

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

March 29, 2000

Mr. George Newkirk  
Newkirk's Service Station  
4105 West Villard Avenue  
Milwaukee, WI 53209

Subject: Final Closure for Newkirk's Service Station, 4105 W. Villard Ave., Milwaukee,  
WI FID: 241166750, BRRTS: 03-41-001608.

Dear Mr. Newkirk:

This letter acknowledges the receipt of the filed groundwater use restriction the above-named site dated February 19, 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.

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: Larry Wehrheim, Key Engineering  
WDNR SER Files



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 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 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, devise, 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.

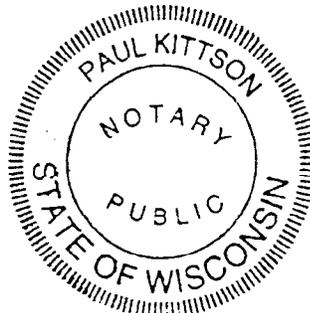
Any person who is or becomes owner of the property described above may request that the Wisconsin Department of Natural Resources or its successor issue a determination that one or more of the restrictions set forth in this covenant is no longer required. Upon the receipt of such a request, the Wisconsin 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.

IN WITNESS WHEREOF, the owner of the property has executed this Declaration of Restrictions, this 19<sup>th</sup> day of February, 2000.

Signature: George Newkirk  
Printed Name: GEORGE NEWKIRK

Subscribed and sworn to before me  
this 19<sup>th</sup> day of February, 2000.

Paul Kittson  
Notary Public, State of Wisconsin  
My commission 10-19-2003



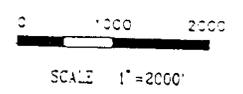
This document was drafted by Key Engineering Group, Ltd. based on comments from the Wisconsin Department of Natural Resources.



SOURCE: USGS Milwaukee, Wisconsin Quadrangle  
 Topographic Map 1955  
 Photorevised 1971

