

## Source Property Information

<b>BRRTS #:</b>	<input type="text" value="02-16-120590"/>	<b>CLOSURE DATE:</b>	<input type="text" value="01/22/2016"/>
<b>ACTIVITY NAME:</b>	<input type="text" value="FRASER SHIPYARDS - AOC #5"/>	<b>FID #:</b>	<input type="text" value="816047210"/>
<b>PROPERTY ADDRESS:</b>	<input type="text" value="1 CLOUGH AVE (3RD ST &amp; CLOUGH)"/>	<b>DATCP #:</b>	<input type="text"/>
<b>MUNICIPALITY:</b>	<input type="text" value="SUPERIOR"/>	<b>PECFA#:</b>	<input type="text" value="NA"/>
<b>PARCEL ID #:</b>	<input type="text" value="03-803-02126-00"/>		

**\*WTM COORDINATES:**

X:  Y:

*\* Coordinates are in  
WTM83, NAD83 (1991)*

**WTM COORDINATES REPRESENT:**

- Approximate Center Of Contaminant Source
- Approximate Source Parcel Center

**Please check as appropriate:** (BRRTS Action Code)

### CONTINUING OBLIGATIONS

#### Contaminated Media for Residual Contamination:

- |   |  |
|---|--|
| <input type="checkbox"/> Groundwater Contamination > ES (236) | <input checked="" type="checkbox"/> Soil Contamination > *RCL or **SSRCL (232) |
| <input type="checkbox"/> Contamination in ROW                 | <input type="checkbox"/> Contamination in ROW                                  |
| <input type="checkbox"/> Off-Site Contamination               | <input type="checkbox"/> Off-Site Contamination                                |

#### Site Specific Obligations:

- |   |   |
|---|---|
| <input checked="" type="checkbox"/> Soil: maintain industrial zoning (220)<br><i>(note: soil contamination concentrations<br/>between non-industrial and industrial levels)</i> | <input type="checkbox"/> Cover or Barrier (222)   |
| <input type="checkbox"/> Structural Impediment (224)  | <input type="checkbox"/> Direct Contact   |
| <input type="checkbox"/> Site Specific Condition (228)  | <input type="checkbox"/> Soil to GW Pathway   |
|   | <input type="checkbox"/> Vapor Mitigation (226)   |
|   | <input type="checkbox"/> Maintain Liability Exemption (230)<br><i>(note: local government unit or economic<br/>development corporation was directed to<br/>take a response action )</i> |

Are all monitoring wells properly abandoned per NR 141? (234)

- Yes     No     N/A

\* Residual Contaminant Level  
\*\*Site Specific Residual Contaminant Level

This Adobe Fillable form is intended to provide a list of information that is required for evaluation for case closure. It is to be used in conjunction with Form 4400-202, Case Closure Request. The closure of a case means that the Department has determined that no further response is required at that time based on the information that has been submitted to the Department.

**NOTICE: Completion of this form is mandatory** for applications for case closure pursuant to ch. 292, Wis. Stats. and ch. NR 726, Wis. Adm. Code, including cases closed under ch. NR 746 and ch. NR 726. The Department will not consider, or act upon your application, unless all applicable sections are completed on this form and the closure fee and any other applicable fees, required under ch. NR 749, Wis. Adm. Code, Table 1 are included. It is not the Department's intention to use any personally identifiable information from this form for any purpose other than reviewing closure requests and determining the need for additional response action. The Department may provide this information to requesters as required by Wisconsin's Open Records law [ss. 19.31 - 19.39, Wis. Stats.].

BRRTS #:  (No Dashes) PARCEL ID #:   
ACTIVITY NAME:  WTM COORDINATES: X:  Y:

**CLOSURE DOCUMENTS** (the Department adds these items to the final GIS packet for posting on the Registry)

- Closure Letter**
- Maintenance Plan** (if activity is closed with a land use limitation or condition (land use control) under s. 292.12, Wis. Stats.)
- Continuing Obligation Cover Letter** (for property owners affected by residual contamination and/or continuing obligations)
- Conditional Closure Letter**
- Certificate of Completion (COC)** (for VPLE sites)

**SOURCE LEGAL DOCUMENTS**

- Deed:** The most recent deed as well as legal descriptions, for the **Source Property** (where the contamination originated). Deeds for other, off-source (off-site) properties are located in the **Notification** section.  
**Note:** If a property has been purchased with a land contract and the purchaser has not yet received a deed, a copy of the land contract which includes the legal description shall be submitted instead of the most recent deed. If the property has been inherited, written documentation of the property transfer should be submitted along with the most recent deed.
- Certified Survey Map:** A copy of the certified survey map or the relevant section of the recorded plat map for those properties where the legal description in the most recent deed refers to a certified survey map or a recorded plat map. (lots on subdivided or platted property (e.g. lot 2 of xyz subdivision)).  
**Figure #: 1111 Title: Certified Survey Map No. 1111**
- Signed Statement:** A statement signed by the Responsible Party (RP), which states that he or she believes that the attached legal description accurately describes the correct contaminated property.

**MAPS** (meeting the visual aid requirements of s. NR 716.15(2)(h))

- Maps must be no larger than 11 x 17 inches unless the map is submitted electronically.
- Location Map:** A map outlining all properties within the contaminated site boundaries on a U.S.G.S. topographic map or plat map in sufficient detail to permit easy location of all parcels. If groundwater standards are exceeded, include the location of all potable wells within 1200 feet of the site.  
**Note:** Due to security reasons municipal wells are not identified on GIS Packet maps. However, the locations of these municipal wells must be identified on Case Closure Request maps.  
**Figure #: 1 Title: Site Location**
  - Detailed Site Map:** A map that shows all relevant features (buildings, roads, individual property boundaries, contaminant sources, utility lines, monitoring wells and potable wells) within the contaminated area. This map is to show the location of all contaminated public streets, and highway and railroad rights-of-way in relation to the source property and in relation to the boundaries of groundwater contamination exceeding a ch. NR 140 Enforcement Standard (ES), and/or in relation to the boundaries of soil contamination exceeding a Residual Contaminant Level (RCL) or a Site Specific Residual Contaminant Levels (SSRCL) as determined under s. NR 720.09, 720.11 and 720.19.  
**Figure #: 2 & 3 Title: Site Plan - Existing Conditions & AOC #5**
  - Soil Contamination Contour Map:** For sites closing with residual soil contamination, this map is to show the location of all contaminated soil and a single contour showing the horizontal extent of each area of contiguous residual soil contamination that exceeds a Residual Contaminant Level (RCL) or a Site Specific Residual Contaminant Level (SSRCL) as determined under s. NR 720.09, 720.11 and 720.19.  
**Figure #: 3 Title: Hydraulic Probe Sampling Location**

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**MAPS (continued)**

- Geologic Cross-Section Map:** A map showing the source location and vertical extent of residual soil contamination exceeding a Residual Contaminant Level (RCL) or a Site Specific Residual Contaminant Level (SSRCL). If groundwater contamination exceeds a ch. NR 140 Enforcement Standard (ES) when closure is requested, show the source location and vertical extent, water table and piezometric elevations, and locations and elevations of geologic units, bedrock and confining units, if any.

**Figure #: 3**                      **Title: Limits of Excavation / Geologic Cross Section**

**Figure #:**                      **Title:**

- Groundwater Isoconcentration Map:** For sites closing with residual groundwater contamination, this map shows the horizontal extent of all groundwater contamination exceeding a ch. NR140 Preventive Action Limit (PAL) and an Enforcement Standard (ES). Indicate the direction and date of groundwater flow, based on the most recent sampling data.

**Note:** This is intended to show the total area of contaminated groundwater.

**Figure #:**                      **Title:**

- Groundwater Flow Direction Map:** A map that represents groundwater movement at the site. If the flow direction varies by more than 20° over the history of the site, submit 2 groundwater flow maps showing the maximum variation in flow direction.

**Figure #: 4**                      **Title: Groundwater Contours**

**Figure #:**                      **Title:**

**TABLES (meeting the requirements of s. NR 716.15(2)(h)(3))**

Tables must be no larger than 11 x 17 inches unless the table is submitted electronically. Tables must not contain shading and/or cross-hatching. The use of **BOLD** or *ITALICS* is acceptable.

- Soil Analytical Table:** A table showing remaining soil contamination with analytical results and collection dates.  
**Note:** This is one table of results for the contaminants of concern. Contaminants of concern are those that were found during the site investigation, that remain after remediation. It may be necessary to create a new table to meet this requirement.

**Table #: 1**                      **Title: Field and Soil Analytical Results**

- Groundwater Analytical Table:** Table(s) that show the most recent analytical results and collection dates, for all monitoring wells and any potable wells for which samples have been collected.

**Table #: 2**                      **Title: Groundwater Analytical Results**

- Water Level Elevations:** Table(s) that show the previous four (at minimum) water level elevation measurements/dates from all monitoring wells. If present, free product is to be noted on the table.

**Table #:**                      **Title: Not found in former SEH Reports**

**IMPROPERLY ABANDONED MONITORING WELLS**

For each monitoring well not properly abandoned according to requirements of s. NR 141.25 include the following documents.

**Note:** If the site is being listed on the GIS Registry for only an improperly abandoned monitoring well you will only need to submit the documents in this section for the GIS Registry Packet.

- Not Applicable**

- Site Location Map:** A map showing all surveyed monitoring wells with specific identification of the monitoring wells which have not been properly abandoned.

**Note:** If the applicable monitoring wells are distinctly identified on the Detailed Site Map this Site Location Map is not needed.

**Figure #:**                      **Title:**

- Well Construction Report:** Form 4440-113A for the applicable monitoring wells.

- Deed:** The most recent deed as well as legal descriptions for each property where a monitoring well was not properly abandoned.

- Notification Letter:** Copy of the notification letter to the affected property owner(s).

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## NOTIFICATIONS

### Source Property

**Not Applicable**

**Letter To Current Source Property Owner:** If the source property is owned by someone other than the person who is applying for case closure, include a copy of the letter notifying the current owner of the source property that case closure has been requested.

**Return Receipt/Signature Confirmation:** Written proof of date on which confirmation was received for notifying current source property owner.

### Off-Source Property

Group the following information per individual property and label each group according to alphabetic listing on the "Impacted Off-Source Property" attachment.

**Not Applicable**

**Letter To "Off-Source" Property Owners:** Copies of all letters sent by the Responsible Party (RP) to owners of properties with groundwater exceeding an Enforcement Standard (ES), and to owners of properties that will be affected by a land use control under s. 292.12, Wis. Stats.

**Note:** Letters sent to off-source properties regarding residual contamination must contain standard provisions in Appendix A of ch. NR 726.

#### Number of "Off-Source" Letters:

**Return Receipt/Signature Confirmation:** Written proof of date on which confirmation was received for notifying any off-source property owner.

**Deed of "Off-Source" Property:** The most recent deed(s) as well as legal descriptions, for all affected deeded **off-source property(ies)**. This does not apply to right-of-ways.

**Note:** If a property has been purchased with a land contract and the purchaser has not yet received a deed, a copy of the land contract which includes the legal description shall be submitted instead of the most recent deed. If the property has been inherited, written documentation of the property transfer should be submitted along with the most recent deed.

**Certified Survey Map:** A copy of the certified survey map or the relevant section of the recorded plat map for those properties where the legal description in the most recent deed refers to a certified survey map or a recorded plat map. (lots on subdivided or platted property (e.g. lot 2 of xyz subdivision)).

**Figure #:**

**Title:**

**Letter To "Governmental Unit/Right-Of-Way" Owners:** Copies of all letters sent by the Responsible Party (RP) to a city, village, municipality, state agency or any other entity responsible for maintenance of a public street, highway, or railroad right-of-way, within or partially within the contaminated area, for contamination exceeding a groundwater Enforcement Standard (ES) and/or soil exceeding a Residual Contaminant Level (RCL) or a Site Specific Residual Contaminant Level (SSRCL).

#### Number of "Governmental Unit/Right-Of-Way Owner" Letters:

**State of Wisconsin**  
DEPARTMENT OF NATURAL RESOURCES  
Wausau Service Center  
5301 Rib Mountain Drive  
Wausau, Wisconsin 54401  
Telephone 715-359-4522  
FAX 715-355-5253

Scott Walker, Governor  
Cathy Stepp, Secretary  
Telephone 608-266-2621  
Toll Free 1-888-936-7463  
TTY Access via relay - 711



January 22, 2016

MR TOM CURELLI  
FRASER SHIPYARDS INC  
1 CLOUGH AVE  
SUPERIOR WI 54880

**KEEP THIS DOCUMENT WITH YOUR PROPERTY RECORDS**

SUBJECT: Final Case Closure with Continuing Obligations  
Fraser Shipyard AOC #5, 1 Clough Avenue, Superior, Wisconsin  
DNR BRRTS Activity #02-16-120590  
FID #816047210

Dear Mr. Curelli:

The Department of Natural Resources (DNR) considers the Fraser Shipyard AOC #5 site closed, with continuing obligations. No further investigation or remediation is required at this time. However, you, future property owners, and occupants of the property must comply with the continuing obligations as explained in the conditions of closure in this letter. Please read over this letter closely to ensure that you comply with all conditions and other on-going requirements. Provide this letter and any attachments listed at the end of this letter to anyone who purchases, rents or leases this property from you. Certain continuing obligations also apply to affected property owners or rights-of-way holders. These are identified within each continuing obligation.

This final closure decision is based on the correspondence and data provided, and is issued under chs. NR 726 and 727, Wis. Adm. Code. The DNR Northern Region Closure Committee most recently reviewed the request for closure on March 3, 2000. The DNR Closure Committee reviewed this environmental remediation case for compliance with state laws and standards to maintain consistency in the closure of these cases. A determination of conditional closure was made at that time, but the recording of a deed restriction for continued industrial use of the property was required as a condition of closure. Our closure process has since changed, and the closure condition will now be addressed via a continuing obligation described in this letter. Your consultant submitted the necessary documentation to meet the closure requirements on August 27, 2015, the appropriate database fee under s. NR 749.04, Wis. Adm. Code, on September 29, 2015 and an updated map on January 22, 2016.

This paint waste staging area had lead and chromium contamination in soil from past releases. Contaminated soil was excavated and transported off-site for disposal, but some residual contamination remained. The conditions of closure and continuing obligations required were based on the property being used for industrial purposes.

**Continuing Obligations**

The continuing obligations for this site are summarized below. Further details on actions required are found in the section Closure Conditions.

- Residual soil contamination exists that must be properly managed should it be excavated or removed.
- Industrial soil standards were applied for closure, and industrial zoning is required. Before the land use may be changed from industrial to non-industrial, additional environmental work must be completed.

