

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

July 28, 2000

Mr. Al Jagdfeld  
Milwaukee Gear Company  
5150 N. Port Washington Road  
Milwaukee, WI 53217

Subject: Final Closure for Milwaukee Gear #2, 5150 N. Port Washington Road,  
Milwaukee, WI FID: 241167960, BRRTS: 03-41-002489.

Dear Mr. Jagdfeld:

I've received the filed groundwater use and deed notice for the above-named site from Fox Environmental Services on July 27, 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: John Weber, Fox Environmental  
WDNR SER Files

Document Number

GROUNDWATER USE RESTRICTION

REGISTER'S OFFICE 1 SS  
Milwaukee County, WI

RECORDED AT 1:07 PM

05-08-2000

WALTER R. BARCZAK  
REGISTER OF DEEDS

AMOUNT 20.00

Declaration of Restrictions

In Re: That part of the North ¼ of the West ½ of the Southeast ¼ of Section 32, Town 8 North, Range 22 East, in the City of Glendale, County of Milwaukee, State of Wisconsin, bounded and described as follows: Commencing at the Northwest corner of the said ¼ Section; running thence South along the West line of said ¼ Section 511.30 feet to a point; thence East 1311.54 feet to a point in the East line of the West ½ of the said ¼ Section, which 511.40 feet South of the North line of said ¼ Section; thence North along the East line of the West ½ of said ¼ Section 511.40 feet to the Northeast corner of said West ½; thence West along the North line of said ¼ Section 1310.60 feet to the place of commencement. EXCEPTING THEREFROM the East 30 feet and West 60 feet thereof.

Recording Area

Name and Return Address

Mr. Richard Fullington  
Milwaukee Gear Company  
5150 North Port Washington Rd.  
Milwaukee, WI 53217

STATE OF WISCONSIN     )  
  ) ss  
COUNTY OF MILWAUKEE )

WHEREAS, THE MILWAUKEE GEAR COMPANY, a Wisconsin Corporation, formerly known as PORT AFFILIATES, INC., is the owner of the above-described property.

Tax Key Nos.:  
203-8992-001  
and  
203-8992-002

WHEREAS, one or more unleaded gasoline discharges have occurred on this property. Benzene and/or methyl tert-butylether and/or ethylbenzene and/or total trimethylbenzenes and/or total xylenes-contaminated groundwater, above ch. NR 140, Wis. Adm. Code, enforcement standards, existed on this property at the location seen on the attached FIGURE A as of September 28, 1999. The analytical groundwater data from the most recent sampling event performed at each of the property's monitoring wells is summarized on the attached TABLE 1. FIGURE A and TABLE 1 are hereby made a part of this restriction.

WHEREAS, it is the desire and intention of the property owner to impose on the property restrictions which will make it unnecessary to conduct further 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 contamination exceeding ch. NR 140, Wis. Adm. Code, groundwater standards within the boundaries of this property.

WHEREAS, construction of wells where the water quality does not comply with drinking water standards in ch. NR 809 is restricted by chs. NR 811 and NR 812, Wis. Adm. Code. 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 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, device, 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.

By signing this document, Richard Fullington asserts that he/she is duly authorized to sign this document on behalf of THE MILWAUKEE GEAR COMPANY, a Wisconsin Corporation (formerly known as PORT AFFILIATES, INC.) (the property owner).

IN WITNESS WHEREOF, the owner of the property has executed this Declaration of Restrictions, this 12<sup>th</sup> day of April, 2000.

Signature: Richard Fullington

Printed Name: Richard Fullington

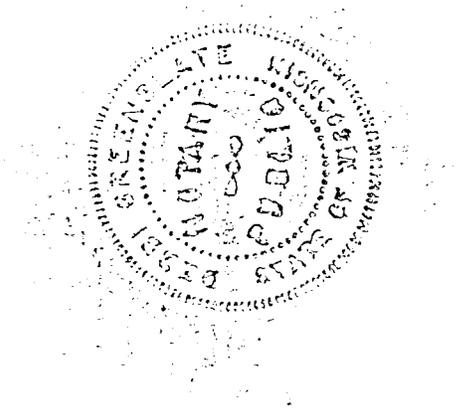
Subscribed and sworn to before me

this 12<sup>th</sup> day of April, 2000.

Signature: Debbi Greenblatt

Notary Public, State of Wisconsin

My commission: May 13, 1998 - May 12, 2002



This document was drafted by Fox Environmental Services, Inc., based on comments from the Wisconsin Department of Natural Resources.

