





**State of Wisconsin \ DEPARTMENT OF NATURAL RESOURCES**

Jim Doyle, Governor  
Scott Hassett, Secretary  
Gloria L. McCutcheon, Regional Director

Plymouth Service Center  
1155 Pilgrim Rd  
PO Box 408  
Plymouth, Wisconsin 53073-0408  
Telephone 920-892-8756  
FAX 920-892-6638

September 15, 2003

Ms. Betty Dobberful  
Violet Benz Irrevocable Trust  
10575 Robinwood Court  
Cedarburg, WI 53012

**SUBJECT: Final Case Closure with NR 140 Wis. Adm. Code Exemption and Soil GIS Registry, Bentz Property, 1402 Washington Ave. Cedarburg, WI **WDNR FID#246044370 BRRTS#0346350263 and #0246443269****

Dear Ms. Dobberful:

The Wisconsin Department of Natural Resources recently reviewed the above-referenced site for closure. The Department reviews environmental remediation cases for compliance with state laws and standards to maintain consistency in the closure of these cases. On August 20, 2003, you were notified that conditional closure was granted to this case.

On September 12, 2003, the Department received correspondence indicating that you have complied with the conditions of closure. Based on the correspondence and data provided, it appears that your case has been remediated to Department standards in accordance with s. NR 726.05, Wis. Adm. Code. The Department considers this case closed and no further investigation, remediation or other action is required at this time. Furthermore, the NR 140.28 PAL exemption described in the conditional closure letter dated August 20, 2003 is now in effect.

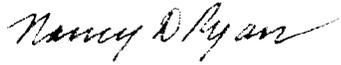
Your site will be listed on the DNR Remediation and Redevelopment GIS Registry of Closed Remediation Sites. Information that was submitted with your closure request application will be included on the registry. To review the sites on the GIS Registry web page, visit <http://gomapout.dnr.state.wi.us/org/at/et/geo/gwur/index.htm>

If this is a PECFA site, section 101.143, Wis. Stats., requires that PECFA claimants seeking reimbursement of interest costs, for sites with petroleum contamination, submit a final reimbursement claim within 120 days after they receive a closure letter on their site. For claims not received by the PECFA Program within 120 days of the date of this letter, interest costs after 60 days of the date of this letter will not be eligible for PECFA reimbursement.

Please be aware that this case may be reopened pursuant to s. NR 726.09, Wis. Adm. Code, if additional information regarding site conditions indicates that contamination on or from the site poses a threat to public health, safety or welfare, or the environment.

The Department appreciates your efforts to restore the environment at this site. If you have any questions regarding this letter, please contact me at (920) 892-8756 ext 3025.

Sincerely,



Nancy D. Ryan, Hydrogeologist  
Bureau for Remediation & Redevelopment

cc: SER site file  
Kristopher King, Key Engineering Group



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Plymouth Service Center  
1155 Pilgrim Rd  
PO Box 408  
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Telephone 920-892-8756  
FAX 920-892-6638

August 20, 2003

Ms. Betty Dobberful  
Violet Benz Irrevocable Trust  
10575 Robinwood Court  
Cedarburg, WI 53012

Subject: Conditional Case Closure with NR140, Wis. Adm. Code Exemption  
Benz Property, 1402 Washington Avenue, Cedarburg, WI  
**WDNR FID#246044370**  
**WDNR BRRTS#0346350263** Leaking Underground Storage Tank (LUST)  
petroleum release and **#0246443269** solvent contaminated soil  
(trichloroethylene)

Dear Ms. Dobberful:

The Wisconsin Department of Natural Resources (the Department) has recently received a request for closure of the above-referenced site, submitted on your behalf by Key Engineering Group. Based on a review of the closure request and previously submitted information, the Department has determined that the petroleum contamination and the solvent contamination on the site at the location of the former gasoline underground storage tank appears to have investigated and remediated to the extent practicable under site conditions. Your case has been remediated to Department standards in accordance with s. NR 726.05, Wis. Adm. Code and will be closed if the following conditions are satisfied:

- The monitoring wells at the site must be properly abandoned in compliance with ch. NR 141, Wis. Adm. Code. Documentation of well abandonment must be submitted to the Department on Form 3300-5B found at [www.dnr.state.wi.us/org/water/dgw/gw/](http://www.dnr.state.wi.us/org/water/dgw/gw/) or provided by the Department.
- Any remaining waste soil or contaminated groundwater generated as part of site investigation or remediation activities must be removed from the site and disposed of or treated in accordance with Department of Natural Resources' rules. Please send a letter advising me that any remaining waste soil or groundwater has been removed once that work is completed.

Because residual soil contamination exceeding NR 720, Wis. Adm. Code soil standards, remains at the location of the former underground storage tank, this site will be listed on the DNR Remediation and Redevelopment GIS Registry of Closed Remediation Sites. Information that was submitted with your closure request application will be included on the registry. To review the sites on the GIS Registry web page, visit <http://gomapout.dnr.state.wi.us/org/at/et/geo/gwur/index.htm>. If this contaminated soil is

excavated in the future, it may be considered solid waste and would need to be disposed of in accordance with applicable statutes and rules.

When the above-listed conditions have been satisfied, please submit a letter to let me know that applicable conditions have been met, and your case will be closed.

Recent groundwater monitoring data at this site indicates exceedances of the NR 140 Wis. Adm. Code preventive action limit (PAL) for benzene, toluene and trimethylbenzene at monitoring point MW-1, but compliance with the NR 140 enforcement standard. The Department may grant an exemption to a PAL for a substance of public health concern, other than nitrate, pursuant to s. NR140.28(2)(b), Wis. Adm. Code, if all of the following criteria are met:

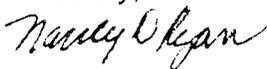
1. The measured or anticipated increase in the concentration of the substance will be minimized to the extent technically and economically feasible.
2. Compliance with the PAL is either not technically or economically feasible.
3. The enforcement standard for the substance will not be attained or exceeded at the point of standards application.
4. Any existing or projected increase in the concentration of the substance above the background concentration does not present a threat to public health or welfare.

