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Inver Grove Heights, MN 55077-1721

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April 5, 2024

Mr. Joseph Graham
Project Manager
State of Wisconsin
Department of Natural Resources
810 W. Maple Street
Spooner, WI 54801

SUBJECT: Request for Information & Introduction to the Great Lakes Legacy Act
Tower Avenue Slip, Superior, Wisconsin
WDNR BRRTS #11-16-591466
Tax Parcel ID #: 04-804-00744-00, 04-504-00955-00, 04-804-00956-00, and
04-804-00915-00

Dear Mr. Graham:

This letter responds to the Request for Information (“RFI”) by the Wisconsin Department of Natural Resources (“WDNR”) to CHS Inc. (“CHS”) dated February 9, 2024. By email correspondence to the undersigned dated February 26, 2024, WDNR extended the deadline for CHS to respond to the RFI through Friday, April 5, 2024.

The WDNR’s information requests are set forth below, followed by CHS’s response. In addition, by separate email correspondence, I have provided you with a link to a OneDrive data site (“Data Site”), to which CHS has uploaded copies of documents that are responsive to WDNR’s requests.

- 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.**

Attached please find a table entitled, “Site Property Information,” which identifies the current and known past owners, lessees and easement holders and provides other requested real estate-related information regarding the four above-referenced Tax Identification Parcels (“Site”). A figure showing the Site and boundaries of the four (4) parcels is attached to this response. Copies of Deeds, Purchase Agreements, Leases, Easements and other responsive real estate documents are provided in the folder entitled “Real Estate Records” on the Data Site. As is indicated in the Table, Figure and documents

produced with this response, since 2008, the city of Superior Wisconsin owns three (3) of the four (4) parcels comprising the Site, and leases them back to CHS.

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.**

See response to Request No. 1, above.

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.**

See response to Request No. 1, above.

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.**

There was a spill of approximately two (2) gallons of unidentified oil on April 5, 2011 from the maritime vessel Mapleglen (No. 7910163) while docked at the Tower Avenue Slip. The spill was reportedly due to equipment failure on the vessel. Available documentation regarding this spill is provided in the folder entitled "Environmental Spills" on the Data 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.**

Please see the response to Request No. 1 with respect to dates of acquisition or leasing by CHS of the Site. CHS has no information indicating that a spill or discharge of a hazardous substance had taken place prior to the time it acquired an interest in any portion of the Site.

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.**

Please see responses to Request Nos. 1 and 5, above.

- 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.**

Please see responses to Request Nos. 1 and 5, above.

- 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.**

CHS brings in grain on railcars and trucks, stores it, and transfers it onto ocean going vessels and/or back onto railcars going to the domestic market. We complete a Tier II Emergency and Hazardous Chemical Inventory ("Tier II Report") on an annual basis, which consists of grain dust, which is generated when moving grain and white mineral oil, which is used for dust suppression on the grain. As part of the grain handling process, we have a maintenance department that is responsible for maintaining the grain handling equipment. We have a rented parts washer station used for cleaning up miscellaneous parts in the maintenance shop that generates a small quantity of hazardous waste. All waste generated by the parts washer is properly disposed. Copies of manifests for the last three years regarding parts washer waste is provided in the Manifests folder on the Data Site. CHS also generates a small amount of waste oil on an annual basis in connection with servicing the locomotive used at the Terminal, Universal Waste and solid waste, all of which is picked up for proper disposal.

- 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.**

Information regarding storage and use by CHS of regulated materials is provided in the Superior Terminal's Spill Prevention, Control and Countermeasure Plan (May 2023) ("SPCC") and 2023 Tier II Report (Feb. 15, 2024). The SPCC and Tier II Report are provided in the folder entitled "Environmental Reports" on the Data Site.

CHS has located certain Manifests documenting transport for proper disposal of hazardous materials that were present at the Site. These Manifests are available for review in the folder entitled "Manifests" on the Data Site.

CHS has not identified any information indicating that it has disposed of any hazardous substances at the Site.

