

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

June 22, 2000

Mr. Dean Fischer
City of Whitewater
402 W. Main St.
Whitewater, WI 53190

Subject: Site closure, Whitewater City Garage, 303 N. Fremont, Whitewater, WI WDNR
FID#265088890 BRRTS#0365004615 *LUST*

Dear Mr. Fischer:

The Wisconsin Department of Natural Resources (the Department) has received a copy of the groundwater use restriction and groundwater well abandonment forms for the above-referenced site. The conditions of site closure under ch. NR 726, Wis. Adm. Code have been met and this site has been entered closed on the Department's tracking system.

Thank you for the investigative and remedial actions you have taken to restore the environment at the City Garage site. If you have any questions, please contact me at the letterhead address or at (414) 229-0874.

Sincerely,

Nancy D. Ryan, Hydrogeologist
Remediation and Redevelopment

Cc: SER site file
Bradley Lake, Strand Associates

②

VOL. 671 PAGE 552

444446

GROUNDWATER USE RESTRICTION

Document Number

Document Title

RECORDED IN VOL. 671
PAGE 5526

'00 JUN 2 PM 12 24

CONNIE J. WOOLEVER
REGISTER OF DEEDS
WALWORTH COUNTY, WI

Recording Area

Name and Return Address

City of Whitewater
Attn. Michele Smith
P.O. Box 178
Whitewater, WI 53190 14.07

/WUP 00035

Parcel Identification Number (PIN)

**GROUNDWATER USE RESTRICTION
Declaration of Restrictions**

In re:

Commencing on the North line of Section 4, T4N, R15E, 1227' East of the Northwest Corner East 476' South 730' South 75 degrees 41' West to point 94' East of the center of the Creek, South 23 degrees 54' West to a point 49 1/2' South of line, South 75 degrees 41' West Northwest 3 rods North 75 degrees 42' East to Creek, along Creek to point South of point of beginning, thence north to point of beginning. Also commencing at a point 1703.92' East to a point 656 feet West of Street, South 730.5' south 75 degrees 41' West 49.5' to point of beginning, said creek point south of beginning, north to point of beginning. Also commencing at a point 1703.92' East of Northwest corner of said Section 4, which point is also located 656' west of west line of Jefferson Street, South 730.5', South 75 degrees 41' West 49.5' to point of beginning.

(ALSO KNOWN AS CITY OF WHITEWATER TAX PARCEL NO. /WUP 00035)

STATE OF WISCONSIN)
COUNTY OF WALWORTH) SS

WHEREAS, The City of Whitewater, a Municipal Corporation, located in Walworth and Jefferson Counties, Wisconsin, is the owner of the above-described property.

WHEREAS, one or more petroleum discharges have occurred on this property. Petroleum-contaminated groundwater above ch. NR 140, Wis. Adm. Code, enforcement standards existed on this property at the following location(s) on unknown dates and soil contamination existed on the property at the following location(s) on the following dates: Approximately 1996.

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.

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.

By signing this document, Gary W. Boden, City Manager of the City of Whitewater, and Audrey B. Route, City Clerk of the City of Whitewater, asserts that they are duly authorized to sign this document on behalf of the City of Whitewater, Wisconsin.

IN WITNESS WHEREOF, the owner of the property has executed this Declaration of Restrictions this 1st day of June, 2000.

