



March 4, 2020

CERTIFIED MAIL – RETURN RECEIPT REQUESTED

MR ALLAN R SAPIK
325 TOWER AVE
SUPERIOR WI 54880

SUBJECT: BRRTS Activity #02-16-111770
Site Name: Former BVM Trans Axle
Site Address: 327 Tower Avenue, Superior, Wisconsin

Re: Notice of Intent to File Notice of Contamination Affidavit per Wis. Admin. Code § NR 728.11

Dear Mr. Sapik:

On October 25, 2019, the Department of Natural Resources (Department) sent you a letter requesting a site update for the above-referenced property, located at 327 Tower Avenue in Superior, Wisconsin (Property). To date, the Department did not receive a response to that previous request for information.

In accordance with Wis. Admin. Code § NR 728.11(2)(b), you are hereby notified that the Department intends to record an affidavit at the Douglas County Register of Deeds office giving notice of contamination at the Property at 327 Tower Avenue **unless you respond to this second letter in writing, within 30 days of receiving this letter (date of delivery confirmation), informing the Department of your plans to finish the necessary environmental response actions at this site.** As part of this response, please include the name and contact information of your environmental consultant.

The Department has also notified the mortgage lender for the Property identified below. You should provide a copy of this notice to any other parties with interest in the Property not identified by the Department.

In accordance with Wis. Admin. Code § NR 728.11(2)(c), if an acceptable response is not received within the time period set forth in this letter, the Department may, as soon as practicable but in no case less than 15 days after the 30-day deadline, record a Notice of Contamination affidavit at the office of the register of deeds for the county in which the Property is located. A copy of the Notice of Contamination affidavit to be filed is enclosed with this letter.

Your prompt attention to this request is appreciated. If you have any questions regarding this notice or how to move your site forward, please contact the project manager, Grant Neitzel, in writing at the following address:

Wisconsin Department of Natural Resources
Remediation and Redevelopment Program
Attn: Grant Neitzel
1701 N. 4th Street
Superior, Wisconsin 54880

Mr. Neitzel can also be reached by phone at (715) 392-3126 or email at Grant.Neitzel@Wisconsin.gov. You can also contact me at (715) 685-2920 or by email at Christopher.Saari@Wisconsin.gov if you have questions.

Sincerely,



Christopher A. Saari
Northern Region Team Supervisor
Remediation and Redevelopment Program

Enclosures:

- Notice of Contamination Deed Affidavit
- DNR Responsible Party Letter, February 21, 2008

cc: Grant Neitzel – DNR Superior (via email)
Don Gerhardt – National Bank of Commerce

Document Number

Wis. Admin. Code § NR 728.11
NOTICE OF CONTAMINATION

Legal Description of the Property:

Lots 19 through 22, inclusive, Block 10, West Superior, First Division, in the City of Superior

STATE OF WISCONSIN

COUNTY OF DOUGLAS

Recording Area

Name and Return Address:

WDNR
Attn: Chris Saari
2501 Golf Course Road
Ashland, WI 54806

I, Christopher Saari, being first duly sworn, state that:

04-804-00023-00

Parcel Identification Number (PIN)

1. I am a Remediation and Redevelopment Program Supervisor, employed by the Wisconsin Department of Natural Resources (hereinafter "the Department") at its Northern Region.
2. I have personal knowledge of the facts herein set forth and believe the same to be true.
3. The Department determined that petroleum-related contaminants were discharged to the former Frandsen Property, now known as the Sapik Property ("the Property"), which is located at 327 Tower Avenue in the City of Superior, County of Douglas, and which has the above legal description, have contaminated soil in the vicinity.
4. The Department determined that soil contamination has been identified on the Property which has not been adequately defined or remediated.
5. On February 21, 2008, the Department sent a Responsible Party (RP) and status update request letter to Mr. Allan R. Sapik (Mr. Sapik) advising Mr. Sapik of the statutory requirement to restore the environment at that location. The letter requested a written response within 45 days. No response to that letter has been received by the Department.
6. On March 31, 2008, the former Department Project Manager for the Site had a phone conversation with Mr. Sapik regarding the RP letter mailed on February 21, 2008. On the call, the Department reiterated to Mr. Sapik his responsibilities under the authority of Wis. Stat. § 292.11(3). The Department advised Mr. Sapik to contact previous owner(s) of the Property for information related to any previous environmental sampling or reports related to environmental investigations completed at the Property. The Department received no response following the phone conversation.
7. On November 14, 2011, the Department sent a status update request letter to Mr. Sapik and informed him of a change in project management for the Site. The letter requested a written response within 45 days. The Department received no response to that letter.
8. Per Wis. Admin. Code § NR 728.11(2)(a), on October 25, 2019, the Department sent a letter by certified mail to Mr. Sapik advising that a notice of contamination would be recorded if satisfactory action to address the environmental contamination did not commence. That letter requested a written response within 45 days, by December 9, 2019. The Department did not receive a response to that letter.

