State of Wisconsin \ DEPARTMENT OF NATURAL RESOURCI

WISCONSIN
DEPT. OF NATURAL RESOURCES

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

Southeast Regional Headquart
2300 N. Dr. ML King Drive, PO Box 12
Milwaukee, Wisconsin 53212-0
Telephone 414-263-8
FAX 414-263-8
TDD 414-263-8

October 14, 1999

Mr. Gerald & Mrs. Clementine Chmielewski
721 West Windlake Avenue
Milwaukee, WI 53204

FID # 241111970
RR
Milwaukee, Co.

RE: **Site Closure,** Chmielewski Bros. Service Station, 721 West Lake Ave.
Milwaukee, Wisconsin

Dear Mr. & Mrs. Chmielewski:

The Remediation and Redeveolpment Section of the Wisconsin Department Natural Resources (WDNR), Southeast Region, Milwaukee Service Center has reviewed the report titled, Summarization of Investigative and Remedial Activities, Groundwater Monitoring Results, Groundwater Use deed Restriction, and Closure Request, Chmielewski Brothers Service, 721 West Wind Lake Avenue, Milwaukee, Wisconsin, submitted by Moraine Environmental, Inc., dated August12, 1998. Your consultant requested for a groundwater use and deed restriction according to ch. NR 726, Wisconsin Administrative Code (WAC).

Based on the above referenced report, there is contaminated groundwater above ch. NR 140, WAC. with benzene concentrations of 6 and 36 ug/l in sumps 2 and 3, sampled on May 14, 1998 and approximately 1600 tons of inaccessible petroleum contaminated soil that remains beneath the building on the property. The Department has mutually agreed with Mr. Gerald and Mrs. Clementine Chmielewski and their Consultant to conditionally close this site with the building serving as a performance standard according to s. NR 720.19(2). A groundwater use restriction according to s. NR 726.05 (8)(am) has been recorded. In accordance with s. NR 714.07(5) and NR 722.09(2)(a)2, WAC, a class 1 public notice in compliance with the requirements of ch. 985, Wisconsin statutes was published in the BAYVIEWER on August 26, 1999. As proof of the class 1 publication, a copy is enclosed in this case file. The building that exist on this property will be subject to the conditions expressed in the DEED document, # **7789858, REEL 4627 IMAGE 1099 to 1100** with **Parcel Identification Number 461-0525-110-6,** registered at Milwaukee County on August 16, 1999 which is enclosed in this case file.

The WDNR has received the monitoring well abandonment forms for TW-1 (Geoprobe), Sumps-1-3 (MW1-3) dated 10/1/99 as submitted by your Consultant's cover letter of October, 5 1999. This site closure file is complete.

You may apply for unconditional case closure according to s. NR 726.05 (2) (c), WAC or modification of the DEED document according to s. NR 726.05 (8) (b) (note), WAC.

The Department appreciates the efforts you and your Consultant have taken to restore the environment at this site. If you have any questions concerning this conditional site closure, please contact me at (414)263-8607.

Sincerely,

Buiyoti F. Amungwafor
Hydrogeologist

CC: Mr. Steve Benton, Moraine Environmental, Inc.
Case File

Document Number	DECLARATION OF RESTRICTION DOCUMENT NAME

REEL 4627 IMAG 1099

7789858

REGISTER'S OFFICE | SS
Milwaukee County, WI |

RECORDED AT 11:52 AM

08-16-1999

REEL 4627 IMAGE 1099-1100

WALTER R. BARCZAK
REGISTER OF DEEDS

AMOUNT 12.00

Recording Area

Name and Return Address

Ms. Clementine Chmielewski
and Mr. Gerald Chmielewski
721 West Windlake Avenue
Milwaukee, Wisconsin 53204

Parcel ID Number
461-0525-110-6

Deed and Groundwater Use Restrictions

In Re: 721 West Windlake Avenue, Milwaukee, Wisconsin.

Legal Description: Southeast 1/4 of the Northwest 1/4 of Section 5, Township 6 North, Range 22 East, in the City of Milwaukee, Milwaukee County, WI.

Mitchell's Subdivision, Block 2, Lots 2 & 3 & Lot 1 Exc St & E 43' Lot 4. Milwaukee Tax Key # 461-0525-110-6

STATE OF WISCONSIN)
) ss
COUNTY OF MILWAUKEE)

WHEREAS, Ms. Clementine Chmielewski and Mr. Gerald Chmielewski are the current owners of the above-described property; and

WHEREAS, Residual concentrations of benzene above NR 720 soil standards and benzene contaminated groundwater above the NR 140 Enforcement Standard of 5.0 ug/l exists below this property in monitoring sumps number 2 and 3 located at the northern and eastern portions of the property. The most recent samples (May 14, 1998) from Sumps 2 and 3 contained benzene at 6.0 ug/l and 36 ug/l, respectively.