The DNR fact sheet "Continuing Obligations for Environmental Protection," RR-819, helps to explain a property owner's responsibility for continuing obligations on their property. The fact sheet is attached and may also be obtained at <http://dnr.wi.gov/files/PDF/pubs/rr/RR819.pdf>.

### **GIS Registry**

This site will be included on the Bureau for Remediation and Redevelopment Tracking System (BRRTS on the Web) at <http://dnr.wi.gov/topic/Brownfields/clean.html>, to provide public notice of residual contamination and of any continuing obligations. The site can also be viewed on the Remediation and Redevelopment Sites Map (RRSM), a map view, under the Geographic Information System (GIS) Registry layer, at the same web address.

DNR approval prior to well construction or reconstruction is required for all sites shown on the GIS Registry, in accordance with s. NR 812.09 (4) (w), Wis. Adm. Code. This requirement applies to private drinking water wells and high capacity wells. To obtain approval, complete and submit Form 3300-254 to the DNR Drinking and Groundwater program's regional water supply specialist. This form can be obtained on-line at <http://dnr.wi.gov/topic/wells/documents/3300254.pdf>.

All site information is also on file at the Northern Regional DNR office, at 107 Sutliff Avenue in Rhinelander. This letter and information that was submitted with your closure request application, including any maintenance plan and maps, can be found as a Portable Document Format (PDF) in BRRTS on the Web.

### **Closure Conditions**

Compliance with the requirements of this letter is a responsibility to which Fraser Shipyards, Inc. and any subsequent property owners must adhere. DNR staff will conduct periodic prearranged inspections to ensure that the conditions included in this letter and the attached maintenance plan are met. If these requirements are not followed, the DNR may take enforcement action under § 292.11, Wis. Stats., to ensure compliance with the specified requirements, limitations or other conditions related to the property.

Please send written notifications in accordance with the following requirements to:

Department of Natural Resources  
Attn: Remediation and Redevelopment Program Environmental Program Associate  
107 Sutliff Ave.  
Rhinelander, WI 54501

### **Residual Soil Contamination** (ch. NR 718, chs. 500 to 536, Wis. Adm. Code or ch. 289, Wis. Stats.)

Soil contamination remains near the cranes adjacent to the No. 5 Slab as indicated on the attached Figure 2 Site Plan – Existing Conditions, prepared by SEH and dated June 7, 2000, and more specifically on Figure 3 Hydraulic Probe Sampling Location, prepared by SEH and dated August 27, 1997 (modified by Environmental Troubleshooters, Inc. for the GIS Registry package) as set within the property boundaries on Figure 2 Property Site Map prepared by Environmental Troubleshooters on January 14, 2016. If soil in the specific locations described above is excavated in the future, the property owner or right-of-way holder at the time of excavation must sample and analyze the excavated soil to determine if contamination remains. If sampling confirms that contamination is present, the property owner or right-of-way holder at the time of excavation will need to determine whether the material is considered solid or hazardous waste and ensure that any storage, treatment or disposal is in compliance with applicable standards and rules. Contaminated soil may be managed in accordance with ch. NR 718, Wis. Adm. Code, with prior DNR approval.

In addition, all current and future owners and occupants of the property and right-of-way holders need to be aware that excavation of the contaminated soil may pose an inhalation or other direct contact hazard and as a result special precautions may need to be taken to prevent a direct contact health threat to humans.

**Industrial Soil Standards** (s. NR 726.15, s. NR 727.07, Wis. Adm. Code)

Soil contamination remains as described in the Residual Soil Contamination section above. Samples contained lead and chromium in concentrations that met the residual contaminant levels (RCLs) for direct contact under industrial exposure assumptions, but exceeded non-industrial RCLs.

This property may not be used or developed for a residential, commercial, agricultural or other non-industrial use, unless prior written approval has been obtained from the DNR. The property owner shall notify the DNR at least 45 days before changing the use. An investigation and remedial action to meet applicable soil cleanup standards may be required at that time.

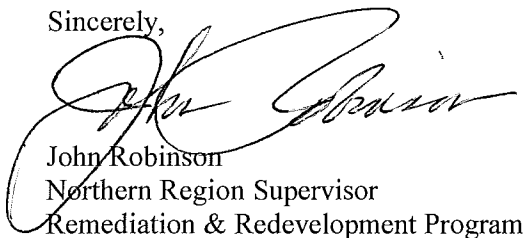
**In Closing**

Please be aware that the case may be reopened pursuant to s. NR 727.13, Wis. Adm. Code, for any of the following situations:

- if additional information regarding site conditions indicates that contamination on or from the site poses a threat to public health, safety, or welfare or to the environment,
- if the property owner does not comply with the conditions of closure, with any deed restrictions applied to the property, or with a certificate of completion issued under s. 292.15, Wis. Stats., or
- a property owner fails to maintain or comply with a continuing obligation (imposed under this closure approval letter).

The DNR appreciates your efforts to restore the environment at this site. If you have any questions regarding this closure decision or anything outlined in this letter, please contact project manager Chris Saari at 715-685-2920, or by email at Christopher.Saari@Wisconsin.gov.

Sincerely,



John Robinson  
Northern Region Supervisor  
Remediation & Redevelopment Program

Attachments:

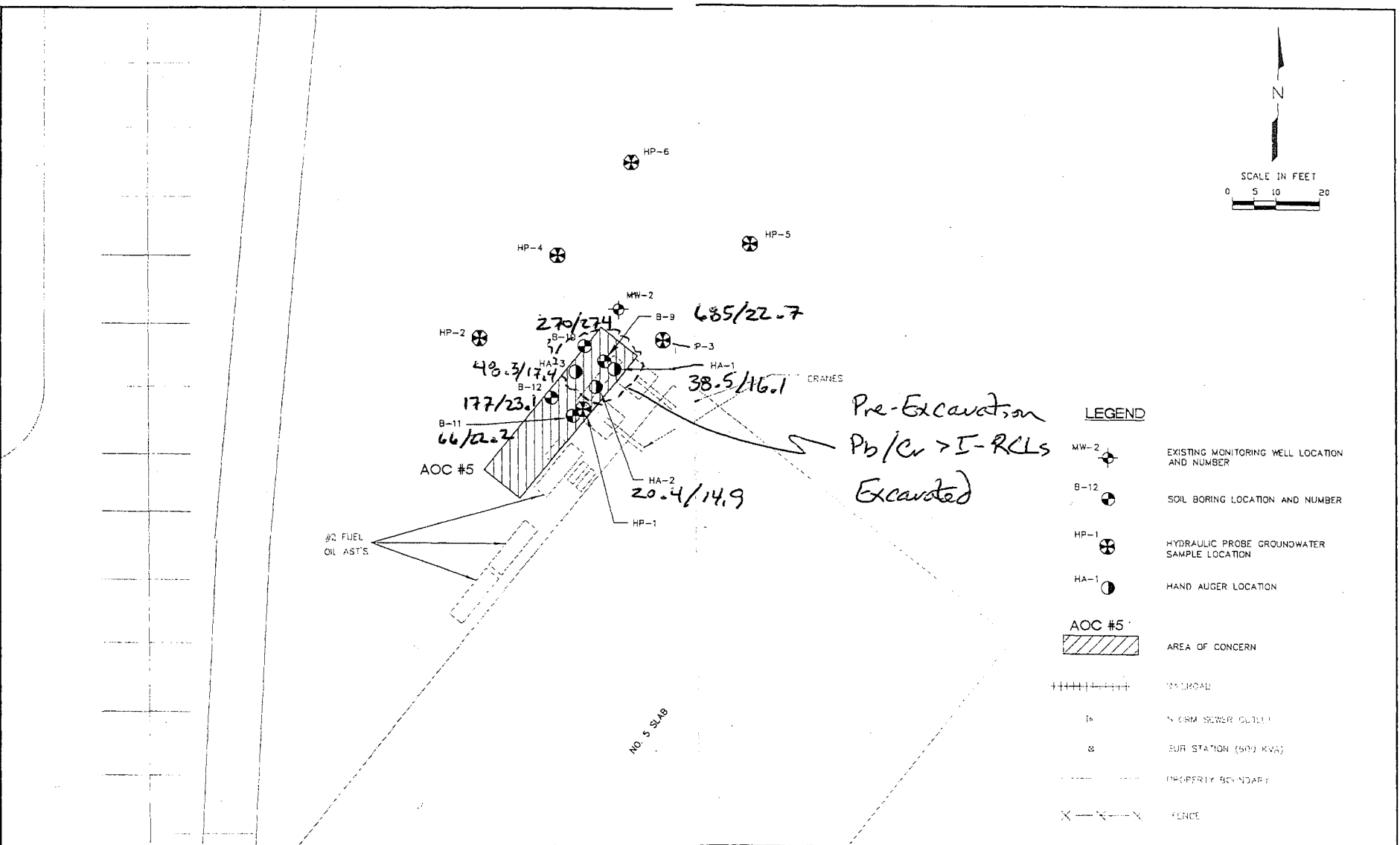
- Figure 2 Site Plan – Existing Conditions, prepared by SEH and dated June 7, 2000
- Figure 3 Hydraulic Probe Sampling Location, prepared by SEH and dated August 27, 1997 (modified by Environmental Troubleshooters, Inc.)
- Figure 2 Property Site Map, prepared by Environmental Troubleshooters on January 14, 2016
- RR 819, Continuing Obligations for Environmental Protection

cc: John McCarthy  
Environmental Troubleshooters, Inc.  
3825 Grand Ave.  
Duluth, MN 55807

Chris, Saari, DNR Ashland







- LEGEND**
- MW-2 EXISTING MONITORING WELL LOCATION AND NUMBER
  - B-12 SOIL BORING LOCATION AND NUMBER
  - HP-1 HYDRAULIC PROBE GROUNDWATER SAMPLE LOCATION
  - HA-1 HAND AUGER LOCATION
  - AOC #5 AREA OF CONCERN
  - ROAD
  - 18" ORM SEWER CLIFF
  - PUR STATION (500 KVA)
  - PROPERTY BOUNDARY
  - FENCE

1	08/27/97	JAE	08/97	JEC	08/97				
NO.	DATE	ISSUE/REVISIONS	DRAWN BY	DESIGN	FIELD REVIEW	QC CHECK			



FRASER SHIPYARDS, INC.  
AOC #5

FIGURE 3  
HYDRAULIC PROBE  
SAMPLING LOCATION

PROJ. NO. FRAS2401	3
DATE 08/27/97	4




685/22.7 Pb/Cr in soil mg/kg

F:\WASTE\FRAS9401\PLAN\1001




Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AEX, Getmapping, Aerogrid, IGN, IGP, swisstopo, and the GIS User Community

**Legend**

-  Approximate Property Line
-  AOC
-  Railroads



<b>FIGURE 2</b>	
Property Site Map	
<b>RJS Fraser Shipyard Superior, Wisconsin</b>	
PROJECT #: 14-1004	
DATE: 01/14/2016	CGIS
FILE NAME: //GIS/2014 Projects/14-1004 /Projects/Figure2	
	



# Continuing Obligations for Environmental Protection

## Responsibilities of Wisconsin Property Owners

PUB-RR-819

November 2013

This fact sheet is intended to help property owners understand their legal requirements under s. 292.12, Wis. Stats., regarding continuing obligations that arise due to the environmental condition of their property.

The term “continuing obligations” refers to certain actions for which property owners are responsible following a completed environmental cleanup. They are sometimes called environmental land use controls or institutional controls. These legal obligations, such as a requirement to maintain pavement over contaminated soil, are most often found in a cleanup approval letter from the state.

Less commonly, a continuing obligation may apply where a cleanup is not yet completed but a cleanup plan has been approved, or at a property owned by a local government that is exempt from certain cleanup requirements.

### What Are Continuing Obligations?

Continuing obligations are legal requirements designed to protect public health and the environment in regard to contamination that remains on a property.

Continuing obligations still apply after a property is sold. Each new owner is responsible for complying with the continuing obligations.

## Background

Wisconsin, like most states, allows some contamination to remain after cleanup of soil or groundwater contamination (residual contamination). This minimizes the transportation of contamination and reduces cleanup costs while still ensuring that public health and the environment are protected.

The Department of Natural Resources (DNR), through its Remediation and Redevelopment (RR) Program, places sites or properties with residual contamination on a public database in order to provide notice to interested parties about the residual contamination and any associated continuing obligations. Please see the “Public Information” section on page 3 to learn more about the database. (Prior to June 3, 2006, the state used deed restrictions recorded at county courthouses to establish continuing obligations, and those deed restrictions have also been added into the database.)



Wisconsin Department of Natural Resources  
P.O. Box 7921, Madison, WI 53707  
[dnr.wi.gov](http://dnr.wi.gov), search “brownfield”



## Types of Continuing Obligations

### 1. Manage Contaminated Soil that is Excavated

If the property owner intends to dig up an area with contaminated soil, the owner must ensure that proper soil sampling, followed by appropriate treatment or disposal, takes place. Managing contaminated soil must be done in compliance with state law and is usually done under the guidance of a private environmental professional.

### 2. Manage Construction of Water Supply Wells

If there is soil or groundwater contamination and the property owner plans to construct or reconstruct a water supply well, the owner must obtain prior DNR approval to ensure that well construction is designed to protect the water supply from contamination.

### Other Types of Continuing Obligations

Some continuing obligations are designed specifically for conditions on individual properties. Examples include:

- keeping clean soil and vegetation over contaminated soil;
- keeping an asphalt “cover” over contaminated soil or groundwater;
- maintaining a vapor venting system; and
- notifying the state if a structural impediment (e.g. building) that restricted the cleanup is removed. The owner may then need to conduct additional state-approved environmental work.

It is common for properties with approved cleanups to have continuing obligations because the DNR generally does not require removal of all contamination.

Property owners with the types of continuing obligations described above will find these requirements described in the state’s cleanup approval letter or cleanup plan approval, and *must*:

- comply with these property-specific requirements; and
- obtain the state’s permission before changing portions of the property where these requirements apply.

The requirements apply whether or not the person owned the property at the time that the continuing obligations were placed on the property.

## Changing a Continuing Obligation

A property owner has the option to modify a continuing obligation if environmental conditions change. For example, petroleum contamination can degrade over time and property owners may collect new samples showing that residual contamination is gone. They may then request that DNR modify or remove a continuing obligation. Fees are required for DNR’s review of this request and for processing the change to the database (\$1050 review fee, \$300/\$350 database fee). Fees are subject to change; current fees are found in Chapter NR 749, Wis. Adm. Code, on the web at [www.legis.state.wi.us/rsb/code/nr/nr749.pdf](http://www.legis.state.wi.us/rsb/code/nr/nr749.pdf).

