



November 14, 2013

Mr. Peter Agnos
860 East Briar Ridge Drive
Brookfield, WI 53045

RE: Cost Separation Methodology Proposal

PECFA # 53219-1435-29-A DNR BRRTS # 02-41-000364
Agnos Ace Cleaners, 6129 West Beloit Road, West Allis

Dear Mr. Agnos:

On September 9, 2013, the Wisconsin Department of Natural Resources (Department) received a proposal for dividing PECFA-eligible and ineligible costs. The Department has reviewed the method proposed by METCO and the open case file for this site and cannot approve the proposed methodology at this time because it is too early in the process for this determination.

Considering all the known and potential sources of PECFA-eligible petroleum, non-PECFA eligible petroleum, and non-petroleum contamination on this site, it is premature to develop and approve a methodology for the PECFA-eligible (gasoline USTs) portion of the investigation on this property. It will be more appropriate to develop a methodology based upon the actual number of borings and monitoring wells that are required to define the known PECFA-eligible gasoline USTs' soil and groundwater contaminant plumes. As long as the investigation activities are focused on defining the degree and extent of the gasoline release, they should be considered PECFA eligible. It should be relatively easy to separate out costs for additional activities that may be conducted concurrently, but that are not directly associated with the petroleum release, prior to submitting a claim for reimbursement. For example, this would include the difference in costs for volatile organic compound (VOC) versus petroleum volatile organic compound (PVOC) analysis after the first round of groundwater monitoring, and VOC analysis instead of the PVOC analysis that would be required for soil samples.

The following Department concerns must be addressed during the site investigation:


- The tank closure reports that were prepared when the gasoline USTs were removed in 1992 must be submitted to the Department. The case file for this open site includes a letter from Key Environmental Services, Inc., dated April 13, 1992 (copy enclosed), stating that the two gasoline USTs and one mineral spirits UST were removed on April 8, 1992, and that a report would be submitted in approximately three weeks. The report was never received.
- The open DNR contamination case specifically references a release from an 8,000-gallon #2 fuel oil underground storage tank (UST), which was reported on January 29, 1992 (notification enclosed). The UST was removed a day earlier, but no follow-up report was received. This release, although not PECFA-eligible, must be specifically addressed to bring this open case to closure.

- The 8,000-gallon #2 fuel oil UST is not currently registered to this address (list of registered tanks enclosed). A tank registration form must be completed and submitted to the Department of Agriculture, Trade, and Consumer Protection at this time. A blank tank registration form is enclosed for your use. If there were any other USTs on site that were not previously registered with the State, you should register them, if required by chapter ATCP 93.
- The Department does not agree with METCO's statement that "the chlorinated contamination has already been defined." The portion of the *Summary of Phase II Environmental Assessment Results and Recommendations*, dated October 31, 2011, prepared by Sigma Environmental Services, Inc., which METCO included with the methodology submittal, does not reference the former mineral spirits and gasoline USTs as sources, nor does it reference the known fuel oil UST source, or other solvent sources used by the facility in its cleaning operations. Case file notes by previous project managers indicate that other solvent tanks may have been removed between October 1991 and March 1992, apparently by Gadish Construction. All sources of contamination must be investigated to bring this case to closure. It is important to know the locations of the non-petroleum USTs and former and current site usage, to ensure that the degree and extent of subsurface contamination is defined, and that the vapor intrusion pathway, particularly for solvent sources, is adequately addressed.

Please resubmit a methodology to me at the letterhead address after completion of the site investigation, and/or before submitting your first claim for PECFA reimbursement. Per section NR 747.30 (5) (b), the Department must approve the cost separation methodology prior to PECFA claim submittal. For PECFA funding, costs will only be reimbursed at the rates equal to or less than what is allowed in the chapter 747, Wisconsin Administrative Code, Usual and Customary Cost Schedule, and are reimbursed based upon the Cost Schedule that is in effect at the time the activity is performed.

Thank you for your efforts to move this case to closure. If you have any questions, please contact me in writing at the letterhead address or by telephone at (414) 263-8757.

Sincerely,



Linda M. Michalets
Hydrogeologist
Remediation and Redevelopment Program

Enclosures

cc: Mr. Ronald Anderson, METCO



Key ENVIRONMENTAL SERVICES INC.

