# Planning for the Future:

## A Reuse Planning Report for the Clare Water Supply Superfund Site

**November 2005**

EPA Region 5
Superfund Redevelopment Initiative

*funded by*
United States Environmental Protection Agency

*prepared for*
City of Clare, Michigan

*prepared by*
$E^2$ Inc.

## Introduction

EPA has selected the Clare Water Supply Superfund site as a 2005 demonstration project for the Return to Use (RTU) Initiative, a national initiative that is part of the EPA's Superfund Redevelopment Initiative. The primary purpose of the RTU Initiative is to remove barriers at cleaned up Superfund sites that are not necessary for the protection of human health and the environment.

EPA provided the services of environmental consultants E² Inc. (the project's consultant team) to the City of Clare to help identify obstacles to reuse and develop strategies for eliminating those obstacles. EPA Region 5 hopes to support the reuse of the Clare Water Supply Superfund site by addressing the inclusion of clean parcels of land currently considered to be part of the site.

This report, prepared by the project's consultant team, addresses repositioning clean parcels of the site for reuse and presents alternative reuse strategies to ensure the protectiveness of the site's remedy. The report highlights key reuse considerations, opportunities, and challenges that the City of Clare, EPA Region 5, and the Michigan Department of Environmental Quality (MDEQ) will need to keep in mind as the site is returned to use.

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## Clare Water Supply Superfund Site

*Location*

The Clare Water Supply Superfund site covers significant portions of downtown Clare, Michigan, and includes the city's municipal wellfield. The site is bounded to the north by West 5th Street (U.S. Highway 10). The Ann Arbor Railroad defines the eastern edge of the site. An industrial area is located in the western area of the site. A 2.86-acre parcel referred to as the Ex-Cell-O property is located within the site's boundaries along U.S. Highway 10 near the intersection of Pioneer Parkway. This report focuses on the Ex-Cell-O property because it contains two uncontaminated areas that could be available for commercial and industrial uses. These areas are shown as Area A and B on the map to the left.

*Site History + Contamination*

From 1966 to 1981, operations at the Weltronic facility and several other manufacturing and retail companies located in an industrial area in the City of Clare resulted in the contamination of the area's soils and groundwater. The facilities released contaminants from leaking underground storage tanks, above ground waste piles, overflowed sludge lagoons, and from vapor degreasers that leaked through floor drains inside one of the facilities. As a result, two of the municipal wells that serve the City of Clare were contaminated with volatile organic compounds such as trichloroethene and intermittently by hydrocarbons such as benzene.

*Site Remediation*

In 1990, EPA prepared an Interim Action Record of Decision (ROD) to provide wellhead treatment of the water supply until the Remedial Investigation and Feasibility Study (RI/FS) was completed. A second ROD signed in 1992 selected a combined remedy for contaminated groundwater and soils. In 1995 and 2004, EPA, in concurrence with MDEQ, issued an Explanation of Significant Differences that slightly modified the remedy outlined in the 1992 ROD.

The final remedy for the site included wellhead treatment of municipal well water, in-situ and ex-situ encapsulation and treatment of contaminated soils, and active groundwater restoration. On-site groundwater treatment includes pumping and treatment by air stripping. A treatment and containment cell for contaminated soils was established on the Ex-Cell-O property. A slurry wall surrounds the containment cell to prevent leaching. The cell and treatment buildings are also enclosed by chain link fence. The site's remedy was implemented between 1991 and 1999. EPA Region 5 signed off on the site's Preliminary Close out Report on March 31, 1999.

*Ownership*

The Clare Water Supply Superfund site consists of multiple properties owned by different property owners. The site's Ex-Cell-O is currently owned by ENPRO Industries.

*Current Site Status*

The site's remedy is in place and is protective of human health and the environment. Contaminated groundwater migration is also under control and ground water sampling and monitoring are ongoing. A chain-link fence surrounds the containment cell and the area to the east where treatment buildings are located. EPA's second Five Year Review of the site's remedy is anticipated in 2006.

