



Housing and Revitalization  
Department

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September 26, 2022

Detroit City Council  
1340 Coleman A. Young Municipal Center  
Detroit, MI 48226

**RE: Submission of Environment Assessment Report and Authorization to Acquire Real Property from Women's Justice Center for 10401 E. Jefferson Avenue**

Honorable City Council:

By resolution dated March 15, 2022, Your Honorable Body authorized the settlement of *City of Detroit v Women's Justice Center, et al*, Wayne County Circuit Court No. 20-012902-CH, and the acquisition of 10401 E. Jefferson Avenue (the "Property") from the Women's Justice Center (the "Seller") for Twenty Thousand and 0/100 Dollars (\$20,000.00).

Acquisition of the Property was conditioned upon the Housing and Revitalization Department's submission of an environment assessment report to Your Honorable Body. Attached are the environmental assessment reports on the Property. The Building Safety Engineering and Environmental Department ("BSEED") has reviewed the environmental assessment reports on the Property and deemed the acquisition of the Property necessary to promote the health, safety, and welfare of the public.

We, therefore, hereby request that your Honorable Body adopt the attached resolution to authorize the City to accept the deed of the Property.

Respectfully submitted,

DocuSigned by:  
  
E17650515DAF4C9...  
Julie Schneider  
Director

cc: Gail Fulton, Mayor's Office

## RESOLUTION

**BY COUNCIL MEMBER** \_\_\_\_\_

**WHEREAS**, by resolution dated March 15, 2022, Detroit City Council authorized settlement of *City of Detroit v Women’s Justice Center, et al*, Wayne County Circuit Court No. 20-012902-CH, and the acquisition of 10401 E. Jefferson Avenue (the “Property”) from the Women’s Justice Center (the “Seller”) for Twenty Thousand and 0/100 Dollars (\$20,000.00); and

**WHEREAS**, the Building Safety Engineering and Environmental Department (“BSEED”) has reviewed the environmental conditions of the Property; and

**WHEREAS**, HRD and BSEED obtained a Phase I Environmental Site Assessment for 10401 East Jefferson, dated April 15, 2022 in the attached Exhibit B, and a Phase II Environmental Site Assessment, dated August 31, 2022 in the attached Exhibit C, prepared by AKT Peerless (the “Environmental Assessment”) conducted in accordance with current ASTM standards and Michigan Natural Resource and Environmental Protection Act (NREPA) Part 201; and

**WHEREAS**, the Property has received appropriate environmental inquiry and assessment in accordance with the review referred to in the preceding paragraphs, as required pursuant to Chapter 2, Article 6, Section 3 of the 2019 Detroit City Code.

**NOW, THEREFORE, BE IT RESOLVED**, that this Honorable Body hereby determines and declares: (1) that the Property, is not a facility and therefore will not cause the City of Detroit to incur liability under the environmental laws of the State of Michigan or the United States, or otherwise incur response costs for the Property; (2) the acquisition of the Property is necessary to promote the health, safety and welfare of the public; and (3) that the preservation and the promotion of the public health, safety, welfare or good outweighs the cost of the Environmental Assessment and hereby waives the requirement that the seller bears the cost of the Environmental Assessment.

(See Attached Exhibit A, B and C)

**EXHIBIT A**

LEGAL DESCRIPTION

Property situated in the City of Detroit, Wayne County, Michigan, described as follows:

N JEFFERSON E LOTS 163 THRU 166 ABERLES SUB L18 P83 PLATS, W C R 21/325 179.52  
IRREG

a/k/a 10401 E Jefferson Avenue  
Tax Parcel ID 21000496.

**EXHIBIT B**



# PHASE I ENVIRONMENTAL SITE ASSESSMENT

10401 E. Jefferson Avenue, Detroit, Michigan

AKT Peerless Project No. 16807f-1-17

## Executive Summary

AKT Peerless conducted a Phase I Environmental Site Assessment (ESA) of the subject property as described below in accordance with United States Environmental Protection Agency (USEPA) Standards and Practices for All Appropriate Inquiries [(AAI), 40 Code of Federal Regulations (CFR) Part 312] and the ASTM International Standard Practice E 1527 21 (ASTM Practice E 1527). This Phase I ESA was performed for City of Detroit (Client) in connection with a potential acquisition of the subject property.

