

State of Wisconsin
DEPARTMENT OF NATURAL RESOURCES
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September 19, 2019

MR STEVE SYKES
HALLETT DOCK COMPANY
P.O. BOX 16447
DULUTH, MN 55807

Subject: Off-Site Liability Exemption for Property Located at:
Hallett Dock #8, 3200 Winter Street/St. Louis Bay, Superior, Wisconsin
BRRTS #07-16-584300, FID #816115630
Douglas County Parcel # 048040101900

Dear Mr. Sykes:

Purpose

The Department of Natural Resources ("the department") recently reviewed the request for an off-site exemption letter for the property located at 3200 Winter Street, Superior, Wisconsin which will be referred to in this letter as "the Property". Refer to the attached Figure 1 for a map of the Property. The department received a \$700 fee for providing this letter pursuant to Wis. Stat. §§ 292.13 (2) and (3), and Wis. Admin. Code ch. NR 749. It is the department's understanding the Hallett Dock Company is the applicant seeking the off-site liability exemption.

Summary Determination

The department, based on the information made available to it, confirms that Hallett Dock Company qualify for the off-site liability exemption, and Hallett Dock Company is not responsible for investigation or cleanup of the contamination that originated on a neighboring property. The Property owner may be responsible for limited actions that are described in this letter, under Wis. Stat. §§ 292.12 and 292.13, for the soil, vapors and/or groundwater contamination that migrated onto the Property. The Property owner is responsible for any discharges of hazardous substances whose source originates on the Property.

Request

Hallett Dock Company has requested that the department determine if it is exempt from Wis. Stats. §§ 292.11(3), (4) and (7)(b) and (c), (commonly known as the "Spill Law"), with respect to the existence of a hazardous substance discharge in the soil, vapors and/or groundwater that it believes is migrating onto the Property from an off-site source.

Wis. Stats. § 292.13(2) requires the department to issue, upon request, a written determination regarding a liability exemption for a person who possesses or controls property that is contaminated by an off-site discharge when certain conditions are met. To make this determination, the department

reviewed information about the Property, including soil, vapors and/or groundwater sampling data for the Property and/or other sites contained in the following documents:

- Off-Site Liability Exemption and Liability Clarification Application form (Form 4400-201) dated September 6, 2019;
- *2017 Amoco Oil Terminal (BRRTS #02-16-000331) Site Investigation Report*, dated December 15, 2017, by the Antea Group.
- *2017 Amoco Barge Dock Manifold and AST Area (BRRTS #02-16-117873 & 02-16-297979) Site Investigation Report*, dated December 15, 2017 by the Antea Group.
- *2018 Progress Report, July 2018 – December 2018, Former Amoco Oil Terminal, (BRRTS #02-16-000331, 02-16-117873 & 02-16-297979)*, dated January 21, 2019 by the Antea Group.

Background

The department considered the documents listed above in making the determinations presented in this letter. The Property has been used as a bulk materials dock for over 100 years. The Property was also utilized as a rail yard, machine shop and for other industrial purposes. There is a Bureau for Remediation and Redevelopment Tracking System (BRRTS) case on the far north end of the Property (BRRTS #02-16-544665) that was closed with no further action required in 2014.

The Property is impacted by discharges of petroleum volatile organic compounds (PVOCs) that have migrated from the former Amoco Oil Company petroleum storage and transfer facilities located near the Property. These facilities are sites of known contamination and are listed with the department. The sites are currently being investigated and remediated to comply with Wis. Stat. ch. 292 and Wis. Admin. Code ch. NR 700 – 754. The listed sites include:

- Amoco Oil Terminal (BRRTS #02-16-000331)
- Amoco Oil Barge Dock – Manifold and AST Area (BRRTS #02-16-117873).

Site investigation documents from the Amoco sites indicate that light non-aqueous phase liquids (LNAPL) underlies the Property. Additionally, shallow and deep groundwater contaminated primarily by benzene from the above referenced Amoco Oil sites underlies the Property.

Determination

Based upon the available information and in accordance with Wis. Stat. § 292.13, the department makes the following determinations regarding the presence of LNAPL and/or benzene in groundwater. The following maps from the *2018 Progress Report, July 2018 – December 2018, Former Amoco Oil Terminal, (BRRTS #02-16-000331, 02-16-117873 & 02-16-297979)*, dated January 21, 2019 by the Antea Group display the degree and extent of known contamination are included as Attachments to this correspondence:

- Figure 7, *Dissolved Phase Benzene Concentrations, Barge Dock (Shallow Wells), June 2018, Barge Dock*, dated July 18, 2018 by the Antea Group.
- Figure 8, *Dissolved Phase Benzene Concentrations, Barge Dock (Deep Wells) October 2018*, dated October 26, 2018 by the Antea Group.

