



June 15, 2022

**CERTIFIED MAIL**

DAVID P HERRMANN  
2415 POPP LN  
BRILLION WI 54110

Subject: Notice of Non-Compliance: Action Required by July 15, 2022  
(Former) Citgo Express, 2626 Memorial Drive, Two Rivers, WI  
County Tax Parcel # 053-211-101-000.01  
BRRTS # 03-36-174861

Dear Mr. Herrmann:

Based on the Manitowoc County Tax Parcel Records, you are the current owner of the above referenced property in Two Rivers. The property was formerly operated as a gas station. A source of petroleum contamination was reported to Wisconsin Department of Natural Resources (DNR) as being present at the property in 1997 and the contamination case was subsequently closed in 2002 with residual contamination and property restrictions now commonly referred to as continuing obligations.

Continuing obligations are legal requirements designed to protect public health and the environment in regard to contamination that remains on a property. Continuing obligations still apply after a property is sold, so each new owner is responsible for complying with the obligations.

Continuing obligations for this property include residual soil and groundwater contamination and cap (barrier) maintenance. A deed restriction was recorded with the Manitowoc County Register of Deeds on June 20, 2002, for residual petroleum contamination in soil and a requirement to maintain the impervious paved areas and building footprints as a cap over the residual contamination. Residual groundwater contamination is present on-site and off-site.

This letter is to notify you that DNR recently received information that two areas of pavement are in disrepair and appear to only be gravel, as shown by the attached photos. These areas are required to be impervious to prevent infiltration of rainwater through the contaminated soil that remains on the property and potentially cause further contaminant migration. You are out of compliance with the requirement in the deed restriction; therefore, you are out of compliance with Wisconsin Statutes (Wis. Stat.) chapter 292 and Wisconsin Administrative Code (Wis. Admin. Code) chapters NR 700 through NR 754.

The Department is requesting that by July 15, 2022, you contact the DNR Project Manager, Tauren Beggs at (920) 510-3472 to discuss the necessary steps to return to compliance voluntarily and by August 15, 2022 provide an acceptable proposal and a timeline for repaving the gravel areas.

If voluntary compliance is not achieved, please be aware that the DNR may initiate enforcement action against you for failure to comply with Wis. Stat. chapter 292. Understand that you are in non-compliance and will remain in non-compliance until you fulfill all requirements of the statute. Failure to take the actions required by Wis. Stat. § 292.11 to address this contamination will cause the DNR to review this case for enforcement actions.

June 15, 2022  
Mr. David Herrmann  
Notice of Non-Compliance  
Citgo Express, BRRTS # 03-36-174861

Page 2 of 2

If you have any questions regarding the contamination case or the contents of this letter, please do not hesitate to write or call the DNR Project Manager, Tauren Beggs, at (920) 510-3472 or at [Tauren.Beggs@wisconsin.gov](mailto:Tauren.Beggs@wisconsin.gov). Thank you for your attention to this matter.

Sincerely,

A handwritten signature in blue ink, appearing to read "Roxanne N. Chronert".

Roxanne N. Chronert  
Team Supervisor, Northeast Region  
Remediation & Redevelopment Program

Attachments:

- Current Site Photos, 2022
- Final Case Closure letter, dated July 1, 2002
- Deed Restriction, recorded June 20, 2002
- Barrier Maintenance Plan, dated May 22, 2002

Current Site Photos, 2022



Former Underground Storage Tank (UST) and West Dispenser Area



Former East Dispenser Area



## State of Wisconsin \ DEPARTMENT OF NATURAL RESOURCES

Scott McCallum, Governor  
Darrell Bazzell, Secretary  
Ronald W. Kazmierczak, Regional Director

Northeast Region Headquarters  
1125 N. Military Ave., P.O. Box 10448  
Green Bay, Wisconsin 54307-0448  
Telephone 920-492-5800  
FAX 920-492-5913  
TTY 920-492-5912

July 1, 2002

Quality State Oil Co., Inc.  
Attn: Mr. Bernard Nowicki  
2201 Calumet Drive  
P.O. Box 848  
Sheboygan, WI 53082-0848

SUBJECT: Final Case Closure By Closure Committee With Conditions Met for the  
Citgo Express site, 2626 Memorial Drive, Two Rivers, Wisconsin  
WDNR BRRTS # 03-36-174861

Dear Mr. Nowicki:

On March 4, 2002, your site as described above was reviewed for closure by the Northeast 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 March 20, 2002, you were notified that the Closure Committee had granted conditional closure to this case.

