

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

September 18, 1998

Mr. Steve Vnuk
Cardinal Transport
11016 W. Lincoln avenue
West Allis, WI 53227

FID # 241600370
RR
Milwaukee, Co.

RE: Site Closure, Former Cardinal Transport, 11016 West Lincoln Avenue, West Allis, Wisconsin .

Dear Mr Vnuk:

The Remediation and Redevelopment Section of the Wisconsin Department of Natural Resources (WDNR), Southeast Region, Milwaukee Service Center has reviewed the report titled, Natural Attenuation Assessment and Closure Request for Former Cardinal Transport, 11016 West Lincoln Avenue, West Allis, Wisconsin, submitted by K. SINGH & ASSOCIATES, INC. and dated May 7, 1997. Your consultant requested for site closure according to ch. NR 726, Wisconsin Administrative Code (WAC).

Based on the above referenced report, there is groundwater above ch. NR 140 and residual soil contamination under the building on site above ch. NR 700, WAC enforcement standards on this property. The contamination is located at the following locations: MW-1 (benzene at 150 ug/l) and residual soil contamination with a benzene concentration of 640 ppb estimated at 290 cubic yards that exist under the building on this site as shown on figure 1 of the report dated February 26, 1998 titled Residual Contamination Estimate and Model Deed of this referenced site. The Department has mutually agreed with Mr. Steve Vnuk to conditionally close this site with a Groundwater use and Deed Restriction according to s. NR 726.05 (8) (am) as expressed in the DEED document, # 7592135, REEL IMAGE and Parcel Identification Number 481-9991-005-9, registered at Milwaukee County on August 28, 1998.

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,
[Signature]
Binyoti F. Amungwafor
Hydrogeologist

CC: Dr. Pratap N. Singh, K. SINGH & ASSOCIATES, INC.
Mr. Eugene L. Kaluzny, KALUZNY LAW OFFICES, S.C. /Case File



Quality Natural Resources Management
Through Excellent Customer Service



7592135

Document Number

DECLARATION OF RESTRICTIONS
(Groundwater Use and Deed
Restrictions)

Document Title

Legal Description of the Property:

That part of the Southeast 1/4 of Section 6, Town 6 North, Range 21 East, in the City of West Allis, County of Milwaukee, State of Wisconsin, bounded and described as follows:

Commencing at the Southeast corner of said 1/4 Section; thence West on and along the South line of said 1/4 Section 705.00 feet to the point of beginning of the parcel herein to be described; continuing thence West on and along the South line of said 1/4 Section 180.00 feet to a point; thence North and parallel to the East line of said 1/4 Section 255.00 to a point; thence East and parallel to the South line of said 1/4 Section 180.00 feet to a point; thence South and parallel to East line of said 1/4 Section 255.00 feet to the point of beginning, excepting the South 55 feet thereof.

(Street address: 11016 West Lincoln Avenue)

REGISTER'S OFFICE }
Milwaukee County, WI } SS

RECORDED AT _____

AUG 28 1998

REEL _____ IMAGE _____

Walter R. Benzel REGISTER
OF DEEDS

Recording Area

Name and Return Address

Atty. Eugene L. Kaluzny
6510 West Forest Home Ave
Milwaukee WI 53220

481-9991-005-9

Parcel Identification Number (PIN)

DECLARATION OF RESTRICTIONS

State of Wisconsin)
) ss.
Milwaukee County)

7592

RECORD 12

WHEREAS, George Darrell Durik, d/b/a Daily Direct Transfer Ltd., is the owner of the property described above; and

WHEREAS, Residual concentrations of gasoline and benzene above Nr.140 enforcement standards may exist in the groundwater on the property. Benzene was detected at a concentration of 150 ppb at MW-1 on 03/23/97. Residual soil contamination remains under the building on this property at a concentration of 640 ppb of Benzene. This sample was collected on 08/19/92. The estimated volume of contaminated soils under the building is about 290 yd³.

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 groundwater remediation activities on the property at the present time.

WHEREAS, natural attenuation has been approved by the Wisconsin Department of Natural Resources to remediate groundwater exceeding ch.NR. 140 groundwater standards within the boundaries of the property.

