



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, Box 1243
Milwaukee, Wisconsin 53212-043
TELEPHONE 414-263-850
FAX 414-263-871
TDD 414-263-871

January 15, 1999

FID#241884940
BRRTS#03-41-104241

Mr. William O'Brian
Knapp Railroad Service
2819 North 30th Street
Milwaukee, WI 53210

RE: Additional Information for the Conditional Site Closure Request
Knapp Railroad Service
2819 North 30th Street, Milwaukee

Dear Mr. O'Brian:

The Department has received the additional information regarding your Conditional Site Closure Request submitted by ENVIROGEN dated January 11, 1999. Based on the additional information submitted including: statistical analysis of the benzene data, isoconcentration maps for benzene and MTBE, a calculation of the time required for MTBE to reach standards, and an estimate of contaminated soils remaining in place, the Department concurs with ENVIROGEN's recommendation for case closure under NR726.05 and requires no further action at this site at this time.

To complete closure of this site, a groundwater use restriction and deed notice must be placed on the property deed at the county register of deeds office. The restriction and notice submitted to the Department for review contains the necessary information and are acceptable for filing. The Department will notify you by the close of business on Tuesday January 19, 1999, whether a deed restriction will be necessary in place of the deed notice for the remaining soil contamination.

Within sixty days, all of the groundwater monitoring wells at the site must be abandoned in accordance with ch. NR141 and the completed abandonment forms must be submitted to the Department.

Once the Department receives the abandonment forms and documentation that the groundwater use restriction and deed notice have been placed on the deed, the case will be tracked as closed on the Department's tracking system.

If you have any questions regarding this letter, you may contact me at the above address or at (414)263-8714.

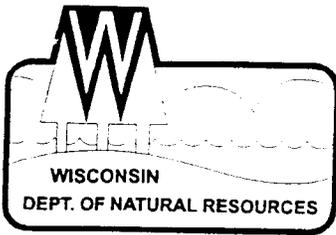
Sincerely,

Walt Ebersohl
Remediation and Redevelopment Sub-team Leader
Southeast Region



Quality Natural Resources Management
Through Excellent Customer Service





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

January 19, 1999

Mr. William O'Brian
Knapp Railroad Service
2819 North 30th Street
Milwaukee, WI 53210

Subject: Deed Notice Decision for Knapp Railroad Service, 2819 North 30th Street,
Milwaukee, WI FID: 241884940, BRRTS: 03-41-104241

Dear Mr. O'Brian:

This letter is in addition to Walt Ebersohl's letter sent to you on 15 January 1999 (see enclosure), requiring the Department notify you that a deed notice will be necessary for the remaining soil contamination found at the above-named site for benzene, ethylbenzene, and total xylenes.

If you have any questions regarding this letter, you may contact me at the above address or at (414) 263-8644.

Sincerely,

John J. Hnat
Hydrogeologist
Remediation and Redevelopment

Enclosure (1)

c: Joel Clemence, FMI
WDNR SED Files

Quality Natural Resources Management
Through Excellent Customer Service



7669324

GROUNDWATER USE RESTRICTION

Declaration of Restrictions

In Re: Lots One (1) to Seventeen (17) including the Easterly One-half (1/2) of vacated alley adjoining said property on the West and South West, in Block Six (6) in Pauline's Subdivision, in the North East One-quarter (1/4) of Section Thirteen (13), in Township Seven (7) North, Range Twenty-one (21) East, in the City of Milwaukee, County of Milwaukee, State of Wisconsin.

STATE OF WISCONSIN)
COUNTY OF MILWAUKEE) ss.

WHEREAS, William W. O'Brien is the owner of the above-described property.

WHEREAS, one or more benzene and methyl-tert-butyl-ether (MTBE) discharges have occurred at this property. Benzene and MTBE contaminated groundwater above Chapter NR 140, Wis. Admin. Code, enforcement standards exists and soil contamination exists at the following locations:

- 1. Groundwater Benzene Distribution as identified on the attached isoconcentration contour Figure No. 1.
2. Groundwater MTBE Distribution as identified on the attached isoconcentration contour Figure No. 2.
3. Horizontal Extent of Soil Contamination of Benzene and MTBE as identified on attached isoconcentration contour Figure No. 4.