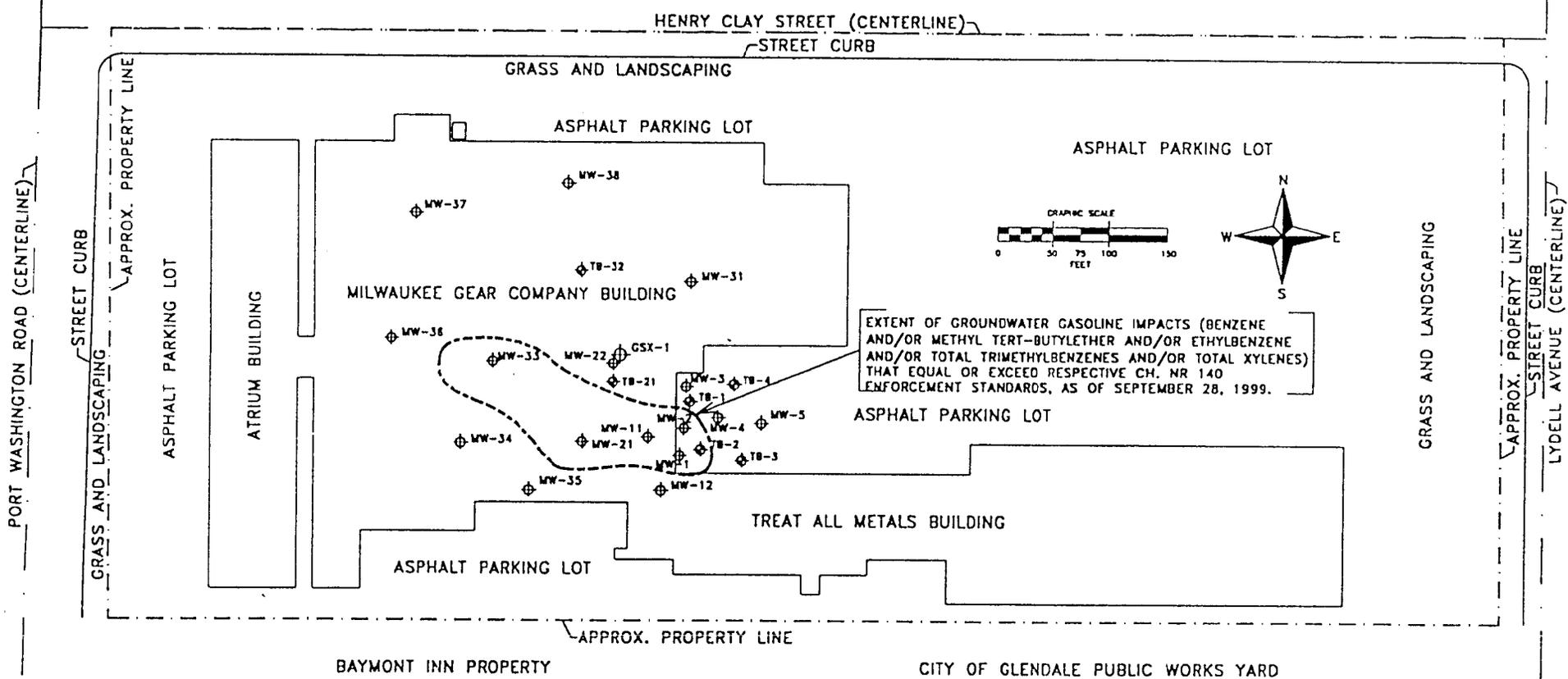


FIGURE A: EXTENT OF GROUNDWATER GASOLINE IMPACTS AS OF SEPTEMBER 28, 1999  
 Milwaukee Gear Site #2  
 5150 N. Port Washington Road  
 Milwaukee, Wisconsin  
 Project # 97907

- ⊕ MW-37 MONITORING WELL LOCATION  
(CONSTRUCTED BY FLUID MANAGEMENT)
- ⊕ GSX-1 6-INCH RECOVERY WELL LOCATION  
(CONSTRUCTED BY FLUID MANAGEMENT)
- ⊕ TB-32 SOIL BORING LOCATION  
(CONSTRUCTED BY FLUID MANAGEMENT)



Fox Environmental Services, Inc.

5150 North Port Washington Road  
 Milwaukee, Wisconsin, 53217

Voice: (414) 332-5857  
 FAX: (414) 332-5003

Original Map Source: SITE BLUEPRINTS & FOX FIELD MEASUREMENTS  
 AutoCAD LT Filename: 97907fox.dwg

Map Editor: J. Weber  
 Last Edited On: 3/21/2000

**TABLE 1: ANALYTICAL GROUNDWATER DATA FROM  
 MOST RECENT SAMPLING EVENT AT EACH WELL  
 MILWAUKEE GEAR SITE #2  
 5150 N. PORT WASHINGTON ROAD  
 MILWAUKEE, WI 53217**

Explanation of abbreviations, symbols and colors:

ES = NR 140 Enforcement Standard.

PAL = NR 140 Preventive Action Limit.

ppb = parts per billion.

NE = not established.

( ) = values in parentheses are from a duplicate sample. NA = not applicable.

(p) = result is less than the quantitation limit.

ND = not detected.

(lc) = lab contaminant, not representative of sample.

- = not sampled/tested.

PVOC = petroleum volatile organic compound.

VOC = volatile organic compound.

A = Fluid Management's decon. blank, trip blank and pump blank from the

02/04/1997 sampling event had various PVOC results between 0.41

ppb and 8.7 ppb. Corresponding low level PVOC results in other

samples collected during that event are thus suspect.

