

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

May 16, 2000

Mr. Robert O'Connor  
O'Connor Petroleum  
9130 W. Hampton Ave.  
Milwaukee, WI 53225

Subject: Final Closure Letter for O'Connor Petroleum, 9130 W. Hampton Ave., Milwaukee, WI FID:  
241837310, BRRTS: 03-41-000667.

Dear Mr. O'Connor:

This letter acknowledges the receipt of the filed groundwater use restriction (copy) and well abandonment forms for the above-named site. 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 724, 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 to this final close out letter, the Department is required to address the residual soil contamination found on this site. The following serves as notice to future landowners that the residual soil contamination exists and if it becomes accessible and is excavated in the future, it should be considered a solid waste and should be handled accordingly:

The residual soil contamination is located in the area or areas shown in the enclosed map (Figure 6) at or below 5 feet below ground surface for locations #10, 13, 14, 15, 16, 19, 20, 21, 24, 25, 26, 27, 28, 37, and 39. Type and concentration for each location is included in the enclosed Table 3.

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.

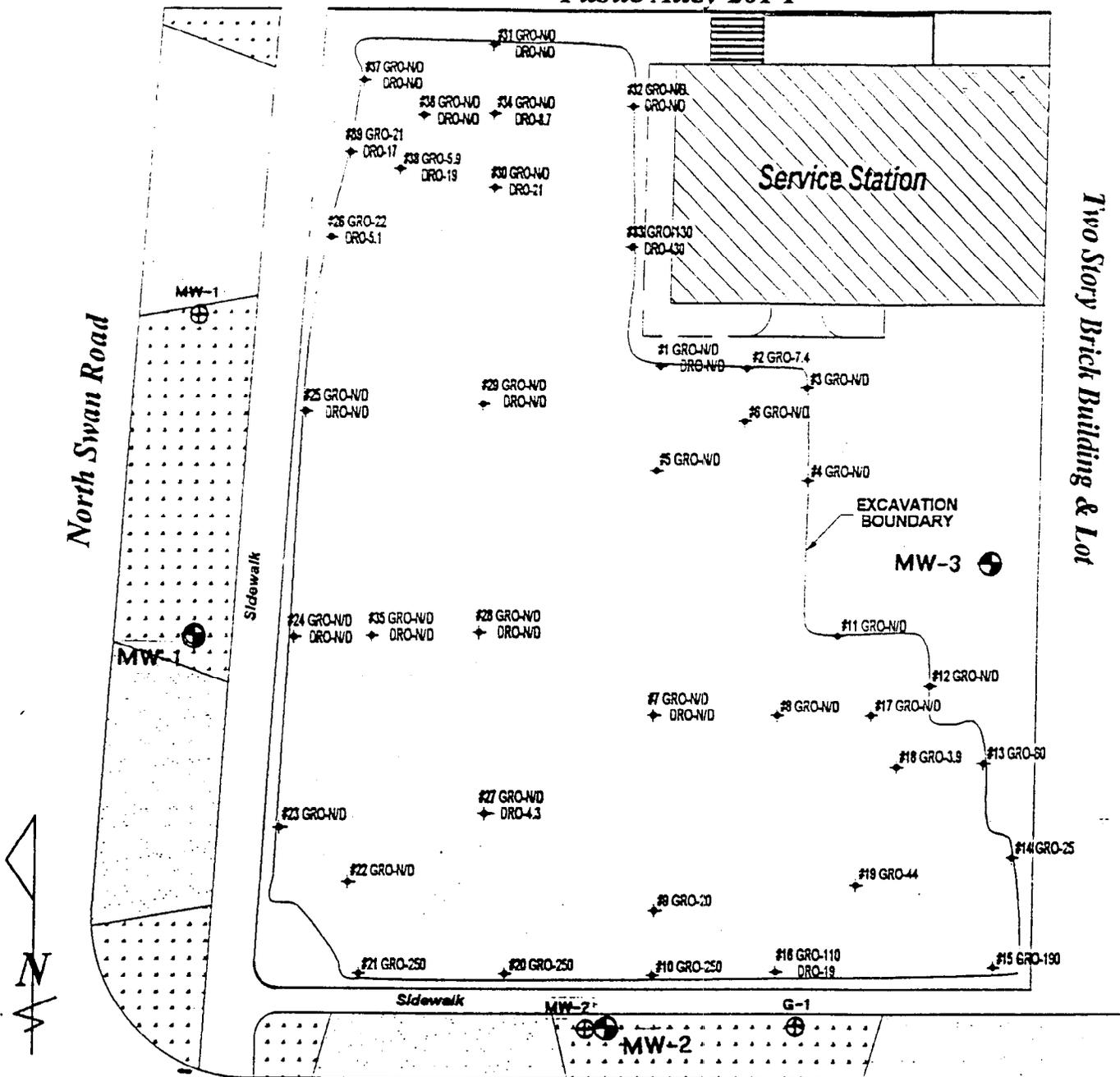
Sincerely,

John J. Hoat  
Hydrogeologist  
Remediation and Redevelopment

C: Craig Varland, Moraine Environmental  
Jennifer Buzucky, Whythe, Et. Al.  
WDNR SER Files

