



State of Wisconsin \ DEPARTMENT OF NATURAL RESOURCES

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

Southeast Region Annex
4041 N. Richards Street, Box 12436
Milwaukee, Wisconsin 53212-0436
TELEPHONE 414-229-0800
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June 8, 1999

Mr. Richard Brown
Brown's Service
3706 South Shore Drive
Delavan, WI 53115

**SUBJECT: Case Closure, Brown's Service, 3706 South Shore Drive, Delavan, WI 53115
FID #265026850 BRRTS #03-65-111643**

Dear Mr. Brown:

In a November 12, 1996, letter, the Department of Natural Resources notified you that the degree and extent of petroleum contamination at the above-named site were required to be investigated and remediated. Based on the investigative documentation provided to the Department, it appears that the petroleum contamination has been investigated and remediated in compliance with the requirements of ch. NR 700 Wis. Adm. Code. Therefore the Department of Natural Resources will consider the case "closed," having determined that no further 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.

Final case closure will be recorded for this case upon receipt of a groundwater use restriction placed on the impacted property directly north of South Shore Drive from the subject site. This is due to the levels of MTBE and 1,2 DCA found in monitoring wells MW-5 and MW-6. The restriction is to be placed on the deed for the property and registered with the County Clerk of Courts. It should specify the legal description of the property, the location, type, and concentration of the contaminants and include the following language:

Natural attenuation has been approved by the Department of Natural Resources to remediate groundwater exceeding ch. 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 a well on this property.

An exemption for having a concentration (of the compound benzene) in groundwater greater than the preventative action limit listed in ch. NR 140 at monitoring well MW-2 has been granted for this site. Authority to grant this variance comes from s. NR 140.28(2)(a).

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Through Excellent Customer Service*



Within 60 days all remaining groundwater monitoring wells at the site should be abandoned in accordance with NR 141. The completed abandonment forms must be submitted to the Department in order for the case to be tracked as closed on the state computer tracking system. If you decide to keep any of the remaining wells for future sampling, they should be maintained and sampled at a minimum annually.

The department appreciates the actions you have taken to restore the environment at this site. If you have any questions about this letter or the site in general, please contact me at the letterhead address or at (414) 229-0846.

Sincerely,



James C. Delwiche, P.G.
Hydrogeologist
Remediation & Redevelopment Program

cc: SER Case File
Zoy Begos - Key Environmental Services, Inc.

- 1) 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 prohibitions or requirements are applicable prior to constructing or reconstructing a well on this property.

No well shall be constructed or reconstructed on the 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 of Natural Resources, 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 restriction 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 restriction contained herein can be extinguished. If the Wisconsin Department of Natural Resources determines that the restrictions can be removed, an affidavit can be recorded with a copy of the Wisconsin Department of Natural Resources's determination to give notice that the groundwater use restriction is no longer binding.

IN WITNESS WHEREOF, the owner of the property has executed this Declaration of Restrictions, this 9 day of AUGUST, 1999.

