

# Situation Assessment

## Fadowski Drum Disposal Site



Fadowski Drum Disposal Site  
Franklin, Wisconsin  
January 2011  
FINAL

U.S. EPA Region 5

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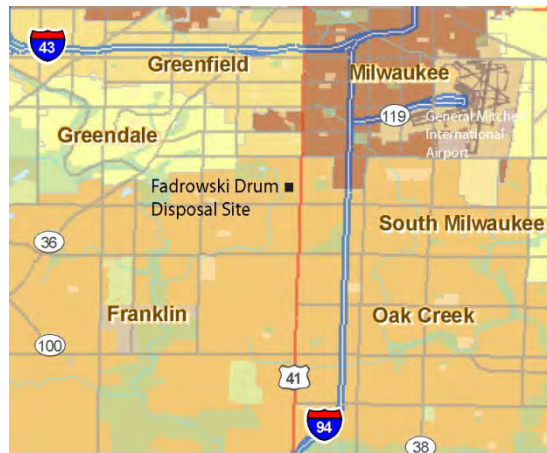
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## Forward

*EPA's primary responsibility at Superfund sites is to ensure the protection of human health and the environment. Consideration of a site's potential future use is an important part of this responsibility under the National Contingency Plan (NCP). The Superfund Redevelopment Initiative (SRI) was created by EPA in 1999 to help communities and stakeholders in their efforts to return environmentally impaired sites to protective and productive use. Conducting a reuse assessment that engages site owners and other stakeholders in evaluating future use options for a site can help facilitate site stewardship and support the long-term effectiveness of the remedy.*

## Executive Summary

The Fadrowski Drum Disposal Site (FDDS or Site) occupies an 11-acre capped disposal area in Franklin, Wisconsin. Remedial actions were completed at the Site in 1994, and the Site was deleted from the National Priorities List in 2006. The Site is located along South 27<sup>th</sup> Street, a major commercial corridor designated as a commercial, mixed-use growth area for the City of Franklin and neighboring Oak Creek. The Site's owner, Menard, Inc., owns a regional chain of retail stores and is considering future use options for the property. The following document compiles relevant remedial and future land use information to help inform the owner's and city's consideration of potential future uses for the Site.



Site Vicinity Map

## Introduction

At the request of EPA Region 5, E<sup>2</sup> Inc. conducted a site visit of the Fadowski Drum Disposal Site (FDDS) in Franklin, Wisconsin on April 15, 2010 to gather information about the site reuse potential and assess the need for reuse planning services. E<sup>2</sup> Inc. met with representatives from EPA Region 5, the Wisconsin Department of Natural Resources, the City of Franklin and site owner Menard, Inc.; reviewed local planning documents; and participated in a tour of the Site. The purpose of the meeting and site visit was to discuss reuse goals for the property, to identify relevant planning initiatives for the area, and to outline preliminary considerations, opportunities and challenges for the potential site reuse.

### ***Meeting Participants included:***

- Devin Dregne, Corporate Counsel, Menard, Inc.
- David Kanning, Planner, City of Franklin, Wisconsin
- Binyoti Amungwafar, Site Manager, Wisconsin Department of Natural Resources
- Kyle Rogers, Reuse Coordinator, EPA Region 5
- Matt Robbie, E<sup>2</sup> Inc.
- Casey Williams, E<sup>2</sup> Inc.

## Summary of Site Conditions

The FDDS is located in the City of Franklin, Wisconsin approximately 8 miles from Milwaukee. The Site is approximately 11 acres and is bounded to the north and south by active commercial uses, to the east by vacant commercial properties and Route 241 (South 27<sup>th</sup> Street), and to the west by a tributary of the Root River and residential uses. Site features include: an 11-acre capped landfill, a leachate lift station and storage tank, monitoring wells and wetlands. The Site is owned by Menard, Inc. of Eau Claire, Wisconsin.

