



DEPARTMENT OF DEVELOPMENT John F. Stibal

414/302-8460 414/302-8401 (Fax)

City Hall 7525 West Greenfield Avenue West Allis, Wisconsin 53214

> www.westalliswi.gov jstibal@westalliswi.gov

January 29, 2015

The Honorable Dan Devine and Members of the Common Council West Allis City Hall West Allis, Wisconsin

RE:

Communication from the Planning Manager relative to a requested Special Use Permit amendment by Elite Environmental, a waste water treatment facility, to locate its business within a portion of the existing building at 356-60 S. Curtis Rd. (Tax Key No. 413-9999-038).

Dear Mayor Devine and Common Council Members:

This letter is to inform you that the West Allis Plan Commission, at its meeting held on Wednesday, January 28, 2015, considered the above-referenced request and has recommended Common Council denial of the Special Use Permit Application for Elite Environmental Company located at 356-360 S. Curtis Rd. based upon the following:

- (a) Elite Environmental is occupying the property without the required business occupancy permit;
- (b) Violations stated within the attached formal complaint against Central Waste Water Treatment of Wisconsin, LLC also are attributed to Elite Environmental (dated December 18, 2014);
- (c) The conduct on site endangers the public health, safety, morals, comfort or general welfare and is contrary to the West Allis Revised Municipal Code;
- (d) The business operations at this location have not continued in conformity with the conditions imposed in the 2004 special use approval, contrary to the West Allis Revised Municipal Code;
- (e) The existing use has had a demonstrably negative impact upon the surrounding area, diminishing the use, value and enjoyment of property in the surrounding area. Granting an amended or separate special use for Elite Environmental at this time would not resolve the existing problems noted in the formal complaint.

Respectfully,

Steven J. Schaer, AICP

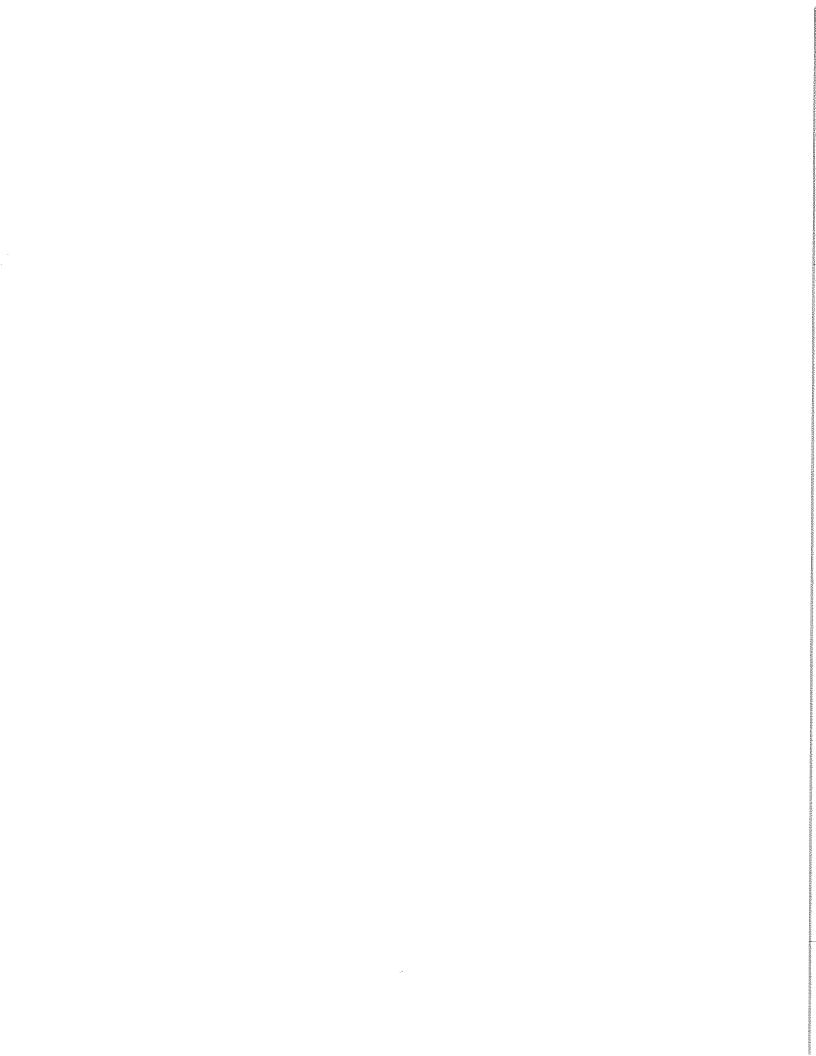
Manager of Planning and Zoning

CC:

John Stibal, Director of Development

Scott Post, City Attorney

Jenna Merten, Assistant City Attorney



WEST ALLIS COMMON COUNCIL SAFETY AND DEVELOPMENT COMMITTEE CITY OF WEST ALLIS

In the Matter of the Complaint Against

SUMMONS

John Scherff, d/b/a Central Wastewater Treatment of Wisconsin, LLC, 360 South Curtis Road, West Allis, Wisconsin 53214

STATE OF WISCONSIN) SS. COUNTY OF MILWAUKEE)

THE WEST ALLIS COMMON COUNCIL TO JOHN SCHERFF:

You are hereby notified that a sworn complaint, a copy of which is attached, has been duly made and filed, requesting a hearing on the revocation of your special use permit, pursuant to the provisions of West Allis Revised Municipal Ordinance 12.16(13).

NOW THEREFORE, you, John Scherff, are hereby summoned to appear before the Safety and Development Committee of the West Allis Common Council in Room 123 of the West Allis City Hall, 7525 West Greenfield Avenue, West Allis, Wisconsin, on January 6, 2015, at 7:00 p.m., or as soon thereafter as this matter can be heard, to admit or deny the allegations in the complaint. You may be represented by counsel on this date.

In the case of your failure to appear as required by this summons, the allegations in the complaint against you shall be taken as true and, if the Safety and Development Committee of the West Allis Common Council finds the allegations sufficient, a recommendation that your

permit be revoked will be made to the full Common Council. The Common Council may then vote to revoke your permit.

You are further notified that if you appear as required by this summons and contest the allegations in the complaint, a hearing will be scheduled at a later date before the Safety and Development Committee, at which time you may be represented by counsel, cross examine the witnesses who testify adversely against you, and present witnesses in your own behalf. A written transcript of said hearing shall be made and you may obtain a copy of the transcript of this proceeding at your expense.