On June 26, 2002, the Department received final correspondence indicating that you have complied with the conditions of closure (GIS registration, monitoring well abandonment, ROW notification & filed deed restriction). Based on the correspondence and data provided, it appears that your case has been remediated to Department standards in accordance with s. NR 726.05, Wis. Adm. Code. The Department considers this case closed on June 26, 2002, and no further investigation, remediation or other action is required at this time.

Your site will be listed on the DNR Remediation and Redevelopment GIS Registry of Closed Remediation Sites. Information that was submitted with your closure request application will be included on the registry. To review the sites on the GIS Registry web page, visit <http://gomapout.dnr.state.wi.us/org/at/et/geo/gwur/index.htm>

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 in Green Bay at (920) 492-5921.

Sincerely,

A handwritten signature in black ink, appearing to read "Keld Lauridsen", with a long horizontal flourish extending to the right.

Keld B. Lauridsen  
Hydrogeologist  
Remediation & Redevelopment Program

cc: Susan Knabe, Northern Environmental Technologies, Inc.,  
954 Circle Drive, Green Bay, WI 54304

907719



Document Number

DEED RESTRICTION

RECEIPT# 5979

\$17.00 MISC

STATE OF WISCONSIN  
MANITOWOC COUNTY  
PRESTON JONES  
REGISTER OF DEEDS  
RECEIVED FOR RECORD  
20 JUN 2002 8:45:28 AM

Declaration of Restrictions

In Re: That part of Lot Numbered Two (2) of the Subdivision of Government Lot Numbered One (1) of Section Numbered Eleven (11), Township Numbered Nineteen (19) North, Range Numbered Twenty-four (24) East, in the City of Two Rivers, included with the following boundaries, to wit:

Commence at a point where the line between said Lot 2 and Lot 1, in said Subdivision, intersects the Easterly line of the right-of-way of the Chicago & Northwestern Railway Company; thence Southwesterly along the Easterly line of said railroad company, 205 feet; thence Southeasterly on a line which will be at right angles with the Easterly line of State Trunk Highway 17; thence Northeasterly along the westerly boundary line of said State Trunk Highway to the point where it intersects the said line between Lot 1 and Lot 2 in said Subdivision; thence Northwesterly along said line between Lot 1 and Lot 2 in said subdivision back to the place of beginning.

*PLEASE NOTE EXHIBIT A (MAP) ATTACHED.*

Recording Area

Name and Return Address  
Mohamed Aziz Ahmed  
2626 Memorial Drive  
Two Rivers, WI 54241-3624

*17 ca 15 ca*

53-211-101-000-1  
Parcel Identification Number (PIN)

STATE OF WISCONSIN            )  
  ) ss  
COUNTY OF MANITOWOC        )

WHEREAS, Mohammed Aziz Ahmed and Hamida H. Ahmed, Husband and wife, are the owners of the above-described property.

WHEREAS, one or more petroleum discharges have occurred on this property.

Benzene contaminated soil remains at soil boring B900 at a concentration of 28 parts per billion (ppb) which is above the Wisconsin Administrative Code Chapter NR 720 Soil standard of 5.5 parts per billion for Benzene. Ethylbenzene contaminated soil remains at soil boring B1000 at a concentration of 29,000 ppb which is above the Wisconsin Administrative Code Chapter NR 746 Table 1 value of 4,600 ppb for Ethylbenzene. Naphthalene contaminated soil remains at soil boring B1000 at a concentration of 81,000 ppb which is above the Wisconsin Administrative Code Chapter NR 746 Table 1 value of 2,700 ppb for Naphthalene.

