

HIGHWAY WORK PROPOSAL – RAZING AND REMOVING

Wisconsin Department of Transportation
DT1502 10/2010 s .66.29(7) Wis. Stats.

Proposal Number:

Ø 1

COUNTY	STATE PROJECT ID	PROJECT DESCRIPTION	HIGHWAY
Milwaukee	1060-27-20, Parcel 1	East West Freeway, City Milwaukee 70 th St to 16 th St	IH 94

This proposal, submitted by the undersigned bidder to the Wisconsin Department of Transportation, is in accordance with the advertised request for proposals. The bidder is to furnish and deliver all materials, and to perform all work for the improvement of the designated project in the time specified, in accordance with the appended proposal requirements and conditions.

Proposal guaranty required, \$ 20,000.00

Payable to: Wisconsin Department of Transportation

Attach Proposal Guaranty.

Bid submittal due

Date: September 10, 2025

Time (local time): 10:00 am

Contract completion time

December 31, 2025

Firm name, address, city, state, zip

Assigned disadvantaged business enterprise goal

0 %

This contract is exempt from federal oversight.

This certifies that the undersigned bidder, duly sworn, is an authorized representative of the firm named above; that the bidder has examined and carefully prepared the bid from the plans, Highway Work Proposal, and all addenda, and has checked the same in detail before submitting this proposal or bid; and that the bidder or agents, officer, or employees have not, either directly or indirectly, entered into any agreement, participated in any collusion, or otherwise taken any action in restraint of free competitive bidding in connection with this proposal bid.

Do not sign, notarize or submit this highway work proposal when submitting an electronic bid on the internet.

Subscribed and sworn to before me this date _____

(Signature, Notary Public, State of Wisconsin)

(Print or Type Name, Notary Public, State Wisconsin)

(Date Commission Expires)

Notary Seal

(Bidder Signature)

(Print or Type Bidder Name)

(Bidder Title)

For Department Use Only

Type of Work

Razing and Removing

Notice of award dated

Date guaranty returned

**PLEASE ATTACH
PROPOSAL GUARANTY HERE**

DRAFT NOT FOR BIDDING PURPOSES

PROPOSAL REQUIREMENTS AND CONDITIONS

The bidder, signing and submitting this proposal, agrees and declares as a condition thereof, to be bound by the following conditions and requirements.

If the bidder has a corporate relationship with the proposal design engineering company, the bidder declares that it did not obtain any facts, data, or other information related to this proposal from the design engineering company that was not available to all bidders.

The bidder declares that they have carefully examined the site of, and the proposal, plans, specifications and contract forms for the work contemplated, and it is assumed that the bidder has investigated and is satisfied as to the conditions to be encountered, as to the character, quality, and quantities of work to be performed and materials to be furnished, and as to the requirements of the specifications, special provisions and contract. It is mutually agreed that submission of a proposal shall be considered conclusive evidence that the bidder has made such examination.

The bidder submits herewith a proposal guaranty in proper form and amount payable to the party as designated in the advertisement inviting proposals, to be retained by and become the property of the owner of the work in the event the undersigned shall fail to execute the contract and contract bond and return the same to the office of the engineer within fourteen (14) days after having been notified in writing to do so; otherwise to be returned.

The bidder declares that they understand that the estimate of quantities in the attached schedule is approximate only and that the attached quantities may be greater or less in accordance with the specifications.

The bidder agrees to perform the said work, for and in consideration of the payment of the amount becoming due on account of work performed, according to the unit prices bid in the following schedule, and to accept such amounts in full payment of said work.

The bidder declares that all of the said work will be performed at their own proper cost and expense, that they will furnish all necessary materials, labor, tools, machinery, apparatus, and other means of construction in the manner provided in the applicable specifications and the approved plans for the work together with all standard and special designs that may be designed on such plans, and the special provisions in the contract of which this proposal will become a part, if and when accepted. The bidder further agrees that the applicable specifications and all plans and working drawings are made a part hereof, as fully and completely as if attached hereto.

The bidder, if awarded the contract, agrees to begin the work not later than ten (10) days after the date of written notification from the engineer to do so, unless otherwise stipulated in the special provisions.

The bidder declares that if they are awarded the contract, they will execute the contract agreement and begin and complete the work within the time named herein, and they will file a good and sufficient surety bond for the amount of the contract for performance and also for the full amount of the contract for payment.

The bidder, if awarded the contract, shall pay all claims as required by Section 779.14, Statutes of Wisconsin, and shall be subject to and discharge all liabilities for injuries pursuant to Chapter 102 of the Statutes of Wisconsin, and all acts amendatory thereto. They shall further be responsible for any damages to property or injury to persons occurring through their own negligence or that of their employees or agents, incident to the performance of work under this contract, pursuant to the Standard Specifications for Road and Bridge Construction applicable to this contract.

In connection with the performance of work under this contract, the contractor agrees to comply with all applicable state and federal statutes relating to non-discrimination in employment. No otherwise qualified person shall be excluded from employment or otherwise be subject to discrimination in employment in any manner on the basis of age, race, religion, color, gender, national origin or ancestry, disability, arrest or conviction record (in keeping with s.111.32), sexual orientation, marital status, membership in the military reserve, honesty testing, genetic testing, and outside use of lawful products. This provision shall include, but not be limited to the following: employment, upgrading, demotion or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation, and selection for training, including apprenticeship. The contractor further agrees to ensure equal opportunity in employment to all applicants and employees and to take affirmative action to attain a representative workforce.

The contractor agrees to post notices and posters setting forth the provisions of the nondiscrimination clause, in a conspicuous and easily accessible place, available for employees and applicants for employment.

If a state public official (section 19.42, Stats.) or an organization in which a state public official holds at least a 10% interest is a party to this agreement, this contract is voidable by the state unless appropriate disclosure is made to the State of Wisconsin Ethics Board.

PROPOSAL BID BOND

DT1303 1/2006

Wisconsin Department of Transportation

Proposal Number	Project Number	Letting Date
Name of Principal		
Name of Surety	State in Which Surety is Organized	

We, the above-named Principal and the above-named Surety, are held and firmly bound unto the State of Wisconsin in the sum equal to the Proposal Guaranty for the total bid submitted for the payment to be made; we jointly and severally bind ourselves, our heirs, executors, administrators, successors and assigns. The condition of this obligation is that the Principal has submitted a bid proposal to the State of Wisconsin acting through the Department of Transportation for the improvement designated by the Proposal Number and Letting Date indicated above.

If the Principal is awarded the contract and, within the time and manner required by law after the prescribed forms are presented for signature, enters into a written contract in accordance with the bid, and files the bond with the Department of Transportation to guarantee faithful performance and payment for labor and materials, as required by law, or if the Department of Transportation shall reject all bids for the work described, then this obligation shall be null and void; otherwise, it shall be and remain in full force and effect. In the event of failure of the Principal to enter into the contract or give the specified bond, the Principal shall pay to the Department of Transportation **within 10 business days of demand** a total equal to the Proposal Guaranty as liquidated damages; the liability of the Surety continues for the full amount of the obligation as stated until the obligation is paid in full.

The Surety, for value received, agrees that the obligations of it and its bond shall not be impaired or affected by any extension of time within which the Department of Transportation may accept the bid; and the Surety does waive notice of any such extension.

IN WITNESS, the Principal and Surety have agreed and have signed by their proper officers and have caused their corporate seals to be affixed this date: **(DATE MUST BE ENTERED)**

PRINCIPAL

(Company Name) **(Affix Corporate Seal)**

(Signature and Title)

(Company Name)

(Signature and Title)

(Company Name)

(Signature and Title)

(Company Name)

(Signature and Title)**NOTARY FOR PRINCIPAL**

(Date)

State of Wisconsin)
) ss.
_____ County)

On the above date, this instrument was acknowledged before me by the named person(s).

(Signature, Notary Public, State of Wisconsin)

(Print or Type Name, Notary Public, State of Wisconsin)

(Date Commission Expires)**Notary Seal**

(Name of Surety) **(Affix Seal)**

(Signature of Attorney-in-Fact)**NOTARY FOR SURETY**

(Date)

State of Wisconsin)
) ss.
_____ County)

On the above date, this instrument was acknowledged before me by the named person(s).

(Signature, Notary Public, State of Wisconsin)

(Print or Type Name, Notary Public, State of Wisconsin)

(Date Commission Expires)**Notary Seal**

IMPORTANT: A certified copy of Power of Attorney of the signatory agent must be attached to the bid bond.

CERTIFICATE OF ANNUAL BID BOND

DT1305 8/2003

Wisconsin Department of Transportation

Time Period Valid (From/To)	
Name of Surety	
Name of Contractor	
Certificate Holder	Wisconsin Department of Transportation

This is to certify that an annual bid bond issued by the above-named Surety is currently on file with the Wisconsin Department of Transportation.

This certificate is issued as a matter of information and conveys no rights upon the certificate holder and does not amend, extend or alter the coverage of the annual bid bond.

Cancellation: Should the above policy be cancelled before the expiration date, the issuing surety will give thirty (30) days written notice to the certificate holder indicated above.

(Signature of Authorized Contractor Representative)

(Date)

No subcontract, whether listed herein or later proposed, may be entered into without the written consent of the Engineer as provided in Subsection 108.1 of the Standard Specifications.

[illegible]

CERTIFICATION REGARDING DEBARMENT, SUSPENSION, AND OTHER RESPONSIBILITY MATTERS - PRIMARY COVERED TRANSACTIONS

Instructions for Certification

1. By signing and submitting this proposal, the prospective contractor is providing the certification set out below.
2. The inability of a person to provide the certification required below will not necessarily result in denial of participation in this covered transaction. The prospective contractor shall submit an explanation of why it cannot provide the certification set out below. The certification or explanation will be considered in connection with the department or agency's determination whether to enter into this transaction. However, failure of the prospective contractor to furnish a certification or an explanation shall disqualify such person from participation in this transaction.
3. The certification in this clause is a material representation of fact upon which reliance was placed when the department determined to enter into this transaction. If it is later determined that the contractor knowingly rendered an erroneous certification in addition to other remedies available to the Federal Government the department may terminate this transaction for cause or default.
4. The prospective contractor shall provide immediate written notice to the department to whom this proposal is submitted if at any time the prospective contractor learns that its certification was erroneous when submitted or has become erroneous by reason of changed circumstances.
5. The terms "covered transaction," "debarred," "suspended," "ineligible," "lower tier covered transaction," "participant," "person," "primary covered transaction," "principal," "proposal," and "voluntarily excluded," as used in this clause, have the meanings set out in the Definitions and Coverage sections of the rules implementing Executive Order 12549. You may contact the department to which this proposal is being submitted for assistance in obtaining a copy of those regulations.
6. The prospective contractor agrees by submitting this proposal that, should this contract be entered into, it shall not knowingly enter into any lower tier covered transaction with a person who is debarred, suspended, declared ineligible, or voluntarily excluded from participation in this covered transaction, unless authorized by the department entering into this transaction.
7. The prospective contractor further agrees by submitting this proposal that it will include the clause titled "Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion-Lower Tier Covered Transaction," which is included as an addendum to PR- 1273 - "Required Contract Provisions Federal Aid Construction Contracts," without modification, in all lower tier covered transactions and in all solicitations for lower tier covered transactions.
8. The contractor may rely upon a certification of a prospective subcontractor/materials supplier that it is not debarred, suspended, ineligible, or voluntarily excluded from the covered transaction, unless it knows that the certification is erroneous. A contractor may decide the method and frequency by which it determines the eligibility of its principals. Each contractor may, but is not required to, check the Disapproval List (telephone # 608/266/1631).

9. Nothing contained in the foregoing shall be construed to require establishment of a system of records in order to render in good faith the certification required by this clause. The knowledge and information of a contractor is not required to exceed that which is normally possessed by a prudent person in the ordinary course of business dealings.
10. Except for transactions authorized under paragraph 6 of these instructions, if a contractor in a covered transaction knowingly enters into a lower tier covered transaction with a person who is suspended, debarred, ineligible or voluntarily excluded from participation in this transaction, in addition to other remedies available to the Federal Government, the department may terminate this transaction for cause or default.

Certification Regarding Debarment, Suspension, and Other Responsibility Matters - Primary Covered Transactions

1. The prospective contractor certifies to the best of its knowledge and belief, that it and its principals:
 - (a) Are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from covered transactions by any Federal department or agency;
 - (b) Have not within a three-year period preceding this proposal been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, State or local) transaction or contract under a public transaction; violation of Federal or State antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements or receiving stolen property;
 - (c) Are not presently indicted for or otherwise criminally or civilly charged by a governmental entity (Federal, State or local) with commission of any of the offense enumerated in paragraph (1)(b) of this certification; and
 - (d) Have not within a three-year period preceding this proposal had one or more public transactions (Federal, State or local) terminated for cause or default.
2. Where the prospective contractor is unable to certify to any of the statements in this certification, such prospective contractor shall attach an explanation to this proposal.

Special Provisions

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SPECIAL PROVISIONS

1. General.

The work under this contract for the construction of the following projects in Wisconsin:

Project ID 1060-27-20, Parcel 1; East West Freeway, City Milwaukee; 70th St to 16th St; IH 94; Milwaukee County

Perform the work under this construction contract as the plans show and execute the work as specified in the State of Wisconsin, Department of Transportation, Standard Specifications for Highway and Structure Construction 2025 Edition and these special provisions including the Additional Special Provisions (ASP's).

This Razing and Removing Proposal has been developed under the U.S. standard measure system.

The Standard Specifications for Highway and Structure Construction 2025 Edition is available for browsing, download, or to place an order for a hard copy at:

<http://wisconsindot.gov/Pages/doing-bus/eng-consultants/cnslt-rsrcs/rdwy/stndspec.aspx>

Those who do not have access to the web may order a hard copy of the specifications through:

WI Department of Administration - Document Sales and Distribution Section
202 S. Thornton Avenue, PO Box 7840, Madison WI 53707-7840
Phone: (608) 266-3358

2. Scope of Work.

Work under this contract includes razing and removing buildings, disposing of all material and debris, removing all miscellaneous land improvements, if any, placing compacted backfill in the exposed basements and openings resulting from the removal of the buildings, and grading the vacant site. (See Parcel Exhibits included in this proposal.) Do not disturb adjacent property.

Keep the abutting highway free of debris and mud throughout performance of the work under this contract.

Abandon the present sanitary sewer or septic system and water systems in accordance to current statutes, ordinances, and regulations.

Plank with suitable timbers the public streets and highways, which serve as access for heavy equipment, to preclude any damages to said facilities. Repair all damages to these public facilities or replace them with like materials at contractor expense.

Maintain all roads, highways, or public places adjacent to any building or buildings being razed or removed, in a debris or litter-free condition throughout the life of this contract.

However, should the use of the above highways be required for razing or backfilling operations, erect splashboards or reflector panels and place warning signs at appropriate locations to protect the general public.

Raze and remove the buildings and backfill the resulting exposed openings at the following locations:

<u>Project</u>	<u>Parcel</u>	<u>Type of Building</u>	<u>Address</u>
1060-27-20	1	A one-story (+/- 7,920 SF) concrete block former DMV emissions testing station building with no basement (+/- 1,560 SF office area and +/- 6,360 unfinished shop/warehouse area with 5 drive-through bays. Five bays: 7' wide x 30'8" long x 8'x8" tall concrete block enclosures that separate the bays, each with a drainage pit 8'6" long x 3'6" wide x 2'6" deep. The floors are poured concrete approximately 8" thick. Roof is rubber membrane w/ stone ballast. 10 overhead doors (6-8' tall: 4 – 14' tall). Building slab, pole lighting and footings, concrete parking lot barrier posts and parking stops, and exterior signage. All trees and shrubs located within the parcel shall be cut down but stumps to remain. The asphalt parking lot WILL remain in place. Capping of municipal sewer and water lines at the building. Note: The property is part of a larger former manufactured gas plant (MGP) site and is a closed Wisconsin Department of Natural Resources (WDNR) Environmental Repair Program (ERP) site. A continuing obligation, as a condition of closure, includes maintenance of the direct contact barrier (i.e. cap) which consists of the existing asphalt, soil cover and the vacant building at the east end of the property.	2401 W. St. Paul Avenue, Milwaukee, WI

Demolition contractor **MUST** reference the Special Requirements* below and the Exhibits portion of this proposal for direction on WisDOT obligations and demolition contractor responsibilities to ensure compliance with the WDNR conditions of closure.

***Special Requirements**

Demolition includes the removal of the existing building, building slab, approximately 10 concrete bollard posts, 2 light poles with concrete bases, sign base and several trees and shrubs. Holes made by the removal of these features will be filled with low-conductivity clay or bentonite (slurry or chips). These areas will be finished with topsoil or asphalt. The building floor slab will be replaced with a minimum of 2FT of low permeability clay. The asphalt parking lot will remain in place. Final finish surface layer with application of top soil, seed and mulch to any areas disturbed by razing/removal activities.

All changes or modifications to the existing cap must be documented to the WDNR. The Department's environmental consultant, TRC Solutions must be present to document razing and removal of the subject improvements and ensure that the demolition contractor is adhering to the approved cap change granted by the WDNR. **Demolition contractor must notify TRC a minimum of 5 working days in advance of their anticipated start date.**

Consultant: TRC Environmental Corporation
Contact: Bryan Bergmann
Address: 6737 W. Washington St., Suite 2100, West Allis, WI 53214
Phone: 262-901-2126 (office) 262-227-9210 (cell)
Fax: 262-879-1220
E-mail: bbergmann@trccompanies.com

Contact: Daniel Haak
Address: 708 Heartland Trail, Suite 3000, Madison, WI 53717
Phone: 608-826-3628
Fax: 608-826-3941
E-mail: dhaak@trccompanies.com

Perform the following:

1. Remove the structures, trees, shrubs, fencing and signs from the premises.
2. Remove and dispose of all asbestos and hazardous materials in compliance with this contract and current local, state, and federal guidelines and laws, including asbestos not discovered in the pre-razing inspections included in these specifications. The most recent edition of any applicable standard, code, or regulation shall be in effect. Where conflict among the requirements of these specifications occurs, follow the most stringent. Only a qualified and certified asbestos removal contractor shall perform the removal of asbestos. If not licensed to remove asbestos, employ a certified subcontractor to perform this work. An inspection report for each building indicating the presence or absence of asbestos in exposed positions of the structure is included in this proposal, unless otherwise indicated.
3. The gas and electric meters have been removed by WE Energies, disconnect letters are in the exhibits. The water meter has been removed by the City of Milwaukee.
4. The successful bidder shall make arrangements with the local plumbing inspectors to inspect the abandonment of well and septic systems and/or sewer and water laterals. The contractor shall coordinate with the City of Milwaukee for proper sewer and water lateral disconnection. In accordance to state laws and administrative rules, licensed well driller and pump installer contractors shall accomplish all water well abandonment.
5. Conduct all demolition, removal, and backfilling operations in such a manner that all conflicts with vehicular traffic on adjacent streets and highways are avoided. Use barricades or fencing, or both, when needed to guarantee the safety of pedestrians or motorists.
6. Clearing and grubbing of all trees and shrubs except those within the grass terrace area next to the sidewalk along St. Paul shall be removed and the restoration of any holes must be done per the guidelines outlined earlier.
7. Please not the sign on the building and attached to the free-standing sign must be removed and given to the sign owner, details in the exhibits.

3. Prosecution and Progress.

Begin work within ten calendar days after the engineer issues a written notice to do so.

Give definite notice of intention to start work to the Wisconsin Department of Transportation, SE Region, Attn: Scott Dellenbach, 141 NW Barstow Street, Waukesha, WI 53187, Phone 414-327-2607, at least 72 hours in advance of beginning work.

In the event that some structures are not vacant and available when the order to start is issued, begin work on the parcels that are vacant and available, and continue with operations until the available structures have been razed or removed, the resulting exposed basements removed in their entirety and removed from the site, and all openings backfilled. Notify the department's representative when the vacated and available structures have been removed and the exposed openings backfilled. Suspend operations until the remaining structures become vacant and available; contract time will not be charged during such period of suspension. Resume work within ten days after the date the department representative has issued a written order to do so. In the event that a structure or structures are not available to the contractor within a period of 270 days subsequent to the execution of the contract by the State, due to their occupancy or other circumstances, the contractor may have the option to request release of said unavailable structure or structures from the contract.

On those contracts executed under Option B, the contractor may, after the expiration of the period defined above, request the deletion of a parcel or parcels from the group in the contract. The deletion of a parcel or parcels shall be accomplished by contract change order negotiated at the price listed for such parcel in the contract.

However, should the contractor submit his bid under Option A, in which payment is made to the State by the contractor, and the above unavailable conditions should exist, the unavailable parcel or parcels shall be deleted from the contract. The unavailable parcel or parcels shall be released from the contract at no expense to the State, except for the return of the money in the amount or amounts entered and submitted for said parcel or parcels under contract change order.

The contract time affected by the deletion of the parcel or parcels will be terminated on the date of the last suspension date of the completion of the work of the last structure or structures.

Unless otherwise specifically provided, no additional or extra compensation or additional contract time will be allowed due to deferment or suspension of operations.

Should the contractor, whether the bid is submitted under Option "A" or Option "B", fail to complete the work within the time agreed upon in the contract or within such extra time as may be allowed by extension, there shall be liquidated damages deducted from any monies due the contractor, for each and every calendar day, including Sundays and holidays, that the work shall remain uncompleted, in accordance with standard spec 108.11. The sum shall be considered and treated not as a penalty, but as fixed, agreed, and liquidated damages due the State from the contractor by reason of inconvenience to the public, added cost of engineering and supervision, and other items that have caused an expenditure of public funds resulting from the failure to complete the work within the time specified in the contract.

Permitting the contractor to continue and finish the work or any part of it after the time fixed for its completion, or after the date to which the time for completion may have been extended,

shall in no way operate as a waiver on the part of the department of any of its rights under the contract.

4. Proposal Requirements and Conditions.

Standard spec 102.1, Prequalifying Bidders, shall not apply to this contract; however, prior to awarding a contract, the department may require the bidder to produce evidence that he, she or it has performed work of a similar character in a satisfactory manner.

5. Subletting or Assignment of Contract.

Standard spec 108.1, which prescribes the minimum amount of work to be performed with the contractor's own organization, shall not apply to this contract. However, if a subcontractor (including, but not limited to, asbestos removal specialists) will be employed, the bidder shall attach the name, address and specialty of that contractor to the page of the bid in the spaces indicated for that use.

6. Award of Contract.

The department will consider the bids submitted in the proposal and reserve the right to award the work on the basis of lowest responsible bidder, meeting all terms and conditions of these specifications.

7. Cancellation of Contract.

In the event the building(s) should be so severely damaged by fire, windstorm, or other act of God as to materially impair the salvage value of the material contained therein after the bid has been made and submitted on the date and hour set forth and before the contract has been executed by the state and the contractor notified thereof, the contractor may file a request for the cancellation of the contract. If, upon finding by the department that such is the fact, the department will cancel the contract and relieve the contractor of all responsibility there under.

In the event, however, that the department should determine that such damage is only minor or inconsequential, the contractor will be required to fulfill the terms of this contract.

8. Standard Insurance Requirements.

Standard insurance requirements shall be in accordance with standard spec 107.26 and as hereinafter provided.

If this project includes only razing and removing of residential units, revise the insurance table provided in paragraph 1 of standard spec 107.26 as follows:

Type of Insurance	Minimum Limits Required*
1. Commercial General Liability Insurance; shall be endorsed to include blanket contractual liability coverage.	\$2 Million Combined Single Limits per Occurrence; may be subject to an Annual Aggregate Limit of not less than \$2 Million.
2. Workers' Compensation and Employer's Liability Insurance.	Workers' Compensation: Statutory Limits Employer's Liability: Bodily Injury by Accident: \$100,000 Each Accident Bodily Injury by Disease: \$500,000 Each Accident \$100,000 Each Employee
3. Commercial Automobile Liability Insurance; shall cover all contractor-owned, non-owned, and hired vehicles used in carrying out the contract.	\$1 Million-Combined Single Limits Per Occurrence.

**The contractor may satisfy these requirements through primary insurance coverage or through a combination of primary and excess/umbrella policies.*

9. Traffic.

Maintain pedestrian and vehicular traffic on the roads and highways adjacent to these premises through the life of this contract.

10. Legal Relations and Responsibility to the Public.

Add the following to standard spec 107.3:

Procure all permits necessary to carry out the work, including those necessary while the roads and highways are obstructed either by operations or by the storage of equipment or materials.

The awarding of this contract does not guarantee the issuance of a permit to move any structures over state highways.

The contractor agrees not to move any of the structures within a proposed highway corridor of the State of Wisconsin.

Add the following to standard spec 107.8:

Notify the local law enforcement agency, fire department, and any surface transportation company that may be affected by the anticipated street obstructions or hazards.

Add the following to standard spec 107.22:

Notify the various public or municipal utility companies to disconnect and remove such of their facilities as may be in the buildings, or attached to them, sufficiently in advance of beginning razing operations to allow the utilities to make their disconnections.

11. Protection of Streams, Lakes and Reservoirs.

Standard spec 107.18 shall apply.

12. Underground Fuel Storage Tanks.

The successful bidder will be supplied with a copy of the Environmental Site Assessment for each parcel for which an assessment was deemed necessary or for sites on which underground storage tanks were removed. A private consultant will remove any tanks discovered during the Environmental Site Assessment before razing activities begin.

If tanks are discovered on the site during razing that were not removed as part of or in the absence of an Environmental Site Assessment, immediately cease razing operations on the site and contact the department. The department will hire a private consultant to remove the discovered tanks.

13. Bat Inspections for Removing Buildings

A bat inspection was completed on June 12, 2024, by GEI Consultants and no evidence of bats were observed. Copy of the inspection report is included in the exhibits.

14. Asbestos Removal.

Two asbestos inspections have been completed for the buildings to be demolished. Copies of the inspection reports can be found in the exhibits. The first inspection was performed by KPH Environmental in September of 2014. The asbestos that was found in that inspection will be removed by TRC Environmental Prior to the start of the demolition of the building and a completion letter will be sent to the selected contractor. The second inspection was deemed necessary due to vermiculite found in the walls of the building during a site inspection of the building. The vermiculite found can be removed as part of this demolition process.

Comply with the requirements of the Environmental Protection Agency (EPA) regulations, National Emission Standards for Asbestos, the Occupational, Safety and Health

Administration (OSHA) regulations on asbestos removal, all applicable Wisconsin Department of Natural Resources (DNR) Department of Health Services (DHS) regulations, and local government regulations. The most recent editions of all applicable standards, codes or regulations shall be in effect. Where conflict among the requirements of these specifications occurs, follow the most stringent. In addition, the following requirements apply to this work:

Any person performing asbestos abatement must comply with all training and certification requirements, rules, regulations and laws of the State of Wisconsin regarding asbestos removal. A copy of the abatement and disposal report must be submitted to : WisDOT-DTSD-SE Region - Attn: Scott Dellenbach, 141 NW Barstow Street, Waukesha, WI 53187, Phone 414-327-2607 or scott@tva-llc.com.

Asbestos removal is considered incidental to razing and removing buildings and will not be measured for payment separately.

15. Notice to Department of Natural Resources.

For all buildings to be razed or removed, a notification of demolition and/or Renovation (form 4500-113) and all applicable fees must be provided to the Department of Natural Resources (DNR) and the Wisconsin Department of Health Services (DHS), at least 10 working days before starting the work. A copy of this notice must be submitted to: WisDOT-DTSD-SE Region – Attn: Scott Dellenbach, 141 NW Barstow Street, Waukesha, WI 53187, Phone 414-327-2607 or scott@tva-llc.com

Note: Wisconsin DNR Central Office phone: (608) 266-2621 – reference: DNR Form 4500-113 "Notification of Demolition and/or Renovation and Application for Permit Exemption". Wisconsin DHS Asbestos & Lead Section Central Office phone (608) 261-6876 - reference: DHS Form F-00041 "Asbestos Project Notification.

Reference: <http://dnr.wi.gov/topic/Demo/Asbestos.html>

Reference: <http://dhs.wisconsin.gov/waldo>

In the notice to DNR, include the address and type of building(s) to be razed or removed, the proposed date that each will be razed or removed, and the name of the licensed or approved landfill where the demolition waste will be disposed. Mail or email a copy of this notice within ten days of DNR notification to: Email: scott@tva-llc.com Or WisDOT-DTSD-SE Region - Attn: Scott Dellenbach, 141 NW Barstow Street, Waukesha, WI 53187, Phone 414-327-2607.

The contractor's failure to comply with the requirements of this article shall subject the contractor to a penalty of liquidated damages pursuant to standard spec 108.11. The liquidated damages formula will apply for each day in which the provisions of this article are not met.

The well abandonment subcontractor shall prepare and submit to the DNR the Well Abandonment Report form(s), required by law in the manner prescribed herein. <https://dnr.wi.gov/warsreport/report>

Provide a copy of the Well Abandonment Report form(s), within 30 days of abandonment, to: Email: scott@tva-llc.com Or WisDOT-DTSD- WisDOT-DTSD-SE Region - Attn: Scott Dellenbach, 141 NW Barstow Street, Waukesha, WI 53187, Phone 414-327-2607.

16. Disposal of Materials.

Add the following to standard spec 104.8:

All salvage removed from the buildings, including fixtures and appurtenances such as screens and storm sash, shall be the property of the contractor and shall be entirely removed from the premises.

Clear the entire premises of all decomposable and combustible refuse, debris, and materials resulting from the removal of the buildings. Upon completion of the work, leave the entire premises in a neat condition. Do not deposit or leave decomposable or combustible refuse, debris, or materials resulting from the removal of the buildings on any state-owned lands, or right-of-way of any highways, including any exposed openings resulting from razing activities.

All living trees, shrubs, evergreens and other vegetation shall remain the department's property. Use care to preserve as much of the landscaping as is reasonably possible.

All hazardous waste, lamps, ballasts, or mercury containing items must be disposed of through the mandatory statewide hazardous waste contract. Follow the procedures in FDM 21-35-35. <https://wisconsin.dot.gov/rdwy/fdm/fd-21-35.pdf#fd21-35-35> Contact information for the hazardous waste disposal vendor is found here: <https://wisconsin.dot.gov/Documents/doing-bus/eng-consultants/cns/lt-rsrcs/environment/hazwaste-contacts.pdf>

17. Custody of the Building.

Upon written order by the department representative to commence work, the buildings and surrounding state-owned property shall be under the custody of the contractor. Nothing in this proposal shall be interpreted as setting forth the condition of any building or the appurtenances thereto. Except as otherwise provided herein, it is to be understood that the department accepts no responsibility for the protection of buildings and appurtenances against damages sustained either prior to or subsequent to the time of the letting of the work under this contract. The contractor shall take such measures as are necessary to safeguard the public from damages or injury.

While the buildings are in the contractor's custody, keep the buildings in a closed condition. Do not remove doors or windows from the buildings until the actual day of razing, unless all openings are sealed as approved by the engineer. Only the contractor and his subcontractor shall salvage building components. At all times, do not allow the general public in the buildings or on the grounds.

18. Removing Buildings.

Amend standard spec 204.3.2.3 to allow removal of buildings, by relocation, intact to a new site beyond the right of way limits.

If the contractor elects to move structure(s) from the parcels, regardless if bidding under Option A or B, but fails to remove the structure(s) from the premises by the time set forth earlier in this contract for completion, the contractor shall forfeit any and all rights, title and interest in the structure(s), and the structure(s) and any salvageable materials remaining on the premises shall revert to the ownership and control of the Wisconsin Department of Transportation to dispose of as it sees fit; but nothing shall in any way release the contractor from any of the contractor's duties, obligations or liability under the terms and provisions of this contract. The contractor shall not sell, nor in any manner transfer title of the structure(s) to a third party until the structure(s) is removed from the right-of-way limits.

The department has no knowledge regarding the condition of the structure(s) or their related components. The department cannot and does not warrant the condition of the structure(s) or their components, nor does the department warrant, guarantee, or imply the suitability of the structure(s) for moving.

19. Removal and Razing Operations.

This work shall be in accordance with standard spec 204 and as hereinafter provided.

Furnish all labor, equipment, tools, transportation, and incidentals necessary for the performance of the work.

In compliance with the ordinances and permit requirements of the municipality in which the buildings are situated, and in the presence of the local governing unit, a certified/licensed well driller, pump installer or water system operator shall seal or abandon all sewer and water lines and/or wells pursuant to Wisconsin Statute §280.30 and the Natural Resources portion of the Wisconsin Administrative Code covered under NR 811 and 812 and submit a completed abandonment report to: .

Until standing walls have been razed, the walls shall be reasonably and safely braced at all times to ensure complete safety during the wrecking operations.

Break and remove entirely from the site all basement walls, floors and footings per guidelines.

Dispose of all non-hazardous demolition waste in a landfill licensed or approved in writing by the Department of Natural Resources and in accordance with NR500, Wisconsin Administrative Code. Failure to properly dispose of solid waste is a violation of State Solid Waste Statutes and Administrative code and is subject to issuance of a citation under Wisconsin Statute §287.81(2)(a).

All hazardous waste, lamps, ballasts, or mercury containing items must be disposed of through the mandatory statewide hazardous waste contract. Follow the procedures in FDM 21-35-35. <https://wisconsindot.gov/rdwy/fdm/fd-21-35.pdf#fd21-35-35> Contact information for the hazardous waste disposal vendor is found here: <https://wisconsindot.gov/Documents/doing-bus/eng-consultants/cnsltrsrcs/environment/hazwaste-contacts.pdf>

Remove all material from the premises in a safe manner and in compliance with all applicable laws and ordinances. Do not disturb adjacent property.

20. Backfill.

Prior to any backfill operations, notify the regional office of the Department of Transportation to inspect all exposed areas resulting from the razing and removal operations. Contact Wisconsin Department of Transportation, SE Region, Attn: Scott Dellenbach, 141 NW Barstow Street, Waukesha, WI 53187, Phone 414-327-2607 for this inspection.

Ensure that all exposed basements and openings are free of all refuse and debris.

Backfill exposed basements and openings in accordance with standard spec 204.3.1.2 to the present surrounding ground elevation. Compaction of backfill shall be in accordance with standard spec 207.3.6.2. Furnish backfill meeting the requirements of standard spec 209 for use as backfill material.

Fill the septic systems with granular material and abandon all wells and/or sanitary sewers, if any, in compliance with all ordinances and permit requirements of the municipality in which the buildings are situated and those of the State of Wisconsin.

21. Fencing.

After removing the buildings, furnish and erect suitable fencing around the basement, porch openings, and other large open excavations to protect and safeguard the public from all hazardous conditions created by the operations. Install the fencing in such a manner to ensure that the general public is prevented from falling into any openings. The fence shall

be a height of 52 inches, and the posts shall be at least 58-inches high and spaced at a distance no greater than ten feet apart. After all open excavations have been backfilled satisfactorily, remove the fencing.

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ADDITIONAL SPECIAL PROVISION 4

This special provision does not limit the right of the department, prime contractor, or subcontractors at any tier to withhold payment for work not acceptably completed or work subject to an unresolved contract dispute.

Payment to First-Tier Subcontractors

Within 10 calendar days of receiving a progress payment for work completed by a subcontractor, pay the subcontractor for that work. The prime contractor may withhold payment to a subcontractor if, within 10 calendar days of receipt of that progress payment, the prime contractor provides written notification to the subcontractor and the department documenting "just cause" for withholding payment.

The prime contractor is not allowed to withhold retainage from payments due subcontractors.

Payment to Lower-Tier Subcontractors

Ensure that subcontracting agreements at all tiers provide prompt payment rights to lower-tier subcontractors that parallel those granted first-tier subcontractors in this provision.

Acceptance and Final Payment

Within 30 calendar days of receiving the semi-final estimate from the department, submit written certification that subcontractors at all tiers are paid in full for acceptably completed work.

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Additional Special Provision 6 (ASP-6)

Modifications to the standard specifications

Make the following revisions to the standard specifications.

107 Legal Relations and Responsibility to the Public

Add subsection 107.27 effective with the November 2024 letting.

107.27 Drones or Unmanned Aircraft Systems (UAS)

107.27.1 Licensing and Compliance

- (1) Obtain and possess the necessary Federal Aviation Administration (FAA) licenses and certifications to operate drones commercially (<https://www.faa.gov/uas>).
- (2) Comply with all FAA regulations, airspace restrictions, and local laws. Operators of small drones that are less than 55 pounds for work or business must follow all requirements as listed in Title 14, Chapter 1, Subchapter F, Part 107 of the Code of Federal Regulations (14 CFR) and obtain a remote pilot certificate (https://www.faa.gov/uas/commercial_operators).
- (3) Comply with Wisconsin State Statute 942.10. Limit operations to the specific approved purpose and employ reasonable precautions to avoid capturing images of the public except those that are incidental to the project.
- (4) Provide copies of waivers required for specific project conditions to the engineer prior to any flight.

107.27.2 Flight Approval, Safety, and Incident Reporting

- (1) Submit information in 107.27.2(2) to obtain written drone flight approval from the engineer at least 3 business days prior to operating a drone within the right-of-way. Do not operate a drone within the right-of-way unless approved by the engineer.
- (2) Drone flight application for review and approval must include:
 - UAS pilot information and qualifications, images of certification
 - UAS drone information and FAA tail numbers
 - Max/ Min allowable flight parameters (weather)
 - Specifics of flight mission: capture scope
 - Estimated flight duration
 - Pre-flight checklist
 - Site-specific parameters
 - Notification protocols - Federal/Local/Agency/Owner/Responsible in Charge
 - Confirmation and verification of approved operators and hardware
 - Flight plan map diagram (including launch and landing location)
 - FAA-Airspace flight map classification and confirmation with graphics
 - UAS incident management protocol
- (3) If contractor is requesting multiple types of the same flight, a simplified request can be submitted listing weekly flight plan.
- (4) Safety measures must include but are not limited to:
 - Regular training and updates on drone regulations are required and must be provided upon request.
 - Drones must be operated in accordance with safety guidelines, including maintaining a safe distance from people, structures, vehicles, etc.
 - Conduct a pre-flight safety assessment, considering weather conditions, airspace restrictions, and potential hazards.
 - Emergency procedures (e.g., drone malfunction, loss of control) must be documented and followed.
 - All incidents must be reported to the engineer.
- (5) If the drone has an incident during flight, report the following to the engineer:
 - Incident background and details.
 - FAA (14 CFR 107.9) and NTSB (49 CFR 870) notification protocol.
 - Contractor internal notification protocol.

107.27.3 Insurance Requirements

- (1) Maintain drone liability insurance with the following limits.
 1. For drones weighing 10 pounds or less, a liability policy with a minimum limit of \$1,000,000.00 is required.

2. For drones weighing more than 10 pounds and less than or equal to 20 pounds, a liability policy with a minimum limit of \$2,000,000.00 is required.
3. For drones weighing more than 20 pounds, notify engineer and department will determine appropriate liability policy coverage levels based on size, use, location, and other risk factors.

646 Pavement Markings

646.3.2.4 Black Epoxy

Replace paragraph (1) with the following effective with the November 2024 letting.

- (1) Apply black epoxy in a grooved slot directly after the white marking. Apply epoxy at a wet mil thickness of 20. Apply black aggregate at or exceeding 25 pounds per gallon of epoxy. Do not apply glass beads to black epoxy.

ERRATA

204.3.1.3 Salvaging or Disposal of Materials

Replace paragraph (2) to correct link from 203.3.4 to 203.3.5 effective with the November 2024 letting.

