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# PHASE I ENVIRONMENTAL SITE ASSESSMENT

## Southeast Second Addition to the City of Lexington, Dawson County, Nebraska

MILCO Project No. M127-G1-100

August 9, 2011

*Prepared by:*  
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**EXECUTIVE SUMMARY**

MILCO Environmental Services, Inc. (MILCO) has completed a Phase I Environmental Site Assessment in conformance with the scope and limitations of American Society of Testing and Materials (ASTM) Standard Practice for Environmental Site Assessments: Phase I Environmental Site Assessment Process, E 1527-05. The subject property is the Southeast Second Addition to the City of Lexington, Dawson County, Nebraska. The assessment property includes 63.66 acres owned by the City of Lexington.

Activities completed include: 1) review of Federal, State, and local records; 2) a site reconnaissance survey; 3) interviews with individuals knowledgeable about the site; and 4) evaluation of all findings and distribution of the final report.

Based on the assessment conducted, evidence one *recognized environmental condition* was identified at the subject property. No off site conditions were identified to indicate any *recognized environmental conditions* at nearby properties that are believed to affect the subject property.

Berntson Oil Company I-80 Texaco occupied the area known as Lot 1, Southeast Second Addition from 1964 through 1990. Approximately 1,350 gallons of gasoline was released from an underground tank during or before 1987. Monitoring and remediation was performed and the Nebraska Department of Environmental Quality (NDEQ) determined the release had been remediated to a degree protective of human health and environment. The facility is listed as a "No Further Action" site by the NDEQ.

Some gasoline or gasoline constituents may be found in soil and groundwater at Lot 1. The NDEQ Petroleum Release Remedial Action Cash Fund or Title 200 Program may provide funding if any additional cleanup is necessary regarding the Berntson Oil Company I-80 Texaco release at that location.

Residual gasoline constituents are not expected to adversely affect people or the environment unless use of the site changes. Additional soil cleanup or engineering controls may be needed if a basement or elevator is installed or excavation is undertaken for construction on Lot 1. The site should not be used to house a day care or other facility where sensitive receptors, for example children or older adults, might be exposed to soil, without additional testing and documentation of soil condition.

Information reviewed indicates groundwater at the site should not be used as drinking water without additional testing.

Additional assessment work is not recommended unless a greater degree of certainty is needed or the user wishes to confirm or deny the presence of gasoline contamination or determine if groundwater meets drinking water standards.

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**APPENDIX**

**Figure 1 –Vicinity Map**

**Figure 2 – Area Map**

**Figure 3 – USGS Map**

**Figure 4 – Flood Insurance Rate Map**

**Figure 5 – Groundwater Contour Map**

**Figure 6 – Registered Well Map**

**Figure 7 – Plat Map**

Registered Well Data, 33 pages

Photos of Site, 28 pages

The EDR-City Directory Abstract, 7 pages

The EDR Aerial Photo Decade Package, 11 pages

Certified Sanborn Map Report, 2 pages

EDR Historical Topographic Map Report, 7 pages

The EDR Radius Map Report with GeoCheck, 113 pages

EDR Site Reports, 30 pages

Berntson Oil Company, documents from NDEQ, 35 pages

Stoney's 66, Site Closure Letter, April 18, 2007, 1 page

Eilers Machine & Welding Inc., August 15, 2006, 1 page

H. O. Smith Company, Record Document Certificate or Search on Lot 1, Southeast First Addition to the City of Lexington, Dawson County, Nebraska, 28 pages

H. O. Smith Company, Record Document Certificate or Search on Lots 3 and 4, Kirkpatrick's Third Addition to the City of Lexington, Dawson County, Nebraska, 3 pages

Transaction Screen Questionnaire, July 26, 2011 of Joe Peplitsch, 5 pages

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**1.0 INTRODUCTION**

The City of Lexington and its authorized representatives engaged MILCO Environmental Services, Inc. (MILCO) to conduct a Phase I Environmental Site Assessment (ESA) of the subject property. The subject property is a tract of land being part of the Southeast Quarter (SE1/4) of Section Seventeen (17), in Township Nine (9) North, Range Twenty-One (21) West of the Sixth Principal Meridian, Dawson County, Nebraska and being a replat of Lot 1, Southeast First Addition to the City of Lexington and Lots 2, 3, and 4 of Kirkpatrick's Third Addition of the City of Lexington, both in Dawson County, Nebraska. The assessment property includes approximately 56.47 acres owned by the City of Lexington. This assessment was performed in conformance with the scope and limitations of ASTM Standard Practice for Environmental Site Assessments: Phase I Environmental Site Assessment Process (ASTM Designation: E1527-05).

**1.1 Purpose**

The purpose of this Phase I ESA is to provide a report of an inquiry conducted to identify *recognized environmental conditions (RECs)* in connection with the subject property in conformance with the scope and limitations of ASTM E1527-05.

*RECs* are defined as the presence, or likely presence of any hazardous substances or petroleum products on a property under conditions that indicate an existing release, past release, or a material threat of a release into structures on the subject property or into the ground, groundwater, or surface water of the subject property. The term includes hazardous substances or petroleum products even under condition in compliance with laws. The term is not intended to include *de minimis* conditions that generally do not present a material risk of harm to public health or the environment, and that generally would not be the subject of an enforcement action if brought to the attention of appropriate government agencies. Conditions determined to be *de minimis* are not RECs.

**1.2 Scope of Services**

This ESA consists of four components. The first component is the records review, which involves a review of Federal and State environmental records, as well as a review of local property title records. The accuracy of this review is dependent on the quality of available records. Physical maps and scientific literature are also reviewed in order to determine the site topographic and geologic characteristics.

The second component is a site reconnaissance survey, which involves the physical inspection of the subject property and structures, as well as surrounding properties.

The third component consists of interviews with the property owner, manager, or other knowledgeable individuals. Local or State officials and local residents may also be interviewed.

The fourth component is the evaluation of all findings and the preparation and distribution of the final report.

The work was performed in accordance with the American Society of Testing and Materials (ASTM) Standard Practice for Environmental Site Assessments: Phase I Environmental Site Assessment Process, E 1527-05.

### 1.3 Significant Assumptions

The term "significant assumptions" refers to assumptions that can have an impact on the conclusions drawn by the environmental professional. MILCO assumes all information provided by the City of Lexington and its authorized representatives, State and local officials is true and accurate. MILCO assumes the City of Lexington has shared any and all information they have that may affect the Phase I ESA.

### 1.4 Limitations and Exceptions

This report has been prepared in accordance with generally accepted environmental methodologies referred to in ASTM E1527-05, and contains all of the limitations inherent in these methodologies. No other warranties, expressed or implied, are made as to the professional services provided under the terms of our contract and included in this report.

MILCO makes no legal representation whatsoever concerning any matter including, but not limited to, ownership of any property or the interpretation of the law. MILCO disclaims any obligation to update the report for events taking place after the time during which the assessment was conducted.

While this report provides an overview of potential concerns, both past and present, the environmental assessment is limited by the availability of information at the time of the assessment, and information provided by others. Although a more comprehensive assessment will help to reduce the uncertainty and risk, it is impossible to know as an absolute fact a subject property is free of all contamination or environmental liabilities, or if all contamination or environmental liabilities have been identified. As such, MILCO can only offer an opinion based upon information observed and made available to us at the time the assessment is performed. The conclusions and recommendations regarding environmental conditions that are presented in this report are based on a scope of work authorized by the user.

It is important to note that many safety and industrial hygiene issues overlap potential environmental concerns when conducting a Phase I ESA. As such, some safety and industrial hygiene issues may be identified in the text because of related environmental concerns. However, a Phase I ESA does not review compliance with these issues and should not be construed as a comprehensive safety and industrial hygiene audit.

Along with those limitations set forth in the ASTM Standard E 1527-05 protocol, the completeness of this report is necessarily limited by the following:

- Access Limitations – None
- Physical Obstructions to Observations – None
- Outstanding Information Requests – None
- Historical Data Source Failure – None

The following is a list of items that a person may want to assess in connection with commercial real estate.

Asbestos-Containing Materials	Industrial Hygiene
Radon	Health and Safety
Lead-Based Paint	Ecological Resources
Lead in Drinking Water	Endangered Species
Wetlands	Air Quality
Regulatory Compliance	High Voltage Power Lines
Cultural and Historical Resources	

These items were not included in the inquiry conducted as part of this ESA and no evaluation can be assumed or implied regarding the presence or potential impact regarding the property. These items are non-scope considerations.