- Figure 10, *LNAPL Extent Map – June 2018, Barge Dock*, dated July 18, 2018 by the Antea Group.

The department, based on the information available, determined that the Property owner met the conditions in Wis. Stats. § 292.13 to qualify for the liability exemption, including but not limited to the following provisions:

1. The hazardous substance discharge originated from a source on property that is not possessed or controlled by Hallett Dock Company.
2. Hallett Dock Company did not possess or control the hazardous substance on the property on which the discharge originated.
3. Hallett Dock Company did not cause the discharge.
4. Hallett Dock Company will not have liability under the Spill Law for investigation or remediation of the soil or groundwater contamination originating from off-site onto the Property, provided that Hallett Dock Company does not take possession or control of the property on which the discharge originated.

Exemption Conditions

The department's determination, as set forth in this letter, is subject to compliance with the following conditions, as specified in Wis. Stats. §§ 292.13(1) and (1m).

1. The facts upon which the department based its determination are accurate and do not change.
2. Hallett Dock Company agree to allow the following parties to enter the Property to take action to respond to the discharge: the department and its authorized representatives; any party that possessed or controlled the hazardous substance or caused the discharge; and any consultant or contractor of such a party.
3. Hallett Dock Company agrees to avoid any interference with action undertaken to respond to the discharge and to avoid actions that worsen the discharge.
4. Hallett Dock Company agrees to any other condition that the department determines is reasonable and necessary to ensure that the department and any other authorized party can adequately respond to the discharge.

Responsibilities for Continuing Obligations

In addition to the conditions above, after the contamination at the source property is remediated, the department's approval of the cleanup may include continuing obligations at the source property as well as the Hallett Dock Company Property. Often residual contamination remains after an approved environmental cleanup is complete. This approval may include requirements to maintain engineering controls, such as a cap or soil cover, to reduce the impact of the contamination. In that event, Hallett Dock Company may also be required notify the DNR prior to constructing a water supply well on the Property. If the neighboring property owners request for cleanup approval includes requirements for the Property, the party conducting the cleanup is required to notify Hallett Dock Company before the DNR reviews the proposal for final approval of the clean-up.

Conclusion

The department granted Hallett Dock Company an off-site exemption under Wis. Stats. § 292.13. Please note that the department may revoke the determinations made in this letter if it determines that any of the requirements under Wis. Stats. § 292.13, cease to be met.

Future property owners are eligible for the exemption under Wis. Stats. § 292.13, if they meet the requirements listed in that statute section. The determinations in this letter regarding a liability exemption, however, only apply to Hallett Dock Company, and may not be transferred or assigned to other parties. The department will provide a written determination to future owners of this Property, if such a determination is requested in accordance with the requirements of Wis. Stats. § 292.13.

The BRRTS identification number for this activity is shown at the top of this letter. The department tracks information on all determinations such as this in a department database available online at dnr.wi.gov and search: "BOTW".

If you have any questions or concerns regarding this letter, please contact me at (715) 623-4119 Ext. 3115, by email at john.t.hunt@wisconsin.gov.

Sincerely,



John T. Hunt
Hydrogeologist – Remediation and Redevelopment Program
Northern Region

