

From: [Ken Ebbott](#)
To: [Justin Burris](#); [Hnat, John J - DNR](#)
Cc: [Bart Griepentrog](#); tschafer@wi.rr.com
Subject: RE: Delay of 4300 N. Oakland Remediation project until Spring
Date: Thursday, November 21, 2019 5:27:50 PM
Attachments: [image001.png](#)
[image002.png](#)

Justin,

We will be at the site tomorrow, I have an early morning doctor appointment but should be there by 9 or 930 AM.

I haven't discussed the items in the punch list with Foust or the property owner yet, but I think we can get most if not all of them addressed tomorrow.

I received a request regarding the fence from Mr. Derek Grams, owner of the building to the north. There is a new tenant in the store immediately north of the former drycleaner site at 4312 N. Oakland, the Blackbear Children's Boutique. The owner wanted the fence shifted slightly along Oakland Avenue so her storefront is more visible to traffic on Oakland. She requested we angle the fence from the current location of the large metal sign on Oakland to the east up to the brick wall of the 4312 building, so her storefront is more exposed from the street front. I believe that can be done and still have a secure site.

We can discuss it tomorrow if you are available.

Ken

Regards,

Ken Ebbott, PG, CGWP

Senior Project Manager/Senior Geologist

Sand Creek Consultants, Inc. | W5877 Pheasant Lane | Plymouth, WI 53073

main 920.918.9024 | fax 866.608.6473

www.sand-creek.com | ken.ebbott@sand-creek.com

From: Justin Burris [mailto:JBurris@villageofshorewood.org]

Sent: Thursday, November 21, 2019 4:51 PM

To: Ken Ebbott <ken.ebbott@sand-creek.com>; Hnat, John J - DNR <John.Hnat@wisconsin.gov>

Cc: Bart Griepentrog <bgriepentrog@villageofshorewood.org>; tschafer@wi.rr.com

Subject: RE: Delay of 4300 N. Oakland Remediation project until Spring

Ken,

Based on your original email I have generated the following notice based on the existing conditions at the site.



NOTICE OF CORRECTIONS

Village of Shorewood
Planning & Development Department
3930 N. Murray Avenue, Shorewood, WI 53211
Phone (414) 847-2640 Facsimile (414) 847-2648

Date: 11/21/2019

Contractor: Jeff Foust Excavating
2824 Clareville Road
Oshkosh, WI 54904
Phone: (920) 426 5808
Email: foust@ntd.net

Owner: 4300 Oak, LLC
2551 N. Wahl Avenue
Milwaukee, WI 53211
Phone: (414) 840 6667
Email: tschafer@wi.rr.com

REGARDING PROPERTY:
PERMIT #: 19-1513, 19-1514

4300 N OAKLAND AVE / 1808 E MARION ST
INSPECTION DATE: 11/21/2019

Description of Work: Demolition of single story building, demolition of two-story single family house

ACTION REQUIRED:

1. Remove the pole sign and all associated conduit, wiring and foundation/fastening elements; any/all elements shall be taken down to grade level at a minimum.
2. Remove the sections of wood fence and supporting elements on the South property line.
3. Re-secure the realty sign on the West side of the property, and remove the loose sand from the deteriorated sand bags.
4. Remove the 5-gallon buckets and associated steel wire on the West side of the property.
5. Remove the channel letters from the old Queensway building sign on the West side of the property.
6. Remove down to grade the curb, and the concrete light pole structure on the North side of the property.
7. Cut bolts down flush with grade where protruding from an abandoned light pole.
8. Take down portions of remaining exterior building/foundation wall along the North property line.
 - a. All bricks, block, concrete and rubble shall be removed ensuring that the neighboring property to the North is clear and free of debris as well.
9. Remove pile of steel in the middle of the site.
10. Remove sections of temporary fence on the North side of the property where being stored and unused.
11. Remove the large pile of concrete in the middle of the site.
12. Remove timber garden walls and any loose timber members on the North side of the property.
13. The site shall be graded in a manner to eliminate steep changes in elevations and eliminate any potential fall hazards.
14. Remove any/all rubbish/debris from the site including but not limited to pallets, chair, bricks, block metal and wood scraps scatted across both sites.
15. Concentrated areas of spoils shall be incorporated into the fill and grading of the hole where the basement of the house was, or removed, so the site is relatively level and in a visually presentable manner.
 - a. Deposits of excavated soils will not be permitted.
16. The silt sock shall be re-situated to run continuously around the perimeter of the site directly adjacent on the inside of the perimeter fencing.
 - a. The silt sock shall be secured in place with sandbags or staking as needed.
17. Ensure the fence is installed to completely block the site from public access.
18. Remove the abandoned utility pole on the North side of the property.