## **1.5 Special Terms and Conditions**

The statements, opinions and conclusions contained in this report are based solely upon services performed by MILCO as described in this report, the Scope of Work as established for the report, and the terms and conditions of the agreement with the client. In performing these services and preparing the report, MILCO relied upon the work and information provided by others, including public agencies, whose information is not guaranteed by MILCO.

MILCO has been contracted by the City of Lexington and its authorized representatives for the subject property as previously described to complete a review of the recorded chain of title documents for a period of 60 years, review the site history, Federal and State records, conduct inquiries and a site visit, and prepare a final report. Jacqueline Riener of MILCO provided project oversight. Brian Freeman of MILCO performed the site reconnaissance survey. John R. Cramer of MILCO conducted the interviews, researched information, reviewed the environmental records provided by Environmental Data Resources, Inc. (EDR), and prepared the report.

## **1.6 User Reliance**

Since the scope of the Phase I ESA relates directly to the degree of uncertainty and extent of risk, the user of the report is responsible for determining whether the scope of the assessment provides for the degree of diligence intended by the user. This report is intended for use by the City of Lexington and its authorized representatives. Any reuse without update or written verification of this Phase I ESA is at the user's risk.

No Phase I ESA can wholly eliminate uncertainty regarding the potential for *RECs* in connection with the subject property. This ESA is intended to reduce, but not eliminate, uncertainty regarding the potential for *RECs* in connection with the subject property. If conditions are known to differ from those described herein, or further development of the property reveals any adverse environmental conditions, MILCO should be contacted immediately to perform a re-evaluation of site conditions.

This report has been prepared for the use of the City of Lexington and its authorized representatives. MILCO is not responsible for independent conclusions or recommendations made by others.

Land use, site conditions, and other factors change over time. Site activities and government regulations can change any time after the completion of this report. This report, the observations, findings, and opinions are valid only as of the date of the site visit. This report should not be relied upon after 180 days from the date of its issuance per ASTM 1527-05, Section 4.6.

The property owner is solely responsible for notifying all government agencies and affected individuals or entities of the existence, release, treatment, or disposal of any hazardous materials observed at the subject property. MILCO assumes no liability whatsoever for any claim, loss of property value, damage, or injury that results from pre-existing hazardous materials being encountered or present on the subject property, or from discovery of such materials. No warranty, expressed or implied, is made.

## **2.0 SITE DESCRIPTION AND HISTORY**

### **2.1 Location and Legal Description**

The assessment property includes 63.66 acres known as the Southeast Second Addition to the City of Lexington, Dawson County, Nebraska. The assessment property is owned by the City of Lexington. Project location and general area of the site are provided in **Figure 1- Vicinity Map** and **Figure 2 – Area Map**.

The legal description for the portion of the subject property owned by City of Lexington is as follows:

A tract of land being part of the Southeast Quarter (SE1/4) of Section Seventeen (17), in Township Nine (9) North, Range Twenty-One (21) West of the Sixth Principal Meridian, Dawson County, Nebraska and being a replat of Lot 1, Southeast First Addition to the City of Lexington and Lots 2, 3, and 4 of Kirkpatrick's Third Addition of the City of Lexington, both in Dawson County, Nebraska, being more particularly described as follows:

Beginning at the Northeast Corner of said Lot 1 of Southeast First Addition and assuming the East line of said Lot 1 as bearing S02°36'47"W and all other bearings shown hereon are relative thereto; thence S02°35'47"W on said East line a distance of 1296.47 feet to the Southeast Corner of said Lot 1; thence S89°12'02"W on the South line of said Lot 1 extended westerly a distance of 650.42 feet; thence S00°47'58"E perpendicular to said South line a distance of 80.00 feet to the South line of Heartland Street (now vacated) as platted on said Southeast First Addition; thence S89°12'02"W on said South line of Heartland Street a distance of 1128.55 feet to the East line of Heartland Drive (Jefferson Street) as platted on said Kirkpatrick's Third Addition extended Southerly; thence N01°21'01"E on said East line a distance of 622.40 feet; thence N75°23'18"W a distance of 67.81 feet; thence S88°51'58"W a distance of 201.26 feet to the South-southwest Corner of Lot 3 of said Kirkpatrick's Third Addition; thence N01°21'01"E on the West line of said Lot 3 a distance of 190.39 feet to the South line of said Lot 3; thence N88°37'49"W on said South line a distance of 290.19 feet to the East line of a Frontage Road Right-of-Way; thence N02°51'58"E on said East line of R-O-W a distance of 117.63 feet; thence continuing on said East line of R-O-W N20°58'19"W a distance of 63.01 feet; thence N88°37'49"W a distance of 64.87 feet to the East Right-of-Way of U.S. Highway 283; thence continuing on said East R-O-W N32°01'21"W a distance of 29.95 feet; thence continuing on said East R-O-W N01°22'11"E a distance of 153.61 feet; thence continuing on said East R-O-W S88°37'49"E a distance of 15.00 feet; thence continuing on said East R-O-W N29°41'25"E a distance of 52.70 feet; thence continuing on said East R-O-W N01°22'11"E a distance of 117.12 feet; to the North line of the South Half of said Southeast Quarter; thence N88°51'56"E on said North line a distance of 2424.51 feet to the Point of Beginning. Containing 63.66 Acres, more or less.

Property owned by City of Lexington and the subject of this Phase I-ESA consists of 63.66 acres, which makes up the Southeast Second Addition to the City of Lexington.

## 2.2 Site and Vicinity General Characteristics

A portion of the United States Geological Survey (USGS) map of the area is shown in **Figure 3 – USGS Map**. A portion of a flood insurance rate map for the area is shown in **Figure 4 – Flood Insurance Rate Map**. Groundwater elevation contours are shown in **Figure 5 – Groundwater Contour Map**. The locations of registered wells in the area are shown in **Figure 6 – Registered Well Map**. The figures are included in the **Appendix**.

The subject property is located in a mixed commercial / rural uses area. The subject property is bordered to the north – from west to east - by McDonalds Restaurant, Eilers Machine and Welding, Inc., and an alfalfa field. The subject property is bordered to the west – from north to south – by Highway 283 or Plum Creek Parkway, Comfort Inn, and Nebraska Department of Roads (NDOR) maintenance facility/yard (with new State Troopers Office Building on east side). Taft Street or Road 434 runs along the east property line. Just beyond the east property line is a corn field. Heartland Road runs along the south side of the site. A gravel pit pond covers most of the property to the south of Heartland Road. For more area information, see captioned photographs in the **Appendix**.

Area groundwater flow is expected to be to the southeast. Groundwater is expected approximately 5 to 10 feet below ground level. Groundwater contours in the area of the assessment property are shown in **Figure 5**.



### 2.3 Current Uses of the Subject Property and Adjoining Properties

A portion of the subject property, approximately 6.51 acres, is currently undeveloped and the remaining 49.96 acres are utilized for growing alfalfa hay. Near the southwest corner of Lot 9 is Municipal Water Supply Well #15 owned and operated by the City of Lexington.

According to Mr. Brian Freeman, site inspector (inspection July 19, 2011), the current uses of the surrounding/adjoining properties are described below.

- North – North of the subject property is Eilers Machine and Welding, Inc. (component parts for military vehicles manufactured), McDonald's Restaurant, Design Craft Wood Working, Raymond Elements Inc., and Kuhn Knight Agricultural Equipment. No oil drums or anything that could cause the subject property to the south any environmental concerns were observed. North of McDonalds is the Ampride Station, which is also the site of a no further action leaking underground tank (LUST) site: Nicks Sinclair.
- South – South of the subject property is Heartland Museum of old military equipment and a sandpit lake to the east that belongs to the museum. To the southeast of the subject property is Paulsen, Inc. Ready Mix Plant and Gravel Pits. Nothing was observed on these properties that indicate environmental impacts to the subject property.
- West – West of the subject property is a NDOR facility with monitoring wells on the property. The NDOR site is shown as a LUST site on the orphan summary of a report described in Section 4.0 of this report. Wal-Mart is to the west of Highway 283 and the NDOR facility. Comfort Inn hotel is south of Lot 2, which is shown in Figure 7-Plat Map. West of Comfort Inn and Highway 283 is Stoney's British Petroleum Gas Station. North of Stoney's is Cable Inn View Motel. North of Cable Inn View Motel are Conoco and Holiday Inn Express.
- East – East of the subject property is a corn field.

