



State of Wisconsin \ DEPARTMENT OF NATURAL RESOURCES

Scott McCallum, Governor
Darrell Bazzell, Secretary
Gloria L. McCutcheon, Regional Director

Southeast region Annex
4041 North Richards
PO Box 12436
Milwaukee, Wisconsin 53212-0436
Telephone 414-229-0800
FAX 414-229-0810

October 18, 2001

Ms. Kipp Kennedy
315 North West Avenue, Apt. 207
Waukesha, WI 53186

SUBJECT: Final Case Closure, Former William's Shell Service Station, 318 Delafield Street,
Waukesha, WI 53186 FID# 268350720 BRRTS# 03-68-000857

Dear Ms. Kennedy:

On July 28, 1998, you were notified that the Wisconsin Department of Natural Resources Closure Committee had granted conditional closure to this case. This committee reviews environmental remediation cases for compliance with state laws and standards to maintain consistency in the closure of cases.

The Department has since received correspondence indicating that you have complied with the conditions of closure. A notarized copy of the recorded deed restriction has been received and all well abandonment forms have been submitted. 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. Therefore, the Department considers this case closed and no further investigation, remediation or other action is required at this time.

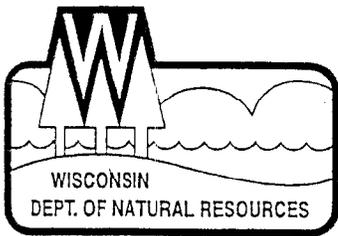
Please be aware that this case may be reopened pursuant to s. NR 726.09, Wis. Adm. Code, if additional information regarding site conditions indicates that contamination on or from the site poses a threat to public health, safety or welfare, or the environment.

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 letterhead address or (414) 229-0846.

Sincerely,

James C. Delwiche, P.G.
Hydrogeologist
Bureau for Remediation & Redevelopment

cc: SER Case File



State of Wisconsin \ DEPARTMENT OF NATURAL RESOURCES

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

Southeast Region Annex
4041 N. Richards Street, Box 12436
Milwaukee, Wisconsin 53212-0436
TELEPHONE 414-229-0800
FAX 414-229-0810

July 28, 1998

Ms. Kipp Kennedy
315 North West Avenue, Apt. 207
Waukesha, WI 53186

SUBJECT: Closure Review, Former Williams Shell Service Station, 318 Delafield Street,
Waukesha, Wisconsin. WDNR FID #268350720, BRRTS #03-68-000857

Dear Ms. Kennedy:

Thank you for the report, *Status Update and Request for Case Closure*, dated July 8, 1998, and submitted to our office by Giles Engineering Associates. I have reviewed this case file in response to the closure request. Based on the investigative and remedial documentation provided to the Department, it appears that the petroleum contamination at the above-named site is being remediated in compliance with the requirements of chs. NR 700 to 724, Wis. Adm. Code.

In order for us to close this case officially, we will need you to record a groundwater use deed restriction for the subject property. Once I receive a notarized copy of the recorded deed restriction, along with confirmation that the monitoring wells have been properly abandoned, I will change our database to show this case as "closed", meaning the Department will consider the case closed with no further action being required. However, 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 to the environment.

The Department appreciates the efforts you have made to restore the environment at this site. I look forward to receiving the deed restriction shortly, at which time I will officially close this case. Please make sure that it is sent to me directly so that there is no delay in having your case officially closed. Please feel free to contact me at the above address or at (414) 229-0870, if you have any questions regarding this letter.

Sincerely,

Susan Chi
Environmental Scientist

c: Giles Engineering
SER Case File



UC2484600-005

Declaration of Restrictions

Document Title

2484600

REGISTER'S OFFICE
WAUKESHA COUNTY, WI
RECORDED ON

07-16-1999 1:27 PM

MICHAEL J. HASSLINGER
REGISTER OF DEEDS

REC. FEE: 12.00
REC. FEE-CO: 4.00
REC. FEE-ST: 2.00
TRAN. FEE:
TRAN. FEE-STATE:
PAGES: 5

REEL 2940 IMAGE 0891

Recording Area

Name and Return Address

James E. Bannantine
Giles Engineering Associates, Inc.
N8 W22350 Johnson Rd.
Waukesha WI 53186

Y.P.
CAI

Partial Identification Number (PIN)

This information must be completed by submitter: document title, name & return address, and PIN (if required). Other information such as the granting clauses, legal description, etc. may be placed on this first page of the document or may be placed on additional pages of the document. Note: Use of this cover page adds one page to your document and \$2.00 to the recording fee. Wisconsin Statutes, §9.517. WRDA 2/96

Declaration of Restrictions

In Re: (See Exhibit A)

State of Wisconsin)
) ss.
County of Waukesha)

WHEREAS, Kipp L. Kennedy and John D. Williams are the owners of the above described property (the "Property"); and

WHEREAS, one or more gasoline discharges have occurred at this Property. Benzene, ethylbenzene and xylene contaminated groundwater above NR 140 enforcement standards and/or preventative action limits exists on this property at the following locations (see attached figure).

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.

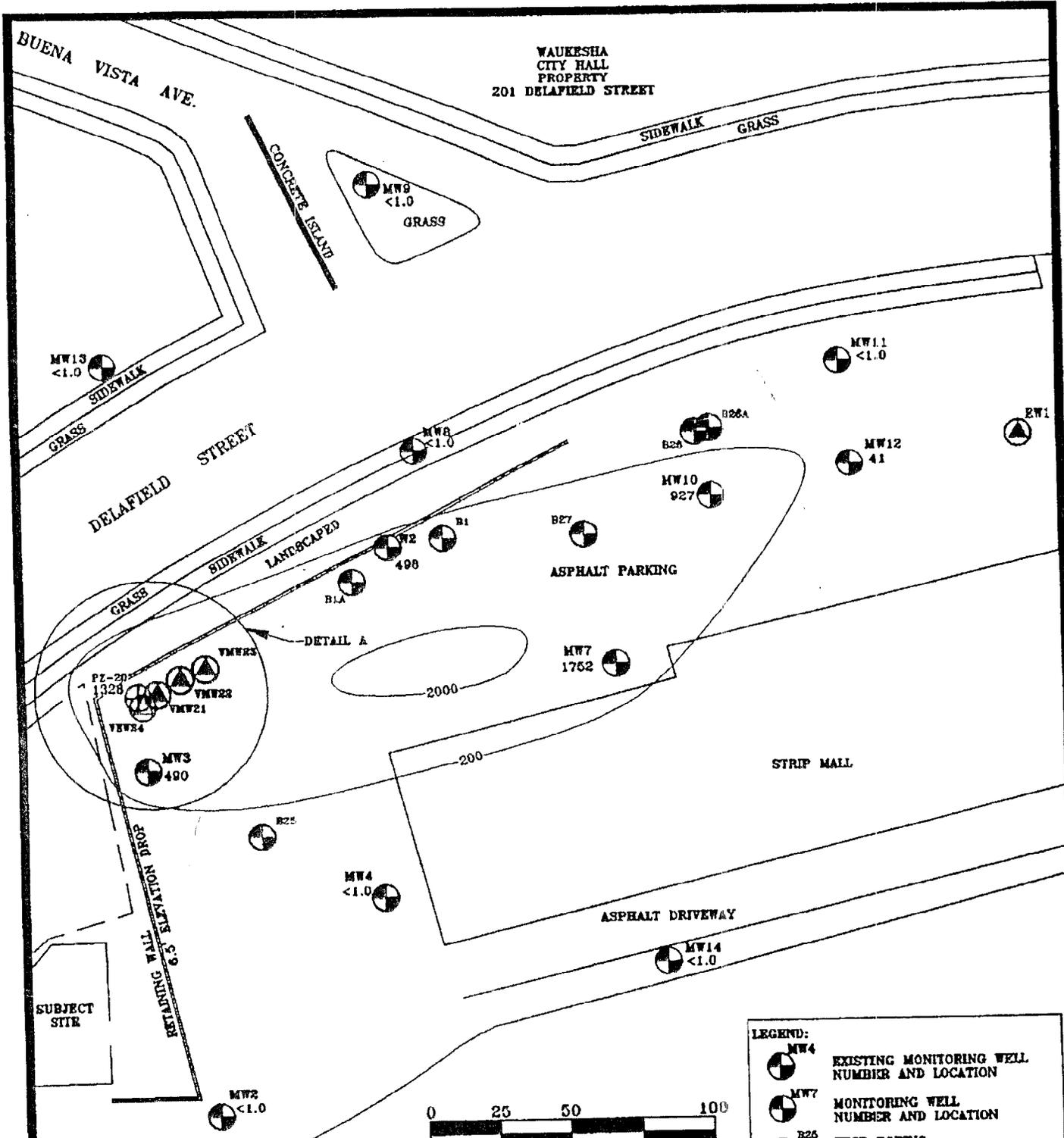
WHEREAS, construction of wells where the water quality exceeds the drinking water standards in ch. NR 809 is restricted by ch. NR 811 and ch. NR 812. Special well construction standards or water treatment requirements, or both, or well construction prohibitions may apply.

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 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, to determine what specific prohibitions or 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.

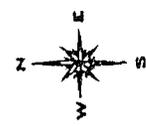
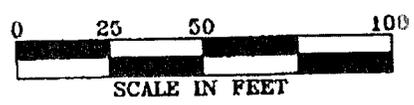
This restriction is hereby declared to be a covenant running with the land and shall be fully binding upon all persons acquiring the above described Property whether by descent, devise, purchase or otherwise. These restrictions inure to the benefit of and is enforceable by the Wisconsin Department of Natural Resources, its successors or assigns. The WDNR, 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 successors issue a determination that the restriction 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 restriction contained herein can be extinguished. If the Wisconsin Department of Natural Resources determines that the restriction can be extinguished, an affidavit can be recorded to give notice that this groundwater use restriction is no longer binding.



LEGEND:

- MW4 EXISTING MONITORING WELL NUMBER AND LOCATION
- MW7 MONITORING WELL NUMBER AND LOCATION
- B25 TEST BORING NUMBER AND LOCATION
- PZ-20 PIEZOMETER NUMBER AND LOCATION
- VE23 VAPOR EXTRACTION WELL NUMBER AND LOCATION
- VMW21 VAPOR MONITORING WELL NUMBER AND LOCATION
- EW1 6" DIAMETER EXTRACTION WELL NUMBER AND LOCATION
- NA NOT AVAILABLE



G&E GILES ENGINEERING ASSOCIATES, INC.
 18 WESSHO JOHNSON RD., WAUKESHA, WI. 53186
 (414)-644-0118

FIGURE 8
 MARCH 1998 PLUME MAP (BYEK.ppt)
 FORMER WILLIAMS SHELL SERVICE STATION
 316 DELAFIELD STREET
 WAUKESHA, WISCONSIN 53186

DESIGNED	DRAWN	APPROVED	SCALE	DATE
JEB	CTM	X	1" = 50'	REV.11-21-94

PROJECT NO.: 1X-940718 CAD NO.: E940718Y

Exhibit A

Chicago Title & Trust Company as Trustee under provision of a certain Trust Agreement dated 12/7/87 and known as Trust #5-68888 to George R. Hansen as Successor-Trustee.

PARCEL A: All that part of Spring Brook Lot, in the North West Addition to the City of Waukesha, Waukesha County, Wisconsin, bounded and described as follows: Commencing at a point where the $\frac{1}{4}$ Section line intersects the North line of Madison Street; thence North along the $\frac{1}{4}$ Section line, 790.5 feet to the point of beginning of lands to be described; thence North on and along the $\frac{1}{4}$ Section line, 191.82 feet to a point; thence East 204.92 feet to a point on the New Westerly line of Delafield Street; thence along the New Westerly line of said street on a curve 136.50 feet having a long chord of 136.32 feet bearing South $1^{\circ} 20' 36''$ West and having a radius of 680.30 feet with center lying Westerly to the point of tangency of the curve as shown on the State Highway Plan; thence along the Westerly line of said street, 77.85 feet bearing South $7^{\circ} 5' 23''$ West to a point; thence North $83^{\circ} 24'$ West, 193.70 feet to the place of beginning, being in the North East $\frac{1}{4}$ of Section 3, in Township 6 North, Range 19 East.

PARCEL B: All that part of the Spring Brook Lot, in the North West Addition to the City of Waukesha, Waukesha County, Wisconsin, bounded and described as follows: Commencing at a point where the $\frac{1}{4}$ Section line intersects the North line of Madison Street; thence North on and along the $\frac{1}{4}$ Section line 582.32 feet to the point of commencement; thence North on and along the $\frac{1}{4}$ Section line, 200 feet; thence East 158.00 feet to a point in the New Westerly line of Delafield Street; thence on and along the New Westerly street line on a curve 206.04 feet, more or less, and having a long chord of 205.28 feet bearing South $13^{\circ} 05' 0''$ East and a radius of 680.30 feet with the center lying Westerly; thence West 204.92 feet to the place of beginning, being in the North East $\frac{1}{4}$ of Section 3, Township 6 North, Range 19 East, together with the right and permanent easement to the use of the Southerly approach to the service station constructed upon Parcel C hereinafter described as a means of ingress and egress to Parcel B hereinabove described.

PARCEL G: A parcel of land in the North West $\frac{1}{4}$ of Section 3, in Township 6 North, Range 19 East, in the City of Waukesha, Waukesha County, Wisconsin, more particularly described as follows: Commencing at the intersection of the Southerly line of the Waukesha Woolen Mills Addition with the East line of said $\frac{1}{4}$ Section, said point being 594 feet South of the North East corner of said $\frac{1}{4}$ Section; thence continuing South $2^{\circ} 0'$ West on and along the East line of said $\frac{1}{4}$ Section, 106.82 feet to the place of beginning; thence North $88^{\circ} 0'$ West, 33 feet to a point; thence South $2^{\circ} 0'$ West and parallel with the East line of said $\frac{1}{4}$ Section, 110 feet to a point; thence South $88^{\circ} 0'$ East 33 feet to a point on the East line of said $\frac{1}{4}$ Section; thence North $2^{\circ} 0'$ East on and along the East line of said $\frac{1}{4}$ Section, 110 feet to the place of beginning.