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:

REGISTER'S OFFICE } ss
Milwaukee County, WI }
RECORDED AT 8:10 AM

JAN 18 1999

REEL _____ IMAGE _____
Walter A. Buehler REGISTER OF DEEDS

Return to: William W. O'Brien
13635 W BURLINGHAM RD
BROOKFIELD WI 53005

Parcel Identification Number

309-1146-100-1

7669324

RECORD 18.00

TO: ATY TRAY A. MAYNE DE WITT ROSS & STEVEN SC.
FROM: THOMAS DIMBLON
DATE: 2/18/99
FAX: 608-252-9243
FAX #: 414 536 4433 PHONE #: 414 536 4458

18/10

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 this property unless applicable requirements are met.

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, with a copy of the Department's written determination, may be recorded 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 15th day of January, 1999.

William W. O'Brien
William W. O'Brien

ACKNOWLEDGMENT

STATE OF WISCONSIN
MILWAUKEE COUNTY

Personally came before me this 15th day of January, 1999, the above named William W. O'Brien to me known to be the person who executed the foregoing instrument and acknowledge the same.

Terril L. Peters
signature
type or print name TERRIL L. PETERS

Notary Public Milwaukee County, Wisconsin
My commission is permanent. (If not, state expiration date: April, AAA.)



This document was drafted by:
Attorney Troy A. Mayne
DeWitt Ross & Stevens S.C.
2 East Mifflin Street, Suite 600
Madison, WI 53703
(608)255-8891

DEED NOTICE

7671112

Declaration of Restrictions

In Re: Lots One (1) to Seventeen (17) including the Easterly One-half (1/2) of vacated alley adjoining said property on the West and South West, in Block Six (6) in Pauline's Subdivision, in the North East One-quarter (1/4) of Section Thirteen (13), in Township Seven (7) North, Range Twenty-one (21) East, in the City of Milwaukee, County of Milwaukee, State of Wisconsin.

REGISTER'S OFFICE } SS
Milwaukee County, WI }
RECORDED AT 4 30 PM

JAN 19 1999

REEL _____ IMAGE _____
Walter R. Barczak REGISTER OF DEEDS

STATE OF WISCONSIN)
)ss.
COUNTY OF MILWAUKEE)

Return to:
WILLIAM W. O'BRIEN
13635 W. BURLEIGH RD
BROOKFIELD WI 53005

WHEREAS, William W. O'Brien, being first duly sworn, on oath deposes and says:

Parcel Identification Number

309-1146-100-1

7671112

RECORD 14.00

1. That he is the owner of the property described above.
2. That approval has been given by the Wisconsin Department of Natural Resources for the close-out of an environmental contamination case involving the property described above 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 property described above 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 methyl-tert-butyl-ether (MTBE) from an underground storage tank remains on this property in the following locations:

20m

1. ~~Vertical Extent of Soil Contamination of Benzene and MTBE as identified on attached isoconcentration contour Figure No. 1.~~

20m

2. ~~Horizontal Extent of Soil Contamination of Benzene and MTBE as identified on attached isoconcentration contour Figure No. 2.~~

3. Horizontal Extent of Soil Contamination of Benzene and MTBE as identified on attached isoconcentration contour Figure No. 4.

If this soil is excavated in the future it may be considered a solid waste and will need to be disposed in accordance with applicable laws and regulations.

REGISTER OF DEEDS
WALTER R. BARCZAK 01/19/99

7671112 #

RECORD	14.00
SUBTOTAL	14.00
TOTAL	14.00
A CASH A	14.00

PHONE # 278-4003
#043950 0001 804 716-40

1400

IN WITNESS WHEREOF, the owner of the property has executed this Declaration of Restrictions, this 15th day of January, 1999.