Parameter	Well Designation		MW-1	MW-2	MW-3	MW-4	MW-5	MW-11	MW-12	MW-21
	Sampling Event Date		02/04/1997	03/11/1999	05/21/1996	02/04/1997	03/11/1999	12/07/1994	03/11/1999	01/27/1998
<b>PVOCs (in ppb)</b>	<b>ES</b>	<b>PAL</b>				A				
Benzene	5	0.5	110	105 (110)	ND	ND	ND	5000	0.58(p)	844 (845)
Ethylbenzene	700	140	3.6	119 (116)	ND	ND	ND	1700	ND	ND (ND)
Methyl tert-butyl ether (MTBE)	60	12	24	ND (ND)	ND	1.2	ND	ND	ND	164(p) (162)(p)
Toluene	343	69	7.3	54.7 (53.7)	ND	ND	ND	ND	ND	ND (ND)
Total Trimethylbenzenes	480	96	4.6	505 (485)	ND	ND	ND	1200	ND	ND (ND)
Total Xylenes	620	124	21	1297 (1238)	ND	ND	ND	3700	ND	ND (ND)
<b>Other Hydrocarbon VOCs (in ppb)</b>	<b>ES</b>	<b>PAL</b>								
n-Butylbenzene	NE	NE	0.54	ND (ND)	ND	-	-	-	-	ND (ND)
sec-Butylbenzene	NE	NE	0.48	ND (ND)	ND	-	-	-	-	ND (ND)
Isopropylbenzene	NE	NE	2.2	7.19(p) (6.91)(p)	ND	-	-	-	-	ND (ND)
p-Isopropyltoluene	NE	NE	ND	ND (ND)	ND	-	-	-	-	ND (ND)
Naphthalene	40	8	ND	48.5 (46.9)	ND	ND	-	-	-	ND (ND)
n-Propylbenzene	NE	NE	5.0	16.6(p) (16.0)(p)	ND	-	-	-	-	ND (ND)
Styrene	100	10	ND	ND (ND)	ND	-	-	-	-	ND (ND)
All Other Hydrocarbon VOCs	NA	NA	ND	ND (ND)	ND	-	-	-	-	ND (ND)

TABLE 1: ANALYTICAL GROUNDWATER DATA FROM  
 MOST RECENT SAMPLING EVENT AT EACH WELL  
 MILWAUKEE GEAR SITE #2  
 5150 N. PORT WASHINGTON ROAD  
 MILWAUKEE, WI 53217

Explanation of abbreviations, symbols and colors:

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( ) = values in parentheses are from a duplicate sample. NA = not applicable.

(p) = result is less than the quantitation limit. ND = not detected.

(c) = lab contaminant, not representative of sample. - = not sampled/tested.

PVOC = petroleum volatile organic compound.

VOC = volatile organic compound.

A = Fluid Management's decon. blank, trip blank and pump blank from the

02/04/1997 sampling event had various PVOC results between 0.41

ppb and 8.7 ppb. Corresponding low level PVOC results in other

samples collected during that event are thus suspect.

Parameter	Well Designation		MW-22	MW-31	MW-33	MW-34	MW-35	MW-36	MW-37	MW-38
	Sampling Event Date		12/07/1994	02/04/1997	03/11/1999	03/11/1999	03/11/1999	03/11/1999	02/04/1997	02/04/1997
PVOCs (in ppb)	ES	PAL		A					A	A
Benzene	5	0.5	ND	ND	ND	ND	ND	ND	0.13	0.19
Ethylbenzene	700	140	ND	ND	0.78(p)	ND	ND	ND	ND	0.26
Methyl tert-butyl ether (MTBE)	60	12	ND	ND	186	1.6(p)	3.3	6.7	0.51	3.6
Toluene	343	69	ND	0.29	ND	ND	ND	ND	0.22	1.5
Total Trimethylbenzenes	480	96	ND	ND	ND	ND	ND	ND	0.54	0.71
Total Xylenes	620	124	ND	ND	ND	ND	ND	ND	1.0	3.1
Other Hydrocarbon VOCs (in ppb)	ES	PAL								
n-Butylbenzene	NE	NE	-	-	-	-	-	-	-	-
sec-Butylbenzene	NE	NE	-	-	-	-	-	-	-	-
Isopropylbenzene	NE	NE	-	-	-	-	-	-	-	-
p-Isopropyltoluene	NE	NE	-	-	-	-	-	-	-	-
Naphthalene	40	8	-	0.51	-	-	-	-	ND	0.57
n-Propylbenzene	NE	NE	-	-	-	-	-	-	-	-
Styrene	100	10	-	-	-	-	-	-	-	-
All Other Hydrocarbon VOCs	NA	NA	-	-	-	-	-	-	-	-

