

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 23, 2000

In Reply Refer To: FID# 252101740  
BRRTS# 03-52-003259  
BRRTS# 02-52-001200  
County of Racine  
BRR-LUST/ERP

Mr. Ed Abel  
Michaels Machine Company  
4442 Douglas Avenue  
Racine, WI 53402

SUBJECT: Closure Request for *Michaels Machine Company Site, address above*

Dear Mr. Abel:

The Wisconsin Department of Natural Resources (WDNR) previously reviewed the case file for the above referenced site to determine if case closure could be granted for the site. A letter was issued, that stated that requirements of case closure are that a "groundwater use restriction" and a soil deed restriction be placed on the deed of the property, according to s. NR 726.05(8)(am) and s. NR 726.05(8).

I have received an official copy of the required "groundwater use/deed restriction", which was recorded on January 31, 2000. Based upon the information in the case file, it appears that the degree and extent of petroleum contamination has been determined in the soil and groundwater at the site. It appears that the contamination at the above-named site has been remediated in compliance with the requirements of chs. NR 700 to 724, Wis. Adm. Code. Therefore, the Department considers the case "closed," having determined that no further remedial action is necessary at the site at this time. However, 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 the environment.

Please note that if any contaminated soil is ever discovered and excavated due to construction or other activities, the soil must be properly handled according to all applicable laws in effect at that time.

The WDNR appreciates the actions you have taken to restore the environment at this site. If you have any questions regarding this letter you may contact me at (414) 263-8541. Please refer to the FID and BRRTS numbers on the top of this letter in any future correspondence.

Sincerely,

Andrew Boettcher  
Hydrogeologist

cc: Triad Engineering  
SER Case File



RECEIVED  
DNR/HEADQUARTERS  
ED

2000 MAR 23 PM 2:29

March 21, 2000

Mr. Andrew Boettcher  
Wisconsin Dept. of Natural Resources  
Southeast Regional Headquarters  
2300 North Dr. Martin Luther King Drive  
P. O. Box 12436  
Milwaukee, WI 53212-0436

Re: DEED RESTRICTION, GROUNDWATER USE RESTRICTION  
MICHAELS MACHINE COMPANY, INC. SITE FID# 252101740

Dear Mr. Boettcher:

Enclosed please find a copy of the subject Deed Restriction, requested prior to issuance of the Closure Letter for the subject site.

Best regards,

MICHAELS MACHINE COMPANY, INC.

  
John G. Smithyman  
VP-Administration

Enclosure

cc: Sarah Levin, Triad Engineering Inc.

JGS

4442 Douglas Ave.  
Racine, WI 53402

5026 - 27th Avenue  
Rockford, IL 61109

ph. (262) 639-2211  
fax (262) 639-9390

ph. (815) 398-2595  
fax (815) 398-2995

www.michaelsmachine.com

Declaration of Restrictions

In Re: **Parcel 1 (Machine Shop):** That part of the South ½ of Section 29, Township 4 North, Range 23 East, in the Town of Caledonia, Racine County, Wisconsin, bounded as follows: Begin at a standard Racine County monument with a brass cap marking the Center of said Section 29: run thence N88°49'50" E 235.32 feet along the East-West ¼ line of said Section to the Westerly line S.T.H. #32 (Douglas Avenue): run thence S19°41'45" E189.36 feet along said Westerly line; thence S89°45'57" W572.55 feet; thence N01°11'49" W189.92 feet to the East-West ¼ line of said Section; thence N88°49'11" E 277.05 feet along said East-West ¼ line to the point of beginning. Containing 2.304 acres. SUBJECT TO a 33-foot wide easement for ingress and egress as recorded in Volume 932, page 152 of Records.

**Parcel 2 (Residence):** That part of the South ½ of Section 29, Township 4 North, Range 23 East, in the Town of Caledonia, Racine County, Wisconsin, bounded as follows: Commence at a standard Racine County monument with a brass cap marking the Center of said Section 29: run thence N88°47'50" E235.32 feet along the East-West ¼ line of said Section to the Westerly line of S.T.H. #32 (Douglas Avenue): run thence S19°41'45" E189.36 feet along said Westerly line to the point of beginning of this description; continue thence S19°41'45" E68.64 feet along said Westerly line; thence S87°18'54" W667.13 feet; thence N22°39'39" W65.29 feet; thence N87°45'11" E96.58 feet; thence N01°11'49" W9.52 feet; thence N87°45'47" E572.55 feet to the point of beginning. Containing 1.027 acres.