WHEREAS, construction of wells where the water quality exceeds the drinking water standards inch. NR 809 is restricted by ch. 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 the property shall be held, conveyed or encumbered, leased, rented, used, occupied and improved subject to the following limitations and restrictions:

Anyone who proposes to construct or reconstruct a 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 prohibitions or requirements are applicable prior to constructing or reconstructing a well on the property. No well may be constructed or reconstructed on the property unless applicable requirements are met.

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This restriction is hereby declared to be a covenant running with the land and shall be fully binding upon all persons acquiring the property hereinafter described on Attachment 1 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 proceeding 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 herein 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 together with a copy of the Department's determination to give notice that this groundwater use restriction is no longer binding.

IN WITNESS WHEREOF, the owner of the property has executed this Declaration of Restrictions this 27 day of August, 1998.

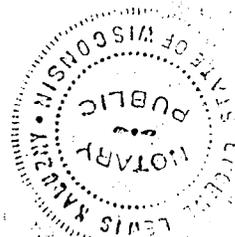
Signature: George Darrell Durik
Printed Name: George Darrell Durik

Subscribed and sworn to
before me this 27th day
of August, 1998

Eugene Lewis Kaluzny
Notary Public, Wisconsin

Eugene Lewis Kaluzny
(print name of Notary)

My Commission is permanent



Drafted by:

ATTY. EUGENE L. KALUZNY
Wis. State Bar # 1008837

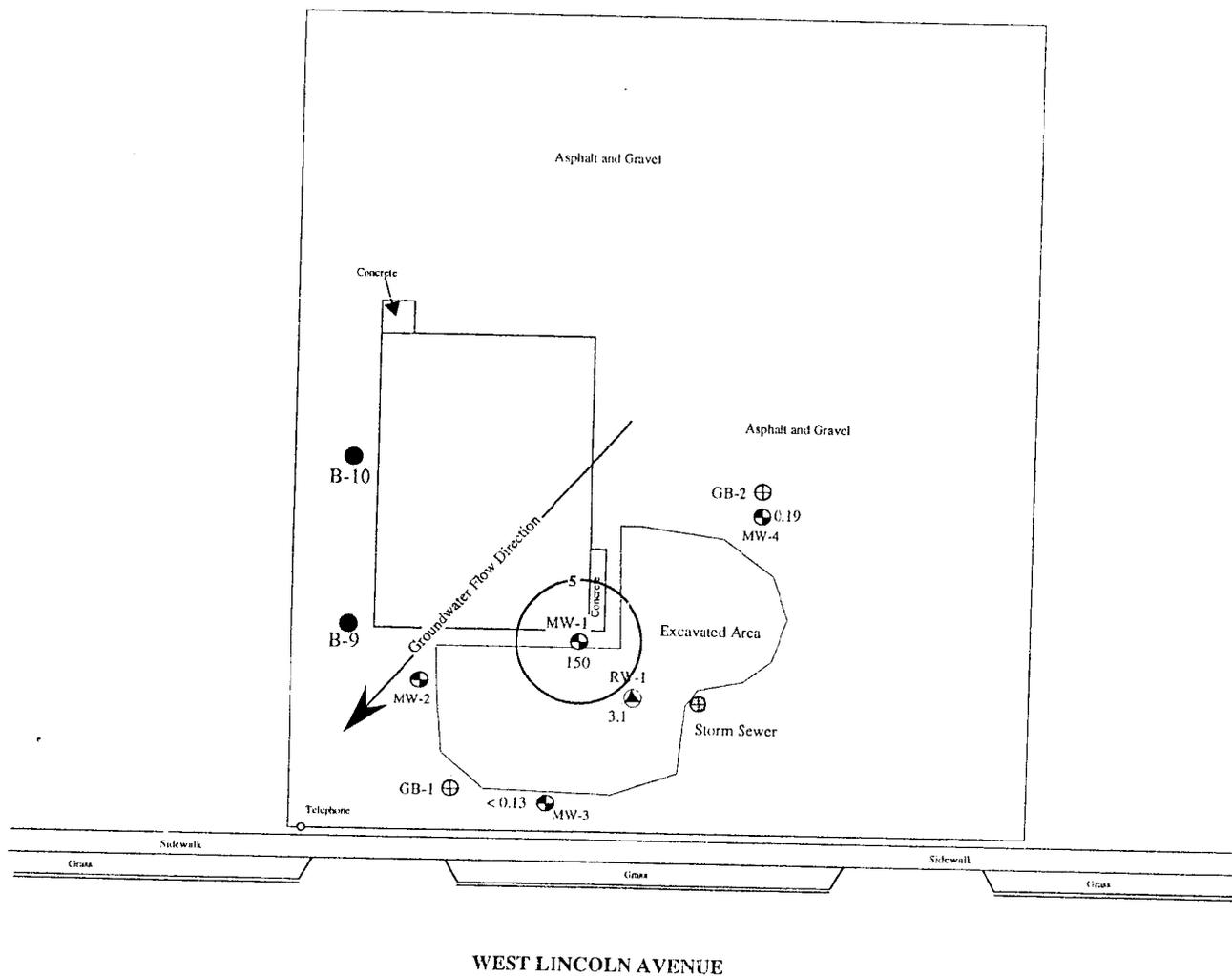
ACKNOWLEDGMENT

State of Wisconsin, }
Milwaukee County, } ss.
Personally came before me this 27th day of
August, 1998, the above named
George Darrell Durik

to me known to be the person _____ who executed the foregoing instrument and acknowledge the same.

Eugene Lewis Kaluzny
Notary Public, Milwaukee County, Wis.

My commission is permanent. (If not, state expiration date: _____)