North Swan Road

Two Story Brick Building & Lot



West Hampton Avenue

Scale 1" = 20'



- ◆ - SOIL CONFIRMATION SAMPLE LOCATIONS
- GRO - GASOLINE RANGE ORGANICS
- DRO - DIESEL RANGE ORGANICS
- \* LABORATORY RESULTS IN mg/kg (Equivalent to Parts Per Million)
- ⊕ - MONITORING WELL
- ⊕ - POST REMEDIATION SOIL BORING

<p><b>Confirmational Soil Sample Location Map</b></p>		
<p><b>O' Connor Petroleum</b> 9130 W. Hampton Ave Milwaukee, WI</p>		
PROJECT NO.	DATE	FIGURE
0625	11-13-95	FIGURE 6
SCALE	DATE	
1"=20'		

**CONFIRMATIONAL SOIL SAMPLE RESULTS  
O'CONNOR PETROLEUM  
9120 WEST HAMPTON AVENUE**

POST REMEDIATION  
SOIL SAMPLES

Sample ID	Location	Depth Below Ground Surface	PID Value	GRO (mg/kg)	DRO (mg/kg)	Total Lead mg/kg	Methyl-Tert Butyl Ether ug/kg	1,3,5-Trimethyl Benzene ug/kg	1,2,4-Trimethyl Benzene ug/kg	Benzene ug/kg	Ethyl Benzene ug/kg	Toluene ug/kg	Total Xylenes ug/kg	1,2-DCA ug/kg
1	N. Wall	5.0	3.0	ND	ND	3.0	6.5	ND	ND	ND	ND	ND	ND	ND
2	N. Wall	4.0	27	7.4	NA	3.9	6.4	1.2	3.6	ND	ND	ND	9.7	ND
3	E. Wall	4.0	ND	ND	NA	10	ND	ND	ND	ND	ND	ND	ND	ND
4	E. Wall	5.0	ND	ND	NA	10	ND	ND	ND	ND	ND	ND	ND	ND
5	Base	10	ND	ND	NA	9.6	ND	ND	ND	ND	ND	ND	0.9	ND
6	Base	9.5	ND	ND	NA	9.6	7.2	ND	ND	ND	ND	ND	ND	4.3
7	Base	7.0	5.0	ND	ND	3.1	17	7.0	33	15	65	3.3	29.7	ND
8	Base	7.5	ND	ND	NA	9.2	ND	ND	ND	1.8	ND	3.0	1.0	ND
9	Base	7.5	31	20	NA	9.9	110	7.9	130	120	120	8.3	47	ND
10	S. Wall	5.0	504	250	NA	10	ND	6400	21000	4500	7700	27000	39000	ND
11	N. Wall	5.0	5.0	ND	NA	9.2	ND	ND	1.1	ND	ND	ND	ND	ND
12	E. Wall	5.0	1.0	ND	NA	11	ND	ND	ND	ND	ND	0.7	ND	ND
13	E. Wall	6.0	139	60	NA	9.3	ND	320	5600	60	920	ND	650	ND
14	E. Wall	4.0	98	25	NA	11	ND	20	4.1	7.3	ND	ND	ND	ND
15	E. Wall	4.0	333	190	NA	12	ND	7400	30000	ND	5500	1400	26600	ND
16	S. Wall	6.0	143	110	19	9.2	ND	3000	12000	1100	4000	8100	19600	ND
17	Base	7.5	1.0	ND	NA	10	ND	ND	1.2	ND	ND	1.0	1.4	ND
18	Base	7.0	2.0	3.9	NA	10	ND	1.5	4.0	ND	ND	ND	2.1	ND
19	Base	9.0	70	44	NA	10	1.5	27	4700	3200	3900	85	3720	ND
20	S. Wall	5.0	408	250	NA	10	160	8700	31000	3000	12000	25000	57000	ND
21	S. Wall	5.0	375	250	NA	11	ND	9600	73000	ND	3800	ND	18400	ND
22	Base	6.0	1.6	ND	NA	10	120	ND	5.3	2.0	3.4	0.7	3.6	ND
23	W. Wall	6.0	ND	ND	NA	9.5	20	ND	1.3	ND	1.0	ND	1.5	ND
24	W. Wall	6.0	85	38	NA	9.2	ND	1200	6200	38	530	3.6	991	ND
25	W. Wall	8.0	ND	ND	ND	9.6	87	ND	1.8	5.5	1.0	0.8	1.8	ND
26	W. Wall	5.0	152	22	5.1	11	ND	4.4	2.4	62	ND	ND	21	ND
27	Base	13	ND	ND	4.3	11	64	ND	ND	ND	ND	ND	ND	23
28	Base	12	2.0	ND	ND	7.2	51	ND	ND	ND	0.6	ND	ND	14
29	Base	12.5	ND	ND	ND	9.4	ND	ND	ND	ND	ND	ND	ND	0.3
30	Base	12.5	0.5	ND	21	8.8	1.9	ND	ND	ND	ND	ND	ND	1.5
31	N. Wall	8.0	5.0	ND	ND	9.8	100	ND	7.3	0.6	22	ND	2.2	ND
32	E. Wall	4.0	0.6	ND	ND	18	ND	ND	ND	0.9	ND	1.8	1.2	ND
33	E. Wall	6.0	162	130	30	3.9	ND	ND	410	ND	ND	ND	ND	ND
34	Base	12.5	ND	ND	8.7	11	21	ND	ND	ND	ND	ND	ND	ND
35	Base	13.5	ND	ND	ND	9.1	ND	ND	ND	ND	ND	ND	ND	ND
36	Base	9.0	0.1	ND	ND	8.5	ND	ND	ND	ND	ND	ND	ND	ND
37	E. Wall	10	2.0	ND	ND	8.0	29	ND	ND	55	20	ND	ND	ND
38	Base	10	3.0	5.9	19	7.6	6.3	1.0	1.8	1.5	1.3	ND	1.9	1.6
39	W. Wall	5.0	177	21	17	9.0	ND	10.0	7.2	27	620	ND	36	ND
NR 720 STANDARDS				250*	250*	NSE-	NSE	NSE	NSE	5.5 ug/kg	2900 ug/kg	1500 ug/kg	4100 ug/kg	4.9 ug/kg