DATE	REVISIONS	BY

FIGURE 1  
 SITE LOCATION MAP

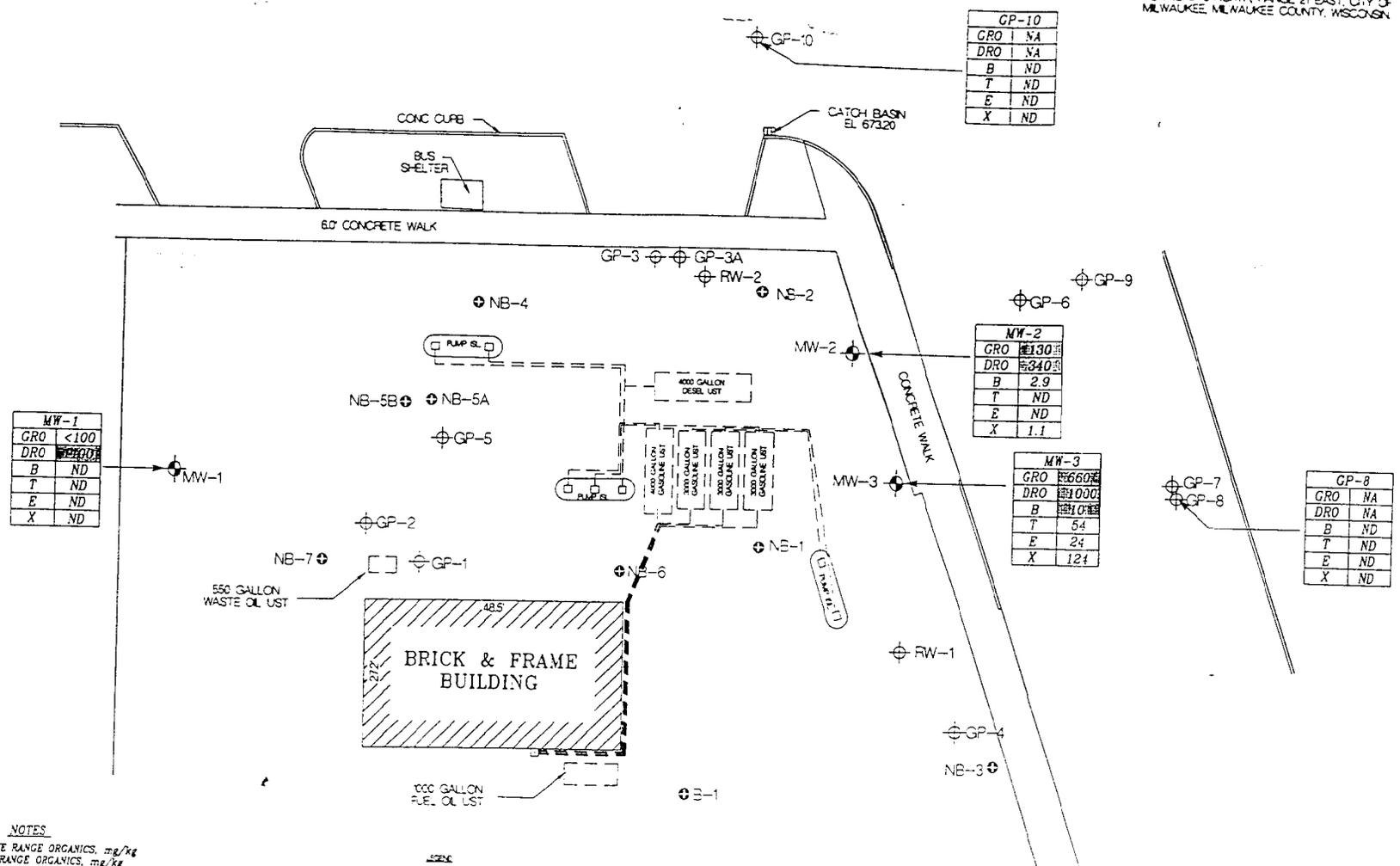


REMEDIATION ACTION REPORT  
 NEWKIRK'S SERVICE STATION  
 4105 WEST VILLARD AVENUE  
 MILWAUKEE, WISCONSIN

© 1997 Key Environmental Services, Inc.			
DRN BY:	S.L.G.	DATE:	01/13/97
DSN BY:	S.R.J.	FILE NO.:	05C5015
D-K BY:	V.S.V.	DWG. NO.:	05C5015
REV. BY:	K.W.W.	SHEET NO.:	1

**Key ENVIRONMENTAL SERVICES, INC.**  
 225 Commerce Court - Cedarburg, WI 53012 - (414) 375-4750  
 5215 Washington Ave - Racine, WI 53406 - (414) 886-4439

PART OF THE SOUTHWEST 1/4 SECTION 36,  
TOWNSHIP 9 NORTH, RANGE 21 EAST, CITY OF  
MILWAUKEE, MILWAUKEE COUNTY, WISCONSIN



MW-1	
GRO	<100
DRO	<1000
B	ND
T	ND
E	ND
X	ND

GP-10	
GRO	NA
DRO	NA
B	ND
T	ND
E	ND
X	ND

MW-2	
GRO	130
DRO	340
B	2.9
T	ND
E	ND
X	1.1

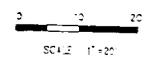
MW-3	
GRO	660
DRO	1000
B	10
T	54
E	24
X	124

GP-8	
GRO	NA
DRO	NA
B	ND
T	ND
E	ND
X	ND

**NOTES**  
 GRO: GASOLINE RANGE ORGANICS, mg/kg  
 DRO: DIESEL RANGE ORGANICS, mg/kg  
 B: BENZENE, ug/kg  
 T: TOLUENE, ug/kg  
 E: ETHYLBENZENE, ug/kg  
 X: TOTAL XYLENES, ug/kg  
 mg/kg: MILLIGRAMS PER KILOGRAM  
 ug/kg: MICROGRAMS PER KILOGRAM  
 <: LESS THAN INSTRUMENT DETECTION LIMIT  
 ND: NO DETECTION  
 NA: NOT ANALYZED

⊕ SOIL BORING PERFORMED BY SALES I MONITORING WELL PERFORMED BY KEY ENVIRONMENTAL SERVICES INC. GEOPROBE PERFORMED BY KEY ENVIRONMENTAL SERVICES INC. CONCENTRATION GREATER THAN 10% PCL

