



August 21, 2018

BRRTS#: 03-36-001962

Paul Braun
Community Development
City of Manitowoc
900 Quay Street
Manitowoc, WI 54220

Subject: State Eligibility Determination for Federal Petroleum Assessment Grant
1110 Buffalo Street, Manitowoc, Wisconsin

Dear Mr. Braun:

This letter provides a state determination of eligibility for petroleum assessment at the above property in the City of Manitowoc. This work will be performed under the City of Manitowoc's FY 2018 Brownfield Assessment Grant from the Environmental Protection Agency.

History and Ownership

The 6-acre property ("the Property") is part of a larger 20 acre property located at 1110 Buffalo Street in the City of Manitowoc that the City is considering acquiring. The Property that was for railroad since the late 1800s. In addition to the railroad uses, large portions of the land have been leased to various businesses on this Property including primarily bulk petroleum storage businesses that began operating around 1915 and has been operated by many different companies. The bulk oil and gasoline storage facilities operated until the 1990s. The Property has been owned by Wisconsin Central, Ltd. Before them, the Property was owned by Soo Line Minneapolis St. Paul and Sault St. Marie Railroad Company. The time when the ownership changed is not clear.

Contaminant Information

The Property has known and potential petroleum contamination from its long historic use as a rail road as well as all the tenants that used the property described above. The bulk petroleum facility was operated by various tenants. The current owner and immediate past owner did not operate the bulk oil facility. Historical records indicate that the bulk plant had as many as 46 tanks and source areas including pump houses and oil houses on the Property. Other businesses operated on or near the Property including a ship building company. An investigation and remediation of petroleum contamination occurred on the property between 1996 and 2005. A closure letter was issued on October 17, 2005 by the Department of Commerce. There is known residual contamination from that case and it is likely additional areas of contamination exist on the Property.

The Department has made the following determination regarding petroleum assessment 1110 Buffalo Street, Manitowoc, Wisconsin:

- The site meets the federal definition of a brownfield.
- There are no viable responsible parties based on the criteria in EPA's October 2018 Proposal Guidelines for Brownfields Site Assessment Grants. Specifically, the grant recipient, the City of Manitowoc, has not caused or contributed to contamination and is not liable for cleanup. There is

no known viable responsible party under the federal guidelines, i.e. another party who is subject to either a judgment in a court of law or an administrative order issued by an administrative body that would require that party to assess, investigate, or clean up the site. There is no filed environmental enforcement action brought by federal or state authorities regarding this site, and it is not subject to any known citizen suit, that would, if successful, require a responsible party that is financially capable of satisfying obligations under federal or state law to assess investigate or clean up the site.

- The applicant, the City of Manitowoc, did not dispense or dispose of petroleum or petroleum product, or exacerbate the existing contamination at the site.
- The current and immediate past owners, respectively, Wisconsin Central, Ltd. and the Soo Line Minneapolis St. Paul and Sault St. Marie Railroad Company did not dispense or dispose of petroleum or petroleum products. It is difficult to determine which of the petroleum businesses that operated on the Property caused contamination on the Property and several of those businesses are not in business any more. Wisconsin Central Ltd. took some reasonable steps and by conducting investigation and cleanup actions on the Property and obtaining a closure letter however additional contamination is likely also on the Property in other areas.
- Potential petroleum contamination would be of "relatively low risk" based on the criteria in EPA's October 2018 Proposal Guidelines for Brownfields Assessment Grants. Specifically, LUST trust fund monies have not been applied to these sites and the state is not aware of any outstanding requirements under the federal Oil Pollution Act.
- The property is not subject to a corrective action order under the Resource Conservation and Recovery Act (RCRA) Sec. 9003(h).
- There has been no new contamination confirmed at this site and, thus, no responsible parties have been identified.

Therefore, we believe the City of Manitowoc could use this money to conduct remediation and other eligible activities at this property under its 2018 federal brownfield Brownfields Assessment grant. Please contact me at 608-261-4927 if you have any questions.

Sincerely,



Michael Prager
Remediation and Redevelopment Program
Department of Natural Resources

cc: Harris Byers, Stantec
Tauren Beggs, NER

From: Prager, Michael A - DNR
Sent: Wednesday, August 22, 2018 10:38 AM
To: Byers, Harris; Paul Braun (PBraun@manitowoc.org)
Cc: Beggs, Tauren R - DNR
Subject: RE: Petroleum ED - 1110 Buffalo Street; Manitowoc, Wisconsin
Attachments: manit 1110 Buffalo st petro 2018.pdf

Sorry about the typo, here is the revised letter. I will check in with Tauren about this and then maybe initially just have a call with you to touch on a few questions/ ideas I had.

From: Byers, Harris <Harris.Byers@stantec.com>
Sent: Tuesday, August 21, 2018 9:15 PM
To: Prager, Michael A - DNR <Michael.Prager@wisconsin.gov>; Paul Braun (PBraun@manitowoc.org) <PBraun@manitowoc.org>
Cc: Beggs, Tauren R - DNR <Tauren.Beggs@wisconsin.gov>
Subject: RE: Petroleum ED - 1110 Buffalo Street; Manitowoc, Wisconsin

Michael:

Thanks for the letter. Just one small edit - would you be able to address the letter to Mr. Braun vs. Mr. Sparacio? Just a small typo.

Thanks for the offer to meet and discuss; let me know what you're thinking – would love to have you up to Manitowoc to meet with the City (and catch up over lunch). Tauren came down and met with the team (City and USEPA) last month to discuss liability protections and I understand the City is working on the LGU exemption request. USEPA is encouraging the City to apply for funding next Brownfield grant cycle, so that's one avenue for sure we will move forward with.