THE CITY OF WHITEWATER,
A Municipal Corporation

By: Gary W. Boden
Gary W. Boden, City Manager

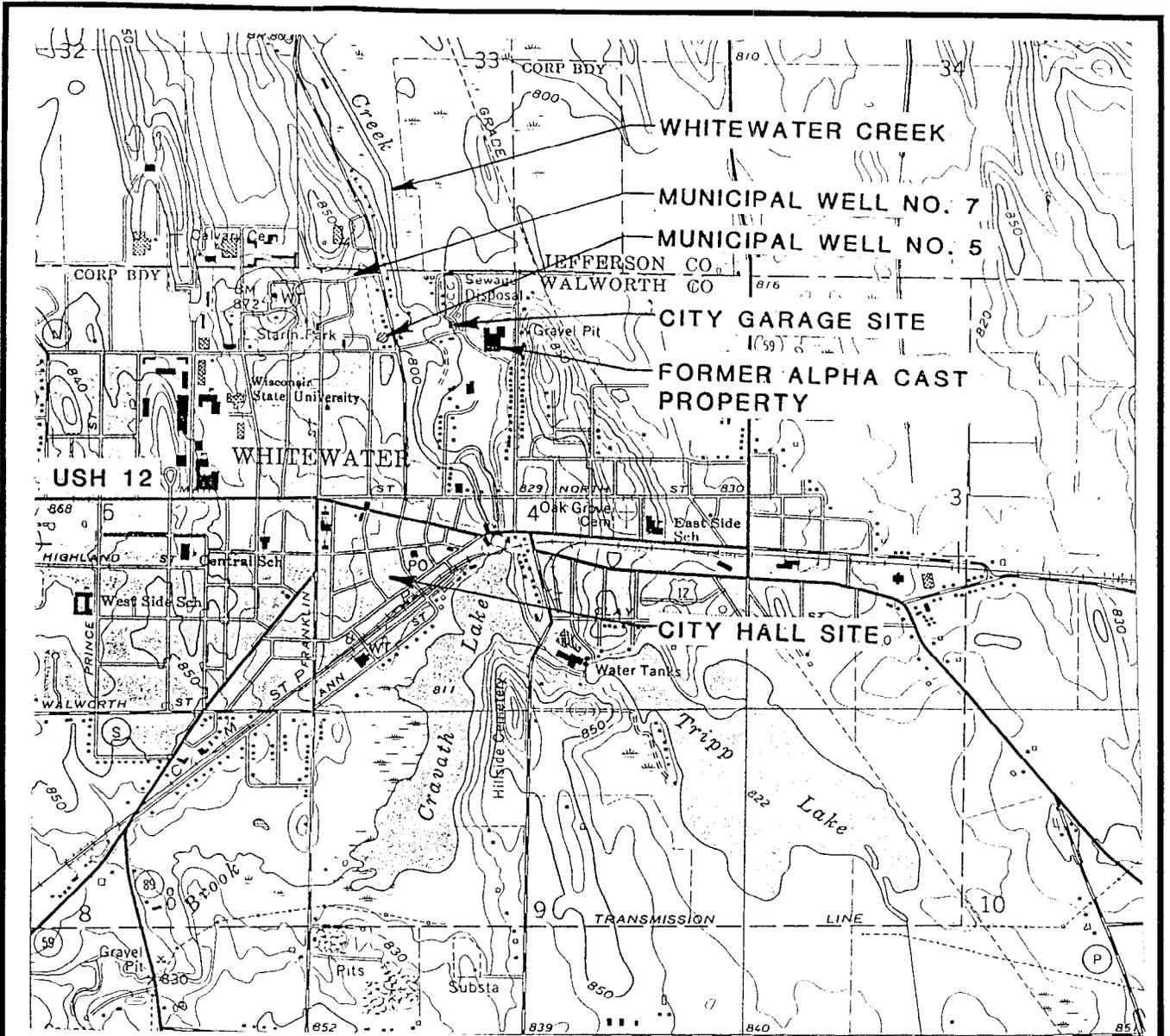
Attest:
X Audrey B. Route
Audrey B. Route, City Clerk

STATE OF WISCONSIN)
COUNTY OF WALWORTH) ss

Subscribed and sworn to before me this
1st day of June, 2000.

Michele R. Smith
Michele R. Smith, NOTARY PUBLIC
Walworth Co., Wisconsin. My commission expires 6/30/2002.