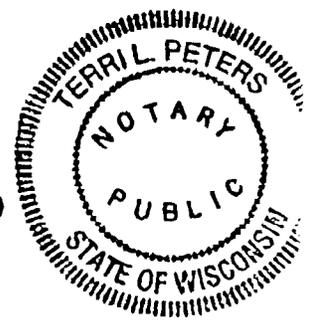
William W. O'Brien
William W. O'Brien

ACKNOWLEDGMENT

STATE OF WISCONSIN
MILWAUKEE COUNTY

Personally came before me this 15th day of January, 1999, the above named William W. O'Brien to me known to be the person who executed the foregoing instrument and acknowledge the same.

TERRI L. PETERS
signature
type or print name TERRI L. PETERS



Notary Public Milwaukee County, Wisconsin
My commission is permanent. (If not, state expiration date: April, AAA.)

This document was drafted by:
Attorney Troy A. Mayne
DeWitt Ross & Stevens S.C.
2 East Mifflin Street, Suite 600
Madison, WI 53703
(608)255-8891
o'brien.2pe

7672796

CORRECTED DEED NOTICE

Declaration of Restrictions

In Re: Lots One (1) to Seventeen (17) including the Easterly One-half (1/2) of vacated alley adjoining said property on the West and South West, in Block Six (6) in Pauline's Subdivision, in the North East One-quarter (1/4) of Section Thirteen (13), in Township Seven (7) North, Range Twenty-one (21) East, in the City of Milwaukee, County of Milwaukee, State of Wisconsin.

STATE OF WISCONSIN)
)ss.
COUNTY OF MILWAUKEE)

WHEREAS, William W. O'Brien, being first duly sworn, on oath deposes and says:

- 1. That he is the owner of the property described above.
2. That approval has been given by the Wisconsin Department of Natural Resources for the close-out of an environmental contamination case involving the property described above 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 property described above 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, ethylbenzene and total xylenes from an underground storage tank remains on this property in the following location:

Horizontal Extent of Soil Contamination as identified on attached isoconcentration contour Figure No. 4.

If this soil is excavated in the future it may be considered a solid waste and will need to be disposed in accordance with applicable laws and regulations.

Per request of the Wisconsin Department of Natural Resources, this Deed Notice corrects and reforms a Deed Notice that erroneously identified the constituent compounds present in the soil and was recorded in the Office of the Milwaukee County Register of Deeds on January 19, 1999 as Document No. 7671112.

IN WITNESS WHEREOF, the owner of the property has executed this Declaration of Restrictions, this 21st day of January, 1999.

William W. O'Brien
William W. O'Brien

Attach MAP # 4

REGISTER'S OFFICE }
Milwaukee County, WI }
RECORDED AT -4:25 PM

JAN 21 1999

REC. IMAGE
Walter R. ... REGISTER OF DEEDS

Return to:
WILLIAM W. O'BRIEN
13635 W. BURLINGHAM RD
BROOKFIELD, WI 53001

Parcel Identification Number

309-1146-100-1

7672796

RECORD 14.00

In 2550

Handwritten marks in the bottom left corner.