**KEY:**  
mg/kg - milligrams/kilogram (equivalent to parts per million -ppm)  
ug/kg - micrograms/kilogram (equivalent to parts per billion (ppb))  
NA - Not Analyzed  
ND - No Detectable Analyte at or Above the Listed Detection Limit (see laboratory reports)  
NSE - No Standards Established in NR720  
\* - GRO/DRO standards for less permeable soils (K<10E-6 cm/s) in ppm  
Bold & Shaded Results - Exceeds NR720 Criteria  
PID Values - Expressed in ppm Instrument Units as Isobutylene  
- TCLP Standard (5.0 mg/kg) per RCRA

Groundwater Use Restriction

7899785

REGISTER'S OFFICE, 1 SS  
Milwaukee County, WI

RECORDED AT 8:24 AM

04-25-2000

WALTER R. BARCZAK  
REGISTER OF DEEDS

AMOUNT 14.00

In Re: Lots 10 and 11 and the West 12 feet of Lot 12 in block 5 in Swan Boulevard Highlands, being a subdivision of a part of the SE 1/4 of Section 32, in Township 8 North, Range 21 East, in the City of Milwaukee, Milwaukee County, Wisconsin ("the Property")

STATE OF WISCONSIN )  
 ) ss  
COUNTY OF WAUKESHA )

WHEREAS, O'Connor Petroleum Co., Inc. is the owner of the above-described property, commonly known as 9130 West Hampton Avenue, Milwaukee, Wisconsin; and

WHEREAS, one or more petroleum discharges have occurred on this property. Benzene, at 210 micrograms per liter ("ug/l"), and methyl-tert-butyl-ether, at 81 ug/l, were detected in groundwater at concentrations exceeding NR 140 Wisconsin Admin. Code enforcement standards at monitoring well MW-2 as shown on Exhibit A, attached hereto and incorporated herein; and,

WHEREAS, it is the desire and intention of the owner of the Property to impose on the Property restrictions which will make it unnecessary to conduct additional soil or groundwater remediation activities on the Property; and,

WHEREAS, natural attenuation has been approved by the Department of Natural Resources to remediate residual groundwater contamination exceeding NR 140 groundwater standards within the boundaries of the Property; and,

WHEREAS, construction of potable water wells where the water quality exceeds the drinking water standards in Chapter NR 809 is restricted by Chapter NR 811 and Chapter NR 812, Wisconsin Admin. Code. Special well construction standards or water treatment requirements, or both, or potable water well construction prohibitions may apply.

NOW THEREFORE, be it declared that the Property is held and shall be held, conveyed or encumbered, leased, rented, used, occupied and improved subject to the following limitation and restriction:

- 1) Anyone who proposes to construct or reconstruct a potable water well on the Property is required to contact the Wisconsin 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 potable water well on the Property. No potable well shall be constructed on the Property unless applicable requirements are met.
- 2) 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.