INSTRUMENT DRAFTED BY:
The City of Whitewater
Dean Fischer, Director of Public Works
P.O. Box 178, Whitewater, WI 53190

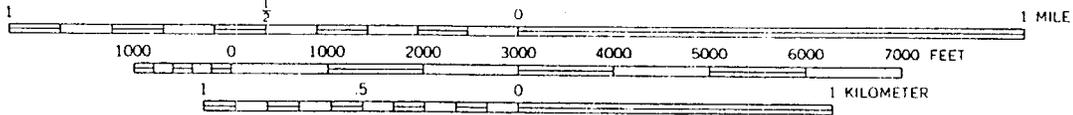


WHITEWATER, WIS.
 SW/4 WHITEWATER 15' QUADRANGLE
 N4245—W8837.5/7.5

1960
 PHOTOREVISED 1971
 AMS 3269 I SW—SERIES V861



SCALE 1:24 000



CONTOUR INTERVAL 10 FEET
 DOTTED LINES REPRESENT 5-FOOT CONTOURS
 DATUM IS MEAN SEA LEVEL

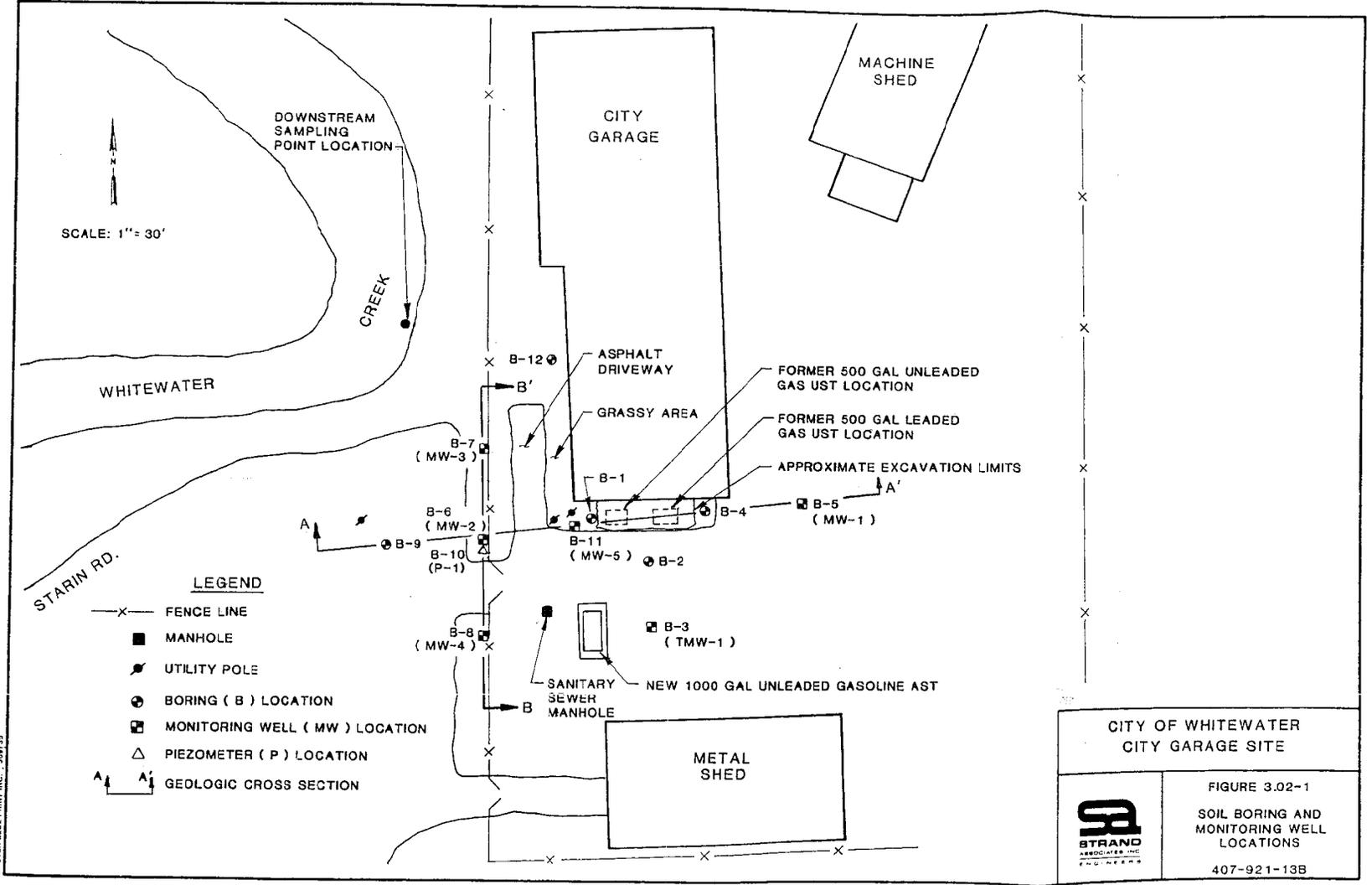
DRAWN BY: BJH DATE: 7-19-95 FILE: FIG-BDR