000148827

REGISTER'S OFFICE 1 SS  
Milwaukee County, WI

RECORDED AT 1:07 PM

05-08-2000

WALTER R. BARCZAK  
REGISTER OF DEEDS

AMOUNT 14.00

Recording Area

Name and Return Address

Mr. Richard Fullington  
Milwaukee Gear Company  
5150 North Port Washington Rd.  
Milwaukee, WI 53217

Tax Key Nos.:

203-8992-001

and

203-8992-002

Document Number

DEED NOTICE

In Re: That part of the North 1/4 of the West 1/2 of the Southeast 1/4 of Section 32, Town 8 North, Range 22 East, in the City of Glendale, County of Milwaukee, State of Wisconsin, bounded and described as follows: Commencing at the Northwest corner of the said 1/4 Section; running thence South along the West line of said 1/4 Section 511.30 feet to a point; thence East 1311.54 feet to a point in the East line of the West 1/2 of the said 1/4 Section, which 511.40 feet South of the North line of said 1/4 Section; thence North along the East line of the West 1/2 of said 1/4 Section 511.40 feet to the Northeast corner of said West 1/2; thence West along the North line of said 1/4 Section 1310.60 feet to the place of commencement. EXCEPTING THEREFROM the East 30 feet and West 60 feet thereof.

STATE OF WISCONSIN )  
 ) ss  
COUNTY OF MILWAUKEE )

Richard Fullington, being first duly sworn, on oath deposes and says:

1. That he/she is an officer in the corporation that owns the property and has been authorized by the owner to sign and record this notice.
2. That approval has been given by the Wisconsin Department of Natural Resources for the close-out of an environmental contamination case involving the above-described property on the condition that a notification of the existence of residual contamination on the property is recorded at the Office of the Register of Deeds in the county where the above-described property is located.
3. That this affidavit is being recorded for the purpose of notifying prospective purchasers and other interested parties that soil contaminated with benzene and/or ethylbenzene and/or toluene and/or total xylenes and/or gasoline range organics from an unleaded gasoline storage tank remains on this property in the location seen on the attached FIGURE B. FIGURE B is hereby made a part of this deed notice. If this contaminated soil is excavated in the future it may be considered solid waste and will require disposal in accordance with applicable statutes and rules.

Signature: Richard Fullington  
Printed Name: Richard Fullington

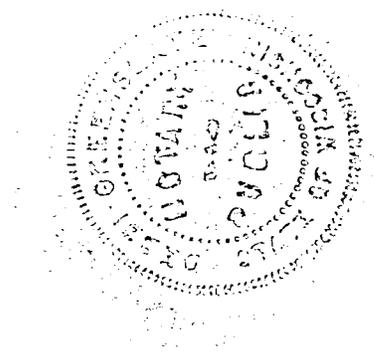
Subscribed and sworn to before me

this 12<sup>th</sup> day of April, 2000.

Signature: Debbi Greenblatt

Notary Public, State of Wisconsin

My commission: May 13, 1998 - May 12, 2002



This document was drafted by Fox Environmental Services, Inc., based on comments from the Wisconsin Department of Natural Resources.