Approximately sixteen hundred (1,600) tons of inaccessible petroleum impacted soil remains on the property and within the City of Milwaukee Right-of-Way. Should the impacted soil become accessible in the future, the WDNR may require remediation of the soil at the expense of the property owner (s) of record, at that time.

Benzene at concentrations as high as 250 ug/kg is present residually at the perimeters of the remedial excavation completed in August, 1992. A total of 2,160 tons of soils were excavated and removed from the site. An estimated 1,600 tons of residually impacted soils remain beneath the building and the City of Milwaukee Right-of-Way.

WHEREAS, it is the desire and intention of the property owners 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 under ch. NR 726.05 has been approved by the Wisconsin Department of Natural Resources (WDNR) 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 restriction.

1) 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 the property unless applicable requirements are met.

2) If the structural impediments which currently exist on this property are removed (i.e., if the existing building burns down or is demolished, or if existing utility lines are removed or relocated), the property owner of record shall be required to conduct an investigation of the degree and extent of petroleum contamination in the area made accessible by the removal of the structural impediments. To the extent that petroleum contamination is found at that time, the Wisconsin Department of Natural Resources, or its successor agency, shall be immediately notified and the contamination shall be properly remediated in accordance with applicable laws.

These restrictions are hereby declared to be covenants running with the land and shall be fully binding upon all persons acquiring the above described property whether by descent, devise, purchase or otherwise. These restrictions benefit and are enforceable by the Wisconsin Department of Natural Resources, its successors or assigns. The Department of Natural Resources, or its successors or assigns may initiate proceedings at law or in equity against any person or persons who violate or are proposing to violate these covenants, 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 restriction set forth in this covenant are no longer required. Upon the written 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 and deed restriction is no longer binding.

IN WITNESS WHEREOF, the owner of the property has executed this Declaration of Restriction, this 14 day of Aug, 1999.

Signature: Ms Clementine Chmielewski

Printed Name: Ms. Clementine Chmielewski, Owner

Signature: Gerald Chmielewski

Printed Name: Mr. Gerald Chmielewski, Owner

Subscribed and sworn to before me
this 14th day of August, 1999

Notary Public, State of Wisconsin
My commission expires 6-10-01

Subscribed and sworn to before me
this 16th day of August, 1999.

Notary Public, State of Wisconsin
My commission expires 5-26-2002

E:\WEWIN\SITECHG\15DEC.RES

This document was prepared by Steven Benton

CERTIFICATE NO. 222864

STATE OF WISCONSIN
MILWAUKEE COUNTY ss.

OFFICE OF
REGISTER OF DEEDS

I, the undersigned, Register of Deeds of Milwaukee County, hereby certify that this document is a true and correct copy of the original on file or record in this office.

