

State of Wisconsin
DEPARTMENT OF NATURAL RESOURCES
101 S. Webster Street
Box 7921
Madison WI 53707-7921

Scott Walker, Governor
Cathy Stepp, Secretary
Telephone 608-266-2621
FAX 608-267-3579
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August 26, 2016

Julia Upfal
City of Green Bay
100 N. Jefferson St., Room 200
Green Bay, WI 54301

Subject: State Eligibility Determination for Federal Petroleum Assessment Grant
100 West Mason, Green Bay, Wisconsin

Dear Ms. Upfal:

This letter provides a state determination of eligibility for petroleum assessment of the property located at 100 West Mason, Green Bay, Wisconsin (the Property), parcel number 2-78. This work will be performed under the City of Green Bay 2013 Brownfield Petroleum Assessment grant from the Environmental Protection Agency.

History and Ownership

The almost 8 acre, vacant Property is located along the Fox River. The Property is owned by the City of Green Bay Redevelopment Authority. The City acquired the Property in 1993 from the Green Bay and Western Railroad. The property was used by the railroad as a rail yard and warehousing and rail container storage. A 27,000 sq foot wood and steel warehouse stood on the Property. When the city acquired the Property, they demolished the warehouse and the property has remained vacant since.

Contaminant Information

When the City acquired the Property they conducted an environmental investigation and remediation including excavation of contaminated soil. The investigation identified PAHs, petroleum compounds and lead in the soil and groundwater. The site received case closure from the DNR in 1998. Contamination may have occurred from the long term use of the land for a rail yard and warehouse. While there was a cleanup conducted, there could be additional contamination present, this remedial action was a long time ago and the DNR regulations and cleanup standards have changed since then and some contamination may be present that was not identified in the earlier investigation.

Based on the information provided by the City of Green Bay and Stantec, the Department has made the following determination regarding petroleum assessment for a Property located at 100 Mason St. in Green Bay, Wisconsin:

- The Property meets the federal definition of a brownfield.
- There are no viable responsible parties based on the criteria in EPA's 2013 Guidelines for Brownfields Assessment Grants. Specifically, the grant recipient, Green Bay, 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 Property. The Department is not aware of any filed environmental enforcement action brought by federal or state authorities regarding this Property, and we are not aware that the Property is 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 Property.

- The current and immediate past owners, the City of Green Bay Redevelopment Authority and the Green Bay and Western Railroad respectively did not dispense or dispose of petroleum or petroleum products, or own the Property during the dispensing or disposal of, any petroleum products. Since the presence additional contamination is not confirmed, reasonable steps with regard to any contamination at the Property were not necessary.
- Petroleum contamination would be of "relatively low risk" based on the criteria in EPA's 2016 Guidelines for Brownfields Assessment Grants. Specifically, LUST trust fund monies have not been applied to the Property 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).

Therefore, we believe that there are no obstacles to Green Bay's plan to assess the Property under its 2013 federal Brownfield Petroleum Assessment grant.

Please note that a petroleum determination by the state under CERCLA section 101(39)(D) for the purposes of brownfields funding does not release any party from obligations under any federal or state law or regulation, or under common law, and does not impact or limit EPA or state enforcement authorities against any party.

Please contact me at 608-261-4927 if you have any questions.

Sincerely,



Michael Prager
Bureau for Remediation and Redevelopment

cc: Keld Lauridsen, NER (via email)
Lynelle Caine, Stantec (via email)

Lauridsen, Keld B - DNR

From: Prager, Michael A - DNR
Sent: Friday, August 26, 2016 11:12 AM
To: Julia Upfal
Cc: 'Caine, Lynelle'; 'Peterson, Jon'; Kevin Vonck; Lauridsen, Keld B - DNR
Subject: RE: Petroleum Eligibility Determination Request
Attachments: PetroGreenbayMason2016.pdf

Attached is your eligibility letter. Please let me know if you need anything else. If you have questions or want help with your workplan/ investigation, etc. please talk with Keld Lauridsen in our Green Bay office (920)662-5420. A hard copy is in the mail to you Julia.

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
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Madison, WI 53707
Phone: 608-261-4927
Fax: 608-267-7646
michael.prager@wisconsin.gov



From: Julia Upfal [<mailto:JuliaUp@greenbaywi.gov>]
Sent: Tuesday, August 23, 2016 3:18 PM
To: Prager, Michael A - DNR
Cc: 'Caine, Lynelle'; 'Peterson, Jon'; Kevin Vonck
Subject: Petroleum Eligibility Determination Request

Hello Michael,

Attached is an eligibility determination request for your review for the Former Green Bay and Western RR Parcel 2-78 located at 100 West Mason. Site photographs and maps are also attached. Upon approval of the eligibility determination, we plan to proceed with a Phase I ESA under our EPA assessment grant for petroleum on this parcel. If you have any questions or need additional information regarding this site, please feel free to contact me or Lynelle Caine at Stantec (Lynelle.caine@stantec.com). Thank you!

Best,

Julia

Julia Upfal, MUP
Business Development Specialist