Dated at West Allis, Wisconsin, this 18th day of December, 2014.

WEST ALLIS COMMON COUNCIL

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Monica Schultz, City Clerk

WEST ALLIS COMMON COUNCIL SAFETY AND DEVELOPMENT COMMITTEE CITY OF WEST ALLIS

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COMPLAINT

John Scherff d/b/a Central Wastewater Treatment of Wisconsin, LLC

STATE OF WISCONSIN)	
)	SS.
COUNTY OF MILWAUKEE)	

John F. Stibal, being duly sworn, on oath deposes and states as a complaint against John Scherff d/b/a Central Wastewater Treatment of Wisconsin, LLC (hereinafter "CWT") as follows:

- 1. That the complainant is the Director of Development for the City of West Allis.
- That the information contained in this complaint comes from the complainant's review of
 the subject property and official records maintained by the City of West Allis, which records
 complainant believes to be reliable and accurate.
- 3. That the property owner of 356-360 S. Curtis Rd. is the Accetta Family LTD Partnership.
- 4. That CWT is a tenant of the above-referenced property and has operated on premise since 2004.
- 5. That CWT is the holder of a special use permit, Resolution R-2004-0119, to establish a wastewater treatment facility within a portion of a building, located at 356-360 South Curtis Road under West Allis Revised Municipal Ordinance Sections 12.16 and 12.45(2), granted by the West Allis Common Council on April 5, 2004. See attached Exhibit 1.
- 6. That in July 2008, Elite Environmental (hereinafter "Elite") began to co-occupy the premises at 356-360 South Curtis Road to operate a wastewater facility; Elite has never possessed an occupancy permit or special use permit from the City of West Allis.
- 7. That according to West Allis Health Department records, several neighboring businesses to

CWT have complained of foul odors emanating from CWT's premises from 2009 to 2014.

These businesses are: Maintenance Server Corporation by owner David Marsek, located at 232 South Curtis Road; WE Energies, located at 345 South 116 St.; Quad Graphics, located at 555 South 108th St.; Chris Briscoe, property owner of 430-450 South Curtis Rd.; Nick Crawley of Diamond Freight Systems, located at 450 South Curtis Rd; RBP Chemical Technology, Inc. at 150 South 118th Street.

- 8. That the special use permit requires CWT's operation hours to be Monday through Friday from 7:00 a.m. to 5:00 p.m. and Saturday from 7:00 a.m. to 1:00 p.m.
- 9. That on November 4, 2013, at 5:55 p.m., the West Allis Fire Department was dispatched to 360 South Curtis Road for a possible chemical release. Upon arrival, firefighters smelled a foul odor in the air and observed an Elite employee, Zack Martin, cleaning a gas tank that was filled with a waste product. Martin told the firefighters that he was cleaning the tank due to degrading organ material in it, and the cleaning was being done at night because Elite had received prior complaints about the odor when the company cleaned the tank during the day.
- 10. That on January 23, 2014, WE Energies noticed odors inside its building several times on that day and complained to the West Allis Health Department. WE Energies employee Jeff Chmielewski noted that odors were present in the men's and women's restrooms at 5:30 a.m. The odor became strong enough to require the restroom doors to be opened from 9:00 to 11:00 a.m. and for employees to pour water down the drain to try to stop the smell. Three employees complained of nausea due to the smell.
- 11. That on January 24, 2014, WE Energies noted that the smell in the restrooms was so strong that employees could not enter the restrooms.
- 12. That due to the complaints received, the West Allis Health Department requested that toxicologists from the Wisconsin Department of Health Services conduct air monitoring at

- CWT, Elite, and WE Energies.
- 13. That on April 3, 2014, Ryan Wozniak, a toxicologist from the Wisconsin Department of Health Services, inspected the premises at CWT, Elite, and WE Energies. He observed mild odors emanating from Elite, moderate to strong odors emanating from CWT, and no odor present at WE Energies. He did not find CWT or Elite to be a human health hazard; however, due to WE Energies' employees noticing that the odor was intermittent, he asked them to complete weekly odor event logs.
- 14. That from April 1, 2014 to July 3, 2014, WE Energies' employees compiled a log of the dates when the odors were noticed. The log indicated that the employees smelled odors on 23 days during that time period. See attached Exhibit 2.
- 15. That in in April, May, and June 2014, the Milwaukee Metropolitan Sewerage District (hereinafter "MMSD") sampled wastewater originating from CWT. The sampling demonstrated that CWT exceeded MMSD's standards for discharging wastewater to the sewerage system for the following pollutants: copper, lead, nickel, HEM, and SGT-HEM, contrary to MMSD Rule 11.201(1). Due to the violations, MMSD sent notices of non-compliance to CWT. See attached Exhibit 3.
- 16. That on November 18, 2014, several inspectors from the West Allis Building Inspection and Neighborhood Services Department performed an inspection of the premises at 360 South Curtis Road. Their inspection revealed the following violations:
 - a. An office being constructed without any building, electrical, or HVAC permits, inspections or approvals, in violation of West Allis Revised Municipal Code (hereinafter "WARMC") Section 13.05(1)(a).
 - b. An exterior door cut into the east elevation of the building to provide access to the unauthorized office without a building permit or building inspector approval, in violation of WARMC Section 13.05(1)(a).

