



State of Wisconsin \ DEPARTMENT OF NATURAL RESOURCES

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

Waukesha Service Center
407 Pilot Court, Suite 100
Waukesha, Wisconsin 53188
Telephone 262-574-2166
FAX 262-574-2117

October 30, 2002

Mr. Ty Taylor
Waukesha Realty Development Corporation
P.O. Box 648
Waukesha, WI 53187-0648

Subject: Final Case Closure, Professional Auto Repair Service, 201 Madison Street,
Waukesha, WI, FID# 268499220 BRRTS# 03-68-005263

Dear Mr. Taylor:

On December 9, 1999, you were notified that the Wisconsin Department of Natural Resources had granted conditional closure for the above referenced site.

The Department has received correspondence indicating that you have complied with the conditions of closure. On April 18, 2002, the Department received a copy of the Groundwater Use Restriction for the above referenced site that was filed with Waukesha County's Register's Office. On October 28, 2002, the Department received copies of the abandonment forms for the monitoring wells at the 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. Ad. Code. Therefore, the Department considers this case closed and no further investigation, remediation or other action is required at this time.

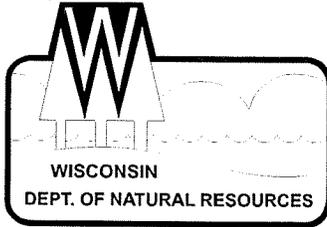
Please be aware that this case may be reopened pursuant to s. NR 726.09, Wis. Adm. Code, if additional information regarding site conditions indicates that contamination on or from the site poses a threat to public health, safety or welfare, or the environment.

The Department appreciates your efforts to restore the environment at this site. If you have any questions regarding this letter, please contact me at (262) 574-2166.

Sincerely,

David G. Volkert, P.G.
Hydrogeologist
Bureau for Remediation & Redevelopment

cc: Pat Patterson, MES
SER File



State of Wisconsin \ DEPARTMENT OF NATURAL RESOURCES

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

Southeast Region
Milwaukee Service Center
2300 N. Dr. ML King Drive, PO Box 12436
Milwaukee, Wisconsin 53212-0436
Telephone 414-263-8500
FAX 414-263-8716
TDD 414-263-8713

April 24, 2000

Mr. Ty Taylor
Waukesha Realty Development Corporation
100 Bank Street, P.O. Box 648
Waukesha, Wisconsin 53197-0648

SUBJECT: Request for closure for petroleum-related contamination and request for off-site determination letter for chlorinated contamination, Professional Auto Repair Services, 201 Madison Street, Waukesha, Wisconsin. BRR-LUST FID#268499220.

Dear Mr. Taylor:

At the request of your environmental consultant, we have reviewed the referenced case file for closure. Based on the information presented, we concur that no further action is necessary with the petroleum-related contamination. The department reserves the right to reopen this case pursuant to s. NR726.09., Wisconsin Administrative Cod (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.

To complete the closure of this site, you must place a groundwater use restriction 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 specified in the department's guidance for deed restrictions.

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 the abandonment forms and confirmation that the restriction has been placed on the deed, this case will be tracked as closed on our computer tracking system.

In addition to the closure of the petroleum-related contamination, we grant you an off-site exemption for the chlorinated related groundwater contamination found at the site. The following serves as your exemption:

Purpose

The Department of Natural Resources ("the Department") has recently reviewed your request for an off-site exemption letter for the property located at 201 Madison Street, Waukesha, Wisconsin. This property will be referred to throughout this letter as "the Property". You have requested that the Department determine whether the Professional Auto Repair Service property is exempt from sec. 292.11(3), (4) and (7)(b) and (c), Wis. Stats. (commonly known as the "Hazardous Substance Spill Law"), with respect to the existence of a hazardous substance in the soil or groundwater that you believe is migrating onto the Property from an off-site source.

Determination

As you are aware, s. 292.13(2), Wis. Stats., requires the Department to issue upon request, a written determination regarding a liability exemption for a person who possesses or controls property that is contaminated by an off-site source, when certain conditions are met. Specifically, the Department has reviewed the following reports in order to make this determination:

1. "Groundwater Monitoring and Case Closure Report", dated June 19, 1998; prepared by Midwest Engineering Services, Inc.
2. "DNR Closure Review Response", dated September 27, 1999; prepared by Midwest Engineering Services, Inc.

Based upon this information, and in accordance with section 292.13(2), Wis. Stats., the Department makes the following determinations regarding the presence of tetrachloroethene and trichloroethene on the Property in the groundwater located in monitoring wells MW-2 and MW-1 (see attached map):

1. The hazardous substance discharge originated from a source on property that is not possessed or controlled by Waukesha Realty Development Corporation (WRDC).
2. WRDC did not possess or control the hazardous substance on the property on which the discharge originated.
3. WRDC did not cause the discharge.
4. WRDC will not have liability under the Hazardous Substance Spill Law for investigation or remediation of the soil or groundwater contamination originating from off-site onto the Property, provided that WRDC does not take possession or control of the hazardous substance of the property on which the discharge originated.

Exemption Conditions

The Department's determination as set forth in this letter, are subject to the following conditions being complied with, as specified in s. 292.13(1) and (1m), Wis. Stats:

1. The facts upon which the Department based its determination are accurate and do not change.
2. WRDC agrees to allow the following parties to enter the property to take action to respond to the discharge: the Department and its authorized representatives; any party that possessed or controlled the hazardous substance or caused the discharge; and any consultant or contractor of such a party.
3. With respect to soil contamination only, WRDC agrees to take one or more specified actions directed by the Department if the Department determines that the actions are necessary to prevent an imminent threat to human health, safety or welfare or to the environment, after the Department has made a reasonable attempt to notify the party who caused the hazardous substance discharge about that party's responsibilities to investigate and clean up the discharge.
4. WRDC agrees to avoid any interference with action undertaken to respond to the discharge and to avoid actions that worsen the discharge.
5. WRDC agrees to any other condition that the Department determines is reasonable and necessary to avoid actions that worsen the discharge.

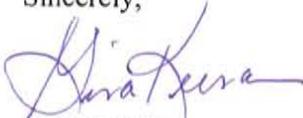
The Department may revoke the determinations made in this letter if it determines that any of the requirements under sections 292.13(1) or (1m), Wis. Stats, cease to be met.

Future property owners are eligible for the exemption under section 292.13, Wis. Stats., if they meet the requirements listed in the statute section. The determinations in this letter regarding a liability exemption, however, only applies to WRDC and may not be transferred or assigned to other parties. The

Department will provide a written determination to future owners of this property, if such a determination is requested in accordance with the requirements of section 292.13(2), Wis. Stats.

If you have any questions regarding this letter, please contact me at (414) 263-8589.

Sincerely,



Gina Keenan
Hydrogeologist

cc: Midwest Engineering Service, Inc.
SER case file

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.

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.

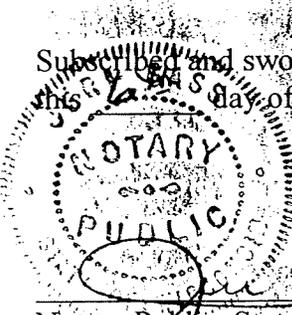
Any person who is or becomes owner of the property described herein may request that the Wisconsin Department of Natural Resources or its successor issue a determination that the restrictions set forth in this covenant are no longer required. Upon receipt of such a request, the Wisconsin Department of 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.

IN WITNESS WHEREOF, the owner of the property has executed this Declaration of Restrictions, this 6th day of January, 2000.

WAUKESHA REALTY DEVELOPMENT CORP.

By: Ty R. Taylor
Ty R. Taylor
President

Subscribed and sworn to before me
this 6th day of January, 2000.

 A circular notary seal for a Notary Public in the State of Wisconsin. The seal contains the text "NOTARY PUBLIC" and "STATE OF WISCONSIN".
[Signature]
Notary Public, State of Wisconsin
My commission 8-27-00

This document was drafted by Ty R. Taylor

Legal Description:**PARCEL I**

All that part of Lot 1, Block "L" of the Plat of Northwest Addition to Prairieville, now City of Waukesha, described as follows, to-wit: Commencing at the Southeast corner of Lot 1; thence Northwesterly along the East line of said Lot 1, 1.5 feet to the Northeast corner of Schley's store building; thence Southwesterly and along the Northwesterly wall of said store building, 6 feet to a point in the South line of said Lot 1; thence Northeasterly along said Lot 1, 6 feet to the Southeast corner of said Lot 1, the place of beginning.

PARCEL II

Lot 2, in Block "L" of the Plat of the Northwest Addition to Prairieville, now City of Waukesha, according to the recorded Plat thereof, excepting and reserving therefrom parcel conveyed by Jacob C. Schley and wife to Mary J. Muckleston by Warranty Deed dated March 9, 1911 and recorded in the Register of Deeds office for Waukesha County, on April 12, 1911, in Volume 130 of Deeds, on Page 404.

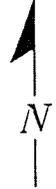
Further excepting therefrom that parcel conveyed to the City of Waukesha by Warranty Deed dated June 3, 1969 and recorded in the Register of Deeds office for Waukesha County, in Volume 1166 of Deeds, on Page 296, as Document No. 743708.

PARCEL III

All that part of Lot 3, in Block "L" of the Plat of the Northwest Addition to Prairieville, now City of Waukesha, described as follows: Commencing at the Northeast corner of said Lot on St. Paul Avenue, and running Northwesterly on the line between said Lot 3 and Lot 2 in said Plat, 60 feet; thence running Southwesterly 12 feet; thence running Southeasterly 60 feet parallel with said line of said Lots, to said St. Paul Avenue; thence running Northeasterly 12 feet to the place of beginning, on the line of said St. Paul Avenue.



Milwaukee and Waukesha County Map, Milwaukee Map Service, 1995 Edition



<p>midwest engineering services, inc.</p>	<p>Professional Auto Repair Service Waukesha, Wisconsin</p>	<p>Project Number: 7-51068</p>
	<p>SITE LOCATION</p>	<p>Date: 1/10/97</p>

FIGURE 1

**TABLE 1
SUMMARY OF SOIL SAMPLE ANALYSIS
Professional Auto Repair Services Property**

Boring	Depth (ft)	PID Value (ppm)	Laboratory Analysis (ppm)										
			GRO	DRO	Petroleum Volatile Organic Compounds (ppm)								
					1,2,4-Trimethylbenzene	1,2-Dichloroethane	1,3,5-Trimethylbenzene	Benzene	Ethylbenzene	MTBE	Total Xylenes	Toluene	
TP-1	3-3.5	ND	-	-	-	-	-	-	-	-	-	-	-
	6-6.5	ND	-	-	-	-	-	-	-	-	-	-	-
	8-8.5	ND	-	-	-	-	-	-	-	-	-	-	-
	10-10.5	ND	-	-	-	-	-	-	-	-	-	-	-
	12-12.5	6	-	-	-	-	-	-	-	-	-	-	-
	13-13.5	180	410	97	10	<0.019	1.2	<0.016	2	<0.018	0.84	0.28	-
	15-15.5	105	<0.90	1.3	0.086	<0.020	0.015	<0.016	<0.015	<0.019	<0.052	<0.015	-
	17-17.5	130	-	-	-	-	-	-	-	-	-	-	-
	18-18.5	150	-	-	-	-	-	-	-	-	-	-	-
TP-2	14-14.5	200	390	160	14	<0.020	4	<0.016	2	<0.019	1.2	0.69	-
East Wall	19-19.5	132	1.7	<1.0	0.076	<0.019	0.021	<0.016	<0.015	<0.018	0.022	<0.015	-
TP-2 North Wall	4-4.5	ND	-	-	-	-	-	-	-	-	-	-	-
	7.5-8	ND	-	-	-	-	-	-	-	-	-	-	-
	10-10.5	ND	-	-	-	-	-	-	-	-	-	-	-
	12.5-13	5	-	-	-	-	-	-	-	-	-	-	-
	14-14.5	200	450	72	8.5	<0.020	2.3	<0.016	5	<0.018	1.78	0.61	-
	16.5-17	19	2.2	<1.1	0.046	<0.020	0.033	<0.016	<0.015	<0.018	0.03	<0.015	-
	19-19.5	120	-	-	-	-	-	-	-	-	-	-	-
TP-3	4-4.5	ND	-	-	-	-	-	-	-	-	-	-	-
	7-7.5	ND	-	-	-	-	-	-	-	-	-	-	-
	10.5-11	ND	-	-	-	-	-	-	-	-	-	-	-
	14-14.5	200	28	8.3	0.43	<0.020	0.12	<0.016	0.15	<0.019	0.101	<0.015	-
	16.5-17	200	-	-	-	-	-	-	-	-	-	-	-
	19-19.5	154	8.4	2.3	0.27	<0.020	0.066	<0.017	0.014	<0.019	0.053	<0.016	-
B-2	2-4	NR	-	-	-	-	-	-	-	-	-	-	-
	4.5-6.5	NR	-	-	-	-	-	-	-	-	-	-	-
	7-9	ND	-	-	-	-	-	-	-	-	-	-	-
	9.5-11.5	ND	-	-	-	-	-	-	-	-	-	-	-
	12-14	200	140	NA	<0.028	NA	<0.026	<0.015	<0.016	0.04	2	<0.022	-
	15-17	NR	-	-	-	-	-	-	-	-	-	-	-
	18-20	ND	-	-	<0.028	NA	<0.026	<0.015	<0.016	<0.037	0.46	<0.022	-
DNR Enforcement Levels			100	100	--	0.0049	--	0.0055	2.9	--	4.1	1.5	

NOTES:

Shaded areas indicate exceedance of DNR NR700 Guidelines

<x = compound not detected to a method limit of x

-- = no standard established

ND = Not Detected

- = Not Tested

**TABLE 2
SUMMARY OF GROUNDWATER SAMPLE ANALYSIS
Professional Auto Repair Services**

Well	Date Collected	Laboratory Analysis (ppb)									
		Lead	Benzene	Ethyl-benzene	PCE	1,1,1-Trichloro ethene	TCE	1,2,4-Trimethyl benzene	1,3,5-Trimethyl benzene	Xylenes	Toluene
		MW-1	4/15/97	<1.5	16	<0.50	14	1.5	+1.3	2.8	1.3
	9/24/97	<1.5	+1.5	<0.50	16	2	+1.0	<1.0	<1.0	<0.50	<0.50
	1/29/98	NA	<0.50	<0.50	12	0.53	+0.69	<1.0	<1.0	<0.50	<0.50
	4/28/98	NA	<0.50	<0.50	NA	NA	NA	<1.0	<1.0	<0.50	<0.50
MW-2	4/15/97	<1.5	17	<0.50	12	1.8	+1.7	<1.0	<1.0	<0.50	0.78
	9/24/97	<1.5	+2.1	<0.50	9.9	2.3	+1.6	1.4	<1.0	0.56	<0.50
	1/29/98	NA	<0.50	<0.50	15	1.2	+1.3	1.6	<1.0	0.87	<0.50
	4/28/98	NA	<0.50	<0.50	NA	NA	NA	1.1	<1.0	0.60	0.60
SUMP	8/22/96	+2.4	<1.6	<1.9	<2.5	<1.9	<2.4	<1.7	<2.0	<3.9	<1.7
	4/15/97	NA	<0.50	<0.50	<0.50	<0.50	<0.50	<1.0	<1.0	<0.50	<0.50
	9/24/97	+5.9	<0.50	<0.50	NA	NA	NA	<1.0	<1.0	<0.50	<0.50
	1/29/98	NA	<0.50	<0.50	<0.50	<0.50	<0.50	<1.0	<1.0	<0.50	<0.50
	4/28/98	NA	<0.50	<0.50	NA	NA	NA	<1.0	<1.0	<0.50	<0.50
Trip Blank	4/28/98	NA	<0.50	<0.50	NA	NA	NA	<1.0	<1.0	<0.50	<0.50
DNR ES		15	5	700	5	200	5	-	-	620	343
DNR PAL		1.5	0.067	140	0.067	40	0.067	-	-	124	68.6

NOTES:

NA = Not Analyzed

<x = compound not detected to a detection limit of x

MTBE = Methyl-Tert-Butyl-Ethylene

DNR ES = NR140 Enforcement Standard

DNR PAL = NR 140 Preventive Action Limit

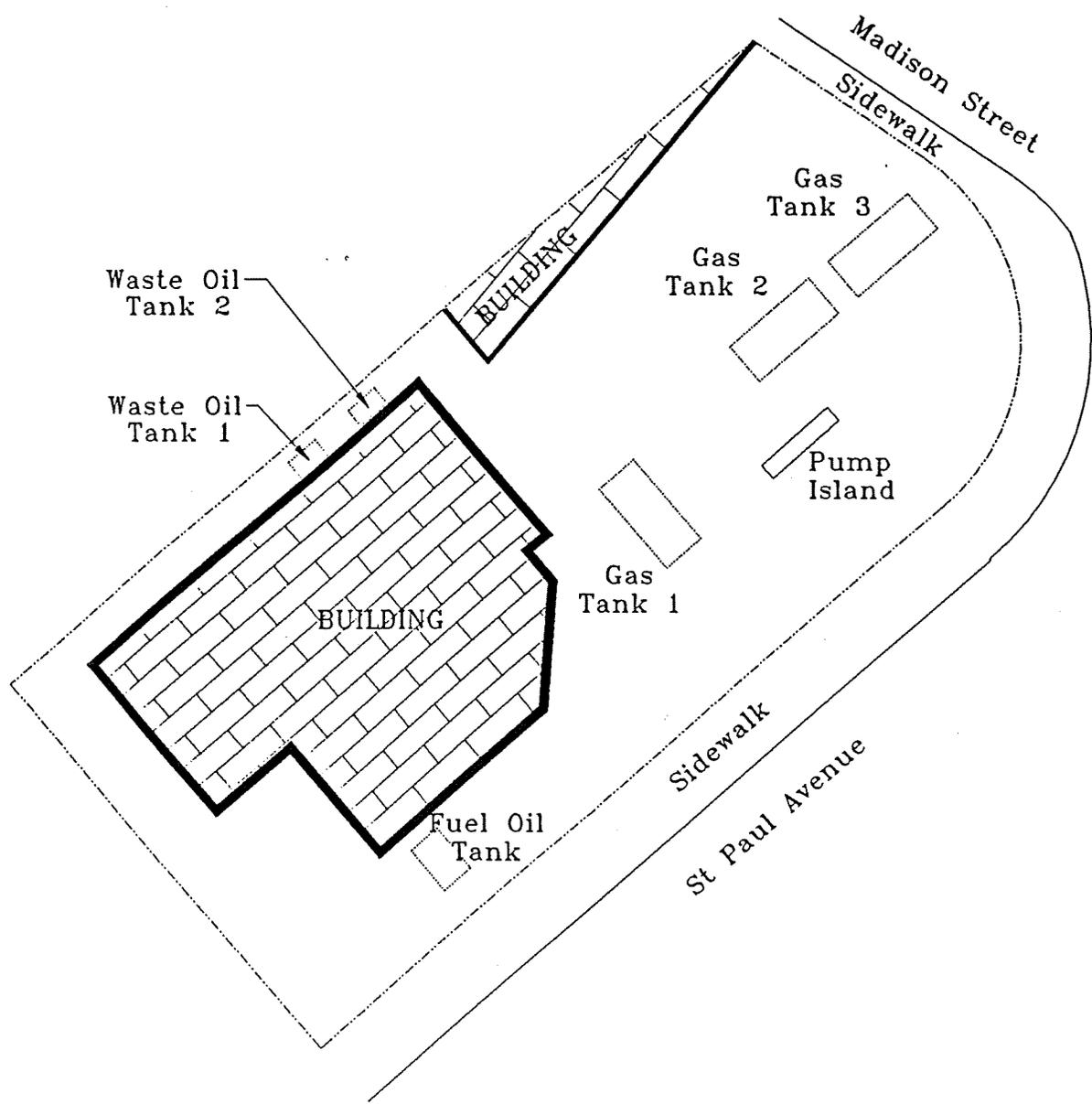
PCE = Tetrachloroethene

TCE = Trichloroethene

- = No Standard Established

+ = Concentrations Exceed DNR PAL

Shaded areas indicate concentrations above the DNR ES



Former Underground Storage Tank

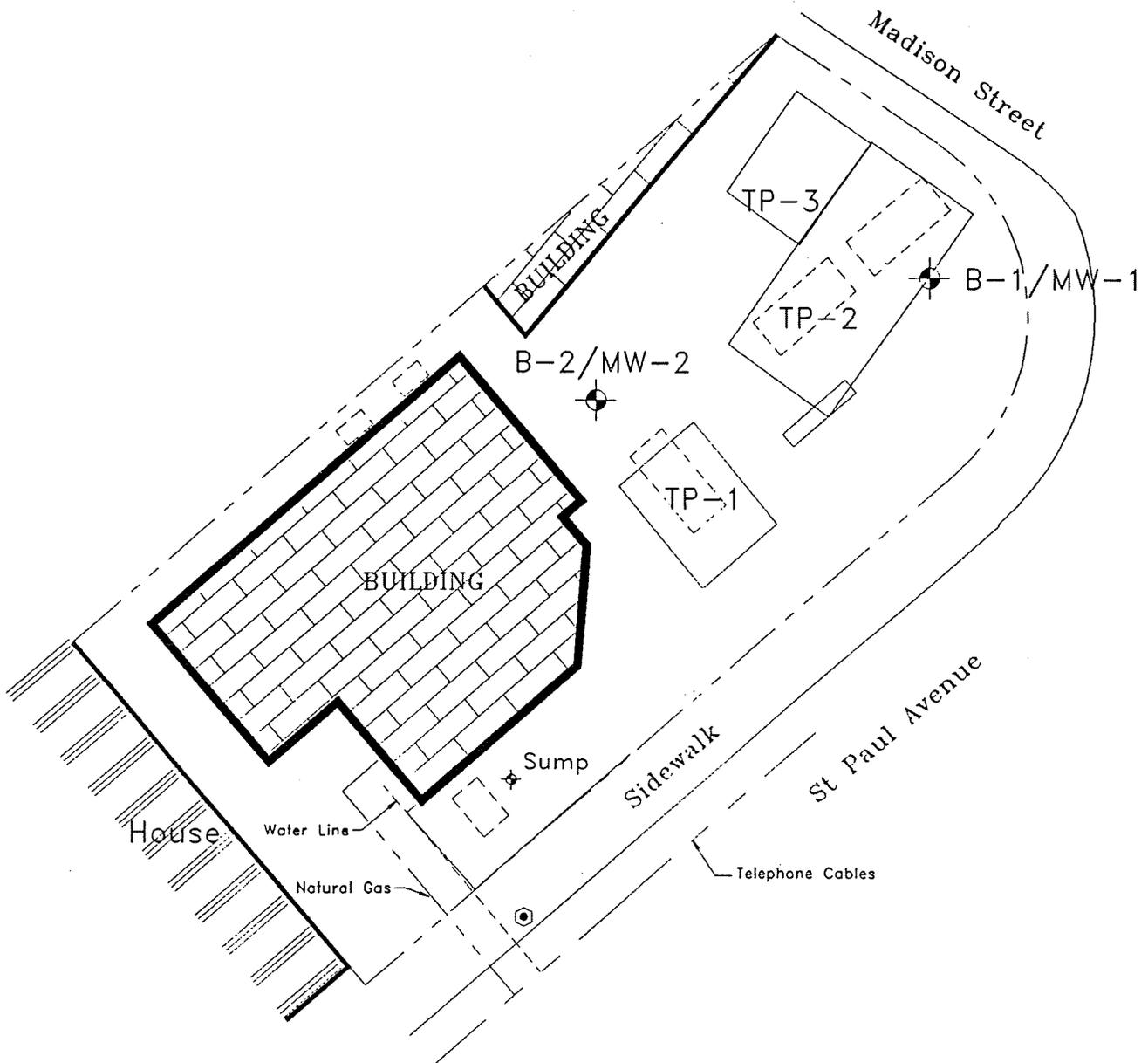


Professional Auto Repair Service
Waukesha, Wisconsin

SITE LAYOUT DIAGRAM

Scale: 1" = 20'
Project Number: 7-51068
Date: 1/10/97
Drawn By: DAT

Figure 2



-  Former UST
-  Fire Hydrant



Professional Auto Repair Service
Waukesha, Wisconsin

Soil Boring and Test Pit Locations

Scale: 1" = 20'

Project Number: 7-51068

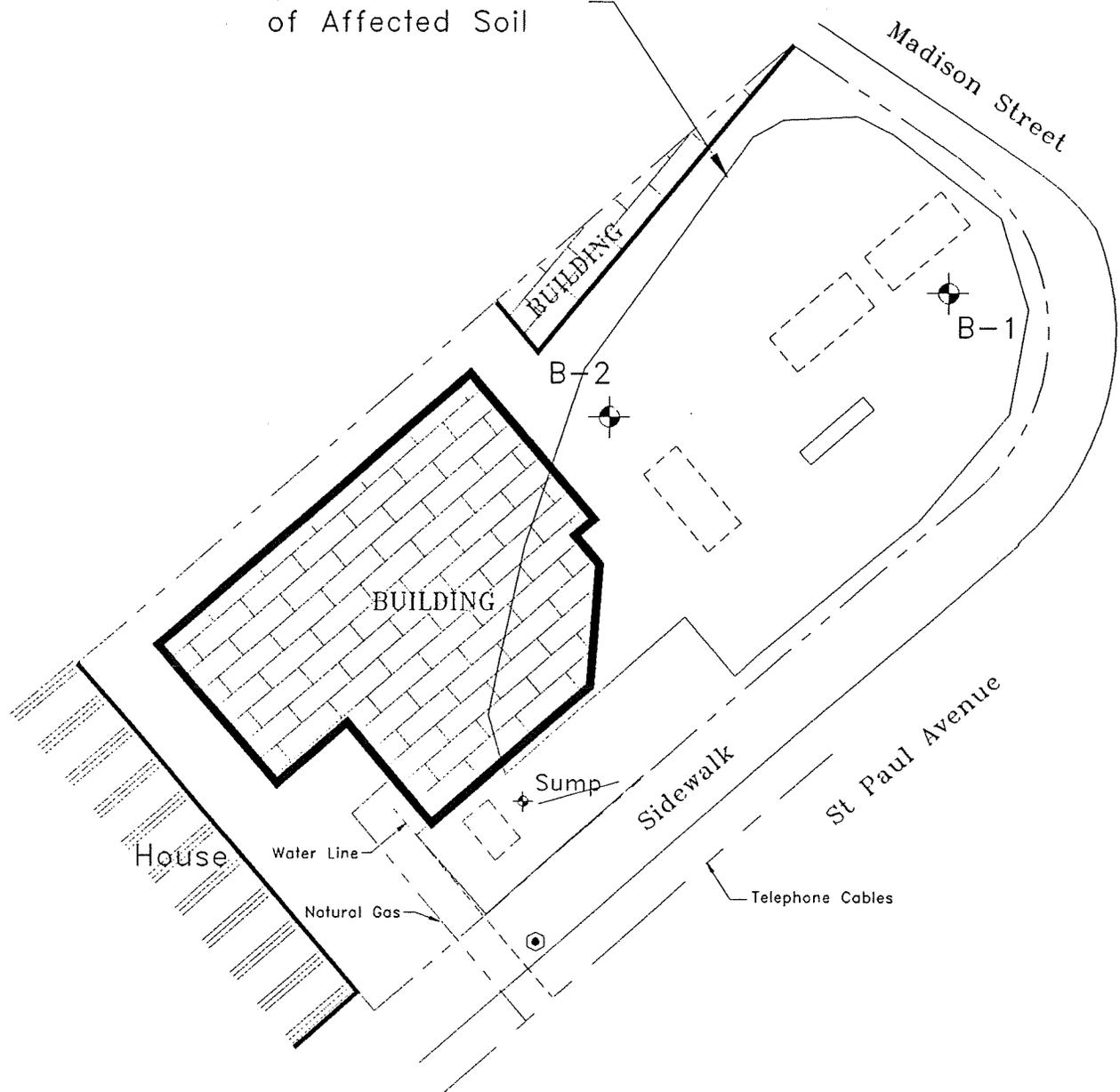
Date: 2/21/97

Drawn By: DAT

Figure 3



Approximate Extent
of Affected Soil



-  Former UST
-  Fire Hydrant

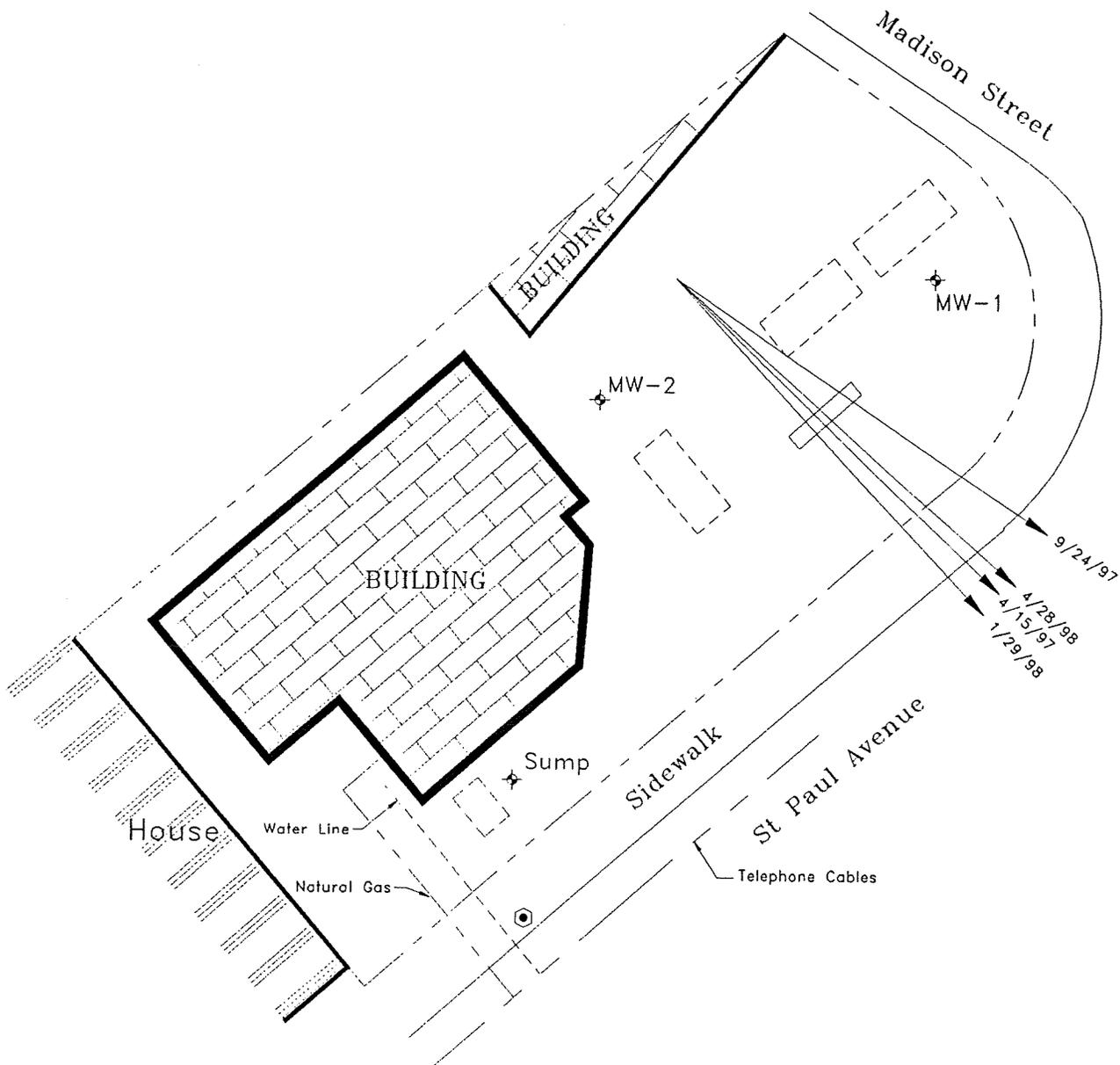
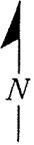


Professional Auto Repair Service
Waukesha, Wisconsin

APPROXIMATE EXTENT OF AFFECTED SOIL

Scale: 1" = 20'
Project Number: 7-51068
Date: 5/21/97
Drawn By: DAT

Figure 4



□ Former UST
● Fire Hydrant



Professional Auto Repair Service
Waukesha, Wisconsin

Groundwater Flow Diagram
of Several Measurement Dates

Scale: 1" = 20'
Project Number: 7-51068
Date: 6/19/98
Drawn By: DAT

Figure 5