- (2) Dispose of concrete, stone, brick, and other material not designated for salvage as specified for disposing of materials under 203.3.5.

204.3.2.3 Removing Buildings

Replace paragraph (2) to correct link from 203.3.4 to 203.3.5 effective with the November 2024 letting.

- (2) Buildings removed and materials resulting from building removal become the contractor's property unless the contract specifies otherwise. Dispose of unclaimed and removed material as specified for disposing of materials in 203.3.5.

335.3.2 Rubblizing

Replace paragraph (6) to correct link from 203.3.4 to 203.3.5 effective with the November 2024 letting.

- (6) Remove reinforcing steel exposed at the surface by cutting below the surface and disposing of the steel as specified in 203.3.5. Do not remove unexposed reinforcing steel.

335.3.3 Compacting

Replace paragraph (2) to correct link from 203.3.4 to 203.3.5 effective with the November 2024 letting.

- (2) Remove loose asphaltic patching material, joint fillers, expansion material, or other similar materials from the compacted surface. Also remove pavement or patches that have a maximum dimension greater than or equal to 6 inches that are either not well seated or projecting more than one inch. Dispose of removed material as specified in 203.3.5.

526.3.4 Construction, Backfilling, Inspection and Maintenance

Replace paragraph (3) to correct link from 203.3.4 to 203.3.5 effective with the November 2024 letting.

- (3) Maintain temporary structures and approaches in place until no longer needed. Unless the engineer directs otherwise, completely remove and dispose of as specified in 203.3.5. Contractor-furnished materials remain the contractor's property upon removal.

602.3.6 Concrete Rumble Strips

Replace paragraph (5) to correct link from 203.3.4 to 203.3.5 effective with the November 2024 letting.

- (5) At the end of each workday, move equipment and material out of the clear zone and sweep or vacuum the traveled way pavement and shoulder areas. Sweep away or vacuum up milling debris before opening adjacent lanes to traffic. Dispose of waste material as specified in 203.3.5; do not place on the finished shoulder surface.

604.2 Materials

Replace paragraph (1) with the following information to remove line and link for crushed aggregate effective with the November 2024 letting. The crushed aggregate gradation information for slope paving is now found in 604.2(3).

- (1) Furnish materials conforming to the following:

Water.....	501.2
Select crushed material.....	312.2
Concrete.....	501
Reinforcement.....	505
Expansion joint filler	415.2.3
Asphaltic materials	455.2

NON-DISCRIMINATION PROVISIONS

During the performance of this contract, the contractor, for itself, its assignees, and successors in interest (hereinafter referred to as the "contractor") agrees as follows:

1. Compliance with Regulations: The contractor (hereinafter includes consultants) will comply with the Acts and the Regulations relative to Non-discrimination in Federally-assisted programs of the U.S. Department of Transportation, Federal Highway Administration, as they may be amended from time to time, which are herein incorporated by reference and made a part of this contract.

2. Non-discrimination: The contractor, with regard to the work performed by it during the contract, will not discriminate on the grounds of race, color, or national origin in the selection and retention of subcontractors, including procurements of materials and leases of equipment. The contractor will not participate directly or indirectly in the discrimination prohibited by the Acts and the Regulations, including employment practices when the contract covers any activity, project, or program set forth in Appendix B of 49 CFR Part 21.

3. Solicitations for Subcontracts, Including Procurements of Materials and Equipment: In all solicitations, either by competitive bidding, or negotiation made by the contractor for work to be performed under a subcontract, including procurements of materials, or leases of equipment, each potential subcontractor or supplier will be notified by the contractor of the contractor's obligations under this contract and the Acts and the Regulations relative to Non-discrimination on the grounds of race, color, or national origin.

4. Information and Reports: The contractor will provide all information and reports required by the Acts, the Regulations, and directives issued pursuant thereto and will permit access to its books, records, accounts, other sources of information, and its facilities as may be determined by the Recipient or the Federal Highway Administration to be pertinent to ascertain compliance with such Acts, Regulations, and instructions. Where any information required of a contractor is in the exclusive possession of another who fails or refuses to furnish the information, the contractor will so certify to the Recipient or the Federal Highway Administration, as appropriate, and will set forth what efforts it has made to obtain the information.

5. Sanctions for Noncompliance: In the event of a contractor's noncompliance with the Non-discrimination provisions of this contract, the Recipient will impose such contract sanctions as it or the Federal Highway Administration may determine to be appropriate, including, but not limited to:

- a. Withholding payments to the contractor under the contract until the contractor complies; and/or
- b. Cancelling, terminating, or suspending a contract, in whole or in part.

6. Incorporation of Provisions: The contractor will include the provisions of paragraphs one through six in every subcontract, including procurements of materials and leases of equipment, unless exempt by the Acts, the Regulations and directives issued pursuant thereto. The contractor will take action with respect to any subcontract or procurement as the Recipient or the Federal Highway Administration may direct as a means of enforcing such provisions including sanctions for noncompliance. Provided, that if the contractor becomes involved in, or is threatened with litigation by a subcontractor, or supplier because of such direction, the contractor may request the Recipient to enter into any litigation to protect the interests of the Recipient. In addition, the contractor may request the United States to enter into the litigation to protect the interests of the United States.

During the performance of this contract, the contractor, for itself, its assignees, and successors in interest (hereinafter referred to as the "contractor") agrees to comply with the following non-discrimination statutes and authorities; including but not limited to:

Pertinent Non-Discrimination Authorities:

- Title VI of the Civil Rights Act of 1964 (42 U.S.C. § 2000d et seq., 78 stat. 252), (prohibits discrimination on the basis of race, color, national origin); and 49 CFR Part 21.
- The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, (42 U.S.C. § 4601), (prohibits unfair treatment of persons displaced or whose property has been acquired because of Federal or Federal-aid programs and projects);
- Federal-Aid Highway Act of 1973, (23 U.S.C. § 324 et seq.), (prohibits discrimination on the basis of sex);
- Section 504 of the Rehabilitation Act of 1973, (29 U.S.C. § 794 et seq.), as amended, (prohibits discrimination on the basis of disability); and 49 CFR Part 27;
- The Age Discrimination Act of 1975, as amended, (42 U.S.C. § 6101 et seq.), (prohibits discrimination on the basis of age);
- Airport and Airway Improvement Act of 1982, (49 USC § 471, Section 47123), as amended, (prohibits discrimination based on race, creed, color, national origin, or sex);
- The Civil Rights Restoration Act of 1987, (PL 100-209), (Broadened the scope, coverage and applicability of Title VI of the Civil Rights Act of 1964, The Age Discrimination Act of 1975 and Section 504 of the Rehabilitation Act of 1973, by expanding the definition of the terms "programs or activities" to include all of the programs or activities of the Federal-aid recipients, sub-recipients and contractors, whether such programs or activities are Federally funded or not);
- Titles II and III of the Americans with Disabilities Act, which prohibit discrimination on the basis of disability in the operation of public entities, public and private transportation systems, places of public accommodation, and certain testing entities (42 U.S.C. §§ 12131-12189) as implemented by Department of Transportation regulations at 49 C.F.R. parts 37 and 38;
- The Federal Aviation Administration's Non-discrimination statute (49 U.S.C. § 47123) (prohibits discrimination on the basis of race, color, national origin, and sex);
- Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations, which ensures Non-discrimination against minority populations by discouraging programs, policies, and activities with disproportionately high and adverse human health or environmental effects on minority and low-income populations;
- Executive Order 13166, Improving Access to Services for Persons with Limited English Proficiency, and resulting agency guidance, national origin discrimination includes discrimination because of Limited English proficiency (LEP). To ensure compliance with Title VI, you must take reasonable steps to ensure that LEP persons have meaningful access to your programs (70 Fed. Reg. at 74087 to 74100);
- Title IX of the Education Amendments of 1972, as amended, which prohibits you from discriminating because of sex in education programs or activities (20 U.S.C. 1681 et seq).

BUY AMERICA PROVISION

Buy America (as documented in [88 FR 57750 \(2 CFR part 184 and 200\)](#) from the Office of Management and Budget: [Federal Register: Guidance for Grants and Agreements](#)) shall be domestic products and permanently incorporated in this project as classified in the following three categories, and as noted in the Construction and Materials Manual (CMM):

1. Iron and Steel

All iron and steel manufacturing and coating processes (from the initial melting stage through the application of coatings) must have occurred within the United States. Coating includes epoxy coating, galvanizing, painting and any other coating that protects or enhances the value of a material subject to the requirements of Buy America.

The exemption of the iron and steel manufacturing and coating processes Buy America requirement is the minimal use of foreign materials if the total cost of such material permanently incorporated in the product does not exceed one-tenth of one percent (1/10 of 1%) of the total contract cost or \$2,500.00, whichever is greater. For purposes of this paragraph, the cost is that shown to be the value of the subject products as they are delivered to the project.

2. Manufactured Product

All manufactured products (as defined in CMM 228.5) are covered under a previous waiver from 1983 and are currently exempt from Buy America.

3. Construction Material

All construction materials (as defined in [88 FR 57750 \(2 CFR part 184 and 200\)](#) and as referenced in CMM 228.5) must comply with Buy America. All manufacturing process of construction materials must occur in the United States.

[88 FR 55817 \(DOT-OST-2022-0124\)](#) allows a limited waiver of Buy America requirements for de minimis costs and small grants.

- The Total value of the non-compliant products is no more than the lesser of \$1,000,000 or 5% of total applicable costs for the project¹; or
- The total amount of Federal financial assistance applied to the project, through awards or subaward, is below \$500,000²

The contractor shall take actions and provide documentation conforming to CMM 228.5 to ensure compliance with this Buy America provision.

<https://wisconsindot.gov/rdwy/cmm/cm-02-28.pdf>

Upon completion of the project, certify to the engineer, in writing using department form DT4567 that all iron and steel, manufactured products, and construction materials conform to this Buy America provision.

Form DT4567 is available at: <https://wisconsindot.gov/Documents/formdocs/dt4567.docx>

Attach a list of iron or steel and construction material exemptions and their associated costs to the certification form using the Buy America Exemption Tracking Tool, available at:

<https://wisconsindot.gov/hccidocs/contracting-info/buy-america-exemption-tracking-tool.xlsx>

¹ The de minimis public interest waiver does not apply to iron and steel subject to the requirements of 23 U.S.C. 313 on financial assistant administered by FHWA. The de minimis threshold in 23 CFR 635.410(b)(4) continues to apply for iron and steel.

² The small grant portion of the waiver does not apply to iron, steel, and manufactured goods subject to the requirements of 49 U.S.C. 22905(a).

EXHIBITS

ID 1060-27-20 – Parcel 1

Removal, Grading, Backfill

TRC figure showing site features to be removed

TRC Phase 3 Investigation – Executive Summary

WDNR Closure Statement

City of Milwaukee Raze Permit Packet

Site Diagram

Photos

Location Map

KPH Asbestos Inspection Report 9/2014

TRC Asbestos Inspection Report 10/2024

GEI Bat Inspection Report

WE Energies Gas/Electric Disconnect Letters

Camera/Counting System

Signs to be returned to owner

REMOVE: A one-story (\pm 7,920 SF) concrete block former DMV emissions testing station building w/no basement (\pm 1,560 SF office area and \pm 6,360 unfinished shop/warehouse area with 5 drive-through bays. Five bays: 7' wide x 30'8" long x 8'8" tall concrete-block enclosures that separate the bays, each with a drainage pit 8'6" long x 3'6" wide x 2'6" deep. The floors are poured concrete approx. 8" thick. Roof is rubber membrane w/stone ballast. 10 overhead doors (6 - 8'tall; 4 - 14' tall). Building slab, pole lighting and footings, concrete parking lot barrier posts and parking stops, and exterior signage. The asphalt parking lot will remain in place. Capping of municipal sewer and water lines at the building. **Note:** The property is part of a larger former manufactured gas plant (MGP) site and is a closed Wisconsin Department of Natural Resources (WDNR) Environmental Repair Program (ERP) site. A continuing obligation, as a condition of closure, includes maintenance of the direct contact barrier (i.e. cap) which consists of the existing asphalt, soil cover and the vacant building at the east end of the property. Demolition contractor must reference the *Special Requirements* under Article 2- Scope of Work, of these special Provisions. Asbestos, if present, must be removed pursuant to Article 15 of the Special Provisions.

GRADING: As directed by the State Department of Transportation inspector. Reference Special Provisions - Article 2 – Item #5. Note: Further obligations and requirements found under Article 2 - Scope of Work: *Special Requirements for ID1060-27-20 Parcel 1 (2401 W. St. Paul Ave., Milwaukee WI*

Floor Plan(s) – Following Page(s)

BACKFILL: Reference Special Provisions Article 21 and the *Special Requirements* under Article 2- Scope of Work, of these special Provisions.

TRC Figure showing site features to be removed



MILWAUKEE COUNTY INTERACTIVE MAP SERVICE

Legend

- County Boundary
- Highways, to 8k
- Street Centerlines, 0k to 8k
- Railroad 8k
- Water 8k
- Rivers 8k
- Airport 8k
- Landmarks 8k
- County Parks 8k
- Municipal Subdivisions 25k
- Tax Parcels
- AERIAL PHOTO 2013 HIGH R
 - Red: Band_1
 - Green: Band_2
 - Blue: Band_3
- AERIAL PHOTO 2010 HIGH R
 - Red: Band_1
 - Green: Band_2
 - Blue: Band_3

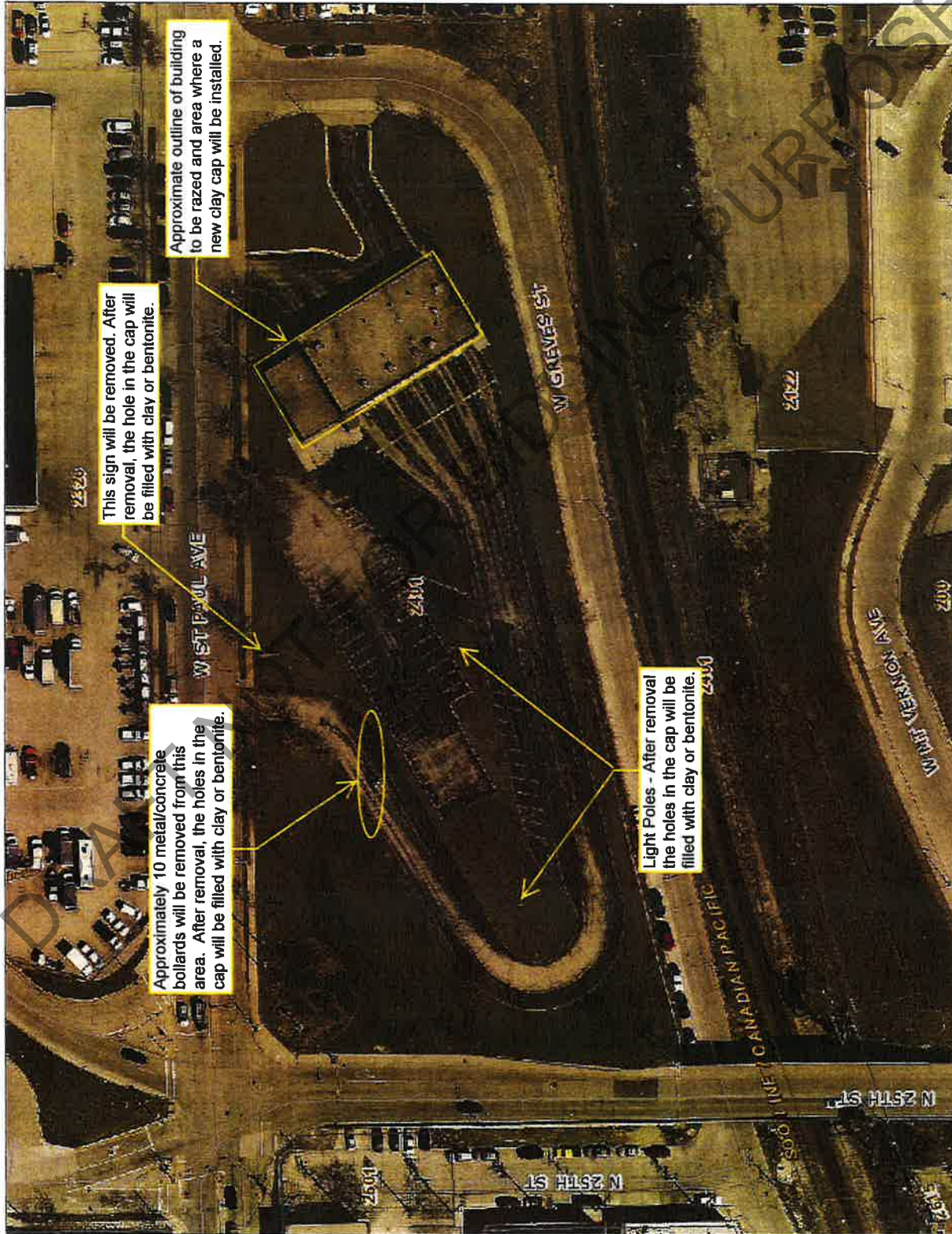
Base map obtained from the Milwaukee County Land Information Office Interactive Mapping Service website

1:1,175



Notes

Enter Map Description



TRC Phase 3 Investigation – Executive Summary

WDNR Closure Statement

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Phase 3 Investigation

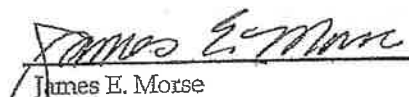
2401 West St. Paul Avenue
Milwaukee, Wisconsin

WisDOT Project ID #1060-27-20

January 2014


Andrew L. Heeter
Project Geologist


Bryan Bergmann, P.G.
Project Manager


James E. Morse
Senior Client Service Manager

TRC Environmental Corporation | Wisconsin Department
of Transportation
Final

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ID1060-27-20
Parcel 1

ID 1060-27-20, Parcel 1 - 2401 W. St. Paul Ave., Milwaukee, WI

Executive Summary

In preparation for the reconstruction of the I-94 East-West Freeway between the Marquette Interchange and the Zoo Interchange, the WisDOT is considering the acquisition of the property at 2401 W. St. Paul Avenue. The property is part of a larger former manufactured gas plant (MGP) site that had been remediated to closure by WE Energies (West Side MGP, BRRTS ID 02-41-557819).

Residual soil and groundwater contamination remains at the site and the closure requirements included a groundwater use restriction and a cap maintenance agreement. In addition to the residual contaminants associated with a MGP site, historic fill containing non-exempt fill (i.e. foundry wastes) are reported to exist at the site. The WisDOT DMV owned and operated the property as an exhaust emissions test facility until the mid-late 1990s. The property is now owned by KTW Company. Although the subsurface had been previously investigated by others, the WisDOT requested TRC to complete a series of borings and temporary wells to obtain a more current characterization of the site's condition and to better define the limits of historic fill at the site.

TRC conducted a Phase 3 investigation in November 2013. The Phase 3 revealed that soil contaminated with PAHs, VOCs, RCRA metals, and cyanide is present within the property boundary as well as outside of the property boundary. In most fill soil samples, some of which contained foundry waste, the calculated Direct Contact Pathway for Industrial and/or Non-Industrial sites and/or the Soil to Groundwater Pathway RCLs were exceeded. Native soil samples had some calculated RCL exceedences. However in general, the highest contaminant concentrations were present in the fill. Groundwater contaminated with benzene (benzene concentrations slightly exceeded the NR 140 ES) and arsenic (arsenic concentrations exceeded the NR 140 PAL) was present in two temporary wells. The soil and groundwater impacts were consistent with contamination encountered during previous site investigations completed by others.

Based on the results of this Phase 3 investigation, which confirmed the findings of previous investigations at the site, TRC believes the WisDOT can proceed with the fee title purchase of the property without significant concern or liability for active remediation. However,

contaminated soil and groundwater generated during redevelopment of the site will require special handling and disposal (off-site landfill or treatment). An exemption to construct on an historic fill site may also be required by the WDNR. Additionally, since the site is currently closed and capped, the WisDOT would be responsible for maintaining and/or replacing the cap should the cap be disturbed or removed in the future.

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State of Wisconsin
DEPARTMENT OF NATURAL RESOURCES
Plymouth Service Center
1166 Pilgrim Rd.
Plymouth WI 53073

Scott Walker, Governor
Cathy Stepp, Secretary
Telephone 608-266-2621
Toll Free 1-888-936-7463
TTY Access via relay - 711



March 12, 2012

Tom Jansen
WE Energies
333 West Everett Street
Milwaukee, WI 53203

Raymond F. Kubaeki, Walter White, & John Topp
7 Kripes Rd.
East Granby, CT 06026-9720

KEEP THIS DOCUMENT WITH YOUR PROPERTY RECORDS

Dear Mr. Jansen and Mr. Kubaeki:

SUBJECT: Final Case Closure with Continuing Obligations W Side MGP, 2401 W. St. Paul Ave,
Milwaukee, WI, WDNR BRRTS Activity #0241557819, FID #341211860.

The Wisconsin Department of Natural Resources (WDNR) considers this case, W Side MGP closed, with continuing obligations. No further investigation or remediation is required at this time. However, the current and future property owners must comply with the continuing obligations as explained in the conditions of closure in this letter. Please read over this letter closely to ensure that the property owner will comply with all conditions and other on-going requirements.

This final closure decision is based on the correspondence and data you provided, and is issued under ch. NR 726, Wisconsin Administrative Code. The Southeast Region Closure Committee reviewed this request for closure on March 2, 2010. The Closure Committee reviews environmental remediation cases for compliance with state laws and standards to maintain consistency in the closure of these cases. This property was part of an historic manufactured gas plant site, and is currently in industrial/commercial use. Your actions at this site included soil and groundwater investigation, monitoring of the groundwater chemistry, and instituting a cap maintenance and soil management plan. The conditions of this closure and continuing obligations required are based on this property being used for commercial and industrial purposes.

Continuing Obligations

The continuing obligations for this site are summarized below. Further details on actions required are found in the section Closure Conditions.

- Residual soil contamination exists that must be properly managed should it be excavated or removed.
- Payment, an engineered cover or a soil barrier must be maintained over contaminated soil and the WDNR must approve any changes to this barrier. Annual inspections are required.
- Before the land use may be changed from industrial to non-industrial residential, additional environmental work must be completed.
- If changes to the current property use, or land use are planned, an assessment must be made of whether the closure is still protective. This includes an assessment for possible vapor intrusion from MGP residuals in soil for new construction, depending on depth of basements, utilities etc. The WDNR notes that this may

WDNR BRRTS Activity #0241557819, March 12, 2012

not apply to some types of construction due to the thickness of clean soil fill over MGP residuals at this site, but an evaluation must be made.

GIS Registry

This site will be listed on the Remediation and Redevelopment Program's internet accessible Geographic Information System (GIS) Registry, to provide public notice of residual contamination and of any continuing obligations. WDNR approval prior to well construction or reconstruction is required for all sites shown on the GIS Registry, in accordance with s. NR 812.09(4) (w), Wis. Adm. Code. To obtain approval, complete and submit Form 3300-254 to the WDNR Drinking and Groundwater program's regional water supply specialist. This form can be obtained on-line at <http://dnr.wi.gov/org/water/dwg/3300254.pdf> or at the web address listed below for the GIS Registry.

All site information is also on file at the Southeast Regional WDNR office, at 1155 Pilgrim Road, Plymouth, Wisconsin. This letter and information that was submitted with your closure request application, including the maintenance plan, will be included on the GIS Registry in a PDF attachment. To review the site on the GIS Registry web page, visit the RR Sites Map page at <http://dnr.wi.gov/org/aw/r/gis/index.htm>.

Prohibited Activities

Certain activities are prohibited at closed sites because maintenance of a barrier is intended to prevent contact with any remaining contamination. When a barrier is required, the condition of closure requires notification of the WDNR before making a change, in order to determine if further action is needed to maintain the protectiveness of the remedy employed. The following activities are prohibited on any portion of the property where pavement, a building foundation, a soil cover, an engineered cover or other barrier is required, as shown on the attached map, unless prior written approval has been obtained from the WDNR:

- removal of the existing barrier;
- replacement with another barrier;
- excavating or grading of the land surface;
- filling on covered or paved areas;
- plowing for agricultural cultivation;
- construction or placement of a building or other structure;
- changing the use or occupancy of the property to a residential exposure setting, which may include certain uses, such as single or multiple family residences, a school, day care, senior center, hospital, or similar residential exposure settings.

Closure Conditions

Compliance with the requirements of this letter is a responsibility to which the property owner, and any subsequent property owners must adhere. WDNR staff will conduct periodic prearranged inspections to ensure that the conditions included in this letter and the attached maintenance plans are met. If these requirements are not followed, the WDNR may take enforcement action under s. 292.11, Wisconsin Statutes to ensure compliance with the specified requirements, limitations or other conditions related to the property.

Residual Soil Contamination (ch. NR 718, chs. 500 to 536, Wis. Adm. Code or ch. 289, Wis. Stats.)

Soil contamination remains as indicated on the attached map. If soil in the specific locations described above is excavated in the future, the property owner at the time of excavation must sample and analyze the excavated soil

WDNR BRTS Activity #0241557819, March 12, 2012

to determine if contamination remains. If sampling confirms that contamination is present, the property owner at the time of excavation will need to determine whether the material is considered solid or hazardous waste and ensure that any storage, treatment or disposal is in compliance with applicable standards and rules. In addition, all current and future owners and occupants of the property need to be aware that excavation of the contaminated soil may pose an inhalation or other direct contact hazard and as a result special precautions may need to be taken to prevent a direct contact health threat to humans.

Cover or Barrier (s. 292.12 (2) (a), Wis. Stats.)

The pavement, building or other cover that exists in the locations shown on the attached map shall be maintained in compliance with the attached maintenance plan in order to minimize the infiltration of water and prevent additional groundwater contamination that would violate the groundwater quality standards in ch. NR 140, Wis. Adm. Code, and to prevent direct contact with residual soil contamination that might otherwise pose a threat to human health.

A cover or barrier for industrial land uses, or certain types of commercial land uses may not be protective if use of the property were to change such that a residential exposure would apply. This may include, but is not limited to single or multiple family residences, a school, day care, senior center, hospital or similar settings. Before using the property for such purposes, you must notify the WDNR to determine if additional response actions are warranted.

A request may be made to modify or replace a cover or barrier. The replacement or modified cover or barrier must be protective of the revised use of the property, and must be approved in writing by the WDNR prior to implementation. The attached maintenance plan and inspection log are to be kept up-to-date and on-site. Submit the inspection log to the WDNR only on request.

Vapor Mitigation or Evaluation (s. 292.12 (2), Wis. Stats.)

Vapor intrusion is the movement of vapors coming from volatile chemicals in the soil or groundwater, into buildings where people may breathe air contaminated by the vapors. Vapor mitigation systems are used to interrupt the pathway, thereby reducing or preventing vapors from moving into the building. Therefore, before a new building is constructed, the property owner must assess the vapor pathway and the WDNR must concur that conditions at the property are protective of the new use. The potential for vapor inhalation and means of mitigation should be evaluated when planning any future redevelopment, and measures should be taken to ensure the continued protection of public health, safety, welfare and the environment at the site.

The following WDNR fact sheet, "Continuing Obligations for Environmental Protection", RR-819, was included with this letter, to help explain a property owner's responsibility for continuing obligations on their property. If the fact sheet is lost, you may obtain a copy at <http://dnr.wi.gov/org/aw/r/archives/pubs/RR819.pdf>.

Please send written notifications in accordance with the above requirements to John Feeney at WDNR Plymouth Service Center, 1155 Pilgrim Road, Plymouth, WI 53073.

Please be aware that the case may be reopened pursuant to s. NR 726.09, Wis. Adm. Code, if additional information regarding site conditions indicates that contamination on or from the site poses a threat to public health, safety, or welfare or to the environment.

WDNR BRRTS Activity #0241557819, March 12, 2012

The WDNR appreciates your efforts to restore the environment at this site. If you have any questions regarding this closure decision or anything outlined in this letter, please contact John Feeney at 920-892-8756, extension 3023.

Sincerely,

Frances M. Koonce

Frances Koonce, Sub-Team Supervisor
Southeast Region Remediation & Redevelopment Program

Attachments: Continuing Obligations for Environmental Protection
 remaining soil contamination map
 extent of cap map
 maintenance plan

cc: Natural Resource Technology, Inc.
SER File

City of Milwaukee Demo Raze Permit Packet



Condemnation Section

841 N. Broadway, Milwaukee, WI 53202 | (414) 286-2795 | milwaukee.gov/condemnation | ckraco@milwaukee.gov

A Demolition Permit, to be obtained by a demolition contractor, will not be processed or issued until all of the following items are submitted and approved. Please apply for a Demolition Permit online at milwaukee.gov/lms.

1. Bond
 - a. Bond for one-time demolition must be for \$20,000 (example attached)
 - b. Bond for annual demolition must be for \$100,000 (example attached)
2. Certificate of Insurance (must be approved by City Attorney)
 - a. City of Milwaukee must be on endorsement as additional insured.
3. Asbestos and environmental survey completed by qualified inspection/testing agency
4. Ten (10) day Dept. of Natural Resources (DNR) or Dept. of Health Services (DHS) notice of demolition work (example attached)
5. Plumbing permit
 - a. To seal sewer and water
 - b. Must be obtained by a licensed plumber
6. Signed water affidavit obtained by a demolition contractor OR approved hydrant permit from the Dept. of Public Works (DPW)
7. Erosion control plan and erosion control permit
8. If applicable, contractor shall provide plan for the location and removal of any and all above ground and underground storage tanks (a separate permit is required).
9. For primary structures that are not condemned
 - a. A street-view color photograph of the structure must be uploaded to the documents of your demolition permit. No Google photos or real estate photos allowed.
 - b. The address and date of photograph must be clearly labeled on the picture
 - c. These structures will go through historic review (if in an historic area)
 - d. Year built
 - e. Dimensions (square footage of area to be disturbed by demolition)
10. WeEnergies electric and gas disconnect/demolished letters.

Condemnation Policy for Moving Raze Permits from OPEN Status to IN PROGRESS Status:

This will apply for properties that are not condemned, therefore they will need a 16-working day hold. This hold is meant to give adequate notice to certain sections, offices and the public that a property is being razed. There are two items we will need to move from OPEN Status to IN PROGRESS Status and to start the 16-working day hold letter:

1. A current street view photo of the property uploaded into the documents of the raze permit. **No Google or real estate photos are allowed.**
2. The permit is to be paid in full. Additional fees may be added after application.

If the building is on the National Historic Register or has local historic designation, the permit will be on hold for 30 calendar days from the date of the photo being sent to the Wisconsin Historic Preservation.

Please note that contractors are responsible for ALL documents being uploaded into their demolition permit. All permit fees must be paid before the permit will be issued. You will receive an email that the permit has been issued. |

If the property was built in 1929 or earlier and is not a commercial building, you will need to fill out a deconstruction form, found at milwaukee.gov/decon. The deconstruction ordinance went into effect February, 2018. It has been suspended for the time period March 2019 – March 2021.



Condemnation Section

841 N. Broadway, Milwaukee, WI 53202 | (414) 286-2795 | milwaukee.gov/condemnation | ckraco@milwaukee.gov

Raze permits are now done online at Milwaukee.gov/lms. Once you visit the link you will have to register for an account. After registering for an account, please follow the steps below. **If you are applying for any permits in the public right of way, pods, pole and anchors, meter hoods, oversized loads, utility, excavation etc. select the "Public Works" tab to access these permits.**

Registration

1. Create and Log into your account.
2. Once logged in, select the "Building" tab.
3. A dropdown of all permit types will be displayed. Select "raze permit."

Filling Out the Permit

1. Address
 - a. Once you get to the address portion, only enter the **street number** and the **street name**.
 - b. EXAMPLE 1 – If the address is 809 N Broadway, enter "809" in the street number field and "Broadway" in the street name field.
 - c. Example 2 – If the address is 2236 N 24th, enter "2236" in the street number field and "24th" in the street name field.
 - d. DO NOT enter any direction, city, state or zip just search the street number & name and click search. Everything else will self-generate along with the owner and parcel information.
2. Contacts
 - a. Click the blue button that says "select from account."
 - b. Choose the "associated contact or professional" then continue.
 - c. Once you get to the license professional portion, click the blue button that says "Look Up". This will bring up a search. In the field that says, "State license number" enter the license number of the professional and click search. This will bring up the license professional's information. (You can also just search by company name).
 - d. **Please note: If this is your first time pulling permits from this system you would need to call to have your license registered by us administratively.**
 - i. For electrical license registration or updates call (414) 286-2532 or (414) 286-2514.
 - ii. For plumbing license registration or updates call (414) 286-8221.
 - iii. For construction license registration or updates call (414) 286-2513
3. Detail
 - a. Fill out the application and fulfill every field with a red asterisk mark.
 - b. If you don't know the answers to the fields without the red asterisk marks it is okay to leave blank for now. If you do know it please answer it.
 - c. Continue the application once all required information is entered. If the application webpage gets "stuck" at the review page it's because it is either stuck in a temporary stage or the fees didn't automatically assess. If this happens, please call the Condemnation Section directly at (414) 286-2795 so that we can assist.



DEPARTMENT OF
**NEIGHBORHOOD
SERVICES**

**Wrecker's and/or Mover's
Performance Bond 1**

Condemnation Section

841 N. Broadway, Milwaukee, WI 53202 | (414) 286-2795 | milwaukee.gov/condemnation | ckraco@milwaukee.gov

KNOW ALL PEOPLE BY THESE PRESENTS, That we, _____,
_____, as principal, and _____
_____ as surety are held and firmly bound unto the CITY OF MILWAUKEE, in the penal sum
of One-Hundred Thousand Dollars (\$100,000) to be paid to the said City of Milwaukee, its successors or assigns,
for which payment, well and truly made, we bind ourselves and ourselves, heirs, executors, and administrators, or
successors and assigns, as the case may be, jointly and severally, firmly by these presents.

Signed, sealed and dated the _____ day of _____, _____.

NOW, THE CONDITION OF THIS OBLIGATION IS SUCH, That if the said _____
_____ be granted a permit for wrecking and/or moving in the City of Milwaukee, and if the
permit holder shall perform and sufficiently complete all work for which said permit is issued in accordance with all
ordinances of the City of Milwaukee within a reasonable time as to fully protect the public health, safety and welfare
and if said _____

shall reimburse the City of Milwaukee for all damages to any city property resulting from the operation, regardless of
whether such damage is done by the permit holder, the permit holder's agents, employees or subcontractors, then
this obligation shall be void, otherwise it shall have full force and effect.

This bond shall cover all work done under any permits for wrecking and/or moving issued to the principal obligator
during the calendar year _____.

IN PRESENCE OF

(SEAL)
(SEAL)
(SEAL)

STATE OF WISCONSIN
MILWAUKEE COUNTY

S.S.

AFFIDAVIT

_____ first

being duly sworn on oath deposes and says that they are an Attorney-in-fact of the _____
_____ Company, surety on the attached bond, executed by _____

(contractor)

Affiant further deposes and says that no officer, official or employee of the City of Milwaukee has any interest
directly, or indirectly, or is receiving any premium, commission, fee or other thing of value on account of the sale or
furnishing of the policy, bond, undertaking or contract of indemnity, guaranty or suretyship in connection with the
above mentioned contract.

Subscribed and sworn before me this _____ day of _____, _____.

Notary Public, Milwaukee County, Wisconsin

My commission expires _____

DNS soc 11/10/2020

ENHANCING DEVELOPMENT • ENGAGING NEIGHBORHOODS • ENSURING SAFETY

ID 1060-27-20, Parcel 1 -2401 W. St. Paul Ave., Milwaukee, WI



DEPARTMENT OF
**NEIGHBORHOOD
SERVICES**

Wrecker's and/or Mover's Performance Bond 2

Condemnation Section

841 N. Broadway, Milwaukee, WI 53202 | (414) 286-2795 | milwaukee.gov/condemnation | ckraco@milwaukee.gov

KNOW ALL PEOPLE BY THESE PRESENTS, That we, _____,
_____, as principal, and _____
_____ as surety are held and firmly bound unto the CITY OF MILWAUKEE, in the penal sum
of Twenty-Thousand Dollars (\$20,000) to be paid to the said City of Milwaukee, its successors or assigns, for which
payment, well and truly made, we bind ourselves and ourselves, heirs, executors, and administrators, or successors
and assigns, as the case may be, jointly and severally, firmly by these presents.

Signed, sealed and dated the _____ day of _____, _____.

NOW, THE CONDITION OF THIS OBLIGATION IS SUCH, That if the said _____
_____ be granted a permit for wrecking and/or moving in the City of Milwaukee, and if the
permit holder shall perform and sufficiently complete all work for which said permit is issued in accordance with all
ordinances of the City of Milwaukee within a reasonable time as to fully protect the public health, safety and welfare
and if said _____

shall reimburse the City of Milwaukee for all damages to any city property resulting from the operation, regardless of
whether such damage is done by the permit holder, the permit holder's agents, employees or subcontractors, then
this obligation shall be void, otherwise it shall have full force and effect. This bond shall cover all work done under
permit # _____ for wrecking and/or moving issued to the principal obligor for the premise located
at _____ in the City of Milwaukee.

IN PRESENCE OF

_____, (SEAL)
_____, (SEAL)
_____, (SEAL)

STATE OF WISCONSIN } S.S.
COUNTY }

being first duly sworn, on oath deposes and says that they are an Attorney-in-fact of the _____
_____ Company, surety on the attached bond, executed by _____

(Contractor)

Affiant further deposes and says that no officer, official or employee of the City of Milwaukee has any interest
directly, or indirectly, or is receiving any premium, commission, fee or other thing of value on account of the sale or
furnishing of the policy, bond, undertaking or contract of indemnity, guaranty or suretyship in connection with the
above mentioned contract.

Subscribed and sworn before me this _____ day of _____, A.D. 20____.

Notary Public, Milwaukee County, Wisconsin

My commission expires _____



Condemnation Section

841 N. Broadway, Milwaukee, WI 53202 | (414) 286-2795 | milwaukee.gov/condemnation | ckraco@milwaukee.gov

1. The insurance provided by the demolition contractor must be from an insurance carrier that is acceptable to the City and must have a current A.M. Best rating of A- VIII or better.
2. City of Milwaukee will be an additional insured under the Commercial Liability insurance, Auto Liability insurance and the Umbrella/Excess insurance.
3. City of Milwaukee requires a 60-day cancellation notice of insurances per the City of Milwaukee ordinance 218-4.
4. City of Milwaukee requires that "ANY AUTO" is marked under Auto Liability
5. Under the Description of Operations the verbiage will be as follows: "For wrecking and razing of buildings. City of Milwaukee as an additional insured." Any deviation from this, and the insurance will be rejected.
6. City of Milwaukee requires a hard copy of the Certificate of Liability and additional insured endorsements.

Please see following sample page of the COI. It will provide you with the values that the City of Milwaukee requires.

In regards to the Additional Insured Endorsement Pages, wherever there is the verbiage "contract or agreement" the word permit will need to be inserted. So it should read "contract, agreement or permit." This will apply to contractors that do private razes, that includes contractors that do city contracts as well.



Condemnation Section

841 N. Broadway, Milwaukee, WI 53202 | (414) 286-2795 | milwaukee.gov/condemnation | ckraco@milwaukee.gov

Below are the insurance requirements mandated by the City of Milwaukee.

