

State of Wisconsin \ DEPARTMENT OF NATURAL RESOURCES

Tommy G. Thompson, Governor
George E. Meyer, Secretary
Ruthe E. Badger, Regional Director

South Central Region Headquarters
3911 Fish Hatchery Road
Fitchburg, Wisconsin 53711-5397
Telephone 608-275-3266
FAX 608-275-3338
TDD 608-275-3231

September 27, 1999

0365 174949
FILE REF: BRRTS# 03-60-177364
FID# 4601661190

Correct# 265,56100

Mr. Dean Fischer
City of Whitewater
P.O. Box 178
Whitewater, WI 53190

Subject: Closure, Former Kim Property, 124 W. Main Street, Whitewater, WI 53190

Dear Mr. Fischer:

On July 13, 1999 your site was reviewed for closure by the Southeast Region Closure Committee. This committee reviews environmental remediation cases for compliance with state laws and standards to maintain consistency in the closure of these cases. On July 23, 1999, you were notified that the Closure Committee had granted conditional closure to this case.

On September 24, 1999, the Department received correspondence indicating that you have complied with the conditions of closure. A groundwater use restriction has been applied to the property deed with regards to low level residual groundwater contamination that remains on site. Based on the correspondence and data provided, it appears that your site has been remediated to Department standards in accordance with s. NR 726.05, Wis. Adm. Code. The Department considers this case closed and no further investigation, remediation or other action is required at this time.

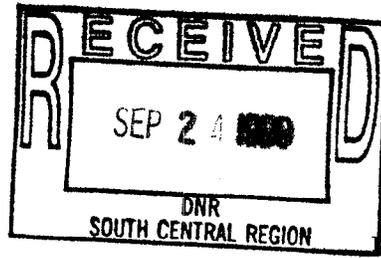
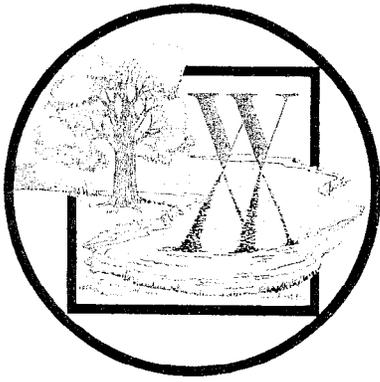
However, please be aware that this case may be reopened pursuant to s. NR 726.09, Wis. Adm. Code, if additional information regarding site conditions indicates that contamination on or from the site poses a threat to public health, safety or welfare, or the environment.

The Department appreciates your efforts to restore the environment at this site. If you have any questions regarding this letter, please contact me at the number below.

Sincerely,

Dino Tsoris, P.G.
Hydrogeologist
Remediation & Redevelopment Program
Telephone (608) 275-3299

Cc: Mr. Douglas Hallum, Stiles Environmental, Inc., W7694 Highway V, Lake Mills, WI 53551



CITY OF WHITEWATER

Education-Industry-Agriculture

Department of Public Works

P.O. Box 178

Whitewater, Wisconsin 53190

Director

(414)473-0540

Engineering

473-0541

Street

473-0542

FAX

473-0549

September 21, 1999

State of Wisconsin Dept. of Natural Resources
Dino Tsois, P.G.
Remediation And Redevelopment Program
South Central Region Headquarters
3911 Fish Hatchery Rd.
Fitchburg, WI 53711-5397

Re: **Groundwater Use Restriction - former Kim property -
124 W. Main Street, Whitewater, WI 53190**

Dear Mr. Tsois:

As you requested in your August 23rd letter, I am enclosing a certified copy of the recorded Groundwater Use Restriction document with regard to the former Kim property located at 124 W. Main Street in the City of Whitewater. The Groundwater Use Restriction was recorded in the Office of the Walworth County Register of Deeds on September 10, 1999, in Volume 666 of Records, at Pages 5322-5328, as Document No. 426246.

Assuming the enclosed documentation meets with your approval, I assume the site can be closed. If you should need any additional information, please advise.

Sincerely,

Dean Fischer
Director of Public Works

426246

VOL. 666 PAGE 5322

Document Number

GROUNDWATER USE RESTRICTION

Declaration of Restrictions

In Re: As described in Attachment A

STATE OF WISCONSIN)
) ss
COUNTY OF WALWORTH

WHEREAS, the City of Whitewater, a municipal corporation is the owner of the above-described property.

