

State of Wisconsin
DEPARTMENT OF NATURAL RESOURCES
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October 18, 2016

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and 02-36-54108

Nicolas Sparacio
Community Development Director
City of Manitowoc
900 Quay Street
Manitowoc, WI 54220

Subject: State Eligibility Determination for Federal Petroleum Assessment Grant
1512 Washington Street, Manitowoc, Wisconsin

Dear Mr. Sparacio:

This letter provides a state determination of eligibility for petroleum assessment at the former Mirro property located at 1512 Washington Street in the City of Manitowoc. This work will be performed under the City of Manitowoc's FY 2015 Brownfield Assessment Grant from the Environmental Protection Agency.

History and Ownership

The 3.72 acre Property was used for a variety of industrial and residential purposes beginning around 1880 and in 1921 the structures were removed and a large aluminum manufacturing plant began operations at the Property. The facility that eventually included several industrial buildings, as high as 5 stories, which took up most of the entire block. The facility was operated most of the time as the Mirro Aluminum Manufacturing Company and operations ceased around 1986. After that, the Property changed hands several times and was eventually acquired by EJ Spirtus, LLC who held the Property from 2006 until 2016. In 2016, the Community Development Authority of the City of Manitowoc acquired the property through the condemnation process.

Contaminant Information

Many rounds of environmental investigations and remedial actions have identified petroleum and non-petroleum contamination on the Property from years of industrial operations. Specifically as many as 14 diesel and fuel oil underground tanks have been used on the property and most of the tanks appear to have been removed. Also, a recent Stantec Inspection of Subsurface Service Tunnel Network report identified a plume of light non-aqueous phase liquid (LNAPL) on the north/central portion of the Property that may be coming from a former sand pit that was reportedly used to manage waste hydraulic fluid in the Heavy Press area. Other petroleum discharges may have also occurred to building materials from hydraulic presses and other sources.

The Department has made the following determination regarding petroleum assessment at 1512 Washington Street, Manitowoc, Wisconsin:

- The site meets the federal definition of a brownfield.

- There are no viable responsible parties based on the criteria in EPA's October 2015 Proposal Guidelines for Brownfields Site Assessment Grants. Specifically, the grant recipient, the City of Manitowoc, has not caused or contributed to contamination and is not liable for cleanup. There is no known viable responsible party under the federal guidelines, i.e. another party who is subject to either a judgment in a court of law or an administrative order issued by an administrative body that would require that party to assess, investigate, or clean up the site. There is no filed environmental enforcement action brought by federal or state authorities regarding this site, and it is not subject to any known citizen suit, that would, if successful, require a responsible party that is financially capable of satisfying obligations under federal or state law to assess investigate or clean up the site.
- The applicant, the City of Manitowoc, did not dispense or dispose of petroleum or petroleum product, or exacerbate the existing contamination at the site.
- The current and immediate past owners, the Community Development Authority of the City of Manitowoc and EJ Spirtas Manitowoc, LLC, did not dispense or dispose of petroleum or petroleum products, or own the Property during the dispensing or disposal of, any petroleum products at the Property. The owner and past owner have maintained compliance with continuing obligations at the Property related to petroleum discharges. Also, remaining petroleum materials have been characterized and bulked into proper drums for disposal.
- Potential petroleum contamination would be of "relatively low risk" based on the criteria in EPA's October 2015 Proposal Guidelines for Brownfields Assessment Grants. Specifically, LUST trust fund monies have not been applied to these sites and the state is not aware of any outstanding requirements under the federal Oil Pollution Act.
- The property is not subject to a corrective action order under the Resource Conservation and Recover Act (RCRA) Sec. 9003(h).
- There has been no new contamination confirmed at this site and, thus, no responsible parties have been identified.

Therefore, we believe the City of Manitowoc could use this money to conduct remediation and other eligible activities at this property under its 2015 federal brownfield assessment grant. Please contact me at 608-261-4927 if you have any questions.

Sincerely,



Michael Prager
Remediation and Redevelopment Program
Department of Natural Resources

cc: Harris Byers, Stantec
Tauren Beggs, NER