Based on the information you provided, the Department believes that the above-cited criteria have been or will be met. Therefore, pursuant to s. NR 140.28(2)(b), Wis. Adm. Code, an exemption to the PAL is granted for benzene, toluene and trimethylbenzene at MW-1. This letter serves as your exemption.

Please be aware that the case may be reopened pursuant to s. NR 726.09, Wis. Adm. Code, if additional information regarding site conditions indicates that contamination on or from the site poses a threat to public health, safety, or welfare or to the environment.

We appreciate your efforts to restore the environment at this site. If you have any questions regarding this letter, please contact me at (920) 892-8756 ext. 3025.

Sincerely,



Nancy D. Ryan, Hydrogeologist  
Bureau for Remediation & Redevelopment

Cc: SER site file  
Bill Phelps, DG/2  
D'Arcy Gravelle, Key Engineering  
Al Lorge, St. Francis Borgia Parish

718184

DOCUMENT NO.

TRUSTEE'S DEED

VOL 1507 PAGE 988  
RECORDED

2002 AUG 16 AM 10: 10

*[Handwritten Signature]*  
REGISTER OF DEEDS  
WISCONSIN COUNTY, WI

TRANSFER  
\$ 1,692.00  
FEE

RETURN TO  
Shanebrook Law Office  
P.O. Box 87  
West Bend, WI 53095 #13

Tax Parcel No.: 03-016-13-002-00, \*  
03-016-03-006-00, \*  
03-016-13-001-00 \*

VIOLET BENTZ IRREVOCABLE TRUST Dated August 2, 1993,  
BETTY DOBBERFUHL

\_\_\_\_\_ as Trustee of

for a valuable consideration conveys without warranty to \_\_\_\_\_

CONGREGATION OF ST. FRANCIS BORGIA

the following described real estate in Ozaukee County,  
State of Wisconsin:

SEE ATTACHED LEGAL DESCRIPTION EXHIBIT A

Dated this 16<sup>th</sup> day of August, 2002.

*Betty Dobberfuhl* (SEAL)

\_\_\_\_\_ (SEAL)

\* Betty Dobberfuhl  
Trustee

\* \_\_\_\_\_  
Trustee

AUTHENTICATION

Signature(s) \_\_\_\_\_

Betty Dobberfuhl, Trustee

authenticated this 16<sup>th</sup> day of August, 2002.

*Andrew G. Falkowski*

\* Atty. Andrew G. Falkowski  
TITLE: MEMBER STATE BAR OF WISCONSIN  
(If not, \_\_\_\_\_  
authorized by S. 706.06, Wis. Stats.)

THIS INSTRUMENT WAS DRAFTED BY  
Attorney Andrew G. Falkowski  
West Bend, WI 53095

(Signatures may be authenticated or acknowledged  
Both are not necessary.)

ACKNOWLEDGMENT

STATE OF WISCONSIN )  
County. )

Personally came before me this \_\_\_\_\_ day of \_\_\_\_\_, 2002, the above named

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

\* Notary Public \_\_\_\_\_ County, Wis.  
My Commission is permanent. (If not, state expiration date: \_\_\_\_\_, 20\_\_\_\_)

\* Names of persons to be authenticated should be typed or printed below their signatures.