1,2,4-Trimethylbenzene contaminated soil remains at soil boring B1000 at a concentration of 240,000 ppb which is above the Wisconsin Administrative Code Chapter NR 746 Table 1 value of 83,000 ppb for 1,2,4-Trimethylbenzene. 1,3,5-Trimethylbenzene

contaminated soil remains at soil boring B1000 at a concentration of 94,000 ppb which is above the Wisconsin Administrative Code Chapter NR 746 Table 1 value of 11,000 ppb for 1,3,5-Trimethylbenzene. Toluene contaminated soil remains at soil boring B1000 at a concentration of 46,000 ppb which is above the Wisconsin Administrative Code Chapter NR 746 Table 1 value of 38,000 ppb for Toluene. Xylene contaminated soil remains at soil boring B1000 at a concentration of 390,000 ppb which is above the Wisconsin Administrative Code Chapter NR 746 Table 1 value of 42,000 ppb for Xylene. Refer to Exhibit A (Figure 3), attached and made part of this document for soil boring locations.

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 soil remediation activities on the property at the present time.

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:

A performance standard cap is required for all paved areas and building footprints on the property. The following activities are prohibited on that portion of the property described above where a cap or cover has been placed, unless prior written approval has been obtained from the Wisconsin Department of Natural Resources or its successor or assign: (1) Excavating or grading of the land surface; (2) Filling on the capped area; (3) Plowing for agricultural cultivation; and (4) Construction or installation of a building or other structure with a foundation that would sit on or be placed within the cap or cover. In addition, the cap or cover shall be maintained in compliance with a plan prepared and submitted to the Wisconsin Department of Natural Resources by a responsible party, as required by section NR 724.13(2), Wis. Adm. Code (1999).

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 inures to the benefit of 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 by the property



owner or other interested party to give notice that this deed restriction, or portions of this deed restriction, are no longer binding.

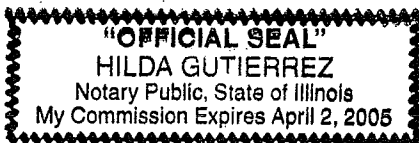
IN WITNESS WHEREOF, the owner of the property has executed this Declaration of Restrictions, this 29<sup>th</sup> day of May, 2002.

X Signature: Mohammed Aziz Ahmed  
Printed Name: MOHAMMED A. AHMED

WIFE X Signature: Hamida H Ahmed  
Printed Name: HAMIDA H. AHMED

Subscribed and sworn to before me  
this 29<sup>th</sup> day of May, 2002.