- c. The northwest exit door of the building being obstructed, in violation of WARMC Section 13.01(3)(a), adopting Wisconsin Administrative Code Section SPS 361.05, adopting International Building Code Section 1003.6.
- d. A gas-powered pump being operated indoors without proper mechanical ventilation, in violation of WARMC Section 13.01(3)(a), adopting Wisconsin Administrative Code Section SPS 361.05, adopting International Fuel Gas Code Section 304.1.
- e. Outdoor storage not being in compliance with the approved landscape and screening plan, in violation of WARMC Section 13.28(10)(k)3 and WARMC Section 12.13(15).
- f. The shed's metal siding being defective, in violation of WARMC Section 13.28(9)(g)1.
- g. The premises having broken windows, in violation of WARMC Section 13.28(9)(b)1.
- h. The gutters and downspouts not being maintained in good working order, in violation of WARMC Section 13.28(9)(d)3.
- An extension cord being improperly used to supply electricity from the office to the holding tank area, in violation of WARMC Section 13.01(3)(a), adopting Wisconsin Administrative Code Section SPS 316.009, adopting National Electrical Code Section 400.8(1).
- A motor on a storage barrel being wired with a flexible cord, in violation of WARMC Section 13.01(3)(a), adopting Wisconsin Administrative Code Section SPS 316.009, adopting National Electrical Code Section 400.08(1).
- k. A cover on an outlet box being damaged and missing screws on the south wall of the building, in violation of WARMC Section 13.01(3)(a), adopting Wisconsin
 Administrative Code Section SPS 316.009, adopting National Electrical Code

- Section 300.11(A).
- A tankless water heater being installed without a permit and improperly supplied by a cord, in violation of WARMC Sections 13.05(1)(a) and 13.01(3)(a), adopting Wisconsin Administrative Code Section SPS 316.009, adopting National Electrical Code Section 400.08(1).
- m. The piping system not having an air gap/break above the point of discharge into the sanitary sewer system, in violation of WARMC Section 13.01(3)(a), adopting Wisconsin Administrative Code Section SPS 382.33(7).
- n. Maintenance/cleaning records for the oil interceptor being unable to be provided, in violation of WARMC Section 16.81(1).
- o. The annual performance test for the existing reduced pressure backflow preventer not being performed since 8/29/07, in violation of WARMC Section 13.01(3)(a), adopting Wisconsin Administrative Code Section SPS 382.22(8)(b)1.
- p. The existing reduced pressure backflow preventer and all non-potable piping downstream of the backflow preventer not being labeled and tagged, in violation of WARMC Section 13.01(3)(a), adopting Wisconsin Administrative Code Section SPS 382.40(3)(d)1.
- q. The existing piping in and out of the water meter being corroded, defective, and leaking, in violation of WARMC Section 13.01(3)(a), adopting Wisconsin Administrative Code Section SPS 382.22(1)(a)-(c).
- 17. That on December 5, 2014, the West Allis Fire Department was dispatched to RBP

 Chemical Technology, Inc. (hereinafter "RBP"), located at 150 South 118th Street, for a report of a strong odor being present in the air. The odor was so strong that the RBP evacuated its employees from the building, and medical personnel treated four employees for illness due to the odor. Fire Department personnel traced the odor to Elite

- Environmental where a tank was being pumped into a truck; once the tank stopped pumping, the Fire Department personnel noted that the odor disappeared.
- 18. That Ernest Litynski, vice president of operations for RBP, reported to the Health

 Department that the odor had been causing his employees to suffer nausea on at least six occasions prior to December 5, 2014. Due to the odor, RBP had to evacuate its building during the summer of 2012; eventually, personnel from RBP traced the odor to Elite Environmental.
- 19. That the operation of the business owned by John Scherff, d/b/a Central Wastewater

 Treatment of Wisconsin, LLC, is detrimental and endangers the public health, safety,
 morals, comfort or general welfare, contrary to WARMC Section 12.16(8)(a); substantially
 impairs or diminishes the use, value, and enjoyment of other property in the surrounding
 area for permitted uses, contrary to WARMC Section 12.16(8)(b); does not comply with the
 regulations imposed on it in the special use permit, contrary to WARMC Section
 12.16(8)(f); and is in violation of WARMC Sections 12.13(15), 13.01(3)(a), 13.05(1)(a),
 13.28(9)(b)1, 13.28(9)(d)3, 13.28(9)(g)1, 13.28(10)(k)3, 16.81(1), and 18.03(1)(a); and are
 grounds for revocation of the business's special use permit, pursuant to WARMC Section
 12.16(13)(a), (c), and (e).

WHEREFORE, John Stibal, requests that John Scherff, d/b/a Central Wastewater

Treatment of Wisconsin, LLC, be summoned to appear before the Safety and Development

Committee of the West Allis Common Council to answer this complaint and, if the material

allegations of the complaint are denied, that a hearing be held to determine whether the Special Use

Permit of Central Wastewater Treatment of Wisconsin, LLC should be revoked.

Dated at this 17 day of 0 < -, 2014

By: John I Stibal, Director of Development

Subscribed and sworm to be force me
this 17th day of December, 2014.

| Schrame | Schrame | December | 17th day of December | 17th day of



City of West Allis

7525 W. Greenfield Ave. West Allis, WI 53214

Resolution

File Number: R-2004-0119

Final Action:

APR 0 5 2004

Resolution relative to determination of Special Use Application submitted by John Sherff, d/b/a Central Wastewater Treatment of Wisconsin, to establish a wastewater treatment facility within a portion of a building located at 356-60 S. Curtis Rd.

WHEREAS, John Sherff, d/b/a Central Wastewater Treatment of Wisconsin (CWT) duly filed with the City Administrative Officer, Clerk/Treasurer an application for a Special Use Permit, pursuant to Sec. 12.45(2) and Sec. 12.16 of the Revised Municipal Code, to establish a wastewater treatment facility within a portion of a building located at 356-60 S. Curtis Rd.; and,

WHEREAS, after due notice, a public hearing was held by the Common Council on April 5, 2004, at 7:00 p.m., in the Common Council Chamber to consider the application; and,

WHEREAS, the Common Council, having carefully considered the evidence presented at the public hearing and the following pertinent facts noted:

- 1. The applicant, John Sherff, d/b/a Central Wastewater Treatment of Wisconsin, will relocate his office to the proposed site at 360 S. Curtis Rd., West Allis, WI 53214.
- 2. The applicant has a valid offer to lease said premises located at 360 S. Curtis Rd., West Allis, Milwaukee County, Wisconsin, more particularly described as follows, to-wit:

Parcel 12 of Certified Survey Map No. 6480 (3.046 acres), being located in the Northwest I/4 of Section 31, Township 7 North, Range 21 East, in the City of West Allis, Milwaukee County, State of Wisconsin.

Tax Key Number: 413-9999-038

Said land being located at 356-60 S. Curtis Rd.

3. The applicant is proposing to establish a wastewater treatment facility on site to treat wastewater from local industrial clients throughout the metro area. CWT treats the wastewater to the limits determined by the EPA and then discharges the clean water to the sanitary sewer. The discharged water is monitored continually (24 hours, 7 days per week) by MMSD to ensure that it meets the EPA treatment limits. Any remaining solids left after the treatment process are non-hazardous and can be sent to a landfill. The entire treatment process is highly automated with controls to monitor tank levels, flow rates, chemical additions and a system-failure automated stop.

