



Stantec Consulting Services Inc.
12075 Corporate Parkway, Suite 200 Mequon WI 53092

September 27, 2016
File: 193703931

Attention: Nicolas Sparacio, AICP
Community Development Director
City of Manitowoc
900 Quay Street
Manitowoc, WI 54220-4543

Dear Mr. Sparacio:

**Reference: RLF Eligibility Determination Supplemental Information on Continuing Obligations
1512 Washington Street Manitowoc, Wisconsin
USEPA Cooperative Agreement No. BF-00E01242
Stantec Project No. 193703931**

On behalf of the City of Manitowoc (City), Stantec Consulting Services Inc. (Stantec) has prepared this letter to clarify and document compliance with CERCLA continuing obligations stipulated in CERCLA §§ 101(40)(C)-(G) following acquisition of the vacant, former industrial Brownfield property located at 1512 Washington Street in Manitowoc, Wisconsin (herein referred to as the "Site") by the Community Development Authority of the City of Manitowoc (CDA) on June 29, 2016. This response was completed utilizing Brownfield revolving loan fund (RLF) grant funds provided to the City by the United States Environmental Protection Agency (USEPA) under cooperative agreement no. BF-00E01242-0.

Background

To meet the requirements of CERCLA §§ 101(40) and 107(r)(1), a Phase I Environmental Site Assessment (ESA) was completed on behalf of the CDA on June 28, 2016 by Stantec (2016b) utilizing funds from an assessment grant for hazardous substance brownfields awarded to the City by the USEPA in 2015 under Cooperative Agreement Number BF-00E01529-0. The Phase I ESA was completed following USEPA approval of the Stantec (2016a) eligibility determination request on June 23, 2016. The Stantec (2016b) Phase I ESA was conducted in conformance with the All Appropriate Inquiries Final Rule stipulated in 40 CFR Part 312 following the requirements of American Society for Testing and Materials (ASTM) Designation E 1527-13. The Stantec (2016b) Phase I ESA and subsequent due diligence investigations outlined below have documented all disposal of hazardous substances occurred before the CDA acquired the property. Further, the CDA has "no affiliation" with a liable or potentially liable party.

The City is targeting a subgrant from the Manitowoc Brownfields RLF to support abatement of asbestos containing materials (ACM) remaining onsite prior to planned demolition. As stipulated by the cooperative agreement with USEPA, a subgrant eligibility determination request was submitted to USEPA on August 29, 2016 (Stantec, 2016i). USEPA requested additional documentation via email on August 30, 2016 describing continuing obligations taken to prevent future release of contaminants.

As described in further detail below, upon acquisition, the CDA has complied with all continuing obligations, including compliance with any land use restrictions and institutional controls, taken any necessary reasonable steps with respect to hazardous substances on the property, has and



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will continue to cooperate and provide access, remains in compliance with information requests and administrative subpoenas, and will provide any legally required notices. The Wisconsin Department of Natural Resources (WDNR) and USEPA have reviewed/approved all workplans (Stantec 2016c, 2016f, and 2016l) related to continued due diligence investigations at the Site. Further, both agencies have been notified at the initiation of each phase of investigation and each agency invited to the Site during Site work.

Continuing Obligations

1. Compliance with land use restrictions established or relied upon in connection with a response action at a property

The CDA has maintained compliance with land use restrictions approved by the Wisconsin Department of Natural Resources (WDNR) to manage residual impacts at the Site related to closure of Case Nos. 03-36-274209, 02-36-216391, 03-36-000085. The CDA has maintained ongoing communications with the WDNR and USEPA as due diligence investigations have continued under the open WDNR case No. 02-36-545108 and described further in the following sections.

2. Not impeding the effectiveness or integrity of any institutional controls employed in connection with a response action;

The CDA has maintained compliance with institutional controls approved by WDNR to manage residual impacts at the Site related to closure of Case Nos. 03-36-274209, 02-36-216391, 03-36-000085. The CDA has maintained ongoing communications with the WDNR and USEPA as due diligence investigations have continued under the open WDNR case No. 02-36-545108 and described further in the following sections.

3. Taking “reasonable steps” with respect to releases of hazardous substances, including stopping continuing releases, preventing threatened future releases and preventing or limiting human, environmental or natural resource exposure to prior releases of hazardous substances;

The WDNR prepared a general liability clarification letter on March 8, 2016 clarifying the local government unit liability exemption related to acquisition of the property by the CDA. Following acquisition, WDNR issued an LGU exemption of liability to the CDA on June 30, 2016.

