

**From:** Beggs, Tauren R - DNR  
**Sent:** Tuesday, February 6, 2024 2:41 PM  
**To:** Graczyk, Lisa (she/her/hers)  
**Cc:** Ramanauskas, Peter; Carey, Angela J - DNR; Chronert, Roxanne N - DNR; Steketee, John  
**Subject:** RE: Request Feedback for Liability Clarification Request Relating to PCB Releases at Mirro Plant 9 (Former) Site, BRRTS #s 02-36-545108 and 07-36-548528

Thanks Lisa

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Visit our survey at <http://dnr.wi.gov/customersurvey> to evaluate how I did.

**Tauren R. Beggs**

Phone: (920) 510-3472

[Tauren.Beggs@wisconsin.gov](mailto:Tauren.Beggs@wisconsin.gov) (preferred contact method during work at home)

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**From:** Graczyk, Lisa (she/her/hers) <[graczyk.lisa@epa.gov](mailto:graczyk.lisa@epa.gov)>  
**Sent:** Tuesday, February 6, 2024 2:28 PM  
**To:** Beggs, Tauren R - DNR <[Tauren.Beggs@wisconsin.gov](mailto:Tauren.Beggs@wisconsin.gov)>  
**Cc:** Ramanauskas, Peter <[ramanauskas.peter@epa.gov](mailto:ramanauskas.peter@epa.gov)>; Carey, Angela J - DNR <[Angela.Carey@wisconsin.gov](mailto:Angela.Carey@wisconsin.gov)>; Chronert, Roxanne N - DNR <[Roxanne.Chronert@wisconsin.gov](mailto:Roxanne.Chronert@wisconsin.gov)>; Steketee, John <[steketee.john@epa.gov](mailto:steketee.john@epa.gov)>  
**Subject:** RE: Request Feedback for Liability Clarification Request Relating to PCB Releases at Mirro Plant 9 (Former) Site, BRRTS #s 02-36-545108 and 07-36-548528

Tauren,

Please see the slightly revised response below due to you pointing out that WDNR prepared the presentation and not NOC.

Thank you.

Lisa

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Lisa Graczyk  
U.S. EPA Region 5  
tel: (312) 353-3219

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**From:** Graczyk, Lisa (she/her/hers)  
**Sent:** Tuesday, February 6, 2024 11:44 AM  
**To:** Beggs, Tauren R - DNR <[Tauren.Beggs@wisconsin.gov](mailto:Tauren.Beggs@wisconsin.gov)>  
**Cc:** Ramanauskas, Peter <[ramanauskas.peter@epa.gov](mailto:ramanauskas.peter@epa.gov)>; [angela.carey@wisconsin.gov](mailto:angela.carey@wisconsin.gov); Chronert, Roxanne N - DNR <[Roxanne.Chronert@wisconsin.gov](mailto:Roxanne.Chronert@wisconsin.gov)>; Steketee, John <[steketee.john@epa.gov](mailto:steketee.john@epa.gov)>  
**Subject:** RE: Request Feedback for Liability Clarification Request Relating to PCB Releases at Mirro Plant 9 (Former) Site, BRRTS #s 02-36-545108 and 07-36-548528

Tauren,

The EPA has reviewed Newell Operating Company's (NOC) liability clarification request regarding PCBs at the former Mirro Plant No. 9. Specially, Page 5 of the request states:

*Ramboll Americas Environmental Solutions, Inc., on behalf of Newell Operating Company, is submitting a Polychlorinated Biphenyl Liability Clarification Request for the former Mirro Plant No. 9 facility located at 1512 Washington Street in Manitowoc, Wisconsin. Newell Operating Company is seeking a written determination from the Wisconsin Department of Natural Resources, in the form of a General Liability Clarification, that Newell Operating Company is not responsible to further investigate or remediate polychlorinated biphenyl impacted soils, sediments, groundwater, or other materials in the loading dock area (Building K), Area 8 (Building I), the areas extending approximately 20 feet surrounding the loading dock area and Area 8, or the sewer network (storm sewer or sanitary sewer).*

EPA reviewed available background information, including the presentation from WDNR, and cannot release Newell Operating Company from liability for PCBs at the former Mirro Plant No. 9 facility in the areas listed in their request. Although a compelling argument was made that EJ Spirtas Manitowoc, LLC, likely caused the PCB contamination in these areas (Building K and Area 8) while draining transformers, it cannot be definitely proven that PCB contamination was not present at an earlier date, such as when NOC owned the property, in the loading dock area (Building K), Area 8 (Building I), the areas extending approximately 20 feet surrounding the loading dock area and Area 8, or the sewer network (storm sewer or sanitary sewer). For example, the 2003 Phase I ESA reported saturated wood flooring in Building K and concrete press pits formerly used to collect hydraulic oil that originated/leaked from hydraulically operated manufacturing equipment (PCBs were historically used in certain hydraulic fluids). No sampling was performed in these areas or other areas for PCBs to rule out PCB contamination from an earlier date.

Please let me know if you need any further information.

Lisa

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Lisa Graczyk  
U.S. EPA Region 5  
tel: (312) 353-3219

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**From:** Beggs, Tauren R - DNR <[Tauren.Beggs@wisconsin.gov](mailto:Tauren.Beggs@wisconsin.gov)>  
**Sent:** Tuesday, January 30, 2024 10:30 AM  
**To:** Graczyk, Lisa (she/her/hers) <[graczyk.lisa@epa.gov](mailto:graczyk.lisa@epa.gov)>  
**Cc:** Ramanauskas, Peter <[ramanauskas.peter@epa.gov](mailto:ramanauskas.peter@epa.gov)>; [angela.carey@wisconsin.gov](mailto:angela.carey@wisconsin.gov); Chronert, Roxanne N - DNR <[Roxanne.Chronert@wisconsin.gov](mailto:Roxanne.Chronert@wisconsin.gov)>; Steketee, John <[steketee.john@epa.gov](mailto:steketee.john@epa.gov)>  
**Subject:** RE: Request Feedback for Liability Clarification Request Relating to PCB Releases at Mirro Plant 9 (Former) Site, BRRTS #s 02-36-545108 and 07-36-548528

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Hi Lisa,

Thanks for the update and an email would suffice for this.

Thanks,

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**Tauren R. Beggs**

Phone: (920) 510-3472

[Tauren.Beggs@wisconsin.gov](mailto:Tauren.Beggs@wisconsin.gov) (preferred contact method during work at home)

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**From:** Graczyk, Lisa (she/her/hers) <[graczyk.lisa@epa.gov](mailto:graczyk.lisa@epa.gov)>  
**Sent:** Tuesday, January 30, 2024 8:50 AM  
**To:** Beggs, Tauren R - DNR <[Tauren.Beggs@wisconsin.gov](mailto:Tauren.Beggs@wisconsin.gov)>  
**Cc:** Ramanauskas, Peter <[ramanauskas.peter@epa.gov](mailto:ramanauskas.peter@epa.gov)>; Carey, Angela J - DNR <[Angela.Carey@wisconsin.gov](mailto:Angela.Carey@wisconsin.gov)>; Chronert, Roxanne N - DNR <[Roxanne.Chronert@wisconsin.gov](mailto:Roxanne.Chronert@wisconsin.gov)>; Steketee, John <[steketee.john@epa.gov](mailto:steketee.john@epa.gov)>  
**Subject:** RE: Request Feedback for Liability Clarification Request Relating to PCB Releases at Mirro Plant 9 (Former) Site, BRRTS #s 02-36-545108 and 07-36-548528

Hi Tauren,

We're meeting tomorrow to talk about this further.

Also, what exactly would you want from us. Would an email to WDNR suffice or were you looking for something more?

Thanks.

Lisa

---

Lisa Graczyk  
U.S. EPA Region 5  
tel: (312) 353-3219

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**From:** Beggs, Tauren R - DNR <[Tauren.Beggs@wisconsin.gov](mailto:Tauren.Beggs@wisconsin.gov)>  
**Sent:** Tuesday, January 30, 2024 8:14 AM  
**To:** Graczyk, Lisa (she/her/hers) <[graczyk.lisa@epa.gov](mailto:graczyk.lisa@epa.gov)>  
**Cc:** Ramanauskas, Peter <[ramanauskas.peter@epa.gov](mailto:ramanauskas.peter@epa.gov)>; [angela.carey@wisconsin.gov](mailto:angela.carey@wisconsin.gov); Chronert, Roxanne N - DNR <[Roxanne.Chronert@wisconsin.gov](mailto:Roxanne.Chronert@wisconsin.gov)>; Steketee, John <[steketee.john@epa.gov](mailto:steketee.john@epa.gov)>

**Subject:** RE: Request Feedback for Liability Clarification Request Relating to PCB Releases at Mirro Plant 9 (Former) Site, BRRTS #s 02-36-545108 and 07-36-548528

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Hi Lisa,

Do you have an idea when EPA will be making their determination for this request?

Please let me know when you get a chance.

Thanks,  
Tauren

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**Tauren R. Beggs**

Phone: (920) 510-3472

[Tauren.Beggs@wisconsin.gov](mailto:Tauren.Beggs@wisconsin.gov) (preferred contact method during work at home)

---

**From:** Beggs, Tauren R - DNR

**Sent:** Wednesday, January 24, 2024 8:27 AM

**To:** Graczyk, Lisa (she/her/hers) <[graczyk.lisa@epa.gov](mailto:graczyk.lisa@epa.gov)>

**Cc:** Ramanauskas, Peter <[ramanauskas.peter@epa.gov](mailto:ramanauskas.peter@epa.gov)>; Carey, Angela J - DNR

<[Angela.Carey@wisconsin.gov](mailto:Angela.Carey@wisconsin.gov)>; Chronert, Roxanne N - DNR <[Roxanne.Chronert@wisconsin.gov](mailto:Roxanne.Chronert@wisconsin.gov)>;

Steketee, John <[steketee.john@epa.gov](mailto:steketee.john@epa.gov)>

**Subject:** RE: Request Feedback for Liability Clarification Request Relating to PCB Releases at Mirro Plant 9 (Former) Site, BRRTS #s 02-36-545108 and 07-36-548528

Hi Lisa,

This is what DNR has for the Phase I ESA in the DNR's case file. It was provided as an attachment in the 2009 Phase II ESA completed by AECOM.

