April 18, 2024

Mr. Shane Betz
SIMKO Acquisition, L.L.C.
1901 N. 6th Street
Superior, WI 54880

RE: Response to Information Request in WDNR Letter Dated February 22, 2024, Simko Recycling, 1901 N. 6th Street, Superior, WI 54880
MKE Project #102024002

Dear Mr. Betz:

The following information is being provided in response to the WDNR letter dated February 22, 2024:

1. The current owner/operator of the business is Simko Acquisitions, L.L.C.
The current owner of the property is Simko Real Property, L.L.C.
The property/business was purchased from Simko Ltd. on January 1st, 2013

2. There are not any other 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. The current site owner/operator had no legal or equitable interest in the site prior to the purchase of it from Simko Ltd., nor has it conveyed any interest to other parties.

4. Under Simko Ltd. ownership a LUST site was opened up (#03-16-000554) from UST's at the property. An investigation was performed that identified soil contamination above regulatory limits, and monitoring wells confirmed that groundwater wasn't impacted above regulatory limits. Some of the petroleum contaminated soils were excavated and transported off-site for treatment, and some of the petroleum contaminated soils were left in-situ in the ROW. The LUST site has been closed without further action. The WDNR has all of the reports for this process.

   Under the current owner, a SPILL site was opened up (#02-16-593244) for a diesel spill from a RR locomotive that ruptured its fuel tank on a piece of steel. The free product was recovered from the ground surface and was sent for proper disposal. The contaminated soils were excavated from the RR track area and were sent for proper disposal. The site status is still listed as being open on the WDNR website. The WDNR has reports for this process, and the remediation has been attached.

   The site does not have any drains that are not connected to the sanitary sewer system, both currently or in prior years.

   The site has been part of a Cooperative Compliance Program (CCP) since 1998 for its industrial storm water permit. It has been in compliance and has followed the specified Best Management Practices (BMP's) which are designed to prevent the migration of potential contaminants with storm water runoff.

5. Hazardous discharges at the site are described in Line Item #4 above. Prior to purchasing the property from Simko Ltd, the current owner/operator had a Phase 1 and 2 Environmental Site Assessment performed at the site. Both reports have been included. Soil samples collected for laboratory analysis across the site yielded non-detect results for potential petroleum contaminants.

The former owner of the site when it was Simko Ltd. Indicated that he had been approached in the 1990's by the WDNR and MPCA as a joint study and he agreed to let them collect storm water runoff samples from his property to develop standards for the State Industrial Storm Water Permit for Scrap Yards. He said they reshaped the site runoff to migrate into a collection point where samples were collected for laboratory analysis. He also stated that he was told that the sample results were too clean and that they couldn't be utilized for creating standards as the majority of other yards would not be able to meet such strict criteria. I do believe his statements and can do further research to try and locate these test results if needed to demonstrate how this site is not the source of polluted sediments in the Tower Avenue Slip.

6-7. Prior Owners/Operators

2/7/1983 - 1/1/2013 Simko Ltd.
Owned and operated by Steve Kenigsberg (been here 70 years), Warranty Deed attached
LUST Site that is Closed as in Section #4 above
Member of CCP since 1998, followed BMP's, no problems noted in operations
In an interview with Steve Kenigsberg he indicated that he never would accept vehicles as they were potential petroleum problems, he didn't accept refrigerators, PCB containing items, and he didn't accept any oily parts unless they were fully drained and without any free liquids. All other materials were handled as per the BMP's. Coal was never present at the site.
There were two (2) pumps at the street side and two (2) UST's behind them that stored diesel and gasoline. The gasoline tank use was stopped 1993 when fuel was no longer sold to the public. The diesel tank was used only for fueling on-site equipment until it was removed. The LUST site involved the investigation and remediation in this area which is now closed.