There are actually two former RR properties involved in the transaction; one ~5 acres and the other ~21 acres. The two petroleum EDs are portions of the larger 21-acre property. So – yes – this will be a very significant undertaking. Are there any potential pitfalls that immediately come to mind that we should be considering as we finalize the plans for the subsurface (Phase II ESA) work?

Sincerely,
Harris

From: Prager, Michael A - DNR [<mailto:Michael.Prager@wisconsin.gov>]
Sent: Tuesday, August 21, 2018 10:26 AM
To: Byers, Harris <Harris.Byers@stantec.com>; Paul Braun (PBraun@manitowoc.org) <PBraun@manitowoc.org>
Cc: Beggs, Tauren R - DNR <Tauren.Beggs@wisconsin.gov>
Subject: RE: Petroleum ED - 1110 Buffalo Street; Manitowoc, Wisconsin

Paul and Harris – Attached is the petroleum eligibility letter you requested. Sorry for the delay. From looking at this site and the last one I approved, this is clearly a large property and may be complicated for a few reasons. If you'd like to meet with us to discuss the various issues out there, liability protection for the city, cleanup options, other financial assistance, etc. please let me know and we can help.

This has not gone to EPA. If there are any significant errors or typos, let me know.

We are committed to service excellence.

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

Michael Prager

Land Recycling Team Leader- Remediation and Redevelopment Program
Wisconsin Department of Natural Resources
101 S. Webster - Box 7921
Madison, WI 53707
Phone: 608-261-4927
Fax: 608-267-7646
michael.prager@wisconsin.gov



dnr.wi.gov



From: Byers, Harris <Harris.Byers@stantec.com>

Sent: Tuesday, August 21, 2018 9:25 AM

To: Prager, Michael A - DNR <Michael.Prager@wisconsin.gov>

Cc: Beggs, Tauren R - DNR <Tauren.Beggs@wisconsin.gov>; Paul Braun (PBraun@manitowoc.org) <PBraun@manitowoc.org>

Subject: RE: Petroleum ED - 1110 Buffalo Street; Manitowoc, Wisconsin

Michael:

Good morning; hope your vacation went well. Not to be a pest, just circling back on this petroleum ED.

Call with any questions.

Sincerely,

Harris Byers

Brownfields Project Manager

Direct: 414 581-6476

Fax: 262 241-4901

Harris.Byers@stantec.com

Stantec



The content of this email is the confidential property of Stantec and should not be copied, modified, retransmitted, or used for any purpose except with Stantec's written authorization. If you are not the intended recipient, please delete all copies and notify us immediately.

From: Prager, Michael A - DNR [<mailto:Michael.Prager@wisconsin.gov>]

Sent: Tuesday, August 14, 2018 12:15 PM

To: Byers, Harris <Harris.Byers@stantec.com>

Cc: Beggs, Tauren R - DNR <Tauren.Beggs@wisconsin.gov>; Paul Braun (PBraun@manitowoc.org)

<PBraun@manitowoc.org>

Subject: RE: Petroleum ED - 1110 Buffalo Street; Manitowoc, Wisconsin

Harris – Sorry but I have not been able to finish this review yet, I am going on vacation and will be back on August 20 and will get to this right away when I return.

We are committed to service excellence.

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

Michael Prager

Land Recycling Team Leader- Remediation and Redevelopment Program
Wisconsin Department of Natural Resources
101 S. Webster - Box 7921
Madison, WI 53707
Phone: 608-261-4927
Fax: 608-267-7646
michael.prager@wisconsin.gov



dnr.wi.gov



From: Byers, Harris <Harris.Byers@stantec.com>

Sent: Thursday, August 09, 2018 9:27 PM

To: Prager, Michael A - DNR <Michael.Prager@wisconsin.gov>

Cc: Beggs, Tauren R - DNR <Tauren.Beggs@wisconsin.gov>; Choi, Christopher <choi.christopher@epa.gov>; Paul Braun (PBraun@manitowoc.org) <PBraun@manitowoc.org>; Kathleen McDaniel (kmcdaniel@manitowoc.org) <kmcdaniel@manitowoc.org>; Dan Koski (dkoski@manitowoc.org) (dkoski@manitowoc.org) <dkoski@manitowoc.org>

Subject: [WARNING: ATTACHMENT(S) MAY CONTAIN MALWARE]Petroleum ED - 1110 Buffalo Street; Manitowoc, Wisconsin

Michael (and Team)

Attached is the petroleum eligibility determination for 1110 Buffalo Street in in Manitowoc (1110 Buffalo Street - Form 4400-304.pdf) and supporting documentation (200 N 10th St - Petroleum ED Attachments and Supplemental Documents.pdf). As noted in the attached, Attachment A and Attachment D can be downloaded from our FTP Server:

Login Information

Browser link: <https://tmpsftp.stantec.com>

FTP Client Hostname: tmpsftp.stantec.com **Port:** 22 (can be used within an FTP client to view and transfer files and folders; e.g., FileZilla)

Login name: s0823201056

Password: 7073896

Disk Quota: 2GB

Expiry Date: 8/23/2018

Please review this documentation at your earliest convenience and call with any questions. The City would like to use petroleum brownfield assessment funding to complete a Phase II ESA at the target Property (preferably within the next few weeks).

Sincerely,

Harris Byers

Brownfields Project Manager

Direct: 414 581-6476

Fax: 262 241-4901

Harris.Byers@stantec.com

Stantec



The content of this email is the confidential property of Stantec and should not be copied, modified, retransmitted, or used for any purpose except with Stantec's written authorization. If you are not the intended recipient, please delete all copies and notify us immediately.