*Containment Cell at the Ex-Cell-O Property*

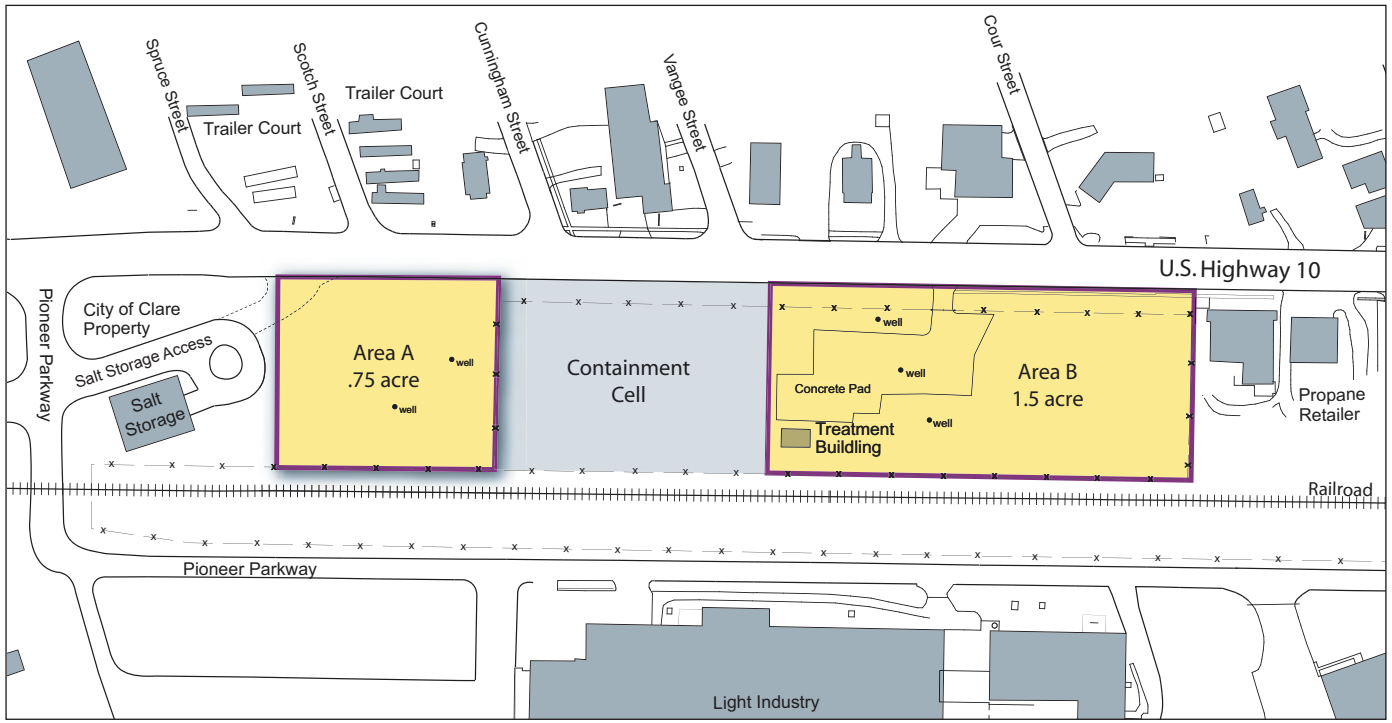
*Existing access to salt storage barn and Area A*

*View along U.S. Highway 10 at the containment cell*

*View west from Area B access point*


*City of Clare sign located in Area A*

*Downtown Clare*



## Looking to the Future:
## Reuse Considerations at the Ex-Cell-O Property

The 2.86-acre Ex-Cell-O property is located along U.S. Highway 10, near the intersection of Pioneer Parkway, and the containment cell and two uncontaminated areas comprise the property. The containment cell, approximately one acre in size, is centrally located within the property. The two uncontaminated areas are located on either side of the cap: Area A, a .75-acre area located west of the cap, and Area B, a 1.5-acre area located east of the cap. Area A is accessed from a salt storage barn drive and Area B is accessed from U.S. Highway 10.

While land uses are restricted on the containment cell, Area A and Area B are uncontaminated and well-suited for commercial and industrial uses. The property is well-situated along the commercial corridor of U.S. Highway 10, within close proximity to downtown Clare. Area A and Area B have excellent road frontage and infrastructure and are easily accessible. The property also marks the western entrance to the City of Clare; a sign welcoming visitors is located at the northwest corner of the containment cell.

### *Local Reuse Interests*

The parcel is zoned for light industrial land uses and is located within an industrial / commercial corridor along U.S. Highway 10. The City of Clare has expressed interest that the parcel be redeveloped with uses that are consistent with the area's zoning. The city would also be interested in recreational opportunities if the site's remedy limits commercial development opportunities on other portions of the property.

The City of Clare will need to work with ENPRO Industries to determine the company's interest in the future use of the property. If transfer of the property's ownership is a viable option that can help foster the reuse of the Ex-Cell-O property, EPA has several tools available that can help address potential liability issues.

