

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 5**

**In the Matter of:**

**City of Milwaukee**  
200 East Wells Street, 2<sup>nd</sup> Floor  
Milwaukee, WI 53202

**CONSENT AGREEMENT  
and  
FINAL ORDER**

**Docket No.**

Proceedings Under Section 9006(a) of the  
Solid Waste Disposal Act, as amended,  
42 U.S.C. §6991e(a)

**Respondent.**

**CONSENT AGREEMENT**

**SECTION I - JURISDICTION AND AUTHORITY**

1. This civil administrative action is commenced and settled in accordance with the authority vested in the Administrator of the United States Environmental Protection Agency (U.S. EPA) pursuant to section 9006 of the Solid Waste Disposal Act (SWDA), 42 U.S.C. § 6991e, and sections 22.1(a)(4), 22.13(b), and 22.18(b)(2) and (3) of the U.S. EPA's "Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties, and the Revocation, Termination or Suspension of Permits," (Consolidated Rules of Practice), 40 C.F.R. §§ 22.1(a)(4), 22.13(b), and 22.18(b)(2) and (3).

2. The Administrator of the U.S. EPA subsequently delegated this authority to the U.S. EPA Regional Administrators.

3. The Regional Administrator, U.S. EPA, Region 5, has redelegated his authority to execute this Consent Agreement to the Chief of the Program Management Branch in the Waste, Pesticides and Toxics Division and has redelegated his authority to issue Final Orders to the Division Director of the Waste, Pesticides and Toxics Division.

4. The Respondent is the City of Milwaukee, a municipality organized under the laws of the State of Wisconsin.

5. The U.S. EPA and Respondent have agreed to settle this administrative action before the filing of an administrative complaint, before the taking of any testimony, and without adjudication of any issue of fact or law described herein.

6. This Consent Agreement, and its accompanying Final Order (CAFO), simultaneously commences and concludes this administrative penalty proceeding as provided by sections 22.13(b) and 22.18(b)(2) and (3) of the Consolidated Rules of Practice, 40 C.F.R. §§ 22.13(b) and 22.18(b)(2) and (3), for Respondent's alleged violations of sections 280.20(c)(1), 280.30(a), and 280.41(a) of the Underground Storage Tank (UST) Regulations.

## **SECTION II - APPLICABLE STATUTORY AND REGULATORY PROVISIONS**

7. The U.S. EPA promulgated regulations, codified at 40 C.F.R. Part 280, governing USTs in accordance with Section 9003 of SWDA § 6991b.

8. Respondent, City of Milwaukee, is a "person" as defined in 40 CFR §280.12, and is therefore subject to regulation under the SWDA.

9. Respondent is the "owner" and/or "operator" (as defined in 40 CFR §280.12) of the Second Police District, 245 W. Lincoln Ave, Milwaukee, WI 53207; the Sixth Police District, 3006 27th Street, Milwaukee, WI 53233; the Central Repair Garage, 2142 W. Canal Street, Milwaukee, WI 53233; the Northwest Garage, 3025 W. Ruby Ave, Milwaukee, WI 53202; and the Fire Department Engine #12, 1400 S. 9th Street, Milwaukee, WI 53204 where thirteen(13) petroleum underground storage tanks (USTs) are located, and is therefore subject to regulation under the SWDA.

10. Respondent is a municipality whose chief executive officer is Tom Barrett, Mayor, City of Milwaukee, 200 East Wells Street, 2<sup>nd</sup> Floor, Milwaukee, WI 53202.

11. 40 CFR §280.20(c)(1) requires owners and operators of petroleum underground storage tanks to install overfill prevention system in new tanks installed after December 22, 1988.

12. 40 CFR §280.30(a) requires owners and operators to take necessary precautions to prevent overfilling of UST systems during the transfer of product.

13. 40 CFR §280.41(a) requires owners and operators to monitor tanks at least every 30 days for release detection.

14. SWDA Section 9006, 42 U.S.C. §6991e, authorizes U.S. EPA to initiate an enforcement action against any person found to be in violation of any requirement of SWDA Subchapter IX.

### **SECTION III - GENERAL ALLEGATIONS**

15. Respondent failed to install overfill prevention system on a new tank during installation on September 9, 1991, at the Second Police District, 245 W. Lincoln Ave, Milwaukee, WI 53207.

16. Respondent failed to prevent overfilling of one (1) tank by leaving a measuring stick in the drop tube which defeated the purpose of the overfill protection system at the Sixth Police District, 3006 27th Street, Milwaukee, WI 53233.

17. Respondent failed to monitor six (6) regulated underground storage tanks and associated piping at least every 30 days for release detection at the Central Repair Garage, 2142 W. Canal Street, Milwaukee, WI 53233.

18. Respondent failed to monitor three (3) regulated underground storage tanks and associated piping at least every 30 days for release detection at the Northwest Garage, 3025 W. Ruby Ave, Milwaukee, WI 53202.

19. Respondent failed to monitor one (1) regulated underground storage tank at least every 30 days for release detection at the Fire Department Engine #12, 1400 S. 9th Street,

**SECTION IV - SPECIFIC ALLEGATIONS**

20. Respondent's failure to install an overflow prevention system on one (1) new tank installed after December 22, 1988, is a violation of 40 CFR §280.20(c)(1), and of Section 9003 of SWDA 42 U.S.C. §6991b.

21. Respondent's failure to remove the measuring stick from the drop tube during the transfer of product is a violation of 40 CFR §280.30(a) and of Section 9003 of SWDA, 42 U.S.C. §6991b.

22. Respondent's failure to monitor tanks at least every 30 days for release detection is a violation of 40 CFR §280.41(a), and of Section 9003 of SWDA 42 U.S.C. §6991b.

**SECTION V - TERMS OF SETTLEMENT**

23. Respondent admits the jurisdictional and general allegations set forth in this Consent Agreement.

24. Respondent neither admits nor denies the specific allegations described in this Consent Agreement.

25. Respondent consents to the assessment of the civil penalty and to the performance of a supplemental environmental project (SEP) as described in this Consent Agreement.

26. Respondent consents to the execution and filing of the accompanying Final Order without additional notice.

27. Respondent waives any right they may have to file an Answer and request a hearing.

28. Respondent consents to any and all other conditions specified in this Consent Agreement.

29. Respondent waives any right to contest or appeal the jurisdictional or factual



allegations contained in this Consent Agreement.

30. Respondent waives any right to appeal the terms of the accompanying Final Order.

31. Respondent waives any rights it may possess in law or equity to challenge the authority of the U.S. EPA to bring a civil action in an appropriate United States District Court to compel compliance with this CAFO and/or to seek additional penalties, if Respondent fails to comply with any provision of this CAFO.

32. Respondent agrees that this CAFO shall apply to and be binding upon Respondent, its officers, directors, employees, assigns and successors in interest. Respondent shall give notice and a copy of this CAFO to any successor in interest prior to any transfer of ownership or operational control at the Facility.

33. This Consent Agreement constitutes a full settlement only for the aforementioned UST claims. This CAFO does not constitute a waiver by the U.S. EPA of its remedies, either judicial or administrative, for any other matter. Nothing in this CAFO is intended to, nor shall be construed to, operate in any way to resolve any criminal liability of Respondent that may arise from the factual allegations described above. Compliance with this CAFO shall not be a defense to any actions subsequently commenced pursuant to other federal laws and regulations administered by the U.S. EPA, and it is the responsibility of the Respondent to comply with such laws and regulations.

#### **SECTION VI - CERTIFICATION OF COMPLIANCE**

34. Respondent certifies that it is fully complying with Subchapter IX of SDWA, 42 U.S.C. § 6991 et seq., and 40 C.F.R. Part 280, with respect to the underground storage tanks located at the facilities listed in paragraph 9 above and which are the subject of this Consent Agreement.

