

June 3, 2022

VIA EMAIL AND CERTIFIED MAIL
erin.hughes@foth.com

Erin Hughes
2121 Innovation Court
Suite 300
De Pere, WI 54115

RE: Notice of Continuing Obligations
800 Hill Ave, Superior, WI 54880
BRRTS ID #02-16-275446

Ms. Hughes:

I represent Graymont (WI) LLC (“Graymont”) with respect to the open BRRTS site associated with the former manufactured gas plant (“MGP”) located at 800 Hill Ave in Superior, Wisconsin. We are in receipt of the May 4, 2022 Notification of Continuing Obligations (“Notification”) from the Responsible Party, Superior Water, Light and Power Company (“SWL&P”). The legal descriptions of Graymont’s property contained in the Notification are accurate. However, we have the following comments on the Notification.

Our understanding is that the continuing obligations discussed in the Notification would be imposed during the remedial action at the former MGP site and not pursuant to a case closure request. There is currently no approved final remedial design and remedial action has not begun. Thus, we are unable to provide any comments on continuing obligations that may be appropriate to impose on the Graymont property upon case closure. In order to ensure that Graymont is provided sufficient notice of and ability to comment on proposed continuing obligations related to closure, we request notification of and the opportunity to review remedial action design plans at 100% design and again prior to submittal of a request for case closure. We also reserve the right to comment on any continuing obligations that would be imposed on the Graymont property pursuant to the design and implementation of remedial measures that could affect Graymont’s use and management of its property at case closure.

We also note that Graymont plans to demolish the old MGP building at the site prior to the start of remediation in 2023 but leave the concrete floor slab in place. With the building demolished, there would no longer be a structural impediment to site investigation and remediation at this location. We request confirmation from SWL&P that they agree that upon removal of this structural impediment, SWL&P will complete site investigation and remediation, as necessary, at this location.

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Madison Office

222 West Washington Avenue 608.256.0226
P.O. Box 1784 888.655.4752
Madison, Wisconsin Fax 608.259.2600
53701-1784 www.staffordlaw.com

Milwaukee Office

1200 North Mayfair Road 414.982.2850
Suite 430 888.655.4752
Milwaukee, Wisconsin Fax 414.982.2889
53226-3282 www.staffordlaw.com

June 3, 2022

Page 2

Finally, it is important to note that Graymont is still in the process of negotiating an access agreement with SWL&P. Responsibility for certain continuing obligations in the Notification may be addressed as part of those negotiations. If legally enforceable responsibility for compliance with continuing obligations changes, Graymont requests that SWL&P provide notification to DNR of such changes.

Sincerely,

STAFFORD ROSENBAUM LLP

A handwritten signature in black ink, appearing to read "Vanessa D. Wishart". The signature is written in a cursive, flowing style.

Vanessa D. Wishart

cc: Phil Marquis, Graymont, via email
Keith Miller, Graymont, via email
Rebecca Hockin, Graymont, via email
Clifford Wright, Gannett Fleming, via email
Jamie Mehle, Superior, Water, Light & Power, via email
John Sager, Wisconsin DNR, via email