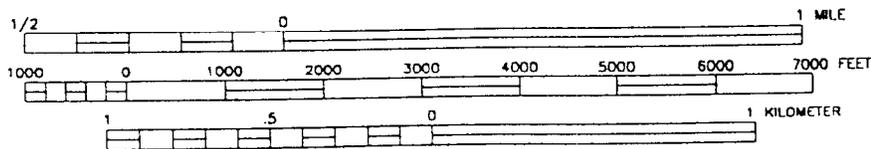
2835 North Grandview Blvd.
 Milwaukee, Wisconsin 53072-0090



BENZENE & VINYL CHLORIDE DISTRIBUTION	FIGURE NO.
RECYCLING WORLD NORTH SITE	
MILWAUKEE, WISCONSIN	



(USGS [1958] 1971) MILWAUKEE QUADRANGLE SCALE 1:24000



CONTOUR INTERVAL 10 FEET



ENVIROGEN

COST EFFECTIVE LEADERSHIP FOR A CLEANER ENVIRONMENT

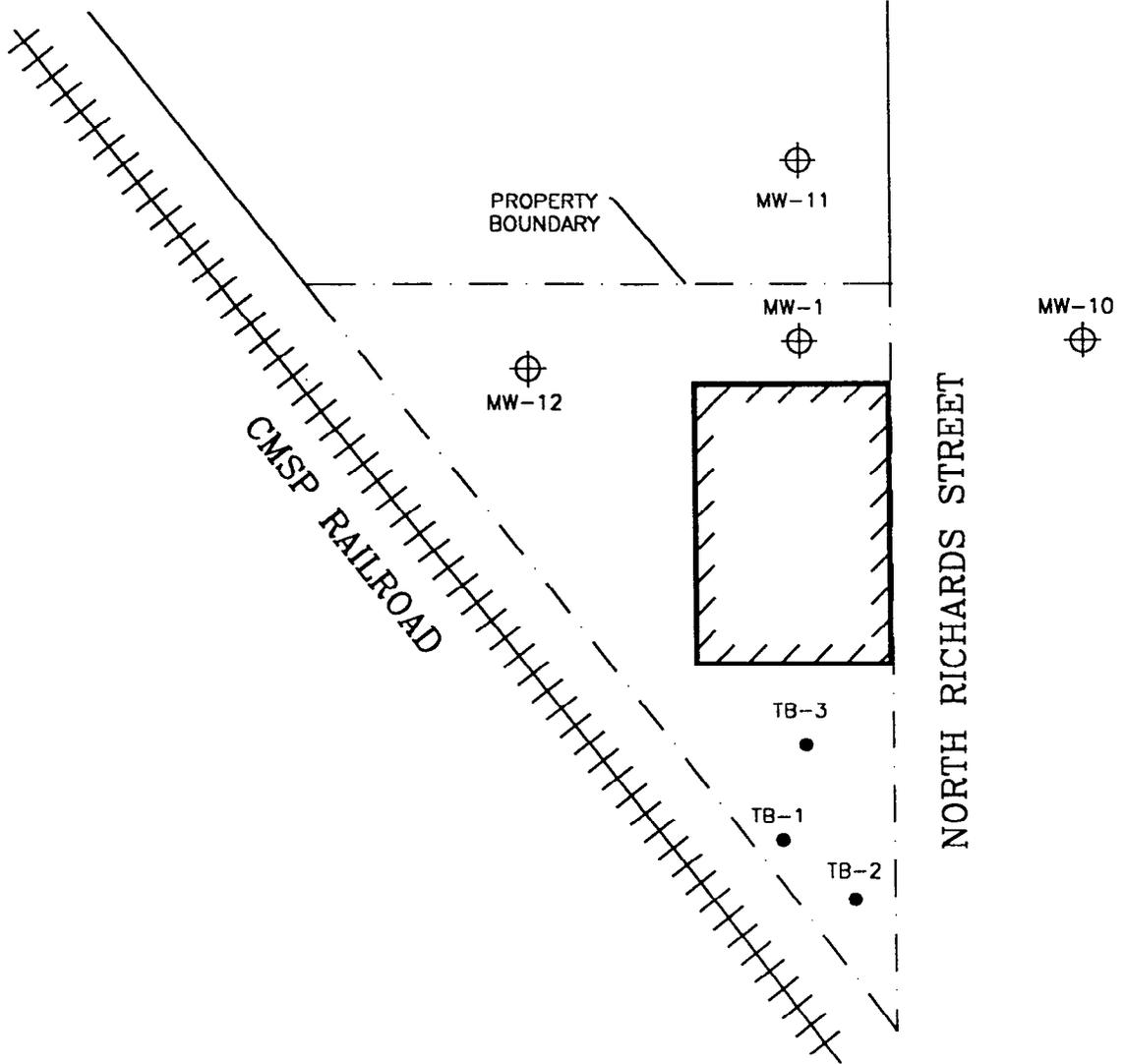
2835 North Grandview Blvd.
Pewaukee, Wisconsin 53072-0090