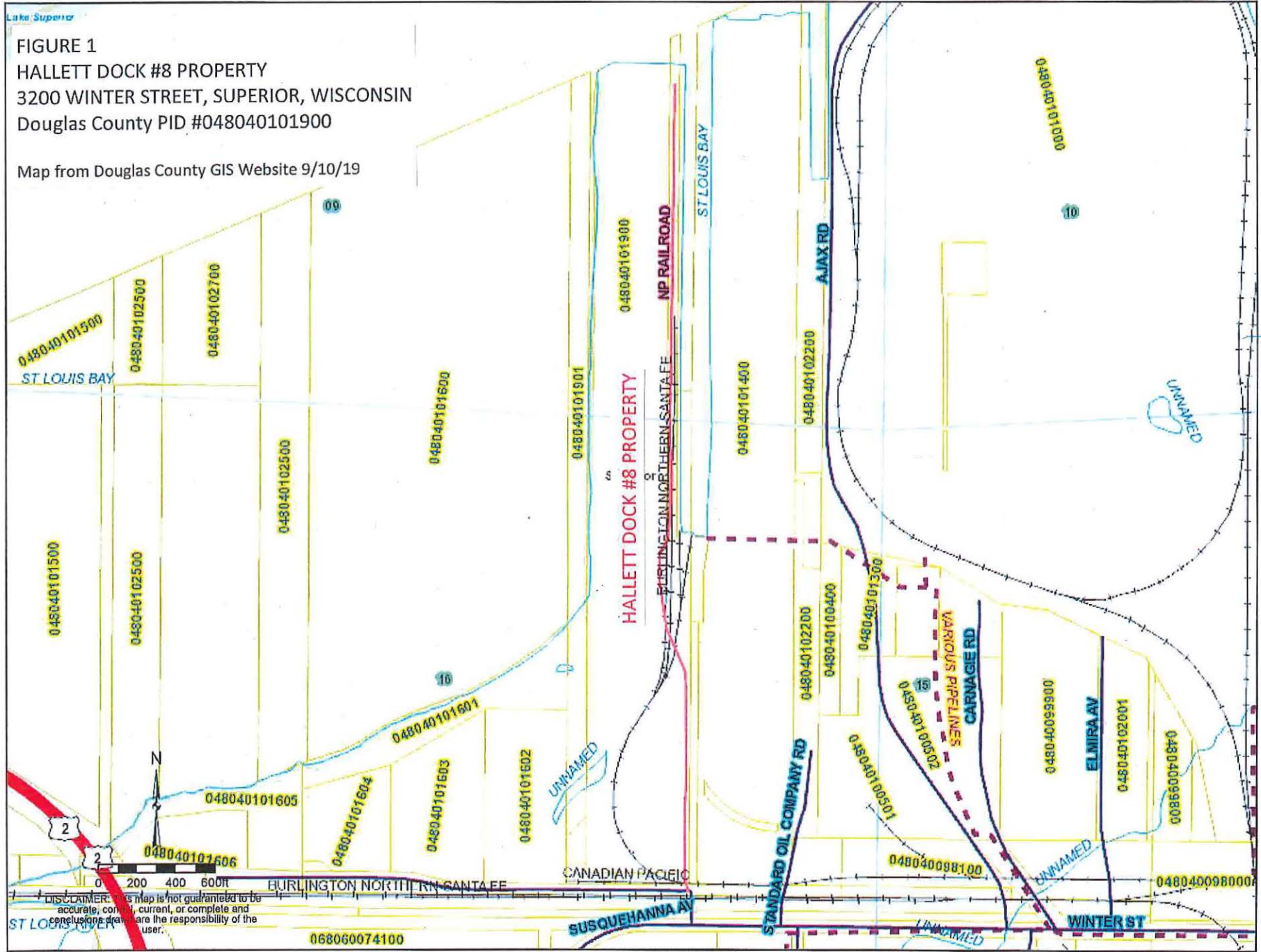
Attachments:

- Site Location Map, from Douglas County GIS Website dated 09/11/19
- Figure 7, *LNAPL Extent Map – June 2018, Barge Dock*, dated July 18, 2018 by the Antea Group.
- Figure 8, *Dissolved Phase Benzene Concentrations, Barge Dock (Deep Wells) October 2018*, dated October 26, 2018 by the Antea Group.
- Figure 10, *LNAPL Extent Map – June 2018, Barge Dock*, dated July 18, 2018 by the Antea Group.

cc: Michael Prager RR/5 (electronic, michael.prager@wisconsin.gov)
Jennifer Kubicek, AECOM (electronic, jennifer.kubicek@aecom.com)
Regional Land Recycling Team Contact (electronic carrie.stoltz@wisconsin.gov)