In Re: Property Located in the
City of Superior
Douglas County, Wisconsin
Described above.

- 9. Per Wis. Admin. Code § NR 728.11(2)(b), on March 4, 2020, the Department sent a letter by certified mail to Mr. Sapik and the National Bank of Commerce advising that the Department has made the decision to record a notice of contamination for the above-described property at the Douglas County Register of Deeds office. The 30-day response time set forth in that letter has expired. Additionally, as required per Wis. Admin. Code § NR 728.11(2)(c), the 15-day waiting period following that deadline passed without an acceptable response.
- 10. The Department records this Notice because the petroleum-related contaminants in the soil on the Property with the above legal description will continue to discharge into the environment, and subsequent purchasers of the Property could be held responsible for investigation and cleanup costs under Wis. Stat. § 292.11(3).

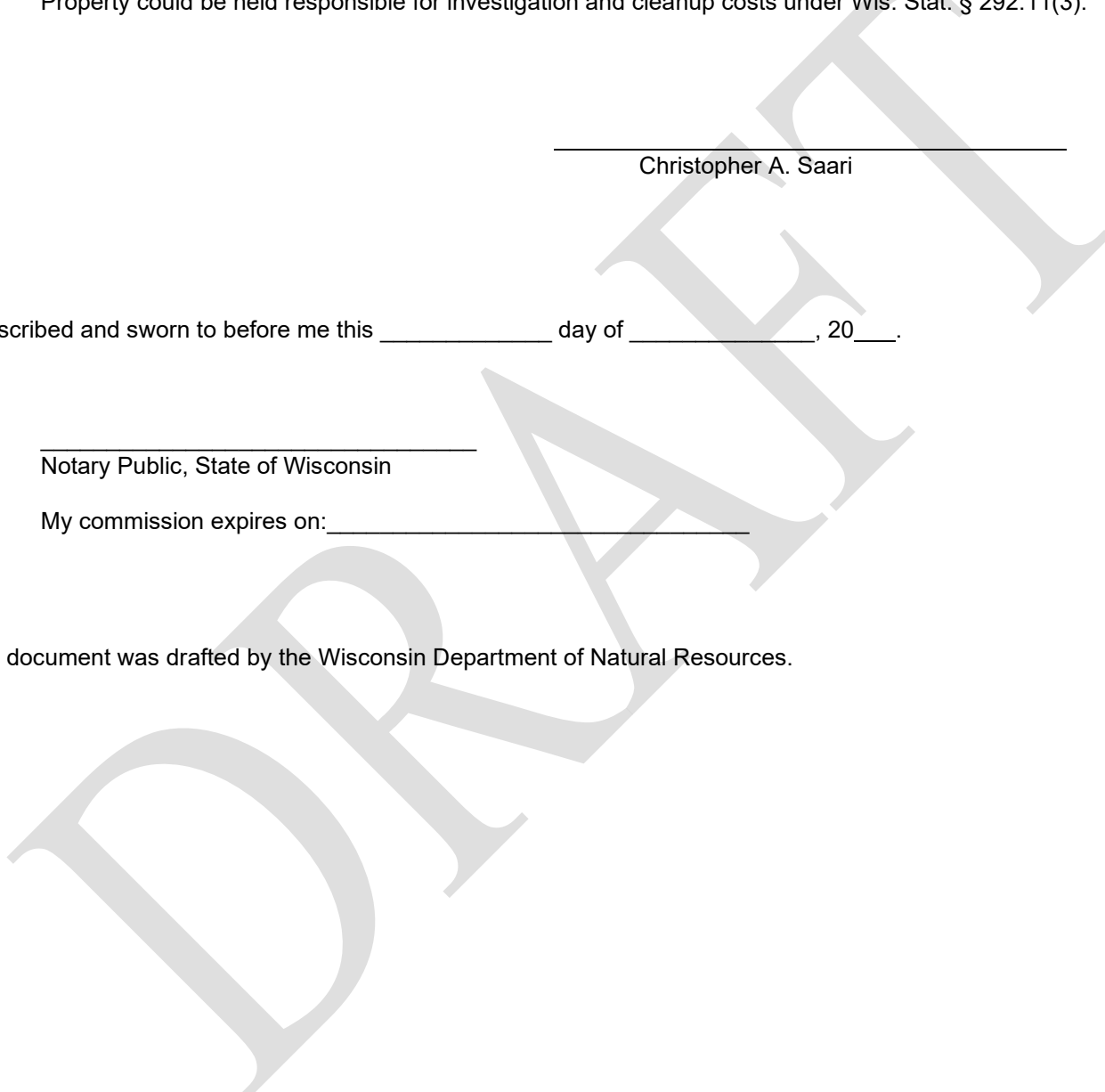
Christopher A. Saari

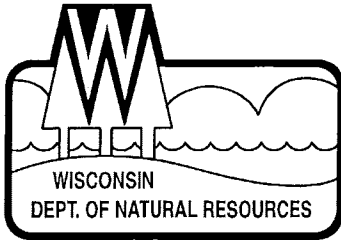
Subscribed and sworn to before me this _____ day of _____, 20____.

Notary Public, State of Wisconsin

My commission expires on: _____

This document was drafted by the Wisconsin Department of Natural Resources.





State of Wisconsin \ DEPARTMENT OF NATURAL RESOURCES

Jim Doyle, Governor
Matthew J. Frank, Secretary
John Gozdziwski, Regional Director

Ashland Service Center
2501 Golf Course Road
Ashland, Wisconsin 54806
Telephone 715-685-2900
FAX 715-685-2909

February 21, 2008

FILE COPY

MR ALLAN SAPIK
325 TOWER AVE
SUPERIOR WI 54880

Subject: Environmental Contamination at the Former BVM Trans Axle Facility
327 Tower Avenue, Superior, Wisconsin
WDNR BRRTS #02-16-111770

Dear Mr. Sapik:

The Department of Natural Resources' Remediation and Redevelopment Program is requesting your assistance with updating our records. We recently reviewed the case file for the above named site and determined that the information is not current. The Department received a complaint on October 4, 1996 of contaminated soil adjacent to the building at this property. After investigating the complaint, the Department then sent a letter to the then-current owner and operator of the property on October 24, 1996 to explain the results of the complaint investigation, and to provide notification of the owner's and operator's responsibilities to investigate the degree and extent of contamination and clean up the site. I have attached a copy of the letter for your information. These legal responsibilities are defined both in statute and in administrative codes. The hazardous substances spill law, Section 292.11 (3) Wisconsin Statutes (formerly s. 144.76(3), Wis. Stats.), states:

- **RESPONSIBILITY.** A person who possesses or controls a hazardous substance which is discharged or who causes the discharge of a hazardous substance shall take the actions necessary to restore the environment to the extent practicable and minimize the harmful effects from the discharge to the air, lands, or waters of the state.

Wisconsin Administrative Code chapters NR 700 through NR 749 establish requirements for emergency and interim actions, public information, site investigations, design and operation of remedial action systems, and case closure. Chapter NR 708 includes provisions for immediate actions in response to limited contamination. Wisconsin Administrative Code chapter NR 140 establishes groundwater standards for contaminants that reach groundwater.

However, since the time that the Department sent the October 24, 1996 notification letter, we have not received any information on the progress of investigative or remedial actions at the site.

A check of Douglas County property tax and land records indicates that you are now the owner of this property. As such, you could also be considered under the hazardous substances spill law to be in possession or control of contaminants released on the site. Therefore, the Department is requesting that within 45 days, by **April 6, 2008**, you provide a summary of any investigative and/or cleanup work completed on this property of which you are aware. This summary should be submitted in writing to me at the above address.

Mr. Allan Sapik – February 21, 2008

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If you have questions concerning this letter or the contamination issues on the property, please do not hesitate to contact me. In addition to the above address, I can also be reached by phone at 715-685-2920, or by e-mail at Christopher.Saari@Wisconsin.gov. Thank you for your attention to this matter.

Sincerely,

A handwritten signature in cursive script that reads "Christopher A. Saari".

Christopher A. Saari
Hydrogeologist

attach.