1954-2/7/83 Superior Iron and Metal Company and Karon Oil Company
Owned and operated by Edmund Kenigsberg (Steve's father)
No reported discharges during this period. Coal was never present at the site.
Edmund purchased the existing scrap yard site with the gas pumps/tanks from the former owner. Steve worked weekends as a teenager, and then later came to work full time with his father after his education was completed. He stated his father ran the yard in the same way he also later did as Simko Ltd. His father didn't accept vehicles or any items that were not drained of their fluids. The cars went to the auto wrecker facilities. They accepted rubber, newspaper/magazines, bottles, and metals. Materials were shipped offsite by trucks and by rail as they are today. Initially the site was mucky, the buildings were raised on wood posts, the road wasn't paved, and there were residential "shanty" buildings at the site. There was not any coal on the property. The only heat was a white gas stove in the office. In the late 50's, a new office building was erected with a concrete floor (28'x30'). The cold storage buildings were still elevated wooden posts as there was standing water under them. In the late 1970's Banks Avenue was paved and a storm water sewer collection system was also installed along the street. Prior to that, runoff from most rains ponded in poorly graded ditches and only larger rain events migrated to the North. Steve had learned from his father, no oily things were to be accepted at the site. This is evidenced by the WDNR/MPCA runoff analysis from the site.

1888-1954 Owner unknown at this time. Records not found.
Steve Kenigsberg said the site had been a scrap yard under the same owner(s) since around 1888 to 1954 when his father bought it. The active yard area of the site was smaller and the Sanborn Fire Insurance Maps in the Phase 1 ESA report also support the 1888 start date. He didn't remember any differences in operations between how the former owners were operating it and how his father operated it. He did note that the surface was very mucky and that all the buildings were on wooden stilts and without floors. Steve said that there wasn't much runoff from the site and that things didn't drain well (mostly ponded v.s. runoff) until fill was added to the site to raise/crown it and the streets were paved.

8. Current operations are much the same as when Steve Kenigsberg operated the site, with the exception that the facility now accepts vehicles that are not drained of fluids. Materials are brought into the facility by truck, rail, and by the public. Materials are directed to be dropped off and stored in the proper areas. As per the BMP's scrap metals (iron, stainless steel, tin, and some larger Aluminum) are stored outside in piles. Some of these materials are sheared or cut into smaller pieces with plasma torches. Non-ferrous metals or sensitive items (aluminum, radiators, batteries, catalytic converters, brass, copper, etc) are stored inside buildings with concrete floors. Most of these materials are placed in Gaylord boxes or bailed, stored in the buildings, then loaded into trailers for transport. Materials are transported off-site by truck and by rail. Vehicles are now accepted at the site. The current owners created a concrete containment area where a special draining rack is utilized to drain the fluids from the vehicles. The draining rack has a containment beneath it, and a cover over it when not in use. Used fluids are stored in labeled totes and are either disposed of by a waste recycler or sent over to Bayside in Duluth to be burned for heat in a waste oil furnace. All of the cars are shipped to this same location to be shredded in their hammer mill. The facility is fully compliant with all of the BMP's. There is not any coal at the current site.

9. Hazardous waste substances, liquid or solid, are not generated or stored at the site (other than vehicle used fluids). Coal has never been stored at the site. Under the current owner, the facility is accepting vehicles that are drained of fluids. Used fluids are used for heating by the Bayside facility in Duluth, MN. The facility pays a licensed company (East Side Oil in St. Cloud, MN) to collect and properly dispose of the used gasoline.

10. The owner/operator of the facility has never, present or past, been in violation of or received a citation for an environmental regulation.

11. The site has an industrial storm water permit as a scrap metal recycler, has a DOT permit for removing parts for sale from vehicles (has never removed parts for sale yet), and had DOT licensing for their trucks that haul materials. They don't have any RCRA permits.