## Public Information

The DNR provides public information about continuing obligations on the Internet. This information helps property owners, purchasers, lessees and lenders understand legal requirements that apply to a property. DNR has a comprehensive database of contaminated and cleaned up sites, *BRRTS on the Web*. This database shows all contamination activities known to DNR. Site specific documents are found under the *Documents* section. The information includes maps, deeds, contaminant data and the state's closure letter. The closure letter states that no additional environmental cleanup is needed for past contamination and includes information on property-specific continuing obligations. If a cleanup has not been completed, the state's approval of the remedial action plan will contain the information about continuing obligations.

Properties with continuing obligations can generally be located in DNR's *GIS Registry*, part of the *RR Sites Map*. *RR Sites Map* provides a map view of contaminated and cleaned up sites, and links to *BRRTS on the Web*.

If a completed cleanup is shown in *BRRTS on the Web* but the site documents cannot be found in the Documents section, DNR's closure letter can still be obtained from a regional office. For assistance, please contact a DNR Environmental Program Associate (see the RR Program's Staff Contact web page at [dnr.wi.gov/topic/Brownfields/Contact.html](http://dnr.wi.gov/topic/Brownfields/Contact.html)).

*BRRTS on the Web* and  
*RR Sites Map* are part of  
**CLEAN**  
(the Contaminated Lands  
Environmental Action Network) at  
[dnr.wi.gov/topic/Brownfields/clean.html](http://dnr.wi.gov/topic/Brownfields/clean.html)

## Off-Site Contamination: When Continuing Obligations Cross the Property Line

An off-site property owner is someone who owns property that has been affected by contamination that moved through soil, sediment or groundwater from another property. Wisconsin law, s. 292.13, Wis. Stats., provides an exemption from environmental cleanup requirements for owners of "off-site" properties. The DNR will generally not ask off-site property owners to investigate or clean up contamination that came from a different property, as long as the property owner allows access to his or her property so that others who are responsible for the contamination may complete the cleanup.

However, off-site property owners are legally obligated to comply with continuing obligations on their property, even though they did not cause the contamination. For example, if the state approved a cleanup where the person responsible for the contamination placed clean soil over contamination on an off-site property, the owner of the off-site property must either keep that soil in place or obtain state approval before disturbing it.

Property owners and others should check the *Public Information* section above if they need to:

- determine whether and where continuing obligations exist on a property;
- review the inspection, maintenance and reporting requirements, and
- contact the DNR regarding changing that portion of the property. The person to contact is the person that approved the closure or remedial action plan.

## Option for an Off-Site Liability Exemption Letter

In general, owners of off-site properties have a legal exemption from environmental cleanup requirements. This exemption does not require a state approval letter. Nonetheless, they may request a property-specific liability exemption letter from DNR if they have enough information to show that the source of the contamination is not on their property. This letter may be helpful in real estate transactions. The fee for this letter is \$700 under Chapter NR 749, Wis. Adm. Code. For more information about this option, please see the RR Program's Liability web page at [dnr.wi.gov/topic/Brownfields/Liability.html](http://dnr.wi.gov/topic/Brownfields/Liability.html).

### Legal Obligations of Off-Site Property Owners

- Allow access so the person cleaning up the contamination may work on the off-site property (unless the off-site owner completes the cleanup independently).
- Comply with any required continuing obligations on the off-site property.

## Required Notifications to Off-Site Property Owners

1. The person responsible for cleaning up contamination must notify affected property owners of any proposed continuing obligations on their off-site property **before** asking the DNR to approve the cleanup. This is required by law and allows the off-site owners to provide the DNR with any technical information that may be relevant to the cleanup approval.

When circumstances are appropriate, an off-site neighbor and the person responsible for the cleanup may enter into a "legally enforceable agreement" (i.e. a contract). Under this type of private agreement, the person responsible for the contamination may also take responsibility for maintaining a continuing obligation on an off-site property. This agreement would not automatically transfer to future owners of the off-site property. The state is not a party to the agreement and can not enforce it.

2. If a cleanup proposal that includes off-site continuing obligations is approved, DNR will send a letter to the off-site owners detailing the continuing obligations that are required for their property. Property owners should inform anyone interested in buying their property about maintaining these continuing obligations. For residential property, this would be part of the real estate disclosure obligation.

## More Information

For more information, please visit the RR Program's Continuing Obligations web site at [dnr.wi.gov/topic/Brownfields/Residual.html](http://dnr.wi.gov/topic/Brownfields/Residual.html).

For more information about DNR's Remediation and Redevelopment Program, see our web site at [dnr.wi.gov/org/aw/rr/](http://dnr.wi.gov/org/aw/rr/). This document contains information about certain state statutes and administrative rules but does not include all of the details found in the statutes and rules. Readers should consult the actual language of the statutes and rules to answer specific questions.

The Wisconsin Department of Natural Resources provides equal opportunity in its employment, programs, services, and functions under an Affirmative Action Plan. If you have any questions, please write to Equal Opportunity Office, Department of Interior, Washington, D.C. 20240. This publication is available in alternative format upon request. Please call 608-267-3543 for more information.







781183

Grantor: Fraser Shipyards, Inc., Fraser-Nelson Shipbuilding and Dry Dock Co.,  
Inc., and Troy Johnson, Inc.

Grantee: FSY R/E Group, LLC

## QUIT CLAIM DEED

### EXHIBIT A

#### PROPERTY DESCRIPTIONS:

1. A piece or parcel of land, being a part of "Lot A", Block 510, Sweetser Division, Superior, Wisconsin, described as follows, to-wit: Beginning at a point on the Northeasterly line of the right-of-way of the Lake Superior Terminal and Transfer Railway Company, which point is the Southwesterly corner of "Lot A"; thence running Northwesterly along said right-of-way line a distance of 129 feet; thence running Northeasterly, at an angle of 90°, with said right-of-way, 215 feet to the Southwesterly line of Howard's slip; thence Southeasterly, along said slip, 217 feet to the Southeasterly corner of said "Lot A", which point is also the Northeasterly corner of Lot numbered 16, of Block 510; thence Southwesterly 150 feet to the place of beginning; containing 665/1000 of an acre.

2. Lot A, Block 510, Sweetser Division, Superior, Wisconsin.

3. Lot 2, Block 510, West Superior, Sweetser Division, Douglas County, Wisconsin (City of Superior).

4. Parts of Lots 1, 2, 3, 4, 5 and 6 on Connor's Point in the City of Superior, Douglas County, Wisconsin, described according to the Plat of Connor's Point, dated and recorded May 13, 1856, in Book "A" of Plats, Page 236, in the office of the Register of Deeds, Douglas County, Wisconsin, to-wit: Beginning at the intersection of the Southeasterly line of Lamborn Avenue with the established Northeasterly dock line of "Howard's Pocket"; thence Northeasterly along said Southeasterly line of Lamborn Avenue, about 394.18 feet to a point distant 90 feet Southwesterly along said Avenue line from the Southwesterly line of Main Street; thence South 50°11' East a distance of 143.37 feet to the Northwesterly line of Lot 5; thence South 44°23' East 201.21 feet; thence South 37°16'30" East about 1833.67 feet to a point in said Northeasterly dock line of "Howard's Pocket" 105.6 feet from the Southerly line of Section 11, measured along said dock line; thence Northwesterly along said dock line about 2213.74 feet to the place of beginning.

5. Lots numbered 5 and 6, in Block numbered 511, in the Townsite of West Superior, Sweetser Division, according to the plat of said Townsite recorded in the office of the Register of Deeds in and for said County.

6. Lot 25, Cummings Slip Addition to West Superior, according to the recorded plat or plats thereof on file and of record in the Office of the Register of Deeds in and for said Douglas County, Wisconsin.

7. Lot numbered 16, in Block numbered 510, in the Townsite of West Superior, Sweetser Division, according to the plat of said Townsite, recorded in the office of the Register of Deeds in and for said County.

8. A tract of land being part of Government Lot 1, Section 11, Township 49, Range 14, bounded on the West by Cumming Slip, on the South by the Northerly line of First Street produced, on the East by the East line of Government Lot 1 produced, to the established dock line in Howard's Pocket, on the North by the said Dock line and Cumming Slip appurtenant thereto (7.108 acres).

9. Lot B, Peyton and Clough's Second Addition to West Superior.

10. That part of Lot 4, Block 511, Sweetser Division, which lies Northerly of a straight line which is parallel with the Northerly line of Bay Street and 107.25 feet Northerly from said North line of Bay Street, in the City of Superior, Douglas County, Wisconsin, according to the plat thereof on file or of record in the office of the Register of Deeds for Douglas County, Wisconsin.

11. Part of Lot 6, Connor's Point, lying Southwesterly of Main Street; commencing at an iron monument located at the intersection of the North line of Lamborn Avenue with the West line of Main Street in Lot 6; then Westerly along North line of Lamborn Avenue for a distance of 27.68 feet to an iron monument for place of beginning; then Northerly making an angle to the left of 73°28' for a distance of 146.24 feet to an iron monument located on the line between Lot 6 and 7, then Westerly along the boundary line between said Lot 6 and 7 to the established harbor line on Easterly side of Howard's Pocket; then Southerly along said harbor line to Northerly line of Lamborn Avenue; then Easterly along Northerly line of Lamborn Avenue to beginning. Except right-of-way, Connor's Point, City of Superior, according to the recorded plat or plats thereof on file and of record in the Office of the Register of Deeds in and for said Douglas County, Wisconsin.

12. Lots 1, 2 and 3, Block 511, Sweetser Division, Superior, Wisconsin.

13. Lot Ten (10) and Twenty-two (22) and Undivided 1/6 of Lots Sixteen (16) and Seventeen (17), Cummings Slip Addition to West Superior, Except Right-of-way (R/W), according to the recorded plat or plats thereof on file and of record in the Office of the Register of Deeds, in and for said Douglas County, Wisconsin.

14. That part of North 4th Street and Catlin Avenue in the City of Superior, Wisconsin, lying northeasterly of the right-of-way limits of the U.S. Highway 53.

15. All of First Street lying easterly of the east line of Baxter Avenue extended. Lamborn Avenue, between the north line of Second Street extended and the Government Harbor Line on Howard's Pocket;

16. An undivided 115/136 of Lots 14 and 15, Cummings Slip Addition to West Superior, Douglas County, Wisconsin.

17. An undivided one-half (1/2) interest in Lots Twenty (20) and Twenty-one (21), Subdivision of Lot One (1), CUMMINGS SLIP ADDITION TO WEST SUPERIOR:

AND,

Lots Twelve (12), Thirteen (13), and an undivided twenty-one one-hundred-thirty-sixths (21/136) interest in Lots Fourteen (14) and Fifteen (15), an undivided five-sixths (5/6) interest in Lots Sixteen (16) and Seventeen (17), and all of Lots Eighteen (18), Nineteen (19), Twenty-three (23) and Twenty-four (24), CUMMINGS SLIP ADDITION TO WEST SUPERIOR, EXCEPT right-of-way.

18. Lots 4, 5, 6 and 7, Block 159, all in West Superior, First Division, in the City of Superior, Douglas County, Wisconsin according to the plat thereof on file and of record in the office of the Register of Deeds in and for said Douglas County, Wisconsin.

19. Lots 3, 6, 7, 8, 11 and 12 in Block 510, Sweetser Division in the City of Superior, Douglas County, Wisconsin, according to the plat thereof on file and of record in the office of the Register of Deeds for said Douglas County.

20. Lot 10 in Block 510, Sweetser Division in the City of Superior, Douglas County, Wisconsin according to the plat thereof on file and of record in the office of the Register of Deeds for said Douglas County, Wisconsin.

21. Lot 1, 4, 5, 9, 13 and 14, Block 510 except part taken for Water Street and except right-of-way, Sweetser Division of West Superior, according to the recorded plat or plats thereof on file and of record in the Office of the Register of Deeds and for Douglas County, Wisconsin.

22. Lot 2 in Block 510, Sweetser Division in the City of Superior, Douglas County, Wisconsin, according to the plat thereof on file and of record in the office of the Register of Deeds for said Douglas County, Wisconsin.

23. Lot 2 to 9, inclusive, Lot 11, Cumming Slip Addition to West Superior, according to the recorded plat or plats thereof on file and of record in the office of the Register of Deeds in and for said Douglas County, Wisconsin.

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24. Lots 24 to 38 and Fr. Lots 39 to 43, all inclusive in Subdivision of Lot 1 Cumming Slip Addition, according to the recorded plat or plats thereof on file and of record in the office of the Register of Deeds in and for said Douglas County, Wisconsin.

25. An undivided one-half (1/2) interest in Lot 20, Subdivision of Lot One (1), Cummings Slip Addition to West Superior.

26. An undivided one-half (1/2) interest in Lot 21, Subdivision of Lot One (1), Cummings Slip Addition to West Superior.

27. That part of Lot A lying South of South line of North First Street produced except part taken for Second Street and that part of Lot A lying North of North line of North First Street produced; Lots 1 to 15, inclusive, and Lot 16, except part taken for Second Street, Block 479, West Superior 20<sup>th</sup> Division.

28. All that part of Lot numbered 15, in Block numbered 510, in the Townsite of West Superior, Sweetser Division, according to the plats of said Townsite recorded in the office of the Register of Deeds in and for said County, described as follows: Commencing at the Southerly corner of said Lot 15, where the Southwesterly side of said lot strikes 5<sup>th</sup> Street for a place of beginning; thence running Northwest, along its Southwesterly side, the whole length of said lot; thence Northeast along the Northwesterly end of said lot, 65 feet; thence Southeasterly at right angles to said Northwesterly end of said lot, and parallel to the Southwesterly side thereof to the Northwesterly side of 5<sup>th</sup> Street; thence Southwesterly along the Northwesterly side of 5<sup>th</sup> Street to the place of beginning.

29. All that part of Government Lots 1 and 2 in Section 11, Township 49 North, Range 14 West, Douglas County, Wisconsin, described as follows: Beginning at a point on the East line of Grand Avenue (formerly Lamborn Avenue), which point is also located on North right-of-way line of the Lake Superior Terminal & Transfer Railway Company as now established, and is 245 feet North of the center line of Third Street when measured along Easterly line of said Grand Avenue; thence East along said right-of-way line a distance of 290.54 feet to a point; thence Northeasterly at an angle to the left of 53°30' a distance of 687 feet more or less to a point on the U.S. Government harbor line as now established on the Southerly side of Howard's Pocket; thence is a Northwesterly direction along said harbor line to a point on the Easterly line of Grand Avenue; thence Southwesterly and South along said East line of Grand Avenue to the point of beginning.

