

State of Wisconsin \ DEPARTMENT OF NATURAL RESOURCES

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

Southeast Region Annex
4041 North Richards Street
PO Box 12436
Milwaukee, Wisconsin 53212-0436
Telephone 414-229-0800
FAX 414-229-0810

November 30, 1999

Mr. Mike Hartnett
Hartnett Oil
N88 W15167 Main Street
Menomonee Falls, Wisconsin 53051

Subject: No further action required, Hart Oil, 6001 West Cleveland Avenue, Milwaukee, Wisconsin. BRR-LUST FID#241398410.

Dear Mr. Hartnett:

Rec'd: 03-41-001054

Based on our review of the above referenced case file, the department has determined that it will not require additional site investigation, remediation, or groundwater monitoring for this site at this time. However, the case will not be officially entered as closed on the department's tracking system until a groundwater use restriction is recorded for all properties where there are groundwater enforcement standard exceedances (or in the case of contamination in the road right-of-way, until the closure criteria of s. NR 726.05 Wis. Admin. Code have been amended). Case closure under s. NR 726.05 Wis. Adm. Code requires the recording of a groundwater use restriction for all properties where groundwater contamination is known to exist above ch. NR 140 enforcement standards (ES's), including street and highway rights-of-way.

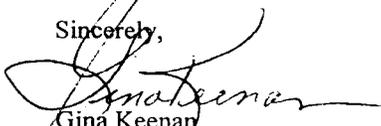
ROW
You should know that the department is in the process of proposing changes to s. NR 726.05, Wis. Adm. Code, to allow case closure when contamination is present within a public street or highway right-of-way as long as the investigation has confirmed that the groundwater contaminant plume is stable or receding, and that natural attenuation will restore the groundwater to NR 140 standards within a reasonable period of time, and that the contamination has not migrated across the right-of-way to another property. The code change, which is anticipated sometime in the year 2000, will probably require written notification to the municipality or the state agency that owns or maintains the street or highway that contamination exists, but will not require the recording of a groundwater use restriction for groundwater contamination beneath public streets or highways.

Completion of existing conditional closure requirements for this case includes the following:

- A groundwater use restriction must be recorded for all the properties that have known ch. NR 140 enforcement standard exceedances as a result of migration of contamination from the responsible party properties, per s. NR 726.05(2)(b)4 Wis. Admin. Code, and a copy of the recorded restriction must be sent to this office.
- Abandonment of groundwater monitoring wells must be completed in accordance with ch. NR 141. Copies of abandonment documentation must be submitted to the department.

If you have any questions about this letter, please call me at 414-263-8589.

Sincerely,


Gina Keeney
Hydrogeologist

Cc: AES Consultants, Inc.
SER File

REGISTER'S OFFICE | SS
Milwaukee County, WI

RECORDED AT 4:14 PM

01-06-2000

REEL _____ IMAGE _____

WALTER R. BARCZAK
REGISTER OF DEEDS

AMOUNT 18.00

Document Number: GROUNDWATER USE RESTRICTION

Legal Description of the Property as it Appears on the Most Recent Deed

Part of the Southeast one-quarter of Section 10, in Township 6 North, Range 21 East, in the city of Milwaukee, County of Milwaukee, State of Wisconsin

Recording Area

Name and Return Address

Sarwant Singh Kaleka
6001 West Cleveland Avenue
Milwaukee, Wisconsin 53218

Declaration of Restrictions

Property Identification

Number (PIN): 514-9929-000

STATE OF WISCONSIN)

)ss

COUNTY OF Milwaukee)

WHEREAS, Sarwant Singh Kaleka is the owner(s) of the above-described property.