12. The site has never filed a Hazardous Waste Activity Notification under RCRA.

13. The site never had an "interim status" under RCRA.

14. Additional Information

    a. Property boundaries on maps with aerial photo in Phase 1 and 2 ESA reports, attached. Property legal description on attached warranty deed dated 2/7/1983 for Simko Ltd.

    b. Map with aerial from Douglas County showing underground utilities attached.

c. Surface structures identifiable on Phase 1 and 2 ESA reports, attached.

d. Groundwater wells not present on the property. Monitoring wells were present during the LUST investigation referenced above. MW logs and soil boring logs are included in those reports that were submitted to the WDNR. The Phase 2 ESA report has soil boring logs from the borings that were advanced at the site to collect soil samples for laboratory analyses from. That report is attached.

e. The attached map in "b" above has contours that show the directions of surface flow across the site for storm water runoff. It also has the locations of the catch basins for the storm sewer system. These were installed in the late 1970's when Banks Avenue was first paved. Prior to that it was a dirt/gravel road with poorly graded ditches. Catch basins on the north part of the property in the street catch storm water runoff from part of the site, pipes then go 3-4 blocks to the east, then 2-3 blocks to the north, and then 3-4 blocks back to the west to discharge to the Tower Avenue Slip. This hasn't been confirmed yet with the City, but their maps seem to indicate this pathway. Runoff also leaves the site to the west into ditches along the RR Tracks. These are poorly maintained with culverts with inverts significantly elevated above ditch bottoms, with poor connectivity that end up functioning more as ponds/infiltration basins (only very large storms would generate runoff). These ditches appear to join with runoff from the Midwest Energy Coal Facility and eventually discharge to the Tower Avenue Slip. Steve Kenigsberg has stated that when his father first purchased the site that there was mostly standing water like a swamp with little or no runoff. Prior to the installation of the sanitary sewer, bathrooms were not present at the site, when the sewer lines were installed the facility got a bathroom that discharged to it.

f. Original structures at the site were wooden buildings elevated on wood posts to be off the ground, most without floors. In the late 1950's a new office building was built with a concrete floor, which also had a small heater fueled by white gas. A building addition to the office along with the installation of an additional storage building and a maintenance building were done by Simko Ltd, along with concrete pads around parts of the buildings. The current owner added a concrete containment pad for draining vehicles and a underground bin with cover for storing turnings. The Phase 1 ESA report has photos and a progressional description of these buildings.

g. Geology of the general area is 150-230 feet of lacustrine clay atop a sandstone/basalt bedrock. Isolated stringers of sandy materials are present at different depths in the clay that are water bearing, with thickness that range from inches to feet. They are not capable of transmitting economic quantities of groundwater and are not laterally contiguous, pinching out/stopping so they don't have flow. Geology on-site is generally fill materials (sand/rock/gravel/concrete/brick) atop the native clay beneath. Soil boring logs from the Phase 2 ESA report (attached) show this variation across the site of fill materials in thicknesses ranging from 0.7 to 12 feet thick atop the native clay soils.

h. Maps of site features and boundaries are present in the LUST report the WDNR has, and in the Phase 1 and 2 ESA reports that are attached.

I. Historic aerial photographs and photographs of the site are included in the attached Phase 1 ESA report.

15. Conditions of the physical facility and equipment under each operator.

1888-1954 Owner unknown at this time. Records not found.
According to Steve Kenigsberg, the existing scrap metal yard consisted of wooden buildings elevated on wooden posts and was very small in scale with shanties/rentals also present. All very primitive. Their equipment was limited with a few trucks and loaders, that were well kept, but older.

1954-2/7/83 Superior Iron and Metal Company and Karon Oil Company, owned and operated by Edmund Kenigsberg (Steve's father)
Edmund had a policy of not accepting vehicles, parts not fully drained of fluids, or things containing PCB's. He slowly upgraded the site by adding granular fill material and constructing a new office building. Steve indicated that his father was meticulous with the care of his equipment and upgraded buildings. His father was there every day the facility was open and Steve would often work with him so the standards his father set were carried out.

2/7/1983 - 1/1/2013 Simko Ltd.
Steve carried on his father's policies of not accepting vehicles or oily/undrained metal. Basically not accepting anything that would contaminate his site. He slowly upgraded the site with more buildings, concrete aprons around sides of buildings, and purchasing newer equipment. He started keeping maintenance logs for all of the equipment and cared for it very well. If something broke or started to leak, he had it fixed and cleaned up the area immediately. The facility joined a CCP in 1998 and followed the BMP's specified for the site to prevent the contact of sensitive materials with storm water runoff.