STATE OF WISCONSIN     )  
  ) ss  
COUNTY OF RACINE     )

004 04-23-29-503-000  
Parcel Identification Number (PIN)

WHEREAS, **Michaels Machine Company, Incorporated** is the owner of the above-described property,

WHEREAS, one or more leaded and/or unleaded gasoline, mineral spirits, and diesel range organics (DRO) discharges have occurred on this property. Benzene and 1,2-dichloroethane-contaminated groundwater above NR 140 enforcement standards existed on this property at the following locations on the following dates: MW-4 (1/19/99) and MW-8 (benzene only, 1/19/99) and soil contamination existed on the property at the following locations on the following dates: West-Wall-1 (810 mg/kg DRO, 6/16/93), and MM-NORTHWALL -8.5' (1710 mg/kg gasoline range organics, 2/20/97).

RECORDED \_\_\_\_\_

2000 JAN 31 AM 10:52

MARK A. LADD  
REGISTER OF DEEDS

*20*  
Recording Area

Name and Return Address  
Michaels Machine Co., Inc.  
Attn: J.G. Smithyman  
4442 Douglas Avenue  
Racine, WI 53402-2972

3000 008-016  
JUL PAUL

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 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 contamination exceeding ch. NR 140 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 limitations 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 extracted groundwater shall be managed in accordance with applicable statutes and rules.

Structural impediments existing at the time of clean-up made complete remediation of the soil contamination impracticable. In particular, excavation to the north was limited by the presence of an approximately 3-foot thick concrete footing beneath the retaining wall in the loading dock. Mineral spirits-contaminated soil may remain on this property at the following location: approximately 4.4 cubic yards at a depth of between 4 and 8 feet beneath the front (north) end of the loading dock area, as shown on the attached drawing. If the structural impediments on this property that are described above are removed, the property owner shall conduct an investigation of the degree and extent of mineral-spirits contamination. To the extent that contamination is found at that time, the Wisconsin Department of Natural Resources shall be immediately notified and the contamination shall be properly remediated in accordance with applicable statutes and rules. If the currently-inaccessible contaminated soil that remains on the property is excavated in the future, it will have to be sampled and analyzed, and the treatment or disposal of the soil as a solid or hazardous waste may be necessary.

DRO-contaminated soil may remain on this property at the following location: <1 cubic yard at a depth of between 0 and 2.5 feet at a location centered approximately 5 feet south and 6 feet west from the northwest corner of the main facility building. Because the extent of DRO impacts has been defined and the volume is minimal, remediation is not warranted. If the contaminated soil that remains on the property is excavated in the future, it may be considered solid waste and will need to be disposed in accordance with applicable rules and statutes.

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 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 by the property owner or other interested party to give notice that this deed restriction, or portions of this deed restriction, are no longer binding.

By signing this document, John G. Smithyman asserts that he/she is duly authorized to sign this document on behalf of Michaels Machine Company, Incorporated.