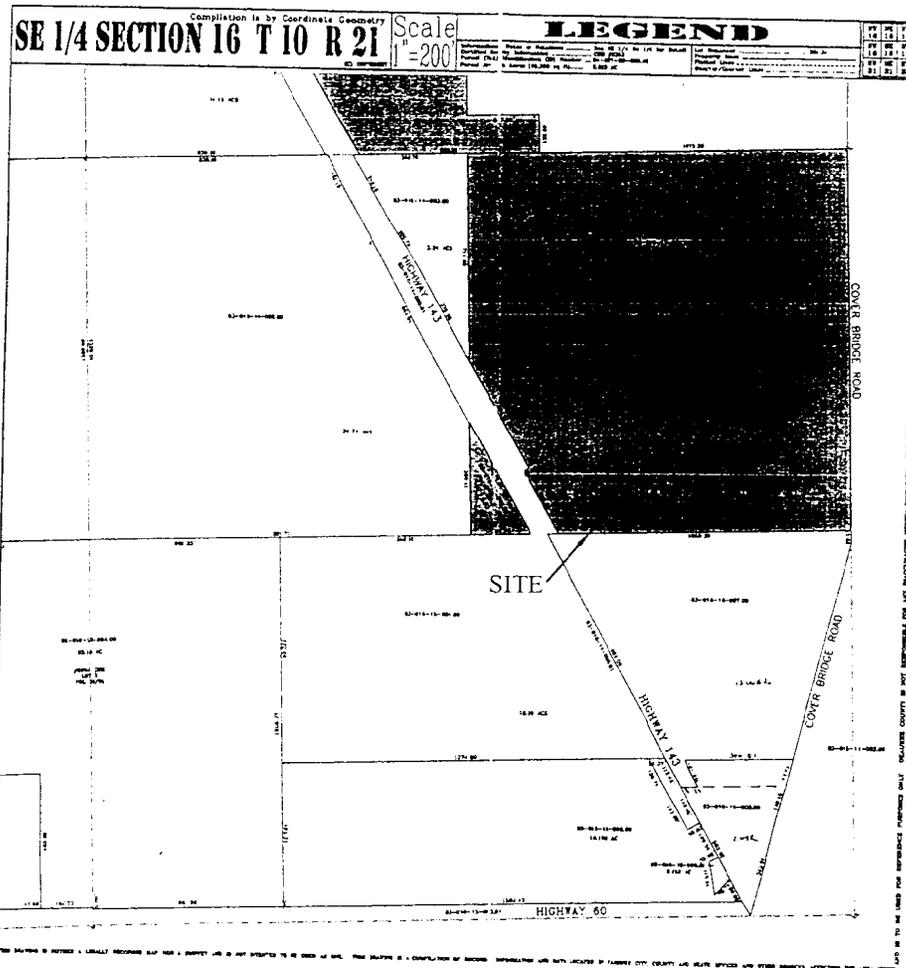
## EXHIBIT A

## PARCEL A:

Being part of the Northeast Quarter of the Southeast Quarter and Southwest Quarter and Southeast Quarter of the Northeast Quarter of Section 16, T. 10 N., R. 21 E., Town of Cedarburg, Ozaukee County, Wisconsin, described as: Beginning at the East Quarter corner said Section 16; thence S 01° 46' 00" E., 1316.91 feet along the East line of said SE ¼; thence S 88° 12' 08" W., 1021.37 feet along the South line of said NE ¼ of the SE ¼; thence N. 29° 40' 33" W., 249.99 feet; thence N 60° 19' 27" E., 17.00 feet; thence N 29° 40' 33" W., 423.91 feet; thence N 01° 42' 07" W., 714.90 feet along the West line of said NE ¼ of the SE ¼; thence S 88° 16' 24" W., 376.60 feet along the South line of said SW ¼ of the NE ¼; thence N 30° 05' 50" W., 695.92 feet; thence N. 88° 27' 28" E., 706.41 feet; thence S 01° 37' 15" E., 478.05 feet; thence N 98° 16' 24" E., 247.50 feet; thence S 01° 37' 16" E., 132.00 feet; thence N 88° 16' 23" E., 1073.47 feet to the point of beginning.

## PARCEL B:

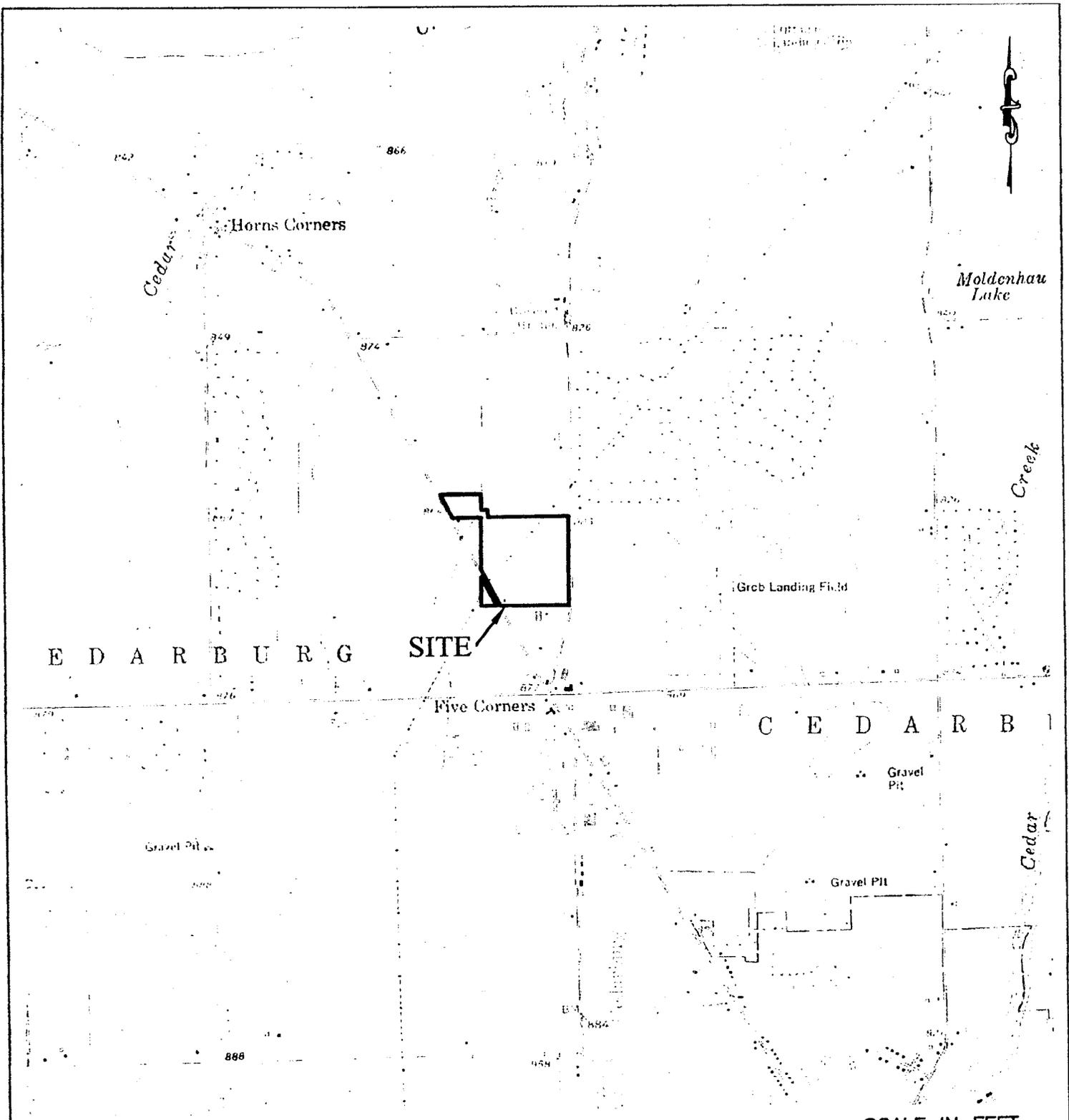
Being part of the Northeast Quarter of the Southeast Quarter of Section 16, T. 10 N., R. 21 E., Town of Cedarburg, Ozaukee County, Wisconsin, described as: Commencing at the East Quarter corner said Section 16, thence S 01° 46' 00" E., 1316.91 feet along the East line of said SE ¼; thence S 88° 12' 08" W., 1115.26 feet along the South line of said NE ¼ of the SE ¼ to the point of beginning; S 88° 12' 09" W., 207.20 feet along said South line; thence N 01° 42' 07" W., 390.45 feet along the West line said NE ¼ of the SE ¼; thence S 29° 40' 33" E., 441.72 feet to the point of beginning.



