

## Source Property Information

CLOSURE DATE: 10/11/2000

**BRRTS #:**

03-60-002235

**ACTIVITY NAME:**

R-WAY FURNITURE CO

**FID #:**

460035070

**PROPERTY ADDRESS:**

704 S 11th St

**DATCP #:**

**MUNICIPALITY:**

Sheboygan

**PECFA#:**

53081435304A

**PARCEL ID #:**

59281503910

**\*WTM COORDINATES:**

**WTM COORDINATES REPRESENT:**

X:

703695

Y:

366340

Approximate Center Of Contaminant Source

Approximate Source Parcel Center

*\* Coordinates are in  
WTM83, NAD83 (1991)*

Please check as appropriate: (BRRTS Action Code)

### CONTINUING OBLIGATIONS

#### Contaminated Media for Residual Contamination:

Groundwater Contamination > ES (236)

Soil Contamination > \*RCL or \*\*SSRCL (232)

Contamination in ROW

Contamination in ROW

Off-Source Contamination

Off-Source Contamination

*(note: for list of off-source properties  
see "Impacted Off-Source Property Information,  
Form 4400-246")*

*(note: for list of off-source properties  
see "Impacted Off-Source Property Information,  
Form 4400-246")*

#### Site Specific Obligations:

Soil: maintain industrial zoning (220)

Cover or Barrier (222)

*(note: soil contamination concentrations  
between non-industrial and industrial levels)*

Direct Contact

Soil to GW Pathway

Structural Impediment (224)

Vapor Mitigation (226)

Site Specific Condition (228)

Maintain Liability Exemption (230)

*(note: local government unit or economic  
development corporation was directed to  
take a response action )*

#### Monitoring Wells:

Are all monitoring wells properly abandoned per NR 141? (234)

Yes  No  N/A

*\* Residual Contaminant Level*

*\*\*Site Specific Residual Contaminant Level*

This Adobe Fillable form is intended to provide a list of information that is required for evaluation for case closure. It is to be used in conjunction with Form 4400-202, Case Closure Request. The closure of a case means that the Department has determined that no further response is required at that time based on the information that has been submitted to the Department.

**NOTICE: Completion of this form is mandatory** for applications for case closure pursuant to ch. 292, Wis. Stats. and ch. NR 726, Wis. Adm. Code, including cases closed under ch. NR 746 and ch. NR 726. The Department will not consider, or act upon your application, unless all applicable sections are completed on this form and the closure fee and any other applicable fees, required under ch. NR 749, Wis. Adm. Code, Table 1 are included. It is not the Department's intention to use any personally identifiable information from this form for any purpose other than reviewing closure requests and determining the need for additional response action. The Department may provide this information to requesters as required by Wisconsin's Open Records law [ss. 19.31 - 19.39, Wis. Stats.].

BRRTS #:  (No Dashes) PARCEL ID #:   
ACTIVITY NAME:  WTM COORDINATES: X:  Y:

**CLOSURE DOCUMENTS** (the Department adds these items to the final GIS packet for posting on the Registry)

- Closure Letter**
- Maintenance Plan** (if activity is closed with a land use limitation or condition (land use control) under s. 292.12, Wis. Stats.)
- Continuing Obligation Cover Letter** (for property owners affected by residual contamination and/or continuing obligations)
- Conditional Closure Letter**
- Certificate of Completion (COC)** (for VPLE sites)

**SOURCE LEGAL DOCUMENTS**

- Deed:** The most recent deed as well as legal descriptions, for the **Source Property** (where the contamination originated). Deeds for other, off-source (off-site) properties are located in the **Notification** section.  
**Note:** If a property has been purchased with a land contract and the purchaser has not yet received a deed, a copy of the land contract which includes the legal description shall be submitted instead of the most recent deed. If the property has been inherited, written documentation of the property transfer should be submitted along with the most recent deed.
- Certified Survey Map:** A copy of the certified survey map or the relevant section of the recorded plat map for those properties where the legal description in the most recent deed refers to a certified survey map or a recorded plat map. (lots on subdivided or platted property (e.g. lot 2 of xyz subdivision)).  
**Figure #:**                      **Title:**
- Signed Statement:** A statement signed by the Responsible Party (RP), which states that he or she believes that the attached legal description accurately describes the correct contaminated property.

**MAPS** (meeting the visual aid requirements of s. NR 716.15(2)(h))

Maps must be no larger than 11 x 17 inches unless the map is submitted electronically.