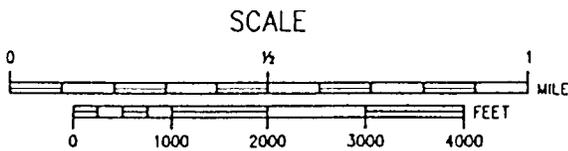
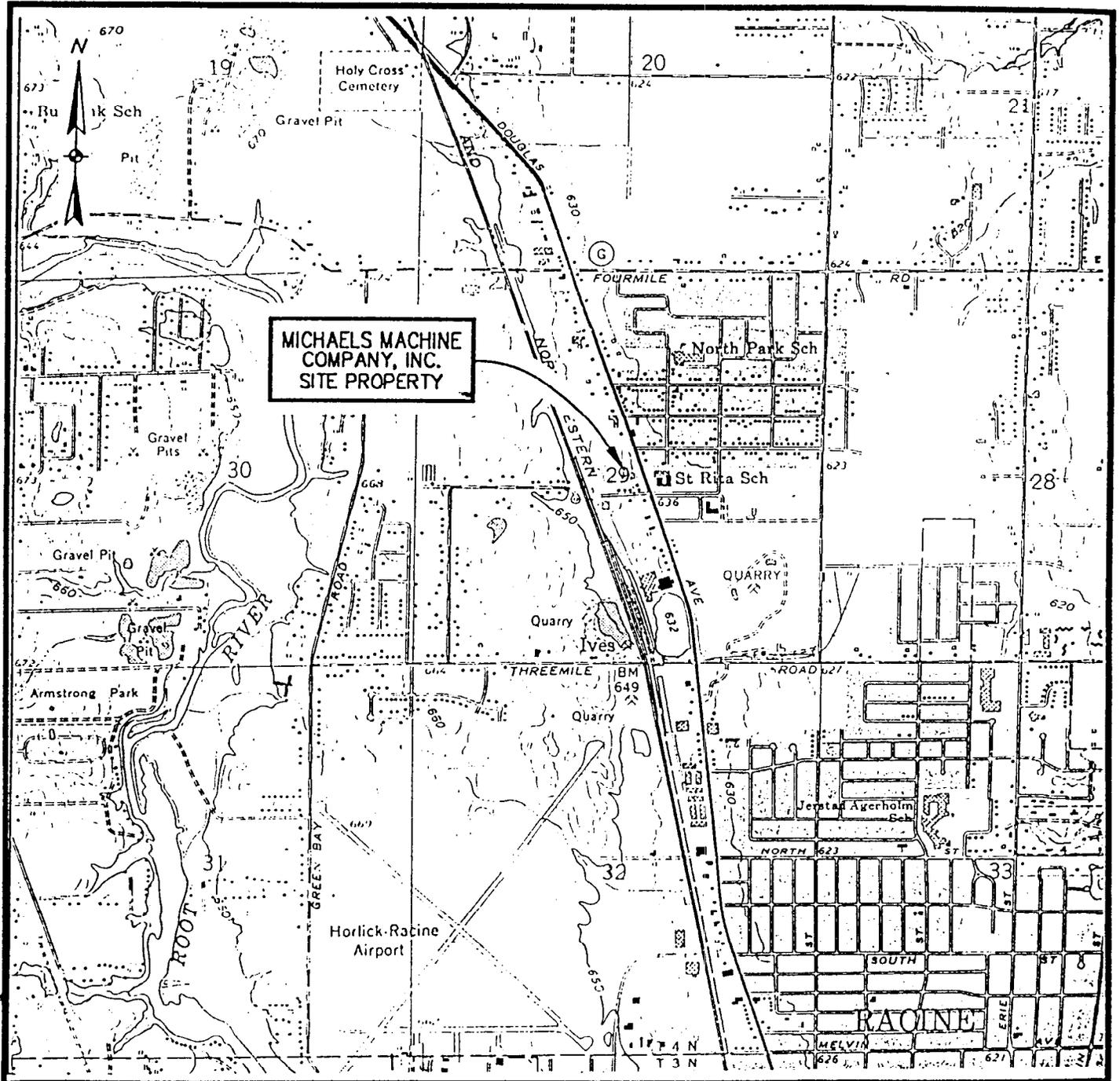
IN WITNESS WHEREOF, the owner of the property has executed this Declaration of Restrictions, this 17th day of January, ~~19~~2000.

Signature: *John G. Smithyman*  
Printed Name: John G. Smithyman

Subscribed and sworn to before me  
This 18th day of January, 2000.

