

# GIS REGISTRY

## Cover Sheet

July, 2008  
(RR 5367)

### Source Property Information

BRRTS #: 02-16-195577

ACTIVITY NAME: SUPERIOR WOOD SYSTEMS

PROPERTY ADDRESS: 1301 GARFIELD AVE

MUNICIPALITY: SUPERIOR

PARCEL ID #: 06-806-00735-02

CLOSURE DATE: Dec 11, 2000

FID #: 816089330

DATCP #:

COMM #:

#### \*WTM COORDINATES:

X: 358176 Y: 696784

*\* 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)

#### Contaminated Media:

Groundwater Contamination > ES (236)

Contamination in ROW

Off-Source Contamination

*(note: for list of off-source properties  
see "Impacted Off-Source Property")*

Soil Contamination > \*RCL or \*\*SSRCL (232)

Contamination in ROW

Off-Source Contamination

*(note: for list of off-source properties  
see "Impacted Off-Source Property")*

#### Land Use Controls:

Soil: maintain industrial zoning (220)

*(note: soil contamination concentrations  
between residential and industrial levels)*

Structural Impediment (224)

Site Specific Condition (228)

Cover or Barrier (222)

*(note: maintenance plan for  
groundwater or direct contact)*

Vapor Mitigation (226)

Maintain Liability Exemption (230)

*(note: local government or economic  
development corporation)*

Monitoring wells properly abandoned? (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 #: 02-16-195577 PARCEL ID #: 06-806-00735-02

ACTIVITY NAME: SUPERIOR WOOD SYSTEMS WTM COORDINATES: X: 358176 Y: 696784

**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.)
- 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 #:**                      **Title: Unavailable**
- 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 8.5 x 14 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 Map**
- 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 #: 3                      Title: Site Map**
- 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 #: 4, 5, 6, 7, 8                      Title: Area 2, 3, 4, 5 Results (respectively) & Area of MW2/MW6**

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ACTIVITY NAME: SUPERIOR WOOD SYSTEMS

**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 #:**                      **Title: Unavailable**

**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: Unavailable**

- 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 #:**                      **Title: Unavailable**

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

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

Tables must be no larger than 8.5 x 14 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: Confirmation Soil Sampling 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 #: NA                      Title: Not Applicable**

- 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 #: NA                      Title: Not Applicable**

**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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ACTIVITY NAME: SUPERIOR WOOD SYSTEMS

## NOTIFICATIONS

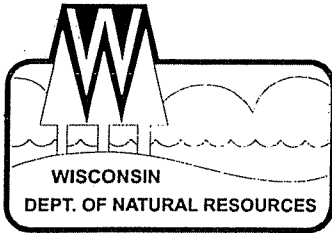
### Source Property

- 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.

- 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.
- 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

Tommy G. Thompson, Governor  
George E. Meyer, Secretary  
William H. Smith, Regional Director

Northern Region Headquarters  
107 Sutliff Ave.  
Rhineland, Wisconsin 54501-0818  
Telephone 715-365-8900  
FAX 715-365-8932  
TDD 715-365-8957

December 11, 2000

Mr. Tom Johnson  
Superior Wood Systems  
1301 Garfield Ave  
Superior, WI 54880

Subject: Superior Wood Systems, 1301 Garfield Ave, Superior, WI  
BRRTA # 06-16-236092 and 02-16-195577

Dear Mr. Johnson:

The Department of Natural Resources provided a notice to you that the degree and extent of fuel oil and lead contamination at the above-named site was required to be investigated and remediated. We have since been informed that the required investigation and remediation has been accomplished.

On December 5, 2000, the above-named site was reviewed by the Northern Region Closeout Committee for a determination as to whether or not the case qualified for close out under ch. NR 726, Wis. Adm. Code.

Based on the investigative and remedial documentation provided to the Department, it appears that the fuel oil and lead contamination at the above-named site has been remediated to the extent practicable under current site conditions, and that no further remedial action is necessary at this time. Therefore, the Department will consider the case "closed" and issue a Certificate of Completion, if the responsible party sign and record a deed restriction for the property. The deed restriction should include language for maintenance of the asphalt cap that is currently acting as a barrier to direct contact. Please direct questions about this wording to Jim Hosch at 715-372-0802.

To document that this condition has been complied with, the responsible party must submit to the Department a copy of the recorded deed restriction, with the recording information stamped on it after the County Register of Deeds returns the deed restriction to the responsible party. The deed restriction may be amended in the future with the approval of DNR if conditions change at the site and the residual contamination is remediated.

Enclosed is an example of a deed restriction. Please ask your attorney to draft a specific deed restriction for this site and submit the draft to me. This document is available on the Department's website at [www.dnr.state.wi.us](http://www.dnr.state.wi.us). Department of Natural Resources attorneys will review the draft and return it to your attorney with revisions. After your attorney has made the revisions, you may sign and record the restriction with the County Register of Deeds. A copy of the recorded restriction must be then filed with the Department of Natural Resources. A Certificate of Completion will then be issued by the Department.

Please note that this case closure is also contingent upon proper documentation of proper abandonment of the monitoring wells on site. Please provide the documentation that this action has been completed, or



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Through Excellent Customer Service*



have your consultant do so, by completing Form 3300-5B and sending it to my attention at the above address.

If you have any additional information which was not formerly provided to the Department, and which you feel would significantly impact this closure decision, you may submit that information for our re-evaluation of case closure.

If you have any questions, please call me at 715-365-8990.