DESIGNED BY	DATE
KTK	12/4/02
DRAWN BY	PROJECT
CS	1203004
APPROVED BY	SHEET NO.
CLJ	
CADFILE & VACANT RECORDS: 2833004.dwg	
DATE	
UNAME	

SECTION MAP  
 BENZ PROPERTY  
 1402 WASHINGTON AVENUE  
 CEDARBURG, WISCONSIN





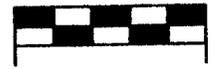
ED AR B U R G

SITE

C E D A R B U R G

SOURCE: USGS Five Corners, Wisconsin Quadrangle Map  
 Topographic Map 1959  
 Revised 1994  
 USGS Cedarburg, Wisconsin Quadrangle Map  
 Topographic Map 1959  
 Photorevised 1971 and 1976

SCALE IN FEET



0 2000'

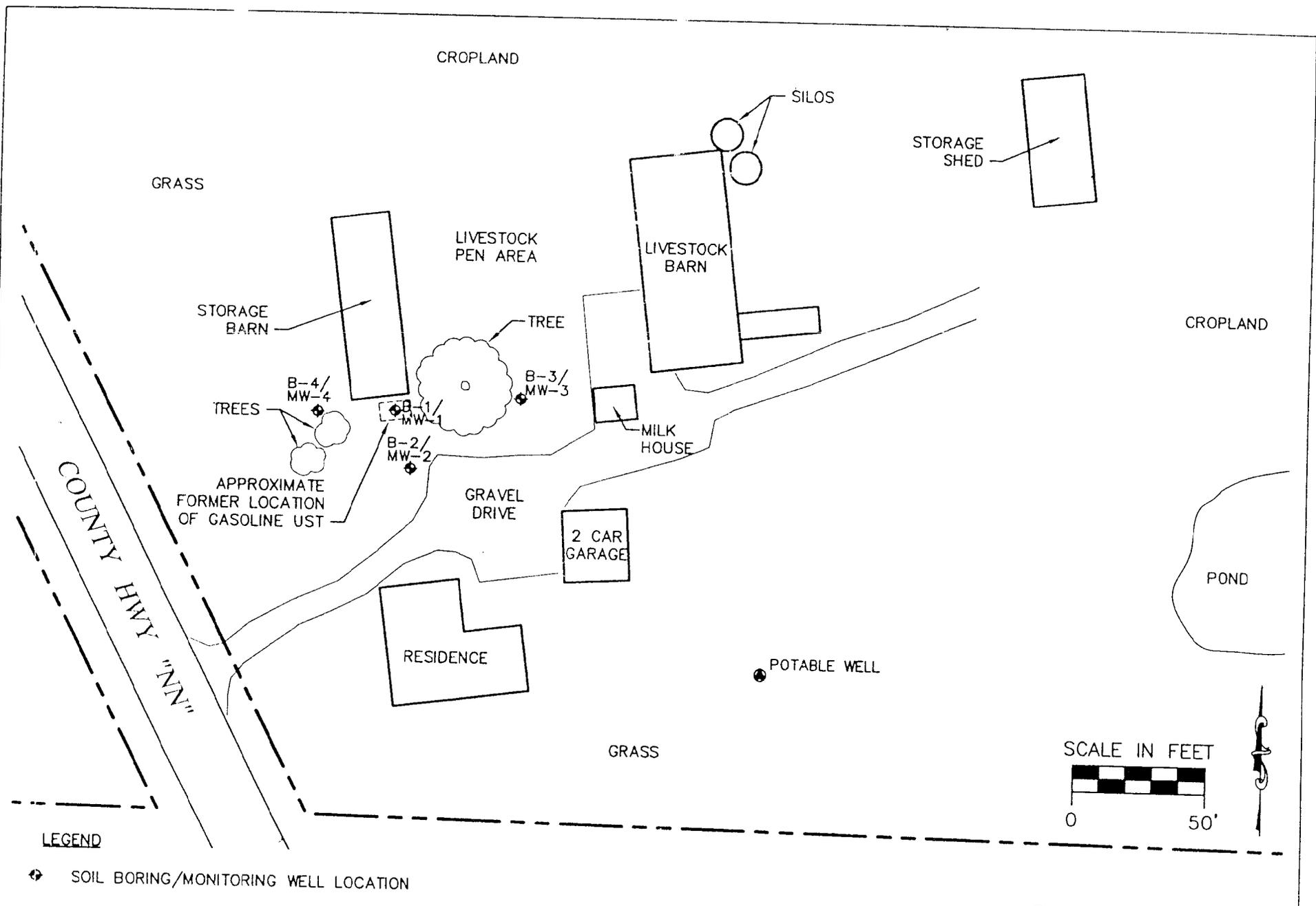
© 2002 Key Engineering Group Ltd.