7018 3090 0001 4970 1242

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SUPERIOR, WI 54880

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Extra Services & Fees (check box, add fee as appropriate)	\$2.95
<input type="checkbox"/> Return Receipt (hardcopy)	\$0.00
<input type="checkbox"/> Return Receipt (electronic)	\$0.00
<input type="checkbox"/> Certified Mail Restricted Delivery	\$0.00
<input type="checkbox"/> Adult Signature Required	\$0.00
<input type="checkbox"/> Adult Signature Restricted Delivery	\$0.00

Postage \$0.70

Total Postage and Fees \$7.10

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03/04/2020

Sent To *NBC Attn: Don Gerhardt*
Street and Apt. No. or PO Box No. *P.O. Box 99*
City, State, ZIP+4® *Superior, WI 54880*

PS Form 3800, April 2015 PSN 7530-02-000-9047

See Reverse for Instructions

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SUPERIOR, WI 54880

Certified Mail Fee	\$3.55
Extra Services & Fees (check box, add fee as appropriate)	\$2.95
<input type="checkbox"/> Return Receipt (hardcopy)	\$0.00
<input type="checkbox"/> Return Receipt (electronic)	\$0.00
<input type="checkbox"/> Certified Mail Restricted Delivery	\$0.00
<input type="checkbox"/> Adult Signature Required	\$0.00
<input type="checkbox"/> Adult Signature Restricted Delivery	\$0.00

Postage \$0.70

Total Postage and Fees \$7.10

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03


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03/04/2020

Sent To *Mr. Alex Sapiak*
Street and Apt. No. or PO Box No. *207 Tower Ave*
City, State, ZIP+4® *Superior WI*

PS Form 3800, April 2015 PSN 7530-02-000-9047

See Reverse for Instructions

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY
<ul style="list-style-type: none"> Complete items 1, 2, and 3. Print your name and address on the reverse so that we can return the card to you. Attach this card to the back of the mailpiece, or on the front if space permits. 	<p>A. Signature <input checked="" type="checkbox"/> Agent <input checked="" type="checkbox"/> Addressee</p>
<p>1. Article Addressed to:</p> <p>NBC Attn: Don Gerhardt P.O. Box 99 Superior, WI 54880</p>  <p>9590 9402 4462 8248 8321 19</p>	<p>B. Received by (Printed Name) <input type="checkbox"/> Agent C. Date of Delivery <input type="checkbox"/> Addressee</p> <p>RESINK</p>
<p>2. Article Number (Transfer from service label)</p> <p>7018 3090 0001 4970 1242</p>	<p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No</p> 
<p>PS Form 3811, July 2015 PSN 7530-02-000-9053</p>	<p>3. Service Type <input type="checkbox"/> Priority Mail Express® <input type="checkbox"/> Adult Signature <input type="checkbox"/> Registered Mail™ <input type="checkbox"/> Adult Signature Restricted Delivery <input type="checkbox"/> Registered Mail Restricted Delivery <input type="checkbox"/> Certified Mail® <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Certified Mail Restricted Delivery <input type="checkbox"/> Signature Confirmation™ <input type="checkbox"/> Collect on Delivery <input type="checkbox"/> Signature Confirmation Restricted Delivery <input type="checkbox"/> Collect on Delivery Restricted Delivery</p> <p>Domestic Return Receipt</p>

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<ul style="list-style-type: none"> Complete items 1, 2, and 3. Print your name and address on the reverse so that we can return the card to you. Attach this card to the back of the mailpiece, or on the front if space permits. 	<p>A. Signature <input type="checkbox"/> Agent <input checked="" type="checkbox"/> Addressee</p>
<p>1. Article Addressed to:</p> <p>Mr Allan Sapik 327 Tower Ave Superior WI 54880</p>  <p>9590 9402 4462 8248 8321 02</p>	<p>B. Received by (Printed Name) <input type="checkbox"/> Agent C. Date of Delivery <input type="checkbox"/> Addressee</p>
<p>2. Article Number (Transfer from service label)</p> <p>7018 3090 0001 4970 1259</p>	<p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No</p>
<p>PS Form 3811, July 2015 PSN 7530-02-000-9053</p>	<p>3. Service Type <input type="checkbox"/> Priority Mail Express® <input type="checkbox"/> Adult Signature <input type="checkbox"/> Registered Mail™ <input type="checkbox"/> Adult Signature Restricted Delivery <input type="checkbox"/> Registered Mail Restricted Delivery <input type="checkbox"/> Certified Mail® <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Certified Mail Restricted Delivery <input type="checkbox"/> Signature Confirmation™ <input type="checkbox"/> Collect on Delivery <input type="checkbox"/> Signature Confirmation Restricted Delivery <input type="checkbox"/> Collect on Delivery Restricted Delivery</p> <p>Domestic Return Receipt</p>