Regards,  
Tauren

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**Tauren R. Beggs**

Phone: (920) 510-3472

[Tauren.Beggs@wisconsin.gov](mailto:Tauren.Beggs@wisconsin.gov) (preferred contact method during work at home)

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**From:** Graczyk, Lisa (she/her/hers) <[graczyk.lisa@epa.gov](mailto:graczyk.lisa@epa.gov)>  
**Sent:** Tuesday, January 23, 2024 3:55 PM  
**To:** Beggs, Tauren R - DNR <[Tauren.Beggs@wisconsin.gov](mailto:Tauren.Beggs@wisconsin.gov)>  
**Cc:** Ramanauskas, Peter <[ramanauskas.peter@epa.gov](mailto:ramanauskas.peter@epa.gov)>; Carey, Angela J - DNR <[Angela.Carey@wisconsin.gov](mailto:Angela.Carey@wisconsin.gov)>; Chronert, Roxanne N - DNR <[Roxanne.Chronert@wisconsin.gov](mailto:Roxanne.Chronert@wisconsin.gov)>; Steketee, John <[steketee.john@epa.gov](mailto:steketee.john@epa.gov)>  
**Subject:** RE: Request Feedback for Liability Clarification Request Relating to PCB Releases at Mirro Plant 9 (Former) Site, BRRTS #s 02-36-545108 and 07-36-548528

Tauren,

Do you have a copy of the June 20, 2003, Phase I ESA that was part of the presentation? If so, can we please get a copy? We did look in the BRRTS system and didn't find it there.

Thanks.

Lisa

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Lisa Graczyk  
U.S. EPA Region 5  
tel: (312) 353-3219

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**From:** Beggs, Tauren R - DNR <[Tauren.Beggs@wisconsin.gov](mailto:Tauren.Beggs@wisconsin.gov)>  
**Sent:** Monday, December 18, 2023 1:29 PM  
**To:** Graczyk, Lisa (she/her/hers) <[graczyk.lisa@epa.gov](mailto:graczyk.lisa@epa.gov)>  
**Cc:** Ramanauskas, Peter <[ramanauskas.peter@epa.gov](mailto:ramanauskas.peter@epa.gov)>; [angela.carey@wisconsin.gov](mailto:angela.carey@wisconsin.gov); Chronert, Roxanne N - DNR <[Roxanne.Chronert@wisconsin.gov](mailto:Roxanne.Chronert@wisconsin.gov)>; Steketee, John <[steketee.john@epa.gov](mailto:steketee.john@epa.gov)>  
**Subject:** RE: Request Feedback for Liability Clarification Request Relating to PCB Releases at Mirro Plant 9 (Former) Site, BRRTS #s 02-36-545108 and 07-36-548528

**Caution:** This email originated from outside EPA, please exercise additional caution when deciding whether to open attachments or click on provided links.

Hi Lisa,

I got through reviewing the request and presented the information to a group of DNR staff this morning. The consultant Ramboll, on behalf of Newell Operating Company (NOC), is indicating there is evidence that PCB releases from draining the transformers was done by a different property owner after NOC sold the property. I have attached the presentation slides for you to take a look at, which essentially is a summary of what the consultant provided in their request in addition to some other information I found in the DNR case file.

There was a time critical removal action completed by the owner at the time (EJ Spirtas Group, LLC) with EPA oversight in 2011 for this site (Final EPA POLREP and April 6, 2011 Removal Action Memo attached). DNR is looking for additional information on the PRP search and enforcement negotiations that occurred as part of that removal action since it is redacted from the memo.

I think it would be good to have a call with you to discuss this information once you have had a chance to look at it. With holidays coming up quickly, probably looking at early January to set up a call.

Regards,

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**Tauren R. Beggs**

Phone: (920) 510-3472

[Tauren.Beggs@wisconsin.gov](mailto:Tauren.Beggs@wisconsin.gov) (preferred contact method during work at home)

---

**From:** Graczyk, Lisa (she/her/hers) <[graczyk.lisa@epa.gov](mailto:graczyk.lisa@epa.gov)>

**Sent:** Monday, December 4, 2023 8:29 AM

**To:** Beggs, Tauren R - DNR <[Tauren.Beggs@wisconsin.gov](mailto:Tauren.Beggs@wisconsin.gov)>

**Cc:** Ramanauskas, Peter <[ramanauskas.peter@epa.gov](mailto:ramanauskas.peter@epa.gov)>; Carey, Angela J - DNR <[Angela.Carey@wisconsin.gov](mailto:Angela.Carey@wisconsin.gov)>; Chronert, Roxanne N - DNR <[Roxanne.Chronert@wisconsin.gov](mailto:Roxanne.Chronert@wisconsin.gov)>; Steketee, John <[steketee.john@epa.gov](mailto:steketee.john@epa.gov)>

**Subject:** RE: Request Feedback for Liability Clarification Request Relating to PCB Releases at Mirro Plant 9 (Former) Site, BRRTS #s 02-36-545108 and 07-36-548528

Tauren,

The RP, Newell Operating Company (NOC), is not released from federal liability under TSCA for the PCB contamination. I am unfamiliar with Wisconsin's regulations about this.

The 2005 [PCB Site Revitalization Guidance](#) explains: "The responsibility for the initial PCB contamination (e.g., spill or other release) resides with the person(s) who caused the contamination or who owned or operated the PCBs or PCB-containing equipment at the time of the contamination. However, after the property transfer, the new owner becomes responsible for controlling and mitigating any continuing and/or future releases of PCBs."

Let me know if you need anything more from EPA.

Thanks.

Lisa

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Lisa Graczyk  
U.S. EPA Region 5  
tel: (312) 353-3219

---

**From:** Beggs, Tauren R - DNR <[Tauren.Beggs@wisconsin.gov](mailto:Tauren.Beggs@wisconsin.gov)>

**Sent:** Friday, December 1, 2023 12:32 PM

**To:** Graczyk, Lisa (she/her/hers) <[graczyk.lisa@epa.gov](mailto:graczyk.lisa@epa.gov)>  
**Cc:** Ramanauskas, Peter <[ramanauskas.peter@epa.gov](mailto:ramanauskas.peter@epa.gov)>; [angela.carey@wisconsin.gov](mailto:angela.carey@wisconsin.gov); Chronert, Roxanne N - DNR <[Roxanne.Chronert@wisconsin.gov](mailto:Roxanne.Chronert@wisconsin.gov)>  
**Subject:** RE: Request Feedback for Liability Clarification Request Relating to PCB Releases at Mirro Plant 9 (Former) Site, BRRTS #s 02-36-545108 and 07-36-548528

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Meant to add the BRRTS on the Web Links for the BRRTS Cases:

- Liability Clarification Request documentation is in BRRTS Case 07-36-548528: [WDNR EM/RR BOTW \(wi.gov\)](#)
- Documentation for the Open Case is in BRRTS Case 02-36-545108: [WDNR EM/RR BOTW \(wi.gov\)](#)

Regards,

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**Tauren R. Beggs**

Phone: (920) 510-3472

[Tauren.Beggs@wisconsin.gov](mailto:Tauren.Beggs@wisconsin.gov) (preferred contact method during work at home)

---

**From:** Beggs, Tauren R - DNR  
**Sent:** Friday, December 1, 2023 11:33 AM  
**To:** Graczyk, Lisa (she/her/hers) <[graczyk.lisa@epa.gov](mailto:graczyk.lisa@epa.gov)>  
**Cc:** [ramanauskas.peter@epa.gov](mailto:ramanauskas.peter@epa.gov); Carey, Angela J - DNR <[Angela.Carey@wisconsin.gov](mailto:Angela.Carey@wisconsin.gov)>; Chronert, Roxanne N - DNR <[Roxanne.Chronert@wisconsin.gov](mailto:Roxanne.Chronert@wisconsin.gov)>  
**Subject:** Request Feedback for Liability Clarification Request Relating to PCB Releases at Mirro Plant 9 (Former) Site, BRRTS #s 02-36-545108 and 07-36-548528

Hi Lisa,

DNR recently received the attached Liability Clarification Request from Newell Operating Company (NOC) for the Mirro Plant 9 (Former) site, BRRTS #s 02-36-545108 and 07-36-548528. DNR has just started reviewing the request. This request is NOC asking for a written determination from DNR that NOC is not responsible to further investigate or remediate areas of contamination associated with specific PCB releases on-site. PCBs are well above 50ppm in these areas, so DNR is looking to get your feedback on this request in addition to our own review.

The Community Development Authority of the City of Manitowoc (CDA) owns this site and has the local governmental unit (LGU) environmental liability exemption. NOC is considered a responsible party as a causer of contamination at this site. The last correspondence (attached) I sent regarding this site was to give EPA a heads up that Stantec, on behalf of the CDA, submitted a USEPA FY2024 brownfield cleanup grant application, which proposes a redevelopment on the southern half of this property and remediation in the PCB release areas.

If you have any questions, need more information, or want to discuss, please let Angela Carey and me know.

Thanks,

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**Tauren R. Beggs**

Hydrogeologist & Northeast Region Land Recycling Expert

Remediation and Redevelopment Program

Wisconsin Department of Natural Resources

2984 Shawano Ave

Green Bay, WI 54313

Phone: (920) 510-3472

[Tauren.Beggs@wisconsin.gov](mailto:Tauren.Beggs@wisconsin.gov) (preferred contact method during work at home)

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## Case Info & Recommendation