- Location Map:** A map outlining all properties within the contaminated site boundaries on a U.S.G.S. topographic map or plat map in sufficient detail to permit easy location of all parcels. If groundwater standards are exceeded, include the location of all potable wells within 1200 feet of the site.  
**Note:** Due to security reasons municipal wells are not identified on GIS Packet maps. However, the locations of these municipal wells must be identified on Case Closure Request maps.  
**Figure #: 1**                      **Title: Site Location and Local Topography**
- Detailed Site Map:** A map that shows all relevant features (buildings, roads, individual property boundaries, contaminant sources, utility lines, monitoring wells and potable wells) within the contaminated area. This map is to show the location of all contaminated public streets, and highway and railroad rights-of-way in relation to the source property and in relation to the boundaries of groundwater contamination exceeding a ch. NR 140 Enforcement Standard (ES), and/or in relation to the boundaries of soil contamination exceeding a Residual Contaminant Level (RCL) or a Site Specific Residual Contaminant Levels (SSRCL) as determined under s. NR 720.09, 720.11 and 720.19.  
**Figure #: 1**                      **Title: Extent of Napthalene in Groundwater**
- Soil Contamination Contour Map:** For sites closing with residual soil contamination, this map is to show the location of all contaminated soil and a single contour showing the horizontal extent of each area of contiguous residual soil contamination that exceeds a Residual Contaminant Level (RCL) or a Site Specific Residual Contaminant Level (SSRCL) as determined under s. NR 720.09, 720.11 and 720.19.  
**Figure #:**                      **Title:**

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**MAPS (continued)**

- Geologic Cross-Section Map:** A map showing the source location and vertical extent of residual soil contamination exceeding a Residual Contaminant Level (RCL) or a Site Specific Residual Contaminant Level (SSRCL). If groundwater contamination exceeds a ch. NR 140 Enforcement Standard (ES) when closure is requested, show the source location and vertical extent, water table and piezometric elevations, and locations and elevations of geologic units, bedrock and confining units, if any.

**Figure #:**                      **Title:**

**Figure #:**                      **Title:**

- Groundwater Isoconcentration Map:** For sites closing with residual groundwater contamination, this map shows the horizontal extent of all groundwater contamination exceeding a ch. NR140 Preventive Action Limit (PAL) and an Enforcement Standard (ES). Indicate the direction and date of groundwater flow, based on the most recent sampling data.

**Note:** *This is intended to show the total area of contaminated groundwater.*

**Figure #: 1**                      **Title: Extent of Napthalene in Groundwater**

- Groundwater Flow Direction Map:** A map that represents groundwater movement at the site. If the flow direction varies by more than 20° over the history of the site, submit 2 groundwater flow maps showing the maximum variation in flow direction.

**Figure #: 2**                      **Title: Ground-Water Elevation Map January 12, 1996**

**Figure #:**                      **Title:**

**TABLES (meeting the requirements of s. NR 716.15(2)(h)(3))**

Tables must be no larger than 11 x 17 inches unless the table is submitted electronically. Tables must not contain shading and/or cross-hatching. The use of **BOLD** or *ITALICS* is acceptable.

- Soil Analytical Table:** A table showing remaining soil contamination with analytical results and collection dates.  
**Note:** This is one table of results for the contaminants of concern. Contaminants of concern are those that were found during the site investigation, that remain after remediation. It may be necessary to create a new table to meet this requirement.

**Table #:**                      **Title:**

- Groundwater Analytical Table:** Table(s) that show the most recent analytical results and collection dates, for all monitoring wells and any potable wells for which samples have been collected.

**Table #: 1**                      **Title: Historical Groundwater Sample Results**

- Water Level Elevations:** Table(s) that show the previous four (at minimum) water level elevation measurements/dates from all monitoring wells. If present, free product is to be noted on the table.

**Table #:**                      **Title:**

**IMPROPERLY ABANDONED MONITORING WELLS**

For each monitoring well not properly abandoned according to requirements of s. NR 141.25 include the following documents.

**Note:** *If the site is being listed on the GIS Registry for only an improperly abandoned monitoring well you will only need to submit the documents in this section for the GIS Registry Packet.*

- Not Applicable**

- Site Location Map:** A map showing all surveyed monitoring wells with specific identification of the monitoring wells which have not been properly abandoned.

**Note:** *If the applicable monitoring wells are distinctly identified on the Detailed Site Map this Site Location Map is not needed.*

**Figure #:**                      **Title:**

- Well Construction Report:** Form 4440-113A for the applicable monitoring wells.

- Deed:** The most recent deed as well as legal descriptions for each property where a monitoring well was not properly abandoned.

- Notification Letter:** Copy of the notification letter to the affected property owner(s).

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## NOTIFICATIONS

### Source Property

**Not Applicable**

**Letter To Current Source Property Owner:** If the source property is owned by someone other than the person who is applying for case closure, include a copy of the letter notifying the current owner of the source property that case closure has been requested.