Hilda C Gutierrez  
Notary Public, State of IL  
My commission 4-2-2005

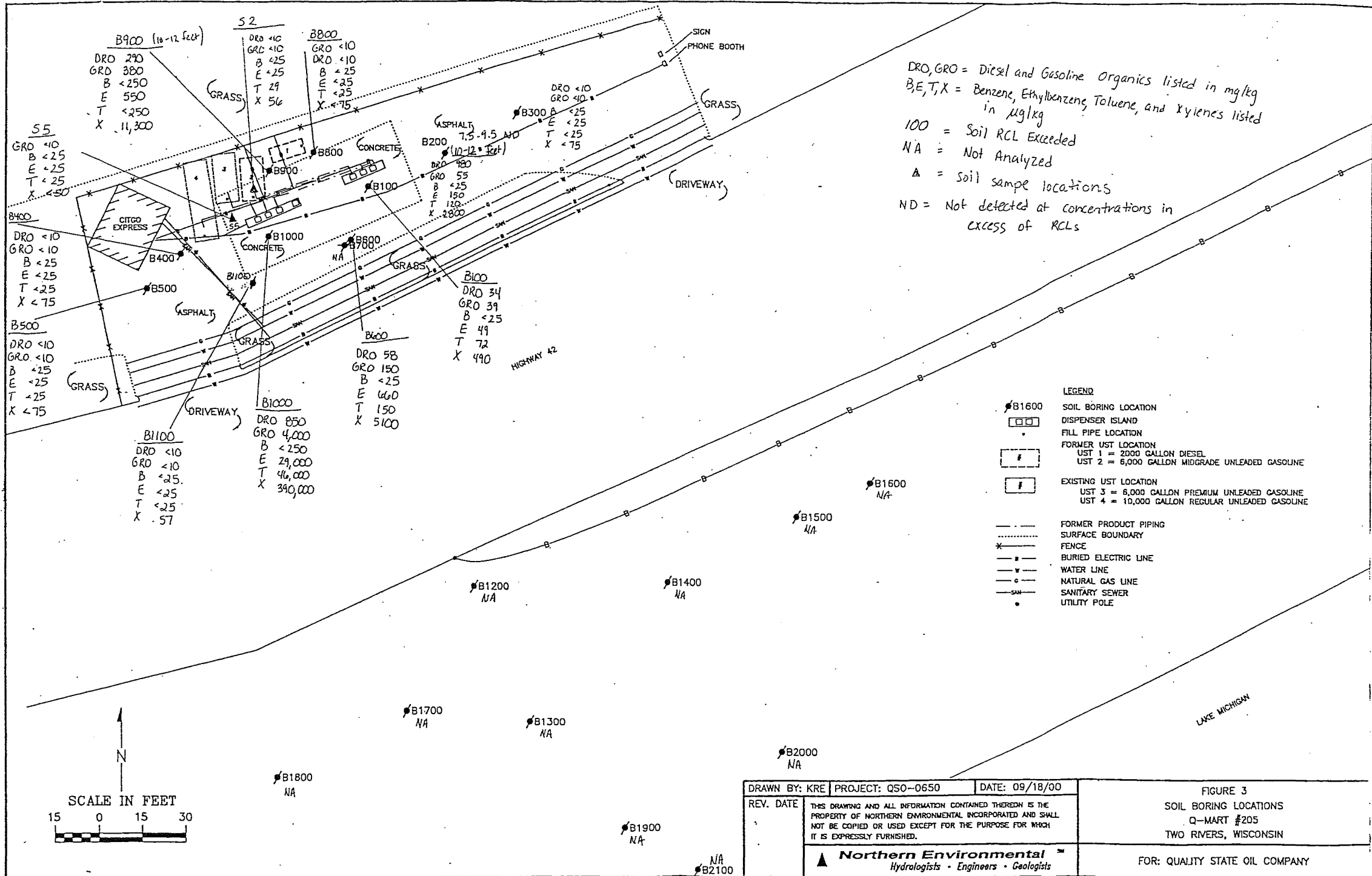
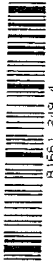


This document was drafted by the Wisconsin Department of Natural Resources based on information provided by Quality State Oil Company, Inc.

(1658-124)  
NOTE: THIS DEED RESTRICTION IS BEING RE-RECORDED DUE TO THE ABSENCE OF EXHIBIT A (MAP).







DRO, GRO = Diesel and Gasoline Organics listed in mg/kg  
 B, E, T, X = Benzene, Ethylbenzene, Toluene, and Xylenes listed in ug/kg  
 100 = Soil RCL Exceeded  
 NA = Not Analyzed  
 Δ = Soil sample locations  
 ND = Not detected at concentrations in excess of RCLs



May 22, 2002  
(QSO03-1408-0650)

Mr. Keld Lauridsen  
Wisconsin Department of Natural Resources  
Post Office Box 10448  
Green Bay, Wisconsin 54307-0448

Re: Barrier Maintenance Plan, QSO Quality Q-Mart #205, 2626 Memorial Drive, Two Rivers,  
Wisconsin; BRRTS #03-36-174861, PECFA Claim #54241-3624-26

Dear Mr. Lauridsen:

On behalf of Quality State Oil Co., Inc. and the new site owner, Mr. Mohommed Ahmed, Northern Environmental Technologies, Incorporated (Northern Environmental) is submitting a barrier maintenance plan as part of the case closure requirement for the property located at 2626 Memorial Drive, Two Rivers, Wisconsin (the Site).

**Maintenance Plan**

The existing asphalt barrier will be inspected on a quarterly basis by the Site owner. Paved areas will be examined for evidence of cracking, settling, potholes, erosion, and other damage. Damaged areas will be repaired within 30 days of discovery. A report describing the nature and extent of any damage to the barrier and subsequent repairs will be submitted to the Wisconsin Department of Natural Resources upon completion of these activities. Completed copies of written inspections will be maintained on-site. An example of the inspection form is enclosed.