PO. BOX 619 • PORT WASHINGTON, WI 53074-0619 • (414) 284-8910

April 13, 1992

Wisconsin Department of Natural Resources
Box 12436
Milwaukee, WI 53212

Attention: Ms. Margaret Graefe

Reference: Ace Cleaners
6129 West Beloit Road
West Allis, WI 53209

Dear Margaret:

As discussed, I have been contracted by Mr. Peter Agnos to perform a Closure Assessment on three (3) underground storage tanks, removed April 8, 1992. Two (2) of the tanks were used for gasoline and the other one (1) for mineral spirits. Holes were evident in the ends and bottoms of all three (3) tanks. However, no staining, odors, or measurable vapors by PID Screening were evident in underlying soils. Natural soils consist of relatively stiff yellow brown silty clays (damp) with common, medium and distinct gray mottling. Perched water was encountered in all three excavations.

My report should be available in about three (3) weeks. I plan to incorporate data collected by others during removal of three (3) other tanks. If you should have any questions, please call.

Sincerely yours,

KEY ENVIRONMENTAL SERVICES INC.

A handwritten signature in black ink, appearing to read 'Gregory A. Konicek', written over a printed name.

Gregory A. Konicek

GAK/jmk

cc. Mr. Peter Agnos

[Petroleum Programs Home](#)[Search Instructions](#)[Search by Tank ID](#)[Search by Site, Owner, or
Tank Characteristics](#)

Tank List

Searching for:

Facility ID equal to 50506

Number of matching records: 3

Type	ID	Facility ID	Address	Status	Contents	Size (gals)	Cust ID	Owner
County: MILWAUKEE, FDID: 4010 - West Allis, Municipality: CITY OF WEST ALLIS								
1. UST	295927	50506	6129 W BELOIT RD	Closed/Removed	Other	6000	352373	PETER AGNES
2. UST	296322	50506	6129 W BELOIT RD	Closed/Removed	Leaded Gasoline	550	352373	PETER AGNES
3. UST	296323	50506	6129 W BELOIT RD	Closed/Removed	Unleaded Gasoline	1000	352373	PETER AGNES

[Download](#)**Disclaimer:** Tank Status does not reflect that the tank is code complying.[Close this response window](#)

This document was last revised: February 2010

Wisconsin Department of Safety and Professional Services

#2111

Site Name: Ace Cleaners
6129 W. Beloit Road

District: SED County: MCW
Address: West Allis, WI 53219

PMN: _____ EID: _____

Proj Mgr: Jennifer King Legal Municipality: West Allis

Support Person: Margaret Graefe Legal Desc: _____ 1/4 _____ 1/4 Sec _____ T _____ R _____ E/W

Date of Initial Contact: 1/29/92 Date of Letter: 2/3/92 Date Site Closure Approved: _____/_____/_____

Status: 1 = State Lead
 2 = RP Lead

Priority Screening: 1 = High
 2 = Medium
 3 = Low
 4 = Unknown

Funding Source: 1 = RP
 2 = LTF
 3 = EF
 4 = SF
 5 = None
 6 = Other (Describe In Comments)
 7 = EPA (Emergency Resp)

PECFA Review Requested (v) _____ Yes _____ No

Date PECFA Request Received (mm/dd/yy) _____/_____/_____

Lust Trust Eligible: 1 = Federal
 2 = Non-Federal

Score: 14

(v) As Appropriate	Date Initiated (mm/dd/yy)	Date Completed (mm/dd/yy)	Comments
<input type="checkbox"/> No Action Taken (N)			
<input type="checkbox"/> Emergency (E)	____/____/____	____/____/____	
<input type="checkbox"/> Emergency Response (R)	____/____/____	____/____/____	
<input checked="" type="checkbox"/> Field Investigation (I)	<u>1/28/92</u>	____/____/____	<u>Tank Pull</u>
<input type="checkbox"/> Remedial Action (C)	____/____/____	____/____/____	
<input type="checkbox"/> Long Term Monitoring (L)	____/____/____	____/____/____	