4.4.13 Insurance

A. General Liability

The Contractor shall furnish to the Commissioner, prior to the start of work, certificates of insurance, duly executed by the Contractor indicating the Contractor holds a policy of general liability providing coverage for each of the following categories, and for at least the amounts listed:

Bodily Injury/Property Damage ("Occurrence Coverage")		
	each occurrence	\$1,000,000
	general aggregate	\$1,000,000
	products/completed	
	operations aggregate	\$1,000,000
Personal Injury		
	Aggregate	\$1,000,000

The policy shall include independent contractors (owners/contractors protective) and contractual coverage.

B. Umbrella Liability

Each contractor shall carry and provide proof of coverage in the following amounts:

Personal Injury/Property Damage		
	each occurrence	\$5,000,000
	aggregate	\$5,000,000

C. Worker's Compensation Insurance

The Contractor shall carry or require that there be carried Worker's Compensation insurance for all employees and those of any subcontractors engaged in work at the site, in accordance with State of Wisconsin Worker's Compensation Laws, Chapter 102, Stats.

D. Proof of Coverage

Before a contract will be awarded to it, the Contractor shall submit evidence of the insurance coverage required above to the Commissioner for review and approval. The policies shall be scheduled on approved forms, and approved as to form and execution by the City Attorney's Office. New policies

from other companies shall be provided in place of those disapproved. Such insurance shall be carried with financially responsible insurance companies, licensed in the State and approved by the City Attorney, and shall be kept in force until the Contractor's work is accepted by the Commissioner. Contracts of insurance (covering all operations under this contract) which expire before the completion of all work to be performed under this contract shall be renewed and extended at least up through and including the date of such completion and evidence submitted to the Commissioner for approval.

E. Additional Requirements

The Contractor's policies of insurance, except for Worker's Compensation, shall specifically name the City of Milwaukee as an additional insured.

The said insurance carrier shall be authorized to sell insurance in the State of Wisconsin and shall submit its agent's license with the certificate. Such certificate of insurance shall also have affixed thereto an affidavit setting forth that no officer, official or employee of the City has any interest, directly or indirectly, in any premium, commission or fee, or furnishing of such certificate of insurance.

Any insurance provision listed herein requiring a change in the type or amounts of coverages previously required of contractors shall become effective on the next policy renewal date for all existing policies in effect on the date the contract is entered into.

F. Indemnification

The Contractor shall indemnify, defend and hold harmless the City of Milwaukee, its officers, employees, and agents against all liability for damages occasioned by the digging up, use or occupancy of the street, alley, highway, public grounds, and private grounds, or which may result therefrom, or which may result in any way from the negligence or carelessness of the Contractor or the Contractor's agents, employees, or workers, by reason of the elements, unforeseen or unusual difficulties, obstructions, or obstacles encountered in the prosecution of the work. Further, the Contractor shall indemnify and hold the city harmless for all claims and liabilities, actions, causes of action, and liens for materials furnished or labor performed in the execution of the work and from all costs, charges, and expenses incurred in defending such suits or actions and from and against all claims and liabilities for injury or damage to persons or property emanating from the acts, errors, omissions and negligence of the Contractor, including but not limited to defective or careless work methods.

4.4.14 Unforeseen Delay

If the City is prohibited or enjoined from proceeding with the work or from authorizing its prosecution, either before or after its commencement, by reason of any litigation or otherwise, the Contractor shall not be entitled to any damages by reason of the delays thereby caused, except for the actual cost of protection of such work as the Contractor may have underway, for the cost of removal and replacement of such tools, plant, and materials, as the Contractor may have delivered upon the work site, which cost is to be determined by the Commissioner, and for the recovery of such costs as are expressly set forth in sec. 4.3.10.



CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER The Owens Insurance Agency P.O. Box 4569 Milwaukee WI 53202	CONTACT NAME: Lynne Owens PHONE (A/C, No. Ext): 414-555-1212 E-MAIL ADDRESS: FAX (A/C, No):														
INSURED Demski Brothers & Company 852 Kraco Lane Krausville WI 53415	<table border="1"><thead><tr><th>INSURER(S) AFFORDING COVERAGE</th><th>NAIC #</th></tr></thead><tbody><tr><td>INSURER A :</td><td></td></tr><tr><td>INSURER B :</td><td></td></tr><tr><td>INSURER C :</td><td></td></tr><tr><td>INSURER D :</td><td></td></tr><tr><td>INSURER E :</td><td></td></tr><tr><td>INSURER F :</td><td></td></tr></tbody></table>	INSURER(S) AFFORDING COVERAGE	NAIC #	INSURER A :		INSURER B :		INSURER C :		INSURER D :		INSURER E :		INSURER F :	
INSURER(S) AFFORDING COVERAGE	NAIC #														
INSURER A :															
INSURER B :															
INSURER C :															
INSURER D :															
INSURER E :															
INSURER F :															

COVERAGES**CERTIFICATE NUMBER:****REVISION NUMBER:**

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSR	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
	GENERAL LIABILITY <input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR GEN'L AGGREGATE LIMIT APPLIES PER: <input checked="" type="checkbox"/> POLICY <input type="checkbox"/> PRO-JECT <input type="checkbox"/> LOC	<input checked="" type="checkbox"/>	<input type="checkbox"/>	AB12345			EACH OCCURRENCE \$ 1,000,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 100,000 MED EXP (Any one person) \$ 5,000 PERSONAL & ADV INJURY \$ 1,000,000 GENERAL AGGREGATE \$ 2,000,000 PRODUCTS - COMP/OP AGG \$ 2,000,000 \$
	AUTOMOBILE LIABILITY <input checked="" type="checkbox"/> ANY AUTO <input type="checkbox"/> ALL OWNED AUTOS <input type="checkbox"/> SCHEDULED AUTOS <input type="checkbox"/> HIRED AUTOS <input type="checkbox"/> NON-OWNED AUTOS	<input checked="" type="checkbox"/>	<input type="checkbox"/>	CD45678			COMBINED SINGLE LIMIT (Ea accident) \$ 1,000,000 BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$ \$
	<input checked="" type="checkbox"/> UMBRELLA LIAB <input type="checkbox"/> OCCUR <input checked="" type="checkbox"/> EXCESS LIAB <input type="checkbox"/> CLAIMS-MADE DED RETENTION \$	<input checked="" type="checkbox"/>	<input type="checkbox"/>	EF78945			EACH OCCURRENCE \$ 5,000,000 AGGREGATE \$ 5,000,000 \$
	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICE/MEMBER EXCLUDED? <input type="checkbox"/> Y <input checked="" type="checkbox"/> N (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below	<input type="checkbox"/>	<input type="checkbox"/>				WC STATUTORY LIMITS <input type="checkbox"/> OTH-ER <input type="checkbox"/> E.L. EACH ACCIDENT \$ 100,000 E.L. DISEASE - EA EMPLOYEE \$ 100,000 E.L. DISEASE - POLICY LIMIT \$ 500,000

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (Attach ACORD 101, Additional Remarks Schedule, if more space is required)

For wrecking and razing of buildings. City of Milwaukee as an additional insured

CERTIFICATE HOLDER**CANCELLATION**

City of Milwaukee Department of Neighborhood Services 841 N Broadway St. Room 105 Milwaukee WI 53202	SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS. AUTHORIZED REPRESENTATIVE
---------------------------------------------------------------------------------------------------------------	-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

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ACORD 25 (2010/05)

The ACORD name and logo are registered marks of ACORD

ID 1060-27-20, Parcel 1 -2401 W. St. Paul Ave., Milwaukee, WI

THIS ENDORSEMENT CHANGES THE POLICY. PLEASE READ IT CAREFULLY.

**ADDITIONAL INSURED – OWNERS, LESSEES OR
CONTRACTORS – SCHEDULED PERSON OR
ORGANIZATION**

This endorsement modifies insurance provided under the following:

COMMERCIAL GENERAL LIABILITY COVERAGE PART

SCHEDULE

Name Of Additional Insured Person(s) Or Organization(s):	Location(s) Of Covered Operations
Information required to complete this Schedule, if not shown above, will be shown in the Declarations.	

A. Section II – Who Is An Insured is amended to include as an additional insured the person(s) or organization(s) shown in the Schedule, but only with respect to liability for "bodily injury", "property damage" or "personal and advertising injury" caused, in whole or in part, by:

1. Your acts or omissions; or
2. The acts or omissions of those acting on your behalf;

in the performance of your ongoing operations for the additional Insured(s) at the location(s) designated above.

B. With respect to the insurance afforded to these additional insureds, the following additional exclusions apply:

This insurance does not apply to "bodily injury" or "property damage" occurring after:

1. All work, including materials, parts or equipment furnished in connection with such work, on the project (other than service, maintenance or repairs) to be performed by or on behalf of the additional insured(s) at the location of the covered operations has been completed; or
2. That portion of "your work" out of which the injury or damage arises has been put to its intended use by any person or organization other than another contractor or subcontractor engaged in performing operations for a principal as a part of the same project.

THIS ENDORSEMENT CHANGES THE POLICY. PLEASE READ IT CAREFULLY.

WAIVER OF TRANSFER OF RIGHTS OF RECOVERY AGAINST OTHERS TO US

This endorsement modifies insurance provided under the following:

**OWNERS AND CONTRACTORS PROTECTIVE LIABILITY COVERAGE PART
SCHEDULE**

Name of Person or Organization:

(If no entry appears above, information required to complete this endorsement will be shown in the Declarations as applicable to this endorsement.)

The TRANSFER OF RIGHTS OF RECOVERY AGAINST OTHERS TO US Condition (Section IV) is amended by the addition of the following:

We waive any rights of recovery we may have against the person or organization shown in the Schedule above because of payments we make for "bodily injury" or "property damage" arising out of your ongoing operations. This waiver applies only to the person or organization shown in the Schedule above.



DEPARTMENT OF
**NEIGHBORHOOD
SERVICES**

Affidavit of Private Water

Condemnation Section

841 N. Broadway, Milwaukee, WI 53202 | (414) 286-2795 | milwaukee.gov/condemnation | ckraco@milwaukee.gov

State of Wisconsin

County of Milwaukee

} ss

I, _____ of _____,
(owner/authorized agent) (name of company)

being duly sworn on oath deposes and states on the _____, day of _____
that this company is applying for (a) permit(s) to raze structure(s) at _____,

and will provide its own private source of water in lieu of obtaining a municipal hydrant permit. This contractor agrees that any alternate water source will operate at adequate pressures and volumes to minimize and control the discharge of dust or other airborne particulates during demolition, loading and hauling per the requirements of Milwaukee Code of Ordinances 80-6.2, 218-6-4 and 236-41.

This contractor understands that sanctions including ordered work stoppage, municipal citations and permit cancellations may result from violations of this requirement.

Signature

Signature

Subscribed and sworn to before me this _____ day of _____, _____.

Notary Public, Milwaukee County, Wisconsin

My commission expires _____



Department of Neighborhood Services

Erica R. Roberts
Commissioner

Thomas Mishefske
Operations Director

Michael Mazmanian
Operations Director

November 10, 2020

To: Demolition Contractors

Re: Required Erosion Control Measures for Demolition and House Moving Activities

Effective as of February 4, 2004, house moving and razing permits will not be issued until an erosion control permit has been obtained per the requirements of Chapter 290 of the Milwaukee Code of Ordinances. The only exception to this is the moving or razing and removal of detached residential accessory structures where concrete slabs are to remain.

This requirement applies to both city contract work as well as private demolitions. All measures must be installed on site prior to moving or demolition activities commencing. All measures must remain in place until permanent site stabilization is achieved. In cases of City of Milwaukee contracted work, responsibility for the control measures will revert back to the city when the inspector approves both the razing rough grade and verifies erosion control measures left on site unless otherwise noted in contract. Private raze sites will remain the responsibility of the permit holder until permanent site stabilization is achieved.

Erosion control permits may be applied for and obtained at the permit desk at 809 N Broadway or online at Milwaukee.gov/lms. Copies of the ordinance can be viewed at Milwaukee.gov/cityclerk/LRB/ordinances.

Please feel free to call me at (414) 286-2515 if you have any questions.

Sincerely,

Chris Kraco
Condemnation Section Supervisor

Please sign to acknowledge receipt of this notice if you bid on City of Milwaukee demolition projects. Fax back to (414) 286-0437.

Signature of Contractors

Date

Printed Name

Company Name





Permit & Development Center

809 N. Broadway, Milwaukee, WI 53202 | (414) 286-8210 | milwaukee.gov/permits | DevelopmentCenterInfo@milwaukee.gov

City ordinances require control of on-site erosion for all construction and filling activities. Erosion must be controlled by:

- Preserving, to the extent possible, existing vegetation.
- Properly installing and maintaining erosion control measures.
- Immediately cleaning adjacent streets and sidewalks of tracked sediment.

Required erosion control measures

For sites less than one acre, applicants must submit a simple map and statement to briefly describe the site and erosion controls, including the site development schedule, that will be used to meet the requirements of City ordinance.

For sites greater than one acre, applicants must submit four sets of plans, a statement of operation, and project schedule, all in accordance with Ch. 290-9-1 of the Milwaukee Code of Ordinances.

Tracking

Each site shall have graveled roads, access drives and parking areas of sufficient width and length to prevent sediment from being tracked onto public or private roadways. Any sediment reaching a public or private road shall be removed by street cleaning, other than flushing, immediately.

Certification

The erosion control certification (below), signed by the individual responsible for maintaining erosion control at the site, must be submitted before the permit is issued.

Performance deposit

A performance deposit equal to \$0.50/SF of disturbed area shall be provided as a condition of permit issuance. The deposit may be in the form of an irrevocable letter of credit, bond, or certified check. The minimum deposit is \$500.

It will be returned upon successful completion of the project. Deposits are **not** required for projects involving one- and two-family homes.

Enforcement

Enforcement provisions are included in section 290-15, Milwaukee Code of Ordinances.

Erosion control certification

Address of parcel(s) _____

Disturbed land area _____

SF

LMS ID# _____

Owner/agent _____

Address _____

Phone _____

Fax _____

Email _____

As owner or agent I certify that I understand the conditions of this statement and that I will comply with the provisions of Ch. 290 Milwaukee Building and Zoning Code as required to mitigate construction site erosion. I acknowledge all enforcement correspondence will be sent to me.

Signature _____

Date _____



Erosion Control During Construction

Permit & Development Center

809 N. Broadway, Milwaukee, WI 53202 | (414) 286-8211 | milwaukee.gov/permits | DevelopmentCenterInfo@milwaukee.gov

Local, State and Federal laws require that erosion and the resulting sediment be controlled during construction activities. Plans submitted for new construction, additions, parking lots, and other projects involving earth-disturbing activities must include a plan indicating what erosion control measures will be used during the construction project. These plans are reviewed for substantial compliance with State and City requirements.

Submitting Plans for Review

Erosion control plans must be submitted to the Development Center along with the plans submitted for construction permit review. Plan submittal is done on an appointment basis. Call (414) 286-8210 to set up the review appointment.

Submittal Requirements

The following items must be submitted for the plan review:

- **Four (4) copies of the erosion control plan.** This plan should include the construction schedule, and identify all erosion control measures that are to be used to prevent sediment from leaving the construction site. The plan should include site topography, illustrate drainage systems and patterns, and show the location and dimensions of all land disturbing activities and stockpiles.
- The **Erosion Control Certification** must be completed and signed
- [Plan examination fees](#)

An incomplete submittal may delay the review process.

Plan Review and Permit

During the plan review, the plan examiner will complete the permit application and, in some cases, produce a plan review letter citing the significant code issues that may not have been

adequately addressed on the construction documents.

When the plan review is completed, the applicant will be contacted by the Development Center and told that the permit is ready. The applicant will also be informed of the permit fee. The applicant may sign the permit application, pick up the approved plans, and pay the fee from 8:00a.m. to 4:30 p.m. Monday through Friday at the Development Center.

The permit is issued only after the applicant has submitted an erosion control performance deposit equal to \$0.50 per square foot of disturbed area. The deposit is held until the construction inspector has determined that the site is stabilized and the deposit may be released. The deposit may be in the form of:

- An irrevocable letter of credit
- A performance bond
- A cashier's check

The requirement for an erosion control performance bond may be waived for construction of one- and two-family homes.

Permit Conditions

Erosion control permits are issued subject to several conditions, including the following:

- The assigned inspector must be notified within 48 hours of beginning any land disturbing activity.
- The inspector must be notified of completion of control measures within 14 days.
- Erosion control measures must be inspected and repaired weekly and after each rain totaling one-half inch or more.



Sample Historical Hold Waiver Request

Condemnation Section

841 N. Broadway, Milwaukee, WI 53202 | (414) 286-2795 | milwaukee.gov/condemnation | ckraco@milwaukee.gov

Below is a sample historical hold waiver request:

[Date]

City of Milwaukee
Milwaukee Historic Preservation Commission
Attn: Tim Askin or Carlen Hatala
Zeidler Municipal Building
841 N Broadway, Room B-1
Milwaukee, WI 53202

Re: Demolition of [Use]
[Address]

The purpose of this letter is to request a waiver of the 16 day historical hold on the property located at [Address], MCO 200-26-5, Administration and Enforcement.

The building [use], which was built in [year]. This date gives the ability to be considered for exemption since construction was within 50 years preceding the date of application for exemption. The owner is eager for [contractor name] to begin demolition of this property.

A check in the amount of \$ _____ is included for any processing fees.

Your assistance in expediting the historic hold would be greatly appreciated.

Thank you for your time and consideration.

Sincerely,

[Signature]

[Name]

CHAPTER 218

RAZING OF BUILDINGS

TABLE

218-01	Adoption of State Law
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218-10	Deconstruction of Residential Buildings

218-01. Adoption of State Law. Except as otherwise provided in this chapter, the city of Milwaukee adopts s. 66.0413, Wis. Stats., as amended, as part of this code.

218-1. Scope. The regulations in this chapter shall apply to the moving of buildings, unsafe buildings and structures, condemnation of buildings and structures, demolition, abandoned buildings and are intended to supplement the provisions of s. 66.0413, Wis. Stats.

218-2. Moving of Buildings. 1. PERMITS. No building or structure shall be moved without first obtaining a permit from the commissioner. When any building or structure is to be moved over any public thoroughfare, a separate permit shall also be obtained from the commissioner public works.

a. The application for a permit shall conform to the regulations of ch. 200, and shall show the type of construction of the building or structure, its occupancy and use, its location, and the intended occupancy and use in the new location.

b. The commissioner may require a statement from a registered architect or engineer approving and outlining the moving process for large or unusual buildings prior to issuance of the permit.

2. BUILDINGS OR STRUCTURES WHICH CAN BE MOVED. A permit may be granted for the moving of any building or structure which is structurally sound and safe from one location to another location on the same premises, or from one premises to another premises, provided such building or structure conforms to the regulations of this code.

3. BUILDINGS AND STRUCTURES WHICH CANNOT BE MOVED. No permit shall be granted for the moving of any building or structure, or portion thereof, which has deteriorated or been damaged to an extent greater than 50% of the assessed value of the building or structure.

4. CONTINUOUS MOVING OPERATION. The moving of a building or structure shall be a continuous operation. The storage of such building or structure on any property, unless approved by the commissioner of city development, is prohibited.

218-3. Wrecker's and Mover's Bond and Insurance. 1. PERFORMANCE BOND. a.

Before any permit is issued for the moving, wrecking, razing or demolishing of a building or structure, except as provided for in sub. 3, the applicant shall file with the commissioner a performance bond and a certificate of insurance.

b. The wrecker's and mover's performance bond shall be executed by the applicant and a corporate surety, and shall provide in substance that the applicant and surety are firmly bound unto the city in the penal sum of \$20,000 or in such other amount as the commissioner shall deem necessary, and that such bond shall be void if the applicant shall perform and sufficiently complete all work for which the permit is issued in accordance with all ordinances of the city within a reasonable period of time, or within the time specified on the permit, and shall reimburse the city for all damages to any city property resulting from the work operations, regardless of whether the damage is done by the applicant, its agents, employees or subcontractors. The corporate surety shall be authorized to execute bonds in the state of Wisconsin and have a power of attorney on file in the city attorney's office.

218-4 Razing of Buildings

c. Any person wishing to apply for more than one permit to wreck, raze, demolish or move structures or buildings in the city in any calendar year, in lieu of filing a separate bond for each permit, may file a bond under the same terms and conditions set forth in par. b, binding the surety to the sum of \$20,000 for each permit issued, but with an annual calendar aggregate limit of \$100,000.

2. **INSURANCE.** a. Applicants for a wrecker's or mover's permit shall furnish the commissioner of city development a certificate of insurance indicating the applicant holds a general liability policy in the sum of at least \$1,000,000 covering bodily injury, property damage and personal injury. The \$1,000,000 coverage shall be provided for each occurrence, for general aggregate, and for products/completed operations aggregate. The policy shall name the city as an additional insured. The applicant shall indemnify and save the city, its officers and agents, harmless against any and all claims for injuries or damages and any and all costs or expenses in connection therewith resulting or arising from any act or omission on the part of the applicant, his or her agents, employees and subcontractors. The insurer shall notify the city in writing at least 60 days prior to the cancellation of any certificate of insurance afforded hereunder, the certificate to be in full force and effect as to any permits issued prior to cancellation and all work done under said permits.

b. The insurance carrier shall be authorized to sell insurance in the state of Wisconsin and have an agent's license on file in the city attorney's office.

3. **EXCEPTION.** The owner of any premises who wishes to wreck, raze or demolish a building on the premises, provided that the volume of such building or structure does not exceed 18,000 cubic feet, and there is no sewer or water service in such building connected to a private or public water or sewer system, may be granted a permit without providing the aforesaid performance bond and insurance.

218-4. Razing of Structures. 1. **REPAIR OR RAZE.** All such unsafe buildings, structures or parts thereof as defined in s. 200-11 or consistent with the conditions specified in

s. 218-9-1, are declared to be a public nuisance, endangering life, limb, health or property, and shall be repaired and made safe, or razed and removed in compliance with this chapter, as ordered by the commissioner, pursuant to the authority provided in s. 66.0413(4), Wis. Stats.

2. **RAZE.** a. An order to raze, remove and restore the site to a dust-free and erosion-free condition shall be served on the owner, operator or the owner's agent where the agent is authorized to receive service of process on behalf of the owner. Service of the order shall be in the manner provided for service of a summons pursuant to ch. 801, Wis. Stats. If the owner, operator or the owner's agent cannot be found, or if the owner is deceased and an estate has not been opened, the order may be served by posting it in a conspicuous place on the premises and by publishing it as a class 1 notice, under ch. 985, Wis. Stats., before the time limit in the order commences to run. The time limited in the order commences to run from the date of service upon the owner, operator or the owner's agent, or, if the owner, operator and agent cannot be found, from the date that the order was posted on the building. The order shall also be served on the holder of any encumbrance of record by first class mail at the last-known address, and by publication as a class 1 notice under ch. 985, Wis. Stats.

b. If the commissioner determines that the cost of such repairs would exceed 50 percent of the assessed value of such building divided by the ratio of the assessed value to the recommended value as last published by the Wisconsin department of revenue for the city of Milwaukee, such repairs shall be presumed unreasonable and it shall be presumed for the purposes of this section that the building is a public nuisance.

c. Acts of municipal authorities under this section shall not increase the liability of an insurer.

d. If a raze order issued under par. a is recorded with the Milwaukee County register of deeds, the order is considered to have been served, as of the date the raze order is recorded, on any person claiming an interest in the building or the real estate as a result of a conveyance from the owner unless the conveyance was recorded before the recording of the raze order.

3. **FAILURE TO COMPLY.** If the owner fails or refuses to comply within the time prescribed, the commissioner may cause the building or part thereof to be razed and removed and may restore the site to a dust-free and erosion-free condition either through any available public agency or by contract or arrangement with private persons, or closed if unfit for human habitation, occupancy or use under s. 200-11-4 and 5 or 218-9-1. The cost of the razing, removal and restoration of the site to a dust-free and erosion-free condition or closing may be charged in full or in part against the real estate upon which the building is located, and if that charge becomes delinquent, it is a lien upon such real estate and may be assessed and collected as a special charge for payment and settlement as provided in ch. 19 of the city charter.

4. **FILING OF A NOTICE OF APPEAL.** Anyone who is served an order under sub. 2 shall, within 20 days of service or, if service is by publication, within 30 days, file a notice of appeal to the standards and appeals commission for an administrative stay of the commissioner's order to raze and remove the building and restore the site to a dust-free and erosion-free condition pursuant to s. 200-17-3-h or forever be barred. The filing of a notice of appeal shall stay the order until the hearing date. The hearing shall be held within 20 days and shall be given preference. The administrative remedies provided in this subsection are exclusive remedies.

5. **FINAL ORDER OF THE COMMISSION.** No individual is affected, as described in s. 66.0413(1)(h), Wis. Stats., by an order of the commissioner under this chapter until such time as a final determination from the standards and appeals commission finding the order of the commissioner reasonable is filed in the office of the commissioner.

6. **REPAIR PERMIT.** If the commissioner allows repairs under this section, a repair permit is required.

218-4.5. Emergency Razing of Structures.

1. The commissioner, pursuant to s. 200-12.5, may order the razing of any structure which is damaged so extensively or is so dilapidated that its physical condition in the judgment of the commissioner poses an imminent risk to the health, safety or welfare of the public.

2.a. Service of an order under this section shall be made pursuant to s. 200-12.5-3.

b. The commissioner shall consider the following when making a determination as to whether a structure should be razed under this section:

b-1. The extent that the structure is unstable.

b-2. The proximity of the structure to adjoining properties and the public right-of-way.

b-3. The cost of repairing the structure. If the cost of repairing the structure exceeds 100% of the structure's value, it shall be presumed that the structure is unsafe and poses an imminent risk to the health, safety or welfare of the public. For the purpose of this section, "structure's value" means the assessed value of the structure divided by the ratio of assessed value to the recommended value as last published by the Wisconsin department of revenue for the city of Milwaukee.

c. Acts of municipal authorities under this section shall not increase the liability of an insurer.

3. If the owner fails, refuses or is unable to comply within the time prescribed, the commissioner may cause the building or part thereof to be razed and removed and may restore the site to a dust-free and erosion-free condition either through any available public agency or by contract or arrangement with private persons. The cost of such razing, removal and restoration of the site to a dust-free and erosion-free condition may be charged in full or in part against the real estate upon which the building is located, and if that charge becomes delinquent, it is a lien upon the real estate and may be assessed and collected as a special charge for payment and settlement as provided in ch. 19 of the city charter.

4. Anyone who is served an order under sub. 1 may, prior to demolition, appeal to the commissioner for a review of the reasonableness of the order to raze and remove the building and restore the site to a dust-free and erosion-free condition. The order shall specify the time period in which the appeal must be brought and the procedures for making the appeal.

218-5. Temporary Safeguards. 1. When in the judgment of the commissioner a building or structure or part thereof is extremely unsafe and in danger of structural failure or collapse before demolition and removal can be started, the commissioner may order the owner or agent to immediately provide temporary safeguards as directed for the protection of the general public. If the owner fails, neglects or cannot provide

218-6 Razing of Buildings

such temporary safeguards, the commissioner may, with the aid of any available public agency, provide the necessary safeguards and charge the cost thereof against the real estate upon which the building or structure is located, and if that charge becomes delinquent, it is a lien upon the real estate and may be assessed and collected as a special charge for payment and settlement as provided in ch. 19 of the city charter.

2. The commissioner may require that such temporary safeguards be designed by a registered architect or engineer. The drawings for such structures shall be approved by the commissioner and a separate permit issued for the construction of the temporary safeguard.

218-6. Demolition and Landscaping.

1. **PROCEDURE.** In the demolition of buildings or structures or parts thereof, work on the structural elements shall begin at the top and, except as regulated in this section, one story at a time shall be completely removed. No wall, chimney, equipment or column of material shall be allowed to fall in mass on a floor or other construction which may be caused to fall because of such practice, except that when the surrounding area is vacant and of sufficient size, and when permitted by the commissioner, the whole or part of a building or structure may be dropped or pulled down if no persons are exposed to the hazard of falling or flying materials. All walls, floorings and structural remnants shall be removed to a depth of 2 feet below the adjacent grade.

2. **REMOVAL OF MATERIAL AND EQUIPMENT.** All material and equipment removed from the elevated portions of any building or structure or part thereof undergoing alterations, repair or demolition work shall be lowered to grade or other storage of disposal level by means of approved equipment or devices. Where a space on the ground or on a floor is railed off and openings in boundary walls closed, materials or equipment may be dropped into the space. This regulation shall not apply to demolition work in which the material is removed and stored or otherwise disposed of within a story height.

3. **CHUTES.** a. When a protected or enclosed space for the dropping of materials cannot be provided, or when so ordered by the commissioner, fully enclosed, inclining chutes of wood or metal of a size which will not readily

cause their obstruction, shall be provided for the removal of material and debris. Open chutes may be used to lower dismantled false-work or lumber from a height not exceeding 30 feet, but all other material or equipment shall be lowered by means of approved equipment or devices.

b. Enclosed chutes shall not extend in an unbroken line for more than 30 feet, but shall be equipped at intervals of 30 feet or less with stops to prevent descending materials from attaining dangerous speeds. The bottom of each chute shall be equipped with a gate or stop, with approved means for closing or regulating the flow of material.

4. **SPRINKLING.** All materials as handled under sub. 3 shall be sprinkled to minimize the dust.

5. **PROTECTION OF THE PUBLIC AND WORKERS.** Protection of the public and workers from falling material or equipment, or other hazards, and the covering of floor openings, other than those openings while in use during demolition, shall conform to the regulations of ch. 228.

6. **TEMPORARY OCCUPANCY OF PUBLIC THOROUGHFARES.** Permits for the temporary occupancy of public thoroughfares for the storage of materials, construction of sheds, roofs, fences and for other temporary guards, devices and equipment shall be obtained from the commissioner of public works, as regulated in ch. 115.

7. **ABANDONMENT OF SEWER AND WATER CONNECTIONS.** Any person, firm or corporation demolishing or moving a building or structure that is served by a private or public water or sewer system shall have such system disconnected and abandoned in accordance with s. 225-9.

8. **REMOVAL OF MATERIALS, GRADING AND EROSION CONTROL.** a. All materials not to be used for fill in excavated areas shall be removed from the premises as the demolition work progresses.

b. To prevent a public hazard or the creation of a public nuisance, upon completion of demolition, the premises shall, unless a permit for new construction has been issued, be filled where necessary with soil or other approved inorganic material not greater than one foot in dimension and graded to the level of the lot grade adjoining the building site, with allowance made for settlement.

c. Once graded, the premises shall be returned to an erosion-free and dust-free condition by utilizing suitable landscaping, grass, trees, shrubs or other planted ground cover, or by other suitable means approved of by the commissioner. If the premises is located in a downtown zoning district, compliance with s. 295-705-8-a shall be required.

d. If an owner fails or neglects to comply with the provisions of this sub. within the time allotted by the commissioner, the commissioner may issue an order to the owner or the owner's agent to correct the violation. If the order expires before it is complied with, the commissioner may cause the premises to be restored to an erosion-free and dust-free condition. The cost of such action shall be charged against and be a lien upon the real estate and be assessed and collected as a special charge, as provided in s. 200-21-7.

9. PARTY WALL. When any building or structure adjoining a party wall is demolished, the owner of the demolished building or structure shall remove the anchors at the beam and joist end in the standing wall. All voids in such wall shall be filled with material consistent with the adjacent wall section. All plaster, furring strips, paneling, lathe, gypsum board and stair stringers shall be removed from the standing wall surface as directed and approved by the department.

10. REMOVAL OF DRIVEWAY APPROACHES. a. Pursuant to s. 115-25, whenever the commissioner of city development issues a permit for the demolition of all structures on a premises, and the demolition will result in the discontinuance of the use of an existing driveway, the removal of the driveway and restoration of the street pavement, curb, gutter and sidewalk shall be a condition of issuance of such permit. Such removal and restoration shall not be required whenever the owner has obtained a permit for new construction prior to demolition of the structure or structures and the existing driveway is necessary for proper access to the structure described in the new construction permit.

b. If an owner fails or neglects to comply with the provisions of par. a within the time allotted by the commissioner, the commissioner of neighborhood services may issue an order to the owner or the owner's agent to correct the violation. If the order expires before it is complied with, the commissioner may cause the driveway to be removed and cause the restoration of the street pavement, curb,

gutter and sidewalk. The cost of this action shall be charged against and be a lien upon the real estate and be assessed and collected as a special charge.

218-7. Abandoned or Unsecured Buildings. Whenever any building, structure or part thereof is abandoned or unsecured, with one or more doors or windows removed or opened, leaving the interior of such building, structure or part thereof exposed to the elements or accessible to trespassers, so that crime may be committed, the building, structure or part thereof may be deemed to be dangerous, unsafe and a menace to public safety, susceptible to theft of its contents or likely to expose the city to general liability, and may be condemned by the commissioner in accordance with s. 66.0413, Wis. Stats., or boarded by the department of public works at the request and direction of the chief of police.

218-8. Historic Buildings. 1. STABILIZATION OF ABANDONED BUILDINGS. Whenever a locally or nationally designated historic building, or a contributing building in a locally designated historic district, is found to be abandoned or otherwise condemnable under this chapter or s. 66.0413, Wis. Stats., or the building owner has failed to maintain the structure in accordance with the standards of s. 275-32, the commissioner may act to stabilize the structure. The cost of stabilization may not exceed 3 times the estimated cost of demolition, as determined by the commissioner. Stabilization may include, but shall not be limited to, the following:

a. Repair or replacement of deteriorated roofing, flashing and related appurtenances.

b. Boarding of windows and door openings in a manner to secure the structure.

c. Winterization of plumbing and heating systems.

d. Bracing, securing, replacing or otherwise repairing deteriorated structural elements such as roofs, floors, walls, foundations, columns and beams.

e. Tuckpointing of eroded masonry materials and replacement or repair of missing masonry units.

f. Repair or rebuilding of building elements to prevent further deterioration or damage.

218-9 Razing of Buildings

g. Removal and storage of architectural elements such as trim, moldings, ornaments, windows, doors and railings in order to protect them from theft or damage.

2. STABILIZATION COST RECOVERY. The cost of stabilization of an abandoned or otherwise condemnable historic building shall be charged against the real estate upon which the building is located and, if the charge becomes delinquent, it shall be a lien upon the real estate and shall be assessed and collected as a special charge for payment and settlement as provided in ch. 19 of the city charter.

218-9. Unsafe or Vacant Noncompliant Buildings. 1. NUISANCE DECLARATION.

a. Requirements for Declaration. The commissioner may declare a building a nuisance and order the building's owner to make the building safe and code compliant or have it razed and removed whenever all of the following are true:

a-1. The building is found to be in violation of this code.

a-2. The building is unsafe and has been ordered closed, pursuant to s. 200-11, or the building is vacant and has been ordered secured pursuant to s. 275-32-7 or s. 218-4, or the building has been secured by the boarding of one or more window or door openings in whole or in part for at least 6 months and is unoccupied.

a-3. The conditions described in subds. 1 and 2 exist at least 6 months after the order to close or secure the structure has been served upon the owner.

b. Additional Factors. Additional factors which may be considered by the commissioner in determining whether a structure constitutes a nuisance include, but are not limited to, whether the building has been the subject of re-board or clean-up orders, complaints received by the department, or police or health department reports.

2. POSTING OF ORDER. In addition to complying with the service requirements of s. 200-12-3, the commissioner shall serve a copy of such order on all holders of encumbrances of record, post a copy of the order in a public place in city hall and provide a copy of the order to the department of city development.

3. RAZING OR SIGN-POSTING BY COMMISSIONER. If the owner fails to comply with the commissioner's order to make the building safe and code compliant or have it razed

and removed within the time specified, the commissioner may do either or both of the following:

a. Contract for the razing and removal of the structure and the restoration of the site to a dust-free and erosion-free condition.

b. Post a sign which indicates the address of the building, the fact that the building has outstanding code violations and has been boarded-up for at least 6 months, the name, address and telephone number of the owner, and any available information on related court dates, as specified in sub. 4. The same information shall also be published in one or more daily newspapers, as specified in sub. 5.

4. PROCEDURE FOR POSTING SIGN. Any sign posted pursuant to sub. 3 shall be affixed to, or placed within 10 feet of, the building to which the sign pertains. Such sign shall indicate the address of the building and the fact that the building has had outstanding code violations and has been boarded-up for at least 6 months. Such sign shall also indicate the name and last known home address of the owner as determined by the department from the city's tax rolls or from the property ownership recording information required pursuant to s. 200-51.5, as well as the home telephone number or business telephone number of the owner, if known to the department. If the commissioner has commenced a court action against the owner, the sign may also provide the court case number and a telephone number for obtaining information on the next court date.

5. PROCEDURE FOR PUBLISHING NAMES. Whenever the commissioner posts a sign pursuant to sub. 3, the commissioner shall publish, in one or more daily or community newspapers, including at least one newspaper of general circulation in the community in which the property owner resides, a notice containing the same information presented on the sign.

6. UNLAWFUL SIGN REMOVAL. It shall be unlawful for any person to remove, cover, obliterate or deface any sign posted pursuant to sub. 3.

7. ASSESSMENT OF COSTS. The cost of razing, removal and site restoration or of sign-posting and newspaper notice publication pursuant to sub. 3 may be charged against the real estate upon which the building was or is located, and if that charge becomes delinquent, it shall be a lien upon the real estate and may be assessed and collected as a special charge for payment and settlement as provided in ch. 19 of the city charter.

8. **APPEALS.** The standards and appeals commission is authorized to hear appeals of orders issued pursuant to this section and to grant relief from such orders as specified in s. 200-17.

218-10. Deconstruction of Residential Buildings. 1. **PURPOSES.** This section provides deconstruction requirements for the removal of Milwaukee's older and more historic primary dwelling structures. In particular, through the enactment and enforcement of this section, the common council seeks to:

- a. Maximize the salvage of valuable building materials, especially old-growth structural lumber, for reuse, thereby supporting the city's goal of being a sustainable community.
- b. Reduce the amount of demolition waste disposed of in landfills, thereby saving city and taxpayer dollars, extending the lives of existing landfills and reducing the need to create new landfills.
- c. Create employment opportunities for city residents, as the deconstruction process is much more labor-intensive than demolition, which relies on the use of heavy mechanical equipment.
- d. Reduce carbon emissions associated with demolition activity by preserving the embodied carbon and energy of existing building materials and avoiding the creation of greenhouse gasses associated with producing new materials.
- e. Minimize the adverse impacts associated with building removal by increasing the likelihood of discovering materials containing lead and asbestos for safe removal and disposal.
- f. Reduce the releasing of dust and other hazardous or potentially hazardous airborne substances associated with mechanical demolition of structures.
- g. Preserve Milwaukee's historic architectural features and building materials.

2. **DEFINITIONS.** In this section:

- a. "Certified deconstruction contractor" means a contractor that has successfully completed a deconstruction certification program either conducted by the department or approved by the commissioner, and where the contractor appears on a list of certified deconstruction contractors maintained by the commissioner and posted on or accessible from the department's website. A

firm shall be considered certified if at least one person currently employed by the firm is certified.

b. "Deconstruction" means the systematic dismantling of a structure, or portion thereof, to maximize the salvage of materials for reuse, in preference over salvaging materials for recycling, energy recovery, or sending the materials to the landfill.

c. "Primary dwelling structure" means a residential structure containing one to 4 dwelling units based on current permitted occupancy at the time of demolition permit application. This term does not include an accessory building such as a garage or shed.

d. "Recycling" means the processing of waste materials into new products or material feed stock for products. Materials that can be recycled include, but are not limited to, concrete, metal piping, and asphalt roofing shingles.

e. "Responsible party" means any owner or person in control of a primary dwelling structure, or that owner or person's authorized agent.

f. "Reuse" means the use of a product or material that was previously installed for the same or similar function to extend its life cycle. Materials salvageable for reuse include but are not limited to cabinets, doors, windows, hardware, fixtures, flooring, siding, and framing lumber.