The Stantec (2016b) Phase I ESA identified seven recognized environmental conditions, one controlled recognized environmental condition (related to closure of WDNR Case No. 03-36-274209), and two historic recognized environmental conditions. To evaluate these conditions, a Site-Specific Sampling and Analysis Plans (Stantec, 2016c and 2016f) were developed, reviewed/approved by USEPA and WDNR, and implemented during July-September 2016 as described below.

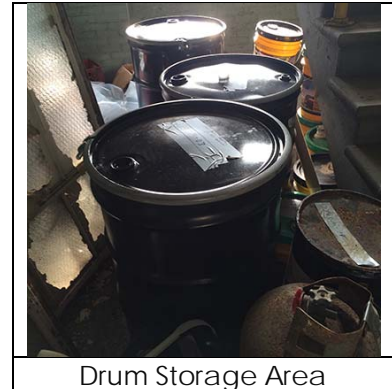
Stopping continuing releases. As noted in the Stantec (2016b) Phase I ESA, all USTs were removed or cleaned/closed in place under WDNR Case Nos. 03-36-274209, 02-36-216391, 03-36-000085 prior to the CDA acquiring the property. No previously undocumented potential source areas (i.e. tanks/pits) were identified during the site-wide geophysical survey (Stantec, 2016g).



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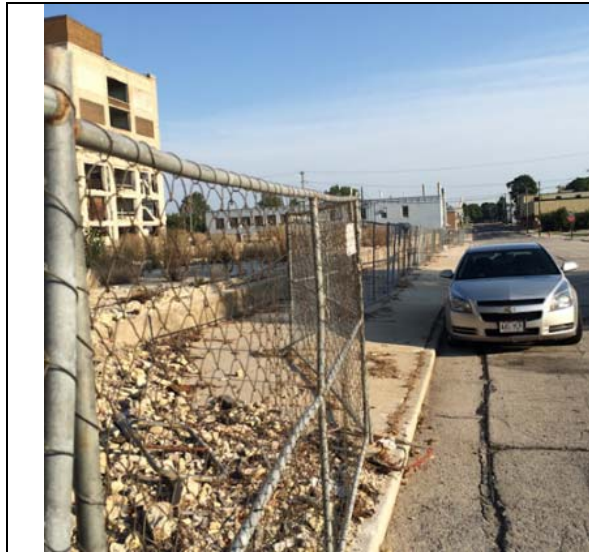
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Preventing threatened future releases. Pursuant to an approved Site-Specific Sampling and Analysis Plan (Stantec 2016f), an inventory of remaining drums/totes was completed (Stantec, 2016e). Veolia ES Industrial Solutions accumulated, field screened, and bulked remaining liquid waste into DOT approved containers. Representative samples were collected and submitted to TestAmerica (Chicago, IL) for waste characterization purposes. The drums were secured, labeled appropriately, and stored in a secure location inside the building. Pending completion/approval of the waste profile, the drums will be removed by Veolia for proper disposal. City police and building inspection staff drive by the Site during regular patrols to prevent illicit dumping.



Drum Storage Area

Preventing or limiting human exposure. Prior to acquisition, a perimeter fence was installed around the rights-of-way to prevent access to the property and the fence secured a padlock. City police and building inspection staff drive by the Site during regular patrols of the area to further control Site access.



Typical perimeter fencing;



Padlock securing gated entrance to Site.

A structural engineer completed a building condition assessment to identify significant structural concerns with the property (Stantec, 2016d and 2016k). The assessment included marking/flagging significant structural liabilities with tape/paint to control access (see typical photos below). The markings have been maintained as needed due to weather disturbance/etc.