Signature: Richard J Brown

Printed Name: RICHARD J BROWN

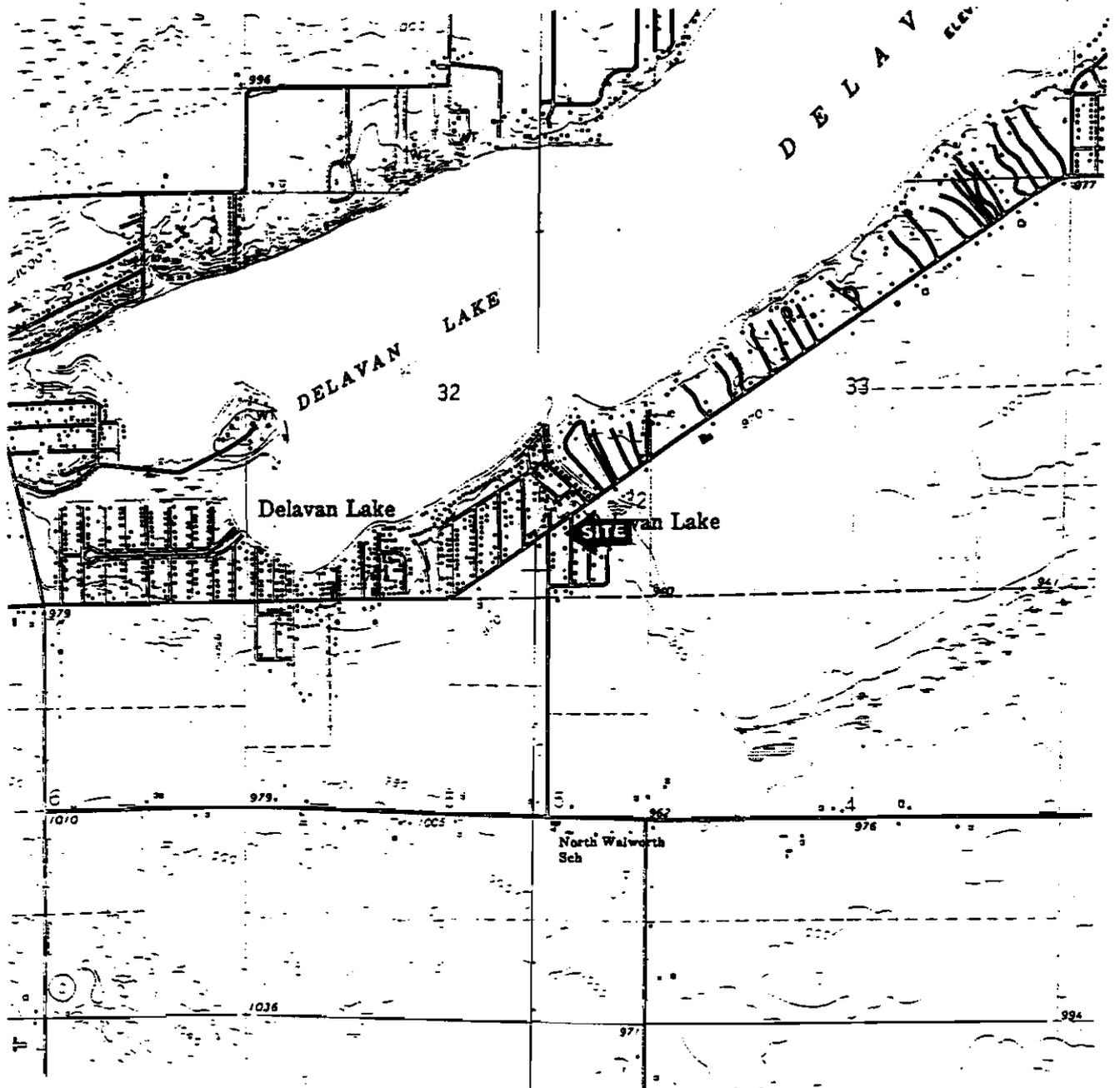
Subscribed and sworn to before me this 9 day of August, 1999.

Notary Public Signature

Notary Public, State of Wisconsin, County of Walworth

My commission July 20, 2003

This document was drafted by the Wisconsin Department of Natural Resources.



SOURCES: USGS Sharon, Wisconsin 7.5 Min. Series Quadrangle Map
 Topographic Map 1960
 Photorevised 1971
 Photoinspected 1987

USGS Walworth, Wisconsin 7.5 Min. Series Quadrangle Map
 Topographic Map 1960
 Photorevised 1994