*Robert J. Peterson*  
Notary Public, State of Wisconsin  
My commission 12-1-00

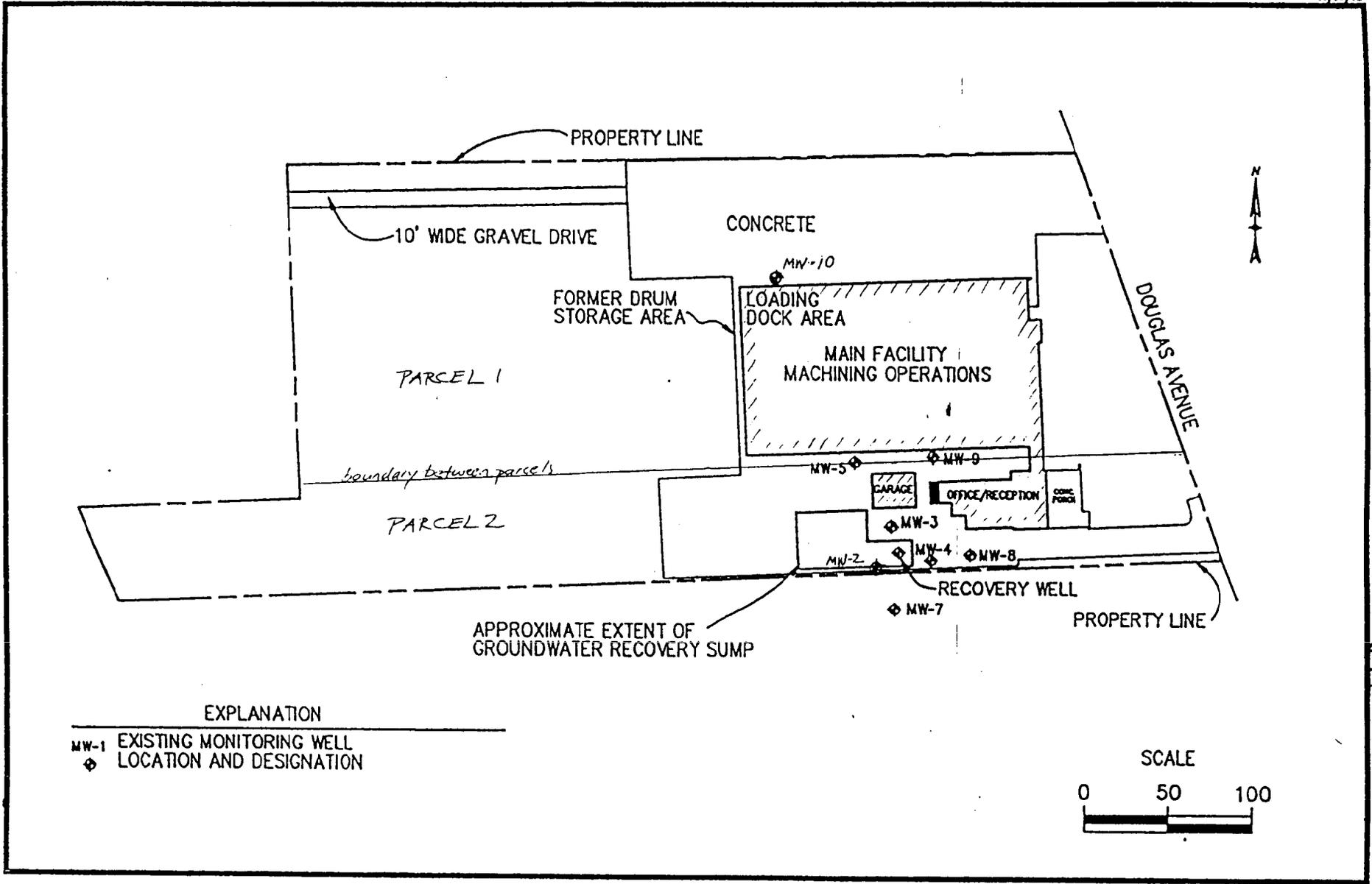
4300751  
7-22-93



CONTOUR INTERVAL 10 FEET  
DATUM IS MEAN SEA LEVEL  
1927 NORTH AMERICAN DATUM

WISCONSIN

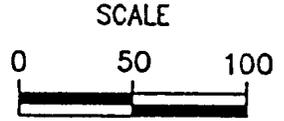
QUADRANGLE LOCATION  
MODIFIED FROM U.S.G.S. 15'  
RACINE NORTH, WI  
QUADRANGLE MAP  
PHOTOREVISED 1971