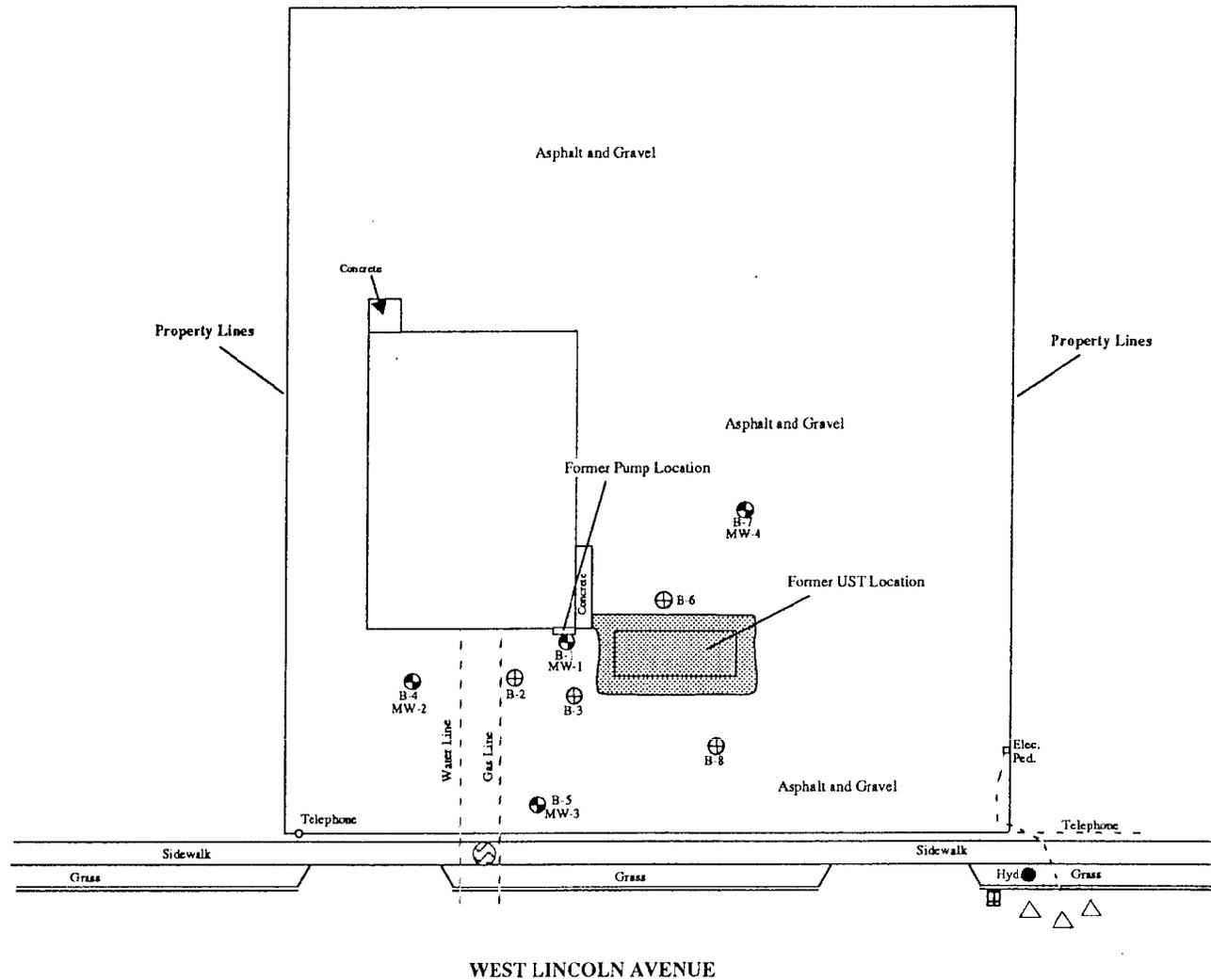


LEGEND	
⊕	Soil Boring
⊙	Monitoring Well
⊕	Recovery Well

Owner
CARDINAL TRANSPORT
 11016 West Lincoln Avenue
 West Allis, WI 53227

Engineer
K. SINGH & ASSOCIATES, INC.,
 Engineers & Environmental Management Consultants
 1135 Legion Drive, Elm Grove, Wisconsin 53122, (414) 821-1171