Sincerely,  
NORTHERN REGION



Janet Kazda  
Case Closeout Committee

→ cc: File  
Lori Huntoon, Dept of Commerce  
Jim Hosch, Superior  
Dan Boardman, Rhinelander

Paul Carter  
West Central Environmental Consultants  
7871 Hickory St NE  
Fridley, MN 55432

BNSF  
80 - 44<sup>th</sup> Ave NE  
Minneapolis, MN 55421

## OPERATION AND MAINTENANCE PLAN

Manion's Wholesale Building Supplies, Inc.  
1301 Garfield Avenue, Superior, WI 54880  
WDNR BRRTS No. 02-16-195577 and 06-16-236092

This document serves as the Operation and Maintenance Plan (O&M Plan) for the former Superior Wood Systems, Inc., site, the address for which is 1301 Garfield Avenue, Superior, WI 54880 (the Site). The Site is located in the W1/2 of the SW1/4 of Section 15, T49N, R14W, Douglas County, Wisconsin. The Site is currently owned by Manion's Wholesale Building Supplies, Inc. (Owner), whose address is 1301 Garfield Avenue, Superior, WI 54880. This O&M Plan is submitted by Owner to the Wisconsin Department of Natural Resources pursuant to section NR 724.13(2) of the Wisconsin Administrative Code.

The legal description of the Site is provided in the attached Exhibit A. The area of the Site where residual chemical impacts exceed generic direct contact residual contaminant levels (RCLs) for industrial sites is shown as Area A on the attached Exhibit B. Area A has been capped with an asphalt cap. The shallow soils in Area A (i.e., from beneath the asphalt to 8 feet below ground surface) are impacted above the RCLs by benzo(a)anthracene, benzo(b)fluoranthene, benzo(a)pyrene, dibenz(a,h)anthracene, indeno(1,2,3-c,d)pyrene, 4-4-DDT, and lead.

The property owner shall maintain the asphalt cap in Area A in a manner sufficient to prevent direct contact with the underlying soils. The property owner shall complete a visual inspection of the entire cap once per year and shall maintain an inspection and maintenance log on the Site. The log shall include the dates of inspection and the date, type, and location of any repair made on the asphalt cap and will be made available to the Wisconsin Department of Natural Resources upon request. In the event the integrity of the asphalt cap is diminished or compromised, the property owner shall repair, patch, and/or seal the asphalt cap with like materials, so as to prevent potential direct contact exposure. The repairs shall be made within six months following the annual inspection in which the need for repair is discovered.

In the event direct contact exposure is possible due to construction activities in or around Area A, the property owner shall institute measures to reduce the potential for direct contact with impacted soils, including requirements that workers working in or around Area A wear boots, gloves, eye protection, long-sleeved shirts, and full-length pants, together with appropriate measures to control the generation and inhalation of airborne dust from the soils in Area A.

Manion's Wholesale Building Supplies, Inc.

By: John Manion  
John Manion  
Its President

Date: 11-19-01



State of Wisconsin \ DEPARTMENT OF NATURAL RESOURCES

Scott McCallum, Governor  
Darrell Bazzell, Secretary  
William H. Smith, Regional Director

Northern Region Headquarters  
107 Sutliff Ave.  
Rhinelander, Wisconsin 54501-3349  
Telephone 715-365-8900  
FAX 715-365-8932  
TTY 715-365-8957

April 25, 2002

BRRTS # 06-16-236098

The Burlington Northern and Santa Fe Railway Company  
c/o Glenn Olander-Quamme of Spence, Ricke, Sweeney & Gernes, P.A.  
Suite 600, Degree of Honor Building  
325 Cedar Street  
St. Paul, MN 55101

Subject: *A Certificate of Completion* for the Environmental Investigation and Cleanup of Property Owned by Manion's Wholesale Building Supplies, Inc. Located at 1301 Garfield Avenue, City of Superior, Wisconsin DNR

Dear Glenn:

The Department of Natural Resources ("the Department") has received your request for issuance of a *Certificate of Completion* for the environmental investigation and cleanup of property owned by Manion's Wholesale Building Supplies, Inc., located at 1301 Garfield Avenue, City of Superior, Wisconsin, which will be referred to in this letter as "the Property". You have requested that the Department determine whether The Burlington Northern and Santa Fe Railway Company has met the requirements under s. 292.15(2), Wis. Stats., for issuance of a *Certificate of Completion*.

The Property is an irregular-shaped parcel of real property encompassing approximately 11.9 acres and is presently owned and occupied by the Manion's Wholesale Business Supplies, Inc. The property is partially described as being part of the West 1/2 of the Southwest 1/4, Section 15, Township 49 North, Range 14 West, City of Superior, Wisconsin.

**Determination**

As you are aware, s. 292.15, Wis. Stats., authorizes the Department to issue a *Certificate of Completion* to a voluntary party if an approved environmental investigation of a property is conducted and remediation is implemented that restores the environment to the extent practicable and minimizes the harmful effects with respect to hazardous substance discharges on or originating from the property. Based on the information received by the department, the Department has determined that the investigation and cleanup of the Property is complete and that all the conditions in s. 292.15(2), Wis. Stats., have been met. Attached is the *Certificate of Completion* for this Property.



## Conclusions

The Department appreciates the work undertaken by The Burlington Northern and Santa Fe Railway Company to investigate and cleanup contamination associated with the Property. The exemption provided by the *Certificate of Completion* applies to any successor or assignee of The Burlington Northern and Santa Fe Railway Company if the successor or assignee complies with the appropriate conditions, pursuant to s. 292.15(3), Wis. Adm. Code. If you have any questions or concerns regarding this letter or the *Certificate of Completion*, please call me at 715-365-8943 or Attorney Linda Meyer at 608-266-7588.

Sincerely,

A handwritten signature in black ink, appearing to read "Dan Boardman". The signature is written in a cursive, flowing style.