### ***History of the Site***

From 1970-1982, the FDDS operated as an unlicensed disposal facility that accepted construction and demolition waste. In the early 1980's, WDNR and the City of Franklin reported improper waste disposal practices, including disposal of contaminated soils and drum wastes, at the FDDS and issued warnings and requests for compliance with disposal regulations. In 1983, Menard, Inc. purchased the Site and two adjacent parcels to the north for the purpose of developing a lumber retail store. During construction of



Site features include monitoring wells, a perimeter fence and wetlands along the Root River. A residential area sits on the opposite side of the River.



the retail facility, Menard, Inc. excavated soil from the FDDS to use as fill material and uncovered buried drums containing unknown liquids and sludges. Several drums were ruptured during excavation, prompting response actions from WDNR.

### ***History of Response Actions***

Preliminary studies conducted by WDNR in 1984 concluded that containerized wastes at the FDDS represented a potential source of contamination to surface and ground water. Based on these preliminary studies, the Site was placed on the National Priorities List (NPL) in 1986.

An Administrative Order on Consent was signed in May 1987 between the potentially responsible party (PRP) Menard, Inc., EPA and WDNR requiring the PRP to conduct a Remedial Investigation / Feasibility Study (RI/FS). The RI/FS, completed in 1991, identified contamination in site soils, sediments, surface water and shallow ground water. Contaminants of concern included semi-volatile organic compounds, volatile organic compounds and metals.

In June 1991, EPA signed a Record of Decision (ROD) for the FDDS that included the following components:

- Excavation of previously identified drums and associated hazardous soils.
- Construction of trenches to find and excavate additional containerized waste.
- Off-site recycling or treatment and disposal of containerized wastes.
- Construction of a landfill cap over an 11-acre area.
- Use of institutional controls on landfill property to restrict future land and ground water use and to prohibit future development of the Site.
- Monitoring of ground water, surface water and sediments.



Remedial actions implementing the 1991 ROD were completed between September 1993 and August 1994 and included the construction of engineering controls and placement of a Declaration of Restriction on the Use of Real Property across the Site. The remedy was expected to be protective for commercial and industrial future uses. The FDDS was certified as construction complete in March 1995.

While not required in the ROD, a perimeter fence surrounds the site.

### ***Long-term Stewardship***

Sampling results since the construction of the remedy indicate that the FDDS remedy is functioning as intended. Site contaminants are not impacting surface water or sediments, and ground water contaminant concentrations are decreasing.

Based on the trends in sampling results, EPA and WDNR have taken several steps to signal the successful cleanup of the Site and to remove potential barriers to reuse. In 2001, the institutional controls for the Site were modified, reducing the number of acres covered by the Declaration of Restriction on the Use of Real Property from the original 22-acre property to the specific 11-acre landfill cap area. This enabled Menard to sell the balance of the property to adjacent landowners. In 2006, the Site was deleted from the NPL. In 2008, EPA issued a Site-Wide Ready for Anticipated Use Determination, which concluded that a) all cleanup goals in the ROD have been achieved for media that may affect future commercial or industrial uses, b) there are no unacceptable human health risks, and c) institutional controls are in place.