Return completed form with attachments to:
 Wisconsin Department of Natural Resources
 Remediation and Redevelopment Program
 PO Box 7921
 Madison, WI 53707-7921
 Fax: 608-267-7646
dnr.wi.gov/topic/Brownfields/

Brownfields Assessment and Cleanup Grants: Application for Petroleum Eligibility Determination

Form 4400-304 (R 11/16)

Page 1 of 8

Notice: Use this form to request a site-specific eligibility determination for use of U.S. Environmental Protection Agency Brownfields Grant funds for assessment or cleanup of petroleum contamination. Personally identifiable information collected will be used to prepare the determination and will also be accessible by request under Wisconsin's Open Record law. [ss.19.31 - 19.69, Wis. Stats.]. Applications must be "complete" in order to be processed.

Instructions: Complete the following application to receive a State of Wisconsin eligibility determination for use of EPA Brownfields Grant funds for assessment or cleanup of petroleum contamination. Fill out one application per property and send to: Michael Prager at Michael.prager@wisconsin.gov. The "Submit by Email" button above will create an email with the correct address.

Section 1: Applicant* Information

Consulting Firm Name (if applicable)

Stantec

Contact Name Last	First	MI	Title		
Byers	Harris	L	Brownfields Project Manager		
Mailing Address		City		State	ZIP Code
12075 Corporate Pkwy		Mequon		WI	53092
Phone Number (incl. area code)	Fax Number (incl. area code)	Email			
(414) 581-6476		harris.byers@stantec.com			

Determination Letter Recipient (i.e. name of municipality)

City of Manitowoc, Wisconsin

Contact Name Last	First	MI	Title		
Braun	Paul		Planner		
Mailing Address		City		State	ZIP Code
900 Quay Street		Manitowoc		WI	54220
Phone Number (incl. area code)	Fax Number (incl. area code)	Email			
(920) 686-6930		pbraun@manitowoc.org			

EPA Cooperative Agreement Grantee, if different than above (i.e. county planning commission or economic development authority)

Contact Name Last	First	MI	Title		
Mailing Address		City		State	ZIP Code
Phone Number (incl. area code)	Fax Number (incl. area code)	Email			

Section 2: General Site Information

Site Name	County		
1110 Buffalo Street	Manitowoc		
Site Address	City	State	ZIP Code
1110 Buffalo Street	Manitowoc	WI	54220
Size (acres)	DNR BRRTS Numbers (if known)		
6	03-36-001962 (WDNR); 54220-4621-14 (WDCOMM)		
Tax Parcel Number(s)			
173020, 173022, 173023, 173030, 173040, 173060, 173070, 173110, 173170, 173150 (portion); see Figure 1 and 2			
DNR Project Manager Name (if known)		Federal fiscal year for the assessment or cleanup award	
Tauren Beggs		FY18	

*For the purposes of receiving a petroleum eligibility determination, an "Applicant" includes those entities that: 1. Received an area-wide EPA assessment or cleanup grant; 2. Are applying for an EPA site-specific assessment or cleanup grant; 3. Are applying for a petroleum grant or loan from the Ready for Reuse program.

Brownfields Assessment and Cleanup Grants: Application for Petroleum Eligibility Determination

Form 4400-304 (R 11/16)

Page 2 of 8

Section 3: Site Description

1. Past Land Uses of the Site - Indicate if the sources of petroleum contamination or wastes are Known "K" or Suspected "S":

Gas Station	Industrial K	Residential
Service Station	Commercial K	Pipeline
Bulk Plant K	Agricultural Co-op	Salvage Yard
Terminal Storage	Coal Gas Manufacturer	Other - Specify K _____
Foundry	Utility	Past land uses of the site are unknown <input type="checkbox"/>

2. Describe the historical and current use of the site, including associated years:

See attached "Property History Summary." Prior Site tenants utilized the Site for bulk petroleum storage by 1919 through the later portion of the 20th Century.

3. Does or did the site have a fuel storage tank(s)? Yes, if so how many? 46 No Unknown

- If yes, please provide details on the status of the tank(s) from DATCP tank database found at http://datcp.wi.gov/Consumer/Hazardous_Materials_Storage_Tanks/. Attach a site map with the location of current and historic ASTs and USTs.

Historic petroleum storage area(s) (for sites where tanks have been removed):

Removed Tanks					
DATCP Tank ID #	AST or UST?	Capacity	Historic Contents (enter A, B, etc.)		
(34)	AST	Various	B	Fuel Oil	A. Diesel B. Fuel Oil
(12)	UST	Various		Fuel Oil	C. Gasoline
				Fuel Oil	D. Kerosene
				Fuel Oil	E. Used Motor Oil
				Fuel Oil	F. Other (describe)

Current petroleum storage areas (for sites with tanks currently in place):

Tanks in Place					
DATCP Tank ID #	AST or UST?	Capacity	Historic Contents (enter A, B, etc.)		
					A. Diesel
					B. Fuel Oil
					C. Gasoline
					D. Kerosene
					E. Used Motor Oil
					F. Other (describe)

Brownfields Assessment and Cleanup Grants: Application for Petroleum Eligibility Determination

Form 4400-304 (R 11/16)

Page 3 of 8

Status of Tanks in Place		
DATCP Tank ID #	Current Status (enter A, B, etc.)	
		A. In Use
		B. Abandoned with product
		C. Abandoned without product
		D. Closed - filled with inert materials
		E. Closed - in place
		F. Other (describe)

4. Has petroleum contamination been confirmed at the site? Yes No Inconclusive

- If yes, describe previous assessment activities, associated dates and which contaminants were found:
Records provided by the current owner indicate multiple phases of investigation and remediation of petroleum impacted soil (source control) occurred between 1996 and 2005. Closure was granted by the Wisconsin Department of Commerce on October 17, 2005; however, residual petroleum impacts remain.