### *Property Zoning*

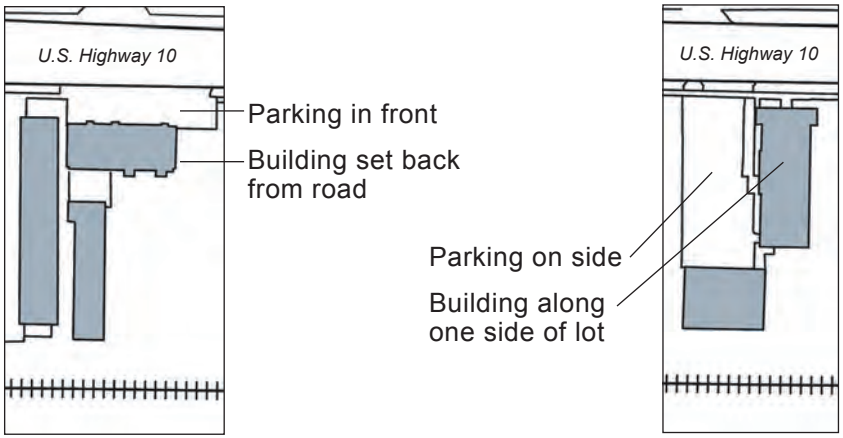
The Ex-Cell-O property is zoned for light industrial land uses. In accordance with City of Clare Code of Ordinances Section 52-241, the following commercial (C-2) uses are also permitted within the industrial district: animal hospitals, beverage bottling distributors, body shops, building contractors' storage lots, coal yard storage, commercial greenhouses, dairy plants, electrical contractors, elevators, farm machinery sales and repairs, lumber and building material sales and storage, machine shops, mobile home sales, newspaper printing, pet boarding, plumbing contractors, public garages, railway sidings and switches, road contractor storage lots, truck terminals, used car sale lots, warehouses, welding shops, woodworking shops.

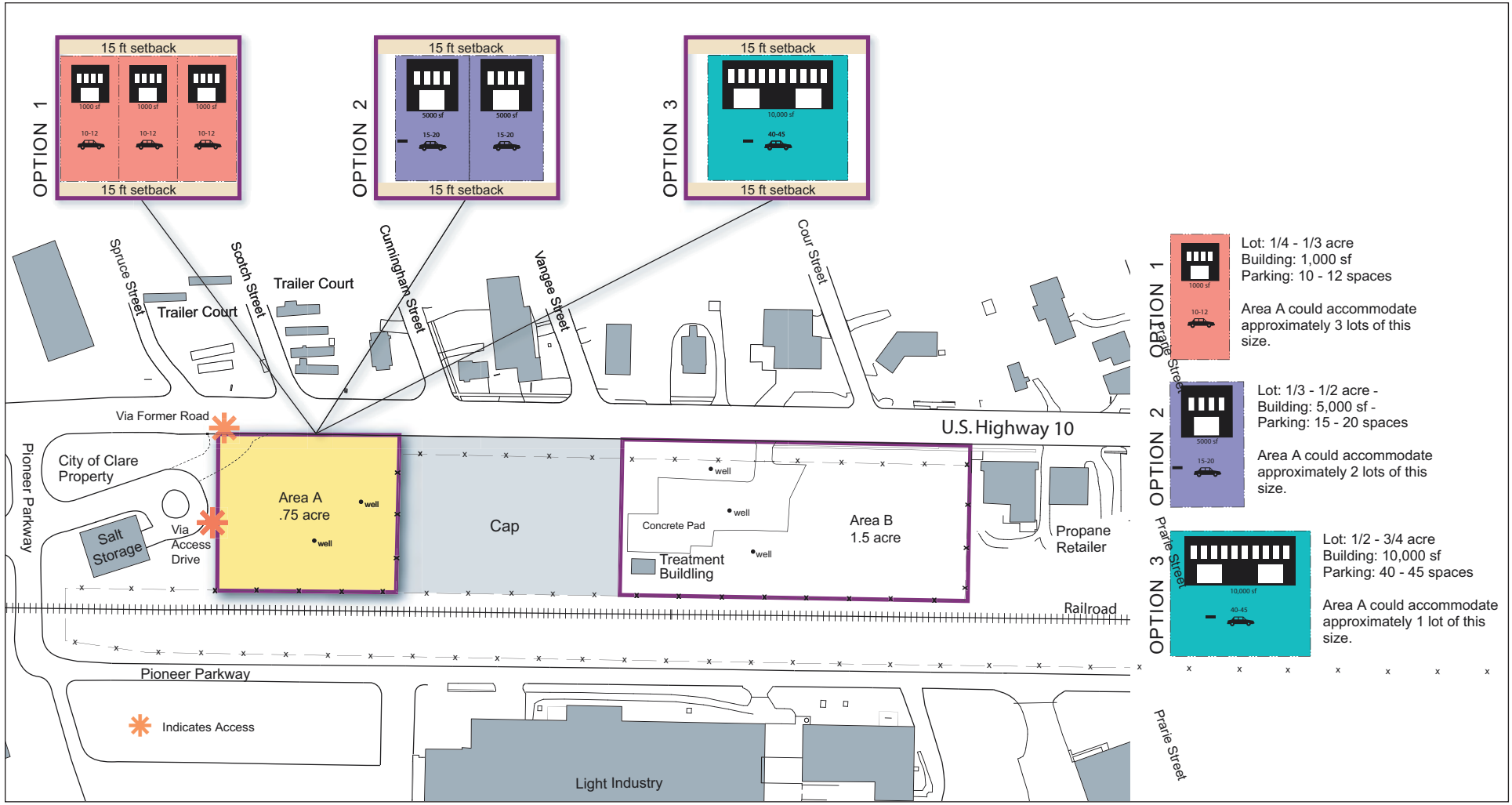
Additional permitted uses include: communication towers, fertilizer manufacture, machinery assembly, machinery manufacture, and structural steel fabricating shops.