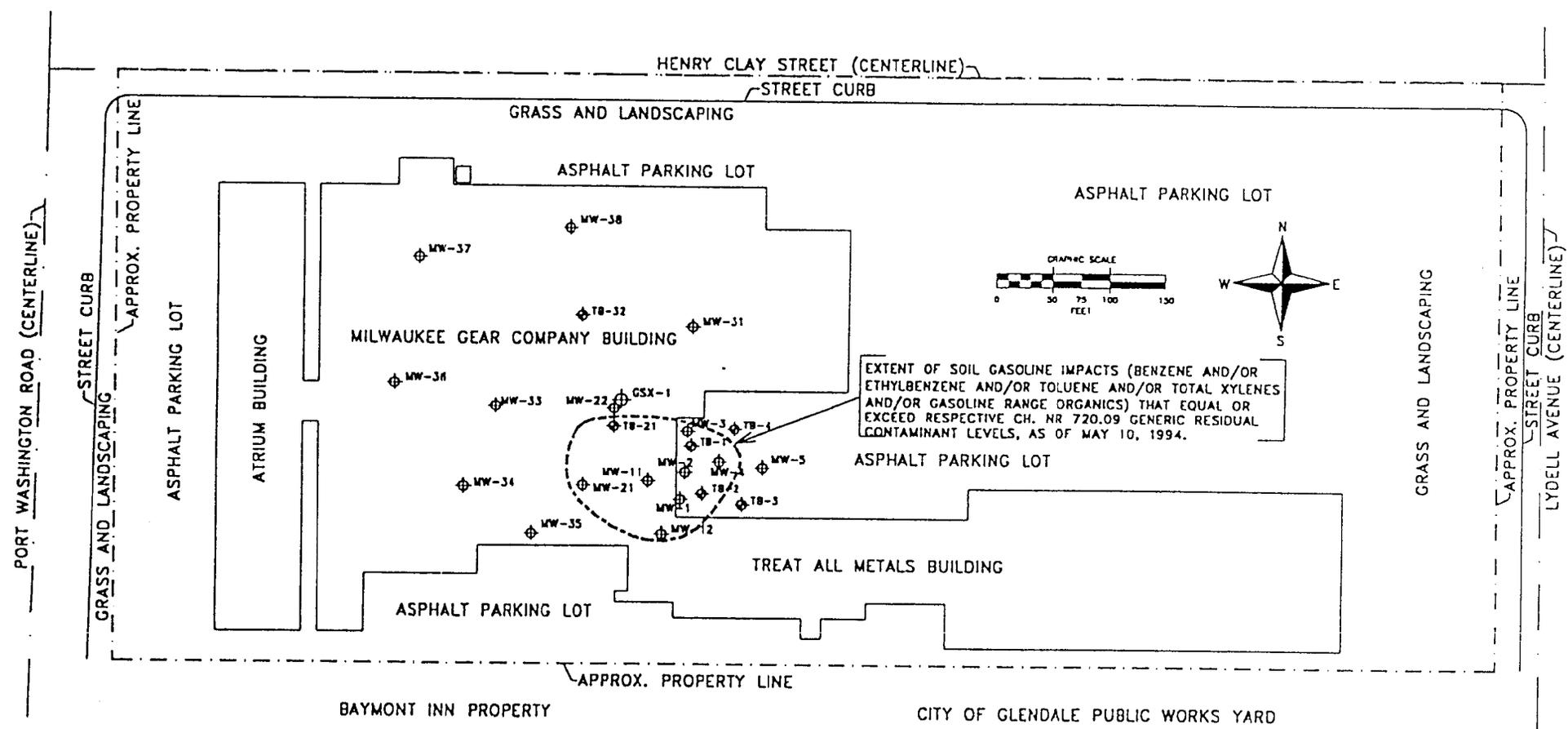


FIGURE B: EXTENT OF SOIL GASOLINE IMPACTS AS OF MAY 10, 1994

Milwaukee Gear Site #2  
5150 N. Port Washington Road  
Milwaukee, Wisconsin  
Project # 97907

- ⊕ MW-37 MONITORING WELL LOCATION  
(CONSTRUCTED BY FLUID MANAGEMENT)
- ⊕ GSX-1 8-INCH RECOVERY WELL LOCATION  
(CONSTRUCTED BY FLUID MANAGEMENT)
- ⊕ TB-32 SOIL BORING LOCATION  
(CONSTRUCTED BY FLUID MANAGEMENT)





Figure 1: Site Location Map  
 Milwaukee Gear Company, Site #2  
 5150 North Port Washington Road  
 Milwaukee, Wisconsin  
 Project #97907