Dan Boardman, Brownfield Coordinator  
Remediation & Redevelopment Program

Attachment: *Certificate of Completion*

cc: Michael Prager - RR/3  
Linda Meyer - LS/5  
John Robinson, Supervisor - R&R-NOR

# State of Wisconsin Department of Natural Resources

## CERTIFICATE OF COMPLETION OF RESPONSE ACTIONS UNDER SECTION 292.15(2)(a), WIS. STATS.

**Whereas**, Manion's Wholesale Building Supplies, Inc. (sometimes referred to as Manion's Wholesale Building Supply, Inc.) has applied for an exemption from liability under s. 292.15, Wis. Stats., for the property located at 1301 Garfield Avenue, Superior, Wisconsin, which is commonly referred to as the former Superior Wood Systems, Inc. site, further described in the legal description found on Attachment A ("the Property");

**Whereas**, an environmental investigation of the Property has been conducted and has determined that contamination exists at the Property;

**Whereas**, Manion's Wholesale Building Supplies, Inc. has submitted to the Wisconsin Department of Natural Resources ("WDNR") investigation reports and a remedial action plan for the Property which comply with the requirements set forth in chs. NR 700-754, Wis. Adm. Code, consisting of the documents and reports listed in Attachment B;

**Whereas**, in accordance with s. 292.15(2)(a), Wis. Stats., the WDNR has determined that an environmental investigation has been conducted which adequately identified and evaluated the nature and extent of the hazardous substance discharges on the Property and WDNR has approved of the remedial action plan for the Property; and

**Whereas**, Manion's Wholesale Building Supplies, Inc. has filed with the Register of Deeds of Douglas County a deed restriction (Attachment C) on the Property which declares that the Property is held and shall be held, conveyed or encumbered, leased, rented, used, occupied and improved subject to the following limitations and restrictions:

The following activities are prohibited within Area A as depicted on attached Exhibit B {of the Deed Restriction}, where a cap or cover has been placed, unless prior written approval has been obtained from the Wisconsin Department of Natural Resources or its successor or assign: (1) Excavating or grading of the land surface; (2) Filling on the capped area; (3) Plowing for agricultural cultivation; and (4) Construction or installation of a building or other structure with a foundation that would site on or be placed within the cap or cover. In addition, the cap or cover shall be maintained in compliance with a plan prepared and

submitted to the Wisconsin Department of Natural Resources by a responsible party, as required by section NR 724.13(2), Wis. Adm Code (2000).

**Whereas**, on November 19, 2001, WDNR determined that response actions necessary to restore the environment to the extent practicable with respect to the discharges and minimize the harmful effects from the discharges to the air, land, and waters of the state were completed.

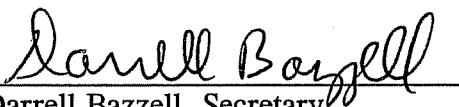
**Therefore**, based upon the information that has been submitted to the WDNR, the WDNR hereby certifies that the response actions set forth in the WDNR approved remedial action plan for the Property and any other necessary response actions have been completed.

Upon issuance of this Certificate, **Manion's Wholesale Building Supplies, Inc.** and the persons qualified for protection under s. 292.15(3), Wis. Stats., are exempt from the provisions of ss. 289.05(1), (2), (3) and (4), 289.42(1), 289.67, 291.25(1) to (5), 291.29, 291.37, 292.11(3), (4), and (7)(b) and (c) and 292.31(8), Wis. Stats., with respect to the existence of hazardous substances on or originating from the Property, the release of which occurred prior to the date the department approved the environmental investigation required under s. 292.15(2)(a)1., Wis. Stats. However, **Manion's Wholesale Building Supplies, Inc.** and a person otherwise qualified for protection under s. 292.15(3), Wis. Stats. who owns or controls the Property would no longer qualify for this liability exemption if that person fails to maintain or monitor the Property as required by rules promulgated by the WDNR. Any releases of a hazardous substance to or from the Property that occur after the date that the environmental investigation was approved will be the responsibility of the current Property owner and any other person who possesses or controls that discharge and any person who caused the discharge.

The protection from liability provided under s. 292.15(2), Wis. Stats., does not apply to any person who has obtained a Certificate of Completion by fraud or misrepresentation, or by the knowing failure to disclose material information or under circumstances in which **Manion's Wholesale Building Supplies, Inc.** knew or should have known about more discharges of hazardous substances than were revealed by the investigation approved by the WDNR.

Nothing in this Certificate or in s. 292.15, Wis. Stats., affects the authority of the WDNR to exercise any powers or duties under applicable laws other than ss. 289.05(1), (2), (3) and (4), 289.42(1), 289.67, 291.25(1) to (5), 291.29, 291.37, 292.11(3), (4), and (7)(b) and (c) and 292.31(8), Wis. Stats., with respect to any release or threatened release of contaminants at the Property, or the right of the WDNR to seek relief available against any person who is not entitled to protection from liability under s. 292.15, Wis. Stats., with respect to such release or threatened release.

SIGNED AND CERTIFIED this 30 day of April, 2002.

  
Darrell Bazzell, Secretary  
Wisconsin Department of Natural Resources

ATTACHMENT A  
LEGAL PROPERTY DESCRIPTION  
Former Superior Wood Systems site

That part of the West Half of the Southwest Quarter of Section 15, Township 49 North, Range 14 West, Douglas County, Wisconsin, described as follows:

Commencing at the West quarter corner of Section 15; thence South 88 degrees 11 minutes 36 seconds East, assumed bearing, along the north line of the Southwest Quarter, a distance of 806.24 feet; thence south 6 degrees 09 minutes 17 seconds East, a distance of 1519.51 feet; thence South 3 degrees 47 minutes 13 seconds West, a distance of 374.59 feet to a point on a 496.67 foot radius curve (chord definition), the center of said curve bears north 81 degrees 20 minutes 18 seconds West from said point; thence Southwesterly along said curve 575.33 feet, central angle of 66 degrees 28 minutes 59 seconds; thence South 14 degrees 51 minutes 19 seconds East, a distance of 6.00 feet to a point on a 502.67 foot radius curve (chord definition), the center of said curve bears North 14 degrees 51 minutes 19 seconds West from said point; thence Southwesterly, along said curve 40.00 feet, central angle of 4 degrees 34 minutes 01 second; thence south 84 degrees 01 minutes 33 seconds West, a distance of 60.00 feet; thence North 5 degrees 58 minutes 27 seconds West, a distance of 6.00 feet;

Thence South 84 degrees 01 minute 33 seconds West, a distance of 150.40 feet; thence North 8 degrees 06 minutes 03 seconds East, a distance of 360.13 feet to the point of beginning; thence continuing North 8 degrees 06 minutes 03 seconds East, a distance of 160.31 feet; thence north 6 degrees 12 minutes 24 seconds East, a distance of 659.46 feet; thence North 11 degrees 45 minutes 42 seconds East, a distance of 227.16 feet; thence North 86 degrees 40 minutes 53 seconds West, a distance of 558.56 feet to the West line of Section 15; thence South 2 degrees 06 minutes 08 seconds West, along said west line, a distance of 1043.31 feet to the point of intersection with a line that bears North 86 degrees 40 minutes 53 seconds West from the point of beginning; thence South 86 degrees 40 minutes 53 seconds East, along said line, a distance of 456.47 feet to the point of beginning.

