

State of Wisconsin \ DEPARTMENT OF NATURAL RESOURCES

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

Southeast Region
Milwaukee Service Center
2300 N. Dr. ML King Drive, PO Box 12436
Milwaukee, Wisconsin 53212-0436
Telephone 414-263-8500
FAX 414-263-8716
TDD 414-263-8713

November 11, 1999

Mr. David Schwartz
Rote Oil Company
N1887 South Highway H
Lake Geneva, Wisconsin 53417

SUBJECT: Request for closure, Rote Oil Company, 10 LaSalle Street, Lake Geneva, Wisconsin. BRR-LUST FID#265059080.

Dear Mr. Schwartz:

At the request of your environmental consultant, Liesch Environmental Services, Inc., (LESI), we have reviewed the referenced case file for determination if further action is necessary at this site. Based on the information presented, we concur with LESI's recommendation of no further action in connection with the former underground storage tanks, and conditionally close this case under NR 726 and COMM 47.

To complete the closure of this site, The following information must be supplied to the Department of Natural Resources:

- A groundwater use restriction placed on the property deed at the county register of deeds office. The groundwater use restriction must specify the legal description of the property, the location type and the concentration of the contaminant(s) and includes the following paragraphs:
 - a) *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. 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.*
 - b) *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.*
- All Monitoring wells must be abandoned within 60 days in accordance to ch. NR 141.25, WAC.

- You must submit a certified copy of the groundwater use restriction and monitoring well abandonment documentation to the Department. When these items are received by the Department this site will be in compliance with ch. NR 726, WAC, and will be officially closed and tracked as such on the department's tracking system.
- Interim guidance on institutional controls may be found on the DNR's web site (<http://www.dnr.state.wi.us>) by searching "RR PDF Documents" or by calling the publication request line at (608) 264-6009. I have also included a copy of the groundwater use permit format.

As always the department reserves the right to reopen this case pursuant to s. NR 726.09, WAC, should additional information regarding site conditions indicate that contamination on or from the site poses a threat to public health, safety or welfare of the environment. This letter serves as your closure letter, but is technically only valid once we receive the information requested above.

If you have any questions or concerns regarding this letter, please contact me at (414) 263-8589.

Sincerely,

A handwritten signature in cursive script that reads "Gina Keenan". The signature is written in black ink and is positioned above the typed name and title.

Gina Keenan
Hydrogeologist

cc: Liesch Environmental Services, Inc.
SER file

Document Number | GROUNDWATER USE RESTRICTION

Declaration of Restrictions

In Re: | See Attached Description

STATE OF WISCONSIN)
) ss
COUNTY OF WALWORTH)

WHEREAS, David C Schwartz and Kelly J Schwartz are the owners of the above-described property (Attachment A),

WHEREAS, one or more petroleum discharges have occurred at this property. Petroleum contaminated groundwater above Ch. NR 140 Wis. Adm. Code enforcement standards exists on this property at the following location(s):

Naphthalene, toluene, trimethylbenzene, and xylenes contaminated groundwater exists in the south central portion of the property based on samples tested December 10, 1998.

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 on 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:

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.

RECORDED IN VOL 669
PAGE 114

50 JUN 11 PM 3 46

RECORDING AREA
WALWORTH COUNTY, WI

Recording Area

Name and Return Address

David C Schwartz
Kelly J Schwartz
~~1490 Conant St~~ W 3109 McDonald Road
Lake Geneva, WI 53147

14.00

ZCL2 00001

Parcel Identification Number (PIN)

By signing this document, David C Schwartz and Kelly J Schwartz assert that they are duly authorized to sign this document on behalf of Rote Oil.

IN WITNESS WHEREOF, the owner of the property has executed this Declaration of Restrictions, this 11th day of January, 2000

Signature: Kelly J. Schwartz
Printed Name: Kelly Schwartz

David Schwartz
David Schwartz

Subscribed and sworn to before me
This 29 day of December, 1999.