- If no, why is petroleum contamination suspected?

- What are the areas of concern at the site where petroleum contamination is known or suspected?
As illustrated on Figure 3, source areas include (4) former oil houses, (7) former pump houses, (12) former bulk storage USTs, and/or (34) former bulk storage ASTs and associated product piping. Additional source areas include railroad spur lines formerly used for delivery of bulk petroleum to the individual bulk storage areas.

5. For which activities will the EPA assessment or cleanup grant be used?

- | | |
|--|---|
| <input type="checkbox"/> Phase I Site Assessment | <input checked="" type="checkbox"/> NR 716 Site Investigation |
| <input checked="" type="checkbox"/> Phase II Site Assessment | <input type="checkbox"/> Clean up: NR 722 and 724 Cleanup |
| <input type="checkbox"/> Other – Specify: | |

Section 4: Use of Other Federal Funds

1. Has the site received LUST trust fund monies for assessment or cleanup? Yes No

- If yes, please provide details:

2. Is the site currently subject to a response under the Oil Pollution Act (OPA)? Yes No

Brownfields Assessment and Cleanup Grants: Application for Petroleum Eligibility Determination

Form 4400-304 (R 11/16)

Page 4 of 8

Section 5: Judgements, Claims, Actions or Suits (Note: if a responsible party is identified through any of the three criteria below, the site is not eligible to use petroleum assessment or cleanup funds.)

1. Has a responsible party been identified for the site through either:

- An unresolved judgment rendered in a court of law or an administrative order that would require any party (including the applicant) to assess, investigate, or clean up the site? Yes No
- An unresolved enforcement action by federal or state authorities that would require any party (including the applicant) to assess, investigate or clean up the site? Yes No
- An unresolved citizen suit, contribution action or other third party claim brought against the current or immediate past owner for the site that would, if successful, require either party to assessment, investigation or cleanup the site? Yes No

Section 6: Acquisition Method by Current Owner

1. Who currently owns this site?

- Name: Wisconsin Central, Ltd.
- On what date was the property acquired? 01/01/1986
- By what method was the property acquired?
 - Involuntary Acquisition:
 - Tax foreclosure
 - Escheat
 - Condemnation
 - Slum or blight proceeding under ch. 32, Wis. Stats.
 - Lender foreclosure of a security interest
 - Other Acquisition:
 - Simple purchase
 - Donation
 - Transfer
 - Other (specify): Unknown; possibly QCD?

Note: If the site was last acquired through an involuntary acquisition method or lender foreclosure of a security interest, skip to Section 8. If the site was last acquired through "other acquisition", please continue to Section 7.

Section 7: Determination of Viable Responsible Party

The state is required to determine that there is no viable responsible party that can address the contamination at the site. For the purposes of this petroleum eligibility determination, the state must affirm that:

- The current and immediate past owner did not dispense or dispose of, or own the subject property during the dispensing or disposal of any petroleum contamination at the site;
- Did not exacerbate the petroleum contamination at the site; and
- Took reasonable steps* with regard to the petroleum contamination at the site.

*For the purposes of determining petroleum brownfield grant eligibility, "reasonable steps with regard to contamination at the site" includes, as appropriate: stopping continuing releases, preventing threatened future releases, and preventing or limiting human, environmental, or natural resource exposure to earlier petroleum or petroleum product releases.

Applicants are responsible for providing complete information in their proposal that demonstrates that the activities for which they seek funding have no viable responsible party.

**Brownfields Assessment and Cleanup
Grants: Application for Petroleum
Eligibility Determination**

Form 4400-304 (R 11/16)

Page 5 of 8

1. Current Owner:

- Describe on-site operations during the time of current ownership, particularly as it relates to use of petroleum ASTs, USTs and containers.

Records indicate bulk fuel storage by tenant(s) largely ceased not too long after acquisition of the Site by the current owner. The storage vessels (AST/USTs) and associated buildings/infrastructure were reportedly removed by 1997, investigation/remediation activities completed by the current owner, and case closed by WDCOMM in Nov 2005.

- Is the property leased to an operator (another person or business)? Yes No

- Identify whether the current owner (please describe):

- Dispensed or disposed of any petroleum products on the site:

Although date of acquisition remains unconfirmed, records suggest bulk fuel storage/distribution ceased not too long after acquisition by the current owner. The storage vessels (AST/USTs) and associated buildings/infrastructure were reportedly removed by 1997, investigation/remediation activities completed, and case closed by WDCOMM.

- Owned the subject property during the dispensing or disposal by an operator of any petroleum products at the site:

See above. The storage vessels (AST/USTs) and associated buildings/infrastructure were reportedly removed by 1997, investigation/remediation activities completed by the current owner, and case closed by WDCOMM.

- Did not exacerbate the contamination at the site:

See above; records suggest bulk fuel storage/distribution ceased not too long after acquisition by the current owner. The storage vessels (AST/USTs) and associated buildings/infrastructure were reportedly removed by 1997, investigation/remediation activities completed by the current owner, and case closed by WDCOMM.

- Took *reasonable steps** with regard to the contamination at the site:

- Yes, reasonable steps were taken.

Please describe the actions the owner took to satisfy the "reasonable steps" criteria:

See above; the storage vessels (AST/USTs) and associated buildings/infrastructure were reportedly removed by 1997, investigation/remediation activities completed by the current owner, and case closed by WDCOMM.