1/1/13-Current Simko Acquisitions, L.L.C.
The current owners have continued Steve's practices and are part of the same CCP, following the BMP's well. They have made changes. They are now are accepting vehicles and have poured a concrete containment for the area they are drained, with a covered draining rack with it's own containment and totes for storing used fluids drained from the vehicles. They have installed additional storage containers and impervious storage bins for materials stored outside. There are roll-offs for the storage of alternators and electric motors outside that have covers as per the BMP's. Most of the other practices are the same, and all of them comply with the BMP's. Equipment maintenance is performed and equipment is visually inspected for any problems, that are then promptly repaired.

16. Additional investigations into soil, groundwater, storm water, geology, hydrogeology, air quality on or about the site are not planned. The exception to this is closing out the SPILLS site to the west of RR property where the train engine leaked onto the ground. The cleanup has been completed, and the site status is back with the WDNR to close the site out or require additional activities.

17. Potential pathways for migration of contamination.
Soil and groundwater migration are not a concern at the site. The basic area geology is 150-250 feet of lacustrine clays that overly bedrock. The top surfaces can contain fill materials that are more permeable, but this usually varies from inches to feet depending on how much fill was added around active/building footing areas. Thicknesses are not laterally contiguous and pinch out/stop abruptly. Soil migration pathways in the native clay are limited. Figure D1 from the attached LUST closure package (from WDNR website) shows the limited extent of soil contaminant migration from the former UST's and Pumps that only spread a short distance around the tanks and into the street, for a system that had been present for over 50 years. Sand stringers are present within the native lacustrine clay soils that vary in depth and vary in thickness from inches to feet. These sand

stringers are not laterally contiguous, can't transmit economic quantities of groudwater, and don't have flow as they pinch off/stop. The LUST package shows that two (2) monitoring wells at the site were installed that encountered saturated sand stringers at approximately 20 feet below the ground surface. The analysis of water samples from these wells indicated that they only had detects for a few compounds and those were well below regulatory criteria. The groundwater pathway is not a factor at the site.

The majority of the site is not covered with impervious materials. Granular material like four (4) inch minus from concrete crushing has been added many times to the site surface in the past, but it does eventually get driven/compacted into the site surface. There are fine soil particles which could become airborne with strong winds and migrate off-site, and this is a potential pathway. They could also migrate with storm water runoff and enter the storm water sewer system, and this is a potential pathway. Both of these pathways are relegated less of a potential for contaminant migration by the fact that until 2013 the site didn't accept vehicles, materials with free liquids, or materials that were not drained of fluids. Joint WDNR and MPCA testing of site runoff found that it was too clean to be utilized to develop a standard for industrial storm water runoff at scrap yards. Soil testing during the Phase 2 ESA when Simko Acquisitions L.L.C. purchased the site yielded non-detect results for soil contaminants. The facility has been sweeping sediment from the paved streets tracked from the site to limit sediment that could migrate with storm water runoff. The facility has also been part of a CCP since 1998 and complying with BMP's that prevent contact of runoff with potential contaminants. Prior to that the policies implemented by Steve and his father before him also limit the potential presence of contaminants at the site.

Utility corridor and bedrock pathways are not viable as the native soils are low permeability clay, and there are not contaminants in the ground that would produce vapors. I saw the water main under Banks Avenue when contaminated soil were removed and it was encased in clay without permeable fill.

The only free product at the site is where the vehicles are drained. This has a concrete containment, the drain rack (sitting on the concrete) has its own containment along with a cover, and the totes with used fluids are stored within the containment. The concrete containment is kept clean, so everything is contained and not part of a migration pathway. The facility has a policy of cleaning up any leaks from public vehicles or from facility equipment and properly disposing of it.

Included with this letter are the attachments of: Phase 1 and 2 ESA reports, LUST Closure Package from WDNR Website, Deeds for the property, RR Train Spill Cleanup Report, and a Underground Utility Map. This completes the submission of information requested by the WDNR. If you have questions or require additional information, please contact me.

Sincerely,
MK Engineering Inc.

Michael L Kohn

Engineer/Hydrogeologist