3. **AUTHORITY AND DUTIES OF COMMISSIONER** a. The commissioner shall administer and enforce the provisions of this section.

b. The commissioner shall adopt rules, procedures, and forms to implement the provisions of this section, and post the same, or links to the same, on the department's website, provided:

b-1. Any rule adopted pursuant to this paragraph shall pertain to certification of deconstruction contractors, to certification-program training, or to deconstruction method or practice, and shall require a public review process. Not less than 10 nor more than 30 days before such public review process, notice shall be given by publication in a newspaper of general circulation. The notice shall include the place, time and purpose of the public review process and the location at which copies of the full set of the proposed rules may be obtained.

218-10-4 Razing of Buildings

b-2. During the public review, the commissioner shall hear testimony or receive written comment concerning the proposed rules. The commissioner shall review the recommendations, taking into consideration the comments received during the public review process, and shall either adopt the proposed rules, modify or reject them. Unless otherwise stated, all rules shall be effective upon adoption by the commissioner and shall be filed in the office of the commissioner and with the legislative reference bureau, and shall be posted on or accessible from the department's website.

c. The commissioner shall develop, and the department shall conduct, a deconstruction certification training program to teach deconstruction method and practice principles generally recognized in the deconstruction industry. A firm shall apply to the commissioner for certification-program training on a form provided by the commissioner, and, subject to the provisions of this section, shall be listed as a certified deconstruction contractor following successful completion of the program and certification by the commissioner.

d. A contractor may apply to the commissioner, on a form provided by the commissioner, for recognition of deconstruction training certification based on successful completion of a training program other than the department-conducted program. The commissioner shall consider course teaching and certification requirements and generally recognized training and certification principles in the deconstruction industry in determining whether to recognize the alternative certification program. The commissioner may require an interview or testing in making a determination. The commissioner shall inform the contractor of the commissioner's determination regarding recognition of alternative certification in writing.

e. The commissioner shall maintain and post on the department's website a listing, or a link to a listing, of certified deconstruction contractors.

f. The commissioner shall provide reports on the implementation of this section to the common council's zoning, neighborhoods and development committee at least annually. Beginning in 2018, each report shall be submitted to the committee no later than June 30 of each year. These reports shall include, but not be limited to, information on contractors certified for deconstruction, responsive deconstruction bidders, bid amounts, jobs

created, buildings deconstructed, and the recovery and marketing of reclaimed materials.

4. REGULATIONS. a. Scope. The deconstruction requirements of this section apply to any demolition permit application under this chapter for any of the following:

a-1. A primary dwelling structure that was built in 1929 or earlier according to building permit records on file with the department or, if no such permit records exist, according to records of the commissioner of assessments or the Milwaukee county register of deeds.

a-2. A primary dwelling structure that has been designated as an historic structure by the common council under s. 320-21.

a-3. A primary dwelling structure located in an historic district designated by the common council under s. 320-21.

b. Requirements. b-1. General. Primary dwelling structures shall be deconstructed in accordance with the provisions of this section and associated administrative rules. Salvaged material may be sold, donated, or reused on- or off-site. Every deconstruction project shall achieve a documented 85% landfill diversion rate by weight, unless:

b-1-a. Otherwise approved by the commissioner in writing for the particular structure based on economic or practical infeasibility as determined by the commissioner after consideration and inspection; or

b-1-b. Otherwise allowed by administrative rule adopted by the commissioner under this section.

b-2. Demolition Permit Application. An application for a demolition permit under this chapter for any primary dwelling structure shall not be considered complete unless it is accompanied by a completed pre-deconstruction form provided by the commissioner, including a list of targeted salvageable materials and final destinations or by a commissioner-approved exemption issued under this section.

b-3. Certified Deconstruction Contractor. Deconstruction shall only be performed by a certified deconstruction contractor listed on the department's website. At least one certified employee of the contractor shall be present on the job site when activities related to deconstruction are underway. The department shall maintain and make available to the public, and post on the department's website, a list, or a link to a list, of currently-certified deconstruction contractors.

b-4. Site Posting. Prior to commencement of deconstruction activity, a yard sign approved and provided by the commissioner shall be posted on each street frontage of the site. The sign shall:

b-4-a. Indicate that the structure is being deconstructed

b-4-b. Provide department of neighborhood services contact information for questions or concerns.

b-4-c. Remain in place throughout the course of deconstruction.

b-4-d. Be posted within 5 feet of a street lot line, be visible to pedestrians and motorists, and not be posted in a public right-of-way.

b-5. Heavy Machinery. Heavy machinery may be used in deconstruction to assist in the salvage of materials for reuse or to remove material not required to be salvaged for reuse. Heavy machinery may not be used in deconstruction to remove or dismantle components of buildings in ways that render building components unsuitable for salvage. For purposes of this section, heavy machinery includes, but is not limited to, track hoes, excavators, skid steer loaders, and forklifts.

b-6. Documentation. The demolition permit holder shall maintain receipts for donation, sale, recycling, and disposal of all materials for any deconstruction project. Materials intended for reuse on site, and materials disposed of and concerning which no receipt for disposal is obtainable, shall be documented with photographs. The commissioner may ask that the permit holder produce the receipts or photographs for inspection any time until the demolition permit is closed.

b-7. Closing of Demolition Permit. A completed post-deconstruction form and all documentation required in subd. 6. shall be submitted to the department before a department inspector may approve a demolition permit as closed.

c. Exemptions. The following are exempt from the requirements of this section:

c-1. The moving of a building, provided it occurs in accordance with s. 218-2.

c-2. Any primary dwelling structure that the commissioner has determined is unsuitable for deconstruction because either of the following is true:

c-2-a. The structure is structurally unsafe or is otherwise hazardous to the health, safety or welfare of the public and too unsafe or hazardous for deconstruction.

c-2-b. Most, or a substantial portion, of the material in the structure is not suitable for reuse.

d. Request for an Exemption. An applicant may request an exemption from the requirements of this section under par. c by submitting a written request for exemption, together with supporting evidence, when submitting a demolition permit application. Where the city, as the owner of the primary dwelling structure, seeks an exemption, the commissioner shall approve and sign a city-exemption form to document satisfaction of the exemption requirements of par. c.

e. Determination of an Exemption. The commissioner shall make the final determination of exemption based on evidence submitted by the applicant as well as an inspection to confirm conditions and unsuitability. The demolition permit shall not be issued until the final determination is made on the exemption request. If the applicant disagrees with the final determination, the determination may be appealed by the applicant under sub. 6.

5. ENFORCEMENT AND PENALTIES. a. General. a-1. A first violation of this section may be subject to a penalty of up to \$1,000.

a-2. A second violation of this section committed by the same person or firm may be subject to a penalty of up to \$2,000.

a-3. Third and subsequent violations of this section by the same person or firm may be subject to a penalty of up to \$3,000.

a-4. Penalties may be imposed on a per-month, per-day or per-incident basis, or such other basis as the commissioner may determine appropriate based upon the criteria in par. f.

a-5. Any person receiving a notice of violation shall, within 10 days of issuance of the notice, either pay to the city the stated penalty amount or appeal the penalty under sub. 6.

b. Heavy Machinery. b-1. Improper use of heavy machinery in violation of this section may be subject to a penalty of up to \$20,000.

218-10-6 Razing of Buildings

b-2. Any person receiving a notice of violation shall, within 10 days of issuance of the notice, either pay to the city the stated penalty amount or appeal the penalty under sub. 6.

c. Additional Enforcement Actions for Certified Deconstruction Contractors. The commissioner may impose the following additional remedies on a certified deconstruction contractor:

c-1. A first violation of this section may result in removal from the list of certified deconstruction contractors for up to 6 months.

c-2. A second violation of this section may result in removal from the list of certified deconstruction contractors for up to 12 months.

c-3. A third or subsequent violation of this section may result in removal from the list of certified deconstruction contractors for an indefinite period. The contractor may not apply for reinstatement to the list of certified deconstruction contractors for a period of 18 months.

d. Temporary Removal. Temporary removal from the list of certified deconstruction contractors shall expire immediately following the end of the term of removal, and shall not require further action by the commissioner except for re-listing of the contractor on the department's website.

e. Stop Work Orders. When necessary to obtain compliance with this section, the commissioner may issue a stop work order requiring that all work, except work directly related to elimination of the violation, be immediately and completely stopped. If the commissioner issues a stop work order, activity subject to the order may not be resumed until such time as the commissioner gives specific approval in writing. The stop work order will be in writing and posted at a conspicuous location at the site. When an emergency condition exists, a stop work order may be issued orally, followed by a written stop work order. It is unlawful for any person to remove, obscure, mutilate or otherwise damage a stop work order.

f. Criteria. The commissioner shall use the following criteria in determining the type and magnitude of penalties or remedies to impose under this subsection:

f-1. The nature and extent of the person's involvement in the violation.

f-2. Whether the person was seeking any benefits, economic or otherwise, through the violation.

f-3. Whether the person has committed similar violations in the past.

f-4. The length of time since any prior violations.

f-5. Whether the violation was isolated and temporary, or repeated and continuous.

f-6. The magnitude and seriousness of the violation.

f-7. The costs of investigating and remedying the violation.

f-8. Other relevant, applicable evidence bearing on the nature and seriousness of the violation.

g. Inspections. The commissioner may conduct inspections whenever necessary to enforce any provisions of this section, to determine compliance with this section or whenever the commissioner has reasonable cause to believe there exists any violation of this section. If the responsible party is at the site when the inspection is occurring, the commissioner will first present proper credentials to the responsible party and request entry.

6. RIGHT OF APPEAL. Whenever the responsible party has been given a written notice, order or determination pursuant to this section, or has been directed to make any correction, pay a penalty or to perform any act, and the responsible party believes the finding of the notice, order or determination was in error, the responsible party may have the notice, order or determination reviewed by the commissioner. If a review is sought, the responsible party will submit a written request to the commissioner within 10 days of the date of the notice, order or determination. Such review will be conducted by the commissioner. The responsible party requesting such review will be given the opportunity to present evidence to the commissioner. Following a review, the commissioner shall issue a written decision. The responsible party may appeal the commissioner's decision to the administrative review appeals board under s. 320-11.

****Enforcement of s. 218-10 is stayed until March 1, 2021.**

For legislative history of chapter 218, contact the Municipal Research Library.

Pages 111-140 are blank.



Condemnation Section

841 N. Broadway, Milwaukee, WI 53202 | (414) 286-2795 | milwaukee.gov/condemnation | ckraco@milwaukee.gov

Asbestos project means any form of work performed in connection with the alteration, renovation, modification or demolition of a building or structure that will disturb more than 260 linear feet or more than 160 square feet of friable asbestos.

Before application is made for demolition of a facility containing regulated asbestos-containing material as defined by Milwaukee Code of Ordinances 66-10, DNS Chapter NR 447, EPA NESHAP regulations 40 CFR 61, subpart M, or EPA AHERA 40 CFR Part 763; the applicant shall submit a statement from an asbestos inspector, contractor/supervisor, management planner or asbestos project designer certified by the State of Wisconsin declaring whether the work required will include an asbestos project. If it is declared that an asbestos project will be included in the work, the permit under S200-24 shall not be issued by the Commissioner of the Department of Neighborhood Services (DNS) unless the applicant has first obtained an asbestos project permit from the DNS-Environmental Section. Please call (414) 286-3280 for more information.

A notice must be filed with the Department of Natural Resources (DNR) or Department of Health Services (DHS) ten (10) working days prior to beginning any renovation or demolition activity that includes an asbestos project.

DRAFT NOT FOR BIDDING PURPOSES

**CHAPTER 66
TOXIC AND HAZARDOUS SUBSTANCES**

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**SUBCHAPTER 1
ASBESTOS HAZARDS REGULATIONS**

66-10. Definitions. In this subchapter:

1. ASBESTOS means any hydrated mineral silicate separable into commercially usable fibers, including but not limited to chrysotile (serpentine), amosite (cumingtonite-grunerite), crocidolite (riebeckite), tremolite, anthrophyllite and actinolite.

2. ASBESTOS ABATEMENT means to encapsulate, enclose, repair or remove asbestos containing material in order to eliminate an asbestos hazard.

3. ASBESTOS CONTAINING MATERIAL means any material that contains greater than 1% asbestos by weight, volume or other analytical method acceptable to the commissioner.

4. ASBESTOS PROJECT means any form of work performed in connection with the alteration, renovation, modification or

demolition of a building, structure or equipment as defined in 200-08 or contaminated soil which will disturb asbestos containing material in the following amounts:

a. Greater than or equal to 260 linear feet.

b. Greater than or equal to 160 square feet.

c. Greater than or equal to one cubic meter.

d. Any combination of material listed in pars. a, b and c which, when divided by the respective minimum project permit amount and totaled, equals or exceeds 1.0.

5. ASBESTOS PROJECT PLAN means a detailed description of the abatement project, including, but not limited to, a plan of operation, blueprints, diagrams or drawings. The plan shall include:

a. Information to indicate the location of materials containing asbestos.

b. Any environmental and occupational health control methods and techniques to be used in the abatement.

c. The level of training and certification of workers involved in the project.

d. The method by which the asbestos waste shall be disposed of.

e. Any other documentation or information pertaining to the abatement plan requested by the commissioner.

6. COMMISSIONER means the commissioner of neighborhood services or the commissioner=s designated representative.

7. DEPARTMENT means the department of neighborhood services.

8. FRIABLE ASBESTOS means asbestos or any material or product which contains more than 1% asbestos by weight and that can be crumbled, pulverized or reduced to powder, when dry, by hand pressure.

9. OPERATIONS AND MAINTENANCE PROJECT means asbestos work performed within one calendar year in a structure or group of contiguous structures in which individual jobs do not exceed asbestos project permit requirements, but it is expected that the total amount of removal within that calendar year will exceed permit requirements.

10. PERSON means any individual, firm, corporation or other legal entity.

66-12 Toxic and Hazardous Substances

66-12. Asbestos Hazard Control. 1.

FINDINGS AND INTENT. It is hereby found that exposure to airborne asbestos fibers and particles has been linked to various diseases. In the past, materials containing asbestos were used in buildings for fireproofing, insulation, soundproofing, decorative and other purposes. The predominant cause of asbestos becoming airborne is through the performance of building repairs, renovation and demolition, which causes the release of asbestos fibers, creating a hazard.

It is the purpose of this subchapter to safeguard the public health by requiring that renovation and demolition projects which disturb asbestos be conducted in accordance with procedures established under this subchapter. It is also the purpose of this subchapter to safeguard the public health through monitoring and surveillance to determine hazardous forms and levels of asbestos in the environment and control such conditions to eliminate the exposure of the hazard to individuals.

2. ASBESTOS DECLARED A NUISANCE. a. It is hereby declared that asbestos in the environment which exposes or may expose individuals to hazardous forms and concentrations is a public health hazard and constitutes a public health nuisance which must be abated.

b. Any person disturbing materials containing asbestos in any concentration shall provide reliable monitoring data which show that airborne fiber concentrations do not exceed hazardous levels.

3. ASBESTOS PROHIBITED. No person may create or allow to exist on property owned or controlled by the person asbestos which is or may become a form and concentration that is hazardous according to standards adopted by the commissioner.

4. ASBESTOS ORDERS. The department may test the air, surfaces, substances or objects for hazardous forms of asbestos. If the department determines that a hazardous form of asbestos is present upon a premises or location, the commissioner shall issue orders to remove or treat the source of asbestos in order to eliminate or prevent the hazardous conditions. Orders shall be issued to the owner of the property or a responsible party acting on behalf of the owner.

5. ASBESTOS PROJECT PERMIT AND PLAN REQUIRED. a. No person may conduct, require or allow an asbestos project without obtaining an asbestos project permit approved by the department.

b. Applications for asbestos project permits shall be made on forms obtained from and returned to the department of neighborhood services.

c. Any person applying for a permit under s. 200-24 shall, at the time of application, submit a statement from an asbestos inspector, contractor/supervisor, management planner or asbestos project designer, certified by the state of Wisconsin, declaring whether the work required will include an asbestos project. If an asbestos project is included as part of the work, the permit under s. 200-24 shall not be issued without the concurrent application and issuance of an asbestos project permit.

d. Any person applying for an asbestos project permit shall include with the application a copy of the "Notice of Intent", submitted to the Wisconsin department of natural resources, pursuant to ch. NR447, Wis. Adm. Code, as amended, as well as a project plan, as defined in s. 66-10-5.

e. Applicants shall pay the fee required in s. 60-9 at the time of application.

f. An applicant applying for a permit under s. 200-24 for the following purposes shall not be required to obtain an asbestos permit:

f-1. New building construction, including electrical and plumbing work.

f-2. Any work involving a one or two-family residential garage.

f-3. Work affecting one or 2-family buildings, except where boiler repair or replacement is involved and amounts listed in s. 66-10-4 are exceeded.

f-4. Category I (NESHAP) resilient asphalt roofing and siding products containing more than 1% asbestos by weight removed in a non-friable manner.

g-1. In this paragraph, "asbestos regulation" means any of the following:

g-1-a. Abatement industry standards in occupational safety and health administration (OSHA) regulations, 29 CFR 1926.1101, as amended.

g-1-b. Federal asbestos hazard and emergency response act (AHERA) regulations, 40 CFR 763, as amended.

g-1-c. Control of asbestos emissions regulations, natural resources ch. NR 447, Wis. Adm. Code, as amended.

g-1-d. Asbestos certification and training accreditation regulations, health and family services ch. DHS 159, Wis. Adm. Code, as amended.

g-1-e. Asbestos hazard regulations in this subchapter.

g-2. An application for a permit may be denied or granted with conditions if any of the following conditions are met:

g-2-a. The applicant has been convicted of 3 or more violations of an asbestos regulation, all such convictions being on or after June 1, 1996 and no conviction being earlier than 24 months immediately preceding the application.

g-2-b. The applicant has committed repeated significant violations of asbestos regulations, as described in subd. 5.

g-3. A person whose application has been denied or granted with conditions under this paragraph, upon written petition to the commissioner, shall be afforded a hearing before the environmental health review board within 10 days of such petition. The hearing shall be conducted by the board which shall serve as an appeal board for all petitions for the issuance of any license under this section whose issuance has been denied or granted with conditions.

g-4. Based upon the record of a hearing under subd. 3, the commissioner shall enforce the decisions of the board. The commissioner shall furnish a written report of the hearing to the applicant.

g-5. The commissioner shall establish, maintain and, from time to time, revise a list of actions that constitute significant violations of asbestos regulations under this paragraph. The commissioner shall make the list readily available for inspection and review by the public.

5.5. PROTOCOL FOR DEMOLISHING AND RENOVATING BUILDINGS. a. The commissioner shall adopt an asbestos inspection and sampling protocol for buildings to be demolished or renovated. The protocol shall be based on state and federal regulations and shall specify the minimum departmental inspection and sampling requirements prior to beginning demolition or renovation of buildings.

b. The commissioner shall make the protocol available upon request at the department and shall furnish a copy of the protocol to the legislative reference bureau.

6. OPERATIONS AND MAINTENANCE PROJECT NOTIFICATION REQUIRED. a. No person may conduct, require or allow an operations and maintenance project without filing prior written notice with the department.

b. A copy of the "Notice of Intent" submitted to the Wisconsin department of natural resources shall be supplied to the department.

c. If, during the course of the calendar year, any phase of the operations and maintenance project exceeds asbestos project amounts, an asbestos project permit shall be obtained.

7. PLAN REVIEW AND MONITORING.

a. Asbestos project permit applications shall be submitted to the department for review at least 5 working days prior to commencement of project work. No asbestos project work may begin until a permit has been issued by the department.

b. Upon receipt of the application for an asbestos project, the department shall review the plans to determine if proper procedures will be followed. It may also view the site in connection with the application and also conduct any necessary monitoring or analysis.

c. Prior to issuance of the asbestos project permit, the applicant shall notify the department of the specific day and time that the work shall begin. The department may observe, monitor, sample and carry out any other necessary inspection to determine strict adherence to the approved plan of removal or treatment.

d. Following receipt of the applicant's notice under par. c, the department shall notify the fire department of the commencement and duration of the asbestos project and provide a description of the project. The fire department shall be granted access to any private property to observe, evaluate and monitor the removal or treatment of asbestos. The owner of the property or a responsible party acting on behalf of the owner shall notify the department prior to commencement of any ordered asbestos abatement work.

8. PERMIT SUSPENSION OR REVOCATION. a. If proper procedures and compliance with the approved plan are not followed or conditions result that create a hazardous environment, the commissioner may give written notice to suspend or revoke the asbestos project permit. When a permit is suspended or revoked, all work shall be stopped and the asbestos must be contained or sealed up pending correction of the violation and reissuance of the permit.

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b. Any decision of the commissioner under this subsection is effective unless the permit holder seeks a hearing on the decision under par. c.

c. Any person whose permit has been suspended or revoked may appeal the suspension or revocation by writing to the commissioner to request a hearing. Such letter shall be received by the commissioner no later than 5 calendar days following the permit action. After receipt of the petition, the commissioner shall schedule a hearing on the appeal within 10 working days.

d. The commissioner, after taking testimony, may affirm, revoke or alter the original action concerning the permit. If the person is not satisfied with the determination of the commissioner, he or she may request an administrative review of the commissioner's decision under s. 320-11.

9. ASBESTOS HAZARD VIOLATIONS. The following work practices shall be considered violations of this subchapter and may result in the issuance of a citation for each violation:

a. Removal, transport or storage of asbestos containing materials that have not been thoroughly wetted.

b. Failure to maintain continuous negative pressure in the asbestos abatement area, relative to the area immediately outside the critical barriers or containment walls, from the onset of abatement until final air clearance results of less than 0.01 fibers per cubic centimeter by phase contrast microscopy or 70 structures per square millimeter by transmission electron microscopy have been received. Deviations from these requirements, such as negative air glove bag removal, shall be clearly stated in the project plans. Where, due to ambient conditions, clearance results below 0.01 fibers per cubic centimeter cannot be obtained, the department shall be notified of such circumstances and the department shall determine whether or not further testing will be required. Air clearance test results must be submitted to the department within 10 working days of completion of the project.

c. Failure to monitor worker exposure to airborne asbestos fibers. At least one of every 4 workers in the containment area shall be tested each day. When statistically reliable monitoring data obtained under workplace conditions closely resembling typical processes, types of materials, control methods, work

practices and environmental conditions indicates that employee exposure will not exceed the action level or excursion limit, daily monitoring may be discontinued for those employees whose exposures are represented by such monitoring. Such monitoring data shall be available for immediate review at the abatement site. When all employees within a regulated area are equipped with supplied air respirators operated in the positive pressure mode, daily monitoring may not be required.

d. Presence in the abatement area of a person who is not wearing a proper respiratory protective device or protective clothing.

e. Failure to provide windows in the containment wall that afford an unobstructed view of the abatement work area. If the abatement plans clearly indicate that it is not possible to view the work area through any windows, the commissioner may omit this requirement.

f. Failure to provide, at a minimum, a 3-stage decontamination unit which is contiguous to the containment area and equipped with hot and cold or warm water and waste water filtration. Any deviation from this provision, such as remote or central decontamination units, shall be clearly specified in the asbestos project plans.

g. Conducting asbestos abatement activities without a permit, before the effective date of the permit or after the expiration date of the permit. Permit extensions shall be applied for and approved prior to expiration of the permit. An application to revise the start date of a project shall be submitted to and approved by the department prior to the start date specified on the original permit.

h. Failure to provide on-site emergency plans which include the means by which emergency assistance can be rapidly summoned to the abatement site. Clearly marked emergency fire exits shall be provided in each containment area.

i. Conducting abatement activities with employees who have not been certified by the state of Wisconsin to be asbestos workers. An asbestos supervisor certified by the state of Wisconsin shall be on the abatement site at all times during which abatement activities are in progress. Certification shall not be required for employees conducting abatement operations in any building owned by their employer.

j. Failure to secure the abatement site or post warning signs at all entrances to the abatement area.

k. Any action or failure to take action which may result in exposure of abatement workers, the public or the environment to asbestos.

L. Failure to comply with all the requirements of the asbestos inspection and sampling protocol for buildings to be demolished or renovated, under sub. 5.5.

m. Failure to clean abated surfaces, equipment used in abatement or the floors, walls and surfaces in the containment area so that they are free of asbestos containing residues prior to disrupting negative pressure in the enclosure or regulated area.

10. ASBESTOS ABATEMENT. a. The commissioner may use the authority delegated under ch. 17 of the charter to preserve the public health, and to summarily abate or remove a nuisance, and may assess the cost of such action, along with city costs, as a lien against the property and may be collected as a special charge in accordance with s. 17-12 of the charter.

b. An appeal may be filed to contest abatement charges. The written request for a hearing shall state the grounds for the appeal and shall be made to the administrative review appeals board within 30 days of the date of notice of the assessment.

11. DISPOSABLE CLOTHING. An asbestos project permittee, when conducting an asbestos project, shall keep on the premises a minimum of 10 suits of disposable clothing for asbestos work which shall be utilized by emergency medical personnel or fire department personnel responding to an emergency medical services call or by employees of the department of neighborhood services.

12. EXEMPTION. Subchapter 1 does not apply to the Milwaukee public schools.

66-19. Penalty; Enforcement. 1. Any person who violates this subchapter or fails to obey an order of the commissioner to conform to this subchapter shall be liable upon conviction to a Class J penalty under s. 61-16. Each and every act of violation, disobedience, omission, neglect or refusal shall constitute a separate offense.

2. Citations may be issued for all violations of this subchapter with or without prior order or notice. The stipulation, forfeiture and court procedure set forth in s. 50-25 shall apply.

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DRAFT NOT FOR BIDDING PURPOSES

SUBCHAPTER 2
LEAD POISONING PREVENTION
AND CONTROL

66-20. Purpose. 1. The federal centers for disease control and prevention report that lead provides no known biological benefit to human beings. Lead can produce adverse effects on virtually every system in the body. It can damage the kidneys, the nervous system, the reproductive system and cause high blood pressure. Very high blood lead levels cause devastating health consequences including seizures, coma and death.

2. Lead is especially harmful to the developing brains of fetuses and young children. There may be no lower threshold for some of the adverse effects of lead in children. A minute amount of ingested lead can cause elevated blood lead levels and irrevocable developmental damage to a young child. In addition, the harm that lead causes to children increases as their blood lead levels increase. Elevated blood lead levels in children can result in learning disabilities, behavioral problems and mental retardation.

3. Because of the risk that lead presents to the public health, especially to children, the purpose of this subchapter is to ensure the protection of public and environmental health through identification of lead hazards by a health department inspection and subsequent regulation of lead hazard reduction activities on premises which have received written health department orders. The subchapter is specifically intended to protect young children from exposure to lead-based nuisances. This protection will be achieved by first identifying lead hazards in a health department inspection, primarily those hazards resulting from the presence of lead-based paint, and subsequently regulating lead hazard reduction activities on premises which have received written health department orders as a result of the health department inspection.

4. To protect the children of this community, the health department may inspect a property whenever a child who lives in or visits the property is identified with a blood lead level at which the U.S. public health service, center for disease control and prevention, lead poisoning prevention guidelines recommend environmental intervention; a citizen reports to the health department the presence of a lead hazard

accessible to children; health department personnel identify a possible lead hazard accessible to children; or when community-level interventions are done in targeted housing constructed before 1978.

5. In general, the subchapter only applies to those residential and commercial properties where children reside or visit and in which a health department inspection has identified lead hazards. It is not the intent of this subchapter to regulate routine preventive maintenance activities unless those activities create a lead-based nuisance. It is not the intent of this subchapter to regulate routine preventive maintenance activities on residential or commercial properties when such activities do not create a lead-based nuisance. Specifically, it is not the intent of this subchapter to regulate any of the following activities if they do not create a lead-based nuisance:

a. Preventive maintenance including, but not limited to, repainting over or covering lead-based paint with nonlead-based paint and performing cleaning activities designed to maintain a no-lead hazard or reduced lead hazard condition.

b. Disturbing lead-based paint surfaces incidental to the performance of remodeling, renovation or repair activities where the intent of the project is not to reduce the hazard or potential hazard of lead exposure.

66-21. Definitions. In this subchapter:

1. **ABATEMENT** means any activity or set of activities with the intent to permanently remove, encapsulate, enclose or replace lead based nuisances to include all site preparation, specialized initial and preclearance cleaning and waste disposal associated with those activities.

2. **APPROVED** or **APPROVED BY THE COMMISSIONER** means those materials, products and work methods that are included on the descriptive lists prepared by the commissioner and made available to the public under s. 66-22-12.

3. **APPROVED LEAD HAZARD REDUCTION CONTRACTOR** means an individual, through state of Wisconsin certification, who can perform the safe and proper lead hazard reduction of lead based nuisances in dwellings, dwelling units, supplemental locations and premises.

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4. CHILD means any youth under 7 years of age.

5. CLEARANCE STANDARD means criteria set forth by the department for purposes of evaluating the effectiveness of lead hazard reduction activities.

6. COMMISSIONER means the commissioner of health or an authorized representative.

7. DEPARTMENT means the health department.

8. DUST-WIPE SAMPLING means department method for determining lead dust levels on the surfaces of dwellings, dwelling units, supplemental locations or premises.

9. DWELLING means any building or structure which is wholly or partly used or intended to be used for living or sleeping by human occupants including any appurtenances attached thereto.

10. DWELLING UNIT means any structure, vacant or occupied, all or part of which is designed for human habitation.

11. ELEVATED BLOOD LEAD LEVEL means a concentration of lead in whole blood at the current level set by the U.S. public health service, center for disease control and prevention.

12. 5-DAY HAZARD CONTROL means department-ordered cleaning of lead based surfaces for the purposes of immediately reducing lead hazards within 5 days following completion of a department lead hazard inspection and receipt of department orders. Acceptable methods of control include use of HEPA vacuums, wet wiping of surfaces.

13. HEPA VACUUM means a high efficiency particulate air vacuum or similar device capable of removing particles 0.3 microns or greater at 99.97% efficiency.

14. INTERIM CONTROL ACTIVITY means any activity or set of activities intended to temporarily reduce human exposure or likely exposure to a lead nuisance, including but not limited to initial and pre-clearance cleaning, temporary containment and minor repairs or maintenance activities such as painting.

15. LEAD-BASED NUISANCE means any lead based substance, surface or object which may reasonably contribute to an elevated blood lead level due to lead content, condition or location and which is accessible to children and is declared a public health nuisance as defined in s. 80-1-4.

16. LEAD BASED SURFACE means any painted or coated surface, having a lead content greater than or equal to .7 mg/cm² as measured by an x-ray fluorescence analyzer, or greater than or equal to .06% lead by weight as determined by laboratory analysis or other department field method.

17. LEAD HAZARD REDUCTION ACTIVITY means any activity or set of activities intended to permanently or temporarily reduce human exposure to lead based nuisance hazards through abatement or interim control of lead based surfaces, lead contaminated dust or lead contaminated soil.

18. LEAD HAZARD REDUCTION PROJECT means the application of any abatement or interim control activity designed to eliminate or reduce lead based nuisance as identified and ordered by the department, or as identified by the department and funded by the U.S. department of housing and urban development, including:

a. Defective or deteriorated lead based surfaces extending cumulatively over an area greater than or equal to 10 square feet which are damaged due to friction, impact, chipping, peeling, flaking or water or moisture damage.

b. Leaded dust that has accumulated in amounts greater than or equal to U.S. environmental protection agency lead in dust standards, as amended.

c. Lead in soil that has accumulated in amounts greater than or equal to U.S. environmental protection agency lead in soil standards, as amended.

19. OWNER means any person who alone or jointly or severally with others:

a. Has legal or equitable title to any dwelling, dwelling unit, supplemental location or premises; or

b. Has charge, care or control of the dwelling, dwelling unit, supplemental location or premises as owner or agent of the owner, or as executor, executrix, administrator, administratrix, trustee or guardian of the estate of the owner.

20. PREMISES means any portion of a platted or unplatted lot, parcel or plot of land either occupied or unoccupied by any building or structure, equipment or property of any kind.

21. PREVENTIVE MAINTENANCE means any of the following activities if they do not create a lead-based nuisance:

a. Interim control activities, including repainting over or covering lead-based paint with nonlead-based paint and performing cleaning activities designed to maintain a no-lead hazard condition.

b. Disturbing lead-based paint surfaces incidental to the performance of remodeling, renovation or repair activities where the intent of the project is not to reduce the hazard or potential hazard of lead exposure.

22. STANDARD TREATMENT means a department-approved lead hazard reduction method required for compliance with department orders.

23. SUPPLEMENTAL LOCATION means any dwelling, dwelling unit or premises where any person cares for, teaches, trains or supervises a child, including any structure adjacent to the dwelling unit of a lead poisoned child.

24. TARGET HOUSING means any dwelling constructed prior to 1978, except a dwelling for the elderly or persons with disabilities or any dwelling without a bedroom unless a child occupies or is expected to occupy the dwelling.

25. VISUAL EXAMINATION means an inspection by department staff of standard treatments conducted by trained or certified individuals, for the purposes of ensuring that work quality matches department specifications as set forth in the standard treatments.

26. WET-SCRAPED means the moistening of a surface to limit the creation of airborne dust during the removal of a coating containing lead, while containing all runoff of the wetting agent for proper disposal.

66-22. Lead Poisoning Prevention and Control Regulations. 1. PROHIBITED ACTS.

a. No owner or person may create or knowingly allow to exist in or on their property any lead-based nuisance, as defined in s. 66-21-15.

b. No person may apply lead bearing coatings having a lead content greater than or equal to 0.06% by weight, calculated as lead in the total nonvolatile content or any other coating material which would result in a lead based surface to:

b-1. Any exposed surface on the interior or exterior of a dwelling, dwelling unit, supplemental location or premises.

b-2. Any object to be used inside, outside or upon any exposed surface of a dwelling, dwelling unit, supplemental location or premises.

2. WARNING LABEL REQUIRED.

a. No person may store, sell, give away or accept any paint, coating material or object which has a lead content greater than or equal to 0.06% by weight, calculated as lead metal in the total nonvolatile content of the liquid, including any additives, or a finished surface that contains lead at a concentration greater than or equal to .7 milligram per square centimeter, unless such paint, coating material or object has a securely attached, prominently displayed and easily read label with the following wording:

WARNING!

Contains Lead!

Harmful If Consumed!

KEEP OUT OF REACH OF CHILDREN.

DO NOT APPLY WHERE ACCESSIBLE TO CHILDREN.

b. The warning statement shall also be required on any accompanying literature, instructions or directions.

c. The warning label requirement does not apply to dwelling units.

3. EVICTION OR RETALIATION PROHIBITED.

a. No landlord shall terminate a tenancy or give notice preventing the automatic renewal of a lease, or constructively evict a tenant who is in compliance with the terms and conditions of a lease of tenancy by any means including the termination or substantial reduction of heat, water or electricity to the dwelling unit, in retaliation against a tenant because the tenant has, within the prior 12 months:

a-1. Sought advice or services to guard household members from exposure to suspected or known lead-based nuisances in a rented domicile.

a-2. Cooperated with city representatives investigating possible lead-based nuisances or abating lead-based nuisances in a rented domicile.

a-3. Arranged the abatement of known lead-based nuisances in a rented domicile.

b. Any person who violates this subchapter shall be liable upon conviction to a Class J penalty under s. 61-16. Each and every act of violation shall constitute a separate offense.

4. ENFORCEMENT. a. The department may conduct an inspection of a dwelling, dwelling unit, supplemental location or premises on surfaces, substances or objects which the department has reason to believe constitutes a lead based nuisance and may also

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take samples of materials which are believed to contain lead for further laboratory analysis.

b. If the department is refused admittance to any dwelling, dwelling unit, supplemental location or premises to conduct an environmental inspection, the commissioner may apply for and obtain a special warrant pursuant to s. 66.0119, Wis. Stats., to gain access.

c. If the department determines that a lead based nuisance exists in or upon a dwelling, dwelling unit, supplemental location or premises, the department may:

c-1. Notify the occupant or the occupant's representative and the owner, that lead based nuisances are present and that they constitute a health hazard.

c-2. Issue orders for lead hazard reduction activities to address those lead-based nuisances found to exceed allowable lead levels as provided in s. 66-21-18. The order shall state that the order may be appealed, the deadline by which the appeal must be filed and the entity to which the appeal must be made.

d. If orders are not complied with by the expiration date, the commissioner may, provided the department has funds available, secure an appropriate court-issued warrant for entry to the premises to abate or remove the nuisance and use the authority delegated under ch. 17 of the charter to summarily abate or remove a nuisance. The city shall assess the cost of such action, not to exceed 40% of the assessed market value of the property, as a special assessment upon the property and invoice the owner for the proper amount.

5. LEAD HAZARD REDUCTION PROJECT PERMIT REQUIRED. Except as otherwise provided in par. a, no person may conduct or perform work on a lead hazard reduction project without obtaining a lead hazard reduction project permit approved by the department. Permit-holders shall follow the interior and exterior lead hazard site preparation and reduction standards in subs. 5 to 9.

a. Permit and certification exceptions.

a-1. A permit shall not be required for:

a-1-a. Work involving repair to less than 10 square feet of lead-based nuisance.

a-1-b. Work involving repair to comply with a 5-day hazard control order.

a-1-c. Preventive maintenance.

a-2. On a lead hazard reduction project, the department may approve the use of non-certified workers on the project site if the workers do not participate in activities that create

a lead based nuisance or that, intentionally or incidentally, disturb lead based paint. These activities include, but are not limited to repainting or siding application after lead-based paint hazards have been stabilized or building a new porch after an old porch has been safely removed. The department may require the oversight of such non-certified workers by a certified supervisor at a project site.

b. Applications. Applications for permits shall be made on forms obtained from and returned to the department.

b-1. Applicants are required to be state-certified as provided for in Wis. Adm. Code ch. DHS 163, as amended, and shall pay the fee required in s. 60-54, prior to the issuance of a permit.

b-2. An application to revise the start date of a project shall be submitted to and approved by the department prior to the start date specified on the original permit.

b-3. Permit extensions shall be applied for and approved prior to expiration of the permit. The department may charge a fee for a permit extension.

c. Posting of Permit. The permit shall be posted in a conspicuous location at the reduction site until the reduction has been completed.

d. Permit Denial or Granting with Conditions.

d-1. An application for a permit may be denied or granted with conditions if the applicant has been convicted of 3 or more project violations under par. h on or after November 18, 1998 and at least 3 convictions were on account of actions occurring within the 24 months immediately preceding the date of application.

d-2. Whenever a permit is denied or granted with conditions under subd. 1, the commissioner shall so notify the applicant in writing. The notice shall state that the applicant may appeal the decision under sub. 13 and shall specify how such appeal may be made.

e. Commissioner to Enforce Appeal Decisions. Based upon the record of a hearing conducted under sub. 13, the commissioner shall enforce the decision of the board.

f. List of Significant Violations for Public Inspection. The commissioner shall establish, maintain and periodically revise as necessary, a list of specific actions which constitute significant violations of under par. h. The commissioner shall make the list readily available for public inspection.

g. Permit Suspension. g-1. If proper procedures and compliance with the approved treatments are not followed or conditions result that create a hazardous environment, the commissioner may give written notice to suspend the lead hazard reduction permit. When a permit is suspended, all work shall be stopped and the lead hazards must be contained or cleaned pending correction of the violation and reissuance of the permit.

g-2. Any decision of the commissioner under this paragraph is effective unless the permit holder seeks a hearing on the decision under subd. g-3.

g-3. Any person whose permit has been suspended may appeal the suspension by delivering a written request for a hearing to the commissioner no later than 5 working days following the permit action. The commissioner shall schedule a hearing on the appeal within 10 working days after the commissioner's receipt of the request for hearing.

g-4. After taking testimony at the hearing, the commissioner may affirm, reverse or alter the original action concerning the permit. The commissioner shall provide the appellant with a written notice of his or her decision. The notice shall state that the person may appeal the decision under sub. 13 and shall specify how such appeal may be made.

h. Lead Hazard Reduction Project Violations. The following practices shall be considered violations of this subchapter and may result in the issuance of a citation for each violation:

h-1. Conducting lead hazard reduction projects without a permit, before the effective date of the permit or after the expiration date of the permit.

h-2. Conducting lead hazard reduction projects with an employee or worker who has not been certified under Wis. Adm. Code ch. DHS 163, except as authorized in subd. a-2.

h-3. Conducting lead hazard reduction projects without having a lead supervisor certified by the state of Wisconsin on the lead hazard reduction site when reduction activities are in progress.

h-4. Failure to meet performance date criteria set forth on lead hazard reduction permits.

h-5. Failure to meet specifications of the standard treatments or equally protective treatments as mutually agreed upon between the owner and the department.

h-6. Failure to secure the lead hazard reduction site or post warning signs at all entrances or exits to the lead hazard reduction area.

h-7. Failure to provide department approved interior or exterior containment prior to or during lead hazard reduction projects.

h-8. Failure to properly decontaminate the areas undergoing lead hazard reduction by using a HEPA vacuum, washing with a general purpose detergent and rinsing with clear water.

h-9. Removal, containment, storage, transport or disposal of lead containing materials in an unsafe manner.

h-10. Subcontracting for an activity related to a lead hazard reduction project prior to final visual examination, clearance dust sampling and approval by the department.

h-11. Failure to be in compliance with all applicable local, state and federal laws and regulations, including Wis. Adm. Code chs. DHS 163 and NR 600 to 685, and federal resource conservation recovery act, environmental protection agency and occupational safety and health agency regulations.

