

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

November 29, 1999

Norm Johnson  
Mid-Lakes FS Cooperative  
1701 Towanda Avenue  
Bloomington, IL 61702

Dear Mr. Johnson:

Subject: Case closure, Mid-Lakes Cooperative, 921 West First Street, Waldo, file reference FID #460143420 ERR-LUST

Thank you for conducting additional work at the site. I have reviewed your case file based on documents submitted by your consultant, Cooper Environmental & Engineering Resources, Inc. Based on this information I agree with Cooper in 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.

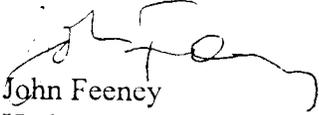
To complete the closure of this site, you must place a groundwater use restriction on the property deed at the county register of deeds office which specifies the legal description of the property, the location, type, and concentration of the contaminants and includes the following language:

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 form and a copy of the notarized and filed ground water 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 414-229-0810.

Sincerely,

A handwritten signature in black ink, appearing to read "John Feeny". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

John Feeny  
Hydrogeologist

Cc: Cooper Environmental & Engineering Resources, Inc.  
SER File

Document Number | GROUNDWATER USE DEED RESTRICTION

SHEBOYGAN COUNTY, WI  
RECORDED ON  
10-30-2001 12:00 PM  
DARLENE J. NAVIS  
REGISTER OF DEEDS

RECORDING FEE: 19.00  
TRANSFER FEE: 068275 9

# OF PAGES: 5

Declaration of Restrictions

In Re: See Attachment A, Parcel B, with the legal description of the property.

Recording Area

Name and Return Address  
JOHN MILELLA  
N6730 LAUREL RD  
ELKHORN WI 53121

STATE OF WISCONSIN )  
COUNTY OF Sheboygan ) ss

772030 and 772040  
Parcel Identification Number (PIN)

WHEREAS, JOHN STEVEN MILELLA is the owner of the above-described property.

WHEREAS, one or more petroleum discharges have occurred on this property. A petroleum hydrocarbon compound, Benzene, contaminated groundwater above ch. NR 140, Wis. Adm. Code, enforcement standards existed on this property at the following location(s) on the following date(s): Benzene (sampled on April 26, 1999) was found at a concentration above the enforcement standard of 5 micrograms per liter (µg/L). The concentration of 22 µg/L was in groundwater from monitoring well MW01 near the northwest corner of the property. See attached Figure 3-2. Soil contamination existed on the property at the following locations on the following dates: Benzene was detected above NR 720.09 generic residual contaminant levels of 5.5 micrograms per kilogram (sampling date of April 26, 1999), /kg) in soil samples MLW/OE-SS06 and MLW/OE-SS07 at concentrations of 35 µg/kg and 33 µg/kg, respectively. Lead was detected and exceeded the NR 720.11 generic residual contaminant level for lead at an industrial property in soil sample MLW/OE-SS06. See the attached Figure 3-2 to show monitoring well and boring locations.

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 or soil 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. Construction of wells where water quality exceeds the drinking water standards in ch. NR 809 is restricted by chs. NR 811 and NR 812. 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.

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.

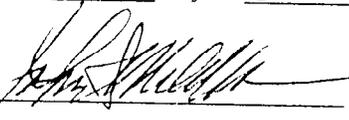
If construction is proposed on this property that will require dewatering, or if groundwater is to be otherwise extracted from this property, while this groundwater use restriction is in effect, the groundwater shall be sampled and analyzed for contaminants that were previously detected on the property 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, 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

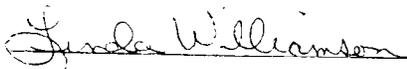
be recorded to give notice that this deed restriction, or portions of this deed restriction, are no longer binding.

IN WITNESS WHEREOF, the owner of the property has executed this Declaration of Restrictions, this 30<sup>TH</sup> day of OCTOBER, 2001.

Signature: 

Printed Name: JOHN STEVEN MILELLA

Subscribed and sworn to before me this 30<sup>th</sup> day of October, 2001.