WHEREAS, one or more gasoline discharges have occurred at the 6001 West Cleveland Avenue, Milwaukee, Wisconsin property. Benzene (500 ug/l), Ethylbenzene (900 ug/l), Xylene (1055 ug/l), MTBE (80 ug/l) and TrimethylBenzenes (1249 ug/l) in monitoring well MW-4, MTBE (1400 ug/l) and Benzene (9 ug/l) in monitoring well MW-5, and Benzene in Sump-1 exists in the groundwater above ch. NR 140 enforcement standards on this property. In addition, Toluene (70 ug/l) in monitoring well MW-4, and Ethylbenzene (200 ug/l) and MTBE (110 ug/l) in Sump-1 exists in the groundwater above ch. NR 140 preventative action limit standards on this property. Monitoring well MW-4 is located within the right-of-way for West Cleveland Avenue in the northwest corner of the site. Monitoring well MW-5 is located in the right-of-way for South 60th Street in the southeastern portion of the site, while Sump-1 is located within the UST backfill in the southeastern portion of the site. The attached map presents the well locations..

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 prohibitions or requirements are applicable and to obtain DNR approval, 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 can be recorded to give notice that this groundwater use restriction is no longer binding.

IN WITNESS WHEREOF, the owner of the property has excited this Declaration of Restrictions, this 5th day of January, ~~19~~ 2000

Signature: Satwant Kaleka

Printed Name: Satwant Kaleka

Subscribed and sworn to before me this 5th day of January, 2000

Maaya Slegelis

Notary Public, State of Wisconsin

My commission expires March 5, 2000

This document was drafted by AES Consultants, Ltd. using the information and format provided in the Department of Natural Resources Publication PUBL RR-606 as revised Oct. 1999.

A:93006ded.frm

7572603

WARRANTY DEED

THOMAS P. MONGOVEN and SUSAN M. MONGOVEN, husband and wife conveys and warrants to SATWANT SINGH KALEKA and SATPAL KALEKA, husband and wife the following described real estate in Milwaukee County, State of Wisconsin:

Part of the Southeast one-quarter (1/4) of section Ten (10), in Township six (6) North, range Twenty-one (21) East, in the City of Milwaukee, County of Milwaukee, State of Wisconsin, bounded and described as follows: commencing at a point 45 feet south of the northeast corner of the southeast 1/4 of Section 10, in township 6 North, range 21 East; thence South 109.26 feet; thence West 175 feet to a point; thence north 109.26 feet; thence East 175 feet to the point of commencement, excepting the Easterly 55 feet reserved for street purposes.

TRANSFER \$ 825.00 FEE

This is not homestead property.

Exceptions to warranties: municipal and zoning ordinances and agreements entered under them, recorded easements for the distribution of utility and municipal services, recorded building and use restrictions and covenants, general taxes levied in the year of closing and no other exceptions.

Dated: July 7th, 1998

_____(Seal)
_____(Seal)

Thomas P. Mongoven (Seal)
Susan M. Mongoven (Seal)

AUTHENTICATION

Signatures of Thomas P. Mongoven and Susan M. Mongoven authenticated on July 7, 1998.
Title: Member, State Bar of Wisconsin, or authorized by Wis. Stat. §706.06.

ACKNOWLEDGEMENT

STATE OF WISCONSIN
COUNTY OF OZAUKEE
Personally came before me, on July 7, 1998, the above-named Thomas P. Mongoven & Susan M. Mongoven

known to me to be the persons who executed the foregoing and who acknowledged the same.

Notary Public, State of Wisconsin
My commission [is permanent/expires:]