Witness my hand and official seal this

SEP 23 1999

Walter R. Barczak

SEAL

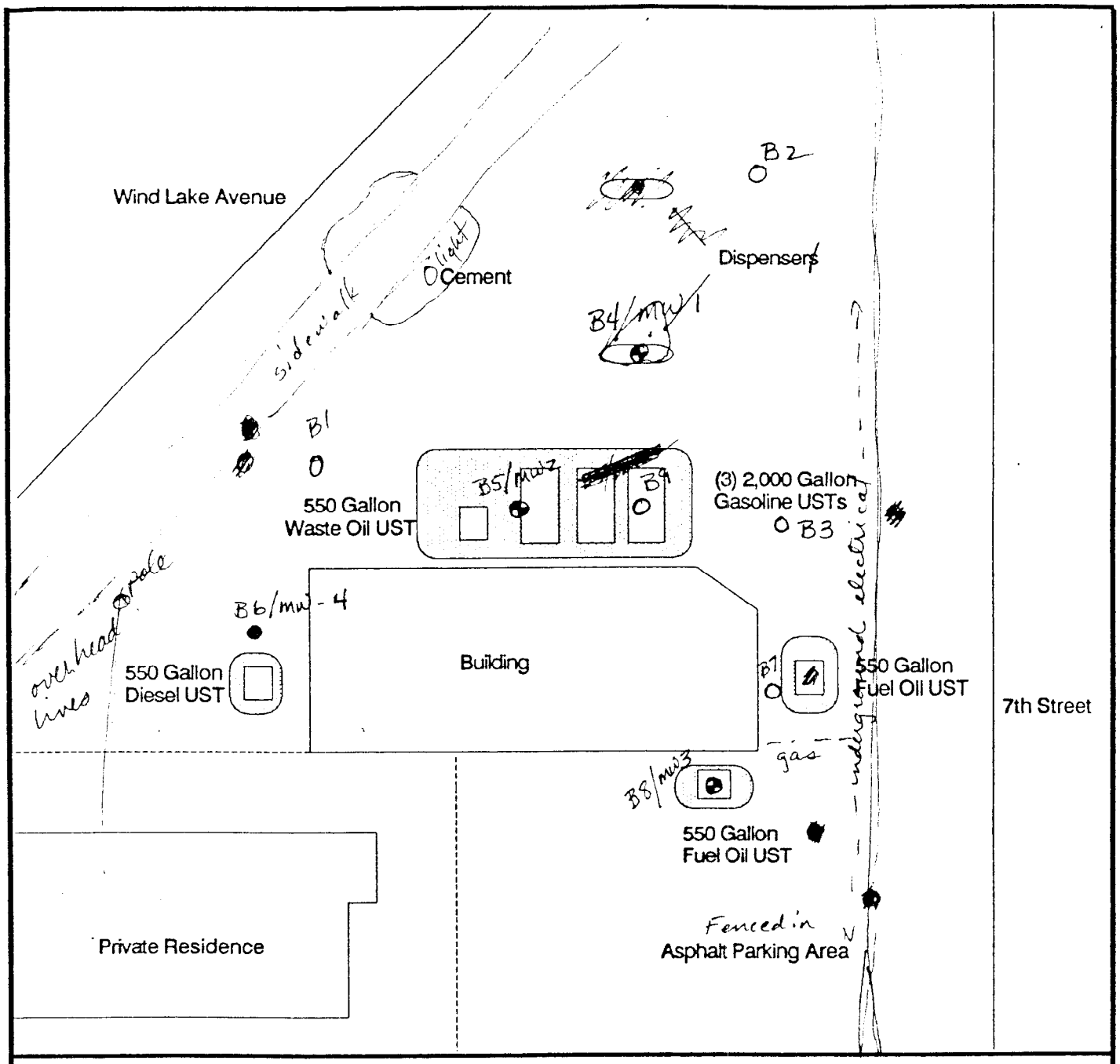


FIGURE 2

SITE LOCATION MAP

Union 76 Gas Station
721 Wind Lake Avenue
Milwaukee, Wisconsin

North