### **Land Use Considerations**

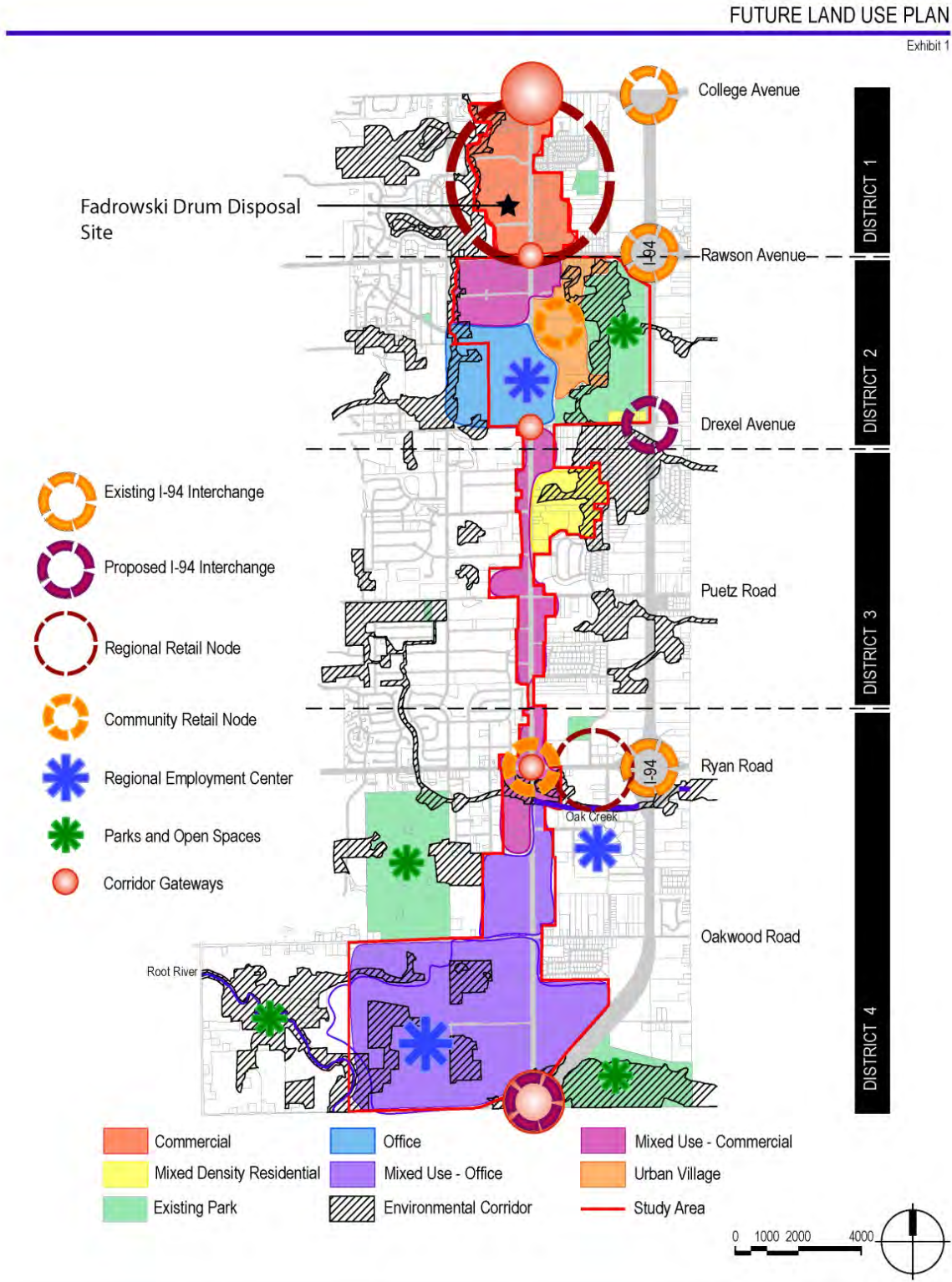
Below is a set of considerations about existing site conditions and proposed future land use around the Site.

- Surrounding Land Use Considerations:* The FDDS is located within a growing commercial retail corridor along South 27<sup>th</sup> Street. The Site is approximately 1.3 miles from an I-94 interchange, 3 miles from the General Mitchell International Airport and 8 miles from Downtown Milwaukee. Proximity to transportation infrastructure and population centers has supported the growth of large-scale commercial retail stores around the Site. Nearby retail stores include a furniture store, a Gander Mountain outdoor equipment retailer, a MENARDS home improvement store, a Lowe's home improvement store, and Sam's Club and Walmart discount retailers.
- South 27<sup>th</sup> Street Corridor Plan:* The South 27<sup>th</sup> Street Corridor defines the boundary between the City of Franklin (west) and Oak Creek (east) and serves as a key commercial district for both localities. In 2004 Franklin and Oak Creek enacted a six-month moratorium on development along South 27<sup>th</sup> Street and created the South 27<sup>th</sup> Street Corridor Plan (Corridor



Large-scale commercial retail surrounds the site.