30. All that part of Government Lot 2, Section 14, Township 49 North, Range 14 West, Douglas County, Wisconsin, described as follows: Beginning at the NW corner of said Lot 2, which point is also the N1/4 corner of said Section 14; thence Easterly along said North line of Government Lot 2 a distance of 236 feet more or less, to the U.S. Government harbor line as now established on the Southerly side of Howard's Pocket; thence Southwesterly at an angle to the right of 48°23' along South line of Howard's Slip a distance of 333 feet to a point; thence Southwesterly at an angle to the right of 61°3' a

distance of 212 feet more or less to a point on the North right-of-way line of the Lake Superior Terminal & Transfer Railway Company as now established; thence Northwesterly along said right-of-way line as now established to a point on the Westerly line of Government Lot 2; thence North along said Westerly line of Government Lot 2 to the point of beginning.

31. All that part of Government Lot 2 in Section 11, Township 49 North, Range 14 West, in Douglas County, Wisconsin, described as follows: Commencing at a point on the East line of Grand Avenue (formerly Lamborn Avenue), which point is also located on the North line of the right-of-way of the Lake Superior Terminal & Transfer Railway Company as now established, and is 245 feet North of the center line of Third Street when measured along the East line of Grand Avenue; thence Easterly along Northerly line of the right-of-way of the Lake Superior Terminal & Transfer Railway Company a distance of 290.54 feet to a point, which is the point of beginning of the parcel of land herein to be described; thence at an angle to the left of  $53^{\circ}30'$  a distance of 687 feet more or less to a point on the U.S. Government harbor line as now established on the Southerly side of Howard's Pocket; thence in a Southeasterly direction along said harbor line to a point on the Northerly line of Government Lot 2 of Section 14 of said Township 49 North, Range 14 West; thence Westerly along said Northerly line of Section 14 to a point on the Northerly line of the right-of-way of the Lake Superior Terminal & Transfer Railway Company as now established; thence Northwesterly and Westerly along said Northerly right-of-way line to the point of beginning.

32. Lot A in the Eleventh Division and Lot D in the Fifteenth Division of the Townsite of West Superior, according to the respective plats thereof on file and of record in the office of Register of Deeds in and for said County of Douglas, Wisconsin.

33. Together with all rights to and under that certain Department of Army Permit with an effective date of January 10, 1977 and an expiration date of January 3, 1980, a copy of which permit is attached to this deed.

Together with all riparian, littoral, terminal and wharfage rights, reversionary rights, and rights of re-entry, if any, of the grantor, upon the lands and waters adjoining any of the premises hereby conveyed, and all other rights, title and interest, if any, in and to such adjoining lands, including the right or use of occupancy which the grantor may now have in and to any lands occupied by streets, alleys or other public places adjoining its premises above described, or any such vacated streets, alleys or public places.

**781183**

Grantor: Fraser Shipyards, Inc., Fraser-Nelson Shipbuilding and Dry Dock Co.,  
Inc., and Troy Johnson, Inc.

Grantee: FSY R/E Group, LLC

**QUIT CLAIM DEED**

**EXHIBIT B**

**PARCEL IDENTIFICATION NUMBER**

1. 03-803-00927-00
2. 03-803-01014-00
3. 03-803-01018-00
4. 03-803-01088-00
5. 03-803-01090-00
6. 03-803-01093-00
7. 03-803-01113-00
8. 03-803-01121-00
9. 03-803-01123-00
10. 03-803-01124-00
11. 03-803-01125-00
12. 03-803-01126-00
13. 03-803-01128-00
14. 03-803-01132-00
15. 03-803-01133-00
16. 03-803-01135-00
17. 03-803-01136-00
18. 03-803-01137-00
19. 03-803-01138-00
20. 03-803-01139-00
21. 03-803-01141-00
22. 03-803-01142-00
23. 03-803-01143-00
24. 03-803-01144-00
25. 03-803-01399-00
26. 03-803-01468-00
27. 03-803-01483-00
28. 03-803-02125-00
29. 03-803-02126-00
30. 03-803-02127-00
31. 04-804-00918-00

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Application No. LS-197A  
Name of Applicant Fraser Shipyards, Inc.  
Effective Date 10 January 1977  
Expiration Date (if applicable) 3 January 1980

DEPARTMENT OF THE ARMY  
PERMIT

Referring to written request dated 24 July 1975 for a permit to:  
(x) Perform work in or affecting navigable waters of the United States, upon the recommendation of the Chief of Engineers, pursuant to Section 10 of the Rivers and Harbors Act of March 3, 1899 (33 U.S.C. 403);

(y) Discharge dredged or fill material into navigable waters upon the issuance of a permit from the Secretary of the Army acting through the Chief of Engineers pursuant to Section 404 of the Federal Water Pollution Control Act (88 Stat. 816, P.L. 92-500),

(z) Transport dredged material for the purpose of dumping it into ocean waters upon the issuance of a permit from the Secretary of the Army acting through the Chief of Engineers pursuant to Section 103 of the Marine Protection, Research and Sanctuaries Act of 1972 (86 Stat. 1052; P.L. 92-632);

Fraser Shipyards, Inc.  
Third Street and Clough Avenue  
Superior, Wisconsin 54080

(Here insert the full name and address of the permittee.)

is hereby authorized by the Secretary of the Army:

to excavate 57,000 cubic yards of material to facilitate the construction of dry dock "A" and dry dock "B". Dry dock "A" will be 1209 feet x 140 feet x 22 feet deep. Approximately 37,000 cubic yards of material will be used as fill behind the bulkhead and the remaining 20,000 cubic yards will be disposed of at the "Itasca Disposal Site."

(Here describe the proposed structure or activity, and its intended use. In the case of an application for a fill permit, describe the structures, if any, proposed to be erected on the fill. In the case of an application for the discharge of dredged or fill material into navigable waters or the transportation for discharge in ocean waters of dredged material, describe the type and quantity of material to be discharged.)

at Howards Bay of Lake Superior

(Here to be named the ocean, river, harbor, or water concerned.)

at a site in secs. 11 and 14, T. 49 N., R. 14 W., of Douglas County at Superior, Wisconsin

(Here to be named the nearest well-known locality—preferably a town or city—and the distance in miles and tenths from some definite point in the same, stating whether above or below or giving direction by points of compass.)

in accordance with the plans and drawings attached hereto which are incorporated in and made a part of this permit (on drawings: give file number or other definite identification marks):  
entitled "Proposed Dry Docks" dated 6 June 1975,  
revised 29 October 1975

subject to the following conditions:

1. General Conditions:

a. That all activities identified and authorized herein shall be consistent with the terms and conditions of this permit; and that any activities not specifically identified and authorized herein shall constitute a violation of the terms and conditions of this permit which may result in the modification, suspension or revocation of this permit, in whole or in part, as set forth more specifically in General Conditions j or k hereof, and in the institution of such legal proceedings as the United States Government may consider appropriate, whether or not this permit has been previously modified, suspended or revoked in whole or in part.

ENC FORM 1 APR 74 1721

EDITION OF JUNE 1968 IS OBSOLETE.

(ER 1145-2-303)

b. That all activities authorized herein shall, if they involve a discharge or deposit into navigable waters or ocean waters, be at all times consistent with applicable water quality standards, effluent limitations and standards of performance, prohibitions, and pretreatment standards established pursuant to Sections 301, 302, 306 and 307 of the Federal Water Pollution Control Act of 1972 (P.L. 92-500; 86 Stat. 816), or pursuant to applicable State and local law.

c. That when the activity authorized herein involves a discharge or deposit of dredged or fill material into navigable waters, the authorized activity shall, if applicable water quality standards are revised or modified during the term of this permit, be modified, if necessary, to conform with such revised or modified water quality standards within 6 months of the effective date of any revision or modification of water quality standards, or as directed by an implementation plan contained in such revised or modified standards, or within such longer period of time as the District Engineer, in consultation with the Regional Administrator of the Environmental Protection Agency, may determine to be reasonable under the circumstances.

d. That the permittee agrees to make every reasonable effort to prosecute the work authorized herein in a manner so as to minimize any adverse impact of the work on fish, wildlife and natural environmental values.

e. That the permittee agrees to prosecute the work authorized herein in a manner so as to minimize any degradation of water quality.

f. That the permittee shall permit the District Engineer or his authorized representative(s) or designee(s) to make periodic inspections at any time deemed necessary in order to assure that the activity being performed under authority of this permit is in accordance with the terms and conditions prescribed herein.

g. That the permittee shall maintain the structure or work authorized herein in good condition and in accordance with the plans and drawings attached hereto.

h. That this permit does not convey any property rights, either in real estate or material, or any exclusive privileges; and that it does not authorize any injury to property or invasion of rights or any infringement of Federal, State, or local laws or regulations, nor does it obviate the requirement to obtain State or local assent required by law for the activity authorized herein.

i. That this permit does not authorize the interference with any existing or proposed Federal project and that the permittee shall not be entitled to compensation for damage or injury to the structures or work authorized herein which may be caused by or result from existing or future operations undertaken by the United States in the public interest.

j. That this permit may be summarily suspended, in whole or in part, upon a finding by the District Engineer that immediate suspension of the activity authorized herein would be in the general public interest. Such suspension shall be effective upon receipt by the permittee of a written notice thereof which shall indicate (1) the extent of the suspension, (2) the reasons for this action, and (3) any corrective or preventative measures to be taken by the permittee which are deemed necessary by the District Engineer to abate imminent hazards to the general public interest. The permittee shall take immediate action to comply with the provisions of this notice. Within ten days following receipt of this notice of suspension, the permittee may request a hearing in order to present information relevant to a decision as to whether his permit should be reinstated, modified or revoked. If a hearing is requested, it shall be conducted pursuant to procedures prescribed by the Chief of Engineers. After completion of the hearing, or within a reasonable time after issuance of the suspension notice to the permittee if no hearing is requested, the permit will either be reinstated, modified or revoked.

k. That this permit may be either modified, suspended or revoked in whole or in part if the Secretary of the Army or his authorized representative determines that there has been a violation of any of the terms or conditions of this permit or that such action would otherwise be in the public interest. Any such modification, suspension, or revocation shall become effective 30 days after receipt by the permittee of written notice of such action which shall specify the facts or conduct warranting same unless (1) within the 30-day period the permittee is able to satisfactorily demonstrate that (a) the alleged violation of the terms and the conditions of this permit did not, in fact, occur or (b) the alleged violation was accidental, and the permittee has been operating in compliance with the terms and conditions of the permit and is able to provide satisfactory assurance that future operations shall be in full compliance with the terms and conditions of this permit; or (2) within the aforesaid 30-day period, the permittee requests that a public hearing be held to present oral and written evidence concerning the proposed modification, suspension or revocation. The conduct of this hearing and the procedures for making a final decision either to modify, suspend or revoke this permit in whole or in part shall be pursuant to procedures prescribed by the Chief of Engineers.

l. That in issuing this permit, the Government has relied on the information and data which the permittee has provided in connection with his permit application. If, subsequent to the issuance of this permit, such information and data prove to be false, incomplete or inaccurate, this permit may be modified, suspended or revoked, in whole or in part, and/or the Government may, in addition, institute appropriate legal proceedings.

m. That any modification, suspension, or revocation of this permit shall not be the basis for any claim for damages against the United



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That the permittee shall notify the District Engineer at what time the activity authorized herein will be commenced, as far in advance of the time of commencement as the District Engineer may specify, and of any suspension of work, if for a period of more than one week, resumption of work and its completion.

o. That if the activity authorized herein is not started on or before \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_ (one year from the date of issuance of this permit unless otherwise specified) and is not completed on or before \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_ (three years from the date of issuance of this permit unless otherwise specified) this permit, if not previously revoked or specifically extended, shall automatically expire.

p. That no attempt shall be made by the permittee to prevent the full and free use by the public of all navigable waters at or adjacent to the activity authorized by this permit.

q. That if the display of lights and signals on any structure or work authorized herein is not otherwise provided for by law, such lights and signals as may be prescribed by the United States Coast Guard shall be installed and maintained by and at the expense of the permittee.

r. That this permit does not authorize or approve the construction of particular structures, the authorization or approval of which may require authorization by the Congress or other agencies of the Federal Government.

s. That if and when the permittee desires to abandon the activity authorized herein, unless such abandonment is part of a transfer procedure by which the permittee is transferring his interests herein to a third party pursuant to General Condition v hereof, he must restore the area to a condition satisfactory to the District Engineer.

t. That if the recording of this permit is possible under applicable State or local law, the permittee shall take such action as may be necessary to record this permit with the Register of Deeds or other appropriate official charged with the responsibility for maintaining records of title to and interests in real property.

u. That there shall be no unreasonable interference with navigation by the existence or use of the activity authorized herein.

v. That this permit may not be transferred to a third party without prior written notice to the District Engineer, either by the transferee's written agreement to comply with all terms and condition of this permit or by the transferee subscribing to this permit in the space provided below and thereby agreeing to comply with all terms and conditions of this permit. In addition, if the permittee transfers the interests authorized herein by conveyance of realty, the deed shall reference this permit and the terms and conditions specified herein and this permit shall be recorded along with the deed with the Register of Deeds or other appropriate official.

The following Special Conditions will be applicable when appropriate:

**STRUCTURES FOR SMALL BOATS:** That permittee hereby recognizes the possibility that the structure permitted herein may be subject to damage by wave wash from passing vessels. The issuance of this permit does not relieve the permittee from taking all proper steps to insure the integrity of the structure permitted herein and the safety of boats moored thereto from damage by wave wash and the permittee shall not hold the United States liable for any such damage.

**DISCHARGE OF DREDGED MATERIAL INTO OCEAN WATERS:** That the permittee shall place a copy of this permit in a conspicuous place in the vessel to be used for the transportation and/or dumping of the dredged material as authorized herein.

**ERECTION OF STRUCTURE IN OR OVER NAVIGABLE WATERS:** That the permittee, upon receipt of a notice of revocation of this permit or upon its expiration before completion of the authorized structure or work, shall, without expense to the United States and in such time and manner as the Secretary of the Army or his authorized representative may direct, restore the waterway to its former conditions. If the permittee fails to comply with the direction of the Secretary of the Army or his authorized representative, the Secretary or his designee may restore the waterway to its former condition, by contract or otherwise, and recover the cost thereof from the permittee.

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MAINTENANCE DREDGING: (1) That when the work authorized herein includes periodic maintenance dredging, it may be performed under this permit for 3 years from the date of issuance of this permit (ten years unless otherwise indicated); and (2) That the permittee will advise the District Engineer in writing at least two weeks before he intends to undertake any maintenance dredging.