The whole space within the facility that is used for wastewater unloading, holding, treatment and discharge is contained for accidental spills per Wisconsin DNR regulations.

Exhibit 7 P. Jof 4 Business operations within the application indicate 6 tanker deliveries per day, Monday through Saturday. This accommodates applicant's Milwaukee Metropolitan Sewerage District (MMSD) discharge permit of a maximum of 22,000 gallons per day at a maximum flow rate of 70 gallons/minute. Each tanker will take about 1 hour for testing and unloading (deliveries by appointment).

- 4. The aforesaid premises is zoned M-1 Manufacturing District under the Zoning Ordinance of the City of West Allis, which permits wastewater treatment facilities pursuant to Sec. 12.45(2) of the Revised Municipal Code.
- 5. The subject property is located on the east side of S. Curtis Rd. between W. Theodore Trecker Way and W. Dixon St. Properties to the north, south, east and west are developed as manufacturing uses.
- 6. The use, value and enjoyment of other property in the surrounding area for permitted uses will not be substantially impaired or diminished by the establishment, maintenance or operation of the special use.

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of West Allis that the application of John Sherff, d/b/a Central Wastewater Treatment of Wisconsin be and is hereby granted on the following grounds:

That the establishment, maintenance and operation of the proposed use, with the imposition of certain conditions hereinafter set forth, reasonably satisfies the standards set forth in Secs. 12.16 and Sec. 12.45(2) of the Revised Municipal Code, so as to permit the issuance of a special use permit as therein provided.

BE IT FURTHER RESOLVED that said special use permit is granted subject to the following conditions:

- 1. Site, Landscaping, and Architectural Plans. The grant of this special use permit is subject to and conditioned upon the approval of site, landscape, and architectural plans approved March 24, 2004, by the City of West Allis Plan Commission. No alteration or modification of the approved plan shall be permitted without approval by the West Allis Plan Commission.
- 2. Building Plans and Fire Codes. The grant of this special use is subject to building plans being submitted to and approved by the Department of Building Inspections and Zoning and by the Fire Department.
- 3. Paving and Drainage. The grant of this special use is subject to a paving and drainage plan being submitted to and approved by the Department of Building Inspections and Zoning.
- 4. Parking. A total of 27 parking stalls for the property, including 2 ADA stalls, are required per the Zoning Code. Twenty-nine parking stalls will be provided on site including two (2) ADA stalls. Business, employee and customer vehicles shall not be parked in the public right of way.

Exhibit 7 P. 2 of 4

- 5. Hours of Operation. Hours of operation shall be Monday through Friday from 7:00 a.m. to 5:00 p.m. and Saturday from 7:00 a.m. to 1:00 p.m.
- 6. Business Operations. Six tanker deliveries per day by appointment only. MMSD discharge permit for a maximum release to sanitary sewer of 22,000 gallons per day at a maximum flow rate of 70 gallons per minute.
- 7. Master Signage Plans. A master sign plan for the property and its tenants shall be prepared and submitted to the Plan Commission for approval. Any non-conforming signage shall be removed.

Applicant is advised that the foregoing conditions are reasonably necessary to protect the public interest and to secure compliance with the standards and requirements specified in Sec. 12.16 of the Revised Municipal Code; that the issuance of the special use is expressly subject to compliance with said conditions.

The grant of this special use shall become null and void within one year of the date thereof, unless construction is under way or the current owner possesses a valid building permit under which construction is commenced, within sixty (60) days of the date thereof and which shall not be renewed unless construction has commenced and is being diligently pursued. No extension of these time limitations will be permitted under any circumstances, including the applicant's failure to obtain other necessary building and zoning approvals.

The special use, as granted herein, is subject to applicant's compliance with all other state and local laws and regulations which may be applicable to the proposed use of the real estate in question.

The special use, as granted herein, shall run with the land and benefit and restrict all future owners and occupants of the property, unless the use shall lapse or be terminated and the use will not be altered or extended (including structural alterations and/or additions) without the approval of the Common Council, following public hearing, all as provided in Sec. 12.16 of the Revised Municipal Code.

The City Attorney is hereby authorized to make such non-substantive changes, modifications, additions and deletions to and from the various provisions of the Special Use Permit, including any and all attachments, exhibits, addendums and amendments, as may be necessary and proper to correct inconsistencies, eliminate ambiguity and otherwise clarify and supplement said provisions to preserve and maintain the general intent thereof, and to prepare and deliver such other and further documents as may be reasonably necessary to complete the transactions contemplated therein.

Mailed to applicant on the

13th day of April , 2004

Assistant City Clerk

cc: Dept. of Development

Dept. of Building Inspections and Zoning

Exhibit 1 p. 3 of 4 Div. of Planning

ZON-R-425-4-5-04\jmg

ADOPTED

Paul M. Ziehler, City Admin. Officer, Clerk/Treas.

APPROVED

Jeannette Bell, Mayor

Weekly Od ()Event Log (Fill in Each Day)

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Weekly Odc. Event Log (Fill in Each Day)

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Weekly Odor Event Log (Fill in Each Day)

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mildew, mothballs, nail polish remover, natural gas, peritume, paint, paint, thinner, urine, rotting fish, rotting animal carcass, roofing far, sweet, sour, sharp, sulfur/rotten feces/manure, floral, fruity, fuel oil, furniture paint stripper, gasoline, gailie, musty, air freshener, ammonia, asphalt, cherry, coal tar, diesel fuel, dry cleaning solvent, eggs, vehicle/engine exhaust, vornit, wood smoke.

