



January 23, 2024

BNSF Railway Company
Gregory Jeffries, Manager Environmental Remediation
80 44th Avenue NE
Minneapolis MN 55421
{sent electronically Gregory.Jeffries@bnsf.com}

SUBJECT: Request for Information & Introduction to the Great Lakes Legacy Act
General Mills Slip, Superior, Wisconsin
WDNR BRRTS # 11-16-591466
Tax Parcel ID #'s: 04-804-00999-00, 04-804-01020-01, 04-804-00983-01,
04-804-00998-00, and 04-804-00997-00

Dear Mr. Jefferies:

The Wisconsin Department of Natural Resources (DNR) has investigated sediment contamination in several slips within the St. Louis River, Duluth-Superior Harbor in Superior, Wisconsin. One of those slips is the General Mills Slip (the Slip) shown in the attached figure. The DNR has identified property owned by Burlington Northern Inc., north of Winter Street in Superior and generally described by one or more of the Douglas County Tax Parcel ID #'s above, as a potential source of this contamination due to its proximity to the General Mills Slip and historic practices that occurred there. One or more of these parcels was the historic location of a large coke oven facility that operated in the late 1800s and early 1900s.

The DNR is investigating whether you and/or any past owners, operators, or occupants of your Site may potentially be responsible for causing or contributing to the discharge of metals, volatile organic compounds (VOCs), semi-volatile organic compounds (SVOCs), organotin, or coal contamination. The DNR is sending this letter to request any information you can provide regarding the use or storage and potential discharge of hazardous substances by yourself or other past owners, operators, or occupants of your Site. The term hazardous substance is defined in Wis. Stats s. 292.01(5), and includes but is not limited to, substances that are toxic, corrosive, flammable, irritants, strong sensitizers, or explosives.

The DNR also requests that you provide us with information regarding prior owners, operators, and occupants of your property and the purposes for which each used the property. A list of questions is attached to this correspondence that we request you complete to the best of your ability. Please also provide any additional information that may aid in determining the source(s) of contamination in the above-referenced slip. There is no need to provide documents that DNR already has available in its databases. Responses can incorporate documentation DNR has on file using specific references. DNR is requesting similar information from other property owners around the Slip and areas draining to it. A list of entities the DNR is requesting information from is attached.

Within 28 calendar days of receipt of this notice, please provide me with a letter containing the requested information. The DNR requests this information under the statutory authority of §§ 292.11(7)(a), 292.11(8), 292.31(1)(b), and 292.31(1)(d), Wis. Stats. This letter seeks information from you and is not a regulatory action. If you need additional time to respond, please get in touch with me.

The St. Louis River was designated as an area of concern (AOC) under the 1987 Great Lakes Water Quality Agreement between the United States (U.S.) and Canada due to historical sediment contamination and habitat loss. The Great Lakes AOC program aims to clean up and restore these areas. The U.S. Congress has authorized significant funding for this through the Great Lakes Legacy Act (GLLA) and the Great Lakes Restoration Initiative. The GLLA is a voluntary program that provides federal funding to accelerate contaminated sediment remediation in AOCs. The Remedial Action Plan for the St. Louis River identifies the remediation of contaminated sediment in the Slip as a necessary management action to address beneficial use impairments and support the eventual delisting of the AOC.

Under the GLLA, the DNR has collaborated with the U.S. Environmental Protection Agency (EPA), private parties, and local government on investigating and remediating contaminated sediments in the St. Louis River and other AOCs in Wisconsin. The DNR wishes to pool resources with private parties to provide the nonfederal cost share needed under the GLLA to identify, design, and implement a remedial action for sediment contamination in the Slip. Attached is a summary with links to background information and reports from DNR and EPA efforts in the Slip. In particular, the Historic Records Screening Assessment may be helpful to you when preparing your response to the information requested above.

You should also know that the DNR expects to engage stakeholders and seek public input on remedial action options for the Slip later this fall or winter.

Your cooperation in this matter is appreciated. Don't hesitate to contact me at (715) 292-4925 or by email to Joseph.Graham@Wisconsin.gov if you have any questions regarding the content of this letter or are interested in learning more about collaborating with the DNR and EPA under the GLLA.