WHEREAS, one or more petroleum discharges have occurred on this property. Petroleum contamination remains in the subsurface with benzene contaminated groundwater above NR 140 enforcement standards on this property at the following location, at GP-7 (located in the northcentral portion of the property) a concentration of benzene at 9.1 ppb was detected. The locations of the direct push borings are provided on Figure 1 attached and made part of this restriction.

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 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 NR 809 is restricted by 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:

RECORDED IN VOL. 666
PAGE 5322

'99 SEP 10 PM 1 07

CITY OF WHITEWATER
DISTRICT OF NEEDS
WALWORTH COUNTY, WI

Recording Area

Name and Return Address

CITY OF WHITEWATER
PO BOX 178
WHITEWATER, WI 53190

22.00

/WUP 00256

Parcel Identification Number (PIN)

CITY OF WHITEWATER, WALWORTH & JEFFERSON
COUNTIES, WISCONSIN) Ss.
I hereby certify this to be a true and correct copy
of the record on file in my office. Dated at
Whitewater, WI this 21st day of September,
1999.
Michelle R. Smith
City Clerk - Deputy

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.

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 27th day of August, 1999.

By signing this document, Dean Fischer, Director of Public Works, asserts that he is duly authorized to sign this document on behalf of the City of Whitewater.

Signature: *Dean Fischer*
Printed Name: Dean Fischer, Dir DPW

Signature: *Gary W. Boden*
Gary W. Boden, City Manager

Signature: *Audrey B. Route*
Audrey B. Route, City Clerk

Subscribed and sworn to before me
this 27th day of August, 1999

Michele R. Smith
Notary Public, State of Wisconsin
My commission expires 6/30/2002

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

ATTACHMENT A

364093

VOL. 000 PAGE 0000
WARRANTY DEED

VOL. 010 PAGE 0100

RECORDED IN VOL. 649
6799

SEP 22 PM 3 12

LOUISIANA
REGISTER OF DEEDS
WALWORTH COUNTY, WI

Kirk Y. Kim and Su Ja Kim, as tenants in common,

conveys and warrants to City of Whitewater, a municipal corporation

the following described real estate in _____ County, State of Wisconsin:

RETURN TO
Atty. Wallace K. McDonell
PO Box 59
Whitewater, WI 53190

Tax Key No. /WUP 00256

SECURITY
25 NORTH
ELKHORN 53121

14.00

See Attached Exhibit A

This is not homestead property.
(is) (is not)

Exception to warranties: municipal and zoning ordinances and agreements entered under them, recorded easements for the distribution of utility and municipal services, recorded building and use restrictions and covenants, and general taxes levied in the year of closing.

Dated this 18th day of September, 19 97.

_____(SEAL)

Kirk Y Kim (SEAL)
• Kirk Y. Kim

_____(SEAL)

Su Ja Kim (SEAL)
• Su Ja Kim

TRANSFER FEE
\$ 195.00

AUTHENTICATION

Signatures authenticated this _____ day of _____, 19 97

ACKNOWLEDGMENT

STATE OF WISCONSIN

Walworth County. } ss.
Personally came before me, this 18th day of September, 19 97 the above named Kirk Y. Kim and Su Ja Kim

TITLE: MEMBER STATE BAR OF WISCONSIN
(If not, _____
authorized by § 706.06. Wis. Stats.)

to me known to be the person S who executed the foregoing instrument and acknowledge the same.
Wallace K McDonell
• Wallace K McDonell

Wallace K. McDonell, Esquire
Whitewater, Wisconsin

Notary Public Walworth County, Wis.
My Commission is permanent. (If not, state expiration date: _____, 19____.)

(Signatures may be authenticated or acknowledged. Both are not necessary.)
The use of witnesses is optional.

Parcel 1: A part of the S.W. 1/4 of Sec. 4, T. 4 N. R. 15 E. in the City of Whitewater, Wisconsin, described as follows: Commencing at the S.E. corner of Lot 1, Block 1, original plat of the Village (now City) of Whitewater; thence Easterly 36.3 feet along the North line of Main Street to the point of beginning; thence 90°09' left 54.7 feet; thence 90°00' right 30.8 feet; thence 59°31' right to the N. line of Main Street; thence Westward along the North line of Main Street to the angle therein; thence Westward along N. line of Main Street to the point of beginning.