## SECTION VII - PAYMENT OF THE CIVIL PENALTY

35. The U.S. EPA has assessed the civil penalty specified herein in accordance with the factors listed in section 9006 of SWDA, 42 U.S.C. § 6991e(c), which requires the Administrator of the U.S. EPA to consider any good faith efforts to comply with the applicable requirements and the seriousness of the violations. These requirements have been incorporated into the "U.S. EPA Penalty Guidance for Violations of UST Regulations" (November 14, 1990). This Penalty Guidance provides a rational, consistent, and equitable calculation methodology for applying the penalty factors enumerated above to the specific facts of any particular case. In using the Penalty Guidance, the U.S. EPA calculated an initial proposed penalty of Fifty One Thousand Two Hundred and Fifteen Dollars (\$51,215). However, after settlement discussions, the U.S. EPA has determined that an appropriate civil penalty to resolve this matter is Nine Thousand (\$ 9,000) and a SEP of Fifty One Thousand Eight Hundred and Fifty Five Dollars (\$51,855).

36. Respondent agrees to pay a civil penalty of Nine Thousand (\$ 9,000). Payment shall be made by certified or cashier's check, payable to "Treasurer, United States of America," and shall be sent to:

U.S. Environmental Protection Agency, Region 5  
P.O. Box 70753  
Chicago, Illinois 60673

37. The check shall bear Respondent's name, the docket number of this CAFO, and the assigned "BD" billing document number (the U.S. EPA will assign this BD number after the CAFO is filed). A transmittal letter stating Respondent's name, complete address, the docket number, and the assigned "BD" number must accompany payment check.

38. Respondent agrees to also send copies of the check and transmittal letter to:

Regional Hearing Clerk (E-19J)  
U.S. Environmental Protection Agency, Region 5  
77 West Jackson Blvd.  
Chicago, Illinois 60604-3590

Mark Restaino (DU-7J)  
Underground Storage Tank Section  
U.S. Environmental Protection Agency, Region 5  
77 West Jackson Blvd.  
Chicago, Illinois 60604-3590

Thomas Kenney (C-14J)  
Office of Regional Counsel  
U.S. Environmental Protection Agency, Region 5  
77 West Jackson Blvd.  
Chicago, Illinois 60604-3509

39. If Respondent violates this CAFO, the U.S. EPA may refer collection of this penalty to the United States Attorney General, who will recover the delinquent amount through an action in the appropriate United States District Court, in accordance with section 9006 of SWDA, 42 U.S.C. § 6991e(a).

40. Interest will accrue on any overdue amount from the date payment was due at a rate established under 31 C.F.R. § 901.9(b). Respondent will pay a Fifteen Dollar (\$15) handling charge each month that any portion of the penalty is more than 30 days past due.

**SECTION VIII - SUPPLEMENTAL ENVIRONMENTAL PROJECT (SEP)**

41. Respondent must complete a SEP designed to protect the environmental or public health by performing a Phase II environmental assessment on three (3) tax delinquent facilities in the City of Milwaukee within one year of the effective date of this CAFO. Respondent must submit a detailed work plan within thirty days of the effective date of this CAFO. Such detailed work plan must be approved by the U.S. EPA before work can begin on the SEP and it will

become an enforceable part of this agreement. The detailed work plan must include: background information on each facility, a summary of the assessment work to be performed at each facility, a schedule for completion of work, and estimated cost information for each site assessment.

42. Respondent must spend at least Fifty One Thousand Eight Hundred and Fifty Five Dollars (\$51,855) in capital costs on this SEP. At the completion of the SEP, Respondent will provide the actual cost expended for the three assessments in its final report referenced below in paragraph 46.

43. Respondent certifies that it is not required to perform or develop the SEP by any law, regulation, grant, order, or agreement, or as injunctive relief as of the date it signs this CAFO. Respondent further certifies that it has not received, and is not negotiating to receive, credit for the SEP in any other enforcement action.

44. Respondent certifies that it will not collect any Wisconsin Petroleum Environmental Cleanup Fund Act (PECFA) Funds or federal funds; including, but not limited to, Leaking Underground Storage Tank Trust Fund or Brownfield grant funding; to pay for this SEP. To the degree Respondent seeks federal or state funding to supplement funding for this SEP, it must seek and receive approval from U.S. EPA prior to expending those supplement funds.

45. Respondent must maintain copies of the underlying research and data for all reports submitted to U.S. EPA according to this CAFO. Respondent must provide the documentation of any underlying research and data to U.S. EPA within seven days of U.S. EPA's request for the information.

46. Respondent must submit to U.S. EPA quarterly status reports on the SEP and a Final SEP Completion Report within sixty days of completion of the final assessment. The final report must contain the following information:

- a. Detailed description of the SEP as completed;

- b. Description of any operating problems and the actions taken to correct the problems;
- c. Itemized costs of goods and services used to complete the SEP documented by copies of invoices, purchase orders, or canceled checks that specifically identify and itemize the individual costs of the goods and services;
- d. Certification that Respondent has completed the SEP in compliance with this CAFO; and
- e. Description of the environmental and public health benefits resulting from the SEP (quantify the benefits and pollution reductions, if feasible).

47. Respondent must submit all notices and reports required by this CAFO by first class mail to:

Mark Restaino, Underground Storage Tank Section (DU-7J)  
U.S. EPA, Region 5  
77 West Jackson Boulevard  
Chicago, Illinois, 60604

48. In each report that Respondent submits as provided by this CAFO, it must certify that the report is true and complete by including the following statement signed by one of its officers:

I certify that I am familiar with the information in this document and that, based on my inquiry of those individuals responsible for obtaining the information, the information is true and complete to the best of my knowledge. I know that there are significant penalties for submitting false information, including the possibility of fines and imprisonment for knowing violations.

49. Following receipt of the SEP completion report described in paragraph 41 above, U.S. EPA must notify Respondent in writing that:

- a. It has satisfactorily completed the SEP report and the SEP;
- b. There are deficiencies in the SEP report as completed or in the SEP and

U.S. EPA will give Respondent 30 days to correct the deficiencies; or

c. It has not satisfactorily completed the SEP report or the SEP and U.S. EPA will seek stipulated penalties under paragraph 51.

50. If U.S. EPA exercises option b. above, Respondent may object in writing to the deficiency notice within 10 days of receiving the notice. The parties will have 30 days from U.S. EPA's receipt of Respondent's objection to reach an agreement. If the parties cannot reach an agreement, U.S. EPA will give Respondent a written decision on its objection. Respondent will comply with any requirements that U.S. EPA imposes in its decision. If Respondent does not complete the SEP as required by U.S. EPA's decision, Respondent will pay stipulated penalties to the United States under paragraph 51 below.

51. If Respondent violates any requirement of this CAFO relating to the SEP, Respondent must pay stipulated penalties to the United States as follows:

a. Except as provided in subparagraph b, below, if Respondent did not complete the SEP satisfactorily according to this CAFO, Respondent must pay a stipulated penalty of Fifty One Thousand Eight Hundred and Fifty Five Dollars (\$51,855).

b. If Respondent did not complete the SEP satisfactorily, but U.S. EPA determines that Respondent: (i) made good faith and timely efforts to complete the SEP; and (ii) certified, with supporting documents, that it spent at least 90 percent of the required amount on the SEP, Respondent will not be liable for any stipulated penalty.

c. If Respondent satisfactorily completed the SEP, but spent less than 90 percent of the required amount on the SEP, Respondent must pay a stipulated penalty of Fifty One Thousand Eight Hundred and Fifty Five Dollars (\$51,855) minus the amount actually spent on the SEP.

d. If Respondent failed to timely submit the SEP completion report required

by paragraph 46 above, Respondent must pay a stipulated penalty of \$200.00 for each day after the report was due until it submits the report.

e. If Respondent failed to timely submit any other report required by paragraph 28 above, Respondent must pay a stipulated penalty of \$100.00 for each day after the report was due until it submits the report.

52. U.S. EPA's determination of whether Respondent satisfactorily completed the SEP and whether it made good faith, timely efforts to complete the SEP will bind Respondent.

54. Respondent must pay any stipulated penalties within 15 days of receiving U.S. EPA's written demand for the penalties.