We trust this information meets your needs. Please contact us at 920-592-8400 if you have any questions.

Sincerely,  
**Northern Environmental  
Technologies, Incorporated**

Lynelle P. Caine  
Project Manager

LPC/amk  
Enclosure

c: Mr. Bernie Nowicki, Quality State Oil Co., Inc.  
Mr. Mohammed Ahmed



**Quarterly Impermeable Barrier Inspection Report**  
**2626 Memorial Drive**  
**Two Rivers, Wisconsin**

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Date: \_\_\_\_\_ Weather \_\_\_\_\_

Inspected By: \_\_\_\_\_

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Observations of paved areas: \_\_\_\_\_

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Signature: \_\_\_\_\_

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY																
<ul style="list-style-type: none"> <li>Complete items 1, 2, and 3.</li> <li>Print your name and address on the reverse so that we can return the card to you.</li> <li>Attach this card to the back of the mailpiece, or on the front if space permits.</li> </ul>	<p>A. Signature  <input checked="" type="checkbox"/> Agent  <input type="checkbox"/> Addressee</p> <p>B. Received by (Printed Name)            David Herrmann</p> <p>C. Date of Delivery            6/2/22</p>																
<p>1. Article Addressed to:</p> <p>David P Herrmann            2415 Popp Ln            Brillion, WI 54110-9366</p>  <p>9590 9402 5897 0049 1510 92</p>	<p>D. Is delivery address different from item 1? <input checked="" type="checkbox"/> Yes            If YES, enter delivery address below: <input type="checkbox"/> No</p>																
<p>2. Article Number (Transfer from service label)</p>	<p>3. Service Type</p> <table border="0"> <tr> <td><input type="checkbox"/> Adult Signature</td> <td><input type="checkbox"/> Priority Mail Express®</td> </tr> <tr> <td><input type="checkbox"/> Adult Signature Restricted Delivery</td> <td><input type="checkbox"/> Registered Mail™</td> </tr> <tr> <td><input checked="" type="checkbox"/> Certified Mail®</td> <td><input type="checkbox"/> Registered Mail Restricted Delivery</td> </tr> <tr> <td><input type="checkbox"/> Certified Mail Restricted Delivery</td> <td><input type="checkbox"/> Return Receipt for Merchandise</td> </tr> <tr> <td><input type="checkbox"/> Collect on Delivery</td> <td><input type="checkbox"/> Signature Confirmation™</td> </tr> <tr> <td><input type="checkbox"/> Collect on Delivery Restricted Delivery</td> <td><input type="checkbox"/> Signature Confirmation Restricted Delivery</td> </tr> <tr> <td><input type="checkbox"/> Insured Mail</td> <td></td> </tr> <tr> <td><input type="checkbox"/> Insured Mail Restricted Delivery (over \$500)</td> <td></td> </tr> </table>	<input type="checkbox"/> Adult Signature	<input type="checkbox"/> Priority Mail Express®	<input type="checkbox"/> Adult Signature Restricted Delivery	<input type="checkbox"/> Registered Mail™	<input checked="" type="checkbox"/> Certified Mail®	<input type="checkbox"/> Registered Mail Restricted Delivery	<input type="checkbox"/> Certified Mail Restricted Delivery	<input type="checkbox"/> Return Receipt for Merchandise	<input type="checkbox"/> Collect on Delivery	<input type="checkbox"/> Signature Confirmation™	<input type="checkbox"/> Collect on Delivery Restricted Delivery	<input type="checkbox"/> Signature Confirmation Restricted Delivery	<input type="checkbox"/> Insured Mail		<input type="checkbox"/> Insured Mail Restricted Delivery (over \$500)	
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<input type="checkbox"/> Insured Mail																	
<input type="checkbox"/> Insured Mail Restricted Delivery (over \$500)																	
<p>PS Form 3811, July 2015 PSN 7530-02-000-9053 <span style="float: right;">Domestic Return Receipt</span></p>																	

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Brillion, WI 54110-9366	

PS Form 3800, April 2015 PSN 7530-02-000-8047 See Reverse for Instructions

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