FIGURE NO.
 2.01-1
 DRAWING NO.
 407-921-4A

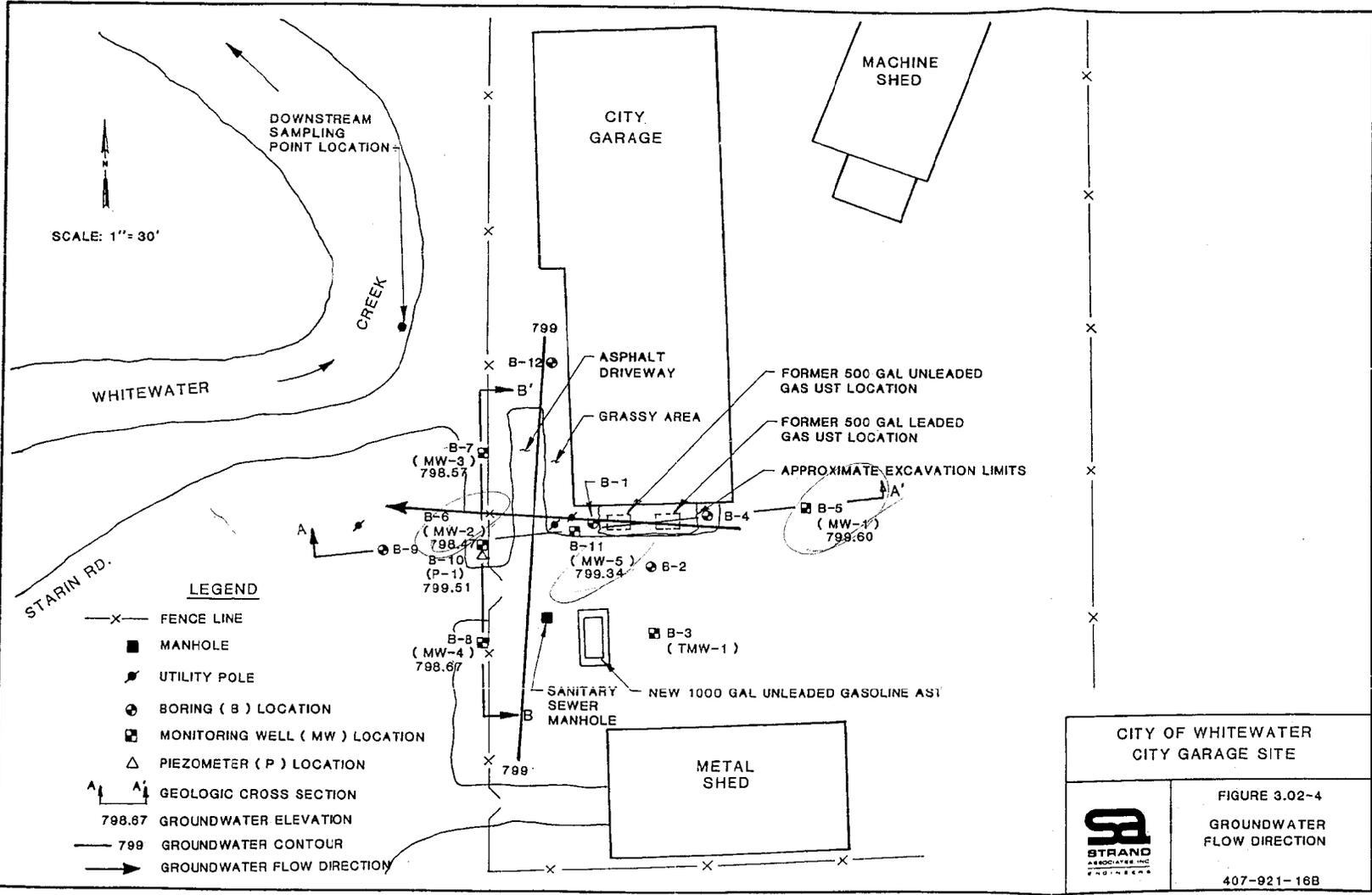
CITY OF WHITEWATER
 CITY GARAGE/CITY HALL