### Subject Property Description

<b>Address</b>	10401 E. Jefferson Avenue, Detroit, Michigan
<b>Land Area</b>	0.63 acres
<b>Parcel ID Number</b>	21000496
<b>Number of Buildings</b>	1
<b>Date of Construction</b>	1927
<b>Building Square Footage (footprint)</b>	17,780
<b>Current Use</b>	Vacant commercial building
<b>Current Occupants</b>	Unoccupied
<b>Past Use</b>	Commercial
<b>Adjoining Property Uses</b>	North: Undeveloped land Northeast: Residential East: Vacant commercial building Southeast: Undeveloped land South: Undeveloped land Southwest: Detroit Water and Sewerage Department West: Vacant commercial building Northwest: Paved parking lot
<b>Inferred Groundwater Flow Direction</b>	Southeast
<b>Approximate Groundwater Depth</b>	Not determined

### Recognized Environmental Conditions (RECs)

This assessment has revealed no evidence of known RECs in connection with the subject property, except for the following:

- REC 1** - The subject building was constructed in 1927 and is currently connected to natural gas service; however, the initial connection date was not determined. During its reconnaissance, AKT



Peerless observed three approximately three-inch diameter metal pipes in the alley along the northern exterior of the subject building. In addition, AKT Peerless observed two approximately one and one-half inch diameter pipes near the western exterior of the subject building. AKT Peerless was unable to determine the use(s) of these pipes and it is unknown if these pipes are associated with one or more heating oil USTs. It is AKT Peerless' opinion, the potential for one or more heating oil USTs at the subject property represents an REC.

Further investigation and/or assessment is warranted in order to evaluate the nature, extent, magnitude, and materiality of the RECs identified above.

*Controlled Recognized Environmental Conditions (CRECs)*

This assessment has revealed no evidence of known CRECs in connection with the subject property.

*Historical Recognized Environmental Conditions (HRECs)*

This assessment has revealed no evidence of known HRECs in connection with the subject property.

*Significant Data Gaps (SDG)*

AKT Peerless did not identify or encounter instances of significant data gaps during this Phase I ESA.

The Executive Summary above is an overview of the opinions and conclusions of this Phase I ESA and shall not be considered apart from the entire report, which contains the rationale and qualifications used by AKT Peerless in making the opinions and conclusions presented herein. Furthermore, non-ASTM scope considerations, if any, are reported in Section 6.4 and other notable environmental considerations, if any, are reported in Section 7.5. These conditions are not included in this Executive Summary.

### Continued Viability Evaluation

Critical Component	Completion Date
State and Federal Database Report	March 15, 2022
Government Records Review	March 14-April 15, 2022
Interviews	March 31-April 15, 2022
Site Inspection	April 8, 2022
Environmental Professional Declaration	April 15, 2022

**EXHIBIT C**



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August 31, 2022

Mr. John Truong  
**City of Detroit**  
2 Woodward Avenue, Suite 908  
Detroit, Michigan 48226

Subject: Phase II Environmental Site Assessment (ESA)  
10401 E. Jefferson Avenue  
Detroit, Michigan  
AKT Peerless Project No. 16807F-2-20

Mr. Truong:

The City of Detroit (Client) retained AKT Peerless to conduct a Phase II ESA of the property located at 10401 E. Jefferson, Detroit, Wayne County, Michigan (subject property). This Phase II ESA was conducted in accordance with AKT Peerless' Proposal for a Phase II ESA (Proposal Number PF-304141-1), dated May 26, 2022, and is based on ASTM International's Designation E 1903-19 "Standard Guide for Environmental Site Assessments: Phase II Environmental Site Assessment Process."

This Phase II ESA scope of work is intended to evaluate recognized environmental conditions (RECs) identified in AKT Peerless' April 15, 2022 Phase I ESA of the subject property. This letter report documents the field activities, sampling protocols, and laboratory results.

AKT Peerless' Phase II ESA was performed for the benefit of the City of Detroit who may rely on the contents and conclusions of this report.

### **Site Description**

The subject property consists of one parcel of land (Parcel No. 21000496) that is located in Detroit (T01S./R12E), Wayne County, Michigan. The subject property is located on the north side of E. Jefferson Avenue between Garland Street and Saint Clair Street.

Refer to Figure 1 for a topographic site location map. See Figure 2 for a site map.

### **Previous Environmental Investigations**

On April 15, 2022, AKT Peerless completed a Phase I ESA of the subject property. The purpose of AKT Peerless' Phase I ESA was to identify RECs in connection with the subject property. The following REC was identified:

**REC 1** - The subject building was constructed in 1927 and is currently connected to natural gas service; however, the initial connection date was not determined. During its reconnaissance, AKT Peerless observed three approximately three-inch diameter metal pipes in the alley along the northern exterior of the subject building. In addition, AKT Peerless observed two approximately one and one-half inch diameter pipes near the western exterior of the subject building. AKT Peerless was unable to determine the use(s) of these pipes and it is unknown if these pipes are associated with one or more heating oil USTs. It is AKT Peerless' opinion, the potential for one or more heating oil USTs at the subject property represents an REC.