DHS 03/27/2014

Weekly Ode Event Log

Address: 3%	Address: 345 8. 11646. ST.		Room/Location	41N OFFICE	PANN OFFICE Person Completing Log: F. SIMATIC	13.5	11.28.2	IN OUT FROM Freshore
			12				74 4 1.2.1.1	
		Time			TopO			
Date	Odor	First	Odor	Odor	Description	Windows	HVAC	Outdoor Weather
	Observed?	Observed	Duration	Intensity	(see below)	Open?	0	Observations
als!	n No.	6:46 pm	Once	□ Weak	TURDENTINE		· · · · · · · · · · · · · · · · · · ·	High Temp: SE
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21/2/1	□ Yes	07365	Cr Several Times	n Mild		n Yes	n A/C B	Wind Speed: 73-/4 Mar
√ •	Lindoor		n Frequent	i Moderate		No.	TO TO	Wind Direction: SS. te.
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4/1/18	п No	10:48	Once	o Weak	EHEMICAL!			High Temp: 62
Lifail	Yes	X30,	'n Intermittent	a Mild	JOSEPHONE D'YES	D.Yes	MHeat on	Wind Speed. 2.3 Me.
•	Outdoor	,	n Frequent	Moderate	RoTTING (BEAM Prans	o E	a Off	Rain/Snow? :: Yes. KNo
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411/14	No	02/20	-83:	□ Weak	BOTTING LIBERT CORN	,	□ A/Con	High Temp: 65
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	Outdoor	1830	D-Frequent	n Intense	- ·	7	H	Rain/Snow? C Yes W No.
	□ No	,	Once Tree	п Weak	Demonstration of			High Temo:
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	D Outdoor	•	□ Frequent □ Constant	n Intense		*.	5 0	Rain/Snow? a Yes a No

urine, rotting fish, rotting animal carcass, roofing tar, sweet, sour, sharp, sulfur rotten

eggs, vehicle/engine exhaust, vomit, wood smoke

mildew, mothballs, nail polish remover, natural gas, perfime, paint, paint thinner

feces/manure, floral, finity, fuel oil, furniture paint stripper, gasoline, garlic, musty Possible Odor Descriptions (you may use other terms): air freshener, ammonia, asphalt cherry, coal tar, diesel ffiel, dry cleaning solvent,

DHS 03/27/2014

WEEL OF 4/13

Weekly Odor Event Log (Fill in Each Day)

			÷	;		(_	
Address: 35	Address: 345 5. 16th ST.	ST. Room	Room/Location	MAIN OFFICE	MAIN OFFICE Person Completing to 118 AND STREET	Carlo Man	2	WAST 16
			3	EST ROOMS		.0		
· •		Time			Odor			
Date	Odor	First	Odor	Odor	Description	Windows	HVAC	Outdoor Weather
	Observed?	Observed		Intensity	(see below)	Open?	On?	Observations
4/4/14	ı No	0800	a Once.	n Weak	ROTTEN PERFUME		· · · · · · · · · · · · · · · · · · ·	High Temp: 32
/ /	Yes Indoor	0#07	□ Intermittent	D.Mild	SILK DIMO	Ze Yes	Heat on	Wind Speed: /6 M.
	Outdoor	}	Frequent.	ci Intense	:	ON S	n Off	Rain/Snow? Yes D.No
11/15	o No	0530	11 Once	_ Weak	1):			High Temp. 29 6 60 6530
1/12/14		Q289	o Intermittent	X Mild	>	n Yes	Heat on	Wind Speed. ZO Proli
		330	-a Constant	n Intense.	Services Codes		TOT.	Rain/Snow? C. Yes Too
1 15	OND	0020	☐ Once.	U Weak	OLD SOCKS - MUDE			High Temp \$5
11/0/14	Mryes.	OF ET	-c. Intermittent	NOTE OF THE PROPERTY OF THE PR	Cortex Court	O Yes	K Heat on	Wind Speeds Somew
~	Outdoor		□ Frequent □ Constant	in intense	رننده. رننده	ov P	JJO P	Rain/Snow? I Yes & No
111	No	0630	Once	n Weak				
14/14/	п Yes		n Several Times	ra Milid	N/N	□ Yes	D'A/Cen	Wind Speed:
*	A. Indoor	•	n Frequent	□ Moderate	w/,	: DNc		Wind Direction: Styles Rain/Snow? IT'Yes' MNo
	□No		O Once	n Weak				High Team.
	D Yes	,; ••	n Intermittent	n Mild		o Yes	n AVC on n Heat on	Wind Speed
	n Outdoor		Constant	a Intense		2	ДO п	Rain/Show? a Yes, a No
	. ON	,	n Once	□ Weak			¥ .	Erieft Tenn
	n Yes		in Intermittent	n Mild		D Yes		Wind Speed:
- :	Datdoor		n Frequent	n Intense		020	#OE	Wind Direction: Rain/Snow? rr Ves rr M.
			Tiponsiala.			,	77.	ONT II CAT II WOUTH THE
	0X0		D Several Times	II Weak	32	•••		High Tempi
	Tridoor		o intermittent	D Moderate		n Yes	□ Heat on	Wind Speed:
	- Outdoor		Constant	n Intense			□ Off	Rain/Snow? D Yes D No

air fiestener, aumonial asphalt, cherry, coal tar, diesel fuel, dry cleaning solvent, feces/manure, floral, fruity, fuel oil, furniture paint stripper, gasoline, garlic, musty, mildew, mothballs, nail polish remover, natural gas, perfune, paint, paint thinner, eggs, vehicle/engine exhaust, vomit, wood smoke

Weekly Odor Event Log

Fill in Each Day)

High Demp: 53
Wind Speed: 8
Wind Direction: 6NE
Rain/Snow? a Yes Mo Outdoor Weather Wind Direction: 16.
Rain/Snow? : Yes No Wind Speed: SSW Rain/Snow? a Yes Who Wind Speed: 22 Wind Direction: 51 Rain/Show? a Yes X No Rain/Snow? | Yes No Observations Wind Direction: 16 High Temp. 55 Wind Speed: 70 R SIMATIC & O.A. STAFE High Temp: High Temp: High Temp. HVAC A/Con Heat on n A/Con n Hear on n Off #A/Con n A'Con n Heaton n Off n A/Cion n Heat on n Off Windows Open? Z Ves No Xes n Yes Person Completing Log-Stast of order in the Amil ROTTEN SWEET TOP CHEMICAL ORDA (see below) Description Odor CHEMICAL ALSO Intensity O Weak
Niid
O Moderate
o Intense Odor o Weak o Mild o Moderate Moderate Moderate n Moderate □ Weak n Weak n Mild □ Weak DIEM I D.Mild Room/Location SSCM o Once o Several Times o Interprittent W Several Times n Several Times El Several Times □ Several Times c Intermittent Duration o Intermittent of Intermittent Odor K.Frequent. n Frequent. n Frequent Constant n,Frequent o Frequent Constant T.Constant Once n Once 0.00 0000 Observed TVes Vindoor - V130 V Time First 0/80 8 0130 Address: 345 S. 116+4 ST. Observed? A Chidoor Oder T.Yes Thdoor No Ves Overdoor TNo XYes Tindoor TOutdoor Date S Of S S 5 S

S

wine, routing fish, routing animal carcass, roofing rar, sweet, sour, sharp, sulfurfrones fects/manure, floral, fruity, fuel oil, furniture paint stripper, gasoline, garlic, musty, mildew, mothballs, nail polish remover, natural gas, perfume, paint, paint thuner, air freshener, ammonia, asphalf, cherry, coal tar, diesel fuel, dry cleaning solvent, Possible Odor Descriptions (you may use other terms); eggs, vehicle/eagme exhanst, vomit, wood smoke.