RECEIVED  
DNR/HEADQUARTERS  
SED  
2000 MAY 12 AM 11:34

THIS SPACE RESERVED FOR RECORDING DATA

This instrument was drafted by and should be returned to:  
Jennifer Drury Buzecky  
Whyte Hirschboeck Dudek S.C.  
111 E. Wisconsin Ave., Suite 2100  
Milwaukee, WI 53202

Parcel I.D. No: 215-0008-8

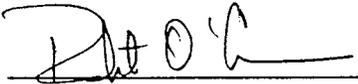
(continued on next page)

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 and its successors. The Department of Natural Resources or its successors 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 restriction contained herein can be removed. If the Wisconsin Department of Natural Resources determines that the restriction can be removed, an affidavit, attached to a copy of the Wisconsin Department of Natural Resources' written determination, can be recorded to give notice that this deed restriction, or portions of this deed restriction, is no longer binding.

By signing this document, Robert O'Connor asserts that he is duly authorized to sign this document on behalf of O'Connor Petroleum Co., Inc.

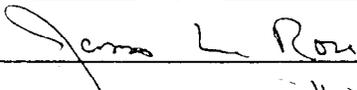
IN WITNESS WHEREOF, the owner of the Property has executed this Declaration of Restrictions, this 24<sup>th</sup> day of March, 2000.

Signature: 

Printed Name: Robert O'Connor on behalf of  
O'Connor Petroleum Co., Inc.

Title: President

Subscribed and sworn to before me  
this 24 day of MARCH, 2000



Notary Public, State of Wis.

My commission 4/2/00

Public Alley 20FT

North Swan Road

Sidewalk

Service Station

Two Story Brick Building & Lot



Sidewalk

MW-2

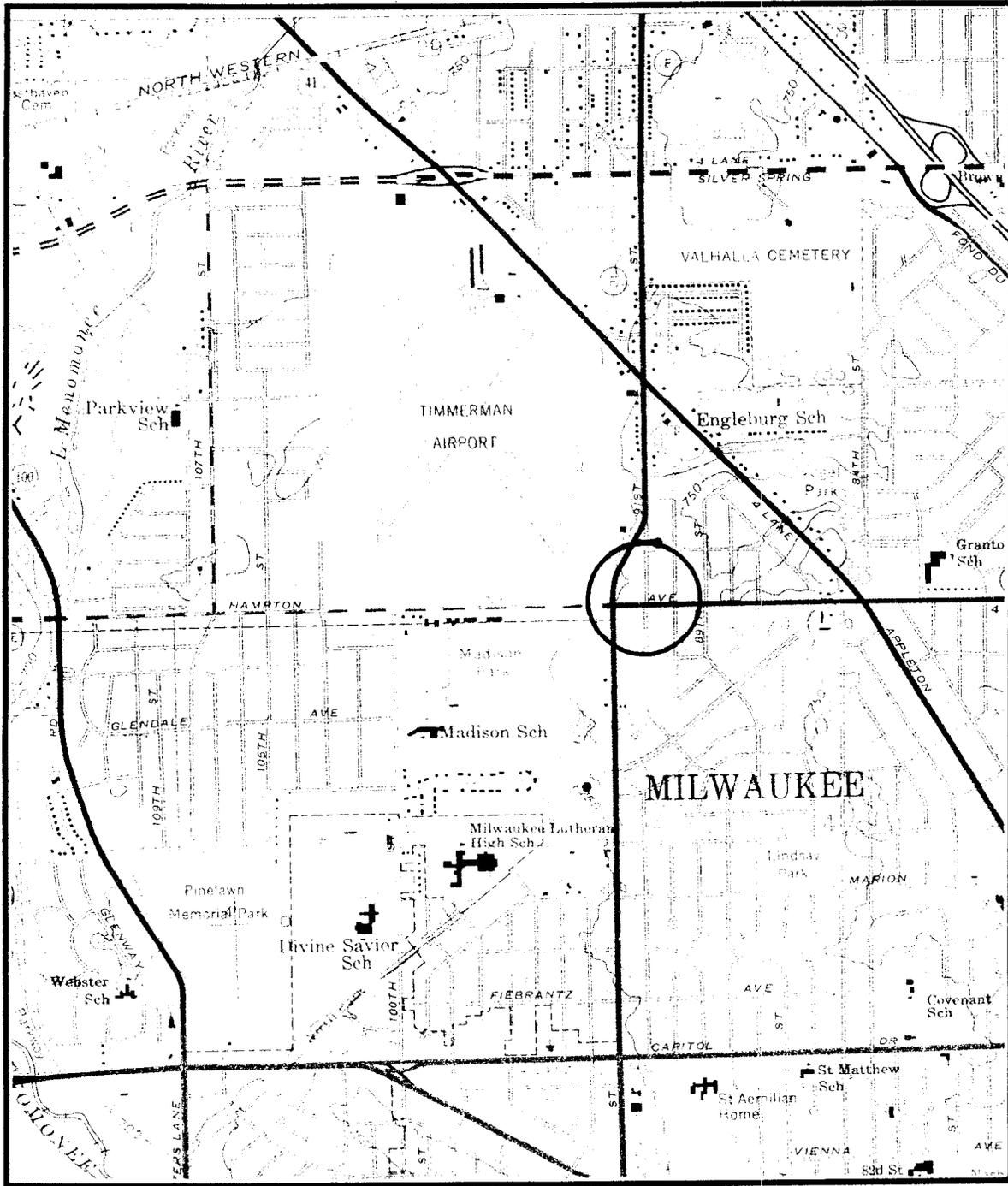
West Hampton Avenue

Scale 1" = 20'