55. Any formal public statement, oral or written, in print, film or other media, that Respondent makes referring to the SEP must include the following language, "This project was undertaken in connection with the settlement of an enforcement action taken by the U.S. Environmental Protection Agency for violations of Section 9006 of the Solid Waste Disposal Act, as amended, 42 U.S.C. Section 6991e."

56. If an event occurs which causes or may cause a delay in completing the SEP as required by this CAFO:

a. Respondent must notify U.S. EPA in writing within 10 days after learning of the event which caused or may cause a delay in completing the SEP. The notice must describe the anticipated length of the delay, its cause(s), Respondent's past and proposed actions to prevent or minimize the delay, and a schedule to carry out those actions.

Respondent must take all reasonable actions to avoid or minimize any delay. If Respondent fails to notify U.S. EPA according to this paragraph, Respondent will not receive an extension of time to complete the SEP.

b. If the parties agree that circumstances beyond the control of Respondent

caused or may cause a delay in completing the SEP, the parties will stipulate to an extension of time no longer than the period of delay.

c. If U.S. EPA does not agree that circumstances beyond the control of Respondent caused or may cause a delay in completing the SEP, U.S. EPA will notify Respondent in writing of its decision and any delays in completing the SEP will not be excused.

d. Respondent has the burden of proving that circumstances beyond its control caused or may cause a delay in completing the SEP. Increased costs for completing the SEP will not be a basis for an extension of time under subparagraph b, above. Delay in achieving an interim step will not necessarily justify or excuse delay in achieving subsequent steps.

#### **SECTION IX - ADDITIONAL STIPULATIONS**

57. Nothing in this CAFO shall be construed to relieve the Respondent from their obligation to comply with all applicable federal, state, and local statutes and regulations.

58. Respondent agrees not to deduct any penalty payment made pursuant to this CAFO under any federal, state or local tax law.

59. Each party shall bear its own costs and attorney's fees, if any, in connection with the matter resolved by this CAFO.

60. Each undersigned representative of a party to this Consent Agreement certifies that he or she is fully authorized to enter into and bind legally such party to the terms and conditions of this Consent Agreement. It is agreed and understood that this Consent Agreement must be submitted to the Common Council of the City of Milwaukee and that the same must be approved by the Common Council and its execution authorized by that body.

61. This Consent Agreement constitutes the entire agreement between the U.S. EPA



and the Respondent regarding the above-captioned matter.

62. This CAFO shall become effective on the date it is filed with the Regional Hearing Clerk, U.S. EPA, Region 5.

**Consent Agreement and Final Order**  
**City of Milwaukee**  
**200 East Wells Street, 2<sup>nd</sup> Floor**  
**Milwaukee, WI 53202**  
**Docket No.**

**City of Milwaukee, Respondent:**

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Tom Barrett, Mayor  
City of Milwaukee  
200 East Wells Street, 2<sup>nd</sup> Floor  
Milwaukee, WI 53202

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Date

**United States Environmental Protection Agency, Region 5:**

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Willie H. Harris, P. E., Chief  
Program Management Branch  
Waste, Pesticides and Toxics Division  
U.S. Environmental Protection Agency, Region 5  
77 West Jackson Boulevard  
Chicago, IL 60604-3590

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Date

**Consent Agreement and Final Order  
City of Milwaukee  
200 East Wells Street, 2<sup>nd</sup> Floor  
Milwaukee, WI 53202  
Docket No.**

**FINAL ORDER**

The foregoing Consent Agreement is hereby approved and incorporated by reference into this Final Order. Respondent, City of Milwaukee Wisconsin, are hereby **ORDERED** to comply immediately with all of the terms of the foregoing Consent Agreement upon the filing of this CAFO with the Regional Hearing Clerk, U.S. EPA, Region 5. This Final Order disposes of this matter pursuant to sections 22.18(b) and 22.31 of the Consolidated Rules of Practice, 40 C.F.R. §§ 22.18(b) and 22.31.

\_\_\_\_\_  
Margaret M. Guerriero, Director  
Waste, Pesticides and Toxics Division  
U.S. Environmental Protection Agency, Region 5  
77 West Jackson Boulevard  
Chicago, IL 60604-3590

\_\_\_\_\_  
Date

**CERTIFICATE OF SERVICE**

I hereby certify that today I filed the original of this **Consent Agreement and Final Order** and this **Certificate of Service** in the office of the Regional Hearing Clerk (E-19J), United States Environmental Protection Agency, Region 5, 77 W. Jackson Boulevard, Chicago, IL 60604-3590.

I further certify that I then caused true and correct copies of the filed document to be mailed via certified mail, return receipt requested, to the following:

Tom Barrett, Mayor  
City of Milwaukee  
200 East Wells Street, 2<sup>nd</sup> Floor  
Milwaukee, WI 53202

and

Linda U. Burke  
Special Deputy City Attorney  
City of Milwaukee  
Office of City Attorney  
800 City Hall  
200 East Wells Street  
Milwaukee, WI 53202-3551

Certified Mail #  
Return Receipt Requested

Dated: \_\_\_\_\_, 2005

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Mark Restaino  
Underground Storage Tank Section (DU-7J)  
United States Environmental Protection Agency  
Region 5  
77 W. Jackson Boulevard  
Chicago, IL 60604-3590

3105 North Richards Street  
 Tax Key No. 282-2717-000



Zoning: RT4  
 Lot Size: 7,200-sq. ft.  
 Building Floor Area: Vacant

**Historical Land Uses:**

The Wright's City Directories (1935-1990) and the Polk's City Directories (1993-2000) contained the following information regarding the project site. Land uses that raised potential environmental concern are listed in bold letters.

| Address              | Occupant/Land Use                      | Year      | Potential Concerns                                 |
|----------------------|--|-----------|--|
| 3105 N. Richards St. | Not Listed                             | 1935-1950 |  |
|                      | <b>Thompson's Service Station</b>      | 1955-1965 | <b>PAH, DRO, VOC, PCBs, Acids, Cyanide, Metals</b> |
|                      | <b>Nash Standard (service station)</b> | 1970-1975 | <b>PAH, DRO, VOC, PCBs, Acids, Cyanide, Metals</b> |
|                      | <b>McCoy's Car Wash and Service</b>    | 1980      | <b>PAH, DRO, VOC, PCBs, Acids, Cyanide, Metals</b> |
|                      | <b>Nash's Garage</b>                   | 1985      | <b>PAH, DRO, VOC, PCBs, Acids, Cyanide, Metals</b> |
|                      | McCoy's Car Wash                       | 1990      |  |
|                      | <b>Nash's Auto Salvage</b>             | 1993      | <b>PAH, DRO, VOC, PCBs, Acids, Cyanide, Metals</b> |
|                      | Not Listed                             | 2000      |  |

PAHs= Polynuclear Aromatic Hydrocarbons, DRO= Diesel Range Organics, PCBs= Polychlorinated Biphenyls, VOCs= Volatile Organic Compounds

Select Department of Neighborhood Services records for the project site indicate the following information. Selected comments that raise potential environmental concerns are listed in bold letters.

| Address              | Date       | Comment   |
|----------------------|------------|---|
| 3105 N. Richards St. | 07/10/1951 | Electrical installation: occupancy listed as "filling station"  |
|                      | 08/09/1951 | Permit to occupy: <b>Wadhams Oil (filling station)</b>  |
|                      | 02/07/1968 | Permit to occupy: <b>service garage</b>   |
|                      | 09/17/1969 | Permit to replace <b>four gas pumps</b><br><b>Owner: American Oil Co.</b>   |
|                      | 05/27/1969 | Permit to occupy: <b>service station</b><br><b>Owner: Nash Service Station</b>                                    |
|                      | 05/03/1974 | Permit to occupy: <b>automotive maintenance and repair</b>  |
|                      | 07/08/1981 | Order to remove " <b>all junk, debris, used auto parts, disabled autos, trucks, and equipment from premises</b> " |
|                      | 01/02/1996 | Certificate of occupancy: <b>automotive repair garage</b>   |
|                      | 02/03/2000 | Permit to <b>remove two 1,000 gallon USTs and two 5,000 gallon USTs</b>   |

Sanborn Fire Insurance Maps contained the following information about the project site. Land uses listed in bold letters raised potential environmental concern.

| Address              | Sanborn 1894-1909 | Sanborn 1910-1926 | Sanborn 1910-1961      |
|----------------------|-------------------|-------------------|------------------------|
| 3105 N. Richards St. | Undeveloped       | Undeveloped       | <b>Filling Station</b> |

May 26, 2005

Project Reference #9143

Mr. David Misky  
City of Milwaukee  
Department of City Development  
809 North Broadway  
Milwaukee, WI 53202

RE: Proposal to Complete Phase II Investigation  
3105 North Richards Street  
Milwaukee, Wisconsin

Dear Mr. Misky:

As requested, Sigma Environmental Services, Inc. (Sigma) has prepared a scope of work and associated estimate of costs for Phase II Environmental Assessment (EA) activities at 3105 North Richards Street, Milwaukee, Wisconsin. The Phase II activities will be completed through the EPA Showcase Community Petroleum Funds and are intended to evaluate potential impacts resulting from historic site activities. A brief description of the subject property, the Phase I findings and proposed scope of work follows.