### 2.4 Description of Structures, Roads, and Other Improvements on the Site

Jefferson Street, Frontier Street, and Heartland Road extensions with utilities are shown with current lot numbering on the **Figure 7-Plat Map** in the **Appendix**. No roads exist on the property. The map is for future development.

Mr. Brian Freeman performed the site visit on Tuesday, July 19, 2011. Mr. Freeman made the following observations pertaining to the subject property:

1. Lot 1 of the subject property is the location of Nebraska Department of Environmental Quality (NDEQ) site UG#10237-MBS-1535 BERNTSON OIL CO. The LUST site has a classification of "No Further Action". Monitoring wells at the site were abandoned 13 to 15 years ago by Brian Freeman. From conversation with Mr. John Fogerty of NDEQ, Mr. John Fogerty could not recall finding anything in NDEQ files on the well abandonments. Delta Environmental was the project consultant, and Liehs Drilling abandoned the wells after approval by the NDEQ in 1997.
2. The subject property has one irrigation well, one unidentified use well, and one City of Lexington Municipal Supply Well # 15 (see captioned photographs in the **Appendix**). **Photo 2, Camera # 35** shows an irrigation well at the northeast corner of Lot 11 of the subject property. **Photo 5, Camera # 44** shows a four inch drilled well that has not apparently been used, with capped casing above ground at what appears to be an old homestead from the clump of trees seen near the southeast corner of Lot 11 of the subject property. **Photo 9, Camera # 54** shows Municipal Supply Well # 15, Lot 10 near the southwest corner of Lot 9 and the Subject Property Line; and near the intersection of Heartland Road and Jefferson Street.
3. Several transformers (see captioned photographs in the **Appendix**) were recorded along the edge of the subject property. Transformers observed along the north property boundary, south property boundary, and the northeast corner of Comfort Inn's property had no liquids or polychlorinated biphenyls (PCBs) indicated on labels.

4. No visible contamination was seen on any of the subject property. The subject property looked environmentally clean, with no staining around any wells.

From EDR historical aerial photo coverage and topographic coverage (see **Appendix**), except for Lot 1, the subject property has been used for agricultural purposes, inclusive of irrigated and non-irrigated crops, for at least 60 years. Indications of an old farm homestead with trees can be seen in all the aerial photographs (dating back to 1951) and in the captioned photographs in the **Appendix**, near the southeast corner of Lot 11.

The site is relatively flat with drainage to the east/southeast following the general topographic gradient. Property boundaries are clearly defined by roads, electrical poles/lines, and surveys. Title and deeds searches from H.O. Smith Company are presented in the **Appendix**.

Access to the assessment property is available from Highway 283 located immediately west of the assessment property and Heartland Road located immediately south of the assessment property. The property is shown in **Figure 1** and **Figure 2**. Photographs taken during the site visit are provided in the **Appendix**.

Utility systems identified in the vicinity of the assessment property are as follows:

- Electricity – City of Lexington Utilities Department
- Telephone – Qwest
- Natural Gas – Source Gas and Cornhusker Energy, Lexington, L.L.C.
- Potable Water – City of Lexington Utilities Department
- Sewage Disposal System – City of Lexington Utilities Department

No other improvements were observed on the subject property.

### **3.0 USER PROVIDED INFORMATION**

#### **3.1 Title Records**

The users of this report, City of Lexington, provided a surveyed map with lot and road designations and a legal description for the property.

Chain-of-title information was purchased by MILCO from H. O. Smith Company. Recorded land title records, including records of fee ownership, leases, land contracts, easements, liens, or other encumbrances on or of the assessment property, were obtained by The H.O. Smith Company. The Recorded Document Certificates for "Lots 3 and 4, Kirkpatrick's Third Addition to the City of Lexington, Dawson County, Nebraska", and "Lot 1, Southeast First Addition to the City of Lexington, Dawson County, Nebraska" are included in the **Appendix**.

#### **3.2 Environmental Liens or Activity Use Limitations**

The client did not indicate environmental liens or activity or use limitations in connection with the assessment property.

#### **3.3 Specialized Knowledge**

City Manager, Joe Peplitsch, contributed to the completion of the Environmental Site Assessment Transaction Screen Questionnaire for the subject property. A copy of the document is in the **Appendix**.

For the October 30, 2007 Phase I of the "Lots 3 and 4, Kirkpatrick's Third Addition to the City of Lexington, Dawson County, Nebraska", Michael Smith interviewed Joe Peplitsch, Gary Wright, Mike Racek, Bob Martin and Scott with Dawson Public Power. Mr. Smith asked questions regarding any specialized knowledge or experience material to *RECs* in connection with the assessment property. The

interviews revealed specialized knowledge that indicate a *RECs* exists in connection with the assessment property. The previous information from these interviews is still valid for the subject property according to Dana G. Daniels of Miller and Associates.

Interviews conducted, in connection with the October 30, 2007 Phase I, with Joe Peplitsch and Gary Wright indicate Berntson Oil operated a gas station at the northwest corner of "Lot 3, Kirkpatrick's Third Addition" that resulted in leakage of petroleum products from the underground storage tanks formerly operated at the site.

### **3.4 Commonly Known or Reasonably Ascertainable Information**

Joe Peplitsch did not reveal any specialized knowledge or experience regarding the subject property beyond the information shown in Section 3.3.

### **3.5 Valuation Reduction for Environmental Issues**

No subject property valuation reduction relating to environmental concerns was reported by the user.

### **3.6 Owner, Property Manager, and Occupant Information**

The Community Redevelopment Authority of the City of Lexington is the subject property owner of record. Post-sale grantor (property manager) control of the subject property is pursuant to:

1. Warranty Deed recorded 1/14/08 from Nancy L. Wright and Gary Wright to The Community Redevelopment Authority of the City of Lexington for "Lots 3 and 4, Kirkpatrick's Third Addition to the City of Lexington, Dawson County, Nebraska"; and
2. Warranty Deed recorded 5/21/08 from Pamela J. Ackerman and Arlan Ackerman to The Community Redevelopment Authority of the City of Lexington for "Lot 1, Southeast First Addition to the City of Lexington, Dawson County, Nebraska"

Previous to these Warranty Deeds, Mike Racek was the subject property occupant, utilizing the subject property for agricultural crop production.

### **3.7 Reason for Performing Phase I**

This Phase I ESA was prepared by MILCO Environmental Services, Inc. at the request of the user – the City of Lexington. The City of Lexington is planning for development of the property including proposed Jefferson Street, Frontier Street, and Heartland Road extensions with utilities.

### **3.8 Other**

No other information was provided by the user of this report.

## **4.0 RECORDS REVIEW**

A search of Federal and State records for the immediate area of the property is provided in The EDR Radius Map Report with GeoCheck prepared by Environmental Data Resources, Inc. (EDR). The ASTM radial search parameters extend to a maximum distance of one mile from the assessment property boundaries; however, distances are variable for each particular database. A complete copy of the report is included in the **Appendix**.

Review of the environmental records indicates several properties, which were not mapped due to poor or inadequate address information. Thirty-six (36) orphan sites are identified by the EDR report. Thirteen (13) of the sites are identified as leaking underground storage tank (LUST) sites. For reference, ASTM practice 1527-05, Section 8.1.4.3, states "Listings in publicly available records which do not have adequate address information to be located geographically are not generally considered practically reviewable".

#### **4.1 Standard Environmental Record Sources – Federal**

National Priorities List (NPL). The NPL, also known as the Superfund List, is a subset of CERCLIS. NPL is a United States (U.S.) Environmental Protection Agency (EPA) listing of uncontrolled or abandoned hazardous waste sites. These are sites where remedial action is currently taking place, or where remedial activity is planned or targeted for possible long-term remedial action under the Superfund Act.

No NPL sites were found within approximately 1.0-miles of the subject property.

Proposed NPL: The Proposed NPL sites are those proposed for the NPL.

No proposed NPL sites were found within approximately 1.0-miles of the subject property.

Delisted NPL: National Priority List Deletions. The National Oil and Hazardous Substances Pollution Contingency Plan (NCP) establishes the criteria that the Environmental Protection Agency (EPA) uses to delete sites from the NPL. In accordance with 40 CFR 300.425(e), these sites are to be deleted from the NPL since no further response is appropriate.