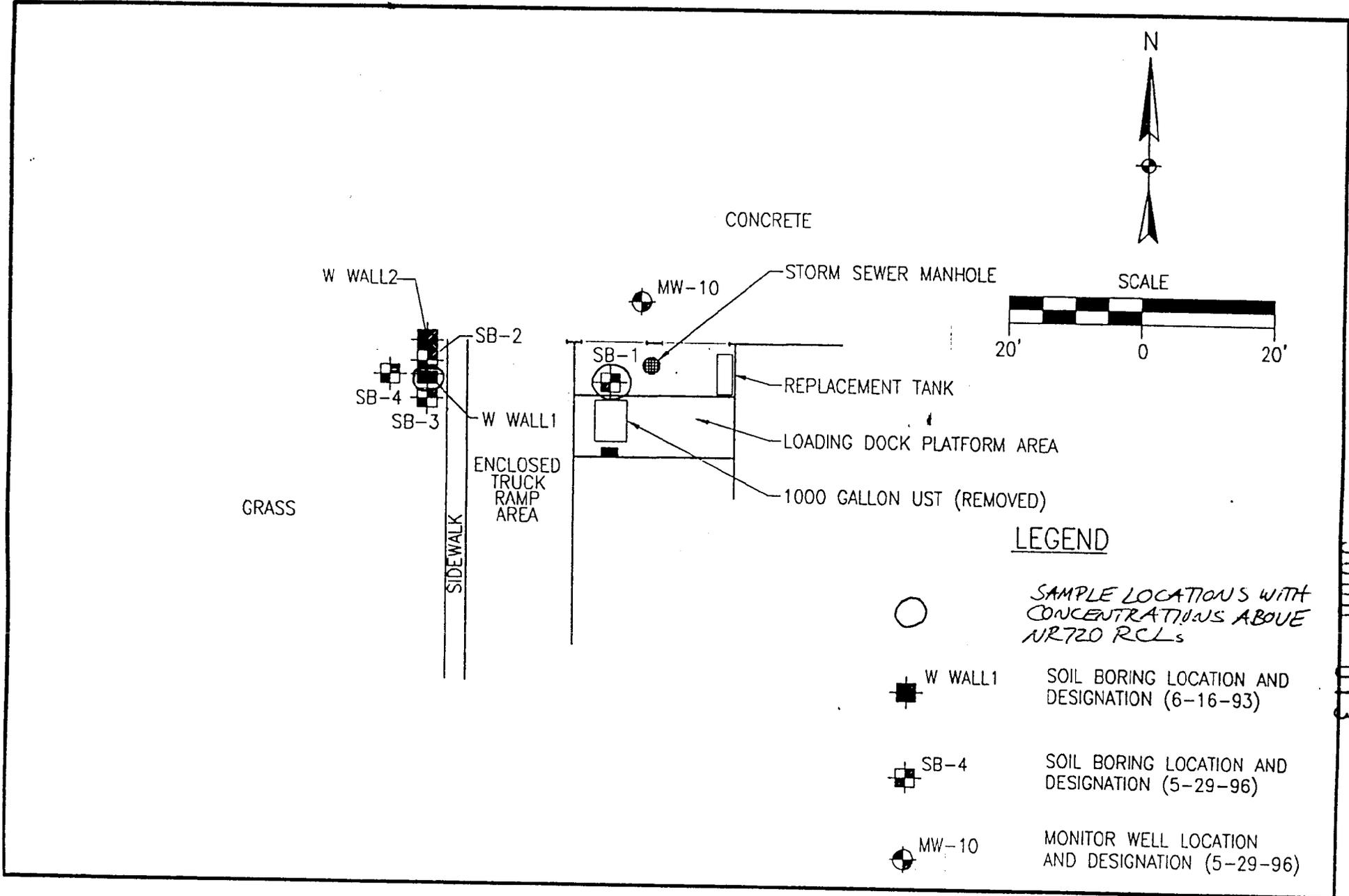


VOL 3000  
PAGE 012

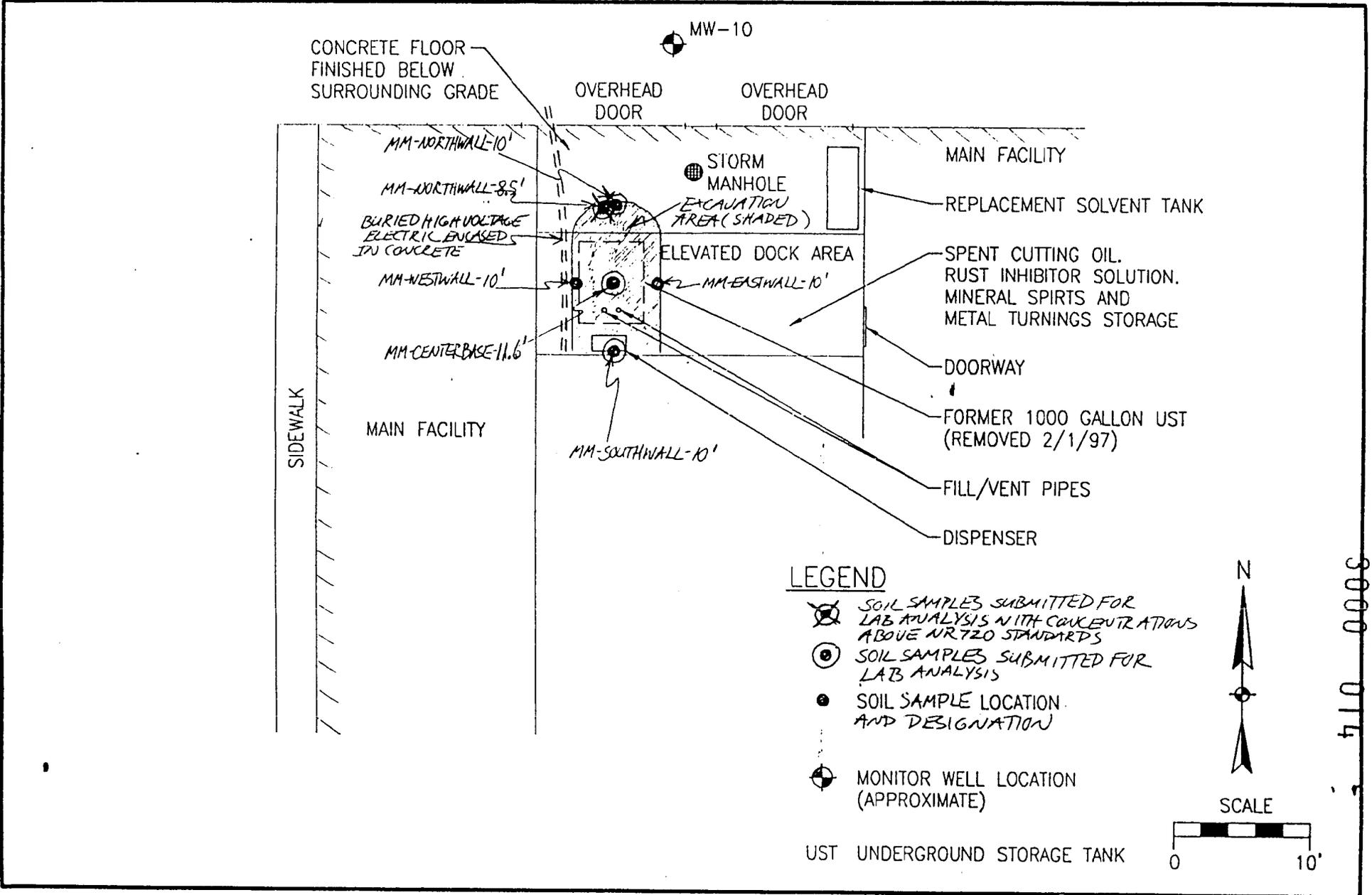
EXPLANATION