- No, reasonable steps were not necessary. Please explain:

- Contamination is not confirmed

- Known or suspected sources of contamination were removed (i.e. storage tank)

- Other (please describe): _____

2. Immediate Past Owner:

- Name of immediate past owner: Soo Line Minneapolis St. Paul and Sault St. Marie Railroad Company

- Date range of years of ownership: 01/01/1900

- Describe the operations on site during the ownership of the immediate past owner, particularly as it relates to petroleum ASTs, USTs and containers:

Several bulk fuel storage facilities were constructed at the Site and operated by multiple prior tenants (see Figure 3). Bulk petroleum delivery, storage, handling, distribution continued through the duration of property ownership.

Brownfields Assessment and Cleanup Grants: Application for Petroleum Eligibility Determination

Form 4400-304 (R 11/16)

Page 6 of 8

- Was the property leased to an operator (another person or business)? Yes No

- Identify whether the immediate past owner (please describe):

- Dispensed or disposed of any petroleum products on the site:

Several prior tenants operated bulk petroleum storage/distribution facilities at the Site.

- Owned the subject property during the dispensing or disposal by an operator of any petroleum products at the site:

See above

- Did not exacerbate the contamination at the site:

Unknown

- Took *reasonable steps** with regard to the contamination at the site:

- Yes, reasonable steps were taken.

Please describe the actions the owner took to satisfy the "reasonable steps" criteria:

- No, reasonable steps were not necessary. Please explain:

- Contamination is not confirmed

- Known or suspected sources of contamination were removed (i.e. storage tank)

- Other (please describe): _____

3. Financial Viability:

- If the current or immediate past owner is identified as a responsible party for the petroleum contamination on site, provide information in Attachment F that demonstrates why the party does not have the financial capability to satisfy their obligations under federal or state law to assess the property, including the resources consulted to determine a responsible party's financial status. In general, the Department and US EPA will consider ongoing businesses or companies (corporations, LLCs, partnerships, etc.) and governmental entities to be viable.

Section 8: Actions by the EPA Assessment Grant Recipient (i.e. Cooperative Agreement Recipient)

1. Has the EPA Assessment or Cleanup Grant recipient dispensed or disposed of or owned the property during the dispensing or disposal of petroleum product at the site? Yes No
2. Has the EPA Assessment or Cleanup Grant recipient exacerbated the contamination at the site? Yes No
3. Did the EPA Assessment or Cleanup Grant recipient take reasonable steps* with regard to contamination at the site? Yes No

**Brownfields Assessment and Cleanup
Grants: Application for Petroleum
Eligibility Determination**

Form 4400-304 (R 11/16)

Page 7 of 8

Section 9: Subject to Resource Conservation and Recovery Act (RCRA)

1. Is the site subject to a corrective action order under RCRA S9002(h)? Yes No

Section 10: Required Attachments

Please include the following with your eligibility determination request:

- A. Current photographs of site
- B. Site map - Note location of any past or current ASTs, USTs, or other petrol-related containers
- C. Aerial photo of site
- D. Previous assessment information, if available: Phase I and II on disk
- E. Documentation of acquisition method if the site was last acquired through involuntary acquisition or lender foreclosure
- F. Information that demonstrates why a responsible party does not have the financial capability to satisfy their obligations under federal or state law to assess the property (if a responsible party is identified). See page 8

Section 11: Self-Certification

I certify that information in this application and all its attachments are true and correct and in conformity with applicable Wisconsin Statutes.

Completed By _____

Date _____

Attachment F: Determining Whether a Responsible Party is Viable

If a responsible party is identified for the site, the Department must determine whether that party is viable. If any such party is determined to be viable, then the petroleum-contaminated site is not eligible for funding.

- In general, the department and US EPA will consider ongoing businesses or companies (corporations, LLCs, partnerships, etc.) and governmental entities to be viable. A defunct or insolvent company and an individual responsible party will be deemed not viable, unless there is information suggesting that the assumption is not appropriate in a particular case.
- An Applicant seeking to determine the financial status (i.e. the viability) of a responsible party should consider consulting the following resources and any other resources it may deem useful to make this determination:
 - Responsible Party (i.e. tax returns, bank statements, financial statements)
 - Federal, State and Local Records (i.e. regulatory records, Secretary of State databases, property/land records)
 - Public and Commercial Financial Databases (i.e. Lexus/Nexus, Dun & Bradstreet reports, Internet search engines)

Applicants are responsible for explaining what steps it took to determine a responsible party's financial status and why the information presented indicates that the responsible party is not viable:

1110 BUFFALO ST PETROLEUM ELIGIBILITY DETERMINATION

PROPERTY HISTORY SUMMARY

1110 BUFFALO ST PETROLEUM ELIGIBILITY DETERMINATION

The City of Manitowoc, Wisconsin (City) executed a letter of intent on May 16, 2018 to purchase approximately 20.8 acres of former railroad land forming a peninsula in the Manitowoc River, roughly west of 10th and 11th Streets (area outlined in green on Figure 1). A Phase I ESA is currently being prepared for the redevelopment of this area using USEPA Brownfield assessment funds awarded to the City in FY2018. Historic records indicate the 20.8 acre property was developed for railroad use in 1895 and remained in railroad use through the later portion of the 20th Century. Large portions of the railroad property were leased to various entities through time, which included a multitude of industrial uses (ex. Junk yard, coal storage, bulk petroleum storage, warehouse, etc.)

The portion of the larger property targeted for this petroleum eligibility determination (ED) is approximately 6 acres in size and is located on the northcentral portion of the project area (area outlined in blue on Figure 1). For the purpose of this ED and general continuity with WDNR records (BRRS Case No. 03-36-001962; WDCOMM Case No. 54220-4621-14), we are referring to the "Site" as "1110 Buffalo Street". Please note the Site includes not only the former bulk fuel storage facilities, but adjacent parcels and the railroad spurs thought to have delivered fuel to the bulk plants (see Figure 2 and Figure 3). Current photographs are provided in Attachment A. The following presents a summary of the historic uses of the target Site.