II. Special Conditions (Here list conditions relating specifically to the proposed structure or work authorized by this permit):

a. Establish and carry out a program for immediate removal of debris during construction in order to prevent the accumulation of unsightly, deleterious and/or potentially polluted materials in the waterway.

b. Excavate, dredge, or fill in the watercourse so as to minimize increases in suspended solids and turbidity which may degrade water quality and damage aquatic life outside the immediate area of operation.

c. Investigate for water supply intakes or other activities which may be affected by suspended solids and turbidity increases caused by work in the watercourse and give sufficient notice to the owners of affected activities to allow preparation for any changes in water quality.

d. Complete construction of the bulkhead prior to the placement of fill material behind the bulkhead.

e. Assure that deposition of dredged or excavated materials on shore, and all earthwork operations on shore will be carried out in such a way that sediment runoff and soil erosion to the watercourse are controlled and minimized. Spoil materials from watercourse or onshore operations, including sludge deposits, will not be dumped into the watercourse. Areas for deposit of dredged materials will be provided with temporary dikes or bulkheads for separation and retention of settleable solids.

This permit shall become effective on the date of the District Engineer's signature.

Permittee hereby accepts and agrees to comply with the terms and conditions of this permit.

*Robert White*

Jan 24, 1977

PERMITTEE  
FRASER SHIPYARDS, INC.

DATE

BY AUTHORITY OF THE SECRETARY OF THE ARMY:

*Peter A. Fischer*

30 January 1977

PETER A. FISCHER  
Asst Chief, Engineer Division  
DISTRICT ENGINEER,  
U.S. ARMY, CORPS OF ENGINEERS

DATE

Transferee hereby agrees to comply with the terms and conditions of this permit.

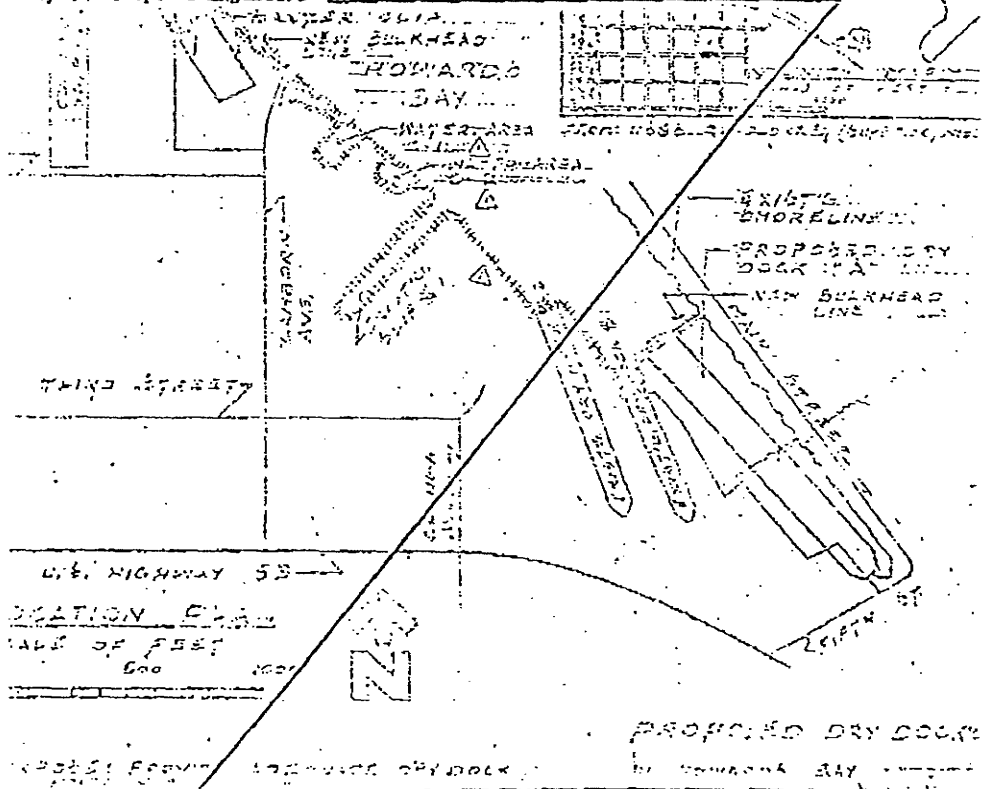
TRANSFEEE

DATE

f. Assure that upon completion of earthwork operations, all fills in the water or on shore, and other areas on shore disturbed during construction will be seeded, riprapped or given some other type of protection from subsequent soil erosion.

g. Employ measures to prevent or control spilled fuels or lubricants from entering the waters of the United States and formulate a contingency plan to be effective in the event of a spill.

h. Initiate a program for the future disposal of dredged materials which may accumulate in the docking area according to the regulations established by the Corps of Engineers



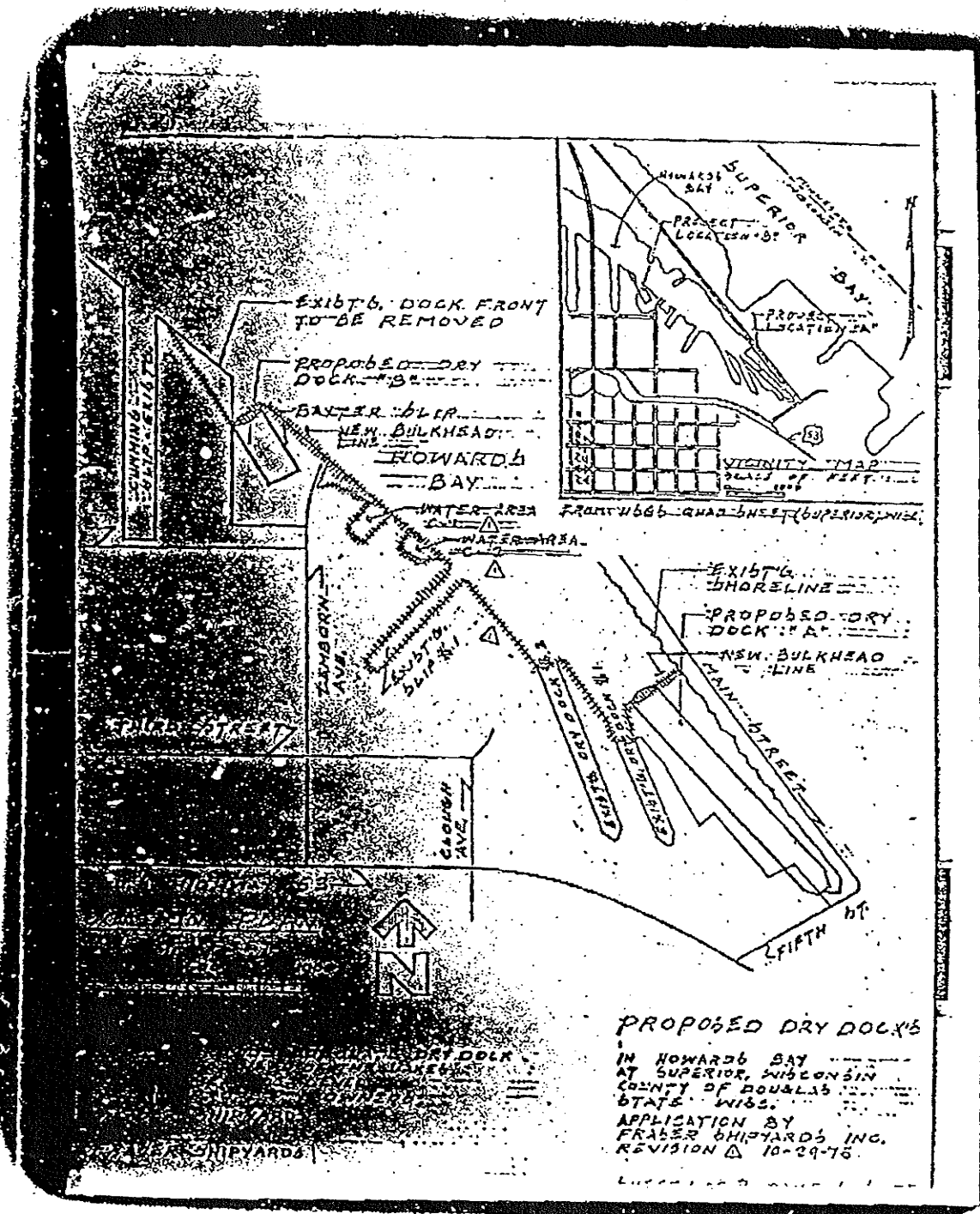
LOCATION PLAN  
SCALE OF FEET  
500 1000

PROPOSED DRY DOCK

PROPOSED PROPERTY DOCK  
MAYST AREA  
HOWARD'S BAY  
NEW BULKHEAD LINE  
EXISTING SHORELINE

APPLICATION BY  
FRANCIS HOWARD, INC.  
REVISION IN 12-29-75

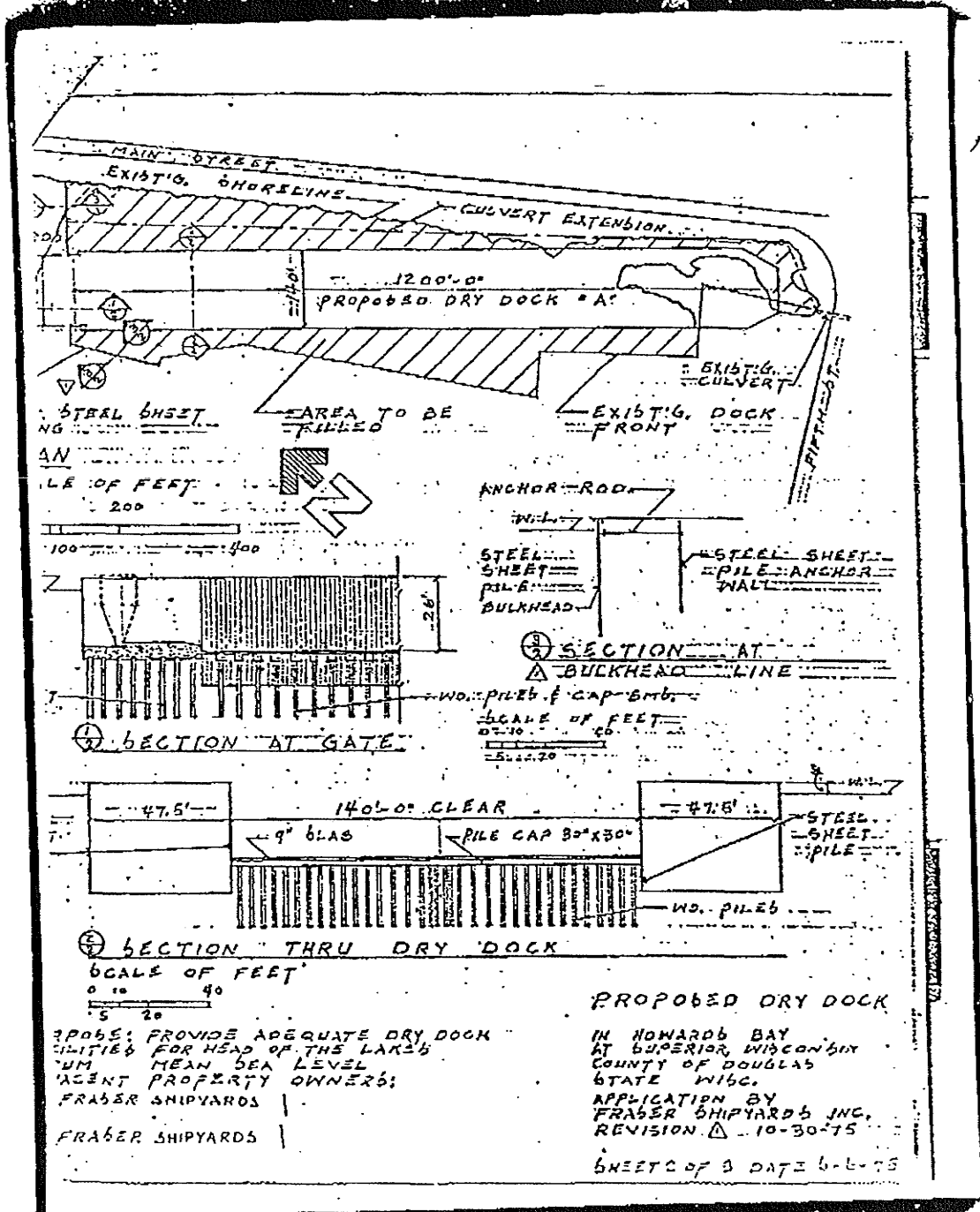
781183



PROPOSED DRY DOCK'S  
 IN HOWARD BAY  
 AT SUPERIOR, WISCONSIN  
 COUNTY OF DOUGLAS  
 STATE WIS.  
 APPLICATION BY  
 FRABER SHIPYARDS, INC.  
 REVISION Δ 10-29-76

100  
 50  
 AN  
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781183



X1/2  
0" = 1"

2"

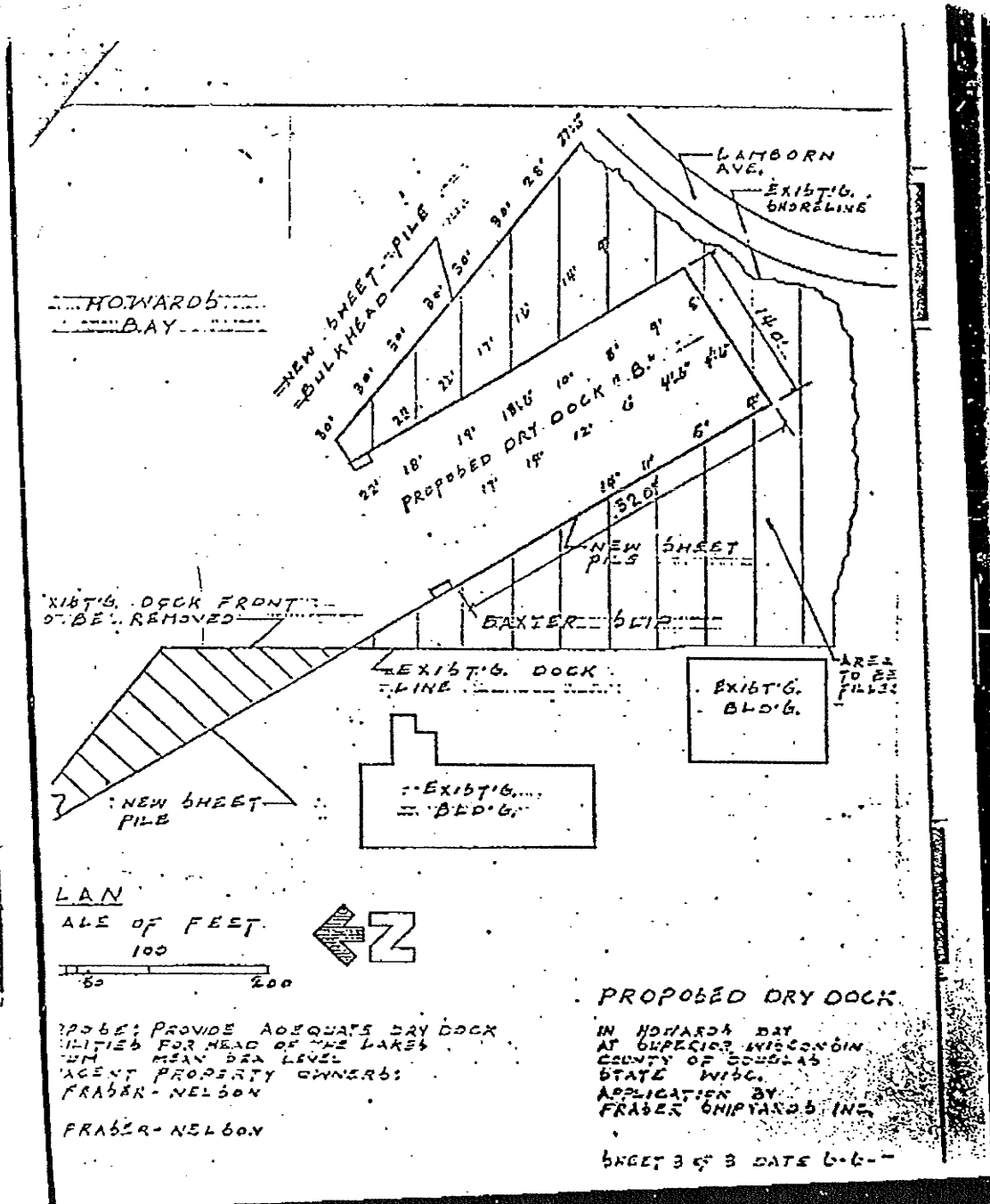
L.F.  
A.L.