DESIGNED BY KTK	DATE 12/2/02
DRAWN BY CS	PROJECT 1203004
APPROVED BY GLJ	SHEET NO. 1
CADFILE & \A000\1203004\12030042.dwg	
JMSF LMMH	

FIGURE 1  
SITE LOCATION

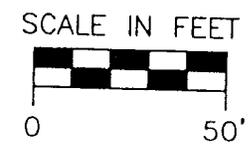
BENZ PROPERTY  
1402 WASHINGTON AVENUE  
CEDARBURG, WISCONSIN





**LEGEND**

◆ SOIL BORING/MONITORING WELL LOCATION

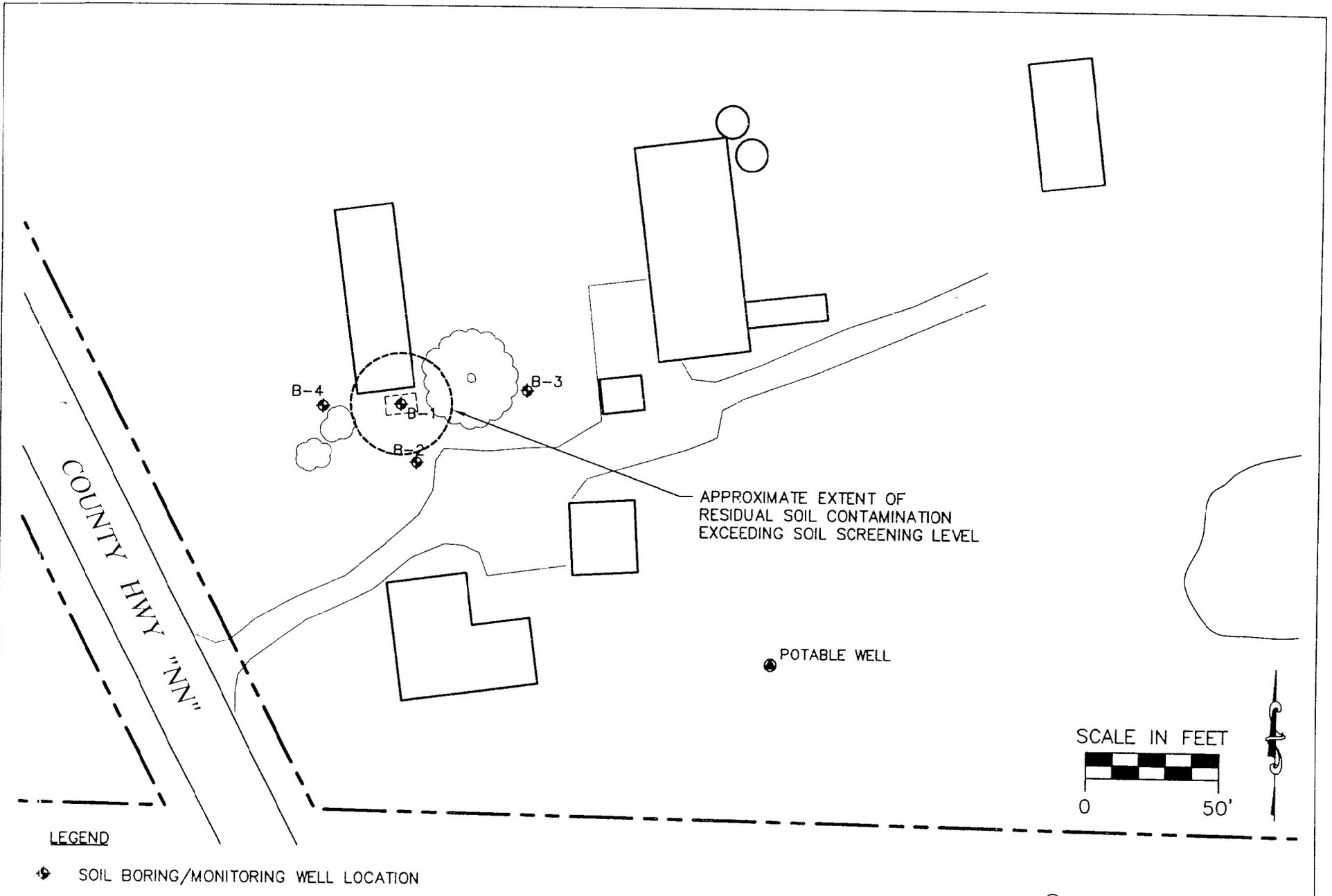


DESIGNED BY KTK	DATE 10/21/02
DRAWN BY CS	PROJECT 1203004
APPROVED BY GLJ	SHEET NO. 2
CAD FILE IS \ACAD\1203004\12030042.dwg	
JHEP LMAN	

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**SITE LAYOUT**  
 SENZ PROPERTY  
 1402 WASHINGTON AVENUE  
 CEDARBURG, WISCONSIN





**LEGEND**

◆ SOIL BORING/MONITORING WELL LOCATION

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XREF LWAM	

**RESIDUAL SOIL CONTAMINATION CONTOUR MAP**

BENZ PROPERTY  
1402 WASHINGTON AVENUE  
CEDARBURG, WISCONSIN



**SOIL NOTES:**  
 P.I.D.: PHOTOIONIZATION DETECTOR, I.U.  
 I.U.: INSTRUMENT UNITS  
 GRO: GASOLINE RANGE ORGANICS, mg/kg  
 Pb: TOTAL LEAD, mg/kg  
 VOCs: VOLATILE ORGANIC COMPOUNDS, ug/kg  
 E: ETHYLENE, ug/kg  
 X: TOTAL XYLENES, ug/kg  
 N: NAPHTHALENE, ug/kg  
 T: TOLUENE, ug/kg  
 TCE: TRICHLOROETHENE, ug/kg  
 1,2,4-TMB: 1,2,4-TRIMETHYLENE, ug/kg  
 1,3,5-TMB: 1,3,5-TRIMETHYLENE, ug/kg  
 IPB: ISOPROPYLENE, ug/kg  
 n-PR: n-PROPYLENE, ug/kg  
 n-BB: n-BUTYLENE, ug/kg  
 s-BB: sec-BUTYLENE, ug/kg  
 t-BB: tert-BUTYLENE, ug/kg  
 p-IPT: p-ISOPROPYLTOLUENE, ug/kg  
 mg/kg: MILLIGRAMS PER KILOGRAM  
 ug/kg: MICROGRAMS PER KILOGRAM  
 < : LESS THAN  
 (Q): CONCENTRATION BETWEEN LIMIT OF DETECTION AND LIMIT OF QUANTITATION  
 ND: NOT DETECTED ABOVE LABORATORY METHOD DETECTION LIMITS