Figure 1. Facility Layout				
Date	Drawn by	Revisions by	Date	Project no.
October 12, 1992	D. N. S.			
SCALE		Checked by	P. N. S.	10/14/92
0' 25' 50'		C. S. S.	P. N. S.	10/14/92
				Sheet no.
				One



LEGEND

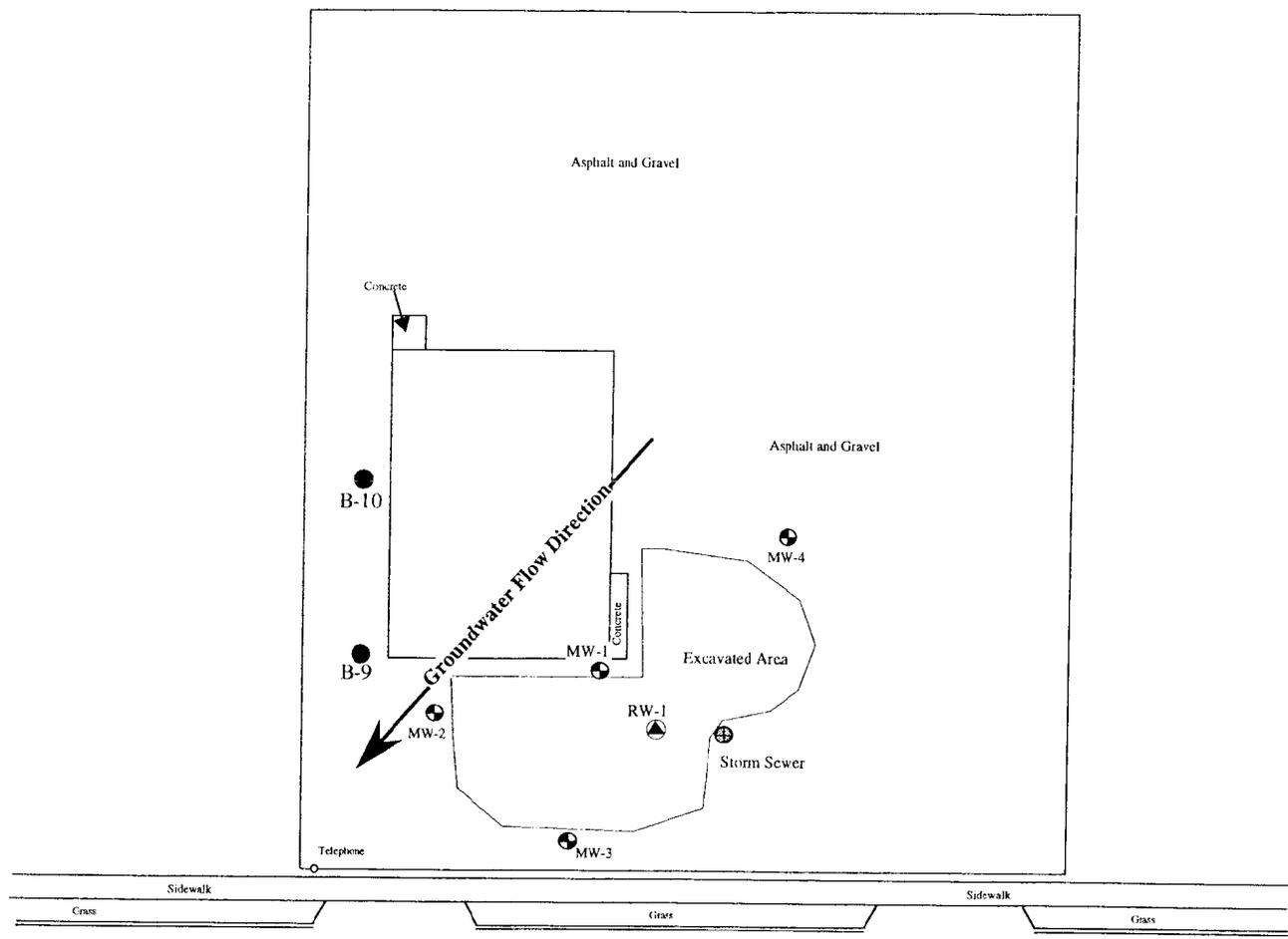
	Soil Boring
	Monitoring Well
	Water Valve
	Sanitary Sewer Manhole