Michelle Klotz
Notary Public, State of Wisconsin
My commission 6-24-01

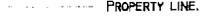
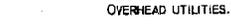
THIS INSTRUMENT WAS DRAFTED BY: BRIAN NOVOTONY

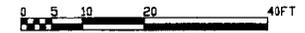
ATTACHEMENT A

Description:

Beginning at the southeast corner of Lot 1 in the second Columbian Subdivision, a subdivision located in Sections 25 and 26, T.2.N., R.17.E. Walworth County, Wisconsin. According to the plat of said second subdivision as recorded in the Office of the Register of Deeds in and for said County of Walworth; Thence N90°00'00" W on the south line of said lot 150.00 feet; Thence N00°49'22" W 161.50 feet to the westerly right-of-way of the former Chicago and Northwestern Railroad; Thence S43°19'38"E along said right-of-way 221.99' to the point of beginning.

EXPLANATION

- 
GP-4 GEOPROBE LOCATION WITH IDENTIFIER. BORINGS ADVANCED JULY 1996.
- 
SB-1 SOIL BORING LOCATION WITH IDENTIFIER. BORINGS ADVANCED APRIL AND SEPTEMBER 1997 AND FEBRUARY 1998.
- 
MW-1 MONITORING WELL LOCATION WITH IDENTIFIER.
- 
 PROPERTY LINE.
- 
 OVERHEAD UTILITIES.
- 
 ESTIMATED EXTENT OF SOIL CONTAMINATION ABOVE NR720 RCLS.
- 
 ESTIMATED EXTENT OF GROUNDWATER CONTAMINATION ABOVE NR140 ES.



SCALE IS APPROXIMATE

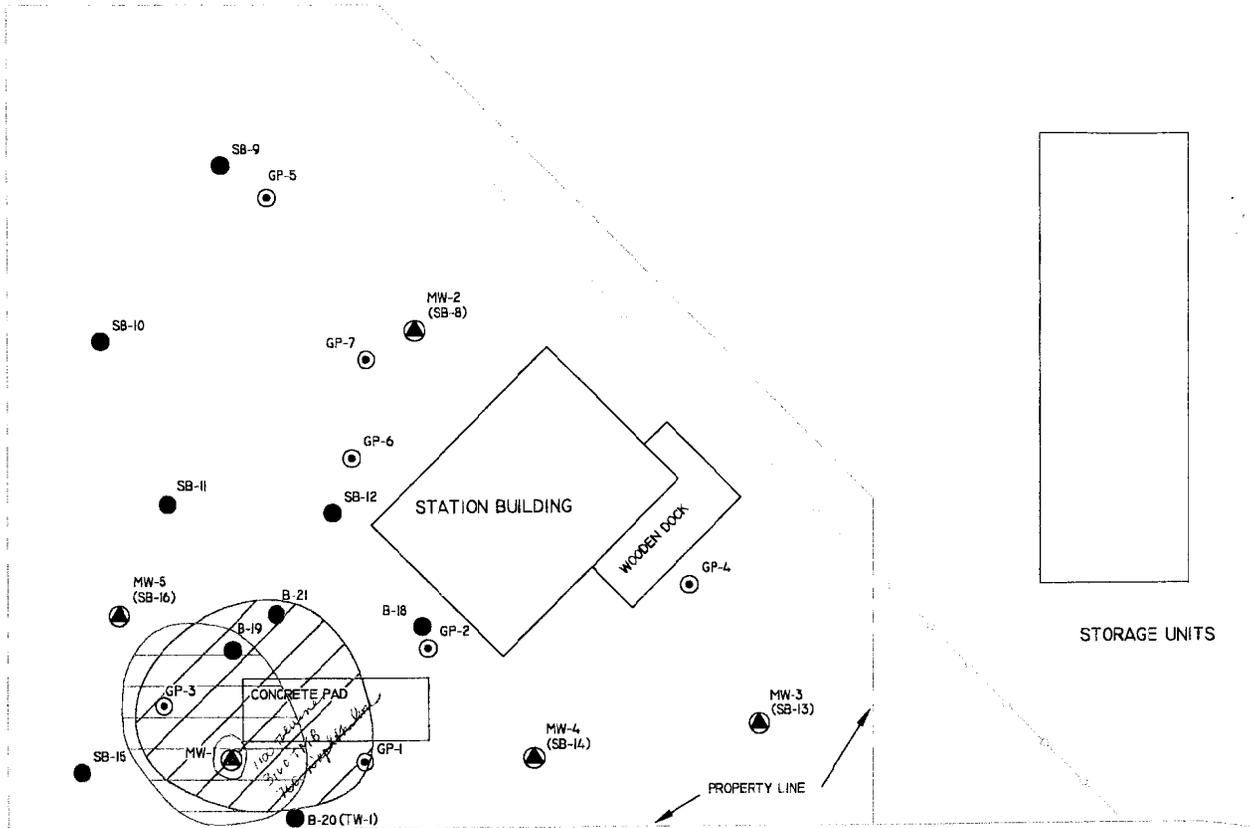
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DATE: 6/7/99	DRAWN BY: MLW CHECKED BY: BJN
SOURCE: FIELD NOTES	