**Return Receipt/Signature Confirmation:** Written proof of date on which confirmation was received for notifying current source property owner.

### Off-Source Property

Group the following information per individual property and label each group according to alphabetic listing on the "Impacted Off-Source Property" attachment.

**Not Applicable**

**Letter To "Off-Source" Property Owners:** Copies of all letters sent by the Responsible Party (RP) to owners of properties with groundwater exceeding an Enforcement Standard (ES), and to owners of properties that will be affected by a land use control under s. 292.12, Wis. Stats.

**Note:** Letters sent to off-source properties regarding residual contamination must contain standard provisions in Appendix A of ch. NR 726.

#### Number of "Off-Source" Letters:

**Return Receipt/Signature Confirmation:** Written proof of date on which confirmation was received for notifying any off-source property owner.

**Deed of "Off-Source" Property:** The most recent deed(s) as well as legal descriptions, for all affected deeded **off-source property(ies)**. This does not apply to right-of-ways.

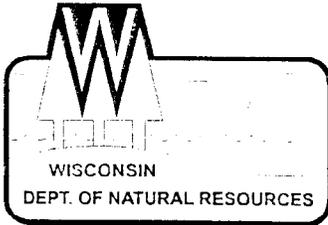
**Note:** If a property has been purchased with a land contract and the purchaser has not yet received a deed, a copy of the land contract which includes the legal description shall be submitted instead of the most recent deed. If the property has been inherited, written documentation of the property transfer should be submitted along with the most recent deed.

**Certified Survey Map:** A copy of the certified survey map or the relevant section of the recorded plat map for those properties where the legal description in the most recent deed refers to a certified survey map or a recorded plat map. (lots on subdivided or platted property (e.g. lot 2 of xyz subdivision)).

**Figure #:**                      **Title:**

**Letter To "Governmental Unit/Right-Of-Way" Owners:** Copies of all letters sent by the Responsible Party (RP) to a city, village, municipality, state agency or any other entity responsible for maintenance of a public street, highway, or railroad right-of-way, within or partially within the contaminated area, for contamination exceeding a groundwater Enforcement Standard (ES) and/or soil exceeding a Residual Contaminant Level (RCL) or a Site Specific Residual Contaminant Level (SSRCL).

#### Number of "Governmental Unit/Right-Of-Way Owner" Letters:



State of Wisconsin \ DEPARTMENT OF NATURAL RESOURCES

Tommy G. Thompson, Governor  
George E. Meyer, Secretary  
Gloria L. McCutcheon, Regional Director

Southeast Region Annex  
4041 North Richards Street  
PO Box 12436  
Milwaukee, Wisconsin 53212-0436  
Telephone 414-229-0800  
FAX 414-229-0810

May 22, 2000

Thomas Reiss  
R-Way Furniture Company  
P.O. Box 434  
Watertown, WI 53094

Dear Mr. Reiss:

Subject: Case closure, R-Way Furniture Garage, 704 South 11<sup>th</sup> Street, Sheboygan, file reference FID #460035070 ERR-LUST

I have reviewed your case file based on documents submitted by your consultants. Based on this information I agree that no further work is needed. The department reserves the right to reopen this case pursuant to s. NR726.09, Wisconsin Administrative Code (WAC), should additional information regarding site conditions indicate contamination on or from the site poses a threat to public health, safety or welfare or the environment.

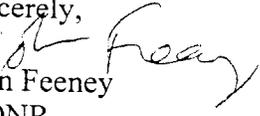
To complete the closure of this site, you must place a groundwater use restriction on the property deed at the county register of deeds office which specifies the legal description of the property, the location, type, and concentration of the contaminants and includes the following language:

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. Construction of wells where water quality exceeds the drinking water standards in ch. NR809 is restricted by chs. NR811 and NR812. Special well construction standards or water treatment requirements, or both, or well construction prohibitions may apply. 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 to determine what specific requirements are applicable prior to constructing or reconstructing a well on this property.

Within 60 days all of the groundwater monitoring wells at the site must be abandoned in accordance with WAC NR 141 and the completed abandonment forms must be submitted to the department. Once the department receives the abandonment forms and a copy of the signed and notarized groundwater use restriction, this case will be tracked as closed on our computer tracking system.

If you have any questions about this letter, call me at 414-229-0850.

Sincerely,

  
John Feeney

WDNR

Cc: McLaren Hart  
SER File



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 Wisconsin 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, 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.

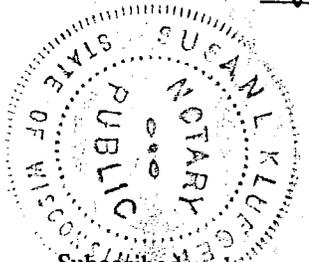
Any person who is or becomes owner of the Property described above may request that the Wisconsin Department of Natural Resources or its successor issue a determination that one or more of the restrictions set forth in this covenant is no longer required. Upon the receipt of such a request, the Wisconsin 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, the undersigned asserts that he is duly authorized to sign this document on behalf of the Company.