(v) All Appropriate

Known Impacts (v)	Potential Impacts (v)	Substances (v)
<input type="checkbox"/> Fire/Explosion Threat (1)	_____	<input type="checkbox"/> Leaded Gas(1)
<input type="checkbox"/> Contaminated Private Well (2)	_____	<input type="checkbox"/> Unleaded Gas (2)
<input type="checkbox"/> Contaminated Public Well (3)	_____	<input type="checkbox"/> Diesel (3)
<input type="checkbox"/> Groundwater Contamination (4)	_____	<input checked="" type="checkbox"/> Fuel Oil (4)
<input checked="" type="checkbox"/> Soil Contamination (5)	<u>X</u>	<input type="checkbox"/> Unknown Hydrocarbons (5)
<input type="checkbox"/> Other: (6)	_____	<input type="checkbox"/> Other (8)
		Quantity Discharged _____

Responsible party Name: Peter Agnos
Address: 860 E. Briar Ridge Dr.
Waukesha, WI 53186
Telephone: (414) 771-9660
(list additional on separate list and attach.)

Consultant: Gaidish Environmental
Contact: Dan Furdak
Address: 4801 S. Whitnall Ave
Cudahy, WI 53110
Telephone: (414) 481-5900
Amount Committed: \$ _____
Amount Spent: \$ _____
(list additional on separate list and attach.)

ENFORCEMENT ACTION TAKEN

- | | | | |
|--|---------------------------|-----------------------------|---------------------------|
| 01 = Inf. Contact, Resp Initiated | 08 = Adequate Response | 15 = Formal Enf Conf | 22 = Draft Referral |
| 02 = RP Letter, Resp Initiated | 09 = Progress Being Made | 16 = Enf Conf. Letter | 23 = Referral to DOJ |
| 03 = NTC of Non Compliance | 10 = Defer Enforcement | 17 = Admin. Order Proposed | 24 = Referral to DA |
| 04 = Inf. Enf. Conf, Resp Initiated | 11 = Close Out | 18 = Admin. Order Final | 25 = Referral to EPA |
| 05 = Follow-up Enf. Conf, Resp Initiated | 12 = Recommend NFA | 19 = Admin. Order Modified | 26 = Continuing Violation |
| 06 = Inspection Letter | 13 = FWD to Secondary Enf | 20 = Admin. Order Cancelled | 27 = See Next Violation |
| 07 = Response Received | 14 = Notice of Violation | 21 = Contest Case Hearing | 28 = Site Inspection |
- 99 = Other Action: _____

ACTION (code from above)	DATE (mm/dd/yy)	COMMENT
<u>01</u>	<u>1/29/92</u>	<u>Initial Contact</u>
<u>02</u>	<u>2/3/92</u>	<u>RP letter</u>

LUST CASE PRIORITY SCREENING WORKSHEET

HIGH FACTORS: (DEFINITION: Any case which presents an actual threat to human health, or has a high potential of causing a threat to human health and property; and/or any case which has caused or has a high potential of causing substantial impacts to the soil waters and air of the State of Wisconsin.)

- Contaminated private or public well >NR140 enf. std.
- Explosive or toxic vapors in structures
- Threat of fire

- HIGH OR MEDIUM FACTORS:** (write in choice of high or medium)
- Floating product (medium if no receptors within 1 mile)
 - Known gw contamination (private or public well <140 enf. std.)
 - Impacted surface water - wetland, trout stream, etc. impacted
 - Saturated soil contamination

MEDIUM FACTORS: (DEFINITION: Any case which does not appear to be an immediate threat to human health or vital natural resources but which shows levels of contamination that may cause substantial environmental impacts if left unaddressed.)

- Moderate (e.g. 100 - 500 ppm TPH) soil contamination with moderate potential for impacting groundwater.
- Impacted surface water - - no critical habitat threats.

LOW FACTORS: DEFINITION: Any case where contamination has been documented, but which presents limited potential for any immediate threat to human health and vital natural resources.)

- Soil contamination (e.g. less than 100 ppm TPH) which appears to have a limited potential for impacting groundwater.
- Initial remedial action has substantially reduced environmental threat.

UNKNOWN FACTOR: (DEFINITION: Any case where some indication of contamination is present, but due to incomplete or inaccurate information the level of threat to human health or the environment can not be assessed at this time.)