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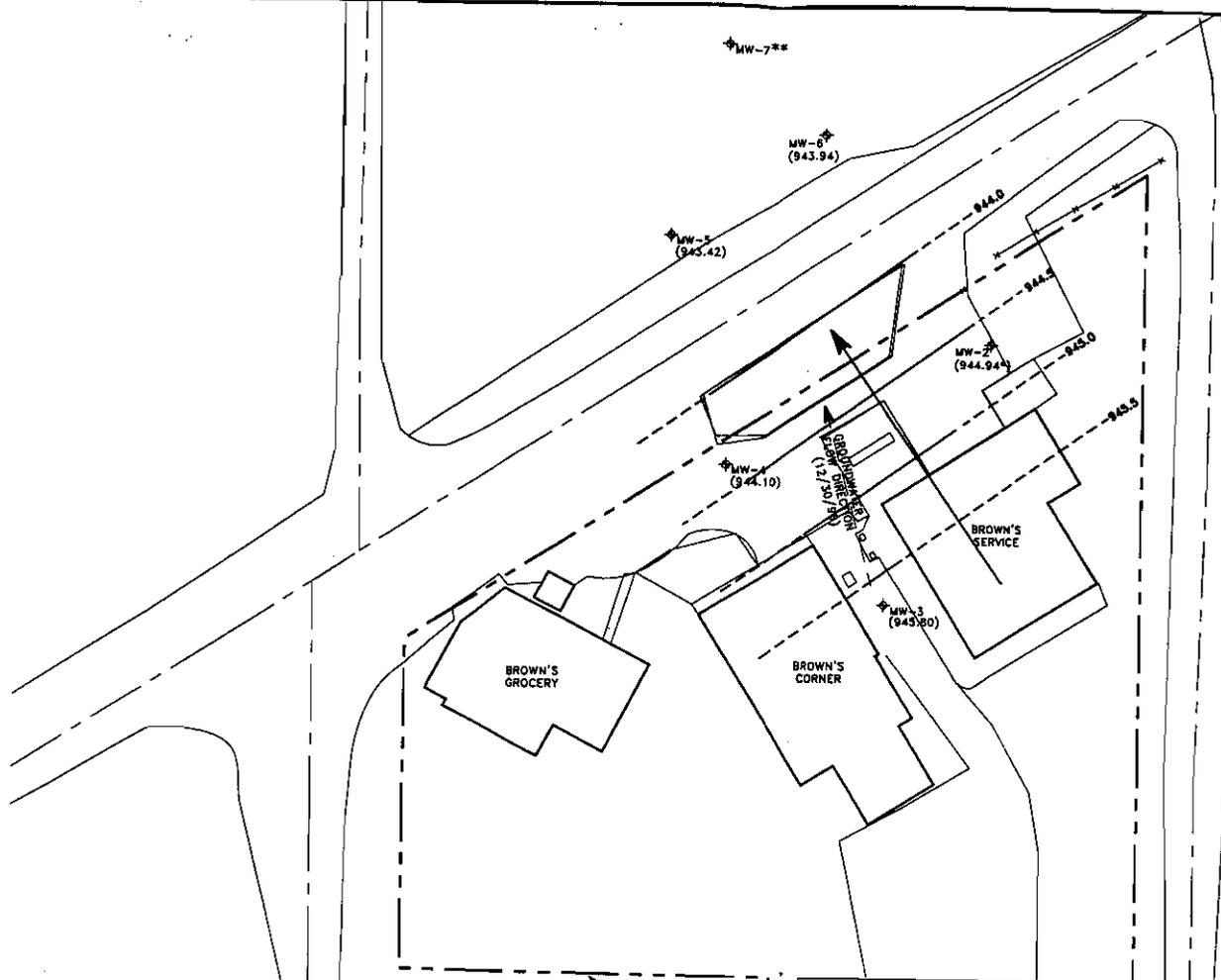
DRN. BY:	S.L.G.	DATE:	05/13/98
DSN. BY:	Z.B.	FILE NO.:	0610013
CHK. BY:	Z.B.	DWG. NO.:	06100131
REV. BY:	G.L.J.	SHEET NO.:	1

0 1000 2000
 SCALE: 1"=2000'

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FIGURE 1
 SITE LOCATION MAP

GROUNDWATER MONITORING REPORT
 BROWN'S SERVICE
 3706 SOUTH SHORE DRIVE
 DELAVAN, WISCONSIN



LEGEND

◆ MONITORING WELL LOCATION

(944.88) GROUNDWATER ELEVATION

ELEVATIONS BASED ON SURVEY CONDUCTED BY AMERICAN SURVEYING COMPANY ON 12/30/95.