The C-2 zoning designation requires that buildings maintain a minimum setback of 15 feet from front and rear property lines. There is no minimum setback requirement for sidelines.

### *Surrounding Area*

Commercial properties along U.S. Highway 10 vary in size, tax revenue, and services. Lots range from 50 to 200 feet of road frontage. The average depth for lots in this corridor is 150 to 200 feet. Commercial and industrial buildings in this area range from 1,000 square feet to over 30,000 square feet. Several lot configurations exist within this commercial corridor. Typically, buildings are set back from the road, with parking in the front along U.S. Highway 10. Another common configuration justifies the buildings along one side of the property, with parking in either the front or rear of the lot. The illustrations below highlight these configurations.






*Access: Former road alignment could be reopened to allow from U.S. Highway 10*

*Access: Off Pioneer Parkway via salt storage access drive*

*Reuse Potential*

The Ex-Cell-O property is approximately 170 feet in depth, with 720 feet of road frontage. The containment cell, located near the center of the property, is approximately 300 feet wide and 170 deep. Based on commercial development patterns—lot size and layout—along the U.S. Highway 10 corridor, there is significant potential for both uncontaminated areas of the Ex-Cell-O property to be repositioned for future use. Area A, located east of the containment cell, and Area B, located west of the containment cell within the fenced area, will be described further in subsequent pages of the report.

*Area A Opportunities*

Area A, located west of the containment cell, is approximately .75 acres in size and is located adjacent to a salt storage building owned by the city. It is currently accessed from the east by a salt storage barn access road. The intersection of Pioneer Parkway and U.S. Highway 10 was recently established. The former road alignment is in the northwest corner of Area A and is shown on the map on the adjacent page with a dashed line.

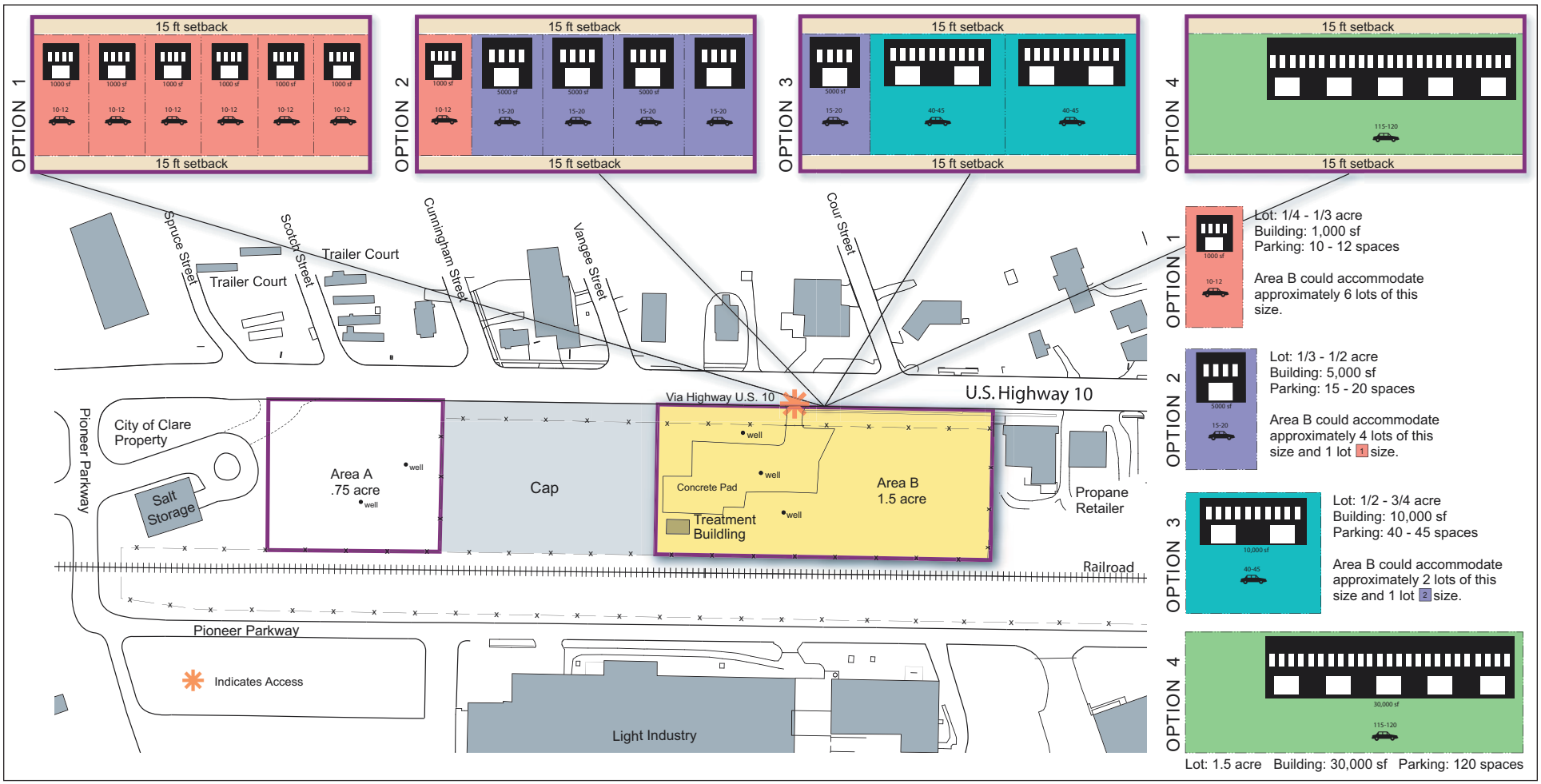
This area could accommodate several future use scenarios. The diagram on the left illustrates different lot configurations, with building sizes ranging from 1,000 to 10,000 square feet in size.