**ATTACHMENT B**  
**INVESTIGATION AND REMEDIAL ACTION PLAN REPORTS**  
**Former Superior Wood Systems site**

1. Remedial Investigation Phase II ESA Report and Remedial Action Plan (September 29, 1999)
2. Interim Action Report (February 9, 2000)
3. Amendment to the Remedial Investigation Phase II ESA Report and Remedial Action Plan (June 2, 2000)
4. Remedial Action Plan Clarification (August 23, 2000)
5. Remedial Action Plan Results (October 30, 2000)
6. Monitoring Well Abandonment Logs (January 15, 2001)
7. Operation and Maintenance Plan (May 25, 2001)
8. Official Copy of Registered Deed Restriction (April 15, 2002)

Document Number | DEED RESTRICTION

DOCUMENT # 736441

Declaration of Restrictions

In re: the property described on the attached Exhibit A.

STATE OF WISCONSIN )  
 ) ss  
COUNTY OF DOUGLAS )

WHEREAS, Manion's Wholesale Building Supplies, Inc. (sometimes referred to as Manion's Wholesale Building Supply, Inc.) is the owner of the above-described property.

WHEREAS, one or more discharges of benzo(a)anthracene, benzo(b)fluoranthene, benzo(a)pyrene, dibenz(a,h)anthracene, indeno(1,2,3,-c,d)pyrene, 4-4-DDT, and lead have occurred on this property. Soil contaminated with benzo(a)anthracene, benzo(b)fluoranthene, benzo(a)pyrene, dibenz(a,h)anthracene, indeno(1,2,3,-c,d)pyrene, 4-4-DDT, and lead remains on this property at Area A, as depicted on the attached Exhibit B.

WHEREAS, it is the desire and intention of the property owner to impose on the property restrictions which will make it unnecessary to conduct further soil remediation activities on the property at the present time.

NOW THEREFORE, the owner hereby declares that all of the property described above is held and shall be held, conveyed or encumbered, leased, rented, used, occupied and improved subject to the following limitations and restrictions:

The following activities are prohibited within Area A as depicted on the attached Exhibit B, where a cap or cover has been placed, unless prior written approval has been obtained from the Wisconsin Department of Natural Resources or its successor or assign: (1) Excavating or grading of the land surface; (2) Filling on the capped area; (3) Plowing for agricultural cultivation; and (4) Construction or installation of a building or other structure with a foundation that would sit on or be placed within the cap or cover. In addition, the cap or cover shall be maintained in compliance with a plan prepared and submitted to the Wisconsin Department of Natural Resources by a responsible party, as required by section NR 724.13(2), Wis. Adm. Code (2000).

State of Wisconsin  
County of Douglas

I, Kathy F. Hanson, Register of Deeds in and for said Douglas County and State, certify this Dec. of Restrictions is a true and correct copy found in Document # 736441. Witness my hand and official seal this 19th day of November, 2001.

*Kathy F. Hanson*

Recorded

NOV. 19, 2001 AT 08:40AM

KATHY F. HANSON  
DOUGLAS COUNTY RECORDER  
SUPERIOR, WI 54880-2769

Recording Fee: \$35.00

Name and Return Address

Manion's Wholesale  
Building Supplies, Inc.  
P.O. Box 753  
1300 Garfield Avenue  
Superior, Wisconsin 54880

*CR 35*

06-806-00735-02

Parcel Identification  
Number (PIN)

The foregoing restrictions are hereby declared to be covenants running with the land and shall be fully binding upon all persons acquiring the above-described property whether by descent, devise, purchase or otherwise. These restrictions inure to the benefit of and are enforceable by the Wisconsin Department of Natural Resources, its successors or assigns. The Department, its successors or assigns, may initiate proceedings at law or in equity against any person or persons who violate or are proposing to violate these covenants, to prevent the proposed violation or to recover damages for such violation.

Any person who is or becomes owner of the property described above may request that the Wisconsin Department of Natural Resources or its successor issue a determination that one or more of the restrictions set forth in the foregoing covenants is no longer required. Upon the receipt of such a request, the Wisconsin Department of Natural Resources shall determine whether or not the restrictions contained herein can be extinguished. If the Department determines that the restrictions can be extinguished, an affidavit, attached to a copy of the Department's written determination, may be recorded by the property owner or other interested party to give notice that these deed restrictions, or portions of these deed restrictions, are no longer binding.

By signing this document, John Manion asserts that he is duly authorized to sign this document on behalf of Manion's Wholesale Building Supplies, Inc.

IN WITNESS WHEREOF, the owner of the property has executed this Declaration of Restrictions, this 16 day of NOV, 2001.

MANION'S WHOLESALE BUILDING SUPPLIES, INC.

By: John Manion

John Manion

Its: President

Subscribed and sworn to before me  
this 16 day of Nov, 2001

M. Dealittle

Notary Public, State of Wisconsin

My commission expires 3-28-04

This document was drafted by Glenn Olander-Quamme, Suite 600, Degree of Honor Building, 325 Cedar Street, St. Paul, Minnesota 55101, based on information provided by the Wisconsin Department of Natural Resources.