SCALE 1:24,000



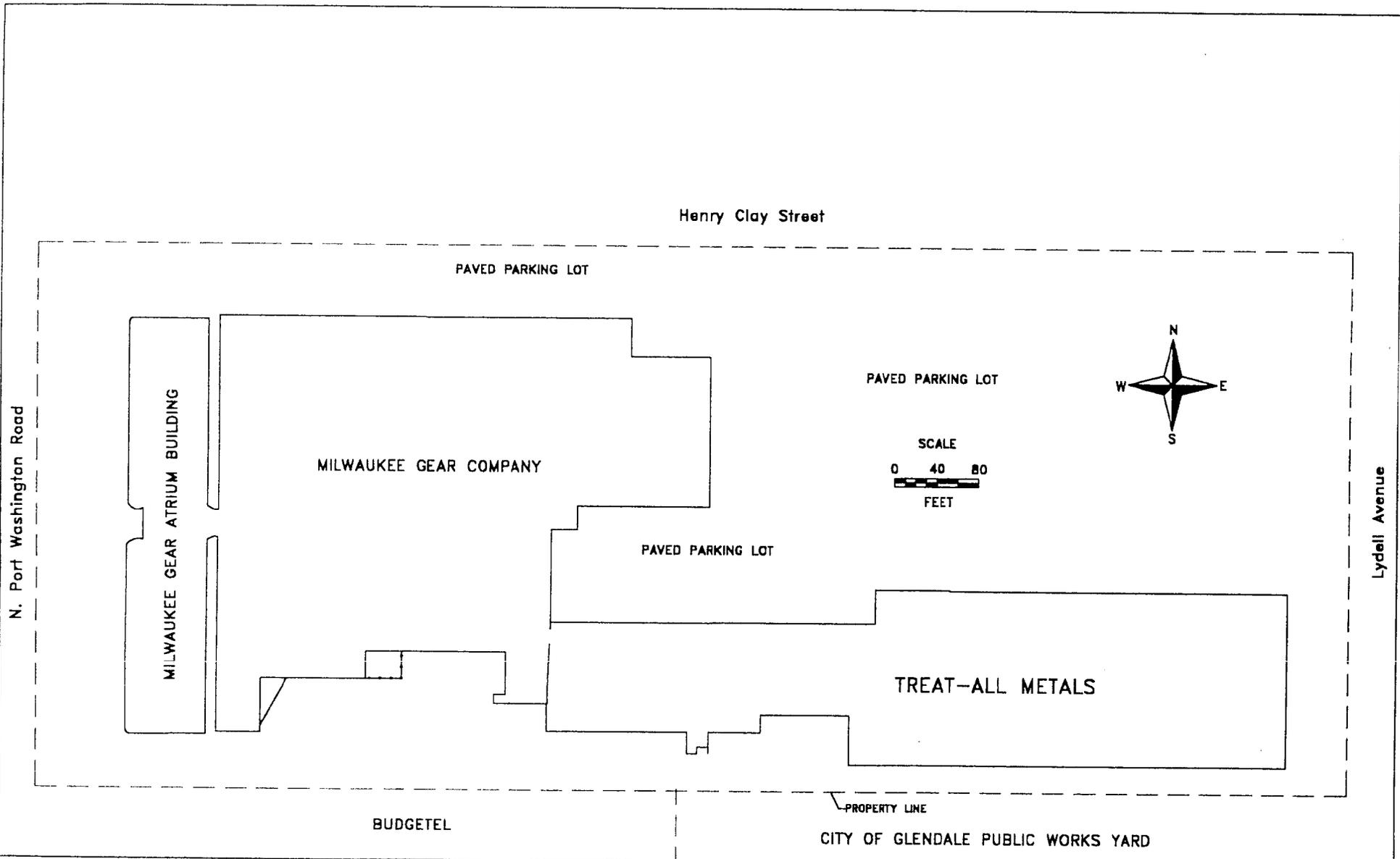


Figure 2: Site Layout  
 Milwaukee Gear Company, Inc.  
 5150 N. Port Washington Road  
 Milwaukee, WI 53217  
 Project # 97907

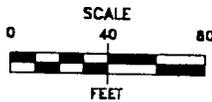
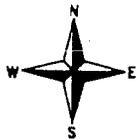


Figure 7: Groundwater Flow Map, March 1999

Milwaukee Gear Company  
 5150 North Port Washington  
 Milwaukee, WI 53217  
 Project # 97907