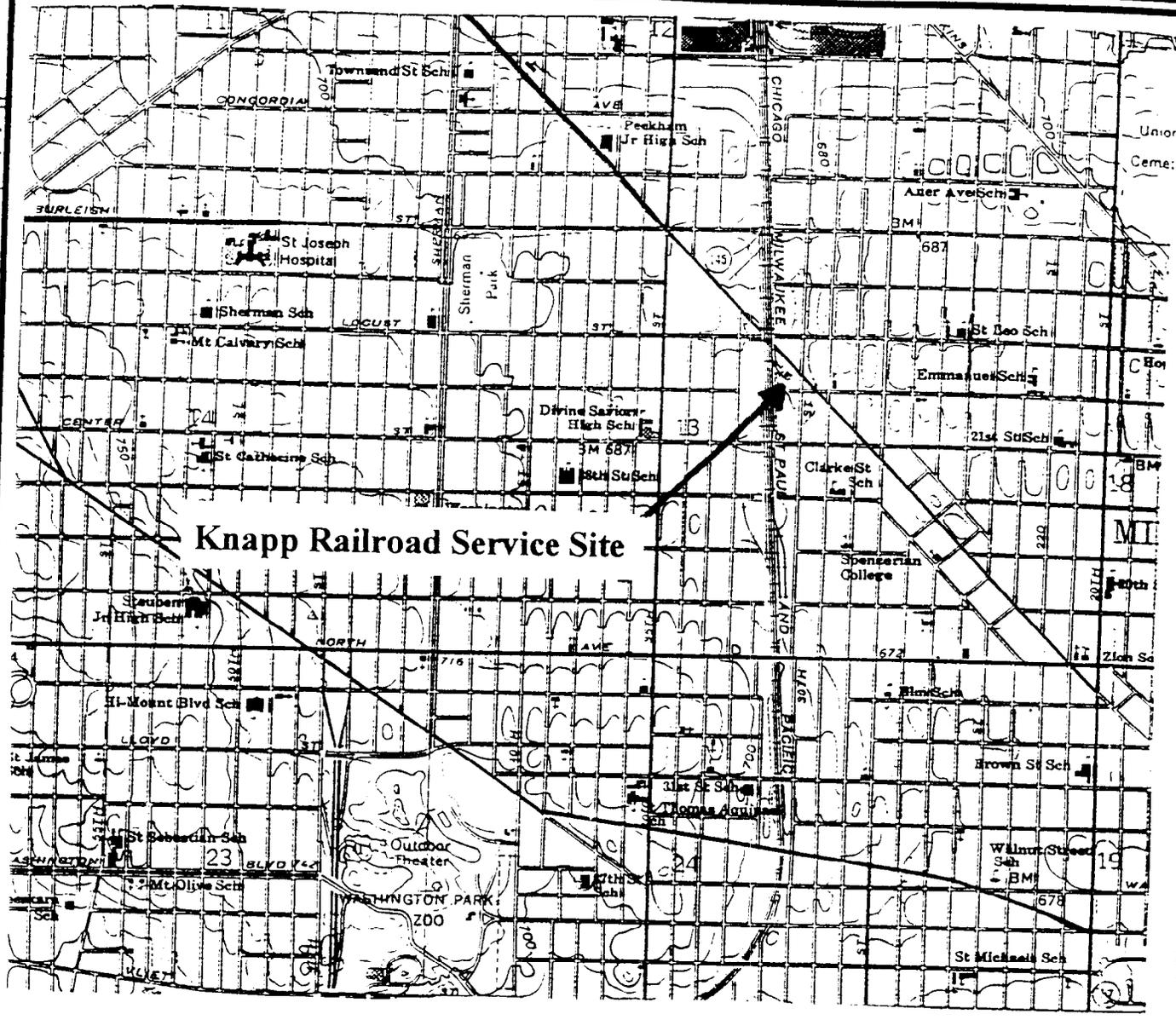
FLASH-FAX	TO: ATY TROY A. MAYNE DEWITT-ROSS & STEVENS FAX 888-252-9243	FROM: THOMAS D. MALONE	DATE: 1/21/99	COPY SENT
	FAX # 888-252-9243	FAX #: 414 536 4488	PHONE #: 536 4488	

REGISTER
OF DEEDS
WALTER R. BARCZAK
01/21/99

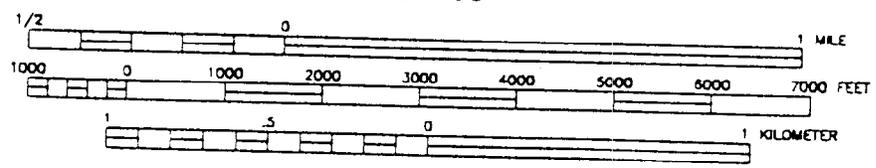
	7672796 #
RECORD	14.00
	0 #
COPYING	2.00
SUBTOTAL	16.00
TOTAL	16.00
H CASH H	16.00