IN WITNESS WHEREOF, the owner of the Property has executed this Declaration of Restrictions, this 8 day of September, 2000.

RIP PROPERTIES, INC.

By: [Signature]  
Thomas J. Reiss, Jr.,  
President



Subscribed and sworn to before me this 8th day of September, 2000.

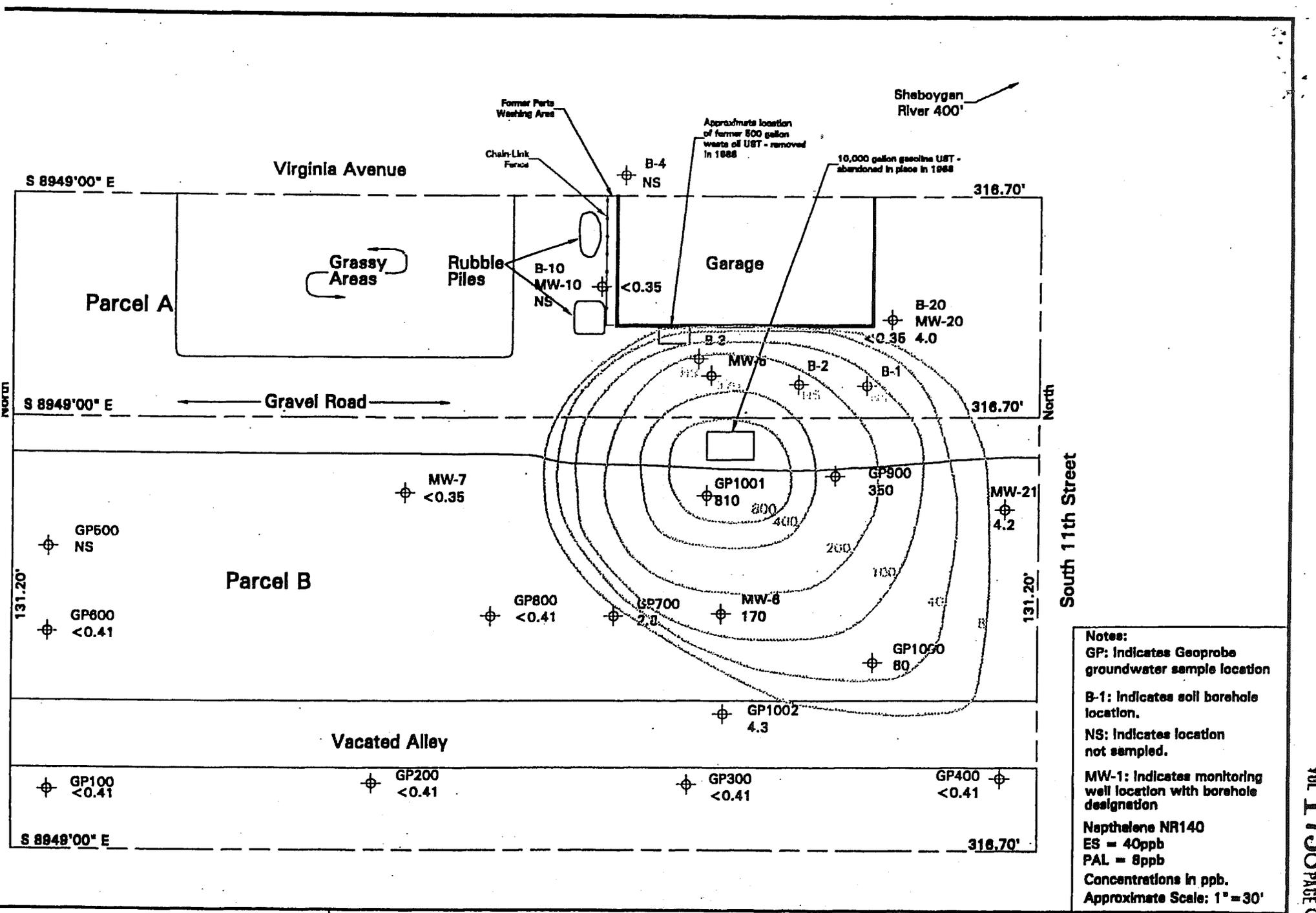
[Signature]  
Notary Public, State of Wisconsin  
My commission 4/14/02