AERIAL EXTENT OF SOIL AND
GROUNDWATER CONTAMINATION
ROTE OIL FUEL TERMINAL
10 LA SALLE STREET
LAKE GENEVA, WISCONSIN

LIESCH
LIESCH ENVIRONMENTAL SERVICES, INC.
6000 GISHOLT DRIVE, SUITE 203
MADISON, WI 53713

FIGURE

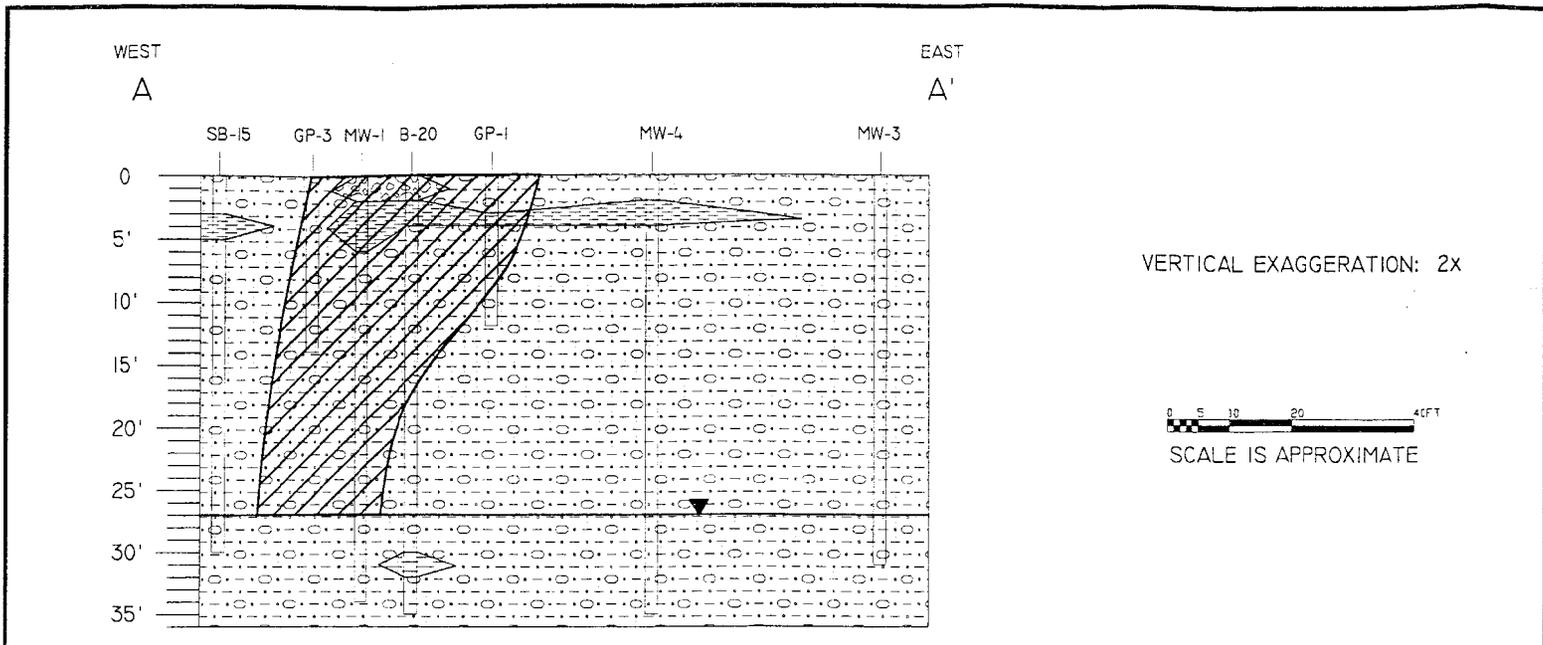
3



LA SALLE STREET

TROSTEL PROPERTY

MW-6
(SB-17)