*Key Considerations*

Access and coordination with on-site ground water monitoring wells are two key reuse considerations that need to be kept in mind in Area A.

There are two potential access points for Area A, indicated on the map by asterisks. The former road layout, if reopened, would allow access from U.S. Highway 10. Though this option would allow entry from a major road, the access point is located in close proximity to the adjacent intersection and along a busy road corridor with many existing drives and business entrances. Alternatively, Area A could be accessed from Pioneer Parkway. The drive that accesses the salt storage building could be extended to access the site from the east. A shared drive and combined parking would also reduce impervious pavement in the area.

Two monitoring wells are currently located within Area A. The City of Clare can work with ENPRO Industries and EPA to determine if the wells could be relocated to accommodate reuse. If the wells cannot be relocated, the reuse of Area A will need to be coordinated with the ongoing use of the wells, including granting EPA access to the monitoring wells. The reuse plans may be able to accommodate the wells in place through careful site layout. For example, Area A could be designed so that the wells are within parking areas. Care would need to be taken so that the wells were not damaged during construction and that they could be successfully removed when no longer needed.

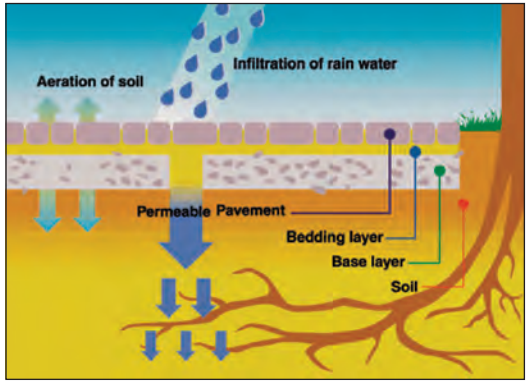

OPTION 1
15 ft setback
1000 sf
10-12
15 ft setback
OPTION 2
15 ft setback
1000 sf
5000 sf
10-12
15-20
15 ft setback
OPTION 3
15 ft setback
5000 sf
15-20
40-45
15 ft setback
OPTION 4
15 ft setback
115-120
15 ft setback
Spruce Street
Trailer Court
Trailer Court
Scotch Street
Cunningham Street
Vangee Street
Cour Street
Via Highway U.S. 10
U.S. Highway 10
Pioneer Parkway
City of Clare Property
Salt Storage
Area A .75 acre
well
Cap
Concrete Pad
Treatment Building
Area B 1.5 acre
Propane Retailer
Railroad
Pioneer Parkway
Indicates Access
Light Industry
OPTION 1
Lot: 1/4 - 1/3 acre
Building: 1,000 sf
Parking: 10 - 12 spaces
Area B could accommodate approximately 6 lots of this size.
OPTION 2
Lot: 1/3 - 1/2 acre
Building: 5,000 sf
Parking: 15 - 20 spaces
Area B could accommodate approximately 4 lots of this size and 1 lot 1 size.
OPTION 3
Lot: 1/2 - 3/4 acre
Building: 10,000 sf
Parking: 40 - 45 spaces
Area B could accommodate approximately 2 lots of this size and 1 lot 2 size.
OPTION 4
Lot: 1.5 acre Building: 30,000 sf Parking: 120 spaces