No Delisted NPL sites were found within approximately 1.0-miles of the subject property.

NPL Liens: Federal Superfund Liens. Under the authority granted to the U.S.EPA by the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) of 1980, the U.S.EPA has the authority to file liens against real estate property in order to recover remedial action expenditures or when the property owner receives notification of potential liability. U.S.EPA compiles a listing of filed notices of Superfund Liens.

The subject property is not listed under the NPL LIENS category.

The Comprehensive Environmental Response, Compensation and Liability Information System List (CERCLIS) list is a compilation of known and suspected uncontrolled or abandoned hazardous waste sites. These sites have been investigated, or are currently under investigation by the U.S. EPA, for the release, or threatened release, of hazardous substances. Based upon review and evaluation, these sites may ultimately be placed on the NPL.

No CERCLIS sites were found within approximately 0.5-miles of the subject property.

CERCLIS-NFRAP: The CERCLIS-No Further Remedial Action Planned List. The CERCLIS-NFRAP list consists of sites that have been removed from the CERCLIS listing.

No CERCLIS-NFRAP was found within approximately 0.5-miles radius of the subject property.

CORRACTS: Corrective Action Report. CORRACTS identifies hazardous waste handlers with past or ongoing Resource Conservation and Recovery Act (RCRA) corrective action activity.

No CORRACTS sites were listed within approximately 1.0-miles of the subject property.

RCRA: Resource Conservation and Recovery Act Information. RCRIS compiles lists of facilities required to register their hazardous waste under RCRA. These lists are as follows:

RCRA-TSDF: RCRIS-Treatment, Storage and Disposal. Information pertaining to those facilities that generate, transport, store, treat and/or dispose of hazardous waste as defined by RCRA.

No RCRA -TSD sites were found within approximately 0.5-miles of the subject property.

RCRA-LQG: RCRIS-Large Quantity Generator. Information pertaining to those facilities that generate

over 1,000 kilograms of hazardous waste or over 1 kilogram of acutely hazardous waste per month or meet certain other applicable criteria of the RCRA.

No RCRA-LQG sites were found within approximately 0.25-miles of the subject property.

RCRA-SQG and CESQG: RCRIS-Small Quantity Generator. Information pertaining to those facilities that either generate between 100 kilograms and 1,000 kilograms of hazardous waste per month or meet certain other applicable criteria of RCRA.

No RCRA-SQG and CESQG sites were listed within approximately 0.25-miles of the subject property.

INST CONTROL: Institutional Controls. Sites with legal or administrative restrictions on land use and/or other activities (e.g., groundwater use restrictions), which effectively limits exposure to contamination. Institutional controls may be employed as alternatives to removal or treatment of contamination.

No sites with institutional controls were found within approximately 0.5-miles of the subject property.

ERNS: Emergency Response Notification System. The ERNS is a national computer database system used to store information on the sudden and/or accidental release of hazardous substances and petroleum into the environment. The system contains preliminary information on specific releases, including spill location, substance released and the responsible party.

The subject property is not listed under the ERNS category.

None of the Federal records reviewed indicate a REC in connection with the subject property.

#### **4.2 Standard Environmental Record Sources – State**

SHWS: State Hazardous Waste Sites. The SHWS list is a registry of confirmed abandoned or uncontrolled hazardous waste disposal sites that may or may not be listed on the federal CERCLIS list. Priority sites planned for cleanup using state funds are identified along with sites where cleanup will be paid for by potentially responsible parties.

No SHWS sites were found within approximately 1.0-miles of the subject property.

SWF/LF: Solid Waste Facilities/Landfill Sites. SWF/LF records typically contain an inventory of solid waste disposal facilities or landfills in a particular state. These may be active or inactive facilities or open dumps that failed to meet RCRA Subtitle D Section 4004 criteria for solid waste landfills or disposal sites.

No SWF/LF sites were found within approximately 0.5-miles of the subject property.

LUST: Leaking Underground Storage Tank Sites. The LUST records contain an inventory of reported LUST incidents in the state of Nebraska.

The database search revealed ten (10) LUST sites within a 0.5-mile radius of the assessment property.

1. Berntson Oil Company I-80 Texaco, UG# 10237-MBS-1535, South Highway 283 and Interstate 80, was found on the LUST list. The site was located at the northwest corner of the assessment property. The site is part of the assessment property. The site was located on Lot 1 as shown in Figure 7. The status of the LUST facility is listed as NFA, "No Further Action". Due to the location and information reviewed from the Nebraska Department of Environmental Quality (NDEQ) site file, the presence of the LUST facility is considered to be evidence of a REC in connection with the subject property. Information obtained from the

NDEQ is included in the **Appendix**. A 1997 letter from the NDEQ indicates "the release has been remediated to a degree protective of human health and environment."

2. Al & Terry's APCO, UG# 053008-PH-1015, Highway 283 and Interstate 80, was found on the LUST list. The site is an orphan site; does not have adequate address information to be located geographically; and therefore is not generally considered practically reviewable. The status of the LUST facility is listed as NFA (PL), "No Further Action (was a Priority List orphan site)". Due to the orphan classification and regulatory status, the presence of the LUST facility is not considered to be evidence of a *RECs* in connection with the subject property.
3. Nebraskaland Tire Truck Center, UG# 06088-NEW-800, 3004 Plum Creek Parkway, HWY 283 & HWY I-80, Lexington, NE 68850. The status of the LUST facility is listed as NFA, "No Further Action". Information on Nebraskaland Tire Truck Center, UG# 06088-NEW-800 obtained from the NDEQ on a 1988 UST removal(s) is included in the **Appendix**. Nebraskaland Tire Truck Center is on the east side of HWY 283, south of I-80. Site includes property between I-80 and the Platte River on the east side of Hwy 283. This facility is too far south and side-gradient to groundwater flow to the assessment property, and of *de minimis* concern. Due to the distance and side-gradient location and regulatory status, the presence of the LUST facility is not considered to be evidence of a *REC* in connection with the subject property.
4. Husky Station, UG# 050399-99-0011, South Highway 283, was found on the LUST list. The site is located approximately 650 feet northwest of the assessment property. The status of the LUST facility is listed as NFA, "No Further Action". Due to the distance and regulatory status, the presence of the LUST facility is not considered to be evidence of a *RECs* in connection with the subject property.
5. Nicks Sinclair, UG# 112195-GY-1000, 2700 Plum Creek Parkway, was found on the (LUST) list. The site is located approximately 0.20-miles north of the assessment property. The status of the LUST facility is listed as NFA, "No Further Action". Due to the distance, side-gradient location, and regulatory status, the presence of the LUST facility is not considered to be evidence of a *REC* in connection with the subject property.
6. J&S Oil Company, UG# 061193-GH-1500, AP4849, South Highway 283 and Interstate 80, was found on the (LUST) list. The site is located approximately 300 feet northwest of the assessment property. The status of the LUST facility is listed as NFA (PL), "No Further Action (was a Priority List orphan site)". Due to the distance and regulatory status, the presence of the LUST facility is considered to be evidence of a *REC* in connection with the subject property.
7. Flying J/Husky, UG# 081498-PH-0713, 2605 Plum Creek Parkway, was found on the LUST list. The site is located approximately 0.30-miles north of the assessment property. The status of the LUST facility is listed as Priority list for orphan sites (responsible party not viable). Due to the distance and side-gradient location, the presence of the LUST facility is not considered to be evidence of a *REC* in connection with the subject property.
8. Loose Oil Company, UG# 083192-MF-1320, Highway 283 and Interstate 80, was found on the LUST list. The site is located approximately 0.38-miles south of the assessment property. The status of the LUST facility is listed as NFA, "No Further Action". Due to the distance, side-gradient location and regulatory status, the presence of the LUST facility is not considered to be evidence of a *REC* in connection with the subject property.
9. Nebraska Department of Roads, UG# 120888-99-0001, Junction Highway 283 and Interstate 80, was found on the LUST list. The site is located approximately 300 feet west of the assessment property. The status of the LUST facility is listed as NFA, "No Further Action". Due to the side-gradient location and regulatory status, the presence of the LUST facility is not considered to be evidence of a *REC* in connection with the subject property.