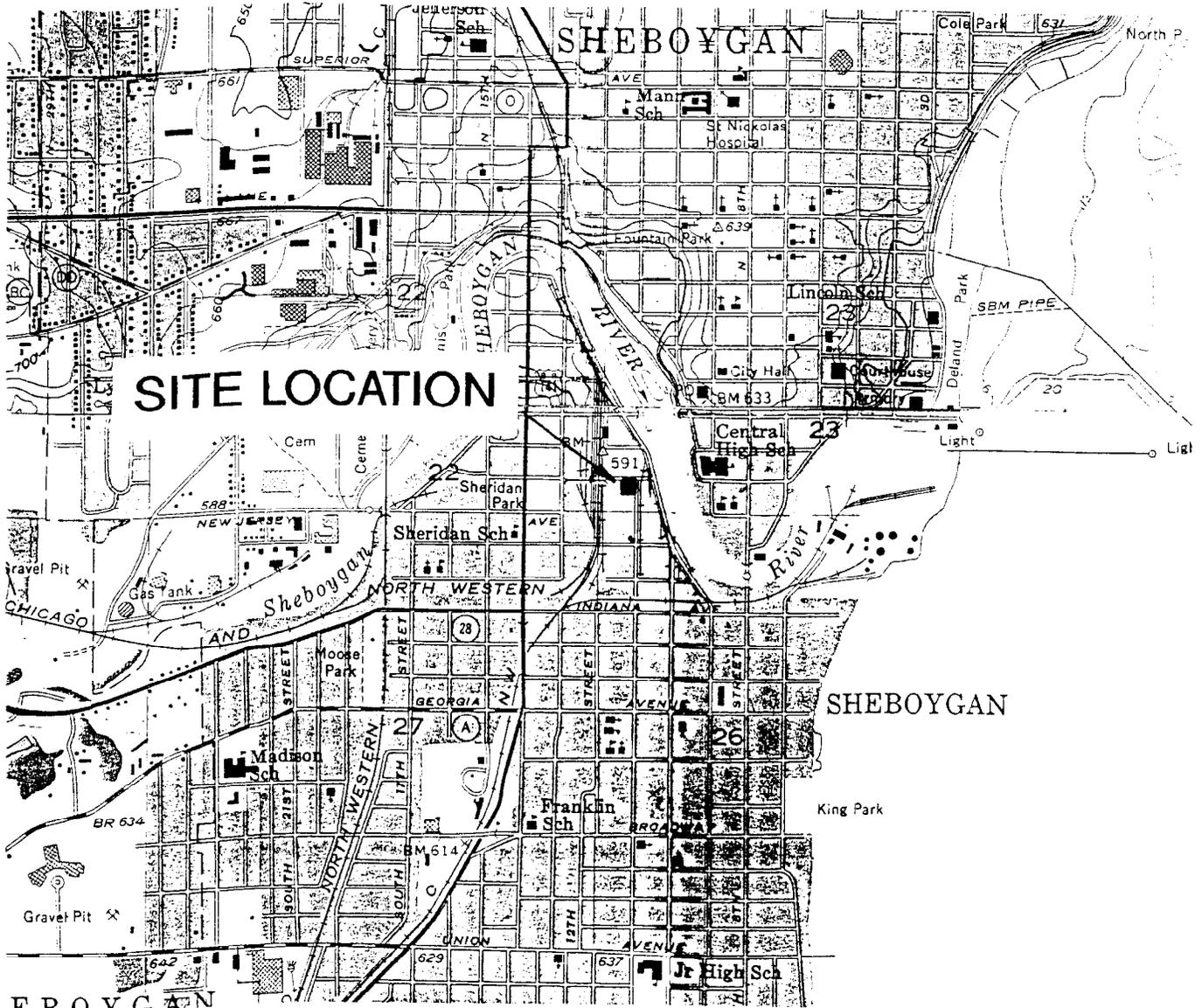
This document was drafted by Larry J. Bonney of Foley & Lardner, 777 East Wisconsin Avenue, Milwaukee, Wisconsin 53202-5367.

**EXHIBIT A  
TO  
GROUNDWATER USE RESTRICTION**

Diagram of the Property

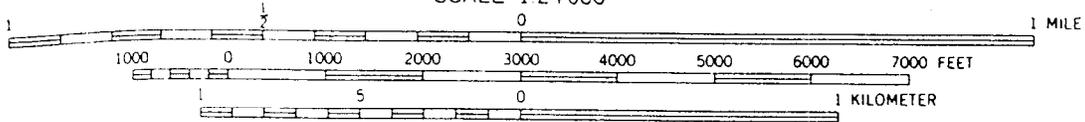
[see attached]





**SITE LOCATION**

SCALE 1:24,000



CONTOUR INTERVAL 10 FEET



N



QUADRANGLE LOCATION

BASE MAP SOURCE: USGS 7.5 MINUTE TOPOGRAPHICAL MAPS, SHEBOYGAN NORTH AND SOUTH, WI, 1954, PHOTOREVISED 1973.