PHONE # 278-4003
#066350 C001 R03 T16:36

DRAWING NO. 96.163L1
 DRAWN BY: LME
 5/18/98
 CHECKED BY: *gan*
 5/27/98
 APPROVED BY: *BL*
 6/12/98



(USGS [1958] 1971) SCALE 1:24000



CONTOUR INTERVAL 10 FEET

Fluid Management
 A Division of **ENVIROGEN, Inc.**



Site Location Map
Knapp Railroad Service Site
Milwaukee, Wisconsin

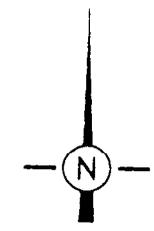
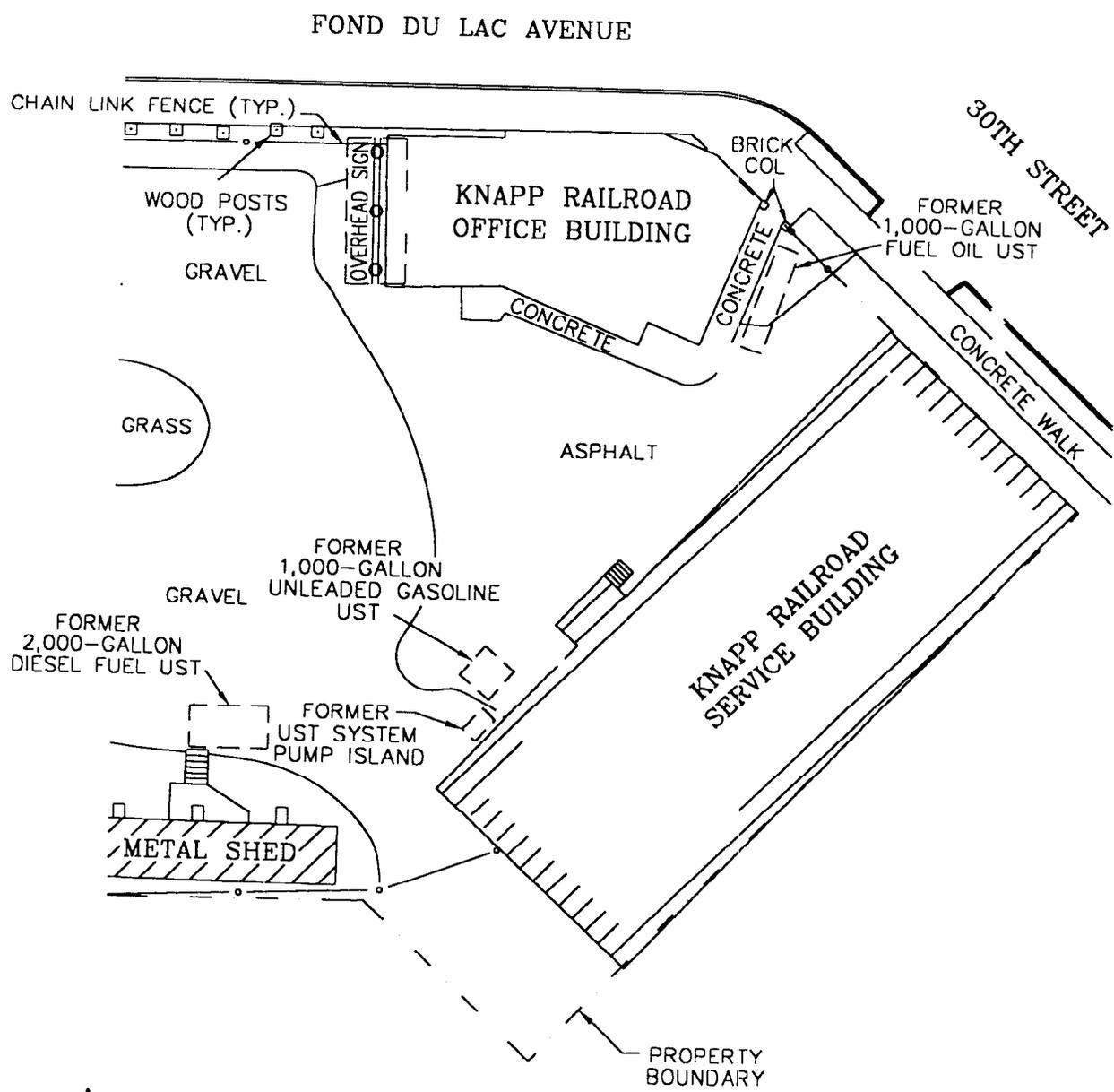