#### **BACKGROUND**

Review of the October 2004 Phase I Environmental Assessment of 3105 North Richards Street, Milwaukee, Wisconsin, prepared by Triad Engineering Incorporated (Triad) indicates that the property is currently a vacant lot. Historically, however this property has been used as a gasoline service station, auto repair facility, junkyard and carwash. Historical records also reference the installation of at least three underground storage tanks (USTs) and four transformers. The site's history and historic presence of USTs indicate a potential for subsurface impact. In addition, transformers manufactured prior to 1977 may potentially contain polychlorinated biphenyls (PCBs). The potential for imported fill of unknown quality to have been brought onto the site also exists. As a result Triad recommended that a Phase II Investigation be conducted.

#### **PROPOSED SCOPE OF WORK**

##### *Proposed Magnetometer Survey*

Sigma proposes to complete a magnetometer survey to assess the potential presence of an underground storage tank(s) (UST) at the property. The recommended scope of work includes:

- Completion of a geophysical survey using a cesium magnetic gradiometer.
- Interpretation of the geophysical survey data to determine if a UST(s) may or may not be located on the property.



*Proposed Subsurface Investigation*

To evaluate subsurface conditions, based on existing information and information that will be collected from the magnetometer survey, the following scope of work is recommended:

- Complete five soil borings to a depth of 20 feet each to conduct soil sampling. The proposed locations are shown on the attached figure. Please note that final soil boring locations are subject to change based on the magnetometer survey, utility locations and/or other field observations.
- Collect two soil samples from each boring for volatile organic compound (VOC), polynuclear aromatic hydrocarbon (PAH) and RCRA metals analysis.
- Collect one soil sample from each boring for PCB analysis.
- Complete three of the soil borings as ch. NR 141-compliant groundwater monitoring wells.
- Complete an elevation and location survey of the monitoring wells, soil borings and site features.
- Develop and sample the monitoring wells to screen groundwater quality.
- Submit groundwater samples for VOC, PAH and RCRA Metals analysis.
- Complete a review of the physical and analytical data and prepare a subsurface investigation presenting a summary of the completed activities and results.

**COST ESTIMATE AND SCHEDULE**

The total estimated cost to complete the above activities is \$15,930. A detailed cost estimate is attached.

We estimate the proposed site activities will be completed in seven weeks from the date of authorization. In the event additional work is necessary to evaluate on-site or off-site conditions, Sigma will prepare a supplemental investigation estimate to complete such activities.

Please call us at (414) 643-4127 if you have any questions or for authorization to proceed with the proposed scopes of work.

Sincerely,

SIGMA ENVIRONMENTAL SERVICES, INC.



Stephen Meer  
Staff Engineer



Kristin Kurzka, P.E.  
Senior Project Engineer

Enclosures



| COST ESTIMATE  |            |          |                 |                    |
|--|------------|----------|-----------------|--------------------|
| PROPOSAL FOR A SUBSURFACE INVESTIGATION                |            |          |                 |                    |
| 3105 NORTH RICHARDS STREET                             |            |          |                 |                    |
| MILWAUKEE, WISCONSIN                                   |            |          |                 |                    |
| Project Reference #9143                                |            |          |                 |                    |
| Item Description                                       | Unit Price | Quantity | Units           | Total Cost         |
| <b>PROFESSIONAL SERVICES</b>                           |            |          |                 |                    |
| <b>Magnetometer Survey</b>                             |            |          |                 |                    |
| Staff Engineer   | \$60.00    | 6        | hours           | \$360.00           |
| Project Scientist                                      | \$80.00    | 8        | hours           | \$640.00           |
| Equipment and Expenses                                 | \$20.00    |          |                 | \$20.00            |
| Mobilization/Demobilization                            | \$10.00    |          |                 | \$10.00            |
|  |            |          | <i>Subtotal</i> | <b>\$1,030.00</b>  |
| <b>Soil Boring and Monitoring Well Investigation</b>   |            |          |                 |                    |
| Staff Engineer   | \$60.00    | 24       | hours           | \$1,440.00         |
| Technician   | \$50.00    | 12       | hours           | \$600.00           |
| Equipment and Expenses                                 | \$150.00   |          |                 | \$150.00           |
| Mobilization/Demobilization                            | \$180.00   |          |                 | \$180.00           |
|  |            |          | <i>Subtotal</i> | <b>\$2,370.00</b>  |
| <b>Soil and Groundwater Data Evaluation</b>            |            |          |                 |                    |
| Staff Engineer   | \$60.00    | 8        | hours           | \$480.00           |
| Senior Project Manager                                 | \$90.00    | 4        | hours           | \$360.00           |
|  |            |          | <i>Subtotal</i> | <b>\$840.00</b>    |
| <b>Investigation Documentation and Findings Report</b> |            |          |                 |                    |
| Staff Engineer   | \$60.00    | 20       | hours           | \$1,200.00         |
| Senior Project Manager                                 | \$90.00    | 4        | hours           | \$360.00           |
| CADD Technician  | \$50.00    | 6        | hours           | \$300.00           |
| Office Support   | \$30.00    | 2        | hours           | \$60.00            |
|  |            |          | <i>Subtotal</i> | <b>\$1,920.00</b>  |
| <b>Project Management</b>                              |            |          |                 |                    |
| Staff Engineer   | \$60.00    | 8        | hours           | \$480.00           |
| Senior Project Manager                                 | \$90.00    | 2        | hours           | \$180.00           |
|  |            |          | <i>Subtotal</i> | <b>\$660.00</b>    |
| <b>TOTAL COST PROFESSIONAL SERVICES</b>                |            |          |                 | <b>\$6,820.00</b>  |
| <b>COMMODITY SERVICES (Budgeted)</b>                   |            |          |                 |                    |
| <b>Magnetometer Survey</b>                             |            |          |                 |                    |
| Equipment Rental                                       |            |          |                 | \$800.00           |
|  |            |          | <i>Subtotal</i> | <b>\$800.00</b>    |
| <b>Investigative Waste Disposal</b>                    |            |          |                 |                    |
| Development and Purge Water                            | \$0.40     | 100      | gallons         | \$40.00            |
| Auger Spoils*  | \$110.00   | 10       | drums           | \$1,100.00         |
|  |            |          | <i>Subtotal</i> | <b>\$1,140.00</b>  |
| <b>Survey</b>  |            |          |                 |                    |
|  |            |          |                 | \$1,100.00         |
|  |            |          | <i>Subtotal</i> | <b>\$1,100.00</b>  |
| <b>Soil Boring and Monitoring Well Investigation</b>   |            |          |                 |                    |
| Soil Boring and Monitoring Well Installation           |            |          |                 | \$2,850.00         |
| <i>Laboratory</i>                                      |            |          |                 |                    |
| <i>Soil</i>  |            |          |                 |                    |
| VOCs   | \$60.00    | 10       | samples         | \$600.00           |
| PAHs   | \$75.00    | 10       | samples         | \$750.00           |
| RCRA Metals  | \$85.00    | 10       | samples         | \$850.00           |
| PCB  | \$75.00    | 5        | samples         | \$375.00           |
| <i>Groundwater</i>                                     |            |          |                 |                    |
| VOCs   | \$55.00    | 3        | samples         | \$165.00           |
| PAHs   | \$75.00    | 3        | samples         | \$225.00           |
| RCRA Metals  | \$85.00    | 3        | samples         | \$255.00           |
|  |            |          | <i>Subtotal</i> | <b>\$6,070.00</b>  |
| <b>TOTAL COST COMMODITY SERVICES</b>                   |            |          |                 | <b>\$9,110.00</b>  |
| <b>TOTAL PROJECT COST</b>                              |            |          |                 | <b>\$15,930.00</b> |

\* Assumes the soil is non-hazardous.