H.

P.L.  
M.  
A.C.  
F.S.

01

781183



HOWARD'S BAY

LAMBORN AVE. EXISTING SHORELINE

NEW SHEET PILE BULKHEAD  
 30' 30' 30' 30' 30' 30' 30' 28' 21.5'  
 22' 18' 19' 18.5' 10' 8' 9' 5'  
 PROPOSED DRY DOCK 180' x 140'  
 17' 15' 12' 6' 4.5' 4.5' 4'

EXISTING DOCK FRONT TO BE REMOVED

BAXTER BLVD.

NEW SHEET PILE

EXISTING DOCK LINE

EXISTING BLDG.

AREA TO BE FILLED

NEW SHEET PILE

EXISTING BLDG.

SCALE OF FEET  
100  
50 200



PROPOSED DRY DOCK

NOTE: PROVIDE ADEQUATE DRY DOCK  
 UTILITIES FOR HEAD OF THE LAKE  
 FROM MEAN SEA LEVEL  
 AGENT PROPERTY OWNERS:  
 FRASER-NELSON

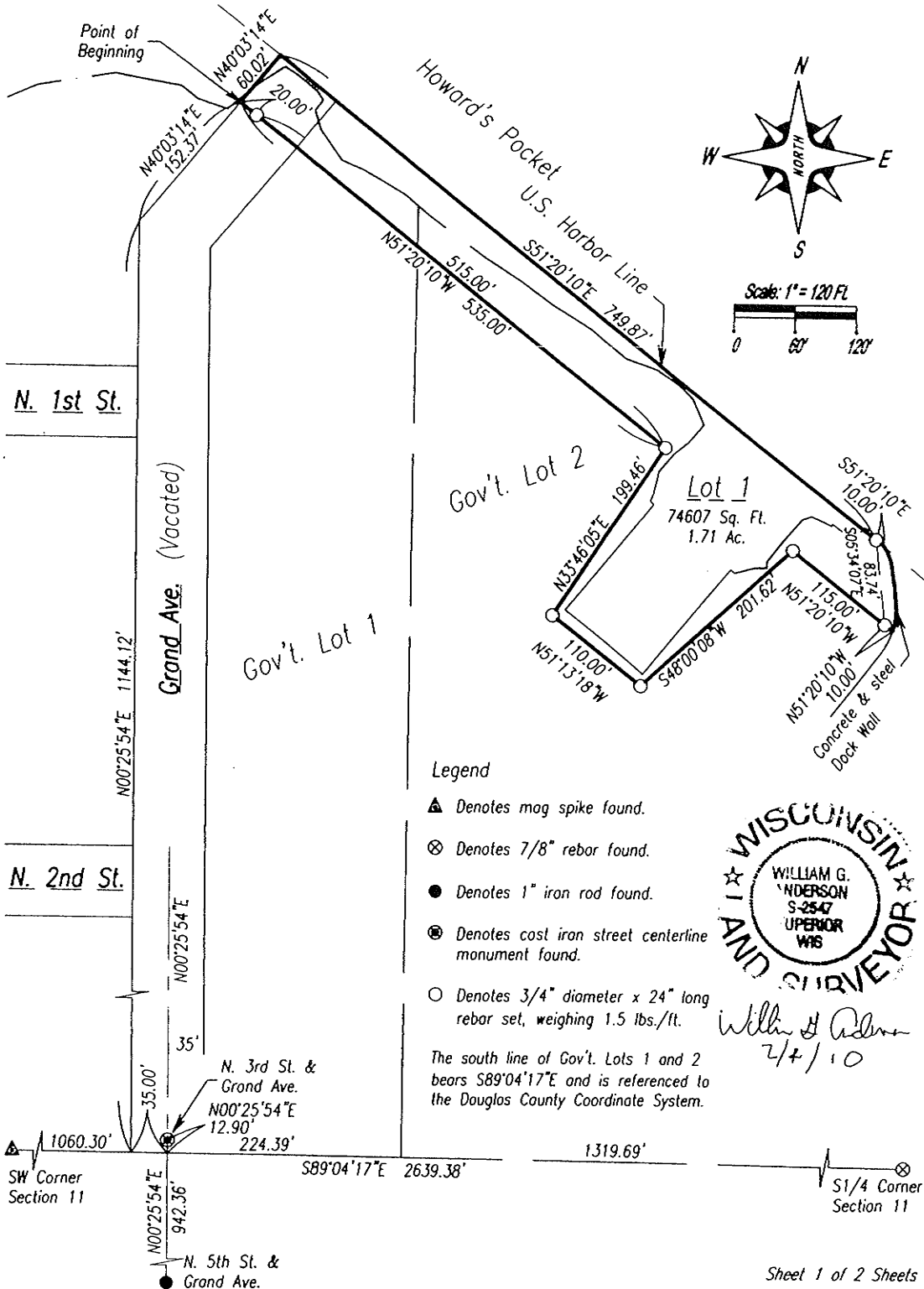
IN HOWARD'S BAY  
 AT SUPERIOR WISCONSIN  
 COUNTY OF COCLAS  
 STATE WISC.  
 APPLICATION BY  
 FRASER SHIPYARD INC.

SHEET 3 OF 3 DATE 6-6-

This document is in very poor condition and the Register of Deeds office cannot be held responsible for it's appearance with the scanning or duplication process.

# Certified Survey Map No. 1111

Located in part of Government Lots 1 and 2  
 Section 11, Township 49 North, Range 14 West  
 City of Superior, Douglas County, Wisconsin





Camerlone Surveying and Mapping, Inc.  
6837 South Woodland Trail  
Lake Nebagamon, WI 54849  
715-374-2331

# 832915 Certified Survey Map No. 1111

## Surveyor's Certificate

I, William G. Anderson, Registered Land Surveyor, hereby certify that:

I have surveyed, divided and mapped that part of Government Lots 1 and 2, Section 11, Township 49 North, Range 14 West, City of Superior, Douglas County, Wisconsin, described as follows:

Commencing at the Southwest Corner of said Section 11; thence South 89 degrees 04 minutes 17 seconds East (Douglas County Coordinate System Grid Bearings), along the south line of said Government Lot 1, a distance of 1060.30 feet to the intersection with the west line of Grand Avenue; thence North 00 degrees 25 minutes 54 seconds East, along said west line, a distance of 1144.12 feet; thence North 40 degrees 03 minutes 14 seconds East, along said west line, a distance of 152.37 feet to the Point of Beginning; thence continuing North 40 degrees 03 minutes 14 seconds East, along said west line, a distance of 60.02 feet to the U. S. Harbor Line; thence South 51 degrees 20 minutes 10 seconds East, along said Harbor Line, a distance of 749.87 feet to a meander line of an existing concrete and steel dock wall; thence South 5 degrees 34 minutes 07 seconds East, along said meander line, a distance of 83.74 feet; thence North 51 degrees 20 minutes 10 seconds West a distance of 115.00 feet; thence South 48 degrees 00 minutes 08 seconds West a distance of 201.62 feet; thence North 51 degrees 13 minutes 18 seconds West a distance of 110.00 feet; thence North 33 degrees 46 minutes 05 seconds East a distance of 199.46 feet; thence North 51 degrees 20 minutes 10 seconds West a distance of 535.00 feet to the Point of Beginning.

The above described property is to include the land between the meander line and the concrete and steel dock wall.

Subject to and together with all valid easements, restrictions and reservations, if any.

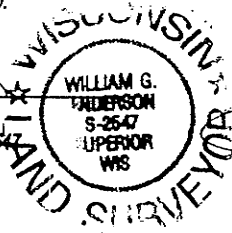
I have surveyed, divided and mapped the land described under the direction of the FSY R/E Group, LLC and Fraser Shipyards, Inc., owners.

This map is a correct representation of all exterior boundaries of the land surveyed and the division of that land.

I have fully complied with Chapter 236.34 of the Wisconsin Statutes and the subdivision ordinance of the City of Superior in surveying, dividing and mapping this land.

Dated this 4th day of February, 2010.

*William G. Anderson*  
William G. Anderson  
Registered Land Surveyor, No. S-2547



Approved by Fraser Shipyards, Inc.

this 22<sup>nd</sup> day of February, 2010.

*Jim Korthals*  
Approved by FSY R/E Group, LLC

this 22<sup>nd</sup> day of February, 2010.

*[Signature]*

Approved by the City of Superior Plan Commission

this 17<sup>th</sup> day of February, 2010.

*Jason Serck*  
Jason Serck, Director  
City of Superior, Wisconsin  
Planning and Development

Office of the Register of Deeds  
Douglas County, Wisconsin  
Received for Record March 3, 2010  
at 9:25 o'clock AM  
as Document # 832915  
C.S.M. Volume 8, Pages 116-117

*Debra A. Prigge*  
Debra A. Prigge  
Deputy Register of Deeds

Volume 8 Pages 117

August 19, 2015

Mr. Christopher A. Saari  
Hydrogeologist  
Remediation and Redevelopment Program  
Wisconsin Dept. of Natural Resources  
Ashland Service Center  
2501 Golf Course Road  
Ashland, WI 54806

**RE: Statement of Legal Description Accuracy  
Fraser Shipyard AOC #5, Superior, WI 54880  
BRRTs No. 02-16-120590**

Dear Mr. Saari:

I confirm that the attached legal description accurately describes the correct contaminated property.



---

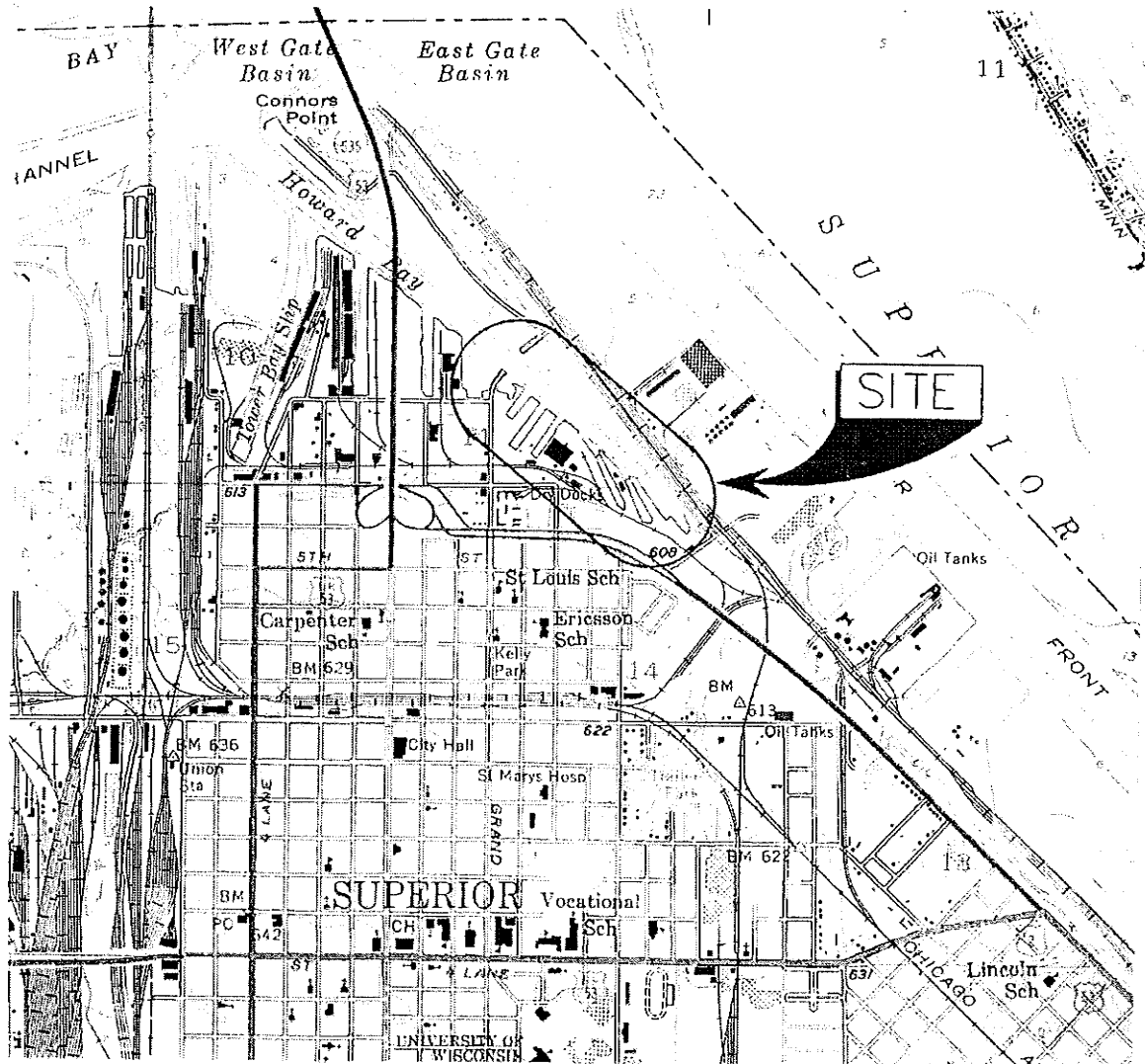
Tom Curelli  
Fraser Shipyards

Cc: John McCarthy, Environmental Troubleshooters, Inc.