Notary Public, State of WI

My commission 2-23-03

(End of Document)

Prepared by  
Randy Tomic (GROWMARK)

## EXHIBIT A

## LEGAL DESCRIPTION OF REAL PROPERTY

## Parcel B ONLY

That part of the Northeast 1/4 of the Northwest 1/4 of Section 23, Township 14 North, of Range 21 East, in Sheboygan County, Wisconsin, bounded and described as follows: Commencing at the Northwest corner of the said Section 23; thence S89°59'53"E along the Section line 1567.91 feet to the place of beginning; thence continue on the same line 148.50 feet to the westerly line of the Wisconsin Central Ltd. Railroad right-of-way; thence S02°05'27"W along the said right-of-way line 586.67 feet; thence N89°59'53"W 148.50 feet; thence N02°05'27"E 586.67 feet to the place of beginning. Subject to the northerly 33 feet thereof used for highway purposes

Tax Parcel Nos.:  
and 772040

, Parcel B - 772030

# Certificate

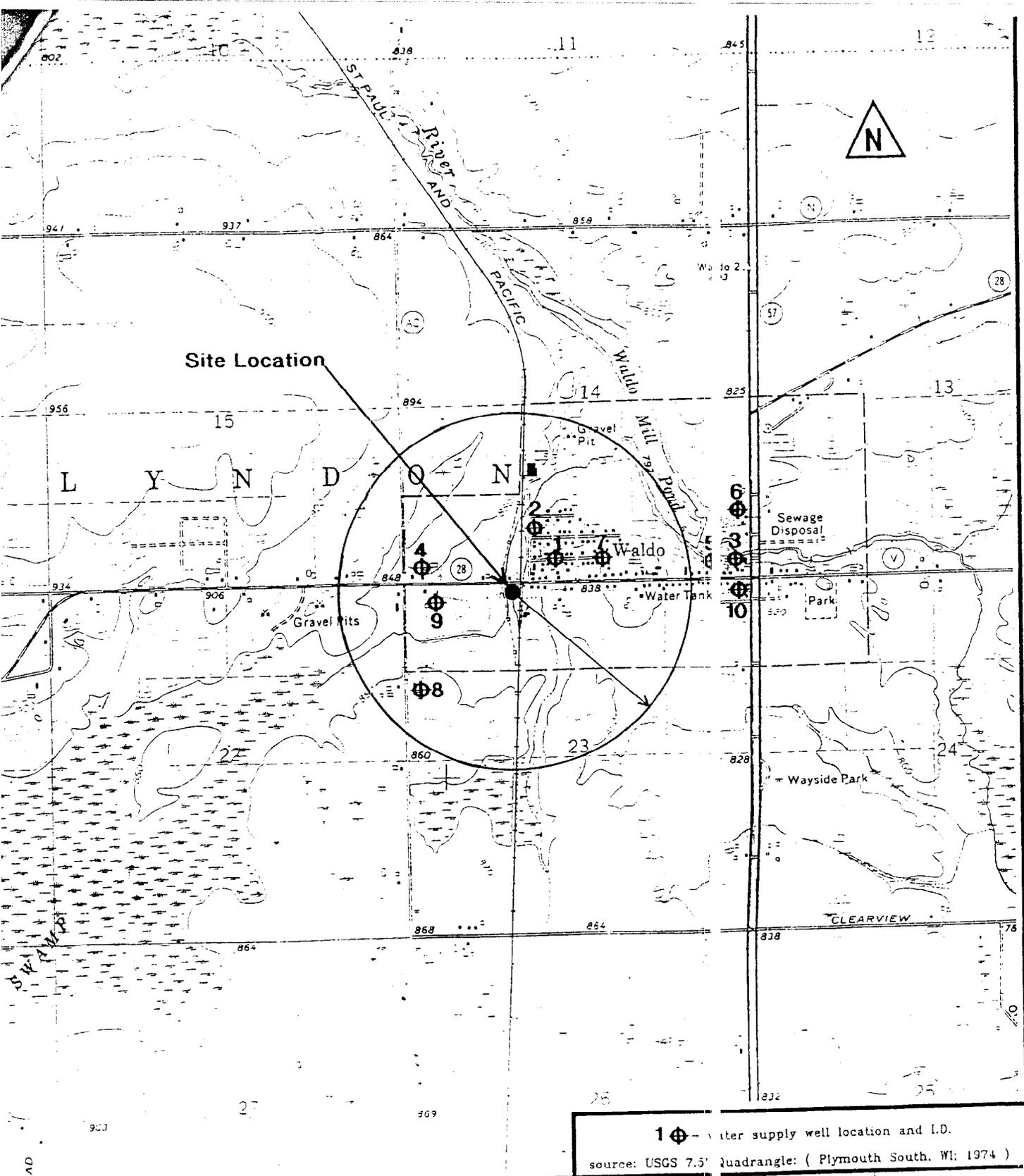
I, DARLENE J. NAVIS, REGISTER OF DEEDS IN AND FOR THE SAID COUNTY AND STATE, DO HEREBY CERTIFY THAT THE ANNEXED IS A TRUE COPY OF THE RECORD OF A CERTAIN Groundwater Use Deed Restriction RECORDED IN THIS OFFICE ON THE 30th DAY OF October A.D. 2001, IN VOLUME 1854 OF Records ON PAGES 516-520, AND I HAVE COMPARED THE SAME CAREFULLY WITH THE DOCUMENT ON RECORD.