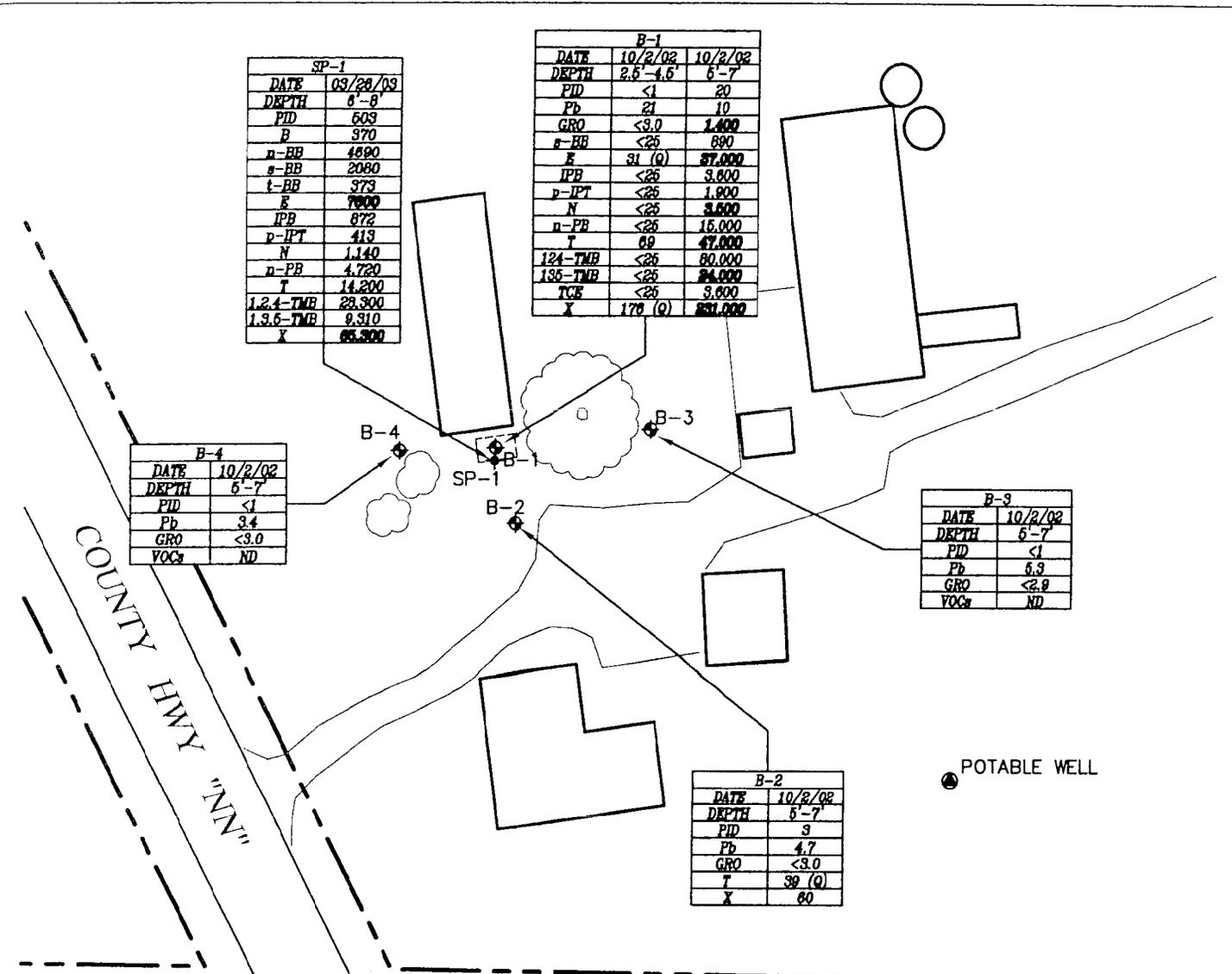
SP-1	
DATE	09/28/03
DEPTH	6'-8'
PID	603
B	970
n-BB	4590
s-BB	2080
t-BB	373
E	7800
IPB	872
p-IPT	413
N	1,140
n-PB	4,720
T	14,200
1,2,4-TMB	23,300
1,3,5-TMB	9,310
X	85,300

B-1		
DATE	10/2/02	10/2/02
DEPTH	2.5'-4.6'	6'-7'
PID	<1	20
Pb	21	10
GRO	<3.0	1,400
n-BB	<26	890
E	31 (Q)	87,000
IPB	<26	3,600
p-IPT	<26	1,800
N	<26	3,600
n-PB	<26	15,000
T	69	47,000
1,2,4-TMB	<26	80,000
1,3,5-TMB	<26	24,000
TCE	<26	3,600
X	176 (Q)	831,000

B-4	
DATE	10/2/02
DEPTH	6'-7'
PID	<1
Pb	3.4
GRO	<3.0
VOCs	ND

B-3	
DATE	10/2/02
DEPTH	6'-7'
PID	<1
Pb	6.3
GRO	<2.9
VOCs	ND

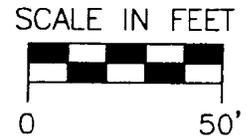
B-2	
DATE	10/2/02
DEPTH	6'-7'
PID	3
Pb	4.7
GRO	<3.0
T	39 (Q)
X	80