Sincerely,

Joseph Graham
Project Manager

Attachments:

1. Figure – Superior Slips
2. Questionnaire
3. Entities DNR is requesting information from
4. Links to background information and reports

Figure 1 - Superior Slips Site Map



Oil Barge Dock

General Mills

Tower Ave

C Street



1. Identify the current owner and operator of the Site. State the dates during which the current owner and operator owned, operated, leased, or occupied any portion of the Site and provide copies of all documents evidencing such ownership, operation, lease, or occupation, including but not limited to purchase and sale agreements, deeds, leases, etc.
2. Identify any persons who in addition to the owner/operator exercises actual control over the Site or who holds significant authority to control activities at the Site.
3. Identify any legal or equitable interest that you now have, or previously had, in the Site and describe the nature of any such interest, including when, how, and from whom such interest was obtained as well as when, how, and to whom such interest was conveyed. Provide documentation evidencing the acquisition or conveyance of any identified interest.
4. Identify all hazardous substance discharges that have occurred at or from the Site and other actual or potential environmental pollution that has been found at the Site, including any hazardous substance discharge into, or environmental pollution found in, a subsurface disposal system or floor drain inside or under any building at the Site. Provide all documentation including reports and data related to hazardous substance discharges and actual or potential environmental pollution of soil, sediment, water (ground or surface) or air quality at or around the Site.
5. If you are the current owner and/or current operator of the Site, did you acquire or operate the Site or any portion of the Site after the discharge of any hazardous substance on or at the Site? Did you know or have reason to know of any discharge of any hazardous substance on or at the Site before acquiring or operating the Site? Describe all environmental investigations of the Site you undertook before acquiring or operating the Site and provide all documentation of investigations performed.
6. Identify all prior owners of the Site. For each prior owner, further identify:
 - a. The dates of ownership,
 - b. All evidence showing that each identified owner controlled the Site; and
 - c. All evidence of any hazardous substance discharge or environmental pollution (including coal) at or from the Site and/or its solid waste units during the period that each identified owner owned the Site.
7. Identify all prior operators of the Site, including lessors. For each prior operator, further identify:
 - a. The dates of operation,
 - b. The nature of prior operations at the Site,
 - c. All evidence that each identified operator controlled the Site; and
 - d. All evidence of any hazardous substance discharge or environmental pollution (including coal) at or from the Site and/or its solid waste units during the period that each identified operator operated the Site.

8. Describe the nature of your activities, business, or operations at the Site with respect to generating, transporting, storing, treating, or disposing hazardous substances or solid or hazardous waste (including coal) at the Site.
9. If any hazardous substances or solid or hazardous waste (including coal) was ever generated, transported, stored, treated, or disposed of at the Site, identify and provide all documentation which relates to: (a) the type, quantity, chemical composition, characteristics and physical state (e.g., solid, liquid) of hazardous substances or solid or hazardous waste generated, transported, stored, treated or disposed of at the Site and the dates that such activities occurred; (b) the identity of all persons who generated, transported, treated, stored, or disposed of such substances or waste at the Site; and (3) the identity of all subsidiary or parent corporations of identified persons.
10. Describe with specificity all occurrences where a Site owner, operator, or person in control over the Site was determined by a federal, state, or local authority to have violated any environmental law or where any environmental violation or deficiency was discovered at the Site, including any violation or deficiency that resulted in the issuance of a citation or the commencement of any enforcement or legal action. Identify the federal, state, and local authorities involved in each identified occurrence. Provide all documentation related to each identified occurrence.
11. Provide a list of all local, state, and federal environmental permits ever granted for the Site or any part thereof (e.g., Resource Conservation and Recovery Act (RCRA) permits, National Pollutant Discharge Elimination System (NPDES) permits, etc.).
12. Did the Site ever file a Hazardous Waste Activity Notification under the Resource Conservation and Recovery Act (RCRA)? If so, provide documentation of such notification.
13. Did the Site ever have “interim status” under the Resource Conservation or Recovery Act (RCRA)? If so, and the Site does not currently have interim status, describe the circumstances under which the Site lost interim status.
14. Provide the following information about the Site, if applicable:
 - a. Property boundaries, including a written legal description,
 - b. Location of underground utilities (telephone, electrical, sewer, water main, etc.),
 - c. Surface structures (e.g., buildings, tanks, etc.),
 - d. Groundwater wells, including drilling logs,
 - e. Storm water drainage systems, and sanitary sewer systems, past and present, including septic tank(s), subsurface disposal field(s), and other underground structures; and where, when and how such systems are emptied,
 - f. All additions, demolitions or changes of any kind on, under or about the Site, its physical structures or to the property itself (e.g., prior removal or excavation of contaminated soil or sediment); and any planned additions, demolitions or other changes to the site,
 - g. Geology and hydrogeology at and around the Site,
 - h. Maps and drawings of the Site depicting the property boundaries and property features identified above; and
 - i. Photographs of the Site, past and present, including aerial photographs.