6. HAZARD REDUCTION REGULATIONS. a. Signs to be Posted. Prior to the reduction of lead from any area in a dwelling, dwelling unit, supplemental location or premises, caution signs measuring 20 inches by 14 inches, issued by the department at the time the permit is obtained, shall be posted at all entrances and exits.

a-1. The signs shall read:

DANGER - LEAD PAINT DUST HAZARD.

a-2. Signs shall be posted at least one day prior to the commencement of the reduction activities, and remain in place for the duration of the project, unless otherwise authorized by the commissioner.

b. Notice to Occupants. The permittee shall provide written and oral notification of planned lead hazard reduction activities to occupants of a dwelling, dwelling unit, supplemental structure or premises.

c. Compliance with Other Laws. All lead hazard reduction activities shall be performed in compliance with all applicable local, state and federal laws and regulations, including Wis. Adm. Code chs. DHS 163 and NR 600 to 685, as amended, and federal resource conservation recovery act, environmental protection agency and occupational safety and health agency regulations, as amended.

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d. Site Inspection. The commissioner may inspect and sample any dwelling, dwelling unit, supplemental location or premises at any time during the reduction process to insure compliance with reduction standards. Evaluation procedures including, but not limited to, visual examination, wipe sampling, soil testing, air sampling and x-ray fluorescence analysis may be used.

7. INTERIOR SITE PREPARATION.

a. Furnishings shall be removed from each room or area as it is prepared for reduction or covered with plastic at least 6 mils thick and sealed with tape. All furnishings remaining in the reduction area shall be HEPA vacuumed prior to unit reoccupancy.

b. All heating, ventilating, air conditioning openings and entrances to a reduction site, with the exception of the entrance used by workers, shall be sealed with plastic at least 6 mils thick and taped to prevent contamination by lead dust or particles. The entrance used by workers shall have 2 layers of 6 mils thick plastic attached at the top edges of the doorway and at opposite sides to form a z-door.

c. Where lead hazard reduction activity is in process, interior floors shall be covered with 2 layers of 6 mil plastic. However, the use of 6 mil plastic as an engineering control may vary according to projects and its application and placement is subject to department approval prior to and during the course of a lead based reduction project.

8. INTERIOR LEAD HAZARD REDUCTION STANDARDS.

a. Initial Cleaning. Interior areas, including all interior surfaces, woodwork, wood trim, walls, ceilings, windows and floors and all exterior window sills and wells, identified as being in violation of sub. 1 shall be thoroughly cleaned with a HEPA vacuum and washed with a general purpose detergent within 5 calendar days of receipt of notice from the commissioner.

b. 5-Day Hazard Control. All surfaces in violation of sub. 1 which have had a preventive cleaning as provided in par. a and which are accessible to children, must be taped or covered until additional procedures to control the lead hazards have been concluded.

c. Permissible Methods. Permissible methods for the removal of lead-based coatings from all surfaces shall include the use of any of

the following: wet scraping, a heat gun (less than 1,100° F), chemical strippers which do not contain methylene chloride and HEPA vacuum assisted electric planers. The affected areas can then be covered with non-lead based primer and paint, encapsulant or enclosure material such as vinyl or aluminum, to include caulking seams and edges and anchoring with mechanical fasteners.

d. Prohibited Methods. The removal of lead-based coatings by sanding, sandblasting, pressure washing, grinding, the use of an open flame torch, or strippers containing methylene chloride, vacuuming with non-HEPA-equipped household or shop vacuums, dry sweeping in areas that are not properly contained and sealed, or any method that allows lead dust to become airborne, is prohibited. The department may approve exceptions to these prohibitions, contingent upon the existence of adequate engineering controls to eliminate lead exposure to occupants or workers.

e. Treatment of Surfaces of Dwelling Unit Interior Structures.

e-1. Dwelling unit interior structures must first be maintained or corrected to structurally sound and sanitary condition in accordance with the standards provided in ss. 275-33 and 34. All interior surfaces that are identified as lead based nuisances shall be treated with methods in accordance with par. c and shall be repaired to have structurally sound and smooth surfaces. Those surfaces must be HEPA vacuumed, washed with a general purpose detergent and then coated, covered or enclosed with a non-lead-based coating, encapsulant or material approved by the commissioner pursuant to department orders.

e-2. Floors having deteriorated lead-based surfaces shall be covered with vinyl tile, vinyl sheet goods, linoleum flooring or other approved materials. Chemical stripping of a floor shall be permissible.

e-2-a. Varnish or other approved sealants may also be used on floors having deteriorated lead-based surfaces, provided the floors are carpeted or covered in a manner approved of by the commissioner after they are sealed.

e-2-b. Wood floors having deteriorated lead-based surfaces from a varnish, stain, urethane or shellac finish may be treated with a sealant approved by the commissioner.

e-3. The lead-based surfaces of exterior window sills or wells (troughs) shall have all the lead-based surfaces removed to bare wood and then be stabilized with a non-lead-based primer and paint or be replaced with wood not covered with a lead-based surface or be enclosed with vinyl or metal. Any exterior window sill surfaces treated for lead hazard reduction shall be smooth and cleanable.

e-4. The lead-based surfaces of sash tracks of double hung windows shall either have all lead-based surfaces removed to bare wood and then be stabilized with a non-lead-based primer and paint or coating, or shall have single or double sash track liners installed with remaining exposed lead-based surfaces removed to bare wood and then stabilized with a non-lead-based primer and paint or coating. This requirement does not apply to non-deteriorated exposed exterior sash tracks that are not subject to friction and are protected from weathering.

e-5. The lower sashes of double hung windows which have deteriorated lead-based surfaces shall have all the lead-based surfaces removed to bare wood and then stabilized with a non-lead-based primer and paint or coating.

e-6. The upper sashes of double hung windows which have deteriorated lead-based surfaces of 20% or more of their coated surface area shall have all the lead-based surfaces removed to bare wood and then be stabilized with a non-lead-based primer and paint or coating. Upper sashes which have deteriorated lead-based surfaces of less than 20% of their coated surface area shall have all lead-based surfaces and glazing removed from deteriorated areas and then be stabilized with a new glazing material, non-lead-based primer and paint or coating.

e-7. All other window component surfaces which have deteriorated lead-based surfaces shall have all deteriorated lead-based surfaces removed and then be stabilized with a non-lead-based primer and paint or coating. Any window component surfaces receiving lead hazard reduction shall be smooth and cleanable.

e-8. Lead based surfaces that are free of deterioration except for chalking may be washed and repainted with a non-lead based paint or coating. This does not apply to floors, exterior window sills, wells, troughs and double-hung window sash tracks.

e-9. Storm windows covering windows that have received lead hazard reduction shall be repaired to a weatherproof and waterproof condition with glass intact. All wooden storm windows with deteriorated lead-based surfaces shall have the deteriorated lead-based surfaces removed and shall be stabilized with a non-lead-based primer and paint or coating.

e-10. Complete window units or individual window components such as sashes may also be replaced with materials free of lead-based surfaces. A window trough insert may be used where an operational, intact and complete combination storm/screen window is present and a window trough lead hazard has been identified by the department. After replacement, any remaining exposed window surfaces must meet the requirements specified in subds. 3 to 8.

f. Final Cleaning. After the entire lead hazard reduction process has been completed, a final HEPA vacuum, wash with a general purpose detergent and rinse with clear water of all interior surfaces in the dwelling unit or supplemental location must be done.

g. Removal of Waste. At the end of the work day, all waste resulting from the lead hazard reduction process shall either be collected, contained or stored in a secure area, or shall be collected, contained and removed from the reduction site and be disposed of as provided in sub. 11.

9. EXTERIOR SITE PREPARATION.

a. Exterior lead hazard reduction work shall be performed in a manner that will prevent leaded waste from coming into contact with the ground or from entering the interior of the dwelling, dwelling unit, supplemental location or premises.

b. All windows and doors of the dwelling, dwelling unit or supplemental location shall be kept closed while lead hazard reduction is being conducted.

c. Six mil plastic to collect reduction waste shall be attached to and extend at least 6 feet from the foundation and at the base of the structure being worked on and in all cases adequate to contain any falling debris.

d. At the end of the work day, all waste resulting from the lead hazard reduction process shall either be collected, contained or stored in a secured area, or shall be collected, contained and removed from the work site and be disposed of as provided in sub. 11.

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10. EXTERIOR LEAD HAZARD REDUCTION STANDARDS.

a. Treatment of Surfaces of Dwelling Exterior Structures. a-1. Dwelling exterior structures first must be maintained or corrected to a structurally sound, weatherproof and watertight condition in accordance with the standards provided in ss. 275-32 and 34.

a-2. Exterior surfaces that are identified as lead-based nuisances shall have the deteriorated lead-based surfaces removed in accordance with sub. 7-c and shall be repaired to be structurally sound, weatherproof, watertight and smooth surfaces. Exterior surfaces shall then be coated with non-lead-based primer and paint, aluminum, vinyl or steel siding or a covering approved by the commissioner pursuant to department orders.

a-3. When lead hazards have been identified on any portion of the exterior sill of an operational, intact and complete combination storm/screen window, the sill and window casing on the outside of the combination storm/screen portion of the window shall be identified and treated as an exterior lead hazard.

b. Treatment of Contaminated Soil. In the event of contamination of soil with lead particles, the commissioner may order that the soil be removed to a depth of 3 inches and be replaced with uncontaminated soil or be covered pursuant to department orders. Any contaminated soil shall be disposed of as provided in sub. 11.

11. CLEARANCE STANDARD.

a. Dust-Wipe Sampling

a-1. Dust-wipe sampling and analysis shall be performed by the department.

a-2. Clearance dust-wipe levels must be less than the lead in dust standards established by the U.S. department of housing and urban development under the authority of the housing and community development act of 1992, section 403, and found at 60 Fed. Reg. 47,247 (1995), (to be codified).

a-3. The department shall conduct dust wipe sampling as promptly as possible after the department has been notified that lead hazard reduction activities have been completed, and shall make every reasonable attempt to conduct sampling within 5 working days.

b. Final Visual Examination.

Inspection shall be conducted by the department to determine full compliance with inspection orders prior to clearance dust sampling.

12. DISPOSAL OF LEAD HAZARD ABATEMENT WASTE. Waste generated from lead hazard reduction shall be disposed of in a manner that will not endanger the health or well-being of the occupants, neighbors or community and shall be in compliance with all applicable local, state and federal laws and regulations, including Wis. Adm. Code ch. DHS 163 and chs. NR 600 to 685, as amended, and federal resource conservation recovery act, environmental protection agency and occupational safety and health agency regulations, as amended. At no time shall leaded dust be allowed to become airborne during disposal.

13. APPROVED MATERIALS, PRODUCTS AND WORK METHODS. The commissioner shall prepare and make available without charge to the public a descriptive list of the following specific materials, products and work methods:

a. Material approved by the commissioner for coating, covering or enclosing interior surfaces that are identified as lead based nuisances, as referenced in sub. 7-e-1.

b. Other materials approved for covering floors having deteriorated lead-based surfaces, as referenced in sub. 7-e-2-0.

c. Other sealants approved for use on floors having deteriorated lead-based surfaces, as referenced in sub. 7-e-2-a.

d. Manner approved by the commissioner for covering floors having deteriorated lead-based surfaces on which varnish or other approved sealants have been used, as referenced in sub. 7-e-2-a.

e. Sealant approved by the commissioner for treating wood floors having deteriorated lead-based surfaces from a varnish, stain, urethane or shellac finish, as referenced in sub. 7-e-2-b.

f. Covering approved by the commissioner for coating exterior surfaces that are lead-based nuisances, as referenced in sub. 9-a-2.

14. APPEALS TO ENVIRONMENTAL HEALTH BOARD. a. A person who seeks to appeal an order or other action of the department or the commissioner shall file a written appeal with the environmental health board within 5 working days after the person has received written notice of the order or action being appealed. The appeal shall state with specificity the reason that the appellant believes the order or action was taken in error.

b. Upon receipt of a written appeal, the board shall within 10 days notify the appellant of the date, time and place of the hearing.

c. The board shall serve the appellant with written notice of the hearing. The notice shall be served so that the appellant has at least 5 working days' notice of the hearing. The hearing notice shall contain:

c-1. The date, time and place of the hearing.

c-2. A statement that an opportunity will be given to the appellant to challenge the order or action, present witnesses under oath and to confront and cross-examine opposing witnesses under oath.

c-3. A statement that the appellant may be represented by an attorney of the appellant's choice at the appellant's expense, if the appellant so wishes.

d. At the hearing, the board chair shall open the meeting by stating that a notice was sent and read the notice into the record unless the appellant admits notice. The chair shall advise the appellant that the appellant has an option to proceed with a due process hearing, represented by counsel, with all testimony both direct and cross-examination under oath, or that the appellant may simply make a statement to the board.

e. A due process hearing shall be conducted in the following manner:

e-1. All witnesses will be sworn in.

e-2. The department or commissioner shall proceed first.

e-3. The appellant shall be permitted an opportunity to cross-examine.

e-4. After the conclusion of the evidence of the department or commissioner, the appellant shall be permitted to present the appellant's own witnesses, subject to cross-examination.

e-5. Board members may ask questions of witnesses.

e-6. Both the department or commissioner and the appellant shall be permitted a brief summary statement.

e-7. The board, in its discretion, may allow the filing of written briefs.

f. The recommendations of the board regarding the appellant must be based on evidence presented at the hearing.

g. The board may affirm, reverse or modify the original order or action of the department or commissioner. The board may make a decision immediately following the hearing or at a later date. The board shall provide its decision in writing to the commissioner and the appellant.

15. PAYMENT TERMS. The special assessment for lead abatement, levied on the property under sub. 3-d, shall be paid under the following terms and conditions:

a. Upon receipt of an invoice, the owner may pay the invoice, without interest, by remitting payment to the city treasurer within 45 days of the date of the invoice. In the event such invoices are not paid in full within the specified time, they shall be placed upon the tax roll under the following terms and conditions and in the following manner:

a-1. If the total amount of the principal of the invoice remaining unpaid equals or exceeds \$125, it shall be spread equally over the first available and next succeeding 9 tax rolls.

a-2. If the total amount of the principal of the invoice remaining unpaid is less than \$125, the amount shall be placed on the first available tax roll.

a-3. In addition to the principal remaining, interest shall be added commencing after the billing date of the invoice. A 45-day grace period for payment shall be granted from the date of billing, and if not paid within the period, interest shall be charged on a restorative basis to the date of the billing. The interest rate charged shall be set annually as of the last business day in June as an approximation of the prime rate plus 1%. For the purpose of this subdivision, the prime rate shall be defined as the Wall Street Journal prime rate published in the Wall Street Journal. The monthly rate of interest shall be computed by dividing the

66-29-Toxic and Hazardous Substances

average prime rate plus 1% by 12 rounded to the nearest 100th of one percent. The comptroller shall review the interest rate annually and shall notify the health department of the interest rate. The interest rate shall become effective as of the public hearing date in September at which annual assessment rate changes are submitted to the appropriate committee of the common council as provided in s. 115-43. The interest rate in effect at the time the special assessment is levied shall be fixed for the 6-year duration of the installment payments.

a-4. After being placed on the tax roll in annual installments or otherwise, the amounts of special assessments shall be paid within the time allowed for the payment of general property taxes. If the property owner fails to pay a special assessment within the time allowed for payment, it shall become delinquent and shall be treated in the same manner and subject to the same laws as a delinquent general property tax.

66-29. Penalty. 1. Any person who violates any provision of s. 66-22 or who fails to obey an order of the commissioner to conform to those provisions shall be liable upon conviction to a Class J penalty as provided in s. 61-16.

2. If a person continues in violation of an order, the person shall be liable for further prosecution, conviction and punishment upon the same order without the necessity of the commissioner issuing a new order.

3. Non-compliance of orders issued under s. 66-22-3-c-2, may result in the issuance of citations, as provided in s. 50-25.

SUBCHAPTER 3
COAL TAR SEALANT AND OTHER HIGH PAH
PAVEMENT SEALANT PRODUCTS
USE AND SALE PROHIBITED

66-30. Definitions. In this subchapter:

1. **COAL TAR SEALANT PRODUCT** means a material that contains coal tar, coal tar pitch, coal tar pitch volatiles, or any variation, and is for use on an asphalt or concrete surface, including a driveway, playground, or parking area.

2. **HIGH PAH SEALANT PRODUCT** means any pavement sealant product that contains greater than 1% polycyclic aromatic hydrocarbons (PAHs) by weight, including, but not limited to, coal tar, coal tar pitch, coal tar pitch volatiles, tar, fuel oil, petroleum, or asphalt.

3. **COMMISSIONER** means the commissioner of the department of public works or a designated representative.

4. **DEPARTMENT** means the department of public works.

66-31. Regulations. 1. **USE.** a. No person shall:

a-1. Apply any coal tar sealant product or high PAH sealant product on any public or private property within the city.

a-2. Allow a coal tar sealant product or high PAH sealant product to be applied upon property that is under that person's ownership or control.

a-3. Contract with any commercial applicator, residential or commercial developer, or any other person for the application of any coal tar sealant product or high PAH sealant product to any driveway, parking lot, or other surface within the city.

b. No commercial applicator, residential or commercial developer, or other similar individual or organization shall direct any employee, independent contractor, volunteer, or other person to apply any coal tar sealant product or high PAH sealant product to any driveway, parking lot, or other surface within the city.

2. **SALE.** No person shall sell, offer to sell, or display for sale any coal tar sealant product or high PAH sealant product within the city.

3. **SPECIAL SIGNAGE.** Any person who sells pavement sealcoat products shall prominently display, in the area where such pavement sealcoat products are sold, a notice that contains the following language: "The application of coal tar sealcoat products and high PAH sealant products on driveways, parking lots, playgrounds, and all other paved surfaces in the City of Milwaukee is prohibited by section 66-31 of the Milwaukee Code of Ordinances. Coal tar is a significant source of polycyclic aromatic hydrocarbons (PAHs), a group of organic chemicals that can be carried by storm water and other runoff into the City of Milwaukee's lakes and streams. PAHs are an environmental concern because they are toxic to aquatic life."

66-32. Exemptions. The commissioner may exempt a person from the requirements of s. 66-31 if a request for exemption is made to the commissioner in writing, including an explanation of why the exemption is needed for research or the development of an alternative technology, and if the commissioner determines that one or both of the following apply:

1. The person is conducting research concerning the effects of a coal tar sealant product or high PAH

sealant product on the environment.

2. The person is developing an alternative technology and the use of a coal tar sealant product or high PAH sealant product is required for research or development.

66-33. Enforcement; Penalty.

1. **ENFORCEMENT.** The commissioner shall enforce this subchapter.

2. **PENALTY.** Any person who violates this subchapter or fails to obey an order of the commissioner to conform to this subchapter shall be liable upon conviction for a Class Q penalty under s. 61-23. Each and every act of violation, disobedience, omission, neglect, or refusal shall constitute a separate offense.

3. **CITATIONS.** Citations may be issued for all violations of this subchapter with or without prior order or notice. The stipulation, forfeiture, and court procedure set forth in s. 50-25 shall apply.

66--(HISTORY) Toxic and Hazardous Substances**LEGISLATIVE HISTORY
CHAPTER 66**Abbreviations:am = amended
cr = createdra = renumbered and amended rn = renumbered
rc = repealed and recreated rp = repealed

<u>Section</u>	<u>Action</u>	<u>File</u>	<u>Passed</u>	<u>Effective</u>
Ch. 66	cr	872155	3/29/88	4/16/88
66-10	cr	870856	9/1/88	9/24/88
66-10	rc	931853	7/29/94	8/17/94
66-10-2.5	cr	901740	3/26/91	4/12/91
66-10-3	am	031736	5/25/2004	6/12/2004
66-10-4	am	031736	5/25/2004	6/12/2004
66-10-6	rc	980963	12/18/98	1/1/99
66-10-7	rc	980963	12/18/98	1/1/99
66-12	cr	870856	9/1/88	9/24/88
66-12-2	rc	931853	7/29/94	8/17/94
66-12-5	rc	901740	3/26/91	4/12/91
66-12-5-a	am	980963	12/18/98	1/1/99
66-12-5-b	rc	881734	5/16/89	6/3/89
66-12-5-b	am	980963	12/18/98	1/1/99
66-12-5-f	rc	031736	5/25/2004	6/12/2004
66-12-5-f-8	rc	931853	7/29/94	8/17/94
66-12-5-g	cr	951547	5/14/96	6/1/96
66-12-5-g-1-d	am	031736	5/25/2004	6/12/2004
66-12-5-g-1-d	am	081724	5/5/2009	5/22/2009
66-12-5.5	cr	980532	7/24/98	8/12/98
66-12-6	rc	931853	7/29/94	8/17/94
66-12-7	rc	931853	7/29/94	8/17/94
66-12-7-d	am	881930	3/7/89	3/25/89
66-12-8	rc	931853	7/29/94	8/17/94
66-12-9-0	am	981497	3/2/99	3/19/99
66-12-9	rn	881734	5/16/89	6/3/89
66-12-9	cr	881734	5/16/89	6/3/89
66-12-9	rc	931853	7/29/94	8/17/94
66-12-9-b	am	031736	5/25/2004	6/12/2004
66-12-9-L	cr	980532	7/24/98	8/12/98
66-12-9-m	cr	031736	5/25/2004	6/12/2004
66-12-10	rc	931853	7/29/94	8/17/94
66-12-10	rc	031736	5/25/2004	6/12/2004
66-12-11	cr	931853	7/29/94	8/17/94
66-12-11	am	980963	12/18/98	1/1/99
66-12-12	cr	931853	7/29/94	8/17/94
66-19	cr	870856	9/1/88	9/24/88
66-19-1	am	931853	7/29/94	8/17/94
66-19-2	am	881930	3/7/89	3/25/89
66-20	rc	901495	6/4/91	6/21/91
66-20	rc	980841	10/30/98	11/18/98
66-20-10	am	940400	6/28/94	7/16/94
66-20-19	cr	940400	6/28/94	7/16/94
66-21	cr	980841	10/30/98	11/18/98
66-21-15	am	101063	1/19/2011	2/5/2011
66-22	rc	901495	6/4/91	6/21/91
66-22	rc	980841	10/30/98	11/18/98
66-22-3	rn to 66-22-4	181759	7/9/2019	7/26/2019

Toxic and Hazardous Substances 66- (HISTORY)

66-22-3	cr	181759	7/9/2019	7/26/2019
66-22-3-b	am	001458	2/27/2001	3/16/2001
66-22-3-d-0	am	101063	1/19/2011	2/5/2011
66-22-3-d-0	am	151472	2/9/2016	2/26/2016
66-22-3-d-1	rp	151472	2/9/2016	2/26/2016
66-22-3-d-2	rp	151472	2/9/2016	2/26/2016
66-22-4	rn to 66-22-5	181759	7/9/2019	7/26/2019
66-22-4-b-1	am	081724	5/5/2009	5/22/2009
66-22-4-b-2	am	940400	6/28/94	7/16/94
66-22-4-h-2	am	081724	5/5/2009	5/22/2009
66-22-4-h-11	am	081724	5/5/2009	5/22/2009
66-22-5	rn to 66-22-6	181759	7/9/2019	7/26/2019
66-22-5-c	am	081724	5/5/2009	5/22/2009
66-22-6	rn to 66-22-7	181759	7/9/2019	7/26/2019
66-22-7	rn to 66-22-8	181759	7/9/2019	7/26/2019
66-22-7-a	am	940400	6/28/94	7/16/94
66-22-7-e-1	am	940400	6/28/94	7/16/94
66-22-8	rn to 66-22-9	181759	7/9/2019	7/26/2019
66-22-8-c	am	940400	6/28/94	7/16/94
66-22-9	rn to 66-22-10	181759	7/9/2019	7/26/2019
66-22-9-a	am	940400	6/28/94	7/16/94
66-22-9-c	cr	940400	6/28/94	7/16/94
66-22-10	rn to 66-22-11	181759	7/9/2019	7/26/2019
66-22-11	am	081724	5/5/2009	5/22/2009
66-22-11	rn to 66-22-12	181759	7/9/2019	7/26/2019
66-22-12	rn to 66-22-13	181759	7/9/2019	7/26/2019
66-22-13	rn to 66-22-14	181759	7/9/2019	7/26/2019
66-22-13-b	rc	991588	2/8/2000	2/25/2000
66-22-14	cr	151472	2/9/2016	2/26/2016
66-22-14	rn to 66-22-15	181759	7/9/2019	7/26/2019
66-22-14-a-1	am	160996	12/13/2016	1/5/2017
66-29	rc	901495	6/4/91	6/21/91
66-29-6	am	881930	3/7/89	3/25/89
66-30	cr	161306	2/7/2017	2/24/2017
66-31	cr	161306	2/7/2017	2/24/2017
66-32	cr	161306	2/7/2017	2/24/2017
66-33	cr	161306	2/7/2017	2/24/2017
66-41*	cr	971298	3/2/99	5/1/99
66-43*	cr	971298	3/2/99	5/1/99
66-45*	cr	971298	3/2/99	5/1/99
66-47*	cr	971298	3/2/99	5/1/99
66-47-5-g*	rc	990592	7/29/99	8/17/99
66-48*	cr	971298	3/2/99	5/1/99
66-49*	cr	971298	3/2/99	5/1/99
66-51*	cr	971298	3/2/99	5/1/99
66-52*	cr	971298	3/2/99	5/1/99
66-52-2-a*	rc	990592	7/29/99	8/17/99
66-53*	cr	971298	3/2/99	5/1/99
66-55*	cr	971298	3/2/99	5/1/99
66-57*	cr	971298	3/2/99	5/1/99
66-58*	cr	971298	3/2/99	5/1/99
66-59*	cr	971298	3/2/99	5/1/99
66-61*	cr	971298	3/2/99	5/1/99
66-61-3*	rc	991588	2/8/2000	2/25/2000
66-63*	cr	971298	3/2/99	5/1/99
66-65*	cr	971298	3/2/99	5/1/99

66--(HISTORY) Toxic and Hazardous Substances

66-67*	cr	971298	3/2/99	5/1/99
66-69*	cr	971298	3/2/99	5/1/996
66-71*	cr	971298	3/2/99	5/1/99
66-71-2*	am	001458	2/27/2001	3/16/2001
66-71-4-i*	am	001458	2/27/2001	3/16/2001
66-73*	cr	971298	3/2/99	5/1/99
66-74*	cr	971298	3/2/99	5/1/99
66-75*	cr	971298	3/2/99	5/1/99

***Note: 66-41 to 66-75 became null and void after 5/1/2002 ("sunset" provision) per the provisions of file #971298.**

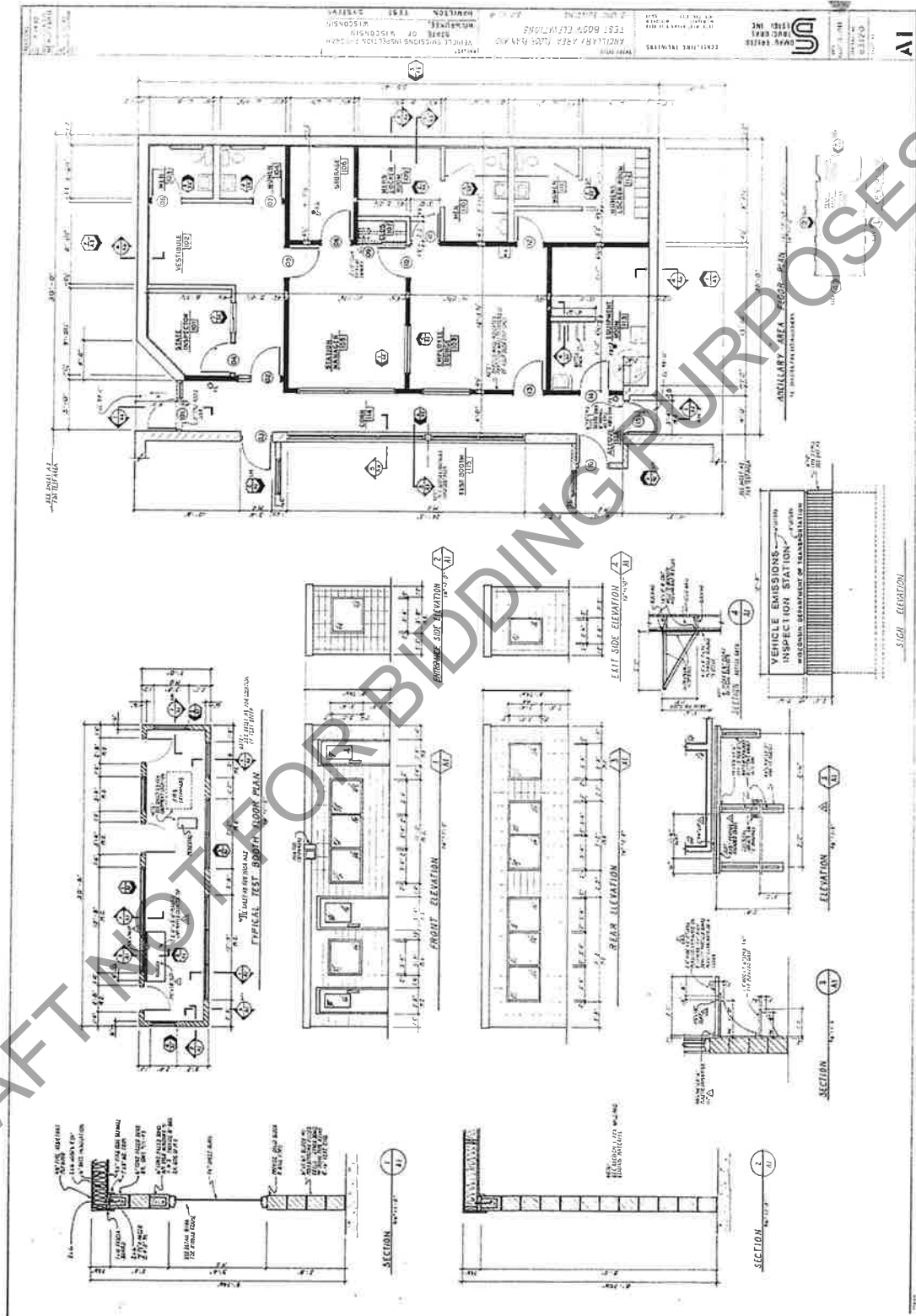
DRAFT NOT FOR BIDDING PURPOSES

Site Diagram

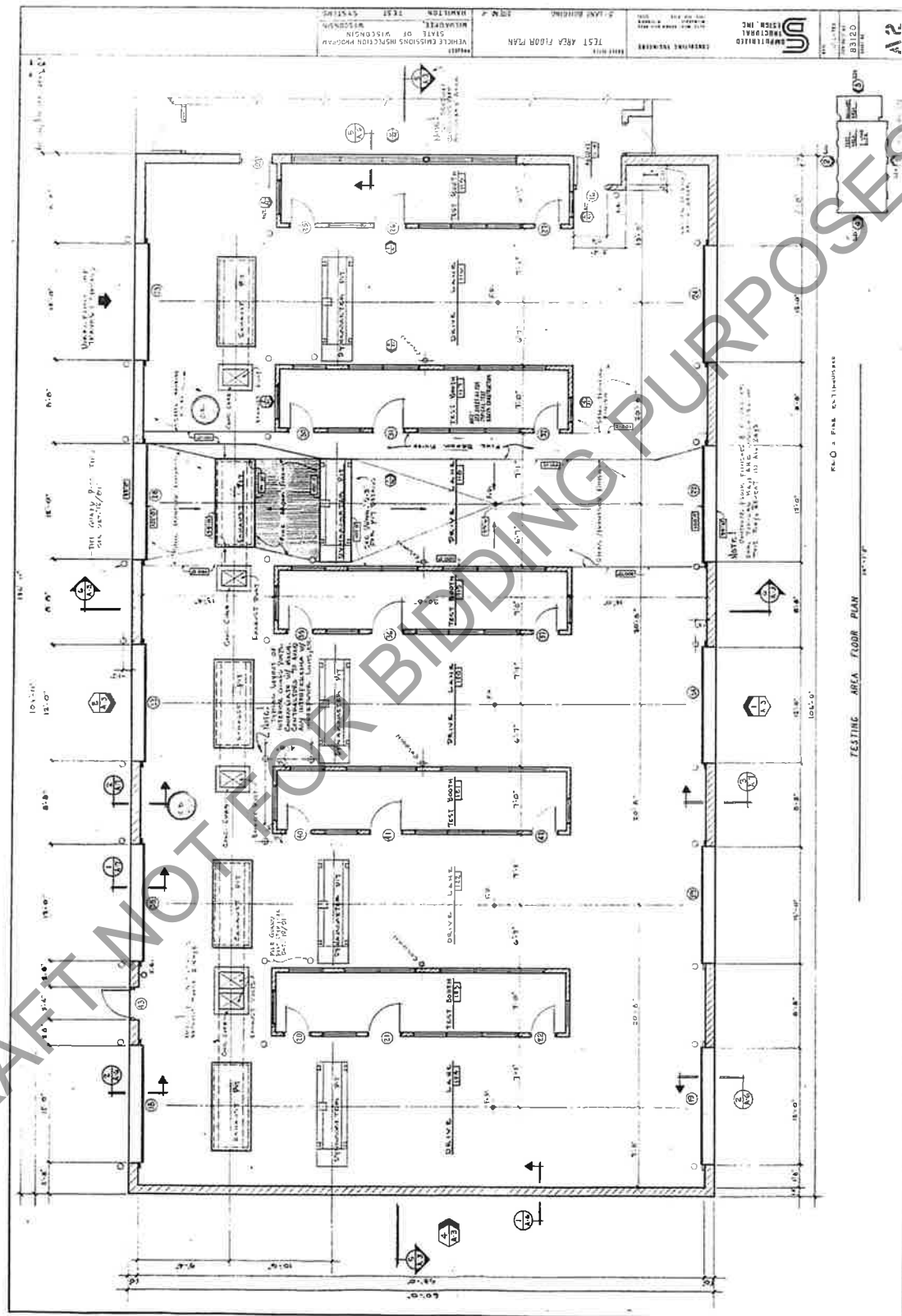
Physical Characteristics Summary

# of Buildings/Use	One, one-story former DMV emissions testing facility; the building is currently vacant and listed for sale. The highest and best use of the property is to be converted to an automobile related use (i.e. repair, sales, rental) or a contractor's shop/yard.
Year Built / Renovated	The improvements were constructed in 1984. According to a representative of the property owner, the building has seen minimal, if any renovation since the date of original construction but has been generally adequately maintained.
Building Sq. Ft. (GBA)	Office Area: ±1,560 square feet (20% of GBA) Shop/Warehouse Area: ±6,360 square feet (80% of GBA) Total GBA: ±7,920 square feet
Construction Type	<u>Structural</u> - Load bearing concrete block <u>Walls</u> - Concrete block <u>Floors</u> - Poured concrete (approximately 8" thick) <u>Roof</u> - Rubber membrane with stone ballast (the roof was not inspected due to it being snow covered but it was reportedly in good condition and no evidence of leaking was noticed during our inspection).
Lighting	Fluorescent lighting in the office area and metal halide lighting in the shop/warehouse areas.
Doors	With a total of five drive-through vehicle bays, the building has a total of ten overhead doors. Six of the overhead doors are 8' tall while four are 14' tall.
Building Layout	Reduced copies of the building floor plans showing the office and shop/warehouse areas are presented on the following two pages.
Interior Finish	<u>Office</u> - The office finish is generally of low quality and consists of painted drywall and concrete block walls, linoleum, vinyl and terrazzo tile flooring, acoustical ceiling tile and built-in lockers. Numerous cracked tiles in the flooring were noticed upon our property inspection. <u>Warehouse</u> - The shop/warehouse area includes a ±8" concrete slab floor with numerous floor drains, concrete block walls and steel trusses with metal roof decking. There are five 7'-wide x 30'8"-long x 8'8"-tall concrete block enclosures in the warehouse area that separate the bays. These enclosures are typical of a building with the subject's former use and are where customers waited while their vehicles were tested as well as housing some testing equipment. There are a total of five 8'6"-long x 3'6"-wide x 2'6" deep drainage pits in the warehouse area. There is one drainage pit per vehicle bay.