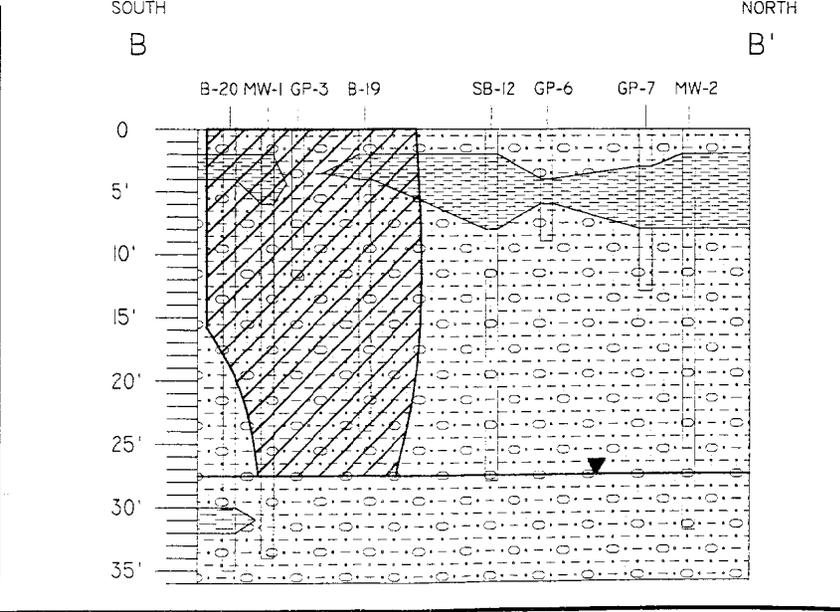
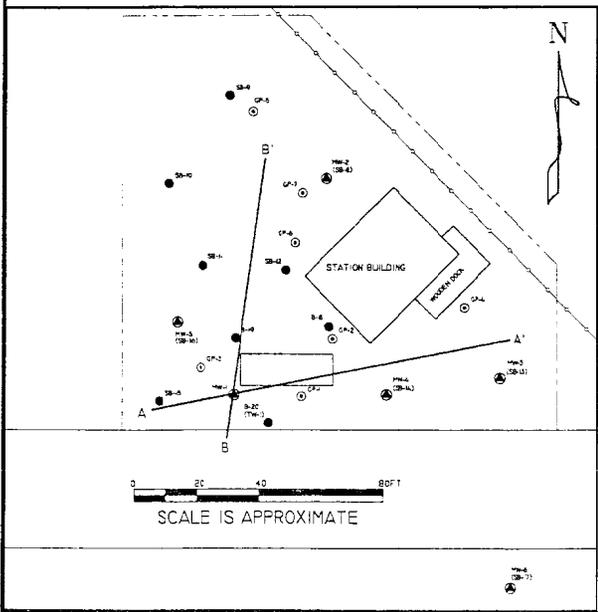


EXPLANATION

- GP-14 GEOPROBE LOCATION WITH IDENTIFIER. BORINGS ADVANCED JULY 1996.
- SB-1 SOIL BORING LOCATION WITH IDENTIFIER. BORINGS ADVANCED APRIL AND SEPTEMBER 1997 AND FEBRUARY 1998.
- MW-A MONITORING WELL LOCATION WITH IDENTIFIER.
- A—A' CROSS-SECTION LOCATION LINE.
- WATER TABLE LOCATION.
- ESTIMATED VERTICAL EXTENT OF SOIL CONTAMINATION.
- CL - BROWN SILTY CLAY
- ML - BROWN CLAYEY SILT
- SW - LIGHT BROWN GRAVELLY SAND
- GM - LIGHT BROWN SANDY GRAVEL