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Figure 2. Facility Layout, Soil Borings and Monitoring Wells Location Map

Date April 14, 1992	Drawn by D.G.T.	Revisions by	Date 04/14/92	Project no. 2075
SCALE 		Checked by D.M.	C. S. S.	Sheet no. One
		C. S. S.	04/14/92	

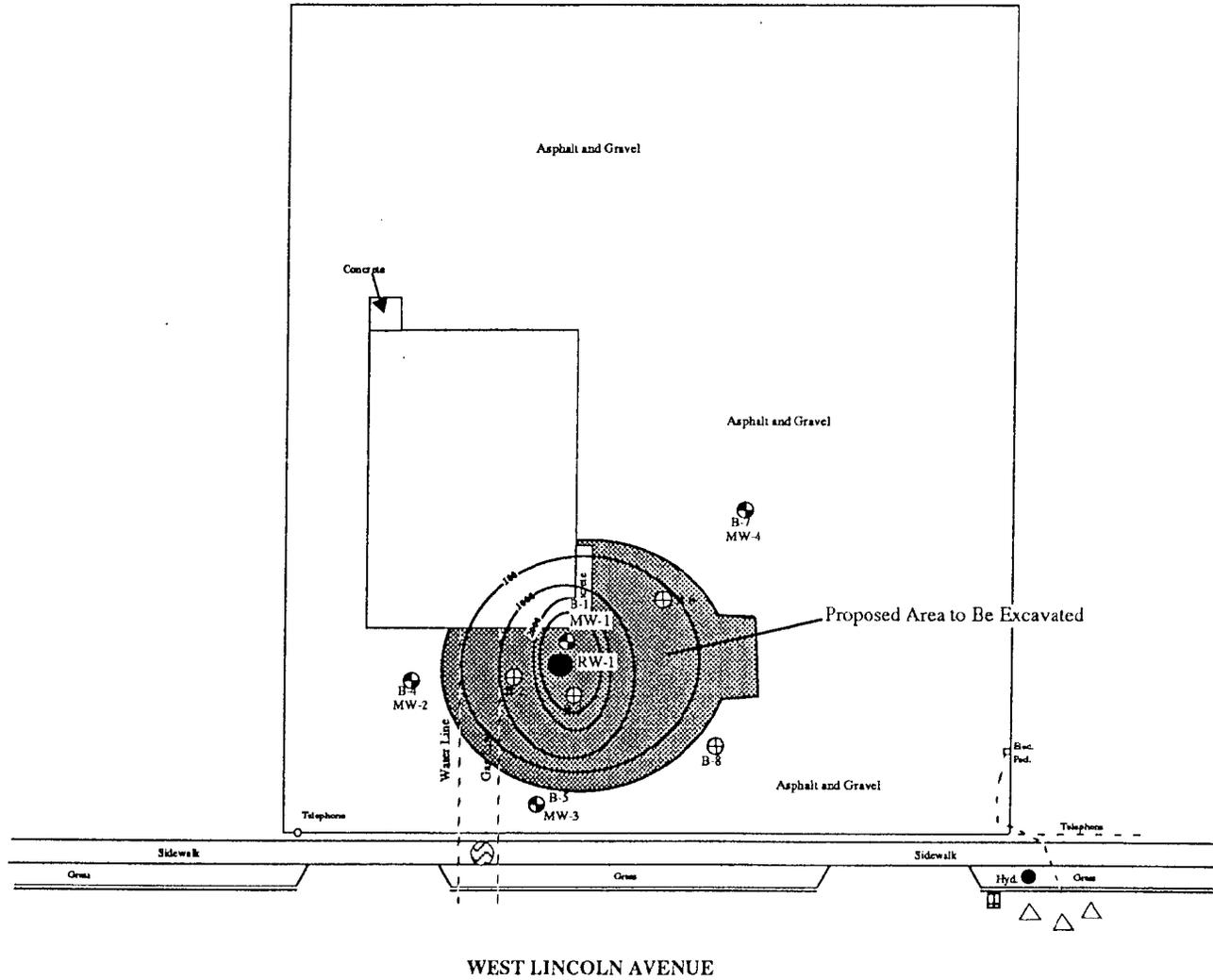


LEGEND	
	Soil Boring
	Monitoring Well
	Recovery Well

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Date October 12, 1992	Drawn by D. N. S.	Revisions by	Date	Project no.
SCALE 	Checked by C. S. S.	P. N. S.	10/14/92	2075
		P. N. S.	10/14/92	Sheet no. One



LEGEND

	Soil Boring
	Monitoring Well
	Water Valve
	Sanitary Sewer Manhole

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Figure 3. Approximate Area of Soil Excavation

Date April 14, 1992	Drawn by D.G.T	Revisions by C. S. S.	Date 04/14/92	Project no. 2075
SCALE 		Checked by D.M.	C. S. S.	Sheet no. One

Table 1

Groundwater Quality Test Results
Former Cardinal Transport, 11016 W. Lincoln Avenue, West Allis, WI

	Date	Benzene (ppb)	Ethyl- benzene (ppb)	Toluene (ppb)	Xylenes (ppb)	MTBE (ppb)	1,2,4, TMB (ppb)	1,3,5 TMB (ppb)	GRO (ppm)	DRO (ppm)
MW-1	3/17/92	350	1,900	890	7,900	---	2,100	500	780	2,600
	4/15/92	267	308	232	8,500	<250	3,990	1,470	88.2	554
	10/20/92	145	853	152.9	3,430.1	<2	<2	<2	12.81	1.52
	3/9/93	96	1,400	180	6,440	12	800	3,100	27	---
	9/22/93	<7	610	<10	2,500	<46	1,400	390	10	---
	12/3/93	75	490	<500	2,000	<230	1,700	1,600	74	3.7
	4/11/94	106	106	119	3,390	BDL	1,670	597	13	7.65
	9/8/94	80	BDL	190	7,580	BDL	2,180	1,754	20	---
	5/18/95	110	2,100	280	8,300	<100	2,200	640	25	---
	6/13/95	180	1,800	190	7,100	<50	2,200	520	20	---
	10/3/95	140	1,900	210	7,500	<100	2,300	<1800	21	---
	2/13/96	80	1,700	200	6,000	38	1,800	520	22	3.5
	7/23/96	97	1,800	170	6,200	<20	2,100	530	23	NT
	3/25/97	150	1,900	180	6,300	<1.6	2,200	570	21	NT
MW-2	3/17/92	BDL	BDL	1	2	---	2	<1	BDL	BDL
	4/15/92	BDL	BDL	BDL	2	<5	2	1	BDL	BDL
	10/20/92	---	---	BDL	---	---	---	---	---	BDL
	3/9/93	---	---	BDL	---	<2	<2	3.2	BDL	---
	12/3/93	BDL	BDL	BDL	BDL	<4.6	<1.8	1.6	BDL	---
	4/11/94	6	6	7.9	12	BDL	BDL	BDL	BDL	BDL
	9/8/94	BDL	0.4	0.6	BDL	BDL	BDL	BDL	BDL	---
MW-3	3/17/92	BDL	BDL	3	1	---	<1	<1	BDL	BDL
	4/15/92	BDL	BDL	BDL	BDL	<5	<1	<1	BDL	BDL
	10/20/92	BDL	BDL	BDL	BDL	<2	<2	<2	BDL	BDL
	3/9/93	BDL	BDL	BDL	BDL	<2	<2	<2	BDL	---
	9/22/93	BDL	BDL	BDL	BDL	<4.6	<1.8	<1.8	BDL	---
	12/3/93	BDL	BDL	BDL	BDL	<4.6	<1.8	<0.9	BDL	---
	4/11/94	1.2	1.2	1.5	BDL	BDL	BDL	BDL	BDL	BDL
	9/8/94	BDL	BDL	BDL	BDL	BDL	BDL	BDL	BDL	---
	3/25/97	<0.13	<0.22	<0.20	0.49	<0.16	<0.22	<0.29	<0.05	NT