FIGURE NO.
1

THE INTERPRETATIONS IN THIS FIGURE ARE BASED ON KNOWN POINTS IN TIME AND SPACE AND ARE INTEGRAL TO A WRITTEN REPORT AND SHOULD BE REVIEWED IN THAT CONTEXT.

DRAWING NO. 96.163L2
 DRAWN BY: LME
 5/18/98
 CHECKED BY: SW
 6/12/98
 APPROVED BY: BUC
 9/16/98



Fluid Management
 A Division of  **ENVIROGEN, Inc.**

Site Plan View
Knapp Railroad Service Site
Milwaukee, Wisconsin

FIGURE NO.
2

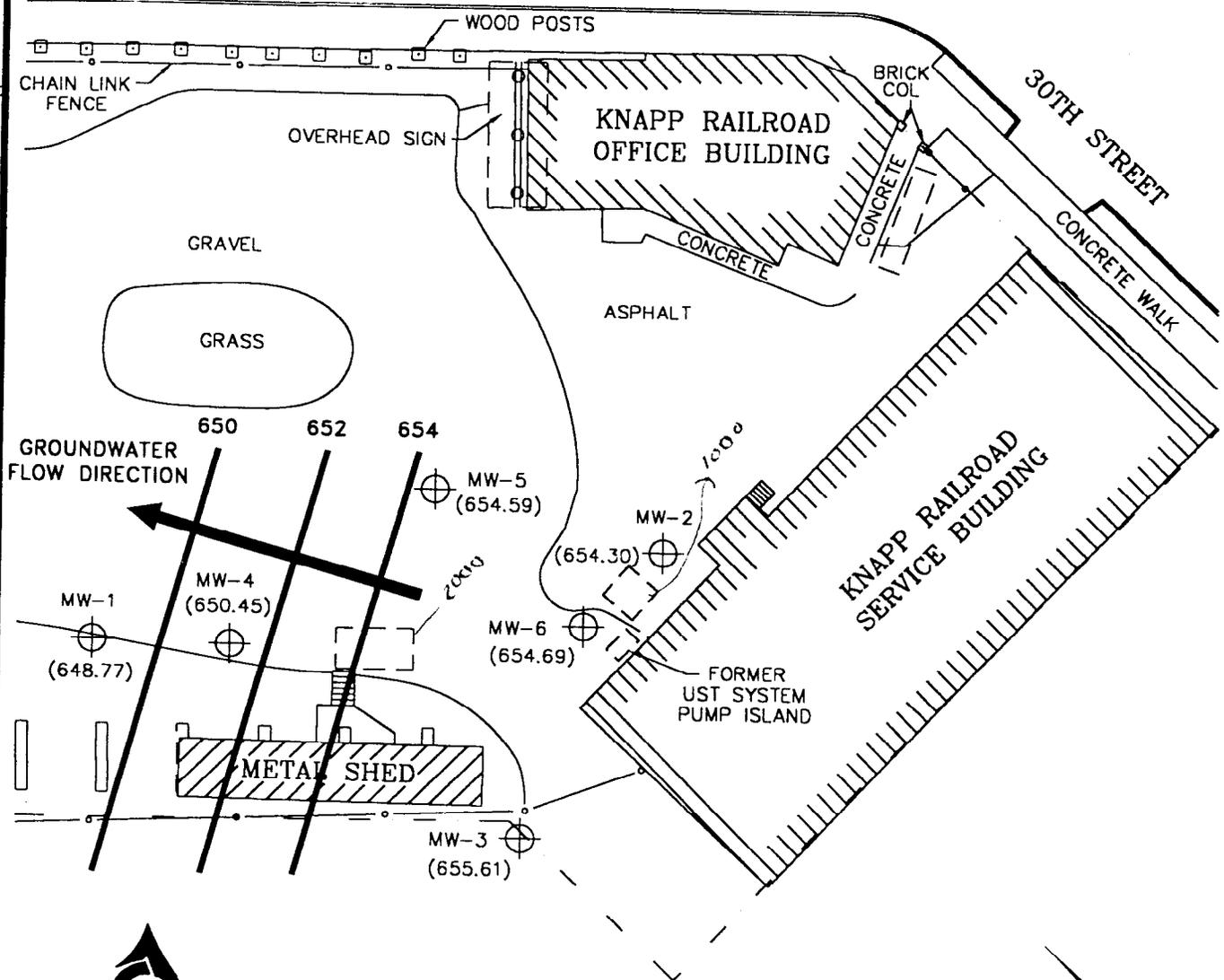
THE INTERPRETATIONS IN THIS FIGURE ARE BASED ON KNOWN POINTS IN TIME AND SPACE AND ARE INTEGRAL TO A WRITTEN REPORT AND SHOULD BE REVIEWED IN THAT CONTEXT.