Site Ownership. The Site appears to have been owned by several railroads since the late 1800s; initially by the Soo Line Minneapolis St. Paul and Sault St. Marie Railroad Company with ownership transferred to the current owner (Wisconsin Central Ltd) by the late 1980s. As illustrated on Figure 3, records suggest large portions of the Site were leased to a variety of bulk fuel storage companies operating under a variety of names during the early/mid 20th Century. Consolidation of bulk petroleum storage operations began at the Site in 1969 by the "Wingfield Oil Company" with continued consolidation through 1975. The Wingfield Oil Company was renamed "Holmes Oil Corporation" on 8/4/1976. The Holmes Oil Corporation appears to have vacated the Site concurrent with removal of the final storage tanks by 1997. No business records have been located suggesting the Holmes Oil Corporation (most recent tenant) remains viable.

Site Development/Operation. Historic Sanborn® fire insurance maps indicate property use for bulk petroleum storage began between 1912 and 1919 when the Standard Oil Company installed four steel tanks, a 20,000-gallon iron oil tank, and a partially inground 20,000-gallon iron oil tank along a railroad spur. Standard Oil Co. expanded operations at the property through 1927 at which point the operation consisted of seven oil tanks and three oil houses. The Stephani-Strupp Oil Co. began operations at the Site by 1927 and the facility consisted of two oil tanks near North 11th Street, an oil house, and a pump house. Bulk petroleum storage in the central portion of the property expanded significantly in the 1940s-1960s, with continued expansion of the Standard Oil Co facility (12 oil tanks, two pump houses, one oil house), construction of the Shell Oil Co. Inc. facility (5 tanks, one oil house, one pump house), and construction of the Sinclair Refining Co. facility (9 oil tanks, two oil houses, one pump house). As noted above, bulk petroleum storage was consolidated by the Wingfield Oil Company (later renamed Holmes Oil Company) who continued to operate through the late 1990s. Locations of known Site features obtained from a variety of local and state sources are illustrated on Figure 4.

Registered Tanks. It would be impractical to document specific fueling/storage operations dating across roughly 80 years of bulk petroleum storage at the Property. The locations of known Site features are illustrated on Figure 4. Registered USTs and ASTs associated with the Site are summarized in the following tables.

1110 BUFFALO ST PETROLEUM ELIGIBILITY DETERMINATION

1110 Buffalo St (Facility ID 72466) – UST Records

Tank ID	Size (gallons)	Contents	Status	Date Removed
414536	500	Leaded Gasoline	Closed/Removed	7/15/1996
415121	1500	Unleaded Gasoline	Closed/Removed	7/15/1996
420040	300	Diesel Fuel	Closed/Removed	7/15/1996

1115 Buffalo St (Facility ID 152628) – AST Records

Tank ID	Size (gallons)	Contents	Status	Date Removed
206520	10,000	Fuel Oil	Closed/Removed	12/31/1964
206521	10,000	Fuel Oil	Closed/Removed	12/31/1964
206522	10,000	Fuel Oil	Closed/Removed	12/31/1964
206523	10,000	Leaded Gasoline	Closed/Removed	12/31/1964
206524	18,000	Leaded Gasoline	Closed/Removed	12/31/1964
206525	18,000	Leaded Gasoline	Closed/Removed	12/31/1964
206526	18,000	Leaded Gasoline	Closed/Removed	12/31/1964
206527	18,000	Fuel Oil	Closed/Removed	12/31/1964
206528	18,000	Diesel	Closed/Removed	12/31/1964
206529	9,000	Diesel	Closed/Removed	12/31/1964
206530	20,000	Fuel Oil	Closed/Removed	12/31/1964

1114 Buffalo St (Facility ID 152627) – UST Records

Tank ID	Size (gallons)	Contents	Status	Date Removed
414787	1,500	Waste/Used Motor Oil	Closed/Removed	7/15/1996
414788	300	Diesel	Closed/Removed	7/15/1996
414789	500	Unleaded Gasoline	Closed/Removed	7/15/1996
415118	300	Diesel	Closed/Removed	7/15/1996
415119	500	Unleaded Gasoline	Closed/Removed	7/15/1996
415120	15,000	Waste/Used Motor Oil	Closed/Removed	7/15/1996

1114 Buffalo St (Facility ID 152627) – AST Records

Tank ID	Size (gallons)	Contents	Status	Date Removed
201009	18,000	Unleaded Gasoline	Closed/Removed	7/15/1996
206480	1,000	Kerosene	Closed/Removed	7/15/1996
206481	15,000	Diesel	Closed/Removed	7/15/1996
206482	1,500	Fuel Oil	Closed/Removed	7/15/1996
206483	15,000	Unleaded Gasoline	Closed/Removed	7/15/1996
206484	15,000	Fuel Oil	Closed/Removed	7/15/1996
206485	10,000	Fuel Oil	Closed/Removed	7/15/1996
206486	15,000	Diesel	Closed/Removed	7/15/1996
206487	15,000	Unleaded Gasoline	Closed/Removed	7/15/1996
206488	15,000	Fuel Oil	Closed/Removed	7/15/1996
206489	15,000	Fuel Oil	Closed/Removed	7/15/1996
206490	18,000	Diesel	Closed/Removed	7/15/1996
206491	18,000	Diesel	Closed/Removed	7/15/1996
206492	18,000	Fuel Oil	Closed/Removed	7/15/1996

