

State of Wisconsin \ DEPARTMENT OF NATURAL RESOURCES

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

Southeast Regional Headquarters
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November 30, 1999

Mr. Pete Gardner
Gardner's Mini Mart
201 Rochester Avenue
Mukwonago, Wisconsin 53149

SUBJECT: Request for closure, Gardner's Mini Mart, 201 Rochester Avenue, Mukwonago, Wisconsin. BRR-LUST FID#268128190.

Mr. Gardner:

At the request of your environmental consultant, we have reviewed your case file for no further action. Based on the information provided, we concur with your consultant's recommendation of no further action and conditionally closed this case. The conditions of the closure are as follows:

1. A groundwater use restriction must be placed 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 language detailed in the department's deed restriction guidance.
2. 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 confirmation that the groundwater use restriction has been placed on the property deed and the groundwater monitoring abandonment forms, this case will be tracked as closed on our computer tracking system.

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. If you have any questions about this letter, please call me at 414-263-8589.

Sincerely,

Gina Keenan
Hydrogeologist

c: Graef, Anhalt, Schloemer and Associates, Inc.
SER case file



JAN 14 00 0 0 1 0 3 0

WC2533029-003

Document Number

GROUNDWATER USE RESTRICTION

2533029

REGISTER'S OFFICE
WAUKESHA COUNTY, WI
RECORDED ON

01-14-2000 10:54 AM

MICHAEL J. HASSLINGER
REGISTER OF DEEDS

REC. FEE: 8.00
REC. FEE-CO: 4.00
REC. FEE-ST: 2.00
TRAN. FEE:
TRAN. FEE-STATE:
PAGES: 3

Declaration of Restrictions

In Re: PARCEL A:

A parcel of land located in part of the Northwest 1/4 of the Southeast 1/4 of Section 26, in Township 5 North, Range 18 East, in the Village of Mukwonago, Waukesha County, Wisconsin being described as follows: Commencing at the Northeast corner of Lot 1, Block 1, of Mukwonago Shores Subdivision; thence with the East line of Mukwonago Shores Subdivision North 04 degrees 15' 29" West, 306.30 feet to the point of beginning; thence continuing North 04 degrees 15' 29" West 148.22 feet to a point; thence North 81 degrees 57' 52" East, 39.60 feet to a point; thence South 17 degrees 41' 55" East, 39.45 feet to a point; thence North 70 degrees 23' 00" East, 141.26 feet to a point; thence South 21 degrees 54' 00" East, 118.48 feet to a point; thence South 76 degrees 14' 20" West 223.88 feet to the point of beginning. Excepting the Southerly 12 feet thereof.

Recording Area

Name and Return Address

BLAIR'S CITCO
201 N ROCHESTER ST.
MUKWONAGO, WI 53149

728
14/3

PARCEL B:

An undivided 1/2 interest in the Southerly 12 feet of the following described real estate:
A parcel being part of the Northwest 1/4 of the Southeast 1/4 of Section 26, Town 5 North, Range 18 East, Village of Mukwonago, Waukesha County, Wisconsin, being more completely described as follows: Commencing at the Northeast corner of Lot 1, Block 1 of Mukwonago Shores Subdivision; thence with the East line of Mukwonago Shores Subdivision North 04 degrees 15' 29" West, 306.30 feet to the point of beginning; thence continuing North 04 degrees 15' 29" West, 148.22 feet to a point; thence North 81 degrees 57' 52" East, 39.60 feet to a point; thence South 17 degrees 41' 55" East, 39.45 feet to a point; thence North 70 degrees 23' 00" East, 141.26 feet to a point; thence South 21 degrees 54' 00" East, 118.48 feet to a point; thence South 76 degrees 14' 20" West, 223.88 feet to the point of beginning.

STATE OF WISCONSIN)
) ss
COUNTY OF WAUKESHA)

WHEREAS, Patrick B. Blair and Debra L. Blair are the owners of the above-described property.