 SITE LOCATIONS



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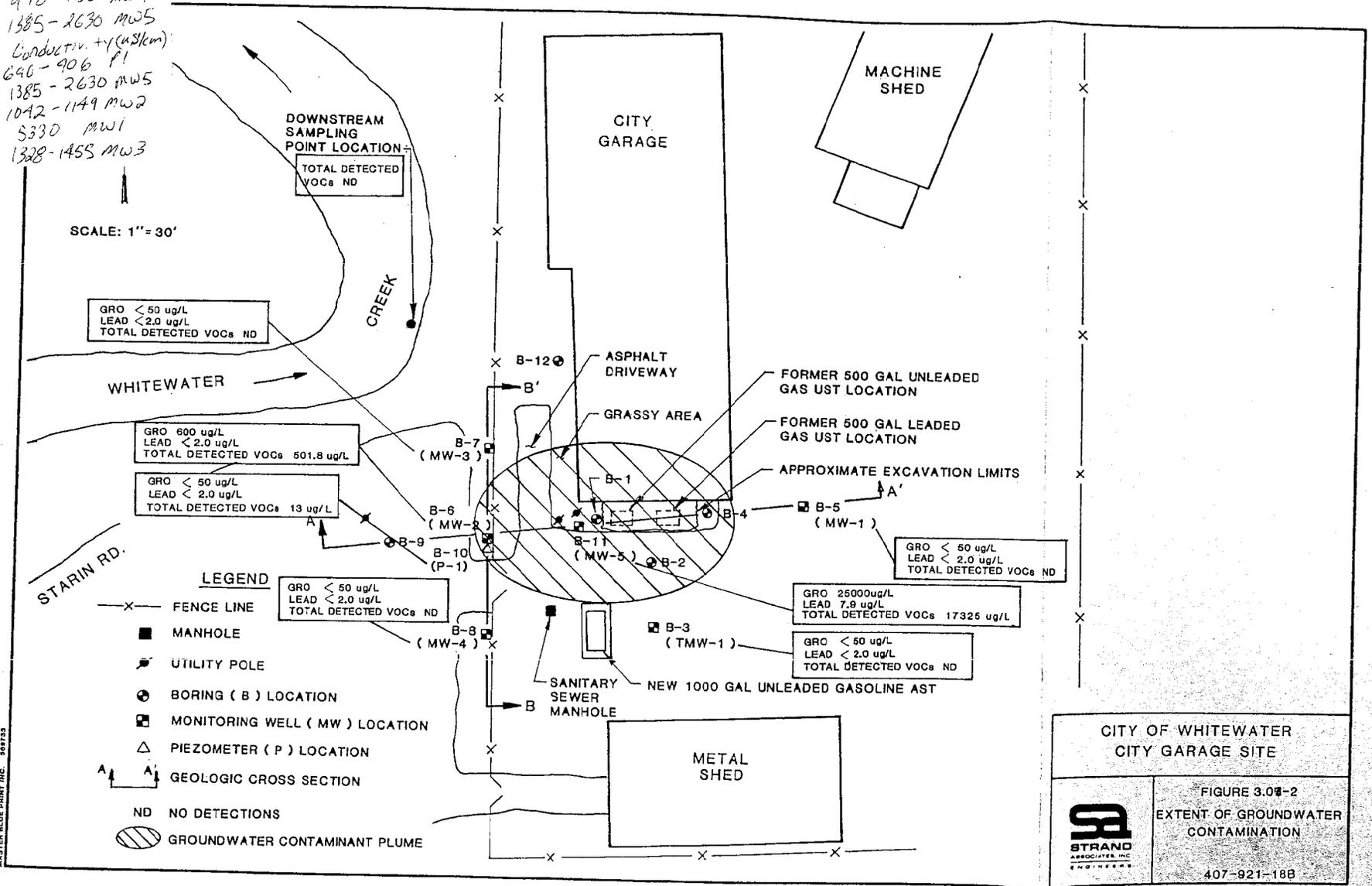