REPRODUCED FROM  
**USGS SUPERIOR QUADRANGLE**  
 WISCONSIN - DOUGLAS CO. 7.5 MINUTE SERIES  
 1954- PHOTOREVISED 1983



SCALE IN FEET  
 0 500 1000 2000



F:\WASTE\DWG2\WASTE\FRAS9401\REPORT\FUT2

1	01/06/97		JLE	01/97	CM	01/97			
NO.	DATE	ISSUE/REVISIONS	DRAWN BY	DESIGN	FIELD REVIEW	QC CHECK			



FRASER SHIPYARDS, INC.

FIGURE 1  
 SITE LOCATION




PROJ. NO.  
 FRAS9401  
 DATE  
 01/06/97

1  
 6



Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AEX, Getmapping, Aerogrid, IGN, IGP, swisstopo, and the GIS User Community

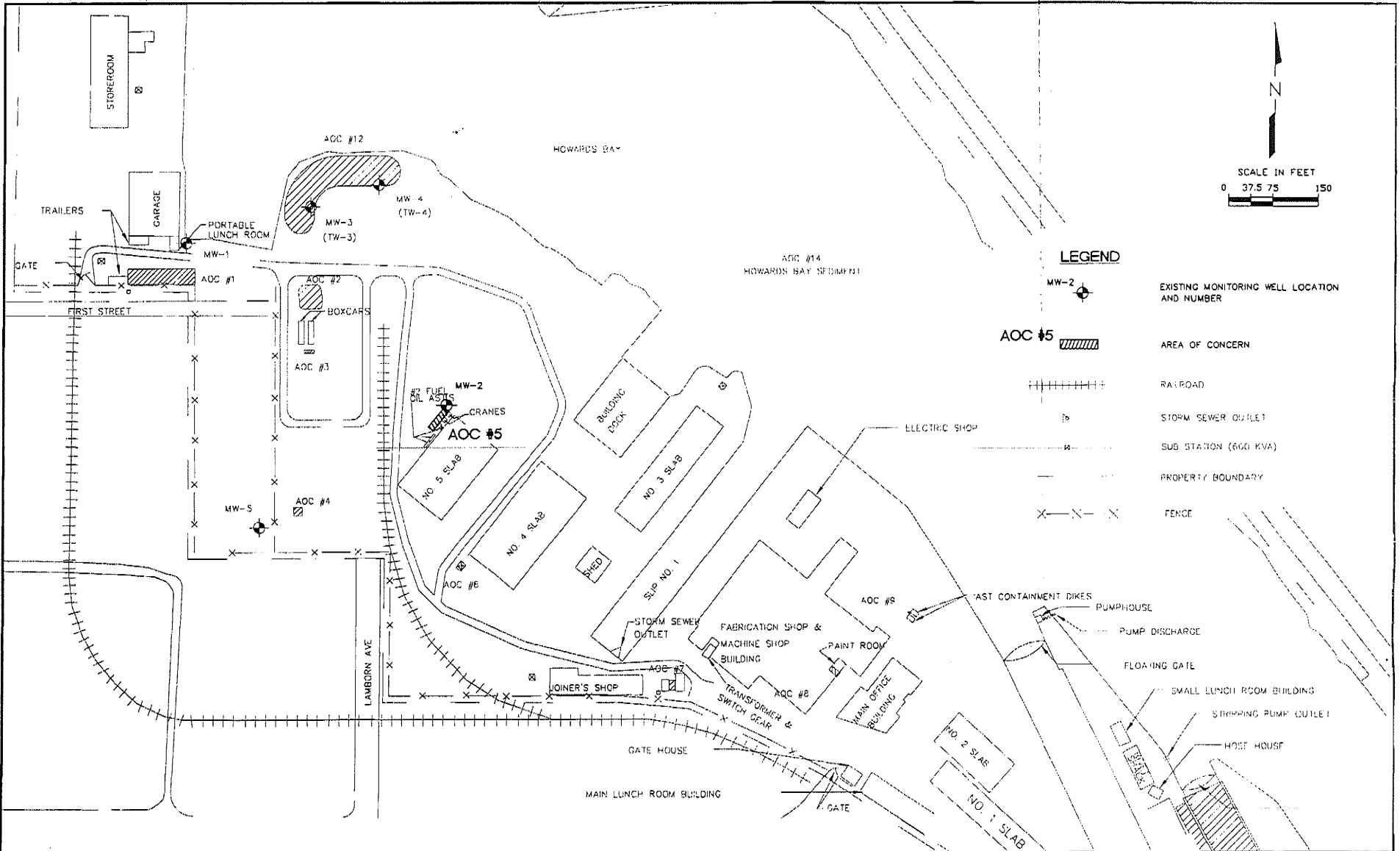
**Legend**

-  Approximate Property Line
-  AOC
-  Railroads



<b>FIGURE 2</b>	
Property Site Map	
<b>RJS Fraser Shipyard Superior, Wisconsin</b>	
PROJECT #: 14-1004	
DATE: 01/14/2016	CGIS
FILE NAME: //GIS/2014 Projects/14-1004 /Projects/Figure2	





E:\WASTE\FRAS9401\PLAN\PIEB

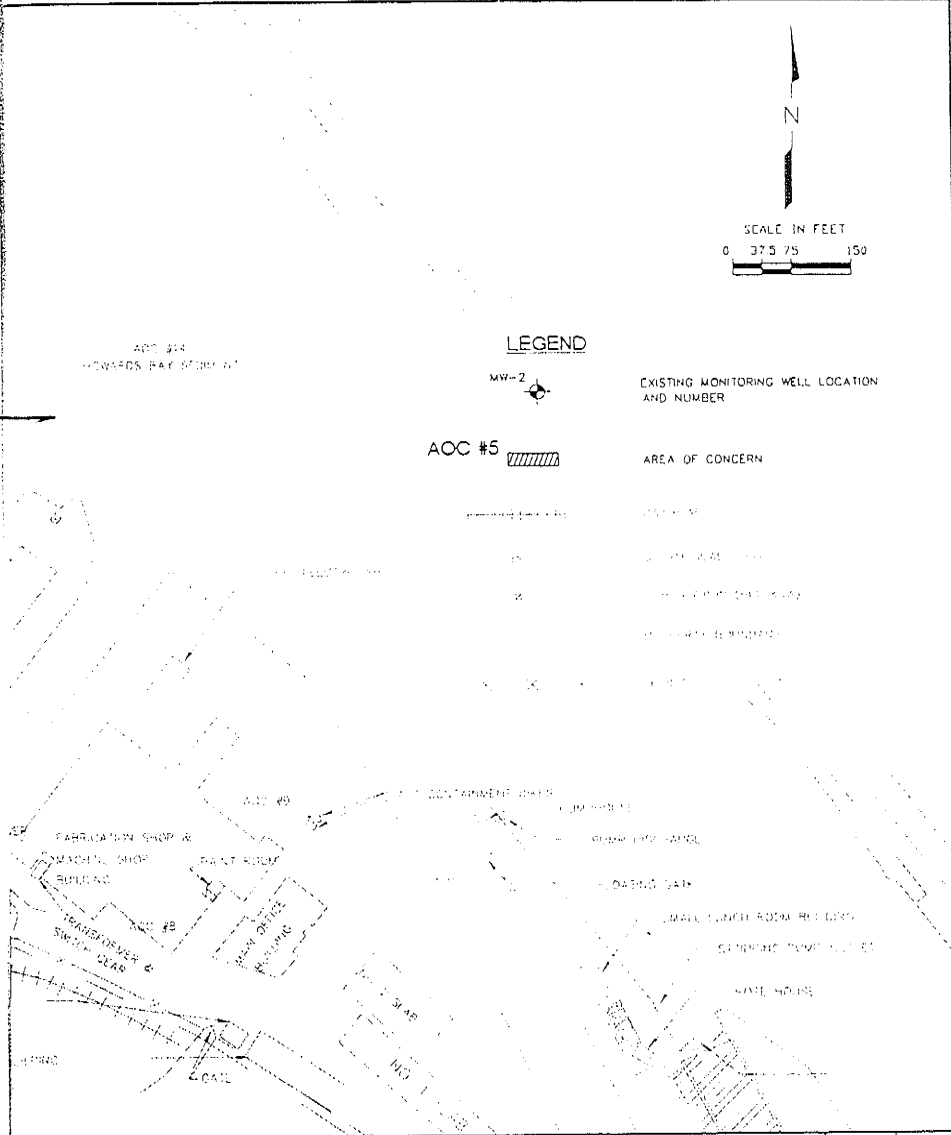
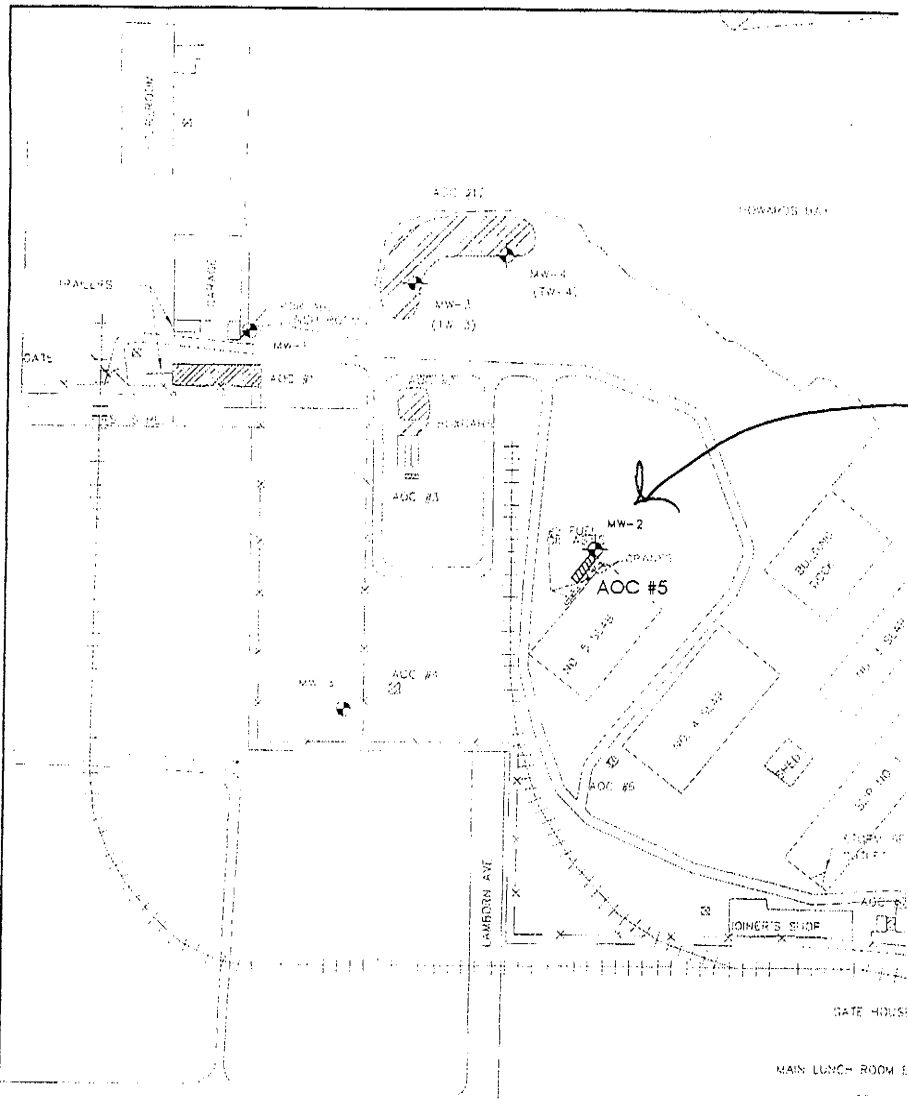
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NO.	DATE	ISSUE/REVISIONS	DRAWN BY	DESIGN	FIELD REVIEW	QC CHECK				



**FRASER SHIPYARDS, INC.**  
**CLOSURE REQUEST**  
**AOC #5**

**FIGURE 2**  
**SITE PLAN-**  
**EXISTING CONDITIONS**

PROJ. NO. FRAS9401	<b>2</b>
DATE 06/07/00	
	<b>4</b>



**LEGEND**

MW-2 EXISTING MONITORING WELL LOCATION AND NUMBER

AOC #5 AREA OF CONCERN

PROPERTY BOUNDARY

ROAD

FENCE

CONTAMINATED AREA

DRAINAGE DITCH

WATER BODY

UNDEVELOPED AREA

F:\WASTE\FRASER401\PLAN\FIEZ

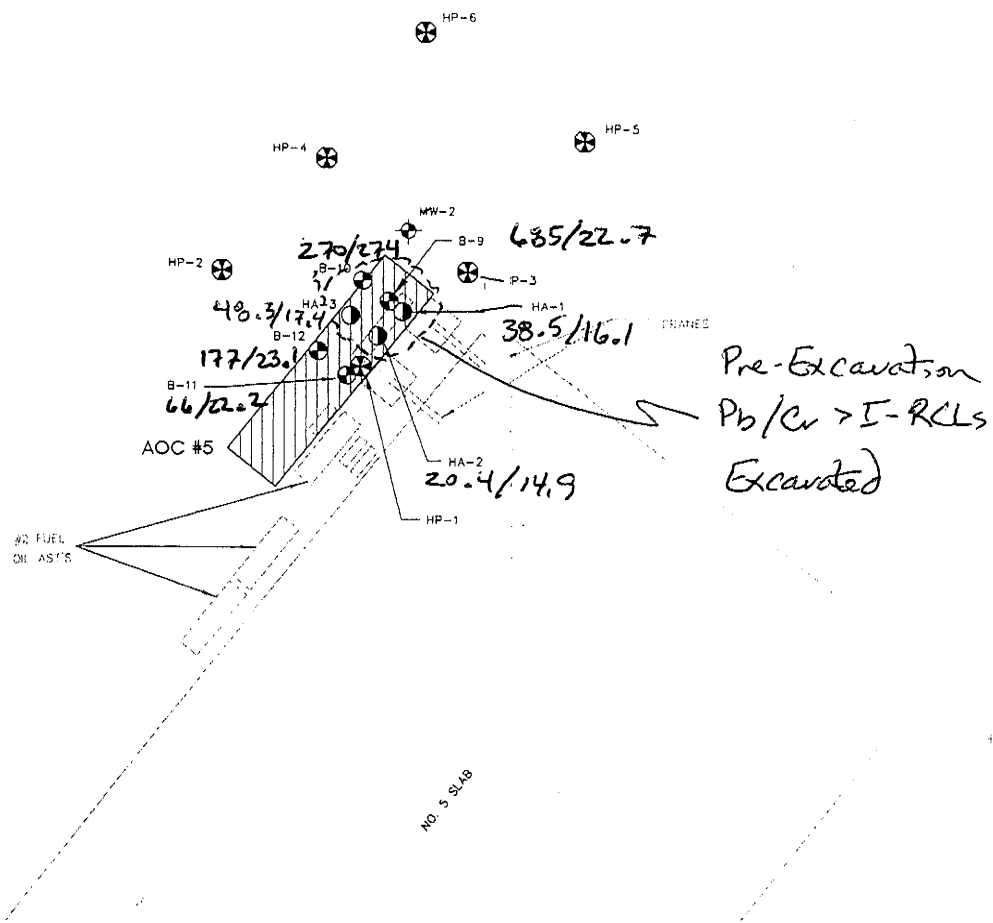
1	11/07/97		J.E.	11/97	EC	11/97					
NO.	DATE	ISSUE/REVISIONS	DRAWN BY	DESIGN	FIELD REVIEW	QC CHECK					