MW-1	EXISTING MONITORING WELL
◆	LOCATION AND DESIGNATION

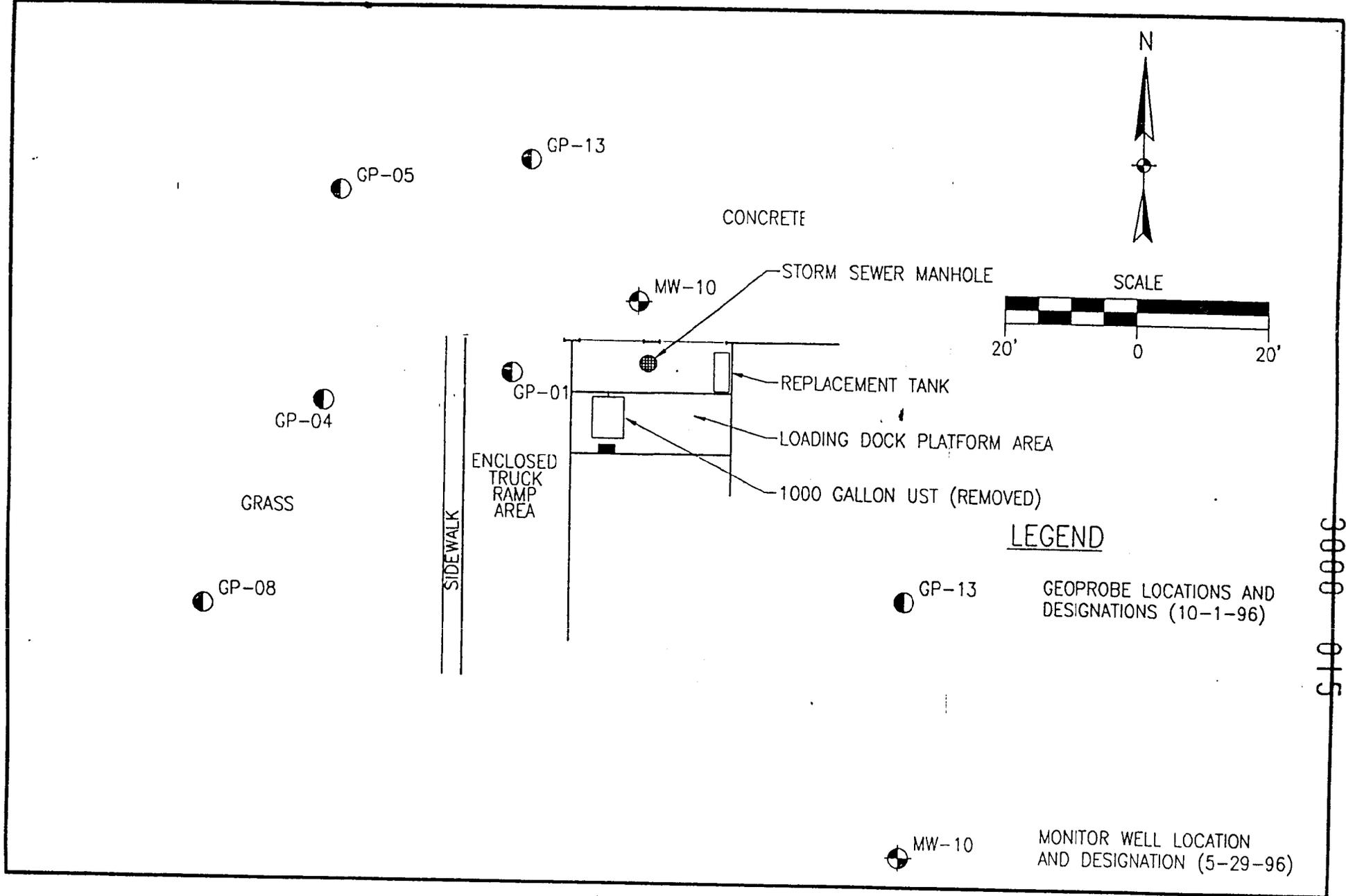




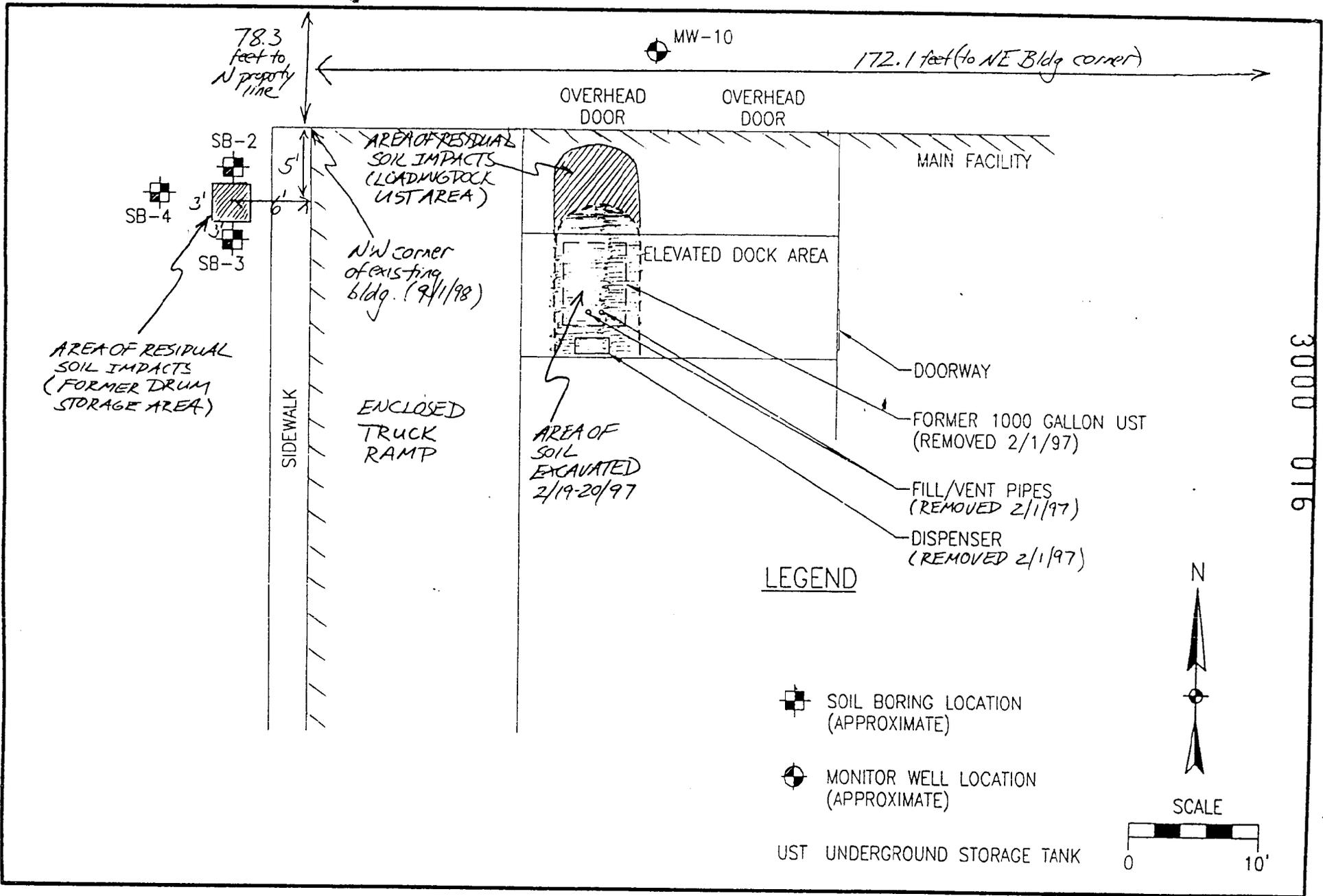