10. Nebraska Department of Roads, AP 0809, Junction Highway 283 and Interstate 80, was found on the EDR orphan site list; does not have adequate address information to be located geographically; and therefore is not generally considered practically reviewable. This facility may be confused with the Old NDOR Yard, UG# 01069-NEW-1300, West 8TH & Ontario. The status of the Old NDOR Yard LUST facility is listed as NFA, "No Further Action". Due to the Old NDOR Yard's remote location and regulatory status, the presence of this Old NDOR Yard LUST facility is not considered to be evidence of a REC in connection with the subject property.

UST: Underground Storage Tank. The UST list is a listing of registered active Underground Storage Tanks in the state of Nebraska. USTs are regulated under Subtitle I of RCRA and must be registered with the state department responsible for administering the UST program.

4 UST sites were found within approximately 1/8-miles of the subject property, and 1 UST site was found from 1/8 to 0.25-miles from the subject property.

AST: Above Ground Storage Tank. The AST list is a listing of registered active Above Ground Storage Tanks in the state of Nebraska. ASTs are: "primarily under 40 CFR 112. The regulation does not actually use the terms "aboveground storage tank." Instead the term "bulk storage container" is used and is defined as "any container used to store oil. These containers are used for purposes including, but not limited to, the storage of oil prior to use, while being used, or prior to further distribution in commerce. Oil-filled electrical, operating, or manufacturing equipment is not a bulk storage container."

A bulk storage container is 55 gal. or greater and may be aboveground, partially buried, bunkered, or completely buried. "Bunkered tanks" are defined as "a container constructed or placed in the ground by cutting the earth and re-covering the container in a manner that breaks the surrounding natural grade, or that lies above grade, and is covered with earth, sand, gravel, asphalt, or other material. A bunkered tank is considered an aboveground storage container for purposes of 40 CFR 112"

No AST sites were listed within approximately 0.25-miles of the subject property.

NEBRASKA INSTITUTIONAL CONTROL REGISTRY: The registry identifies sites within Nebraska that have institutional controls. According to the Environmental Protection Agency (EPA), institutional controls are "non-engineering measures designed to prevent or limit exposure to hazardous substances left in place at a site, or assure effectiveness of the chosen remedy."

No controls were found within approximately 0.5-miles of the subject property.

ENG CONTROLS: Sites with Engineering Controls. Sites using engineered barriers (e.g., asphalt or concrete paving).

No controls were found within approximately 0.5-miles of the subject property.

VCP or RAPMA Sites: The Nebraska Voluntary Cleanup Program or Remedial Action Plan Monitoring Act (RAPMA), initially created in 1995, provides property owners and parties responsible for contamination with a mechanism for developing voluntary environmental cleanup plans, which are reviewed and approved by the Nebraska Department of Environmental Quality.

The database search revealed no VCP or RAPMA sites within a 0.5-mile radius of the assessment property.

BROWNFIELDS: Municipal Brownfields Redevelopment Grant Program (MBRGP) Project Descriptions. Brownfields sites taking part in the MBRGP. The Nebraska MBRGP project offers grants worth a maximum of \$240,000 each to municipalities to assist in site investigation activities, development of cleanup objectives, and performance of cleanup activities. Nebraska Department of Environmental Quality defines Brownfields sites as subpart (A) of CERCLA 101(39), "Real property, the expansion, redevelopment, or reuse of which may be complicated by the presence or potential presence of a

hazardous substance, pollutant, or contaminate”.

No municipal Brownfields sites were found within approximately 0.5-miles of the subject property.

None of the State records reviewed indicate a REC in connection with the subject property, except the LUST site: Berntson Oil Company I-80 Texaco.

#### **4.3 Additional Environmental Records**

**US BROWNFIELDS:** A listing of Brownfields Sites in the U.S. Included in the listing are Brownfields properties addressed by Cooperative Agreements Recipients and Brownfields properties addressed by Targeted Brownfields Assessments.

No US BROWNFIELDS sites were found within approximately 0.5-miles of the subject property.

**CONSENT:** Superfund (CERCLA) Consent Decrees. CONSENT is a listing of major legal settlements that establish responsibility and standards for cleanup at NPL sites.

No CONSENT sites were found within approximately 1.0-miles of the subject property.

**HMIRS:** Hazardous Materials Information Reporting System. HMIRS contains hazardous material spill incidents reported to the U.S. Department of Transportation (U.S.DOT).

The subject property is not listed under the HMIRS category.

**DOD:** Department of Defense Sites. DOD sites consist of federally owned or administered lands, administered by the Department of Defense, that have any area equal to or greater than 640 acres of the United States, Puerto Rico and the U.S. Virgin Islands.

No DOD sites were found within approximately 1.0-miles of the subject property.

**INDIAN RESERV:** Indian Reservations. Indian administered lands of the U.S. that have an area equal to or greater than 640 acres.

No Indian reservation sites were found within approximately 1.0-miles of the subject property.

**ODI:** Open Dump Inventory. The ODI records contain an inventory of open dump sites. An open dump is defined as a disposal facility that does not comply with one or more of the Part 257 or part 258 Subtitle D Criteria.

No ODI sites were found within approximately 0.5-miles of the subject property.

One RCRA non-generator site is reported within 0.25 mile of the assessment property. The service station near I-80 owned by Elbert Walter handles small quantities of ignitable hazardous waste.

None of the Additional records reviewed indicate a REC in connection with the subject property.

#### **4.4 EDR Proprietary Databases**

**Manufactured Gas Plants and Former Manufactured Gas (Coal Gas) Sites:** The existence and location of Coal Gas sites is provided exclusively to EDR by Real Property Scan, Inc.

No manufactured gas plants were found within approximately 1.0-miles of the subject property.



#### 4.5 Unplottable Sites

As with any database, there are sites for which coordinates or parcel addresses are not given or for which information was not properly recorded. EDR lists these as orphan sites.

MILCO Environmental Services, Inc. has reviewed these sites when reasonably practical to determine the exact location and potential impact to the site, if any. However, not all sites can be reasonably reviewed within the scope of the Phase I ESA.

There were 36 different sites in the subject property's area that were characterized by EDR as unmapable or orphan sites. Five of the sites are discussed in Section 4.2. One other site, the Don Hennek Tank Site, was checked for location due to the status reported in the EDR Site Report included in the **Appendix**.

Don Hennek Tank Site, UG # 05100-KSA-1100, is shown as a LUST site. The site is listed as an orphan site, but was located approximately 3,379 feet north/northwest of the assessment property on the west side of HWY 283. Don Hennek's wife said the site is now a pawn shop. The status of the LUST facility is listed as "Active LUST". The Don Hennek Tank Site has had LUST incidents, and is classified as a high-risk site, currently in active investigation or remediation. Due to the relative distance and side-gradient location, the presence of the LUST facility is not considered to be evidence of a REC in connection with the assessment property.

#### 4.6 Other Environmental Record Sources

Other reports included in the **Appendix** were reviewed for this report. They include: The EDR – City Directory Abstract, The EDR Property Tax Map Report, The EDR Aerial Photo Decade Package, Certified Sanborn Map Report, EDR Historical Topographic Map Report. None of the reports named here indicated the presence of an REC in connection with the property.

A review of records at the NDEQ found Stoney's 66 at 2705 Plum Creek Parkway listed as a LUST site under UG # 061193-GH-1500. A letter in the **Appendix** indicates "No further remedial actions" will be required.

The Department of Natural Resources (DNR) Groundwater database was utilized to gather information concerning registered wells within a 2,000-foot radius of the assessment site. Thirty-four (34) wells were located within a 2,000-foot radius of the assessment property. The active wells identified consist of eleven (11) monitoring wells, seven (7) irrigation wells (I), six (6) dewatering wells (W), three (3) public water supply wells without spacing protection (U), two (2) public water supply wells (P), two (2) domestic wells (D), one (1) commercial well (C), one (1) heat pump well (H) and one (1) recovery well (R). Locations of the wells are shown in **Figure 6**. Thirty-three (33) pages of data (Well G-078208 is shown twice in **Figure 6, Registered Well Map** as a Q and then elsewhere as an R well) for the wells are included in the **Appendix**.

The information indicates the on-site irrigation well, observed at the northwest corner of the assessment property, is not registered. Six (6) monitoring wells registered to Berntson Oil Company I-80 Texaco are shown on the assessment property and are listed as active. These wells were not observed during the site visit.