EXHIBIT A

That part of the West Half of the Southwest Quarter of Section 15, Township 49 North, Range 14 West, Douglas County, Wisconsin, described as follows:

Commencing at the West quarter corner of Section 15; thence South 88 degrees 11 minutes 36 seconds East, assumed bearing, along the north line of the Southwest Quarter, a distance of 806.24 feet; thence South 6 degrees 09 minutes 17 seconds East, a distance of 1519.51 feet; thence South 3 degrees 47 minutes 13 seconds West, a distance of 374.59 feet to a point on a 496.67 foot radius curve (chord definition), the center of said curve bears north 81 degrees 20 minutes 18 seconds West from said point; thence Southwesterly along said curve 575.33 feet, central angle of 66 degrees 28 minutes 59 seconds; thence South 14 degrees 51 minutes 19 seconds East, a distance of 6.00 feet to a point on a 502.67 foot radius curve (chord definition), the center of said curve bears North 14 degrees 51 minutes 19 seconds West from said point; thence Southwesterly, along said curve 40.00 feet, central angle of 4 degrees 34 minutes 01 second; thence South 84 degrees 01 minute 33 seconds West, a distance of 60.00 feet; thence North 5 degrees 58 minutes 27 seconds West, a distance of 6.00 feet; thence South 84 degrees 01 minute 33 seconds West, a distance of 150.40 feet; thence North 8 degrees 06 minutes 03 seconds East, a distance of 360.13 feet to the point of beginning; thence continuing North 8 degrees 06 minutes 03 seconds East, a distance of 160.31 feet; thence North 6 degrees 12 minutes 24 seconds East, a distance of 659.46 feet; thence North 11 degrees 45 minutes 42 seconds East, a distance of 227.16 feet; thence North 86 degrees 40 minutes 53 seconds West, a distance of 558.56 feet to the West line of Section 15; thence South 2 degrees 06 minutes 08 seconds West, along said west line, a distance of 1043.31 feet to the point of intersection with a line that bears North 86 degrees 40 minutes 53 seconds West from the point of beginning; thence South 86 degrees 40 minutes 53 seconds East, along said line, a distance of 456.47 feet to the point of beginning.



# EXHIBIT B

WALCO  
TRANSPORT

BITUMINOUS ROADWAY

ASPHALT

GRASS

AREA A	
Benzo(a)anthracene	
Benzo(b)fluoranthene	
Benzo(a)pyrene	
Indeno(1,2,3-cd)pyrene	
Dibenz(a,h)anthracene	
4,4-DDT	
Lead	