SITE LOCATION MAP		FIGURE NO. 1
RECYCLING WORLD NORTH SITE MILWAUKEE, WISCONSIN		

ENGINEER	DATE	REVISIONS:	APPROVED BY:	CHECKED BY:	2/10/99	RRT	DRAWN BY:	990025.1	DRAWING NO.
ENGINEER	DATE		M/A						

LEGEND

- SOIL BORING
- ⊕ MONITORING WELL

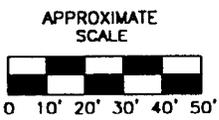


ENGINEER	DATE	REVISIONS:	APPROVED BY:	CHECKED BY:	1/2/08/99	RRT	DRAWN BY:	990025R4	DRAWING NO.
			<i>MJB</i>						



ENVIROGEN
 COST EFFECTIVE LEADER FOR A CLEANER ENVIRONMENT

2835 North Grandview Blvd.
 Pewaukee, Wisconsin 53072-0090

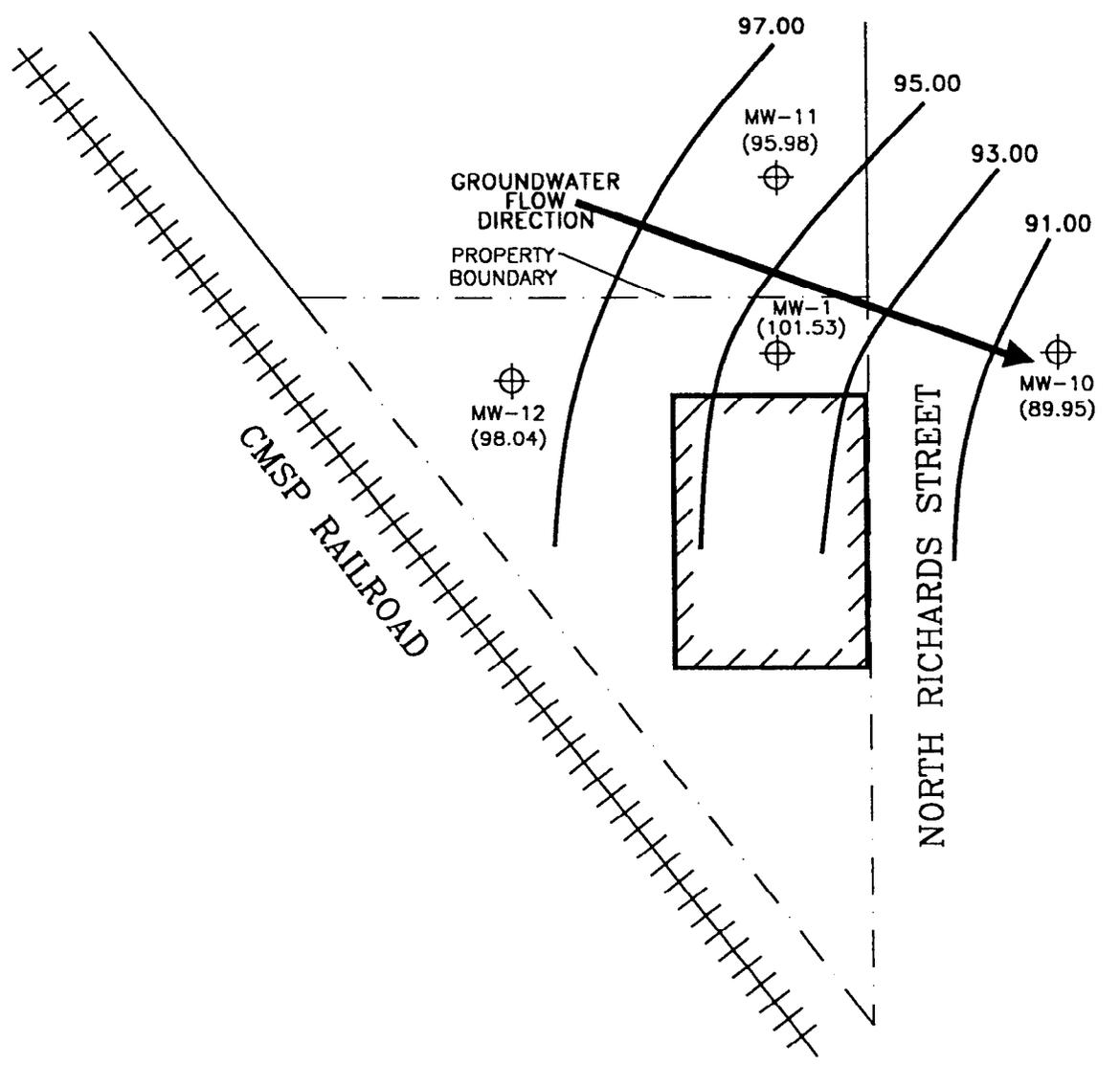


SOIL BORING/MONITORING
 WELL CONFIGURATION
 RECYCLING WORLD NORTH SITE
 MILWAUKEE, WISCONSIN

FIGURE NO.
4

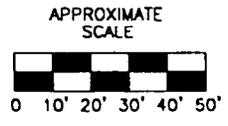
LEGEND

-  MONITORING WELL
-  ELEVATION IN FEET
-  ISOELEVATION CONTOUR



ENGINEER	DATE	ENGINEER	DATE	REVISIONS:	APPROVED BY:	CHECKED BY:	DATE	DRAWN BY:	DRAWING NO.
					<i>MBA</i>		12/08/99	RRT	990025R8

ENVIROGEN
 COST EFFECTIVE LEADER FOR A CLEANER ENVIRONMENT
 2835 North Grandview Blvd.
 Pewaukee, Wisconsin 53072-0090



POTENTIOMETRIC SURFACE MAP (11/23/99)	FIGURE NO.