WITNESS MY HAND AND OFFICIAL SEAL AT MY OFFICE IN THE CITY OF SHEBOYGAN COUNTY OF WISCONSIN THIS 30th DAY OF October A.D. 2001.

STATE OF WISCONSIN }  
REGISTERS OFFICE } ss.  
SHEBOYGAN COUNTY }

*Darlene J. Navis*

DARLENE J. NAVIS  
REGISTER OF DEEDS



**Figure 2-2**  
**WATER SUPPLY WELL LOCATIONS**  
 Mid-Lakes FS Coop  
 921 West First Street ( Hyw 28 )  
 Waldo, WI

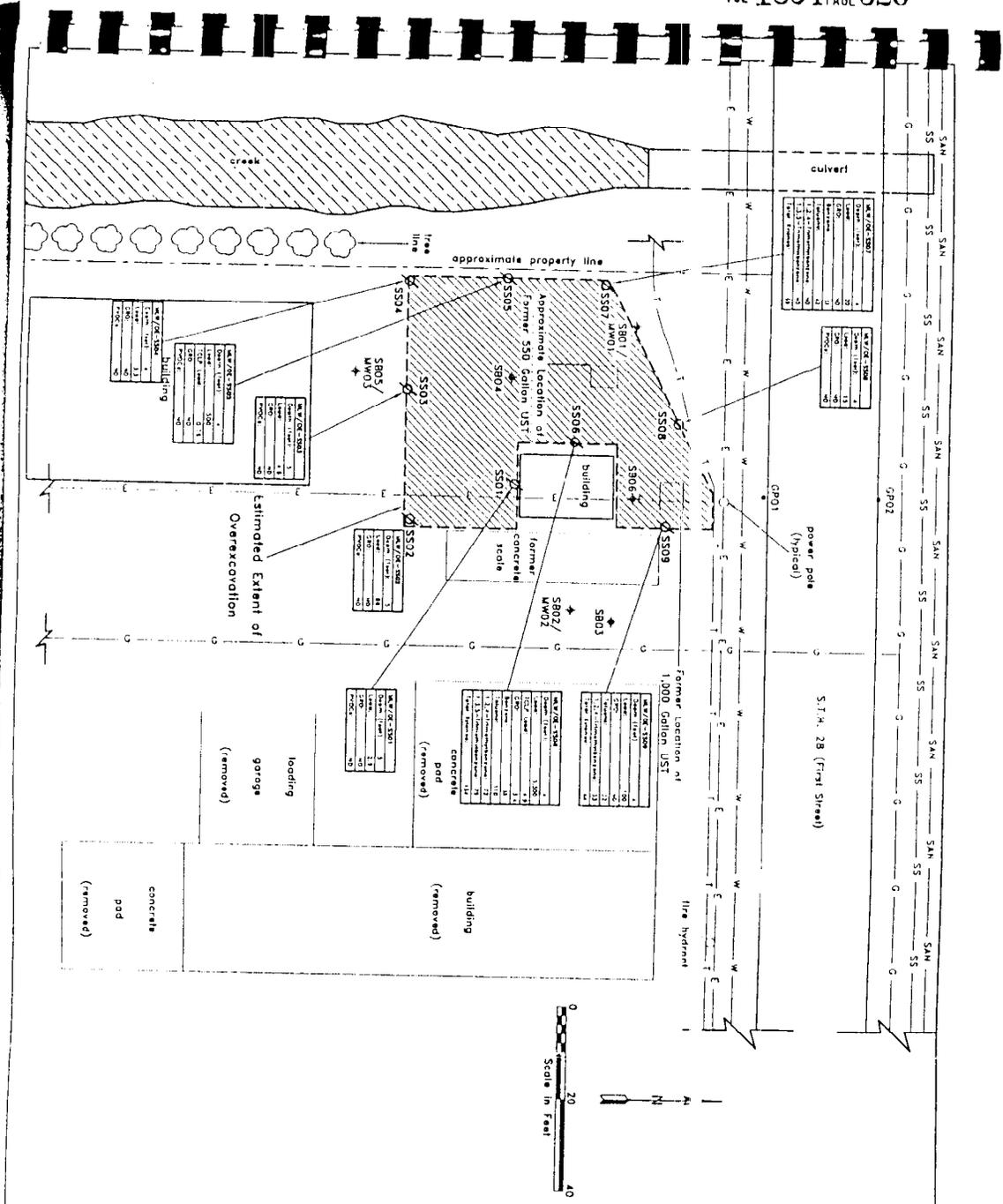


QUADRANGLE LOCATION

9

1 Ⓢ - water supply well location and I.D.			
source: USGS 7.5' Quadrangle: ( Plymouth South, WI: 1974 )			
date:	drafted by:	checked by:	approved by:
2/15/96	PRL	EKS	NWR

**Cooper**  
 Engineering Resources Inc.  
 1411 North Main Street, West Bend, Wisconsin, 53095  
 scale: 1" = 2,000'



Sample ID	Depth (ft)	Soil Type	Moisture (%)	Organics (mg/kg)	Lead (mg/l)
SS01	0-1	CLAY	12	1.2	0.1
SS01	1-2	CLAY	12	1.2	0.1
SS01	2-3	CLAY	12	1.2	0.1
SS01	3-4	CLAY	12	1.2	0.1
SS01	4-5	CLAY	12	1.2	0.1
SS01	5-6	CLAY	12	1.2	0.1
SS01	6-7	CLAY	12	1.2	0.1
SS01	7-8	CLAY	12	1.2	0.1