DATE	REVISIONS	BY	IN

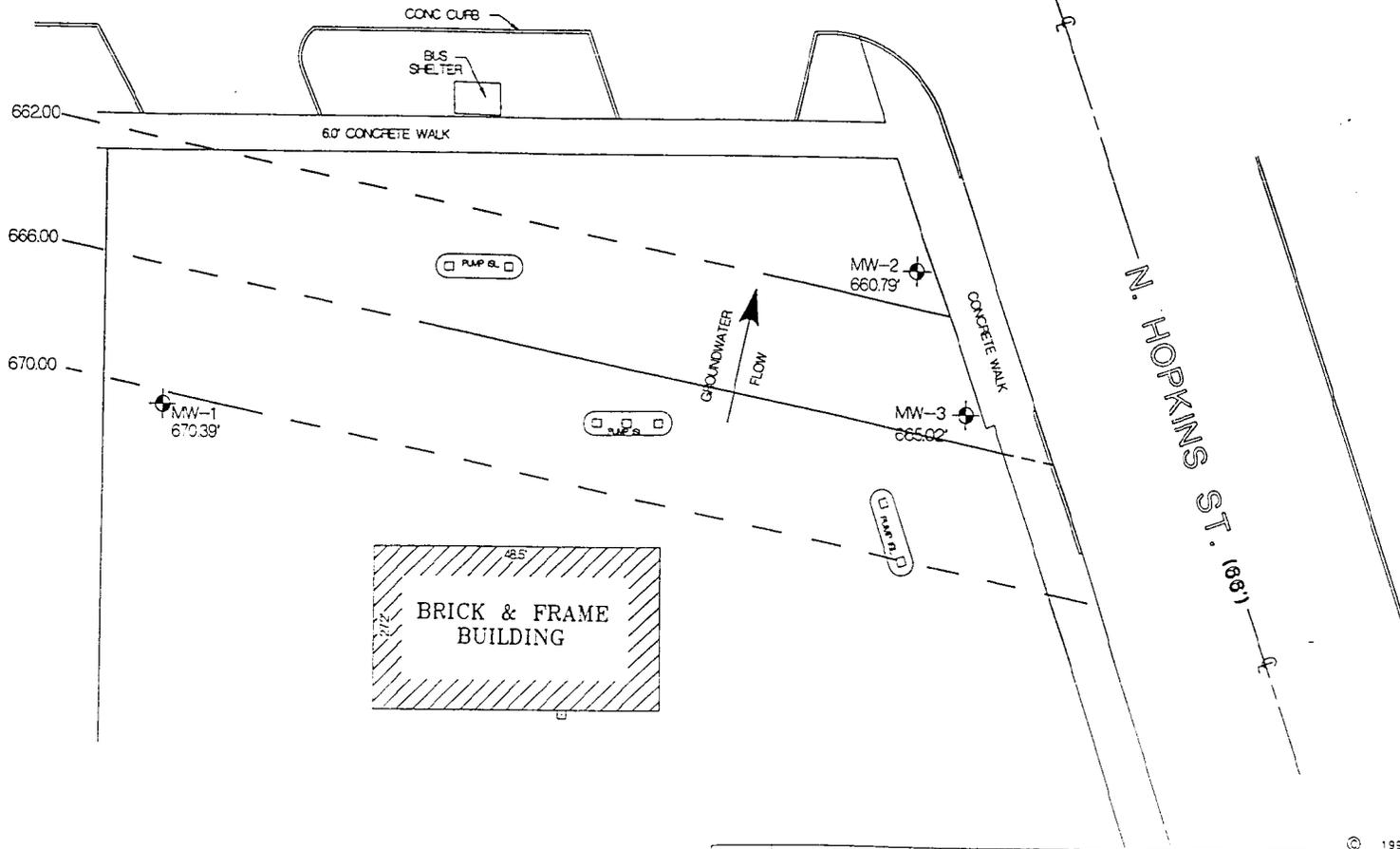


**FIGURE 5  
SUMMARY OF GROUNDWATER  
ANALYTICAL DATA**

NEWKIRK'S SERVICE STATION  
4105 WEST VILLARD AVENUE  
MILWAUKEE, WISCONSIN

© 1996 Key Environmental Services, Inc.  
 DRN BY: A.L.R. DATE: 03 DE 96  
 DSN BY: V.S.V. FILE NO.: 0505015  
 CHK BY: V.S.V. DWG. NO.: 05050152  
 REV. BY: K.W.W. SHEET NO.: 5  
**Key ENVIRONMENTAL SERVICES INC.**  
 956 North Commerce Court - Cedarburg, WI 53012 - (414) 375-4700  
 2714 Westpark Drive - Milwaukee, WI 53227

W. VILLARD AVE (VARIABLE)



CONTOUR INTERVAL = 2 FEET

MONITORING WELL PERFORMED BY KEY ENVIRONMENTAL SERVICES, INC.