RECYCLING WORLD NORTH SITE MILWAUKEE, WISCONSIN	8

TABLE 5

Groundwater Analytical Results
 Recycling World North Site
 Milwaukee, Wisconsin

Well	Date Sampled	Benzene	Ethylbenzene	Toluene	Xylenes	MTBE	1,2,4-TMB	1,3,5-TMB	Naphthalene	Vinyl Chloride
MW-1	4/14/99	1.8	1.3	5.5	14.3	<0.32	0.38	<0.27	0.66	0.30
	6/11/99	4.1	5.1	1.7	53	<0.32	2.3	0.87	3.0	0.57
	11/2/99	1.9	3.2	<0.27	5.3	<0.32	0.22	<0.27	0.78	0.29
	11/2/99	<0.27	<0.32	<0.27	<0.67	<0.32	<0.22	<0.27	<0.35	<0.20
MW-10	11/2/99	<0.27	<0.32	<0.27	<0.67	<0.32	<0.22	<0.27	<0.35	<0.20
MW-11	11/2/99	<0.27	<0.32	<0.27	<0.67	<0.32	<0.22	<0.27	<0.35	<0.20
MW-12	11/2/99	<0.27	<0.32	<0.27	<0.67	<0.32	<0.22	<0.27	<0.35	<0.20
NR 140 Enforcement Standard		5	700	343	620	60	NS	NS	40	0.2
NR 140 Preventive Action Limit		0.5	140	68.6	124	12	NS	NS	8	0.02

Notes:

 Indicates value exceeds the NR 140 enforcement standard
 Indicates value exceeds the NR 140 preventive action limit

All trip and decontamination blanks were reported clean

MTBE: Methyl t-butyl ether

NA: Not analyzed

TMB: Trimethylbenzene

NS: No standard

Checked by:

Approved by: