

State of Wisconsin \ DEPARTMENT OF NATURAL RESOURCES

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

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

April 21, 1999

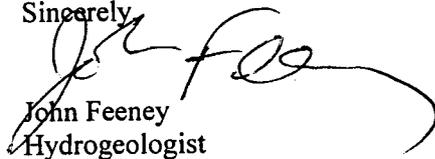
Jennifer Drury Buzucky
Whyte Hirschboeck Dudek S.C., Suite 2100
111 East Wisconsin Avenue
Milwaukee, WI 53202-4894

Dear Ms. Buzucky:

Subject: O'Connor Petroleum Express Mart, 407 South Rochester Street, Mukwanago, file
reference FID #268293190 RR-LUST, BRRTS #0368109125

Thank you for sending us a copy of the deed restriction for this property. The case is listed as closed in our records. If you have any questions about this letter, please call me at 414-229-0850.

Sincerely,



John Feeney
Hydrogeologist

cc: SER File

Declaration of Deed Restrictions

WHEREAS, O'Connor Petroleum, Inc. is the owner ("the Owner") of the property situated on South Rochester Street, in the Village of Mukwonago, Wisconsin all that part of Lots 2, 3 and 6 in Block 19 in the original plat of Mukwonago and being West of the West Line of South Rochester Street, being in the SE 1/4 of Section 26, T 5 N, R 18 E, in the Village of Mukwonago, Waukesha County, Wisconsin (the "Property"); and

WHEREAS, soils impacted with petroleum constituents exist on that portion of the Property identified as the cross-hatched area on Exhibit A as being SUBJECT TO DEED RESTRICTION ("the Portion"), which is attached and incorporated by reference herein; and

WHEREAS, the Owner hereby intends to impose on the Portion restrictions which, if imposed, will make it unnecessary, under Wisconsin Department of Natural Resources ("DNR") regulations and procedures, to conduct further soil remediation activities on the Property at the present time.

NOW THEREFORE, the Owner hereby declares that the Portion is held and shall be held, conveyed or encumbered, leased, rented, used, occupied and improved subject to the following limitation and restriction:

Any excavation or grading activities on the Portion must handle all soils in accordance with DNR Chapter NR 718, Wisconsin Administrative Code and removal of any paved surface on the Portion must be replaced with either a paved surface or surface covered with asphalt or structures. Any replacement of paved surfaces on the Portion with permeable materials shall require prior written approval of the DNR or its successors.

This restriction is hereby declared to be a covenant running with the land and shall be binding upon all persons acquiring the above-described property whether by descent, devise, purchase or otherwise. This restriction inures to the benefit of, and is enforceable by, the DNR or its successors. The DNR, or its successors, 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 DNR or its successors 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 DNR shall determine whether the restrictions contained herein can be extinguished.

(Signature and Acknowledgment Page Follows)

REGISTER'S OFFICE
WAUKESHA COUNTY, WIS } SS
RECORDS DIV

98 OCT 26 PM 3:17
FILE 2769 PAGE 2196

Cheryl S. ...
REGISTER OF DEEDS

*pd
14/3*

THIS SPACE RESERVED FOR RECORDING DATA

This Instrument was drafted by and should be returned to:
Jennifer Drury Buzecky
Whyte Hirschboeck Dudek S.C.
111 E. Wisconsin Ave., Suite 2100
Milwaukee, WI 53202

Parcel I.D. No: - - - MOKU 1976-148

Exhibit A

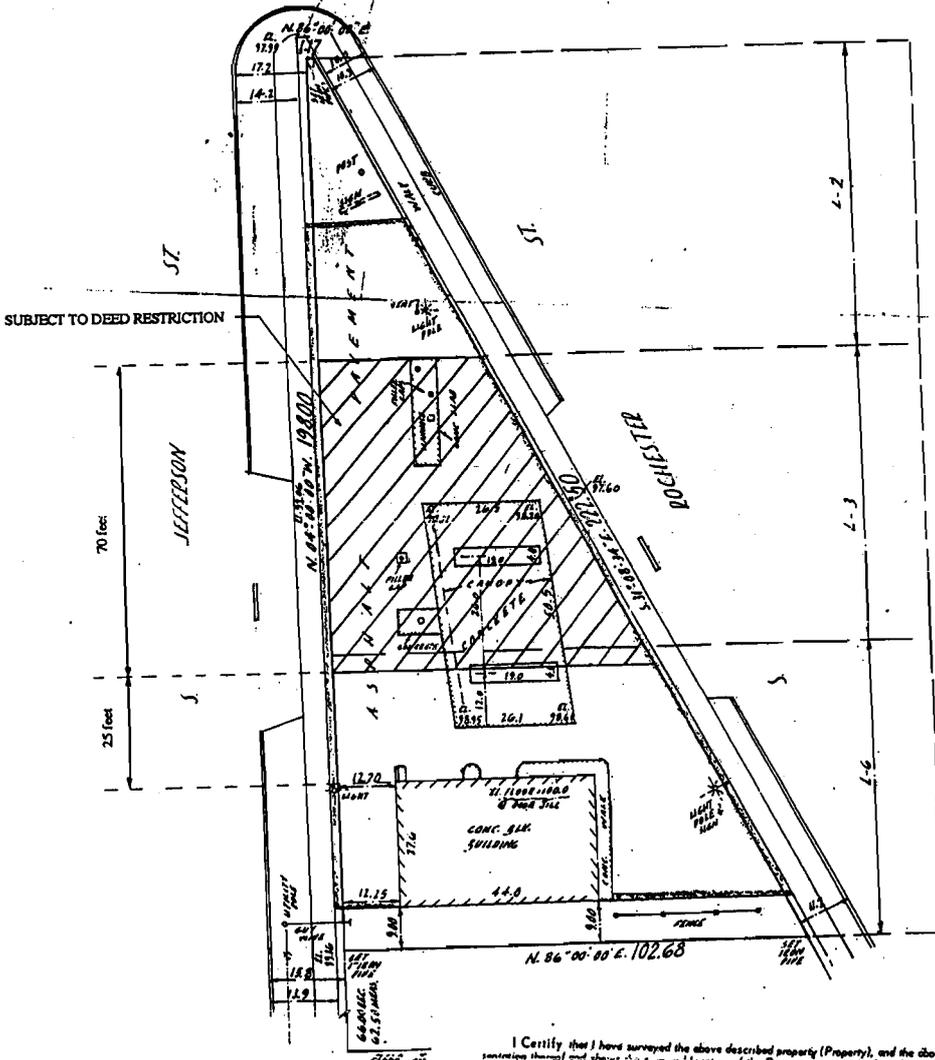
Plat of Survey

SITUATED ON SOUTH ROCHESTER STREET, IN THE VILLAGE OF MUKMONAGO, WISCONSIN ALL THAT PART OF LOTS 2, 3 AND 6 IN BLOCK 19 IN THE ORIGINAL PLAT OF MUKMONAGO AND BEING WEST OF THE WEST LINE OF SOUTH ROCHESTER STREET, BEING IN THE SE 1/4 OF SECTION 28, T 5 N., R 18 E., IN THE VILLAGE OF MUKMONAGO, WAUKESHA COUNTY, WISCONSIN.

JANUARY 02, 1991

O'CONNOR PETROLEUM COMPANY

SURVEY NO. 154013-S



SCALE 1"=20'

NOTE: ELEVATIONS SHOWN ARE REL. RELATED TO MUNICIPAL DATUM.

I Certify that I have surveyed the above described property (Property), and the above map is a true representation thereof and shows the size and location of the Property, its exterior boundaries, the location and dimensions of all visible structures thereon, boundary lines, apparent easements and roadways and visible encroachments, if any. This survey is made for the exclusive use of the present owners of the Property, and also those who purchase, mortgage, or guarantee the title thereto, within one (1) year from date hereof.

Harold E. Rude
SURVEYOR

 national survey & engineering
4125 north 124th street • Brookfield, Wisconsin, 53008-4444
phone 414 / 701-1000



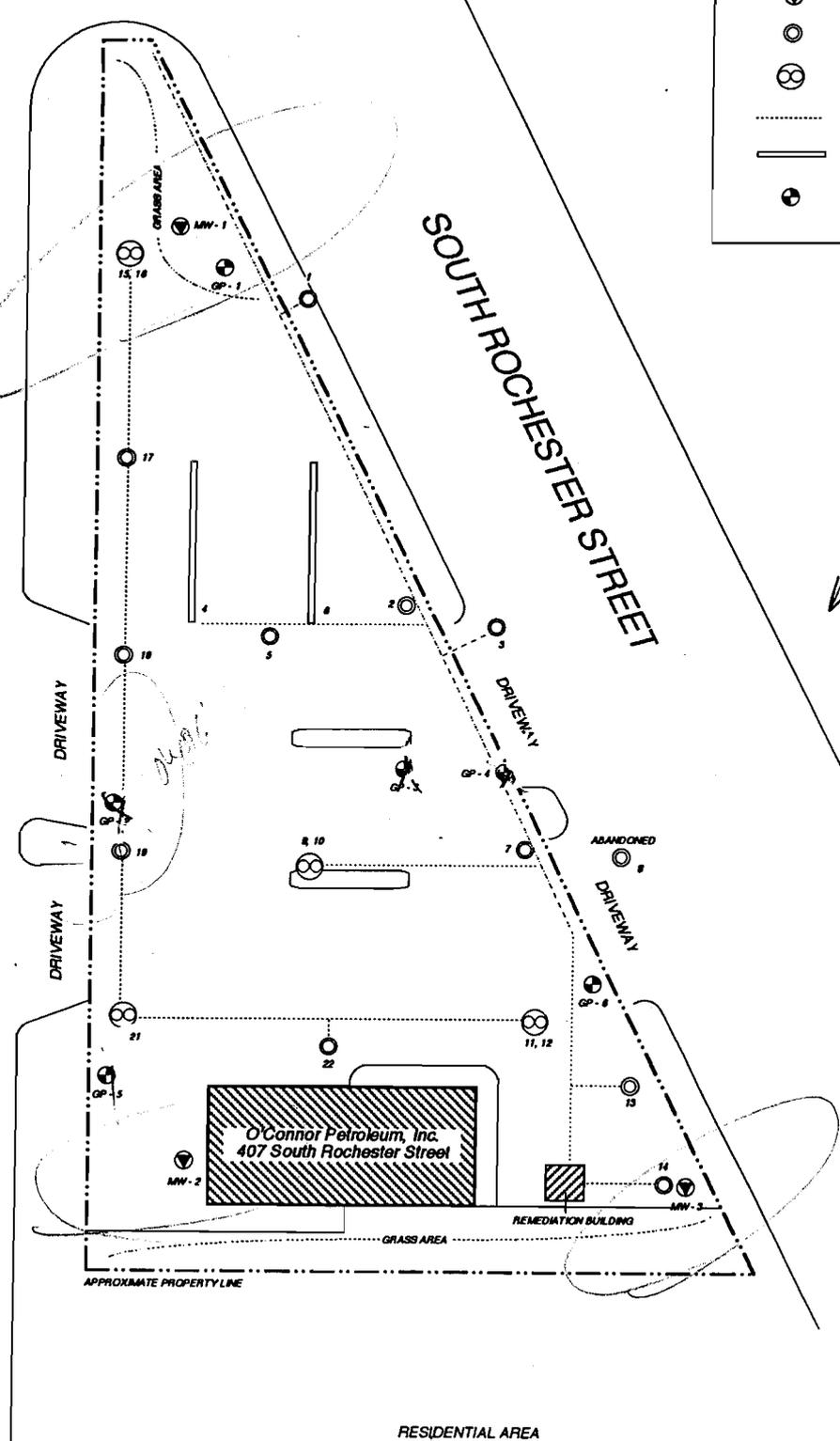
SOUTH JEFFERSON STREET

SOUTH ROCHESTER STREET

Legend:

- GROUNDWATER MONITORING WELL
- VAPOR EXTRACTION WELL
- NESTED VAPOR EXTRACTION WELLS
- PIPING RUNS
- HORIZONTAL VAPOR EXTRACTION WELL
- SOIL BORING LOCATION

← SW 27-29' b/s



PIONEER
ENVIRONMENTAL, INC.