WHEREAS, one or more gasoline range organic compound discharges have occurred at this property. Benzene, toluene, ethylbenzene, xylene and MTBE contaminated groundwater above NR 140 enforcement standards exists on this property at the following location(s) on the following date: Dec. 21, 1998: Monitoring wells MW-1, MW-2 and MW-3 and EW-1 (see attached site map). Benzene concentrations in

WDNR Close Out Guidance
on the Use of Institutional Controls
September, 1998

JAN 14 00 00 10 31

MW-1 (29 ppb), MW-2 (12 ppb), MW-3 (2,500 ppb) and EW-1 (79 ppb) exceed current enforcement standards. Toluene concentrations in MW-1 (520 ppb) and MW-3 (15,000 ppb) exceed current enforcement standards. Ethylbenzene concentrations in MW-3 (2,200 ppb) exceed current enforcement standards. Xylene concentrations in MW-1 (5,100 ppb), MW-2 (3,300 ppb), MW-3 (17,000 ppb) and EW-1 (850 ppb) exceed current enforcement standards. MTBE concentrations in MW-1 (160 ppb), MW-3 (270 ppb) and EW-1 (220 ppb) exceed current enforcement standards.

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 in 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.

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 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.

**WDNR Close Out Guidance
on the Use of Institutional Controls
September, 1998**

JAN 14 00 00 10 32

IN WITNESS WHEREOF, the owner of the property has executed this Declaration of Restrictions, this day of , 19

Signature: *Patrick B. Blum*

Printed Name: Patrick B Blum

Subscribed and sworn to before me this 28 day of December 19 99

Shirley A. Blum

Notary Public, State of WISCONSIN

4-27-03

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

WordproclWpens\Fms1948710 Gardens GW Use Restrictions.doc

KEY

- ⊕ GROUND-WATER MONITORING WELL
- ⊕ GROUND-WATER EXTRACTION WELL
- SOIL BORING
- ⊕ VACUUM MONITORING POINT
- ⊕ VAPOR EXTRACTION WELL
- ⊕ GEOPROBE GRAB GROUND-WATER SAMPLE
- ⊕ GEOPROBE GRAB SOIL SAMPLE
- MANHOLE
- POWER POLE
- ⊗ LIGHT POLE
- GAS SERVICE VALVE