*Potential Access from U.S. Highway 10
Concrete Pad
Treatment Building

*Area B Opportunities*

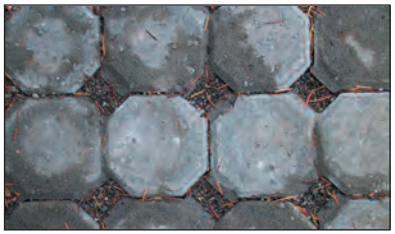
Area B, located east of the containment cell, is approximately 1.5 acres in size and offers 160 yards of road frontage. The area is fenced and can be accessed from U.S. Highway 10 through a locked gate. A concrete slab, remaining from prior uses occupies most of the western portion of the site. There are no known restrictions to removing the slab to allow for reuse of the site.

This area could accommodate several development scenarios. The diagram on the left illustrates different lot configurations of building sizes ranging from 1,000 to 30,000 square feet.




Left: *Diagram of water flow through porous paving*

Below: *Top view of block paving. Beveled edges allow for water to filter through to underlying soil*



Above: *Image of a 'green' parking lot in rainy weather. Water infiltrates through to underlying soil and helps to recharge local ground water rather than being removed by stormwater systems.*

Right: *Side view of block paving*

*Key Considerations*

As with Area A, access and coordination with on-site ground water monitoring wells are two key reuse considerations that need to be kept in mind in Area B.

Existing access from U.S. Highway 10 is centrally located along Area B. Maintaining this access point as the single entrance to the area would minimize the need for additional entrances along the highway. A shared drive and combined parking would also reduce impervious pavement in the area.

Three monitoring wells and a treatment building are currently located within Area B. The City of Clare can work with ENPRO Industries and EPA to determine if the wells could be relocated to accommodate reuse. If the wells cannot be relocated, the reuse of Area B will need to be coordinated with the ongoing use of the wells, including granting EPA access to the monitoring wells and treatment building. One option would be to phase future uses with the first phase beginning on the eastern part of the property. The remaining area could be used, after it is determined the wells and buildings are no longer needed. Or the reuse plans may be able to accommodate the wells in place through careful site layout. For example, Area B could be designed so that the wells are within parking areas. Care would need to be taken so that the wells were not damaged during construction and that they could be successfully removed when no longer needed. The possibility may also exist to reuse the treatment building to support future uses.

To maximize future use opportunities, buildings could be clustered and parking areas combined. Clustering buildings may also reduce infrastructure costs by focusing infrastructure in one area and reduce construction costs, as several buildings could be located within one structure. Design alternatives could also minimize impervious surfaces. Some options may include pervious paving or "green parking lots," innovative designs that reduce paved areas, or installing rain gardens to absorb parking run-off.

*Containment Cell Opportunities*

The containment cell is currently fenced and can only be accessed from within Area B. EPA's 1997 ROD Amendment refers to both access and deed restrictions for this portion of the Ex-Cell-O property in order to control future activities and maintain the protectiveness of the remedy. EPA would need to evaluate the capacity of the remedy to support future use scenarios. Recreation is a common reuse of containment cells due to minimal soil disturbance by recreational activities.

Recreational opportunities for the containment cell area could include a small play field, a pocket park for the surrounding neighborhood, or a showcase garden marking the entrance to the City of Clare.

Left: *Containment cell*

Below: *Possible recreational opportunities*


Above: *Image of a 'pocket park' as a water conservation demonstration garden.*

Left: *City entry garden example*

*Key Considerations*

There are several key considerations that need to be kept in mind for the reuse of the containment cell area.

Topography is a major consideration for reuse of the containment cell. Significantly higher than the surrounding topography, care should be given to the selection of plants or objects to avoid oversized, out-of-scale appearance. Because of the cell's height, moderate to steep side slopes form the perimeter of the containment cell. Pedestrian access may also be an issue because the side slopes would not be universally accessible and grading could be restricted due to the remedy in place. In addition, the containment cell is adjacent to U.S. Highway 10 and fencing may be necessary if used for recreation to prevent people and objects in play from entering the road.

Reuse also depends on whether the remedy components remain in place or if contaminated soils could be transported to RCRA handling facility. There may be an opportunity for commercial reuse if the containment cell were removed, although this may be cost-prohibitive. Under this scenario, the containment cell area could accommodate approximately the same reuse options as Area A.