15. Describe the conditions of any physical plant facility at the Site during the years each operator operated at the Site, including the status of equipment (operating or dormant), general condition of the facility (e.g., leaking pipes, corroded drain or new piping installed), quality of maintenance (e.g., equipment in disrepair or inspected monthly), adherence to procedures (improper handling of chemicals, incomplete/absent policies, quality of supervision), and management of the plant.
16. Are you or your consultants planning to perform any investigations of the soil, sediment, water (ground or surface), geology, hydrology or air quality on or about the Site? Provide all documentation concerning any investigation you have conducted or plan to conduct at or around the Site.
17. Describe all potential pathways for migration of contamination, including airborne deposition, drainage improvements, utility corridors, sediments, bedrock and permeable material or soil along which dust/particulate, vapors, and free product may flow as well as potential pathways contaminated water may flow.

Attachment 3 - Entities DNR is Requesting Information From

Superior Slips – General Mills Slip

Entity:	Why DNR is Requesting Information
KM Superior Terminals INC (MERC)	Current owner of a large parcel on west side of the slip. Currently an active coal handling facility, estimated 5 million tons of coal on the property today. Property has over 100 years of coal handling.
General Mills Operations LLC	Current owner of dock facility east side of slip. Historically a coal dock facility, a ship bunkering facility also operated on the property (±1930s-1970)
BNSF	Current owner of parcel that a coke oven operation occupied around 1900. Also operated a railyard at the south end of the slip.

Attachment 4 - Links to Background Information and Reports

Background Topic:	Link:
Great Lakes Restoration	https://www.epa.gov/greatlakes/restoring-great-lakes
Areas of Concern	https://www.epa.gov/great-lakes-aocs
Contaminated Sediment	https://www.epa.gov/greatlakes/contaminated-sediment-great-lakes
Great Lakes Legacy Act	https://www.epa.gov/great-lakes-aocs/great-lakes-legacy-act
Remedial Action Plan	https://dnr.wisconsin.gov/topic/GreatLakes/StLouis.html

General Mills Slip Reports

Report:	BRRTS #:	Link:
Historic Records Screening Assessment, Sigma 2019	11-16-584798	https://apps.dnr.wi.gov/botw/GetActivityDetail.do?dsn=584798&siteId=32563900&crumb=1
Superior Waterfront Characterization, EA 2016	11-16-585395	https://apps.dnr.wi.gov/botw/GetActivityDetail.do?dsn=585395&siteId=32857900&crumb=1
North End District Characterization, EA 2021	11-16-585325	https://apps.dnr.wi.gov/botw/GetActivityDetail.do?dsn=585325&siteId=32819900&crumb=1
General Mills Slip Historical Data Review Technical Memorandum, AECOM 2022	11-16-591466	https://apps.dnr.wi.gov/botw/DownloadBlobFile.do?docSeqNo=253683&docName=20220808_99_General_Mills_Slip_Historic_Data_Review.pdf&docDsn=591466
Remedial Investigation Report, General Mills Slip, AECOM 2023	11-16-591466	https://apps.dnr.wi.gov/botw/DownloadBlobFile.do?docSeqNo=260776&docName=20230601_37_General_Mills_Slip_RI+Summary.pdf&docDsn=591466
Remedial Actions Options Report, General Mills Slip, AECOM 2023	11-16-591466	https://apps.dnr.wi.gov/botw/DownloadBlobFile.do?docSeqNo=268009&docName=20230906_39_General_Mills_Slip_RAOR.pdf&docDsn=591466

The Bureau of Remediation & Redevelopment Tracking System (BRRTS) on the Web (BOTW) can be accessed at <https://dnr.wisconsin.gov/topic/Brownfields/botw.html>. Reports can also be obtained from BOTW by searching for the BRRTS activity numbers above or Activity or Location Name = Superior Slips.