Wind Direction: Rain/Snow? of Yes of No

High Temp: Wind Speed

DA/Con DHest on dOff

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n Moderate

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D Soveral Times

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n Constant

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n-Outdoor

. V. D D Yes

n Intense

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Wind Direction: Rain/Show? a Yes. a No

High Temp: Wind Speed:

n A/Con n Heat on n Off

n Moderate

n Weak

o Several Times

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- Intermittent

D Prequent

n Indoor

Exhibit 2 p. 6 of 9

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Weekly Odor Event Log (Fill in Each Day)

Room/Location SSLW Address: 345 5.1144 ST.

Person Completing Log

Outdoor Weather	High Temp: 72. Wind Speed: Wind Direction: E	High Temp: S7 Wind Speed: Wind Direction: M Rain/Show? D Yes & No	High Temp: 54 Wind Speed: 7 Wind Divertion: 7/E Rain/Snow? a Yes a No	High Temp: 52. Wind Speed: 73. Wind Direction: 42.00. Rain Snow? X Yes n. No.	High Temp: Wind Speed: WindsDirection: Rain/Suow? a Yes a No	High Temp: YB Wind Speed: Wind Direction: ESE Rain/Snow? C Yes X No	High Temp: Wind Speed: Wind Direction: Rain/Snow? a Xes a No
HVAC 2	n.A/Con u.Beaton u.Off	D A/C on D Heat on D Off	a A/C on a Heat on a Off	KA/C on G Heat on G Off	o Heat on O Heat on Off	A/Con E Heat on G Off	n A/C on n Heat on n Off
Windows	n Yes	i No	n Yes n No	n.Yes	n Yes n No	No XS	n Yes
Description (see helow)		,		SWERT POTTEN PERTURE JEHEMICAL		CASTURAL CASTURE	Salspilsides Enployers rich From opens
Odor	o Weak o Mild o Moderate o Intense	O Weak O Mild O Wodszate O Intense	o Weak o Mild o Moderate o Intense	n Weak Khili n Moderate n Ittiense	o Weak o Mild o Moderate o Intense	D Weak Mild Moderate Thought	n Weak o Mild o Moderate o Latense
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Date.	2/2	5/13	Ms	5//8	1/20/2	7	K

urine, rotting fish, rotting animal carcass, roofing far, sweet, sour, sharp, sulfurrotten eggs, vehicle/engine exhaust, vomit, wood smoke. air freshener, amnoma asphait, cherry, coal tar, diesel fuel, dry cleaning solvent, feces/manure, floral, fruity, frei oil, furniture paint strupper, gasoline, garlie, musty, mildew, moithbalks, nad polish remover, natural gas, perfume, paint, paint thinner, Possible Odor Descriptions (you may use other terms);

Weekly Odor Event Log

& O.A. STAKE	Onfdoor Weather Observations	High Temp: Wind Speed: Wind Direction: Rain/Snow? Yes n. No	High Temp: Wind Speed: Wind Direction: Rein/Snow? to Yes 'PA'to	High Temp: 8D Vivid Speed: 5 Wind Speed: 5 Wind Direction: XE	High Temp. (64) Whid Speed: 4 Wind Direction: **** Rain/Snow? □ Yes*** *********************************	High Tenp. 70 Wind Speed: Wind Direction E Rain/Snow? a Yes XNo	High Temp. 78. Wind Speed. 60 Wind Direction: 56 Rain Snow? a Yes No	High Temp: Wind Speed: Wind Direction: Rain/Snow? a Yes a No
- 1	HVAC OH?		a A/C on High of High of High on Wind	AACon High D'Heaton Wind DOH Rain'	AACon High Theshon Whid DOff Rain's	DAXC on High Wind of Hear on Wind wind wind of Ram'	A.C. on Wind Wind of Heat on Wind Wind	
P.S.M.	Windows Open?		n Ves	T Yes	D Yes	n Yes	o Yes	n Yes
Person Completing Log. R. S.M. 87 (C	Odor Description (see below)	CUT-MENS LOCKEL RAN WOMENS & MENS NESTROOM - VERY	Rotten ereanled Also noted in	GIVETILY) FILL GOOKD NOT ENTER STALL OPOR TO		SAME		n Yes n AAC on n No n No n Off
Sscm	Odor	o Weak o Mild o Moderate Moderate	o Weak o Mild K.Moderate o Intense	D Weak Wild D Moderate Mutensc	a Weak a Mild a Moderate b Intense	o Weak Mild Moderate	Officeak Affild o Moderate o Intense	o Weak o Mild o Módcrate o Intense
Room/Location SS	Odor	D Once D Several Times D intermittent D Frequent	Once Several Times of Proposition of Frequent	ii iii	o Once o Several Times o intermittent o Frequent o Constant	Once Several Times Internitrent Frequent Constant	D Once Several Times D intermittent D Frequent C Constant	ii Once ii Several Times ii Internittent ii Frequent ii Constant
Į	Time First Observed	We are distributed to the control of	Ouration of Assam				0590	
Address: 345 5.1164 ST.	Odor Observed?	n No Yes Thdoor	n No XXes XIndoor n Outdoor	O VSS Indoor R	No D Yes Outdoor	No DYes Madoor	T No A Indoor	a No a Yes a Indoor a Outdoor
Address: 34	Date	423	424	424	6/35	02/0	18	

Exhibit 2 p. 8 of 9

air freshener, ammonial aspitalt, cherry, coal tar, diesel fuel, dry cleaning solvent, feces/manne, floral, fruity, fuel oil, furniture paint stripper, gasoline, garlic, musty, mildew, mothballs, nail polish remover, natural gas, perfunc, paint, paint fuinner, urne, rotting fish, rotting animal carcass, roofing rar, sweet, sour, sharp, sulfur/rotte

eggs, vehicle/engine exhaust, vomit, wood smoke.