Office Layout



Shop/Warehouse Layout



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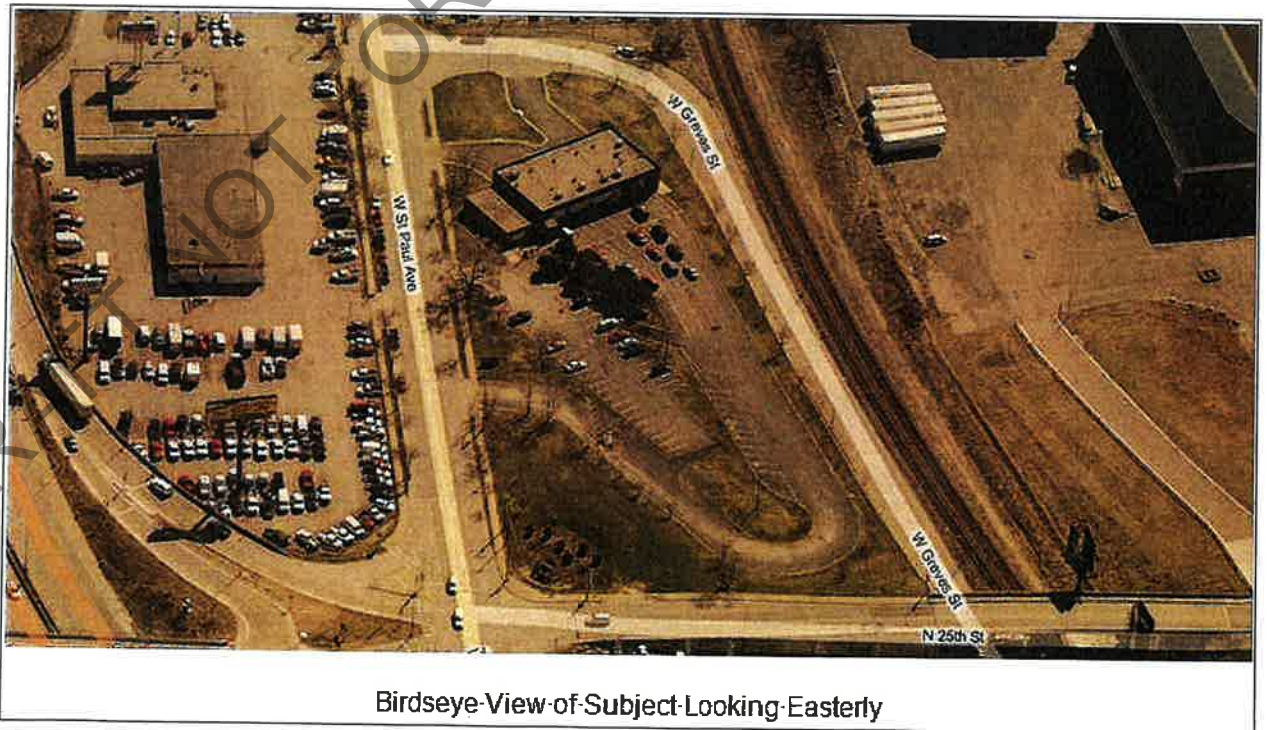
Photos

SUMMARY OF PROPERTY APPRAISED**Site**

Photographs of the subject property and other property-related information are provided in Exhibit A; aerial photographs of the subject property are presented below and on the following page.



Birdseye View of Subject Looking Northerly



Birdseye View of Subject Looking Easterly



Birdseye View of Subject Looking Southerly

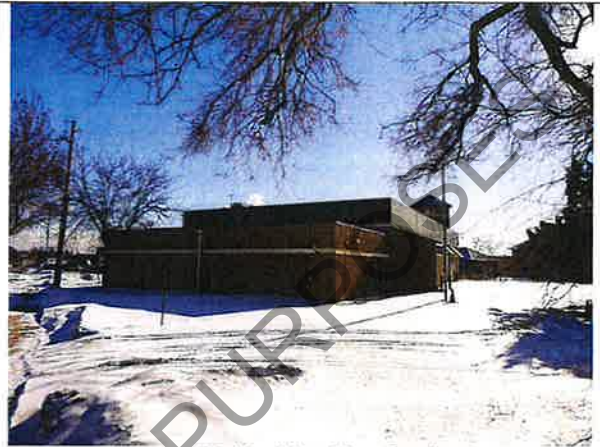


Birdseye View of Subject Looking Westerly

EXHIBIT A
Subject Property Photographs & Information
Subject Photographs (01/21/2014)



View of Subject Looking Easterly



View of Subject Looking Southerly



View of Subject Looking Northeasterly



View of Subject Looking Easterly



View of Subject Looking Westerly



View of Subject Looking Easterly

Subject Photographs (01/21/2014)



View of Office Space



View of Office Space



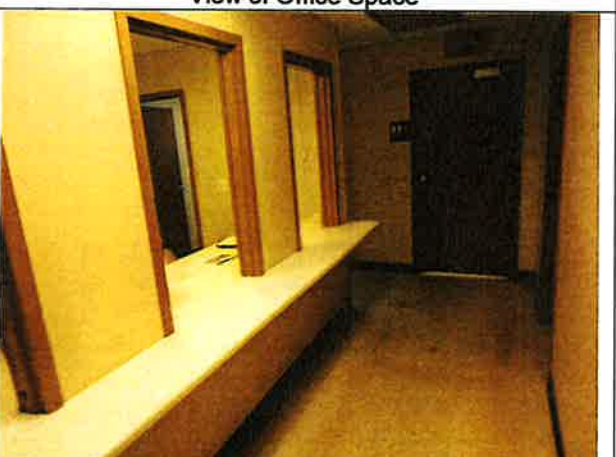
View of Office Space



View of Office Space



View of Office Space



View of Office Space

Subject Photographs (01/21/2014)



View of Warehouse Area



View of Concrete Block Structure Separating Bays



View of Warehouse Area



View of Warehouse Area



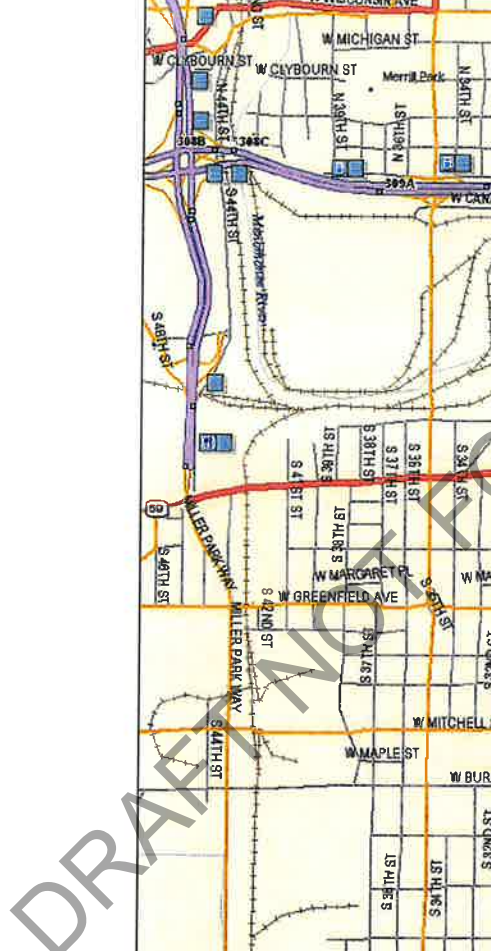
View of Warehouse Area



View of Drainage Pit

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Location Map



KPH Asbestos Inspection and Abatement Report 9/2014

Asbestos in this report to be abated by August 1, 2025

ASBESTOS INSPECTION REPORT**Job Site:**

**2401 West St. Paul Avenue
Milwaukee, Wisconsin
Parcel #1**

For:

**WisDOT-Trans System Development
Southeast Tech Services-Real Estate**

Attn.: Alane Stephens
141 NW Barstow Street
P.O. Box 798
Waukesha, WI 53187-0798
Project #: 1060-27-20

KPH Project # 14-200-372


Dean Jacobsen
Asbestos Inspector No. AII – 14370

Prepared by:

KPH Environmental
1237 West Bruce Street
Milwaukee, Wisconsin 53204

September 2014

KPH ENVIRONMENTAL		WEB kphbuilds.com	
WISCONSIN	ADDRESS 1237 West Bruce Street, Milwaukee, WI 53204	PHONE 414.647.1530	FAX 414.647.1540
MICHIGAN	ADDRESS 3737 Lake Eastbrook, Suite 203, Grand Rapids, MI 49503	PHONE 616.920.0574	FAX 414.647.1540

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VII. Limitations6

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I. INTRODUCTION

KPH Environmental Corp. (KPH) was retained by the Wisconsin Department of Transportation to conduct an inspection for possible asbestos containing materials in the building located at 2401 West St. Paul Avenue, Milwaukee, Wisconsin.

The inspection included floor tile, ceiling tile, vinyl wallbase, caulk, ceramic tile/mortar, drywall/joint compound, concrete block/mortar, texture, mastics, asphalt roofing materials, and stucco panels to determine if asbestos containing materials were present within the space as required by *US EPA NESHAP regulation 40 CFR 61 Subpart M and NR 447 of the Wisconsin Administrative Code*.

II. BUILDING SURVEY

Alane Stephens, of the Wisconsin Department of Transportation, authorized KPH to conduct a building survey and to analyze samples taken during the inspection.

On August 20, 2014, KPH conducted an asbestos inspection of a Department of Motor Vehicles emissions testing building, located at 2401 West St. Paul Avenue, Milwaukee, Wisconsin. The inspection was conducted by Dean Jacobsen, Wisconsin License No. AII – 14370.

The inspection was comprised of three elements:

1. A visual determination as to the extent of suspect materials within the building.
2. Sampling and documentation of observable suspect materials.
3. Quantification of observable positive materials existing within the spaces.

The results of the survey integrated with the Polarized Light Microscopy with Dispersion Staining (PLM/DS) analysis of bulk samples taken are outlined in this document. If you have any questions please contact KPH at (414) 647-1530.

III. THE LABORATORY

A. METHOD OF ANALYSIS

Analysis is performed by using the bulk samples for visual observation and slide preparation(s) for microscopical examination and identification. The slides are analyzed for asbestos (chrysotile, amosite, crocidolite, anthophyllite, and actinolite/ tremolite), fibrous non asbestos constituents (mineral wool, paper, etc.), and nonfibrous constituents. Asbestos is identified by refractive indices (obtained by using dispersion staining), morphology, color, pleochroism, birefringence, extinction characteristics, and signs of elongation. The same characteristics are used to identify the non asbestos constituents.

The microscopist visually estimates relative amounts of each constituent using a stereoscope if necessary. The test results are based on a visual determination of relative volume of the bulk sample components. The results are valid only for the item tested. Current US EPA NESHAP regulations state asbestos materials means material containing more than 1% asbestos as determined using the method specified in Appendix E, Subpart E, 40 CFR Part 763 Section I, Polarized Light Microscopy. Refer to 29 CFR 1926.1101 (Construction) and 29 CFR 1910.1001 (General Industry) for specific OSHA requirements.

IV. FINDINGS AND OBSERVATIONS

The materials identified as suspect asbestos containing materials (ACM) include floor tile, ceiling tile, vinyl wallbase, caulk, ceramic tile, drywall/joint compound, concrete block/mortar, texture, mastics, asphalt roofing materials, and stucco panels. These materials were sampled and the following results were noted:

Sample #	Location and Description	Results	Homogeneous Code
1A-2401	Hall – east end – 12” orange floor tile	Negative	MF12o
1B-2401a	East office – 12” orange floor tile	Negative	MF12o
1B-2401b	East office – under floor tile – black mastic	Negative	MF12o
1C-2401a	Manager’s office – 12” orange floor tile	Negative	MF12o
1C-2401b	Manager’s office – under floor tile – black mastic	Negative	MF12o
2A-2401	Hall – east end – 2’ x 4’ pinholed and grooved ceiling tile	Negative	MSCT24
2B-2401	East office – 2’ x 4’ pinholed and grooved ceiling tile	Negative	MSCT24
2C-2401	West office – 2’ x 4’ pinholed and grooved ceiling tile	Negative	MSCT24
3A-2401a	Hall – east end – 4” brown vinyl wallbase	Negative	MV4n
3A-2401b	Hall – east end – under wallbase – yellow mastic	Negative	MV4n
3B-2401a	Manager’s office – 4” brown vinyl wallbase	Negative	MV4n
3B-2401b	Manager’s office – under wallbase – yellow mastic	Negative	MV4n
3C-2401a	West office – 4” brown vinyl wallbase	Negative	MV4n
3C-2401b	West office – under wallbase – yellow mastic	Negative	MV4n
4A-2401	Hall – around east door – tan caulk	Negative	MCLKt
4B-2401	Garage – around southwest door – tan caulk	Negative	MCLKt
4C-2401	Garage waiting rooms – around windows – tan caulk	Negative	MCLKt
5A-2401	Hall – on north and south east windows – on glass panes – gray caulk	Positive 3% Chrysotile	MCLKy
6A-2401	Hall – on southwest windows – on glass panes – black caulk	Positive 3% Chrysotile	MCLKk
6B-2401	Not Analyzed Due to Prior Positive Sample	N/A	MCLKk
6C-2401	Not Analyzed Due to Prior Positive Sample	N/A	MCLKk
7A-2401a	Utility room – wallbase – brown ceramic tile	Negative	MCTMn
7A-2401b	Utility room – wallbase – under ceramic tile – yellow mastic	Negative	MCTMn
7A-2401c	Utility room – wallbase – grout	Negative	MCTMn
7A-2401c	Utility room – wallbase – brown caulk	Negative	MCLKn
8A-2401a	Utility room – center wall – drywall	Negative	MDW
8A-2401b	Utility room – center wall – joint compound	Negative	MDW
8B-2401a	Women’s restroom – center wall – drywall	Negative	MDW
8B-2401b	Women’s restroom – center wall – joint compound	Negative	MDW
8C-2401a	West office – north wall – drywall	Negative	MDW
8C-2401b	West office – north wall – joint compound	Negative	MDW

Sample #	Location and Description	Results	Homogeneous Code
9A-2401	Women's restroom – 2' x 4' smooth ceiling tile	Negative	MSCT24S
9B-2401	Men's restroom – 2' x 4' smooth ceiling tile	Negative	MSCT24S
9C-2401	West restroom – 2' x 4' smooth ceiling tile	Negative	MSCT24S
10A-2401a	Women's restroom floor – brown and tan ceramic tile	Negative	MCTMnt
10A-2401b	Women's restroom floor – grout	Negative	MCTMnt
10A-2401c	Women's restroom floor – under ceramic tile – mortar	Negative	MCTMnt
10B-2401a	Men's restroom floor – brown and tan ceramic tile	Negative	MCTMnt
10B-2401b	Men's restroom floor – grout	Negative	MCTMnt
10B-2401c	Men's restroom floor – under ceramic tile – mortar	Negative	MCTMnt
10C-2401a	West restroom floor – brown and tan ceramic tile	Negative	MCTMnt
10C-2401b	West restroom floor – grout	Negative	MCTMnt
10C-2401c	West restroom floor – under ceramic tile – mortar	Negative	MCTMnt
11A-2401	Men's restroom – at sink and urinal – cream caulk	Negative	MCLKc
12A-2401a	Manager's office closet – 12" white and blue floor tile	Negative	MF12wb
12A-2401b	Manager's office closet – under floor tile – white mastic	Negative	MF12wb
13A-2401a	West office – east side top layer – 12" beige floor tile	Negative	MF12e
13A-2401b	West office – east side top layer – under floor tile – clear mastic	Negative	MF12e
13B-2401a	West office – north side top layer – 12" beige floor tile	Negative	MF12e
13B-2401b	West office – north side top layer – under floor tile – clear mastic	Negative	MF12e
13C-2401a	West office – south side top layer – 12" beige floor tile	Negative	MF12e
13C-2401b	West office – south side top layer – under floor tile – clear mastic	Negative	MF12e
14A-2401a	Hall – south wall – concrete block	Negative	MCB
14A-2401b	Hall – south wall – mortar	Negative	MCB
14B-2401a	Garage – west wall – concrete block	Negative	MCB
14B-2401b	Garage – west wall – mortar	Negative	MCB
14C-2401a	Garage – waiting room wall – concrete block	Negative	MCB
14C-2401b	Garage – waiting room wall – mortar	Negative	MCB
15A-2401	Garage – on ducts into west wall – gray caulk #2	Positive 3% Chrysotile	MCLKy2
16A-2401	Garage – north waiting room ceiling – texture	Negative	STX
16B-2401	Garage – center waiting room ceiling – texture	Negative	STX
16C-2401	Garage – south waiting room ceiling – texture	Negative	STX
17A-2401a	Roof – north side – black membrane	Negative	MRM
17A-2401b	Roof – north side – under membrane – fiberboard	Negative	MRM
17B-2401a	Roof – west side – black membrane	Negative	MRM
17B-2401b	Roof – west side – under membrane – fiberboard	Negative	MRM
17C-2401a	Roof – south side – black membrane	Negative	MRM
17C-2401b	Roof – south side – under membrane – fiberboard	Negative	MRM
18A-2401	Roof – black flashing	Negative	MRF
19A-2401	Roof – on 6 metal stacks – light gray caulk	Positive 3% Chrysotile	MCLKylight
20A-2401	Exterior – south wall expansion joint – tan caulk #2	Negative	MCLKt2
20B-2401	Exterior – on west garage door – tan caulk #2	Negative	MCLKt2
20C-2401	Exterior – on east garage door – tan caulk #2	Negative	MCLKt2
21A-2401	Exterior – on east wall – stucco panel	Negative	STC
21B-2401	Exterior – on west wall – stucco panel	Negative	STC
21C-2401	Exterior – on wall above entrance – stucco panel	Negative	STC

Notes: N/A = Not Applicable

Homogeneous Material Codes

MF12o	12" Orange Floor Tile
MF12wb	12" White & Blue Floor Tile
MF12e	12" Beige Floor Tile
MSCT24PG	2' x 4' Pinholed & Grooved Ceiling Tile
MSCT24S	2' x 4' Smooth Ceiling Tile
MV4n	4" Brown Vinyl Wallbase
MCLKc	Cream Caulk
MCLKt	Tan Caulk
MCLKt2	Tan Caulk #2
MCLKy	Gray Caulk
MCLKy2	Gray Caulk #2
MCLKylight	Light Gray Caulk
MCLKk	Black Caulk
MCTMn	Brown Ceramic Tile
MCTMnt	Brown & Tan Ceramic Tile
MDW	Drywall/Joint Compound
MCB	Concrete Block
MRM	Roof Membrane
MRF	Flashing
STC	Stucco

Note#1: If additional materials are discovered during demolition that are not listed above they are to be assumed to be asbestos containing.

Note#2: A copy of this report should be transmitted to the demolition contractor.

Note#3: The following universal wastes were also identified in the building: 79 fluorescent light bulbs, 46 fluorescent light ballasts, 26 mercury vapor lights, 1 drinking fountain, 6 roof air conditioners, and 20 door closers that may contain hydraulic oil.

V. SUMMARY

Four (4) of the materials sampled contain greater than 1% asbestos: the gray and black caulks on the interior windows and doors, Gray caulk on the ducts going into the west wall of the garage, and light gray caulk on the roof vent stacks.

Material	Location	Approximate Quantity
Gray Caulk	Hall – North & Southeast Windows on Glass	4 Windows
Black Caulk	Hall –Southwest Windows on Glass, Garage - Waiting Room Windows & Doors on Glass	50 Windows 15 Doors
Gray Caulk #2	Garage – on Ducts into West Block Wall	5 Ducts – 65 Ln. Ft.
Light Gray Caulk	Roof – on Vent Stacks	6 Stacks – 10 Ln. Ft.

All caulks are category I non-friable materials and may remain on the building during demolition if the demolition debris will be disposed at a solid waste or construction/demolition landfill. The caulks must be abated by trained and certified asbestos personnel if the building material they are attached to will be recycled. There is not a friable asbestos problem in the building.

VI. EXCLUSIONS

No visible or accessible areas or materials were excluded from this scope of work.

KPH is not and shall not represent the building owner as its agent or representative for the purpose of the US EPA/NESHAP and/or the WDNR/NR447 regulations, as owner/operator.

This report represents the condition of the building and its visible/accessible suspect asbestos containing materials at the date and the times of the onsite inspection. Hidden materials or those materials that could be present at the point of inspection, over and above those stated in the inspection report, are the responsibility of the building owner and the demolition contractor.

VII. LIMITATIONS

The care and skill given to our procedures insures the most reliable test results possible. KPH utilizes Amerisci Richmond for our Polarized Light Microscopy, unless otherwise specified by the client. The findings and conclusions of KPH represent our professional opinions extrapolated from limited data. Significant limited data is gathered during the course of the preliminary asbestos specific site assessment. No other warranty is expressed or implied. Prior to any abatement or renovation activities, it is recommended that KPH be provided the opportunity to review such plans in order that the inspection and assessments contained herein are properly interpreted and implemented.

This report and the information contained herein are prepared for the sole and exclusive use and possession of WI Department of Transportation. No other person or entity may rely on this report or any information contained herein. Any dissemination of the Report or any information contained herein is strictly prohibited without prior written authorization from KPH Environmental Corp.

VIII. LABORATORY RESULTS

DRAFT NOT FOR BIDDING PURPOSES

PLM Bulk Asbestos Report

KPH Construction Corp
Attn: Dean Jacobsen
1237 W Bruce Street

Milwaukee, WI 53204

Date Received 08/22/14 **AmeriSci Job #** 114081920
Date Examined 08/27/14 **P.O. #**
Page 1 **of** 14
RE: 14-200-372; WDOT; 2401 W. St. Paul, WI

Client No. / HGA	Lab No.	Asbestos Present	Total % Asbestos
1A-2401 1 Location:	114081920-01	No	NAD (by CVES) by Gordon T. Saleeby on 08/27/14
Analyst Description: Lt. Brown, Heterogeneous, Non-Fibrous, Bulk Material Asbestos Types: Other Material: Non-fibrous 100 % Comment: No Mastic in Sample, Floor Tile only.			
1B-2401 1 Location:	114081920-02L1	No	NAD (by CVES) by Gordon T. Saleeby on 08/27/14
Analyst Description: Lt. Brown, Heterogeneous, Non-Fibrous, Floor Tile Asbestos Types: Other Material: Non-fibrous 100 %			
1B-2401 1 Location:	114081920-02L2	No	NAD (by CVES) by Gordon T. Saleeby on 08/27/14
Analyst Description: Black, Heterogeneous, Non-Fibrous, Mastic Asbestos Types: Other Material: Non-fibrous 100 %			
1C-2401 1 Location:	114081920-03L1	No	NAD (by CVES) by Gordon T. Saleeby on 08/27/14
Analyst Description: Lt. Brown, Heterogeneous, Non-Fibrous, Floor Tile Asbestos Types: Other Material: Non-fibrous 100 %			

Client Name: KPH Construction Corp

PLM Bulk Asbestos Report

14-200-372; WDOT; 2401 W. St. Paul, WI

Client No. / HGA	Lab No.	Asbestos Present	Total % Asbestos
1C-2401 1 Location:	114081920-03L2	No	NAD (by CVES) by Gordon T. Saleeby on 08/27/14
Analyst Description: Black, Heterogeneous, Non-Fibrous, Mastic Asbestos Types: Other Material: Synthetic fibers 3 %, Non-fibrous 97 %			
2A-2401 2 Location:	114081920-04	No	NAD (by CVES) by Gordon T. Saleeby on 08/27/14
Analyst Description: White/Beige, Homogeneous, Fibrous, Bulk Material Asbestos Types: Other Material: Cellulose 40 %, Fibrous glass 20 %, Non-fibrous 40 %			
2B-2401 2 Location:	114081920-05	No	NAD (by CVES) by Gordon T. Saleeby on 08/27/14
Analyst Description: White/Beige, Homogeneous, Fibrous, Bulk Material Asbestos Types: Other Material: Cellulose 40 %, Fibrous glass 20 %, Non-fibrous 40 %			
2C-2401 2 Location:	114081920-06	No	NAD (by CVES) by Gordon T. Saleeby on 08/27/14
Analyst Description: White/Beige, Homogeneous, Fibrous, Bulk Material Asbestos Types: Other Material: Cellulose 40 %, Fibrous glass 20 %, Non-fibrous 40 %			
3A-2401 3 Location:	114081920-07L1	No	NAD (by CVES) by Gordon T. Saleeby on 08/27/14
Analyst Description: Brown, Heterogeneous, Non-Fibrous, Base Cove Asbestos Types: Other Material: Non-fibrous 100 %			
3A-2401 3 Location:	114081920-07L2	No	NAD (by CVES) by Gordon T. Saleeby on 08/27/14
Analyst Description: Yellow/Brown, Heterogeneous, Non-Fibrous, Mastic Asbestos Types: Other Material: Non-fibrous 100 %			

See Reporting notes on last page

Client Name: KPH Construction Corp

PLM Bulk Asbestos Report

14-200-372; WDOT; 2401 W. St. Paul, WI

Client No. / HGA	Lab No.	Asbestos Present	Total % Asbestos
3B-2401 3 Location:	114081920-08L1	No	NAD (by CVES) by Gordon T. Saleeby on 08/27/14
Analyst Description: Brown, Heterogeneous, Non-Fibrous, Base Cove Asbestos Types: Other Material: Non-fibrous 100 %			
3B-2401 3 Location:	114081920-08L2	No	NAD (by CVES) by Gordon T. Saleeby on 08/27/14
Analyst Description: Yellow, Heterogeneous, Non-Fibrous, Mastic Asbestos Types: Other Material: Non-fibrous 100 %			
3C-2401 3 Location:	114081920-09L1	No	NAD (by CVES) by Gordon T. Saleeby on 08/27/14
Analyst Description: Brown, Heterogeneous, Non-Fibrous, Base Cove Asbestos Types: Other Material: Non-fibrous 100 %			
3C-2401 3 Location:	114081920-09L2	No	NAD (by CVES) by Gordon T. Saleeby on 08/27/14
Analyst Description: Yellow, Heterogeneous, Non-Fibrous, Mastic Asbestos Types: Other Material: Non-fibrous 100 %			
4A-2401 4 Location:	114081920-10	No	NAD (by CVES) by Gordon T. Saleeby on 08/27/14
Analyst Description: Lt.Tan, Heterogeneous, Non-Fibrous, Bulk Material Asbestos Types: Other Material: Non-fibrous 100 %			
4B-2401 4 Location:	114081920-11	No	NAD (by CVES) by Gordon T. Saleeby on 08/27/14
Analyst Description: Lt.Tan, Heterogeneous, Non-Fibrous, Bulk Material Asbestos Types: Other Material: Non-fibrous 100 %			

See Reporting notes on last page

Client Name: KPH Construction Corp

PLM Bulk Asbestos Report

14-200-372; WDOT; 2401 W. St. Paul, WI

Client No. / HGA	Lab No.	Asbestos Present	Total % Asbestos
4C-2401 4 Location:	114081920-12	No	NAD (by CVES) by Gordon T. Saleeby on 08/27/14
Analyst Description: Lt.Tan, Heterogeneous, Non-Fibrous, Bulk Material Asbestos Types: Other Material: Non-fibrous 100 %			
5A-2401 Location:	114081920-13	Yes	3 % (by CVES) by Gordon T. Saleeby on 08/27/14
Analyst Description: Gray/Brown, Heterogeneous, Non-Fibrous, Bulk Material Asbestos Types: Chrysotile 3.0 % Other Material: Non-fibrous 97 %			
6A-2401 6 Location:	114081920-14	Yes	3 % (by CVES) by Gordon T. Saleeby on 08/27/14
Analyst Description: Black/Brown, Heterogeneous, Non-Fibrous, Bulk Material Asbestos Types: Chrysotile 3.0 % Other Material: Non-fibrous 97 %			
6B-2401 6 Location:	114081920-15		NA/PS
Analyst Description: Bulk Material Asbestos Types: Other Material:			
6C-2401 6 Location:	114081920-16		NA/PS
Analyst Description: Bulk Material Asbestos Types: Other Material:			
7A-2401 Location:	114081920-17L1	No	NAD (by CVES) by Gordon T. Saleeby on 08/27/14
Analyst Description: Mauve, Heterogeneous, Non-Fibrous, Ceramic Tile Asbestos Types: Other Material: Non-fibrous 100 %			

See Reporting notes on last page

Client Name: KPH Construction Corp

PLM Bulk Asbestos Report

14-200-372; WDOT; 2401 W. St. Paul, WI

Client No. / HGA	Lab No.	Asbestos Present	Total % Asbestos
7A-2401 Location:	114081920-17L2	No	NAD (by CVES) by Gordon T. Saleeby on 08/27/14
Analyst Description: Yellow, Heterogeneous, Non-Fibrous, Mastic Asbestos Types: Other Material: Non-fibrous 100 %			
7A-2401 Location:	114081920-17.3	No	NAD (by CVES) by Gordon T. Saleeby on 08/27/14
Analyst Description: Ivory, Heterogeneous, Non-Fibrous, Grout Asbestos Types: Other Material: Non-fibrous 100 %			
7A-2401 Location:	114081920-17L4	No	NAD (by CVES) by Gordon T. Saleeby on 08/27/14
Analyst Description: Gray/Brown, Heterogeneous, Non-Fibrous, Caulk Asbestos Types: Other Material: Non-fibrous 100 %			
8A-2401 8 Location:	114081920-18.1	No	NAD (by CVES) by Gordon T. Saleeby on 08/27/14
Analyst Description: White/Brown, Heterogeneous, Non-Fibrous, Drywall Asbestos Types: Other Material: Cellulose 7 %, Non-fibrous 93 %			
8A-2401 8 Location:	114081920-18.2	No	NAD (by CVES) by Gordon T. Saleeby on 08/27/14
Analyst Description: White, Heterogeneous, Non-Fibrous, Joint Compound Asbestos Types: Other Material: Non-fibrous 100 %			
8B-2401 8 Location:	114081920-19.1	No	NAD (by CVES) by Gordon T. Saleeby on 08/27/14
Analyst Description: Brown, Heterogeneous, Non-Fibrous, Drywall Asbestos Types: Other Material: Cellulose 5 %, Fibrous glass 2 %, Non-fibrous 93 %			

See Reporting notes on last page

Client Name: KPH Construction Corp

PLM Bulk Asbestos Report

14-200-372; WDOT; 2401 W. St. Paul, WI

Client No. / HGA	Lab No.	Asbestos Present	Total % Asbestos
8B-2401 8 Location:	114081920-19.2	No	NAD (by CVES) by Gordon T. Saleeby on 08/27/14
Analyst Description: White, Heterogeneous, Non-Fibrous, Joint Compound Asbestos Types: Other Material: Non-fibrous 100 %			
8C-2401 8 Location:	114081920-20.1	No	NAD (by CVES) by Gordon T. Saleeby on 08/27/14
Analyst Description: White/Brown, Heterogeneous, Non-Fibrous, Drywall Asbestos Types: Other Material: Cellulose 5 %, Fibrous glass 2 %, Non-fibrous 93 %			
8C-2401 8 Location:	114081920-20.2	No	NAD (by CVES) by Gordon T. Saleeby on 08/27/14
Analyst Description: White, Heterogeneous, Non-Fibrous, Joint Compound Asbestos Types: Other Material: Non-fibrous 100 %			
9A-2401 9 Location:	114081920-21	No	NAD (by CVES) by Gordon T. Saleeby on 08/27/14
Analyst Description: White/Brown, Heterogeneous, Non-Fibrous, Bulk Material Asbestos Types: Other Material: Cellulose 5 %, Fibrous glass 2 %, Non-fibrous 93 %			
9B-2401 9 Location:	114081920-22	No	NAD (by CVES) by Gordon T. Saleeby on 08/27/14
Analyst Description: White/Brown, Heterogeneous, Non-Fibrous, Bulk Material Asbestos Types: Other Material: Cellulose 5 %, Fibrous glass 2 %, Non-fibrous 93 %			
9C-2401 9 Location:	114081920-23	No	NAD (by CVES) by Gordon T. Saleeby on 08/27/14
Analyst Description: White/Brown, Heterogeneous, Non-Fibrous, Bulk Material Asbestos Types: Other Material: Cellulose 5 %, Fibrous glass 2 %, Non-fibrous 93 %			

See Reporting notes on last page

Client Name: KPH Construction Corp

PLM Bulk Asbestos Report

14-200-372; WDOT; 2401 W. St. Paul, WI

Client No. / HGA	Lab No.	Asbestos Present	Total % Asbestos
10A-2401 10 Location:	114081920-24.1	No	NAD (by CVES) by Gordon T. Saleeby on 08/27/14
Analyst Description: Brown, Heterogeneous, Non-Fibrous, Ceramic Tile Asbestos Types: Other Material: Non-fibrous 100 %			
10A-2401 10 Location:	114081920-24.2	No	NAD (by CVES) by Gordon T. Saleeby on 08/27/14
Analyst Description: Gray/Brown, Heterogeneous, Non-Fibrous, Grout Asbestos Types: Other Material: Non-fibrous 100 %			
10A-2401 10 Location:	114081920-24.3	No	NAD (by CVES) by Gordon T. Saleeby on 08/27/14
Analyst Description: Gray, Heterogeneous, Non-Fibrous, Thinset Asbestos Types: Other Material: Non-fibrous 100 %			
10B-2401 10 Location:	114081920-25.1	No	NAD (by CVES) by Gordon T. Saleeby on 08/27/14
Analyst Description: Brown, Heterogeneous, Non-Fibrous, Ceramic Tile Asbestos Types: Other Material: Non-fibrous 100 %			
10B-2401 10 Location:	114081920-25.2	No	NAD (by CVES) by Gordon T. Saleeby on 08/27/14
Analyst Description: Gray/Brown, Heterogeneous, Non-Fibrous, Grout Asbestos Types: Other Material: Non-fibrous 100 %			
10B-2401 10 Location:	114081920-25.3	No	NAD (by CVES) by Gordon T. Saleeby on 08/27/14
Analyst Description: Gray, Heterogeneous, Non-Fibrous, Thinset Asbestos Types: Other Material: Non-fibrous 100 %			

See Reporting notes on last page

Client Name: KPH Construction Corp

PLM Bulk Asbestos Report

14-200-372; WDOT; 2401 W. St. Paul, WI

Client No. / HGA	Lab No.	Asbestos Present	Total % Asbestos
10C-2401 10 Location:	114081920-26L1	No	NAD (by CVES) by Gordon T. Saleeby on 08/27/14
Analyst Description: Brown, Heterogeneous, Non-Fibrous, Ceramic Tile Asbestos Types: Other Material: Non-fibrous 100 %			
10C-2401 10 Location:	114081920-26L2	No	NAD (by CVES) by Gordon T. Saleeby on 08/27/14
Analyst Description: Cream, Heterogeneous, Non-Fibrous, Mastic 1 Asbestos Types: Other Material: Non-fibrous 100 %			
10C-2401 10 Location:	114081920-26L3	No	NAD (by CVES) by Gordon T. Saleeby on 08/27/14
Analyst Description: Lt. Brown, Heterogeneous, Non-Fibrous, Thinset Asbestos Types: Other Material: Non-fibrous 100 %			
10C-2401 10 Location:	114081920-26L4	No	NAD (by CVES) by Gordon T. Saleeby on 08/27/14
Analyst Description: Black, Heterogeneous, Non-Fibrous, Mastic 2 Asbestos Types: Other Material: Synthetic fibers 3 %, Non-fibrous 97 %			
10C-2401 10 Location:	114081920-26.5	No	NAD (by CVES) by Gordon T. Saleeby on 08/27/14
Analyst Description: Gray, Heterogeneous, Non-Fibrous, Grout Asbestos Types: Other Material: Non-fibrous 100 %			
11A-2401 Location:	114081920-27	No	NAD (by CVES) by Gordon T. Saleeby on 08/27/14
Analyst Description: White, Heterogeneous, Non-Fibrous, Bulk Material Asbestos Types: Other Material: Non-fibrous 100 %			

See Reporting notes on last page

Client Name: KPH Construction Corp

PLM Bulk Asbestos Report

14-200-372; WDOT; 2401 W. St. Paul, WI

Client No. / HGA	Lab No.	Asbestos Present	Total % Asbestos
12A-2401 Location:	114081920-28L1	No	NAD (by CVES) by Gordon T. Saleeby on 08/27/14
Analyst Description: Off White, Heterogeneous, Non-Fibrous, Floor Tile Asbestos Types: Other Material: Non-fibrous 100 %			
12A-2401 Location:	114081920-28L2	No	NAD (by CVES) by Gordon T. Saleeby on 08/27/14
Analyst Description: Cream, Heterogeneous, Non-Fibrous, Mastic Asbestos Types: Other Material: Non-fibrous 100 %			
13A-2401 13 Location:	114081920-29L1	No	NAD (by CVES) by Gordon T. Saleeby on 08/27/14
Analyst Description: Lt. Tan/Brown, Heterogeneous, Non-Fibrous, Floor Tile Asbestos Types: Other Material: Non-fibrous 100 %			
13A-2401 13 Location:	114081920-29L2	No	NAD (by CVES) by Gordon T. Saleeby on 08/27/14
Analyst Description: Transparent Amber, Heterogeneous, Non-Fibrous, Mastic Asbestos Types: Other Material: Non-fibrous 100 %			
13B-2401 13 Location:	114081920-30L1	No	NAD (by CVES) by Gordon T. Saleeby on 08/27/14
Analyst Description: Lt. Tan/Brown, Heterogeneous, Non-Fibrous, Floor Tile Asbestos Types: Other Material: Non-fibrous 100 %			
13B-2401 13 Location:	114081920-30L2	No	NAD (by CVES) by Gordon T. Saleeby on 08/27/14
Analyst Description: Transparent Amber, Heterogeneous, Non-Fibrous, Mastic Asbestos Types: Other Material: Non-fibrous 100 %			

See Reporting notes on last page

Client Name: KPH Construction Corp

PLM Bulk Asbestos Report

14-200-372; WDOT; 2401 W. St. Paul, WI

Client No. / HGA	Lab No.	Asbestos Present	Total % Asbestos
13C-2401 13 Location:	114081920-31L1	No	NAD (by CVES) by Gordon T. Saleeby on 08/27/14
Analyst Description: Lt. Tan/Brown, Heterogeneous, Non-Fibrous, Floor Tile Asbestos Types: Other Material: Non-fibrous 100 %			
13C-2401 13 Location:	114081920-31L2	No	NAD (by CVES) by Gordon T. Saleeby on 08/27/14
Analyst Description: Transparent Amber, Heterogeneous, Non-Fibrous, Mastic Asbestos Types: Other Material: Non-fibrous 100 %			
14A-2401 14 Location:	114081920-32.1	No	NAD (by CVES) by Gordon T. Saleeby on 08/27/14
Analyst Description: Lt. Gray, Heterogeneous, Non-Fibrous, Plaster Asbestos Types: Other Material: Non-fibrous 100 %			
14A-2401 14 Location:	114081920-32.2	No	NAD (by CVES) by Gordon T. Saleeby on 08/27/14
Analyst Description: Dark Gray, Heterogeneous, Non-Fibrous, Concrete Asbestos Types: Other Material: Non-fibrous 100 %			
14B-2401 14 Location:	114081920-33.1	No	NAD (by CVES) by Gordon T. Saleeby on 08/27/14
Analyst Description: Brown, Heterogeneous, Non-Fibrous, Plaster Asbestos Types: Other Material: Non-fibrous 100 %			
14B-2401 14 Location:	114081920-33.2	No	NAD (by CVES) by Gordon T. Saleeby on 08/27/14
Analyst Description: Brown/White, Heterogeneous, Non-Fibrous, Concrete Asbestos Types: Other Material: Non-fibrous 100 %			