- ⊕ SIGN
- ⊕ FIRE HYDRANT
- TANK FILL
- ⊕ CONIFEROUS TREE
- BURIED GAS LINE

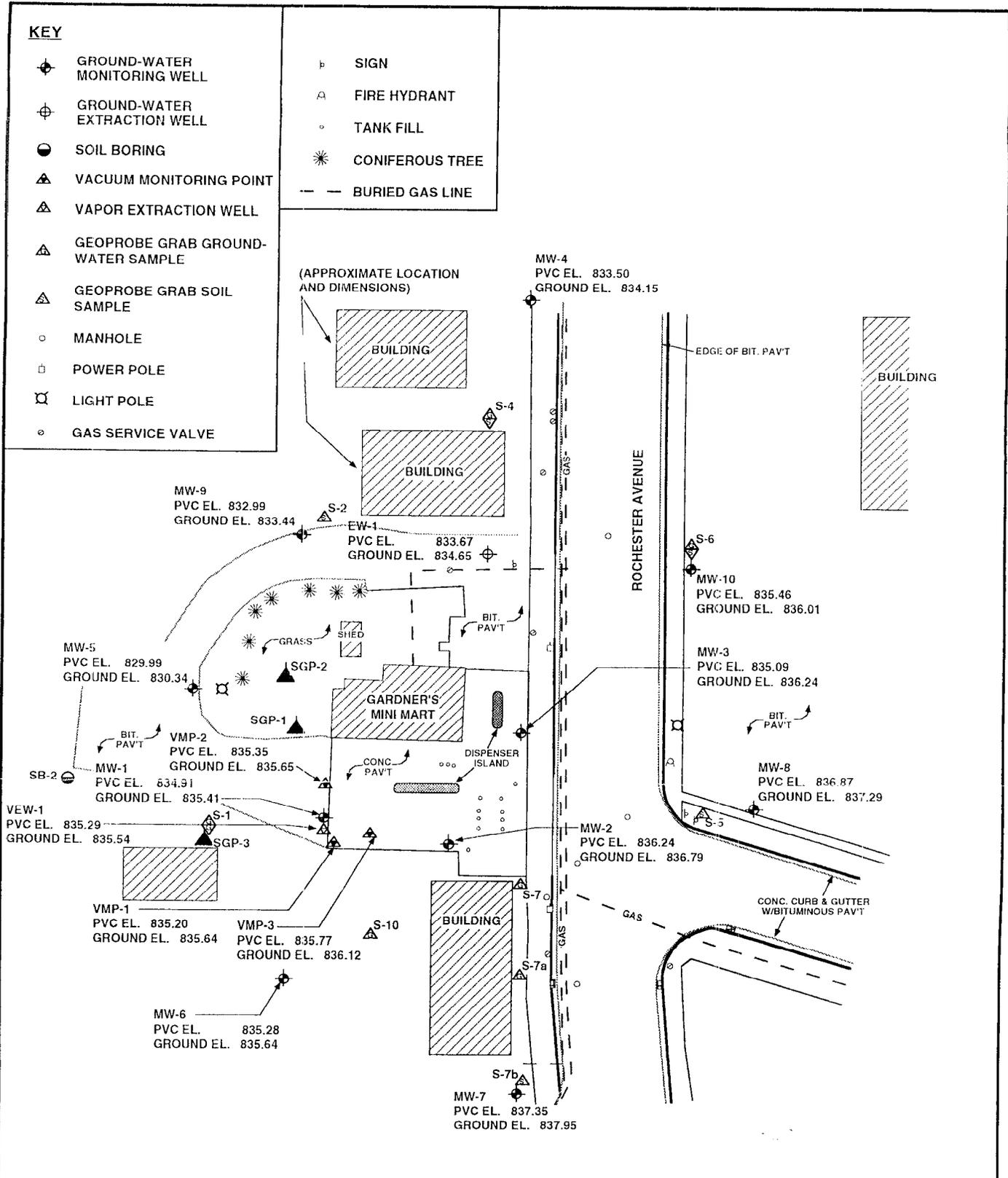


Table 1.2

RESULTS FROM MONITORING WELL GROUNDWATER SAMPLES

GARDNER'S MINI MART
MUKWONAGO, WISCONSIN

SAMPLE DATE	WELL NUMBER								
		BENZENE (ppb)	ETHYL- BENZENE (ppb)	TOLUENE (ppb)	XYLENE (ppb)	MTBE (ppb)	1,2,4- TMB (ppb)	1,3,5- TMB (ppb)	GRO (ppb)
19-Dec-95	MW-1	Free Product							
22-Apr-96	MW-1	210	910	2,800	10,000	<100	2,300	610	38,000
18-Sep-96	MW-1	-----DRY-----							
10-Apr-97	MW-1	240	400	1,400	10,000	<3.2	2,900	870	29,000
13-Aug-97	MW-1	110	180	450	6,400	<3.2	2,700	900	28,000
16-Dec-97	MW-1	46	520	1,300	9,600	<3.2	3,100	970	33,000
22-Apr-98	MW-1	<55	280	540	7,100	<16	2,300	590	28,000
11-Aug-98	MW-1	<34	100	310	3,900	<40	1,500	460	16,000
21-Dec-98	MW-1	29	140	520	5,100	160	1,800	520	20,000
19-Dec-95	MW-2	8,200	19,000	26,000	15,000	4,800	2,700	690	87,000
22-Apr-96	MW-2	430	50	1,800	2,200	730	540	250	11,000
18-Sep-96	MW-2	940	690	6,400	12,000	<100	2,500	650	47,000
10-Apr-97	MW-2	1,400	430	2,300	3,500	620	1,200	310	20,000
13-Aug-97	MW-2	1,100	980	5,100	13,000	<8.0	2,600	590	37,000
16-Dec-97	MW-2	870	930	3,200	11,000	<8.0	3,300	910	36,000
22-Apr-98	MW-2	1,400	360	2,400	4,200	<210	950	260	17,000
11-Aug-98	MW-2	240	460	1,900	16,000	<10	4,700	840	41,000
21-Dec-98	MW-2	12	17	130	3,300	8.0	1,500	440	12,000
10-Apr-97	MW-3	4,900	2,800	21,000	21,000	<32	4,300	1,100	95,000
13-Aug-97	MW-3	4,900	3,100	23,000	22,000	<32	4,600	1,200	88,000
16-Dec-97	MW-3	3,600	2,900	21,000	23,000	<32	4,900	1,300	83,000
22-Apr-98	MW-3	1,400	1,500	12,000	17,000	<16	5,300	1,100	68,000
11-Aug-98	MW-3	1,500	1,800	12,000	15,000	<24	4,300	1,100	71,000
21-Dec-98	MW-3	2,500	2,200	15,000	17,000	270	4,300	1,000	72,000
PAL		0.5	140	68.6	124	12	--	--	--
ES		5	700	343	620	60	--	--	--

Only monitoring wells measuring above analytical detection limit are listed.