- ⊕ MW-37 MONITORING WELL LOCATION  
 (CONSTRUCTED BY FLUID MANAGEMENT)
- ⊕ GSX-1 6-INCH RECOVERY WELL LOCATION

— 620.0 — GROUNDWATER CONTOUR LINE, ELEVATIONS  
 ARE IN FEET ABOVE MEAN SEA LEVEL  
 ← DIRECTION OF GROUNDWATER FLOW

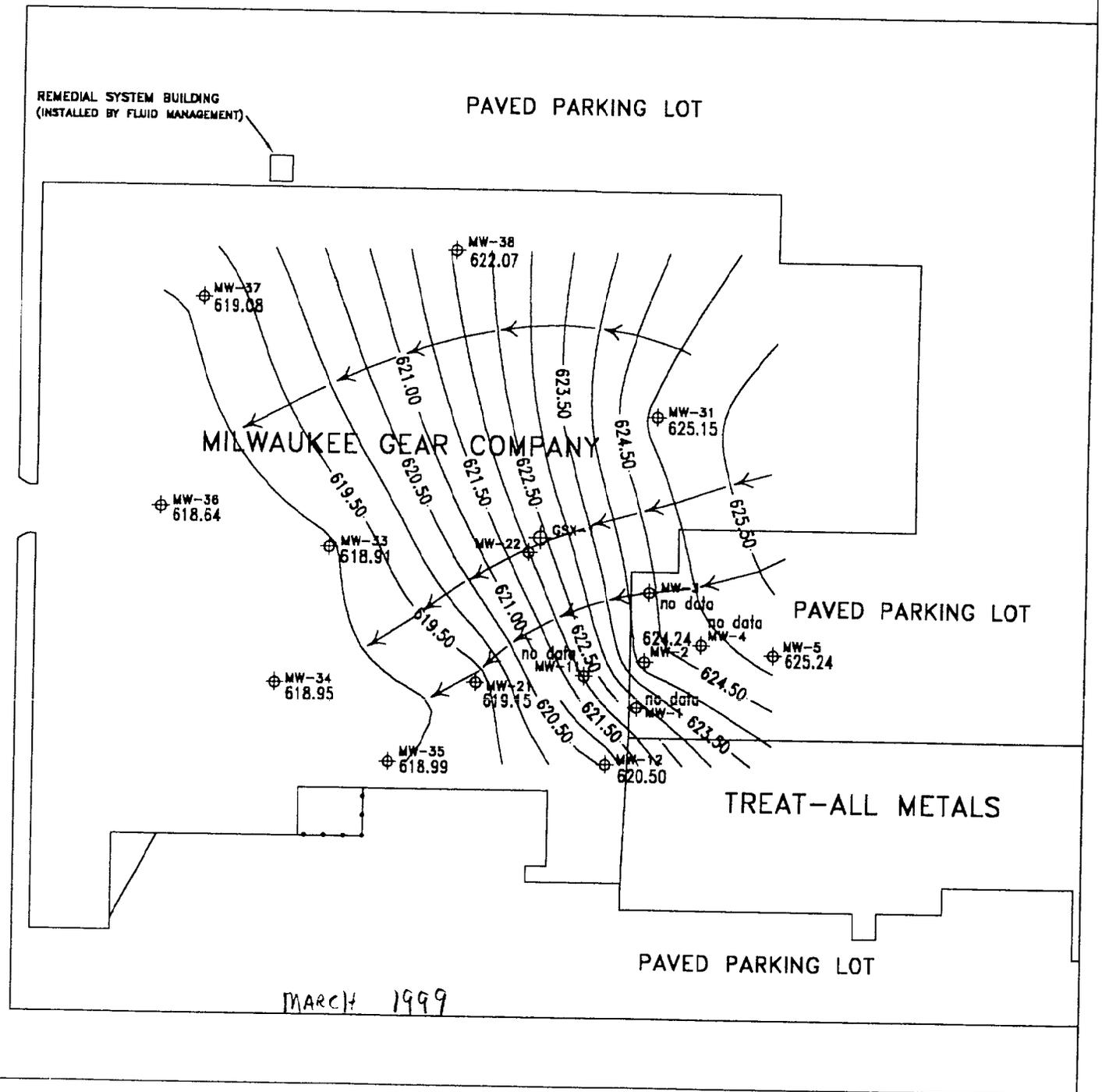


Fox Environmental Services, Inc.  
 5150 North Port Washington Road  
 Milwaukee, Wisconsin, 53217  
 Voice: (414) 332-5857  
 FAX: (414) 332-5003

Map Editor: T. Mulvey  
 Last Edited On: 6/8/99  
 Original Map Source: Site Blueprints  
 AutoCAD LT Filename: 97907fox.dwg



fox environmental services, inc.



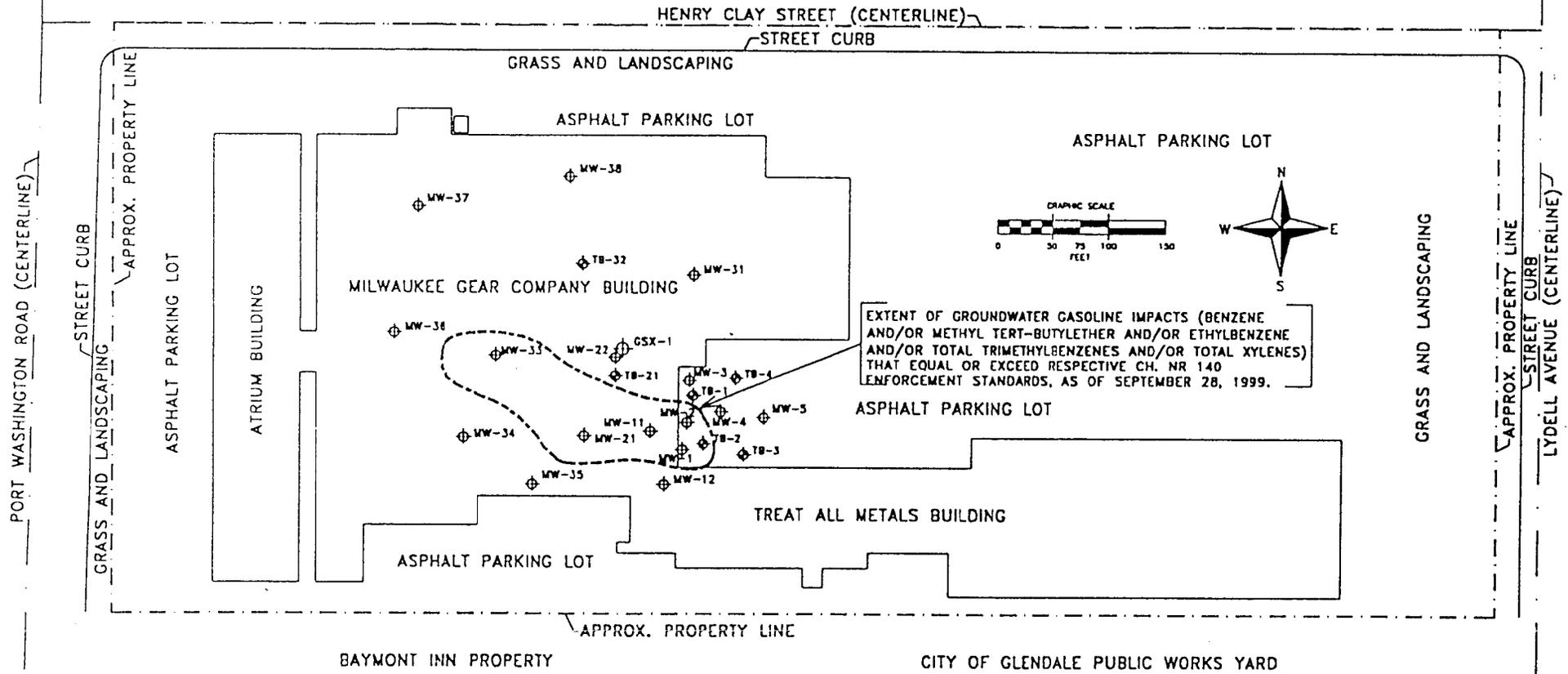


FIGURE A: EXTENT OF GROUNDWATER GASOLINE IMPACTS AS OF SEPTEMBER 28, 1999

Milwaukee Gear Site #2  
5150 N. Port Washington Road  
Milwaukee, Wisconsin  
Project # 97907