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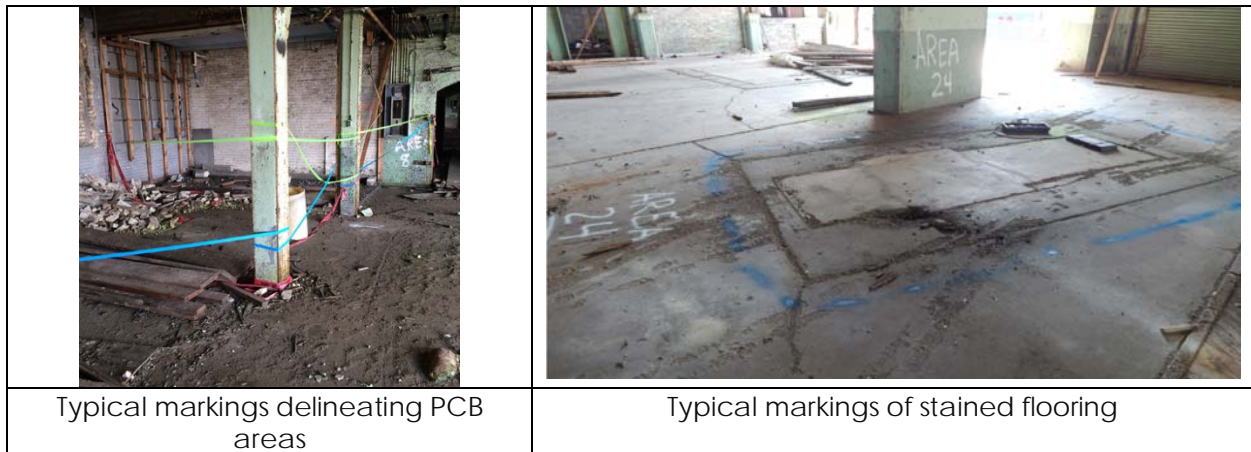
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Typical markings identifying structural hazards

The building condition assessment (Stantec, 2016k) did not identify conditions of imminent catastrophic building collapse, therefore, no shoring/structural support for the overall structure was warranted to protect the community.

To prevent potential exposure to polychlorinated biphenyls (PCBs), known PCB release areas were marked/delineated with tape/paint (see photo below). In addition, apparent stains to flooring were identified/delineated by Stantec (2016h) to prevent potential human exposure to residual impacts (see photo below). A site-specific sampling and analysis plan was developed to characterize/delineate horizontal and vertical extents of residual impacts to each area (Stantec, 2016l). Implementation of the plan is pending final USEPA approval.



Typical markings delineating PCB areas

Typical markings of stained flooring

Prior work has documented the presence of ACM at the Site. Following property acquisition by the CDA, a pre-demolition asbestos and lead based paint survey was completed to identify and facilitate removal/abatement of remaining ACM from the Site (Stantec, 2016n). The CDA is utilizing this survey to prepare and issue a request for proposal (RFP) from qualified abatement firms to remove the remaining ACM from the Site. The CDA expects to issue the RFP by the end of September 2016 with abatement work starting in late October 2016.



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The Stantec (2016b) Phase I ESA noted the presence of a subsurface tunnel network at the Site. Continued due diligence at the Site included mapping the tunnel network with ground penetrating radar (Stantec, 2016g), completing an inspection of the network under confined space entry methods (Stantec, 2016j), and completing a pre-demolition asbestos survey in the tunnel network (Stantec, 2016n). Identified entrances were marked with flagging to restrict access.

Preventing or limiting natural resource exposure. No evidence of animal exposure risk (i.e. animal burrows, feces, hair/feathers, etc.) has been observed at the Site. Recent work by others (Symbiont, 2016) indicates the Site is not a significant ongoing threat to the storm water system.

Preventing or limiting environmental exposure. Prior work has identified the presence of light non-aqueous phase liquid on the west-central portion of the Site. Based on prior work reviewed during the Phase I ESA, a recent investigation by Symbiont (2016), and recent observations by Stantec (2016j), it appears the building foundation walls and concrete floors are providing physical barriers to horizontal migration of residual impacts. Maintaining these features during demolition should prevent further migration of residual impacts. As Site access improves following building demolition, subsurface investigations will continue to further delineate the extent of residual soil and groundwater impacts to facilitate planning for appropriate remedial actions.

4. Providing full cooperation, assistance and access to persons who are authorized to conduct response actions or natural resource restoration at a property;

The property has been secured and the CDA has provided institutional and engineering controls to control public access. However, access has not been restricted to persons who are authorized to conduct response actions or natural resource restoration at a property.

The WDNR and USEPA project management staff have reviewed and approved all workplans for continued work at the Site (Stantec 2016c, 2016f, and 2016l) and have received all reports referenced below (Stantec 2016a-2016n). Further, both agencies have been notified at the initiation of each phase of investigation and each agency invited to the Site during Site work. An onsite meeting was held with WDNR asbestos staff on September 9 to confirm agency expectations related to the abatement of friable material.