DATE	REVISIONS	INITIALS

SCALE: 1" = 20'

FIGURE 3  
GROUNDWATER ELEVATION  
CONTOUR MAP

NEWKIRK'S SERVICE STATION  
4105 WEST VILLARD AVENUE  
MILWAUKEE, WISCONSIN

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DRN. BY:	ALR	DATE:	03/08/96
DSN. BY:	V.S.V.	FILE NO.	0505015
CHK. BY:	V.S.V.	DWG. NO.	05050152
REV. BY:	K.W.W.	SHEET NO.	4

Key ENVIRONMENTAL SERVICES, INC.

154 K215 Commerce Court - Cedarburg, WI 53012 (414) 375-4750  
6216 Washington Ave. - Racine, WI 53406 (414) 586-4438



**TABLE 1**  
**SUMMARY OF GROUNDWATER SAMPLE ANALYTICAL RESULTS**  
**QUARTERLY GROUNDWATER MONITORING**

**NEWKIRK'S SERVICE STATION**  
4105 West Villard Avenue  
Milwaukee, Wisconsin

WELL NO.	DATE SAMPLED	DRO mg/l	GRO ug/l	BENZENE ug/l	TOLUENE ug/l	ETHYLBENZENE ug/l	XYLENE ug/l	MTBE ug/l	TMBs ug/l
MW-1	9/1/95	1.1	<100	<1.0	<1.0	<1.0	<2.0	2.8	<1.0
	10/30/96	<0.10	<50	<0.50	<1.0	<1.0	<3.0	<1.0	<1.0
	6/12/97	<0.10	<50	<0.50	<0.50	<0.50	<0.50	<0.20	<2.0
	10/1/97	0.86	<5.0	<0.50	<0.50	<0.50	<0.50	<0.20	<2.0
	8/3/98	<0.10	<50	<0.50	<0.50	<0.50	<0.50	<0.20	4.0
	1/14/99	<0.10	<50	<0.13	<0.20	<0.22	<0.23	<0.16	<0.51
RW-1	10/30/96	<0.10	1,400	<b>120</b>	<20	<20	<60	<b>3100</b>	<20
	6/12/97	0.23	340	<b>130</b>	0.81	73	<0.50	<b>4800</b>	1.8
	10/1/97	0.13	<5.0	<b>26</b>	<0.50	1.5	<0.50	<b>1900</b>	<2.0
	8/3/98	<0.10	110	<0.50	<0.50	<0.50	<0.50	<b>1300</b>	15
	1/14/99	0.35	340	<b>14</b>	0.27	<0.22	0.35	<b>780</b>	<0.51
	RW-2	10/30/96	<0.10	1,500	<b>140</b>	<20	<20	<60	<b>3400</b>
6/12/97		0.66	440	<b>74</b>	<0.50	5.4	<0.50	<b>2300</b>	1.8
10/1/97		0.38	<5.0	<b>5.1</b>	<0.50	<0.50	<0.50	<b>1400</b>	<2.0
8/3/98		4.5 <sup>1</sup>	4,200 <sup>1</sup>	310 <sup>1</sup>	680 <sup>1</sup>	81 <sup>1</sup>	860 <sup>1</sup>	810 <sup>1</sup>	330 <sup>1</sup>
NR 140		ES	NEL	NEL	5	343	700	620	60
	PAL	NEL	NEL	0.5	68.6	140	124	12	96

*Notes:*

< - less than

<sup>1</sup> - Well RW-2 was damaged and surface water can enter the well casing. Therefore analytical results are considered suspect.

Bold values exceed the NR 140 PAL

DRO - diesel range organics

ES - NR 140 Enforcement Standard

GRO - gasoline range organics

mg/l - milligrams per liter

MTBE - methyl tert-butyl ether

NEL - No established NR 140 ES or PAL

PAL - NR 140 Preventive Action Limit

Shaded values exceed the NR 140 ES

TMBs - trimethybenzenes

ug/l - micrograms per liter