Weekly Odor Event Log

(Fill in Each Day)

Outdoor Weather Wind Direction: C./ 75 Wind Direction: 6×6 Rain/Snow Yes a No Rain/Snow? n Yes n No Rain/Snow? or Yes or No Wind Direction: (USE). Rain/Snow? a Yes of No Rain/Snow? a Yes a No Observations Rain/Snow? a Yes KNo Ram Snow? II Yes X No 38 & C.A. STAFF High Temp: Wind Speed: 5 Wind Direction: Wind Direction: Wind Direction: Wind Speed: Wind Direction: High Temp: Wind Speed: High Temp DACon Deaton Possible Odor Descriptions (you may use other terms) HVAC A/C on the Heat on Office D A/C on D Heat on D Off AAC on D Heat on Off AA/Con THeat on AACon Heaton Off DA/Con DHeaton DOff Ç E Person Completing Log: 77 Simn71c Windows Open? S S Yes O.Yes o Yes o Yes o No Yes No. No Xes Description (see below) Odor W. Carlon 127 137 XMild - PFFC Moderate - C. Intensity n Mild n Moderate n Intense Mild Odor Moderate i Moderate 1 Moderate b Moderate Intense Intense Intense Tittense o Intense -Weak Weak Digital UVeak ф Mild □ Weak o Weak biand in Weak ii Mild Weak Address: 345 5.1/6th, 57. Room/Location Dirth D Several Times D Several Times a Several Times n Several Times KSeveral Times a Intermittent Several Times n Several Times Duration o Intermittent a Intermittent o Intermittent is intermittent a intermittent Odor X Frequent 1 Constant a Frequent o Frequent o Prequent C Frequent o Frequent D Frequent o Constant □ Constant n Constant Constant n Once 1 Once 00000 00000 п Опсе 00000 2000 Observed Time First 0020 0730 00/20 游 Observed? n No X Yes X Hadoor In Yes n No SYes in Indoor n No n Yes n Indoor n Outdoor n No n Yes n Indoor n Outdoor C. No Yes Yes Tradoor n Outdoor Odor o No o Yes o Indoor Date 08/20 1/2 w

urme, rotting fish, rotting animal carcass, roofing far, sweet, sour, sharp, sulfur/rotten feces/manue, floral, fruity, fuel oil, furifure paint stripper, gasoline, garlic, musty, mildew, mothballs, nail polish remover natural gas, perfuine, paint, paint thinner, an freshener, ammonia, asphalf, cherry, coal far, diesel fuel, dry cleaning solvent, eggs, vehicle/engine exhanst, vomit, wood smoke

Exhibita p. 9 of 9

DHS 03/27/2014



May 19, 2014

CERTIFIED MAIL RETURN RECEIPT REQUESTED

Mr. John Scherff CWT of Wisconsin, LLC 360 South Curtis Road West Allis, Wisconsin 53214

Subject: Notice of Required Action

Wastewater Discharge Permit 200.03

Dear Mr. Scherff:

The CWT of Wisconsin, LLC (CWT) facility at 360 South Curtis Road, West Allis is regulated by Wastewater Discharge Permit 200.03. This permit sets forth pretreatment standards and requirements applicable to the discharge of wastewater to the sewerage system. This *Notice of Required Action* responds to recent sampling downstream of your facility.

District sampling identified the following violations of its Local Limits:

Pollutant	Date	Result	Pretreatment Standard
Nickel	Amil 17, 2014	9.6 mg/L	4.0 mg/L
Zinc	April 17, 2014	19.0 mg/L.	8.0 mg/L
HEM	Amril 40, 2014	1100 mg/L	300 mg/L.
SGT-HEM	April 18, 2014	210 mg/L	100 mg/L
Zinc	April 21, 2014	67.0 mg/L	8.0 mg/L
HEM	A vil 22 2044	460 mg/L	300 mg/L
SGT-HEM	April 22, 2014	320 mg/L	100 mg/L
HEM	April 20, 2014	83000 mg/L	300 mg/L
SGT-HEM	April 30, 2014	54000 mg/L	100 mg/L

Pollutant	Date	Result	Pretreatment Standard	
Nickel		7.7 mg/L	4.0 mg/L	
Zinc		8.3 mg/L	8 mg/L	
111-44	May 5 0044	1500 mg/L	200	
HEM	May 5, 2014	2600 mg/L	- 300 mg/L	
007.4514	·	1000 mg/L	400//	
SGT-HEM		1800 mg/L		
HEM	M C 0014	3400 mg/L	300 mg/L	
SGT-HEM	May 6, 2014	2100 mg/L	100 mg/L	

Based upon the downstream sampling results mentioned above, and the joint inspection conducted on May 14, 2014, in conjunction with Wisconsin Department of Natural Resources and Environmental Protection Agency staff, the District is requiring the following actions be undertaken by CWT:

- 1. All floor trenches and drains located within the CWT facility must be cleaned by May 30, 2014, to allow District monitoring staff to perform dye testing to verify flow patterns.
- 2. Any and all records related to centralized wastewater treatment process intake and discharge (including proof of wastewater category), as required by sec. 5.04 of Wastewater Discharge Permit 200.03, must be maintained on CWT's premises for review, upon request, at all times. CWT must locate and store all such records on-site by May 30, 2014. If CWT stores this information electronically, then this information must be accessible from CWT's premises during an inspection.
- 3. Follow the quality assurance plan CWT submitted to the District on February 3, 2010, as part of a settlement agreement with the District, which includes the presence and use of a fully functional Atomic Absorption analytical unit for sampling incoming waste loads. At the May 14 inspection, CWT was unable to demonstrate implementation of this plan.

Mr. John Scherff May 19, 2014 Page 3

4. Install an outside sampling manhole that includes all discharges from CWT and allows the collection of flow proportioned composite samples. This new sampling point is necessary to allow the District to evaluate discharges from CWT before mixing with other discharges. CWT must submit plans and specifications to the District before July 19 and complete construction before August 31.

The District will continue its downstream sampling until this situation is resolved. Should it be determined that CWT is the source of the violations noted above, the District may charge CWT for some or all samples related to this situation, according to sec. 11.803(3) and (4), MMSD Rules.