USCS SOIL CLASSIFICATION SYSTEM

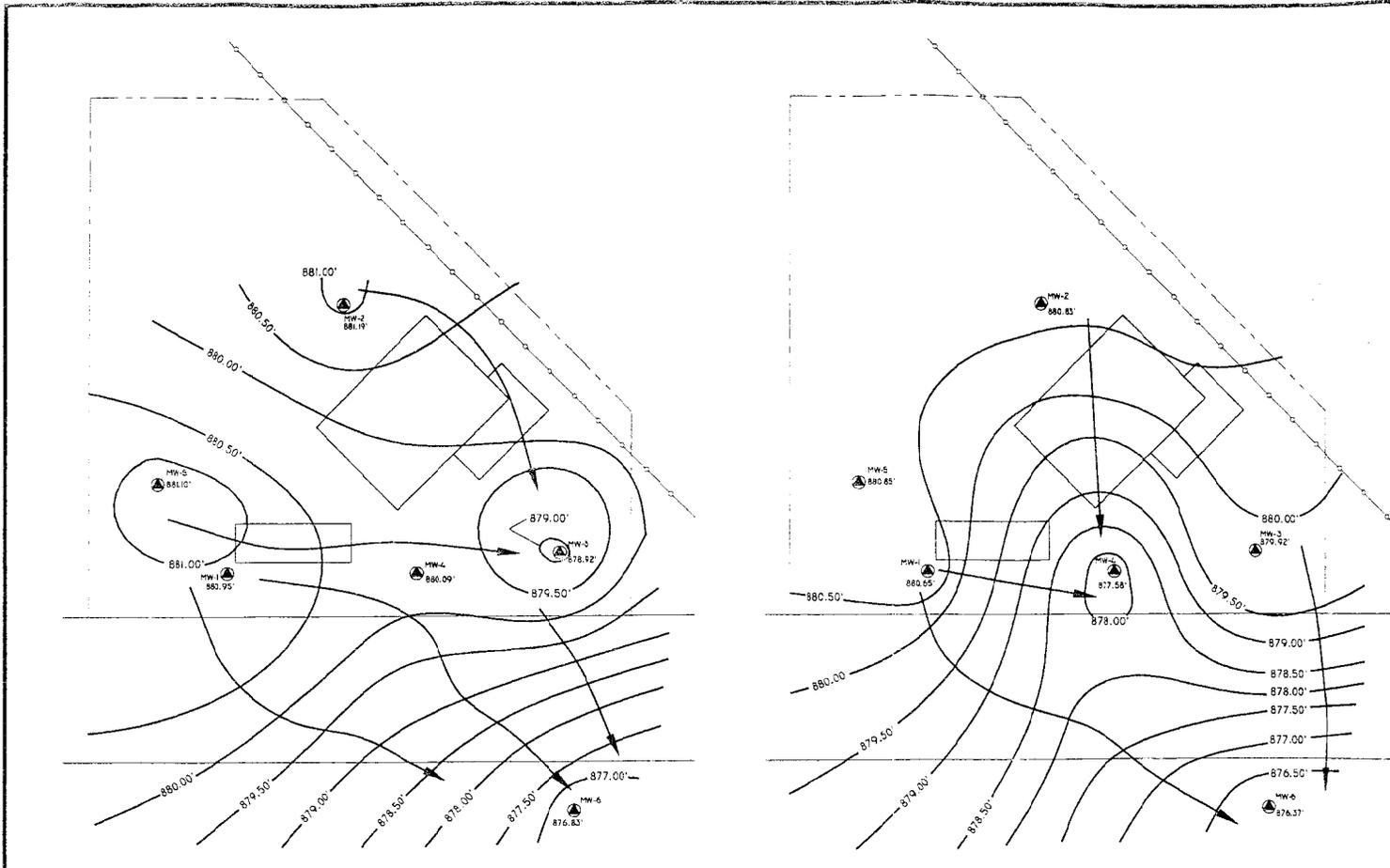
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SOURCE: FIELD NOTES



CROSS-SECTIONAL VIEW OF
SUBSURFACE CONDITIONS
ROTE OIL FUEL TERMINAL
10 LA SALLE STREET
LAKE GENEVA, WISCONSIN

LIESCH
LIESCH ENVIRONMENTAL SERVICES, INC.
6000 GISHOLT DRIVE, SUITE 203
MADISON, WI 53713

FIGURE
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SEPTEMBER 4, 1997

DECEMBER 10, 1997

0 5 15 30 60 FT

SCALE IS APPROXIMATE

EXPLANATION

- MONITORING WELL LOCATION WITH IDENTIFIER AND ELEVATION IN FEET ABOVE MSL.
- GROUNDWATER CONTOUR WITH ELEVATION IN FEET ABOVE MSL.
- GROUNDWATER FLOW DIRECTION.
- PROPERTY LINE.
- OVERHEAD UTILITIES.