EXTENSION: If an extension is needed to comply with this order, please forward a written request, addressed to the undersigned, stating your phone number, your mailing address, the action you are taking towards compliance and the anticipated completion date.

APPEAL: If after discussions with staff, you find that you are not in agreement with the enforcement of the above listed item(s), it is your right to appeal to Shorewood's Board of Appeals within 30 days of receipt of this order, where applicable. APPEALS SHALL NOT BE CONSIDERED FOR violations under Wisconsin's State Uniform Dwelling Code, Commercial Code or other state regulations. Please contact the Planning and Zoning Administrator at (414) 847-2647 to discuss your right to appeal. Forms and explanations are available at the Planning & Development Department at Village Hall or online on the Village website villageofshorewood.org.

NEXT STEPS: You are strongly encouraged to contact the Planning & Development Department as soon as you receive this letter so that we can work together to bring the above referenced violation(s) into compliance. Please call the Planning & Development Department at (414) 847-2640 Monday through Friday, 8am-4:30pm.

YOU WILL HAVE UNTIL MONDAY DECEMBER 2ND, 2019 TO COMPLETE CORRECTIONS AND CALL FOR INSPECTION OR THE PERMIT WILL EXPIRE.

DUE DATE: 12/02/2019

Re-inspection or additional fee payable BEFORE re-inspection

\$30.00

Please make check payable to Village of Shorewood

Justin Bazzoli

INSPECTOR

I'll ask to see that all items are addressed by Monday December 2 .

Now that the project will not be resuming until next year we want to be certain that the site is in the most presentable conditions possible.

Thank you,

Justin Burris
Building Inspector
Village of Shorewood
3930 N. Murray Ave.
Shorewood, WI 53211
(414)847-2643

[Village Website](#)



For local news and events, sign-up for the weekly [Manager's Memo](#)

Click the following link to access all Village Permits & Applications

<http://www.villageofshorewood.org/142/Permit-License-Other-Application-Forms>

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From: Ken Ebbott [<mailto:ken.ebbott@sand-creek.com>]

Sent: Thursday, November 21, 2019 11:33 AM

To: Hnat, John J - DNR <John.Hnat@wisconsin.gov>

Cc: Bart Griepentrog <bgriepentrog@villageofshorewood.org>; Justin Burris <JBurris@villageofshorewood.org>; tschafer@wi.rr.com; Ken Ebbott <ken.ebbott@sand-creek.com>

Subject: RE: Delay of 4300 N. Oakland Remediation project until Spring

John,

We have removed the underlying contaminated soil, as planned, in areas where the impervious surface has been removed. We have backfilled with clean imported material. The plan for the final site restoration is topsoil / vegetative cover, which is not an impervious surface.

The rest of the site, where we have not yet been able to address the contaminated soil, is still covered with asphalt / concrete.

The area we disturbed in the fall is in virtually the same condition as the final planned design, with the exception of a thin layer of topsoil fill and grass seed cover. Given the time of year, and the pending lab results from the excavation perimeter, it is prudent to wait until spring to place the final

covering of topsoil and grass vegetation.

Infiltration thru the fall excavation areas over this winter will not be significantly different than the infiltration that would have occurred had we been able to complete the entire site remediation.