MASTER BLUE PRINT INC. 589735



MASTER BLUE PRINT INC. 589738

948-1130 MW4
 1385-2630 MW5
 Conductivity (uS/cm)
 646-906 P1
 1385-2630 MW5
 1042-1149 MW2
 5330 MW1
 1328-1455 MW3



SCALE: 1" = 30'

GRO < 50 ug/L
 LEAD < 2.0 ug/L
 TOTAL DETECTED VOCs ND

GRO 600 ug/L
 LEAD < 2.0 ug/L
 TOTAL DETECTED VOCs 501.8 ug/L

GRO < 50 ug/L
 LEAD < 2.0 ug/L
 TOTAL DETECTED VOCs 13 ug/L

GRO < 50 ug/L
 LEAD < 2.0 ug/L
 TOTAL DETECTED VOCs ND

GRO < 50 ug/L
 LEAD < 2.0 ug/L
 TOTAL DETECTED VOCs ND

GRO 25000ug/L
 LEAD 7.9 ug/L
 TOTAL DETECTED VOCs 17325 ug/L

GRO < 50 ug/L
 LEAD < 2.0 ug/L
 TOTAL DETECTED VOCs ND

LEGEND

- X- FENCE LINE
- MANHOLE
- ⊙ UTILITY POLE
- ⊕ BORING (B) LOCATION
- ⊞ MONITORING WELL (MW) LOCATION
- △ PIEZOMETER (P) LOCATION
- A-A' GEOLOGIC CROSS SECTION
- ND NO DETECTIONS
- ⊘ GROUNDWATER CONTAMINANT PLUME