N



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 DATE: 4/1/98 DRAWN BY: MLW CHECKED BY: BJN
 SOURCE:
 FIELD NOTES

GROUNDWATER CONTOUR MAP
 ROTE OIL FUEL TERMINAL
 10 LA SALLE STREET
 LAKE GENEVA, WISCONSIN

LIESCH
 LIESCH ENVIRONMENTAL SERVICES, INC.
 6000 GISHOLT DRIVE, SUITE 203
 MADISON, WI 53713

FIGURE

6

Table 5
Groundwater Laboratory Analytical Results
Rote Oil Company
Lake Geneva, Wisconsin

	DATE	UNITS	MW-1	MW-2	MW-3	MW-4	MW-5	MW-6	TW-1	PAL	ES
WISCONSIN PETROLEUM											
Diesel Range Organics (DRO)	4/16/97	ug/L	8700								
	5/13/97	ug/L		<100	<100	<100					
	9/4/97	ug/L	7700	<100	<100	<100	300	<100			
	12/10/97	ug/L	11000	<100	<100	<100	190	<100			
	2/24/98	ug/L							90		
	3/30/98	ug/L	35000	44	31	55	160	56			
	9/2/98	ug/L	20000	<26	<26	<26	<26	<26			
	12/10/98	ug/L	64000	<26	<26	<26	46	<26			
Gasoline Range Organics (GRO)											
	4/16/97	ug/L	18000								
	5/13/97	ug/L		<100	<100	<100					
	9/4/97	ug/L	8800	<100	<100	<100	170	<100			
	12/10/97	ug/L	8000	<100	<100	<100	200	<100			
	2/24/98	ug/L							110		
	3/30/98	ug/L	25000	<30	<30	<30	<30	<30			
	9/2/98	ug/L	7100	<30	<30	<30	<30	<30			
	12/10/98	ug/L	19000	<30	<30	<30	<30	<30			
VOLATILES											
Benzene	4/16/97	ug/L	150							0.5	5
	5/13/97	ug/L		<0.2	<0.2	0.94				0.5	5
	9/4/97	ug/L	120	<0.2	<0.2	<0.2	1.2	0.43 "J"		0.5	5
	12/10/97	ug/L	45"J"	<0.2	<0.2	<0.2	<0.2	<0.2		0.5	5
	2/24/98	ug/L							3.9	0.5	5
	3/30/98	ug/L	150	<0.20	<0.20	<0.20	<0.20	<0.20		0.5	5
	9/2/98	ug/L	30	<0.3	<0.3	<0.3	<0.3	<0.3		0.5	5
	12/10/98	ug/L	<60	<0.3	<0.3	<0.3	<0.3	<0.3		0.5	5
n-Butylbenzene	4/16/97	ug/L	310								
	5/13/97	ug/L		<0.3	<0.3	<0.3					
	9/4/97	ug/L		<0.3	<0.3	<0.3	0.94	<0.3			
	12/10/97	ug/L	460								
	2/24/98	ug/L							1.6		
	3/30/98	ug/L	790								
	9/2/98	ug/L	430	<0.3	<0.3	<0.3	<0.3	<0.3			
	12/10/98	ug/L	600	<0.3	<0.3	<0.3	0.9	<0.3			
sec-Butylbenzene	4/16/97	ug/L	30								
	5/13/97	ug/L		<0.6	<0.6	<0.6					
	9/4/97	ug/L		<0.6	<0.6	<0.6	1.1	<0.6			
	12/10/97	ug/L	<60								
	2/24/98	ug/L							0.7		
	3/30/98	ug/L	80.0								
	9/2/98	ug/L	<20	<0.2	<0.2	<0.2	<0.2	<0.2			
	12/10/98	ug/L	<40	<0.2	<0.2	<0.2	<0.2	<0.2			