REGISTERED OFFICE
WAUKESHA COUNTY, WISCONSIN

1650848

1991 MAY 22 PM 12:40

REEL 1306 1236

Charles J. Hansen

REEL 1306 WAKES 1237

TABLE 2
LABORATORY GROUNDWATER ANALYTICAL DATA

Williams Shell
318 Delafield Street, Waukesha, Wisconsin
Project No. 1E-940718

Sample Point	Date Collected	Petroleum-Volatile Organic Compounds (PVOC)							PVOC (sum)	BTEX (sum)	GRO	Lead
		Benzene	E-Benzene	MTBE	Toluene	1,2,4-TMB	1,3,5-TMB	Xylenes				
MW-1	14-Jul-94	< 0.6	< 1.0	< 1.0	< 1.0	< 1.0	< 1.0	< 1.0	0	0	< 0.05	2.0
	13-Oct-94	< 0.6	< 1.0	< 1.0	< 1.0	< 1.0	< 1.0	< 1.0	0	0	< 0.05	2.0
	21-Jun-95	< 0.6	< 1.0	< 1.0	< 1.0	< 1.0	< 1.0	< 1.0	0	0	< 0.05	NA
	5-Jun-96	< 0.6	< 1.0	< 1.0	< 1.0	< 1.0	< 1.0	< 1.0	0	0	< 0.05	NA
	7-Jan-97	< 0.4	< 0.5	< 0.1	< 0.4	< 0.5	< 0.5	< 0.4	0	0	NA	NA
19-Mar-98	< 0.7	< 0.7	< 0.4	< 0.7	< 0.7	< 0.7	< 2.0	0	0	NA	NA	
MW-2	14-Jul-94	< 0.6	< 1.0	< 1.0	< 1.0	< 1.0	< 1.0	< 1.0	0	0	< 0.05	2.0
	13-Oct-94	< 0.6	< 1.0	< 1.0	< 1.0	< 1.0	< 1.0	< 1.0	0	0	< 0.05	2.0
	21-Jun-95	< 0.6	< 1.0	< 1.0	< 1.0	< 1.0	< 1.0	< 1.0	0	0	< 0.05	NA
	5-Jun-96	< 0.6	< 1.0	< 1.0	< 1.0	< 1.0	< 1.0	< 1.0	0	0	< 0.05	NA
	7-Jan-97	< 0.4	< 0.5	< 0.1	< 0.4	< 0.5	< 0.5	< 0.4	0	0	NA	NA
19-Mar-98	< 0.7	< 0.7	< 0.4	< 0.7	< 0.7	< 0.7	< 2.0	0	0	NA	NA	
MW-3	Jul-90	7600	360	NA	22000	NA	NA	15000	45060	45060	NA	NA
	14-Jul-94	810	2100	< 25	4300	1600	390	8500	17700	15710	26	2.0
	17-Oct-94	680	1700	25	38	1300	210	2530	6482	4948	11	< 2.0
	21-Jun-95	340	1400	< 25	1600	1200	320	5200	10060	8540	16	NA
	5-Jun-96	420	1550	< 10	< 10	1100	88	1837	4945	3757	8.7	NA
	7-Jan-97	189	957	< 1.4	< 3.5	1360	370	809	3725	1995	NA	NA
19-Mar-98	63	247	< 3.5	< 6.8	191	31	188	712	490	NA	NA	
MW-4	14-Jul-94	< 0.6	< 1.0	< 1.0	< 1.0	< 1.0	< 1.0	< 1.0	0	0	< 0.05	2.0
	13-Oct-94	< 0.6	< 1.0	< 1.0	< 1.0	< 1.0	< 1.0	< 1.0	0	0	< 0.05	< 2.0
	21-Jun-95	< 0.6	< 1.0	< 1.0	< 1.0	< 1.0	< 1.0	< 1.0	0	0	< 0.05	NA
	5-Jun-96	< 0.6	< 1.0	< 1.0	< 1.0	< 1.0	< 1.0	< 1.0	0	0	< 0.05	NA
	7-Jan-97	< 0.4	< 0.5	< 0.1	< 0.4	< 0.5	< 0.5	< 0.4	0	0	NA	NA
19-Mar-98	< 0.7	< 0.7	< 0.4	< 0.7	< 0.7	< 0.7	< 2.0	0	0	NA	NA	
MW-7	5-Jun-96	370	1900	25	24	1600	330	2910	7158	5204	14	NA
	19-Mar-98	152	520	< 3.5	< 6.8	850	210	1030	2812	1752	NA	NA
MW-8	17-Oct-94	25	14	< 1.0	< 1.0	< 1.0	< 1.0	< 1.0	16.5	16.5	0.28	< 2.0
	21-Jun-95	< 0.6	< 1.0	< 1.0	< 1.0	< 1.0	< 1.0	< 1.0	0	0	0.22	NA
	5-Jun-96	< 0.6	< 1.0	< 1.0	< 1.0	< 1.0	< 1.0	< 1.0	0	0	< 0.085	NA
	7-Jan-97	< 0.4	< 0.5	< 0.1	< 0.4	< 0.5	< 0.5	< 0.4	0	0	NA	NA
	9-Apr-98	< 0.7	< 0.7	< 0.4	< 0.7	< 0.7	< 0.7	< 1.4	0	0	NA	NA
MW-9	22-Jun-95	< 0.6	< 1.0	< 1.0	< 1.0	< 1.0	< 1.0	< 1.0	0	0	< 0.05	NA