Joe Pepplitsch, Manager of the City of Lexington, current assessment property owner representative, completed an Environmental Site Assessment Transaction Screen Questionnaire for the assessment property. Mr. Pepplitsch indicated Berntson Oil Company I-80 Texaco had historically operated a petroleum gas station on the assessment property. A release of petroleum from the underground storage system was documented and remedial actions were conducted. Following completion of remedial actions, the Nebraska Department of Environmental Quality (NDEQ) provided a "No Further Action" status for the site. A copy of this document including information from an October 30, 2007 Phase I ESA is in the **Appendix**. Information provided by Joe Pepplitsch differs for the subject property only for the following response:

10a. Response previously was Unknown, presently No. The present response is in light of Lot 1 of the subject property is NDEQ UG#10237-MBS-1535 BERNTSON OIL CO., Pau Berntson former owner, LUST site of NDEQ classification of "No Further Action", and abandoned wells. Berntson Oil Company I-80 Texaco Wells were abandoned 13 to 15 years ago.

For the October 30, 2007 Phase I ESA of the "Lots 3 and 4, Kirkpatrick's Third Addition to the City of Lexington, Dawson County, Nebraska", Gary Wright, former assessment property owner representative, completed an Environmental Site Assessment Transaction Screen Questionnaire for the assessment property. Mr. Wright indicated Berntson Oil Company I-80 Texaco had historically operated a petroleum gas station on the assessment property. A release of petroleum from the underground storage system was documented and remedial actions were conducted. Following completion of remedial actions, the NDEQ provided a "No Further Action" status for the site. The Environmental Site Assessment Transaction Screen Questionnaire completed by Mr. Wright is included in the **Appendix**.

NDEQ files were reviewed by Mr. John R. Cramer on July 25, 2011, with the following observations:

1. NDEQ File 008744, Tyson Fresh Meats, Inc., formerly IBP/Unisys Facility is located within a range of approximately 1.1 to about 1.25 miles north of the subject property, on the east side of Highway 283. The IBP/Unisys received first, from U. S. EPA, Region VII, a July 01, 2009 letter conveying Determination of Corrective Action Complete without Controls; and secondly, from U. S. EPA, Region VII, a September 17, 2010 letter conveying termination of Administrative Order on Consent (AOC), Docket No. VII-92-H-0015 requiring completion of corrective action, except for Paragraph XI requiring Record Preservation. Corrective action and well abandonments were carried out and deemed complete by U. S. EPA, Region VII for solid waste management units (SWMUs) described by ECOR Solutions, Inc. 2009 "corrective actions work to completion" reports. Public notice for comments documents attached to the U. S. EPA, Region VII, July 1, 2009 letter specified that since initiation of the RFI in 1994, seventeen (17) SWMUs were investigated with three (3) – Former Paint Storage Area, Former Diesel/Kerosene UST Area, and Former UST Area – targeted for specific corrective measures. Also in these Public notice for comments documents is a Figure 2, RCRA Facility Areas of Concern and Monitoring Well Locations map showing SWMUs and monitoring addressed in the U. S. EPA, Region VII, July 01, 2009 letter.

Tyson Fresh Meats, Inc., formerly IBP/Unisys Facility, at 1500 South Bridge Street, Lexington, Nebraska 68850, site (inclusive of areas of completed corrective action) is side-gradient location to the subject property, and of *de minimis* concern. Therefore, due to the side-gradient nature to the groundwater flow, distance from the subject property and regulatory status, this site is not considered to be evidence of a *REC* in connection with the subject property.

2. NDEQ File 008744, Tyson Fresh Meats, Inc., has a September 12, 2005 NDEQ spill report form for an August 31, 2005 spill from a diesel tanker truck of 30 to 35 gallons of diesel on to the ground in a 10 foot by 12 foot area. The spill was contained, bermed with dirt and absorbent socks, and contaminated soil reportedly dug up and slated for disposal at Lexington Landfill. The spill is of *de minimis* concern. Therefore, due to the reported clean-up and location, this former spill site is not considered to be evidence of a *REC* in connection with the subject property.
3. NDEQ File 086866, Eilers Machine & Welding, Inc., just north of the subject property is acknowledged in an August 15, 2006 letter from NDEQ, as a Small Quantity Generator (NDEQ/EPA Identification Number: NER000505388) of Hazardous Waste Codes: D001, D002, D003, F003, F005 and F019. Because there are no records found of reported spills from Eilers Machine & Welding, Inc. this facility is of *de minimis* concern. Therefore, due to this status, this facility is not considered to have any evidence of a *REC* in connection with the subject property. A copy of the notification letter is included in the **Appendix**.

#### 4.7 Physical Setting Sources

From EDR historical aerial photo coverage and topographic coverage (see **Appendix**), except for Lot 1, the subject property has been used for agricultural purposes, inclusive of irrigated and non-irrigated crops, for at least 60 years. Indications of an old farm homestead with trees can be seen in all the aerial photographs (dating back to 1951) and in the captioned photographs in the **Appendix**, near the southeast corner of Lot 10.

A USGS topographic map showing the assessment property was reviewed. Contour lines on the topographic map indicate the land surface of the assessment property at an approximate elevation of 2,380 to 2,385 feet above mean sea level. A portion of the USGS Quadrangle map for the area is shown in **Figure 3**.

The property is located in the Valleys topographic region, which is described in the Groundwater Atlas of Nebraska as "regions of low relief along the major streams that are underlain by stream-deposited clay, silt, sand and gravel". Surface drainage is primarily to the east-southeast parallel to the Platte River.

Topographic maps produced by the United States Geological Survey (USGS) depict surface topography and man-made features. Topographic maps reviewed for the subject property are presented in the **Appendix**. Seven topographic maps were reviewed.

- 1899, 1:125,000, LEXINGTON
- 1962, 7.5-minute, 1:24000, BERTRAND NW
- 1983, PHOTOREVISED:1962, 7.5-minute, 1:24000, BERTRAND NW
- 1962, 7.5-minute, 1:24000, LEXINGTON EAST
- 1983, PHOTOREVISED:1962, LEXINGTON EAST

These topographic maps depict the subject property and surrounding/adjointing area. From EDR historical aerial photo coverage and topographic coverage (see **Appendix**), except for Lot 1, the subject property has been used for agricultural purposes, inclusive of irrigated and non-irrigated crops, for at least 60 years. Indications of an old farm homestead with trees can be seen in all the aerial photographs (dating back to 1951) and in the captioned photographs in the **Appendix**, near the southeast corner of Lot 11.

Area groundwater flow is expected to be to the southeast. Groundwater is expected approximately 5 to 10 feet below ground level. Groundwater contours in the area of the assessment property are shown in **Figure 5**.

The Platte River alluvium and the Ogallala Group underlie the area and groundwater is found in the alluvial silt and sand and the underlying Ogallala deposits including sand and gravel formations. Water quality is generally good. Regional static water level occurs at approximately 5 to 10 feet below ground level. Regional groundwater flow is to the east-southeast. Groundwater contours in the area of the assessment property are shown in **Figure 5**.

Occurrence of Pesticides and Nitrates in Nebraska's Ground Water, 1990, indicates groundwater in the area of the assessment property may contain nitrate exceeding the maximum contaminant level of 10 milligrams per liter or parts per million for drinking water. Groundwater at the site should not be used as drinking water without additional testing.

Surface water runoff was not observed at the time of the site visit. The site is relatively flat with drainage to the east southeast following the general topographic gradient. Property boundaries are clearly defined for the subject property by well defined features of roads, electrical poles/lines, and surveys. Title and deeds searches from H. O. Smith Company are presented in the **Appendix**. The site is located in Zone B of the Flood Insurance Rate Map as shown in **Figure 4**.

#### 4.8 Subject Property Historical Use Information

Chain-of-title information was purchased by MILCO from H. O. Smith Company. Recorded land title records, including records of fee ownership, leases, land contracts, easements, liens, or other encumbrances on or of the assessment property, were obtained by The H.O. Smith Company. The Recorded Document Certificates for "Lots 3 and 4, Kirkpatrick's Third Addition to the City of Lexington, Dawson County, Nebraska", and "Lot 1, Southeast First Addition to the City of Lexington, Dawson County, Nebraska" are included in the **Appendix**. Information provided by The H.O. Smith Company and Environmental Site Assessment Transaction Screen Questionnaires regarding current and past ownership of the land are included in the **Appendix**.