*Height of Containment Cell (approximately six feet)*

*Market Value*

Within in the past year, commercial real estate within the City of Clare sold in the range of $62,000 to $2,100,000. Commercial real estate that sold for approximately $60,000-70,000 included a 672-square-foot building on a .59-acre lot. Properties that sold for approximately $120,000-130,000 contained a 4200-square-foot building on a .9-acre lot and a 1000-square-foot building on a .46 acre lot. Within the past year, an industrial property containing a 9,600 square foot building on a two-acre lot sold for $275,000. In late 2005, a property with 4,000 square feet of retail space and on-site parking located near the Ex-Cell-O property listed for $190,000.

*Tax Revenue*

The Ex-Cell-O property is assessed at $36,000 and with a taxable value of $14,468, the property generates close to $900 in annual tax revenues for the city. The land value for this property is $72,000. A sample of other properties along the U.S. 10 corridor was reviewed based on the information available for assessed value, lot size, and taxes generated for the city. That information is provided in adjacent table. The average assessed value of those properties is $99,000, with an average taxable value of $76,400. The average land value is $159,000. In 2004, these properties generated an average of $3,400 in tax revenues for the City of Clare.

Review of the local commercial and industrial real estate market in the City of Clare indicates that Area A and Area B at the Ex-Cell-O property could likely support multiple future use opportunities. To facilitate the property's reuse, the property owner could transfer or sell the property to the city or a public agency. Through public ownership, the property could be assembled or divided into tailored real estate parcels or could be offered at lower than market price to encourage its reuse. Commercial or industrial development on the uncontaminated portions of the Ex-Cell-O property would also generate additional tax revenues for the city.

**W Fifth Street Commerical Corridor Inventory, Clare, MI**

| Parcel Number | Owner Name | Property Address | Assessed Value | Taxable Value | Acreage | Land Value | 2004 Taxes |
|---|---|---|---|---|---|---|---|
| 051-140-001-00 | Stanley Fuel Gas & Oil Company | 515 W Fifth Street | $175,100 | $175,100 | 0.41 | $47,600 | $1,436.58 |
| 051-034-301-09 | ENPRO Industries | 519 W Fifth Street (Ex-Cell-O property) | $36,000 | $14,468 | 2.86 | $72,000 | $862.80 |
| 051-034-300-02 | Randall's Auto Repair LLC | 524 W Fifth Street | $47,500 | $47,500 | 0 | $95,000 | $2,814.01 |
| 051-320-002-50 | Seiter Brothers | 436 W Fifth Street | $16,300 | $9,148 | | $8,200 | $591.15 |
| 051-034-206-21 | Seiter Brothers | 420 W Fifth Street | $2,700 | $1,479 | | $5,400 | $315.36 |
| 051-034-401-08 | R&R Real Estate | W Fifth Street | $12,900 | $2,046 | 0.39 | $25,800 | $115.39 |
| 051-168-001-00 | CMC Federal Credit Union | 650 W Fifth Street | $574,300 | $399,739 | | $1,148,600 | $22,454.47 |
| 051-350-003-00 | Chemical Bank | 625 W Fifth Street | $83,300 | $59,218 | | $166,600 | $3,326.42 |
| 051-350-007-00 | McGuire's Chevrolet | 712 W Fifth Street | $259,500 | $181,390 | | $519,000 | $12,400.58 |
| 051-350-014-00 | McMillan 80, LLC | 624 W Fifth Street | $101,700 | $78,597 | | $203,400 | $5,529.49 |
| 051-350-015-00 | CMC Federal Credit Union | 626 W Fifth Street | $10,000 | $7,140 | | $20,000 | $401.04 |
| 051-440-001-00 | Bob's Tire Store | 528 W Fifth Street | $79,200 | $55,162 | | $158,400 | $3,250.65 |
| 051-140-003-00 | Gibis L. & Sons Inc | 509 W Fifth Street | $29,100 | $20,610 | | $58,200 | $1,229.13 |
| 051-140-001-00 | Stanley Fuel Gas & Oil Company | 513 W Fifth Street | $175,100 | $175,100 | 0.41 | $47,600 | $1,436.58 |
| 051-140-005-00 | Stanley Fuel Gas & Oil Company | W Fifth Street | $15,800 | $15,800 | 0.21 | $31,600 | $642.45 |
| 051-140-006-00 | Stanley Fuel Gas & Oil Company | 499 W Fifth Street | $44,100 | $44,100 | | $88,200 | $1,756.39 |
| 051-320-002-00 | Seiter Brothers | 434 W Fifth Street | $20,400 | $12,199 | | $8,200 | $811.03 |
| | Average of Properties Listed: | | $99,000 | $76,400 | | $159,047 | $3,493 |

## Integrating Remedy + Reuse: EPA Site Considerations

EPA Region 5 may also be able to take action to ensure that there are no barriers to the future use of the Ex-Cell-O property of the Clare Water Supply Superfund site that are not necessary to ensure the protection of human health and the environment.