4901-07 West Fond du Lac Avenue  
Tax Key No. 267-0212-000



Zoning: LB2  
Lot Size: 9,600-sq. ft.  
Building Floor Area: Vacant

**Historical Land Uses:**

The Wright's City Directories (1935-1990) and the Polk's City Directories (1993-2000) contained the following information regarding the project site. Land uses that raised potential environmental concern are listed in bold letters.

| Address                     | Occupancy                        | Year(s) | Potential Concerns                                    |
|-----------------------------|----------------------------------|---------|---|
| 4901-07 W. Fond du Lac Ave. | <b>Steiglitz Filling Station</b> | 1935    | <b>PAHs, DRO, VOCs, PCBs, Acids, Cyanides, Metals</b> |
|                             | <b>Klug Filling Station</b>      | 1940    | <b>PAHs, DRO, VOCs, PCBs, Acids, Cyanides, Metals</b> |
|                             | <b>Herb's Service Station</b>    | 1945    | <b>PAHs, DRO, VOCs, PCBs, Acids, Cyanides, Metals</b> |
|                             | <b>Meyer Filling Station</b>     | 1950    | <b>PAHs, DRO, VOCs, PCBs, Acids, Cyanides, Metals</b> |
|                             | <b>Mel-Lee Filling Station</b>   | 1955    | <b>PAHs, DRO, VOCs, PCBs, Acids, Cyanides, Metals</b> |

| Address                     | Occupancy                | Year(s)   | Potential Concerns                             |
|-----------------------------|--------------------------|-----------|--|
| 4901-07 W. Fond du Lac Ave. | Lakeside Service Station | 1960      | PAHs, DRO, VOCs, PCBs, Acids, Cyanides, Metals |
|                             | J&L Gas Station          | 1965      | PAHs, DRO, VOCs, PCBs, Acids, Cyanides, Metals |
|                             | Bishop's Gas Station     | 1970-1975 | PAHs, DRO, VOCs, PCBs, Acids, Cyanides, Metals |
|                             | Phil's Service Station   | 1980-1995 | PAHs, DRO, VOCs, PCBs, Acids, Cyanides, Metals |
|                             | Not Listed               | 2000      | PAHs, DRO, VOCs, PCBs, Acids, Cyanides, Metals |

PAHs= Polynuclear Aromatic Hydrocarbons, DRO= Diesel Range Organics, PCBs= Polychlorinated Biphenyls, VOCs= Volatile Organic Compounds

The following Department of Neighborhood Services records for the project site raised potential environmental concerns. Selected comments that raise potential environmental concerns are listed in bold letters.

| Address                     | Date       | Comment   |
|-----------------------------|------------|---|
| 4901-07 W. Fond du Lac Ave. | 06/14/1935 | <b>Filling Station</b> – Alterations to building  |
|                             | 01/30/1938 | <b>Close all other openings in tank</b> per part 43 of Milwaukee code   |
|                             | 11/07/1961 | Milwaukee Fire Department – <b>175 gallon tank of drain oil, rear of gas station, spillage from tank has saturated ground in area around tank</b>               |
|                             | 11/14/1961 | <b>275 gallon drain oil tank at west wall of outside of building is not proper tank for use of this purpose – remove tank and install 300 gallon round tank</b> |
|                             | 01/02/1961 | First Notice of Noncompliance of <b>tank removal</b>  |
|                             | 07/03/1969 | <b>Application for removal of 2-4,000 gallon tanks – install 1-6,000 gallon tank</b>  |
|                             | 09/18/1969 | <b>Excavation of tanks</b>  |
|                             | 11/10/1969 | Work completed  |
|                             | 03/25/1981 | <b>1,000 gallon tank removed, replaced with 1,500 gallon tank</b>   |
|                             | 03/27/1981 | <b>Tank removed and soil replaced</b>   |

Sanborn Fire Insurance Maps contained the following information about the project site. Land uses listed in bold letters raised potential environmental concern.

| Address                     | Sanborn 1910-1961      |
|-----------------------------|------------------------|
| 4901-07 W. Fond du Lac Ave. | <b>Filling Station</b> |



Shaw Environmental, Inc.  
111 West Pleasant Street, Suite 105  
Milwaukee, WI 53212-3939  
414.291.2350  
FAX: 414.291.2385

May 25, 2005

Mr. Dave Misky  
City of Milwaukee  
Redevelopment Authority  
809 North Broadway  
Milwaukee, Wisconsin 53212

**Re: Phase II Environmental Site Assessment and Contingency Services Proposal  
4907 West Fond Du Lac Avenue  
Milwaukee, Wisconsin  
City of Milwaukee Vendor Service Contract No. B0000005130-4**

Dear Mr. Misky:

Shaw Environmental, Inc. (Shaw) appreciates the opportunity to provide this scope of work and cost proposal to the Redevelopment Authority of the City of Milwaukee (RACM) to perform a Phase II Environmental Site Assessment (Phase II ESA) at the property referenced above (herein referred to as the Site). The following sections discuss the Site background, Shaw's proposed approach, supplemental services, and associated costs to physically evaluate, using subsurface exploration and analytical testing procedures, the recognized environmental conditions (RECs) identified in the Triad Engineering, Inc. (Triad) Phase I Environmental Site Assessment (Phase I ESA), 4907 West Fond Du Lac Avenue, Milwaukee, Wisconsin report, dated December, 2003.

#### **Site Background**

According to the Triad Phase I ESA report, the Site is rectangular shaped, is located in a topographically flat area, is bounded by commercial property to the north, West Fond Du Lac Avenue to the east and northeast, Melvina Street to the southeast, and residential properties to the west and southwest. The Site is zoned Local Business 2 (LB2). The Site is estimated to be approximately 9,600 square-feet (0.22 acres) in size, and is a vacant lot.

Based upon our experience of conducting subsurface investigations in this region of Milwaukee, the soils are assumed to be comprised of several feet of fill material (0-10 feet), underlain by silty clay, clayey silts with sand and gravel content. The depth to the shallow groundwater table is estimated to be 10 feet below the land surface (bls).

Triad revealed the following REC's associated with historical use of the Site: gasoline stations, filling stations, and service stations, from 1930 through 1995. Based on Triad's review of the Wisconsin Department of Natural Resources (WDNR), Wisconsin Department of Commerce (COMM), and Department of Neighborhood Services (DNS) records, up to nine (9) underground storage tanks (USTs) were previously present or currently exists onsite. None of the USTs are registered with the COMM. A 250-gallon "Premix" aboveground storage tank (AST) is registered in the COMM tank database as "In-Use" for the Site; however, no AST was observed on the Site during Triad's site reconnaissance.

A WDNR file review conducted by Shaw on May 20<sup>th</sup> 2005 indicates the Site may still contain 2-6,000 gallon and 1-1,500 gasoline (leaded and unleaded) USTs. The review revealed that a petroleum release, possibly related to the former USTs usage at the site, was reported to the WDNR on June 5, 1997 by US Environmental Corporation of Milwaukee, Wisconsin. The release has an associated Leaking Underground Storage Tank (LUST) Bureau of Remediation and Redevelopment Tracking System (BRRTS) number of 03-41-151377. The WDNR file review also revealed a 2001 Site Investigation Work Plan, BRRTS case tracking forms, soil sampling laboratory analytical results, and a Responsible Party letter. The WDNR file indicates that US Environmental Corporation conducted an Environmental Site Assessment (ESA) in 1997. During the ESA, a soil sample was collected and submitted for laboratory analysis of gasoline range organics (GRO). The results of the analysis (280 milligrams per kilogram) confirmed a release of petroleum hydrocarbons had occurred at the Site.