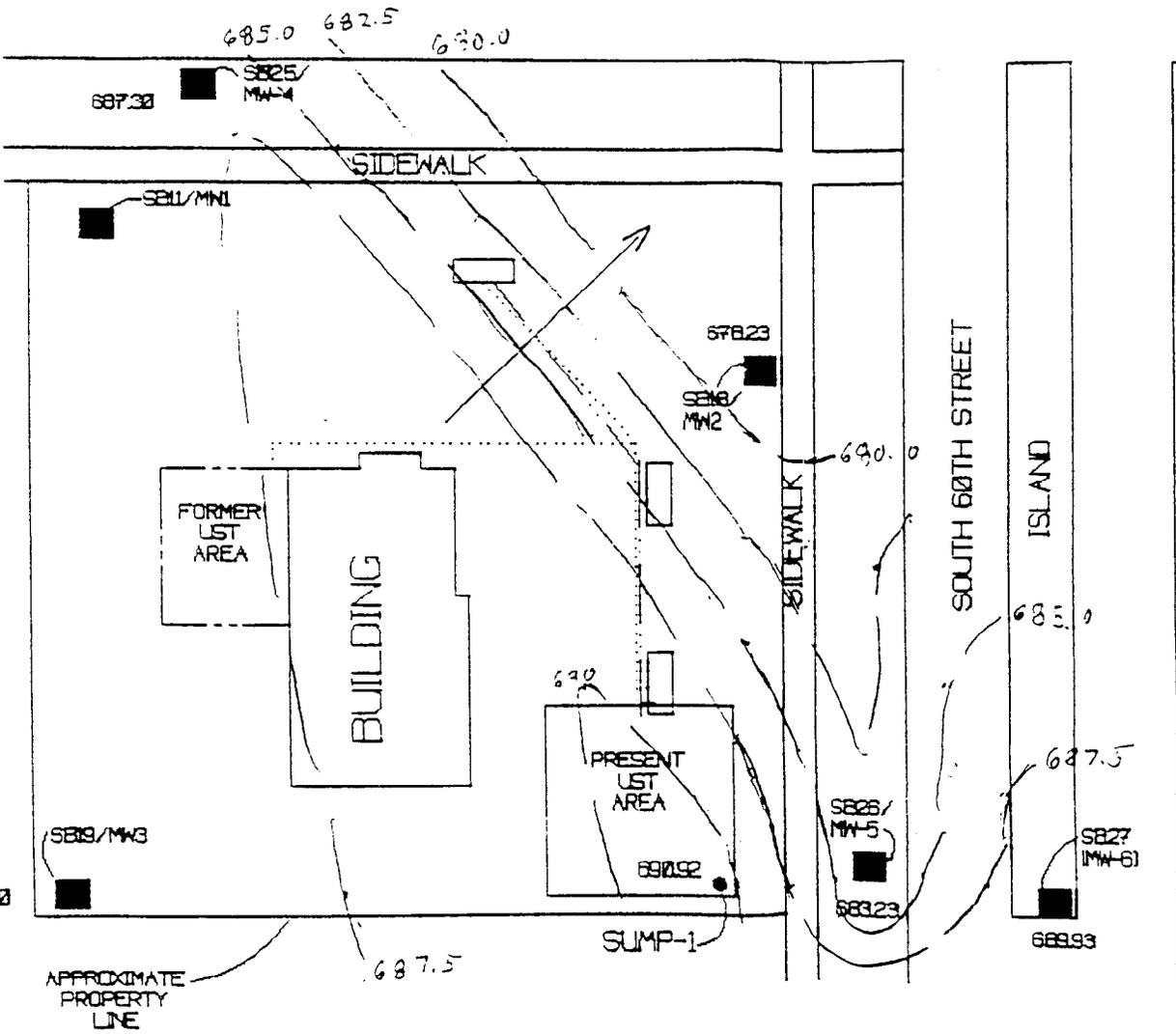
This Instrument was Drafted by: HOUSEMAN, FEIND, GALLO & MALLOY Attorney at Law

Type or print name of person signing

1000

REGISTER'S OFFICE Milwaukee County, WI
RECORDED AT
JUL 29 1998
REEL 4257 PAGE 1775
WISCONSIN REGISTER OF DEEDS
7572603 #
RECORD 10.00