Contaminated soils within the Clare Water Supply Superfund site were excavated and contained on a portion of the Ex-Cell-O property in 1999. In 2001, EPA performed a Five-Year review and confirmed that the remedy was protective of human health and the environment. However, there are two uncontaminated areas, Area A and Area B, as described in this report, located on either side of the containment cell within the Ex-Cell-O property, that could be available for reuse. Because contaminants were never located in these areas, they do not need to be considered part of the NPL site.

Currently, there are two potential approaches that EPA uses to remove a parcel from a National Priorities List (NPL) site: an explanation of significant differences (ESD), which changes the definition of the site as it was laid out in the Record of Decision (ROD), and a partial deletion. While both approaches have been used, writing an ESD to change the definition of a site may be faster for two reasons. First, it is mandatory for EPA to notify the public in the Federal Registrar of their intent to partially delete any property from an NPL site. The notice remains there for 30 days. Placing an ESD in the Federal Registrar is not mandatory, although EPA must publish a notice of availability and a brief description of the ESD in a major local newspaper of general circulation. Second, EPA must respond in writing to any comments that they receive on a partial deletion and must extend the comment period by a minimum of 30 days upon timely request, which can extend the typical two-to-three month process. If EPA does receive public comments on an ESD, they are not required to respond to comments in writing.

In addition to these procedures, EPA may also provide comfort/status letters to interested parties (e.g., investors, developers) clarifying that EPA is not considering remedial actions on a particular parcel if it is located contiguous to the site.

## Conclusion + Next Steps

This report has highlighted key considerations, opportunities, and challenges that the City of Clare, EPA Region 5, and MDEQ will need to keep in mind regarding the potential future use of the 2.86-acre Ex-Cell-O property portion of the Clare Water Supply Superfund site. While access and monitoring well considerations will need to be kept in mind for Area A and Area B at the property, these two uncontaminated areas also clearly offer significant opportunities for future use opportunities. The site's fenced containment cell area may also offer limited opportunities for recreational uses or for signage and landscape plantings at the property.

In order to facilitate the property's return to use, next steps include:

1. *Clarify the property owner's interests at the Ex-Cell-O property and consider opportunities to transfer ownership of the property to the City of Clare or a specially designated public authority.*

The City of Clare can work with ENPRO Industries to determine the property owner's interests in future use opportunities at the Ex-Cell-O property. If the property owner has no interest in the property's future use, the site's ownership could be transferred to the City of Clare or a specially designated public authority. Public ownership of the property would qualify the city for state, federal, and private sector funding resources, and allow the city to steward the property back into successful use.

2. *Evaluate road access opportunities and monitoring well locations as part of the consideration of future use opportunities for Area A and Area B at the Ex-Cell-O property.*

This report has provided an initial overview of two key considerations – road access and monitoring well locations – related to the future use of Area A and Area B at the Ex-Cell-O property. The City of Clare will need to evaluate road access opportunities and limitations for both areas in greater detail. The City of Clare will also need to work with EPA Region 5 and MDEQ to clarify the projected duration of ground water monitoring and determine whether existing monitoring wells could be relocated within Area A and Area B to optimize reuse opportunities. If the monitoring wells cannot be relocated, any future development at the property will need to be coordinated with EPA and MDEQ to ensure that the wells are adequately protected.

3. *Coordinate EPA and MDEQ activities to remove unnecessary barriers to the future use of the Ex-Cell-O property portion of the Clare Water Supply Superfund site and ensure the protectiveness of the site's remedy.*

There are several key next steps for EPA Region 5 and MDEQ. The agencies can work with the property's owners and the City of Clare to clarify potential liability concerns at the property, using tools like coordinated review of bona fide prospective purchaser requirements and comfort letters. EPA can also work to remove Area A and Area B at the Ex-Cell-O property from the Clare Water Supply Superfund site, given their status as uncontaminated areas. As discussed on page 14 of the report, EPA could use either an explanation of significant differences or a partial deletion to address these areas.

Finally, EPA and MDEQ can work with the City of Clare to clarify and update use restrictions on the containment cell at the Ex-Cell-O property to state whether recreational land uses or signage and non-invasive landscape plantings could be permitted.

EPA's next Five Year Review for the Clare Water Supply Superfund site is scheduled for September 2006. The timing of the Five Year Review could serve as an initial deadline to guide the City of Clare, EPA Region 5, and MDEQ as each party works to support the reuse of the Ex-Cell-O property and ensure the protectiveness of the site's remedy.

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