##### 4.8.1 Aerial Photographs

Often, historical aerial photographs are available from local and federal government sources. These aerial photographs can be used to determine past and current subject and surrounding/adjoining property use.

EDR Inc.'s query of these sources provided aerial photographs for 1951, 1981, 1988, 1993, 1999, 2005, 2006 and 2007 for the subject and surrounding/adjoining properties. Lot 1 development activity first appears in the 1981 photograph, and Public or Municipal Supply Well # 15, Lot 10 seems to be first observed on the 1993 photograph. No other significant changes appear to have taken place at the subject property since the 1951 aerial photograph was taken. The photographs are provided in the **Appendix**.

##### 4.8.2 Sanborn Fire Insurance Maps

Sanborn Fire Insurance Maps were developed for use by insurance companies. These maps have been periodically updated since the late 19th century and can provide a valuable insight into historical property use. No Sanborn Map coverage exists for the subject property. The EDR Sanborn Map report is provided in the **Appendix**.

##### 4.8.3 City Directory

City directories have been produced for most urban and some rural areas since the late 1800's. City directories are directories that show ownership and/or use of sites by reference to street addresses. The directories are generally not comprehensive and may contain gaps in time periods.

City Directory coverage was found for the subject property and surrounding/adjoining area. The Polk's City Directory was researched for the years 1963 and 1992 for the subject property and adjoining properties along Odessa Road.

No Address was found for the subject property or the adjoining properties for the years researched.

200 Frontier Street was researched, and addresses along and bounded by Highway 283/Heartland Road/Taft Street/Jefferson St, Lexington, NE 68850, from the Polk's City Directory were researched. No addresses were found from this research and the results are shown in the EDR-City Directory Abstract in the **Appendix**.

#### 4.9 Adjoining Property Historical Use Information

The historical uses of surrounding/adjoining properties to the subject property are summarized below. These were determined using the standard historical sources noted above and confirmed by Mr. Brian Freeman's July 19, 2011 subject property inspection.

- North – North of the subject property is Eilers Machine and Welding, Inc. (component parts for military vehicles manufactured), McDonald's Restaurant, Design Craft Wood Working, Raymond

Elements Inc., and Kuhn Knight Agricultural Equipment. No oil drums or anything that could cause the subject property to the south any environmental concerns were observed. North of McDonalds is the Ampride Station, which is also the site of a no further action leaking underground tank (LUST) site: Nicks Sinclair.

- South – South of the subject property is Heartland Museum of old military equipment and a sandpit lake to the east that belongs to the museum. To the southeast of the subject property is Paulsen, Inc. Ready Mix Plant and Gravel Pits. Nothing was observed on these properties that indicate environmental impacts to the subject property.
- West – West of the subject property is a NDOR facility with monitoring wells on the property. The NDOR site is shown as a LUST site on the orphan summary of a report described in Section 4.0 of this report. Wal-Mart is to the west of Highway 283 and the NDOR facility. Comfort Inn hotel is south of Lot 2, which is shown in Figure 7-Plat Map. West of Comfort Inn and Highway 283 is Stoney's British Petroleum Gas Station. North of Stoney's is Cable Inn View Motel. North of Cable Inn View Motel are Conoco and Holiday Inn Express.
- East – East of the subject property is a corn field.

## 5.0 SITE RECONNAISSANCE

The subject property was inspected by Brian Freeman, of MILCO on July 19, 2011. Additional observations on areas of selected interest are provided below.

### 5.1 Methodologies and Limiting Conditions

On July 19, 2011, visual observation of the subject property, prominent site features, and surrounding/adjoining sites were made by Brian Freeman, of MILCO.

### 5.2 General Site Setting

USGS topographic map, showing the subject property was reviewed as specified in ASTM Standard E 1527-00. Contour lines on the topographic map indicate the land surface of the subject property is at an elevation of 2384 feet above mean sea level. The subject property is located in the southern portion of the City of Lexington, Nebraska. The subject property is located within the corporate limits of the City of Lexington.

### 5.3 Exterior Observations

A portion of the subject property, approximately 6.51 acres, is currently undeveloped and the remaining 49.96 acres are utilized for growing alfalfa hay. Municipal Water Supply Well #15 is located on Lot 10 of the assessment property. The well is owned and operated by the City Lexington.

Mr. Brian Freeman performed the site visit on Tuesday, July 19, 2011. Mr. Freeman made the following observations pertaining to the subject property:

1. Lot 1 of the subject property is the location of Nebraska Department of Environmental Quality (NDEQ) site UG#10237-MBS-1535 BERNTSON OIL CO. The LUST site has a classification of "No Further Action". Monitoring wells at the site were abandoned 13 to 15 years ago by Brian Freeman. From conversation with Mr. John Fogerty of NDEQ, Mr. John Fogerty could not recall finding anything in NDEQ files on the well abandonments. Delta Environmental was the project consultant, and Liehs Drilling abandoned the wells after approval by the NDEQ in 1997.
2. The subject property has one irrigation well, one unidentified use well, and one City of Lexington Municipal Supply Well # 15 (see captioned photographs in the **Appendix**). **Photo 2, Camera # 35** shows an irrigation well at the northeast corner of Lot 11 of the subject property. **Photo 5, Camera # 44** shows a four inch drilled well that has not apparently been used, with capped casing above ground at what appears to be an old homestead from the clump of trees seen near the southeast corner of Lot 11 of the subject property. **Photo 9, Camera # 54** shows Municipal Supply Well # 15, Lot 10 near the southwest corner of Lot 9 and the Subject Property Line; and near the intersection of Heartland Road and Jefferson Street.

3. Several transformers (see captioned photographs in the **Appendix**) were recorded along the edge of the subject property. Transformers observed along the north property boundary, south property boundary, and the northeast corner of Comfort Inn's property had no liquids or polychlorinated biphenyls (PCBs) indicated on labels.
4. No visible contamination was seen on any of the subject property. The subject property looked environmentally clean, with no staining around any wells.

From EDR historical aerial photo coverage and topographic coverage (see **Appendix**), except for Lot 1, the subject property has been used for agricultural purposes, inclusive of irrigated and non-irrigated crops, for at least 60 years. Indications of an old farm homestead with trees can be seen in all the aerial photographs (dating back to 1951) and in the captioned photographs in the **Appendix**, near the southeast corner of Lot 11.

Several pole-mounted transformers were observed on or near the subject property. The table below summarizes the transformers (from a July 28, 2011 update from Cheri Bliven, Dawson Public Power District, Operations Coordinator) by their locations, identification numbers and polychlorinated biphenyls (PCB) concentrations present within them.

<i>Transformer #</i>	<i>Location from Assessment Property</i>	<i>PCB Level (ppm)</i>	<i>Other Observations</i>	<i>Owner</i>
None	NW corner of Lot 3		No leaks	Dawson PPD
10	Next to Irrigation Well		No leaks	Dawson PPD
None	Next to Irrigation Well		No leaks	Dawson PPD
None	NW Corner E. of Comfort Inn	Free	No leaks	Dawson PPD
None	NW Corner E. of Comfort Inn	Free	No leaks	Dawson PPD
None	NW Corner E. of Comfort Inn	Free	No leaks	Dawson PPD
None	NW Corner E. of Comfort Inn	Free	No leaks	Dawson PPD
5	Comfort Inn	Free	No leaks	Dawson PPD
None	Middle of Lot 3	Free	No leaks	Dawson PPD
None	Northwest Corner Lot 11	Free	No leaks	Dawson PPD
None	Northwest Corner Lot 11	Free	No leaks	Dawson PPD
None	Northwest Corner Lot 11	Free	No leaks	Dawson PPD
None	Northwest Corner Lot 11	Free	No leaks	Dawson PPD
25	South edge of Property	Free	No leaks	Dawson PPD
25	South edge of Property	Free	No leaks	Dawson PPD
25	South edge of Property	Free	No leaks	Dawson PPD
25	South edge of Property	Free	No leaks	Dawson PPD
37.5	Municipal Well No. 15		No leaks	Dawson PPD
37.5	Municipal Well No. 15		No leaks	Dawson PPD
37.5	Municipal Well No. 15		No leaks	Dawson PPD
75	Nebr. State Patrol	Free	No leaks	Dawson PPD

No creek feeder veins are located through the property and no locations of pooling water were observed. General surface topography appeared flat, with drainage to the east/southeast following the general topographic gradient. Property boundaries are clearly defined by roads, electrical poles/lines, and surveys. No monitoring wells were observed on or adjacent to the subject property. Title and deeds searches from H. O. Smith Company are presented in the **Appendix**.