Contaminants associated with the Site include: volatile organic compounds (VOCs), more specifically petroleum volatile organic compounds (PVOCs), polynuclear aromatic hydrocarbons (PAHs), cadmium and polychlorinated biphenyls (PCBs) (due to waste oil), and Resource Conservation and Recovery Act (RCRA) metals (due to possible fill material).

Shaw's project approach is presented in the following section.

#### **Project Approach**

In order to investigate the REC's associated with historical uses of the Site, and to provide the RACM the necessary data sufficient to facilitate sale and commercial redevelopment of the Site, the project will be conducted in an expedited approach. The two main portions of the project are the Phase II ESA services and the Supplemental services. The Phase II ESA will not be a presence/absence investigation due to the known soil impacts at the Site. The Phase II ESA will be based strictly on the identified RECs. If State of Wisconsin reimbursement funding through the COMM and the Petroleum Environmental Cleanup Fund Act (PECFA) program is available, Shaw will follow all applicable ILHR 47 and NR 746 regulations. The intent of the Phase II ESA will be to delineate the extent, nature, and degree of the known soil contamination and possible groundwater contamination on the Site.

The supplemental services of the project are tasks and/or phases that may be required to characterize anomalies detected during the Geophysical survey phase of the SI, and perform UST Closure Assessments. The supplemental scope of services is presented in detail in the Supplemental Services section of this proposal.

Shaw will document the findings of the Phase II ESA and supplemental services in a brief project summary for presentation to the RACM representatives. If results of the work indicate that impacts to soil and/or groundwater are present on the Site, the summary and presentation will include recommendations for supplemental investigation activities, including a scope of work, schedule, and revised cost, if necessary.



### **Phase II ESA Scope of Services**

The specific proposed scope of services are described below.

- Perform an underground utility survey before field work, including contacting Diggers Hotline to locate underground utilities. Storm and sanitary sewer lateral locations will be verified with the City of Milwaukee, and if necessary, private onsite utilities that will not be marked by Digger's Hotline will be marked by a private utility location firm.
- Prepare a site specific health and safety plan (HASP) in accordance with 29 CFR 1912. The HASP will provide information to ensure the health and safety of all participants working on the project.
- Perform a reconnaissance geophysical survey of the entire site to determine if buried metals, and construction debris (ferrous and non-ferrous) are present. Shaw conducts such site clearance surveys using electromagnetic (EM61 and EM31), magnetometer (G-858), and ground penetrating radar surveys on both engineering and environmental projects. As the EM61 is less susceptible to surface ambient noise and interference from fences, buildings, automobiles, and power lines than conventional magnetometers, the EM61 is the preferred geophysical instrument in most urban and industrial environments.
- Oversee the installation of a network of NR 141-compliant groundwater monitoring wells using standard hollow stem auger drilling techniques. Assuming the Site has at least one source area which requires a groundwater assessment, the monitoring well network may include as many as five (5) groundwater monitoring wells positioned on the Site. Preliminary depth of each monitoring well is assumed to be 20 ft-bls.
- During monitoring well installation, collect soil samples continuously for photoionization detector (PID) field screening and soil classification, and submit two soil samples per boring for laboratory analytical testing. Soil analytical testing will be performed for VOCs (EPA Method 8260), PAHs (EPA Method 8270), and RCRA Metals (EPA Method 6010) laboratory analyses. In each soil boring, soil samples will be collected from the 0 to 4 foot depth interval, the interval with the highest PID reading, or the groundwater interface.
- Stage the auger soil cuttings in labeled 55-gallon Wisconsin Department of Transportation (WDOT)-approved drums. Laboratory analytical data will be used for soil barrel disposal permitting.
- Coordinate the removal and disposal of all investigative wastes generated during the SI.
- Develop the groundwater monitoring wells to remove sediment from the well and filter pack. Development water will be placed into labeled 55-gallon WDOT-approved drums for disposal.
- Survey the monitoring well top of casings and ground surface elevations relative to mean sea level, or a local benchmark, established at 100 feet.
- Collect one round of groundwater samples from each of the five monitoring wells using low-flow micro-purge technology. Record static groundwater level, dissolved oxygen, oxidation-reduction potential, and other field measurements while micro-purging to assure well conditions have stabilized prior to groundwater sample collection. Contain the groundwater samples in laboratory-supplied sample vials/jars and submit under chain-of-custody control to a state-certified laboratory for VOCs, PAHs and RCRA Metals analysis.

- Present the findings and results of the Phase II ESA in a brief project summary that will include tables and figures. Shaw will meet with the RACM representatives to make recommendations for additional investigative activities, if such activities are warranted.
- Prepare a Phase II ESA report to document all activities performed at the Site and recommend an appropriate closure mechanism or additional work.
- Abandon the groundwater monitoring wells when appropriate.

**COST PROPOSAL**

The following is an itemization of the estimated costs for the above services:

|  |                        |
|--|------------------------|
| <b>Geophysical Survey (Using EM61 MKII)</b> .....            | <b>\$ 1,900.00</b>     |
| <br><b>Groundwater Investigation</b>                         |                        |
| Professional and Field Services .....                        | \$ 8,300.00            |
| Equipment and Expenses .....                                 | \$ 680.00              |
| <b>Subtotal</b>  | <b>\$ 8,980.00</b>     |
| <br>Monitoring Well Installation (Subcontractor)             |                        |
| Install five (5) Monitoring Wells to 20 feet (100 feet)..... | \$ 3,425.00            |
| <br>Laboratory Analytical (Subcontractor)                    |                        |
| Soil   |                        |
| 10 VOC @ \$75.00/sample .....                                | \$ 750.00              |
| 10 PAH @ \$85.00/sample.....                                 | \$ 850.00              |
| 5 RCRA Metals @ \$100.00/sample .....                        | \$ 500.00              |
| <b>Subtotal</b>  | <b>\$ 2,100.00</b>     |
| <br>Water  |                        |
| 6 VOC @ \$75.00/sample .....                                 | \$ 450.00              |
| 5 RCRA Metals @ \$100.00/sample .....                        | \$ 500.00              |
| 5 PAH @ \$85.00/sample.....                                  | \$ 425.00              |
| <b>Subtotal</b>  | <b>\$ 1,375.00</b>     |
| <br><b>Investigative Waste Disposal</b> .....                | <br><b>\$ 1,100.00</b> |
| <br><b>Well Abandonment</b> .....                            | <br><b>\$ 1,125.00</b> |
| <br><b>TOTAL- ESTIMATED SI COST:</b> .....                   | <br><b>\$20,005.00</b> |

**Supplemental Services Scope of Services**

The supplemental services of the project are tasks and/or phases that will be required to further characterize metallic anomalies discovered during the Geophysical survey. Supplemental services will be presented as recommendations to the RACM immediately upon the evaluation of the Geophysical survey data. If the scope of services and associated costs for the supplemental services varies from what is presented herein, a change order will also be presented at that time. The supplemental services portion of the project will be initiated by approval of the change order. For cost estimating purposes, Shaw has

assumed that 2-6,000 gallon and 1-1,500 gallon gasoline USTs remain at the Site which will require removal and UST Closure Assessments.

Supplemental services may include:

- Excavate backhoe test pits or trenches in the areas of magnetic anomalies observed during the Geophysical survey.
- Excavate, remove, and dispose of any USTs or drums encountered during the test pits/trenching. If USTs are encountered, a UST Closure Assessment will be conducted in accordance with Wisconsin WDNR and ILHR 10 regulations. The UST removing contractor will excavate the UST and associated piping, contain and dispose of UST sludge, clean and remove the UST from the Site, and backfill the UST cavity.
- Following UST Closure Assessment the USTs will be registered with the COMM. UST contents (sludge and/or product) will be characterized, manifested, and disposed. Shaw will prepare a UST Closure Assessment report if soil analytical results from the UST Closure Assessment confirm no release was present.
- If contamination is encountered, notify the RACM of the release, and proceed with GeoProbe work, with GeoProbe location adjustments made.