REV 1/4	PROJECT: RSS131415	DATE: 02/06/96	FORMER R-WAY FURNITURE GARAGE SHEBOYGAN, WISCONSIN
	THIS DRAWING AND ALL INFORMATION CONTAINED THEREON IS THE PROPERTY OF NORTHERN ENVIRONMENTAL INCORPORATED AND SHALL NOT BE COPIED OR USED EXCEPT FOR THE PURPOSE FOR WHICH IT IS EXPRESSLY FURNISHED THE DRAWING AND ANY COPIES THEREOF SHALL BE RETURNED TO THE OWNER ON DEMAND		
▲ Northern Environmental Hydrologists • Engineers • Geologists			SITE LOCATION AND LOCAL TOPOGRAPHY

FIGURE 1

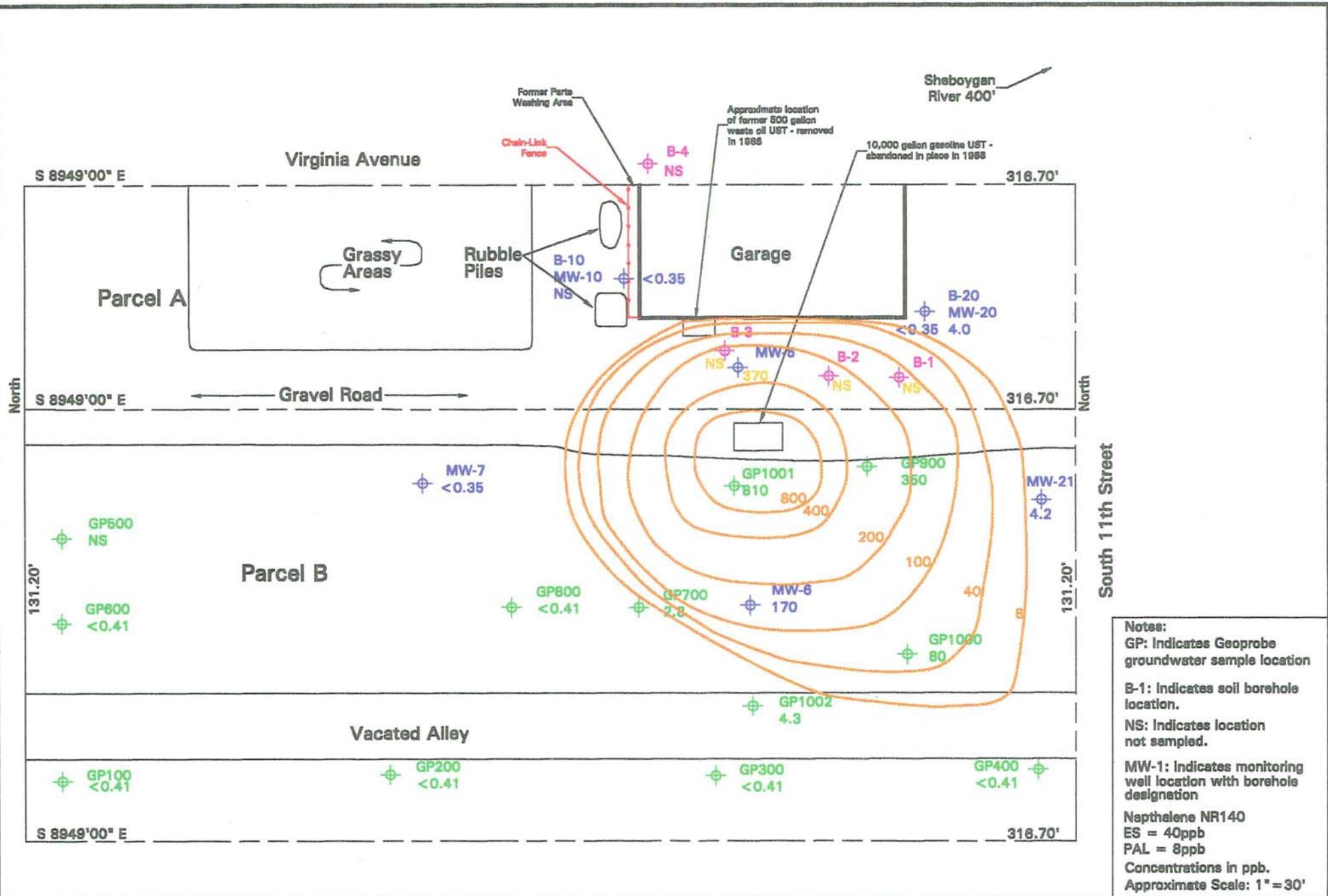
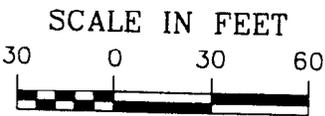
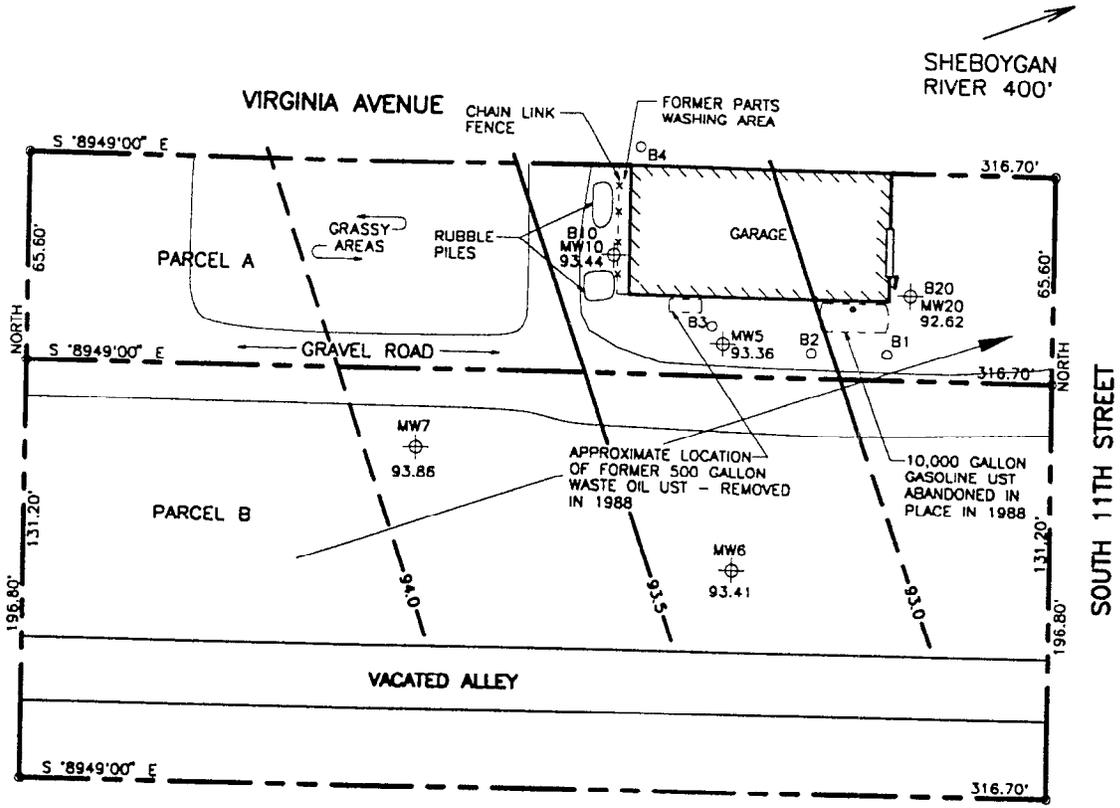


