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## CLIENT MEMORANDUM

CONFIDENTIAL ATTORNEY/CLIENT COMMUNICATION

MASTER FILE COPY  
PROJECT N734  
DU: GJD

To: Gerald DeMers

Author: Raymond M. Roder

Date: January 16, 2001

Client: City of Ripon (20389)

Subject: Restrictions to Prevent Damage to Landfill Cap and On the Use of  
Groundwater for Drinking by Neighboring Property Owners

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Enclosed is a copy of the Deed Restriction which was filed by the owner of the FF/NN Landfill and which is on record with the Fond du Lac County Register of Deeds. I expect that if you provide USEPA's Bernard Schorle a copy of this Deed Restriction, it will answer his question whether an agreement not to disturb the cover system or other remediation/monitoring equipment at the Landfill is in place.

Based on our file search there are no deed restrictions that prohibit the construction of water supply wells on neighboring properties, including the former residential property owned by the Bosvelds but now owned by the City of Ripon. (Other than the Bosveld property, which is immediately south of the Landfill, all other neighboring properties within a third of a mile are either farmland or quarry.)

The Bosveld property had a water supply well (which replaced another water supply well that was properly abandoned). The Bosveld well was properly abandoned in 1990, following acquisition of the Bosveld property by the City of Ripon. (The Bosveld residence has been moved from the site.) A copy of the completed well abandonment form is attached.

As you know, the safeguard against construction of water supply wells (where none exist currently) is found in sec. NR 504.04(3)(f), Wis. Admin. Code which prohibits the constructing (drilling) of a water supply well within 1,200 feet of the fill area of a landfill. Well drillers are aware of this provision as is the City of Ripon. The fill in the FF/NN Landfill apparently reaches the property line with the former Bosveld property in several locations.

I expect that when Mr. Schorle is apprised of the full picture regarding neighboring properties and the absence of water supplies within the 1,200 foot buffer, he will be satisfied that there are sufficient practical and institutional controls protecting members of the public from being exposed to contaminated groundwater being discharged from the FF/NN Landfill.

Please let me know, after contact with Mr. Schorle, if and how these issues have been resolved.

#### Attachments

cc Nelson Olavarria (w/attachments)  
Phil Hoopman (w/attachments)  
Ludwig Wurtz (w/o attachments)

624756

DECLARATION OF RESTRICTIONS

Document Number

Document Title

Declaration of Restrictions

In Re: A parcel of land in the SE Quarter (¼) of Section 7, Township 16N, Range 14E, Town of Ripon, Fond du Lac County, Wisconsin, that is known as the Ripon FF/NN Landfill, more particularly described as:

Lot 1 of C.S.M. 3634 recorded in Volume 20 of Certified Survey Maps of Fond du Lac County at Pages 33 and 33A as Document No. 459730.

State of Wisconsin  
County of Fond du Lac ss

WHEREAS, Arline Sauer is the owner of the above-described property upon which is located a landfill commonly known as the Ripon FF/NN Landfill. This landfill accepted municipal and industrial wastes between 1967 and 1983;

WHEREAS, it is the desire and intention of the property owner to impose on the property restrictions which are consistent with the Record of Decision for this property that was signed by the Secretary of the Wisconsin Department of Natural Resources on February 26, 1996 and which will make it unnecessary to conduct further environmental remediation activities on the above-described property at the present time; and

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 limitations and restrictive covenants:

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VOL 1336 PAGE 217-219

97 OCT 21 AM 8:18

*Mary L. Bristol*

REGISTER OF DEEDS  
FOND DU LAC COUNTY, WI

Recording Area

Name and Return Address

David Goluba  
Attorney at Law  
P.O. Box 261  
Ripon, WI 54971

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T17-16-14-07-16-004-00

Parcel Identification Number

- (1) No water wells, other than groundwater monitoring wells or leachate extraction wells, shall be located on the above-described property.
- (2) The following activities are prohibited on the above-described property, unless prior written approval has been obtained from the Wisconsin Department of Natural Resources or its successor or assign: (1) Excavation of the landfill cover or any waste materials, grading of the land surface, or filling on the capped area, except for those activities necessary to maintain the landfill cover; (2) Use of the waste disposal area for agricultural purposes; (3) Construction or installation of buildings or other structures over the waste disposal area. Landfill cover maintenance activities may include mowing, fixing soil erosion problems and fixing problems that may develop with the passive landfill gas venting system.
- (3) The property owner shall not use the above-described property or take any other action that may damage or impair the effectiveness of any remedial action component constructed for or installed pursuant to the above-referenced Record of Decision (including the landfill cover and the passive gas venting system) nor otherwise interfere with the performance of remedial work required by the above-referenced Record of Decision.

These restrictions are 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 are 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 restrictive covenant, to prevent the proposed violation or to recover damages for such violation.