- Inadequate information to assign a high, medium, or low ranking.

OVERALL RANKING: The screening rank for the site along with the date of ranking. This may be updated when additional information is received. Special circumstances for a particular case may be taken into account in the comment section. The District LUST coordinator may independently set the ranking of a site based upon "special circumstances."

Circle one & date, indicate in priority screening box opposite side _____ HIGH _____ MEDIUM _____ LOW _____ UNKNOWN

Overall Site Comment:

NUMERICAL LUST SCORING WORKSHEET (Complete for LUST cases ranked HIGH)

1. **GROUNDWATER & SOILS:** (circle one)

<u>POINTS</u>	
20	Municipal Well
18	>5 private wells
16	4 - 6 private wells
14	2 - 3 private wells
12	1 private well
_____ SCORE	

<u>POINTS</u>	
8	Soil & gw within 1200' of a public well
6	Soil & gw within 1200' of one or more private wells
4	GW contamination, no wells within 1200'
2	Soil contamination

*For purposes of this scoring, private well includes any non-municipal water supply system.

2. **EXPLOSIVE OR TOXIC VAPORS:** (circle one)

<u>POINTS</u>		<u>CONFIRMED POTENTIAL</u>	
20	10	Explosive levels in a residence or building	
	8	Explosive levels in a sewer or structure	
12	8	Toxic levels in a residence or building	
_____ SCORE		NOTE: Explosive levels determined to be >20% LEL as per an explosivity meter; toxicity levels are based on OSHA permissible exposure limits (PEL)	

3. **HYDROGEOLOGIC SETTING:** (circle one)

<u>POINTS</u>	
12	Permeable stratigraphy (gravel, sand, fractured bedrock or utilities capable of intercepting and directing flow) and groundwater within 25 feet of the ground surface.
10	Permeable stratigraphy and groundwater greater than 25 feet below ground surface.
8	Moderately permeable stratigraphy (silty sands, silty gravel, clayey sands) and groundwater within 25 feet of ground surface.
6	Moderately permeable stratigraphy and groundwater greater than 25 feet below ground surface.
4	Impermeable stratigraphy (silt, clayey silt, sand clays) and groundwater within 25 feet of ground surface.
2	Impermeable stratigraphy and groundwater greater than 25 feet below ground surface.
_____ SCORE	

4. **TYPE OF PRODUCT:** (circle one)

<u>POINTS</u>	
8	Gasoline, mixture of gasoline and other products, other light petroleum products.
16	Diesel, fuel oil.
2	Bunker oil, other heavy oils or crude fractions.

Additional Site Comments:

Tank Pull 1-28-92

one tank - 8000 gallon (#2 Fuel oil)

underneath tank soil was stained

Strong odor.

GW was in excavated pit.

No product was on water.

Tank had 6 holes on the bottom

TDID#:
Reg Obj #:

UNDERGROUND FLAMMABLE/COMBUSTIBLE/HAZARDOUS LIQUID STORAGE TANK REGISTRATION

Information Required By Section 101.142, Wis. Stats.

Send Completed Form To:
Bureau of Weights & Measures
Permit & Licensing Section
P.O. Box 7837
Madison, WI 53707-7837

Underground tanks in Wisconsin that have stored or currently store petroleum or regulated substances must be registered. A separate form is needed for each tank. Send each completed form to the agency designated in the top right corner. Have you previously registered this tank by submitting a form? Yes No If yes, are you correcting/updating information only? Yes No
Personal information you provide may be used for secondary purposes [Privacy Law, s. 15.04 (1)(m)].

This registration applies to a tank status that is (check one):		Fire Department providing fire coverage where tank is located:
<input type="checkbox"/> In Use	<input type="checkbox"/> Closed - Tank Removed	<input type="checkbox"/> City <input type="checkbox"/> Village
<input type="checkbox"/> Newly Installed	<input type="checkbox"/> Closed - Filled with Inert Materials	<input type="checkbox"/> Town of:
<input type="checkbox"/> Abandoned with Product	<input type="checkbox"/> Abandon with Water	
<input type="checkbox"/> Abandoned without Product (empty)	<input type="checkbox"/> Temporarily Out of Service - Provide Date: _____	
<input type="checkbox"/> Ownership Change (Indicate new owner name in block 2)		