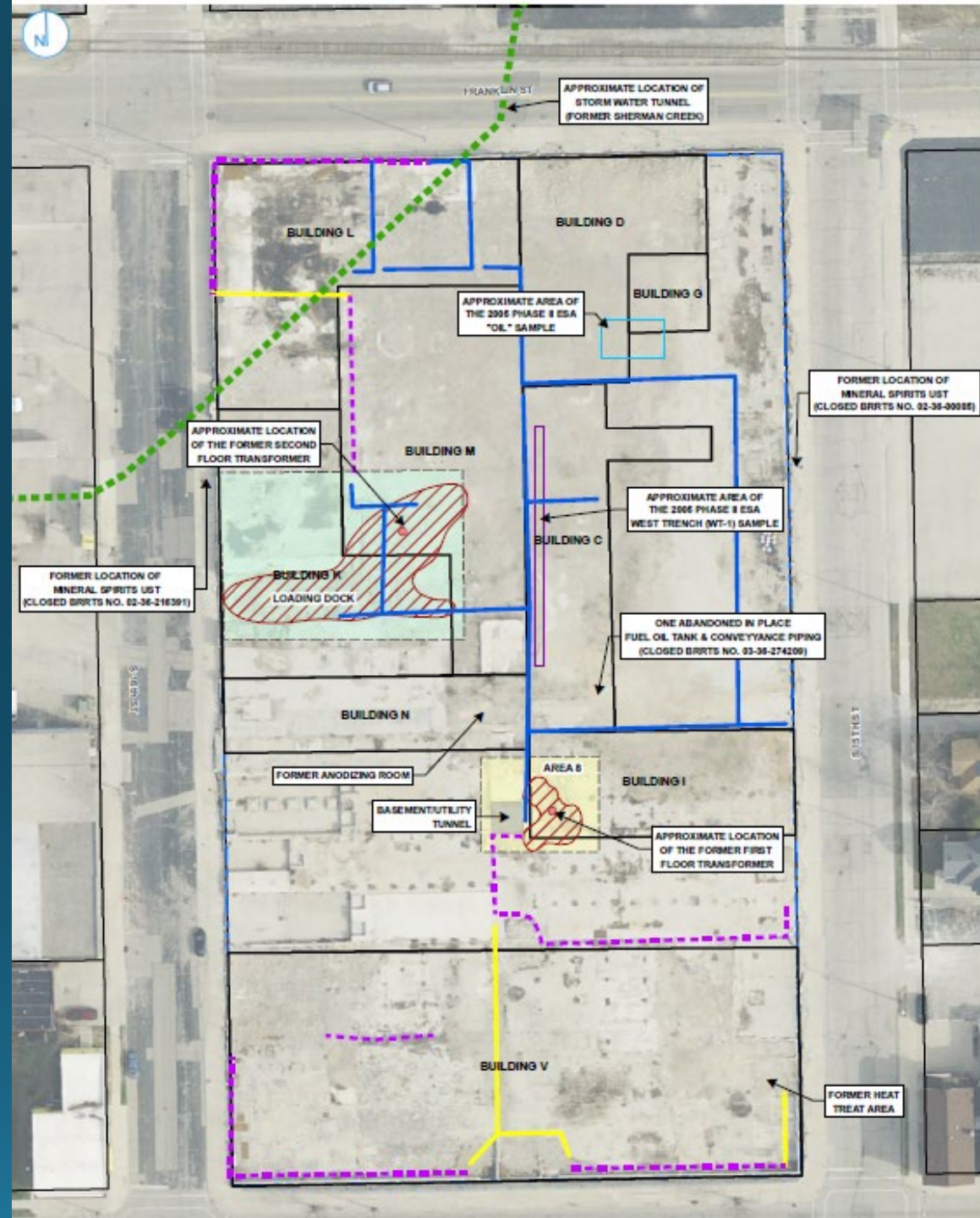
BRRTS #: 07-36-548528

Activity Name: Mirro Facility (Former)  
(ERP Case Site Name: Mirro Plt 9 (Former))

Review Date: December 18, 2023

PM Name: Tauren Beggs

Submittal being reviewed:  
General Liability Clarification (GLC) Request:  
Causer RP requesting they are not responsible to further investigate or remediate PCB impacted soils, sediments, groundwater, or other materials in the loading dock area (Building K), Area 8 (Building I), the areas extending approximately 20 ft surrounding the loading dock area and Area 8, or the sewer network (storm sewer or sanitary sewer.



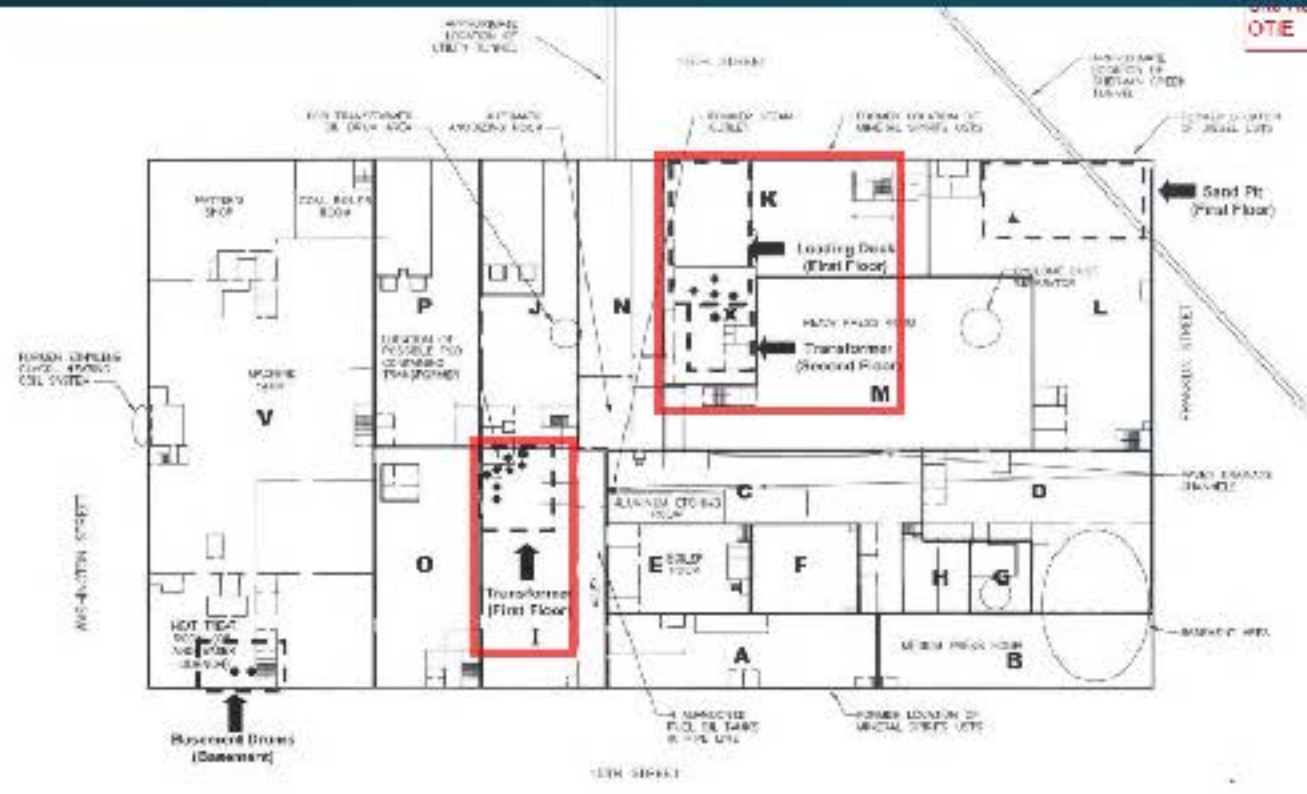


Figure 1  
Sample Location Map

Source: Adapted from STS/ACCOM Phase I ESA Area 2 Report

Phase I Environmental Site Assessment  
 Marshwood, Marshwood, Wisconsin  
 TDD No. 119 05 11 13 0002  
 EN-55-16-19



Figure 2: PCD Focus Areas

Legend

- PCD Areas
- Area 14 (2nd Floor)
- Area 5 (Ground Floor)
- Loading Deck (Ground Floor)

Scale: 0, 75, 150 Feet

Stantec

## Timeline

### Property Ownership

- Mirro owned the site from possibly prior to 1900 up to 2004 (Newell Operating Company (NOC) acquired Mirro Aluminum Company in 1983).
- On March 26, 2004, Newell Holdings Delaware, Inc. (a NOC affiliate) sold the property to Union Street Partners, LLC.
- On November 18, 2005 Union Street Partners, LLC sold the property to Kenneth J. Lemberger, Sr.
- On March 23, 2006, Kenneth J. Lemberger, Sr sold the property to Mirro Building, LLC (registered agent is Kenneth Lemberger). Quit Claim deed recorded March 30, 2006.
- On June 2, 2006, Mirro Building, LLC sold the property to EJ Spirtas Manitowoc, LLC.
- On June 30, 2016, the Community Development Authority of the City of Manitowoc (CDA) acquired the property from EJ Spirtas Manitowoc, LLC. The CDA declared the property blighted prior to acquiring the property in order to secure the Local Governmental Unit (LGU) environmental liability exemption.

### Use/Demolition

- Mirro building was comprised of 17 buildings of various heights and ages, coupled together as one structure. This structure was constructed in multiple phases between 1904 and 1927. The property was used from 1898-1986 to manufacture various aluminum products including aluminum cookware. Manufacturing ceased in 1986. The Mirro corporate and engineering offices were maintained on the sixth and seventh floors of the structure until 2001 when the structure was vacated.
- Memorandum from STS on September 2, 2008, observed several piles of building debris and possible disturbed asbestos containing materials, several 55-gallon drums of apparent PCB containing transformer fluid, and twenty to thirty containers with unknown fluids on August 19, 2008.
- EPA removal action completed in 2011 to remove PCB oil drums and PCB impacted wood flooring. Cleaning of surface of concrete floors completed in these areas.
- 2014: Spirtas had 3 story portion of the building was razed, but not adequately completed.
- After acquisition by CDA in 2016, the removal of PCB impacted building materials was completed and buildings demolished.

- **June 20, 2003, Phase I ESA:** By STS on behalf of Newell.
  - PCBs may be found in insulating or dielectric fluids in electrical and hydraulic equipment. STS observed a transformer labeled as containing PCBs in an approximate 10ft by 20ft room located at the southwest corner of Building I (aka Area 8). Evidence suggesting a release of PCB-containing fluids near the transformer was not observed. Richard Todl (Mirro Senior Plant Engineer) indicated that a second transformer labeled as containing PCBs was located on the second floor.
  - Tom Reed (former Mirro Environmental Engineer) and Richard Todl were unaware of the former use of PCB-containing oils within production equipment on the subject property. Fluorescent lighting was observed throughout the industrial building; therefore, the possibility exists that ballasts may contain PCBs.
  - Wooden floors throughout the press room (portions of Buildings K, L, and M) (adjacent to loading dock area and loading dock area) were observed to be stained, and several areas of exposed subsurface were observed to be saturated with oil. STS was unable to assess the condition of the concrete in the areas observed to be saturated with oil. It is likely that compacted fill in these areas and/or subsurface beneath the concrete slab in these areas is impacted by petroleum products or other hazardous substances.
- **March 10, 2005, Phase II ESA:** Conducted Phase II ESA based on RECs from 2003 Phase I ESA. PCBs (Arochlor-1254) detected at 14ppm in grab sample of oil from a drainage sump in Building D and 0.32ppm Arochlor 1248 in west drainage channel under concrete floor in Building C. A sample was also collected from sand under the floor in Building L, but no PCBs were detected above lab method detection limits.
- **February 11, 2008:** City of Manitowoc secured a SAG grant to do Phase II ESA.
- **January 19, 2009, Phase I ESA:**
  - Memorandum from STS on September 2, 2008: observed several piles of building debris and possible disturbed asbestos containing materials, several 55-gallon drums of apparent PCB containing transformer fluid, and twenty to thirty containers with unknown fluids on August 19, 2008, as part of site reconnaissance for Phase I ESA.
  - The site review identified an electrical transformer located on the second floor that has a placard that identified PCB-containing oils within the transformer. An open drain was observed in the side of the transformer with a 55 gallon drum half filled with oil directly below the drain. A hose connected to the drum was observed running through a hole in the second story floor down to a 55-gallon drum located on the first floor. This drum was half full of oil, and significant staining was observed around the drum. Condition of the wood floor was poor so potential exists for release to subsurface beneath floor.
  - Jason Heubbwert, a representative of EJ Spirtas Manitowoc, LLC was interviewed by STS/AECOM. Heubbwert indicated the transformer was in this condition when EJ Spirtas acquired title to the subject property.