Parcel 2: A part of the SW 1/4 of Sec. 4, T. 4 N. R. 15 E. in the City of Whitewater, Wisconsin, described as follows: Commencing at the N.W. corner of above described Parcel 1 for point of beginning, thence in an Easterly direction 30.8 feet along the N. line of Parcel 1 to a point, thence in a Northerly direction a distance of 10 feet upon a line, being the extension in the Northerly direction of the line marking the Easterly boundary of Parcel 1 hereinabove described, thence in a Southwesterly direction to the point of beginning, the same being a triangular tract situated immediately N. of Parcel 1 described above.

Together with a right of way forever for ingress and egress to pass and repass at all times on foot or with vehicles over the following described premises adjoining the premises hereinbefore conveyed, to-wit: Over the following described land in the S.W. 1/4 of Sec. 4, T. 4 N. R. 15 E. of the 4th P.M.

(1) Beginning at a point on this N. line of Main Street, 20 feet E. of the S.E. corner of Lot 1, Block 1, original plat of the village (now City) of Whitewater; thence Northerly 17.7 feet parallel with this E. line of said Lot 1; thence Easterly 16.3 feet at right angles with the E. line of said Lot 1; thence Southerly 17.7 feet parallel with the E. line of said Lot 1, Block 1 to the N. line of Main Street; thence Westerly along the N. line of Main Street to the point of beginning.

(2) Also commencing at the S. E. corner of above said Lot 1, Block 1; thence Northerly 54.7 feet along the E. line thereof; thence 90°00' right 67.1 feet; thence 59°31' right 31.5 feet to the point of beginning; thence 90°00' left 13 feet; thence 90°00' right 22.7 feet; thence 90°00' left 10.5 feet; thence 90°00' right to the N. line of Main Street; thence Westerly along the N. line of Main Street to a point thereon which is 96.2 feet Easterly from the S.E. corner of above said Lot 1, Block 1. (measured along the N. line of Main Street); thence Northwesterly on a straight line to the point of beginning.

EXHIBIT "A" cont'd.

EXCEPTING THEREFROM:

Commencing at the Southeast corner of Lot One (1), Block One (1), Original Plat of the City of Whitewater; thence South 81 degrees 27' 31" East along the Northerly right-of-way line of Main Street 36.30 feet to the place of beginning; thence continuing South 81 degrees 27' 31" East along said right-of-way line 72.58 feet; thence North 74 degrees 43' 49" East along said right-of-way line 4.95 feet; thence North 81 degrees 27' 31" West 77.11 feet; thence South 08 degrees 32' 29" West 2.00 feet to the place of beginning, Walworth County, Wisconsin.