APPROXIMATE SCALE

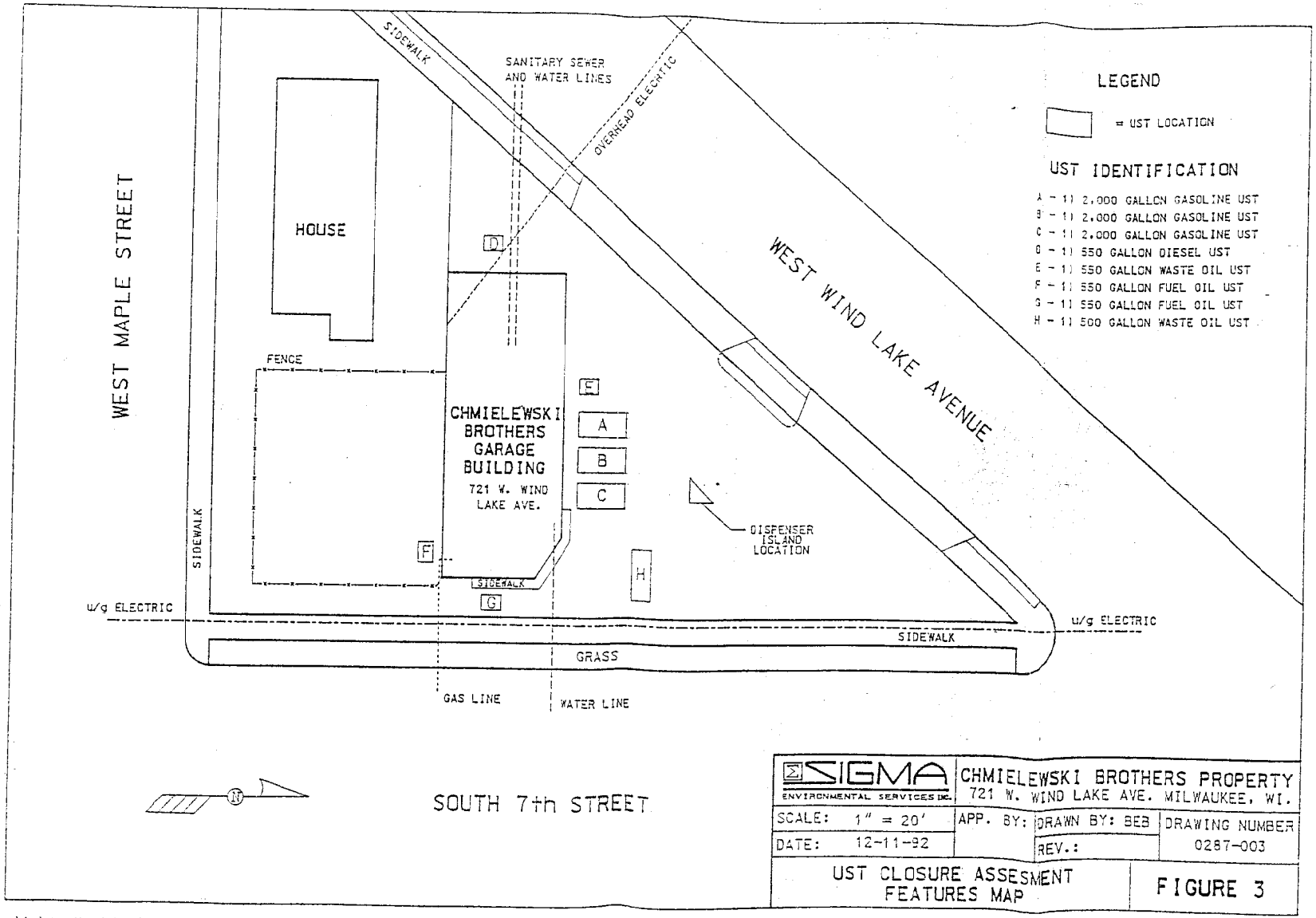
0 25 50 FEET

0 5 10 METERS

LEGEND

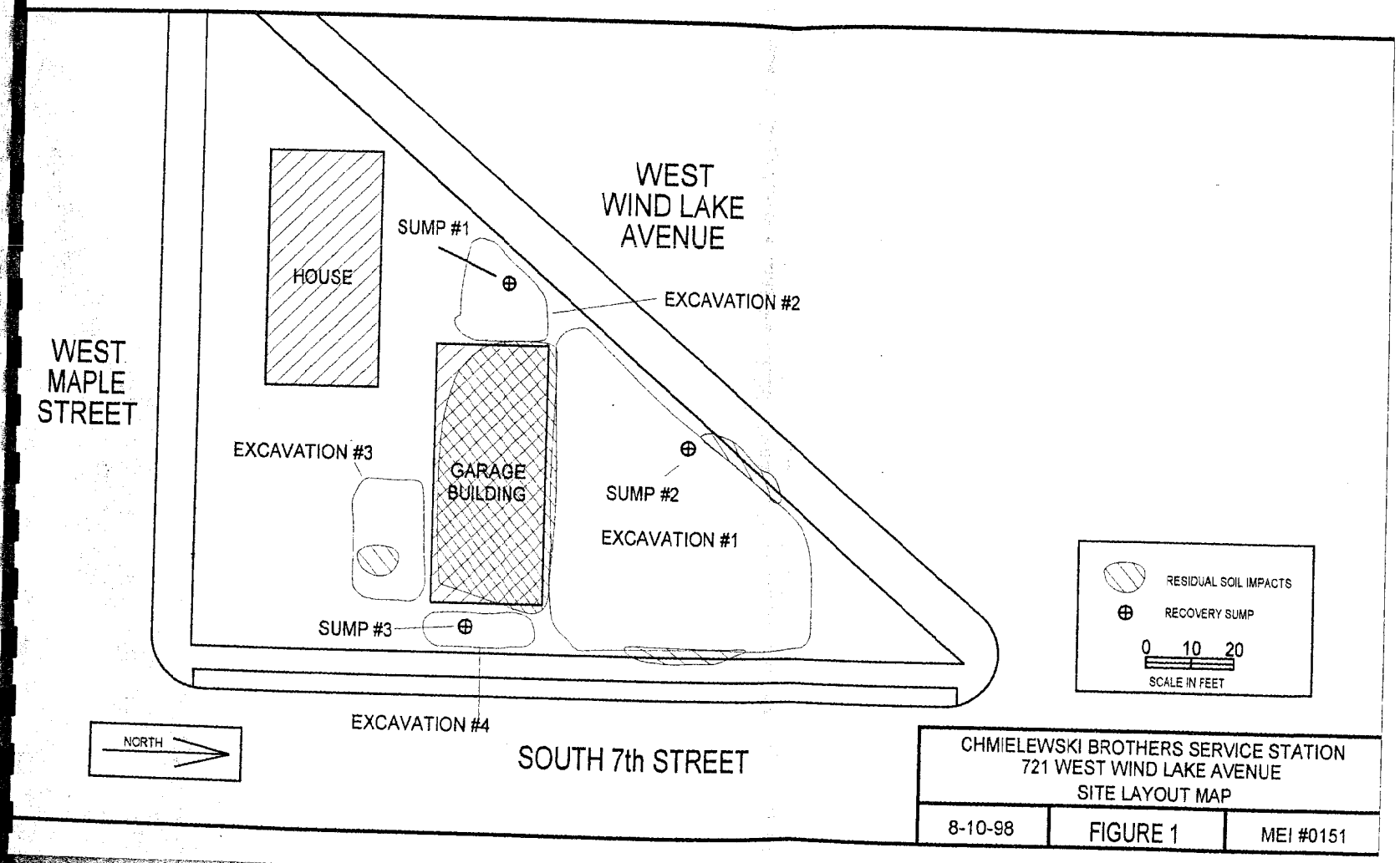
Excavation

Property Boundary



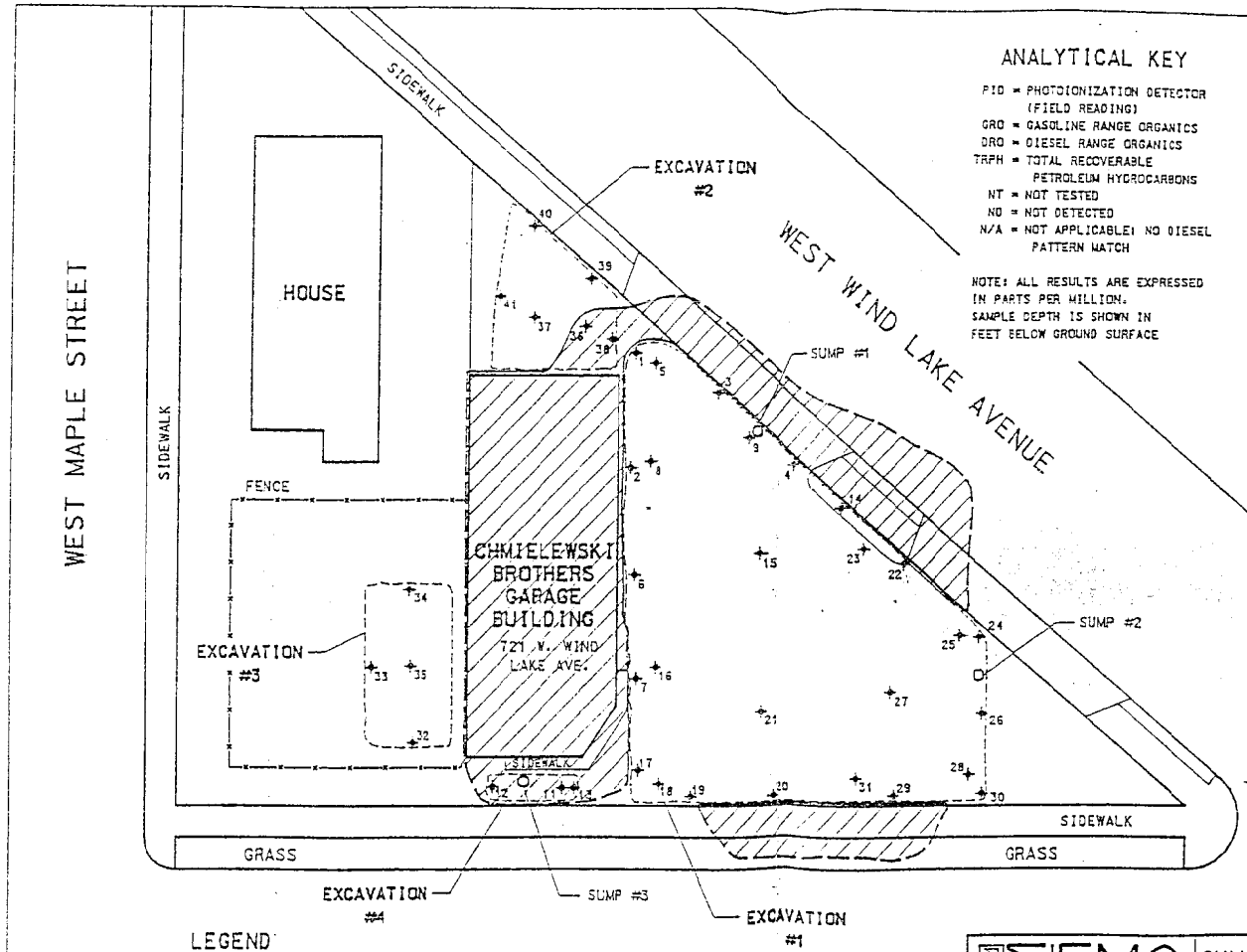
SIGMA ENVIRONMENTAL SERVICES INC.	CHMIELEWSKI BROTHERS PROPERTY 721 W. WIND LAKE AVE. MILWAUKEE, WI.		
SCALE: 1" = 20'	APP. BY:	DRAWN BY: BEB	DRAWING NUMBER
DATE: 12-11-92		REV.:	0287-003
UST CLOSURE ASSESMENT FEATURES MAP			FIGURE 3