- **May 2009, Phase II ESA by AECOM:**
  - Soil sample collected (GP-8, 2-4ft) in area below stained flooring where transformer fluid was found in drums and spilled on floor. Aroclor-1260, which is found in transformer fluid, was detected at 210ppm.
- **December 23, 2009, Presentation of Building Inspection Results Report:**
  - Identified and quantified numbers and locations of light fixtures with PCB-containing oil. Five samples of fluids in light fixtures ranged from 244,278ppm to 618,807ppm (4 of samples were Aroclor-1016, 1 sample was Aroclor-1254)
  - Identified and quantified the numbers and locations of equipment with PCB and non-PCB-containing dielectric fluids. 341ppm and 347ppm Aroclor-1260 in samples collected from dielectric fluid drained in plastic drums.
- **October 20, 2010, Emails between Advanced Environmental Solutions (AES), EPA, and DNR:** AES was on-site with Tom Reed of Manitowoc Public Utilities, a former engineer with Mirro. Reed showed AES the location of the first floor PCB transformer room. 12 drums (10 gallons each) that appear to be filled with liquid from the transformers. Tom indicated the transformers on the first floor had been drained into these drums. The drums appeared unsealed and unsecured. There was a pool of oil beneath the transformer and the wood floor appeared to be stained. There is also a transformer area on the second floor with associated drums. A photo is included of the PCB transformer room in March 2006 with no drums and a photo from the same room in October 2010 showing drums of PCB transformer oil.
- **November and December 2010 Emails & Correspondence between EPA, DNR, & Spirtas:**
  - Ongoing work as part of an EPA Targeted Brownfields Assessment (TBA) is underway and led to the discovery of drums on the first and second floor. Fluids in drums were sampled and a floor wipe sample was collected from a first floor drain. Concentrations ranged from 460,000ppm to 500,000ppm in the drums and 7.6ppm in the wipe sample from the floor drain.
  - Indicates that previously in 2006 and 2009, walk-throughs and photographs did not indicate the presence of these drums at these locations. Thus it is assumed that the current owner was involved in handling the PCB oils and the drums within the last year.
- **December 15, 2010, Email from DNR to EPA:** DNR requests EPA assistance for time critical removal action to deal with PCB transformer oil removed from transformers and to evaluate wood flooring and other potential discharge points (floor drains, etc.) in transformer areas.
- **December 27, 2010:** Spirtas claims AECOM did not remove all the oil like they were supposed to. AECOM responded on February 2, 2011 that they did complete all the tasks that they were supposed to, which included only removing two 35 gallon open drums containing PCB material, which they had completed by Clean-Harbors on October 6, 2010.
- **March 15, 2011, Oneida Total Integrated Enterprises (OTIE) Site Assessment Report:** Report completed for US EPA in accordance with the requirements of US EPA Technical Direction Document (TDD) under the Superfund Technical Assessment and Response Team (START) contract. Did wipe sampling in and around transformer areas and characterization of drums of PCB transformer oil. Drums up to 480,000ppm. Wipe samples up to 459,000 ug/100cm<sup>2</sup>.

## PCBs

- **March 2011, Targeted Brownfield Assessment (TBA) for US EPA by AES:** Additional investigation completed to expand on the AECOM 2009 Phase II ESA.
- **April 6, 2011, US EPA Request for Approval and Funding for a Time Critical Removal Action Memo:** To mitigate threats posed by PCBs waste. Total of 30 drums of oil, some with extremely high concentrations of PCBs. Memo indicates that drums of hazardous substances and the PCB contamination from spilled transformer oil will be removed, but additional environmental concerns, such as asbestos and subsurface contamination, will remain at the site. After the removal action, DNR will oversee further cleanup.
- **July 18, 2011 to August 2, 2011, EPA Removal Activities:** During enforcement negotiations, it was agreed that EJ Spirtas Group would conduct a voluntary cleanup with EPA oversight. Removal was to be completed in two phases, 1) removal of immediate threats: completed removal of 22 drums and 3 rolloffs of PCB contaminated solids (wood flooring, debris, and containers), 2) remove remaining PCB contaminated building materials during demolition of buildings. EJ Spirtas Group submitted final report summarizing the removal action to EPA on September 29, 2011.
- **February 26, 2013, DNR assumes oversight of cleanup**
- **March 2014:** 3 story portion of the building was razed, but not adequately completed.
- **April 2014 – June 29, 2016:** Spirtas did not complete any other work regarding the PCBs in building materials or the two transformers. In late February/Early March 2015 some sampling was done of some additional unlabeled drums and PCB contaminated concrete in the two areas of the transformers. On June 26, 2015, the City of Manitowoc issued a raze order.
- **June 30, 2016:** The City of Manitowoc moved forward with condemnation proceedings and acquired the property on this date.
- **January 2018, Phase II ESA by Stantec on Behalf of Manitowoc CDA:** Only Aroclor-1260 was detected in soil in Area 8 and the Loading Dock Area (except for one sample with 0.590 Aroclor-1254). Soil under Area 8 ranged from 0.660ppm to 11,000ppm and Loading Dock ranged from 0-16,000ppm.



Second floor transformer drain  
above and First Floor Loading Dock  
Area below



Photos of PCB Transformer Room, Building I (aka  
Area 8), during site walkthroughs:

Left Photo: March 2006

Right Photo: October 2010



## Key Takeaways

- **RECs not identified for PCB transformers, areas around them, or drums of oil in the June 20, 2003, Phase I ESA completed by STS (later known as AECOM)**, STS observations were generally limited to the first floor and basement, since those areas would be the areas most likely to reveal indicators of former releases to the subsurface. Mr. Todl (Mirro Engineer) and Mr. Hauck (Mirro Maintenance Manager) accompanied STS on the site reconnaissance to provide more detailed information of suspected issues and historical uses. Section 5.7 of the Phase I ESA indicates that STS observed a transformer labeled as containing PCBs in an approximate 10ft X 20ft room located in the southwest corner of Building I (aka Area 8). Evidence suggesting a release of PCB containing fluids near the transformer was not observed. Mr. Todl indicated that a second transformer labeled as containing PCBs was located on the second floor. Mr. Reed (former Mirro Environmental Engineer) and Mr. Todl were unaware of the former use of PCB-containing oils within production equipment on the subject property. Fluorescent lighting was observed throughout the industrial building; therefore, the possibility exists that ballasts may contain PCBs.
- **Photos in March 2006 were Compared to Photos from October 2010 of Same Area, Drums of PCB Oil Not Present in 2006 Photos.**
- **REC identified for second floor transformer draining into drums on first floor (aka Loading Dock Area) and significant staining on floor around drums in January 19, 2009, Phase I ESA.** Mr. Heubbwert, a representative of EJ Spirtas Manitowoc, LLC was interviewed by AECOM and indicated the transformer was in this condition when EJ Spirtas acquired title to the subject property.
- **Aroclor-1260 detected in soil below Loading Dock Area at 210ppm in May 2009 Phase II ESA by AECOM, First Confirmed Detection of PCBs in Soil.**
- **November 23, 2010 Letter from DNR to EPA Documents Walkthroughs and Photographs in 2006 and 2009 did not indicate the presence of drums at the locations found, thus it is assumed that current owner was involved in handling PCB oil and drums.**
- **Other PCBs were found at the site besides Aroclor-1260 (Aroclor-1260 is main component of dielectric fluid).** The following samples are not from soil or groundwater. 2005 Phase II ESA conducted based on RECs from 2003 Phase I ESA. PCB (Arochlor-1254) detected at 14ppm in grab sample of oil from a drainage sump in Building D and 0.32ppm Arochlor 1248 in west drainage channel under concrete floor in Building C. In December 2009, identified and quantified numbers and locations of light fixtures with PCB-containing oil. Five samples of fluids in light fixtures ranged from 244,278ppm to 618,807ppm (4 of samples were Arochlor-1016, 1 sample was Arochlor-1254).
- **Soil Samples from the following dates:**
  - 2009: Only Aroclor-1260 detected in GP-8 within loading dock area and GP-9 outside of loading dock area and Area 8, very low level.
  - 2010: Only Aroclor-1260 detected in one sample SB-10 within loading dock area.
  - 2015: Aroclor-1016 at SB-101 within loading dock area very low level, Aroclor-1248 outside of Loading Dock Area and Area 8, and Aroclor 1260 (SB-106 in loading dock area, and SB-110 outside of loading dock area, both very low level. were detected
  - 2017: Aroclor-1254 detected in one sample SS-30 within loading dock area, rest was Aroclor-1260 only. Area 8 had only Aroclor-1260 detected.
  - 2019: Aroclor-1254 detected in one sample SB-46 within loading dock area, rest was Aroclor-1260 only. Area 8 had only Aroclor-1260 detected. Outside of these two areas, only Aroclor-1254 (SB-10, SB-82; confirms release in Building D from PCBs found in sump in 2005) and Aroclor 1260 were detected (SB-99 found in blank and in sample, SB-108, and SB-109; all these samples are well below 1ppm).