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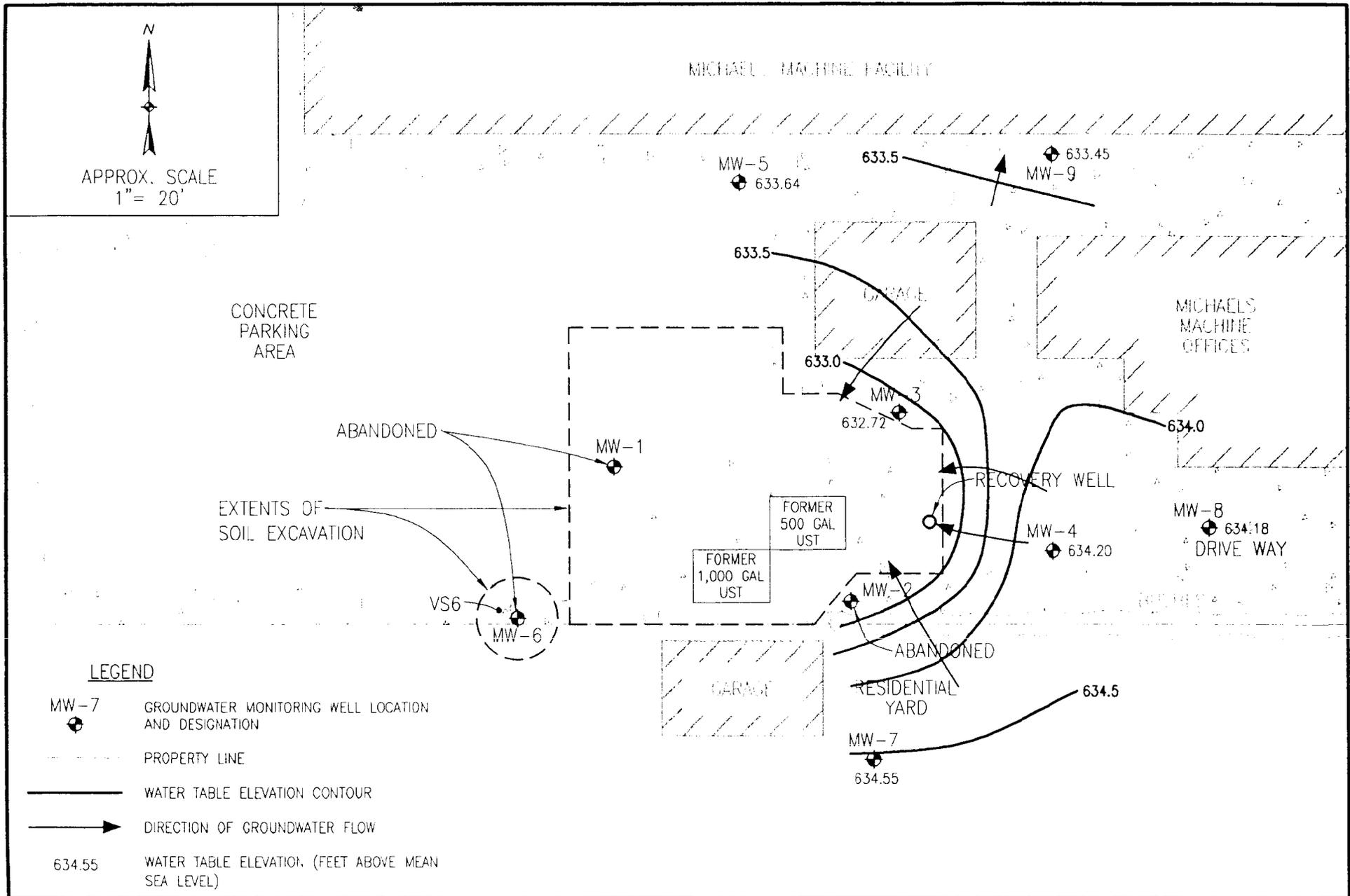


VOL PAGE 3000 014



VOL 0000 PAGE 015





**FIGURE 1**  
**MICHAEL'S MACHINE COMPANY, INC.**  
**WATER TABLE MAP, OCTOBER 14, 1997**