PAL = WDNR NR 140 Preventive Action Limit

ES = WDNR NR 140 Enforcement Standard

MTBE = Methyl-tert-butyl ether

TMB = Trimethylbenzene

ppb = parts per billion

*Pre-Remedial Sample
Active GW System
Post-Remedial Sample*

TABLE 3

RESULTS FROM MONITORING WELL GROUNDWATER SAMPLES

GARDNER'S MINI MART
MUKWONAGO, WISCONSIN

SAMPLE DATE & WELL NUMBER	BENZENE (ppb)	ETHYL- BENZENE (ppb)	TOLUENE (ppb)	XYLENE (ppb)	MTBE (ppb)	1,2,4- TMB (ppb)	1,3,5- TMB (ppb)	GRO (ppb)
12/19/95 MW-1	-----FREE PRODUCT-----							
EW-1	160	130	11	260	<5.0	130	33	1,600
EW-1A	53	610	99	1,800	<10	1,100	320	8,600
MW-2	8,200	19,000	26,000	15,000	4,800	2,700	690	87,000
NE SUMP	87	44	48	1,100	5,200	1,300	640	12,000
04/22/96 MW-1	210	910	2,800	10,000	<100	2,300	610	38,000
EW-1A	<25	220	<50	1,800	<50	2,200	630	15,000
MW-2	430	50	1,800	2,200	730	540	250	11,000
NE SUMP	10	26	14	610	110	1,200	510	9,300
09/18/96 MW-1	-----DRY-----							
EW-1A	<1.0	<11	<1.0	4.7	46	53	22	1,400
MW-2	940	690	6,400	12,000	<100	2,500	650	47,000
NE SUMP	25	29	<8.0	250	240	750	340	5,800
PAL	0.5	272	69	124	12.0	---	---	---
ES	5	1360	343	620	60.0	---	---	---

Only monitoring wells measuring above analytical detection limit are listed.

PAL = WDNR NR 140 Preventive Action Limit

ES = WDNR NR 140 Enforcement Standard

MTBE = Methyl-tert-butyl ether

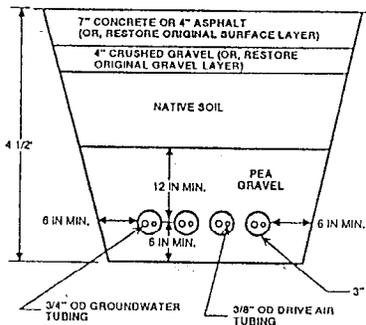
TMB = Trimethylbenzene

ppb = parts per billion

KEY

- MANHOLE
- POWER POLE
- ⊠ LIGHT POLE
- ⊙ GAS SERVICE VALVE
- ▴ SIGN
- A FIRE HYDRANT
- TANK FILL
- ☼ CONIFEROUS TREE
- ⊕ EXISTING GROUNDWATER MONITORING/EXTRACTION WELL
- ⊕ GROUNDWATER EXTRACTION / SOIL VENTING WELL
- ⊕ EXISTING SUMP
- - - BURIED GAS LINE
- ==== SUBSURFACE REMEDIAL PIPING
- ▨ BUILDING
- ▨ DISPENSER ISLAND
- ▨ PREVIOUSLY EXCAVATED AND BACKFILLED

PIPING TRENCH DETAIL WHERE FINISHED SURFACE IS CONCRETE OR ASPHALT (NUMBER OF PIPES DEPENDS ON LOCATION)



PIPING TRENCH DETAIL WITH SOIL SURFACE (NUMBER OF PIPES DEPENDS ON LOCATION)

