

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.
- i. 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).
- j. 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).

- l. 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 Dec, 2014

By: *John F. Stibal*
John F. Stibal, Director of Development

Subscribed and sworn to before me
this 17th day of December, 2014.

Janna Merten
(*Janna Merten*)
Notary Public, State of Wisconsin
My Commission expires: *is permanent*