U.S. ENVIRONMENTAL PROTECTION AGENCY  
 POLLUTION/SITUATION REPORT  
 Mirro Spirtas - Removal Polrep  
 Final Removal Polrep



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
 Region V

**Subject:** POLREP #2  
 Final  
 Mirro Spirtas  
 B5ZW  
 Manitowoc, WI  
 Latitude: 44.0889397 Longitude: -87.6677455

**To:** Annette Weissbach, WDNR

**From:** Kathy Halbur, OSC

**Date:** 9/29/2011

**Reporting Period:** 8/4/2011-9/29/2011

## 1. Introduction

### 1.1 Background

<b>Site Number:</b>	B5ZW	<b>Contract Number:</b>	
<b>D.O. Number:</b>		<b>Action Memo Date:</b>	4/6/2011
<b>Response Authority:</b>	CERCLA	<b>Response Type:</b>	PRP Oversight
<b>Response Lead:</b>	EPA	<b>Incident Category:</b>	Removal Action
<b>NPL Status:</b>	Non NPL	<b>Operable Unit:</b>	
<b>Mobilization Date:</b>	7/18/2011	<b>Start Date:</b>	7/19/2011
<b>Demob Date:</b>	7/25/2011	<b>Completion Date:</b>	9/29/2011
<b>CERCLIS ID:</b>	WIN000510545	<b>RCRIS ID:</b>	
<b>ERNS No.:</b>		<b>State Notification:</b>	
<b>FPN#:</b>		<b>Reimbursable Account #:</b>	

#### 1.1.1 Incident Category

The property owner, EJ Spirtas Group, LLC, is conducting a voluntary clean-up at this Site. U.S. EPA is overseeing the clean-up, consistent with the NCP.

#### 1.1.2 Site Description

This Site is a former aluminum products manufacturing facility that is currently vacant and slated for demolition by the property owner, EJ Spirtas Group, LLC, a St. Louis, Missouri based demolition company. The Mirro Aluminum Company, commonly known as Mirro, operated at this facility for more than 100 years. At its peak, Mirro was the United States' largest manufacturer of aluminum cookware products. The facility is in poor condition and there is evidence throughout the building of trespassing and criminal activity. There is no utility service (electric or water) to the building.

A handwritten letter 'B' inside a circle, located in the bottom right corner of the page.

During a Targeted Brownfields Assessment (TBA) at the Site, it was discovered that the transformers at the facility had been illegally drained and that transformer oil had been spilled on the floors. The Wisconsin Department of Natural Resources (WDNR) required EJ Spirtas LLC to take immediate action to remediate the situation. Mr. Spirtas did not comply with WDNR's requirements and WDNR requested EPA assistance.

In January 2010, U.S. EPA conducted a Site Assessment at the Mirro facility to further evaluate the conditions discovered during the TBA. Approximately thirty small drums of waste oil (some with extremely high concentrations of PCBs) and approximately ten additional drums of abandoned waste liquids (including flammables) were documented at the Site. Evidence of spills in and around two transformer rooms was observed. Floor drains that lead off site were observed in the areas of known spills.

#### **1.1.2.1 Location**

The Site is located at 1512 Washington Street, Manitowoc, Manitowoc County, Wisconsin 54220. The Site is a series of connected buildings comprising the city block bordered by 15th, 16th, Washington, and Franklin Streets. The surrounding area is mixed industrial, commercial, and residential. The area is serviced by a public water supply and both sanitary and storm sewers. The nearest water body is the Manitowoc River, which is only two City blocks away from the Site. The Manitowoc River flows into Lake Michigan, which is located approximately 1/4 mile from the Site. Records indicate that the depth to groundwater at the Site is approximately 10-12 feet below ground surface. Groundwater flow is east, towards Lake Michigan. Site soils consist of stratified alluvial silty clay, silt, and silty sand.

#### **1.1.2.2 Removal Site Inspection Results/Description of Threat**

In January 2010, U.S. EPA conducted a Site Assessment at the Mirro facility to further evaluate the conditions discovered during the TBA. Approximately thirty small drums of waste oil (some with extremely high concentrations of PCBs) and approximately ten additional drums of abandoned waste liquids (including flammables and antifreeze) were documented at the Site. Evidence of spills in and around two transformer rooms was observed. Floor drains that lead off site were observed in the areas of known spills. There is evidence of trespassing and criminal activity in the buildings.

PCBs are regulated by the Toxic Substances Control Act (TSCA) of 1976. 40 CFR Part 761 establishes prohibitions of, and requirements for, the manufacture, processing, distribution in commerce, use, disposal, storage, and marking of PCBs and PCB containing or contaminated items (also known as "articles" within TSCA). The PCBs, and their respective contaminated items and articles, at this Site are considered abandoned, and therefore, subject to CERCLA as well as TSCA. PCBs are defined as hazardous substances by Section 101(14) of CERCLA. The active ingredients in antifreeze are also hazardous substances, as defined by CERCLA.

## **2. Current Activities**

### **2.1 Operations Section**

#### **2.1.1 Narrative**

During enforcement negotiations, it was agreed that EJ Spirtas Group would conduct a voluntary clean-up, with U.S. EPA oversight, to address the threats identified during U.S. EPA's Site Assessment.

The removal is being conducted as two separate actions. During the first action (the subject of this Polrep), the immediate threats were addressed, including removal of hazardous waste, eliminating the direct contact risks, and reducing the threat of off-site release through the sewers. During the second action, expected in Fall/Winter, 2011, the building will be demolished and the remaining PCB contaminated building materials will be disposed of as required by TSCA.

#### **2.1.2 Response Actions to Date**

EJ Spirtas Group retained EQ to conduct this clean-up. EQ was assisted by employees from EJ Spirtas Group's company Niagra Worldwide. The crew mobilized to the Site on July 18, 2011 and commenced work on July 19, 2011. All liquid waste at the facility was segregated into appropriate waste streams,

overpacked, and prepped for transport. The remaining oil in the transformers was drained and the transformers were cleaned. The wood contaminated flooring was removed and shipped to a TSCA landfill. All contaminated concrete flooring was cleaned per the method defined in 40 CFR 761 Subpart S and marked for proper disposal during demolition. The debris in the loading dock adjacent to one of the spill areas was cleared and all waste in contact with the floor was disposed of as PCB contaminated debris. Wipe samples of the loading dock floor were collected. The floor was cleaned as if it was contaminated with PCBs. The drain in the loading dock was sampled, cleaned, and plugged. All mercury switches throughout the facility were collected. The crew demobed from the Site on July 25, 2011. Veolia picked up the drums of PCB contaminated oil on August 2, 2011. EJ Spirtas Group submitted the final report summarizing the removal action to EPA on September 29, 2011.

### 2.1.3 Enforcement Activities, Identity of Potentially Responsible Parties (PRPs)

The property owner, EJ Spirtas Group, LLC, is conducting a voluntary clean-up at this Site. U.S. EPA is overseeing the clean-up, consistent with the NCP.

### 2.1.4 Progress Metrics

<b>Waste Stream</b>	<b>Medium</b>	<b>Quantity</b>	<b>Manifest #</b>	<b>Treatment</b>	<b>Disposal</b>
PCB Contaminated Liquids (Oil, wash water, etc.)	Liquid	22 drums	001403437FLE	Incineration	Veolia, Deer Park, TX
PCB Contaminated Solids (wood flooring, debris, containers)	Solid	3 rolloffs	001403438FLE 001403435FLE 001403434FLE	TSCA Landfill	EQ Wayne Disposal, Belleville, MI
Glycol & Lab Pack	Liquid	2 drums	001403436FLE	Solidification & Energy Recovery	EQ Detroit, Detroit, MI

## 2.2 Planning Section

### 2.2.1 Anticipated Activities

This removal action is considered complete. A work plan and schedule for the second required removal action at this Site is pending. During the second action, the building will be demolished and the PCB contaminated building materials will be disposed of as required by TSCA. Remediation of sub-slab PCB contamination and sewer contamination may be required as well - determination is pending access to the sub-slab to evaluate the extent of PCB contamination at the Site.

## 2.3 Logistics Section

No logistical issues to report.

## 2.4 Finance Section

Removal costs, approximately \$75,000, were incurred by EJ Spirtas Group LLC. Upon completion of the second action, EPA will send a demand letter to EJ Spirtas Group for recovery of its response costs (Site Assessment, oversight, etc.).

## 2.5 Other Command Staff

**2.5.1 Safety Officer**

Nothing to report.

**2.6 Liaison Officer**

The property owner provides regular updates of the cleanup and demolition prep work occurring at the Site to local and state officials.

**2.7 Information Officer**

The property owner is fulfilling this role.

**3. Participating Entities**

**3.1 Unified Command**

Not applicable.

**3.2 Cooperating Agencies**

City of Manitowoc

Wisconsin Department of Natural Resources

**4. Personnel On Site**

The clean-up crew consisted of five EQ representatives and two EJ Spirtas Group/Niagra Worldwide representatives. Annette Weissbach (WDNR) and OSC Kathy Halbur (EPA) were on-site periodically conducting oversight of the clean-up.

**5. Definition of Terms**

CERCLA: Comprehensive Environmental Response, Compensation, and Liability Act

CFR: Code of Federal Regulations

PCB: Polychlorinated Biphenyl

TSCA: Toxic Substances Control Act

U.S. EPA: United States Environmental Protection Agency

WDNR: Wisconsin Department of Natural Resources

**6. Additional sources of information**

**6.1 Internet location of additional information/report**

Additional information is available at [www.epaosc.org/mirrospirtas](http://www.epaosc.org/mirrospirtas).

**6.2 Reporting Schedule**

This is the Final Polrep for this action.

**7. Situational Reference Materials**

See [www.epaosc.org/mirrospirtas](http://www.epaosc.org/mirrospirtas)



RECEIVED

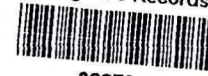
APR 08 2011

WI DNR - GREEN BAY

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 5  
77 W. JACKSON BLVD  
CHICAGO, IL 60604

APR 06 2011

EPA Region 5 Records Ctr.



388780

**MEMORANDUM**

**SUBJECT:** Request for Approval and Funding for a Time-Critical Removal Action at the Mirro Spirtas Site, Manitowoc, Manitowoc County, Wisconsin (Site ID #B5ZW).

**FROM:** Kathy C. Halbur, OSC  
Emergency Response Section I

**THRU:** Jason H. El-Zein, Chief  
Emergency Response Branch I

**TO:** Douglas Ballotti, Acting Director  
Superfund Division

**I. PURPOSE**

The purpose of this Action Memorandum is to request and document your approval to expend up to \$129,600 to conduct a time-critical removal action at the Mirro Spirtas Site located in Manitowoc, Manitowoc County, WI. The proposed time-critical removal action herein will mitigate the threats posed by Polychlorinated Biphenyl (PCB) waste and flammable materials at the Site by characterizing, removing, and disposing of the waste at an approved off-site facility. There are no nationally significant or precedent setting issues associated with the proposed response at this non-NPL Site.