CITY OF WHITEWATER
CITY GARAGE SITE

FIGURE 3.08-2
EXTENT OF GROUNDWATER
CONTAMINATION

407-921-18B



STRAND ASSOCIATES INC. ENGINEERS

MASTER BLUE PRINT INC. 58753



TABLE 3.04-1

GROUNDWATER ANALYTICAL RESULTS
UST SITE INVESTIGATIONCITY OF WHITEWATER
CITY GARAGE

Compound	TMW-1	MW-1	MW-2	MW-3	MW-4	MW-5	Dup. MW-5	P-1	ES	PAL
GRO ($\mu\text{g/L}$)	<50	<50	600	<50	<50	25,000	NA	<50	--	--
Lead ($\mu\text{g/L}$)	<2.0	<2.0	<2.0	<2.0	<2.0	7.9	NA	<2.0	15	1.5
Detected VOCs ($\mu\text{g/L}$)										
Benzene	<1.0	<0.6	290	<0.6	<0.6	57	46	13	5	.05
Ethylbenzene	<1.0	<1.0	12	<1.0	<1.0	2900	3000	<1.0	700	140
Toluene	<1.0	<1.0	110	<1.0	<1.0	370	360	<1.0	343	68.6
Total Xylene (o + m + p)	<1.0	<1.0	66	<1.0	<1.0	9600	10100	<1.0	620	124
Methyl-tert-butyl-ether	<1.0	<1.0	8.4	<1.0	<1.0	<50	<50	<1.0	60	12
1,2,4 - Trimethylbenzene	<1.0	<1.0	8.3	<1.0	<1.0	2700	2900	<1.0	--	--
1,3,5 - Trimethylbenzene	<1.0	<1.0	<5.0	<1.0	<1.0	660	710	<1.0	--	--
n-Butylbenzene	<1.0	<1.0	<5.0	<1.0	<1.0	75	96	<1.0	--	--
Isopropylbenzene	<1.0	<1.0	7.1	<1.0	<1.0	120	120	<1.0	--	--
p-Isopropyltoluene	<1.0	<1.0	<5.0	<1.0	<1.0	53	58	<1.0	--	--
Naphthalene	<2.0	<2.0	<10	<2.0	<2.0	560	700	<2.0	40	8
n-Propylbenzene	<1.0	<1.0	<5.0	<1.0	<1.0	230	240	<1.0	--	--
Total detected VOCs	ND	ND	501.8	ND	ND	17,325	18,330	13		

Notes:

Samples Collected May 30, 1995.

- ES - Wisconsin Administrative Code Chapter NR 140 Enforcement Standard.
- PAL - Wisconsin Administrative Code Chapter NR 140 Preventive Action Limit
- - No ES or PAL in place at this time.
- < - Less than detection limit shown.
- NA - Not Analyzed.
- ND - No Detection

TABLE 3.04-1 (continued)