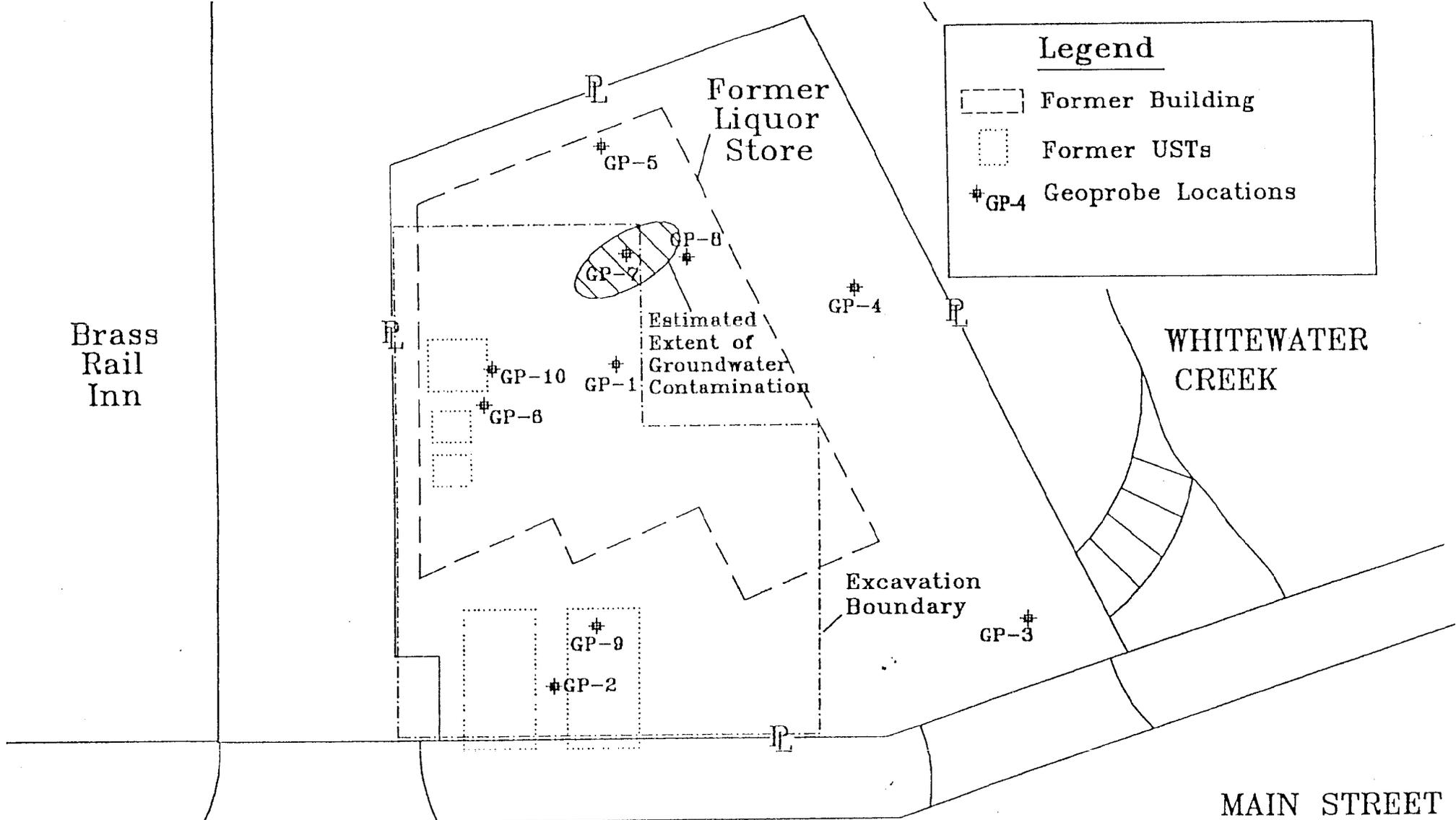


Figure 6
Groundwater Contamination

Former Kim Property
 Whitewater, Wisconsin

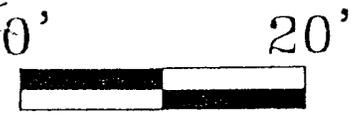


Table 4

Groundwater Analytical Results

Former Kim Property
City of Whitewater
Whitewater, Wisconsin

Sample	Date	Gasoline Range Organics (mg/l)	VOCs						
			Benzene (ug/l)	Ethyl-benzene (ug/l)	MTBE (ug/l)	Toluene (ug/l)	1,2,4-Trimethyl-benzene (ug/l)	1,3,5-Trimethyl-benzene (ug/l)	Xylenes, Total (ug/l)
SITE INVESTIGATION									
GP-1	4/24/98	0.072	0.55	0.79	<0.22	1.5	0.89	0.69	2.05
REMEDIATION									
GP-07	12/17/98	1.9	XX	28	<0.16	<3.3	20	22	14
GP-08	12/17/98	3.1	3.5	<36	<1.6	<4.4	17	<2.9	19
GP-09	12/17/98	<50	<0.13	<0.22	<0.16	0.35	<0.22	<0.29	0.42
GP10	12/17/98	<50	<0.13	<0.22	<0.16	<0.20	<0.22	<0.29	<0.23
NR 140 ES		NR	5	700	60	343	NR	NR	620
NR 140 PAL		NR	0.5	140	12	68.6	NR	NR	124