Plan). The Corridor Plan includes future land use and zoning recommendations, corridor design guidelines, and a market assessment.

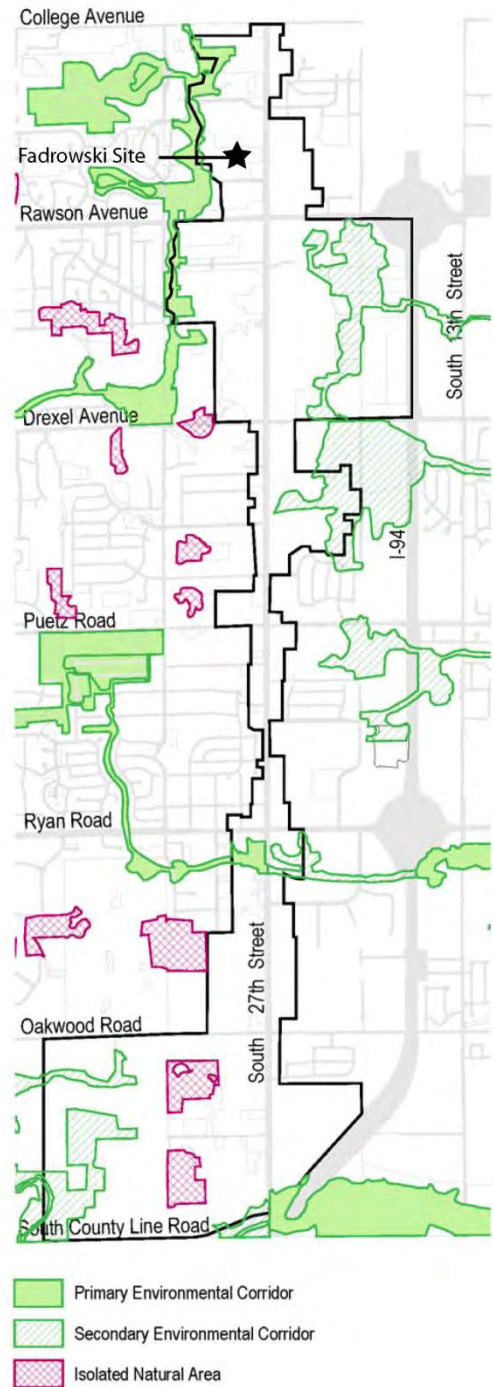


27TH STREET CORRIDOR PLAN

South 27<sup>th</sup> Street Corridor Plan – Planning Districts



- Corridor Districts:** The Corridor Plan divides the South 27<sup>th</sup> Street into four districts, each with a different focus and identity. The FDDS falls within the northern-most District 1 (Regional Retail). Primary uses envisioned for the Regional Retail District include large and mid-size retail uses serving as commercial anchors; supporting and complementary commercial uses such as smaller stores, restaurants, offices, civic uses, and public gathering spaces; and higher density residential located behind commercial properties. Districts 2, 3 and 4 to the south envision varying forms of commercial and mixed-use development.
- Retail market considerations:** The Corridor Plan’s market assessment indicates that the Regional Retail District presents opportunities for future growth through infill development on five – 10-acre parcels and through adaptive reuse or redevelopment of older shopping centers.
- Environmental Corridors and Open Space Considerations:** The western section of the Site borders an active wetland system, and the Corridor Plan designates the area running along the unnamed tributary of the Root River west of South 27<sup>th</sup> Street as environmentally sensitive and recommends that the area be preserved and used as a natural buffer between commercial and residential areas. Additional open space recommendations include: extending open space areas from the environmental corridor into commercial areas to serve as small parks, picnic areas, green corridors and amenities for shoppers and employees. The city is in the process of revising its Parks and Recreation Plan, and the updated plan is expected in early 2011.
- Future Land Use Recommendations for the FDDS:** The Corridor Plan recommends commercial redevelopment of the FDDS. If commercial redevelopment is not feasible, the plan proposes the Site could serve as a parking area to support nearby retail uses and provide cross access between properties.