Scale:	1" = 30'	Date:	August, 1996
Drawn by:	D. Zivoinovic	Checked by:	E. Termuehlen
Job No.:	WI95103		

Figure 1
Site Diagram
Geoprobe Soil Boring Locations
O'Connor Petroleum, Inc.
407 South Rochester Street
Mukwonago, Wisconsin

Table 3
Groundwater Analytical Results Summary
(ug/l)

Well #	Date	GRO	B	E	T	X	1,2,4-TMB	1,3,5-TMB	MtBE	1,2-DCA
MW-1	3/27/91	<100a	<1	<1	<1	<1	NA	NA	NA	NA
	5/18/94	<20	<0.3	<0.5	<0.5	<2	<0.5	<0.5	<1	<0.5
	12/13/94	NA	<1	<1	1.0	<3	<1	<1	<1	<1
	3/16/95	<50	<1	<1	<1	<3	<1	<1	<1	NA
	1/4/96	<50	<0.5	<1	<1	<3	<1	<1	<1	NA
	4/18/96	<50	2.7	<1	<1	<3	<1	<1	<1	<1
	8/9/96	<50	<0.5	<1	<1	<3	<1	<1	<1	<1
MW-2	3/27/91	970a	22	3.1	1.1	13	NA	NA	NA	NA
	5/18/94	40	0.63	<0.5	<0.5	<2	<0.5	<0.5	<1	1.2
	12/13/94	NA	<1	<1	<1	<3	<1	<1	<1	1.0
	3/16/95	<50	<1	<1	<1	<3	<1	<1	<1	NA
	1/4/96	<50	<0.5	<1	<1	<3	<1	<1	<1	NA
	4/18/96	<50	<0.5	<1	<1	<3	<1	<1	<1	NA
	8/9/96	<50	1.1	<1	<1	<3	<1	<1	<1	1.5
MW-3	3/27/91	470a	12	<1	2.7	<1	NA	NA	NA	NA
	5/18/94	<20	<0.3	<0.5	<0.5	<2	<0.5	<0.5	<1	<0.5
	12/13/94	NA	<1	1.0	1.2	<3	2.9	<1	<1	<1
	3/16/95	<50	<1	<1	<1	<3	<1	<1	<1	NA
	1/4/96	<50	<0.5	<1	<1	<3	<1	<1	<1	NA
	4/18/96	<50	<0.5	<1	<1	<3	<1	<1	<1	<1
	8/9/96	<50	<0.5	<1	<1	<3	<1	<1	<1	<1
Preventive Action Limit	NE	0.5	140	68.6	124	NE	NE	12	0.5	
Enforcement Standard	NE	5	700	343	620	NE	NE	60	5	

GRO = Gasoline Range Organics
 GROa = Analyzed as Total Hydrocarbons as Gasoline
 B = Benzene
 E = Ethylbenzene
 T = Toluene
 X = Total Xylenes
 1,2,4-TMB = 1,2,4-Trimethylbenzene
 1,3,5-TMB = 1,3,5-Trimethylbenzene
 MtBE = Methyl tert-butyl ether
 1,2-DCA = 1,2-Dichloroethane
 NA = Not Analyzed
 NE = No Enforcement Standard Established
 Shaded cells indicate an Enforcement Standard exceedance

Table 6
Soil Boring Analytical Results Summary
(ug/kg)

Boring #	GRO	B	E	T	X	1,2,4-TMB	1,3,5-TMB	MtBE	1,2-DCA
GP-1, 5	<5000	<25	<25	<25	<35	<25	<25	<25	<13
GP-2, 5	1,800,000	<500	11,000	1,900	28,000	73,000	87,000	<500	<260
GP-2, 6	<5000	<25	<25	<25	<35	<25	<25	<25	<13
GP-4, 4	<5,500	320	630	180	1,100	1,300	690	<28	<14
GP-5, 9	<5000	<25	<25	<25	<35	<25	<25	<25	<13
GP-6, 7	<5000	<25	<25	<25	<35	<25	<25	<25	<13
NR720 RCL	250,000a	5.5	2,900	1,500	4,100	NE	NE	NE	4.9

GRO = Gasoline Range Organics

B = Benzene

E = Ethylbenzene

T = Toluene

X = Total Xylenes

1,2,4-TMB = 1,2,4-Trimethylbenzene

1,3,5-TMB = 1,3,5-Trimethylbenzene

MtBE = Methyl tert-butyl ether

1,2-DCA = 1,2-Dichloroethane

RCL = Residual Contaminant Level Based on Protection of Groundwater (NR720.09(4) Table 1)

NE = No Residual Contaminant Level Established

Shaded cells indicate a Residual Contaminant Level Standard exceedance

GROa = Residual Contaminant Level assuming a hydraulic conductivity $< 1 \times 10^{-6}$ cm/s