GRASS

GARFIELD AVENUE

SUPERIOR  
WOOD SYSTEMS

ASPHALT

ASPHALT

GRASS

GRASS

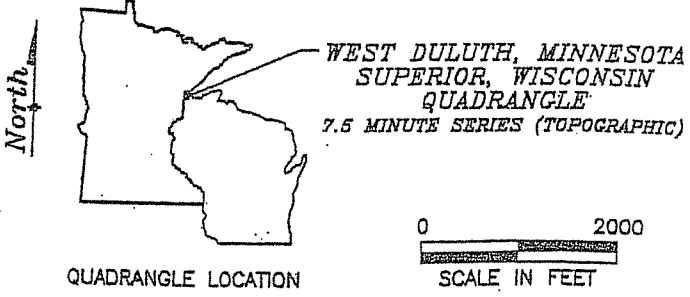
ASPHALT

North

### LEGEND:

- — — — — PROPERTY BOUNDARY
- \*\*\*\*\* CHAIN LINK FENCE
- cccccccc DRAINAGE DITCH

0 100  
SCALE IN FEET

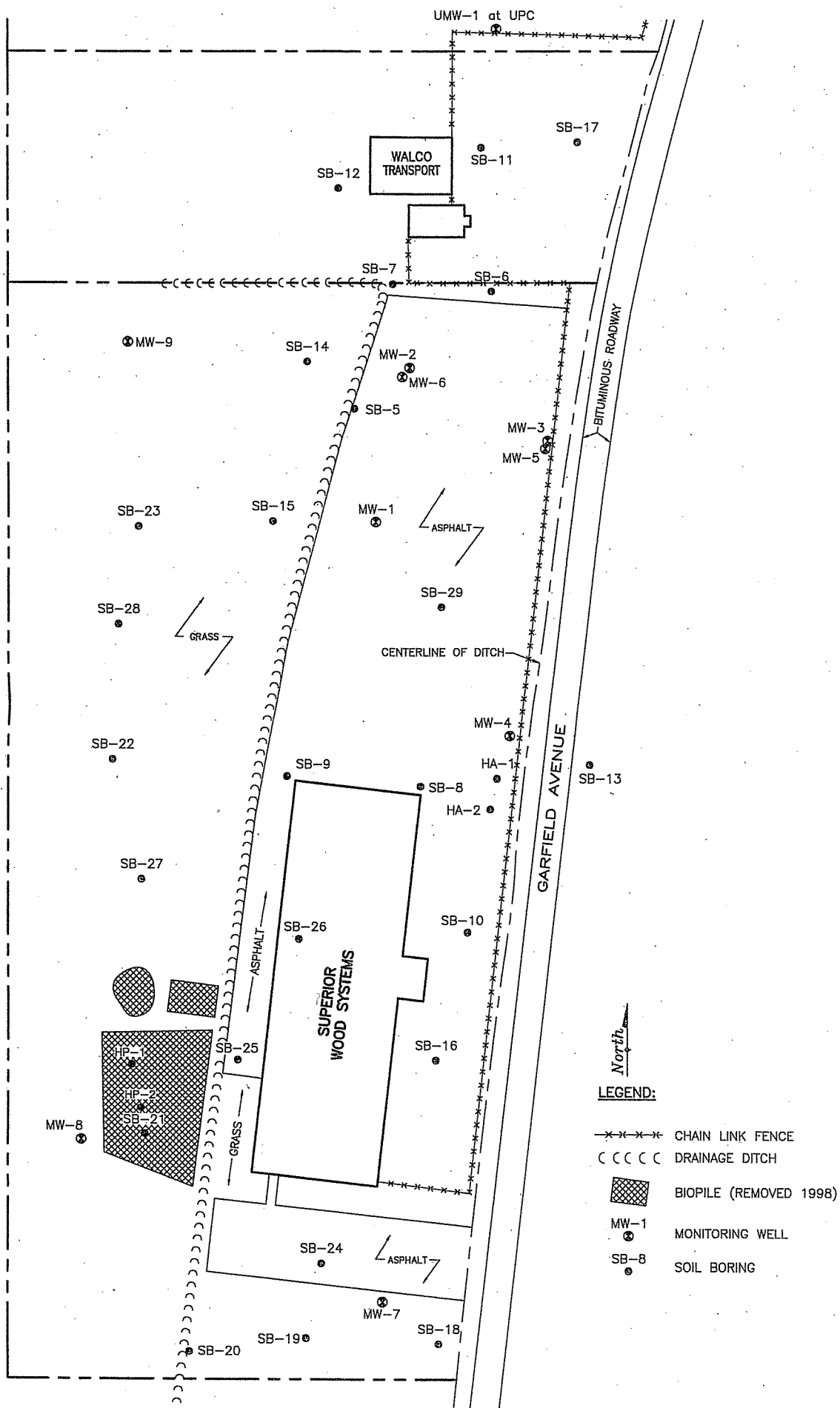


**WCEC**  
ENVIRONMENTAL CONSULTANTS

7871 Hickory Street, NE, Fridley, Minnesota 55432

Figure 1  
Site Location Map

SUPERIOR WOOD SYSTEMS  
1301 Garfield Avenue  
Superior, Wisconsin

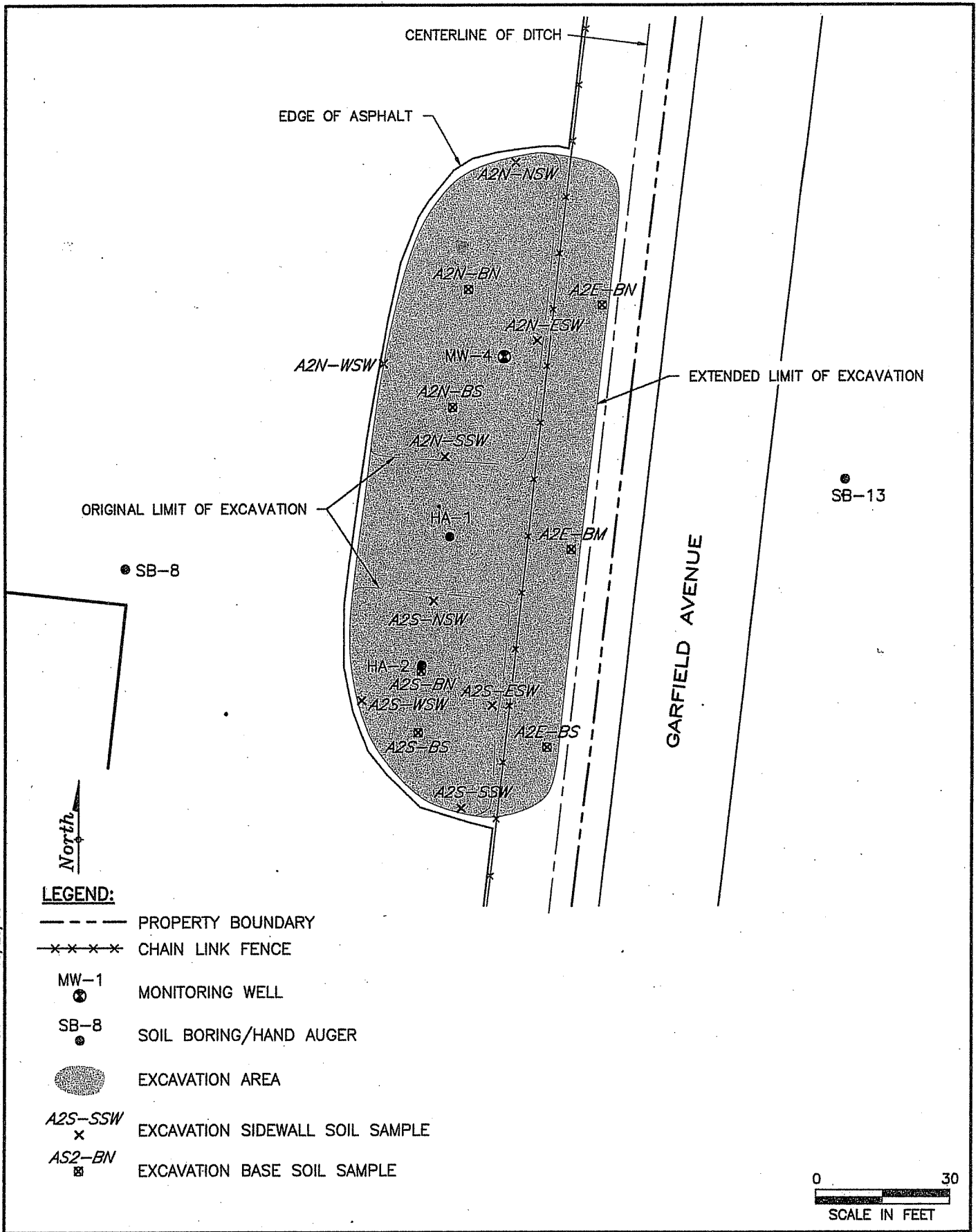


0 100  
SCALE IN FEET

**WCEC**  
ENVIRONMENTAL CONSULTANTS  
7671 Hickory St NE, Fridley, MN 55424

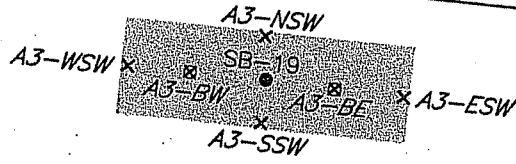
SUPERIOR WOOD SYSTEMS  
1301 GARFIELD AVENUE  
SUPERIOR, WISCONSIN  
WCEC PROJECT NO. 98-2054-50