South 27<sup>th</sup> Street Corridor Plan – Open Space and Environmental Corridors



- *Zoning considerations:* The FDDS is currently zoned B-2 (General Commercial) and permits small-lot general commercial activities with an on-site parking requirement. Building heights are limited to two stories. Most surrounding commercial properties along the South 27<sup>th</sup> Street Corridor are zoned B-4, a corridor specific commercial zoning designation. B-4 zoning regulations allow for larger lot retail development, three-story building and clustering of multiple buildings with different owners on a single parcel. Parking requirements are the same as those for B-2 zoning districts. It is possible the FDDS could be re-zoned to B-4 to reflect the zoning regulations of the surrounding area.

## Stakeholder Considerations

Below is a set of considerations based on initial discussions with several key stakeholders who were available during the site visit.

### ***Menard, Inc.***

- PRP Menard, Inc. owns a retail chain of lumber and home improvement stores throughout the upper Mid-west called MENARDS. Menard, Inc. operates a network of 254 MENARDS retail facilities in thirteen states and a supply chain of manufacturing facilities and warehousing and distribution centers.
- The company currently operates a MENARDS retail store on the east side of South 27<sup>th</sup> Street in the City of Oak Creek.
- To date, Menard's efforts at the Site have been primarily focused on complying with administrative orders pursuant to remediation and operation and maintenance.
- Menard desires to see the 11-acre FDDS property developed for commercial use and has received interest from several potential purchasers. Menard desires to sell the Site because it is unlikely at this time that Menard will develop the Site for its own use.

### ***City of Franklin***

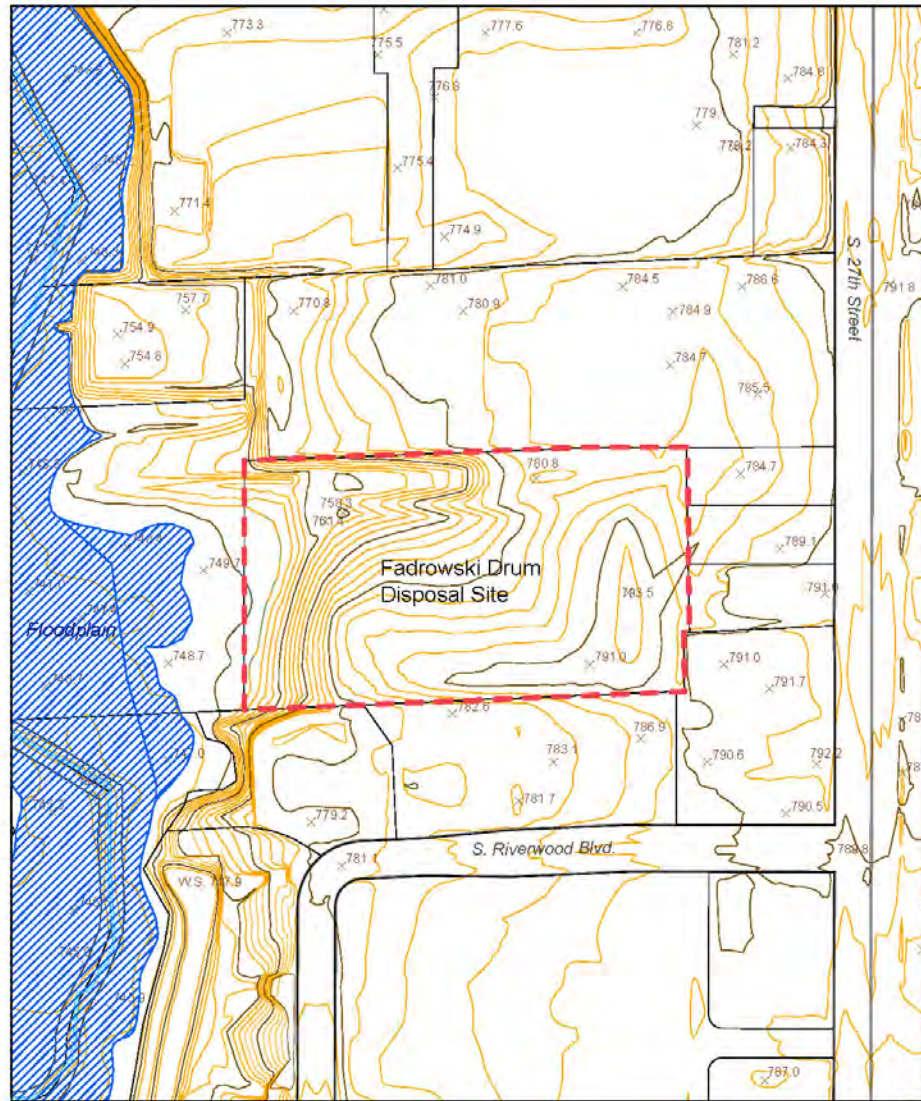
- The City of Franklin would like to see the FDDS redeveloped as a commercial use, as indicated in the South 27<sup>th</sup> Street Corridor Plan. If commercial redevelopment is not feasible, the city would prefer the site be used as a parking area to support nearby retail or as a right-of-way to provide access between properties.