WEST CLEVELAND AVENUE

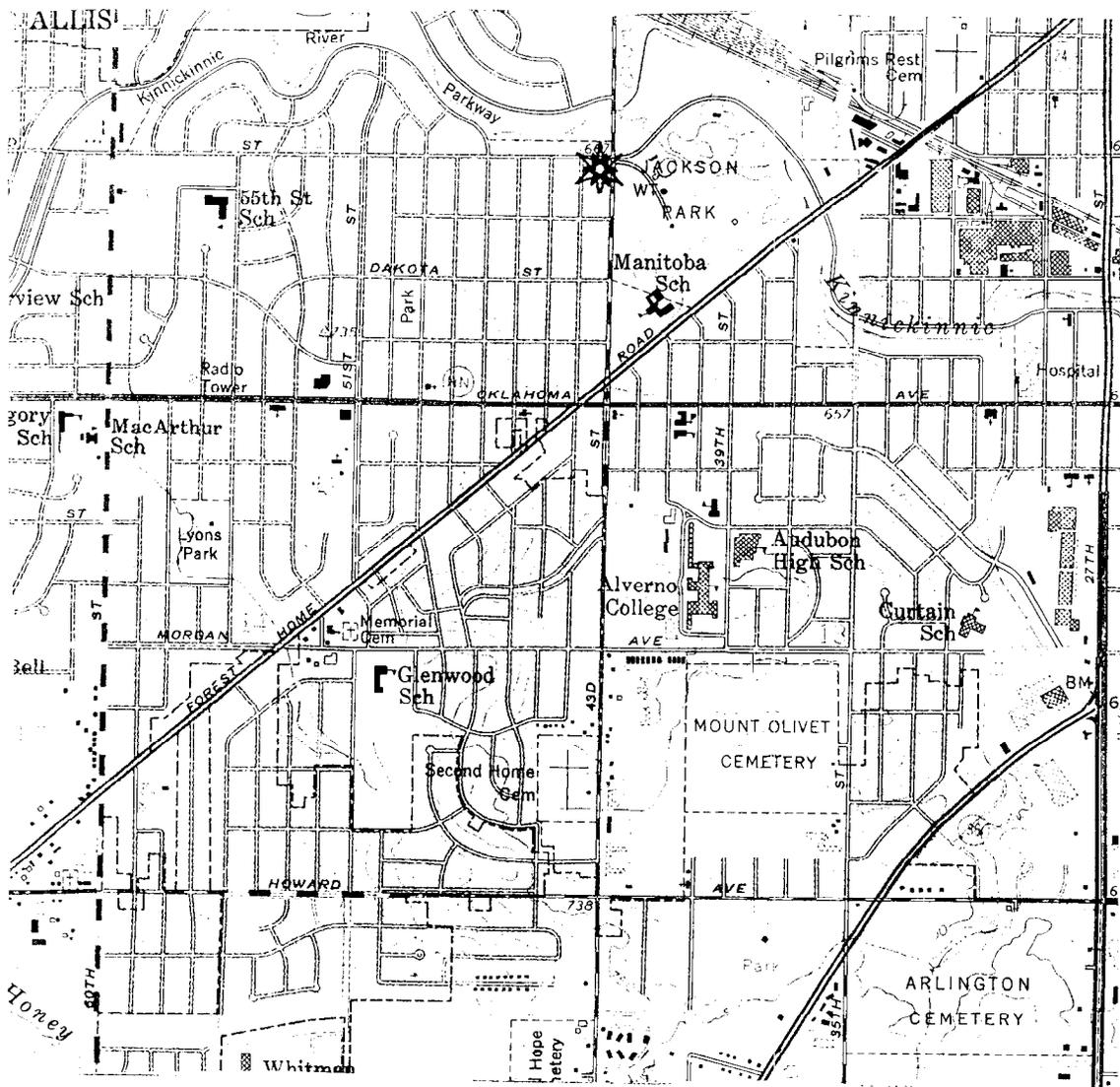


LEGEND

- MONITORING WELL
 - FORMER PRODUCT LINES
 - PRESENT PRODUCT LINES
- NOTE: GROUNDWATER CONTOURS MEASURED ON 9/16/98



FIGURE 1	
GROUNDWATER CONTOURS	
HART - 68TH MILWAUKEE, WISCONSIN	
JOB NUMBER 93086	DWG FILE NAME 93086G01
SCALE: 1" = 30'	DATE: MAY 26, 1999
AES CONSULTANTS, LTD.	BY: KS