**LEGEND**

- ⊕ SOIL BORING/MONITORING WELL LOCATION
- ⚡ SOIL PROBE LOCATION

**1,400** CONCENTRATION EXCEEDS NR 720/NR 746 SOIL SCREENING LEVEL



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DESIGNED BY	DATE
KTK	04/21/03
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CTM	1203004
APPROVED BY	SHEET NO.
GLJ	1
CAD FILE Q:\ACAD\1203004\12030043.dwg	
XREF	
LJAH	

**FIGURE 1**  
 SITE LAYOUT AND SUMMARY OF SOIL SAMPLE ANALYTICAL RESULTS

BENZ PROPERTY  
 1402 WASHINGTON AVENUE  
 CEDARBURG, WISCONSIN



**TABLE 1**  
**SUMMARY OF SOIL SAMPLE ANALYTICAL RESULTS**

**BENZ PROPERTY**  
1402 Washington Avenue  
Cedarburg, Wisconsin

PARAMETERS	SAMPLE IDENTIFICATION									SOIL SCREENING LEVEL		
	B-1		B-2		B-3		B-4		SP-1	NON-INDUSTRIAL DIRECT CONTACT	PROTECTION OF GROUNDWATER	
Date Collected	10/2/02	10/2/02	10/2/02	10/2/02	10/2/02	10/2/02	10/2/02	10/2/02	10/2/02			3/26/03
Depth (feet bgs)	2.5-4.5	5-7	5-7	12.5-14.5	5-7	12.5-14.5	5-7	12.5-14.5	6-8			
PID (i.u.)	<1	20	3	<1	<1	<1	<1	<1	503			
Total Organic Carbon (mg/kg)	---	---	---	6,500	---	9,100	---	4,400	---			
GRO (mg/kg)	<3.0	<b>1,400</b>	<3.0	---	<2.9	---	<3.0	---	---			100/250
Lead (mg/kg)	21	10	4.7	---	5.3	---	3.4	---	---	50		---
Detected VOCs (µg/kg)												
Benzene	<25	<250	<25	---	<25	---	<25	---	370	1,100		8,500
n-Butylbenzene	<25	<250	<25	---	<25	---	<25	---	4,690	---		---
sec-Butylbenzene	<25	890	<25	---	<25	---	<25	---	2,080	---		---
tert-Butylbenzene	<25	<250	<25	---	<25	---	<25	---	373	---		---
Ethylbenzene	31 Q	<b>37,000</b>	<25	---	<25	---	<25	---	<b>7,600</b>	---		4,600
Isopropylbenzene	<25	3,600	<25	---	<25	---	<25	---	872	---		---
p-Isopropyltoluene	<25	1,900	<25	---	<25	---	<25	---	413	---		---
Naphthalene	<25	<b>3,500</b>	<25	---	<25	---	<25	---	1,140	---		2,700
n-Propylbenzene	<25	15,000	<25	---	<25	---	<25	---	4,720	---		---
Toluene	69	<b>47,000</b>	39 Q	---	<25	---	<25	---	14,200	---		38,000
Trichloroethene	<25	3,600	<25	---	<25	---	<25	---	<250	---		---
1,2,4-Trimethylbenzene	<25	80,000	<25	---	<25	---	<25	---	28,300	---		83,000
1,3,5-Trimethylbenzene	<25	<b>24,000</b>	<25	---	<25	---	<25	---	9,310	---		11,000
Xylenes	176 Q	<b>231,000</b>	60	---	<50	---	<50	---	<b>65,300</b>	---		42,000

**Notes:**

Bold concentrations exceed NR 720/NR 746 Soil Screening Level Based on the Protection of Groundwater