No monitoring wells were observed on or adjacent to the subject property. Title and deeds searches from H. O. Smith Company are presented in the **Appendix**.

Access to the assessment property is available from Highway 283 located immediately west of the assessment property and Heartland Road located immediately south of the assessment property. The property is shown in **Figure 1** and **Figure 2**. Photographs taken during the site visit are provided in the **Appendix**.

Utility systems identified in the vicinity of the assessment property are as follows:

- Electricity – City of Lexington Utilities Department
- Telephone – Qwest
- Natural Gas – SourceGas and Cornhusker Energy, Lexington, L.L.C.
- Potable Water – City of Lexington Utilities Department – inclusive of Public or Municipal Supply Well # 15 near the southwest corner of Lot 9 and the Subject Property Line; and near the intersection of Heartland Road and Jefferson Street
- Sewage Disposal System – City of Lexington Utilities Department

Lots 1 and 2 are vacant and appear to be used for truck parking by truckers passing through the area. No improvements from the former Berntson Oil Company were observed.

A well house, fence, and propane tank were observed at municipal well # 15 on Lot 10.

No other improvements were observed on the subject property.

Adjoining properties did not appear during the site reconnaissance visit to have any evidence of RECs that appear to affect the subject property.

Photographs taken during the on-site inspection are provided in the **Appendix**.

There were no visual signs of underground storage tanks (USTs) located on the subject property.

No odors were reported from the site reconnaissance. Based on the topographic map and historical information, no scale solid waste disposal activities have occurred on the subject property.

#### **5.4 Interior Observations**

There are no structures except the well house on Lot 10. No interior observations were made.

#### **6.0 INTERVIEW WITH OWNER**

Joe Pepplitsch, Lexington City Manager, contributed to the completion of the Environmental Site Assessment Transaction Screen Questionnaire for the subject property. A copy of this document is in the **Appendix**.

For the October 30, 2007 Phase I of the "Lots 3 and 4, Kirkpatrick's Third Addition to the City of Lexington, Dawson County, Nebraska", Joe Pepplitsch, Manager of the City of Lexington, current assessment property owner representative, was interviewed for information concerning the assessment property. Mr. Pepplitsch indicated Berntson Oil Company I-80 Texaco had historically operated a petroleum gas station on the assessment. A release of petroleum from the underground storage system operated at the site was documented and remedial actions were conducted at the site. Following completion of remedial actions the Nebraska Department of Environmental Quality (NDEQ) provided a "No Further Action" status for the site. A copy of the September 21, 2007 interview log is presented in the **Appendix**.

## 7.0 FINDINGS

A review of the information collected and the observations made during this Phase I ESA indicates one *REC* in connection with the assessment property.

Berntson Oil Company I-80 Texaco, UG# 10237-MBS-1535, South Highway 283 and Interstate 80, was found on the Leaking Underground Storage Tank (LUST) list. The site was located at the northwest corner of the assessment property. Cleanup of the release was initiated in February 1990 with the installation of a groundwater pump and treatment system and later a soil vapor extraction system was used. During the course of cleanup, all free phase gasoline was removed. In a letter from the NDEQ dated November 13, 1996, no further action was required at the facility. Review of the site monitoring report dated April 5, 1995, indicates detectable levels of petroleum constituents were present in four of the monitoring wells located at the site. Values for benzene, toluene and ethylbenzene were above maximum contaminant levels. The status of the LUST facility is listed as NFA, "No Further Action". Due to the location and information reviewed from the Nebraska Department of Environmental Quality (NDEQ) site file, the presence of the LUST facility is considered to be evidence of a *REC* in connection with the assessment property.

No recognized environmental conditions were identified at nearby sites that are expected to affect the assessment property.

## 8.0 OPINION

MILCO performed a Phase I ESA for much of the assessment property in 2007. Additional property was purchased by the City of Lexington and the area was platted with streets and revised lot designations. This report is for the Phase I ESA for the expanded property.

The 2011 assessment confirms the presence of a *recognized environmental condition* in Lot 1 of the assessment property. Berntson Oil Company I-80 Texaco was located at the site from approximately 1964 through 1990. Approximately 1,350 gallons of gasoline was released from an underground tank. The release was discovered in 1987. The NDEQ established spill number UG# 10237-MBS-1535 and monitoring and remediation was conducted through April 1995 when work was suspended due to limited resources available from the NDEQ. In a letter dated November 13, 1996, the NDEQ indicated the release had been remediated to a degree protective of human health and environment.

The release of fuel was addressed with pump and treat technology and free product or fuel had not been detected in wells for at least five years when work at the site was discontinued.

The information reviewed suggests some gasoline or gasoline constituents may be found in soil and groundwater at Lot 1 of the assessment property. If additional cleanup of the release becomes necessary, funding should be available from the Petroleum Release Remedial Action Cash Fund or Title 200 Program.

Residual gasoline constituents are not expected to adversely affect people or the environment unless use of the site changes. Additional soil cleanup or engineering controls may be needed if a basement is installed at the site or excavation is undertaken for a construction project. Lot 1 should not be used without additional testing to house a day care or other facility where sensitive receptors, for example children or older adults, might be exposed to soil.

Information reviewed indicates groundwater at the site should not be used as drinking water without additional testing.

Additional assessment work will be needed if the user wishes to confirm or deny the presence of gasoline contamination at Lot 1. Additional assessment work is needed to determine if groundwater meets drinking water standards.



## 9.0 CONCLUSIONS

MILCO Environmental Services, Inc. (MILCO) has completed a Phase I Environmental Site Assessment in conformance with the scope and limitations of American Society of Testing and Materials (ASTM) Standard Practice for Environmental Site Assessments: Phase I Environmental Site Assessment Process, E 1527-05. The subject property is the Southeast Second Addition to the City of Lexington, Dawson County, Nebraska. The assessment property includes 63.66 acres owned by the City of Lexington.

Activities completed include: 1) review of Federal, State, and local records; 2) a site reconnaissance survey; 3) interviews with individuals knowledgeable about the site; and 4) evaluation of all findings and distribution of the final report.

Based on the assessment conducted, evidence one *recognized environmental condition* was identified at the subject property. No off site conditions were identified to indicate any *recognized environmental conditions* at nearby properties that are believed to affect the subject property.

Berntson Oil Company I-80 Texaco occupied the area known as Lot 1, Southeast Second Addition from 1964 through 1990. Approximately 1,350 gallons of gasoline was released from an underground tank during or before 1987. Monitoring and remediation was performed and the Nebraska Department of Environmental Quality (NDEQ) determined the release had been remediated to a degree protective of human health and environment. The facility is listed as a "No Further Action" site by the NDEQ.

Some gasoline or gasoline constituents may be found in soil and groundwater at Lot 1. The NDEQ Petroleum Release Remedial Action Cash Fund or Title 200 Program may provide funding if any additional cleanup is necessary regarding the Berntson Oil Company I-80 Texaco release at that location.

Residual gasoline constituents are not expected to adversely affect people or the environment unless use of the site changes. Additional soil cleanup or engineering controls may be needed if a basement or elevator is installed or excavation is undertaken for construction on Lot 1. The site should not be used to house a day care or other facility where sensitive receptors, for example children or older adults, might be exposed to soil, without additional testing and documentation of soil condition.

Information reviewed indicates groundwater at the site should not be used as drinking water without additional testing.

Additional assessment work is not recommended unless a greater degree of certainty is needed or the user wishes to confirm or deny the presence of gasoline contamination or determine if groundwater meets drinking water standards.

## 10.0 DEVIATIONS

As far as we are aware, no deviations or exceptions to the ASTM Practice E 1527-05 were made during the assessment. All resources reviewed are described in the report or included in the **Appendix**.

## 11.0 ADDITIONAL SERVICES

Based on the information and observations noted in the Phase I ESA, no additional services are proposed or were provided.

## 12.0 ENVIRONMENTAL PROFESSIONAL STATEMENT

We declare that, to the best of our professional knowledge and belief, we meet the definition of Environmental Professional as defined in 312.10 of 40 CFR 312 and we have the specific qualifications based on education, training, and experience to assess a property of the nature, history, and setting of the subject property.