Table 5
Groundwater Laboratory Analytical Results
Rote Oil Company
Lake Geneva, Wisconsin

	DATE	UNITS	MW-1	MW-2	MW-3	MW-4	MW-5	MW-6	TW-1	PAL	ES
Ethylbenzene	4/16/97	ug/L	420							140	700
	5/13/97	ug/L		<0.6	<0.6	<0.6				140	700
	9/4/97	ug/L	290	<0.6	<0.6	<0.6	<0.6	<0.6		140	700
	12/10/97	ug/L	250	<0.6	<0.6	<0.6	<0.6	<0.6		140	700
	2/24/98	ug/L							0.2	140	700
	3/30/98	ug/L	720	<0.30	<0.30	<0.30	<0.30	<0.30		140	700
	9/2/98	ug/L	250	<0.2	<0.2	<0.2	<0.2	<0.2		140	700
	12/10/98	ug/L	400	<0.2	<0.2	<0.2	<0.2	<0.2		140	700
	Isopropylbenzene	4/16/97	ug/L	36							-
5/13/97		ug/L		<0.3	<0.3	<0.3				-	-
9/4/97		ug/L		<0.3	<0.3	<0.3	1.1	<0.3		-	-
12/10/97		ug/L	<38							-	-
2/24/98		ug/L							0.3	-	-
3/30/98		ug/L	50.0							-	-
9/2/98		ug/L	<20	<0.2	<0.2	<0.2	<0.2	<0.2		-	-
12/10/98		ug/L	<40	<0.2	<0.2	<0.2	<0.2	<0.2		-	-
p-Isopropyltoluene		4/16/97	ug/L								-
	5/13/97	ug/L								-	-
	9/4/97	ug/L		<0.3	<0.3	<0.3	0.48	<0.3		-	-
	12/10/97	ug/L	<37							-	-
	2/24/98	ug/L							0.2	-	-
	3/30/98	ug/L	80.0							-	-
	9/2/98	ug/L	<20	<0.2	<0.2	<0.2	<0.2	<0.2		-	-
	12/10/98	ug/L	<40	<0.2	<0.2	<0.2	<0.2	<0.2		-	-
Methylene Chloride	4/16/97	ug/L	42 "J"							0.5	5
	5/13/97	ug/L		<0.2	<0.2	<0.2				0.5	5
	9/4/97	ug/L		<0.2	<0.2	<0.2	<0.2	<0.2		0.5	5
	12/10/97	ug/L	<29							0.5	5
	2/24/98	ug/L							<0.50	0.5	5
	3/30/98	ug/L	<50.0							0.5	5
	9/2/98	ug/L	<50	<0.5	<0.5	<0.5	<0.5	<0.5		0.5	5
	12/10/98	ug/L	<100	<0.5	<0.5	<0.5	<0.5	<0.5		0.5	5
Methyl Tertiary Butyl Ether (MTBE)	4/16/97	ug/L	37							12	60
	5/13/97	ug/L		<0.2	<0.2	2.1				12	60
	9/4/97	ug/L	27	0.42 "J"	<0.2	<0.2	<0.2	<0.2		12	60
	12/10/97	ug/L	<21	<0.2	<0.2	<0.2	<0.2	<0.2		12	60
	2/24/98	ug/L							1.5	12	60
	3/30/98	ug/L	<0.20	<0.20	<0.20	3.5	<0.20	<0.20		12	60
	9/2/98	ug/L	<20	<0.2	<0.2	<0.2	<0.2	<0.2		12	60
	12/10/98	ug/L	<40	<0.2	<0.2	<0.2	<0.2	<0.2		12	60

Table 5
Groundwater Laboratory Analytical Results
Rote Oil Company
Lake Geneva, Wisconsin