If further sampling by the District shows violations continuing for more than 45 days after May 19, 2014, then the District may take further enforcement action. Other circumstances may also result in further enforcement action. The enforcement actions available to the District are set forth in secs. 11.807 to 11.818, MMSD Rules. Potential actions include, but are not limited to: issuing a *Notice of Violation*; publishing CWT in the District's periodic public notice of users in significant noncompliance; revoking CWT's wastewater discharge permit; or seeking injunctive relief or civil penalties up to \$10,000 per day per violation.

If you have any questions regarding this *Notice of Required Action*, please contact Beth Stroik at 414-225-2157 or estroik@mmsd.com.

Sincerely,

Elizabeth J. Stroik

Senior Industrial Waste Engineer

Date Approved

Peter R. Topczewski

Director of Water Quality Protection

 Robert Liska, Randal Malek, Amy Walden, WDNR Kathy Halbur, U.S. EPA

PRT:EJS:FirstHalfReport/2014/EnforcementLetters/CWTLetter2014.docx

Exhibit 3 p. 3 of 7



July 14, 2014

CERTIFIED MAIL RETURN RECEIPT REQUESTED

Mr. John Scherff CWT of Wisconsin, LLC 360 South Curtis Road West Allis, Wisconsin 53214

Subject: Notice of Noncompliance

Wastewater Discharge Permit 200.03

Dear Mr. Scherff:

The CWT of Wisconsin, LLC (CWT) facility at 360 South Curtis Road, West Allis is regulated by Wastewater Discharge Permit 200.03. This permit sets forth pretreatment standards and requirements applicable to the discharge of wastewater to the sewerage system. This *Notice of Noncompliance* responds to recent sampling at your facility.

District sampling identified the following violations at Outfall 1.2:

Pollutant	Date	Result	Pretreatment Standard
	May 22, 2014	1.60 mg/L	0.50 mg/L
Соррег	May 2014 (monthly average)	0.80 mg/L	0.242 mg/L
	May 22, 2014	1.80 mg/L	0.35 mg/L
Lead	May 2014 (monthly average)	0.946 mg/L	0.16 mg/L

CWT must respond to this *Notice of Noncompliance* within 15 days after CWT receives it. CWT must explain the violations and describe the remedial actions CWT has taken or will take to achieve compliance. The response must also include the shortest possible schedule for implementation of these remedial actions.

Mr. John Scherff July 14, 2014 Page 2

The District is responsible for assuring that its users remain in consistent compliance with all applicable pretreatment standards. Therefore, the District will increase its sampling frequency at CWT. This sampling will continue until CWT ceases discharging or demonstrates consistent compliance. The District will charge CWT for a minimum of one sample per month and any additional violations, according to sec. 11.803(3) and (4), MMSD Rules.

If further sampling by CWT or the District shows violations continuing for more than 45 days after July 14, 2014, then the District will take further enforcement action. Other circumstances may also result in further enforcement action. The enforcement actions available to the District are set forth in secs. 11.807 to 11.818, MMSD Rules. Potential actions include, but are not limited to: issuing a *Notice of Violation;* publishing CWT in the District's periodic public notice of users in significant noncompliance; revoking CWT's wastewater discharge permit; or seeking injunctive relief or civil penalties up to \$10,000 per day per violation.

Please note that several sample results showing compliance may be necessary to ensure that CWT does not meet the criteria set forth in sec. 11.810, MMSD Rules, for including a user in the District's periodic public notice of users in significant noncompliance. CWT should consider the significant noncompliance criteria and past sample results when planning future sampling.

If you have any questions regarding this *Notice of Noncompliance*, please contact Beth Stroik at 414-225-2157 or estroik@mmsd.com.

Sincerely,

Elizabeth J. Stroik

Senior Industrial Waste Engineer

Date Approved

eter R. Topczewski

Director of Water Quality Protection

PRT:EJS:FirstHalfReport/2014/EnforcementLetters/CWTCUandPBNON2014.docx

Exhibit 3 p. 5 of 7,



August 11, 2014

CERTIFIED MAIL RETURN RECEIPT REQUESTED

Mr. John Scherff CWT of Wisconsin, LLC 360 South Curtis Road West Allis, Wisconsin 53214

Subject: Notice of Continuing Violation

Wastewater Discharge Permit 200.03

Dear Mr. Scherff:

The CWT of Wisconsin, LLC (CWT) facility at 360 South Curtis Road, West Allis is regulated by Wastewater Discharge Permit 200.03. This permit sets forth pretreatment standards and requirements applicable to the discharge of wastewater to the sewerage system. This *Notice of Continuing Violation* responds to recent sampling at your facility.

District sampling identified the following violations at Outfall 1.2:

Pollutant	Date	Result	Pretreatment Standard
	June 10, 2014	1.80 mg/L	0.35 mg/L
Lead	June 2014 (monthly average)	0.95 mg/L	0.16 mg/L

These noncompliant results follow previous noncompliant results for Lead, for which a *Notice of Noncompliance* was issued on July 14, 2014.

CWT has already explained the violations, therefore, this *Notice* is for your information only, and a written response to this Notice is not required.

The District is responsible for assuring that its users remain in consistent compliance with all applicable pretreatment standards. Therefore, the District will continue its increased sampling frequency at CWT. This sampling will continue until CWT ceases discharging or demonstrates consistent compliance. The District will charge CWT for a

Milwaukee Metropolitan Sewerage District

260 W. Seeboth Street, Milwaukee, WI 53204-1446 414-272-5100 www.mmsd.com

Exhibit 3 P. 6 of 7 Mr. John Scherff August 11, 2014 Page 2

minimum of one sample per month and any additional violations, according to sec. 11.803(3) and (4), MMSD Rules.

Please note that several sample results showing compliance may be necessary to ensure that CWT does not meet the criteria set forth in sec. 11.810, MMSD Rules, for including a user in the District's periodic public notice of users in significant noncompliance. CWT should consider the significant noncompliance criteria and past sample results when planning future sampling.

If you have any questions regarding this *Notice of Continuing Violation*, please contact Beth Stroik at 414-225-2157 or estroik@mmsd.com.

Sincerely,

Elizabeth J. Stroik

Senior Industrial Waste Engineer

Date Approved

Director of Water Quality Protection

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