SS01	8-9	CLAY	12	1.2	0.1
SS01	9-10	CLAY	12	1.2	0.1

Sample ID	Depth (ft)	Soil Type	Moisture (%)	Organics (mg/kg)	Lead (mg/l)
SS02	0-1	CLAY	12	1.2	0.1
SS02	1-2	CLAY	12	1.2	0.1
SS02	2-3	CLAY	12	1.2	0.1
SS02	3-4	CLAY	12	1.2	0.1
SS02	4-5	CLAY	12	1.2	0.1
SS02	5-6	CLAY	12	1.2	0.1
SS02	6-7	CLAY	12	1.2	0.1
SS02	7-8	CLAY	12	1.2	0.1
SS02	8-9	CLAY	12	1.2	0.1
SS02	9-10	CLAY	12	1.2	0.1

Sample ID	Depth (ft)	Soil Type	Moisture (%)	Organics (mg/kg)	Lead (mg/l)
SS03	0-1	CLAY	12	1.2	0.1
SS03	1-2	CLAY	12	1.2	0.1
SS03	2-3	CLAY	12	1.2	0.1
SS03	3-4	CLAY	12	1.2	0.1
SS03	4-5	CLAY	12	1.2	0.1
SS03	5-6	CLAY	12	1.2	0.1
SS03	6-7	CLAY	12	1.2	0.1
SS03	7-8	CLAY	12	1.2	0.1
SS03	8-9	CLAY	12	1.2	0.1
SS03	9-10	CLAY	12	1.2	0.1

Sample ID	Depth (ft)	Soil Type	Moisture (%)	Organics (mg/kg)	Lead (mg/l)
SS04	0-1	CLAY	12	1.2	0.1
SS04	1-2	CLAY	12	1.2	0.1
SS04	2-3	CLAY	12	1.2	0.1
SS04	3-4	CLAY	12	1.2	0.1
SS04	4-5	CLAY	12	1.2	0.1
SS04	5-6	CLAY	12	1.2	0.1
SS04	6-7	CLAY	12	1.2	0.1
SS04	7-8	CLAY	12	1.2	0.1
SS04	8-9	CLAY	12	1.2	0.1
SS04	9-10	CLAY	12	1.2	0.1