The Action Memorandum would serve as approval for expenditures by EPA, as the lead technical agency, to take actions described herein to abate the imminent and substantial endangerment posed by hazardous substances at the Site. The proposed removal of hazardous substances would be taken pursuant to Section 104(a)(1) of the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA), 42 USC § 9604(a)(1), and Section 300.415 of the National Oil and Hazardous Substances Pollution Contingency Plan (NCP), 40 CFR § 300.415.

There are no nationally significant or precedent setting issues associated with the proposed response at this non-NPL Site. A time-critical removal action is necessary at this Site because of the direct contact risk and the threat of release to air, soils, and

surface water posed by the PCB and flammable waste at the facility. The response action described in this Action Memo will require an estimated 10 working days to complete.

## **II. SITE CONDITIONS AND BACKGROUND**

CERCLIS ID: pending

RCRA ID: pending

State ID: 02-36-545108

Category: time-critical

This Site is a former aluminum products manufacturing facility that is currently vacant and slated for demolition. The Mirro Aluminum Company, commonly known as Mirro, operated at this facility for more than 100 years. At its peak, Mirro was the United States' largest manufacturer of aluminum cookware products. In addition to manufacturing, Mirro was headquartered at this location. The facility was an 160-acre multi-building expansive complex. The hazardous substances that this Action Memo concerns are contained within the "Mirro Complex" which is a series of connected buildings comprising the city block bordered by 15<sup>th</sup>, 16<sup>th</sup>, Washington, and Franklin Streets. Mirro was acquired by Newell Rubbermaid in 1983. Newell moved most of the Manitowoc operations out of the country by 2001. In 2003, Newell ceased all operations at this Site, including closing the administrative offices. Since then, there have been three owners of the property who had varying interests in reuse. However, successful redevelopment or demolition has not yet occurred and the buildings are now in disrepair. The City of Manitowoc has declared the Mirro Complex unfit for human habitation. The Mirro Complex is currently owned by EJ Spirtas Group, LLC, a St. Louis, Missouri, based demolition company. Mr. Spirtas acquired the property in 2006.

Over the last three years, State and Federal Brownfields grant funds have been used to conduct Phase I and Phase II environmental studies at the Site to facilitate redevelopment. In October 2010, drums were discovered by a contractor conducting an EPA Targeted Brownfields Assessment (TBA) in the Mirro Complex. The drums were not present during previous (2006 and 2009) investigations at the Site. Based on the location of the majority of the drums, it appeared that transformers at the facility had been drained into the containers. Staining observed on the floor surrounding the transformers intimated that oil had been spilled when the transformers were emptied. Samples taken by the TBA contractor confirmed PCB contamination on the floor surrounding the transformers and high PCB concentrations in the drums (up to 500,000 mg/kg---or "parts per million" (ppm)---PCB-1260). The TBA contractor also demonstrated that the spilled oil seeped to the sub-surface soil.

In November 2010, the Wisconsin Department of Natural Resources (WDNR) required EJ Spirtas LLC to take immediate action to remediate the situation. Mr. Spirtas did not comply with WDNR's requirements. On December 15, 2010, WDNR requested that U.S. EPA conduct a time-critical removal action at the Site. The U.S. EPA Region 5 Emergency Response Branch is coordinating its actions at this Site with the Region's

Brownfields and TSCA programs, WDNR (R&R and asbestos programs), and the City of Manitowoc.

## **A. Site Description**

### **1. Removal site evaluation**

In January 2010, U.S. EPA conducted a Site Assessment at the Mirro Complex to further evaluate the conditions discovered during the TBA. Clusters of small drums of unknown liquids were identified in three locations: one of the basement tunnels, by the first floor transformer room, and in the second floor transformer room. Representative samples were taken from each of the three locations. Analytical results confirmed that the drums located near the transformers contain used transformer oil with very high PCB concentrations (480,000 mg/kg Aroclor-1260). Analytical results indicate that the drums in the tunnel contain waste oil with PCB concentrations under 200 mg/kg (Arocolor-1260). Wipe samples were taken in areas of visible staining (near transformers and loading dock). Analytical results revealed that the staining is a good indicator of spilled oil. Wipe samples in the unstained areas ranged from 3.8 - 16.1  $\mu\text{g}/100\text{ cm}^2$ , at the edge of the stained area ranged from 70.5 - 302  $\mu\text{g}/100\text{ cm}^2$ , and in the stained area ranged from 594 - 459,000  $\mu\text{g}/100\text{ cm}^2$ . One area of staining leads to a sewer drain in a loading dock (see photo in Figure A-2).

The Mirro Complex buildings are in poor condition and there is evidence throughout the building of trespassing and criminal activity. There is no utility service (electric or water) to the building. The property owner has submitted a demolition plan to the City of Manitowoc and WDNR. The first phase of the proposed demolition is removal of combustible materials from the building. In February 2010, OSC Halbur met with local and state officials and the property owner to identify areas and materials to be excluded from Phase I demolition activities (e.g., PCB-contaminated waste, asbestos-containing materials, etc.). During the course of this Site walk-through, two additional clusters of drums were found on the sixth floor. One cluster is presumed to contain transformer oil; the other antifreeze.

### **2. Physical location**

The Site is located at 1512 Washington Street, Manitowoc, Manitowoc County, Wisconsin 54220. The coordinates for this Site are Latitude 44.0886 North and Longitude 87.6675 West. The Site is part of a 160-acre multi-building expansive complex formerly operated by Mirro. The hazardous substances that this Action Memo concerns are contained within the Mirro Complex which is a series of connected buildings comprising the city block bordered by 15<sup>th</sup>, 16<sup>th</sup>, Washington, and Franklin Streets. The surrounding area is mixed industrial, commercial, and residential. The area is serviced by a public water supply and both sanitary and storm sewers. The nearest water body is the Manitowoc River, which is only two City blocks away from the Site. The Manitowoc River flows into Lake Michigan, which is located approximately ¼ mile from the Site. Records indicate that the depth to groundwater at the Site is approximately

10-12 feet below ground surface. Groundwater flow is east, towards Lake Michigan. Site soils consist of stratified alluvial silty clay, silt, and silty sand.

The area surrounding the Mirro Spirtas Site was screened for Environmental Justice (EJ) concerns using Region 5's EJ Assist Tool (which applies the interim version of the national EJ Strategic Enforcement Assessment Tool (EJSEAT)). Census tracts with a score of 1, 2, or 3 are considered to be high-priority potential EJ areas of concern according to EPA Region 5. The Mirro Spirtas Site is in a census tract with a score of 4, however the Site is surrounded by census tracts with a score of 3. Analysis of the area shows that the population is 12.7% minority and 9% are living below the poverty level. Therefore, Region 5 considers this Site to be a high-priority potential EJ area of concern. Please refer to the attached analysis for additional information (Attachment 1).

### **3. Site characteristics**

This Site is a series of connected vacant industrial buildings, known as the Mirro Complex, that is privately owned by EJ Spirtas LLC, a demolition contractor. The buildings are in disrepair. There is no power or water to the buildings. There is evidence of trespassing and criminal activity in the buildings. The property owner is planning to demolish the buildings, pending approval by the City of Manitowoc and WDNR.

During the course of a Targeted Brownfields Assessment (TBA), it was discovered that the PCB transformers in the Mirro Complex had been illegally drained into drums that remain on Site. Staining on the floors intimates that PCB transformer oil was spilled when the transformers were drained and the drums were moved around in the facility. The spilled material has reached sub-surface soil and threatens to spread to sewer drains. When the property owner failed to promptly address the release, WDNR requested that U.S. EPA conduct a time-critical removal action at the Site. The U.S. EPA Region 5 Emergency Response Branch is coordinating its actions at this Site with the Region's Brownfields and TSCA programs, WDNR (R&R and asbestos programs), and the City of Manitowoc.

### **4. Release or threatened release into the environment of a hazardous substance, or pollutant or contaminant**

Approximately thirty small drums of waste oil, some with extremely high concentrations of PCBs (up to 480,000 mg/kg Aroclor-1260) and three small drums of antifreeze (ethylene glycol) are unsecured at the Site. There is evidence that portions of the flooring are contaminated with PCBs from spills in at least three different areas. Some of the spilled material has reached the sub-surface soil. There are floor drains that lead off site in the areas of known spills. There is evidence of trespassing and criminal activity in the buildings.

PCBs are regulated by the Toxic Substances Control Act (TSCA) of 1976. 40 CFR Part 761 establishes prohibitions of, and requirements for, the manufacture, processing, distribution in commerce, use, disposal, storage, and marking of PCBs and



PCB containing or contaminated items (also known as "articles" within TSCA). The PCBs, and their respective contaminated items and articles, at this Site are considered abandoned, and therefore, subject to CERCLA as well as TSCA. PCBs are defined as hazardous substances by Section 101(14) of CERCLA. The active ingredients in antifreeze are also hazardous substances, as defined by CERCLA.

## **5. NPL status**

This Site is not listed on the NPL.

## **6. Maps, pictures and other graphic representations**

Figure A-2 contains representative Site photos of the building condition, the abandoned waste, and the contaminated floors.

## **B. Other Actions to Date**

### **1. Previous actions**

The City of Manitowoc and WDNR have been working closely with the Site's owners on redevelopment opportunities since Mirro ceased operations at the Site. Toward that end, State and Federal Brownfields grant funds have been used to conduct Phase I and Phase II environmental studies at the Site over the last three years. In October 2010, drums were discovered by a contractor conducting an EPA Targeted Brownfields Assessment (TBA) in the Mirro Complex. The drums were not present during previous (2006 and 2009) investigations at the Site. Based on the location of the drums, it appeared that transformers at the facility had been drained into the containers. Staining observed on the floor surrounding the transformers intimated that oil had been spilled when the transformers were emptied. Samples taken by the TBA contractor confirmed PCB contamination on the floor surrounding the transformers, PCB contamination in the subsurface soil under one of the stained areas, and high PCB concentrations in the drums (up to 480,000 mg/kg PCB-1260).

In November 2010, the WDNR required EJ Spirtas LLC to take immediate action to remediate the situation. Mr. Spirtas did not comply with WDNR's requirements. On December 15, 2010, WDNR requested that U.S. EPA conduct a time-critical removal action at the Site.