## Physical Characteristics

- *Topography:* Grades at the FDDS are undulating and generally slope from east to west. Grades on the eastern portions of the Site, adjacent to South 27<sup>th</sup> Street are moderate to gently sloping, while grades on the western half of the Site follow a consistent and steeper slope westward to

the Root River tributary. Surrounding land uses are significantly above the grade of western portions of the Site, as commercial facilities are built on top of fill.

- **Access:** The FDDS is a landlocked parcel, separated from South 27<sup>th</sup> Street by a vacant lot and an unoccupied commercial building. A perimeter fence restricts physical access to the property. The Site is only accessible from a parking lot at the adjoining Ashley Furniture facility via a gated access point at the northeastern corner of the property. A gravel access road extends from the gate along the northern edge of the property.
- **View sheds and Visibility:** Eastern portions of the Site are visible from South 27<sup>th</sup> Street. The interior of the Site provides scenic views to the west of the Root River tributary, flood plain vegetation and surrounding residential uses.



Site Topography (Source: adapted from Site Map provided by City of Franklin 4/15/10)



## Remedy Considerations

- *Cap:* The landfill cover consists of a multi-layer soil cap that extends over the 11-acre site. The cap consists of six – 12 inches of topsoil and vegetative cover on top of an 18 – 24-inch compressed clay. Cap height varies across the Site. The top of the cap is approximately three – five feet above surrounding grade at the eastern edge and at grade along the access road on the northern edge.



Leachate collection system and monitoring wells in the foreground, Sam's Club commercial retailer in the background.

- *Institutional Controls:* Institutional controls restrict future uses on the 11-acre capped area. Restrictions prohibit uses that are inconsistent with or may impair the integrity of cap; the installation, construction, removal or use of any structures within the capped area; as well as residential land uses and ground water use.
- *Leachate Collection System:* A leachate collection system stores and pumps leachate to the City of Franklin's municipal sewerage system west of the Site. A leachate lift station and temporary storage tank are located at the northwestern corner of the Site.
- *Monitoring Wells:* Ground water monitoring wells are located along the eastern property boundary adjacent to South 27<sup>th</sup> Street and in a small cluster in the northwestern corner of the Site. Current monitoring results show that Alternate Concentration Levels are being met. Menard is required to monitor the ground water until 2034, but Menard desires to have the ground water monitoring restriction removed or modified if possible.