A. IDENTIFICATION (Please Print)

1. Tank Site Name	Site Street Address	Site Telephone Number ()
<input type="checkbox"/> City <input type="checkbox"/> Village <input type="checkbox"/> Town of:	State WISCONSIN Zip Code	County
2. Tank Owner Name	Mailing Address	Telephone Number ()
<input type="checkbox"/> City <input type="checkbox"/> Village <input type="checkbox"/> Town of:	State Zip Code	County
3. Property Owner Name (if different than tank owner)	Property Owner Address if different than #1	

B. Site ID #:	Facility ID #:	Customer ID #:
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C. Tank Capacity (gallons):	Tank Age (age or date installed):	Vehicle fueling: <input type="checkbox"/> Yes <input type="checkbox"/> No
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D. LAND OWNER TYPE (check one) Refer to back

County State Federal Leased Federal Owned Tribal Nation Municipal Other Government Private

E. OCCUPANCY TYPE (check one) Refer to back

Retail Fuel Sales Bulk Storage Terminal Storage Mercantile/Commercial Industrial Residential School
 Agricultural (crop or livestock production) Backup or Emergency Generator Gov't Fleet Utility Other (specify): _____

F. Tank Construction:	Overfill Protection? <input type="checkbox"/> Yes <input type="checkbox"/> No
<input type="checkbox"/> Bare Steel <input type="checkbox"/> Coated Steel <input type="checkbox"/> Stainless steel <input type="checkbox"/> Steel - Fiberglass Reinforced Plastic Composite	Spill Containment? <input type="checkbox"/> Yes <input type="checkbox"/> No
<input type="checkbox"/> Fiberglass <input type="checkbox"/> Unknown <input type="checkbox"/> Other (specify): _____ <input type="checkbox"/> Lined (date): _____	

G. Tank Cathodic Protection: <input type="checkbox"/> Sacrificial Anodes <input type="checkbox"/> Impressed Current <input type="checkbox"/> N/A	Tank Double Walled? <input type="checkbox"/> Yes <input type="checkbox"/> No
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H. Primary Tank Leak Detection Method:

Automatic tank gauging Interstitial monitoring Electronic: Yes No Inventory control and tightness testing
 Manual tank gauging (only for tanks of 1,000 gallons or less) Statistical Inventory Reconciliation (SIR) Unknown

I. Piping Construction:

Bare Steel Coated Steel Stainless Steel Fiberglass Flexible Copper Unknown NA Other _____

J. Piping Cathodic Protection: <input type="checkbox"/> Sacrificial Anodes <input type="checkbox"/> Impressed Current <input type="checkbox"/> N/A	Pipe Double Walled? <input type="checkbox"/> Yes <input type="checkbox"/> No
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K. Primary Piping System Type: Pressurized piping with A. Pump auto shutoff - ELLD; B. flow restrictor - MLLD Unknown
 Suction piping with check valve at tank Suction piping with check valve at pump and inspectable Not needed if waste oil

L. Piping Leak Detection Method: Interstitial monitoring Electronic: NO YES Sump or cable sensor Yes No
 Tightness testing Electronic line monitor - ELLD SIR Not required Unknown

M. Vapor Recovery/Stage II Fiberglass Flexible Other: _____ CARB #: _____
 Operational - Provide Date (mo./day/yr.): _____ Non-Operational - Provide Date (mo./day/yr.): _____

N. TANK CONTENTS (Current, or previous product (if tank now empty))

Leaded Unleaded Gasohol E85 Diesel Bio-diesel Aviation Premix Fuel Oil Kerosene Unknown
 New Oil New oil - Low FP Waste/Used Motor Oil Hazardous Waste/Interface* Empty* Sand/Gravel/Slurry*
 Other (specify): _____ Chemical* Name _____ CAS #: _____

* NOT PECFA eligible.	Geo Latitude:	Geo Longitude:
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O. If Tank Closed, Abandoned or Out of Service Give date (mo./day/yr.): _____	Has a site assessment been completed? (see reverse side for details) <input type="checkbox"/> Yes <input type="checkbox"/> No
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Tank Owner Name (please print): _____

Tank Owner Signature (Note: By signing, signer is accepting legal and financial responsibility for the storage tank system.)	Date
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Definitions and explanations for completing this form

Land Owner Type - classifies the organization that owns the property the tank is located on. A "Private" landowner is residential, commercial, mercantile, industrial, farm, non-government owned public utility, or other business organization.