The RFI refers to hull scraping and painting of vessels and provides images in Attachment 5 to the RFI, which were reportedly extracted from a 1997 PBS documentary. CHS is unable to identify the vessel shown in the images in Attachment 5, although the final image appears to show the maritime vessel Helena Olgendorff. CHS had no ownership interest in that vessel. CHS has no information indicating that any CHS employees participated in the activities shown in the images in Attachment 5 of the RFI.

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.**

There are no unresolved environmental enforcement or other legal proceedings pending with respect to this Terminal. This Terminal was historically the subject of U.S. EPA and WDNR enforcement proceedings involving alleged violations of Wisconsin air quality rules, primarily associated with recordkeeping and particulate matter (dust/grain dust) permit exceedances.

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.).**

WDNR Air Permit No. 816036650-ROP. Please see the "Environmental Permits" folder on the Data Site.

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.**

CHS filed an Acknowledgement of Notification of Hazardous Waste Activity in or around 1983. On information and belief, the Notification pertained to replacement and proper off-Site disposal of transformers, capacitors and oil containing PCBs. A copy of the Acknowledgment of Notification of Hazardous Waste Activity and Manifests documenting proper off-Site disposal of waste materials from the Site are available in the folder entitled "Manifests" on the Data Site.

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.**

CHS is not aware of the Superior Terminal ever having "interim status" under RCRA.

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.**

See Response to Request No. 1.

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.

CHS has operated the Superior Terminal since approximately 1941. During this period, CHS has steadily made improvements to the grain handling processes to increase safety for our employees, quality and efficiency. CHS has its own, internal maintenance department and has made a significant investment in facility improvements and maintenance activities. As technology has improved, so has our maintenance program. We now track maintenance work and generate work orders for projects on a routine basis (daily, weekly, monthly, quarterly, and/or annually). Based on these procedures, the Superior Terminal is in a good state of repair. With respect to proper handling of chemicals, CHS has for many years had an SPCC in place, which CHS updates as appropriate.

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.**

CHS does not currently plan to perform any environmental investigation activities at 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.**

CHS is not aware of any existing hazardous substance contamination at the Site. Any available information regarding drainage features at the Site is provided in the folder entitled "Real Estate Records" on the Data Site.

Please contact me if you need further information.

Very truly yours,

By 

Daniel Vandenhouten
Manager, Terminal Operations
Superior, WI Terminal Elevator
Daniel.Vandenhouten@chsinc.com