See Reporting notes on last page

Client Name: KPH Construction Corp

PLM Bulk Asbestos Report

14-200-372; WDOT; 2401 W. St. Paul, WI

Client No. / HGA	Lab No.	Asbestos Present	Total % Asbestos
14C-2401 14 Location:	114081920-34.1	No	NAD (by CVES) by Gordon T. Saleeby on 08/27/14
Analyst Description: Brown, Heterogeneous, Non-Fibrous, Plaster Asbestos Types: Other Material: Non-fibrous 100 %			
14C-2401 14 Location:	114081920-34.2	No	NAD (by CVES) by Gordon T. Saleeby on 08/27/14
Analyst Description: Brown, Heterogeneous, Non-Fibrous, Concrete Asbestos Types: Other Material: Non-fibrous 100 %			
15A-2401 Location:	114081920-35	Yes	3 % (by CVES) by Gordon T. Saleeby on 08/27/14
Analyst Description: Lt. Gray, Heterogeneous, Non-Fibrous, Bulk Material Asbestos Types: Chrysotile 3.0 % Other Material: Non-fibrous 97 %			
16A-2401 16 Location:	114081920-36	No	NAD (by CVES) by Gordon T. Saleeby on 08/27/14
Analyst Description: White, Heterogeneous, Non-Fibrous, Bulk Material Asbestos Types: Other Material: Non-fibrous 100 %			
16B-2401 16 Location:	114081920-37	No	NAD (by CVES) by Gordon T. Saleeby on 08/27/14
Analyst Description: White, Heterogeneous, Non-Fibrous, Bulk Material Asbestos Types: Other Material: Non-fibrous 100 %			
16C-2401 16 Location:	114081920-38	No	NAD (by CVES) by Gordon T. Saleeby on 08/27/14
Analyst Description: White, Heterogeneous, Non-Fibrous, Bulk Material Asbestos Types: Other Material: Non-fibrous 100 %			

See Reporting notes on last page

Client Name: KPH Construction Corp

PLM Bulk Asbestos Report

14-200-372; WDOT; 2401 W. St. Paul, WI

Client No. / HGA	Lab No.	Asbestos Present	Total % Asbestos
17A-2401 17 Location:	114081920-39.1	No	NAD (by CVES) by Gordon T. Saleeby on 08/27/14
Analyst Description: Black, Heterogeneous, Non-Fibrous, Roof Membrane Asbestos Types: Other Material: Non-fibrous 100 %			
17A-2401 17 Location:	114081920-39.2	No	NAD (by CVES) by Gordon T. Saleeby on 08/27/14
Analyst Description: Brown, Heterogeneous, Non-Fibrous, Insulation Asbestos Types: Other Material: Cellulose 70 %, Non-fibrous 30 %			
17B-2401 17 Location:	114081920-40.1	No	NAD (by CVES) by Gordon T. Saleeby on 08/27/14
Analyst Description: Black, Heterogeneous, Non-Fibrous, Roof Membrane Asbestos Types: Other Material: Non-fibrous 100 %			
17B-2401 17 Location:	114081920-40.2	No	NAD (by CVES) by Gordon T. Saleeby on 08/27/14
Analyst Description: Brown, Heterogeneous, Non-Fibrous, Insulation Asbestos Types: Other Material: Cellulose 70 %, Non-fibrous 30 %			
17C-2401 17 Location:	114081920-41.1	No	NAD (by CVES) by Gordon T. Saleeby on 08/27/14
Analyst Description: Black, Heterogeneous, Non-Fibrous, Roof Membrane Asbestos Types: Other Material: Non-fibrous 100 %			
17C-2401 17 Location:	114081920-41.2	No	NAD (by CVES) by Gordon T. Saleeby on 08/27/14
Analyst Description: Brown, Heterogeneous, Non-Fibrous, Insulation Asbestos Types: Other Material: Cellulose 70 %, Non-fibrous 30 %			

See Reporting notes on last page

Client Name: KPH Construction Corp

PLM Bulk Asbestos Report

14-200-372; WDOT; 2401 W. St. Paul, WI

Client No. / HGA	Lab No.	Asbestos Present	Total % Asbestos
18A-2401 Location:	114081920-42	No	NAD (by CVES) by Gordon T. Saleeby on 08/27/14
Analyst Description: Black, Heterogeneous, Non-Fibrous, Bulk Material Asbestos Types: Other Material: Non-fibrous 100 %			
19A-2401 Location:	114081920-43	Yes	3 % (by CVES) by Gordon T. Saleeby on 08/27/14
Analyst Description: Silver, Heterogeneous, Non-Fibrous, Bulk Material Asbestos Types: Chrysotile 3.0 % Other Material: Non-fibrous 97 %			
20A-2401 20 Location:	114081920-44	No	NAD (by CVES) by Gordon T. Saleeby on 08/27/14
Analyst Description: Tan, Heterogeneous, Non-Fibrous, Bulk Material Asbestos Types: Other Material: Non-fibrous 100 %			
20B-2401 20 Location:	114081920-45	No	NAD (by CVES) by Gordon T. Saleeby on 08/27/14
Analyst Description: Tan, Heterogeneous, Non-Fibrous, Bulk Material Asbestos Types: Other Material: Non-fibrous 100 %			
20C-2401 20 Location:	114081920-46	No	NAD (by CVES) by Gordon T. Saleeby on 08/27/14
Analyst Description: Tan, Heterogeneous, Non-Fibrous, Bulk Material Asbestos Types: Other Material: Non-fibrous 100 %			
21A-2401 21 Location:	114081920-47	No	NAD (by CVES) by Gordon T. Saleeby on 08/27/14
Analyst Description: Gray/White, Heterogeneous, Non-Fibrous, Bulk Material Asbestos Types: Other Material: Non-fibrous 100 %			

See Reporting notes on last page

Client Name: KPH Construction Corp

PLM Bulk Asbestos Report

14-200-372; WDOT; 2401 W. St. Paul, WI

Client No. / HGA	Lab No.	Asbestos Present	Total % Asbestos
21B-2401 21 Location:	114081920-48	No	NAD (by CVES) by Gordon T. Saleeby on 08/27/14
Analyst Description: Gray/White, Heterogeneous, Non-Fibrous, Bulk Material Asbestos Types: Other Material: Non-fibrous 100 %			
21C-2401 21 Location:	114081920-49	No	NAD (by CVES) by Gordon T. Saleeby on 08/27/14
Analyst Description: Gray/White, Heterogeneous, Non-Fibrous, Bulk Material Asbestos Types: Other Material: Non-fibrous 100 %			

Reporting Notes:

Analyzed by: Gordon T. Saleeby

Date

*NAD = no asbestos detected, Detection Limit <1%, Reporting Limits CVES = 1%, 400 Pt Ct = 0.25%, 1000 Pt Ct = 0.1%; "Present" or NVA = "No Visible Asbestos" are observations made during a qualitative analysis; NA = not analyzed, NA/PS = not analyzed / positive stop; PLM Bulk Asbestos Analysis by EPA 600/M4-82-020 per 40 CFR 763 (NVLAP Lab Code 101904-0) and ELAP PLM Analysis Protocol 198.1 for New York friable samples which includes quantitation of any vermiculite observed (198.6 for NOB samples) or EPA 400 pt ct by EPA 600/M4-82-020 (NYSDOH ELAP Lab # 10984); CA ELAP Lab # 2508; Note: PLM is not consistently reliable in detecting asbestos in floor coverings and similar NOB materials. NAD or Trace results by PLM are inconclusive, TEM is currently the only method that can be used to determine if this material can be considered or treated as non-asbestos-containing in New York State (also see EPA Advisory for floor tile, FR 59, 146, 38970, 8/1/94). NIST Accreditation requirements mandate that this report must not be reproduced except in full without the approval of the laboratory. This PLM report relates ONLY to the items tested.

Reviewed By: _____

BULK CHAIN OF CUSTODY

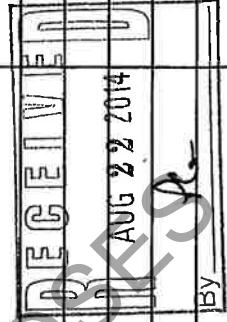
AMERISCI RICHMOND
13635 GENITO ROAD
MIDLOTHIAN, VA 23112
TOLL FREE: (800) 476-5227
PHONE: (804) 763-1200
FAX: (804) 763-1800

AMERISCI
WWW.AMERISCI.COM

Relinquished By: <u>Dean Jacobsen</u>	Date/Time: <u>8/21/14 1700</u>
Received By:	Date/Time:
Relinquished By:	Date/Time:
Received By:	Date/Time:

Company: KPH Environmental Corp.	Project: WDoT
Street Address: 1237 West Bruce Street	Proj Mgr:
City: Milwaukee State: WI Zip: 53204	Proj Address: 2401 W. St. Paul Proj State: WI
Phone: 414-647-1530 Fax: 414-647-1540	Analysis: <input checked="" type="checkbox"/> PLM; <input type="checkbox"/> Positive Stop; <input type="checkbox"/> TEM; <input type="checkbox"/> NY ELAP PLM/TEM w/ NOB Prep.
Cell:	ASTM Dust <input type="checkbox"/> (Microvac) <input type="checkbox"/> (Wipe); <input type="checkbox"/> Qualitative; <input type="checkbox"/> Other (describe in comments)
E-mail: dean.jacobsen@kphenvironmental.com	Turnaround Time: 5 Day Material Type: <input checked="" type="checkbox"/> Bulk <input type="checkbox"/> Dust <input type="checkbox"/> Water
Results to: Dean Jacobsen	Sampled By: Dean Jacobsen Date Sampled: 8/20/14

Lab ID	Field ID	Location	Sample Description (dust area)	Homogenous Area
1A-2401		Test Unt. 1 > 1%		
1B-2401		↓		
1C-2401				
2A-2401		Test Unt. 1 > 1%		
2B-2401		↓		
2C-2401				
3A-2401		Test Unt. 1 > 1%		
3B-2401		↓		
3C-2401				
4A-2401		Test Unt. 1 > 1%		
4B-2401		↓		
4C-2401				
5A-2401				
6A-2401		Test Unt. 1 > 1%		
6B-2401		↓		
6C-2401				
7A-2401				



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13635 GENITO ROAD
MIDLOTHIAN, VA 23112
TOLL FREE: (800) 476-5227
PHONE: (804) 763-1200
FAX: (804) 763-1800

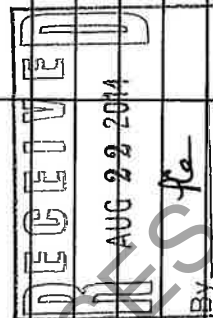


WWW.AMERISCI.COM

Relinquished By: <u>Dean Jacobsen</u>	Date/Time: <u>8/24/14 1700</u>
Received By:	Date/Time:
Relinquished By:	Date/Time:
Received By:	Date/Time:

Company: KPH Environmental Corp.		Project: <u>WDOT</u>	AMERISCI #: <u>114081920</u>
Street Address: 1237 West Bruce Street		Proj Mgr:	Proj #: <u>14-200-372</u>
City: Milwaukee	State: WI Zip: 53204	Proj Address: <u>2401 W. St. Paul</u>	Proj State: <u>WI</u>
Phone: 414-647-1530	Fax: 414-647-1540	Analysis: <u>X</u> PLM; <u> </u> Positive Stop; <u> </u> TEM; <u> </u> NY ELAP PLM/TEM w/ NOB Prep.	
Cell:	Fax:	ASTM Dust (Microvac) (Wipe);	Qualitative; Other (describe in comments)
E-mail: dean.jacobsen@kphenvironmental.com	Verbal Results: <u>X</u> / <u>N</u>	Turnaround Time: <u>5 Day</u>	Material Type: <u>X</u> Bulk <u> </u> Dust <u> </u> Water
Results to: Dean Jacobsen		Sampled By: <u>Dean Jacobsen</u>	Date Sampled: <u>8/20/14</u>

Lab ID	Field ID	Location	Sample Description (dust area)	Homogenous Area
	8A-2401	Test Unit 1 > 12		
	8B-2401	↓		
	8C-2401			
	9A-2401	Test Unit 1 > 12		
	9B-2401	↓		
	9C-2401			
	10A-2401	Test Unit 1 > 12		
	10B-2401	↓		
	10C-2401			
	11A-2401			
	12A-2401			
	13A-2401	Test Unit 1 > 12		
	13B-2401	↓		
	13C-2401			
	14A-2401	Test Unit 1 > 12		
	14B-2401	↓		
	14C-2401			



BULK CHAIN OF CUSTODY



AMERISCI RICHMOND
13635 GENITO ROAD
MIDLOTHIAN, VA 23112
TOLL FREE: (800) 476-5227
PHONE: (804) 763-1200
FAX: (804) 763-1800

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AMERISCI: 114081020

Project: WDOT

Proj Mgr:

Proj #: 14-200-372

Company: KPH Environmental Corp.

Street Address: 1237 West Bruce Street

City: Milwaukee State: WI Zip: 53204

Phone: 414-647-1530 Fax: 414-647-1540

Cell: Fax:

E-mail: dean.jacobsen@kphenvironmental.com

Verbal Results: X / N

Results to: Dean Jacobsen

Special Instructions or Comments:

Turnaround Time: 5 Day
Sampled By: Dean Jacobsen
Date Sampled: 8/20/14

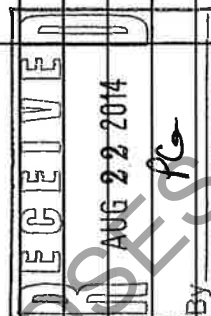
Material Type: X Bulk Dust Water

ASTM Dust (Microvac) (Wipe); Qualitative; Other (describe in comments)

Analysis: X PLM; Positive Stop; TEM; NY ELAP PLM/TEM w/ NOB Prep.

Proj State: WI

Lab ID	Field ID	Location	Sample Description (dust area)	Homogenous Area
	15A-2401			
	16A-2401	Test Unit 1 > 12		
	16B-2401	↓		
	16C-2401			
	17A-2401	Test Unit 1 > 19		
	17B-2401	↓		
	17C-2401			
	18A-2401			
	19A-2401			
	20A-2401	Test Unit 1 > 19		
	20B-2401	↓		
	20C-2401			
	21A-2401	Test Unit 1 > 19		
	21B-2401	↓		
	21C-2401			



IX. KPH CERTIFICATION

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Company Certificate

This certifies that

KPH ENVIRONMENTAL CORPORATION

1237 W BRUCE ST
MILWAUKEE WI 53204-1218

is certified under ch. DHS 159, Wis. Adm. Code as a

Asbestos Company - Primary

Certificate Issue Date: 06/11/2014
Expiration Date: 09/10/2016, 12:01 a.m.
Certification #: CAP-1432180

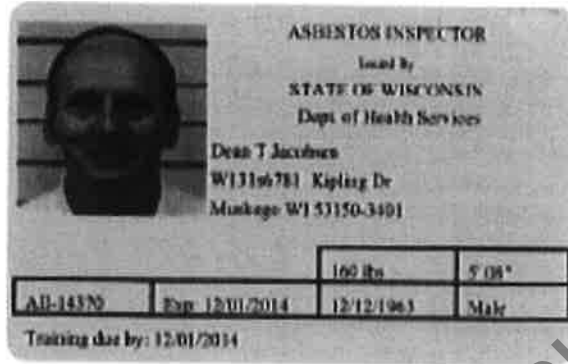
Wisconsin Department of Health Services
Division of Public Health
Bureau of Environmental and Occupational Health
Asbestos & Lead Section
PO Box 2659
Madison WI 53701-2659
Phone: (608) 261-6876



Shelley A. Bruce

Shelley A. Bruce,
Unit Supervisor





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TRC Asbestos Inspection and Abatement Report 10/2024

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Limited Asbestos-Containing Material Inspection

**Parcel 1, 2401 W. St. Paul Avenue,
Milwaukee, Milwaukee County,
Wisconsin**

October 2024

WisDOT Project # 1060-27-21

Prepared For:

Wisconsin Department of Transportation

Prepared By:

TRC

999 Fourier Dr, Suite 101

Madison, Wisconsin 53717

A handwritten signature in blue ink, appearing to read "Tom Perkins", written over a horizontal line.

Tom Perkins

WDHFS Asbestos Inspector, AI-252595

A handwritten signature in blue ink, appearing to read "Daniel Haak", written over a horizontal line.

Daniel Haak, P.E.

Project Manager

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3.3 ACM Removal Plans	3
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TABLES

Table 1: Asbestos Survey Log and Bulk Asbestos Analytical Results

FIGURES

Figure 1: Site Location Map

Figure 2: Sampling Locations

APPENDICES

Appendix A: Photographs

Appendix B: Laboratory Analytical Results

COMMONLY USED ABBREVIATIONS AND ACRONYMS

AST	aboveground storage tank
bgs	below ground surface
BRRTS	Bureau for Remediation and Redevelopment Tracking System
CERCLA	Comprehensive Environmental Response, Compensation and Liability Act
CTH	County Trunk Highway
cu ft	cubic feet
DATCP	Department of Agriculture, Trade and Consumer Protection
DRO	diesel range organics
FDM	Facilities Development Manual
EMP	Excavation Management Plan
ERP	Environmental Repair Program
ES	Enforcement Standards
ESA	Environmental Site Assessment
FINDS	Facility Index System/Facility Identification Initiative Program Summary Report
GIS Registry	WDNR Geographic Information System (GIS) Registry of Closed Remediation Sites
GRO	gasoline range organics
HAZWOPER	Code of Federal Registry Chapter 29 (29 CFR) Part 1910.120 Hazardous Waste Operations and Emergency Response
HMA	Hazardous Materials Assessment
IH	Interstate Highway
lin ft	linear feet
LQG	large quantity generator
LUST	leaking underground storage tank
NPL	National Priorities List
NR ###	Wisconsin Administrative Code (WAC) Natural Resources (NR) Chapter ###
PAHs	polynuclear aromatic hydrocarbons
PAL	Preventive Action Limits
PCBs	polychlorinated biphenyls
PCE	perchloroethylene/tetrachloroethylene
PID	photoionization detector
PVOCs	petroleum volatile organic compounds
RCLs	Residual Contaminant Levels in NR 720
RCRA	Resource Conservation and Recovery Act
RCRIS	Resource Conservation and Recovery Information System
R/W or ROW	right-of-way
sq ft	square feet
STH	State Trunk Highway
TCE	trichloroethylene
TRIS	Toxic Chemical Release Inventory System
USGS	United States Geological Survey
USH	United States Highway
UST	underground storage tank
VOCs	volatile organic compounds
WDNR	Wisconsin Department of Natural Resources
WisDOT	Wisconsin Department of Transportation
WGNHS	Wisconsin Geological and Natural History Survey
WI ERP	Wisconsin Environmental Repair Program database

Executive Summary

The WisDOT is planning to demolish the building at the property at 2401 W. St. Paul Avenue (Parcel 1) in Milwaukee, Milwaukee County, Wisconsin. The property is the former Department of Motor Vehicles Emission Testing Building that will be demolished and the site cleared.

KPH Environmental completed an asbestos-containing material (ACM) inspection of the building on August 20, 2014. However, during the recent pre-bid meeting, potential vermiculite insulation was discovered within the building exterior walls which are constructed of concrete masonry units (CMUs). Vermiculite is considered an ACM unless a recommended EPA sampling and analysis protocol specific to vermiculite insulation proves that it does not contain asbestos. WisDOT requested TRC Environmental Corporation (TRC) collect samples of the insulation because it was not tested during the ACM inspection of the building completed by KPH Environmental.

Based on TRC and laboratory observations, the insulation material was determined to be vermiculate. The vermiculite insulation tested negative for ACM, however the Wisconsin Department of Health Services assumes vermiculite to be ACM unless proven otherwise in accordance with EPA recommended sampling and analysis protocols specific to vermiculite insulation. Currently, the EPA has not published official guidance for sampling and testing protocols to test for the presence or absence of asbestos in vermiculite insulation. Until EPA recommended sampling and analysis protocols are developed, vermiculite insulation must be assumed to contain asbestos and be treated as ACM. There is approximately 7,500 square feet of vermiculite in the building.

The asbestos must be properly removed and disposed of during the demolition of the building and site clearing of the property.

1.0 Background

1.1 Introduction

The WisDOT is planning to demolish the building at the property at 2401 W. St. Paul Avenue (Parcel 1) in Milwaukee, Milwaukee County, Wisconsin. The property is the former Department of Motor Vehicles Emission Testing Building that will be demolished and the site cleared.

KPH Environmental completed an asbestos-containing material (ACM) inspection of the building on August 20, 2014. However, during the recent pre-bid meeting, potential vermiculite insulation was discovered within the building exterior walls which are constructed of concrete masonry units (CMUs). Vermiculite is considered an ACM unless a recommended EPA sampling and analysis protocol specific to vermiculite insulation proves that it does not contain asbestos. WisDOT requested TRC Environmental Corporation (TRC) collect samples of the insulation because it was not tested during the ACM inspection of the building completed by KPH Environmental.

On October 1, 2024, TRC conducted a limited asbestos inspection of the building to determine the extent of newly discovered potential ACM in the building that would require management during demolition. This was accomplished by identifying, sampling, characterizing, quantifying, and laboratory-analyzing potential ACM.

2.0 ACM Delineation

2.1 ACM Sampling

TRC conducted an limited ACM inspection of the building on October 1, 2024. Samples of suspect ACM were collected for laboratory analysis in accordance with the United States Environmental Protection Agency's (USEPA's) Asbestos Hazardous Emergency Response Act (AHERA) 40 CFR Part 763, Subpart E, as indicated in WDNR and Occupational Safety and Health Administration (OSHA) regulations.

A total of 3 samples of the vermiculite insulation were collected by Tom Perkins, WDHFS Asbestos Inspector #AII-252595. Samples were collected by hand from existing holes in the CMU walls. Sufficient water was applied before and during sample collection to prevent the generation of airborne particulate as a result of sampling activities. Excess vermiculite insulation was containerized in pails, covered, and left on site. The holes in the wall were plugged. See Appendix A for photographs and Figure 2 for sample locations.

Collected samples were analyzed by TRC's Industrial Hygiene Laboratory in Windsor, Connecticut. Samples were analyzed on a 24-hour turnaround basis using polarized light microscopy (PLM) with dispersion staining techniques.

2.2 ACM Sampling Results

The locations and types of the material sampled, the collection date, the sample number, and the condition of the material are presented in Table 1 (Asbestos Survey Log and Bulk Asbestos Analytical Results). The laboratory analysis report is included in Appendix B.

The Wisconsin Department of Health Services in the State of Wisconsin assumes vermiculite to be ACM unless proven otherwise in accordance with EPA recommended sampling and analysis protocols specific to vermiculite insulation. Currently, the EPA has not published official guidance for sampling and testing protocols to test for the presence or absence of asbestos in vermiculite insulation. Until EPA recommended sampling and analysis protocols are developed, vermiculite insulation must be assumed to contain asbestos and be treated as ACM.

There is approximately 7,500 square feet of vermiculite in the building.

3.0 ACM Abatement

3.1 Summary of ACM

The Wisconsin Department of Health Services in the State of Wisconsin assumes vermiculite to be ACM unless proven otherwise in accordance with EPA recommended sampling and analysis protocols specific to vermiculite insulation. Currently, the EPA has not published official guidance for sampling and testing protocols to test for the presence or absence of asbestos in vermiculite insulation. Until EPA recommended sampling and analysis protocols are developed, vermiculite insulation must be assumed to contain asbestos and be treated as ACM.

There is approximately 7,500 square feet of vermiculite in the building.

3.2 Regulatory Discussion

Friable ACM is any material containing more than 1 percent asbestos that, when dry, can be crumbled, pulverized, or reduced to powder by hand pressure. Non-friable ACM is any material containing more than 1 percent asbestos that, when dry, cannot be crumbled, pulverized, or reduced to powder by hand pressure. The EPA also defines two categories of non-friable ACM, Category I and Category II non-friable ACM as follows:

- Category I non-friable ACM is any asbestos-containing packing, gasket, resilient floor covering, mastic, or asphalt roofing product that contains more than 1 percent asbestos.
- Category II non-friable ACM is any material, excluding Category I non-friable ACM, containing more than 1 percent asbestos that, when dry, cannot be crumbled, pulverized, or reduced to powder by hand pressure.

RACM is (a) friable asbestos material; (b) Category I non-friable ACM that has become friable; (c) Category I non-friable ACM that will be, or has been, subjected to sanding, grinding, cutting or abrading; or (d) Category II non-friable ACM that has a high probability of becoming, or has become, crumbled, pulverized, or reduced to powder by the forces expected to act on the material in the course of demolition operations.

Both the USEPA's and the WDNR's regulations mandate the removal of regulated ACM prior to demolition. ACM need not be removed before demolition if it is a Category I non-friable ACM that is not friable or a Category II non-friable ACM and the probability is low that the material will become crumbled, pulverized, or reduced to powder during demolition. Additionally, all asbestos-containing debris must be handled, transported, and disposed in accordance with the ACM

regulations. If ACM is commingled with the demolition debris, the entire pile must be considered to be asbestos-containing material and managed accordingly. This requires disposal in a landfill licensed to accept ACM waste.

Both OSHA and the USEPA regulate the potential health hazards associated with ACM abatement. The USEPA regulates ACM from a general health perspective. USEPA regulations contain language related to many aspects of ACM management, including visible emissions, licensing of workers, disposal, testing, inspections, and site management. OSHA regulations deal with worker exposure on the job and with the methodology to safely handle ACM. The State of Wisconsin regulations incorporate both OSHA and USEPA regulations, and mirror the federal regulations almost exactly. In a few cases, the practice of compliance with Wisconsin regulations is more restrictive than the federal interpretation.

3.3 ACM Removal Plans

All regulated ACM is required to be removed prior to demolition. It will be up to the demolition contractor and their asbestos abatement contractor to determine if the method of demolition will cause any non-friable ACM to become friable. If so, that material would be considered RACM and will be required to be removed prior to demolition. All demolition waste that is commingled with the non-friable asbestos-containing material will be required to be managed as asbestos-containing waste and disposed of at a solid waste landfill permitted to accept such waste.

4.0 Conclusions and Recommendations

The Wisconsin Department of Health Services in the State of Wisconsin assumes vermiculite to be ACM unless proven otherwise in accordance with EPA recommended sampling and analysis protocols specific to vermiculite insulation. Currently, the EPA has not published official guidance for sampling and testing protocols to test for the presence or absence of asbestos in vermiculite insulation. Until EPA recommended sampling and analysis protocols are developed, vermiculite insulation must be assumed to contain asbestos and be treated as ACM. The vermiculite insulation tested negative for ACM, however in the State of Wisconsin vermiculite is considered ACM.

There is approximately 7,500 square feet of vermiculite in the building.

The asbestos will need to be properly removed and disposed of during the demolition of the building and site clearing of the property.

Table 1 - Asbestos Survey Log and Bulk Asbestos Analytical Results

Client: WISDOT
 Name: 2401 W. St. Paul Ave
 Location: Milwaukee, Milwaukee Co.
 Project ID: 1060-27-21

Project Number: 633051.0000.0000
 Sample Collection Date: 10/1/2024
 Samples Collected By: Tom Perkins
 Asbestos Inspector Number: All-252595

SAMPLE NUMBER	SAMPLE LOCATION	SAMPLE DESCRIPTION	COLOR	CONDITION	ANALYTICAL METHOD AND RESULTS	FRIABLE/ NON-FRIABLE	QUANTITY
2401-1	Exterior wall - South	Vermiculite insulation	Gray	Non-Damaged	PLM, non-detect ⁽¹⁾	Friable	7,500 sq ft
2401-2	Exterior wall - East	Vermiculite insulation	Gray	Non-Damaged	PLM, non-detect ⁽¹⁾	Friable	
2401-3	Exterior wall - East (Utility room)	Vermiculite insulation	Gray	Non-Damaged	PLM, non-detect ⁽¹⁾	Friable	

Notes:

PLM = Polarized Light Microscopy

NA/PS = Not Analyzed, Positive Stop

1. Inspection was completed following WISDOT standard sampling procedure for bridge inspections found in FDM 21 35-45.

Footnotes:

⁽¹⁾ Wisconsin Administrative Code Chapter DHS 159.04 (53): "Vermiculite insulation" means vermiculite that has been expanded through a heating process and is used as loose-fill building insulation. It is a "suspect asbestos-containing material" under sub. (50). Note: Vermiculite insulation is assumed to be asbestos-containing material unless proven otherwise in accordance with EPA recommended sampling and analysis protocols specific to vermiculite insulation. As of the publication of this chapter, the EPA has not published official guidance for sampling and testing protocols to test for the presence or absence of asbestos in vermiculite insulation. When recommended protocols are published, vermiculite insulation may be sampled and analyzed using the EPA recommended protocols to determine any asbestos content. Until such time, vermiculite insulation must be assumed to contain asbestos and be treated as an asbestos-containing material under this chapter.

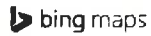
Condition Description:

Good: The material shows no visible damage or deterioration, or shows only limited damage or deterioration.

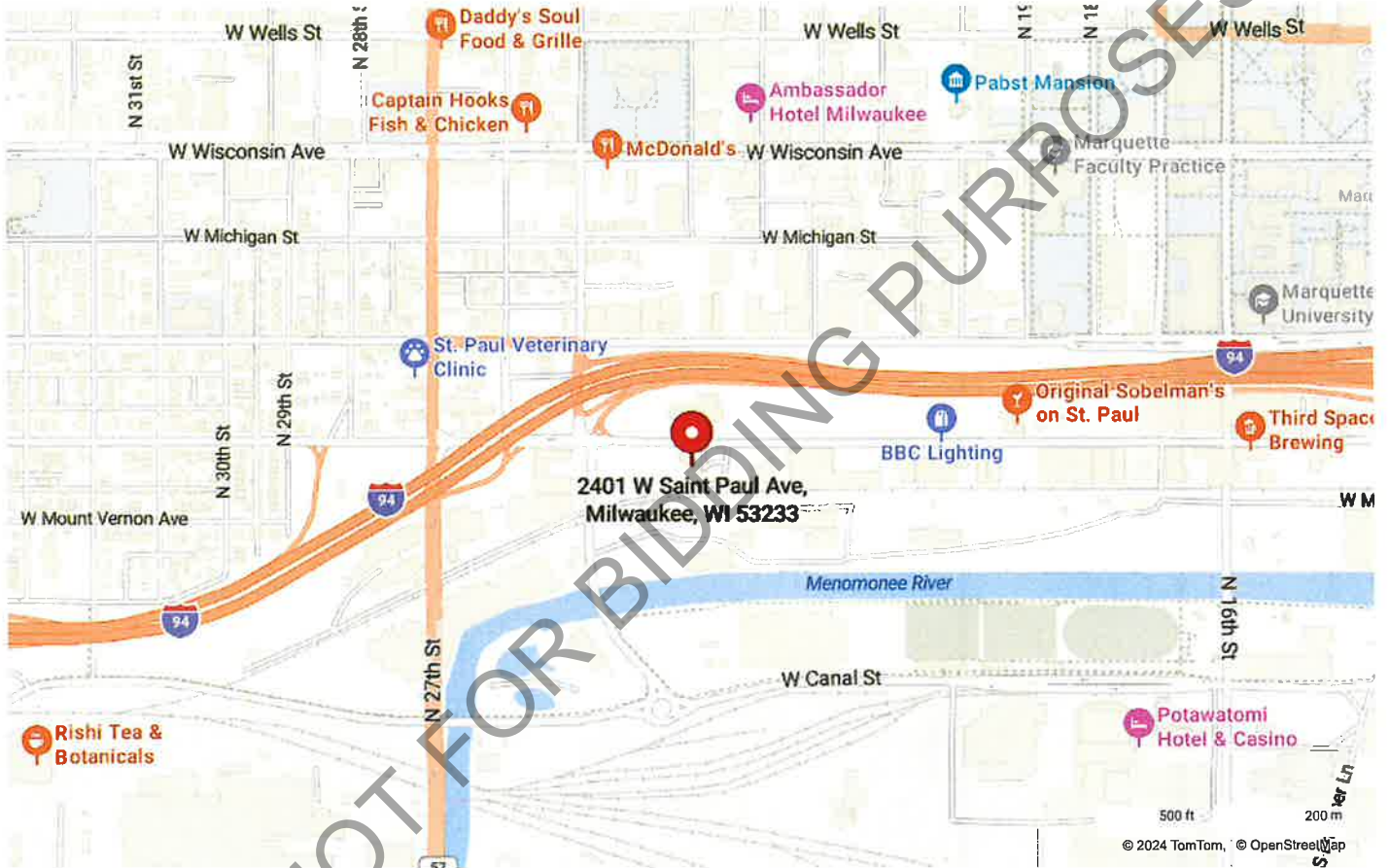
Damaged: The material is friable that has deteriorated or sustained physical damage.

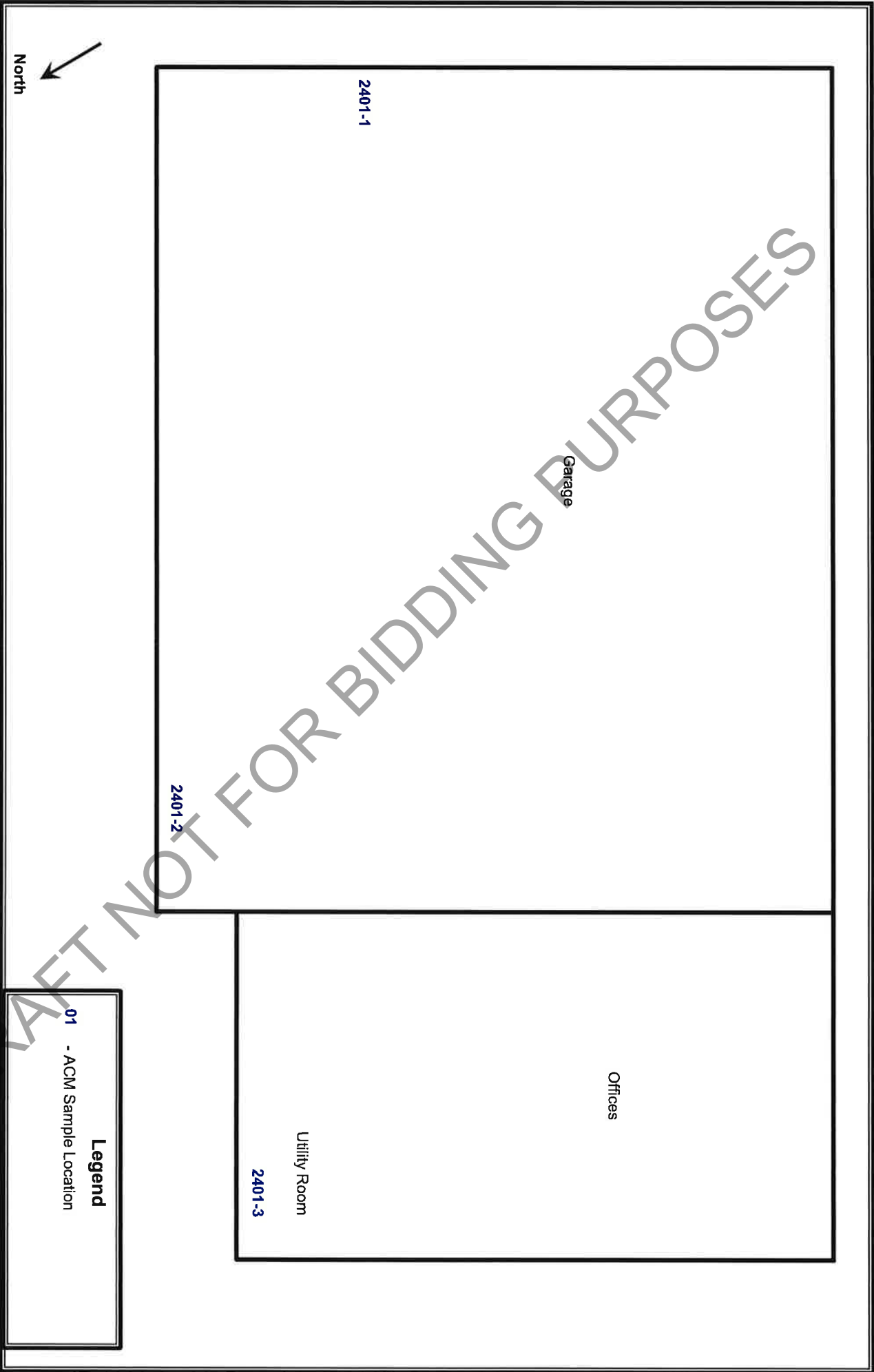
Significantly damaged: The material is friable that has sustained extensive or severe damage.

FIGURE 1 - SITE LOCATION MAP



2401 W Saint Paul Ave, Milwaukee, WI 53233





Project No. 633051

WisDOT
2401 W St Paul Ave
Milwaukee, WI

Figure 2
Asbestos Sample Locations

Tom Perkins
Asbestos Inspector
WI License No. AI-252595

10/1/2024

Appendix A: Photographs

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Photographic Log

Client Name: Wisconsin Department of Transportation		Site Location: Parcel 1, 2401 W. St. Paul Ave. Milwaukee, Milwaukee County	Project No.: WisDOT: 1060-27-21 TRC: 633051
Photo No. 1	Date 10/1/2024		
Description Looking south at building at 2401 W. St Paul. Ave			

Photo No. 2	Date 10/1/2024	
Description South wall insulation		

Photographic Log



Client Name: Wisconsin Department of Transportation		Site Location: Parcel 1, 2401 W. St. Paul Ave. Milwaukee, Milwaukee County	Project No.: WisDOT: 1060-27-21 TRC: 633051
Photo No. 3	Date 10/1/2024		
Description East wall insulation			

Photo No. 4	Date 10/1/2024	
Description East wall utility room wall insulation		

Photographic Log


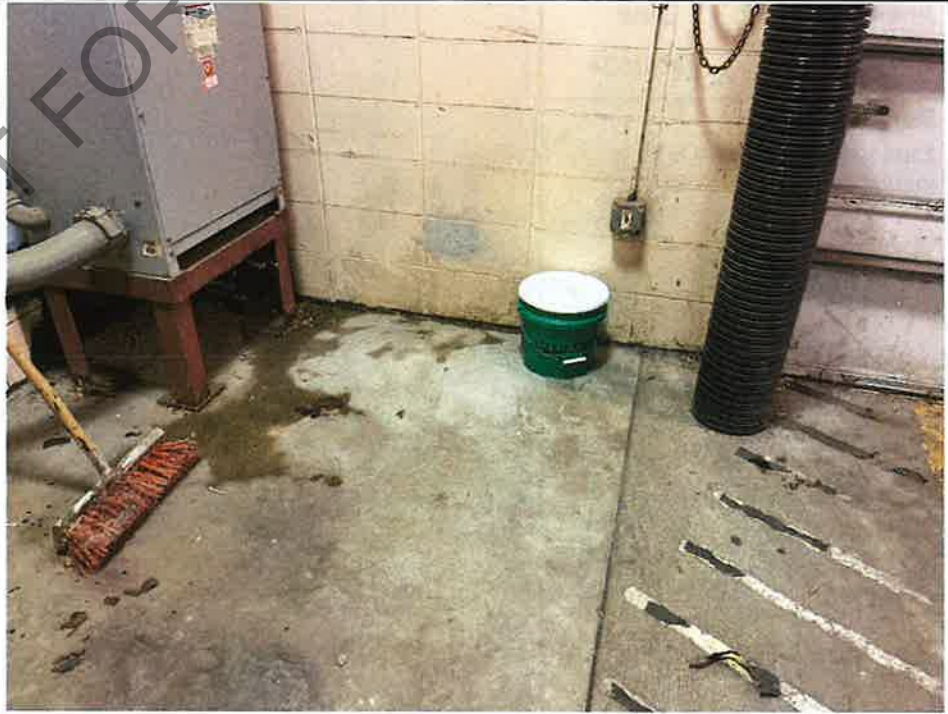

Client Name: Wisconsin Department of Transportation		Site Location: Parcel 1, 2401 W. St. Paul Ave. Milwaukee, Milwaukee County	Project No.: WisDOT: 1060-27-21 TRC: 633051
Photo No. 5	Date 10/1/2024		
Description South wall patched and pails of insulation			

Photo No. 6	Date 10/1/2024	
Description East wall patched and pail of insulation		

Photographic Log

Client Name: Wisconsin Department of Transportation		Site Location: Parcel 1, 2401 W. St. Paul Ave. Milwaukee, Milwaukee County	Project No.: WisDOT: 1060-27-21 TRC: 633051
Photo No. 7	Date 10/1/2024		
Description Utility room wall patched			

Appendix B: Laboratory Analytical Results

DRAFT NOT FOR BIDDING PURPOSES



BULK ASBESTOS ANALYSIS REPORT

CLIENT: Wisconsin Department of Transportation

Site: 2401 West Street, Saint Paul Avenue, Milwaukee, WI
Lab Log #: 65430
Project #: 633051.0000.0000
Date Received: 10/02/2024
Date Analyzed: 10/02/2024

RESULTS

Sample No.	Color	Homogeneous	Multi-Layered	Layer No.	Other Matrix Mat'ls	Asbestos %	Asbestos Type
2401-01	Vermiculite Insulation	--	--	--	--	ND	None
2401-02	Vermiculite Insulation	--	--	--	--	ND	None
2401-03	Vermiculite Insulation	--	--	--	--	ND	None

Reporting limit:
Present- asbestos detected
ND- asbestos was not detected

The Environmental Protection Agency and the State of Connecticut assume that all vermiculite is positive. They do not yet recognize an acceptable method for analysis.