** MW-7 CONSTRUCTED AFTER SURVEY

← GROUNDWATER FLOW DIRECTION (3/26/98)

* MW-2 GROUNDWATER LEVEL MEASURED 4/10/98

APPROXIMATE PROPERTY BOUNDARY

0 20 40			
SCALE 1"=40'			
DRN. BY:	S.L.G.	DATE:	05/15/98
DSN. BY:	Z.B.	FILE NO.:	0610013
CHK. BY:	Z.B.	DWG. NO.:	06100135
REV. BY:	G.L.J.	SHEET NO.:	3



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FIGURE 3
GROUNDWATER ELEVATION
CONTOUR MAP

GROUNDWATER MONITORING REPORT
BROWN'S SERVICE
3706 SOUTH SHORE DRIVE
DELAVAN, WISCONSIN



TABLE 1
SUMMARY OF GROUNDWATER SAMPLE ANALYTICAL RESULTS
GROUNDWATER MONITORING REPORT

BROWN'S SERVICE
3706 South Shore Drive
Delavan, Wisconsin

Well No.	Date Sampled	GRO ug/l	DRO ug/l	Lead ug/l	Benzene ug/l	Toluene ug/l	Ethylbenzene ug/l	Xylenes ug/l	1,2 DCA ug/l	MTBE ug/l	TMBs ug/l	Napthalene ug/l
MW-1	12/9/96	36,000	2.9	6.1	13,000	8,700	1,300	5,300	230	<1250	570	<2000
MW-2	12/9/96	<50	0.54	12	0.58	2.1	0.56	4	<0.5	<5.0	<2.0	<8.0
	6/4/97	78	---	---	18	<0.28	<0.23	5.2	<0.24	0.91	3.87	<0.66
MW-3	12/9/96	<50	0.16	5.8	0.67	3.7	3.2	14	<0.5	<5.0	3.7	<8.0
	6/4/97	<50	---	---	<0.41	<0.28	<0.23	<0.79	<0.24	<0.53	<0.55	<0.66
	9/5/97	<50	---	---	<0.41	<0.28	<0.23	<0.79	<0.24	<0.53	5.2	<8.0
MW-4	12/9/96	<50	<0.10	<5	<0.50	3	2.8	12	<0.5	<5.0	5.2	<0.66
	6/4/97	<50	---	---	<0.41	<0.28	<0.23	<0.79	<0.24	<0.53	<0.55	<0.66
	9/5/97	<50	---	---	<0.41	<0.28	<0.23	<0.79	<0.24	<0.53	5.2	<8.0
MW-5	12/9/96	62	<0.10	15	<1.0	1.7	<1.0	1.2	32	120	2.2	<0.66
	6/4/97	<50	---	---	<0.41	<0.28	<0.23	<0.79	11	57	<0.55	<0.66
	9/5/97	<66	---	---	<0.41	<0.28	<0.23	<0.79	30	150	<0.55	<0.66
MW-6	12/9/96	130	<0.10	10	<0.50	1.8	0.57	3.1	<0.5	<5.0	1.3	<8.0
	6/4/97	<50	---	---	<0.41	<0.28	<0.23	<0.79	<0.24	<0.53	<0.55	<0.66
	9/5/97	<50	---	---	<0.41	<0.28	<0.23	<0.79	5.5	10	<0.55	<0.66
MW-7	2/24/97	<50	---	4.3	2	1.2	2.6	11	<0.5	1.9	1.5	<8.0
	6/4/97	<50	---	---	<0.41	<0.28	<0.23	<0.79	<0.24	<0.53	<0.55	<0.66
	9/5/97	<50	---	---	<0.41	<0.28	<0.23	<0.79	<0.24	<0.53	<0.55	<0.66
NR 140	ES	NEL	NEL	15	5	343	700	620	5	60	50*	40
	PAL	NEL	NEL	1.5	0.5	68.6	140	124	0.5	12	10*	8

Notes:

* - draft NR 140 ES and PAL

--- not analyzed

1,2 DCA - 1,2 dichloroethane

DRO - diesel range organics

ES - NR 140 Enforcement Standard

GRO - gasoline range organics

MTBE - methyl tert butyl ether

NEL - No established NR 140 ES or PAL

PAL - NR 140 Preventive Action Limit

TMB - 1,2,4 & 1,3,5 trimethylbenzene

ug/l - micrograms per liter, or parts per billion