- ⊕ MW-37 MONITORING WELL LOCATION  
(CONSTRUCTED BY FLUID MANAGEMENT)
- ⊕ GSX-1 6-INCH RECOVERY WELL LOCATION  
(CONSTRUCTED BY FLUID MANAGEMENT)
- ⊕ TB-32 SOIL BORING LOCATION  
(CONSTRUCTED BY FLUID MANAGEMENT)



TABLE 1: ANALYTICAL GROUNDWATER DATA FROM  
 MOST RECENT SAMPLING EVENT AT EACH WELL  
 MILWAUKEE GEAR SITE #2  
 5150 N. PORT WASHINGTON ROAD  
 MILWAUKEE, WI 53217

Explanation of abbreviations, symbols and colors:

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VOC = volatile organic compound.

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02/04/1997 sampling event had various PVOC results between 0.41

ppb and 8.7 ppb. Corresponding low level PVOC results in other

samples collected during that event are thus suspect.

Parameter	Well Designation		MW-1	MW-2	MW-3	MW-4	MW-5	MW-11	MW-12	MW-21
	Sampling Event Date		02/04/1997	03/11/1999	05/21/1996	02/04/1997	03/11/1999	12/07/1994	03/11/1999	01/27/1998
PVOCs (in ppb)	ES	PAL				A				
Benzene	5	0.5	110	105 (110)	ND	ND	ND	5000	0.58(p)	844 (845)
Ethylbenzene	700	140	3.6	119 (116)	ND	ND	ND	1700	ND	ND (ND)
Methyl tert-butyl ether (MTBE)	60	12	24	ND (ND)	ND	1.2	ND	ND	ND	164(p) (162)(p)
Toluene	343	69	7.3	54.7 (53.7)	ND	ND	ND	ND	ND	ND (ND)
Total Trimethylbenzenes	480	96	4.6	505 (485)	ND	ND	ND	1200	ND	ND (ND)
Total Xylenes	620	124	21	1297 (1238)	ND	ND	ND	3700	ND	ND (ND)
Other Hydrocarbon VOCs (in ppb)	ES	PAL								
n-Butylbenzene	NE	NE	0.54	ND (ND)	ND	-	-	-	-	ND (ND)
sec-Butylbenzene	NE	NE	0.48	ND (ND)	ND	-	-	-	-	ND (ND)
Isopropylbenzene	NE	NE	2.2	7.19(p) (6.91)(p)	ND	-	-	-	-	ND (ND)
p-Isopropyltoluene	NE	NE	ND	ND (ND)	ND	-	-	-	-	ND (ND)
Naphthalene	40	8	ND	48.5 (46.9)	ND	ND	-	-	-	ND (ND)
n-Propylbenzene	NE	NE	5.0	16.6(p) (16.0)(p)	ND	-	-	-	-	ND (ND)
Styrene	100	10	ND	ND (ND)	ND	-	-	-	-	ND (ND)
All Other Hydrocarbon VOCs	NA	NA	ND	ND (ND)	ND	-	-	-	-	ND (ND)

TABLE 1: ANALYTICAL GROUNDWATER DATA FROM  
 MOST RECENT SAMPLING EVENT AT EACH WELL  
 MILWAUKEE GEAR SITE #2  
 5150 N. PORT WASHINGTON ROAD  
 MILWAUKEE, WI 53217

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PVOCs (in ppb)	ES	PAL		A					A	A
Benzene	5	0.5	ND	ND	ND	ND	ND	ND	0.13	0.19
Ethylbenzene	700	140	ND	ND	0.78(p)	ND	ND	ND	ND	0.26
Methyl tert-butyl ether (MTBE)	60	12	ND	ND	186	1.6(p)	3.3	6.7	0.51	3.6
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Total Xylenes	620	124	ND	ND	ND	ND	ND	ND	1.0	3.1
Other Hydrocarbon VOCs (in ppb)	ES	PAL								
n-Butylbenzene	NE	NE	-	-	-	-	-	-	-	-
sec-Butylbenzene	NE	NE	-	-	-	-	-	-	-	-
Isopropylbenzene	NE	NE	-	-	-	-	-	-	-	-
p-Isopropyltoluene	NE	NE	-	-	-	-	-	-	-	-
Naphthalene	40	8	-	0.51	-	-	-	-	ND	0.57
n-Propylbenzene	NE	NE	-	-	-	-	-	-	-	-
Styrene	100	10	-	-	-	-	-	-	-	-
All Other Hydrocarbon VOCs	NA	NA	-	-	-	-	-	-	-	-

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