**FIGURE 3**  
SITE MAP



10/25/00  
98-2050-50 SUR






ASPHALT



MW-7



**LEGEND:**

- PROPERTY BOUNDARY
- MW-1  MONITORING WELL
- SB-8  SOIL BORING/HAND AUGER
-  EXCAVATION AREA
- A2S-SSW  EXCAVATION SIDEWALL SOIL SAMPLE
- A2S-BN  EXCAVATION BASE SOIL SAMPLE



10/25/00

98-2050-50 SJR

982054A3

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SUPERIOR WOOD SYSTEMS  
 1301 GARFIELD AVENUE  
 SUPERIOR, WISCONSIN

**FIGURE 5**  
 AREA 3 RESULTS

10/24/00

98-2050-50 SJR

982054A4

HP-1



A4-NSW

HP-2



A4-BN

A4-ESW

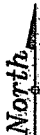
A4-WSW

SB-21

A4-BB

A4-SSW

MW-8



**LEGEND:**

MW-1



MONITORING WELL

SB-8



SOIL BORING/HAND AUGER



EXCAVATION AREA

A2S-SSW



EXCAVATION SIDEWALL SOIL SAMPLE

A2B-BN



EXCAVATION BASE SOIL SAMPLE



**WCEC**

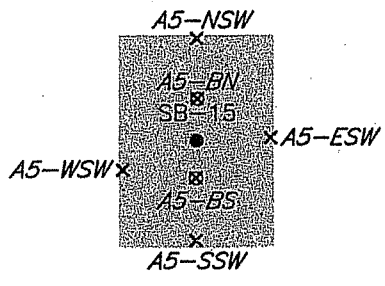
ENVIRONMENTAL CONSULTANTS

7871 Midcoy St NE, Fridley, MN 55432


SUPERIOR WOOD SYSTEMS  
1301 GARFIELD AVENUE  
SUPERIOR, WISCONSIN

**FIGURE 6**  
AREA 4 RESULTS

EDGE OF ASPHALT  
CENTERLINE OF DITCH



**LEGEND:**

- SB-8      SOIL BORING/HAND AUGER
-       EXCAVATION AREA
- A2S-SSW      EXCAVATION SIDEWALL SOIL SAMPLE
- A52-BN      EXCAVATION BASE SOIL SAMPLE



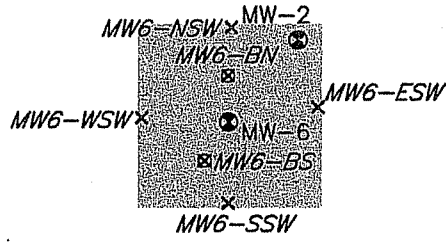
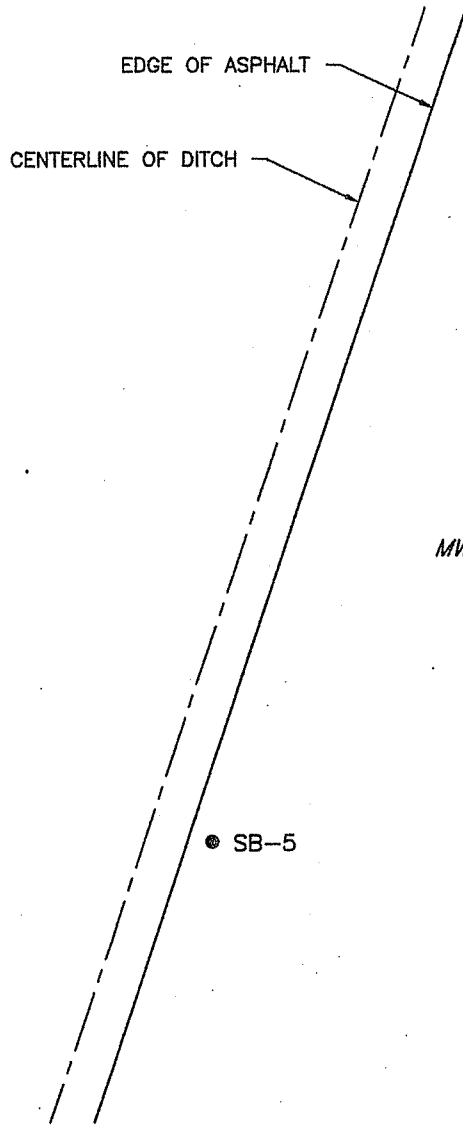
10/24/00  
98-2050-50 SJR

2054-50A5






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7871 Hickory St NE, Fridley, MN 55432

SUPERIOR WOOD SYSTEMS  
1301 GARFIELD AVENUE  
SUPERIOR, WISCONSIN

**FIGURE 7**  
AREA 5 RESULTS



**LEGEND:**

- MW-1  MONITORING WELL
- SB-8  SOIL BORING/HAND AUGER
-  EXCAVATION AREA
- A2S-SSW  EXCAVATION SIDEWALL SOIL SAMPLE
- AS2-BN  EXCAVATION BASE SOIL SAMPLE



10/24/00

98-2050-50 SJR

9820544Z

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SUPERIOR WOOD SYSTEMS  
1301 GARFIELD AVENUE  
SUPERIOR, WISCONSIN

**FIGURE 8**  
AREA OF MW-2/MW-6



**TABLE 1**

**CONFIRMATION SOIL SAMPLING ANALYTICAL RESULTS**

Superior Wood Systems

1301 Garfield Avenue, Superior, WI 54880

BRRTS No. 02-16-195577 and 06-16-236098

WCEC Project No. 98-2054-50

This table lists only those compounds detected previously at or above direct contact standards.

All values are in milligrams per kilogram (mg/kg) or parts per million.

< = below analytical limit of detection.

WDNR RCLs = WDNR Generic Residual Contaminant Levels for Direct Contact at Industrial Properties.