1110 BUFFALO ST PETROLEUM ELIGIBILITY DETERMINATION

206493	18,000	Fuel Oil	Closed/Removed	7/15/1996
206494	18,000	Fuel Oil	Closed/Removed	7/15/1996
206495	18,000	Unleaded Gasoline	Closed/Removed	7/15/1996
206496	18,000	Fuel Oil	Closed/Removed	7/15/1996
206497	5,000	Diesel	Closed/Removed	7/15/1996
206498	5,000	Unleaded Gasoline	Closed/Removed	7/15/1996
206499	5,000	Fuel Oil	Closed/Removed	7/15/1996
206500	500	Diesel	Closed/Removed	7/15/1996

Prior Investigation / Remediation Efforts. Site Investigation activities were completed by the current owner between 1996 and 1998. Through the competitive bidding process operated by WDCOMM, Northern Environmental (later renamed Stantec) oversaw the excavation 510 tons of petroleum-impacted soil from three locations at the Property (see extents illustrated on Figure 4) and completed post-remediation soil and groundwater sampling. Of note, approximately one-inch of free product accumulated in MW-2 following soil removal. The free product was removed from the well with a bailer and reportedly did not reform during two subsequent groundwater monitoring events.

WDCOMM issued a closure letter on October 17, 2005 and listed the property on the GIS registry of closed remediation sites as an institutional control to manage residual petroleum impacts to soil and groundwater. At the time of closure, residual petroleum constituents remained in soil at the property following soil excavation at concentrations greater than applicable ch. NR 720 RCLs.

Continuing Obligations. The current owner provided cap inspection records for the former Holmes Oil Corp release area (BRRTS Case No 03-36-001962). The most recent inspection of the area took place on September 20, 2017 and the inspector noted that “no wells, soil/ground penetrations or excavations were observed in the restrictive areas.”

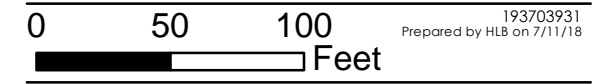
1110 BUFFALO ST PETROLEUM ELIGIBILITY DETERMINATION

FIGURES

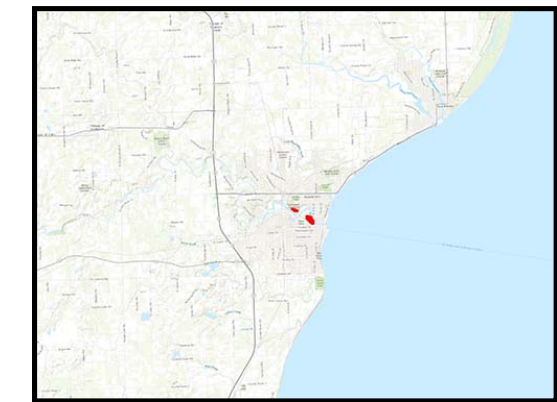


Figure No.
2
 Title
Target Petroleum Site and Parcel Identification Numbers

Client/Project
 City of Manitowoc
 USEPA Brownfield Assessment Grant



Legend
 Target Petroleum Site (1110 Buffalo Street)
 Parcel Identification Numbers



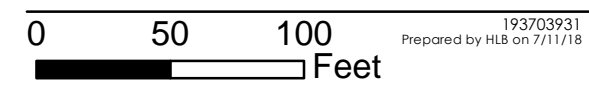
- Notes**
1. Coordinate System: NAD 1983 StatePlane Wisconsin South FIPS 4803 Feet
 2. Historic Site features illustrated on this figure were digitized from multiple historic maps/sources, including City Assessor files, WDNR files, and Sanborn (R) Fire Insurance Maps. These features are provided for illustration purposes only; Stantec makes no warranty as to the accuracy of these features.
 3. Orthophotograph: Manitowoc County, 2017





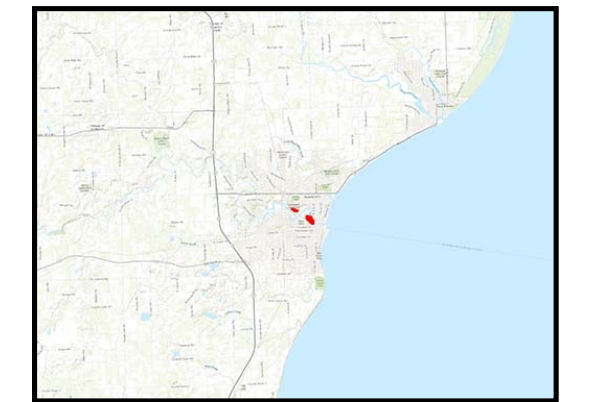
Figure No.
3
 Title
**Target Petroleum Site and
 Historic Occupants/Uses**

Client/Project
 City of Manitowoc
 USEPA Brownfield Assessment Grant



Legend

- Target Petroleum Site (1110 Buffalo Street)
- Historic Occupants/Uses



- Notes**
1. Coordinate System: NAD 1983 StatePlane Wisconsin South FIPS 4803 Feet
 2. Historic Site features illustrated on this figure were digitized from multiple historic maps/sources, including City Assessor files, WDNR files, and Sanborn (R) Fire Insurance Maps. These features are provided for illustration purposes only; Stantec makes no warranty as to the accuracy of these features.
 3. Orthophotograph: Manitowoc County, 2017



Figure No.