FRASER SHIPYARDS, INC.  
AOC #5

FIGURE 2  
SITE PLAN

PROJ. NO. FRASER401	<b>2</b>
DATE 11/07/97	
<b>4</b>	



- LEGEND**
- MW-2 EXISTING MONITORING WELL LOCATION AND NUMBER
  - B-12 SOIL BORING LOCATION AND NUMBER
  - HP-1 HYDRAULIC PROBE GROUNDWATER SAMPLE LOCATION
  - HA-1 HAND AUGER LOCATION
  - AOC #5**  
 AREA OF CONCERN
  - FENCE
  - EXISTING MONITORING WELL
  - FUEL OIL AST'S
  - FUEL OIL AST'S
  - FENCE

F:\WASTE\FRASS\01\PLAN\FI01

1	08/27/97	JAE	08/97	JEC	08/97				
NO.	DATE	ISSUE/REVISIONS	DRAWN BY	DESIGN	FIELD REVIEW	QC CHECK			

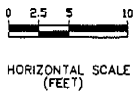
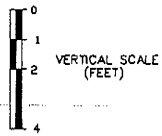
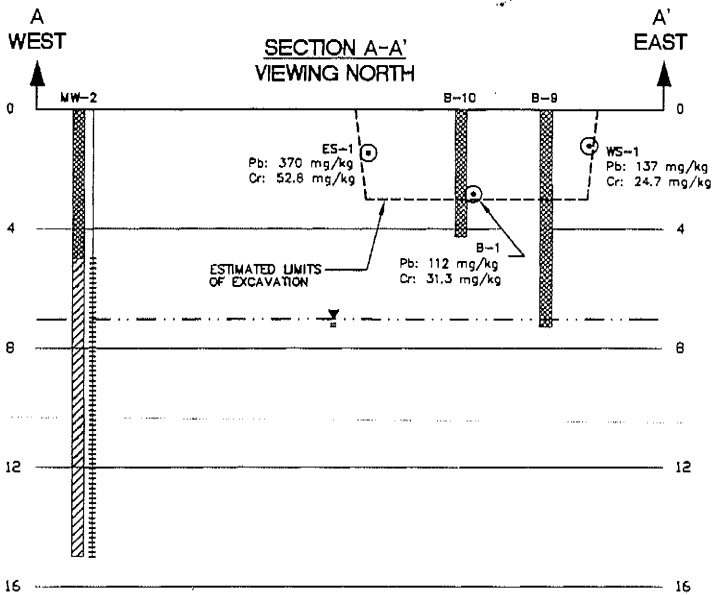


FRASER SHIPYARDS, INC.  
AOC #5

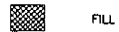
FIGURE 3  
HYDRAULIC PROBE  
SAMPLING LOCATION

PROJ. NO. FRAS2401	<b>3</b>
DATE 08/27/97	
<b>4</b>	

685/22.7 Pb/Cr. in soil mg/kg



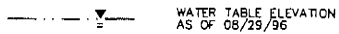
**LEGEND**



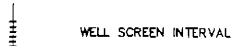
FILL



CLAY



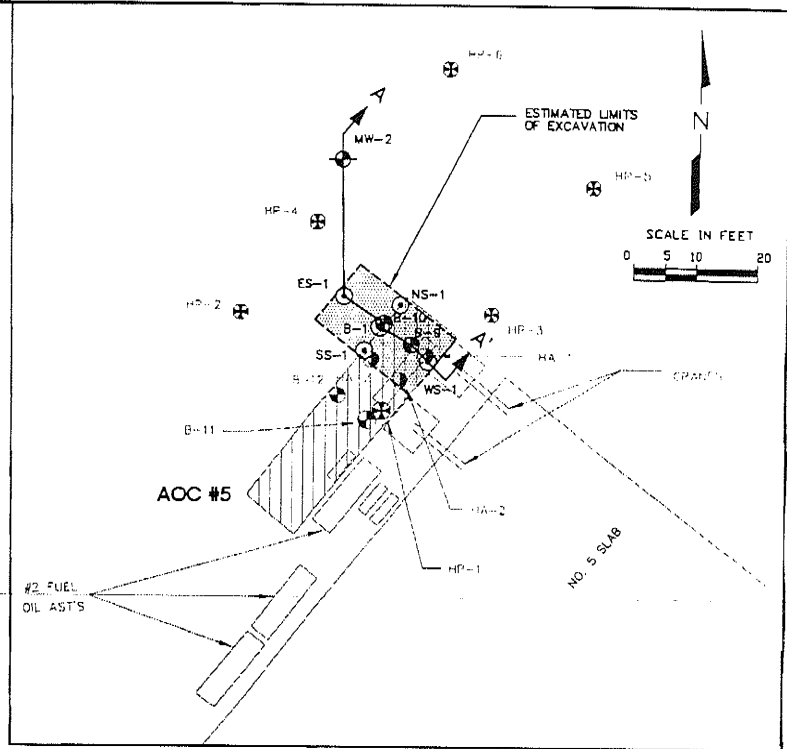
WATER TABLE ELEVATION AS OF 08/29/96



WELL SCREEN INTERVAL

Pb= LEAD

Cr= CHROMIUM



**NOTES:**

1. ELEVATIONS ARE SHOWN IN REFERENCE TO SITE DATUM.
2. HORIZONTAL DISTANCES ARE MEASURED WITH RESPECT TO THE CENTER OF EACH SOIL BORING LOCATION.
3. GROUNDWATER ELEVATIONS ARE BASED ON MEASUREMENTS OBTAINED BY SEH ON 08/29/96.

E:\WASTE\FRAS9401\PLAN\FIG1

1	06/07/00	-	JLE	08/00	BLK	08/00					
NO.	DATE	ISSUE/REVISIONS	DRAWN BY	DESIGN	FIELD REVIEW	QC CHECK					

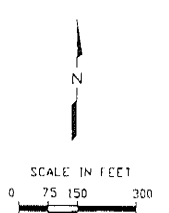
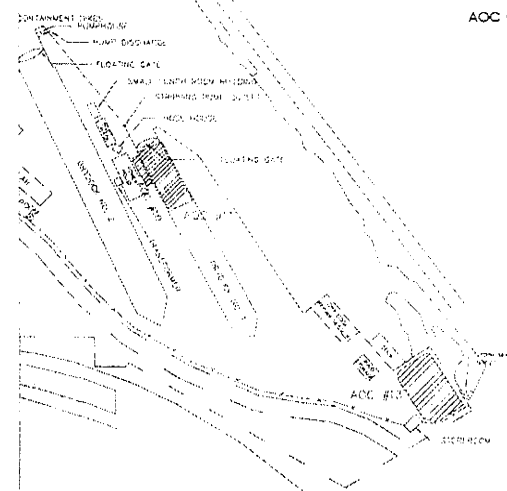
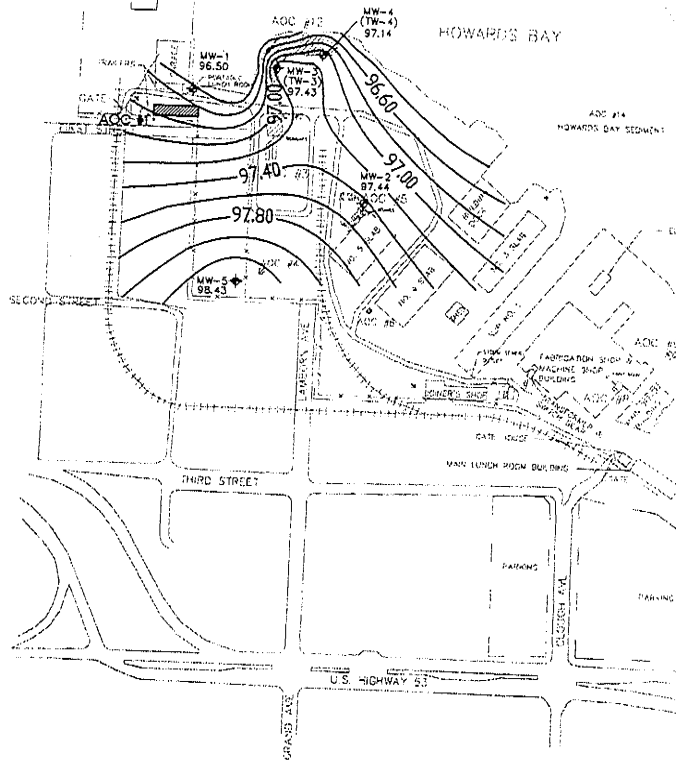


FRASER SHIPYARDS, INC.  
CLOSURE REQUEST  
AOC #5

FIGURE 3  
LIMITS OF EXCAVATION/  
GEOLOGICAL CROSS SECTION

PROJ. NO. FRAS9401	3
DATE 06/07/00	4





**LEGEND**

- 97.80 STATIC GROUNDWATER ELEVATION CONTOURS CONTOUR INTERVAL=0.20 FT
- MW-1 96.50 EXISTING GROUNDWATER MONITORING WELL LOCATION AND NUMBER WITH STATIC WATER ELEVATION AS OF 08/29/96.
- AOC #1 AREAS OF CONCERN
- WATERWAY
- DRAINAGE CANAL
- PROPERTY BOUNDARY
- CANAL

**NOTES:**

1. GROUNDWATER ELEVATIONS MEASURED BY SEH ON AUGUST 29, 1996.
2. LAKE SURFACE ELEVATION MEASURED BY SEH ON NOVEMBER 21, 1996.
3. ELEVATIONS (IN FEET) REFERENCED TO ARBITRARY SITE DATUM.
4. GROUNDWATER ELEVATION CONTOURS GENERATED USING SURFER® (KRIGING METHOD)

E: WASTE LIME WASTE FRASER SHIPYARD

NO.	DATE	ISSUE/REVISIONS	DRAWN BY	DESIGN	FIELD REVIEW	QC CHECK
1	11/07/97		JLE	GC	11/97	



FRASER SHIPYARDS, INC.  
AOC #5

FIGURE 4 GROUNDWATER CONTOURS		PROJ. NO. FRAS9401	4 4
		DATE 11/07/97	

FRASER SHIPYARDS, INC.  
FIELD AND SOIL ANALYTICAL RESULTS

AOC #	SAMPLE ID	DEPTH	DATE	FIELD SCREEN			ANALYTICAL PARAMETERS & METHODS					
				FID units	PID units	DRO* mg/kg	VOC (8010/8020 or 8021) mg/kg	PVOC (8021a) mg/kg	Pb (6010) mg/kg	Cd (6010) mg/kg	Cr (6010) mg/kg	Hg (7471) mg/kg
5	Paint	B-9 (2-2.5')	1-11-94	1000+	42	--	ND	--	685**	0.18	22.7	0.083
	Waste	B-10 (0-6")	1-11-94	0	36	--	--	--	--	--	--	--
	Staging Area	B-10 (2-2.5')	1-11-94	--	--	--	ND	--	270	0.28	274***	0.25
		B-11 (0-6")	1-11-94	0	34	--	--	--	66.1	0.64	22.2	ND
		B-12 (0-6")	1-11-94	1.4	34	--	--	--	--	--	--	--
		B-12 (2-2.5')	1-11-94	1000+	50	--	ND	--	177	0.38	23.1	ND
		HA-1 (0-6")	8-16-96	--	--	--	--	--	38.5	--	16.1	--
		HA-2 (0-6")	8-16-96	--	--	--	--	--	20.4	--	14.9	--
		HA-3 (0-6")	8-16-96	--	--	--	--	--	48.3	--	17.4	--
	ch. NR 720 soil cleanup std.^								500	510	200	NSE
<p>-- indicates parameter not analyzed            ND indicates parameter was not detected above laboratory detection level            NSE indicates no standard established  <b>685 - Bold designation indicates value exceeds NR 720 cleanup standard</b>            * WDNR Modified DRO            ** TCLP - Pb, B-9 (2-2.5') = none detected              ASTM - Pb, B-9 (2-2.5') = none detected            ***TCLP - Cr, B-10 (2-2.5') = none detected            ^ NR 720 Industrial Site cleanup standard specified</p>												
										prepared by: ggc checked by: jjt		

FRASER SHIPYARDS, INC.  
GROUNDWATER ANALYTICAL RESULTS

AOC #	SAMPLE ID	DATE	ANALYTICAL PARAMETERS & METHODS				
			VOC (8021) ug/l	PAH (8310) ug/l	Cr (218.2) ug/l	Cd (213.2) ug/l	Pb (239.2) ug/l
5 Paint Waste Staging Area	MW-2	8-29-96	--	--	ND	--	48.8
		11-21-96	--	--	ND	--	34.2
	MW-2	10-1-97	--	--	--	--	ND
	HP-1	10-1-97	--	--	--	--	ND
	HP-2	10-1-97	--	--	--	--	1.06
	HP-3	10-1-97	--	--	--	--	ND
	HP-4	10-1-97	--	--	--	--	ND
	HP-5	10-1-97	--	--	--	--	ND
	HP-6	10-1-97	--	--	--	--	ND
<b>ES</b>					100	5	15
<b>PAL</b>					10	0.5	1.5

ND = analyzed but not detected

-- indicated parameter not analyzed

**1.42 - Bold designation indicates value exceeds NR 140 Enforcement Standard (ES)**

compiled by: GGC      checked by JJT