Note: Polarized-light microscopy is not consistently reliable in detecting asbestos in floor coverings and similar non-friable organically bound materials. In those cases, negative results must be confirmed by quantitative transmission electron microscopy.

The Laboratory at TRC follows the EPA's Interim Method for the Determination of Asbestos in Bulk Insulation (1982), and the EPA recommended Method for the Determination of Asbestos in Bulk Building Materials (EPA/600/R-93/116), July 1993, R.L. Perkins and B.W. Harvey which utilizes polarized light microscopy (PLM). Our analysts have completed an accredited course in asbestos identification. TRC's Laboratory is accredited under the National Voluntary Laboratory Accreditation Program (NVLAP), for Bulk Asbestos Fiber Analysis, NVLAP Code 18/A01, effective through June 30, 2025. TRC is an American Industrial Hygiene Association (AIHA) accredited lab for PLM effective through October 1, 2025. Asbestos content is determined by visual estimate unless otherwise indicated. Quality Control is performed in-house on at least 10% of samples and the QC data related to the samples is available upon written request from the client.

This report shall not be reproduced, except in full, without the written approval of TRC. This report must not be used by the client to claim product endorsement by NVLAP or any agency of the U.S. Government. This report relates only to the items tested.

Analyzed by Aaliyah Walker
Aaliyah Walker, Laboratory Analyst

Reviewed by Kathleen Williamson
Kathleen Williamson, Laboratory Manager
or other approved signatory

Date Issued: 10/03/2024

ASBESTOS BULK SAMPLING CHAIN OF CUSTODY

LAB ID #. 65430

PROJECT NAME
WISDOT - 2401 W. St. Paul Ave,
Milwaukee, WI

PARAMETERS

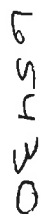
TURNAROUND TIME					
PLM:	8hr	X	24hr	48hr	3day
TEM:	24hr		48hr	3day	5day

INSPECTOR

Tom Perkins (AII-252595)

[illegible]

Relinquished by: (Signature)	Date:	Received by: (Signature)	Relinquished by: (Signature)	Date:	Received by: (Signature)
<i>[Signature]</i>	11/1/2024	<i>[Signature]</i>	10/2/24		
(Printed)	Time:	(Printed)	(Printed)	Time:	(Printed)
Tom - Perkins	1700	1230			
Remarks:	Condition of Samples: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Comments:				



Asbestos Inspector #: AII-252595

[illegible]

Significantly damaged: The material is friable that has sustained extensive or severe damage

ID 1060-27-20, Parcel 1 -2401 W. St. Paul Ave., Milwaukee, WI

GEI Bat Assessment

June 12, 2024
Project No. 2306069

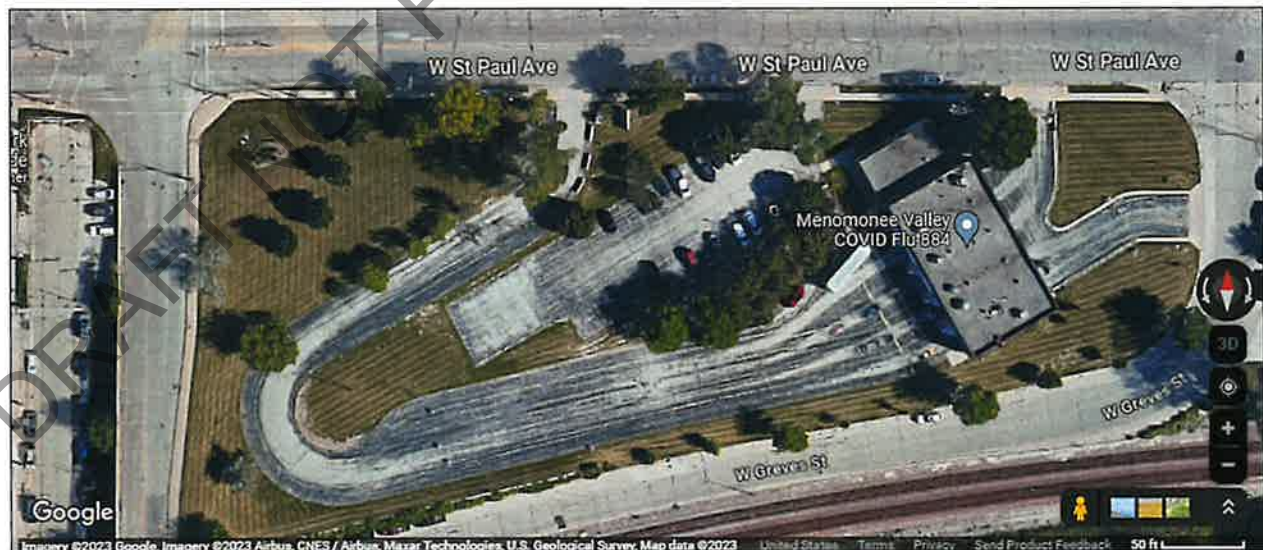
VIA EMAIL: dotbiologicalservices@dot.wi.gov

Lisa Lumley
Wisconsin Department of Transportation
Bureau of Technical Services
3502 Kinsman Blvd.
Madison, WI 53704

Re: Bat Survey Results
Former DMV Emission Testing Station
St. Paul Avenue and Greves Street
Milwaukee, Milwaukee County, Wisconsin

Dear Ms. Lumley:

GEI Consultants, Inc. (GEI) assessed the Former DMV Emission Testing Station located at 2401 W. St. Paul Avenue, Milwaukee, Wisconsin (building) for signs of bat use on April 30, 2024. The assessment was completed following federal guidance from the United States Fish and Wildlife Service (USFWS) (APPENDIX D: Bridge/Structure Bat Assessment Form Guidance, 2020) and results were documented on the USFWS assessment form (APPENDIX D: Bridge/Structure Bat Assessment Form, 2020) and in photographic logs, included in the attachments. The bat structure use/presence inspection was completed by GEI scientists. The location of the Former DMV Emission Testing Station is shown below.



No signs of previous or current bat presence were observed during the investigations at the Former DMV Emission Testing Station.

If you have any questions, please contact Katie Unke Ehrenberg at 920.243.3765 or kunke@geiconsultants.com.

Sincerely,

GEI Consultants, Inc.



Jeff Carlson

Project Professional



Katie Unke Ehrenberg
Senior Project Manager

JSC:KJU:amp

B:\Working\WISDOT\2306069 0656-50-03 On-call Bat Inspections\06_In_Progress\Reports\St. Paul Ave - Final\0656-50-03-St. Paul Ave - Bat Assessment Summary.docx

Attachments:

Bridge/Structure Bat Assessment Form
Photographic Log

Bridge/Structure Bat Assessment Form

DRAFT NOT FOR BIDDING PURPOSES

APPENDIX D: Bridge/Structure Bat Assessment Form

Bridge/Structure Bat Assessment Form Instructions

- This form will be completed to document bat occupancy or bat use of bridges, culverts, and other structures. This form shall be submitted to the appropriate personnel within the DOT and USFWS for recordkeeping (or uploaded into the Information, Planning, and Consultation (IPaC) Determination Key for use of the Programmatic Biological Opinion for Transportation Projects in the Range of the Indiana Bat and Northern Long-Eared Bat) prior to conducting: any activities below the deck surface either from the underside or from above the deck surface that bore down to the underside; any activities that could impact expansion joints; any activities involving deck removal on bridges; or any activities involving structure demolition for bridges, culverts, and/or other structures.
- Assessments must be completed within two (2) years of conducting any work (see the above bullet), regardless of whether assessments have been conducted in the past. Assessments must be completed in appropriate weather conditions, suitable for the assessor to observe common signs of bat use.
- Evidence of bat use may include visual observation (live and/or dead), presence of guano, presence of staining, audible observation, and/or odor observation. Presence of one or more indicators is sufficient evidence that bats may be using the bridge, culvert, and/or other structure.
- If bat use of a bridge, culvert, and/or other structure is noted, additional studies may be undertaken during bat active season to identify the specific bat species utilizing the structure, or protected bat species presence can be assumed, in order to comply with threatened and endangered species regulations. Bat active season dates, typically between April and November, vary regionally and by species, so assessors should consult with their local USFWS Field Office for more specific active season dates.
- For use of the Programmatic Biological Opinion for Transportation Projects in the Range of the Indiana Bat and Northern Long-Eared Bat – If the bridge/structure is 1,000 feet or more from suitable bat habitat¹ (e.g., an urban or agricultural area without suitable foraging habitat or corridors linking the bridge to suitable foraging habitat), check the appropriate box and fill out the table below. **No further assessment is required.**


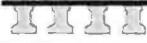

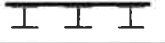




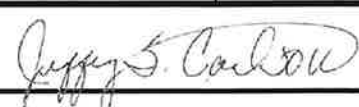
Date & Time of Assessment April 30, 2024 9:00am	DOT Project # 0656-50-03	Route/Facility Carried St. Paul Avenue and Greves Street	County Milwaukee
Federal Structure ID Former DMV Emission Testing Station	Structure Coordinates (latitude and longitude) 43.0343838, -87.9428299	<input type="checkbox"/> This bridge/structure is 1,000 feet or more from suitable bat habitat ² Name: _____ Signature: _____	

- Any questions pertaining to assessments or this form should be directed to the local USFWS Field Office.

¹ Refer to the USFWS's summer survey guidance for the definition of suitable habitat (<http://www.fws.gov/midwest/endangered/mammals/inba/inbasummersurveyguidance.html>).

² This condition is only for use of the Programmatic Biological Opinion for Transportation Projects in the Range of the Indiana Bat and Northern Long-Eared Bat

Bridge/Structure Bat Assessment Form

Date & Time of Assessment 4/30/24		DOT Project Number 0656-50-03		Route/Facility St. Paul Avenue and Greves Street		County Milwaukee	
Federal Structure ID Former DMV Emission Testing Station		Structure Coordinates 43.0343838, (latitude and longitude) -89.9428299		Structure Height (approximate) 35 ft		Structure Length 130 ft	
Structure Type (check one)				Structure Material (check all that apply)			
Bridge Construction Style				Deck Material		Beam Material	
<input type="radio"/> Cast-in-place  <input type="radio"/> Pre-stressed Girder 				<input type="checkbox"/> Metal <input type="checkbox"/> Concrete <input type="checkbox"/> Timber <input type="checkbox"/> Open grid <input type="checkbox"/> Other:		<input type="checkbox"/> None <input type="checkbox"/> Concrete <input type="checkbox"/> Steel <input type="checkbox"/> Timber <input type="checkbox"/> Other:	
<input type="radio"/> Flat Slab/Box  <input type="radio"/> Steel I-beam 						<input type="checkbox"/> Concrete <input type="checkbox"/> Timber <input type="checkbox"/> Stone/Masonry <input type="checkbox"/> Other:	
<input type="radio"/> Truss  <input type="radio"/> Covered 						Creosote Evidence <input type="radio"/> Yes <input checked="" type="radio"/> No	
<input type="radio"/> Parallel Box Beam  <input checked="" type="radio"/> Other: Building (warehouse and offices)				Culvert Material			
Culvert Type				<input type="checkbox"/> Metal <input type="checkbox"/> Concrete <input type="checkbox"/> Plastic <input type="checkbox"/> Stone/Masonry <input type="checkbox"/> Other:		Notes: Materials in building include concrete, tile, metal, mineral fiber, etc.	
<input type="radio"/> Box <input type="radio"/> Pipe/Round <input type="radio"/> Other:				Other Structure			
Crossings Traversed (check all that apply)				Surrounding Habitat (check all that apply)			
<input type="checkbox"/> Bare ground <input type="checkbox"/> Rip-rap <input type="checkbox"/> Flowing water <input type="checkbox"/> Standing water <input type="checkbox"/> Seasonal water				<input type="checkbox"/> Open vegetation <input type="checkbox"/> Closed vegetation <input type="checkbox"/> Railroad <input type="checkbox"/> Road/trail - Type: <input type="checkbox"/> Other:			
				<input checked="" type="checkbox"/> Agricultural <input type="checkbox"/> Commercial <input type="checkbox"/> Residential-urban <input type="checkbox"/> Residential-rural <input type="checkbox"/> Woodland/forested			
				<input type="checkbox"/> Grassland <input type="checkbox"/> Ranching <input type="checkbox"/> Riparian/wetland <input type="checkbox"/> Mixed use <input type="checkbox"/> Other:			
Areas Assessed (check all that apply)							
Check all areas that apply. If an area is not present in the structure, check the "not present" box.							
Document all bat indicators observed during the assessment. Include the species present, if known, and provide photo documentation as indicated.							
Area (check if assessed)		Assessment Notes		Evidence of Bats (include photos if present)			
<input type="checkbox"/> All crevices and cracks: Bridges/culverts: rough surfaces or imperfections in concrete Other structures: soffits, rafters, attic areas		<input type="checkbox"/> Not present Water/mineral staining on concrete surfaces (exterior and interior). A small mass of suspected vermiculite observed in utility room northeast corner.		<input type="checkbox"/> Visual - live # dead # <input type="checkbox"/> Guano <input type="checkbox"/> Staining <input type="checkbox"/> Audible <input type="checkbox"/> Odor <input type="checkbox"/> Photos <input type="checkbox"/> Species			
<input checked="" type="checkbox"/> Concrete surfaces (open roosting on concrete)		<input type="checkbox"/> Not present No bats observed on any concrete surfaces. Rust staining on block wall.		<input type="checkbox"/> Visual - live # dead # <input type="checkbox"/> Guano <input type="checkbox"/> Staining <input type="checkbox"/> Audible <input type="checkbox"/> Odor <input type="checkbox"/> Photos <input type="checkbox"/> Species			
<input checked="" type="checkbox"/> Spaces between concrete end walls and the bridge deck roof/ceiling		<input type="checkbox"/> Not present No bats observed between concrete and the roof/ceiling		<input type="checkbox"/> Visual - live # dead # <input type="checkbox"/> Guano <input type="checkbox"/> Staining <input type="checkbox"/> Audible <input type="checkbox"/> Odor <input type="checkbox"/> Photos <input type="checkbox"/> Species			
<input type="checkbox"/> Crack between concrete railings on top of the bridge deck <div style="text-align: center;">  </div>		<input checked="" type="checkbox"/> Not present		<input type="checkbox"/> Visual - live # dead # <input type="checkbox"/> Guano <input type="checkbox"/> Staining <input type="checkbox"/> Audible <input type="checkbox"/> Odor <input type="checkbox"/> Photos <input type="checkbox"/> Species			
<input type="checkbox"/> Vertical surfaces on concrete I-beams		<input checked="" type="checkbox"/> Not present		<input type="checkbox"/> Visual - live # dead # <input type="checkbox"/> Guano <input type="checkbox"/> Staining <input type="checkbox"/> Audible <input type="checkbox"/> Odor <input type="checkbox"/> Photos <input type="checkbox"/> Species			
<input checked="" type="checkbox"/> Spaces between walls, ceiling joists		<input type="checkbox"/> Not present No bats observed on spaces between walls or ceiling joists		<input type="checkbox"/> Visual - live # dead # <input type="checkbox"/> Guano <input type="checkbox"/> Staining <input type="checkbox"/> Audible <input type="checkbox"/> Odor <input type="checkbox"/> Photos <input type="checkbox"/> Species			
<input checked="" type="checkbox"/> Weep holes, scupper drains, and inlets/pipes		<input type="checkbox"/> Not present No bats observed in weep holes, scupper drains, or inlets/pipes		<input type="checkbox"/> Visual - live # dead # <input type="checkbox"/> Guano <input type="checkbox"/> Staining <input type="checkbox"/> Audible <input type="checkbox"/> Odor <input type="checkbox"/> Photos <input type="checkbox"/> Species			
<input type="checkbox"/> All guiderails		<input checked="" type="checkbox"/> Not present		<input type="checkbox"/> Visual - live # dead # <input type="checkbox"/> Guano <input type="checkbox"/> Staining <input type="checkbox"/> Audible <input type="checkbox"/> Odor <input type="checkbox"/> Photos <input type="checkbox"/> Species			
<input type="checkbox"/> All expansion joints		<input checked="" type="checkbox"/> Not present		<input type="checkbox"/> Visual - live # dead # <input type="checkbox"/> Guano <input type="checkbox"/> Staining <input type="checkbox"/> Audible <input type="checkbox"/> Odor <input type="checkbox"/> Photos <input type="checkbox"/> Species			
Name: Jeffrey Carlson				Signature: 			

Photographic Log

DRAFT NOT FOR BIDDING PURPOSES


Photographic Log

Project Name: Bat Survey – MKE Building

Client: Wisconsin Department of Transportation

GEI Project No.

2306069

PHOTOGRAPH No: 1	SITE LOCATION: FORMER DMV EMISSION TESTING STATION, MILWAUKEE, WI
DIRECTION: West	DATE: APRIL 30, 2024
DESCRIPTION: Looking toward northeast exterior corner of the office area of the structure.	
PHOTO BY: PAUL GARVEY	

PHOTOGRAPH No: 2	SITE LOCATION: FORMER DMV EMISSION TESTING STATION, MILWAUKEE, WI
DIRECTION: West	DATE: APRIL 30, 2024
DESCRIPTION: Looking toward east exterior of the service portion of the structure.	
PHOTO BY: PAUL GARVEY	

Photographic Log

Project Name: Bat Survey – MKE Building

Client: Wisconsin Department of Transportation

GEI Project No. 2306069

PHOTOGRAPH No: 3	SITE LOCATION: FORMER DMV EMISSION TESTING STATION, MILWAUKEE, WI
DIRECTION: North	DATE: APRIL 30, 2024
DESCRIPTION: Looking toward south exterior of structure.	
PHOTO BY: PAUL GARVEY	


PHOTOGRAPH No: 4	SITE LOCATION: FORMER DMV EMISSION TESTING STATION, MILWAUKEE, WI
DIRECTION: East	DATE: APRIL 30, 2024
DESCRIPTION: Looking toward west exterior of the service portion of the structure.	
PHOTO BY: PAUL GARVEY	

Photographic Log

Project Name: Bat Survey – MKE Building

Client: Wisconsin Department of Transportation

GEI Project No. 2306069


PHOTOGRAPH No: 5	SITE LOCATION: FORMER DMV EMISSION TESTING STATION, MILWAUKEE, WI
DIRECTION: East	DATE: APRIL 30, 2024
DESCRIPTION: Looking toward northwest exterior corner of the structure. Some staining was observed from vent, apparent water/mineral damage.	
PHOTO BY: PAUL GARVEY	

PHOTOGRAPH No: 6	SITE LOCATION: FORMER DMV EMISSION TESTING STATION, MILWAUKEE, WI
DIRECTION: South	DATE: APRIL 30, 2024
DESCRIPTION: Looking toward north side of office area of the structure.	
PHOTO BY: PAUL GARVEY	

Photographic Log

Project Name: Bat Survey – MKE Building
Client: Wisconsin Department of Transportation

GEI Project No. 2306069

PHOTOGRAPH No: 7	SITE LOCATION: FORMER DMV EMISSION TESTING STATION, MILWAUKEE, WI
DIRECTION: North	DATE: APRIL 30, 2024
DESCRIPTION: Looking toward staining observed on southside of structure. Staining is apparent water/mineral damage.	 A photograph showing the corner of a brick building. The bricks are a mix of brown and tan colors. There is visible staining and discoloration on the bricks, particularly on the upper right side. The sky is blue with some white clouds.
PHOTO BY: PAUL GARVEY	

PHOTOGRAPH No: 8	SITE LOCATION: FORMER DMV EMISSION TESTING STATION, MILWAUKEE, WI
DIRECTION: East	DATE: APRIL 30, 2024
DESCRIPTION: Looking at overhead doors on west side of service area of the structure. Apparent rust staining was observed on overhead doors.	 A photograph showing the side of a building with overhead doors. The doors are made of light-colored metal with horizontal ridges. There is significant rust staining along the top edge of the doors and on the surrounding wall. The sky is blue with some white clouds.
PHOTO BY: PAUL GARVEY	

Photographic Log

Project Name: Bat Survey – MKE Building

Client: Wisconsin Department of Transportation

GEI Project No. 2306069

PHOTOGRAPH No: 9	SITE LOCATION: FORMER DMV EMISSION TESTING STATION, MILWAUKEE, WI
DIRECTION: East	DATE: APRIL 30, 2024
DESCRIPTION: Looking toward vent on west side of structure. Multiple similar vents were observed on the west and east side of the structure. Apparent water/mineral damage was observed beneath the vents.	
PHOTO BY: PAUL GARVEY	


PHOTOGRAPH No: 10	SITE LOCATION: FORMER DMV EMISSION TESTING STATION, MILWAUKEE, WI
DIRECTION: East	DATE: APRIL 30, 2024
DESCRIPTION: View of hallway in northern portion (office area) of the structure.	
PHOTO BY: PAUL GARVEY	


Photographic Log

Project Name: Bat Survey – MKE Building

Client: Wisconsin Department of Transportation

GEI Project No. 2306069

PHOTOGRAPH NO: 11	SITE LOCATION: FORMER DMV EMISSION TESTING STATION, MILWAUKEE, WI
DIRECTION: East	DATE: APRIL 30, 2024
DESCRIPTION: View above ceiling tiles in hallway.	
PHOTO BY: PAUL GARVEY	

PHOTOGRAPH NO: 12	SITE LOCATION: FORMER DMV EMISSION TESTING STATION, MILWAUKEE, WI
DIRECTION: East	DATE: APRIL 30, 2024
DESCRIPTION: View of office area/front desk area near northwest corner of structure.	
PHOTO BY: PAUL GARVEY	

Photographic Log


Project Name: Bat Survey – MKE Building

Client: Wisconsin Department of Transportation

GEI Project No.

2306069

PHOTOGRAPH No: 13	SITE LOCATION: FORMER DMV EMISSION TESTING STATION, MILWAUKEE, WI	
DIRECTION: North	DATE: APRIL 30, 2024	
DESCRIPTION: View of inside office area/front desk area near northwest corner of the structure.		
PHOTO BY: PAUL GARVEY		


PHOTOGRAPH No: 14	SITE LOCATION: FORMER DMV EMISSION TESTING STATION, MILWAUKEE, WI	
DIRECTION: North	DATE: APRIL 30, 2024	
DESCRIPTION: View above ceiling tiles from inside office area/front desk area near northwest corner of structure.		
PHOTO BY: PAUL GARVEY		

Photographic Log

Project Name: Bat Survey – MKE Building

Client: Wisconsin Department of Transportation

GEI Project No. 2306069

PHOTOGRAPH No: 15	SITE LOCATION: FORMER DMV EMISSION TESTING STATION, MILWAUKEE, WI
DIRECTION: North	DATE: APRIL 30, 2024
DESCRIPTION: View of bathroom near northwest corner of structure.	
PHOTO BY: PAUL GARVEY	

PHOTOGRAPH No: 16	SITE LOCATION: FORMER DMV EMISSION TESTING STATION, MILWAUKEE, WI
DIRECTION: North	DATE: APRIL 30, 2024
DESCRIPTION: View from above ceiling tiles in bathroom near northwest corner of structure.	
PHOTO BY: PAUL GARVEY	

Photographic Log

Project Name: Bat Survey – MKE Building

Client: Wisconsin Department of Transportation

GEI Project No. 2306069

PHOTOGRAPH No: 17	SITE LOCATION: FORMER DMV EMISSION TESTING STATION, MILWAUKEE, WI
DIRECTION: South	DATE: APRIL 30, 2024
DESCRIPTION: View of managers office in northwest portion of the structure.	
PHOTO BY: PAUL GARVEY	

PHOTOGRAPH No: 18	SITE LOCATION: FORMER DMV EMISSION TESTING STATION, MILWAUKEE, WI
DIRECTION: North	DATE: APRIL 30, 2024
DESCRIPTION: View from above ceiling tiles in Manager's office in northwest portion of the structure.	
PHOTO BY: PAUL GARVEY	


Photographic Log

Project Name: Bat Survey – MKE Building

Client: Wisconsin Department of Transportation

GEI Project No. 2306069

PHOTOGRAPH NO: 19	SITE LOCATION: FORMER DMV EMISSION TESTING STATION, MILWAUKEE, WI
DIRECTION: North	DATE: APRIL 30, 2024
DESCRIPTION: View of utility closet in Manager's office in northwest portion of the structure.	
PHOTO BY: PAUL GARVEY	

PHOTOGRAPH NO: 20	SITE LOCATION: FORMER DMV EMISSION TESTING STATION, MILWAUKEE, WI
DIRECTION: North	DATE: APRIL 30, 2024
DESCRIPTION: View of office space in northeast portion of structure, includes Men's and Women's bathroom.	
PHOTO BY: PAUL GARVEY	


Photographic Log

Project Name: Bat Survey – MKE Building

Client: Wisconsin Department of Transportation

GEI Project No. 2306069

PHOTOGRAPH No: 21	SITE LOCATION: FORMER DMV EMISSION TESTING STATION, MILWAUKEE, WI
DIRECTION: East	DATE: APRIL 30, 2024
DESCRIPTION: View above ceiling tiles in office space in northeast portion of structure.	
PHOTO BY: PAUL GARVEY	

PHOTOGRAPH No: 22	SITE LOCATION: FORMER DMV EMISSION TESTING STATION, MILWAUKEE, WI
DIRECTION: North	DATE: APRIL 30, 2024
DESCRIPTION: View of Men's Restroom in northeast portion of the structure.	
PHOTO BY: PAUL GARVEY	

Photographic Log

Project Name: Bat Survey – MKE Building

Client: Wisconsin Department of Transportation

GEI Project No. 2306069

PHOTOGRAPH No: 23	SITE LOCATION: FORMER DMV EMISSION TESTING STATION, MILWAUKEE, WI	
DIRECTION: North	DATE: APRIL 30, 2024	
DESCRIPTION: View of Women's Restroom in northeast portion of the structure.		
PHOTO BY: PAUL GARVEY		


PHOTOGRAPH No: 24	SITE LOCATION: FORMER DMV EMISSION TESTING STATION, MILWAUKEE, WI	
DIRECTION: North	DATE: APRIL 30, 2024	
DESCRIPTION: View of utility closet in northeast corner of structure.		
PHOTO BY: PAUL GARVEY		

Photographic Log

Project Name: Bat Survey – MKE Building

Client: Wisconsin Department of Transportation

GEI Project No. 2306069

PHOTOGRAPH No: 25	SITE LOCATION: FORMER DMV EMISSION TESTING STATION, MILWAUKEE, WI
DIRECTION: North	DATE: APRIL 30, 2024
DESCRIPTION: View of utility room in northeast corner of structure. Pile of debris observed in northeast corner of utility room.	
PHOTO BY: PAUL GARVEY	


PHOTOGRAPH No: 26	SITE LOCATION: FORMER DMV EMISSION TESTING STATION, MILWAUKEE, WI
DIRECTION: Down	DATE: APRIL 30, 2024
DESCRIPTION: View of pile of debris observed in northeast corner of utility room. Debris is apparent vermiculite and Styrofoam.	
PHOTO BY: PAUL GARVEY	


Photographic Log

Project Name: Bat Survey – MKE Building

Client: Wisconsin Department of Transportation

GEI Project No. 2306069

PHOTOGRAPH NO: 27	SITE LOCATION: FORMER DMV EMISSION TESTING STATION, MILWAUKEE, WI	
DIRECTION: Down	DATE: APRIL 30, 2024	
DESCRIPTION: Closer view of material (suspected vermiculite and Styrofoam) observed in northeast corner of utility room, under red light.		
PHOTO BY: PAUL GARVEY		


PHOTOGRAPH NO: 28	SITE LOCATION: FORMER DMV EMISSION TESTING STATION, MILWAUKEE, WI	
DIRECTION: East	DATE: APRIL 30, 2024	
DESCRIPTION: View of wall and ceiling directly above observed pile of debris (suspected vermiculite and Styrofoam) in northeast corner of utility room.		
PHOTO BY: PAUL GARVEY		

Photographic Log

Project Name: Bat Survey – MKE Building

Client: Wisconsin Department of Transportation

GEI Project No. 2306069

PHOTOGRAPH No: 29	SITE LOCATION: FORMER DMV EMISSION TESTING STATION, MILWAUKEE, WI
DIRECTION: South	DATE: APRIL 30, 2024
DESCRIPTION: View of east side of former emissions service garage, in southern portion of the structure.	
PHOTO BY: PAUL GARVEY	


PHOTOGRAPH No: 30	SITE LOCATION: FORMER DMV EMISSION TESTING STATION, MILWAUKEE, WI
DIRECTION: South	DATE: APRIL 30, 2024
DESCRIPTION: View of west side of emissions service garage, in southern portion of the structure.	
PHOTO BY: PAUL GARVEY	


Photographic Log

Project Name: Bat Survey – MKE Building

Client: Wisconsin Department of Transportation

GEI Project No. 2306069

PHOTOGRAPH No: 31	SITE LOCATION: FORMER DMV EMISSION TESTING STATION, MILWAUKEE, WI
DIRECTION: Up	DATE: APRIL 30, 2024
DESCRIPTION: View of ceiling in service garage area.	
PHOTO BY: PAUL GARVEY	

PHOTOGRAPH No: 32	SITE LOCATION: FORMER DMV EMISSION TESTING STATION, MILWAUKEE, WI
DIRECTION: North	DATE: APRIL 30, 2024
DESCRIPTION: View of staining observed on eastern wall of service garage. Staining is apparent rust from metal supports.	
PHOTO BY: PAUL GARVEY	


Photographic Log

Project Name: Bat Survey – MKE Building

Client: Wisconsin Department of Transportation

GEI Project No. 2306069

PHOTOGRAPH No: 33	SITE LOCATION: FORMER DMV EMISSION TESTING STATION, MILWAUKEE, WI
DIRECTION: North	DATE: APRIL 30, 2024
DESCRIPTION: View of vent on west wall in service garage area. A bird's nest was observed on a steel support.	
PHOTO BY: PAUL GARVEY	

PHOTOGRAPH No: 34	SITE LOCATION: FORMER DMV EMISSION TESTING STATION, MILWAUKEE, WI
DIRECTION: North	DATE: APRIL 30, 2024
DESCRIPTION: View of roof of northern portion of structure, where the office space is located.	
PHOTO BY: PAUL GARVEY	


Photographic Log

Project Name: Bat Survey – MKE Building

Client: Wisconsin Department of Transportation

GEI Project No. 2306069

PHOTOGRAPH No: 35	SITE LOCATION: FORMER DMV EMISSION TESTING STATION, MILWAUKEE, WI
DIRECTION: West	DATE: APRIL 30, 2024
DESCRIPTION: View of roof of southern portion of structure, where emissions service garage is located.	
PHOTO BY: PAUL GARVEY	


PHOTOGRAPH No: 36	SITE LOCATION: FORMER DMV EMISSION TESTING STATION, MILWAUKEE, WI
DIRECTION: East	DATE: APRIL 30, 2024
DESCRIPTION: View of drain from roof to downspout.	
PHOTO BY: PAUL GARVEY	


Photographic Log

Project Name: Bat Survey – MKE Building

Client: Wisconsin Department of Transportation

GEI Project No. 2306069

PHOTOGRAPH No: 37	SITE LOCATION: FORMER DMV EMISSION TESTING STATION, MILWAUKEE, WI	
DIRECTION: North	DATE: APRIL 30, 2024	
DESCRIPTION: View of vent component on roof of service garage.		
PHOTO BY: PAUL GARVEY		

PHOTOGRAPH No: 38	SITE LOCATION: FORMER DMV EMISSION TESTING STATION, MILWAUKEE, WI	
DIRECTION: East	DATE: APRIL 30, 2024	
DESCRIPTION: View of vent component on roof of service garage.		
PHOTO BY: PAUL GARVEY		

Photographic Log



Project Name: Bat Survey – MKE Building
Client: Wisconsin Department of Transportation
GEI Project No. 2306069

PHOTOGRAPH No: 39	SITE LOCATION: FORMER DMV EMISSION TESTING STATION, MILWAUKEE, WI
DIRECTION: South	DATE: APRIL 30, 2024
DESCRIPTION: View of apparent birds' nest on roof of service garage.	A photograph showing a birds' nest on a roof covered in gravel. The nest is made of dark brown twigs and is situated between two vertical pipes. One pipe is white and the other is dark brown. The gravel consists of small, light-colored stones.
PHOTO BY: PAUL GARVEY	

DRAFT NOT FOR

WE Energies Gas/Electric Disconnect Letters

DRAFT NOT FOR BIDDING PURPOSES

We Energies

Metro South Service Center
500 S. 116th St.
West Allis, WI 53214
www.we-energies.com



June 5, 2025

SCOTT DELLENBACH
141 NW BARSTOW ST
WAUKESHA, WI 532187

Subject: Electric utility permanent demolition at 2401 W ST PAUL AVE

Dear SCOTT DELLENBACH:

I am sending this letter to confirm that our electric facilities located at the above address were demolished on 10/22/24. Please note that our demolitions for electric service and natural gas service are handled separately.

This demolition includes facilities owned by We Energies. Please contact other service providers in the area regarding demolition of their facilities.

If you have questions, please call me. I appreciate the opportunity to have worked with you.

Sincerely,

MELESIA BRAZIL
ENERGY SERVICE CONSULTANT
Phone #: 414-944-5781
Fax #: 414-944-5589

Work Request #5021421

We Energies
Metro South Service Center
500 S. 116th St.
West Allis, WI 53214
www.we-energies.com



June 5, 2025

SCOTT DELLENBACH
141 NW BARSTOW ST
WAUKESHA, WI 532187

Subject: Gas utility permanent demolition at 2401 W ST PAUL AVE

Dear SCOTT DELLENBACH:

I am sending this letter to confirm that our Gas facilities located at the above address were demolished on 2/20/25. Please note that our demolitions for electric service and natural gas service are handled separately.

This demolition includes facilities owned by We Energies. Please contact other service providers in the area regarding demolition of their facilities.

If you have questions, please call me. I appreciate the opportunity to have worked with you.

Sincerely,

MELESIA BRAZIL
ENERGY SERVICE CONSULTANT
Phone #: 414-944-5781
Fax #: 414-944-5589

Work Request #5021420

Camera/Counting System to be razed



Former DMV camera/counting device to be removed as part of construction. Concrete base to also be removed but please follow the same guidelines as laid out for the building slab restoration.

Signs to be removed and returned



Contractors shall work with the sign owners to get these back to them prior to razing operations.

Rochelle Brien: rochelle@thevalleymke.org

BID FORM INSTRUCTIONS

(Please Read Carefully)

Option A: THE BIDDER INTENDS TO MAKE PAYMENT TO THE STATE OF WISCONSIN.

Option B: THE BIDDER INTENDS TO RECEIVE PAYMENT FROM THE STATE OF WISCONSIN.

1. Under the column entitled "Option A," insert the amount, if any, in numerals (dollars and cents) for each parcel that the bidder intends to pay the State of Wisconsin.
2. Under the column entitled "Option B," inset the amount, if any, in numerals (dollars and cents) for each parcel that the bidder intends to be paid by the State of Wisconsin.
3. A bid of \$0.00 is acceptable.
4. Bidder must bid on each parcel but only under one option per parcel.
5. A bid, which lists an amount under both options, will be considered an irregular bid and rejected.
6. Bidder must either leave blank or line out the blank under the option for which the bidder does not submit a bid.
7. The contract, if awarded, will be awarded based on the bid most favorable to the Department. A combined net bid is the difference between bids under Option A and Option B. Therefore, in the "Total Bid or Combined Net Bid" row on the Bid Proposal, if you bid under only one option for all parcels, enter the total amount. If you bid under Option A for some parcels and Option B for other parcels, enter the difference between the two bids. (Reference Article 6, Award of Contract)
8. The bid proposal shall remain completely intact when submitted.
9. A SEPARATE CERTIFIED CHECK, BANK'S DRAFT, BANK'S CHECK, OR POSTAL MONEY ORDER FOR THE BID AMOUNT IN THE "OPTION A" SUBTOTAL COLUMN SHALL BE ATTACHED TO THE BID PROPOSAL.
10. **PROPOSAL GUARANTY** (see Subsection 102.8 of the Standard Specifications). **ONE** OF THE FOLLOWING NEEDS TO BE COMPLETED BY THE BIDDER AND RETURNED WITH THE BID PROPOSAL: **(1)** a properly executed Bid Bond (form to be used is found near the front of this proposal – *do not* remove from bid proposal); **or (2)** a properly executed Annual Bid Bond (form to be used is found near the front of this proposal – *do not* remove from bid proposal); **or (3)** a separate certified check, bank's draft, bank's check, or postal money order in the amount of the proposal guaranty that is to be attached to the second page of this bid proposal under "Please Attach Proposal Guaranty Here."

Note: Deposit a valid surety bond with the department in the amount designated on the bond form covering both performance and payment. Submit the contract bond on a department-furnished form. This is also stated in standard spec 103.5.

BID PROPOSAL

Project I.D. 1060-27-20, Parcel 1, 2401 W. St. Paul Avenue, City of Milwaukee, Milwaukee County

Project/Parcel Number	Option A – Contractor to Pay WisDOT	Option B – Contractor to Receive Payment from WisDOT
1060-27-20 Parcel 1	\$	\$
	\$	\$
	\$	\$
	\$	\$
	\$	\$
Option A Total:	\$	////////////////////////////////////
Option B Total:		\$
Total Bid or Combined Net Bid		\$

PLEASE NOTE: A separate Certified Check, Bank's Draft, Bank's Check, or Postal Money Order for the Bid Amount in the "Option A" subtotal column shall be attached to this Bid Proposal – see *Bid Form Instructions* for specific information.

Firm Name _____ (_____) _____
Telephone Number with Area Code (where you can be reached during business hours)

☐

Check box if Bidding Contractor is a Certified Asbestos Abatement Contractor and will perform the required asbestos removals under this contract, **OR** complete the following:

IF APPLICABLE:

I will use the following Licensed Asbestos Abatement Subcontractor to perform the required asbestos removal under this Contract:
Name:
Address:
Phone:

PLEASE ATTACH ADDENDA HERE

DRAFT NOT FOR BIDDING PURPOSES