DRAWING NO. 96.163L3
 DRAWN BY: LME
 5/18/98
 CHECKED BY: gm
 6/2/98
 APPROVED BY: BJK
 9/12/98

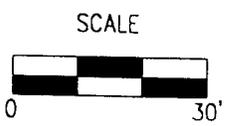
- LEGEND**
- MONITORING WELL
 - () GROUNDWATER ELEVATION IN FEET ABOVE MSL
 - 650 EQUIPOTENTIAL CONTOUR
 - FORMER UST CAVITY

FOND DU LAC AVENUE

HYDRAULIC GRADIENT (3/28/97) =
 $dh/dl = 0.1 \text{ ft/ft}$



Fluid Management
 A Division of **ENVIROGEN, Inc.**



Potentiometric Surface
 (3/19/97)
Knapp Railroad Service Site
Milwaukee, Wisconsin

FIGURE NO.
3

THE INTERPRETATIONS IN THIS FIGURE ARE BASED ON KNOWN POINTS IN TIME AND SPACE AND ARE INTEGRAL TO A WRITTEN REPORT AND SHOULD BE REVIEWED IN THAT CONTEXT.

TABLE 3

Groundwater Sample Laboratory Analytical Summary
 Knapp Railroad Service Site
 Milwaukee, Wisconsin

Sample Date	Monitoring Well	Parameters								
		Benzene	Ethylbenzene	Toluene	Xylenes	1,2,4-TMB	1,3,5-TMB	MTBE	Naphthalene	GRO
3/19/97	MW-1	<0.31	<0.38	<0.39	<1.1	<0.32	<0.33	<0.14	<0.35	<50
6/26/97		<0.31	<0.22	<0.20	<0.23	<0.22	<0.29	<0.16	NA	<50
8/21/97		<0.31	<0.22	<0.20	<0.23	<0.22	<0.29	<0.16	NA	<50
11/03/97		NA	NA	NA	NA	NA	NA	NA	NA	NA
3/02/98		<0.13	<0.22	<0.20	<0.23	<0.22	<0.29	<0.16	NA	NA
3/19/97	MW-2	<0.31	<0.38	<0.39	<1.1	<0.32	<0.33	<0.14	<0.35	<50
6/26/97		<0.31	<0.22	<0.20	<0.23	<0.22	<0.29	<0.16	NA	<50
8/21/97		<0.31	<0.22	<0.20	<0.23	<0.22	<0.29	<0.16	NA	<50
11/03/97		<0.13	<0.22	<0.20	<0.23	<0.22	<0.29	<0.16	NA	NA
3/02/98		<0.13	<0.22	<0.20	<0.23	<0.22	<0.29	<0.16	NA	NA
3/19/97	MW-3	<0.31	<0.38	<0.39	<1.1	<0.32	<0.33	0.36	<0.35	<50
6/26/97		<0.31	<0.22	<0.20	<0.23	<0.22	<0.29	<0.16	NA	<50
8/21/97		<0.31	<0.22	<0.20	<0.23	<0.22	<0.29	11	NA	<50
11/03/97		<0.31	<0.22	<0.20	<0.23	<0.22	<0.29	5.4	NA	NA
3/02/98		<0.13	<0.22	<0.20	<0.23	<0.22	<0.29	<0.16	NA	NA
NR 140 ES		5.0	700	343	620	NS	NS	60	40	NS
NR 140 PAL		0.5	140	68.6	124	NS	NS	12	8	NS