a:\dgn\chmielbr\0287-003.dgn Jan. 25, 1993 11:11:14



CHMIELEWSKI BROTHERS SERVICE STATION
721 WEST WIND LAKE AVENUE
SITE LAYOUT MAP

8-10-98	FIGURE 1	MEI #0151



ANALYTICAL KEY

PID = PHOTOIONIZATION DETECTOR (FIELD READING)
GRO = GASOLINE RANGE ORGANICS
DRO = DIESEL RANGE ORGANICS
TRPH = TOTAL RECOVERABLE PETROLEUM HYDROCARBONS
NT = NOT TESTED
ND = NOT DETECTED
N/A = NOT APPLICABLE; NO DIESEL PATTERN MATCH

NOTE: ALL RESULTS ARE EXPRESSED IN PARTS PER MILLION. SAMPLE DEPTH IS SHOWN IN FEET BELOW GROUND SURFACE

SOIL QUALITY RESULTS

SAMPLE#	DEPTH	PID	GRO	DRO	TRPH
1 -	5.0	878	370	N/A	1300
2 -	5.0	462	330	NT	3800
3 -	5.0	1259	870	NT	NT
4 -	5.0	34.9	35	NT	NT
5 -	10.0	17.5	33	N/A	ND
6 -	5.0	395	440	NT	4100
7 -	5.0	1922	1300	NT	NT
8 -	10.0	6.4	60	NT	5.7
9 -	10.0	3.8	69	NT	NT
10 -	---	147.0	NT	NT	NT
11 -	14.0	1.5	ND	2200	ND
12 -	14.0	1.8	NT	320	NT
13 -	9.0	118	28	N/A	430
14 -	5.0	506	540	NT	NT
15 -	10.0	4.3	19	NT	NT
16 -	10.0	10.5	14	NT	NT
17 -	5.0	159.2	86	N/A	760
18 -	10.0	1.0	ND	1300	ND
19 -	5.0	1.5	ND	NT	ND
20 -	7.0	360	320	NT	130
21 -	12.0	7.5	16	NT	ND
22 -	7.0	1575	3000	NT	NT
23 -	12.0	9.2	41	NT	NT
24 -	5.0	.07	ND	NT	NT
25 -	10.0	1.4	ND	NT	NT
26 -	7.0	0.0	ND	NT	NT
27 -	10.0	11	44	NT	NT
28 -	10.0	2.3	ND	NT	NT
29 -	7.0	650	320	NT	NT
30 -	7.0	1.7	6.9	NT	NT
31 -	12.0	9.9	ND	NT	NT
32 -	10.0	3.6	NT	N/A	NT
33 -	10.0	8.8	NT	N/A	NT
34 -	10.0	3.9	NT	140	NT
35 -	18.0	1.4	NT	760	NT
36 -	12.0	0.0	ND	1300	ND
37 -	12.0	12.8	NT	N/A	NT
38 -	7.0	567	200	N/A	310
39 -	7.0	265	NT	N/A	NT
40 -	7.0	483	NT	N/A	NT
41 -	7.0	289	NT	N/A	NT