EXHIBIT  
A

<b>SITE MAP</b>	
PROJECT NAME <i>O' Connor Petroleum</i> <i>9130 W. Hampton Ave Milwaukee, WI</i>	
DRAWING COMPANY <i>Moraine Environmental, Inc.</i>	
SCALE <i>1"=20'</i>	DATE <i>3-3-00</i>



ADAPTED FROM USGS 7.5 WAUTOSA QUADRANGLE

 SITE LOCATION

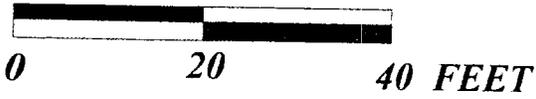
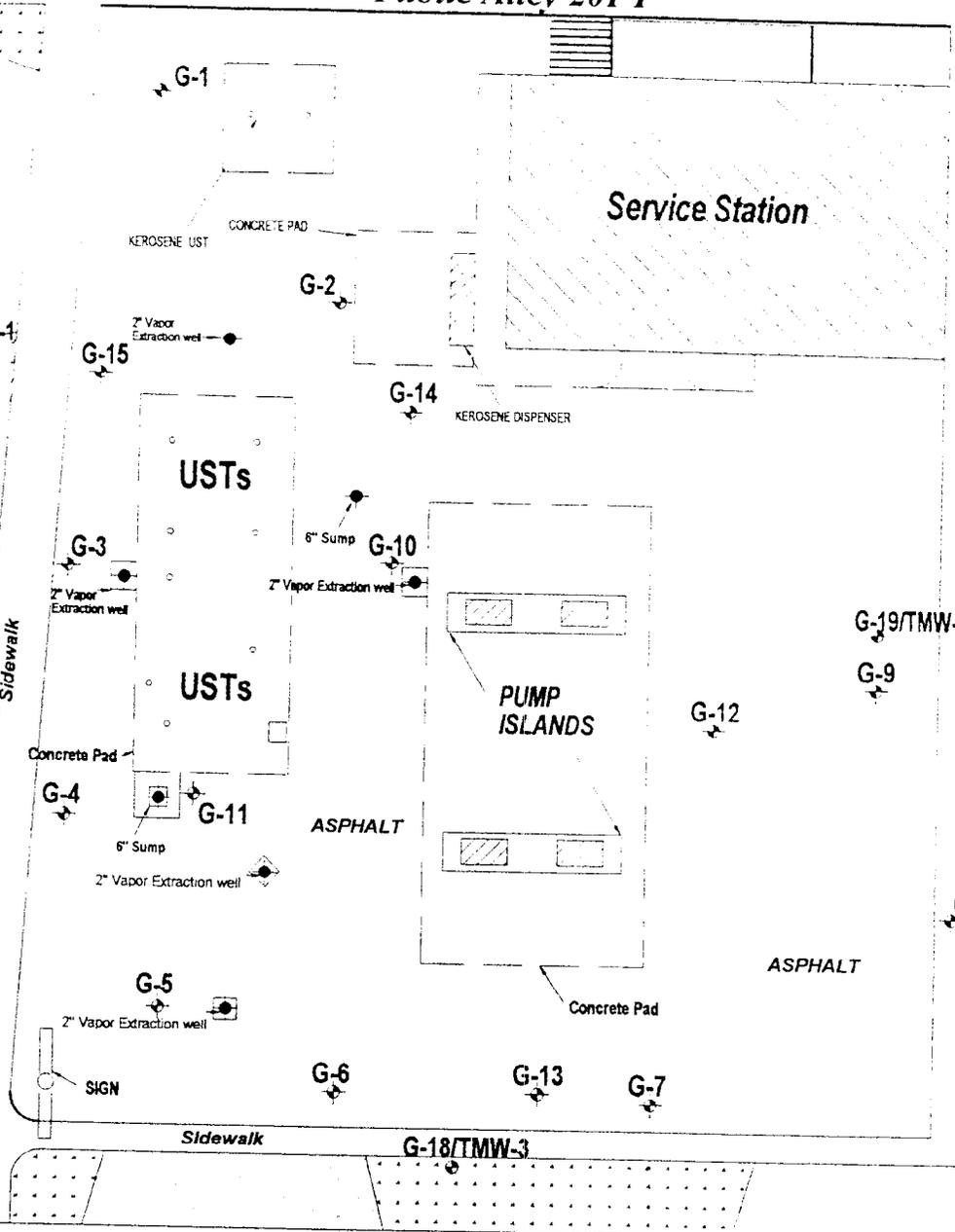
SITE LOCATION MAP	
O'CONNOR PETROLEUM 9130 W. HAMPTON AVENUE MILWAUKEE, WISCONSIN	
MEI #0495	FIGURE 1