NA = not analyzed

mg/l = milligrams per liter

ug/l = micrograms per liter

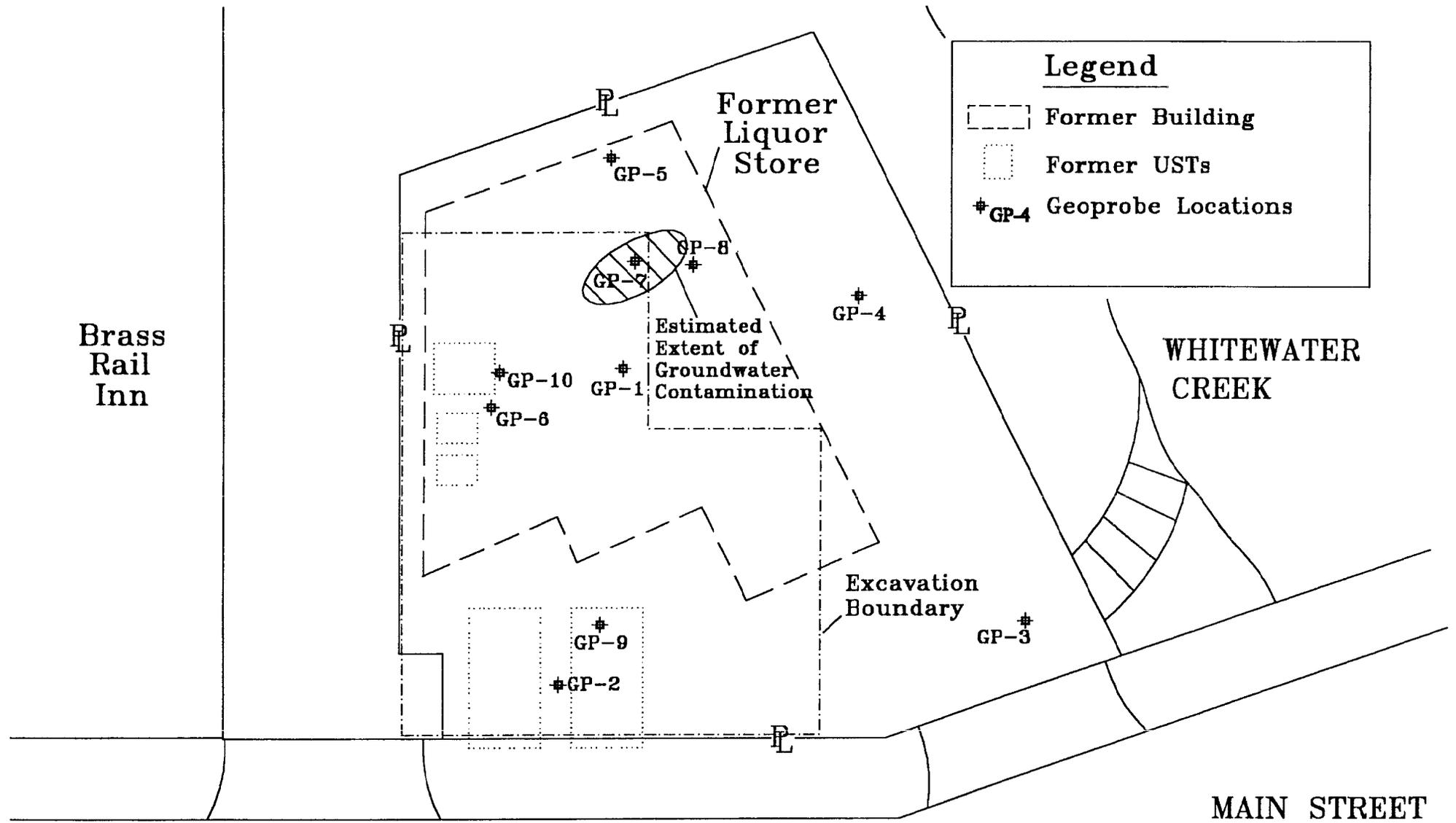
<XX = less than detection limit shown

XX = exceeds NR 140 preventive action limit (PAL)

XX = exceeds NR 140 enforcement standard (ES)

NR = not regulated by NR 140

Note: compounds not detected in any sample are not listed



Legend

-  Former Building
-  Former USTs
-  GP-4 Geoprobe Locations

Figure 6
Groundwater Contamination

Former Kim Property
 Whitewater, Wisconsin