NOTE: SOIL SAMPLE #10 WAS COLLECTED AS A COMPOSITE SCREENING SAMPLE, AND NOT SUBMITTED FOR LABORATORY ANALYSIS

LEGEND

+ = SOIL SAMPLE LOCATION
O = SUMP INSTALLATION LOCATION
= OVEREXCAVATION LOCATION
= ESTIMATED EXTENT OF REMAINING IMPACTED SOILS

SIGMA ENVIRONMENTAL SERVICES INC.	CHMIELEWSKI BROTHERS PROPERTY 721 W. WIND LAKE AVE. MILWAUKEE, WI.		
SCALE: 1" = 20'	APP. BY:	DRAWN BY: BEB	DRAWING NUMBER
DATE: 1-25-93		REV.:	0287-007
ESTIMATED EXTENTS OF REMAINING IMPACTED SOILS			FIGURE 7

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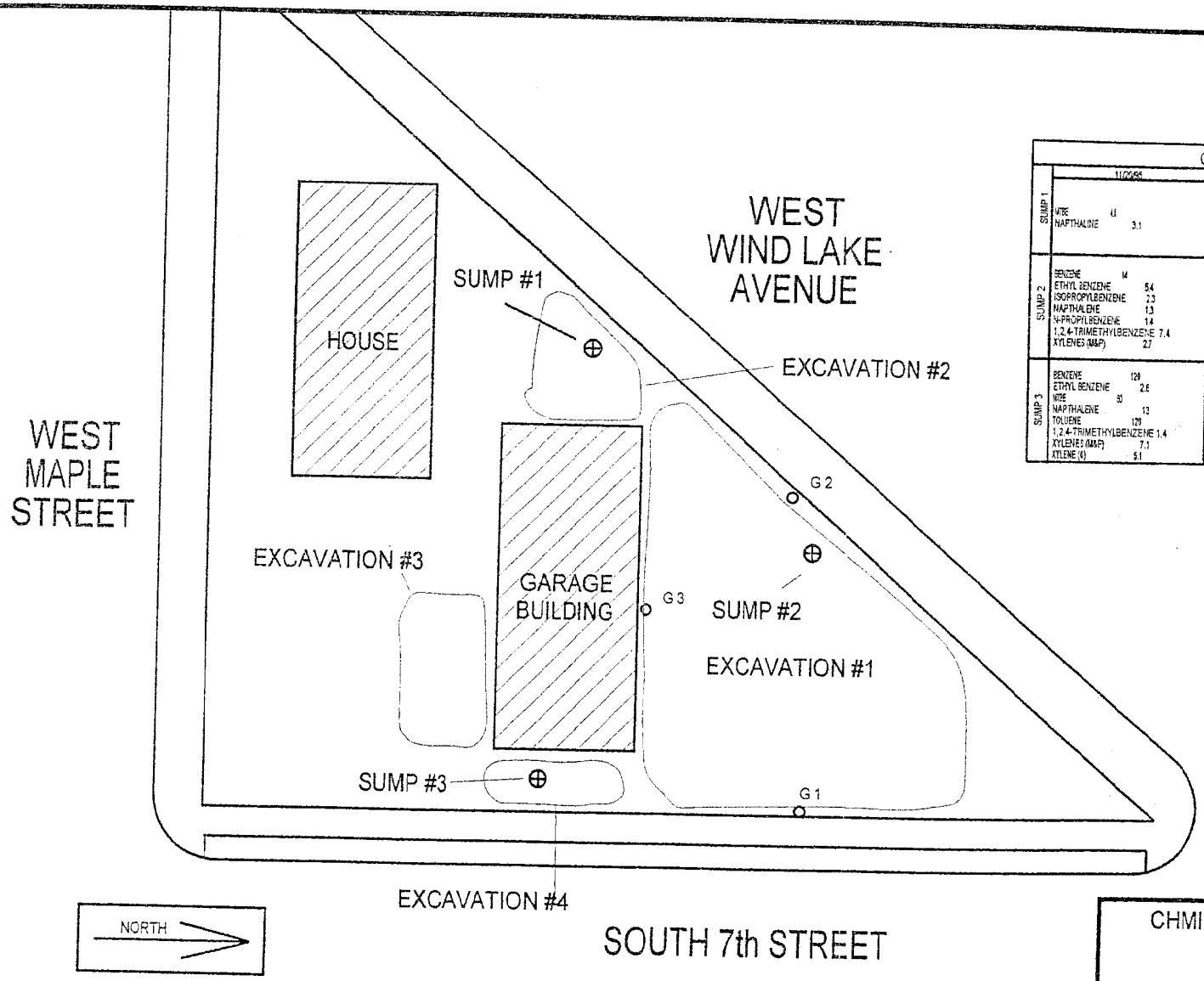