#### **SUPPLEMENTAL SERVICES COST PROPOSAL**

The following is an itemization of the estimated costs for the above Supplemental services:

|   |                    |
|---|--------------------|
| <b>Backhoe Test Trenching .....</b>   | <b>\$ 1,600.00</b> |
| <b>UST Removal and Closure Assessment (Assume 2-6,000 and 1-1,500 Gallon USTs).....</b> | <b>\$13,460.00</b> |
| <b>TOTAL- ESTIMATED SUPPLEMENTAL SERVICES COST: .....</b>                               | <b>\$15,060.00</b> |
| <b>TOTAL- ESTIMATED PROJECT COST: .....</b>   | <b>\$35,065.00</b> |
| <b>ESTIMATED PERCENT EBE PARTICIPATION: .....</b>                                       | <b>52%</b>         |

#### **Project Schedule**

Following receipt of written authorization to proceed, Shaw will begin preparation for Geophysical and utilities surveys. Assuming standard fourteen (14) working day turnaround time on the laboratory analytical testing, the initial portion of the project should be completed in 7 weeks.

#### **Conditions**

The proposed scope of work is based on a time and materials basis. Final compensation will be determined by material costs and actual time required to complete this project and based on the unit rates outlined in Shaw's Master Services Contract with the City of Milwaukee, which set forth our rates and reimbursable expenses.

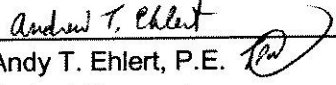



**Agreement**

Shaw appreciates the opportunity to submit this proposal for environmental services. We trust our proposal fits RACM needs and requirements, and we would be happy to meet with you to discuss our proposed strategy and rationale. We will proceed immediately upon your authorization to proceed. Should you have any questions concerning this proposal or scope of work, please contact Andy Ehlert or Tim Welch at (414) 291-2350 at your convenience.

Sincerely,

**SHAW ENVIRONMENTAL, INC.**

  
\_\_\_\_\_  
Andy T. Ehlert, P.E.  
Project Manager

  
\_\_\_\_\_  
Timothy P. Welch, P.G.  
Project Hydrogeologist

ATE/TPW:dmk

**603 East Locust Street  
Tax Key No. 314-0406-000**



Zoning: RT4  
 Lot Size: 2,732-sq. ft.  
 Building Floor Area: Vacant

**Historical Land Uses:**

The Wright's City Directories (1935-1990) and the Polk's City Directories (1993-2000) contained the following information regarding the project site. Land uses that raised potential environmental concern are listed in bold letters.

| Address           | Occupancy                          | Year(s)   | Potential Concerns                                    |
|-------------------|------------------------------------|-----------|---|
| 603 E. Locust St. | <b>Residential/Filling Station</b> | 1935-1975 | <b>PAHs, DRO, VOCs, PCBs, Acids, Cyanides, Metals</b> |
|                   | <b>Auto Repair</b>                 | 1980-1990 | <b>PAHs, DRO, VOCs, PCBs, Acids, Cyanides, Metals</b> |

PAHs= Polynuclear Aromatic Hydrocarbons, DRO= Diesel Range Organics, PCBs= Polychlorinated Biphenyls, VOCs= Volatile Organic Compounds

Selected Department of Neighborhood Services records for the project site indicate the following information. Selected comments that raise potential environmental concerns, and may have adversely impacted the project site are bolded.

| Address           | Date       | Comment  |
|-------------------|------------|--|
| 603 E. Locust St. | 04/23/1924 | Permit to build office (15' x 15')                                   |
|                   | 02/15/1955 | Permit for installation of heating system for <b>service station</b> |

|  |            |  |
|--|------------|--|
|  | 10/09/1959 | Permit to build: "service station"   |
|  | 06/14/1962 | Permit for addition to service station   |
|  | 08/07/1962 | Permit to install 1 air-oil storage tank (16" dia. X 37.5" length)             |
|  | 09/13/1963 | Permit to install two gasoline pumps   |
|  | 08/14/1963 | Permit to <b>replace gasoline storage tanks 1-2000 gal. and 1-3000 gal.</b>    |
|  | 09/05/1972 | Permit to <b>replace two gasoline pumps</b>                                    |
|  | 06/27/1979 | Permit to occupy: "service station"  |
|  | 07/06/1982 | Permit to occupy: "gasoline station" and "mechanical engine repair"            |
|  | 10/27/1987 | Permit to occupy: "auto service and gas"                                       |
|  | 09/11/1995 | Permit to raze: 1-story masonry garage   |
|  | 09/16/1996 | Permit for <b>tank removal: 3-4000 gal. U.S.T. (underground storage tanks)</b> |

Sanborn Fire Insurance Maps contained the following information about the project site. Land uses listed in bold letters raised potential environmental concern.

| Address           | Sanborn 1894-1909 | Sanborn 1910-1961      |
|-------------------|-------------------|------------------------|
| 603 E. Locust St. | Vacant Lot        | <b>Filling Station</b> |



**Shaw Environmental, Inc.**

111 West Pleasant Street, Suite 105  
Milwaukee, WI 53212-3939  
414.291.2350  
FAX: 414.291.2385

May 25, 2005

Mr. Dave Misky  
City of Milwaukee  
Redevelopment Authority  
809 North Broadway  
Milwaukee, Wisconsin 53212

**Re: Phase II Environmental Site Assessment Proposal  
603 East Locust Street  
Milwaukee, Wisconsin  
City of Milwaukee Vendor Service Contract No. B0000005130-4**

Dear Mr. Misky:

Shaw Environmental, Inc. (Shaw) appreciates the opportunity to provide this scope of work and cost proposal to the Redevelopment Authority of the City of Milwaukee (RACM) for the performance of a Phase II Environmental Site Assessment (Phase II ESA) at the property referenced above (herein referred to as the Site). The following sections discuss the Site background, Shaw's proposed SI approach and associated costs to physically evaluate, using subsurface exploration and analytical testing procedures, the recognized environmental conditions (RECs) identified in a draft version of the City of Milwaukee Health Department and Department of City Development (the City of Milwaukee) Phase I Environmental Site Assessment (Phase I ESA), 603 East Locust Street, Milwaukee, Wisconsin, File: 314-19 report, dated January 9<sup>th</sup>, 2004.

#### **Site Background**

According to the City of Milwaukee's Phase I ESA report and a site reconnaissance conducted by Shaw on May 20<sup>th</sup>, 2005, the Site is rectangular shaped, grass covered, is estimated to be approximately 2,732 square-feet (0.06 acres) in size, and is vacant. The Site is located in a topographically flat area, however the Site itself contains significant upward sloping ground surfaces along the south and east property lines. The Site is bounded by residential property to the east and south, and to the north and west by East Locust Street and North Booth Street, respectively. The Site is zoned RT 4 (residential).

Based upon our experience of conducting subsurface investigations in this area of Milwaukee, the soils are assumed to be comprised of several feet of fill material (0-10 feet), underlain by silty clay and clayey silts, with varying amounts of sand and gravel, and occasional seams of sand and gravel of varying thickness. The depth to the shallow groundwater table is estimated to be 10 feet below the land surface (bls).

The City of Milwaukee's Phase I ESA revealed the Site was used as a filling station and auto repair facility from 1935 through approximately the early to mid 1990's. Up to five (5) underground storage tanks (USTs) were previously operated at the Site. Based on the City of Milwaukee's review of the Wisconsin Department of Natural Resources (WDNR) file, the Site has an associated Federal Identification number of 241906280. According to a web review of the Wisconsin Department of Commerce (COMM) database conducted by Shaw, at least two of the USTs have been registered with the State of Wisconsin.