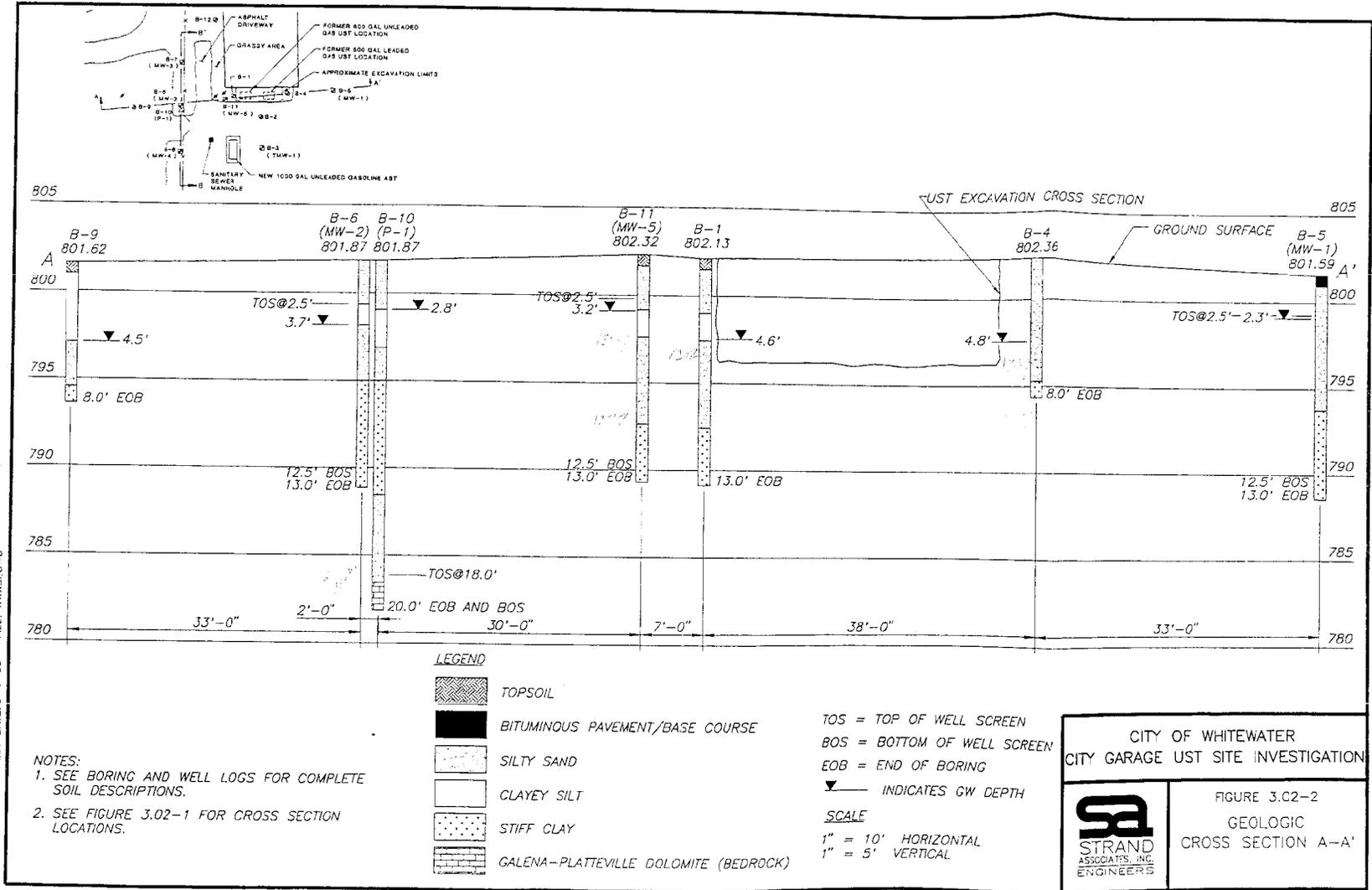
Compound	Bailer Blank	Trip Blank	City Well No. 5	City Well No. 7	Whitewater Creek Upstream	Whitewater Creek Downstream	ES	PAL
GRO, $\mu\text{g/L}$	NA	NA	NA	NA	NA	NA	--	--
Lead, $\mu\text{g/L}$	NA	NA	NA	NA	NA	NA	15	1.5
Detected VOCs, $\mu\text{g/L}$								
Benzene	<0.6	<0.6	<0.6	<0.6	<0.6	<0.6	5	0.5
Ethylbenzene	<1.0	<1.0	<1.0	<1.0	<1.0	<1.0	700	140
Toluene	<1.0	<1.0	<1.0	<1.0	<1.0	<1.0	343	68.6
Total Xylenes (o+m+p)	<1.0	<1.0	<1.0	<1.0	<1.0	<1.0	620	124
Methyl-tert-butyl-ether	<1.0	<1.0	<1.0	<1.0	<1.0	<1.0	60	12
1,2,4 - Trimethylbenzene	<1.0	<1.0	<1.0	<1.0	<1.0	<1.0	--	--
1,3,5 - Trimethylbenzene	<1.0	<1.0	<1.0	<1.0	<1.0	<1.0	--	--
n-Butylbenzene	<1.0	<1.0	<1.0	<1.0	<1.0	<1.0	--	--
Isopropylbenzene	<1.0	<1.0	<1.0	<1.0	<1.0	<1.0	--	--
P-Isopropyltoluene	<1.0	<1.0	<1.0	<1.0	<1.0	<1.0	--	--
Naphthalene	<2.0	<2.0	<2.0	<2.0	<2.0	<2.0	40	8
n-Propylbenzene	<u><1.0</u>	<u><1.0</u>	<u><1.0</u>	<u><1.0</u>	<u><1.0</u>	<u><1.0</u>	--	--
Total detected VOCs	ND	ND	ND	ND	ND	ND		

Notes:

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DWN BY: JRH PLOT DATE: 9-1-95 FILE: WIXSEC-C