### **2. Current actions**

The buildings that comprise the Mirro Complex are in disrepair, and the City of Manitowoc has declared the Mirro Complex unfit for human habitation. The property owner has submitted a demolition plan to the City of Manitowoc and WDNR. The first phase of the proposed demolition, removal of combustible materials from the building, is currently underway. Areas of environmental concern (e.g., the PCB-contaminated areas, materials, articles and drums, waste oil drums, asbestos) are excluded from demolition

activities pending further information and action from the owner. Additional Brownfields assistance is contingent upon the results of the TBA, expected in March 2011, and the time critical removal action proposed in this Action Memo.

### **C. State and Local Authorities' Roles**

#### **1. State and local actions to date**

The City of Manitowoc and WDNR are actively involved with this Site, and have been for many years. The City of Manitowoc has declared the Mirro Complex unfit for human habitation. City officials, including the Fire Chief and representatives from the City Planning and Building Departments, conduct regular visits to the Site to ensure compliance with their Orders and Directives. The City of Manitowoc, WDNR, and U.S. EPA Brownfields have conducted numerous environmental studies at the Site to facilitate redevelopment of the property. Upon receipt of the property owner's demolition plan, WDNR's asbestos program also recently became involved with this Site. U.S. EPA ERB was requested by WDNR to assist with the waste drums and PCB contamination at the Site in December 2010. OSC Halbur has met with many of the local and state representatives who are working on the Site.

#### **2. Potential for continued State/local response**

This Action Memo addresses the drums of hazardous substances and the PCB contamination from spilled transformer oil at the Mirro Complex. Additional environmental concerns, such as asbestos and subsurface contamination, will remain at the Site at the completion of the removal action. WDNR will oversee further environmental clean-ups and remediation projects that arise during and after the demolition.

### **III. THREATS TO PUBLIC HEALTH OR THE ENVIRONMENT, AND STATUTORY AND REGULATORY AUTHORITIES**

The conditions at the Mirro Spirtas Site present a substantial threat to the public health or welfare, and the environment, and meet the criteria for a time-critical removal action as provided for in the NCP, 40 CFR § 300.415(b)(2). These criteria include, but are not limited to, the following:

#### **Actual or potential exposure to nearby human populations, animals, or the food chain from hazardous substances or pollutants or contaminants.**

PCBs were detected in the drums sampled, on the floors, and in the subsurface soil at the Mirro Spirtas Site. Analytical results indicate that Arocolor-1260 concentrations are as high as 480,000 mg/kg in the transformer oil that is containerized on Site and that has already been spilled in numerous locations in the facility. In addition to PCBs, the waste oils in the drums also contain volatile organic compounds, semi volatile organic compounds, polycyclic aromatic hydrocarbons, metals, diesel range organics and gasoline range organics. Drums containing antifreeze were also found at the

Site. Ten of the eleven wipe samples collected during EPA's Site Assessment exceeded the U.S. EPA PCB Cleanup Commercial Indoor Limit of  $10\mu\text{g}/100\text{cm}^2$ . PCB Aroclor 1260 was detected above the TSCA limit of 50 mg/kg (or "ppm" in 40 CFR Part 761) in a representative subsurface soil sample beneath an area of spilled transformer oil. Staining was observed leading to a sewer drain in a loading dock.

Although access to the building is restricted, signs of trespassing were apparent in different areas of the building. It is believed that the spillage observed was caused by trespassers. The presence of confirmed hazardous materials poses a threat to trespassers and nearby residents through direct exposure and potential release into the sewer system. Human or ecological contact with the drums, contaminated surfaces, or spilled waste oil can result in exposure to PCBs.

PCBs have been demonstrated to cause cancer, as well as a variety of other adverse health effects on the immune system, reproductive system, nervous system, and endocrine system (ATSDR 2001). Human health studies reviewed by ATSDR indicate that reproductive function may be disrupted by exposure to PCBs; neurobehavioral and developmental deficits occur in newborns and continue through school-aged children who had in utero exposure to PCBs; other systemic effects (e.g., self-reported liver disease and diabetes, and effects on the thyroid and immune systems) are associated with elevated serum levels of PCBs; and increased cancer risks, e.g., non-Hodgkin's lymphoma, are associated with PCB exposures.

Once released in the environment, PCBs do not readily break down and remain for long periods of time cycling between air, water, and soil. PCBs can be carried long distances and have been found in snow and sea water in areas far away from where they were released into the environment. PCBs can accumulate in the leaves and above-ground parts of plants and food crops. They are also taken up into the bodies of small organisms and fish. As a result, people who ingest fish may be exposed to PCBs that have bioaccumulated in the fish they are ingesting. PCB chemical contamination of Lake Michigan has resulted in lakewide fish consumption advisories for sport fish and outright bans on the commercial harvest and sale of certain important fish species.

#### **Actual or potential contamination of drinking water supplies or sensitive ecosystems.**

PCB Aroclor 1260 was detected above U.S. EPA's generic human health and environment protection level of 25 mg/Kg PCBs for industrial sites in the subsurface soil at the Site. The subsurface soil sample collected at 4 feet below ground surface was reported to contain 210 mg/Kg PCBs. High levels of PCBs existing in subsurface soil pose a threat of potential release to the groundwater at the Site. Staining leading to the sewer drain was observed in a loading dock (see Figure A-2). Releases thru the sewers and groundwater contamination would threaten the Manitowoc River and Lake Michigan.

**Hazardous substances or pollutants or contaminants in drums, barrels, tanks, or other bulk storage containers, that may pose a threat of release.**

Approximately 40 drums of hazardous materials are clustered throughout the Mirro Complex. PCB results of the samples collected from drums in two separate locations were over 450,000 mg/kg Aroclor 1260. Analytical results for DROs in the samples collected from two unknown drums in another location were 1,200,000 mg/Kg and 1,000,000 mg/Kg. Drums on an upper floor appear to contain antifreeze. There is evidence of spillage already in numerous areas of the building. There is also evidence of migration to the environment of spilled material in the subsurface soil beneath one of the stained areas, which leads to a sewer drain. It is believed that the spillage observed at the Site was caused by trespassers. Additionally, in the event of a fire, the material stored in drums could result in toxic gas (also known as "hazardous air pollutants" or HAPs) and/or particulate matter (PM) releases, causing multiple potential adverse exposure(s) to nearby residents. These drums and several other unknown drums pose a potential threat of release to the environment.

**Weather conditions that may cause hazardous substances or pollutants or contaminants to migrate or be released.**

Water marks on the walls in the basement area indicate that flooding has occurred. Flooding inside the building due to heavy rain may lead to tipping the drums and releasing their contents to the surrounding area and into the nearby Manitowoc River and Lake Michigan through storm sewers.

**Threat of fire or explosion.**

Many of the drums at the facility contain flammable materials (e.g., DROs and antifreeze). There are wood floors throughout the facility. Flammable and combustible materials pose a potential threat of fire or explosion.

**The availability of other appropriate federal or state response mechanisms to respond to the release.**

There are no other Federal or State agencies that have the capacity to respond to the immediate threats at the Site. WDNR requested U.S. EPA assistance characterizing, removing, and disposing of the waste and PCB-contaminated articles, material and wastes at the Site.

**IV. ENDANGERMENT DETERMINATION**

Given the Site conditions, the nature of the known and suspected hazardous substances on Site, and the potential exposure pathways described in Sections II and III above, actual or threatened releases of hazardous substances from this Site, if not addressed by implementing the response Actions selected in this Memorandum, may

present an imminent and substantial endangerment to public health, or welfare, or the environment.

## **V. PROPOSED ACTIONS AND ESTIMATED COSTS**

### **A. Proposed Actions**

#### **1. Proposed action description**

The response actions described in this memorandum directly address actual or potential releases of hazardous substances on Site, which may pose an imminent and substantial endangerment to public health, welfare or the environment. EPA will conduct the following removal activities on Site:

- 1) Develop and implement a Site Health and Safety Plan, including an Air Monitoring Plan and a Site Emergency Contingency Plan;
- 2) Develop and implement a Site Security Plan;
- 3) Develop and implement an extent-of-contamination sampling plan to determine the extent of transformer oil spillage;
- 4) Characterize, remove, and properly dispose of the waste and associated contaminated material abandoned at the Site in accordance with U.S. EPA's Off-Site Rule, 40 C.F.R. § 300.440; and
- 5) Ensure that any drain, trench, or similar feature within the facility that poses a threat of release of PCBs to the environment is clean.

The removal action will be conducted in a manner not inconsistent with the NCP. The OSC has initiated planning for provision of post-removal Site control consistent with the provisions of Section §300.415(l) of the NCP. This Action Memo addresses the drums of hazardous substances and the PCB contamination from spilled transformer oil at the Mirro Complex. Additional environmental concerns, such as asbestos and subsurface contamination, will remain at the Site at the completion of the removal action. WDNR will oversee further environmental clean-ups and remediation projects that arise during and after the demolition.

All hazardous substances, pollutants, or contaminants removed off-site pursuant to this removal action for treatment, storage, and disposal shall be treated, stored, or disposed of at a facility in compliance, as determined by EPA, with the EPA Off-Site Rule, 40 CFR § 300.440.

**2. Contribution to remedial performance:**

The proposed action is not expected to impede future actions based on available information.

**3. Engineering Evaluation/Cost Analysis (EE/CA)**

Not applicable.

**4. Applicable or relevant and appropriate requirements (ARARs)**

All applicable, relevant, and appropriate requirements (ARARs) of Federal and State law will be complied with to the extent practicable considering the exigencies of the circumstances. On February 25, 2011, a letter was delivered to Roxanne Chronert of WDNR asking for any State of Wisconsin ARARs which may apply.

**5. Project Schedule**

The response action described in this Action Memo will require an estimated 10 working days to complete.

**B. Estimated Costs**

<b>REMOVAL ACTION PROJECT CEILING ESTIMATE</b>	
<b><u>Extramural Costs:</u></b>	
<b><u>Regional Removal Allowance Costs:</u></b>	
Total Cleanup Contractor Costs (This cost category includes estimates for ERRS, subcontractors, Notices to Proceed, and Interagency Agreements with Other Federal Agencies. Include a 10-20% contingency)	\$93,000
<b><u>Other Extramural Costs Not Funded from the Regional Allowance:</u></b>	\$15,000
Total START, including multiplier costs	
Subtotal Extramural Costs	\$108,000
Extramural Costs Contingency (20% of Subtotal, Extramural Costs rounded to nearest thousand)	\$21,600
<b>TOTAL REMOVAL ACTION PROJECT CEILING</b>	<b>\$129,600</b>

**VI. EXPECTED CHANGE IN THE SITUATION SHOULD ACTION BE DELAYED OR NOT TAKEN**

Given the Site conditions, the nature of the hazardous substances and pollutants or contaminants documented on Site, and the potential exposure pathways to nearby populations described in Sections II, III and IV above, actual or threatened release of hazardous substances and pollutants or contaminants from the Site, failing to take or delaying action may present an imminent and substantial endangerment to public health, welfare or the environment, increasing the potential that hazardous substances will be released, thereby threatening the adjacent population and the environment.