LEGEND:

 SITE LOCATION

SOURCE:

U.S.G.S. 7.5 MINUTE SERIES
TOPOGRAPHIC MAP - MILWAUKEE
QUADRANGLE, 1976



FIGURE 1

SITE LOCATION

HART - 60TH
MILWAUKEE, WISCONSIN

JOB NUMBER 93006

DWG FILE NAME 93006SL

SCALE: 1" = 2000'

DATE: JANUARY 19, 1998

AES CONSULTANTS, LTD.

BY: KS

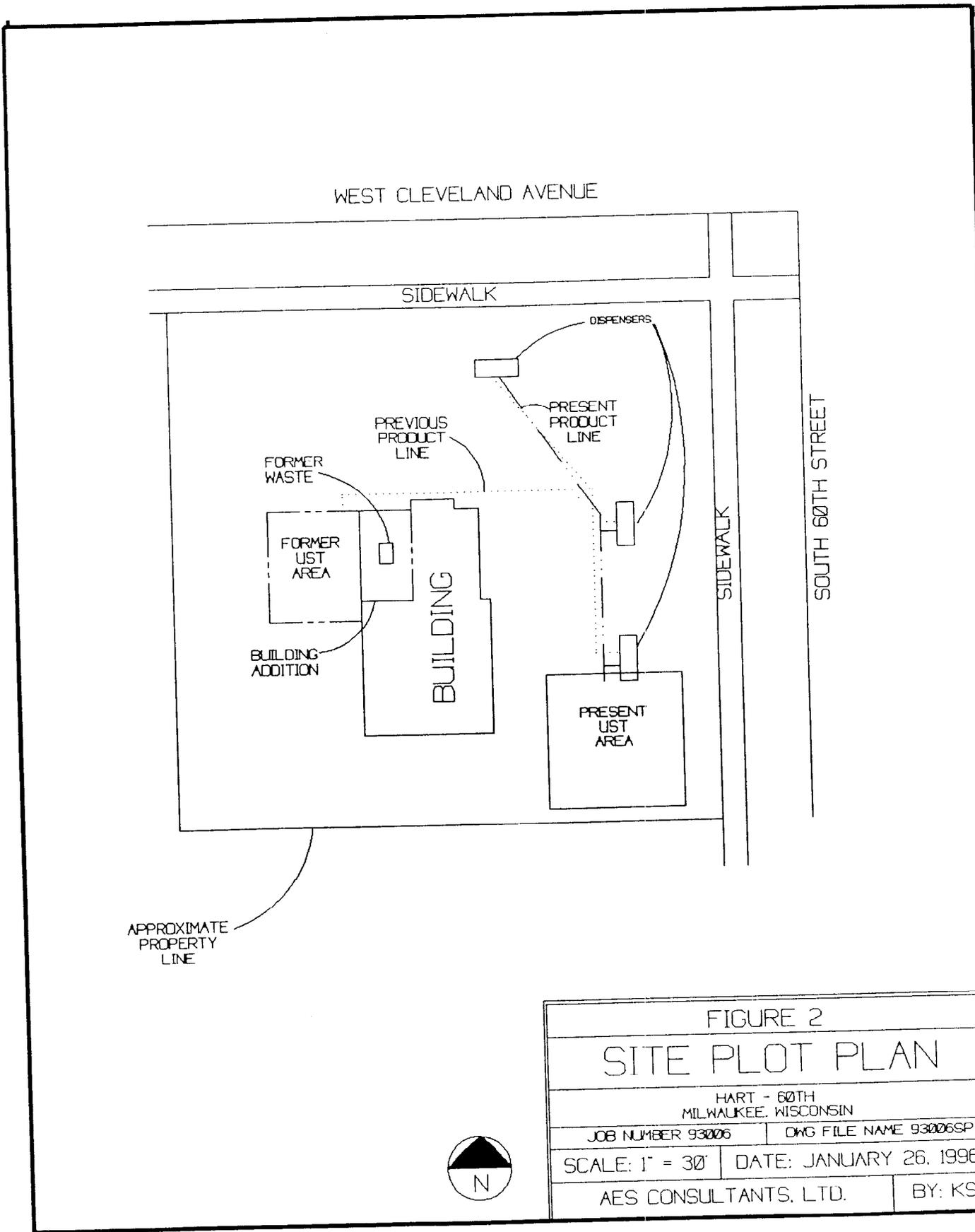
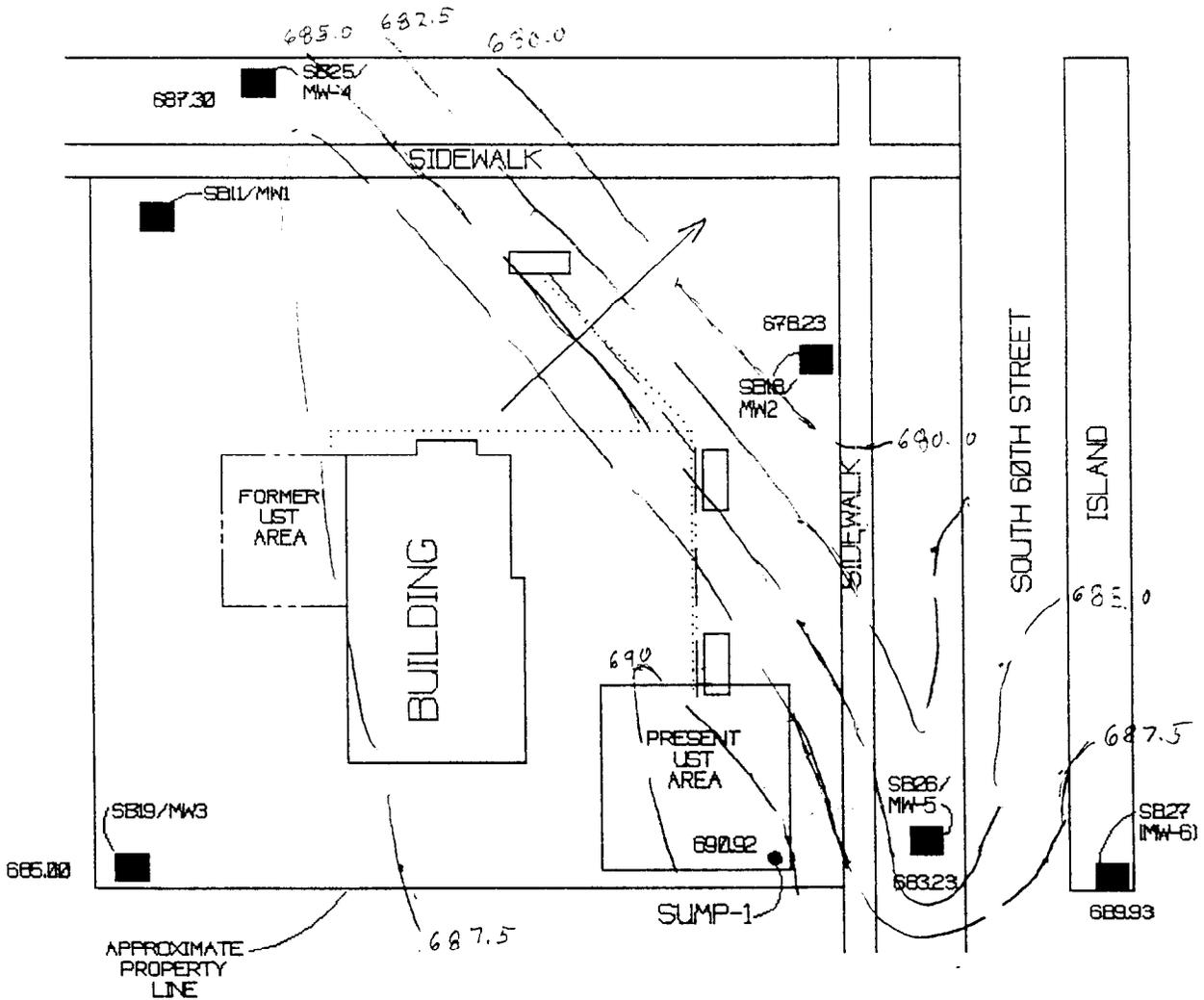