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	Date	Benzene (ppb)	Ethyl- benzene (ppb)	Toluene (ppb)	Xylenes (ppb)	MTBE (ppb)	1,2,4, TMB (ppb)	1,3,5 TMB (ppb)	GRO (ppm)	DRO (ppm)
MW-4	3/17/92	BDL	BDL	3	BDL	---	<1	<1	BDL	BDL
	4/15/92	BDL	BDL	BDL	BDL	<5	1	<1	BDL	BDL
	3/25/97	0.19	< 0.22	< 0.20	0.37	< 0.16	< 0.22	< 0.29	< 0.05	NT
RW-1	3/17/92	---	---	---	---	---	---	---	---	---
	4/15/92	---	---	---	---	---	---	---	---	---
	10/20/92	8.6	5.1	22.4	51.1	<2	<2	<2	0.23	1,620
	3/9/93	160	180	630	850	4.3	250	800	6.18	NA
	6/18/93	BDL	BDL	BDL	6.2	<4.6	<1.8	2.7	0.1	NA
	6/19/93	61	42	160	190	<4.6	65	32	1	NA
	6/20/93	BDL	BDL	BDL	3.5	<4.6	<1.8	<0.9	BDL	NA
	9/22/93	BDL	BDL	BDL	BDL	<4.6	<1.8	<1.8	BDL	NA
	12/3/93	4.4	3.1	BDL	BDL	<4.6	<1.8	2.9	BDL	BDL
	4/11/94	1.8	1.8	3.1	4.9	BDL	2.1	BDL	BDL	BDL
	9/8/94	3	1.2	BDL	BDL	BDL	BDL	BDL	BDL	---
	5/18/95	< 1.0	< 1.0	< 1.0	< 3.0	< 1.0	< 1.0	< 1.0	< 0.05	---
	6/13/95	< 1.0	< 1.0	< 1.0	< 3.0	< 1.0	< 1.0	< 1.0	< 0.05	---
	10/3/95	< 0.50	< 1.0	< 1.0	< 3.0	< 1.0	< 1.0	< 1.0	< 0.05	---
	2/13/96	2.5	< 1.0	< 1.0	< 3.0	< 1.0	< 1.0	< 1.0	< 0.05	0.7
	7/23/96	<0.5	<1.0	<1.0	<3.0	<1.0	<1.0	<1.0	<0.05	NT
	3/25/97	3.1	1.9	0.31	2.3	< 0.16	0.54	< 0.29	< 0.05	NT
	PAL	0.5	272	68.6	124	12	---	---	---	---
	ES	5	1,360	343	620	60	---	---	---	---

BDL = Below Detection Limit
 NT = Not Tested