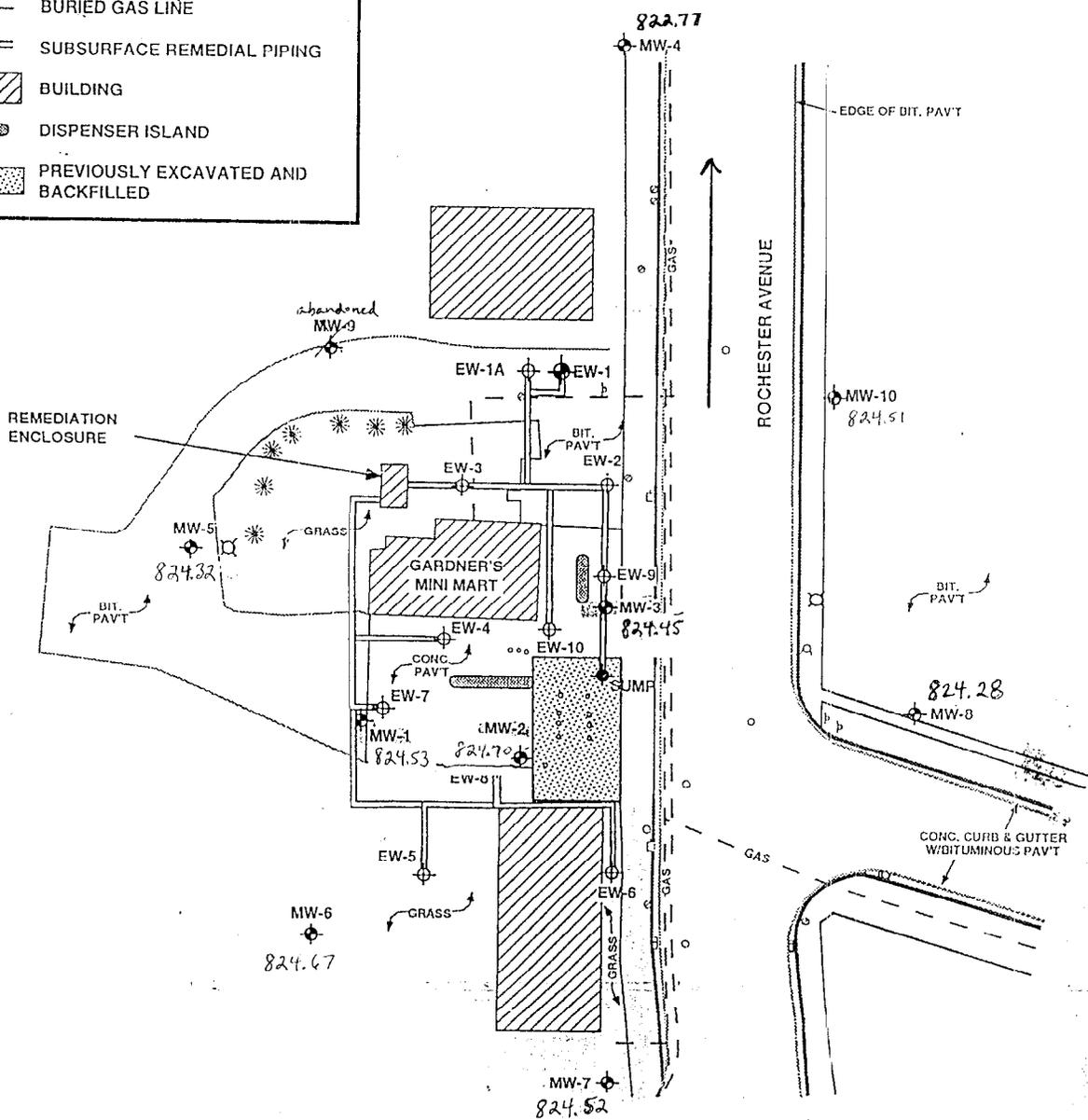
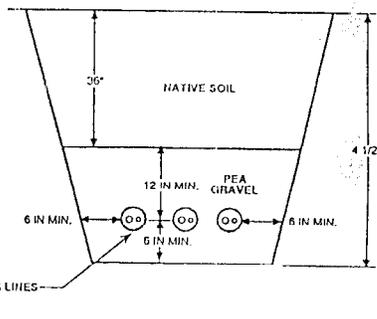


Figure 2

<p>Groundwater Elevation Map December 22, 1998</p>	SCALE: 1"=40'
	DATE: 12-09-94