Sample ID	Depth (ft)	Soil Type	Moisture (%)	Organics (mg/kg)	Lead (mg/l)
SS05	0-1	CLAY	12	1.2	0.1
SS05	1-2	CLAY	12	1.2	0.1
SS05	2-3	CLAY	12	1.2	0.1
SS05	3-4	CLAY	12	1.2	0.1
SS05	4-5	CLAY	12	1.2	0.1
SS05	5-6	CLAY	12	1.2	0.1
SS05	6-7	CLAY	12	1.2	0.1
SS05	7-8	CLAY	12	1.2	0.1
SS05	8-9	CLAY	12	1.2	0.1
SS05	9-10	CLAY	12	1.2	0.1

Sample ID	Depth (ft)	Soil Type	Moisture (%)	Organics (mg/kg)	Lead (mg/l)
SS06	0-1	CLAY	12	1.2	0.1
SS06	1-2	CLAY	12	1.2	0.1
SS06	2-3	CLAY	12	1.2	0.1
SS06	3-4	CLAY	12	1.2	0.1
SS06	4-5	CLAY	12	1.2	0.1
SS06	5-6	CLAY	12	1.2	0.1
SS06	6-7	CLAY	12	1.2	0.1
SS06	7-8	CLAY	12	1.2	0.1
SS06	8-9	CLAY	12	1.2	0.1
SS06	9-10	CLAY	12	1.2	0.1

Sample ID	Depth (ft)	Soil Type	Moisture (%)	Organics (mg/kg)	Lead (mg/l)
SS07	0-1	CLAY	12	1.2	0.1
SS07	1-2	CLAY	12	1.2	0.1
SS07	2-3	CLAY	12	1.2	0.1
SS07	3-4	CLAY	12	1.2	0.1
SS07	4-5	CLAY	12	1.2	0.1
SS07	5-6	CLAY	12	1.2	0.1
SS07	6-7	CLAY	12	1.2	0.1
SS07	7-8	CLAY	12	1.2	0.1
SS07	8-9	CLAY	12	1.2	0.1
SS07	9-10	CLAY	12	1.2	0.1

Sample ID	Depth (ft)	Soil Type	Moisture (%)	Organics (mg/kg)	Lead (mg/l)
SS08	0-1	CLAY	12	1.2	0.1
SS08	1-2	CLAY	12	1.2	0.1
SS08	2-3	CLAY	12	1.2	0.1
SS08	3-4	CLAY	12	1.2	0.1
SS08	4-5	CLAY	12	1.2	0.1
SS08	5-6	CLAY	12	1.2	0.1
SS08	6-7	CLAY	12	1.2	0.1
SS08	7-8	CLAY	12	1.2	0.1
SS08	8-9	CLAY	12	1.2	0.1
SS08	9-10	CLAY	12	1.2	0.1

Sample ID	Depth (ft)	Soil Type	Moisture (%)	Organics (mg/kg)	Lead (mg/l)
SS09	0-1	CLAY	12	1.2	0.1
SS09	1-2	CLAY	12	1.2	0.1
SS09	2-3	CLAY	12	1.2	0.1
SS09	3-4	CLAY	12	1.2	0.1
SS09	4-5	CLAY	12	1.2	0.1
SS09	5-6	CLAY	12	1.2	0.1
SS09	6-7	CLAY	12	1.2	0.1
SS09	7-8	CLAY	12	1.2	0.1
SS09	8-9	CLAY	12	1.2	0.1
SS09	9-10	CLAY	12	1.2	0.1

Figure 3-2

SOIL LABORATORY ANALYTICAL RESULT SUMMARY

MID-LAKES FS COOP  
921 West First Street (Hwy 28)  
Waldo, WI

Legend: (mg/kg)  
SBO: Gasoline Range Organics (mg/kg)  
Benzene: (ug/kg)  
Toluene: (ug/kg)  
1,2,4-Trimethylbenzene: (ug/kg)  
1,3,5-Trimethylbenzene: (ug/kg)  
Total Xylenes: (ug/kg)  
PVCs: (ug/kg)  
TCU Lead: (mg/l)  
mg/kg = milligrams per kilogram  
ug/kg = micrograms per kilogram  
mg/l = milligrams per liter

SS01 = soil boring location and I.D.  
SS02 = soil boring/monitoring well location and I.D.  
SS03 = Geoprobe location and I.D.  
SS04 = Estimated Extent of Overexcavation  
SS05 = overexcavation analytical soil closure location and I.D.