Occupancy Type (categories below) – identifies the occupancy in relation to SPS 310 storage classifications.

- Retail Fuel Sales Tank is used to store any fuel product that is offered for sale in the retail market.
- Bulk Plant Storage Tank is used to store any fuel product that is offered for sale in the wholesale market.
- Industrial Tank is used to store any regulated product associated with an industrial: fleet, heating, industrial fabricating, manufacturing, processing or refining.
- Mercantile/Commercial Tank is used to store any regulated product associated with a commercial business fleet, heating, or processing, e.g., service company, medical facility, freight, airport, apartment, etc.
- Utility Tank is used to store any regulated product associated with a public or private water or power utility fleet, heating, or processing.
- Residential Tank is used to store any regulated product for residential heating or residential automobile fueling.
- School Tank is used to store any regulated product at public or private primary, secondary or higher educational institution.
- Agricultural Tank is used to store any regulated product directly associated with crop or livestock production, meaning a "farm." Refer to SPS 310.050(48)
- Back-up or Emergency Generator Tank is used to store any fuel used to power a backup or emergency generator; or as back-up to a primary fuel source such as fuel oil back-up to a natural gas fired boiler.
- Terminal Storage Tank is associated with a distribution facility such as an interstate pipeline. These tanks are typically field erected structures of 500,000 + gallon capacity. A million gallon tank at an ethanol production site would be "industrial," not "terminal storage."
- Government Fleet Tank is located at a facility owned and operated by a federal, state, county or local government entity. The tank may be used for vehicle fueling, waste oil or heating purposes.

A> Q@MUST/AST Permit and Registration Group Areas of Responsibility by County

Rebecca Shervey West 715-726-2545				Terri Quamme North East 608-267-1383		Israel Zurfluh Central 608-267-2051		Gwendolyn Person South East 608-267-1382	
02	Ashland	46	Pepin	05	Brown	01	Adams	30	Kenosha
03	Barron	47	Pierce	10	Clark	08	Calumet	40	Milwaukee
04	Bayfield	48	Polk	15	Door	11	Columbia	45	Ozaukee
06	Buffalo	50	Price	19	Florence	13	Dane	51	Racine
07	Burnett	52	Richland	21	Forest	14	Dodge	53	Rock
09	Chippewa	54	Rusk	31	Kewaunee	20	Fond Du Lac	64	Waiworth
12	Crawford	55	St Croix	34	Langlade	24	Green Lake	66	Washington
16	Douglas	57	Sawyer	35	Lincoln	28	Jefferson	67	Waukesha
17	Dunn	60	Taylor	37	Marathon	36	Manitowoc		
18	Eau Claire	61	Trempealeau	38	Marinette	39	Marquette		
22	Grant	62	Vernon	42	Oconto	56	Sauk		
23	Green	65	Washburn	43	Oneida	59	Sheboygan		
25	Iowa			44	Outagamie	69	Waushara		
26	Iron			49	Portage	70	Winnebago		
27	Jackson			58	Shawano				
29	Juneau			63	Vilas				
32	La Crosse			68	Waupaca				
33	Lafayette			71	Wood				
41	Monroe			72	Menominee				

CLOSURE ASSESSMENT INFORMATION

Requirements for a site assessment at the closure or change in service for SPS 310 regulated underground storage tank are outlined in SPS 310.732 and the Federal Register, 40 CFR 280 and 281.

Guidelines on properly conducting of a tank closure assessment can be obtained at:
http://commerce.wi.gov/ER/pdf/bst/ProgramLetters_PL/ER-BST-PL-TankClosureAssessGuide.pdf
 or Sheldon Schall by e-mail: Sheldon.Schall@wisconsin.gov or telephone: 608.266.0956

Closure site assessments (TSSA Form Part B) are to be submitted to the DNR as required in the TSSA Guide:
http://dsps.wi.gov/er/pdf/bst/ProgramLetters_PL/ER-BST-PL-TSSA_Guide.pdf