Public Alley 20FT

North Swan Road

Two Story Brick Building & Lot

Service Station



- ✦ - GEOPROBE BORING LOCATION
- ⊕ - TEMPORARY GROUNDWATER MONITORING WELLS
- ◆ - PREVIOUSLY INSTALLED BORING/WELL LOCATIONS

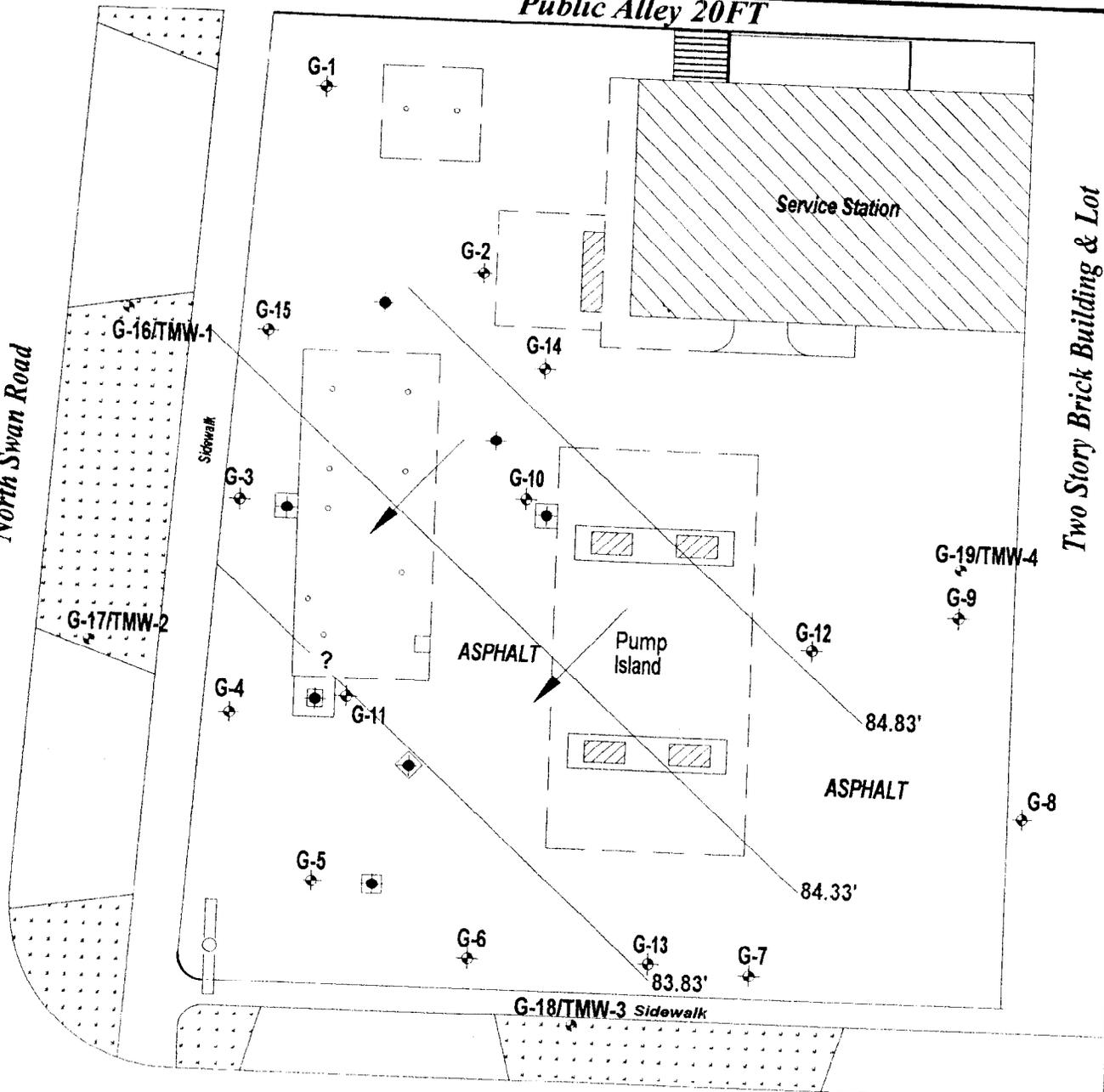
DRAWING TITLE	
<h1>Site Plan Map</h1>	
PROJECT NAME	
<b>O' Connor Petroleum</b> 9130 W. Hampton Ave Milwaukee, WI	
PROJECT NUMBER	DRAWING COMPANY
<b>0495</b>	<b>Moraine Environmental, Inc.</b>
SCALE	DATE
<b>1"=20'</b>	<b>4-21-95</b>
<b>FIGURE 2</b>	