--- - not analyzed or no standard established

bgs - below ground surface

GRO - gasoline range organics

i.u. - instrument units

mg/kg - milligrams per kilogram

NR 720 GRCL - NR 720 Generic Residual Level

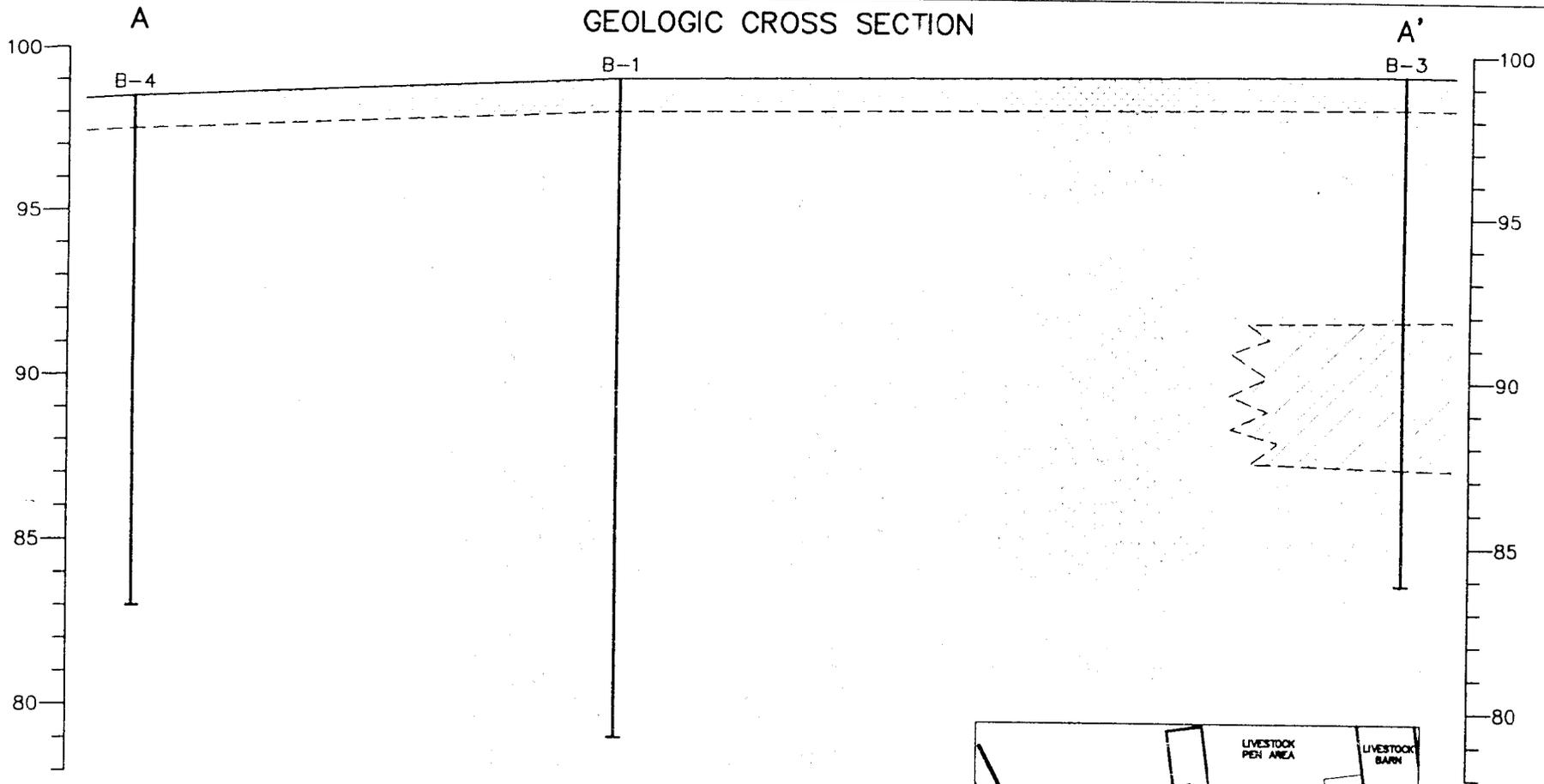
PID - photoionization detector

Q - Analyte detected between Limit of Detection and Limit of Quantitation

µg/kg - micrograms per kilogram

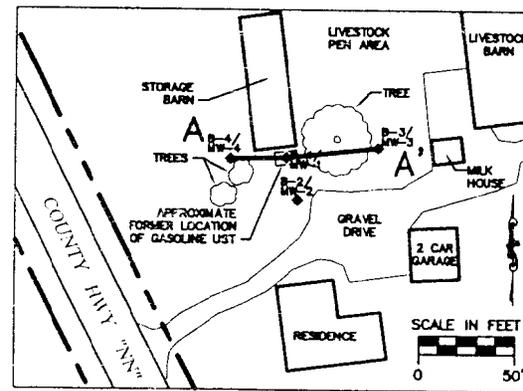
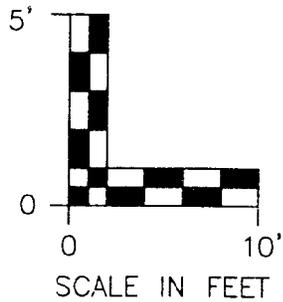
VOCs - volatile organic compounds

# GEOLOGIC CROSS SECTION



## LEGEND

-  TOPSOIL
-  SILTY SAND
-  SILTY CLAY



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DESIGNED BY KTK	DATE 10/21/02
DRAWN BY CS	PROJECT 1203004
APPROVED BY GLJ	SHEET NO.
CADFILE: R:\ACAD\1203004\12030042.dwg	
XREF LWAW	

## GEOLOGIC CROSS SECTION A-A'

BENZ PROPERTY  
1402 WASHINGTON AVENUE  
CEDARBURG, WISCONSIN



December 10, 2002

Ms. Victoria Stovall  
Program Assistant  
Wisconsin Department of Natural Resources  
Remediation and Redevelopment Program  
2300 North Dr. Martin Luther King, Jr. Drive  
Post Office Box 12436  
Milwaukee, Wisconsin 53212

Reference: *Geographic Information System Registry*  
Former Gasoline Underground Storage Tank Area  
Benz Property  
1402 Washington Avenue  
Cedarburg, Wisconsin 53012  
WDNR BRRTS #: 03-46-350263  
WDNR FID #: 246044370  
Ozaukee County PIN #: 03-016-13-001.00

Dear Ms. Stovall:

I, Allan G. Lorge, do hereby declare to the best of my knowledge that the following legal property description represents completely and accurately the above referenced property for which I am requesting listing on the Wisconsin Department of Natural Resources Geographic Information System Registry of Closed Remediation Sites.

---

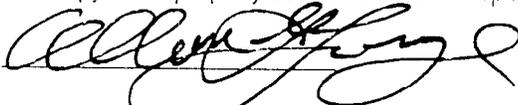
Parcel A:

Being part of the Northeast Quarter of the Southeast Quarter and Southwest Quarter and Southeast Quarter of the Northeast Quarter of Section 16, T. 10N., R. 21 E., Town of Cedarburg, Ozaukee County, Wisconsin, described as: Beginning at the East Quarter corner said Section 16; Thence S 01° 46' 00" E., 1316.91 feet along the East line of said SE ¼; thence N. 29° 40' 33" W., 249.99 feet; thence N. 60° 19' 27" E., 17.00 feet; thence N. 29° 40' 33" W., 423.91 feet; thence N. 01° 42' 07" W., 714.90 feet along the West line of said NE ¼ of the SE ¼; thence S. 88° 16' 24" W., 376.60 feet along the South line of said SW ¼ of the NE ¼; thence N. 30° 05' 50" W., 695.92 feet; thence N. 88° 27' 28" E., 708.41 feet; thence S. 01° 37' 15" E., 478.05 feet; thence N. 88° 16' 24" E., 247.50 feet; thence S. 01° 37' 16" E., 132.00 feet; thence N. 88° 16' 23" E., 1073.47 feet to the point of beginning.

---

Please find a copy of the property deed and section map for the above referenced property attached.

Signed:



Date:

December 10, 2002

Allan G. Lorge, Trustee and Treasurer of Saint Francis Borgia Parish