## Reuse Considerations

- Given the current remedy and institutional controls on the remaining 11-acre landfill cap area, structural development at the FDDS is unlikely. Building construction is prohibited in the cap area. Most non-capped areas of the Site have steep grades or are located along the far western edge of the property and isolated from existing infrastructure.
- With modification of existing institutional controls that prevent building construction, the relatively level eastern portions of the Site (approximately 4-6 acres) could potentially support a parking area or structural development. EPA and WDNR are willing to work with interested



parties to accommodate their goals while still ensuring the protectiveness of the Site.

- Given the presence of steeper grades, scenic views and lack of vehicular access, the interior and western portions of the Site may be appropriate for open space or recreational uses. The Site could potentially link South 27<sup>th</sup> Street to the environmental corridor to the west, serving as an amenity for residents and shoppers. Access to the FDDS is currently separated from the adjacent residential community to the west by a wetland and swamp area.
- Menard has expressed concern, however, about future liability associated with recreational use of the FDDS, and would like to pursue the most financially viable option for development of the Site first.
- To address the Site's current lack of road frontage, Menard has reserved an access easement through the adjacent Ashley Furniture Retail Store to serve the FDDS property.
- A dental care company, Dental Associates, owns the three small parcels east of the FDDS and plans to construct, in accordance with their Site Plan approval, a new 22,169 square foot building that will include a parking lot with a north-south oriented driveway positioned near the development's west boundary, adjacent to the FDDS. The driveway will provide access from the Ashley Furniture parking lot, located north of the property, to the Dental Associates parking lot. Construction is expected to start within 12 months, before City of Franklin approvals expire. The city hopes to see the driveway extended to the south to connect with South Riverbend Boulevard when the large parcel fronting 27<sup>th</sup> Street to the south is developed. A curb cut and road spur already exist in the southwest corner of this lot (see aerial image provided in the Site Vicinity Map on page 3). The Site Plan for a Golden Corral restaurant on this property was previously approved but has since expired. The restaurant may reapply for Site Plan approval in the future, providing an opportunity to extend the existing driveway to the Dental Associates driveway. Completion of this extension would provide additional access opportunities to the FDDS.

## Recommendations and Next Steps

The FDDS is generally well-positioned for commercial or recreational reuse. The Site is no longer on the NPL, and the Site's remedy could likely support a range of use intensities ranging from structural development to open space and recreation. If Menard, Inc. decides they would like to proceed with development of the Site, EPA and WNDR will work with the interested parties to accommodate their goals while still ensuring the protectiveness of the Site.

This situation assessment report documents key considerations that property owner Menard, Inc. may consider in evaluating future use and long-term ownership considerations for the Site. In the future, the Site may benefit from additional reuse planning assistance, including development of a detailed reuse

suitability analysis and site reuse framework to inform future decision-making by Menard, Inc. and the City of Franklin. These potential next steps could include:

### 1. A Reuse Suitability Analysis

The FDDS could benefit from a set of maps highlighting remedial constraints (e.g., cap areas requiring use restrictions, areas suitable for commercial or recreational use), physical characteristics (e.g., wetlands, steep slopes), parcel boundaries, access opportunities, and adjacent land use. This step includes conducting a series of interviews and reviewing local land use plans to clarify future use goals for the Site. The interviews would also provide an opportunity to inform citizens on the protectiveness of the Site, the potential for reuse, and build a foundation for stakeholder support in the redevelopment of the Site.

### 2. Site Reuse Framework

Based on the characterization maps and the stakeholder reuse goals, a reuse framework could be developed to illustrate the locations of potential future uses. The framework could serve as a tool for discussion among the city, EPA and WDNR and could help to clarify the compatibility of site reuse proposals and the Site's remedy and use restrictions. The reuse framework could also provide a road map for Menard's short and long-term site reuse plans and a tool for more strategic discussion with potential purchasers and funders.

## Stakeholder Contacts

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