Ken

Regards,

Ken Ebbott, PG, CGWP

Senior Project Manager/Senior Geologist

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main 920.918.9024 | fax 866.608.6473

www.sand-creek.com | ken.ebbott@sand-creek.com

From: Hnat, John J - DNR [<mailto:John.Hnat@wisconsin.gov>]

Sent: Thursday, November 21, 2019 11:16 AM

To: Ken Ebbott <ken.ebbott@sand-creek.com>

Cc: Bart Griepentrog <bgriepentrog@villageofshorewood.org>; Justin Burris
(JBurris@villageofshorewood.org) <JBurris@villageofshorewood.org>

Subject: RE: Delay of 4300 N. Oakland Remediation project until Spring

Ken,

The Village has a good point and I've seen your response so far. I didn't look over the site that closely yesterday to see what asphalt and foundation concrete for both properties were left in-place. So at this point, I'll wait to see what maps you'll submit. I agree with the Village that newly exposed areas would be more suitable to infiltration from the elements. So how are you going to address the Village's concern on this point?

 *J. Hnat, C.P.G., P.G.*

Project Manager/Hydrogeologist

Remediation and Redevelopment Program

Southeast Region Headquarters

Wisconsin Department of Natural Resources

(☎) **phone:** (414) 263-8644

(☎) **fax:** (414) 263-8550

(✉) **e-mail:** John.Hnat@wisconsin.gov

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 dnr.wi.gov



From: Bart Griepentrog <bgriepentrog@villageofshorewood.org>
Sent: Thursday, November 21, 2019 10:23 AM
To: Hnat, John J - DNR <John.Hnat@wisconsin.gov>; Ken Ebbott <ken.ebbott@sand-creek.com>; Justin Burris <JBurris@villageofshorewood.org>
Cc: Leeann Butschlick <lbutschlick@villageofshorewood.org>
Subject: RE: Delay of 4300 N. Oakland Remediation project until Spring

Thanks, John.

I think the Village and neighbor's main concern would be that now that the structure and asphalt have been removed the site is now permeable. Please confirm that the DNR has no issues with that and for how long. What temporary surface type is acceptable?

I will need to provide assurance that conditions are not worsening and that remediation will commence as soon as possible in the spring.

Regards,
Bart

Bart Griepentrog, AICP
Planning and Development Director
Village of Shorewood

(414) 847-2647

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From: Hnat, John J - DNR <John.Hnat@wisconsin.gov>
Sent: Thursday, November 21, 2019 9:55 AM
To: Ken Ebbott <ken.ebbott@sand-creek.com>; Bart Griepentrog <bgriepentrog@villageofshorewood.org>; Justin Burris <JBurris@villageofshorewood.org>
Cc: Leeann Butschlick <lbutschlick@villageofshorewood.org>
Subject: RE: Delay of 4300 N. Oakland Remediation project until Spring

Ken,

The DNR agrees that the delay due to weather until mid-April 2020 is a good plan. We won't require any changes to your plan or approval of the delay. Maintenance of the perimeter fence and erosion socks in place should be monitored throughout the winter just in case repairs are required as you've stated.

I did visit the site last week and yesterday. Let me know when the project will start up again.

I have no other comments. Any questions, please call or email me at your convenience.



Project Manager/Hydrogeologist

Remediation and Redevelopment Program

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From: Ken Ebbott <ken.ebbott@sand-creek.com>

Sent: Wednesday, November 20, 2019 3:17 PM

To: Bart Griepentrog (bgriepentrog@villageofshorewood.org)

<bgriepentrog@villageofshorewood.org>; Justin Burris

(JBurris@villageofshorewood.org) <JBurris@villageofshorewood.org>

Cc: LButschlick@villageofshorewood.org; Hnat, John J - DNR

<John.Hnat@wisconsin.gov>; Ken Ebbott <ken.ebbott@sand-creek.com>

Subject: Delay of 4300 N. Oakland Remediation project until Spring

Bart and Justin,

Due to the weather of the previous weeks and the late time of year, we have to postpone the rest of the soil remediation project until spring.