**Cooper**  
Environmental & Engineering Resources, Inc.  
1411 North Main Street, West Bend, Wisconsin, 53090  
Tel: 262-338-3333 Fax: 262-338-3334  
www.coopereng.com



Table 4  
Groundwater Parameter Concentrations Exceeding NR 140 Standards  
Mid Lakes FS Coop - Waldo  
Waldo, Wisconsin

Well Number	Date Sampled	Sample ID	Benzene	Ethyl-benzene	M BE	Dissolved Lead (EPA Method 7421)
MW01	03/17/95	MLW-MW01-01 [D]	26 [26]	7.2 [7.3]	11 [11]	ND(<2.0) [ND(<2.0)]
	11/01/96	MLW/MW01-11/96 [D]	46 [44]	25 [24]	3.2 [3.3]	ND(<2.0) [ND(<2.0)]
	03/04/97	MLW/MW01-3/97 [D]	9.5 [10]	6.6 [6.9]	1.5 [1.6]	ND(<2.0) [ND(<2.0)]
	06/10/97	MLW/MW01-6/97 [D]	120 [330]	72 [200]	13 [34]	--
	08/21/97	MLW/MW01-8/97 [D]	38 [39]	21 [21]	2.3 [2.9]	--
	12/24/97	MLW/MW01-12/97 [D]	48 [42]	44 [26]	4.4 [5.4]	--
	03/11/98	MLW/MW01-3/98 [D]	56 [47]	43 [39]	5.4 [5.3]	--
	06/26/98	MLW/MW01-6/98 [D]	11 [11]	11 [9.3]	2.7 [3.2]	--
MW02	03/17/95	MLW-MW02-01	ND(<1.0)	ND(<1.0)	NC <1.0)	ND(<2.0)
	11/01/96	MLW/MW02-11/96	ND(<1.0)	ND(<1.0)	NC <1.0)	ND(<2.0)
	03/04/97	MLW/MW02-3/97	ND(<0.2)	ND(<0.3)	NC <0.2)	2.1
	06/10/97	MLW/MW02-6/97	ND(<0.16)	ND(<0.29)	NC <0.2)	--
	08/21/97	MLW/MW02-8/97	ND(<0.16)	ND(<0.29)	NC <0.2)	--
	12/24/97	Not Sampled				
	03/11/98	Not Sampled				
	06/26/98	MLW/MW02-6/98	ND(<0.27)	ND(<0.32)	ND <0.32)	--
MW03	03/17/95	MLW-MW03-01	ND(<1.0)	ND(<1.0)	1.5	ND(<2.0)
	11/01/96	MLW/MW03-11/96	ND(<1.0)	ND(<1.0)	NI (<1.0)	2
	03/04/97	MLW/MW03-3/97	ND(<0.4)	ND(<0.2)	NI (<0.5)	ND(<1.7)
	06/10/97	MLW/MW03-6/97	ND(<0.16)	ND(<0.29)	NI (<0.2)	--
	08/21/97	MLW/MW03-8/97	ND(<0.16)	ND(<0.29)	NI (<0.2)	--
	12/24/97	Not Sampled				
	03/11/98	Not Sampled				
	06/26/98	MLW/MW03-6/98	ND(<0.27)	ND(<0.32)	NC <0.32)	--
NR 140 ES			5	700	60	15
NR140 PAL			0.5	140	12	1.5
<p>Notes: all concentrations reported in ug/L unless noted  all parameters analyzed using EPA Method 8020 unless noted  [D] = Analytical results of duplicate in brackets  ND( ) = Not detected above limit of detection (detection limit)  -- = Parameter not analyzed for  NA = No standard  ES = NR 140 Enforcement Standard  PAL = NR 140 Preventive Action Limit  56 = Enforcement Standard Exceedence  13 = Preventive Action Limit Exceedence</p>						