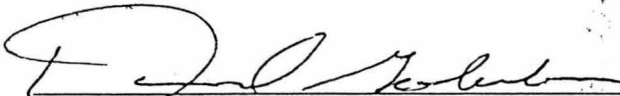
Any person who is or becomes owner of the property described above may request that the Wisconsin Department of Natural Resources or its successor issue a determination that one or more of the restrictions set forth in this restrictive covenant is no longer required. Upon the receipt of such a request, the Wisconsin Department of Natural Resources shall determine whether or not the restrictions contained herein can be modified or terminated.

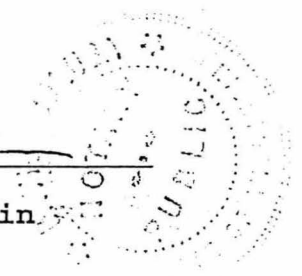
IN WITNESS WHEREOF, the owner of the property has executed this Declaration of Restrictions, this 4<sup>th</sup> day of June, 1997.

  
\_\_\_\_\_  
Arline Sauer

Subscribed and sworn to before me this 4<sup>th</sup> day of June, 1997 by Arline Sauer.

My commission is permanent.

  
\_\_\_\_\_  
Notary Public  
Fond du Lac County, Wisconsin



This document was drafted by:  
David Goluba  
Attorney at Law  
State Bar No.: 01019274  
P.O. Box 261  
Ripon, WI 54971  
Telephone: (414) 748-5001

Copy Sent - Phil Deaton 100 - JACKSON Ripon 8/30/90  
 - Chris Zoppa 100 - JACKSON Ripon 1/16/91

State of Wisconsin  
 Department of Natural Resources

WELL/DRILLHOLE ABANDONMENT  
 Form 3300-5 Rev. 6-87

(1) GENERAL INFORMATION		(2) FACILITY NAME	
Well/Drillhole Location	County <i>Fond Du Lac</i>	Original Well Owner (If Known)	
(If applicable) NE 1/4 of NE 1/4 of Sec. 18; T. 16 N; R. 14		Present Well Owner <i>Kenneth Roswald</i>	
Gov't Lot	Grid Number	Street or Route <i>N 8863 Knox Rd</i>	
Civil Town Name <i>Ripon</i>		City, State, Zip Code <i>Ripon Wis 54971</i>	
Street Address of Well <i>N 8863 Knox Rd</i>		Well Number and/or Name (If Applicable) <i>C.B. 577</i>	
City, Village		Reason For Abandonment <i>Well is discontinued</i>	
Date of Abandonment <i>7/12/90</i>			

WELL/DRILLHOLE INFORMATION

(3) Original Well/Drillhole Construction Completed on (Date) <i>6/2/89</i>		(4) Depth to Water (Feet) <i>55</i>	
<input checked="" type="checkbox"/> Water Well Drillhole	Construction Report Available? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Pump & Piping Removed? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Not Applicable	Liner(s) Removed? <input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> Not Applicable
Construction Type: <input checked="" type="checkbox"/> Drilled <input type="checkbox"/> Driven (Sandpoint) <input type="checkbox"/> Dug <input type="checkbox"/> Other (Specify)	Well Type: <input type="checkbox"/> Unconsolidated Formation Well <input checked="" type="checkbox"/> Bedrock Well	Screen Removed? <input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> Not Applicable	Casing Left in Place? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Total Well Depth (ft.) <i>350</i> Casing Diameter (ins.) <i>6"</i>		Was Casing Cut Off Below Surface? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Did Sealing Material Rise to Surface? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Casing Depth (ft.) <i>301</i>		Did Material Settle After 24 Hours? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	If Yes, Was Drillhole Retopped? <input type="checkbox"/> Yes <input type="checkbox"/> No
Was Well Annular Space Grouted? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Unknown	If Yes, To What Depth? <i>301</i> Feet	(5) Required Method of Placing Sealing Material <input type="checkbox"/> Conductor Pipe-Gravity <input checked="" type="checkbox"/> Conductor Pipe-Pumped <input type="checkbox"/> Dump Bailer <input type="checkbox"/> Other (Explain)	
		(6) Acceptable Sealing Materials <input checked="" type="checkbox"/> Neat Cement Grout; Concrete Grout; Concrete; Clay Slurry; Sodium Bentonite Slurry	

(7) Kind of Sealing Material	From (Ft.)	To (Ft.)	No. Yards or Sacks Sealant	Mix Ratio or Mud Weight
<i>Neat Cement Grout</i>	Surface	<i>350</i>	<i>68</i>	

(8) Comments:

(9) Name of Person or Firm Doing Sealing Work  
*Central Well Drilling*

Signature of Person Doing Work <i>Tom D...</i>	Date Signed <i>7/12/90</i>
Street or Route <i>Box 405</i>	Telephone Number <i>(414) 346-5114</i>
City, State, Zip Code <i>Ripon Wis 53919</i>	

(10) FOR DNR OR COUNTY USE ONLY

Date Received/Inspected	District/County
Reviewer/Inspector	
Follow-up Necessary	