GROUNDWATER ANALYTICAL RESULTS

	11/09/95	3/27/96	3/27/96	5/14/96
SUMP 1	MTBE 43 NAPTHALINE 3.1	BTEX - NO DETECTS	MTBE 1.7	TOLUENE 0.42
SUMP 2	BENZENE 14 ETHYL BENZENE 5.4 ISOPROPYLBENZENE 2.3 NAPTHALENE 1.3 N-PROPYLBENZENE 1.4 1,2,4-TRIMETHYLBENZENE 7.4 XYLENES (M&P) 2.7	ETHYL BENZENE 1.1	BENZENE 27 ETHYL BENZENE 1.3 ISOPROPYLBENZENE 3.8 NAPTHALENE 2.4 N-PROPYLBENZENE 2.8 TOLUENE 1.1 1,2,4-TRIMETHYLBENZENE 9.7 XYLENES (M&P) 4.5	BENZENE 50 ETHYL BENZENE 19 TOLUENE 0.63 1,2,4-TRIMETHYLBENZENE 1.1 XYLENES (M&P) 4.8
SUMP 3	BENZENE 120 ETHYL BENZENE 2.6 MTBE 50 NAPTHALENE 13 TOLUENE 120 1,2,4-TRIMETHYLBENZENE 1.4 XYLENES (M&P) 7.1 XYLENE (O) 5.1	ETHYL BENZENE 1.1	BENZENE 18 P-ISOPROPYLTOLUENE 2.0 MTBE 38 NAPTHALENE 1.9 TOLUENE 9.3	BENZENE 35 ETHYLBENZENE 1.0 MTBE 71 TOLUENE 45 1,2,4-TRIMETHYLBENZENE 0.68 XYLENES (TOTAL) 5.0

G 1 GEOPROBE BORING

RECOVERY SUMP

0 10 20

SCALE IN FEET

CHMIELEWSKI BROTHERS SERVICE STATION
721 WEST WIND LAKE AVENUE
SITE LAYOUT MAP

4-18-96		MEI #0151

GROUNDWATE

TABLE 1
GROUNDWATER QUALITY RESULTS
CHMIELEWSKI BROTHERS SERVICE STATION
(DETECTED COMPOUNDS ONLY)

	11-20-95			2-27-96			3-27-96			5-14-98			Preventive Action Limits	Enforcement Standard
	Sump 1	Sump 2	Sump 3	Sump 1	Sump 2	Sump 3	Sump 1	Sump 2	Sump 3	Sump 1	Sump 2	Sump3		
Benzene	--	14	120	--	--	--	--	27	10	--	6.0	36	0.5	5.0
Ethylbenzene	--	5.4	2.6	--	1.1	1.1	--	13	--	--	19	1.0	140	700
Isopropylbenzene	--	2.3	--	NA	NA	NA	--	3.8	--	NA	NA	NA	NSE	NSE
Methyl-tert-butyl-ether	4.8	--	60	NA	NA	NA	1.7	--	39	--	--	7.1	12	60
Naphthalene	3.1	1.3	13	NA	NA	NA	--	2.4	1.9	NA	NA	NA	8	40
N-Propylbenzene	--	1.4	--	NA	NA	NA	--	2.8	--	NA	NA	NA	NSE	NSE
Toluene	--	--	120	--	--	--	--	1.1	9.0	0.42	0.63	45	68.6	343
1,2,4-Trimethylbenzene	--	7.4	1.4	NA	NA	NA	--	9.7	--	--	11	0.68	NSE	NSE
Xylenes (M&P)	--	2.7	7.1	--	--	--	--	4.5	--	--	4.6	2.8	124	620
Xylene (o)	--	--	5.1	--	--	--	--	--	--	--	--	2.2	124	620
P-Isopropyltoluene	--	--	--	NA	NA	NA	--	--	2.0	NA	NA	NA	NSE	NSE

KEY:

Concentrations expressed as micrograms per liter (ug/l)
-- = Not Detected Above Method Detection Limit
NA = Not Analyzed
Shaded = Concentration exceeds WDNR NR 140 Enforcement Standard

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