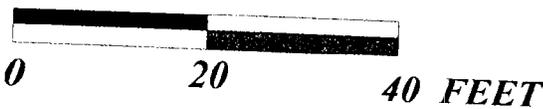
North Swan Road

Public Alley 20FT

Two Story Brick Building & Lot



West Hampton Avenue

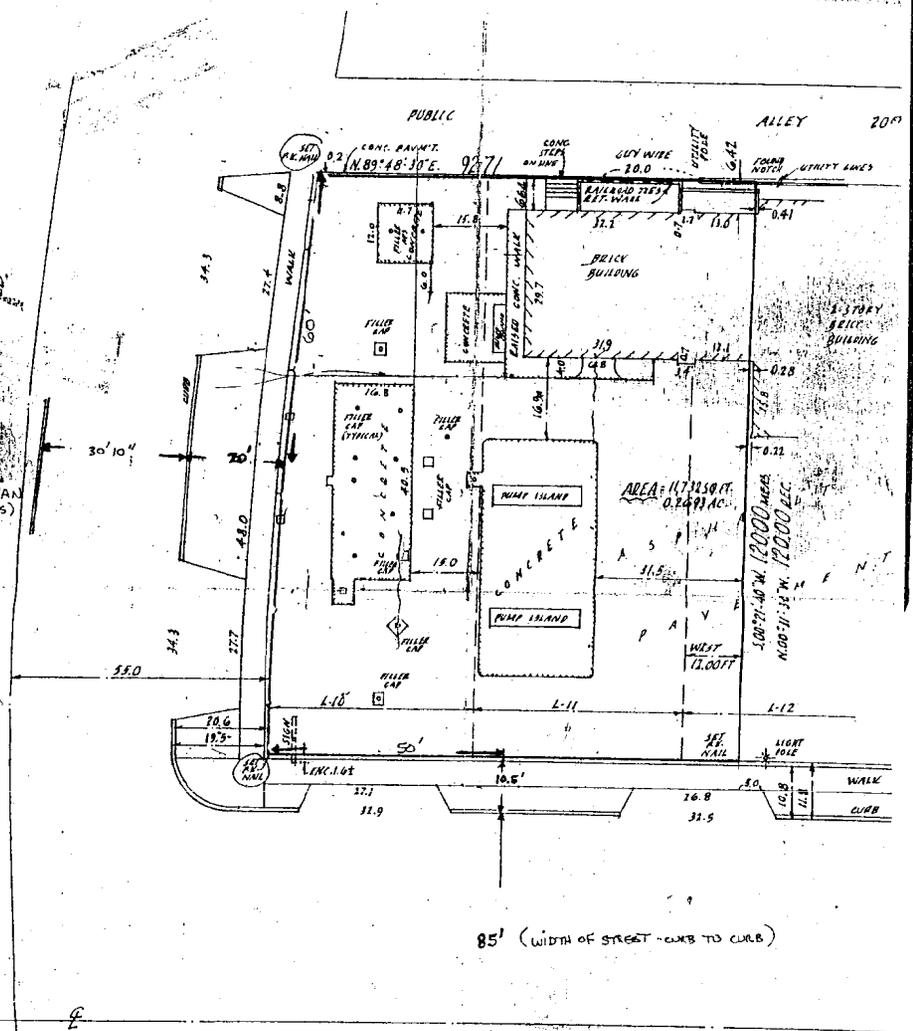


- GEOPROBE BORING LOCATION
- TEMPORARY GROUNDWATER MONITORING WELLS
- PREVIOUSLY INSTALLED BORING/WELL LOCATIONS
- 84.33' GROUNDWATER ELEVATION CONTOURS
- GROUNDWATER FLOW DIRECTION

DRAWING TITLE	
<b>Groundwater Contour Map</b>	
PROJECT NAME	
<b>O' Connor Petroleum</b>	
<b>9130 W. Hampton Ave Milwaukee, WI</b>	
PROJECT NUMBER	DRAWING COMPANY
<b>0495</b>	<b>Moraine Environmental, Inc.</b>
SCALE	DATE
<b>1"=20'</b>	<b>4-21-95</b>
<b>FIGURE 6</b>	

KNOWN AS 9130 WEST HAMPTON AVENUE, IN THE CITY OF MILWAUKEE, WISCONSIN.  
 LOTS 10 AND 11 AND THE WEST 12.00 FT. OF LOT 12 IN BLOCK 5 IN SWAN BOULEVARD HIGHLANDS, BEING A SUBDIVISION OF PART OF  
 OF SECTION 32, T 8 N, R 21 E, IN THE CITY OF MILWAUKEE, MILWAUKEE COUNTY, WISCONSIN.  
 JANUARY 12, 1995 O'CONNOR PETROLEUM CO. SURVEY

TO WESTERN CURB OF  
 NORTH SWAN RD.  
 - GEORGE BOGING TO BE 3' WEST OF CURB  
 SWAN  
 (MEDIAN GRASS)  
 A  
 WEST  
 WESTWARD  
 1/2 OF 2.2  
 RD.