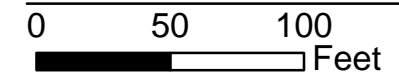
4

Title

**Target Petroleum Site and
Historic Site Features**

Client/Project

City of Manitowoc
USEPA Brownfield Assessment Grant



193703931
Prepared by HLB on 7/11/18

Legend

Target Petroleum Site (1110 Buffalo Street)

Previous Monitoring Well Locations

Historic Site Features (see table for details)

Prior Site Features (City Records)

Oil House (4)

Oil Tank (AST) (34)

Pump House (5)

UST (2)

Additional Site Features (WDNR Files)

Former UST (10)

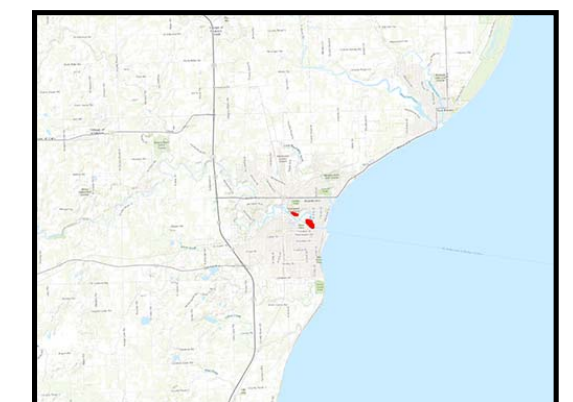
Product Piping (2)

Pump House (2)

Soil Excavation (3)



Feature ID	Notes on Historic Site Features
1	Frank J. Kerscher Warehouse
2	Railroad Depot
3	Railroad Freight House
4	Cinder Pit
5	Railroad Roundhouse
6	Railroad Turntable
7	Coal Shed
8	Coal Storage
9	Laird Lumber Company
10	Manitowoc Shipbuilding Company
11	Stephani-Strupp Oil Co. (Bulk Oil Station)
12	William H. Froehlich (Bulk Oil Station)
13	Manitowoc Shipbuliding Company
14	Shell Oil Company (Bulk Oil Station)
15	Standard Oil Company (Bulk Oil Station)
16	CM Shaw (Residential ?)
17	Unk
18	Manitowoc Iron and Metal Company
19	Northern Elevator Company Grain Elevator
20	Valders Stone and Marble, Inc.
21	Garage
22	Railroad Tool House
23	Railroad Wash House
24	Storage
25	Unknown
26	Residential Dwelling
27	Lake Park Oil, Inc. (Bulk Oil Station)
28	Unknown Bldg
29	Unk (possible AST?)
30	Unk (possible AST?)
31	Unk (possible AST?)
32	Shreaded Metal
33	Shreaded Metal
34	Wisconsin Public Service Comission



Notes

1. Coordinate System: NAD 1983 StatePlane Wisconsin South FIPS 4803 Feet
2. Historic Site features illustrated on this figure were digitized from multiple historic maps/sources, including City Assessor files, WDNR files, and Sanborn (R) Fire Insurance Maps. These features are provided for illustration purposes only; Stantec makes no warranty as to the accuracy of these features.
3. Orthophotograph: Manitowoc County, 2017



Attachment A CURRENT SITE PHOTOGRAPHS

File Available Online

Login Information

Browser link: <https://tmpsftp.stantec.com>

FTP Client Hostname: tmpsftp.stantec.com **Port:** 22 (can be used within an FTP client to view and transfer files and folders; e.g., FileZilla)

Login name: s0823201056

Password: 7073896

Disk Quota: 2GB

Expiry Date: 8/23/2018

Attachment B SITE MAP AND FEATURES OF CONCERN

- See Figure 4

1110 BUFFALO ST PETROLEUM ELIGIBILITY DETERMINATION

Attachment C 2017 ORTHOPHOTOGRAPH

- See Figure 2

Attachment D PREVIOUS ASSESSMENT INFORMATION

WDCOMM, 2005, GIS Registry Package, October 17, 2005

File Available Online

Login Information

Browser link: <https://tmppsftp.stantec.com>

FTP Client Hostname: tmppsftp.stantec.com **Port:** 22 (can be used within an FTP client to view and transfer files and folders; e.g., FileZilla)

Login name: s0823201056

Password: 7073896

Disk Quota: 2GB

Expiry Date: 8/23/2018

1110 BUFFALO ST PETROLEUM ELIGIBILITY DETERMINATION

Attachment E ACQUISITION INFORMATION

Not applicable at this time. The City of Manitowoc (grantee) is targeting property acquisition for November 2018 and is seeking approval to use petroleum funds awarded by USEPA to complete Phase II ESA activities at the Site.

Attachment F RESPONSIBLE PARTY DOCUMENTATION

The current owner completed a Site Investigation and required remediation (source control) at the Site between 1996 and 2005 under BRRS Case No. 03-36-001962 (WDCOMM Case No. 54220-4621-14). WDCOMM issued a closure letter on October 17, 2005 following excavation of petroleum impacted soil and listing the property on the GIS registry of closed remediation sites as an institutional control to manage residual petroleum impacts to soil and groundwater. At the time of closure, residual petroleum constituents remained in soil at the property following soil excavation at concentrations greater than applicable ch. NR 720 RCLs. The current owner provided the cap inspection from September 2017 which noted that “no wells, soil/ground penetrations or excavations were observed in the restrictive areas.”

The current owner (Wisconsin Central, LTD) is a viable entity. However, it appears the current owner has taken appropriate steps to address areas of known/potential contamination and is maintaining compliance with continuing obligations. In addition, the remaining structures were razed in 2015. Due to the duration of bulk petroleum storage/distribution activities, it would be impractical to determine a specific responsible party for any subsurface impacts which may remain. The most recent tenant (Holmes Oil Company) is apparently no longer in business.

The current owner has granted the City of Manitowoc right of access to conduct Phase II ESA activities at the Site and the City is seeking this Petroleum ED to facilitate use of USEPA Brownfield assessment funds awarded to the City by USEPA in FY18.