**Response by CHS Inc. to February 9, 2024 WDNR RFI for Tower Avenue Slip
Site Property Information
(April 5, 2024)**

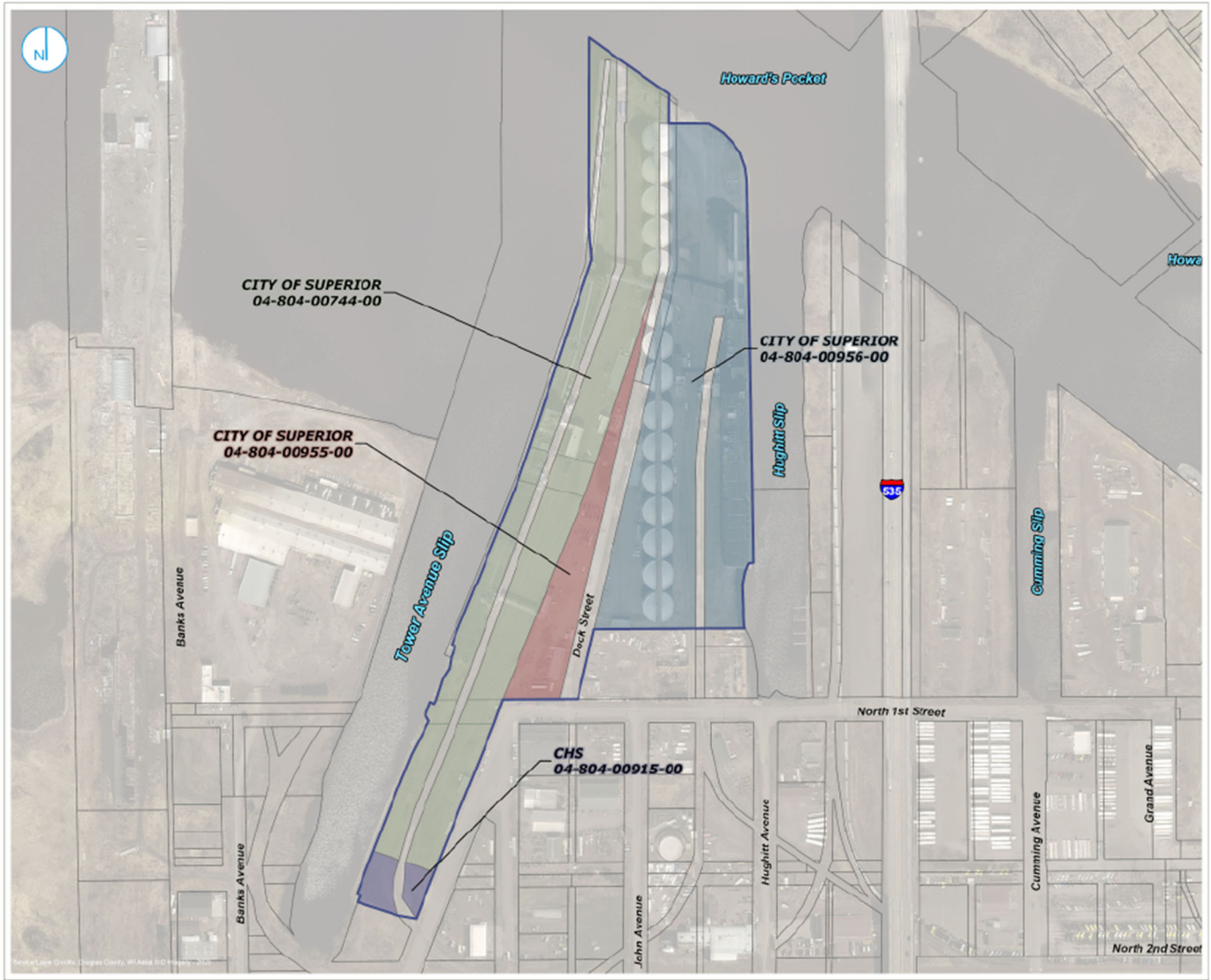
Property ID No.	Current Owner	Date of Acquisition	Past Owner(s)	Current Tenant(s)	Easement Holders	Deeds and Owners & Encumbrances Reports
04-804-00915-00	Farmers Union Grain Terminal Association (CHS Inc.)	October 10, 1945	Douglas County	Site Lease Agreements with Air Fiber, Inc. (Tenant) dated 6/1/2014 and 7/22/2020 for antenna and communication equipment at 41 Dock Street, Superior, WI BF28251 Lease with BNSF dated 9/16/2003 and BF 20252 Industry Track Agreement dated 9/16/2003 with amendment dated 8/4/2004; CHS Inc. is Tenant; appears to affect all PID#s	Superior Water Light & Power/Easement 5.4.1951	Quit Claim Deed from The County of Douglas to Farmers Union Grain Terminal Association dated September 27, 1945; recorded October 10, 1945 [Note there are 2 QCD's for this property, conveying the same parcels.] O&E Report; dated March 7, 2024
04-804-00955-00	The City of Superior		CHS Inc.	CHS Inc. Memorandum of Lease from the City	Lake Superior Terminal Railway/	Quit Claim Deed from CHS Inc. to The City of Superior dated May 19,