**Area 2**

South one-third of Area 2 (SB-4/MW-4 area)							
Soil Sample		A2S-BN	A2S-BS	A2S-NSW	A2S-SSW	A2S-ESW	A2S-WSW
Depth Below Ground		(4-5')	(4-5')	(2-3')	(2-3')	(2-3')	(2-3')
	WDNR RCLs						
Benzo(a)anthracene	3.9	<0.019	<0.019	2.3	0.033	0.57	0.049
Benzo(b)fluoranthene	3.9	<0.018	<0.018	1.8	0.024	0.52	0.043
Benzo(a)pyrene	0.39	<0.022	<0.022	2.6	0.040	0.68	0.056
Indeno(1,2,3-cd)pyrene	3.9	<0.022	<0.022	1	<0.021	0.26	0.028
Dibenz(a,h)anthracene	0.39	<0.022	<0.022	0.46	<0.021	0.12	<0.022
Lead	500	NA	NA	NA	NA	NA	NA
North one-third of Area 2 (HA-2 area)							
Soil Sample		A2N-BN	A2N-BS	A2N-NSW	A2N-SSW	A2N-ESW	A2N-WSW
Depth Below Ground		(4-5')	(4-5')	(2-3')	(2-3')	(2-3')	(2-3')
	WDNR RCLs						
Benzo(a)anthracene	3.9	<0.019	<0.018	<0.018	1.1	27	0.37
Benzo(b)fluoranthene	3.9	<0.018	<0.016	<0.017	0.84	17	0.26
Benzo(a)pyrene	0.39	<0.022	<0.020	<0.021	1.2	30	0.37
Indeno(1,2,3-cd)pyrene	3.9	<0.022	<0.020	<0.021	0.46	11	0.14
Dibenz(a,h)anthracene	0.39	<0.022	<0.020	<0.021	0.24	2.9	0.036
Lead	500	13	14	11	480	130	27
East side of entire length of Area 2 (excavated to ditch - no sidewall remained)							
Soil Sample		A2E-BN	A2E-BM	A2E-BS			
Depth Below Ground		(4-5')	(4-5')	(2-3')			
	WDNR RCLs						
Benzo(a)anthracene	3.9	<0.019	<0.019	<0.019			
Benzo(b)fluoranthene	3.9	<0.018	<0.018	<0.018			
Benzo(a)pyrene	0.39	<0.022	<0.022	<0.022			
Indeno(1,2,3-cd)pyrene	3.9	<0.022	<0.022	<0.022			
Dibenz(a,h)anthracene	0.39	<0.022	<0.022	<0.022			
Lead	500	12	13	12			

The middle third of Area 2 was completely excavated after initial results from north (A2N) and south (A2S) areas were received. The east wall of the entire north-south length of Area 2 was excavated to the ditch leaving no sidewall. Three soil samples (A2E-BN, A2E-BM, A2E-BS) were collected from the base of the east side of Area 2 to confirm removal. Residual impacts to soils that exceeded direct contact RCLs at Area 2 were excavated.

**Area 3**

Soil Sample		A3-BE	A3-BW	A3-NSW	A3-SSW	A3-ESW	A3-WSW
Depth Below Ground		(4-5')	(4-5')	(2-3')	(2-3')	(2-3')	(2-3')
	WDNR RCLs						
Lead	500	9.1	8.8	12	8.5	10	12

### Area 4

Soil Sample		A4-BN (4-5')	A4-BS (4-5')	A4-NSW (2-3')	A4-SSW (2-3')	A4-ESW (2-3')	A4-WSW (2-3')
Depth Below Ground	WDNR RCLs						
Benzo(a)anthracene	3.9	<0.019	<0.020	<0.018	<0.019	<0.018	<0.019
Benzo(b)fluoranthene	3.9	<0.018	<0.018	<0.017	<0.018	<0.016	<0.018
Benzo(a)pyrene	0.39	<0.022	<0.022	<0.021	<0.022	<0.020	<0.022
Indeno(1,2,3-cd)pyrene	3.9	<0.022	<0.022	<0.021	<0.022	<0.020	<0.022
Dibenz(a,h)anthracene	0.39	<0.022	<0.022	<0.021	<0.022	<0.020	<0.022
Lead	500	13	12	10	13	12	12

### Area 5

Soil Sample		A5-BN (4-5')	A5-BS (4-5')	A5-NSW (2-3')	A5-SSW (2-3')	A5-ESW (2-3')	A5-WSW (2-3')
Depth Below Ground	WDNR RCLs						
Benzo(a)anthracene	3.9	<0.018	<0.018	<0.018	<0.019	<0.018	<0.018
Benzo(b)fluoranthene	3.9	<0.017	<0.017	<0.017	<0.017	<0.017	<0.017
Benzo(a)pyrene	0.39	<0.020	<0.020	<0.021	<0.021	<0.020	<0.021
Indeno(1,2,3-cd)pyrene	3.9	<0.020	<0.020	<0.021	<0.021	<0.020	<0.021
Dibenz(a,h)anthracene	0.39	<0.020	<0.020	<0.021	<0.021	<0.020	<0.021

### Area of MW-2/MW-6

Soil Sample		MW6-BN (4-5')	MW6-BS (4-5')	MW6-NSW (2-3')	MW6-SSW (2-3')	MW6-ESW (2-3')	MW6-WSW (2-3')
Depth Below Ground	WDNR RCLs						
Benzo(a)anthracene	3.9	<0.018	<0.018	1.6	1.7	2.8	14
Benzo(b)fluoranthene	3.9	<0.017	<0.017	1.2	0.98	1.6	6
Benzo(a)pyrene	0.39	<0.021	<0.021	1.2	1.1	1.9	8
Indeno(1,2,3-cd)pyrene	3.9	<0.021	<0.021	0.54	0.4	0.76	<4.0
Dibenz(a,h)anthracene	0.39	<0.021	<0.021	0.24	<0.21	<0.39	<4.0
4,4'-DDT	**17	<0.0012	<0.0012	<0.0012	<0.012	<0.0011	<0.011
Lead	500	12	*12	500	490	840	610

\*\* 4,4'-DDT from EPA Region III Soil Screening Levels for Direct Contact.

Residual impacts to soils that exceed direct contact RCLs at area of MW-6 are in sidewalls only and are capped by asphalt.