(Continued)

Notes:

Concentrations in ppb unless otherwise noted.

 Shading indicates value equals or exceeds the NR 140 enforcement standard

 Cross hatching indicates value equals or exceeds the NR 140 preventive action limit

PAL: Preventive Action Limit

ES: Enforcement Standard

GRO: Gasoline range organics

TMB: Trimethylbenzene

MTBE: Methyl t-butyl ether

NA: Not analyzed

NS: No standard

Checked by: _____

Approved by: _____

TABLE 3
(Continued)

Groundwater Sample Laboratory Analytical Summary
Knapp Railroad Service Site
Milwaukee, Wisconsin

Sample Date	Monitoring Well	Parameters								
		Benzene	Ethylbenzene	Toluene	Xylenes	1,2,4-TMB	1,3,5-TMB	MTBE	Naphthalene	GRO
3/19/97	MW-4	<0.31	<0.38	<0.39	<1.1	<0.32	<0.33	29	<0.35	<50
6/26/97		<0.31	<0.22	<0.20	<0.23	<0.22	<0.29	<0.16	NA	<50
8/21/97		<0.31	<0.22	<0.20	<0.23	<0.22	<0.29	9.4	NA	<50
11/03/97		NA	NA	NA	NA	NA	NA	NA	NA	NA
3/02/98		<0.31	0.69	<0.20	2.2	3.2	0.83	<0.16	NA	NA
3/19/97	MW-5	<0.31	<0.38	<0.39	<1.1	<0.32	<0.33	<0.14	<0.35	<50
6/26/97		<0.31	<0.22	<0.20	<0.23	<0.22	<0.29	<0.16	NA	<50
8/21/97		<0.31	<0.22	<0.20	<0.23	<0.22	<0.29	3.7	NA	<50
11/03/97		<0.31	<0.22	0.28	0.26	<0.22	<0.29	0.82	NA	NA
3/02/98		<0.13	<0.22	<0.20	<0.23	<0.22	<0.29	<0.16	NA	NA
3/19/97	MW-6	<0.31	<0.38	<0.39	<1.1	<0.32	<0.33	17	<0.35	<50
6/26/97		0.27	<0.22	<0.20	0.32	<0.22	<0.29	32	NA	<50
8/21/97		16	2.0	0.34	4.1	3.9	1.7	85	NA	350
11/03/97		7.3	0.64	<0.20	2.0	3.0	M < 2.9	40	NA	NA
3/02/98		<0.13	<0.22	<0.20	<0.23	<0.22	<0.29	M < 55	NA	NA
8/11/98		140	14	6.7	23	10	0.71	63	NA	NA
12/04/98		7.3	0.83	0.30	1.6	0.65	<0.29	36	NA	NA
NR 140 ES		5.0	700	343	620	NS	NS	60	40	NS
NR 140 PAL		0.5	140	68.6	124	NS	NS	12	8	NS

Notes:

Concentrations in ppb unless otherwise noted.

 Shading indicates value equals or exceeds the NR 140 enforcement standard
 Cross hatching indicates value equals or exceeds the NR 140 preventive action limit

PAL: Preventive Action Limit

ES: Enforcement Standard

GRO: Gasoline range organics

TMB: Trimethylbenzene

MTBE: Methyl t-butyl ether

NA: Not analyzed

NS: No standard

Checked by: _____ Approved by: _____