Property ID No.	Current Owner	Date of Acquisition	Past Owner(s)	Current Tenant(s)	Easement Holders	Deeds and Owners & Encumbrances Reports
				<p>of Superior to CHS Inc. dated May 8, 2008, filed November 20, 2008 as to Parcel ID Nos. 04-804-00744-00 and 04-804-0095-00</p> <p>To expire 25 years after completion of Dock Wall Improvement</p> <p>BF28251 Lease with BNSF dated 9/16/2003 and BF 20252 Industry Track Agreement dated 9/16/2003 with amendment dated 8/4/2004; CHS Inc. is Tenant; appears to affect all PID#s</p> <p>Agreement #44000172 with BNSF f/k/a Lake Superior Terminal & Transfer Railway Co.; CHS Inc. is called the Terminal Association</p>	<p>RW Agreement 9.20.63</p>	<p>2008; Filed June 17, 2008.</p> <p>Corrected Quit Claim Deed from CHS Inc. to The City of Superior dated November 6, 2008; Filed November 20, 2008</p> <p>O&E Report dated 8/9/22</p>

Property ID No.	Current Owner	Date of Acquisition	Past Owner(s)	Current Tenant(s)	Easement Holders	Deeds and Owners & Encumbrances Reports
				[Lessee] f/k/a FUGTA		
04-804-00744-00	The City of Superior		CHS Inc.	<p>CHS Inc. Memorandum of Lease from the City of Superior to CHS Inc. dated May 8, 2008, filed November 20, 2008 as to Parcel ID Nos. 04-804-00744-00 and 04-804-00955-00</p> <p>To expire 25 years after completion of Dock Wall Improvement</p> <p>BF28251 Lease with BNSF dated 9/16/2003 and BF 20252 Industry Track Agreement dated 9/16/2003 with amendment dated 8/4/2004; CHS Inc. is Tenant; appears to affect all PID#s</p>	Lake Superior Terminal Railway/ RW Agreement 9.20.63	<p>Quit Claim Deed from CHS Inc. to The City of Superior dated May 19, 2008; Filed June 17, 2008.</p> <p>Corrected Quit Claim Deed from CHS Inc. to The City of Superior dated November 6, 2008; Filed November 20, 2008</p> <p>O&E Report dated 8/9/22</p>

Property ID No.	Current Owner	Date of Acquisition	Past Owner(s)	Current Tenant(s)	Easement Holders	Deeds and Owners & Encumbrances Reports
				<p>Agreement #44000172 with BNSF f/k/a Lake Superior Terminal & Transfer Railway Co.; CHS Inc. is called the Terminal Association [Lessee] f/k/a FUGTA</p>		
04-804-00956-00	The City of Superior	10/10/1949	<p>Spencer Kellogg and Sons, Inc.</p> <p>Previous owner to Spencer Kellogg and Sons, Inc. was Itasca Elevator Company</p>	<p>Memorandum of Lease from The City of Superior to CHS inc. Dated April 5, 2018; filed April 18, 2018 as to Parcel ID 04-804-00956-00.</p> <p>To expire the earlier of August 31, 2044 or if terminated earlier pursuant to the lease.</p> <p>BF28251 Lease with BNSF dated 9/16/2003 and BF 20252 Industry Track Agreement dated 9/16/2003 with amendment</p>		<p>Warranty Deed from Spencer Kellogg and Sons, Inc. to FUGTA dated 10/10/49; Filed 10/14/1949</p> <p>Warranty Deed from City of Superior to The Public dated April 15, 1958; filed June 9, 1958.</p> <p>Quit Claim Deed from CHS Inc. To The City of Superior dated May 19, 2008; filed June 17, 2008.</p> <p>Corrected Quit Claim Deed from CHS Inc. To The City of Superior dated November 6,</p>

Property ID No.	Current Owner	Date of Acquisition	Past Owner(s)	Current Tenant(s)	Easement Holders	Deeds and Owners & Encumbrances Reports
				dated 8/4/2004; CHS Inc. is Tenant; appears to affect all PID#s		2008; filed November 20, 2008. O&E Report dated 3/18/2024



City of Superior and CHS Site Boundary



TOWER AVENUE SLIP AND CHS AND CITY OF SUPERIOR PARCELS
WDNR RFI RESPONSE

FIGURE 1