The WDNR file review conducted by the City of Milwaukee in December 2003, revealed a "Closure Assessment Report for Underground Storage Tank Removal" (UST Closure Assessment), completed by Harenda Enterprises, Inc., dated December 12<sup>th</sup> 1996. According to the UST Closure Assessment report, closure assessments conducted for one, 2,100 gallon unleaded gasoline UST, one 3,200 gallon unleaded gasoline UST, and one 200 gallon waste oil UST each confirmed petroleum releases with soil sample laboratory analysis results over state trigger levels. The release has an associated Leaking Underground Storage Tank (LUST) Bureau of Remediation and Redevelopment Tracking System (BRRTS) number of 03-41-115274.

Contaminants associated with the Site include: volatile organic compounds (VOCs), more specifically petroleum volatile organic compounds (PVOCs), polynuclear aromatic hydrocarbons (PAHs), cadmium and polychlorinated biphenyls (PCBs) (due to waste oil), and Resource Conservation and Recovery Act (RCRA) Metals (due to possible fill materials).

Shaw's project approach is presented in the following section.

### **Project Approach**

In order to investigate the releases associated with historical uses of the Site, and to provide the RACM the necessary data sufficient to facilitate sale and commercial redevelopment of the Site, the project will be conducted in an expedited, Phase II ESA approach. The Phase II ESA will not be a presence/absence investigation due to the known soil impacts at the Site, and will be based strictly on the identified release. If State of Wisconsin reimbursement funding through the COMM and the Petroleum Environmental Cleanup Fund Act (PECFA) program is available, Shaw will follow all applicable ILHR 47 and NR 746 regulations. The intent of the Phase II ESA will be to delineate the extent, nature, and degree of the known soil contamination, and evaluate possible groundwater contamination on the Site.

Shaw will document the findings of the initial Phase II ESA in a brief project summary for presentation to the RACM representatives. If results of the Phase II ESA activities indicate that impacts to soil and/or groundwater are present on the Site, the summary and presentation will include recommendations for supplemental investigation activities, including a scope of work, schedule, and revised cost, if necessary.

### **Phase II ESA Scope of Services**

The specific proposed scope of services are described below.

- Conduct a WDNR file to evaluate the Harenda Enterprises, Inc. UST Closure Assessment report and gather other pertinent information (i.e.; maps, tables, and figures).
- Perform an underground utility survey before field work, including contacting Diggers Hotline to locate underground utilities. Storm and sanitary sewer lateral locations will be verified with the City of Milwaukee, and if necessary, private onsite utilities that will not be marked by Digger's Hotline will be marked by a private utility location firm.

- Prepare a site specific health and safety plan (HASP) in accordance with 29 CFR 1912. The HASP will provide information to ensure the health and safety of all participants working on the project.
- Perform a reconnaissance geophysical survey of the entire site to determine if buried metals, and construction debris (ferrous and non-ferrous) are present. Shaw conducts such site clearance surveys using electromagnetic (EM61 and EM31), magnetometer (G-858), and ground penetrating radar surveys on both engineering and environmental projects. As the EM61 is less susceptible to surface ambient noise and interference from fences, buildings, automobiles, and power lines than conventional magnetometers, the EM61 is the preferred geophysical instrument in most urban and industrial environments.
- Oversee the installation of a network of NR 141-compliant groundwater monitoring wells using standard hollow stem auger drilling techniques. Assuming the Site has at least one source area which requires a supplemental groundwater assessment, and due to the limited space to drill on the Site, the monitoring well network may include up to four (4) groundwater monitoring wells. The well locations will be determined based upon the Harenda UST Closure Assessment Report. Preliminary depth of each well is assumed to be 20 ft-bls.
- During monitoring well installation, collect soil samples continuously for field screening with a photoionization detector (PID) unit and soil classification, and submit two samples per boring for laboratory analytical testing. Submit up to two soil samples from each soil boring for VOCs (EPA Method 8260), PAHs (EPA Method 8270), and RCRA Metals (EPA Method 6010) laboratory analyses. In each boring, soil samples will be collected from the 0 to 4 foot depth interval, the interval with the highest field screening reading, or the groundwater interface. Up to two soil samples will be submitted for cadmium (EPA Method 6010) and PCBs (EPA Method 8082) from the soil boring to be placed in the vicinity of the former waste oil UST, if this can be determined.
- Stage the auger soil cuttings in labeled 55-gallon Wisconsin Department of Transportation (WDOT)-approved drums. Laboratory analytical data will be used for soil barrel disposal permitting.
- Coordinate the removal and disposal of all investigative wastes generated during the Phase II ESA.
- Develop the groundwater monitoring wells to remove sediment from the well and filter pack. Development water will be placed into labeled 55-gallon WDOT-approved drums for disposal.
- Survey the monitoring well top of casings and ground surface elevations relative to mean sea level, or a local benchmark, established at 100 feet.
- Collect one round of groundwater samples from each of the four monitoring wells using low-flow micro-purge technology. Record static groundwater level, dissolved oxygen, oxidation-reduction potential, and other field measurements while micro-purging to assure well conditions have stabilized prior to groundwater sample collection. Contain the groundwater samples in laboratory-supplied sample vials/jars and submit under chain-of-custody control to a state-certified laboratory for VOCs, PAHs and RCRA Metals analysis.
- Present the findings and results of the Phase II ESA in a brief project summary that will include tables and figures. Shaw will meet with the RACM representatives to make recommendations for additional investigative activities, if such activities are warranted.



- Prepare a Phase II ESA report to document all activities performed at the Site and recommend an appropriate closure mechanism or additional work.
- Abandon the groundwater monitoring wells when appropriate.

**COST PROPOSAL**

The following is an itemization of the estimated costs for the above SI services:

**Geophysical Survey (Using EM61 MKII), and WDNR File Review .....\$ 2,100.00**

**Groundwater Investigation**

Professional and Field Services .....\$ 8,900.00  
 Equipment and Expenses .....\$ 560.00  
**Subtotal \$ 9,460.00**

**Monitoring Well Installation (Subcontractor)**

Install four (4) Monitoring Wells to 20 feet (80 feet) .....\$ 2,770.00

**Laboratory Analytical (Subcontractor)**

**Soil**

8 VOC @ \$75.00/sample .....\$ 600.00  
 8 PAH @ \$85.00/sample.....\$ 680.00  
 4 RCRA Metals @ \$100.00/sample .....\$ 400.00  
 2 cadmium @ \$15.00/sample .....\$ 30.00  
 2 PCBs @ \$15.00/sample.....\$ 30.00  
**Subtotal \$ 1,740.00**

**Water**

5 VOC @ \$75.00/sample .....\$ 375.00  
 4 RCRA Metals @ \$100.00/sample .....\$ 400.00  
 4 PAH @ \$85.00/sample.....\$ 340.00  
**Subtotal \$ 1,115.00**

**Investigative Waste Disposal .....\$ 1,000.00**

**Well Abandonment.....\$ 900.00**

**TOTAL- ESTIMATED COST: .....\$19,085.00**

**ESTIMATED PERCENT EBE PARTICIPATION:.....29%**

**Project Schedule**

Following receipt of written authorization to proceed, Shaw will begin preparation for Geophysical and utilities surveys. Assuming standard fourteen (14) working day turnaround time on the laboratory analytical testing, this should be completed in 7 weeks.

**Conditions**

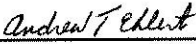

The proposed scope of work is based on a time and materials basis. Final compensation will be determined by material costs and actual time required to complete this project and based on the unit rates outlined in Shaw's Master Services Contract with the City of Milwaukee, which set forth our rates and reimbursable expenses.

**Agreement**

Shaw appreciates the opportunity to submit this proposal for environmental services. We trust our proposal fits RACM needs and requirements, and we would be happy to meet with you to discuss our proposed strategy and rationale. We will proceed immediately upon your authorization to proceed. Should you have any questions concerning this proposal or scope of work, please contact Andy Ehlert or Tim Welch at (414) 291-2350 at your convenience.

Sincerely,

**SHAW ENVIRONMENTAL, INC.**

   
\_\_\_\_\_  
Andy T. Ehlert, PE  
Project Manager

  
\_\_\_\_\_  
Tim P. Welch, PG  
Project Hydrogeologist

ATE/TPW:dmk