FIGURE 1

Extent of Napthalene in Groundwater

Former R-Way Furniture Garage  
 Sheboygan Wisconsin



**EXPLANATION**

-  SOIL BOREHOLE LOCATION
-  MONITORING WELL LOCATION WITH BOREHOLE DESIGNATION AND GROUND-WATER ELEVATION DATA FROM 1/12/96
-  94.0 ——— GROUND-WATER CONTOUR LINE DASHED WHERE INFERRED
-  ———> DIRECTION OF GROUND-WATER FLOW

DRAWN BY: BGD PROJECT: RSS131415		DATE: 02/06/96	FORMER R-WAY FURNITURE CO. GARAGE SHEBOYGAN, WISCONSIN
REV. DATE 1/18/99	THIS DRAWING AND ALL INFORMATION CONTAINED THEREON IS THE PROPERTY OF NORTHERN ENVIRONMENTAL INCORPORATED AND SHALL NOT BE COPIED OR USED EXCEPT FOR THE PURPOSE FOR WHICH IT IS EXPRESSLY FURNISHED.		
 <b>Northern Environmental</b> <sup>SM</sup> Hydrologists • Engineers • Geologists			GROUND-WATER ELEVATION MAP JANUARY 12, 1996

FIGURE 2

**TABLE 1  
R-WAY GARAGE  
HISTORICAL GROUNDWATER SAMPLE RESULTS**

Monitoring Well	Date Sampled	n-Butyl benzene	sec-Butyl benzene	tert-Butyl benzene	Ethyl benzene	Isopropyl benzene	p-Isopropyl toluene	MTBE	Napthalene	n-Propyl benzene	1,2,4-Tri methylbenzene	1,3,5-Tri methylbenzene	Xylenes (total)
MW-5	4/11/1996	12	6.9	2.5	-	11	0.82	-	<b>360</b>	21	-	0.58	-
	4/14/1999	-	-	-	-	-	-	-	<b>370</b>	-	-	-	-
MW-6	12/29/1994	NA	NA	-	NA	NA	NA	NA	<b>67</b>	NA	NA	NA	NA
	10/2/1995	43	6.4	-	1.6	11	7.1	-	<b>190</b>	26	13	29	13.96
	1/12/1996	96	10	-	0.37	14	7.8	-	<b>200</b>	27	30	36	18
	3/18/1996	65	8.9	-	-	15	11	-	<b>249</b>	31	47	44	26
	4/14/1999	-	-	-	-	-	-	-	<b>170</b>	-	17	33	13
MW-6 DUP	10/2/1995	25	3.6	-	-	6.7	4.1	-	<b>180</b>	13	13	18	9.1
	1/12/1996	57	8.4	-	-	14	9.8	-	<b>200</b>	28	31	36	18
	4/14/1999	-	-	-	-	-	-	-	<b>170</b>	-	17	32	13
MW-7	10/2/1995	-	-	-	-	-	-	-	-	-	-	-	-
	1/12/1996	-	-	-	-	-	-	-	-	-	-	-	-
	4/14/1999	-	-	-	-	-	-	-	-	-	-	-	-
MW-10	4/14/1999	-	-	-	-	-	-	-	-	-	-	-	
MW-20	12/29/1994	-	-	-	-	-	-	-	<b>8.4</b>	-	-	-	-
	10/2/1995	3.2	-	-	-	1.4	-	-	<b>9.1</b>	3	-	-	-
	1/12/1996	3.1	-	0.61	-	1.1	0.47	-	<b>4</b>	2	-	-	-
	4/14/1999	-	-	-	-	-	-	-	-	-	-	-	-
MW-21	9/24/1999	-	1.2	-	-	0.51	-	-	4.2	-	0.77	-	-

Notes:

NA = Not analyzed

- Not present above detection limit

Bold and italicized numbers indicate NR140 PAL Exceedances, e.g.

Outlined Numbers indicate NR140 ES exceedances, e.g.

**X**

**X**

NR 140 Limits

	NR 140 Limits	
	ES	PAL
Napthalene	40	8
1,3,5-Trimethylbenzene	480	96
1,2,4-Trimethylbenzene	480	96
Xylenes, -m, -p	620	124

**TABLE 1 (CONTINUED)**  
**R-WAY GARAGE**  
**HISTORICAL GROUNDWATER SAMPLE RESULTS**

Geoprobe	Date Sampled	n-Butyl benzene	sec-Butyl benzene	tert-Butyl benzene	Ethyl benzene	Isopropyl benzene	p-Isopropyl toluene	MTBE	Napthalene	n-Propyl benzene	1,2,4-Tri methylbenzene	1,3,5-Tri methylbenzene	Xylenes (total)
GP-100	3/18/1996	0.61	-	-	-	-	-	0.82	-	-	-	-	-
GP-200	3/18/1996	0.57	-	-	0.37	-	-	1.3	-	-	-	-	3.9
GP-300	3/18/1996	-	-	-	-	-	-	-	-	-	-	-	-
GP-400	3/18/1996	-	-	-	-	-	-	-	-	-	-	-	-
GP-600	3/18/1996	-	-	-	-	-	-	-	-	-	-	-	-
GP-700	3/18/1996	11	6.6	-	-	2.3	2.8	-	2.8	5.7	1.8	0.83	-
GP-800	3/18/1996	-	-	-	-	-	-	-	-	-	-	-	-
GP-900	3/18/1996	1100	39	7.6	-	16	490	-	<b>350</b>	40	-	-	-
GP-1000	3/18/1996	110	29	-	-	8.2	23	-	<b>80</b>	13	-	17	-
GP-1001	3/18/1996	360	170	-	-	53	-	-	<b>810</b>	12	44	70	-
GP-1002	3/18/1996	1.8	-	-	-	-	-	-	4.3	0.54	-	-	-

Notes:

NA = Not analyzed

- Not present above detection limit

Bold and italicized numbers indicate NR140 PAL Exceedances e.g.

Outlined Numbers indicate NR140 ES exceedances e.g.

*X*  
*X*

	NR 140 Limits	
	ES	PAL
Napthalene	40	8
1,3,5-Trimethylbenzene	480	96
1,2,4-Trimethylbenzene	480	96
Xylenes, -m, -p	620	124