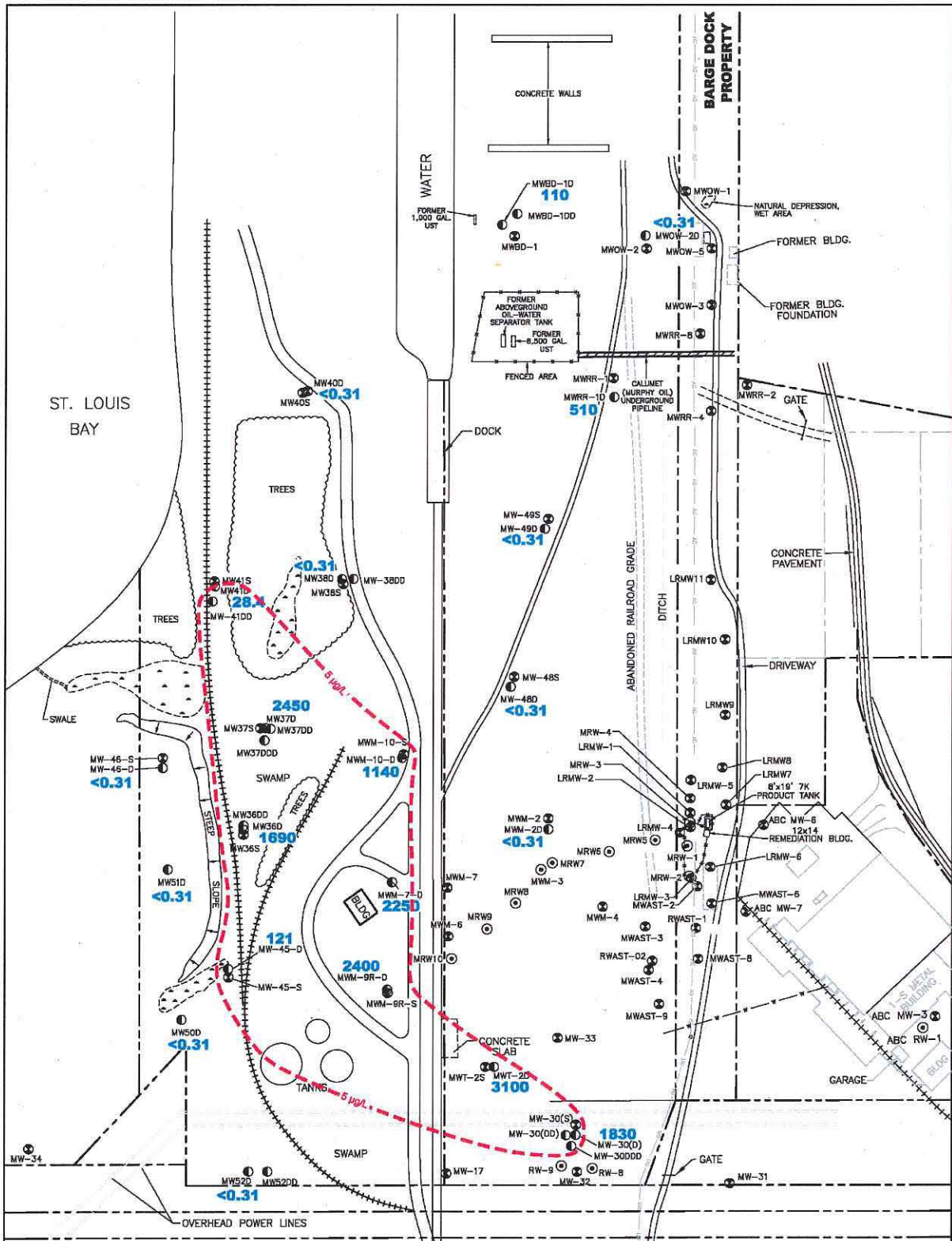
FIGURE 1
 HALLETT DOCK #8 PROPERTY
 3200 WINTER STREET, SUPERIOR, WISCONSIN
 Douglas County PID #048040101900

Map from Douglas County GIS Website 9/10/19



DISCLAIMER: This map is not guaranteed to be accurate, complete, current, or complete and conclusions drawn are the responsibility of the user.

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- LEGEND:**
- MONITORING WELL LOCATION
 - ⊙ DEEP MONITORING WELL LOCATIONS
 - ⊙ RECOVERY WELL LOCATION
 - ⊙ ABANDONED RECOVERY WELL LOCATION
 - ⊙ NATURAL DEPRESSION, WET AREA
 - ABOVE GROUND PIPELINE (REMOVED)
 - UNDERGROUND PIPELINE (APPROXIMATE LOCATION, STATUS UNKNOWN)
 - CALLIMET (MURPHY OIL) UNDERGROUND PIPELINE
 - WATER LINE (APPROXIMATE LOCATION)
 - GRAVEL ACCESS ROAD
 - RAILROAD TRACKS
 - FENCE LINE
 - APPROXIMATE PROPERTY LINE

1830 BENZENE CONCENTRATION $\mu\text{g/L}$
(OCTOBER 2017)
(ES = 5 $\mu\text{g/L}$)

— 5 $\mu\text{g/L}$ — INFERRED HORIZONTAL EXTENT
OF BENZENE CONTAMINATION
EXCEEDING THE NR 140 ES

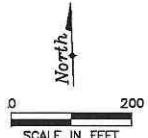


FIGURE 8
DISSOLVED PHASE BENZENE CONCENTRATIONS—
BARGE DOCK (DEEP WELLS)
OCTOBER 2018
FORMER AMOCO TERMINAL
SUPERIOR, WISCONSIN

PROJECT NO. WISUP181	PREPARED BY LK	DRAWN BY DD/DR
DATE 10/26/18	REVIEWED BY	FILE NAME BD-1018-BENZ