The early winter and extreme cold / snow of the past several weeks has disrupted the contractor schedules. Even though the weather is more “normal” for November conditions now, it is still too late in the year to treat the soil in 2019. Cold temperatures slow the chemical reactions that are necessary to render the treated soil acceptable for landfilling, as the chemical contractor has noted at other sites.

I’ve also had this experience, and in 2017, I went ahead with an early-December chemical treatment nearly identical to this project. The initially-treated soil didn’t pass, and it required re-treatment. However, cold conditions froze the treated soil in the 30 Cubic Yard boxes, and it could not be processed until spring thaw. We will not repeat that process here, as I know your constituents would not want eight boxes of what would technically be defined as “hazardous waste” stored in their neighborhood over the winter.

Going forward, we will have the remainder of the project on the schedule for early to mid-April 2020. Frost typically comes out of the ground in March, and in April the soil can be worked without fear of freezing. We will meet the approved final restoration plan for the Property following the additional excavation work, with establishment of vegetation and final sloping at that time.

Please drive by the site in the next day or two, and review the site conditions. We plan to leave the perimeter fence and erosion control socks in place and maintained, through the winter. The contractor (Foust) plans to return to the site on Friday or Monday to remove the final loads of concrete / metal, complete some additional grading, and remove their equipment.

It is unfortunate the early winter has created this issue. If we had a normal fall, we could have done the work as planned.

Attached is the weekly update that reflects the information above, and I'll communicate directly with the WDNR, and with Mr. Derek Grams, owner of the 4312 N. Oakland adjacent property to let him know the situation.

Thanks for your understanding.

Ken

Regards,

Ken Ebbott, PG, CGWP

Senior Project Manager/Senior Geologist

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Solutions in Green Site Remediation, Sustainability, and Phytoremediation since 1995

From: [Ken Ebbott](#)
To: [Bart Griepentrog](#); [Hnat, John J - DNR](#); [Justin Burris](#)
Cc: [Leeann Butschlick](#); [Ken Ebbott](#); tschafer@wi.rr.com
Subject: RE: Delay of 4300 N. Oakland Remediation project until Spring
Date: Thursday, November 21, 2019 10:53:21 AM

Bart and John,

We agree we need to keep as much of the contaminated area covered with concrete or asphalt as possible over the winter.

We did the excavation of the contaminated soil known to be present under the northwest corner of the building down to 13 to 16 feet below grade, and also west of the building out to Oakland along the sewer lateral to depths of up to 8 feet. The contaminated soil has been removed from the areas that are now no longer covered by concrete or asphalt.

We also removed soil along the eastern edge of the site that sloped up toward the residence to the east, as earlier results showed there were low levels of contamination in that shallow soil. We have pending samples for analysis at the laboratory that will provide information on the remaining soil on the 1808 E. Marion property, which are expected to be clean, and able to be used for clean fill come spring.

I'm putting together maps to show areas that were dug and the location of the obtained soil samples. Because the sewer lateral was not located where mapped, the excavation boundaries shifted slightly from the plan, to follow the sewer lateral for some of its pathway back to the building.

As included in the plan, we obtained soil samples from the excavation perimeter and floor that are pending completion at the laboratory. This will provide further information on the remaining soil chemistry, and if necessary, we can use that information to guide further soil remediation in the spring, if needed, from this area.

The soil at depth at this site is an incredibly dense silty clay till- it is very difficult to dig with a shovel. The tight clay has been helpful in preventing significant migration of the drycleaning solvent.

Ken

Regards,

Ken Ebbott, PG, CGWP

Senior Project Manager/Senior Geologist

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Sent: Thursday, November 21, 2019 10:23 AM

To: Hnat, John J - DNR <John.Hnat@wisconsin.gov>; Ken Ebbott <ken.ebbott@sand-creek.com>; Justin Burris <JBurris@villageofshorewood.org>

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