Because an REC was identified during Phase I ESA, AKT Peerless recommended further investigation and/or assessment in order to determine the nature, extent, magnitude, and materiality of the REC associated with the subject property.

### **Scope of Assessment**

To evaluate the identified REC, AKT Peerless conducted a subsurface investigation of the subject property that included a targeted geophysical survey and soil borings.

AKT Peerless proposed advancing four soil borings, including one soil boring on the western exterior of the subject property and three soil borings on the interior of the subject property. AKT Peerless retained a concrete coring company to complete cores in the basement of the subject building, including two proposed locations in the former boiler room in the northeastern portion and one in the western interior of the basement. The concrete encountered near the former boiler room was greater than 18 inches thick and the concrete coring company could not core through the concrete floor slab with the equipment onsite. AKT Peerless instructed the concrete coring company to perform multiple attempts in the former boiler room; however, the attempts were unsuccessful. In addition, AKT Peerless encountered auger refusal due to gravel encountered below the floor slab in the soil boring advanced in the western portion of the subject building's basement.

AKT Peerless collected one soil sample from the soil boring advanced using the Geoprobe on the western exterior of the subject property. The soil sample was submitted for laboratory analyses of volatile organic compounds (VOCs), and polynuclear aromatic hydrocarbons (PNAs). Groundwater was not encountered to at least 16 feet below ground surface (bgs), the maximum depth explored. The soil sample was delivered to a laboratory under chain-of-custody documentation.

AKT Peerless used hydraulic drive/direct-push (Geoprobe®) sampling techniques and followed the drilling procedures outlined in ASTM International's Designation E 1903-19 "Standard Guide for Environmental Site Assessments: Phase II Environmental Site Assessment Process." AKT Peerless collected continuous soil samples from the soil boring in four-foot intervals to the maximum depth explored of 16 feet bgs. AKT Peerless personnel inspected, field-screened, and logged the samples collected at each soil boring location. Soil types were classified in accordance with ASTM publication D-2488 "Unified Soil Classification System." Groundwater was not encountered during the subsurface investigation. Refer to Figure 2 for a site map with soil boring locations. A boring log is provided in **Appendix A**.

### **Targeted Geophysical Survey**

On July 1, 2022, Ground Penetrating Radar Systems, LLC (GPRS) conducted targeted a geophysical survey of the subject property using electromagnetic induction (EMI) and ground penetrating radar (GPR). The purpose of the geophysical survey was to identify abandoned USTs or UST cavities.

The EM survey was conducted utilizing a Geophysical Survey Systems Inc. (GSSI) GSSI EMP-400, which is equipped with a multi-frequency profiler with integrated global positioning system (GPS). The EM equipment was calibrated prior to conducting the survey.

The GPR was conducted using a GSSI SIR-3000 GPR system with a 400-megahertz dipole antenna mounted on a wheeled cart. Test scans were performed to calibrate the equipment prior to conducting the survey. The GPR survey was performed by making linear profiles spaced three to five feet apart.



The survey was conducted along the western and northern exteriors of the subject building. The survey was limited by vegetation, debris, and creeping brush. The equipment and methods used during the geophysical survey did not identify anomalies indicative of an abandoned UST or UST cavity. Refer to **Appendix B** for a copy of the geophysical survey report.

### **Quality Assurance/Quality Control**

To ensure the accuracy of data collected during on-site activities, AKT Peerless implemented proper quality assurance/quality control (QA/QC) measures. The QA/QC procedures included, but were not limited to, (1) decontamination of sampling equipment before and between sampling events, (2) calibration of field equipment, (3) documentation of field activities, and (4) sample preservation techniques.

During sample collection, AKT Peerless adhered to proper decontamination procedures. Sampling equipment was decontaminated using the following methods to minimize potential cross-contamination of soil samples:

- Steam-cleaning or washing and scrubbing the equipment with non-phosphate detergent
- Rinsing the equipment
- Air-drying the equipment

All field instruments were calibrated prior to first use on-site to ensure accuracy. Field instruments utilized during investigation activities at this subject property was a photoionization detector (PID) and a sample scale.

During AKT Peerless' Phase II ESA, a PID was used to screen all soil samples. The PID was maintained in a calibrated condition using 100 parts per million (ppm) isobutylene span gas prior to subsurface investigations.

A sample scale was utilized during soil sampling activities to weigh approximately 10 grams of soil for the methanol preserved samples (i.e., soil samples designated for VOCs analysis). The scale was maintained in a calibrated condition using calibration weights in accordance with the manufacturer's specifications.