	DATE	UNITS	MW-1	MW-2	MW-3	MW-4	MW-5	MW-6	TW-1	PAL	ES
Naphthalene	4/16/97	ug/L	460							8	40
	5/13/97	ug/L		<1	<1	<1				8	40
	9/4/97	ug/L		<1	<1	<1	<1	<1		8	40
	12/10/97	ug/L	350							8	40
	2/24/98	ug/L								8	40
	3/30/98	ug/L	1200						<1.1	8	40
	9/2/98	ug/L	270	<1.1	<1.1	<1.1	<1.1	<1.1		8	40
	12/10/98	ug/L	760	<1.1	<1.1	<1.1	<1.1	<1.1		8	40
n-Propylbenzene	4/16/97	ug/L	140							-	-
	5/13/97	ug/L		<0.4	<0.4	<0.4				-	-
	9/4/97	ug/L		<0.4	<0.4	<0.4	<0.4	<0.4		-	-
	12/10/97	ug/L	150							-	-
	2/24/98	ug/L								-	-
	3/30/98	ug/L	300						<0.20	-	-
	9/2/98	ug/L	130	<0.2	<0.2	<0.2	<0.2	<0.2		-	-
	12/10/98	ug/L	180	<0.2	<0.2	<0.2	<0.2	<0.2		-	-
Toluene	4/16/97	ug/L	1300							68.6	343
	5/13/97	ug/L		<1.5	<1.5	<1.5				68.6	343
	9/4/97	ug/L	710	<1.5	<1.5	<1.5	4.2	<1.5		68.6	343
	12/10/97	ug/L	470	<1.5	<1.5	<1.5	3	<1.5		68.6	343
	2/24/98	ug/L							2.1	68.6	343
	3/30/98	ug/L	1600	<0.20	<0.20	<0.20	<0.20	<0.20		68.6	343
	9/2/98	ug/L	430	<0.2	<0.2	<0.2	0.3	<0.2		68.6	343
	12/10/98	ug/L	1100	<0.2	<0.2	<0.2	<0.2	<0.2		68.6	343
Total Trimethylbenzenes	4/16/97	ug/L	2070							96	480
	5/13/97	ug/L		<1	<1	<1				96	480
	9/4/97	ug/L	1470	<1	<1	<1	<1	<1		96	480
	12/10/97	ug/L	1910	<1	<1	<1	1.8	<1		96	480
	2/24/98	ug/L							0.7	96	480
	3/30/98	ug/L	4400	<0.30	<0.30	<0.30	<0.30	<0.30		96	480
	9/2/98	ug/L	1350	<0.6	<0.6	<0.6	<0.6	<0.6		96	480
	12/10/98	ug/L	3160	<0.6	<0.6	<0.6	1.6	<0.6		96	480

Table 5
Groundwater Laboratory Analytical Results
Rote Oil Company
Lake Geneva, Wisconsin

	DATE	UNITS	MW-1	MW-2	MW-3	MW-4	MW-5	MW-6	TW-1	PAL	ES
Total Xylenes	4/16/97	ug/L	2820							124	620
	5/13/97	ug/L		<1.8	<1.8	<1.8				124	620
	9/4/97	ug/L	1700	<1.8	<1.8	<1.8	1.2	<1.8		124	620
	12/10/97	ug/L	1830	<1.8	<1.8	<1.8	<1.8	<1.8		124	620
	2/24/98	ug/L							<0.80	124	620
	3/30/98	ug/L	6600	<0.90	<0.90	<0.90	<0.90	<0.90		124	620
	9/2/98	ug/L	1650	<0.8	<0.8	<0.8	<0.8	<0.8		124	620
	12/10/98	ug/L	3500	<0.8	<0.8	<0.8	<0.8	<0.8		124	620
METALS											
Lead	4/16/97	ug/L	4							1.5	15
	5/13/97	ug/L		1 "J"	<1	5				1.5	15
	9/4/97	ug/L								1.5	15
	12/10/97	ug/L	1 "J"	<1	<1	1 "J"	1 "J"	8		1.5	15
	3/30/98	ug/L	128	<1.0	<1.0	<1.0	<1.0	<1.0		1.5	15
	9/2/98	ug/L								1.5	15
	12/10/98	ug/L								1.5	15

NOTES:

ES = Enforcement standard

PAL = Preventive action limit

ug/l = micrograms/liter (parts per billion)

- = Not established

Bold and shaded indicates exceedance of WDNR enforcement standard.

Italicized and shaded indicates exceedance of WDNR preventive action limit.

Blank cell indicates analysis not run.