W HAMPTON AVE. 110'

I Certify that I have surveyed the above described property (Property), and the above map is a true and correct representation thereof and shows the size and location of the Property, its exterior boundaries, the location of all visible structures thereon, boundary lines, fences, easements and roadways and visible encumbrances.



national survey & engineering

4125 North 14th Street • Milwaukee, WI 53208 • TEL: 414-224-4444

*Dale A. Chappell*  
 DC  
 C  
 BPK  
 LAND

SCALE: 1" = 20'

**TABLE 3  
GROUNDWATER QUALITY RESULTS  
O'CONNOR PETROLEUM - 9130 W. HAMPTON AVENUE**

Chemical	MW-1							MW-2							MW-3							Trip Blank					Enforcement Standard (ES)	Preventive Action Lim (PAL)
	2-14-97	5-13-97	9-9-97	1-15-98	11-16-98	4-8-99	11-5-99	2-14-97	5-13-97	9-9-97	1-15-98	11-16-98	4-8-99	11-5-99	2-14-97	5-13-97	9-9-97	1-15-98	11-16-98	4-8-99	11-5-99	2-14-97	5-13-97	9-9-97	1-15-98	4-8-99		
Gasoline Range Organics	<50	<50	<50	<50	<50	<50	NA	3400	2100	2600	6400	610	3100	NA	<50	<50	<50	<50	<50	<50	NA	<50	NA	<50	<50	<50	NSE	NSE
Diesel Range Organics	<100	NA	NA	<100	<100	<100	NA	1500	NA	NA	1800	370	200	NA	250	NA	NA	1600	<100	320	NA	NA	NA	NA	NA	NA	NSE	NSE
Benzene	0.20	<0.20	<0.16	<0.16	<0.26	<0.26	<1.0	<b>1100</b>	<b>740</b>	<b>830</b>	<b>2100</b>	<b>170</b>	<b>1100</b>	<b>210</b>	<0.20	<0.20	<0.16	<0.16	<0.26	<0.26	<1.0	<0.20	<0.20	<0.16	<0.16	<0.26	5.0	0.5
Ethyl Benzene	<0.30	<0.30	<0.29	<0.29	<0.24	<0.24	<1.0	75	26	56	80	14	58	15	<0.30	<0.30	<0.29	<0.29	<0.24	<0.24	<1.0	<0.30	<0.30	<0.29	<0.29	<0.24	700	140
Methyl-Tert-Butyl-Ether	8.8	11	5.8	13	20	14	15	<b>67</b>	<b>50</b>	<b>90</b>	<b>160</b>	<b>55</b>	<b>100</b>	<b>81</b>	<0.20	<0.20	<0.20	<0.20	<0.22	<0.22	<1.0	<0.20	<0.20	<0.20	<0.20	<0.22	60	12
Toluene	<0.40	<0.40	<0.36	<0.36	<0.21	<0.21	<1.0	12●	23	12	32	2.2	42	2.6	<0.40	<0.40	<0.36	<0.36	<0.21	<0.21	<1.0	<0.40	<0.40	<0.47●	<0.36	<0.21	343	68.6
1,2,4-Trimethylbenzene	<0.30	<0.30	<0.30	<0.30	<0.86	<0.86	<1.0	180	43	77	100	2.1●	19●	2.4	<0.30	<0.30	<0.34	<0.30	<0.86	<0.86	<1.0	<0.30	<0.30	<0.30	<0.30	<0.86	480 (1)	96(1)
1,3,5-Trimethylbenzene	<0.30	<0.30	<0.34	<0.34	<0.54	<0.54	<2.0	74	19	31	45	0.58●	<0.54	<1.1	<0.30	<0.30	<0.30	<0.34	<0.54	<0.54	<2.0	<0.30	<0.30	<0.34	<0.34	<0.54	480 (1)	96 (1)
Xylenes, m + p	<0.90	<0.90	<0.94	<0.94	<0.97	<0.97	<2.0	98	39	44	90	1.8●	38	3.9	<0.90	<0.90	<0.94	<0.94	<0.97	<0.97	<2.0	<0.90	<0.90	<0.94	<0.94	<0.97	620 (2)	124 (2)
Xylene, o	<0.20	<0.20	<0.21	<0.21	<0.37	<0.37	<1.0	5.6●	4.0	3.7	18	0.71●	10●	1.5	<0.20	<0.20	<0.22	0.21●	<0.37	<0.37	<1.0	<0.20	<0.20	<0.21	<0.21	<0.37	620 (2)	124 (2)

**Key:**

NA - Not Analyzed  
 (1) - 1,2,4 & 1,3,5 Combined  
 (2) Total Xylenes  
 NSE = No Standard Established

**BOLD** = results exceed NR 140 PAL.  
 All results reported in ug/l (equivalent to parts per billion)  
 ● - Compound detected below the limit of Quantitation (LOQ)  
**00.00** = Bold and Shaded results exceed NR 140 ES.