FIGURE 2	
SITE PLOT PLAN	
HART - 60TH MILWAUKEE, WISCONSIN	
JOB NUMBER 93006	DWG FILE NAME 93006SP
SCALE: 1" = 30'	DATE: JANUARY 26, 1998
AES CONSULTANTS, LTD.	BY: KS



WEST CLEVELAND AVENUE



LEGEND

- MONITORING WELL
 - FORMER PRODUCT LINES
 - PRESENT PRODUCT LINES
- NOTE: GROUNDWATER CONTOURS MEASURED ON 9/16/98



FIGURE 1

GROUNDWATER CONTOURS

HART - 60TH
MILWAUKEE, WISCONSIN

JOB NUMBER 93006

DWG FILE NAME 93006G01

SCALE: 1" = 30'

DATE: MAY 26, 1999

AES CONSULTANTS, LTD.

BY: KS

TABLE 2
Hart Oil - Groundwater Analytical Results

Well Number	Date	Benzene	Ethylbenzene	Toluene	Xylene	MTBE	TMB
NR140	ES	5	700	343	620	60	480
	PAL	0.5	140	68.6	124	12	96
MW-1	1-95	60	34	76	740	32	570
MW-2	1-95	ND	ND	ND	ND	ND	ND
	6-95	ND	ND	ND	ND	ND	ND
	10-95	ND	ND	ND	ND	ND	ND
	7-96	ND	ND	ND	ND	ND	ND
	11-97	ND	ND	ND	ND	ND	ND
	9/98	ND	ND	ND	ND	ND	ND
MW-3	6-95	ND	ND	ND	ND	4.3	ND
	10-95	ND	ND	ND	ND	1.8	ND
	7-96	ND	ND	ND	ND	3.2	ND
	11-97	ND	ND	ND	ND	2.1	ND
	9/98	ND	ND	0.8	ND	2.2	ND
MW-4	1-95	870	1,200	170	3,170	170	1,550
	6-95	930	1,300	100	2,483	96	1,630
	10-95	530	610	38	796	64	793
	7-96	620	1,300	180	3,890	<78	1,800
	11-97	940	1,400	84	1,885	78	2,540
	9/98	500	900	70	1,055	80	1,290
MW-5	1-95	370	43	3.4	143	140	122
	6-95	ND	ND	ND	ND	ND	ND
	10-95	ND	ND	ND	ND	8,600	ND
	7-96	67	<90	<70	<275	20,000	<185
	11-97	<20	<20	<16	<51	12,000	ND
	9/98	9	9	ND	ND	1,400	10

TABLE 2
Hart Oil - Groundwater Analytical Results

MW-6	1-95	ND	ND	ND	ND	ND	ND
	6-95	140	35	11	72	15,000	144
	10-95	ND	ND	ND	ND	ND	ND
	7-96	ND	ND	ND	ND	ND	ND
	11-97	ND	ND	ND	ND	5.9	ND
	9/98	0.9	ND	ND	ND	3.3	ND
Sump-1	1/95	740	89	18	140	260	143
	11-97	1,900	670	130	660	200	500
	9/98	580	200	44	100	110	40

ND = Not Detected

BOLD = Exceeds §NR140 ES