	5-Jun-96	< 0.6	< 1.0	< 1.0	< 1.0	< 1.0	< 1.0	< 1.0	0	0	< 0.05	NA
	7-Jan-97	< 0.4	< 0.5	< 0.1	< 0.4	< 0.5	< 0.5	< 0.4	0	0	NA	NA
	19-Mar-98	< 0.7	< 0.7	< 0.4	< 0.7	< 0.7	< 0.7	< 2.0	0	0	NA	NA
MW-10	17-Oct-94	1500	1900	200	19	1700	290	500	6199	4009	11	< 2.0
	21-Jun-95	440	2400	< 25	< 25	2400	< 25	2045	7285	4885	16	NA
	5-Jun-96	490	1600	28	< 10	2000	< 10	805	4921	2893	10	NA
	19-Mar-98	253	100	< 3.5	< 6.8	194	100	300	1221	927	NA	NA
MW-11	17-Oct-94	180	130	39	1.9	47	< 1.0	3.3	402.2	315.2	1.1	< 2.0
	21-Jun-95	82	23	56	< 1.0	< 1.0	< 1.0	< 1.0	163	105	0.35	NA
	7-Jun-96	32	< 1.0	37	< 1.0	< 1.0	< 1.0	< 1.0	38	12	< 0.05	NA
	7-Jan-97	< 0.4	< 0.5	5.3	< 1.0	< 0.5	< 0.5	< 0.4	6.3	1	NA	NA
19-Mar-98	< 0.7	< 0.7	< 0.4	< 0.7	< 0.7	< 0.7	< 2.0	0	0	NA	NA	
MW-12	18-Oct-94	530	1700	38	18	1400	140	300	4214	2638	8	< 1.0
	21-Jun-95	250	200	20	< 2.0	20	< 2.0	15	531	485	1.3	NA
	7-Jun-96	75	59	18	1.1	6.5	< 1.0	1.2	160.8	135.3	0.42	NA
	7-Jan-97	< 0.4	< 0.5	1.2	< 0.4	< 0.5	< 0.5	< 0.8	1.2	0	NA	NA
19-Mar-98	41	< 0.7	7.1	< 0.7	< 0.7	< 0.7	< 2.0	48.1	41	NA	NA	
MW-13	14-Jul-94	330	2200	61	57	2200	420	4561	9819	7148	18	NA
	18-Oct-94	< 0.6	< 1.0	< 1.0	1.1	< 1.0	< 1.0	< 1.0	1.1	1.1	< 0.05	< 1.0
	22-Jun-95	< 0.6	< 1.0	< 1.0	< 1.0	< 1.0	< 1.0	< 1.0	0	0	< 0.05	NA
	5-Jun-96	< 0.6	< 1.0	< 1.0	< 1.0	< 1.0	< 1.0	< 1.0	0	0	< 0.05	NA
	7-Jan-97	< 0.4	< 0.5	< 0.1	< 0.4	< 0.5	< 0.5	< 0.8	0	0	NA	NA
19-Mar-98	< 0.7	< 0.7	< 0.4	< 0.7	< 0.7	< 0.7	< 2.0	0	0	NA	NA	
MW-14	18-Oct-94	< 0.6	< 1.0	< 1.0	< 1.0	< 1.0	< 1.0	< 1.0	0	0	0	< 0.05
	21-Jun-95	< 0.6	< 1.0	< 1.0	< 1.0	< 1.0	< 1.0	< 1.0	0	0	< 0.05	NA
	19-Mar-98	< 0.7	< 0.7	< 0.4	< 0.7	< 0.7	< 0.7	< 2.0	0	0	NA	NA
MW-15	22-Jun-95	74	47	37	1.3	< 1.0	< 1.0	< 1.0	117	80	0.29	NA
	7-Jun-96	1.2	< 1.0	24	< 1.0	< 1.0	< 1.0	< 1.0	25.2	1.2	0.13	NA
	7-Jan-97	< 0.4	< 0.5	12	< 0.4	< 0.5	< 0.5	< 0.8	12	0	NA	NA
	19-Mar-98	< 0.7	< 0.7	3.8	< 0.7	< 0.7	< 0.7	< 2.0	3.8	0	NA	NA
MW-16	22-Jun-95	130	17	26	2.9	< 1.0	< 1.0	< 1.0	174.9	149.9	0.23	NA
	7-Jun-96	< 0.6	< 1.0	< 1.0	< 1.0	< 1.0	< 1.0	< 1.0	0	0	< 0.05	NA
	7-Jan-97	< 0.4	< 0.5	< 0.1	< 0.4	< 0.5	< 0.5	< 0.8	0	0	NA	NA
19-Mar-98	< 0.7	< 0.7	< 0.4	< 0.7	< 0.7	< 0.7	< 2.0	0	0	NA	NA	
MW-17	22-Jun-95	120	37	61	1.3	< 1.0	< 1.0	< 1.0	219.3	158.3	0.56	NA
	17-Nov-95	17	2.1	31	< 1.0	< 1.0	3.9	< 1.0	64	19.1	0.29	< 2.0
	7-Jun-96	1.2	< 1.0	24	< 1.0	< 1.0	< 1.0	< 1.0	20	0	< 0.05	NA
	7-Jan-97	< 0.4	< 0.5	< 0.1	< 0.4	< 0.5	< 0.5	< 0.8	30	0	NA	NA
19-Mar-98	< 0.7	< 0.7	< 0.4	< 0.7	< 0.7	< 0.7	< 2.0	15	0	NA	NA	
14-Jul-94	290	2000	38	49	2100	400	4257	9131	6596	18	2.0	
13-Oct-94	280	1900	38	49	2100	400	4257	8700	6456	16	< 2.0	