**VII. OUTSTANDING POLICY ISSUES**

None

**VIII. ENFORCEMENT**

For administrative purposes, information concerning the enforcement strategy for this Site is contained in the Enforcement Confidential Addendum.

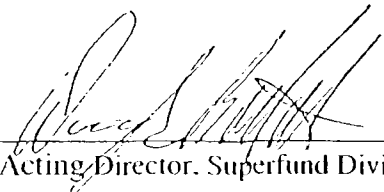
Direct Costs	+	Indirect Costs	=	\$292,316
(\$129,600 + \$50,000)		+ (62.76% x \$179,600)		

The total EPA costs for this removal action based on full-cost accounting practices that will be eligible for cost recovery are estimated to be \$292,316.

**IX. RECOMMENDATION**

This decision document represents the selected removal action for the Mirro Spirtas Site, Manitowoc, Manitowoc County, WI, developed in accordance with CERCLA as amended, and is not inconsistent with the NCP. This decision is based on the administrative record for the Site (Attachment 4). Conditions at the Site meet the NCP Section 300.415(b)(2) criteria for a removal and I recommend your approval of the removal action proposed in this Action Memorandum.

The total project ceiling if approved will be \$129,600, of which an estimated \$114,600 may be used for cleanup contractor costs. You may indicate your approval by signing below.

Approve:       4/6/11  
Acting Director, Superfund Division      /Date

Disapprove: \_\_\_\_\_  
Acting Director, Superfund Division      Date

Figures:

- A-1; Site Location Map
- A-2; Photo Log

Attachments:

1. Environmental Justice Analysis
2. Detailed Cleanup Contractor Cost Estimate
3. Independent Government Cost Estimate
4. Administrative Record Index

cc: D. Chung, U.S. EPA 5202G  
M. Chezik, U.S. Department of Interior, w/o Enf. Attachment  
(email: [michael.chezik@ios.doi.gov](mailto:michael.chezik@ios.doi.gov))  
J.B. Van Hollen, WI Attorney General, w/o Enf. Addendum  
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**ENFORCEMENT CONFIDENTIAL ADDENDUM**

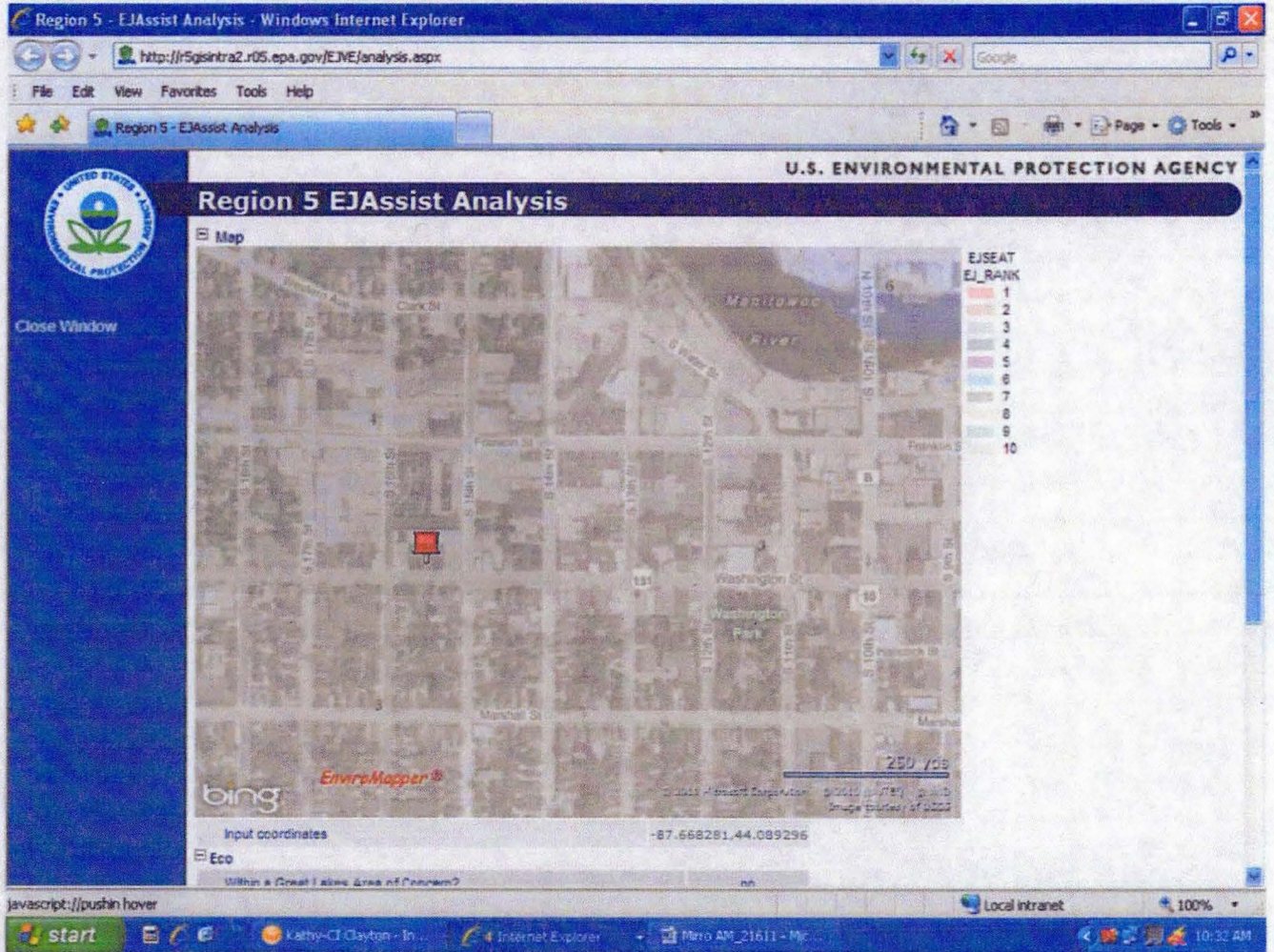
**MIRRO SPIRTAS SITE  
MANITOWOC, MANITOWOC COUNTY, WISCONSIN**

**(REDACTED 1 PAGE)**

**ENFORCEMENT CONFIDENTIAL  
NOT SUBJECT TO DISCOVERY**

# ATTACHMENT 1

## U.S. EPA REGION 5 ENVIRONMENTAL JUSTICE ANALYSIS MIRRO SPIRTAS SITE MANITOWOC, MANITOWOC COUNTY, WISCONSIN APRIL 2011



**ATTACHMENT 2**

**DETAILED CLEANUP CONTRACTOR COST ESTIMATE  
MIRRO SPIRTAS SITE  
MANITOWOC, MANITOWOC COUNTY, WISCONSIN  
APRIL 2011**

The estimated cleanup contractor (ERRS) costs necessary to complete the removal action at the Mirro Spirtas Site are as follows:

Personnel	\$22,300
Equipment	\$10,000
Materials, Lodging/Perdiem, Misc	\$15,500
<u>Transportation &amp; Disposal</u>	<u>\$32,750</u>
<b>Total</b>	<b>\$80,550</b>
Plus 15% Contingency	\$12,082
<b>Total ERRS Contractor Costs</b>	<b>\$93,000</b>

**ATTACHMENT 3**

**INDEPENDENT GOVERNMENT COST ESTIMATE**

**MIRRO SPIRTAS SITE  
MANITOWOC, MANITOWOC COUNTY, WISCONSIN**

**MARCH 2011**

**NOT RELEVANT TO THE SELECTION OF THE REMOVAL ACTION**

**(REDACTED 1 PAGE)**

# ATTACHMENT 4

## U.S. ENVIRONMENTAL PROTECTION AGENCY REMOVAL ACTION

### ADMINISTRATIVE RECORD FOR MIRRO SPIRTAS SITE MANITOWOC, MANITOWOC COUNTY, WISCONSIN

ORIGINAL  
MARCH 2011

<u>NO.</u>	<u>DATE</u>	<u>AUTHOR</u>	<u>RECIPIENT</u>	<u>TITLE/DESCRIPTION</u>	<u>PAGES</u>
1	02/00/01	ATSDR	File	ToxFAQs Sheet for Polychlorinated Biphenyls	
2	11/23/10	Weissbach, A., WDNR	Ramanauskus, P., U.S. EPA	Letter re: EPA Notification #1 of PCB Contamination for One-Clean Up Memorandum of Agreement w/Attachments	
3	12/15/10	Chronert, R., WDNR	Durno, M., & M. Ribordy, U.S. EPA	E-mail Message re: WDNR Request for U.S. EPA Assistance to Conduct a Time Critical Removal Action at the Mirro Spirtas Facility	
4	12/18/10	Owner Mirro Spirtas Facility	U.S. EPA	U.S. EPA Consent for Access to Property	
5	02/25/11	Halbur, K., U.S. EPA	Chronert, R., WDNR	Letter re: U.S. EPA Request that WDNR Identify any ARARs which Apply to the Mirro Spirtas Site	
6	03/15/11	OTIE	U.S. EPA	Site Assessment Report for the Mirro Spirtas Site	
7	00/00/00	Halbur, K., U.S. EPA	Ballotti, D., U.S. EPA	Action Memorandum: Request for Approval and Funding for a Time-Critical Removal Action at the Mirro Spirtas Site ( <b>PENDING</b> )	

FIGURE A-1

SITE LOCATION MAP  
MIRRO SPIRTAS SITE  
MANITOWOC, MANITOWOC COUNTY, WISCONSIN  
APRIL 2011



**FIGURE A-2**

**PHOTO LOG  
MIRRO SPIRTAS SITE  
MANITOWOC, MANITOWOC COUNTY, WISCONSIN  
APRIL 2011**



Dumped material and oil sheen leading to sewer drain inside the loading dock in Building K



PCB contaminated floor; transformer oil spillage area



Drums containing transformer oil at Mirro Spirtas Site