During AKT Peerless' Phase II ESA activities, subject property conditions (i.e., soil boring locations, weather conditions) were documented. AKT Peerless visually inspected the soil samples and prepared a geologic log for each soil boring. The logs include soil characteristics such as (1) color, (2) composition (e.g., sand, clay, or gravel), (3) soil moisture and water table depth, and (4) signs of possible contamination (i.e., stained or discolored soil, odors). Refer to **Appendix A** for AKT Peerless' soil boring log. Refer to Figure 2 for site map with soil boring locations.

AKT Peerless collected samples according to United States Environmental Protection Agency (USEPA) Publication SW-846, Testing Methods for Evaluating Solid Waste. Soil samples were collected in laboratory-supplied containers, stored on ice at approximately four degrees Celsius, and submitted under chain-of-custody documentation.

Soil samples collected for VOCs analyses were field preserved with methanol in accordance with USEPA Method 5035. Soil samples collected for PNAs were stored in unpreserved, eight-ounce, wide-mouth jars.



A review of the Matrix Spike/Matrix Duplicate Quality Assurance/Quality Control (QC) samples within the CQ Batch Report did not reveal laboratory flags that invalidated the quality of the analytical results. In addition, the samples were analyzed within the appropriate hold times.

### **Local Geology/Hydrology**

During drilling activities, AKT Peerless encountered the following soil types:

- FILL from below the topsoil to five feet bgs. The fill consisted of sand with gravel and clay.
- CLAY from below fill material to at least 16 feet bgs, the maximum depth explored. The clay was medium stiff, moist, brown to gray, and contained trace sand and gravel.

Groundwater was not encountered in the soil boring advanced at the subject property. Refer to **Appendix A** for a soil boring log.

### **Laboratory Analysis and Methods**

AKT Peerless submitted one soil sample for laboratory analysis. The laboratory analyzed the sample for: (1) VOCs in accordance with USEPA Method SW8260C and (2) PNAs in accordance with USEPA Method 8270E.

### **Analytical Results**

AKT Peerless compared the laboratory analytical results to the Michigan Department of Environment, Great Lakes, and Energy (EGLE) Part 201 Generic Residential Cleanup Criteria (RCC).

Based on the laboratory analytical results, the target parameters were not detected in the soil sample collected at the subject property above laboratory analytical method detection limits (MDLs).

Refer to Figure 2 for a site map depicting the soil boring locations; Table 1 for a summary of the soil analytical results; and **Appendix C** for a copy of the laboratory analytical report.

### **Conclusions and Recommendations**

AKT Peerless completed one soil boring at the subject property to investigate the RECs identified in its April 18, 2022 Phase I ESA. Laboratory analytical results from the soil sample collected at the subject property did not identify detections of the target parameters above EGLE RCC. Therefore, the subject property does not meet the definition of a facility as defined in Part 201 of the Natural Resources and Environmental Protection Act, Michigan Public Act 451 of 1994, as amended (NREPA); however, as discussed in this report, AKT Peerless encountered auger refusal in three of the four proposed soil boring locations.

If evidence of an actual or historical heating oil UST is identified at the subject property in the future, AKT Peerless recommends the UST and any associated piping and impacted soil be properly removed and disposed.

### **Limitations**

The information and opinions obtained in this report are for the exclusive use of the City of Detroit. No distribution to or reliance by other parties may occur without the express written permission of AKT



Peerless. AKT Peerless will not distribute this report without your written consent or as required by law or by a Court order. The information and opinions contained in the report are given in light of that assignment. The report must be reviewed and relied upon only in conjunction with the terms and conditions expressly agreed upon by the parties and as limited therein. Any third parties who have been extended the right to rely on the contents of this report by AKT Peerless (which is expressly required prior to any third-party release), expressly agrees to be bound by the original terms and conditions entered into by AKT Peerless and the City of Detroit.

Subject to the above and the terms and conditions, AKT Peerless accepts responsibility for the competent performance of its duties in executing the assignment and preparing reports in accordance with the normal standards of the profession but disclaims any responsibility for consequential damages. Although AKT Peerless believes that results contained herein are reliable, AKT Peerless cannot warrant or guarantee that the information provided is exhaustive or that the information provided by the City of Detroit or third parties is complete or accurate.

### Signatures of Environmental Professionals

The following individuals contributed to the completion of this report.

A handwritten signature in blue ink that reads "Julie Barton".

Julie Barton  
Senior Project Manager  
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A handwritten signature in blue ink that reads "Connor Jenkins".

Connor Jenkins  
Environmental Consultant  
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