As demonstrated above, the CDA is committed to proper abatement and remedial actions as part of Site ownership and redevelopment and continues to provide full cooperation, assistance, and access to persons authorized to conduct response actions or natural resource restoration, including the cooperation and access necessary for the installation, integrity, operation, and maintenance of any complete or partial response action or natural resource restoration deemed necessary.

5. Complying with information requests and administrative subpoenas;

The CDA will comply with all information requests and administrative subpoenas. The City maintains a publicly accessible cloud-based administrative record to facilitate information dissemination to the community. The administrative record can be accessed here:

<https://www.dropbox.com/sh/qharxxmn6qh6av6/AABYQdHYBx5jl2aer7hw9a1Na?dl=0>



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6. Providing legally-required notices with respect to releases of any hazardous substances at a property.

The City continues to provide legally required notices related to the discovery or release of hazardous substances at the property. As part of local, federal, and state funded remedial efforts, public notice of the Analysis of Brownfield Cleanup Alternatives (ABCA) and dissemination of information will be provided as part of the Community Involvement Plan to be developed during the RLF subgranting process. Signage will be provided at the Site entrance notifying the community when remediation work begins to further restrict Site access. Davis Bacon, prevailing wage, and other required signage will also be posted. The City continues to provide updated information through numerous public meetings held as part of planning activities, regularly scheduled open City and Community Development Authority meetings, and through the news media.

We trust this information meets your needs and will facilitate approval of the subgrant eligibility determination. After approval of the eligibility determination, a community involvement plan will be developed. An ABCA will be developed and published for public comment per the community involvement plan. After an abatement firm is procured, a subgrant application will be prepared and submitted to the Manitowoc Brownfields Advisory Committee for approval. To facilitate the subgrant approval process, a National Register of Historic Places Determination of Eligibility has been prepared (Stantec, 2016m) and submitted to the State Historical Preservation Office for concurrence.

Please do not hesitate to call with any questions.

Regards,

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LIMITATIONS

Stantec's observations, findings, and opinions should not be considered as scientific certainties, but only as opinion based on our professional judgment concerning the significance of the data gathered during the preparation of this document. Specifically, Stantec cannot represent that the Site does not contain any hazardous or toxic materials/wastes or other latent conditions beyond that identified by Stantec. Additionally, due to limitations of this investigation process



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and the necessary use of data furnished by others, Stantec and its subcontractors cannot assume liability if actual conditions differ from the information presented in this report.

REFERENCES (by date)

- Stantec, 2016a, Property-Specific Determination of Eligibility Request for USEPA Community-Wide Brownfields Assessment Grant for Hazardous Substances. June 14, 2016.
- Stantec, 2016b, Phase I ESA, June 28, 2016.
- Stantec, 2016c, Site-Specific Sampling and Analysis Plan, July 6, 2016.
- Stantec, 2016d, Mirro Buildings Structural Condition Assessment, July 25, 2016.
- Stantec, 2016e, Photographic Documentation of Former Mirro Building Current Ground Floor Features, July 28, 2016.
- Stantec, 2016f, Addendum 1 to the July 6, 2016 Site-Specific Sampling and Analysis Plan, July 28, 2016.
- Stantec, 2016g, Geophysical Survey Results and Site Survey, August 15, 2016.
- Stantec, 2016h, Inventory of Floor Stains and Photographic Documentation of the Former Mirro Building, August 17, 2016.
- Stantec, 2016i, Site and Property Owner/Borrower Eligibility Determination Request for USEPA Brownfield Revolving Loan Fund Subgrant for Hazardous Substances. August 29, 2016.
- Stantec, 2016j, Inspection of Subsurface Service Tunnel Network, August 31, 2016.
- Stantec, 2016k, Mirro Building Structural Condition Assessment, September 13, 2016.
- Stantec, 2016l, Site-Specific Sampling and Analysis Plan for Phase II ESA – Characterization of Floor Stains and Delineation of PCB Impacts to Concrete, September 15, 2016.
- Stantec, 2016m, National Register of Historic Places Determination of Eligibility, September 20, 2016.
- Stantec, 2016n, Asbestos and Lead Based Paint Pre-Demolition Survey, September 21, 2016.
- Symbiont, 2016, Site Investigation Results and Summary of Previous Assessments, August 1, 2016.

